

**CRIMINAL COURTS**

AUSTRALIA

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For further information about these and related statistics, contact the National Information and Referral Service on 1300 135 070 or Jo Dover on Melbourne (03) 9615 7681.

NOTES

- ABOUT THIS PUBLICATION** This publication presents nationally comparable statistics relating to the criminal jurisdiction of the Higher (Supreme and Intermediate), Magistrates' and Children's Courts across Australia for the period 1 July 2009 to 30 June 2010. Some time series data are also included where available. The statistics describe the characteristics of defendants, including information on the offences and sentences associated with those defendants.
- Additional data are available in the Supplementary Data Cubes (cat. no. 4513.0) on the ABS website. A list of Supplementary Data Cubes is included in Appendix 1.
- CHANGES IN THIS ISSUE** Prior to 2009–10, data for the New South Wales Magistrates' and Children's Courts were based on finalised appearances rather than finalised defendants. This counting method resulted in slightly higher population counts for these court levels in New South Wales than if the finalised defendant was counted. From August 2009, the New South Wales data conforms to the national counting unit of a finalised defendant (see Explanatory Notes paragraphs 13–14 and 63–64).
- Data on defendants who identified as Aboriginal and Torres Strait Islander are presented for the first time in this issue. This information is available for defendants in each court level in Queensland and the Northern Territory; and for defendants in the Magistrates' and Children's Courts in New South Wales. For further information on the identification of Aboriginal and Torres Strait Islander defendants see Explanatory Notes paragraphs 49–51.
- DATA CONSISTENCY** The statistics are sourced from the national Criminal Courts collection conducted by the Australian Bureau of Statistics (ABS), and have been compiled according to national standards in order to maximise consistency between the states and territories. The Explanatory Notes, Appendices and Glossary provide detailed information on the data sources, counting rules, terminology, classifications and other technical aspects associated with these statistics
- ROUNDING** Discrepancies may occur between sums of the component items and totals across tables due to rounding and randomisation.
- INFORMATION ON ABS CRIME AND JUSTICE** More information about ABS activities in the field of crime and justice statistics is available from the 'Crime and Justice' theme page on the ABS website <www.abs.gov.au>. Details of other ABS publications relating to crime and justice statistics can be found in the Explanatory Notes paragraph 116.
- ACKNOWLEDGMENTS** The ABS acknowledges the valuable contribution of the National Criminal Courts Board of Management, the National Criminal Courts Statistics Advisory Group, the Court Practitioners' Group and the staff of the various agencies that provide the statistics presented in this publication.

Brian Pink
Australian Statistician

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The police, as well as other agencies are responsible for the prevention, detection and investigation of crimes. When alleged offenders are detected by police, they can be proceeded against either through the use of a non-court process (such as a caution, fine or diversionary conference) or charges may be laid before a criminal court. The court, including judicial officers and a jury (in the higher courts), with the assistance of the prosecution and the defence, determines the guilt or innocence of the defendant. In some cases charges may be withdrawn by the prosecution or not proceed to trial. In cases where the defendant is proven guilty, the court may also record a conviction and impose a penalty.

There are differences between the states and territories in the way the Higher Courts, Magistrates' Courts and Children's Courts systems are structured. Legislation differs between states and territories regarding which offence types can be heard summarily or otherwise in the Magistrates' or Children's Courts and which offence types must be heard on indictment to a Higher Court.

All states and territories have a Supreme Court that deals with the most serious criminal matters, generally referred to as indictable offences. These include offences such as murder, manslaughter and drug trafficking as well as serious sexual offences, robberies and assaults. The larger states (New South Wales, Victoria, Queensland, South Australia and Western Australia) also have an intermediate level of court, known as the District Court or County Court, that deals with the majority of serious offences. In this publication, the Supreme Courts and Intermediate Courts are collectively referred to as the Higher Courts.

All defendants that are dealt with by the Higher Courts have an automatic entitlement to a trial before a judge and jury, however in some jurisdictions, the defendant may elect to have the matter heard before a judge alone.

The lowest level of criminal court is the Magistrates' Court, also known as the Court of Summary Jurisdiction, Local Court or Court of Petty Sessions. The majority of all criminal cases are heard in these courts. Cases heard in the Magistrates' Courts do not involve a jury as a magistrate determines the guilt or innocence of the defendant. This is known as a summary proceeding.

Each state and territory have Children's Courts to deal with offences alleged to have been committed by young people. In the main these courts deal with summary proceedings, however in some jurisdictions they have the power to also hear indictable matters. The maximum age that defendants are considered a child or juvenile is under the age of 18 years in all states and territories, except Queensland, where defendants are considered adults if aged 17 years or over at the time the offence was committed.

NATIONAL CRIMINAL
COURTS STATISTICS

This publication presents statistics about defendants dealt with by the criminal jurisdiction of the Higher (Supreme and Intermediate), Magistrates' and Children's Courts of Australia, for the period 1 July 2009 to 30 June 2010. Defendants include persons charged with criminal offences for each court level as well as organisations charged with criminal offences for the Higher and Magistrates' Courts. The statistics are based on data extracted from administrative records held by state and territory agencies responsible for courts administration. The statistics have been compiled according to national standards and classifications (see Explanatory Notes paragraphs 19–27).

Finalised defendants

The data in the Criminal Courts collection counts defendants finalised in the court, that is, a person or organisation for whom all charges have been formally completed so that the defendant ceases to be an item of work to be dealt with. If a person or organisation is a defendant in a number of criminal cases dealt with and finalised separately within the courts during the reference period they will be counted more than once in the reference period, either within the same court level or across court levels. For more information about the counting methodology (see Explanatory Notes paragraphs 28–47).

Prior to 2009–10, data for the New South Wales Magistrates' and Children's Courts were based on finalised appearances rather than finalised defendants. This counting method resulted in slightly higher population counts for New South Wales than if the finalised defendant was counted. From August 2009, the New South Wales data conforms to the national counting unit of a finalised defendant. (see Explanatory Notes paragraphs 13–14 and 63–64).

The statistics provide a profile of the characteristics of defendants, as well as data about the offences for which they have been charged, their guilt or innocence, and sentence outcomes for those proven guilty.

The Explanatory Notes provide detailed information on the data sources, comparability, definitions, counting rules and other technical matters associated with the ABS criminal courts data collection.

For ease of reading, some terms have been abbreviated throughout this publication: 'principal sentence' is referred to as 'sentence' and 'principal offence' is referred to as 'offence'. The term 'and related offences' has also been omitted for the following offence categories: homicide and related offences; sexual assault and related offences; robbery, extortion and related offences; theft and related offences; and fraud, deception and related offences.

CHANGES TO OFFENCE
DATA

The Australian Standard Offence Classification (ASOC) provides a basis for the standardised collection, analysis and dissemination of offence data within crime and justice statistics. Offence data were first published for the Higher Courts for 2001–02; for the Magistrates' Courts for 2003–04; and for the Children's Courts for 2006–07. These data were based on the 1997 edition of ASOC (ASOC97).

From the 2008–09 reference period, offence data from the Criminal Courts collection is based on the revised edition of ASOC (ASOC08). Courts agencies in all states and territories migrated to the revised offence classification in 2008–09.

Collection impacts

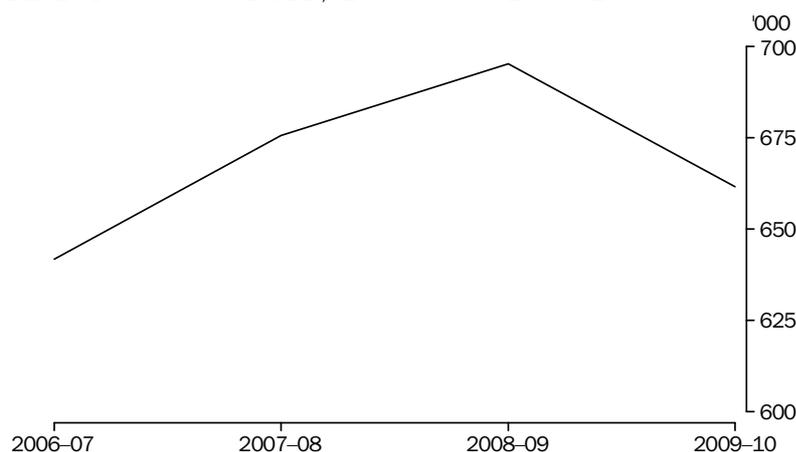
The revised classification only impacts the Criminal Courts time series in relation to offence information. Defendant numbers are not impacted. The number of offence divisions have remained the same, however changes have been made to offence subdivisions and groups resulting in some subdivisions and groups moving across divisions. Additionally, as part of the migration, some jurisdictions discovered incorrect assignment of local offence codes to ASOC, resulting in further changes to 2008–09 offence data.

Caution should be exercised when making comparisons to offence data prior to 2008–09. For more details about these impacts, refer to the Technical Note in the 2008–09 issue of Criminal Courts.

SUMMARY

In 2009–10, there were a total of 661,713 defendants finalised in Australia's criminal courts: 16,834 in the Higher Courts; 603,604 in the Magistrates' Courts; and 41,275 in the Children's Courts (Table 1.1). Between 2008–09 and 2009–10, the number of defendants finalised across all criminal courts decreased by 5%, the first time decreases have been recorded in all court levels since 2006–07 (Table 1.2).

DEFENDANTS FINALISED, 2006–07 to 2009–10



In 2009–10, male defendants decreased by 5% (from 540,817 in 2008–09 to 512,278), while female defendants decreased by 3% (from 144,255 in 2008–09 to 139,610). The number of organisations heard by the courts decreased by 20% over this same period (from 7,010 in 2008–09 to 5,629).

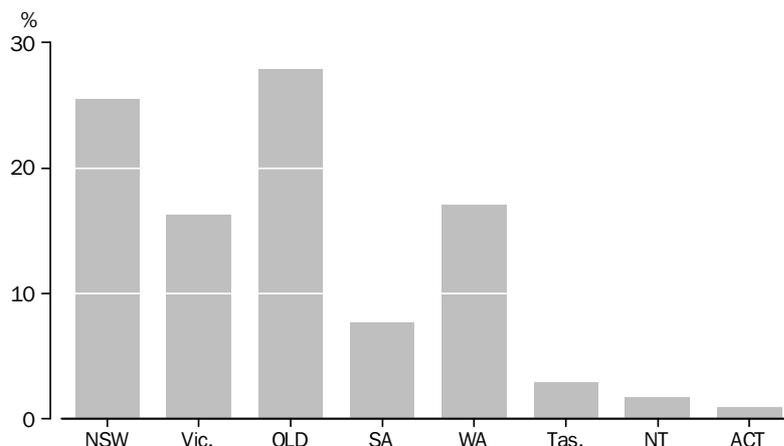
Of those defendants adjudicated, 96% were proven guilty (the same proportion as in 2008–09). Of those proven guilty, 11% (60,665) were sentenced to a custodial order.

Of all defendants finalised, 8% had their cases withdrawn (Table 1.2).

At the state and territory level, Queensland contributed the most to the defendant population with 28% (184,307), followed by New South Wales with 25% (168,758), then Western Australia with 17% (113,199) (Table 1.3).

SUMMARY *continued*

DEFENDANTS FINALISED, Proportion of defendants by states and territories



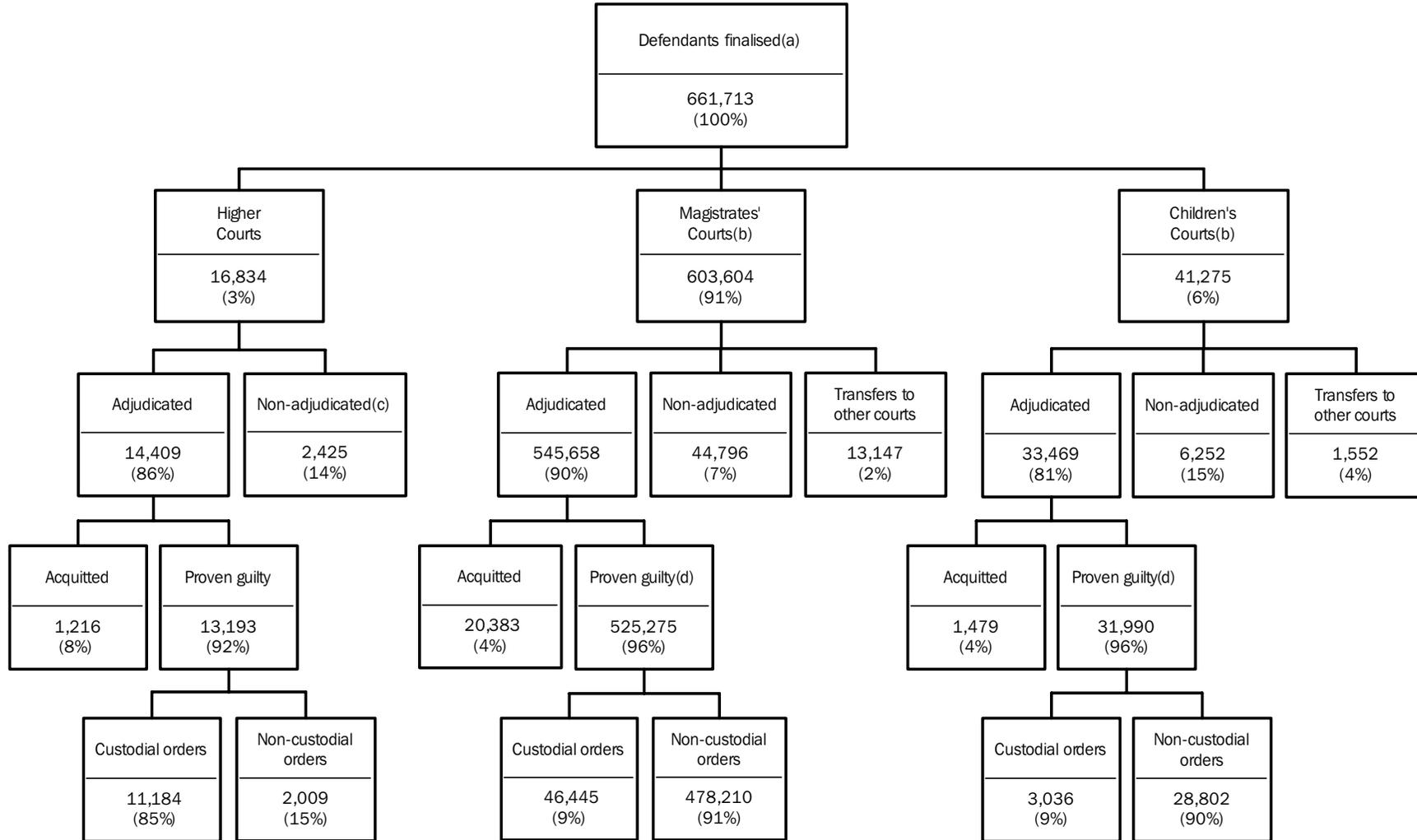
Across the jurisdictions, the proportions of defendants who were male ranged from 80% in South Australia, to 75% in Western Australia.

The proportions of all finalised defendants proven guilty also varied across the jurisdictions. In Queensland 91% of defendants were proven guilty, while in the Australian Capital Territory 65% of defendants were proven guilty.

Custodial orders were issued to 32% of defendants proven guilty in the Northern Territory and 16% of those proven guilty in the Australian Capital Territory; higher than the national average of 11%. Western Australia had the lowest proportion of custodial orders at 6%.

In the Australian Capital Territory, 21% of cases were withdrawn by the prosecution, compared to 17% in South Australia and 2% in Tasmania (Table 1.3).

SUMMARY CHARACTERISTICS OF DEFENDANTS



(a) Defendants will be counted twice where they are transferred from one of the three court levels and then finalised in another within the same reference period.

(b) Includes defendants with an unknown method of finalisation.

(c) Includes defendants transferred to other courts.

(d) Includes defendants for whom a principal sentence is unknown.

1.1 SUMMARY CHARACTERISTICS OF ALL DEFENDANTS, Court level

	COURT LEVEL			
	Higher	Magistrates'	Children's	All courts
NUMBER				
Sex				
Males	14 680	464 935	32 663	512 278
Females	2 130	128 900	8 580	139 610
Organisations	20	5 609	..	5 629
Method of finalisation				
Adjudicated outcomes				
Acquitted	1 216	20 383	1 479	23 078
Proven guilty	13 193	525 275	31 990	570 458
Total	14 409	545 658	33 469	593 536
Transfers to other courts	131	13 147	1 552	14 830
Withdrawn by prosecution	2 225	43 975	3 942	50 142
Total finalised (a)(b)	16 834	603 604	41 275	661 713
Principal offence				
Homicide and related offences	452	86	11	549
Acts intended to cause injury	3 170	47 795	6 453	57 418
Sexual assault and related offences	2 303	1 298	354	3 955
Dangerous or negligent acts endangering persons	472	36 897	1 719	39 088
Abduction, harassment and other offences against the person	257	2 234	238	2 729
Robbery, extortion and related offences	1 641	225	1 267	3 133
Unlawful entry with intent	1 204	6 818	4 277	12 299
Theft and related offences	374	34 742	6 586	41 702
Fraud, deception and related offences	656	13 157	333	14 146
Illicit drug offences	2 827	32 468	821	36 116
Prohibited and regulated weapons and explosives offences	184	7 314	535	8 033
Property damage and environmental pollution	302	14 063	2 584	16 949
Public order offences	104	61 832	3 428	65 364
Traffic and vehicle regulatory offences	18	240 891	3 527	244 436
Offences against justice procedures, gov't security and operations	365	34 821	970	36 156
Miscellaneous offences	80	10 848	320	11 248
Total adjudicated (c)	14 409	545 658	33 469	593 536
Sentence outcomes				
Custodial orders	11 184	46 445	3 036	60 665
Non-custodial orders	2 009	478 210	28 802	509 021
Total proven guilty (d)	13 193	525 275	31 990	570 458

.. not applicable

(a) Includes defendants with an unknown sex.

(b) Includes defendants deceased, unfit to plead, transfers to non-court agencies, other non-adjudicated finalisations n.e.c. and unknown method of finalisation.

(c) Includes defendants for whom offence data are missing or a principal offence could not be determined.

(d) Includes defendants for whom a principal sentence is unknown.

1.1**SUMMARY CHARACTERISTICS OF ALL DEFENDANTS, Court level *continued***

	COURT LEVEL			
	<i>Higher</i>	<i>Magistrates'</i>	<i>Children's</i>	<i>All courts</i>
PROPORTION (%)				
Sex				
Males	87.2	77.0	79.1	77.4
Females	12.7	21.4	20.8	21.1
Organisations	0.1	0.9	. .	0.9
Method of finalisation				
Adjudicated outcomes				
Acquitted	7.2	3.4	3.6	3.5
Proven guilty	78.4	87.0	77.5	86.2
<i>Total</i>	85.6	90.4	81.1	89.7
Transfers to other courts	0.8	2.2	3.8	2.2
Withdrawn by prosecution	13.2	7.3	9.6	7.6
Total finalised (a)(b)	100.0	100.0	100.0	100.0
Principal offence				
Homicide and related offences	3.1	—	—	0.1
Acts intended to cause injury	22.0	8.8	19.3	9.7
Sexual assault and related offences	16.0	0.2	1.1	0.7
Dangerous or negligent acts endangering persons	3.3	6.8	5.1	6.6
Abduction, harassment and other offences against the person	1.8	0.4	0.7	0.5
Robbery, extortion and related offences	11.4	—	3.8	0.5
Unlawful entry with intent	8.4	1.2	12.8	2.1
Theft and related offences	2.6	6.4	19.7	7.0
Fraud, deception and related offences	4.6	2.4	1.0	2.4
Illicit drug offences	19.6	6.0	2.5	6.1
Prohibited and regulated weapons and explosives offences	1.3	1.3	1.6	1.4
Property damage and environmental pollution	2.1	2.6	7.7	2.9
Public order offences	0.7	11.3	10.2	11.0
Traffic and vehicle regulatory offences	0.1	44.1	10.5	41.2
Offences against justice procedures, gov't security and operations	2.5	6.4	2.9	6.1
Miscellaneous offences	0.6	2.0	1.0	1.9
Total adjudicated (c)	100.0	100.0	100.0	100.0
Sentence outcomes				
Custodial orders	84.8	8.8	9.5	10.6
Non-custodial orders	15.2	91.0	90.0	89.2
Total proven guilty (d)	100.0	100.0	100.0	100.0

. . not applicable

— nil or rounded to zero (including null cells)

(a) Includes defendants with an unknown sex.

(b) Includes defendants deceased, unfit to plead, transfers to non-court agencies, other non-adjudicated finalisations n.e.c. and unknown method of finalisation.

(c) Includes defendants for whom offence data are missing or a principal offence could not be determined.

(d) Includes defendants for whom a principal sentence is unknown.

1.2 SUMMARY CHARACTERISTICS OF ALL DEFENDANTS, 2006–07 to 2009–10

	NUMBER				PERCENTAGE
	2006–07	2007–08	2008–09	2009–10	CHANGE (%) 2008–09 to 2009–10
.....					
Sex					
Males	497 944	521 343	540 817	512 278	-5.3
Females	132 271	143 852	144 255	139 610	-3.2
Organisations	7 971	6 814	7 010	5 629	-19.7
Method of finalisation					
Adjudicated outcomes					
Acquitted	26 765	26 701	27 947	23 078	-17.4
Proven guilty	549 251	585 440	598 461	570 458	-4.7
Total	576 016	612 141	626 408	593 536	-5.2
Transfers to other courts	15 936	14 122	14 766	14 830	0.4
Withdrawn by prosecution	47 299	46 924	51 406	50 142	-2.5
Total finalised(a)(b)	641 894	675 689	695 331	661 713	-4.8
Principal offence(c)					
Homicide and related offences	560	561	517	549	6.2
Acts intended to cause injury	49 524	51 452	57 378	57 418	0.1
Sexual assault and related offences	3 253	3 451	4 106	3 955	-3.7
Dangerous or negligent acts endangering persons	47 574	52 242	42 684	39 088	-8.4
Abduction, harassment and other offences against the person	158	164	2 609	2 729	4.6
Robbery, extortion and related offences	2 985	3 293	2 966	3 133	5.6
Unlawful entry with intent	12 712	12 470	12 932	12 299	-4.9
Theft and related offences	35 230	33 992	40 165	41 702	3.8
Fraud, deception and related offences	25 235	22 251	14 870	14 146	-4.9
Illicit drug offences	32 115	32 700	34 973	36 116	3.3
Prohibited and regulated weapons and explosives offences	8 388	8 377	8 442	8 033	-4.8
Property damage and environmental pollution	16 488	16 599	17 198	16 949	-1.4
Public order offences	61 804	65 152	71 423	65 364	-8.5
Traffic and vehicle regulatory offences	230 383	260 531	269 267	244 436	-9.2
Offences against justice procedures, gov't security and operations	32 744	32 521	35 494	36 156	1.9
Miscellaneous offences	15 798	15 559	11 157	11 248	0.8
Total adjudicated(d)	576 016	612 141	626 408	593 536	-5.2
Sentence outcomes					
Custodial orders	56 011	59 282	62 165	60 665	-2.4
Non-custodial orders	492 440	525 418	535 482	509 021	-4.9
Total proven guilty(e)	549 251	585 440	598 461	570 458	-4.7

(a) Includes defendants with an unknown sex.

(b) Includes defendants deceased, unfit to plead, transfers to non-court agencies, other non-adjudicated finalisations n.e.c. and unknown method of finalisation.

(c) Offence data are based on ASOC08 from 2008–09 and ASOC97 prior to this period. Caution should be exercised when comparing offence data. See Explanatory Notes paragraph 21.

(d) Includes defendants for whom offence data are missing or a principal offence could not be determined.

(e) Includes defendants for whom a principal sentence is unknown.

1.3 SUMMARY CHARACTERISTICS OF ALL DEFENDANTS, States and territories

	NSW	Vic.	Qld	SA	WA	Tas.	NT	ACT	Aust.
NUMBER									
Sex									
Males	132 099	84 404	141 548	40 515	85 262	14 807	9 153	4 490	512 278
Females	32 537	21 743	41 422	10 186	25 777	4 358	2 312	1 275	139 610
Organisations	2 618	1 892	700	102	144	54	88	31	5 629
Method of finalisation									
Adjudicated outcomes									
Acquitted	8 405	8 885	1 625	323	1 046	2 316	301	177	23 078
Proven guilty	145 714	86 494	168 135	38 979	101 427	15 891	10 069	3 749	570 458
Total	154 119	95 379	169 760	39 302	102 473	18 207	10 370	3 926	593 536
Transfers to other courts	3 628	412	4 338	2 676	2 623	631	234	288	14 830
Withdrawn by prosecution	10 838	12 245	10 188	8 566	5 724	410	947	1 224	50 142
Total finalised(a)(b)	168 758	108 039	184 307	50 803	113 199	19 258	11 553	5 796	661 713
Principal offence									
Homicide and related offences	230	101	67	37	71	10	20	13	549
Acts intended to cause injury	24 592	9 603	7 325	3 728	7 493	2 322	1 816	539	57 418
Sexual assault and related offences	1 092	879	941	295	540	84	83	41	3 955
Dangerous or negligent acts endangering persons	6 135	7 724	11 770	3 533	8 318	955	572	81	39 088
Abduction, harassment and other offences against the person	891	740	352	107	596	6	32	5	2 729
Robbery, extortion and related offences	1 240	586	486	154	531	81	30	25	3 133
Unlawful entry with intent	2 698	1 977	3 693	1 002	1 969	472	356	132	12 299
Theft and related offences	9 366	8 417	13 100	3 286	5 587	1 227	363	356	41 702
Fraud, deception and related offences	3 961	2 990	3 912	971	1 708	412	116	76	14 146
Illicit drug offences	9 873	3 422	13 288	1 766	6 143	1 043	464	117	36 116
Prohibited and regulated weapons and explosives offences	1 051	1 973	2 123	1 401	1 003	180	229	73	8 033
Property damage and environmental pollution	5 423	2 430	4 139	1 519	2 634	559	194	51	16 949
Public order offences	6 514	12 783	29 434	4 036	10 332	1 524	666	75	65 364
Traffic and vehicle regulatory offences	71 231	33 953	62 939	14 917	48 059	7 176	4 360	1 801	244 436
Offences against justice procedures, gov't security and operations	6 518	3 387	14 676	2 170	6 379	1 598	906	522	36 156
Miscellaneous offences	3 304	4 238	1 515	380	1 110	558	124	19	11 248
Total adjudicated(c)	154 119	95 379	169 760	39 302	102 473	18 207	10 370	3 926	593 536
Sentence outcomes									
Custodial orders	17 570	12 678	12 246	5 488	6 514	2 304	3 264	601	60 665
Non-custodial orders	128 054	73 355	155 889	33 491	94 913	13 366	6 805	3 148	509 021
Total proven guilty(d)	145 714	86 494	168 135	38 979	101 427	15 891	10 069	3 749	570 458

(a) Includes defendants with unknown sex.

(b) Includes defendants deceased, unfit to plead, transfers to non-court agencies, other non-adjudicated finalisations n.e.c. and unknown method of finalisation.

(c) Includes defendants for whom offence data are missing or a principal offence could not be determined.

(d) Includes defendants for whom a principal sentence is unknown.

1.3 SUMMARY CHARACTERISTICS OF ALL DEFENDANTS, States and territories

continued

	NSW	Vic.	Qld	SA	WA	Tas.	NT	ACT	Aust.
PROPORTION (%)									
Sex									
Males	78.3	78.1	76.8	79.7	75.3	76.9	79.2	77.5	77.4
Females	19.3	20.1	22.5	20.0	22.8	22.6	20.0	22.0	21.1
Organisations	1.6	1.8	0.4	0.2	0.1	0.3	0.8	0.5	0.9
Method of finalisation									
Adjudicated outcomes									
Acquitted	5.0	8.2	0.9	0.6	0.9	12.0	2.6	3.1	3.5
Proven guilty	86.3	80.1	91.2	76.7	89.6	82.5	87.2	64.7	86.2
Total	91.3	88.3	92.1	77.4	90.5	94.5	89.8	67.7	89.7
Transfers to other courts	2.1	0.4	2.4	5.3	2.3	3.3	2.0	5.0	2.2
Withdrawn by prosecution	6.4	11.3	5.5	16.9	5.1	2.1	8.2	21.1	7.6
Total finalised^{(a)(b)}	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Principal offence									
Homicide and related offences	0.1	0.1	—	0.1	0.1	0.1	0.2	0.3	0.1
Acts intended to cause injury	16.0	10.1	4.3	9.5	7.3	12.8	17.5	13.7	9.7
Sexual assault and related offences	0.7	0.9	0.6	0.8	0.5	0.5	0.8	1.0	0.7
Dangerous or negligent acts endangering persons	4.0	8.1	6.9	9.0	8.1	5.2	5.5	2.1	6.6
Abduction, harassment and other offences against the person	0.6	0.8	0.2	0.3	0.6	—	0.3	0.1	0.5
Robbery, extortion and related offences	0.8	0.6	0.3	0.4	0.5	0.4	0.3	0.6	0.5
Unlawful entry with intent	1.8	2.1	2.2	2.5	1.9	2.6	3.4	3.4	2.1
Theft and related offences	6.1	8.8	7.7	8.4	5.5	6.7	3.5	9.1	7.0
Fraud, deception and related offences	2.6	3.1	2.3	2.5	1.7	2.3	1.1	1.9	2.4
Illicit drug offences	6.4	3.6	7.8	4.5	6.0	5.7	4.5	3.0	6.1
Prohibited and regulated weapons and explosives offences	0.7	2.1	1.3	3.6	1.0	1.0	2.2	1.9	1.4
Property damage and environmental pollution	3.5	2.5	2.4	3.9	2.6	3.1	1.9	1.3	2.9
Public order offences	4.2	13.4	17.3	10.3	10.1	8.4	6.4	1.9	11.0
Traffic and vehicle regulatory offences	46.2	35.6	37.1	38.0	46.9	39.4	42.0	45.9	41.2
Offences against justice procedures, gov't security and operations	4.2	3.6	8.6	5.5	6.2	8.8	8.7	13.3	6.1
Miscellaneous offences	2.1	4.4	0.9	1.0	1.1	3.1	1.2	0.5	1.9
Total adjudicated^(c)	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Sentence outcomes									
Custodial orders	12.1	14.7	7.3	14.1	6.4	14.5	32.4	16.0	10.6
Non-custodial orders	87.9	84.8	92.7	85.9	93.6	84.1	67.6	84.0	89.2
Total proven guilty^(d)	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Includes defendants with unknown sex.

(b) Includes defendants deceased, unfit to plead, transfers to non-court agencies, other non-adjudicated finalisations n.e.c. and unknown method of finalisation.

(c) Includes defendants for whom offence data are missing or a principal offence could not be determined.

(d) Includes defendants for whom a principal sentence is unknown.

INTRODUCTION

This chapter presents information about defendants finalised in the criminal jurisdiction of the Higher Courts in 2009–10. The Higher Courts refers to the grouping of the Intermediate (the District or County Court) and Supreme Court levels.

Higher Courts are in operation in all states and territories of Australia. These courts try and sentence matters relating to indictable and serious criminal offences.

Higher Courts data presented here exclude cases such as bail reviews and applications to amend sentences or penalties which do not require the adjudication of charges. Also excluded are breach of bail or parole cases, appeal cases, tribunal matters and defendants for whom a bench warrant is issued, but not executed.

The offence categories referred to relate to the principal offence, i.e. the most serious offence type with which the defendant was charged. For more information about principal offence see the Explanatory Notes paragraphs 40–44.

National data for the Higher Courts are available from 1995.

Snapshot

- The number of defendants finalised in the Higher Courts decreased by 2%, from 17,207 in 2008–09 to 16,834 in 2009–10, the first annual decrease since 2006–07.
- The proportion of male to female defendants had remained relatively stable since 2004–05 with males accounting for approximately 87% of the total.
- Of those defendants finalised in the Higher Courts, 86% (14,409) were finalised by a guilty plea or a court determination of their guilt or innocence. Withdrawal of charges by the prosecution accounted for 13% of finalisations.
- Defendants finalised for charges of sexual assault had the lowest proportion (59%) proven guilty of all principal offences. This offence also had the largest proportion of charges acquitted (19%).
- The majority (92% or 13,193) of defendants whose cases were adjudicated in the Higher Courts in 2009–10 were proven guilty. Of those defendants proven guilty, 89% pleaded guilty and 10% were found guilty following a trial.
- Approximately 8 in 10 defendants proven guilty were sentenced to custodial orders.

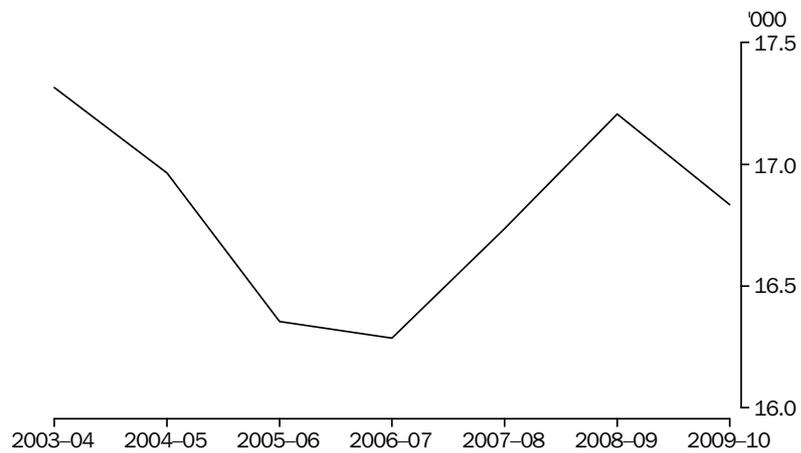
DEFENDANTS FINALISED

Defendants can have their charges finalised via different methods (see Appendix 2). The main categories of finalisation are: adjudicated finalisations, where the court has made a finding as to the guilt or otherwise of the defendant; finalisation by transfer between court levels; withdrawal by the prosecution; and other methods such as defendant deceased or unfit to plead.

DEFENDANTS FINALISED
continued

The number of defendants finalised in the Higher Courts was the lowest in 2006–07 (16,287 defendants). In 2007–08 and 2008–09 this decline had been reversed with the number of defendants finalised in 2007–08 increasing by 3% to 16,735 and in 2008–09 to 17,207 (3%). However in 2009–10 the number of defendants finalised had dropped to 16,834 (2%) (Table 2.2).

DEFENDANTS FINALISED, 2003–04 to 2008–09

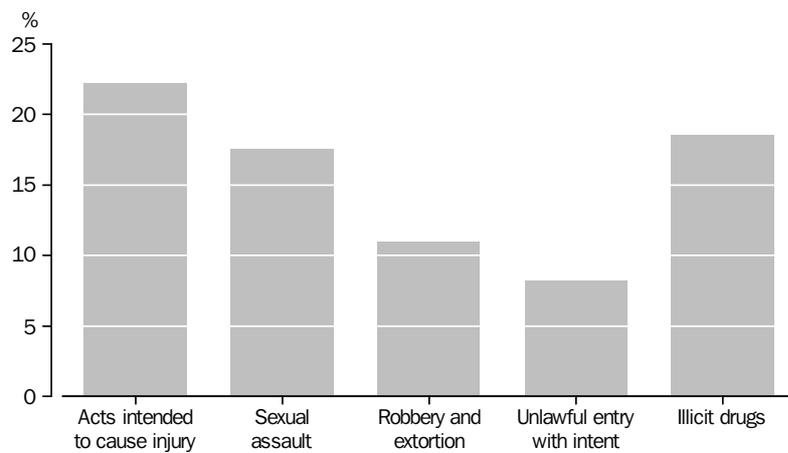


Four states had decreases in the numbers of defendants finalised in the Higher Courts in 2009–10: Tasmania (19%), Western Australia (12%), Queensland (6%) and Victoria (3%). The remaining states and territories had increases, the largest being South Australia (23%) (Table 2.10).

Principal offence

Five offence types accounted for over three-quarters of defendants finalised in the Higher Courts in 2009–10: acts intended to cause injury (22%); illicit drug offences (19%); sexual assault (17%); robbery and extortion (11%); and unlawful entry with intent (8%) (Table 2.5).

DEFENDANTS FINALISED, Selected principal offence



Sex	<p>In 2009–10, 87% of defendants finalised were male and 13% were female. These proportions have remained relatively stable over time, with males accounting for around 87% of defendants since 2001–02 (Table 2.2).</p> <p>The proportion of males and females was similar across the states and territories. Queensland and Tasmania had a smaller proportion of males than the national average (both 84%) and the Northern Territory had a larger proportion of males (94%) (Table 2.3).</p> <p>The proportion of males who had their charges adjudicated was the same as the proportion of females adjudicated (both 86%). A higher proportion of females (74%) were finalised with a guilty plea than males (69%), whereas a higher proportion of males were acquitted (8%) than females (4%) (Table 2.6).</p>
Age	<p>Those aged 20 to 29 years accounted for over a third (38%) of defendants finalised in the Higher Courts. This was followed by defendants aged 30 to 39 years (26%).</p>
<i>Charges withdrawn by the prosecution</i>	<p>Of the 2,225 defendants whose charges were withdrawn by the prosecution in 2009–10, the greatest number of these defendants had charges for sexual assault (607) and acts intended to cause injury (537).</p> <p>Principal offences with the largest proportion of defendants finalised by charges withdrawn were abduction, harassment and other offences against the person (28%), and sexual assault (21%). In contrast, 6% of defendants facing charges of prohibited and regulated weapons and explosives offences and homicide offences, had their charges withdrawn (Table 2.5).</p> <p>South Australia (28%) and Tasmania (24%) had larger proportions of defendants finalised by charges withdrawn than the national average of 13%. New South Wales and Victoria had the smallest proportion of defendants finalised by this method (5% and 7% respectively) (Table 2.3).</p>
<i>Defendants acquitted</i>	<p>Of the 16,834 defendants finalised, 7% (1,216) were acquitted; no change from the proportion in 2008–09 (Table 2.2).</p> <p>Two principal offences accounted for over two-thirds of all defendants acquitted in 2009–10: sexual assault (557 or 46%); and acts intended to cause injury (291 or 24%).</p> <p>Defendants finalised with sexual assault and homicide offences had the largest proportion of defendants acquitted (19% and 17% respectively) (Table 2.5).</p> <p>Tasmania had the lowest proportion of defendants acquitted (4%) and the Australian Capital Territory had the highest proportion (11%) (Table 2.3).</p>
<i>Defendants proven guilty</i>	<p>In 2009–10, the majority (78% or 13,193) of defendants finalised in the Higher Courts were proven guilty. Of these defendants, a large proportion (89% or 11,697) pleaded guilty, while 10% had a guilty finding at trial (Table 2.2).</p> <p>The proportion of defendants pleading guilty varies by offence type: all defendants with a principal offence of traffic and vehicle regulatory offences pleaded guilty whereas 47% of defendants with homicide offences or sexual assault offences pleaded guilty (Table 2.5).</p>

SENTENCE OUTCOMES

The following information relates to sentence outcomes for defendants heard in the Higher Courts. Defendants are referred to as 'convicted' where they were proven guilty of at least one of the final charges laid against them. Sentence refers to the principal sentence a defendant received (refer to Explanatory Notes paragraphs 45–47 for further information).

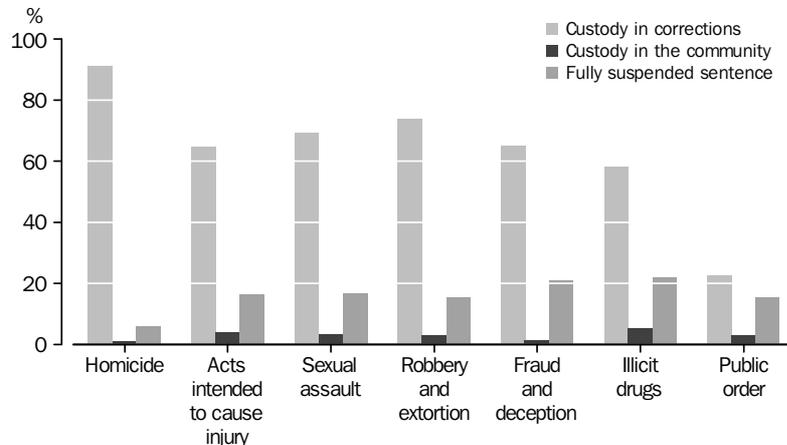
Differences in sentencing are a result of the offence the defendant was convicted of, as well as a range of aggravating and mitigating factors taken into account by the court, such as prior convictions, level of violence, whether the offender was provoked, and demonstrations of remorse. The range of sentences available also differs across states and territories.

Custodial orders

The majority (85% or 11,184) of defendants proven guilty in 2009–10 received a custodial order. This proportion had increased since 2001–02 when it was 72%. Of defendants proven guilty, 63% were sentenced to custody in a correctional institution; 4% to custody in the community; and 18% were granted fully suspended sentences. These proportions had not changed from 2008–09.

Defendants convicted of homicide offences were most likely to receive a sentence of custody in a correctional institution (91%), followed by those defendants convicted for robbery (74%) and sexual assault (70%) (Table 2.7).

DEFENDANTS PROVEN GUILTY, Selected principal offence by custodial sentence

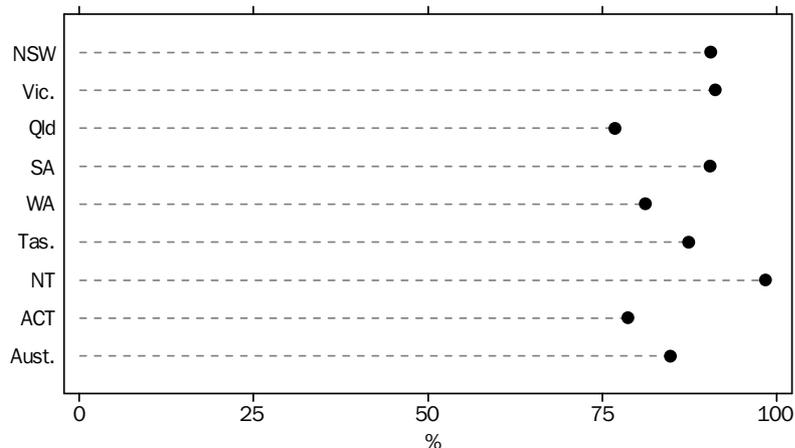


A greater proportion of males proven guilty received a sentence of custody in a correctional institution than females (65% compared with 48%). A larger proportion of convicted females were given fully suspended sentences than males (24% and 17% respectively) (Table 2.8).

The proportion of defendants proven guilty receiving a custodial order varied across states and territories, ranging from 77% in Queensland to 98% in the Northern Territory (Table 2.3).

*Custodial orders
continued*

DEFENDANTS PROVEN GUILTY, Custodial orders by states and territories

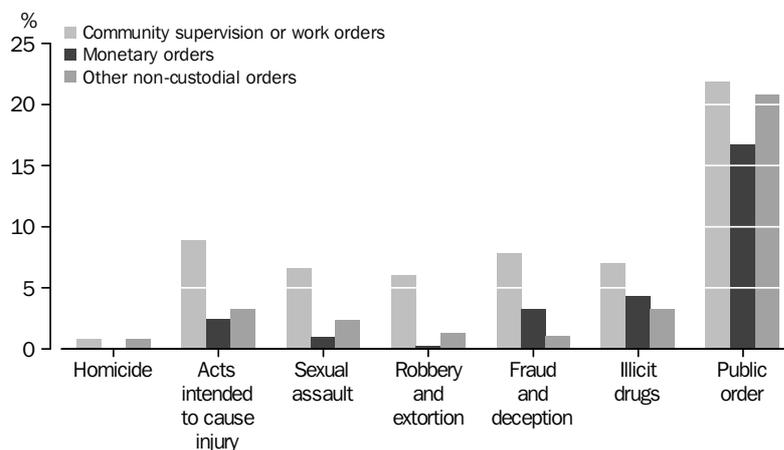


Non-custodial orders

Defendants sentenced to non-custodial orders (community supervision or work orders, monetary orders and other non-custodial orders) accounted for 15% (2,009) of defendants proven guilty in the Higher Courts, the same proportion as in 2008–09 (Table 2.2).

Community supervision or work orders were most commonly issued to defendants convicted of public order offences (22%) and property damage and environmental pollution (21%). A greater proportion of defendants convicted of public order offences (16%) received monetary orders than defendants convicted of other offences (Table 2.7).

DEFENDANTS PROVEN GUILTY, Selected principal offence by non-custodial sentence



The proportion of convicted females receiving community supervision or work orders (15%) is almost double the proportion of males (8%). A larger proportion of male and female convicted defendants under 20 years of age received a non-custodial order (27% and 51% respectively), compared with other age groups (Table 2.8).

DURATION OF CASES
ADJUDICATED

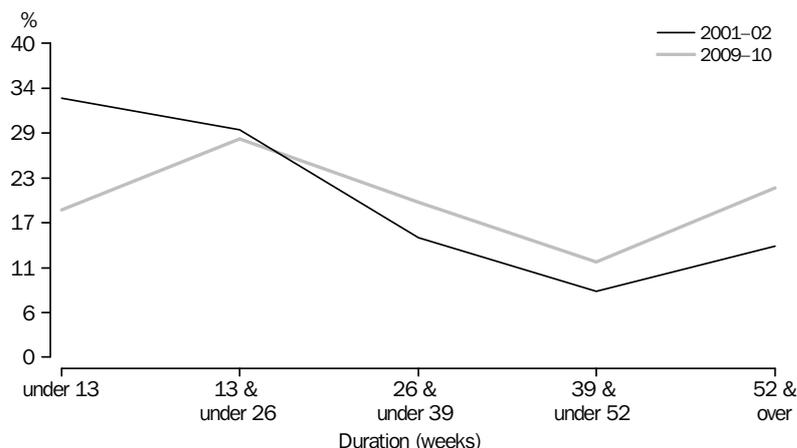
The nature of the charges presented to the court for a defendant, along with the process required to deal with the charges (which is affected by the type of plea), impact on the time required for a court to finalise a case. Court resources and complexity of cases can also have an impact. The duration is calculated from the date of initiation to finalisation of the case (for more information about duration see paragraphs 39 and 59–61 of the Explanatory Notes and the Glossary).

Almost one fifth (19%) of defendants adjudicated were finalised in less than 13 weeks from the date of initiation, while 47% were finalised in under 26 weeks from initiation. Almost a quarter (22%) of defendants were finalised 52 weeks or more after initiation.

Of defendants that went to trial and were found guilty by the court, almost half (46%) were finalised 52 weeks or more after initiation. Of those acquitted, 38% were finalised in this same time period. For defendants who pleaded guilty in 2009–10, 22% were finalised in less than 13 weeks (Table 2.9).

The length of time to finalise cases had increased between 2001–02 and 2009–10. In 2001–02 the proportion of defendants with cases finalised in less than 13 weeks was 33%, while the proportion of defendants with cases finalised in 52 weeks or more after initiation was 14%. The comparable figures for 2009–10 were 19% and 22% respectively.

DEFENDANTS ADJUDICATED, Duration of cases finalised



FEDERAL DEFENDANTS

Limited data about federal defendants are presented in this publication. Defendants who appear in Australian criminal courts may be charged with either a Commonwealth or State legislative offence or both.

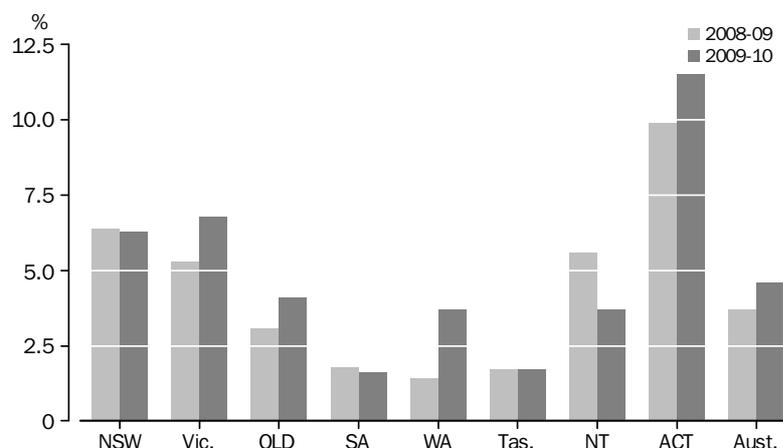
For more detailed information on federal defendants refer to *Federal Defendants, Selected States and Territories* (cat. no. 4515.0)

In 2009–10, 778 (5%) defendants in the Higher Courts had one or more federal offences, an increase of 21% from 2008–09. The proportion of defendants with one or more federal defendants varied across states and territories, ranging from 11% in the Australian Capital Territory to 2% in South Australia (Table 2.3).

FEDERAL DEFENDANTS

continued

DEFENDANTS FINALISED, Proportion of federal defendants by states and territories



ABORIGINAL AND TORRES STRAIT ISLANDER DEFENDANTS

Limited data about Aboriginal and Torres Strait Islander defendants are presented for the first time in this publication. In the Higher Courts this information is available for defendants finalised in the Higher Courts in Queensland and the Northern Territory only.

The majority of defendants in the Higher Courts with a traffic offence as their principal offence have an unknown Aboriginal and Torres Strait Islander status recorded. This is because most traffic offences are related to fines issued by road traffic authorities. These defendants have a large impact on the proportion of unknowns in the data, therefore they have been removed from the data in order to enable a focus on those defendants that are more likely to have been in contact with police and are more likely to have had their Aboriginal and Torres Strait Islander status recorded.

Other offence categories that may also be affected by this issue are: public order; offences against justice procedures, government security and operations; and miscellaneous offences. This should be taken into account when comparing Aboriginal and Torres Strait Islander and non-Indigenous data for these offence categories. For further information on the identification of Aboriginal and Torres Strait Islander defendants in the Criminal Courts collection (see Explanatory Notes paragraphs 48–51).

Queensland

In 2009–10, 801 (15%) defendants in the Higher Courts in Queensland had identified as Aboriginal and Torres Strait Islander.

The proportion of males and females varied for Aboriginal and Torres Strait Islander defendants when compared to non-Indigenous defendants, with 22% of Aboriginal and Torres Strait Islander defendants being female compared to 14% of non-Indigenous defendants.

There was also variation when comparing offence categories. The three main offence categories for Aboriginal and Torres Strait Islander defendants in Queensland were: acts intended to cause injury (46%); sexual assault (20%); and unlawful entry with intent (9%). For non-Indigenous defendants the three main offence categories were: acts intended to cause injury (26%); sexual assault (19%); and illicit drugs (17%).

Queensland continued

In 2009–10, 508 (85%) Aboriginal and Torres Strait Islander defendants proven guilty were sentenced to custodial orders and 2,206 (75%) non-Indigenous defendants were sentenced to custodial orders (Table 2.11).

Northern Territory

In 2009–10, 204 (56%) defendants in the Higher Courts in Northern Territory had identified as Aboriginal and Torres Strait Islander.

The proportion of males and females varied for Aboriginal and Torres Strait Islander defendants when compared to non-Indigenous defendants, with 7% of Aboriginal and Torres Strait Islander defendants being female compared to 5% of non-Indigenous defendants.

There was also variation when comparing offence categories. In the Northern Territory two offence categories accounted for almost three quarters of Aboriginal and Torres Strait Islander defendants: acts intended to cause injury (48%); sexual assault (25%). For non-Indigenous defendants in the Northern Territory there were three main offence categories: illicit drugs (36%); and acts intended to cause injury and sexual assault (both 21%).

In the Northern Territory in 2009–10, almost all (98%) of the Aboriginal and Torres Strait Islander defendants proven guilty were sentenced to custodial orders. This was also the same proportion for non-Indigenous defendants proven guilty (Table 2.11).

2.1 SUMMARY CHARACTERISTICS OF ALL DEFENDANTS, Selected principal offence ..

	Homicide & related offences	Acts intended to cause injury	Sexual assault & related offences	Robbery, extortion & related offences	Unlawful entry with intent
NUMBER					
Method of finalisation					
Adjudicated outcomes					
Acquitted	85	291	557	57	45
Proven guilty	367	2 879	1 746	1 584	1 159
Total	452	3 170	2 303	1 641	1 204
Transfers to other courts	—	20	5	10	14
Withdrawn by prosecution	29	537	607	180	157
Other(a)	5	14	23	4	—
Total finalised	486	3 741	2 938	1 835	1 375
Sentence outcomes					
Custodial orders					
Custody in a correctional institution	335	1 863	1 213	1 171	660
Custody in the community	4	113	62	49	52
Fully suspended sentence	22	475	296	246	221
Total(b)	361	2 454	1 571	1 466	933
Non-custodial orders					
Community supervision/work orders	3	257	115	95	150
Monetary orders	—	73	17	—	25
Other non-custodial orders	3	96	42	21	51
Total	6	426	174	116	226
Total proven guilty	367	2 880	1 745	1 582	1 159

PROPORTION (%)

Method of finalisation					
Adjudicated outcomes					
Acquitted	17.5	7.8	19.0	3.1	3.3
Proven guilty	75.5	77.0	59.4	86.3	84.3
Total	93.0	84.7	78.4	89.4	87.6
Transfers to other courts	—	0.5	0.2	0.5	1.0
Withdrawn by prosecution	6.0	14.4	20.7	9.8	11.4
Other(a)	1.0	0.4	0.8	0.2	—
Total finalised	100.0	100.0	100.0	100.0	100.0
Sentence outcomes					
Custodial orders					
Custody in a correctional institution	91.3	64.7	69.5	74.0	56.9
Custody in the community	1.1	3.9	3.6	3.1	4.5
Fully suspended sentence	6.0	16.5	17.0	15.5	19.1
Total(b)	98.4	85.2	90.0	92.7	80.5
Non-custodial orders					
Community supervision/work orders	0.8	8.9	6.6	6.0	12.9
Monetary orders	—	2.5	1.0	—	2.2
Other non-custodial orders	0.8	3.3	2.4	1.3	4.4
Total	1.6	14.8	10.0	7.3	19.5
Total proven guilty	100.0	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(b) Includes custodial orders n.f.d.

(a) Includes defendants deceased, unfit to plead and other non-adjudicated finalisations n.e.c.

2.1 SUMMARY CHARACTERISTICS OF ALL DEFENDANTS, Selected principal offence

continued

	<i>Fraud, deception & related offences</i>	<i>Illicit drug offences</i>	<i>Other(a)</i>	<i>Total(b)</i>
NUMBER				
Method of finalisation				
Adjudicated outcomes				
Acquitted	25	42	114	1 216
Proven guilty	631	2 785	2 042	13 193
<i>Total</i>	656	2 827	2 156	14 409
Transfers to other courts	7	31	43	130
Withdrawn by prosecution	103	247	364	2 224
Other(c)	—	11	9	66
Total finalised	766	3 116	2 572	16 829
Sentence outcomes				
Custodial orders				
Custody in a correctional institution	412	1 623	992	8 269
Custody in the community	10	144	94	528
Fully suspended sentence	133	612	377	2 382
<i>Total(d)</i>	555	2 379	1 466	11 185
Non-custodial orders				
Community supervision/work orders	49	195	268	1 132
Monetary orders	20	119	151	405
Other non-custodial orders	7	92	158	470
<i>Total</i>	76	406	577	2 007
Total proven guilty	631	2 785	2 043	13 192

PROPORTION (%)

Method of finalisation				
Adjudicated outcomes				
Acquitted	3.3	1.3	4.4	7.2
Proven guilty	82.4	89.4	79.4	78.4
<i>Total</i>	85.6	90.7	83.8	85.6
Transfers to other courts	0.9	1.0	1.7	0.8
Withdrawn by prosecution	13.4	7.9	14.2	13.2
Other(c)	—	0.4	0.3	0.4
Total finalised	100.0	100.0	100.0	100.0
Sentence outcomes				
Custodial orders				
Custody in a correctional institution	65.3	58.3	48.6	62.7
Custody in the community	1.6	5.2	4.6	4.0
Fully suspended sentence	21.1	22.0	18.5	18.1
<i>Total(d)</i>	88.0	85.4	71.8	84.8
Non-custodial orders				
Community supervision/work orders	7.8	7.0	13.1	8.6
Monetary orders	3.2	4.3	7.4	3.1
Other non-custodial orders	1.1	3.3	7.7	3.6
<i>Total</i>	12.0	14.6	28.2	15.2
Total proven guilty	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Includes ASOC Divisions 04–05, 08, 11–16 (refer to Appendix 3).

(b) Includes defendants for whom offence data are missing or a principal offence could not be determined.

(c) Includes defendants deceased, unfit to plead and other non-adjudicated finalisations n.e.c.

(d) Includes custodial orders n.f.d.

2.2 SUMMARY CHARACTERISTICS OF ALL DEFENDANTS, 2004–05 to 2009–10

	NUMBER						PERCENTAGE
	2004–05	2005–06	2006–07	2007–08	2008–09	2009–10	CHANGE (%)
							2008–09 to 2009–10
NUMBER							
Sex							
Males	14 886	14 313	14 231	14 388	15 026	14 680	-2.3
Females	2 052	2 027	1 961	2 043	2 155	2 130	-1.2
Organisations	25	14	12	18	23	20	-13.0
Method of finalisation							
Adjudicated outcomes							
Acquitted	1 273	1 248	1 100	1 117	1 142	1 216	6.5
Proven guilty							
Guilty finding	1 573	1 543	1 427	1 378	1 406	1 384	-1.6
Guilty plea	11 893	11 400	11 381	11 665	11 822	11 697	-1.1
Total(a)	13 466	12 943	12 884	13 205	13 526	13 193	-2.5
Total adjudicated	14 739	14 191	13 984	14 322	14 668	14 409	-1.8
Withdrawn by prosecution	2 134	2 054	2 190	2 288	2 347	2 225	-5.2
Federal defendants(b)							
One or more federal offences	na	na	na	na	r642	778	21.2
No federal offences	na	na	na	na	r16 565	16 056	-3.1
Total finalised(c)(d)	16 964	16 356	16 287	16 735	17 207	16 834	-2.2
Sentence outcomes							
Custodial orders	10 766	10 628	10 509	11 008	11 439	11 184	-2.2
Non-custodial orders	2 662	2 265	2 310	2 196	2 087	2 009	-3.7
Total proven guilty(e)	13 466	12 943	12 884	13 205	13 526	13 193	-2.5
PROPORTION (%)							
Sex							
Males	87.8	87.5	87.4	86.0	87.3	87.2	..
Females	12.1	12.4	12.0	12.2	12.5	12.7	..
Organisations	0.1	0.1	0.1	0.1	0.1	0.1	..
Method of finalisation							
Adjudicated outcomes							
Acquitted	7.5	7.6	6.8	6.7	6.6	7.2	..
Proven guilty							
Guilty finding	9.3	9.4	8.8	8.2	8.2	8.2	..
Guilty plea	70.1	69.7	69.9	69.7	68.7	69.5	..
Total(a)	79.4	79.1	79.1	78.9	78.6	78.4	..
Total adjudicated	86.9	86.8	85.9	85.6	85.2	85.6	..
Withdrawn by prosecution	12.6	12.6	13.4	13.7	13.6	13.2	..
Federal defendants(b)							
One or more federal offences	na	na	na	na	3.7	4.6	..
No federal offences	na	na	na	na	96.3	95.4	..
Total finalised(c)(d)	100.0	100.0	100.0	100.0	100.0	100.0	..
Sentence outcomes							
Custodial orders	79.9	82.1	81.6	83.4	84.6	84.8	..
Non-custodial orders	19.8	17.5	17.9	16.6	15.4	15.2	..
Total proven guilty(e)	100.0	100.0	100.0	100.0	100.0	100.0	..

.. not applicable

na not available

r revised

(a) Includes defendants with charges proven n.f.d.

(b) Federal defendant data are not available prior to 2008–09.

(c) Includes defendants with unknown sex.

(d) Includes defendants deceased, unfit to plead, transfers to other courts and other non-adjudicated finalisations n.e.c.

(e) Includes defendants for whom a principal sentence is unknown.

2.3 SUMMARY CHARACTERISTICS OF ALL DEFENDANTS, States and territories

	NSW	Vic.	Qld	SA	WA	Tas.	NT	ACT	Aust.
NUMBER									
Sex									
Males	3 299	1 915	4 596	1 594	2 223	509	351	193	14 680
Females	372	251	854	195	313	96	24	25	2 130
Organisations	—	17	3	—	—	—	—	—	20
Method of finalisation									
Adjudicated outcomes									
Acquitted	280	179	331	131	221	25	24	25	1 216
Proven guilty									
Guilty finding	318	213	239	214	272	85	31	12	1 384
Guilty plea	2 783	1 638	3 975	911	1 623	343	277	147	11 697
Total(a)	3 153	1 851	4 214	1 125	1 955	428	308	159	13 193
Total adjudicated	3 433	2 030	4 545	1 256	2 176	453	332	184	14 409
Withdrawn by prosecution	176	150	895	506	281	145	42	30	2 225
Federal defendants									
One or more federal offences	233	148	225	28	95	10	14	25	778
No federal offences	3 438	2 035	5 232	1 761	2 441	595	361	193	16 056
Total finalised(b)(c)	3 671	2 183	5 457	1 789	2 536	605	375	218	16 834
Sentence outcomes									
Custodial orders	2 853	1 688	3 237	1 017	1 587	374	303	125	11 184
Non-custodial orders	300	163	977	108	368	54	5	34	2 009
Total proven guilty	3 153	1 851	4 214	1 125	1 955	428	308	159	13 193

	PROPORTION (%)								
Sex									
Males	89.9	87.7	84.2	89.1	87.7	84.1	93.6	88.5	87.2
Females	10.1	11.5	15.6	10.9	12.3	15.9	6.4	11.5	12.7
Organisations	—	0.8	0.1	—	—	—	—	—	0.1
Method of finalisation									
Adjudicated outcomes									
Acquitted	7.6	8.2	6.1	7.3	8.7	4.1	6.4	11.5	7.2
Proven guilty									
Guilty finding	8.7	9.8	4.4	12.0	10.7	14.0	8.3	5.5	8.2
Guilty plea	75.8	75.0	72.8	50.9	64.0	56.7	73.9	67.4	69.5
Total(a)	85.9	84.8	77.2	62.9	77.1	70.7	82.1	72.9	78.4
Total adjudicated	93.5	93.0	83.3	70.2	85.8	74.9	88.5	84.4	85.6
Withdrawn by prosecution	4.8	6.9	16.4	28.3	11.1	24.0	11.2	13.8	13.2
Federal defendants									
One or more federal offences	6.3	6.8	4.1	1.6	3.7	1.7	3.7	11.5	4.6
No federal offences	93.7	93.2	95.9	98.4	96.3	98.3	96.3	88.5	95.4
Total finalised(b)(c)	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Sentence outcomes									
Custodial orders	90.5	91.2	76.8	90.4	81.2	87.4	98.4	78.6	84.8
Non-custodial orders	9.5	8.8	23.2	9.6	18.8	12.6	1.6	21.4	15.2
Total proven guilty	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Includes defendants with charges proven n.f.d.

(b) Includes defendants with unknown sex.

(c) Includes defendants deceased, unfit to plead, transfers to other courts and other non-adjudicated finalisations n.e.c.

2.4 DEFENDANTS ADJUDICATED, Principal offence, 2004–05 to 2009–10(a)

	2004–05	2005–06	2006–07	2007–08	2008–09	2009–10
Homicide and related offences						
Murder	172	161	152	138	132	158
Attempted murder	33	52	62	43	44	41
Manslaughter and driving causing death	242	255	211	268	260	253
<i>Total(b)</i>	448	468	427	449	441	452
Acts intended to cause injury						
Assault	3 116	3 162	3 081	3 248	3 204	3 121
Stalking	..	..	..	..	34	42
<i>Total(c)</i>	3 127	3 169	3 088	3 273	3 252	3 170
Sexual assault and related offences						
Aggravated sexual assault(d)	1 398	1 428	1 270	1 394	1 846	1 773
Non-aggravated sexual assault	353	356	420	388	179	145
Non-assaultive sexual offences against a child	76	119	230	293	131	128
Child pornography offences	..	..	..	..	225	246
<i>Total(e)</i>	1 850	1 918	1 941	2 091	2 394	2 303
Dangerous or negligent acts endangering persons						
Abduction, harassment and other offences against the person	122	142	122	119	323	257
Robbery, extortion and related offences						
Aggravated robbery	1 397	1 290	1 344	1 455	1 325	1 473
Non-aggravated robbery	113	152	150	138	165	124
Blackmail and extortion	38	46	44	44	34	44
<i>Total</i>	1 557	1 489	1 538	1 637	1 524	1 641
Unlawful entry with intent						
Theft and related offences	1 652	1 381	1 245	1 237	1 295	1 204
Fraud, deception and related offences						
Illicit drug offences	1 035	796	843	802	747	656
Import or export illicit drugs	111	75	91	114	135	163
Deal or traffic in illicit drugs	1 593	1 588	1 649	1 787	1 936	1 864
Manufacture or cultivate illicit drugs	485	508	478	484	583	561
Possess and/or use illicit drugs	160	217	184	211	208	225
Other illicit drug offences	14	20	20	14	20	14
<i>Total</i>	2 363	2 408	2 422	2 610	2 882	2 827
Prohibited and regulated weapons and explosives offences						
Property damage and environmental pollution	138	133	183	184	160	184
Public order offences	366	362	323	317	289	302
Traffic and vehicle regulatory offences	254	290	311	296	153	104
Offences against justice procedures, gov't security & operations	7	6	7	6	17	18
Miscellaneous offences	310	284	293	246	290	365
Total(f)	14 739	14 191	13 984	14 322	14 668	14 409

.. not applicable

(a) Offence data are based on ASOC08 from 2008–09 and ASOC97 prior to this period. Caution should be exercised when comparing offence data across the two classifications (see Explanatory Notes paragraph 21).

(b) Includes ASOC group 0100.

(c) Includes ASOC groups 0200, 0290 and 0299.

(d) For 2006–07 and 2007–08, aggravated sexual assault and non-aggravated sexual offences are understated and overstated respectively due to coding errors in Western Australia (see Explanatory Notes paragraph 96).

(e) Includes ASOC groups 0300, 0310, 0320, 0323 and 0329.

(f) Includes defendants for whom offence data are missing or a principal offence could not be determined.

2.5 DEFENDANTS FINALISED, Principal offence by method of finalisation

	PROVEN GUILTY			Total(a)
	Acquitted	Guilty finding	Guilty plea	
NUMBER				
Homicide and related offences	85	121	231	367
Acts intended to cause injury	291	298	2 566	2 879
Sexual assault and related offences	557	349	1 390	1 746
Dangerous or negligent acts endangering persons	18	44	403	454
Abduction, harassment and other offences against the person	20	23	212	237
Robbery, extortion and related offences	57	123	1 448	1 584
Unlawful entry with intent	45	53	1 092	1 159
Theft and related offences	10	20	342	364
Fraud, deception and related offences	25	41	584	631
Illicit drug offences	42	224	2 540	2 785
Prohibited and regulated weapons and explosives offences	7	13	162	177
Property damage and environmental pollution	26	23	249	276
Public order offences	8	3	93	96
Traffic and vehicle regulatory offences	—	—	18	18
Offences against justice procedures, gov't security and operations	19	40	303	346
Miscellaneous offences	6	9	64	74
Total finalised(b)	1 216	1 384	11 697	13 193

PROPORTION (%)				
Homicide and related offences	17.5	24.8	47.4	75.4
Acts intended to cause injury	7.8	8.0	68.6	77.0
Sexual assault and related offences	19.0	11.9	47.3	59.4
Dangerous or negligent acts endangering persons	3.4	8.2	75.2	84.7
Abduction, harassment and other offences against the person	5.4	6.3	57.8	64.6
Robbery, extortion and related offences	3.1	6.7	78.9	86.3
Unlawful entry with intent	3.3	3.8	79.3	84.2
Theft and related offences	2.3	4.5	77.2	82.2
Fraud, deception and related offences	3.3	5.3	76.1	82.3
Illicit drug offences	1.3	7.2	81.5	89.4
Prohibited and regulated weapons and explosives offences	3.6	6.6	82.2	89.8
Property damage and environmental pollution	7.0	6.2	67.5	74.8
Public order offences	6.7	2.5	77.5	80.0
Traffic and vehicle regulatory offences	—	—	100.0	100.0
Offences against justice procedures, gov't security and operations	4.4	9.3	70.3	80.3
Miscellaneous offences	6.6	9.9	70.3	81.3
Total finalised(b)	7.2	8.2	69.5	78.4

— nil or rounded to zero (including null cells)

(b) Includes defendants for whom offence data are missing or a principal offence could not be determined.

(a) Includes defendants with charges proven n.f.d.

2.5 DEFENDANTS FINALISED, Principal offence by method of finalisation *continued* ...

	Total adjudicated	Withdrawn by prosecution	Total(a)
NUMBER			
Homicide and related offences	452	29	487
Acts intended to cause injury	3 170	537	3 741
Sexual assault and related offences	2 303	607	2 938
Dangerous or negligent acts endangering persons	472	55	536
Abduction, harassment and other offences against the person	257	101	367
Robbery, extortion and related offences	1 641	180	1 835
Unlawful entry with intent	1 204	157	1 377
Theft and related offences	374	54	443
Fraud, deception and related offences	656	103	767
Illicit drug offences	2 827	247	3 116
Prohibited and regulated weapons and explosives offences	184	11	197
Property damage and environmental pollution	302	59	369
Public order offences	104	15	120
Traffic and vehicle regulatory offences	18	—	18
Offences against justice procedures, gov't security and operations	365	59	431
Miscellaneous offences	80	10	91
Total finalised(b)	14 409	2 225	16 834

	PROPORTION (%)		
Homicide and related offences	92.8	6.0	100.0
Acts intended to cause injury	84.7	14.4	100.0
Sexual assault and related offences	78.4	20.7	100.0
Dangerous or negligent acts endangering persons	88.1	10.3	100.0
Abduction, harassment and other offences against the person	70.0	27.5	100.0
Robbery, extortion and related offences	89.4	9.8	100.0
Unlawful entry with intent	87.4	11.4	100.0
Theft and related offences	84.4	12.2	100.0
Fraud, deception and related offences	85.5	13.4	100.0
Illicit drug offences	90.7	7.9	100.0
Prohibited and regulated weapons and explosives offences	93.4	5.6	100.0
Property damage and environmental pollution	81.8	16.0	100.0
Public order offences	86.7	12.5	100.0
Traffic and vehicle regulatory offences	100.0	—	100.0
Offences against justice procedures, gov't security and operations	84.7	13.7	100.0
Miscellaneous offences	87.9	11.0	100.0
Total finalised(b)	85.6	13.2	100.0

— nil or rounded to zero (including null cells)

(a) Includes defendants deceased, unfit to plead, transfers to other courts and other non-adjudicated finalisations n.e.c.

(b) Includes defendants for whom offence data are missing or a principal offence could not be determined.

2.6 DEFENDANTS FINALISED, Sex and age by method of finalisation

	PROVEN GUILTY			Total(b)	Total adjudicated	Withdrawn by prosecution	Total(a)
	Acquitted	Guilty finding	Guilty plea				
NUMBER							
Males							
Under 20 years	37	40	1 030	1 079	1 116	132	1 269
20–24 years	185	222	2 514	2 762	2 947	360	3 346
25–29 years	185	197	1 725	1 934	2 119	276	2 415
30–34 years	136	150	1 369	1 533	1 669	268	1 962
35–39 years	151	171	1 174	1 356	1 507	246	1 767
40–44 years	131	130	811	951	1 082	202	1 301
45–49 years	104	124	567	696	800	142	957
50–54 years	52	65	376	444	496	118	620
55 years and over	147	127	541	676	823	175	1 023
Total(c)	1 128	1 229	10 107	11 434	12 562	1 935	14 679
Females							
Under 20 years	—	10	100	113	113	13	126
20–24 years	15	18	292	313	328	50	381
25–29 years	11	22	250	272	283	45	328
30–34 years	13	26	244	273	286	35	328
35–39 years	14	27	249	279	293	40	336
40–44 years	13	20	169	192	205	38	243
45–49 years	7	13	121	134	141	28	169
50–54 years	4	9	76	85	89	15	104
55 years and over	7	9	69	81	88	21	109
Total(c)	84	157	1 570	1 745	1 829	285	2 127
Persons(d)							
Under 20 years	37	50	1 130	1 192	1 229	145	1 395
20–24 years	200	240	2 806	3 075	3 275	410	3 727
25–29 years	196	219	1 975	2 206	2 402	321	2 743
30–34 years	149	176	1 613	1 806	1 955	303	2 290
35–39 years	165	198	1 423	1 635	1 800	289	2 106
40–44 years	144	150	980	1 143	1 287	240	1 544
45–49 years	111	137	688	830	941	170	1 126
50–54 years	56	74	452	529	585	133	724
55 years and over	154	136	613	760	914	196	1 135
Total(c)	1 212	1 386	11 680	13 182	14 394	2 223	16 812
Organisations	—	3	15	18	18	—	18
Total defendants	1 212	1 389	11 695	13 200	14 412	2 223	16 830

— nil or rounded to zero (including null cells)

(a) Includes defendants deceased, unfit to plead, transfers to other courts and other non-adjudicated finalisations n.e.c.

(b) Includes defendants with charges proven n.f.d.

(c) Includes defendants with unknown age.

(d) Includes defendants with unknown sex.

2.6 DEFENDANTS FINALISED, Sex and age by method of finalisation *continued*

	PROVEN GUILTY				Total adjudicated	Withdrawn by prosecution	Total(a)
	Acquitted	Guilty finding	Guilty plea	Total(b)			
PROPORTION (%)							
Males							
Under 20 years	3.3	3.3	10.2	9.4	8.9	6.8	8.6
20–24 years	16.4	18.1	24.9	24.2	23.5	18.6	22.8
25–29 years	16.4	16.0	17.1	16.9	16.9	14.3	16.5
30–34 years	12.1	12.2	13.5	13.4	13.3	13.9	13.4
35–39 years	13.4	13.9	11.6	11.9	12.0	12.7	12.0
40–44 years	11.6	10.6	8.0	8.3	8.6	10.4	8.9
45–49 years	9.2	10.1	5.6	6.1	6.4	7.3	6.5
50–54 years	4.6	5.3	3.7	3.9	3.9	6.1	4.2
55 years and over	13.0	10.3	5.4	5.9	6.6	9.0	7.0
Total(c)	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Females							
Under 20 years	—	6.4	6.4	6.5	6.2	4.6	5.9
20–24 years	17.9	11.5	18.6	17.9	17.9	17.5	17.9
25–29 years	13.1	14.0	15.9	15.6	15.5	15.8	15.4
30–34 years	15.5	16.6	15.5	15.6	15.6	12.3	15.4
35–39 years	16.7	17.2	15.9	16.0	16.0	14.0	15.8
40–44 years	15.5	12.7	10.8	11.0	11.2	13.3	11.4
45–49 years	8.3	8.3	7.7	7.7	7.7	9.8	7.9
50–54 years	4.8	5.7	4.8	4.9	4.9	5.3	4.9
55 years and over	8.3	5.7	4.4	4.6	4.8	7.4	5.1
Total(c)	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Persons(d)							
Under 20 years	3.1	3.6	9.7	9.0	8.5	6.5	8.3
20–24 years	16.5	17.3	24.0	23.3	22.8	18.4	22.2
25–29 years	16.2	15.8	16.9	16.7	16.7	14.4	16.3
30–34 years	12.3	12.7	13.8	13.7	13.6	13.6	13.6
35–39 years	13.6	14.3	12.2	12.4	12.5	13.0	12.5
40–44 years	11.9	10.8	8.4	8.7	8.9	10.8	9.2
45–49 years	9.2	9.9	5.9	6.3	6.5	7.6	6.7
50–54 years	4.6	5.3	3.9	4.0	4.1	6.0	4.3
55 years and over	12.7	9.8	5.2	5.8	6.3	8.8	6.8
Total(c)	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Organisations	—	100.0	100.0	100.0	100.0	—	100.0
Total defendants	100.0	100.0	100.0	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Includes defendants deceased, unfit to plead, transfers to other courts and other non-adjudicated finalisations n.e.c.

(b) Includes defendants with charges proven n.f.d.

(c) Includes defendants with unknown age.

(d) Includes defendants with unknown sex.

2.7 DEFENDANTS PROVEN GUILTY, Principal offence by principal sentence

CUSTODIAL ORDERS

	<i>Custody in a correctional institution</i>	<i>Custody in the community</i>	<i>Fully suspended sentence</i>	<i>Total(a)</i>
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NUMBER

Homicide and related offences	335	4	22	361
Acts intended to cause injury	1 863	113	475	2 451
Sexual assault and related offences	1 213	62	296	1 571
Dangerous or negligent acts endangering persons	262	22	63	347
Abduction, harassment and other offences against the person	117	10	52	179
Robbery, extortion and related offences	1 171	49	246	1 466
Unlawful entry with intent	660	52	221	933
Theft and related offences	178	14	61	253
Fraud, deception and related offences	412	10	133	555
Illicit drug offences	1 623	144	612	2 379
Prohibited and regulated weapons and explosives offences	91	20	31	142
Property damage and environmental pollution	116	17	54	190
Public order offences	22	3	15	40
Traffic and vehicle regulatory offences	4	3	—	7
Offences against justice procedures, gov't security and operations	175	6	91	272
Miscellaneous offences	27	—	9	36
Total	8 269	529	2 381	11 182

PROPORTION (%)

Homicide and related offences	4.1	0.8	0.9	3.2
Acts intended to cause injury	22.5	21.4	19.9	21.9
Sexual assault and related offences	14.7	11.7	12.4	14.0
Dangerous or negligent acts endangering persons	3.2	4.2	2.6	3.1
Abduction, harassment and other offences against the person	1.4	1.9	2.2	1.6
Robbery, extortion and related offences	14.2	9.3	10.3	13.1
Unlawful entry with intent	8.0	9.8	9.3	8.3
Theft and related offences	2.2	2.6	2.6	2.3
Fraud, deception and related offences	5.0	1.9	5.6	5.0
Illicit drug offences	19.6	27.2	25.7	21.3
Prohibited and regulated weapons and explosives offences	1.1	3.8	1.3	1.3
Property damage and environmental pollution	1.4	3.2	2.3	1.7
Public order offences	0.3	0.6	0.6	0.4
Traffic and vehicle regulatory offences	—	0.6	—	0.1
Offences against justice procedures, gov't security and operations	2.1	1.1	3.8	2.4
Miscellaneous offences	0.3	—	0.4	0.3
Total	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Includes custodial orders n.f.d.

2.7 DEFENDANTS PROVEN GUILTY, Principal offence by principal sentence *continued*

NON-CUSTODIAL ORDERS

	<i>Community supervision/ work orders</i>	<i>Monetary orders</i>	<i>Other non-custodial orders</i>	<i>Total</i>	<i>Total proven guilty</i>
NUMBER					
Homicide and related offences	3	—	3	6	367
Acts intended to cause injury	257	73	96	426	2 877
Sexual assault and related offences	115	17	42	174	1 745
Dangerous or negligent acts endangering persons	69	22	16	107	454
Abduction, harassment and other offences against the person	36	7	15	58	237
Robbery, extortion and related offences	95	3	21	119	1 585
Unlawful entry with intent	150	25	51	226	1 159
Theft and related offences	46	27	38	111	364
Fraud, deception and related offences	49	20	7	76	631
Illicit drug offences	195	119	92	406	2 785
Prohibited and regulated weapons and explosives offences	3	9	23	35	177
Property damage and environmental pollution	58	19	10	87	277
Public order offences	21	16	20	57	97
Traffic and vehicle regulatory offences	3	3	6	12	19
Offences against justice procedures, gov't security and operations	24	24	26	74	346
Miscellaneous offences	9	24	4	37	73
Total	1 133	408	470	2 011	13 193

PROPORTION (%)

Homicide and related offences	0.3	—	0.6	0.3	2.8
Acts intended to cause injury	22.7	17.9	20.4	21.2	21.8
Sexual assault and related offences	10.2	4.2	8.9	8.7	13.2
Dangerous or negligent acts endangering persons	6.1	5.4	3.4	5.3	3.4
Abduction, harassment and other offences against the person	3.2	1.7	3.2	2.9	1.8
Robbery, extortion and related offences	8.4	0.7	4.5	5.9	12.0
Unlawful entry with intent	13.2	6.1	10.9	11.2	8.8
Theft and related offences	4.1	6.6	8.1	5.5	2.8
Fraud, deception and related offences	4.3	4.9	1.5	3.8	4.8
Illicit drug offences	17.2	29.2	19.6	20.2	21.1
Prohibited and regulated weapons and explosives offences	0.3	2.2	4.9	1.7	1.3
Property damage and environmental pollution	5.1	4.7	2.1	4.3	2.1
Public order offences	1.9	3.9	4.3	2.8	0.7
Traffic and vehicle regulatory offences	0.3	0.7	1.3	0.6	0.1
Offences against justice procedures, gov't security and operations	2.1	5.9	5.5	3.7	2.6
Miscellaneous offences	0.8	5.9	0.9	1.8	0.6
Total	100.0	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

2.8 DEFENDANTS PROVEN GUILTY, Sex and age by principal sentence

	CUSTODIAL ORDERS				NON-CUSTODIAL ORDERS				Total proven guilty
	<i>Custody in a correctional institution</i>	<i>Custody in the community</i>	<i>Fully suspended sentence</i>	<i>Total (a)</i>	<i>Community supervision/work orders</i>	<i>Monetary orders</i>	<i>Other non-custodial orders</i>	<i>Total</i>	
NUMBER									
Males									
Under 20 years	556	53	183	792	206	13	68	287	1 079
20–24 years	1 652	131	519	2 305	295	64	99	458	2 763
25–29 years	1 304	90	323	1 717	115	46	56	217	1 934
30–34 years	1 080	40	245	1 368	91	36	38	165	1 533
35–39 years	934	52	212	1 198	61	61	36	158	1 356
40–44 years	665	46	143	854	33	36	28	97	951
45–49 years	481	21	117	619	32	28	17	77	696
50–54 years	311	15	74	400	18	15	11	44	444
55 years and over	443	10	149	602	18	40	16	74	676
<i>Total</i>	<i>7 426</i>	<i>458</i>	<i>1 965</i>	<i>9 855</i>	<i>869</i>	<i>339</i>	<i>369</i>	<i>1 577</i>	<i>11 432</i>
Females									
Under 20 years	21	4	29	54	50	—	6	56	110
20–24 years	102	15	102	219	65	8	21	94	313
25–29 years	135	16	61	212	42	5	15	62	274
30–34 years	147	12	56	215	35	9	13	57	272
35–39 years	150	9	61	220	29	9	20	58	278
40–44 years	109	8	37	154	21	4	13	38	192
45–49 years	81	—	30	111	12	5	5	22	133
50–54 years	50	—	22	72	5	5	3	13	85
55 years and over	46	4	17	67	4	3	5	12	79
<i>Total</i>	<i>841</i>	<i>68</i>	<i>415</i>	<i>1 324</i>	<i>263</i>	<i>48</i>	<i>101</i>	<i>412</i>	<i>1 736</i>
Persons(b)									
Under 20 years	577	57	212	846	256	13	74	343	1 189
20–24 years	1 754	146	621	2 524	360	72	120	552	3 076
25–29 years	1 439	106	384	1 929	157	51	71	279	2 208
30–34 years	1 227	52	301	1 583	126	45	51	222	1 805
35–39 years	1 084	61	273	1 418	90	70	56	216	1 634
40–44 years	774	54	180	1 008	54	40	41	135	1 143
45–49 years	562	21	147	730	44	33	22	99	829
50–54 years	361	15	96	472	23	20	14	57	529
55 years and over	489	14	169	672	22	43	21	86	758
<i>Total</i>	<i>8 267</i>	<i>526</i>	<i>2 383</i>	<i>11 182</i>	<i>1 132</i>	<i>387</i>	<i>470</i>	<i>1 989</i>	<i>13 171</i>
Organisations	—	—	—	—	—	16	3	19	19
Total defendants	8 267	526	2 383	11 182	1 132	403	473	2 008	13 190

— nil or rounded to zero (including null cells)

(b) Includes defendants with unknown sex.

(a) Includes custodial orders n.f.d.

2.8 DEFENDANTS PROVEN GUILTY, Sex and age by principal sentence *continued*

	CUSTODIAL ORDERS				NON-CUSTODIAL ORDERS				Total proven guilty
	<i>Custody in a correctional institution</i>	<i>Custody in the community</i>	<i>Fully suspended sentence</i>	<i>Total(a)</i>	<i>Community supervision/work orders</i>	<i>Monetary orders</i>	<i>Other non-custodial orders</i>	<i>Total</i>	
PROPORTION (%)									
Males									
Under 20 years	7.5	11.6	9.3	8.0	23.7	3.8	18.4	18.2	9.4
20–24 years	22.2	28.6	26.4	23.4	33.9	18.9	26.8	29.0	24.2
25–29 years	17.6	19.7	16.4	17.4	13.2	13.6	15.2	13.8	16.9
30–34 years	14.5	8.7	12.5	13.9	10.5	10.6	10.3	10.5	13.4
35–39 years	12.6	11.4	10.8	12.2	7.0	18.0	9.8	10.0	11.9
40–44 years	9.0	10.0	7.3	8.7	3.8	10.6	7.6	6.2	8.3
45–49 years	6.5	4.6	6.0	6.3	3.7	8.3	4.6	4.9	6.1
50–54 years	4.2	3.3	3.8	4.1	2.1	4.4	3.0	2.8	3.9
55 years and over	6.0	2.2	7.6	6.1	2.1	11.8	4.3	4.7	5.9
<i>Total</i>	<i>100.0</i>	<i>100.0</i>	<i>100.0</i>	<i>100.0</i>	<i>100.0</i>	<i>100.0</i>	<i>100.0</i>	<i>100.0</i>	<i>100.0</i>
Females									
Under 20 years	2.5	5.9	7.0	4.1	19.0	—	5.9	13.6	6.3
20–24 years	12.1	22.1	24.6	16.5	24.7	16.7	20.8	22.8	18.0
25–29 years	16.1	23.5	14.7	16.0	16.0	10.4	14.9	15.0	15.8
30–34 years	17.5	17.6	13.5	16.2	13.3	18.8	12.9	13.8	15.7
35–39 years	17.8	13.2	14.7	16.6	11.0	18.8	19.8	14.1	16.0
40–44 years	13.0	11.8	8.9	11.6	8.0	8.3	12.9	9.2	11.1
45–49 years	9.6	—	7.2	8.4	4.6	10.4	5.0	5.3	7.7
50–54 years	5.9	—	5.3	5.4	1.9	10.4	3.0	3.2	4.9
55 years and over	5.5	5.9	4.1	5.1	1.5	6.3	5.0	2.9	4.6
<i>Total</i>	<i>100.0</i>	<i>100.0</i>	<i>100.0</i>	<i>100.0</i>	<i>100.0</i>	<i>100.0</i>	<i>100.0</i>	<i>100.0</i>	<i>100.0</i>
Persons(b)									
Under 20 years	7.0	10.8	8.9	7.6	22.6	3.4	15.7	17.2	9.0
20–24 years	21.2	27.8	26.1	22.6	31.8	18.6	25.5	27.8	23.4
25–29 years	17.4	20.2	16.1	17.3	13.9	13.2	15.1	14.0	16.8
30–34 years	14.8	9.9	12.6	14.2	11.1	11.6	10.9	11.2	13.7
35–39 years	13.1	11.6	11.5	12.7	8.0	18.1	11.9	10.9	12.4
40–44 years	9.4	10.3	7.6	9.0	4.8	10.3	8.7	6.8	8.7
45–49 years	6.8	4.0	6.2	6.5	3.9	8.5	4.7	5.0	6.3
50–54 years	4.4	2.9	4.0	4.2	2.0	5.2	3.0	2.9	4.0
55 years and over	5.9	2.7	7.1	6.0	1.9	11.1	4.5	4.3	5.8
<i>Total</i>	<i>100.0</i>	<i>100.0</i>	<i>100.0</i>	<i>100.0</i>	<i>100.0</i>	<i>100.0</i>	<i>100.0</i>	<i>100.0</i>	<i>100.0</i>
Organisations	—	—	—	—	—	100.0	100.0	100.0	100.0
Total defendants	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(b) Includes defendants with unknown sex.

(a) Includes custodial orders n.f.d.

2.9 DURATION FROM INITIATION TO FINALISATION, Method of finalisation by selected principal offence

	<i>Under 13 weeks</i>	<i>13 to under 26 weeks</i>	<i>26 to under 39 weeks</i>	<i>39 to under 52 weeks</i>	<i>52 weeks & over</i>	<i>Total</i>
NUMBER						
Acquitted						
Homicide and related offences	3	15	20	12	36	86
Acts intended to cause injury	7	39	58	66	121	291
Sexual assault and related offences	30	135	114	103	175	557
Robbery, extortion and related offences	—	19	9	9	20	57
Unlawful entry with intent	3	14	7	9	14	47
Fraud, deception and related offences	—	—	—	6	17	23
Illicit drug offences	3	7	6	5	22	43
Other(a)	6	19	20	16	53	114
<i>Total</i>	52	248	234	226	458	1 218
Guilty finding						
Homicide and related offences	—	3	20	27	73	123
Acts intended to cause injury	6	34	55	61	142	298
Sexual assault and related offences	7	41	84	62	155	349
Robbery, extortion and related offences	3	20	33	22	46	124
Unlawful entry with intent	3	10	15	6	20	54
Fraud, deception and related offences	—	4	3	4	28	39
Illicit drug offences	4	38	54	31	97	224
Other(a)	6	26	42	19	82	175
<i>Total</i>	29	176	306	232	643	1 386
Guilty plea						
Homicide and related offences	31	72	38	34	56	231
Acts intended to cause injury	388	699	543	352	584	2 566
Sexual assault and related offences	253	394	322	171	250	1 390
Robbery, extortion and related offences	384	525	276	125	138	1 448
Unlawful entry with intent	324	371	198	76	123	1 092
Fraud, deception and related offences	146	136	99	77	126	584
Illicit drug offences	570	800	479	280	411	2 540
Other(a)	509	539	319	167	312	1 846
<i>Total</i>	2 605	3 536	2 274	1 282	2 000	11 697
Total adjudicated(b)	2 706	4 009	2 837	1 758	3 122	14 432
Withdrawn by prosecution	447	441	403	310	625	2 226
Other(c)	6	6	13	13	27	65
Total finalised	3 222	4 500	3 263	2 088	3 777	16 850

— nil or rounded to zero (including null cells)

(a) Includes ASOC Divisions 04–05, 08, 11–16 (refer to Appendix 3).

(b) Includes defendants with charges proven n.f.d.

(c) Includes defendants deceased, unfit to plead, transfers to other courts and other non-adjudicated finalisations n.e.c.

2.9 DURATION FROM INITIATION TO FINALISATION, Method of finalisation by selected principal offence *continued*

	Under 13 weeks	13 to under 26 weeks	26 to under 39 weeks	39 to under 52 weeks	52 weeks & over	Total
PROPORTION (%)						
Acquitted						
Homicide and related offences	3.5	17.4	23.3	14.0	41.9	100.0
Acts intended to cause injury	2.4	13.4	19.9	22.7	41.6	100.0
Sexual assault and related offences	5.4	24.2	20.5	18.5	31.4	100.0
Robbery, extortion and related offences	—	33.3	15.8	15.8	35.1	100.0
Unlawful entry with intent	6.4	29.8	14.9	19.1	29.8	100.0
Fraud, deception and related offences	—	—	—	26.1	73.9	100.0
Illicit drug offences	7.0	16.3	14.0	11.6	51.2	100.0
Other(a)	5.3	16.7	17.5	14.0	46.5	100.0
<i>Total</i>	4.3	20.4	19.2	18.6	37.6	100.0
Guilty finding						
Homicide and related offences	—	2.4	16.3	22.0	59.3	100.0
Acts intended to cause injury	2.0	11.4	18.5	20.5	47.7	100.0
Sexual assault and related offences	2.0	11.7	24.1	17.8	44.4	100.0
Robbery, extortion and related offences	2.4	16.1	26.6	17.7	37.1	100.0
Unlawful entry with intent	5.6	18.5	27.8	11.1	37.0	100.0
Fraud, deception and related offences	—	10.3	7.7	10.3	71.8	100.0
Illicit drug offences	1.8	17.0	24.1	13.8	43.3	100.0
Other(a)	3.4	14.9	24.0	10.9	46.9	100.0
<i>Total</i>	2.1	12.7	22.1	16.7	46.4	100.0
Guilty plea						
Homicide and related offences	13.4	31.2	16.5	14.7	24.2	100.0
Acts intended to cause injury	15.1	27.2	21.2	13.7	22.8	100.0
Sexual assault and related offences	18.2	28.3	23.2	12.3	18.0	100.0
Robbery, extortion and related offences	26.5	36.3	19.1	8.6	9.5	100.0
Unlawful entry with intent	29.7	34.0	18.1	7.0	11.3	100.0
Fraud, deception and related offences	25.0	23.3	17.0	13.2	21.6	100.0
Illicit drug offences	22.4	31.5	18.9	11.0	16.2	100.0
Other(a)	27.6	29.2	17.3	9.0	16.9	100.0
<i>Total</i>	22.3	30.2	19.4	11.0	17.1	100.0
Total adjudicated(b)	18.8	27.8	19.7	12.2	21.6	100.0
Withdrawn by prosecution	20.1	19.8	18.1	13.9	28.1	100.0
Other(c)	9.2	9.2	20.0	20.0	41.5	100.0
Total finalised	19.1	26.7	19.4	12.4	22.4	100.0

— nil or rounded to zero (including null cells)

(a) Includes ASOC Divisions 04–05, 08, 11–16 (refer to Appendix 3).

(b) Includes defendants with charges proven n.f.d.

(c) Includes defendants deceased, unfit to plead, transfers to other courts and other non-adjudicated finalisations n.e.c.

2.10 SUMMARY OUTCOMES OF DEFENDANTS, States and territories, 2004–05 to 2009–10

	NUMBER						PERCENTAGE
	2004–05	2005–06	2006–07	2007–08	2008–09	2009–10	CHANGE (%) 2008–09 to 2009–10
NEW SOUTH WALES							
Method of finalisation							
Adjudicated outcomes							
Acquitted	284	259	194	224	252	280	11.1
Proven guilty	2 732	2 831	2 704	2 706	2 998	3 153	5.2
Total	3 016	3 090	2 898	2 930	3 250	3 433	5.6
Withdrawn by prosecution	291	247	203	204	178	176	-1.1
Total finalised(a)	3 356	3 371	3 141	3 181	3 477	3 671	5.6
Principal offence(b)							
Homicide and related offences	162	142	155	151	149	179	20.1
Acts intended to cause injury	458	480	438	466	541	564	4.3
Sexual assault and related offences	341	394	341	359	436	456	4.6
Dangerous or negligent acts endangering persons	49	48	39	39	31	41	32.3
Abduction, harassment and other offences against the person	35	44	38	42	59	54	-8.5
Robbery, extortion and related offences	517	513	525	509	537	549	2.2
Unlawful entry with intent	358	379	296	312	384	383	-0.3
Theft and related offences	72	70	68	60	72	75	4.2
Fraud, deception and related offences	134	120	113	114	97	93	-4.1
Illicit drug offences	709	715	701	723	786	870	10.7
Prohibited and regulated weapons and explosives offences	66	47	39	39	50	53	6.0
Property damage and environmental pollution	23	22	22	24	26	27	3.8
Public order offences	26	27	36	32	27	22	-18.5
Traffic and vehicle regulatory offences	3	3	—	—	3	3	—
Offences against justice procedures, gov't security and operations	41	46	59	36	39	57	46.2
Miscellaneous offences	23	40	26	23	12	7	-41.7
Total adjudicated(c)	3 017	3 090	2 896	2 929	3 249	3 433	5.7
Sentence outcomes							
Custodial orders	2 437	2 546	2 466	2 455	2 713	2 853	5.2
Non-custodial orders	295	285	238	251	285	300	5.3
Total proven guilty(d)	2 732	2 831	2 704	2 706	2 998	3 153	5.2

— nil or rounded to zero (including null cells)

(a) Includes defendants deceased, unfit to plead, transfers to other courts and other non-adjudicated finalisations n.e.c.

(b) Offence data are based on ASOC08 from 2008–09 and ASOC97 prior to this period. Caution should be exercised when comparing offence data across the two classifications (see Explanatory Notes paragraph 21).

(c) Includes defendants for whom offence data are missing or a principal offence could not be determined.

(d) Includes defendants for whom a principal sentence is unknown.

2.10SUMMARY OUTCOMES OF DEFENDANTS, States and territories, 2004–05 to
2009–10 *continued*

	NUMBER						PERCENTAGE
	2004–05	2005–06	2006–07	2007–08	2008–09	2009–10	CHANGE (%) 2008–09 to 2009–10
VICTORIA							
Method of finalisation							
Adjudicated outcomes							
Acquitted	220	207	176	218	176	179	1.7
Proven guilty	2 087	2 005	2 073	2 188	1 963	1 851	-5.7
Total	2 307	2 212	2 249	2 406	2 139	2 030	-5.1
Withdrawn by prosecution	115	87	89	96	117	150	28.2
Total finalised(a)	2 425	2 303	2 346	2 505	2 256	2 183	-3.2
Principal offence(b)							
Homicide and related offences	100	95	84	118	131	93	-29.0
Acts intended to cause injury	475	450	519	607	548	507	-7.5
Sexual assault and related offences	343	274	327	446	421	403	-4.3
Dangerous or negligent acts endangering persons	51	35	35	44	49	44	-10.2
Abduction, harassment and other offences against the person	24	30	24	33	34	36	5.9
Robbery, extortion and related offences	305	264	268	292	207	257	24.2
Unlawful entry with intent	85	78	77	67	58	48	-17.2
Theft and related offences	103	98	89	76	38	53	39.5
Fraud, deception and related offences	198	154	216	151	132	103	-22.0
Illicit drug offences	267	347	234	313	321	356	10.9
Prohibited and regulated weapons and explosives offences	6	25	59	49	23	12	-47.8
Property damage and environmental pollution	68	51	38	39	25	29	16.0
Public order offences	79	111	95	68	68	28	-58.8
Traffic and vehicle regulatory offences	3	—	—	—	3	—	-100.0
Offences against justice procedures, gov't security and operations	55	47	54	29	43	37	-14.0
Miscellaneous offences	76	74	52	72	38	23	-39.5
Total adjudicated(c)	2 309	2 212	2 248	2 404	2 139	2 029	-5.1
Sentence outcomes							
Custodial orders	1 717	1 612	1 672	1 821	1 733	1 688	-2.6
Non-custodial orders	334	343	349	367	230	163	-29.1
Total proven guilty(d)	2 087	2 005	2 073	2 188	1 963	1 851	-5.7

— nil or rounded to zero (including null cells)

(a) Includes defendants deceased, unfit to plead, transfers to other courts and other non-adjudicated finalisations n.e.c.

(b) Offence data are based on ASOC08 from 2008–09 and ASOC97 prior to this period. Caution should be exercised when comparing offence data across the two classifications (see Explanatory Notes paragraph 21).

(c) Includes defendants for whom offence data are missing or a principal offence could not be determined.

(d) Includes defendants for whom a principal sentence is unknown.

2.10 SUMMARY OUTCOMES OF DEFENDANTS, States and territories, 2004–05 to 2009–10 *continued*

	NUMBER						PERCENTAGE
	2004–05	2005–06	2006–07	2007–08	2008–09	2009–10	CHANGE (%) 2008–09 to 2009–10
QUEENSLAND							
Method of finalisation							
Adjudicated outcomes							
Acquitted	307	234	224	251	259	331	27.8
Proven guilty	5 091	4 807	4 658	4 698	4 511	4 214	-6.6
Total	5 398	5 041	4 882	4 949	4 770	4 545	-4.7
Withdrawn by prosecution	1 147	1 113	1 046	1 108	1 041	895	-14.0
Total finalised(a)	6 545	6 154	5 937	6 070	5 818	5 457	-6.2
Principal offence(b)							
Homicide and related offences	88	84	65	51	66	61	-7.6
Acts intended to cause injury	1 592	1 513	1 414	1 418	1 346	1 268	-5.8
Sexual assault and related offences	610	674	661	660	765	723	-5.5
Dangerous or negligent acts endangering persons	239	256	220	183	237	241	1.7
Abduction, harassment and other offences against the person	18	22	12	15	82	64	-22.0
Robbery, extortion and related offences	346	325	335	354	316	342	8.2
Unlawful entry with intent	531	443	427	449	365	336	-7.9
Theft and related offences	302	158	204	172	133	142	6.8
Fraud, deception and related offences	534	407	382	413	377	334	-11.4
Illicit drug offences	747	677	763	829	820	716	-12.7
Prohibited and regulated weapons and explosives offences	38	17	40	41	36	40	11.1
Property damage and environmental pollution	171	170	145	132	123	130	5.7
Public order offences	56	95	100	127	41	48	17.1
Traffic and vehicle regulatory offences	3	3	3	—	10	8	-20.0
Offences against justice procedures, gov't security and operations	49	56	47	42	42	66	57.1
Miscellaneous offences	74	79	51	47	11	26	136.4
Total adjudicated(c)	5 398	5 041	4 883	4 948	4 770	4 545	-4.7
Sentence outcomes							
Custodial orders	3 578	3 591	3 539	3 707	3 550	3 237	-8.8
Non-custodial orders	1 513	1 216	1 119	991	961	977	1.7
Total proven guilty(d)	5 091	4 807	4 658	4 698	4 511	4 214	-6.6

— nil or rounded to zero (including null cells)

(a) Includes defendants deceased, unfit to plead, transfers to other courts and other non-adjudicated finalisations n.e.c.

(b) Offence data are based on ASOC08 from 2008–09 and ASOC97 prior to this period. Caution should be exercised when comparing offence data across the two classifications (see Explanatory Notes paragraph 21).

(c) Includes defendants for whom offence data are missing or a principal offence could not be determined.

(d) Includes defendants for whom a principal sentence is unknown.

2.10SUMMARY OUTCOMES OF DEFENDANTS, States and territories, 2004–05 to
2009–10 *continued*

	NUMBER						PERCENTAGE
	2004–05	2005–06	2006–07	2007–08	2008–09	2009–10	CHANGE (%) 2008–09 to 2009–10
SOUTH AUSTRALIA							
Method of finalisation							
Adjudicated outcomes							
Acquitted	67	89	107	88	116	131	12.9
Proven guilty	678	671	821	894	950	1 125	18.4
Total	745	760	928	982	1 066	1 256	17.8
Withdrawn by prosecution	182	208	286	311	376	506	34.6
Total finalised(a)	941	989	1 235	1 309	1 460	1 789	22.5
Principal offence(b)							
Homicide and related offences	25	41	62	44	28	36	28.6
Acts intended to cause injury	106	129	141	216	194	249	28.4
Sexual assault and related offences	82	97	147	141	191	195	2.1
Dangerous or negligent acts endangering persons	15	16	19	9	27	50	85.2
Abduction, harassment and other offences against the person	5	7	13	—	38	37	-2.6
Robbery, extortion and related offences	83	86	101	109	102	102	—
Unlawful entry with intent	96	90	84	77	89	111	24.7
Theft and related offences	17	9	15	15	25	27	8.0
Fraud, deception and related offences	20	14	15	15	14	11	-21.4
Illicit drug offences	226	195	235	245	270	307	13.7
Prohibited and regulated weapons and explosives offences	19	38	38	49	44	71	61.4
Property damage and environmental pollution	12	10	13	15	9	13	44.4
Public order offences	—	3	7	5	—	—	—
Traffic and vehicle regulatory offences	—	—	—	—	3	6	100.0
Offences against justice procedures, gov't security and operations	19	13	16	19	24	37	54.2
Miscellaneous offences	19	13	22	22	9	4	-55.6
Total adjudicated(c)	744	761	928	981	1 067	1 256	17.7
Sentence outcomes							
Custodial orders	622	598	755	826	858	1 017	18.5
Non-custodial orders	56	73	66	68	92	108	17.4
Total proven guilty(d)	678	671	821	894	950	1 125	18.4

— nil or rounded to zero (including null cells)

(a) Includes defendants deceased, unfit to plead, transfers to other courts and other non-adjudicated finalisations n.e.c.

(b) Offence data are based on ASOC08 from 2008–09 and ASOC97 prior to this period. Caution should be exercised when comparing offence data across the two classifications (see Explanatory Notes paragraph 21).

(c) Includes defendants for whom offence data are missing or a principal offence could not be determined.

(d) Includes defendants for whom a principal sentence is unknown.

2.10 SUMMARY OUTCOMES OF DEFENDANTS, States and territories, 2004–05 to 2009–10 *continued*

	NUMBER						PERCENTAGE
	2004–05	2005–06	2006–07	2007–08	2008–09	2009–10	CHANGE (%) 2008–09 to 2009–10
WESTERN AUSTRALIA							
Method of finalisation							
Adjudicated outcomes							
Acquitted	305	366	331	253	253	221	-12.6
Proven guilty	2 125	1 850	1 814	1 982	2 176	1 955	-10.2
Total	2 430	2 216	2 145	2 235	2 429	2 176	-10.4
Withdrawn by prosecution	248	253	409	397	348	281	-19.3
Total finalised(a)	2 695	2 510	2 582	2 667	2 877	2 536	-11.9
Principal offence(b)							
Homicide and related offences	52	63	39	45	38	47	23.7
Acts intended to cause injury	303	316	328	340	344	300	-12.8
Sexual assault and related offences	352	365	330	361	450	382	-15.1
Dangerous or negligent acts endangering persons	86	71	75	68	91	71	-22.0
Abduction, harassment and other offences against the person	40	34	33	28	99	62	-37.4
Robbery, extortion and related offences	228	237	241	277	254	299	17.7
Unlawful entry with intent	499	341	327	296	358	272	-24.0
Theft and related offences	103	76	56	85	62	49	-21.0
Fraud, deception and related offences	103	72	81	85	92	85	-7.6
Illicit drug offences	330	354	371	382	487	418	-14.2
Prohibited and regulated weapons and explosives offences	6	3	4	—	4	5	25.0
Property damage and environmental pollution	53	60	60	65	65	52	-20.0
Public order offences	76	47	52	52	5	4	-20.0
Traffic and vehicle regulatory offences	—	—	—	—	—	—	—
Offences against justice procedures, gov't security and operations	108	90	79	75	71	112	57.7
Miscellaneous offences	88	87	68	74	9	18	100.0
Total adjudicated(c)	2 430	2 216	2 144	2 233	2 429	2 176	-10.4
Sentence outcomes							
Custodial orders	1 794	1 632	1 391	1 548	1 757	1 587	-9.7
Non-custodial orders	329	218	410	433	419	368	-12.2
Total proven guilty(d)	2 125	1 850	1 814	1 982	2 176	1 955	-10.2

— nil or rounded to zero (including null cells)

(a) Includes defendants deceased, unfit to plead, transfers to other courts and other non-adjudicated finalisations n.e.c.

(b) Offence data are based on ASOC08 from 2008–09 and ASOC97 prior to this period. Caution should be exercised when comparing offence data across the two classifications (see Explanatory Notes paragraph 21).

(c) Includes defendants for whom offence data are missing or a principal offence could not be determined.

(d) Includes defendants for whom a principal sentence is unknown.

2.10 SUMMARY OUTCOMES OF DEFENDANTS, States and territories, 2004–05 to 2009–10 *continued*

	NUMBER						PERCENTAGE
	2004–05	2005–06	2006–07	2007–08	2008–09	2009–10	CHANGE (%) 2008–09 to 2009–10
TASMANIA							
Method of finalisation							
Adjudicated outcomes							
Acquitted	42	48	40	31	32	25	-21.9
Proven guilty	384	390	408	398	501	428	-14.6
Total	426	438	448	429	533	453	-15.0
Withdrawn by prosecution	100	96	102	107	206	145	-29.6
Total finalised(a)	526	537	553	540	750	604	-19.5
Principal offence(b)							
Homicide and related offences	3	19	8	11	7	10	42.9
Acts intended to cause injury	94	146	125	98	143	119	-16.8
Sexual assault and related offences	62	55	71	55	49	49	—
Dangerous or negligent acts endangering persons	—	—	—	4	—	5	—
Abduction, harassment and other offences against the person	—	—	—	—	5	3	-40.0
Robbery, extortion and related offences	49	39	34	56	54	55	1.9
Unlawful entry with intent	45	17	19	10	8	8	—
Theft and related offences	26	12	9	10	13	10	-23.1
Fraud, deception and related offences	25	20	24	19	25	22	-12.0
Illicit drug offences	32	51	66	72	129	86	-33.3
Prohibited and regulated weapons and explosives offences	—	—	3	3	—	—	—
Property damage and environmental pollution	33	36	30	35	31	41	32.3
Public order offences	14	7	17	11	10	3	-70.0
Traffic and vehicle regulatory offences	—	—	3	—	—	—	—
Offences against justice procedures, gov't security and operations	36	28	32	41	57	44	-22.8
Miscellaneous offences	4	4	8	3	—	—	—
Total adjudicated(c)	423	434	449	428	531	455	-14.3
Sentence outcomes							
Custodial orders	323	321	356	343	446	374	-16.1
Non-custodial orders	61	69	52	55	55	54	-1.8
Total proven guilty(d)	384	390	408	398	501	428	-14.6

— nil or rounded to zero (including null cells)

(a) Includes defendants deceased, unfit to plead, transfers to other courts and other non-adjudicated finalisations n.e.c.

(b) Offence data are based on ASOC08 from 2008–09 and ASOC97 prior to this period. Caution should be exercised when comparing offence data across the two classifications (see Explanatory Notes paragraph 21).

(c) Includes defendants for whom offence data are missing or a principal offence could not be determined.

(d) Includes defendants for whom a principal sentence is unknown.

2.10 SUMMARY OUTCOMES OF DEFENDANTS, States and territories, 2004–05 to 2009–10 *continued*

	NUMBER						PERCENTAGE
	2004–05	2005–06	2006–07	2007–08	2008–09	2009–10	CHANGE (%) 2008–09 to 2009–10
NORTHERN TERRITORY							
Method of finalisation							
Adjudicated outcomes							
Acquitted	26	24	16	28	27	24	-11.1
Proven guilty	269	271	308	213	278	308	10.8
Total	295	295	324	241	305	332	8.9
Withdrawn by prosecution	33	28	22	35	50	42	-16.0
Total finalised(a)	331	326	346	276	355	374	5.4
Principal offence(b)							
Homicide and related offences	14	20	13	23	20	20	—
Acts intended to cause injury	75	103	91	90	105	122	16.2
Sexual assault and related offences	47	45	55	55	58	63	8.6
Dangerous or negligent acts endangering persons	13	11	18	9	13	17	30.8
Abduction, harassment and other offences against the person	—	3	—	—	3	—	-100.0
Robbery, extortion and related offences	19	5	21	13	20	20	—
Unlawful entry with intent	24	14	7	7	12	14	16.7
Theft and related offences	6	3	6	4	—	—	—
Fraud, deception and related offences	7	6	6	—	4	3	-25.0
Illicit drug offences	34	48	39	34	54	58	7.4
Prohibited and regulated weapons and explosives offences	—	—	—	—	—	—	—
Property damage and environmental pollution	5	9	13	3	5	5	—
Public order offences	3	—	—	—	—	—	—
Traffic and vehicle regulatory offences	—	—	—	—	—	—	—
Offences against justice procedures, gov't security and operations	—	3	5	—	3	7	133.3
Miscellaneous offences	49	26	48	—	9	3	-66.7
Total adjudicated(c)	296	296	322	238	306	332	8.5
Sentence outcomes							
Custodial orders	230	245	263	201	268	303	13.1
Non-custodial orders	39	26	45	12	10	5	-50.0
Total proven guilty(d)	269	271	308	213	278	308	10.8

— nil or rounded to zero (including null cells)

(a) Includes defendants deceased, unfit to plead, transfers to other courts and other non-adjudicated finalisations n.e.c.

(b) Offence data are based on ASOC08 from 2008–09 and ASOC97 prior to this period. Caution should be exercised when comparing offence data across the two classifications (see Explanatory Notes paragraph 21).

(c) Includes defendants for whom offence data are missing or a principal offence could not be determined.

(d) Includes defendants for whom a principal sentence is unknown.

2.10 SUMMARY OUTCOMES OF DEFENDANTS, States and territories, 2004–05 to 2009–10 *continued*

	NUMBER						PERCENTAGE
	2004–05	2005–06	2006–07	2007–08	2008–09	2009–10	CHANGE (%) 2008–09 to 2009–10
AUSTRALIAN CAPITAL TERRITORY							
Method of finalisation							
Adjudicated outcomes							
Acquitted	22	21	12	24	27	25	-7.4
Proven guilty	100	118	98	126	149	159	6.7
Total	122	139	110	150	176	184	4.5
Withdrawn by prosecution	18	22	33	30	31	30	-3.2
Total finalised(a)	143	166	146	187	211	217	2.8
Principal offence(b)							
Homicide and related offences	4	4	—	6	3	6	100.0
Acts intended to cause injury	24	32	32	38	31	41	32.3
Sexual assault and related offences	13	14	9	14	24	32	33.3
Dangerous or negligent acts endangering persons	3	3	—	5	3	3	—
Abduction, harassment and other offences against the person	—	3	—	—	4	—	-100.0
Robbery, extortion and related offences	10	20	13	27	34	17	-50.0
Unlawful entry with intent	14	19	8	19	21	32	52.4
Theft and related offences	17	13	17	12	17	17	—
Fraud, deception and related offences	14	3	6	4	6	5	-16.7
Illicit drug offences	18	21	13	12	15	16	6.7
Prohibited and regulated weapons and explosives offences	—	—	—	—	3	3	—
Property damage and environmental pollution	3	4	3	5	5	5	—
Public order offences	—	3	4	—	—	—	—
Traffic and vehicle regulatory offences	—	—	—	—	—	—	—
Offences against justice procedures, gov't security and operations	3	3	—	4	12	5	-58.3
Miscellaneous offences	—	—	3	3	—	3	—
Total adjudicated(c)	123	142	108	149	178	185	3.9
Sentence outcomes							
Custodial orders	65	83	67	107	114	125	9.6
Non-custodial orders	35	35	31	19	35	34	-2.9
Total proven guilty(d)	100	118	98	126	149	159	6.7

— nil or rounded to zero (including null cells)

(a) Includes defendants deceased, unfit to plead, transfers to other courts and other non-adjudicated finalisations n.e.c.

(b) Offence data are based on ASOC08 from 2008–09 and ASOC97 prior to this period. Caution should be exercised when comparing offence data across the two classifications (see Explanatory Notes paragraph 21).

(c) Includes defendants for whom offence data are missing or a principal offence could not be determined.

(d) Includes defendants for whom a principal sentence is unknown.

2.11 SUMMARY CHARACTERISTICS OF DEFENDANTS (EXCLUDING TRAFFIC OFFENCES)(a), Indigenous status by selected states and territories

	<i>Aboriginal & Torres Strait Islander</i>	<i>Non-Indigenous</i>	<i>Unknown/ Not stated</i>	<i>Total(b)</i>
.....				
QUEENSLAND				
Sex				
Males	627	3 336	479	4 442
Females	174	549	114	837
Total finalised(c)	801	3 886	596	5 286
Principal offence(a)				
Homicide and related offences	13	43	5	61
Acts intended to cause injury	324	826	118	1 268
Sexual assault and related offences	104	548	71	723
Dangerous or negligent acts endangering persons	19	61	16	96
Abduction, harassment and other offences against the person	8	52	4	64
Robbery, extortion and related offences	43	238	61	342
Unlawful entry with intent	56	243	37	336
Theft and related offences	19	104	19	142
Fraud, deception and related offences	13	246	75	334
Illicit drug offences	17	615	84	716
Prohibited and regulated weapons and explosives offences	—	31	7	38
Property damage and environmental pollution	11	102	17	130
Public order offences	14	29	5	48
Offences against justice procedures, gov't security and operations	7	48	11	66
Miscellaneous offences	—	19	5	27
Total adjudicated	648	3 205	535	4 391
Sentence outcomes				
Custodial orders	508	2 206	398	3 112
Non-custodial orders	92	741	118	954
Total proven guilty	600	2 947	516	4 066

— nil or rounded to zero (including null cells)

(a) Excludes Division 14 and Subdivision 041 of ASOC08 (see Explanatory Notes paragraphs 50–51).

(b) Includes organisations.

(c) Includes defendants with unknown sex.

2.11SUMMARY CHARACTERISTICS OF DEFENDANTS (EXCLUDING TRAFFIC OFFENCES)(a), Indigenous status by selected states and territories *continued* ..

	Aboriginal & Torres Strait Islander	Non-Indigenous	Unknown/ Not stated	Total(b)
.....				
QUEENSLAND (%)				
Sex				
Males	14.1	75.1	10.8	100.0
Females	20.8	65.6	13.6	100.0
Total finalised(c)	15.2	73.5	11.3	100.0
Principal offence(a)				
Homicide and related offences	21.3	70.5	8.2	100.0
Acts intended to cause injury	25.6	65.1	9.3	100.0
Sexual assault and related offences	14.4	75.8	9.8	100.0
Dangerous or negligent acts endangering persons	19.8	63.5	16.7	100.0
Abduction, harassment and other offences against the person	12.5	81.3	6.3	100.0
Robbery, extortion and related offences	12.6	69.6	17.8	100.0
Unlawful entry with intent	16.7	72.3	11.0	100.0
Theft and related offences	13.4	73.2	13.4	100.0
Fraud, deception and related offences	3.9	73.7	22.5	100.0
Illicit drug offences	2.4	85.9	11.7	100.0
Prohibited and regulated weapons and explosives offences	—	81.6	18.4	100.0
Property damage and environmental pollution	8.5	78.5	13.1	100.0
Public order offences	29.2	60.4	10.4	100.0
Offences against justice procedures, gov't security and operations	10.6	72.7	16.7	100.0
Miscellaneous offences	—	70.4	18.5	100.0
Total adjudicated	14.8	73.0	12.2	100.0
Sentence outcomes				
Custodial orders	16.3	70.9	12.8	100.0
Non-custodial orders	9.6	77.7	12.4	100.0
Total proven guilty	14.8	72.5	12.7	100.0

— nil or rounded to zero (including null cells)

(b) Includes organisations.

(a) Excludes Division 14 and Subdivision 041 of ASOC08 (see Explanatory Notes paragraphs 50–51).

(c) Includes defendants with unknown sex.

2.11SUMMARY CHARACTERISTICS OF DEFENDANTS (EXCLUDING TRAFFIC OFFENCES)(a), Indigenous status by selected states and territories *continued* ..

	Aboriginal & Torres Strait Islander	Non-Indigenous	Unknown/ Not stated	Total(b)
.....				
NORTHERN TERRITORY				
Sex				
Males	189	138	15	342
Females	15	7	2	24
Total finalised(c)	204	145	17	366
Principal offence(a)				
Homicide and related offences	11	9	—	20
Acts intended to cause injury	92	23	7	122
Sexual assault and related offences	38	24	3	65
Dangerous or negligent acts endangering persons	7	3	—	10
Abduction, harassment and other offences against the person	—	—	—	—
Robbery, extortion and related offences	13	7	—	20
Unlawful entry with intent	10	4	—	14
Theft and related offences	—	3	—	3
Fraud, deception and related offences	—	—	—	—
Illicit drug offences	8	48	—	56
Prohibited and regulated weapons and explosives offences	—	—	—	—
Property damage and environmental pollution	3	—	3	6
Public order offences	—	—	—	—
Offences against justice procedures, gov't security and operations	—	7	—	7
Miscellaneous offences	—	—	—	—
Total adjudicated	182	128	13	323
Sentence outcomes				
Custodial orders	167	117	11	295
Non-custodial orders	3	3	3	9
Total proven guilty	170	120	14	304

— nil or rounded to zero (including null cells)

(b) Includes organisations.

(a) Excludes Division 14 and Subdivision 041 of ASOC08 (see Explanatory Notes paragraphs 50–51).

(c) Includes defendants with unknown sex.

2.11SUMMARY CHARACTERISTICS OF DEFENDANTS (EXCLUDING TRAFFIC OFFENCES)(a), Indigenous status by selected states and territories *continued* ..

	Aboriginal & Torres Strait Islander	Non-Indigenous	Unknown/ Not stated	Total(b)
NORTHERN TERRITORY (%)				
Sex				
Males	55.3	40.4	4.4	100.0
Females	62.5	29.2	8.3	100.0
Total finalised(c)	55.7	39.6	4.6	100.0
Principal offence(a)				
Homicide and related offences	55.0	45.0	—	100.0
Acts intended to cause injury	75.4	18.9	5.7	100.0
Sexual assault and related offences	58.5	36.9	4.6	100.0
Dangerous or negligent acts endangering persons	70.0	30.0	—	100.0
Abduction, harassment and other offences against the person	—	—	—	—
Robbery, extortion and related offences	65.0	35.0	—	100.0
Unlawful entry with intent	71.4	28.6	—	100.0
Theft and related offences	—	100.0	—	100.0
Fraud, deception and related offences	—	—	—	—
Illicit drug offences	14.3	85.7	—	100.0
Prohibited and regulated weapons and explosives offences	—	—	—	—
Property damage and environmental pollution	50.0	—	50.0	100.0
Public order offences	—	—	—	—
Offences against justice procedures, gov't security and operations	—	100.0	—	100.0
Miscellaneous offences	—	—	—	—
Total adjudicated	56.3	39.6	4.0	100.0
Sentence outcomes				
Custodial orders	56.6	39.7	3.7	100.0
Non-custodial orders	33.3	33.3	33.3	100.0
Total proven guilty	55.9	39.5	4.6	100.0

— nil or rounded to zero (including null cells)

(b) Includes organisations.

(a) Excludes Division 14 and Subdivision 041 of ASOC08 (see Explanatory Notes paragraphs 50–51).

(c) Includes defendants with unknown sex.

INTRODUCTION

This chapter presents information about defendants finalised in the criminal jurisdiction of the Magistrates' Courts in 2009–10.

Magistrates' Courts (known as Local Courts in New South Wales) are in operation in all states and territories of Australia. These courts try and sentence criminal matters relating to summary offences (such as traffic offences and disorderly behaviour) and also may hear indictable offences summarily.

Magistrates' Courts data presented here exclude cases such as bail reviews and applications to amend sentences or penalties which do not require the adjudication of charges. Also excluded are breach of bail or parole cases, appeal cases, tribunal matters and defendants for whom a bench warrant is issued, but not executed.

The offence categories referred to relate to the principal offence i.e. the most serious offence type with which the defendant was charged. For more information about principal offence (see Explanatory Notes paragraphs 40–44).

National data for the Magistrates' Courts are available from 2003–04.

Snapshot

- The number of defendants finalised in the Magistrates' Courts decreased by 5%, from 635,926 in 2008–09 to 603,604 in 2009–10. This is the first annual decrease since the Magistrates' Courts collection commenced in 2003–04.
- Most defendants (42% or 254,633) were finalised for traffic and vehicle regulatory offences, followed by public order offences (11% or 64,179).
- The proportion of male to female defendants has remained relatively stable since 2003–04 with males accounting for 77% (464,935) of the total.
- During 2009–10, 545,658 or 90% of defendants finalised in the Magistrates' Courts in Australia had their cases adjudicated. Other methods of finalisation included: charges withdrawn by the prosecution (7% or 43,975) and transfers to other courts (2% or 13,147)
- The majority (96% or 525,275) of defendants whose cases were adjudicated in the Magistrates' Courts in 2009–10 were proven guilty.
- Approximately 9 in 10 convicted defendants were sentenced to non-custodial orders.

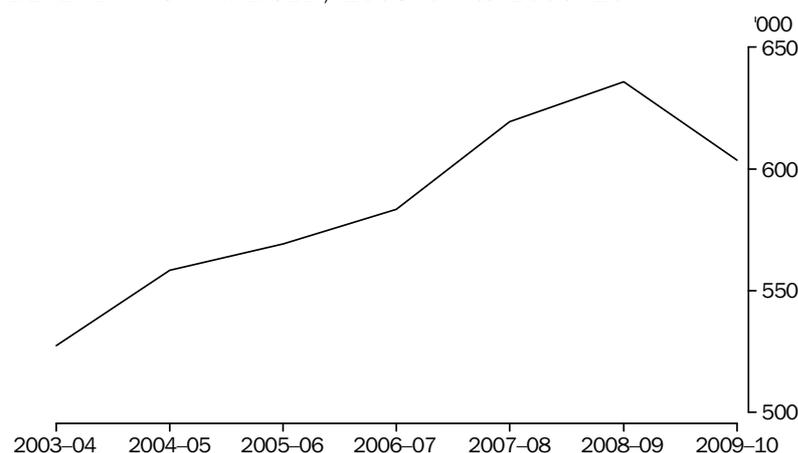
DEFENDANTS FINALISED

Defendants can have their charges finalised via different methods (see Appendix 2). The main categories of finalisation are: adjudicated finalisations, where the court has made a finding as to the guilt or otherwise of the defendant; finalisation by transfer between courts; withdrawal by the prosecution; and other methods such as defendant deceased or unfit to plead.

DEFENDANTS FINALISED
continued

The largest number of defendants charged with criminal offences in Australia each year, are finalised in the Magistrates' Courts. The number of defendants finalised at this court level had increased each year from the start of the collection in 2003–04 to 2008–09 before decreasing in 2009–10. Overall during this period, the number of defendants finalised has increased by 14%, from 527,374 in 2003–04 to 603,604 in 2009–10 (Table 3.2).

DEFENDANTS FINALISED, 2003–04 to 2009–10



All states and territories, except Queensland and the Australian Capital Territory had decreases in the numbers of defendants finalised in the Magistrates' Courts in 2009–10. Tasmania (30%), South Australia (10%) and New South Wales (9%) had the largest decreases.

The decrease of 30% in Tasmania follows a 53% decrease in 2008–09. This was due to the introduction of new legislation in 2008 that allowed for infringement notices to be dealt with, without proceeding to court (see Explanatory Notes paragraph 103) (Table 3.10).

*Principal offence – traffic
and vehicle regulatory
offences*

Traffic offences accounted for the greatest proportion (42% or 254,633) of defendants finalised in the Magistrates' Courts in 2009–10. This was the same as the proportion of defendants with this offence in the previous year. The majority of these defendants have their charges adjudicated (95% or 240,891) and of these almost all (98%) are proven guilty (Table 3.1).

Within the broad category of traffic offences, defendants had their charges adjudicated in the following main categories (Table 3.4):

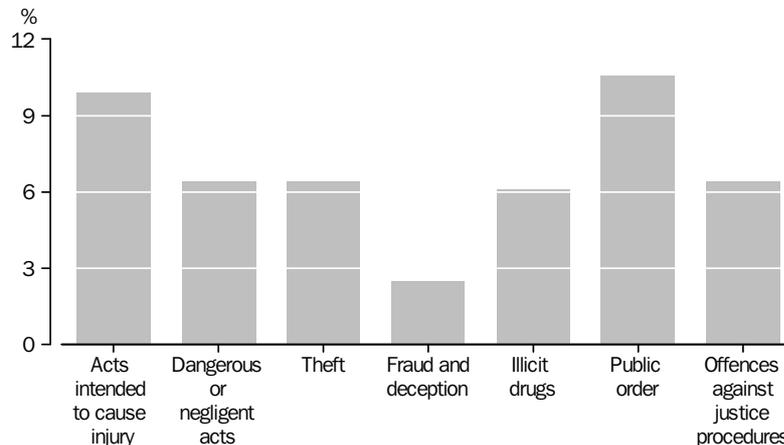
- driver licence offences (34%);
- exceeding the prescribed content of alcohol or other substance limit (33%);
- vehicle registration and roadworthiness offences (10%); and
- exceeding the legal speed limit (7%).

Of the 236,499 defendants proven guilty of traffic offences, the majority (84%) were sentenced to a monetary order and 5% received a custodial order.

Principal offence – offences other than traffic

After traffic offences, the largest proportion of defendants in 2009–10 were finalised with: public order offences (11%); acts intended to cause injury (10%); dangerous or negligent acts endangering persons; offences against justice procedures and theft (all 6%) (Table 3.5).

DEFENDANTS FINALISED, Selected principal offence



Sex

In 2009–10, more than three in four (77%) finalised defendants were male and under a quarter were female (21%). This proportion has remained relatively stable since 2003–04, when males comprised 78% of defendants finalised. These proportions are similar across the states and territories, ranging from 79% for males in South Australia and the Northern Territory to 75% in Western Australia (Table 3.3).

Age

Nearly a third (32%) of defendants finalised in the Magistrates' Courts were aged under 25 years, followed by those aged 25 to 34 years (30%), 35 to 44 years (21%), and 45 years and over (16%). These proportions were similar to those in 2008–09 (Table 3.6).

Charges withdrawn by the prosecution

Defendants finalised through charges being withdrawn by the prosecution decreased by 2% from 44,725 in 2008–09 to 43,975 in 2009–10. Approximately 7% of defendants had their charges withdrawn, the same proportion as in 2008–09 (Table 3.2).

During 2009–10, the following offences had the largest proportion of defendants finalised through the withdrawal of charges by the prosecution (Table 3.5):

- robbery and extortion (21% or 453);
- sexual assault (20% or 854);
- abduction, harassment and other offences against the person (16% or 483 defendants); and
- acts intended to cause injury (15% or 8,829).

The Australian Capital Territory (22%), South Australia (17%) and Victoria (11%) had larger proportions of defendants whose charges were withdrawn than the national average (7%). Tasmania had the smallest proportion of defendants whose charges were withdrawn, at 1% (Table 3.3).

Defendants acquitted

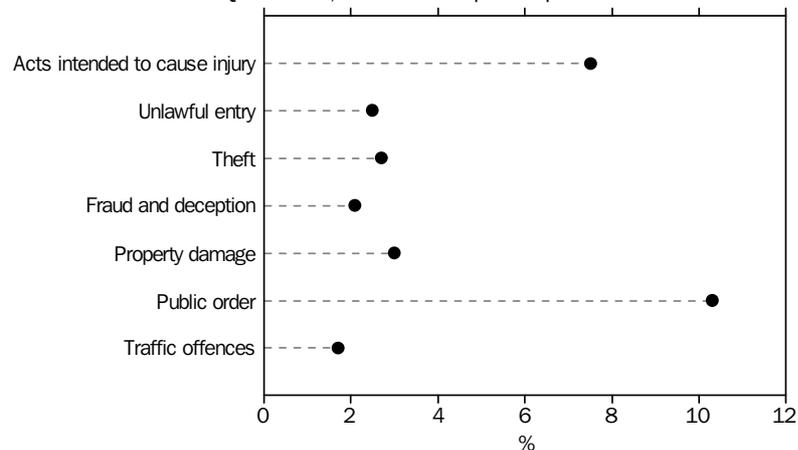
In 2009–10, 20,383 or 3% of defendants finalised were acquitted in the Magistrates' Courts in Australia.

*Defendants acquitted
continued*

Defendants finalised with public order offences and acts intended to cause injury had the largest proportion of acquitted outcomes, 10% and 8% respectively.

Of defendants finalised with traffic offences, 2% (4,392) were acquitted (Table 3.5).

DEFENDANTS ACQUITTED, Selected principal offence



The proportions of defendants acquitted varied across the states and territories with the largest proportions in Tasmania (12%), Victoria (9%) and New South Wales (5%), while Queensland, South Australia and Western Australia had the smallest (less than 1%) (Table 3.3).

Defendants proven guilty

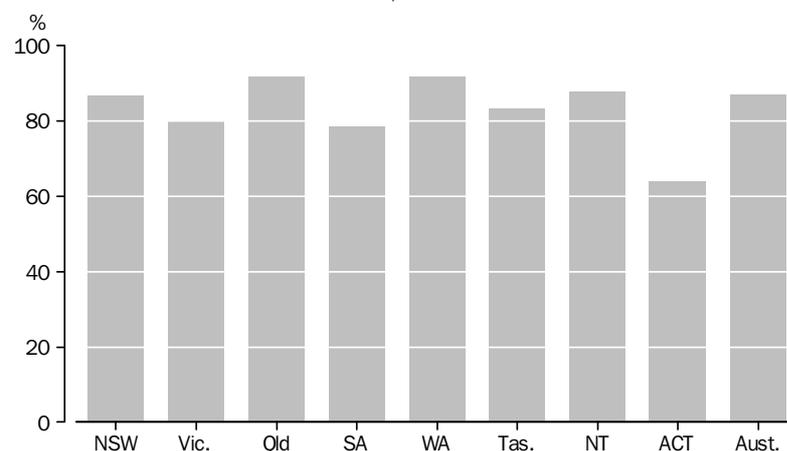
Defendants are referred to as 'convicted' where they were proven guilty of at least one of the final charges laid against them in a court. This includes defendants who plead guilty or were found guilty, including those found guilty ex-parte.

Defendants proven guilty in the Magistrates' Courts accounted for 525,275 (87%) of defendants finalised in 2009–10, and has remained stable since 2003–04 (Table 3.2).

Almost all defendants finalised for dangerous or negligent acts endangering persons (94%) and traffic offences (93%) were proven guilty (Table 3.5).

The proportion of defendants proven guilty, of all finalised defendants, ranged from 92% in Queensland and Western Australia to 64% in the Australian Capital Territory.

DEFENDANTS PROVEN GUILTY, States and territories



SENTENCE OUTCOMES

The following information relates to sentence outcomes for defendants heard in the Magistrates' Courts. Sentence refers to the principal sentence a defendant received which is usually, though not necessarily, the sentence associated with the principal offence. See Explanatory Notes paragraphs 45–47 for further information.

Differences in sentencing are a result of the offence the defendant was convicted of, as well as a range of aggravating and mitigating factors taken into account by the court, such as prior convictions, level of violence, whether the offender was provoked, and demonstrations of remorse. The range of sentences available also differs across states and territories.

Custodial orders

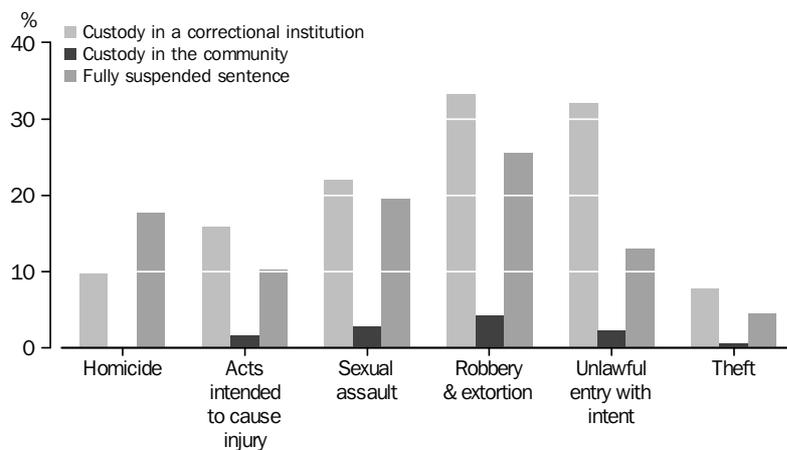
The most serious penalties issued for charges proven in the Magistrates' Courts are custodial sentences. In 2009–10, 9% (46,445) of convicted defendants had custodial orders imposed: 4% sentenced to custody in a correctional institution; 4% sentenced to fully suspended sentences; and 1% sentenced to custody in the community (Table 3.7).

The proportions of custodial orders varied across the states and territories with the largest proportion in the Northern Territory (31%) and the smallest in Western Australia (5%) (Table 3.3).

Defendants convicted of acts intended to cause injury accounted for 26% of all defendants given custodial sentences, followed by defendants convicted of traffic offences (23%). Defendants convicted of theft accounted for 9% of custodial sentences.

The types of custodial orders issued varied across principal offences. Custody in a correctional institution was the most common principal sentence for those convicted of robbery and extortion offences (33%), followed by unlawful entry with intent (32%). Robbery and extortion and sexual assault offences were the principal offences for which fully suspended sentences were most commonly ordered (26% and 20% respectively) (Table 3.7).

DEFENDANTS PROVEN GUILTY, Selected principal offence by type of custodial order



*Custodial orders
continued*

The proportion of male defendants who received a custodial sentence was almost double that of women (10% and 6% respectively). Of the 39,870 males who were sentenced to a custodial order, over half (51%) were sentenced to custody in a correctional institution. In contrast, the majority of females issued with custodial orders were given fully suspended sentences (53%) (Table 3.8).

Non-custodial orders

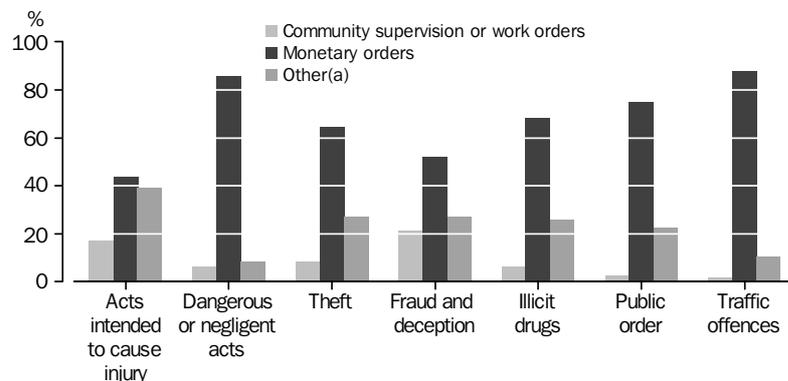
The majority of convicted defendants (91% or 478,210) were given non-custodial sentences, such as community supervision or work orders, monetary orders, or good behaviour bonds. The proportion has not changed since 2003–04.

The most common non-custodial sentence was a monetary order, with nearly three-quarters (71% or 370,532) of defendants proven guilty receiving this sentence.

Monetary orders were the most common sentence issued to defendants convicted of traffic offences and dangerous or negligent acts endangering persons (84% and 77% respectively) (Table 3.7).

Community supervision or work orders were the most common non-custodial sentence for those convicted of unlawful entry with intent (23%), and robbery and extortion offences (16%).

DEFENDANTS PROVEN GUILTY, Selected principal offence by type of non-custodial order

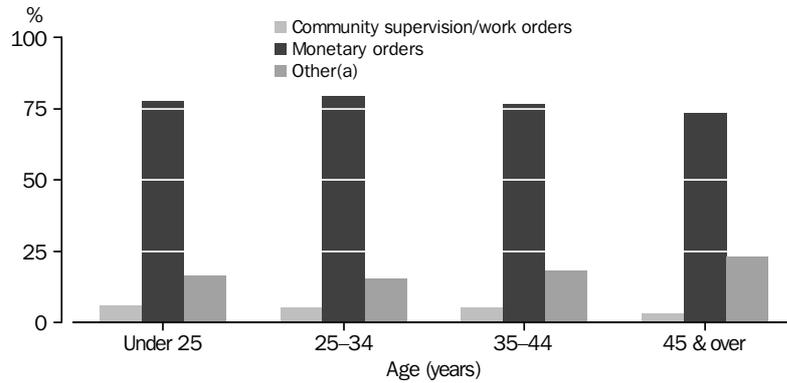


(a) Includes good behaviour bonds, licence disqualification/suspensions/amendments, forfeiture of property orders and nominal penalties.

There were some differences across age groups in the types of non-custodial orders issued. Convicted defendants aged under 25 years had a higher proportion of defendants issued with community supervision/work orders (6% of defendants in this age group) than those aged 45 years and over (3%) (Table 3.8).

*Non-custodial orders
continued*

DEFENDANTS PROVEN GUILTY, Age groups by selected non-custodial sentences



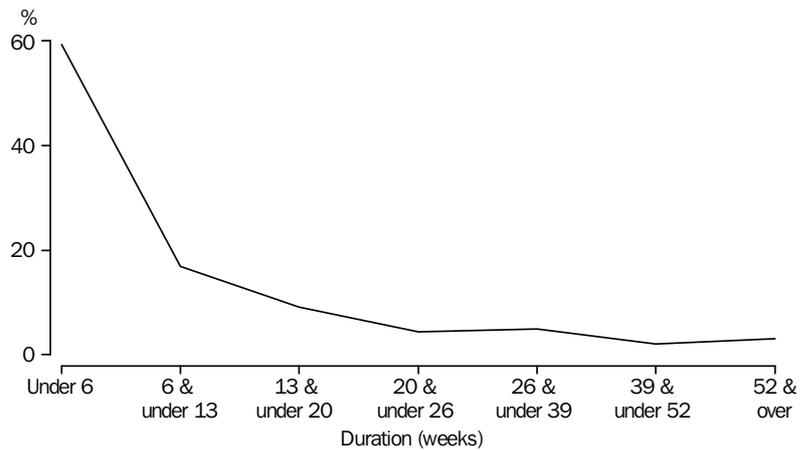
(a) Includes good behaviour bonds, licence disqualification/suspensions/amendments, forfeiture of property orders and nominal penalties.

**DURATION OF CASES
ADJUDICATED**

The nature of the charges presented to the court for a defendant, along with the process required to deal with the charges (which is affected by the type of plea), impact on the time required for a court to finalise a case. Court resources and complexity of cases can also have an impact. The duration is calculated from the date of initiation to finalisation of the case (for more information about duration see paragraphs 39 and 59–61 of the Explanatory Notes and the Glossary).

In 2009–10, over three quarters (76%) of all defendants adjudicated in the Magistrates' Court had charges finalised in under 13 weeks of initiation. Adjudicated defendants finalised at 52 weeks or longer comprised 3% (Table 3.9).

DEFENDANTS ADJUDICATED, Duration of cases finalised



FEDERAL DEFENDANTS

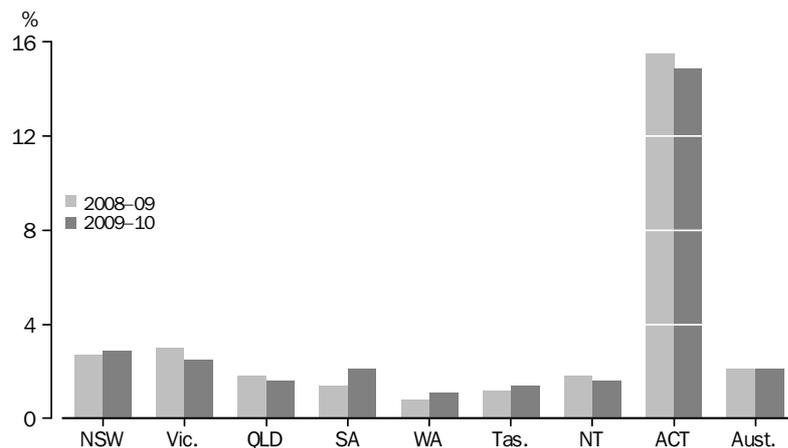
Limited data about federal defendants are presented in this publication. Defendants who appear in Australian criminal courts may be charged with either a Commonwealth or State legislative offence or both.

For more detailed information on federal defendants refer to *Federal Defendants, Selected States and Territories* (cat. no. 4515.0).

FEDERAL DEFENDANTS
continued

In 2009–10, 12,811 (2%) defendants in the Magistrates' Courts had one or more federal offences. The proportion of defendants with one or more federal defendants varied across states and territories, ranging from 1% in Western Australia and Tasmania to 15% in the Australian Capital Territory. This is due to there being more Commonwealth property in the Australian Capital Territory (Table 3.3).

DEFENDANTS FINALISED, Proportion of federal defendants by states and territories



ABORIGINAL AND TORRES
STRAIT ISLANDER
DEFENDANTS

Limited data about Aboriginal and Torres Strait Islander defendants are presented for the first time in this publication. This information is available for defendants finalised in the Magistrates' Courts in New South Wales, Queensland and the Northern Territory only.

The majority of defendants in the Magistrates' Courts with a traffic offence as their principal offence have an unknown Aboriginal and Torres Strait Islander status recorded. This is because most traffic offences are related to fines issued by road traffic authorities. These defendants have a large impact on the proportion of unknowns in the data, therefore they have been removed from the data in order to enable a focus on those defendants that are more likely to have been in contact with police and are more likely to have had their Aboriginal and Torres Strait Islander status recorded.

Other offence categories that may also be affected by this issue are: public order; offences against justice procedures, government security and operations; and miscellaneous offences. This should be taken into account when comparing Aboriginal and Torres Strait Islander and non-Indigenous data for these offence categories. For further information on the identification of Aboriginal and Torres Strait Islander defendants in the Criminal Courts collection (see Explanatory Notes paragraphs 48–51).

New South Wales

In the Magistrates' Courts in 2009–10, 8,608 (11%) defendants finalised in New South Wales identified as Aboriginal and Torres Strait Islander.

The proportion of males and females varied for Aboriginal and Torres Strait Islander defendants when compared to non-Indigenous defendants. In New South Wales, 27% of Aboriginal and Torres Strait Islander defendants were female compared to 17% of non-Indigenous defendants.

New South Wales
continued

There was also variation when comparing offence categories. The three main offence categories for Aboriginal and Torres Strait Islander defendants finalised were: acts intended to cause injury (43%); public order (12%); and theft (10%). For non-Indigenous defendants, the three main offence categories were: acts intended to cause injury (36%); illicit drugs (16%); and theft (12%).

In the Magistrates' Courts the majority of defendants proven guilty are sentenced to non-custodial orders. When comparing Aboriginal and Torres Strait Islander defendants with non-Indigenous defendants, the proportions of custodial to non-custodial orders varied in 2009–10. In New South Wales, one third (33%) of Aboriginal and Torres Strait Islander defendants proven guilty were sentenced to a custodial order compared to 17% of non-Indigenous defendants (Table 3.11).

Queensland

In the Magistrates' Courts in 2009–10, 18,064 (19%) defendants in Queensland identified as Aboriginal and Torres Strait Islander.

The proportion of males and females varied for Aboriginal and Torres Strait Islander defendants when compared to non-Indigenous defendants. In Queensland, 31% of Aboriginal and Torres Strait Islander defendants were female compared to 19% of non-Indigenous defendants.

There was also variation when comparing offence categories. In Queensland the three main offence categories for Aboriginal and Torres Strait Islander defendants were: public order (46%); justice procedures, government security and operations (17%); and acts intended to cause injury (10%). For non-Indigenous defendants the three main offence categories were: public order (28%); illicit drugs (17%); and justice procedures, government security and operations (16%).

When comparing Aboriginal and Torres Strait Islander defendants with non-Indigenous defendants, the proportions of custodial to non-custodial orders varied in 2009–10. In Queensland 12% of Aboriginal and Torres Strait Islander defendants proven guilty were sentenced to custodial orders compared to 6% of non-Indigenous defendants (Table 3.11).

Northern Territory

In the Magistrates' Courts in 2009–10, 3,855 (69%) defendants in the Northern Territory identified as Aboriginal and Torres Strait Islander.

The proportion of males and females varied for Aboriginal and Torres Strait Islander defendants when compared to non-Indigenous defendants. In the Northern Territory, 20% of Aboriginal and Torres Strait Islander defendants were female compared to 14% of non-Indigenous defendants.

There was also variation when comparing offence categories. In the Northern Territory the three main offence categories for Aboriginal and Torres Strait Islander defendants were: acts intended to cause injury (39%); justice procedures, government security and operations (18%); and public order (15%). For non-Indigenous defendants the three main offence categories were: illicit drugs and acts intended to cause injury (both 19%); and justice procedures, government security and operations (14%).

*Northern Territory
continued*

When comparing Aboriginal and Torres Strait Islander defendants with non-Indigenous defendants, the proportions of custodial to non-custodial orders varied in 2009–10. In the Northern Territory, more than half (52%) of the Aboriginal and Torres Strait Islander defendants proven guilty were sentenced to custodial orders compared to 28% of non-Indigenous defendants proven guilty (Table 3.11).

3.1 SUMMARY CHARACTERISTICS OF ALL DEFENDANTS, Selected principal offence ..

	<i>Acts intended to cause injury</i>	<i>Dangerous or negligent acts endangering persons</i>	<i>Theft & related offences</i>	<i>Illicit drug offences</i>	<i>Public order offences</i>
NUMBER					
Method of finalisation					
Adjudicated outcomes					
Acquitted	4 465	562	1 061	341	6 616
Proven guilty	43 330	36 335	33 681	32 127	55 216
<i>Total</i>	47 795	36 897	34 742	32 468	61 832
Transfers to other courts	2 714	396	431	2 376	74
Withdrawn by prosecution	8 829	1 377	3 424	2 067	2 219
Other(a)	165	33	65	36	54
Total finalised(b)	59 503	38 703	38 662	36 947	64 179
Sentence outcomes					
Custodial orders					
Custody in a correctional institution	6 836	1 687	2 611	1 103	591
Custody in the community	731	306	203	171	33
Fully suspended sentence	4 400	1 784	1 545	1 225	445
<i>Total</i>	11 967	3 777	4 359	2 499	1 069
Non-custodial orders					
Community supervision/work orders	5 394	1 989	2 439	1 777	1 286
Monetary orders	13 641	27 850	18 930	20 191	40 575
Other non-custodial orders	12 261	2 698	7 877	7 620	12 248
<i>Total</i>	31 296	32 537	29 246	29 588	54 109
Total proven guilty(c)	43 330	36 335	33 681	32 127	55 216

PROPORTION (%)

Method of finalisation					
Adjudicated outcomes					
Acquitted	7.5	1.5	2.7	0.9	10.3
Proven guilty	72.8	93.9	87.1	87.0	86.0
<i>Total</i>	80.3	95.3	89.9	87.9	96.3
Transfers to other courts	4.6	1.0	1.1	6.4	0.1
Withdrawn by prosecution	14.8	3.6	8.9	5.6	3.5
Other(a)	0.3	0.1	0.2	0.1	0.1
Total finalised(b)	100.0	100.0	100.0	100.0	100.0
Sentence outcomes					
Custodial orders					
Custody in a correctional institution	15.8	4.6	7.8	3.4	1.1
Custody in the community	1.7	0.8	0.6	0.5	0.1
Fully suspended sentence	10.2	4.9	4.6	3.8	0.8
<i>Total</i>	27.6	10.4	12.9	7.8	1.9
Non-custodial orders					
Community supervision/work orders	12.4	5.5	7.2	5.5	2.3
Monetary orders	31.5	76.6	56.2	62.8	73.5
Other non-custodial orders	28.3	7.4	23.4	23.7	22.2
<i>Total</i>	72.2	89.5	86.8	92.1	98.0
Total proven guilty(c)	100.0	100.0	100.0	100.0	100.0

(a) Includes defendants deceased, unfit to plead, transfers to non-court agencies and other non-adjudicated finalisations n.e.c.

(b) Includes defendants with an unknown method of finalisation.

(c) Includes defendants for whom a principal sentence is unknown.

3.1 SUMMARY CHARACTERISTICS OF ALL DEFENDANTS, Selected principal offence

continued

	Traffic & vehicle regulatory offences	Offences against justice procedures	Other(a)	Total(b)
NUMBER				
Method of finalisation				
Adjudicated outcomes				
Acquitted	4 392	1 070	1 843	20 383
Proven guilty	236 499	33 751	54 200	525 275
Total	240 891	34 821	56 043	545 658
Transfers to other courts	39	401	6 712	13 147
Withdrawn by prosecution	13 451	3 151	9 311	43 975
Other(c)	252	60	156	821
Total finalised(d)	254 633	38 433	72 223	603 604
Sentence outcomes				
Custodial orders				
Custody in a correctional institution	3 251	1 714	5 229	23 028
Custody in the community	744	101	569	2 858
Fully suspended sentence	6 667	1 071	3 421	20 559
Total	10 662	2 886	9 219	46 445
Non-custodial orders				
Community supervision/work orders	4 136	1 426	5 696	24 150
Monetary orders	198 027	22 798	28 452	370 532
Other non-custodial orders	23 548	6 575	10 668	83 528
Total	225 711	30 799	44 816	478 210
Total proven guilty(e)	236 499	33 751	54 200	525 275
PROPORTION (%)				
Method of finalisation				
Adjudicated outcomes				
Acquitted	1.7	2.8	2.6	3.4
Proven guilty	92.9	87.8	75.0	87.0
Total	94.6	90.6	77.6	90.4
Transfers to other courts	—	1.0	9.3	2.2
Withdrawn by prosecution	5.3	8.2	12.9	7.3
Other(c)	0.1	0.2	0.2	0.1
Total finalised(d)	100.0	100.0	100.0	100.0
Sentence outcomes				
Custodial orders				
Custody in a correctional institution	1.4	5.1	9.6	4.4
Custody in the community	0.3	0.3	1.0	0.5
Fully suspended sentence	2.8	3.2	6.3	3.9
Total	4.5	8.6	17.0	8.8
Non-custodial orders				
Community supervision/work orders	1.7	4.2	10.5	4.6
Monetary orders	83.7	67.5	52.5	70.5
Other non-custodial orders	10.0	19.5	19.7	15.9
Total	95.4	91.3	82.7	91.0
Total proven guilty(e)	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Includes ASOC Divisions 01, 03, 05–07, 09, 11–12 & 16 (refer to Appendix 3).

(b) Includes defendants for whom offence data are missing or a principal offence could not be determined.

(c) Includes defendants deceased, unfit to plead, transfers to non-court agencies and other non-adjudicated finalisations n.e.c.

(d) Includes defendants with an unknown method of finalisation.

(e) Includes defendants for whom a principal sentence is unknown.

3.2 SUMMARY CHARACTERISTICS OF ALL DEFENDANTS, 2004–05 to 2009–10

	NUMBER						PERCENTAGE
	2004–05	2005–06	2006–07	2007–08	2008–09	2009–10	CHANGE (%)
NUMBER							
Sex							
Males	433 518	440 818	451 219	476 146	492 197	464 935	-5.5
Females	112 432	115 928	120 714	133 262	133 570	128 900	-3.5
Organisations	9 536	9 363	7 959	6 796	6 987	5 609	-19.7
Method of finalisation							
Adjudicated outcomes							
Acquitted	20 852	21 687	24 206	24 333	25 169	20 383	-19.0
Proven guilty							
Guilty finding	39 641	38 906	35 976	36 230	38 490	42 026	9.2
Guilty plea	355 796	372 136	383 765	410 329	431 914	407 496	-5.7
Guilty ex-parte	77 252	75 851	83 096	94 074	81 317	59 752	-26.5
Total(a)	474 298	487 584	503 556	541 500	552 379	525 275	-4.9
Total adjudicated	495 150	509 271	527 762	565 833	577 548	545 658	-5.5
Transfers to other courts	15 154	13 358	14 661	12 789	13 163	13 147	-0.1
Withdrawn by prosecution	45 987	44 360	40 245	40 459	44 725	43 975	-1.7
Federal defendants(b)							
One or more federal offences	na	na	na	na	r13 504	12 811	-5.1
No federal offences	na	na	na	na	r622 422	590 793	-5.1
Total finalised(c)(d)	558 464	569 163	583 453	619 542	635 926	603 604	-5.1
Sentence outcomes							
Custodial orders	41 077	42 047	42 972	45 657	47 679	46 445	-2.6
Non-custodial orders	431 295	445 083	459 924	495 148	504 049	478 210	-5.1
Total proven guilty(e)	474 298	487 584	503 556	541 500	552 379	525 275	-4.9
PROPORTION (%)							
Sex							
Males	77.6	77.5	77.3	76.9	77.4	77.0	..
Females	20.1	20.4	20.7	21.5	21.0	21.4	..
Organisations	1.7	1.6	1.4	1.1	1.1	0.9	..
Method of finalisation							
Adjudicated outcomes							
Acquitted	3.7	3.8	4.1	3.9	4.0	3.4	..
Proven guilty							
Guilty finding	7.1	6.8	6.2	5.8	6.1	7.0	..
Guilty plea	63.7	65.4	65.8	66.2	67.9	67.5	..
Guilty ex-parte	13.8	13.3	14.2	15.2	12.8	9.9	..
Total(a)	84.9	85.7	86.3	87.4	86.9	87.0	..
Total adjudicated	88.7	89.5	90.5	91.3	90.8	90.4	..
Transfers to other courts	2.7	2.3	2.5	2.1	2.1	2.2	..
Withdrawn by prosecution	8.2	7.8	6.9	6.5	7.0	7.3	..
Federal defendants(b)							
One or more federal offences	na	na	na	na	2.1	2.1	..
No federal offences	na	na	na	na	97.9	97.9	..
Total finalised(c)(d)	100.0	100.0	100.0	100.0	100.0	100.0	..
Sentence outcomes							
Custodial orders	8.7	8.6	8.5	8.4	8.6	8.8	..
Non-custodial orders	90.9	91.3	91.3	91.4	91.3	91.0	..
Total proven guilty(e)	100.0	100.0	100.0	100.0	100.0	100.0	..

.. not applicable

na not available

r revised

(a) Includes defendants with charges proven n.f.d.

(b) Federal defendant data are not available prior to 2008–09.

(c) Includes defendants with unknown sex.

(d) Includes defendants deceased, unfit to plead, transfers to non-court agencies, other non-adjudicated finalisations n.e.c. and unknown method of finalisation.

(e) Includes defendants for whom a principal sentence is unknown.

3.3 SUMMARY CHARACTERISTICS OF ALL DEFENDANTS, States and territories

	NSW	Vic.	Qld	SA	WA	Tas.	NT	ACT	Aust.
NUMBER									
Sex									
Males	121 387	75 752	130 735	35 704	75 961	13 300	8 158	3 938	464 935
Females	30 480	19 630	38 621	9 143	23 748	4 003	2 132	1 143	128 900
Organisations	2 618	1 875	697	102	144	54	88	31	5 609
Method of finalisation									
Acquitted	7 458	8 327	1 218	175	754	2 103	247	101	20 383
Proven guilty									
Guilty finding	13 917	2 017	23 597	282	1 185	627	99	302	42 026
Guilty plea	84 783	66 724	133 171	31 904	68 471	11 670	8 371	2 402	407 496
Guilty ex-parte	20 988	8 807	—	3 155	23 948	2 169	131	554	59 752
Total(a)	135 140	77 579	156 768	35 341	93 604	14 466	9 119	3 258	525 275
Total adjudicated	142 598	85 906	157 986	35 516	94 358	16 569	9 366	3 359	545 658
Transfers to other courts	3 394	360	3 920	1 859	2 499	613	225	277	13 147
Withdrawn by prosecution	9 860	10 991	8 777	7 522	4 709	207	786	1 123	43 975
Federal defendants									
One or more federal offences	4 464	2 393	2 731	924	1 119	250	170	760	12 811
No federal offences	151 525	94 864	167 954	44 025	100 719	17 146	10 208	4 352	590 793
Total finalised(b)(c)	155 989	97 257	170 685	44 949	101 838	17 396	10 378	5 112	603 604
Sentence outcomes									
Custodial orders	13 600	10 333	8 621	4 221	4 605	1 775	2 845	445	46 445
Non-custodial orders	121 450	66 884	148 147	31 120	88 999	12 523	6 274	2 813	478 210
Total proven guilty(d)	135 140	77 579	156 768	35 341	93 604	14 466	9 119	3 258	525 275

PROPORTION (%)

Sex									
Males	77.8	77.9	76.6	79.4	74.6	76.5	78.6	77.0	77.0
Females	19.5	20.2	22.6	20.3	23.3	23.0	20.5	22.4	21.4
Organisations	1.7	1.9	0.4	0.2	0.1	0.3	0.8	0.6	0.9
Method of finalisation									
Acquitted	4.8	8.6	0.7	0.4	0.7	12.1	2.4	2.0	3.4
Proven guilty									
Guilty finding	8.9	2.1	13.8	0.6	1.2	3.6	1.0	5.9	7.0
Guilty plea	54.4	68.6	78.0	71.0	67.2	67.1	80.7	47.0	67.5
Guilty ex-parte	13.5	9.1	—	7.0	23.5	12.5	1.3	10.8	9.9
Total(a)	86.6	79.8	91.8	78.6	91.9	83.2	87.9	63.7	87.0
Total adjudicated	91.4	88.3	92.6	79.0	92.7	95.2	90.2	65.7	90.4
Transfers to other courts	2.2	0.4	2.3	4.1	2.5	3.5	2.2	5.4	2.2
Withdrawn by prosecution	6.3	11.3	5.1	16.7	4.6	1.2	7.6	22.0	7.3
Federal defendants									
One or more federal offences	2.9	2.5	1.6	2.1	1.1	1.4	1.6	14.9	2.1
No federal offences	97.1	97.5	98.4	97.9	98.9	98.6	98.4	85.1	97.9
Total finalised(b)(c)	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Sentence outcomes									
Custodial orders	10.1	13.3	5.5	11.9	4.9	12.3	31.2	13.7	8.8
Non-custodial orders	89.9	86.2	94.5	88.1	95.1	86.6	68.8	86.3	91.0
Total proven guilty(d)	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Includes defendants with charges proven n.f.d.

(b) Includes defendants with unknown sex.

(c) Includes defendants deceased, unfit to plead, transfers to non-court agencies, other non-adjudicated finalisations n.e.c. and unknown method of finalisation.

(d) Includes defendants for whom a principal sentence is unknown.

3.4 DEFENDANTS ADJUDICATED, Principal offence, 2004–05 to 2009–10(a)

	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10
Homicide and related offences	125	128	118	97	72	86
Acts intended to cause injury						
Assault	34 883	37 209	41 753	43 127	45 609	45 293
Stalking	..	..	..	..	2 194	2 470
Total(b)	34 903	37 263	41 813	43 187	47 839	47 795
Sexual assault and related offences						
Aggravated sexual assault	411	381	457	463	502	626
Non-aggravated sexual assault	388	392	400	430	347	260
Non-assaultive sexual offences against a child	51	42	48	49	51	47
Child pornography offences	..	..	..	..	206	165
Total(c)	903	881	983	1 023	1 338	1 298
Dangerous or negligent acts endangering persons	39 862	41 845	45 417	49 966	40 367	36 897
Abduction, harassment and other offences against the person	39	22	28	34	2 103	2 234
Robbery, extortion and related offences	350	301	334	286	259	225
Unlawful entry with intent	7 412	7 255	7 482	7 260	7 447	6 818
Theft and related offences						
Motor vehicle theft and related offences	4 071	3 771	3 284	3 214	2 217	2 021
Theft (except motor vehicles)	24 863	22 494	20 738	19 901	25 165	27 186
Total(d)	36 147	32 762	30 230	29 086	32 905	34 742
Fraud, deception and related offences	18 900	17 743	17 878	18 050	13 799	13 157
Illicit drug offences						
Import or export illicit drugs	10	12	19	27	16	32
Deal or traffic in illicit drugs	3 397	3 171	3 117	2 934	2 855	2 806
Manufacture or cultivate illicit drugs	4 607	4 042	4 144	3 840	4 199	4 484
Possess and/or use illicit drugs	16 316	16 646	18 034	18 993	20 665	21 180
Other illicit drug offences	3 382	3 437	3 699	3 655	3 601	3 966
Total	27 712	27 308	29 013	29 449	31 336	32 468
Prohibited and regulated weapons and explosives offences	6 914	6 561	7 745	7 730	7 735	7 314
Property damage and environmental pollution	12 051	13 640	13 997	14 208	14 494	14 063
Public order offences						
Regulated public order offences	4 842	4 562	4 110	3 775	6 294	6 489
Total(e)	46 657	51 890	58 489	61 887	67 875	61 832
Traffic and vehicle regulatory offences						
Driver licence offences	61 024	67 916	70 080	84 121	92 258	81 720
Vehicle registration and roadworthiness offences	20 108	21 194	20 736	24 839	26 940	22 928
Exceeding the prescribed content of alcohol or other substance limit	60 990	61 668	61 349	63 731	80 991	79 268
Exceeding legal speed limit	28 534	24 044	27 189	31 401	21 294	16 699
Total(f)	221 469	224 901	227 175	256 963	264 849	240 891
Offences against justice procedures, gov't security and operations						
Breach of violence and non-violence restraining orders	..	..	..	..	10 639	11 688
Offences against government operations	4 767	8 559	5 664	4 806	5 421	5 156
Offences against government security	21	33	33	51	72	49
Offences against justice procedures	12 406	13 561	15 628	16 299	17 889	17 757
Total(g)	26 888	32 481	31 500	31 378	34 239	34 821
Miscellaneous offences	14 687	13 976	14 606	14 566	10 707	10 848
Total adjudicated(h)	495 150	509 271	527 762	565 833	577 548	545 658

.. not applicable

(a) Offence data are based on ASOC08 from 2008–09 and ASOC97 prior to this period. Caution should be exercised when comparing offence data across the two classifications (see Explanatory Notes paragraph 21).

(b) Includes ASOC group 0299.

(c) Includes ASOC groups 0300, 0310, 0323 and 0329.

(d) Includes ASOC group 0800 and subdivisions 083 and 084.

(e) Includes ASOC subdivisions 131 and 133.

(f) Includes ASOC groups 1433, 1439 and subdivision 144.

(g) Includes ASOC subdivision 151.

(h) Includes defendants for whom offence data are missing or a principal offence could not be determined.

3.5

DEFENDANTS FINALISED, Principal offence by method of finalisation

	PROVEN GUILTY				Total(a)
	Acquitted	Guilty finding	Guilty plea	Guilty ex-parte	
NUMBER					
Homicide and related offences	24	9	46	3	62
Acts intended to cause injury	4 465	4 396	35 094	1 405	43 330
Sexual assault and related offences	202	163	869	20	1 096
Dangerous or negligent acts endangering persons	562	1 671	31 442	2 555	36 335
Abduction, harassment and other offences against the person	109	166	1 765	98	2 125
Robbery, extortion and related offences	41	15	166	—	181
Unlawful entry with intent	234	245	6 099	66	6 584
Theft and related offences	1 061	2 617	27 390	2 751	33 681
Fraud, deception and related offences	319	604	11 124	654	12 838
Illicit drug offences	341	1 286	26 814	3 159	32 127
Prohibited and regulated weapons and explosives offences	94	301	6 361	414	7 220
Property damage and environmental pollution	466	731	11 160	1 128	13 597
Public order offences	6 616	9 176	39 568	5 739	55 216
Traffic and vehicle regulatory offences	4 392	15 965	176 247	36 485	236 499
Offences against justice procedures, gov't security and operations	1 070	3 501	26 869	2 629	33 751
Miscellaneous offences	354	1 179	6 361	2 631	10 494
Total finalised(b)	20 383	42 028	407 496	59 751	525 274
PROPORTION (%)					
Homicide and related offences	4.7	1.8	8.9	0.6	12.1
Acts intended to cause injury	7.5	7.4	59.0	2.4	72.8
Sexual assault and related offences	4.6	3.7	19.9	0.5	25.1
Dangerous or negligent acts endangering persons	1.5	4.3	81.2	6.6	93.9
Abduction, harassment and other offences against the person	3.6	5.5	58.3	3.2	70.2
Robbery, extortion and related offences	1.9	0.7	7.8	—	8.5
Unlawful entry with intent	2.5	2.6	64.5	0.7	69.6
Theft and related offences	2.7	6.8	70.8	7.1	87.1
Fraud, deception and related offences	2.1	4.0	73.4	4.3	84.7
Illicit drug offences	0.9	3.5	72.6	8.6	87.0
Prohibited and regulated weapons and explosives offences	1.2	3.7	78.7	5.1	89.3
Property damage and environmental pollution	3.0	4.7	71.0	7.2	86.5
Public order offences	10.3	14.3	61.7	8.9	86.0
Traffic and vehicle regulatory offences	1.7	6.3	69.2	14.3	92.9
Offences against justice procedures, gov't security and operations	2.8	9.1	69.9	6.8	87.8
Miscellaneous offences	2.6	8.6	46.2	19.1	76.2
Total finalised(b)	3.4	7.0	67.5	9.9	87.0

— nil or rounded to zero (including null cells)

(a) Includes defendants with charges proven n.f.d.

(b) Includes defendants for whom offence data are missing or a principal offence could not be determined.

3.5 DEFENDANTS FINALISED, Principal offence by method of finalisation *continued* . . .

	Total adjudicated	Withdrawn by prosecution	Total(a)
NUMBER			
Homicide and related offences	86	60	514
Acts intended to cause injury	47 795	8 829	59 503
Sexual assault and related offences	1 298	854	4 363
Dangerous or negligent acts endangering persons	36 897	1 377	38 703
Abduction, harassment and other offences against the person	2 234	483	3 029
Robbery, extortion and related offences	222	453	2 138
Unlawful entry with intent	6 818	1 328	9 458
Theft and related offences	34 742	3 424	38 662
Fraud, deception and related offences	13 157	1 409	15 152
Illicit drug offences	32 468	2 067	36 947
Prohibited and regulated weapons and explosives offences	7 314	594	8 084
Property damage and environmental pollution	14 063	1 287	15 715
Public order offences	61 832	2 219	64 179
Traffic and vehicle regulatory offences	240 891	13 451	254 633
Offences against justice procedures, gov't security and operations	34 821	3 151	38 433
Miscellaneous offences	10 848	2 843	13 766
Total finalised(b)	545 657	43 975	603 603

	PROPORTION (%)		
Homicide and related offences	16.7	11.7	100.0
Acts intended to cause injury	80.3	14.8	100.0
Sexual assault and related offences	29.8	19.6	100.0
Dangerous or negligent acts endangering persons	95.3	3.6	100.0
Abduction, harassment and other offences against the person	73.8	15.9	100.0
Robbery, extortion and related offences	10.4	21.2	100.0
Unlawful entry with intent	72.1	14.0	100.0
Theft and related offences	89.9	8.9	100.0
Fraud, deception and related offences	86.8	9.3	100.0
Illicit drug offences	87.9	5.6	100.0
Prohibited and regulated weapons and explosives offences	90.5	7.3	100.0
Property damage and environmental pollution	89.5	8.2	100.0
Public order offences	96.3	3.5	100.0
Traffic and vehicle regulatory offences	94.6	5.3	100.0
Offences against justice procedures, gov't security and operations	90.6	8.2	100.0
Miscellaneous offences	78.8	20.7	100.0
Total finalised(b)	90.4	7.3	100.0

(a) Includes defendants deceased, unfit to plead, transfers to non-court agencies, other non-adjudicated finalisations n.e.c., transfers to other courts and unknown method of finalisation.

(b) Includes defendants for whom offence data are missing or a principal offence could not be determined.

3.6 DEFENDANTS FINALISED, Sex and age by method of finalisation

PROVEN GUILTY								
	Acquitted	Guilty finding	Guilty plea	Guilty ex-parte	Total(b)	Total adjudicated	Withdrawn by prosecution	Total(a)
NUMBER								
Males								
Under 20 years	1 253	2 860	35 658	3 525	43 221	44 474	2 219	48 008
20–24 years	3 236	5 941	73 885	9 842	91 971	95 207	5 801	103 673
25–29 years	2 726	4 707	55 107	7 915	69 610	72 336	5 117	79 447
30–34 years	2 065	3 636	40 491	5 671	51 306	53 371	4 288	59 235
35–39 years	1 992	3 547	35 632	5 050	45 670	47 662	4 161	53 213
40–44 years	1 561	2 969	26 148	3 715	33 974	35 535	3 193	39 724
45–49 years	1 186	2 234	19 147	2 842	25 151	26 337	2 439	29 530
50–54 years	899	1 641	12 430	1 856	16 550	17 449	1 592	19 567
55 years and over	1 436	2 418	16 816	2 620	22 846	24 282	2 501	27 578
<i>Total(c)</i>	16 570	31 287	316 640	43 825	403 982	420 552	32 360	464 935
Females								
Under 20 years	236	810	8 311	1 021	10 435	10 671	581	11 393
20–24 years	568	1 531	17 860	2 999	23 009	23 577	1 630	25 535
25–29 years	487	1 428	14 736	2 648	19 359	19 846	1 426	21 560
30–34 years	485	1 149	11 844	2 015	15 447	15 932	1 251	17 477
35–39 years	526	1 159	11 141	1 774	14 524	15 050	1 214	16 525
40–44 years	419	929	8 686	1 339	11 266	11 685	985	12 875
45–49 years	296	696	6 261	957	8 180	8 476	794	9 412
50–54 years	192	459	3 726	505	4 877	5 069	457	5 607
55 years and over	279	372	3 781	534	4 899	5 178	572	5 827
<i>Total(c)</i>	3 552	9 791	86 699	14 003	113 867	117 419	9 659	128 900
Persons(d)								
Under 20 years	1 490	3 679	44 024	4 575	53 761	55 251	2 807	59 518
20–24 years	3 811	7 523	92 003	12 922	115 399	119 210	7 456	129 671
25–29 years	3 224	6 188	70 174	10 681	89 490	92 714	6 586	101 601
30–34 years	2 562	4 822	52 571	7 762	67 119	69 681	5 571	77 136
35–39 years	2 529	4 734	46 989	6 900	60 540	63 069	5 411	70 150
40–44 years	1 985	3 931	35 001	5 116	45 513	47 498	4 210	52 920
45–49 years	1 487	2 961	25 581	3 846	33 590	35 077	3 256	39 234
50–54 years	1 100	2 118	16 242	2 388	21 564	22 664	2 063	25 337
55 years and over	1 725	2 823	20 741	3 204	27 991	29 716	3 101	33 698
<i>Total(c)</i>	20 240	41 542	405 360	58 637	521 318	541 558	42 485	597 995
Organisations	143	484	2 136	1 115	3 957	4 100	1 490	5 609
Total defendants	20 383	42 026	407 496	59 752	525 275	545 658	43 975	603 604

(a) Includes defendants deceased, unfit to plead, transfers to non-court agencies, other non-adjudicated finalisations n.e.c., transfers to other courts and unknown method of finalisation.

(b) Includes defendants with charges proven n.f.d.

(c) Includes defendants with unknown age.

(d) Includes defendants with unknown sex.

3.6 DEFENDANTS FINALISED, Sex and age by method of finalisation *continued*

PROVEN GUILTY								
	Acquitted	Guilty finding	Guilty plea	Guilty ex-parte	Total(b)	Total adjudicated	Withdrawn by prosecution	Total(a)
PROPORTION (%)								
Males								
Under 20 years	7.6	9.1	11.3	8.0	10.7	10.6	6.9	10.3
20–24 years	19.5	19.0	23.3	22.5	22.8	22.6	17.9	22.3
25–29 years	16.5	15.0	17.4	18.1	17.2	17.2	15.8	17.1
30–34 years	12.5	11.6	12.8	12.9	12.7	12.7	13.3	12.7
35–39 years	12.0	11.3	11.3	11.5	11.3	11.3	12.9	11.4
40–44 years	9.4	9.5	8.3	8.5	8.4	8.4	9.9	8.5
45–49 years	7.2	7.1	6.0	6.5	6.2	6.3	7.5	6.4
50–54 years	5.4	5.2	3.9	4.2	4.1	4.1	4.9	4.2
55 years and over	8.7	7.7	5.3	6.0	5.7	5.8	7.7	5.9
Total(c)	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Females								
Under 20 years	6.6	8.3	9.6	7.3	9.2	9.1	6.0	8.8
20–24 years	16.0	15.6	20.6	21.4	20.2	20.1	16.9	19.8
25–29 years	13.7	14.6	17.0	18.9	17.0	16.9	14.8	16.7
30–34 years	13.7	11.7	13.7	14.4	13.6	13.6	13.0	13.6
35–39 years	14.8	11.8	12.9	12.7	12.8	12.8	12.6	12.8
40–44 years	11.8	9.5	10.0	9.6	9.9	10.0	10.2	10.0
45–49 years	8.3	7.1	7.2	6.8	7.2	7.2	8.2	7.3
50–54 years	5.4	4.7	4.3	3.6	4.3	4.3	4.7	4.3
55 years and over	7.9	3.8	4.4	3.8	4.3	4.4	5.9	4.5
Total(c)	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Persons(d)								
Under 20 years	7.4	8.9	10.9	7.8	10.3	10.2	6.6	10.0
20–24 years	18.8	18.1	22.7	22.0	22.1	22.0	17.5	21.7
25–29 years	15.9	14.9	17.3	18.2	17.2	17.1	15.5	17.0
30–34 years	12.7	11.6	13.0	13.2	12.9	12.9	13.1	12.9
35–39 years	12.5	11.4	11.6	11.8	11.6	11.6	12.7	11.7
40–44 years	9.8	9.5	8.6	8.7	8.7	8.8	9.9	8.8
45–49 years	7.3	7.1	6.3	6.6	6.4	6.5	7.7	6.6
50–54 years	5.4	5.1	4.0	4.1	4.1	4.2	4.9	4.2
55 years and over	8.5	6.8	5.1	5.5	5.4	5.5	7.3	5.6
Total(c)	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Organisations	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Total defendants	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

(a) Includes defendants deceased, unfit to plead, transfers to non-court agencies, other non-adjudicated finalisations n.e.c., transfers to other courts and unknown method of finalisation.

(b) Includes defendants with charges proven n.f.d.

(c) Includes defendants with unknown age.

(d) Includes defendants with unknown sex.

3.7**DEFENDANTS PROVEN GUILTY, Principal offence by principal sentence****CUSTODIAL ORDERS**

	<i>Custody in a correctional institution</i>	<i>Custody in the community</i>	<i>Fully suspended sentence</i>	<i>Total</i>
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NUMBER

Homicide and related offences	6	—	11	17
Acts intended to cause injury	6 836	731	4 400	11 967
Sexual assault and related offences	242	31	214	487
Dangerous or negligent acts endangering persons	1 687	306	1 784	3 777
Abduction, harassment and other offences against the person	204	18	204	426
Robbery, extortion and related offences	61	8	47	116
Unlawful entry with intent	2 109	153	853	3 115
Theft and related offences	2 611	203	1 545	4 359
Fraud, deception and related offences	1 494	233	1 254	2 981
Illicit drug offences	1 103	171	1 225	2 499
Prohibited and regulated weapons and explosives offences	468	70	343	881
Property damage and environmental pollution	556	56	404	1 016
Public order offences	591	33	445	1 069
Traffic and vehicle regulatory offences	3 251	744	6 667	10 662
Offences against justice procedures, gov't security and operations	1 714	101	1 071	2 886
Miscellaneous offences	89	—	91	180
Total(a)	23 028	2 858	20 559	46 445

PROPORTION (%)

Homicide and related offences	—	—	0.1	—
Acts intended to cause injury	29.7	25.6	21.4	25.8
Sexual assault and related offences	1.1	1.1	1.0	1.0
Dangerous or negligent acts endangering persons	7.3	10.7	8.7	8.1
Abduction, harassment and other offences against the person	0.9	0.6	1.0	0.9
Robbery, extortion and related offences	0.3	0.3	0.2	0.2
Unlawful entry with intent	9.2	5.4	4.1	6.7
Theft and related offences	11.3	7.1	7.5	9.4
Fraud, deception and related offences	6.5	8.2	6.1	6.4
Illicit drug offences	4.8	6.0	6.0	5.4
Prohibited and regulated weapons and explosives offences	2.0	2.4	1.7	1.9
Property damage and environmental pollution	2.4	2.0	2.0	2.2
Public order offences	2.6	1.2	2.2	2.3
Traffic and vehicle regulatory offences	14.1	26.0	32.4	23.0
Offences against justice procedures, gov't security and operations	7.4	3.5	5.2	6.2
Miscellaneous offences	0.4	—	0.4	0.4
Total(a)	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Includes defendants for whom offence data are missing or a principal offence could not be determined.

3.7 DEFENDANTS PROVEN GUILTY, Principal offence by principal sentence *continued*

NON-CUSTODIAL ORDERS

	Community supervision/ work orders	Monetary orders	Other non-custodial orders	Total	Total proven guilty(a)
NUMBER					
Homicide and related offences	5	20	18	43	62
Acts intended to cause injury	5 394	13 641	12 261	31 296	43 330
Sexual assault and related offences	169	177	243	589	1 096
Dangerous or negligent acts endangering persons	1 989	27 850	2 698	32 537	36 335
Abduction, harassment and other offences against the person	271	827	599	1 697	2 125
Robbery, extortion and related offences	30	9	17	56	184
Unlawful entry with intent	1 492	1 091	842	3 425	6 584
Theft and related offences	2 439	18 930	7 877	29 246	33 681
Fraud, deception and related offences	2 074	5 101	2 656	9 831	12 838
Illicit drug offences	1 777	20 191	7 620	29 588	32 127
Prohibited and regulated weapons and explosives offences	441	4 226	1 658	6 325	7 220
Property damage and environmental pollution	1 135	8 382	3 037	12 554	13 597
Public order offences	1 286	40 575	12 248	54 109	55 216
Traffic and vehicle regulatory offences	4 136	198 027	23 548	225 711	236 499
Offences against justice procedures, gov't security and operations	1 426	22 798	6 575	30 799	33 751
Miscellaneous offences	79	8 619	1 598	10 296	10 494
Total(b)	24 150	370 532	83 528	478 210	525 275

PROPORTION (%)

Homicide and related offences	—	—	—	—	—
Acts intended to cause injury	22.3	3.7	14.7	6.5	8.2
Sexual assault and related offences	0.7	—	0.3	0.1	0.2
Dangerous or negligent acts endangering persons	8.2	7.5	3.2	6.8	6.9
Abduction, harassment and other offences against the person	1.1	0.2	0.7	0.4	0.4
Robbery, extortion and related offences	0.1	—	—	—	—
Unlawful entry with intent	6.2	0.3	1.0	0.7	1.3
Theft and related offences	10.1	5.1	9.4	6.1	6.4
Fraud, deception and related offences	8.6	1.4	3.2	2.1	2.4
Illicit drug offences	7.4	5.4	9.1	6.2	6.1
Prohibited and regulated weapons and explosives offences	1.8	1.1	2.0	1.3	1.4
Property damage and environmental pollution	4.7	2.3	3.6	2.6	2.6
Public order offences	5.3	11.0	14.7	11.3	10.5
Traffic and vehicle regulatory offences	17.1	53.4	28.2	47.2	45.0
Offences against justice procedures, gov't security and operations	5.9	6.2	7.9	6.4	6.4
Miscellaneous offences	0.3	2.3	1.9	2.2	2.0
Total(b)	100.0	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Includes defendants for whom a principal sentence is unknown.

(b) Includes defendants for whom offence data are missing or a principal offence could not be determined.

3.8**DEFENDANTS PROVEN GUILTY, Sex and age by principal sentence**

	CUSTODIAL ORDERS				NON-CUSTODIAL ORDERS				Total proven guilty(a)
	<i>Custody in a correctional institution</i>	<i>Custody in the community</i>	<i>Fully suspended sentence</i>	<i>Total</i>	<i>Community supervision/work orders</i>	<i>Monetary orders</i>	<i>Other non-custodial orders</i>	<i>Total</i>	
NUMBER									
Males									
Under 20 years	1 126	118	860	2 104	3 033	30 545	7 447	41 025	43 221
20–24 years	4 115	493	3 510	8 118	4 626	67 048	12 084	83 758	91 971
25–29 years	4 144	502	3 425	8 071	3 146	49 983	8 335	61 464	69 610
30–34 years	3 602	382	2 710	6 694	2 334	35 392	6 833	44 559	51 306
35–39 years	3 229	373	2 446	6 048	2 085	30 883	6 604	39 572	45 670
40–44 years	1 992	236	1 729	3 957	1 460	23 215	5 306	29 981	33 974
45–49 years	1 172	151	1 084	2 407	918	17 459	4 345	22 722	25 151
50–54 years	539	76	642	1 257	506	11 649	3 118	15 273	16 550
55 years and over	449	72	669	1 190	418	15 526	5 669	21 613	22 846
Total(b)	20 381	2 404	17 085	39 870	18 538	284 746	60 319	363 603	403 982
Females									
Under 20 years	95	6	98	199	566	7 349	2 304	10 219	10 435
20–24 years	360	59	553	972	1 074	16 801	4 154	22 029	23 009
25–29 years	523	79	644	1 246	1 048	13 758	3 290	18 096	19 359
30–34 years	507	70	650	1 227	834	10 687	2 679	14 200	15 447
35–39 years	420	98	615	1 133	774	9 787	2 820	13 381	14 524
40–44 years	315	61	402	778	569	7 579	2 327	10 475	11 266
45–49 years	198	42	249	489	377	5 526	1 780	7 683	8 180
50–54 years	105	17	124	246	166	3 277	1 180	4 623	4 877
55 years and over	41	17	78	136	116	3 067	1 577	4 760	4 899
Total(b)	2 567	450	3 414	6 431	5 530	79 532	22 267	107 329	113 867
Persons(c)									
Under 20 years	1 222	124	959	2 305	3 601	37 980	9 766	51 347	53 761
20–24 years	4 484	553	4 065	9 102	5 711	84 204	16 279	106 194	115 399
25–29 years	4 685	583	4 081	9 349	4 214	64 161	11 674	80 049	89 490
30–34 years	4 126	452	3 375	7 953	3 182	46 363	9 548	59 093	67 119
35–39 years	3 666	472	3 069	7 207	2 867	40 945	9 461	53 273	60 540
40–44 years	2 316	297	2 137	4 750	2 041	31 002	7 671	40 714	45 513
45–49 years	1 373	193	1 343	2 909	1 300	23 187	6 164	30 651	33 590
50–54 years	645	93	769	1 507	674	15 027	4 328	20 029	21 564
55 years and over	491	89	749	1 329	535	18 780	7 301	26 616	27 991
Total(b)	23 024	2 858	20 559	46 441	24 150	367 099	83 012	474 261	521 318
Organisations	4	—	—	4	—	3 433	516	3 949	3 957
Total defendants	23 028	2 858	20 559	46 445	24 150	370 532	83 528	478 210	525 275

— nil or rounded to zero (including null cells)

(a) Includes defendants for whom a principal sentence is unknown.

(b) Includes defendants with unknown age.

(c) Includes defendants with unknown sex.

3.8 DEFENDANTS PROVEN GUILTY, Sex and age by principal sentence *continued*

	CUSTODIAL ORDERS			Total	NON-CUSTODIAL ORDERS			Total	Total proven guilty(a)
	Custody in a correctional institution	Custody in the community	Fully suspended sentence		Community supervision/work orders	Monetary orders	Other non-custodial orders		
PROPORTION (%)									
Males									
Under 20 years	5.5	4.9	5.0	5.3	16.4	10.7	12.3	11.3	10.7
20–24 years	20.2	20.5	20.5	20.4	25.0	23.5	20.0	23.0	22.8
25–29 years	20.3	20.9	20.0	20.2	17.0	17.6	13.8	16.9	17.2
30–34 years	17.7	15.9	15.9	16.8	12.6	12.4	11.3	12.3	12.7
35–39 years	15.8	15.5	14.3	15.2	11.2	10.8	10.9	10.9	11.3
40–44 years	9.8	9.8	10.1	9.9	7.9	8.2	8.8	8.2	8.4
45–49 years	5.8	6.3	6.3	6.0	5.0	6.1	7.2	6.2	6.2
50–54 years	2.6	3.2	3.8	3.2	2.7	4.1	5.2	4.2	4.1
55 years and over	2.2	3.0	3.9	3.0	2.3	5.5	9.4	5.9	5.7
Total(b)	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Females									
Under 20 years	3.7	1.3	2.9	3.1	10.2	9.2	10.3	9.5	9.2
20–24 years	14.0	13.1	16.2	15.1	19.4	21.1	18.7	20.5	20.2
25–29 years	20.4	17.6	18.9	19.4	19.0	17.3	14.8	16.9	17.0
30–34 years	19.8	15.6	19.0	19.1	15.1	13.4	12.0	13.2	13.6
35–39 years	16.4	21.8	18.0	17.6	14.0	12.3	12.7	12.5	12.8
40–44 years	12.3	13.6	11.8	12.1	10.3	9.5	10.5	9.8	9.9
45–49 years	7.7	9.3	7.3	7.6	6.8	6.9	8.0	7.2	7.2
50–54 years	4.1	3.8	3.6	3.8	3.0	4.1	5.3	4.3	4.3
55 years and over	1.6	3.8	2.3	2.1	2.1	3.9	7.1	4.4	4.3
Total(b)	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Persons(c)									
Under 20 years	5.3	4.3	4.7	5.0	14.9	10.3	11.8	10.8	10.3
20–24 years	19.5	19.3	19.8	19.6	23.6	22.9	19.6	22.4	22.1
25–29 years	20.3	20.4	19.9	20.1	17.4	17.5	14.1	16.9	17.2
30–34 years	17.9	15.8	16.4	17.1	13.2	12.6	11.5	12.5	12.9
35–39 years	15.9	16.5	14.9	15.5	11.9	11.2	11.4	11.2	11.6
40–44 years	10.1	10.4	10.4	10.2	8.5	8.4	9.2	8.6	8.7
45–49 years	6.0	6.8	6.5	6.3	5.4	6.3	7.4	6.5	6.4
50–54 years	2.8	3.3	3.7	3.2	2.8	4.1	5.2	4.2	4.1
55 years and over	2.1	3.1	3.6	2.9	2.2	5.1	8.8	5.6	5.4
Total(b)	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Organisations	100.0	—	—	100.0	—	100.0	100.0	100.0	100.0
Total defendants	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(b) Includes defendants with unknown age.

(a) Includes defendants for whom a principal sentence is unknown.

(c) Includes defendants with unknown sex.

3.9 DURATION FROM INITIATION TO FINALISATION, Method of finalisation by selected principal offence

	<i>Under 13 weeks</i>	<i>13 to under 26 weeks</i>	<i>26 to under 39 weeks</i>	<i>39 to under 52 weeks</i>	<i>52 weeks & over</i>	<i>Total</i>
NUMBER						
Acquitted						
Acts intended to cause injury	1 084	1 581	819	388	593	4 465
Dangerous or negligent acts endangering persons	167	205	95	41	54	562
Theft & related offences	373	288	174	88	138	1 061
Illicit drug offences	70	93	62	41	75	341
Public order offences	6 092	259	132	70	63	6 616
Traffic & vehicle regulatory offences	1 914	1 606	406	120	346	4 392
Offences against justice procedures	337	374	153	65	141	1 070
Other(a)	498	515	371	180	279	1 843
<i>Total(b)</i>	<i>10 555</i>	<i>4 929</i>	<i>2 213</i>	<i>994</i>	<i>1 692</i>	<i>20 383</i>
Proven guilty						
Acts intended to cause injury	22 700	10 355	5 131	2 341	2 803	43 330
Dangerous or negligent acts endangering persons	26 837	5 498	1 998	822	1 180	36 335
Theft & related offences	23 803	4 985	2 269	1 057	1 567	33 681
Illicit drug offences	24 802	3 934	1 628	707	1 056	32 127
Public order offences	49 162	3 538	1 376	563	577	55 216
Traffic & vehicle regulatory offences	197 478	26 260	6 384	2 148	4 229	236 499
Offences against justice procedures	26 377	4 161	1 684	703	826	33 751
Other(a)	34 701	10 110	4 421	1 972	2 996	54 200
<i>Total</i>	<i>405 925</i>	<i>68 865</i>	<i>24 901</i>	<i>10 325</i>	<i>15 259</i>	<i>525 275</i>
Total adjudicated	416 480	73 794	27 114	11 319	16 951	545 658
Transfers to other courts	2 968	5 149	2 885	1 099	1 046	13 147
Withdrawn by prosecution	19 186	11 934	5 540	2 670	4 645	43 975
Other(c)	473	148	86	35	79	821
Total finalised(d)	439 107	91 027	35 625	15 123	22 722	603 604
PROPORTION (%)						
Acquitted						
Acts intended to cause injury	24.3	35.4	18.3	8.7	13.3	100.0
Dangerous or negligent acts endangering persons	29.7	36.5	16.9	7.3	9.6	100.0
Theft & related offences	35.2	27.1	16.4	8.3	13.0	100.0
Illicit drug offences	20.5	27.3	18.2	12.0	22.0	100.0
Public order offences	92.1	3.9	2.0	1.1	1.0	100.0
Traffic & vehicle regulatory offences	43.6	36.6	9.2	2.7	7.9	100.0
Offences against justice procedures	31.5	35.0	14.3	6.1	13.2	100.0
Other(a)	27.0	27.9	20.1	9.8	15.1	100.0
<i>Total(b)</i>	<i>51.8</i>	<i>24.2</i>	<i>10.9</i>	<i>4.9</i>	<i>8.3</i>	<i>100.0</i>
Proven guilty						
Acts intended to cause injury	52.4	23.9	11.8	5.4	6.5	100.0
Dangerous or negligent acts endangering persons	73.9	15.1	5.5	2.3	3.2	100.0
Theft & related offences	70.7	14.8	6.7	3.1	4.7	100.0
Illicit drug offences	77.2	12.2	5.1	2.2	3.3	100.0
Public order offences	89.0	6.4	2.5	1.0	1.0	100.0
Traffic & vehicle regulatory offences	83.5	11.1	2.7	0.9	1.8	100.0
Offences against justice procedures	78.2	12.3	5.0	2.1	2.4	100.0
Other(a)	64.0	18.7	8.2	3.6	5.5	100.0
<i>Total</i>	<i>77.3</i>	<i>13.1</i>	<i>4.7</i>	<i>2.0</i>	<i>2.9</i>	<i>100.0</i>
Total adjudicated	76.3	13.5	5.0	2.1	3.1	100.0
Transfers to other courts	22.6	39.2	21.9	8.4	8.0	100.0
Withdrawn by prosecution	43.6	27.1	12.6	6.1	10.6	100.0
Other(c)	57.6	18.0	10.5	4.3	9.6	100.0
Total finalised(d)	72.7	15.1	5.9	2.5	3.8	100.0

(a) Includes ASOC Divisions 01, 03, 05–07, 09, 11–12 & 16 (refer to Appendix 3).

(b) Includes defendants for whom offence data are missing or a principal offence could not be determined.

(c) Includes defendants deceased, unfit to plead, transfers to non-court agencies and other non-adjudicated finalisations n.e.c.

(d) Includes defendants with an unknown method of finalisation.

3.10 SUMMARY OUTCOMES OF DEFENDANTS, States and territories, 2004–05 to 2009–10

	NUMBER						PERCENTAGE
	2004–05	2005–06	2006–07	2007–08	2008–09	2009–10	CHANGE (%)
NEW SOUTH WALES (a)							
Method of finalisation							
Adjudicated outcomes							
Acquitted	5 711	5 983	7 018	7 319	7 553	7 458	-1.3
Proven guilty	137 054	135 495	133 686	135 862	146 952	135 140	-8.0
Total	142 765	141 478	140 704	143 181	154 505	142 598	-7.7
Transfers to other courts	3 411	3 175	3 356	3 462	3 594	3 394	-5.6
Withdrawn by prosecution	12 567	13 064	11 818	12 199	13 325	9 860	-26.0
Total finalised (b)	160 560	159 539	156 206	158 987	171 531	155 989	-9.1
Principal offence (c)							
Homicide and related offences	86	71	66	59	38	47	23.7
Acts intended to cause injury	16 508	17 362	19 277	19 826	22 253	21 600	-2.9
Sexual assault and related offences	350	333	396	416	548	564	2.9
Dangerous or negligent acts endangering persons	6 107	5 985	5 948	5 849	6 317	5 874	-7.0
Abduction, harassment and other offences against the person	6	4	7	7	725	760	4.8
Robbery, extortion and related offences	66	78	90	78	102	73	-28.4
Unlawful entry with intent	1 417	1 375	1 414	1 334	1 377	1 326	-3.7
Theft and related offences	8 677	7 935	8 216	7 606	7 877	8 002	1.6
Fraud, deception and related offences	7 354	7 411	5 552	5 000	4 004	3 800	-5.1
Illicit drug offences	6 322	6 047	6 651	6 835	8 116	8 770	8.1
Prohibited and regulated weapons and explosives offences	1 070	956	1 053	976	1 030	956	-7.2
Property damage and environmental pollution	4 401	4 496	4 777	4 922	5 010	4 680	-6.6
Public order offences	7 577	7 961	7 800	7 304	6 381	5 759	-9.7
Traffic and vehicle regulatory offences	72 321	70 211	68 473	71 843	80 439	70 971	-11.8
Offences against justice procedures, gov't security and operations	5 315	6 058	6 086	5 971	6 765	6 206	-8.3
Miscellaneous offences	5 188	5 195	4 898	5 155	3 523	3 210	-8.9
Total adjudicated (d)	142 765	141 478	140 704	143 181	154 505	142 598	-7.7
Sentence outcomes							
Custodial orders	13 630	13 300	13 538	13 687	15 001	13 600	-9.3
Non-custodial orders	123 424	122 195	120 148	122 175	131 951	121 450	-8.0
Total proven guilty (e)	137 054	135 495	133 686	135 862	146 952	135 140	-8.0

(a) Prior to 2009–10 NSW counts referred to finalised appearances rather than finalised defendants in the Magistrates' Courts resulting in potentially higher population counts (see Explanatory Notes paragraph 64).

(b) Includes defendants deceased, unfit to plead, transfers to non-court agencies, other non-adjudicated finalisations n.e.c. and unknown method of finalisation.

(c) Offence data are based on ASOC08 from 2008–09 and ASOC97 prior to this period. Caution should be exercised when comparing offence data across the two classifications (see Explanatory Notes paragraph 21).

(d) Includes defendants for whom offence data are missing or a principal offence could not be determined.

(e) Includes defendants for whom a principal sentence is unknown.

3.10SUMMARY OUTCOMES OF DEFENDANTS, States and territories, 2004–05 to
2009–10 *continued*

	NUMBER						PERCENTAGE
	2004–05	2005–06	2006–07	2007–08	2008–09	2009–10	CHANGE (%) 2008–09 to 2009–10
VICTORIA							
Method of finalisation							
Adjudicated outcomes							
Acquitted	3 193	4 924	6 629	7 627	10 971	8 327	-24.1
Proven guilty	79 921	78 152	77 179	80 410	82 524	77 579	-6.0
Total	83 114	83 076	83 808	88 037	93 495	85 906	-8.1
Transfers to other courts	2 541	1 878	2 080	338	426	360	-15.5
Withdrawn by prosecution	13 441	11 048	10 884	9 951	10 774	10 991	2.0
Total finalised^(a)	99 096	96 002	96 772	98 326	104 695	97 257	-7.1
Principal offence ^(b)							
Homicide and related offences	15	7	10	9	4	6	50.0
Acts intended to cause injury	3 884	4 385	6 100	5 923	7 207	7 637	6.0
Sexual assault and related offences	229	232	255	249	391	371	-5.1
Dangerous or negligent acts endangering persons	4 605	4 684	6 482	7 204	7 589	7 316	-3.6
Abduction, harassment and other offences against the person	16	3	—	12	593	635	7.1
Robbery, extortion and related offences	223	191	197	178	128	118	-7.8
Unlawful entry with intent	2 120	1 965	1 768	1 654	1 361	1 264	-7.1
Theft and related offences	10 458	9 028	6 127	5 612	6 808	6 323	-7.1
Fraud, deception and related offences	2 869	2 586	4 546	4 206	3 313	2 740	-17.3
Illicit drug offences	4 347	3 852	3 467	3 090	2 875	2 966	3.2
Prohibited and regulated weapons and explosives offences	1 255	1 152	1 978	1 779	1 795	1 750	-2.5
Property damage and environmental pollution	2 542	2 464	2 104	1 875	1 935	1 839	-5.0
Public order offences	13 281	13 711	14 813	15 214	19 434	12 058	-38.0
Traffic and vehicle regulatory offences	29 814	29 790	27 401	33 144	31 842	33 408	4.9
Offences against justice procedures, gov't security and operations	3 510	4 876	3 473	2 851	3 871	3 263	-15.7
Miscellaneous offences	3 917	3 884	4 825	5 037	4 235	4 043	-4.5
Total adjudicated^(c)	83 114	83 077	83 807	88 037	93 495	85 906	-8.1
Sentence outcomes							
Custodial orders	10 783	10 577	10 630	10 695	9 997	10 333	3.4
Non-custodial orders	68 532	67 125	66 259	69 368	72 069	66 884	-7.2
Total proven guilty^(d)	79 921	78 152	77 179	80 410	82 524	77 579	-6.0

— nil or rounded to zero (including null cells)

(a) Includes defendants deceased, unfit to plead, transfers to non-court agencies, other non-adjudicated finalisations n.e.c. and unknown method of finalisation.

(b) Offence data are based on ASOC08 from 2008–09 and ASOC97 prior to this period. Caution should be exercised when comparing offence data across the two classifications (see Explanatory Notes paragraph 21).

(c) Includes defendants for whom offence data are missing or a principal offence could not be determined.

(d) Includes defendants for whom a principal sentence is unknown.

3.10 SUMMARY OUTCOMES OF DEFENDANTS, States and territories, 2004–05 to 2009–10 *continued*

	NUMBER						PERCENTAGE
	2004–05	2005–06	2006–07	2007–08	2008–09	2009–10	CHANGE (%) 2008–09 to 2009–10
QUEENSLAND							
Method of finalisation							
Adjudicated outcomes							
Acquitted	2 036	1 725	1 097	998	1 178	1 218	3.4
Proven guilty	119 579	127 501	129 796	139 169	148 738	156 768	5.4
Total	121 615	129 226	130 893	140 167	149 916	157 986	5.4
Transfers to other courts	5 240	4 689	4 692	4 017	3 811	3 920	2.9
Withdrawn by prosecution	8 278	7 907	8 438	8 181	8 304	8 777	5.7
Total finalised(a)	135 133	141 823	144 026	152 367	162 033	170 685	5.3
Principal offence(b)							
Homicide and related offences	13	14	13	6	8	6	-25.0
Acts intended to cause injury	4 365	4 468	4 815	4 861	4 900	5 231	6.8
Sexual assault and related offences	142	119	135	124	166	150	-9.6
Dangerous or negligent acts endangering persons	10 920	10 862	10 886	11 412	11 995	11 381	-5.1
Abduction, harassment and other offences against the person	12	11	12	10	244	265	8.6
Robbery, extortion and related offences	41	18	15	13	18	15	-16.7
Unlawful entry with intent	1 718	2 059	2 295	2 267	2 248	2 179	-3.1
Theft and related offences	9 147	8 771	8 263	7 972	9 312	11 039	18.5
Fraud, deception and related offences	5 280	4 782	4 833	5 780	3 439	3 511	2.1
Illicit drug offences	11 414	11 552	12 084	12 519	12 015	12 386	3.1
Prohibited and regulated weapons and explosives offences	2 273	2 223	2 193	2 191	1 983	1 949	-1.7
Property damage and environmental pollution	3 081	3 386	3 434	3 390	3 474	3 444	-0.9
Public order offences	15 785	19 211	22 909	25 433	26 810	28 196	5.2
Traffic and vehicle regulatory offences	44 519	47 597	44 060	49 442	58 901	62 390	5.9
Offences against justice procedures, gov't security and operations	10 826	12 316	12 572	12 584	13 301	14 364	8.0
Miscellaneous offences	2 079	1 837	1 734	1 591	1 102	1 480	34.3
Total adjudicated(c)	121 615	129 226	130 893	140 167	149 916	157 986	5.4
Sentence outcomes							
Custodial orders	5 757	7 307	7 683	8 555	8 247	8 621	4.5
Non-custodial orders	113 822	120 194	122 113	130 614	140 491	148 147	5.4
Total proven guilty(d)	119 579	127 501	129 796	139 169	148 738	156 768	5.4

(a) Includes defendants deceased, unfit to plead, transfers to non-court agencies, other non-adjudicated finalisations n.e.c. and unknown method of finalisation.

(b) Offence data are based on ASOC08 from 2008–09 and ASOC97 prior to this period. Caution should be exercised when comparing offence data across the two classifications (see Explanatory Notes paragraph 21).

(c) Includes defendants for whom offence data are missing or a principal offence could not be determined.

(d) Includes defendants for whom a principal sentence is unknown.

3.10SUMMARY OUTCOMES OF DEFENDANTS, States and territories, 2004–05 to
2009–10 *continued*

	NUMBER						PERCENTAGE
	2004–05	2005–06	2006–07	2007–08	2008–09	2009–10	CHANGE (%) 2008–09 to 2009–10
SOUTH AUSTRALIA							
Method of finalisation							
Adjudicated outcomes							
Acquitted	85	89	119	94	165	175	6.1
Proven guilty	35 218	36 101	37 870	39 910	41 980	35 341	-15.8
Total	35 303	36 190	37 989	40 004	42 145	35 516	-15.7
Transfers to other courts	1 038	1 213	1 293	1 310	1 681	1 859	10.6
Withdrawn by prosecution	7 749	7 726	4 620	4 809	6 005	7 522	25.3
Total finalised(a)	44 134	45 164	43 932	46 181	49 894	44 949	-9.9
Principal offence(b)							
Homicide and related offences	—	—	3	—	3	—	-100.0
Acts intended to cause injury	1 771	1 737	1 987	2 682	3 087	3 093	0.2
Sexual assault and related offences	48	38	41	56	74	69	-6.8
Dangerous or negligent acts endangering persons	2 114	1 834	2 392	2 388	3 440	3 132	-9.0
Abduction, harassment and other offences against the person	—	—	—	—	100	58	-42.0
Robbery, extortion and related offences	3	—	3	3	—	—	—
Unlawful entry with intent	329	304	347	353	720	620	-13.9
Theft and related offences	2 401	2 125	2 531	2 512	2 546	2 959	16.2
Fraud, deception and related offences	750	631	711	820	855	952	11.3
Illicit drug offences	1 295	1 054	1 127	1 065	1 223	1 414	15.6
Prohibited and regulated weapons and explosives offences	797	806	932	1 123	1 272	1 255	-1.3
Property damage and environmental pollution	1 050	1 011	1 170	1 382	1 288	1 317	2.3
Public order offences	2 733	2 647	3 081	3 198	3 457	3 823	10.6
Traffic and vehicle regulatory offences	19 331	21 440	21 144	21 722	21 733	14 417	-33.7
Offences against justice procedures, gov't security and operations	2 095	2 225	2 137	2 415	2 057	2 038	-0.9
Miscellaneous offences	586	337	386	286	292	368	26.0
Total adjudicated(c)	35 303	36 189	37 992	40 005	42 147	35 515	-15.7
Sentence outcomes							
Custodial orders	2 387	2 131	2 442	3 458	3 979	4 221	6.1
Non-custodial orders	32 796	33 970	35 428	36 452	38 001	31 120	-18.1
Total proven guilty(d)	35 218	36 101	37 870	39 910	41 980	35 341	-15.8

— nil or rounded to zero (including null cells)

(a) Includes defendants deceased, unfit to plead, transfers to non-court agencies, other non-adjudicated finalisations n.e.c. and unknown method of finalisation.

(b) Offence data are based on ASOC08 from 2008–09 and ASOC97 prior to this period. Caution should be exercised when comparing offence data across the two classifications (see Explanatory Notes paragraph 21).

(c) Includes defendants for whom offence data are missing or a principal offence could not be determined.

(d) Includes defendants for whom a principal sentence is unknown.

3.10SUMMARY OUTCOMES OF DEFENDANTS, States and territories, 2004–05 to
2009–10 *continued*

	NUMBER						PERCENTAGE
	2004–05	2005–06	2006–07	2007–08	2008–09	2009–10	CHANGE (%) 2008–09 to 2009–10
WESTERN AUSTRALIA							
Method of finalisation							
Adjudicated outcomes							
Acquitted	735	745	750	795	657	754	14.8
Proven guilty	55 140	64 686	73 234	88 852	99 400	93 604	-5.8
<i>Total</i>	55 875	65 431	73 984	89 647	100 057	94 358	-5.7
Transfers to other courts	2 094	1 589	2 440	2 584	2 496	2 499	0.1
Withdrawn by prosecution	1 875	2 265	2 447	3 204	4 232	4 709	11.3
Total finalised(a)	60 136	69 592	79 122	95 660	107 081	101 838	-4.9
Principal offence(b)							
Homicide and related offences	8	28	21	16	9	21	133.3
Acts intended to cause injury	4 985	5 422	5 681	6 075	6 268	6 351	1.3
Sexual assault and related offences	54	74	83	99	87	95	9.2
Dangerous or negligent acts endangering persons	15 081	17 334	18 636	21 411	9 506	7 766	-18.3
Abduction, harassment and other offences against the person	—	—	—	—	405	480	18.5
Robbery, extortion and related offences	—	—	—	3	—	—	—
Unlawful entry with intent	1 114	984	1 069	1 124	1 137	879	-22.7
Theft and related offences	3 728	3 345	3 588	3 938	4 697	4 822	2.7
Fraud, deception and related offences	1 973	1 701	1 653	1 693	1 521	1 594	4.8
Illicit drug offences	3 246	3 768	4 512	4 759	5 686	5 521	-2.9
Prohibited and regulated weapons and explosives offences	849	937	1 110	1 177	1 047	957	-8.6
Property damage and environmental pollution	332	1 587	1 836	1 903	2 062	2 147	4.1
Public order offences	4 986	6 225	7 409	7 883	8 963	9 875	10.2
Traffic and vehicle regulatory offences	14 924	18 484	22 664	33 403	52 292	46 707	-10.7
Offences against justice procedures, gov't security and operations	2 901	4 152	4 461	4 872	5 556	6 060	9.1
Miscellaneous offences	1 692	1 390	1 261	1 292	821	1 081	31.7
Total adjudicated(c)	55 873	65 431	73 984	89 648	100 057	94 356	-5.7
Sentence outcomes							
Custodial orders	4 108	4 084	3 991	4 480	5 214	4 605	-11.7
Non-custodial orders	50 987	60 602	69 243	84 372	94 186	88 999	-5.5
Total proven guilty(d)	55 140	64 686	73 234	88 852	99 400	93 604	-5.8

— nil or rounded to zero (including null cells)

(a) Includes defendants deceased, unfit to plead, transfers to non-court agencies, other non-adjudicated finalisations n.e.c. and unknown method of finalisation.

(b) Offence data are based on ASOC08 from 2008–09 and ASOC97 prior to this period. Caution should be exercised when comparing offence data across the two classifications (see Explanatory Notes paragraph 21).

(c) Includes defendants for whom offence data are missing or a principal offence could not be determined.

(d) Includes defendants for whom a principal sentence is unknown.

3.10SUMMARY OUTCOMES OF DEFENDANTS, States and territories, 2004–05 to
2009–10 *continued*

	NUMBER						PERCENTAGE
	2004–05	2005–06	2006–07	2007–08	2008–09	2009–10	CHANGE (%) 2008–09 to 2009–10
TASMANIA							
Method of finalisation							
Adjudicated outcomes							
Acquitted	8 442	7 421	8 016	6 791	3 866	2 103	-45.6
Proven guilty	36 573	34 438	40 909	45 464	19 961	14 466	-27.5
Total	45 015	41 859	48 925	52 255	23 827	16 569	-30.5
Transfers to other courts	463	490	471	629	693	613	-11.5
Withdrawn by prosecution	534	368	507	471	446	207	-53.6
Total finalised(a)	46 019	42 717	49 909	53 368	24 971	17 396	-30.3
Principal offence(b)							
Homicide and related offences	—	—	—	3	—	—	—
Acts intended to cause injury	1 719	2 005	1 989	1 935	1 949	1 907	-2.2
Sexual assault and related offences	39	42	41	43	40	27	-32.5
Dangerous or negligent acts endangering persons	402	522	512	554	880	853	-3.1
Abduction, harassment and other offences against the person	—	—	—	—	—	3	—
Robbery, extortion and related offences	4	3	9	5	4	6	50.0
Unlawful entry with intent	412	334	342	317	341	308	-9.7
Theft and related offences	1 030	951	909	937	1 098	1 028	-6.4
Fraud, deception and related offences	383	404	406	403	457	380	-16.8
Illicit drug offences	644	573	669	733	957	915	-4.4
Prohibited and regulated weapons and explosives offences	305	151	140	158	201	171	-14.9
Property damage and environmental pollution	361	382	393	426	477	429	-10.1
Public order offences	1 516	1 333	1 765	2 014	1 798	1 421	-21.0
Traffic and vehicle regulatory offences	35 610	32 330	38 656	42 225	13 381	7 088	-47.0
Offences against justice procedures, gov't security and operations	1 671	1 643	1 974	1 704	1 652	1 506	-8.8
Miscellaneous offences	864	1 146	1 069	751	591	527	-10.8
Total adjudicated(c)	45 015	41 859	48 923	52 254	23 826	16 569	-30.5
Sentence outcomes							
Custodial orders	1 655	1 755	1 728	1 772	1 929	1 775	-8.0
Non-custodial orders	33 725	32 683	38 811	43 344	17 840	12 523	-29.8
Total proven guilty(d)	36 573	34 438	40 909	45 464	19 961	14 466	-27.5

— nil or rounded to zero (including null cells)

(a) Includes defendants deceased, unfit to plead, transfers to non-court agencies, other non-adjudicated finalisations n.e.c. and unknown method of finalisation.

(b) Offence data are based on ASOC08 from 2008–09 and ASOC97 prior to this period. Caution should be exercised when comparing offence data across the two classifications (see Explanatory Notes paragraph 21).

(c) Includes defendants for whom offence data are missing or a principal offence could not be determined.

(d) Includes defendants for whom a principal sentence is unknown.

3.10 SUMMARY OUTCOMES OF DEFENDANTS, States and territories, 2004–05 to 2009–10 *continued*

	NUMBER						PERCENTAGE
	2004–05	2005–06	2006–07	2007–08	2008–09	2009–10	CHANGE (%) 2008–09 to 2009–10
NORTHERN TERRITORY (a)							
Method of finalisation							
Adjudicated outcomes							
Acquitted	491	663	526	606	610	247	-59.5
Proven guilty	7 628	7 584	7 810	8 590	9 504	9 119	-4.1
Total	8 119	8 247	8 336	9 196	10 114	9 366	-7.4
Transfers to other courts	170	145	131	177	182	225	23.6
Withdrawn by prosecution	510	489	585	603	422	786	86.3
Total finalised (b)	8 802	8 881	9 052	9 976	10 718	10 378	-3.2
Principal offence (c)							
Homicide and related offences	3	7	4	4	5	—	-100.0
Acts intended to cause injury	1 325	1 562	1 604	1 562	1 777	1 587	-10.7
Sexual assault and related offences	28	25	21	25	22	14	-36.4
Dangerous or negligent acts endangering persons	514	485	444	467	568	512	-9.9
Abduction, harassment and other offences against the person	—	3	3	3	33	29	-12.1
Robbery, extortion and related offences	6	3	6	5	6	6	—
Unlawful entry with intent	214	189	206	177	235	210	-10.6
Theft and related offences	331	281	265	268	240	303	26.3
Fraud, deception and related offences	156	149	118	106	125	110	-12.0
Illicit drug offences	321	324	372	326	338	400	18.3
Prohibited and regulated weapons and explosives offences	307	277	267	243	343	217	-36.7
Property damage and environmental pollution	237	263	234	219	209	175	-16.3
Public order offences	715	698	600	739	941	638	-32.2
Traffic and vehicle regulatory offences	3 273	3 280	3 192	3 851	4 263	4 163	-2.3
Offences against justice procedures, gov't security and operations	408	590	628	775	813	880	8.2
Miscellaneous offences	279	107	368	382	126	122	-3.2
Total adjudicated (d)	8 120	8 247	8 336	9 197	10 114	9 366	-7.4
Sentence outcomes							
Custodial orders	2 289	2 407	2 468	2 529	2 895	2 845	-1.7
Non-custodial orders	5 339	5 177	5 342	6 061	6 608	6 274	-5.1
Total proven guilty (e)	7 628	7 584	7 810	8 590	9 504	9 119	-4.1

— nil or rounded to zero (including null cells)

(a) Prior to 2009–10 there was an error in the mapping for charges acquitted and withdrawn. Caution should be exercised when making historical comparisons (see Explanatory Notes paragraph 105).

(b) Includes defendants deceased, unfit to plead, transfers to non-court agencies, other non-adjudicated finalisations n.e.c. and unknown method of finalisation.

(c) Offence data are based on ASOC08 from 2008–09 and ASOC97 prior to this period. Caution should be exercised when comparing offence data across the two classifications (see Explanatory Notes paragraph 21).

(d) Includes defendants for whom offence data are missing or a principal offence could not be determined.

(e) Includes defendants for whom a principal sentence is unknown.

3.10SUMMARY OUTCOMES OF DEFENDANTS, States and territories, 2004–05 to
2009–10 *continued*

	NUMBER						PERCENTAGE
	2004–05	2005–06	2006–07	2007–08	2008–09	2009–10	CHANGE (%) 2008–09 to 2009–10
AUSTRALIAN CAPITAL TERRITORY							
Method of finalisation							
Adjudicated outcomes							
Acquitted	159	137	51	103	169	101	-40.2
Proven guilty	3 185	3 627	3 072	3 243	3 320	3 258	-1.9
<i>Total</i>	3 344	3 764	3 123	3 346	3 489	3 359	-3.7
Transfers to other courts	197	179	198	272	280	277	-1.1
Withdrawn by prosecution	1 033	1 493	946	1 041	1 217	1 123	-7.7
Total finalised(a)	4 584	5 445	4 434	4 677	5 003	5 112	2.2
Principal offence(b)							
Homicide and related offences	—	—	—	—	7	6	-14.3
Acts intended to cause injury	346	322	360	323	398	389	-2.3
Sexual assault and related offences	13	18	11	11	10	8	-20.0
Dangerous or negligent acts endangering persons	119	139	117	681	72	63	-12.5
Abduction, harassment and other offences against the person	4	3	5	—	3	4	33.3
Robbery, extortion and related offences	6	9	15	4	—	4	—
Unlawful entry with intent	88	45	41	34	28	32	14.3
Theft and related offences	375	326	331	241	327	266	-18.7
Fraud, deception and related offences	135	79	59	42	85	70	-17.6
Illicit drug offences	123	138	131	122	126	96	-23.8
Prohibited and regulated weapons and explosives offences	58	59	72	83	64	59	-7.8
Property damage and environmental pollution	47	51	49	91	39	32	-17.9
Public order offences	64	104	112	102	91	62	-31.9
Traffic and vehicle regulatory offences	1 677	1 769	1 585	1 333	1 998	1 747	-12.6
Offences against justice procedures, gov't security and operations	162	621	169	206	224	504	125.0
Miscellaneous offences	82	80	65	72	17	17	—
Total adjudicated(c)	3 344	3 766	3 122	3 345	3 489	3 359	-3.7
Sentence outcomes							
Custodial orders	468	486	492	481	417	445	6.7
Non-custodial orders	2 670	3 137	2 580	2 762	2 903	2 813	-3.1
Total proven guilty(d)	3 185	3 627	3 072	3 243	3 320	3 258	-1.9

— nil or rounded to zero (including null cells)

(a) Includes defendants deceased, unfit to plead, transfers to non-court agencies, other non-adjudicated finalisations n.e.c. and unknown method of finalisation.

(b) Offence data are based on ASOC08 from 2008–09 and ASOC97 prior to this period. Caution should be exercised when comparing offence data across the two classifications (see Explanatory Notes paragraph 21).

(c) Includes defendants for whom offence data are missing or a principal offence could not be determined.

(d) Includes defendants for whom a principal sentence is unknown.

3.11 SUMMARY CHARACTERISTICS OF DEFENDANTS (EXCLUDING TRAFFIC OFFENCES)(a), Indigenous status by selected states and territories

	<i>Aboriginal & Torres Strait Islander</i>	<i>Non-Indigenous</i>	<i>Unknown/ Not stated</i>	<i>Total(b)</i>
NEW SOUTH WALES				
Sex				
Males	6 246	45 262	8 249	59 757
Females	2 335	9 438	3 206	14 979
Total finalised(c)	8 608	54 864	11 720	76 143
Principal offence(a)				
Homicide and related offences	—	12	35	47
Acts intended to cause injury	3 169	17 237	1 192	21 598
Sexual assault and related offences	30	501	33	564
Dangerous or negligent acts endangering persons	5	56	31	95
Abduction, harassment and other offences against the person	93	609	58	760
Robbery, extortion and related offences	11	56	5	72
Unlawful entry with intent	238	961	127	1 326
Theft and related offences	822	6 032	1 126	8 002
Fraud, deception and related offences	109	2 013	1 670	3 800
Illicit drug offences	651	7 572	546	8 769
Prohibited and regulated weapons and explosives offences	41	813	102	956
Property damage and environmental pollution	612	3 530	502	4 680
Public order offences	933	3 888	926	5 759
Offences against justice procedures, gov't security and operations	659	3 510	1 619	6 206
Miscellaneous offences	82	877	2 057	3 210
Total adjudicated	7 455	47 667	10 029	65 844
Sentence outcomes				
Custodial orders	2 299	7 283	957	10 542
Non-custodial orders	4 585	35 992	8 480	49 732
Total proven guilty(d)	6 898	43 343	9 444	60 363

— nil or rounded to zero (including null cells)

(a) Excludes Division 14 and Subdivision 041 of ASOC08 (see Explanatory Notes paragraphs 50–51).

(b) Includes organisations.

(c) Includes defendants with unknown sex.

(d) Includes defendants for whom a principal sentence is unknown.

3.11SUMMARY CHARACTERISTICS OF DEFENDANTS (EXCLUDING TRAFFIC OFFENCES)(a), Indigenous status by selected states and territories *continued* ..

	Aboriginal & Torres Strait Islander	Non-Indigenous	Unknown/ Not stated	Total(b)
NEW SOUTH WALES (%)				
Sex				
Males	10.5	75.7	13.8	100.0
Females	15.6	63.0	21.4	100.0
Total finalised(c)	11.3	72.1	15.4	100.0
Principal offence(a)				
Homicide and related offences	—	25.5	74.5	100.0
Acts intended to cause injury	14.7	79.8	5.5	100.0
Sexual assault and related offences	5.3	88.8	5.9	100.0
Dangerous or negligent acts endangering persons	5.3	58.9	32.6	100.0
Abduction, harassment and other offences against the person	12.2	80.1	7.6	100.0
Robbery, extortion and related offences	15.3	77.8	6.9	100.0
Unlawful entry with intent	17.9	72.5	9.6	100.0
Theft and related offences	10.3	75.4	14.1	100.0
Fraud, deception and related offences	2.9	53.0	43.9	100.0
Illicit drug offences	7.4	86.3	6.2	100.0
Prohibited and regulated weapons and explosives offences	4.3	85.0	10.7	100.0
Property damage and environmental pollution	13.1	75.4	10.7	100.0
Public order offences	16.2	67.5	16.1	100.0
Offences against justice procedures, gov't security and operations	10.6	56.6	26.1	100.0
Miscellaneous offences	2.6	27.3	64.1	100.0
Total adjudicated	11.3	72.4	15.2	100.0
Sentence outcomes				
Custodial orders	21.8	69.1	9.1	100.0
Non-custodial orders	9.2	72.4	17.1	100.0
Total proven guilty(d)	11.4	71.8	15.6	100.0

— nil or rounded to zero (including null cells)

(a) Excludes Division 14 and Subdivision 041 of ASOC08 (see Explanatory Notes paragraphs 50–51).

(b) Includes organisations.

(c) Includes defendants with unknown sex.

(d) Includes defendants for whom a principal sentence is unknown.

3.11SUMMARY CHARACTERISTICS OF DEFENDANTS (EXCLUDING TRAFFIC OFFENCES)(a), Indigenous status by selected states and territories *continued* ..

	Aboriginal & Torres Strait Islander	Non-Indigenous	Unknown/ Not stated	Total(b)
.....				
QUEENSLAND				
Sex				
Males	12 424	50 427	10 159	73 010
Females	5 640	11 915	3 387	20 942
Total finalised(c)	18 064	62 368	13 613	94 403
Principal offence(a)				
Homicide and related offences	—	4	3	7
Acts intended to cause injury	1 315	3 268	648	5 231
Sexual assault and related offences	22	112	16	150
Dangerous or negligent acts endangering persons	17	248	48	313
Abduction, harassment and other offences against the person	21	215	27	263
Robbery, extortion and related offences	3	10	3	16
Unlawful entry with intent	567	1 308	304	2 179
Theft and related offences	1 374	8 183	1 482	11 039
Fraud, deception and related offences	172	2 153	1 174	3 511
Illicit drug offences	1 223	9 578	1 585	12 386
Prohibited and regulated weapons and explosives offences	221	1 491	236	1 948
Property damage and environmental pollution	735	2 355	346	3 444
Public order offences	8 080	16 956	3 149	28 196
Offences against justice procedures, gov't security and operations	2 880	9 497	1 895	14 364
Miscellaneous offences	57	439	816	1 480
Total adjudicated	16 687	55 817	11 732	84 527
Sentence outcomes				
Custodial orders	1 971	3 413	991	6 375
Non-custodial orders	14 624	51 873	10 578	77 350
Total proven guilty(d)	16 595	55 286	11 569	83 725

— nil or rounded to zero (including null cells)

(a) Excludes Division 14 and Subdivision 041 of ASOC08 (see Explanatory Notes paragraphs 50–51).

(b) Includes organisations.

(c) Includes defendants with unknown sex.

(d) Includes defendants for whom a principal sentence is unknown.

3.11SUMMARY CHARACTERISTICS OF DEFENDANTS (EXCLUDING TRAFFIC OFFENCES)(a), Indigenous status by selected states and territories *continued* ..

	Aboriginal & Torres Strait Islander	Non-Indigenous	Unknown/ Not stated	Total(b)
.....				
QUEENSLAND (%)				
Sex				
Males	17.0	69.1	13.9	100.0
Females	26.9	56.9	16.2	100.0
Total finalised(c)	19.1	66.1	14.4	100.0
Principal offence(a)				
Homicide and related offences	—	57.1	42.9	100.0
Acts intended to cause injury	25.1	62.5	12.4	100.0
Sexual assault and related offences	14.7	74.7	10.7	100.0
Dangerous or negligent acts endangering persons	5.4	79.2	15.3	100.0
Abduction, harassment and other offences against the person	8.0	81.7	10.3	100.0
Robbery, extortion and related offences	18.8	62.5	18.8	100.0
Unlawful entry with intent	26.0	60.0	14.0	100.0
Theft and related offences	12.4	74.1	13.4	100.0
Fraud, deception and related offences	4.9	61.3	33.4	100.0
Illicit drug offences	9.9	77.3	12.8	100.0
Prohibited and regulated weapons and explosives offences	11.3	76.5	12.1	100.0
Property damage and environmental pollution	21.3	68.4	10.0	100.0
Public order offences	28.7	60.1	11.2	100.0
Offences against justice procedures, gov't security and operations	20.1	66.1	13.2	100.0
Miscellaneous offences	3.9	29.7	55.1	100.0
Total adjudicated	19.7	66.0	13.9	100.0
Sentence outcomes				
Custodial orders	30.9	53.5	15.5	100.0
Non-custodial orders	18.9	67.1	13.7	100.0
Total proven guilty(d)	19.8	66.0	13.8	100.0

— nil or rounded to zero (including null cells)

(a) Excludes Division 14 and Subdivision 041 of ASOC08 (see Explanatory Notes paragraphs 50–51).

(b) Includes organisations.

(c) Includes defendants with unknown sex.

(d) Includes defendants for whom a principal sentence is unknown.

3.11SUMMARY CHARACTERISTICS OF DEFENDANTS (EXCLUDING TRAFFIC OFFENCES)(a), Indigenous status by selected states and territories *continued* ..

	Aboriginal & Torres Strait Islander	Non-Indigenous	Unknown/ Not stated	Total(b)
.....				
NORTHERN TERRITORY				
Sex				
Males	3 090	1 054	378	4 522
Females	765	165	106	1 036
Total finalised(c)	3 855	1 219	484	5 578
Principal offence(a)				
Homicide and related offences	—	—	—	—
Acts intended to cause injury	1 299	164	124	1 587
Sexual assault and related offences	7	7	—	14
Dangerous or negligent acts endangering persons	17	7	—	24
Abduction, harassment and other offences against the person	18	9	3	30
Robbery, extortion and related offences	3	4	—	7
Unlawful entry with intent	157	32	21	210
Theft and related offences	184	103	16	303
Fraud, deception and related offences	23	47	40	110
Illicit drug offences	209	182	9	400
Prohibited and regulated weapons and explosives offences	153	58	6	217
Property damage and environmental pollution	124	34	17	175
Public order offences	489	109	29	638
Offences against justice procedures, gov't security and operations	659	140	78	880
Miscellaneous offences	13	59	49	124
Total adjudicated	3 355	955	392	4 719
Sentence outcomes				
Custodial orders	1 661	257	170	2 088
Non-custodial orders	1 533	657	202	2 406
Total proven guilty(d)	3 194	914	372	4 494

— nil or rounded to zero (including null cells)

(a) Excludes Division 14 and Subdivision 041 of ASOC08 (see Explanatory Notes paragraphs 50–51).

(b) Includes organisations.

(c) Includes defendants with unknown sex.

(d) Includes defendants for whom a principal sentence is unknown.

3.11SUMMARY CHARACTERISTICS OF DEFENDANTS (EXCLUDING TRAFFIC OFFENCES)(a), Indigenous status by selected states and territories *continued* ..

	Aboriginal & Torres Strait Islander	Non-Indigenous	Unknown/ Not stated	Total(b)
.....				
NORTHERN TERRITORY (%)				
Sex				
Males	68.3	23.3	8.4	100.0
Females	73.8	15.9	10.2	100.0
Total finalised(c)	69.1	21.9	8.7	100.0
Principal offence(a)				
Homicide and related offences	—	—	—	—
Acts intended to cause injury	81.9	10.3	7.8	100.0
Sexual assault and related offences	50.0	50.0	—	100.0
Dangerous or negligent acts endangering persons	70.8	29.2	—	100.0
Abduction, harassment and other offences against the person	60.0	30.0	10.0	100.0
Robbery, extortion and related offences	42.9	57.1	—	100.0
Unlawful entry with intent	74.8	15.2	10.0	100.0
Theft and related offences	60.7	34.0	5.3	100.0
Fraud, deception and related offences	20.9	42.7	36.4	100.0
Illicit drug offences	52.3	45.5	2.3	100.0
Prohibited and regulated weapons and explosives offences	70.5	26.7	2.8	100.0
Property damage and environmental pollution	70.9	19.4	9.7	100.0
Public order offences	76.6	17.1	4.5	100.0
Offences against justice procedures, gov't security and operations	74.9	15.9	8.9	100.0
Miscellaneous offences	10.5	47.6	39.5	100.0
Total adjudicated	71.1	20.2	8.3	100.0
Sentence outcomes				
Custodial orders	79.5	12.3	8.1	100.0
Non-custodial orders	63.7	27.3	8.4	100.0
Total proven guilty(d)	71.1	20.3	8.3	100.0

— nil or rounded to zero (including null cells)

(a) Excludes Division 14 and Subdivision 041 of ASOC08 (see Explanatory Notes paragraphs 50–51).

(b) Includes organisations.

(c) Includes defendants with unknown sex.

(d) Includes defendants for whom a principal sentence is unknown.

INTRODUCTION

This chapter presents information about defendants finalised in the criminal jurisdiction of the Children's Courts during 2009–10. This jurisdiction specifically deals with juvenile offenders charged with summary criminal offences, and in some states and territories those charged with indictable offences. The power of the Children's Court to hear serious criminal matters varies across states and territories.

In all states and territories, children aged under 10 years cannot be charged with a criminal offence. The maximum age that defendants are considered a child or juvenile is under the age of 18 years in all states and territories, except in Queensland where defendants are considered adults if aged 17 years and over at the time the offence was committed. Note that the age of defendants in the Children's Courts data are based on age at finalisation in the courts, not age at the time of the alleged offence. Therefore, some defendants of adult age will be processed by the Children's Courts and included in the collection.

Children's Courts data presented here exclude cases such as bail reviews and applications to amend sentences or penalties which do not require the adjudication of charges. Also excluded are breach of bail or parole cases, appeal cases, tribunal matters and defendants for whom a bench warrant is issued but not executed.

The offence categories referred to relate to the principal offence, i.e. the most serious offence type with which the defendant was charged. For more information about principal offence (see paragraphs 40–44 of the Explanatory Notes).

National data for the Children's Courts are only available from 2006–07.

Juvenile justice

Juvenile justice is a complex area that can involve a range of bodies such as police, courts, juvenile justice departments, legal advocates and young people and their families. A key feature of juvenile justice is the diversion of young people away from the formal criminal justice system. Not all young people who come into contact with the criminal justice authorities will appear in court. Police and other non-court agencies can divert juvenile offenders away from the courts by way of warnings, cautions, conferences, and other programs. Pre-court contact with juveniles may vary considerably across jurisdictions and therefore could potentially impact on the number of juvenile defendants who appear in court and the duration of their cases.

Furthermore, the Children's Courts can also initiate programs as part of the court process by transferring defendants to drug and other specialist courts, or non-court agencies, and programs where defendants return to the Children's Court upon program completion. Some defendants may be referred to a program as a sentencing outcome. There can be many differences in the types of court programs or sentencing options available in each state and territory, therefore caution should be used when making comparisons between states and territories.

Snapshot

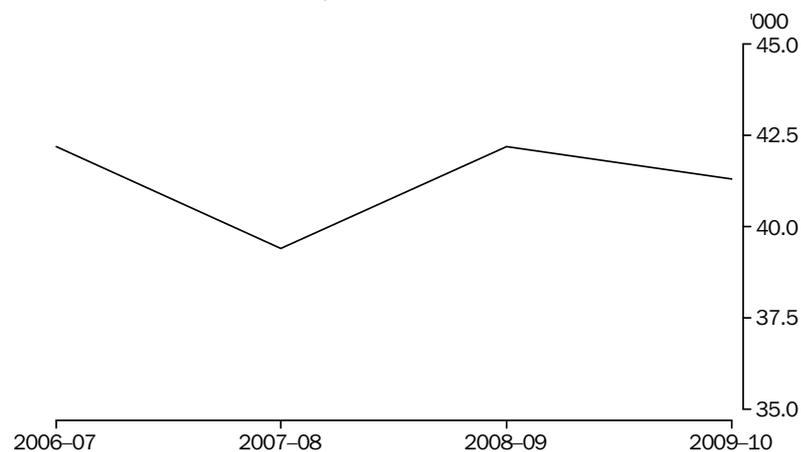
- There were 41,275 defendants finalised in the Children's Courts in 2009–10, a decrease of 2% (923) from 2008–09.
- Males accounted for 79% (32,663) of the total defendants finalised in 2009–10.
- The majority (78% or 31,990) of all finalised defendants were proven guilty, 4% (1,479) were acquitted and 19% (7,806) were finalised either through the withdrawal of charges by the prosecution, transfers to other courts or via other non-adjudicated finalisations.
- Of the 33,469 defendants whose charges were adjudicated, 96% were proven guilty, while the remainder (4%) were acquitted.
- For those defendants proven guilty, the majority (90% or 28,802) were sentenced to non-custodial orders.

DEFENDANTS FINALISED

Defendants can have their charges finalised via different methods (see Appendix 2). The main categories of finalisation are: adjudicated finalisations, where the court has made a finding as to the guilt or otherwise of the defendant; finalisation by transfer between court levels; withdrawal by the prosecution; and other methods such as defendant deceased or unfit to plead.

Since the first Children's Courts collection in 2006–07, the number of defendants finalised has remained steady, ranging from a low of 39,412 in 2007–08 to a high of 42,198 in 2008–09. Four jurisdictions had decreases in the numbers of defendants finalised in the Children's Courts in 2009–10: New South Wales (12%), Victoria and the Australian Capital Territory (both 4%) and Western Australia (2%). The remaining four states and territories had increases: Queensland (11%), the Northern Territory (3%), South Australia (2%) and Tasmania (less than 1%) (Table 4.10).

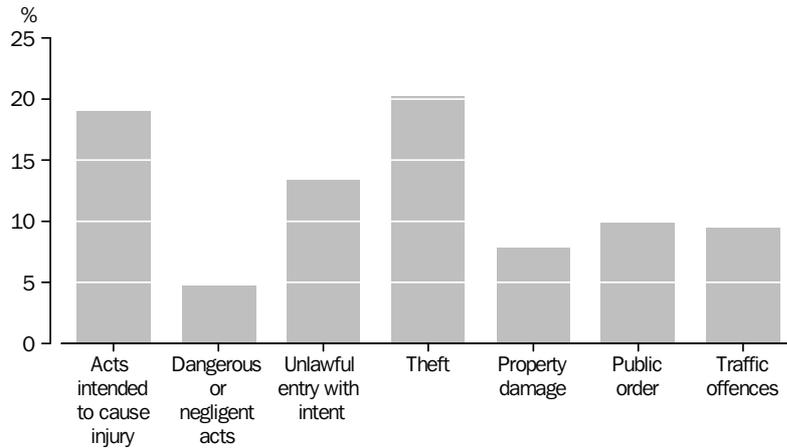
DEFENDANTS FINALISED, 2006–07 to 2009–10

*Principal offence*

In 2009–10, those finalised with a principal offence of theft formed the largest proportion of defendants (20%) in the Children's Courts. This was also the largest for 2008–09. This was followed by: acts intended to cause injury (19%); unlawful entry with intent (13%); and public order and traffic offences (both 10%). Combined, these principal offences accounted for almost three-quarters (72%) of defendants appearing before the Children's Courts in 2009–10.

*Principal offence
continued*

DEFENDANTS FINALISED, Selected principal offence



Sex

In 2009–10, 79% (32,663) of defendants heard in the Children's Courts were males, while females accounted for 21% (8,580). The number of males decreased 3% from the 33,594 defendants finalised in 2008–09, while the number of females increased by less than 1% (up from 8,530) (Table 4.2).

The proportion of males and females was similar across the states and territories. Queensland had the lowest proportion of males (76%) and New South Wales had the highest proportion of males (81%).

The proportion of males proven guilty was similar to the proportion of females proven guilty (78% and 76% respectively) and both males and females had the same proportion of defendants acquitted (4%) (Table 4.3).

Age

The largest proportion of defendants finalised in the Children's Courts were aged 17 years at the time of finalisation (25% or 10,448), followed by those aged 16 years (24% or 9,818). Those aged 10 to 12 years comprised 3% (1,072).

The largest proportion of males finalised were aged 17 years (26%), followed by those aged 16 years (24%). The age profile for females was younger with the largest proportion of females finalised aged 16 years (24%) followed by those aged 17 years (22%) (Table 4.6).

Charges withdrawn by the prosecution

Defendants finalised through charges being withdrawn by the prosecution decreased by 9% from 4,334 in 2008–09 to 3,942 in 2009–10 (Table 4.2).

During 2009–10, principal offences with the largest number of defendants finalised through charges withdrawn by the prosecution were (Table 4.5):

- theft (1,023)
- acts intended to cause injury (844); and
- unlawful entry with intent (429).

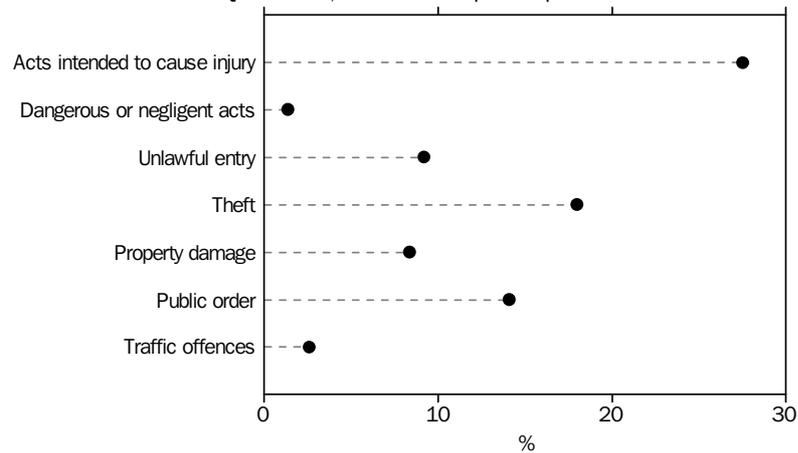
The Australian Capital Territory and the Northern Territory (both 15%); and South Australia and Victoria (both 13%) had larger proportions of defendants finalised through charges withdrawn than the national average of 10%. Tasmania had the smallest proportion of defendants finalised through charges withdrawn (5%) (Table 4.3).

Defendants acquitted

In 2009–10, 1,479 or 4% of defendants finalised in the Children's Courts in Australia were acquitted.

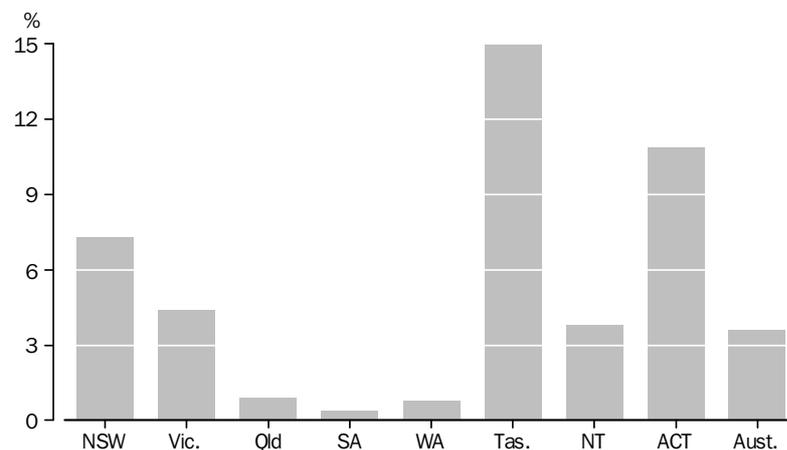
For those acquitted, the largest proportion of defendants had the following principal offences: acts intended to cause injury (27%), theft (18%), public order offences (14%), unlawful entry with intent (9%) and property damage (8%) (Table 4.5).

DEFENDANTS ACQUITTED, Selected principal offence



The highest proportions of defendants acquitted were in Tasmania (15%) and the Australian Capital Territory (11%). South Australia had the lowest proportion at less than 1% (Table 4.3).

DEFENDANTS ACQUITTED, State and territory proportions of defendants finalised



Defendants proven guilty

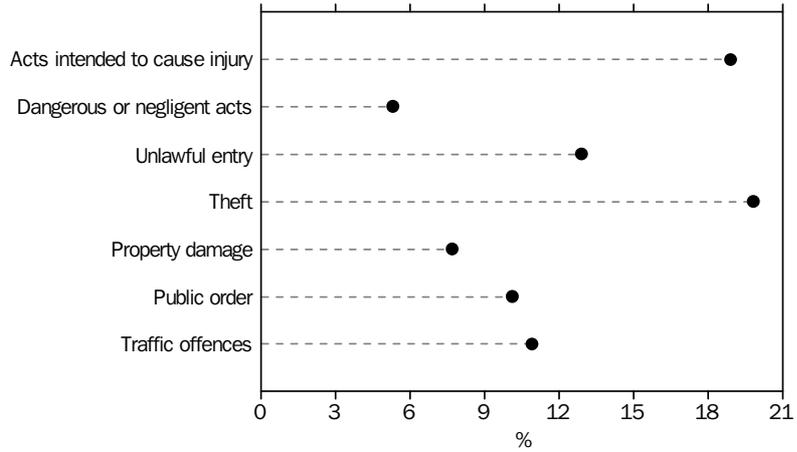
Defendants are referred to as 'convicted' where they were proven guilty of at least one of the final charges laid against them in a court. This includes defendants who pleaded guilty or are found guilty, including those found guilty ex-parte.

Defendants proven guilty in the Children's Courts accounted for 31,990 (78%) of defendants finalised in 2009–10.

For those proven guilty, the largest proportion of defendants had the following principal offences: theft (20%), acts intended to cause injury (19%), unlawful entry with intent (13%), traffic offences (11%) and public order offences (10%) (Table 4.5).

Defendants proven guilty continued

DEFENDANTS PROVEN GUILTY, Selected principal offence



Queensland had the largest proportion of defendants proven guilty (88%), while South Australia had the smallest (62%) (Table 4.3).

SENTENCE OUTCOMES

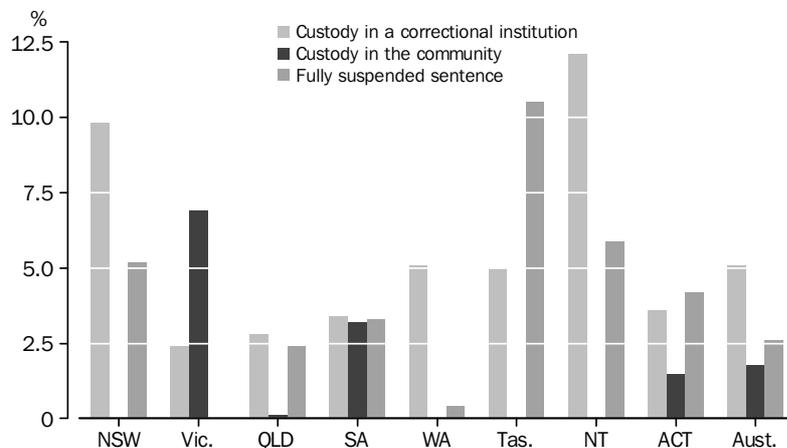
The following information relates to sentence outcomes for defendants heard in the Children's Courts. Sentence refers to the principal sentence a defendant received (refer to Explanatory Notes paragraphs 45–47 for further information).

Custodial orders

Of the defendants convicted in the Children's Courts in 2009–10, 3,036 (9%) were sentenced to custodial orders. Defendants ordered to serve time in a correctional institution comprised 5% of all sentence outcomes, while defendants sentenced to custody in the community accounted for 2% and those with fully suspended sentences almost 3%.

The proportion of defendants proven guilty receiving a custodial order varied across states and territories. The Northern Territory (18%), Tasmania (16%) and New South Wales (15%) had the highest proportions of defendants proven guilty receiving a custodial order and Queensland had the lowest (5%) (Table 4.7).

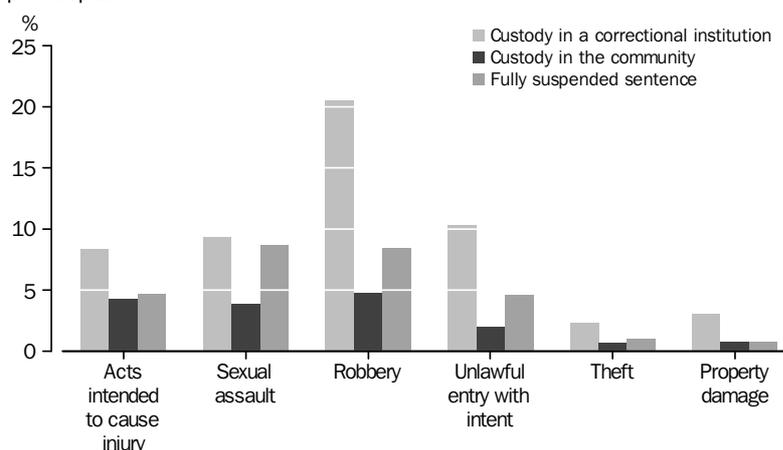
DEFENDANTS PROVEN GUILTY, Custodial sentences by states and territories



*Custodial orders
continued*

Over one third (34% or 401) of defendants convicted of robbery and extortion were issued with custodial orders. Other offences with relatively high proportions of custodial sentences were sexual assault (22% or 68), acts intended to cause injury (17% or 1,051) and unlawful entry with intent (17% or 699). The majority of these defendants were sentenced to custody in a correctional institution (Table 4.7).

DEFENDANTS PROVEN GUILTY, Custodial sentences by selected principal offence



Custodial orders were issued to 11% of convicted male defendants and 4% of female defendants.

Defendants aged 19 years and over at the time of finalisation were the most likely to receive a sentence of custody in a correctional institution (7% or 64). Those aged 10–12 years were the least likely (1% or 5) to receive a sentence of custody in a correctional institution (Table 4.8).

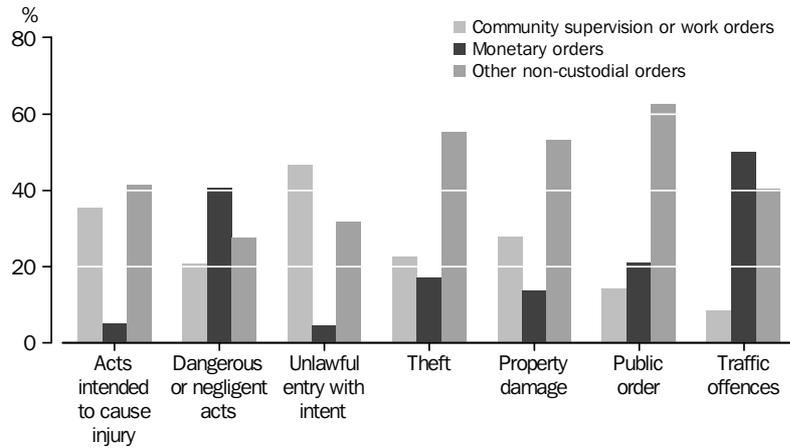
Non-custodial orders

During 2009–10, 90% (28,802) of defendants convicted in the Children's Courts were sentenced to non-custodial orders. Defendants who had community supervision or work orders imposed comprised 27% of all sentence outcomes, while those with monetary orders accounted for 18%. In 2008–09, community supervision or work orders comprised 26% of all sentence outcomes and monetary orders accounted for 23%.

Defendants proven guilty of unlawful entry with intent were most likely to be issued with a community supervision or work order (47%) followed by acts intended to cause injury (35%). Defendants proven guilty of traffic offences were most likely to be issued with a monetary order (50%) followed by dangerous or negligent acts (41%).

*Non-custodial orders
continued*

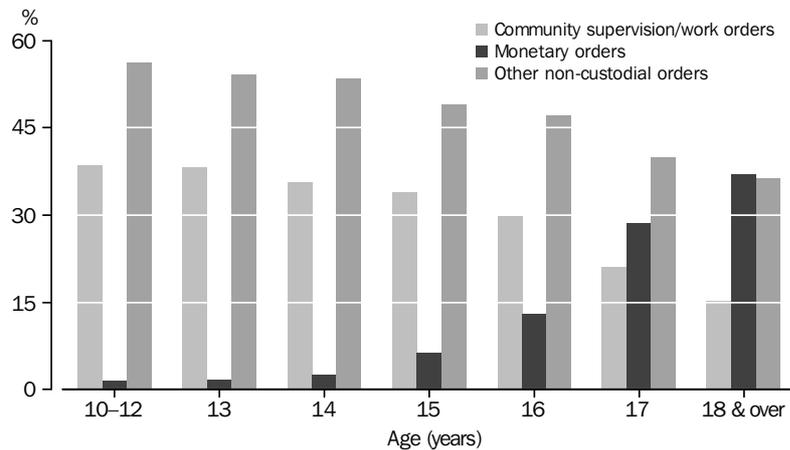
DEFENDANTS PROVEN GUILTY, Selected non-custodial sentences by selected principal offence



Of the 25,425 convicted male defendants, nearly a third (28%) received a community supervision or work order, while 18% received a monetary order. Sentences for convicted female defendants were similar to males: 25% received a community supervision or work order and 17% received a monetary order.

The proportion of convicted defendants receiving community supervision or work orders generally decreased with age, from 39% of 10–12 year old defendants to 15% of those aged 18 years and over. Older defendants were more likely to be sentenced to monetary orders; 37% of those aged 18 years and over received this order compared to 2% of 10–12 year olds.

DEFENDANTS PROVEN GUILTY, Selected non-custodial sentences by age

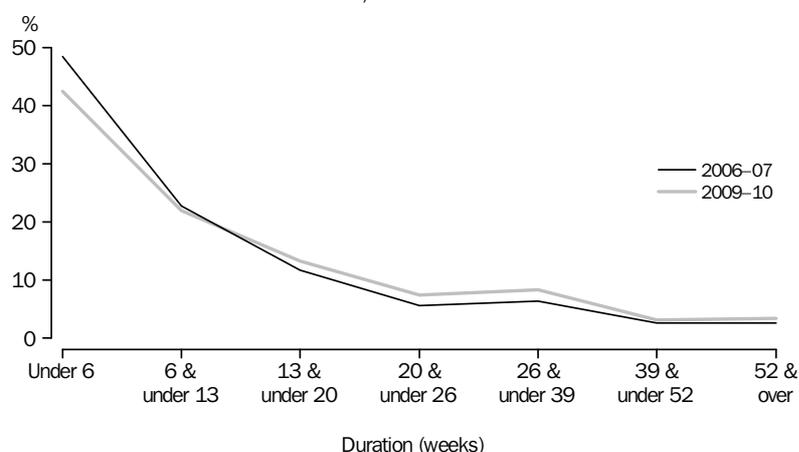


DURATION OF CASES ADJUDICATED

The nature of the charges presented to the court for a defendant, along with the process required to deal with the charges (which is affected by the type of plea), impact on the time required for a court to finalise a case. Court resources and complexity of cases can also have an impact. The duration is calculated from the date of initiation to finalisation of the case (for more information about duration see paragraphs 39 and 59–61 of the Explanatory Notes and the Glossary).

Almost two thirds (63%) of the defendants charged in the Children's Court had their cases finalised in less than 13 weeks, while 4% of cases were finalised at 52 or more weeks. In 2006–07, 3% of cases were finalised at 52 or more weeks, while 69% were finalised in less than 13 weeks (Table 4.9).

DEFENDANTS ADJUDICATED, Duration of cases finalised



FEDERAL DEFENDANTS

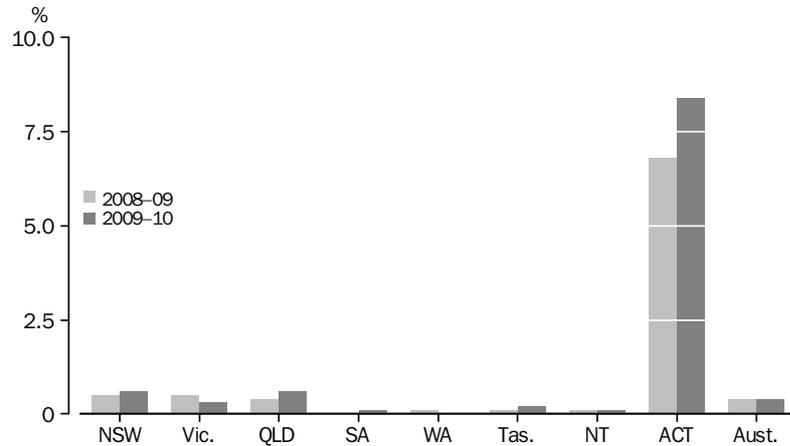
Limited data about federal defendants are presented for the first time in this publication. Defendants who appear in Australian criminal courts may be charged with either a Commonwealth or State legislative offence or both.

For more detailed information on federal defendants refer to *Federal Defendants, Selected States and Territories* (cat. no. 4515.0).

In 2009–10, 178 (0.4%) defendants in the Children's Courts had one or more federal offences. The proportion of federal defendants is less than one percent in each of the states and territories, except the Australian Capital Territory where the proportion of federal defendants is 8% (39 defendants). This is due to there being more Commonwealth property in the Australian Capital Territory (Table 4.3).

FEDERAL DEFENDANTS
continued

DEFENDANTS FINALISED, Proportion of federal defendants by states and territories



ABORIGINAL AND TORRES STRAIT ISLANDER DEFENDANTS

Limited data about Aboriginal and Torres Strait Islander defendants are presented for the first time in this publication. This information is available for defendants finalised in the Children's Courts in New South Wales, Queensland and the Northern Territory only.

The majority of defendants in the Children's Courts with a traffic offence as their principal offence have an unknown Aboriginal and Torres Strait Islander status recorded. This is because most traffic offences are related to fines issued by road traffic authorities. These defendants have a large impact on the proportion of unknowns in the data, therefore they have been removed from the data in order to enable a focus on those defendants that are more likely to have been in contact with police and are more likely to have had their Aboriginal and Torres Strait Islander status recorded.

Other offence categories that may also be affected by this issue are: public order; offences against justice procedures, government security and operations; and miscellaneous offences. This should be taken into account when comparing Aboriginal and Torres Strait Islander and non-Indigenous data for these offence categories. For further information on the identification of Aboriginal and Torres Strait Islander defendants in the Criminal Courts collection (see Explanatory Notes paragraphs 48–51).

New South Wales

In the Children's Courts in 2009–10, 2,269 (26%) defendants finalised in New South Wales identified as Aboriginal and Torres Strait Islander.

The proportion of males and females varied for Aboriginal and Torres Strait Islander defendants when compared to non-Indigenous defendants. In New South Wales, 21% of Aboriginal and Torres Strait Islander defendants were female compared to 17% of non-Indigenous defendants.

There was also variation when comparing offence categories. The three main offence categories for Aboriginal and Torres Strait Islander defendants finalised in New South Wales were: acts intended to cause injury (31%); unlawful entry with intent (19%); and theft (18%). For non-Indigenous defendants, the three main offence categories were: acts intended to cause injury (34%); theft (15%); and robbery and extortion (11%).

*New South Wales
continued*

In the Children's Courts the majority of defendants proven guilty are sentenced to non-custodial orders. When comparing Aboriginal and Torres Strait Islander defendants with non-Indigenous defendants, the proportions of custodial to non-custodial orders varied in 2009–10. In New South Wales, 24% of Aboriginal and Torres Strait Islander defendants proven guilty were sentenced to a custodial order compared to 13% of non-Indigenous defendants (Table 4.11).

Queensland

In the Children's Courts in 2009–10, 2,565 (34%) defendants in Queensland identified as Aboriginal and Torres Strait Islander.

The proportion of males and females varied for Aboriginal and Torres Strait Islander defendants when compared to non-Indigenous defendants. In Queensland, 26% of Aboriginal and Torres Strait Islander defendants were female compared to 24% of non-Indigenous defendants.

There was also variation when comparing offence categories. In Queensland the three main offence categories for Aboriginal and Torres Strait Islander defendants were: theft (27%); unlawful entry with intent (25%); and public order (16%). For non-Indigenous defendants the three main offence categories were: theft (27%); public order (18%); and acts intended to cause injury (14%).

When comparing Aboriginal and Torres Strait Islander defendants with non-Indigenous defendants, the proportions of custodial to non-custodial orders varied in 2009–10. In Queensland 9% of Aboriginal and Torres Strait Islander defendants proven guilty were sentenced to custodial orders compared to 4% of non-Indigenous defendants (Table 4.11).

Northern Territory

In the Children's Courts in 2009–10, 437 (80%) defendants in the Northern Territory identified as Aboriginal and Torres Strait Islander.

The proportion of males and females varied for Aboriginal and Torres Strait Islander defendants when compared to non-Indigenous defendants. In the Northern Territory, 19% of Aboriginal and Torres Strait Islander defendants were female compared to 11% of non-Indigenous defendants.

There was also variation when comparing offence categories. In the Northern Territory the same two offence categories accounted for the majority of defendants for both Aboriginal and Torres Strait Islander and non-Indigenous defendants: unlawful entry with intent (29% and 26% respectively) and acts intended to cause injury (26% and 14% respectively).

When comparing Aboriginal and Torres Strait Islander defendants with non-Indigenous defendants, the proportions of custodial to non-custodial orders varied in 2009–10. In the Northern Territory, similar proportions of defendants proven guilty were sentenced to custodial orders for both Aboriginal and Torres Strait Islander and non-Indigenous defendants (27% and 21% respectively) (Table 4.11).

4.1 SUMMARY CHARACTERISTICS OF ALL DEFENDANTS, Selected principal offence ..

	<i>Acts intended to cause injury</i>	<i>Dangerous or negligent acts endangering persons</i>	<i>Unlawful entry with intent</i>	<i>Theft & related offences</i>	<i>Property damage & environmental pollution</i>
.....					
NUMBER					
Method of finalisation					
Adjudicated outcomes					
Acquitted	406	21	136	266	124
Proven guilty	6 047	1 698	4 141	6 320	2 460
<i>Total</i>	6 453	1 719	4 277	6 586	2 584
Transfers to other courts	380	23	305	206	150
Withdrawn by prosecution	844	96	429	1 023	315
Total finalised(a)	7 850	1 930	5 515	8 343	3 213
Sentence outcomes					
Custodial orders					
Custody in a correctional institution	506	87	425	150	77
Custody in the community	262	44	82	45	20
Fully suspended sentence	283	55	192	72	20
<i>Total</i>	1 051	186	699	267	117
Non-custodial orders					
Community supervision/work orders	2 138	353	1 935	1 433	687
Monetary orders	323	689	191	1 088	337
Other non-custodial orders	2 514	468	1 308	3 501	1 308
<i>Total</i>	4 975	1 510	3 434	6 022	2 332
Total proven guilty(b)	6 047	1 699	4 141	6 320	2 460
.....					
PROPORTION (%)					
Method of finalisation					
Adjudicated outcomes					
Acquitted	5.2	1.1	2.5	3.2	3.9
Proven guilty	77.0	88.0	75.1	75.8	76.6
<i>Total</i>	82.2	89.1	77.6	78.9	80.4
Transfers to other courts	4.8	1.2	5.5	2.5	4.7
Withdrawn by prosecution	10.8	5.0	7.8	12.3	9.8
Total finalised(a)	100.0	100.0	100.0	100.0	100.0
Sentence outcomes					
Custodial orders					
Custody in a correctional institution	8.4	5.1	10.3	2.4	3.1
Custody in the community	4.3	2.6	2.0	0.7	0.8
Fully suspended sentence	4.7	3.2	4.6	1.1	0.8
<i>Total</i>	17.4	10.9	16.9	4.2	4.8
Non-custodial orders					
Community supervision/work orders	35.4	20.8	46.7	22.7	27.9
Monetary orders	5.3	40.6	4.6	17.2	13.7
Other non-custodial orders	41.6	27.5	31.6	55.4	53.2
<i>Total</i>	82.3	88.9	82.9	95.3	94.8
Total proven guilty(b)	100.0	100.0	100.0	100.0	100.0
.....					
(a) Includes defendants deceased, unfit to plead, transfers to non-court agencies, other non-adjudicated finalisations n.e.c. and unknown method of finalisation.	(b) Includes defendants for whom a principal sentence is unknown.				

4.1 SUMMARY CHARACTERISTICS OF ALL DEFENDANTS, Selected principal offence

continued

	Public order offences	Traffic & vehicle regulatory offences	Other(a)	Total(b)
NUMBER				
Method of finalisation				
Adjudicated outcomes				
Acquitted	209	39	276	1 479
Proven guilty	3 219	3 488	4 573	31 990
<i>Total</i>	3 428	3 527	4 849	33 469
Transfers to other courts	65	10	413	1 552
Withdrawn by prosecution	322	175	733	3 942
Total finalised(c)	4 085	3 930	6 356	41 275
Sentence outcomes				
Custodial orders				
Custody in a correctional institution	22	7	346	1 628
Custody in the community	5	3	120	581
Fully suspended sentence	17	12	175	827
<i>Total</i>	44	22	641	3 036
Non-custodial orders				
Community supervision/work orders	462	300	1 386	8 702
Monetary orders	679	1 748	623	5 680
Other non-custodial orders	2 013	1 405	1 881	14 420
<i>Total</i>	3 154	3 453	3 890	28 802
Total proven guilty(d)	3 219	3 488	4 573	31 990
PROPORTION (%)				
Method of finalisation				
Adjudicated outcomes				
Acquitted	5.1	1.0	4.3	3.6
Proven guilty	78.8	88.8	71.9	77.5
<i>Total</i>	83.9	89.7	76.3	81.1
Transfers to other courts	1.6	0.3	6.5	3.8
Withdrawn by prosecution	7.9	4.5	11.5	9.6
Total finalised(c)	100.0	100.0	100.0	100.0
Sentence outcomes				
Custodial orders				
Custody in a correctional institution	0.7	0.2	7.6	5.1
Custody in the community	0.2	0.1	2.6	1.8
Fully suspended sentence	0.5	0.3	3.8	2.6
<i>Total</i>	1.4	0.6	14.0	9.5
Non-custodial orders				
Community supervision/work orders	14.4	8.6	30.3	27.2
Monetary orders	21.1	50.1	13.6	17.8
Other non-custodial orders	62.5	40.3	41.1	45.1
<i>Total</i>	98.0	99.0	85.1	90.0
Total proven guilty(d)	100.0	100.0	100.0	100.0

(a) Includes ASOC Divisions 01, 03, 05–06, 09–11, 15–16 (refer to Appendix 3).

(b) Includes defendants for whom offence data are missing or a principal offence could not be determined.

(c) Includes defendants deceased, unfit to plead, transfers to non-court agencies, other non-adjudicated finalisations n.e.c. and unknown method of finalisation.

(d) Includes defendants for whom a principal sentence is unknown.

4.2 SUMMARY CHARACTERISTICS OF ALL DEFENDANTS, 2006–07 to 2009–10

	NUMBER				PERCENTAGE
	2006–07	2007–08	2008–09	2009–10	CHANGE (%) 2008–09 to 2009–10
.....					
NUMBER					
Sex					
Males	32 494	30 809	33 594	32 663	-2.8
Females	9 596	8 547	8 530	8 580	0.6
Method of finalisation					
Adjudicated outcomes					
Acquitted	1 459	1 251	1 636	1 479	-9.6
Proven guilty					
Guilty finding	892	1 100	1 198	1 152	-3.8
Guilty plea	27 506	26 724	28 570	27 060	-5.3
Guilty ex-parte	4 233	2 766	2 646	1 591	-39.9
Total(a)	32 811	30 735	32 556	31 990	-1.7
Total adjudicated	34 270	31 986	34 192	33 469	-2.1
Transfers to other courts	1 220	1 246	1 463	1 552	6.1
Withdrawn by prosecution	4 864	4 177	4 334	3 942	-9.0
Federal defendants(b)					
One or more federal offences	na	na	r172	178	3.5
No federal offences	na	na	r42 026	41 097	-2.2
Total finalised(c)(d)	42 154	39 412	42 198	41 275	-2.2
Sentence outcomes					
Custodial orders	2 530	2 617	3 047	3 036	-0.4
Non-custodial orders	30 206	28 074	29 346	28 802	-1.9
Total proven guilty(e)	32 811	30 735	32 556	31 990	-1.7
.....					
PROPORTION (%)					
Sex					
Males	77.1	78.2	79.6	79.1	..
Females	22.8	21.7	20.2	20.8	..
Method of finalisation					
Adjudicated outcomes					
Acquitted	3.5	3.2	3.9	3.6	..
Proven guilty					
Guilty finding	2.1	2.8	2.8	2.8	..
Guilty plea	65.3	67.8	67.7	65.6	..
Guilty ex-parte	10.0	7.0	6.3	3.9	..
Total(a)	77.8	78.0	77.2	77.5	..
Total adjudicated	81.3	81.2	81.0	81.1	..
Transfers to other courts	2.9	3.2	3.5	3.8	..
Withdrawn by prosecution	11.5	10.6	10.3	9.6	..
Federal defendants(b)					
One or more federal offences	na	na	0.4	0.4	..
No federal offences	na	na	99.6	99.6	..
Total finalised(c)(d)	100.0	100.0	100.0	100.0	..
Sentence outcomes					
Custodial orders	7.7	8.5	9.4	9.5	..
Non-custodial orders	92.1	91.3	90.1	90.0	..
Total proven guilty(e)	100.0	100.0	100.0	100.0	..
.....					
..	not applicable				
na	not available				
r	revised				
(a)	Includes defendants with charges proven n.f.d.				
(b)	Federal defendant data are not available prior to 2008–09.				
(c)	Includes defendants with unknown sex.				
(d)	Includes defendants deceased, unfit to plead, transfers to non-court agencies, other non-adjudicated finalisations n.e.c. and unknown method of finalisation.				
(e)	Includes defendants for whom a principal sentence is unknown.				

4.3 SUMMARY CHARACTERISTICS OF ALL DEFENDANTS, States and territories

	NSW	Vic.	Qld	SA	WA	Tas.	NT	ACT	Aust.
NUMBER									
Sex									
Males	7 413	6 737	6 217	3 217	7 078	998	644	359	32 663
Females	1 685	1 862	1 947	848	1 716	259	156	107	8 580
Method of finalisation									
Adjudicated outcomes									
Acquitted	667	379	76	17	71	188	30	51	1 479
Proven guilty									
Guilty finding	870	—	80	19	118	46	5	14	1 152
Guilty plea	4 305	5 911	7 073	2 391	5 555	941	575	309	27 060
Guilty ex-parte	241	1 036	—	103	195	10	—	6	1 591
Total(a)	7 421	7 064	7 153	2 513	5 868	997	642	332	31 990
Total adjudicated	8 088	7 443	7 229	2 530	5 939	1 185	672	383	33 469
Transfers to other courts	199	52	418	798	54	12	9	10	1 552
Withdrawn by prosecution	802	1 104	516	538	734	58	119	71	3 942
Federal defendants									
One or more federal offences	57	23	49	3	4	—	—	39	175
No federal offences	9 041	8 576	8 116	4 062	8 821	1 255	799	427	41 097
Total finalised(b)(c)	9 098	8 599	8 165	4 065	8 825	1 255	799	466	41 272
Sentence outcomes									
Custodial orders	1 117	657	388	250	322	155	116	31	3 036
Non-custodial orders	6 304	6 308	6 765	2 263	5 546	789	526	301	28 802
Total proven guilty(d)	7 421	7 064	7 153	2 513	5 868	997	642	332	31 990

	PROPORTION (%)								
Sex									
Males	81.5	78.3	76.1	79.1	80.2	79.5	80.6	77.0	79.1
Females	18.5	21.7	23.8	20.9	19.4	20.6	19.5	23.0	20.8
Method of finalisation									
Adjudicated outcomes									
Acquitted	7.3	4.4	0.9	0.4	0.8	15.0	3.8	10.9	3.6
Proven guilty									
Guilty finding	9.6	—	1.0	0.5	1.3	3.7	0.6	3.0	2.8
Guilty plea	47.3	68.7	86.6	58.8	62.9	75.0	72.0	66.3	65.6
Guilty ex-parte	2.6	12.0	—	2.5	2.2	0.8	—	1.3	3.9
Total(a)	81.6	82.1	87.6	61.8	66.5	79.4	80.4	71.2	77.5
Total adjudicated	88.9	86.6	88.5	62.2	67.3	94.4	84.1	82.2	81.1
Transfers to other courts	2.2	0.6	5.1	19.6	0.6	1.0	1.1	2.1	3.8
Withdrawn by prosecution	8.8	12.8	6.3	13.2	8.3	4.6	14.9	15.2	9.6
Federal defendants									
One or more federal offences	0.6	0.3	0.6	0.1	—	—	—	8.4	0.4
No federal offences	99.4	99.7	99.4	99.9	100.0	100.0	100.0	91.6	99.6
Total finalised(b)(c)	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Sentence outcomes									
Custodial orders	15.1	9.3	5.4	9.9	5.5	15.5	18.1	9.3	9.5
Non-custodial orders	84.9	89.3	94.6	90.1	94.5	79.1	81.9	90.7	90.0
Total proven guilty(d)	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Includes defendants with charges proven n.f.d.

(b) Includes defendants with unknown sex.

(c) Includes defendants deceased, unfit to plead, transfers to non-court agencies, other non-adjudicated finalisations n.e.c. and unknown method of finalisation.

(d) Includes defendants for whom a principal sentence is unknown.

4.4 DEFENDANTS ADJUDICATED, Principal offence, 2006–07 to 2009–10(a)

	2006–07	2007–08	2008–09	2009–10
Homicide and related offences	15	15	4	11
Acts intended to cause injury				
Assault	4 609	4 976	6 107	6 241
Stalking	..	..	156	181
Total(b)	4 623	4 992	6 287	6 453
Sexual assault and related offences	329	337	374	354
Dangerous or negligent acts endangering persons				
Dangerous or negligent operation of a vehicle	1 609	1 790	1 657	1 495
Other dangerous or negligent acts endangering persons	140	125	210	224
Total	1 749	1 915	1 867	1 719
Abduction, harassment and other offences against the person	8	11	183	238
Robbery, extortion and related offences	1 113	1 370	1 183	1 267
Unlawful entry with intent	3 985	3 973	4 190	4 277
Theft and related offences				
Motor vehicle theft and related offences	1 514	1 430	1 291	1 155
Theft (except motor vehicles)	2 313	2 342	4 901	4 641
Total(c)	4 536	4 472	6 900	6 586
Fraud, deception and related offences	6 514	3 399	324	333
Illicit drug offences	680	641	755	821
Prohibited and regulated weapons and explosives offences	460	463	547	535
Property damage and environmental pollution				
Property damage by fire or explosion	245	235	259	249
Graffiti	215	212	217	312
Property damage, n.e.c.	1 700	1 617	1 933	2 014
Total(d)	2 168	2 074	2 415	2 584
Public order offences				
Regulated public order offences	433	386	506	483
Total(e)	3 004	2 969	3 395	3 428
Traffic and vehicle regulatory offences				
Driver licence offences	1 974	2 382	2 741	2 190
Regulatory driving offences	998	935	1 362	1 158
Total(f)	3 201	3 562	4 401	3 527
Offences against justice procedures, gov't security and operations	951	897	965	970
Miscellaneous offences	914	750	360	320
Total adjudicated(g)	34 270	31 986	34 192	33 469

- .. not applicable
- (a) Offence data are based on ASOC08 from 2008–09 and ASOC97 prior to this period. Caution should be exercised when comparing offence data across the two classifications (see Explanatory Notes paragraph 21).
- (b) Includes ASOC group 0299.
- (c) Includes ASOC group 0800 and ASOC subdivisions 083 and 084.
- (d) Includes ASOC subdivision 122.
- (e) Includes ASOC subdivisions 131 and 133.
- (f) Includes ASOC subdivisions 142 and 144.
- (g) Includes defendants for whom offence data are missing or a principal offence could not be determined.

4.5 DEFENDANTS FINALISED, Principal offence by method of finalisation

	Acquitted	Proven guilty	Total adjudicated	Withdrawn by prosecution	Total(a)
NUMBER					
Homicide and related offences	3	11	14	10	46
Acts intended to cause injury	406	6 047	6 453	844	7 850
Sexual assault and related offences	44	310	354	144	657
Dangerous or negligent acts endangering persons	21	1 698	1 719	96	1 930
Abduction, harassment and other offences against the person	19	219	238	45	306
Robbery, extortion and related offences	79	1 188	1 267	215	1 699
Unlawful entry with intent	136	4 141	4 277	429	5 515
Theft and related offences	266	6 320	6 586	1 023	8 343
Fraud, deception and related offences	10	323	333	34	396
Illicit drug offences	22	799	821	62	1 021
Prohibited and regulated weapons and explosives offences	13	522	535	48	638
Property damage and environmental pollution	124	2 460	2 584	315	3 213
Public order offences	209	3 219	3 428	322	4 085
Traffic and vehicle regulatory offences	39	3 488	3 527	175	3 930
Offences against justice procedures, gov't security and operations	47	923	970	105	1 198
Miscellaneous offences	41	279	320	70	398
Total finalised(b)	1 479	31 991	33 470	3 942	41 277

	PROPORTION (%)				
Homicide and related offences	6.5	23.9	30.4	21.7	100.0
Acts intended to cause injury	5.2	77.0	82.2	10.8	100.0
Sexual assault and related offences	6.7	47.2	53.9	21.9	100.0
Dangerous or negligent acts endangering persons	1.1	88.0	89.1	5.0	100.0
Abduction, harassment and other offences against the person	6.2	71.6	77.8	14.7	100.0
Robbery, extortion and related offences	4.6	69.9	74.6	12.7	100.0
Unlawful entry with intent	2.5	75.1	77.6	7.8	100.0
Theft and related offences	3.2	75.8	78.9	12.3	100.0
Fraud, deception and related offences	2.5	81.6	84.1	8.6	100.0
Illicit drug offences	2.2	78.3	80.4	6.1	100.0
Prohibited and regulated weapons and explosives offences	2.0	81.8	83.9	7.5	100.0
Property damage and environmental pollution	3.9	76.6	80.4	9.8	100.0
Public order offences	5.1	78.8	83.9	7.9	100.0
Traffic and vehicle regulatory offences	1.0	88.8	89.7	4.5	100.0
Offences against justice procedures, gov't security and operations	3.9	77.0	81.0	8.8	100.0
Miscellaneous offences	10.3	70.1	80.4	17.6	100.0
Total finalised(b)	3.6	77.5	81.1	9.6	100.0

(a) Includes defendants deceased, unfit to plead, transfers to non-court agencies, other non-adjudicated finalisations n.e.c., transfers to other courts and unknown method of finalisation.

(b) Includes defendants for whom offence data are missing or a principal offence could not be determined.

4.6 DEFENDANTS FINALISED, Sex and age by method of finalisation

	<i>Acquitted</i>	<i>Proven guilty</i>	<i>Total adjudicated</i>	<i>Withdrawn by prosecution</i>	<i>Total(a)</i>
.....					
NUMBER					
Males					
10–12 years	27	590	617	71	876
13 years	57	1 173	1 230	148	1 602
14 years	112	2 448	2 560	280	3 222
15 years	185	4 154	4 339	443	5 270
16 years	241	6 227	6 468	686	7 754
17 years	321	6 677	6 998	764	8 539
18 years	182	3 391	3 573	521	4 323
19 years and over	51	766	817	184	1 071
Total(b)	1 177	25 429	26 606	3 099	32 663
Females					
10–12 years	6	122	128	25	196
13 years	12	370	382	37	491
14 years	35	849	884	86	1 120
15 years	49	1 293	1 342	144	1 651
16 years	68	1 609	1 677	173	2 054
17 years	70	1 442	1 512	187	1 900
18 years	42	700	742	141	935
19 years and over	19	153	172	46	230
Total(b)	301	6 540	6 841	840	8 580
Persons(c)					
10–12 years	33	712	745	96	1 072
13 years	69	1 543	1 612	185	2 093
14 years	147	3 298	3 445	366	4 345
15 years	234	5 450	5 684	587	6 927
16 years	309	7 846	8 155	859	9 818
17 years	392	8 123	8 515	954	10 448
18 years	224	4 094	4 318	662	5 262
19 years and over	70	919	989	230	1 301
Total(b)	1 479	31 990	33 469	3 942	41 275

-
- (a) Includes defendants deceased, unfit to plead, transfers to non-court agencies, other non-adjudicated finalisations n.e.c., transfers to other courts and unknown method of finalisation.
- (b) Includes defendants with unknown age.
- (c) Includes defendants with unknown sex.

4.6DEFENDANTS FINALISED, Sex and age by method of finalisation *continued*

	Acquitted	Proven guilty	Total adjudicated	Withdrawn by prosecution	Total(a)
.....					
PROPORTION (%)					
Males					
10–12 years	2.3	2.3	2.3	2.3	2.7
13 years	4.8	4.6	4.6	4.8	4.9
14 years	9.5	9.6	9.6	9.0	9.9
15 years	15.7	16.3	16.3	14.3	16.1
16 years	20.5	24.5	24.3	22.1	23.7
17 years	27.3	26.3	26.3	24.7	26.1
18 years	15.5	13.3	13.4	16.8	13.2
19 years and over	4.3	3.0	3.1	5.9	3.3
Total(b)	100.0	100.0	100.0	100.0	100.0
Females					
10–12 years	2.0	1.9	1.9	3.0	2.3
13 years	4.0	5.7	5.6	4.4	5.7
14 years	11.6	13.0	12.9	10.2	13.1
15 years	16.3	19.8	19.6	17.1	19.2
16 years	22.6	24.6	24.5	20.6	23.9
17 years	23.3	22.0	22.1	22.3	22.1
18 years	14.0	10.7	10.8	16.8	10.9
19 years and over	6.3	2.3	2.5	5.5	2.7
Total(b)	100.0	100.0	100.0	100.0	100.0
Persons(c)					
10–12 years	2.2	2.2	2.2	2.4	2.6
13 years	4.7	4.8	4.8	4.7	5.1
14 years	9.9	10.3	10.3	9.3	10.5
15 years	15.8	17.0	17.0	14.9	16.8
16 years	20.9	24.5	24.4	21.8	23.8
17 years	26.5	25.4	25.4	24.2	25.3
18 years	15.1	12.8	12.9	16.8	12.7
19 years and over	4.7	2.9	3.0	5.8	3.2
Total(b)	100.0	100.0	100.0	100.0	100.0

(a) Includes defendants deceased, unfit to plead, transfers to non-court agencies, other non-adjudicated finalisations n.e.c., transfers to other courts and unknown method of finalisation.

(b) Includes defendants with unknown age.

(c) Includes defendants with unknown sex.

4.7 DEFENDANTS PROVEN GUILTY, Principal offence by principal sentence

CUSTODIAL ORDERS

	<i>Custody in a correctional institution</i>	<i>Custody in the community</i>	<i>Fully suspended sentence</i>	<i>Total</i>
--	--	---	---	--------------

NUMBER

Homicide and related offences	3	—	—	3
Acts intended to cause injury	506	262	283	1 051
Sexual assault and related offences	29	12	27	68
Dangerous or negligent acts endangering persons	87	44	55	186
Abduction, harassment and other offences against the person	21	15	6	42
Robbery, extortion and related offences	243	57	101	401
Unlawful entry with intent	425	82	192	699
Theft and related offences	150	45	72	267
Fraud, deception and related offences	4	6	5	15
Illicit drug offences	13	8	16	37
Prohibited and regulated weapons and explosives offences	15	22	8	45
Property damage and environmental pollution	77	20	20	117
Public order offences	22	5	17	44
Traffic and vehicle regulatory offences	7	3	12	22
Offences against justice procedures, gov't security and operations	18	—	9	27
Miscellaneous offences	—	—	—	—
Total(a)	1 628	581	823	3 032

PROPORTION (%)

Homicide and related offences	0.2	—	—	0.1
Acts intended to cause injury	31.1	45.1	34.4	34.7
Sexual assault and related offences	1.8	2.1	3.3	2.2
Dangerous or negligent acts endangering persons	5.3	7.6	6.7	6.1
Abduction, harassment and other offences against the person	1.3	2.6	0.7	1.4
Robbery, extortion and related offences	14.9	9.8	12.3	13.2
Unlawful entry with intent	26.1	14.1	23.3	23.1
Theft and related offences	9.2	7.7	8.7	8.8
Fraud, deception and related offences	0.2	1.0	0.6	0.5
Illicit drug offences	0.8	1.4	1.9	1.2
Prohibited and regulated weapons and explosives offences	0.9	3.8	1.0	1.5
Property damage and environmental pollution	4.7	3.4	2.4	3.9
Public order offences	1.4	0.9	2.1	1.5
Traffic and vehicle regulatory offences	0.4	0.5	1.5	0.7
Offences against justice procedures, gov't security and operations	1.1	—	1.1	0.9
Miscellaneous offences	—	—	—	—
Total(a)	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Includes defendants for whom offence data are missing or a principal offence could not be determined.

4.7**DEFENDANTS PROVEN GUILTY, Principal offence by principal sentence** *continued*

NON-CUSTODIAL ORDERS

	<i>Community supervision/ work orders</i>	<i>Monetary orders</i>	<i>Other non-custodial orders</i>	<i>Total</i>	<i>Total proven guilty(a)</i>
NUMBER					
Homicide and related offences	3	—	3	6	9
Acts intended to cause injury	2 138	323	2 514	4 975	6 047
Sexual assault and related offences	137	3	82	222	310
Dangerous or negligent acts endangering persons	353	689	468	1 510	1 696
Abduction, harassment and other offences against the person	78	14	85	177	219
Robbery, extortion and related offences	612	18	155	785	1 189
Unlawful entry with intent	1 935	191	1 308	3 434	4 141
Theft and related offences	1 433	1 088	3 501	6 022	6 320
Fraud, deception and related offences	76	73	159	308	323
Illicit drug offences	170	145	441	756	799
Prohibited and regulated weapons and explosives offences	149	70	255	474	522
Property damage and environmental pollution	687	337	1 308	2 332	2 460
Public order offences	462	679	2 013	3 154	3 219
Traffic and vehicle regulatory offences	300	1 748	1 405	3 453	3 488
Offences against justice procedures, gov't security and operations	150	143	596	889	923
Miscellaneous offences	13	157	105	275	278
Total(b)	8 704	5 681	14 420	28 805	31 987

PROPORTION (%)

Homicide and related offences	—	—	—	—	—
Acts intended to cause injury	24.6	5.7	17.4	17.3	18.9
Sexual assault and related offences	1.6	0.1	0.6	0.8	1.0
Dangerous or negligent acts endangering persons	4.1	12.1	3.2	5.2	5.3
Abduction, harassment and other offences against the person	0.9	0.2	0.6	0.6	0.7
Robbery, extortion and related offences	7.0	0.3	1.1	2.7	3.7
Unlawful entry with intent	22.2	3.4	9.1	11.9	12.9
Theft and related offences	16.5	19.2	24.3	20.9	19.8
Fraud, deception and related offences	0.9	1.3	1.1	1.1	1.0
Illicit drug offences	2.0	2.6	3.1	2.6	2.5
Prohibited and regulated weapons and explosives offences	1.7	1.2	1.8	1.6	1.6
Property damage and environmental pollution	7.9	5.9	9.1	8.1	7.7
Public order offences	5.3	12.0	14.0	10.9	10.1
Traffic and vehicle regulatory offences	3.4	30.8	9.7	12.0	10.9
Offences against justice procedures, gov't security and operations	1.7	2.5	4.1	3.1	2.9
Miscellaneous offences	0.1	2.8	0.7	1.0	0.9
Total(b)	100.0	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(b) Includes defendants for whom offence data are missing or a principal

(a) Includes defendants for whom a principal sentence is unknown.

offence could not be determined.

4.8 DEFENDANTS PROVEN GUILTY, Sex and age by principal sentence

	CUSTODIAL ORDERS				NON-CUSTODIAL ORDERS				Total proven guilty(a)
	Custody in a correctional institution	Custody in the community	Fully suspended sentence	Total	Community supervision/work orders	Monetary orders	Other non-custodial orders	Total	
NUMBER									
Males									
10–12 years	5	11	3	19	225	11	331	567	591
13 years	45	11	23	79	461	17	614	1 092	1 171
14 years	138	35	67	240	916	60	1 222	2 198	2 448
15 years	296	85	122	503	1 440	280	1 914	3 634	4 154
16 years	395	134	182	711	1 914	806	2 776	5 496	6 227
17 years	422	146	180	748	1 445	1 899	2 556	5 900	6 677
18 years	157	90	126	373	553	1 275	1 168	2 996	3 391
19 years and over	61	14	32	107	125	224	290	639	766
Total(b)	1 519	526	735	2 780	7 079	4 572	10 871	22 522	25 425
Females									
10–12 years	—	3	—	3	50	—	69	119	122
13 years	5	3	3	11	129	9	222	360	371
14 years	14	5	5	24	261	24	537	822	849
15 years	21	14	19	54	410	70	755	1 235	1 293
16 years	26	16	19	61	415	208	919	1 542	1 609
17 years	32	11	21	64	260	436	674	1 370	1 442
18 years	9	4	22	35	77	314	271	662	700
19 years and over	3	—	4	7	14	40	91	145	152
Total(b)	110	56	93	259	1 616	1 101	3 541	6 258	6 541
Persons(c)									
10–12 years	5	14	3	22	275	11	400	686	713
13 years	50	14	26	90	590	26	836	1 452	1 542
14 years	152	40	72	264	1 177	84	1 759	3 020	3 297
15 years	317	99	141	557	1 850	350	2 672	4 872	5 450
16 years	421	150	201	772	2 332	1 018	3 699	7 049	7 847
17 years	454	157	201	812	1 708	2 335	3 233	7 276	8 125
18 years	166	94	148	408	630	1 589	1 439	3 658	4 091
19 years and over	64	14	36	114	139	264	381	784	918
Total(b)	1 629	582	828	3 039	8 701	5 677	14 422	28 800	31 986

— nil or rounded to zero (including null cells)

(b) Includes defendants with unknown age.

(a) Includes defendants for whom a principal sentence is unknown.

(c) Includes defendants with unknown sex.

4.8 DEFENDANTS PROVEN GUILTY, Sex and age by principal sentence *continued*

	CUSTODIAL ORDERS				NON-CUSTODIAL ORDERS				Total proven guilty(a)
	Custody in a correctional institution	Custody in the community	Fully suspended sentence	Total	Community supervision/work orders	Monetary orders	Other non-custodial orders	Total	
PROPORTION (%)									
Males									
10–12 years	0.3	2.1	0.4	0.7	3.2	0.2	3.0	2.5	2.3
13 years	3.0	2.1	3.1	2.8	6.5	0.4	5.6	4.8	4.6
14 years	9.1	6.7	9.1	8.6	12.9	1.3	11.2	9.8	9.6
15 years	19.5	16.2	16.6	18.1	20.3	6.1	17.6	16.1	16.3
16 years	26.0	25.5	24.8	25.6	27.0	17.6	25.5	24.4	24.5
17 years	27.8	27.8	24.5	26.9	20.4	41.5	23.5	26.2	26.3
18 years	10.3	17.1	17.1	13.4	7.8	27.9	10.7	13.3	13.3
19 years and over	4.0	2.7	4.4	3.8	1.8	4.9	2.7	2.8	3.0
Total(b)	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Females									
10–12 years	—	5.4	—	1.2	3.1	—	1.9	1.9	1.9
13 years	4.5	5.4	3.2	4.2	8.0	0.8	6.3	5.8	5.7
14 years	12.7	8.9	5.4	9.3	16.2	2.2	15.2	13.1	13.0
15 years	19.1	25.0	20.4	20.8	25.4	6.4	21.3	19.7	19.8
16 years	23.6	28.6	20.4	23.6	25.7	18.9	26.0	24.6	24.6
17 years	29.1	19.6	22.6	24.7	16.1	39.6	19.0	21.9	22.0
18 years	8.2	7.1	23.7	13.5	4.8	28.5	7.7	10.6	10.7
19 years and over	2.7	—	4.3	2.7	0.9	3.6	2.6	2.3	2.3
Total(b)	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Persons(c)									
10–12 years	0.3	2.4	0.4	0.7	3.2	0.2	2.8	2.4	2.2
13 years	3.1	2.4	3.1	3.0	6.8	0.5	5.8	5.0	4.8
14 years	9.3	6.9	8.7	8.7	13.5	1.5	12.2	10.5	10.3
15 years	19.5	17.0	17.0	18.3	21.3	6.2	18.5	16.9	17.0
16 years	25.8	25.8	24.3	25.4	26.8	17.9	25.6	24.5	24.5
17 years	27.9	27.0	24.3	26.7	19.6	41.1	22.4	25.3	25.4
18 years	10.2	16.2	17.9	13.4	7.2	28.0	10.0	12.7	12.8
19 years and over	3.9	2.4	4.3	3.8	1.6	4.7	2.6	2.7	2.9
Total(b)	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(b) Includes defendants with unknown age.

(a) Includes defendants for whom a principal sentence is unknown.

(c) Includes defendants with unknown sex.

4.9 DURATION FROM INITIATION TO FINALISATION, Method of finalisation by selected principal offence

	<i>Under 13 weeks</i>	<i>13 to under 26 weeks</i>	<i>26 to under 39 weeks</i>	<i>39 to under 52 weeks</i>	<i>52 weeks & over</i>	<i>Total</i>
NUMBER						
Acquitted						
Acts intended to cause injury	115	152	72	27	40	406
Dangerous or negligent acts endangering persons	5	9	5	3	3	25
Unlawful entry with intent	37	62	18	10	9	136
Theft and related offences	104	95	35	17	15	266
Property damage and environmental pollution	42	47	17	11	7	124
Public order offences	146	41	12	5	5	209
Traffic and vehicle regulatory offences	21	13	3	—	3	40
Other(a)	96	78	48	25	29	276
Total(b)	566	497	210	98	111	1 482
Proven guilty						
Acts intended to cause injury	2 910	1 740	752	333	312	6 047
Dangerous or negligent acts endangering persons	1 114	377	109	52	46	1 698
Unlawful entry with intent	2 619	870	387	127	138	4 141
Theft and related offences	4 436	1 198	425	122	139	6 320
Property damage and environmental pollution	1 620	489	197	87	67	2 460
Public order offences	2 536	425	162	44	52	3 219
Traffic and vehicle regulatory offences	2 901	363	108	41	75	3 488
Other(a)	2 821	978	429	160	185	4 573
Total(b)	20 985	6 448	2 569	969	1 018	31 989
Total adjudicated	21 551	6 945	2 779	1 067	1 129	33 471
Transfers to other courts	771	462	185	71	65	1 554
Withdrawn by prosecution	1 690	1 174	570	230	279	3 943
Other(c)	2 025	166	68	29	16	2 304
Total finalised	26 037	8 747	3 602	1 397	1 489	41 272
PROPORTION (%)						
Acquitted						
Acts intended to cause injury	28.3	37.4	17.7	6.7	9.9	100.0
Dangerous or negligent acts endangering persons	20.0	36.0	20.0	12.0	12.0	100.0
Unlawful entry with intent	27.2	45.6	13.2	7.4	6.6	100.0
Theft and related offences	39.1	35.7	13.2	6.4	5.6	100.0
Property damage and environmental pollution	33.9	37.9	13.7	8.9	5.6	100.0
Public order offences	69.9	19.6	5.7	2.4	2.4	100.0
Traffic and vehicle regulatory offences	52.5	32.5	7.5	—	7.5	100.0
Other(a)	34.8	28.3	17.4	9.1	10.5	100.0
Total(b)	38.2	33.5	14.2	6.6	7.5	100.0
Proven guilty						
Acts intended to cause injury	48.1	28.8	12.4	5.5	5.2	100.0
Dangerous or negligent acts endangering persons	65.6	22.2	6.4	3.1	2.7	100.0
Unlawful entry with intent	63.2	21.0	9.3	3.1	3.3	100.0
Theft and related offences	70.2	19.0	6.7	1.9	2.2	100.0
Property damage and environmental pollution	65.9	19.9	8.0	3.5	2.7	100.0
Public order offences	78.8	13.2	5.0	1.4	1.6	100.0
Traffic and vehicle regulatory offences	83.2	10.4	3.1	1.2	2.2	100.0
Other(a)	61.7	21.4	9.4	3.5	4.0	100.0
Total(b)	65.6	20.2	8.0	3.0	3.2	100.0
Total adjudicated	64.4	20.7	8.3	3.2	3.4	100.0
Transfers to other courts	49.6	29.7	11.9	4.6	4.2	100.0
Withdrawn by prosecution	42.9	29.8	14.5	5.8	7.1	100.0
Other(c)	87.9	7.2	3.0	1.3	0.7	100.0
Total finalised	63.1	21.2	8.7	3.4	3.6	100.0

— nil or rounded to zero (including null cells)

(a) Includes ASOC Divisions 01, 03, 05–06, 09–11, 15–16 (refer to Appendix 3).

(b) Includes defendants for whom offence data are missing or a principal offence could not be determined.

(c) Includes defendants deceased, unfit to plead, transfers to non-court agencies and other non-adjudicated finalisations n.e.c.

4.10 SUMMARY OUTCOMES OF DEFENDANTS, States and territories, 2006–07 to 2009–10

	NUMBER				PERCENTAGE
	2006–07	2007–08	2008–09	2009–10	CHANGE (%) 2008–09 to 2009–10
NEW SOUTH WALES (a)					
Method of finalisation					
Adjudicated outcomes					
Acquitted	680	649	783	667	-14.8
Proven guilty	6 253	7 025	7 854	7 421	-5.5
Total	6 933	7 674	8 637	8 088	-6.4
Transfers to other courts	203	283	303	199	-34.3
Withdrawn by prosecution	1 022	1 291	1 434	802	-44.1
Total finalised (b)	8 165	9 263	10 379	9 098	-12.3
Principal offence(c)					
Homicide and related offences	5	4	3	4	33.3
Acts intended to cause injury	1 787	2 040	2 531	2 428	-4.1
Sexual assault and related offences	80	84	103	72	-30.1
Dangerous or negligent acts endangering persons	113	129	218	220	0.9
Abduction, harassment and other offences against the person	6	5	72	77	6.9
Robbery, extortion and related offences	549	606	658	618	-6.1
Unlawful entry with intent	866	990	1 153	989	-14.2
Theft and related offences	1 202	1 251	1 435	1 289	-10.2
Fraud, deception and related offences	157	211	84	68	-19.0
Illicit drug offences	175	218	238	233	-2.1
Prohibited and regulated weapons and explosives offences	47	46	59	42	-28.8
Property damage and environmental pollution	572	584	686	716	4.4
Public order offences	621	752	775	733	-5.4
Traffic and vehicle regulatory offences	328	315	307	257	-16.3
Offences against justice procedures, gov't security and operations	233	215	242	255	5.4
Miscellaneous offences	192	224	75	87	16.0
Total adjudicated (d)	6 933	7 674	8 639	8 088	-6.4
Sentence outcomes					
Custodial orders	893	1 010	1 199	1 117	-6.8
Non-custodial orders	5 360	6 015	6 655	6 304	-5.3
Total proven guilty (e)	6 253	7 025	7 854	7 421	-5.5

(a) Prior to 2009–10 NSW counts referred to finalised appearances rather than finalised defendants in the Children's Courts resulting in potentially higher population counts (see Explanatory Notes paragraph 64).

(b) Includes defendants deceased, unfit to plead, transfers to non-court agencies, other non-adjudicated finalisations n.e.c. and unknown method of finalisation.

(c) Offence data are based on ASOC08 from 2008–09 and ASOC97 prior to this period. Caution should be exercised when comparing offence data across the two classifications (see Explanatory Notes paragraph 21).

(d) Includes defendants for whom offence data are missing or a principal offence could not be determined.

(e) Includes defendants for whom a principal sentence is unknown.

4.10 SUMMARY OUTCOMES OF DEFENDANTS, States and territories, 2006–07 to 2009–10 *continued*

	NUMBER				PERCENTAGE
	2006–07	2007–08	2008–09	2009–10	CHANGE (%) 2008–09 to 2009–10
VICTORIA					
Method of finalisation					
Adjudicated outcomes					
Acquitted	383	228	424	379	-10.6
Proven guilty	11 114	7 336	7 274	7 064	-2.9
Total	11 497	7 564	7 698	7 443	-3.3
Transfers to other courts	15	35	59	52	-11.9
Withdrawn by prosecution	2 181	1 292	1 194	1 104	-7.5
Total finalised^(a)	13 693	8 891	8 951	8 599	-3.9
Principal offence ^(b)					
Homicide and related offences	—	3	—	—	—
Acts intended to cause injury	866	896	1 387	1 459	5.2
Sexual assault and related offences	72	71	94	105	11.7
Dangerous or negligent acts endangering persons	194	195	322	364	13.0
Abduction, harassment and other offences against the person	—	3	45	69	53.3
Robbery, extortion and related offences	199	274	207	211	1.9
Unlawful entry with intent	570	505	597	665	11.4
Theft and related offences	1 003	756	2 541	2 041	-19.7
Fraud, deception and related offences	6 107	2 945	116	147	26.7
Illicit drug offences	76	53	81	100	23.5
Prohibited and regulated weapons and explosives offences	177	146	201	211	5.0
Property damage and environmental pollution	449	313	481	562	16.8
Public order offences	665	528	774	697	-9.9
Traffic and vehicle regulatory offences	411	342	531	544	2.4
Offences against justice procedures, gov't security and operations	124	94	75	87	16.0
Miscellaneous offences	581	441	235	172	-26.8
Total adjudicated^(c)	11 497	7 565	7 698	7 441	-3.3
Sentence outcomes					
Custodial orders	482	457	621	657	5.8
Non-custodial orders	10 578	6 835	6 581	6 308	-4.1
Total proven guilty^(d)	11 114	7 336	7 274	7 064	-2.9

— nil or rounded to zero (including null cells)

(a) Includes defendants deceased, unfit to plead, transfers to non-court agencies, other non-adjudicated finalisations n.e.c. and unknown method of finalisation.

(b) Offence data are based on ASOC08 from 2008–09 and ASOC97 prior to this period. Caution should be exercised when comparing offence data across the two classifications (see Explanatory Notes paragraph 21).

(c) Includes defendants for whom offence data are missing or a principal offence could not be determined.

(d) Includes defendants for whom a principal sentence is unknown.

4.10 SUMMARY OUTCOMES OF DEFENDANTS, States and territories, 2006–07 to 2009–10 *continued*

	NUMBER				PERCENTAGE
	2006–07	2007–08	2008–09	2009–10	CHANGE (%) 2008–09 to 2009–10
QUEENSLAND					
Method of finalisation					
Adjudicated outcomes					
Acquitted	91	56	69	76	10.1
Proven guilty	6 522	6 516	6 439	7 153	11.1
Total	6 613	6 572	6 508	7 229	11.1
Transfers to other courts	417	342	326	418	28.2
Withdrawn by prosecution	668	531	500	516	3.2
Total finalised^(a)	7 699	7 446	7 338	8 165	11.3
Principal offence ^(b)					
Homicide and related offences	—	—	—	—	—
Acts intended to cause injury	702	656	713	826	15.8
Sexual assault and related offences	77	69	58	68	17.2
Dangerous or negligent acts endangering persons	105	96	154	148	-3.9
Abduction, harassment and other offences against the person	—	—	10	23	130.0
Robbery, extortion and related offences	116	155	87	129	48.3
Unlawful entry with intent	1 314	1 239	1 063	1 178	10.8
Theft and related offences	1 250	1 321	1 603	1 919	19.7
Fraud, deception and related offences	171	166	57	67	17.5
Illicit drug offences	200	152	153	186	21.6
Prohibited and regulated weapons and explosives offences	103	126	111	134	20.7
Property damage and environmental pollution	554	492	476	565	18.7
Public order offences	1 083	1 059	1 070	1 190	11.2
Traffic and vehicle regulatory offences	632	635	661	541	-18.2
Offences against justice procedures, gov't security and operations	270	249	283	246	-13.1
Miscellaneous offences	34	18	9	9	—
Total adjudicated^(c)	6 611	6 570	6 508	7 229	11.1
Sentence outcomes					
Custodial orders	396	371	351	388	10.5
Non-custodial orders	6 126	6 145	6 088	6 765	11.1
Total proven guilty^(d)	6 522	6 516	6 439	7 153	11.1

— nil or rounded to zero (including null cells)

(a) Includes defendants deceased, unfit to plead, transfers to non-court agencies, other non-adjudicated finalisations n.e.c. and unknown method of finalisation.

(b) Offence data are based on ASOC08 from 2008–09 and ASOC97 prior to this period. Caution should be exercised when comparing offence data across the two classifications (see Explanatory Notes paragraph 21).

(c) Includes defendants for whom offence data are missing or a principal offence could not be determined.

(d) Includes defendants for whom a principal sentence is unknown.

4.10 SUMMARY OUTCOMES OF DEFENDANTS, States and territories, 2006–07 to 2009–10 *continued*

	NUMBER				PERCENTAGE
	2006–07	2007–08	2008–09	2009–10	CHANGE (%)
					2008–09 to 2009–10
SOUTH AUSTRALIA					
Method of finalisation					
Adjudicated outcomes					
Acquitted	5	8	13	17	30.8
Proven guilty	2 277	2 329	2 768	2 513	-9.2
Total	2 282	2 337	2 781	2 530	-9.0
Transfers to other courts	510	502	705	798	13.2
Withdrawn by prosecution	390	400	372	538	44.6
Total finalised(a)	3 273	3 367	4 002	4 065	1.6
Principal offence(b)					
Homicide and related offences	3	3	—	—	—
Acts intended to cause injury	211	308	413	386	-6.5
Sexual assault and related offences	19	23	29	31	6.9
Dangerous or negligent acts endangering persons	226	202	423	351	-17.0
Abduction, harassment and other offences against the person	—	—	9	12	33.3
Robbery, extortion and related offences	30	42	45	51	13.3
Unlawful entry with intent	175	158	263	271	3.0
Theft and related offences	299	270	324	300	-7.4
Fraud, deception and related offences	15	32	5	8	60.0
Illicit drug offences	25	32	35	45	28.6
Prohibited and regulated weapons and explosives offences	46	64	91	75	-17.6
Property damage and environmental pollution	189	184	201	189	-6.0
Public order offences	173	170	201	213	6.0
Traffic and vehicle regulatory offences	763	755	652	494	-24.2
Offences against justice procedures, gov't security and operations	97	83	84	95	13.1
Miscellaneous offences	13	11	6	8	33.3
Total adjudicated(c)	2 284	2 337	2 781	2 529	-9.1
Sentence outcomes					
Custodial orders	181	165	234	250	6.8
Non-custodial orders	2 096	2 164	2 534	2 263	-10.7
Total proven guilty(d)	2 277	2 329	2 768	2 513	-9.2

— nil or rounded to zero (including null cells)

(a) Includes defendants deceased, unfit to plead, transfers to non-court agencies, other non-adjudicated finalisations n.e.c. and unknown method of finalisation.

(b) Offence data are based on ASOC08 from 2008–09 and ASOC97 prior to this period. Caution should be exercised when comparing offence data across the two classifications (see Explanatory Notes paragraph 21).

(c) Includes defendants for whom offence data are missing or a principal offence could not be determined.

(d) Includes defendants for whom a principal sentence is unknown.

4.10 SUMMARY OUTCOMES OF DEFENDANTS, States and territories, 2006–07 to 2009–10 *continued*

	NUMBER				PERCENTAGE
					CHANGE (%)
	2006–07	2007–08	2008–09	2009–10	2008–09 to 2009–10
WESTERN AUSTRALIA					
Method of finalisation					
Adjudicated outcomes					
Acquitted	66	43	75	71	-5.3
Proven guilty	5 187	5 852	6 284	5 868	-6.6
Total	5 253	5 895	6 359	5 939	-6.6
Transfers to other courts	43	40	34	54	58.8
Withdrawn by prosecution	453	497	563	734	30.4
Total finalised^(a)	7 435	8 284	9 008	8 825	-2.0
Principal offence ^(b)					
Homicide and related offences	5	3	3	3	—
Acts intended to cause injury	710	671	772	842	9.1
Sexual assault and related offences	62	71	69	63	-8.7
Dangerous or negligent acts endangering persons	1 047	1 170	605	481	-20.5
Abduction, harassment and other offences against the person	—	3	44	54	22.7
Robbery, extortion and related offences	177	217	164	230	40.2
Unlawful entry with intent	808	833	759	818	7.8
Theft and related offences	534	600	671	716	6.7
Fraud, deception and related offences	45	27	34	29	-14.7
Illicit drug offences	172	140	194	204	5.2
Prohibited and regulated weapons and explosives offences	58	54	39	41	5.1
Property damage and environmental pollution	311	366	440	435	-1.1
Public order offences	369	352	447	453	1.3
Traffic and vehicle regulatory offences	732	1 168	1 901	1 352	-28.9
Offences against justice procedures, gov't security and operations	160	178	200	207	3.5
Miscellaneous offences	62	44	17	11	-35.3
Total adjudicated^(c)	5 252	5 897	6 359	5 939	-6.6
Sentence outcomes					
Custodial orders	307	328	329	322	-2.1
Non-custodial orders	4 880	5 524	5 955	5 546	-6.9
Total proven guilty^(d)	5 187	5 852	6 284	5 868	-6.6

— nil or rounded to zero (including null cells)

(a) Includes defendants deceased, unfit to plead, transfers to non-court agencies, other non-adjudicated finalisations n.e.c. and unknown method of finalisation.

(b) Offence data are based on ASOC08 from 2008–09 and ASOC97 prior to this period. Caution should be exercised when comparing offence data across the two classifications (see Explanatory Notes paragraph 21).

(c) Includes defendants for whom offence data are missing or a principal offence could not be determined.

(d) Includes defendants for whom a principal sentence is unknown.

4.10 SUMMARY OUTCOMES OF DEFENDANTS, States and territories, 2006–07 to 2009–10 *continued*

	NUMBER				PERCENTAGE
	2006–07	2007–08	2008–09	2009–10	CHANGE (%) 2008–09 to 2009–10
TASMANIA					
Method of finalisation					
Adjudicated outcomes					
Acquitted	134	158	160	188	17.5
Proven guilty	713	839	1 031	997	-3.3
Total	847	997	1 191	1 185	-0.5
Transfers to other courts	11	18	19	12	-36.8
Withdrawn by prosecution	35	35	46	58	26.1
Total finalised^(a)	894	1 050	1 256	1 257	0.1
Principal offence ^(b)					
Homicide and related offences	—	—	—	—	—
Acts intended to cause injury	198	239	265	296	11.7
Sexual assault and related offences	7	8	6	8	33.3
Dangerous or negligent acts endangering persons	27	22	72	97	34.7
Abduction, harassment and other offences against the person	—	—	3	—	-100.0
Robbery, extortion and related offences	4	22	11	20	81.8
Unlawful entry with intent	96	103	166	156	-6.0
Theft and related offences	121	153	216	189	-12.5
Fraud, deception and related offences	12	12	8	10	25.0
Illicit drug offences	23	33	40	42	5.0
Prohibited and regulated weapons and explosives offences	3	5	17	9	-47.1
Property damage and environmental pollution	62	84	103	89	-13.6
Public order offences	68	90	88	101	14.8
Traffic and vehicle regulatory offences	173	169	114	88	-22.8
Offences against justice procedures, gov't security and operations	50	51	69	48	-30.4
Miscellaneous offences	3	6	14	31	121.4
Total adjudicated^(c)	847	997	1 192	1 184	-0.7
Sentence outcomes					
Custodial orders	115	137	150	155	3.3
Non-custodial orders	577	702	790	789	-0.1
Total proven guilty^(d)	713	839	1 031	997	-3.3

— nil or rounded to zero (including null cells)

(a) Includes defendants deceased, unfit to plead, transfers to non-court agencies, other non-adjudicated finalisations n.e.c. and unknown method of finalisation.

(b) Offence data are based on ASOC08 from 2008–09 and ASOC97 prior to this period. Caution should be exercised when comparing offence data across the two classifications (see Explanatory Notes paragraph 21).

(c) Includes defendants for whom offence data are missing or a principal offence could not be determined.

(d) Includes defendants for whom a principal sentence is unknown.

4.10SUMMARY OUTCOMES OF DEFENDANTS, States and territories, 2006–07 to
2009–10 *continued*

	NUMBER				PERCENTAGE
	.....				CHANGE (%)
	2006–07	2007–08	2008–09	2009–10	2008–09 to 2009–10
.....					
NORTHERN TERRITORY (a)					
Method of finalisation					
Adjudicated outcomes					
Acquitted	89	71	70	30	-57.1
Proven guilty	420	512	626	642	2.6
Total	509	583	696	672	-3.4
Transfers to other courts	14	16	11	9	-18.2
Withdrawn by prosecution	50	54	72	119	65.3
Total finalised(b)	575	659	779	800	2.7
Principal offence(c)					
Homicide and related offences	3	3	—	—	—
Acts intended to cause injury	92	109	136	107	-21.3
Sexual assault and related offences	11	8	10	6	-40.0
Dangerous or negligent acts endangering persons	28	37	60	43	-28.3
Abduction, harassment and other offences against the person	—	—	—	—	—
Robbery, extortion and related offences	3	5	5	4	-20.0
Unlawful entry with intent	137	127	145	132	-9.0
Theft and related offences	39	50	45	59	31.1
Fraud, deception and related offences	4	3	—	3	—
Illicit drug offences	9	8	11	6	-45.5
Prohibited and regulated weapons and explosives offences	15	11	17	12	-29.4
Property damage and environmental pollution	16	26	22	14	-36.4
Public order offences	19	16	32	28	-12.5
Traffic and vehicle regulatory offences	104	154	173	197	13.9
Offences against justice procedures, gov't security and operations	12	16	7	19	171.4
Miscellaneous offences	—	—	—	3	—
Total adjudicated(d)	509	582	694	672	-3.2
Sentence outcomes					
Custodial orders	122	116	151	116	-23.2
Non-custodial orders	298	396	475	526	10.7
Total proven guilty(e)	420	512	626	642	2.6

— nil or rounded to zero (including null cells)

(a) Prior to 2009–10 there was an error in the mapping for charges acquitted and withdrawn. Caution should be exercised when making historical comparisons (see Explanatory Notes paragraph 105).

(b) Includes defendants deceased, unfit to plead, transfers to non-court agencies, other non-adjudicated finalisations n.e.c. and unknown method of finalisation.

(c) Offence data are based on ASOC08 from 2008–09 and ASOC97 prior to this period. Caution should be exercised when comparing offence data across the two classifications (see Explanatory Notes paragraph 21).

(d) Includes defendants for whom offence data are missing or a principal offence could not be determined.

(e) Includes defendants for whom a principal sentence is unknown.

4.10 SUMMARY OUTCOMES OF DEFENDANTS, States and territories, 2006–07 to 2009–10 *continued*

	NUMBER				PERCENTAGE
	2006–07	2007–08	2008–09	2009–10	CHANGE (%) 2008–09 to 2009–10
AUSTRALIAN CAPITAL TERRITORY					
Method of finalisation					
Adjudicated outcomes					
Acquitted	11	38	42	51	21.4
Proven guilty	325	326	280	332	18.6
Total	336	364	322	383	18.9
Transfers to other courts	7	10	6	10	66.7
Withdrawn by prosecution	65	77	153	71	-53.6
Total finalised^(a)	420	452	485	466	-3.9
Principal offence ^(b)					
Homicide and related offences	—	—	—	3	—
Acts intended to cause injury	57	73	70	109	55.7
Sexual assault and related offences	—	3	5	—	-100.0
Dangerous or negligent acts endangering persons	9	64	13	15	15.4
Abduction, harassment and other offences against the person	—	—	—	—	—
Robbery, extortion and related offences	36	49	6	4	-33.3
Unlawful entry with intent	19	18	44	68	54.5
Theft and related offences	88	71	65	73	12.3
Fraud, deception and related offences	3	3	18	—	-100.0
Illicit drug offences	—	5	3	5	66.7
Prohibited and regulated weapons and explosives offences	11	11	12	11	-8.3
Property damage and environmental pollution	15	25	6	14	133.3
Public order offences	6	3	8	13	62.5
Traffic and vehicle regulatory offences	58	24	62	54	-12.9
Offences against justice procedures, gov't security and operations	5	11	5	13	160.0
Miscellaneous offences	28	5	4	3	-25.0
Total adjudicated^(c)	335	365	321	385	19.9
Sentence outcomes					
Custodial orders	34	33	12	31	158.3
Non-custodial orders	291	293	268	301	12.3
Total proven guilty^(d)	325	326	280	332	18.6

— nil or rounded to zero (including null cells)

(a) Includes defendants deceased, unfit to plead, transfers to non-court agencies, other non-adjudicated finalisations n.e.c. and unknown method of finalisation.

(b) Offence data are based on ASOC08 from 2008–09 and ASOC97 prior to this period. Caution should be exercised when comparing offence data across the two classifications (see Explanatory Notes paragraph 21).

(c) Includes defendants for whom offence data are missing or a principal offence could not be determined.

(d) Includes defendants for whom a principal sentence is unknown.

4.11

SUMMARY CHARACTERISTICS OF DEFENDANTS (EXCLUDING TRAFFIC OFFENCES)(a), Indigenous status by selected states and territories

	<i>Aboriginal & Torres Strait Islander</i>	<i>Non-Indigenous</i>	<i>Unknown/ Not stated</i>	<i>Total</i>
NEW SOUTH WALES				
Sex				
Males	1 788	4 496	684	6 968
Females	481	950	198	1 629
Total finalised	2 269	5 446	882	8 597
Principal offence(a)				
Homicide and related offences	—	3	—	3
Acts intended to cause injury	627	1 616	185	2 428
Sexual assault and related offences	8	49	15	72
Dangerous or negligent acts endangering persons	—	6	3	9
Abduction, harassment and other offences against the person	23	43	11	77
Robbery, extortion and related offences	129	474	15	618
Unlawful entry with intent	394	505	90	989
Theft and related offences	366	751	172	1 289
Fraud, deception and related offences	9	47	12	68
Illicit drug offences	39	170	24	233
Prohibited and regulated weapons and explosives offences	12	27	3	42
Property damage and environmental pollution	184	458	74	716
Public order offences	170	463	100	733
Offences against justice procedures, gov't security and operations	59	173	23	255
Miscellaneous offences	11	27	49	87
Total adjudicated(b)	2 031	4 812	776	7 619
Sentence outcomes				
Custodial orders	445	564	61	1 070
Non-custodial orders	1 415	3 831	646	5 892
Total proven guilty	1 860	4 395	707	6 962

— nil or rounded to zero (including null cells)

(a) Excludes Division 14 and Subdivision 041 of ASOC08 (see Explanatory Notes paragraphs 50–51).

(b) Includes defendants for whom offence data are missing or a principal offence could not be determined.

4.11SUMMARY CHARACTERISTICS OF DEFENDANTS (EXCLUDING TRAFFIC OFFENCES)(a), Indigenous status by selected states and territories *continued* ..

	Aboriginal & Torres Strait Islander	Non-Indigenous	Unknown/ Not stated	Total
NEW SOUTH WALES (%)				
Sex				
Males	25.7	64.5	9.8	100.0
Females	29.5	58.3	12.2	100.0
Total finalised	26.4	63.3	10.3	100.0
Principal offence(a)				
Homicide and related offences	—	100.0	—	100.0
Acts intended to cause injury	25.8	66.6	7.6	100.0
Sexual assault and related offences	11.1	68.1	20.8	100.0
Dangerous or negligent acts endangering persons	—	66.7	33.3	100.0
Abduction, harassment and other offences against the person	29.9	55.8	14.3	100.0
Robbery, extortion and related offences	20.9	76.7	2.4	100.0
Unlawful entry with intent	39.8	51.1	9.1	100.0
Theft and related offences	28.4	58.3	13.3	100.0
Fraud, deception and related offences	13.2	69.1	17.6	100.0
Illicit drug offences	16.7	73.0	10.3	100.0
Prohibited and regulated weapons and explosives offences	28.6	64.3	7.1	100.0
Property damage and environmental pollution	25.7	64.0	10.3	100.0
Public order offences	23.2	63.2	13.6	100.0
Offences against justice procedures, gov't security and operations	23.1	67.8	9.0	100.0
Miscellaneous offences	12.6	31.0	56.3	100.0
Total adjudicated(b)	26.7	63.2	10.2	100.0
Sentence outcomes				
Custodial orders	41.6	52.7	5.7	100.0
Non-custodial orders	24.0	65.0	11.0	100.0
Total proven guilty	26.7	63.1	10.2	100.0

— nil or rounded to zero (including null cells)

(a) Excludes Division 14 and Subdivision 041 of ASOC08 (see Explanatory Notes paragraphs 50–51).

(b) Includes defendants for whom offence data are missing or a principal offence could not be determined.

4.11SUMMARY CHARACTERISTICS OF DEFENDANTS (EXCLUDING TRAFFIC OFFENCES)(a), Indigenous status by selected states and territories *continued* ..

	Aboriginal & Torres Strait Islander	Non-Indigenous	Unknown/ Not stated	Total
.....				
QUEENSLAND				
Sex				
Males	1 904	2 949	809	5 662
Females	661	920	251	1 832
Total finalised	2 565	3 869	1 060	7 494
Principal offence(a)				
Homicide and related offences	—	—	—	—
Acts intended to cause injury	276	419	131	826
Sexual assault and related offences	15	46	7	68
Dangerous or negligent acts endangering persons	17	21	7	45
Abduction, harassment and other offences against the person	5	13	5	23
Robbery, extortion and related offences	37	80	12	129
Unlawful entry with intent	572	439	167	1 178
Theft and related offences	648	974	297	1 919
Fraud, deception and related offences	6	50	11	67
Illicit drug offences	31	125	30	186
Prohibited and regulated weapons and explosives offences	27	87	20	134
Property damage and environmental pollution	203	292	70	565
Public order offences	402	656	132	1 190
Offences against justice procedures, gov't security and operations	71	136	39	246
Miscellaneous offences	—	6	—	6
Total adjudicated(b)	2 310	3 344	928	6 582
Sentence outcomes				
Custodial orders	199	117	54	370
Non-custodial orders	2 096	3 189	863	6 148
Total proven guilty	2 295	3 306	917	6 518
.....				

— nil or rounded to zero (including null cells)

(a) Excludes Division 14 and Subdivision 041 of ASOC08 (see Explanatory Notes paragraphs 50–51).

(b) Includes defendants for whom offence data are missing or a principal offence could not be determined.

4.11SUMMARY CHARACTERISTICS OF DEFENDANTS (EXCLUDING TRAFFIC OFFENCES)(a), Indigenous status by selected states and territories *continued* ..

	Aboriginal & Torres Strait Islander	Non-Indigenous	Unknown/ Not stated	Total
.....				
QUEENSLAND (%)				
Sex				
Males	33.6	52.1	14.3	100.0
Females	36.1	50.2	13.7	100.0
Total finalised	34.2	51.6	14.1	100.0
Principal offence(a)				
Homicide and related offences	—	—	—	—
Acts intended to cause injury	33.4	50.7	15.9	100.0
Sexual assault and related offences	22.1	67.6	10.3	100.0
Dangerous or negligent acts endangering persons	37.8	46.7	15.6	100.0
Abduction, harassment and other offences against the person	21.7	56.5	21.7	100.0
Robbery, extortion and related offences	28.7	62.0	9.3	100.0
Unlawful entry with intent	48.6	37.3	14.2	100.0
Theft and related offences	33.8	50.8	15.5	100.0
Fraud, deception and related offences	9.0	74.6	16.4	100.0
Illicit drug offences	16.7	67.2	16.1	100.0
Prohibited and regulated weapons and explosives offences	20.1	64.9	14.9	100.0
Property damage and environmental pollution	35.9	51.7	12.4	100.0
Public order offences	33.8	55.1	11.1	100.0
Offences against justice procedures, gov't security and operations	28.9	55.3	15.9	100.0
Miscellaneous offences	—	100.0	—	100.0
Total adjudicated(b)	35.1	50.8	14.1	100.0
Sentence outcomes				
Custodial orders	53.8	31.6	14.6	100.0
Non-custodial orders	34.1	51.9	14.0	100.0
Total proven guilty	35.2	50.7	14.1	100.0

— nil or rounded to zero (including null cells)

(a) Excludes Division 14 and Subdivision 041 of ASOC08 (see Explanatory Notes paragraphs 50–51).

(b) Includes defendants for whom offence data are missing or a principal offence could not be determined.

4.11SUMMARY CHARACTERISTICS OF DEFENDANTS (EXCLUDING TRAFFIC OFFENCES)(a), Indigenous status by selected states and territories *continued* ..

	Aboriginal & Torres Strait Islander	Non-Indigenous	Unknown/ Not stated	Total
.....				
NORTHERN TERRITORY				
Sex				
Males	353	77	16	446
Females	84	10	4	98
Total finalised	437	87	20	544
Principal offence(a)				
Homicide and related offences	—	—	—	—
Acts intended to cause injury	97	6	4	107
Sexual assault and related offences	4	3	—	7
Dangerous or negligent acts endangering persons	—	3	—	3
Abduction, harassment and other offences against the person	—	—	—	—
Robbery, extortion and related offences	4	—	—	4
Unlawful entry with intent	112	17	3	132
Theft and related offences	50	7	—	57
Fraud, deception and related offences	—	—	—	—
Illicit drug offences	3	3	—	6
Prohibited and regulated weapons and explosives offences	7	4	—	11
Property damage and environmental pollution	13	—	—	13
Public order offences	19	7	3	29
Offences against justice procedures, gov't security and operations	15	3	—	18
Miscellaneous offences	—	—	—	—
Total adjudicated(b)	358	57	10	425
Sentence outcomes				
Custodial orders	93	12	4	109
Non-custodial orders	246	45	12	303
Total proven guilty	339	57	16	412

— nil or rounded to zero (including null cells)

(a) Excludes Division 14 and Subdivision 041 of ASOC08 (see Explanatory Notes paragraphs 50–51).

(b) Includes defendants for whom offence data are missing or a principal offence could not be determined.

4.11SUMMARY CHARACTERISTICS OF DEFENDANTS (EXCLUDING TRAFFIC OFFENCES)(a), Indigenous status by selected states and territories *continued* ..

	Aboriginal & Torres Strait Islander	Non-Indigenous	Unknown/ Not stated	Total
.....				
NORTHERN TERRITORY (%)				
Sex				
Males	79.1	17.3	3.6	100.0
Females	85.7	10.2	4.1	100.0
Total finalised	80.3	16.0	3.7	100.0
Principal offence(a)				
Homicide and related offences	—	—	—	—
Acts intended to cause injury	90.7	5.6	3.7	100.0
Sexual assault and related offences	57.1	42.9	—	100.0
Dangerous or negligent acts endangering persons	—	100.0	—	100.0
Abduction, harassment and other offences against the person	—	—	—	—
Robbery, extortion and related offences	100.0	—	—	100.0
Unlawful entry with intent	84.8	12.9	2.3	100.0
Theft and related offences	87.7	12.3	—	100.0
Fraud, deception and related offences	—	—	—	—
Illicit drug offences	50.0	50.0	—	100.0
Prohibited and regulated weapons and explosives offences	63.6	36.4	—	100.0
Property damage and environmental pollution	100.0	—	—	100.0
Public order offences	65.5	24.1	10.3	100.0
Offences against justice procedures, gov't security and operations	83.3	16.7	—	100.0
Miscellaneous offences	—	—	—	—
Total adjudicated(b)	84.2	13.4	2.4	100.0
Sentence outcomes				
Custodial orders	85.3	11.0	3.7	100.0
Non-custodial orders	81.2	14.9	4.0	100.0
Total proven guilty	82.3	13.8	3.9	100.0

— nil or rounded to zero (including null cells)

(a) Excludes Division 14 and Subdivision 041 of ASOC08 (see Explanatory Notes paragraphs 50–51).

(b) Includes defendants for whom offence data are missing or a principal offence could not be determined.

EXPLANATORY NOTES

INTRODUCTION

- 1** This publication presents information on the characteristics of defendants dealt with by Australian state and territory criminal courts. This includes information on the offences and sentences associated with those defendants.
- 2** Information relates to the criminal jurisdiction of the Higher (Supreme and Intermediate), Magistrates' and Children's Courts in each state and territory. The criminal jurisdiction of the courts includes the trial and sentencing of persons and organisations charged with criminal offences in Australia.
- 3** Information relating to criminal cases heard in the Higher Courts is available from 1996. Information about defendants finalised in the Magistrates' Courts is available from 2003–04 and in the Children's Courts from 2006–07.

DATA SOURCE

- 4** National statistics are derived from data about each defendant provided to the ABS by the state and territory agencies responsible for courts administration. The ABS receives data directly from these agencies in all states and territories except for Queensland (where data are supplied via the Office of Economic and Statistical Research), and New South Wales (where data are supplied via the Bureau of Crime Statistics and Research).
- 5** In order to ensure consistency between the states and territories, the statistics have been compiled according to national standards and classifications. Standardisation of data requires the states and territories to provide data coded according to national classifications and standards.

SCOPE

- 6** The scope of the statistics in this publication includes all defendants who have been finalised in the Higher, Magistrates' or Children's Courts.
- 7** The criminal courts collection is limited to defendants finalised, that is a person or organisation for whom all charges have been formally completed so that the defendant ceases to be an item of work to be dealt with by the court.
- 8** The numbers of defendants finalised can be impacted by the use of diversionary programs that can be initiated by police and other agencies (pre-court) and/or by the courts themselves as part of the court process. Given a major part of the juvenile justice system is to divert young people away from the more formal justice system, the use of diversionary schemes are likely to be used more often in the Children's Courts. The types of pre-court programs include (but are not limited to) warnings (both informal and formal), cautions, police drug diversions and conferencing. Such pre-court programs can reduce the number of defendants finalised appearing in the Criminal Courts collection.
- 9** Programs initiated by the Courts are generally grouped into two types: 'pre-adjudication' if initiated prior to hearing the facts of a case; and 'post-adjudication' if initiated once the defendant is found guilty or the defendant has entered a plea of guilty, but prior to sentencing. Referral to a program is also used as a sentencing outcome. Defendants involved in programs initiated by the Courts are included in the scope of the collection and are counted when finalised.
- 10** The geographic definition of Australia, as used by the ABS, includes Other Territories. However, these territories are generally out of scope for ABS collections. For the Criminal Courts data, defendants in Higher, Magistrates' and Children's Courts cases heard in the criminal courts on Cocos (Keeling) Islands and Christmas Island are

SCOPE <i>continued</i>	included in the counts for Western Australia, where applicable. Defendants finalised in Jervis Bay Territory are not included in any counts in this publication.
<i>Higher Courts</i>	11 Data includes defendants finalised in the original jurisdiction of the Supreme and Intermediate Criminal Courts. Children treated as adults by the courts are included in the Higher Courts collection.
<i>Magistrates' Courts</i>	12 Data includes defendants finalised in the original jurisdiction of the Magistrates' Criminal Courts. Children treated as adults by the courts are included in the Magistrates' Courts collection. 13 These data include defendants finalised (i.e. a person or organisation for whom all charges have been formally completed so that the defendant ceases to be an item of work to be dealt with) in the Magistrates' Courts for all states and territories. Prior to 2009–10, data for the New South Wales Magistrates' Courts were based on finalised appearances rather than finalised defendants. Where charges were finalised at different court appearances in the same case for a defendant in New South Wales, these were counted as finalised defendants at each appearance rather than being aggregated as a single finalised defendant at the latest charge finalisation date. This counting method resulted in slightly higher population counts for New South Wales than if the finalised defendant was counted. (see Explanatory Notes paragraphs 63–64).
<i>Children's Courts</i>	14 Data includes defendants finalised in the original jurisdiction of the Children's Criminal Courts. Prior to 2009–10, data for the New South Wales Children's Courts were based on finalised appearances (as described in Magistrates' Courts above). 15 In all states and territories, children aged under 10 years cannot be charged with a criminal offence. The maximum age that defendants are considered a child or juvenile is under the age of 18 years in all states and territories, except Queensland. In Queensland, defendants are considered adults if aged 17 years and over at the time the offence was committed.
<i>Exclusions</i>	16 The Higher, Magistrates' and Children's Courts data exclude cases heard in the criminal jurisdiction of the courts which do not require the adjudication of charges (e.g. bail reviews and applications to amend sentences or penalties). Also excluded are breach of bail or parole cases, appeal cases, tribunal matters and defendants for whom a bench warrant is issued but not executed. 17 The Magistrates' and Children's Courts data exclude finalisations in specialist courts, such as Drug Courts, Electronic Courts, Fine Recovery Units, Family Violence Courts and Indigenous Courts. Defendants referred to these specialist courts from mainstream courts will be included in the mainstream Court data as transfers.
REFERENCE PERIOD	18 The statistics in this collection relate to defendants who had criminal cases finalised within the Higher, Magistrates' and Children's Courts during the reference period 1 July 2009 to 30 June 2010.
CLASSIFICATIONS	19 The national classifications used to collect and produce data on defendants in the Criminal Courts are: <ul style="list-style-type: none"> ■ Australian Standard Offence Classification (ASOC) 2008 (refer to Appendix 3) ■ Method of finalisation (Appendix 2) and ■ Sentence type (refer to Appendix 4). 20 The classifications provide a framework for classifying criminal court information for statistical purposes, promoting data that are compiled on a consistent basis across states and territories. The classifications have a hierarchical structure and therefore allow for different levels of detail to be recorded depending on the level of detail available in

CLASSIFICATIONS *continued*

the source information. Associated with each classification are coding rules which ensure that the counting of information is consistent across states and territories.

Australian Standard Offence Classification (ASOC)

21 The offence categories used for 2009–10 national criminal courts statistics in this publication are classified to the *Australian Standard Offence Classification (ASOC), 2008 (Second edition)* (cat. no. 1234.0). This classification was used for the first time in the 2008–09 issue of the publication. Offence information in issues prior to 2008–09 was based on the *Australian Standard Offence Classification (ASOC), 1997* (cat. no. 1234.0). ASOC provides a national framework for classifying offences for statistical purposes, and was first released in 1997. Information about the effects of changing to ASOC08 is presented in the Technical Note in the 2008–09 issue of Criminal Courts.

National Offence Index (NOI)

22 The National Offence Index (NOI) is a ranking of all ASOC Groups and supplementary ASOC codes (ASOC Divisions and/or ASOC Subdivisions). This ranking is based on the concept of seriousness of offence, with a ranking of 1 relating to the ASOC code containing the most serious offence.

23 The NOI was revised in 2009 to accommodate the changes made in ASOC08, and supercedes the first version of NOI which was released in 2002. Offence information for 2009–10 are based on the 2009 edition of the NOI in this publication.

24 The assumptions and rules underpinning the NOI, in particular defining 'offence seriousness' and the impact of this definition on the ranking of offences, need to be considered when using the principal offence data in this publication. However, it is important to note that these technical issues are only of practical significance where a choice must be made between output categories. For example, although some sexual assault and related offences are ranked ahead of illicit drug and related offences, they are unlikely to co-occur. For more information see *National Offence Index, 2009* (cat. no. 1234.0.55.001).

Method of Finalisation

25 This classification categorises how a defendant has been finalised by a court. Main categories include adjudications, non-adjudications and transfers. For more information see Appendix 2 and paragraphs 30–38.

Sentence Type

26 This classification is used to assign a principal sentence to a defendant who has been proven guilty. For more information see Appendix 4 and paragraphs 45–47.

NATIONAL CRIMINAL COURTS
DATA DICTIONARY

27 A data dictionary is an agreed set of classifications and standards that is accepted as the authoritative reference for a particular area of statistics. The *National Criminal Courts Data Dictionary, Version 1, 2005* (cat. no. 4527.0) has been developed by the National Criminal Courts Statistics Unit (NCCSU) of the ABS in collaboration with key stakeholders. It is a reference document which defines national data items and outlines methods for the use of 27 data elements and concepts that underpin the ABS and Council of Australian Governments (COAG) criminal courts collections. Version 1 of the data dictionary relates to the Higher and Magistrates' Criminal Courts. The National Criminal Courts Data Dictionary can be accessed via the ABS website.

COUNTING METHODOLOGY

Counting unit

28 The principal counting unit for the Criminal Courts collection is a finalised defendant. A defendant is a person or organisation against whom one or more criminal charges have been laid and which are heard together as the one unit of work by a court at a particular level. It should be noted that the Criminal Courts collection does not enumerate unique persons or organisations. If a person or organisation is a defendant in a number of criminal cases dealt with and finalised separately within the courts during the reference period, this person or organisation will be counted more than once within that reference period.

Counting unit continued

29 Some courts operate programs which transfer defendants to drug and other specialist courts for finalisation. These defendants are counted as finalised by transfer in the Criminal Court level that recommended the transfer. In some cases defendants may be referred to programs where upon completion of the program the defendant returns for finalisation to the Criminal Court that requested the transfer.

Method of finalisation

30 Method of finalisation describes how a criminal charge is concluded by a criminal court level. For the purposes of the Criminal Courts collection, one method of finalisation is applied to each defendant within the Higher, Magistrates' and Children's Courts.

31 Previously, a bench warrant issued was considered a method of finalisation. However, this is no longer considered a method of finalisation for a defendant in the Higher Courts and has been excluded from counts in this publication.

32 Defendants who are referred to a Mental Health Review Tribunal (e.g. for determination of fitness for trial) are not considered to be finalised.

Transfer between Higher Court levels

33 Defendants who transfer from one Higher Court level to another Higher Court level are considered as initiated only once (in the level they first entered) and finalised only once (from the level they finally left).

Transfer between Magistrates' and Higher Court levels

34 Defendants who transfer from the Magistrates' Court level to the Higher Court level (or vice versa) are considered as initiated twice (once in each of these levels) and finalised twice (once in each level). Defendants may have some charges finalised in the Magistrates' Courts whilst other charges are committed to the Higher Courts. A defendant in this situation would be counted in the Magistrates' Courts data and the Higher Courts data.

Transfers between the Children's Courts and the Magistrates' or Higher Courts

35 Defendants who transfer between the Children's Courts and the Magistrates' or Higher Courts (or vice versa) are considered to be initiated twice (once in each court level) and finalised twice (once in each court level).

Higher Courts

36 Where a defendant finalised in a Higher Court has multiple charges and these have different methods of finalisation, the defendant method of finalisation code is determined by the following order of precedence:

- defendant deceased
- unfit to plead
- not guilty by reason of mental illness/condition
- guilty finding by court
- charge proven n.f.d.
- guilty plea by defendant
- acquitted by court
- charge unproven n.f.d.
- charge unproven n.e.c.
- transfer from a Higher Court to a Magistrates' Court
- other transfer between court levels n.e.c.
- transfer to non-court agency
- withdrawn by the prosecution
- other non-adjudicated finalisation n.e.c.
- unknown/not stated.

Magistrates' Courts

37 Where a defendant finalised in a Magistrates' Court has multiple charges and these have different methods of finalisation, the defendant method of finalisation code is determined by the following order of precedence:

- defendant deceased
- unfit to plead

Magistrates' Courts continued

- not guilty by reason of mental illness/condition
- guilty finding by court
- charge proven n.f.d.
- guilty plea by defendant
- guilty ex-parte
- acquitted by court
- charge unproven n.f.d.
- no case to answer at committal
- charge unproven n.e.c.
- committed for trial
- transfer from a Magistrates' Court to a Higher Court n.f.d.
- committed for sentence
- transfer from a Magistrates' Court to a Higher Court n.e.c.
- other transfer between court levels n.e.c.
- transfer to non-court agency
- withdrawn by the prosecution
- other non-adjudicated finalisation n.e.c.
- unknown/not stated.

Children's Courts

38 Where a defendant finalised in a Children's Court has multiple charges and these have different methods of finalisation, the defendant method of finalisation code is determined by the following order of precedence:

- defendant deceased
- unfit to plead
- not guilty by reason of mental illness/condition
- guilty finding by court
- charge proven n.f.d.
- guilty plea by defendant
- guilty ex-parte
- acquitted by court
- charge unproven n.f.d.
- no case to answer at committal
- charge unproven n.e.c.
- committed for trial
- transfer from a Children's Court to a Higher court n.f.d.
- committed for sentence
- transfer from a Children's Court to a Higher court n.e.c.
- transfer from a Children's Court to a Magistrates' Court
- other transfer between court levels n.e.c.
- transfer to non-court agency
- withdrawn by the prosecution
- other non-adjudicated finalisation n.e.c.
- unknown/not stated.

Merging counting units

39 Where a person or organisation is a defendant in more than one case, and their cases are finalised on the same date, in the same court level and in the same court location, their defendant records will be merged and counted as a single defendant record. This merging rule is used for defendants finalised in the Higher, Magistrates' and Children's Courts.

Principal offence

40 Prior to 2007–08, principal offence was only calculated for those defendants whose charges were adjudicated. Principal offence rules have now been extended to include defendants whose charges were non-adjudicated or transferred to another court level.

Principal offence continued

41 Where a finalised defendant has multiple charges the principal offence is determined by

- the type of finalisation and/or
- the highest ranked ASOC using the NOI.

42 The type of finalisation is considered in the following order:

- Defendant deceased, unfit to plead, or not guilty by reason of mental illness
- Charges proven
- Charges not proven
- Transfer of charges
- Charges withdrawn
- Other non-adjudicated finalisation
- Unknown/not stated

43 Where a defendant has a single charge within the type of finalisation (e.g. charges proven, charges not proven, transfer of charges etc.), the principal offence is the relevant ASOC code (refer to paragraphs 21–22) associated with that charge.

44 Where a defendant has multiple charges, each with the same type of finalisation, for example, the defendant has been found guilty of all charges, the NOI is used to determine the principal offence. The principal offence is determined as the charge with the highest ranked ASOC Group in the NOI. Where the defendant has an offence that is unable to be determined via the NOI (due to missing offence information or the offence is mapped to an ASOC code that is not included in the NOI), and this offence cannot be determined as more or less serious than another offence within the same type of finalisation, the principal offence is coded to 'not able to be determined'. For more information about the NOI refer to paragraphs 21–24.

Principal sentence

45 Defendants who are proven guilty have sentence information reported against them at the defendant level. This is usually, though not necessarily, the sentence associated with the principal offence. A defendant can receive a single sentence for a single offence proven guilty, a single sentence for multiple offences proven guilty, multiple sentences for multiple offences proven guilty and/or multiple sentences assigned to the one offence proven guilty. Where a defendant has multiple sentences, the principal sentence is selected by applying the hierarchy of the Sentence Type Classification (refer to Appendix 4).

46 It should be noted that not all sentence types are available to magistrates and judges in all jurisdictions. For example, in the Higher Courts, all states and territories with the exception of Western Australia have provision for the use of partially suspended imprisonment sentences. Whether a sentencing option is available in a particular state/territory and court level should be considered when making comparisons.

47 Defendants with a method of finalisation of 'not guilty by reason of mental illness/condition' (an acquitted outcome) may have a specific kind of sentence or order imposed on them by the court. However, these sentences are not within the scope of the Criminal Courts as the definition of principal sentence, for the purpose of this collection, is that it only applies to defendants with a method of finalisation of proven guilty.

ABORIGINAL AND TORRES
STRAIT ISLANDER
DEFENDANTS

48 This publication presents data on Aboriginal and Torres Strait Islander defendants for each court level in Queensland and the Northern Territory and for the Magistrates' and Children's Courts in New South Wales. Based on an ABS assessment, Aboriginal and Torres Strait Islander data for defendants for other jurisdictions are not of sufficient quality for national reporting in 2009–10. Further work is underway to improve the quality of the Aboriginal and Torres Strait Islander data for Criminal Courts defendants.

ABORIGINAL AND TORRES
STRAIT ISLANDER
DEFENDANTS *continued*

49 Aboriginal and Torres Strait Islander status is based on self-identification by the individual who comes into contact with police. The quality of the data is dependent on police asking individuals to self-identify and responses being recorded on police systems. Further, this information then needs to be transferred from police systems to the courts when the defendant is initiated in the courts.

50 The majority of defendants with a traffic offence as their principal offence have an unknown Aboriginal and Torres Strait Islander status recorded. This is because most traffic offences are related to fines issued by road traffic authorities. These defendants have a large impact on the proportion of unknowns in the data, therefore they have been removed from the Criminal Courts data in order to enable a focus on those defendants that are more likely to have been in contact with police and therefore would be more likely to have had their Aboriginal and Torres Strait Islander status recorded.

51 Other offence categories that may be actioned by prosecuting agencies other than police that may also be affected by this issue are: public order; justice procedures, government security and operations; and miscellaneous offences. This should be taken into account when comparing Aboriginal and Torres Strait Islander and non-Indigenous data for these offence categories.

COMPARABILITY

52 Caution should be exercised when comparing 2006–07 Children's Courts data to earlier years as data prior to this period was deemed experimental and may not be strictly comparable.

53 The Criminal Courts collection has been designed to facilitate comparisons over time and across states and territories through the application of common national statistical standards. However, some legislative and processing differences may limit the degree to which the statistics are comparable across the states and territories. Differences may also arise as a result of other factors, including refinements in data quality procedures and modifications in the systems used to obtain and compile the figures. Refer to paragraphs 62–114 for specific state and territory issues.

COMPARISONS TO OTHER
ABS DATA

Recorded crime - Offenders

54 Data relating to the number of court initiated police proceedings sourced from the Recorded Crime - Offenders collection are not strictly comparable to the number of defendants in the Criminal Courts collection. Not all court related actions initiated by police will proceed to a criminal court as police proceedings may be withdrawn or changed to other legal actions by police during the course of an investigation. Furthermore, a defendant appearing in a criminal court may be prosecuted via charges initiated by authorities other than police. There will also be lags between when the police initiate action via a court method of proceeding and when a criminal court finalises a defendants case. For more information about offenders recorded by police, refer to *Recorded Crime - Offenders* (cat. no. 4519.0).

COMPARISONS TO NON-ABS
SOURCES

*Report on Government
Services*

55 Due to differing scope and counting rules the data in this publication may not be comparable to data published in other national and state/territory publications.

56 The Report on Government Services, commissioned by the Council of Australian Governments (COAG), was established to provide information on the performance of Australian and state and territory government services. The Report releases data annually on the efficiency and effectiveness of the administration of the courts, sourcing data from the Court Administration Data Collection (CADC) on a financial year basis.

57 The focus of the CADC is on the administration of the courts, including workload and financial information, while the ABS Criminal Courts collection has a social theme, painting a picture of the characteristics of defendants, including information on the offences and sentence types associated with those defendants. Whilst the classifications

Report on Government Services continued

and standards for both collections are the same, some of the counting rules are different which result in different counts of the population.

Finalised defendant

58 For both collections a finalised defendant is defined as follows: 'A person or organisation for whom all charges relating to the one case have been formally completed so that the defendant ceases to be an item of work to be dealt with by the courts'. However, the number of defendants will vary between the ABS and CADC collections as in the ABS collection data are further aggregated to create a 'merged finalised defendant'. The rule used in the ABS collection is: if a defendant has more than one case, which is finalised on the same date in the same court level and in the same court location, their defendant records will be merged and counted as a single defendant record. The CADC counts each case separately. This method of aggregation results in a lower count of defendants finalised and longer durations in the ABS collection than in the CADC collection.

Transfers between intermediate and supreme court levels

59 Further differences exist as a result of different counting rules for the transfer of defendants for some court levels. The CADC counts defendants who transfer between higher court levels (e.g. from an Intermediate Court to a Supreme Court), as finalised in both the court level they left and in the new court level they entered. For the purposes of the ABS Criminal Courts collection, defendants who transfer from one higher court level to another will be considered as finalised only once (from the level they finally left). As a result, the combined Intermediate and Supreme court data in the Report on Government Services will be higher than the ABS Higher Courts data.

Duration

60 Different counting rules for duration counts will also result in lower ABS figures for this item compared with the CADC collection. The ABS Criminal Courts collection calculates duration for a defendant as the time taken in days from the date of initiation to the date of finalisation of the defendant's case.

$$\text{i.e. Duration} = \text{Date of Finalisation} - \text{Date of Initiation} + 1.$$

61 From 2004, the CADC has introduced the backlog index which is calculated using the duration of active pending matters (i.e. a lodgment which is yet to be finalised but which is part of the case management of court administrators). The formula used is as follows:

$$\text{No. of cases older than applicable reporting standard} \times 100 / \text{Total pending caseload.}$$

STATE/TERRITORY EVENTS /
SPECIFIC ISSUES

62 The following information highlights events or processes unique to a state/territory that may have an impact on the data for this collection. This may include information on recording practices and changes to legislation supplied by each state/territory.

New South Wales

63 Justicelink, a new system for data collection in the New South Wales courts, has been introduced commencing with the Higher Courts in 2008 and the Magistrates' and Children's Courts between August and December 2009. Justicelink is an integrated, multi-jurisdictional case management system.

64 Prior to Justicelink the data for the Magistrates' and Children's Courts were sourced from a number of separate systems and it was not possible to consolidate the information for a defendant according to the ABS Criminal Courts collection counting unit of a finalised defendant. The data were based on finalised appearances, that is, where charges were finalised at different court appearances in the same case for a defendant, these were counted as finalised defendants at each appearance rather than being aggregated as a single finalised defendant at the latest charge finalisation date. This counting method resulted in slightly higher population counts than if the finalised defendant was counted. From August 2009, the data were able to be provided based on the finalised defendant.

New South Wales continued

65 Some Higher Courts data may have been lost in the migration to the new system; therefore Higher Courts counts may be understated for the 2007–08 financial year. Caution should be used when making comparisons of small data movements between 2007–08 and other years.

66 New South Wales legislation does not contain discrete offences of stalking, intimidation and harassment. As these offences cannot be disaggregated defendants charged with stalking, intimidation and harassment have been coded to ASOC 2008 offence category 0291 (Stalking). From 2008–09 this group may therefore be overstated and 0531 (Harassment and private nuisance) and 0532 (Threatening behaviour) may be understated.

67 A number of offences, previously handled by the Licensing Court, have been heard in the Magistrates' Courts since July 2008. These include liquor and tobacco offences and betting and gambling offences and has resulted in an increase in the number of defendants for these offences from 2008–09 onwards.

68 Prior to 2006–07, defendants discharged under the Mental Health (Criminal Procedure) Act 1990 were included in the non-adjudicated population as 'unfit to plead' in the Magistrate's Court. Defendants with this method of finalisation are now correctly appearing as acquitted 'by reason of mental illness/condition' from 2006–07. Therefore, the number of acquittals prior to 2006–07 were undercounted and the number of other non-adjudicated finalisations were overstated in the Magistrate's Court. In 2006–07, 1,501 (21%) of the acquitted defendants were finalised through discharge for mental health reasons.

Victoria

69 Due to delays in the implementation of ASOC08 during 2008–09, some data was based on ASOC97. Data movements in principal offence from 2008–09 to 2009–10 may be related to improvements in coding, with 2009–10 being the first complete year of data based on ASOC08.

70 A three year trial expansion of the infringements system, commenced on 1 July 2008. This expansion allows police to issue an infringement notice for certain offences instead of charging an accused to appear at court on summons or bail. This has led to a decrease in the number of offences being dealt with in the Magistrates' and Children's Courts in 2009–10.

71 For the first time in 2006–07, data on principal offence in the Magistrates' and Children's Courts of Victoria were provided based on the national counting rules. Prior to this, principal offence has been calculated using the main charge at initiation, rather than at finalisation. While the differences are expected to be minimal, some caution should be used in making comparisons of small data movements between 2005–06 and 2006–07.

72 Prior to 2008–09, deception and related offences included fare evasions processed through the Children's courts. Victoria processed a large number of backlogs of fare evasions through the Children's Court during 2006–07, resulting in a higher number of defendants finalised. Approximately 5,900 defendants finalised had a principal offence of fare evasion in 2006–07. From December 2008 most fare evasions have been dealt with in a new Children and Young Persons Infringement Notice System (CAYPINS) rather than through the Children's Courts.

73 Errors were encountered in some data prior to 2005–06, resulting in changes to the application of some national counting rules. These changes caused some minor movements in the principal offence data item in the 2005–06 data and therefore historical comparisons should be made with caution. In particular, abduction and related offences are over counted prior to 2005–06.

Victoria continued

74 From July 2005 the Children and Young Persons (Age Jurisdiction) Act 2004 was implemented increasing the age jurisdiction of the Criminal Division of the Children's Court from 17 years to 18 years. The definition of a child was amended as follows: 'in the case of a person who is alleged to have committed an offence, a person who at the time of the alleged commission of the offence was under the age of 18 years, but of or above the age of 10 years, but does not include any person who is of or above the age of 19 years when a proceeding for the offence is commenced in the Court'. This change led to an increase in the number of defendants heard in the Children's Courts and a decrease in the number of defendants heard in the Magistrates' Courts.

75 Offence and sentence data for adjudicated defendants in the Higher Courts are derived from two sources. For defendants with offences proven guilty, the offence and sentence information is derived from the Higher Courts sentencing database. These data are then matched to the defendant records obtained from the primary source, the courts listing systems for Victorian Higher Courts. In some cases it is not possible to match sentence records with the primary records, as there is incomplete coverage of defendants proven guilty in the Victorian Higher Courts sentencing database, therefore offence and sentence information is not available for all defendants for this court level.

Queensland

76 During 2009–10 a change was made to the recording of detention/conditional release orders in the Children's Courts database to ensure that these order types were correctly recorded as fully suspended sentences rather than partially suspended sentences. This change has resulted in an increase in fully suspended sentences in this court level for 2009–10.

77 From 2006–07, there had been a large increase in the number of vehicle registration and roadworthiness offences finalised in the Magistrates' Courts. Various initiatives resulting out of the 2006 Premier's Road Safety Summit had impacted on the number of traffic and motor vehicle offences, which included a vehicle impoundment trial in some areas of the state in July 2007 by police. Many driving offences which were previously dealt with by the issuing of a traffic offence notice were dealt with through the Magistrates' Court. This trial was extended state-wide and is now a permanent policing arrangement.

78 An undercount of finalised defendants was identified in the 2006–07 and 2005–06 Queensland data for all court levels. Data had been revised for the 2006–07 reference period (increasing Queensland's finalised defendant counts by 2% in the Higher Courts, 2% in the Magistrates' Courts and 8% in the Children's Courts). Data was unable to be revised for 2005–06 therefore caution should be used when making comparisons to prior years.

79 An error in the calculation of duration in the Queensland Higher Courts data was identified and the method corrected to comply with national counting rules. This error was significant, therefore duration data for Queensland prior to 2006–07 should not be compared as the calculation used resulted in inflated duration counts for periods up to 26 weeks and shorter duration counts for periods over 26 weeks.

80 During 2004–05, Queensland's finalised defendant populations for the Higher, Magistrates' and Children's Criminal Courts were undercounted. This small undercount occurred due to an internal business process that resulted in a lag in the verification of finalised defendant records included in data supplied to the ABS. Revised 2004–05 data for Queensland was included in the 2005–06 publication. It is likely that data published prior to 2004–05 for Queensland also contains an undercount. The size of undercount in prior years is unknown. As a result, caution should be taken when making historical comparisons with 2004–05 and 2005–06 data.

Queensland continued

81 Due to a change in business processes, 'assault police' and 'resist/hinder police' offences are not able to be disaggregated in the 2004–05 revised and 2005–06 Magistrates' Criminal Courts data for Queensland. Where a defendant was adjudicated after February 2005 for either an assault police offence or a resist or hinder police officer offence, the offence level ASOC codes for both these offences were coded to ASOC group 1522 (resist or hinder police officer or justice official). Assault police should be recorded in ASOC Division 2. This has resulted in a slight undercount of defendants with offences coded to ASOC Division 2 and a slight overcount in ASOC Division 15 for Queensland 2004–05 revised data.

82 During 2005–06, a review of local processes used to compile data for the ABS was undertaken. As a result, some errors were identified in the application of counting rules and local offence code mappings to the ASOC. These anomalies were rectified in the 2004–05 data. Historical comparisons prior to 2004–05 should be made with caution, particularly for principal offence.

83 From July 2004 to February 2005, suspended sentences in the Higher Courts relating to Cairns, Townsville, Rockhampton and Brisbane were incorrectly categorised as imprisonment orders leading to imprisonment with a determined term being overstated and fully suspended sentences being understated.

84 Prior to January 2005, some suspended sentences were incorrectly categorised as imprisonment orders leading to imprisonment with a determined term being overstated and fully suspended sentences being understated in the Magistrates' Courts.

South Australia

85 From July 2009, Registration offences (ASOC08 1421) were able to be dealt with by way of infringement notice rather than by a summons to appear in court. This has led to a decrease in the number of these offences being dealt with in the Magistrates' and Children's Courts in 2009–10.

86 For 2008–09, a change to coding practices for method of finalisation has resulted in a reduction in the number of defendants found guilty ex-parte. Caution should be exercised in making comparisons with earlier years.

87 For 2008–09, probation orders were introduced as a sentence for the first time. These had previously been recorded as good behaviour bond/recognition orders/obligations, where supervision is required. Where no supervision is required, the sentence continues to be recorded as good behaviour bond/recognition orders/obligation.

88 Due to changes made to local business processes during 2008–09, quality improvements were made in the mapping of local codes to national offence categories. Most notably, these changes have contributed to an increase in ASOC08 Division 7 Unlawful entry with intent and a subsequent decrease in Division 13 Public order offences.

89 In the Children's Courts, data had been revised for 2006–07. These data were previously understated due to the omission of approximately 400 records relating to defendants transferred to family conferences, which are in scope of this collection. The revisions impacted on the counts of defendants transferred to other court levels and the total defendants finalised for this state.

90 Caution should be exercised when comparing finer custodial order counts prior to 2007–08 as some of these counts have been miscoded between categories. For 2006–07, custody in the community are understated, while fully suspended sentence counts are overstated. This is due to the partial miscoding of intensive corrections orders as fully suspended sentences, rather than custody in the community. Intensive corrections orders were all incorrectly coded to fully suspended sentences prior to 2006–07, resulting in an overcount of this offence type and no data for custody in the community.

South Australia continued

91 During 2006–07, there had been an increase in the number of sexual assault cases heard within the District Court. The Mulligan Inquiry resulted in increased reporting to police of sexual assault offences committed prior to 1983, resulting in increases of defendants appearing before the courts.

92 Prior to 2005–06, court costs/levies had been incorrectly included as a sentence type. The removal of these post this period has resulted in a decrease in defendants with a principal sentence of 'other monetary orders n.e.c' and increases in some other non-custodial sentence categories for South Australia.

Western Australia

93 For 2008–09, a change to coding practices for sexual assault offences was made in conjunction with the implementation of ASOC 2008. These mapping changes were made to the Higher courts data but were not made to the Magistrates' or Children's courts data for 2008–09. Caution should be exercised in making comparisons between Higher courts data and Magistrates' and Children's courts data in 2008–09.

94 As a result of the implementation of ASOC08, inaccuracies were discovered in the mapping of local offence codes for stalking to the ASOC. This error was unable to be rectified for the current publication and therefore may have caused an undercount in ASOC08 division 2 stalking offences and an overcount in ASOC08 division 16 in all court levels for 2008–09.

95 From 2008–09, a change to coding practices for local codes relating to driving under the influence was made in conjunction with the implementation of ASOC 2008. These mapping changes has resulted in a notable movement of defendants from Division 4 to Division 14.

96 Data for aggravated sexual assault and non-aggravated sexual offences are understated and overstated respectively for 2006–07 and 2007–08 due to errors in the application of codes for these offence types. Data for these detailed offence categories in 2006–07 and 2007–08 should not be compared with previous years. The total sexual assault and related offences ASOC division has not been impacted.

97 Western Australian Higher Courts defendants with sex unknown or not stated increased from 3% of finalised defendants in 2006–07 to 10% the following year. In 2007–08, these defendants accounted for 99% of defendants with unknown sex in this court level across Australia.

98 Data relating to custody in the community were incorrectly coded between 2003–04 and 2005–06, resulting in an overcount for this sentence type. All of these data should have been coded to community supervision or work orders as they comprised probation orders. Some probation orders may have also been coded to fully suspended sentences for these same years, resulting in a potential overcount for this sentence type.

99 The jurisdiction of the Children's Court in WA allows magistrates to hear all offences, whether indictable or summary, and to apply both adult and juvenile penalties.

100 During 2004, legislative changes were implemented in Western Australia impacting on the number and types of offences that could be adjudicated in the Magistrates' Court. These changes had resulted in an increase in the number of defendants finalised in the Magistrates' Courts in Western Australia and decreased the number of defendants transferred to the Higher courts.

101 Prior to 2008–09, Western Australia have a higher than average proportion of defendants with a principal offence in Division 4 (dangerous or negligent acts endangering persons), and a relatively low proportion in Division 14 (road traffic and motor vehicle regulatory offences). This can be largely attributed to a miscoding of several local offences relating to exceeding the prescribed content of alcohol limit to ASOC Division 4 (specifically, ASOC Group 0411: driving under the influence of drugs or alcohol), rather than ASOC Division 14 (specifically group 1431: exceeding the

Western Australia continued

prescribed content of alcohol limit). Other states/territories generally code drink driving offences to ASOC Group 1431, and therefore historical comparisons of this data for Western Australia and with other states and territories should be made with caution.

Tasmania

102 In February 2008 changes were made to the process for dealing with defendants charged with indictable offences. This change in criminal procedure has resulted in an increase in the number of defendants committed for trial to the Higher Criminal Courts.

103 In April 2008, the Monetary Penalties Enforcement Act 2005 came into effect. Under this Act, a person issued with an infringement notice who did nothing about the infringement was deemed to have been convicted of the offence without going to court. This legislation resulted in a significant decrease in the number of defendants appearing in the Tasmanian Magistrates' Court in 2008–09.

104 Data prior to 2005–06 contains a slight overcount of defendants finalised for the Magistrates' and Children's Courts due to incorrect application of counting rules. Data prior to 2006–07 contain a small number of non-original matters included in the finalised defendant counts.

Northern Territory

105 Prior to 2009–10, there was an error in the mapping for charges acquitted and withdrawn resulting in an overcount for acquittals and an undercount for charges withdrawn. This has been rectified for the 2009–10 data. Caution should be exercised when making historical comparisons. Revised data for years prior to 2009–10 will be provided in the 2010–11 issue of this publication.

106 Prior to 2008–09 fully suspended sentences were based on a flag which determined if the defendant was 'released forthwith' and did not consider whether the defendant had actually served time in custody. Consequently fully suspended sentences are overcounted and custody in a correctional institution are undercounted prior to this period. Caution should be exercised when making historical comparisons.

107 The commencement of the Alcohol Court on 1 July 2006 has had some impact on the time taken to finalise matters in the Magistrates' Court. These matters often involve several court appearances to gather information from service providers.

108 The introduction of the Youth Justice Court (Youth Justice Act) 2007 allows for referral of a youth to diversion or youth justice conferencing which may impact on the time taken for defendants to be dealt with by the Children's Court. This Act also allows for pre-sentencing conferences which may impact on the time taken for defendants to be dealt with.

109 Incorrect application of counting rules resulted in revisions to data in 2004–05. Data prior to this period should be used with caution, particularly principal offence.

Australian Capital Territory

110 In 2007–08, defendants sentenced to a good behaviour bond/recognition order were incorrectly coded to a fully suspended sentence. This has since been rectified in the 2008–09 extract. Caution should be exercised when making comparisons between 2007–08 and 2008–09.

111 For 2007–08, some road traffic offences in the Magistrates' and Children's Court were incorrectly coded to ASOC 0411 (driving under the influence of alcohol or drugs) instead of ASOC 1431 (exceeding the prescribed content of alcohol limit). Based on historical proportions for these principal offences we estimate that over 500 defendants in the Magistrates' Courts and over 30 defendants in the Children's Courts have been miscoded. The data provider has advised that coding for this offence was incorrect for 2007–08 data only. Comparisons of 2007–08 data with other time periods therefore should not be made.

Australian Capital Territory
continued

112 From 2007–08, community service orders imposed with a fully suspended sentence are now coded correctly to 'intensive corrections orders'; in previous years this sentence type was coded to 'fully suspended sentence'. This sentence type relates to defendants charged with federal offences.

113 For 2006–07, the principal sentence type 'orders as recompense to victim' has been reported separately and included in the Higher Courts data. This sentence type had previously been coded to 'monetary orders n.f.d'. There is no impact on time series data, as monetary orders are not disaggregated to this level.

114 There was a significant increase in defendants finalised in the Magistrates' Courts data between 2004–05 and 2005–06 due to two main factors: a large number of old defendant records in the Magistrates' Courts were finalised; and a territory election during the reference period resulted in a large number of defendants being adjudicated for failure to vote offences.

CONFIDENTIALITY OF
TABULAR DATA

115 Table cells containing small values have been randomly adjusted to avoid releasing confidential information. Due to this randomisation process, totals may vary slightly across tables.

RELATED PUBLICATIONS
ABS publications

116 ABS publications which may be of interest include:

- *Australian Social Trends* (cat. no. 4102.0) - issued quarterly
- *Australian Standard Offence Classification* (cat. no. 1234.0) - irregular
- *Corrective Services, Australia* (cat. no. 4512.0) - issued quarterly
- *Crime Victimisation, Australia* (cat. no. 4530.0) - issued annually
- *Crime and Safety, New South Wales* (cat. no. 4509.1) - irregular
- *General Social Survey: Summary Results, Australia* (cat. no. 4159.0) - irregular
- *Information Paper: Measuring Crime Victimisation, Australia: The Impact of Different Collection Methodologies* (cat. no. 4522.0.55.001) - single issue
- *Information Paper: National Information Development Plan for Crime and Justice Statistics 2005* (cat. no. 4520.0) - single issue
- *Measures of Australia's Progress* (cat. no. 1370.0) - irregular
- *Measuring Well-being: Frameworks for Australian Social Statistics* (cat. no. 4160.0) - irregular
- *National Criminal Courts Data Dictionary* (cat. no. 4527.0) - single issue
- *Personal Safety Survey, Australia* (cat. no. 4906.0) - irregular
- *Prisoners in Australia* (cat. no. 4517.0) - issued annually
- *Recorded Crime - Offenders, Australia* (cat. no. 4519.0) - issued annually
- *Recorded Crime - Victims, Australia* (cat. no. 4510.0) - issued annually
- *Year Book Australia* (cat. no. 1301.0) - irregular

117 Current publications and other products released by the ABS are listed on the ABS website. The ABS also issues a daily Release Advice on the website which details products to be released in the week ahead. The National Centre for Crime and Justice Statistics (NCCJS) releases a newsletter titled *Crime and Justice News* (cat. no. 4500.0) that is published on the ABS website, and emailed to subscribers of the NCCJS electronic mailing list. The NCCJS can be contacted by email through <crime.justice@abs.gov.au>.

Non-ABS publications

118 Non-ABS sources of criminal court statistics which may be of interest include:

- *ACT Department of Justice and Community Safety, Annual Report*
- *Australian Institute of Criminology, List of Publications*
- *Children's Court, Queensland, Annual Report*
- *Children's Court of Victoria, Annual Report*
- *Commonwealth Director of Public Prosecutions, Annual Report*
- *County Court of Victoria, Annual Report*
- *Courts Administration Authority, South Australia, Annual Report*

Non-ABS publications
continued

- *Crime Research Centre, University of Western Australia*, Crime and Justice Statistics for Western Australia
- *Department of Justice, Northern Territory*, Annual Report
- *Department of Justice, Victoria*, Annual Report
- *Department of the Attorney General, Western Australia*, Annual Report
- *Department of Justice and Attorney-General, Queensland*, Annual Report
- *Department of Justice, Tasmania*, Annual Report
- *Director of Public Prosecutions—States and Territories*, Annual Report
- *District Court of Queensland*, Annual Report
- *District Court of Western Australia*, Annual Report
- *Local Court of New South Wales*, Annual Review
- *Magistrates' Court of Tasmania*, Annual Report
- *Magistrates' Court, Queensland*, Annual Report
- *Magistrates' Court of Victoria*, Annual Report
- *NSW Bureau of Crime Statistics and Research*, New South Wales Criminal Courts Statistics
- *Office of Crime Statistics and Research, South Australia*, Publications and Statistics
- *Office of Economic and Statistical Research*, Crime and Justice Statistics Queensland
- *Productivity Commission*, Report on Government Services
- *Supreme Court of Queensland*, Annual Report
- *Supreme Court of Tasmania*, Annual Report
- *Supreme Court of Victoria*, Annual Report
- *Supreme Court of Western Australia*, Annual Report

ABBREVIATIONS

ABS	Australian Bureau of Statistics
ACT	Australian Capital Territory
ASOC	Australian Standard Offence Classification
Aust.	Australia
cat. no.	Catalogue number
CADC	Court Administration Data Collection
n.e.c.	not elsewhere classified
n.f.d.	not further defined
no.	number
NCCJS	National Centre for Crime and Justice Statistics, Australian Bureau of Statistics
NCCSU	National Criminal Courts Statistics Unit
NOI	National Offence Index
NSW	New South Wales
NT	Northern Territory
Qld	Queensland
SA	South Australia
Tas.	Tasmania
Vic.	Victoria
WA	Western Australia

APPENDIX 1

LIST OF SUPPLEMENTARY DATA CUBES

COMBINED ALL COURTS
SUPPLEMENTARY DATA
CUBES

1. Summary characteristics of all defendants, States and territories, 2006–07 to 2009–10

HIGHER COURTS
SUPPLEMENTARY DATA
CUBES

1. Summary outcomes of defendants, States and territories by selected principal offence
2. Summary characteristics of defendants, States and territories, 2004–05 to 2009–10
3. Defendants adjudicated, States and territories and principal offence, 2004–05 to 2009–10
4. Defendants finalised, States and territories and principal offence by method of finalisation
5. Defendants proven guilty, States and territories and principal offence by principal sentence
6. Defendants proven guilty, States and territories and principal sentence, 2004–05 to 2009–10

MAGISTRATES' COURTS
SUPPLEMENTARY DATA
CUBES

1. Summary outcomes of defendants, States and territories by selected principal offence
2. Summary characteristics of defendants, States and territories, 2004–05 to 2009–10
3. Defendants adjudicated, States and territories and principal offence, 2004–05 to 2009–10
4. Defendants finalised, States and territories and principal offence by method of finalisation
5. Defendants proven guilty, States and territories and principal offence by principal sentence
6. Defendants proven guilty, States and territories and principal sentence, 2004–05 to 2009–10

CHILDREN'S COURTS
SUPPLEMENTARY DATA
CUBES

1. Summary outcomes of defendants, States and territories by selected principal offence
2. Summary characteristics of defendants, States and territories, 2006–07 to 2009–10
3. Defendants adjudicated, States and territories and principal offence, 2006–07 to 2009–10
4. Defendants finalised, States and territories and principal offence by method of finalisation
5. Defendants proven guilty, States and territories and principal offence by principal sentence
6. Defendants proven guilty, States and territories and principal sentence, 2006–07 to 2009–10

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<i>Code</i>	<i>Division/Subdivision/Item</i>
1	Adjudicated finalisation
10	Adjudicated finalisation n.f.d.
11	Charge proven n.f.d.
111	Guilty finding by court
112	Guilty plea by defendant
113	Guilty ex-parte
12	Charge unproven n.f.d.
121	Acquitted by court
122	Not guilty by reason of mental illness/condition
123	No case to answer at committal
129	Charge unproven n.e.c.
2	Finalisation by transfer between court levels
20	Finalisation by transfer between court levels n.f.d.
21	Transfer from a Magistrates/Children's Court to a Higher Court
211	Committed for trial
212	Committed for sentence
219	Transfer from a Magistrates/Children's Court to a Higher Court n.e.c.
22	Transfer from a Higher Court to a Magistrates' Court
23	Transfer from an intermediate court to a Supreme Court n.f.d.
231	Transfer from an intermediate court to a Supreme Court for trial
232	Transfer from an intermediate court to a Supreme Court for sentence
24	Transfer from a Supreme Court to an intermediate court n.f.d.
241	Transfer from a Supreme Court to an intermediate court for trial
242	Transfer from a Supreme Court to an intermediate court for sentence
25	Transfer from a Children's Court to a Magistrates' court
29	Other transfers between courts n.e.c.
3	Non-adjudicated finalisation
30	Non-adjudicated finalisation n.f.d.
31	Defendant deceased
33	Unfit to plead
34	Withdrawn by the prosecution
35	Transfer to non-court agency
39	Other non-adjudicated finalisation
9	Method of finalisation unknown/not stated

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Code	Division/Subdivision/Group
01	Homicide and related offences
011	Murder
0111	Murder
012	Attempted murder
0121	Attempted murder
013	Manslaughter and driving causing death
0131	Manslaughter
0132	Driving causing death
02	Acts intended to cause injury
021	Assault
0211	Serious assault resulting in injury
0212	Serious assault not resulting in injury
0213	Common assault
029	Other acts intended to cause injury
0291	Stalking
0299	Other acts intended to cause injury, nec
03	Sexual assault and related offences
031	Sexual assault
0311	Aggravated sexual assault
0312	Non-aggravated sexual assault
032	Non-assaultive sexual offences
0321	Non-assaultive sexual offences against a child
0322	Child pornography offences
0323	Sexual servitude offences
0329	Non-assaultive sexual offences, nec
04	Dangerous or negligent acts endangering persons
041	Dangerous or negligent operation of a vehicle
0411	Driving under the influence of alcohol or other substance
0412	Dangerous or negligent operation (driving) of a vehicle
049	Other dangerous or negligent acts endangering persons
0491	Neglect or ill-treatment of persons under care
0499	Other dangerous or negligent acts endangering persons, nec
05	Abduction, harassment and other offences against the person
051	Abduction and kidnapping
0511	Abduction and kidnapping
052	Deprivation of liberty/false imprisonment
0521	Deprivation of liberty/false imprisonment
053	Harassment and threatening behaviour
0531	Harassment and private nuisance
0532	Threatening behaviour
06	Robbery, extortion and related offences
061	Robbery
0611	Aggravated robbery
0612	Non-aggravated robbery
062	Blackmail and extortion
0621	Blackmail and extortion

- 07 Unlawful entry with intent/burglary, break and enter
 - 071 Unlawful entry with intent/burglary, break and enter
 - 0711 Unlawful entry with intent/burglary, break and enter
- 08 Theft and related offences
 - 081 Motor vehicle theft and related offences
 - 0811 Theft of a motor vehicle
 - 0812 Illegal use of a motor vehicle
 - 0813 Theft of motor vehicle parts or contents
 - 082 Theft (except motor vehicles)
 - 0821 Theft from a person (excluding by force)
 - 0822 Theft of intellectual property
 - 0823 Theft from retail premises
 - 0829 Theft (except motor vehicles), nec
 - 083 Receive or handle proceeds of crime
 - 0831 Receive or handle proceeds of crime
 - 084 Illegal use of property (except motor vehicles)
 - 0841 Illegal use of property (except motor vehicles)
- 09 Fraud, deception and related offences
 - 091 Obtain benefit by deception
 - 0911 Obtain benefit by deception
 - 092 Forgery and counterfeiting
 - 0921 Counterfeiting of currency
 - 0922 Forgery of documents
 - 0923 Possess equipment to make false/illegal instrument
 - 093 Deceptive business/government practices
 - 0931 Fraudulent trade practices
 - 0932 Misrepresentation of professional status
 - 0933 Illegal non-fraudulent trade practices
 - 099 Other fraud and deception offences
 - 0991 Dishonest conversion
 - 0999 Other fraud and deception offences, nec
- 10 Illicit drug offences
 - 101 Import or export illicit drugs
 - 1011 Import illicit drugs
 - 1012 Export illicit drugs
 - 102 Deal or traffic in illicit drugs
 - 1021 Deal or traffic in illicit drugs - commercial quantity
 - 1022 Deal or traffic in illicit drugs - non-commercial quantity
 - 103 Manufacture or cultivate illicit drugs
 - 1031 Manufacture illicit drugs
 - 1032 Cultivate illicit drugs
 - 104 Possess and/or use illicit drugs
 - 1041 Possess illicit drugs
 - 1042 Use illicit drugs
 - 109 Other illicit drug offences
 - 1099 Other illicit drug offences, nec
- 11 Prohibited and regulated weapons and explosives offences
 - 111 Prohibited weapons/explosives offences
 - 1111 Import or export prohibited weapons/explosives
 - 1112 Sell, possess and/or use prohibited weapons/explosives
 - 1119 Prohibited weapons/explosives offences, nec
 - 112 Regulated weapons/explosives offences
 - 1121 Unlawfully obtain or possess regulated weapons/explosives
 - 1122 Misuse of regulated weapons/explosives
 - 1123 Deal or traffic regulated weapons/explosives offences
 - 1129 Regulated weapons/explosives offences, nec
- 12 Property damage and environmental pollution
 - 121 Property damage
 - 1211 Property damage by fire or explosion
 - 1212 Graffiti
 - 1219 Property damage, nec

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- 12 Property damage and environmental pollution *cont.*
 - 122 Environmental pollution
 - 1221 Air pollution offences
 - 1222 Water pollution offences
 - 1223 Noise pollution offences
 - 1224 Soil pollution offences
 - 1229 Environmental pollution, nec
 - 13 Public order offences
 - 131 Disorderly conduct
 - 1311 Trespass
 - 1312 Criminal intent
 - 1313 Riot and affray
 - 1319 Disorderly conduct, nec
 - 132 Regulated public order offences
 - 1321 Betting and gambling offences
 - 1322 Liquor and tobacco offences
 - 1323 Censorship offences
 - 1324 Prostitution offences
 - 1325 Offences against public order sexual standards
 - 1326 Consumption of legal substances in regulated spaces
 - 1329 Regulated public order offences, nec
 - 133 Offensive conduct
 - 1331 Offensive language
 - 1332 Offensive behaviour
 - 1333 Vilify or incite hatred on racial, cultural, religious or ethnic grounds
 - 1334 Cruelty to animals
 - 14 Traffic and vehicle regulatory offences
 - 141 Driver Licence offences
 - 1411 Drive while licence disqualified or suspended
 - 1412 Drive without a licence
 - 1419 Driver licence offences, nec
 - 142 Vehicle registration and roadworthiness offences
 - 1421 Registration offences
 - 1422 Roadworthiness offences
 - 143 Regulatory driving offences
 - 1431 Exceed the prescribed content of alcohol or other substance limit
 - 1432 Exceed the legal speed limit
 - 1433 Parking offences
 - 1439 Regulatory driving offences, nec
 - 144 Pedestrian offences
 - 1441 Pedestrian offences
 - 15 Offences against justice procedures, government security and government operations
 - 151 Breach of custodial order offences
 - 1511 Escape custody offences
 - 1512 Breach of home detention
 - 1513 Breach of suspended sentence
 - 152 Breach of community-based orders
 - 1521 Breach of community service order
 - 1522 Breach of parole
 - 1523 Breach of bail
 - 1524 Breach of bond - probation
 - 1525 Breach of bond - other
 - 1529 Breach of community-based order, nec
 - 153 Breach of violence and non-violence orders
 - 1531 Breach of violence order
 - 1532 Breach of non-violence order
 - 154 Offences against government operations
 - 1541 Resist or hinder government official (excluding police officer, justice official or government security officer)
 - 1542 Bribery involving government officials
 - 1543 Immigration offences
 - 1549 Offences against government operations, nec
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15 Offences against justice procedures, government security and government operations *cont.*

- 155 Offences against government security
 - 1551 Resist or hinder government officer concerned with government security
 - 1559 Offences against government security, nec
- 156 Offences against justice procedures
 - 1561 Subvert the course of justice
 - 1562 Resist or hinder police officer or justice official
 - 1563 Prison regulation offences
 - 1569 Offences against justice procedures, nec

16 Miscellaneous offences

- 161 Defamation, libel and privacy offences
 - 1611 Defamation and libel
 - 1612 Offences against privacy
- 162 Public health and safety offences
 - 1621 Sanitation offences
 - 1622 Disease prevention offences
 - 1623 Occupational health and safety offences
 - 1624 Transport regulation offences
 - 1625 Dangerous substances offences
 - 1626 Licit drug offences
 - 1629 Public health and safety offences, nec
- 163 Commercial/industry/financial regulation
 - 1631 Commercial/industry/financial regulation
- 169 Other miscellaneous offences
 - 1691 Environmental regulation offences
 - 1692 Bribery excluding government officials
 - 1693 Quarantine offences
 - 1694 Import/export regulations
 - 1695 Procure or commit illegal abortion
 - 1699 Other miscellaneous offences, nec

SENTENCE TYPE CLASSIFICATION

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<i>Code</i>	<i>Division/Subdivision/Item</i>
1000	Custodial orders n.f.d.
1100	Custody in a correctional institution n.f.d.
1110	Life and indeterminate imprisonment
1120	Imprisonment n.f.d.
1121	Imprisonment with determined term
1122	Imprisonment with partially suspended term
1130	Periodic detention
1140	Juvenile detention n.f.d.
1141	Juvenile detention with determined term
1142	Juvenile detention with partially suspended term
1200	Custody in the community n.f.d.
1210	Intensive corrections order
1220	Home detention
1290	Other custody in the community n.e.c.
1300	Fully suspended sentence n.f.d.
1310	Fully suspended adult sentence
1320	Suspended juvenile sentence
2000	Non-custodial orders n.f.d.
2100	Community supervision or work orders n.f.d.
2110	Community service orders
2120	Probation orders
2130	Treatment orders
2140	Referral to conference
2200	Monetary orders n.f.d.
2210	Fine
2220	Orders as recompense to victim
2290	Other monetary orders n.e.c.
2900	Other non-custodial orders n.f.d.
2910	Good behaviour bond/recognition orders
2920	Licence disqualification/suspension/amendment
2930	Forfeiture of property order
2940	Nominal penalty
2990	Other non-custodial orders n.e.c.
9000	Sentence type unknown/not stated

GLOSSARY

Abduction, harassment and other offences against the person	Acts intended to threaten or harass, or acts that unlawfully deprive another person of their freedom of movement, that are against that person's will or against the will of any parent, guardian or other person having lawful custody or care of that person. This is a Division of ASOC08 which includes the following Subdivisions: abduction and kidnapping (051), deprivation of liberty/false imprisonment (052) and harassment and threatening behaviour (053).
Aboriginal and Torres Strait Islander	A defendant who has identified as being of Aboriginal or Torres Strait Islander origin, or both.
Acquitted	A determination by the court that a defendant is not guilty of the charge(s) on the grounds that the charge has not been proven. A not guilty verdict by the court. This includes dismissal of charge(s) by a magistrate on the grounds that the defendant is found not guilty or dismissal of charge(s) by a member of the judiciary due to lack of evidence or no evidence given by the prosecution. This excludes a finding of not guilty by reason of mental illness or condition at the time the defendant committed the offence. This is a method of finalisation.
Acts intended to cause injury	Acts, excluding attempted murder and those resulting in death, which are intended to cause non-fatal injury or harm to another person and where there is no sexual or acquisitive element. This is a Division of ASOC08 which includes the following Subdivisions: assault (021) and other acts intended to cause injury (029).
Adjudicated finalisation	A method of finalisation based on a judgement or decision by the court as to whether or not the defendant is guilty of the charge(s) laid against them.
Adjudicated outcomes	The outcomes of the judgement or decision by the court as to whether or not the defendant is guilty of the charge(s) laid against them. These outcomes include: acquitted, guilty finding and guilty plea.
Age	A defendant's age is the time elapsed (in years) between a defendant's date of birth and the date of finalisation.
Aggravated robbery	Robbery involving any of the following aggravating circumstances: <ul style="list-style-type: none">■ infliction of injury or violence on the person■ possession/use of a weapon■ committed in company (i.e. by two or more persons).
Aggravated sexual assault	Sexual assault that involves any of the following aggravating circumstances: <ul style="list-style-type: none">■ sexual intercourse (i.e. oral sex and/or penetration of the vagina or anus by any part of the human body or by any object)■ inflict injury or violence■ possession/use of a weapon■ consent proscribed/committed against a child■ committed in company (i.e. by two or more persons). This is a Group of ASOC08 (0311).
Assault	The direct (and immediate/confrontational) infliction of force, injury or violence upon a person or persons or the direct (and immediate/confrontational) threat of force, injury or violence where there is an apprehension that the threat could be enacted. This is a Subdivision of ASOC08 which includes the following Groups: serious assault resulting in injury (0211), serious assault not resulting in injury (0212) and common assault (0213).

Attempted murder	The attempted unlawful killing of another person, where there is either the intent to kill or to cause grievous bodily harm with the knowledge that it was probable that death or grievous bodily harm would occur (reckless indifference to life), not resulting in death. This is a Subdivision of ASOC08 and is not further disaggregated.
Australian Standard Offence Classification (ASOC)	The ASOC08 is a hierarchical classification developed by the ABS for use in the collection and publication of crime and justice statistics. It provides a classificatory framework for the comparison of statistics on offences across Australia. Within the classificatory structure of ASOC08, Divisions represent the broadest categories of offences (see Appendix 3). The main purpose of Divisions is to provide a limited number of categories which represent broad groups of criminal offences. The Subdivision and Group levels provide increasingly detailed dissections of these broad categories. The 2008 version of the ASOC (ASOC08) is used to classify offence data within this publication. The <i>Australian Standard Offence Classification (2008)</i> (cat no. 1234.0) is available from the Australian Bureau of Statistics website < http://www.abs.gov.au >.
Bench warrant	A warrant signed by a judge or magistrate ordering a person to be arrested and brought back before the court. This process takes place when a defendant, who has at least one charge that has not been finalised by the court, absconds from criminal proceedings.
Blackmail and extortion	The unlawful demanding with intent to gain money, property, or any other benefit from, or with intent to cause detriment to, another person, accompanied by the use of coercive measures, to be carried out at some point in the future if the demand is not met. This may also include the use and/or threatened use of face-to-face force or violence, provided there is a threat of continued violence if the demand is not met. This is a Subdivision of ASOC08 and is not further disaggregated.
Breach of violence and non-violence orders	An act or omission breaching the conditions of a violence or non-violence related restraining order. This is a Subdivision of ASOC08 which includes the Groups: breach of violence order (1531) and breach of non-violence order (1532).
Case	One or more defendants against whom one or more charge(s) have been laid and which are heard together by a court as one unit of work. The charge(s) usually relate to the same criminal incident.
Charge	An allegation laid before a court by the police, Director of Public Prosecutions or other prosecuting agency that a person or organisation has committed a criminal offence.
Charged	In this publication, the term charged refers to those defendants who were adjudicated i.e. finalised via a plea of guilty or a decision by the court as to their guilt or otherwise of the final charge(s) laid against them.
Child pornography offences	The production, possession, distribution or display of pornographic or abusive material of a child under the age of consent in written, photographic, film, video, digital or other format. This is a Group of ASOC08 (0322).
Children's Court	The Children's Court is primarily a Court of Summary Jurisdiction, to hear and determine criminal charges against persons generally aged less than 18 years. The Children's Court may also determine some minor indictable offences and conduct committal proceedings in relation to young people who have been charged with major indictable offences.
Committal plea	The plea to a charge, which is entered by a defendant at a committal proceeding in a Magistrates' Court.
Committed for sentence	An outcome of a committal hearing where a defendant enters a guilty plea to all charges and is transferred to a Higher Court to be sentenced. This process is regarded as a method of finalisation for the Magistrates' Court and the Children's Court, and a method of initiation into a Higher Court level.

Committed for trial	An outcome of a committal hearing where a defendant enters a not guilty plea to at least one charge and is transferred to a Higher Court to stand trial. This process is regarded as a method of finalisation for the Magistrates' Court and the Children's Court, and a method of initiation into a Higher Court level.
Community supervision or work orders	Sentences imposed on a defendant requiring a person to perform work within the community or report to a person nominated by the court (for example a corrections officer). These non-custodial orders include: community service orders, probation orders, treatment orders and referral to conference.
Convicted	In this publication the term convicted refers to those defendants who were proven guilty of at least one of the final charge(s) laid against them.
Court level	This indicates the level of the court in which a defendant's case is heard. Court levels can be distinguished from one another on the basis of the extent of their legal powers (see Jurisdiction). Court levels include Court of Summary Jurisdiction, Intermediate Court and Supreme Court. The names assigned to each of these court levels varies across Australia.
Court of Summary Jurisdiction	A lower court level (also referred to as Magistrates' Court, Local Court or Court of Petty Sessions) which deals with relatively less serious charges and has the most limited legal powers of all the state and territory court levels. A Court of Summary Jurisdiction is presided over by a magistrate and has jurisdiction to try and sentence matters relating to summary offences. Under some circumstances, this court level may also deal with less serious indictable offences known as 'minor indictable' or 'triable either way' offences. Courts of Summary Jurisdiction are also responsible for conducting preliminary (committal) hearings for indictable offences.
Custodial orders	Sentences imposed on a defendant requiring a person to have restricted liberty for a specified period of time either through detainment in an institution/home or being subject to regular supervision while residing in the community. The court may set aside the order subject to the person being of good behaviour. Includes: custody in a correctional institution, custody in the community and fully suspended sentence.
Custody in a correctional institution	Sentences imposed on a defendant requiring a person to be detained within a facility built especially for the purpose of incarceration. Includes: life and indeterminate imprisonment, imprisonment with determined term, imprisonment with partially suspended term, periodic detention, juvenile detention with determined term, and juvenile detention with partially suspended term.
Custody in the community	Sentences imposed on a defendant requiring a person to have restricted liberty for a specified period of time while living within the community. Includes: intensive corrections orders, home detention and other custody in the community.
Dangerous or negligent acts endangering persons	Dangerous or negligent acts which, though not intended to cause harm, actually or potentially result in injury to oneself or another person. This is a Division of ASOC08 which includes the following Subdivisions: dangerous or negligent operation of a vehicle (041) and other dangerous or negligent acts endangering persons (049).
Dangerous or negligent operation of a vehicle	The dangerous or negligent operation of a vehicle which, though not intended to cause harm, actually or potentially results in injury to oneself or another person. This is a Subdivision of ASOC08 which includes the following Groups: drive under the influence of alcohol or other substance (0411) and dangerous or negligent operation (driving) of a vehicle (0412).
Date of finalisation	The date on which all charges laid against a defendant are regarded as formally completed by a particular court level and the defendant ceases to be an active unit of work to be dealt with by that court level.

Date of initiation	Date of initiation represents either the date of committal or the date of registration depending on the process of entry into that level of court. For defendants who are committed from a Magistrates' Court to a higher criminal court, date of committal is used for the date of initiation. For defendants who have any other method of initiation, including direct presentment to a higher court by ex-officio, date of registration for that court level is used as the date of initiation. Where there are multiple dates of initiation for charges for a defendant, the earliest date is used.
Deal or traffic in illicit drugs	The supply or purchase of an illicit drug or controlled substance of any quantity, or the possession of an illicit drug or controlled substance where the amount involved is deemed to be of a quantity for commercial activity. This is a Subdivision of ASOC08 which includes the following Groups: deal or traffic in illicit drugs – commercial quantity (1021) and deal or traffic in illicit drugs – non-commercial quantity (1022).
Defendant	A person or organisation against whom one or more criminal charges have been laid and which are heard together as one unit of work by a court level.
Dishonest conversion	Dishonestly converting money or goods that come into a person's possession or control, not involving the use of deception or taking without consent. This is a Group of ASOC08 (0991).
Disorderly conduct	Offences involving personal conduct that is disorderly or is indicative of criminal intent. This is a Subdivision of ASOC08 which includes the following Groups: trespass (1311), criminal intent (1312), riot and affray (1313) and disorderly conduct, n.e.c. (1319).
District Court	See Intermediate Court.
Driver licence offences	Driver licence offences pertaining to the ownership or use of a driver's licence. This is a Subdivision of ASOC08 which includes the following Groups: drive while licence disqualified or suspended (1411), drive without a licence (1412), and driver licence offences, n.e.c. (1419).
Duration	The time elapsed between the earliest date of initiation and the latest date of finalisation for a defendant that has been finalised.
Exceed legal speed limit	Offences where a driver of a vehicle exceeds the speed restrictions pertaining to a particular area. This is a Group of ASOC08 (1432).
Exceed the prescribed content of alcohol or other substance limit	Offences where the driver of a vehicle exceeds the prescribed content of alcohol or other substance. This is a Group of ASOC08 (1431).
Federal defendant	A finalised defendant in the Criminal Courts who has been charged with at least one Commonwealth legislative offence.
Finalised appearance	Where charges were finalised at different court appearances in the same case for a defendant, these were counted as finalised defendants at each appearance rather than being aggregated as a single finalised defendant at the latest charge finalisation date. This relates to New South Wales Magistrates' and Children's Courts defendants prior to 2009–10.
Finalised defendant	A person or organisation for whom all charges relating to the one case have been formally completed so that the defendant ceases to be an item of work to be dealt with by the court.
Fraud, deception and related offences	Offences involving a dishonest act or omission carried out with the purpose of deceiving to obtain benefit. This is a Division of ASOC08 which includes the following Subdivisions: obtain benefit by deception (091); forgery and counterfeiting (092); deceptive business/government practices (093); and other fraud and deception offences (099).
Fully suspended sentence	A custodial order which provides that all of the sentence not be served, subject to the person being of good behaviour for the length of the sentence. Excludes fully suspended sentences that have added conditions other than good behaviour.

Good behaviour bond	An obligation, with or without sureties, aimed at securing the performance of some act by the person bound by the undertaking. Includes recognisance orders.
Graffiti	Property damage caused by the application of substances (i.e. paint, posters and/or plastic, metal or wood based compounds) to the surface of the property. This is a Group of ASOC08 (1212).
Guilty ex-parte	Where the court adjudicates charge(s) and the charge(s) are proven either: (i) where the defendant pleaded guilty and the charges are proven in his/her absence, or (ii) the defendant failed to appear and the charge(s) were proven on the basis of the evidence presented. This is a method of finalisation in the Magistrates' and Children's Courts.
Guilty finding	A guilty finding by the court, where the court finds the charge has been proven (and the case was not heard ex-parte). This is a method of finalisation.
Guilty plea	A guilty plea to charge(s) by the defendant (and the case was not heard ex-parte). This is not a trial outcome. This is a method of finalisation.
Higher Court	The criminal jurisdiction of an Intermediate Court or Supreme Court.
Homicide and related offences	Unlawfully kill, attempt to unlawfully kill or conspiracy to kill another person. This is a Division of ASOC08 which includes the following Subdivisions: murder (011), attempted murder (012), and manslaughter and driving causing death (013).
Illicit drug offences	The possession, selling, dealing or trafficking, importing or exporting, manufacturing or cultivation of drugs or other substances prohibited under legislation. This is a Division of ASOC08 which includes the following Subdivisions: import or export illicit drugs (101), deal or traffic in illicit drugs (102), manufacture or cultivate illicit drugs (103), possess and/or use illicit drugs (104) and other illicit drug offences (109).
Import or export illicit drugs	Actions resulting or intended to result in either the importation of illicit drugs or controlled substances into Australia, or the exportation of illicit drugs or controlled substances from Australia. This is a Subdivision of ASOC08 which includes the following Groups: import illicit drugs (1011) and export illicit drugs (1012).
Imprisonment	See Custody in a correctional institution.
Imprisonment with determined term	An order requiring a person to be detained for a specified period of time within a facility built especially for the purpose of incarceration.
Imprisonment with partially suspended term	An order requiring a person to be detained for part of the specified period of time within a facility built especially for the purpose of incarceration, subject to the person being of good behaviour.
Indictable offence	A serious criminal offence as defined by specific Commonwealth, state or territory legislation. Charges relating to indictable offences generally require a trial and/or sentence hearing in a Higher Court. Under some circumstances, a defendant can elect to have these charges dealt with in a Court of Summary Jurisdiction.
Intermediate Court	A Higher Court level (known either as the District Court or County Court) which has legal powers that are between those of the Court of Summary Jurisdiction and the Supreme Court and deals with the majority of cases involving serious criminal offences. An Intermediate Court is presided over by a judge, and has original jurisdiction to hear trial and sentence matters relating to most indictable offences. Note: As Tasmania, the Northern Territory and the Australian Capital Territory do not have an Intermediate Court, all indictable offences are heard in the Supreme Court.
Jurisdiction	The legal power or authority which may be exercised by a particular court level and within which the judgements or orders of the court can be enforced or executed. The criminal jurisdiction of a court includes the original jurisdiction. Each court level has its own defined jurisdictional limits and these vary across states and territories.
Juvenile detention with determined term	An order requiring a person to be detained in a juvenile facility for all of the specified period of time.



Juvenile detention with partially suspended term	An order requiring a person to be detained in a juvenile facility for part of the specified period of time, subject to the person being of good behaviour for the length of the sentence.
Life and indeterminate imprisonment	<p>The most serious sentence of imprisonment.</p> <p><i>Life</i> – This does not necessarily mean that the person will be held in custody for the term of his/her natural life. In some states or territories a minimum time to serve in custody is specified by the court, while in others an administrative body such as a Parole Board makes this decision.</p> <p><i>Indeterminate</i> – Persons declared as habitual criminals, persons who are either permanently or temporarily deemed not responsible for their actions because of a mental disorder or intellectual disability and prisoners who are sentenced to imprisonment but have not had a release date set. The prisoner may be released, at any time, at the discretion of the administrative body within each jurisdiction responsible for making that decision.</p>
Local Court	See Court of Summary Jurisdiction.
Magistrates' Court	<p>Where used in this publication, the term 'Magistrates' Court' includes the adult criminal Magistrates' Court and the Court of Petty Sessions and New South Wales Local Court. Excluded from this are other Courts of Summary Jurisdiction, such as Children's Courts, Electronic Courts and Drug Courts.</p> <p>See Court of Summary Jurisdiction for further information.</p>
Manslaughter and driving causing death	The unlawful killing of another person while deprived of the power of self-control by provocation, or under circumstances amounting to diminished responsibility or without intent to kill, as a result of a careless, reckless, negligent, unlawful or dangerous act. This is a Subdivision of ASOC08 which includes the Groups: manslaughter (0131) and driving causing death (0132).
Manufacture or cultivate illicit drugs	Actions resulting or intended to result in the manufacture of controlled substances, or growing of plants used to make illicit drugs. This is a Subdivision of ASOC08 which includes the Groups: manufacture illicit drugs (1031) and cultivate illicit drugs (1032).
Method of finalisation	The process which leads to the completion of a defendant as an item of business in a particular court level. A defendant undergoing court proceedings is considered to be finalised when all charges against that defendant have been processed to completion within a court level. There are different methods by which a charge may be finalised (see Appendix 2).
Method of initiation	The process which describes how a criminal charge is initiated, commenced, lodged or filed within the court system or a court level. It refers to the process that leads to the recording of a defendant as a new item of business in a particular court level. There are different methods by which a charge may be initiated.
Minor indictable offence	See Triable either way offence.
Miscellaneous offences	Offences involving the breach of statutory rules or regulations governing activities that are prima facie legal, where such offences are not explicitly dealt with under any other Division of ASOC08. This is a Division of ASOC08 which includes the following Subdivisions: defamation, libel and privacy offences (161), public health and safety offences (162), commercial/industry/financial regulation (163) and other miscellaneous offences (169).
Monetary orders	A sentence order that requires the offender to pay a sum of money, usually in the form of a fine or as recompense to victims (includes restitution orders and compensation orders) and other monetary orders, n.e.c. (does not include court levies and fees).



Motor vehicle theft and related offences	The taking of another person's motor vehicle illegally and without permission, with the intent of temporarily or permanently depriving the owner or possessor of the use of the motor vehicle. Additionally, the taking of another person's motor vehicle parts or its contents illegally, whether or not this also involves the taking of the motor vehicle. This is a Subdivision of ASOC08 which includes the Groups: theft of a motor vehicle (0811), illegal use of a motor vehicle (0812) and theft of motor vehicle parts or contents (0813).
Murder	Unlawfully kill another person where there is one or more of the following: the intent to kill; the intent to cause grievous bodily harm, with the knowledge that it was probable that death or grievous bodily harm would occur (reckless indifference to life); or without intent to kill in the course of committing a crime (felony murder). This subdivision is not further disaggregated.
National Offence Index	The National Offence Index (NOI) is a seriousness ranking of the ASOC08 and is used to determine a principal offence when a defendant has multiple finalised offences across different offence categories, with the same type of finalisation (e.g. proven guilty, acquitted, charges withdrawn).
Nominal penalty	Release of a defendant without an order following sentence that may or may not have conditions attached.
Non-adjudicated finalisation	A method of finalisation whereby a charge is considered completed and ceases to be active in a court even though that charge has not been adjudicated. This includes where the defendant is deceased, unfit to plead, the charge is withdrawn by the prosecution, transferred to a non-court agency or another non-adjudicated finalisation n.e.c. such as diplomatic immunity and statute of limitation applies.
Non-aggravated robbery	Robbery not involving any aggravating circumstances as defined in ASOC08 Group 0611, Aggravated robbery. This is a group of ASOC08 (0612).
Non-aggravated sexual assault	Sexual assault not involving any of the aggravating circumstances as defined in ASOC08 Group 0311, Aggravated sexual assault. This is a group of ASOC08 (0312).
Non-assaultive sexual offences	Offences of a sexual nature, or intent thereof, against another person that do not involve physical contact with the person and where the person does not give consent, gives consent as a result of intimidation or deception, or consent is proscribed (i.e. the person is legally deemed incapable of giving consent because of youth, temporary/permanent (mental) incapacity or there is a familial relationship). This is a Subdivision of ASOC08 which includes the Groups: non-assaultive sexual offences against a child (0321), child pornography offences (0322), sexual servitude offences (0323) and non-assaultive sexual offences n.e.c. (0329).
Non-assaultive sexual offences against a child	Offences of a sexual nature, or intent thereof, against a person under the age of 16 years that involve the presence of that person but not physical contact with that person. This is a group of ASOC08 (0321).
Non-custodial orders	Sentences imposed on a defendant that do not involve being held in custody. Includes: community supervision or work orders, monetary orders and other non-custodial orders.
Non-Indigenous	A defendant who does not identify as being of Aboriginal and/or Torres Strait Islander origin.
Not guilty verdict	See Acquitted.
Obtain benefit by deception	The use of deception or impersonation with the intent of dishonestly obtaining property, goods, services or other benefit, or to avoid a disbenefit. This subdivision is not further disaggregated.

Offences against government operations	An act with the intent of resisting or hindering government officers, or government operations, other than police, justice or government security officers. This is a Subdivision of ASOC08 which includes the Groups: resist or hinder government official (excluding police officer, justice official or government security officer) (1541), bribery involving government officials (1542), immigration offences (1543) and offences against government operations, n.e.c. (1549).
Offences against government security	An act or omission prejudicial to effective enforcement of government operations concerned with the preservation of national security. This is a Subdivision of ASOC08 which includes the Groups: resist or hinder government officer concerned with government security (1551) and offences against government security, n.e.c. (1559).
Offences against justice procedures	An act or omission prejudicial to the effective carrying out of justice procedures other than justice orders. This is a Subdivision of ASOC08 which includes the Groups: subvert the course of justice (1561), resist or hinder police officer or justice official (1562), prison regulation offences (1563) and offences against justice procedures, n.e.c. (1569).
Offences against justice procedures, government security and government operations	An act or omission that is deemed to be prejudicial to the effective carrying out of justice procedures or any government operations. This includes general government operations as well as those specifically concerned with maintaining government security. This is a Division of ASOC08 which includes the following Subdivisions: breach of custodial order offences (151), breach of community-based orders (152), breach of violence and non-violence orders (153), offences against government operations (154), offences against government security (155) and offences against justice procedures (156).
Original jurisdiction	The power of a court to hear criminal charges and determine whether or not a defendant is proven guilty and/or to sentence defendants where a charge has been proven (refer to Jurisdiction).
Other dangerous or negligent acts endangering persons	Dangerous or negligent acts not involving the operation of a vehicle which, though not intended to cause harm, actually or potentially result in injury to oneself or another person. This is a Subdivision of ASOC08 which includes the following Groups: neglect or ill treatment of person under care (0491) and other dangerous or negligent acts endangering persons, n.e.c. (0499).
Other illicit drug offences	Other illicit drug offences not elsewhere classified in Illicit drug offences (Division 10 of ASOC08) which includes possession of money with intent to obtain drugs, possession of pipes, syringes, other utensils associated with the use of drugs, permitting premises to be used for taking, selling or distributing drugs, and failure to keep register for drugs of addiction. This subdivision is not further disaggregated.
Other non-custodial orders	Sentences imposed on a defendant that do not require custody, are not fully suspended, and are not elsewhere classified in the non-custodial orders category of the Sentence Type classification. Includes: good behaviour bond/recognition orders, licence disqualification/suspension/amendment, forfeiture of property order, nominal penalty and other non-custodial orders n.e.c.
Partially suspended sentence	An order of imprisonment requiring a person be detained for part of the specified period of time, subject to the person being of good behaviour for the length of the sentence.
Periodic detention	Sentence imposed on a defendant requiring a person to be in custody for two consecutive days in a week (e.g. weekends) and remain at liberty during the rest of the week. This sentencing option is available in New South Wales and the Australian Capital Territory.
Plea	The formal statement by, or on behalf of, the defendant in response to a criminal charge that has been laid in a court. The nature of this response indicates whether or not the defendant intends to contest that charge. If the defendant does not enter a plea, this is treated by the court as if the defendant had pleaded not guilty.

Possess and/or use illicit drugs	The possession of a non-commercial quantity and/or use of an illicit drug or other controlled substance. This is a Subdivision of ASOC08 which includes the following Groups: possess illicit drugs (1041) and use illicit drugs (1042).
Principal offence	The offence category, based on ASOC08, that describes the most serious offence type associated with a finalised defendant. The most serious offence is determined by how the offences were finalised and/or the rankings in the National Offence Index 2009 (see National Offence Index).
Principal sentence	The main sentence type for a defendant who has a proven guilty finalisation. It is based on the hierarchy of the Sentence Type Classification (see Appendix 5).
Prohibited and regulated weapons and explosives offences	Offences involving prohibited or regulated weapons and explosives. This is a Division of ASOC08 which includes the following Subdivisions: prohibited weapons/explosives offences (111) and regulated weapons/explosives offences (112).
Property damage and environmental pollution	The wilful and unlawful destruction, damage or defacement of public or private property, or the pollution of property or a definable entity held in common by the community. For this division, 'destruction' means altering the property in any way so as to render it imperfect or inoperative. This is a Division of ASOC08 which includes the following Subdivisions: property damage (121) and environmental pollution (122).
Property damage by fire or explosion	The wilful and unlawful destruction, damage or defacement of public or private property caused by fire or explosion. This is a Group of ASOC08 (1211).
Property damage n.e.c.	Property damage other than by fire or explosion. This is a Group of ASOC08 (1219).
Proven guilty	An outcome of criminal proceedings in which a court accepts that a charge is proven through a guilty plea entered by a defendant or the defendant is found guilty by the court. In the Magistrates' and Children's Courts, this includes defendants found guilty ex-parte.
Public order offences	Offences relating to personal conduct that involves, or may lead to, a breach of public order or decency, or that is indicative of criminal intent, or that is otherwise regulated or prohibited on moral or ethical grounds. In general these offences do not involve a specific victim or victims; however some offences, such as offensive language and offensive behaviour, may be directed towards a single victim. This is a Division of ASOC08 which includes the following Subdivisions: disorderly conduct (131), regulated public order offences (132) and offensive conduct (133).
Receive or handle proceeds of crime	Receive, handle, process or possess money or goods taken or obtained illegally. This is a Subdivision of ASOC08 which includes the Group: receiving or handling proceeds of crime (0831).
Regulated public order offences	Offences involving behaviour that is regulated or prohibited on moral or ethical grounds. This is a Subdivision of ASOC08 which includes the following Groups: betting and gambling offences (1321), liquor and tobacco offences (1322), censorship offences (1323), prostitution offences (1324), offences against public order sexual standards (1325), consumption of legal substances in regulated spaces (1326) and regulated public order offences, n.e.c. (1329).
Regulatory driving offences	Offences relating to the breaches of regulations governing the manner in which the vehicle is operated. This is a Subdivision of ASOC08 which includes the following Groups: exceed the prescribed content of alcohol or other substance limit (1431), exceed legal speed limit (1432), parking offences (1433) and regulatory driving offences, n.e.c. (1439).
Robbery, extortion and related offences	Acts intended to unlawfully gain money, property or other items of value from, or cause detriment to, another person by using the threat of force or any other coercive measure. This is a Division of ASOC08 which includes the following Subdivisions: robbery (061) and blackmail and extortion (062).

Sentence	A penalty or penalties imposed by a court upon a defendant who is proven guilty of a criminal offence.
Sexual assault	Physical contact, or intent of contact, of a sexual nature directed toward another person where that person does not give consent, gives consent as a result of intimidation or deception, or consent is proscribed (i.e. the person is legally deemed incapable of giving consent because of youth, temporary/permanent (mental) incapacity or there is a familial relationship). This is a Subdivision of ASOC08 which includes the following Groups: aggravated sexual assault (0311) and non-aggravated sexual assault (0312).
Sexual assault and related offences	Acts, or intent of acts, of a sexual nature against another person which are non-consensual or where consent is proscribed. This is a Division of ASOC08 which includes the following Subdivisions: sexual assault (031) and non-assaultive sexual offences (032).
Stalking	Acts intended to cause physical or mental harm to a person, or to arouse apprehension or fear in a person, through a repeated course of unreasonable conduct. For the purposes of this group, stalking behaviours include, but are not limited to, activities such as unauthorised surveillance of an individual, interfering with the individual's property (or that of an associate), sending offensive material, and communicating with the person in a way that could be reasonably expected to arouse apprehension or fear. This is a Group of ASOC08 (0291).
Summary offence	A criminal offence which is regarded as less serious relative to an indictable offence as defined by specific Commonwealth, state or territory legislation (see Indictable offence). Charges relating to summary offences are generally dealt with by a Court of Summary Jurisdiction and do not require a trial by jury in a Higher Court. In some states and territories, a defendant against whom summary charges are laid may be transferred to a Higher Court for sentencing (e.g. if the magistrate wants to impose a penalty which exceeds his/her jurisdictional powers).
Supreme Court	A Higher Court level which deals with the most serious criminal charges and has the greatest legal powers of all the state and territory court levels. A Supreme Court is presided over by a judge, and has jurisdiction to hear trial and sentence matters relating to all indictable offences. In states which have an Intermediate Court, the Supreme Court is usually reserved to deal with the most serious indictable offences, such as murder.
Theft and related offences	The unlawful taking or obtaining of money or goods, not involving the use of force, threat of force or violence, coercion or deception, with the intent to permanently or temporarily deprive the owner or possessor of the use of the money or goods, or the receiving or handling of money or goods obtained unlawfully. This is a Division of ASOC08 which includes the following Subdivisions: motor vehicle theft and related offences (081), theft (except motor vehicles) (082), receive or handle proceeds of crime (083) and illegal use of property (except motor vehicles) (084).
Theft (except motor vehicles)	The unlawful taking or obtaining of money, goods, services (other than from motor vehicles) or non-motorised vehicles, without the use of force, threat of force or violence, coercion or deception, with the intent to permanently deprive the owner or possessor of the use of the money or goods. This is a Subdivision of ASOC08 which includes the following groups: theft from a person (excluding by force) (0821), theft of intellectual property (0822), theft from retail premises (0823) and theft (except motor vehicles), n.e.c. (0829).
Theft/illegal use of a motor vehicle	The taking of another person's motor vehicle illegally and without permission, with the intent of temporarily or permanently depriving the owner or possessor of the use of the motor vehicle. This is a combination of the following Groups of ASOC08: theft of a motor vehicle (0811) and illegal use of a motor vehicle (0812).

Traffic and vehicle regulatory offences	Offences relating to vehicles and most forms of traffic, including offences pertaining to the licensing, registration, roadworthiness or use of vehicles, bicycle offences and pedestrian offences. This is a Division of ASOC08 which includes the following Subdivisions: driver licence offences (141), vehicle registration and roadworthiness offences (142), regulatory driving offences (143) and pedestrian offences (144).
Transfer to non-court agency	An outcome of court proceedings whereby the charge(s) have been transferred to a non-court agency. This is a method of finalisation.
Transfer to other court levels	A court outcome ordering that a criminal charge be transferred to another court level to be adjudicated and/or sentenced. For all transfers, except those between Higher Court levels, this process is regarded as a method of finalisation for the court level ordering the transfer and a method of initiation for the court level to which the defendant's charge(s) were transferred. Defendants who transfer from one Higher Court level to another will be considered as initiated only once (in the level they first entered) and finalised only once (from the level they finally left).
Triable either way offence	An indictable offence which a defendant can elect to have heard either in a Court of Summary Jurisdiction before a magistrate or in a Higher Court before a judge and jury.
Trial	The examination of, and decision on, a matter of law or fact by a court. Where a defendant enters a not guilty plea or other defended plea in the committal proceedings, they are committed to a Higher Court for trial. In the Higher Courts, trials are usually conducted before a judge and jury whereby the judge rules on questions of law and the jury is responsible for determining whether or not the defendant is guilty. Some states and territories also allow for a trial before a judge alone in the Higher Courts.
Unfit to plead	An outcome of court proceedings when it has been determined that a defendant's mental status is such that he/she is unfit to plead in relation to the charge(s) against him/her. For the purposes of this collection, this process is regarded as a non-adjudicated method of finalisation.
Unlawful entry with intent/burglary, break and enter	The unlawful entry of a structure with the intent to commit an offence, where the entry is either forced or unforced (ASOC08 Division 7). A structure is defined as a building that is contained by walls and can be secured in some form. This includes a dwelling (e.g. house, flat, caravan), office, bank, shop, factory, school and church. This division is not further disaggregated.
Vehicle registration and roadworthiness offences	Offences relating to the registration or roadworthiness of the vehicle itself, rather than the manner in which the vehicle is being driven. This is a Subdivision of ASOC08 which includes the following groups: registration offences (1421) and roadworthiness offences (1422).
Withdrawn by the prosecution	The formal withdrawal of charge(s) by the prosecution (e.g. police, Director of Public Prosecutions, Attorney-General). This includes nolle prosequi and no true bill. Withdrawal of charges allows the prosecution to charge the defendant on the same incident at a later time. This is a non-adjudicated method of finalisation.

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