

CRIMINAL COURTS

AUSTRALIA

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

NOTES

ABOUT THIS PUBLICATION

This publication presents nationally comparable statistics relating to the criminal jurisdiction of the Higher (Supreme and Intermediate), Magistrates' and Children's Courts across Australia for the period 1 July 2008 to 30 June 2009. Some time series data are also included where available. The statistics describe the characteristics of defendants, including information on the offences and sentences associated with those defendants.

Additional data are available in the Supplementary Data Cubes (cat. no. 4513.0) on the ABS website. A list of Supplementary Data Cubes is included in Appendix 1.

CHANGES IN THIS ISSUE

Offence data in this publication are based on the *Australian Standard Offence Classification (ASOC), 2008 (Second edition)* (cat. no. 1234.0) and the revised *National Offence Index (NOI), 2009* (cat. no. 1234.0.55.001). Offence information in previous issues are based on the 1997 version of the ASOC and the original NOI.

ASOC08 was adopted to reflect changes that have occurred in criminal legislation since ASOC97 was released, as well as satisfying emerging user requirements for offence data. NOI09 reflects the revisions included in ASOC08. For further details see the Technical Note and Appendices 3 and 4.

Data about federal defendants are published for the first time.

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 109.

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.

Brian Pink
Australian Statistician

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CHAPTER 1

INTRODUCTION

CRIMINAL COURTS IN AUSTRALIA

A system of courts for the hearing of criminal matters exists in all Australian states and territories. A criminal matter generally arises where a charge has been laid either by police or some other prosecuting authority. Once charges are laid, the court will hear evidence by both prosecution and defence, and will make a decision as to whether or not the defendant is guilty. In some cases charges may be withdrawn by the prosecution or not proceed to trial. In cases where the defendant is proven guilty, the court may also record a conviction and impose a penalty.

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

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

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

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

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

NATIONAL CRIMINAL
COURTS STATISTICS

This publication presents statistics about defendants dealt with by the criminal jurisdiction of the Higher (Supreme and Intermediate), Magistrates' and Children's Courts of Australia, for the period 1 July 2008 to 30 June 2009. Defendants include persons charged with criminal offences for each court level as well as organisations charged with criminal offences for the Higher and Magistrates' Courts. The statistics are based on data extracted from administrative records held by state and territory agencies responsible for courts administration. The statistics have been compiled according to national standards and classifications (see Explanatory Notes paragraphs 19–27).

FINALISED DEFENDANTS

The data in the Criminal Courts collection reflects defendants finalised in the court, that is, a person or organisation for whom all charges have been formally completed so that the defendant ceases to be an item of work to be dealt with. If a person or organisation is a defendant in a number of criminal cases dealt with and finalised separately within the courts during the reference period they will be counted more than once in the reference period, either within the same court level or across court levels. For more information about the counting methodology see Explanatory Notes paragraphs 29–48.

Data for the New South Wales Magistrates' and Children's Courts are based on finalised appearances rather than finalised defendants. This counting method results in slightly higher population counts for New South Wales than if the finalised defendant was counted (see Explanatory Notes paragraphs 13–14).

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

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

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

CHANGES TO OFFENCE
DATA

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

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

Collection impacts

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

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

SUMMARY

In 2008–09, there were a total of 695,331 defendants finalised in Australia's criminal courts: 17,207 in the Higher Courts; 635,926 in the Magistrates' Courts; and 42,198 in the Children's Courts. Between 2007–08 and 2008–09, the number of defendants finalised across all criminal courts increased by 3%.

In 2008–09, male defendants increased by 4% (from 521,404 in 2007–08 to 540,817), while female defendants increased by less than 1% (from 143,862 in 2007–08 to 144,255). The number of organisations heard by the courts increased 3% over this same period (from 6,819 in 2007–08 to 7,010).

Across all court levels, 96% of defendants adjudicated were proven guilty (the same proportion as in 2007–08). Of those proven guilty, 10% (62,165) were sentenced to a custodial order.

Of all defendants finalised, 7% had their cases withdrawn.

Across the jurisdictions, the proportions of defendants who were male ranged from 80% in the Northern Territory, to 73% in Tasmania.

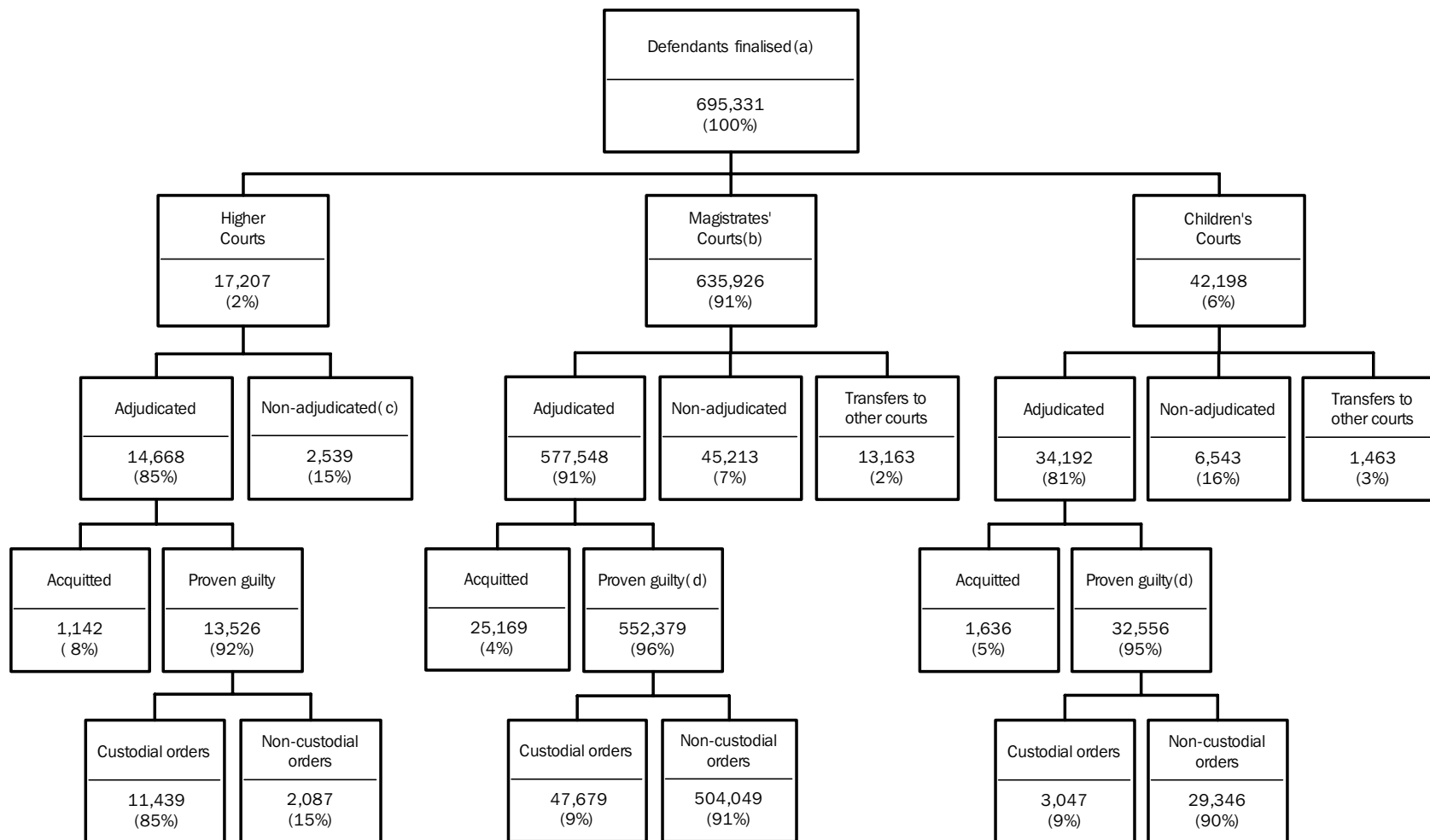
The proportions of all finalised defendants proven guilty also varied across the jurisdictions. In Queensland and Western Australia 91% of defendants were proven guilty, while in the Australian Capital Territory 66% of defendants were proven guilty.

Custodial orders were issued to 32% of defendants proven guilty in the Northern Territory and 15% of those proven guilty in the Australian Capital Territory; higher than the national average of 10%. Western Australia had the lowest proportion of custodial orders at 7%.

In the Australian Capital Territory, 25% of cases were withdrawn by the prosecution, compared to 12% in South Australia and 3% in Tasmania.

Of the total finalised defendants, 2% (15,386) had one or more federal offences.

SUMMARY CHARACTERISTICS OF DEFENDANTS



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

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

(c) Includes defendants transferred to other courts.

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

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

	COURT LEVEL			
	<i>Higher</i>	<i>Magistrates'</i>	<i>Children's</i>	<i>All courts</i>
Defendants finalised				
Males	15 026	492 197	33 594	540 817
Females	2 155	133 570	8 530	144 255
Total(a)	17 207	635 926	42 198	695 331
Method of finalisation				
Adjudicated outcomes				
Acquitted	1 142	25 169	1 636	27 947
Proven guilty	13 526	552 379	32 556	598 461
Total	14 668	577 548	34 192	626 408
Transfers to other courts	140	13 163	1 463	14 766
Withdrawn by prosecution	2 347	44 725	4 334	51 406
Other(b)	52	488	2 209	2 749
Total(c)	17 207	635 926	42 198	695 331
Sentence outcomes				
Custodial orders	11 439	47 679	3 047	62 165
Non-custodial orders	2 087	504 049	29 346	535 482
Total proven guilty(d)	13 526	552 379	32 556	598 461

- (a) Includes defendants with unknown sex and organisations.
 (b) Includes defendants deceased, unfit to plead, transfers to non-court agencies and other non-adjudicated finalisations n.e.c.
 (c) Includes defendants with an unknown method of finalisation.
 (d) Includes defendants for whom a principal sentence is unknown.

1.2 SUMMARY CHARACTERISTICS OF ALL DEFENDANTS, States and territories

	NSW(a)	Vic.	Qld	SA	WA	Tas.	NT	ACT	Aust.
NUMBER									
Defendants finalised									
Males	145 923	91 646	136 284	43 857	89 543	19 693	9 432	4 439	540 817
Females	35 633	22 094	37 558	11 329	27 246	6 913	2 288	1 194	144 255
Total(b)	185 387	115 903	175 189	55 356	118 966	26 977	11 852	5 701	695 331
Method of finalisation									
Adjudicated outcomes									
Acquitted	8 588	11 571	1 506	294	985	4 058	707	238	27 947
Proven guilty	157 804	91 761	159 688	45 698	107 860	21 493	10 408	3 749	598 461
Total	166 392	103 332	161 194	45 992	108 845	25 551	11 115	3 987	626 408
Transfers to other courts	3 929	485	4 137	2 395	2 619	720	193	288	14 766
Withdrawn by prosecution	14 937	12 085	9 845	6 753	5 143	698	544	1 401	51 406
Other(c)	129	—	13	216	2 359	7	—	24	2 748
Total(d)	185 387	115 902	175 189	55 356	118 966	26 976	11 852	5 700	695 328
Sentence outcomes									
Custodial orders	18 913	12 351	12 148	5 071	7 300	2 525	3 314	543	62 165
Non-custodial orders	138 891	78 880	147 540	40 627	100 560	18 685	7 093	3 206	535 482
Total proven guilty(e)	157 804	91 761	159 688	45 698	107 860	21 493	10 408	3 749	598 461
PROPORTION (%)									
Defendants finalised									
Males	78.7	79.1	77.8	79.2	75.3	73.0	79.6	77.9	77.8
Females	19.2	19.1	21.4	20.5	22.9	25.6	19.3	20.9	20.7
Total(b)	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Method of finalisation									
Adjudicated outcomes									
Acquitted	4.6	10.0	0.9	0.5	0.8	15.0	6.0	4.2	4.0
Proven guilty	85.1	79.2	91.2	82.6	90.7	79.7	87.8	65.8	86.1
Total	89.8	89.2	92.0	83.1	91.5	94.7	93.8	69.9	90.1
Transfers to other courts	2.1	0.4	2.4	4.3	2.2	2.7	1.6	5.1	2.1
Withdrawn by prosecution	8.1	10.4	5.6	12.2	4.3	2.6	4.6	24.6	7.4
Other(c)	0.1	—	—	0.4	2.0	—	—	0.4	0.4
Total(d)	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Sentence outcomes									
Custodial orders	12.0	13.5	7.6	11.1	6.8	11.7	31.8	14.5	10.4
Non-custodial orders	88.0	86.0	92.4	88.9	93.2	86.9	68.1	85.5	89.5
Total proven guilty(e)	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Refers to finalised appearances rather than finalised defendants in the Children's and Magistrates' Courts, resulting in potentially higher population counts (see Explanatory Notes 13–14).

(b) Includes defendants with unknown sex and organisations.

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

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

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

CHAPTER 2

HIGHER COURTS

INTRODUCTION

This chapter presents information about defendants finalised in the criminal jurisdiction of the Higher Courts in 2008–09. The Higher Courts refers to the grouping of the Intermediate (the District or County Court) and Supreme Court levels.

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

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

The offence categories referred to relate to the principal offence, i.e. the most serious offence type with which the defendant was charged. For more information about principal offence see the Explanatory Notes paragraphs 41–45.

National data for the Higher Courts are available from 1995.

Snapshot

- The number of defendants finalised in the Higher Courts increased by 3%, from 16,735 in 2007–08 to 17,207 in 2008–09, but had decreased by 2% since 2001–02.
- The proportion of male to female defendants had remained relatively stable since 2001–02 with males accounting for approximately 87% of the total.
- Of those defendants finalised in the Higher Courts, 85% (14,668) were finalised by a guilty plea or a court determination of their guilt or innocence. Withdrawal of charges by the prosecution accounted for 14% of finalisations.
- Defendants finalised for charges of sexual assault had the lowest proportion (63%) proven guilty of all principal offences. This offence also had the largest proportion of charges withdrawn (22%). The principal offence with largest proportion of acquittals was homicide (16%).
- The majority (92% or 13,526) of defendants whose cases were adjudicated in the Higher Courts in 2008–09 were proven guilty. Of those defendants proven guilty, 87% pleaded guilty and 10% were found guilty following a trial.
- Approximately 8 in 10 convicted defendants were sentenced to custodial orders.

DEFENDANTS FINALISED

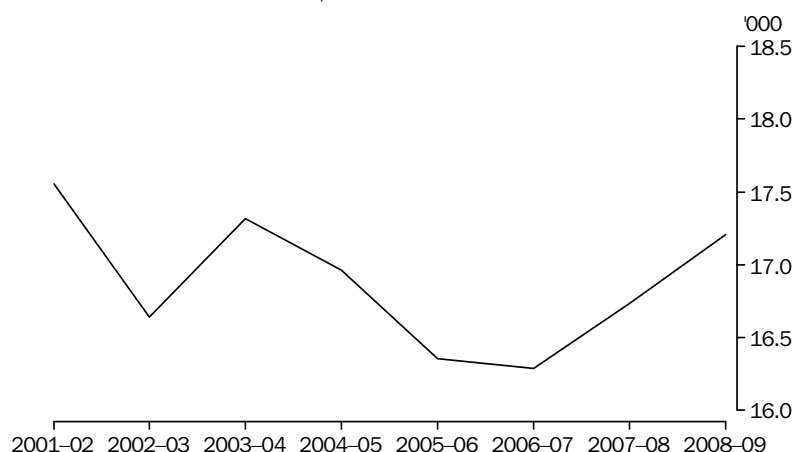
Defendants can have their charges finalised via different methods (see Appendix 2). The main categories of finalisation are: adjudicated finalisations, where the court has made a finding as to the guilt or otherwise of the defendant; finalisation by transfer between court levels; withdrawal by the prosecution;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

DEFENDANTS FINALISED

continued

The number of defendants finalised in the Higher Courts was the lowest in 2006–07 (16,287 defendants). In the last two years this decline had been reversed with the number of defendants finalised in 2007–08 increasing by 3% to 16,735 and in 2008–09 to 17,207 (3%).

DEFENDANTS FINALISED, 2001–2002 to 2008–2009



The majority of states and territories had increases in the numbers of defendants finalised in the Higher Courts in 2008–09. Tasmania (39%), the Northern Territory (29%), the Australian Capital Territory (15%) and South Australia (12%) had the largest increases, while Victoria and Queensland were the only states where the number of defendants finalised decreased (down 10% and 4% respectively).

Charges withdrawn by the prosecution

Of the 2,347 defendants whose charges were withdrawn by the prosecution in 2008–09, the greatest number of these defendants had charges for sexual assault (670) and acts intended to cause injury (603).

Principal offences with the largest proportion of defendants finalised by charges withdrawn were sexual assault (22%) and abduction, harassment and other offences against the person (21%). In contrast, 7% of defendants facing charges of illicit drug offences, and 4% of defendants facing charges of miscellaneous offences, had their charges withdrawn.

Tasmania (28%) and South Australia (26%) had larger proportions of defendants finalised by charges withdrawn than the national average of 14%. New South Wales and Victoria had the smallest proportion of defendants finalised by this method (both 5%).

DEFENDANTS
ADJUDICATED

The following information only relates to defendants whose charges were adjudicated, i.e. finalised via a plea of guilty or a decision by the judge as to their guilt or otherwise of the final charges laid.

There were 14,668 (85%) defendants adjudicated in the Higher Courts in 2008–09, an increase of 2% from 2007–08.

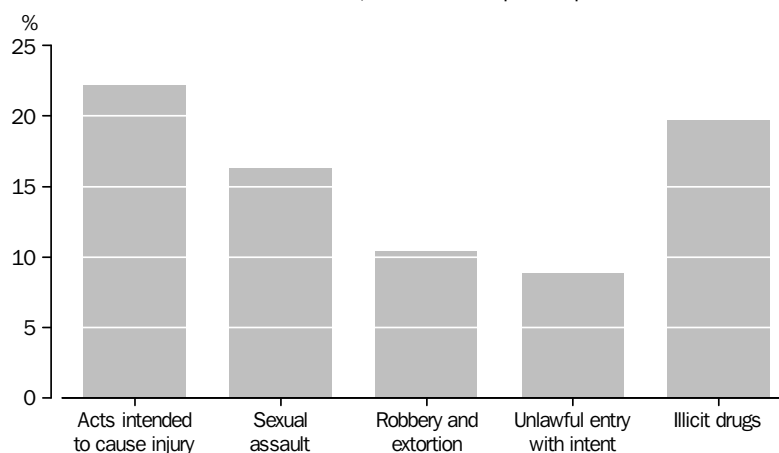
Victoria (95%) and New South Wales (94%) had larger proportions of defendants adjudicated than the national average, while South Australia (73%) and Tasmania (71%) had the lowest proportions.

Principal offence

Five offence types accounted for over three-quarters of defendants heard in the Higher Courts in 2008–09: acts intended to cause injury (22%); illicit drug offences (20%); sexual assault (16%); robbery and extortion (10%); and unlawful entry with intent (9%).

Acts intended to cause injury accounted for the largest proportion of defendants heard in the Northern Territory (35%), Queensland (28%), Tasmania (27%) and Victoria (26%). In South Australia, New South Wales and Western Australia illicit drug offences accounted for the largest proportion of final charges heard (25%, 24% and 20% respectively). In the Australian Capital Territory the most prevalent offence type was robbery and extortion (19%).

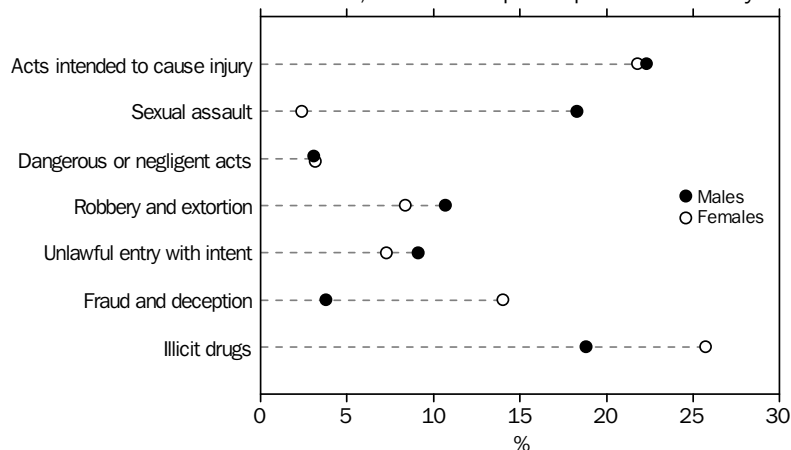
DEFENDANTS ADJUDICATED, Selected principal offence

*Sex*

In 2008–09, 87% of defendants charged were male and 13% were female. These proportions have remained relatively stable over time, with males accounting for around 87% of defendants since 2001–02.

The two most common offences that both males and females were charged with were acts intended to cause injury (both 22%) and illicit drug offences (19% and 26% respectively). For males, this was followed by sexual assault (18%) and for females it was fraud and deception (14%).

DEFENDANTS ADJUDICATED, Selected principal offence by sex

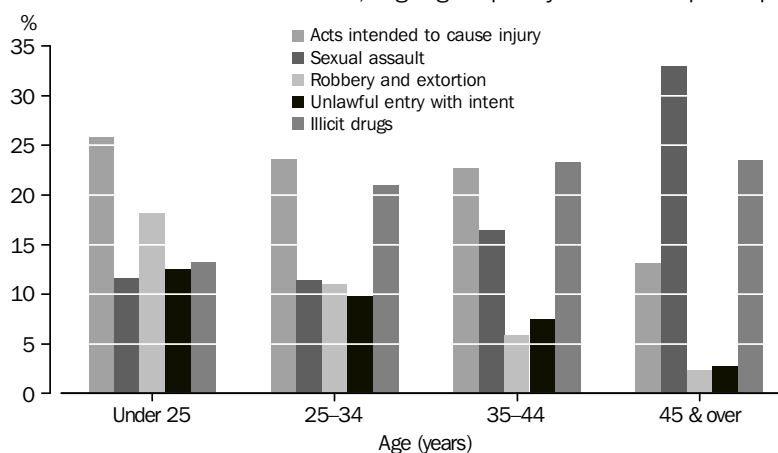


Age

Those aged 25 to 34 years accounted for just under a third (31%) of defendants charged in the Higher Courts. This was followed by defendants aged under 25 years (29%), and those aged 35 to 44 years (22%). Defendants aged 45 years and over represented 17% of defendants. These proportions were relatively unchanged from 2007–08.

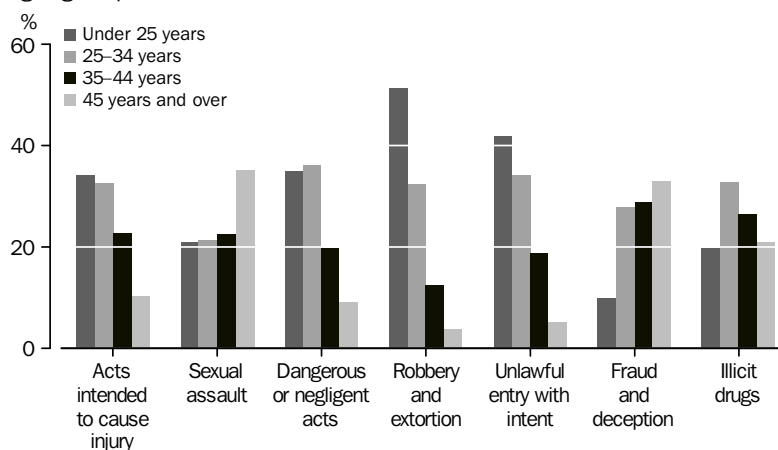
Approximately one-quarter of defendants aged under 25 years and 25 to 34 years were charged with acts intended to cause injury (26% and 24% respectively). While robbery and extortion accounted for 18% of defendants aged under 25 years, this offence type was less common for defendants over this age group. The largest proportion of defendants aged 45 years and over were charged with sexual assault (33%), followed by illicit drug offences (24%).

DEFENDANTS ADJUDICATED, Age groups by selected principal offence



When comparing defendants by principal offence type, defendants aged under 25 years of age accounted for the largest proportions of the following offence types: robbery and extortion (51%); unlawful entry with intent (42%); property damage (41%); and acts intended to cause injury (34%). Of those charged with dangerous or negligent acts endangering persons and illicit drug offences, the largest proportion of defendants were aged 25 to 34 years (36% and 33% respectively). For sexual assault offences, just over a third (35%) of defendants with this principal offence type were aged 45 years and over.

DEFENDANTS ADJUDICATED, Selected principal offence by selected age groups



Defendants acquitted

Of the 2,547 defendants that had a trial outcome (acquitted or found guilty by the court), 45% (1,142) were acquitted; no change from the proportion in 2007–08.

Two principal offences accounted for two-thirds of all defendants acquitted in 2008–09: sexual assault (466 or 41%); and acts intended to cause injury (290 or 25%).

Defendants heard for sexual assault and homicide offences had the largest proportion of defendants acquitted (19% and 18% respectively).

Queensland had the lowest proportion of adjudicated defendants acquitted (5%) compared to the national average of 8%.

Defendants proven guilty

In 2008–09, the majority (92% or 13,526) of defendants heard in the Higher Courts were proven guilty. Of these defendants, a large proportion (81% or 11,822) pleaded guilty, while 10% had a guilty finding at trial.

The proportion of defendants pleading guilty varies by offence type ranging from 54% for homicide to 90% for unlawful entry with intent.

SENTENCE OUTCOMES

The following information relates to sentence outcomes for defendants heard in the Higher Courts. Defendants are referred to as 'convicted' where they were proven guilty of at least one of the final charges laid against them. Sentence refers to the principal sentence a defendant received (refer to Explanatory Notes paragraphs 46–48 for further information).

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

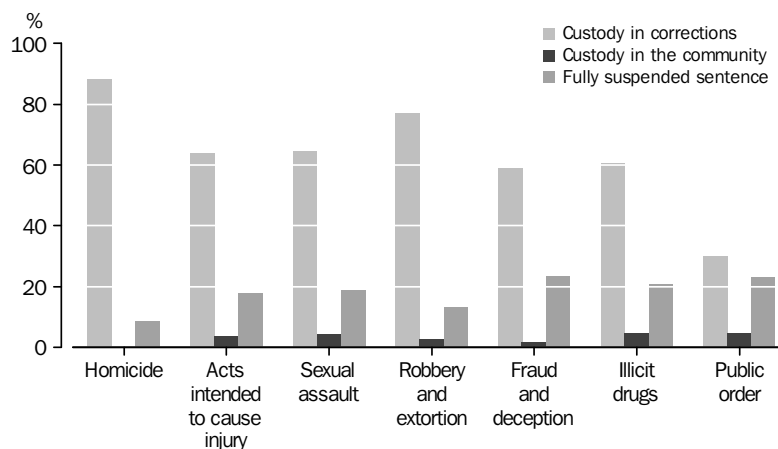
Custodial orders

The majority (85% or 11,439) of defendants proven guilty in 2008–09 received a custodial order. This proportion had increased since 2001–02 when it was 72%. Of defendants proven guilty, 63% were sentenced to custody in a correctional institution; 4% to custody in the community; and 18% were granted fully suspended sentences. These proportions had not changed from 2007–08.

The proportion of convicted defendants who received a custodial sentence in a correctional institution ranged from 30% for public order offences to 77% for robbery and extortion, and 88% for homicide. Defendants convicted of offences against justice procedures, government security and operations were more likely to receive a fully suspended sentence (28%) than defendants with other offences.

Custodial orders
continued

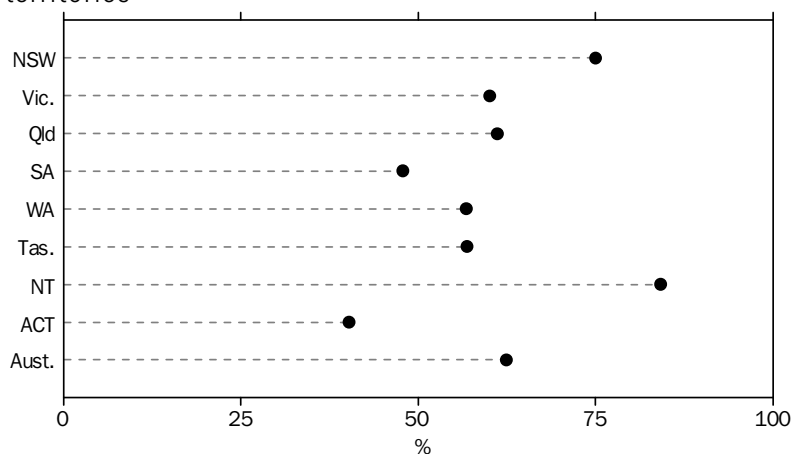
DEFENDANTS PROVEN GUILTY, Selected principal offence by custodial sentence



A greater proportion of males proven guilty received a sentence of custody in a correctional institution than females (64% compared with 52%). A larger proportion of convicted females were given fully suspended sentences than males (23% and 18% respectively).

The proportion of defendants proven guilty receiving a custodial sentence in a correctional institution varied across states and territories, ranging from 40% in the Australian Capital Territory to 84% in the Northern Territory.

DEFENDANTS PROVEN GUILTY, Custody in corrections by states and territories



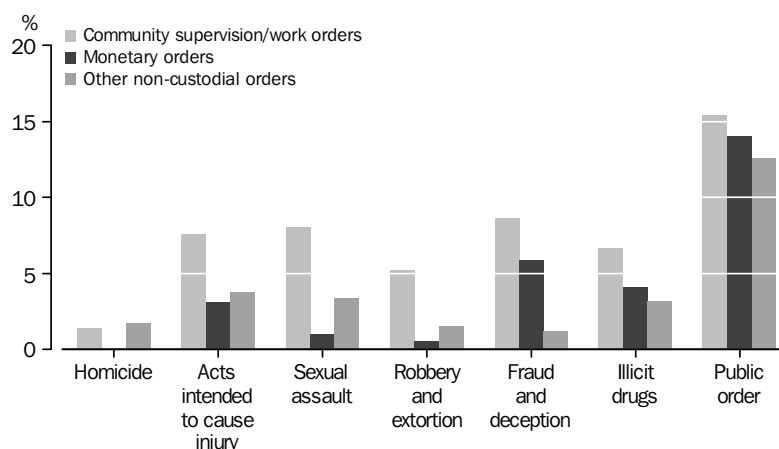
Non-custodial orders

Defendants sentenced to non-custodial orders (community supervision or work orders, monetary orders and other non-custodial orders) accounted for 15% (2,087) of defendants proven guilty in the Higher Courts.

Community supervision or work orders were most commonly issued to defendants convicted of: traffic offences (19%), abduction, harassment and other offences against the person (18%), theft (16%) and property damage and environmental pollution (16%). A greater proportion of defendants convicted of traffic offences (19%) and public order offences (14%) received monetary orders than defendants convicted of other offences.

*Non-custodial orders
continued*

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



The proportion of convicted females receiving community supervision or work orders (14%) is almost double the proportion of males (8%). A larger proportion of male and female convicted defendants under 25 years of age received a non-custodial order (45% and 36% respectively), compared with other age groups.

**DURATION OF CASES
ADJUDICATED**

The nature of the charges presented to the court for a defendant, along with the process required to deal with the charges (which is affected by the type of plea), impact on the time required for a court to finalise a case. The duration is calculated from the date of initiation to finalisation of the case (for more information about duration see paragraphs 40, 58, 60–61 of the Explanatory Notes and the Glossary).

Almost one fifth (19%) of defendants adjudicated were finalised in less than 13 weeks from the date of initiation, while 44% were finalised in under 26 weeks from initiation. Almost a quarter (23%) of defendants were finalised 52 weeks or more after initiation.

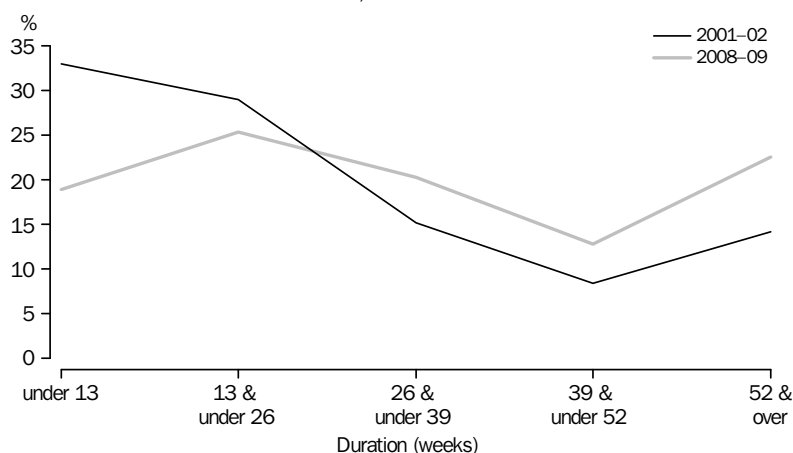
Of defendants that went to trial and were found guilty by the court, over half (52%) were finalised 52 weeks or more after initiation. Of those acquitted, 37% were finalised in this same time period. For defendants who pleaded guilty in 2008–09, 23% were finalised in less than 13 weeks.

The length of time to finalise cases had increased between 2001–02 and 2008–09. In 2001–02 the proportion of defendants with cases finalised in less than 13 weeks was 33%, while the proportion of defendants with cases finalised in 52 weeks or more after initiation was 14%. The comparable figures for 2008–09 were 19% and 23% respectively.

DURATION OF CASES

ADJUDICATED *continued*

DEFENDANTS ADJUDICATED, Duration of cases finalised



FEDERAL DEFENDANTS

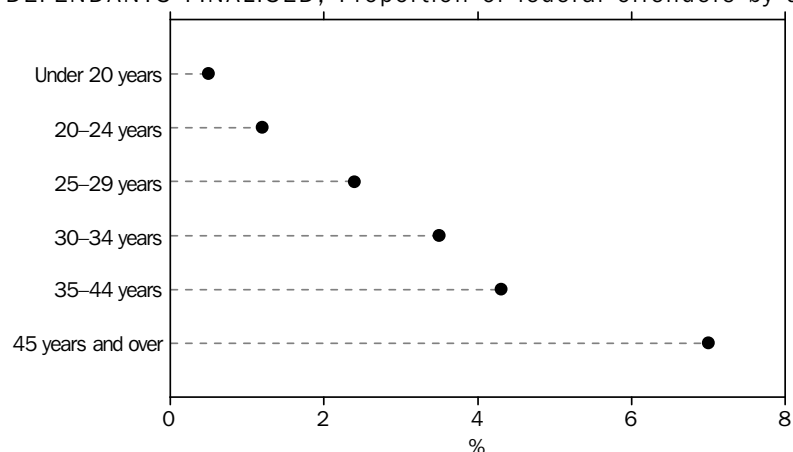
Limited data about federal defendants are presented for the first time in this publication. Defendants who appear in Australian criminal courts may be charged with either a Commonwealth or State legislative offence or both.

Information about the number of finalised defendants who were charged with at least one federal offence, regardless of whether it was their principal offence, and the characteristics of these defendants are presented in this publication.

In 2008–09, 591 (3%) defendants in the Higher Courts had one or more federal offences. Women had a higher proportion of finalised defendants charged with at least one federal offence than men (5% and 3% respectively).

Federal defendants had a much older profile with the proportion of defendants rising as the defendants age increased. This pattern was consistent for both males and females. Those aged 45 years and over had the highest proportion of defendants with one or more federal offences (7%), followed by defendants aged 35 to 44 years (4%).

DEFENDANTS FINALISED, Proportion of federal offenders by age



2.1 SUMMARY CHARACTERISTICS OF DEFENDANTS, Selected principal offence

	<i>Homicide & related offences</i>	<i>Acts intended to cause injury</i>	<i>Sexual assault & related offences</i>	<i>Robbery, extortion & related offences</i>	<i>Unlawful entry with intent</i>	<i>Fraud, deception & related offences</i>	<i>Illicit drug offences</i>	<i>Other(a)</i>	<i>Total(b)</i>
NUMBER									
Adjudicated outcomes									
Acquitted	80	290	466	67	42	24	60	113	1 142
Proven guilty									
Guilty finding	116	310	367	101	58	53	226	175	1 406
Guilty plea	236	2 595	1 524	1 317	1 170	664	2 517	1 798	11 821
Total(c)	361	2 962	1 928	1 457	1 253	723	2 822	2 019	13 525
Total	441	3 252	2 394	1 524	1 295	747	2 882	2 132	14 667
Sentence outcomes									
Custodial orders	350	2 532	1 687	1 352	1 020	609	2 427	1 461	11 439
Non-custodial orders	11	430	241	105	233	114	395	558	2 087
Total	361	2 962	1 928	1 457	1 253	723	2 822	2 019	13 526
PROPORTION (%)									
Adjudicated outcomes									
Acquitted	18.1	8.9	19.5	4.4	3.2	3.2	2.1	5.3	7.8
Proven guilty									
Guilty finding	26.3	9.5	15.3	6.6	4.5	7.1	7.8	8.2	9.6
Guilty plea	53.5	79.8	63.7	86.4	90.3	88.9	87.3	84.3	80.6
Total(c)	81.9	91.1	80.5	95.6	96.8	96.8	97.9	94.7	92.2
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Sentence outcomes									
Custodial orders	97.0	85.5	87.5	92.8	81.4	84.2	86.0	72.4	84.6
Non-custodial orders	3.0	14.5	12.5	7.2	18.6	15.8	14.0	27.6	15.4
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

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

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

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

2.2**SUMMARY CHARACTERISTICS OF DEFENDANTS, 2001–02 to 2008–09**

	NUMBER								PERCENTAGE CHANGE (%)
	2001–02	2002–03	2003–04	2004–05	2005–06	2006–07	2007–08	2008–09	2007–08 to 2008–09
Defendants finalised									
Males	15 341	14 546	15 005	14 886	14 313	14 231	r14 388	15 026	4.4
Females	2 197	2 086	2 292	2 052	2 027	1 961	r2 043	2 155	5.5
Organisations	16	11	18	25	14	12	r18	23	27.8
Total(a)	17 554	16 643	17 315	16 964	16 356	16 287	r16 735	17 207	2.8
Method of finalisation									
Adjudicated outcomes									
Acquitted	1 156	990	1 053	1 273	1 248	1 100	r1 117	1 142	2.2
Proven guilty									
Guilty plea	12 755	12 071	12 578	11 893	11 400	11 381	r11 665	11 822	1.3
Guilty finding	1 318	1 403	1 372	1 573	1 543	1 427	r1 378	1 406	2.0
Total(b)	14 073	13 474	13 950	13 466	12 943	12 884	r13 205	13 526	2.4
Total	15 229	14 464	15 003	14 739	14 191	13 984	r14 322	14 668	2.4
Withdrawn by prosecution	2 208	2 066	2 181	2 134	2 054	2 190	r2 288	2 347	2.6
Other(c)	117	113	131	91	111	113	r125	192	53.6
Total	17 554	16 643	17 315	16 964	16 356	16 287	r16 735	17 207	2.8
Sentence outcomes									
Custodial orders	10 143	9 927	10 869	10 766	10 628	10 509	r11 008	11 439	3.9
Non-custodial orders	3 874	3 465	2 986	2 662	2 265	2 310	r2 196	2 087	–5.0
Total proven guilty(d)	14 073	13 474	13 950	13 466	12 943	12 884	r13 204	13 526	2.4

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(a) Includes defendants with unknown sex.

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

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

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

2.3**DEFENDANTS FINALISED, Federal defendants by age and sex**

	<i>One or more federal offences</i>	<i>No federal offences</i>	<i>Total</i>	<i>% with one or more federal offences</i>
	no.	no.	no.	%
MALES				
Under 20 years	4	1 189	1 193	0.3
20–24 years	36	3 204	3 240	1.1
25–29 years	57	2 457	2 514	2.3
30–34 years	66	1 943	2 009	3.3
35–44 years	135	3 172	3 307	4.1
45 years and over	177	2 586	2 763	6.4
Total (a)	475	14 551	15 026	3.2
FEMALES				
Under 20 years	3	130	133	2.3
20–24 years	7	371	378	1.9
25–29 years	13	365	378	3.4
30–34 years	16	318	334	4.8
35–44 years	33	540	573	5.8
45 years and over	41	318	359	11.4
Total (a)	113	2 042	2 155	5.2
DEFENDANTS (b)				
Under 20 years	7	1 319	1 326	0.5
20–24 years	43	3 575	3 618	1.2
25–29 years	70	2 822	2 892	2.4
30–34 years	82	2 261	2 343	3.5
35–44 years	168	3 712	3 880	4.3
45 years and over	218	2 904	3 122	7.0
Organisations	3	21	24	12.5
Total (a)	591	16 614	17 205	3.4

(a) Includes defendants with unknown age.

(b) Includes defendants with unknown sex.

2.4 SUMMARY CHARACTERISTICS OF DEFENDANTS, States and territories

	NSW	Vic.	Qld	SA	WA	Tas.	NT	ACT	Aust.
NUMBER									
Defendants finalised									
Males	3 148	1 992	4 915	1 283	2 560	617	318	193	15 026
Females	327	245	899	177	317	133	37	20	2 155
Total(a)	3 475	2 257	5 817	1 460	2 877	750	355	213	17 204
Method of finalisation									
Adjudicated outcomes									
Acquitted	252	176	259	116	253	32	27	27	1 142
Proven guilty									
Guilty finding	279	262	249	123	339	111	30	13	1 406
Guilty plea	2 494	1 701	4 262	827	1 764	390	248	136	11 822
Total(b)	2 998	1 963	4 511	950	2 176	501	278	149	13 526
Total	3 250	2 139	4 770	1 066	2 429	533	305	176	14 668
Withdrawn by prosecution	178	117	1 041	376	348	206	50	31	2 347
Other(c)	49	—	7	18	100	11	—	6	191
Total	3 477	2 257	5 818	1 460	2 877	750	355	213	17 207
Sentence outcomes									
Custodial orders	2 713	1 733	3 550	858	1 757	446	268	114	11 439
Non-custodial orders	285	230	961	92	419	55	10	35	2 087
Total	2 998	1 963	4 511	950	2 176	501	278	149	13 526
PROPORTION (%)									
Defendants finalised									
Males	90.6	88.3	84.5	87.9	89.0	82.3	89.6	90.6	87.3
Females	9.4	10.9	15.5	12.1	11.0	17.7	10.4	9.4	12.5
Total(a)	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Method of finalisation									
Adjudicated outcomes									
Acquitted	7.2	7.8	4.5	7.9	8.8	4.3	7.6	12.7	6.6
Proven guilty									
Guilty finding	8.0	11.6	4.3	8.4	11.8	14.8	8.5	6.1	8.2
Guilty plea	71.7	75.4	73.3	56.6	61.3	52.0	69.9	63.8	68.7
Total(b)	86.2	87.0	77.5	65.1	75.6	66.8	78.3	70.0	78.6
Total	93.5	94.8	82.0	73.0	84.4	71.1	85.9	82.6	85.2
Withdrawn by prosecution	5.1	5.2	17.9	25.8	12.1	27.5	14.1	14.6	13.6
Other(c)	1.4	—	0.1	1.2	3.5	1.5	—	2.8	1.1
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Sentence outcomes									
Custodial orders	90.5	88.3	78.7	90.3	80.7	89.0	96.4	76.5	84.6
Non-custodial orders	9.5	11.7	21.3	9.7	19.3	11.0	3.6	23.5	15.4
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Includes defendants with unknown sex and organisations.

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

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

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

	PROVEN GUILTY				Total adjudicated	Withdrawn by prosecution	Other(a)	Total
	Acquitted	Guilty finding	Guilty plea	Total(b)				
.....								
NUMBER								
Homicide and related offences	80	116	236	361	441	39	7	487
Acts intended to cause injury	290	310	2 595	2 962	3 252	603	37	3 892
Sexual assault and related offences	466	367	1 524	1 928	2 394	670	21	3 085
Dangerous or negligent acts endangering persons	19	25	399	431	450	65	7	522
Abduction, harassment and other offences against the person	26	35	254	297	323	89	7	419
Robbery, extortion and related offences	67	101	1 317	1 457	1 524	146	17	1 687
Unlawful entry with intent	42	58	1 170	1 253	1 295	158	16	1 469
Theft and related offences	12	22	317	348	360	82	17	459
Fraud, deception and related offences	24	53	664	723	747	101	5	853
Illicit drug offences	60	226	2 517	2 822	2 882	218	35	3 135
Prohibited and regulated weapons and explosives offences	11	9	132	149	160	18	3	181
Property damage and environmental pollution	12	28	248	276	288	68	13	369
Public order offences	10	9	132	141	151	24	3	178
Traffic and vehicle regulatory offences	—	—	15	15	15	—	—	15
Offences against justice procedures, gov't security and operations	13	34	234	277	290	60	4	354
Miscellaneous offences	10	12	67	82	92	4	—	96
Total(c)	1 142	1 405	11 821	13 522	14 664	2 345	192	17 201

— nil or rounded to zero (including null cells)

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

(a) Includes transfers to other courts, defendants deceased, unfit to plead 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.

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

	PROVEN GUILTY				Total adjudicated	Withdrawn by prosecution	Other(a)	Total
	Acquitted	Guilty finding	Guilty plea	Total(b)				
.....								
PROPORTION (%)								
Homicide and related offences	16.4	23.8	48.5	74.1	90.6	8.0	1.4	100.0
Acts intended to cause injury	7.5	8.0	66.7	76.1	83.6	15.5	1.0	100.0
Sexual assault and related offences	15.1	11.9	49.4	62.5	77.6	21.7	0.7	100.0
Dangerous or negligent acts endangering persons	3.6	4.8	76.4	82.6	86.2	12.5	1.3	100.0
Abduction, harassment and other offences against the person	6.2	8.4	60.6	70.9	77.1	21.2	1.7	100.0
Robbery, extortion and related offences	4.0	6.0	78.1	86.4	90.3	8.7	1.0	100.0
Unlawful entry with intent	2.9	3.9	79.6	85.3	88.2	10.8	1.1	100.0
Theft and related offences	2.6	4.8	69.1	75.8	78.4	17.9	3.7	100.0
Fraud, deception and related offences	2.8	6.2	77.8	84.8	87.6	11.8	0.6	100.0
Illicit drug offences	1.9	7.2	80.3	90.0	91.9	7.0	1.1	100.0
Prohibited and regulated weapons and explosives offences	6.1	5.0	72.9	82.3	88.4	9.9	1.7	100.0
Property damage and environmental pollution	3.3	7.6	67.2	74.8	78.0	18.4	3.5	100.0
Public order offences	5.6	5.1	74.2	79.2	84.8	13.5	1.7	100.0
Traffic and vehicle regulatory offences	—	—	100.0	100.0	100.0	—	—	100.0
Offences against justice procedures, gov't security and operations	3.7	9.6	66.1	78.2	81.9	16.9	1.1	100.0
Miscellaneous offences	10.4	12.5	69.8	85.4	95.8	4.2	—	100.0
Total(c)	6.6	8.2	68.7	78.6	85.3	13.6	1.1	100.0

— nil or rounded to zero (including null cells)

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

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

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

2.6**DEFENDANTS ADJUDICATED(a), Principal offence 2001–02 to 2008–09**

	2001–02	2002–03	2003–04	2004–05	2005–06	2006–07	2007–08	2008–09
Homicide and related offences								
Murder	159	179	132	169	156	147	132	132
Other(b)	303	272	287	279	312	280	317	304
Total(c)	462	451	419	448	468	427	449	441
Acts intended to cause injury								
Assault	3 064	2 955	3 101	3 116	3 162	3 081	r3 248	3 204
Stalking	..	..	..	..	..	..	..	34
Other(d)	34	21	11	11	7	7	25	9
Total	3 104	2 976	3 112	3 127	3 169	3 088	r3 273	3 251
Sexual assault and related offences								
Aggravated sexual assault(e)	1 188	1 150	1 198	1 398	1 428	1 270	r1 394	1 846
Non-aggravated sexual assault	337	360	334	353	356	420	388	179
Child pornography	..	..	..	..	..	..	..	225
Other(e)(f)	43	56	45	98	134	251	309	140
Total	1 585	1 566	1 577	1 849	1 918	1 941	r2 091	2 390
Dangerous or negligent acts								
endangering persons	403	483	475	457	441	408	r361	450
Abduction, harassment and other								
offences against the person	110	97	116	122	142	122	r119	323
Robbery, extortion and related								
offences								
Aggravated robbery	1 762	1 524	1 469	1 397	1 290	1 344	r1 455	1 325
Other(g)	218	227	215	160	199	194	r182	199
Total(h)	2 022	1 751	1 684	1 557	1 489	1 538	r1 637	1 524
Unlawful entry with intent	2 206	2 171	2 246	1 652	1 381	1 245	r1 237	1 295
Theft and related offences	818	751	790	646	439	464	r434	360
Fraud, deception and related								
offences								
Dishonest conversion	431	436	439	312	175	195	228	188
Other(i)	675	641	663	723	621	648	r574	559
Total(j)	1 109	1 077	1 102	1 035	796	843	r802	747
Illicit drug offences								
Import or export illicit drugs	72	59	74	111	75	91	r114	135
Deal or traffic in illicit drugs	1 518	1 410	1 547	1 593	1 588	1 649	r1 787	1 936
Manufacture or cultivate illicit								
drugs	315	259	393	485	508	478	r484	583
Other(k)	111	81	96	174	237	204	225	228
Total	2 016	1 809	2 110	2 363	2 408	2 422	r2 610	2 882
Prohibited and regulated weapons								
and explosives offences	60	59	68	138	133	183	r184	160
Property damage and environmental								
pollution	367	385	382	366	362	323	r317	289
Public order offences	195	205	216	254	290	311	r296	153
Traffic and vehicle regulatory offences	—	—	6	7	6	7	6	17
Offences against justice procedures,								
gov't security and operations	280	257	274	310	284	293	r246	290
Miscellaneous offences	347	289	295	333	324	278	r243	90
Total(l)	15 225	14 461	15 003	14 738	14 191	13 984	r14 322	14 662

.. not applicable

— nil or rounded to zero (including null cells)

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(a) Offence data are based on ASOC08 for 2008–09 and ASOC97 prior to this period. Caution should be exercised when comparing offence data. See Technical Note and Explanatory Notes paragraph 21–22.

(b) Includes ASOC Subdivisions 012–013 (refer to Appendix 3).

(c) Includes homicide and related offences n.f.d.

(d) Includes ASOC Groups 0290 and 0299.

(e) For 2006–07 and 2007–08, aggravated sexual assault and non-aggravated sexual offences are understated and overstated respectively due to coding errors in Western Australia (refer to Explanatory Note 90).

(f) Includes ASOC Groups 0321, 0323 and 0329.

(g) Includes ASOC Subdivision 062 and Group 0612.

(h) Includes robbery, extortion and related offences n.f.d.

(i) Includes ASOC Subdivisions 091–093 and Group 0999.

(j) Includes fraud, deception and related offences n.f.d.

(k) Includes ASOC Subdivisions 104 and 109.

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

2.7**DEFENDANTS ADJUDICATED, Principal offence by age**

	<i>Under 20 years</i>	<i>20–24 years</i>	<i>25–29 years</i>	<i>30–34 years</i>	<i>35–44 years</i>	<i>45 years and over</i>	<i>Total(a)</i>
ACQUITTED (no.)							
Homicide and related offences	3	7	17	10	22	22	81
Acts intended to cause injury	10	62	53	47	73	45	290
Sexual assault and related offences	19	60	52	55	110	170	466
Dangerous or negligent acts endangering persons	—	4	4	—	4	6	18
Abduction, harassment and other offences against the person	3	3	3	3	10	6	28
Robbery, extortion and related offences	5	15	20	10	10	7	67
Unlawful entry with intent	3	10	6	9	8	6	42
Theft and related offences	—	—	—	3	3	7	13
Fraud, deception and related offences	—	3	—	—	6	12	21
Illicit drug offences	—	6	9	13	18	14	60
Prohibited and regulated weapons and explosives offences	—	—	—	4	5	—	9
Property damage and environmental pollution	—	4	—	—	5	—	9
Public order offences	—	4	3	—	—	—	7
Traffic and vehicle regulatory offences	—	—	—	—	—	—	—
Offences against justice procedures, gov't security and operations	—	3	—	3	—	5	11
Miscellaneous offences	—	—	—	—	4	3	7
Total(b)	43	181	167	157	278	303	1 129
ACQUITTED (%)							
Homicide and related offences	7.0	3.9	10.2	6.4	7.9	7.3	7.2
Acts intended to cause injury	23.3	34.3	31.7	29.9	26.3	14.9	25.7
Sexual assault and related offences	44.2	33.1	31.1	35.0	39.6	56.1	41.3
Dangerous or negligent acts endangering persons	—	2.2	2.4	—	1.4	2.0	1.6
Abduction, harassment and other offences against the person	7.0	1.7	1.8	1.9	3.6	2.0	2.5
Robbery, extortion and related offences	11.6	8.3	12.0	6.4	3.6	2.3	5.9
Unlawful entry with intent	7.0	5.5	3.6	5.7	2.9	2.0	3.7
Theft and related offences	—	—	—	1.9	1.1	2.3	1.2
Fraud, deception and related offences	—	1.7	—	—	2.2	4.0	1.9
Illicit drug offences	—	3.3	5.4	8.3	6.5	4.6	5.3
Prohibited and regulated weapons and explosives offences	—	—	—	2.5	1.8	—	0.8
Property damage and environmental pollution	—	2.2	—	—	1.8	—	0.8
Public order offences	—	2.2	1.8	—	—	—	0.6
Traffic and vehicle regulatory offences	—	—	—	—	—	—	—
Offences against justice procedures, gov't security and operations	—	1.7	—	1.9	—	1.7	1.0
Miscellaneous offences	—	—	—	—	1.4	1.0	0.6
Total(b)	100.0	100.0	100.0	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Includes defendants with unknown age and organisations.

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

2.7**DEFENDANTS ADJUDICATED, Principal offence by age** *continued*

	<i>Under 20 years</i>	<i>20–24 years</i>	<i>25–29 years</i>	<i>30–34 years</i>	<i>35–44 years</i>	<i>45 years and over</i>	<i>Total(a)</i>
PROVEN GUILTY (no.)							
Homicide and related offences	26	73	64	51	77	70	361
Acts intended to cause injury	269	774	548	413	668	290	2 962
Sexual assault and related offences	114	309	226	180	426	673	1 928
Dangerous or negligent acts endangering persons	42	110	82	77	85	35	431
Abduction, harassment and other offences against the person	17	49	55	54	80	42	297
Robbery, extortion and related offences	297	465	284	181	179	51	1 457
Unlawful entry with intent	156	373	255	172	235	62	1 253
Theft and related offences	25	72	58	55	94	44	348
Fraud, deception and related offences	3	69	93	111	210	235	721
Illicit drug offences	82	484	520	404	745	587	2 822
Prohibited and regulated weapons and explosives offences	6	24	27	29	36	27	149
Property damage and environmental pollution	45	67	47	37	47	34	277
Public order offences	14	43	27	10	18	31	143
Traffic and vehicle regulatory offences	4	5	4	3	—	3	19
Offences against justice procedures, gov't security and operations	13	61	39	41	75	48	277
Miscellaneous offences	—	7	9	12	15	19	80
Total(b)	1 113	2 985	2 338	1 830	2 990	2 251	13 525
PROVEN GUILTY (%)							
Homicide and related offences	2.3	2.4	2.7	2.8	2.6	3.1	2.7
Acts intended to cause injury	24.2	25.9	23.4	22.6	22.3	12.9	21.9
Sexual assault and related offences	10.2	10.4	9.7	9.8	14.2	29.9	14.3
Dangerous or negligent acts endangering persons	3.8	3.7	3.5	4.2	2.8	1.6	3.2
Abduction, harassment and other offences against the person	1.5	1.6	2.4	3.0	2.7	1.9	2.2
Robbery, extortion and related offences	26.7	15.6	12.1	9.9	6.0	2.3	10.8
Unlawful entry with intent	14.0	12.5	10.9	9.4	7.9	2.8	9.3
Theft and related offences	2.2	2.4	2.5	3.0	3.1	2.0	2.6
Fraud, deception and related offences	0.3	2.3	4.0	6.1	7.0	10.4	5.3
Illicit drug offences	7.4	16.2	22.2	22.1	24.9	26.1	20.9
Prohibited and regulated weapons and explosives offences	0.5	0.8	1.2	1.6	1.2	1.2	1.1
Property damage and environmental pollution	4.0	2.2	2.0	2.0	1.6	1.5	2.0
Public order offences	1.3	1.4	1.2	0.5	0.6	1.4	1.1
Traffic and vehicle regulatory offences	0.4	0.2	0.2	0.2	—	0.1	0.1
Offences against justice procedures, gov't security and operations	1.2	2.0	1.7	2.2	2.5	2.1	2.0
Miscellaneous offences	—	0.2	0.4	0.7	0.5	0.8	0.6
Total(b)	100.0	100.0	100.0	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Includes defendants with unknown age and organisations.

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

2.8 DEFENDANTS PROVEN GUILTY, Principal offence by principal sentence

CUSTODIAL ORDERS

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

Homicide and related offences	318	—	31	349
Acts intended to cause injury	1 894	112	526	2 532
Sexual assault and related offences	1 241	81	365	1 687
Dangerous or negligent acts endangering persons	258	10	71	339
Abduction, harassment and other offences against the person	140	18	51	209
Robbery, extortion and related offences	1 121	38	193	1 352
Unlawful entry with intent	747	48	225	1 020
Theft and related offences	170	6	65	241
Fraud, deception and related offences	427	13	169	609
Illicit drug offences	1 710	130	587	2 427
Prohibited and regulated weapons and explosives offences	88	12	22	122
Property damage and environmental pollution	144	9	59	212
Public order offences	43	7	33	83
Traffic and vehicle regulatory offences	6	—	—	6
Offences against justice procedures, gov't security and operations	129	3	77	209
Miscellaneous offences	21	—	16	37
Total(a)	8 457	487	2 490	11 434

PROPORTION (%)

Homicide and related offences	88.3	—	8.6	96.9
Acts intended to cause injury	63.9	3.8	17.8	85.5
Sexual assault and related offences	64.4	4.2	18.9	87.5
Dangerous or negligent acts endangering persons	59.9	2.3	16.5	78.7
Abduction, harassment and other offences against the person	47.1	6.1	17.2	70.4
Robbery, extortion and related offences	76.9	2.6	13.2	92.8
Unlawful entry with intent	59.6	3.8	18.0	81.4
Theft and related offences	48.9	1.7	18.7	69.3
Fraud, deception and related offences	59.1	1.8	23.4	84.2
Illicit drug offences	60.6	4.6	20.8	86.0
Prohibited and regulated weapons and explosives offences	59.1	8.1	14.8	81.9
Property damage and environmental pollution	52.0	3.2	21.3	76.5
Public order offences	30.1	4.9	23.1	58.0
Traffic and vehicle regulatory offences	37.5	—	—	37.5
Offences against justice procedures, gov't security and operations	46.6	1.1	27.8	75.5
Miscellaneous offences	26.6	—	20.3	46.8
Total(a)	62.5	3.6	18.4	84.6

— nil or rounded to zero (including null cells)

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

2.8**DEFENDANTS PROVEN GUILTY, Principal offence by principal sentence *continued*****NON-CUSTODIAL ORDERS**

	<i>Community supervision/ work orders</i>	<i>Monetary orders</i>	<i>Other(b)</i>	<i>Total</i>	<i>Total proven guilty(a)</i>
NUMBER					
Homicide and related offences	5	—	6	11	360
Acts intended to cause injury	224	92	114	430	2 962
Sexual assault and related offences	155	20	66	241	1 928
Dangerous or negligent acts endangering persons	59	21	12	92	431
Abduction, harassment and other offences against the person	54	17	17	88	297
Robbery, extortion and related offences	76	7	22	105	1 457
Unlawful entry with intent	168	26	39	233	1 253
Theft and related offences	54	22	31	107	348
Fraud, deception and related offences	62	43	9	114	723
Illicit drug offences	189	116	90	395	2 822
Prohibited and regulated weapons and explosives offences	4	11	12	27	149
Property damage and environmental pollution	43	15	7	65	277
Public order offences	22	20	18	60	143
Traffic and vehicle regulatory offences	3	3	4	10	16
Offences against justice procedures, gov't security and operations	22	21	25	68	277
Miscellaneous offences	7	27	8	42	79
Total(c)	1 147	461	480	2 088	13 522

PROPORTION (%)

Homicide and related offences	1.4	—	1.7	3.1	100.0
Acts intended to cause injury	7.6	3.1	3.8	14.5	100.0
Sexual assault and related offences	8.0	1.0	3.4	12.5	100.0
Dangerous or negligent acts endangering persons	13.7	4.9	2.8	21.3	100.0
Abduction, harassment and other offences against the person	18.2	5.7	5.7	29.6	100.0
Robbery, extortion and related offences	5.2	0.5	1.5	7.2	100.0
Unlawful entry with intent	13.4	2.1	3.1	18.6	100.0
Theft and related offences	15.5	6.3	8.9	30.7	100.0
Fraud, deception and related offences	8.6	5.9	1.2	15.8	100.0
Illicit drug offences	6.7	4.1	3.2	14.0	100.0
Prohibited and regulated weapons and explosives offences	2.7	7.4	8.1	18.1	100.0
Property damage and environmental pollution	15.5	5.4	2.5	23.5	100.0
Public order offences	15.4	14.0	12.6	42.0	100.0
Traffic and vehicle regulatory offences	18.8	18.8	25.0	62.5	100.0
Offences against justice procedures, gov't security and operations	7.9	7.6	9.0	24.5	100.0
Miscellaneous offences	8.9	34.2	10.1	53.2	100.0
Total(c)	8.5	3.4	3.5	15.4	100.0

— nil or rounded to zero (including null cells)

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

(b) 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.

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

2.9 DEFENDANTS PROVEN GUILTY, Sex and principal sentence by age

	<i>Under 20 years</i>	<i>20–24 years</i>	<i>25–29 years</i>	<i>30–34 years</i>	<i>35–44 years</i>	<i>45 years & over</i>	<i>Total(a)</i>
NUMBER							
Males							
Custodial orders							
Custody in a correctional institution	503	1 579	1 392	1 073	1 737	1 303	7 587
Custody in the community	53	117	85	46	83	53	437
Fully suspended sentence	162	527	337	251	431	390	2 098
<i>Total</i>	718	2 223	1 814	1 370	2 251	1 746	10 122
Non-custodial orders							
Community supervision/work orders	215	283	100	96	137	78	909
Monetary orders	12	73	64	52	100	81	382
Other(b)	63	110	56	43	62	69	403
<i>Total</i>	290	466	220	191	299	228	1 694
Total proven guilty	1 008	2 689	2 034	1 561	2 550	1 974	11 816
Females							
Custodial orders							
Custody in a correctional institution	34	129	152	155	244	155	869
Custody in the community	—	16	8	6	11	10	51
Fully suspended sentence	20	67	84	70	84	69	394
<i>Total</i>	54	212	244	231	339	234	1 314
Non-custodial orders							
Community supervision/work orders	36	54	34	28	64	21	237
Monetary orders	—	12	11	6	21	8	58
Other(b)	12	18	16	3	16	11	76
<i>Total</i>	48	84	61	37	101	40	371
Total proven guilty	102	296	305	268	440	274	1 685
Defendants(c)							
Custodial orders							
Custody in a correctional institution	537	1 708	1 544	1 228	1 981	1 458	8 456
Custody in the community	53	133	93	52	94	63	488
Fully suspended sentence	182	594	421	321	515	459	2 492
<i>Total</i>	772	2 435	2 058	1 601	2 590	1 980	11 436
Non-custodial orders							
Community supervision/work orders	254	337	134	124	201	99	1 149
Monetary orders	12	85	75	58	121	89	459
Other(b)	75	128	72	46	78	80	479
<i>Total</i>	341	550	281	228	400	268	2 087
Total proven guilty	1 113	2 985	2 339	1 829	2 990	2 248	13 523

— nil or rounded to zero (including null cells)

(a) Includes defendants with unknown age and organisations.

(b) Includes good behaviour bonds, licence disqualification/suspensions/amendments, forfeiture of property orders, nominal penalties and other non-custodial orders n.e.c.

(c) Includes defendants with unknown sex and organisations.

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

	<i>Under 20 years</i>	<i>20–24 years</i>	<i>25–29 years</i>	<i>30–34 years</i>	<i>35–44 years</i>	<i>45 years & over</i>	<i>Total(a)</i>
PROPORTION (%)							
Males							
Custodial orders							
Custody in a correctional institution	49.9	58.7	68.4	68.7	68.1	66.0	64.2
Custody in the community	5.3	4.4	4.2	2.9	3.3	2.7	3.7
Fully suspended sentence	16.1	19.6	16.6	16.1	16.9	19.8	17.8
<i>Total</i>	71.2	82.7	89.2	87.8	88.3	88.4	85.7
Non-custodial orders							
Community supervision/work orders	21.3	10.5	4.9	6.1	5.4	4.0	7.7
Monetary orders	1.2	2.7	3.1	3.3	3.9	4.1	3.2
Other(b)	6.3	4.1	2.8	2.8	2.4	3.5	3.4
<i>Total</i>	28.8	17.3	10.8	12.2	11.7	11.6	14.3
Total proven guilty	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Females							
Custodial orders							
Custody in a correctional institution	33.3	43.6	49.8	57.8	55.5	56.6	51.6
Custody in the community	—	5.4	2.6	2.2	2.5	3.6	3.0
Fully suspended sentence	19.6	22.6	27.5	26.1	19.1	25.2	23.4
<i>Total</i>	52.9	71.6	80.0	86.2	77.0	85.4	78.0
Non-custodial orders							
Community supervision/work orders	35.3	18.2	11.1	10.4	14.5	7.7	14.1
Monetary orders	—	4.1	3.6	2.2	4.8	2.9	3.4
Other(b)	11.8	6.1	5.2	1.1	3.6	4.0	4.5
<i>Total</i>	47.1	28.4	20.0	13.8	23.0	14.6	22.0
Total proven guilty	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Defendants(c)							
Custodial orders							
Custody in a correctional institution	48.2	57.2	66.0	67.1	66.3	64.9	62.5
Custody in the community	4.8	4.5	4.0	2.8	3.1	2.8	3.6
Fully suspended sentence	16.4	19.9	18.0	17.6	17.2	20.4	18.4
<i>Total</i>	69.4	81.6	88.0	87.5	86.6	88.1	84.6
Non-custodial orders							
Community supervision/work orders	22.8	11.3	5.7	6.8	6.7	4.4	8.5
Monetary orders	1.1	2.8	3.2	3.2	4.0	4.0	3.4
Other(b)	6.7	4.3	3.1	2.5	2.6	3.6	3.5
<i>Total</i>	30.6	18.4	12.0	12.5	13.4	11.9	15.4
Total proven guilty	100.0	100.0	100.0	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Includes defendants with unknown age and organisations.

(b) Includes good behaviour bonds, licence disqualification/suspensions/amendments, forfeiture of property orders, nominal penalties and other non-custodial orders n.e.c.

(c) Includes defendants with unknown sex and organisations.

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

	<i>Under 13 weeks</i>	<i>13 to under 26 weeks</i>	<i>26 to under 39 weeks</i>	<i>39 to under 52 weeks</i>	<i>52 weeks & over</i>	<i>Total</i>
NUMBER						
Acquitted						
Homicide and related offences	3	20	10	20	28	81
Acts intended to cause injury	11	53	57	67	102	290
Sexual assault and related offences	15	81	94	105	171	466
Robbery, extortion and related offences	5	16	15	15	16	67
Unlawful entry with intent	3	10	9	8	12	42
Theft and related offences	—	3	—	4	4	11
Fraud, deception and related offences	—	—	6	3	16	25
Illicit drug offences	—	8	12	10	30	60
Other(a)	6	12	23	22	38	101
Total	43	203	226	254	417	1 143
Guilty finding						
Homicide and related offences	—	4	10	24	76	114
Acts intended to cause injury	8	38	65	56	143	310
Sexual assault and related offences	10	28	58	78	193	367
Robbery, extortion and related offences	3	6	29	23	41	102
Unlawful entry with intent	—	4	15	6	31	56
Theft and related offences	—	3	4	6	10	23
Fraud, deception and related offences	3	—	8	3	41	55
Illicit drug offences	3	24	48	33	118	226
Other(a)	7	10	26	27	83	153
Total	34	117	263	256	736	1 406
Guilty plea						
Homicide and related offences	33	51	44	37	71	236
Acts intended to cause injury	427	687	597	376	508	2 595
Sexual assault and related offences	299	436	345	175	269	1 524
Robbery, extortion and related offences	334	438	253	121	171	1 317
Unlawful entry with intent	355	375	203	111	126	1 170
Theft and related offences	81	85	58	38	55	317
Fraud, deception and related offences	166	142	127	68	161	664
Illicit drug offences	588	675	528	243	483	2 517
Other(a)	380	414	267	157	263	1 481
Total(b)	2 663	3 303	2 425	1 326	2 107	11 824
Defendants adjudicated(c)	2 780	3 726	2 973	1 876	3 318	14 673
Transfers to other courts	64	49	6	6	9	134
Withdrawn by prosecution	398	491	484	345	630	2 348
Other(d)	6	6	18	12	6	48
Defendants finalised	3 248	4 272	3 481	2 239	3 963	17 203

— nil or rounded to zero (including null cells)

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

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

(c) Includes charges proven n.f.d.

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

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

	<i>Under 13 weeks</i>	<i>13 to under 26 weeks</i>	<i>26 to under 39 weeks</i>	<i>39 to under 52 weeks</i>	<i>52 weeks & over</i>	<i>Total</i>
PROPORTION (%)						
Acquitted						
Homicide and related offences	3.7	24.7	12.3	24.7	34.6	100.0
Acts intended to cause injury	3.8	18.3	19.7	23.1	35.2	100.0
Sexual assault and related offences	3.2	17.4	20.2	22.5	36.7	100.0
Robbery, extortion and related offences	7.5	23.9	22.4	22.4	23.9	100.0
Unlawful entry with intent	7.1	23.8	21.4	19.0	28.6	100.0
Theft and related offences	—	27.3	—	36.4	36.4	100.0
Fraud, deception and related offences	—	—	24.0	12.0	64.0	100.0
Illicit drug offences	—	13.3	20.0	16.7	50.0	100.0
Other(a)	5.9	11.9	22.8	21.8	37.6	100.0
Total	3.8	17.8	19.8	22.2	36.5	100.0
Guilty finding						
Homicide and related offences	—	3.5	8.8	21.1	66.7	100.0
Acts intended to cause injury	2.6	12.3	21.0	18.1	46.1	100.0
Sexual assault and related offences	2.7	7.6	15.8	21.3	52.6	100.0
Robbery, extortion and related offences	2.9	5.9	28.4	22.5	40.2	100.0
Unlawful entry with intent	—	7.1	26.8	10.7	55.4	100.0
Theft and related offences	—	13.0	17.4	26.1	43.5	100.0
Fraud, deception and related offences	5.5	—	14.5	5.5	74.5	100.0
Illicit drug offences	1.3	10.6	21.2	14.6	52.2	100.0
Other(a)	4.6	6.5	17.0	17.6	54.2	100.0
Total	2.4	8.3	18.7	18.2	52.3	100.0
Guilty plea						
Homicide and related offences	14.0	21.6	18.6	15.7	30.1	100.0
Acts intended to cause injury	16.5	26.5	23.0	14.5	19.6	100.0
Sexual assault and related offences	19.6	28.6	22.6	11.5	17.7	100.0
Robbery, extortion and related offences	25.4	33.3	19.2	9.2	13.0	100.0
Unlawful entry with intent	30.3	32.1	17.4	9.5	10.8	100.0
Theft and related offences	25.6	26.8	18.3	12.0	17.4	100.0
Fraud, deception and related offences	25.0	21.4	19.1	10.2	24.2	100.0
Illicit drug offences	23.4	26.8	21.0	9.7	19.2	100.0
Other(a)	25.7	28.0	18.0	10.6	17.8	100.0
Total(b)	22.5	27.9	20.5	11.2	17.8	100.0
Defendants adjudicated(c)	18.9	25.4	20.3	12.8	22.6	100.0
Transfers to other courts	47.8	36.6	4.5	4.5	6.7	100.0
Withdrawn by prosecution	17.0	20.9	20.6	14.7	26.8	100.0
Other(d)	12.5	12.5	37.5	25.0	12.5	100.0
Defendants finalised	18.9	24.8	20.2	13.0	23.0	100.0

— nil or rounded to zero (including null cells)

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

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

(c) Includes charges proven n.f.d.

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

2.11 DEFENDANTS ADJUDICATED, Principal offence by states and territories

	NSW	Vic.	Qld	SA	WA	Tas.	NT	ACT	Aust.
Homicide and related offences									
Murder	48	42	16	9	10	—	5	3	133
Other(a)	101	84	50	19	28	6	15	—	303
Total	149	131	66	28	38	6	20	3	441
Acts intended to cause injury									
Assault	528	541	1 322	194	341	142	105	31	3 204
Stalking	9	3	21	—	3	—	—	—	36
Total(b)	541	551	1 346	194	344	142	105	31	3 254
Sexual assault and related offences									
Aggravated sexual assault	394	333	530	134	349	41	53	12	1 846
Non-aggravated sexual assault	4	66	60	31	10	4	—	4	179
Child pornography offences	31	—	102	19	62	—	4	6	224
Other(c)	7	20	71	6	29	4	—	3	140
Total	436	422	766	190	450	49	57	25	2 395
Dangerous or negligent acts endangering persons	31	49	237	27	91	3	13	—	451
Abduction, harassment and other offences against the person	59	34	82	38	99	5	—	4	321
Robbery, extortion and related offences									
Aggravated robbery	480	158	286	77	223	49	19	33	1 325
Other(d)	57	49	30	25	31	5	3	—	200
Total(e)	537	207	316	102	254	54	22	33	1 525
Unlawful entry with intent	384	58	365	89	358	8	12	21	1 295
Theft and related offences	72	38	133	25	62	13	—	17	360
Fraud, deception and related offences									
Dishonest conversion	8	—	154	—	24	—	—	—	186
Other(f)	89	132	223	13	68	24	4	6	559
Total(g)	97	132	377	13	92	24	4	6	745
Illicit drug offences									
Import or export illicit drugs	69	23	21	—	9	3	8	—	133
Deal or traffic in illicit drugs	584	177	427	148	443	105	45	7	1 936
Manufacture or cultivate illicit drugs	119	110	210	102	20	18	—	4	583
Other(h)	14	11	162	18	15	3	—	4	227
Total	786	321	820	268	487	129	53	15	2 879
Prohibited and regulated weapons and explosives offences	50	23	36	44	4	—	—	3	160
Property damage and environmental pollution	26	25	123	9	65	31	5	5	289
Public order offences	27	68	41	3	5	10	—	—	154
Traffic and vehicle regulatory offences	3	3	10	—	—	—	—	—	16
Offences against justice procedures, gov't security and operations	39	43	42	24	71	57	—	12	288
Miscellaneous offences	12	38	11	9	9	—	9	—	88
Total(i)	3 249	2 143	4 771	1 063	2 429	531	300	175	14 661

— nil or rounded to zero (including null cells)

(a) Includes ASOC Subdivisions 012 and 013 (refer to Appendix 3).

(b) Includes ASOC Groups 0200, 0290 and 0299.

(c) Includes ASOC Groups 0321, 0323 and 0329.

(d) Includes ASOC Subdivision 062 and Group 0612.

(e) Includes robbery, extortion and related offences, n.f.d.

(f) Includes ASOC Subdivisions 091–093 and Group 0999.

(g) Includes deception and related offences, n.f.d.

(h) Includes ASOC Subdivisions 104 and 109.

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

2.12**DEFENDANTS FINALISED, Selected characteristics by states and territories,
2001–02 to 2008–09**

2001–02 2002–03 2003–04 2004–05 2005–06 2006–07 2007–08 2008–09

NSW (a)

Finalised defendants	no.	3 539	3 204	3 456	3 356	3 371	3 141	r3 181	3 477
Males	%	89.9	90.2	90.8	91.2	90.4	90.3	r90.3	90.5
Females	%	9.9	9.8	9.2	8.8	9.6	9.7	r9.7	9.4
Aged 20–24 years	%	24.0	22.8	24.4	22.2	22.2	21.8	21.5	23.0
Acquitted	no.	380	257	248	284	259	194	r224	252
	%	10.7	8.0	7.2	8.5	7.7	6.2	r7.0	7.2
Proven guilty	no.	2 787	2 651	2 890	2 732	2 831	2 704	r2 706	2 998
	%	78.8	82.7	83.6	81.4	84.0	86.1	r85.1	85.9
Withdrawn	no.	335	266	254	291	247	203	r204	178
	%	9.5	8.3	7.3	8.7	7.3	6.5	r6.4	5.1

Vic.

Finalised defendants	no.	1 961	2 078	2 548	2 425	2 303	2 346	2 506	2 257
Males	%	87.0	87.3	87.5	87.0	87.8	88.8	88.8	88.3
Females	%	12.8	12.2	11.8	12.1	11.6	10.7	10.6	10.9
Aged 20–24 years	%	22.2	20.1	19.7	17.8	19.3	20.4	22.2	18.9
Acquitted	no.	141	153	184	220	207	176	218	176
	%	7.2	7.4	7.2	9.0	9.0	7.5	8.7	7.8
Proven guilty	no.	1 754	1 837	2 242	2 087	2 005	2 073	2 188	1 963
	%	89.4	88.4	88.0	85.4	87.1	88.4	87.3	87.0
Withdrawn	no.	63	84	115	115	87	89	96	117
	%	3.2	4.0	4.5	4.7	3.8	3.8	3.8	5.2

Qld

Finalised defendants	no.	7 230	6 630	6 863	6 546	6 155	5 937	6 070	5 818
Males	%	85.7	85.1	83.4	85.4	84.3	85.6	84.6	84.5
Females	%	14.3	14.8	16.6	14.6	15.6	14.3	15.3	15.5
Aged 20–24 years	%	19.9	22.6	22.6	21.1	21.6	20.9	20.1	20.4
Acquitted	no.	278	243	259	307	234	224	251	259
	%	3.8	3.7	3.8	4.7	3.8	3.8	4.1	4.5
Proven guilty	no.	5 787	5 272	5 305	5 091	4 807	4 658	4 698	4 511
	%	80.0	79.5	77.3	77.8	78.1	78.5	77.4	77.5
Withdrawn	no.	1 165	1 115	1 299	1 147	1 113	1 046	1 108	1 041
	%	16.1	16.8	18.9	17.5	18.1	17.6	18.3	17.9

r revised

(a) Data may be understated in 2007–08 (see Explanatory Note 63).

2.12 DEFENDANTS FINALISED, Selected characteristics by states and territories, 2001–02 to 2008–09 *continued*

		2001–02	2002–03	2003–04	2004–05	2005–06	2006–07	2007–08	2008–09
SA									
Finalised defendants	no.	1 080	821	869	941	989	1 235	1 309	1 460
Males	%	86.7	88.7	88.4	88.4	86.9	89.1	90.2	87.9
Females	%	12.6	11.3	11.6	11.6	13.1	10.9	9.8	12.1
Aged 20–24 years	%	19.8	19.7	18.8	18.5	19.8	21.1	21.5	20.4
Acquitted	no.	61	49	64	67	89	107	88	116
	%	5.6	6.0	7.4	7.1	9.0	8.7	6.7	7.9
Proven guilty	no.	741	563	611	678	671	821	894	950
	%	68.5	68.6	70.3	72.1	67.8	66.5	68.3	65.1
Withdrawn	no.	265	192	177	182	208	286	311	376
	%	24.5	23.4	20.4	19.3	21.0	23.2	23.8	25.8
WA									
Finalised defendants	no.	2 859	2 885	2 667	2 695	2 510	2 582	2 667	2 877
Males	%	89.0	88.9	87.3	89.2	91.5	84.7	78.6	89.0
Females	%	11.0	11.1	12.7	10.8	8.5	12.2	10.8	11.0
Aged 20–24 years	%	26.8	26.1	26.2	22.3	22.3	22.8	21.9	21.9
Acquitted	no.	240	212	224	305	366	331	253	253
	%	8.4	7.3	8.4	11.3	14.6	12.8	9.5	8.8
Proven guilty	no.	2 345	2 404	2 232	2 125	1 850	1 814	1 982	2 176
	%	82.0	83.3	83.7	78.8	73.7	70.3	74.3	75.6
Withdrawn	no.	226	229	184	248	253	409	397	348
	%	7.9	7.9	6.9	9.2	10.1	15.8	14.9	12.1
Tas. (a)									
Finalised defendants	no.	463	605	537	526	536	553	540	750
Males	%	88.1	86.6	88.8	87.6	85.8	90.1	84.1	82.3
Females	%	11.9	13.4	11.2	12.4	14.2	9.9	15.9	17.7
Aged 20–24 years	%	30.0	30.7	25.1	26.2	22.8	21.3	23.1	21.3
Acquitted	no.	29	38	41	42	48	40	31	32
	%	6.3	6.3	7.6	8.0	9.0	7.2	5.7	4.3
Proven guilty	no.	324	447	386	384	390	408	398	501
	%	70.1	73.9	71.9	73.0	72.8	73.8	73.7	66.8
Withdrawn	no.	106	109	103	100	96	102	107	206
	%	22.9	18.0	19.2	19.0	17.9	18.4	19.8	27.5

(a) Changes to the process for dealing with defendants charged with indictable offences resulted in significant movements from 2007–08 (see Explanatory Note 96).

2.12**DEFENDANTS FINALISED, Selected characteristics by states and territories,
2001–02 to 2008–09** *continued*

2001–02 2002–03 2003–04 2004–05 2005–06 2006–07 2007–08 2008–09

NT

Finalised defendants	no.	257	256	256	331	326	346	276	355
Males	%	89.9	90.6	92.6	94.0	88.3	91.3	92.4	89.6
Females	%	10.1	9.4	7.4	6.0	11.7	8.7	7.2	10.4
Aged 20–24 years	%	18.3	18.0	23.4	20.5	15.6	16.5	18.8	17.2
Acquitted	no.	10	23	21	26	24	16	r28	27
	%	3.9	9.0	8.2	7.9	7.4	4.6	r10.1	7.3
Proven guilty	no.	231	203	213	269	271	308	213	278
	%	89.9	79.3	83.2	81.3	83.1	89.0	77.2	78.3
Withdrawn	no.	13	30	22	33	28	22	r35	50
	%	5.1	11.7	8.6	10.0	8.6	6.4	r12.7	13.6

ACT

Finalised defendants	no.	165	164	119	144	166	147	186	213
Males	%	84.8	89.6	84.0	84.0	89.9	87.1	89.2	90.6
Females	%	15.2	10.4	16.0	16.0	10.2	12.9	10.8	9.4
Aged 20–24 years	%	21.6	26.2	24.4	22.2	26.5	20.4	24.7	25.4
Acquitted	no.	17	15	12	22	21	12	24	27
	%	10.4	9.1	10.1	15.3	12.7	8.2	12.9	12.7
Proven guilty	no.	104	97	71	100	118	98	126	149
	%	63.4	59.1	59.7	69.4	71.1	66.7	67.7	70.0
Withdrawn	no.	35	41	27	18	22	33	30	31
	%	21.3	25.0	22.7	12.5	13.3	22.4	16.1	14.6

Aust.

Finalised defendants	no.	17 554	16 643	17 315	16 964	16 356	16 287	r16 735	17 207
Males	%	87.4	87.4	86.7	87.8	87.5	87.4	86.0	87.3
Females	%	12.5	12.5	13.2	12.1	12.4	12.0	12.2	12.5
Aged 20–24 years	%	22.4	23.1	23.0	21.1	21.4	21.2	21.2	21.0
Acquitted	no.	1 156	990	1 053	1 273	1 248	1 100	r1 117	1 142
	%	6.6	5.9	6.1	7.5	7.6	6.8	r6.7	6.6
Proven guilty	no.	14 073	13 474	13 950	13 466	12 943	12 884	r13 205	13 526
	%	80.2	81.0	80.6	79.3	79.1	79.1	r78.9	78.6
Withdrawn	no.	2 208	2 066	2 181	2 134	2 054	2 190	r2 288	2 347
	%	12.6	12.4	12.6	12.6	12.6	13.4	r13.7	13.6

r revised

2.13**DEFENDANTS ADJUDICATED(a), Selected principal offence by states and territories, 2001–02 to 2008–09**

2001–02 2002–03 2003–04 2004–05 2005–06 2006–07 2007–08 2008–09

NSW (b)

Defendants adjudicated	no.	3 167	2 908	3 138	3 016	3 090	2 898	2 929	3 249
Homicide and related offences	%	6.2	5.0	5.4	5.4	4.6	5.3	5.2	4.6
Acts intended to cause injury	%	14.0	16.5	15.1	15.2	15.5	15.1	15.9	16.7
Sexual assault and related offences	%	11.7	12.2	10.0	11.3	12.8	11.8	12.3	13.4
Robbery, extortion and related offences	%	24.3	21.3	19.7	17.1	16.6	18.1	17.4	16.5
Unlawful entry with intent	%	9.8	10.6	13.7	11.9	12.3	10.2	10.7	11.8
Fraud, deception and related offences	%	4.2	4.3	4.0	4.4	3.9	3.9	3.9	3.0
Illicit drug offences	%	18.8	18.5	20.9	23.5	23.1	24.2	24.7	24.2
Other(c)	%	10.9	11.3	11.2	11.2	11.2	11.4	10.1	9.8
Total(d)	%	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

VIC.

Defendants adjudicated	no.	1 895	1 990	2 426	2 307	2 212	2 249	2 406	2 139
Homicide and related offences	%	4.7	5.0	3.3	4.3	4.3	3.7	4.9	6.1
Acts intended to cause injury	%	18.8	18.7	20.6	20.6	20.3	23.1	25.2	25.6
Sexual assault and related offences	%	12.6	10.2	10.8	14.9	12.4	14.5	18.5	19.7
Robbery, extortion and related offences	%	23.3	19.1	16.8	13.2	11.9	11.9	12.1	9.7
Unlawful entry with intent	%	4.3	4.5	4.1	3.7	3.5	3.4	2.8	2.7
Fraud, deception and related offences	%	7.1	8.2	7.8	8.6	7.0	9.6	6.3	6.2
Illicit drug offences	%	10.3	10.0	12.7	11.6	15.7	10.4	13.0	15.0
Other(c)	%	16.3	18.8	18.8	20.1	21.3	19.9	17.1	15.0
Total(d)	%	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

QLD

Defendants adjudicated	no.	6 065	5 515	5 564	5 398	5 041	4 882	4 949	4 770
Homicide and related offences	%	1.7	1.7	1.5	1.6	1.7	1.3	1.0	1.4
Acts intended to cause injury	%	28.2	28.0	28.6	29.5	30.0	29.0	28.7	28.2
Sexual assault and related offences	%	9.4	10.0	9.5	11.3	13.4	13.5	13.3	16.0
Robbery, extortion and related offences	%	6.3	6.0	5.6	6.4	6.4	6.9	7.2	6.6
Unlawful entry with intent	%	13.5	13.8	12.9	9.8	8.8	8.7	9.1	7.7
Fraud, deception and related offences	%	11.3	11.5	11.8	9.9	8.1	7.8	8.3	7.9
Illicit drug offences	%	9.3	9.1	11.2	13.8	13.4	15.6	16.8	17.2
Other(c)	%	18.8	19.9	18.8	17.6	17.0	16.8	15.4	15.0
Total(d)	%	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

(a) Offence data are based on ASOC08 for 2008–09 and ASOC97 prior to this period. Caution should be exercised when comparing offence data. (See Technical Note and Explanatory Notes paragraph 21–22).

(b) Data may be understated in 2007–08 (see Explanatory Note 63).

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

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

2.13**DEFENDANTS ADJUDICATED(a), Selected principal offence by states and territories, 2001–02 to 2008–09** *continued*

2001–02 2002–03 2003–04 2004–05 2005–06 2006–07 2007–08 2008–09

SA

Defendants adjudicated	no.	802	611	675	745	760	928	982	1 066
Homicide and related offences	%	3.1	5.6	3.6	3.4	5.4	6.7	4.5	2.6
Acts intended to cause injury	%	16.6	16.9	14.8	14.2	17.0	15.2	22.0	18.2
Sexual assault and related offences	%	10.3	11.9	13.0	11.0	12.8	15.8	14.4	17.9
Robbery, extortion and related offences	%	12.2	10.8	12.0	11.1	11.3	10.9	11.1	9.6
Unlawful entry with intent	%	11.0	12.6	12.6	12.9	11.8	9.1	7.8	8.3
Fraud, deception and related offences	%	2.5	2.8	1.2	2.7	1.8	1.6	1.5	1.3
Illicit drug offences	%	33.9	28.6	28.4	30.3	25.7	25.3	24.9	25.3
Other(b)	%	10.3	10.8	13.8	14.4	14.2	15.4	13.7	16.7
Total(c)	%	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

WA

Defendants adjudicated	no.	2 585	2 616	2 456	2 430	2 216	2 145	2 235	2 429
Homicide and related offences	%	1.2	1.8	1.4	2.1	2.8	1.8	2.0	1.6
Acts intended to cause injury	%	11.2	10.2	10.5	12.5	14.3	15.3	15.2	14.2
Sexual assault and related offences	%	10.2	10.8	11.2	14.5	16.5	15.4	16.2	18.5
Robbery, extortion and related offences	%	9.5	10.2	8.3	9.4	10.7	11.2	12.4	10.5
Unlawful entry with intent	%	31.6	32.3	33.1	20.5	15.4	15.2	13.2	14.7
Fraud, deception and related offences	%	4.0	3.5	3.6	4.2	3.2	3.8	3.8	3.8
Illicit drug offences	%	12.1	12.0	10.5	13.6	16.0	17.3	17.1	20.0
Other(b)	%	20.2	19.3	21.3	23.0	21.1	20.0	20.1	16.7
Total(c)	%	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

TAS.

Defendants adjudicated	no.	352	485	427	426	438	448	429	533
Homicide and related offences	%	2.6	2.3	1.4	0.7	4.3	1.8	2.6	1.3
Acts intended to cause injury	%	28.7	27.4	22.5	22.1	33.3	27.9	22.8	26.8
Sexual assault and related offences	%	6.0	12.0	13.1	14.6	12.6	15.8	12.8	9.2
Robbery, extortion and related offences	%	15.3	8.7	8.7	11.5	8.9	7.6	13.1	10.1
Unlawful entry with intent	%	16.5	12.6	16.9	10.6	3.9	4.2	2.3	1.5
Fraud, deception and related offences	%	2.8	6.0	5.9	5.9	4.6	5.4	4.4	4.7
Illicit drug offences	%	5.4	7.0	6.6	7.5	11.6	14.7	16.8	24.2
Other(b)	%	22.7	24.1	25.1	27.2	20.8	22.5	25.2	22.1
Total(c)	%	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

(a) Offence data are based on ASOC08 for 2008–09 and ASOC97 prior to this period. Caution should be exercised when comparing offence data. (See Technical Note and Explanatory Notes paragraph 21–22).

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

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

2.13**DEFENDANTS ADJUDICATED(a), Selected principal offence by states and territories, 2001–02 to 2008–09** *continued*

2001–02 2002–03 2003–04 2004–05 2005–06 2006–07 2007–08 2008–09

NT

Defendants adjudicated	no.	240	226	234	295	295	324	239	305
Homicide and related offences	%	3.8	10.2	9.4	4.7	6.8	4.0	9.6	6.6
Acts intended to cause injury	%	18.8	22.6	31.2	25.4	34.9	28.1	37.7	34.4
Sexual assault and related offences	%	9.6	14.6	16.2	15.9	15.3	17.0	23.0	19.0
Robbery, extortion and related offences	%	7.5	10.2	6.0	6.4	1.7	6.5	5.4	6.6
Unlawful entry with intent	%	8.8	6.6	9.0	8.1	4.7	2.2	2.9	3.9
Fraud, deception and related offences	%	2.5	4.0	1.3	2.4	2.0	1.9	—	1.3
Illicit drug offences	%	16.7	19.5	16.2	11.5	16.3	12.0	14.2	17.7
Other(b)	%	32.5	12.4	10.7	25.4	18.3	28.4	7.1	10.5
Total(c)	%	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

ACT

Defendants adjudicated	no.	118	111	83	122	139	109	150	177
Homicide and related offences	%	—	—	—	3.3	2.9	—	4.0	1.7
Acts intended to cause injury	%	19.5	23.4	22.9	19.7	23.0	29.4	25.3	17.5
Sexual assault and related offences	%	10.2	10.8	18.1	10.7	10.1	8.3	9.3	13.6
Robbery, extortion and related offences	%	11.9	19.8	13.3	8.2	14.4	11.9	18.0	19.2
Unlawful entry with intent	%	11.0	10.8	9.6	11.5	13.7	7.3	12.7	11.9
Fraud, deception and related offences	%	13.6	9.0	4.8	11.5	2.2	5.5	2.7	3.4
Illicit drug offences	%	14.4	6.3	7.2	14.8	15.1	11.9	8.0	8.5
Other(b)	%	19.5	11.7	24.1	20.5	18.7	25.7	20.0	24.3
Total(c)	%	100.0	100.0	100.0	100.0	100.0	100.0	100.0	99.4

AUST.

Defendants adjudicated	no.	15 224	14 462	15 003	14 739	14 191	13 983	14 319	14 668
Homicide and related offences	%	3.0	3.1	2.8	3.0	3.3	3.0	3.1	3.0
Acts intended to cause injury	%	20.4	20.6	20.7	21.2	22.3	22.1	22.9	22.2
Sexual assault and related offences	%	10.4	10.8	10.5	12.6	13.5	13.9	14.6	16.3
Robbery, extortion and related offences	%	13.3	12.1	11.2	10.6	10.5	11.0	11.4	10.4
Unlawful entry with intent	%	14.5	15.0	15.0	11.2	9.7	8.9	8.6	8.8
Fraud, deception and related offences	%	7.3	7.4	7.3	7.0	5.6	6.0	5.6	5.1
Illicit drug offences	%	13.2	12.5	14.1	16.0	17.0	17.3	18.2	19.6
Other(b)	%	17.0	17.5	17.5	17.9	17.1	17.1	15.4	14.5
Total(c)	%	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

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

(a) Offence data are based on ASOC08 for 2008–09 and ASOC97 prior to this period. Caution should be exercised when comparing offence data. (See Technical Note and Explanatory Notes paragraph 21–22).

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

2.14**DEFENDANTS PROVEN GUILTY, Principal sentence by states and territories,
2001–02 to 2008–09**

		2001–02	2002–03	2003–04	2004–05	2005–06	2006–07	2007–08	2008–09
NSW (a)									
Defendants proven guilty	no.	2 787	2 651	2 890	2 732	2 831	2 704	r2 706	2 998
Custodial orders									
Custody in a correctional institution	%	73.8	73.7	75.4	74.9	72.6	73.3	r74.7	75.0
Custody in the community	%	0.3	0.2	0.5	0.4	0.4	0.5	0.2	0.2
Fully suspended sentence	%	12.0	13.6	13.7	13.9	17.0	17.5	r15.8	15.3
Total	%	86.1	87.5	89.6	89.2	89.9	91.2	r90.7	90.5
Non-custodial orders									
Community supervision/work orders	%	5.1	4.2	3.5	3.6	2.9	3.0	r2.2	1.3
Monetary orders	%	0.7	0.8	0.9	0.8	0.8	0.9	r0.7	1.0
Other(b)	%	7.4	6.7	6.0	6.5	6.4	5.0	r6.4	7.2
Total	%	13.1	11.8	10.4	10.8	10.1	8.8	r9.3	9.5
Vic.									
Defendants proven guilty	no.	1 754	1 837	2 242	2 087	2 005	2 073	2 188	1 963
Custodial orders									
Custody in a correctional institution	%	56.3	52.8	51.1	53.1	53.5	56.1	57.8	60.1
Custody in the community	%	3.1	1.5	3.7	2.5	2.5	3.0	2.6	2.4
Fully suspended sentence	%	19.4	21.2	23.1	23.7	24.2	21.4	22.8	25.8
Total	%	82.0	78.4	80.2	82.3	80.4	80.7	83.2	88.3
Non-custodial orders									
Community supervision/work orders	%	9.9	11.8	9.6	10.2	8.8	9.6	9.4	6.3
Monetary orders	%	2.2	3.0	3.1	3.1	4.0	4.4	4.2	4.0
Other(b)	%	4.4	3.6	3.3	2.8	4.3	2.8	3.2	1.4
Total	%	16.4	18.5	16.0	16.0	17.1	16.8	16.8	11.7
Qld									
Defendants proven guilty	no.	5 787	5 272	5 305	5 091	4 807	4 658	4 698	4 511
Custodial orders									
Custody in a correctional institution	%	44.2	42.9	44.5	51.9	47.5	54.3	62.2	61.2
Custody in the community	%	—	5.9	6.2	6.7	6.6	5.9	4.0	3.5
Fully suspended sentence	%	18.5	18.8	16.3	11.7	20.6	15.7	12.8	14.0
Total	%	62.6	67.6	67.0	70.3	74.7	76.0	78.9	78.7
Non-custodial orders									
Community supervision/work orders	%	28.5	23.4	23.3	20.9	17.0	16.6	14.5	14.3
Monetary orders	%	5.8	6.2	6.3	5.7	5.7	5.1	4.6	4.4
Other(b)	%	3.0	2.9	3.4	3.1	2.6	2.3	2.0	2.6
Total	%	37.3	32.4	33.0	29.7	25.3	24.0	21.1	21.3

— nil or rounded to zero (including null cells)

r revised

(a) Data may be understated in 2007–08 (see Explanatory Note 63).

(b) Includes good behaviour bonds, licence

disqualification/suspensions/amendments, forfeiture of property orders, nominal penalties and other non-custodial orders n.e.c.

2.14**DEFENDANTS PROVEN GUILTY, Principal sentence by states and territories,
2001–02 to 2008–09** *continued*

2001–02 2002–03 2003–04 2004–05 2005–06 2006–07 2007–08 2008–09

SA

Defendants proven guilty	no.	741	563	611	678	671	821	894	950
Custodial orders									
Custody in a correctional institution	%	47.9	44.2	48.9	43.5	45.6	46.4	46.2	47.8
Custody in the community(a)	%	na	na	na	na	na	19.0	32.4	28.4
Fully suspended sentence(a)	%	40.9	43.9	38.0	48.2	43.5	26.6	13.8	14.1
<i>Total</i>	%	88.8	88.1	86.9	91.7	89.1	92.0	92.4	90.3
Non-custodial orders									
Community supervision/work orders	%	1.2	0.9	0.7	—	0.4	0.4	0.4	0.3
Monetary orders	%	4.2	4.8	4.6	7.5	3.1	2.4	2.6	2.3
Other(b)	%	5.8	5.3	6.5	0.7	7.3	5.4	4.6	7.1
<i>Total</i>	%	11.2	11.0	11.8	8.3	10.9	8.0	7.6	9.7

WA

Defendants proven guilty	no.	2 345	2 404	2 232	2 125	1 850	1 814	1 982	2 176
Custodial orders									
Custody in a correctional institution	%	50.5	49.9	49.4	50.4	51.1	51.9	55.5	56.8
Custody in the community(c)	%	—	—	18.4	17.7	19.4	..	..	..
Fully suspended sentence(c)	%	11.9	13.3	13.9	16.3	17.7	24.8	22.6	23.9
<i>Total</i>	%	62.5	63.2	81.7	84.4	88.2	76.7	78.1	80.7
Non-custodial orders									
Community supervision/work orders(c)	%	30.4	29.8	11.4	7.3	5.2	16.6	16.1	13.8
Monetary orders	%	6.3	5.7	5.6	7.1	6.2	5.5	5.2	4.8
Other(b)	%	0.9	1.3	1.2	1.1	0.4	0.5	0.5	0.6
<i>Total</i>	%	37.5	36.8	18.3	15.5	11.7	22.6	21.8	19.3

Tas.

Defendants proven guilty	no.	324	447	386	384	390	408	398	501
Custodial orders									
Custody in a correctional institution	%	62.3	59.5	54.4	48.4	52.8	59.3	57.3	56.9
Custody in the community	%	..	..	..	..	..	..	..	..
Fully suspended sentence	%	14.2	15.4	26.2	35.7	29.5	27.9	28.9	32.1
<i>Total</i>	%	76.5	74.9	80.6	84.1	82.3	87.3	86.2	89.0
Non-custodial orders									
Community supervision/work orders	%	12.7	14.1	12.7	8.1	7.9	7.6	6.3	5.0
Monetary orders	%	4.0	8.3	4.7	5.2	4.4	3.9	4.3	3.4
Other(b)	%	6.5	2.7	2.1	2.6	5.4	1.2	3.3	2.6
<i>Total</i>	%	23.1	25.1	19.4	15.9	17.7	12.7	13.8	11.0

.. not applicable

— nil or rounded to zero (including null cells)

na not available

(a) Prior to 2007–08, fully suspended sentences were overstated. For 2006–07, custody in the community were understated (see Explanatory Note 84).

(b) Includes good behaviour bonds, licence disqualification/suspensions/amendments, forfeiture of property orders, nominal penalties and other non-custodial orders n.e.c.

(c) Data are incorrectly coded between 2003–04 to 2005–06 (see Explanatory Note 92).

2.14**DEFENDANTS PROVEN GUILTY, Principal sentence by states and territories,
2001–02 to 2008–09** *continued*

2001–02 2002–03 2003–04 2004–05 2005–06 2006–07 2007–08 2008–09

NT

Defendants proven guilty	no.	231	203	213	269	271	308	213	278
Custodial orders									
Custody in a correctional institution(a)	%	78.8	73.4	82.6	71.4	70.1	66.2	71.8	84.2
Custody in the community	%	—	1.5	1.9	1.5	1.5	3.6	3.3	2.2
Fully suspended sentence(a)	%	19.0	18.7	10.8	12.6	18.8	15.6	19.2	10.1
<i>Total</i>	%	97.8	93.1	95.3	85.5	90.4	85.4	94.4	96.4
Non-custodial orders									
Community supervision/work orders	%	—	—	1.4	—	—	—	1.4	—
Monetary orders	%	—	—	1.4	10.4	8.5	13.6	1.4	2.5
Other(b)	%	2.2	6.4	2.3	3.3	1.1	—	3.3	—
<i>Total</i>	%	2.2	6.9	4.7	14.5	9.6	14.6	5.6	3.6

ACT

Defendants proven guilty	no.	104	97	71	100	118	98	126	149
Custodial orders									
Custody in a correctional institution	%	50.0	38.1	60.6	44.0	32.2	32.7	41.3	40.3
Custody in the community	%	—	—	—	—	—	—	—	—
Fully suspended sentence	%	30.8	28.9	22.5	21.0	38.1	35.7	43.7	36.2
<i>Total</i>	%	80.8	67.0	83.1	65.0	70.3	68.4	84.9	76.5
Non-custodial orders									
Community supervision/work orders	%	4.8	—	—	—	—	—	—	6.7
Monetary orders	%	9.6	23.7	8.5	23.0	19.5	—	—	2.0
Other(b)	%	2.9	8.2	7.0	10.0	9.3	28.6	12.7	14.8
<i>Total</i>	%	17.3	33.0	16.9	35.0	29.7	31.6	15.1	23.5

Aust.

Defendants proven guilty	no.	14 073	13 474	13 950	13 466	12 943	12 884	r13 205	13 526
Custodial orders									
Custody in a correctional institution	%	53.8	52.6	53.9	56.3	54.8	58.0	r61.8	62.5
Custody in the community	%	0.4	2.6	6.0	5.8	5.7	4.0	4.1	3.6
Fully suspended sentence	%	17.4	18.1	17.7	17.3	21.5	19.5	r17.5	18.4
<i>Total</i>	%	72.1	73.7	77.9	79.9	82.1	81.6	r83.4	84.6
Non-custodial orders									
Community supervision/work orders	%	19.4	17.4	13.4	11.6	9.3	10.8	9.8	8.5
Monetary orders	%	4.2	4.6	4.4	4.8	4.5	4.1	3.6	3.4
Other(b)	%	3.9	3.6	3.7	3.4	3.7	3.0	3.2	3.5
<i>Total</i>	%	27.5	25.7	21.4	19.8	17.5	17.9	r16.6	15.4

— nil or rounded to zero (including null cells)

r revised

(a) Data are incorrectly coded prior to 2008–09 resulting in an overcount of fully suspended sentence and an undercount of custody in a correctional institution (see Explanatory Note 99).

(b) Includes good behaviour bonds, licence disqualification/suspensions/amendments, forfeiture of property orders, nominal penalties and other non-custodial orders n.e.c.

CHAPTER 3

MAGISTRATES' COURTS

INTRODUCTION

This chapter presents information about defendants finalised in the criminal jurisdiction of the Magistrates' Courts in 2008–09.

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

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

The offence categories referred to relate to the principal offence i.e. the most serious offence type with which the defendant was charged. For more information about principal offence see Explanatory Notes paragraphs 41–45.

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

Snapshot

- The number of defendants finalised in the Magistrates' Courts increased by 3%, from 619,542 in 2007–08 to 635,926 in 2008–09.
- Most defendants (44% or 279,153) were finalised for traffic and vehicle regulatory offences, followed by public order offences (11% or 70,405).
- The proportion of male to female defendants has remained relatively stable since 2003–04 with males accounting for approximately 77% (492,197) of the total.
- During 2008–09, 577,548 or 91% of defendants finalised in the Magistrates' Courts in Australia had their cases adjudicated. Other methods of finalisation included: charges withdrawn by the prosecution (7% or 44,725); transfers to other courts (2% or 13,163); and other methods, such as defendants unfit to plead, defendants deceased, transfers to non-court agencies, etc., (less than 1% or 488).
- The majority (96% or 552,379) of defendants whose cases were adjudicated in the Magistrates' Courts in 2008–09 were proven guilty.
- Approximately 9 in 10 convicted defendants were sentenced to non-custodial orders.

DEFENDANTS FINALISED

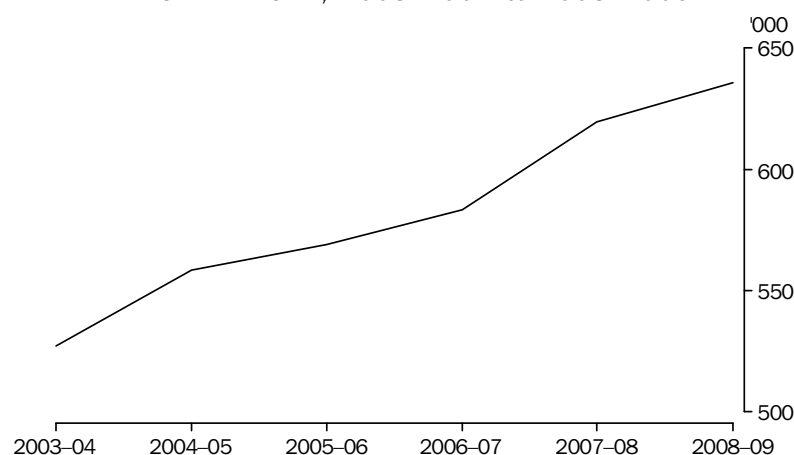
Defendants can have their charges finalised via different methods (see Appendix 2). The main categories of finalisation are: adjudicated finalisations, where the court has made a finding as to the guilt or otherwise of the defendant; finalisation by transfer between courts; withdrawal by the prosecution;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

The largest number of defendants charged with criminal offences in Australia each year, are finalised in the Magistrates' Courts. The number of defendants finalised at this court level had increased by 21% since 2003–04 (from 527,374 to 635,926 in 2008–09).

DEFENDANTS FINALISED

continued

DEFENDANTS FINALISED, 2003–2004 to 2008–2009



All states and territories, except Tasmania had increases in the numbers of defendants finalised in the Magistrates' Courts in 2008–09. Western Australia (12%), South Australia (8%) and New South Wales (8%) had the largest increases.

Tasmania's finalised defendants decreased by over half (53%) from 53,368 in 2007–08 to 24,971 in 2008–09. This was due to the introduction of new legislation in 2008 that allowed for infringement notices to be dealt with, without proceeding to court (see Explanatory Notes paragraph 97).

Charges withdrawn by the prosecution

Defendants finalised through charges being withdrawn by the prosecution increased by 11% from 40,459 in 2007–08 to 44,725 in 2008–09. Despite this increase, the number of defendants finalised through charges being withdrawn by the prosecution had declined from 9% of all finalised defendants in 2003–04 to 7% in 2008–09.

During 2008–09, the following offences had the largest proportion of defendants finalised via the withdrawal of charges by the prosecution:

- robbery and extortion (25% or 528);
- sexual assault (20% or 857); and
- abduction, harassment and other offences against the person (16% or 452 defendants); and
- acts intended to cause injury (15% or 8,922).

The Australian Capital Territory (24%), South Australia (12%) and Victoria (10%) had larger proportions of defendants whose charges were withdrawn than the national average (7%). Tasmania had the smallest proportion of defendants whose charges were withdrawn, at 2%.

DEFENDANTS
ADJUDICATED

The following information only relates to defendants whose charges were adjudicated, i.e. finalised via a plea of guilty or a decision by the Magistrate as to their guilt or otherwise of the final charges laid.

Principal offence – traffic and vehicle regulatory offences

Traffic offences accounted for the greatest proportion (46% or 264,849) of defendants heard in the Magistrates' Courts in 2008–09. This was similar to the proportion of defendants with this offence in the previous year (45%).

*Principal offence – traffic
and vehicle regulatory
offences continued*

Of the defendants adjudicated in the Magistrates' Courts charged with traffic offences as their principal offence, nearly a third (29%) were aged under 25 years. In total, 59% of defendants charged with road traffic offences were aged under 35 years.

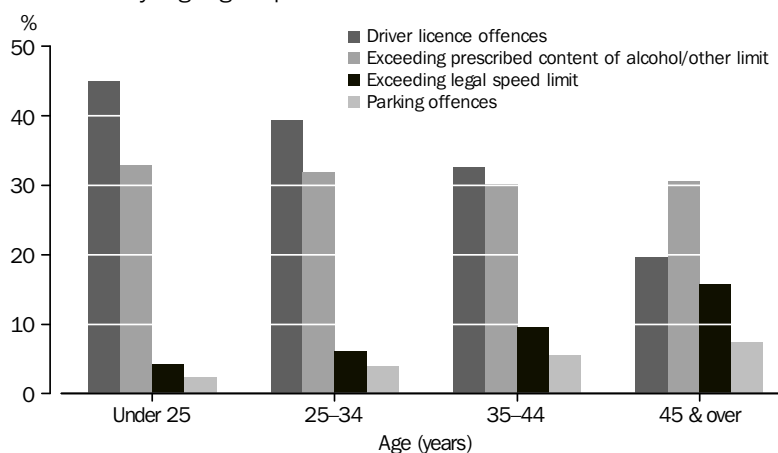
Within the broad category of traffic offences, defendants in 2008–09 were charged as follows:

- driving licence offences (35%);
- exceeding the prescribed content of alcohol or other substance limit (31%);
- exceeding the legal speed limit (8%); and
- other road traffic and motor vehicle regulatory offences (27%).

Younger defendants were more likely to be charged with driving licence offences than older defendants, 45% of defendants aged under 25 years compared with 21% of those aged 45 years and over. Driving licence offences include driving without a licence or driving while a licence is cancelled or suspended.

A greater proportion of defendants aged 45 years and over were charged with exceeding the legal speed limit (16%) and parking offences (8%), compared with younger defendants aged under 25 years (4% and 2% respectively). Around the same proportion of defendants in each age group were charged with exceeding the prescribed content of alcohol limit (approximately 31%).

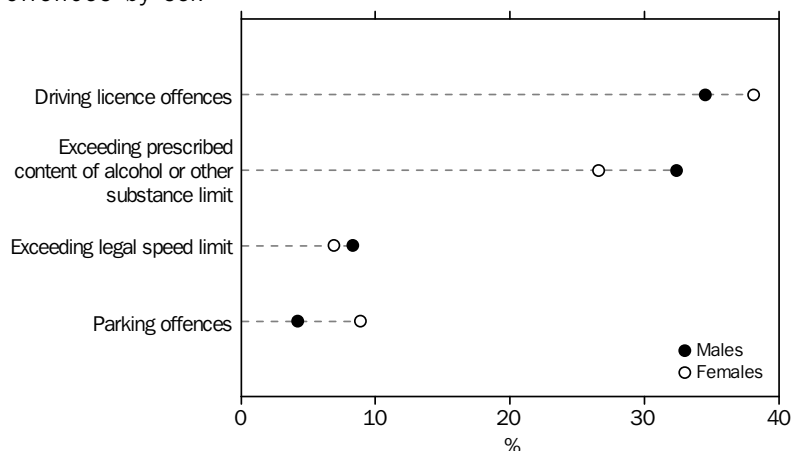
DEFENDANTS ADJUDICATED FOR TRAFFIC OFFENCES, Selected offences by age group



Of defendants charged with road traffic offences as their principal offence, three-quarters (75% or 199,517) were males and just under a quarter (23% or 60,406) were females. The largest proportion of both males and females were in court for driving licence offences (34% and 38% respectively). However, more males had a principal offence of exceeding the alcohol/substance limit (32%) than females (27%), while more females were charged with parking offences (9%) than males (4%).

Principal offence – traffic and vehicle regulatory offences continued

DEFENDANTS ADJUDICATED FOR TRAFFIC OFFENCES, Selected offences by sex

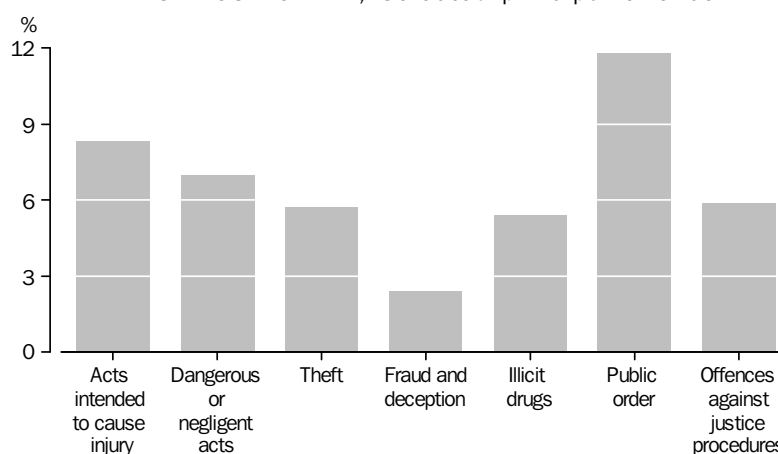


Principal offence - offences other than road traffic

After traffic offences, the largest proportion of defendants in 2008–09 were charged with: public order offences (12%); acts intended to cause injury (8%); dangerous or negligent acts endangering persons (7%) and offences against justice procedures and theft (both 6%).

After traffic offences, acts intended to cause injury accounted for the largest proportion of defendants heard in the Northern Territory (18%) New South Wales (14%), the Australian Capital Territory (11%) and Tasmania (8%). In Victoria, Queensland and South Australia, public order offences accounted for the next largest proportion of final charges heard (21%, 18% and 8% respectively). In Western Australia the most prevalent offence type after traffic offences was dangerous and negligent acts endangering persons (10%).

DEFENDANTS ADJUDICATED, Selected principal offence



Sex

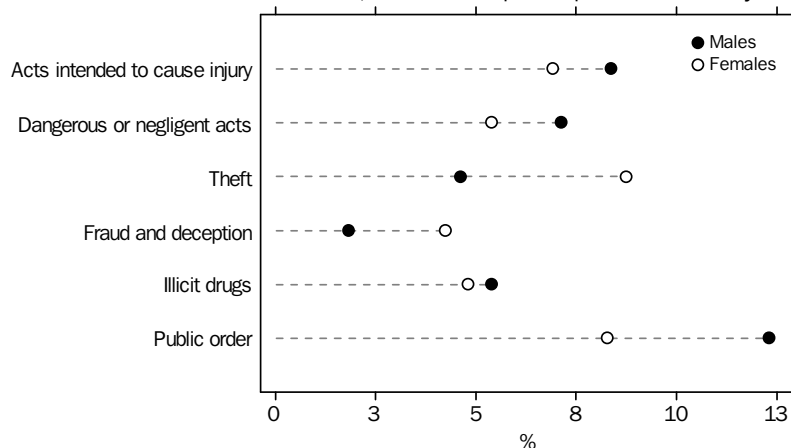
In 2008–09, more than three in four (77%) finalised defendants were male and under a quarter were female (21%). This proportion has remained relatively stable since 2003–04, when males comprised 78% of defendants finalised.

Following traffic offences, the three offences for which males were most commonly charged were: public order offences (13%); acts intended to cause injury (9%) and dangerous or negligent acts endangering persons (7%).

Sex continued

Females were most commonly charged with: theft and public order offences (both 9%); and acts intended to cause injury (7%).

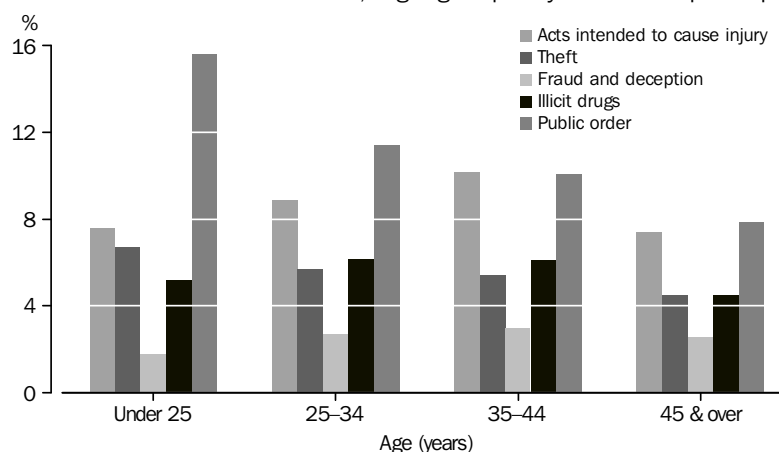
DEFENDANTS ADJUDICATED, Selected principal offence by sex

*Age*

Nearly a third (32%) of defendants heard in the Magistrates' Courts were aged under 25 years, followed by those aged 25 to 34 years (30%), 35 to 44 years (20%), and 45 years and over (15%). These proportions were similar to those in 2007–08.

The most common principal offence, apart from road traffic offences, for all age groups was public order offences, ranging from 8% of those aged 45 years and over, to 16% of those under 25 years. For those aged 35 to 44 years, acts intended to cause injury was equally the highest offence with public order offences (both 10%).

DEFENDANTS ADJUDICATED, Age groups by selected principal offence



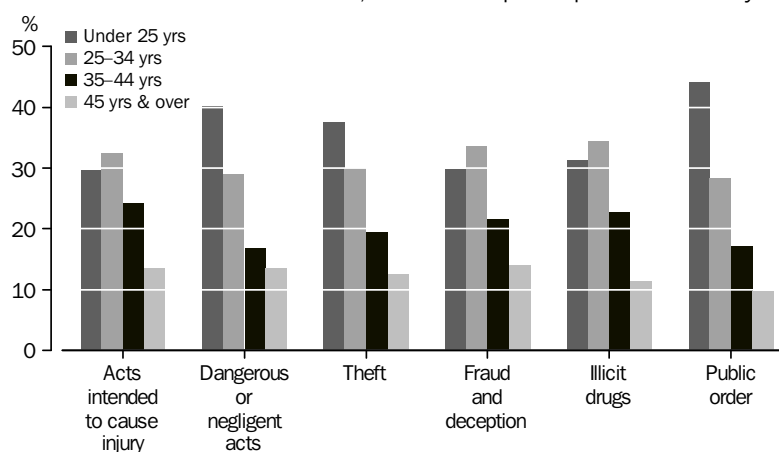
When viewing selected principal offences, the proportions of defendants varied by age group (see chart below):

- Defendants aged 25 to 34 years accounted for the largest proportion of those charged with deception (33%), illicit drug offences (34%), and acts intended to cause injury (32%).
- Those aged under 25 years accounted for the largest proportion of defendants charged with public order offences (43%), dangerous or negligent acts (39%), and theft (38%).

Age continued

In general, defendants aged 45 years and over, accounted for the smallest proportion of those charged across most principal offence types. However, for sexual assault, those aged 45 years and over made up the largest proportion of defendants charged with these offences (33%).

DEFENDANTS ADJUDICATED, Selected principal offence by age groups

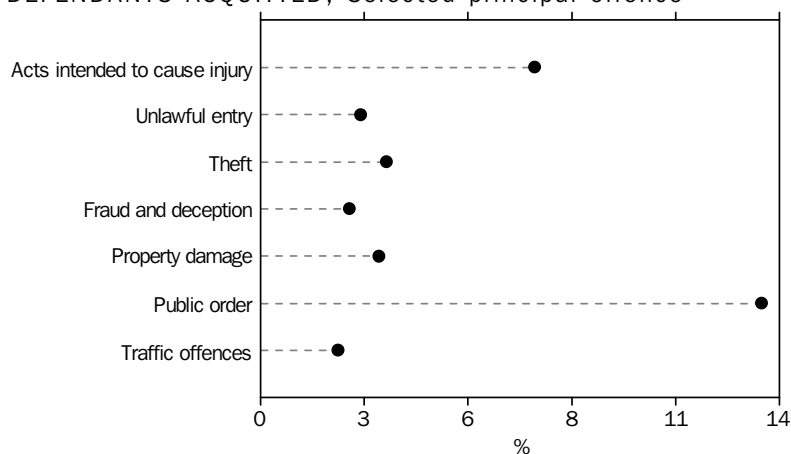
*Defendants acquitted*

In 2008–09, 25,169 or 4% of defendants adjudicated were acquitted in the Magistrates' Courts in Australia.

Defendants adjudicated for public order offences and acts intended to cause injury had the largest proportion of acquitted outcomes, 14% and 9% respectively.

Of defendants charged with traffic offences, 2% (5,773) were acquitted.

DEFENDANTS ACQUITTED, Selected principal offence



States and territories with the largest proportions of adjudicated defendants acquitted included Tasmania (16%), Victoria (12%) and the Northern Territory (6%), while South Australia had the smallest (less than 1%).

Defendants proven guilty

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

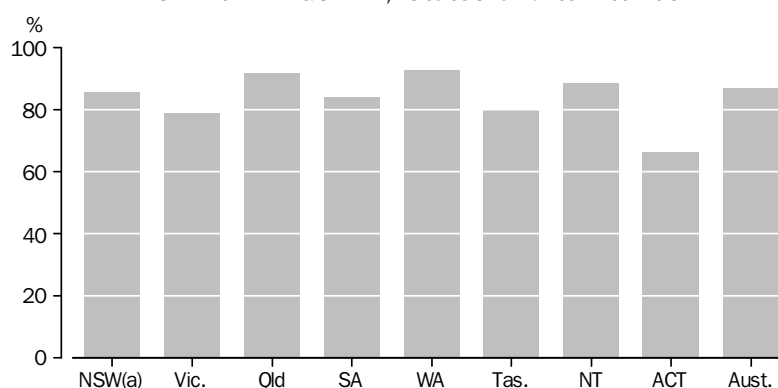
Defendants proven guilty continued

Defendants proven guilty in the Magistrates' Courts accounted for 552,379 (96%) of defendants adjudicated in 2008–09, and has remained stable since 2003–04.

Almost all defendants adjudicated for illicit drug offences and dangerous or negligent acts endangering persons (99% of defendants charged with either offence); and traffic offences (98%) were proven guilty.

The proportion of defendants proven guilty, of all finalised defendants, ranged from 95% in Tasmania to 70% in the Australian Capital Territory.

DEFENDANTS PROVEN GUILTY, States and territories



(a) Refers to finalised appearances rather than finalised defendants in the Magistrates' Courts, resulting in potentially higher population counts (see Explanatory Note 13).

In Queensland, South Australia and Western Australia, almost all of the adjudicated defendants were proven guilty (all 99% respectively), which was above the national average of 96%.

SENTENCE OUTCOMES

The following information relates to sentence outcomes for defendants heard in the Magistrates' Courts. Sentence refers to the principal sentence a defendant received which is usually, though not necessarily, the sentence associated with the principal offence. See Explanatory Notes paragraphs 46–48 for further information.

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

Custodial orders

The most serious penalties issued for charges proven in the Magistrates' Courts are custodial sentences. In 2008–09, 9% (47,681) of convicted defendants had custodial orders imposed: 4% sentenced to custody in a correctional institution; 4% given fully suspended sentences; and 1% sentenced to custody in the community.

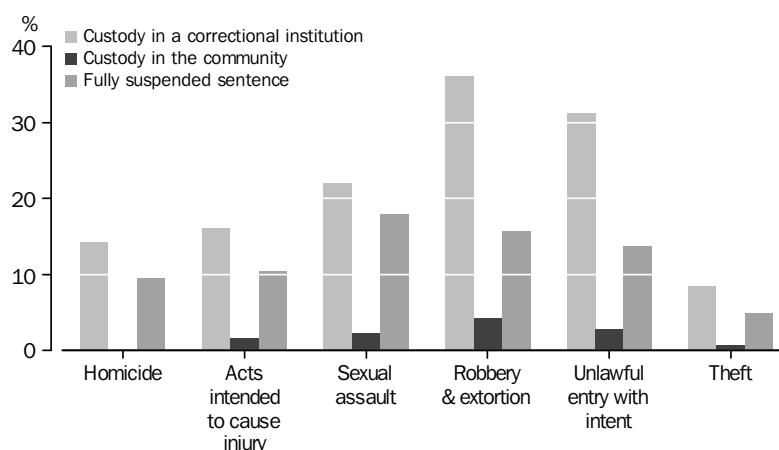
Defendants convicted of acts intended to cause injury accounted for 29% of all defendants given custodial sentences, followed by defendants convicted of traffic offences (15%). Defendants convicted of theft accounted for 11% of custodial sentences.

Of all traffic offences, driving licence offences had the largest proportion of defendants sentenced to custodial orders (8% or 7,019), followed by exceeding the alcohol limit (5% or 4,018).

Custodial orders *continued*

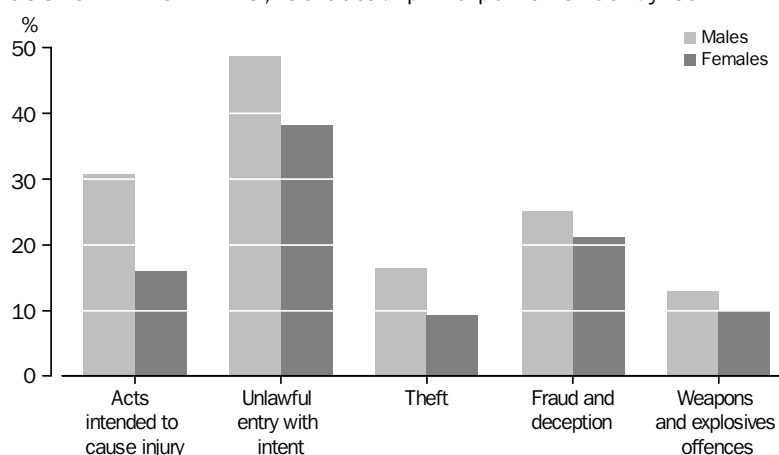
The types of custodial orders issued varied across principal offences. Custody in a correctional institution was the most common principal sentence for those convicted of robbery and extortion offences (36%), followed by unlawful entry with intent (31%). Sexual assault offences and robbery and extortion were the principal offences for which fully suspended sentences were most commonly ordered (18% and 16% respectively).

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



The proportion of male defendants who received a custodial sentence was double that of women (10% and 5% respectively). The higher proportion of custodial sentences for males was consistent across all principal offences. Custodial orders were issued to just under half (49%) of males proven guilty of unlawful entry with intent, while the same sentence was handed to 38% of females convicted of this offence. Custodial orders were also issued to 31% of males proven guilty of acts intended to cause injury. In contrast, 16% of females convicted of this offence were issued with custodial orders.

DEFENDANTS PROVEN GUILTY, PROPORTION SENTENCED TO CUSTODIAL ORDERS, Selected principal offence by sex



Non-custodial orders

The majority of convicted defendants (91% or 504,045) were given non-custodial sentences, such as community supervision or work orders, monetary orders, or good behaviour bonds. The proportion was the same as that in 2007–08.

Non-custodial orders *continued*

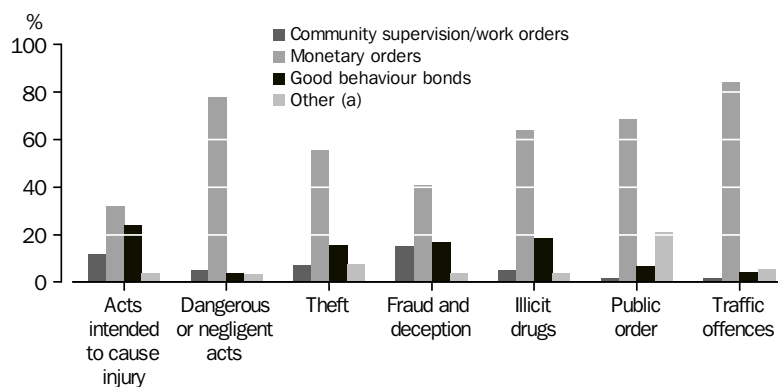
The most common non-custodial sentence was a monetary order, with nearly three-quarters (71% or 392,664) of defendants proven guilty receiving this sentence.

Monetary orders were the most common sentence issued to defendants convicted of traffic offences and dangerous or negligent acts endangering persons (84% and 78% respectively).

Community supervision or work orders were the most common non-custodial sentence for those convicted of unlawful entry with intent (21%), and robbery and extortion offences (17%).

Of those who received good behaviour bonds (9% or 48,436): 22% had a principal offence of traffic offences; 21% a principal offence of acts intended to cause injury; and 12% a principal offence of illicit drugs.

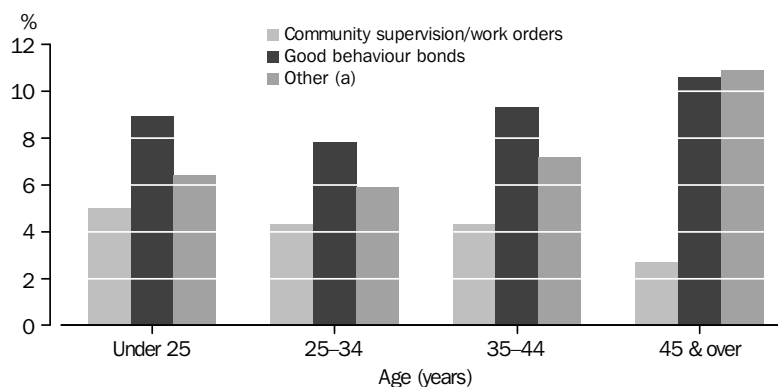
DEFENDANTS PROVEN GUILTY, Selected principal offence by type of non-custodial order



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

There were some differences across age groups in the types of non-custodial orders issued. Convicted defendants aged under 25 years had a higher proportion of defendants issued with community supervision/work orders (5% of defendants in this age group) than those aged 45 years and over (3%). Those aged 45 years and over had a higher proportion of defendants with good behaviour bonds (11%) than other age groups.

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



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

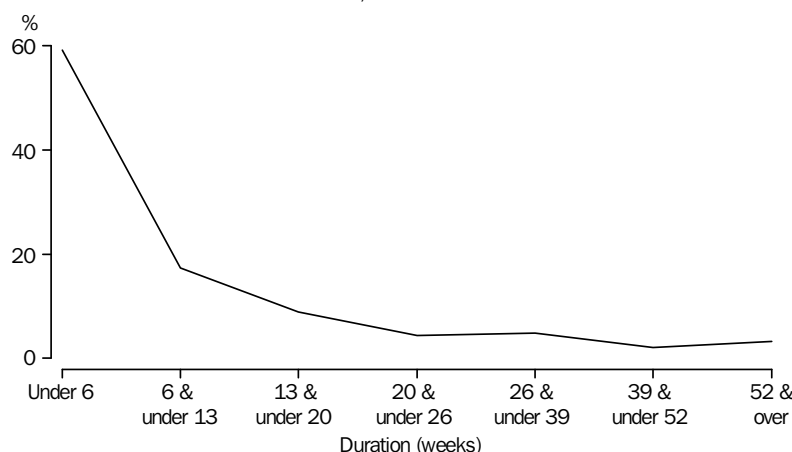
DURATION OF CASES ADJUDICATED

The nature of the charges presented to the court for a defendant, along with the process required to deal with the charges (which is affected by the type of plea), impact on the time required for a court to finalise a case. The duration is calculated from the date of initiation to finalisation of the case (for more information about duration see paragraphs 40, 58, 60–61 of the Explanatory Notes and the Glossary).

In 2008–09, over half (59%) of all defendants adjudicated in the Magistrates' Court had charges finalised within 6 weeks of initiation. Duration of cases finalised within this time period have not changed markedly over time; the same proportion of adjudicated defendants were finalised in this time in 2003–04. Adjudicated defendants finalised at 52 weeks or longer comprised 3%; the same proportion in 2003–04.

In 2008–09, public order offences (80%), illicit drug offences (63%) and traffic offences (63%) had the largest proportion of adjudicated defendants finalised within 6 weeks of initiation.

DEFENDANTS ADJUDICATED, Duration of cases finalised



FEDERAL DEFENDANTS

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

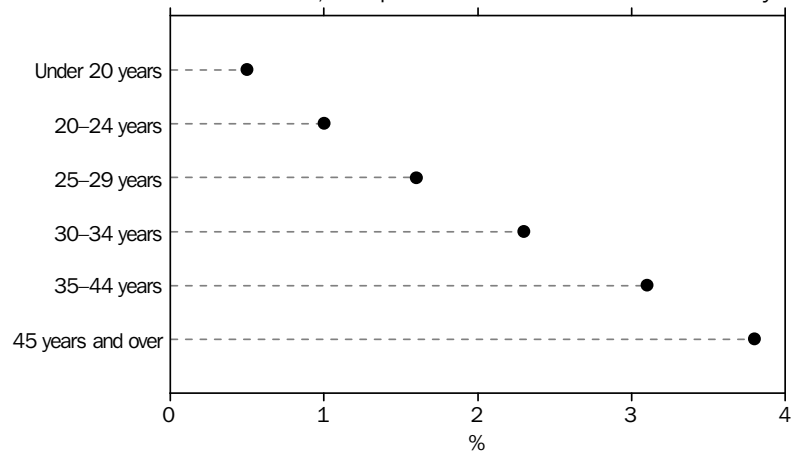
Information about the number of finalised defendants who were charged with at least one federal offence, regardless of whether it was their principal offence, and the characteristics of these defendants are presented in this publication.

In 2008–09, 14,544 (2%) defendants in the Magistrates' Courts had one or more federal offences.

Females had a higher proportion of federal charges than males (3% compared to 2% respectively). Of the defendants with one or more federal offences, those aged 35 years or more had higher proportions than other age groups (53%). Those aged under 20 had the lowest proportion (2%). This pattern was similar for both males and females although for males the highest proportion was for those aged 45 years and over (30%) and for females 35–44 years (32%).

FEDERAL DEFENDANTS
continued

DEFENDANTS FINALISED, Proportion of federal offenders by age



3.1 SUMMARY CHARACTERISTICS OF DEFENDANTS, Selected principal offence

	<i>Acts intended to cause injury</i>	<i>Dangerous or negligent acts endangering persons</i>	<i>Theft & related offences</i>	<i>Illicit drug offences</i>	<i>Public order offences</i>	<i>Traffic & vehicle regulatory offences</i>	<i>Offences against justice procedures</i>	<i>Other(a)</i>	<i>Total(b)</i>
NUMBER									
Adjudicated outcomes									
Acquitted	4 403	587	1 248	340	9 483	5 773	1 083	2 237	25 169
Proven guilty	43 436	39 780	31 657	30 996	58 392	259 076	33 156	55 717	552 379
Total	47 839	40 367	32 905	31 336	67 875	264 849	34 239	57 954	577 548
Sentence outcomes									
Custodial orders	12 207	4 026	4 423	2 404	922	11 113	2 806	9 742	47 679
Non-custodial orders	31 154	35 725	27 160	28 572	57 421	247 827	30 280	45 809	504 049
Total(c)	43 436	39 780	31 657	30 996	58 392	259 076	33 156	55 717	552 379
PROPORTION (%)									
Adjudicated outcomes									
Acquitted	9.2	1.5	3.8	1.1	14.0	2.2	3.2	3.9	4.4
Proven guilty	90.8	98.5	96.2	98.9	86.0	97.8	96.8	96.1	95.6
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Sentence outcomes									
Custodial orders	28.1	10.1	14.0	7.8	1.6	4.3	8.5	17.5	8.6
Non-custodial orders	71.7	89.8	85.8	92.2	98.3	95.7	91.3	82.2	91.3
Total(c)	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
(a) Includes ASOC Divisions 01, 03, 05–07, 09, 11–12 & 16 (refer to Appendix 3). (b) Includes defendants for whom offence data are missing or a principal offence could not be determined. (c) Includes defendants for whom a principal sentence is unknown.									

3.2 SUMMARY CHARACTERISTICS OF DEFENDANTS, 2003–04 to 2008–09

	NUMBER						PERCENTAGE CHANGE (%)
	2003–04	2004–05	2005–06	2006–07	2007–08	2008–09	2007–08 to 2008–09
Finalised defendants							
Males	410 875	433 518	440 818	451 219	476 146	492 197	3.4
Females	104 246	112 432	115 928	120 714	133 262	133 570	0.2
Organisations	8 101	9 536	9 363	7 959	6 796	6 987	2.8
Total(a)	527 374	558 464	569 163	583 453	619 542	635 926	2.6
Method of finalisation							
Adjudicated outcomes							
Acquitted	18 787	20 852	21 687	24 206	24 333	25 169	3.4
Proven guilty							
Guilty finding	42 920	39 641	38 906	35 976	36 230	38 490	6.2
Guilty plea	325 214	355 796	372 136	383 765	410 329	431 914	5.3
Guilty ex-parte	71 207	77 252	75 851	83 096	94 074	81 317	-13.6
Total(b)	447 863	474 298	487 584	503 556	541 500	552 379	2.0
Total(c)	466 661	495 150	509 271	527 762	565 833	577 548	2.1
Transfers to other court levels	11 913	15 154	13 358	14 661	12 789	13 163	2.9
Withdrawn by prosecution	46 268	45 987	44 360	40 245	40 459	44 725	10.5
Other(d)	2 525	2 159	2 173	780	443	488	10.2
Total(e)	527 374	558 464	569 163	583 453	619 542	635 926	2.6
Sentence outcomes							
Custodial orders	39 638	41 077	42 047	42 972	45 657	47 679	4.4
Non-custodial orders	406 327	431 295	445 083	459 924	495 148	504 049	1.8
Total(f)	447 863	474 298	487 584	503 556	541 500	552 379	2.0

(a) Includes defendants with unknown sex.

(b) Includes proven guilty n.f.d.

(c) Includes adjudicated finalisation n.f.d.

(d) Includes defendants deceased, unfit to plead 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.

3.3**DEFENDANTS FINALISED, Federal defendants by age and sex**

	<i>One or more federal offences</i>	<i>No federal offences</i>	<i>Total</i>	<i>% with one or more federal offences</i>
	no.	no.	no.	%
MALES				
Under 20 years	270	51 645	51 915	0.5
20–24 years	981	110 648	111 629	0.9
25–29 years	1 142	82 995	84 137	1.4
30–34 years	1 248	61 697	62 945	2.0
35–44 years	2 619	94 447	97 066	2.7
45 years and over	2 765	75 189	77 954	3.5
Total(a)	9 183	483 014	492 197	1.9
FEMALES				
Under 20 years	55	11 658	11 713	0.5
20–24 years	340	26 668	27 008	1.3
25–29 years	545	21 517	22 062	2.5
30–34 years	616	17 528	18 144	3.4
35–44 years	1 267	29 392	30 659	4.1
45 years and over	1 016	19 906	20 922	4.9
Total(a)	3 912	129 658	133 570	2.9
DEFENDANTS (b)				
Under 20 years	327	63 402	63 729	0.5
20–24 years	1 324	137 762	139 086	1.0
25–29 years	1 705	104 964	106 669	1.6
30–34 years	1 871	79 539	81 410	2.3
35–44 years	3 918	124 327	128 245	3.1
45 years and over	3 816	95 502	99 318	3.8
Organisations	1 261	5 726	6 987	18.0
Total(a)	14 543	621 383	635 926	2.3

(a) Includes defendants with unknown age.

(b) Includes defendants with unknown sex.

3.4 SUMMARY CHARACTERISTICS OF DEFENDANTS, States and territories

	NSW(a)	Vic.	Qld	SA	WA	Tas.	NT	ACT	Aust.
NUMBER									
Defendants finalised									
Males	134 259	82 671	125 702	39 360	79 754	18 075	8 490	3 886	492 197
Females	33 443	19 881	34 994	10 364	25 218	6 525	2 096	1 049	133 570
Organisations	3 492	2 143	723	170	116	143	132	68	6 987
Total(b)	171 531	104 695	162 033	49 894	107 081	24 971	10 718	5 003	635 926
Method of finalisation									
Adjudicated outcomes									
Acquitted	7 553	10 971	1 178	165	657	3 866	610	169	25 169
Proven guilty	146 952	82 524	148 738	41 980	99 400	19 961	9 504	3 320	552 379
<i>Total</i>	<i>154 505</i>	<i>93 495</i>	<i>149 916</i>	<i>42 145</i>	<i>100 057</i>	<i>23 827</i>	<i>10 114</i>	<i>3 489</i>	<i>577 548</i>
Transfers to other courts	3 594	426	3 811	1 681	2 496	693	182	280	13 163
Withdrawn by prosecution	13 325	10 774	8 304	6 005	4 232	446	422	1 217	44 725
Other(c)	107	—	—	63	296	4	—	16	486
Total(d)	171 531	104 695	162 031	49 894	107 081	24 970	10 718	5 002	635 922
Sentence outcomes									
Custodial orders	15 001	9 997	8 247	3 979	5 214	1 929	2 895	417	47 679
Non-custodial orders	131 951	72 069	140 491	38 001	94 186	17 840	6 608	2 903	504 049
Total(e)	146 952	82 524	148 738	41 980	99 400	19 961	9 506	3 320	552 381
PROPORTION (%)									
Defendants finalised									
Males	78.3	79.0	77.6	78.9	74.5	72.4	79.2	77.7	77.4
Females	19.5	19.0	21.6	20.8	23.6	26.1	19.6	21.0	21.0
Organisations	2.0	2.0	0.4	0.3	0.1	0.6	1.2	1.4	1.1
Total(b)	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Method of finalisation									
Adjudicated outcomes									
Acquitted	4.4	10.5	0.7	0.3	0.6	15.5	5.7	3.4	4.0
Proven guilty	85.7	78.8	91.8	84.1	92.8	79.9	88.7	66.4	86.9
<i>Total</i>	<i>90.1</i>	<i>89.3</i>	<i>92.5</i>	<i>84.5</i>	<i>93.4</i>	<i>95.4</i>	<i>94.4</i>	<i>69.8</i>	<i>90.8</i>
Transfers to other courts	2.1	0.4	2.4	3.4	2.3	2.8	1.7	5.6	2.1
Withdrawn by prosecution	7.8	10.3	5.1	12.0	4.0	1.8	3.9	24.3	7.0
Other(c)	0.1	—	—	0.1	0.3	—	—	0.3	0.1
Total(d)	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Sentence outcomes									
Custodial orders	10.2	12.1	5.5	9.5	5.2	9.7	30.5	12.6	8.6
Non-custodial orders	89.8	87.3	94.5	90.5	94.8	89.4	69.5	87.4	91.3
Total(e)	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Refers to finalised appearances rather than finalised defendants in the Magistrates' Courts, resulting in potentially higher population counts (see Explanatory Note 13).

(b) Includes defendants with unknown sex.

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

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

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

3.5 DEFENDANTS FINALISED, Sex by principal offence by method of finalisation

	Acquitted	Proven guilty	Total adjudicated	Transfers to other courts	Withdrawn by prosecution	Other(a)	Total(b)
MALES (no.)							
Homicide and related offences	22	25	47	325	58	—	430
Acts intended to cause injury	3 563	35 360	38 923	2 389	7 656	102	49 070
Sexual assault and related offences	212	1 105	1 317	2 105	828	15	4 265
Dangerous or negligent acts endangering persons	474	32 812	33 286	332	1 391	32	35 041
Abduction, harassment and other offences against the person	97	1 660	1 757	292	399	5	2 453
Robbery, extortion and related offences	57	164	221	1 181	462	3	1 867
Unlawful entry with intent	247	6 392	6 639	1 212	1 213	28	9 092
Theft and related offences	834	20 795	21 629	400	2 349	30	24 408
Fraud, deception and related offences	238	8 069	8 307	359	860	13	9 539
Illicit drug offences	262	24 859	25 121	2 004	1 577	26	28 728
Prohibited and regulated weapons and explosives offences	148	6 835	6 983	112	450	9	7 554
Property damage and environmental pollution	410	11 781	12 191	242	1 001	16	13 450
Public order offences	8 544	48 560	57 104	63	2 067	21	59 255
Traffic and vehicle regulatory offences	4 114	195 403	199 517	42	9 522	65	209 146
Offences against justice procedures, gov't security and operations	813	25 794	26 607	225	2 049	25	28 906
Miscellaneous offences	292	6 860	7 152	34	1 557	7	8 753
Total(c)	20 336	426 608	446 944	11 320	33 533	397	492 197
MALES (%)							
Homicide and related offences	5.1	5.8	10.9	75.6	13.5	—	100.0
Acts intended to cause injury	7.3	72.1	79.3	4.9	15.6	0.2	100.0
Sexual assault and related offences	5.0	25.9	30.9	49.4	19.4	0.4	100.0
Dangerous or negligent acts endangering persons	1.4	93.6	95.0	0.9	4.0	0.1	100.0
Abduction, harassment and other offences against the person	4.0	67.7	71.6	11.9	16.3	0.2	100.0
Robbery, extortion and related offences	3.1	8.8	11.8	63.3	24.7	0.2	100.0
Unlawful entry with intent	2.7	70.3	73.0	13.3	13.3	0.3	100.0
Theft and related offences	3.4	85.2	88.6	1.6	9.6	0.1	100.0
Fraud, deception and related offences	2.5	84.6	87.1	3.8	9.0	0.1	100.0
Illicit drug offences	0.9	86.5	87.4	7.0	5.5	0.1	100.0
Prohibited and regulated weapons and explosives offences	2.0	90.5	92.4	1.5	6.0	0.1	100.0
Property damage and environmental pollution	3.0	87.6	90.6	1.8	7.4	0.1	100.0
Public order offences	14.4	82.0	96.4	0.1	3.5	—	100.0
Traffic and vehicle regulatory offences	2.0	93.4	95.4	—	4.6	—	100.0
Offences against justice procedures, gov't security and operations	2.8	89.2	92.0	0.8	7.1	0.1	100.0
Miscellaneous offences	3.3	78.4	81.7	0.4	17.8	0.1	100.0
Total(c)	4.1	86.7	90.8	2.3	6.8	0.1	100.0

— nil or rounded to zero (including null cells)

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

(b) Includes defendants for whom a method of finalisation is unknown.

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

3.5 DEFENDANTS FINALISED, Sex by principal offence by method of finalisation

continued

	Acquitted	Proven guilty	Total adjudicated	Transfers to other courts	Withdrawn by prosecution	Other(a)	Total(b)
FEMALES (no.)							
Homicide and related offences	9	15	24	58	10	—	92
Acts intended to cause injury	838	7 969	8 807	387	1 255	17	10 466
Sexual assault and related offences	6	15	21	34	26	—	81
Dangerous or negligent acts endangering persons	110	6 690	6 800	57	267	3	7 127
Abduction, harassment and other offences against the person	17	325	342	30	50	3	425
Robbery, extortion and related offences	11	27	38	151	66	5	260
Unlawful entry with intent	28	756	784	158	187	5	1 134
Theft and related offences	414	10 764	11 178	111	877	12	12 178
Fraud, deception and related offences	129	5 253	5 382	225	448	13	6 068
Illicit drug offences	78	6 040	6 118	418	511	4	7 051
Prohibited and regulated weapons and explosives offences	19	706	725	3	68	—	796
Property damage and environmental pollution	99	2 100	2 199	46	198	3	2 446
Public order offences	931	9 646	10 577	6	349	5	10 937
Traffic and vehicle regulatory offences	1 456	58 950	60 406	8	3 630	7	64 051
Offences against justice procedures, gov't security and operations	234	6 005	6 239	65	562	9	6 875
Miscellaneous offences	145	2 519	2 664	8	845	—	3 517
Total(c)	4 530	117 813	122 343	1 769	9 374	86	133 572
FEMALES (%)							
Homicide and related offences	9.8	16.3	26.1	63.0	10.9	—	100.0
Acts intended to cause injury	8.0	76.1	84.1	3.7	12.0	0.2	100.0
Sexual assault and related offences	7.4	18.5	25.9	42.0	32.1	—	100.0
Dangerous or negligent acts endangering persons	1.5	93.9	95.4	0.8	3.7	—	100.0
Abduction, harassment and other offences against the person	4.0	76.5	80.5	7.1	11.8	0.7	100.0
Robbery, extortion and related offences	4.2	10.4	14.6	58.1	25.4	1.9	100.0
Unlawful entry with intent	2.5	66.7	69.1	13.9	16.5	0.4	100.0
Theft and related offences	3.4	88.4	91.8	0.9	7.2	0.1	100.0
Fraud, deception and related offences	2.1	86.6	88.7	3.7	7.4	0.2	100.0
Illicit drug offences	1.1	85.7	86.8	5.9	7.2	0.1	100.0
Prohibited and regulated weapons and explosives offences	2.4	88.7	91.1	0.4	8.5	—	100.0
Property damage and environmental pollution	4.0	85.9	89.9	1.9	8.1	0.1	100.0
Public order offences	8.5	88.2	96.7	0.1	3.2	—	100.0
Traffic and vehicle regulatory offences	2.3	92.0	94.3	—	5.7	—	100.0
Offences against justice procedures, gov't security and operations	3.4	87.3	90.7	0.9	8.2	0.1	100.0
Miscellaneous offences	4.1	71.6	75.7	0.2	24.0	—	100.0
Total(c)	3.4	88.2	91.6	1.3	7.0	0.1	100.0

— nil or rounded to zero (including null cells)

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

(b) Includes defendants for whom a method of finalisation is unknown.

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

3.5**DEFENDANTS FINALISED, Sex by principal offence by method of finalisation***continued*

	<i>Acquitted</i>	<i>Proven guilty</i>	<i>Total adjudicated</i>	<i>Transfers to other courts</i>	<i>Withdrawn by prosecution</i>	<i>Other(a)</i>	<i>Total(b)</i>
DEFENDANTS (no.) (c)							
Homicide and related offences	31	40	71	386	68	—	525
Acts intended to cause injury	4 404	43 437	47 841	2 782	8 922	122	59 667
Sexual assault and related offences	218	1 120	1 338	2 147	857	15	4 357
Dangerous or negligent acts endangering persons	590	39 780	40 370	389	1 676	35	42 470
Abduction, harassment and other offences against the person	114	1 989	2 103	322	452	8	2 885
Robbery, extortion and related offences	68	191	259	1 337	528	8	2 132
Unlawful entry with intent	275	7 172	7 447	1 377	1 404	33	10 261
Theft and related offences	1 248	31 657	32 905	511	3 263	42	36 721
Fraud, deception and related offences	370	13 429	13 799	588	1 323	26	15 736
Illicit drug offences	340	30 996	31 336	2 432	2 092	30	35 890
Prohibited and regulated weapons and explosives offences	167	7 568	7 735	115	518	9	8 377
Property damage and environmental pollution	516	13 980	14 496	288	1 238	19	16 041
Public order offences	9 483	58 392	67 875	69	2 435	26	70 405
Traffic and vehicle regulatory offences	5 773	259 076	264 849	50	14 179	75	279 153
Offences against justice procedures, gov't security and operations	1 084	33 156	34 240	304	2 854	34	37 432
Miscellaneous offences	480	10 227	10 707	61	2 793	7	13 571
Total(d)	25 176	552 377	577 553	13 165	44 721	489	635 931
DEFENDANTS (%) (c)							
Homicide and related offences	5.9	7.6	13.5	73.5	13.0	—	100.0
Acts intended to cause injury	7.4	72.8	80.2	4.7	15.0	0.2	100.0
Sexual assault and related offences	5.0	25.7	30.7	49.3	19.7	0.3	100.0
Dangerous or negligent acts endangering persons	1.4	93.7	95.1	0.9	3.9	0.1	100.0
Abduction, harassment and other offences against the person	4.0	68.9	72.9	11.2	15.7	0.3	100.0
Robbery, extortion and related offences	3.2	9.0	12.1	62.7	24.8	0.4	100.0
Unlawful entry with intent	2.7	69.9	72.6	13.4	13.7	0.3	100.0
Theft and related offences	3.4	86.2	89.6	1.4	8.9	0.1	100.0
Fraud, deception and related offences	2.4	85.3	87.7	3.7	8.4	0.2	100.0
Illicit drug offences	0.9	86.4	87.3	6.8	5.8	0.1	100.0
Prohibited and regulated weapons and explosives offences	2.0	90.3	92.3	1.4	6.2	0.1	100.0
Property damage and environmental pollution	3.2	87.2	90.4	1.8	7.7	0.1	100.0
Public order offences	13.5	82.9	96.4	0.1	3.5	—	100.0
Traffic and vehicle regulatory offences	2.1	92.8	94.9	—	5.1	—	100.0
Offences against justice procedures, gov't security and operations	2.9	88.6	91.5	0.8	7.6	0.1	100.0
Miscellaneous offences	3.5	75.4	78.9	0.4	20.6	0.1	100.0
Total(d)	4.0	86.9	90.8	2.1	7.0	0.1	100.0

— nil or rounded to zero (including null cells)

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

(b) Includes defendants for whom a method of finalisation is unknown.

(c) Includes defendants with unknown sex and organisations.

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

3.6**DEFENDANTS ADJUDICATED(a), Principal offence 2003–04 to 2008–09**

	2003–04	2004–05	2005–06	2006–07	2007–08	2008–09
Homicide and related offences	111	125	128	118	97	72
Acts intended to cause injury						
Assault	32 969	34 883	37 209	41 753	43 127	45 609
Stalking	..	..	..	..	..	2 194
Total(b)	32 995	34 903	37 263	41 813	43 187	47 839
Sexual assault and related offences						
Aggravated sexual assault	398	411	381	457	463	502
Non-aggravated sexual assault	387	388	392	400	430	347
Child pornography	..	..	..	..	..	206
Total(c)	869	903	881	983	1 023	1 338
Dangerous or negligent acts endangering persons	33 348	39 862	41 845	45 417	49 966	40 367
Abduction, harassment and related offences(d)	36	39	22	28	34	2 103
Robbery, extortion and related offences	344	350	301	334	286	259
Unlawful entry with intent	7 537	7 412	7 255	7 482	7 260	7 447
Theft and related offences						
Theft/illegal use of a motor vehicle(e)	3 838	3 524	3 248	2 976	2 913	1 678
Other(f)	34 528	32 620	29 507	27 250	26 173	30 944
Total(g)	38 366	36 147	32 762	30 230	29 086	32 905
Fraud, deception and related offences	16 857	18 900	17 743	17 878	18 050	13 799
Illicit drug offences						
Deal or traffic in illicit drugs	2 860	3 397	3 171	3 117	2 934	2 855
Manufacture or cultivate illicit drugs	4 704	4 607	4 042	4 144	3 840	4 199
Possess and/or use illicit drugs	17 259	16 316	16 646	18 034	18 993	20 665
Total(h)	28 355	27 712	27 308	29 013	29 449	31 336
Prohibited and regulated weapons and explosives offences	6 333	6 914	6 561	7 745	7 730	7 735
Property damage and environmental pollution	12 799	12 051	13 640	13 997	14 208	14 494
Public order offences						
Regulated public order offences	4 304	4 842	4 562	4 110	3 775	6 294
Other(i)	39 018	41 815	47 328	54 379	58 112	61 581
Total	43 322	46 657	51 890	58 489	61 887	67 875
Traffic and vehicle regulatory offences						
Driving licence offences	52 326	61 024	67 916	70 080	84 121	92 258
Exceeding the prescribed content of alcohol or other substance limit	57 548	60 990	61 668	61 349	63 731	80 991
Exceeding legal speed limit	27 505	28 534	24 044	27 189	31 401	21 294
Other(j)	68 252	70 895	71 237	68 498	77 655	70 306
Total(k)	205 672	221 469	224 901	227 175	256 963	264 849
Offences against justice procedures, gov't security and operations						
Breach of violence and non-violence orders	7 222	8 199	8 948	8 746	10 029	10 639
Other(l)	18 282	18 689	23 533	22 754	21 349	23 600
Total	25 504	26 888	32 481	31 500	31 378	34 239
Miscellaneous offences	13 792	14 687	13 976	14 606	14 566	10 707
Total(m)	466 661	495 150	509 271	527 762	565 833	577 548

.. not applicable

(a) Offence data are based on ASOC08 for 2008–09 and ASOC97 prior to this period. Caution should be exercised when comparing offence data. See Technical Note and Explanatory Notes paragraph 21–22.

(b) Includes other acts intended to cause injury n.e.c.

(c) Includes ASOC Groups 0321, 0323 and 0329.

(d) Abduction, harassment and other offences against the person may be overstated prior to 2005–06 due to an overcount of these offences in Victoria (see Explanatory Notes 69).

(e) Includes ASOC Groups 0811–0812.

(f) Includes ASOC Subdivisions 082–084 and Group 0813.

(g) Includes theft and related offences n.f.d.

(h) Includes ASOC Subdivisions 101 and 109.

(i) Includes ASOC Subdivisions 131 and 133.

(j) Includes ASOC Subdivisions 142 and 144 and Groups 1433 and 1439.

(k) Includes traffic and vehicle regulatory offences n.f.d.

(l) Includes ASOC Subdivisions 154–156 and Group 1511.

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

3.7 DEFENDANTS ADJUDICATED, Principal offence by age

	<i>Under 20 years</i>	<i>20–24 years</i>	<i>25–29 years</i>	<i>30–34 years</i>	<i>35–44 years</i>	<i>45 years & over</i>	<i>Total(a)</i>
ACQUITTED (no.)							
Homicide and related offences	—	8	4	3	8	9	32
Acts intended to cause injury	179	684	679	726	1 274	852	4 403
Sexual assault and related offences	8	32	22	16	54	86	218
Dangerous or negligent acts endangering persons	48	101	84	64	123	161	588
Abduction, harassment and other offences against the person	3	21	21	10	38	23	116
Robbery, extortion and related offences	12	21	7	7	12	9	68
Unlawful entry with intent	24	67	59	47	57	20	274
Theft and related offences	93	240	221	157	308	226	1 248
Fraud, deception and related offences	10	32	60	52	103	103	371
Illicit drug offences	18	55	61	48	92	60	340
Prohibited and regulated weapons and explosives offences	9	36	32	26	33	31	167
Property damage and environmental pollution	43	99	88	59	113	97	514
Public order offences	1 066	2 687	1 902	1 180	1 639	953	9 483
Traffic and vehicle regulatory offences	217	729	750	681	1 224	1 823	5 773
Offences against justice procedures, gov't security and operations	32	103	150	173	289	272	1 083
Miscellaneous offences	16	49	26	25	56	73	480
Total(b)	1 776	4 967	4 169	3 276	5 427	4 800	25 169

ACQUITTED (%)							
Homicide and related offences	—	0.2	0.1	0.1	0.1	0.2	0.1
Acts intended to cause injury	10.1	13.8	16.3	22.2	23.5	17.8	17.5
Sexual assault and related offences	0.5	0.6	0.5	0.5	1.0	1.8	0.9
Dangerous or negligent acts endangering persons	2.7	2.0	2.0	2.0	2.3	3.4	2.3
Abduction, harassment and other offences against the person	0.2	0.4	0.5	0.3	0.7	0.5	0.5
Robbery, extortion and related offences	0.7	0.4	0.2	0.2	0.2	0.2	0.3
Unlawful entry with intent	1.4	1.3	1.4	1.4	1.1	0.4	1.1
Theft and related offences	5.2	4.8	5.3	4.8	5.7	4.7	5.0
Fraud, deception and related offences	0.6	0.6	1.4	1.6	1.9	2.1	1.5
Illicit drug offences	1.0	1.1	1.5	1.5	1.7	1.3	1.4
Prohibited and regulated weapons and explosives offences	0.5	0.7	0.8	0.8	0.6	0.6	0.7
Property damage and environmental pollution	2.4	2.0	2.1	1.8	2.1	2.0	2.0
Public order offences	60.0	54.1	45.6	36.0	30.2	19.9	37.7
Traffic and vehicle regulatory offences	12.2	14.7	18.0	20.8	22.6	38.0	22.9
Offences against justice procedures, gov't security and operations	1.8	2.1	3.6	5.3	5.3	5.7	4.3
Miscellaneous offences	0.9	1.0	0.6	0.8	1.0	1.5	1.9
Total(b)	100.0	100.0	100.0	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Includes defendants with unknown age and organisations.

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

3.7**DEFENDANTS ADJUDICATED, Principal offence by age** *continued*

	<i>Under 20 years</i>	<i>20–24 years</i>	<i>25–29 years</i>	<i>30–34 years</i>	<i>35–44 years</i>	<i>45 years & over</i>	<i>Total(a)</i>
PROVEN GUILTY (no.)							
Homicide and related offences	—	13	5	8	3	11	40
Acts intended to cause injury	3 812	9 531	7 429	6 374	10 498	5 764	43 437
Sexual assault and related offences	59	162	152	134	259	354	1 120
Dangerous or negligent acts endangering persons	5 203	10 214	6 777	4 887	6 871	5 681	39 780
Abduction, harassment and other offences against the person	161	353	308	292	548	324	1 989
Robbery, extortion and related offences	36	60	29	28	24	14	191
Unlawful entry with intent	1 529	1 936	1 296	1 004	1 068	333	7 172
Theft and related offences	5 146	7 163	5 223	4 262	5 989	3 785	31 657
Fraud, deception and related offences	1 014	2 242	2 387	2 056	3 368	2 205	13 429
Illicit drug offences	2 622	6 971	5 756	4 705	7 018	3 905	30 996
Prohibited and regulated weapons and explosives offences	800	1 571	1 209	944	1 602	1 427	7 568
Property damage and environmental pollution	2 572	3 871	2 294	1 634	2 346	1 123	13 980
Public order offences	9 440	16 119	10 044	6 476	9 992	6 109	58 392
Traffic and vehicle regulatory offences	21 204	55 102	44 080	32 415	51 228	46 465	259 076
Offences against justice procedures, gov't security and operations	3 186	6 405	5 262	4 336	7 499	4 861	33 156
Miscellaneous offences	574	1 462	1 271	1 033	1 845	1 843	10 227
Total(b)	57 369	123 223	93 556	70 609	110 195	84 220	552 379

PROVEN GUILTY (%)							
Homicide and related offences	—	—	—	—	—	—	—
Acts intended to cause injury	6.6	7.7	7.9	9.0	9.5	6.8	7.9
Sexual assault and related offences	0.1	0.1	0.2	0.2	0.2	0.4	0.2
Dangerous or negligent acts endangering persons	9.1	8.3	7.2	6.9	6.2	6.7	7.2
Abduction, harassment and other offences against the person	0.3	0.3	0.3	0.4	0.5	0.4	0.4
Robbery, extortion and related offences	0.1	—	—	—	—	—	—
Unlawful entry with intent	2.7	1.6	1.4	1.4	1.0	0.4	1.3
Theft and related offences	9.0	5.8	5.6	6.0	5.4	4.5	5.7
Fraud, deception and related offences	1.8	1.8	2.6	2.9	3.1	2.6	2.4
Illicit drug offences	4.6	5.7	6.2	6.7	6.4	4.6	5.6
Prohibited and regulated weapons and explosives offences	1.4	1.3	1.3	1.3	1.5	1.7	1.4
Property damage and environmental pollution	4.5	3.1	2.5	2.3	2.1	1.3	2.5
Public order offences	16.5	13.1	10.7	9.2	9.1	7.3	10.6
Traffic and vehicle regulatory offences	37.0	44.7	47.1	45.9	46.5	55.2	46.9
Offences against justice procedures, gov't security and operations	5.6	5.2	5.6	6.1	6.8	5.8	6.0
Miscellaneous offences	1.0	1.2	1.4	1.5	1.7	2.2	1.9
Total(b)	100.0	100.0	100.0	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Includes defendants with unknown age and organisations.

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

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

	<i>Custody in a correctional institution</i>	<i>Custody in the community</i>	<i>Fully suspended sentence</i>	<i>Total</i>
NUMBER				
Homicide and related offences	6	—	4	10
Acts intended to cause injury	6 989	695	4 523	12 207
Sexual assault and related offences	246	25	201	472
Dangerous or negligent acts endangering persons	1 955	307	1 764	4 026
Abduction, harassment and other offences against the person	236	26	197	459
Robbery, extortion and related offences	69	8	30	107
Unlawful entry with intent	2 236	203	980	3 419
Theft and related offences	2 661	211	1 551	4 423
Fraud, deception and related offences	1 525	260	1 366	3 151
Illicit drug offences	1 147	144	1 113	2 404
Prohibited and regulated weapons and explosives offences	524	59	368	951
Property damage and environmental pollution	613	49	379	1 041
Public order offences	532	23	367	922
Traffic and vehicle regulatory offences	3 552	721	6 840	11 113
Offences against justice procedures, gov't security and operations	1 569	87	1 150	2 806
Miscellaneous offences	71	6	55	132
Total(a)	23 954	2 827	20 900	47 681

PROPORTION (%)

Homicide and related offences	14.3	—	9.5	23.8
Acts intended to cause injury	16.1	1.6	10.4	28.1
Sexual assault and related offences	22.0	2.2	17.9	42.1
Dangerous or negligent acts endangering persons	4.9	0.8	4.4	10.1
Abduction, harassment and other offences against the person	11.9	1.3	9.9	23.1
Robbery, extortion and related offences	36.1	4.2	15.7	56.0
Unlawful entry with intent	31.2	2.8	13.7	47.7
Theft and related offences	8.4	0.7	4.9	14.0
Fraud, deception and related offences	11.4	1.9	10.2	23.5
Illicit drug offences	3.7	0.5	3.6	7.8
Prohibited and regulated weapons and explosives offences	6.9	0.8	4.9	12.6
Property damage and environmental pollution	4.4	0.4	2.7	7.4
Public order offences	0.9	—	0.6	1.6
Traffic and vehicle regulatory offences	1.4	0.3	2.6	4.3
Offences against justice procedures, gov't security and operations	4.7	0.3	3.5	8.5
Miscellaneous offences	0.7	0.1	0.5	1.3
Total(a)	4.3	0.5	3.8	8.6

— nil or rounded to zero (including null cells)

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

3.8**DEFENDANTS PROVEN GUILTY, Principal offence by principal sentence** *continued***NON-CUSTODIAL ORDERS**

	<i>Community supervision/ work orders</i>	<i>Monetary orders</i>	<i>Good behaviour bonds</i>	<i>Other(b)</i>	<i>Total</i>	<i>Total proven guilty(a)</i>
NUMBER						
Homicide and related offences	3	14	9	4	30	42
Acts intended to cause injury	5 175	13 883	10 407	1 689	31 154	43 436
Sexual assault and related offences	185	221	185	41	632	1 120
Dangerous or negligent acts endangering persons	1 974	30 964	1 451	1 336	35 725	39 780
Abduction, harassment and other offences against the person	225	760	454	85	1 524	1 989
Robbery, extortion and related offences	33	14	26	3	76	191
Unlawful entry with intent	1 475	1 305	599	349	3 728	7 172
Theft and related offences	2 233	17 574	4 849	2 504	27 160	31 657
Fraud, deception and related offences	2 043	5 473	2 257	481	10 254	13 429
Illicit drug offences	1 628	19 860	5 806	1 278	28 572	30 996
Prohibited and regulated weapons and explosives offences	428	4 489	880	799	6 596	7 568
Property damage and environmental pollution	1 041	8 770	1 997	1 104	12 912	13 980
Public order offences	1 032	40 028	3 983	12 378	57 421	58 392
Traffic and vehicle regulatory offences	4 320	218 267	10 768	14 472	247 827	259 076
Offences against justice procedures, gov't security and operations	1 262	22 679	3 974	2 365	30 280	33 156
Miscellaneous offences	79	8 299	776	905	10 059	10 227
Total(c)	23 144	392 664	48 436	39 807	504 051	552 380
PROPORTION (%)						
Homicide and related offences	7.1	33.3	21.4	9.5	71.4	100.0
Acts intended to cause injury	11.9	32.0	24.0	3.9	71.7	100.0
Sexual assault and related offences	16.5	19.7	16.5	3.7	56.4	100.0
Dangerous or negligent acts endangering persons	5.0	77.8	3.6	3.4	89.8	100.0
Abduction, harassment and other offences against the person	11.3	38.2	22.8	4.3	76.6	100.0
Robbery, extortion and related offences	17.3	7.3	13.6	1.6	39.8	100.0
Unlawful entry with intent	20.6	18.2	8.4	4.9	52.0	100.0
Theft and related offences	7.1	55.5	15.3	7.9	85.8	100.0
Fraud, deception and related offences	15.2	40.8	16.8	3.6	76.4	100.0
Illicit drug offences	5.3	64.1	18.7	4.1	92.2	100.0
Prohibited and regulated weapons and explosives offences	5.7	59.3	11.6	10.6	87.2	100.0
Property damage and environmental pollution	7.4	62.7	14.3	7.9	92.4	100.0
Public order offences	1.8	68.6	6.8	21.2	98.3	100.0
Traffic and vehicle regulatory offences	1.7	84.2	4.2	5.6	95.7	100.0
Offences against justice procedures, gov't security and operations	3.8	68.4	12.0	7.1	91.3	100.0
Miscellaneous offences	0.8	81.1	7.6	8.8	98.4	100.0
Total(c)	4.2	71.1	8.8	7.2	91.3	100.0

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

(b) Includes license disqualification/suspension/amendments, forfeiture of property orders, nominal penalties and other non-custodial orders n.e.c.

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

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

	<i>Under 20 years</i>	<i>20–24 years</i>	<i>25–29 years</i>	<i>30–34 years</i>	<i>35–44 years</i>	<i>45 years & over</i>	<i>Total(a)</i>
NUMBER							
Males							
Custodial orders							
Custody in a correctional institution	1 084	4 140	4 516	3 957	5 432	2 199	21 344
Custody in the community	114	543	467	421	571	292	2 408
Fully suspended sentence	890	3 660	3 455	2 747	4 300	2 414	17 480
<i>Total</i>	2 088	8 343	8 438	7 125	10 303	4 905	41 232
Non-custodial orders							
Community supervision/work orders	2 913	4 578	3 067	2 271	3 365	1 695	17 896
Monetary orders	33 585	71 978	52 711	37 630	56 252	45 732	302 188
Good behaviour bonds	4 657	7 308	4 977	4 002	7 036	6 566	34 619
Other(b)	3 221	6 147	4 223	3 224	5 810	6 810	30 155
<i>Total</i>	44 376	90 011	64 978	47 127	72 463	60 803	384 858
Total proven guilty(c)	46 581	98 438	73 497	54 304	82 866	65 782	426 606
Females							
Custodial orders							
Custody in a correctional institution	97	394	581	488	698	281	2 542
Custody in the community	7	56	79	79	129	64	414
Fully suspended sentence	102	565	627	584	1 027	464	3 373
<i>Total</i>	206	1 015	1 287	1 151	1 854	809	6 329
Non-custodial orders							
Community supervision/work orders	548	1 014	939	790	1 313	586	5 194
Monetary orders	7 791	18 209	14 126	11 159	18 361	11 910	83 508
Good behaviour bonds	1 436	2 638	2 082	1 808	3 225	2 371	13 626
Other(d)	690	1 483	1 174	1 099	2 082	2 345	9 035
<i>Total</i>	10 465	23 344	18 321	14 856	24 981	17 212	111 363
Total proven guilty(c)	10 696	24 375	19 626	16 019	26 862	18 044	117 813
Defendants(e)							
Custodial orders							
Custody in a correctional institution	1 181	4 545	5 109	4 461	6 151	2 484	23 953
Custody in the community	121	599	546	500	700	356	2 822
Fully suspended sentence	992	4 236	4 095	3 338	5 339	2 882	20 900
<i>Total</i>	2 294	9 380	9 750	8 299	12 190	5 722	47 675
Non-custodial orders							
Community supervision/work orders	3 461	5 602	4 019	3 068	4 689	2 290	23 140
Monetary orders	41 461	90 549	67 214	49 027	75 010	57 963	392 664
Good behaviour bonds	6 097	9 953	7 068	5 817	10 272	8 954	48 436
Other(b)	3 911	7 639	5 406	4 333	7 907	9 194	39 805
<i>Total</i>	54 930	113 743	83 707	62 245	97 878	78 401	504 045
Total proven guilty(c)	57 366	123 223	93 556	70 608	110 195	84 220	552 371

(a) Includes defendants with unknown age and organisations.

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

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

(d) Includes licence disqualification/suspensions/amendments, forfeiture of property orders and nominal penalties.

(e) Includes defendants with unknown sex and organisations.

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

	<i>Under 20 years</i>	<i>20–24 years</i>	<i>25–29 years</i>	<i>30–34 years</i>	<i>35–44 years</i>	<i>45 years & over</i>	<i>Total(a)</i>
PROPORTION (%)							
Males							
Custodial orders							
Custody in a correctional institution	2.3	4.2	6.1	7.3	6.6	3.3	5.0
Custody in the community	0.2	0.6	0.6	0.8	0.7	0.4	0.6
Fully suspended sentence	1.9	3.7	4.7	5.1	5.2	3.7	4.1
<i>Total</i>	4.5	8.5	11.5	13.1	12.4	7.5	9.7
Non-custodial orders							
Community supervision/work orders	6.3	4.7	4.2	4.2	4.1	2.6	4.2
Monetary orders	72.1	73.1	71.7	69.3	67.9	69.5	70.8
Good behaviour bonds	10.0	7.4	6.8	7.4	8.5	10.0	8.1
Other(b)	6.9	6.2	5.7	5.9	7.0	10.4	7.1
<i>Total</i>	95.3	91.4	88.4	86.8	87.4	92.4	90.2
Total proven guilty(c)	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Females							
Custodial orders							
Custody in a correctional institution	0.9	1.6	3.0	3.0	2.6	1.6	2.2
Custody in the community	0.1	0.2	0.4	0.5	0.5	0.4	0.4
Fully suspended sentence	1.0	2.3	3.2	3.6	3.8	2.6	2.9
<i>Total</i>	1.9	4.2	6.6	7.2	6.9	4.5	5.4
Non-custodial orders							
Community supervision/work orders	5.1	4.2	4.8	4.9	4.9	3.2	4.4
Monetary orders	72.8	74.7	72.0	69.7	68.4	66.0	70.9
Good behaviour bonds	13.4	10.8	10.6	11.3	12.0	13.1	11.6
Other(d)	6.5	6.1	6.0	6.9	7.8	13.0	7.7
<i>Total</i>	97.8	95.8	93.4	92.7	93.0	95.4	94.5
Total proven guilty(c)	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Defendants(e)							
Custodial orders							
Custody in a correctional institution	2.1	3.7	5.5	6.3	5.6	2.9	4.3
Custody in the community	0.2	0.5	0.6	0.7	0.6	0.4	0.5
Fully suspended sentence	1.7	3.4	4.4	4.7	4.8	3.4	3.8
<i>Total</i>	4.0	7.6	10.4	11.8	11.1	6.8	8.6
Non-custodial orders							
Community supervision/work orders	6.0	4.5	4.3	4.3	4.3	2.7	4.2
Monetary orders	72.3	73.5	71.8	69.4	68.1	68.8	71.1
Good behaviour bonds	10.6	8.1	7.6	8.2	9.3	10.6	8.8
Other(b)	6.8	6.2	5.8	6.1	7.2	10.9	7.2
<i>Total</i>	95.8	92.3	89.5	88.2	88.8	93.1	91.3
Total proven guilty(c)	100.0	100.0	100.0	100.0	100.0	100.0	100.0

(a) Includes defendants with unknown age and organisations.

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

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

(d) Includes licence disqualification/suspensions/amendments, forfeiture of property orders and nominal penalties.

(e) Includes defendants with unknown sex and organisations.

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

	<i>Under 6 weeks</i>	<i>6 to under 13 weeks</i>	<i>13 to under 20 weeks</i>	<i>20 to under 26 weeks</i>	<i>26 to under 39 weeks</i>	<i>39 to under 52 weeks</i>	<i>52 weeks & over</i>	<i>Total(a)</i>
NUMBER								
Acquitted								
Acts intended to cause injury	410	663	939	654	800	374	563	4 403
Dangerous or negligent acts endangering persons	73	122	134	55	99	46	58	587
Theft and related offences	211	228	216	148	182	77	186	1 248
Illicit drug offences	28	34	48	49	57	33	91	340
Public order offences	7 749	1 185	151	101	144	70	83	9 483
Traffic and vehicle regulatory offences	801	1 402	1 006	670	763	272	859	5 773
Offences against justice procedures, gov't security and operations	181	177	221	144	156	77	127	1 083
Other(b)	252	321	421	262	423	209	349	2 237
Total(c)	9 711	4 135	3 139	2 083	2 624	1 158	2 319	25 169
Proven guilty								
Acts intended to cause injury	14 571	8 015	6 488	4 142	5 091	2 267	2 862	43 436
Dangerous or negligent acts endangering persons	21 756	7 614	4 051	1 972	2 183	865	1 339	39 780
Theft and related offences	16 573	4 870	3 322	1 887	2 192	1 057	1 756	31 657
Illicit drug offences	19 763	4 269	2 387	1 313	1 523	689	1 052	30 996
Public order offences	46 588	5 826	2 424	1 124	1 253	529	648	58 392
Traffic and vehicle regulatory offences	167 115	49 455	20 414	7 548	7 055	2 743	4 746	259 076
Offences against justice procedures, gov't security and operations	20 342	5 040	2 841	1 538	1 595	706	1 094	33 156
Other(b)	25 261	10 583	6 509	3 681	4 475	2 003	3 205	55 717
Total(c)	332 014	95 702	48 466	23 215	25 385	10 864	16 733	552 379
Defendants adjudicated	341 725	99 837	51 605	25 298	28 009	12 022	19 052	577 548
Transfers to other courts	1 174	2 062	2 953	2 168	2 707	1 062	1 036	13 162
Withdrawn by prosecution	11 574	9 621	7 446	4 393	5 315	2 409	3 967	44 725
Other(d)	133	76	68	51	58	32	74	492
Defendants finalised(e)	354 609	111 596	62 072	31 910	36 089	15 525	24 129	635 930

(a) Includes defendants with unknown duration.

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

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

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

(e) Includes defendants with unknown method of finalisation.

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

	<i>Under 6 weeks</i>	<i>6 to under 13 weeks</i>	<i>13 to under 20 weeks</i>	<i>20 to under 26 weeks</i>	<i>26 to under 39 weeks</i>	<i>39 to under 52 weeks</i>	<i>52 weeks & over</i>	<i>Total(a)</i>
PROPORTION (%)								
Acquitted								
Acts intended to cause injury	9.3	15.1	21.3	14.9	18.2	8.5	12.8	100.0
Dangerous or negligent acts endangering persons	12.4	20.8	22.8	9.4	16.9	7.8	9.9	100.0
Theft and related offences	16.9	18.3	17.3	11.9	14.6	6.2	14.9	100.0
Illicit drug offences	8.2	10.0	14.1	14.4	16.8	9.7	26.8	100.0
Public order offences	81.7	12.5	1.6	1.1	1.5	0.7	0.9	100.0
Traffic and vehicle regulatory offences	13.9	24.3	17.4	11.6	13.2	4.7	14.9	100.0
Offences against justice procedures, gov't security and operations	16.7	16.3	20.4	13.3	14.4	7.1	11.7	100.0
Other(b)	11.3	14.3	18.8	11.7	18.9	9.3	15.6	100.0
Total(c)	38.6	16.4	12.5	8.3	10.4	4.6	9.2	100.0
Proven guilty								
Acts intended to cause injury	33.5	18.5	14.9	9.5	11.7	5.2	6.6	100.0
Dangerous or negligent acts endangering persons	54.7	19.1	10.2	5.0	5.5	2.2	3.4	100.0
Theft and related offences	52.4	15.4	10.5	6.0	6.9	3.3	5.5	100.0
Illicit drug offences	63.8	13.8	7.7	4.2	4.9	2.2	3.4	100.0
Public order offences	79.8	10.0	4.2	1.9	2.1	0.9	1.1	100.0
Traffic and vehicle regulatory offences	64.5	19.1	7.9	2.9	2.7	1.1	1.8	100.0
Offences against justice procedures, gov't security and operations	61.4	15.2	8.6	4.6	4.8	2.1	3.3	100.0
Other(b)	45.3	19.0	11.7	6.6	8.0	3.6	5.8	100.0
Total(c)	60.1	17.3	8.8	4.2	4.6	2.0	3.0	100.0
Defendants adjudicated	59.2	17.3	8.9	4.4	4.8	2.1	3.3	100.0
Transfers to other courts	8.9	15.7	22.4	16.5	20.6	8.1	7.9	100.0
Withdrawn by prosecution	25.9	21.5	16.6	9.8	11.9	5.4	8.9	100.0
Other(d)	27.0	15.4	13.8	10.4	11.8	6.5	15.0	100.0
Defendants finalised(e)	55.8	17.5	9.8	5.0	5.7	2.4	3.8	100.0

(a) Includes defendants with unknown duration.

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

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

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

(e) Includes defendants with unknown method of finalisation.

3.11**DEFENDANTS ADJUDICATED, Principal offence by states and territories**

	NSW(a)	Vic.	Qld	SA	WA	Tas.	NT	ACT	Aust.
Homicide and related offences	38	4	8	—	9	—	5	7	71
Acts intended to cause injury									
Assault	20 378	7 003	4 826	3 069	6 226	1 936	1 774	397	45 609
Stalking	1 846	203	71	18	40	13	3	—	2 194
Total(b)	22 253	7 206	4 900	3 087	6 269	1 949	1 777	397	47 838
Sexual assault and related offences									
Aggravated sexual assault	351	13	65	4	49	—	17	3	502
Non-aggravated sexual assault	54	161	35	39	22	28	3	6	348
Child pornography offences	103	54	16	12	12	7	3	—	207
Total(c)	548	391	166	74	87	39	26	12	1 343
Dangerous or negligent acts endangering persons	6 317	7 589	11 995	3 440	9 506	880	568	72	40 367
Abduction, harassment and other offences against the person	725	593	244	100	405	3	33	—	2 103
Robbery, extortion and related offences	102	128	18	—	—	4	6	3	261
Unlawful entry with intent	1 377	1 361	2 248	720	1 137	341	235	28	7 447
Theft and related offences									
Theft/illegal use of a motor vehicle(d)	494	347	189	132	320	94	62	40	1 678
Other(e)	7 383	6 461	8 916	2 414	4 377	1 004	102	287	30 944
Total(f)	7 877	6 808	9 312	2 546	4 697	1 098	240	327	32 905
Fraud, deception and related offences	4 004	3 313	3 439	855	1 521	457	125	85	13 799
Illicit drug offences									
Deal or traffic in illicit drugs	688	713	420	80	565	196	180	13	2 855
Manufacture or cultivate illicit drugs	786	842	886	911	439	306	6	23	4 199
Possess and/or use illicit drugs	6 568	1 315	7 903	177	4 052	413	147	90	20 665
Total(g)	8 116	2 875	12 015	1 223	5 686	957	338	126	31 336
Prohibited and regulated weapons and explosives offences	1 030	1 795	1 983	1 272	1 047	201	343	64	7 735
Property damage and environmental pollution	5 010	1 935	3 474	1 288	2 062	477	209	39	14 494
Public order offences									
Regulated public order offences	732	196	3 568	162	935	99	593	9	6 294
Other(h)	5 649	19 238	23 242	3 295	8 028	1 699	348	82	61 581
Total	6 381	19 434	26 810	3 457	8 963	1 798	941	91	67 875
Traffic and vehicle regulatory offences									
Driver licence offences	21 315	10 413	22 745	4 837	28 364	2 989	1 302	293	92 258
Exceeding the prescribed content of alcohol or other substance limit	25 737	6 614	21 378	5 764	14 163	3 362	2 552	1 421	80 991
Exceeding legal speed limit	10 237	3 625	2 631	1 101	1 093	2 544	26	37	21 294
Total(i)	80 439	31 842	58 901	21 733	52 292	13 381	4 263	1 998	264 849
Offences against justice procedures, gov't security and operations									
Breach of violence and non-violence orders	2 976	1 057	3 464	276	1 681	564	584	37	10 639
Other(j)	3 789	2 814	9 837	1 781	3 875	1 088	229	187	23 600
Total	6 765	3 871	13 301	2 057	5 556	1 652	813	224	34 239
Miscellaneous offences	3 523	4 235	1 102	292	821	591	126	17	10 707
Total(k)	154 505	93 494	149 916	42 144	100 058	23 828	10 118	3 490	577 553

— nil or rounded to zero (including null cells)

(a) Refers to finalised appearances rather than finalised defendants in the Magistrates' Courts, resulting in potentially higher population counts (see Explanatory Note paragraph 13).

(b) Includes other acts intended to cause injury, n.e.c.

(c) Includes ASOC Groups 0321, 0323 and 0329.

(d) Includes ASOC Groups 0811–0812.

(e) Includes ASOC Subdivisions 082–084 and Group 0813.

(f) Includes theft and related offences n.f.d.

(g) Includes ASOC Subdivisions 101 and 109.

(h) Includes ASOC Subdivisions 131 and 133.

(i) Includes ASOC Subdivisions 142 and 144 and Groups 1431 and 1439.

(j) Includes ASOC Subdivisions 154–156 and Group 1511.

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

3.12**DEFENDANTS FINALISED, Selected characteristics by states and territories
2003–04 to 2008–09**

		2003–04	2004–05	2005–06	2006–07	2007–08	2008–09
NSW (a) (b)							
Finalised defendants	no.	146 950	160 560	159 539	156 206	158 987	171 531
Males	%	79.6	79.2	78.6	78.9	78.5	78.3
Females	%	17.9	18.4	18.6	18.9	19.7	19.5
Aged 20–24 years	%	24.4	22.2	22.2	18.9	18.5	17.6
Acquitted	no.	5 647	5 711	5 983	7 018	7 319	7 553
	%	3.8	3.6	3.8	4.5	4.6	4.4
Proven guilty	no.	127 053	137 054	135 495	133 686	135 862	146 952
	%	86.5	85.4	84.9	85.6	85.5	85.7
Withdrawn	no.	11 495	12 567	13 064	11 818	12 199	13 325
	%	7.8	7.8	8.2	7.6	7.7	7.8
Vic.							
Finalised defendants	no.	90 572	99 096	96 002	96 772	98 326	104 695
Males	%	79.6	79.2	79.2	79.4	78.3	79.0
Females	%	17.9	18.1	18.5	18.3	19.7	19.0
Aged 20–24 years	%	19.7	17.8	19.3	20.5	23.5	23.6
Acquitted	no.	2 739	3 193	4 924	6 629	7 627	10 971
	%	3.0	3.2	5.1	6.9	7.8	10.5
Proven guilty	no.	75 370	79 921	78 152	77 179	80 410	82 524
	%	83.2	80.7	81.4	79.8	81.8	78.8
Withdrawn	no.	10 272	13 441	11 048	10 884	9 951	10 774
	%	11.3	13.6	11.5	11.2	10.1	10.3
Qld							
Finalised defendants	no.	129 029	135 133	141 823	144 026	152 367	162 033
Males	%	78.2	78.4	78.4	78.4	78.4	77.6
Females	%	20.7	20.6	20.5	20.6	20.8	21.6
Aged 20–24 years	%	22.6	21.1	21.6	24.2	23.5	23.8
Acquitted	no.	749	2 036	1 725	1 097	998	1 178
	%	0.6	1.5	1.2	0.8	0.7	0.7
Proven guilty	no.	113 694	119 579	127 501	129 796	139 169	148 738
	%	88.1	88.5	89.9	90.1	91.3	91.8
Withdrawn	no.	9 798	8 278	7 907	8 438	8 181	8 304
	%	7.6	6.1	5.6	5.9	5.4	5.1

(a) Refers to finalised appearances rather than finalised defendants in the Magistrates' Courts, resulting in potentially higher population counts (see Explanatory Note 13).

(b) Prior to 2006–07, the number of acquittals were undercounted (see Explanatory Note 66).

3.12**DEFENDANTS FINALISED, Selected characteristics by states and territories****2003–04 to 2008–09** *continued*

		2003–04	2004–05	2005–06	2006–07	2007–08	2008–09
SA							
Finalised defendants	no.	43 326	44 134	45 164	43 932	46 181	49 894
Males	%	82.9	80.2	79.3	79.2	79.6	78.9
Females	%	16.4	19.0	20.0	20.2	20.1	20.8
Aged 20–24 years	%	18.8	18.5	19.8	22.3	21.5	20.4
Acquitted	no.	63	85	89	119	94	165
	%	0.1	0.2	0.2	0.3	0.2	0.3
Proven guilty	no.	32 692	35 218	36 101	37 870	39 910	41 980
	%	75.5	79.8	79.9	86.2	86.4	84.1
Withdrawn	no.	9 649	7 749	7 726	4 620	4 809	6 005
	%	22.3	17.6	17.1	10.5	10.4	12.0
WA							
Finalised defendants	no.	58 589	60 136	69 592	79 122	95 660	107 081
Males	%	75.7	76.3	76.8	76.4	74.8	74.5
Females	%	20.8	20.6	20.6	21.2	23.1	23.6
Aged 20–24 years	%	26.2	22.3	22.3	26.0	25.5	24.9
Acquitted	no.	877	735	745	750	795	657
	%	1.5	1.2	1.1	0.9	0.8	0.6
Proven guilty	no.	52 637	55 140	64 686	73 234	88 852	99 400
	%	89.8	91.7	93.0	92.6	92.9	92.8
Withdrawn	no.	1 941	1 875	2 265	2 447	3 204	4 232
	%	3.3	3.1	3.3	3.1	3.3	4.0
Tas. (a)							
Finalised defendants	no.	46 723	46 019	42 717	49 909	53 368	24 971
Males	%	66.1	65.1	64.9	64.5	65.7	72.4
Females	%	29.0	30.6	31.5	31.8	31.4	26.1
Aged 20–24 years	%	25.1	26.2	22.8	19.4	19.3	21.6
Acquitted	no.	8 194	8 442	7 421	8 016	6 791	3 866
	%	17.5	18.3	17.4	16.1	12.7	15.5
Proven guilty	no.	36 946	36 573	34 438	40 909	45 464	19 961
	%	79.1	79.5	80.6	82.0	85.2	79.9
Withdrawn	no.	1 121	534	368	507	471	446
	%	2.4	1.2	0.9	1.0	0.9	1.8

(a) Changes to legislation in 2008 resulted in a significant reduction in the number of infringement notice matters being heard in the Magistrates' Court, and subsequently a significant reduction in the number of finalised defendants from 2007–08. (See Explanatory Notes paragraph 97 for more information).

3.12

DEFENDANTS FINALISED, Selected characteristics by states and territories

2003–04 to 2008–09 *continued*

		2003–04	2004–05	2005–06	2006–07	2007–08	2008–09
NT							
Finalised defendants	no.	7 048	8 802	8 881	9 052	9 976	10 718
Males	%	80.0	80.8	79.9	79.2	79.2	79.2
Females	%	16.4	17.0	17.1	16.6	17.4	19.6
Aged 20–24 years	%	23.4	20.5	15.6	20.2	20.4	20.1
Acquitted	no.	403	491	663	526	606	610
	%	5.7	5.6	7.5	5.8	6.1	5.7
Proven guilty	no.	5 968	7 628	7 584	7 810	8 590	9 504
	%	84.7	86.7	85.4	86.3	86.1	88.7
Withdrawn	no.	613	510	489	585	603	422
	%	8.7	5.8	5.5	6.5	6.0	3.9
ACT							
Finalised defendants	no.	5 137	4 584	5 445	4 434	4 677	5 003
Males	%	79.7	79.8	78.6	79.8	78.0	77.7
Females	%	19.8	18.8	20.8	19.2	20.6	21.0
Aged 20–24 years	%	24.4	22.2	26.5	24.3	24.7	23.9
Acquitted	no.	115	159	137	51	103	169
	%	2.2	3.5	2.5	1.2	2.2	3.4
Proven guilty	no.	3 503	3 185	3 627	3 072	3 243	3 320
	%	68.2	69.5	66.6	69.3	69.3	66.4
Withdrawn	no.	1 379	1 033	1 493	946	1 041	1 217
	%	26.8	22.5	27.4	21.3	22.3	24.3
Aust.							
Finalised defendants	no.	527 374	558 464	569 163	583 453	619 542	635 926
Males	%	77.9	77.6	77.5	77.3	76.9	77.4
Females	%	19.8	20.1	20.4	20.7	21.5	21.0
Aged 20–24 years	%	23.0	21.1	21.4	21.8	22.0	21.9
Acquitted	no.	18 787	20 852	21 687	24 206	24 333	25 169
	%	3.6	3.7	3.8	4.1	3.9	4.0
Proven guilty	no.	447 863	474 298	487 584	503 556	541 500	552 379
	%	84.9	84.9	85.7	86.3	87.4	86.9
Withdrawn	no.	46 268	45 987	44 360	40 245	40 459	44 725
	%	8.8	8.2	7.8	6.9	6.5	7.0

3.13**DEFENDANTS ADJUDICATED(a), Selected principal offence by states and territories 2003–04 to 2008–09**

2003–04 2004–05 2005–06 2006–07 2007–08 2008–09

NSW (b)

Defendants adjudicated	no.	132 700	142 765	141 478	140 704	143 181	154 505
Acts intended to cause injury	%	12.7	11.6	12.3	13.7	13.8	14.4
Dangerous or negligent acts endangering persons	%	4.5	4.3	4.2	4.2	4.1	4.1
Theft and related offences	%	7.5	6.1	5.6	5.8	5.3	5.1
Illicit drug offences	%	4.8	4.4	4.3	4.7	4.8	5.3
Public order offences	%	4.9	5.3	5.6	5.5	5.1	4.1
Traffic and vehicle regulatory offences	%	46.6	50.7	49.6	48.7	50.2	52.1
Offences against justice procedures, gov't security and operations	%	4.1	3.7	4.3	4.3	4.2	4.4
Other(c)	%	14.8	14.0	14.1	13.0	12.5	10.6
Total	%	100.0	100.0	100.0	100.0	100.0	100.0

Vic.

Defendants adjudicated	no.	78 109	83 114	83 077	83 808	88 037	93 495
Acts intended to cause injury	%	4.8	4.7	5.3	7.3	6.7	7.7
Dangerous or negligent acts endangering persons	%	5.4	5.5	5.6	7.7	8.2	8.1
Theft and related offences	%	14.1	12.6	10.9	7.3	6.4	7.3
Illicit drug offences	%	5.4	5.2	4.6	4.1	3.5	3.1
Public order offences	%	14.3	16.0	16.5	17.7	17.3	20.8
Traffic and vehicle regulatory offences	%	34.8	35.9	35.9	32.7	37.6	34.1
Offences against justice procedures, gov't security and operations	%	4.0	4.2	5.9	4.1	3.2	4.1
Other(c)	%	16.9	15.9	15.0	18.7	17.0	14.7
Total	%	100.0	100.0	100.0	100.0	100.0	100.0

Qld

Defendants adjudicated	no.	114 443	121 615	129 226	130 893	140 167	149 916
Acts intended to cause injury	%	4.4	3.6	3.5	3.7	3.5	3.3
Dangerous or negligent acts endangering persons	%	9.3	9.0	8.4	8.3	8.1	8.0
Theft and related offences	%	8.4	7.5	6.8	6.3	5.7	6.2
Illicit drug offences	%	9.3	9.4	8.9	9.2	8.9	8.0
Public order offences	%	12.8	13.0	14.9	17.5	18.1	17.9
Traffic and vehicle regulatory offences	%	35.7	36.6	36.8	33.7	35.3	39.3
Offences against justice procedures, gov't security and operations	%	8.6	8.9	9.5	9.6	9.0	8.9
Other(c)	%	11.4	12.0	11.2	11.2	11.0	8.5
Total	%	100.0	100.0	100.0	100.0	100.0	100.0

(a) Offence data are based on ASOC08 for 2008–09 and ASOC97 prior to this period. Caution should be exercised when comparing offence data. See Technical Note and Explanatory Notes paragraphs 21–22.

(b) Refers to finalised appearances rather than finalised defendants in the Magistrates' Court, resulting in potentially higher population counts (see Explanatory Note 13).

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

3.13 DEFENDANTS ADJUDICATED(a), Selected principal offence by states and territories 2003–04 to 2008–09 *continued*

		2003–04	2004–05	2005–06	2006–07	2007–08	2008–09
SA							
Defendants adjudicated	no.	32 754	35 303	36 189	37 989	40 004	42 145
Acts intended to cause injury	%	5.0	5.0	4.8	5.2	6.7	7.3
Dangerous or negligent acts endangering persons	%	6.4	6.0	5.1	6.3	6.0	8.2
Theft and related offences	%	7.1	6.8	5.9	6.7	6.3	6.0
Illicit drug offences	%	4.2	3.7	2.9	3.0	2.7	2.9
Public order offences	%	8.5	7.7	7.3	8.1	8.0	8.2
Traffic and vehicle regulatory offences	%	51.3	54.8	59.2	55.7	54.3	51.6
Offences against justice procedures, gov't security and operations	%	6.1	5.9	6.1	5.6	6.0	4.9
Other(b)	%	11.3	10.1	8.6	9.5	10.1	10.9
Total	%	100.0	100.0	100.0	100.0	100.0	100.0
WA							
Defendants adjudicated	no.	53 524	55 873	65 431	73 984	89 647	100 057
Acts intended to cause injury	%	5.2	8.9	8.3	7.7	6.8	6.3
Dangerous or negligent acts endangering persons	%	16.8	27.0	26.5	25.2	23.9	9.5
Theft and related offences	%	6.6	6.7	5.1	4.8	4.4	4.7
Illicit drug offences	%	8.8	5.8	5.8	6.1	5.3	5.7
Public order offences	%	11.4	8.9	9.5	10.0	8.8	9.0
Traffic and vehicle regulatory offences	%	35.1	26.7	28.2	30.6	37.3	52.3
Offences against justice procedures, gov't security and operations	%	6.4	5.2	6.3	6.0	5.4	5.6
Other(b)	%	9.5	10.8	10.2	9.5	8.1	7.1
Total	%	100.0	100.0	100.0	100.0	100.0	100.0
Tas. (c)							
Defendants adjudicated	no.	45 140	45 015	41 856	48 925	52 255	23 827
Acts intended to cause injury	%	3.3	3.8	4.8	4.1	3.7	8.2
Dangerous or negligent acts endangering persons	%	0.7	0.9	1.2	1.0	1.1	3.7
Theft and related offences	%	4.1	2.3	2.3	1.9	1.8	4.6
Illicit drug offences	%	3.5	1.4	1.4	1.4	1.4	4.0
Public order offences	%	7.2	3.4	3.2	3.6	3.9	7.5
Traffic and vehicle regulatory offences	%	38.3	79.1	77.2	79.0	80.8	56.2
Offences against justice procedures, gov't security and operations	%	2.5	3.7	3.9	4.0	3.3	6.9
Other(b)	%	5.5	5.3	5.9	4.9	4.0	8.9
Total	%	100.0	100.0	100.0	100.0	100.0	100.0

(a) Offence data are based on ASOC08 for 2008–09 and ASOC97 prior to this period. Caution should be exercised when comparing offence data. See Technical Note and Explanatory Notes paragraphs 21–22.

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

(c) Changes to legislation in 2008 resulted in a significant reduction in the number of infringement notice matters being heard in the Magistrates' Court, and subsequently a significant reduction in the number of finalised defendants from 2007–08. (See Explanatory Notes 97 for more information).

3.13**DEFENDANTS ADJUDICATED(a), Selected principal offence by states and territories 2003–04 to 2008–09** *continued*

2003–04 2004–05 2005–06 2006–07 2007–08 2008–09

NT

Defendants adjudicated	no.	6 369	8 120	8 247	8 336	9 196	10 114
Acts intended to cause injury	%	14.5	16.3	18.9	19.2	17.0	17.6
Dangerous or negligent acts endangering persons	%	14.2	6.3	5.9	5.3	5.1	5.6
Theft and related offences	%	4.1	4.1	3.4	3.2	2.9	2.4
Illicit drug offences	%	3.5	4.0	3.9	4.5	3.5	3.3
Public order offences	%	7.2	8.8	8.5	7.2	8.0	9.3
Traffic and vehicle regulatory offences	%	38.3	40.3	39.8	38.3	41.9	42.1
Offences against justice procedures, gov't security and operations	%	2.5	5.0	7.2	7.5	8.4	8.0
Other(b)	%	15.1	15.1	12.4	14.7	12.6	10.9
Total	%	100.0	100.0	100.0	100.0	100.0	100.0

ACT

Defendants adjudicated	no.	3 621	3 344	3 766	3 123	3 346	3 489
Acts intended to cause injury	%	12.2	10.3	8.6	11.5	9.7	11.4
Dangerous or negligent acts endangering persons(c)	%	4.2	3.6	3.7	3.7	20.4	2.1
Theft and related offences	%	11.3	11.2	8.7	10.6	7.2	9.4
Illicit drug offences	%	3.9	3.7	3.7	4.2	3.6	3.6
Public order offences	%	2.0	1.9	2.8	3.6	3.0	2.6
Traffic and vehicle regulatory offences(c)	%	48.2	50.1	47.0	50.8	39.8	57.3
Offences against justice procedures, gov't security and operations	%	4.0	4.8	16.5	5.4	6.2	6.4
Other(b)	%	12.7	12.9	9.1	10.2	10.1	7.3
Total	%	100.0	100.0	100.0	100.0	100.0	100.0

Aust.

Defendants adjudicated	no.	466 660	495 149	509 271	527 762	565 833	577 548
Acts intended to cause injury	%	7.1	7.0	7.3	7.9	7.6	8.3
Dangerous or negligent acts endangering persons	%	7.1	8.1	8.2	8.6	8.8	7.0
Theft and related offences	%	8.2	7.3	6.4	5.7	5.1	5.7
Illicit drug offences	%	6.1	5.6	5.4	5.5	5.2	5.4
Public order offences	%	9.3	9.4	10.2	11.1	10.9	11.8
Traffic and vehicle regulatory offences	%	44.1	44.7	44.2	43.0	45.4	45.9
Offences against justice procedures, gov't security and operations	%	5.5	5.4	6.4	6.0	5.5	5.9
Other(b)	%	12.6	12.4	11.9	12.0	11.2	10.0
Total	%	100.0	100.0	100.0	100.0	100.0	100.0

(a) Offence data are based on ASOC08 for 2008–09 and ASOC97 prior to this period. Caution should be exercised when comparing offence data. See Technical Note and Explanatory Notes paragraphs 21–22.

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

(c) For 2007–08 dangerous or negligent acts endangering persons are overstated and traffic and vehicle regulatory offences are understated (see Explanatory Note 104).

3.14 DEFENDANTS PROVEN GUILTY, Principal sentence by states and territories, 2003–04 to 2008–09

		2003–04	2004–05	2005–06	2006–07	2007–08	2008–09
NSW							
Defendants proven guilty	no.	127 053	137 054	135 495	133 686	135 862	146 952
Custodial orders							
Custody in a correctional institution	%	6.3	5.8	5.8	6.1	6.0	6.1
Custody in the community	%	0.2	0.2	0.2	0.2	0.1	0.2
Fully suspended sentence	%	4.0	3.9	3.8	3.8	3.9	3.9
Total	%	10.5	9.9	9.8	10.1	10.1	10.2
Non-custodial orders							
Community supervision/work orders	%	3.4	3.6	3.5	3.5	3.2	3.2
Monetary orders	%	59.7	61.3	59.9	59.4	58.6	58.6
Good behaviour bonds	%	15.8	14.5	15.4	16.6	17.0	16.4
Other(a)	%	10.6	10.7	11.4	10.3	11.1	11.6
Total	%	89.5	90.1	90.2	89.9	89.9	89.8
Vic.							
Defendants proven guilty	no.	75 370	79 921	78 152	77 179	80 410	82 524
Custodial orders							
Custody in a correctional institution	%	6.1	5.5	5.7	5.6	4.7	4.1
Custody in the community	%	1.6	1.5	1.6	1.9	1.9	1.5
Fully suspended sentence	%	6.5	6.4	6.2	6.2	6.7	6.5
Total	%	14.2	13.5	13.5	13.8	13.3	12.1
Non-custodial orders							
Community supervision/work orders	%	6.8	5.9	5.8	5.5	5.0	5.3
Monetary orders	%	53.1	52.3	53.5	54.7	57.4	53.6
Good behaviour bonds	%	11.0	10.0	9.9	9.6	9.8	11.1
Other(a)	%	14.1	17.5	16.7	16.0	14.1	17.3
Total	%	85.1	85.7	85.9	85.9	86.3	87.3
Qld							
Defendants proven guilty	no.	113 694	119 579	127 501	129 796	139 169	148 738
Custodial orders							
Custody in a correctional institution	%	3.0	3.0	2.8	3.3	3.6	3.3
Custody in the community	%	0.3	0.4	0.4	0.4	0.3	0.2
Fully suspended sentence	%	1.4	1.5	2.5	2.3	2.3	2.0
Total	%	4.6	4.8	5.7	5.9	6.1	5.5
Non-custodial orders							
Community supervision/work orders	%	4.7	4.8	5.3	5.7	5.6	5.5
Monetary orders	%	86.7	85.6	82.4	81.2	80.9	81.6
Good behaviour bonds	%	2.8	3.2	5.1	5.5	5.6	5.3
Other(a)	%	1.2	1.6	1.4	1.7	1.7	2.0
Total	%	95.4	95.2	94.3	94.1	93.9	94.5

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

3.14**DEFENDANTS PROVEN GUILTY, Principal sentence by states and territories,
2003–04 to 2008–09** *continued*

2003–04 2004–05 2005–06 2006–07 2007–08 2008–09

SA

Defendants proven guilty	no.	32 692	35 218	36 101	37 870	39 910	41 980
Custodial orders							
Custody in a correctional institution	%	2.2	2.2	1.7	1.9	2.3	2.5
Custody in the community	%	na	na	na	1.2	1.8	2.2
Fully suspended sentence	%	4.7	4.6	4.2	3.3	4.5	4.8
Total	%	6.9	6.8	5.9	6.4	8.7	9.5
Non-custodial orders							
Community supervision/work orders	%	3.0	2.4	1.9	1.8	1.9	3.6
Monetary orders	%	87.9	90.0	78.0	75.6	72.8	70.7
Good behaviour bonds	%	0.4	0.1	5.6	6.7	6.3	5.8
Other(a)	%	1.6	0.6	8.6	9.4	10.3	10.5
Total	%	92.3	93.1	94.1	93.6	91.3	90.5

WA

Defendants proven guilty	no.	52 637	55 140	64 686	73 234	88 852	99 400
Custodial orders							
Custody in a correctional institution	%	4.1	3.8	3.3	2.7	2.5	2.6
Custody in the community	%	..	..	..	..	..	..
Fully suspended sentence	%	3.6	3.7	3.0	2.7	2.6	2.6
Total	%	7.7	7.5	6.3	5.4	5.0	5.2
Non-custodial orders							
Community supervision/work orders	%	7.6	7.4	6.1	5.1	4.0	3.6
Monetary orders	%	78.8	80.0	83.3	86.0	88.2	88.4
Good behaviour bonds	%	5.5	4.8	4.0	3.5	2.5	2.4
Other(a)	%	0.4	0.3	0.3	0.2	0.3	0.3
Total	%	92.2	92.5	93.7	94.6	95.0	94.8

Tas.

Defendants proven guilty	no.	36 946	36 573	34 438	40 909	45 464	19 961
Custodial orders							
Custody in a correctional institution	%	2.0	2.0	2.0	1.8	1.5	3.2
Custody in the community	%	..	..	..	..	..	..
Fully suspended sentence	%	2.6	2.5	3.1	2.5	2.4	6.5
Total	%	4.6	4.5	5.1	4.2	3.9	9.7
Non-custodial orders							
Community supervision/work orders	%	1.4	1.3	1.5	1.3	1.0	2.5
Monetary orders	%	88.6	88.1	88.1	89.4	89.8	75.0
Good behaviour bonds	%	2.6	2.7	3.3	3.4	3.1	8.2
Other(a)	%	0.1	0.1	2.0	0.9	1.4	3.7
Total	%	92.8	92.2	94.9	94.9	95.3	89.4

.. not applicable

na not available

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

3.14 DEFENDANTS PROVEN GUILTY, Principal sentence by states and territories, 2003–04 to 2008–09 *continued*

2003–04 2004–05 2005–06 2006–07 2007–08 2008–09

NT

Defendants proven guilty	no.	5 968	7 628	7 584	7 810	8 590	9 504
Custodial orders							
Custody in a correctional institution(a)	%	25.3	21.2	23.1	23.6	22.4	23.7
Custody in the community	%	—	0.1	0.1	—	—	0.6
Fully suspended sentence(a)	%	—	8.8	8.6	8.0	7.0	6.2
Total	%	25.3	30.0	31.7	31.6	29.4	30.5
Non-custodial orders							
Community supervision/work orders	%	3.1	3.6	3.2	3.1	2.1	1.7
Monetary orders	%	67.6	57.8	58.0	58.1	61.8	62.1
Good behaviour bonds	%	3.6	7.4	5.8	6.0	5.7	4.6
Other(b)	%	0.4	1.2	1.3	1.2	1.0	1.2
Total	%	74.6	70.0	68.3	68.4	70.6	69.5

ACT

Defendants proven guilty	no.	3 503	3 185	3 627	3 072	3 243	3 320
Custodial orders							
Custody in a correctional institution	%	5.4	5.9	5.2	6.7	6.3	5.2
Custody in the community	%	—	—	—	0.2	1.5	1.1
Fully suspended sentence	%	16.4	8.8	8.2	9.1	7.1	6.2
Total	%	21.8	14.7	13.4	16.0	14.8	12.6
Non-custodial orders							
Community supervision/work orders	%	2.1	3.2	2.7	2.8	3.7	3.9
Monetary orders	%	67.0	72.4	75.1	72.0	67.8	73.4
Good behaviour bonds	%	2.8	7.1	7.0	8.8	10.6	9.4
Other(b)	%	3.0	1.1	1.7	0.4	3.0	0.8
Total	%	74.9	83.8	86.5	84.0	85.2	87.4

Aust.

Defendants proven guilty	no.	447 863	474 298	487 584	503 556	541 500	552 379
Custodial orders							
Custody in a correctional institution	%	4.8	4.5	4.4	4.4	4.2	4.3
Custody in the community	%	0.4	0.4	0.4	0.5	0.5	0.5
Fully suspended sentence	%	3.7	3.7	3.8	3.6	3.7	3.8
Total	%	8.9	8.7	8.6	8.5	8.4	8.6
Non-custodial orders							
Community supervision/work orders	%	4.6	4.5	4.4	4.3	3.9	4.2
Monetary orders	%	72.2	72.3	71.3	71.9	72.8	71.1
Good behaviour bonds	%	8.0	7.6	8.5	8.7	8.4	8.8
Other(b)	%	5.9	6.6	7.1	6.5	6.3	7.2
Total	%	90.7	90.9	91.3	91.3	91.4	91.3

— nil or rounded to zero (including null cells)

(a) Data are incorrectly coded prior to 2008–09 resulting in an overcount of fully suspended sentence and an undercount of custody in a correctional institution (see Explanatory Note 99).

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

INTRODUCTION

This chapter presents information about defendants finalised in the criminal jurisdiction of the Children's Courts during 2008–09. This jurisdiction specifically deals with juvenile offenders charged with summary criminal offences, and in some states and territories those charged with indictable offences. The power of the Children's Court to hear serious criminal matters varies across states and territories.

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

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

The offence categories referred to relate to the principal offence, i.e. the most serious offence type with which the defendant was charged. For more information about principal offence see paragraphs 41–45 of the Explanatory Notes.

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

Juvenile justice

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

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

Snapshot

- There were 42,198 defendants finalised in the Children's Courts in 2008–09, an increase of 7% (2,786) from 2007–08.
- Males accounted for 80% (33,594) of the total defendants finalised in 2008–09, an increase from 78% in 2007–08.
- The majority (77% or 32,556) of all finalised defendants were proven guilty, 4% (1,636) were acquitted and 19% (8,006) were finalised either through the withdrawal of charges by the prosecution, transfers to other courts or via other non-adjudicated finalisations.
- Of the 34,192 defendants whose charges were adjudicated, 95% were proven guilty, while the remainder (5%) were acquitted.
- For those defendants proven guilty, the majority (90% or 29,346) were sentenced to non-custodial orders.

DEFENDANTS FINALISED

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

The majority of states and territories had increases in the numbers of defendants finalised in the Children's Courts in 2008–09. Tasmania (20%), South Australia (19%) and the Northern Territory (18%) had the largest increases, while Queensland was the only state where the number of defendants finalised decreased (1%).

Charges withdrawn by the prosecution

Defendants finalised through charges being withdrawn by the prosecution increased by 4% from 4,177 in 2007–08 to 4,334 in 2008–09.

During 2008–09, principal offences with the largest number of defendants finalised through charges withdrawn by the prosecution were:

- theft (1,193)
- acts intended to cause injury (937); and
- unlawful entry with intent (446).

The Australian Capital Territory (32%), New South Wales (14%) and Victoria (13%) had larger proportions of defendants finalised through charges withdrawn than the national average of 10%. Tasmania had the smallest proportion of defendants finalised through charges withdrawn (4%).

DEFENDANTS
ADJUDICATED

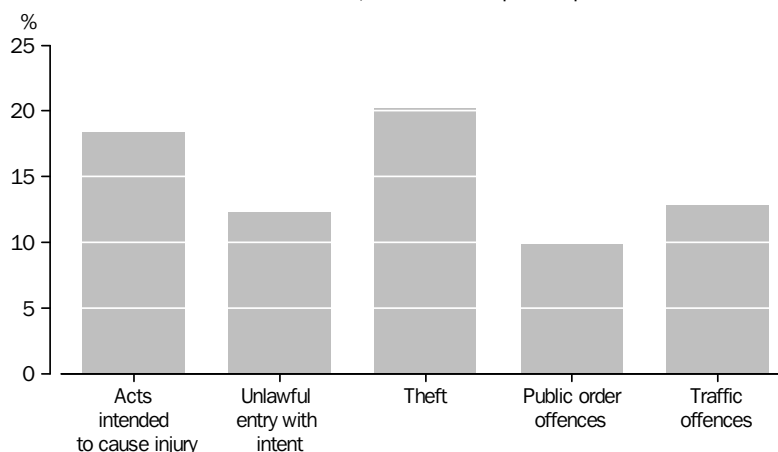
The following information only relates to defendants whose charges were adjudicated, i.e. finalised via a plea of guilty or a decision by the Children's Court as to their guilt or innocence of the final charges laid.

During 2008–09, 34,192 or 81% of defendants finalised in the Children's Courts in Australia were adjudicated. This proportion has not changed since 2006–07.

Principal offence

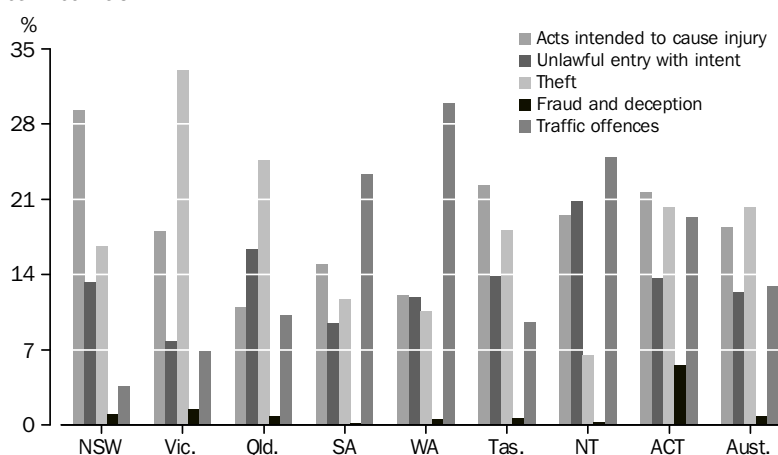
In 2008–09, those charged with a principal offence of theft formed the largest proportion of defendants (20%) in the Children's Courts. This was followed by: acts intended to cause injury (18%); traffic offences (13%); unlawful entry with intent (12%); and public order offences (10%). Combined, these principal offences accounted for almost three-quarters (74%) of defendants appearing before the Children's Courts in 2008–09.

DEFENDANTS ADJUDICATED, Selected principal offence



There was variation across states and territories in the types of principal offences that defendants were charged with in the Children's Courts in 2008–09. Acts intended to cause injury accounted for the largest proportion of final charges for defendants in New South Wales (29%), Tasmania (22%) and the Australian Capital Territory (22%). In Western Australia, the Northern Territory and South Australia, traffic offences accounted for the largest proportion of final charges (30%, 25% and 24% respectively). In Victoria and Queensland theft offences were the most prevalent (33% and 24% respectively).

DEFENDANTS ADJUDICATED, Selected principal offence by states and territories

*Sex*

In 2008–09, 80% (33,594) of defendants heard in the Children's Courts were male, while females accounted for 20% (8,530). The number of males increased 9% from the 30,809 defendants heard in 2007–08, while the number of females decreased by less than 1% (down from 8,547).

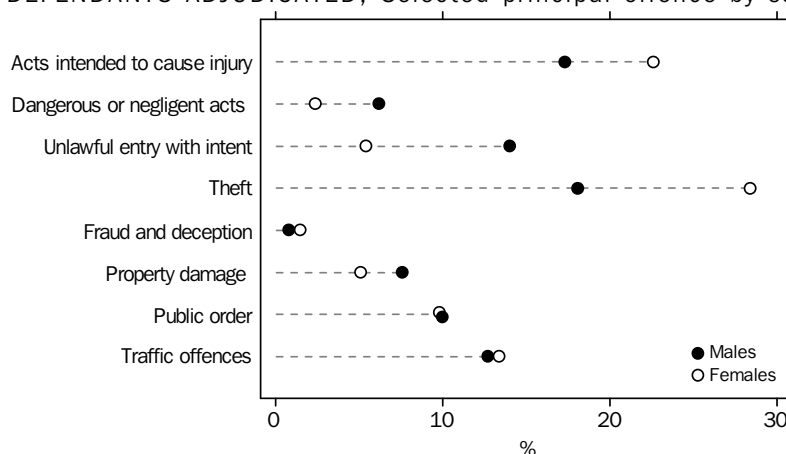
Sex continued

The most prevalent principal offence for male defendants was theft (18%), followed by acts intended to cause injury (17%) and unlawful entry with intent (14%).

Theft was also the most prevalent principal offence type for females (28%), followed closely by acts intended to cause injury (23%) and traffic offences (13%).

Unlawful entry with intent accounted for a much lower proportion of female defendants (5%) than males (14%), while proportionally there were more females heard for theft (28%) compared to 18% of males.

DEFENDANTS ADJUDICATED, Selected principal offence by sex

*Age*

The largest proportion of defendants heard in the Children's Courts were aged 17 years at the time of finalisation (27% or 9,144), followed by those aged 16 years (24% or 8,282). Those aged 10 to 12 years comprised 2% (693), no change from 2007–08.

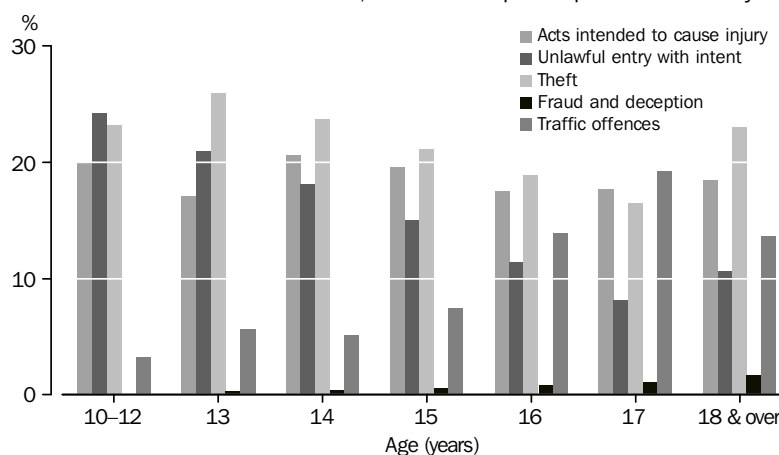
Younger defendants (those aged between 10 to 14 years of age) are more likely to be charged with property offences, but as they become older these offence types start to decline and more defendants are charged with offences against the person or traffic offences. However, in 2008–09 a reasonable proportion of young offenders were heard in the Children's Courts for acts intended to cause injury: 20% of 10–12 year olds, 17% of 13 year olds, and 21% of 14 year olds.

The type of offence defendants were charged with in the Children's Courts varied by age:

- Of the youngest defendants, the largest proportion had a principal offence of unlawful entry with intent or theft: 24% and 23% respectively for those aged 10–12 years; and 21% and 26% respectively for those aged 13 years.
- Defendants aged 14, 15 and 16 years most commonly had a principal offence of theft or acts intended to cause injury: 24% and 21% respectively for those aged 14 years; 21% and 20% respectively for those aged 15 years; and 19% and 18% respectively for 16 year olds.
- The largest proportion of defendants aged 17 years had a principal offence of traffic offences (19%) and acts intended to cause injury (18%).
- Theft offences accounted for almost a quarter (23%) of defendants aged 18 years and over, followed by acts intended to cause injury (19%).

Age continued

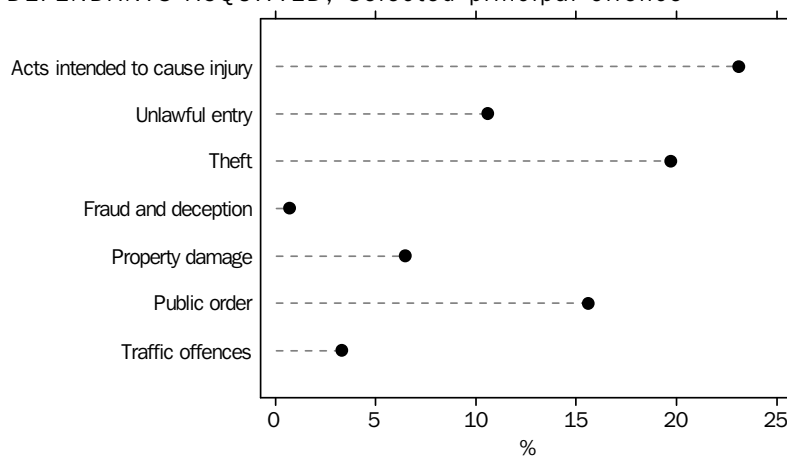
DEFENDANTS ADJUDICATED, Selected principal offence by age

*Defendants acquitted*

In 2008–09, 1,636 or 5% of defendants adjudicated in the Children's Courts in Australia were acquitted.

For those acquitted, the largest proportion of defendants had the following principal offences: acts intended to cause injury (23%), theft (20%), public order offences (16%), unlawful entry with intent (11%) and robbery (7%).

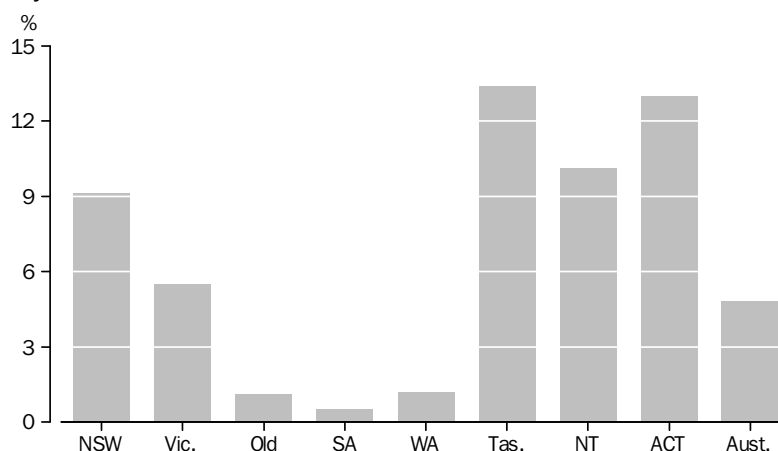
DEFENDANTS ACQUITTED, Selected principal offence



The highest proportions of defendants acquitted were in Tasmania and the Australian Capital Territory (both 13%). South Australia had the lowest proportion at 0.5%.

Defendants acquitted
continued

DEFENDANTS ACQUITTED, State and territory proportions of adjudicated outcomes



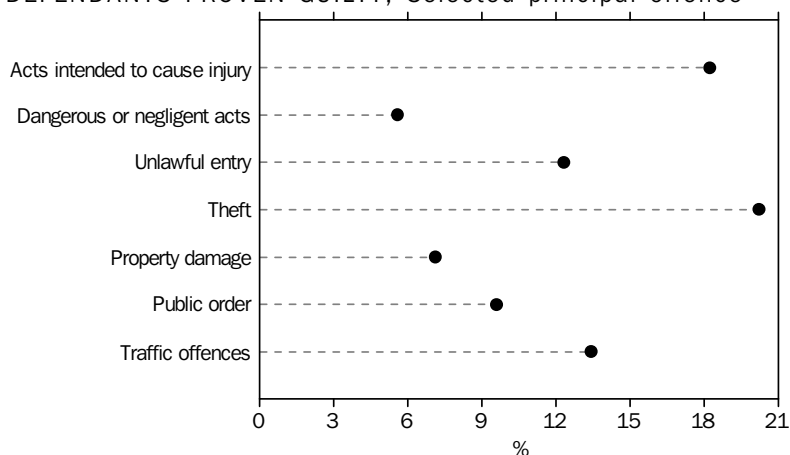
Defendants proven guilty

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

Defendants proven guilty in the Children's Courts accounted for 32,556 (95%) of defendants adjudicated in 2008–09.

For those proven guilty, the largest proportion of defendants had the following principal offences: theft (20%), acts intended to cause injury (18%), traffic offences (13%), unlawful entry with intent (12%), and public order offences (10%).

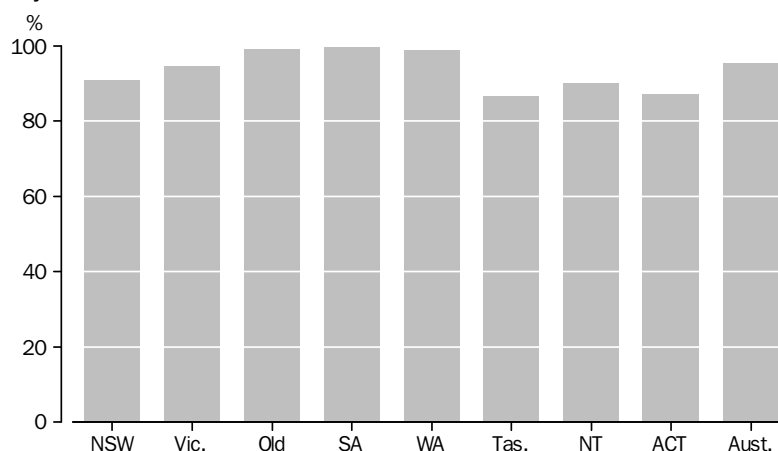
DEFENDANTS PROVEN GUILTY, Selected principal offence



Queensland, South Australia and Western Australia (all 99%) had larger proportions of defendants with proven guilty outcomes than the national average (95%).

*Defendants proven guilty
continued*

DEFENDANTS PROVEN GUILTY, State and territory proportions of adjudicated outcomes



SENTENCE OUTCOMES

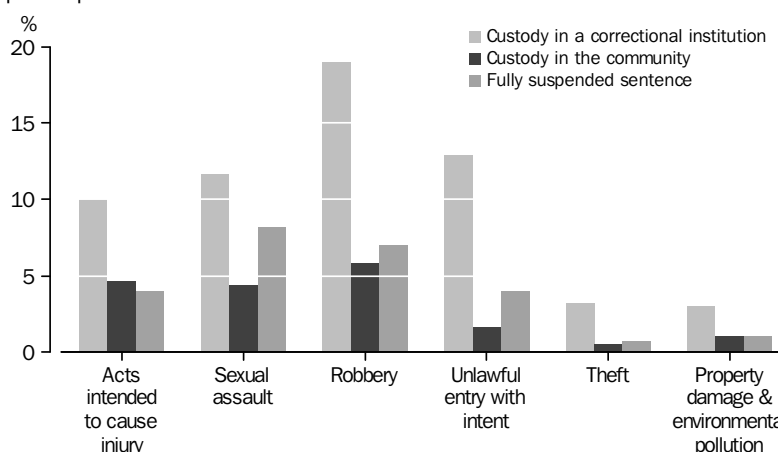
The following information relates to sentence outcomes for defendants heard in the Children's Courts. Sentence refers to the principal sentence a defendant received (refer to Explanatory Notes paragraphs 46–48 for further information).

Custodial orders

Of the defendants convicted in the Children's Courts in 2008–09, 3,048 (or just over 9%) were sentenced to custodial orders. Defendants ordered to serve time in a correctional institution comprised 6% of all sentence outcomes, while defendants sentenced to custody in the community or fully suspended sentences accounted for 2% respectively.

Almost one third (32% or 341) of defendants convicted of robbery and extortion were issued with custodial orders. Other offences with relatively high proportions of custodial sentences were sexual assault (24% or 77), acts intended to cause injury (19% or 1,097) and unlawful entry with intent (19% or 744). The majority of these defendants were sentenced to custody in a correctional institution.

DEFENDANTS PROVEN GUILTY, Custodial sentences by selected principal offence



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

*Custodial orders**continued*

Defendants aged 19 years and over at the time of finalisation were the most likely to receive a sentence of custody in a correctional institution (9% or 85). This was similar for this age group in 2007–08 (8%). Those aged 10–12 years were the least likely (1% or 8) to receive a sentence of custody in a correctional institution, the same proportion as for 2007–08.

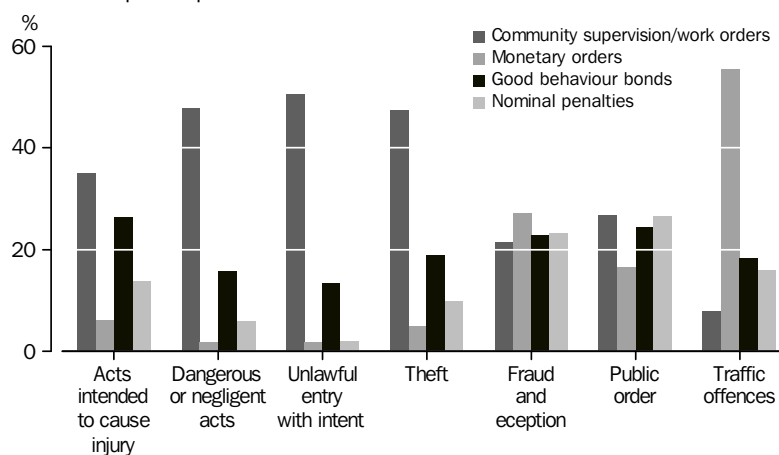
Convicted defendants in the Northern Territory were the most likely of any state or territory to be sentenced to custodial orders (24% or 152), followed by Tasmania (15% or 150) and New South Wales (15% or 1,199). Western Australia and the Australian Capital Territory were the least likely to sentence convicted defendants to custodial orders (5% and 4% respectively).

Non-custodial orders

During 2008–09, 29,345 (90%) defendants convicted in the Children's Courts were sentenced to non-custodial orders. Defendants who had community supervision or work orders imposed comprised 26% of all sentence outcomes, those with monetary orders accounted for 23%, while those with good behaviour bonds comprised 22%. In 2007–08, monetary orders comprised 29% of all sentence outcomes, community supervision or work orders 24%, and good behaviour bonds 20%.

Monetary orders were more likely to be issued for defendants convicted of miscellaneous offences and traffic offences (67% and 55% respectively), than other sentences. Community supervision or work orders were the most common sentences for defendants convicted of robbery and extortion (51%), and sexual assault (48%).

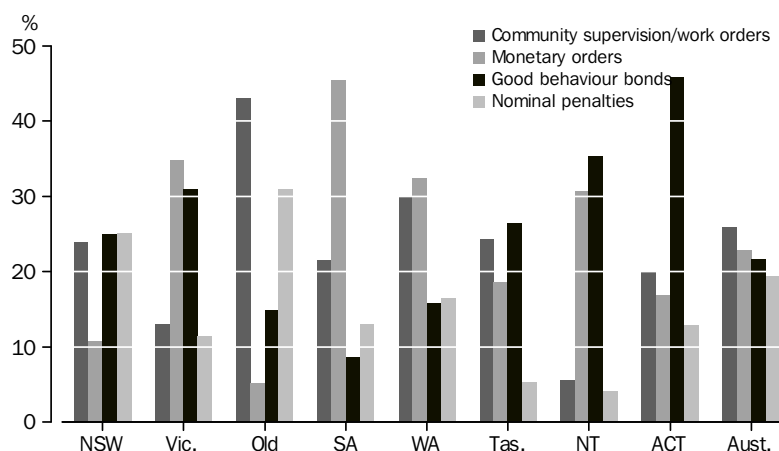
DEFENDANTS PROVEN GUILTY, Selected non-custodial sentences by selected principal offence



Close to half (45%) of all sentences issued to convicted defendants in South Australia were for monetary orders, largely associated with the high proportion of traffic offences. This was also the most prevalent sentence in Victoria and Western Australia (35% and 32% respectively). Community supervision or work orders were the most prevalent sentences in Queensland (43%), while good behaviour bonds were most common in the Australian Capital Territory (46%), the Northern Territory (35%), Tasmania (27%) and New South Wales (25%).

*Non-custodial orders
continued*

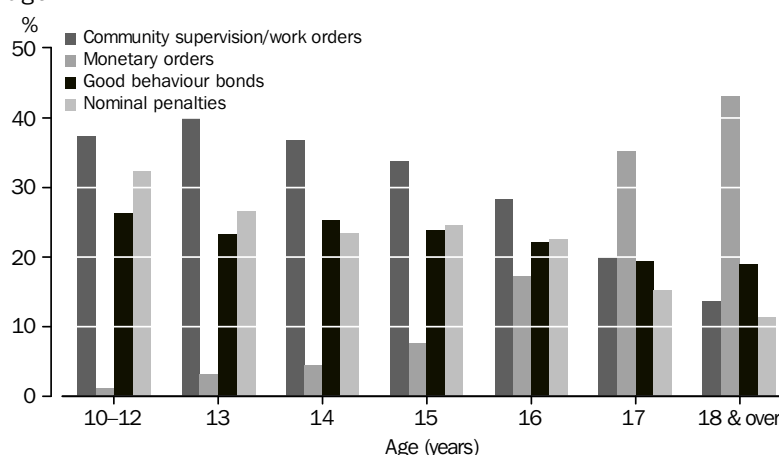
DEFENDANTS PROVEN GUILTY, Selected non-custodial sentences by states and territories



Of the 25,915 convicted male defendants, nearly a third (27%) received a community supervision or work order, while almost a quarter (23%) received a monetary order. Sentences for convicted female defendants were similar to males: 23% received a monetary order and 23% received a community supervision or work order.

The proportion of convicted defendants receiving community supervision or work orders generally decreased with age, from 37% of 10–12 year old defendants to 14% of those aged 18 years and over. Older defendants were more likely to be sentenced to monetary orders; 43% of those aged 18 years and over received this order compared to 3% of 13 year olds.

DEFENDANTS PROVEN GUILTY, Selected non-custodial sentences by age



**DURATION OF CASES
ADJUDICATED**

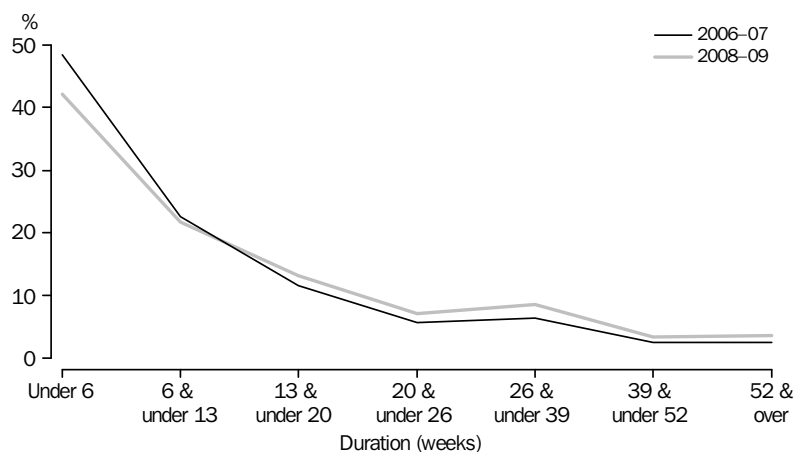
The nature of the charges presented to the court for a defendant, along with the process required to deal with the charges (which is affected by the type of plea), impact on the time required for a court to finalise a case. The duration is calculated from the date of initiation to finalisation of the case (for more information about duration see paragraphs 40, 58, 60–61 of the Explanatory Notes and the Glossary).

DURATION OF CASES

ADJUDICATED *continued*

Just under half (42%) of the defendants charged in the Children's Court had their cases finalised in less than 6 weeks, while 7% of cases were finalised at 39 or more weeks. In 2007–08, 6% of cases were finalised at 39 or more weeks, while 44% were finalised in less than 6 weeks.

DEFENDANTS ADJUDICATED, Duration of cases finalised



FEDERAL DEFENDANTS

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

Information about the number of finalised defendants who were charged with at least one federal offence, regardless of whether it was their principal offence, and the characteristics of these defendants are presented in this publication.

In 2008–09, 251 (0.6%) defendants in the Children's Courts had one or more federal offences.

Females had a similar proportion of defendants with one or more federal offences to males (0.7% and 0.6% respectively). Of the total defendants with federal offences, those aged 17 years had the highest proportion (26%) followed by those aged 18 years (22%).

4.1**SUMMARY CHARACTERISTICS OF DEFENDANTS, Selected principal offence**

	<i>Acts intended to cause injury</i>	<i>Dangerous or negligent acts endangering persons</i>	<i>Unlawful entry with intent</i>	<i>Theft & related offences</i>	<i>Property damage & environ- mental pollution</i>	<i>Public order offences</i>	<i>Traffic & vehicle regulatory offences</i>	<i>Other(a)</i>	<i>Total(b)</i>
NUMBER									
Adjudicated outcomes									
Acquitted	378	32	174	322	107	255	54	308	1 636
Proven guilty	5 909	1 835	4 016	6 578	2 308	3 140	4 347	4 387	32 556
Total	6 287	1 867	4 190	6 900	2 415	3 395	4 401	4 695	34 192
Sentence outcomes									
Custodial orders	1 097	199	744	292	115	35	18	543	3 047
Non-custodial orders	4 795	1 631	3 263	6 248	2 178	3 087	4 321	3 793	29 346
Total(c)	5 909	1 835	4 016	6 578	2 308	3 140	4 347	4 387	32 557
PROPORTION (%)									
Adjudicated outcomes									
Acquitted	6.0	1.7	4.2	4.7	4.4	7.5	1.2	6.6	4.8
Proven guilty	94.0	98.3	95.8	95.3	95.6	92.5	98.8	93.4	95.2
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Sentence outcomes									
Custodial orders	18.6	10.8	18.5	4.4	5.0	1.1	0.4	12.4	9.4
Non-custodial orders	81.1	88.9	81.3	95.0	94.4	98.3	99.4	86.5	90.1
Total(c)	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
(a) Includes ASOC Divisions 01, 03, 05–06, 09–11, 15–16 (refer to Appendix 3). (b) Includes defendants for whom offence data are missing or a principal offence could not be determined. (c) Includes defendants for whom a principal sentence is unknown.									

4.2**SUMMARY CHARACTERISTICS OF DEFENDANTS, 2006–07 to 2008–09**

	NUMBER			PERCENTAGE CHANGE (%)
	2006–07	2007–08	2008–09	2007–08 to 2008–09
Defendants finalised				
Males	32 494	30 809	33 594	9.0
Females	9 596	8 547	8 530	–0.2
Total(a)	42 154	39 412	42 198	7.1
Method of finalisation				
Adjudicated				
Acquitted	1 459	1 251	1 636	30.8
Proven guilty	32 811	30 735	32 556	5.9
Total	34 270	31 986	34 192	6.9
Transfers to other courts	1 220	1 246	1 463	17.4
Withdrawn by prosecution	4 864	4 177	4 334	3.8
Other(b)	1 800	2 002	2 209	10.3
Total	42 154	39 412	42 198	7.1
Sentence outcomes				
Custodial orders	2 530	2 617	3 047	16.4
Non-custodial orders	30 206	28 074	29 346	4.5
Total proven guilty(c)	32 811	30 735	32 556	5.9

(a) Includes defendants with unknown sex.

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

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

4.3**DEFENDANTS FINALISED, Federal defendants by age and sex**

	<i>One or more federal offences</i>	<i>No federal offences</i>	<i>Total</i>	<i>% with one or more federal offences</i>
	no.	no.	no.	%
MALES				
10–12 years	3	910	913	0.3
13 years	8	1 469	1 477	0.5
14 years	13	3 192	3 205	0.4
15 years	30	4 985	5 015	0.6
16 years	35	7 933	7 968	0.4
17 years	52	9 092	9 144	0.6
18 years	42	4 724	4 766	0.9
19 years & over	10	1 089	1 099	0.9
Total (a)	193	33 401	33 594	0.6

FEMALES				
10–12 years	—	145	145	—
13 years	—	411	411	—
14 years	5	1 013	1 018	0.5
15 years	11	1 486	1 497	0.7
16 years	13	2 015	2 028	0.6
17 years	14	1 998	2 012	0.7
18 years	12	1 161	1 173	1.0
19 years & over	3	236	239	1.3
Total (a)	58	8 470	8 528	0.7

DEFENDANTS (b)				
10–12 years	3	1 055	1 058	0.3
13 years	8	1 880	1 888	0.4
14 years	18	4 213	4 231	0.4
15 years	41	6 487	6 528	0.6
16 years	48	9 969	10 017	0.5
17 years	66	11 114	11 180	0.6
18 years	54	5 888	5 942	0.9
19 years & over	13	1 328	1 341	1.0
Total (a)	251	41 946	42 197	0.6

— nil or rounded to zero (including null cells)

(a) Includes defendants with unknown age.

(b) Includes defendants with unknown sex.

4.4 SUMMARY CHARACTERISTICS OF DEFENDANTS, States and Territories

	NSW(a)	Vic.	Qld	SA	WA	Tas.	NT	ACT	Aust.
NUMBER									
Defendants finalised									
Males	8 516	6 983	5 667	3 214	7 229	1 001	624	360	33 594
Females	1 863	1 968	1 665	788	1 711	255	155	125	8 530
Total(b)	10 379	8 951	7 338	4 002	9 008	1 256	779	485	42 198
Method of finalisation									
Adjudicated outcomes									
Acquitted	783	424	69	13	75	160	70	42	1 636
Proven guilty	7 854	7 274	6 439	2 768	6 284	1 031	626	280	32 556
Total	8 637	7 698	6 508	2 781	6 359	1 191	696	322	34 192
Transfers to other courts	303	59	326	705	34	19	11	6	1 463
Withdrawn by prosecution	1 434	1 194	500	372	563	46	72	153	4 334
Other(c)	5	—	4	144	2 052	—	—	4	2 209
Total	10 379	8 951	7 338	4 002	9 008	1 256	779	485	42 198
Sentence outcomes									
Custodial orders	1 199	621	351	234	329	150	151	12	3 047
Non-custodial orders	6 655	6 581	6 088	2 534	5 955	790	475	268	29 346
Total(d)	7 854	7 274	6 439	2 768	6 284	1 031	626	280	32 556
PROPORTION (%)									
Defendants finalised									
Males	82.1	78.0	77.2	80.3	80.3	79.7	80.1	74.2	79.6
Females	17.9	22.0	22.7	19.7	19.0	20.3	19.9	25.8	20.2
Total(b)	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Method of finalisation									
Adjudicated outcomes									
Acquitted	7.5	4.7	0.9	0.3	0.8	12.7	9.0	8.7	3.9
Proven guilty	75.7	81.3	87.7	69.2	69.8	82.1	80.4	57.7	77.2
Total	83.2	86.0	88.7	69.5	70.6	94.8	89.3	66.4	81.0
Transfers to other courts	2.9	0.7	4.4	17.6	0.4	1.5	1.4	1.2	3.5
Withdrawn by prosecution	13.8	13.3	6.8	9.3	6.3	3.7	9.2	31.5	10.3
Other(c)	—	—	0.1	3.6	22.8	—	—	0.8	5.2
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Sentence outcomes									
Custodial orders	15.3	8.5	5.5	8.5	5.2	14.5	24.1	4.3	9.4
Non-custodial orders	84.7	90.5	94.5	91.5	94.8	76.6	75.9	95.7	90.1
Total(d)	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Refers to finalised appearances rather than finalised defendants in the Children's Courts, resulting in potentially higher population counts (see Explanatory Notes paragraph 14).

(b) Includes defendants with unknown sex.

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

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

4.5

DEFENDANTS FINALISED, Sex and principal offence by method of finalisation ...

	Acquitted	Proven guilty	Transfers to other courts	Withdrawn by prosecution	Other(a)	Total
MALES (no.)						
Homicide and related offences	—	3	28	5	3	39
Acts intended to cause injury	287	4 436	274	741	126	5 864
Sexual assault and related offences	55	313	121	167	30	686
Dangerous or negligent acts endangering persons	29	1 668	33	94	122	1 946
Abduction, harassment and other offences against the person	5	142	7	26	12	192
Robbery, extortion and related offences	93	877	154	272	9	1 405
Unlawful entry with intent	160	3 651	245	391	394	4 841
Theft and related offences	239	4 695	133	854	311	6 232
Fraud, deception and related offences	9	209	7	29	14	268
Illicit drug offences	15	628	13	46	89	791
Prohibited and regulated weapons and explosives offences	16	489	25	36	37	603
Property damage and environmental pollution	91	1 966	98	250	173	2 578
Public order offences	219	2 493	41	273	194	3 220
Traffic and vehicle regulatory offences	43	3 417	6	128	117	3 711
Offences against justice procedures, gov't security and operations	32	669	13	78	70	862
Miscellaneous offences	18	235	3	49	9	314
Total(b)	1 317	25 923	1 201	3 444	1 710	33 595
MALES (%)						
Homicide and related offences	—	7.7	71.8	12.8	7.7	100.0
Acts intended to cause injury	4.9	75.6	4.7	12.6	2.1	100.0
Sexual assault and related offences	8.0	45.6	17.6	24.3	4.4	100.0
Dangerous or negligent acts endangering persons	1.5	85.7	1.7	4.8	6.3	100.0
Abduction, harassment and other offences against the person	2.6	74.0	3.6	13.5	6.3	100.0
Robbery, extortion and related offences	6.6	62.4	11.0	19.4	0.6	100.0
Unlawful entry with intent	3.3	75.4	5.1	8.1	8.1	100.0
Theft and related offences	3.8	75.3	2.1	13.7	5.0	100.0
Fraud, deception and related offences	3.4	78.0	2.6	10.8	5.2	100.0
Illicit drug offences	1.9	79.4	1.6	5.8	11.3	100.0
Prohibited and regulated weapons and explosives offences	2.7	81.1	4.1	6.0	6.1	100.0
Property damage and environmental pollution	3.5	76.3	3.8	9.7	6.7	100.0
Public order offences	6.8	77.4	1.3	8.5	6.0	100.0
Traffic and vehicle regulatory offences	1.2	92.1	0.2	3.4	3.2	100.0
Offences against justice procedures, gov't security and operations	3.7	77.6	1.5	9.0	8.1	100.0
Miscellaneous offences	5.7	74.8	1.0	15.6	2.9	100.0
Total(b)	3.9	77.2	3.6	10.3	5.1	100.0

— nil or rounded to zero (including null cells)

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

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

4.5**DEFENDANTS FINALISED, Sex and principal offence by method of finalisation***continued*

	<i>Acquitted</i>	<i>Proven guilty</i>	<i>Transfers to other courts</i>	<i>Withdrawn by prosecution</i>	<i>Other(a)</i>	<i>Total</i>
FEMALES (no.)						
Homicide and related offences	—	—	3	—	—	3
Acts intended to cause injury	90	1 466	101	196	43	1 896
Sexual assault and related offences	—	5	4	3	—	12
Dangerous or negligent acts endangering persons	3	164	—	9	8	184
Abduction, harassment and other offences against the person	5	31	6	9	—	51
Robbery, extortion and related offences	18	194	21	66	—	299
Unlawful entry with intent	14	358	32	52	59	515
Theft and related offences	83	1 879	58	335	169	2 524
Fraud, deception and related offences	—	104	—	10	14	128
Illicit drug offences	6	104	—	15	22	147
Prohibited and regulated weapons and explosives offences	3	41	—	6	—	50
Property damage and environmental pollution	16	339	20	46	29	450
Public order offences	36	637	5	60	67	805
Traffic and vehicle regulatory offences	11	914	—	28	42	995
Offences against justice procedures, gov't security and operations	22	242	5	29	32	330
Miscellaneous offences	9	98	—	17	—	124
Total(b)	316	6 580	255	881	485	8 517
FEMALES (%)						
Homicide and related offences	—	—	100.0	—	—	100.0
Acts intended to cause injury	4.7	77.3	5.3	10.3	2.3	100.0
Sexual assault and related offences	—	41.7	33.3	25.0	—	100.0
Dangerous or negligent acts endangering persons	1.6	89.1	—	4.9	4.3	100.0
Abduction, harassment and other offences against the person	9.8	60.8	11.8	17.6	—	100.0
Robbery, extortion and related offences	6.0	64.9	7.0	22.1	—	100.0
Unlawful entry with intent	2.7	69.5	6.2	10.1	11.5	100.0
Theft and related offences	3.3	74.4	2.3	13.3	6.7	100.0
Fraud, deception and related offences	—	81.3	—	7.8	10.9	100.0
Illicit drug offences	4.1	70.7	—	10.2	15.0	100.0
Prohibited and regulated weapons and explosives offences	6.0	82.0	—	12.0	—	100.0
Property damage and environmental pollution	3.6	75.3	4.4	10.2	6.4	100.0
Public order offences	4.5	79.1	0.6	7.5	8.3	100.0
Traffic and vehicle regulatory offences	1.1	91.9	—	2.8	4.2	100.0
Offences against justice procedures, gov't security and operations	6.7	73.3	1.5	8.8	9.7	100.0
Miscellaneous offences	7.3	79.0	—	13.7	—	100.0
Total(b)	3.7	77.3	3.0	10.3	5.7	100.0

— nil or rounded to zero (including null cells)

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

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

4.5**DEFENDANTS FINALISED, Sex and principal offence by method of finalisation***continued*

	<i>Acquitted</i>	<i>Proven guilty</i>	<i>Transfers to other courts</i>	<i>Withdrawn by prosecution</i>	<i>Other(a)</i>	<i>Total</i>
DEFENDANTS (no.) (b)						
Homicide and related offences	—	3	31	5	3	42
Acts intended to cause injury	377	5 909	375	937	169	7 767
Sexual assault and related offences	55	318	128	170	30	701
Dangerous or negligent acts endangering persons	32	1 835	33	103	130	2 133
Abduction, harassment and other offences against the person	10	173	13	35	12	243
Robbery, extortion and related offences	111	1 071	175	338	9	1 704
Unlawful entry with intent	174	4 016	277	446	453	5 366
Theft and related offences	322	6 578	191	1 193	484	8 768
Fraud, deception and related offences	9	313	7	39	28	396
Illicit drug offences	21	735	13	61	114	944
Prohibited and regulated weapons and explosives offences	19	530	25	42	37	653
Property damage and environmental pollution	107	2 308	118	296	202	3 031
Public order offences	255	3 140	46	336	264	4 041
Traffic and vehicle regulatory offences	54	4 347	6	156	162	4 725
Offences against justice procedures, gov't security and operations	54	911	18	110	102	1 195
Miscellaneous offences	27	333	3	66	9	438
Total(c)	1 633	32 556	1 459	4 338	2 208	42 194
DEFENDANTS (%) (b)						
Homicide and related offences	—	7.1	73.8	11.9	7.1	100.0
Acts intended to cause injury	4.9	76.1	4.8	12.1	2.2	100.0
Sexual assault and related offences	7.8	45.4	18.3	24.3	4.3	100.0
Dangerous or negligent acts endangering persons	1.5	86.0	1.5	4.8	6.1	100.0
Abduction, harassment and other offences against the person	4.1	71.2	5.3	14.4	4.9	100.0
Robbery, extortion and related offences	6.5	62.9	10.3	19.8	0.5	100.0
Unlawful entry with intent	3.2	74.8	5.2	8.3	8.4	100.0
Theft and related offences	3.7	75.0	2.2	13.6	5.5	100.0
Fraud, deception and related offences	2.3	79.0	1.8	9.8	7.1	100.0
Illicit drug offences	2.2	77.9	1.4	6.5	12.1	100.0
Prohibited and regulated weapons and explosives offences	2.9	81.2	3.8	6.4	5.7	100.0
Property damage and environmental pollution	3.5	76.1	3.9	9.8	6.7	100.0
Public order offences	6.3	77.7	1.1	8.3	6.5	100.0
Traffic and vehicle regulatory offences	1.1	92.0	0.1	3.3	3.4	100.0
Offences against justice procedures, gov't security and operations	4.5	76.2	1.5	9.2	8.5	100.0
Miscellaneous offences	6.2	76.0	0.7	15.1	2.1	100.0
Total(c)	3.9	77.2	3.5	10.3	5.2	100.0

— nil or rounded to zero (including null cells)

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

(b) Includes defendants with unknown sex.

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

4.6**DEFENDANTS ADJUDICATED(a), Principal offence 2006–07 to 2008–09**

	2006–07	2007–08	2008–09
Homicide and related offences	15	15	4
Acts intended to cause injury			
Assault	4 609	4 976	6 107
Stalking	..	..	156
Other(b)	14	16	24
<i>Total</i>	4 623	4 992	6 287
Sexual assault and related offences	329	337	374
Dangerous or negligent acts endangering persons	1 749	1 915	1 867
Abduction, harassment and other offences against the person	8	11	183
Robbery, extortion and related offences	1 113	1 370	1 183
Unlawful entry with intent	3 985	3 973	4 190
Theft and related offences			
Theft/illegal use of a motor vehicle(c)	1 453	1 377	1 212
Other(d)	3 082	3 095	5 687
<i>Total(e)</i>	4 535	4 472	6 902
Fraud, deception and related offences	6 514	3 399	324
Illicit drug offences	680	641	755
Prohibited and regulated weapons and explosives offences	460	463	547
Property damage and environmental pollution			
Property damage by fire or explosion	245	235	259
Graffiti	215	212	217
Other(f)	1 708	1 627	1 939
<i>Total</i>	2 168	2 074	2 415
Public order offences			
Regulated public order offences	433	386	506
Other(g)	2 571	2 583	2 889
<i>Total</i>	3 004	2 969	3 411
Traffic and vehicle regulatory offences			
Driving licence offences	1 974	2 382	2 741
Regulatory driving offences	998	935	1 362
Other(h)	229	245	298
<i>Total(i)</i>	3 201	3 562	4 401
Offences against justice procedures, gov't security and operations	951	897	965
Miscellaneous offences	914	750	360
Total(j)	34 269	31 986	34 194

.. not applicable

(a) Offence data are based on ASOC08 for 2008–09 and ASOC97 prior to this period. Caution should be exercised when comparing offence data. (See Technical Note and Explanatory Notes paragraphs 21–22).

(b) Includes other acts intended to cause injury n.e.c.

(c) Includes ASOC Groups 0811–0812.

(d) Includes ASOC Subdivisions 082–084 and Group 0813.

(e) Includes theft and related offences n.f.d.

(f) Includes ASOC Subdivision 122 and Group 1219.

(g) Includes ASOC Subdivisions 131 and 133.

(h) Includes ASOC Subdivisions 142 and 144.

(i) Includes road traffic and motor vehicle regulatory offences n.f.d.

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

4.7 DEFENDANTS ADJUDICATED, Principal offence by age

	10-12 years	13 years	14 years	15 years	16 years	17 years	18 years	19 years & over	Total(a)
ACQUITTED (no.)									
Homicide and related offences	—	—	—	—	—	3	—	—	3
Acts intended to cause injury	14	14	35	49	82	96	73	15	378
Sexual assault and related offences	—	3	6	9	9	10	12	7	56
Dangerous or negligent acts endangering persons	—	—	3	—	11	9	10	—	33
Abduction, harassment and other offences against the person	—	3	—	3	—	3	—	3	12
Robbery, extortion and related offences	3	7	10	26	21	24	17	4	112
Unlawful entry with intent	4	11	27	22	29	40	22	18	173
Theft and related offences	7	13	32	50	40	90	57	33	322
Fraud, deception and related offences	—	—	—	—	—	5	5	—	10
Illicit drug offences	—	—	—	5	3	6	6	—	20
Prohibited and regulated weapons and explosives offences	—	—	—	5	4	4	3	—	16
Property damage and environmental pollution	7	5	17	17	21	20	15	5	107
Public order offences	3	10	13	37	51	98	36	7	255
Traffic and vehicle regulatory offences	—	4	—	4	12	12	15	5	52
Offences against justice procedures, gov't security and operations	—	3	5	7	17	14	6	—	52
Miscellaneous offences	—	—	—	4	6	6	6	3	25
Total(b)	38	76	152	238	306	440	283	100	1 633

ACQUITTED (%)									
Homicide and related offences	—	—	—	—	—	0.7	—	—	0.2
Acts intended to cause injury	36.8	18.4	23.0	20.6	26.8	21.8	25.8	15.0	23.1
Sexual assault and related offences	—	3.9	3.9	3.8	2.9	2.3	4.2	7.0	3.4
Dangerous or negligent acts endangering persons	—	—	2.0	—	3.6	2.0	3.5	—	2.0
Abduction, harassment and other offences against the person	—	3.9	—	1.3	—	0.7	—	3.0	0.7
Robbery, extortion and related offences	7.9	9.2	6.6	10.9	6.9	5.5	6.0	4.0	6.9
Unlawful entry with intent	10.5	14.5	17.8	9.2	9.5	9.1	7.8	18.0	10.6
Theft and related offences	18.4	17.1	21.1	21.0	13.1	20.5	20.1	33.0	19.7
Fraud, deception and related offences	—	—	—	—	—	1.1	1.8	—	0.6
Illicit drug offences	—	—	—	2.1	1.0	1.4	2.1	—	1.2
Prohibited and regulated weapons and explosives offences	—	—	—	2.1	1.3	0.9	1.1	—	1.0
Property damage and environmental pollution	18.4	6.6	11.2	7.1	6.9	4.5	5.3	5.0	6.6
Public order offences	7.9	13.2	8.6	15.5	16.7	22.3	12.7	7.0	15.6
Traffic and vehicle regulatory offences	—	5.3	—	1.7	3.9	2.7	5.3	5.0	3.2
Offences against justice procedures, gov't security and operations	—	3.9	3.3	2.9	5.6	3.2	2.1	—	3.2
Miscellaneous offences	—	—	—	1.7	2.0	1.4	2.1	3.0	1.5
Total(b)	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Includes defendants with unknown age.

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

4.7 DEFENDANTS ADJUDICATED, Principal offence by age *continued*

	10-12 years	13 years	14 years	15 years	16 years	17 years	18 years & over	Total(a)
PROVEN GUILTY (no.)								
Homicide and related offences	—	—	—	—	—	—	3	3
Acts intended to cause injury	124	234	653	979	1 371	1 521	860	5 909
Sexual assault and related offences	3	8	36	38	72	82	53	318
Dangerous or negligent acts endangering persons	22	27	82	161	338	778	383	1 835
Abduction, harassment and other offences against the person	3	7	17	19	48	49	27	174
Robbery, extortion and related offences	12	51	122	188	240	267	151	1 072
Unlawful entry with intent	163	293	579	766	913	706	360	4 016
Theft and related offences	153	364	761	1 063	1 523	1 416	1 052	6 578
Fraud, deception and related offences	—	4	12	33	67	100	75	313
Illicit drug offences	5	18	53	100	194	253	93	734
Prohibited and regulated weapons and explosives offences	9	18	53	95	129	150	58	530
Property damage and environmental pollution	63	135	300	462	591	457	261	2 308
Public order offences	59	105	270	550	986	796	336	3 139
Traffic and vehicle regulatory offences	23	77	172	388	1 142	1 742	725	4 347
Offences against justice procedures, gov't security and operations	13	27	68	134	295	266	99	913
Miscellaneous offences	—	5	11	32	56	113	101	332
Total(b)	655	1 373	3 189	5 008	7 976	8 704	4 647	32 553

PROVEN GUILTY (%)								
Homicide and related offences	—	—	—	—	—	—	0.1	—
Acts intended to cause injury	18.9	17.0	20.5	19.5	17.2	17.5	18.5	18.2
Sexual assault and related offences	0.5	0.6	1.1	0.8	0.9	0.9	1.1	1.0
Dangerous or negligent acts endangering persons	3.4	2.0	2.6	3.2	4.2	8.9	8.2	5.6
Abduction, harassment and other offences against the person	0.5	0.5	0.5	0.4	0.6	0.6	0.6	0.5
Robbery, extortion and related offences	1.8	3.7	3.8	3.8	3.0	3.1	3.2	3.3
Unlawful entry with intent	24.9	21.3	18.2	15.3	11.4	8.1	7.7	12.3
Theft and related offences	23.4	26.5	23.9	21.2	19.1	16.3	22.6	20.2
Fraud, deception and related offences	—	0.3	0.4	0.7	0.8	1.1	1.6	1.0
Illicit drug offences	0.8	1.3	1.7	2.0	2.4	2.9	2.0	2.3
Prohibited and regulated weapons and explosives offences	1.4	1.3	1.7	1.9	1.6	1.7	1.2	1.6
Property damage and environmental pollution	9.6	9.8	9.4	9.2	7.4	5.3	5.6	7.1
Public order offences	9.0	7.6	8.5	11.0	12.4	9.1	7.2	9.6
Traffic and vehicle regulatory offences	3.5	5.6	5.4	7.7	14.3	20.0	15.6	13.4
Offences against justice procedures, gov't security and operations	2.0	2.0	2.1	2.7	3.7	3.1	2.1	2.8
Miscellaneous offences	—	0.4	0.3	0.6	0.7	1.3	2.2	1.0
Total(b)	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Includes defendants with unknown age.

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

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

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

NUMBER

Homicide and related offences	3	—	—	3
Acts intended to cause injury	589	272	236	1 097
Sexual assault and related offences	37	14	26	77
Dangerous or negligent acts endangering persons	125	40	34	199
Abduction, harassment and other offences against the person	16	7	—	23
Robbery, extortion and related offences	204	62	75	341
Unlawful entry with intent	520	65	159	744
Theft and related offences	213	34	45	292
Fraud, deception and related offences	6	3	5	14
Illicit drug offences	12	8	7	27
Prohibited and regulated weapons and explosives offences	14	21	9	44
Property damage and environmental pollution	70	23	22	115
Public order offences	14	5	16	35
Traffic and vehicle regulatory offences	6	5	7	18
Offences against justice procedures, gov't security and operations	5	3	6	14
Miscellaneous offences	—	—	—	—
Total(a)	1 834	562	650	3 046

PROPORTION (%)

Homicide and related offences	100.0	—	—	100.0
Acts intended to cause injury	10.0	4.6	4.0	18.6
Sexual assault and related offences	11.6	4.4	8.2	24.2
Dangerous or negligent acts endangering persons	6.8	2.2	1.9	10.8
Abduction, harassment and other offences against the person	9.2	4.0	—	13.2
Robbery, extortion and related offences	19.0	5.8	7.0	31.8
Unlawful entry with intent	12.9	1.6	4.0	18.5
Theft and related offences	3.2	0.5	0.7	4.4
Fraud, deception and related offences	1.9	1.0	1.6	4.5
Illicit drug offences	1.6	1.1	1.0	3.7
Prohibited and regulated weapons and explosives offences	2.6	4.0	1.7	8.3
Property damage and environmental pollution	3.0	1.0	1.0	5.0
Public order offences	0.4	0.2	0.5	1.1
Traffic and vehicle regulatory offences	0.1	0.1	0.2	0.4
Offences against justice procedures, gov't security and operations	0.5	0.3	0.7	1.5
Miscellaneous offences	—	—	—	—
Total(a)	5.6	1.7	2.0	9.4

— nil or rounded to zero (including null cells)

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

4.8**DEFENDANTS PROVEN GUILTY, Principal offence by principal sentence *continued*****NON-CUSTODIAL ORDERS**

	<i>Community supervision/ work orders</i>	<i>Monetary orders</i>	<i>Other(b)</i>	<i>Total</i>	<i>Total proven guilty(a)</i>
NUMBER					
Homicide and related offences	3	—	—	3	3
Acts intended to cause injury	2 062	362	2 371	4 795	5 909
Sexual assault and related offences	152	6	70	228	318
Dangerous or negligent acts endangering persons	358	852	421	1 631	1 835
Abduction, harassment and other offences against the person	60	15	72	147	174
Robbery, extortion and related offences	542	19	164	725	1 072
Unlawful entry with intent	1 903	199	1 161	3 263	4 016
Theft and related offences	1 411	1 780	3 057	6 248	6 578
Fraud, deception and related offences	66	84	149	299	311
Illicit drug offences	163	143	394	700	734
Prohibited and regulated weapons and explosives offences	157	81	247	485	529
Property damage and environmental pollution	618	380	1 180	2 178	2 308
Public order offences	447	696	1 944	3 087	3 140
Traffic and vehicle regulatory offences	344	2 408	1 569	4 321	4 347
Offences against justice procedures, gov't security and operations	101	184	598	883	911
Miscellaneous offences	12	223	90	325	333
Total(c)	8 404	7 438	13 506	29 348	32 555

PROPORTION (%)

Homicide and related offences	100.0	—	—	100.0	100.0
Acts intended to cause injury	34.9	6.1	40.1	81.1	100.0
Sexual assault and related offences	47.8	1.9	22.0	71.7	100.0
Dangerous or negligent acts endangering persons	19.5	46.4	22.9	88.9	100.0
Abduction, harassment and other offences against the person	34.5	8.6	41.4	84.5	100.0
Robbery, extortion and related offences	50.6	1.8	15.3	67.6	100.0
Unlawful entry with intent	47.4	5.0	28.9	81.3	100.0
Theft and related offences	21.5	27.1	46.5	95.0	100.0
Fraud, deception and related offences	21.2	27.0	47.9	96.1	100.0
Illicit drug offences	22.2	19.5	53.7	95.4	100.0
Prohibited and regulated weapons and explosives offences	29.7	15.3	46.7	91.7	100.0
Property damage and environmental pollution	26.8	16.5	51.1	94.4	100.0
Public order offences	14.2	22.2	61.9	98.3	100.0
Traffic and vehicle regulatory offences	7.9	55.4	36.1	99.4	100.0
Offences against justice procedures, gov't security and operations	11.1	20.2	65.6	96.9	100.0
Miscellaneous offences	3.6	67.0	27.0	97.6	100.0
Total(c)	25.8	22.8	41.5	90.1	100.0

— nil or rounded to zero (including null cells)

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

(b) 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.

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

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

	10–12 years	13 years	14 years	15 years	16 years	17 years	18 years	19 years & over	Total(a)
NUMBER									
Males									
Custodial orders									
Custody in a correctional institution	8	50	194	283	407	467	217	77	1 703
Custody in the community	4	12	37	75	109	150	100	14	501
Fully suspended sentence	—	16	48	63	113	155	129	41	565
Total	12	78	279	421	629	772	446	132	2 769
Non-custodial orders									
Community supervision/work orders	206	454	901	1 339	1 855	1 463	553	121	6 892
Monetary orders	7	32	101	301	1 107	2 493	1 603	243	5 887
Other(b)	339	507	1 130	1 765	2 711	2 407	1 091	288	10 238
Total	552	993	2 132	3 405	5 673	6 363	3 247	652	23 017
Total proven guilty(c)	568	1 077	2 422	3 840	6 323	7 152	3 723	810	25 915
Females									
Custodial orders									
Custody in a correctional institution	—	5	13	35	36	29	11	3	132
Custody in the community	—	3	3	10	19	11	10	3	59
Fully suspended sentence	—	3	6	12	22	17	20	6	86
Total	—	11	22	57	77	57	41	12	277
Non-custodial orders									
Community supervision/work orders	38	93	267	342	394	265	84	14	1 497
Monetary orders	—	12	41	76	267	563	507	72	1 538
Other(b)	46	182	432	673	895	646	285	75	3 234
Total	84	287	740	1 091	1 556	1 474	876	161	6 269
Total proven guilty(c)	84	298	762	1 156	1 637	1 537	922	181	6 577
Defendants(d)									
Custodial orders									
Custody in a correctional institution	8	55	207	318	446	496	228	80	1 838
Custody in the community	4	15	40	85	128	161	110	17	560
Fully suspended sentence	—	19	54	75	135	172	149	47	651
Total	12	89	301	478	709	829	487	144	3 049
Non-custodial orders									
Community supervision/work orders	244	547	1 168	1 687	2 252	1 731	637	135	8 401
Monetary orders	7	44	142	377	1 379	3 061	2 110	315	7 435
Other(b)	385	689	1 565	2 443	3 614	3 061	1 376	366	13 499
Total	636	1 280	2 875	4 507	7 245	7 853	4 123	816	29 335
Total proven guilty(c)	652	1 375	3 187	5 007	7 979	8 705	4 645	994	32 544

— nil or rounded to zero (including null cells)

(a) Includes defendants with unknown age.

(b) Includes good behaviour bonds, licence disqualification/suspensions/amendments, forfeiture of property orders, nominal penalties and other non-custodial orders n.e.c.

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

(d) Includes defendants with unknown sex.

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

	10–12 years	13 years	14 years	15 years	16 years	17 years	18 years	19 years & over	Total(a)
PROPORTION (%)									
Males									
Custodial orders									
Custody in a correctional institution	1.4	4.6	8.0	7.4	6.4	6.5	5.8	9.5	6.6
Custody in the community	0.7	1.1	1.5	2.0	1.7	2.1	2.7	1.7	1.9
Fully suspended sentence	—	1.5	2.0	1.6	1.8	2.2	3.5	5.1	2.2
Total	2.1	7.2	11.5	11.0	9.9	10.8	12.0	16.3	10.7
Non-custodial orders									
Community supervision/work orders	36.3	42.2	37.2	34.9	29.3	20.5	14.9	14.9	26.6
Monetary orders	1.2	3.0	4.2	7.8	17.5	34.9	43.1	30.0	22.7
Other(b)	59.7	47.1	46.7	46.0	42.9	33.7	29.3	35.6	39.5
Total	97.2	92.2	88.0	88.7	89.7	89.0	87.2	80.5	88.8
Total proven guilty(c)	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Females									
Custodial orders									
Custody in a correctional institution	—	1.7	1.7	3.0	2.2	1.9	1.2	1.7	2.0
Custody in the community	—	1.0	0.4	0.9	1.2	0.7	1.1	1.7	0.9
Fully suspended sentence	—	1.0	0.8	1.0	1.3	1.1	2.2	3.3	1.3
Total	—	3.7	2.9	4.9	4.7	3.7	4.4	6.6	4.2
Non-custodial orders									
Community supervision/work orders	45.2	31.2	35.0	29.6	24.1	17.2	9.1	7.7	22.8
Monetary orders	—	4.0	5.4	6.6	16.3	36.6	55.0	39.8	23.4
Other(b)	54.8	61.1	56.7	58.2	54.7	42.0	30.9	41.4	49.2
Total	100.0	96.3	97.1	94.4	95.1	95.9	95.0	89.0	95.3
Total proven guilty(c)	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Defendants(d)									
Custodial orders									
Custody in a correctional institution	1.2	4.0	6.5	6.4	5.6	5.7	4.9	8.0	5.6
Custody in the community	0.6	1.1	1.3	1.7	1.6	1.8	2.4	1.7	1.7
Fully suspended sentence	—	1.4	1.7	1.5	1.7	2.0	3.2	4.7	2.0
Total	1.8	6.5	9.4	9.5	8.9	9.5	10.5	14.5	9.4
Non-custodial orders									
Community supervision/work orders	37.4	39.8	36.6	33.7	28.2	19.9	13.7	13.6	25.8
Monetary orders	1.1	3.2	4.5	7.5	17.3	35.2	45.4	31.7	22.8
Other(b)	59.0	50.1	49.1	48.8	45.3	35.2	29.6	36.8	41.5
Total	97.5	93.1	90.2	90.0	90.8	90.2	88.8	82.1	90.1
Total proven guilty(c)	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

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

(a) Includes defendants with unknown age.

(d) Includes defendants with unknown sex.

(b) Includes good behaviour bonds, licence disqualification/suspensions/amendments, forfeiture of property orders, nominal penalties and other non-custodial orders n.e.c.

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

	<i>Under 6 weeks</i>	<i>6 to under 13 weeks</i>	<i>13 to under 20 weeks</i>	<i>20 to under 26 weeks</i>	<i>26 to under 39 weeks</i>	<i>39 to under 52 weeks</i>	<i>52 weeks & over</i>	<i>Total</i>
NUMBER								
Acquitted								
Acts intended to cause injury	41	70	82	51	80	26	28	378
Dangerous or negligent acts endangering persons	7	3	8	4	7	—	3	32
Unlawful entry with intent	14	22	48	31	35	10	14	174
Theft and related offences	76	52	67	37	45	19	26	322
Property damage and environmental pollution	14	20	26	10	21	10	6	107
Public order offences	150	39	18	19	18	4	7	255
Traffic and vehicle regulatory offences	16	8	9	7	6	3	6	55
Other(a)	43	43	60	50	56	26	30	308
<i>Total</i>	<i>361</i>	<i>257</i>	<i>321</i>	<i>209</i>	<i>268</i>	<i>98</i>	<i>120</i>	<i>1 634</i>
Proven guilty								
Acts intended to cause injury	1 518	1 270	964	577	853	372	355	5 909
Dangerous or negligent acts endangering persons	839	445	228	111	119	34	59	1 835
Unlawful entry with intent	1 446	1 047	560	317	345	134	167	4 016
Theft and related offences	2 721	1 555	948	477	509	174	194	6 578
Property damage and environmental pollution	1 042	498	298	156	167	74	73	2 308
Public order offences	1 878	556	297	133	151	70	55	3 140
Traffic and vehicle regulatory offences	2 943	796	275	110	119	32	72	4 347
Other(a)	1 647	1 005	616	346	407	185	181	4 387
<i>Total</i>	<i>14 043</i>	<i>7 186</i>	<i>4 189</i>	<i>2 227</i>	<i>2 678</i>	<i>1 075</i>	<i>1 159</i>	<i>32 557</i>
Defendants adjudicated	14 404	7 443	4 510	2 436	2 946	1 173	1 279	34 191
Transfers to other courts	416	330	255	156	164	74	62	1 457
Withdrawn by prosecution	893	948	898	547	620	198	233	4 337
Other(b)	1 738	224	102	47	52	30	15	2 208
Defendants finalised	17 451	8 945	5 765	3 186	3 782	1 475	1 589	42 193

— nil or rounded to zero (including null cells)

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

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

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

	<i>Under 6 weeks</i>	<i>6 to under 13 weeks</i>	<i>13 to under 20 weeks</i>	<i>20 to under 26 weeks</i>	<i>26 to under 39 weeks</i>	<i>39 to under 52 weeks</i>	<i>52 weeks & over</i>	<i>Total</i>
PROPORTION (%)								
Acquitted								
Acts intended to cause injury	10.8	18.5	21.7	13.5	21.2	6.9	7.4	100.0
Dangerous or negligent acts endangering persons	21.9	9.4	25.0	12.5	21.9	—	9.4	100.0
Unlawful entry with intent	8.0	12.6	27.6	17.8	20.1	5.7	8.0	100.0
Theft and related offences	23.6	16.1	20.8	11.5	14.0	5.9	8.1	100.0
Property damage and environmental pollution	13.1	18.7	24.3	9.3	19.6	9.3	5.6	100.0
Public order offences	58.8	15.3	7.1	7.5	7.1	1.6	2.7	100.0
Traffic and vehicle regulatory offences	29.1	14.5	16.4	12.7	10.9	5.5	10.9	100.0
Other(a)	14.0	14.0	19.5	16.2	18.2	8.4	9.7	100.0
<i>Total</i>	22.1	15.7	19.6	12.8	16.4	6.0	7.3	100.0
Proven guilty								
Acts intended to cause injury	25.7	21.5	16.3	9.8	14.4	6.3	6.0	100.0
Dangerous or negligent acts endangering persons	45.7	24.3	12.4	6.0	6.5	1.9	3.2	100.0
Unlawful entry with intent	36.0	26.1	13.9	7.9	8.6	3.3	4.2	100.0
Theft and related offences	41.4	23.6	14.4	7.3	7.7	2.6	2.9	100.0
Property damage and environmental pollution	45.1	21.6	12.9	6.8	7.2	3.2	3.2	100.0
Public order offences	59.8	17.7	9.5	4.2	4.8	2.2	1.8	100.0
Traffic and vehicle regulatory offences	67.7	18.3	6.3	2.5	2.7	0.7	1.7	100.0
Other(a)	37.5	22.9	14.0	7.9	9.3	4.2	4.1	100.0
<i>Total</i>	43.1	22.1	12.9	6.8	8.2	3.3	3.6	100.0
Defendants adjudicated	42.1	21.8	13.2	7.1	8.6	3.4	3.7	100.0
Transfers to other courts	28.6	22.6	17.5	10.7	11.3	5.1	4.3	100.0
Withdrawn by prosecution	20.6	21.9	20.7	12.6	14.3	4.6	5.4	100.0
Other(b)	78.7	10.1	4.6	2.1	2.4	1.4	0.7	100.0
Defendants finalised	41.4	21.2	13.7	7.6	9.0	3.5	3.8	100.0

— nil or rounded to zero (including null cells)

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

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

4.11**DEFENDANTS ADJUDICATED, Principal offence by states and territories**

	NSW(a)	Vic.	QLD	SA	WA	Tas.	NT	ACT	Aust.
Homicide and related offences	3	—	—	—	3	—	—	—	6
Acts intended to cause injury									
Assault	2 366	1 378	708	412	772	265	136	70	6 107
Stalking	142	9	4	—	—	—	—	—	155
Total(b)	2 531	1 387	712	412	772	265	136	70	6 285
Sexual assault and related offences	103	94	58	29	69	6	10	5	374
Dangerous or negligent acts endangering persons	218	322	154	423	605	72	60	13	1 867
Abduction, harassment and other offences against the person	72	45	10	9	44	—	—	—	180
Robbery, extortion and related offences	658	207	87	45	164	11	5	6	1 183
Unlawful entry with intent	1 153	597	1 063	263	759	166	145	44	4 190
Theft and related offences									
Theft/illegal use of a motor vehicle(c)	338	254	288	49	170	54	38	21	1 212
Other(d)	1 097	2 287	1 314	275	501	162	7	44	5 687
Total(e)	1 435	2 541	1 602	324	671	216	45	65	6 899
Fraud, deception and related offences	84	116	57	5	34	8	3	18	325
Illicit drug offences	238	81	153	35	194	40	11	3	755
Prohibited and regulated weapons and explosives offences	59	201	111	91	39	17	17	12	547
Property damage and environmental pollution									
Property damage by fire or explosion	66	72	33	13	48	27	—	—	259
Graffiti	29	17	78	52	40	—	3	—	219
Other(f)	591	392	365	136	352	76	21	6	1 939
Total	686	481	476	201	440	103	24	6	2 417
Public order offences									
Regulated public order offences	23	300	86	30	49	16	—	3	507
Other(g)	752	474	984	171	398	72	32	6	2 889
Total	775	774	1 070	201	447	88	32	9	3 396
Traffic and vehicle regulatory offences									
Driver licence offences	200	360	425	342	1 239	67	89	19	2 741
Regulatory driving offences	89	152	224	129	602	45	78	43	1 362
Total(h)	307	531	661	652	1 901	115	173	62	4 402
Offences against justice procedures, gov't security and operations	242	75	283	84	200	69	7	5	965
Miscellaneous offences	75	235	9	6	17	14	—	4	360
Total(i)	8 639	7 698	6 506	2 780	6 359	1 190	699	322	34 193

— nil or rounded to zero (including null cells)

(a) Refers to finalised appearances rather than finalised defendants in the Children's Courts, resulting in potentially higher population counts (see Explanatory Note 14).

(b) Includes acts intended to cause injury n.e.c.

(c) Includes ASOC Groups 0811–0812.

(d) Includes ASOC Subdivision 082–084 and Group 0813.

(e) Includes theft and related offences n.f.d.

(f) Includes ASOC Subdivision 122 and Group 1219.

(g) Includes ASOC Subdivisions 131 and 133.

(h) Includes ASOC Subdivisions 142 and 144.

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

4.12**DEFENDANTS FINALISED, Selected characteristics by states and territories,
2006–07 to 2008–09**

		2006–07	2007–08	2008–09
NSW (a)				
Finalised defendants	no.	8 165	9 262	10 378
Males	%	82.2	82.3	82.1
Females	%	17.8	17.7	17.9
Aged 17 years	%	29.1	28.8	27.5
Acquitted	no.	680	649	783
	%	8.3	7.0	7.5
Proven guilty	no.	6 253	7 025	7 854
	%	76.6	75.8	75.7
Withdrawn	no.	1 022	1 291	1 434
	%	12.5	13.9	13.8
Vic.				
Finalised defendants	no.	13 693	8 891	8 950
Males	%	69.0	70.1	78.0
Females	%	31.0	29.9	22.0
Aged 17 years	%	33.0	31.0	28.9
Acquitted	no.	383	228	424
	%	2.8	2.6	4.7
Proven guilty	no.	11 114	7 336	7 274
	%	81.2	82.5	81.3
Withdrawn	no.	2 181	1 292	1 194
	%	15.9	14.5	13.3
Qld				
Finalised defendants	no.	7 699	7 447	7 338
Males	%	79.1	78.3	77.2
Females	%	20.9	21.6	22.7
Aged 17 years	%	14.3	12.6	13.2
Acquitted	no.	91	56	69
	%	1.2	0.8	0.9
Proven guilty	no.	6 522	6 516	6 439
	%	84.7	87.5	87.7
Withdrawn	no.	668	531	500
	%	8.7	7.1	6.8

(a) Refers to finalised appearances rather than finalised defendants in the Children's Courts, resulting in potentially higher population counts (see Explanatory Note 14).

4.12**DEFENDANTS FINALISED, Selected characteristics by states and territories,
2006–07 to 2008–09 *continued***

		2006–07	2007–08	2008–09
SA				
Finalised defendants	no.	3 273	3 367	4 002
Males	%	82.6	82.1	80.3
Females	%	17.4	17.9	19.7
Aged 17 years	%	31.8	31.8	31.3
Acquitted	no.	5	8	13
	%	0.2	0.2	0.3
Proven guilty	no.	2 277	2 329	2 768
	%	69.6	69.2	69.2
Withdrawn	no.	390	400	372
	%	11.9	11.9	9.3
WA				
Finalised defendants	no.	7 435	8 283	9 006
Males	%	80.9	79.9	80.3
Females	%	18.3	19.4	19.0
Aged 17 years	%	33.8	34.3	31.5
Acquitted	no.	66	43	75
	%	0.9	0.5	0.8
Proven guilty	no.	5 187	5 852	6 284
	%	69.8	70.6	69.8
Withdrawn	no.	453	497	563
	%	6.1	6.0	6.3
Tas.				
Finalised defendants	no.	894	1 051	1 257
Males	%	77.9	79.0	79.7
Females	%	22.1	21.0	20.3
Aged 17 years	%	29.8	31.4	27.2
Acquitted	no.	134	158	160
	%	15.0	15.0	12.7
Proven guilty	no.	713	839	1 031
	%	79.8	79.9	82.1
Withdrawn	no.	35	35	46
	%	3.9	3.3	3.7

4.12**DEFENDANTS FINALISED, Selected characteristics by states and territories,
2006–07 to 2008–09** *continued*

		2006–07	2007–08	2008–09
NT				
Finalised defendants	no.	575	658	779
Males	%	89.6	81.5	80.1
Females	%	10.4	18.5	19.9
Aged 17 years	%	35.5	31.8	27.6
Acquitted	no.	89	71	70
	%	15.5	10.8	9.0
Proven guilty	no.	420	512	626
	%	73.0	77.7	80.4
Withdrawn	no.	50	54	72
	%	8.7	8.2	9.2
ACT				
Finalised defendants	no.	420	452	485
Males	%	74.0	80.5	74.2
Females	%	26.0	19.5	25.8
Aged 17 years	%	34.8	33.2	26.6
Acquitted	no.	11	38	42
	%	2.6	8.4	8.7
Proven guilty	no.	325	326	280
	%	77.4	72.1	57.7
Withdrawn	no.	65	77	153
	%	15.5	17.0	31.5
Aust.				
Finalised defendants	no.	42 154	39 411	42 195
Males	%	77.1	78.2	79.6
Females	%	22.8	21.7	20.2
Aged 17 years	%	28.9	27.8	26.5
Acquitted	no.	1 459	1 251	1 636
	%	3.5	3.2	3.9
Proven guilty	no.	32 811	30 735	32 556
	%	77.8	78.0	77.2
Withdrawn	no.	4 864	4 177	4 334
	%	11.5	10.6	10.3

4.13**DEFENDANTS ADJUDICATED(a), Principal offence by states and territories****2006–07 to 2008–09**

2006–07 2007–08 2008–09

NSW(b)

Defendants adjudicated	no.	6 933	7 674	8 637
Acts intended to cause injury	%	25.8	26.6	29.3
Dangerous or negligent acts endangering persons	%	1.6	1.7	2.5
Unlawful entry with intent	%	12.5	12.9	13.3
Theft and related offences	%	17.3	16.3	16.6
Property damage and environmental pollution	%	8.3	7.6	7.9
Public order offences	%	9.0	9.8	9.0
Traffic and vehicle regulatory offences	%	4.7	4.1	3.6
Other(c)	%	10.4	21.0	17.7
Total(d)	%	100.0	100.0	100.0

Vic.

Defendants adjudicated	no.	11 497	7 564	7 698
Acts intended to cause injury	%	7.5	11.8	18.0
Dangerous or negligent acts endangering persons	%	1.7	2.6	4.2
Unlawful entry with intent	%	5.0	6.7	7.8
Theft and related offences	%	8.7	10.0	33.0
Property damage and environmental pollution	%	3.9	4.1	6.2
Public order offences	%	5.8	7.0	10.1
Traffic and vehicle regulatory offences	%	3.6	4.5	6.9
Other(c)	%	31.9	53.3	13.7
Total(d)	%	100.0	100.0	100.0

Qld

Defendants adjudicated	no.	6 613	6 572	6 508
Acts intended to cause injury	%	10.6	10.0	11.0
Dangerous or negligent acts endangering persons	%	1.6	1.5	2.4
Unlawful entry with intent	%	19.9	18.9	16.3
Theft and related offences	%	18.9	20.1	24.6
Property damage and environmental pollution	%	8.4	7.5	7.3
Public order offences	%	16.4	16.1	16.4
Traffic and vehicle regulatory offences	%	9.6	9.7	10.2
Other(c)	%	7.4	14.3	11.8
Total(d)	%	100.0	100.0	100.0

- (a) Offence data are based on ASOC08 for 2008–09 and ASOC97 prior to this period. Caution should be exercised when comparing offence data. (See Technical Note and Explanatory Notes paragraphs 21–22).
- (b) Refers to finalised appearances rather than finalised defendants in the Children's Courts, resulting in potentially higher population counts (see Explanatory Note paragraph 14).
- (c) Includes ASOC Divisions 01, 03, 05–06, 09–11, 15–16 (refer to Appendix 3).
- (d) Includes defendants for whom offence data are missing or a principal offence could not be determined.

4.13**DEFENDANTS ADJUDICATED(a), Principal offence by states and territories****2006–07 to 2008–09** *continued*

2006–07 2007–08 2008–09

SA

Defendants adjudicated	no.	2 282	2 337	2 781
Acts intended to cause injury	%	9.2	13.2	14.9
Dangerous or negligent acts endangering persons	%	9.9	8.6	15.2
Unlawful entry with intent	%	7.7	6.8	9.5
Theft and related offences	%	13.1	11.6	11.7
Property damage and environmental pollution	%	8.3	7.9	7.2
Public order offences	%	7.6	7.3	7.2
Traffic and vehicle regulatory offences	%	33.4	32.3	23.4
Other(b)	%	5.4	12.4	10.9
Total(c)	%	100.0	100.0	100.0

WA

Defendants adjudicated	no.	5 253	5 895	6 359
Acts intended to cause injury	%	13.5	11.4	12.1
Dangerous or negligent acts endangering persons	%	19.9	19.8	9.5
Unlawful entry with intent	%	15.4	14.1	11.9
Theft and related offences	%	10.2	10.2	10.6
Property damage and environmental pollution	%	5.9	6.2	6.9
Public order offences	%	7.0	6.0	7.0
Traffic and vehicle regulatory offences	%	13.9	19.8	29.9
Other(b)	%	7.1	12.5	12.0
Total(c)	%	100.0	100.0	100.0

Tas.

Defendants adjudicated	no.	847	997	1 191
Acts intended to cause injury	%	23.4	24.0	22.3
Dangerous or negligent acts endangering persons	%	3.2	2.2	6.0
Unlawful entry with intent	%	11.3	10.3	13.9
Theft and related offences	%	14.3	15.3	18.1
Property damage and environmental pollution	%	7.3	8.4	8.6
Public order offences	%	8.0	9.0	7.4
Traffic and vehicle regulatory offences	%	20.4	17.0	9.6
Other(b)	%	6.0	13.7	14.0
Total(c)	%	100.0	100.0	100.0

(a) Offence data are based on ASOC08 for 2008–09 and ASOC97 prior to this period. Caution should be exercised when comparing offence data. (See Technical Note and Explanatory Notes paragraphs 21–22).

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

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

4.13**DEFENDANTS ADJUDICATED(a), Principal offence by states and territories**2006–07 to 2008–09 *continued*

2006–07 2007–08 2008–09

NT

Defendants adjudicated	no.	509	583	696
Acts intended to cause injury	%	18.1	18.7	19.5
Dangerous or negligent acts endangering persons	%	5.5	6.3	8.6
Unlawful entry with intent	%	26.9	21.8	20.8
Theft and related offences	%	7.7	8.6	6.5
Property damage and environmental pollution	%	3.1	4.5	3.2
Public order offences	%	3.7	2.7	4.6
Traffic and vehicle regulatory offences	%	20.4	26.4	24.9
Other(b)	%	5.6	9.4	7.5
Total(c)	%	100.0	100.0	100.0

ACT

Defendants adjudicated	no.	336	364	322
Acts intended to cause injury	%	17.0	20.1	21.7
Dangerous or negligent acts endangering persons(d)	%	2.7	17.6	4.0
Unlawful entry with intent	%	5.7	4.9	13.7
Theft and related offences	%	26.2	19.5	20.2
Property damage and environmental pollution	%	4.5	6.9	1.9
Public order offences	%	1.8	0.8	2.5
Traffic and vehicle regulatory offences(d)	%	17.3	6.6	19.3
Other(b)	%	12.5	24.0	16.8
Total(c)	%	100.0	100.0	100.0

Aust.

Defendants adjudicated	no.	34 270	31 986	34 192
Acts intended to cause injury	%	13.5	15.6	18.4
Dangerous or negligent acts endangering persons	%	5.1	6.0	5.5
Unlawful entry with intent	%	11.6	12.4	12.3
Theft and related offences	%	13.2	14.0	20.2
Property damage and environmental pollution	%	6.3	6.5	7.1
Public order offences	%	8.8	9.3	9.9
Traffic and vehicle regulatory offences	%	9.3	11.1	12.9
Other(b)	%	16.0	24.6	13.7
Total(c)	%	100.0	100.0	100.0

- (a) Offence data are based on ASOC08 for 2008–09 and ASOC97 prior to this period. Caution should be exercised when comparing offence data. (See Technical Note and Explanatory Notes paragraphs 21–22).
- (b) Includes ASOC Divisions 01, 03, 05–06, 09–11, 15–16 (refer to Appendix 3).
- (c) Includes defendants for whom offence data are missing or a principal offence could not be determined.
- (d) Dangerous or negligent acts endangering persons are overstated and traffic and vehicle regulatory offences are understated for 2007–08 (see Explanatory note 104).

4.14**DEFENDANTS PROVEN GUILTY, Principal sentence by states and territories,
2006–07 to 2008–09**

		2006–07	2007–08	2008–09
NSW (a)				
Defendants proven guilty	no.	6 253	7 025	7 854
Custodial orders				
Custody in a correctional institution	%	10.2	9.7	10.2
Custody in the community	%	. .	. .	. .
Fully suspended sentence	%	4.1	4.7	5.0
Total	%	14.3	14.4	15.3
Non-custodial orders				
Community supervision/work orders	%	19.2	21.4	23.8
Monetary orders	%	13.2	11.9	10.8
Good behaviour bond	%	27.7	27.3	25.0
Other(b)	%	25.6	25.0	25.2
Total	%	85.7	85.6	84.7
Vic.				
Defendants proven guilty	no.	11 114	7 336	7 274
Custodial orders				
Custody in a correctional institution	%	1.3	2.0	2.3
Custody in the community	%	3.1	4.2	6.2
Fully suspended sentence	%	. .	. .	. .
Total	%	4.3	6.2	8.5
Non-custodial orders				
Community supervision/work orders	%	8.0	9.7	13.0
Monetary orders	%	66.7	56.2	34.8
Good behaviour bond	%	18.4	22.9	31.0
Other(b)	%	2.1	4.3	11.7
Total	%	95.2	93.2	90.5
Qld				
Defendants proven guilty	no.	6 522	6 516	6 439
Custodial orders				
Custody in a correctional institution	%	5.7	5.6	5.2
Custody in the community	%	0.3	0.1	—
Fully suspended sentence	%	—	—	0.2
Total	%	6.1	5.7	5.5
Non-custodial orders				
Community supervision/work orders	%	43.9	44.0	43.0
Monetary orders	%	6.7	5.6	5.2
Good behaviour bond	%	14.4	14.3	14.8
Other(b)	%	29.0	30.4	31.5
Total	%	93.9	94.3	94.5

. . not applicable

— nil or rounded to zero (including null cells)

(a) Refers to finalised appearances rather than finalised defendants in the Children's Court, resulting in potentially higher population counts (see Explanatory Note 14).

(b) Includes license disqualifications/suspensions/ amendments, forfeiture of property orders and nominal penalties.

4.14**DEFENDANTS PROVEN GUILTY, Principal sentence by states and territories,
2006–07 to 2008–09 *continued***

2006–07 2007–08 2008–09

SA (a)				
Defendants proven guilty	no.	2 277	2 329	2 768
Custodial orders				
Custody in a correctional institution	%	3.1	2.5	2.4
Custody in the community	%	0.7	2.4	3.4
Fully suspended sentence	%	4.2	2.1	2.6
Total	%	7.9	7.1	8.5
Non-custodial orders				
Community supervision/work orders	%	7.3	7.4	21.5
Monetary orders	%	49.8	49.3	45.4
Good behaviour bond	%	17.0	17.6	8.6
Other(b)	%	18.0	18.5	16.0
Total	%	92.1	92.9	91.5

WA				
Defendants proven guilty	no.	5 187	5 852	6 284
Custodial orders				
Custody in a correctional institution	%	5.4	5.0	4.7
Custody in the community	%	. .	. .	. .
Fully suspended sentence	%	0.6	0.6	0.6
Total	%	5.9	5.6	5.2
Non-custodial orders				
Community supervision/work orders	%	33.2	30.9	30.0
Monetary orders	%	31.5	35.8	32.4
Good behaviour bond	%	14.5	13.0	15.8
Other(b)	%	14.8	14.6	16.5
Total	%	94.1	94.4	94.8

Tas.				
Defendants proven guilty	no.	713	839	1 031
Custodial orders				
Custody in a correctional institution	%	9.0	7.4	6.0
Custody in the community	%	. .	. .	. .
Fully suspended sentence	%	7.2	8.9	8.5
Total	%	16.1	16.3	14.5
Non-custodial orders				
Community supervision/work orders	%	30.7	24.9	24.3
Monetary orders	%	25.2	22.4	18.5
Good behaviour bond	%	12.9	21.0	26.5
Other(b)	%	12.1	15.4	7.3
Total	%	80.9	83.7	76.6

. . not applicable

(a) Fully suspended sentences were overcounted and custody in the community were undercounted in 2006–07 (see Explanatory Notes paragraph 84).

(b) Includes license disqualifications/suspensions/ amendments, forfeiture of property orders and nominal penalties.

4.14**DEFENDANTS PROVEN GUILTY, Principal sentence by states and territories,
2006–07 to 2008–09 *continued***

2006–07 2007–08 2008–09

NT

Defendants proven guilty	no.	420	512	626
Custodial orders				
Custody in a correctional institution(a)	%	26.7	22.1	17.3
Custody in the community	%	—	—	—
Fully suspended sentence(a)	%	2.4	0.6	6.9
Total	%	29.0	22.7	24.1
Non-custodial orders				
Community supervision/work orders	%	13.1	8.8	5.6
Monetary orders	%	30.2	30.1	30.7
Good behaviour bond	%	20.2	33.0	35.3
Other(b)	%	7.4	5.5	4.3
Total	%	71.0	77.3	75.9

ACT

Defendants proven guilty	no.	325	326	280
Custodial orders				
Custody in a correctional institution	%	3.7	5.5	—
Custody in the community	%	6.8	4.6	2.5
Fully suspended sentence	%	—	—	1.4
Total	%	10.5	10.1	4.3
Non-custodial orders				
Community supervision/work orders	%	36.9	37.1	20.0
Monetary orders	%	11.1	13.2	16.8
Good behaviour bond	%	21.8	31.6	45.7
Other(b)	%	19.7	8.0	13.2
Total	%	89.5	89.9	95.7

Aust.

Defendants proven guilty	no.	32 811	30 735	32 556
Custodial orders				
Custody in a correctional institution	%	5.1	5.7	5.6
Custody in the community	%	1.2	1.3	1.7
Fully suspended sentence	%	1.3	1.6	2.0
Total	%	7.7	8.5	9.4
Non-custodial orders				
Community supervision/work orders	%	22.1	24.2	25.8
Monetary orders	%	35.9	29.1	22.8
Good behaviour bond	%	18.6	20.0	21.6
Other(b)	%	15.5	18.0	19.9
Total	%	92.1	91.3	90.1

— nil or rounded to zero (including null cells)

(a) Data are incorrectly coded prior to 2008–09 resulting in an overcount of fully suspended sentences and undercount of custody in a correctional institution (see Explanatory Note 99).

(b) Includes license disqualifications/suspensions/ amendments, forfeiture of property orders and nominal penalties.

EXPLANATORY NOTES

INTRODUCTION

- 1** This publication presents information on the characteristics of defendants dealt with by Australian state and territory criminal courts. This includes information on the offences and sentences associated with those defendants.
- 2** Information relates to the criminal jurisdiction of the Higher (Supreme and Intermediate), Magistrates' and Children's Courts in each state and territory. The criminal jurisdiction of the courts includes the trial and sentencing of persons and organisations charged with criminal offences in Australia.
- 3** Information relating to criminal cases heard in the Higher Courts is available from 1995. Information about defendants finalised in the Magistrates' Courts is available from 2003–04 and in the Children's Courts from 2006–07.

DATA SOURCE

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

SCOPE

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

SCOPE *continued*

10 The geographic definition of Australia, as used by the ABS, includes Other Territories. However, these territories are generally out of scope for ABS collections. For the Criminal Courts data, defendants in Higher, Magistrates' and Children's Courts cases heard in the criminal courts on Cocos (Keeling) Islands and Christmas Island are 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

11 Data includes defendants finalised in the original jurisdiction of the Supreme and Intermediate Criminal Courts. Children treated as adults by the courts are included in the Higher Courts collection.

Magistrates' Courts

12 Data includes defendants finalised in the original jurisdiction of the Magistrates' Criminal Courts. Children treated as adults by the courts are included in the Magistrates' Courts collection.

13 These data include defendants finalised (i.e. a person 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.

Children's Courts

14 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).

15 In all states and territories, children aged under 10 years cannot be charged with a criminal offence. The maximum age that defendants are considered a child or juvenile is under the age of 18 years in all states and territories, except Queensland. In Queensland, defendants are considered adults if aged 17 years and over at the time the offence was committed.

Exclusions

16 The Higher, Magistrates' and Children's Courts data exclude cases heard in the criminal jurisdiction of the courts which do not require the adjudication of charges (e.g. bail reviews and applications to amend sentences or penalties). Also excluded are breach of bail or parole cases, appeal cases, tribunal matters and defendants for whom a bench warrant is issued but not executed.

17 The Magistrates' and Children's Courts data exclude finalisations in specialist courts, such as Drug Courts, Electronic Courts, Fine Recovery Units, Family Violence Courts and Indigenous Courts. Defendants referred to these specialist courts from mainstream courts will be included in the mainstream Court data as transfers, etc.

REFERENCE PERIOD

18 The statistics in this collection relate to defendants who had criminal cases finalised within the Higher, Magistrates' and Children's Courts during the reference period 1 July 2008 to 30 June 2009.

CLASSIFICATIONS

19 The national classifications used to collect and produce data on defendants in the Criminal Courts are:

- Australian Standard Offence Classification (ASOC) 2008 (refer to Appendix 3)
- Method of finalisation (Appendix 2) and
- Sentence type (refer to Appendix 5).

CLASSIFICATIONS *continued*

20 The classifications provide a framework for classifying criminal court information for statistical purposes, promoting data that are compiled on a consistent basis across states and territories. The classifications have a hierarchical structure and therefore allow for different levels of detail to be recorded depending on the level of detail in the source information. Associated with each classification are coding rules which ensure that the counting of information is consistent across states and territories.

*Australian Standard Offence
Classification (ASOC)*

21 The offence categories used for 2008–09 national criminal courts statistics in this publication are classified to the *Australian Standard Offence Classification (ASOC), 2008 (Second edition)* (cat. no. 1234.0). Offence information in previous issues was based on the *Australian Standard Offence Classification (ASOC), 1997* (cat. no. 1234.0). ASOC provides a national framework for classifying offences for statistical purposes, and was first released in 1997. In 2008 the 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.

22 For this issue, courts agencies in all states and territories provided offence data based on ASOC08. Information about the effects of changing to ASOC08 is presented in the Technical Note.

National Offence Index (NOI)

23 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.

24 The NOI was revised in 2009 to accommodate the changes made in ASOC08, and supercedes the first version of NOI which was released in 2002. Offence information for 2008–09 are based on NOI09 in this publication.

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

Method of Finalisation

26 This classification categorises how a defendant has been finalised by a court. Main categories include adjudications, non-adjudications and transfers. For more information see Appendix 2 and paragraphs 31–33.

Sentence Type

27 This classification is used to assign a principal sentence to a defendant who has been proven guilty. For more information see Appendix 5 and paragraphs 46–48.

NATIONAL CRIMINAL COURTS
DATA DICTIONARY

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

COUNTING METHODOLOGY

Counting unit

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

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

Method of finalisation

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

32 Previously, a bench warrant issued was considered a method of finalisation. However, this is no longer considered a method of finalisation for a defendant in the Higher Courts and has been excluded from counts in this publication. As bench warrants are treated as a continuation of a defendants' case, this will impact on the duration of that case i.e. time elapsed from date of initiation to date of finalisation. This aligns with the Magistrates' Courts and Children's Courts collections which do not include a bench warrant issued as a method of finalisation. Once a bench warrant has been executed and the outstanding (and new) charges have been determined, the defendant is regarded as being finalised (by a method of finalisation other than a bench warrant being issued) and is included in data for the relevant reference period in which the defendant is finalised.

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

Transfer between Higher Court levels

34 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

35 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

36 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

37 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.

Higher Courts continued

- 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

38 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
- 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

39 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

Children's Courts continued

- other transfer between court levels n.e.c
- transfer to non-court agency
- withdrawn by the prosecution
- other non-adjudicated finalisation n.e.c.
- unknown/not stated.

Merging counting units

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

Principal offence

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

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

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

43 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

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

45 Where a defendant has multiple charges, each with the same type of finalisation, for example, the defendant has been found guilty of all charges, the NOI is used to determine the principal offence. The principal offence is determined as the charge with the highest ranked ASOC Group in the NOI. Where the defendant has an offence that is unable to be determined via the NOI (due to missing offence information or the offence is mapped to an ASOC code that is not included in the NOI), and this offence cannot be determined as more or less serious than another offence within the same type of finalisation, the principal offence is coded to 'not able to be determined'. For more information about the NOI refer to paragraphs 23–25.

Principal sentence

46 Defendants who are proven guilty have sentence information reported against them at the defendant level. This is usually, though not necessarily, the sentence associated with the principal offence. A defendant can receive a single sentence for a single offence proven guilty, a single sentence for multiple offences proven guilty, multiple sentences for multiple offences proven guilty and/or multiple sentences assigned to the one offence proven guilty. Where a defendant has multiple sentences, the principal sentence is selected by applying the hierarchy of the Sentence Type Classification (refer to Appendix 5).

47 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.

Principal sentence continued

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

COMPARABILITY

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

50 The Criminal Courts collection has been designed to facilitate comparisons over time and across states and territories through the application of common national statistical standards. However, some legislative and processing differences may limit the degree to which the statistics are comparable across the states and territories. Differences may also arise as a result of other factors, including refinements in data quality procedures and modifications in the systems used to obtain and compile the figures. Refer to paragraphs 62–107 for specific state and territory issues.

REVISIONS

51 The 2007–08 Higher Courts data for New South Wales has been revised following an extensive audit which resolved a number of data quality issues in the original data provided. Changes were not significant.

52 The 2007–08 acquittals and withdrawn data for the Northern Territory have been revised to rectify incorrect coding. Acquittals were previously overstated and withdrawals understated by about thirteen defendants.

53 In the 2007–08 issue of this publication, the proportions of males and females finalised in the Magistrates' Courts in each state and territory were incorrectly reported in one table (Table 3.11). The proportions for 2006–07 were inadvertently repeated for 2007–08. This was caused by an error in the publishing system and only impacted on this one table. The 2007–08 proportions have been revised (refer to Table 3.12).

COMPARISONS TO OTHER
ABS DATA*Recorded crime - Offenders*

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

COMPARISONS TO NON-ABS
SOURCES*Report on Government
Services*

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

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

*Report on Government
Services continued*

57 The focus of the CADC is on the administration of the courts, including workload and financial information, while the ABS Criminal Courts collection has a social theme, painting a picture of the characteristics of defendants, including information on the offences and sentence types associated with those defendants. Whilst the classifications and standards for both collections are the same, some of the counting rules are different which result in different counts of the population.

FINALISED DEFENDANT

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

TRANSFERS BETWEEN INTERMEDIATE AND SUPREME COURT LEVELS

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

DURATION

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

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

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

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

STATE/TERRITORY EVENTS / SPECIFIC ISSUES

New South Wales

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

63 New South Wales Higher Courts data from January 2008 onwards has been sourced from a new computer system. Some data may have been lost in the migration to the new system; therefore Higher Courts counts may be understated for the 2007–08 financial year. Caution should be used when making comparisons of small data movements between 2007–08 and other years.

New South Wales continued

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

65 A number of offences, previously handled by the Licensing Court, are now heard in the Magistrates' Courts. These include liquor and tobacco offences and betting and gambling offences and may result in an increase in the number of defendants for these offences during 2008–09.

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

Victoria

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

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

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

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

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

Victoria continued

defendants proven guilty in the Victorian Higher Courts sentencing database, therefore offence and sentence information is not available for all defendants for this court level.

Queensland

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

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

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

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

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

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

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

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

South Australia

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

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

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

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

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

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

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

Western Australia

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

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

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

Western Australia continued

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

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

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

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

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

95 Prior to 2008–09, Western Australia have a higher than average proportion of defendants with a principal offence in Division 4 (dangerous or negligent acts endangering persons), and a relatively low proportion in Division 14 (road traffic and motor vehicle regulatory offences). This can be largely attributed to a miscoding of several local offences relating to exceeding the prescribed content of alcohol limit to ASOC Division 4 (specifically, ASOC Group 0411: driving under the influence of drugs or alcohol), rather than ASOC Division 14 (specifically group 1431: exceeding the prescribed content of alcohol limit). Other states/territories generally code drink driving offences to ASOC Group 1431, and therefore historical comparisons of this data for Western Australia and with other states and territories should be made with caution.

Tasmania

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

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

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

Northern Territory

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

Northern Territory continued

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

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

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

Australian Capital Territory

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

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

105 From 2007–08, community service orders imposed with a fully suspended sentence are now coded correctly to 'intensive corrections orders'; in previous years this sentence type was coded to 'fully suspended sentence'.

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

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

CONFIDENTIALITY OF
TABULAR DATA

108 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

109 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
- *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

ABS publications continued

- *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

110 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

111 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*

ABBREVIATIONS

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

APPENDIX 1

LIST OF SUPPLEMENTARY DATA CUBES

HIGHER COURTS SUPPLEMENTARY DATA CUBES

1. Defendants finalised, Method of finalisation and principal offence by states and territories
2. Defendants adjudicated, Method of finalisation and principal offence, 2001–02 to 2008–09
3. Defendants adjudicated, Sex and principal offence by states and territories
4. Defendants adjudicated, Sex and age by states and territories
5. Defendants adjudicated, Principal offence by age and sex
6. Defendants adjudicated, Sex and principal offence by adjudication type
7. Defendants adjudicated, Sex by principal offence, 2001–02 to 2008–09
8. Defendants proven guilty, Principal offence and principal sentence by states and territories
9. Defendants proven guilty, Principal offence by principal sentence, 2001–02 to 2008–09
10. Defendants proven guilty, Sex and principal sentence by states and territories
11. Defendants proven guilty, Sex and principal offence by principal sentence
12. Duration from initiation to finalisation, Method of finalisation by states and territories
13. Duration from initiation to finalisation, Method of finalisation by principal offence, 2001–02 to 2008–09
14. Defendants proven guilty, Sexual assault and related offences by principal sentence, 2006–07 to 2008–09

MAGISTRATES' COURTS SUPPLEMENTARY DATA CUBES

1. Defendants finalised, Method of finalisation and principal offence by states and territories
2. Defendants adjudicated, Method of finalisation and principal offence, 2003–04 to 2008–09
3. Defendants adjudicated, Sex and principal offence by states and territories
4. Defendants adjudicated, Sex and age by states and territories
5. Defendants adjudicated, Principal offence by age and sex
6. Defendants adjudicated, Sex by principal offence, 2003–04 to 2008–09
7. Defendants proven guilty, Selected principal offence and principal sentence by states and territories
8. Defendants proven guilty, Principal offence and principal sentence, 2003–04 to 2008–09
9. Defendants proven guilty, Sex and principal sentence by states and territories
10. Defendants proven guilty, Sex and principal offence by principal sentence

MAGISTRATES' COURTS
SUPPLEMENTARY DATA
CUBES *continued*

11. Duration from initiation to finalisation, Method of finalisation by states and territories
12. Duration from initiation to finalisation, Method of finalisation by principal offence, 2003–04 to 2008–09
13. Defendants adjudicated for road traffic offences, Summary characteristics

CHILDREN'S COURTS
SUPPLEMENTARY DATA
CUBES

1. Defendants finalised, Method of finalisation and principal offence by states and territories
2. Defendants adjudicated, Method of finalisation and principal offence, 2006–07 to 2008–09
3. Defendants adjudicated, Sex and principal offence by states and territories
4. Defendants adjudicated, Sex and age by states and territories
5. Defendants adjudicated, Principal offence by age and sex
6. Defendants adjudicated, Sex by principal offence, 2006–07 to 2008–09
7. Defendants adjudicated, Age by principal offence, 2006–07 to 2008–09
8. Defendants proven guilty, Principal offence and principal sentence by states and territories
9. Defendants proven guilty, Principal offence and principal sentence, 2006–07 to 2008–09
10. Defendants proven guilty, Sex and principal sentence by states and territories
11. Defendants proven guilty, Age and principal sentence by states and territories
12. Defendants proven guilty, Sex and principal offence by principal sentence
13. Duration from initiation to finalisation, Method of finalisation by states and territories
14. Duration from initiation to finalisation, Method of finalisation by principal offence, 2006–07 to 2008–09

ESTIMATED IMPACT OF
CLASSIFICATION CHANGES
DATA CUBES

1. Estimated impact of classification changes, 2008–09 Higher Courts defendants finalised, New South Wales
2. Estimated impact of classification changes, 2008–09 Higher Courts defendants finalised, Queensland
3. Estimated impact of classification changes, 2008–09 Higher Courts defendants finalised, South Australia
4. Estimated impact of classification changes, 2008–09 Higher Courts defendants finalised, Western Australia
5. Estimated impact of classification changes, 2008–09 Higher Courts defendants finalised, Tasmania
6. Estimated impact of classification changes, 2008–09 Higher Courts defendants finalised, Northern Territory
7. Estimated impact of classification changes, 2008–09 Higher Courts defendants finalised, Australian Capital Territory
8. Estimated impact of classification changes, 2008–09 Magistrates' Courts defendants finalised, New South Wales
9. Estimated impact of classification changes, 2008–09 Magistrates' Courts defendants finalised, Queensland
10. Estimated impact of classification changes, 2008–09 Magistrates' Courts defendants finalised, South Australia

ESTIMATED IMPACT OF
CLASSIFICATION CHANGES
DATA CUBES *continued*

11. Estimated impact of classification changes, 2008–09 Magistrates' Courts defendants finalised, Western Australia
12. Estimated impact of classification changes, 2008–09 Magistrates' Courts defendants finalised, Tasmania
13. Estimated impact of classification changes, 2008–09 Magistrates' Courts defendants finalised, Northern Territory
14. Estimated impact of classification changes, 2008–09 Children's Courts defendants finalised, New South Wales
15. Estimated impact of classification changes, 2008–09 Children's Courts defendants finalised, Queensland
16. Estimated impact of classification changes, 2008–09 Children's Courts defendants finalised, South Australia
17. Estimated impact of classification changes, 2008–09 Children's Courts defendants finalised, Western Australia
18. Estimated impact of classification changes, 2008–09 Children's Courts defendants finalised, Tasmania
19. Estimated impact of classification changes, 2008–09 Children's Courts defendants finalised, Northern Territory

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

<i>Code</i>	<i>Division/Subdivision/Group</i>
01	HOMICIDE AND RELATED OFFENCES
011	Murder
0111	Murder
012	Attempted murder
0121	Attempted murder
013	Manslaughter and driving causing death
0131	Manslaughter
0132	Driving causing death
02	ACTS INTENDED TO CAUSE INJURY
021	Assault
0211	Serious assault resulting in injury
0212	Serious assault not resulting in injury
0213	Common assault
029	Other acts intended to cause injury
0291	Stalking
0299	Other acts intended to cause injury, nec
03	SEXUAL ASSAULT AND RELATED OFFENCES
031	Sexual assault
0311	Aggravated sexual assault
0312	Non-aggravated sexual assault
032	Non-assaultive sexual offences
0321	Non-assaultive sexual offences against a child
0322	Child pornography offences
0323	Sexual servitude offences
0329	Non-assaultive sexual offences, nec
04	DANGEROUS OR NEGLIGENT ACTS ENDANGERING PERSONS
041	Dangerous or negligent operation of a vehicle
0411	Driving under the influence of alcohol or other substance
0412	Dangerous or negligent operation (driving) of a vehicle
049	Other dangerous or negligent acts endangering persons
0491	Neglect or ill-treatment of persons under care
0499	Other dangerous or negligent acts endangering persons, nec
05	ABDUCTION, HARASSMENT AND OTHER OFFENCES AGAINST THE PERSON
051	Abduction and kidnapping
0511	Abduction and kidnapping
052	Deprivation of liberty/false imprisonment
0521	Deprivation of liberty/false imprisonment
053	Harassment and threatening behaviour
0531	Harassment and private nuisance
0532	Threatening behaviour
06	ROBBERY, EXTORTION AND RELATED OFFENCES
061	Robbery
0611	Aggravated robbery
0612	Non-aggravated robbery
062	Blackmail and extortion
0621	Blackmail and extortion
07	UNLAWFUL ENTRY WITH INTENT/BURGLARY, BREAK AND ENTER
071	Unlawful entry with intent/burglary, break and enter
0711	Unlawful entry with intent/burglary, break and enter

<i>Code</i>	<i>Division/Subdivision/Group</i>
08	THEFT AND RELATED OFFENCES
081	Motor vehicle theft and related offences
0811	Theft of a motor vehicle
0812	Illegal use of a motor vehicle
0813	Theft of motor vehicle parts or contents
082	Theft (except motor vehicles)
0821	Theft from a person (excluding by force)
0822	Theft of intellectual property
0823	Theft from retail premises
0829	Theft (except motor vehicles), nec
083	Receive or handle proceeds of crime
0831	Receive or handle proceeds of crime
084	Illegal use of property (except motor vehicles)
0841	Illegal use of property (except motor vehicles)
09	FRAUD, DECEPTION AND RELATED OFFENCES
091	Obtain benefit by deception
0911	Obtain benefit by deception
092	Forgery and counterfeiting
0921	Counterfeiting of currency
0922	Forgery of documents
0923	Possess equipment to make false/illegal instrument
093	Deceptive business/government practices
0931	Fraudulent trade practices
0932	Misrepresentation of professional status
0933	Illegal non-fraudulent trade practices
099	Other fraud and deception offences
0991	Dishonest conversion
0999	Other fraud and deception offences, nec
10	ILLICIT DRUG OFFENCES
101	Import or export illicit drugs
1011	Import illicit drugs
1012	Export illicit drugs
102	Deal or traffic in illicit drugs
1021	Deal or traffic in illicit drugs - commercial quantity
1022	Deal or traffic in illicit drugs - non-commercial quantity
103	Manufacture or cultivate illicit drugs
1031	Manufacture illicit drugs
1032	Cultivate illicit drugs
104	Possess and/or use illicit drugs
1041	Possess illicit drugs
1042	Use illicit drugs
109	Other illicit drug offences
1099	Other illicit drug offences, nec
11	PROHIBITED AND REGULATED WEAPONS AND EXPLOSIVES OFFENCES
111	Prohibited weapons/explosives offences
1111	Import or export prohibited weapons/explosives
1112	Sell, possess and/or use prohibited weapons/explosives
1119	Prohibited weapons/explosives offences, nec
112	Regulated weapons/explosives offences
1121	Unlawfully obtain or possess regulated weapons/explosives
1122	Misuse of regulated weapons/explosives
1123	Deal or traffic regulated weapons/explosives offences
1129	Regulated weapons/explosives offences, nec

<i>Code</i>	<i>Division/Subdivision/Group</i>
12	PROPERTY DAMAGE AND ENVIRONMENTAL POLLUTION
121	Property damage
1211	Property damage by fire or explosion
1212	Graffiti
1219	Property damage, nec
122	Environmental pollution
1221	Air pollution offences
1222	Water pollution offences
1223	Noise pollution offences
1224	Soil pollution offences
1229	Environmental pollution, nec
13	PUBLIC ORDER OFFENCES
131	Disorderly conduct
1311	Trespass
1312	Criminal intent
1313	Riot and affray
1319	Disorderly conduct, nec
132	Regulated public order offences
1321	Betting and gambling offences
1322	Liquor and tobacco offences
1323	Censorship offences
1324	Prostitution offences
1325	Offences against public order sexual standards
1326	Consumption of legal substances in regulated spaces
1329	Regulated public order offences, nec
133	Offensive conduct
1331	Offensive language
1332	Offensive behaviour
1333	Vilify or incite hatred on racial, cultural, religious or ethnic grounds
1334	Cruelty to animals
14	TRAFFIC AND VEHICLE REGULATORY OFFENCES
141	Driver Licence offences
1411	Drive while licence disqualified or suspended
1412	Drive without a licence
1419	Driver licence offences, nec
142	Vehicle registration and roadworthiness offences
1421	Registration offences
1422	Roadworthiness offences
143	Regulatory driving offences
1431	Exceed the prescribed content of alcohol or other substance limit
1432	Exceed the legal speed limit
1433	Parking offences
1439	Regulatory driving offences, nec
144	Pedestrian offences
1441	Pedestrian offences
15	OFFENCES AGAINST JUSTICE PROCEDURES, GOVERNMENT SECURITY AND GOVERNMENT OPERATIONS
151	Breach of custodial order offences
1511	Escape custody offences
1512	Breach of home detention
1513	Breach of suspended sentence
152	Breach of community-based orders
1521	Breach of community service order
1522	Breach of parole
1523	Breach of bail
1524	Breach of bond - probation
1525	Breach of bond - other
1529	Breach of community-based order, nec
153	Breach of violence and non-violence orders
1531	Breach of violence order
1532	Breach of non-violence order

<i>Code</i>	<i>Division/Subdivision/Group</i>
15	OFFENCES AGAINST JUSTICE PROCEDURES, GOVERNMENT SECURITY AND GOVERNMENT OPERATIONS
154	Offences against government operations
1541	Resist or hinder government official (excluding police officer, justice official or government security officer)
1542	Bribery involving government officials
1543	Immigration offences
1549	Offences against government operations, nec
155	Offences against government security
1551	Resist or hinder government officer concerned with government security
1559	Offences against government security, nec
156	Offences against justice procedures
1561	Subvert the course of justice
1562	Resist or hinder police officer or justice official
1563	Prison regulation offences
1569	Offences against justice procedures, nec
16	MISCELLANEOUS OFFENCES
161	Defamation, libel and privacy offences
1611	Defamation and libel
1612	Offences against privacy
162	Public health and safety offences
1621	Sanitation offences
1622	Disease prevention offences
1623	Occupational health and safety offences
1624	Transport regulation offences
1625	Dangerous substances offences
1626	Licit drug offences
1629	Public health and safety offences, nec
163	Commercial/industry/financial regulation
1631	Commercial/industry/financial regulation
169	Other miscellaneous offences
1691	Environmental regulation offences
1692	Bribery excluding government officials
1693	Quarantine offences
1694	Import/export regulations
1695	Procure or commit illegal abortion
1699	Other miscellaneous offences, nec

APPENDIX 4 **ASOC 2008 — ASOC 1997 CONCORDANCE**

ASOC2008 — ASOC 1997 CONCORDANCE

2008 Group code Description	1997 Group code Description
0111 Murder	0111 Murder
0121 Attempted murder	0121(a) Conspiracy to murder
0131 Manslaughter	0122 Attempted murder
0132 Driving causing death	0131 Manslaughter
0211 Assault resulting in serious injury	0132 Driving causing death
0212 Assault not resulting in serious injury	0211(a) Aggravated assault
0213(b) Common assault	0211(a) Aggravated assault
0291(b) Stalking	0212 Non-aggravated assault
0299 Acts intended to cause injury, nec	1611(a) Harassment and private nuisance
0311 Aggravated sexual assault	0299 Acts intended to cause injury, nec
0312 Non-aggravated sexual assault	0311(a) Aggravated sexual assault
0321 Non-assaultive sexual offences against a child	0312(a) Non-aggravated sexual assault
0322(b) Child pornography offences	0321 Non-assaultive sexual offences against a child
0323(b) Sexual servitude offences	1323(a) Censorship offences
	0311(a) Aggravated sexual assault
	0312(a) Non-aggravated sexual assault
	0329(a) Non-assaultive sexual offences, nec
	0521(a) Deprivation of liberty/false imprisonment
	0621(a) Blackmail and extortion
	1324(a) Prostitution offences
	1692(a) Immigration regulation offences
0329 Non-assaultive sexual offences, nec.	0329(a) Non-assaultive sexual offences, nec.
0411 Driving under the influence of alcohol or other substance	0411 Driving under the influence of alcohol or drugs
0412 Dangerous or negligent operation (driving) of a vehicle	0412 Dangerous or negligent operation (driving) of a vehicle
0491 Neglect or ill-treatment of person under care	0491 Neglect of person under care
0499 Other dangerous or negligent acts endangering persons, nec	0499 Other dangerous or negligent acts endangering persons, nec
0511 Abduction and kidnapping	0511 Abduction and kidnapping
0521 Deprivation of liberty/false imprisonment	0521(a) Deprivation of liberty/false imprisonment
0531(b) Harassment and private nuisance	1611(a) Harassment and private nuisance
0532(b) Threatening behaviour	1613 Threatening behaviour
0611 Aggravated robbery	0611 Aggravated robbery
0612 Non-aggravated robbery	0612 Non-aggravated robbery
0621 Blackmail and extortion	0621(a) Blackmail and extortion
0711 Unlawful entry with intent/burglary, break and enter	0711 Unlawful entry with intent/burglary, break and enter
0811 Theft of a motor vehicle	0811 Theft of a motor vehicle
0812 Illegal use of a motor vehicle	1315(a) Conspiracy
0813 Theft of motor vehicle parts or contents	0812 Illegal use of a motor vehicle
	0813 Theft of motor vehicle parts or contents
0821 Theft from a person (excluding by force)	1315(a) Conspiracy
0822 Theft of intellectual property	0821 Theft from a person (excluding by force)
0823 Theft from retail premises	1315(a) Conspiracy
0829 Theft (except motor vehicles), nec	0822 Theft of intellectual property
	1315(a) Conspiracy
	0823 Theft from retail premises
	1315(a) Conspiracy
	0829 Theft (except motor vehicles), nec

ASOC2008 — ASOC 1997 CONCORDANCE *continued*

2008 Group code Description	1997 Group code Description
	0915 Fare evasion
0831 Receive or handle proceeds of crime	1315(a) Conspiracy
	0831 Receiving or handling proceeds of crime
0841 Illegal use of property (except motor vehicles)	1315(a) Conspiracy
	0841 Illegal use of property (except motor vehicles)
0911 Obtain benefit by deception	1315(a) Conspiracy
	0911 Cheque or credit card fraud
	0914 Prescription drug fraud
	0919(a) Fraud, nec
0921 Counterfeiting of currency	1315(a) Conspiracy
	0921(a) Counterfeiting currency and related offences
0922(b) Forgery of documents	1315(a) Conspiracy
	0912(a) Make, use or possess equipment to make false/illegal financial instrument
	0919(a) Fraud, nec
	0921(a) Counterfeiting currency and related offences
	1315(a) Conspiracy
0923 Possess equipment to make false/illegal instruments	0912(a) Make, use or possess equipment to make false/illegal financial instrument
	0921(a) Counterfeiting currency and related offences
	1315(a) Conspiracy
0931 Fraudulent trade practices	0913 Fraudulent trade practices
	1315(a) Conspiracy
0932(b) Misrepresentation of professional status	0991 Misrepresentation of professional status
	1315(a) Conspiracy
0933(b) Illegal non-fraudulent trade practices	1314 Non-fraudulent trade practices
	1315(a) Conspiracy
0991 Dishonest conversion	0931 Dishonest conversion
	1315(a) Conspiracy
0999 Other fraud and deception offences, nec	0999 Deception offences, nec
1011 Import illicit drugs	1011 Import illicit drugs
	1315 Conspiracy
1012 Export illicit drugs	1012 Export illicit drugs
	1315(a) Conspiracy
1021 Deal or traffic in illicit drugs - commercial quantity	1021(a) Deal or traffic in illicit drugs - commercial quantity
	1315(a) Conspiracy
1022 Deal or traffic in illicit drugs - non-commercial quantity	1022 Deal or traffic in illicit drugs - non-commercial quantity
	1315(a) Conspiracy
1031 Manufacture illicit drugs	1031(a) Manufacture or cultivate illicit drugs
	1315(a) Conspiracy
1032(b) Cultivate illicit drugs	1031(a) Manufacture or cultivate illicit drugs
	1315(a) Conspiracy
1041 Possess illicit drug	1041 Possess illicit drug
1042 Use illicit drug	1042 Use illicit drug
1099 Illicit drug offences, nec.	1099 Illicit drug offences, nec.
1111 Import or export prohibited weapons/explosives	1111 Import or export prohibited weapons/explosives
1112 Sell, possess and/or use prohibited weapons/explosives	1112 Sell, possess and/or use prohibited weapons/explosives
1119 Prohibited weapons/explosives offences, nec	1119 Prohibited weapons/explosives offences, nec

ASOC2008 — ASOC 1997 CONCORDANCE *continued*

2008 Group code Description	1997 Group code Description
1121 Unlawfully obtain or possess regulated weapons/explosives	1121 Unlawfully obtain or possess regulated weapons/explosives
1122 Misuse of regulated weapons/explosives	1122 Misuse of regulated weapons/explosives
1123 Deal or traffic regulated weapons/explosives offences	1123 Deal or traffic regulated weapons/explosives offences
1129 Regulated weapons/explosives offences, nec.	1129 Regulated weapons/explosives offences, nec.
1211 Property damage by fire or explosion	1211 Property damage by fire or explosion
1212 Graffiti	1212 Graffiti
1219 Property damage, nec.	1219 Property damage, nec.
1221 Air pollution offences	1221 Air pollution offences
1222 Water pollution offences	1222 Water pollution offences
1223 Noise pollution offences	1223 Noise pollution offences
1224(a) Soil pollution offences	1229(b) Environmental pollution offences, nec
1229 Environmental pollution offences, nec	1229(b) Environmental pollution offences, nec
1311 Trespass	1311 Trespass
1312 Criminal intent	1314 Criminal intent
1313 Riot and affray	1319(b) Disorderly conduct, nec
1319 Disorderly conduct, nec.	1319(b) Disorderly conduct, nec.
1321 Betting and gambling offences	1321 Betting and gambling offences
1322 Liquor and tobacco offences	1322(b) Liquor and tobacco offences
1323 Censorship offences	1323(b) Censorship offences
1324 Prostitution offences	1324(b) Prostitution offences
1325 Offences against public order sexual standards	1325 Offences against public order sexual standards
1326(a) Consumption of legal substances in regulated spaces	1322(b) Liquor and tobacco offences
1329 Regulated public order offences, nec.	1329 Regulated public order offences, nec.
1331(a) Offensive language	1312 Offensive language
1332(a) Offensive behaviour	1313 Offensive behaviour
1333(a) Vilify or incite hatred on racial, cultural or ethnic grounds	1319(b) Disorderly conduct, nec
1334(a) Cruelty to animals	1319(b) Disorderly conduct, nec
1411 Drive while licence disqualified or suspended	1411 Driving while licence cancelled or suspended
1412 Drive without a licence	1412 Driving without a licence
1419 Driver licence offences, nec.	1419 Driving licence offences, nec.
1421 Registration offences	1421 Registration offences
1422 Roadworthiness offences	1422 Roadworthiness offences
1431 Exceed the prescribed content of alcohol or other substance limit	1431 Exceeding the prescribed content of alcohol limit
1432 Exceed the legal speed limit	1432 Exceeding legal speed limit
1433 Parking offences	1433 Parking offences
1439 Regulatory driving offences, nec.	1439 Regulatory driving offences, nec.
1441 Pedestrian offences	1441 Pedestrian offences
1511 Escape custody offences	1511 Escape custody offences
1512 Breach of home detention	1519 Breach of justice order, nec
1513 Breach of suspended sentence	1519(b) Breach of justice order, nec
1521 Breach of community service order	1519(b) Breach of justice order, nec
1522 Breach of parole	1513 Breach of parole
1523 Breach of bail	1512 Breach of bail
1524(a) Breach of bond - probation	1519(b) Breach of justice order, nec
1525(a) Breach of bond - other	1519(b) Breach of justice order, nec
1529 Breach of community-based order, nec	1519(b) Breach of justice order, nec
1531 Breach of violence order	1514 Breach of domestic violence order

ASOC2008 — ASOC 1997 CONCORDANCE *continued*

2008 Group code Description	1997 Group code Description
1532 Breach of non-violence order	1515(a) Breach of other restraining order
1541 Resist or hinder government official (excluding police officer, justice official or government security officer)	1515(a) Breach of other restraining order
1542(b) Bribery involving government officials	1541 Resist or hinder government official (excluding police officer, justice official or government security officer)
1543(b) Immigration offences	0941 Bribery involving government officials
1549 Offences against government operations, nec.	1692(a) Immigration regulation offences
1551(b) Resist or hinder government officer concerned with government security	1549 Offences against government operations, nec.
1559(b) Offences against government security, nec.	1531 Resist or hinder government officer concerned with government security
	1539 Offences against government security, nec.
1561(b) Subvert the course of justice	1315(a) Conspiracy
	1521 Subvert the course of justice
1562(b) Resist or hinder police officer or justice official	1315(a) Conspiracy
1563(b) Prison regulation offences	1522 Resist or hinder police officer or justice official
1569(b) Offences against justice procedures, nec.	1523 Prison regulation offences
1611 Defamation and libel	1529 Offences against justice procedures, nec.
1612 Offences against privacy	1614 Defamation and libel
1621 Sanitation offences	1612 Offences against privacy
1622 Disease prevention offences	1621 Sanitation offences
1623 Occupational health and safety offences	1622 Disease prevention offences
1624 Transport regulation offences	1623 Occupational health and safety offences
1625 Dangerous substances offences	1624 Transport offences
1626 Licit drug offences	1625 Dangerous substances offences
1629 Public health and safety offences, nec.	1626 Licit drug offences
1631 Commercial/industry/financial regulation	1629 Public health and safety offences, nec.
1691 Environmental regulation offences	1631 Commercial/industry/financial regulation
1692 Bribery (excluding government officials)	1691 Environmental regulation offences
1693 Quarantine offences	0949 Bribery, nec
1694 Import/export regulations	1693 Quarantine offences
1695 Procure or commit illegal abortion	1694 Import/export regulations
1699 Miscellaneous offences, nec.	1695 Procure or commit illegal abortion
	1699 Miscellaneous offences, nec.

(a) New group has been added in ASOC 2008.

(b) ASOC 1997 group has been partially split across more than one ASOC 2008 group.

<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/recognisance 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

INTRODUCTION

1 From this issue, offence data for 2008–09 and onwards will be compiled and presented according to revised offence classifications. In 2009, the *Australian Standard Offence Classification (ASOC), 2008 (Second edition)* (cat. no. 1234.0) and the *National Offence Index (NOI) 2009* (cat. no. 1234.0.55.001) were introduced into the Criminal Courts, Australia collection. The classification changes affect the Principal Offence that is used to describe the most serious offence type associated with a defendant. Previous issues of this publication were based on the Australian Standard Offence Classification (ASOC), 1997 (cat. no. 1234.0) and the 2002 National Offence Index (NOI).

2 ASOC08 was adopted to provide a more contemporary classification system, taking into account significant legislative changes that have occurred at state and territory level since the first edition was released, as well as satisfying emerging user requirements for offence data. NOI was updated largely to reflect changes made to ASOC.

IMPACT ON 2008–09 DATA
AND TIME SERIES

3 All jurisdictions implemented ASOC08 and NOI09 for the provision of offence data for the 2008–09 Criminal Courts collection. Introducing ASOC08 and NOI09 involved remapping local jurisdictional offence codes to the new classification and applying the updated NOI09 to select a Principal Offence for each defendant. This process has had some level of impact to the comparability of the time series for all jurisdictions individually as well as to the national time series.

4 The total number of offence divisions has not changed between the two versions of the ASOC, and only minor changes have been made to division titles. However, ASOC08 includes three additional subdivisions and 16 additional groups. A few subdivisions and groups have been moved and are now inclusions in other subdivisions and groups. Changes have also been made to the inclusions and exclusions of the classification to improve coding. Refer to Appendix 4 for the concordance between ASOC08 and ASOC97. Further detailed information relating to the conceptual changes between ASOC97 and ASOC08 is available in *Australian Standard Offence Classification (ASOC), 2008 (Second edition)* (cat. no. 1234.0). Changes to the NOI can also be found in *National Offence Index, 2009* (cat. no. 1234.0.55.001). Table 1 below provides a summary view of the major expected changes between divisions, some subdivisions and groups.

TABLE 1 – EXPECTED MAJOR ASOC CHANGES (a)

<i>ASOC Division</i>	<i>Expected change</i>	<i>Reason</i>
01 Homicide and related offences	nil	-
011 Murder		ASOC: Inclusion of conspiracy to murder (from Subdivision 012).
02 Acts intended to cause injury	+	ASOC: Inclusion of stalking (from Division 16).
	+	NOI: Relative change in rankings of serious assault resulting in injury (0211) and aggravated robbery (0611). Expect increase in assaults if they co-occur with aggravated robbery, and a decrease in robbery counts.
021 Assault	+	As above.
0291 Stalking	+	ASOC: New group in ASOC08 (from Division 16).
03 Sexual assault and related offences	+	ASOC: Inclusion of child pornography (from Division 13) and sexual servitude offences (potentially from Divisions 5, 6, 13 and 16).
0311 Aggravated sexual assault	+	ASOC: Inclusion of 'committed against a child' as an aggravating factor, from non-aggravated sexual assault (0312)
0312 Non-aggravated sexual assault	-	ASOC: Indecent assaults committed against a child moved to ASOC 0311.
0322 Child pornography offences	+	ASOC: New group in ASOC08 (from Division 13).
04 Dangerous or negligent acts endangering persons	+	NOI: Increase where driving under the influence of alcohol or other substance (0411) and dangerous or negligent operation (driving) of a vehicle (0412) co-occurs with other offences such as 0611, 0711, 0812 and 0829, as NOI rankings have moved from 89 and 90 to 37 and 38 respectively.
05 Abduction, harassment and other offences against the person	+	ASOC: Inclusion of harassment and private nuisance and threatening behaviour (from Division 16). This is not expected to be offset by the exclusion of sexual servitude (from Divisions 5, 6, 13 and 16).
	+	NOI: Expect some increase in Abduction/kidnapping (051) and Deprivation of liberty/false imprisonment (052) where aggravated assault (0211 in 1997) has been remapped to 0212. ASOC 0511 and 0521 are ranked above 0212 on the NOI, and are likely to be selected as the most serious offence when offences are remapped and co-occur.
	-	NOI: Conversely, may decrease where 0531 co-occurs with offences in Divisions 07, 08, 09 or 11, or groups 1211, 1542, 1559, 1561, 1612, 1631, 1694 or 1695. Has moved from rank 39 to 82.
06 Robbery, extortion and related offences	-	ASOC: Decrease due to the exclusion of sexual servitude offences (from Divisions 05, 06, 13 and 16).
	-	NOI: Decrease also expected where co-occurs with serious assault offences or abduction and kidnapping (0511) as both offences resulting in injury are now ranked above aggravated robbery in the NOI.
07 Unlawful entry with intent	-	NOI: Decrease where co-occurs with driving under the influence of alcohol or other substance (0411) and dangerous or negligent operation (driving) of a vehicle (0412) as these have moved from NOI rankings of 89 and 90 to 37 and 38 respectively.
08 Theft and related offences	+	ASOC: Inclusion of fare evasion (from Division 09). Further possible increases where theft from retail premises (0823) co-occurs with other offences, as it has moved from a NOI ranking of 138 to 74 (impacts on some co-occurring offences in Divisions 10, 13, 15 and 16).
	-	NOI: May be balanced by decreases where theft co-occurs with driving under the influence of alcohol or other substance (0411) and dangerous or negligent operation (driving) of a vehicle (0412), as these have moved from NOI rankings of 89 and 90 to 37 and 38 respectively.
09 Fraud, deception and related offences	-	ASOC: Removal of fare evasion (to Division 08) and bribery involving government officials (to Division 15).
0991 Dishonest conversion	nil	-
10 Illicit drug offences	nil	-

TABLE 1 – EXPECTED MAJOR ASOC CHANGES (a) *continued*

<i>ASOC Division</i>	<i>Expected change</i>	<i>Reason</i>
101 Import or export illicit drugs	nil	-
102 Deal or traffic in illicit drugs	-	NOI: Decrease where deal or traffic in illicit drugs non-commercial quantity (1022) co-occurs with manufacture or cultivate (103) offences due to a change in ranking of these offences.
103 Manufacture or cultivate illicit drugs	+	NOI: Increase where co-occurs with deal or traffic in illicit drugs non-commercial quantity (1022) offences due to a change in ranking of these offences.
104 Possess and/or use illicit drugs	-	NOI: Decrease where co-occurs with theft from retail premises (0823) as ranking has moved from 138 to 74.
11 Prohibited and regulated weapons and explosives offences	nil	-
12 Property damage and environmental pollution	nil	-
1211 Property damage by fire or explosion	-	NOI: Decrease where co-occurs with driving under the influence of alcohol or other substance (0411) and dangerous or negligent operation (driving) of a vehicle (0412) as these have moved from NOI rankings of 89 & 90 to 37 & 38 respectively.
1212 Graffiti	nil	-
13 Public order offences	-	ASOC: Removal of child pornography and sexual servitude (both to Division 03) and conspiracy offences to other divisions (important to note that not all conspiracy offences have moved out of Division 13 with some recoded to 1312).
14 Traffic and vehicle regulatory offences	nil	-
141 Driver licence offences	nil	-
143 Regulatory driving offences	nil	-
1431 Exceed the prescribed content of alcohol or other substance limit	nil	-
1432 Exceed the legal speed limit	nil	-
15 Offences against justice procedures, govt. security and operations	+	ASOC: From Division 16 - Inclusion of immigration offences; from Division 09 - Bribery involving government officials.
153 Breach of violence and non-violence orders	nil	-
16 Miscellaneous offences	-	ASOC: Removal of harassment and private nuisance (to Divisions 02 or 05), threatening behaviour (to Division 05), and immigration offences (Divisions 03 or 15).

(a) All divisions other than Division 01 and Division 13 may experience some increase due to inclusion of conspiracy offences with actual offences. Further changes may have also impacted on Division counts in addition to those major changes represented here.

Analysis of impacts - Higher Courts

5 Seven jurisdictions (New South Wales, Queensland, Western Australia, South Australia, Tasmania, the Northern Territory and the Australian Capital Territory) supplied 2008–09 Higher Courts data coded to both ASOC97 and ASOC08 which met ABS requirements for analysis of the impact of the changes to the classification for this court level. It should be noted that as part of the migration to ASOC08, jurisdictions also rectified a number of local offence codes that were discovered as being miscoded to ASOC in previous years.



*Analysis of impacts - Higher
Courts continued*

6 Table 2 below shows the results of the analysis of the dual coded extracts for Higher Courts, providing estimated changes to the total movement for selected Principal Offence categories, summed across the jurisdictions mentioned above. Data was analysed by comparing selected state and territory 2008–09 finalised defendants by selected Principal Offence categories, comparing counts based on what the data would have looked like using ASOC97 and what the data are now reflecting using ASOC08. The differences between the two populations largely reflects the impact of the change from ASOC97 to ASOC08 and some changes as a result of correcting miscoding errors in ASOC97.



TABLE 2 – ESTIMATED IMPACT OF CLASSIFICATION CHANGES, 2008–09 Higher Courts, Defendants finalised(a)—combined selected states and territories(b)

	DEFENDANTS FINALISED(c)		DIVISION, SUBDIVISION AND GROUP CHANGE(d)	
	ASOC97	ASOC08		
	no.	no.	no.	%
01 Homicide and related offences				
011 Murder	104	103	–1	–1.0
Other(e)	246	247	1	0.4
<i>Total</i>	350	350	—	—
02 Acts intended to cause injury				
021 Assault	3 116	3 257	141	4.5
0291 Stalking(e)	. .	52	52	. .
Other(e)	12	10	–2	–16.7
<i>Total(e)</i>	3 128	3 319	191	6.1
03 Sexual assault and related offences				
0311 Aggravated sexual assault	1 457	2 097	(f) 640	(f) 43.9
0312 Non-aggravated sexual assault	506	149	(f) –357	(f) –70.6
0322 Child pornography offences(e)	. .	242	242	. .
Other(e)	479	142	(f) –339	(f) –70.8
<i>Total(e)</i>	2 442	2 633	191	7.8
04 Dangerous or negligent acts endangering persons	391	472	(f) 81	(f) 20.7
05 Abduction, harassment and other offences against the person(e)	141	382	241	170.9
06 Robbery, extortion and related offences				
0611 Aggravated robbery	1 446	1 298	–148	–10.2
Other(e)	185	171	–14	–7.6
<i>Total</i>	1 631	1 469	–162	–9.9
07 Unlawful entry with intent	1 466	1 411	–55	–3.8
08 Theft and related offences(e)	443	414	–29	–6.5
09 Fraud, deception and related offences				
0991 Dishonest conversion	215	214	–1	–0.5
Other(e)	518	498	–20	–3.9
<i>Total(e)</i>	733	712	–21	–2.9
10 Illicit drug offences				
101 Import or export illicit drugs	109	118	9	8.3
102 Deal or traffic in illicit drugs	1 976	1 911	–65	–3.3
103 Manufacture or cultivate illicit drugs	443	523	80	18.1
Other(e)	259	253	–6	–2.3
<i>Total</i>	2 787	2 805	18	0.6
11 Prohibited and regulated weapons and explosives offences	156	152	–4	–2.6
12 Property damage and environmental pollution	353	344	–9	–2.5
13 Public order offences(e)	333	105	–228	–68.5
14 Traffic and vehicle regulatory offences(e)	13	17	4	30.8
15 Offences against justice procedures, gov't security and operations(e)	285	306	21	7.4
16 Miscellaneous offences(e)	296	56	–240	–81.1
Total defendants finalised(e)	14 951	14 951	. .	. .

- . . not applicable (d) Represents difference due directly as a result of ASOC08, NOI09 and rectification of miscoding errors.
- nil or rounded to zero (including null cells)
- (a) Includes rectification of miscoding of records not a direct result of changes to ASOC and NOI. (e) See table 8 for information as to what was included in these categories.
- (b) Includes New South Wales, Queensland, Western Australia, South Australia, Tasmania, the Northern Territory and the Australian Capital Territory. (f) There were substantial impacts in these offence categories due to the rectification of miscoding errors, in addition to the classification changes. However these cannot be quantified.
- (c) Represents 2008–09 data based on the old and new ASOC classification.

Analysis of impacts - Higher Courts continued

7 Table 2 illustrates that some finalised defendant counts have moved between Principal offence categories as a result of the classification and rectification of miscoding changes; however it also illustrates that the total number of finalised defendants in the Higher Courts for the combined selected states and territories has not been impacted by the classification changes.

8 The following ASOC Divisions recorded changes of 15% or greater:

- 04 dangerous or negligent acts endangering persons;
- 05 abduction, harassment and other offences against the person;
- 13 public order offences;
- 14 traffic and motor vehicle regulatory offences; and
- 16 miscellaneous offences.

9 The movements in division 14 were largely due to rectification of miscoding errors and small numbers. All other divisions recorded changes below 15%.

10 At the Subdivision level and/or Group level, four ASOC categories recorded changes of 15% or greater: acts intended to cause injury - other; Groups 0311–0312 and Subdivision 103. Acts intended to cause injury is negligible due to small number counts. Aggravated and non-aggravated sexual assault were largely impacted by miscoding errors between these two categories, as well as ASOC changes.

11 Overall six Divisions had impacts of less than 5%; and a further five divisions had impacts less than 10%.

12 Table 3 below provides an overview of the changes to the Principal Offence counts for all finalised defendants between 2007–08 and 2008–09 with and without the classification changes. The table shows that the number of Higher Courts finalised defendants in 2008–09 increased by 2.8% from 2007–08 (from 16,735 defendants in 2007–08 to 17,202 defendants in 2008–09). The increase in finalised defendant numbers has not been impacted by the classificatory changes.

13 However, given that changes have occurred across divisions, subdivision and groups as a result of changes to ASOC08 and NOI09, the allocation of Principal Offence in some cases will be different than if they were classified to ASOC97 and NOI02. The correction of miscoding errors in 2008–09 could also have resulted in changes between published offence categories, however these were not significant in most cases.

14 To illustrate, Table 3 shows that the number of Higher Courts finalised defendants with a Principal Offence of dangerous or negligent acts endangering persons increased by 31.5%. Approximately 20.7% of this change can be attributed to changes to the classification and/or miscoding rather than an actual increase in defendants for this offence category. Excluding these classification changes, the estimated increase in defendants for this offence category from 2007–08 to 2008–09 would be approximately 10.8%, rather than 31.5%.

15 The interpretation of these movements is further complicated as estimates could not be based on data from all states and territories. As Victoria was unable to provide dual coded data that met ABS analysis requirements for all court levels, the full classificatory impacts could not be measured. Caution should therefore be exercised when using these estimates as the accuracy of the level of movement cannot be fully ascertained as the movements do not reflect any measures for Victoria's Higher Courts. The data should only be used as a guide to interpret the level of movements for Principal Offences between 2008–09 and previous years.

TABLE 3 – INDICATIVE IMPACT OF CLASSIFICATION CHANGES, 2008–09 Higher Courts defendants finalised(a)—Australia

	DEFENDANTS FINALISED(b)		CHANGE FROM 2007–08 TO 2008–09		Classification Impacts ASOC97 to ASOC08	Indicative change (excluding classification impacts) 2007–08 to 2008–09
	2007–08	2008–09				
	no.	no.	no.	%	%	%
01 Homicide and related offences						
011 Murder	153	147	–6	–3.9	–0.7	–3.3
Other(c)	r359	335	–24	–6.7	0.3	–7.0
Total	r512	487	–25	–4.9	—	–4.9
02 Acts intended to cause injury						
021 Assault	r3 797	3 822	25	0.7	3.7	–3.1
0291 Stalking(c)	. .	54	. .	. .	. .	. .
Other(c)	42	10	–32	–76.2	–4.8	–71.4
Total(c)	r3 839	3 891	52	1.4	5.0	–3.6
03 Sexual assault and related offences						
0311 Aggravated sexual assault	r1 754	2 456	702	40.0	36.5	3.5
0312 Non-aggravated sexual assault	531	219	–312	–58.8	–67.2	8.5
0322 Child pornography(c)	. .	243	. .	. .	. .	. .
Other(c)	402	162	–240	–59.7	–83.8	24.1
Total(c)	r2 687	3 083	396	14.7	7.1	7.6
04 Dangerous or negligent acts endangering persons	r397	522	125	31.5	20.4	11.1
05 Abduction, harassment and other offences against the person(c)	r161	419	258	160.2	149.7	10.6
06 Robbery, extortion and related offences						
0611 Aggravated robbery	r1 614	1 466	–148	–9.2	–9.2	—
Other(c)	r207	221	14	6.8	–6.8	13.5
Total	r1 821	1 687	–134	–7.4	–8.9	1.5
07 Unlawful entry with intent	1 484	1 469	–15	–1.0	–3.7	2.7
08 Theft and related offences(c)	r529	459	–70	–13.2	–5.5	–7.8
09 Fraud, deception and related offences						
0991 Dishonest conversion	r262	214	–48	–18.3	–0.4	–17.9
Other(c)	r650	639	–11	–1.7	–3.1	1.4
Total(c)	r912	853	–59	–6.5	–2.3	–4.2
10 Illicit drug offences						
101 Import or export illicit drugs	r128	141	13	10.2	7.0	3.1
102 Deal or traffic in illicit drugs	r1 933	2 092	159	8.2	–3.4	11.6
103 Manufacture or cultivate illicit drugs	522	637	115	22.0	15.3	6.7
Other(c)	r250	265	15	6.0	–2.4	8.4
Total	r2 833	3 135	302	10.7	0.6	10.0
11 Prohibited and regulated weapons and explosives offences	r205	180	–25	–12.2	–2.0	–10.2
12 Property damage and environmental pollution	388	370	–18	–4.6	–2.3	–2.3
13 Public order offences(c)	326	178	–148	–45.4	–69.9	24.5
14 Traffic and vehicle regulatory offences(c)	7	20	13	185.7	57.1	128.6
15 Offences against justice procedures, gov't security and operations(c)	298	354	56	18.8	7.0	11.7
16 Miscellaneous offences(c)	315	95	–220	–69.8	–76.2	6.3
Total(c)	16 735	17 202	467	2.8	. .	. .

. . not applicable

— nil or rounded to zero (including null cells)

r revised

(a) Includes rectification of miscoding of records not a direct result of changes to ASOC and NOI.

(b) Represents published counts for 2007–08 based on ASOC97 and 2008–09 based on ASOC08.

(c) See table 8 for information as to what was included in these categories.

*Analysis of impacts -
Magistrates' Courts*

16 The same analysis undertaken for the Higher Courts was applied to the Magistrates' Courts data. Six jurisdictions (New South Wales, Queensland, Western Australia, South Australia, Tasmania and the Northern Territory) supplied 2008–09 Magistrates' Courts data dual coded to both ASOC97 and ASOC08 which met analysis requirements.

17 Table 4 below shows the results of the analysis for Magistrates' Courts of the dual coded Courts extracts, providing estimated changes to the total movement for selected principal offence categories summed across the six jurisdictions mentioned above to measure movements that represent classification changes for this court level. The differences largely reflect the impact of changes between ASOC97 and ASOC08, and some change as a result of correcting miscoding errors in ASOC97.

TABLE 4 – ESTIMATED IMPACT OF CLASSIFICATION CHANGES, 2008–09 Magistrates' Courts, Defendants finalised(a)—combined selected states and territories(b)

	DEFENDANTS FINALISED(c)		DIVISION, SUBDIVISION AND GROUP CHANGE(d)	
	ASOC97	ASOC08		
<i>ASOC Division, Subdivision and Group</i>	no.	no.	no.	%
01 Homicide and related offences	494	495	1	0.2
02 Acts intended to cause injury				
021 Assault	48 164	48 392	228	0.5
0291 Stalking(e)	. .	2 332	2 332	. .
Total(e)	48 223	50 784	2 561	5.3
03 Sexual assault and related offences				
0311 Aggravated sexual assault	2 114	2 580	466	22.0
0312 Non-aggravated sexual assault	684	423	-261	-38.2
0322 Child pornography offences(e)	. .	440	440	. .
Total(e)	3 303	3 738	435	13.2
04 Dangerous or negligent acts endangering persons	47 559	34 602	(f)-12 957	(f)-27.2
05 Abduction, harassment and other offences against the person(e)	183	2 208	2 025	1 106.6
06 Robbery, extortion and related offences	2 222	1 937	-285	-12.8
07 Unlawful entry with intent	8 876	8 642	-234	-2.6
08 Theft and related offences				
Theft/illegal use of a motor vehicle(e)	2 903	1 621	-1 282	-44.2
Other(e)	23 734	26 737	3 003	12.7
Total(e)	26 641	28 764	2 123	8.0
09 Fraud, deception and related offences(e)	17 480	12 074	-5 406	-30.9
10 Illicit drug offences				
102 Deal or traffic in illicit drugs	4 945	4 685	-260	-5.3
103 Manufacture or cultivate illicit drugs	3 670	3 987	317	8.6
104 Possess and/or use illicit drugs	20 221	19 980	-241	-1.2
Total(e)	32 797	32 607	-190	-0.6
11 Prohibited and regulated weapons and explosives offences	6 562	6 393	-169	-2.6
12 Property damage and environmental pollution	14 068	13 870	-198	-1.4
13 Public order offences				
132 Regulated public order offences(e)	5 331	6 393	1 062	19.9
Other(e)	46 551	43 661	-2 890	-6.2
Total(e)	51 882	50 054	-1 828	-3.5
14 Traffic and vehicle regulatory offences				
141 Driver licence offences	82 468	84 048	1 580	1.9
1431 Exceeding the prescribed content of alcohol or other substance limit(e)	59 080	73 650	(f)14 570	(f)24.7
1432 Exceeding legal speed limit	18 597	18 599	2	—
Other(e)	61 317	63 226	1 909	3.1
Total(e)	221 477	239 523	18 046	8.1
15 Offences against justice procedures, gov't security and operations				
Breach of violence and non-violence orders(e)	10 426	10 391	-35	-0.3
Other(e)	21 891	22 341	450	2.1
Total(e)	32 317	32 732	415	1.3
16 Miscellaneous offences(e)	12 116	7 722	-4 394	-36.3
Total defendants finalised(e)	526 226	526 226	. .	. .

- . . not applicable
- nil or rounded to zero (including null cells)
- (a) Includes rectification of miscoding of records not a direct result of changes to ASOC and NOI.
- (b) Includes New South Wales, Queensland, Western Australia, South Australia, Tasmania and the Northern Territory.
- (c) Represents 2008–09 data based on the old and new ASOC classification.
- (d) Represents difference due directly as a result of ASOC08, NOI09 and rectification of miscoding errors.
- (e) See table 8 for information as to what was included in these categories.
- (f) There were substantial impacts in these offence categories due to the rectification of miscoding errors, in addition to the classification changes. However these cannot be quantified.

*Analysis of impacts -
Magistrates' Courts continued*

18 Table 4 shows that the following ASOC Divisions recorded changes of 15% or greater:

- 04 dangerous or negligent acts endangering persons;
- 05 abduction, harassment and other offences against the person;
- 09 fraud, deception and related offences; and
- 16 miscellaneous offences.

19 The largest impact was Division 05 and most of this was due to ASOC.

20 At the Subdivision and Group level five ASOC categories recorded changes of 15% or greater: aggravated and non-aggravated sexual assault; theft/illegal use of a motor vehicle; regulated public order offences; and exceeding the prescribed content of alcohol or other substance limit.

21 Table 5 below provides an overview of the changes to the Principal Offence counts for all finalised defendants between 2007–08 and 2008–09 with and without the classification changes. To illustrate, the table shows that the number of Magistrates' Courts finalised defendants in 2008–09 increased by 2.6% from 2007–08 (from 619,544 defendants in 2007–08 to 635,924 defendants in 2008–09). The increase in finalised defendant numbers has not been impacted by the classificatory changes.

22 However, given that changes have occurred across divisions, subdivision and groups as a result of changes to ASOC08 and NOI09, the allocation of Principal Offence in some cases will be different than if they were classified to ASOC97 and NOI02. The correction of miscoding errors in 2008–09 could also have resulted in changes between published offence categories, however these were not significant in most cases.

23 For example, Table 5 shows that the number of Magistrates' Courts finalised defendants with a Principal Offence of sexual assault and related offences increased by 14.3%. Approximately 11.4% of this change can be attributed to changes to the classification and/or miscoding rather than an actual increase in defendants for this offence category. Excluding these classification changes, the estimated increase in defendants for this offence category from 2007–08 to 2008–09 would be approximately 2.9%, rather than 14.3%.

24 The interpretation of these movements is further complicated as estimates could not be based on data from all states and territories. As Victoria and the Australian Capital Territory were unable to provide dual coded data that met ABS analysis requirements for all court levels, the full classificatory impacts could not be measured. Caution should therefore be exercised when using these estimates as the accuracy of the level of movement cannot be fully ascertained as the movements do not reflect any measures for Victoria and the Australian Capital Territory's Magistrate's Courts. The data should only be used as a guide to interpret the level of movements in Principal Offence between 2008–09 and previous years.

TABLE 5 – INDICATIVE IMPACT OF CLASSIFICATION CHANGES, 2008–09 Magistrates' Courts, Defendants finalised(a)—Australia

	DEFENDANTS FINALISED(b)		CHANGE FROM 2007–08 TO 2008–09		Classification Impacts ASOC97 to ASOC08(c)	Indicative change (excluding classification impacts) 2007–08 to 2008–09
	Defendants 2007–08	Defendants 2008–09	no.	%	%	%
<i>ASOC Division, Subdivision and Group</i>	no.	no.	no.	%	%	%
01 Homicide and related offences	555	525	–30	–5.4	0.2	–5.6
02 Acts intended to cause injury						
021 Assault	53 080	57 031	3 951	7.4	0.4	7.0
0291 Stalking(d)	..	2 564	2 564	..	..	..
Total(d)	53 221	59 663	6 442	12.1	4.8	7.3
03 Sexual assault and related offences						
0311 Aggravated sexual assault	2 211	2 719	508	23.0	21.1	1.9
0312 Non-aggravated sexual assault	967	638	–329	–34.0	–27.0	–7.0
0322 Child pornography(d)	..	510	510	..	..	..
Total(d)	3 812	4 356	544	14.3	11.4	2.9
04 Dangerous or negligent acts endangering persons	51 737	42 467	–9 270	–17.9	–25.0	7.1
05 Harassment, abduction and related offences(d)	251	2 883	2 632	1 048.6	806.8	241.8
06 Robbery, extortion and related offences	2 358	2 133	–225	–9.5	–12.1	2.5
07 Unlawful entry with intent	9 840	10 261	421	4.3	–2.4	6.7
08 Theft and related offences						
Theft/illegal use of a motor vehicle(d)	3 586	2 084	–1 502	–41.9	–35.8	–6.1
Other(d)	28 931	34 231	5 300	18.3	10.4	7.9
Total(d)	32 520	36 721	4 201	12.9	6.5	6.4
09 Fraud, deception and related offences(d)	20 352	15 736	–4 616	–22.7	–26.6	3.9
10 Illicit drug offences						
102 Deal or traffic in illicit drugs	5 107	5 510	403	7.9	–5.1	13.0
103 Manufacture or cultivate illicit drugs	4 349	4 932	583	13.4	7.3	6.1
104 Possess and/or use illicit drugs	19 724	21 478	1 754	8.9	–1.2	10.1
Total(d)	33 135	35 890	2 755	8.3	–0.6	8.9
11 Prohibited and regulated weapons and explosives offences	8 367	8 377	10	0.1	–2.0	2.1
12 Property damage and environmental pollution	15 699	16 041	342	2.2	–1.3	3.4
13 Public order offences						
132 Regulated public order offences(d)	4 218	6 642	2 424	57.5	25.2	32.3
Other(d)	60 181	63 763	3 582	6.0	–4.8	10.8
Total(d)	64 399	70 405	6 006	9.3	–2.8	12.2
14 Traffic and vehicle regulatory offences						
141 Driving licence offences	86 434	95 144	8 710	10.1	1.8	8.2
1431 Exceeding the prescribed content of alcohol or other substance limit(d)	64 403	81 968	17 565	27.3	22.6	4.7
1432 Exceeding legal speed limit	32 515	22 713	–9 802	–30.1	—	–30.2
Other(d)	87 004	79 328	–7 676	–8.8	2.2	–11.0
Total(d)	270 411	279 153	8 742	3.2	6.7	–3.4
15 Offences against justice procedures, gov't security and operations						
Breach of violence and non-violence orders(d)	11 012	11 640	628	5.7	–0.3	6.0
Other(d)	23 172	25 791	2 619	11.3	1.9	9.4
Total(d)	34 184	37 431	3 247	9.5	1.2	8.3
16 Miscellaneous offences(d)	17 842	13 570	–4 272	–23.9	–24.6	0.7
Total(d)	619 544	635 924	16 380	2.6	..	..

.. not applicable

— nil or rounded to zero (including null cells)

(a) Includes rectification of miscoding of records not a direct result of changes to ASOC and NOI.

(b) Represents published counts for 2007–08 based on ASOC97 and 2008–09 published data based on ASOC08.

(c) Classification impacts are based on the change observed across the six combined jurisdictions who provided dual-coded extracts, and include changes due to miscoding.

(d) See table 8 for information as to what was included in these categories.

Analysis of impacts -
Children's Courts

- 25** The same analysis undertaken for the Higher and Magistrates' Courts was applied to the Children's Courts data. Six jurisdictions (New South Wales, Queensland, Western Australia, South Australia, Tasmania and the Northern Territory) supplied 2008–09 Children's Courts data coded to both ASOC97 and ASOC08 which met analysis requirements of the impact of the changes to the classification for this court level.
- 26** Table 6 below shows the results of the analysis of the dual coded Children's Courts extracts, providing estimated changes to the total movement for selected principal offence categories summed across the six jurisdictions mentioned above to measure movements that reflect classification changes for this court level. The differences largely reflect changes between ASOC97 and ASOC08, and some change as a result of correcting miscoding errors in ASOC97.

TABLE 6 – ESTIMATED IMPACT OF CLASSIFICATION CHANGES, 2008–09 Children's Courts, Defendants finalised(a)—combined selected states and territories(b)

	DEFENDANTS FINALISED(c)		DIVISION, SUBDIVISION AND GROUP CHANGE(d)	
	ASOC97	ASOC08		
ASOC Division, Subdivision and Group	no.	no.	no.	%
01 Homicide and related offences	40	40	—	—
02 Acts intended to cause injury				
021 Assault	5 708	5 896	188	3.3
0291 Stalking(e)	. .	169	169	. .
Other(e)	27	27	—	—
Total(e)	5 735	6 092	357	6.2
03 Sexual assault and related offences(e)	547	563	16	2.9
04 Dangerous or negligent acts endangering persons	2 029	1 771	(f)–258	(f)–12.7
05 Abduction, harassment and other offences against the person(e)	12	192	180	1 500.0
06 Robbery, extortion and related offences	1 656	1 461	–195	–11.8
07 Unlawful entry with intent	4 756	4 626	–130	–2.7
08 Theft and related offences				
Theft/illegal use of a motor vehicle(e)	1 388	1 194	–194	–14.0
Other(e)	3 858	4 361	503	13.0
Total(e)	5 246	5 555	309	5.9
09 Fraud, deception and related offences(e)	564	245	–319	–56.6
10 Illicit drug offences	855	846	–9	–1.1
11 Prohibited and regulated weapons and explosives offences	418	423	5	1.2
12 Property damage and environmental pollution				
1211 Property damage by fire or explosion	271	264	–7	–2.6
1212 Graffiti	276	256	–20	–7.2
Other(e)	2 025	1 930	–95	–4.7
Total	2 572	2 450	–122	–4.7
13 Public order offences				
132 Regulated public order offences(e)	252	231	–21	–8.3
Other(e)	3 067	2 924	–143	–4.7
Total(e)	3 319	3 155	–164	–4.9
14 Traffic and vehicle regulatory offences				
141 Driver licence offences	2 530	2 556	26	1.0
143 Regulatory driving offences(e)	617	1 224	(f) 607	(f) 98.4
Other(e)	288	291	3	1.0
Total(e)	3 435	4 071	(f) 636	(f) 18.5
15 Offences against justice procedures, gov't security and operations(e)	1 086	1 089	3	0.3
16 Miscellaneous offences(e)	490	149	–341	–69.6
Total defendants finalised(e)	32 761	32 761	. .	. .

. . not applicable

— nil or rounded to zero (including null cells)

(a) Includes rectification of miscoding of records not a direct result of changes to ASOC and NOI.

(b) Includes New South Wales, Queensland, Western Australia, South Australia, Tasmania and the Northern Territory.

(c) Represents 2008–09 data based on the old and the new ASOC classification.

(d) Represents difference due directly as a result of ASOC08, NOI09 and rectification of miscoding errors.

(e) See table 8 for information as to what was included in these categories.

(f) There were substantial impacts in these offence categories due to the rectification of miscoding errors, in addition to the classification changes. However these cannot be quantified.

Analysis of impacts -

Children's Courts continued

27 Table 7 shows that the following ASOC divisions recorded changes of 15% or greater:

- 05 abduction, harassment and other offences against the person;
- 09 fraud, deception and related offences;
- 14 traffic and vehicle regulatory offences; and
- 16 miscellaneous offences.

*Analysis of impacts -
Children's Courts continued*

28 The most significant impact was division 5.

29 At the Subdivision/Group level one ASOC category recorded changes of 15% or greater: Subdivision 143 - Regulatory driving offences.

30 Table 7 below provides an overview of the changes to the Principal Offence counts for all finalised defendants between 2007–08 and 2008–09 with and without the classification changes. To illustrate, the table shows that the number of Children's Courts finalised defendants in 2008–09 increased by 7.1% from 2007–08 (from 39,412 defendants in 2007–08 to 42,197 defendants in 2008–09). The increase in finalised defendant numbers has not been impacted by the classificatory changes.

31 However, given that changes have occurred across divisions, subdivision and groups as a result of changes to ASOC08 and NOI09, the allocation of Principal Offence in some cases will be different than if they were classified to ASOC97 and NOI02. The correction of miscoding errors in 2008–09 could also have resulted in changes between published offence categories, however these were not significant in most cases.

32 For example, Table 7 shows that the number of Children's Courts finalised defendants with a Principal Offence of traffic and regulatory offences increased by 19.4%. Approximately 16.1% of this change can be attributed to changes to the classification and/or miscoding rather than an actual increase in defendants for this offence category. Excluding these classification changes, the estimated increase in defendants for this offence category from 2007–08 to 2008–09 would be approximately 3.3%, rather than 19.4%.

33 The interpretation of these movements is further complicated as estimates could not be based on data from all states and territories. As Victoria and the Australian Capital Territory were unable to provide dual coded data that met ABS analysis requirements for all court levels, the full classificatory impacts could not be measured. Caution should therefore be exercised when using these estimates as the accuracy of the level of movement cannot be fully ascertained as the movements do not reflect any measures for Victoria and the Australian Capital Territory's Children's Courts. The data should only be used as a guide to interpret the level of movements in Principal Offence between 2008–09 and previous years.

TABLE 7 – INDICATIVE IMPACT OF CLASSIFICATION CHANGES, 2008–09 Children's Courts, Defendants finalised(a)—Australia

	DEFENDANTS FINALISED(b)		CHANGE FROM 2007–08 TO 2008–09		Classification impacts ASOC97 to ASOC08(c)	Indicative change (excluding classification impacts) 2008–08 to 2008–09
	2007–08	2008–09	no.	%	%	%
<i>ASOC Division, Subdivision and Group</i>	no.	no.	no.	%	%	%
01 Homicide and related offences	48	44	–4	–8.3	—	–8.3
02 Acts intended to cause injury						
021 Assault	6 065	7 563	1 498	24.7	3.1	21.6
0291 Stalking(d)	..	180	180	..	..	..
Other(d)	21	27	6	28.6	—	28.6
Total(d)	6 086	7 770	1 684	27.7	5.9	21.8
03 Sexual assault and related offences(d)	649	699	50	7.7	2.5	5.2
04 Dangerous or negligent acts endangering persons	2 129	2 134	5	0.2	–12.1	12.4
05 Abduction, harassment and other offences against the person(d)	18	245	227	1 261.1	1 000.0	261.1
06 Robbery, extortion and related offences	1 957	1 706	–251	–12.8	–10.0	–2.9
07 Unlawful entry with intent	5 068	5 365	297	5.9	–2.6	8.4
08 Theft and related offences						
Theft/illegal use of a motor vehicle(d)	1 710	1 527	–183	–10.7	–11.3	0.6
Other(d)	4 051	7 240	3 189	78.7	12.4	66.3
Total(d)	5 761	8 767	3 006	52.2	5.4	46.8
09 Fraud, deception and related offences(d)	4 052	400	–3 652	–90.1	–7.9	–82.3
10 Illicit drug offences	762	942	180	23.6	–1.2	24.8
11 Prohibited and regulated weapons and explosives offences	563	653	90	16.0	0.9	15.1
12 Property damage and environmental pollution						
1211 Property damage by fire or explosion	307	348	41	13.4	–2.3	15.6
1212 Graffiti	269	277	8	3.0	–7.4	10.4
Other(d)	2 044	2 406	362	17.7	–4.6	22.4
Total	2 620	3 031	411	15.7	–4.7	20.3
13 Public order offences						
132 Regulated public order offences(d)	425	566	141	33.2	–4.9	38.1
Other(d)	3 092	3 472	380	12.3	–4.6	16.9
Total(d)	3 517	4 038	521	14.8	–4.7	19.5
14 Traffic and vehicle regulatory offences						
141 Driving licence offences	2 691	2 979	288	10.7	1.0	9.7
143 Regulatory driving offences(d)	995	1 431	436	43.8	61.0	–17.2
Other(d)	270	314	44	16.3	1.1	15.2
Total(d)	3 956	4 724	768	19.4	16.1	3.3
15 Offences against justice procedures, gov't security and operations(d)	1 105	1 193	88	8.0	0.3	7.7
16 Miscellaneous offences(d)	966	438	–528	–54.7	–35.3	–19.4
Total(d)	39 412	42 197	2 785	7.1	..	..

.. not applicable

— nil or rounded to zero (including null cells)

(a) Includes rectification of miscoding of records not a direct result of changes to ASOC and NOI.

(b) Represents published counts for 2007–08 based on ASOC07 and 2008–09 published data based on ASOC08.

(c) Classification impacts are based on the change observed across the six states/territories who provided dual coded analysis, and included changes due to miscoding.

(d) See table 8 for information as to what was included in these categories.

TABLE 8 – FOOTNOTES(a)

<i>Division</i>	<i>Subdivision</i>	<i>Group</i>	<i>Principal Offence</i>	<i>Inclusions/Exclusions</i>
01			Homicide and related offences	
	011		Murder	
			Other	Includes ASOC Subdivisions 012 and 013 (Higher Courts only).
			Total	
02			Acts intended to cause injury	
	021		Assault	
		0291	Stalking	ASOC08 only. Stalking is included in division 14 in ASOC97.
			Other	Includes ASOC Groups 0290 and 0299.
			Total	Stalking is excluded from ASOC97 total. Includes ASOC Groups 0290 and 0299 (Magistrates Courts only).
03			Sexual assault and related offences	
		0311	Aggravated sexual assault	
		0312	Non-aggravated sexual assault	
		0322	Child pornography offences	ASOC08 only. Child pornography is included in ASOC97 division 13 (Higher and Magistrates' Courts only).
			Other	Includes ASOC08 groups 0321, 0323 and 0329. ASOC97 excludes sexual servitude offences, which are included in ASOC97 Division 13 (Higher Courts only)
			Total	Includes ASOC Group 0300. Child pornography offences and sexual servitude offences are excluded from ASOC97 total.
04			Dangerous or negligent acts endangering persons	
05			Abduction, harassment and other offences against the person	ASOC97 excludes Subdivision 053.
06			Robbery, extortion and related offences	
	0611		Aggravated robbery	
			Other	Includes ASOC Subdivision 062 and Group 0612 (Higher Courts only).
			Total	
07			Unlawful entry with intent	
08			Theft and related offences	
			Theft/illegal use of a motor vehicle	Includes ASOC Groups 0811–0812 (Magistrates' and Children's Courts only).
			Other	Includes Subdivisions 082–084 and Group 0813 of the ASOC. ASOC97 excludes fare evasion. Fare evasion is included in ASOC97 Division 09 (Magistrates' and Children's Courts only).
			Total	Includes theft and related offences n.f.d. ASOC97 excludes fare evasion. Fare evasion is included in Division 09 in ASOC97.
09			Fraud, deception and related offences	
		0991	Dishonest conversion	
			Other	Includes ASOC97 Subdivisions 091–092, 094, 099 and ASOC08 Subdivisions 091–093 and Group 0999. (Higher Courts only).
			Total	ASOC08 excludes Fare evasion. Fare evasion is included in Division 08 in ASOC08. ASOC08 excludes Bribery (excluding government officials). This is included in ASOC Division 16.
10			Illicit drug offences	
	101		Import or export illicit drugs	
	102		Deal or traffic in illicit drugs	
	103		Manufacture or cultivate illicit drugs	
			Other	Includes ASOC Subdivisions 104 and 109 (Higher Courts only).
			Total	Includes ASOC Subdivisions 104 and 109 (Magistrates' Courts only).

(a) Footnotes for tables 2–7.

TABLE 8 – FOOTNOTES(a) *continued*

<i>Division</i>	<i>Subdivision</i>	<i>Group</i>	<i>Principal Offence</i>	<i>Inclusions/Exclusions</i>
11			Prohibited and regulated weapons and explosives offences	
12			Property damage and environmental pollution	
		1211	Property damage by fire or explosion	
		1212	Graffiti	
			Other	Includes ASOC Subdivision 122 and Group 1219.
			Total	
13			Public order offences	
	132		Regulated public order offences	ASOC08 excludes child pornography offences and sexual servitude offences. These are in ASOC08 Division 3 (Magistrates' and Children's Courts only).
			Other	Includes Subdivisions 131 (ASOC97 and ASOC08) and 133 (ASOC08) (Magistrates' and Children's Courts only).
			Total	ASOC08 excludes child pornography offences and sexual servitude offences. These are in ASOC08 Division 3.
14			Traffic and regulatory offences (Magistrates' Courts)	
	141		Driver licence offences	
	143		Regulatory driving offences	ASOC97 did not include 'exceed the prescribed content of other substances limit' (Children's Courts only).
		1431	Exceeding the prescribed content of alcohol or other substance limit	ASOC97 did not include 'exceed the prescribed content of other substances limit' (Magistrates' Courts only).
		1432	Exceeding legal speed limit	
			Other	Includes Subdivisions 142 and 144 and Groups 1433 and 1439 of the ASOC (Magistrates' Courts only).
			Total	Includes traffic and vehicle regulatory offences, n.f.d. (Magistrates' Courts only). Includes Subdivisions 142 and 144 of the ASOC. ASOC97 did not include 'exceed the prescribed content of other substances limit'.
15			Offences against justice procedures, gov't security and operations	
			Breach of violence and non-violence orders	Includes ASOC97 Groups 1514 and 1515 and ASOC08 Group 1531 and 1532 (Magistrates' Courts only).
			Other	Includes ASOC97 Subdivisions 152–154 and Groups 1511 and 1519 and ASOC08 Subdivisions 151, 154–156 and Groups 1521, 1524, 1525 and 1529 (Magistrates' Courts only).
			Total	ASOC97 excludes Bribery involving government officials. This is included in ASOC97 Division 09. ASOC97 excludes Immigration offences. This is included in Division 16 in ASOC97.
16			Miscellaneous offences	ASOC97 excludes Bribery (excluding government officials). This is included in ASOC97 Division 09. ASOC08 excludes Immigration offences. This is included in Division 15 in ASOC97.
			Total	Includes defendants for whom offence data are missing or a principal offence could not be determined.

(a) Footnotes for tables 2–7.

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.
Aggravated robbery	Robbery involving any of the following aggravating circumstances: <ul style="list-style-type: none"> ■ infliction of injury or violence on the person ■ possession/use of a weapon ■ committed in company (i.e. by two or more persons).
Aggravated sexual assault	Sexual assault that involves any of the following aggravating circumstances: <ul style="list-style-type: none"> ■ sexual intercourse (i.e. oral sex and/or penetration of the vagina or anus by any part of the human body or by any object) ■ inflict injury or violence ■ possession/use of a weapon ■ consent proscribed/committed against a child ■ committed in company (i.e. by two or more persons). <p>This is a Group of ASOC08 (0311).</p>
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 3). The main purpose of Divisions is to provide a limited number of categories which represent broad groups of criminal offences. The Subdivision and Group levels provide increasingly detailed dissections of these broad categories. The 2008 version of ASOC08 is used to classify offence data within this publication. The Australian Standard Offence Classification (2008) (cat no. 1234.0) is available from the Australian Bureau of Statistics website < http://www.abs.gov.au >.
Bench warrant	A warrant signed by a judge or magistrate ordering a person to be arrested and brought back before the court. This process takes place when a defendant, who has at least one charge that has not been finalised by the court, absconds from criminal proceedings.
Breach of violence order	An act or omission breaching the conditions of a violence order, including breach of apprehended violence order and breach of domestic violence order. This is a Group of ASOC08 (1531).
Case	One or more defendants against whom one or more charge(s) have been laid and which are heard together by a court as one unit of work. The charge(s) usually relate to the same criminal incident.
Charge	An allegation laid before a court by the police, Director of Public Prosecutions or other prosecuting agency that a person or organisation has committed a criminal offence.
Charged	In this publication, the term charged refers to those defendants who were adjudicated i.e. finalised via a plea of guilty or a decision by the court as to their guilt or otherwise of the final charge(s) laid against them.
Child pornography offences	The production, possession, distribution or display of pornographic or abusive material of a child under the age of consent in written, photographic, film, video, digital or other format. This is a Group of ASOC08 (0322).
Children's Court	The Children's Court is primarily a Court of Summary Jurisdiction, to hear and determine criminal charges against persons generally aged less than 18 years. The Children's Court may also determine some minor indictable offences and conduct committal proceedings in relation to young people who have been charged with major indictable offences.
Committal plea	The plea to a charge, which is entered by a defendant at a committal proceeding in a Magistrates' Court.
Committed for sentence	An outcome of a committal hearing where a defendant enters a guilty plea to all charges and is transferred to a Higher Court to be sentenced. This process is regarded as a method of finalisation for the Magistrates' Court and the Children's Court, and a method of initiation into a Higher Court level.
Committed for trial	An outcome of a committal hearing where a defendant enters a not guilty plea to at least one charge and is transferred to a Higher Court to stand trial. This process is regarded as a method of finalisation for the Magistrates' Court and the Children's Court, and a method of initiation into a Higher Court level.
Community supervision or work orders	Sentences imposed on a defendant requiring a person to perform work within the community or report to a person nominated by the court (for example a corrections officer). These non-custodial orders include: community service orders, probation orders, treatment orders and referral to conference.
Convicted	In this publication the term convicted refers to those defendants who were proven guilty of at least one of the final charge(s) laid against them.

Court level	This indicates the level of the court in which a defendant's case is heard. Court levels can be distinguished from one another on the basis of the extent of their legal powers (see Jurisdiction). Court levels include Court of Summary Jurisdiction, Intermediate Court and Supreme Court. The names assigned to each of these court levels varies across Australia.
Court of Summary Jurisdiction	A lower court level (also referred to as Magistrates' Court, Local Court or Court of Petty Sessions) which deals with relatively less serious charges and has the most limited legal powers of all the state and territory court levels. A Court of Summary Jurisdiction is presided over by a magistrate and has jurisdiction to try and sentence matters relating to summary offences. Under some circumstances, this court level may also deal with less serious indictable offences known as 'minor indictable' or 'triable either way' offences. Courts of Summary Jurisdiction are also responsible for conducting preliminary (committal) hearings for indictable offences.
Custodial orders	Sentences imposed on a defendant requiring a person to have restricted liberty for a specified period of time either through detainment in an institution/home or being subject to regular supervision while residing in the community. The court may set aside the order subject to the person being of good behaviour. Includes: custody in a correctional institution, custody in the community and fully suspended sentence.
Custody in a correctional institution	Sentences imposed on a defendant requiring a person to be detained within a facility built especially for the purpose of incarceration. Includes: life and indeterminate imprisonment, imprisonment with determined term, imprisonment with partially suspended term, periodic detention, juvenile detention with determined term, and juvenile detention with partially suspended term.
Custody in the community	Sentences imposed on a defendant requiring a person to have restricted liberty for a specified period of time while living within the community. Includes: intensive corrections orders, home detention and other custody in the community.
Dangerous or negligent acts endangering persons	Dangerous or negligent acts which, though not intended to cause harm, actually or potentially result in injury to oneself or another person. This is a Division of ASOC08 which includes the following Subdivisions: dangerous or negligent operation of a vehicle (041) and other dangerous or negligent acts endangering persons (049).
Date of finalisation	The date on which all charges laid against a defendant are regarded as formally completed by a particular court level and the defendant ceases to be an active unit of work to be dealt with by that court level.
Date of initiation	Date of initiation represents either the date of committal or the date of registration depending on the process of entry into that level of court. For defendants who are committed from a Magistrates' Court to a higher criminal court, date of committal is used for the date of initiation. For defendants who have any other method of initiation, including direct presentment to a higher court by ex-officio, date of registration for that court level is used as the date of initiation. Where there are multiple dates of initiation for charges for a defendant, the earliest date is used.
Deal or traffic in illicit drugs	The supply or purchase of an illicit drug or controlled substance of any quantity, or the possession of an illicit drug or controlled substance where the amount involved is deemed to be of a quantity for commercial activity. This is a Subdivision of ASOC08 which includes the following Groups: deal or traffic in illicit drugs – commercial quantity (1021) and deal or traffic in illicit drugs – non-commercial quantity (1022).
Defendant	A person or organisation against whom one or more criminal charges have been laid and which are heard together as one unit of work by a court level.
Dishonest conversion	Dishonestly converting money or goods that come into a person's possession or control, not involving the use of deception or taking without consent. This is a Group of ASOC08 (0991).

Disorderly conduct	Offences involving personal conduct that is disorderly or is indicative of criminal intent. This is a Subdivision of ASOC08 which includes the following Groups: trespass (1311), criminal intent (1312), riot and affray (1313) and disorderly conduct, n.e.c. (1319).
District Court	See Intermediate Court.
Driver licence offences	Driver licence offences pertaining to the ownership or use of a driver's licence. This is a Subdivision of ASOC08 which includes the following Groups: drive while licence disqualified or suspended (1411), drive without a licence (1412), and driver licence offences, n.e.c. (1419).
Duration	The time elapsed between the earliest date of initiation and the latest date of finalisation for a defendant that has been finalised.
Exceed legal speed limit	Offences where a driver of a vehicle exceeds the speed restrictions pertaining to a particular area. This is a Group of ASOC08 (1432).
Exceed the prescribed content of alcohol or other substance limit	Offences where the driver of a vehicle exceeds the prescribed content of alcohol or other substance. This is a Group of ASOC08 (1431).
Federal defendant	A finalised defendant in the Criminal Courts who has been charged with at least one Commonwealth legislative offence.
Finalised appearance	Where charges were finalised at different court appearances in the same case for a defendant, these were counted as finalised defendants at each appearance rather than being aggregated as a single finalised defendant at the latest charge finalisation date. This relates to New South Wales Magistrates' and Children's Courts defendants.
Finalised defendant	A person or organisation for whom all charges relating to the one case have been formally completed so that the defendant ceases to be an item of work to be dealt with by the court.
Fraud, deception and related offences	Offences involving a dishonest act or omission carried out with the purpose of deceiving to obtain benefit. This is a Division of ASOC08 which includes the following Subdivisions: obtain benefit by deception (091); forgery and counterfeiting (092); deceptive business/government practices (093); and other fraud and deception offences (099).
Fully suspended sentence	A custodial order which provides that all of the sentence not be served, subject to the person being of good behaviour for the length of the sentence. Excludes fully suspended sentences that have added conditions other than good behaviour.
Good behaviour bond	An obligation, with or without sureties, aimed at securing the performance of some act by the person bound by the undertaking. Includes recognisance orders.
Graffiti	Property damage caused by the application of substances (i.e. paint, posters and/or plastic, metal or wood based compounds) to the surface of the property. This is a Group of ASOC08 (1212).
Guilty ex-parte	Where the court adjudicates charge(s) and the charge(s) are proven either: (i) where the defendant pleaded guilty and the charges are proven in his/her absence, or (ii) the defendant failed to appear and the charge(s) were proven on the basis of the evidence presented. This is a method of finalisation in the Magistrates' and Children's Courts.
Guilty finding	A guilty finding by the court, where the court finds the charge has been proven (and the case was not heard ex-parte). This is a method of finalisation.
Guilty plea	A guilty plea to charge(s) by the defendant (and the case was not heard ex-parte). This is not a trial outcome. This is a method of finalisation.
Higher Court	The criminal jurisdiction of an Intermediate Court or Supreme Court.
Homicide and related offences	Unlawfully kill, attempt to unlawfully kill or conspiracy to kill another person. This is a Division of ASOC08 which includes the following Subdivisions: murder (011), attempted murder (012), and manslaughter and driving causing death (013).

Illicit drug offences	The possession, selling, dealing or trafficking, importing or exporting, manufacturing or cultivation of drugs or other substances prohibited under legislation. This is a Division of ASOC08 which includes the following Subdivisions: import or export illicit drugs (101), deal or traffic in illicit drugs (102), manufacture or cultivate illicit drugs (103), possess and/or use illicit drugs (104) and other illicit drug offences (109).
Import or export illicit drugs	Actions resulting or intended to result in either the importation of illicit drugs or controlled substances into Australia, or the exportation of illicit drugs or controlled substances from Australia. This is a Subdivision of ASOC08 which includes the following Groups: import illicit drugs (1011) and export illicit drugs (1012).
Imprisonment	See Custody in a correctional institution.
Imprisonment with determined term	An order requiring a person to be detained for a specified period of time within a facility built especially for the purpose of incarceration.
Imprisonment with partially suspended term	An order requiring a person to be detained for part of the specified period of time within a facility built especially for the purpose of incarceration, subject to the person being of good behaviour.
Indictable offence	A serious criminal offence as defined by specific Commonwealth, state or territory legislation. Charges relating to indictable offences generally require a trial and/or sentence hearing in a Higher Court. Under some circumstances, a defendant can elect to have these charges dealt with in a Court of Summary Jurisdiction.
Indigenous status	Indigenous status indicates whether or not a person identifies as being of Aboriginal or Torres Strait Islander origin. The term 'origin' when used in the context of this definition, is considered to relate to people's Australian Aboriginal or Torres Strait Islander descent and for some, but not all, their cultural identity.
Intermediate Court	A Higher Court level (known either as the District Court or County Court) which has legal powers that are between those of the Court of Summary Jurisdiction and the Supreme Court and deals with the majority of cases involving serious criminal offences. An Intermediate Court is presided over by a judge, and has original jurisdiction to hear trial and sentence matters relating to most indictable offences. Note: As Tasmania, the Northern Territory and the Australian Capital Territory do not have an Intermediate Court, all indictable offences are heard in the Supreme Court.
Jurisdiction	The legal power or authority which may be exercised by a particular court level and within which the judgements or orders of the court can be enforced or executed. The criminal jurisdiction of a court includes the original jurisdiction. Each court level has its own defined jurisdictional limits and these vary across states and territories.
Juvenile detention with determined term	An order requiring a person to be detained in a juvenile facility for all of the specified period of time.
Juvenile detention with partially suspended term	An order requiring a person to be detained in a juvenile facility for part of the specified period of time, subject to the person being of good behaviour for the length of the sentence.
Life and indeterminate imprisonment	<p>The most serious sentence of imprisonment.</p> <p><i>Life</i> – This does not necessarily mean that the person will be held in custody for the term of his/her natural life. In some states or territories a minimum time to serve in custody is specified by the court, while in others an administrative body such as a Parole Board makes this decision.</p> <p><i>Indeterminate</i> – Persons declared as habitual criminals, persons who are either permanently or temporarily deemed not responsible for their actions because of a mental disorder or intellectual disability and prisoners who are sentenced to imprisonment but have not had a release date set. The prisoner may be released, at any time, at the discretion of the administrative body within each jurisdiction responsible for making that decision.</p>

Local Court	See Court of Summary Jurisdiction.
Magistrates' Court	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. See Court of Summary Jurisdiction for further information.
Manufacture or cultivate illicit drugs	Actions resulting or intended to result in the manufacture of controlled substances, or growing of plants used to make illicit drugs. This is a Subdivision of ASOC08 which includes the Group: manufacture illicit drugs (1031) and cultivate illicit drugs (1032).
Method of finalisation	The process which leads to the completion of a defendant as an item of business in a particular court level. A defendant undergoing court proceedings is considered to be finalised when all charges against that defendant have been processed to completion within a court level. There are different methods by which a charge may be finalised (see Appendix 2).
Method of initiation	The process which describes how a criminal charge is initiated, commenced, lodged or filed within the court system or a court level. It refers to the process that leads to the recording of a defendant as a new item of business in a particular court level. There are different methods by which a charge may be initiated.
Minor indictable offence	See Triable either way offence.
Miscellaneous offences	Offences involving the breach of statutory rules or regulations governing activities that are prima facie legal, where such offences are not explicitly dealt with under any other Division of ASOC08. This is a Division of ASOC08 which includes the following Subdivisions: defamation, libel and privacy offences (161), public health and safety offences (162), commercial/industry/financial regulation (163) and other miscellaneous offences (169).
Monetary orders	A sentence order that requires the offender to pay a sum of money, usually in the form of a fine or as recompense to victims (includes restitution orders and compensation orders) and other monetary orders, n.e.c. (does not include court levies and fees).
Motor vehicle theft and related offences	The taking of another person's motor vehicle illegally and without permission, with the intent of temporarily or permanently depriving the owner or possessor of the use of the motor vehicle. Additionally, the taking of another person's motor vehicle parts or its contents illegally, whether or not this also involves the taking of the motor vehicle. This is a Subdivision of ASOC08 which includes the Groups: theft of a motor vehicle (0811), illegal use of a motor vehicle (0812) and theft of motor vehicle parts or contents (0813).
Murder	Unlawfully kill another person where there is one or more of the following: the intent to kill; the intent to cause grievous bodily harm, with the knowledge that it was probable that death or grievous bodily harm would occur (reckless indifference to life); or without intent to kill in the course of committing a crime (felony murder). This subdivision is not further disaggregated.
National Offence Index	The National Offence Index (NOI) is a seriousness ranking of the ASOC08 and is used to determine a principal offence when a defendant has multiple finalised offences across different offence categories, with the same type of finalisation (e.g. proven guilty, acquitted, charges withdrawn).
Nominal penalty	Release of a defendant without an order following sentence that may or may not have conditions attached.
Non-adjudicated finalisation	A method of finalisation whereby a charge is considered completed and ceases to be active in a court even though that charge has not been adjudicated. This includes where the defendant is deceased, unfit to plead, the charge is withdrawn by the prosecution, transferred to a non-court agency or another non-adjudicated finalisation n.e.c. such as diplomatic immunity and statute of limitation applies.

Non-aggravated sexual assault	Sexual assault not involving any of the aggravating circumstances as defined in ASOC08 Group 0311, Aggravated sexual assault. This is a group of ASOC08 (0312).
Non-assaultive sexual offences	Offences of a sexual nature, or intent thereof, against another person that do not involve physical contact with the person and where the person does not give consent, gives consent as a result of intimidation or deception, or consent is proscribed (i.e. the person is legally deemed incapable of giving consent because of youth, temporary/permanent (mental) incapacity or there is a familial relationship). This is a Subdivision of ASOC08 which includes the Groups: non-assaultive sexual offences against a child (0321), child pornography offences (0322), sexual servitude offences (0323) and non-assaultive sexual offences n.e.c. (0329).
Non-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.
Obtain benefit by deception	The use of deception or impersonation with the intent of dishonestly obtaining property, goods, services or other benefit, or to avoid a disbenefit. This subdivision is not further disaggregated.
Offences against 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 illicit drug offences	Other illicit drug offences not elsewhere classified in Illicit drug offences (Division 10 of ASOC08) which includes possession of money with intent to obtain drugs, possession of pipes, syringes, other utensils associated with the use of drugs, permitting premises to be used for taking, selling or distributing drugs, and failure to keep register for drugs of addiction. This subdivision is not further disaggregated.
Other non-custodial orders	Sentences imposed on a defendant that do not require custody, are not fully suspended, and are not elsewhere classified in the non-custodial orders category of the Sentence Type classification. Includes: good behaviour bond/recognition orders, licence disqualification/suspension/amendment, forfeiture of property order, nominal penalty and other non-custodial orders n.e.c.
Partially suspended sentence	An order of imprisonment requiring a person be detained for part of the specified period of time, subject to the person being of good behaviour for the length of the sentence.
Periodic detention	Sentence imposed on a defendant requiring a person to be in custody for two consecutive days in a week (e.g. weekends) and remain at liberty during the rest of the week. This sentencing option is available in New South Wales and the Australian Capital Territory.
Plea	The formal statement by, or on behalf of, the defendant in response to a criminal charge that has been laid in a court. The nature of this response indicates whether or not the defendant intends to contest that charge. If the defendant does not enter a plea, this is treated by the court as if the defendant had pleaded not guilty.
Possess and/or use illicit drugs	The possession of a non-commercial quantity and/or use of an illicit drug or other controlled substance. This is a Subdivision of ASOC08 which includes the following Groups: possess illicit drugs (1041) and use illicit drugs (1042).

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

Sexual assault	Physical contact, or intent of contact, of a sexual nature directed toward another person where that person does not give consent, gives consent as a result of intimidation or deception, or consent is proscribed (i.e. the person is legally deemed incapable of giving consent because of youth, temporary/permanent (mental) incapacity or there is a familial relationship). This is a Subdivision of ASOC08 which includes the following Groups: aggravated sexual assault (0311) and non-aggravated sexual assault (0312).
Sexual assault and related offences	Acts, or intent of acts, of a sexual nature against another person which are non-consensual or where consent is proscribed. This is a Division of ASOC08 which includes the following Subdivisions: sexual assault (031) and non-assaultive sexual offences (032).
Stalking	Acts intended to cause physical or mental harm to a person, or to arouse apprehension or fear in a person, through a repeated course of unreasonable conduct. For the purposes of this group, stalking includes, but is not limited to, activities such as unauthorised surveillance of an individual, interfering with the individual's property (or that of an associate), sending offensive material, and communicating with the person in a way that could be reasonably expected to arouse apprehension or fear. This is a Group of ASOC08 (0291).
Summary offence	A criminal offence which is regarded as less serious relative to an indictable offence as defined by specific Commonwealth, state or territory legislation (see Indictable offence). Charges relating to summary offences are generally dealt with by a Court of Summary Jurisdiction and do not require a trial by jury in a Higher Court. In some states and territories, a defendant against whom summary charges are laid may be transferred to a Higher Court for sentencing (e.g. if the magistrate wants to impose a penalty which exceeds his/her jurisdictional powers).
Supreme Court	A Higher Court level which deals with the most serious criminal charges and has the greatest legal powers of all the state and territory court levels. A Supreme Court is presided over by a judge, and has jurisdiction to hear trial and sentence matters relating to all indictable offences. In states which have an Intermediate Court, the Supreme Court is usually reserved to deal with the most serious indictable offences, such as murder.
Theft and related offences	The unlawful taking or obtaining of money or goods, not involving the use of force, threat of force or violence, coercion or deception, with the intent to permanently or temporarily deprive the owner or possessor of the use of the money or goods, or the receiving or handling of money or goods obtained unlawfully. This is a Division of ASOC08 which includes the following Subdivisions: motor vehicle theft and related offences (081), theft (except motor vehicles) (082), receive or handle proceeds of crime (083) and illegal use of property (except motor vehicles) (084).
Theft/illegal use of a motor vehicle	The taking of another person's motor vehicle illegally and without permission, with the intent of temporarily or permanently depriving the owner or possessor of the use of the motor vehicle. This is a combination of the following Groups of ASOC08: theft of a motor vehicle (0811) and illegal use of a motor vehicle (0812).
Traffic and vehicle regulatory offences	Offences relating to vehicles and most forms of traffic, including offences pertaining to the licensing, registration, roadworthiness or use of vehicles, bicycle offences and pedestrian offences. This is a Division of ASOC08 which includes the following Subdivisions: driver licence offences (141), vehicle registration and roadworthiness offences (142), regulatory driving offences (143) and pedestrian offences (144).
Transfer to non-court agency	An outcome of court proceedings whereby the charge(s) have been transferred to a non-court agency. This is a method of finalisation.
Transfer to other court levels	A court outcome ordering that a criminal charge be transferred to another court level to be adjudicated and/or sentenced. For all transfers, except those between Higher Court levels, this process is regarded as a method of finalisation for the court level ordering the transfer and a method of initiation for the court level to which the defendant's charge(s)

Transfer to other court levels <i>continued</i>	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.
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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