



ANDERSONS
S O L I C I T O R S

LawTalk Blog



Changes to Guilty Plea Discounts

Author: [Nestoras Alexandropoulos](#)
Email: enquiry@andersons.com.au
Phone: 08 8238 6683
Date: Friday November 6, 2020

When a defendant enters a guilty plea in relation to a criminal offence in South Australia (for example theft or driving whilst disqualified) their guilty plea (including the time that it was made) is a factor taken into account by a Court when sentencing. For some time, a scheme has been in place which provided for reduction of sentences for early guilty pleas, providing for reductions of up to 40% for an early guilty plea.

Recent changes made to the discounts available for guilty pleas

From 2 November 2020 changes have been made to the discounts available through the recently passed *Statutes Amendments (Sentencing) Act 2020*, which commenced on 2 November 2020. These changes reduce the current discounts for early guilty pleas and introduces a two-tiered system for sentencing reductions based on the type of offence.

What is the two-tiered system for sentencing reductions?

The two-tiered system distinguishes serious indictable and other offences and offers reductions accordingly, providing for discounts of up to 25% for serious indictable offences and up to 35% for any other offences. The first tier of reductions applies to serious indictable offences.

A serious indictable offence is defined as an offence that is –

- A serious offence of violence for which the maximum penalty prescribed, or includes, imprisonment for at least 5 years; or
- A serious sexual offence for which the maximum penalty prescribed, or includes, imprisonment for at least 5 years; or
- Any other offence prescribed by the regulations.

The second tier applies to any other offences that are not serious indictable offences.

The new sentencing reduction regime reduces the discounts as outlined below.

Serious Indictable Offence

Time Period	Discount Available
No more than 4 weeks after first court date	25%
More than 4 weeks after the first court date, but on or before the committal court date	15%
From the day after the committal court date to before committal for trial	10%
From committal for trial to immediately after the arraignment hearing in the Supreme Court or District Court	5%
From immediately after the arraignment hearing to the commencement of trial	5%

Any Other Offence

Time Period	Discount Available
No more than 4 weeks after first court date	35%
More than 4 weeks after the first court date, but on or before the committal court date	25%
From the day after the committal court date to before committal for trial	15%
From committal for trial to immediately after the arraignment hearing in the Supreme Court or District Court	10%
From immediately after the arraignment hearing to the commencement of trial	5%

Have you been charged with a criminal offence?

If you have been charged with a criminal offence it is important to obtain legal advice promptly in order to assess any defences for

you in relation to your charges and to ensure to take advantage of any sentencing discounts if they are available to you.

If you have been charged with criminal offence it is important that you [seek legal representation](#) quickly. You can benefit from legal assistance to obtain the best possible outcome for you in relation to your charges.

Today's blog has been researched and written by primary writer Catherine and finalised by [Nes Alexandropoulos](#).

Please note, this Blog is posted in Adelaide, South Australia by Andersons Solicitors. It relates to Australian Federal and South Australian legislation. Andersons Solicitors is a medium sized law firm servicing metropolitan Adelaide and regional South Australia across all areas of law for individuals and businesses.