

The second tranche of the Table Offences Reform: Impacts on District and Local Court finalisations, time to finalisation and sentencing outcomes

Clare Ringland

AIM

To examine the impact of the second tranche of the Table Offences Reform on District and Local Court finalisations, court delays and sentencing. The reform involved reclassifying strictly indictable offences (which must be dealt with in District or Supreme Court) to offences that can be dealt with summarily in the New South Wales (NSW) Local Court (known as 'Table offences').

METHOD

The second tranche of the Table Offences Reform included subsets of justice procedure and proceeds of crime offences (introduced April 2018), and robbery and supply of prohibited drug offences (introduced July 2018). For charges in the 18 months before and after the introduction of the reforms, we examine the number of District and Local Court finalisations, time from charge date to finalisation and the proportion of offenders who received prison penalties, particularly penalties longer than 12 months.

RESULTS

In the 18 months after the introduction of the reform, there were 1,800 reform-related matters. Of these, one in five were finalised in the District Court, versus 100 per cent pre-reform, resulting in 81 fewer trials and 1,020 fewer sentenced finalisations in the District Court. Post-reform there were an additional 320 defended hearings in the Local Court. The time from charge to finalisation decreased from a median of 443 days for pre-reform charges to 246 days for post-reform charges, a difference of 6 months. Post- and pre-reform, similar proportions of offenders received penalties of imprisonment (37%). However, fewer offenders post-reform received penalties of imprisonment of more than 12 months (9% with minimum term more than 12 months post-reform versus 17% pre-reform). Over 80 per cent of matters impacted by the reform involved the supply of prohibited drugs. Further analysis of these drug supply matters showed that the likelihood of a prison penalty longer than 12 months was much lower in the Local Court post-reform than in the District Court pre-reform (OR = 0.13, 95% CI (0.08, 0.23), $p < .001$).

CONCLUSION

Consistent with the first tranche evaluation, 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. While there was no change in the overall likelihood of a custodial penalty being imposed, the likelihood of prison sentences longer than 12 months decreased post-reform relative to pre-reform.

KEYWORDS

court processes and delay

legislative evaluation

sentencing

INTRODUCTION

In NSW, criminal offences are classified as summary offences, Table 1 offences, Table 2 offences or strictly indictable offences. Strictly indictable offences are the most serious offences and must be dealt with in the higher courts (i.e., District or Supreme Court). Table offences must be dealt with summarily in the Local Court by a magistrate, unless an election is made by the defence (in the case of Table 1 offences) or prosecution (in the case of both Table 1 and 2 offences) to proceed in the District Court.¹ Summary offences are the least serious and are dealt with in the Local Court.

Cases dealt with summarily in the Local Court are usually less complex and are heard by a magistrate sitting alone. Elected and strictly indictable matters also commence in the Local Court and are committed to the District or Supreme Court if there is sufficient evidence to proceed on indictment. District and Supreme Court proceedings are presided over by a judge and are (in most cases) tried before a judge and jury if the accused pleads not guilty. Given these differences in case type and court processes higher court matters typically take much longer to finalise (NSW Bureau of Crime Statistics and Research [BOCSAR], 2021). The jurisdiction where the matter is finalised also affects the maximum penalty that can be imposed. In the District Court, the maximum penalty available for an 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.

In 2016 and 2018, the NSW Government moved a subset of strictly indictable offences to Tables 1 and 2 of Schedule 1 of the *Criminal Procedure Act 1986* (NSW) in order to improve the efficiency of court processes and reduce District Court delay. The first tranche of the Table Offences Reform 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). A recent evaluation found that reclassifying these offences from strictly indictable to Table 1 resulted in 85% of eligible offences being diverted from the District Court to the Local Court (Ringland, 2020).² Consequently, the time from charge to finalisation decreased from a median of 404 days for pre-reform charges to 206 days for post-reform charges (Ringland, 2020). While no impact on sentencing outcomes was anticipated (as stated in the Attorney-General’s second reading speech; Upton, 2016), the reforms were associated with a decrease in the likelihood of prison penalties, particularly prison penalties longer than 12 months (Ringland, 2020).

The focus of the current brief is the second tranche of the Table Offences Reform which was implemented in 2018 in two phases and involved a subset of justice procedure and theft offences (April 2018), followed by robbery and illicit drug offences (July 2018).³ The strictly indictable offences that were reclassified as part of the second tranche of the reform are listed in Table 1, along with the Table 1 and Table 2 offences that replaced them. All relevant strictly indictable offences were replaced with new Table 1 offences, apart from ‘recklessly deal with proceeds of crime’, where offences involving values of \$5,000 or less were reclassified as Table 2 offences.⁴

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 1986* (NSW) section 260.

² That is, 15 per cent of charges were dealt with in the District Court either as strictly indictable offences or as Table 1 offences.

³ The *Justice Legislation Amendment Act 2018* passed Parliament on 7 March 2018 and received assent on 21 March 2018. The relevant provisions commenced on 16 April 2018 (in the case of the offences under section 319 and section 193B(3) of the *Crimes Act 1900*) and 2 July 2018 (for the remaining offences).

⁴ In the first tranche of the Table Offences Reform, offences were replaced with new Table 1 and new strictly indictable offences, based on whether the property stolen or damaged was valued at \$60,000 or less (Table 1) or more than \$60,000 (strictly indictable).

Table 1. Descriptions of old and new offences relating to the second tranche of the Table Offences Reform

Section, Act	Old strictly indictable offences	New Table offences
193B(3), Crimes Act 1900	Recklessly deal with proceeds of crime	Recklessly deal with proceeds of crime >\$5000 (Table 1) Recklessly deal with proceeds of crime <=\$5000 (Table 2)
319, Crimes Act 1900	Do act or make any omission with intent to pervert the course of justice	Do act or make any omission intending to pervert the course of justice (Table 1)
94, Crimes Act 1900	Assault with intent to rob	Assault with intent to rob (Table 1)
	Robbery	Robbery (Table 1)
25(1), Drug Misuse and Trafficking Act 1985	Supply a prohibited drug (not being cannabis), being more than the indictable quantity	Supply a prohibited drug being more than the indictable quantity but being equal to or less than the commercial quantity (Table 1)
	Knowingly take part in supply of a prohibited drug (not cannabis), being more than the indictable quantity	Knowingly take part in supply of a prohibited drug (not cannabis), being more than the indictable quantity but being equal to or less than the commercial quantity (Table 1)

The current study

The purpose of this study is to examine the impact of the second tranche of the Table Offences Reform on District Court finalisations, time from charge to finalisation, and sentencing outcomes.

More specifically, and in line with the evaluation of the first tranche of the Table Offences Reform, 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.

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 matters where all strictly indictable charges are withdrawn in the Local Court by the prosecution⁵ or charges that are yet to be finalised.

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, and the number and proportions of matters finalised in the Local Court;
- 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 who received a prison penalty of more than 12 months.⁶

Sample

Charges relating to offences that were included in the second tranche of the Table Offences Reform are the focus of this study. Outcomes are described for all matters combined and separately for each of the four offence categories impacted (as per Table 1). These offences were identified according to law part codes recorded in ROD that link offences to legislation.⁷

Analyses comparing the main outcomes of interest are restricted to those dealt with in the NSW Local and District Courts⁸ and are further limited to matters:

- where all reform offences were not withdrawn by the prosecution, and
- with charge dates between 16 October 2016 and 15 April 2018 (pre-reform) and 16 April 2018 and 15 October 2019 (post-reform) for pervert the course of justice and proceeds of crime offences or
- with charge dates between 1 January 2017 and 1 July 2018 (pre-reform) and 2 July 2018 and 31 December 2019 (post-reform) for robbery and supply of prohibited drugs.

Data included finalisations up until 31 January 2021, allowing a minimum of 13 months for charges to be finalised in court, but a minimum of only 3 months before regular court operations were disrupted in response to the COVID-19 pandemic. It was expected that matters included in the sample would be generally representative of all charges in the 18-month pre- and post-reform periods. However, some charges not finalised within 13 months will not be included, and charges not finalised before April 2020 may have been impacted by the COVID-19 response (for example, some matters were suspended temporarily, potentially delaying the time from charge to finalisation).

Variables

The sentencing outcomes for supply of prohibited drug offences were examined in greater detail.⁹ A range of additional variables were included in these analyses. These included defendants' socio-

⁵ ROD 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.

⁶ 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. Head sentences of more than 12 months were similarly examined.

⁷ More information about law part codes is available at the Judicial Commission of New South Wales website: <https://www.judcom.nsw.gov.au/lawcodes/>

⁸ Matters dealt with by police caution or youth justice conference or finalised in the NSW Children's Court or Drug Court are excluded.

⁹ There were insufficient numbers of matters for detailed analyses to be undertaken for other offence categories.

demographic characteristics (age, sex and remoteness¹⁰ of area of residence¹¹) and criminal histories (number of finalisations with prison penalties and proven offences in the previous 5 years). The following appearance- and offence-level characteristics were also considered: the number of proven reform offences, whether guilty pleas were entered for reform offences, the type of drug involved, concurrent offences such as whether the matter involved other drug supply offences, bail status at time of finalisation, the number of days in custody from charge to finalisation, and whether the matter was finalised in the Local or District Court. In addition, matters were flagged according to whether they were finalised before or after the introduction of the sentencing reforms in September 2018.¹²

Statistical analysis

The analyses described here were undertaken for reform-related offence categories.

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.

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. 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 prison penalties longer than 12 months (minimum and total terms) are reported and compared pre- and post-reform. These analyses are restricted to those who had at least one proven reform offence. We express the difference between pre- and post-reform outcomes as an odds ratio (OR). An OR significantly greater than 1 indicates that post-reform offenders are more likely to receive a penalty of imprisonment than pre-reform offenders. In contrast, an OR less than 1 indicates that post-reform offenders are less likely to receive a penalty of imprisonment than pre-reform offenders.

Adjusted analyses undertaken for supply of prohibited drug offences considered a range of other characteristics that may have impacted sentencing outcomes, and particularly focused on the impacts of bail status and time spent in custody between charge and finalisation. The influence of these factors is examined 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.

¹⁰ According to the Australian Bureau of Statistics (2016), categorised as 'Major cities', 'Inner regional', and 'Outer regional/Remote/ Very remote'.

¹¹ Where this was missing/unknown, the most recent non-missing value from an appearance within the previous 5 years was used.

¹² The sentencing reforms replaced a number of penalties with new community-based orders and placed increased emphasis on supervision. A recent BOCSAR study found that the percentage of adult offenders in the Local Court who were sentenced to a supervised community order increased from 14.6% to 22.0%, while the percentage of offenders who were sentenced to a short-term prison sentence of 12 months or less declined from 5.2% to 4.4% (Donnelly, 2020). In the District Court, the percentage of adult offenders who were sentenced to a supervised community order increased from 27.9% to 37.5%.

RESULTS

Finalisations in the District Court

Presented in Table 2 are the numbers and proportions of pre- and post-reform matters by offence category and type of court finalisation. More than 80 per cent of the 1,800 post-reform matters involved the supply of prohibited drugs. There were less than 100 post-reform matters involving acts to pervert the course of justice and proceeds of crime offences, and only 146 post-reform matters for robbery offences.

Results for all offence categories combined largely reflect matters involving the supply of prohibited drugs, but patterns were generally similar across offence categories. Prior to the reform, 100 per cent of matters (n = 1,492) were finalised in the District Court,¹³ with 6 per cent of matters finalised with a trial (n = 92) and 94 per cent sentenced after a guilty plea (n = 1,396). Post-reform, around 21 per cent of matters were dealt with in the District Court, less than 1 per cent of matters were finalised with a trial (n = 11), and almost 21 per cent were sentenced after a guilty plea (n = 370).¹⁴ Comparing matters relating to charges in the 18 months post-reform with those in the 18 months pre-reform, there was a reduction of 81 trials and 1,020 sentenced finalisations in the District Court.

However, the reduction in trials and sentencing finalisations in the District Court was accompanied by an increase in defended hearings in the Local Court. After the reforms commenced there were 320 defended hearings in the Local Court for reform-related offences.

¹³ Noting that matters with all reform-related charges withdrawn are not included.

¹⁴ Comparing how matters were finalised within the District Court pre- and post-reform, post-reform there was a significant decrease in the proportion finalised with a defended trial versus sentenced after a guilty plea ($p = .012$). 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 in the Local Court with a defended trial; pre-reform no matters were dealt with in the Local Court.

Table 2. Disposal outcome for finalised matters involving reform-related charges in the 18-months pre- and post- reform

Jurisdiction & Disposal outcome	Act to pervert the course of justice		Proceeds of crime		Robbery		Supply of prohibited drugs		Combined											
	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post										
	(N = 60)	(N = 75)	(N = 35)	(N = 95)	(N = 55)	(N = 146)	(N = 1,342)	(N = 1,484)	(N = 1,492)	(N = 1,800)										
	n	per cent	n	per cent	n	per cent	n	per cent	n	per cent										
District Court	60	100.0	19	25.3	35	100.0	20	21.1	55	100.0	34	23.3	1,342	100.0	309	20.8	1,492	100.0	382	21.2
Trial	18	30.0	2	2.7	7	20.0	0	0.0	5	9.1	3	2.1	62	4.6	6	0.4	92	6.2	11	0.6
Sentence only (sentenced after a guilty plea)	42	70.0	17	22.7	28	80.0	20	21.1	50	90.9	31	21.2	1,276	95.1	302	20.4	1,396	93.6	370	20.6
Other													4	0.3	1	0.1	4	0.3	1	0.1
Local Court	56	74.7	13	17.3	21	22.1	49	51.6	72	49.3	112	76.7	1,175	79.2	257	17.3	1,418	78.8	320	17.8
Defended hearing																				
Sentenced after a guilty plea	43	57.3																		
Other																				

Note: This table does not include matters where all reform-related charges were withdrawn.

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 Table 3. Estimates are shown separately by offence category and for all offence categories combined.¹⁵

As shown in Table 3, the median time from charge to finalisation for matters involving post-reform charges for all offence categories combined was 246 days (approximately 8 months). This compares with a median of 443 days (14.5 months) for matters involving pre-reform charges, a difference of over 6 months. Also shown in Table 3, three-quarters of matters relating to post-reform offences were finalised within 365 days, compared with only 31 per cent of matters relating to pre-reform offences.

Again, results for offence categories combined largely reflected matters involving the supply of prohibited drugs. Both pre- and post-reform, the time from charge to finalisation tended to be longer for matters involving acts to pervert the course of justice and proceeds of crime offences. The median time to finalisation decreased from 592 to 282 for acts to pervert the course of justice, and from 693 to 259 days for proceeds of crime offences, for pre- and post-reform charges respectively.

The decrease in time from charge to finalisation was mostly a result of matters moving from the District Court to the Local Court;¹⁶ however, the time taken to finalise matters in the District Court also decreased.¹⁷

¹⁵ Table 3 does not include a small number of matters where the recorded charge and finalisation dates were the same.

¹⁶ Table A1 in the Appendix shows the median time from charge to finalisation by bail status. Overall, the proportions of defendants on bail or bail dispensed with, bail refused, and in custody for a prior offence at finalisation were similar pre- and post-reform. Pre-reform, the median time to finalisation varied little by bail status. Post-reform, the median time to finalisation was longer for those bail refused or in custody for a prior offence than those on bail or bail dispensed with. However, for matters finalised in the Local Court post-reform, the median time to finalisation was similar for those bail refused or in custody for a prior offence and those on bail.

¹⁷ The time taken to finalise reform-related offences in the District Court may be under-estimated. Charges that take longer to finalise may have still been pending by 31 January 2021. This is more likely to impact matters relating to post-reform charges, given the shorter follow-up period.

Table 3. Time from charge to finalisation for finalisations in Local and District Courts, pre- and post-reform

	Act to pervert the course of justice		Proceeds of crime		Robbery		Supply of prohibited drugs		Combined	
	Pre (N = 60)	Post (N = 75)	Pre (N = 35)	Post (N = 95)	Pre (N = 55)	Post (N = 146)	Pre (N = 1,342)	Post (N = 1,484)	Pre (N = 1,492)	Post (N = 1,798)
Time to finalisation (days)										
median, 50th percentile	592	282	693	259	465	244	435	241.5	443	246
(95% confidence interval)	(507, 665)	(252, 335)	(606, 749)	(230, 346)	(369, 503)	(206, 278)	(423, 445)	(229, 250)	(433, 455)	(235, 255)
25th percentile	432.5	189	571	159	339	134	333	142	337	143
(95% confidence interval)	(357, 507)	(159, 239)	(356, 616)	(140, 198)	(260, 369)	(101, 162)	(327, 341)	(136, 148)	(330, 348)	(138, 151)
75th percentile	807	468	857	412	583	351	582	356	597	362
(95% confidence interval)	(665, 873)	(398, 539)	(722, 1039)	(379, 469)	(503, 689)	(314, 370)	(570, 597)	(343, 369)	(582, 616)	(351, 372)
median, District Court	592	494	693	482	465	351	435	410	443	413
(95% confidence interval)	(507, 665)	(407, 586)	(606, 749)	(407, 618)	(369, 503)	(283, 388)	(423, 445)	(394, 427)	(433, 455)	(399, 428)
median, Local Court		252		230		193		195		200
(95% confidence interval)		(210, 280)		(188, 257)		(156, 235)		(186, 204)		(191, 207)
Proportion finalised (%)										
180 days	1.7	20.0	0.0	27.4	1.8	36.1	1.4	36.1	1.4	34.9
(95% confidence interval)	(0.2, 11.3)	(12.6, 31.0)		(19.5, 37.5)	(0.3, 12.2)	(28.9, 44.5)	(0.9, 2.2)	(33.7, 38.6)	(0.9, 2.2)	(32.8, 37.2)
365 days	16.7	61.3	11.4	61.1	32.7	79.9	32.5	76.7	31.4	75.5
(95% confidence interval)	(9.3, 28.8)	(50.5, 72.3)	(4.5, 27.6)	(51.4, 70.8)	(22.0, 46.8)	(73.0, 86.0)	(30.1, 35.1)	(74.5, 78.8)	(29.1, 33.8)	(73.5, 77.4)

Probability of a prison penalty

Both pre- and post-reform, approximately 90 per cent of matters resulted in a proven offence (92% pre-reform and 89% post-reform). Table 4 describes the proportion and likelihood of receiving a prison penalty of any length and a prison penalty of more than 12 months, pre- and post-reform, by offence category and for all offences combined.

Of all reform matters with proven offences, 37 per cent post-reform and pre-reform resulted in a prison sentence. The proportion of offenders receiving a prison penalty tended to be higher for those found guilty of acts to pervert the course of justice and robbery offences. There were no significant differences in the likelihood of receiving a prison penalty post-reform versus pre-reform, for any offence category (as shown by *p* values of unadjusted odds ratios). However, offenders were less likely to receive prison penalties longer than 12 months for post-reform charges. The proportions of offenders who received prison penalties with minimum (non-parole) term of more than 12 months are presented in Table 4, along with proportions of offenders who received prison penalties with total terms (head sentences) of more than 12 months. Nine per cent of those with a proven reform-related offence post-reform received a prison penalty with a minimum term of more than 12 months, compared with 17 per cent of those pre-reform.¹⁸ Similarly, 21 per cent of offenders post-reform received a prison penalty with a total term of more than 12 months, compared with 31 per cent pre-reform.¹⁹

While unadjusted odds ratios are included in Table 4, due to the small number of matters involving acts to pervert the course of justice, proceeds of crime, and robbery offences, analyses adjusting for offence and offender characteristics were not undertaken. However, in the next section we further examine prison penalties associated with matters involving the supply of prohibited drugs.

¹⁸ The median non-parole prison term for a reform offence post-reform was 9 months, compared with 12 months pre-reform.

¹⁹ The median total term (head sentence) for a reform offence post-reform was 15 months, compared with 22 months pre-reform.

Table 4. Prison penalties for pre- and post-reform charges

	Act to pervert the course of justice						Proceeds of crime		Robbery		Supply of prohibited drugs		Combined	
	Pre (N =46)	Post (N = 69)	Pre (N = 30)	Post (N = 79)	Pre (N = 51)	Post (N = 126)	Pre (N = 1,242)	Post (N = 1,323)	Pre (N = 1,369)	Post (N = 1,597)				
Prison sentence, any														
n	30	42	13	22	38	86	429	437	510	587				
per cent	65.2	60.9	43.3	27.8	74.5	68.3	34.5	33.0	37.3	36.8				
(95% confidence interval)	(49.8, 78.6)	(48.4, 72.4)	(25.5, 62.6)	(18.3, 39.1)	(60.4, 85.7)	(59.4, 76.3)	(31.9, 37.3)	(30.5, 35.6)	(34.7, 39.9)	(34.4, 39.2)				
Odds ratio, unadjusted														
Post relative to pre-reform		0.83		0.50		0.74		0.93		0.98				
(95% confidence interval)		(0.38, 1.80)		(0.21, 1.21)		(0.35, 1.53)		(0.79, 1.10)		(0.84, 1.14)				
<i>p</i> -value		.637		.125		.411		.419		.780				
Median length (months), minimum term	14.8	9.3	11.1	6.2	13.9	9.0	12.0	8.8	12.0	9.0				
Median length (months), total term	24.0	13.7	22.0	9.0	27.0	15.0	21.0	15.0	22.0	15.0				
Prison sentence, minimum term > 12 months														
n	20	13	5	6	22	19	189	107	236	145				
per cent	43.5	18.8	16.7	7.6	43.1	15.1	15.2	8.1	17.2	9.1				
(95% confidence interval)	(28.9, 58.9)	(10.4, 30.1)	(5.6, 34.7)	(2.8, 15.8)	(29.3, 57.8)	(9.3, 22.5)	(13.3, 17.3)	(6.7, 9.7)	(15.3, 19.3)	(7.7, 10.6)				
Odds ratio, unadjusted														
Post relative to pre-reform		0.30		0.41		0.23		0.49		0.48				
(95% confidence interval)		(0.13, 0.70)		(0.12, 1.46)		(0.11, 0.49)		(0.38, 0.63)		(0.38, 0.60)				
<i>p</i> -value		.005		.170		< .001		< .001		< .001				
Prison sentence, total term > 12 months														
n	28	23	11	7	36	56	353	247	428	333				
per cent	60.9	33.3	36.7	8.9	70.6	44.4	28.4	18.7	31.3	20.9				
(95% confidence interval)	(45.4, 74.9)	(22.4, 45.7)	(19.9, 56.1)	(3.6, 17.4)	(56.2, 82.5)	(35.6, 53.6)	(25.9, 31.0)	(16.6, 20.9)	(28.8, 33.8)	(18.9, 22.9)				
Odds ratio, unadjusted														
Post relative to pre-reform		0.32		0.17		0.33		0.58		0.58				
(95% confidence interval)		(0.15, 0.70)		(0.06, 0.49)		(0.17, 0.67)		(0.48, 0.70)		(0.49, 0.68)				
<i>p</i> -value		.004		< .001		.002		< .001		< .001				

Probability of a prison penalty: supply of prohibited drugs

Summarised in Table 5 are results relating to the likelihood of receiving prison penalties for a supply of prohibited drugs offence (characteristics of these matters and full models are included in Tables A2-A5 of the Appendix). As described in Table 1, drug supply offences included in the reform were those that involved more than the indictable quantity but less than the commercial quantity, for prohibited drugs other than cannabis (see s 25(1), *Drug Misuse and Trafficking Act 1985*). Proportions and unadjusted odds ratios included in Table 5 are included here for completeness but are the same as those presented in Table 4.

Looking across Table 5, the first set of results correspond to the likelihood of receiving a prison penalty of any length. While the unadjusted results showed no difference in the likelihood of a prison penalty post- versus pre-reform, the first adjusted analysis, that included a range of offender and offence characteristics (and a flag for the sentencing reform) suggests an increase in the likelihood of receiving a prison penalty for post-reform versus pre-reform charges. However, with further inclusion of bail status and time in custody between charge and finalisation, and the jurisdiction of finalisation, post- versus pre-reform differences were no longer statistically significant.

Focusing on the next set of results examining the probability of receiving a minimum term prison sentence of more than 12 months, the unadjusted odds ratio of 0.49 suggests a large effect of the reform. The effect of the reform remained after adjusting for a range of other factors (including the sentencing reform; OR = 0.51, $p < .001$). After including whether the offender was in custody at the time of finalisation, and the number of days spent in custody between charge and finalisation, a similar effect of the reform was found (OR = 0.51, $p < .001$).²⁰ A significant reduction in the likelihood of a minimum prison term longer than 12 months is also shown for post-reform Local Court matters, compared with pre-reform (District Court) matters (OR = 0.13, $p < .001$);²¹ by contrast, no significant difference was found between pre- and post-reform District Court matters.²²

The final set of results relate to the probability of receiving a prison sentence with a total term (head sentence) of more than 12 months. The results are largely consistent with those relating to minimum terms of more than 12 months. After adjusting for a range of characteristics, the effect of the reform remained significant (OR = 0.63, $p < .001$). Further, after including 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 was similar (OR = 0.55, $p < .001$).²³ A significant reduction in the likelihood of a total prison term longer than 12 months is shown for post-reform Local Court matters, compared with pre-reform (District Court) matters (OR = 0.30, $p < .001$).²⁴ No significant difference was found between pre- and post-reform District Court matters.^{25, 26}

20 Analyses stratified by bail status were also undertaken. For those on bail (including bail dispensed with), the likelihood of a prison penalty with a minimum term more than 12 months was considerably less post-reform compared with pre-reform (OR = 0.08, 95% CI (0.02, 0.33), $p < .001$). A smaller effect was seen post- versus pre-reform for those who were bail refused or in prison for a prior offence (OR = 0.61, 95% CI (0.42, 0.90), $p = .012$). Summary statistics of prison penalties by bail status are included in Appendix Table A6.

21 Analyses stratified by bail status found the likelihood of a prison penalty with a minimum term of more than 12 months was much lower post-reform in the Local Court than pre-reform in the District Court for those who were bail refused or in prison for a prior offence (OR = 0.16, 95% CI (0.09, 0.29), $p < .001$) and for those on bail or bail dispensed (OR = 0.03, 95% CI (0.00, 0.25), $p = .001$). Differences in post-reform versus pre-reform District Court matters were not statistically significant.

22 The same analyses were undertaken excluding the 15 per cent of matters finalised before the sentencing reforms (n = 390 pre-reform and 6 post-reform). The findings were all similar.

23 Analyses stratified by bail status were undertaken. For those on bail (including bail dispensed with), there was no statistically significant difference in the likelihood of a prison penalty with a total term more than 12 post-reform compared with pre-reform. For those who were bail refused or in prison for a prior offence, post-reform there was a decrease in the likelihood of a prison penalty with a total term of more than 12 months (OR = 0.52, 95% CI (0.36, 0.76), $p < .001$).

24 Analyses stratified by bail status found the likelihood of a prison penalty more than 12 months was much lower post-reform in the Local Court than pre-reform in the District Court for those who were bail refused or in prison for a prior offence (OR = 0.23, 95% CI (0.15, 0.38), $p < .001$) and for those on bail or bail dispensed (OR = 0.50, 95% CI (0.24, 0.95), $p = .035$). Differences in post-reform versus pre-reform District Court matters were not statistically significant.

25 The exclusion of matters finalised before the introduction of the sentencing reform had no impact on the results.

26 All sets of analyses were undertaken excluding the 20 per cent of matters where a supply of prohibited drugs reform offence was not considered the most serious offence. Estimates were similar to those presented in Table 5.

Table 5. Prison penalties, pre- and post-reform: supply of prohibited drugs

Prison penalties, supply of prohibited drugs	Any length		Minimum term >12 months		Total term >12 months	
	Pre (N = 1,242)	Post (N = 1,323)	Pre (N = 1,242)	Post (N = 1,323)	Pre (N = 1,242)	Post (N = 1,323)
n	429	437	189	107	353	247
per cent	34.5	33.0	15.2	8.1	28.4	18.7
(95% confidence interval)	(31.9, 37.3)	(30.5, 35.6)	(13.3, 17.3)	(6.7, 9.7)	(25.9, 31.0)	(16.6, 20.9)
Odds ratio, unadjusted						
Post relative to pre-reform	1.00	0.93	1.00	0.49	1.00	0.58
(95% confidence interval)		(0.79, 1.10)		(0.38, 0.63)		(0.48, 0.70)
p-value		.419		< .001		< .001
Odds ratio, adjusted						
Post relative to pre-reform	1.00	1.33	1.00	0.51	1.00	0.63
(95% confidence interval)		(1.04, 1.70)		(0.37, 0.70)		(0.49, 0.81)
p-value		.021		< .001		< .001
Odds ratio, adjusted including bail status and time in custody						
Post relative to pre-reform	1.00	1.31	1.00	0.51	1.00	0.55
(95% confidence interval)		(0.92, 1.87)		(0.35, 0.72)		(0.41, 0.76)
p-value		.135		< .001		< .001
Odds ratio, adjusted including bail status and time in custody and jurisdiction						
Relative to pre-reform District Court	District Court	District Court	District Court	District Court	District Court	District Court
(95% confidence interval)	1.00	1.01	1.00	1.22	1.00	1.25
p-value		(0.60, 1.72)		(0.81, 1.84)		(0.82, 1.90)
Relative to pre-reform Local Court	Local Court	Local Court	Local Court	Local Court	Local Court	Local Court
(95% confidence interval)	N/A	.956	N/A	.350	N/A	.295
p-value		(0.99, 2.23)		(0.08, 0.23)		(0.20, 0.44)
		.055		< .001		< .001

Note. Adjusted models included sex, age group, remoteness of area of residence, number of court appearances with proven offences and appearances with proven drug offences in prior 5 years, prison penalty in prior 5 years, number of reform offences, drug type, other supply of prohibited drug offences, plea to reform offences, and whether matter was finalised after the sentencing reforms.

DISCUSSION

The purpose of this study was to examine the impact of the second tranche of the Table Offences Reform, which reclassified a small subset of offences from strictly indictable offences to Table 1 and 2 offences, thereby allowing them to be dealt with in the Local Court. There were 1,800 finalisations in the Local and District Courts for reform-related charges in the 18 months following the introduction of the reform. Over 80 per cent of these matters involved the supply of prohibited drugs, and almost 80 per cent of all reform-related matters were finalised in the Local Court. Matters relating to post-reform charges were finalised much faster than matters relating to pre-reform charges that were dealt with by the District Court. In terms of penalties received, those found guilty of a reform-related offence in the post-period were much less likely to receive a penalty of imprisonment of more than 12 months than those found guilty of a relevant offence pre-reform. However, there was no difference in the likelihood of receiving a prison penalty of any length post- versus pre-reform. The pattern of results for all offence types combined was also observed within each offence category.

Findings from the examination of the second tranche of the Table Offences Reform are largely consistent with the evaluation of the first tranche (Ringland, 2020), and show that the Reform has achieved its main objective of reducing the delay in finalising matters. Both studies found that there was a difference of 6 months in the median time from charge to finalisation post- versus pre-reform. This was because around 80 per cent of post-reform matters were finalised in the Local Court. In both the first and second tranches, three-quarters of post-reform matters were finalised within 12 months of the initial charge date (compared with 40 and 30 per cent of pre-reform matters for the first and second tranche respectively).

Based on charges within the 18 months following the introduction of the second tranche of the reform, we estimate that there were approximately 80 fewer trials and 1,000 fewer sentencing finalisations in the District Court. However, concomitantly there was an increase of 320 defended hearings and 1,000 sentence matters in the Local Court. The increased caseload, complexity, and seriousness of matters falling within the Local Court's jurisdiction no doubt has impacts on court efficiency and has contributed to an increase in the time to finalise matters. Looking overall in the Local Court, the median time to finalise defended criminal matters increased to 202 days in 2019, up from 196 days in 2018, and 185 days in 2015, prior to the introduction of the Table Offences Reform.²⁷ The median time to finalise all matters in the Local Court has increased from 81 days in 2015 and 2018 to 86 days in 2019.

Consistent with findings from the first tranche evaluation, a consequence of reclassifying the strictly indictable offences to Table 1 and 2 offences is that less severe prison penalties were imposed. Those guilty of reform-related offences were found to be less likely to receive penalties of imprisonment of more than 12 months than those found guilty before the reform was introduced (9% vs. 17% minimum term and 21% vs. 31% total term). Due to small numbers of matters, only the supply of prohibited drug offences could be examined in greater detail. Results for these offences suggest that there were large and significant differences in sentencing outcomes pre- and post-reform, particularly between the District Court pre-reform and Local Court post-reform, even after adjusting for bail status and time spent in custody between charge and finalisation.

As with the evaluation of the first tranche of the Reform, there are several important limitations of the current study. These include the inherent differences between the processes of finalising a strictly indictable offence in the District Court and a Table offence in the Local Court (see Ringland, 2020 for further discussion), and the other reforms and changes in court processes that may have impacted matters and sentencing outcomes in this study. For example, the Early Appropriate Guilty Plea (EAGP) reform commenced in April 2018 and applies to all strictly indictable and elected Table offences (NSW Government, 2020). As a key objective of the EAGP reform is to finalise matters earlier, with sentencing

²⁷ These estimates are for defendants (excluding companies) who had at the finalisation of their court appearance, the bail status of 'Bail refused', 'Bail dispensed with' or 'On bail' and the outcome of their court appearances were 'proceeded to defended hearing/trial', 'proceeded to sentence only' or 'sentenced by the lower courts after a guilty plea'.

discounts available dependent on the timing of the plea, the reform may have contributed to the reductions in time to finalisation and length of prison penalties found in the current study. Around one third of reform-related matters post-reform and 100 per cent of post-reform District Court matters were EAGP matters (compared with 12% pre-reform). In the current study no significant differences were found in the sentencing outcomes of matters finalised in the District Court pre- and post-reform.

In addition to the EAGP reform, sentencing reforms were introduced in NSW in September 2018, with an increased focus on supervision for community-based offenders (Parliament of New South Wales, 2017). All post-reform matters in the current study were finalised after the introduction of the sentencing reform (compared with 70% of pre-reform matters). The potential impact of the sentencing reforms was considered in numerous ways (including an analysis excluding matters finalised prior to the sentencing reforms), however, some residual effect may remain that could not be partitioned out from the effect of the Table Offences Reform. Finally, the impact of the response to the COVID-19 pandemic on court processes may have affected the outcomes examined in this study, particularly estimates of the time to finalisation. However, in this case, any contribution is likely to have resulted in an underestimate of the effect of the reforms on the time to finalisation.

In conclusion, this evaluation is consistent with the evaluation of the first tranche of the Table Offences Reform. Offences impacted by the second tranche of the Reform were dealt with faster and were more often dealt with in the Local Court (thereby reducing the caseload of the District Court). Despite this, it remains to be seen whether the suite of reforms introduced to date (including the Table Offences Reform and the EAGP reform) are sufficient to have an impact on overall court delay in the District Court.

ACKNOWLEDGEMENTS

The author would like to thank Suzanne Poynton for feedback on drafts of the report, Evarn Ooi for proofreading and Florence Sin for desktop publishing the Brief.

REFERENCES

- Australian Bureau of Statistics. (2016). *Australian Standard Geographical Classification (ASGC)* (cat. no. 1216.0). Retrieved 1 May 2021 from <https://www.abs.gov.au/ausstats/abs@.nsf/mf/1270.0.55.005?OpenDocument>
- Donnelly, N. (2020). *The impact of the 2018 NSW sentencing reforms on supervised community orders and short-term prison sentences* (Bureau Brief No. 148). Retrieved 1 May 2021 from NSW Bureau of Crime Statistics and Research website: <https://www.bocsar.nsw.gov.au/Publications/BB/BB148-The-impact-of-the-2018-NSW-sentencing-reforms-on-supervised-community-orders.pdf>
- NSW Bureau of Crime Statistics and Research (2021). *New South Wales Criminal Courts Statistics Jan 2016 – Dec 2020*. Retrieved 1 May 2021 from https://www.bocsar.nsw.gov.au/Pages/bocsar_court_stats/bocsar_court_stats_archived.aspx
- NSW Government (2020). *Early guilty pleas reform*. Retrieved 1 May 2021 from <https://www.justice.nsw.gov.au/Pages/Reforms/early-guilty-pleas.aspx>
- Parliament of New South Wales. (2017). *Crimes (Sentencing Procedure) Amendment (Sentencing Options) Act 2017*. Retrieved 1 May 2021 from <https://www.parliament.nsw.gov.au/bills/Pages/bill-details.aspx?pk=3442>

Ringland, C. (2020). *Evaluating the first tranche of the Table Offences Reform: Impacts on District Court finalisations, time to finalisation and sentencing outcomes* (Crime and Justice Bulletin No. 231). Retrieved 1 May 2021 from NSW Bureau of Crime Statistics and Research website: <https://www.bocsar.nsw.gov.au/Publications/CJB/2020-Report-Evaluating-the-first-tranche-of-the-table-offences-reform-CJB231.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 May 2021 from Parliament of NSW website: <https://www.parliament.nsw.gov.au/bills/Pages/bill-details.aspx?pk=3326>

APPENDIX

Table A1. 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)
Pre-reform	968	64.9	438 (340, 582.5)	325	21.8	455 (332, 628)	199	13.3	445 (327, 618)
Post-reform	1,119	62.2	225 (141, 347)	461	25.6	270 (137, 374)	220	12.2	290.5 (178, 403.5)
Post-reform, Local Court	997	70.3	204 (136, 308)	304	21.4	184 (99.5, 277)	117	8.3	188 (125, 273)

Table A2. Characteristics pre- and post-reform: supply of prohibited drugs

	Pre-reform (N = 1,342)		Post-reform (N = 1,484)	
	n	per cent	n	per cent
Jurisdiction				
Local Court	0	0.0	1,175	79.2
District Court	1,342	100.0	309	20.8
Demographic characteristics				
Sex				
Male	1,133	84.4	1,229	82.8
Female	209	15.6	255	17.2
Age group (years)				
16-20	125	9.3	159	10.7
21-24	278	20.7	299	20.1
25-29	288	21.5	319	21.5
30-34	206	15.4	245	16.5
35-39	173	12.9	177	11.9
40+	272	20.3	285	19.2
Remoteness of area of residence				
Major cities	1,058	78.8	1,120	75.5
Inner regional	183	13.6	263	17.7
Outer regional/remote/very remote	63	4.7	59	4.0
Unknown	38	2.8	42	2.8

Table A2. Characteristics pre- and post-reform: supply of prohibited drugs - continued

	Pre-reform (N = 1,342)		Post-reform (N = 1,484)	
	n	per cent	n	per cent
Criminal history				
Number of finalised court appearances in prior 5 years				
0	480	35.8	573	38.6
1	243	18.1	265	17.9
2	182	13.6	192	12.9
3	139	10.4	138	9.3
4	107	8.0	105	7.8
5+	191	14.2	211	15.7
Any proven drug offences in prior 5 years	518	38.6	528	35.6
Number of prison penalties in prior 5 years				
0	1,063	79.2	1,182	79.6
1	161	12.0	159	10.7
2	61	4.5	71	4.8
3+	57	4.2	72	4.9
Reform offences at finalisation				
Number of reform offences				
1	1,002	74.7	1,103	74.3
2+	340	25.3	381	25.7
Number of proven reform offences				
0	100	7.5	161	10.8
1	1,010	75.3	1,086	73.2
2+	232	17.3	237	16.0
Plea to reform offences				
No guilty pleas	126	9.4	288	19.4
Some guilty	129	9.6	160	10.8
All guilty	1,087	81.0	1,036	69.8
Drug type				
Amphetamines	534	39.8	607	40.9
Cocaine	309	23.0	408	27.5
Ecstasy	384	28.6	282	19.0
Other	113	8.4	183	12.3
Other offences at finalisation				
Other non-reform offences	1,066	79.4	1,362	91.8
Reform offence is the most serious offence at finalisation	1,063	79.2	1,200	80.9
Any drug supply offences, small quantity	254	18.9	443	29.9
Any drug supply offences, large/commercial quantity	125	9.3	87	5.9
Any drug supply offences, ongoing	98	7.3	78	5.3
Any possess illicit drug offences	523	39.0	883	59.5
Any theft offences	245	18.3	554	37.3
Other characteristics				
Finalised following the Sentencing Reforms	938	69.9	1,478	99.6
In custody at finalisation	445	33.2	514	34.6
Days in custody between charge and finalisation				
0	516	38.5	668	45.0
1-90	247	18.4	324	21.8
91-180	97	7.2	147	9.9
181-365	227	16.9	219	14.8
>365	255	19.0	126	8.5

Table A3. Models predicting prison penalties of any length: supply of prohibited drugs

	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	1.33	(1.04, 1.70)	.021	1.31	(0.92, 1.87)	.135			
Pre/post by jurisdiction (vs. pre-reform District Court)									
Post-reform Local Court							1.49	(0.99, 2.23)	.055
Post-reform District Court							1.01	(0.60, 1.72)	.956
Male vs. female	2.34	(1.72, 3.19)	<.001	1.63	(1.07, 2.49)	.024	1.63	(1.07, 2.48)	.024
Age group (vs. 18-20 years)									
21-24	1.35	(0.81, 2.25)	.245	1.36	(0.70, 2.66)	.360	1.38	(0.71, 2.68)	.345
25-29	1.83	(1.11, 3.03)	.019	1.36	(0.70, 2.64)	.362	1.38	(0.71, 2.67)	.340
30-34	2.26	(1.34, 3.82)	.002	2.09	(1.05, 4.18)	.037	2.12	(1.06, 4.23)	.034
35-39	2.23	(1.30, 3.85)	.004	1.48	(0.72, 3.07)	.288	1.48	(0.71, 3.06)	.292
40+	2.79	(1.66, 4.67)	<.001	1.76	(0.89, 3.50)	.104	1.77	(0.89, 3.51)	.102
Remoteness of area of residence (vs. major cities)									
Inner regional	1.33	(1.00, 1.77)	.051	1.28	(0.86, 1.90)	.216	1.29	(0.87, 1.92)	.203
Outer regional/remote/very remote	1.08	(0.67, 1.75)	.748	1.43	(0.75, 2.73)	.277	1.43	(0.75, 2.74)	.280
Unknown	2.37	(1.29, 4.33)	.005	0.89	(0.36, 2.24)	.811	0.88	(0.35, 2.21)	.778
Number of finalised court appearances in prior 5 years, 0-8+	1.09	(1.02, 1.16)	.013	0.94	(0.86, 1.03)	.159	0.93	(0.85, 1.02)	.138
Any drug offences in prior 5 years (yes vs. no)									
Number of prison penalties in prior 5 years (vs. 0)									
1	4.75	(3.42, 6.59)	<.001	1.74	(1.11, 2.74)	.017	1.75	(1.11, 2.76)	.016
2	7.40	(4.34, 12.62)	<.001	1.89	(0.93, 3.83)	.079	1.88	(0.93, 3.83)	.079
3+	9.26	(5.17, 16.60)	<.001	3.90	(1.82, 8.38)	<.001	3.85	(1.79, 8.29)	.001

Table A3. Models predicting prison penalties of any length: supply of prohibited drugs - continued

	Odds ratio	Adjusted 95% confidence interval	p-value	Odds ratio	Adjusted, including bail status and days in custody 95% confidence interval	p-value	Odds ratio	Adjusted, including bail status and days in custody and jurisdiction 95% confidence interval	p-value
Number of proven reform offences (2+ vs. 1)	2.47	(1.91, 3.19)	<.001	1.74	(1.20, 2.52)	.003	1.75	(1.21, 2.54)	.003
Plea to reform offences (vs. No guilty pleas)									
Some guilty	0.85	(0.52, 1.39)	.515	0.40	(0.20, 0.81)	.010	0.42	(0.21, 0.85)	.016
All guilty	0.70	(0.46, 1.06)	.089	0.39	(0.22, 0.69)	.001	0.41	(0.23, 0.73)	.003
Drug type (vs. amphetamines)									
Cocaine	0.41	(0.30, 0.55)	<.001	0.75	(0.49, 1.16)	.195	0.75	(0.49, 1.16)	.197
Ecstasy	0.38	(0.28, 0.53)	<.001	0.81	(0.52, 1.26)	.343	0.81	(0.52, 1.26)	.345
Other	0.44	(0.31, 0.64)	<.001	0.47	(0.28, 0.78)	.003	0.48	(0.29, 0.80)	.005
Any other offences (yes vs. no)	2.15	(1.51, 3.06)	<.001	1.14	(0.70, 1.84)	.601	1.07	(0.66, 1.74)	.791
Any drug supply offences, small quantity (yes vs. no)	0.96	(0.75, 1.23)	.753	1.20	(0.85, 1.71)	.301	1.20	(0.85, 1.70)	.308
Any drug supply offences, large/commercial quantity (yes vs. no)	14.04	(8.46, 23.29)	<.001	5.62	(2.75, 11.50)	<.001	6.24	(2.98, 13.06)	<.001
Any drug supply offences, ongoing (yes vs. no)	5.56	(3.48, 8.89)	<.001	3.21	(1.67, 6.18)	<.001	3.61	(1.82, 7.14)	<.001
Sentencing reforms (post- vs. pre-)	0.35	(0.25, 0.48)	<.001	0.34	(0.22, 0.54)	<.001	0.33	(0.21, 0.53)	<.001
In custody at finalisation (yes vs. no)				21.08	(14.51, 30.61)	<.001	20.74	(14.26, 30.16)	<.001
Days in custody between charge and finalisation (vs. 0)									
1-90				1.82	(1.17, 2.83)	.008	1.85	(1.19, 2.89)	.006
91-180				2.78	(1.59, 4.85)	<.001	2.87	(1.64, 5.03)	<.001
180+				7.98	(4.73, 13.46)	<.001	8.90	(5.13, 15.43)	<.001

Table A4. Models predicting prison penalties with a minimum term >12 months: supply of prohibited drugs

	Odds ratio	Adjusted 95% confidence interval	p-value	Odds ratio	Adjusted, including bail status and days in custody 95% confidence interval	p-value	Odds ratio	Adjusted, including bail status and days in custody and jurisdiction 95% confidence interval	p-value
Post- vs. pre-reform	0.51	(0.37, 0.70)	<.001	0.51	(0.35, 0.72)	<.001			
Pre/post by jurisdiction (vs. pre-reform District Court)									
Post-reform Local Court							0.13	(0.08, 0.23)	<.001
Post-reform District Court							1.22	(0.81, 1.84)	.350
Male vs. female	2.27	(1.39, 3.72)	.001	1.56	(0.91, 2.65)	.103	1.56	(0.91, 2.68)	.107
Age group (vs. 18-20 years)									
21-24	4.35	(1.01, 18.80)	.049	3.83	(0.81, 18.00)	.089	3.32	(0.70, 15.80)	.131
25-29	7.12	(1.69, 30.07)	.008	4.62	(1.02, 21.02)	.048	4.35	(0.95, 19.97)	.058
30-34	6.95	(1.62, 29.75)	.009	4.61	(1.00, 21.25)	.050	4.54	(0.97, 21.17)	.054
35-39	9.31	(2.17, 39.94)	.003	5.88	(1.27, 27.29)	.024	5.91	(1.26, 27.72)	.024
40+	14.71	(3.48, 62.13)	<.001	9.16	(2.01, 41.80)	.004	9.50	(2.06, 43.85)	.004
Remoteness of area of residence (vs. major cities)									
Inner regional	0.97	(0.66, 1.43)	.877	1.02	(0.67, 1.55)	.932	1.03	(0.67, 1.59)	.895
Outer regional/remote/very remote	0.40	(0.17, 0.91)	.029	0.46	(0.19, 1.10)	.080	0.47	(0.19, 1.15)	.099
Unknown	2.04	(0.95, 4.38)	.066	1.18	(0.51, 2.72)	.707	1.41	(0.59, 3.32)	.438
Number of finalised court appearances in prior 5 years, 0-8+	0.89	(0.82, 0.97)	.011	0.85	(0.77, 0.93)	.001	0.86	(0.78, 0.95)	.002
Any drug offences in prior 5 years (yes vs. no)	1.11	(0.79, 1.56)	.561	0.97	(0.67, 1.40)	.853	0.96	(0.66, 1.40)	.826
Number of prison penalties in prior 5 years (vs. 0)									
1	5.61	(3.76, 8.37)	<.001	2.63	(1.72, 4.01)	<.001	2.60	(1.68, 4.02)	<.001
2	8.06	(4.67, 13.93)	<.001	2.99	(1.70, 5.27)	<.001	3.17	(1.76, 5.72)	<.001
3+	6.78	(3.64, 12.62)	<.001	2.78	(1.46, 5.29)	.002	3.11	(1.59, 6.10)	.001
Number of proven reform offences (2+ vs. 1)	2.52	(1.85, 3.44)	<.001	1.60	(1.14, 2.25)	.007	1.54	(1.08, 2.20)	.016

Table A4. Models predicting prison penalties with a minimum term >12 months: supply of prohibited drugs - continued

	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
Plea to reform offences (vs. No guilty pleas)									
Some guilty	1.33	(0.69, 2.58)	.394	0.89	(0.43, 1.85)	.757	0.50	(0.22, 1.11)	.088
All guilty	0.86	(0.48, 1.56)	.628	0.66	(0.34, 1.27)	.211	0.37	(0.18, 0.76)	.007
Drug type (vs. amphetamines)									
Cocaine	0.80	(0.53, 1.20)	.273	1.57	(0.98, 2.50)	.060	1.54	(0.96, 2.49)	.076
Ecstasy	0.45	(0.28, 0.74)	.001	0.88	(0.52, 1.49)	.632	0.88	(0.52, 1.50)	.640
Other	0.64	(0.41, 1.01)	.055	0.82	(0.50, 1.35)	.434	0.72	(0.43, 1.20)	.206
Any other offences (yes vs. no)	1.51	(0.95, 2.40)	.085	0.97	(0.57, 1.66)	.905	1.32	(0.76, 2.27)	.322
Any drug supply offences, small quantity (yes vs. no)	0.86	(0.61, 1.20)	.365	0.88	(0.61, 1.27)	.489	0.92	(0.63, 1.34)	.661
Any drug supply offences, large/commercial quantity (yes vs. no)	4.51	(2.87, 7.10)	<.001	1.57	(0.97, 2.54)	.068	1.07	(0.65, 1.74)	.797
Any drug supply offences, ongoing (yes vs. no)	1.65	(0.94, 2.89)	.078	0.85	(0.48, 1.52)	.594	0.60	(0.33, 1.07)	.081
Sentencing reforms (post- vs. pre-)	0.53	(0.36, 0.78)	.001	0.76	(0.49, 1.17)	.217	0.78	(0.50, 1.20)	.252
In custody at finalisation (yes vs. no)				5.29	(3.10, 9.02)	<.001	6.62	(3.81, 11.50)	<.001
Days in custody between charge and finalisation (vs. 0)									
1-90				1.90	(0.74, 4.88)	<.001	1.96	(0.77, 5.02)	.160
91-180				3.40	(1.28, 8.99)	<.001	3.22	(1.22, 8.54)	.019
180+				11.01	(4.49, 27.00)	<.001	6.32	(2.54, 15.69)	<.001

Table A5. Models predicting prison penalties with a total term >12 months: supply of prohibited drugs

	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	0.63	(0.49, 0.81)	<.001	0.55	(0.41, 0.76)	<.001			
Pre/post by jurisdiction (vs. pre-reform District Court)									
Post-reform Local Court							0.30	(0.20, 0.44)	<.001
Post-reform District Court							1.25	(0.82, 1.90)	.295
Male vs. female	2.39	(1.68, 3.42)	<.001	1.77	(1.17, 2.69)	.007	1.81	(1.18, 2.76)	.006
Age group (vs. 18-20 years)									
21-24	2.94	(1.40, 6.19)	.005	3.04	(1.30, 7.12)	.011	2.88	(1.22, 6.78)	.015
25-29	3.73	(1.79, 7.80)	<.001	2.94	(1.27, 6.79)	.012	2.80	(1.21, 6.49)	.016
30-34	4.29	(2.03, 9.10)	<.001	3.70	(1.57, 8.71)	.003	3.75	(1.59, 8.85)	.003
35-39	4.19	(1.95, 9.00)	<.001	2.91	(1.22, 6.95)	.016	2.96	(1.23, 7.09)	.015
40+	5.81	(2.76, 12.23)	<.001	4.06	(1.73, 9.48)	.001	4.14	(1.77, 9.70)	.001
Remoteness of area of residence (vs. major cities)									
Inner regional	1.11	(0.82, 1.51)	.480	1.13	(0.79, 1.60)	.500	1.12	(0.78, 1.59)	.544
Outer regional/remote/very remote	0.88	(0.52, 1.48)	.627	1.06	(0.58, 1.95)	.845	1.10	(0.60, 2.03)	.755
Unknown	2.08	(1.09, 4.00)	.027	1.08	(0.49, 2.38)	.841	1.19	(0.54, 2.63)	.673
Number of finalised court appearances in prior 5 years, 0-8+	1.00	(0.93, 1.07)	.927	0.92	(0.85, 0.99)	.030	0.93	(0.86, 1.01)	.070
Any drug offences in prior 5 years (yes vs. no)	1.30	(0.99, 1.70)	.058	1.13	(0.82, 1.56)	.444	1.14	(0.83, 1.58)	.421
Number of prison penalties in prior 5 years (vs. 0)									
1	4.70	(3.40, 6.51)	<.001	2.07	(1.42, 3.01)	<.001	2.04	(1.39, 2.99)	<.001
2	7.85	(4.85, 12.72)	<.001	2.81	(1.63, 4.85)	<.001	2.91	(1.67, 5.07)	<.001
3+	5.79	(3.49, 9.61)	<.001	2.23	(1.26, 3.93)	.006	2.38	(1.34, 4.24)	.003

Table A5. Models predicting prison penalties with a total term >12 months: supply of prohibited drugs - continued

	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
Number of proven reform offences (2+ vs. 1)	2.62	(2.02, 3.41)	<.001	1.77	(1.29, 2.43)	<.001	1.75	(1.27, 2.41)	.001
Plea to reform offences (vs. No guilty pleas)									
Some guilty	1.23	(0.72, 2.08)	.453	0.78	(0.42, 1.46)	.438	0.59	(0.31, 1.13)	.110
All guilty	0.85	(0.54, 1.33)	.470	0.63	(0.37, 1.08)	.094	0.48	(0.28, 0.83)	.009
Drug type (vs. amphetamines)									
Cocaine	0.49	(0.35, 0.68)	<.001	0.89	(0.60, 1.34)	.587	0.87	(0.58, 1.31)	.510
Ecstasy	0.40	(0.28, 0.56)	<.001	0.76	(0.49, 1.16)	.201	0.75	(0.48, 1.15)	.185
Other	0.47	(0.32, 0.68)	<.001	0.57	(0.37, 0.88)	.011	0.50	(0.32, 0.78)	.003
Any other offences (yes vs. no)	1.86	(1.29, 2.70)	.001	1.12	(0.71, 1.75)	.626	1.44	(0.91, 2.27)	.122
Any drug supply offences, small quantity (yes vs. no)	0.86	(0.66, 1.12)	.265	0.91	(0.67, 1.25)	.577	0.93	(0.67, 1.28)	.645
Any drug supply offences, large/commercial quantity (yes vs. no)	6.09	(3.96, 9.36)	<.001	1.76	(1.06, 2.90)	.027	1.23	(0.74, 2.06)	.428
Any drug supply offences, ongoing (yes vs. no)	3.09	(1.95, 4.88)	<.001	1.39	(0.82, 2.35)	.215	0.99	(0.58, 1.69)	.979
Sentencing reforms (post- vs. pre-)	0.41	(0.30, 0.57)	<.001	0.48	(0.32, 0.72)	<.001	0.50	(0.34, 0.74)	.001
In custody at finalisation (yes vs. no)				6.83	(4.71, 9.90)	<.001	7.89	(5.41, 11.52)	<.001
Days in custody between charge and finalisation (vs. 0)									
1-90				2.26	(1.33, 3.83)	.002	2.20	(1.30, 3.73)	.003
91-180				2.57	(1.40, 4.72)	.002	2.39	(1.30, 4.39)	.005
180+				8.63	(4.93, 15.10)	<.001	5.99	(3.39, 10.60)	<.001

Table A6. Prison penalties by bail status at finalisation and time spent in custody, pre- and post-reform: supply of prohibited drugs

	Days in custody between charge and finalisation				
	0	1-90	91-180	181+	Total
% with prison penalty					
Pre-reform					
On bail/ bail dispensed with	3.2	10.4	14.6	44.0	9.4
Bail refused	50.0	66.7	73.9	93.7	90.5
In custody for a prior offence		100.0	63.6	91.0	89.0
<i>Total</i>	<i>3.4</i>	<i>13.0</i>	<i>36.0</i>	<i>83.9</i>	<i>34.4</i>
Post-reform					
On bail/ bail dispensed with	5.0	7.6	14.3	25.0	6.4
Bail refused	28.6	60.0	77.6	91.7	80.4
In custody for a prior offence		94.1	88.5	93.6	92.7
<i>Total</i>	<i>5.2</i>	<i>24.2</i>	<i>66.2</i>	<i>86.7</i>	<i>33.0</i>
Post-reform, Local Court					
On bail/ bail dispensed with	4.8	5.6	10.0	28.6	5.3
Bail refused	16.7	59.4	79.7	93.3	76.6
In custody for a prior offence		84.0	92.2	92.5	90.9
<i>Total</i>	<i>4.9</i>	<i>24.5</i>	<i>69.6</i>	<i>89.6</i>	<i>25.5</i>
% with prison penalty > 12 months, minimum term					
Pre-reform					
On bail/ bail dispensed with	1.4	2.3	3.6	17.3	3.2
Bail refused	50.0	11.1	13.0	46.9	42.3
In custody for a prior offence		100.0	45.5	40.6	41.4
<i>Total</i>	<i>1.6</i>	<i>3.0</i>	<i>11.2</i>	<i>39.5</i>	<i>15.4</i>
Post-reform					
On bail/bail dispensed with	0.0	0.9	3.6	0.0	0.3
Bail refused	0.0	4.6	6.6	31.6	19.3
In custody for a prior offence		0.0	11.5	42.6	31.4
<i>Total</i>	<i>0.0</i>	<i>1.7</i>	<i>6.9</i>	<i>32.5</i>	<i>8.1</i>
Post-reform, Local Court					
On bail/ bail dispensed with	0.0	0.6	0.0	0.0	0.1
Bail refused	0.0	3.1	7.3	14.7	8.4
In custody for a prior offence		0.0	11.5	9.1	7.9
<i>Total</i>	<i>0.0</i>	<i>1.2</i>	<i>7.0</i>	<i>12.2</i>	<i>2.3</i>
% with prison penalty > 12 months, total term					
Pre-reform					
On bail/ bail dispensed with	2.4	7.2	10.9	37.3	7.3
Bail refused	50.0	44.4	34.8	78.7	73.0
In custody for a prior offence		100.0	54.6	80.5	78.6
<i>Total</i>	<i>2.6</i>	<i>9.1</i>	<i>22.5</i>	<i>71.8</i>	<i>28.4</i>

Table A6. Prison penalties by bail status at finalisation and time spent in custody, pre- and post-reform: supply of prohibited drugs - continued

	Days in custody between charge and finalisation				
	0	1-90	91-180	181+	Total
Post-reform					
On bail/bail dispensed with	2.2	4.3	7.1	16.7	3.2
Bail refused	14.3	24.6	30.3	59.5	44.3
In custody for a prior offence		35.3	38.5	67.0	57.7
<i>Total</i>	2.3	10.5	26.9	58.4	18.7
Post-reform, Local Court					
On bail/ bail dispensed with	2.1	2.2	0.0	0.0	2.0
Bail refused	0.0	23.4	30.4	44.0	32.2
In custody for a prior offence		35.3	38.5	39.4	38.2
<i>Total</i>	2.0	9.6	27.0	40.0	10.5
Numbers					
Pre-reform					
On bail/bail dispensed with	503	221	55	75	854
Bail refused	2	9	23	207	241
In custody for a prior offence	0	1	11	133	145
<i>Total</i>	505	231	89	415	1,240
Post-reform					
On bail/bail dispensed with	606	212	28	24	870
Bail refused	7	65	76	168	316
In custody for a prior offence	0	17	26	94	137
<i>Total</i>	613	294	130	286	1,323
Post-reform, Local Court					
On bail/bail dispensed with	586	180	20	7	793
Bail refused	6	64	69	75	214
In custody for a prior offence	0	16	23	31	70
<i>Total</i>	592	260	112	113	1,077