

Monitor

Criminal Justice System

CRIMINAL JUSTICE COMMISSION

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4

This, the fourth volume of the *Monitor* series, includes for the first time information on the average lengths of prison sentences imposed by Queensland courts. Also included is a brief section on the criminal workload of the Court of Appeal and information on the cost of the criminal justice system.

The *Monitor* does not deal in detail with the operation of the juvenile justice system, but does provide a brief update of developments in this area (see p. 18).

General explanatory notes on matters such as data sources have been kept to a minimum in this volume because most of this information can be found in the first two volumes of the *Monitor*. The periods for which data are presented vary, depending on the availability of comparable statistics.

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Major Findings

- ❖ Recorded crime rates in Queensland have been stable in recent years, remaining at around the national average.
- ❖ Magistrates Court appearances have declined slightly since 1994-95, but there has been a marked increase in SETONS Court matters. This has contributed to a large increase in fine option orders requiring supervision by community corrections officers.
- ❖ Both the Magistrates and District Courts appear to be coping with their current criminal workloads, as shown by decreases in delays and increased disposal rates.
- ❖ The proportion of all higher court matters going to trial continues to decline, with conviction rates for trials remaining stable.
- ❖ The number of people sentenced to imprisonment increased across all courts in 1997-98, although average sentence lengths remained stable or decreased.
- ❖ As at 30 June 1998, Queensland had the highest adult imprisonment rate of any Australian State — more than 40 per cent above the national rate.
- ❖ Prison overcrowding continued to be a major problem, with the prison occupancy rate reaching 124 per cent at 30 June 1998.
- ❖ Over a quarter of all people admitted to prison during 1997-98 were fine defaulters, almost a third of whom were of Aboriginal or Torres Strait Islander descent.
- ❖ During 1997-98, Community Corrections Boards granted fewer applications for supervised release, despite the increase in the number of prisoners.
- ❖ There continued to be broad compliance with the Ministerial directive limiting the lengths of stay by corrective services prisoners in police watchhouses to seven days. However, prisoner populations increased at several watchhouses during 1998 because of worsening overcrowding of the prison system.
- ❖ The Corrective Services share of the criminal justice budget has increased substantially in recent years. If current year estimates are correct, Corrective Services expenditure will have increased by 78 per cent since 1996-97.
- ❖ Funding of the Office of the Director of Public Prosecutions (ODPP) kept pace with increases in workload and inflation; but a projected workload increase for 1998-99 could lead to budgetary pressures.
- ❖ Grants of aid for criminal matters in the higher courts increased, but it became more difficult for defendants to obtain aid for representation in Magistrates Court criminal matters.

Police and crime

Trends in recorded crime

There was very little change in recorded crime rates between 1996–97 and 1997–98 in the broad categories of offences against the person, property offences and other offences,¹ the Queensland crime rate remaining at around the national average.²

The CJC publication *A Snapshot of Crime in Queensland*, released in conjunction with this volume of the *Monitor*, describes in more detail the main crime trends and patterns in the State.

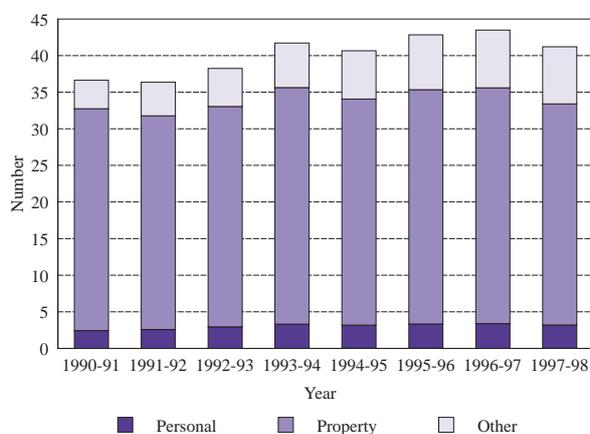
Clearance rates

The overall proportion of recorded offences classified by the police as ‘cleared’ (the ‘clearance rate’)³ has remained stable throughout the 1990s.⁴

Workload measures

Figure 1 shows that for the past five years there has been little change in the number of recorded offences per Queensland Police Service (QPS) staff member (apart from the increase in the other offences category, which largely reflects police enforcement activity).

FIGURE 1: NUMBER OF RECORDED OFFENCES PER QPS STAFF MEMBER (1990–91 TO 1997–98, QLD)



Source: QPS unpublished data.

Notes:

1. Data presented in previous volumes of the *Monitor* have been amended, as the QPS has moved handling stolen goods offences from the other offences category to the property offences category.
2. Staff numbers include police officers, public servants and police liaison officers, but exclude recruits in training and general employees.

Table 1 shows the number of calls for police assistance received in the Brisbane area by the Police Communications Centre (PCC).⁵ According to this broad measure, police workload increased substantially between 1995–96 and 1996–97,⁶ but remained stable in 1997–98.

TABLE 1: NUMBER OF CALLS FOR POLICE ASSISTANCE PER QPS STAFF MEMBER (1993–94 TO 1997–98, BRISBANE METROPOLITAN AREA)

Year	Staff numbers	Number of calls for service	Calls per staff member
1993–94	1,748	154,519	88
1994–95	1,677	163,306	97
1995–96	1,691	151,286	89
1996–97	1,788	196,705	110
1977–98	1,860	203,691	110

Sources: QPS unpublished data; QPS Annual Reports 1993–94 to 1997–98.

Police watchhouses

The first three volumes of the *Monitor* reported on the problems of overcrowding and lengthy stays by prisoners in police watchhouses. The CJC also reported to State Parliament on these concerns in 1996 and 1997. Although some CJC recommendations are yet to be implemented, progress has been made on several. Notably, the QPS program of watchhouse replacement and upgrade has seen the completion of several new facilities across the State.

In early 1996, the Minister for Police and Corrective Services issued a directive that Corrective Services prisoners were not to be left in police watchhouses for longer than seven days. That directive remains in force. Our monitoring of watchhouse prisoner populations at the major watchhouses throughout Queensland has found continuing broad compliance with the directive. Most of the stays longer than seven days have tended to occur in watchhouses outside the south-eastern corner of the State (at Cairns, Mount Isa, Townsville and Rockhampton). These watchhouses hold some prisoners for extended periods because prisoners from remote communities are held for a future court appearance or, in the case of Mount Isa, because of the distance to the nearest prison.

Despite the broad compliance with the directive on lengths of stay, prisoner populations increased at several watchhouses during 1998. Typically, the majority of prisoners being held were Corrective Services prisoners. This reflects the worsening overcrowding of the prison system. Accommodation capacities were exceeded most often at Cairns and Brisbane watchhouses with Corrective Services prisoner numbers in these watchhouses rising to a peak level of 190 per cent of watchhouse capacity in late 1998. (QPS unpublished data)

Summary: Police and crime

- The rate of recorded personal, property and other offences remained stable.
- There was no increase in police workload, as measured in terms of reported offences and calls for assistance per staff member.
- Worsening overcrowding of the prison system is having an adverse effect on police watchhouses.

The court system

Most of the data presented in this section were collected by the Australian Bureau of Statistics (ABS) and Qstats, the commercial unit of the Office of Economic and Statistical Research, Government Statistician's Office, on behalf of the Department of Justice and Attorney-General (JAG). As noted in previous volumes of the *Monitor*, the data collected by the two agencies are not directly comparable. Hence, graphs using both sources of data contain a vertical line to indicate the change in the agency collecting the data. Additional data were obtained from the ODP, the Courts Division of JAG, the Court Administrator's Office (District and Supreme Court), and the Court of Appeal.

The Magistrates Courts

Trends in criminal appearances

Most people charged with criminal offences make their first appearance in a Magistrates Court. Figure 2 shows that the number of appearances⁷ has remained quite stable over the period, while SETONS⁸ matters have increased markedly. In 1997–98, there were 113,649 appearances for SETONS matters — 57 per cent more than in 1996–97.

The increase in the number of SETONS matters in the Magistrates Courts is partly due to a steady increase in the use of this process for traffic-related offences. In 1997–98, 63 per cent of all traffic-related offences were dealt with through the SETONS Court, compared with 40 per cent in 1994–95.

More detailed analysis of the data shows that much of the increase in SETONS matters can be attributed to increases in the categories of 'other traffic offences' and 'other driving offences'. These increases appear to be the result of the SETONS Court assuming responsibility for the enforcement of speed and red light camera fines⁹ (from 1 May 1997) and for certain Brisbane City Council and some other local authority parking infringement notices. The SETONS Court is also available for an increasing number of other offences.¹⁰

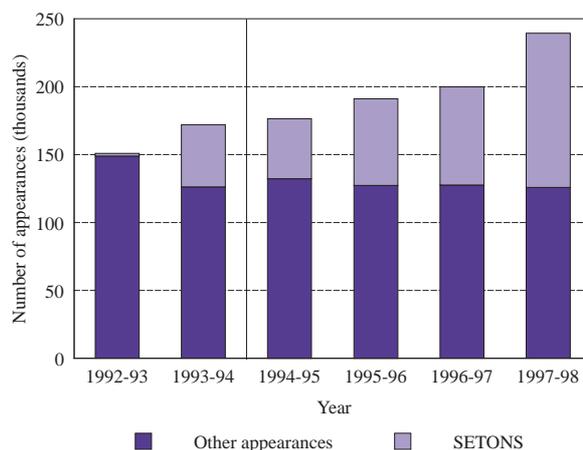
Figure 3 breaks down the total number of appearances in the Magistrates Courts (excluding SETONS matters) into four broad categories of offences: personal, property, driving/traffic, and other (excluding drunkenness).

As shown in figure 3, a substantial drop in appearances for driving/traffic offences occurred between 1992–93 and 1993–94. This was due to the transfer of the processing of a substantial number of these matters from the Magistrates Courts when the SETONS Court commenced operations in 1992. Since 1993–94, the number of appearances for driving offences has remained fairly constant.

Appearances for other offences (excluding drunkenness) increased steadily between 1992–93 and 1996–97, but then fell by 12 per cent in 1997–98.

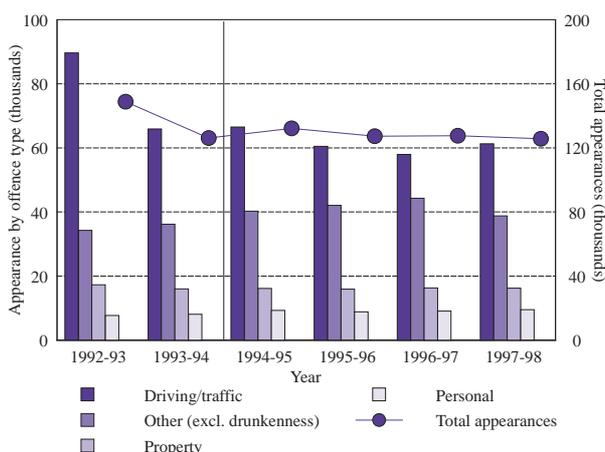
Appearances for personal and property offences have remained fairly stable for the last several years.

FIGURE 2: MAGISTRATES COURTS APPEARANCES: SETONS AND OTHER APPEARANCES (1992–93 TO 1997–98, QLD)



Sources: ABS unpublished data for 1992–93 to 1993–94; JAG unpublished data for 1994–95 to 1997–98.

FIGURE 3: TOTAL APPEARANCES AND APPEARANCES BY OFFENCE TYPE, MAGISTRATES COURTS (1992–93 TO 1997–98, QLD)



Sources: ABS unpublished data for 1992–93 to 1993–94; JAG unpublished data for 1994–95 to 1997–98.

Note: Appearances exclude drunkenness and SETONS.

Outcome of appearances

Eighty-four per cent of defendants appearing before a Magistrates Court in 1997–98 either entered a plea of guilty or were found guilty at trial. In 15 per cent of appearances where the defendant was found guilty, no conviction was recorded — these proportions are similar to previous years.¹¹

Trends in the use of imprisonment

In 1997–98, 4,544 convictions resulted in a term of imprisonment being imposed. This represented an imprisonment rate of 4 per cent.¹²

Figure 4 shows that the number of Magistrates Court appearances resulting in imprisonment increased by 7 per cent in 1997–98, continuing the upward trend of the preceding years. The number of cases in which a fully suspended sentence was imposed rose sharply, by 65 per cent.¹³

The increase in the number of appearances resulting in imprisonment in 1997–98 was mainly due to a rise in the number of persons convicted of burglary, housebreaking, break and enter, and enforcement of order offences — categories for which there is a relatively high rate of imprisonment. Conviction rates for some offence categories increased slightly, but this was not a consistent trend.¹⁴

The sharp increase in convictions resulting in suspended sentences in 1997–98 was mainly in relation to property, driving and other offences.

Of particular note were:

- a 105 per cent increase in the use of this option for fraud offences, and a 48 per cent increase for other property theft
- an 83 per cent increase in suspended sentences imposed for driving, traffic and related offences
- an increase of almost 90 per cent in the number of suspended sentences imposed for both drug offences and enforcement of order offences.

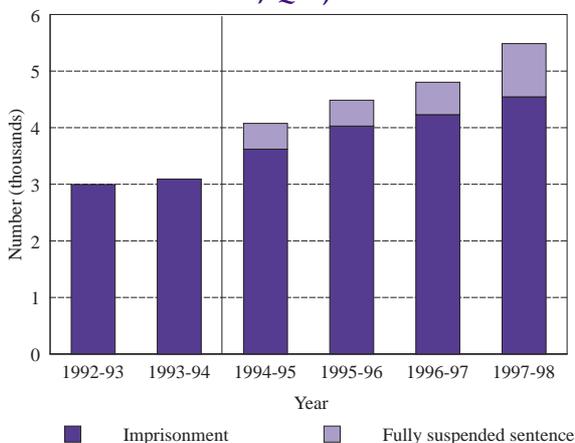
More research is required to establish why magistrates are making greater use of this sentencing option.

Duration of penalty

Figure 5 presents trends in the average term of imprisonment imposed by the Magistrates Courts over the last four years.¹⁵ The figure shows that the average terms of imprisonment for offences against the person and other offences remained stable over the period at 4.5 and 3.5 months respectively. However, there was greater variability in the average sentences imposed for property and driving offences: for both categories, average sentences increased in 1997–98 after declining in the previous three years.

More detailed analysis is required to determine whether these increases reflect a change in the profiles of offenders convicted of these offences, changes in magistrates' sentencing practices, or a shift in the offence 'mix' within particular categories.

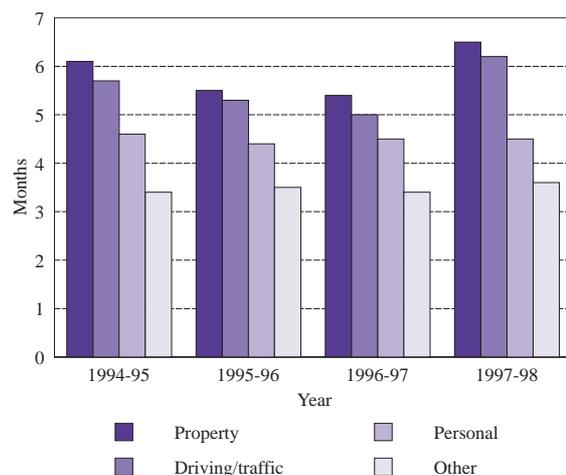
FIGURE 4: NUMBER OF CONVICTIONS RESULTING IN IMPRISONMENT OR SUSPENDED SENTENCE, MAGISTRATES COURTS (1992–93 TO 1997–98, QLD)



Sources: ABS unpublished data for 1992–93 to 1993–94; JAG unpublished data for 1994–95 to 1997–98.

- Notes:
1. All convictions exclude drunkenness and SETONS.
 2. Imprisonment includes partially suspended sentences.

FIGURE 5: AVERAGE TERM OF IMPRISONMENT, MAGISTRATES COURTS (1994–95 TO 1997–98, QLD)



Source: JAG unpublished data.

Note: Data exclude suspended sentences.

Workload measures

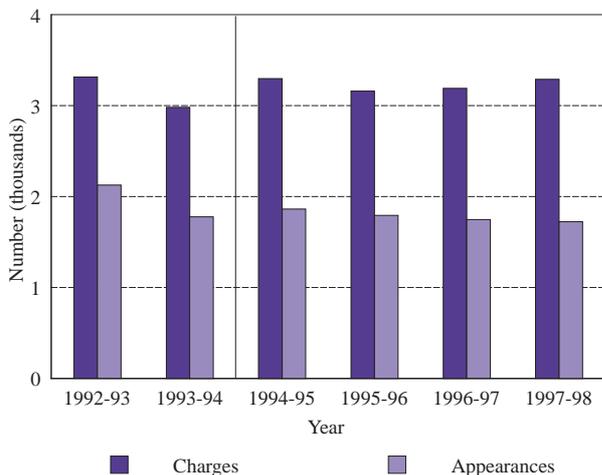
There are currently 73 magistrates appointed throughout Queensland. Figure 6 illustrates their workload as measured by the number of appearances and charges dealt with each year.

The total number of appearances per magistrate has shown a slight downward trend since 1994–95, whereas the number of charges per magistrate has not declined. Magistrates are now hearing an average of 2.5 charges per appearance across personal, property and other matters.

The length of time a person has to wait for a hearing date gives an indication of how the Magistrates Courts are managing their workload. Figure 7 shows that the average waiting time for a criminal matter across ten of Queensland’s busiest Magistrates Courts has decreased substantially in recent years. In 1997–98, a defendant had to wait only 5.3 weeks for a hearing, compared with 6.7 weeks in 1996–97 and nearly 10 weeks in 1994–95.

The decline in the waiting time in the Brisbane Magistrates Court — the busiest court — has been even more significant. After a slight increase to five weeks in 1996–97, the average delay fell to only two weeks in 1997–98 (see figure 7).

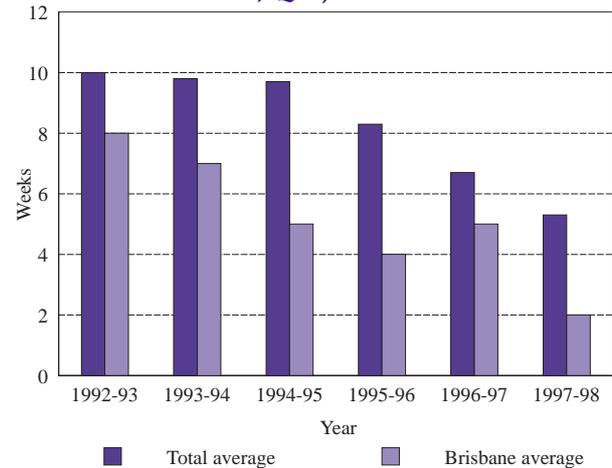
FIGURE 6: APPEARANCES AND CHARGES PER MAGISTRATE (1992–93 TO 1997–98, QLD)



Sources: Appearances and charges: ABS unpublished data for 1992–93 to 1993–94; JAG unpublished data for 1994–95 to 1997–98.
Number of magistrates: correspondence received from Courts Strategy and Research Branch, JAG, 1998.

Note: Appearances include traffic and exclude drunkenness and SETONS.

FIGURE 7: DELAYS IN THE MAGISTRATES COURTS — EARLIEST HEARING DATE (1992–93 TO 1997–98, QLD)



Source: Department of Justice Annual Reports 1994–95 to 1997–98.

Note: The total average (Qld) is based on ten of the busiest Magistrates Courts in Queensland (including Brisbane).

Summary: The Magistrates Courts

- The number of appearances in the Magistrates Courts has declined slightly since 1993–94, while appearances for SETONS Court matters have increased sharply.
- The number of appearances resulting in a sentence of imprisonment increased by 7 per cent in 1997–98, continuing the upward trend of previous years.
- The number of suspended sentences imposed rose sharply, mainly in relation to property, driving/traffic and other offences.
- The average length of prison term imposed by the Magistrates Courts increased for property and driving/traffic offences, but remained stable for personal and other offences.
- Total appearances per magistrate continued to fall, but there was some increase in charges per magistrate.
- Average waiting time for a hearing across the ten busiest Magistrates Courts declined to 5.3 weeks in 1997–98.

The higher courts

Approximately 4 per cent of appearances in the Magistrates Courts (excluding SETONS matters) result in committals to either the District or Supreme Court for trial or sentence. Additional cases — known as *ex officio* matters — are dealt with in the higher courts without there first being a committal hearing.

Over 90 per cent of higher court matters are finalised in the District Court. A small proportion of matters are dealt with in the Supreme Court, which has exclusive jurisdiction over the more serious criminal matters, such as murder, attempted murder, manslaughter and serious drug offences.

Matters discontinued

Matters received for prosecution in the higher courts may be discontinued for a number of reasons. Most often a discontinuance — in the form of either a *nolle prosequi* — is entered if the ODPP decides, based on the evidence, that there is no reasonable prospect of the accused being convicted. Other possible reasons include problems with the availability of key Crown witnesses or flaws in the case against the accused.

Volume 3 of the *Monitor* reported that between 1993–94 and 1996–97 the proportion of discontinued higher court matters fell from 19 to 12 per cent. In 1997–98, this trend was reversed with 15 per cent of matters resulting in a discontinuance.¹⁶

Types of offences heard

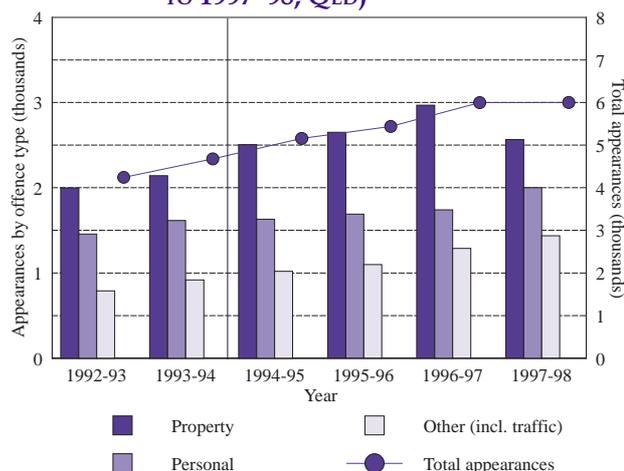
The total number of higher court appearances (excluding discontinuances) remained stable between 1996–97 and 1997–98, but there were some significant changes in the offence mix.

After a steady increase from 1992–93 to 1996–97, appearances for property offences dropped 14 per cent in 1997–98 from 2,969 to 2,565 (see figure 8). Within this category, offences relating to receiving and unlawful possession showed the biggest change — down 35 per cent.

On the other hand, appearances for offences against the person increased by 15 per cent, from 1,741 in 1996–97 to 2,001 in 1997–98. This was largely due to a 44 per cent increase in appearances for homicides and a 29 per cent increase in appearances for major assaults.¹⁷

The number of appearances for ‘other’ offences (including driving and traffic matters) increased 11 per cent to 1,436 appearances over the past year, continuing the trend of the previous three years.

FIGURE 8: TOTAL APPEARANCES AND APPEARANCES BY OFFENCE TYPE, HIGHER COURTS (1992–93 TO 1997–98, QLD)



Sources: ABS unpublished data for 1992–93 to 1993–94; JAG unpublished data for 1994–95 to 1997–98.

Note: Figure shows higher court appearances (excluding discontinuances).

Trials and sentences

ODPP data provide a breakdown of matters disposed of in the higher courts by trial or sentence.¹⁸ Between 1992–93 and 1997–98, the proportion of all higher court matters disposed of as trials declined from 23 per cent to 11 per cent.¹⁹

The conviction rate for cases proceeding to trial has remained stable for the past two years at around 55 per cent.

Trends in the use of imprisonment

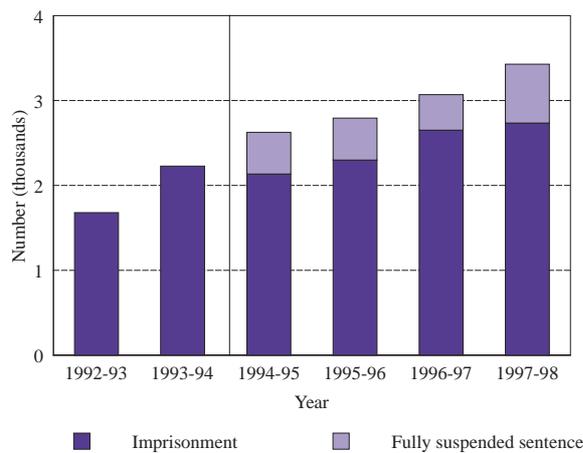
Figure 9 shows that the number of people sentenced to imprisonment in the higher courts increased by only 3 per cent in 1997–98, compared with a substantial rise in the preceding year. This is consistent with the levelling off in the number of appearances.

In accordance with the trend in the Magistrates Courts, the number of persons receiving a fully suspended sentence rose by 66 per cent — from 418 in 1996–97 to 694 in 1997–98. This increase occurred across all offence categories, with the largest rise being in suspended sentences for offences against the person, which jumped 110 per cent from 91 in 1996–97 to 191 in 1997–98.

The use of partially suspended sentences remained at around 21 per cent of all persons sentenced to imprisonment.

Figure 10 shows that rates of imprisonment since 1994–95 (including partially suspended sentences) have increased slightly for personal and property offences.

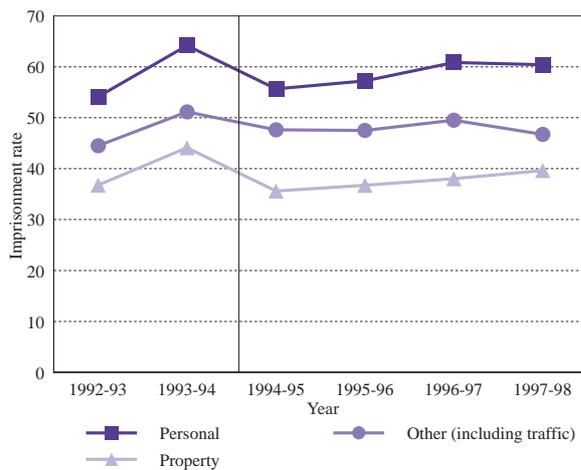
FIGURE 9: NUMBER OF CONVICTIONS RESULTING IN IMPRISONMENT OR SUSPENDED SENTENCE, HIGHER COURTS (1992-93 TO 1997-98, QLD)



Sources: ABS unpublished data for 1992-93 to 1993-94; JAG unpublished data for 1994-95 to 1997-98.

Note: Suspended sentences are only those that are fully suspended. Partially suspended sentences are included in imprisonment.

FIGURE 10: HIGHER COURTS IMPRISONMENT RATE (1992-93 TO 1997-98, QLD)



Sources: ABS unpublished data for 1992-93 to 1993-94; JAG unpublished data for 1994-95 to 1997-98.

Note: The imprisonment rate is sentences of imprisonment (including partially suspended sentences) as a proportion of all appearances (excluding discontinuances) resulting in a finding of guilty.

Duration of penalty

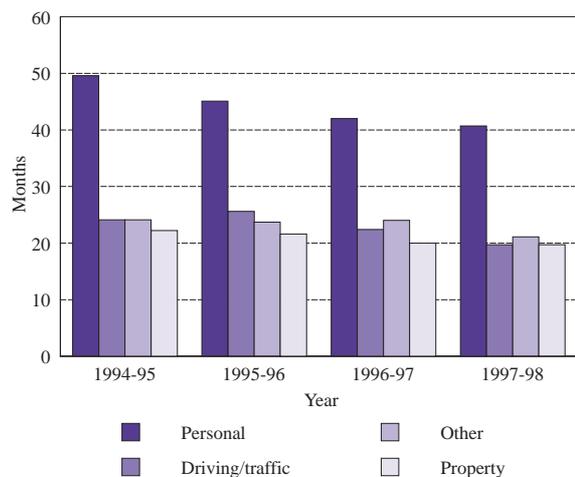
Figure 11 presents trends in the average term of imprisonment imposed by higher court judges between 1994-95 and 1997-98.

Over the last four years there has been an across-the-board decline in the terms of imprisonment imposed by the higher courts. Specifically:

- terms of imprisonment for offences against the person decreased from an average of 50 to 41 months

- the average length of sentence for driving/traffic offences increased slightly in 1995-96 before dropping to 20 months in 1997-98
- average prison sentences for other offences remained relatively stable at around 24 months between 1994-95 and 1996-97 before declining to 21 months in 1997-98
- terms of imprisonment for property offences declined slowly between 1994-95 and 1996-97 before levelling off at an average of about 20 months in 1997-98.

FIGURE 11: AVERAGE TERM OF IMPRISONMENT, HIGHER COURTS (1994-95 TO 1997-98, QLD)



Source: JAG unpublished data.

Note: Data excludes suspended sentences.

Time at which plea indicated

In contrast to the trend reported in previous years, 1997-98 saw a drop of 26 per cent in the number of 'early' pleas of guilty identified in the higher courts.²⁰ Specifically:

- committals for sentence, which make up the majority of early pleas, fell from 17 to 14 per cent of all matters arriving in the higher courts
- ex officio matters (those which come directly to the higher courts without first having a committal hearing and which often result in an early plea), decreased by 41 per cent and now account for under 7 per cent of all higher court matters.

These trends may indicate that the Brisbane and Ipswich Committals Projects are becoming less effective in facilitating the early identification of guilty pleas; however, more detailed research is required to confirm this.

The number of late pleas in the higher courts continued to be a problem. As in the previous year, 13 per cent of matters listed for trial in 1997-98 became pleas of guilty on the morning of the trial.²¹

Workload measures

As the District Court handles most of the higher court criminal matters, District Court data have been used here to measure higher court workload in the criminal jurisdiction.

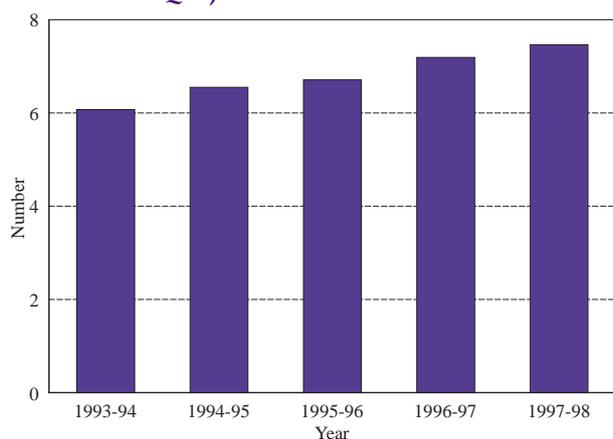
During 1997–98, one additional judge was appointed to the Brisbane District Court, bringing the Queensland total to 35.

The best available summary measure of workload in the District Court is the number of appearances per judge week spent in the criminal jurisdiction.²² Figure 12 shows a steady increase in the number of matters heard per judge week from around 6 appearances in 1993–94 to 7.5 in 1997–98.²³ However, almost all of this increase was in the form of additional sentence matters, rather than trials.

The number of judge weeks spent in the criminal jurisdiction decreased slightly from 764 in 1996–97 to 728 in 1997–98.

The District Court appears to be managing its workload reasonably well. Overall, the Brisbane District Court dealt with 79 per cent of all criminal matters awaiting disposal in 1997–98 — a further improvement on the 77 per cent disposed of in 1996–97.²⁴ The Brisbane disposal rate also compares well with other areas. Across the Queensland District Court, 76 per cent of criminal matters awaiting disposal in 1997–98 were dealt with in that year.²⁵

FIGURE 12: DISTRICT COURT WORKLOAD — APPEARANCES PER DISTRICT COURT JUDGE WEEK IN CRIME (1993–94 TO 1997–98, QLD)



Sources: JAG unpublished data on higher court appearances, adjusted to exclude estimated number of Supreme Court appearances (ratio of District to Supreme Court matters estimated from data in *ODPP Annual Report 1 July 1997 – 30 June 1998*).

Judge weeks in crime: correspondence from the Court Administrator's Office, JAG.

Note: Number of judge weeks include circuit centres gazetted as 'criminal/civil' sittings which deal primarily with criminal matters.

Comparison with other States

In 1998, the ABS released *Higher Criminal Courts: Australia 1996*, which provided data on the criminal workload of higher courts around Australia. This report shows that Queensland's higher courts deal with more criminal cases than any other State or Territory.

In 1996–97, Queensland higher courts finalised 6,264 defendants, or 40 per cent of the national total.²⁶ This is a slight increase on the 38 per cent reported for 1995.²⁷

The finalisation rate — or number of defendants finalised per 100,000 adults — was also higher in Queensland than in other parts of the country. In 1996–97, the higher court finalisation rate in Queensland was 247.2, more than double the national rate of 111.9.²⁸ A possible explanation is that the jurisdiction of Queensland's higher courts allows them to deal with a wider range of offences.

Summary: The higher courts

- Total higher court appearances remained stable between 1996–97 and 1997–98, in contrast to the trend of previous years. Appearances for personal, and other (including traffic) offences increased by 15 per cent and 11 per cent respectively, while appearances for property offences declined by 14 per cent.
- The proportion of all matters disposed of as trials decreased. The conviction rate for matters proceeding to trial remained stable.
- There was a 3 per cent increase in the number of people sentenced to imprisonment by the higher courts, mainly due to a slight increase in the total imprisonment rate.
- The number of people receiving a fully suspended sentence increased by 66 per cent.
- The average length of prison term imposed by judges declined slightly, continuing the trend of recent years.
- There was a 26 per cent decrease in the number of early pleas of guilty.
- The number of discontinuances increased.
- The number of trials and sentences dealt with per judge week in crime in the District Court increased, despite a 5 per cent decrease in the number of judge weeks allocated to the criminal jurisdiction.
- Late pleas continue to be a problem, with around 13 per cent of matters listed for trial becoming pleas of guilty on the morning of the trial.
- The number of criminal cases dealt with in Queensland's higher courts is greater than in any other Australian jurisdiction.

The Court of Appeal

All data for this section were obtained from the 1997–98 Annual Report of the Supreme Court of Queensland.

All appeals relating to trials or sentences for indictable offences are heard by the Court of Appeal.²⁹ Until the introduction of the *Courts Reform Amendment Act 1997*, the Court also dealt with some appeals from magistrates' decisions relating to non-indictable offences. The Act, which took effect from 1 August 1997, diverted appeals against decisions of magistrates from the Court of Appeal to the District Court.³⁰

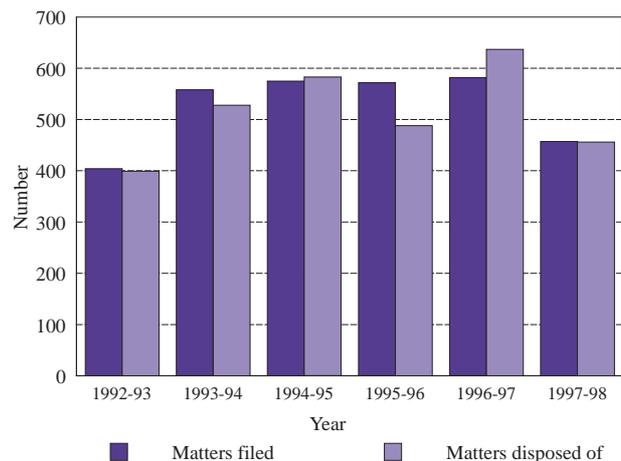
Workload trends

The introduction of the new legislation coincided with a 21 per cent drop in 1997–98 in the number of matters filed in the Court of Appeal. Similarly, the number of matters disposed of fell by 28 per cent in the same period (see figure 13).

The disposal rate for matters filed in the Court of Appeal increased from 85 per cent in 1995–96 to 109 per cent in 1996–97.³¹ In 1997–98, the rate remained high, with the court disposing of 100 per cent of matters filed.³²

In 1997–98, the median time between the filing of an appeal and the hearing was 70 days, down slightly from 72 days in 1996–97.

FIGURE 13: COURT OF APPEAL — MATTERS FILED AND MATTERS DISPOSED OF (1992–93 TO 1997–98, QLD)



Sources: Matters filed: *Court of Appeal Annual Report 1995–96*; *Supreme Court of Queensland Annual Reports 1996–97 and 1997–98*.
Matters disposed of: *JAG Statistical Summary, Queensland Courts July 1993 – June 1994*; *Court of Appeal Annual Reports 1994–95 and 1995–96*; *Court of Appeal unpublished data for 1996–97 to 1997–98*.

Notes:

1. Matters filed include both appeals and applications for extensions of time to appeal.
2. Matters disposed of includes matters heard and matters withdrawn.

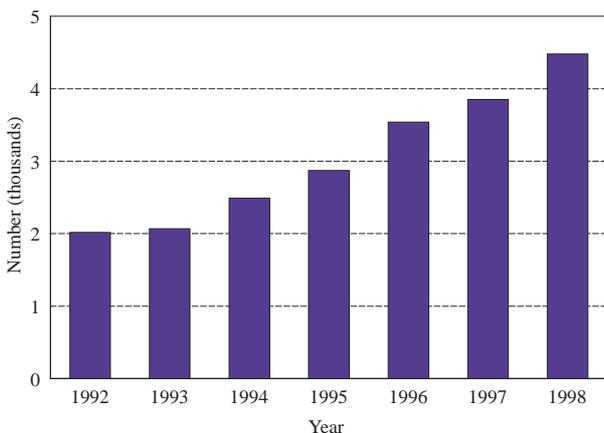
Corrections

Prison

The number of sentenced offenders admitted to prison continued to increase in 1997–98, with admissions being 36 per cent higher than in 1996–97. According to the Queensland Corrective Services Commission (QCSC), at 30 June 1998 there were 4,478 adult prisoners (4,264 males and 214 females) in Queensland prisons, an increase of 627 prisoners from the same time the previous year (see figure 14). By 1 January 1999, the adult prison population in Queensland was 4,663 prisoners.

In June 1998, 11 per cent of prisoners were being held pending trial and/or sentence, a proportion that has been stable for several years. The proportion of females also remained stable, at 4.8 per cent. Aboriginal and Torres Strait Islander peoples, who make up 3.1 per cent of the Queensland population,³³ comprised 22.8 per cent of the prison population, a proportion that has changed little in the past five years.

FIGURE 14: TOTAL NUMBER OF PEOPLE IN PRISON AT 30 JUNE (1992 TO 1998, QLD)



Sources: Australian Institute of Criminology (AIC) 1993; QCSC unpublished data.

Note: This total number of prisoners excludes prisoners on the WORC program and prisoners in community corrections centres.

Prisoners by offence type

The number of people in prison increased for most offence categories, as table 2 shows. The largest proportional increases were for motor vehicle and good order offences.

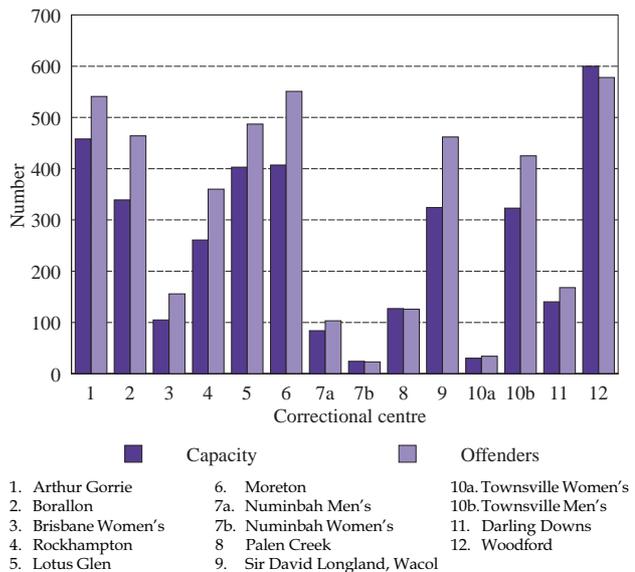
Time spent in prison

The average period served in prison by inmates released during 1997–98 was 4.2 months for males and 2.1 months for females, similar to the averages in recent years.³⁴

Prison capacity

Overcrowding continued to be a problem at most correctional centres (see figure 15). The overall occupancy rate climbed to 124 per cent at 30 June 1998, compared to 113 per cent one year earlier.³⁵ The most overcrowded prisons were Brisbane Women's (149% capacity) and Sir David Longland (143% capacity).

FIGURE 15: NUMBER OF OFFENDERS AND CAPACITY BY CORRECTIONAL CENTRE (AT 30 JUNE 1998, QLD)



Source: QCSC unpublished data.

Notes:

- The former Wacol Correctional Centre has been merged with Moreton Correctional Centre.
- The accommodation 'capacity' of a prison is the number of permanent beds in that prison, including beds in 'hospital' units and detention units.

Queensland compared with Australia

Figure 16 shows that the adult imprisonment rate in Queensland was 189 per 100,000 adult population at June 1998, the highest imprisonment rate of any State in Australia, and well above the national rate of 134 per 100,000. The gap between Queensland's imprisonment rate and the rates in other States has grown since 1997.

Decision making by Community Corrections Boards

During 1997–98, Community Corrections Boards received applications³⁶ for release to work, home detention and/or parole from 2,740 prisoners, 447 fewer than in 1996–97, and granted approval³⁷ to 1,474 offenders, 624 fewer than in 1996–97.

Figure 17 shows that new applications decreased during 1997, but rose in 1998. Approvals decreased markedly during 1997 and remained low in 1998, despite the continuing growth in the prison population.

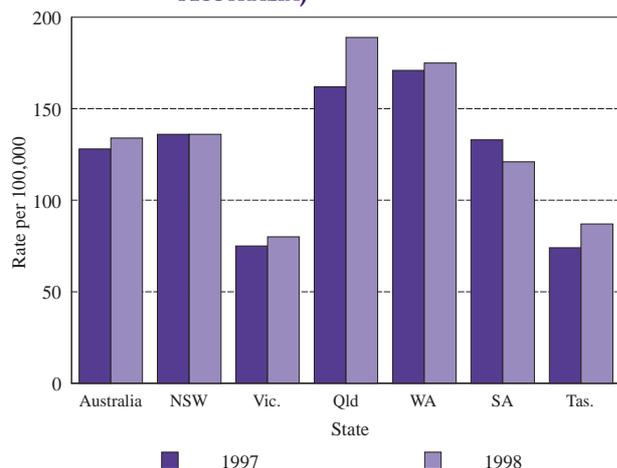
TABLE 2: PEOPLE IN PRISON BY MOST SERIOUS OFFENCE AT 30 JUNE (1993 TO 1998, QLD)

	1993	1994	1995	1996	1997	1998
Homicide	281	308	366	363	404	439
Assault	248	333	366	423	489	566
Sexual assault	371	429	502	533	577	662
Robbery/extortion	295	370	416	497	542	617
Other personal offences	12	29	25	25	31	31
Break and enter	299	364	420	426	582	654
Other theft	201	238	228	399	321	346
Property damage	29	36	51	65	70	59
Good order offences	75	107	139	176	234	294
Drug offences	92	125	172	252	272	302
Motor vehicle	86	113	149	225	181	251
Other	79	39	36	154	148	257
TOTAL	2,068	2,491	2,870	3,538	3,851	4,478

Source: AIC 1993; QCSC unpublished data.

Note: 'Other' includes 'unknown' – those prisoners undergoing admission processing at 30 June.

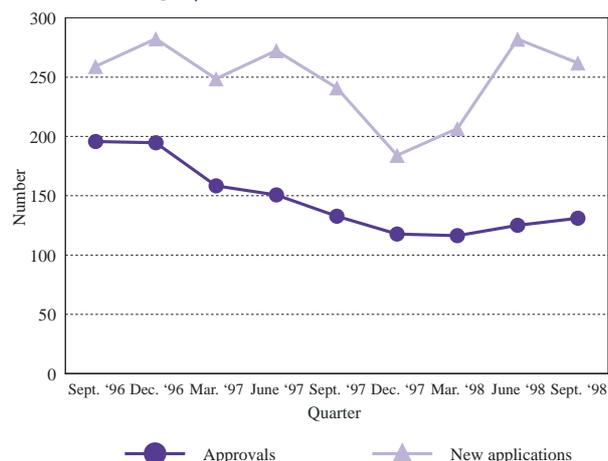
FIGURE 16: IMPRISONMENT RATE PER 100,000 ADULT POPULATION (JUNE 1997 AND JUNE 1998, AUSTRALIA)



Source: ABS 1998b.

Note: Queensland's imprisonment rate includes prisoners on the WORC program and prisoners in community corrections centres.

FIGURE 17: APPLICATIONS MADE TO, AND APPROVED BY, COMMUNITY CORRECTIONS BOARDS (SEPTEMBER 1996 TO SEPTEMBER 1998, QLD)



Source: QCSC unpublished data.

Note: Data are shown as monthly averages per quarter.

Fine defaulters in prison

In June 1998, there were 151 fine defaulters in prison, representing 3.4 per cent of the total prison population.

Admissions of fine defaulters to prison have increased in recent years, from 1,315 in 1994–95 to 2,721 in 1997–98, a rise of 107 per cent. Over the same period, the number of fines ordered by both Magistrates and SETONS Courts rose by 47 per cent,³⁸ indicating that the increase in the number of imprisoned fine defaulters does not just reflect an increase in the use of fines. In 1997–98, over a quarter of all people admitted to prison were imprisoned for fine default only. 'Fine default only' admissions averaged 227 per month, with about 150 in prison at any one time. In contrast, New South Wales had an average of only two fine defaulters in prison.

Almost 30 per cent of people imprisoned for fine default in Queensland were Aboriginals or Torres Strait Islanders.³⁹

Capacity of community corrections facilities

Community custody facilities accommodate offenders who have been transferred from prison to supervision within the community. These include the Work Outreach Camps (WORC) program, with 11 sites throughout Western and Northern Queensland and a 90-bed centre located at Wacol, six community corrections centres and five outstations.

The accommodation capacity of the WORC program at 30 June 1998 was 220, and at that date there were 187 offenders in the program, a slight increase compared to the year before.⁴⁰ Total community corrections centre capacity at 30 June 1998 was 177, with 168 offenders accommodated in the centres, an increase of 25 over the same date one year before. There were 21 offenders in outstations, which have a total capacity of 50.

Aboriginal and Torres Strait Islander offenders comprised 9 per cent of all inmates in community custody, with most of these offenders being accommodated at outstations. Yet Aboriginal and Torres Strait Islander peoples comprise almost 23 per cent of all prisoners, which suggests that Indigenous prisoners do not access community custody options to the same extent as non-Indigenous prisoners.

Community supervision

The number of community corrections orders rose considerably during 1997–98 (see figure 18). The growing use of fine option orders, which comprised 80 per cent of all orders made, accounted for the increase (see figure 19).

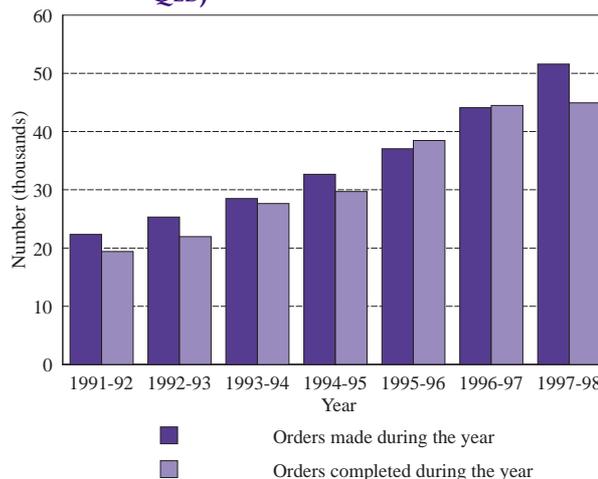
Figure 18 also shows that completions of orders did not keep pace with the number of orders made in 1997–98. Queensland Corrections has identified a need to increase both the number of staff supervising offenders doing community work and the number of suitable community work projects.⁴¹

Outcome of community corrections orders made

The proportion of intervention-type orders successfully completed was 68 per cent in 1997–98, similar to the previous three years.⁴²

There were 1,318 offenders admitted to prison after revocation of an order in 1997–98, a substantial increase over the 1996–97 total of 1,081 offenders.

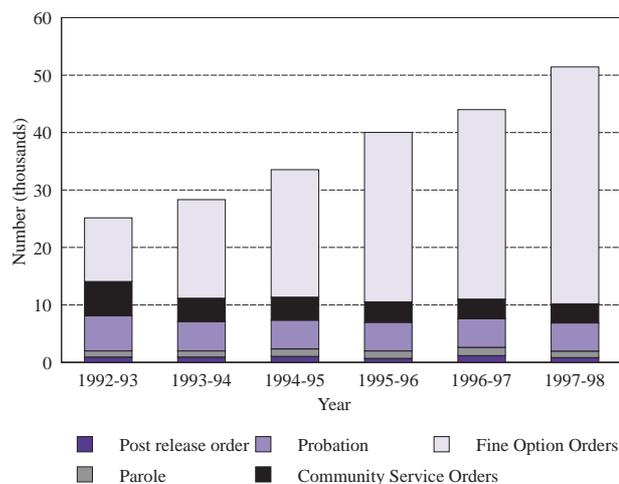
FIGURE 18: COMMUNITY CORRECTIONS ORDERS MADE AND COMPLETED (1991–92 TO 1997–98, QLD)



Sources: QCSC Annual Reports 1991–92 to 1994–95; QCSC unpublished data.

Note: 'Completed' orders refers to all orders finalised, whether successfully completed or revoked, terminated or cancelled.

FIGURE 19: COMMUNITY CORRECTIONS CASE LOAD — ANNUAL NUMBER OF ORDERS MADE (1992–93 TO 1997–98, QLD)



Source: QCSC unpublished data.

Notes:

- Orders include those supervised on behalf of other jurisdictions.
- Probation includes intensive corrections orders.
- Post-release orders include home detention and leave of absence for release to work and program areas.
- Data excludes leave of absence for transfers to community corrections centres.

Performance measures

The following section briefly updates information reported in volume 3 of the *Monitor*, which focused on the level of safety and security within Queensland's correctional system.

- Escapes from 'secure custody environments' decreased during the 1990s, from 45 in 1990–91 to one in 1996–97. However, in 1997–98, there were 13 escapes from secure custody (nine of which were in two incidents), and 17 prisoners absconded from 'open custody environments', which compares favourably with the Queensland average during the 1990s of around 21 per year.⁴³
- The number of complaints received by prison Official Visitors increased slightly during 1997–98, but the level of complaints expressed as a rate per prisoner remained stable.⁴⁴ Since 1995–96, there has been a decrease in both the number and rate of complaints received by Official Visitors to community corrections centres. The number of complaints about corrective services received by the Queensland Ombudsman rose from 327 in 1993–94 to 794 in 1997–98, an increase of 143 per cent.⁴⁵ (Over the same period, the prison population rose by 80 per cent.) The CJC received 70 complaints in relation to adult corrections in 1997–98, mostly to do with prisons.⁴⁶
- The annual number of deaths in prison increased between 1990 and 1998, reflecting the growth in the prison population. The rate per prisoner population has decreased since 1995 and Queensland's rate of deaths in prison is now around the national rate.⁴⁷
- The rate of reported assaults by prisoners increased slightly in 1997–98, but it is still a little below the level of the early 1990s.⁴⁸

Summary: Corrections

- The prison population and imprisonment rate continued to rise. At 30 June 1998, Queensland had the highest imprisonment rate of any State.
- The prison system remained very overcrowded, despite efforts by the Government to increase capacity.
- The rate of escapes from custody rose slightly, as did the rate of reported assaults by prisoners.
- The rate of deaths in custody fell.
- Community Corrections Boards granted fewer applications for supervised release.
- There was no change in the rate of successful completion of intervention-type orders.
- There was a substantial increase in the number of offenders imprisoned following the revocation of a community corrections order.

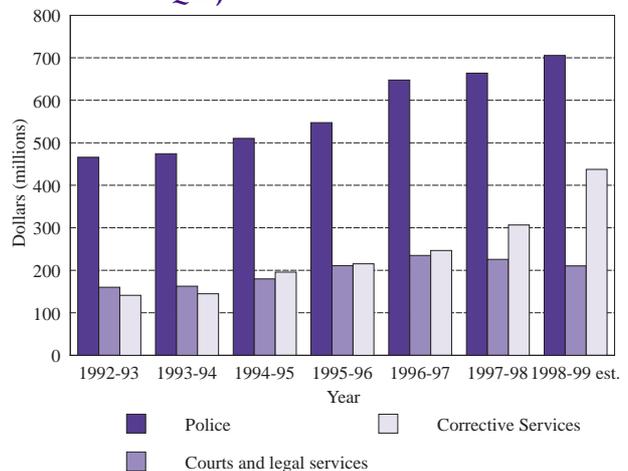
The cost of criminal justice

The three State Government program areas relating to criminal justice are Police, Law Courts and Legal Services, and Corrective Services. In 1997–98, the criminal justice component of these program areas accounted for 5 per cent of the total State Budget.⁴⁹

Figure 20 compares the relative levels of funding for Police, Law Courts and Legal Services, and Corrective Services from 1992–93 to 1997–98 and the Budget estimates for those program areas for 1998–99. The figure shows that between 1996–97 and 1998–99:

- spending on Police increased from \$647.8m to \$705.6m, a rise of 9 per cent
- spending on Law Courts and Legal Services decreased by 10 per cent, from \$234.7m to \$210.5m⁵⁰
- spending on Corrective Services grew from \$246.3m to \$437.4m, an increase of 78 per cent. Of the Corrective Services budget for 1998–99, \$200m is for custodial corrections and a further \$180m is for capital works, mainly prison construction.

FIGURE 20: EXPENDITURE PER CRIMINAL JUSTICE PROGRAM AREA (1992–93 TO 1998–99, QLD)



Source: Queensland State Government Budget Papers 1993–94 to 1998–99.

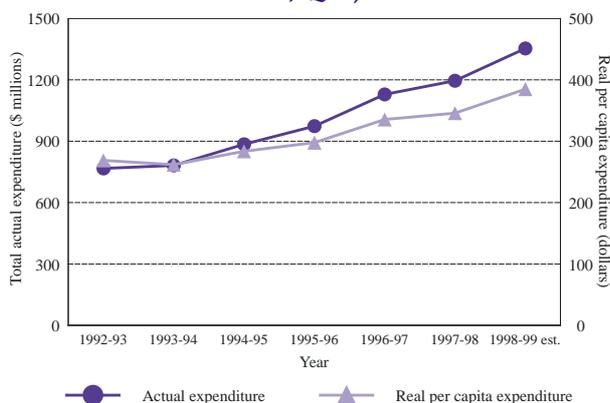
Note: Where possible, the non-criminal justice components of the program areas have been excluded from the funding data:

- Police figures for 1995–96 and 1996–97 exclude the outlays for Racing;
- Courts and Legal Services figures for 1996–97 exclude the outlays for Community Affairs and Human Rights;
- Courts and Legal Services figures for 1997–98 and estimates for 1998–99 exclude the outlays for Human Rights and The Arts.
- Corrective Services figures for 1995–96 and 1996–97 exclude the outlays for Juvenile Detention.

It is also apparent from figure 20 that the Corrective Services share of total criminal justice funding has substantially increased in the last two years, in large part due to the expanded program of capital works.

Figure 21 shows that real per capita spending on criminal justice has increased considerably since 1993–94. The 1998–99 Budget estimate of spending on criminal justice, expressed in real per capita terms, is \$385. Of this, Police account for \$201, Corrective Services for \$124, and Law Courts and Legal Services for \$60.

FIGURE 21: CRIMINAL JUSTICE EXPENDITURE — ACTUAL AND REAL PER CAPITA (1992–93 TO 1998–99, QLD)



Sources: Queensland State Government Budget Papers 1993–94 to 1998–99; population figures from ABS 1998; Implicit Price Deflator from the GSO.

Note: Real per capita expenditure is in 1997–98 dollars.

How does Queensland funding compare to the rest of Australia?

Queensland spending on Law, Order and Public Safety has historically been lower than the Commonwealth Grants Commission national

standard.⁵¹ However, the gap between Queensland and the national standard is now quite small.

A breakdown of the expenditure within Law, Order and Public Safety for 1996–97 (the most recent year for which national data are available) shows:

- spending on Police was \$158.02 per capita, 4 per cent below the national standard of \$164.15
- spending on Administration of Justice was \$65.96 per capita, compared to the national standard of \$69.66 (6 per cent below the standard)
- spending on Corrective Services was \$55.11, 7 per cent above the national standard of \$51.48, presumably reflecting the higher imprisonment rate in Queensland.

Of the mainland States, Western Australia had the greatest expenditure per capita on each of the areas of Police, Administration of Justice, and Corrective Services; in total, 31 per cent more than Queensland. Victoria's per capita spending on Corrective Services was only 62 per cent of that of Queensland, reflecting Victoria's much lower imprisonment rate.

Summary: The cost of criminal justice

- Spending on criminal justice continued to increase throughout the 1990s, resulting in an overall increase in real per capita outlays of 43 per cent since 1992–93.
- While Police continue to account for the largest outlay on criminal justice, the Corrective Services share of the total budget has increased considerably in recent years.
- In terms of recurrent expenditure on criminal justice, Queensland is now close to the national average. Corrective Services expenditure exceeds the national average.

Funding of legal aid and prosecutions

The following discussion presents data on the revenue and workload of the ODPP and Legal Aid Queensland (LAQ), pursuant to the CJC's monitoring responsibilities under section 23 (c) of the *Criminal Justice Act 1989*.

The Office of the Director of Public Prosecutions

Figure 22 shows that ODPP revenue has increased by 123 per cent between 1990–91 and 1998–99 (excluding the funding provided for the Brisbane and Ipswich Committals Projects).

If funding for the Committals Projects is included, the increase is 147 per cent. Funding for these projects is shown separately because they have entailed the ODPP taking on additional functions, but one of the objects of these projects is to enhance the overall capacity of the ODPP to process higher court matters.

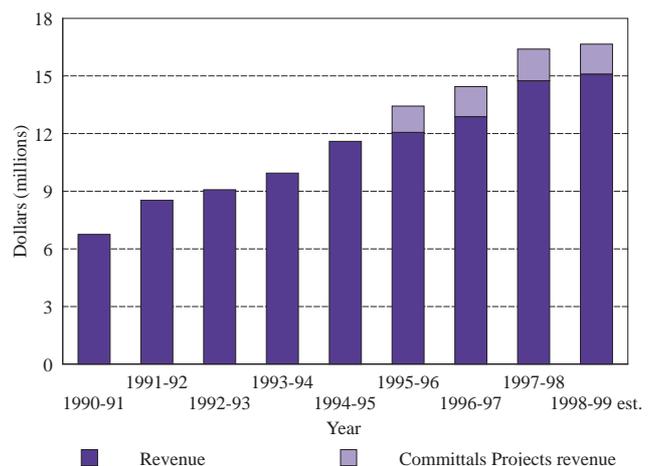
An indication of whether ODPP resources have kept pace with increases in workload and with inflation is provided by examining real revenue (revenue indexed for inflation) per higher court deposition received by the ODPP. Figure 23 shows that real revenue per deposition has remained quite stable in recent years. If funding for the Committals Projects is included, real revenue per deposition in 1997–98 was \$1,824 — closest to its highest level over the past seven years. However, as noted in previous volumes of the *Monitor*, it is generally acknowledged that ODPP funding before 1990 was inadequate.

Estimates for the current financial year indicate that there will be a 5 per cent decrease in revenue per deposition — to \$1,739. As ODPP revenue is estimated to increase by 2 per cent during this period, this could lead to increased budgetary pressures within the ODPP.

Legal Aid Queensland

As was reported in volume 3 of the *Monitor*, in 1997 the Commonwealth Government withdrew from the Commonwealth–State Legal Aid Funding Agreement. LAQ now provides legal aid for Commonwealth matters on an agency basis (primarily for family law matters), with the Commonwealth having no involvement in the management of LAQ.

FIGURE 22: ODPP ACTUAL REVENUE (1990–91 TO 1997–98) AND ESTIMATED REVENUE (1998–99), QLD



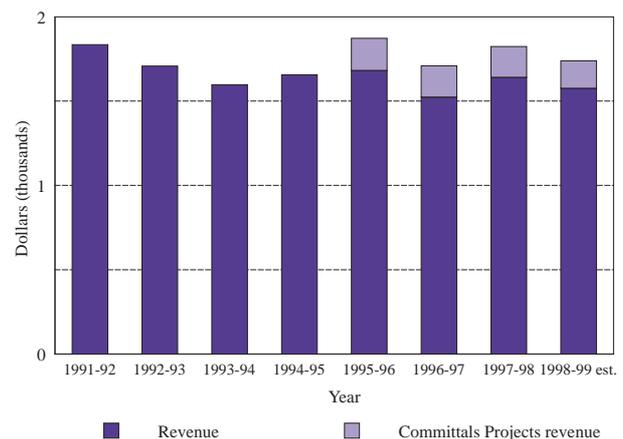
Source: ODPP unpublished data.

Note: To allow comparisons over time, revenue figures exclude funding for the following:

- 1990–91 to 1993–94: Special Prosecutor's Office
- 1993–94 to 1998–99: Property Management and Capital Works, and Victim Support Services
- 1996–97 to 1998–99: Carry over for Victim Support Services, and the Police Interview Tape Transcription function.

Included in revenue figures in 1997–98 and 1998–99 are subsidies to offset the unfunded cost of tape transcription and loan funding for the further development of the Case Management System.

FIGURE 23: ODPP REAL REVENUE PER DEPOSITION RECEIVED (1991–92 TO 1997–98) AND ESTIMATED (1998–99), QLD



Sources: Revenue and depositions data are unpublished data provided by ODPP; Implicit Price Deflator data provided by the GSO.

Note: See the note to figure 22. Real revenue is in 1997–98 dollars.

Funding trends

Projected revenue for LAQ in 1998–99 is \$47.5m — a 2 per cent increase on the 1997–98 level (see table 3). It is forecast that funding from the State Government will continue to increase, with revenue from other sources remaining stable or decreasing.

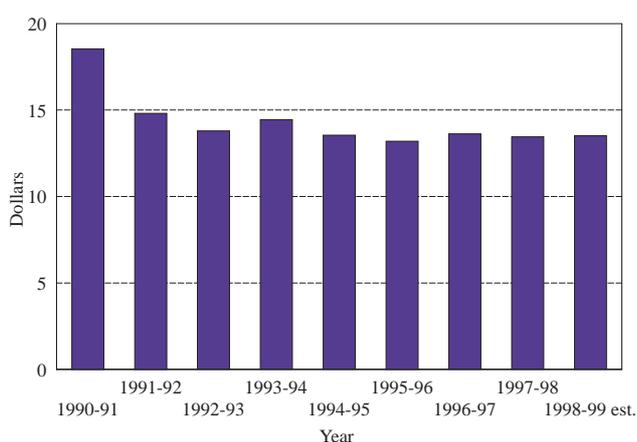
Figure 24 shows that since 1990–91 legal aid funding in Queensland has fallen significantly in real per capita terms.⁵² It should be noted, however, that 1990–91 was a peak year for legal aid revenue in Queensland due to the large proportion of revenue generated from interest on solicitors' trust accounts.

TABLE 3: LEGAL AID QUEENSLAND, ACTUAL REVENUE BY SOURCE (1996–97 AND 1997–98) AND ESTIMATED (1998–99)

Source	1996–97 \$'000	1997–98 \$'000	1998–99 \$'000
Commonwealth funding	21,860	20,664	20,924
State Consolidated Revenue	11,050	14,423	15,803
Trust Interest	8,697	8,175	8,516
Other (inc. internally generated revenue)	4,202	3,255	2,256
TOTAL	45,809	46,517	47,499

Source: LAQ unpublished data.

FIGURE 24: LEGAL AID QUEENSLAND, REAL REVENUE PER CAPITA (1990–91 TO 1997–98) AND ESTIMATED (1998–99)



Sources: Legal Aid Commission (LAC) Annual Reports 1990–91 to 1995–96; LAQ unpublished data; population figures obtained from ABS 1998; Implicit Price Deflator provided by the GSO.

Notes:

1. Revenue for 1990–91 includes LAC and Public Defender's Office revenue. In 1990–91, the Public Defender's Officer merged with the LAC.
2. Real revenue is in 1997–98 dollars.

Over time, legal aid revenue has been subject to significant fluctuations due to LAQ's reliance on income from these sources.

For the period 1992–93 to 1997–98, real per capita revenue has remained relatively stable and estimates for the current year suggest this trend will continue. This has been achieved primarily through increases in revenue from State Consolidated Revenue. In 1997–98, revenue from this source increased by 31 per cent with a further rise of 10 per cent estimated for 1998–99.

Criminal law workload

In 1997–98, LAQ granted aid for 9,465 prescribed crime matters compared with 8,845 such matters in 1996–97 — an increase of 7 per cent.⁵³ Grants of aid for 'other crime' matters fell by 15 per cent, from 6,321 to 5,401, continuing the trend from the previous year, when there was a 10 per cent decrease.

As reported in volume 3 of the *Monitor*, while grants of aid for prescribed crime matters appear to have kept pace with demand (or at least have increased), aid for the less serious criminal matters has become more difficult to obtain. Further research is needed to determine what impact this reduction in grants of aid in the Magistrates Courts and appeals jurisdictions is having on the outcome of matters, and the impact of budgetary constraints on the quality of legal assistance provided by LAQ.

Summary: Funding of legal aid and prosecutions

- Funding increases to the ODPP have raised real funding per deposition to close to its highest level in the past seven years. However, it is generally acknowledged that funding before 1990 was inadequate.
- Since 1990–91, LAQ real per capita revenue has declined by 27 per cent. Since 1992–93, per capita funding has remained fairly stable with estimates for the current year suggesting this trend will continue.
- Funding to LAQ from State Consolidated Revenue increased by 31 per cent in 1997–98, but was counterbalanced by reductions in Commonwealth funding, income from statutory interest and internally generated revenue.
- LAQ grants of aid for prescribed crime matters increased by 7 per cent, but there was a 15 per cent reduction in grants for non-prescribed crime matters.

Key events

This section provides a brief overview of significant developments within the Queensland criminal justice system since the previous *Monitor* was published in April 1998.

Since publication of volume 3 of the *Monitor*, there has been a change of Government. The new Government has an extensive legislative program, but there is little to report about these initiatives at this stage because many of the proposals for reform are still at the discussion paper/consultation stage.

Crime prevention initiatives

Crime Prevention Task Force

- ❖ In October 1998, the new Government established a Crime Prevention Task Force to develop and coordinate a \$47 million a year statewide crime prevention strategy.

Terms of Reference of Crime Prevention Task Force

- develop a comprehensive crime prevention strategy and cohesive policy framework across all areas of Government
- oversee the implementation of the Government's commitments contained in *New Directions Statement — Crime Prevention That Works*
- identify and assess existing State Government crime prevention programs and make recommendations concerning their viability, improvement or enhancement
- develop, propose and oversee the implementation of crime prevention initiatives at the local and statewide levels to address both existing and emerging problems which contribute to crime
- coordinate and integrate Queensland's participation in the National Anti-Crime Strategy with the State Crime Prevention Strategy
- link with State, Commonwealth and community groups to assess the adequacy of current responses to alcohol and drug abuse and provide advice to Government.

The task force is made up of representatives from 10 government agencies (including the Department of the Premier and Cabinet, the Department of Justice, the QPS, the QCSC and the CJC) and key community groups (including the Victims of Crime Association). A Secretariat is located in the Department of Premier and Cabinet. A Research and Evaluation Group provides advice on trends in criminal activity, current and emerging problems, evaluation of existing initiatives etc. Various special-purpose groups have been established to investigate specific issues or to implement new initiatives

on behalf of the task force. The Secretariat has prepared a public consultation document, and a statewide series of public forums commenced in February 1999.

Aboriginal and Torres Strait Islander initiatives

- ❖ Early this month, the Department of Families, Youth and Community Care released a report into the death in custody in December 1998 of a young Aboriginal male. The report found that staff at the John Oxley Youth Detention Centre took inadequate steps to prevent the youth from suiciding. Included in the report's 66 recommendations were that:
 - all hanging points in cells be eliminated
 - a case management system be properly activated
 - the Centre's suicide prevention program be rewritten to include an Indigenous framework.
- ❖ In May 1998, the Department of Aboriginal and Torres Strait Islander Policy and Development produced a draft report, 'Local Justice Initiatives Program: Interim Assessment of Community Justice Groups'. This report assessed the Local Justice Initiatives Program, which provides funds to Aboriginal and Torres Strait Islander communities to develop local, community-based strategies for dealing with justice issues.

The most common type of local justice initiative funded under the program has been the establishment of Community Justice Groups. Pilot Community Justice Groups were established in 1993 on Palm Island, Kowanyama and Pormpuraaw, but since 1996, a number of these groups have commenced in urban areas and rural towns. At the time of writing the draft report, there were more than thirty Community Justice Groups throughout Queensland funded by the program.

The assessment found that Community Justice Groups have:

- sought, through a range of strategies and activities directed at juveniles and young people, to address the underlying causes of juvenile crime, such as a lack of recreational opportunities (and resulting boredom), a lack of employment opportunities, poor parental supervision, loss of culture and identity and poor relations with police and the wider non-Indigenous community

- been very successful in forging positive, cooperative relationships with the local justice agencies, particularly the police. This has resulted in the development of a range of strategies to improve the justice outcomes for community members including:
 - encouraging police to exercise their discretion not to charge individuals in certain matters and instead divert them to the Justice Group to be dealt with according to traditional customs
 - assisting individuals to obtain bail and to comply with bail conditions by making submissions to the court, organising accommodation, undertaking to monitor persons granted bail and ensuring that they attend court
 - working to maximise the use of community-based orders as an alternative to prison, e.g. by providing local programs for serving such orders
 - assisting offenders to comply with their community-based orders and parole conditions.

As most of the Community Justice Groups have been operating for only a very short time, an overall assessment of their effectiveness could not be made. However, in 1996–97, Magistrates Court appearances for juveniles in the three pilot communities was a third of the level of 1993–94, before the commencement of these schemes. Based on this evidence, the Community Justice Groups — at a cost of between \$40,000 and \$50,000 per year — were considered to be cost-effective.

- ❖ The Minister for Aboriginal and Torres Strait Islander Policy and Development announced in November last year the establishment of a task force to develop strategies for the prevention of violence against women in Aboriginal and Torres Strait Islander communities.
- ❖ In January this year, the Indigenous Advisory Council (IAC) was replaced by a new body, the Aboriginal and Torres Strait Islander Advisory Board, which is expected to be fully operational by May. The Board will have close to 17 members, including representatives from key Indigenous organisations, two former members of the IAC, and three community representatives. The Board will be the Queensland Government's peak advisory body on Aboriginal and Torres Strait Islander affairs and will be supported by the Department of Aboriginal and Torres Strait Islander Policy and Development.

Juvenile justice

- ❖ In July 1996, responsibility for the administration of juvenile justice was split among three agencies; the QCSC (which managed juvenile detention facilities), the Department of Families, Youth and Community Care (which managed court support and community-based orders for juveniles) and the Department of Justice (which administered the *Juvenile Justice Act 1992*, policy development and program coordination). In early December 1998, the Department of Families, Youth and Community Care regained responsibility for all aspects of the administration of juvenile justice.

A Department of Justice evaluation of the operation of the *Juvenile Justice Act* (completed in 1998) identified a range of critical issues, including:

- the need for better coordination of the vision, roles and activities of the primary organisations within the juvenile justice system
 - the need to develop a 'whole of government' crime prevention policy
 - the need to develop an appropriate response to the increasing trend of young people being charged with public order offences
 - the need to respond to public perceptions of juvenile crime
 - concerns that certain provisions of the *Juvenile Justice Act* breach a range of international conventions to which Australia is a signatory
 - the over-representation of Indigenous children in the criminal justice system and issues relating to parental discipline and the provision of culturally and linguistically appropriate services to Indigenous children.
- ❖ In November 1998, the Juvenile Justice Branch (Department of Families, Youth and Community Care) released a report on Indigenous communities. The report noted that, although children from Indigenous backgrounds constitute less than 5 per cent of all children in Queensland, they account for 28 per cent of all juvenile court appearances and comprise more than half of the juveniles held in detention centres.
 - ❖ In April 1997, the Department of Justice (which then had responsibility for juvenile justice matters) established pilot community conferencing programs in Ipswich, Logan and Palm Island. An independent evaluation of these three programs,

released in January this year, recorded very high participant satisfaction levels and made a number of recommendations, including:

- that community conferencing programs be established throughout Queensland
- the *Juvenile Justice Act* be amended to give victims a much greater say in the decision to refer a matter for conferencing.

The Department of Families, Youth and Community Care (which now has responsibility for juvenile justice matters) has just released a 'commentary' on the evaluation, which raises some concerns about some of the recommendations.

The Commentary suggests, for example, that if victims are given the right to access conferencing (regardless of the seriousness of the offence), this will lead to a decline in the use of police cautioning and a corresponding rise in the cost of administering the juvenile justice system. It also argues that the needs of a victim are not always best served though community conferencing.

Corrective Services

- ❖ On 29 September 1998, the Minister for Corrective Services issued new ministerial guidelines under section 139 of the *Corrective Services Act 1988* for the operation of the Queensland Community Corrections Board.

The guidelines, which replace the ones issued by the previous Coalition Government in September 1997, allow the Board a slightly wider discretion to grant community release to offenders. In particular, the guidelines no longer require strict compliance with all preconditions for community release recommended in the guidelines; however, there must be exceptional circumstances to justify such a departure from the usual requirements. Six Regional Community Corrections Boards follow guidelines issued by the Queensland Community Corrections Board.

- ❖ As reported in the previous *Monitor*, responsibility for the management of all correctional centres and all community corrections services, and other correctional services, was transferred in September 1997 from the QCSC to a new government-owned corporation known as Queensland Corrections. This structural change was one of the matters considered by the recent Queensland Corrective Services Review, conducted under the management of Mr Frank Peach (Chief Executive).⁵⁴

The Review reported to the Minister for Police and Corrective Services in January 1999. Its major findings and recommendations are set out below.

Queensland Corrective Services Review: Findings and Recommendations

- Corrective services are operating effectively, but a statutory authority with a Commission and Board structure is no longer required. A departmental structure is proposed.
- The purchaser/provider concept should be retained, but the separate 'corporatised' entity should not continue. Custodial corrections should become a business unit within the new department.
- Accountability mechanisms are sufficient, but the formation of new organisational units is proposed, together with other changes aimed at enhancing the accountability of service providers.
- The level of oversight of community correctional centres is inadequate. The new department will be required to carry out this task more thoroughly. It is also recommended that the jurisdiction of the CJC be extended to include privately operated correctional centres.
- The operation of the corrective services legislation does not cater adequately for Indigenous people. An evaluation of the effectiveness of relevant programs is among several recommendations aimed at improving this situation.
- Several matters outside the direct responsibility of the Minister adversely impact on the operation of the corrective services legislation. It is recommended that a ministerial committee be formed to better coordinate the operation of criminal justice agencies. More community corrections sentencing options are also proposed.
- Community corrections should be separate from custodial corrections, within the new department. The primary role of community corrections should be crime prevention through supervision and rehabilitation of offenders.
- The legislation needs comprehensive revision. Consolidation into one Act and Regulation is proposed.

Courts

- ❖ The previous *Monitor* reported that Queensland higher courts deal with a much larger number of criminal matters than do higher courts in other jurisdictions. Recent data show that this is still the case (see page 8 of this *Monitor*).
- ❖ JAG is currently examining the feasibility of expanding the jurisdiction of the Magistrates Courts.

Victims

- ❖ Certain victims of crime are entitled to bring an application for compensation under the *Criminal Offence Victims Act 1995*. A Supreme Court compensation order is made against the offender but usually paid by the State Government. The previous Attorney-General sometimes elected to pay only a percentage of the amount ordered. The policy of the current Government is that victims receive the full amount ordered.
- ❖ The Attorney-General has announced a number of initiatives directed towards improving the criminal justice system's response to victims. These include:
 - proposed changes to the offence of stalking — a Bill is due to be introduced in the first session of Parliament in 1999
 - a discussion paper on the enforcement of victims' rights under the *Criminal Offence Victims Act*

- a task force to review the way the *Criminal Code* (and the criminal justice system) affects women, both as victims and as accused.

Use of video technology

- ❖ From 1 April to 30 December 1998, the Brisbane Magistrates Court used its video link facility to hear 325 bail and remand applications and 100 guilty pleas.

During this period, the Supreme and District Courts in Brisbane only used their joint video link facility to hear evidence from remote witnesses.⁵⁵

Although more video link facilities are being installed (at the Caboolture Magistrates Court and the Sir David Longland and Woodford Correctional Centres), they are unlikely to be installed across the board, unless the Department of Treasury agrees to provide additional funding.

Issues for further research

The CJC, in conjunction with the GSO and the QCSC, has commenced research into the causes of the growth in prisoner population. This project will address a number of the issues for further research raised in volume 3 of the *Monitor*. In addition, the QCSC has commenced a review of community corrections, and JAG is examining the jurisdiction of the Magistrates Courts.

Research issues arising from this volume of the *Monitor* include:

- What is the cause of the large increase in the number of SETONS Court appearances, and what broader impact might this development have elsewhere in the criminal justice system?
- Are the Ipswich and Brisbane Committals Projects continuing to deliver the benefits identified in earlier evaluations? If not, why is the impact declining?
- What impact, if any, have legal aid funding constraints had on:
 - the quality of legal assistance provided to criminal defendants (noted in volume 3 of the *Monitor*) and
 - the outcome of criminal matters in the Magistrates Courts jurisdiction where there has been a significant decline in non-prescribed crime grants of aid over the past three years?
(Over the next 12 months, the CJC will collect and analyse more detailed data on these issues and other matters relevant to the sufficiency of funding of the LAQ and the ODPP in compliance with the CJC's obligations under section 23(c) of the *Criminal Justice Act 1989*.)
- What is driving the large increase in the use of suspended sentences across the court system and what broader impact will the increased use of this sentencing option have on the criminal justice system?
- How well are corrective services bodies coping with the workloads which have resulted from the growth in prisoner numbers and supervised community corrections orders?

Endnotes

- 1 'Other offences' include drug offences, offences against good order, traffic and traffic-related offences, and offences such as trespassing and prostitution. However, in this section traffic and traffic-related offences have been excluded
- 2 Source: ABS 1997b, and 1998c.
- 3 An offence is considered to be cleared if, as a result of an investigation, an offender has been arrested, summonsed, given a Notice to Appear or cautioned, or information has been laid to bring an offender before a court, or there is sufficient evidence for the arrest of an offender but a bar to prosecution, e.g. the victim refuses to proceed with the complaint or the offender is already in prison or some other institution.
- 4 Source: QPS Statistical Reviews 1990–91 to 1997–98.
- 5 Calls-for-service data are not available on a statewide basis. The QPS has different dispatch systems in operation throughout the State and calls-for-service data are not routinely published nor subject to the same level of quality control as offence data. In the Brisbane area, information on all calls by the public for police assistance received at the PCC are recorded on the Computer Aided Dispatch System (CAD). The 'catchment' area for these calls encompasses the QPS Metro North and Metro South Regions, which together are approximately the same size as the Brisbane metropolitan area.
- 6 Our analysis of the increase in calls for police assistance between 1995–96 and 1996–97 in Brisbane has established that the increase was due to more calls about mostly non-crime-related matters, such as community assistance, accidents, noise complaints, disturbances, disputes, and complaints about mentally ill persons. Many of these types of calls would typically be made to police stations. It is possible that some of these calls reached the PCC either by members of the public deciding to call the 000 emergency number rather than their local station, or by calls diverting from stations to the PCC.
- 7 In all of the courts data, the term 'appearances' refers to finalised matters. The term 'other appearances' in the Magistrates Courts excludes drunkenness offences and SETONS matters, as neither of these require an actual court appearance.
- 8 The SETONS Court came into operation in 1992 to provide for the enforcement of a range of traffic and other offences by a Magistrates Courts without requiring an actual appearance in court by the defendant.
- 9 In 1997–98, the QPS issued 204,736 red light and speed camera infringement notices. Data are not readily available about the numbers of these notices that were defaulted on and referred to the SETONS Court for enforcement. However, based on Qstats's categorisation of these notices, it appears likely that they constitute a substantial proportion of the increase in the 'other traffic' offences category of SETONS Court matters.
- 10 In March 1996, the SETONS Court assumed responsibility for certain infringement notices issued under a number of statutes. These included the *Auctioneers and Agents Act 1971* and Regulation, the *Liquor Act 1992* and Regulation, the *Motor Vehicles Securities Act 1986*, the *Nature Conservation Regulation 1994* and the *Transport Infrastructure (Railways) Act 1991*.
- 11 With the introduction of the *Penalties and Sentences Act 1992*, the decision to record a conviction was left to the discretion of the magistrate, after due examination of the circumstances of the case.
- 12 The imprisonment rate is the proportion of appearances resulting in a finding of guilty (excluding convictions for drunkenness) in which a sentence of imprisonment was imposed.
- 13 A suspended sentence is a sentence of imprisonment (of five years or less) which the court orders be suspended (i.e. does not require it to be served) for a specified period (not less than the term of imprisonment imposed and not more than five years) during which the offender must not commit another offence punishable by imprisonment, otherwise the offender may be required to serve the term of suspended imprisonment. Suspended sentences or 'orders of suspended imprisonment' were introduced as a sentencing option under the *Penalties and Sentences Act* from the end of November 1992. ABS data isolating suspended sentences from bonds etc. were not available for the years 1992–93 and 1993–94. However, the number of suspended sentences imposed in 1992–93 is likely to have been relatively low as the legislation did not take effect until nearly halfway through the period.
- 14 The CJC is currently undertaking a more detailed analysis of Magistrate Court sentencing patterns as part of a project to examine the factors that have contributed to the growth in Queensland's prison population.
- 15 Data prior to 1994–95 are not available.
- 16 The data used are Department of Justice courts data obtained from Qstats. However, the *ODPP Annual Report 1 July 1997 – 30 June 1998* records discontinuances to be only 10.6 per cent of matters disposed of.
- 17 While there has been a substantial change in court appearances for these offences, this has not been reflected in police statistics relating to cleared offences.
- 18 Sources: ODPP unpublished data; ODPP Annual Reports 1995–96 to 1997–98.
- 19 While the ODPP changed its counting rules in 1997–98, resulting in a substantial increase in the numbers of trials and sentences recorded, the proportions of trials to sentences should still accurately reflect the case mix.
- 20 'Early' pleas are defined as matters received by the ODPP which were committed for sentence and ex officio indictments (*ODPP Annual Report 1 July 1997 – 30 June 1998*).
- 21 Sources: Court Administrator's Office; JAG unpublished data.
- 22 Judge weeks in crime relates to the total number of weeks each District Court judge spends hearing criminal matters during the year. The remaining weeks are spent hearing matters in other jurisdictions.
- 23 Previous issues of the *Monitor* distinguished between sentences and trials, using ODPP data. Due to a change in ODPP counting rules in 1997–98, it is no longer possible to use ODPP data as a trend measure.
- 24 Source: *Department of Justice Annual Report 1997–98*.
- 25 Source: *District Court of Queensland Annual Report 1997–98*.

- 26 Source: ABS 1998d.
- 27 Source: ABS 1997a. Figures presented in this publication were on a calendar year basis.
- 28 Source: ABS 1998d.
- 29 The Court of Appeal also deals with appeals relating to civil matters.
- 30 Source: *Supreme Court of Queensland Annual Report 1997–98*.
- 31 The disposal rate can exceed 100 per cent because it includes matters carried over from the previous year.
- 32 Because the matters disposed of includes matters carried over from the previous year, some backlog still exists.
- 33 Source: ABS 1998a.
- 34 ‘Released’ means discharged from prison or transferred to community custody (includes time under sentence and/or remand).
- 35 The new Woodford Correctional Centre’s accommodation was not fully utilised at June 1997.
- 36 This is a count of the number of prisoners who applied for an early release option. If a prisoner applied for more than one option at the same time, the application was counted once only. Only new applications were counted.
- 37 This is a count of the number of prisoners who received approval for an early release option. If a prisoner received approval for more than one option from the same application the approval was counted once only.
- 38 Appearances with the most serious outcome being a fine. JAG unpublished data for 1994–95 and 1997–98.
- 39 ABS 1998b; *QCSC Annual Report 1997–98*.
- 40 Source: QCSC unpublished data.
- 41 Source: Heywood, L. 1999.
Data on case loads per officer were not available at the time of publication.
- 42 Intervention-type orders include parole, probation, intensive corrections orders, home detention and release to work, but exclude community service and fine option orders.
- 43 Source: QCSC unpublished data.
- 44 Source: QCSC unpublished data.
- 45 Source: *Queensland Ombudsman Annual Report 1997–98*. Note that complaints received by the Ombudsman relate to custodial and community correctional centres, community corrections and Community Corrections Boards.
- 46 In late 1997, the CJC acquired jurisdiction to investigate complaints of official misconduct against officers employed by Queensland Corrections and the QCSC. The CJC’s jurisdiction does not extend to privately operated correctional centres. Complaints relating to more than one subject officer were counted once only, as were complaints involving more than one allegation. Complaints received in relation to juvenile detention centres or privately operated centres were not included in the count.
- 47 Sources: AIC 1998; QCSC unpublished data.
- 48 Source: QCSC unpublished data.
- 49 Source: Queensland State Government Budget Papers 1998–99.
- 50 This was associated with the completion of major capital works projects — the Southport and Rockhampton Court Houses.
- 51 Source: Commonwealth Grants Commission 1998. The Commonwealth Grants Commission ‘national standard’ can be taken to mean the national average. Commonwealth Grants Commission figures are for recurrent expenditure only; capital expenditure is not included.
- 52 A significant contributing factor to this decline was the Commonwealth–State funding agreement, which made no provision to adjust funding for population growth resulting in Queensland funding per capita being appreciably below the grants to legal aid agencies in New South Wales and Victoria in 1993–94 (CJC 1995). At that time, the Commonwealth grant was around \$19m.
- 53 ‘Prescribed crime matters’ are the more serious criminal offences where an appearance in a higher court is required.
- 54 Section 72 of the *Corrective Services (Administration) Act 1988* requires the Minister to carry out periodic reviews of the operation of the corrective services legislation and the structure and operation of the QCSC.
- 55 Source: JAG unpublished data. The Supreme and District Courts heard evidence from six remote witnesses (criminal matters). During this same period, the Brisbane Magistrates Court used its facility to take evidence from 16 remote witnesses (criminal matters).

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Abbreviations

ABS	Australian Bureau of Statistics
AIC	Australian Institute of Criminology
CJC	Criminal Justice Commission
GSO	Government Statistician's Office
IAC	Indigenous Advisory Council
JAG	Department of Justice and Attorney-General
LAC	Legal Aid Commission
LAQ	Legal Aid Queensland
ODPP	Office of the Director of Public Prosecutions
PCC	Police Communications Centre
QCSC	Queensland Corrective Services Commission
QPS	Queensland Police Service
SETONS	Self-Enforcing Ticketable Offence Notice System
WORC	Work Outreach Camps program

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