

No 4: Theft and Minor Theft

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Summary - Theft

Magistrates Court

- Between 1 July 2012 and 31 August 2015 there were 223 offenders sentenced in the Magistrates Court for theft
- The most common penalty was prison (45% of all sentences), with a midpoint term of 5 months and most common length of 3 months (25% of prison terms and 11% of all sentences for this offence)
- The second most common penalty was a fully suspended sentence (25%), with a midpoint length of 3 months and most common term of 2 months (28% of such sentences and 6% of all sentences)
- Good behaviour orders (GBOs) were imposed in 16% of cases. The midpoint term was 18 months and the most common length was 12 months (40% of GBOs and 6% of sentences)
- Males accounted for 86% of offenders
- The most common age was 31-40, closely followed by offenders aged 18-20 and 26-30
- 76% of offenders were sentenced for multiple offences
- Offenders most commonly entered a plea on their second occasion before a magistrate, and it took 6-10 appearances to finalise the matter
- 69% of offenders initially pleaded guilty; this rose to 93% for the final plea

Childrens Court

- There were 169 offenders sentenced in the Children's Court for theft
- The most common penalty was a GBO (43%). The midpoint and most common length was 12 months (62% of GBOs and 26% of all sentences)
- The second most common penalty was prison (25%), with a midpoint of 6 months
- Other orders and fully suspended sentences accounted for 15% and 13% of sentences respectively
- Males accounted for 93% of offenders
- The most common age was 16-17
- 95% of offenders were sentenced for multiple offences
- Offenders most commonly entered a plea on their second occasion before a magistrate, and it took 6-10 appearances to finalise the matter
- 90% of offenders initially pleaded guilty; this rose to 100% for the final plea

Introduction

This sentencing snapshot presents an overview of sentencing patterns in the Australian Capital Territory (ACT) Magistrates Court and Children's Court between 1 July 2012 and 31 August 2015 for the offences of theft and minor theft, based on data in the ACT Sentencing Database (ACTSD).

The offence of theft is found in section 308 of the *Criminal Code 2002* (ACT) (the Code), which provides:

A person commits an offence (theft) if the person dishonestly appropriates property belonging to someone else with the intention of permanently depriving the other person of the property.

Maximum penalty: 1 000 penalty units, imprisonment for 10 years or both.

At the time of writing, a penalty unit was worth \$150, so the maximum fine for an offender convicted of theft was \$150 000. However, if this offence is finalised in the Magistrates Court, the maximum penalty is a fine of \$15 000 and/or imprisonment for 5 years¹. If the offence is finalised in the Children's Court, the maximum penalty is a fine of \$5 000 and/or imprisonment for 2 years.²

The offence of minor theft is set out in section 321 of Code, which provides in relevant part:

1. *Crimes Act 1900* (ACT) s 375(15)(a).
2. *Crimes Act 1900* (ACT) s 375(16)(a).
3. Some options may not be available or suitable for all offences.

A person commits an offence (also theft) if—

- (a) the person dishonestly appropriates property belonging to someone else with the intention of permanently depriving the other person of the property; and
- (b) the property has a replacement value of \$2 000 or less when it is appropriated.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

The maximum fine for minor theft at the time of writing was \$7 500.

Sentencing options in the ACT are set out in section 9 of the *Crimes (Sentencing) Act 2005* (ACT), which provides in relevant part:

- (1) The penalty a court may impose for an offence is the penalty provided under this Act or any other territory law...³

Note 1 Under this Act, a court has the following sentencing and non-conviction options:

- imprisonment served by full-time detention at a correctional centre or detention place
- imprisonment served by periodic detention at a correctional centre

- suspension of a sentence of imprisonment
- good behaviour order
- fine order
- driver licence disqualification order
- non-conviction order
- reparation order
- non-association order
- place restriction order
- deferred sentence order
- accommodation order (young offenders only).

Note 2 A court may also impose a combination sentence combining 2 or more of the options listed in note 1 or otherwise available under a territory law.

When sentencing an offender, judicial officers are required to take a number of factors into account, including the nature and circumstances of the offence; the injury caused by the offence and impact on the victim; whether the offender pleaded guilty; and the offender’s cultural background, character, prior criminal record, age and physical or mental condition.⁴

Magistrates Court - Theft

As set out in Table 1, there were 223 sentences imposed in the Magistrates Court between 1 July 2012 and 31 August 2015 for the offence of theft (under section 308 of the Code). Prison was the most common outcome, accounting for 45% of sentences. This was followed by fully suspended sentences (25%) and good behaviour orders (GBOs) (16%). Partly suspended sentences were imposed in 6% of cases, while periodic detention accounted for 2% of sentences. Fines accounted for 1% and ‘other’ orders⁵ for 5% of sentences. There was also one reparation/compensation order imposed (representing 0% of sentences).

Table 1: Sentencing outcomes in the Magistrates Court for theft

	Number of cases (223)	Proportion of all sentences	Range	80% range	Midpoint
Prison	100	45%	1-20 months ⁶	3-12 months	5 months
Periodic detention (PD)	4	2%	3-5 months	3-5 months	3 months
Partly suspended sentence (PSS)	14	6%	1-9 months ⁷	2-9 months	6 months
Fully suspended sentence (FSS)	55	25%	1-12 months	2-6 months	3 months
Good behaviour order (GBO)	35	16%	6-24 months	12-24 months	18 months
Fine	3	1%	\$500-\$3000	\$500-\$3000	\$2000
Reparation/compensation	1	0%	N/A	N/A	N/A
Other Order	11	5%	N/A	N/A	N/A

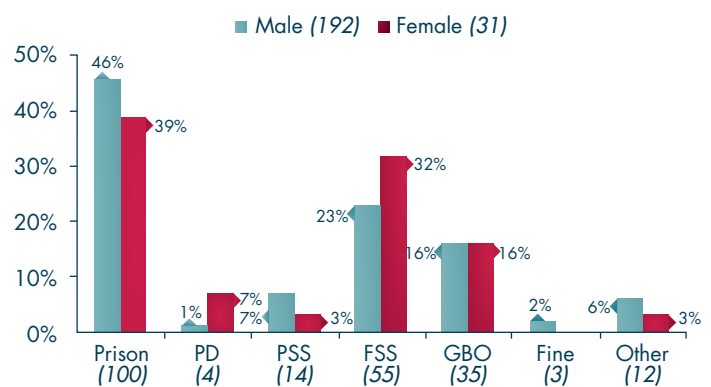
Note: All data in the ACTSD is rounded upwards, eg a term of 5 weeks’ imprisonment would be shown as ‘2 months’. Percentages may not sum to 100 due to rounding

Table 1 also sets out details of these sentences. Prison terms imposed (n=100) ranged from 1 to 20 months, although 80% of sentences fell within the range of 3-12 months. The midpoint term was 5 months, while the most common prison term was 3 months (25% of prison terms and 11% of all sentences for this offence). Periodic detention orders (n=4) ranged from 3 to 5 months, with 3 months representing the midpoint and most commonly imposed sentence (50% of such sentences). Partly suspended sentences (n=14) ranged from 1 to 9 months, with 80% falling between 2 and 9 months. The midpoint and most common sentence length was 6 months (29% of partly suspended sentences). The range for fully suspended sentences (n=51)⁸ was 1-12 months, with 80% of sentences falling between 2 and 6 months. The midpoint for this penalty was 3 months and the most common term was 2 months (28% of such sentences and 6% of all sentences). GBOs (n=35) ranged from 6 to 24 months, with 80% of orders 12-24 months long. The midpoint for this penalty was 18 months and the most common sentence length was 12 months (40% of GBOs and 6% of sentences). The fines (n=3) were for \$500 to \$3 000, with a midpoint fine of \$2 000. No further details were available for the reparation/compensation order or other orders imposed (n=11). For the purposes of simplicity, the reparation order will be presented with other orders in the remainder of this snapshot.

Gender

Figure 1 sets out the sentencing patterns on the basis of gender. Males accounted for 86% of offenders (n=192). As can be seen, men were more likely than women to receive a prison sentence (46% vs 39%), partly suspended sentence (7% vs 3%) or other order (6% vs 3%), while fines were only imposed on male offenders (accounting for 2% of sentences they received). By contrast, women were more likely to receive periodic detention (7% vs 1%) or a fully suspended sentence (32% vs 23%). Both groups received GBOs in 16% of cases.

Figure 1: Sentencing outcomes in the Magistrates Court for theft by gender



4. *Crimes (Sentencing) Act 2005* (ACT) s 33(1).
5. ‘Other’ order includes forfeiture, rehabilitation and treatment orders, as well as nominal penalties, such as a dismissal.
6. Data on the non-parole period was not available.
7. Data was not available on what portion of the sentence was suspended.
8. Data on length was not available for four fully suspended sentences.

Age

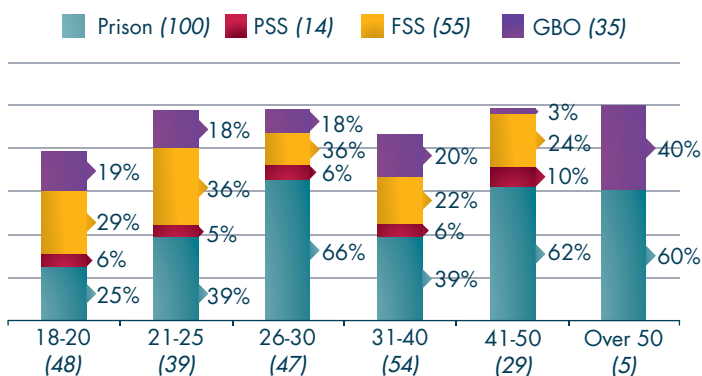
Table 2: Sentencing outcomes in the Magistrates Court for theft by age

	18-20 (48)	21-25 (39)	26-30 (47)	31-40 (54)	41-50 (29)	Over 50 (5)
Prison (100)	12	15	31	21	18	3
PD (4)	1	0	0	3	0	0
PSS (14)	3	2	3	3	3	0
FSS (54)	14	14	7	12	7	0
GBO (35)	9	7	5	11	1	2
Fine (3)	2	1	0	0	0	0
Other (12)	7	0	1	4	0	0

Table 2 sets out the distribution of sentences by age⁹. As can be seen, the largest group of offenders was aged 31-40 (24% of offenders), followed by offenders aged 18-20 (22%) and 26-30 (21%).

Figure 2 sets out the distribution of the most common penalties in the Magistrates Court for theft by age (prison, partly suspended sentences, fully suspended sentences and GBOs), which together accounted for 91% of sentences. Offenders aged 18-20 were least likely to receive a prison sentence (25%), while those aged 26-30 were most likely to do so (66%). The use of partly suspended sentences ranged from 0% for offenders aged 50 and over (although the small number of such offenders must be noted) to 10% for offenders aged 41-50. The remaining groups received a partly suspended sentence in 5% or 6% of cases. Offenders aged over 50 also did not receive any fully suspended sentences, compared with 36% of offenders aged 21-25 and 15%-29% of the other offenders. Finally, GBOs were rarely imposed on offenders aged 41-50 (3%), while they accounted for 40% of sentences imposed on offenders aged over 50. The other offenders received a GBO in 11%-20% of cases.

Figure 2: Sentencing outcomes for the most common penalties in the Magistrates Court for theft by age

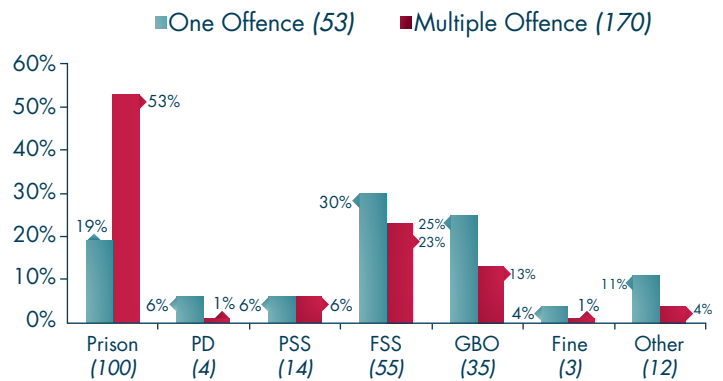


Number of Offences

The majority of offenders (76%; n=170) committed multiple offences, while 24% were sentenced for a single offence. As set out in Figure 3, multiple offenders were much more likely to receive a prison term (53% vs 19%), but were equally likely to receive a partly suspended sentence (both 6%). Offenders who committed only a single offence were more likely to receive all other outcomes: periodic detention

(6% vs 1%), fully suspended sentences (30% vs 23%), GBOs (25% vs 13%), fines (4% vs 1%) and other orders (11% vs 4%).

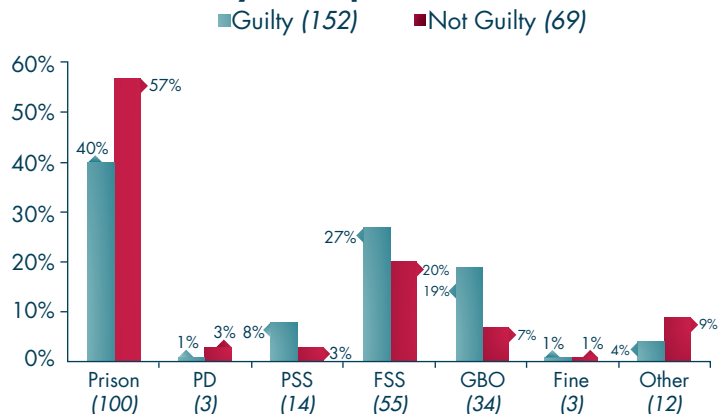
Figure 3: Sentencing outcomes in the Magistrates Court for theft by number of offences



Plea

Initial plea

Figure 4: Sentencing outcomes in the Magistrates Court for theft by initial plea



Most offenders (69%; n=152) initially entered a guilty plea, while 31% entered an initial not guilty plea¹⁰. Figure 4 sets out sentencing patterns by initial plea, indicating that offenders who entered an initial not guilty plea were more likely to receive a prison sentence (57% vs 40%), periodic detention (3% vs 1%) or other order (9% vs 4%). Both groups received fines in 1% of cases. Offenders with an initial guilty plea were more likely to receive all other outcomes: partly suspended sentences (8% vs 3%), fully suspended sentences (27% vs 20%) and GBOs (19% vs 7%).

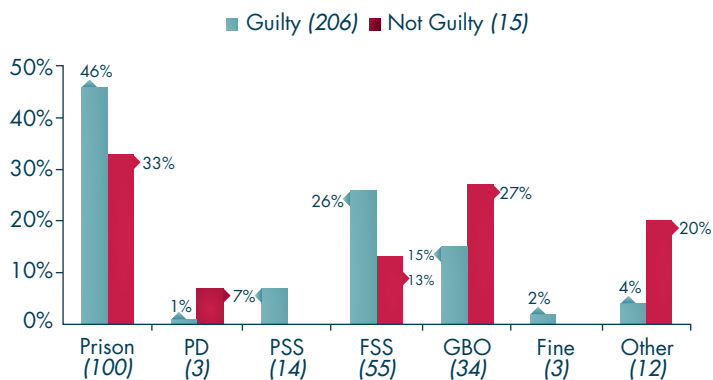
Final plea

At the final plea, 206 out of 221 offenders for whom data was available pleaded guilty (93%), while 15 (7%) pleaded not guilty. Offenders whose final plea was not guilty were more likely to receive periodic detention (7% vs 1%), a GBO (27% vs 15%) or other order (20% vs 4%). They were less likely to receive all other outcomes: prison (33% vs 46%), partly suspended sentences (0% vs 7%), fully suspended sentences (15% vs 27%) and fines (0% vs 2%).

9. Details of one offender's age were missing.

10. Data was not available for two offenders.

Figure 5: Sentencing outcomes in the Magistrates Court for theft by final plea



Point of plea entry

Table 3: Sentencing outcomes in the Magistrates Court for theft by point of plea entry

	1 (31)	2 (60)	3 (45)	4-5 (49)	6 or more (36)
Prison (100)	42%	42%	27%	61%	56%
PD (3)	0%	2%	2%	2%	0%
PSS (14)	10%	5%	4%	12%	0%
FSS (55)	29%	13%	49%	10%	31%
GBO (34)	13%	28%	9%	10%	11%
Fine (3)	3%	3%	2%	0%	0%
Other (12)	3%	7%	7%	4%	3%

Data was also available for 221 offenders on the point of plea entry, that is, how many times they appeared before a magistrate before they first entered a plea. As set out in Table 3, 14% of offenders (n=31) entered a plea on their first appearance and another 27% (n=60) did so on the second occasion they appeared. One in five offenders (20%; n=45) entered a plea on their third occasion, while 22% (n=49) did so after 4-5 appearances. The remaining 16% (n=36) appeared six or more times before entering a plea.

Table 3 also sets out the sentencing patterns based on the point of plea entry. There were no clear associations between the point at which an offender entered a plea and sentencing outcome. Prison sentences were imposed in 27% to 61% of cases. Periodic detention orders accounted for 0% to 2% of sentences, while partly suspended sentences ranged from 0% to 12%. Fully suspended sentences were imposed in 10% to 49% of cases. GBOs accounted for 9% to 28% of outcomes. The use of fines appeared to decrease (from 3% to 0%) but the very small number of such orders should be recognised. Finally, other orders accounted for 3% to 7% of outcomes.

Point of plea finalisation

Data was available for all offenders (n=223) as to the point when they finalised their plea, that is, how many times they appeared before a magistrate to get the matter settled. As set out in Table 4, 8% of offenders (n=17) appeared one or two times to get their matter finalised, while 25% (n=55) finalised their matter after 3-5 appearances. Offenders most commonly appeared 6-10 times in court to finalise their matter (37%; n=82). The remaining 31% (n=69) appeared 11 or more times before finalising their matter.

Table 4 also indicates that GBOs became a less likely outcome with later plea finalisation, falling from 35% of offenders who finalised their plea in 1-2 appearances to 6% of those who took 11 or more appearances to finalise their plea. The use of fines also decreased (from 12% to 1%, although the small number of such orders should be noted). Conversely, other orders became a more likely outcome, increasing from 0% to 6%. Prison sentences were imposed on 18% to 52% of cases, and periodic detention orders in 0% to 6% of cases. Partly suspended sentences and fully suspended sentences were imposed on 4%-7% and 20%-25% of offenders respectively.

Table 4: Sentencing outcomes in the Magistrates Court for theft by point of plea finalisation

	1-2 (17)	3-5 (55)	6-10 (82)	11 or more (69)
Prison (100)	18%	40%	52%	46%
PD (4)	6%	4%	0%	1%
PSS (14)	6%	7%	7%	4%
FSS (55)	24%	20%	20%	35%
GBO (35)	35%	22%	16%	6%
Fine (3)	12%	2%	0%	1%
Other (12)	0%	5%	5%	6%

Case study

The following represents a typical offender and sentencing outcome in the Magistrates Court for the offence of theft: Alan was aged 32 and committed multiple offences. He entered a plea on his second occasion before a magistrate, and it took six court appearances to finalise his matter. He pleaded guilty and received a 3 month prison sentence.

Childrens Court - Theft

As set out in Table 5, there were 169 sentences imposed in the Childrens Court for the offence of theft (under section 308 of the Code). The most common penalty was a GBO (43%), followed by prison (25%). Fully suspended sentences were imposed in 13% of cases, while partly suspended sentences accounted for 4% of sentences. Some other order was imposed in 15% of cases.

Table 5: Sentencing outcomes in the Childrens Court for theft

	Number of cases (169)	Proportion of all sentences	Range	80% range	Midpoint
Prison	43	25%	1-18 months	3-12 months	6 months
PSS	6	4%	11-12 months	11-12 months	12 months
FSS	22	13%	1-15 months	3-9 months	4 months
GBO	72	43%	3-36 months	12-18 months	12 months
Other	26	15%	N/A	N/A	N/A

Prison terms (n=43) ranged from 1 to 18 months, with 80% falling between 3 and 12 months. The midpoint term was 6 months. Partly suspended sentences (n=6) were either 11 or 12 months long, with a midpoint length of 12 months. Fully suspended sentences (n=22) ranged from 1 to 15 months, although 80% were 3-9 months long. The midpoint term was 4 months, while the most common length was 3 months (23% of such sentences). GBOs (n=71)¹¹ ranged from 3 to 36 months, with 80% 12-18 months long. The midpoint and most common length was 12 months; this was also the most common sentence in the Childrens Court overall (accounting for 62% of GBOs and 26% of all sentences). No further details were available on the 26 other orders imposed.

Gender

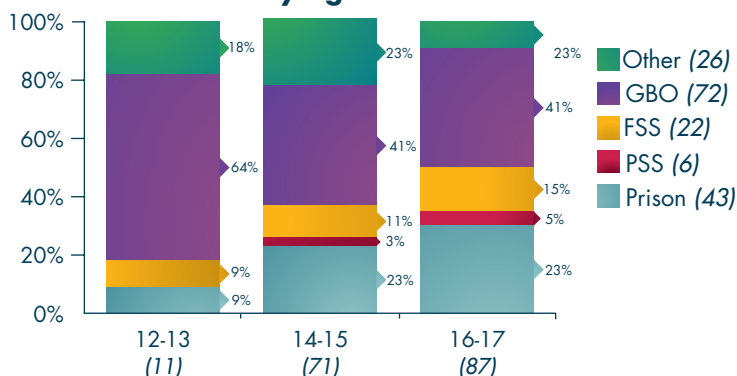
Males accounted for 93% of offenders in the Childrens Court (n=157), while females represented 7% (n=12). Prison sentences were given to 8% of females and 27% of males, GBOs (58% vs 41% respectively) and other orders (33% vs 14% respectively). Partly suspended sentences (4%) and fully suspended sentences (14%) were only imposed on male offenders.

Age

There were no offenders aged 10-11, while 12-13 year olds (n=11) accounted for 7% of offenders. Offenders aged 14-15 (n=71) represented 42% of offenders, and those aged 16-17 (n=87) accounted for 51% of offenders.

As set out in Figure 6, there were different sentencing patterns based on age, with the use of prison increasing with age, from 9% for 12-13 year olds to 30% for 16-17 year olds. The use of partly suspended sentences and fully suspended sentences also increased, from 0% and 9% respectively for 12-13 year olds to 5% and 15% for 16-17 year olds. By contrast, younger offenders were more likely to receive a GBO, with 64% of 12-13 year olds receiving such an outcome, compared with 41% of 14-17 year olds. Other orders were imposed on 18% of offenders aged 12-13, 23% of those aged 14-15, and 9% of those aged 16-17.

Figure 6: Sentencing outcomes in the Childrens Court for theft by age



Number of offences

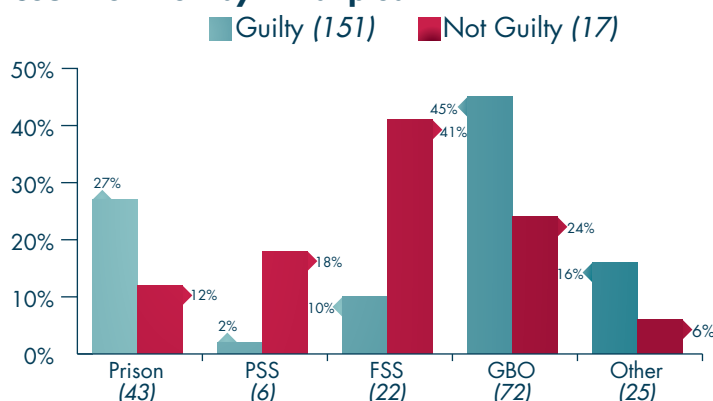
Almost all offenders (95%; n=160) committed multiple offences. Offenders who committed a single offence only received a prison sentence (22% vs 26% for multiple offenders), fully suspended sentences (22% vs 13%) and GBOs (56% vs 42%). Multiple offenders also received partly suspended sentences (4%) and other orders (16%). However, the small number of offenders who committed a single offence (n=9) should be noted.

Plea

Initial plea

Most offenders (90%; n=151) pleaded guilty, while 10% (n=17) entered an initial plea of not guilty¹². Figure 7 sets out sentencing outcomes based on the initial plea. This indicates very different sentencing patterns, with 27% of offenders who entered an initial guilty plea receiving a prison sentence, compared with 12% of offenders with an initial not guilty plea. Offenders who pleaded guilty were also more likely to receive a GBO (45% vs 24%) or other order (16% vs 6%). Offenders who pleaded not guilty were more likely to receive a partly suspended sentence (18% vs 2%) or fully suspended sentence (41% vs 10%).

Figure 7: Sentencing outcomes in the Childrens Court for theft by initial plea



Final plea

At the final plea, all offenders for whom data was available (n=168) pleaded guilty.

Point of plea entry

Table 6: Sentencing outcomes in the Childrens Court for theft by point of plea entry

	1 (24)	2 (62)	3 (39)	4-5 (18)	6 or more (25)
Prison (43)	4%	34%	13%	22%	48%
PSS (6)	0%	7%	3%	6%	0%
FSS (22)	8%	23%	10%	11%	0%
GBO (72)	71%	29%	59%	50%	20%
Other (25)	17%	8%	15%	11%	32%

Data was also available for 168 offenders on the point of plea entry. As set out in Table 6, 14% of offenders (n=24) entered a plea on their first appearance. Offenders most commonly entered a plea at their second appearance (37%; n=62), while 23% (n=39) entered a plea on their third occasion. Another 11% (n=18) did so after 4-5 appearances. The remaining 15% (n=25) appeared six or more times before entering a plea.

As set out in Table 6, there were no clear associations between the point at which an offender entered a plea and sentencing outcome. Prison sentences were imposed in 4% to 48% of cases. Partly suspended sentences and fully suspended sentences accounted for 0%-7% and 0%-23% of outcomes respectively. The use of GBOs ranged from 20% to 71%, and other orders from 8% to 32%.

11. Details on length were missing for one GBO.

12. Details were missing for one offender.

Point of plea finalisation

Data was available for all offenders (n=169) as to the point when they finalised their plea. As set out in Table 7, only 2% of offenders (n=4) appeared one or two times to get their matter finalised, while 31% (n=53) appeared 3-5 times. Offenders most commonly appeared 6-10 times in court to finalise their matter (38%; n=65). The remaining 28% (n=47) appeared 11 or more times before finalising their matter.

Table 7 also indicates no clear pattern in sentencing outcome by point of plea finalisation. Prison sentences were imposed in 0% to 36% of cases, while partly suspended sentences accounted for 0% to 5% of outcomes. Fully suspended sentences were imposed in 9% to 25% of cases. The range for GBOs and other orders were 35% to 75% and 0% to 32% respectively.

Table 7: Sentencing outcomes in the Children's Court for theft by point of plea finalisation

	1-2 (4)	3-5 (53)	6-10 (65)	11 or more (47)
Prison (43)	0%	34%	12%	36%
PSS (6)	0%	4%	5%	2%
FSS (22)	25%	9%	15%	13%
GBO (72)	75%	49%	35%	43%
Other (26)	0%	4%	32%	6%

Case study

The following represents the typical offender and sentencing outcome in the Children's Court for the offence of theft: Terry was aged 17 and committed offences. He entered a plea on his second occasion before a magistrate, and it took seven court appearances to finalise his matter. He pleaded guilty and received a 12 month GBO.

Minor Theft

Summary

Magistrates Court

- There were 681 offenders sentenced in the Magistrates Court for minor theft
- The most common sentence was a GBO (39% of sentences), with a midpoint and most common length of 12 months (67% of GBOs and 26% of all sentences)
- The second most common penalty was prison (19%), with a midpoint length of 2 months and most common term of 1 month (39% of such sentences and 7% of all sentences)
- Fully suspended sentences were imposed in 15% of cases. The midpoint and most common length was 2 months (37% of fully suspended sentences and 5% of all sentences)
- Males accounted for 52% of offenders
- The most common age was 31-40, followed closely by offenders aged 21-25
- 56% of offenders were sentenced for a single offence
- Offenders most commonly entered a plea on their first occasion before a magistrate, and it took 3-5 appearances to finalise the matter
- 87% of offenders initially pleaded guilty; this rose to 97% for the final plea

Childrens Court

- There were 120 offenders sentenced in the Children's Court for minor theft
- The most common penalty was a GBO (74%). The midpoint and most common length was 12 months (47% of GBOs and 34% of all sentences)
- Other orders were the second most common penalty (9%)
- Prison was imposed in 8% of cases, with a midpoint length of 2 months and most common length of 1 month (44% of prison sentences).
- Males accounted for 70% of offenders
- The most common age was 16-17
- 51% of offenders committed a single offence
- Offenders most commonly entered a plea on their second occasion before a magistrate, and it took 3-5 appearances to finalise the matter
- 89% of offenders initially pleaded guilty; this rose to 99% for the final plea

Magistrates Court - Minor Theft

Table 8: Sentencing outcomes in the Magistrates Court for minor theft

	Number of cases (681)	Proportion of all sentences	Range	80% range	Midpoint
Prison	127	19%	1-6 months	1-3 months	2 months
PD	14	2%	1-4 months	1-4 months	3 months
PSS	11	2%	2-12 months	2-4 months	3 months
FSS	102	15%	1-5 months	1-3 months	2 months
GBO	268	39%	3-36 months	12-18 months	12 months
Fine	87	13%	\$50-\$2000	\$150-\$500	\$300
Reparation	3	0%	N/A	N/A	N/A
Other	69	10%	N/A	N/A	N/A

As set out in Table 8, there were 681 sentences imposed in the Magistrates Court for the offence of minor theft (under section 321 of the Code). The most common penalty was a GBO (39% of sentences), followed by prison (19%). Fully suspended sentences were imposed in 15% of cases and fines in 13%. Periodic detention orders and partly suspended sentences each accounted for 2% of sentences. There was also 3 reparation orders imposed (0%), while other orders represented 10% of sentences. For the purposes of simplicity, reparation orders will be included with other orders in the analysis below.

Table 4 also sets out the details of these sentences. The prison terms (n=127) ranged from 1 to 6 months, although 80% of sentences fell within the range of 1-3 months. The midpoint term was 2 months, while the most common prison term was 1 month (39% of prison terms and 7% of all sentences for this offence). Periodic detention orders (n=12)¹³ ranged from 1 to 4 months and this was also the 80% range; the midpoint and most common term was 3 months (58% of such sentences). Partly suspended sentences (n=11) ranged from 2 to 12 months, although 80% were 2-4 months long. The midpoint and most common sentence length was 3 months (64% of partly suspended sentences). The range for fully suspended sentences (n=102)¹⁴ was 1-5 months, with 80% of sentences falling between 1 and 3 months. The midpoint and most common length was 2 months (37% of fully suspended sentences and 5% of all sentences). GBOs (n=263)¹⁵ ranged from 3 to 36 months, although 80% were 12-18 months long. The midpoint and most common length was 12 months, representing 67% of GBOs and 26% of all sentences imposed. Fines (n=87) ranged from \$50 to \$2000, although 80% fell in the range of \$150-\$500. The midpoint and most common fine amount was \$300 (17% of fines). No further details were available for the other orders, including reparation orders (n=72).

Gender

Figure 8: Sentencing outcomes in the Magistrates Court for minor theft by gender

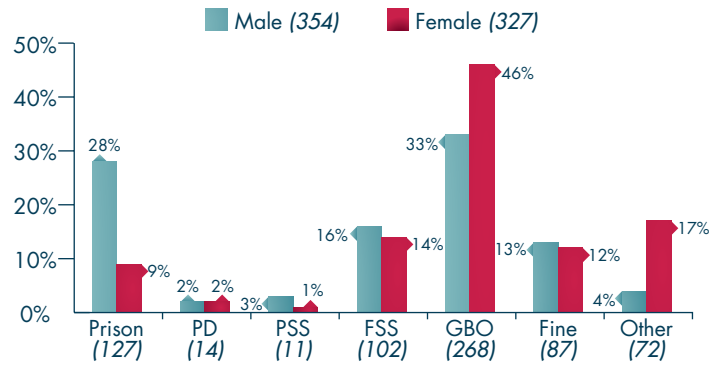


Figure 8 sets out the sentencing patterns on the basis of gender. Males accounted for 52% of offenders (n=354), while females represented 48%. As can be seen, males were more likely to receive a prison sentence (28% vs 9%), while females were more likely to receive a GBO (46% vs 33%) or other order (17% vs 4%). There were similar rates of periodic detention (both 2%), partly suspended sentences (3% vs 1%), fully suspended sentences (16% vs 14%) and fines (13% vs 12%).

Age

Table 9 sets out the distribution of sentences by age (n=680)¹⁶. As can be seen, the largest group of offenders was aged 31-40 (27% of offenders), followed by offenders aged 21-25 (25%). The use of GBOs dominated in all age groups except for offenders aged over 50, where fully suspended sentences were more commonly imposed.

Table 9: Sentencing outcomes in the Magistrates Court for minor theft by age

	18-20 (109)	21-25 (173)	26-30 (121)	31-40 (186)	41-50 (69)	Over 50 (22)
Prison (127)	6	23	38	45	13	2
PD (14)	2	0	7	5	0	0
PSS (11)	0	1	2	2	5	1
FSS (102)	7	16	15	41	14	9
GBO (268)	64	66	38	64	30	6
Fine (87)	21	16	17	24	6	2
Other (72)	9	51	4	5	1	2

13. Details on length were missing for two cases.

14. Details on length were missing for one case.

15. Details on length were missing for five cases.

16. Details of one offender's age were not available.

Figure 9: Sentencing outcomes for the most common penalties in the Magistrates Court for minor theft by age

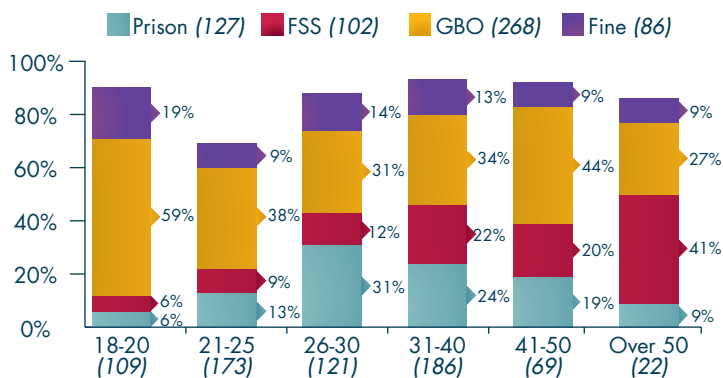
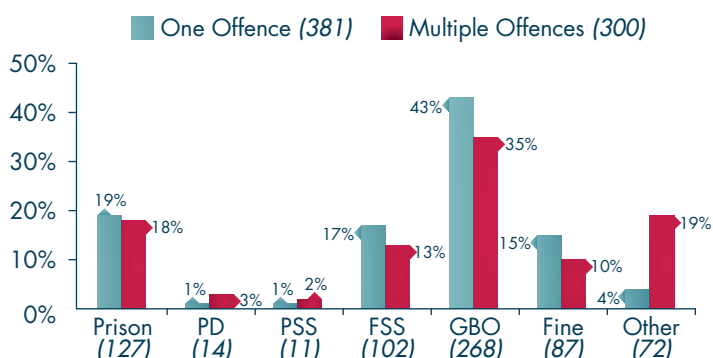


Figure 9 sets out the distribution of the most common penalties in the Magistrates Court for minor theft (prison, suspended sentences, GBOs and fines), which together accounted for 86% of sentences, by age. There were clearly very different patterns, with prison imposed in only 6% of cases involving 18-20 year olds, compared with 31% for offenders aged 26-30. The use of fully suspended sentences generally increased with age, from 6% for offenders aged 18-20 to 41% for offenders aged over 50. Offenders aged over 50 were least likely to receive a GBO (27%), while those aged 18-20 were most likely to do so (59%). The remaining age groups received such an outcome in 31%-44% of cases. Offenders aged 21-25, 41-50 or over 50 all received fines in 9% of cases, while offenders aged 18-20 were most likely to receive a fine (19%). Although not set out in Figure 8, offenders aged 21-25 were most likely to receive some other order, in 29% of cases.

Number of Offences

Figure 10: Sentencing outcomes in the Magistrates Court for minor theft by number of offences



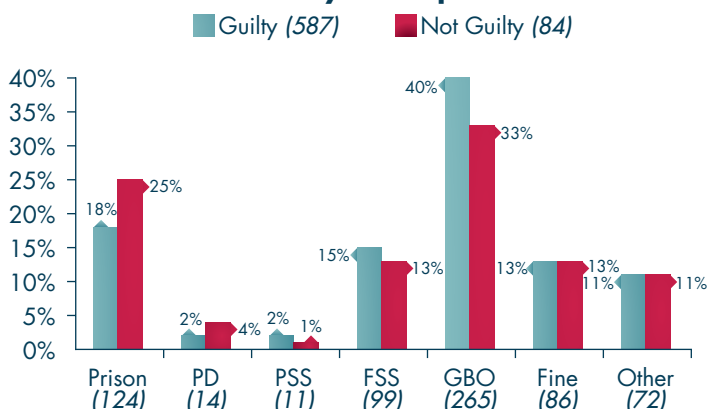
The majority of offenders (56%; n=381) were sentenced for a single offence, while 44% committed multiple offences. As set out in Figure 10, offenders who committed only a single offence were more likely to receive a fully suspended sentence (17% vs 13%), GBO (43% vs 35%) or fine (15% vs 10%). Conversely, offenders who committed multiple offences were more likely to receive other orders (19% vs 4%). There were similar patterns for prison (19% vs 18%), periodic detention (1% vs 3%) and partly suspended sentences (1% vs 2%).

Plea

Initial plea

The data in the ACTSD indicates that 587 offenders initially entered a guilty plea, while 84 offenders entered a not guilty plea¹⁷. Of offenders whose initial plea was reported, 87% pleaded guilty. As set out in Figure 11, there were similar patterns overall, although offenders who entered an initial not guilty plea were more likely to receive a prison sentence (25% vs 18%). Conversely, they were less likely to receive a GBO (33% vs 40%). There were similar rates for the other sentencing options: periodic detention (4% vs 2%), partly suspended sentences (1% vs 2%), fully suspended sentences (13% vs 15%), fines (both 13%) and other orders (both 11%).

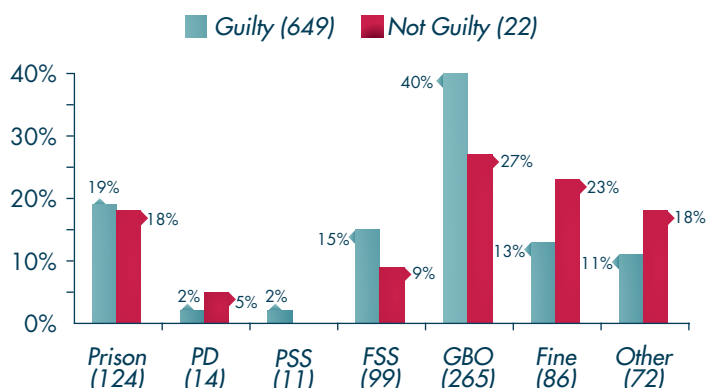
Figure 11: Sentencing outcomes in the Magistrates Court for minor theft by initial plea



Final plea

At the final plea stage, 649 out of 671 offenders for whom data was available pleaded guilty (97%), while 3% retained a not guilty plea. Figure 12 indicates that offenders with a final not guilty plea (n=22) were more likely to receive a partly suspended sentence (5% vs 2%), fine (23% vs 13%) or other order (18% vs 11%). They were less likely to receive a fully suspended sentence (9% vs 15%) or GBO (27% vs 40%). Prison was imposed on 18% and 19% of offenders respectively, while only offenders with a final guilty plea received a partly suspended sentence (2% vs 0%).

Figure 12: Sentencing outcomes in the Magistrates Court for minor theft by final plea



17. Data was not available for 10 offenders.

Table 10: Sentencing outcomes in the Magistrates Court for minor theft by point of plea entry

	1 (198)	2 (165)	3 (104)	4-5 (129)	6 or more (75)
Prison (124)	9%	16%	19%	32%	25%
PD (14)	3%	3%	3%	1%	0%
PSS (11)	1%	4%	1%	2%	0%
FSS (99)	13%	15%	17%	14%	16%
GBO (265)	38%	47%	43%	33%	35%
Fine (86)	15%	6%	12%	17%	16%
Other (72)	22%	9%	5%	2%	8%

Data was also available for 671 offenders on the point of plea entry. As set out in Table 10, offenders most commonly entered a plea on their first appearance (30%; n=198). Another 25% (n=165) did so on the second occasion they appeared. In addition, 15% (n=104) entered a plea on their third occasion, and another 19% (n=129) did so after 4-5 appearances. The remaining 11% (n=75) appeared six or more times before entering a plea.

Table 10 also sets out the sentencing patterns based on the point of plea entry. There were no strong associations between the point at which an offender entered a plea and sentencing outcome. Prison sentences generally increased and were imposed in 9% to 32% of cases. Periodic detention orders decreased, from 3% (1-3 appearances) to 0% (6 or more appearances). Partly suspended sentences and fully suspended sentences accounted for 0%-4% and 13%-17% of outcomes respectively. The use of GBOs ranged from 33% to 47%, while fines were imposed in 6% to 17% of cases. Other orders accounted for 2% to 22% of outcomes.

Point of plea finalisation

Table 11: Sentencing outcomes in the Magistrates Court for minor theft by point of plea finalisation

	1-2 (182)	3-5 (214)	6-10 (172)	11 or more (113)
Prison (127)	6%	17%	27%	29%
PD (14)	1%	3%	2%	3%
PSS (11)	0%	1%	4%	2%
FSS (102)	7%	15%	20%	20%
GBO (268)	42%	44%	33%	35%
Fine (87)	16%	16%	10%	4%
Other (72)	28%	3%	4%	6%

Data was available for all offenders (n=681) as to the point when they finalised their plea. As set out in Table 11, 27% of offenders (n=182) appeared one or two times to get their matter finalised. Offenders most commonly appeared 3-5 times in court to finalise their matter (35%; n=214). A further 25% of offenders (n=172) appeared 6-10 times, while 17% (n=113) appeared 11 or more times before finalising their matter.

Table 11 also indicates that prison was associated with later plea finalisation, increasing from 6% of sentences for offenders who finalised their matter in 1-2 appearances to 29% of offenders who took 11 or more appearances to do so. The use of fully suspended sentences also increased (from 7% to 20%). Conversely, the use of fines decreased (from 16% to 4%). Periodic detention ranged from 1% to 3%, while partly suspended sentences accounted for 0% to 4% of outcomes. GBOs were imposed in 33% to 44% of cases, and other orders in 3% to 28%.

Case study

The following represents a typical offender and sentencing outcome in the Magistrates Court for the offence of minor theft: Adrian was aged 33 and committed a single offence. He entered a plea on his first occasion before a magistrate, and it took three court appearances to finalise his matter. He pleaded guilty and received a 12 month GBO.

Childrens Court

Table 12: Sentencing outcomes in the Childrens Court for minor theft

	Number of cases (120)	Proportion of all sentences	Range	80% range	Midpoint
Prison	9	8%	1-3 months	1-3 months	2 months
FSS	7	6%	1-8 months	1-3 months	2 months
GBO	89	74%	3-18 months	6-18 months	12 months
Fine	4	3%	\$50-\$250	\$50-\$250	\$150
Other	11	9%	N/A	N/A	N/A

There were 120 sentences imposed in the Childrens Court for minor theft (under section 321 of the Code). As set out in Table 12, the most common penalty was a GBO (74% of sentences), followed by other orders (9%), prison (8%) and fully suspended sentences (6%). Fines accounted for 3% of sentences.

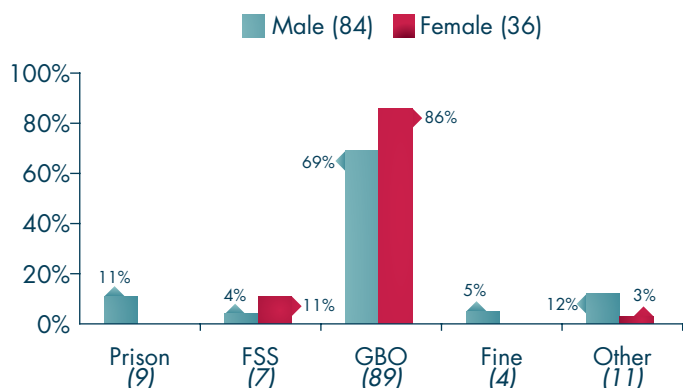
Prison terms (n=9) ranged from 1 to 3 months, with 80% also falling in this range; the midpoint length was 2 months and the most common length was 1 month (44% of prison sentences). Fully suspended sentences (n=7) ranged from 1 to 8 months, although 80% were 1-3 months long. The midpoint term was 2 months. GBOs (n=88) ranged from 3 to 18 months; 80% were 6-18 months long. The midpoint and most common length for GBOs was 12 months. This was also the most common sentence for this offence overall (47% of GBOs and 34% of all sentences). Fines (n=4) ranged from \$50 to \$250, with a midpoint and most common fine of \$150 (50% of fines). No further details were available on the other orders imposed (n=11).

18. Details on length were missing for one GBO.

Gender

Males accounted for 70% of offenders (n=84), while females represented 30%. As set out in Figure 13, females only received fully suspended sentences (11% vs 4% of males), GBOs (86% vs 69%) and other orders (3% vs 12%). Male offenders also received prison (11%) and fines (5%).

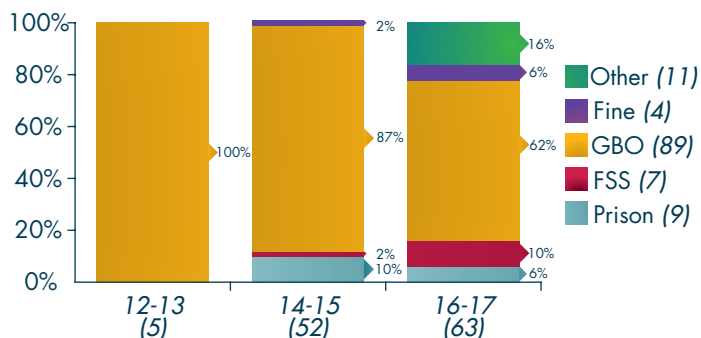
Figure 13: Sentencing outcomes in the Childrens Court for minor theft, by gender



Age

There were no offenders aged 10-11, while 12-13 year olds (n=5) accounted for 4% of offenders. Offenders aged 14-15 (n=52) represented 43% of offenders and those aged 16-17 (n=63) accounted for 53% of offenders.

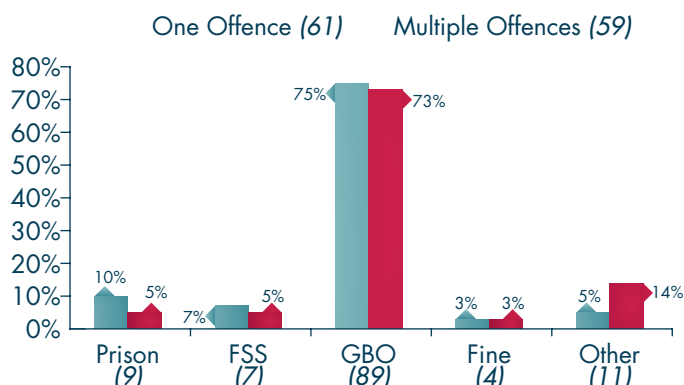
Figure 14: Sentencing outcomes in the Childrens Court for minor theft, by age



As set out in Figure 14, there were different sentencing patterns based on age, although the small number of offenders aged 12-13 (n=5) should be considered. All of these offenders received a GBO, compared with 87% of 14-15 year olds and 62% of offenders aged 16-17. Prison was imposed on 10% of 14-15 year olds and 6% of offenders aged 16-17. The use of fully suspended sentences increased with age (from 0% for 12-13 year olds to 10% for 16-17 year olds), as did fines (from 0% for 12-13 year olds to 6% for 16-17 year olds). Only offenders aged 16-17 received other orders (in 16% of cases).

Number of Offences

Figure 15: Sentencing outcomes in the Childrens Court for minor theft, by number of offences



Just over half of the offenders (51%; n=61) committed a single offence, while 49% were sentenced for multiple offences. Offenders sentenced for a single offence were more likely to receive a prison sentence (10% vs 5%), while multiple offenders were more likely to receive some other order (14% vs 5%). The other outcomes were imposed at similar rates: 7% vs 5% for fully suspended sentences, and 75% vs 73% for GBOs. Both groups received a fine in 3% of cases.

Plea

Initial plea

Most offenders (89%; n=107) entered an initial plea of guilty, while 11% initially pleaded not guilty. Offenders who initially pleaded not guilty either received prison (both 8%), GBOs (77% vs 74%) or fines (15% vs 2%). Offenders who pleaded guilty also received fully suspended sentences (7%) and other orders (10%).

Final plea

At the final plea stage, only one offender (1%) retained a not guilty plea. This offender received a GBO.

Point of plea entry

As set out in Table 13, 25% of offenders (n=30) entered a plea on their first appearance; offenders most commonly entered their plea on the second occasion they appeared (28%; n=33). Another 26% (n=31) entered a plea on their third occasion, while 10% (n=12) did so after 4-5 appearances. The remaining 7% (n=8) appeared six or more times before entering a plea.

Table 13: Sentencing outcomes in the Childrens Court for minor theft by point of plea entry

	1 (30)	2 (39)	3 (31)	4-5 (12)	6 or more (8)
Prison (9)	10%	8%	7%	8%	0%
FSS (7)	0%	8%	7%	8%	13%
GBO (89)	77%	72%	74%	67%	88%
Fine (4)	3%	3%	7%	0%	0%
Other (11)	10%	10%	7%	17%	0%

Table 13 also sets out the sentencing patterns based on the point of plea entry. There were no clear associations between the point at which an offender entered a plea and sentencing outcome. Prison sentences were imposed in 0% to 10% of cases. Fully suspended sentences generally increased, from 0% to 13%. GBOs were imposed in 67% to 88% of cases. Fines were imposed on 0% to 7% of offenders, and other orders on 0% to 10% of offenders.

Point of plea finalisation

Table 14 indicates that 23% of offenders (n=27) appeared one or two times to get their matter finalised. Offenders most commonly appeared 3-5 times in court to finalise their matter (36%; n=43). A further 27% of offenders (n=32) appeared 6-10 times, while 15% (n=18) appeared 11 or more times before finalising their matter.

Table 14: Sentencing outcomes in the Children's Court for minor theft by point of plea finalisation

	1-2 (27)	3-5 (43)	6-10 (32)	11 or more (18)
Prison (9)	7%	2%	22%	17%
FSS (7)	0%	2%	31%	6%
GBO (89)	85%	47%	13%	50%
Fine (4)	7%	37%	19%	11%
Other (11)	0%	12%	16%	17%

Other orders increased with later plea finalisation, from 0% (1-2 appearances) to 17% (11 or more appearances). Prison sentences ranged from 2% to 22% and fully suspended sentences from 0% to 31%. GBOs were imposed in 13% to 85% of cases, while fines were imposed in 7% to 37% of matters.

Case study

The following represents a typical offender and sentencing outcome in the Children's Court for the offence of minor theft: Adam was aged 16 and committed a single offence. He entered a plea on his second occasion before a magistrate, and it took four court appearances to finalise his matter. He pleaded guilty and received 12 month GBO.