

# Criminal Justice System

CRIMINAL JUSTICE COMMISSION

Criminal Justice System  
Monitor Series

Volume 1, Number 1

August, 1995

ISSN: 1324-6755

*inside*

## INTRODUCTION

The *Criminal Justice Act 1989* gives the Criminal Justice Commission (CJC) responsibility for monitoring the performance and resources of the Queensland criminal justice system. This first edition of the *Criminal Justice System Monitor* has been prepared as one way of discharging this responsibility. The *Monitor* aims to provide policy makers and persons involved, or interested, in the Queensland criminal justice system with a concise overview of key developments in that system. It is hoped that the production of the *Monitor* on a regular basis will also help promote informed public debate and discussion about criminal justice issues in Queensland.

The *Monitor* identifies and analyses significant *trends* in the Queensland criminal justice system over the last five years. The operation of the criminal justice system is affected by many factors. By focusing on longer term trends, rather than just year to year fluctuations, it is possible to get a much clearer picture of key developments and issues within the system. Where possible, the situation in Queensland is also compared with other States, although differences in the ways in which various jurisdictions collect and report criminal justice statistics currently limit the scope for such comparisons.

The *Monitor* pays particular attention to the following questions:

- To what extent, and in what areas, has there been an increase in recorded crime?
- How do reported and unreported crime rates in Queensland compare to the rest of Australia?
- To what extent, and in what ways, has the workload of the lower and higher courts increased in recent years? How well are the courts coping with these workload changes?
- Is there any evidence of a change in the sentencing practices of the courts?
- To what extent has there been an increase in the workload of the corrections system and how well is that system coping? How do imprisonment levels and rates in Queensland compare with other States?

Introduction .....	1
Police and Crime .....	3
The Magistrates Court .....	8
The Higher Courts .....	12
Court of Appeal .....	16
Corrections .....	17
The Cost of Criminal Justice .....	21
Key Events in the Criminal Justice System .....	23
Conclusion .....	24
Issues for Further Research .....	26
References .....	26

- How much does Government spend on different parts of the criminal justice system? Has Government spending kept up with inflation and population growth? How does Government spending on criminal justice in Queensland compare with other States?
- What have been the key events in the Queensland criminal justice system over the last year or so and what will be the likely impact of these developments?

The primary focus of the *Monitor* is on the adult criminal justice system. Issues relating to the juvenile justice system will be dealt with in a companion publication prepared by the CJC, Children, Crime and Justice in Queensland (due for release in September 1995). This edition of the *Monitor* also does not examine the workload and funding of the Legal Aid Commission and the Office of the Director of Public Prosecutions (DPP). Matters relevant to these agencies were comprehensively canvassed in the CJC's *Report on the Sufficiency of Funding of the Legal Aid Commission of Queensland and the Office of the Director of Public Prosecutions, Queensland*, released in April 1995.

## Data Sources

Most of the statistical information presented in the *Monitor* has already been published by the Australian Bureau of Statistics (ABS) and the various criminal justice agencies. However, the *Monitor* differs from these other publications in two important ways:

- The *Monitor* provides a picture of what is happening in the criminal justice system as a whole, instead of simply reporting on one part of that system.
- The *Monitor* is highly selective in the information which it presents. Its aim is to identify key trends, differences and similarities, rather than to provide a comprehensive statistical portrait. Those readers who require more detailed information are referred to the various publications listed at the end of this paper, and to the 1991 CJC publication *Crime and Justice in Queensland*.

## Data Limitations

For certain key measures, such as recorded crime, and court workloads and outcomes, data are only available up to the end of the 1993/94 financial year. It is *possible* that inclusion of data for 1994/95 could have altered some of the findings reported in this paper. However, in order to obtain data for this additional year it would have been necessary to delay the release of the *Monitor* by several months or more. It was also not possible to release this edition of the *Monitor* any earlier, as the 1993/94 higher courts data were not received from the ABS until July 1995.

As indicated, the *Monitor* relies almost exclusively on statistical information collected and reported by other agencies. The CJC has not been able to "quality assure" these different data sources, but there undoubtedly are significant shortcomings in some statistical collections. For example, in relation to higher courts there are three different sources of data: the statistics compiled by the ABS; those collected by the DPP; and the data collected by the Department of Justice and Attorney-General (JAG). Each of these collections uses different definitions and counting rules, and each has shortcomings in terms of accuracy and comprehensiveness. As a way of dealing with these limitations, wherever possible the *Monitor* cross-checks trends against different data sources and any significant anomalies or inconsistencies are reported in the text. However, it needs to be emphasised that some of the findings reported here may be subject to revision when, and if, more reliable data become available.

The difficulties encountered by the CJC in preparing this publication have again highlighted the urgent need to improve the quality, quantity and timeliness of criminal justice statistics in Queensland. As the CJC observed in its *Report on the Sufficiency of Funding of the Legal Aid Commission of Queensland and the Office of the Director of Public Prosecutions, Queensland*:

If the criminal justice system is to operate efficiently and effectively, it is essential that decision-makers have access to comprehensive and reliable data about the operation of that system and its component parts. Without such information, it is extremely difficult to quickly identify and respond to problems, make sensible decisions about the allocation of resources, and evaluate the impact of changes to the system (1995, p. 104).

The establishment of the Crime Statistics Unit within the Government Statistician's Office in late 1994 is an important first step towards addressing these issues.

The *Monitor* is organised under the following headings:

- Police and Crime
- The Magistrates Court
- The Higher Courts
- Corrections
- The Cost of Criminal Justice
- Key Events.

## POLICE AND CRIME

### Measuring Crime

Information about crime in Queensland comes from two main sources:

- statistics on recorded crime published annually by the Queensland Police Service (QPS)
- occasional crime victims surveys undertaken by the Queensland Government Statistician's Office and the ABS.

The following discussion relies primarily on police data. At this stage, police statistics are more useful than crime victim surveys for identifying and analysing trends as they provide a more or less continuous time series, whereas the latter have only been conducted irregularly in Queensland. It is also difficult to compare the findings of different crime victim surveys because each has used a different methodology and question format. Another reason for focusing particularly on police crime statistics is that changes in the amount of crime reported to and detected by the police have a direct bearing on the workload of the other parts of the criminal justice system: the courts and the corrections system.

Although this publication relies primarily on police crime statistics, it is important to be aware of the limitations of these statistics. Crime victims surveys show that, for some offences, police statistics significantly understate the level of crime in the community. For instance, according to the 1993 national Crime and Safety Survey, only 29 per cent of victims of assault reported the offence, compared to 97 per cent of victims of motor vehicle theft (ABS 1994, p. 20). An increase in the number of a particular

offence recorded by QPS does not necessarily mean that this offence has become more prevalent: the rise may simply indicate that victims have become more willing to report offences to the police or that more police resources have been devoted to detecting offences. Also, statistical trends may be affected by such factors as changes in the way in which the police record and count criminal offences.

### Overall Trends in Recorded and Cleared Crime

#### Recorded Crime

The term "recorded offences" refers to offences that are reported or become known to the police and are recorded at the Information Management Division of the QPS. Offences that are investigated and deemed to be unfounded are excluded from the police data.

Recorded offences are split into three major divisions: Offences Against Property, Offences Against the Person and Other Offences such as prostitution and drug offences. Figures 1, 2 and 3 show trends in recorded offences for each of these categories. The bars show the number of offences recorded in each year; the line shows the trend in the rate of offences per 100,000 population.<sup>1</sup>

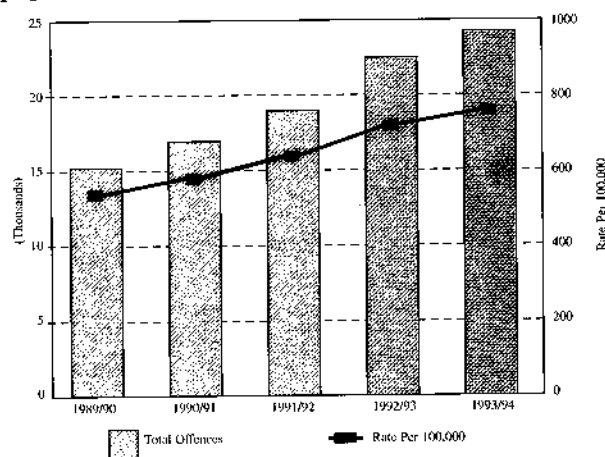


FIGURE 1: OFFENCES AGAINST THE PERSON – NUMBER RECORDED AND RATE PER 100,000 (1989/90 – 1993/94)

Source: QPS Statistical Reviews, 1989/90 – 1993/94.

<sup>1</sup> The rates per 100,000 population for recorded offences against the person and against property come from the QPS *Statistical Review* 1993/94. The rates for "other offences" were derived from annual data reported in the QPS *Statistical Reviews* 1990/91 – 1993/94.

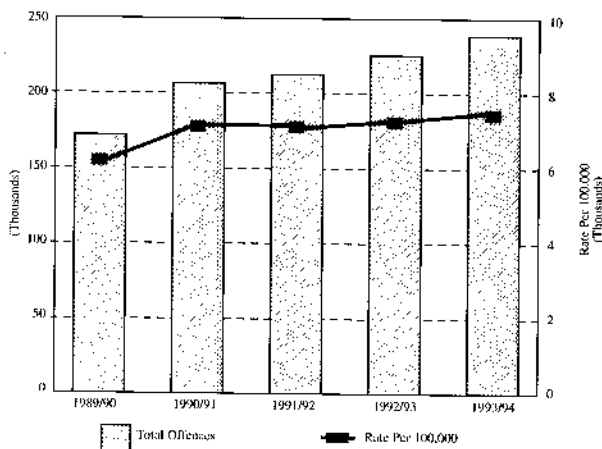


FIGURE 2: OFFENCES AGAINST PROPERTY – NUMBER RECORDED AND RATE PER 100,000 (1989/90 – 1993/94)

Source: QPS Statistical Reviews, 1989/90 – 1993/94.

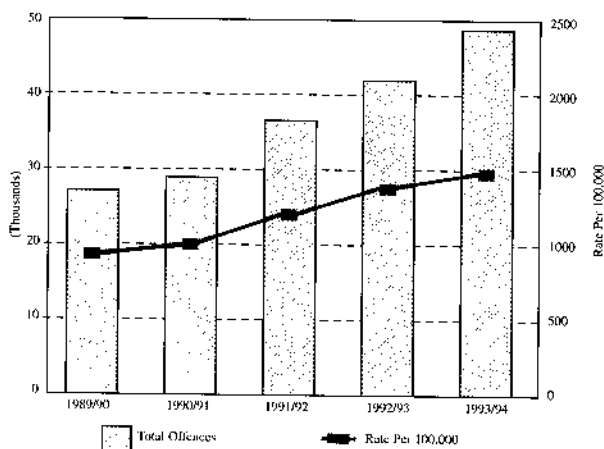


FIGURE 3: "OTHER OFFENCES" – NUMBER RECORDED AND RATE PER 100,000 (1989/90 – 1993/94)

Source: QPS Statistical Reviews, 1989/90 – 1993/94.

Note: Excludes traffic and traffic related offences.

Key points to note are:

- The total number of recorded offences (excluding traffic and related offences<sup>2</sup>) in Queensland increased by 41 per cent from 220,916 in 1989/90 to 311,915 offences in 1993/94.
- Numerically, the greatest increase over the period was in recorded offences against property (a rise of around 60,000 offences).

<sup>2</sup> Traffic-related offences are excluded because the QPS statistics are highly selective in the traffic offences which are recorded. Moreover, the introduction of ticketable offence notices for some traffic-related offences distorts the time series.

- The rate of increase in property offences slowed significantly after 1990/91, whereas most of the growth in the "other offences" category occurred after then. Recorded offences against the person increased at a fairly steady rate throughout the five years.
- To some extent, the increase in recorded offences was due to Queensland's rapid population growth. However, as the above figures show, the rate of offences per 100,000 also increased for each of the three broad offence categories.

## Clearance Rates

Only some recorded offences result in alleged offenders being apprehended, charged and processed through the further stages of the criminal justice system. The QPS does not collect data on the number of arrests made, charges laid or complaints and summons issued, but it does record the number of "cleared" offences. An offence is considered cleared if, as a result of an investigation:

- one or more offenders has been arrested, summonsed, cautioned, or an information laid for the purpose of bringing an offender before a court; or
- sufficient evidence exists for the arrest of the offender, but there is a bar to prosecution: for example, the victim refuses to proceed with the complaint or the offender is already in prison or some other institution.

The clearance rate is the number of offences cleared in a given year divided by the total number of offences recorded over the same period. Periodically, an offence may be counted in one fiscal year and cleared in a later year. When this occurs, the offence and the clearance will be counted in different periods, sometimes resulting in clearance rates in excess of 100 per cent for specific offences.

Clearance rates provide some indication of the proportion of matters recorded by the police which are likely to flow through to other parts of the criminal justice system. Clearance rates are often also used as a way of measuring the effectiveness of police in apprehending offenders. However, changes in clearance rates may not always be related to police effectiveness; for instance, clearance rates may vary due to alterations in how operational police define and record cleared offences, or to changes in the types of offences being reported to the police.

Clearance rates vary substantially from offence to offence. Offences with the highest clearance rates are those where a Crime Report is normally only completed if someone has been detected committing the offence (e.g. prostitution and possession of drugs). Also, clearance rates for offences against the person are generally much higher than for offences against property. For instance, between 1990/91 and 1993/94 the overall clearance rate for property offences was around 22 per cent, whereas for offences against the person, the overall rate was around 67 per cent.<sup>3</sup> A greater proportion of offences committed against the person involve an offender known to the victim or a witness and so are often easier to solve.

## Trends Within Offence Categories

This section provides a brief analysis of trends in the number of recorded and cleared offences *within* the three broad offence categories of offences against the person, offences against property and other offences.

### Offences Against the Person

Recorded offences against the person include homicide, assault, sexual assault, robbery, extortion, abduction and deprivation of liberty. The most common of these offences is assault, which accounts for around two-thirds of all offences against the person recorded by the QPS. Assaults are divided roughly equally between “serious” and “minor” assaults.

An examination of trends within the offences against the person category shows that between 1989/90 and 1993/94:

- homicide offences (including attempted murder) declined by 18 per cent from 286 to 234
- recorded assaults increased by 52 per cent from 10,348 to 15,737, with similar rates of increase occurring in the “serious” and “minor” classifications
- recorded sexual offences increased by 43 per cent from 3,335 offences to 4,785 offences

<sup>3</sup> Clearance rates were higher in 1989/90 both for offences against property (27% cleared) and offences against the person (70% cleared). Given the well-documented shortcomings of QPS information systems at that time, it is not possible to have any confidence in the reliability of these estimates.

- recorded robbery and extortion offences increased by 61 per cent from 1,172 to 1,884, although this trend had peaked by 1992/93.

There is no evidence of significant changes in clearance rates within any of these offence groupings.

The increase in recorded assaults and sexual assaults may have been due, at least in part, to the increasing willingness by the public to report offences to the police and, possibly, to changes in police recording practices (QPS Statistical Review 1993/94, p. 14). However, further research is required to assess the impact of these factors.

### Offences Against Property

The category of “offences against property” includes breaking and entering, stealing and property damage. Of these, the largest grouping is stealing<sup>4</sup> which accounted for 39 per cent of all offences against property in 1993/94. Breaking and entering, the second largest grouping, accounted for 30 per cent of offences in this category.

Between 1989/90 and 1993/94:

- stealing offences increased by 26 per cent from 74,347 to 93,816
- total break and enter offences increased by 46 per cent from 48,330 to 70,615
- break and enters of dwellings increased by 78 per cent from 22,362 to 39,889 with the largest increase (24%) occurring between 1992/93 and 1993/94
- motor vehicle theft increased by 25 per cent from 14,239 to 17,851 offences.

Clearance rates for specific property offences do not appear to have altered significantly over this period.

### Other Offences

“Other offences” are a diverse group of recorded offences that are usually the result of successful efforts by the police at detection and apprehension. As such, these offences often have clearance rates close to 100 per cent. Offences in this category include drug offences, prostitution, liquor, gaming, stock and good order offences.

<sup>4</sup> This category excludes motor vehicle theft and thefts that may occur during a break and enter.

Between 1989/90 and 1993/94:

- Recorded drug offences rose by 133 per cent from 10,622 to 24,738 offences. Surveys of drug use in Queensland indicate that use of cannabis, the most common illegal drug, has remained fairly stable since 1991 (CJC 1994a, p. 10). This suggests that the increase in recorded offences is due primarily to increased enforcement activity.
- Good order offences (e.g. disorderly conduct, indecent behaviour, language offences, etc.) increased by 23 per cent from 12,231 to 14,995.
- Prostitution offences dropped from 162 in 1989/90 to only 88 in 1990/91, but then increased to 522 by 1993/94. It is likely that this trend reflects variations in the level of law enforcement activity, plus the possible effect of changes to the law introduced in 1992.

### Workload Measures

In 1994/95 the QPS had 6,298 sworn police officers and 1,481 unsworn personnel. This represented an increase of 774 sworn officers and 521 unsworn staff since 1989/90. The police to population ratio in 1994/95 was 1:514, compared with 1:523 in 1989/90.

Queensland has traditionally had the highest number of population per police officer in comparison to other States (CJC 1994b, pp. 84-85). For example, in 1993/94, the most recent year for which comparative data are available, New South Wales and Victoria had police to population ratios of 1:476 and 1:457 respectively,<sup>5</sup> compared with Queensland's ration of 1:517.

The ratio of *total* QPS employees to population improved from 1:447 in 1989/90 to 1:416 in 1994/95.<sup>6</sup>

Much of the work which police do is not directly related to responding to, or preventing, crime. The CJC's own research indicates that less than half of the "calls for service" received by police relate to

crime and not all of these calls result in the filing of a Crime Report. In addition, a significant amount of police time is taken up with traffic law enforcement: for instance, in 1993/94 over 300,000 Traffic Offence Notices were issued to Queensland motorists, mostly by members of the QPS.

As far as recorded crime (excluding traffic) is concerned, a very rough workload measure is the number of offences recorded each year divided by the number of QPS employees (sworn and unsworn) in that year. According to this measure, between 1989/90 and 1993/94 the number of recorded offences per QPS employee rose from 34.1 to 41.9: an increase of 32 per cent.<sup>7</sup>

Figure 4 gives a breakdown for the three broad categories of offences against the person, property offences and "other offences". It shows that over the five year period:

- recorded offences against the person increased by 38 per cent from 2.4 to 3.3 offences per QPS employee
- offences against property increased by 16 per cent from 27.5 to 32 per employee
- "other offences" rose from 4.2 to 6.6 per employee: an increase of 57 per cent.

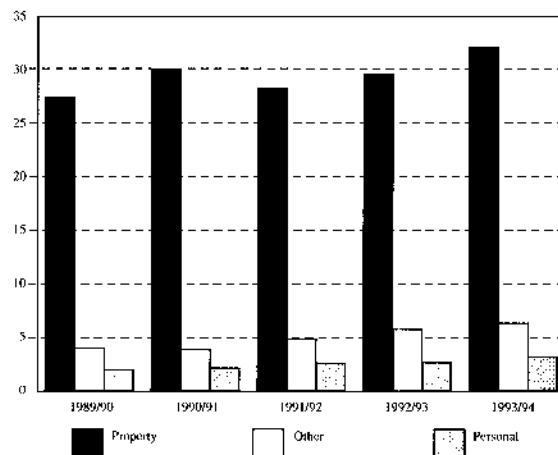


FIGURE 4: NUMBER OF RECORDED OFFENCES PER QUEENSLAND POLICE SERVICE STAFF MEMBER (1989/90 - 1993/94)

Sources: QPS Statistical Review 1993/94; communication from QPS Human Resource Management 21 July 1995.

Note: Excludes traffic and traffic related offences.

<sup>5</sup> 1993/94 ratios are based on staff figures in annual reports from each State police service. Estimated population figures as at 30 June 1994 (ABS 1995b, p. 3).

<sup>6</sup> 1994/95 staff data received from Human Resource Management Branch, 21 July 1995. Population estimate as at December 1994 from ABS.

<sup>7</sup> The use of a per employee, rather than per officer, measure takes account of the impact of civilianisation which has released some police to operational duties.

It is difficult to ascertain the effect of the increase in the recorded crime workload on the QPS, especially in the absence of data about trends in other workload areas, such as traffic law enforcement and non-crime calls for service. However, clearance rates – a traditional measure of police effectiveness – remained fairly stable for most of the period under consideration. In addition, it should be noted that about 30 per cent of the increased workload was attributable to the “other offences” category. As discussed, increases in this category of offences were primarily due to increased police enforcement activity, rather than an increase in reports of offences.

## Interstate Comparisons

### Recorded Crime

The recent release of the ABS publication *National Uniform Crime Statistics January – December 1994* (1995a) enables some comparisons to be made of levels of recorded crime at the national level. Table 1 (below) compares the rate of victimisation per 100,000 people in Queensland with the national average for seven different offence categories.

TABLE 1: RATE OF VICTIMISATION PER 100,000 POPULATION BY OFFENCE CATEGORY: QUEENSLAND VS NATIONAL AVERAGE (JANUARY TO DECEMBER 1994)

	Murder	Sexual Assault	Robbery	Motor Vehicle Theft	Unlawful Entry with Intent	Blackmail Extortion	Kidnapping Abduction
Queensland	1.3	62.8	60.5	517.0	2,295.9	1.1	2.7
National Average	1.6	74.4	78.4	671.2	2,130.5	0.9	3.1

Source: ABS 1995a, p. 5

The table shows that for most offence categories the rate of recorded crime in Queensland was lower than the national average. The main exception was the category “unlawful entry with intent” where Queensland was above the national average.

### 1993 National Crime and Safety Survey

Another source of interstate comparative crime data is the April 1993 national survey, *Crime and Safety: Australia* undertaken by the ABS (1994). This survey collected information about crime victimisation

directly from the community, rather than relying on police statistics. The survey found that in the preceding 12 months:

- An estimated 5.2 per cent of all households in Queensland were the victims of at least one break and enter. This was significantly above the national rate of 4.4 per cent.
- The rate of victimisation for motor vehicle theft in Queensland was 1.3 per cent; slightly lower than the national rate of 1.7 per cent.
- An estimated 1.2 per cent of the Queensland population aged 15 years and over were victims of at least one robbery. This was the same as the national rate.
- Around 2.9 per cent of the Queensland population were the victims of at least one assault compared with the national rate of 2.5 per cent.

### Police and Crime: Summary

- In Queensland between 1989/90 and 1993/94 there were increases in all three major categories of recorded crime – offences against the person, property offences and “other offences” – both in terms of the total number of offences and the number per 100,000 of population.
- Within these various categories the most significant increases – in terms of volume and percentage change – were in:
  - break and enters of dwellings (up by 78%)
  - serious and minor assaults (up by 52%)
  - drug offences (up by 133%).
- At least some of the increase in recorded offences against the person is likely to have been due to changes in victim reporting behaviour and police recording practices. The marked increase in drug offences was probably due primarily to increased enforcement activity on the part of the police.
- The QPS staff to population ratio has improved substantially since 1989/90.
- Between 1989/90 and 1993/94, the crime workload, defined as the number of offences per QPS employee, increased by 32 per cent from 34.1 to 41.9. About 30 per cent of the increase was attributable to increased enforcement activity in relation to “other offences” and the remaining 70 per cent to an increase in reports of offences.

- For most of the period under review, clearance rates remained fairly stable. This would seem to indicate that police effectiveness has not declined, despite the increased crime workload. However, clearance rates are not very reliable measures of police effectiveness.
- By comparison with other Australian jurisdictions Queensland does not have particularly high actual or recorded crime rates, except for break and enter offences.

## THE MAGISTRATES COURT

The Magistrates Court is the court in which most adults charged with criminal offences make their first appearance. The court has jurisdiction to hear and determine regulatory and simple offences and specified indictable offences in certain circumstances. With respect to indictable offences generally, the Magistrates Court conducts a preliminary hearing, known as a committal hearing, to determine whether there is sufficient evidence to justify committing the matter to a higher court for sentence or trial. More than 90 per cent of appearances are finalised in the Magistrates Court.

Criminal matters are initiated in the Magistrates Court as a result of the arrest and charging of a person or by the issuing of a complaint and summons. Around 90 per cent of police matters are initiated by arresting and charging suspected offenders,<sup>8</sup> but many simple offences are initiated by complaint and summons issued by departments other than the QPS, under legislation such as the *Motor Vehicles Safety Act 1980*, the *Health Act 1937* and the *Food Act 1981*. These “quasi-criminal” matters account for a large number of appearances in the criminal jurisdiction of the Magistrates Court.

Criminal cases represent only one part of the work of the Magistrates Court. The Court also deals with civil and family law cases and a range of other matters. Changes in these areas also affect the workload of the Court. For example, following the introduction of the *Domestic Violence (Family Protection) Act 1989* the number of domestic violence protection order applications increased by 137 per cent from 4,667 in 1990/91, the first full year of operation of the legislation, to 11,082 in 1993/94.<sup>9</sup>

<sup>8</sup> CJC 1993, pp. 597–600.

<sup>9</sup> Information obtained from the Department of Family Services and Aboriginal and Islander Affairs, Statistical Services Division, 26 May 1995.

## Trends in Magistrates Court Workload

The best available measure of the criminal workload of the Magistrates Court is provided by the ABS, which collected data on the number of criminal appearances in the Magistrates Court throughout Queensland. Appearances data are based on the number of people rather than the number of charges. This means that defendants appearing on more than one charge on the same day are counted only once and are classified to the offence with the most serious outcome.

Figure 5 presents trend data on total Magistrates Court appearances, from 1989/90 to 1993/94.<sup>10</sup> Figure 5 shows that over the five years appearances declined from 213,302 to 187,331. This may have been partly due to the introduction of Ticketable Offence Notices (TONs) in December 1991 for specified drink-driving offences and the Self Enforcing Ticketable Offence Notice System (SETONS) in September 1992 for a wider range of traffic offences. These initiatives enabled many minor traffic offences to be disposed of without the need for a court appearance. However, non-traffic appearances also fell, by 11 per cent, from

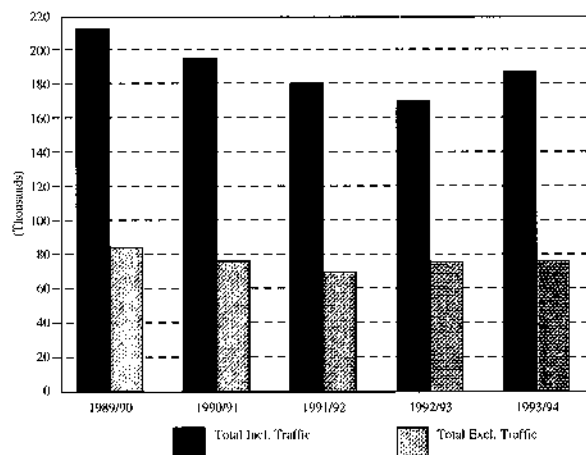


FIGURE 5: MAGISTRATES COURT: TOTAL APPEARANCES AND APPEARANCES EXCLUDING TRAFFIC (1989/90 – 1993/94)

Sources: ABS *Law and Order*, 1989/90 – 1991/92; unpublished data received from ABS for 1992/93 – 1993/94; unpublished data on SETONS Court matters received from Courts Division, JAG, July 1995.

Notes: These statistics refer to criminal matters finalised in the Magistrates Court by summary conviction, acquittal, discharge, withdrawal, forfeiture of bail or committal to a higher court. Defendants appearing on more than one charge on the same day are counted once only and are classified to the offence with the most serious outcome. Matters processed in the SETONS Court are included in 1992/93 and 1993/94 Total Appearances.



By excluding traffic-related offences it is possible to obtain a more stable measure of the trend in Magistrates Court workload. This measure is not distorted by the introduction of offence notices part way through the time series.

Figure 6 breaks down trends in appearances (excluding traffic) for three broad offence categories: personal, property and "other offences". The first two of these categories broadly equate to those used by the QPS to classify recorded offences, but the "other offences" category differs quite markedly. For example, the ABS category includes drunkenness offences (which are not counted in QPS statistics) and quasi-criminal offences, which are prosecuted by agencies other than the police.

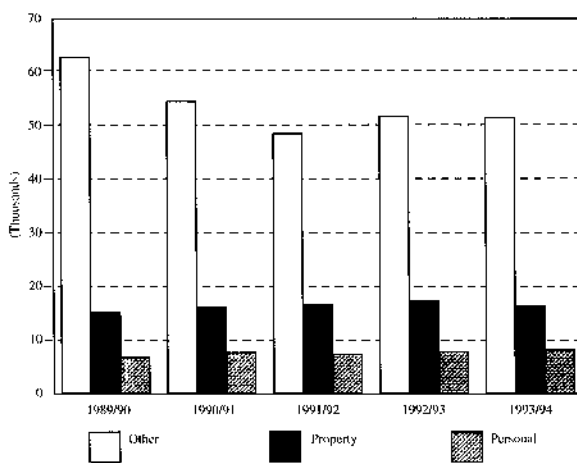


FIGURE 6: MAGISTRATES COURT APPEARANCES: PERSONAL, PROPERTY AND "OTHER OFFENCES" (1989/90 – 1993/94)

Sources: ABS *Law and Order*, 1989/90 – 1991/92; unpublished data received from ABS for 1992/93 – 1993/94.

Notes: These statistics refer to criminal matters (excluding traffic and traffic related offences) finalised in the Magistrates Court by summary conviction, acquittal, discharge, withdrawal, forfeiture of bail or committal to a higher court. Defendants appearing on more than one charge in the same day are counted once only and are classified to the offence with the most serious outcome.

Figure 6 indicates that the drop in the number of non-traffic appearances between 1989/90 and 1993/94 was due to a fall of 19 per cent in the category "other offences" from an historically high year in 1989/90. Over the same period, there was a 28 per cent increase in appearances for offences against the person, from 6,331 to 8,086. Appearances for offences against property increased by only three per cent from 15,513 to 16,021.

Key trends within these broad categories were:

- The largest increase of any offence grouping was in appearances for drug offences (included in "other offences") which doubled from 6,088 in 1989/90 to 12,340 in 1993/94.
- The increase in appearances for offences against the person was primarily due to a 27 per cent increase in appearances for non-sexual assaults. The largest jump occurred in 1993/94, when there was a rise of 268 appearances for non-sexual offences from the previous year. There were also substantial percentage rises in sexual assault appearances and appearances for extortion and robbery.
- There was a 30 per cent increase in appearances for break and enter offences but a 10 per cent fall in appearances for stealing.
- The drop in total appearances for "other offences" was primarily due to a 37 per cent decline in arrests for drunkenness. This change had minimal consequences for court workload because nearly all drunkenness matters are dealt with by forfeiting bail.<sup>10</sup>

For the majority of offence groupings, the trend in court appearances broadly reflects the trend in offences recorded as cleared by the QPS, but there are some differences. Most notably, the percentage increase in assault offences<sup>11</sup> recorded as cleared by the police (51%) was well above the percentage increase in assault-related court appearances (27%). No explanation for this discrepancy is available.

## Outcome of Appearances

An average of 94 per cent of appearances (excluding traffic) are finalised in the Magistrates Court either by:

- summary conviction,<sup>12</sup> or
- the defendant being discharged, acquitted, having the charge withdrawn or forfeiting bail.

<sup>10</sup> In August 1992, 100% of people charged with drunkenness who were granted cash bail at the Brisbane City Watchhouse forfeited their bail (unpublished data from CJC watchhouse study).

<sup>11</sup> For the purposes of this comparison, QPS assault offences include kidnapping, abduction and deprivation of liberty.

<sup>12</sup> From 1992/93 onward we have included with summary convictions those matters where a person was convicted but no conviction was recorded.

The remaining matters are committed to the higher courts for trial or sentence.

The proportion of matters finalised in the Magistrates Court which are disposed of by summary conviction increased steadily from 57 per cent in 1989/90 to 68 per cent in 1993/94. This increase can be explained partly by the decline in the proportion of matters finalised by discharge, acquittal, withdrawal or forfeiture of bail which was due primarily to the significant reduction in arrests for drunkenness (see above). However, the increase in the overall summary conviction rates is also due to an increase in the conviction rate for offences against the person which increased from 73 per cent in 1989/90 to 83 per cent in 1993/94.

Of those defendants who actually attend at a Magistrates Court to have the matter disposed of, in excess of 90 per cent eventually plead guilty.<sup>13</sup>

### Sentence Trends

The ABS collected data on sentences imposed in Magistrates Court appearances where a summary conviction was the most serious outcome. Figure 7 shows Magistrates Court sentence trends from 1989/90 to 1993/94, according to the most serious punishment imposed. By far the most common penalty imposed was a fine or other sanction such as a licence disqualification (included in this category are cases where a person is punished but no conviction is recorded). The next most common penalty imposed was a community service order or bond.

There was a 16 per cent increase between 1989/90 and 1993/94 in the number of appearances for which imprisonment was the most serious outcome, from 2,151 to 2,497. Most of this increase occurred between 1990/91 and 1991/92. The imprisonment rate in the Magistrates Court has varied slightly from year to year, but there is no evidence of any sustained upward trend.

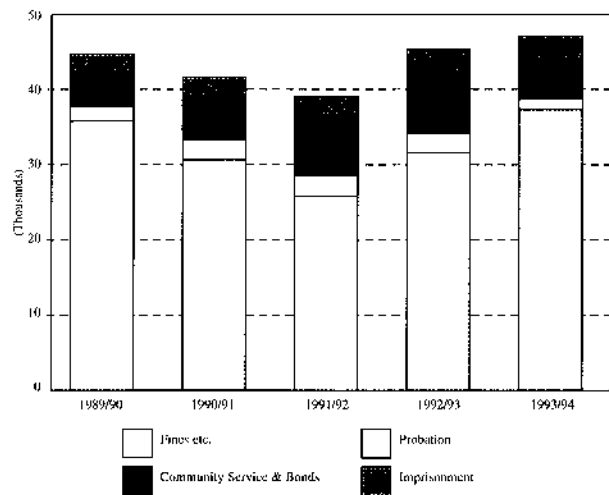


FIGURE 7: MAGISTRATES COURT SUMMARY CONVICTIONS BY MOST SERIOUS PUNISHMENT IMPOSED (1989/90-1993/94)

Sources: ABS *Law and Order*, 1989/90-1991/92; unpublished data received from ABS for 1992/93-1993/94.

Notes: ABS summary convictions data count those appearances where the most serious outcome is a summary conviction. A summary conviction is treated as a more serious outcome than a committal. Where more than one punishment has been imposed for one appearance, the defendant has been recorded under the most serious punishment only. Fines etc. includes licence disqualification and cases where a person is punished but no conviction is recorded. This figure excludes appearances where a person was convicted but no punishment is imposed.

### Committals

Between 1989/90 and 1993/94 the number of committals from the Magistrates Court to the higher courts increased by 33 per cent, from 3,952 to 5,261. It is unclear to what extent this was due to:

- an increase in the number of appearances for offences which must be tried in the higher courts; or
- an increase in the number of defendants charged with "hybrid"<sup>14</sup> offences who elected to be dealt with in the higher courts.

### Workload Measures

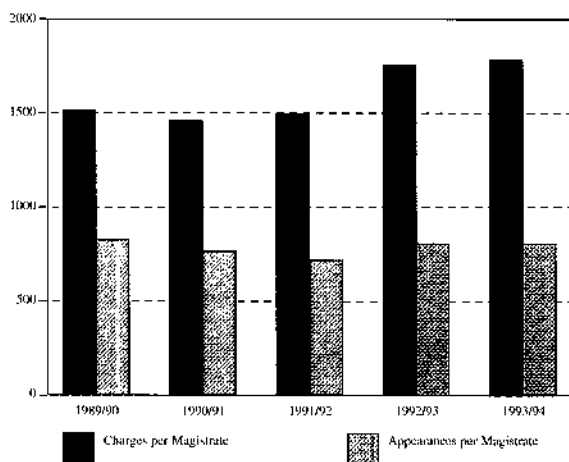
There are 71 magistrates appointed at 29 courts throughout Queensland. The number of positions has remained unchanged over the last five years, although

<sup>13</sup> The base figure excludes committals, ex-parte hearings, forfeiture of bail, withdrawn matters and matters heard in the SETONS Court. Data received from Courts Division, JAG, 19 June 1995.

<sup>14</sup> Hybrid offences are those indictable offences which, in certain circumstances, may be dealt with by way of summary hearing in the Magistrates Court.

for most of 1992 there were only 69 magistrates, due to retirements. These magistrates visit a further 71 Magistrates Courts throughout the State on circuit.<sup>15</sup>

Figure 8 shows the number of criminal appearances per magistrate and the number of criminal charges heard per magistrate, excluding drunkenness offences (which rarely lead to court appearances) and traffic offences. The figure shows that, although there was no increase in the number of appearances per magistrate from 1989/90, there was an increase in the number of charges heard per appearance: from 1.76 in 1989/90 to 2.1 in 1993/94. On this basis it seems reasonable to assume that the average appearance took longer in 1993/94. The overall workload of the Magistrates Court has also been affected by other factors, such as the increase in domestic violence protection orders.



**FIGURE 8: CRIMINAL APPEARANCE AND CHARGES HEARD PER MAGISTRATE, EXCLUDING TRAFFIC AND DRUNKENNESS (1989/90 – 1993/94)**

Sources: ABS Law and Order, 1989/90–1991/92; unpublished data received from ABS for 1992/93–1993/94. 1990/91 and 1991/92 ABS data on charges heard did not isolate drunkenness, however very few people appear on more than one drunkenness charge. Data on number of magistrates provided by Courts Division, JAG, May 1995. Data for the years 1991/92 and 1992/93 have been adjusted to recognise that some magistrates positions were vacant during part of 1992.

An indication of whether the Magistrates Court is coping with its workload is the length of time which a person must wait for a hearing date. In 1993/94 waiting times ranged from six weeks in Mackay to nearly 14 weeks in Townsville. The Brisbane Magistrates Court had a waiting time of eight weeks. Recent figures provided by the Courts

Division show that the waiting time in the Brisbane Magistrates Court had decreased to 4.6 weeks by 30 June 1995.<sup>16</sup> No comparable data are available for earlier years, although in 1991/92 it was reported that 97 per cent of defended cases were heard within 12 weeks (JAG 1993, p. 11).

## The Magistrates Court: Summary

- Total non-traffic appearances fell by 11 per cent between 1989/90 and 1993/94. The main growth was in relation to appearances for drug offences (6,252 additional appearances) and offences against the person (1,755 additional appearances). There was little change in the number of appearances for property offences and the number of appearances for “other offences” – including drunkenness and offences prosecuted by agencies other than the police – fell significantly.
- The number of appearances resulting in a conviction increased by only three per cent over this period.
- There was a 33 per cent increase in the number of matters committed to the higher courts for trial or sentence. The implications of this trend for higher courts workload are discussed in the next section.
- The number of appearances resulting in a prison term increased by 346 (16%) between 1989/90 and 1993/94. However, there is no evidence of any sustained upward trend in the imprisonment rate in the Magistrates Court.
- The overall criminal workload of the Magistrates Court, as measured by the number of appearances (excluding drunkenness and traffic matters) per magistrate, did not increase between 1989/90 and 1993/94. However, the number of charges heard per magistrate increased from 1,508 in 1989/90 to 1,783 in 1993/94.

<sup>15</sup> Correspondence received from Courts Division, JAG, 31 May 1995.

<sup>16</sup> Information received from Courts Division, JAG, 1995.

## THE HIGHER COURTS

The Supreme and District Courts of Queensland deal with the more serious criminal offences, called "indictable offences". The Supreme Court has exclusive jurisdiction to deal with the most serious offences, such as: murder, attempted murder and manslaughter; and trafficking in, supplying or producing large quantities of a dangerous drug. All other indictable offences are dealt with in the District Court.

Currently, about 90 per cent of depositions received by the DPP relate to matters in the District Court. Prior to a change of the jurisdiction of the Supreme and District Courts in 1989, the proportion was around 77 per cent.

### A Note on Data Sources

As noted in the introduction to this paper, there are three sources of higher court data: the statistics published by the ABS; data presented in the *Annual Report* of the DPP and statistics kept by JAG. The following discussion relies primarily on ABS data: partly to provide some continuity with the analysis of Magistrates Court trends, and partly because the ABS is the only agency which provides a detailed breakdown of statistics by offence type. Some use is also made of DPP data. Where trends and patterns differ significantly between the ABS and DPP, they are noted in the text.

### Incoming Matters

The higher court workload is determined primarily by the number and type of matters committed from the Magistrates Court. Once a matter has been committed to the Supreme or District Court, the depositions (the transcript of the committal hearing, relevant statements of witnesses and exhibits) are forwarded to the DPP. The State DPP is responsible for 97–98 per cent of all prosecutions in the higher courts. Commonwealth prosecutions account for the remaining cases.<sup>17</sup>

The higher court workload is also affected by the number of ex officio indictments. These are matters which go directly to a higher court, rather than through a committal hearing. These indictments are increasingly used at the request of the accused or his or her legal representative where the accused intends to plead guilty. Proceeding in this way speeds up the process of final determination by avoiding the committal stage. The number of ex officio indictments presented annually increased markedly from 72 in the 1990 calendar year to 511 in 1994.

An estimate of the number of incoming higher court matters in a given year can be obtained by combining ABS data on Magistrates Court appearances resulting in committal with DPP data on the number of ex officio indictments. According to this measure, the number of incoming higher court matters increased from 4,018 in 1989/90 to 5,744 in 1993/94; a rise of 43 per cent. DPP data, which are based on depositions received and ex officio indictments, show a somewhat higher rate of increase of 59 per cent over the same period.<sup>18</sup>

### Method of Disposal

Higher court matters are disposed of by:

- the DPP entering a "no true bill" or a "nolle prosequi" and thereby discontinuing the prosecution
- trial in which the accused pleads not guilty
- sentence in which the accused pleads guilty.

### Disposal by Discontinuance

Prosecutions are discontinued for a variety of reasons, the most common being that, after considering all available evidence, the DPP determines that there is no reasonable prospect of an accused being convicted. Other reasons include problems with the credibility or availability of key Crown witnesses, or the discovery of further evidence which shows the case against the accused to be flawed.

<sup>17</sup> DPP data are taken from the 1993 Annual Report and unpublished data received from DPP 1995. Data are adjusted to financial years. Queensland State data are based on depositions received by the State DPP each year. Commonwealth data are based on indictable matters received during the financial year, as reported in the Commonwealth DPP Annual Reports.

<sup>18</sup> It is not possible to directly compare the number of incoming matters recorded by ABS with those recorded by the DPP because of different counting rules. For example, the DPP count the number of depositions received (where more than one person is committed on one set of depositions, each person is counted separately), whereas the ABS counts appearances. Also, according to the ABS rules, a summary conviction is a more serious outcome than committal to a higher court.

The DPP does not publish data on the number of nolle prosequis or no true bills entered. However the ABS has collected data on the number of appearances in the higher courts disposed of by these methods. Figure 9 presents the number of higher court appearances resulting in discontinuance from 1989/90 to 1993/94. This figure shows that there was a 77 per cent increase in the number of appearances in which the most serious outcome was discontinuance – up from 683 in 1989/90 to 1,210 in 1993/94. Discontinuances as a proportion of depositions received increased from 16 per cent to 20 per cent over this period. The growing number of discontinuances suggests that:

- the committal process is not effective in screening out weak cases
- the DPP may have become more active in exercising a discretion not to proceed in such cases.

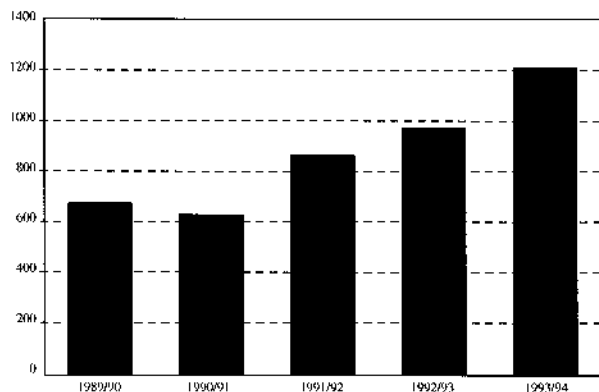


FIGURE 9: HIGHER COURTS: NUMBER OF MATTERS DISCONTINUED (1989/90 – 1993/94)

Sources: ABS *Law and Order*, 1989/90 – 1991/92; unpublished data received from ABS for 1992/93 – 1993/94.

### Disposal by Plea or Verdict

According to ABS data, the number of appearances (excluding discontinuances) in the higher courts increased by 28 per cent from 3,660 in 1989/90 to 4,677 in 1993/94. Figure 10 shows that the greatest numerical increase was in appearances for offences against property which increased by 399 (23%). Appearances for offences against the person increased by 291 (22%) and appearances for “other offences” increased by 327 (55%).<sup>19</sup> Within these broad categories the largest numerical increase of any offence grouping was in appearances for break and

<sup>19</sup> In the higher court data, “other offences” include traffic and driving related offences.

enters, which increased by 323 (56%) from 578 in 1989/90 to 901 in 1993/94. Another notable increase was in appearances for robbery and extortion, which rose by 115 per cent from 159 to 342.

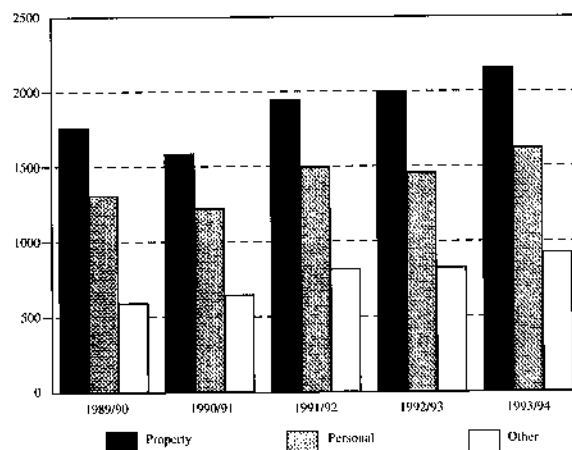


FIGURE 10: HIGHER COURT APPEARANCES (EXCLUDING DISCONTINUANCES) BY OFFENCE CATEGORY (1989/90 – 1993/94)

Sources: ABS *Law and Order*, 1989/90 – 1991/92; unpublished data received from ABS 1992/93 – 1993/94

### Result of Disposal by Plea or Verdict

The proportion of higher court appearances resulting in conviction increased from 88 per cent in 1989/90 to 92 per cent in 1993/94. Conviction rates for offences against property increased from 89 per cent in 1989/90 to 95 per cent in 1993/94. The conviction rate for “other offences” also increased from 90 per cent to 95 per cent. The proportion of appearances for offences against the person resulting in conviction remained at around 85 per cent.

According to DPP data, the guilty plea rate increased markedly from 70 per cent in the 1989 calendar year to 81 per cent in the 1994 calendar year.<sup>20</sup> In part the increase in this rate may be explained by the increase in discontinuances. As a result of the increase in discontinuances, some weak cases which might previously have gone to trial – and led to a not guilty plea being entered – are now screened-out prior to trial.

Of those matters in which the accused pleaded not guilty, on average just over half resulted in verdicts of guilty.

<sup>20</sup> DPP, rather than ABS data, were used to calculate the guilty plea rate, because the ABS method for collecting this information substantially understated the number of pleas.

## Trends in Sentencing Outcomes

Figure 11 shows the number of appearances resulting in imprisonment, community service, probation and other sentences<sup>21</sup> (including fines and no conviction recorded) from 1989/90 to 1993/94.

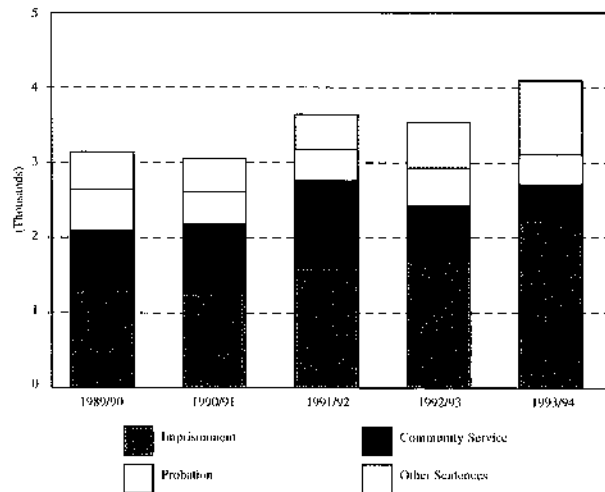


FIGURE 11: HIGHER COURTS SENTENCE TRENDS (1989/90 – 1993/94)

Sources: ABS *Law and Order*, 1989/90 – 1991/92; unpublished data received from ABS for 1992/93 – 1993/94.

Note: Where more than one punishment has been imposed for one appearance, the defendant has been shown under the most serious punishment only.

The key finding is that the number and proportion of appearances resulting in imprisonment as the most serious outcome increased by 67 per cent from 1,332 in 1989/90 to 2,227 in 1993/94. There has also been an increase in the overall imprisonment rate. The most significant change occurred between 1992/93 and 1993/94, when appearances resulting in imprisonment increased from 45 per cent of all sentences to 53 per cent.

The growth in appearances resulting in imprisonment appears to have been due to a combination of:

- an increasing number of people being convicted by the higher courts, particularly for serious offences such as armed robbery and major assault
- a rise in the rate of imprisonment within offence categories.

<sup>21</sup> In November 1992, Part 3 of the *Penalties and Sentences Act* commenced. Under the provision of that Part, a court may make certain sentencing orders without recording a conviction. These are included in "other sentences". In 1992/93, 279 of these orders were made by the higher courts and in 1993/94, 582 such orders were made. The category "other sentences" does not include those cases where a person was convicted but not punished.

For example, the number of convictions for major assault increased from 421 in 1989/90 to 531 in 1993/94. In addition, the rate of imprisonment for major assaults increased from 45 per cent to 56 per cent, suggesting that there was also a change in sentencing patterns.

## Time at Which Plea is Indicated

An important measure of the "efficiency" of the prosecution process is the timing of pleas of guilty. Only a very small proportion of those who plead guilty (8%) indicate their intention at the committal stage. At the time of the presentation of the indictment, about 20 per cent of defendants (excluding those proceeded against by way of an ex officio indictment) have indicated their intention to plead guilty. However, an average of 77 per cent of cases are pleas of guilty at the time of disposition in the higher courts. This means that many matters will be at various stages of preparation for trial before the DPP is notified that the accused intends to plead guilty. A substantial number of matters are not notified as pleas of guilty until very late in the process. For example, in the Brisbane District Court in 1990, 14 per cent of sentences were notified as pleas of guilty at or during trial. This proportion rose to 16 per cent in 1991, but declined to nine per cent by 1993.<sup>22</sup>

## Workload Measures

In order to determine whether the criminal workload per District Court Judge<sup>23</sup> had increased between 1989/90 and 1993/94 the *Monitor* uses two measures. The first used ABS appearance data, minus discontinuances and adjusted to exclude Supreme Court appearances.<sup>24</sup> The second measure used DPP data on the number of District Court trials and sentences in which the DPP was involved.

<sup>22</sup> Information supplied by Court Administrator, Supreme and District Court, 1995.

<sup>23</sup> It was not possible to construct a similar measure for the Supreme Court, due to insufficient data on the number of judges allocated to criminal work.

<sup>24</sup> ABS higher court statistics do not distinguish between the Supreme Court and the District Court. DPP data were used to calculate the ratio of District Court to Supreme Court matters for each year, and this ratio was then applied to ABS higher court appearance data for that year.

As shown in Figure 12, these two measures give a rather different picture of the extent to which the number of matters per judge has increased. The ABS-based measure shows a 16 per cent increase between 1989/90 and 1993/94; by contrast, the DPP measure shows a 45 per cent increase.

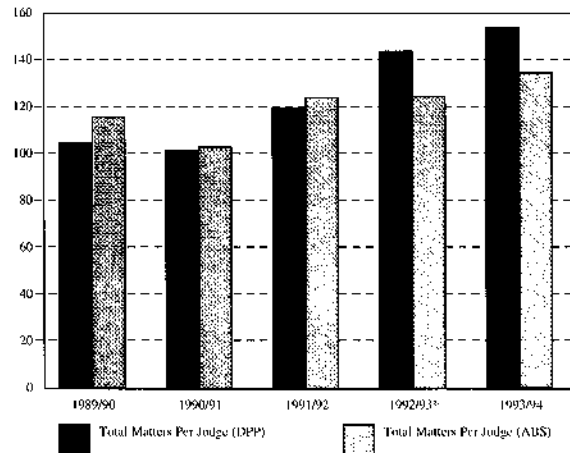


FIGURE 12: WORKLOAD PER DISTRICT COURT JUDGE: COMPARISON OF ABS AND DPP DATA (1989/90 – 1993/94)

Sources: DPP *Annual Report* 1994 and unpublished data 1993/94; JAG *Annual Reports* 1988/89 – 1993/94; ABS *Law and Order* 1989/90–1991/92 and unpublished data 1992/93–1993/94.

The DPP data, which provide a breakdown of the number of trials and sentences per judge, show that the number of trials per judge increased from 26 to 31: an increase of only 19 per cent. However, the number of sentences disposed of per judge increased by 53 per cent from 79 in 1989/90 to 121 in 1993/94.

It is not possible to say which of the ABS data and the DPP data are more accurate. However, it can be stated with some confidence that:

- the number of criminal matters per District Court judge increased between 1989/90 and 1993/94
- most, if not all, of this increase was in the form of additional sentence matters.

It is sometimes asserted that there has also been an increase in the complexity of matters going to trial, but no data are available to indicate any change in the length of District Court trials or sentences.

One indication of how the higher courts are coping with the increasing workload is the time it takes to dispose of a matter. The Courts Division, JAG provided data on the age of cases disposed of by the Brisbane District and Supreme Courts in 1993/94. Sixty-one per cent of Supreme Court cases and 45 per cent of District Court cases were disposed of within three months of the date of presentation of the indictment. Just over three-quarters of matters were dealt with by the Brisbane higher courts within six months of presentation of the indictment. Only about seven per cent of matters took longer than 12 months for disposal.

Another relevant workload measure is the trend in the higher court backlog. Figure 13 compares the incoming matters (including those not disposed of in the preceding year) with the matters disposed of each year in the Brisbane District Court from 1990/91 to 1993/94. The figure shows that, while the number of disposals rose annually, it was not sufficient to accommodate the increase in incoming workload. The result has been a growing backlog –

### District Court

In 1990/91 four new Judges were appointed to the District Court bringing the number of judges to 29. Since 1990/91 the number has further increased to 32.

Twenty-two District Court Judges are appointed to Brisbane, three District Court Judges appointed to Southport, two each to Cairns and Townsville and one each to Maroochydore, Rockhampton and Ipswich.

There are 30 District Courts throughout Queensland, of which seven are District Courts with a resident Judge and 23 are visited by Judges.

### Supreme Court

Since 1990/91 the number of Supreme Court Judges has increased from 20 to 21. Nineteen Supreme Court Judges are appointed to Brisbane: one Chief Justice, four in the Court of Appeal, and 14 in the Trial Division. One Supreme Court Judge is appointed at each of Rockhampton and Townsville.

There are 11 Supreme Courts in Queensland, of which three are Supreme Courts with permanent Judges – Brisbane, Rockhampton and Townsville. There are eight centres which a Supreme Court Judge visits on Circuit.

from 860 matters in 1989/90 to 1,127 in 1993/94. Each year the Brisbane District Court managed to dispose of about 70 per cent of the criminal matters awaiting disposal.

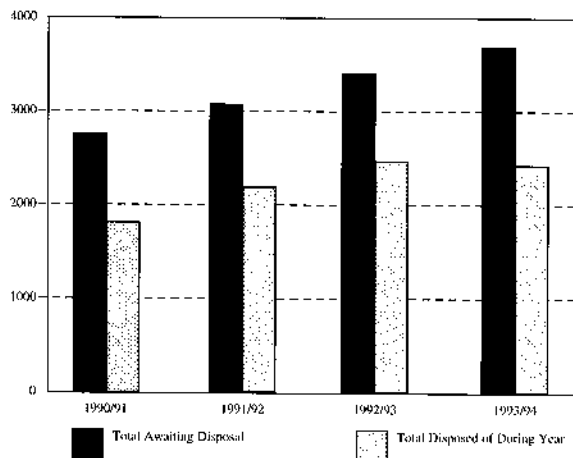


FIGURE 13: COMPARISON OF THE NUMBER OF MATTERS AWAITING DISPOSAL AND THE NUMBER OF MATTERS DISPOSED OF PER YEAR IN THE BRISBANE DISTRICT COURT (1990/91 – 1993/94)

Source: Information received from Courts Division, JAG, 1995.

Notes: Figures in 1992/93 may not tally with 1993/94 due to breaches and bench warrants issued and executed. A new method of data collection was introduced in January 1993.

### The Higher Courts: Summary

- Between 1989/90 and 1993/94 criminal appearances in the higher courts increased significantly, in line with substantial increases in committals from the Magistrates Court and in the number of ex officio indictments presented. The main increases were in appearances for break and enter offences, robbery and extortion, major assaults and drug offences.
- Over this period, there was an increase in the proportion of matters which were screened out through the filing of no true bills and nolle prosequis. This trend indicates that the DPP may have become more interventionist.
- Generally, the data highlight the ineffectiveness of committals in two key areas:
  - failure to screen out weak cases
  - failure to identify early pleas of guilty.
- Conviction rates increased due to an increase in the guilty plea rate and a greater number of prosecutions being discontinued prior to trial.

- Most guilty pleas are not entered until relatively late in the prosecution process, after preparation for trial has commenced.
- There was a substantial increase in the number of people who received prison sentences, particularly in 1993/94. This was due partly to more people being convicted, but there is evidence that imprisonment rates also went up for certain offence categories, possibly reflecting changes in sentencing practices.
- The number of criminal matters per District Court judge increased. Most, if not all, of this increase was in the form of additional sentence matters, rather than trials.
- There is evidence that the District Court backlog is increasing, at least in Brisbane.

## COURT OF APPEAL

On 24 October 1991, a permanent Court of Appeal was established in Queensland. Prior to then, criminal appeals were heard by the Court of Criminal Appeal constituted from time to time by three Supreme Court judges.

The Court of Appeal determines all appeals relating to trials or sentences for indictable offences, whether the offence has been dealt with summarily or not. Additionally, some appeals from magistrates' decisions relating to non-indictable offences may be dealt with by the Court of Appeal.

### Trends in the Workload of the Court of Appeal

Criminal matters filed in the Court of Appeal increased by 50 per cent from 371 in 1991/92 to 558 in 1993/94. The number of appeals disposed of by the court increased by 43 per cent, from 370 to 528.<sup>25</sup>

Although the rate of disposal of matters has increased, it has not increased at the same rate as incoming matters. In 1991/92 the court disposed of all matters before it. However in 1993/94 the court only disposed of 95 per cent of pending matters (JAG 1995).

The median time between filing of an appeal and hearing went up from 73 days in 1992/93 to 89 days in 1993/94 (Court of Appeal 1994).

<sup>25</sup> Information provided by Courts Division, JAG 1995.



## Trends in the Nature of Appeals Lodged

The DPP collects data on the nature of the appeals lodged by the Crown and the accused. There are several types of appeals. The Crown may appeal against sentence or refer a question of law to the Court of Appeal for determination; the Crown may not appeal against a verdict of not guilty. The accused may appeal against sentence and/or conviction.

Appeals against sentence constitute an increasing proportion of the matters determined by the Court of Appeal.

In 1989/90, 54 per cent of appeals heard (137) were appeals against sentence only. The proportion increased to 63 per cent (226) in 1993/94. This trend was in line with the increase in sentence matters relative to trial in the District Court.

## CORRECTIONS

Most people sentenced by the courts will come into the care of the Queensland Corrective Services Commission (QCSC) as:

- an inmate of one of the State's prisons
- a person subject to a community-based order supervised by the QCSC.

Many people who are sentenced to terms of imprisonment will proceed through community custody to community supervision before exiting the criminal justice system.

Each of these stages is discussed in more detail below.<sup>26</sup>

### Prison

There are 12 prisons throughout Queensland: 10 are managed by the QCSC and two by private operators. The two privately operated prisons, the Arthur Gorrie Correctional Centre and the Borallon Correctional Centre, hold 33 per cent of the total prison population.

Some defendants sentenced to prison terms, and persons remanded to appear in court, are also held in police watchhouses on a short term basis (see below).

Eighty-nine per cent of prisoners held in custody are serving sentences imposed on them by a court. The remaining 11 per cent are in custody pending trial and/or sentence.

The number of offenders coming into prison is primarily determined by the courts. Queensland prisons received 4,847 sentenced prisoners in 1994/95. This included offenders sentenced during 1994/95 who were originally admitted on remand. Prisons held a daily average of 2,675 prisoners. On 30 June 1995, there were 2,880 prisoners (2,778 males and 102 females) in custody throughout Queensland. Figure 14 shows the trend in the number of people in prison at 30 June each year from 1991 to 1995.

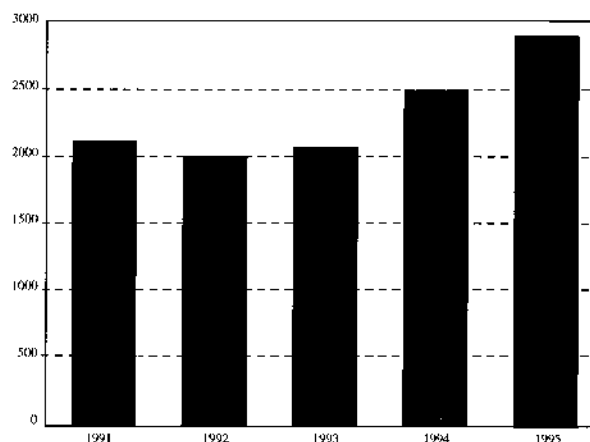


FIGURE 14: TOTAL NUMBER OF PEOPLE IN PRISON AT 30 JUNE (1991 – 1995)

Sources: National Prison Census, 30 June 1991 & 1992 (see Walker 1992 & 1993); correspondence received from QCSC, July 1995.

There was a 38 per cent increase in the number of people in prison from 30 June 1991 to 30 June 1995. After a fairly stable period from 1991 to 1993, there was a sharp upward trend in the number of offenders held in custody. The number of prisoners increased by 423 (20%) from 30 June 1993 to 30 June 1994 and by a further 389 (16%) from 30 June 1994 to 30 June 1995.

### Prisoners by Offence Type

Table 2 below shows the trend in the number of offenders held in custody, broken down by the most serious offence, from 30 June 1991 to 30 June 1995.

<sup>26</sup> Except where otherwise indicated, 1994/95 data on corrections were provided by the Queensland Corrective Services Commission in July 1995. The data are as yet unpublished and are preliminary figures only. For final figures see the forthcoming QCSC Annual Report 1994/95.

**TABLE 2: PEOPLE IN PRISON BY MOST SERIOUS OFFENCE AT 30 JUNE 1991 – 1995**

	1991	1992	1993	1994	1995
Homicide, etc.	305	313	282	308	357
Assault, etc.	153	177	249	333	355
Sexual assault, etc.	356	354	371	429	498
Robbery/Extortion	228	249	295	370	408
Other Personal Offence	12	12	12	29	23
Break and Enter	275	271	299	364	404
Other Theft	282	229	203	238	219
Property Damage	54	33	29	36	50
Disorderly Conduct	96	94	74	107	132
Drug Offences	160	136	91	125	168
Motor Vehicle	156	108	86	113	146
Other	17	41	77	39	120
<b>TOTAL</b>	<b>2,094</b>	<b>2,017</b>	<b>2,068</b>	<b>2,491</b>	<b>2,880</b>

Sources: National Prison Census, 30 June 1991 & 1992 (see Walker 1992 & 1993); information provided by QCSC, July 1995.

Note:

1. Includes those where the most serious offence is unknown or not stated.

Table 2 indicates that the increase in overall prisoner numbers between 30 June 1991 and 30 June 1995 was due primarily to increases in the number of people imprisoned for:

- assault: an increase of 202 prisoners (132%)
- robbery and extortion: an increase of 180 prisoners (79%)
- sexual assault: an increase of 142 prisoners (40%)
- break and enter offences: an increase of 129 prisoners (47%).

### Time Spent in Prison

At 30 June 1995, 17 per cent of sentenced prisoners in Queensland were serving sentences of less than one year; 33 per cent were serving sentences of one year or more but less than five years; 40 per cent were serving sentences of five years or more; eight per cent were serving sentences of life or an indeterminate period and two per cent were not stated.

Upon entering prison, each prisoner is given a security classification. This will determine whether the prisoner is placed in secure custody (that is, a facility with a secure perimeter) or open custody (such as a prison farm). Prisoners may be classified to a lower security classification at a later date.

Usually offenders do not spend the full term of their sentence in prison. The QCSC has procedures in place designed to provide for the supervised gradual return of low-risk prisoners back into the community. Some of the available options to facilitate gradual return to the community are:<sup>27</sup>

- *Leaves of absence.* These progress from short escorted leaves of absence (c.g. one day to attend an approved program) to short unescorted leaves of absence, to leaves of absence for a weekend.
- *Transfer to an approved program such as Work Outreach Camps (WORC).* For example, a prisoner serving a sentence of two years might be classified low/open security and transferred to the WORC program after six months.
- *Parole,* for which an offender is usually eligible to apply after half the term of the sentence. Community Corrections Boards, made up of members of the community and the QCSC, decide whether a prisoner will be released on parole. Some prisoners may be approved to be released to home detention for a short period prior to being granted parole.

Offenders discharged or transferred to community corrections programs from prison or the Work Outreach Camps (WORC) during the six months ending April 1995 had served an average of 4.8 months since their most recent admission. This measure includes both sentenced and remanded offenders.<sup>28</sup> The average time spent in prison according to this measure is fairly low, because there is a high turnaround of prisoners who are sentenced to short terms of imprisonment.

### Prison Capacity

Figure 15 shows the number of prisoners being held in custody as of 30 June 1995 and the capacity of each correctional facility at that time.

<sup>27</sup> For a further description of this process and the available options, see QCSC 1993.

<sup>28</sup> Correspondence received from QCSC, June 1995.

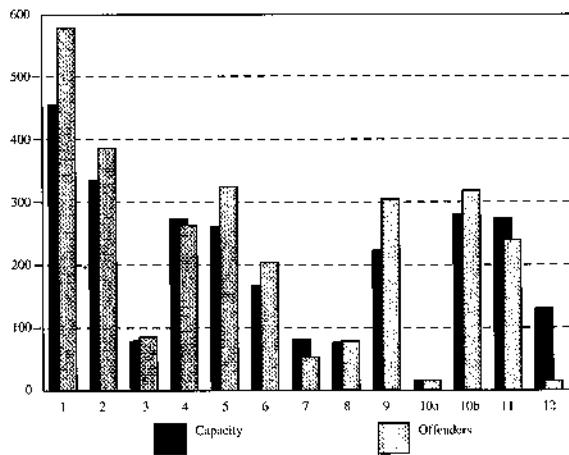


FIGURE 15: NUMBER OF OFFENDERS AND CAPACITY BY CORRECTIONAL CENTRE AT 30 JUNE 1995

- |                     |                       |                         |
|---------------------|-----------------------|-------------------------|
| 1. Arthur Gorrie    | 6. Moreton            | 10a. Townsville Women's |
| 2. Borallon         | 7. Numinbah           | 10b. Townsville Men's   |
| 3. Brisbane Women's | 8. Palen Creek        | 11. Wacol               |
| 4. Rockhampton      | 9. Sir David Longland | 12. Westbrook           |
| 5. Lotus Glen       |                       |                         |

Source: QCSC unpublished statistical data 2 August 1995.

These data show that most prisons were accommodating more prisoners than their capacity. The only prisons not occupied beyond capacity were Numinbah, Rockhampton, Wacol and Westbrook. Westbrook was only occupied to nine per cent of its capacity on 30 June 1995, as the 130 cells were only officially brought on line at that time. The overall occupancy rate on 30 June 1995 was 108 per cent; excluding Westbrook it was 113 per cent.

To reduce prison overcrowding, the QCSC is currently increasing the capacity of some existing custodial facilities and building a new prison at Woodford. By the end of 1995, prison capacity is expected to increase to 2,874. By January 1997, the planned capacity is 3,474.

## Capacity of Community Custody Facilities

Community custody facilities include WORC Camps and the Community Corrections Centres. There are 10 WORC camps, mostly in rural areas of Queensland. The capacity of the WORC program at 30 June 1995 was 220 and there were 195 offenders in the program at that date.

There were 10 Community Corrections Centres in Queensland at 30 June 1995. Some are operated by the QCSC and others are operated under contract arrangements by non-profit organisations. Community Corrections Centres capacity at 30 June 1995 was 175 offenders but only 139 were accommodated in the centres at that date.

## Community Supervision

One of the main functions of the community corrections area of the QCSC is to administer a wide range of community-based court sentences such as community service or probation. Community corrections also manages several post-prison programs which allow the gradual reintegration of a prisoner back into the community, including parole and home detention. Other community corrections responsibilities include providing advice to courts and assessing offenders prior to their release.

At 30 June 1995, community corrections supervised 84 per cent of all offenders in the care or custody of the QCSC. In most cases, these offenders were subject to a court order or a post-prison supervision order approved by a Community Corrections Board.

### Implications for Police Watchhouses

Current overcrowding in the prison system has had a severe impact upon police watchhouses. Watchhouses are designed to be short-term holding facilities for people who have been arrested, prior to their release on bail or appearance before a court. Appearances before the court should occur as soon as practicable after arrest; therefore, the longest time a person should expect to be in a police watchhouse is around 72 hours (if it is a long weekend). If a person is remanded in custody after a court appearance then that person should be transferred to a corrective services facility.<sup>a</sup>

In reality, people remanded in custody spend significant periods in police watchhouses. For example, at 6.00 a.m. on 22 March 1995, 134 QCSC prisoners were being accommodated in the major Police Watchhouses at

Brisbane (57), Cairns (40), Ipswich (8), Southport (12), Holland Park (10), and Beenleigh (7).<sup>b</sup> It is highly likely that additional prisoners were accommodated in some of the smaller watchhouses.

The CJC's analysis of records of one of the major watchhouses showed that, of 31 prisoners released from the watchhouse to prison during March 1995, the median stay was nine days. The period spent in the watchhouse prior to transfer to prison ranged from three to 38 days.

<sup>a</sup> Section 32 of the *Corrective Services Act 1988* provides exceptions to the requirement that a person sentenced to imprisonment is to serve that term in a prison. Where the term of imprisonment is not more than 31 days the person may be detained in a watchhouse. If the sentence exceeds 31 days, the person may be detained in a watchhouse until he or she can be conveniently conveyed to a prison.

<sup>b</sup> Queensland, Legislative Assembly 1995, Hansard, p. 12,073.

Figure 16 shows the trend in the number of community correction orders made and completed between 1990/91 and 1994/95.

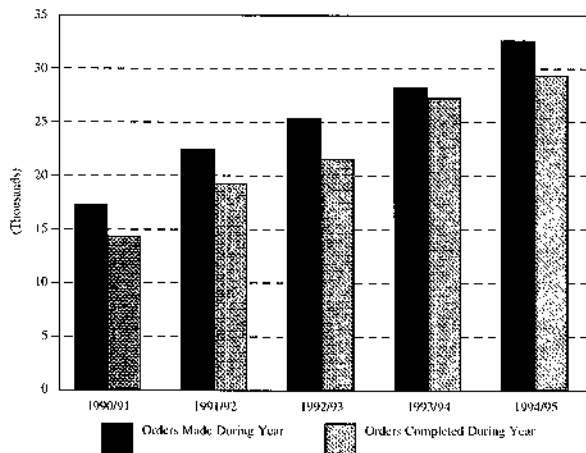


FIGURE 16: COMMUNITY CORRECTIONS ANNUAL WORKLOAD (1990/91 - 1994/95)

Sources: QCSC Annual Reports 1990/91 - 1993/94; information received from QCSC, July 1995.

Over the period there has been an increase of 86 per cent in the number of admissions to new orders. The number of orders completed increased by 103 per cent to a total of 29,679 orders in 1994/95. Only those people who successfully completed their community corrections order exited the criminal justice system.

The number of community corrections orders increased by 47 per cent from 14,784 at 30 June 1991 to 21,803 at 30 June 1995. Figure 17 shows trends in the community corrections caseload by the different types of community corrections orders, from 30 June 1991 to 30 June 1995.

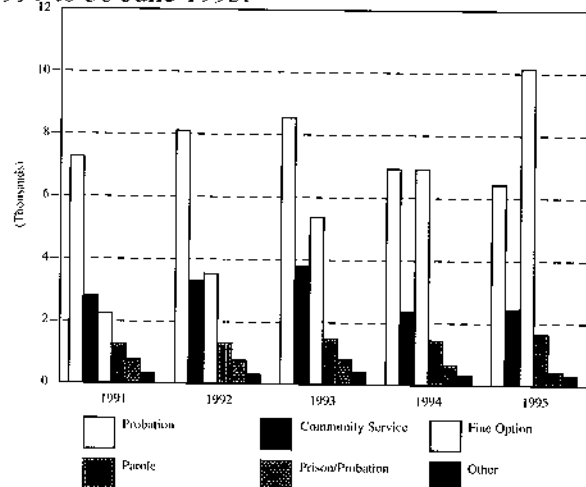


FIGURE 17: COMMUNITY CORRECTIONS: TYPE OF ORDERS AT 30 JUNE (1991 - 1995)

Sources: QCSC Annual Reports 1990/91 - 1993/94; information received from QCSC, July 1995.

Notes: Includes orders that the QCSC supervise on behalf of other jurisdictions. The recording of data across categories is not consistent throughout the five year period.

The graph shows that:

- Between 30 June 1993 and 1994 there was a decrease in all types of orders, except fine option orders. Fine option orders are those orders in which a fine is imposed by the court and the offender elects to do community service in lieu of payment of the fine.
- The number of fine option orders increased markedly over the period from 2,283 at 30 June 1991 to 10,221 at 30 June 1995.

### How Does Queensland's Imprisonment Rate Compare with the Rest of Australia?

The Australian Institute of Criminology collects national data on the rates of imprisonment, which enables broad comparisons to be made between all Australian States and Territories. Figure 18 shows the adult imprisonment rate per 100,000 of the population for all jurisdictions as of June 1994.

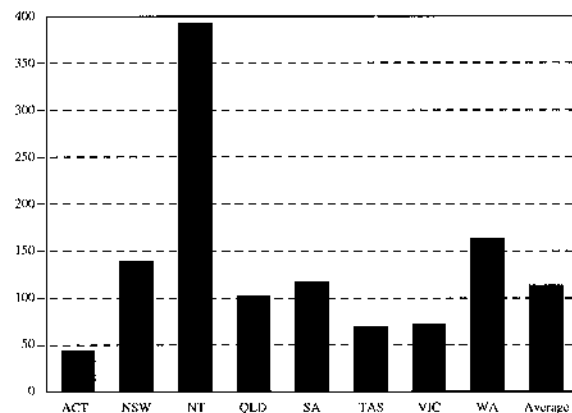


FIGURE 18: IMPRISONMENT RATE PER 100,000 ADULT POPULATION AUSTRALIA (JUNE 1994)

Source: Australian Institute of Criminology 1995, Australian Prison Trends, June 1994.

Notes:

1. Adult refers to persons 17 years of age and over.
2. The Queensland total does not include offenders in WORC camps.

This comparison indicates that, as at June 1994, Queensland did not have a particularly high imprisonment rate when compared to other Australian jurisdictions. With an imprisonment rate of 103 per 100,000 of adult population (110 per 100,000 with offenders in WORC camps included) Queensland ranked below the national average of 115.5. However, this picture may have altered over the last 12 months. Data are not available for other Australian jurisdictions, but Queensland data show that the rate

of imprisonment as at 30 June 1995 had increased significantly to around 117 per 100,000 of the adult population at that date (125 per 100,000 with offenders in WORC camps included).<sup>29</sup>

### Corrections: Summary

- Prisoner numbers were reasonably stable from 1990/91 to 1992/93, but have increased significantly since 1992/93. This growth has primarily been in relation to persons convicted of crimes against the person and break and enter offences. These trends broadly reflect sentencing trends in the higher courts.
- Current demands on correctional facilities exceed capacity.
- The increased pressure on prison capacity has contributed to significant overcrowding in police watchhouses.
- There has been a substantial increase in the use of community corrections orders, but this has not been sufficient to take pressure off the prison system.
- In June 1994 Queensland's rate of imprisonment per 100,000 of the adult population was below the national average. However, the imprisonment rate in Queensland increased substantially between June 1994 and June 1995.

## THE COST OF CRIMINAL JUSTICE

In 1994/95, the Queensland Government spent \$2,035.8m on the Law, Order and Public Safety policy area.<sup>30</sup> Within this broad policy area, three program areas relate to criminal justice in particular:

- Police
- Law Courts and Legal Services
- Corrective Services.

<sup>29</sup> For the purpose of calculating the number of prisoners per 100,000 adult population in June 1995, it was assumed that there had been a population growth of 2.5% since June 1994.

<sup>30</sup> This includes funding from the Consolidated Fund and from Trust and Special Funds.

The remaining program area is Public Safety, which includes such things as emergency services and workplace health and safety.

Figure 19 shows how the Law Order and Public Safety policy area compares to the other policy areas as a proportion of the total budget expenditure in 1994/95.

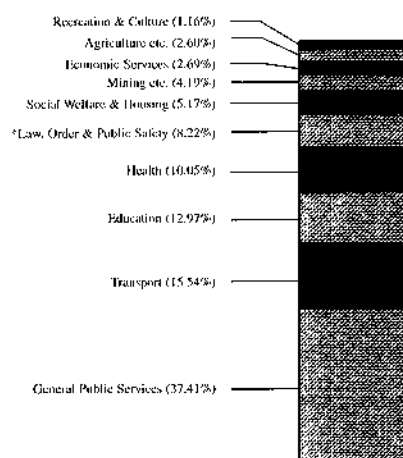


FIGURE 19: COMPARISON OF FUNDING BY POLICY AREA (1994/95)

Source: State Budget 1995-96, Budget Paper No. 2, pp. 202 & 211

Note: Estimated Actual Expenditure from Consolidated and Trust and Special Funds.

Law, Order and Public Safety was the fifth highest area of expenditure. The proportion of the total budget devoted to this policy area remained stable at around eight per cent between 1990/91 and 1994/95. However, the budget estimates for 1995/96 increase the proportion devoted to this area to 12.56 per cent of the total budget.

In 1994/95, the three components that relate to criminal justice accounted for 43.48 per cent of the Law, Order and Public Safety policy area and four per cent of the total budget.<sup>31</sup>

Figure 20 compares the relative levels of funding for Police, Law Courts and Legal Services and Corrective Services for 1990/91 to 1994/95 and the budget estimates for those program areas for 1995/96.

<sup>31</sup> The Law Courts and Legal Services program area includes funding for a range of programs not related to criminal justice, for instance: the Land Court, the Public Trust Office, and the Fair Trading program. Wherever non-criminal justice programs are identifiable, they have been excluded from the Law Courts and Legal Services program area budget to enable comparison with other criminal justice program areas. It is not practicable to exclude the civil law component of funding for such areas as the Courts, Crown Law and Legal Aid.

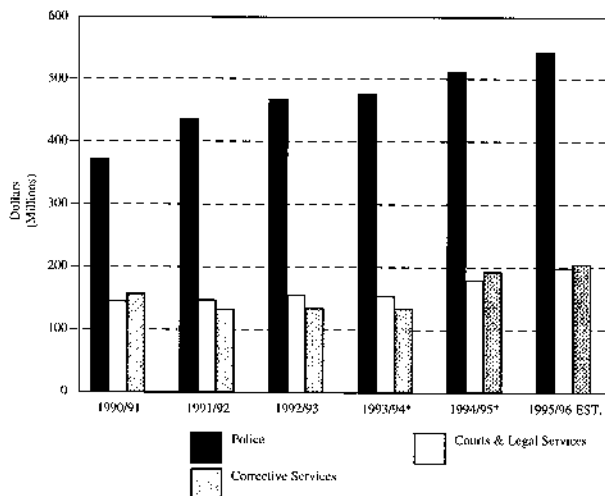


FIGURE 20: OUTLAYS PER PROGRAM AREA - LAW, ORDER AND PUBLIC SAFETY (1990/91 - 1995/96)

Source: Queensland Government, State Budget, Program Statements 1989/90 - 1995/96.

Note: \* denotes Estimated Actual Expenditure

Key points to be noted are:

- Police expenditure increased from \$371.9m in 1990/91 to \$510.2m in 1994/95 - an increase of \$138.3m (37%). A further \$31m is included in the 1995/96 budget.
- Law Courts and Legal Services expenditure increased from \$143m in 1990/91 to \$179.5m in 1994/95 - an increase of \$36.5m (26%). A further \$19m is included in the 1995/96 budget estimate.
- Corrective Services funding has been more erratic than the other two programs areas with expenditure dropping from \$161.8m in 1990/91 to \$138.3m in 1991/92. Expenditure rose only slightly over the next two years and then increased by \$48.9m between 1993/94 and 1994/95 to reach \$195.4m (a 21% increase on the 1990/91 level). It is expected that funding for this area will increase by a further \$10.1m in 1995/96. The increases over the last two years are due to a relatively large component related to capital works. The cost of building prisons is high and the government is currently in the midst of a program to expand prison capacity.

A more accurate picture of the increase in resources devoted to criminal justice can be gained by looking at real per capita spending in each of the three program areas.<sup>32</sup> This index shows whether the increase in funding has kept pace with the population growth in Queensland and changes in the cost of living.

Figure 21 compares the real per capita spending on each of the three program areas from 1990/91 to 1994/95, stated in 1994/95 dollars. It shows that:

- Real per capita spending on police in 1994/95 was \$158, up by 16 per cent from \$136 in 1990/91. Most of this increase occurred between 1990/91 and 1991/92.
- Real per capita spending on Law Courts and Legal Services increased by eight per cent from \$52 to \$56. The largest increase was between 1993/94 and 1994/95.
- Real per capita spending on Corrective Services fluctuated but overall increased by two per cent from \$59 in 1990/91 to \$60 in 1994/95.

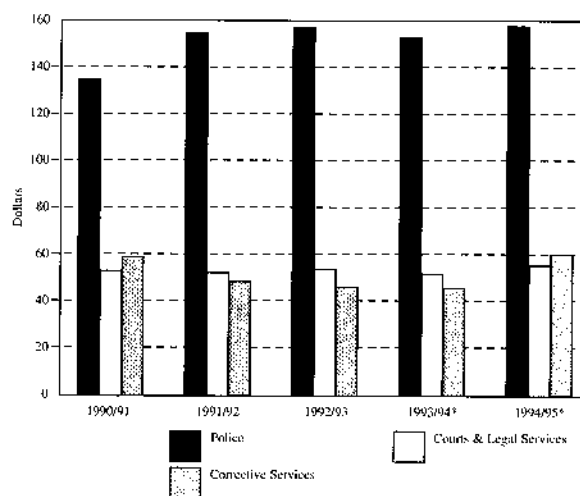


FIGURE 21: REAL PER CAPITA PROGRAM EXPENDITURE (1990/91 - 1994/95)

Source: Queensland Government, State Budget, Program Statements 1989/90 - 1995/96. Population figures from ABS; Consumer Price Index figure from the October - December 1994 quarter from ABS.

Note: \* denotes Estimated Actual Expenditure

## How Does Queensland Compare with the Rest of Australia?

In 1990/91, Queensland spent \$163.96 per capita on Law, Order and Public Safety, compared to the Commonwealth Grants Commission national standard of \$191.93. Per capita spending in this area in Queensland was lower than any other State or Territory.<sup>33</sup>

By 1993/94, this gap had narrowed with Queensland spending \$194.93 per capita on Law, Order and Public Safety compared to the national standard of

<sup>32</sup> Population figures from ABS; Consumer Price Index figure from the October - December 1994 quarter from ABS.

<sup>33</sup> Commonwealth Grants Commission 1995.

\$206.56. Only Victoria and Tasmania spent less per capita in this area than Queensland. Within Law, Order and Public Safety, Queensland spending on Administration of Justice and Corrective Services program areas was only \$2 below the national per capita standard in 1993/94. However, Queensland spending on police in that year was \$14 below the national per capita standard. It is possible that the gap between Queensland and other States has been further reduced, and may even have been eliminated, by the most recent two budgets.

### The Cost of Criminal Justice: Summary

- Resources allocated to the criminal justice area have increased substantially over the last five years in both per capita and real terms.
- The greatest growth in expenditure has been on police and the least on Corrective Services.
- On 1993/94 figures, Queensland's funding for Law, Order and Public Safety was still below the Commonwealth Grants Commission national standard. However, this position may have altered following the last two State budgets.

## KEY EVENTS IN THE CRIMINAL JUSTICE SYSTEM

Since the start of 1994, a number of changes have occurred within various parts of the criminal justice system that are likely to have an impact upon the operation of the system. These initiatives can be classified into three broad groups:

- legislative changes
- administrative changes
- improvements to information about the system.

### Legislative Changes

The Criminal Code 1995 was assented to on 16 June 1995. The new Code introduces a number of changes that are likely to impact upon the operation of the criminal justice system, particularly the courts. For example:

- Section 320 expands the range of indictable offences that may be dealt with summarily (that is, in the Magistrates Court) and removes the

defendant's right to have a jury trial in certain circumstances. It is likely that these changes will increase the number of criminal matters dealt with in the Magistrates Court, with a consequent decrease in the number of matters dealt with in the District Court.

- Section 361 is designed to assist the speedy disposition of a trial by providing for pre-trial applications to judges for directions or rulings on issues including the setting aside of an indictment or the joinder of charges. This provision should reduce the cost of matters heard in the higher courts by enabling a number of issues to be resolved prior to empanelling a jury.

The new Criminal Code is not expected to be proclaimed until 1996, when it will take effect as part of a package which includes:

- The Police and Public Officers Powers and Authorities Bill – In October 1994 the CJC completed its extensive review of police powers in Queensland with the publication of the fifth volume of its report (CJC 1994c). The report included recommendations concerning powers of search and seizure, arrest, questioning and fingerprinting of suspects and electronic surveillance. The CJC also recommended that, to the extent practicable, police powers be centralised in one Act. The Parliamentary Criminal Justice Committee has reported on all of the CJC's recommendations and the Government is in the midst of preparing a Police and Public Officers Powers and Authorities Bill.
- The Criminal Law General Offences Bill – New summary offences legislation is currently being drafted to replace the *Vagrants, Gaming and Other Offences Act 1931* and to include some offences that are in the current *Criminal Code*. The new legislation is expected to be called the Criminal Law General Offences Bill.
- The Jury Bill – This will replace the *Jury Act 1929* and provisions relating to juries contained in the current *Criminal Code*.
- The Victims Bill – This will replace the criminal compensation provisions contained in the current *Criminal Code*.

## Administrative Changes

In October 1994 the DPP initiated a pilot project at Ipswich Magistrates Court in which officers of the DPP, rather than police prosecutors, prosecuted committal hearings.

The Criminal Case Management Group of the Litigation Reform Commission recommended that a similar project be undertaken in Brisbane. Funding was obtained in the 1995/96 budget to enable a 12 month pilot project to be commenced in the Brisbane Central Magistrates Court on 31 July 1995. Key changes in the procedures are:

- After arrest, a defendant who is granted bail by police will not be required to appear before the court until 14 days after arrest, enabling the defendant to obtain legal representation before his or her first appearance.
- Police will be required to complete the necessary paperwork within a strict timeframe to ensure that the prosecutor and defence have sufficient material to enable them to negotiate prior to the court date.

## Improvements to Information about the System

A computerised Crime Recording Information System for Police (CRISP) was introduced statewide in 1994/95. Under this system, police telephone information about a crime to a central location where it is entered onto the police computer system. This procedure enables information to be available immediately to investigating police. It also enhances the quality and consistency of information on recorded crime across regions as the information is entered by one group of skilled data entry staff. A possible consequence of introducing CRISP is that it might lead to an increase in the number of recorded offences, particularly for minor matters, because it will be easier for police to file crime reports.

In December 1994, a Crime Statistics Unit, made up of six statisticians, was established within the Government Statistician's Office. This initiative should substantially improve the quality of criminal justice statistics in Queensland over the longer term. The Unit's function is to coordinate the collection of criminal justice statistics, with the cooperation of existing criminal justice agencies, and to publish

statistical reports on the criminal justice system. The functions of the Unit will include developing and refining rules for counting and classifying offences, offenders and victims.

## CONCLUSION

The main findings reported in this issue of the *Queensland Criminal Justice System Monitor* are as follows:

### Police and Crime

- Between 1989/90 and 1993/94 the number of offences and the rate per 100,000 population increased in each of the three broad categories of recorded crime – offences against property, offences against the person and other offences.
- The most significant rises were in recorded offences against the person (especially assaults), break and enter offences (especially concerning residential premises) and drug offences.
- Although the crime workload of the QPS increased between 1989/90 and 1993/94, clearance rates – a traditional measure of police effectiveness – remained fairly stable.
- The impact of the increase in recorded offences on other parts of the criminal justice system varied according to the nature of the offence. For example:
  - the growth in recorded offences against the person added to the workload of both the Magistrates Court and the District Court, and had a significant impact on the prison population
  - the increase in recorded break and enter offences was associated with an increase in the number of appearances for this offence in the Magistrates Court and the District Court and with an increase in the number of people imprisoned for break and enter offences
  - increased enforcement of drug laws added several thousand cases to the annual workload of the Magistrates Court, but had little impact on the workload of the higher courts or the prison system.



## The Courts: Workload

- Despite increases in appearances for some offence categories, the total criminal workload of the Magistrates Court increased only slightly between 1989/90 and 1993/94.
- The District Court experienced substantial increases in the total criminal workload and an increase in the number of matters per judge. However, most of this increase was in the form of additional sentence matters rather than trials.
- The District Court backlog appears to be increasing at least in Brisbane, presumably as a consequence of this increased workload.
- The new Criminal Code, when it is proclaimed in 1996, is expected to add to the workload of the Magistrates Court and reduce the workload of the District Court, but at this stage it is not possible to say to what extent.

## Higher Court Processes

- Committal proceedings have been largely ineffective in screening out weak cases and identifying pleas of guilty. However, recent initiatives by the DPP to take over responsibility for the conduct of committals and the involvement of Legal Aid in committal proceedings may help address these shortcomings.
- The DPP appears to have become more active in screening out weak cases prior to trial. There is also a greater use of ex officio indictments, largely at the initiative of defendants seeking to enter an early plea of guilty.

## Sentencing Trends

- Between 1989/90 and 1993/94, there was a 67 per cent increase in the number of people imprisoned by the higher courts, with the largest rise occurring between 1992/93 and 1993/94. This increase is attributable to:
  - more people being convicted of serious offences (e.g. armed robbery, serious assault)
  - an increase in the imprisonment rate within several offence categories.

- By contrast, there is no evidence of any upward trend in the number or proportion of defendants being sentenced to prison by the Magistrates Court.

## Prisons

- Between 30 June 1993 and 30 June 1995 the prison population increased by more than one-third. Due to limited prison capacity, this has led to overcrowding in the prison system and police watchhouses. The QCSC is currently in the process of expanding prison capacity in an endeavour to cope with these pressures.
- The key factor contributing to the growth in the prison population has been an increase in the number of people sentenced to prison by the higher courts (see above).
- Since 1990/91 there has been a substantial increase in the use of community corrections orders, but this has not been sufficient to alleviate pressure on the prison system.

## Funding for the Criminal Justice System

- Resources allocated to the criminal justice system have increased substantially since 1990/91, in both per capita and real terms.
- The greatest rate of growth has been in expenditure on police and the smallest in spending on corrections.

## Interstate Comparisons

- By comparison with other States, Queensland:
  - has recorded and actual crime rates which are close to the national average, except for residential break and enter offences where Queensland is above the average
  - does not have a particularly high rate of imprisonment, although the Queensland rate has increased substantially since 1993
  - spends less per capita on the criminal justice system, although this gap appears to be diminishing.
- It is not possible at present to make reliable interstate comparisons of the workload and efficiency of the court system.

## ISSUES FOR FURTHER RESEARCH

Research issues arising out of this review include:

- What factors account for the significant increase in assaults – particularly serious assaults – recorded by the police and prosecuted in the courts? Has there been an increase in the proportion of such offences being reported? Are the police more likely to record assault allegations as offences than they were in the past? Or, has the underlying incidence of assault increased in the community?
- Why does Queensland have a residential break and enter offence rate above the national average? What policy initiatives can be taken to reduce the incidence of this offence?
- To what extent has there been a change in the sentencing practices of the higher courts, particularly in the use of imprisonment? If there has been a change, what factors account for this?
- What impact will the new Criminal Code have on the respective workloads of the Magistrates Court and District Court, and on the operations of the DPP and Legal Aid Commission?
- What initiatives can be taken to reduce pressure on the prison system and watchhouses, other than through expanding prison capacity?

The CJC, through its Research and Co-ordination Division, may address some of these issues, but others will need to be taken up by other criminal justice agencies.

## REFERENCES

- ABS. See Australian Bureau of Statistics
- Australian Bureau of Statistics 1994, *Crime and Safety: Australia*.
- 1995a, *National Uniform Crime Statistics: January to December 1994*, AGPS, Canberra.
- 1995b, *Year Book Australia 1995*, AGPS, Canberra.
- Law and Order 1989/90 – 1991/92.
- Australian Institute of Criminology 1994, *Australian Prison Trends Nos 201–215*, Facts and Figures in Crime and Criminal Justice Series, ed J Walker, Australian Institute of Criminology, Canberra.
- 1995, *Australian Prison Trends No 217, June 1994*, ed S Mukherjee, Australian Institute of Criminology, Canberra.
- CJC. See Criminal Justice Commission
- Commonwealth Grants Commission 1995, *Report on General Revenue Grant Relativities 1995 Update*, AGPS, Canberra.
- Court of Appeal 1994, *Third Annual Report 1993 – 1994*.
- Criminal Justice Commission 1993, *Report on a Review of Police Powers in Queensland, Volume III: Arrest Without Warrant, Demand Name and Address and Move-on Powers*, Goprint, Brisbane.
- 1994a, *Report on Cannabis and the Law in Queensland*, Goprint, Brisbane.
- 1994b, *Report on Implementation of Reform Within the Queensland Police Service: The Response of the Queensland Police Service to the Fitzgerald Inquiry Recommendations*, Goprint, Brisbane.
- 1994c, *Report on a Review of Police Powers in Queensland, Volume V: Electronic Surveillance and Other Investigative Procedures*, Goprint, Brisbane.
- 1995, *Report on the Sufficiency of Funding of the Legal Aid Commission of Queensland and the Office of the Director of Public Prosecutions, Queensland*, Goprint, Brisbane.
- Department of Justice and Attorney-General, Annual Reports 1989/90 – 1991/92.
- Director of Prosecutions Queensland 1994, *Annual Report 1994 (1993)*.
- JAG. See Department of Justice and Attorney-General
- QCSC. See Queensland Corrective Services Commission
- Queensland Corrective Services Commission, Annual Reports 1990/91 – 1993/94.
- 1993, *Not Behind Bars: Managing Offenders in the Community and Prisoner Re-integration*, Brisbane.
- Queensland Government, State Budget, Program Statements 1989/90 – 1995/96.
- 1995, Portfolio Program Statements: Minister for Police and Minister for Corrective Services; Minister for Justice and Attorney-General and Minister for the Arts, Goprint, Brisbane.
- QPS. See Queensland Police Service

Queensland Legislative Assembly Hansard 25 May 1995, p. 12,073.

Queensland Police Service, Annual Reports and Statistical Reviews 1989/90 – 1993/94.

Walker, J 1992, *Australian Prisoners 1991: Results of the National Prison Census 30 June 1991*, Australian Institute of Criminology, Canberra.

—1993, *Australian Prisoners 1992: Results of the National Prison Census 30 June 1992*, Australian Institute of Criminology, Canberra.

## Further Reading

Criminal Justice Commission 1991, *Crime and Justice in Queensland*, Goprint, Brisbane.

—1992, *Youth Crime and Justice in Queensland: An Information and Issues Paper*, Goprint, Brisbane.

—Children, Crime and Justice in Queensland, to be published in September 1995.

Government Statistician's Office and the Criminal Justice Commission 1991, *Crime Victims Survey*, Government Statistician's Office, Brisbane.

## ACKNOWLEDGEMENTS

The CJC wishes to acknowledge the valuable assistance provided by officers of the following agencies in preparation of this paper:

- Australian Bureau of Statistics
- Courts Division, Department of Justice and Attorney-General
- Crime Statistics Unit, Government Statistician's Office
- Court Administrator, District and Supreme Court
- Office of the Director of Public Prosecutions
- Queensland Corrective Services Commission
- Queensland Police Service
- Treasury Department.

Susan Johnson, Dennis Budz and Amanda Carter of the CJC's Research and Co-ordination Division were primarily responsible for researching and writing the *Monitor*. Tracey Stenzel of the Division prepared the document for publication.

Information on these and other Criminal Justice Commission publications can be obtained from:

Criminal Justice Commission  
557 Coronation Drive  
Toowong

PO Box 137  
Albert Street  
Brisbane QLD 4002

Telephone: (07) 3360 6060  
Toll Free: 008 06 1611  
Facsimile: (07) 3360 6333

© Criminal Justice Commission, 1995.

Apart from any fair dealing for the purpose of private study, research, criticism or review, as permitted under the COPYRIGHT ACT, no part may be reproduced by any process without permission. Inquiries should be made to the publisher, the Criminal Justice Commission (Queensland).

ISSN: 1324-6755

Printed by Harding Colour, Brisbane.