



FEDERAL DEFENDANTS, SELECTED STATES AND TERRITORIES

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INQUIRIES

For further information about these and related statistics, contact the National Information and Referral Service on 1300 135 070 or Paul Romanis on Melbourne (03) 9615 7362.

NOTES

ABOUT THIS PUBLICATION This publication presents the first results from the Federal Defendants collection. The aim of this collection is to provide nationally comparable statistics relating to Federal Defendants heard in the criminal jurisdiction of the Higher (Supreme and Intermediate), Magistrates' and Children's Courts across Australia for the period 1 July 2008 to 30 June 2009. The statistics describe the characteristics of defendants with finalised federal offences, including information about their offences and sentences outcomes.

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 53.

ACKNOWLEDGMENTS The ABS acknowledges the valuable contribution of the 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.

ABBREVIATIONS

- ABS Australian Bureau of Statistics
- ACT Australian Capital Territory
- ASOC Australian Standard Offence Classification
- cat. no. Catalogue number
- n.e.c. not elsewhere classified
- n.f.d. not further defined
- 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
- Vic. Victoria
- WA Western Australia

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INTRODUCTION

This publication presents statistics about finalised defendants charged with federal offences, that are dealt with by the criminal jurisdiction of the Higher (Supreme and Intermediate), Magistrates' and Children's Courts of Australia, for the period 1 July 2008 to 30 June 2009, for all states and territories, except Tasmania. Data for Tasmania were not available for inclusion in this issue of the publication, therefore, complete national data are not yet available from this collection. Data for the contributing states and territories have been aggregated to provide a total for the tables presented, unless otherwise specified.

This chapter provides an introduction to the federal defendants collection. Chapter 2 presents data about finalised defendants with federal charges classified to the Australian Standard Offence Classification (ASOC). Chapter 3 presents data about federal offences heard in the criminal courts and classified to a non-standard group of offences providing an alternative view of the types of offences federal defendants have been charged with.

FINALISED DEFENDANTS

Finalised defendants include persons charged with Commonwealth criminal offences for each court level as well as organisations charged with Commonwealth criminal offences for the Higher and Magistrates' Courts. A federal defendant is a finalised defendant who has been charged with at least one offence against Commonwealth legislation, irrespective of whether they have also been charged with any offences under state/territory legislation.

The federal defendants collection comprises a subset of all finalised defendants. However, as federal defendants may also be charged with state offences, the difference between all finalised defendants and finalised federal defendants does not equal the state defendants.

Defendants are counted for each case they have finalised during the reference period, irrespective of whether multiple cases are finalised on the same day at the same hearing. This counting rule differs to that applied in *Criminal Courts, Australia* (cat. no. 4513.0) (see Explanatory Notes paragraphs 28–29) and as such, the information presented in the two publications is not directly comparable. The statistics are based on data extracted from administrative records held by the state and territory agencies responsible for courts administration.

OFFENCE INFORMATION

Offence data in this publication are presented using a standard offence classification and an alternative non-standard view of the types of federal offences that are finalised for defendants. ASOC provides a basis for the standard collection, analysis and dissemination of offence data within Crime and Justice statistics. For more information, see Explanatory Notes paragraph 20. Chapter 2 presents information on the number of offences finalised, as well as the principal federal offence.

Principal federal offence

When presenting information on defendants in this publication, the offence categories referred to relate to the defendants most serious federal offence, known as the 'principal federal' offence. Whilst it is possible for a defendant to be charged with multiple offences under Commonwealth legislation as well as state/territory legislation, only offences enacted under Commonwealth legislation are considered in scope of this publication.

Where defendants are represented by multiple federal offences, they would be assigned a principal federal offence based on the method of finalisation and/or the most serious offence type using an ordinal ranking from the National Offence Index (NOI) 2009.

An alternative view of the types of federal offences is presented in Chapter 3. The offence types used in this chapter are not based on an official standard but have been created to compile groupings of Commonwealth offences of particular interest to users, using Act and section information. These groupings may comprise a range of offences that reside in a number of different ASOC subdivisions. For more information about these non-standard offence groupings and their concordance to Commonwealth Acts/Section and ASOC division, refer to Appendix 4.

CHAPTER 2

FEDERAL DEFENDANTS

INTRODUCTION

This chapter presents information about the characteristics of defendants finalised in Australia's criminal courts charged with federal offences during 2008–09. Characteristics of defendants include age, sex, their principal federal offence, and sentence outcomes, as well as a count of the total number of federal offences heard by the criminal courts during 2008–09. Offence data in this chapter are based on ASOC08. Data are presented for all states and territories except Tasmania. Data from Tasmania were not readily available.

SUMMARY

In 2008–09, there were a total of 14,002 defendants finalised in Australia's criminal courts with at least one federal offence: 625 in the Higher Courts; 13,207 in the Magistrates' Courts; and 170 in the Children's Courts.

There were 12,751 persons and 1,251 organisations finalised in 2008–09. Just under two thirds (63% or 8,796) of all finalised defendants were male while 27% (3,770) were female.

Across all three court levels, 77% of defendants finalised were proven guilty of at least one federal offence. Of those proven guilty, 17% (1,824) were sentenced to a custodial order.

The 14,002 defendants represented a total of 35,614 federal offences finalised: 1,970 in the Higher Courts; 33,359 in the Magistrates' Courts; and 285 in the Children's Courts.

PRINCIPAL FEDERAL OFFENCE

Of the defendants heard in the Higher Courts, three-quarters had a principal federal offence in the following three ASOC Divisions: fraud and deception (34%); illicit drug offences (25%); and sexual assault (17%).

For the Magistrates' Courts, almost three-quarters had a principal federal offence in the following three ASOC Divisions: fraud and deception (33%); offences against justice procedures (30%); and abduction and harassment (10%).

More than three-quarters of defendants in the Children's Court had a principal federal offence in the following four ASOC Divisions: abduction and harassment (38%); offences against justice procedures (19%); public order offences (13%); and fraud and deception (9%).

OFFENCE TYPES

Of the 35,614 offences across all court levels, 88% were classified to four ASOC divisions; offences against justice procedures (42%); fraud and deception (31%); miscellaneous offences (8%) and abduction and harassment (7%).

OFFENCE TYPES

continued

The largest number of offences finalised in the Higher Courts related to fraud and deception (42%) followed by miscellaneous offences (21%) and illicit drugs (11%).

For the Magistrates' Courts, offences against justice procedures (44%) and fraud and deception (31%) were the most prevalent. Offences were spread over a larger number of ASOC divisions in the Children's Courts, with abduction and harassment offences the largest contributor (27%).

AGE AND SEX

The proportion of male defendants finalised varied between court levels; 81% of defendants in the Higher Courts were male, compared to 68% in the Magistrates' Courts, and 72% in the Children's Courts.

Across the three court levels, the 35–39 year age group was the highest represented age cohort (16%), and this was consistent for both males and females. More than half (56%) of all defendants were aged between 25 and 44 years. In the Children's Courts, defendants aged 17 years and over comprised more than half (51%) of persons finalised.

The largest age cohort in New South Wales, Victoria, Queensland and Western Australia was 35–39 year olds. In South Australia, 40–44 year olds had the highest proportion of finalised defendants, the Northern Territory 25–29 year olds, and in the Australian Capital Territory 20–24 year olds. The proportion of male defendants varied between jurisdictions, between 75% in the Northern Territory and 61% in Western Australia.

FINALISATION METHOD

In the Higher Courts, 87% (545) of the 628 defendants were proven guilty. The proportion of defendants proven guilty within the Magistrates' and Children's Courts was 77% (10,275), and a further 17% (2,263) were withdrawn by the prosecution.

SENTENCE OUTCOMES

Of the defendants proven guilty across all court levels, 17% received a custodial order as their principal sentence. This varied across courts levels, 90% (491) in the Higher Courts, and 13% (1,332) for the combined Magistrates' and Children's Courts.

Across all court levels, defendants with a principal federal offence of illicit drugs and sexual assault were predominantly issued with a custodial order as their principal sentence (both 87%).

Defendants sentenced to non-custodial orders (community supervision or work orders, monetary orders and other non-custodial orders) accounted for 83% (8,982) of defendants proven guilty across all court levels. Within the Magistrates' and Children's courts 8,928 defendants (or 87%) were issued with a non-custodial order.

For the combined court levels, defendants who had a principal sentence of community supervision or work orders most commonly had a principal federal offence of fraud and deception (83%) or abduction and harassment (9%). Those with a principal sentence of monetary orders most commonly had a principal federal offence of offences against justice procedures (49%) or fraud and deception (16%).

STATES AND
TERRITORIES: ALL COURT
LEVELS

Of the federal defendants finalised in all court levels during 2008–09, just over a third (35% or 4,958) appeared in New South Wales, 24% or 3,324 appeared in Victoria and 22% or 3,062 appeared in Queensland.

For defendants in New South Wales, Queensland, South Australia and the Northern Territory, the most prevalent principal offence related to fraud and deception. In Victoria and Western Australia, offences against justice procedures were the most common, while in the Australian Capital Territory, traffic and vehicle regulatory offences were the most predominant.

Victoria had the highest proportion of offences finalised by the courts, (28% or 9,842 offences), followed by Queensland (25%), New South Wales (21%) and Western Australia (11%).

Fraud and deception offences comprised the largest proportion of offences in the Northern Territory (71%), South Australia (60%) and New South Wales (31%). Offences against justice procedures had the highest proportions in Western Australia (54%), Victoria (53%) and Queensland (49%). In the Australian Capital Territory, traffic and vehicle regulatory offences comprised 36% of all federal offences finalised.

2.1 SUMMARY CHARACTERISTICS OF ALL FEDERAL DEFENDANTS(a), Court level

	COURT LEVEL			
	<i>Higher</i>	<i>Magistrates'</i>	<i>Children's</i>	<i>All courts(b)</i>
Defendants finalised				
Males	506	8 167	123	8 796
Females	115	3 608	47	3 770
Organisations	3	1 248	. .	1 251
Total(c)	625	13 207	170	14 002
Method of finalisation				
Adjudicated outcomes				
Acquitted	30	268	12	310
Proven guilty	545	10 166	110	10 821
Total	575	10 434	122	11 131
Withdrawn by prosecution	7	2 221	44	2 272
Other(d)	43	550	4	597
Total(e)	625	13 207	170	14 002
Sentence outcomes				
Custodial orders	491	1 322	11	1 824
Non-custodial orders	54	8 825	99	8 978
Total proven guilty(f)	545	10 166	110	10 821
Federal offences	1 970	33 359	285	35 614

. . . not applicable

- (a) Excludes Tasmanian federal defendants and offences.
- (b) Defendants may be counted in more than one court level where they are transferred between court levels and finalised in each court level within the same reference period. See Explanatory Notes 31–33.
- (c) Includes defendants with unknown sex.
- (d) Includes transfers to other courts, defendants deceased, unfit to plead, transfers to non-court agencies and other non-adjudicated finalisations n.e.c.
- (e) Includes defendants with an unknown method of finalisation.
- (f) Includes defendants for whom a principal sentence is unknown.

2.2 FEDERAL DEFENDANTS(a), Principal federal offence by court level

ASOC Division	COURT LEVEL			
	Higher	Magistrates ¹	Children's	All courts(b)
.....				
NUMBER				
Homicide and related offences	—	—	—	—
Acts intended to cause injury	—	46	3	49
Sexual assault and related offences	104	213	3	320
Dangerous or negligent acts	3	44	—	47
Abduction, harassment and related offences	26	1 374	64	1 464
Robbery, extortion and related offences	—	—	—	—
Unlawful entry with intent	—	6	—	6
Theft and related offences	38	226	12	276
Fraud, deception and related offences	211	4 315	15	4 541
Illicit drug offences	154	215	3	372
Prohibited and regulated weapons and explosives offences	—	47	—	47
Property damage and environmental pollution	3	30	3	36
Public order offences	—	178	22	200
Traffic and vehicle regulatory offences	—	1 278	3	1 281
Offences against justice procedures, etc.	35	4 003	32	4 070
Miscellaneous offences	50	1 211	9	1 270
Total defendants(c)	624	13 206	169	13 999
.....				
PROPORTION (%)				
Homicide and related offences	—	—	—	—
Acts intended to cause injury	—	0.3	1.8	0.4
Sexual assault and related offences	16.7	1.6	1.8	2.3
Dangerous or negligent acts	0.5	0.3	—	0.3
Abduction, harassment and related offences	4.2	10.4	37.9	10.5
Robbery, extortion and related offences	—	—	—	—
Unlawful entry with intent	—	—	—	—
Theft and related offences	6.1	1.7	7.1	2.0
Fraud, deception and related offences	33.8	32.7	8.9	32.4
Illicit drug offences	24.7	1.6	1.8	2.7
Prohibited and regulated weapons and explosives offences	—	0.4	—	0.3
Property damage and environmental pollution	0.5	0.2	1.8	0.3
Public order offences	—	1.3	13.0	1.4
Traffic and vehicle regulatory offences	—	9.7	1.8	9.2
Offences against justice procedures, etc.	5.6	30.3	18.9	29.1
Miscellaneous offences	8.0	9.2	5.3	9.1
Total defendants(c)	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Excludes Tasmanian federal defendants.

(b) Defendants may be counted twice where they are transferred between court levels and finalised in each court level within the same reference period. See Explanatory Notes 31–33.

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

2.3

FEDERAL OFFENCES (a), Court level

ASOC Division	COURT LEVEL			
	Higher	Magistrates ¹	Children's	All courts
NUMBER				
Homicide and related offences	—	—	—	—
Acts intended to cause injury	—	53	3	56
Sexual assault and related offences	167	325	3	495
Dangerous or negligent acts	—	57	—	57
Abduction, harassment and related offences	98	2 193	78	2 369
Robbery, extortion and related offences	—	3	—	3
Unlawful entry with intent	—	6	—	6
Theft and related offences	78	1 213	38	1 329
Fraud, deception and related offences	817	10 243	32	11 092
Illicit drug offences	213	340	3	556
Prohibited and regulated weapons and explosives offences	—	53	3	56
Property damage and environmental pollution	3	47	3	53
Public order offences	12	210	22	244
Traffic and vehicle regulatory offences	—	1 322	3	1 325
Offences against justice procedures, etc.	120	14 836	38	14 994
Miscellaneous offences	420	2 405	60	2 885
Total offences (b)	1 968	33 360	286	35 614
PROPORTION (%)				
Homicide and related offences	—	—	—	—
Acts intended to cause injury	—	0.2	1.0	0.2
Sexual assault and related offences	8.5	1.0	1.0	1.4
Dangerous or negligent acts	—	0.2	—	0.2
Abduction, harassment and related offences	5.0	6.6	27.3	6.7
Robbery, extortion and related offences	—	—	—	—
Unlawful entry with intent	—	—	—	—
Theft and related offences	4.0	3.6	13.3	3.7
Fraud, deception and related offences	41.5	30.7	11.2	31.1
Illicit drug offences	10.8	1.0	1.0	1.6
Prohibited and regulated weapons and explosives offences	—	0.2	1.0	0.2
Property damage and environmental pollution	0.2	0.1	1.0	0.1
Public order offences	0.6	0.6	7.7	0.7
Traffic and vehicle regulatory offences	—	4.0	1.0	3.7
Offences against justice procedures, etc.	6.1	44.5	13.3	42.1
Miscellaneous offences	21.3	7.2	21.0	8.1
Total offences (b)	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Excludes Tasmanian federal offences.

(b) Includes offence data that are missing or inadequately described.

2.4 FEDERAL DEFENDANTS - ALL COURTS(a), Principal federal offence by selected states and territories

ASOC Division	NSW(b)	Vic.	Qld	SA	WA	NT	ACT
NUMBER							
Homicide and related offences	—	—	—	—	—	—	—
Acts intended to cause injury	12	6	7	—	3	—	22
Sexual assault and related offences	108	46	120	11	9	3	23
Dangerous or negligent acts	13	4	16	—	13	—	3
Abduction, harassment and related offences	656	395	353	21	36	—	—
Robbery, extortion and related offences	—	3	—	—	—	—	—
Unlawful entry with intent	—	—	—	—	—	—	8
Theft and related offences	114	72	27	15	28	—	20
Fraud, deception and related offences	1 562	713	1 360	438	323	76	69
Illicit drug offences	189	50	65	16	34	16	—
Prohibited and regulated weapons and explosives offences	21	3	4	—	3	—	18
Property damage and environmental pollution	6	—	11	—	—	—	14
Public order offences	27	9	47	3	20	9	88
Traffic and vehicle regulatory offences	42	893	35	12	—	—	299
Offences against justice procedures, etc.	1 466	948	890	171	336	31	228
Miscellaneous offences	742	164	127	57	74	72	34
Total defendants(c)	4 958	3 324	3 062	744	879	207	826
PROPORTION (%)							
Homicide and related offences	—	—	—	—	—	—	—
Acts intended to cause injury	0.2	0.2	0.2	—	0.3	—	2.7
Sexual assault and related offences	2.2	1.4	3.9	1.5	1.0	1.4	2.8
Dangerous or negligent acts	0.3	0.1	0.5	—	1.5	—	0.4
Abduction, harassment and related offences	13.2	11.9	11.5	2.8	4.1	—	—
Robbery, extortion and related offences	—	0.1	—	—	—	—	—
Unlawful entry with intent	—	—	—	—	—	—	1.0
Theft and related offences	2.3	2.2	0.9	2.0	3.2	—	2.4
Fraud, deception and related offences	31.5	21.5	44.4	58.9	36.7	36.7	8.4
Illicit drug offences	3.8	1.5	2.1	2.2	3.9	7.7	—
Prohibited and regulated weapons and explosives offences	0.4	0.1	0.1	—	0.3	—	2.2
Property damage and environmental pollution	0.1	—	0.4	—	—	—	1.7
Public order offences	0.5	0.3	1.5	0.4	2.3	4.3	10.7
Traffic and vehicle regulatory offences	0.8	26.9	1.1	1.6	—	—	36.2
Offences against justice procedures, etc.	29.6	28.5	29.1	23.0	38.2	15.0	27.6
Miscellaneous offences	15.0	4.9	4.1	7.7	8.4	34.8	4.1
Total defendants(c)	100.0	100.0	100.0	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Data are combined for Higher, Magistrates' and Children's courts.

(b) Refers to finalised appearances rather than finalised defendants in the Children's and Magistrates' Courts, resulting in potentially higher population counts. See Explanatory Notes 11–12.

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

2.5 FEDERAL OFFENCES - ALL COURTS(a), Selected states and territories

ASOC Division NSW Vic. Qld SA WA NT ACT

NUMBER

Homicide and related offences	—	—	—	—	—	—	—
Acts intended to cause injury	15	8	9	—	3	—	22
Sexual assault and related offences	165	63	180	27	12	25	23
Dangerous or negligent acts	21	5	18	—	15	3	3
Abduction, harassment and related offences	834	772	621	64	75	—	3
Robbery, extortion and related offences	—	3	—	—	—	—	—
Unlawful entry with intent	—	—	—	—	—	—	8
Theft and related offences	391	372	203	94	249	—	20
Fraud, deception and related offences	2 367	1 744	3 181	2 108	1 116	506	70
Illicit drug offences	259	87	104	27	61	16	—
Prohibited and regulated weapons and explosives offences	22	8	4	—	—	—	18
Property damage and environmental pollution	14	—	13	7	—	—	14
Public order offences	43	14	48	3	27	24	86
Traffic and vehicle regulatory offences	45	934	35	12	—	—	299
Offences against justice procedures, etc.	2 031	5 180	4 464	889	2 165	33	232
Miscellaneous offences	1 324	600	200	296	327	102	36
Total offences(b)	7 571	9 842	9 080	3 527	4 050	709	834

PROPORTION (%)

Homicide and related offences	—	—	—	—	—	—	—
Acts intended to cause injury	0.2	0.1	0.1	—	0.1	—	2.6
Sexual assault and related offences	2.2	0.6	2.0	0.8	0.3	3.5	2.8
Dangerous or negligent acts	0.3	0.1	0.2	—	0.4	0.4	0.4
Abduction, harassment and related offences	11.0	7.8	6.8	1.8	1.9	—	0.4
Robbery, extortion and related offences	—	—	—	—	—	—	—
Unlawful entry with intent	—	—	—	—	—	—	1.0
Theft and related offences	5.2	3.8	2.2	2.7	6.1	—	2.4
Fraud, deception and related offences	31.3	17.7	35.0	59.8	27.6	71.4	8.4
Illicit drug offences	3.4	0.9	1.1	0.8	1.5	2.3	—
Prohibited and regulated weapons and explosives offences	0.3	0.1	—	—	—	—	2.2
Property damage and environmental pollution	0.2	—	0.1	0.2	—	—	1.7
Public order offences	0.6	0.1	0.5	0.1	0.7	3.4	10.3
Traffic and vehicle regulatory offences	0.6	9.5	0.4	0.3	—	—	35.9
Offences against justice procedures, etc.	26.8	52.6	49.2	25.2	53.5	4.7	27.8
Miscellaneous offences	17.5	6.1	2.2	8.4	8.1	14.4	4.3
Total offences(b)	100.0	100.0	100.0	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Data are combined for Higher, Magistrates' and Children's courts.

(b) Includes offence data that are missing or inadequately described.

2.6

FEDERAL DEFENDANTS(a)(b), Court level and age by sex

	NUMBER			PROPORTION (%)		
	Males	Females	Persons(c)	Males	Females	Persons(c)
.....						
HIGHER						
Under 20 years	6	3	9	1.2	2.6	1.4
20–24 years	43	7	50	8.5	6.1	8.0
25–29 years	62	14	76	12.3	12.2	12.2
30–34 years	70	16	86	13.8	13.9	13.8
35–39 years	74	20	94	14.6	17.4	15.1
40–44 years	69	14	83	13.6	12.2	13.3
45–49 years	52	14	66	10.3	12.2	10.6
50–54 years	45	8	54	8.9	7.0	8.7
55 years and over	85	19	105	16.8	16.5	16.9
Total	506	115	623	100.0	100.0	100.0
.....						
MAGISTRATES'						
Under 20 years	226	44	272	2.8	1.2	2.3
20–24 years	789	276	1 068	9.7	7.6	8.9
25–29 years	979	494	1 491	12.0	13.7	12.5
30–34 years	1 078	562	1 647	13.2	15.6	13.8
35–39 years	1 310	657	1 982	16.0	18.2	16.6
40–44 years	1 079	538	1 632	13.2	14.9	13.6
45–49 years	886	400	1 295	10.8	11.1	10.8
50–54 years	678	265	951	8.3	7.3	8.0
55 years and over	987	306	1 311	12.1	8.5	11.0
Total(d)	8 167	3 608	11 959	100.0	100.0	100.0
.....						
CHILDREN'S						
12–14 years	15	7	22	12.2	14.9	12.9
15 years	20	10	30	16.3	21.3	17.6
16 years	19	12	31	15.4	25.5	18.2
17 years	38	9	47	30.9	19.1	27.6
18 years and over	31	9	40	25.2	19.1	23.5
Total	123	47	170	100.0	100.0	100.0
.....						
ALL COURTS						
Under 20 years	353	94	449	4.0	2.5	3.5
20–24 years	833	283	1 119	9.5	7.5	8.8
25–29 years	1 041	508	1 567	11.8	13.5	12.3
30–34 years	1 149	578	1 734	13.1	15.3	13.6
35–39 years	1 384	677	2 076	15.7	18.0	16.3
40–44 years	1 148	552	1 715	13.1	14.6	13.4
45–49 years	938	414	1 361	10.7	11.0	10.7
50–54 years	723	273	1 005	8.2	7.2	7.9
55 years and over	1 072	325	1 416	12.2	8.6	11.1
Total(d)	8 796	3 770	12 752	100.0	100.0	100.0

(a) Excludes Tasmanian federal defendants.

(b) Excludes defendants that are organisations.

(c) Includes persons with unknown sex.

(d) Includes persons with unknown age.

2.7**FEDERAL DEFENDANTS - ALL COURTS(a)(b), Sex and age by selected states and territories**

Age groups (years)	NSW(c)	Vic.	Qld	SA	WA	NT	ACT
MALES							
Under 20 years	66	130	77	—	12	10	56
20–24 years	221	289	130	28	41	25	99
25–29 years	327	270	203	58	67	32	84
30–34 years	406	256	247	75	75	13	77
35–39 years	535	319	297	73	84	20	56
40–44 years	441	257	228	79	80	20	43
45–49 years	374	214	219	46	47	7	31
50–54 years	283	162	152	38	54	6	28
55 years and over	395	234	267	52	71	13	40
Total(d)	3 120	2 133	1 841	449	538	158	555
FEMALES							
Under 20 years	30	28	22	—	4	—	10
20–24 years	90	67	61	16	17	3	31
25–29 years	174	81	140	36	31	9	37
30–34 years	192	110	163	50	30	5	28
35–39 years	236	125	193	52	44	4	23
40–44 years	189	126	133	50	25	11	18
45–49 years	146	76	121	26	26	9	10
50–54 years	98	52	71	17	18	3	14
55 years and over	114	76	83	18	12	4	18
Total(d)	1 286	742	997	265	212	53	217
PERSONS (e)							
Under 20 years	96	158	99	—	18	10	66
20–24 years	311	356	192	44	60	28	130
25–29 years	502	351	348	94	110	41	121
30–34 years	598	366	416	125	106	18	105
35–39 years	771	444	497	125	136	24	79
40–44 years	630	383	372	129	109	31	61
45–49 years	520	290	347	72	75	16	41
50–54 years	381	214	229	55	75	9	42
55 years and over	509	310	358	70	94	17	58
Total(d)	4 407	2 875	2 895	714	878	211	772

— nil or rounded to zero (including null cells)

(a) Data are combined for Higher, Magistrates' and Children's courts.

(b) Excludes defendants that are organisations.

(c) Refers to finalised appearances rather than finalised defendants in the Children's and Magistrates' Courts, resulting in potentially higher population counts. See Explanatory Notes 11–12.

(d) Includes persons with unknown age.

(e) Includes persons with unknown sex.

2.8 FEDERAL DEFENDANTS - ALL COURTS(a)(b), Principal federal offence by method of finalisation

ASOC Division	Acquitted	Proven guilty	Withdrawn by prosecution	Other(c)	Total
NUMBER					
Homicide and related offences	—	—	—	—	—
Acts intended to cause injury	3	22	21	4	50
Sexual assault and related offences	5	142	64	108	319
Dangerous or negligent acts	—	31	14	3	48
Abduction, harassment and related offences	88	1 010	331	35	1 464
Robbery, extortion and related offences	—	—	—	—	—
Unlawful entry with intent	—	3	—	3	6
Theft and related offences	14	168	66	28	276
Fraud, deception and related offences	65	3 996	336	144	4 541
Illicit drug offences	8	157	46	159	370
Prohibited and regulated weapons and explosives offences	4	24	17	3	48
Property damage and environmental pollution	—	24	6	3	33
Public order offences	13	134	41	14	202
Traffic and vehicle regulatory offences	9	744	528	—	1 281
Offences against justice procedures, etc.	57	3 422	532	59	4 070
Miscellaneous offences	43	935	258	34	1 270
Total defendants (d)	309	10 820	2 270	597	13 996

PROPORTION (%)

Homicide and related offences	—	—	—	—	—
Acts intended to cause injury	1.0	0.2	0.9	0.7	0.4
Sexual assault and related offences	1.6	1.3	2.8	18.1	2.3
Dangerous or negligent acts	—	0.3	0.6	0.5	0.3
Abduction, harassment and related offences	28.5	9.3	14.6	5.9	10.5
Robbery, extortion and related offences	—	—	—	—	—
Unlawful entry with intent	—	—	—	0.5	—
Theft and related offences	4.5	1.6	2.9	4.7	2.0
Fraud, deception and related offences	21.0	36.9	14.8	24.1	32.4
Illicit drug offences	2.6	1.5	2.0	26.6	2.6
Prohibited and regulated weapons and explosives offences	1.3	0.2	0.7	0.5	0.3
Property damage and environmental pollution	—	0.2	0.3	0.5	0.2
Public order offences	4.2	1.2	1.8	2.3	1.4
Traffic and vehicle regulatory offences	2.9	6.9	23.3	—	9.2
Offences against justice procedures, etc.	18.4	31.6	23.4	9.9	29.1
Miscellaneous offences	13.9	8.6	11.4	5.7	9.1
Total defendants (d)	100.0	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Excludes Tasmanian federal defendants.

(b) Data are combined for Higher, Magistrates' and Children's courts.

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

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

2.9 FEDERAL DEFENDANTS PROVEN GUILTY - ALL COURTS (a)(b), Principal federal offence by principal sentence

ASOC Division	NON-CUSTODIAL ORDERS				Total(c)
	Custodial orders	Community supervision/work orders	Monetary orders	Other(d)	
NUMBER					
Homicide and related offences	—	—	—	—	—
Acts intended to cause injury	3	3	10	6	22
Sexual assault and related offences	123	6	5	8	142
Dangerous or negligent acts	6	—	15	8	29
Abduction, harassment and related offences	158	88	344	420	1 010
Robbery, extortion and related offences	—	—	—	3	3
Unlawful entry with intent	3	—	—	—	3
Theft and related offences	55	18	54	41	168
Fraud, deception and related offences	1 199	798	898	1 092	3 996
Illicit drug offences	138	—	6	11	158
Prohibited and regulated weapons and explosives offences	—	—	11	13	24
Property damage and environmental pollution	5	3	13	3	24
Public order offences	5	3	88	38	134
Traffic and vehicle regulatory offences	—	—	732	12	744
Offences against justice procedures, etc.	73	30	2 794	523	3 423
Miscellaneous offences	56	11	715	150	935
Total defendants (e)	1 824	963	5 688	2 331	10 827

PROPORTION (%)					
Homicide and related offences	—	—	—	—	—
Acts intended to cause injury	0.2	0.3	0.2	0.3	0.2
Sexual assault and related offences	6.7	0.6	0.1	0.3	1.3
Dangerous or negligent acts	0.3	—	0.3	0.3	0.3
Abduction, harassment and related offences	8.7	9.1	6.0	18.0	9.3
Robbery, extortion and related offences	—	—	—	0.1	—
Unlawful entry with intent	0.2	—	—	—	—
Theft and related offences	3.0	1.9	0.9	1.8	1.6
Fraud, deception and related offences	65.7	82.9	15.8	46.8	36.9
Illicit drug offences	7.6	—	0.1	0.5	1.5
Prohibited and regulated weapons and explosives offences	—	—	0.2	0.6	0.2
Property damage and environmental pollution	0.3	0.3	0.2	0.1	0.2
Public order offences	0.3	0.3	1.5	1.6	1.2
Traffic and vehicle regulatory offences	—	—	12.9	0.5	6.9
Offences against justice procedures, etc.	4.0	3.1	49.1	22.4	31.6
Miscellaneous offences	3.1	1.1	12.6	6.4	8.6
Total defendants (e)	100.0	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Excludes Tasmanian federal defendants.

(b) Data are combined for Higher, Magistrates' and Children's courts.

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

(d) Includes other non-custodial orders n.f.d., licence disqualifications/suspensions/amendments, forfeiture of property orders, nominal penalties and other non-custodial orders n.e.c.

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

2.10 FEDERAL DEFENDANTS - HIGHER COURTS(a), Selected principal federal offence by method of finalisation

ASOC Division	Acquitted	Proven guilty	Withdrawn by prosecution	Other(b)	Total
NUMBER					
Sexual assault and related offences	—	98	—	5	103
Abduction, harassment and related offences	—	22	3	3	28
Theft and related offences	5	28	3	4	40
Fraud, deception and related offences	7	182	3	19	211
Illicit drug offences	8	140	3	4	155
Offences against justice procedures, etc.	—	28	—	7	35
Miscellaneous offences	9	40	—	—	49
Other(c)	—	7	—	—	7
Total defendants	29	545	12	42	628

PROPORTION (%)					
Sexual assault and related offences	—	18.0	—	11.9	16.4
Abduction, harassment and related offences	—	4.0	25.0	7.1	4.5
Theft and related offences	17.2	5.1	25.0	9.5	6.4
Fraud, deception and related offences	24.1	33.4	25.0	45.2	33.6
Illicit drug offences	27.6	25.7	25.0	9.5	24.7
Offences against justice procedures, etc.	—	5.1	—	16.7	5.6
Miscellaneous offences	31.0	7.3	—	—	7.8
Other(c)	—	1.3	—	—	1.1
Total defendants	100.0	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Excludes Tasmanian federal defendants.

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

(c) Includes ASOC Divisions 01, 02, 04, 06, 07, 11–14 (refer to Appendix 2).

2.11

FEDERAL DEFENDANTS PROVEN GUILTY - HIGHER COURTS(a), Selected

principal federal offence by principal sentence

<i>ASOC Division</i>	<i>Custodial orders</i>	<i>Non-custodial orders</i>	<i>Total</i>
.....			
NUMBER			
Sexual assault and related offences	95	3	98
Abduction, harassment and related offences	13	9	22
Theft and related offences	23	5	28
Fraud, deception and related offences	164	18	182
Illicit drug offences	137	3	140
Offences against justice procedures, etc.	25	3	28
Miscellaneous offences	28	12	40
Other(b)	6	—	6
Total defendants	491	53	544

.....			
PROPORTION (%)			
Sexual assault and related offences	19.3	5.7	18.0
Abduction, harassment and related offences	2.6	17.0	4.0
Theft and related offences	4.7	9.4	5.1
Fraud, deception and related offences	33.4	34.0	33.5
Illicit drug offences	27.9	5.7	25.7
Offences against justice procedures, etc.	5.1	5.7	5.1
Miscellaneous offences	5.7	22.6	7.4
Other(b)	1.2	—	1.1
Total defendants	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Excludes Tasmanian federal defendants.

(b) Includes ASOC Divisions 01, 02, 04, 06, 07, 11–14 (refer to Appendix 2).

2.12

FEDERAL DEFENDANTS - MAGISTRATES' & CHILDREN'S COURTS(a), Principal federal offence by method of finalisation

ASOC Division	Acquitted	Proven guilty	Withdrawn by prosecution	Other(b)	Total
NUMBER					
Homicide and related offences	—	—	—	—	—
Acts intended to cause injury	3	21	21	4	49
Sexual assault and related offences	4	44	64	103	215
Dangerous or negligent acts	—	29	14	3	46
Abduction, harassment and related offences	88	988	330	32	1 438
Robbery, extortion and related offences	—	—	—	—	—
Unlawful entry with intent	—	3	—	3	6
Theft and related offences	9	140	65	24	238
Fraud, deception and related offences	58	3 814	333	125	4 330
Illicit drug offences	—	17	44	155	216
Prohibited and regulated weapons and explosives offences	4	24	17	3	48
Property damage and environmental pollution	—	22	6	3	31
Public order offences	13	132	41	14	200
Traffic and vehicle regulatory offences	9	744	528	—	1 281
Offences against justice procedures, etc.	57	3 394	532	52	4 035
Miscellaneous offences	34	895	258	33	1 220
Total defendants(c)	279	10 275	2 263	554	13 371

PROPORTION (%)

Homicide and related offences	—	—	—	—	—
Acts intended to cause injury	1.1	0.2	0.9	0.7	0.4
Sexual assault and related offences	1.4	0.4	2.8	18.6	1.6
Dangerous or negligent acts	—	0.3	0.6	0.5	0.3
Abduction, harassment and related offences	31.5	9.6	14.6	5.8	10.8
Robbery, extortion and related offences	—	—	—	—	—
Unlawful entry with intent	—	—	—	0.5	—
Theft and related offences	3.2	1.4	2.9	4.3	1.8
Fraud, deception and related offences	20.8	37.1	14.7	22.6	32.4
Illicit drug offences	—	0.2	1.9	28.0	1.6
Prohibited and regulated weapons and explosives offences	1.4	0.2	0.8	0.5	0.4
Property damage and environmental pollution	—	0.2	0.3	0.5	0.2
Public order offences	4.7	1.3	1.8	2.5	1.5
Traffic and vehicle regulatory offences	3.2	7.2	23.3	—	9.6
Offences against justice procedures, etc.	20.4	33.0	23.5	9.4	30.2
Miscellaneous offences	12.2	8.7	11.4	6.0	9.1
Total defendants(c)	100.0	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Excludes Tasmanian federal defendants.

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

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

2.13

FEDERAL DEFENDANTS PROVEN GUILTY - MAGISTRATES' & CHILDREN'S

COURTS(a), Principal federal offence by principal sentence

NON-CUSTODIAL ORDERS

ASOC Division	Custodial orders	Community supervision/ work orders	Monetary orders	Other(c)	Total(b)
NUMBER					
Homicide and related offences	—	—	—	—	—
Acts intended to cause injury	3	3	9	6	21
Sexual assault and related offences	28	4	5	7	44
Dangerous or negligent acts	4	3	15	8	30
Abduction, harassment and related offences	145	86	343	414	988
Robbery, extortion and related offences	—	—	—	3	3
Unlawful entry with intent	3	3	—	—	6
Theft and related offences	32	18	53	37	140
Fraud, deception and related offences	1 035	794	887	1 089	3 814
Illicit drug offences	—	—	6	8	17
Prohibited and regulated weapons and explosives offences	—	—	11	13	24
Property damage and environmental pollution	3	3	13	3	22
Public order offences	3	3	88	38	132
Traffic and vehicle regulatory offences	—	—	732	12	744
Offences against justice procedures, etc.	48	30	2 793	521	3 395
Miscellaneous offences	28	8	710	146	895
Total defendants (d)	1 332	958	5 665	2 305	10 261

PROPORTION (%)

Homicide and related offences	—	—	—	—	—
Acts intended to cause injury	0.2	0.3	0.2	0.3	0.2
Sexual assault and related offences	2.1	0.4	0.1	0.3	0.4
Dangerous or negligent acts	0.3	0.3	0.3	0.3	0.3
Abduction, harassment and related offences	10.9	9.0	6.1	18.0	9.6
Robbery, extortion and related offences	—	—	—	0.1	—
Unlawful entry with intent	0.2	0.3	—	—	0.1
Theft and related offences	2.4	1.9	0.9	1.6	1.4
Fraud, deception and related offences	77.7	82.9	15.7	47.2	37.1
Illicit drug offences	—	—	0.1	0.3	0.2
Prohibited and regulated weapons and explosives offences	—	—	0.2	0.6	0.2
Property damage and environmental pollution	0.2	0.3	0.2	0.1	0.2
Public order offences	0.2	0.3	1.6	1.6	1.3
Traffic and vehicle regulatory offences	—	—	12.9	0.5	7.2
Offences against justice procedures, etc.	3.6	3.1	49.3	22.6	33.0
Miscellaneous offences	2.1	0.8	12.5	6.3	8.7
Total defendants (d)	100.0	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Excludes Tasmanian federal defendants.

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

(c) Includes other non-custodial orders n.f.d., licence disqualifications/suspensions/amendments, forfeiture of property orders, nominal penalties and other non-custodial orders n.e.c.

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

INTRODUCTION

This chapter presents information about the number of federal offences classified to a non-standard group of offences. The offence groupings used are not based on an official standard but are grouped around similar themes of federal offences. These groupings comprise various Commonwealth Acts and sections. These groupings also may comprise a range of ASOC subdivisions. A concordance of the Commonwealth legislation, and ASOC to these groupings can be found at Appendix 4.

FEDERAL OFFENCE TYPE

During 2008–09 there were 35,611 federal offences finalised in the Higher, Magistrates' and Children's Courts. Over two-thirds of federal offences finalised in all court levels (69% or 24,703 offences) were classified as fraud offences. Within the Higher courts, the proportion for this offence type was 30%, followed by financial offences (26%) and drugs (11%).

Of the 33,358 offences in the Magistrates' court, 72% were classified as fraud, 8% were communications offences and 6% were financial offences. The highest proportion of offences in the Children's Court were communications offences (46%).

Fraud offences comprised the highest proportion of offences in every jurisdiction except the Australian Capital Territory, ranging from 54% in New South Wales up to 81% in South Australia. The largest proportion of federal drug offences and financial offences were finalised in New South Wales, whilst the vast majority of illegal fishing offences were finalised in the Northern Territory. Offences related to commonwealth officials were the most common in the Australian Capital Territory. The majority of Commonwealth property offences were finalised in South Australia and Victoria.

FINALISATION METHOD

During 2008–09, 78% or 27,877 offences were proven guilty, while 16% (5,802) were withdrawn by the prosecution. The offence groups with the highest proportions proven guilty were illegal fishing and fraud offences (87% and 86% respectively).

The offence groups with the highest proportions of acquittals were aviation offences and migration and people smuggling (both 10%) and communications offences (8%). Over half of the 133 offences related to justice offences were withdrawn by the prosecution, followed by wildlife smuggling (50%) and migration and people smuggling offences (38%).

SENTENCE OUTCOMES

Information on sentence outcomes in Chapter 3 do not apply the concept of a principal sentence (as applied in Chapter 2). Sentence outcomes presented in this chapter represent all sentences handed down for each offence proven guilty. Where multiple sentence types are handed down for a single offence, these are counted multiple times. As such the total number of sentence outcomes recorded is greater than the number of sentences proven guilty.

SENTENCE OUTCOMES

continued

Monetary orders were the most common sentence type to be issued overall, comprising 54% (17,933) of all sentence outcomes handed down by the courts. These orders predominantly related to fraud offences (80%) and financial offences (6%).

The Higher courts issued custodial orders in 79% of the sentence outcomes finalised by the courts, compared with 15% in the Magistrates' and Children's courts. Of the 33,438 offences proven guilty, across all court levels, 19% (6,398) received a custodial order.

Fraud offences comprised 71% (4,549) of all custodial orders, followed by financial offences (7%) and communications offences (6%).

Over three quarters of all convictions for drug offences (77%) and sexual offences (76%) resulted in a custodial order, followed by security offences (66%) and justice procedure offences (63%).

Community supervision and work orders were issued most predominantly for Commonwealth property offences (23%) and communications offences (13%).

FEDERAL OFFENCE GROUPS

A summary of the Commonwealth Legislation contained within the federal offence groupings in the following tables is presented below. For further information, please refer to Explanatory Notes paragraph 26, and Appendix 4.

Aviation - Offences under the *Aviation Transport Security Regulations 2005*. The intent of this Act is to safeguard against the unlawful interference of aviation throughout Australia.

Commonwealth officials - Offences under the sections of the *Criminal Code Act 1995* that relate to bribery of Commonwealth officials, demands with menaces, and the harming or impersonating of Commonwealth officials.

Commonwealth property - Offences under the sections of the *Criminal Code Act 1995* that relate to theft, robbery and burglary of Commonwealth property or on Commonwealth premises.

Commonwealth sexual offences - Offences under Commonwealth legislation of a sexual nature e.g. child sex tourism, importation of child pornography, sexual slavery.

Communications - Offences under the sections of the *Criminal Code Act 1995* that relate to the use of computers and other telecommunications and the use of the postal service.

Drugs - Offences under the *Customs Act 1901* that relate to the importing of performance enhancing and non-narcotic drugs; offences under the *Criminal Code Act 1995* that relate to illicit drug offences; and offences under the *Therapeutic Goods Act 1989* that relate to the supply of therapeutic goods.

Financial - Offences under Commonwealth legislation relating to the improper handling of finance e.g. bankruptcy; money laundering; the improper use of public money.

Fraud - Offences under Commonwealth legislation relating to fraudulent activities e.g. tax fraud; social security fraud; false passports.

Illegal fishing - Offences under the *Fisheries Management Act 1991*. The intent of this Act is to safeguard against illegal fishing in Australian waters.

FEDERAL OFFENCE
GROUPS *continued*

Illegal use/importation of weapons - Offences under Commonwealth legislation relating to the illegal use or importation of firearms, other weapons and explosives.

International - Offences under Commonwealth legislation that are initiated overseas or relate to foreign persons e.g. harming Australians overseas; bribery of foreign officials; war crimes.

Justice offences - Offences under Commonwealth legislation relating to the breach of justice orders; escaping from custody; escaping from immigration detention; and subverting the course of justice.

Migration and people smuggling - Offences under the *Migration Act 1958* and the *Migration Act 1991* relating to people smuggling and other migration offences.

Security - Offences under the sections of the *Criminal Code Act 1995* that relate to the security of Commonwealth property e.g. espionage, treason, domestic terrorism.

Wildlife smuggling - Offences under the *Environmental Protection and Biodiversity Conservation Act 1999*. The intent of this Act is to safeguard protected wildlife and heritage areas.

3.1 FEDERAL OFFENCES (a), Court level

COURT LEVEL				
<i>Federal offence group</i>	<i>Higher</i>	<i>Magistrates'</i>	<i>Children's</i>	<i>All courts</i>
NUMBER				
Aviation	—	29	—	29
Commonwealth officials	14	143	9	166
Commonwealth property	64	122	8	194
Commonwealth sexual offences	187	301	3	491
Communications	103	2 639	132	2 874
Drugs	214	350	3	567
Financial	503	2 032	25	2 560
Fraud	588	24 115	—	24 703
Illegal fishing	14	96	—	110
Illegal use/importation of weapons	—	—	—	—
International	—	—	—	—
Justice offences	46	81	7	134
Migration and people smuggling	10	50	—	60
Security	20	18	—	38
Wildlife smuggling	—	11	—	11
Other(b)	206	3 371	97	3 674
Total	1 969	33 358	284	35 611

PROPORTION (%)				
Aviation	—	0.1	—	0.1
Commonwealth officials	0.7	0.4	3.2	0.5
Commonwealth property	3.3	0.4	2.8	0.5
Commonwealth sexual offences	9.5	0.9	1.1	1.4
Communications	5.2	7.9	46.5	8.1
Drugs	10.9	1.0	1.1	1.6
Financial	25.5	6.1	8.8	7.2
Fraud	29.9	72.3	—	69.4
Illegal fishing	0.7	0.3	—	0.3
Illegal use/importation of weapons	—	—	—	—
International	—	—	—	—
Justice offences	2.3	0.2	2.5	0.4
Migration and people smuggling	0.5	0.1	—	0.2
Security	1.0	0.1	—	0.1
Wildlife smuggling	—	—	—	—
Other(b)	10.5	10.1	34.2	10.3
Total	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Excludes Tasmanian federal offences.

(b) Includes federal offences n.e.c.

3.2**FEDERAL OFFENCES - ALL COURTS(a), Selected states and territories**

<i>Federal offence group</i>	<i>NSW</i>	<i>Vic.</i>	<i>Qld</i>	<i>SA</i>	<i>WA</i>	<i>NT</i>	<i>ACT</i>
NUMBER							
Aviation	10	—	14	—	5	—	—
Commonwealth officials	15	6	17	—	3	—	124
Commonwealth property	24	45	19	64	35	—	7
Commonwealth sexual offences	190	59	174	19	17	20	11
Communications	972	834	724	153	150	7	34
Drugs	276	81	103	27	62	16	—
Financial	1 225	514	331	272	207	6	5
Fraud	4 059	6 755	7 297	2 849	3 110	502	133
Illegal fishing	8	—	9	—	—	93	—
Illegal use/importation of weapons	—	3	—	—	—	—	—
International	—	—	—	—	—	—	—
Justice offences	54	26	19	29	3	—	3
Migration and people smuggling	22	9	3	—	20	4	3
Security	—	17	—	—	7	—	10
Wildlife smuggling	5	—	—	—	6	—	—
Other(b)	709	1 495	368	111	428	59	504
Total	7 569	9 844	9 078	3 524	4 053	707	834

PROPORTION (%)							
Aviation	0.1	—	0.2	—	0.1	—	—
Commonwealth officials	0.2	0.1	0.2	—	0.1	—	14.9
Commonwealth property	0.3	0.5	0.2	1.8	0.9	—	0.8
Commonwealth sexual offences	2.5	0.6	1.9	0.5	0.4	2.8	1.3
Communications	12.8	8.5	8.0	4.3	3.7	1.0	4.1
Drugs	3.6	0.8	1.1	0.8	1.5	2.3	—
Financial	16.2	5.2	3.6	7.7	5.1	0.8	0.6
Fraud	53.6	68.6	80.4	80.8	76.7	71.0	15.9
Illegal fishing	0.1	—	0.1	—	—	13.2	—
Illegal use/importation of weapons	—	—	—	—	—	—	—
International	—	—	—	—	—	—	—
Justice offences	0.7	0.3	0.2	0.8	0.1	—	0.4
Migration and people smuggling	0.3	0.1	—	—	0.5	0.6	0.4
Security	—	0.2	—	—	0.2	—	1.2
Wildlife smuggling	0.1	—	—	—	0.1	—	—
Other(b)	9.4	15.2	4.1	3.1	10.6	8.3	60.4
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Data are combined for Higher, Magistrates' and Children's courts.

(b) Includes federal offences n.e.c.

3.3 FEDERAL OFFENCES - ALL COURTS(a)(b), Method of finalisation

<i>Federal offence group</i>	<i>Acquitted</i>	<i>Proven guilty</i>	<i>Withdrawn by prosecution</i>	<i>Other(c)</i>	<i>Total</i>
NUMBER					
Aviation	3	25	3	—	31
Commonwealth officials	9	107	29	21	166
Commonwealth property	11	121	40	22	194
Commonwealth sexual offences	11	213	118	148	490
Communications	222	1 767	788	97	2 874
Drugs	12	221	115	217	565
Financial	26	1 638	776	120	2 560
Fraud	285	21 266	2 743	411	24 705
Illegal fishing	7	97	5	3	112
Illegal use/importation of weapons	—	3	—	—	3
International	—	—	—	—	—
Justice offences	3	48	70	12	133
Migration and people smuggling	6	17	23	14	60
Security	—	26	3	8	37
Wildlife smuggling	—	5	5	—	10
Other(d)	80	2 323	1 084	187	3 674
Total	675	27 877	5 802	1 260	35 614
PROPORTION (%)					
Aviation	0.4	0.1	0.1	—	0.1
Commonwealth officials	1.3	0.4	0.5	1.7	0.5
Commonwealth property	1.6	0.4	0.7	1.7	0.5
Commonwealth sexual offences	1.6	0.8	2.0	11.7	1.4
Communications	32.9	6.3	13.6	7.7	8.1
Drugs	1.8	0.8	2.0	17.2	1.6
Financial	3.9	5.9	13.4	9.5	7.2
Fraud	42.2	76.3	47.3	32.6	69.4
Illegal fishing	1.0	0.3	0.1	0.2	0.3
Illegal use/importation of weapons	—	—	—	—	—
International	—	—	—	—	—
Justice offences	0.4	0.2	1.2	1.0	0.4
Migration and people smuggling	0.9	0.1	0.4	1.1	0.2
Security	—	0.1	0.1	0.6	0.1
Wildlife smuggling	—	—	0.1	—	—
Other(d)	11.9	8.3	18.7	14.8	10.3
Total	100.0	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Excludes Tasmanian federal offences.

(b) Data are combined for Higher, Magistrates' and Children's courts.

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

(d) Includes federal offences n.e.c.

3.4 FEDERAL OFFENCES PROVEN GUILTY - ALL COURTS(a)(b)(c), Sentence type

NON-CUSTODIAL ORDERS

<i>Federal offence group</i>	<i>Custodial orders</i>	<i>Community supervision/ work orders</i>	<i>Monetary orders</i>	<i>Other(e)</i>	<i>Total(d)</i>
.....					
NUMBER					
Aviation	—	—	21	8	29
Commonwealth officials	32	6	43	71	152
Commonwealth property	63	30	17	19	129
Commonwealth sexual offences	282	25	5	59	371
Communications	415	255	489	771	1 930
Drugs	193	—	25	26	250
Financial	459	56	1 057	257	1 833
Fraud	4 549	1 512	14 345	5 323	25 924
Illegal fishing	13	—	95	15	123
Illegal use/importation of weapons	—	—	—	3	3
International	—	—	—	—	—
Justice offences	38	3	8	7	60
Migration and people smuggling	5	—	4	10	19
Security	21	—	8	3	32
Wildlife smuggling	3	—	—	—	3
Other(f)	325	57	1 816	336	2 580
Total	6 398	1 944	17 933	6 908	33 438

PROPORTION (%)

Aviation	—	—	0.1	0.1	0.1
Commonwealth officials	0.5	0.3	0.2	1.0	0.5
Commonwealth property	1.0	1.5	0.1	0.3	0.4
Commonwealth sexual offences	4.4	1.3	—	0.9	1.1
Communications	6.5	13.1	2.7	11.2	5.8
Drugs	3.0	—	0.1	0.4	0.7
Financial	7.2	2.9	5.9	3.7	5.5
Fraud	71.1	77.8	80.0	77.1	77.5
Illegal fishing	0.2	—	0.5	0.2	0.4
Illegal use/importation of weapons	—	—	—	—	—
International	—	—	—	—	—
Justice offences	0.6	0.2	—	0.1	0.2
Migration and people smuggling	0.1	—	—	0.1	0.1
Security	0.3	—	—	—	0.1
Wildlife smuggling	—	—	—	—	—
Other(f)	5.1	2.9	10.1	4.9	7.7
Total	100.0	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Excludes Tasmanian federal offences.

(b) Offences proven guilty may have resulted in more than one sentence type. In these instances an offence will be counted for each sentence type. Therefore the totals may be higher than in other tables within this publication.

(c) Data are combined for Higher, Magistrates' and Children's courts.

(d) Includes unknown sentence types.

(e) Includes other non-custodial orders n.f.d., licence disqualifications/suspensions/amendments, forfeiture of property orders, nominal penalties and other non-custodial orders n.e.c.

(f) Includes federal offences n.e.c.

3.5 FEDERAL OFFENCES - HIGHER COURTS(a), Method of finalisation

<i>Federal offence group</i>	<i>Acquitted</i>	<i>Proven guilty</i>	<i>Withdrawn by prosecution</i>	<i>Other(b)</i>	<i>Total</i>
.....					
NUMBER					
Aviation	—	—	—	—	—
Commonwealth officials	—	11	3	—	14
Commonwealth property	7	47	9	—	63
Commonwealth sexual offences	7	165	15	—	187
Communications	9	81	10	3	103
Drugs	12	181	16	5	214
Financial	10	298	193	—	501
Fraud	26	482	52	28	588
Illegal fishing	5	9	—	—	14
Illegal use/importation of weapons	—	—	—	—	—
International	—	—	—	—	—
Justice offences	—	24	22	—	46
Migration and people smuggling	—	6	4	—	10
Security	—	19	—	—	19
Wildlife smuggling	—	3	—	—	3
Other(c)	—	171	—	35	206
Total	76	1 497	324	71	1 968
.....					
PROPORTION (%)					
Aviation	—	—	—	—	—
Commonwealth officials	—	0.7	0.9	—	0.7
Commonwealth property	9.2	3.1	2.8	—	3.2
Commonwealth sexual offences	9.2	11.0	4.6	—	9.5
Communications	11.8	5.4	3.1	4.2	5.2
Drugs	15.8	12.1	4.9	7.0	10.9
Financial	13.2	19.9	59.6	—	25.5
Fraud	34.2	32.2	16.0	39.4	29.9
Illegal fishing	6.6	0.6	—	—	0.7
Illegal use/importation of weapons	—	—	—	—	—
International	—	—	—	—	—
Justice offences	—	1.6	6.8	—	2.3
Migration and people smuggling	—	0.4	1.2	—	0.5
Security	—	1.3	—	—	1.0
Wildlife smuggling	—	0.2	—	—	0.2
Other(c)	—	11.4	—	49.3	10.5
Total	100.0	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Excludes Tasmanian federal offences.

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

(c) Includes federal offences n.e.c.

3.6 FEDERAL OFFENCES PROVEN GUILTY - HIGHER COURTS(a)(b), Sentence type

<i>Federal offence group</i>	<i>Custodial orders</i>	<i>Non-custodial orders</i>	<i>Total</i>
NUMBER			
Aviation	—	—	—
Commonwealth officials	11	10	21
Commonwealth property	45	3	48
Commonwealth sexual offences	246	70	316
Communications	62	61	123
Drugs	192	19	211
Financial	351	66	417
Fraud	694	214	908
Illegal fishing	—	8	8
Illegal use/importation of weapons	—	—	—
International	—	—	—
Justice offences	29	4	33
Migration and people smuggling	4	4	8
Security	20	3	23
Wildlife smuggling	—	—	—
Other(c)	207	26	233
Total	1 861	488	2 349

	PROPORTION (%)		
Aviation	—	—	—
Commonwealth officials	0.6	2.0	0.9
Commonwealth property	2.4	0.6	2.0
Commonwealth sexual offences	13.2	14.3	13.5
Communications	3.3	12.5	5.2
Drugs	10.3	3.9	9.0
Financial	18.9	13.5	17.8
Fraud	37.3	43.9	38.7
Illegal fishing	—	1.6	0.3
Illegal use/importation of weapons	—	—	—
International	—	—	—
Justice offences	1.6	0.8	1.4
Migration and people smuggling	0.2	0.8	0.3
Security	1.1	0.6	1.0
Wildlife smuggling	—	—	—
Other(c)	11.1	5.3	9.9
Total	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Excludes Tasmanian federal offences.

(b) Offences proven guilty may have resulted in more than one sentence type. In these instances an offence will be counted for each sentence type. Therefore the totals may be higher than in other tables within this publication.

(c) Includes federal offences n.e.c.

3.7 FEDERAL OFFENCES - MAGISTRATES' & CHILDREN'S COURTS (a), Offence type by method of finalisation

<i>Federal offence group</i>	<i>Acquitted</i>	<i>Proven guilty</i>	<i>Withdrawn by prosecution</i>	<i>Other(b)</i>	<i>Total</i>
NUMBER					
Aviation	3	25	3	—	31
Commonwealth officials	9	96	26	21	152
Commonwealth property	4	74	31	21	130
Commonwealth sexual offences	4	48	103	148	303
Communications	213	1 686	778	94	2 771
Drugs	—	40	99	212	351
Financial	16	1 340	583	118	2 057
Fraud	259	20 784	2 691	383	24 117
Illegal fishing	3	88	5	—	96
Illegal use/importation of weapons	—	3	—	—	3
International	—	—	—	—	—
Justice offences	—	24	48	12	84
Migration and people smuggling	6	11	19	14	50
Security	—	7	—	8	15
Wildlife smuggling	—	4	5	3	12
Other(c)	80	2 152	1 084	152	3 468
Total	597	26 382	5 475	1 186	33 640

	PROPORTION (%)				
Aviation	0.5	0.1	0.1	—	0.1
Commonwealth officials	1.5	0.4	0.5	1.8	0.5
Commonwealth property	0.7	0.3	0.6	1.8	0.4
Commonwealth sexual offences	0.7	0.2	1.9	12.5	0.9
Communications	35.7	6.4	14.2	7.9	8.2
Drugs	—	0.2	1.8	17.9	1.0
Financial	2.7	5.1	10.6	9.9	6.1
Fraud	43.4	78.8	49.2	32.3	71.7
Illegal fishing	0.5	0.3	0.1	—	0.3
Illegal use/importation of weapons	—	—	—	—	—
International	—	—	—	—	—
Justice offences	—	0.1	0.9	1.0	0.2
Migration and people smuggling	1.0	—	0.3	1.2	0.1
Security	—	—	—	0.7	—
Wildlife smuggling	—	—	0.1	0.3	—
Other(c)	13.4	8.2	19.8	12.8	10.3
Total	100.0	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Excludes Tasmanian federal offences.

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

(c) Includes federal offences n.e.c.

3.8 FEDERAL OFFENCES PROVEN GUILTY - MAGISTRATES' & CHILDREN'S COURTS(a)(b), Sentence type

NON-CUSTODIAL ORDERS

<i>Federal offence group</i>	<i>Custodial orders</i>	<i>Community supervision/ work orders</i>	<i>Monetary orders</i>	<i>Other(d)</i>	<i>Total(c)</i>
NUMBER					
Aviation	—	—	21	8	29
Commonwealth officials	21	4	43	63	131
Commonwealth property	18	30	17	16	81
Commonwealth sexual offences	36	4	5	10	55
Communications	353	249	481	724	1 807
Drugs	—	—	15	18	39
Financial	108	51	1 028	225	1 416
Fraud	3 855	1 503	14 260	5 203	25 016
Illegal fishing	12	—	87	15	114
Illegal use/importation of weapons	—	—	—	—	—
International	—	—	—	—	—
Justice offences	9	—	7	4	24
Migration and people smuggling	—	—	—	8	8
Security	3	—	7	—	10
Wildlife smuggling	—	—	—	3	3
Other(e)	118	55	1 814	314	2 350
Total	4 533	1 896	17 785	6 611	31 083

PROPORTION (%)

Aviation	—	—	0.1	0.1	0.1
Commonwealth officials	0.5	0.2	0.2	1.0	0.4
Commonwealth property	0.4	1.6	0.1	0.2	0.3
Commonwealth sexual offences	0.8	0.2	—	0.2	0.2
Communications	7.8	13.1	2.7	11.0	5.8
Drugs	—	—	0.1	0.3	0.1
Financial	2.4	2.7	5.8	3.4	4.6
Fraud	85.0	79.3	80.2	78.7	80.5
Illegal fishing	0.3	—	0.5	0.2	0.4
Illegal use/importation of weapons	—	—	—	—	—
International	—	—	—	—	—
Justice offences	0.2	—	—	0.1	0.1
Migration and people smuggling	—	—	—	0.1	—
Security	0.1	—	—	—	—
Wildlife smuggling	—	—	—	—	—
Other(e)	2.6	2.9	10.2	4.7	7.6
Total	100.0	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Excludes Tasmanian federal offences.

(b) Offences proven guilty may have resulted in more than one sentence type. In these instances an offence will be counted for each sentence type. Therefore the totals may be higher than in other tables within this publication.

(c) Includes unknown sentence types.

(d) Includes other non-custodial orders n.f.d., licence disqualifications/suspensions/amendments, forfeiture of property orders, nominal penalties and other non-custodial orders n.e.c.

(e) Includes federal offences n.e.c.

EXPLANATORY NOTES

INTRODUCTION

1 This publication presents information on the characteristics of federal 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 Federal defendants are a subset of all criminal courts defendants. Information relating to all defendants finalised in the criminal courts is available in the publication *Criminal Courts, Australia* (cat. no. 4513.0).

DATA SOURCE

4 These statistics are derived from data about each federal 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). Data for Tasmania are excluded from this publication.

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 with at least one charge against a Commonwealth legislation who have been finalised in the Higher, Magistrates' or Children's Courts. Defendants with charges against both Commonwealth legislation and State and Territory legislation are still within scope of the collection, however only federal offences are counted for the purposes of this publication.

7 The federal defendants 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 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 federal defendants data, defendants in Higher, Magistrates' and Children's Courts cases heard in the criminal courts on Cocos (Keeling) Islands and Christmas Island are included in the counts for Western Australia, where applicable. Defendants finalised in Jervis Bay Territory are not included in any counts in this publication.

Higher Courts

9 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.

Magistrates' Courts

10 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.

<i>Magistrates' Courts continued</i>	11 These data include defendants finalised (i.e. a person 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 except New South Wales whose data represents finalised appearances. Therefore, 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 may result in increased counts for New South Wales.
<i>Children's Courts</i>	12 Data includes defendants finalised in the original jurisdiction of the Children's Criminal Courts with the exception of New South Wales whose data represents finalised appearances (as described in Magistrates' Courts above). 13 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>	14 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. 15 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, etc. 16 The Australian Road Rules are maintained by the National Transport Commission but only apply if they are adopted in each state and territory through local legislation. In the Northern Territory, offences against the Australian Road Rules are identified as federal offences. To ensure consistency across all states and territories, the Australian Road Rules, and their state/territory enacting legislation, were excluded from the scope of the federal defendants collection.
REFERENCE PERIOD	17 The statistics in this collection relate to federal defendants who had criminal cases finalised within the Higher, Magistrates' and Children's Courts during the reference period 1 July 2008 to 30 June 2009.
CLASSIFICATIONS	18 The national classifications used to collect and produce data on federal defendants are: <ul style="list-style-type: none"> ■ Method of finalisation (Appendix 1) ■ Australian Standard Offence Classification (ASOC) 2008 (Appendix 2) and ■ Sentence type (Appendix 3). 19 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 in the source information. Associated with each classification are coding rules which ensure that the counting of information is consistent across states and territories.
<i>Australian Standard Offence Classification (ASOC)</i>	20 The offence categories used for 2008–09 federal defendants statistics in this publication are classified to the <i>Australian Standard Offence Classification (ASOC), 2008 (Second edition)</i> (cat. no. 1234.0). ASOC provides a national framework for classifying offences for statistical purposes, and was first released in 1997. In 2008 the

<i>Australian Standard Offence Classification (ASOC) continued</i>	<p>ABS released the second edition of ASOC, which reflects changes that have occurred in criminal legislation since the first edition was released, as well as satisfying emerging user requirements for offence data.</p>
<i>National Offence Index (NOI)</i>	<p>21 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.</p> <p>22 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. Principal federal offence information for 2008–09 are based on NOI09 in this publication.</p> <p>23 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 federal 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 <i>National Offence Index, 2009</i>, cat. no. 1234.0.55.001.</p>
<i>Method of Finalisation</i>	<p>24 This classification categorises how an offence and defendant has been finalised by a court. Main categories include adjudications, non-adjudications and transfers. For more information see Appendix 1 and paragraph 30.</p>
<i>Sentence Type</i>	<p>25 This classification is used to assign a sentence to offences that are proven guilty. It is also used to determine a principal sentence to a defendant who has been proven guilty. For more information see Appendix 3 and paragraphs 42–45.</p>
<i>Federal Offence Group</i>	<p>26 The Federal Offence Group classifies the various Commonwealth Acts and Sections into broad categories or themes by the type of legislation. For more information see Appendix 4.</p>
COUNTING METHODOLOGY <i>Finalised defendant</i>	<p>27 The principal counting unit for the federal defendants 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 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.</p> <p>28 This counting unit is based on the principal counting unit in the Criminal Courts collection. However, in the Criminal Courts collection, a further step is taken when a defendant has more than one case in the reference period. When this occurs a defendant is created as follows:</p> <p style="padding-left: 40px;"><i>Merging Defendant Records</i> – If the Defendant has more than one case which is finalised on the same day and at the same hearing, this should be counted as one defendant case, irrespective of the dates of initiation.</p> <p>29 As the information provided for the federal defendants collection does not allow for this final merging step to be undertaken, the defendant counts may be higher than the counts for federal defendants in the Criminal Courts collection.</p>

Finalised defendant continued

METHOD OF FINALISATION

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

TRANSFER BETWEEN HIGHER COURT LEVELS

31 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

32 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

33 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

34 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

35 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
- not guilty by reason of mental illness/condition
- guilty finding by court
- charge proven n.f.d.
- guilty plea by defendant

Finalised defendant continued

- 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

36 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.

PRINCIPAL FEDERAL OFFENCE

37 Where a finalised defendant has multiple charges the principal federal offence is determined by:

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

38 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.

Finalised defendant continued

39 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 federal offence is the relevant ASOC code (refer to paragraph 20) associated with that charge.

40 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 federal offence. The principal federal 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 federal offence is coded to 'not able to be determined'. For more information about the NOI refer to paragraphs 21–23.

41 There is presently no similar hierarchy for classification of the detailed Act and Section level information from which the federal offence types are derived. As such, whilst defendant level information in this publication can be presented broken down by ASOC, there is no means of representing defendants by a single federal category type. Therefore, data presented by federal offence group are only available at the offence level.

PRINCIPAL SENTENCE

42 Federal defendants who are proven guilty have sentence information reported against them at the offence level. This enables the presentation of two views of sentencing data: the sentence for an offence and the principal sentence for the defendant.

43 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 (see Appendix 3). This is usually, though not necessarily, the sentence associated with the principal federal offence.

44 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.

45 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 this collection 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.

Offence

46 The secondary counting unit for the federal defendants collection is the offence. Rather than apply an order of precedence to the offences for each defendant case to enable the defendant to be represented by one principal federal offence (as in Chapter 2), the federal defendants collection allows for the counting of all offences finalised. These counts are presented in Chapter 3. The count of offences will be the same or higher than the count for defendants.

47 The third counting unit for the federal defendants collection is offence sentences. This is an extension of the offence counting unit for offences that are proven guilty. A proven guilty offence may have more than one sentence type. When this occurs the offence will be counted for each sentence type handed down.

STATE / TERRITORY SPECIFIC
ISSUES

48 Both Victoria and the ACT have a high proportion of defendants with a principal federal offence of traffic offences: 27% for Vic. and 36% for the ACT. In Vic. this is due to the way parking offences at Tullamarine airport are handled - these are charged under the *Aviation Transport Security Regulations 2005* rather than under state legislation. In the ACT this is due to parking offences charged under the *Australian National University Parking and Traffic Statute 2007*.

49 The majority of records in the NT data for the Magistrates' and Children's Courts related to the Australian Road Rules. The NT identify offences under this legislation as federal whereas the other jurisdictions apply this through their state legislation. The Australian Road Rules are not Commonwealth legislation in their own right, and exist as guidelines for the enacting of State and Territory legislation only. To ensure national comparability these offences have been deemed out of scope of the federal defendants collection. In the Criminal Courts collection federal defendants are identified by a flag only (no detail of the particular legislation) and therefore records associated with the Australian Road Rules cannot be separately identified and excluded. The counts of federal defendants for the NT for the Criminal Courts collection will therefore be much higher than the counts in the federal defendants collection.

COMPARISONS TO OTHER
ABS DATA

Criminal Courts Collection

50 Federal defendants are a subset of all criminal courts defendants. Information relating to all defendants finalised in the criminal courts is available in the publication *Criminal Courts, Australia* (cat. no. 4513.0). However, as a federal defendant may also be charged with state or territory offences, the difference between all finalised defendants in the criminal courts and finalised federal defendants does not equal the count of defendants charged with state or territory offences.

COMPARISONS TO NON-ABS
SOURCES

51 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.

CONFIDENTIALITY OF
TABULAR DATA

52 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

53 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) – released 18 February 2010
- Crime and Safety, New South Wales* (cat. no. 4509.1) – irregular
- Criminal Courts, Australia* (cat. no. 4513.0) – issued annually
- 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) – released 31 May 2006
- Measuring Well-being: Frameworks for Australian Social Statistics* (cat. no. 4160.0) – irregular
- National Criminal Courts Data Dictionary* (cat. no. 4527.0) – released 1 February 2007
- Personal Safety Survey, Australia* (cat. no. 4906.0) – released 21 August 2006
- 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

ABS publications continued

54 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

55 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 <<http://www.aic.gov.au>>
- Chief Justice of Western Australia, *Annual Review*
- Children's Court, Queensland, *Annual Report*
- Children's Court of Victoria, *Annual Report*
- County Court of Victoria, *Annual Report*
- Courts Administration Authority, South Australia, *Annual Report*
- 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, Department of Justice Annual Report
- Director of Public Prosecutions, *Annual Report*, all State, Territory and Commonwealth Offices of the Director of Public Prosecutions
- 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, *Crime and Justice in South Australia: Adult Courts and Corrections*
- Office of Crime Statistics and Research, South Australia, *Crime and Justice in South Australia: Juvenile Justice*
- Office of Economic and Statistical Research, *Crime and Justice Statistics Queensland*
- Steering Committee for the Review of Government Service Provision, *Report on Government Services*
- Supreme Court of Queensland, *Annual Report*
- Supreme Court of Victoria, *Annual Report*
- Supreme Court of Tasmania, *Annual Report*

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<i>Code</i>	<i>Division/Subdivision/Item</i>
1	Adjudicated finalisation
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
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
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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**AUSTRALIAN STANDARD OFFENCE
CLASSIFICATION**

<i>Code</i>	<i>Division/Subdivision (a)</i>
01	Homicide and related offences Murder Attempted murder Manslaughter and driving causing death
02	Acts intended to cause injury Assault Other acts intended to cause injury
03	Sexual assault and related offences Sexual assault Non-assaultive sexual offences
04	Dangerous or negligent acts endangering persons Dangerous or negligent operation of a vehicle Other dangerous or negligent acts endangering persons
05	Abduction, harassment and other offences against the person Abduction and kidnapping Deprivation of liberty/false imprisonment Harassment and threatening behaviour
06	Robbery, extortion and related offences Robbery Blackmail and extortion
07	Unlawful entry with intent/burglary, break and enter Unlawful entry with intent/burglary, break and enter
08	Theft and related offences Motor vehicle theft and related offences Theft (except motor vehicles) Receive or handle proceeds of crime Illegal use of property (except motor vehicles)
09	Fraud, deception and related offences Obtain benefit by deception Forgery and counterfeiting Deceptive business/government practices Other fraud and deception offences
10	Illicit drug offences Import or export illicit drugs Deal or traffic in illicit drugs Manufacture or cultivate illicit drugs Possess and/or use illicit drugs Other illicit drug offences
11	Prohibited and regulated weapons and explosives offences Prohibited weapons/explosives offences Regulated weapons/explosives offences
12	Property damage and environmental pollution Property damage Environmental pollution
13	Public order offences Disorderly conduct Regulated public order offences Offensive conduct
14	Traffic and vehicle regulatory offences Driver licence offences Vehicle registration and roadworthiness offences Regulatory driving offences Pedestrian offences
15	Offences against justice procedures, government security and government operations Breach of custodial order offences Breach of community-based orders Breach of violence and non-violence orders Offences against government operations Offences against government security Offences against justice procedures
16	Miscellaneous offences Defamation, libel and privacy offences Public health and safety offences Commercial/industry/financial regulation Other miscellaneous offences

(a) Refers to *Australian Standard Offence Classification, 2008* (cat. no. 1234.0).

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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

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<i>Federal offence group</i>	<i>Act & Section by ASOC Division</i>
Aviation	Aviation Transport Security Regulations 2005 09 Fraud, deception and related offences 13 Public order offences 15 Offences against justice procedures, government security and government operations 16 Miscellaneous offences
Commonwealth officials	Criminal Code Act 1995 02 Acts intended to cause injury 05 Abduction, harassment and other offences against the person 09 Fraud, deception and related offences 15 Offences against justice procedures, government security and government operations
Commonwealth property	Criminal Code Act 1995 06 Robbery, extortion and related offences 08 Theft and related offences 09 Fraud, deception and related offences 13 Public order offences 15 Offences against justice procedures, government security and government operations
Commonwealth sexual offences	Crimes Act 1914 03 Sexual assault and related offences Criminal Code Act 1995 03 Sexual assault and related offences 04 Dangerous or negligent acts endangering persons 05 Abduction, harassment and other offences against the person 13 Public order offences
Communications	Crimes Act 1914 05 Abduction, harassment and other offences against the person 16 Miscellaneous offences Criminal Code Act 1995 01 Homicide and related offences 03 Sexual assault and related offences 05 Abduction, harassment and other offences against the person 08 Theft and related offences 09 Fraud, deception and related offences 12 Property damage and environmental pollution 13 Public order offences 15 Offences against justice procedures, government security and government operations 16 Miscellaneous offences 99 Unknown
Drugs	Criminal Code Act 1995 08 Theft and related offences 10 Illicit drug offences 16 Miscellaneous offences Customs Act 1901 10 Illicit drug offences 16 Miscellaneous offences Therapeutic Goods Act 1989 09 Fraud, deception and related offences 15 Offences against justice procedures, government security and government operations 16 Miscellaneous offences
Financial	Bankruptcy Act 1966 09 Fraud, deception and related offences 15 Offences against justice procedures, government security and government operations 16 Miscellaneous offences Corporations Act 2001 09 Fraud, deception and related offences 15 Offences against justice procedures, government security and government operations 16 Miscellaneous offences Corporations Law 09 Fraud, deception and related offences 16 Miscellaneous offences Crimes (Currency) Act 1981 09 Fraud, deception and related offences

Federal offence group

Act & Section by ASOC Division

Criminal Code Act 1995

- 08 Theft and related offences
- 09 Fraud, deception and related offences
- 16 Miscellaneous offences

Excise Act 1901

- 09 Fraud, deception and related offences
- 13 Public order offences
- 16 Miscellaneous offences

Financial Management and Accountability Act 1997

- 09 Fraud, deception and related offences

Financial Transaction Reports Act 1988

- 09 Fraud, deception and related offences
- 10 Illicit drug offences
- 16 Miscellaneous offences
- 99 Unknown

Financial Transaction Reports Act 1992

- 09 Fraud, deception and related offences

Proceeds of Crime Act 1987

- 08 Theft and related offences
- 15 Offences against justice procedures, government security and government operations

Proceeds of Crime Act 2002

- 15 Offences against justice procedures, government security and government operations

Fraud

Australian Passports Act 2005

- 08 Theft and related offences
- 09 Fraud, deception and related offences
- 12 Property damage and environmental pollution
- 15 Offences against justice procedures, government security and government operations
- 16 Miscellaneous offences

Copyright Act 1968

- 08 Theft and related offences
- 09 Fraud, deception and related offences

Crimes Act 1914

- 05 Abduction, harassment and other offences against the person
- 09 Fraud, deception and related offences
- 10 Illicit drug offences
- 13 Public order offences
- 15 Offences against justice procedures, government security and government operations
- 16 Miscellaneous offences
- 99 Unknown

Criminal Code Act 1995

- 09 Fraud, deception and related offences
- 15 Offences against justice procedures, government security and government operations
- 16 Miscellaneous offences
- 99 Unknown

Criminal Code Amendment Act 2000

- 09 Fraud, deception and related offences

Foreign Passports (Law Enforcement and Security) Act 2005

- 09 Fraud, deception and related offences
- 15 Offences against justice procedures, government security and government operations
- 99 Unknown

Health Insurance Act 1973

- 09 Fraud, deception and related offences
- 15 Offences against justice procedures, government security and government operations

National Health Act 1953

- 09 Fraud, deception and related offences

Passports Act 1938

- 09 Fraud, deception and related offences

Passports Act 1958

- 09 Fraud, deception and related offences

<i>Federal offence group</i>	<p><i>Act & Section by ASOC Division</i></p> <p>Social Security (Administration) Act 1999 09 Fraud, deception and related offences 16 Miscellaneous offences</p> <p>Social Security Act 1991 09 Fraud, deception and related offences</p> <p>Statutory Declarations Act 1959 09 Fraud, deception and related offences</p> <p>Student and Youth Assistance Act 1973 09 Fraud, deception and related offences</p> <p>Student Assistance Regulations 1973 09 Fraud, deception and related offences</p> <p>Superannuation Industry (Supervision) Act 1993 16 Miscellaneous offences</p> <p>Taxation (Administration) Act 1953 09 Fraud, deception and related offences 15 Offences against justice procedures, government security and government operations 16 Miscellaneous offences</p>
Illegal fishing	<p>Fisheries Management Act 1991 15 Offences against justice procedures, government security and government operations 16 Miscellaneous offences</p>
Illegal use/importation of weapons	<p>Crimes Act 1914 11 Prohibited and regulated weapons and explosives offences</p>
International	<p>Crimes (Foreign Incursions and Recruitment) Act 1978 Not available</p> <p>Crimes (Internationally Protected Persons) Act 1976 Not available</p> <p>Criminal Code Act 1995 Not available</p>
Justice offences	<p>Australian Crime Commission Act 2002 09 Fraud, deception and related offences 15 Offences against justice procedures, government security and government operations</p> <p>Crimes Act 1914 09 Fraud, deception and related offences 15 Offences against justice procedures, government security and government operations 99 Unknown</p>
Migration and people smuggling	<p>Criminal Code Act 1995 15 Offences against justice procedures, government security and government operations</p> <p>Migration Act 1958 09 Fraud, deception and related offences 15 Offences against justice procedures, government security and government operations</p>
Security	<p>Crimes Act 1914 12 Property damage and environmental pollution 15 Offences against justice procedures, government security and government operations 16 Miscellaneous offences</p> <p>Criminal Code Act 1995 15 Offences against justice procedures, government security and government operations</p>
Wildlife smuggling	<p>Environment Protection and Biodiversity Conservation Act 1999 16 Miscellaneous offences</p>
Other	<p>Crimes (Aviation) Act 1991 02 Acts intended to cause injury 04 Dangerous or negligent acts endangering persons 05 Abduction, harassment and other offences against the person 12 Property damage and environmental pollution 13 Public order offences 16 Miscellaneous offences</p>

Federal offence group

Act & Section by ASOC Division

Crimes Act 1914

- 13 Public order offences
- 15 Offences against justice procedures, government security and government operations
- 99 Unknown

Customs Act 1901

- 02 Acts intended to cause injury
- 03 Sexual assault and related offences
- 09 Fraud, deception and related offences
- 10 Illicit drug offences
- 11 Prohibited and regulated weapons and explosives offences
- 13 Public order offences
- 15 Offences against justice procedures, government security and government operations
- 16 Miscellaneous offences

Environment Protection and Biodiversity Conservation Act 1999

- 16 Miscellaneous offences

Environment Protection and Biodiversity Conservation Regulations

- 16 Miscellaneous offences

Not elsewhere classified

A New Tax System (Family Assistance) (Administration) Act 1999

- 09 Fraud, deception and related offences

Air Navigation Regulations 1997

- 13 Public order offences
- 16 Miscellaneous offences

Airports (Control of On-Airport Activities) Regulations 1997

- 13 Public order offences
- 14 Traffic and vehicle regulatory offences

Anti-Money Laundering and Counter-Terrorism Financing Act 2006

- 08 Theft and related offences
- 09 Fraud, deception and related offences
- 15 Offences against justice procedures, government security and government operations

ANU Parking and Traffic Statute 2007

- 14 Traffic and vehicle regulatory offences

Australian Citizenship Act 1948

- 09 Fraud, deception and related offences

Australian Federal Police Act 1979

- 02 Acts intended to cause injury
- 09 Fraud, deception and related offences
- 15 Offences against justice procedures, government security and government operations

Australian National University Act 1991

- 14 Traffic and vehicle regulatory offences

Australian Postal Corporation Act 1989

- 16 Miscellaneous offences

Australian Securities and Investments Commission Act 2001

- 09 Fraud, deception and related offences
- 15 Offences against justice procedures, government security and government operations

Australian Security Intelligence Organisation Act 1979

- 15 Offences against justice procedures, government security and government operations

Aviation Transport Security Act 2004

- 11 Prohibited and regulated weapons and explosives offences
- 13 Public order offences
- 15 Offences against justice procedures, government security and government operations

Aviation Transport Security Regulations 2005

- 15 Offences against justice procedures, government security and government operations

Building and Construction Industry Improvement Act 2005

- 15 Offences against justice procedures, government security and government operations

Census and Statistics Act 1905

- 15 Offences against justice procedures, government security and government operations

*Federal offence group**Act & Section by ASOC Division***Civil Aviation Act 1988**

- 02 Acts intended to cause injury
- 04 Dangerous or negligent acts endangering persons
- 13 Public order offences
- 14 Traffic and vehicle regulatory offences
- 15 Offences against justice procedures, government security and government operations
- 16 Miscellaneous offences

Civil Aviation Regulations 1959

- 16 Miscellaneous offences

Civil Aviation Regulations 1988

- 04 Dangerous or negligent acts endangering persons
- 11 Prohibited and regulated weapons and explosives offences
- 13 Public order offences
- 14 Traffic and vehicle regulatory offences
- 15 Offences against justice procedures, government security and government operations
- 16 Miscellaneous offences

Civil Aviation Regulations 1992

- 13 Public order offences

Classification of Publications, Films and Computer Games Act

- 13 Public order offences

Commonwealth Electoral Act 1918

- 15 Offences against justice procedures, government security and government operations

Crimes Act 1914

- 02 Acts intended to cause injury
- 03 Sexual assault and related offences
- 04 Dangerous or negligent acts endangering persons
- 05 Abduction, harassment and other offences against the person
- 07 Unlawful entry with intent/burglary, break and enter
- 08 Theft and related offences
- 11 Prohibited and regulated weapons and explosives offences
- 12 Property damage and environmental pollution
- 13 Public order offences
- 14 Traffic and vehicle regulatory offences
- 16 Miscellaneous offences
- 99 Unknown

Criminal Code Act 1995

- 09 Fraud, deception and related offences
- 10 Illicit drug offences
- 13 Public order offences
- 16 Miscellaneous offences
- 99 Unknown

Customs Act 1901

- 16 Miscellaneous offences

Defence Act 1903

- 09 Fraud, deception and related offences

Defence Force Discipline Act 1982

- 15 Offences against justice procedures, government security and government operations

Distillation Act 1901

- 13 Public order offences

Environment Protection and Biodiversity Conservation Act 1999

- 15 Offences against justice procedures, government security and government operations

Fair Work (Registered Organisations) Act 2009

- 15 Offences against justice procedures, government security and government operations
- 16 Miscellaneous offences

Family Law Act 1975

- 15 Offences against justice procedures, government security and government operations

Federal Airports By-Laws

- 14 Traffic and vehicle regulatory offences

Fisheries Management Regulations 1992

- 09 Fraud, deception and related offences

Federal offence group

Act & Section by ASOC Division

Fuel Quality Standards Act 2000

16 Miscellaneous offences

Great Barrier Reef Marine Park Act 1975

14 Traffic and vehicle regulatory offences

16 Miscellaneous offences

Great Barrier Reef Marine Park Regulations 1983

16 Miscellaneous offences

Historic Shipwrecks Act 1976

13 Public order offences

Income Tax Assessment Act 1936

09 Fraud, deception and related offences

15 Offences against justice procedures, government security and government operations

16 Miscellaneous offences

Interstate Road Transport Act 1985

14 Traffic and vehicle regulatory offences

15 Offences against justice procedures, government security and government operations

Interstate Road Transport Regulations (Amendment) 1988

14 Traffic and vehicle regulatory offences

Interstate Road Transport Regulations 1986

09 Fraud, deception and related offences

14 Traffic and vehicle regulatory offences

16 Miscellaneous offences

Marine Orders Part 30

04 Dangerous or negligent acts endangering persons

16 Miscellaneous offences

Marine Regulations

16 Miscellaneous offences

Maritime Transport and Offshore Facilities Regulations 2003

13 Public order offences

16 Miscellaneous offences

Motor Vehicle Standards Act 1989

14 Traffic and vehicle regulatory offences

National Crime Authority Act 1984

15 Offences against justice procedures, government security and government operations

National Parks and Wildlife Regulations

11 Prohibited and regulated weapons and explosives offences

Nature Conservation (Administration) Regulations 2006

15 Offences against justice procedures, government security and government operations

Passports Act 1938

09 Fraud, deception and related offences

Primary Industries Levies and Charges Collection Act 1991

15 Offences against justice procedures, government security and government operations

Protection Sea (Prevent Pollution) Act 1983

12 Property damage and environmental pollution

Public Order (Protection of Persons and Property) Act 1971

02 Acts intended to cause injury

04 Dangerous or negligent acts endangering persons

11 Prohibited and regulated weapons and explosives offences

13 Public order offences

15 Offences against justice procedures, government security and government operations

Quarantine Act 1908

02 Acts intended to cause injury

09 Fraud, deception and related offences

16 Miscellaneous offences

Radiocommunications Act 1992

04 Dangerous or negligent acts endangering persons

15 Offences against justice procedures, government security and government operations

16 Miscellaneous offences

Federal offence group

Act & Section by ASOC Division

Superannuation Guarantee (Administration) Act 1992

16 Miscellaneous offences

Sydney Airport Curfew Act 1995

12 Property damage and environmental pollution

Telecommunications (General) By-Laws 1975

05 Abduction, harassment and other offences against the person

Telecommunications (Interception) Act 1979

16 Miscellaneous offences

Telecommunications Regulations 1975

09 Fraud, deception and related offences

Torres Strait Fisheries Act

16 Miscellaneous offences

Trade Marks Act 1995

09 Fraud, deception and related offences

16 Miscellaneous offences

Workplace Relations Act 1996

15 Offences against justice procedures, government security and government operations

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).
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 of the defendant's case.
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).
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 2). 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 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 >.
Aviation	Offences under the <i>Aviation Transport Security Regulations 2005</i> . The intent of this Act is to safeguard against the unlawful interference of aviation throughout Australia.
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.
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.
Commonwealth officials	Offences under the sections of the <i>Criminal Code Act 1995</i> that relate to bribery of Commonwealth officials, demands with menaces, and the harming or impersonating of Commonwealth officials.
Commonwealth property	Offences under the sections of the <i>Criminal Code Act 1995</i> that relate to theft, robbery and burglary of Commonwealth property or on Commonwealth premises.
Commonwealth sexual offences	Offences under Commonwealth legislation of a sexual nature e.g. child sex tourism, importation of child pornography, sexual slavery.
Communications	Offences under the sections of the <i>Criminal Code Act 1995</i> that relate to the use of computers and other telecommunications and the use of the postal service.
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).
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.
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.
District Court	See Intermediate Court.
Drugs	Offences under the <i>Customs Act 1901</i> that relate to the importing of performance enhancing and non-narcotic drugs; offences under the <i>Criminal Code Act 1995</i> that relate to illicit drug offences; and offences under the <i>Therapeutic Goods Act 1989</i> that relate to the supply of therapeutic goods.
Duration	The time elapsed between the earliest date of initiation and the latest date of finalisation for a defendant that has been finalised.
Federal defendant	A finalised defendant in the Criminal Courts who has been charged with at least one Commonwealth legislative offence.
Federal offence group	A listing of broad offence categories, as agreed with by the Attorney-General's Department (AGD), that are amalgamations of Commonwealth Acts/Sections. These do not relate to ASOC08. See Appendix 4 for a list of the AGD federal offences groups and associated Commonwealth Acts/Sections.
Federal offence group n.e.c.	Federal offence types not elsewhere classified. A listing of those Commonwealth Acts/Sections not able to be classified to a specific federal offence group. See Appendix 4.
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.
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.
Financial	Offences under Commonwealth legislation relating to the improper handling of finance e.g. bankruptcy; money laundering; the improper use of public money.
Fraud	Offences under Commonwealth legislation relating to fraudulent activities e.g. tax fraud; social security fraud; false passports.
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.
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).
Illegal fishing	Offences under the <i>Fisberies Management Act 1991</i> . The intent of this Act is to safeguard against illegal fishing in Australian waters.
Illegal use/importation of weapons	Offences under Commonwealth legislation relating to the illegal use or importation of firearms, other weapons and explosives.
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).
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.
International	Offences under Commonwealth legislation that are initiated overseas or relate to foreign persons e.g. harming Australians overseas; bribery of foreign officials; war crimes.
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.

Justice offences	Offences under Commonwealth legislation relating to the breach of justice orders; escaping from custody; escaping from immigration detention; and subverting the course of justice.
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>
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 1).
Migration and people smuggling	Offences under the <i>Migration Act 1958</i> and the <i>Migration Act 1991</i> relating to people smuggling and other migration offences.
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).
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-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.
Not guilty verdict	See Acquitted.
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 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.
Principal federal offence	The offence category, based on ASOC08, that describes the most serious offence type associated with a finalised federal 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 3).
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).

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).
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).
Security	Offences under the sections of the <i>Criminal Code Act 1995</i> that relate to the security of Commonwealth property e.g. espionage, treason, domestic terrorism.
Sentence	A penalty or penalties imposed by a court upon a defendant who is proven guilty of a criminal offence.
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).
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).
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.
Wildlife smuggling	Offences under the <i>Environmental Protection and Biodiversity Conservation Act 1999</i> . The intent of this Act is to safeguard protected wildlife and heritage areas.
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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