



Monitor

Criminal Justice System

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Major Findings

- Police statistics and crime victimisation surveys both indicate that crime levels in Queensland are close to or below the national average for most offence categories.
- Magistrates Court appearances have been stable since 1993–94 with SETONS¹ matters rising sharply — especially over the last two years.
- Delays in Queensland's ten busiest Magistrates Courts increased substantially between 1997–98 and 1999–2000.
- Higher court appearances have increased in the last two years.
- Late pleas continue to be a problem in the higher courts.
- Since 1992–93 the number of criminal appearances finalised per District Court judge has increased steadily.
- The number of court appearances resulting in a sentence of imprisonment fell in 1999–2000 following several years of steady growth.
- The number of suspended sentences imposed by Magistrates Courts and higher courts rose sharply in 1998–99 and 1999–2000.
- Sentence lengths imposed by the higher courts have shortened over the last two years.
- Both the absolute number of persons admitted to prison and the imprisonment rate declined in 1999–2000. Despite the fall, Queensland's imprisonment rate is still well above the national average.
- Aboriginal and Torres Strait Islander peoples, who make up less than 3 per cent of Queensland's adult population, consistently comprise around 22 per cent of offenders in prison custody.
- After several years of steep rises, admissions of fine defaulters to prison began to decline in 1999–2000.
- Queensland prisons operated below capacity in 2000.
- Use of community corrections orders continued to rise, driven largely by increased use of fine option orders.
- Budget estimates for 2000–01 show a 25 per cent increase in real per capita spending on criminal justice since 1990–91.
- Below average expenditure on 'police' in Queensland has meant that the State's overall expenditure on criminal justice is 4 per cent below the national average.
- There has been only very modest progress made towards a more coordinated approach to the operations of the criminal justice system.

Police and crime

KEY POINTS

- Queensland's recorded crime and victimisation rates are broadly in line with national figures.
- Recorded crime has increased over the last decade — although the rise in 'personal' offences has been modest in recent years.
- The number of offenders cleared by arrest or summons has increased broadly in line with the increase in reported offences.
- The last decade has seen a substantial increase in police enforcement activity in relation to minor drug offences and good order offences.
- Increased police enforcement activity — and not increases in reported crime — has produced the greatest increase in recorded crime.
- The crime workload per Queensland Police Service (QPS) employee has been fairly stable since 1993–94.

TABLE 1: RECORDED CRIME PER 100,000 POPULATION BY OFFENCE CATEGORY (QLD AND AUSTRALIA, 1999)

	Queensland	Australia
Murder	1.8	1.8
Attempted murder*	3.2	1.9
Manslaughter/driving causing death	1.2	1.3
Assault	525.1	704.5
Sexual assault	100.3	74.2
Robbery	70.2	119.1
Blackmail/extortion	2.0	1.4
Kidnapping/abduction	2.7	4.0
Unlawful entry with intent	2112.5	2191.6
Motor vehicle theft	519.6	684.8
Other theft	2992.2	3218.1

Source: ABS 2000d.

Note: * Queensland's high rate of 'attempted murder' may suggest that Queensland police are classifying as 'attempted murder' some offences that police in other jurisdictions would class as 'serious assault'.

Interstate comparisons

Recorded crime

Table 1 shows that the rate of recorded crime per 100,000 people in Queensland is at or below the national average for most offence categories.

Crime and safety surveys

As an alternative to police statistics, the Australian Bureau of Statistics (ABS) Crime and Safety Surveys provide interstate comparative data on crime victimisation collected directly from the community. Data from the most recent survey conducted in 1998 (ABS 1999b) indicate little difference between Queensland victimisation rates and those for Australia as a whole (see table 2).

Trends in recorded crime

Figures 1 and 2 show trends in the number and rate of 'offences against the person', 'property offences' and 'other offences' recorded by the QPS for the period 1990–91 to 1999–2000.² During the last decade there were increases in all three major categories of recorded crime — both in terms of the total number of offences and the rate per 100,000 population. The rate of growth for 'personal' and 'other' offences, however, has slowed in recent years.

Offences against the person

Offences against the person include 'homicide', 'assault', 'sexual offences', 'robbery', 'extortion', 'abduction' and 'deprivation of liberty'. Assaults consistently accounted for the greatest proportion of offences in this category (around 63% over the last ten years), with 'other sexual offences' accounting for another 17 per cent.

TABLE 2: VICTIMISATION PREVALENCE RATES (QLD AND AUSTRALIA, 1998)

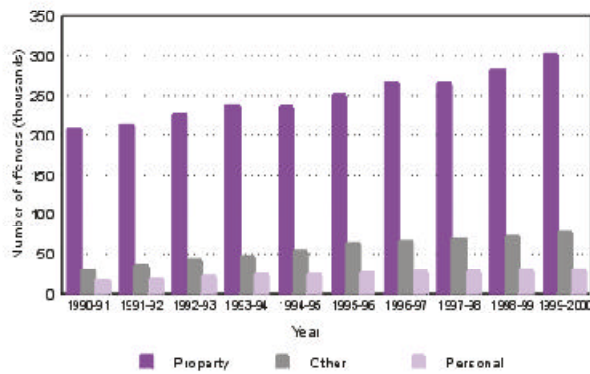
	% of households/persons	
	Queensland	Australia
Households		
Break-in	5.4	5.0
Attempted break-in	2.9	3.2
Break-in/attempted break-in	7.7	7.6
Motor vehicle theft	1.1	1.7
Total household victims	8.5	9.0
Persons		
Robbery	0.3	0.5
Assault	4.8	4.3
Sexual assault	0.4	0.4
Total personal victims	5.1	4.8
Victims of household and/or personal offences	12.6	12.8

Source: ABS 1999b.

Notes:

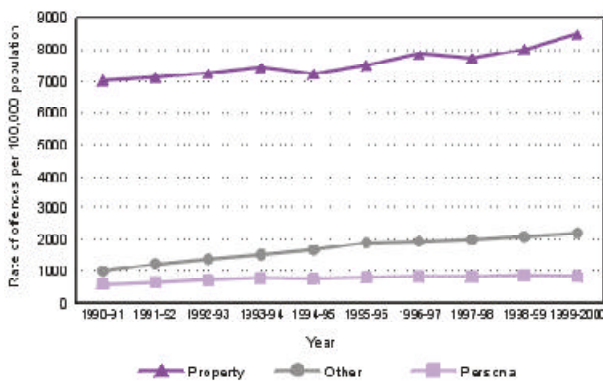
- 1 Totals are less than the sum of the components, as households/persons may be victims of more than one type of offence.
- 2 'Robbery' and 'assault' refer to persons 15 years and over.
- 3 'Sexual assault' refers to females 18 years and over.

FIGURE 1: NUMBER OF RECORDED PERSONAL, PROPERTY AND OTHER OFFENCES (1990–91 TO 1999–2000, QLD)



Source: QPS Statistical Reviews, 1991–92 to 1999–2000.

FIGURE 2: RATE PER 100,000 POPULATION: RECORDED PERSONAL, PROPERTY AND OTHER OFFENCES (1990–91 TO 1999–2000, QLD)



Source: QPS Statistical Reviews, 1991–92 to 1999–2000.

In 1999–2000 the rate of recorded ‘personal’ offences declined by around 4 per cent to 828 offences per 100,000 persons. Other noteworthy trends were:

- the ‘assault’ rate has remained stable since 1993–94 with around 500 offences per 100,000 population³
- the rate of robbery offences has increased by 42 per cent since 1990–91, with ‘armed robbery’ up 61 per cent
- sexual offences have shown an oscillating upward trend⁴ — since 1997–98 the rate for ‘rape’ and ‘attempted rape’ has increased by 9 per cent.

Offences against property

The ‘offences against property’ category primarily consists of ‘unlawful theft’ (around 38% over the last ten years) and ‘unlawful entry’ (around 28%). Property offences also include ‘motor vehicle theft’, ‘property damage’ and ‘fraud’.

The overall rate of ‘property’ offences per 100,000 population increased by 10 per cent between 1997–98 and 1999–2000, with rate increases observed across all categories apart from ‘unlawful entry’ and ‘arson’.

The rate of ‘other property damage’ offences increased by 83 per cent over the period, reaching 1,746 offences per 100,000 population in 1999–2000.⁵

Other offences

‘Other offences’ is a broad grouping of several disparate categories including ‘drugs’, ‘good order’, ‘prostitution’ and ‘trespassing’. In 1998–99, ‘breaches of Domestic Violence Protection Orders’ were reported as a separate sub-category of ‘other offences’.⁶

To a significant degree, the number of ‘other offences’ recorded is an indication of police enforcement activity, rather than actual levels of crime. Since 1997–98 the rate of ‘other offences’ has increased by 10 per cent to 2,179 offences per 100,000 population.

On average, ‘drug offences’ accounted for almost half of all ‘other offences’. Most drug arrests were for possession of drugs and/or items for use in consuming drugs, with cannabis typically being the drug seized by police.⁷

The rate of recorded ‘drug offences’ increased 117 per cent between 1990–91 and 1999–2000 from 465 to 1,010 offences per 100,000 population.⁸ The greatest increase was recorded for ‘other drug offences’ — up from a rate of 149 to 420 offences per 100,000 population — an average of 12 per cent per year.⁹

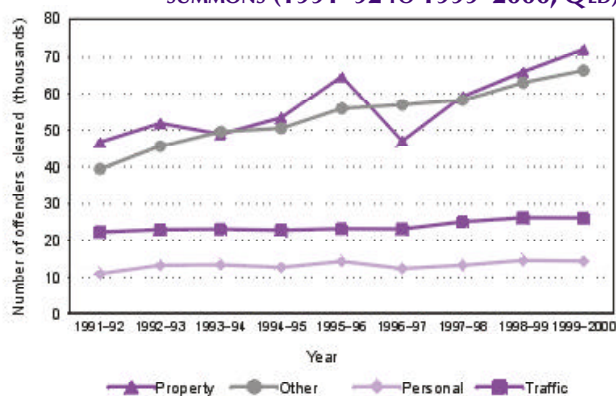
Offenders proceeded against by police

It is important to examine trends in the number of offenders processed, as well as in offences recorded. Assuming a constant level of police efficiency and no change in enforcement practices, an increase in recorded crime should result in an equivalent increase in the number of offenders apprehended and charged.

However, greater police activity or improved technology and detection methods may also lead to more people being apprehended, even though no change in the level of crime has actually occurred. If a fairly constant ratio between police efficiency and recorded crime is assumed, trends in cleared offences provide an indication of the extent to which there has been an increase over time in the number of people entering the ‘front end’ of the criminal justice system.

Figure 3 (next page) shows the number of offenders cleared by arrest or summons.¹⁰ In the period 1991–92 to 1999–2000, the total number of offenders cleared by arrest or summons increased by 50 per cent (or an average of 5% per year) from around 119,000 to 179,000. The greatest rate of growth was in ‘other’ offences. In contrast, there was very little change in the number of offenders cleared for ‘personal’ and ‘traffic’ offences. There was substantial variability in ‘property’ offences, although the overall trend was clearly upwards.

FIGURE 3: NUMBER OF OFFENDERS CLEARED BY ARREST OR SUMMONS (1991–92 TO 1999–2000, QLD)



Sources: QPS unpublished data for 1991–92 to 1998–99; QPS Statistical Review 1999–2000.

Notes:

- 1 The number of ‘offenders’ cleared by arrest or summons will be considerably lower than the number of ‘offences’ cleared by this means as one offender may be charged with more than one offence.
- 2 Includes only offenders whose age and sex were identified.
- 3 In 1997–98 ‘handling stolen goods’ was moved from ‘other’ offences to ‘property’ offences, and is largely responsible for the increase in this category.

Table 3 provides a more detailed breakdown for the years 1997–98 and 1999–2000, and shows that the increase in ‘other’ offences was mainly within the ‘good order’ category.

Workload measures

The number of offences recorded per QPS sworn officer has plateaued since 1995–96 at 57 offences per officer per year.

The number of offences recorded per QPS employee has been relatively stable since 1993–94 at around 44 offences per employee per year. (‘Employee’ includes all public service officers, police liaison officers, communications room operators and assistant watchhouse officers.)

The largest increase in workload was recorded in ‘other offences’ — primarily as a result of increased police enforcement activity, rather than increases in the reporting of crime.

TABLE 3: SELECTED OFFENCE CATEGORIES: TOTAL OFFENCES REPORTED AND OFFENDERS CLEARED BY ARREST OR SUMMONS (1997–98 AND 1999–2000, QLD)

Offence category	Offences reported			Offenders cleared by arrest or summons*		
	1997–98	1999–2000	Av. annual increase (%)	1997–98	1999–2000	Av. annual increase (%)
Against the person	28,300	29,580	2.2	13,270	14,415	4.2
Against property	267,147	303,105	6.5	59,265	72,155	10.3
Other offences [†]	94,072	104,498	5.4	83,342	92,544	5.4
–drug offences	34,526	36,075	2.2	30,213	32,454	3.6
–good order offences	19,737	24,160	10.6	18,361	22,335	10.3
–driving/traffic offences	25,735	26,721	1.9	25,105	26,146	2.1
–other	14,074	17,542	11.6	9,663	11,609	9.6

Source: QPS Statistical Reviews 1998–99 and 1999–2000; QPS unpublished data for 1997–98 and 1999–2000.

Notes: * Because one offender may be charged with several different offences, the number of ‘offenders’ cleared by arrest or summons will be considerably lower than the number of ‘offences’ cleared by this means.

† Because the offences within this particular category are police-detected, the clearance rates will always be close to 100%.

The court system

Most of the data presented in this section have been collected by the ABS and Qstats, the commercial unit of the Office of Economic and Statistical Research (OESR), on behalf of the Department of Justice and Attorney-General (JAG). As noted in previous volumes of the *Criminal Justice System Monitor*, the data collected by the two agencies are not directly comparable. Accordingly, graphs using both sources of data contain a broken vertical line to indicate the change in the agency collecting the data. Additional data have been obtained from the:

- Office of the Director of Public Prosecutions (DPP)
- Courts Division of JAG (including the Court Administrator's Office).

The Magistrates Court

KEY POINTS

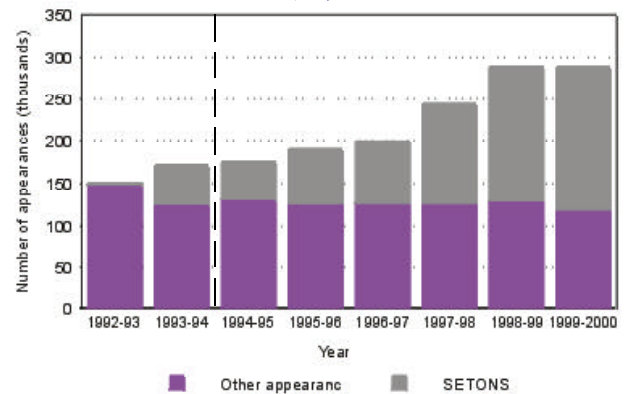
- The number of Magistrates Court appearances has remained relatively stable since 1993–94 while SETONS matters have increased sharply — especially over the last two years.
- Most defendants appearing before a Magistrates Court either plead guilty or are found guilty at trial.
- The number of appearances resulting in imprisonment dropped by over 25 per cent between 1997–98 and 1999–2000 following a steady increase in previous years.
- The number of suspended sentences imposed rose sharply in 1998–99 and remained high in 1999–2000.
- The average term of imprisonment for 'personal' and 'other' offences declined in the last two years, while for 'property' and 'driving/traffic' offences there was an increase in the last 12 months.
- Appearances per magistrate declined in 1999–2000. Charges per magistrate increased in 1998–99, but dropped off in 1999–2000.
- Average waiting time for a hearing increased across the ten busiest Magistrates Courts between 1997–98 and 1999–2000.

Trends in criminal appearances

The number of Magistrates Court 'other appearances' has remained stable since 1993–94 (see figure 4).¹¹

In contrast, the number of SETONS matters has increased substantially. In 1993–94 (the first full year of operation) almost 46,000 matters were finalised through SETONS. By 1999–2000 this figure had reached almost 170,000 matters — an average increase of around 24 per cent per year. The increase in SETONS has been largely driven by the number of traffic-related matters being diverted to this process. In 1999–2000, 76 per cent of traffic matters were dealt with through SETONS, compared to only 39 per cent in 1994–95.

FIGURE 4: SETONS MATTERS AND OTHER MAGISTRATES COURT APPEARANCES (1992–93 TO 1999–2000, QLD)



Sources: Appearances: ABS unpublished data for 1992–93 to 1993–94, Qstats unpublished data for 1994–95 to 1999–2000.

SETONS: JAG unpublished data for 1992–93 to 1993–94; Qstats unpublished data for 1994–95 to 1999–2000.

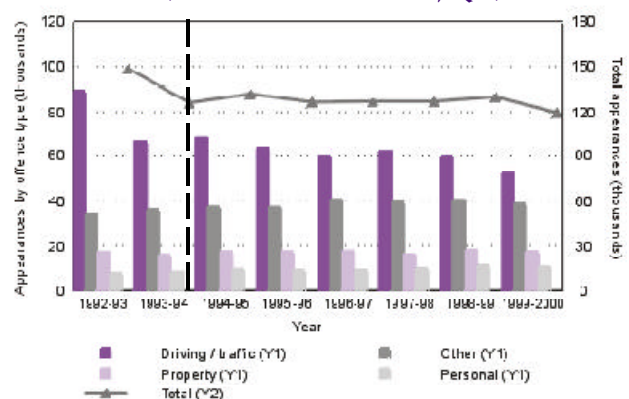
In the last two years:

- 'other traffic' offences dealt with through SETONS increased by 20 per cent to almost 90,000 matters
- 'other driving' offences dealt with through SETONS increased by 85 per cent to over 44,000 matters.

These increases are largely attributable to the transfer of responsibility in May 1997 from the Magistrates Court to the SETONS Court for the enforcement of speed and red-light camera fines,¹² as well as for certain Brisbane City Council and other local authority parking infringement notices.¹³

Figure 5 shows appearances in the Magistrates Court for the broad offence categories 'personal', 'property', 'driving/traffic' and 'other'. The sharp drop between 1992–93 and 1993–94 in appearances for 'driving/traffic' is consistent with the introduction of SETONS in late 1992.

FIGURE 5: TOTAL APPEARANCES AND APPEARANCES BY OFFENCE TYPE, MAGISTRATES COURT (1992–93 TO 1999–2000, QLD)



Sources: ABS unpublished data for 1992–93 to 1993–94; Qstats unpublished data for 1994–95 to 1999–2000.

Note: Appearances exclude 'drunkenness' and SETONS as neither of these require an actual court appearance.

Appearances for 'other' offences increased at an average of 4 per cent per year between 1992–93 and 1996–97. Since 1996–97 'other' offences have remained relatively stable at around 40,000 appearances per year.

Appearances for 'personal' offences increased only slightly over the period — an average of 5 per cent per year — while appearances for 'property' offences remained stable.

Outcome of appearances

Around 85 per cent of defendants appearing in a Queensland Magistrates Court either plead guilty or are found guilty at trial. The proportion of appearances where the defendant is found guilty but no conviction is recorded has increased — from around 11 per cent in 1993–94 to almost 18 per cent in 1999–2000.¹⁴

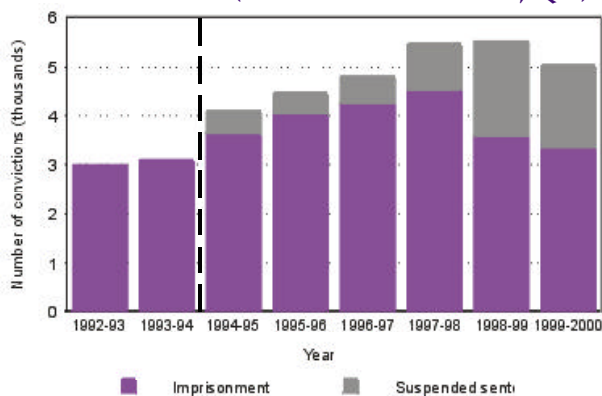
Trends in the use of imprisonment

The number of appearances resulting in imprisonment declined in 1998–99 and 1999–2000 after rising for some years previously (see figure 6). In 1997–98 over 4,500 appearances resulted in a sentence of imprisonment. In 1998–99, appearances resulting in imprisonment dropped to below 3,600 and then fell further in 1999–2000 with 3,335 sentences of imprisonment.¹⁵

Over the same period there was a considerable increase in the use of suspended sentences.¹⁶ In 1997–98 less than 950 appearances resulted in a suspended sentence, but by 1999–2000 the number had almost doubled to 1,717 appearances.

The actual number of appearances resulting in either a sentence of imprisonment or a suspended sentence fell by 9 per cent in 1999–2000 (see figure 6). This is consistent with the fall in the number of Magistrates Court appearances in 1999–2000 and so does not necessarily reflect a change in sentencing practices.

FIGURE 6: CONVICTIONS RESULTING IN IMPRISONMENT OR SUSPENDED SENTENCE, MAGISTRATES COURT (1992–93 TO 1999–2000, QLD)



Sources: ABS unpublished data for 1992–93 to 1993–94; Qstats unpublished data for 1994–95 to 1999–2000.

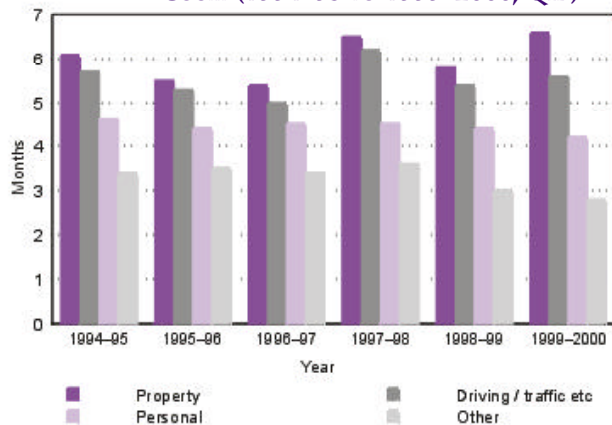
Note: Convictions exclude 'drunkenness' and SETONS, as neither of these require an actual court appearance.

Duration of penalty

Figure 7 presents the average term of imprisonment imposed by Magistrates Courts over the last six years.¹⁷ The figure shows that the average term of imprisonment for both 'offences against the person' and 'other' offences remained stable from 1994–95 to 1997–98, before dropping slightly in the last two years.

In 1999–2000 the average sentence for offences against the person was 4.2 months, while for 'other' offences it was 2.8 months. For both 'property' and 'driving/traffic' offences, average sentences increased in 1999–2000 after declining in the previous year.

FIGURE 7: AVERAGE TERM OF IMPRISONMENT, MAGISTRATES COURT (1994–95 TO 1999–2000, QLD)



Source: QStats unpublished data for 1994–95 to 1999–2000.

Note: Data exclude suspended sentences.

Workload measures

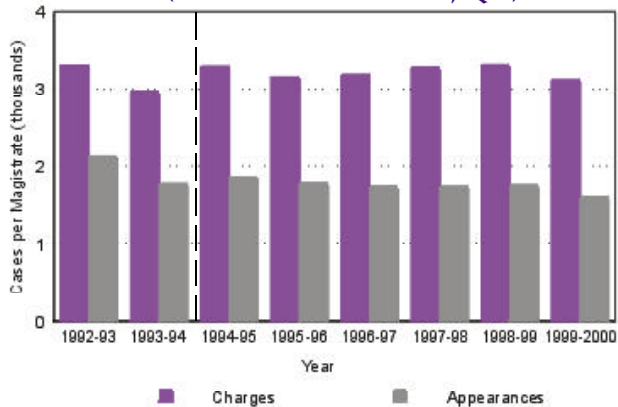
There are currently 75 magistrates appointed in Queensland.¹⁸ The number of appearances and charges dealt with per magistrate gives an indication of workload.

Between 1992–93 and 1999–2000 the number of appearances per magistrate declined slowly — from 2,126 to 1,595 (see figure 8). The number of charges per magistrate increased slightly between 1995–96 and 1998–99 — from 3,160 to 3,317 — but dropped in 1999–2000. On average, magistrates hear around 1.5 charges per appearance.

The time a person waits for a hearing date provides an indication of how the Magistrates Courts are coping with their workload. Figure 9 shows a decline in the average waiting time for a criminal matter across ten of Queensland's busiest Magistrates Courts between 1992–93 and 1997–98, followed by an increase in more recent years.¹⁹ In 1999–2000 a defendant had to wait an average of nine weeks for a hearing — almost twice as long as in 1997–98, and similar to 1994–95.

The waiting time for hearings in Brisbane Magistrates Court — the busiest court — followed a similar but more dramatic trend, falling from eight weeks in 1992–93 to only two weeks in 1997–98. By 1999–2000, however, defendants had to wait an average of nine weeks for a hearing — more than four times the wait in 1997–98.

FIGURE 8: APPEARANCES AND CHARGES PER MAGISTRATE (1992–93 TO 1999–2000, QLD)

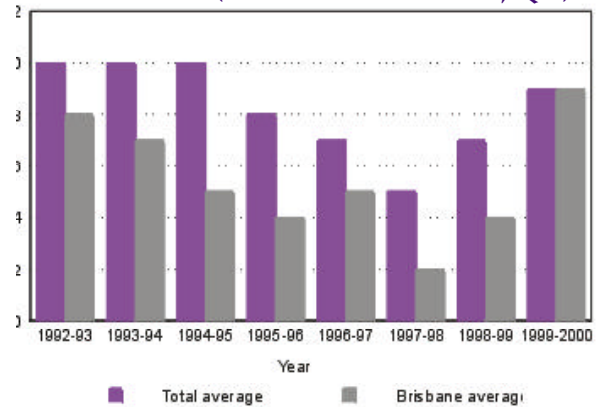


Sources: Appearances and charges: ABS unpublished data for 1992–93 to 1993–94; QStats unpublished data for 1994–95 to 1999–2000.

Number of magistrates: Correspondence from Courts Division, JAG, for 1992–93 to 1997–98, March 1998; Correspondence from the Chief Magistrates Office for 1998–99 to 1999–2000, December 2000.

Note: Includes ‘traffic’ and excludes ‘drunkenness’ and SETONS, as neither of these require an actual court appearance.

FIGURE 9: AVERAGE WAITING TIME, MAGISTRATES COURT (1992–93 TO 1999–2000, QLD)



Sources: JAG annual reports, 1994–95, 1998–99 and 1999–2000; Department of Justice annual reports, 1995–96 to 1997–98.

Note: The total average for Queensland is based on the ten busiest Magistrates Courts including Brisbane.

The higher courts

KEY POINTS

- Appearances have increased in the last two years — particularly in relation to ‘personal’ offences.
- The proportion of matters proceeding to trial has risen from 11 to 16 per cent in the last two years.
- The number of convicted persons sentenced to imprisonment dropped in 1999–2000 after increases in the preceding two years.
- The number of suspended sentences increased to over 900 matters in 1999–2000.
- Average sentence lengths have declined across all broad offence categories in the last two years.
- The number of early pleas of guilty increased almost 9 per cent between 1997–98 and 1999–2000.
- The number of late pleas continues to be an issue.
- The number of criminal appearances per District Court judge has increased steadily since 1992–93.

Comparison with other States

In 1997–98, Queensland higher courts dealt with more criminal cases than any other State or Territory (around 35% of the national total). In 1999–2000, New South Wales dealt with the highest proportion — Queensland had the second highest workload (around 30%) but maintained a higher rate per 1,000 population (2.3 compared with 1.7 in NSW).²⁰

Matters entering the higher courts

Around 5 per cent of Magistrates Court appearances (excluding SETONS) result in a committal to a higher court for trial or sentence. Additional cases known as *ex officio* matters are dealt with in the higher courts without first having a committal hearing.

Around 90 per cent of higher court matters are finalised in the District Court — the principal trial court in Queensland. The Supreme Court has exclusive jurisdiction over the more serious criminal matters, such as homicides and serious drug offences.

Matters discontinued

Higher court matters may be discontinued for a number of reasons. A discontinuance (either a no true bill or a *nolle prosequi*) is usually entered if the DPP decides that there is no reasonable prospect of the accused being convicted, there are problems with the availability of witnesses, or there are flaws in the case. According to DPP annual reports, 16 per cent of higher court matters were discontinued in 1999–2000 — up from 12 per cent in 1996–97.

Trials and sentences

DPP data provide a breakdown of matters disposed of in the higher courts by trial or sentence. Between 1992–93 and 1997–98 the proportion of matters disposed of as trials declined from 23 to 11 per cent. In 1999–2000, 16 per cent of all higher court matters were disposed of as trials.²¹

Types of offences heard

Higher court appearances (excluding discontinuances) rose from 7,063 in 1997–98 to over 8,000 in 1998–99 and 1999–2000 (see figure 10). The largest increase was in ‘personal’ offences, which rose from 35 per cent of all higher court matters to around 40 per cent.

FIGURE 10: TOTAL APPEARANCES AND APPEARANCES BY OFFENCE TYPE, HIGHER COURTS (1992–93 TO 1999–2000, QLD)



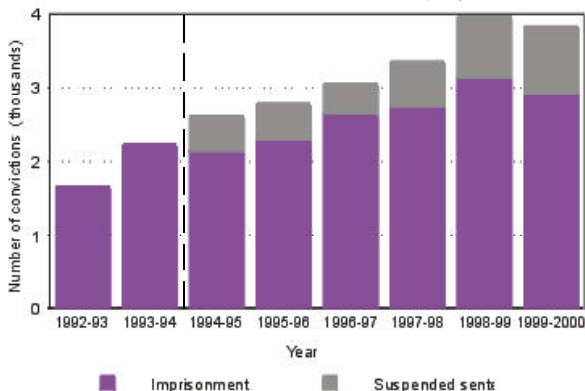
Sources: ABS unpublished data for 1992–93 to 1993–94; Qstats unpublished data for 1994–95 to 1999–2000.

Note: Excludes matters resulting in a discontinuance.

Trends in the use of imprisonment

Consistent with Magistrates Court trends, figure 11 shows an increase in sentences of imprisonment imposed in the higher courts between 1992–93 and 1998–99 followed by a drop in 1999–2000. The use of suspended sentences also increased — from 700 in 1997–98 to over 900 in 1999–2000, or almost 15 per cent per year, on average.

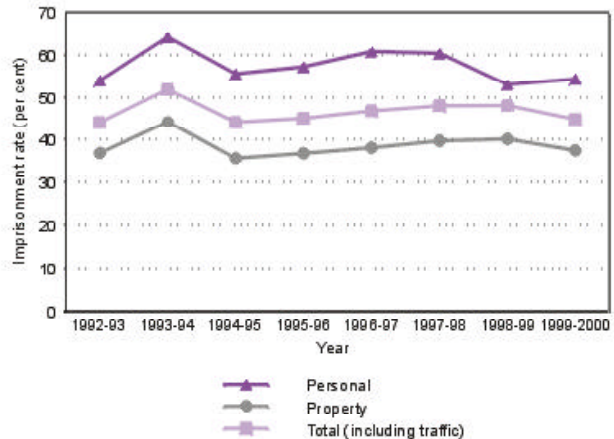
FIGURE 11: CONVICTIONS RESULTING IN IMPRISONMENT OR SUSPENDED SENTENCE, HIGHER COURTS (1992–93 TO 1999–2000, QLD)



Sources: ABS unpublished data for 1992–93 to 1993–94; Qstats unpublished data for 1994–95 to 1999–2000.

The overall imprisonment rate declined by almost 7 per cent in the last two years (see figure 12).²² Similarly, the rate for ‘property’ offences fell by 6 per cent. The rate for ‘personal’ offences dropped 12 per cent between 1997–98 and 1998–99, followed by a slight rise in 1999–2000.

FIGURE 12: IMPRISONMENT RATE, HIGHER COURTS (1992–93 TO 1999–2000, QLD)



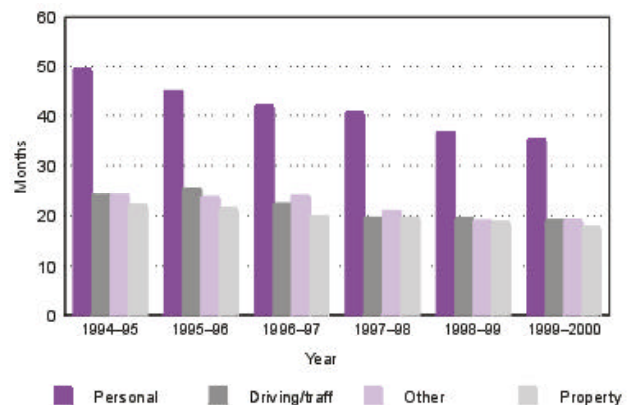
Sources: ABS unpublished data for 1992–93 to 1993–94; Qstats unpublished data for 1994–95 to 1999–2000.

Note: The imprisonment rate is the number of sentences of imprisonment imposed as a proportion of all convictions.

Duration of penalty

Average terms of imprisonment in the higher courts have shown a steady downward trend in recent years (see figure 13). The greatest decline was for ‘personal’ offences — down 13 per cent since 1994–95 to 35.5 months.

FIGURE 13: AVERAGE TERM OF IMPRISONMENT, HIGHER COURTS (1994–95 TO 1999–2000, QLD)



Source: Qstats unpublished data for 1994–95 to 1999–2000.

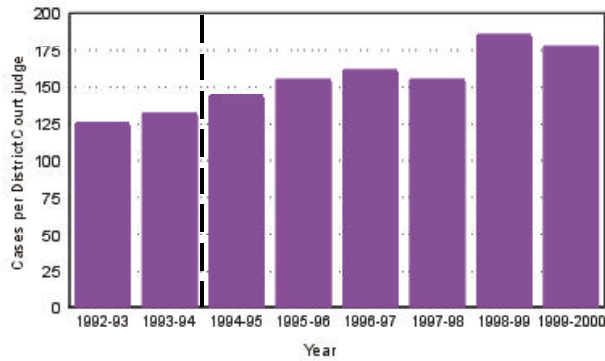
Note: Data excludes suspended sentences.

Workload measures

In February 1998, a District Court was opened at Beenleigh with a resident judge, bringing the number of District Court judges in Queensland to 35.

Figure 14 shows that there has been a steady upward trend in the number of criminal appearances per judge over the period 1992–93 to 1999–2000. This indicator, however, should not be equated with the Court’s total workload as the District Court has a large non-criminal jurisdiction. In addition, the measure does not take account of possible increases in the complexity of criminal matters coming before the Court. Overall, Queensland District Courts disposed of 77 per cent of matters awaiting disposal in 1999–2000 — this is similar to previous years.²³

FIGURE 14: APPEARANCES PER DISTRICT COURT JUDGE (1992–93 TO 1999–2000, QLD)



Sources: Matters: ABS unpublished data for 1992–93 to 1993–94; DPP unpublished data for 1992–93; QStats unpublished data for 1994–95 to 1999–2000; DPP Queensland annual reports, 1997–98 to 1999–2000.

Judges: JAG Annual Report 1993–94; Court Administrator’s Office unpublished data for 1994–95 and 1995–96; District Court of Queensland annual reports 1996–97 to 1999–2000.

Notes:

1. Appearance data are adjusted to exclude an estimated number of Supreme Court appearances based on proportions obtained from the DPP.
2. Data for 1998–99 and 1999–2000 have been adjusted to take account of the fact that one judge who was appointed in mid-1998 did not sit for most of this period.

Time at which plea indicated

The number of ‘early’ pleas of guilty — those matters received as either committals for sentence or ex officio indictments — increased by almost 9 per cent between 1997–98 and 1999–2000 to 2,033 matters:²⁴

- ex officio matters increased by 120 per cent, and now account for 15 per cent of all matters received
- committals for sentence fell from 14 to 8 per cent of all matters arriving in the higher courts.

Late pleas continue to be a problem, with 16 per cent of matters listed for trial in the Brisbane District Court in 1999–2000 turning into a plea of guilty on the morning of trial.²⁵

The Court of Appeal

All appeals relating to trials or sentences for indictable offences are heard by the Court of Appeal.²⁶ Until the introduction of the *Courts Reform Amendment Act 1997*, the Court also dealt with some appeals from magistrates’ decisions relating to nonindictable offences. The Act diverted appeals against magistrates’ decisions to the District Court.

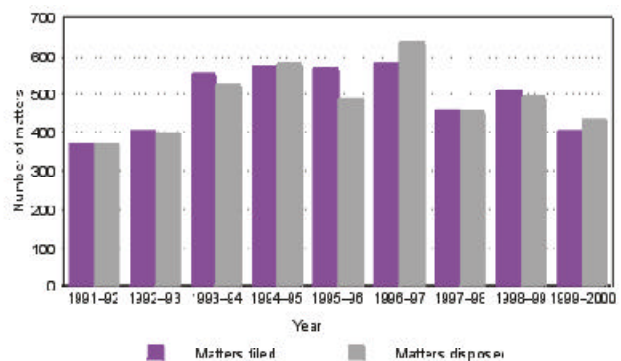
Workload trends

The introduction of the new legislation coincided with a 21 per cent drop in 1997–98 in the number of matters filed in the court. The number of matters disposed of also fell by 28 per cent (see figure 15). In 1999–2000 a total of 404 matters were commenced.

The disposal rate for matters filed increased from 100 per cent in 1997–98 to 108 per cent in 1999–2000.²⁷ In 1998–99 the rate remained high, with the court disposing of 96 per cent of matters filed.

In 1997–98 the median time between the filing of an appeal and the hearing was 70 days. This increased to 85 days in 1998–99 and again to 102 days in 1999–2000.

FIGURE 15: MATTERS FILED AND DISPOSED OF, COURT OF APPEAL (1991–92 TO 1999–2000, QLD)



Sources: Matters filed: Court of Appeal Annual Report 1995–96; Supreme Court of Queensland annual reports 1996–97 to 1999–2000.

Matters disposed of: JAG 1994 (draft); Court of Appeal annual reports 1994–95 to 1995–96; Court of Appeal unpublished data for 1996–97; JAG Annual Report 1999–2000.

Notes:

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

Corrections

KEY POINTS

- After several years of steady increases, prison admissions and the imprisonment rate both declined in 1999–2000. The Queensland imprisonment rate nevertheless remains well above the national average.
- Aboriginal and Torres Strait Islander peoples, who make up less than 3 per cent of Queensland’s adult population, consistently comprise about 22 per cent of prisoners.
- At 30 June 2000, Queensland prisons were operating below capacity.
- Admissions of pure fine defaulters to prison increased in 1998–99 before dropping 12 per cent in 1999–2000.
- The average length of time served by inmates in custody has remained stable in recent years.
- Applications for early release increased between 1997–98 and 1998–99, before dropping in 1999–2000. The number of approvals increased between 1997–98 and 1999–2000.
- Community corrections orders have increased, driven by the growing use of fine option orders. In 1999–2000, 84 per cent of orders made were fine option orders.
- Sixty to 70 per cent of ‘intervention-type’ orders were successfully completed over the last three years.
- Escapes from prison have declined in recent years.
- Deaths in prisons declined in 1999–2000 after reaching a peak in 1998–99.
- The rate of complaints to Official Visitors has declined in recent years, but complaints to the Ombudsman have increased.

Queensland’s imprisonment rate compared with other States

In June 1998, Queensland recorded the highest imprisonment rate in Australia — with 189 prisoners per 100,000 adult population (see figure 16). In June 1999 the rate rose to 194 per 100,000 before falling to 179 per 100,000 in June 2000. Despite this drop, Queensland’s imprisonment rate is still well above the national average of 144 prisoners per 100,000 population, although substantially below the Western Australia rate of around 220 prisoners per 100,000 population.

Offenders in prison

The number of offenders in prison dropped slightly in 1999–2000 after sustained increases in previous years (see figure 17). At 30 June 1999, there were 4,729 adults (4,456 males and 273 females) in Queensland prisons — an increase of 6 per cent on 30 June 1998.²⁸ By 30 June 2000, the number of offenders in prison had declined by 5 per cent to just under 4,500 (4,224 males and 258 females). The proportion of females in the prison

population increased very slightly between 1997–98 and 1999–2000 (from 5 to 6 per cent).

Aboriginal and Torres Strait Islander peoples, who account for less than 3 per cent of Queensland’s adult population,²⁹ consistently comprise around 22 per cent of prisoners.

In June 1998, 11 per cent of prisoners were being held pending trial and/or sentence. By June 2000 this figure had increased to almost 16 per cent.

FIGURE 16: IMPRISONMENT RATE PER 100,000 ADULT POPULATION (JUNE 1998 AND JUNE 2000)

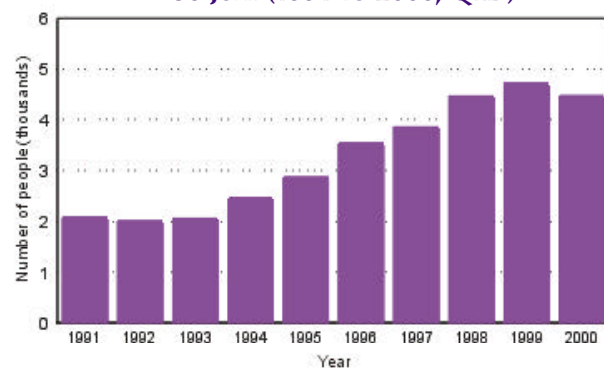


Source: ABS 1998a; ABS 2000b.

Notes:

- 1 Presents Australian States only, as rates for the Northern Territory and the Australian Capital Territory are not comparable with the States.
- 2 The national average is calculated using both State and Territory figures.
- 3 Rates are based on average daily prisoner populations.

FIGURE 17: TOTAL NUMBER OF PEOPLE IN PRISON AT 30 JUNE (1991 TO 2000, QLD)



Sources: QCSC annual reports 1990–91 to 1997–98; DCS annual reports 1998–99 to 1999–2000.

Prisoners by offence type

Table 4 shows prisoners by most serious offence between 1993 and 2000. Up until 1999 there were sustained increases in all offence categories. In 2000 there were reductions in several categories, most notably ‘theft’ and ‘assault’. The greatest increase was in drug offences.

TABLE 4: PEOPLE IN PRISON BY MOST SERIOUS OFFENCE AT 30 JUNE (1993 TO 2000, QLD)

	1993	1994	1995	1996	1997	1998	1999	2000
Homicide	281	308	366	363	404	439	460	477
Assault	248	333	366	423	489	566	662	491
Sexual assault	371	429	502	533	577	662	650	609
Robbery/extortion	295	370	416	497	542	617	626	618
Other personal	12	29	25	25	31	31	34	23
Theft	500	602	648	825	903	1000	1029	878
Break and enter	299	364	420	426	582	654	628	447
Other theft	201	238	228	399	321	346	401	431
Property damage	29	36	51	65	70	59	76	127
Good order offences	75	107	139	176	234	294	297	282
Drug offences	92	125	172	252	272	302	347	440
Motor vehicle	86	113	149	225	181	251	282	323
Other	79	39	36	270	148	257	266	214
TOTAL	2068	2491	2870	3654	3851	4478	4729	4482

Sources: QCSC annual reports 1992–93 to 1997–98; DCS Annual Report 1998–99; DCS unpublished data for 2000.

Notes:

- 1 Offenders are only counted once under the most serious offence.
- 2 From 1995–96, the 'Other' category includes 'Unknown' offences — those persons undergoing admission processing at 30 June.

Prison capacity

In 1997–98 overcrowding was identified as a problem in all secure prisons (CJC 1999). In 1999–2000, only Rockhampton and Townsville Men's prisons reported an occupancy level above capacity (see figure 18). The overall occupancy rate for Queensland's secure prisons at 30 June 2000 was 93 per cent — down from 127 per cent at 30 June 1998. Much of this improvement can probably be attributed to the opening of Wolston Prison in May 1999 with a capacity for 600 offenders, and the opening of a new Brisbane Women's prison in July 1999 with an increased capacity.

At June 1998, overcrowding was also a problem in Darling Downs, Numinbah Men's and Rockhampton Farms and the overall occupancy rate for open prisons was 106 per cent. By 1999–2000 the occupancy rate had dropped to 68 per cent with no centre operating above capacity.

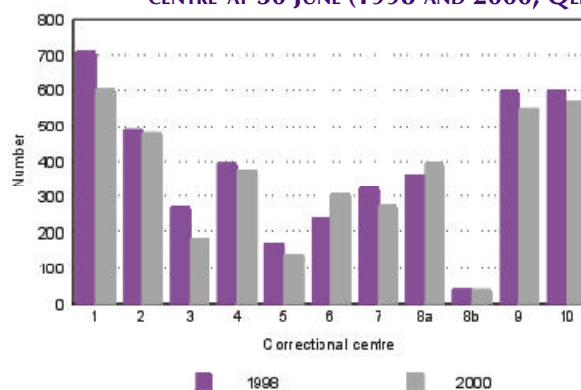
Fine defaulters in prison

In June 1998 there were 151 'pure' fine defaulters in prison (or 3.4% of the total prison population).³⁰ By June 2000 the number had risen to 195 offenders (4.4% of prisoners). Aboriginal and Torres Strait Islander offenders make up almost one-quarter of all pure fine defaulters in prison.³¹

In 1997–98 over 25 per cent of prison admissions were pure fine defaulters. In 1998–99 this proportion increased to 44 per cent before falling to 38 per cent in 1999–2000.

Figure 19 shows a drop in the proportion of sentenced admissions relating to fine default only in the early part of 1999, followed by a sharp increase later in the year. From October 1999 to April 2000 pure fine defaulters made up about 6 per cent of monthly sentenced admissions. By June 2000 this had dropped to 4.1 per cent.

FIGURE 18: OFFENDERS AND CAPACITY BY CORRECTIONAL CENTRE AT 30 JUNE (1998 AND 2000, QLD)



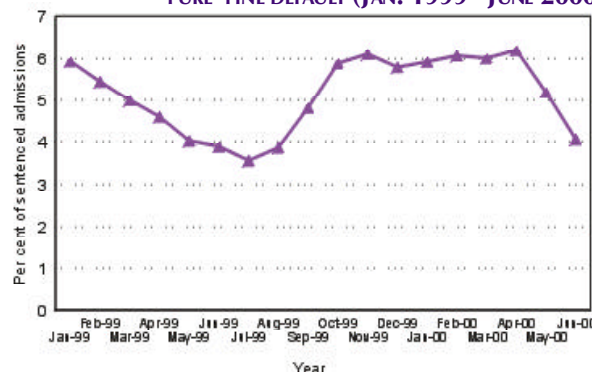
- 1 Arthur Gorrie
- 2 Borallon
- 3 Brisbane Women's
- 4 Lotus Glen
- 5 Moreton
- 6 Rockhampton
- 7 Sir David Longland
- 8a Townsville Men's
- 8b Townsville Women's
- 9 Wolston
- 10 Woodford

Source: DCS unpublished data for 30 June 1998 and 30 June 2000.

Notes:

- 1 The former Wacol Correctional Centre has been merged with Moreton Correctional Centre.
- 2 Accommodation 'capacity' is the number of permanent beds including 'hospital' units and detention units.

FIGURE 19: PROPORTION OF PERSONS IMPRISONED FOR 'PURE' FINE DEFAULT (JAN. 1999–JUNE 2000)



Source: DCS unpublished data for January 1999 to June 2000.

Time spent in prison

The average period served in prison by inmates released during 1999–2000 was 4.1 months for males and 2.4 months for females — similar to averages in previous years.³²

Decision-making by Community Corrections Boards

In 1999–2000, 3,108 new applications³³ were made by prisoners to Community Corrections Boards for ‘release to work’, ‘home detention’ and/or ‘parole’ — down 9 per cent on the number made in 1998–99, but up 13 per cent on 1997–98. The number of approvals³⁴ granted increased from 1,474 in 1997–98 (or 26% of applications considered) to 1,825 in 1999–2000 (or 35% of applications).³⁵

Presented as a monthly average per quarter, figure 20 shows a decline in applications during 1997 followed by an increase in 1998. From mid-1999 applications have again been declining. Approvals have followed a similar trend.

Community corrections centre capacity

Community custody facilities accommodate offenders who have been transferred from prison to supervision within the community. These include the Work Outreach Camps (WORC) program, with 11 sites throughout Western and Northern Queensland and a 90-bed centre located at Wacol, six community corrections centres and five outstations.³⁶

The WORC program has a capacity of 220 offenders. At 30 June 2000, 194 offenders were in the program — down slightly from 208 at 30 June 1999.

At 30 June 2000, community corrections centres had a capacity of 194 — 14 per cent higher than at 30 June 1998. Between 1998 and 2000 the number of offenders in community custody increased by 8 per cent to a total of 182. At 30 June 2000 there were 20 offenders at outstations, which have a total capacity of 47.

In 1999–2000 Aboriginal and Torres Strait Islander offenders accounted for 22 per cent of inmates in prison, but only 11 per cent of those in community custody.

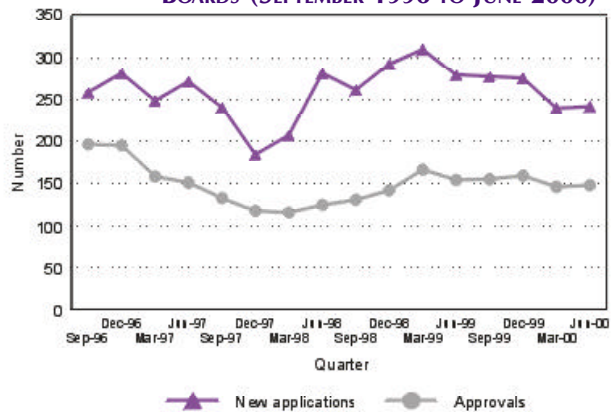
Community supervision

The number of community corrections orders supervised increased steadily up to 1997–98 before jumping dramatically in the last two years. The rise was driven almost entirely by an increasing use of fine option orders (see figure 21). In 1999–2000 fine option orders comprised 84 per cent of the total — up from 80 per cent in 1997–98.

Outcome of community orders

The proportion of intervention-type orders successfully completed declined from 68 to 63 per cent between 1997–98 and 1998–99 and has since remained stable.³⁷

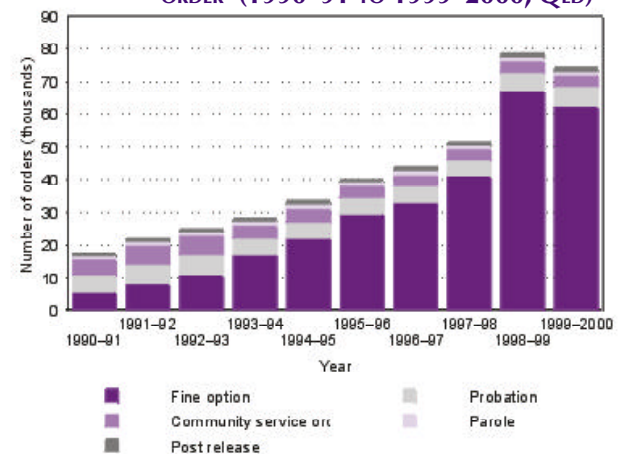
FIGURE 20: APPLICATIONS TO COMMUNITY CORRECTIONS BOARDS (SEPTEMBER 1996 TO JUNE 2000)



Sources: QCSC unpublished data for July 1996 to September 1998; DCS unpublished data for October 1998 to June 2000.

Note: Data are shown as monthly averages per quarter.

FIGURE 21: COMMUNITY ORDERS MADE BY TYPE OF ORDER (1990–91 TO 1999–2000, Q1D)



Sources: QCSC annual reports 1991–92 to 1993–94; QCSC unpublished data for 1994–95 to 1997–98; DCS unpublished data for 1998–99 to 1999–2000.

Note: Includes orders supervised on behalf of other jurisdictions. ‘Probation’ includes intensive corrections orders. ‘Post-release’ includes home detention and leave of absence. Excludes transfers to community corrections centres.

Performance measures

This section provides information on the level of safety and security within Queensland’s correctional system.

Escapes

Between 1996–97 and 1999–2000, an average of four prisoners per year escaped from secure custody — down from 15 per year between 1991–92 and 1995–96.³⁸ Data for the last four years are inflated by two incidents in 1997–98 involving a total of nine offenders.

Escapes from open custody have also declined with 13 prisoners absconding in 1999–2000 — down from an average of 22 per year between 1991–92 and 1997–98.

Deaths in custody

In 1999–2000 there were 14 deaths in prison custody — down from 18 in 1998–99. Most of this change has been the result of a drop in the number of ‘natural’ deaths (in 1999–2000, seven prisoners died from natural causes — down from ten in 1998–99). The overall rate of deaths peaked in 1998–99 at 0.38 per 100 prisoners before dropping to 0.28 in 1999–2000. The death rate in Queensland prisons has been slightly above the national average for the last two years (probably because of the high rate of natural deaths).³⁹

Assaults by prisoners

The number of recorded assaults by prisoners has continued to increase with 604 incidents reported in 1999–2000 — up 44 per cent on the number reported in 1997–98.

Assaults on prison officers are far less common than assaults on other prisoners. From 1993–94 to 1999–2000, reported assaults on prison officers declined from 28 to 9 per cent of total assaults.⁴⁰ The reasons for this decline are unclear at this point.

Complaints by prisoners

The number of complaints received by prison Official Visitors increased to 3,008 in 1998–99 before dropping to 2,494 in 1999–2000, the lowest recorded number since 1994–95.

The rate of complaints per 100 prisoners declined steadily over the period — from 97.1 per 100 prisoners in 1994–95 to 53.4 per 100 prisoners in 1999–2000. Both the number and rate of complaints from prisoners in community custody dropped in 1999–2000 (185 complaints were received in relation to community corrections in 1999–2000, or 47.1 per 100 offenders).⁴¹

The number of complaints received by the Queensland Ombudsman rose by 17 per cent from 794 in 1997–98 to 931 in 1998–99. This figure increased by a further 25 per cent to 1,161 in 1999–2000.⁴²

In 1999–2000 the CJC received 124 complaints relating to adult corrections.⁴³

Prisoner numbers update

Since 1993 Queensland’s prisoner population has increased dramatically, resulting in an imprisonment rate 36 per cent above the national average, despite the level of crime in the State falling below the national average. This issue was the subject of a major report by the CJC (2000) — *Prisoner Numbers in Queensland* — which examined in detail the reasons for the unanticipated increase in prisoner numbers and highlighted the need for a more informed and coordinated approach to the delivery of criminal justice system services by the key agencies.

Table 5 documents a decline of 12 per cent in the total prisoner population from March 1999 to August 2000. A key factor in reducing prisoner numbers has been a decline in admissions of short sentenced prisoners (down 46% over the 17 months), particularly fine defaulters (down 59%).

A wide range of factors associated with the activities of both the police and the courts have had a significant impact on the number of admissions to custodial corrections over this short period.

These include:

- an increase in the number of offenders processed through the State Penalties Enforcement Register (SPER) initiative
- annual cyclical downturn in fine defaulter numbers, as related to police activities
- the diversion of offenders from imprisonment through use of Intensive Drug Rehabilitation Orders (IDROs)
- the increasing use of suspended sentences by the courts.

The CJC *Prisoner Numbers* report concluded that the changes in prisoner numbers were ‘largely a result of the uncoordinated operational agenda of the key justice system agencies’.⁴⁴ Although there has been increased interest in exercises involving the statistical modelling of the criminal justice system by the Department of Corrective Services (DCS), OESR, Treasury, and the Office of the Premier and Cabinet, it remains the case that the absence of an integrated information system across the key justice agencies seriously inhibits the coordinated delivery of criminal justice system services.

TABLE 5: PERSONS IN PRISON (MARCH 1999, APRIL 2000 AND AUGUST 2000, QLD)

	Number			Percentage change		
	3 March 1999	3 April 2000	1 August 2000	March 1999 – April 2000	April – August 2000	March 1999 – August 2000
Pure fine defaulters	247	280	101	13.4	-63.9	-59.1
Prisoners on remand	637	645	689	1.3	6.8	8.2
Sentenced 6 months or less	663	628	361	-5.3	-42.5	-45.6
Sentenced 6 to 24 months	739	734	640	-0.7	-12.8	-13.4
Sentenced 2 to 5 years	981	940	929	-4.2	-1.2	-5.3
Sentenced more than 5 years	1762	1759	1692	-0.2	-3.8	-4.0

Sources: ABS 1999a; DCS unpublished data for April 2000 and August 2000.

Note: Sentences of more than five years include ‘life’ and ‘indeterminate’.

The cost of criminal justice

KEY POINTS

- Estimates for 2000–01 show a 25 per cent rise in real per capita criminal justice spending since 1990–91.
- Since 1998–99, expenditure on 'police' and 'corrective services' has continued to increase, while expenditure on 'law courts and legal services' has stabilised.
- Expenditure on criminal justice in Queensland is below the national average — largely due to below average expenditure on 'police'.

How does Queensland funding compare with the rest of Australia?

A breakdown of the expenditure across criminal justice services for 1999–2000 shows recurrent spending:

- on 'police' was \$203 per capita — 7 per cent below the national expenditure of \$219
- on 'criminal courts' — \$21 per capita, much the same as the national expenditure of \$20 per capita
- on 'corrective services' — \$72 per capita — similar to the national expenditure of \$70 per capita.

Overall, Queensland's spending on criminal justice was 4 per cent less than the national average.⁴⁵

Expenditure in Queensland

In 1998–99 the method of accounting changed from cash-based to accrual. As a result, data from 1998–99 onwards are not directly comparable with earlier years. A broken vertical line on the graphs indicates the point of change.

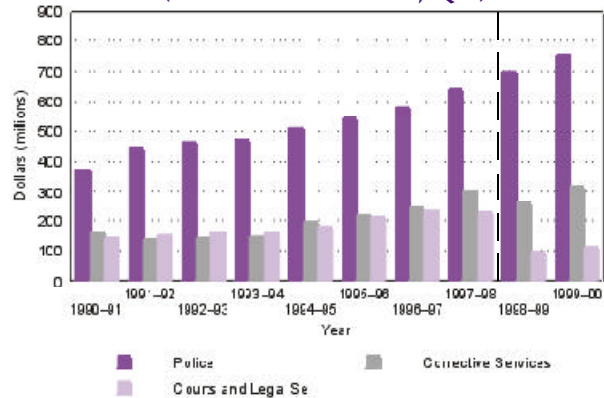
The three State Government program areas relating to criminal justice are 'police', 'law courts and legal services' and 'corrective services'. In 1999–2000 the criminal justice component of these programs⁴⁶ made up 7 per cent of the total State Budget — a figure which has remained stable in Budget estimates for 2000–01.⁴⁷ Figure 22 compares relative levels of funding for these areas from 1990–91 to 1999–2000 and estimates for 2000–01.

Between 1998–99 and 2000–01:

- spending on 'police' increased from \$699.1m to an estimated \$801.3m — a rise of 15 per cent
- spending on 'law courts and legal services' increased by 26 per cent — from \$96.2m to an estimated \$121m
- spending on 'corrective services' grew from \$261.3m to an estimated \$355.8m — an increase of 36 per cent. The 'corrective services' budget for 2000–01 includes \$121m for capital works, of which \$62m has been assigned to the construction of Capricornia Correctional Centre.

Figure 23 shows real per capita expenditure for 1990–91 to 1999–2000 and estimates for 2000–01, in terms of 1998–99 dollars. Between 1998–99 and 2000–01,

FIGURE 22: EXPENDITURE PER CRIMINAL JUSTICE AREA (1990–91 TO 2000–01, QLD)

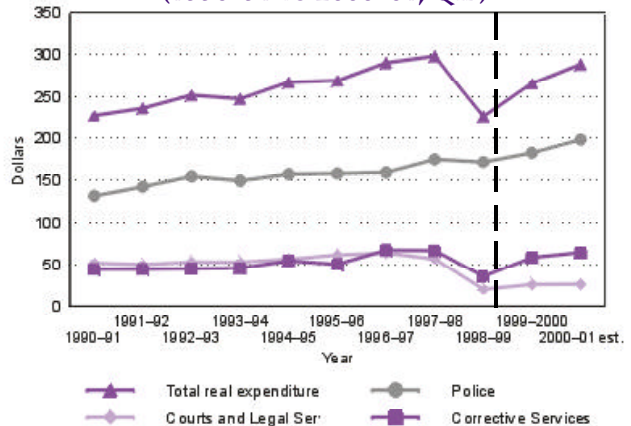


Sources: Queensland State Government Budget Papers 1990–91 to 2000–01.

Notes:

- 1 Expenditure for 1990–91 to 1997–98 is presented on a cash budget basis; figures for 1998–99 to 2000–01 are on an accrual budget basis.
- 2 Courts and Legal Services figures for 1998–99 to 2000–01 exclude outlays for Civil Justice, Agency and Registration, which were not included previously. Other exclusions, depending on particulars of reporting, were Human Rights, Community Affairs, The Arts and Public Trust.
- 3 Corrective Services figures for 1995–96 and 1996–97 exclude outlays for Juvenile Justice.
- 4 Police figures for 1996–97 and 1997–98 exclude outlays for gun-control implementation.

FIGURE 23: REAL PER CAPITA EXPENDITURE (EXCLUDING CAPITAL WORKS) FOR EACH PROGRAM AREA (1990–91 TO 2000–01, QLD)



Sources: Expenditure: Queensland State Government Budget Papers 1990–91 to 2000–01. Calculations use the Implicit Price Deflator provided by the Government Statistician's Office.

Population: ABS 1994a; ABS 1994b; ABS 1995; ABS 1996; ABS 1997; ABS 1998b; ABS 2000c.

Note: Real per capita expenditure is in 1998–99 dollars.

where accrual rather than cash-based accounting was used, real spending per capita on 'police' and 'corrective services' increased, while for 'law courts and legal services' it plateaued. Overall, real spending per capita for criminal justice has increased from \$227.5 in 1990–91 to an estimated \$288.4 in 2000–01.

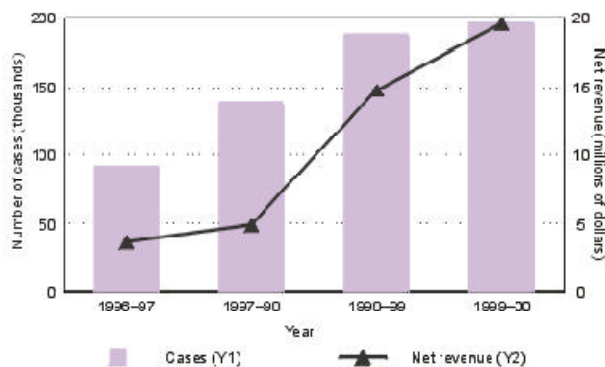
Revenue from SETONS

Between 1996–97 and 1999–2000 net revenue from SETONS increased dramatically. Figure 24 shows that the increase in net revenue across the period was much greater than the corresponding increase in cases registered.

Not including operating expenses, the amount of money transferred to the consolidated revenue fund was \$4.7m in 1996–97, growing to \$20.6m in 1999–2000 — an increase of 339 per cent.

The number of cases registered increased by 115 per cent, from 91,356 in 1996–97 to 196,436 in 1999–2000.⁴⁸ Clearly, the expansion of SETONS has brought about an influx of revenue without an associated rise in outgoing expenses. It is also important to bear in mind that these SETONS revenues are over and above the revenues obtained as a result of individuals paying fines ‘in full and on time’.

FIGURE 24: SETONS CASES AND REVENUE (1996–97 TO 1999–2000, QLD)



Source: Correspondence from Courts Division, JAG, December 2000.

Note: Net revenue has been calculated by subtracting \$1m from the monies transferred to the consolidated revenue fund each year. The figure of \$1m represents operating expenses for 1998–99 and 1999–2000. Operating expenses for previous years are unavailable.

Key events

Dealing with drug offences

Since the release of the previous *Monitor* (CJC 1999), there have been some important changes made, or proposed, in terms of how the criminal justice system deals with drug offenders.

Queensland Illicit Drug Diversion initiative

This initiative aims to divert minor drug users away from the criminal justice system and into education and treatment programs. The major element of the initiative is a Police Diversion Program for offenders apprehended with small amounts of cannabis for personal use.

Offenders who meet strict eligibility criteria and admit to possession of cannabis will be offered an opportunity to attend an authorised health assessment and education/intervention program to address their cannabis use rather than be charged.

Further treatment services will be offered to people who are dependent on cannabis and would benefit from more intensive treatment. Violent offenders and those dealing drugs will not be eligible.

The *Police Powers and Responsibilities Act 2000* provides the statutory power to police to divert eligible offenders into appropriate programs.

The initiative is expected to be launched during the first half of 2001 following negotiations with the Commonwealth. See:

www.premiers.qld.gov.au/crimeprevention

www.health.qld.gov.au/atods/publications/home.htm

Drug Rehabilitation (Court Diversion) Act

The *Drug Rehabilitation (Court Diversion) Act 2000* commenced on 13 June 2000. The Act established the Drug Court with the power to divert offenders from prison to treatment by making an IDRO. Sentences are reviewed on conclusion of the drug-rehabilitation program.

The Act established a 30-month trial program, which began in Ipswich, Beenleigh and Southport Magistrates Courts in June 2000. The Drug Court seeks to reduce prisoner numbers and the general level of drug dependency in the community by requiring drug-dependent offenders to undergo comprehensive assessment and treatment. To be eligible to be dealt with by the Drug Court an offender must be an adult who:

- is dependent on illicit drugs
- is charged with an offence that does not involve physical or sexual violence against any person
- has no charges involving physical or sexual assault pending before a court anywhere
- pleads guilty to the offence
- is genuinely facing a sentence of imprisonment
- continues to show a willingness to participate in the program.

At 31 December 2000, 214 referrals had been made to the Drug Court. Of these referrals:⁴⁹

- 80 IDROs had been made
- 84 defendants awaited a Drug Court decision on eligibility or for residential beds to become available
- 50 ineligible defendants had been remitted to the Magistrates Court or sentenced in the Drug Court.

Of the current IDROs:

- 24 defendants are in in-patient rehabilitation
- 38 are on outpatient programs.

Corrections

A trial methadone program was introduced to Townsville's Stuart prison in January 1999, and the Brisbane Women's prison in August 1999. Ongoing evaluation will determine possible future expansion and continuation of the program.

Other legislative initiatives

Prostitution Act

Subject to certain conditions, the Act legalised brothels and outlines the strict planning and licensing controls to which they will be subject. It established the Prostitution Licensing Authority, which functions to licence and approve applications, monitor the operation of licensed brothels, conduct disciplinary inquiries, receive complaints about prostitution, and liaise with the QPS regarding its functions relevant to prostitution. The Act, which commenced on 1 July 2000, requires the CJC to conduct a review of the Act and its effectiveness after three years. At the end of March 2001 no licences had been issued.

Police Powers and Responsibilities Act

Key changes resulting from this Act are:

- subject to strict controls, police and CJC officers may engage in otherwise illegal activities to investigate serious indictable offences
- police are empowered to divert persons arrested for minor drug offences from the criminal justice system to an appropriate drug-assessment program
- provision has been made for a DNA profiling system to assist police in the identification of offenders — an approved DNA sampler may take body samples from people (with or without their consent) to determine whether they have committed an indictable offence
- to protect victims and others, blood and urine samples may be taken from alleged sex offenders to determine if they have a communicable disease
- a framework is provided that allows for a more efficient, safe and accountable way for handling property in the possession of police
- people found drunk in a public place may be diverted to a 'place of safety'.

Corrective Services Act

The Corrective Services Act 2000 represents the culmination of the review of corrections legislation recommended by the Peach Review (Queensland Corrective Services Review 1999). The main provisions of this Act came into operation on 2 April 2001. The key changes introduced by the Act are:

- abolition of remissions on all terms of imprisonment imposed for offences committed after 2 April 2001
- the extinguishment of a prisoner's eligibility for remission on terms of imprisonment imposed for

offences committed prior to 2 April 2001 if the prisoner is granted release to work, home detention or parole during the period of imprisonment

- prisoners sentenced to a term of imprisonment of two years or less will no longer be eligible for parole — a new 'conditional release order' has been created, which is available in the following circumstances:
 - the term of imprisonment has been imposed for an offence committed after 2 April 2001
 - the prisoner has served two-thirds of the period of imprisonment and has not been convicted of an offence committed during the period of imprisonment
- provision for orders to be made permitting prisoners on community based release to travel interstate and, in exceptional circumstances, overseas
- the clarification of search powers relating to prisoners and visitors to prisons
- provision of powers of correctional officers to use reasonable and lethal force and clarification of the circumstances in which these powers may be used
- statutory recognition of WORC and Women's Community Custody programs and of contractual arrangements with private prison operators
- changes to the jurisdiction of the Queensland Community Corrections Board and the Regional Community Corrections Boards
- the expansion of the CJC's jurisdiction to include officers employed by 'engaged service providers' (private prison operators).

State Penalties Enforcement Act

This Act established SPER with responsibility for the collection and enforcement of penalties (i.e. court-ordered fines and infringement notices). SPER will eventually replace SETONS.

The aim of the Act is the more effective recovery of fines, and a subsequent reduction of fine defaulters in prison. SPER provides alternatives for dealing with nonpayment of fines:

- garnishee of an offender's wages
- warrants to seize and sell an offender's property
- registration of interest over land or other property owned by the offender
- legal seizure of debts owed to the offender
- redirection notice to financial institutions to transfer monies from debtor's account to SPER
- suspension of the offender's driver licence for a motor-vehicle-related fine
- warrants for arrest and imprisonment only as a last resort.

Fine option orders will only be available for people who genuinely cannot afford to pay.

Changes to the Penalties and Sentences, Juvenile Justice, and Children's Court Acts

Changes made in October 2000 to the *Penalties and Sentences Act 1992*, the *Juvenile Justice Act 1992*, and the *Children's Court Act 1992* formally allow elders and community justice groups to assist judges and magistrates in sentencing Aboriginal and Torres Strait Islander peoples. This initiative is in place at a number of centres throughout Queensland. See:

www.legislation.qld.gov.au

www.legalaid.qld.gov.au/home/main.htm

Other developments

Juvenile justice

Since the dismantling in 1998 of the tripartite administration of juvenile justice whereby JAG, Queensland Corrections and Families Youth and Community Care Queensland shared responsibility for juvenile justice, there have been a number of initiatives aimed at reducing the level of juvenile offending in Queensland. These include:

- establishment of Youth Justice Services in targeted locations across the State, providing enhanced program support for recidivist offenders subject to court orders
- strategies to minimise the detention of children in watchhouses for more than one night
- expansion of Community Conferencing to provide an effective diversionary/crime prevention strategy — services currently cover the Cairns, Brisbane North, Brisbane South, Gold Coast and Ipswich regions
- a new Youth Detention infrastructure plan including the opening of the Brisbane Youth Detention Centre in February 2001 and the expansion of the Cleveland Youth Detention Centre in Townsville to accommodate young female offenders and to provide improved facilities for the detention of young people — a recommendation of the Forde Inquiry (Commission of Inquiry into Abuse of Children in Queensland Institutions 1999)
- increased funding for crime prevention initiatives and the assumption of responsibility for 21 Youth and Community Combined Action (YACCA) crime prevention projects
- a review of the *Juvenile Justice Act 1992*. See:
www.oesr.qld.gov.au
www.families.qld.gov.au/youth/programs/justice.html
www.childcomm.qld.gov.au

Queensland Aboriginal and Torres Strait Islander Justice Agreement (Draft)

Appointed by Cabinet in June 1999, the Aboriginal and Torres Strait Islander Advisory Board advises the Queensland Government on policy issues concerning

Queensland Aboriginal and Torres Strait Islander peoples. In consultation with Aboriginal and Torres Strait Islander Legal Services and community groups, the Queensland Aboriginal and Torres Strait Islander Justice Agreement (Draft) was formulated.

This draft agreement (October 2000) formalised a partnership between the Queensland Government and Aboriginal and Torres Strait Islander communities with a focus on criminal justice issues — specifically the over representation of Aboriginal and Torres Strait Islander peoples in the criminal justice system, the rights to equality before the law, and the prioritisation of policy and strategic directions for responsible communities and the Queensland Government over the next ten years.

Queensland Crime Prevention Strategy

The *Queensland Crime Prevention Strategy* document released in December 1999 outlined a comprehensive community-based crime prevention strategy.⁵⁰ This strategy incorporates a range of innovative approaches to crime prevention such as the 'Community Renewal' project. The strategy is also noteworthy for its level of commitment to ongoing evaluation processes across the various elements of the overall strategy. See:

www.premiers.qld.gov.au/crimeprevention

Offender Modelling Project

The DCS has commenced a project to model growth in prisoner numbers and offenders on community corrections orders. A committee, with representatives from universities, the OESR, the CJC and the DCS, serves as a reference group for this project. The model simulates the flow of offenders through the correctional system enabling scenarios to be tested taking into account emerging influences and past trends. The prisons component of the model is expected to be completed in 2000–01 with Community Custody and Community Supervision models to follow.

Issues for further research

- Why is the rate of imprisonment higher in Queensland compared to the other States?
- Why are so many matters heard in the higher courts in Queensland compared to other jurisdictions?
- What is driving the increase in the use of suspended sentences across the court system and what are the likely flow-on effects associated with the increased use of this sentencing option?
- Why is the number of female prisoners increasing at a greater rate than that for male prisoners?
- What are the results of the legislative and operational changes in the juvenile criminal justice system?
- What are the barriers to the development of a more coordinated criminal justice system in Queensland?

Endnotes

- 1 The 'Self Enforcing Ticketable Offence Notice System' began operation in 1992 to provide for the enforcement of various traffic and other offences by a Magistrates Court without requiring an actual court appearance.
- 2 The QPS publishes offence data for the three broad categories, and also for specific offences and groupings of offences within these categories. For example, 'murder' is a specific offence, but 'sexual offences' is a group of several specific offences ranging from 'rape' to 'indecent wilful exposure'.
- 3 While the overall rate has remained stable, there has been some change in the offence mix with an increase in 'serious' assaults and a decrease in 'other assaults'. The broadening of the definition of 'serious assault' to include 'assault of persons aged 60 years or more', 'assault of physically impaired people' and 'assault of police officers in the execution of duty' may explain some of the increase. There is considerable anecdotal evidence that police are now more likely than previously to record domestic violence incidents as assaults, offering another explanation for the increase.
- 4 Reported sexual offences are affected by variability in the willingness of victims to report as well as counting rules within the QPS, which record offences in the period in which they were reported and not in the period in which the offence occurred — increases may not equate to increased victimisation in that year since some offences may have occurred decades ago. In addition, legislative changes in 1997 broadened the range of offences classified as 'rape' (thus, data after 1997–98 are not comparable with previous years).
- 5 'Other property damage' includes 'malicious damage'.
- 6 Traffic-related offences are excluded because the QPS statistics are highly selective in the traffic offences that are recorded. In addition, the introduction of ticketable offences for some traffic-related offences distorts the time series.
- 7 QPS unpublished data for 1993–94 to 1999–2000.
- 8 This overstates the extent to which illicit drug use increased over the period. Increases in recorded drug offences are typically an indication of increased police activity rather than increased offending. National Drug Strategy surveys indicate that there has been only a gradual increase in cannabis use in Queensland in the 1990s (see Donnelly, Hall & Christie 1998).
- 9 'Other drug offences' includes receiving, possession and sale of drugs and possession of things used to manufacture drugs.
- 10 The QPS does not record the number of distinct persons charged each year, only the number of offenders cleared by arrest or summons (including the issuing of Court Attendance Notices to juveniles, and Notices to Appear). Because one offender may be charged with several offences, the number of 'offenders' cleared will be considerably lower than the number of 'offences' cleared.
- 11 In all court data, 'appearances' are finalised criminal matters. Defendants appearing on more than one charge on the same day are counted once only under the most serious offence. 'Other appearances' in the Magistrates Court exclude 'drunkenness' offences and SETONS matters, as neither of these require an actual court appearance.
- 12 In 1999–2000 the QPS issued 235,849 red-light and speed-camera infringement notices — up 15% on 1997–98. Data on the number of notices that are defaulted on and referred to SETONS Court are not available. However, based on Qstats categorisation of these notices it is likely that they constitute a substantial proportion of the increase in the 'other traffic' offences category of SETONS Court matters.
- 13 SETONS is also available for an increasing number of non-traffic-related offences. For example, in March 1996, the SETONS Court assumed responsibility for certain infringement notices issued under the *Auctioneers and Agents Act 1971* and *Regulation*, the *Liquor Act 1992* and *Regulation*, the *Motor Vehicles Securities Act 1986*, the *Nature Conservation Regulation* and the *Transport Infrastructure (Railways) Act 1991*.
- 14 With the introduction of the *Penalties and Sentences Act 1992*, the decision regarding whether or not to record a conviction was left to the discretion of the magistrate.
- 15 The increase in 1997–98 was due to a rise in convictions for 'burglary, housebreaking', 'break and enter' and 'enforcement of order' — offences, which usually have high imprisonment rates. Between 1997–98 and 1999–2000 the imprisonment rates for these categories declined considerably: 31% for 'burglary', 14% for 'break and enter', and 10% for 'enforcement of order'.
- 16 A suspended sentence is a sentence of imprisonment (of five years or less) that the court orders be suspended for a specified period (not less than the term imposed and not more than five years). During the period of suspension the offender must not commit another offence punishable by imprisonment. Suspended sentences were introduced under the *Penalties and Sentences Act 1992*. ABS data isolating suspended sentences from good behaviour bonds etc. were not available for the years 1992–93 and 1993–94 — however, the number imposed in these years is likely to have been low as the legislation did not take effect until late 1992.
- 17 Data prior to 1994–95 are not available.
- 18 Correspondence from the Chief Magistrates Office, December 2000.
- 19 Average waiting time is calculated on data from Beenleigh, Brisbane, Cairns, Ipswich, Mackay, Maroochydore, Rockhampton, Southport, Toowoomba and Townsville Magistrates Courts.
- 20 Steering Committee for the Review of Commonwealth–State Service Provision 2000, *Report on Government Services 2001*.
- 21 Changes in DPP counting rules in 1997–98 resulted in a substantial increase in the number of matters recorded. However, the proportion of trials to sentences will still accurately reflect the case mix. Sources: DPP Queensland unpublished data for 1992–93 to 1993–94; DPP annual reports 1995–96 to 1999–2000.
- 22 The imprisonment rate is the number of sentences of imprisonment imposed as a proportion of all convictions.
- 23 District Court of Queensland Annual Report 1999–2000.
- 24 DPP Queensland Annual Report 1999–2000.
- 25 Unpublished data from the Court Administrator's Office for 1997–98 and 1999–2000.
- 26 The Court also deals with appeals relating to civil matters.
- 27 The disposal rate can exceed 100% because it includes matters carried over from the previous year.
- 28 Total prisoners exclude those on the WORC program and prisoners in Community Custody.
- 29 ABS 2000a, *Australian Social Trends 2000*.
- 30 A 'pure' fine defaulter is an offender admitted to prison solely for nonpayment of a fine.
- 31 ABS 1998a, *Corrective Services Australia, June Quarter 1998*; ABS 2000b, *Corrective Services Australia, June Quarter 2000*.
- 32 'Released' means discharged or transferred to community custody (includes time under sentence and/or remand). Average sentence lengths are obtained by aggregating all sentence length categories.
- 33 That is, prisoners who applied for an early release option. Prisoners applying for more than one option at the same time are counted once only. New applications only were counted.
- 34 That is, prisoners who received approval for early release. Prisoners receiving approval for more than one option from the same application are only counted once.
- 35 In September 1998 Ministerial guidelines were amended to allow Queensland Community Corrections Boards greater discretion in decisions regarding supervised release.
- 36 DCS annual reports 1998–99 and 1999–2000.
- 37 'Intervention-type orders' include parole, probation, intensive corrections orders, home detention and release to work, but exclude community service and fine option orders.

- 38 QCSC Annual Report 1997–98; DCS annual reports 1998–99 to 1999–2000.
- 39 DCS annual reports 1998–99 to 1999–2000; DCS unpublished data for 1998–99 to 1999–2000. The death rate is calculated as: number of deaths / average daily state X 100. Average daily state is the daily average number of prisoners on hand — calculated as the sum of daily prisoner numbers for the year / the number of days in the year (365.25 including leap years).
- 40 QCSC annual reports 1996–97 to 1997–98; DCS annual reports 1998–99 to 1999–2000.
- 41 The rate of complaints is calculated as: number of complaints/ average daily state x 100 (see note 39 for description of average daily state). Sources: QCSC annual reports 1995–96 to 1997–98; DCS Annual Report 1998–99; DCS unpublished data for 1999–2000.
- 42 Queensland Ombudsman annual reports 1997–98 to 1999–2000. Complaints relate to custodial and community correctional centres, community corrections and Community Corrections Boards.
- 43 CJC Complaints Database. One complaint may include multiple allegations and multiple subject officers. Data relates to state-operated correctional centres only, and excludes juvenile detention centres and privately operated centres.
- 44 CJC 2000, *Prisoner Numbers in Queensland*, p. xiv.
- 45 Steering Committee for the Review of Commonwealth–State Service Provision 2001, *Report on Government Services 2001*.
- 46 The ‘criminal justice component’ refers to criminal matters dealt with — estimates for civil matters are not included.
- 47 Queensland State Government *Budget Papers 2000–01*.
- 48 Figures reported here differ from those reported in the Magistrates Court section as these are ‘cases registered’ while the Magistrates Court data are ‘finalised matters’.
- 49 Correspondence received from JAG, December 2000.
- 50 Queensland Government 1999, *Queensland Crime Prevention Strategy*, December 1999.

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- Queensland Ombudsman: 1997–98 to 1999–2000.
- Supreme Court of Queensland: 1996–97 to 1999–2000.

Abbreviations

ABS	Australian Bureau of Statistics
CJC	Criminal Justice Commission
DCS	Department of Corrective Services (formerly QCSC)
DPP	Office of the Director of Public Prosecutions
IDROs	Intensive Drug Rehabilitation Orders
JAG	Department of Justice and Attorney- General
OESR	Office of Economic and Statistical Research
QCSC	Queensland Corrective Services Commission (now DCS)
QPS	Queensland Police Service
SETONS	Self-Enforcing Ticketable Offence Notice System
SPER	State Penalties Enforcement Registry
WORC	Work Outreach Camps

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