

**CRIMINAL JUSTICE COMMISSION  
QUEENSLAND**

**YOUTH, CRIME AND JUSTICE  
IN  
QUEENSLAND**

**AN INFORMATION AND ISSUES PAPER**

**RESEARCH AND CO-ORDINATION DIVISION**

**MARCH 1992**

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ISBN 0-7242-4838-2

Printed by Goprint, Brisbane.

Cover designed by Tracey Stenzel.

## FOREWORD

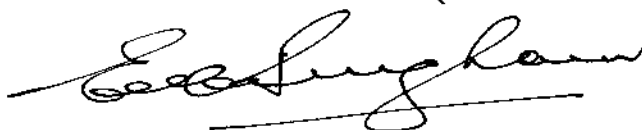
A major function of the Research and Co-ordination Division of the Criminal Justice Commission is to conduct research into issues confronting the administration of criminal justice in the State. Having completed a number of research projects on matters referred to it by Mr Fitzgerald QC, the Division began to look more widely for issues of concern to the community.

In setting its agenda for research the Division consulted with politicians and policy makers, criminal justice practitioners and academics. The Division surveyed members of State Parliament, State Government Departments and academics in relevant university departments, asking respondents to rank the usefulness of researching criminal justice issues including issues concerning crime, issues concerning the process and the system and issues concerning offenders and victims.

Of the 25 issues presented to respondents, ranked third and fourth were those issues relating to youth crime. More specifically, it was considered most useful to investigate the progression of juvenile offenders into adult criminality and to examine the extent and nature of crimes committed by youngsters, particularly those under the age of 18 years.

The details of this survey confirmed the concern within the community about juvenile crime, which is reflected in the press, the electronic media and popular journals. However whilst the problem may be a real one, sensible discussion within the community has been hindered by the inaccuracies and the misinformation about the real extent and nature of juvenile crime. The Research and Co-ordination Division is committed to seeking the informed views of the public in matters of such importance and it is for this reason that the Division has prepared this discussion paper to enable members of the community to engage in informed debate about issues concerning youth crime.

The release of this paper is timely given the recent government announcement of the establishment of a Task Force on juvenile crime within the Office of the Cabinet. The strategy of the Task Force will focus on legislative measures relating to the Juvenile Justice System, the operation of the Children's Court and the development of effective crime prevention programs. The Task Force will be engaging in a series of meetings with relevant community, welfare, legal and research organisations and this Issues Paper on youth crime may be a useful source of information to those members of the community who want to participate in the development of a juvenile crime strategy.

A handwritten signature in black ink, appearing to read 'Max Bingham', with a horizontal line underneath.

SIR MAX BINGHAM Q.C.  
Chairman



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## SUMMARY AND ISSUES OF CONCERN

The development of suitable ways of preventing and dealing with juvenile crime in Queensland is hindered by inadequate information systems. This lack of knowledge has led to several distortions about the amount of crime and the type of crime for which juveniles are responsible. This paper attempts to present the information that is available from current statistical records. The statistical information presented in various tables reflects rough patterns and therefore provides the reader with only an overview of juvenile offending. Queensland requires a comprehensive and reliable data base to definitively answer many routine questions about juvenile offenders.

An examination of available records shows that juveniles do not commit the majority of cleared crimes. Nor are they responsible for the majority of property crimes. However, in certain categories of property crime such as shoplifting and breaking and entering, juveniles are over-represented. Only a small number of juveniles are involved in more serious crimes. Furthermore, a large majority of juveniles identified for crimes are males and are 14 years old and above. Aboriginal and Torres Strait Islander youth are over-represented among juvenile offenders.

Approximately two-thirds of juvenile offenders are dealt with by cautioning. The police discretion to caution first and/or minor offenders is based on a recognition that much youth crime is petty and transitory, although cautioning is also used for serious offences. Cautioning also aims to divert juveniles away from the criminal justice system. When the data for appearances and offences dealt with by the Children's Court are examined, it seems juvenile offenders appearing at courts are charged with multiple offences.

Some areas have a higher number of appearances and charges before the Children's Court than others. Sometimes this is because some areas have higher rates of juveniles residing there than others. Based on 1989/90 court returns, the areas with the highest rate of appearances were Charleville, Mt Isa, Townsville, Inala and Murgon. The lowest rates of appearance were in Dysart, Toowong, Atherton, Maryborough and Longreach.

### Some of the Issues Requiring Attention

This paper is prepared to inform the public of some facts about youth crime and justice. The questions raised below are not exhaustive. They are examples and individuals and organizations are encouraged to comment on these and other issues.

Should the Children's Court have the same powers as adult courts?

Should police use their discretion for cautioning all children who are first offenders or minor offenders?

Should hearings in the Children's Court be open to the public as they are in adult courts?

Should community service orders be used for children as an alternative sentencing option?

Juveniles tend to commit property crimes such as shoplifting and breaking and entering. What measures can be taken to discourage juveniles from being involved in these crimes?

Once a child has been arrested, should the police be allowed to photograph him or her?

Should children be detained in police watchhouses?

Aboriginal and Torres Strait Islander youth are over-represented in the juvenile justice system. What steps can be taken to limit the involvement of Aboriginal and Torres Strait Islander youth in crime?

Should juvenile offenders be placed in correctional institutions?

What types of measures to treat juvenile offenders are most likely to reduce recidivism (the tendency to repeat crimes)?

How could the community assist in preventing juvenile crime?

Should there be a different approach for dealing with Aboriginal and Torres Strait Islander offenders than for white offenders?

What can be done to improve relations between police and youth?

Should mediation schemes between victims and offenders be used in juvenile justice?

# YOUTH, CRIME AND JUSTICE IN QUEENSLAND<sup>1</sup>

## INTRODUCTION

The behaviour or misbehaviour of children and young people has long been a concern to the adult community. Fears of a rising crime rate and particularly the belief that youth crime is rampant and unchecked are much reported. Freiberg, Fox and Hogan's comments in their 1988 Law Reform Commission report are still pertinent today:

"Notions of a 'juvenile crime wave' about to engulf the community have wide popular currency. It seems to be commonly believed that juveniles commit a disproportionately large number of serious personal and property offences, or that new legislation and programs lead to an increase in juvenile crime, or that society is getting soft on its delinquents, and that tougher institutions and harsher penalties would help curb juvenile crime." (p. 32).

The purpose of this paper is to provide an overview of youth, crime and justice in Queensland so as to inform the discussion of juvenile justice and facilitate planning of our responses to juvenile crime in this state. This paper considers questions such as:

- What types and how many crimes are committed by children and young people?
- Is youth crime increasing?
- How are young people who commit crime dealt with by the police and courts?
- Does offending as a child lead to a career as a criminal?
- Is youth crime more prevalent in some areas?
- What causes youth crime?
- Are there alternative ways of responding to youth crime?
- Can youth crime be prevented?
- What issues are in further need of research?

In the first and second parts of this paper the history of the separate provision for juvenile offenders is briefly discussed and the existing parameters of the juvenile justice system in Queensland are identified. The third part of the paper reviews police crime statistics so as to examine the extent and characteristics of the involvement of juveniles in crime in Queensland. This provided the basis for an analysis of the existing formal responses to children's offending through an analysis of the Children's Court data. The concluding sections examine the alternative models of responding to juvenile crime and identify a series of issues in juvenile justice administration and practice. Recommendations for future research are made.

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<sup>1</sup> In this paper the terms children, youth and young people are used interchangeably to refer to persons under the age of 17 years - those who are children for the purposes of the criminal law.

## PART 1 - HISTORY OF JUVENILE JUSTICE IN QUEENSLAND

Separate legislative provisions for children and young people in conflict with the criminal law, societal norms or their families were established shortly after the separation of Queensland from New South Wales. The *Industrial and Reformatory School Act* of 1865 allowed the removal of children under 15 years of age who had become 'incorrigible' or who had 'criminal tendencies' to reformatories.

The first reformatory established in Queensland was on the prison hulk "The Proserpine" in 1871. A reformatory was built at Lytton in 1881, and the boys from the hulk were transferred there (Department of Children's Services, 1979: 10). This institution was closed in 1900 and the inmates were transferred to the "Reformatory for Boys, Westbrook". This is the current site of Westbrook Youth Centre - a secure detention centre for boys.

A separate Children's Court was established in 1907 by the *Children's Court Act*. The *State Children's Act* 1911 provided for the administration of neglected, orphaned, delinquent and offending youth in one Government Department. The establishment in Queensland of the Children's Court and the administration of the *State's Children's Act* paralleled the developments in juvenile justice and child welfare elsewhere in Australia - and the western world. The distinguishing feature of the emerging juvenile justice system was that it enabled state intervention in the lives, not only of offending children, but also of those who were perceived at risk of offending by virtue of:

- (i) their premature independence,
- (ii) their contravention of the dominant norms, or,
- (iii) disapproval of the lifestyle or parenting behaviour of their parents.

Not surprisingly, such legislation resulted in Queensland, as elsewhere, in the widespread intervention in the lives of poor and working class families, and the establishment of large institutions of "detention" and "care". The primary response to young offenders and those deemed at risk of offending was institutionalisation.

Aboriginal and Torres Strait Islander children were additionally subject to separate regulation and control. From the turn of the century, Queensland legislation and practice resulted in the widespread removals of Aboriginal people to reserves. Within many of the reserves children were separated from their families and forced to live in dormitories. (Some dormitories were registered as Industrial Schools under the *State Children's Act*.) Dormitories served a number of functions. They sought to resocialise the children into "European" norms, and they served as places of punishment. Aboriginal children were also removed from one reserve to another, as punishment, and thus further separated from their families. Not only were Aboriginal children sent to dormitories by the State Children's Department, they were also subject to transfer out of communities to State Children's Department institutions (e.g. Westbrook).

It was not until 1965, with the passage of the *Children's Services Act* and the repeal of the *Aboriginal and Torres Strait Islanders Act* that the responsibility for the care and control of all children in Queensland passed to the one Department. (For detailed discussion of the history of Aboriginal involvement in the juvenile justice system in Queensland see O'Connor, 1990.)

The Department of Children's Services was established pursuant to the *Children's Services Act* 1965. It replaced the State Children's Department and had statutory responsibility for:-

- (i) children in need of protection (children in need of care and protection);
- (ii) juvenile offenders;
- (iii) juvenile status offenders (children in need of care and control).

The *Children's Services Act* resulted from the Report on the Committee on Child Welfare Legislation (Dewar Committee) in 1963. This report adopted an overly narrow medical approach in its analysis of the causes of neglect and juvenile offending. It provided the foundations for:-

- (i) legislation which placed heavy reliance on the professional judgment of the Director and his officers and in consequence vested substantial discretion in the Director;
- (ii) the professionalisation of the Department.

The *Children's Services Act* provided the legislative base for:-

- (i) the establishment of a Children's Court;
- (ii) the processing of children charged with a criminal offence;
- (iii) a code for the sentencing of children charged with offences;
- (iv) the basis for processing children at risk of offending;
- (v) the supervision and detention of juvenile offenders.

## PART 2 - THE JUVENILE JUSTICE SYSTEM IN QUEENSLAND

The juvenile justice system is constituted by that framework of laws, policies, institutions and practices which determine the manner in which children who have committed or are suspected of committing an offence are dealt with. The legal basis for dealing with offending children or those suspected of offending is laid down in a range of statutes, including the *Criminal Code*, *Children's Services Act*, *Bail Act* etc. In this section, the parameters and distinctive aspects of the juvenile justice system are identified.

### (a) Criminal Responsibility

In Queensland children under the age of 10 years are not criminally responsible for any act or omission (*Criminal Code*, s. 29). Thus a child under the age of 10 years cannot be found guilty of any criminal offence. (However, s. 46(n) of the *Children's Services Act* 1965 allows the admission to the care and protection of the Director-General of the Department of Family Services and Aboriginal and Islander Affairs any child who is under the age of criminal responsibility who commits an offence, and who knows he/she ought not to have done the act.)

Children under the age of 15 years are presumed not to be criminally responsible for any act or omission, unless it can be proven that, at the time of doing the act or omission, that child had the capacity to know what he/she was doing was wrong (*Criminal Code*, s. 29). This simply means that the prosecution needs to prove that a child aged between 10 and 15 years had the capacity to know right from wrong.

In some states the age of criminal responsibility is set at eight years of age. In practice this makes little difference as very few children appear in court prior to turning 12 (see below). Queensland raised the age of criminal responsibility to 10 in 1976.

### (b) Children Who Commit Offences

Children aged 10 years of age and over enjoy no immunity from the criminal law. They may be charged with any offence they commit (with the *proviso* noted above in relation to criminal responsibility). In addition to being charged with criminal offences, children may be brought before the court to appear on applications for care and control for non-criminal conduct (e.g. uncontrollable; in moral danger; likely to lapse into a life of vice or crime, or addiction to drugs s. 60, *Children's Services Act*). Such applications have fallen into disrepute and are rarely used today. They are not discussed in this paper.<sup>2</sup> Despite myths to the contrary there is no legal impediment to a child over 10 years of age being charged with a criminal offence.

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2 The proposed Juvenile Justice Bill makes no provision for such applications.

The major differences between the processing of children and adults suspected of, or admitting to, or found guilty of the commission of an offence, relate to (i) the exercise of discretion by police to caution or to charge a child,<sup>3</sup> (ii) the extended jurisdiction of the Children's Court to deal with most indictable offences and (iii) the code for the sentencing of children provided in the *Children's Services Act*.

### (c) Cautioning

The Queensland Police Service operates a cautioning scheme for first and/or minor offenders who are juveniles. Such young offenders who admit guilt, may at the discretion of the police be subject to a caution. A formal caution involves a child attending a police station with his/her parents and being warned by the police about his/her behaviour and the consequences of further offending. Cautioning is provided for by way of a Directive of the Commissioner of Police. It is not embodied in statute. The decision to caution or arrest is a police decision. No court appearance or court record results. The cautioning scheme is discussed below.

### (d) Jurisdiction of the Children's Court

The *Children's Services Act* established a separate Children's Court (s. 18(1)) with jurisdiction to hear and determine:-

- all **simple** offences involving a child (e.g. obscene language);
- where a child consents, most **indictable** offences that the Magistrate is satisfied can be adequately dealt with by the Children's Court.

Indictable offences by a child, punishable by life imprisonment if the offender was an adult (e.g. murder, rape, arson etc) cannot be determined by the Children's Court. Such offences must be committed to the Supreme Court for trial or sentence.

The Children's Court is a specialist Magistrates Court with an extended jurisdiction. In relation to an indictable offence, the defendant child (or parents if present) have the right to elect trial by judge and jury (s. 29(2)). (Children therefore have a greater right to a jury trial than adults.) The Children's Court provides the committal hearing for those indictable offences dealt with in the District or Supreme Court. Despite the right of election of jury trial, in practice 98 per cent of all matters are dealt with in the Children's Court.

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3 Whilst police may caution, rather than charge an adult, the discretion to caution is exercised far more frequently in relation to children and is justified because of the age of the offender.

The *Children's Services Act* provides for the appointment of Children's Court Magistrates and for Stipendiary Magistrates to constitute Children's Courts. In Queensland there is one Children's Court (30-40 Quay Street, Brisbane) with a Children's Court Magistrate. In other locations Stipendiary Magistrates constitute Children's Courts in existing court rooms. In some locations it is the practice to set aside specific days for Children's Court hearings. In other districts the Magistrate constitutes a Children's Court as required.

The Children's Court is a closed court (s. 27). This means it is not open to the public. The proceedings of the Court cannot be published except by order of the Magistrate.<sup>4</sup> In adult Magistrates Courts there are two parties to the proceedings. In a Children's Court a representative of the Director-General of the Department of Family Services and Aboriginal and Islander Affairs is entitled to be present in court (s. 142). While the *Children's Services Act* allows extensive court participation by the Director-General's representatives, Departmental court officers limit their participation to questions of bail and sentence.

Children have the same rights of appeal as defendants appearing before the Magistrates Court (s. 21).

### (e) Code for Sentencing

The aspect that most distinguishes the juvenile justice system from the adult criminal justice system is the framework for sentencing of children found guilty of offences. The *Children's Services Act* provides a comprehensive code for the sentencing of children. Section 62 of the Act provides a range of dispositions including:-

- (i) admonish and discharge (62(1)(k)(i));
- (ii) supervision (62(1)(k)(ii); 62(1)(h));
- (iii) care and control for a maximum of two years (62(1)(k)(iii); 62(1)(g);
- (iv) convict and fine (62(1)(e));
- (v) restitution (62(1)(c));
- (vi) imprisonment for up to two years (62(1)(i)).

Supervision, care and control, and restitution orders may be imposed with or without formal conviction being recorded. Sections 62(1)(c) and 62(2)(b) allow restitution to be ordered against a child's parent or guardian, provided that the parent or guardian has been given an opportunity to be heard on the matter. Whilst it is almost unheard of for the Court to order a parent to pay restitution there is no legislative bar preventing such an order.

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4 Other states such as Victoria have taken the position that as the administration of justice is a matter of public concern the Children's Court should be open to the public. Media reports are allowed so long as the offender is not identified. In some country towns in Victoria the unanticipated consequence of this provision is that the child identified himself in newspaper reports. Some children have commenced their own scrapbooks documenting their appearances and thus reinforcing a criminal identity.

Section 63 of the *Children's Services Act* enables a Supreme Court Judge to commit children to detention at Her Majesty's pleasure where they have been found guilty of an offence punishable for an adult by life imprisonment. The *Children's Services Act* does not provide a court with the power to directly sentence children to a period of detention (other than sentencing to prison in very limited circumstances; see *R v W and W (infants)* [1977] Qd R, 130). Rather, the Act provides that a child may be committed to the care and control of the Director-General. A care and control order transfers the guardianship of the child from the child's parents to the Director-General for the duration of the order. The decision to detain, and the length of detention of a child in an institution such as Westbrook Youth Centre is legally an administrative decision made by the Director-General (s. 65). In practical terms the Department acts on the recommendation of the Court in relation to incarceration.

An amendment to section 62 in 1989 providing for community service orders was never proclaimed.

#### (f) Summary

The juvenile justice system is that framework of laws, policies, practices and institutions which determine the manner in which children aged 10 to 16 years who have committed, or are suspected of committing, a criminal offence are dealt with. Children are subject to the same laws which establish criminal liability for adults. The *Children's Services Act* establishes a separate Children's Court with extended jurisdiction to deal promptly with children's crimes. Besides children and their families and the victims of juvenile crimes the major institutional players in the juvenile justice system are:

- (a) the police who are primarily responsible for the apprehension of juvenile offenders and deciding whether to caution or prosecute the offender;
- (b) magistrates who constitute Children's Courts and decide on issues of guilt and innocence, and determine sentences pursuant to section 62 of the *Children's Services Act*;
- (c) officers of the Department of Family Services and Aboriginal and Islander Affairs who appear in court and are responsible for the implementation of court decisions, including supervision in the community and detention of young offenders.

Other participants in the juvenile justice system include those involved in the provision of services to victims and offenders, the legal profession, the media and interest groups.

In the next section juvenile involvement in crime - a precursor to children's involvement in the juvenile justice system - is considered.

## **PART 3 - CHILDREN'S INVOLVEMENT IN CRIME IN QUEENSLAND**

Popular mythology suggests that juveniles are responsible for the majority of crimes committed and that the rate of youth crime is increasing. In this section the truth or otherwise of this mythology is examined through a review of police data on the nature and extent of youth crime in Queensland. Patterns of police response - cautions, arrest and summons - are then analysed.

Before describing the extent of youth crime in Queensland it is important to issue a warning about the poor quality of data. The data used in this Part was provided by the Queensland Police Service to the Criminal Justice Commission upon request. The manual system of collection of data by the Information Bureau, until January 1991, did not meet standards of accuracy and reliability. Indeed the poor quality of crime statistics produced by the Queensland Police Information Bureau was severely criticised by the Commission of Inquiry. It is important to note that the analysis of the data in this Part suffers from this serious deficiency and the Queensland Police Service acknowledges this. Any conclusions drawn from this data set should therefore be treated with caution. The Queensland Police Service under its new administration is committed to the provision of high quality statistical data to the public arena through the publication of the Statistical Review.

### **(a) Data Sources**

Three official sources of juvenile crime data - police records, Children's Court records and Department of Family Services and Aboriginal and Islander Affairs (DFSIA) records on children under orders are relied on in this paper. Official records are limited to the crimes and criminals that come to the attention of the authorities (CJC, 1991: 28). Many crimes are not reported (for example sexual assaults on children). Many other crimes are reported but unsolved and in consequence little or nothing is known about the offender. Victim surveys also provide information from individuals about their victimisation, the offence and characteristics of the offender. However, many crime victims do not see the offender and therefore know little or nothing about the offender. Additionally, victim surveys rarely include children and so provide little information about children as victims of crime.

Each of the three sources of data provides a different snapshot of youth crime, and they are examined separately in this discussion paper. Unfortunately there are flaws in our sources of information on juvenile crime in this state. Police and Children's Court records are appearance and/or offence based. This makes difficult an examination of individuals' full offending histories, and of progress through the different stages of the juvenile justice system. Problems with juvenile crime statistics will be raised throughout the remainder of this paper.

## **(b) Children as Victims of Crime**

While the focus of this paper is primarily children and young people as offenders, it must be noted that children are also the victims of crime. The Australian Bureau of Statistics (ABS) Crime Victimization survey (1983) found that younger people (15-19 and 20-24 years) are disproportionately the victims of all forms of personal crime, including sexual and other assaults (p. 14). For example the ABS survey found that 44 per cent of assault victims were 15-19 (21.6 per cent) and 20-24 year olds (22.8 per cent). This pattern was repeated consistently across all personal crime categories (see Table 2.4, part 1, p. 14). Thus, contrary to perceptions that older people are the most likely victims, trends in the data indicate a steady decrease in the percentage of victims of personal crime as age increases (see Table 2.4, part 1, p. 14).

One of the weaknesses of crime victim surveys is that they rarely include children in their sample group. The ABS survey sampled persons 15 years and older (but did not ask whether those under 18 years of age had been victims of sexual assaults). It is only in the past 10 years that the extent of criminal assault (physical and sexual) in the home has achieved some recognition. A leaflet on Personal Safety prepared by the Queensland Centre for the Prevention of Child Abuse (a section of the Department of Family Services and Aboriginal and Islander Affairs) reports that one in four girls and one in eight boys will suffer some form of sexual abuse prior to their 18th birthday.

The extent of youth victimisation contrasts with the perception of youth as a major source of crime. A 1987 ABS survey of Queensland householders found that the most commonly perceived crime problems were "house-breaking and burglary" (21.0 per cent) and "louts or youths" (18.8 per cent).<sup>5</sup> In urban areas dangerous driving and graffiti or vandalism were also a cause of much concern. This survey found that an estimated 235,000 persons (16.9 per cent) had seen or heard someone behaving in a suspicious manner in the previous six months (p. 14). The most commonly observed problems were prowlers (101,500 persons) and louts or youth (76,400 persons). There is a clear perception that youth, especially youth in public places, pose a risk to public safety. They are perceived as a threat. We will note below that inaccurate representation of juvenile crime reported in the media contribute to this fear.

## **(c) What Crimes do Juveniles Commit?**

The Police Service maintains records of the crimes cleared by way of the apprehension of a juvenile. During the financial year 1990/91 the system for recording juvenile involvement in crime by the information bureau in the Police Service changed from a manual to a computerised system. For the purposes of this paper data collected under the old system (July - December 1990) and the new system (January to June 1991) have been combined. The 1990/91 data therefore should be read as an estimate of juvenile crime as recorded in

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<sup>5</sup> The ABS survey used the term "louts or youth". No definition of age was provided. It is likely that the term "youth" was interpreted to mean children and young adults.

TABLE 1

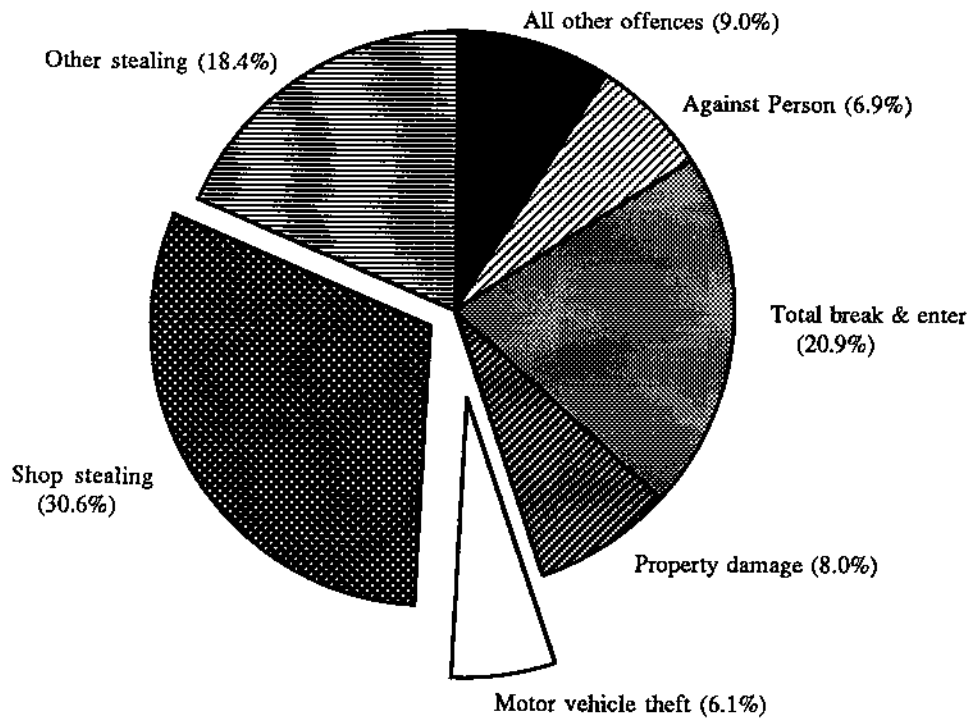
**PERSONS RESPONSIBLE FOR OFFENCES -  
JUVENILES FROM JULY 1990 TO JUNE 1991**

Offences	Cleared Offence Juvenile (n)	As % of all Cleared Juvenile Offences	Juvenile Offenders (n)	As % of Juvenile Offenders %
Murder	1	0.0	1	0.0
Attempted Murder	5	0.0	5	0.0
Manslaughter (excl. by motor vehicle)	0	0.0	0	0.0
Driving Causing Death	0	0.0	0	0.0
<b>TOTAL HOMICIDE</b>	<b>6</b>	<b>0.0</b>	<b>6</b>	<b>0.1</b>
Serious Assault	325	2.5	322	2.9
Minor Assault	361	2.8	356	3.2
Rape	13	0.1	9	0.1
Other Sexual Offences	114	0.9	90	0.8
Robbery	58	0.5	69	0.6
Extortion by Threats	5	0.0	1	0.0
Kidnapping, abduction, deprivation of liberty	3	0.0	1	0.0
Breaking & Entering-dwellings	922	7.2	719	6.5
Breaking & Entering-shops	709	5.5	581	5.2
Breaking & Entering-other premises	1045	8.2	879	7.9
<b>TOTAL BREAKING &amp; ENTERING</b>	<b>2676</b>	<b>20.9</b>	<b>2179</b>	<b>19.6</b>
Malicious injuries to property	1021	8.0	872	7.8
Motor vehicle theft	783	6.1	679	6.1
Shop stealing	3913	30.6	4105	36.9
Stealing (excluding motor vehicles & shop stealing)	2354	18.4	1695	15.2
Fraud, forgery and false pretences	328	2.6	124	1.1
Handling stolen goods	252	2.0	185	1.7
Drug offences	194	1.5	159	1.4
Prostitution offences	0	0.0	0	0.0
Stock related offences (excluding stealing)	0	0.0	0	0.0
Vagrancy	7	0.1	7	0.1
Drink driving offences	60	0.5	49	0.4
Other driving, motor vehicle offences	49	0.4	33	0.3
All other offences	265	2.1	180	1.6
<b>TOTAL</b>	<b>12787</b>	<b>100.0</b>	<b>11120</b>	<b>100.0</b>

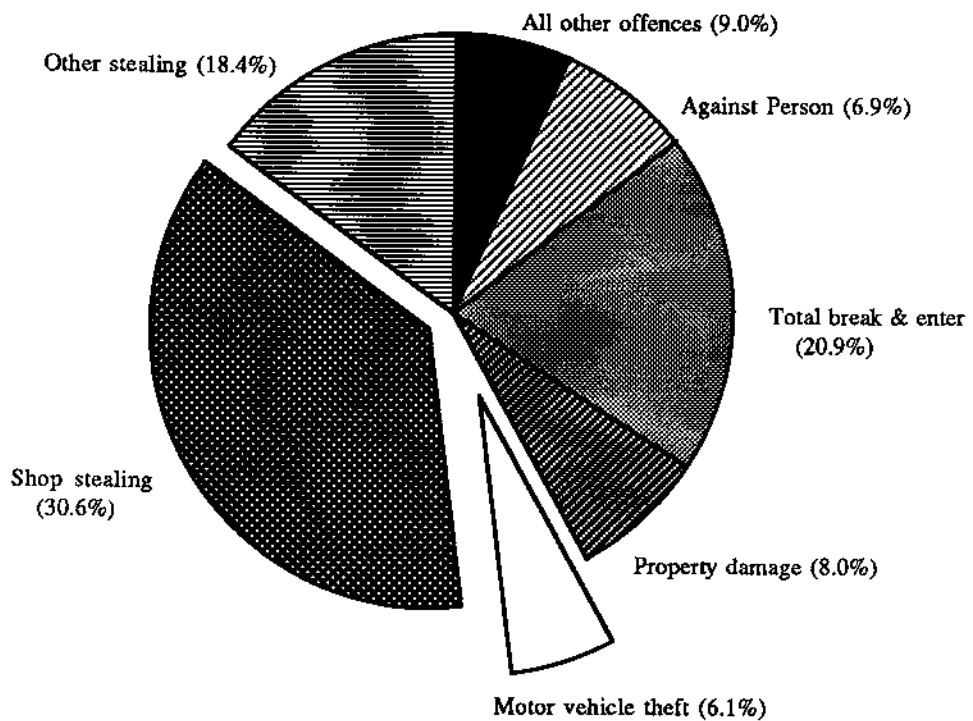
(Source: Queensland Police Service - unpublished records)

NB: The reader is warned about the poor quality of the data as stated in the beginning of this Part.

**Figure 1 (A)**  
**Juvenile Offences 1990/91**



**Figure 1 (B)**  
**Juvenile Offenders 1990/91**



NB: The reader is warned about the poor quality of the data as stated in the beginning of this Part.

police records, noting the qualifications outlined in the beginning of this Part. Juvenile crime is primarily property related as is adult crime. In 1990/91 slightly over 30 per cent of all apprehended juvenile offences involved shoplifting (see Table 1 and Figure 1 for data). Breaking and entering constituted 20.9 per cent of juvenile offences and other stealing (excluding motor vehicle theft and shopstealing) accounted for 18.4 per cent of juvenile offences. On the other hand offences against the person comprise only a small proportion of juvenile offences.

Juvenile proclivity for involvement in petty property offences is even clearer when the offender data is examined (rather than offence data as above). The most serious offence that over half of all juvenile offenders apprehended by police in 1990/91 were involved in, was shoplifting or other stealing (excluding motor vehicle theft). Approximately a fifth of children apprehended were involved in other break and enter offences. The police data therefore indicates that most juvenile offenders are not involved in the commission of serious offences - the bulk of juvenile offenders is at the less serious end of the crime continuum. A small number of juveniles are involved in more serious crime.

#### **(d) How Much Crime are Children Responsible for?**

There is a public perception that children are responsible for a substantial proportion of crime committed in the community. This perception is oft reported in the media and is frequently supported by police statements. For example the *Courier Mail* included the following comments by a police spokesman who was announcing a new program to combat juvenile crime:

"Sgt Grimpel said 80 per cent of crimes against property including break and enters and motor vehicle offences, were committed by juveniles." (28/11/91).

Police reported crime and cleared crime figures (e.g. crimes cleared by way of the apprehension of an offender) enable an examination of the number of crimes committed, the number cleared as a result of police investigation, and the proportion of those cleared for which juveniles are responsible.

Juvenile crime is primarily concentrated in crimes against property. According to data supplied by the Police Service in 1990/91, 33.8 per cent of cleared break and enter offences were attributed to juveniles, as were 31.6 per cent of stealing offences (excluding motor vehicle theft) and 24.4 per cent of motor vehicle theft. In contrast, adults were primarily responsible for offences of violence against the person. Juveniles were involved in 3.1 per cent of cleared homicide related offences,<sup>6</sup> 8.4 per cent of serious assaults, and at least 8.7 per cent of minor assaults, 4.1 per cent of rapes or attempted rapes and 4.9 per cent of other sexual offences. (See the Appendix for police crime data 1985/86 to 1990/91).

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6 Homicide includes a range of offences including murder, manslaughter, attempted murder and dangerous driving causing death. In 1990/91 five of the homicide related offences involving children were attempted murder. One child was cautioned for attempted murder which must raise some questions as to the seriousness of the attempt.

While juveniles are responsible for a disproportionate amount of certain cleared property crime there is no evidence to show that juveniles are responsible for the majority of all property crime, let alone 80 per cent of property crime. Caution must also be exercised in extrapolating from the cleared crime figures, the overall responsibility of juveniles for crime in the community. In 1990/91 only 13 per cent of break and enter offences in Queensland were cleared by police. This means that less than 5 per cent (4.4 per cent) of all break and enter offences reported to police were cleared and attributed to juveniles by police.<sup>7</sup>

It is not tenable to conclude that juveniles are responsible for the vast majority of uncleared property offences for a number of reasons. Juveniles are more likely to be apprehended for the property offences for which they are responsible. In contrast to adults, juveniles tend to offend in groups. In consequence, for each offence cleared a number of juvenile offenders may be charged with a number of offences (Mukherjee, 1990; see also discussion of court statistics below). Children tend to offend closer to their own place of residence. This increases their chances of apprehension.

The existing police and Children's Court statistical collections do not allow an examination of the amount of property loss incurred by juvenile offences. Nor do they indicate the severity of a particular offence - for example an offence committed by a child who opens a window latch and gains entry to a house and removes a small amount of change is classified in the crime statistics as a break and enter offence in the same way as an adult crime which consisted of a forced entry and the removal of property worth thousands of dollars. (Similarly the example cited in footnote 4 of the child cautioned for attempted murder demonstrates the breadth of behaviours that may be classified as particular crimes against the person.)

The characteristics and extent of juvenile crime are in urgent need of research. Despite the absence of local data, it is reasonable to conclude, based on inter-state research, that the crimes committed by youth are usually less serious than those committed by adults, particularly in relation to the amount of property involved and the level of injury sustained by victims, and the presentation of crime statistics overstate the risk of being a victim of juvenile crime:

"The important point is, however, that property loss as a result of all property offences by juveniles . . . would be only a fraction of those losses attributable to offences by adults but seldom prosecuted." (Mukherjee, 1983, 75) (see also Mukherjee, 1985, 1986, 1990; Frieberg, Fox and Hogan, 1988).

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7 It is notable that those offences with a high clear up rate (e.g. homicides and assaults) have a low rate of juvenile involvement. Those crimes with a low clear up rate have a greater proportion of juvenile involvement. Thus, police arrest statistics indicate that 97 per cent of homicide and related offences were cleared by police and that 3.1 per cent of those cleared were attributed to a juvenile. An alternative way of stating this is that 2.2 per cent of reported homicide and related offences were cleared by way of arrest or other outcome of juveniles.

**TABLE 2**  
**RATES OF INVOLVEMENT IN SELECTED OFFENCES 1973/74 - 1987/88**

	Male Juveniles		Female Juveniles		All offenders		J Males	J Females	All
	1973/74	1987/88	1973/74	1987/88	1973/74	1987/88	% inc	% inc	offenders % inc
Serious Assault	7.1	121.4	-	24.4	15.4	100.8	1609.9%		554.5%
Robbery	7.1	20.8	0.7	1.9	7.6	11.6	193.0%	171.4%	52.6%
Break, Enter and Steal	886.1	1508.3	22.4	140.9	159.5	209.0	70.2%	529.0%	31.0%
Motor Vehicle Theft	509.5	445.1	14.2	40.5	98.0	95.0	-12.6%	185.2%	-3.1%
Fraud	15.7	71.1	3.7	41.2	59.8	80.1	352.9%	1013.5%	33.9%

(Source: Mukherjee & Dagger 1990)

### (e) Is Children's Crime Increasing in Queensland?

Over the period 1973/74 to 1987/88 there is some evidence of a substantial increase in juveniles apprehended for crimes in Queensland. With the exception of motor vehicle theft, for all other categories of major crime, (serious assault, robbery, break, enter and steal and fraud) reported in *The Size of the Crime Problem in Australia*, there were increases in the rates of juvenile offenders per 100,000 between the years 1973/74 to 1987/88 (see Table 2). For each offence category the increase in rates of juveniles involved was greater than the overall increase in involvement for adults and juveniles. Female juvenile involvement consistently (except for robbery) increased more than male juvenile involvement in the five crime categories (but female juvenile crime rates remain far lower than male rates).

Male juvenile involvement in serious assault increased by 1609.9 per cent. This compared to an overall increase of 554.5 per cent. It should be noted that serious assault started from a very low base (7.1 per 100,000) and small increases in numbers of offenders will lead to large proportionate increases. For break, enter and steal offences, male juvenile involvement increased by 70 per cent compared to a 31 per cent increase in the overall adult/juvenile rate. Female involvement increased more rapidly but still remained far lower than male juveniles. Motor vehicle theft indicated a decrease in the level of both male juvenile and all offender involvement rates between 1973/74 and 1987/88. However, the rate of female juvenile involvement did increase.

For the purposes of this issues paper, police statistics on juvenile involvement in crime for the period 1985/86 - 1990/91 were subjected to a more detailed analysis. The Appendix provides the year by year returns. In that period the total number of offences cleared by way of apprehension of juveniles decreased by 20.3 per cent. The number of juvenile offenders decreased by 15.2 per cent (see Table 3). This pattern of overall decline was not uniform. The number of offences against the person committed by juveniles, and the number of juveniles involved in such offences increased: homicide related offences, 20.0 per cent; offenders 20 per cent; serious assault offences, 88.95 per cent; offenders 101.25 per cent; minor assault offences, 28.47 per cent; offenders 20.16 per cent. Property offences, which are the offences most frequently committed by young people, decreased substantially. This accounted for the overall drop in offences and offenders. These decreases occurred across all age groups and for boys and girls. From Figure 2 it may be seen that the number of juveniles involved in crime peaked in 1988/89 and there has been a steady decline since that date. As noted above, changes were made during 1990/91 to the system for recording juvenile involvement in crime. The data for the period July to December 1990 is consistent with the slow decline evidenced in 1989/90. The record for the final six months of 1990/91 shows a substantial decline in offenders and offences. Either way the 1990/91 data does not indicate an increase in juvenile crime.

As well as the number of juvenile offences, the rate of juvenile offences declined in the period 1985/86 - 1990/91. For total offences the rate dropped from 4958.0 to 4045.0 per 100,000.

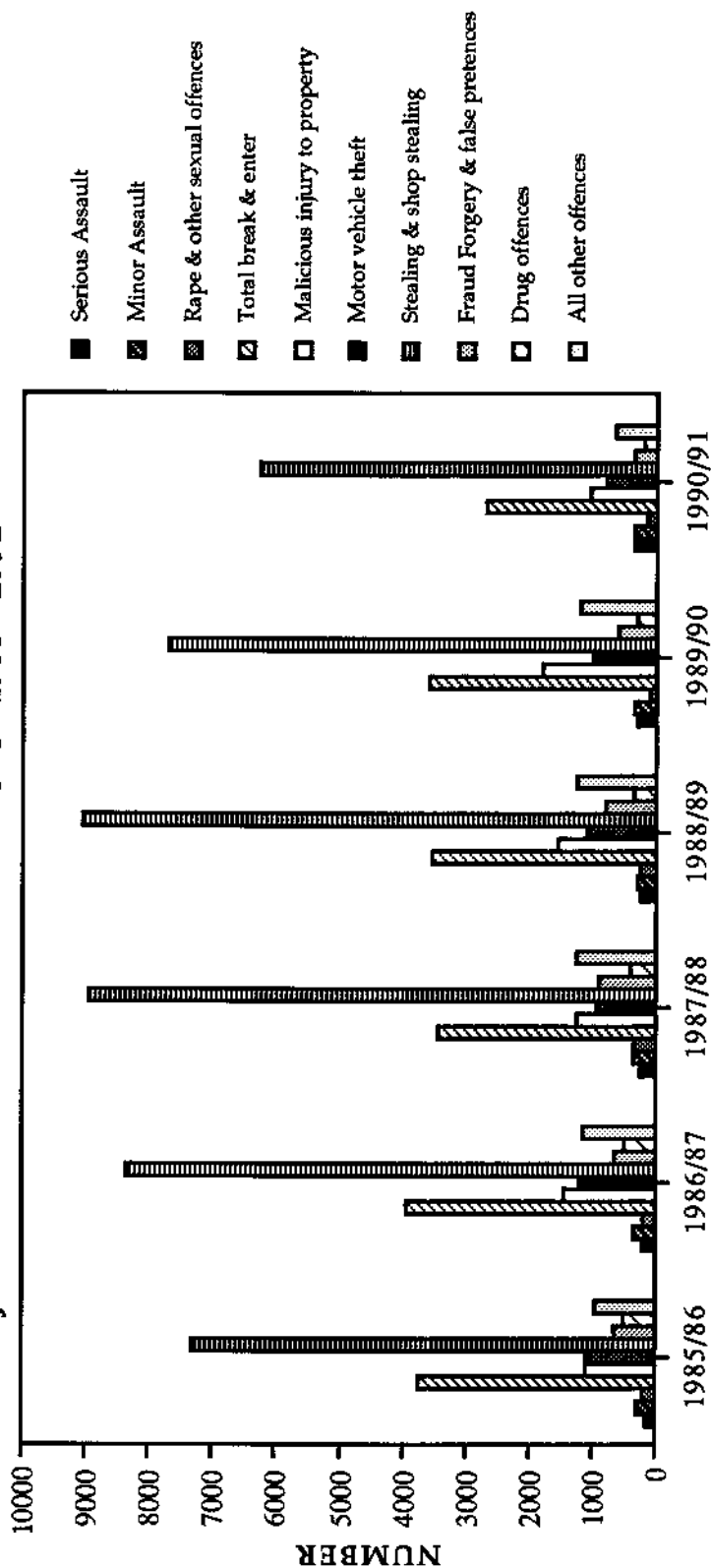
**TABLE 3**  
**PER CENT CHANGE ON CLEARED JUVENILE OFFENCES AND OFFENDERS**  
**1985/86 - 1990/91**

OFFENCES	Offences %	Offenders %
Murder	-	-
Attempted Murder	66.7	66.7
Manslaughter (excl. by motor vehicle)	-100.0	-100.0
Driving Causing Death	-	-
<b>TOTAL HOMICIDE</b>	<b>20.0</b>	<b>20.0</b>
Serious Assault	89.0	101.3
Minor Assault	28.5	40.2
Rape	160.0	50.0
Other Sexual Offences	-34.9	-15.9
Robbery	-56.8	60.5
Extortion by Threats	-16.7	-100.0
Kidnapping, abduction, deprivation of liberty	-40.0	-50.0
Breaking & Entering-dwellings	-29.3	-18.4
Breaking & Entering-shops	-20.3	-21.2
Breaking & Entering-other premises	-32.3	-19.1
<b>TOTAL BREAKING &amp; ENTERING</b>	<b>-28.4</b>	<b>-19.4</b>
Malicious injuries to property	-8.7	-0.7
Motor vehicle theft	-28.5	-27.6
Shop stealing	-10.7	-13.0
Stealing (excluding motor vehicles & shop stealing)	-19.1	-12.1
Fraud, forgery and false pretences	-50.7	-30.7
Handling stolen goods	-39.7	-40.3
Drug offences	-62.2	-62.5
Prostitution offences	-100.0	-100.0
Stock related offences (excluding stealing)	-100.0	-100.0
Vagrancy	250.0	250.0
Drink driving offences	-27.7	-38.8
Other driving, motor vehicle offences	-37.2	-43.1
All other offences	-22.5	-41.0
<b>TOTAL</b>	<b>-20.3</b>	<b>-15.2</b>

(Source: Queensland Police Service - unpublished records)

NB: The reader is warned about the poor quality of the data as stated in the beginning of this Part.

Figure 2  
JUVENILE CLEARED OFFENCES\* 1985 - 1991



\* Total homicide & robbery have been excluded

NB: The reader is warned about the poor quality of the data as stated in the beginning of this Part.

The decrease in juvenile involvement in crime is consistent with trends in South Australia and Victoria.

#### **(f) The Age and Gender of Offenders**

Juvenile crime is primarily the responsibility of males (78 per cent in 1990/91). The extent of involvement in crime by children increases with age. In 1990/91, 11,120 offenders were apprehended by police. Seventy one per cent of offenders were aged 14, 15 or 16 years, and 21.2 per cent of offenders were aged 12 and 13 years. Less than eight per cent of offenders were aged less than 12 years. The rates for all offences increase with age during childhood for both boys and girls. (See the Appendix for offender age rates.)

Not only were female offence rates much lower than males rates, the offences they committed were less serious. Two thirds (65.9 per cent) of female offenders were apprehended by police for shoplifting offences. Shoplifting was the cause of the apprehension of one third (34.4 per cent) of male offenders (see Table 4). However, female shoplifting rates were still lower than male rates. Older male juveniles were primarily responsible for those offences against the person (assault, robbery, sex offences etc) committed by juveniles.

#### **(g) Are More Juveniles Involved in Crime in Queensland than in Other States?**

Comparison across states of crimes, crime rates and the number of juveniles involved in crime is fraught with difficulties (see Mukherjee and Dagger 1990). There are no uniform crime statistics, and the age of persons considered juvenile for the purposes of the criminal law varies from state to state. Available evidence indicates that in the period 1973/74 to 1987/88 the involvement of juveniles in offending increased across the country (Mukherjee and Dagger, 1990). Interstate calculations of crime rates by Mukherjee and Dagger (1990) indicate that Queensland has higher juvenile crime rates than the Australian average for serious assault, break and enter and stealing offences. It is close to the Australian average for robbery and below the average for motor vehicle theft and fraud.

In terms of the number of juvenile offenders processed, Queensland had the fourth highest rate for the period 1979/80 to 1987/88 (Wundersitz, 1990: 4). Wundersitz noted that the number of offenders across the Australian States (with the exception of Western Australia) remained relatively constant in that period.

TABLE 4

## PER CENT OF OFFENDERS BY GENDER, AGE AND OFFENCE 1990/91

Offences	All juveniles		Under 12 Yr		12 & 13 Yrs		14 & Under 17	
	Male 8696	Female 2430	Male 735	Female 128	Male 1801	Female 558	Male 6160	Female 1744
Murder	-	-	-	-	-	-	-	-
Attempted Murder	-	-	-	-	-	0.2	0.1	-
Manslaughter (excl. by motor vehicle)	-	-	-	-	-	-	-	-
Driving Causing Death	-	-	-	-	-	-	-	-
<b>TOTAL HOMICIDE</b>	<b>0.1</b>	-	-	-	-	<b>0.2</b>	<b>0.1</b>	-
Serious Assault	3.0	2.6	1.2	0.8	2.7	1.3	3.3	3.2
Minor Assault	3.0	3.7	2.4	2.3	2.6	2.2	3.3	4.4
Rape	0.1	-	-	-	0.1	-	0.1	-
Other Sexual Offences	1.0	-	0.4	-	1.1	-	1.1	-
Robbery	0.8	0.2	0.4	-	0.3	0.5	0.9	0.2
Extortion by Threats	-	-	-	-	-	-	-	-
Kidnapping, abduction, deprivation of liberty	-	-	-	-	-	-	-	0.1
Breaking & Entering-dwellings	7.2	3.9	6.9	10.2	5.7	3.6	7.6	3.6
Breaking & Entering-shops	6.1	2.1	3.3	8.6	5.3	2.5	6.6	1.5
Breaking & Entering-other premises	9.6	1.6	15.0	4.7	9.8	1.3	9.0	1.5
<b>TOTAL BREAKING &amp; ENTERING</b>	<b>22.9</b>	<b>7.7</b>	<b>25.2</b>	<b>23.4</b>	<b>20.9</b>	<b>7.3</b>	<b>23.2</b>	<b>6.7</b>
Malicious injuries to property	9.1	3.3	14.1	10.9	8.6	2.9	8.7	2.8
Motor vehicle theft	7.0	2.9	0.8	-	3.5	0.9	8.8	3.8
Shop stealing	28.7	66.2	36.1	53.9	39.4	74.7	24.7	64.3
Stealing (excluding motor vehicles & shop stealing)	17.3	7.8	15.0	7.8	17.2	6.3	17.6	8.3
Fraud, forgery and false pretences	0.9	1.9	0.7	-	0.8	0.9	0.9	2.4
Handling stolen goods	1.7	1.4	1.6	0.8	1.6	2.3	1.8	1.1
Drug offences	1.5	1.1	0.1	-	0.2	0.4	2.1	1.4
Prostitution offences	-	-	-	-	-	-	-	-
Stock related offences (excluding stealing)	-	-	-	-	-	-	-	-
Vagrancy	0.1	-	-	-	-	-	0.1	-
Drink driving offences	0.5	0.2	-	-	-	-	0.7	0.3
Other driving, motor vehicle offences	0.3	0.1	-	-	0.1	-	0.5	0.2
All other offences	1.9	0.7	1.9	-	1.1	0.2	2.1	0.9
<b>TOTAL</b>	<b>100.0</b>	<b>100.0</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

(Source: Queensland Police Service - unpublished records)

NB: The reader is warned about the poor quality of the data as stated in the beginning of this Part.

## (h) How is Children's Crime Dealt With by Police?

In Queensland children who admit the commission of an offence may be dealt with informally by way of a caution, or formally by way of arrest or summons resulting in an appearance before the Children's Court. The Cautioning Scheme was introduced with the establishment of the Juvenile Aid Bureau in 1963. It was formalised by a memorandum from the Commissioner (No. 10/77) in March 1977 and amended on 23 August 1984 by General Instruction 9.500.

Cautioning is based on a recognition that much youth crime is minor and transitory in character. The program aims to "divert children from anti-social behaviour" (JAB, 1991: 67). The Commissioner's instructions direct officers to caution first offenders where the offence is not of a serious nature and where guilt is admitted and satisfactory arrangements are made regarding restitution.<sup>8</sup>

The Police Service's instructions direct officers away from "on the spot" cautions to the utilisation of formal cautions. Cautions are recorded by police but cannot be presented to Court as a part of the person's criminal record.

In 1990/91, two thirds of offenders were cautioned rather than arrested or summonsed by police (see Table 5). Some offences seem more likely to result in a court appearance: in 1990/91, 53.7 per cent of juveniles apprehended for break and enter offences appeared in court whereas for shoplifting only 12.5 per cent were referred to court.

In the period 1985/86 to 1989/90 the proportion of juveniles dealt with by way of arrest increased from 28.6 to 31.4 per cent. In 1985/86, 45.2 per cent of juveniles apprehended for break and enter offences were arrested or summonsed and by 1989/90, 51.2 per cent of offenders were directed to court.

Police cautioning constitutes Queensland's pre-court diversion program. Diverting children away from the formal court system is a constituent element of all juvenile justice systems. The form of diversion varies from state to state and country to country, and includes programs such as Children's Aid Panels, restitution programs and statutory cautioning programs (see Seymour, 1989: 224-277 for details). Each seeks to reduce the likelihood of a child's reoffending whilst at the same time avoiding the stigma associated with a court appearance.

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8 In the past Queensland police have cautioned offenders on a number of occasions for petty offences.

**TABLE 5**  
**TOTAL JUVENILE OFFENDERS AND PER CENT CAUTIONED BY OFFENCE**  
**1990/91**

OFFENCES	Juvenile Offender  (n)	Juvenile Offender  % cautioned
Murder	1	-
Attempted Murder	5	20.0
Manslaughter (excl. by motor vehicle)	-	
Driving Causing Death	-	
<b>TOTAL HOMICIDE</b>	<b>6</b>	<b>16.7</b>
Serious Assault	322	41.3
Minor Assault	356	62.1
Rape	9	-
Other Sexual Offences	90	64.4
Robbery	69	15.9
Extortion by Threats	-	
Kidnapping, abduction, deprivation of liberty	1	-
Breaking & Entering-dwellings	719	43.0
Breaking & Entering-shops	581	43.4
Breaking & Entering-other premises	879	50.9
<b>TOTAL BREAKING &amp; ENTERING</b>	<b>2179</b>	<b>46.3</b>
Malicious injuries to property	872	65.4
Motor vehicle theft	679	26.7
Shop stealing	4105	88.5
Stealing (excluding motor vehicles & shop stealing)	1695	62.5
Fraud, forgery and false pretences	124	68.5
Handling stolen goods	185	65.9
Drug offences	159	78.0
Prostitution offences	-	
Vagrancy	7	-
Drink driving offences	49	-
Other driving, motor vehicle offences	33	24.2
All other offences	180	68.9
<b>TOTAL</b>	<b>11120</b>	<b>66.0</b>

(Source: Queensland Police Service - unpublished records)

NB: The reader is warned about the poor quality of the data as stated in the beginning of this Part.

Queensland and Victoria have both implemented cautioning schemes. In both states upwards of 60 per cent of juvenile offenders are dealt with in this manner. South Australia relies on a system of Children's Aid Panels involving representatives of Police and Community Welfare Departments (Nichols, 1985). In the period 1979/80 to 1985/86, on average 58 per cent of youth were dealt with by Panels.

One concern about diversion programs is that they may have a "net-widening effect"; that is the program may increase the number of persons in contact with the formal justice system and therefore undermine the diversionary aims. Queensland, Victoria and South Australia divert more than half of juvenile offenders from the Children's Court. Queensland and South Australia have consistently had higher rates of police intervention against juveniles than other states (Wundersitz, 1990). This may indicate some net-widening effect. However net widening is not the necessary consequence of pre-court diversion programs. Victoria, for example, also operates an extensive cautioning scheme, yet has low rates of formal intervention and amongst this country's lowest recorded rates of juvenile offenders.

The Cautioning Scheme has operated in Queensland since 1963. The Juvenile Aid Bureau's cautioning program was evaluated in 1983. Success was measured in terms of the cessation of offending. Leivesley (1988) reported that 85 per cent of those cautioned between 1970-1980 had no further contact with the police up until 1980. The Leivesley study may over-estimate the success of the cautioning program as she included all persons cautioned in the period. Thus those who were cautioned in 1970 had 10 years in which to reoffend, whilst those who offended in 1980 had less than a year. A more accurate indication is that 75 per cent of those cautioned in 1970 and 1971 had no further contact. In contrast, only 11 per cent of those cautioned in 1978-79 had further contact with police (see Table 5, Leivesley, 1988: 38). This estimate of a 25 per cent reoffending rate is consistent with a review of persons in contact with the JAB in 1983/84 (see Table 6, Leivesley, 1988: 39-40). Leivesley did not compare the outcome of cautioning to a court appearance, or different modes of cautioning, or to those situations where no formal action was taken at all. Nor did she account for those juveniles who reoffended but were not reapprehended. As Seymour notes;

"(E)ven if it is known that a particular juvenile has not re-offended, it is impossible to be sure that this result has been caused by the measures employed by the criminal justice system. Maturation, or any one of a number of personal or social factors, might be the explanation for the avoidance of further offending." (1988: 275).

The cautioning program deals with the majority of juvenile offenders in Queensland yet very little is known about its operation. There are conflicting anecdotal reports on how cautions are administered and understood. Similarly there are conflicting reports on how promptly after apprehension a young person is cautioned. A substantial time delay may well undermine any beneficial effects of a caution. Current police records do not allow analysis of the number who reoffend. Nor is it currently possible to examine the impact of demographic variables such as race, geographic location and the constitution of family unit on the decision to caution and on cautioning practices. Because there is no data

about this crucial decision and process, it is not known whether Aboriginal and Torres Strait Islander youth are less likely to receive a caution. In South Australia, Gale, Wundersitz and Bailey-Harris (1990) found that Aboriginal children were systematically disadvantaged at every stage of the juvenile justice system. Similarly it is not known whether cautioning practices are culturally appropriate for all groups in the community, nor whether children living in some geographic locations are less likely to receive cautions. The frequency of restitution and apologies is also unknown as are the consequences for economically disadvantaged youth who cannot make monetary compensation.

The new juvenile justice legislation will continue to rely on cautioning as the main diversion program in this state. It is therefore essential that an adequate information system be established by police on juvenile crime and that the operation of the cautioning program is subject to further research.

### **(i) Arrest and Summons**

When police decide to charge rather than caution a child, it is then necessary to decide whether to secure the child's attendance at court by way of arrest, or by summons. Where children are arrested they are processed through the watchhouse and detained in custody until bail is granted by the watchhouse keeper or by a court. When formal cautioning is excluded as a manner of proceeding against offenders, most children are arrested rather than summonsed (92.4 per cent in 1989/90) (see Table 6). This reliance on arrest contrasts with the use of summons and court attendance notices in other states. (Queensland Law Reform Commission, 1991: 18). The reader is warned about the difficulties in comparing use of arrest and summonses between States.

The arrest of the child guarantees the child's attendance at court (where no watchhouse bail is granted) and allows police to finger print and photograph the child. It is frequently suggested that it is administratively easier to arrest a child rather than summons a child. It also ensures a prompt hearing of the matter before the court. There is anecdotal evidence that some police see the watchhouse experience as a way of warning the child - as a way of bringing home to them the seriousness of their behaviour.

Where children are arrested, they are detained in custody unless released by the watchhouse keeper on bail, or until a court decides on bail conditions.

"Like adults, young people are entitled to bail unless an exception applies . . . [For children one exception is that] bail may be refused to a person under 17 years of age when police or a court are satisfied that the young person should remain in custody for her or his protection or welfare." (Queensland Law Reform Commission, 1991: 18).

When a child is so detained, the Department of Family Services and Aboriginal and Islander Affairs must be notified. The Department has detention facilities in Townsville, Westbrook and Brisbane. In consequence, children from other areas often spend hours and sometimes days, in an adult watchhouse. Unfortunately, the number of children who spend time in watchhouses is not known. There

have however, been a number of serious incidents (see Queensland Law Reform Commission 1991). For example, in April 1988, a male youth was sentenced to seven years prison for having raped two 14 year old boys in the Southport Watchhouse. These boys had been detained for five days in the watchhouse. Other more recent incidents have been reported in the newspapers. These have included two girls aged 13 and 14 years, detained in the Southport Watchhouse on minor charges, who were subject to strip searches (see *Sunday Mail*, November 17 1991, p. 1 for summary) and a 12 year old detained for 60 hours in the Rockhampton Watchhouse (*Morning Bulletin*, 6 December 1991). The Department of Family Services and Aboriginal and Islander Affairs informed the Law Reform Commission that "the premature or unnecessary incarceration of children increases the likelihood of their becoming recidivist offenders" (Queensland Law Reform Commission 1991: 19). Despite long standing concerns, problems with police watchhouses have continued primarily due to a lack of alternative facilities and resources. These problems have occurred not only in remote communities but in locations such as Southport which are close to Departmental detention facilities due to transportation problems which need to be resolved.

On 23 December 1991, a new joint "Policy of the Queensland Police Service and the Department of Family Services and Aboriginal and Islander Affairs Regarding Detention of Children in Watchhouses" was implemented. The policy formalised notification arrangements between Police and Family Services for children held in custody and the conditions of care under which children are to be detained in watchhouses. Anecdotal reports indicate that the implementation of the policy is varied between locations.

**TABLE 6**  
**PERCENTAGE OF OFFENDERS DEALT WITH BY WAY OF ARREST**  
**1985/86 - 1990/91**

	1985/86	1986/87	1987/88	1988/89	1989/90	1990/91
Total number of arrest and summons	3752	3998	4048	3856	3800	3783
% Arrest	93.5	94.5	93.7	93.4	92.4	N/A

(Source: Queensland Police Service)

NB: The reader is warned about the poor quality of the data as stated in the beginning of this Part.

## **(j) Summary - Juvenile Crime in Queensland**

Most juvenile crime is property crime and is concentrated at the less serious end of the property crime continuum. Also, there appears a general declining trend in the incidence of juvenile crime. The exception to this general trend is that the number and rates of offences that juveniles are least likely to commit - offences against the person - continue to increase. Such offences still constitute a small part of the juvenile crime problem.

Because of the poor quality of data, it is difficult to draw firm conclusions about trends in juvenile crime in Queensland. However, comments of ever increasing juvenile crime in the media not only are inaccurate but also mislead the community. In order to plan and develop juvenile crime prevention programs it is necessary to have accurate and reliable crime statistics.

## PART 4 - CHILDREN AND COURT

Further understanding of children's involvement in crime and the formal response to juvenile crime is available from an analysis of the returns of the Children's Court. Returns are filed for each separate final appearance of a child and are collated on a financial year basis. While the police statistics provide an indication of the overall involvement of children in cleared crime, the Court statistics enable a more detailed analysis of offender characteristics and official responses to juvenile crime.

### (a) Number of Appearances and Offences

Table 7 details the number of final appearances, proven appearances for most serious offence charged and proven offences dealt with by the Children's Court in the period 1985/86 - 1990/91.<sup>9</sup> During this period the number of appearances increased by 17.6 per cent from 4,383 appearances to 5,153 appearances; the rate of appearances per 100,000 increased by 20.3 per cent. (The number of proven appearances increased by 16.1 per cent and the rate per 100,000 by 18.8 per cent.) In this six year period, very few appearances were concluded by the charge being withdrawn or dismissed (around 2.5 per cent). Similarly very few children were committed for trial or sentence in the higher courts. Ninety-five per cent of appearances resulted in a finding of guilt for at least one of the offences charged and in consequence a determination of sentence by the Children's Court.

The number of offences charged has increased from 12,282 in 1985/86 to 14,615 in 1990/91 (19 per cent). Ninety-five per cent of offences charged resulted in a finding of guilt (approximately 2.5 per cent discharged or withdrawn, and 2.5 per cent committed for trial or sentence). Considered together the appearance and offence data reveal a pattern of multiple charging of juveniles.

The number of distinct children appearing in court charged with an offence increased by 16.1 per cent from 2,892 children to 3,357 children,<sup>10</sup> and the rate per 100,000 increased by 18.7 per cent.

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<sup>9</sup> In this paper the final appearance data from the Children's Court was analysed on the basis of the outcome for the most serious offence charged. An alternative way of analysing the data is on the basis of the most serious outcome for the final appearance. This makes little difference to the relative pattern of offences or appearances or to the dispositions. Table G in the appendix compares the outcome for the most serious offence charged and the most serious outcome for 1990/91.

<sup>10</sup> The number of distinct children is less than the number of appearances because some children appear more than once in a year - i.e. they reoffend. In calculating the number of distinct children appearing in a year, it was assumed that those children appearing on applications for care and protection and care and control were not charged with an offence during the year. Therefore the total number of applications were subtracted from the number of distinct children appearing in the Children's Court. This may lead to some small inaccuracies.

**TABLE 7**  
**APPEARANCES, PROVEN APPEARANCES IN CHILDREN'S COURT**  
**BY OFFENCE 1985/86 - 1990/91**

	85/86	86/87	87/88	88/89	89/90	90/91	Per cent change 85/86 - 90/91
Total appearances	4383	4592	4448	4364	4371	5153	17.6
Total proven appearances	4183	4408	4278	4252	4143	4857	16.1
Total offences charged	12282	12729	11717	12642	13465	14615	19.0
Per cent discharged/ withdrawn	2.0	2.3	2.8	2.3	2.5	2.5	
Per cent committed	2.3	1.7	1.4	1.1	2.5	2.2	
Distinct children	2892	3011	2749	2937	2867	3357	16.1
<b>Rates per 100,000</b>							
Total appearances for offences	1355.3	1426.9	1396.1	1373.7	1383.4	1630.0	20.3
Total proven appearances	1293.5	1369.8	1342.7	1338.5	1311.3	1536.4	18.8
Total charges heard	3797.8	3955.5	3677.6	3979.6	4261.7	4623.1	21.7
Distinct children	894.3	935.7	862.8	924.5	907.4	1061.9	18.7
<b>Proven Appearances</b>							
HOMICIDE ETC.	-	-	-	-	-	-	-
ASSAULT ETC.	204	237	273	278	238	325	59.3
ROBBERY AND EXTORTION	14	-	4	7	23	48	242.9
FRAUD AND MISAPPROPRIATION	25	33	65	53	49	54	116.0
THEFT, BREAKING & ENTERING	2416	2597	2414	2433	2425	2871	18.8
Unlawful use of motor vehicle	447	558	440	518	475	516	15.4
Other stealing	678	750	758	694	608	820	20.9
Receiving and unlawful possession	117	125	168	140	169	226	93.2
Burglary and housebreaking	484	398	423	404	424	468	-3.3
Other breaking and entering	690	766	625	677	749	841	21.9
PROPERTY DAMAGE	117	176	184	248	229	209	78.6
DRIVING, TRAFFIC, ETC.	866	756	684	581	561	558	-35.6
OTHER OFFENCES	541	609	654	652	618	792	46.4
<b>TOTAL</b>	<b>4183</b>	<b>4408</b>	<b>4278</b>	<b>4252</b>	<b>4143</b>	<b>4857</b>	<b>16.1</b>

(Source: ABS Children's Court Appearances)

## **(b) Is Youth Crime Increasing?**

At first sight the Children's Court data stands in some contrast to the police statistics in that it appears to indicate an increase in juvenile crime. The police statistics detailed the number of offences for which a juvenile was apprehended, the number of juveniles involved and whether they were cautioned or directed to court.<sup>11</sup>

The police data indicates a decline in juvenile involvement in offences such as break and entering. In contrast, the Children's Court returns indicate an increase in the number of appearances for such offences. This disparity may be partly explained by flaws in the police data base and the lack of linkages between the police and court data (see Figure 3).

## **(c) Type of Offences**

The main reason why children appeared in court was for property related offences (59.1 per cent of the total were for proven break and entering). Street and other public order offences were the next major proven offence category (see Table 7). It was noted above that evidence suggests that children are involved in the less serious end of the property crime continuum. The existing court data base does not record the value of property involved in an offence, nor the amount of restitution ordered or recovered. The number of street and other public order offences is consistent with the analysis that much conflict between police and young people occurs over the use of public spaces (see White 1989; Youth Justice Coalition 1990).

## **(d) Age and Gender of Offenders**

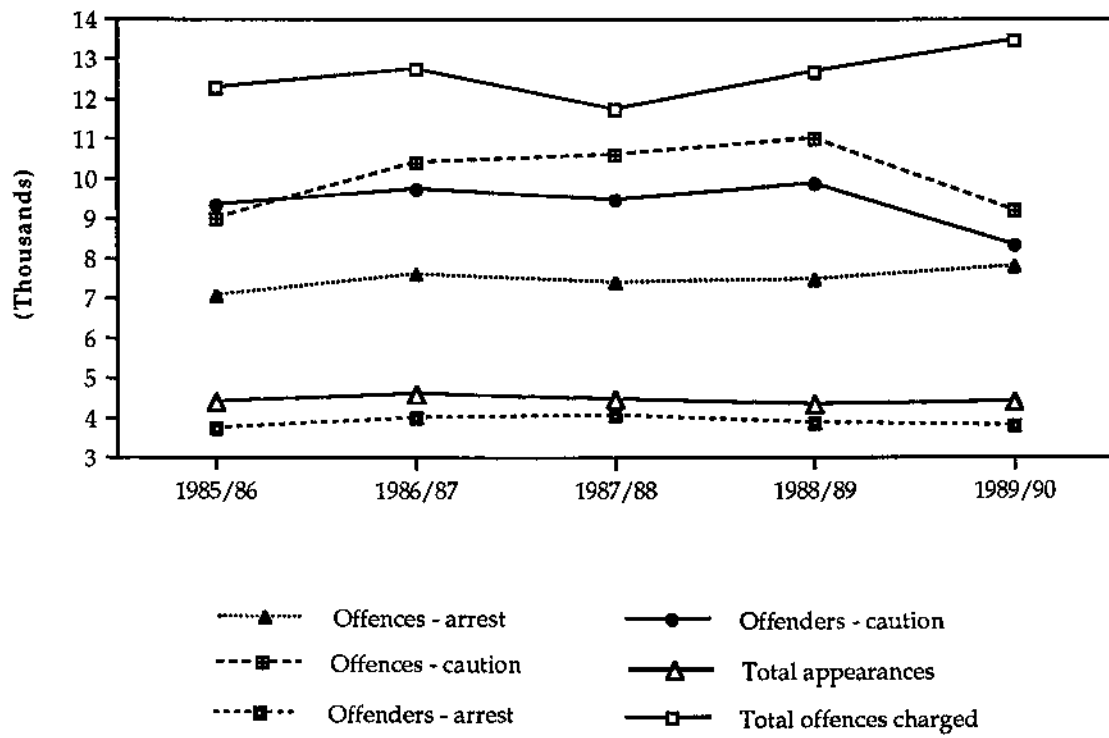
Most juveniles appearing before the Children's Court are male - in 1990/91 87.3 per cent of final proven appearances were by males. The offence for which females most frequently appeared before the court was shoplifting (12.3 per cent of female offences). The most frequent proven male offence was break and enter, other than dwellings (18.6 per cent of male offences).

The number of children appearing before court increases with age. In 1990/91, 40.4 per cent of all males who appeared were 16 years of age (and 35.9 per cent of females). A further 27 per cent of male offenders were aged 15 years (females 30.2 per cent). Less than 12 per cent of offenders were 13 years of age or less.

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11 The number of offences recorded in the Court statistics do not indicate the number of offences committed as a number of children may be charged with the same offence. In the court statistics each child's offence will be recorded as a separate offence while it is reported as one cleared crime in the police statistics.

Figure 3  
Cautioning/Charging/Court Patterns



### (e) The Geography of Juvenile Crime

There are marked variations in the rate of appearances and charges before different Children's Courts in different locations in Queensland. Similarly some areas have very high rates of juveniles residing there, and others much lower.<sup>12</sup> As most children offend in their own locality this casts light on areas which have a problem with juvenile offending, and/or where there is a high rate of charging of juvenile offenders. Table 8 records the rate of appearance and charges per 100,000 persons aged 10 -17 years by place of residence. (The location of residence are the boundaries of the Department of Family Services and Aboriginal and Islander Affairs.) Based on 1989/90 court returns, the areas with the highest rate of appearances were Charleville, Mt Isa, Townsville, Inala and Murgon. The lowest rates of appearance were in Dysart, Toowong, Atherton, Maryborough and Longreach. Within the boundaries of regional offices, particular suburbs had higher rates of appearance. The high rates of appearance in Townsville (including Palm Island), Charleville and Murgon appear to reflect the substantial over-representation of Aboriginal youth in the juvenile justice system (which is discussed below). It is only possible to presume rather than conclude that this is the case as the Queensland Children's Court data does not maintain any record of the Aboriginality or otherwise of the offender.

These variations raise the issue of territorial justice for not only may they result from a higher offending rate by youth in these areas, they may also be caused by differing police practices in such areas. In some areas children may be more likely to be charged rather than cautioned, and charged with multiple rather than single offences. In New South Wales the Youth Justice Coalition has documented "that where one grows up is a major factor in one's offending record" (1990: 124).

### (f) Sentence

Given the high proportion of findings of guilt in the Children's Court the sentencing role of the court is the major function from the offender's and community's perspective. Table 9 records the outcomes of final appearances for the most serious offence for the period 1985/86 - 1990/91. During that time at least half of all appearances have concluded with the child being admonished and discharged. Over the same period the number of appearances resulting in a supervision order has slowly increased to approximately 20 per cent of dispositions. Slightly less than a fifth of appearances result in the committal of the offender to care and control of the Director-General (16.7 per cent in 1990/91). Over the period examined, in slightly more than 80 per cent of appearances, no formal conviction was recorded.

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12 The Children's Court appearance record codes the locality in which an offender is residing at the time of the final Court appearance. However, for offenders remanded in custody or already in custody as a result of a previous appearance, the place of residence is recorded as the detention centre. Therefore the rates of appearances and charges for areas in which there are detention centres are substantially inflated.

TABLE 8

**NUMBER AND RATE OF APPEARANCES AND CHARGES BY  
DFAIA AREAS (FROM LOWEST TO HIGHEST) 1989/90**

REGION - Area Office	Appearance (n)	Rate per Thousand	Charges (n)	Rate per Thousand
Dysart	9	2.5	10	2.8
Toowong	92	4.4	216	10.4
Atherton	26	4.9	53	10.0
Maryborough	42	5.5	101	13.2
Burleigh Heads	43	6.2	101	14.6
Longreach	11	6.2	29	16.5
Southport	119	6.4	300	16.2
Mt Gravatt	113	6.5	332	19.2
Gladstone	53	7.2	141	19.1
Kirwan	16	7.4	50	23.1
Maroochydore	109	7.5	303	20.7
Pine Rivers	151	7.6	357	18.0
Rockhampton	86	7.7	376	33.5
Gympie	50	7.9	112	17.8
Redlands	82	8.1	231	22.9
Aitkenvale	57	8.1	110	15.6
Warwick	46	8.1	104	18.2
Wynnum	47	8.1	110	19.1
Thuringowa	59	8.5	189	27.2
Nundah	67	8.6	174	22.3
Mackay	104	9.2	253	22.4
Bundaberg	79	9.3	252	29.6
Innisfail	37	11.4	123	38.0
Emerald	39	12.6	97	31.4
Roma	46	12.8	118	32.8
Fortitude Valley	189	12.9	616	42.1
Beenleigh	133	13.0	485	47.3
Stones Corner	118	13.5	419	47.9
Toowoomba	282	14.0	1112	55.4
Cairns	217	14.5	921	61.7
Logan	163	14.9	444	40.5
Corinda	122	14.9	554	67.7
Redcliffe	127	15.5	333	40.6
Bowen	27	15.7	139	80.6
Woolloongabba	150	18.1	383	46.3

**Table 8 Continued**

<b>REGION - Area Office</b>	<b>Appearance (n)</b>	<b>Rate per Thousand</b>	<b>Charges (n)</b>	<b>Rate per Thousand</b>
Woodridge	108	18.3	296	50.1
Ipswich	342	18.7	1222	67
Murgon	91	23.6	190	49.3
Inala	145	24.4	312	52.5
Townsville	224	24.9	730	81.1
Mt Isa	167	34.6	494	102.4
Charleville	74	61.3	261	216.2

(Source: DFSAIA - Department of Family Services and Aboriginal and Islander Affairs).

**TABLE 9**  
**APPEARANCES BY OUTCOME FOR MOST SERIOUS OFFENCE CHARGED 1985/86 - 1990/91**

		Total Appearance (n)	Discharged Withdrawn	Committed Sentence or Trial	Total Proven Appearances	Unconvicted				Convicted					
						Admonished & Discharged	Committed into Care	Placed under Supervision	Other	Imprisoned	Committed Into Care	Placed under Supervision	Fined / Restitution	Other	
Homicide etc.	85/86	5	-	5	-	-	-	-	-	-	-	-	-	-	-
	86/87	2	-	2	-	-	-	-	-	-	-	-	-	-	-
	87/88	6	3	3	-	-	-	-	-	-	-	-	-	-	-
	88/89	2	-	2	-	-	-	-	-	-	-	-	-	-	-
	89/90	3	1	2	-	-	-	-	-	-	-	-	-	-	-
	90/91	6	1	5	-	-	-	-	-	-	-	-	-	-	-
Assault etc.	85/86	236	11	21	204	120	18	34	-	-	12	2	18	-	-
	86/87	268	20	11	237	127	25	45	-	-	14	2	23	1	1
	87/88	299	15	11	273	140	23	56	2	-	12	8	31	1	1
	88/89	290	6	6	278	145	36	56	-	-	9	3	27	2	2
	89/90	270	16	16	238	117	21	48	-	-	16	7	26	3	3
	90/91	373	28	20	325	194	21	59	-	-	25	3	23	-	-
Robbery and Extortion	85/86	35	2	19	14	5	5	3	-	-	1	-	-	-	-
	86/87	8	-	8	-	-	-	-	-	-	-	-	-	-	-
	87/88	18	2	12	4	-	3	1	-	-	-	-	-	-	-
	88/89	20	4	9	7	2	-	1	-	-	2	1	1	-	-
	89/90	49	-	26	23	3	8	4	-	-	7	-	1	-	-
	90/91	80	3	29	48	1	17	20	-	-	9	1	-	-	-
Fraud and Misappropriation	85/86	28	1	2	25	14	2	8	-	-	1	-	-	-	-
	86/87	36	2	1	33	18	1	6	-	-	-	1	6	1	1
	87/88	65	-	-	65	42	9	6	-	-	-	1	7	-	-
	88/89	53	-	-	53	33	3	7	-	-	4	3	3	-	-
	89/90	50	1	-	49	31	5	8	-	-	2	-	3	-	-
	90/91	56	2	-	54	39	1	10	-	-	2	-	2	-	-
Theft, Break & Enter	85/86	2511	54	41	2416	1120	421	489	-	3	236	90	49	8	8
	86/87	2664	50	17	2597	1151	458	618	-	3	236	61	60	10	10
	87/88	2479	53	12	2414	1126	454	546	5	-	187	48	45	3	3
	88/89	2485	28	24	2433	1052	407	582	9	-	260	74	42	7	7
	89/90	2521	56	40	2425	1058	303	548	-	-	370	98	38	10	10
	90/91	3019	94	54	2871	1409	347	701	3	-	312	58	36	5	5

Table 9 Continued

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		Total Appearance (n)	Discharged Withdrawn	Committed Sentence or Trial	Total Proven Appearances	Unconvicted				Convicted				
						Admonished & Discharged	Committed into Care	Placed under Supervision	Other	Imprisoned	Committed into Care	Placed under Supervision	Fined / Restitution	Other
Unlawful use of Motor Vehicle	85/86	470	14	9	447	184	80	88	-	3	58	14	17	3
	86/87	568	6	4	558	197	121	119	-	-	76	23	20	2
	87/88	449	6	3	440	187	91	95	-	-	46	7	13	1
	88/89	527	3	6	518	162	113	130	1	-	72	21	17	2
	89/90	490	7	8	475	160	62	103	-	-	111	25	13	1
Other Stealing	90/91	536	5	15	516	209	69	136	-	-	74	16	10	2
	85/86	699	15	6	678	392	90	118	-	-	38	21	17	2
	86/87	770	17	3	750	427	104	167	-	-	26	8	15	3
	87/88	783	23	2	758	450	94	157	3	-	26	12	15	1
	88/89	702	5	3	694	406	91	134	3	-	28	18	14	-
Receiving & Unlawful Possession	89/90	628	8	12	608	383	49	122	-	-	31	14	6	3
	90/91	852	25	7	820	551	42	154	1	-	44	15	12	1
	85/86	125	6	2	117	62	14	23	-	-	3	10	4	1
	86/87	133	8	-	125	71	17	26	-	-	4	4	2	1
	87/88	177	7	2	168	89	30	32	-	-	13	2	2	-
Burglary & Housebreaking	88/89	146	5	1	140	78	15	31	-	-	10	3	3	-
	89/90	187	14	4	169	89	9	40	-	-	16	3	10	2
	90/91	257	27	4	226	126	22	65	-	-	9	1	2	1
	85/86	494	3	7	484	193	114	97	-	-	63	11	6	-
	86/87	407	5	4	398	142	89	100	-	2	45	11	6	3
Other Break & Entering	87/88	430	4	3	423	149	115	111	2	-	33	7	6	-
	88/89	414	4	6	404	160	83	95	-	-	55	8	1	2
	89/90	434	7	3	424	142	75	106	-	-	70	26	2	3
	90/91	477	4	5	468	161	82	129	1	-	78	12	5	-
	85/86	723	16	17	690	289	123	163	-	-	74	34	5	2
86/87	786	14	6	766	314	127	206	-	1	85	15	17	1	
87/88	640	13	2	625	251	124	151	-	-	69	20	9	1	
88/89	696	11	8	677	246	105	192	5	-	95	24	7	3	
89/90	782	20	13	749	284	108	177	-	-	142	30	7	1	
90/91	897	33	23	841	362	132	217	1	-	107	14	7	1	

Table 9 Continued

		Unconvicted					Convicted							
		Total Appearance (a)	Discharged Withdrawn	Committed Sentence or Trial	Total Proven Appearances	Admonished & Discharged	Committed into Care	Placed under Supervision	Other	Imprisoned	Committed into Care	Placed under Supervision	Fined / Restitution	Other
Property Damage	85/86	133	5	11	117	63	16	23	-	-	7	3	5	-
	86/87	206	13	17	176	79	24	42	1	-	13	2	12	3
	87/88	211	16	11	184	101	24	38	1	-	7	3	10	-
	88/89	257	6	3	248	132	35	47	7	-	11	1	13	2
	89/90	258	7	22	229	114	21	43	-	1	31	4	13	2
	90/91	225	8	8	209	107	20	46	1	-	24	6	5	-
Driving Traffic	85/86	878	11	1	866	490	-	6	-	-	2	5	346	17
	86/87	777	21	-	756	392	3	11	-	-	4	1	330	15
	87/88	700	16	-	684	390	3	16	7	-	1	2	263	2
	88/89	595	14	-	581	358	3	8	4	-	6	3	180	19
	89/90	571	10	-	561	339	3	7	-	-	1	2	200	9
	90/91	571	12	1	558	301	3	11	-	-	3	4	229	7
Other Offences	85/86	557	15	1	541	406	16	36	1	1	19	4	50	8
	86/87	631	21	1	609	442	18	55	1	-	12	5	69	7
	87/88	670	14	2	654	522	18	38	-	-	16	4	53	3
	88/89	662	10	-	652	495	22	43	1	-	9	4	75	3
	89/90	649	28	3	618	427	12	53	-	-	22	11	87	6
	90/91	823	28	3	792	610	12	46	-	-	13	6	105	-
Total	85/86	4383	99	101	4183	2218	478	599	1	4	278	104	468	33
	86/87	4592	127	57	4408	2209	529	777	2	3	279	72	500	37
	87/88	4448	119	51	4278	2321	534	701	15	-	223	66	409	9
	88/89	4364	68	44	4252	2217	506	744	21	-	301	89	341	33
	89/90	4371	119	109	4143	2089	373	711	-	1	449	122	368	30
	90/91	5153	176	120	4857	2661	421	893	4	-	388	78	400	12

(Source: Australian Bureau of Statistics Law and Order, Queensland)

**TABLE 9(A)**  
**Appearances by Outcome for Most Serious Offence Charged 1985/86 - 1990/91**  
**(Per Cent)**

	Total Proven Appearances (a)	Unconvicted				Convicted				
		Admonished & Discharged	Committed into Care	Placed under Supervision	Other	Imprisoned	Committed into Care	Placed under Supervision	Fined / Restitution	Other
Homicide etc										
85/86	-	-	-	-	-	-	-	-	-	-
86/87	-	-	-	-	-	-	-	-	-	-
87/88	-	-	-	-	-	-	-	-	-	-
88/89	-	-	-	-	-	-	-	-	-	-
90/91	-	-	-	-	-	-	-	-	-	-
Assault etc.										
85/86	204	58.8	8.8	16.7	-	-	5.9	1.0	8.8	-
86/87	237	53.6	10.5	19.0	-	-	5.9	0.8	9.7	0.4
87/88	273	51.3	8.4	20.5	0.7	-	4.4	2.9	11.4	0.4
88/89	278	52.2	12.9	20.1	-	-	3.2	1.1	9.7	0.7
89/90	238	49.2	8.8	20.2	-	-	6.7	2.9	10.9	1.3
90/91	325	59.7	6.5	18.2	-	-	7.7	0.9	7.1	-
Robbery and Extortion										
85/86	14	35.7	35.7	21.4	-	-	7.1	-	-	-
86/87	-	-	-	-	-	-	-	-	-	-
87/88	4	-	75.0	25.0	-	-	-	-	-	-
88/89	7	28.6	-	14.3	-	-	28.6	14.3	14.3	-
89/90	23	13.0	34.8	17.4	-	-	30.4	-	4.3	-
90/91	48	2.1	35.4	41.7	-	-	18.8	2.1	-	-
Fraud and Misappropriation										
85/86	25	56.0	8.0	32.0	-	-	4.0	-	-	-
86/87	33	54.5	3.0	18.2	-	-	-	3.0	18.2	3.0
87/88	65	64.6	13.8	9.2	-	-	-	1.5	10.8	-
88/89	53	62.3	5.7	13.2	-	-	7.5	5.7	5.7	-
89/90	49	63.3	10.2	16.3	-	-	4.1	-	6.1	-
90/91	54	72.2	1.9	18.5	-	-	3.7	-	3.7	-
Theft, Break and Enter										
85/86	2416	46.4	17.4	20.2	-	0.1	9.8	3.7	2.0	0.3
86/87	2597	44.3	17.6	23.8	-	0.1	9.1	2.3	2.3	0.4
87/88	2414	46.6	18.8	22.6	0.2	-	7.7	2.0	1.9	0.1
88/89	2433	43.2	16.7	23.9	0.4	-	10.7	3.0	1.7	0.3
89/90	2425	43.6	12.5	22.6	-	-	15.3	4.0	1.6	0.4
90/91	2871	49.1	12.1	24.4	0.1	-	10.9	2.0	1.3	0.2

Table 9(A) Continued

			Unconvicted				Convicted				
			Admonished & Discharged	Committed into Care	Placed under Supervision	Other	Imprisoned	Committed into Care	Placed under Supervision	Fined / Restitution	Other
Unlawful Use of Motor Vehicle	85/86	447	41.2	17.9	19.7	-	0.7	13.0	3.1	3.8	0.7
	86/87	558	35.3	21.7	21.3	-	-	13.6	4.1	3.6	0.4
	87/88	440	42.5	20.7	21.6	-	-	10.5	1.6	3.0	0.2
	88/89	518	31.3	21.8	25.1	0.2	-	13.9	4.1	3.3	0.4
	89/90	475	33.7	13.1	21.7	-	-	23.4	5.3	2.7	0.2
	90/91	516	40.5	13.4	26.4	-	-	14.3	3.1	1.9	0.4
Other Stealing	85/86	678	57.8	13.3	17.4	-	-	5.6	3.1	2.5	0.3
	86/87	750	56.9	13.9	22.3	-	-	3.5	1.1	2.0	0.4
	87/88	758	59.4	12.4	20.7	0.4	-	3.4	1.6	2.0	0.1
	88/89	694	58.5	13.1	19.3	0.4	-	4.0	2.6	2.0	-
	89/90	608	63.0	8.1	20.1	-	-	5.1	2.3	1.0	0.5
	90/91	820	67.2	5.1	18.8	0.1	-	5.4	1.8	1.5	0.1
Receiving & Unlawful Possession	85/86	117	53.0	12.0	19.7	-	-	2.6	8.5	3.4	0.9
	86/87	125	56.8	13.6	20.8	-	-	3.2	3.2	1.6	0.8
	87/88	168	53.0	17.9	19.0	-	-	7.7	1.2	1.2	-
	88/89	140	55.7	10.7	22.1	-	-	7.1	2.1	2.1	-
	89/90	169	52.7	5.3	23.7	-	-	9.5	1.8	5.9	1.2
	90/91	226	55.8	9.7	28.8	0.2	-	4.0	0.4	0.9	0.4
Burglary & Housebreaking	85/86	484	39.9	23.6	20.0	-	-	13.0	2.3	1.2	-
	86/87	398	35.7	22.4	25.1	-	0.5	11.3	2.8	1.5	0.8
	87/88	423	35.2	27.2	26.2	0.5	-	7.8	1.7	1.4	-
	88/89	404	39.6	20.5	23.5	-	-	13.6	2.0	0.2	0.5
	89/90	424	33.5	17.7	25.0	-	-	16.5	6.1	0.5	0.7
	90/91	468	34.4	17.5	27.6	0.2	-	16.7	2.6	1.1	-
Other Breaking & Entering	85/86	690	41.9	17.8	23.6	-	-	10.7	4.9	0.7	0.3
	86/87	766	41.0	16.6	26.9	-	0.1	11.1	2.0	2.2	0.1
	87/88	625	40.2	19.8	24.2	-	-	11.0	3.2	1.4	0.4
	88/89	677	36.3	15.5	28.4	0.7	-	14.0	3.5	1.0	0.4
	89/90	749	37.9	14.4	23.6	-	-	19.0	4.0	0.9	0.1
	90/91	841	43.0	15.7	25.8	0.1	-	12.7	1.7	0.8	0.1

Table 9(A) Continued

		Total Proven Appearances (n)	Unconvicted				Convicted				
			Admonished & Discharged	Committed Into Care	Placed under Supervision	Other	Imprisoned	Committed into Care	Placed under Supervision	Fined / Restitution	Other
Property Damage	85/86	117	53.8	13.7	19.7	-	-	6.0	2.6	4.3	-
	86/87	176	44.9	13.6	23.9	0.6	-	7.4	1.1	6.8	1.7
	87/88	184	54.9	13.0	20.7	0.5	-	3.8	1.6	5.4	-
	88/89	248	53.2	14.1	19.0	2.8	-	4.4	0.4	5.2	0.8
	89/90	229	49.8	9.2	18.8	-	0.4	13.5	1.7	5.7	0.9
	90/91	209	51.2	9.6	22.0	0.5	-	11.5	2.9	2.4	-
Driving Traffic	85/86	866	56.6	0.0	0.7	0.0	0.0	0.2	0.6	40.0	2.0
	86/87	756	51.9	0.4	1.5	-	-	0.5	0.1	43.7	2.0
	87/88	684	57.0	0.4	2.3	1.0	-	0.1	0.3	38.5	0.3
	88/89	581	61.6	0.5	1.4	0.7	-	1.0	0.5	31.0	3.3
	89/90	561	60.4	0.5	1.2	-	-	0.2	0.4	35.7	1.6
	90/91	558	53.9	0.5	2.0	-	-	0.5	0.7	41.0	1.3
Other Offences	85/86	541	75.0	3.0	6.7	0.2	0.2	3.5	0.7	9.2	1.5
	86/87	609	72.6	3.0	9.0	0.2	-	2.0	0.8	11.3	1.1
	87/88	654	79.8	2.8	5.8	-	-	2.4	0.6	8.1	0.5
	88/89	652	75.9	3.4	6.6	0.2	-	1.4	0.6	11.5	0.5
	89/90	618	69.1	1.9	8.6	-	-	3.6	1.8	14.1	1.0
	90/91	792	77.0	1.5	5.8	-	-	1.6	0.8	13.3	-
Total	85/86	4183	53.0	11.4	14.3	-	0.1	6.6	2.5	11.2	0.8
	86/87	4408	50.1	12.0	17.6	-	0.1	6.3	1.6	11.3	0.8
	87/88	4278	54.3	12.5	16.4	0.4	-	5.2	1.5	9.6	0.2
	88/89	4252	52.1	11.9	17.5	0.5	-	7.1	2.1	8.0	0.8
	89/90	4143	50.4	9.0	17.2	-	-	10.8	2.9	8.9	0.7
	90/91	4857	54.8	8.7	18.4	0.1	-	8.0	1.6	8.2	0.2

(Source: Australian Bureau of Statistics Law and Order, Queensland)

### **(g) Are Children Dealt With Too Leniently?**

It is frequently alleged that child offenders are dealt with too leniently. It is the court that determines the sentence imposed upon a child offender under section 62 of the *Children's Services Act*. Except for the limitations on imprisoning children the Court has wide discretion in determining the appropriate sentence. In considering whether children are dealt with too softly it is useful to compare the sentencing patterns of the Children's Court and Magistrates Courts.

Table 10 summarises the outcomes in both courts in 1989/90. The most frequent penalty for adults was a fine (92.4 per cent of outcomes, compared to 8.9 per cent for children). For children the most frequent outcome was admonish and discharge. A comparison of the proportion of adults and children committed to orders that allow formal state intervention (e.g. imprisonment, probation, community service orders, care and control and supervision) indicates that children are not as lightly dealt with as is commonly believed.

In 1989/90, only 1.7 per cent of adults who were summarily convicted received a prison sentence. In contrast, 19.9 per cent of children were committed to care and control and hence received a potential custodial sentence. Over four per cent (4.2 per cent) of adults were placed on a community correction order, while 20.1 per cent of juveniles were placed on a supervision order.

If the proportions are re-calculated to exclude the predominant but less serious adult offences related to driving, the pattern remains - 40 per cent of juveniles were subjected to a formal correctional order compared to 32.2 per cent of adults.

### **(h) Children in Detention**

Children remanded in custody and children committed into the care and control of the Director-General may be detained in the Department's custodial institutions. The Department's practice is to accept the recommendations of Magistrates and Judges in relation to the detention of children. The court statistics show the number of children committed to care and control by offence, but they do not record whether a child was institutionalised, and for what period, as the result of the appearance. The Department's 'Children under Orders' series does provide admission and discharge data.

In the period 11/7/90 to 23/3/91, 1,092 juveniles were discharged from custodial institutions (including 14 from prisons).<sup>13</sup> Thirty-one per cent of those discharged were Aboriginal or Torres Strait Islanders (who make up only 3.8 per cent of the total juvenile population). Most stays were for less than one month

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13 This includes movements of children from one institution to another as a discharge (e.g. travel from Westbrook to Wilston Youth Centre for court, then to Westbrook appears as a discharge from both institutions).

TABLE 10

OUTCOME OF APPEARANCE FOR MOST SERIOUS OFFENCE FOR  
CHILDREN'S AND MAGISTRATES\* COURTS - 1989/90

	Children's Court	Magistrates Court (all offences)	Magistrates Court (excluding driving & other offences)
Total	4143	165,301	15,911
Fine	8.9%	92.4%	62.1%
Admonish and discharge	50.4%		
Community Based Order (1)	20.1%	4.2%	23.7%
Potential Custodial Order	19.9%	1.7%	8.6%

\* Data refers only to figures for 'Summarily Convicted'

Note (1) For adults includes probation and community correction orders; for juveniles supervision orders.

(Source: Australian Bureau of Statistics Law and Order in Queensland)

(48 per cent ATSI youth; 57 per cent non-Aboriginal youth). Significantly more Aboriginal and Torres Strait Islander youth spent longer in detention (20 per cent, 3 months or longer compared to only 13 per cent from non-Aboriginal and Torres Strait Islander youth). See discussion of Aboriginal incarceration below.

By comparison to other states, the overall rate of incarceration of juveniles in Queensland is low. For males and females aged 10-17 years, the Queensland detention rate has been consistently lower than the Australian average e.g. at 30 March, 1991 for Queensland males the rate per 100,000 was 48.9 and the Australian rate was 64.3; for females the relevant rates were 4.5 and 7.5 (Australian Institute of Criminology, Juveniles in Detention series). At 30 March 1991, Queensland's overall rate of male juvenile incarceration was lower than Northern Territory (314.5), Western Australia (104.0), New South Wales (81.4) and South Australia (52.0).

Queensland's low overall rate of incarceration primarily results from low rates of female incarceration and of low rates of detention of males aged 10 - 14 years. For young males aged 15 and 16 years the trend is quite different, as their rate of detention was consistently higher than the Australian average for their age group. At 30 March 1991, the rate of incarceration for this age group was only less than that of Northern Territory (562.4), Western Australia (164.4) and was close to that of New South Wales (97.3) (see Table 11).

#### **(i) How Many Children Reoffend?**

The question of recidivism is one of major concern to the community and policy makers. It makes little sense to invest huge resources in courts, community corrections and institutions for dealing with first offenders if they desist from offending without formal intervention. The police cautioning program is based on such an assumption. Unfortunately the police and Children's Court information systems limit our ability to answer precisely how many young people who appear in court once, reoffend.

The Children's Court statistical system is based on appearances over a 12 month period. This system does not maintain a sequential, on line, record of each child's offending history. Each Children's Court return does however, code the total number of proven previous offences, the total number of previous proven offences similar to the most serious proven offence at the current appearance, and the number of previous appearances in the same financial year. The problem with this data structure is that the number of previous offences does not indicate the number of previous appearances. Most children are charged with more than one offence - often arising out of the same incident.

**TABLE 11**  
**CHILDREN IN DETENTION - RATE PER 100,000 BY AGE**

Age	10 - 14			15 - 16		
	M	F	P	M	F	P
<b>Queensland</b>						
March 1991	11.5	-	11.5	95.3	4.3	99.6
December 1990	10.6	0.9	11.5	69.0	4.3	73.3
September 1990	12.4	1.9	14.3	77.1	8.6	85.7
June 1990	11.5	0.9	12.4	95.3	6.4	101.7
March 1990	9.8	1.9	11.7	85.4	8.4	93.8
December 1989	8.0	0.9	8.9	109.3	8.4	117.7
<b>Australia</b>						
March 1991	13.3	1.5	14.8	85.8	6.2	92.0
December 1990	12.7	1.2	13.9	80.2	6.2	86.4
September 1990	13.8	1.7	15.5	88.4	9.8	98.2
June 1990	14.7	1.8	16.5	93.5	8.6	102.1
March 1990	11.7	1.8	13.5	83.5	9.4	92.9
December 1990	13.4	2.0	15.4	91.7	7.6	99.3

(Source: Australian Institute of Criminology)

Table 12 records the previous number of proven offences by appearances for the financial years 1986/87 - 1990/91. In 1990/91, 46 per cent of all final appearances involved juveniles who had no previous proven offences. Twenty-two per cent had previously been found guilty of one to four offences and 11.2 per cent of five to nine offences. A fifth of final appearances (20.3 per cent) involved persons who had 10 or more previous offences. This pattern was similar across most offence categories. The exceptions to this were driving and traffic offences, where the majority, (over 60 per cent) were first offenders. In contrast, 70-75 per cent of robbery and extortion offences involved repeat offenders. Across the period 1986/87 to 1990/91 the above pattern remained relatively stable except for a slight increase in the numbers of young people who had previously offended 10 or more times (from 17.9 to 20.3 per cent). There are difficulties in calculating the extent of recidivism because of the data structure of the Children's Court system. Table 12 is appearance based, rather than based on individual offenders.

In order to provide some more accurate indication of the extent of recidivism, an attempt was made to examine the Children's Court appearances of the cohort of children who turned 10 years of age in 1983/84 and 17 years in 1989/90. This allowed consideration of recidivism over the full period in which they could appear in the Children's Court rather than considering only year periods. There were many difficulties in this task as the Children's Court data base identifies a child by a family reference number. A unique identification was created by a combination of the family reference number and the date of birth of the child. (This unique identification number did not allow the differentiation of twins and hence some small inaccuracies may have resulted.)

Of this cohort of youth, 1,687 persons appeared 3,179 times in the Children's Court. Nearly 66 per cent of youth appeared only once during the age of 10-17 years (see Table 13). A further 15 per cent appeared only twice. The one time offenders were responsible for only 35 per cent of appearances. At the other end of the continuum 1.2 per cent had 10 or more appearances and were responsible for 7.3 per cent of all appearances by this cohort; 4.2 per cent had six to nine appearances and were responsible for 15.6 per cent of appearances. 13.4 per cent had three to five appearances and were responsible for 26.1 per cent of all appearances. Thus, less than a fifth of all offenders (18.8 per cent) were responsible for nearly half of the cohort's appearances.

On the available data<sup>14</sup> 21.5 per cent of the males of this cohort made their first appearance in court prior to 14 years of age. (Females 10-14 years 10.4 per cent.) Most first appearances were for males aged 14, 15 and 16 years. Seventy per cent of offenders were admonished and discharged for their first offence, 16 per cent were placed on supervision, 3.8 per cent committed into care and control. Seven and a half per cent were formally convicted (more than half of these were convicted and fined).

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14 The process of selection of the cohort led to the loss of some persons from the cohort.

**TABLE 12**  
**NUMBER (AND PER CENT) OF APPEARANCES BY NUMBER OF PREVIOUS OFFENCES**

		Number of offences proven previous to current appearance								
		(n)					%			
		0	1-4	5-9	10+	Total	0	1-4	5-9	10+
Homicide etc	1986/87	-	-	-	2	2	-	-	-	100.0
	1987/88	5	1	-	-	6	83.3	16.7	-	-
	1988/89	-	1	1	-	2	-	50.0	50.0	-
	1989/90	3	-	-	-	3	100.0	-	-	-
	1990/91	2	2	-	2	6	33.3	33.3	-	33.3
Assault	1986/87	119	74	28	48	269	44.2	27.5	10.4	17.8
	1987/88	139	68	37	55	299	46.5	22.7	12.4	18.4
	1988/89	143	52	39	58	292	49.0	17.8	13.4	19.9
	1989/90	119	74	32	45	270	44.1	27.4	11.9	16.7
	1990/91	173	82	38	80	373	46.4	22.0	10.2	21.4
Robbery and Extortion	1986/87	2	3	1	2	8	25.0	37.5	12.5	25.0
	1987/88	4	3	7	4	18	22.2	16.7	38.9	22.2
	1988/89	6	4	2	8	20	30.0	20.0	10.0	40.0
	1989/90	17	9	7	16	49	34.7	18.4	14.3	32.7
	1990/91	22	24	12	22	80	27.5	30.0	15.0	27.5
Fraud etc	1986/87	16	10	5	5	36	44.4	27.8	13.9	13.9
	1987/88	38	14	4	9	65	58.5	21.5	6.2	13.8
	1988/89	21	15	5	12	53	39.6	28.3	9.4	22.6
	1989/90	27	11	2	10	50	54.0	22.0	4.0	20.0
	1990/91	29	16	4	7	56	51.8	28.6	7.1	12.5
Theft, Break & enter	1986/87	1077	691	344	544	2656	40.5	26.0	13.0	20.5
	1987/88	1045	584	294	557	2480	42.1	23.5	11.9	22.5
	1988/89	985	545	376	570	2476	39.8	22.0	15.2	23.0
	1989/90	986	578	317	640	2521	39.1	22.9	12.6	25.4
	1990/91	1332	660	351	676	3019	44.1	21.9	11.6	22.4
Property Damage	1986/87	78	57	30	43	208	37.5	27.4	14.4	20.7
	1987/88	80	67	25	40	212	37.7	31.6	11.8	18.9
	1988/89	108	78	25	44	255	42.4	30.6	9.8	17.3
	1989/90	103	55	34	66	258	39.9	21.3	13.2	25.6
	1990/91	93	47	28	57	225	41.3	20.9	12.4	25.3
Driving Traffic	1986/87	491	172	58	60	781	62.9	22.0	7.4	7.7
	1987/88	420	187	43	49	699	60.1	26.8	6.2	7.0
	1988/89	390	129	40	42	601	64.9	21.5	6.7	7.0
	1989/90	377	126	25	43	571	66.0	22.1	4.4	7.5
	1990/91	346	133	41	51	571	60.6	23.3	7.2	8.9
Other	1986/87	295	160	64	119	638	46.2	25.1	10.0	18.7
	1987/88	318	146	73	132	669	47.5	21.8	10.9	19.7
	1988/89	326	143	72	127	668	48.8	21.4	10.8	19.0
	1989/90	313	148	71	117	649	48.2	22.8	10.9	18.0
	1990/91	375	195	101	152	823	45.6	23.7	12.3	18.5
Total	1986/87	2078	1167	530	823	4598	45.2	25.4	11.5	17.9
	1987/88	2049	1070	483	846	4448	46.1	24.1	10.9	19.0
	1988/89	1979	967	560	861	4367	45.3	22.1	12.8	19.7
	1989/90	1945	1001	488	937	4371	44.5	22.9	11.2	21.4
	1990/91	2372	1159	575	1047	5153	46.0	22.5	11.2	20.3

(Source: ABS Children's Court Appearances)

TABLE 13

**NUMBER OF APPEARANCES MADE BY INDIVIDUAL CHILDREN  
(AGED 10 IN 1983/84) BETWEEN 1983/84 - 1989/90**

<b>Number of Appearances</b>	<b>Children (n)</b>	<b>Children (%)</b>	<b>% Appearance</b>
1	1112	65.9%	35.0%
2	258	15.3%	16.2%
3	119	7.1%	11.2%
4	63	3.7%	7.9%
5	44	2.6%	6.9%
6	31	1.8%	5.9%
7	23	1.4%	5.1%
8	9	0.5%	2.3%
9	8	0.5%	2.3%
10	6	0.4%	1.9%
11	5	0.3%	1.7%
12	5	0.3%	1.9%
13	1	0.1%	0.4%
14	2	0.1%	0.9%
15	1	0.1%	0.5%

Total number of children	1687
Total appearances	3179

The file structure renders difficult the process of further analysis of this data. It needs to be reorganised to enable examination of individual offending careers. This will allow some identification of factors associated with continued involvement in the juvenile justice system. In addition, the progress of this cohort through the adult criminal justice system could be monitored.

#### **(j) Summary - What is Known About Juvenile Crime and Juvenile Offenders**

From previous research and the available information on juvenile crime and offenders in Queensland we may conclude the following:

- the rate of juvenile involvement in crime has increased over the past 20 years, however since 1989/90 juvenile involvement in cleared crime appears to have declined.
- the majority of juvenile offenders, but not the majority of juvenile offences are dealt with informally by a police caution. The proportion of offenders receiving a caution is decreasing and in consequence the number and rate of children appearing before the Children's Court are increasing.
- the rate of appearance of children before the Children's Court varies dramatically and this variation is associated with factors of gender, race, place of residence, type of offence and offending history.
- young people's crime is primarily at the less serious end of the property crime continuum. The evidence does not support the contention that juveniles are responsible for the majority of reported property crimes.
- most young people's crime is unplanned, opportunistic and episodic (e.g. shoplifting, property damage etc.).
- juvenile offending is transitory; that is, most children grow out of offending.
- most children who appear in court once do not reoffend.
- on the other hand, most persons in the adult prison system have had contact with the juvenile justice system.
- a small number of offenders continue to offend, and are responsible for much of the crime committed by juveniles.

- Potas, Vining and Wilson (1990: 53) concluded that, with regard to early misconduct, poor academic performance and inadequate parental supervision were important predictors of ongoing chronic offending behaviour. They argued that research was "essentially unanimous" in identifying the following chronic delinquency predictors summarised by Loeber and Stouthamer-Loeber (1987):

- "1. Early conduct problems - aggression, stealing, truancy, lying, drug use - are not only predictive many years later of delinquency in general, but especially of serious delinquency, and in certain cases, of recidivism. These results are virtually consistently replicated across studies on subject samples from different places and countries. The data, although less available for girls than for boys, indicate considerable consistency between the sexes.
2. Children who have not outgrown their aggressiveness by early adolescence appear to be at high risk for delinquency and aggressiveness later.
3. Although juvenile arrest or conviction is a predictor of arrest or conviction in adulthood, the seriousness of the juvenile offences appears to be a better predictor of the continued, serious delinquency in adulthood.
4. Individual family variables predicted moderately well subsequent delinquency in offspring. Particularly strong predictors were poor supervision and the parents' rejection of the child, while other child rearing variables such as lack of discipline and lack of involvement were slightly less powerful. In addition, parental criminality and aggressiveness, and marital discord were moderately strong predictors. Parent absence, parent health, and socio-economic status were weaker predictors of later delinquency. The strongest predictors were multiple family handicaps.
5. Poor educational performance predicted later delinquency to some extent, but available evidence suggests that the effect is mostly mediated through accompanying conduct problems.
6. A majority of eventual chronic offenders can be recognised in the elementary school years on the basis of their conduct problems and other handicaps.
7. A majority of the later violent delinquents appear to have been highly aggressive as children.
8. Similar offences-specific precursors were observed for other categories of crime: early theft predicting later theft and burglary, and early drug use predicting later drug use."

## PART 5 - THE CAUSES OF JUVENILE CRIME AND FRAMEWORKS OF RESPONSE

### (a) Theoretical Perspectives

No single theory or variable can explain juvenile crime. There is no one explanation of why some young people transgress the law and others do not. Nor is there one explanation of why some young people desist from offending. In broad terms,

"... juvenile crime can be accounted for as a consequence of social change, urbanisation, poverty, difficulties in integration, exclusion from the mainstream, lack of opportunities, gender, increased temptation of but lack of access to disposable goods, economic crises and growing up. It is clear that there are strong links between social disadvantage, deprivation and particular sorts of crime and its control. ... More specifically, it has clear connections with unemployment, homelessness, school alienation, family breakdown, drug abuse, boredom and inactivity, low moral and a poor self image, inadequate community, family and support services, etc." (Youth Justice Coalition, 1990: 27).

In criminal statistics the unemployed, uneducated, the poor and Aboriginal and Torres Strait Islanders are substantially over-represented (Gale, Wundersitz and Bailey-Harris, 1990; Royal Commission into Aboriginal Deaths in Custody, 1991; Young Offenders Advisory Committee, 1991; O'Connor, 1990). This is not to say that all unemployed persons commit crime. Rather, it assumes that crime is the product of an individual's actions, but that actions do not emerge from a vacuum. Much crime may be accounted for through an understanding of the interactions between the individual, his or her social environment and peer group.

Understandings of the causes of crime are necessarily related to the responses to crime. (See Murray, 1985 for a review of theoretical perspectives on delinquency.) The classical and neoclassical perspectives conceptualise the individual as an essentially rational creature "guided by reason who is therefore responsible for his acts" (Murray, 1985: 68). Criminal behaviour is freely chosen, committed by an individual "who has decided that the benefits of an act outweighed the costs of potential punishment" (McGarrell, 1989: 164). The behaviour of the individual can be influenced by the certainty and celerity of the appropriate punishment. Within this framework, crime is deterred when punishment is sufficient to outweigh the benefits of crime, the likelihood of apprehension is high and imposition of punishment is swift.

An alternative perspective is that human behaviour is not necessarily the product "of rationality and free will, but may well be determined by factors beyond the individual's control" (Murray, 1985: 70). Thus criminal behaviour is attributed to a range of biological, psychological and environmental factors. The appropriate response to crime depended on the particular theory of causation. A psychological or medical perspective prescribes a criminal justice system which aims to diagnose and rehabilitate the individual offender. An environmental

framework suggests action to reduce the structural causes of crime (e.g. limited opportunities, racism etc.). At the level of the correctional system it indicates rehabilitation programs that increase opportunities (e.g. job training, education etc.).

These competing understandings of the causes of crime are embedded in the alternative responses to juvenile crime.

## **(b) Responses to Crime - The Welfare and Justice Models**

The debate over how best to respond to juvenile crime has been dominated by the debate over the justice versus the welfare model. Put simply, the welfare model assumes that crime is caused by bio-psycho-social factors, that offending behaviour is indicative of the needs of the child and that the task of the court is to respond to the child's needs rather than deeds. In contrast, the justice model assumes that the child is primarily responsible for his/her own behaviour, and hence the task of the court is to adjudicate guilt or innocence and having determined guilt the court's response should be proportionate to the child's deeds.

The American and British literature of the late 1960s and 1970s is dominated by a documentation of the failure and the injustices of the welfare model - of the harm suffered by children at the hands of bureaucracies acting in children's best interests. The criticisms focused on the lack of due process rights of the child, the failure of rehabilitation, and the excess of discretionary power exercised by child welfare bureaucracies. The presumed benefits flowing to children from the justice model are twofold. These benefits are that children are accorded the legal safeguards and due process rights granted to adults and that sentencing is proportionate to a child's deeds, not needs. Coercive intervention on welfare grounds is therefore restricted.

Unfortunately, much of the Australian debate has been heavily influenced by the overseas literature - without due regard for the significant differences in the development of Australian Children's Courts. In Australia, Children's Courts are modified Magistrates Courts (see Seymour, 1988):

"They have always been close [to adult courts]- in terms of the substantive criminal law, the criminal standards of proof, the rules of procedure, the sanctions, the transfer to adult courts and the like." (Youth Justice Coalition, 1990: 41).

Children in Queensland are already accorded full due process rights prior to the determination of guilt, however the welfare model is partly expressed through the sentencing provisions of sections 62 and 63 of the *Children's Services Act*.<sup>15</sup>

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15 As noted above Magistrates are restricted to committing a child to the care and control of the Director-General - the decision to detain a child and the period of incarceration is an administrative decision. In practice however, Departmental officers act on the recommendation of the sentencing magistrate in relation to the decision to detain. All other sentences are directly imposed by the sentencing magistrate or judge.

Advocates of the justice model prescribe a legal solution to the problem of juvenile crime. With its focus on due process rights, the justice model locates the trial at the centre of the court process, yet in the majority of cases involving children, the facts are not in dispute (Morris and Giller, 1987: 246).

"... the main task of the criminal justice system. . . is one of sentencing. In other words, the task of the courts is simply to consider what to do with confessed offenders. Since there is very little adjudication in criminal justice, reforms designed to introduce formal processes of adjudication and thus strengthen the individual's legal rights are bound to have little effect. . .

Were law reformers to address such day-to-day realities of criminal justice [high rates of guilty pleas, defendants from disadvantaged backgrounds etc], they would be obliged to admit that there is a significant imbalance between the powers of the State and the accused, which as we have seen here, causes most defendants to jettison many of their most fundamental legal rights. This in turn would force the reformers to reconsider the soundness of their rhetoric of adversary justice and to question the benefits of formal due process to the criminal accused. Only then might we begin to see the enactment of reforms designed to secure a better fit between the theory and practice of juvenile justice." (Naffine, Wundersitz and Gale, 1990: 204).

The second suggested advantage of the justice model is that the punishment is determined by the court and is proportionate to the crime committed. Proponents of this reform argue either;

- (i) that children are unjustly sentenced on the basis of their needs, or
- (ii) that children are too leniently dealt with by the current system and that the courts need to impose the appropriate punishment.

Either way the justice model is underpinned by the neoclassical model of the causes of crime and the way in which crime may be prevented. That is, there is an assumption that an appropriate and proportionate sentence imposed by a court will deter individuals from offending and reoffending.

It is questionable whether simply "getting tough" with young offenders will deter juvenile offending. The deterrence model assumes that offending behaviour can be eliminated by certainty, severity and celerity (swiftness) of punishment. It is a model that assumes that individuals engage in a rational cost benefit analysis and select the behaviour of perceived net utility.

Schneider (1990) explored the application of deterrence theory in a series of carefully controlled evaluations of juvenile sentencing practice in the United States. In her research, youth who had been found guilty and sentenced by the court were interviewed as to their perception of their offending behaviour. Not surprisingly, she found that juveniles' perceptions of the certainty and severity of punishment for future offending was negatively associated with their future expectations of offending. Juveniles who were remorseful, who perceived themselves as law abiding and who believed sanctions were fair were also less likely to say they would offend again. However, when actual behaviour was considered over the following two years a very different picture emerged.

Perceptions of the certainty and severity of punishment were related to further offending but in the wrong direction; that is, those who believed they were more likely to be caught and to be punished severely if caught, committed more subsequent offences. In contrast, the variables which best predicted desistance from offending behaviour were the individual perception of self as law-abiding, and positive self image.

"Normative and ethical orientations may guide the manner in which individuals frame and define situations, and may be instrumental in where they search for ideas as well as those given serious considerations. It makes sense to believe that good citizens do not even recognize most crime opportunities, much less devise imaginary scenarios about how they might be successful in committing them." (Schneider, 1990: 76).

Schneider's findings of the differing impact of incarceration, restitution and probation programs were consistent with the above outcome. In random assignment to sentencing options, Schneider found that:

". . . restitution programs usually reduced recidivism (although this was not true in all programs); and never had a negative effect or an effect that was less pronounced than the dispositional alternative against which it was compared." (p. 107).

Schneider's restitution programs referred not to court orders to pay restitution, but specific programs designed to assist the child to make good the harm caused by the offence. These programs increased the child's sense of citizenship, and remorse for the victim. This contrasted to the effects of incarceration.

The results of Schneider's research are consistent with predictions of Braithwaite's (1989) theory of reintegrative shaming. Braithwaite argues that crime is deterred not by the threat or actuality of harsh punishment, but by informal modes of social control. In consequence, the most effective punishments are those that are integrative and inclusionary, rather than stigmatising and exclusionary.

The Minister for Family Services and Aboriginal and Islander Affairs has announced that Queensland will introduce new juvenile justice legislation based on a "justice model". The legislation will provide for a broad range of sentencing options and for direct custodial sentencing of the child by the court. Publicity surrounding the proposed legislation suggests that it seeks to promote increased accountability of juvenile offenders through the imposition of punishment that "fits" the crime.

### **(c) The New Zealand Model**

New Zealand has recently implemented the *Children's, Young Persons, and their Families Act* of 1989. This legislation seeks to avoid the pitfalls of both the justice and welfare models. The New Zealand legislation sought to:

- (i) respond to the over-representation of poor, working class and Maori children in the juvenile justice system;

- (ii) respond to the problems experienced by victims of crime;
- (iii) minimise the reliance on criminal prosecution, and foster diversionary measures to resolve crime;
- (iv) strengthen the role of family and the traditional family group for Maori children; and
- (v) protect children during police investigations.

The Principal Youth Court Judge explained the rejection of the justice model thus:

"Central to the whole function of this new legislation is a new diversionary process. There had been previous diversionary mechanisms in the form of childrens boards and youth aid conferences, but these have always been by-passed whenever police exercise their powers of arrest. The situation arose where more than 60% of young offenders were appearing on arrest, so it was only that approximate 40% who had been considered for a diversionary option. There was some criticism that the diversionary mechanisms themselves were having a net widening effect, by drawing into their ambit, very petty offenders who should and could have been handled in much less formal ways." (Brown, 1990: 7).

Central to the operation of the legislation is a new diversionary process - the Family Group Conference (FGC). A FGC is convened when a child is charged with an offence. Where a child has been arrested, the Court will refer the matter to a FGC, unless the child pleads not guilty on legal advice. The FGC is constituted by the child, the child's family (as culturally defined), a youth justice co-ordinator, the victim or representative of the victim, and officials (police and welfare). The task of the FGC is to explore alternative ways of resolving the matter rather than prosecution. Where the FGC does not agree on resolution, the matter is referred back to the Youth Court. Even where the FGC is unable to prevent prosecution, it can still advise the court on appropriate sanctions.

The New Zealand model emphasises diversion, but explicitly recognises the needs of victims. Negotiated solutions are therefore promoted. In the initial year of operation of the law upwards of NZ\$1 million has been paid to victims (Whitmont, cited in Blagg, 1991).

Initial evaluations by Maxwell and Morris indicate that the diversionary aims of the legislation have been successfully achieved - the number and proportion of children referred to court has decreased and the level of incarceration has decreased substantially. There has been no increase in youth crime.

"Police statistics available since the Act shows that the number of reported offences and incidences by juveniles remains unchanged. This is despite new requirements to ensure the protection of the rights of young offenders which some claim are affecting detection procedures. On the other hand, diversion is being used much more widely and court appearances are much less common than previously. The use of Family Group Conferences is now an important feature which results in the resolution of most cases of a more serious nature." (Maxwell and Morris cited in Blagg, 1991: 6).

The New Zealand approach to juvenile crime offers a framework which takes seriously youth crime and tries to resolve the harm caused by that crime for victims. It addresses the issue of the over-representation of Maori children by seeking to reinforce traditional informal means of social control. It also provides statutory protection for children during police investigations.

In August 1991 the Queensland Attorney-General's Department released a discussion paper on mediation and reparation in the criminal justice system (Murray, 1991). Whilst the paper focused exclusively on the adult jurisdiction, the workshop accompanying the formal launch of the paper recommended strongly that it be introduced to the juvenile justice arena. The fact that much juvenile crime is committed in the offender's own community, and is at the less serious end of the crime spectrum, indicates that the social disruption caused by juvenile crime could be reduced through victim-offender negotiated outcomes. As part of the response to the discussion paper the Attorney-General's Department has established a six month pilot Crime Reparation and Mediation Program at the Beenleigh Magistrates Court. Young offenders are included in this program.

## PART 6 - ISSUES IN JUVENILE JUSTICE

This discussion paper has provided an overview of the nature and extent of youth crime in Queensland. There are a number of specific issues in the Queensland juvenile justice system which are in need of urgent consideration and these are discussed below.

### (a) Crime Prevention

The juvenile justice system deals with children who have committed a crime. Any comprehensive juvenile justice policy must be concerned with the prevention of youth crime. **Primary crime prevention** programs aim to prevent young people from committing crime in the first place. **Secondary prevention** aims to divert first time and minor offenders out of the formal court system, and out of crime. **Tertiary prevention** aims to prevent the continued offending of persons already processed by the justice system (see Potas, Vining and Wilson 1990, for detailed discussion).

There are two basic approaches to primary prevention - situational strategies and structural strategies. **Situational strategies** (Geason and Wilson, 1988) seek to reduce the opportunity for crime by environmental change. For example, hardening potential targets with locks, increasing lighting, locking cars, increased surveillance in stores and programs such as Neighbourhood Watch. Situational strategies reduce opportunistic, unplanned crime and displace to other areas planned crime. Situational strategies may markedly reduce certain crimes. For example, in 1990 the Education Department piloted new security measures at eight schools in Kingston with dramatic results.

"Tighter school security included 24-hour electronic surveillance, regular patrols and faster responses to alerts.

The number of offences dropped from one a day, costing an average \$1,000 to one every three days costing an average \$100 Mr Braddy said.

Theft from schools in the trial dropped 70 per cent while arson, which cost \$2 million in Kingston and Woodridge schools last year, had fallen to nil." (Toowoomba Chronicle, 5/2/90).

The **structural approach** to primary crime prevention seeks to address the underlying social, physical and economic difficulties that give rise to offending behaviour. Structural strategies include increasing job and educational opportunities, improving access to transport and community services, and increasing recreational opportunities.

The best known structural crime prevention program is the French **Bonnemaïson** program. This program seeks to relate the structural factors associated with crime to the life of young people in a particular community. It requires analysis of the local patterns and causes of crime, and the development of locally based responses to those causes. The Bonnemaïson strategy requires

the co-operation of all levels and arms of government, and of the non-government sector and the youth community. Whilst no formal evaluation of the program has been conducted, there was a reduction of the youth crime rate for the two years following the introduction of the scheme in 1983 (see King 1988; Potas, Vining and Wilson, 1990).

Victoria, Western Australia and South Australia have introduced primary locally based crime prevention programs.

Amongst other programs, Potas, Vining and Wilson (1990) reviewed structural crime prevention programs in the United States of America. They concluded that programs which targeted "at risk" communities and which were implemented in a non-coercive and integrated manner had a significant impact on crime. They drew attention to two specific programs:

(i) Pre-school Programs

Quality pre-school education may have significant long term effects in reducing crime. The Perry Pre-School program in Michigan has been subjected to extensive evaluation since 1962. In this program children were randomly assigned to the pre-school program or to a control group. Compared to the control group, the pre-school group demonstrated:

- reduced involvement in crime;
- reduced seriousness of offences and reduced recidivism;
- increased employment and earnings;
- high rates of school completion and tertiary education.

(ii) Employment Training

There is also evidence from the US that certain job training programs may reduce recidivism and have other social benefits. Potas, Vining and Wilson (1990) state that this evidence mainly relates to the "Job Corps" program.

"The Job Corps provides a comprehensive set of skills and service to 'disadvantaged', unemployed youth. In other words an 'at risk' population, but not a population where individuals were selected on the basis of their particular delinquency predictors (although approximately 70 per cent had come to the attention of the police at least once). The provided services are 'primarily vocational skills training, basic education, and health care'." (Potas, Vining and Wilson, 1990: 63).

The Job Corp program evaluation found that for every \$1.00 invested in the program there was a \$1.45 return.

The Queensland Department of Family Services and Aboriginal and Islander Affairs has been working on the development of a framework for the implementation of crime prevention programs in high offending areas.

The Children's Court data on the place of residence of offenders should assist the appropriate targeting of crime prevention programs. The implementation of these programs should be carefully evaluated.

Secondary prevention in Queensland has been implemented through the police cautioning program. There is some evidence of success for this program, however as noted earlier in the paper, the cautioning program is in need of review.

Resources for Queensland's tertiary crime prevention program are concentrated in the institutionalisation of young offenders. Queensland has not at this stage developed a comprehensive community based corrections program (see below). There is very little evidence to suggest that incarceration prevents children from reoffending (except for the period they are in custody). Indeed there is evidence of just the contrary, that incarceration may increase the likelihood of a child reoffending.<sup>16</sup>

#### **(b) The Over-representation of Aboriginal and Torres Strait Islander Youth**

A detailed analysis of the over involvement of Aboriginal and Torres Strait Islander children in the juvenile justice system is available elsewhere (Gale, Wundersitz and Bailey-Harris, 1990; O'Connor, 1990; Royal Commission into Aboriginal Deaths in Custody, 1991). It suffices in this paper to note the dimension of the problem in this state.

Aboriginal children are over-represented at every stage of the juvenile justice system. Whilst no data is available on cautioning practices of Queensland police in relation to Aboriginal children, interstate evidence suggests Aboriginal children are less likely to benefit from informal processing by the police (Gale, Wundersitz and Bailey-Harris, 1990). In certain Aboriginal communities the rate of appearance and charges is substantially higher than in the rest of the state (Miller, 1990: 40). In a preceding section data was presented which suggested that some localities with a relatively large proportion of Aboriginal youth had high rates of appearance before Children's Courts. There are also indications that children from Aboriginal communities are less leniently dealt with by Children's Courts (O'Connor 1990). This means that they move through the juvenile justice system into institutional care at an accelerated pace. As mentioned it is only in South Australia that such factors have been able to be subjected to detailed scrutiny. Gale, Wundersitz and Bailey-Harris (1990: 120) concluded:

"At the disposition stage of the Children's Court hearing, differences were again evident. Young Aborigines are more likely than other young offenders to be sentenced to detention, and less likely to have that sentence suspended. In this they fail to benefit fully from current trends away from incarceration and in favour of more constructive alternatives."

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16 In the Queensland Parliament on June 7, 1990, the Minister for Family Services and Aboriginal and Islander Affairs noted the criminalizing effects of juvenile detention centres (Hansard, 1990, p. 2342).

In a number of the deaths inquired into by the Royal Commission into Aboriginal Deaths in Custody there was evidence of unusually harsh treatment by the courts of Aboriginal youth. For example, Perry Noble at 15 years of age appeared for the first time before the Cairns Children's Court. He was charged with a series of offences resulting from a fight with his father on Christmas Eve, 1981. On each charge - including simple offences - he was convicted and committed to care and control for two years. Thus on his first offence he received the harshest penalty possible for the offences. Perry Noble like many Aboriginal youth was diverted into, rather than out of the juvenile justice system (O'Connor, 1990: 55; Wyvill, 1991: 22-23).

The proportion of Aboriginal and Torres Strait Islander youth under corrective orders increased between 30 June 1985 and 30 June 1990. In that time the proportion of children under care and control who were Aboriginal increased from 32.1 per cent to 42.8 per cent. Aboriginal and Torres Strait Islander youth are concentrated at the most intrusive end of the juvenile justice system. At 30 June 1990, 65.7 per cent of all Aboriginal and Torres Strait Islander youth under a juvenile corrective order were under a care and control order as the result of an offence; 27.8 per cent were under a supervision order. In contrast, for non-Aboriginal and Torres Strait Islander youth, 42.8 per cent were in care and control and 45.1 per cent on supervision. Aboriginal and Torres Strait Islander youth were admitted to care and control at a younger age than non-Aboriginal and Torres Strait Islander youth (O'Connor, 1990: 58).

Aboriginal children were also substantially over-represented in juvenile detention centres in Queensland. In the period 1987 - 1991, the proportion of Aboriginal youth in detention centres has varied between 30 and 40 per cent (and thus the level of over-representation of children in custody is greater than that of adults in custody). Given the location of the detention centres, incarceration means removal from family and kin. The sentencing of Aboriginal children is in need of further research.

The Royal Commission into Aboriginal Deaths in Custody found a diversity of reasons for Aboriginal juvenile offending, but concluded that an understanding of the experience of disadvantage in Aboriginal society is critical to understanding the reasons for offending. The Commission reported that the nature of the criminal justice system and the manner in which criminality is constructed is a factor:

"The exercising of the ideal of impartial justice is necessarily accompanied by the values of those who enforce the 'rule of law'." (1991, v. 2: 275).

Cases investigated by the Commission illustrate that "young Aboriginals are unnecessarily or deliberately made the subject of trivial charges or multiple charges, with the result that the appearance of a serious criminal record is built up at an early age." (1991, v. 2: 275).

Racial discrimination generally and the poor relations between police and Aboriginal youth, and the reliance of Aboriginal youth on public space for recreation etc., increase the likelihood of Aboriginal youth having adverse contact with the police. (See White, 1990; Youth Justice Coalition, 1990).

The involvement of Aboriginal and Torres Strait Islander youth in the juvenile justice system is of major concern. It provides the foundation for long term involvement in the adult criminal justice system as well as causing much social disruption in their communities of residence. Problems of social order, of the relationship between the juveniles and their community and the broader society are increasingly the province of the criminal justice system. In relation to the children this is both expensive and socially destructive. The criminalisation of juvenile misbehaviour results in the imposition of external controls and solutions, rather than supporting the development of local and internal solutions. The imposition of external solutions in fact destroys traditional modes of social control and, in consequence, gives rise to many of the problems that result in children coming in to contact with the child welfare and juvenile justice systems.

In relation to Aboriginal and Torres Strait Islander youth, there is a need for an extensive primary crime prevention program which addresses the local causes of crime. In particular communities some crime prevention measures have met with success. Successful initiatives have included the employment of local recreation workers and the development of sporting or other recreational programs.

The proposed juvenile justice legislation must ensure that:

- (i) Aboriginal and Torres Strait Islander youth are afforded the benefits of diversion and
- (ii) culturally appropriate community based corrections programs are developed.

### **(c) Community Based Corrections**

In the past 20 years correctional policy has recognised that incarceration is expensive and does not rehabilitate offenders (in fact may do just the opposite). In consequence, attention has been devoted to the development of community based corrections such as probation, parole, community service orders, attendance centres and so on. In Queensland the Kennedy Review of the adult correctional system and the subsequent establishment of the Queensland Corrective Services Commission has consolidated this trend to community corrections for adults.

The increased reliance on non-custodial corrections has also dominated juvenile justice policy. In Queensland during the 1970s and 80s there was a substantial decrease in the numbers of youth detained in institutions. In this period many

church run institutions (e.g. St George's Boys Home in Rockhampton, Kalimna in Toowoong) were closed. These institutions served dual functions - places of accommodation for "neglected youth", and detention for offenders and youth "at risk of offending". The closure of these institutions was accompanied by a reduction of the capacity in institutions such as Westbrook Training Centre and Wilson Youth Hospital (now Wilson Youth Centre). Substantial financial savings were achieved through the closure of institutions in Queensland, as elsewhere. Unfortunately, there was very little transfer of resources in this state to the development of community based corrections.

The *Children's Services Act* allows three forms of community based supervision - supervision orders, care and control orders where a child is allowed to remain in the community, and care and control orders where the child is released after spending a period of time in custody prior to the expiration of the care and control order. In each case the form of supervision is essentially a probation/parole model.

During the 1980s the Department of Family Services devoted most of its limited resources to child protection matters. Juvenile justice was accorded a lower priority. The consequences of this were threefold. Firstly, Departmental workers increasingly lacked skills in juvenile corrections; secondly, the implementation of supervision orders varied dramatically between officers; and thirdly, no broadly based community corrections program was established.

The extent of contact between Departmental Officers and a child placed under supervision, varies substantially. Some Area Offices of the Department do take such orders seriously and allocate resources accordingly. However, in many cases children under supervision have minimal contact with the Department. In rural and isolated areas supervision orders are frequently meaningless as there is no infrastructure for their implementation. This is similarly the case for children released from custodial care - the extent of post release support and supervision varies, but is frequently minimal. In 1990 the Department moved to formalise its standards of supervision of young offenders. Anecdotal evidence prior to 1 January 1992 suggested that these standards were yet to be implemented in many areas. This lack of community based options particularly disadvantages Aboriginal and Torres Strait Islander youth. On 1 January 1992 the Department introduced new standards for the supervision of offenders in the community.

The *Juvenile Justice Bill* proposes a broader range of community corrections for youth in Queensland, including community service orders. If this legislation is not to result in a dramatic increase in the incarceration of children, substantial resources will need to be provided for the development of these programs. The rationale for each community based option needs to be explicitly articulated and the implementation subject to rigorous evaluation.

#### **(d) Gangs**

There is some concern in the community that youth "gangs" are active and pose a substantial crime threat. There is no evidence that Queensland, or Australia, has a problem with gangs in the same way as they do in the United States. On the other hand, juvenile crime is peer related - that is, juveniles offend in groups and they tend to offend close to their own place of residence. This means that in some areas there may be identifiable groups of children involved in offending. Whilst such involvement in crime is concerning, it does not establish the existence of a gang problem. On the positive side such readily identifiable groups provide the basis for developing locally based crime prevention programs which target particular groups of young offenders.

The so called "gang" problem in Queensland does illustrate an issue of importance the consequences of which are evident in this paper. Our knowledge of juvenile crime and juvenile offenders in this state is very limited. Little is known of the patterns of local crime and of those who are responsible for them. There is an urgent need for establishment of local action research projects which would seek to both enhance our knowledge of juvenile offending in this state and test potential crime reduction strategies.

#### **(e) Police Youth Relations**

Police are at the front end of the juvenile justice system. They have many contacts with youth, only a few of which result in a child being apprehended for an offence. Police and young people both occupy public spaces - streets, entertainment venues, shops etc. Conflict arises between police and youth over the use of this space.

For example, the Queensland police announced that during the 1991/92 Christmas holidays, children "loitering on footpaths and at milkbars" could be stopped and questioned and their personal details recorded (Courier Mail, 28/11/91). The police spokesperson was quoted as stating that "we are trying to protect property by nipping things in the bud". The officer justified the program on the basis that 80 per cent of property crimes were committed by juveniles. Even on the basis of the police statistics, this is quite clearly wrong.

Such initiatives target all young people as suspects of crime and do little to increase the understanding of the real nature of crime in the community or enhance the relationships between police and young people. Commissioner Fitzgerald noted that many police lacked the skills or the attitudes to work appropriately with young people. Whilst commending the dedication of individual officers of the Juvenile Aid Bureau he concluded:

"There has been no attempt to address the cultural and attitudinal problems towards juvenile offenders." (p. 241).

There is evidence that the relationship between police and youth is problematic. O'Connor and Sweetapple (1988) found that the interactions between police and youth were permeated by psychological and sometimes physical intimidation. Cunneen (1990) found evidence of Aboriginal youth detained in Queensland having been subjected to police violence. White (1990), the Youth Justice Coalition (1990), and the Federation of Victorian Legal Centres (1991) came to similar conclusions in relation to South Australia, New South Wales and Victoria.

The alleged mistreatment of youth is rarely reported by youth because of fear of retaliation by the police. Formal complaint systems respond to individual complaints. Where particular groups (e.g. youth, disadvantaged people) are reluctant to come forward, complaint mechanisms do not ensure the necessary accountability.

The National Youth Affairs Scheme has commissioned research on the treatment of juveniles in the legal system. One of the foci of this project is the consideration of existing programs which may enhance police youth relationships.

## PART 7 - FUTURE DIRECTIONS

Juvenile crime is a matter of ongoing community concern. Enhancing informed debate about juvenile crime, juvenile offenders, and the development of appropriate responses is hindered by an appalling lack of knowledge about the nature and extent of juvenile crime in Queensland (and Australia) and state sanctioned responses to it. Debate about appropriate modes of responding to juvenile crime and offenders has followed the overseas literature, without adequate knowledge of juvenile crime and the actualities and operation of the juvenile justice system in this state and country.

Queensland lacks a comprehensive and reliable data base on juvenile crime and juvenile offenders. As was noted above, it is not possible to definitely answer simple questions, such as:

- (i) What proportion of children who are cautioned reoffend as juveniles?
- (ii) What proportion of children who are cautioned when juveniles reoffend as adults?
- (iii) What proportion of children who appear in a Children's Court offend as adults?
- (iv) How many restitution orders made against juveniles are satisfied?
- (v) How much restitution is paid by juveniles?

Associated with this lack of information is the dissemination of incorrect information about juvenile crime, juvenile offenders and the operation of the juvenile justice system. Statements which grossly overestimate the amount of crime for which juveniles are responsible distort the public perception and increase the fear of crime. Similarly, myths suggesting that the police and courts' hands are tied in dealing with juveniles misinform the public: the discretion to prosecute rests with the police and the court is responsible for the imposition of sentence. The only limitation on the direct sentencing power of the courts is the restriction on the imposition of custodial sentences, where the court plays a recommendatory role. If courts treat first offenders leniently, it is because they recognise that a mere appearance in court will deter most from reoffending.

The misinformation about juvenile crime, and the intensive policing of young people facilitate the development of antagonistic relations between young people and the community and especially young people and police. Further, they hinder the development of creative responses to juvenile offending - such as primary prevention, victim offender reconciliation and community corrections programs.

In this concluding section of the paper, areas in need of research and attention are noted. It is recognised that the Government intends to introduce new juvenile justice legislation. The need for further detailed consideration of issues raised below is not affected by this legislation. Juvenile crime is not simply a legal problem and hence legislation alone will not remedy the problem.

The areas in need of urgent attention relate to crime prevention and the administration and operation of the juvenile justice system.

### **(a) Crime Prevention**

The prevention of juvenile crime should be a major aim of our response to juvenile crime. Our crime prevention strategies of reactive policing, limited supervision in the community and incarceration are concerned with young people already involved in crime. Little is known of the factors associated with participation, continued participation and desistance from participation in crime.

Three areas of research are suggested which will enhance knowledge and understanding of juveniles' involvement in crime and factors associated with minimising the likelihood of such an outcome. The outcomes of this research will provide feedback to juvenile justice practitioners and the community in both the short and long term, thus facilitating the development of appropriate responses as well as identification of problems.

The proposed areas of research are:

- (i) a longitudinal study of juveniles to identify factors associated with participation in and desistance from crime;
- (ii) recidivism studies; and
- (iii) evaluation of crime prevention programs.

#### *(i) Longitudinal Research*

It is known that a small section of the population is disproportionately represented in the criminal population, and is responsible for most of the predatory crimes committed (see Part 4(i) above). This has been established by longitudinal research in the United States, United Kingdom and Scandinavia.

No such research has been undertaken in Queensland or elsewhere in Australia. Yet in the medium and long term, longitudinal research offers the most powerful strategy in identifying factors associated with participation in crime and desistance from crime. It offers particular opportunities in relation to identification of factors associated with high rate offenders.

The aim of identifying the age of onset of criminal careers and antecedents and life experiences of high rate young offenders is to inform the development of strategies for change; that is, strategies which prevent the development of offending and intervention strategies once offending has commenced.

The success of such a longitudinal study requires the collection of substantial and ongoing bio-psycho-social and demographic information on each young person included in the research. One way such a project could be undertaken is through relying on the information collected by schools, health authorities and the Departments of Police, Family Services and Aboriginal and Islander Affairs, and Justice on a sample of young people of a particular age. To ensure the confidentiality of data, such research should be undertaken by a body independent of criminal justice agencies in this state.

Though a longitudinal project would span the teenage and early adult years of the group, interim reports on the results and the implications of the research could be prepared for policy makers and the public.

#### *(ii) Recidivism studies*

For the purposes of this issues paper, the court history of that group of young people who turned 10 between 1 July 1983 and 30 June 1984 was briefly examined. As was noted, the data file structure of Children's Court appearance records hindered a detailed analysis of their offending careers. The preceding cohort study will take some period to establish and to feed analysis back into the system. The existing court records could be subject to more detailed analysis to establish factors associated with recidivism and chronic recidivism (e.g. age at first offending, type of first offender etc). Whilst the data available is substantially less detailed than the proposed cohort study, it will facilitate the process of targeting responses in the short term. It is recommended that these young offenders be tracked through their early adult years.

The issue of recidivism is of major concern to policy makers and the public. Therefore it is necessary to undertake a number of studies which examine psycho-social factors and immediate contextual factors associated with offending and which examine the impact of any interventions.

#### *(iii) Evaluation of local crime prevention*

The Department of Family Services and Aboriginal and Islander Affairs has indicated that it intends to initiate locally based crime prevention programs. Such initiatives are to be commended. It is important that these projects be subject to formal external evaluation.

## **(b) The Juvenile Justice System**

Throughout the text the inadequacies of our data on juvenile crime, juvenile offenders and the operation of the juvenile justice system were noted. Particular problems in the administration of the system were also identified. These problems include the detention of children in adult watchhouses, the inadequacies of the community correction programs, the over-representation of Aboriginal and Torres Strait Islander children and an inadequate management information system. The Criminal Justice Commission and relevant Departments should address these matters.

There are specific areas of the juvenile justice system that require further research in this state. Firstly, an important requirement for ongoing monitoring and research is the centralised collation and release of juvenile justice statistics. The separate statistical collections of police, courts and the Department of Family Services and Aboriginal and Islander Affairs do not enable an adequate overview of the state of, and responses to, juvenile crime and the efficacy or otherwise of those responses. Informed debate, policy making and research would be facilitated by a centralised collection system and by release on an annual basis of a report of the operation of the juvenile justice system (similar to the reports of the Judicial Commission of New South Wales (1991), *The Childrens Court*, and the Bureau of Crime Statistics (1990), 'Juvenile Justice and the Children's Court', *Crime and Justice Bulletin No. 9*). This report should be prepared and released by the Research and Co-ordination Division.

Secondly, the cautioning program is the prime response to juvenile crime in this state. The lack of knowledge about the operation of the Cautioning Scheme was discussed in the text. It requires review and evaluation. The review should encompass the level of recidivism, differing practices of cautioning (including length of time between offence and caution, location, content of caution) and the impact of factors such as class, gender, geographical location, race and ethnicity and age on the exercise of the police discretion to caution and on cautioning practices.

Thirdly, alternative pre-court and post-court diversion programs require consideration. There has been a tendency by those policy makers committed to a "justice" model to decry alternative, non-court based responses to juvenile offending. This issue of victim offender mediation has received scant attention in this state in relation to juveniles. Indeed, the initiative to investigate the possibility of such programs focused on the adult jurisdiction. Yet the fact that much juvenile crime is at the less serious end of the property crime continuum, and that offences occur in the individuals own locality, suggest that use of negotiated solutions to offending behaviour has much to commend it. Offending is deterred not primarily by the fear of apprehension and punishment, but by the fabric of social connectedness and integration between individuals, their community and their physical environment.

Fourthly, the practices of the police in regard to the decision to arrest or summons are in need of review. Currently 90 per cent or more of young people are arrested rather than summonsed. It is to be anticipated that the proposed *Juvenile Justice Act* will encourage the use of non-arrest based procedures to ensure attendance at court. Any reform of police practices in this regard must be monitored in terms of how factors of race, class, gender, geographical location and so on affect the exercise of police discretion.

Fifthly, the sentencing practices of the court require (and will require with the new legislation) further research. The impact of factors of race, gender, class, geographic location and so on have been subject to very little analysis in this state.

There are a number of reasons for such research:

- (i) There is a substantial over-representation of Aboriginal and Torres Strait Islander children under juvenile corrective orders.
- (ii) There are substantial inequalities in the geographic distribution of correctional resources in this state.
- (iii) There is no information on the relationship between different dispositions and recidivism.

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## LEGISLATION

Children's Court Act 1907 (Qld)  
Children's Services Act 1965 (Qld)  
State Children's Act 1911 (Qld)



## APPENDIX



**TABLE A**  
**PERSONS RESPONSIBLE FOR OFFENCES - JUVENILES FROM JULY 1985 TO JUNE 1986**

OFFENCES	TOTAL OFFENCE	Cleared Offence	Cleared Offence Arrsum	Cleared Offence Caution	Cleared Offence Juvenile	Cleared Offence Juvenile (n)	Cleared Offence Juvenile (f)	Cleared Offence Juvenile (g)	Cleared Offence Juvenile Caution	OFFENDER RATE PER 100000			
										U. 12 YRS		12 & U. 14	
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)		M	F	M	F
Murder	65	65	1	-	1	1.5	1	-	-	-	-	-	1.3
Attempted Murder	77	76	3	-	3	3.9	3	-	-	-	-	-	2.7
Manslaughter (excluding by motor vehicle)	11	10	1	-	1	10.0	1	-	-	-	-	-	1.3
Driving Causing Death	91	90	-	-	-	-	-	-	-	-	-	-	-
TOTAL HOMICIDE	244	241	5	-	5	2.1	5	-	-	-	-	-	5.3
Serious Assault	2541	1964	81	91	172	8.8	67	93	17.4	17.4	-	39.0	4.3
Minor Assault	3384	2451	131	150	281	11.5	92	162	28.3	28.3	4.7	88.2	32.2
Rape	159	131	5	-	5	3.8	6	-	-	-	-	2.1	7.4
Other sexual offences	2040	1599	47	128	175	10.9	34	73	13.1	13.1	-	34.9	110.0
Robbery	521	186	30	7	37	19.9	29	14	2.2	2.2	-	18.5	39.7
Extortion by threats	-	-	2	4	6	-	3	3	6.5	6.5	-	-	4.0
Kidnapping, abduction, deprivation of liberty	-	-	3	2	5	-	1	1	-	-	-	-	2.7
Breaking & entering-dwellings	16029	2887	917	387	1304	45.2	451	430	167.0	167.0	35.0	398.0	696.0
Breaking & entering-shops	5270	1528	608	282	890	58.2	346	391	159.0	159.0	14.0	293.0	627.0
Breaking & entering-other premises	10472	2550	1008	536	1544	60.5	425	661	404.0	404.0	68.0	519.0	758.0
TOTAL BREAKING & ENTERING	31771	6965	2533	1205	3738	53.7	1222	1482	730.0	730.0	117.0	1210.0	2081.0
Malicious injuries to property	15257	3843	547	571	1118	29.1	230	648	311.0	311.0	21.0	318.0	630.0
Motor vehicle theft	9441	2537	847	248	1095	43.2	620	318	30.5	30.5	2.4	170.0	1084.0
Shop stealing	-	-	510	3871	4381	-	350	4370	1009.0	1009.0	350.0	1811.0	1412.0
Stealing (excluding motor vehicles & shop stealing)	55291	17574	1397	1511	2908	16.5	616	1313	359.0	359.0	71.0	849.0	1453.0
Fraud, forgery and false pretences	17482	11118	267	398	665	6.0	45	134	15.2	15.2	9.4	34.9	115.0
Handling stolen goods	1818	1816	187	231	418	23.0	94	216	41.3	41.3	16.0	117.0	228.0
Drug offences	13593	13566	199	314	513	3.8	145	279	8.7	8.7	-	41.0	449.0
Prostitution offences	748	748	5	2	7	0.9	2	2	-	-	-	-	1.3
Stock related offences (excluding stealing)	518	327	-	2	2	0.6	-	3	-	-	-	-	4.0
Vagrancy	149	149	-	2	2	1.3	-	2	-	-	-	-	1.3
Drink driving offences	24885	24885	82	1	83	0.3	79	1	-	-	-	2.1	94.0
Other driving, motor vehicle offences	2774	2774	71	7	78	2.8	52	6	-	-	-	2.1	75.4
All other offences	7496	5843	86	256	342	5.9	60	245	37.0	37.0	2.4	105.0	282.0
<b>TOTAL</b>	<b>190112</b>	<b>98717</b>	<b>7035</b>	<b>9001</b>	<b>16036</b>	<b>16.2</b>	<b>3752</b>	<b>9365</b>	<b>2609.2</b>	<b>593.9</b>	<b>1812.5</b>	<b>4842.7</b>	<b>8772.2</b>

(a) Total reported offence  
(b) Number of offences cleared by police  
(c) Number of offences cleared by way of arrest or summons of juveniles  
(d) Number of offences cleared by way of caution of juveniles  
(e) Total number of juvenile cleared offences  
(f) Per cent of offences cleared by way of apprehension of juveniles  
(g) Number of juveniles arrested or summonsed  
(h) Number of juveniles cautioned

Source: Queensland Police Service

**TABLE B**  
**PERSONS RESPONSIBLE FOR OFFENCES - JUVENILES FROM JULY 1986 TO JUNE 1987**

OFFENCES	TOTAL OFFENCE			CLEARED OFFENCE			JUVENILE OFFENDER			JUVENILE OFFENDER			OFFENDER RATE PER 100000			14 & U. 17 YRS		
	ARR/SUM			ARR/SUM			ARR/SUM			ARR/SUM			U. 12 YRS			12 & U. 14 YRS		
	JUVENILE			JUVENILE			JUVENILE			JUVENILE			M			M		
			(n)			%												
Murder	53	45	1	-	1	2.2	1	-	1	-	-	-	-	-	-	-	-	1.3
Attempted Murder	91	87	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Manslaughter (excluding by motor vehicle)	10	10	1	-	1	10	1	-	1	-	-	-	-	-	-	-	-	1.3
Driving Causing Death	66	66	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL HOMICIDE	220	208	2	-	2	1	2	-	2	-	-	-	-	-	-	-	-	2.7
Serious Assault	2764	2240	125	84	209	9.3	128	95	95	9.1	2.4	35.8	19.9	208	52	19.9	208	52
Minor Assault	4173	3116	180	167	347	11.1	119	196	196	29.6	4.8	96.8	31	229	97	96.8	229	97
Rape	189	180	7	-	7	3.9	7	-	7	-	-	-	-	9.4	-	-	9.4	-
Other sexual offences	2363	1913	76	99	175	9.1	47	81	81	4.6	-	48.4	-	138	-	48.4	138	-
Robbery	649	230	41	5	46	20	44	8	8	2.3	-	8.4	2.2	49.7	12.7	8.4	49.7	12.7
Extortion by threats	42	29	1	2	3	10.3	1	3	3	-	-	-	-	2.7	-	-	2.7	-
Kidnapping, abduction, deprivation of liberty	150	135	10	-	10	7.4	1	-	1	-	-	-	-	-	-	-	-	1.4
Breaking & entering-dwellings	18498	3401	999	551	1550	45.6	451	481	481	176	48	318	57.6	780	108	318	780	108
Breaking & entering-shops	5421	1356	512	304	816	60.2	326	382	382	150	7.3	313	48.7	588	42.2	313	588	42.2
Breaking & entering-other premises	11591	2718	970	589	1559	57.4	491	676	676	337	41	545	59.8	908	54.8	545	908	54.8
TOTAL BREAKING & ENTERING	35510	7475	2481	1444	3925	52.5	1268	1539	1539	663	96.3	1176	166	2276	205	1176	2276	205
Malicious injuries to property	16840	4724	711	712	1423	30.1	277	692	692	287	29	360	66.5	765	84.4	360	765	84.4
Motor vehicle theft	10109	2884	988	211	1199	41.6	623	274	274	27.4	-	164	6.6	1017	64.7	164	1017	64.7
Shop stealing	13010	10600	476	4650	5126	48.4	315	4794	4794	1005	395	1824	1635	2251	1718	1824	2251	1718
Stealing (excluding motor vehicles & shop stealing)	48720	9790	1529	1726	3255	33.2	623	1146	1146	356	36	743	57.6	1475	169	743	1475	169
Fraud, forgery and false pretences	15924	10201	236	433	669	6.6	63	143	143	16	-	65.2	26.6	148	64.7	65.2	148	64.7
Handling stolen goods	1963	1963	169	315	484	24.7	105	312	312	34.2	-	154	31	342	84.4	154	342	84.4
Drug offences	11544	11544	238	236	474	4.1	148	209	209	2.3	-	21	4.4	411	53.4	21	411	53.4
Prostitution offences	920	920	3	4	7	0.8	3	3	3	-	-	-	-	-	-	-	-	8.4
Stock related offences (excluding stealing)	201	201	1	1	2	1	-	1	1	-	-	-	-	-	-	-	-	1.4
Vagrancy	163	163	2	-	2	1.2	2	-	2	-	-	-	-	-	-	-	-	-
Drink driving offences	27092	27092	101	-	101	0.4	91	-	91	-	-	2.1	-	106	15.5	2.1	106	15.5
Other driving, motor vehicle offences	4372	4372	71	4	75	1.7	39	2	2	-	-	2.1	-	53.7	-	2.1	53.7	-
All other offences	2688	2287	147	299	446	19.5	92	247	247	27.4	4.8	126	13.3	306	43.6	126	306	43.6
<b>TOTAL</b>	<b>199606</b>	<b>102267</b>	<b>7595</b>	<b>10392</b>	<b>17987</b>	<b>17.6</b>	<b>3998</b>	<b>9745</b>	<b>9745</b>	<b>2464</b>	<b>568</b>	<b>4826</b>	<b>2055</b>	<b>9793</b>	<b>2675</b>	<b>4826</b>	<b>9793</b>	<b>2675</b>

Source: Queensland Police Service

**TABLE C**  
**PERSONS RESPONSIBLE FOR OFFENCES - JUVENILES FROM JULY 1987 TO JUNE 1988**

OFFENCES	TOTAL OFFENCE										OFFENDER RATE PER 100000																								
	TOTAL OFFENCE					CLEARED OFFENCE					JUVENILE OFFENDER					JUVENILE OFFENDER					JUVENILE OFFENDER					JUVENILE OFFENDER									
	ARR/SUM	CAUTION	JUVENILE	(n)	%	ARR/SUM	CAUTION	JUVENILE	(n)	%	ARR/SUM	CAUTION	JUVENILE	(n)	%	ARR/SUM	CAUTION	JUVENILE	(n)	%	ARR/SUM	CAUTION	JUVENILE	(n)	%	ARR/SUM	CAUTION	JUVENILE	(n)	%	ARR/SUM	CAUTION	JUVENILE	(n)	%
Murder	63	63	2	2	3.2	2	2	2	2	3.2	2	2	2	2	3.2	2	2	2	2	3.2	2	2	2	2	3.2	2	2	2	2	3.2	2	2	2	3.2	
Attempted Murder	106	102	7	7	6.9	7	7	7	7	6.9	7	7	7	7	6.9	7	7	7	7	6.9	7	7	7	7	6.9	7	7	7	7	6.9	7	7	7	6.9	
Manslaughter (excluding by motor vehicle)	12	12	1	1	8.3	1	1	1	1	8.3	1	1	1	1	8.3	1	1	1	1	8.3	1	1	1	1	8.3	1	1	1	1	8.3	1	1	1	8.3	
Driving Causing Death	73	72	1	1	1.4	1	1	1	1	1.4	1	1	1	1	1.4	1	1	1	1	1.4	1	1	1	1	1.4	1	1	1	1	1.4	1	1	1	1.4	
TOTAL HOMICIDE	254	249	11	11	4.4	11	11	11	11	4.4	11	11	11	11	4.4	11	11	11	11	4.4	11	11	11	11	4.4	11	11	11	11	4.4	11	11	11	4.4	
Serious Assault	3455	2897	147	108	8.8	255	255	255	255	8.8	123	113	113	123	8.8	123	113	113	123	8.8	123	113	113	123	8.8	123	113	113	123	8.8	123	113	113	8.8	
Minor Assault	4392	3372	151	206	10.6	357	357	357	357	10.6	101	211	211	101	10.6	101	211	211	101	10.6	101	211	211	101	10.6	101	211	211	101	10.6	101	211	211	10.6	
Rape	288	264	17	17	6.4	19	19	19	19	6.4	19	19	19	19	6.4	19	19	19	19	6.4	19	19	19	19	6.4	19	19	19	19	6.4	19	19	19	6.4	
Other sexual offences	3857	3366	145	176	9.5	47	47	47	47	9.5	35	101	101	35	9.5	35	101	101	35	9.5	35	101	101	35	9.5	35	101	101	35	9.5	35	101	101	9.5	
Robbery	703	288	47	1	16.7	35	2	2	2	16.7	35	2	2	2	16.7	35	2	2	2	16.7	35	2	2	2	16.7	35	2	2	2	16.7	35	2	2	16.7	
Extortion by threats	36	22	3	4	18.2	3	3	3	3	18.2	3	3	3	3	18.2	3	3	3	3	18.2	3	3	3	3	18.2	3	3	3	3	18.2	3	3	3	18.2	
Kidnapping, abduction, deprivation of liberty	221	187	9	4	7.0	13	1	1	1	7.0	13	1	1	13	7.0	13	1	1	13	7.0	13	1	1	13	7.0	13	1	1	13	7.0	13	1	1	7.0	
Breaking & entering-dwellings	17312	3160	785	390	37.2	509	463	463	509	37.2	509	463	463	509	37.2	509	463	463	509	37.2	509	463	463	509	37.2	509	463	463	509	37.2	509	463	463	37.2	
Breaking & entering-shops	5533	1421	547	261	56.9	328	310	310	328	56.9	328	310	310	328	56.9	328	310	310	328	56.9	328	310	310	328	56.9	328	310	310	328	56.9	328	310	310	56.9	
Breaking & entering-other premises	11437	2564	874	561	56.0	387	682	682	387	56.0	387	682	682	387	56.0	387	682	682	387	56.0	387	682	682	387	56.0	387	682	682	387	56.0	387	682	682	56.0	
TOTAL BREAKING & ENTERING	34282	7145	2206	1212	47.8	1224	1455	1455	1224	47.8	1224	1455	1455	1224	47.8	1224	1455	1455	1224	47.8	1224	1455	1455	1224	47.8	1224	1455	1455	1224	47.8	1224	1455	1455	47.8	
Malicious injuries to property	17065	4024	624	641	31.4	311	656	656	311	31.4	311	656	656	311	31.4	311	656	656	311	31.4	311	656	656	311	31.4	311	656	656	311	31.4	311	656	656	31.4	
Motor vehicle theft	10068	2733	720	205	33.8	554	235	235	554	33.8	554	235	235	554	33.8	554	235	235	554	33.8	554	235	235	554	33.8	554	235	235	554	33.8	554	235	235	33.8	
Shop stealing	13219	10315	672	4426	49.4	404	4566	4566	404	49.4	404	4566	4566	404	49.4	404	4566	4566	404	49.4	404	4566	4566	404	49.4	404	4566	4566	404	49.4	404	4566	4566	49.4	
Stealing (excluding motor vehicles & shop stealing)	51139	11004	1602	2236	34.9	645	1287	1287	645	34.9	645	1287	1287	645	34.9	645	1287	1287	645	34.9	645	1287	1287	645	34.9	645	1287	1287	645	34.9	645	1287	1287	34.9	
Fraud, forgery and false pretences	25425	16134	299	573	5.4	35	145	145	35	5.4	35	145	145	35	5.4	35	145	145	35	5.4	35	145	145	35	5.4	35	145	145	35	5.4	35	145	145	5.4	
Handling stolen goods	2207	2207	231	269	22.7	150	239	239	150	22.7	150	239	239	150	22.7	150	239	239	150	22.7	150	239	239	150	22.7	150	239	239	150	22.7	150	239	239	22.7	
Drug offences	9450	9440	167	222	4.1	115	195	195	115	4.1	115	195	195	115	4.1	115	195	195	115	4.1	115	195	195	115	4.1	115	195	195	115	4.1	115	195	195	4.1	
Prostitution offences	472	472	4	5	1.9	9	1	1	9	1.9	9	1	1	9	1.9	9	1	1	9	1.9	9	1	1	9	1.9	9	1	1	9	1.9	9	1	1	1.9	
Stock related offences (excluding stealing)	314	314	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Vagrancy	157	157	3	1	2.5	4	3	3	4	2.5	3	1	1	3	2.5	3	1	1	3	2.5	3	1	1	3	2.5	3	1	1	3	2.5	3	1	1	2.5	
Drink driving offences	28185	28185	118	1	0.4	111	1	1	111	0.4	111	1	1	111	0.4	111	1	1	111	0.4	111	1	1	111	0.4	111	1	1	111	0.4	111	1	1	0.4	
Other driving, motor vehicle offences	3691	3691	70	5	2.0	49	6	6	49	2.0	49	6	6	49	2.0	49	6	6	49	2.0	49	6	6	49	2.0	49	6	6	49	2.0	49	6	6	2.0	
All other offences	2947	2543	177	318	19.5	105	272	272	105	19.5	105	272	272	105	19.5	105	272	272	105	19.5	105	272	272	105	19.5	105	272	272	105	19.5	105	272	272	19.5	
TOTAL	211827	109009	7423	10610	16.5	18033	9487	9487	4048	16.5	4048	9487	9487	4048	16.5	4048	9487	9487	4048	16.5	4048	9487	9487	4048	16.5	4048	9487	9487	4048	16.5	4048	9487	9487	16.5	

Source: Queensland Police Service

**TABLE D**  
**PERSONS RESPONSIBLE FOR OFFENCES - JUVENILES FROM JULY 1988 TO JUNE 1989**

OFFENCES	TOTAL OFFENCE		CLEARED OFFENCE		OFFENCE CAUTION		CLEARED OFFENCE CAUTION		JUVENILE JUVENILES		ARR/SUM		JUVENILE JUVENILES		ARR/SUM		OFFENDER RATE PER 100000		12 & U. 14 YRS		14 & U. 17 YRS	
	OFFENCE		OFFENCE		OFFENCE		OFFENCE		JUVENILE		JUVENILE		JUVENILE		JUVENILE		U. 12 YRS		M		F	
	ARR/SUM		ARR/SUM		ARR/SUM		ARR/SUM		ARR/SUM		ARR/SUM		ARR/SUM		ARR/SUM		M		F		M	
Murder	58	59	2	2	-	-	2	2	3.4	-	-	-	-	-	-	-	-	-	-	-	1.3	1.4
Attempted Murder	108	103	5	5	-	-	3	3	4.9	-	-	-	-	-	-	-	-	-	-	-	4.0	-
Manslaughter (excluding by motor vehicle)	10	10	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Driving Causing Death	85	85	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>TOTAL HOMICIDE</b>	<b>261</b>	<b>257</b>	<b>7</b>	<b>7</b>	<b>-</b>	<b>-</b>	<b>5</b>	<b>5</b>	<b>2.7</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1.3</b>	<b>1.4</b>
Serious Assault	3986	3090	144	107	107	251	126	126	8.1	21.0	4.9	61.8	14.0	229.2	203.9	84.0	-	-	-	-	-	-
Minor Assault	4903	3729	104	185	185	289	80	80	7.8	30.4	7.3	72.8	23.3	203.9	203.9	84.0	-	-	-	-	-	-
Rape	366	338	15	-	-	15	18	18	4.4	-	-	-	-	-	-	-	-	-	-	-	-	-
Other sexual offences	3067	2498	57	195	195	252	31	31	10.1	11.7	-	66.2	-	134.6	-	-	-	-	-	-	-	-
Robbery	791	294	28	4	4	32	10.9	10.9	10.9	2.3	4.9	6.6	2.3	34.7	-	-	-	-	-	-	-	-
Extortion by threats	54	36	1	2	2	3	8.3	8.3	8.3	1	-	2.2	-	1.3	-	-	-	-	-	-	-	-
Kidnaping, abduction, deprivation of liberty	288	255	6	-	-	6	2.4	2.4	2.4	1	-	-	-	-	-	-	-	-	-	-	-	-
Breaking & entering dwellings	18238	2854	742	425	425	1167	40.9	40.9	40.9	275.7	26.8	410.6	67.6	654.3	107.8	-	-	-	-	-	-	-
Breaking & entering shops	7470	1746	549	342	342	891	51.0	51.0	51.0	149.5	9.7	313.5	16.3	669.0	39.2	-	-	-	-	-	-	-
Breaking & entering other premises	12606	2498	770	703	703	1473	59.0	59.0	59.0	376.1	73.0	516.5	32.6	749.0	51.8	-	-	-	-	-	-	-
<b>TOTAL BREAKING &amp; ENTERING</b>	<b>38314</b>	<b>7098</b>	<b>2061</b>	<b>1470</b>	<b>1470</b>	<b>3531</b>	<b>49.7</b>	<b>49.7</b>	<b>49.7</b>	<b>1162</b>	<b>109.5</b>	<b>1240.5</b>	<b>116.5</b>	<b>2072.3</b>	<b>198.8</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
Malicious injuries to property	19377	5397	817	737	737	1554	28.8	28.8	28.8	322.4	34.1	459.1	46.6	810.3	95.2	-	-	-	-	-	-	-
Motor vehicle theft	11602	3249	822	279	279	1101	33.9	33.9	33.9	16.4	2.4	92.7	14.0	976.8	130.2	-	-	-	-	-	-	-
Shop stealing	13187	10172	609	485	485	5094	50.1	50.1	50.1	929.8	253.1	2059.5	1442.2	2350.8	1673.9	-	-	-	-	-	-	-
Stealing (excluding motor vehicles & shop stealing)	52865	10792	1693	2288	2288	3981	36.9	36.9	36.9	399.5	24.3	781.4	118.8	1517.9	250.5	-	-	-	-	-	-	-
Fraud, forgery and false pretences	15799	11573	358	446	446	804	6.9	6.9	6.9	163	2.4	46.4	14.0	155.9	91.0	-	-	-	-	-	-	-
Handling stolen goods	2310	2310	238	343	343	581	25.2	25.2	25.2	115	7.3	132.4	41.9	278.5	82.6	-	-	-	-	-	-	-
Drug offences	9879	9879	132	209	209	341	3.5	3.5	3.5	93	2.3	22.1	4.7	311.8	75.6	-	-	-	-	-	-	-
Prostitution offences	467	467	3	-	-	3	0.6	0.6	0.6	2	-	-	-	-	-	-	-	-	-	-	-	-
Stock related offences (excluding stealing)	236	236	-	1	1	1	0.4	0.4	0.4	1	-	-	-	1.3	-	-	-	-	-	-	-	-
Vagrancy	215	215	7	4	4	11	5.1	5.1	5.1	4.7	-	6.6	-	2.7	-	-	-	-	-	-	-	-
Drink driving offences	29166	29166	138	1	1	139	0.5	0.5	0.5	121	-	-	-	143.9	19.6	-	-	-	-	-	-	-
Other driving, motor vehicle offences	3778	3778	60	9	9	69	1.8	1.8	1.8	36	-	-	-	54.6	2.8	-	-	-	-	-	-	-
All other offences	3291	2644	185	229	229	414	15.7	15.7	15.7	127	2.4	90.5	28.0	363.8	37.8	-	-	-	-	-	-	-
<b>TOTAL</b>	<b>214002</b>	<b>107473</b>	<b>7485</b>	<b>10994</b>	<b>10994</b>	<b>18479</b>	<b>17.2</b>	<b>17.2</b>	<b>17.2</b>	<b>3856</b>	<b>452.7</b>	<b>5140.9</b>	<b>1866.3</b>	<b>9673.8</b>	<b>2793.6</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

Source: Queensland Police Service

**TABLE E**  
**PERSONS RESPONSIBLE FOR OFFENCES - JUVENILES FROM JULY 1989 TO JUNE 1990**

OFFENCES	TOTAL OFFENCE										CLEARED OFFENCE										OFFENDER RATE PER 100000																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																							
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**TABLE F**  
**PERSONS RESPONSIBLE FOR OFFENCES - JUVENILES FROM JULY 1990 TO JUNE 1991**

OFFENCES	TOTAL OFFENCE	CLEARED OFFENCE	OFFENCE CAUTION	CLEARED OFFENCE CAUTION	OFFENCE JUVENILE	CLEARED OFFENCE JUVENILE	OFFENCE JUVENILE	OFFENDER OFFENDER	JUVENILE JUVENILE	OFFENDER RATE PER 100 000					
										U. 12 YRS		12 & U. 14 YRS		14 & U. 17 YRS	
										M	F	M	F	M	F
Murder	43	41	N/A	N/A	1	2.4	1	1	-	-	-	-	-	1.4	-
Attempted Murder	97	95	N/A	N/A	5	5.3	4	1	-	-	-	4.4	-	4.1	-
Manslaughter (excluding by motor vehicle)	N/A	N/A	N/A	N/A	-	-	-	-	-	-	-	-	-	-	-
Driving Causing Death	39	39	N/A	N/A	-	-	-	-	-	-	-	-	-	-	-
TOTAL HOMICIDE	179	175	N/A	N/A	6	3.4	5	1	-	-	-	4.4	-	5.5	-
Serious Assault	5267	3875	N/A	N/A	325	8.4	189	133	20.3	2.4	0.2	106.6	0.2	278.0	79.9
Minor Assault	6285	4157	N/A	N/A	361	8.7	135	221	40.5	7.2	0.3	102.2	0.3	276.6	110.4
Rape	372	319	N/A	N/A	13	4.1	9	-	-	-	-	-17.8	-	11.0	-
Other sexual offences	3110	2314	N/A	N/A	114	4.9	32	58	6.8	-	-	42.2	-	93.6	-
Robbery	1319	366	N/A	N/A	58	15.8	58	11	6.8	-	-	13.3	0.1	79.8	4.4
Extortion by threats	61	35	N/A	N/A	1	2.9	-	-	-	-	-	-	-	-	-
Kidnapping, abduction, deprivation of liberty	309	201	N/A	N/A	3	1.5	1	-	-	-	-	-	-	-	1.5
Breaking & entering-dwellings	27644	2890	N/A	N/A	922	31.9	410	309	114.8	31.1	0.5	228.8	0.5	646.8	90.1
Breaking & entering-shops	10884	2007	N/A	N/A	709	35.3	329	252	54.0	26.3	0.3	213.2	0.3	562.9	39.2
Breaking & entering-other premises	22147	3012	N/A	N/A	1045	34.7	432	447	247.6	14.4	0.2	393.1	0.2	759.7	39.2
TOTAL BREAKING & ENTERING	60675	7909	N/A	N/A	2676	33.8	1171	1008	416.5	71.8	0.9	835.1	0.9	1969.3	168.5
Malicious injuries to property	29546	5518	N/A	N/A	1021	18.5	302	570	234.1	33.5	0.4	344.3	0.4	734.9	71.2
Motor vehicle theft	16085	3204	N/A	N/A	783	24.4	498	181	13.5	-	0.1	139.9	0.1	741.8	95.9
Shop stealing	14999	9567	N/A	N/A	3913	40.9	474	3631	596.6	165.0	9.7	1576.9	9.7	2094.5	1629.7
Stealing (excluding motor vehicles & shop stealing)	71619	10266	N/A	N/A	2354	22.9	635	1060	247.6	23.9	0.8	686.3	0.8	1494.5	210.6
Fraud, forgery and false pretences	12355	8557	N/A	N/A	328	3.8	39	85	11.3	-	0.1	31.1	0.1	79.8	61.0
Handling stolen goods	N/A	2137	N/A	N/A	252	11.8	63	122	27.0	2.4	-0.5	-244.3	-0.5	151.4	29.1
Drug offences	N/A	13810	N/A	N/A	194	1.4	35	124	2.3	-	-0.6	-282.1	-0.6	174.8	36.3
Prostitution offences	N/A	88	N/A	N/A	-	0.0	-	-	-	-	-	-	-	-	-
Stock related offences (excluding stealing)	N/A	166	N/A	N/A	-	0.0	-	-	-	-	-	-	-	-	-
Vagrancy	N/A	112	N/A	N/A	7	6.3	7	-	-	-	-	-15.6	-	9.6	-
Drink driving offences	N/A	25055	N/A	N/A	60	0.2	49	-	-	-	-	-97.7	-0.1	60.6	7.3
Other driving, motor vehicle offences	N/A	3737	N/A	N/A	49	1.3	25	8	-	-	-	2.2	-0.1	39.9	4.4
All other offences	N/A	N/A	N/A	N/A	265	N/A	56	124	31.5	-	-	42.2	-	180.3	23.2
TOTAL*	222181	101568	N/A	N/A	12787	12.6	3783	7337	1654.6	306.2	11.3	3256.0	11.3	8475.9	2533.1

Source: Queensland Police Service

N/A: Data is not available for 1990/91

\* Totals are not necessarily the total number of offences, but are based on the figures available

**TABLE G**  
**CHILDREN'S COURTS 1990/91**

OUTCOME	Most Serious Offence Charged	Offence with Most Serious Outcome
Discharged or withdrawn	176	136
Committed for trial	120	121
Committed for sentence	-	-
<b>Offence proven - child unconvicted</b>	<b>3,979</b>	<b>3,992</b>
Admonished or withdrawn	2,661	2,656
Committed into C & C	421	429
Ordered into C & P	-	-
Placed under supervision	893	904
Placed under protective supervision	-	-
Parents ordered into a recognisance	-	-
Restitution	4	3
Order refused or revoked	-	-
<b>Offence proven - child convicted</b>	<b>878</b>	<b>905</b>
Committed into C & C	388	396
Placed under supervision	78	78
Parents ordered into a recognisance	-	-
Other	5	5
Convicted not punished	7	7
Peremptorily imprisoned	-	-
Imprisoned in lieu of a fine	-	-
Fined	400	419
<b>TOTAL</b>	<b>5,153*</b>	<b>5,154*</b>

\* The totals differ in each case because of the slightly different counting rules that are applied when dealing with final appearances where the child appears for both offences and child welfare matters.

(Source: Department of Family and Aboriginal and Islander Affairs.)

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