

Statistical Report Series

# New South Wales Lower Criminal Courts and Children's Courts Statistics 1989

Bureau of Crime Statistics and Research

126403

**NEW SOUTH WALES  
LOWER CRIMINAL COURTS  
AND  
CHILDREN'S COURTS  
STATISTICS 1989**

126403

U.S. Department of Justice  
National Institute of Justice

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## PREFACE

This report contains information on criminal cases heard before all N.S.W. Local Courts in 1989 and Children's Courts in 1988/89.

Data on cases heard by Local Courts were made available to the Bureau of Crime Statistics and Research by officers of Local Courts Administration. The Bureau is responsible for data processing and analysis.

Statistics concerning Children's Courts were provided by the Department of Family and Community Services.

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Explanatory notes for the tables are given in Section 1 and in footnotes to individual tables. For additional data not published in this report, please contact the Bureau of Crime Statistics and Research.

Dr. Don Weatherburn  
Director  
June 1990

## **SECTION 1**

### **Overview**

## 1.1 INTRODUCTION

This year's Local Court Statistics report has continued the format established in the 1988 report.

## 1.2 EXPLANATORY NOTES

### 1.2.1. Adult Court Appearances

This report deals with appearances before Local Courts\* in N.S.W. during 1989, for criminal matters which are summary, or those indictable matters heard by consent in summary jurisdiction. Matters committed for trial or sentence in higher courts and civil matters appearing before the Local Courts, as well as appeals against minor traffic matters are not included in this report. It is estimated about one third of the total business of the Local Courts appear in these statistics.

It should be noted that in this year's report tables of appearances by Local Government Area and appendix tables of appearances by individual offence have been omitted. These tables will be available through the information officer at the Bureau.

### Counting Rules

Data on adult court appearances are derived from three separate collections concerning drugs, drink-driving and general offences. The latter includes other criminal matters determined summarily, but excludes certain traffic offences (a full list of the relevant legislation is included in Appendix I).

The data do not represent the total number of offenders or the total number of charges for criminal matters before the Local Court. Where a person stands charged with more than one offence only the principal offence is recorded in each category. The principal offence is the offence which attracts the highest penalty. If the same penalty is imposed for more than one offence the first offence mentioned on the bench sheet is selected. A person appearing for offences in more than one of the categories: drugs, drink-driving or general offences, will be counted in each of those collections according to the principal offence in each category. The same person may therefore be included in each of the three collections if, at one court appearance, he or she stands charged with offences in each of the drugs, drink-driving and general offence categories.

Where a person appears on more than one occasion during the year with respect to separate matters, data are collected for the principal offence at the final appearance for each matter, rather than for distinct individuals appearing before the courts.

In this year's report all forms returned by the clerks of the Local Courts to the Bureau were included in the statistics. Due to delays in returns about 2,000 forms were excluded from the 1988 Lower Court

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\*Prior to the introduction of the Local Courts Act (1985) these were known as Courts of Petty Sessions, or Magistrates' Courts.

statistics. This needs to be taken into consideration when analysing trends in appearances.

#### Offence Classification

The N.S.W. Offence Classification includes a selection of criminal offences under certain State and Commonwealth Acts, and Common Law Offences, as listed in Appendix I. Certain minor matters and traffic matters are excluded.

#### Outcome Classification

The outcome classification used is explained in Appendix II. Where charges or informations are laid for more than one offence, the outcome coded is the most serious outcome determined at that appearance.

Note that the term "proven offences" rather than convictions is used in this report. This is because section 556A (dismissal or recognizance) whilst constituting a finding of guilt, is not recorded as a conviction upon the offender's criminal record.

#### Plea Classification

The plea classification used is explained in Appendix III. The plea coded is the plea recorded for the principal offence, as determined by the Counting Rules.

#### **1.2.2. Juvenile Court Appearances**

The data presented in Section 6 were provided by the Department of Family and Community Services and refer to the financial year 1988/89. In 1987 and 1988 there were significant changes in the legislation governing matters appearing before the Children's Courts. These legislative changes were discussed in the 1988 Lower Court Statistics.

Juveniles aged 10 to 17 years who allegedly offend against the criminal laws may be brought before the Children's Courts for conviction and sentence or, for relatively minor offences, may be dealt with by a system of formal police cautions. Children under the age of 10 cannot be found guilty of an offence. Tables are given for both court appearances and police cautions.

Juveniles (all ages up to 18) may also appear before the Children's Courts for complaints under the Child Welfare Act or the Children (Care and Protection) Act. These matters involve such things as truancy and neglect. Tables are also given for these welfare matters.

#### Counting Rules

Prior to Court Statistics 1985, data concerning juveniles were presented for proven matters, either by distinct juvenile or by the number of matters. The Department of Family and Community Services has now adopted as the counting rule the final court appearance at which at least one matter was finalised. This is the counting rule

used elsewhere throughout this report, and used commonly by other agencies dealing with criminal justice data.

The report deals mainly with appearances before Children's Courts. However, where an appeal decision results in an alteration to the penalty determined by the Children's Court it is the appeal outcome which is coded as the result.

Data on juvenile appearances include matters committed to a higher court. These 'indictable' offences are excluded from the data given for Local Courts in Sections 2, 3, 4 and 5 of this report.

#### Offence Classification

The offence classification used is based on that of the Draft National Classification of Offences developed by the Australian Bureau of Statistics.

In 1987 the "Other Offences" category within General Matters was split by introducing the category "Offences Against Court Order" in Tables 3.4, 3.5 and Appendix Table 15. It was not used in trend tables (2.1, 2.2, 3.1, 3.2, 3.3) where these offences are included in Other Offences, to increase comparability with previous years.

Also, in 1987 "Larceny" (within General Matters) was broken into "Larceny of Motor Vehicle", "Shoplifting", and "Other Theft". This breakdown has been used by the Children's Courts for some time, and users of these tables frequently ask about the components of "Larceny".

#### Outcome Classification

The outcome classification used is also based upon draft national standards developed by the Australian Bureau of Statistics. The particular outcomes included in each of the outcome groups are described in Appendix II.

The category of recognizance with supervision and recognizance without supervision also includes bonds, suspended committals, and deferred sentences. A more detailed outcome code was adopted from the 1 January 1986 to differentiate between each of these.

#### 1.2.3. Outline of Report

The tables and figures presented in this report relate to the following statistical collections:

**Section 2:** all matters.

**Section 3:** general matters excluding drink/drive offences, drug offences, certain traffic offences and common law misdemeanours. See Appendix I for details of legislation under which charges are collected.

**Section 4:** drink-drive matters.

Section 5: drug matters.

Section 6: Children's Court matters.

#### 1.2.4. Interpretation

Data contained in this report cannot be employed to make direct inferences about the number of offences committed in 1989.

The number of charges brought before the court is mediated by a number of factors. A significant amount of crime is simply not reported to police. Police may not decide to take action in all cases where an alleged offence is brought to their attention, particularly for minor offences. Of those matters brought to official attention the proportion "cleared", in which a suspect becomes known to police, varies greatly for particular categories of offence. The clear-up rate for murder, for instance, was 80.5 per cent in 1988/89, whilst for break, enter and steal offences it was only 6.8 per cent. The number of appearances before the courts is affected not only by the extent to which police are able to solve matters and locate and charge suspects, but also by factors such as the delays in the court system, the capacity of the courts to hear a given number of matters in any year, and changes in police strength and law-enforcement policy and practice.

Also, legislative changes are likely to affect the number of cases that appear before the court and the outcomes of such cases in any one year. Legislation may introduce new offences, may result in certain offences being prosecuted more or less frequently, may change the range of possible outcomes or the relative frequency of particular outcomes, or may change the jurisdiction of the various courts. A full analysis of the impact of legislative changes, which may be manifested in subtle ways, is beyond the scope of this report, but the major changes impinging on the three collections are mentioned in the comments below. Anyone interested in analysing trend data derived from Lower Court statistics is advised to take into account such legislative changes.

A number of legislative changes bearing upon matters heard in the Lower Courts became effective in 1989. Sections 493 and 494 of the Crimes Act, dealing with assaults punishable summarily, were repealed. This means the old offences under section 494 such as assault police or other officer, assault a child, assault female will no longer appear in offence tables. All common assaults will be charged under section 61. However, such indictable common assaults, as well as indictable offences under sections 56, 58 and 59 of the Crimes Act, can now be dealt with summarily in the Local Courts under section 495. The effect of the changes to the Crimes Act made by the Crimes (Amendment) Act 1989 will be to increase the number of assault charges that can be heard and dealt with by the Local Courts. Other amendments to the Crimes Act and various cognate Acts discussed in the 1988 Lower Court statistics had similar effects.

It should be noted, therefore, that a proportion of the increase of Lower Court appearances for offences against the person will be due

to these statutory changes. Care should be taken not to attribute all of the increase in appearances to changes in the activity of police, or changes in the actual amount of crime being committed.

Other legislative changes in 1989 included the Crimes (Computers and Forgery) Amendment Act 1989 which abolished the common law offence of forgery and repealed a large number of antiquated forgery offences found in part V of the Crimes Act 1900. This amendment enacts in their place the new offences of falsification of instruments and three new offences in relation to computers.

A number of amendments made in 1989 bear on sentencing. As mentioned above, the Crimes (Amendment) Act 1989 empowered courts to impose fines for indictable offences. The Criminal Procedure (Sentencing) Amendment Act 1989 gives all courts exercising criminal jurisdiction, when sentencing an offender for an offence, the right to take into account other offences with which the person has been charged and in relation to which guilt is admitted by the person. The Community Service Orders (Amendment) Act 1989 increased the maximum number of hours of community work that a court may require an offender to perform from 300 to 500. This amendment does not apply to fine defaulters.

Finally, major changes to legislation governing imprisonment were introduced in the Sentencing Act 1989, the so called "truth in sentencing" legislation. This act replaced the Probation and Parole Act 1983. Under the Sentencing Act, the system of remissions previously in operation has been abolished and prison sentences are now specified in terms of a minimum term (which must be served in prison) and an additional term (which may be served on parole, subject to approval) instead of a total sentence length with a specified non-parole period. Due to data collection difficulties, all cases dealt with under the new Act have been excluded from the imprisonment duration tables. The tables in question, and the number of cases affected, are noted in footnotes.

## **SECTION 2**

### **All Criminal Matters Before Local Courts**

Table 2.1.

**Trends in Appearances  
for All Matters before the Local Courts  
1985 - 1989**

Type of Matter	1985		1986		1987		1988		1989	
	No.	%	No.	%	No.	%	No.	%	No.	%
Against the person .....	8,265	10.6	9,372	12.4	11,652	13.2	14,939	16.0	18,951	17.0
Sexual .....	75	0.1	104	0.1	105	0.1	93	0.1	138	0.1
Prostitution .....	325	0.4	209	0.3	269	0.3	490	0.5	797	0.7
Fraud .....	2,715	3.5	2,442	3.2	2,642	3.0	2,056	2.2	2,346	2.1
Break, enter and steal .....	1,626	2.1	1,574	2.1	1,576	1.8	1,699	1.8	1,904	1.7
Larceny .....	11,678	15.0	10,705	14.2	11,495	13.1	11,995	12.9	12,643	11.4
Unlawful possession .....	2,642	3.4	2,468	3.3	2,609	3.0	2,830	3.0	3,305	3.0
Found with intent .....	153	0.2	205	0.3	201	0.2	283	0.3	266	0.2
Serious driving .....	5,962	7.7	6,089	8.1	7,090	8.1	7,630	8.2	11,884	10.7
Betting and gaming .....	529	0.7	490	0.7	446	0.5	402	0.4	491	0.4
Firearms and dangerous weapons ....	1,152	1.5	1,045	1.4	1,539	1.7	1,382	1.5	1,471	1.3
Environmental .....	34	0.0	39	0.1	24	0.0	51	0.1	90	0.1
Damage property .....	2,588	3.3	2,847	3.8	3,165	3.6	3,320	3.6	3,914	3.5
Offensive and related behaviour ...	3,135	4.0	3,130	4.2	4,800	5.5	8,615	9.2	10,798	9.7
Other offences .....	6,237	8.0	6,461	8.6	11,208	12.7	5,032	5.4	5,295	4.8
Subtotal General Matters .....	47,116	60.6	47,180	62.6	58,821	66.8	60,817	65.2	74,293	66.8
Drink-Drive Matters .....	19,695	25.3	19,962	26.5	21,640	24.6	24,718	26.5	27,950	25.1
Drug Matters .....	10,961	14.1	8,238	10.9	7,552	8.6	7,741	8.3	8,974	8.1
TOTAL, ALL APPEARANCES .....	77,772	100.0	75,380	100.0	88,013	100.0	93,276	100.0	111,217	100.0

**Notes:**

1. In Tables 3.4, 3.5, 17a and 17b: Larceny is split into motor vehicle theft, shoplifting and other theft; in addition "Other offences" is split into offences against court order and other offences.

Table 2.2.

**Trends in Proven Offences  
for All Matters before the Local Courts  
1985 - 1989**

Type of Matter	1985		1986		1987		1988		1989	
	No.	%								
Against the person .....	4,841	7.0	5,651	8.5	7,292	9.4	10,127	12.3	13,084	13.4
Sexual .....	52	0.1	61	0.1	51	0.1	49	0.1	73	0.1
Prostitution .....	299	0.4	192	0.3	253	0.3	484	0.6	784	0.8
Fraud .....	2,354	3.4	2,101	3.2	2,308	3.0	1,808	2.2	1,989	2.0
Break, enter and steal .....	1,409	2.0	1,380	2.1	1,383	1.8	1,486	1.8	1,616	1.7
Larceny .....	10,770	15.6	9,838	14.8	10,555	13.6	10,926	13.3	11,460	11.7
Unlawful possession .....	2,029	2.9	1,906	2.9	2,020	2.6	2,149	2.6	2,547	2.6
Found with intent .....	119	0.2	159	0.2	162	0.2	230	0.3	204	0.2
Serious driving .....	5,361	7.8	5,504	8.3	6,273	8.1	6,827	8.3	10,414	10.7
Betting and gaming .....	506	0.7	365	0.5	320	0.4	352	0.4	425	0.4
Firearms & dangerous weapons ....	1,036	1.5	924	1.4	1,389	1.8	1,229	1.5	1,321	1.4
Environmental .....	33	0.0	31	0.0	18	0.0	42	0.1	87	0.1
Damage property .....	2,285	3.3	2,500	3.8	2,778	3.6	2,932	3.6	3,455	3.5
Offensive & related behaviour ...	2,808	4.1	2,823	4.3	4,365	5.6	8,071	9.8	10,101	10.4
Other offences .....	5,558	8.1	5,788	8.7	10,446	13.4	4,244	5.2	4,407	4.5
 Subtotal General Matters .....	 39,460	 57.1	 39,223	 59.1	 49,613	 63.9	 50,956	 62.1	 61,967	 63.5
 Drink-Drive Matters .....	 19,279	 28.0	 19,510	 29.4	 21,127	 27.2	 24,218	 29.4	 27,383	 28.1
Drug Matters .....	10,180	14.8	7,632	11.5	6,918	8.9	7,095	8.6	8,222	8.4
 TOTAL, ALL PROVEN OFFENCES .....	 68,919	 100.0	 66,365	 100.0	 77,658	 100.0	 82,269	 100.0	 97,572	 100.0

**Notes:**  
1. In Tables 3.4, 3.5, 17a and 17b: Larceny is split into motor vehicle theft, shoplifting and other theft; in addition "Other offences" is split into offences against court order and other offences.

Table 2.3.

Occupational Status of Proven Offenders  
for All Matters before the Local Courts  
1989

Occupational Status	General		Drink-Drive		Drug		Total	
	No.	%	No.	%	No.	%	No.	%
Professional .....	86	0.2	83	0.3	7	0.1	176	0.2
Semi-professional .....	1,642	3.2	2,128	8.6	212	2.7	3,982	4.7
Sales/clerical/skilled trade .....	14,525	28.2	11,441	46.0	2,224	28.2	28,190	33.4
Unskilled .....	10,782	20.9	6,100	24.5	1,530	19.4	18,412	21.8
Student .....	1,001	1.9	542	2.2	81	1.0	1,624	1.9
Pensioner .....	3,675	7.1	1,057	4.2	446	5.6	5,178	6.1
Domestic .....	1,571	3.0	355	1.4	167	2.1	2,093	2.5
Unemployed .....	18,278	35.4	3,181	12.8	3,230	40.9	24,689	29.3
<b>TOTAL, ALL PROVEN OFFENDERS .....</b>	<b>51,560</b>	<b>100.0</b>	<b>24,887</b>	<b>100.0</b>	<b>7,897</b>	<b>100.0</b>	<b>84,344</b>	<b>100.0</b>

**Notes:**

1. Occupation not known in 10,407 cases for General Matters; 2,496 cases for Drink-Drive Matters; and 325 cases for Drug Matters.

Table 2.4.

**Trends in Legal Representation  
for All Matters before the Local Courts  
1985 - 1989**

Type of Matter	1985	1986	1987	1988	1989
	%	%	%	%	%
Drink Driving .....	80.3	82.3	81.0	78.7	75.4
Drug .....	74.2	79.1	78.1	73.0	70.0
General .....	67.3	70.4	63.5	67.3	64.8

Table 2.5.

**Sex of Proven Offenders for  
All Matters before the Local Courts  
1989**

Type of Matter	Male		Female		Total	
	No.	%	No.	%	No.	%
General matters .....	52,549	62.5	9,399	70.1	61,948	63.5
Drink-Drive matters ...	24,589	29.2	2,794	20.8	27,383	28.0
Drug matters .....	7,006	8.3	1,216	9.1	8,222	8.4
TOTAL, ALL MATTERS ....	84,144	100.0	13,409	100.0	97,553	100.0

**Notes:**

- Sex was unknown in 4 cases for General Matters while in 15 cases a corporate body was the proven offender.

Table 2.6.

Bail at Final Appearance  
for All Matters before the Local Courts  
1989

Bail Status	General		Drink-Drive		Drug		Total	
	No.	%	No.	%	No.	%	No.	%
In custody .....	4,174	5.7	471	1.7	612	6.9	5,257	4.8
On bail .....	37,546	51.5	16,210	58.9	5,799	65.6	59,555	54.5
Dispensed with .....	31,170	42.8	10,852	39.4	2,423	27.4	44,445	40.7
<b>TOTAL, ALL APPEARANCES .....</b>	<b>72,890</b>	<b>100.0</b>	<b>27,533</b>	<b>100.0</b>	<b>8,834</b>	<b>100.0</b>	<b>109,257</b>	<b>100.0</b>

**Notes:**

1. Bail was unknown in 1,403 cases for General Matters; 417 cases for Drink-Drive Matters; and 140 cases for Drug Matters.

Table 2.7.

**Plea at Final Appearance  
for All Matters before the Local Courts  
1989**

Plea	General		Drink-Drive		Drug		Total	
	No.	%	No.	%	No.	%	No.	%
Guilty .....	46,960	63.2	26,268	94.0	7,470	83.2	80,698	72.6
Not guilty .....	12,722	17.1	811	2.9	721	8.0	14,254	12.8
Ex parte .....	3,711	5.0	626	2.2	388	4.3	4,725	4.2
No plea .....	7,543	10.2	244	0.9	342	3.8	8,129	7.3
Section 75B .....	3,357	4.5	1	0.0	53	0.6	3,411	3.1
<b>TOTAL, ALL APPEARANCES .....</b>	<b>74,293</b>	<b>100.0</b>	<b>27,950</b>	<b>100.0</b>	<b>8,974</b>	<b>100.0</b>	<b>111,217</b>	<b>100.0</b>

## **SECTION 3**

### **General Matters Before Local Courts**

Table 3.1.

**Trends in Appearances  
for General Matters before the Local Courts  
1985 - 1989**

Type of Matter	1985		1986		1987		1988		1989	
	No.	%								
Against the person .....	8,265	17.5	9,372	19.9	11,652	19.8	14,939	24.6	18,951	25.5
Sexual .....	75	0.2	104	0.2	105	0.2	93	0.21	138	0.2
Prostitution .....	325	0.7	209	0.4	269	0.5	490	0.8	797	1.1
Fraud .....	2,715	5.8	2,442	5.2	2,642	4.5	2,056	3.42	2,346	3.2
Break, enter and steal .....	1,626	3.5	1,574	3.3	1,576	2.7	1,699	2.8	1,904	2.6
Larceny .....	11,678	24.8	10,705	22.7	11,495	19.5	11,995	19.7	12,643	17.0
Unlawful possession .....	2,642	5.6	2,468	5.2	2,609	4.4	2,830	4.6	3,305	4.4
Found with intent .....	153	0.3	205	0.4	201	0.3	283	0.5	266	0.4
Serious driving .....	5,962	12.7	6,089	12.9	7,090	12.1	7,630	12.5	11,884	16.0
Betting and gaming .....	529	1.1	490	1.0	446	0.8	402	0.7	491	0.7
Firearms and dangerous weapons ....	1,152	2.4	1,045	2.2	1,539	2.6	1,382	2.3	1,471	2.0
Environmental .....	34	0.1	39	0.1	24	0.0	51	0.1	90	0.1
Damage property .....	2,588	5.5	2,847	6.0	3,165	5.4	3,320	5.4	3,914	5.3
Offensive and related behaviour ...	3,135	6.7	3,130	6.6	4,800	8.2	8,615	14.2	10,798	14.5
Other offences .....	6,237	13.2	6,461	13.7	11,208	19.0	5,032	8.2	5,295	7.1
<b>TOTAL, ALL APPEARANCES .....</b>	<b>47,116</b>	<b>100.0</b>	<b>47,180</b>	<b>100.0</b>	<b>58,821</b>	<b>100.0</b>	<b>60,817</b>	<b>100.0</b>	<b>74,293</b>	<b>100.0</b>

**Notes:**

1. **Appearance:** Principal offence per person determined at each appearance, excluding indictable offences (see Overview - Explanatory Notes 1).
2. **Driving:** Only the more serious driving offences which can be disposed of summarily are included.
3. **In Tables 3.4, 3.5, 17a and 17b:** Larceny is split into motor vehicle theft, shoplifting and other theft; in addition "Other offences" is split into offences against court order and other offences.

Table 3.2.

**Trends in Proven Offences  
for General Matters before the Local Courts  
1985 - 1989**

Type of Matter	1985		1986		1987		1988		1989	
	No.	%								
Against the person .....	4,841	12.3	5,651	14.4	7,292	14.7	10,127	19.9	13,084	21.1
Sexual .....	52	0.1	61	0.2	51	0.1	49	0.1	73	0.1
Prostitution .....	299	0.8	192	0.5	253	0.5	484	0.9	784	1.3
Fraud .....	2,354	6.0	2,101	5.4	2,308	4.7	1,808	3.5	1,989	3.2
Break, enter and steal .....	1,409	3.6	1,380	3.5	1,383	2.8	1,486	2.9	1,616	2.6
Larceny .....	10,770	27.3	9,838	25.1	10,555	21.3	10,926	21.4	11,460	18.5
Unlawful possession .....	2,029	5.1	1,906	4.9	2,020	4.1	2,149	4.2	2,547	4.1
Found with intent .....	119	0.3	159	0.4	162	0.3	230	0.5	204	0.3
Serious driving .....	5,361	13.6	5,504	14.0	6,273	12.6	6,827	13.4	10,414	16.8
Betting and gaming .....	506	1.3	365	0.9	320	0.6	352	0.7	425	0.7
Firearms & dangerous weapons .....	1,036	2.6	924	2.4	1,389	2.8	1,229	2.4	1,321	2.1
Environmental .....	33	0.1	31	0.1	18	0.0	42	0.1	87	0.1
Damage property .....	2,285	5.8	2,500	6.4	2,778	5.6	2,932	5.8	3,455	5.6
Offensive & related behaviour .....	2,808	7.1	2,823	7.2	4,365	8.8	8,071	15.8	10,101	16.3
Other offences .....	5,558	14.1	5,788	14.8	10,446	21.0	4,244	8.3	4,407	7.1
<b>TOTAL, ALL PROVEN OFFENCES .....</b>	<b>39,460</b>	<b>100.0</b>	<b>39,223</b>	<b>100.0</b>	<b>49,613</b>	<b>100.0</b>	<b>50,956</b>	<b>100.0</b>	<b>61,967</b>	<b>100.0</b>

**Notes:**

1. **Proven offence:** For an explanation of "proven offence" see Overview - Explanatory Notes 1.
2. **In Tables 3.4, 3.5, 17a and 17b:** Larceny is split into motor vehicle theft, shoplifting and other theft; in addition "Other offences" is split into offences against court order and other offences.

Table 3.3.

Trends in Court Outcomes  
for General Matters before the Local Courts  
1985 - 1989

Court Outcome	1985		1986		1987		1988		1989	
	No.	%								
Not guilty .....	2,692	5.7	2,890	6.1	3,618	6.2	3,743	6.2	5,073	6.9
Withdrawn/dismissed .....	4,837	10.3	4,950	10.5	5,509	9.4	5,985	9.8	7,163	9.8
Recognizance forfeited .....	127	0.3	117	0.2	81	0.1	87	0.1	44	0.1
Dismissed, Section 428 (x), (w) ....	*	*	*	*	*	*	46	0.1	46	0.1
Section 556A .....	3,754	8.0	3,535	7.5	4,166	7.1	4,367	7.2	5,183	7.1
Rising of the court .....	226	0.5	211	0.4	262	0.4	279	0.5	288	0.4
Fine .....	24,305	51.6	24,209	51.3	31,995	54.4	30,941	50.9	37,211	50.7
Recog. w/without fine/probation ...	6,208	13.2	6,317	13.4	7,294	12.4	9,196	15.1	11,974	16.3
Community service order .....	1,387	2.9	1,646	3.5	1,695	2.9	1,841	3.0	2,473	3.4
Periodic detention .....	238	0.5	212	0.4	297	0.5	345	0.6	434	0.6
Imprisonment .....	3,342	7.1	3,093	6.5	3,904	6.7	3,987	6.6	3,441	4.7
TOTAL, ALL OUTCOMES .....	47,116	100.0	47,180	100.0	58,821	100.0	60,817	100.0	73,330	100.0

**Notes:**

1. **Outcome:** Determined for principal offence at each appearance. This table does not refer to the outcome of any appeals. See Appendix II for an explanation of court actions.
2. 963 offences for which a prison sentence was imposed under the Sentencing Act 1989, have been excluded.

\*Dismissed, Section 428 (x), (w) was not an outcome before 1989.

Table 3.4(Continues)

Court Outcomes by Type of Matter  
for General Matters before the Local Courts  
1989

25

Court Outcome	Against the Person		Sexual		Prostitution		Fraud		Break Enter Steal	
	No.	%	No.	%	No.	%	No.	%	No.	%
<b>Not Proven</b>										
Not Guilty.....	1,829	9.7	36	26.9	8	1.0	138	6.0	131	7.3
Withdrawn/Dismissed.....	4,012	21.4	27	20.1	5	0.6	211	9.2	155	8.7
Dismissed, s428X,W.....	14	0.1	2	1.5	-	-	3	0.1	-	-
Recognizance Forfeited..	12	0.1	-	-	-	-	5	0.2	2	0.1
<b>Sub Total, Not Proven</b>	<b>5,867</b>	<b>31.2</b>	<b>65</b>	<b>48.5</b>	<b>13</b>	<b>1.6</b>	<b>357</b>	<b>15.5</b>	<b>288</b>	<b>16.1</b>
<b>Proved Non Detention</b>										
Dismissed S556A.....	1,410	7.5	4	3.0	12	1.5	138	6.0	29	1.6
Rising of the Court.....	42	0.2	-	-	1	0.1	12	0.5	6	0.3
Fine Only.....	3,742	19.9	5	3.7	723	90.9	952	41.4	147	8.2
Recognizance.....	6,719	35.8	46	34.3	35	4.4	568	24.7	538	30.1
Community Service Order.	435	2.3	6	4.5	2	0.3	120	5.2	267	14.9
<b>Sub Total, Proven Non Detention</b>	<b>12,348</b>	<b>65.7</b>	<b>61</b>	<b>45.5</b>	<b>773</b>	<b>97.2</b>	<b>1,790</b>	<b>77.8</b>	<b>987</b>	<b>55.3</b>
<b>Proven Detention</b>										
Periodic Detention.....	64	0.3	2	1.5	-	-	12	0.5	38	2.1
Imprisonment to 1 Month.	64	0.3	-	-	1	0.1	11	0.5	9	0.5
Imprisonment to 6 Months	343	1.8	2	1.5	8	1.0	72	3.1	120	6.7
Imprisonment to 12 Month	55	0.3	2	1.5	-	-	37	1.6	122	6.8
Imprisonment to 2 Years.	43	0.2	2	1.5	-	-	22	1.0	222	12.4
<b>Sub Total, Proven Detention</b>	<b>569</b>	<b>3.0</b>	<b>8</b>	<b>6.0</b>	<b>9</b>	<b>1.1</b>	<b>154</b>	<b>6.7</b>	<b>511</b>	<b>28.6</b>
<b>TOTAL, All Outcomes</b>	<b>18,784</b>	<b>100.0</b>	<b>134</b>	<b>100.0</b>	<b>795</b>	<b>100.0</b>	<b>2,301</b>	<b>100.0</b>	<b>1,786</b>	<b>100.0</b>

Note - 1. 963 offences for which imprisonment was imposed under the Sentencing Act 1989, have been excluded.  
2. for an explanation of individual outcomes see Appendix II.

Table 3.4(Continued)

Court Outcomes by Type of Matter  
for General Matters before the Local Courts  
1989

Court Outcome	Larceny of Motor Vehicle		Larceny by Shoplifting		Larceny by Other Theft		Total Larceny		Unlawful Possession of Property	
	No.	%	No.	%	No.	%	No.	%	No.	%
<b>Not Proven</b>										
Not Guilty.....	82	7.0	236	4.4	396	6.7	714	5.7	430	13.3
Withdrawn/Dismissed.....	61	5.2	84	1.6	302	5.1	447	3.6	327	10.1
Dismissed, s428X,W.....	1	0.1	6	0.1	6	0.1	13	0.1	-	-
Recognizance Forfeited..	-	-	4	0.1	5	0.1	9	0.1	1	0.0
<b>Sub Total, Not Proven</b>	<b>144</b>	<b>12.3</b>	<b>330</b>	<b>6.2</b>	<b>709</b>	<b>12.0</b>	<b>1,183</b>	<b>9.5</b>	<b>758</b>	<b>23.5</b>
<b>Proved Non Detention</b>										
Dismissed S556A.....	35	3.0	746	14.0	502	8.5	1,283	10.3	132	4.1
Rising of the Court.....	7	0.6	7	0.1	20	0.3	34	0.3	39	1.2
Fine Only.....	315	26.9	3,346	62.8	2,970	50.1	6,631	53.4	1,506	46.7
Recognizance.....	264	22.5	565	10.6	942	15.9	1,771	14.3	393	12.2
Community Service Order.	103	8.8	122	2.3	293	4.9	518	4.2	107	3.3
<b>Sub Total, Proven Non Detention</b>	<b>724</b>	<b>61.8</b>	<b>4,786</b>	<b>89.9</b>	<b>4,727</b>	<b>79.7</b>	<b>10,237</b>	<b>82.4</b>	<b>2,177</b>	<b>67.6</b>
<b>Proven Detention</b>										
Periodic Detention.....	23	2.0	14	0.3	42	0.7	79	0.6	14	0.4
Imprisonment to 1 Month.	6	0.5	8	0.2	26	0.4	40	0.3	25	0.8
Imprisonment to 6 Months	98	8.4	120	2.3	245	4.1	463	3.7	190	5.9
Imprisonment to 12 Month	100	8.5	58	1.1	141	2.4	299	2.4	45	1.4
Imprisonment to 2 Years.	77	6.6	8	0.2	40	0.7	125	1.0	13	0.4
<b>Sub Total, Proven Detention</b>	<b>304</b>	<b>25.9</b>	<b>208</b>	<b>3.9</b>	<b>494</b>	<b>8.3</b>	<b>1,006</b>	<b>8.1</b>	<b>287</b>	<b>8.9</b>
<b>TOTAL, All Outcomes</b>	<b>1,172</b>	<b>100.0</b>	<b>5,324</b>	<b>100.0</b>	<b>5,930</b>	<b>100.0</b>	<b>12,426</b>	<b>100.0</b>	<b>3,222</b>	<b>100.0</b>

Note - 1. 963 offences for which imprisonment was imposed under the Sentencing Act 1989, have been excluded.

Table 3.4(Continued)

Court Outcomes by Type of Matter  
for General Matters before the Local Courts  
1989

24.

Court Outcome	Intent		Driving		Betting		Firearms		Environmental	
	No.	%	No.	%	No.	%	No.	%	No.	%
<b>Not Proven</b>										
Not Guilty.....	31	12.4	667	5.7	57	11.6	79	5.4	1	1.1
Withdrawn/Dismissed.....	30	12.0	796	6.8	9	1.8	71	4.9	2	2.2
Dismissed, s428X,W.....	-	-	1	0.0	-	-	-	-	-	-
Recognizance Forfeited..	1	0.4	6	0.1	-	-	-	-	-	-
<b>Sub Total, Not Proven</b>	<b>62</b>	<b>24.7</b>	<b>1,470</b>	<b>12.6</b>	<b>66</b>	<b>13.4</b>	<b>150</b>	<b>10.3</b>	<b>3</b>	<b>3.3</b>
<b>Proved Non Detention</b>										
Dismissed S556A.....	8	3.2	445	3.8	43	8.8	172	11.8	7	7.8
Rising of the Court.....	1	0.4	17	0.1	3	0.6	4	0.3	-	-
Fine Only.....	54	21.5	7,712	65.8	377	76.8	983	67.4	80	88.9
Recognizance.....	48	19.1	622	5.3	2	0.4	108	7.4	-	-
Community Service Order.	23	9.2	778	6.6	-	-	14	1.0	-	-
<b>Sub Total, Proven Non Detention</b>	<b>134</b>	<b>53.4</b>	<b>9,574</b>	<b>81.7</b>	<b>425</b>	<b>86.6</b>	<b>1,281</b>	<b>87.8</b>	<b>87</b>	<b>96.7</b>
<b>Proven Detention</b>										
Periodic Detention.....	5	2.0	166	1.4	-	-	1	0.1	-	-
Imprisonment to 1 Month.	3	1.2	19	0.2	-	-	4	0.3	-	-
Imprisonment to 6 Months	18	7.2	453	3.9	-	-	19	1.3	-	-
Imprisonment to 12 Month	14	5.6	31	0.3	-	-	4	0.3	-	-
Imprisonment to 2 Years.	15	6.0	-	-	-	-	-	-	-	-
<b>Sub Total, Proven Detention</b>	<b>55</b>	<b>21.9</b>	<b>669</b>	<b>5.7</b>	<b>-</b>	<b>-</b>	<b>28</b>	<b>1.9</b>	<b>-</b>	<b>-</b>
<b>TOTAL, All Outcomes</b>	<b>251</b>	<b>100.0</b>	<b>11,713</b>	<b>100.0</b>	<b>491</b>	<b>100.0</b>	<b>1,459</b>	<b>100.0</b>	<b>90</b>	<b>100.0</b>

Note - 1. 963 offences for which imprisonment was imposed under the Sentencing Act 1989, have been excluded.  
2. For an explanation of individual outcomes see Appendix II.

Table 3.4(Continued)

Court Outcomes by Type of Matter  
for General Matters before the Local Courts  
1989

Court Outcome	Damage Property		Offensive Behaviour		Against Order		Other		TOTAL	
	No.	%	No.	%	No.	%	No.	%	No.	%
<b>Not Proven</b>										
Not Guilty.....	278	7.2	409	3.8	180	5.2	85	4.8	5,073	6.9
Withdrawn/Dismissed.....	176	4.5	282	2.6	509	14.8	104	5.9	7,163	9.8
Dismissed, s428X,W.....	4	0.1	3	0.0	3	0.1	1	0.1	44	0.1
Recognizance Forfeited..	1	0.0	3	0.0	6	0.2	-	-	46	0.1
<b>Sub Total, Not Proven</b>	<b>459</b>	<b>11.8</b>	<b>697</b>	<b>6.5</b>	<b>698</b>	<b>20.3</b>	<b>190</b>	<b>10.7</b>	<b>12,326</b>	<b>16.8</b>
<b>Proved Non Detention</b>										
Dismissed S556A.....	368	9.5	823	7.6	167	4.8	142	8.0	5,183	7.1
Rising of the Court.....	15	0.4	35	0.3	71	2.1	8	0.5	288	0.4
Fine Only.....	2,341	60.4	8,773	81.3	1,799	52.2	1,386	78.3	37,211	50.7
Recognizance.....	515	13.3	360	3.3	211	6.1	38	2.1	11,974	16.3
Community Service Order.	77	2.0	45	0.4	79	2.3	2	0.1	2,473	3.4
<b>Sub Total, Proven Non Detention</b>	<b>3,316</b>	<b>85.6</b>	<b>10,036</b>	<b>93.0</b>	<b>2,327</b>	<b>67.5</b>	<b>1,576</b>	<b>89.1</b>	<b>57,129</b>	<b>77.9</b>
<b>Proven Detention</b>										
Periodic Detention.....	13	0.3	4	0.0	36	1.0	-	-	434	0.6
Imprisonment to 1 Month.	22	0.6	23	0.2	69	2.0	-	-	290	0.4
Imprisonment to 6 Months	49	1.3	28	0.3	258	7.5	3	0.2	2,026	2.8
Imprisonment to 12 Month	14	0.4	-	-	47	1.4	-	-	670	0.9
Imprisonment to 2 Years.	2	0.1	-	-	11	0.3	-	-	455	0.6
<b>Sub Total, Proven Detention</b>	<b>100</b>	<b>2.6</b>	<b>55</b>	<b>0.5</b>	<b>421</b>	<b>12.2</b>	<b>3</b>	<b>0.2</b>	<b>3,875</b>	<b>5.3</b>
<b>TOTAL, All Outcomes</b>	<b>3,875</b>	<b>100.0</b>	<b>10,788</b>	<b>100.0</b>	<b>3,446</b>	<b>100.0</b>	<b>1,769</b>	<b>100.0</b>	<b>73,330</b>	<b>100.0</b>

Note - 1. 963 offences for which imprisonment was imposed under the Sentencing Act 1989, have been excluded.  
2. For an explanation of individual outcomes see Appendix II.  
3. Offences Against Order are included in Other Offences in tables 2.1, 2.2, 3.1, 3.2, and 3.9.

Table 3.5(Continues)

Court Outcomes by Type of Matter  
for General Matters before the Local Courts  
1989

26.

Amount of Fine	Against the Person		Sexual		Prostitution		Fraud		Break Enter Steal	
	No.	%	No.	%	No.	%	No.	%	No.	%
1 - 50	91	2.1	-	-	16	2.2	52	5.1	2	0.8
51 - 100	437	10.1	1	11.1	153	21.2	182	18.0	8	3.1
101 - 200	1,279	29.4	1	11.1	336	46.5	295	29.1	23	8.9
201 - 300	1,101	25.3	-	-	123	17.0	215	21.2	53	20.5
301 - 400	540	12.4	1	11.1	40	5.5	78	7.7	29	11.2
401 - 500	585	13.5	2	22.2	21	2.9	95	9.4	74	28.6
501 - 1000	278	6.4	4	44.4	34	4.7	76	7.5	66	25.5
1001 - 1500	28	0.6	-	-	-	-	9	0.9	3	1.2
1501 - 2000	6	0.1	-	-	-	-	10	1.0	1	0.4
2001 - 5000	1	0.0	-	-	-	-	1	0.1	-	-
TOTAL	4,346	100.0	9	100.0	723	100.0	1,013	100.0	259	100.0

Note - 1. These figures do not match the numbers in Table 3.4 for the "Fine Only" outcome since this table include persons who received fines in conjunction with other outcomes.

Table 3.5(Continued)

Court Outcomes by Type of Matter  
for General Matters before the Local Courts  
1989

Amount of Fine	Larceny of Motor Vehicle		Larceny by Shoplifting		Larceny by Other Theft		Total Larceny		Unlawful Possession of Property	
	No.	%	No.	%	No.	%	No.	%	No.	%
1 - 50	10	2.7	94	2.7	83	2.6	187	2.7	24	1.5
51 - 100	34	9.1	556	16.1	450	14.3	1,040	14.9	152	9.6
101 - 200	81	21.7	1,354	39.2	980	31.1	2,415	34.6	365	23.0
201 - 300	62	16.6	746	21.6	691	22.0	1,499	21.5	429	27.0
301 - 400	42	11.3	268	7.8	296	9.4	606	8.7	246	15.5
401 - 500	71	19.0	265	7.7	391	12.4	727	10.4	280	17.6
501 - 1000	58	15.5	161	4.7	228	7.2	447	6.4	80	5.0
1001 - 1500	10	2.7	7	0.2	16	0.5	33	0.5	7	0.4
1501 - 2000	5	1.3	5	0.1	10	0.3	20	0.3	4	0.3
2001 - 5000	-	-	-	-	3	0.1	3	0.0	1	0.1
TOTAL	373	100.0	3,456	100.0	3,148	100.0	6,977	100.0	1,588	100.0

Note - 1. These figures do not match the numbers in Table 3.4 for the "Fine Only" outcome since this table include persons who received fines in conjunction with other outcomes.

2. Total larceny is the sum of Larceny of Motor Vehicle, Larceny by Shoplifting and Larceny by Other Theft. Larceny alone appears in tables 2.1, 2.2, 3.1, 3.2, and 3.9.

Table 3.5(Continued)

Court Outcomes by Type of Matter  
for General Matters before the Local Courts  
1989

28.

Amount of Fine	Intent		Driving		Betting		Firearms		Environmental	
	No.	%	No.	%	No.	%	No.	%	No.	%
1 - 50	1	1.6	128	1.6	27	7.1	76	7.6	5	6.3
51 - 100	5	8.1	701	8.6	119	31.5	257	25.7	24	30.0
101 - 200	17	27.4	1,880	23.1	115	30.4	319	31.9	19	23.7
201 - 300	9	14.5	1,659	20.3	43	11.4	165	16.5	10	12.5
301 - 400	11	17.7	1,049	12.9	14	3.7	71	7.1	6	7.5
401 - 500	17	27.4	1,362	16.7	16	4.2	75	7.5	5	6.3
501 - 1000	2	3.2	1,318	16.2	17	4.5	34	3.4	8	10.0
1001 - 1500	-	-	50	0.6	1	0.3	1	0.1	-	-
1501 - 2000	-	-	8	0.1	6	1.6	2	0.2	-	-
2001 - 5000	-	-	-	-	20	5.3	-	-	3	3.7
TOTAL	62	100.0	8,155	100.0	378	100.0	1,000	100.0	80	100.0

Note - 1. These figures do not match the numbers in Table 3.4 for the "Fine Only" outcome since this table include persons who received fines in conjunction with other outcomes.

Table 3.5(Continued)

Court Outcomes by Type of Matter  
for General Matters before the Local Courts  
1989

Amount of Fine	Damage Property		Offensive Behaviour		Against Order		Other		TOTAL	
	No.	%	No.	%	No.	%	No.	%	No.	%
1 - 50	113	4.7	938	10.6	151	8.3	509	36.6	2,320	5.9
51 - 100	462	19.1	2,668	30.2	488	26.9	614	44.2	7,311	18.7
101 - 200	886	36.7	3,306	37.4	739	40.8	192	13.8	12,187	31.2
201 - 300	509	21.1	1,220	13.8	223	12.3	41	3.0	7,299	18.7
301 - 400	161	6.7	430	4.9	57	3.1	9	0.6	3,348	8.6
401 - 500	189	7.8	208	2.4	106	5.8	11	0.8	3,773	9.7
501 - 1000	81	3.4	65	0.7	43	2.4	8	0.6	2,561	6.6
1001 - 1500	8	0.3	9	0.1	4	0.2	-	-	153	0.4
1501 - 2000	8	0.3	-	-	2	0.1	3	0.2	70	0.2
2001 - 5000	-	-	1	0.0	-	-	2	0.1	32	0.1
<b>TOTAL</b>	<b>2,417</b>	<b>100.0</b>	<b>8,845</b>	<b>100.0</b>	<b>1,813</b>	<b>100.0</b>	<b>1,389</b>	<b>100.0</b>	<b>39,054</b>	<b>100.0</b>

Note - 1. These figures do not match the numbers in Table 3.4 for the "Fine Only" outcome since this table include persons who received fines in conjunction with other outcomes.

2. Offences Against court Order is included in Other offences in tables 2.1, 2.2, 3.1, 3.2 and 3.9.

Table 3.6.

**Age and Sex of Proven Offenders  
for General Matters before the Local Courts  
1989**

Age Group	Male		Female		Total	
	No.	%	No.	%	No.	%
18 years .....	3,341	6.8	372	4.2	3,713	6.4
19 years .....	4,686	9.5	625	7.0	5,311	9.2
20 - 24 years .....	15,738	32.1	2,456	27.5	18,194	31.4
25 - 29 years .....	9,751	19.9	1,822	20.4	11,573	19.9
30 - 39 years .....	9,423	19.2	2,066	23.2	11,489	19.8
40 - 49 years .....	3,967	8.1	870	9.8	4,837	8.3
50 - 59 years .....	1,390	2.8	431	4.8	1,821	3.1
60 years and over .....	807	1.6	284	3.2	1,091	1.9
<b>TOTAL, ALL PROVEN OFFENDERS .....</b>	<b>49,103</b>	<b>100.0</b>	<b>8,926</b>	<b>100.0</b>	<b>58,029</b>	<b>100.0</b>

**Notes:**

1. Age and/or sex was unknown in 3,938 cases. A corporate body was the proven offender in 15 cases. Age and sex are not reported in matters brought by summons
2. **Proven offence:** For an explanation of proven offence, see Explanatory Note 1.

Table 3.7.

**Bail at Final Appearance  
for General Matters before the Local Courts  
1989**

Bail Status	No.	%
In custody .....	4,174	5.7
On bail .....	37,546	51.5
Dispensed with .....	31,170	42.8
<b>TOTAL, ALL APPEARANCES .....</b>	<b>72,890</b>	<b>100.0</b>

**Notes:**

1. Bail status not known in 1,403 cases for 1989.

Table 3.8.

**Plea at Final Appearance  
for General Matters before the Local Courts  
1989**

Plea	No.	%
Guilty .....	46,960	63.2
Not guilty .....	12,722	17.1
Ex parte .....	3,711	5.0
No plea .....	7,543	10.2
Section 75B .....	3,357	4.5
<b>TOTAL, ALL APPEARANCES .....</b>	<b>74,293</b>	<b>100.0</b>

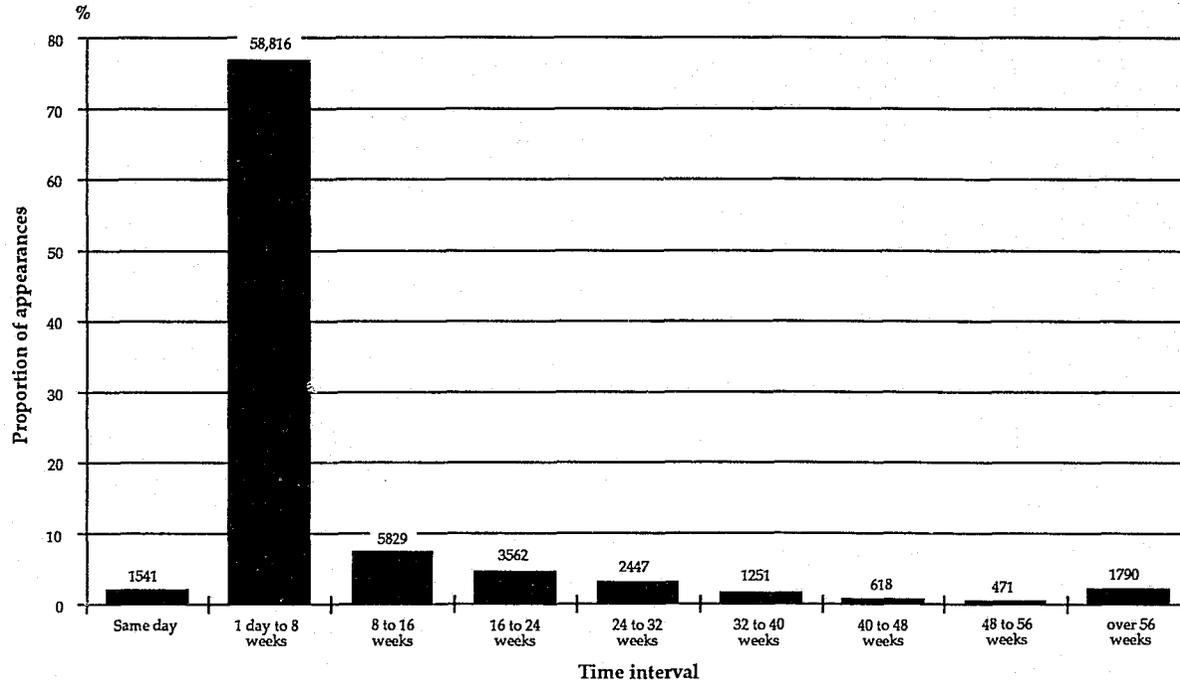
Table 3.9.

**Type of Matter and Sex of Proven Offenders  
for General Matters before the Local Courts  
1989**

Type of Matter	Male		Female		Total	
	No.	%	No.	%	No.	%
Against the person .....	11,982	22.8	1,101	11.7	13,083	21.1
Sexual .....	73	0.1	0	0.0	73	0.1
Prostitution .....	169	0.3	614	6.5	783	1.3
Fraud .....	1,393	2.7	596	6.3	1,989	3.2
Break, enter and steal .....	1,476	2.8	140	1.5	1,616	2.6
Larceny .....	7,626	14.5	3,834	40.8	11,460	18.5
Unlawful possession .....	2,152	4.1	395	4.2	2,547	4.1
Found with intent .....	197	0.4	7	0.1	204	0.3
Serious driving .....	9,769	18.6	645	6.9	10,414	16.8
Betting and gaming .....	377	0.7	47	0.5	424	0.7
Firearms/dangerous weapons .....	1,275	2.4	46	0.5	1,321	2.1
Environmental .....	64	0.1	10	0.1	74	0.1
Damage property .....	3,135	6.0	319	3.4	3,454	5.6
Offensive and related behaviour .....	9,006	17.1	1,095	11.7	10,101	16.3
Against court order .....	2,491	4.7	336	3.6	2,827	4.6
Other offences .....	1,364	2.6	214	2.3	1,578	2.5
<b>TOTAL, ALL PROVEN OFFENDERS .....</b>	<b>52,549</b>	<b>100.0</b>	<b>9,399</b>	<b>100.0</b>	<b>61,948</b>	<b>100.0</b>

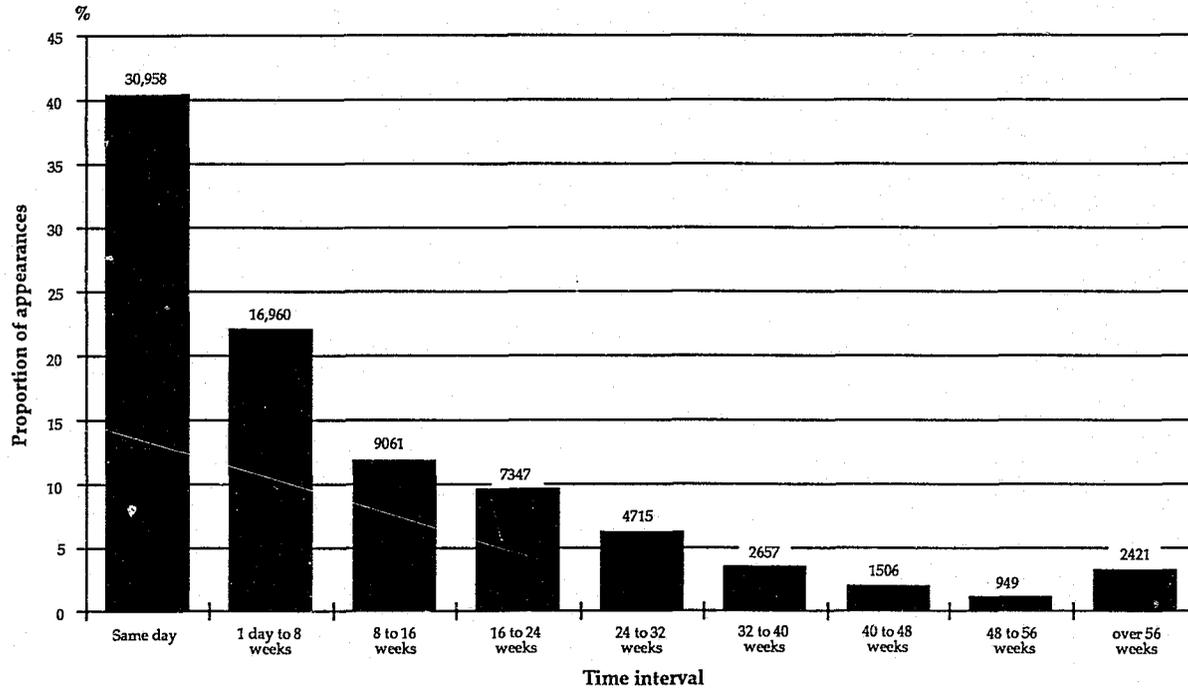
**Notes:**

1. Sex was unknown in 4 cases; in 15 cases the offender was a corporate body.
2. In Tables 3.4, 3.5, 17a and 17b: Larceny is split into motor vehicle theft, shoplifting and other theft; in addition "Other offences" is split into offences against court order and other offences.

**Figure 3.1****Time between offence and first court appearance for general matters before the Local Courts in 1989**

**Figure 3.2**

*Time between first and final court appearance for general matters before the Local Courts in 1989*



## **SECTION 4**

### **Drink-Drive Matters Before Local Courts**

Table 4.1.

Trends in Appearances  
for Drink-Drive Matters before the Local Courts  
1985 - 1989

Type of Matter	1985		1986		1987		1988		1989	
	No.	%								
P.C.A. ....	18,551	94.2	18,629	93.3	20,253	93.6	23,306	94.3	26,501	94.8
D.U.I. - liquor .....	508	2.6	618	3.1	673	3.1	716	2.9	720	2.6
D.U.I. - drugs .....	70	0.4	81	0.4	90	0.4	69	0.3	89	0.3
Refuse breathalyser test .....	369	1.9	384	1.9	421	1.9	376	1.5	453	1.6
Aid and abet, drink/drive offence ...	147	0.7	145	0.7	109	0.5	137	0.6	118	0.4
Alter alcohol concentration .....	25	0.1	74	0.4	62	0.3	50	0.2	35	0.1
Refuse/hinder blood sample .....	18	0.1	19	0.1	15	0.1	16	0.1	12	0.0
Supervising driver .....	7	0.0	12	0.1	17	0.1	48	0.2	22	0.1
<b>TOTAL, ALL APPEARANCES .....</b>	<b>19,695</b>	<b>100.0</b>	<b>19,962</b>	<b>100.0</b>	<b>21,640</b>	<b>100.0</b>	<b>24,718</b>	<b>100.0</b>	<b>27,950</b>	<b>100.0</b>

**Notes:**

1. **Appearance:** Principal offence per offender determined at each appearance. See Explanatory note 1.
2. See Appendix III, for changes to drink/drive legislation.

Table 4.2.

**Trends in Proven Offences  
for Drink-Drive Matters before the Local Courts  
1985 - 1989**

Type of Matter	1985		1986		1987		1988		1989	
	No.	%								
P.C.A. ....	18,349	95.2	18,449	94.6	20,041	94.9	23,117	95.5	26,207	95.7
D.U.I. - liquor .....	432	2.2	506	2.6	535	2.5	573	2.4	595	2.2
D.U.I. - drugs .....	62	0.3	67	0.3	81	0.4	61	0.3	81	0.3
Refuse breathalyser test .....	278	1.4	280	1.4	302	1.4	297	1.2	369	1.3
Aid and abet a drink/drive offence ...	120	0.6	124	0.6	91	0.4	96	0.4	87	0.3
Alter concentration of alcohol .....	20	0.1	54	0.3	48	0.2	23	0.1	17	0.1
Blood sample - refuse or hinder .....	12	0.1	18	0.1	14	0.1	13	0.1	10	0.0
Supervising driver .....	6	0.0	12	0.1	15	0.1	38	0.2	17	0.1
<b>TOTAL, ALL PROVEN OFFENCES .....</b>	<b>19,279</b>	<b>100.0</b>	<b>19,510</b>	<b>100.0</b>	<b>21,127</b>	<b>100.0</b>	<b>24,218</b>	<b>100.0</b>	<b>27,383</b>	<b>100.0</b>

**Notes:**

1. **Offence:** P.C.A. - driving with a concentration of alcohol greater than or equal to 0.05 gm/100ml; D.U.I. - driving under the influence of intoxicating liquor or drugs (a breathalyser device is not used).

See Appendix IV, for changes to drink/drive legislation.

2. **Proven offence:** For an explanation of proven offence, see Explanatory note 1.

Table 4.3.

**Trends in Court Outcomes  
for Drink-Drive Matters before the Local Courts  
1985 - 1989**

Court Outcome	1985		1986		1987		1988		1989	
	No.	%								
Not guilty .....	127	0.6	157	0.8	167	0.7	222	0.9	240	0.9
Withdrawn/dismissed .....	255	1.3	278	1.4	327	1.5	268	1.1	322	1.2
Section 428X .....									1	0.0
Recognizance forfeited .....	34	0.2	17	0.1	19	0.1	10	0.0	4	0.0
Section 556A .....	1,264	6.4	1,199	6.0	1,406	6.5	1,617	6.5	1,754	6.3
Rising of the court .....	13	0.1	21	0.1	37	0.2	16	0.1	22	0.1
Fine .....	16,133	81.9	16,462	82.5	17,688	81.7	20,406	82.6	22,988	82.6
Recog. w/without fine/probation ...	963	4.9	967	4.8	1,103	5.1	1,191	4.8	1,420	5.1
Community service order .....	424	2.2	459	2.3	425	2.0	532	2.2	670	2.4
Periodic detention .....	40	0.2	50	0.3	44	0.2	74	0.3	75	0.3
Imprisonment .....	442	2.3	352	1.8	424	2.0	382	1.5	343	1.3
<b>TOTAL, ALL OUTCOMES .....</b>	<b>19,695</b>	<b>100.0</b>	<b>19,962</b>	<b>100.0</b>	<b>21,640</b>	<b>100.0</b>	<b>24,718</b>	<b>100.0</b>	<b>27,839</b>	<b>100.2</b>

**Notes:**

1. **Outcome:** Determined for principal offence at each appearance. This table does not refer to the outcome of any appeals. See Appendix II for an explanation of court actions.

2. **Excluded:** 111 offences for which imprisonment was imposed under the Sentencing Act 1989, have been excluded from this table.

Table 4.4(Continues)

Court Outcomes by Type of Matter  
for Drink-Drive Matters before the Local Courts  
1989

40.

Court Outcome	PCA		DUI Alcohol		DUI Drugs		Refuse Breath Test		Aid & Abet	
	No.	%	No.	%	No.	%	No.	%	No.	%
<b>Not Proven</b>										
Not Guilty.....	126	0.5	55	7.7	6	6.8	19	4.3	23	19.5
Withdrawn/Dismissed.....	163	0.6	70	9.8	2	2.3	65	14.5	8	6.8
Dismissed, s428X,W.....	1	0.0	-	-	-	-	-	-	-	-
Recognizance Forfeited..	4	0.0	-	-	-	-	-	-	-	-
<b>Sub Total, Not Proven</b>	<b>294</b>	<b>1.1</b>	<b>125</b>	<b>17.5</b>	<b>8</b>	<b>9.1</b>	<b>84</b>	<b>18.8</b>	<b>31</b>	<b>26.3</b>
<b>Proved Non Detention</b>										
Dismissed S556A.....	1,702	6.4	31	4.3	1	1.1	13	2.9	4	3.4
Rising of the Court.....	17	0.1	-	-	-	-	5	1.1	-	-
Fine Only.....	22,086	83.6	452	63.4	64	72.7	273	61.1	76	64.4
Recognizance.....	1,304	4.9	57	8.0	9	10.2	39	8.7	7	5.9
Community Service Order.	628	2.4	23	3.2	1	1.1	18	4.0	-	-
<b>Sub Total, Proved Non Detention</b>	<b>25,737</b>	<b>97.5</b>	<b>563</b>	<b>79.0</b>	<b>75</b>	<b>85.2</b>	<b>348</b>	<b>77.9</b>	<b>87</b>	<b>73.7</b>
<b>Proved Detention</b>										
Periodic Detention.....	73	0.3	-	-	1	1.1	1	0.2	-	-
Imprisonment to 1 Month.	4	0.0	2	0.3	-	-	1	0.2	-	-
Imprisonment to 6 Months	230	0.9	22	3.1	4	4.5	10	2.2	-	-
Imprisonment to 12 Months	66	0.2	1	0.1	-	-	3	0.7	-	-
<b>Sub Total, Proved Detention</b>	<b>373</b>	<b>1.4</b>	<b>25</b>	<b>3.5</b>	<b>5</b>	<b>5.7</b>	<b>15</b>	<b>3.4</b>	<b>-</b>	<b>-</b>
<b>TOTAL, All Outcomes</b>	<b>26,404</b>	<b>100.0</b>	<b>713</b>	<b>100.0</b>	<b>88</b>	<b>100.0</b>	<b>447</b>	<b>100.0</b>	<b>118</b>	<b>100.0</b>

- Note - 1. 111 offences for which imprisonment was imposed under the Sentencing Act 1989, have been excluded.  
2. Outcome is determined for principal offence at each appearance.  
3. PCA - driving with concentration of alcohol greater than or equal to 0.05gm/100ml,  
DUI - driving under the influence of intoxicating liquor or drugs (a breathalyser device not used),  
4 See Appendix III for changes to drink / drive legislation.

Table 4.7.

**Bail at Final Appearance  
for Drink-Drive Matters before the Local Courts  
1989**

Bail Status	No.	%
In custody .....	471	1.7
On bail .....	16,210	58.9
Dispensed with .....	10,852	39.4
<b>TOTAL, ALL APPEARANCES .....</b>	<b>27,533</b>	<b>100.0</b>

**Notes:**

1. Bail status not known in 417 cases for 1989.

Table 4.8.

**Plea at Final Appearance  
for Drink-Drive Matters before the Local Courts  
1989**

Plea	No.	%
Guilty .....	26,268	94.0
Not guilty .....	811	2.9
Ex parte .....	626	2.2
No plea .....	244	0.9
Section 75B .....	1	0.0
<b>TOTAL, ALL APPEARANCES .....</b>	<b>27,950</b>	<b>100.0</b>

Table 4.9.

**Trends in Police Breath Tests  
1985 - 1989**

Year	No. tests conducted	No. positive tests	% positive	% charged
1985 Non-RBT ...	124,325	10,388	8.4	86.1
... RBT ...	1,128,829	6,648	0.6	79.4
1986 Non-RBT ...	188,795	16,536	8.8	89.9
... RBT ...	1,283,557	6,489	0.5	80.5
1987 Non-RBT ...	184,168	16,790	9.1	87.8
... RBT ...	1,256,105	6,764	0.5	87.2
1988 Non-RBT ...	206,244	18,337	8.9	93.6
... RBT ...	1,289,112	6,141	0.5	90.6
1989 Non-RBT ...	238,208	16,464	6.9	93.7
... RBT ...	1,334,852	5,612	0.4	92.2

**Notes:**

1. RBT: Random breath test. Non-RBT is defined in Appendix IV.
2. Figures supplied by the Traffic Research and Analysis Unit, Police Traffic Branch.

Table 4.10.

**Blood Alcohol Concentration  
for PCA Offenders  
for Drink-Drive Matters before the Local Courts  
1989**

Blood Alcohol Concentration	No.	%
Special range (0.02 - 0.049) .....	234	0.9
Low PCA (0.05 - 0.079) .....	4,242	16.2
Medium PCA (0.08 - 0.149) .....	13,533	51.6
High PCA (0.150 +) .....	8,198	31.3
TOTAL, ALL PCA OFFENDERS .....	26,207	100.0

**Notes:**

1. Special range: This was introduced in 1985 for learner drivers and those on first year of a provisional licence.

Table 4.11.

Period of Licence Disqualification  
for Drink-Drive Matters before the Local Courts  
1989

Period	No.	%
Under 6 months .....	7,677	30.2
6 months to under 1 year .....	6,513	25.7
1 year to under 2 years .....	6,119	24.1
2 years to under 5 years .....	4,089	16.1
5 years and over .....	985	3.9
TOTAL, ALL PROVEN OFFENDERS .....	25,383	100.0

## Notes:

1. There were 2,000 cases where the licence was not suspended.

Table 4.12.

Trends in Licence Disqualification  
for Drink-Drive Matters before the Local Courts  
1985 - 1989

Year	1985	1986	1987	1988	1989
Percentage of proven offenders .....	91.1	92.2	90.1	92.2	92.7

Table 4.13.

**Age and Sex of Drink-Drive Offenders  
and NSW Drivers Licence Holders  
1989**

Age Group	Male		Female	
	% Found guilty	% Licence holders	% Found guilty	% Licence holders
17 to 19 years .....	10.7	6.0	9.2	6.5
20 to 24 years .....	25.9	10.7	28.6	11.9
25 to 29 years .....	20.0	12.7	22.7	13.3
30 to 39 years .....	24.5	24.4	24.3	25.3
40 to 49 years .....	11.7	18.8	11.4	19.0
50 to 59 years .....	4.9	12.4	2.9	11.6
60 years and over .....	2.3	14.9	0.9	12.3
NUMBER .....	24,287	2,280,510	2,764	1,598,651

**Notes:**

1. Age and/or sex was not known in 332 cases.
2. Data on licence holders supplied by the N.S.W. Department of Motor Transport.

Table 4.7.

**Bail at Final Appearance  
for Drink-Drive Matters before the Local Courts  
1989**

Bail Status	No.	%
In custody .....	471	1.7
On bail .....	16,210	58.9
Dispensed with .....	10,852	39.4
<b>TOTAL, ALL APPEARANCES .....</b>	<b>27,533</b>	<b>100.0</b>

**Notes:**

1. Bail status not known in 417 cases for 1989.

Table 4.8.

**Plea at Final Appearance  
for Drink-Drive Matters before the Local Courts  
1989**

Plea	No.	%
Guilty .....	26,268	94.0
Not guilty .....	811	2.9
Ex parte .....	626	2.2
No plea .....	244	0.9
Section 75B .....	1	0.0
<b>TOTAL, ALL APPEARANCES .....</b>	<b>27,950</b>	<b>100.0</b>

Table 4.9.

**Trends in Police Breath Tests  
1985 - 1989**

Year	No. tests conducted	No. positive tests	% positive	% charged
1985 Non-RBT ...	124,325	10,388	8.4	86.1
... RBT ...	1,128,829	6,648	0.6	79.4
1986 Non-RBT ...	188,795	16,536	8.8	89.9
... RBT ...	1,283,557	6,489	0.5	80.5
1987 Non-RBT ...	184,168	16,790	9.1	87.8
... RBT ...	1,256,105	6,764	0.5	87.2
1988 Non-RBT ...	206,244	18,337	8.9	93.6
... RBT ...	1,289,112	6,141	0.5	90.6
1989 Non-RBT ...	238,208	16,464	6.9	93.7
... RBT ...	1,334,852	5,612	0.4	92.2

**Notes:**

1. RBT: Random breath test. Non-RBT is defined in Appendix IV.
2. Figures supplied by the Traffic Research and Analysis Unit, Police Traffic Branch.

Table 4.10.

**Blood Alcohol Concentration  
for PCA Offenders  
for Drink-Drive Matters before the Local Courts  
1989**

Blood Alcohol Concentration	No.	%
Special range (0.02 - 0.049) .....	234	0.9
Low PCA (0.05 - 0.079) .....	4,242	16.2
Medium PCA (0.08 - 0.149) .....	13,533	51.6
High PCA (0.150 +) .....	8,198	31.3
TOTAL, ALL PCA OFFENDERS .....	26,207	100.0

**Notes:**

1. Special range: This was introduced in 1985 for learner drivers and those on first year of a provisional licence.

Table 4.11.

Period of Licence Disqualification  
for Drink-Drive Matters before the Local Courts  
1989

Period	No.	%
Under 6 months .....	7,677	30.2
6 months to under 1 year .....	6,513	25.7
1 year to under 2 years .....	6,119	24.1
2 years to under 5 years .....	4,089	16.1
5 years and over .....	985	3.9
TOTAL, ALL PROVEN OFFENDERS .....	25,383	100.0

## Notes:

1. There were 2,000 cases where the licence was not suspended.

Table 4.12.

Trends in Licence Disqualification  
for Drink-Drive Matters before the Local Courts  
1985 - 1989

Year	1985	1986	1987	1988	1989
Percentage of proven offenders .....	91.1	92.2	90.1	92.2	92.7

Table 4.13.

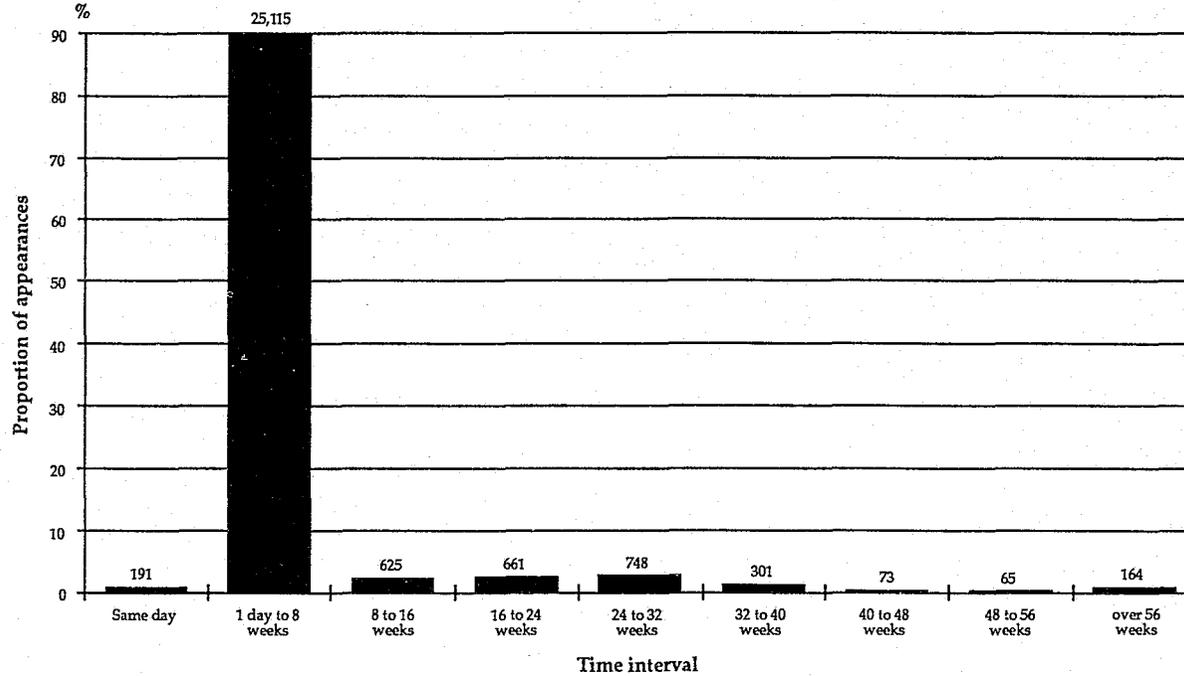
**Age and Sex of Drink-Drive Offenders  
and NSW Drivers Licence Holders  
1989**

Age Group	Male		Female	
	% Found guilty	% Licence holders	% Found guilty	% Licence holders
17 to 19 years .....	10.7	6.0	9.2	6.5
20 to 24 years .....	25.9	10.7	28.6	11.9
25 to 29 years .....	20.0	12.7	22.7	13.3
30 to 39 years .....	24.5	24.4	24.3	25.3
40 to 49 years .....	11.7	18.8	11.4	19.0
50 to 59 years .....	4.9	12.4	2.9	11.6
60 years and over .....	2.3	14.9	0.9	12.3
NUMBER .....	24,287	2,280,510	2,764	1,598,651

**Notes:**

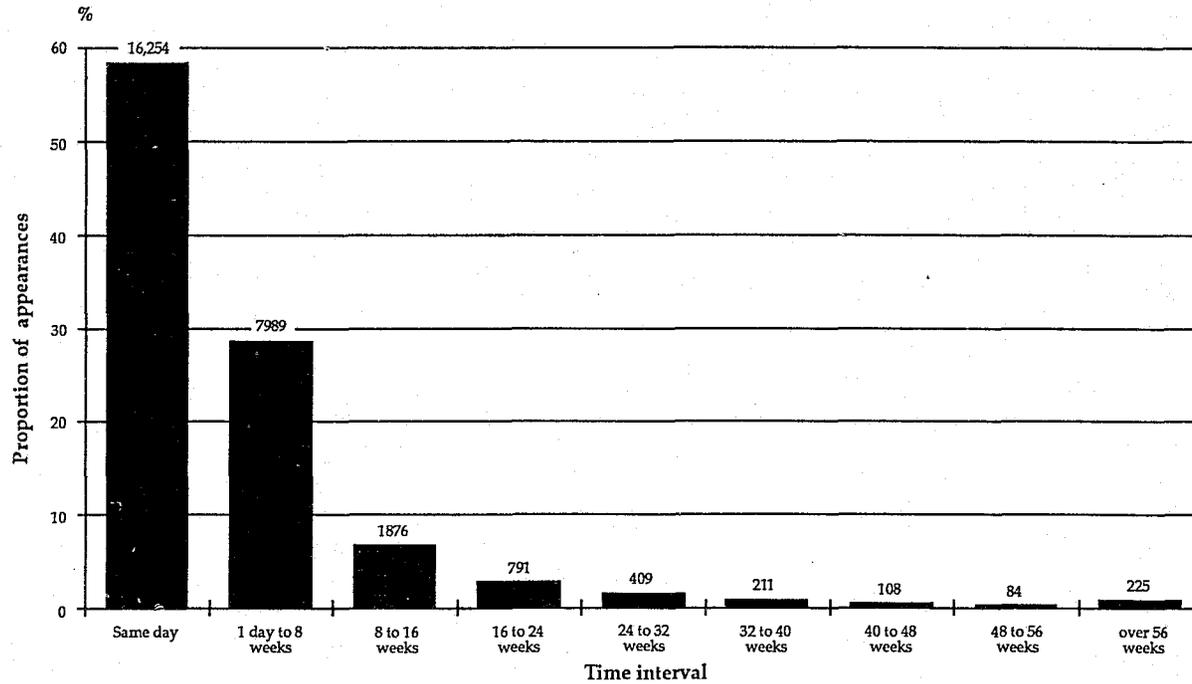
1. Age and/or sex was not known in 332 cases.
2. Data on licence holders supplied by the N.S.W. Department of Motor Transport.

**Figure 4.1**  
*Time between offence and first court appearance for drink-drive matters before Local Courts in 1989*



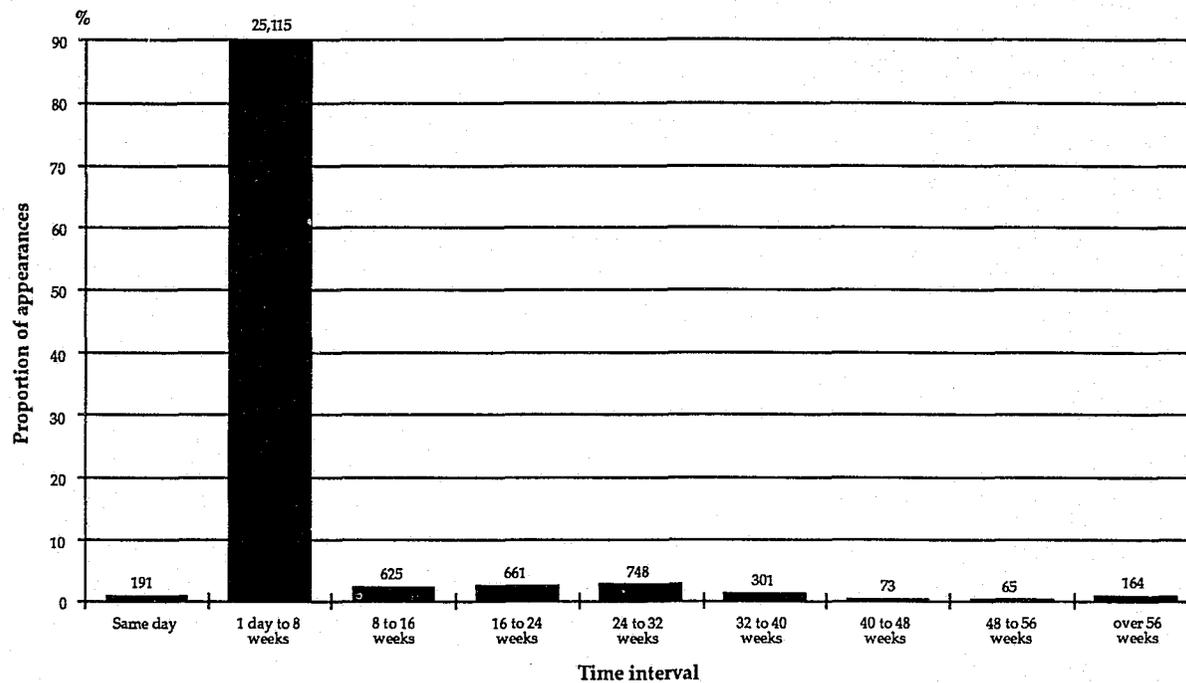
**Figure 4.2**

*Time between first and final court appearance for drink drive matters before the Local Courts in 1989*



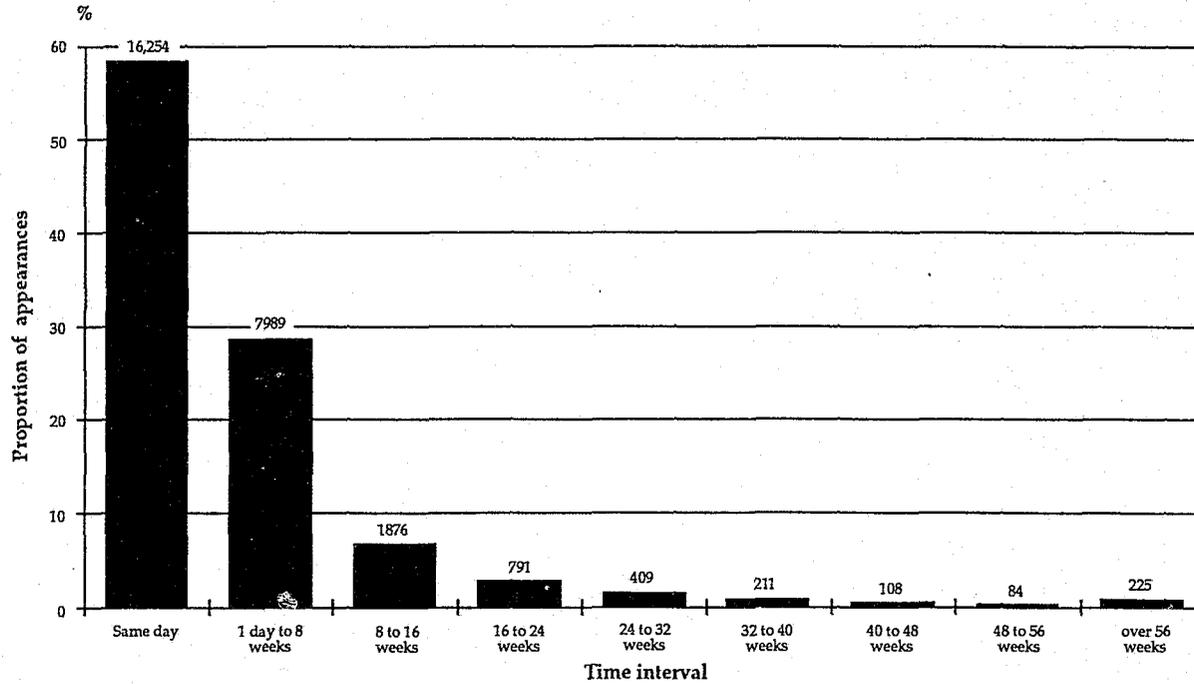
## **SECTION 5**

### **Drug Matters Before Local Courts**

**Figure 4.1***Time between offence and first court appearance for drink-drive matters before Local Courts in 1989*

**Figure 4.2**

*Time between first and final court appearance for drink drive matters before the Local Courts in 1989*



## **SECTION 5**

### **Drug Matters Before Local Courts**

Table 5.3.

**Trends in Court Outcomes  
for Drug Matters before the Local Courts  
1985 - 1989**

Court Outcome	1985		1986		1987		1988		1989	
	No.	%	No.	%	No.	%	No.	%	No.	%
Not guilty .....	299	2.7	237	2.9	210	2.8	226	2.9	266	3.0
Withdrawn/dismissed .....	445	4.1	355	4.3	408	5.4	406	5.2	484	5.5
Recognizance forfeited .....	37	0.3	14	0.2	16	0.2	14	0.2	2	0.0
Section 556A .....	375	3.4	240	2.9	202	2.7	194	2.5	233	2.6
Rising of the court .....	89	0.8	66	0.8	73	1.0	60	0.8	61	0.7
Fine .....	7,626	69.6	5,766	70.0	5,182	68.6	5,201	67.2	6,080	68.6
Recog. w/without fine/probation ...	1,103	10.1	893	10.8	752	9.9	871	11.3	969	10.9
Community service order .....	218	2.0	179	2.2	171	2.3	218	2.8	266	3.0
Periodic detention .....	46	0.4	27	0.3	31	0.4	28	0.4	33	0.4
Imprisonment .....	723	6.6	461	5.5	507	6.7	523	6.7	470	5.3
<b>TOTAL, ALL OUTCOMES .....</b>	<b>10,961</b>	<b>100.0</b>	<b>8,238</b>	<b>100.0</b>	<b>7,552</b>	<b>100.0</b>	<b>7,741</b>	<b>100.0</b>	<b>8,864</b>	<b>100.0</b>

**Notes:**

1. **Outcome:** Determined for principal offence at each appearance. This table does not refer to the outcome of any appeals. See Appendix II for an explanation of court actions.
2. **Excluded:** 110 offences for which imprisonment was imposed under the Sentencing Act 1989, have been excluded from this table.

Table 5.4a(Continues)

Court Outcomes by Type of Matter  
for Drug Matters before the Local Courts  
1989

52

Court Outcome	Possess		Use/Administer		Possess Instruments		Own/Occupy Premises		Sell/Distribute	
	No.	%	No.	%	No.	%	No.	%	No.	%
<b>Not Proven</b>										
Not Guilty.....	161	3.0	28	2.0	13	4.3	-	-	42	5.6
Withdrawn/Dismissed.....	297	5.5	66	4.6	26	8.6	-	-	63	8.4
Recognizance Forfeited..	-	-	1	0.1	-	-	-	-	1	0.1
<b>Sub Total, Not Proven</b>	<b>458</b>	<b>8.5</b>	<b>95</b>	<b>6.6</b>	<b>39</b>	<b>12.8</b>	<b>-</b>	<b>-</b>	<b>106</b>	<b>14.1</b>
<b>Proved Non Detention</b>										
Dismissed S556A.....	147	2.7	47	3.3	7	2.3	-	-	7	0.9
Rising of the Court.....	35	0.6	18	1.3	1	0.3	-	-	4	0.5
Fine Only.....	4,067	75.2	1,014	70.8	239	78.6	1	100.0	166	22.1
Recognizance.....	397	7.3	143	10.0	11	3.6	-	-	198	26.3
Community Service Order.	89	1.6	13	0.9	-	-	-	-	110	14.6
<b>Sub Total, Proven Non Detention</b>	<b>4,735</b>	<b>87.6</b>	<b>1,235</b>	<b>86.2</b>	<b>258</b>	<b>84.9</b>	<b>1</b>	<b>100.0</b>	<b>485</b>	<b>64.5</b>
<b>Proven Detention</b>										
Periodic Detention.....	10	0.2	2	0.1	2	0.7	-	-	16	2.1
Imprisonment to 1 Month.	38	0.7	15	1.0	1	0.3	-	-	-	-
Imprisonment to 6 Months	137	2.5	66	4.6	4	1.3	-	-	58	7.7
Imprisonment to 12 Months	19	0.4	14	1.0	-	-	-	-	37	4.9
Imprisonment to 2 Years.	10	0.2	6	0.4	-	-	-	-	50	6.6
<b>Sub Total, Proven Detention</b>	<b>214</b>	<b>4.0</b>	<b>103</b>	<b>7.2</b>	<b>7</b>	<b>2.3</b>	<b>-</b>	<b>-</b>	<b>161</b>	<b>21.4</b>
<b>TOTAL, All Outcomes</b>	<b>5,407</b>	<b>100.0</b>	<b>1,433</b>	<b>100.0</b>	<b>304</b>	<b>100.0</b>	<b>1</b>	<b>100.0</b>	<b>752</b>	<b>100.0</b>

Note - 110 offences for which imprisonment was imposed under the Sentencing Act 1989, have been excluded.

Table 5.4a(Continued)

Court Outcomes by Type of Matter  
for Drug Matters before the Local Courts  
1989

Court Outcome	Use Fraud to Obtain		Manufacture/Grow		Import/Export		Not Comply with License		TOTAL	
	No.	%	No.	%	No.	%	No.	%	No.	%
<b>Not Proven</b>										
Not Guilty.....	2	3.6	18	2.0	2	20.0	-	-	266	3.0
Withdrawn/Dismissed.....	6	10.7	20	2.2	5	50.0	1	8.3	484	5.5
Recognizance Forfeited..	-	-	-	-	-	-	-	-	2	0.0
<b>Sub Total, Not Proven</b>	<b>8</b>	<b>14.3</b>	<b>38</b>	<b>4.3</b>	<b>7</b>	<b>70.0</b>	<b>1</b>	<b>8.3</b>	<b>752</b>	<b>8.5</b>
<b>Proved Non Detention</b>										
Dismissed S556A.....	1	1.8	24	2.7	-	-	-	-	233	2.6
Rising of the Court.....	1	1.8	1	0.1	-	-	1	8.3	61	0.7
Fine Only.....	18	32.1	563	63.3	2	20.0	10	83.3	6,080	68.6
Recognizance.....	18	32.1	201	22.6	1	10.0	-	-	969	10.9
Community Service Order.	6	10.7	48	5.4	-	-	-	-	266	3.0
<b>Sub Total, Proven Non Detention</b>	<b>44</b>	<b>78.6</b>	<b>837</b>	<b>94.2</b>	<b>3</b>	<b>30.0</b>	<b>11</b>	<b>91.7</b>	<b>7,609</b>	<b>85.8</b>
<b>Proven Detention</b>										
Periodic Detention.....	1	1.8	2	0.2	-	-	-	-	33	0.4
Imprisonment to 1 Month.	-	-	-	-	-	-	-	-	54	0.6
Imprisonment to 6 Months	2	3.6	7	0.8	-	-	-	-	274	3.1
Imprisonment to 12 Months	1	1.8	1	0.1	-	-	-	-	72	0.8
Imprisonment to 2 Years.	-	-	4	0.4	-	-	-	-	70	0.8
<b>Sub Total, Proven Detention</b>	<b>4</b>	<b>7.1</b>	<b>14</b>	<b>1.6</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>503</b>	<b>5.7</b>
<b>TOTAL, All Outcomes</b>	<b>56</b>	<b>100.0</b>	<b>889</b>	<b>100.0</b>	<b>10</b>	<b>100.0</b>	<b>12</b>	<b>100.0</b>	<b>8,864</b>	<b>100.0</b>

Note - 110 offences for which imprisonment was imposed under the Sentencing Act 1989, have been excluded.

Table 5.4b

Court Outcomes by Drug Type  
for Drug Matters before the Local Courts  
1989

Court Outcome	OPIATES		CANNABIS		STIMULANTS		OTHER		TOTAL	
	No.	%	No.	%	No.	%	No.	%	No.	%
<b>Not Proven</b>										
Not Guilty.....	46	3.8	185	2.7	25	4.2	10	4.4	266	3.0
Withdrawn/Dismissed.....	112	9.3	303	4.4	45	7.6	24	10.5	484	5.5
Recognizance Forfeited..	1	0.1	1	0.0	-	-	-	-	2	0.0
<b>Sub Total, Not Proven</b>	<b>159</b>	<b>13.2</b>	<b>489</b>	<b>7.2</b>	<b>70</b>	<b>11.9</b>	<b>34</b>	<b>14.8</b>	<b>752</b>	<b>8.5</b>
<b>Proved Non Detention</b>										
Dismissed S556A.....	16	1.3	196	2.9	13	2.2	8	3.5	233	2.6
Rising of the Court.....	29	2.4	27	0.4	4	0.7	1	0.4	61	0.7
Fine Only.....	588	48.6	5,015	73.4	343	58.2	133	58.1	6,079	68.6
Recognizance.....	209	17.3	642	9.4	85	14.4	32	14.0	968	10.9
Community Service Order.	21	1.7	219	3.2	20	3.4	5	2.2	265	3.0
<b>Sub Total, Proven Non Detention</b>	<b>863</b>	<b>71.4</b>	<b>6,099</b>	<b>89.2</b>	<b>465</b>	<b>78.9</b>	<b>179</b>	<b>78.2</b>	<b>7,606</b>	<b>85.8</b>
<b>Proven Detention</b>										
Periodic Detention.....	6	0.5	21	0.3	5	0.8	1	0.4	33	0.4
Imprisonment to 1 Month.	20	1.7	28	0.4	5	0.8	1	0.4	54	0.6
Imprisonment to 6 Months	101	8.4	131	1.9	34	5.8	8	3.5	274	3.1
Imprisonment to 12 Months	29	2.4	34	0.5	5	0.8	4	1.7	72	0.8
Imprisonment to 2 Years.	31	2.6	32	0.5	5	0.8	2	0.9	70	0.8
<b>Sub Total, Proven Detention</b>	<b>187</b>	<b>15.5</b>	<b>246</b>	<b>3.6</b>	<b>54</b>	<b>9.2</b>	<b>16</b>	<b>7.0</b>	<b>503</b>	<b>5.7</b>
<b>TOTAL, All Outcomes</b>	<b>1,209</b>	<b>100.0</b>	<b>6,834</b>	<b>100.0</b>	<b>589</b>	<b>100.0</b>	<b>229</b>	<b>100.0</b>	<b>8,861</b>	<b>100.0</b>

Note - 110 offences for which imprisonment was imposed under the Sentencing Act 1989, have been excluded.

Table 5.5a(Continues)

Amount of Fine by Type of Matter  
for Drug Matters before the Local Courts  
1989

Amount of Fine	Possess		Use/Administer		Possess Instruments		Own/Occupy Premises		Sell/Distribute	
	No.	%	No.	%	No.	%	No.	%	No.	%
1 - 50	54	1.3	25	2.4	14	5.8	-	-	2	0.9
51 - 100	622	15.0	232	22.5	69	28.6	-	-	7	3.0
101 - 200	1,527	36.7	386	37.5	95	39.4	1	100.0	29	12.6
201 - 300	930	22.4	202	19.6	47	19.5	-	-	30	13.0
301 - 400	378	9.1	74	7.2	8	3.3	-	-	22	9.6
401 - 500	399	9.6	75	7.3	4	1.7	-	-	53	23.0
501 - 1000	222	5.3	30	2.9	4	1.7	-	-	49	21.3
1001 - 1500	15	0.4	4	0.4	-	-	-	-	20	8.7
1501 - 2000	8	0.2	1	0.1	-	-	-	-	11	4.8
2001 - 5000	4	0.1	-	-	-	-	-	-	6	2.6
7500	-	-	-	-	-	-	-	-	1	0.4
TOTAL	4,159	100.0	1,029	100.0	241	100.0	1	100.0	230	100.0

Note - These figures do not match the numbers in Table 5.4a for the "Fine Only" outcome since some persons receive other outcomes plus a fine.

Table 5.5a(Continued)

Amount of Fine by Type of Matter  
for Drug Matters before the Local Courts  
1989

62.

Amount of Fine	Use Fraud to Obtain		Manufacture/Grow		Import/Export		Not Comply with License		TOTAL	
	No.	%	No.	%	No.	%	No.	%	No.	%
1 - 50	1	5.0	11	1.7	-	-	1	10.0	108	1.7
51 - 100	2	10.0	40	6.1	-	-	3	30.0	975	15.4
101 - 200	8	40.0	104	16.0	-	-	1	10.0	2,151	33.9
201 - 300	4	20.0	122	18.7	-	-	2	20.0	1,337	21.1
301 - 400	-	-	68	10.4	-	-	2	20.0	552	8.7
401 - 500	3	15.0	131	20.1	1	50.0	1	10.0	667	10.5
501 - 1000	2	10.0	138	21.2	1	50.0	-	-	446	7.0
1001 - 1500	-	-	17	2.6	-	-	-	-	56	0.9
1501 - 2000	-	-	16	2.5	-	-	-	-	36	0.6
2001 - 5000	-	-	4	0.6	-	-	-	-	14	0.2
7500	-	-	-	-	-	-	-	-	1	0.0
TOTAL	20	100.0	651	100.0	2	100.0	10	100.0	6,343	100.0

Note - These figures do not match the numbers in Table 5.4a for the "Fine Only" outcome since some persons receive other outcomes plus a fine.

Table 5.5b

Amount of Fine by Drug Type  
for Drug Matters before the Local Courts  
1989

Amount of Fine	OPIATES		CANNABIS		STIMULANTS		OTHER		TOTAL	
	No.	%	No.	%	No.	%	No.	%	No.	%
1 - 50	13	2.1	88	1.7	4	1.1	3	2.2	108	1.7
51 - 100	45	7.2	860	16.5	50	13.8	20	14.7	975	15.4
101 - 200	189	30.3	1,788	34.3	127	35.1	47	34.6	2,151	33.9
201 - 300	144	23.1	1,082	20.7	78	21.5	33	24.3	1,337	21.1
301 - 400	67	10.7	439	8.4	38	10.5	7	5.1	551	8.7
401 - 500	93	14.9	517	9.9	39	10.8	18	13.2	667	10.5
501 - 1000	58	9.3	358	6.9	22	6.1	8	5.9	446	7.0
1001 - 1500	11	1.8	44	0.8	1	0.3	-	-	56	0.9
1501 - 2000	3	0.5	31	0.6	2	0.6	-	-	36	0.6
2001 - 5000	1	0.2	12	0.2	1	0.3	-	-	14	0.2
7500	-	-	1	0.0	-	-	-	-	1	0.0
TOTAL	624	100.0	5,220	100.0	362	100.0	136	100.0	6,342	100.0

Note - These figures do not match the numbers in Table 5.4a for the "Fine Only" outcome since some persons receive other outcomes plus a fine.

Table 5.6.

**Age and Sex of Proven Offenders  
for Drug Matters before the Local Courts  
1989**

Age Group	Male		Female		Total	
	No.	%	No.	%	No.	%
18 years .....	303	4.4	32	2.7	335	4.1
19 years .....	635	9.2	66	5.5	701	8.6
20 - 24 years .....	2,404	34.6	406	33.9	2,810	34.5
25 - 29 years .....	1,809	26.1	348	29.1	2,157	26.5
30 - 39 years .....	1,510	21.8	300	25.0	1,810	22.2
40 - 49 years .....	225	3.2	36	3.0	261	3.2
50 - 59 years .....	46	0.7	4	0.3	50	0.6
60 years and over .....	7	0.1	6	0.5	13	0.2
<b>TOTAL, ALL PROVEN OFFENDERS .....</b>	<b>6,939</b>	<b>100.0</b>	<b>1,198</b>	<b>100.0</b>	<b>8,137</b>	<b>100.0</b>

**Notes:**

1. Age and/or sex not known in 85 cases.

Table 5.7.

Bail at Final Appearance  
for Drug Matters before the Local Courts  
1989

Bail	No.	%
In custody .....	612	6.9
On bail .....	5,799	65.6
Dispensed with .....	2,423	27.4
TOTAL, ALL APPEARANCES .....	8,834	100.0

## Notes:

1. Bail status not known in 140 cases for 1989.

Table 5.8.

Plea at Final Appearance  
for Drug Matters before the Local Courts  
1989

Plea	No.	%
Guilty .....	7,470	83.2
Not guilty .....	721	8.0
Ex parte .....	388	4.3
No plea .....	342	3.8
Section 75B .....	53	0.6
TOTAL, ALL APPEARANCES .....	8,974	100.0

Table 5.9.

**Proven Offences by Drug and Type of Matter  
for Drug Matters before the Local Courts (continues)  
1989**

Type of Matter	Opiates		Cannabis		Hallucinogens		Stimulants	
	No.	%	No.	%	No.	%	No.	%
Possess .....	524	48.6	4,038	63.0	17	73.9	320	60.2
Use/administer .....	410	38.0	774	12.1	2	8.7	133	25.0
Possess instruments .....	15	1.4	235	3.7	0	0.0	11	2.1
Own/occupy premises .....	0	0.0	1	0.0	0	0.0	0	0.0
Sell/distribute .....	106	9.8	490	7.7	3	13.0	55	10.3
Use fraud to obtain .....	21	2.0	8	0.1	1	4.4	7	1.3
Manufacture/grow .....	3	0.3	853	13.3	0	0.0	0	0.0
Import/export .....	0	0.0	3	0.1	0	0.0	0	0.0
Not comply with licence .....	0	0.0	5	0.1	0	0.0	6	1.1
<b>TOTAL, ALL PROVEN OFFENCES .....</b>	<b>1,079</b>	<b>100.0</b>	<b>6,407</b>	<b>100.0</b>	<b>23</b>	<b>100.0</b>	<b>532</b>	<b>100.0</b>

**Notes:**

1. Drug type not known in 3 cases.

Table 5.9.

Proven Offences by Drug and Type of Matter  
for Drug Matters before the Local Courts (continued)  
1989

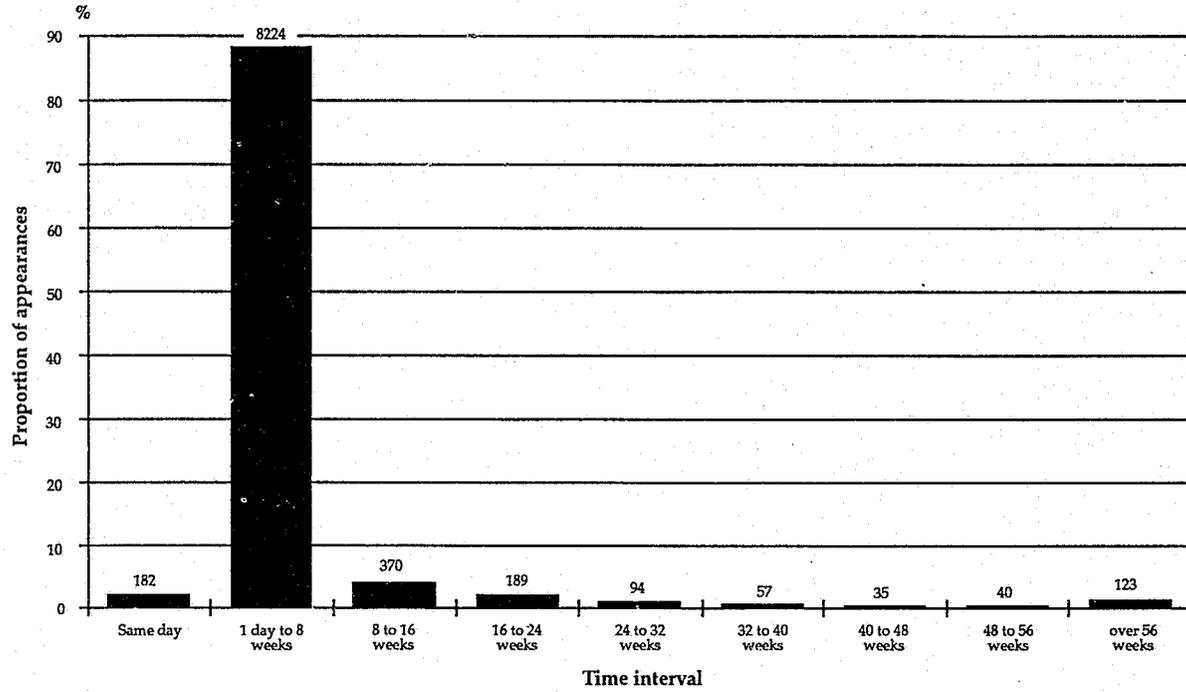
Type of Matter	Sedatives		Cocaine		Other drugs		Total	
	No.	%	No.	%	No.	%	No.	%
Possess .....	42	45.7	54	70.1	5	55.7	5,000	60.8
Use/administer .....	21	22.8	16	20.8	1	11.1	1,357	16.5
Possess instruments .....	0	0.0	1	1.3	1	11.1	263	3.2
Own/occupy premises .....	0	0.0	0	0.0	0	0.0	1	0.0
Sell/distribute .....	18	19.6	6	7.8	0	0.0	678	8.2
Use fraud to obtain .....	11	12.0	0	0.0	1	11.1	49	0.6
Manufacture/grow .....	0	0.0	0	0.0	1	11.1	857	10.4
Import/export .....	0	0.0	0	0.0	0	0.0	3	0.0
Not comply with licence .....	0	0.0	0	0.0	0	0.0	11	0.1
<b>TOTAL, ALL PROVEN OFFENCES .....</b>	<b>92</b>	<b>100.0</b>	<b>77</b>	<b>100.0</b>	<b>9</b>	<b>100.0</b>	<b>8,219</b>	<b>100.0</b>

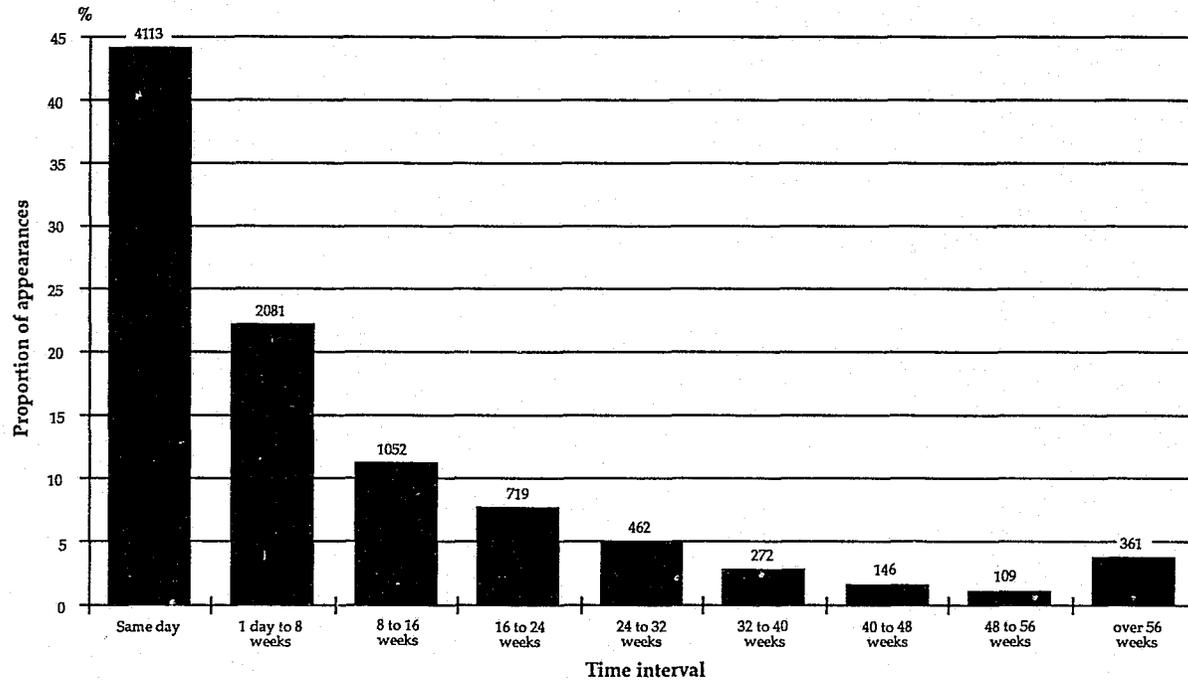
## Notes:

1. Drug type not known in 3 cases.

**Figure 5.1**

*Time between offence and first court appearance for drug matters before the Local Courts in 1989*



**Figure 5.2***Time between first and final court appearance for drug matters before the Local Courts in 1989*

**SECTION 6**

**Children's Court Matters**

Table 6.1

Trends in Appearances  
for Criminal Matters before the Children's Courts  
1984/85 - 1988/89

Type of Matter	1984/85		1985/86		1986/87		1987/88		1988/89	
	No.	%								
Against the person.....	962	5.6	980	6.8	1,134	7.8	1,400	9.1	1,920	12.3
Robbery and Extortion..	141	0.8	174	1.2	191	1.3	181	1.2	201	1.3
Sexual assaults.....	92	0.5	110	0.8	115	0.8	132	0.9	148	1.0
Fraud.....	404	2.4	303	2.1	254	1.8	235	1.5	331	2.1
Break and enter.....	2,434	14.2	2,188	15.2	2,282	15.8	2,257	14.7	2,168	13.9
Larceny										
Motor vehicle theft..	2,132	12.5	2,154	15.0	2,056	14.2	1,696	11.1	1,831	11.8
Shoplifting.....	1,668	9.8	563	3.9	599	4.1	855	5.6	896	5.8
Other theft.....	2,321	13.6	1,450	10.1	1,588	11.0	1,904	12.4	1,671	10.7
Unlawful possession....	692	4.0	598	4.2	559	3.9	714	4.7	868	5.6
Serious driving.....	1,003	5.9	1,156	8.0	1,154	8.0	1,089	7.1	699	4.5
Firearms and weapons...	206	1.2	116	0.8	138	1.0	170	1.1	200	1.3
Damage property.....	840	4.9	751	5.2	751	5.2	1,041	6.8	1,166	7.5
Offensive behaviour....	455	2.7	336	2.3	373	2.6	691	4.5	1,291	8.3
Drug offences.....	1,035	6.1	594	4.1	534	3.7	530	3.5	579	3.7
Other offences.....	2,722	15.9	2,927	20.3	2,720	18.8	2,445	15.9	1,584	10.2
TOTAL, All appearances	17,107	100.0	14,400	100.0	14,448	100.0	15,340	100.0	15,553	100.0

## Notes:

1. Appearance: Principal offence per person determined at final appearance, including indictable offences.
2. Offence: Against the person - includes homicides, attempted homicides and other non-sexual assaults.  
 Driving - includes drink/drive, dangerous and negligent driving.  
 Motor vehicle theft - includes steal motor vehicle, take/use motor vehicle, ride in stolen motor vehicle.  
 Other - includes all other offences not elsewhere classified, the majority of these are offences against good order.

Table 6.2

Trends in Proven Offences  
for Criminal Matters before the Children's Courts  
1984/85 - 1988/89

Type of Matter	1984/85		1985/86		1986/87		1987/88		1988/89	
	No.	%								
Against the person.....	702	4.5	703	5.4	871	6.7	1,120	8.1	1,586	11.2
Robbery and Extortion..	96	0.6	130	1.0	131	1.0	117	0.8	137	1.0
Sexual assaults.....	66	0.4	67	0.5	77	0.6	93	0.7	117	0.8
Fraud.....	385	2.5	285	2.2	232	1.8	214	1.6	308	2.2
Break and enter.....	2,259	14.4	2,055	15.9	2,137	16.4	2,087	15.1	2,032	14.3
Larcency										
Motor vehicle theft..	1,985	12.7	1,965	15.2	1,882	14.4	1,530	11.1	1,707	12.0
Shoplifting.....	1,630	10.4	538	4.2	555	4.3	811	5.9	847	6.0
Other theft.....	2,170	13.9	1,323	10.3	1,464	11.2	1,761	12.8	1,575	11.1
Unlawful possession....	596	3.8	505	3.9	461	3.5	597	4.3	789	5.5
Serious driving.....	881	5.6	1,029	8.0	1,100	8.4	946	6.9	606	4.3
Firearms and weapons...	193	1.2	104	0.8	129	1.0	151	1.1	180	1.3
Damage property.....	750	4.8	643	5.0	672	5.2	951	6.9	1,063	7.5
Offensive behaviour....	411	2.6	290	2.2	348	2.7	647	4.7	1,241	8.7
Drug offences.....	999	6.4	565	4.4	499	3.8	505	3.7	558	3.9
Other offences.....	2,529	16.2	2,699	20.9	2,476	19.0	2,259	16.4	1,477	10.4
TOTAL, All proven offences	15,652	100.0	12,901	100.0	13,034	100.0	13,789	100.0	14,223	100.0

## Notes:

1. Proven Offence: For an explanation of proven offence, see Explanatory Note 2.

Table 6.3

Trends in Court Outcomes  
for Criminal Matters before the Children's Courts  
1984/85 - 1988/89

Court Outcome	1984/85		1985/86		1986/87		1987/88		1988/89	
	No.	%								
<b>Not Proven</b>										
Committed to higher court..	97	0.6	91	0.6	129	0.9	161	1.0	164	1.1
Heard, not proven.....	356	2.1	116	0.8	39	0.3	17	0.1	0	0.0
Withdrawn.....	879	5.1	1,165	8.1	948	6.6	985	6.4	707	4.5
Other not proven.....	123	0.7	127	0.9	298	2.1	388	2.5	459	3.0
<b>Subtotal, not proven.....</b>	<b>1,455</b>	<b>8.5</b>	<b>1,499</b>	<b>10.4</b>	<b>1,414</b>	<b>9.8</b>	<b>1,551</b>	<b>10.1</b>	<b>1,330</b>	<b>8.6</b>
<b>Proven</b>										
Dismissed and Cautioned....	3,341	19.5	1,817	12.6	1,742	12.1	2,504	16.3	2,349	15.1
Proved, no penalty.....	497	2.9	348	2.4	388	2.7	839	5.5	1,393	9.0
Rising of the court.....	37	0.2	43	0.3	48	0.3	50	0.3	22	0.1
Recognizance.....	3,319	19.4	3,032	21.1	2,978	20.6	3,155	20.6	3,121	20.1
Probation.....	2,868	16.8	2,010	14.0	1,997	13.8	2,185	14.2	2,216	14.2
Compensation.....	84	0.5	60	0.4	79	0.5	112	0.7	111	0.7
Fine.....	3,438	20.1	3,004	20.9	2,884	20.0	2,725	17.8	2,894	18.6
Community Service Order....	61	0.4	193	1.3	179	1.2	402	2.6	605	3.9
Committed to care - FACS...	36	0.2	11	0.1	12	0.1	3	0.0	5	0.0
Committed to care other....	67	0.4	53	0.4	33	0.2	12	0.1	4	0.0
Committed to institution...	1,335	7.8	1,558	10.8	1,492	10.3	1,168	7.6	1,021	6.6
Committed to prison.....	31	0.2	73	0.5	81	0.6	66	0.4	19	0.1
Other proven.....	538	3.1	699	4.9	1,121	7.8	568	3.7	462	3.0
<b>Subtotal, proven.....</b>	<b>15,652</b>	<b>91.5</b>	<b>12,901</b>	<b>89.6</b>	<b>13,034</b>	<b>90.2</b>	<b>13,789</b>	<b>89.9</b>	<b>14,223</b>	<b>91.4</b>
<b>TOTAL, All Outcomes.....</b>	<b>17,107</b>	<b>100.0</b>	<b>14,400</b>	<b>100.0</b>	<b>14,448</b>	<b>100.0</b>	<b>15,340</b>	<b>100.0</b>	<b>15,553</b>	<b>100.0</b>

## Notes:

1. Outcome: Determined for principal offence at each appearance.
2. FACS: N.S.W. Department of Family and Community Services.

Table 6.4 (continues)

Type of Matter and Outcome  
for Criminal Matters before the Children's Courts  
1988/89

76.

Court Outcome	Against the person		Robbery and extortion		Sexual		Fraud		Break and enter		Motor vehicle theft	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Not proven.....	334	17.4	64	31.8	31	20.9	23	6.9	136	6.3	124	6.8
Dismissed and cautioned..	148	7.7	1	0.5	5	3.4	49	14.8	203	9.4	239	13.1
Proved, no penalty.....	239	12.4	26	12.9	31	20.9	21	6.3	103	4.8	148	8.1
Recognizance.....	419	21.8	22	10.9	26	17.6	118	35.6	558	25.7	486	26.5
Probation.....	307	16.0	38	18.9	39	26.4	51	15.4	597	27.5	352	19.2
Fine.....	235	12.2	2	1.0	1	0.7	35	10.6	48	2.2	134	7.3
Community Service Order..	76	4.0	9	4.5	7	4.7	16	4.8	166	7.7	117	6.4
Committed to care - FACS.	0	0.0	0	0.0	0	0.0	0	0.0	2	0.1	0	0.0
Committed to care - other	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Committed to institution.	128	6.7	39	19.4	8	5.4	11	3.3	327	15.1	218	11.9
Other proven.....	34	1.8	0	0.0	0	0.0	7	2.1	28	1.3	13	0.7
TOTAL, All Outcomes.....	1,920	100.0	201	100.0	148	100.0	331	100.0	2,168	100.0	1,831	100.0

## Notes:

1. Not Proven: In this table not proven includes committed to higher court; heard, not proved; withdrawn and other not proven outcomes.
2. Other Proven: In this table, other proven includes committed to prison; rising of the court; compensation plus other proven outcomes.

Table 6.4 (continued)

Type of Matter and Outcome  
for Criminal Matters before the Children's Courts  
1988/89

Court Outcome	Shoplifting		Other theft		Unlawful possession		Serious driving		Firearms and weapons		Damage property	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Not proven.....	49	5.5	96	5.7	79	9.1	93	13.3	20	10.0	103	8.8
Dismissed and cautioned..	275	30.7	338	20.2	100	11.5	13	1.9	54	27.0	170	14.6
Proved, no penalty.....	54	6.0	157	9.4	95	10.9	30	4.3	20	10.0	121	10.4
Recognizance.....	226	25.2	398	23.8	176	20.3	60	8.6	40	20.0	248	21.3
Probation.....	81	9.0	281	16.8	163	18.8	22	3.1	14	7.0	114	9.8
Fine.....	176	19.6	256	15.3	174	20.0	69	9.9	48	24.0	215	18.4
Community Service Order..	19	2.1	51	3.1	23	2.6	6	0.9	1	0.5	80	6.9
Committed to care - FACS.	0	0.0	0	0.0	1	0.1	0	0.0	0	0.0	2	0.2
Committed to care - other	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Committed to institution.	12	1.3	74	4.4	48	5.5	1	0.1	3	1.5	50	4.3
Other proven.....	4	0.4	20	1.2	9	1.0	405	57.9	0	0.0	63	5.4
<b>TOTAL, All Outcomes.....</b>	<b>896</b>	<b>100.0</b>	<b>1,671</b>	<b>100.0</b>	<b>868</b>	<b>100.0</b>	<b>699</b>	<b>100.0</b>	<b>200</b>	<b>100.0</b>	<b>1,166</b>	<b>100.0</b>

**Notes:**

1. Not Proven: In this table not proven includes committed to higher court; heard, not proved; withdrawn and other not proven outcomes.
2. Other Proven: In this table, other proven includes committed to prison; rising of the court; compensation plus other proven outcomes.

Table 6.4 (continued)

Type of Matter and Outcome  
for Criminal Matters before the Children's Courts  
1988/89

Court Outcome	Offensive behaviour		Drug offences		Against order		Other offences		TOTAL	
	No.	%	No.	%	No.	%	No.	%	No.	%
Not proven.....	50	3.9	21	3.6	107	6.8	0	0.0	1,330	8.6
Dismissed and cautioned..	307	23.8	121	20.9	324	20.7	2	10.5	2,349	15.1
Proved, no penalty.....	129	10.0	33	5.7	185	11.8	1	5.3	1,393	9.0
Recognizance.....	117	9.1	91	15.7	133	8.5	3	15.8	3,121	20.1
Probation.....	30	2.3	36	6.2	90	5.8	1	5.3	2,216	14.2
Fine.....	648	50.2	266	45.9	575	36.7	12	63.2	2,894	18.6
Community Service Order..	1	0.1	6	1.0	28	1.8	0	0.0	606	3.9
Committed to care - FACS.	0	0.0	0	0.0	0	0.0	0	0.0	5	0.0
Committed to care - other	0	0.0	0	0.0	4	0.3	0	0.0	4	0.0
Committed to institution.	6	0.5	3	0.5	93	5.9	0	0.0	1,021	6.6
Other proven.....	3	0.2	2	0.3	26	1.7	0	0.0	614	3.9
TOTAL, All Outcomes.....	1,291	100.0	579	100.0	1,565	100.0	19	100.0	15,553	100.0

## Notes:

1. **Not Proven:** In this table not proven includes committed to higher court; heard, not proved; withdrawn and other not proven outcomes.
2. **Other Proven:** In this table, other proven includes committed to prison; rising of the court; compensation plus other proven outcomes.

Table 6.5

Appearances and Proven Offences by Type of Matter  
for Drug Offences before the Children's Courts  
1988/89

Type of Matter	Appearances		Proven offences	
	No.	%	No.	%
<b>Possess/use</b>				
Cannabis.....	396	68.4	386	69.2
Opiates.....	22	3.8	18	3.2
Stimulants.....	13	2.2	12	2.2
Other.....	37	6.4	37	6.6
<b>Deal/traffic</b>				
Cannabis.....	25	4.3	25	4.5
Opiates.....	1	0.2	1	0.2
Stimulants.....	3	0.5	2	0.4
Other.....	2	0.3	2	0.4
<b>Other</b>				
Other drug offences.....	80	13.8	75	13.4
<b>TOTAL, All drug matters</b>	<b>579</b>	<b>100.0</b>	<b>558</b>	<b>100.0</b>

Table 6.6

Age and Sex of Proven Offenders  
for Criminal Matters before the Children's Courts  
1988/89

Age	Male		Female		Total	
	No.	%	No.	%	No.	%
11 years.....	51	0.4	6	0.3	57	0.4
12 years.....	199	1.6	27	1.4	226	1.6
13 years.....	509	4.1	97	5.1	606	4.3
14 years.....	1,228	10.0	227	11.9	1,455	10.2
15 years.....	2,170	17.7	381	20.0	2,551	18.0
16 years.....	3,386	27.5	544	28.5	3,930	27.7
17 years.....	4,183	34.0	560	29.4	4,743	33.4
18 years and over.....	566	4.6	64	3.4	630	4.4
TOTAL, All Proven Offenders.....	12,292	100.0	1,906	100.0	14,198	100.0

## Notes:

1. 18 years and over: Under 18 years when the offence was committed.
2. Age not known in 25 cases.

Table 6.7

Type of Matter and Sex of Proven Offenders  
for Criminal Matters before the Children's Courts  
1988/89

Type of Matter	Male		Female		Total	
	No.	%	No.	%	No.	%
Against the person.....	1,322	10.7	264	13.8	1,586	11.2
Robbery and Extortion..	113	0.9	24	1.3	137	1.0
Sexual assaults.....	116	0.9	1	0.1	117	0.8
Fraud.....	199	1.6	109	5.7	308	2.2
Break and enter.....	1,873	15.2	159	8.3	2,032	14.3
Larcency						
Motor vehicle theft..	1,574	12.8	133	7.0	1,707	12.0
Shoplifting.....	558	4.5	289	15.2	847	6.0
Other theft.....	1,411	11.5	164	8.6	1,575	11.1
Unlawful possession....	672	5.5	117	6.1	789	5.5
Serious driving.....	556	4.5	50	2.6	606	4.3
Firearms and weapons...	175	1.4	5	0.3	180	1.3
Damage property.....	957	7.8	106	5.6	1,063	7.5
Offensive behaviour....	1,047	8.5	194	10.2	1,241	8.7
Drug offences.....	495	4.0	63	3.3	558	3.9
Other offences.....	1,248	10.1	229	12.0	1,477	10.4
TOTAL, All Proven Offenders.....	12,316	100.0	1,907	100.0	14,223	100.0

Table 6.8

**Bail at Final Appearance  
for Criminal Matters before the Children's Courts  
1988/89**

Bail	No.	%
In custody.....	1,221	11.7
On bail.....	7,851	75.5
Bail dispensed with.....	886	8.5
Unknown bail status.....	435	4.2
<b>Total, All bail status.....</b>	<b>10,393</b>	<b>100.0</b>

**Notes:**

1. Determined on criminal charge matters.
2. Summons matters or Court Attendance Notices not included in this table (5160 cases)

Table 6.9

Trends in Police Cautions  
Reported to the Department of Family and Community Services  
1984/85 - 1988/89

Type of Matter	1984/85		1985/86		1986/87		1987/88		1988/89	
	No.	%								
Against the person.....	21	1.6	147	3.8	202	4.2	215	5.2	193	5.7
Robbery and Extortion..	1	0.1	1	0.0	7	0.1	6	0.1	3	0.1
Sexual assaults.....	2	0.2	20	0.5	22	0.5	30	0.7	19	0.6
Fraud.....	49	3.8	94	2.5	100	2.1	76	1.8	117	3.5
Break and enter.....	114	8.8	622	16.3	686	14.1	476	11.5	379	11.2
Larceny										
Motor vehicle theft..	31	2.4	392	10.2	486	10.0	225	5.4	73	2.2
Shoplifting.....	263	20.2	778	20.3	1,203	24.7	**	**	**	**
Other theft.....	576	44.3	776	20.3	991	20.4	2,068	49.9	1,676	49.6
Unlawful possession....	13	1.0	125	3.3	163	3.4	106	2.6	80	2.4
Serious driving.....	1	0.1	0	0.0	0	0.0	0	0.0	2	0.1
Firearms and weapons...	40	3.1	76	2.0	98	2.0	61	1.5	44	1.3
Damage property.....	113	8.7	365	9.5	397	8.2	342	8.3	331	9.8
Offensive behaviour....	15	1.2	49	1.3	66	1.4	131	3.2	143	4.2
Drug offences.....	23	1.8	223	5.8	227	4.7	176	4.2	117	3.5
Other offences.....	38	2.9	157	4.1	215	4.4	233	5.6	199	5.9
TOTAL, All cautions	1,300	100.0	3,825	100.0	4,863	100.0	4,145	100.0	3,376	100.0

## Notes:

1. For an explanation of police caution, see explanatory note 2.
2. Type of matter: Most serious matter for which a caution was issued.
3. Number of cautions: The increase in the number of cautions in 1985/86 resulted from changes to police rules effective from 1st September, 1985.

\*\* Shoplifting no longer quoted separately by FACS for police cautions, figures included with Other theft.

Table 6.10

Police Cautions by Age and Sex  
Reported to the Department of Youth and Community Services  
1988/89

Age	Male		Female		Total	
	No.	%	No.	%	No.	%
11 years.....	123	4.8	23	3.1	146	4.4
12 years.....	186	7.3	56	7.6	242	7.4
13 years.....	342	13.4	122	16.6	464	14.1
14 years.....	513	20.1	146	19.9	659	20.0
15 years.....	483	18.9	142	19.3	625	19.0
16 years.....	473	18.5	141	19.2	614	18.7
17 years.....	406	15.9	99	13.5	505	15.3
18 years and over.....	31	1.2	6	0.8	37	1.1
TOTAL, All Proven Offenders.....	2,557	100.0	735	100.0	3,292	100.0

**Notes:**

1. 18 years and over: Under 18 years when the offence was committed.
2. Age not known in 84 cases (13 females, 71 males).

Table 6.11

Police Cautions by Type of Matter and Sex  
Reported to the Department of Community Services  
1988/89

Type of Matter	Male		Female		Total	
	No.	%	No.	%	No.	%
Against the person.....	146	5.6	47	6.3	193	5.7
Robbery and Extortion..	2	0.1	1	0.1	3	0.1
Sexual assaults.....	19	0.7	0	0.0	19	0.6
Fraud.....	72	2.7	45	6.0	117	3.5
Break and enter.....	363	13.8	16	2.1	379	11.2
Larcency						
Motor vehicle theft..	67	2.5	6	0.8	73	2.2
Other theft.....	1,155	43.9	521	69.7	1,676	49.6
Unlawful possession....	71	2.7	9	1.2	80	2.4
Firearms and weapons...	44	1.7	0	0.0	44	1.3
Damage property.....	287	10.9	44	5.9	331	9.8
Offensive behaviour....	124	4.7	19	2.5	143	4.2
Drug offences.....	103	3.9	14	1.9	117	3.5
Other offences.....	175	6.7	26	3.5	201	6.0
TOTAL, All appearances	2,628	100.0	748	100.0	3,376	100.0

**Notes:**

Against the person - includes homicides, attempted homicides and other non-sexual assaults.  
 Driving - includes drink/drive, dangerous and negligent driving.  
 Motor vehicle theft - includes steal motor vehicle, take/use motor vehicle, ride in stolen motor vehicle.  
 Other theft - includes shoplifting.  
 Other - includes all other offences not elsewhere classified, the majority of these are offences against good order. Other also includes serious driving.

TABLE 6.12

Trends in Appearances  
for Welfare Matters before the Children's Courts  
1984/85 - 1988/89

86.

Type of Matter	1984/85		1985/86		1986/87		1987/88		1988/89	
	No.	%								
No fixed place of abode....	14	0.7	12	0.7	4	0.2	1	0.1	0	0.0
Destitute.....	71	3.7	36	2.0	29	1.5	13	0.9	0	0.0
Exposed to moral danger....	92	4.8	89	4.8	66	3.5	52	3.5	3	0.3
Improper guardianship.....	166	8.7	141	7.7	131	7.0	73	4.9	0	0.0
Incompetent guardianship...	830	43.4	1,145	62.2	787	41.9	531	35.7	37	3.2
Other neglect matters.....	13	0.7	49	2.7	387	20.6	462	31.0	708	61.7
Truancy.....	27	1.4	4	0.2	6	0.3	1	0.1	0	0.0
Uncontrollable.....	701	36.6	365	19.8	467	24.9	263	17.7	9	0.8
Child abused.....	**	**	**	**	**	**	93	6.2	309	26.9
Other complaints.....	0	0.0	0	0.0	1	0.1	0	0.0	81	7.1
TOTAL, All appearances.....	1,914	100.0	1,841	100.0	1,878	100.0	1,489	100.0	1,147	100.0

## Notes:

1. For an explanation of welfare matters, see Explanatory note 2.
2. Appearance: Most serious complaint matter determined at each appearance.
3. Child abused: This outcome was introduced in 1987/88.

Table 6.13

Trends in Proven Offences  
for Welfare Matters before the Children's Courts  
1984/85 - 1988/89

Type of Matter	1984/85		1985/86		1986/87		1987/88		1988/89	
	No.	%								
No fixed place of abode....	12	0.8	10	0.7	3	0.2	0	0.0	0	0.0
Destitute.....	61	4.1	32	2.2	27	1.9	10	0.9	0	0.0
Exposed to moral danger....	66	4.4	68	4.7	49	3.4	33	2.8	2	0.2
Improper guardianship.....	136	9.1	122	8.4	100	6.9	62	5.4	0	0.0
Incompetent guardianship...	719	48.1	978	67.0	675	46.3	441	38.1	30	2.9
Other neglect matters.....	12	0.8	43	2.9	325	22.3	396	34.2	633	62.1
Truancy.....	23	1.5	1	0.1	3	0.2	1	0.1	0	0.0
Uncontrollable.....	467	31.2	205	14.1	274	18.8	130	11.2	4	0.4
Child abused.....	**	**	**	**	**	**	85	7.3	288	28.2
Other complaints.....	0	0.0	0	0.0	1	0.1	0	0.0	63	6.2
TOTAL, All appearances.....	1,496	100.0	1,459	100.0	1,457	100.0	1,158	100.0	1,020	100.0

**Notes:**

1. Child abused: This outcome was introduced in 1987/88.

Table 6.14

Trends in Court Outcomes  
for Welfare Matters before the Children's Courts  
1984/85 - 1988/89

Court Outcome	1984/85		1985/86		1986/87		1987/88		1988/89	
	No.	%								
<b><u>Not Proven</u></b>										
Heard, not proven.....	98	5.1	24	1.3	3	0.2	1	0.1	0	0.0
Withdrawn.....	304	15.9	343	18.6	390	20.8	306	20.6	106	9.2
Other not proven.....	16	0.8	15	0.8	28	1.5	24	1.6	21	1.8
<b><u>Subtotal, not proven.....</u></b>	<b>418</b>	<b>21.8</b>	<b>382</b>	<b>20.7</b>	<b>421</b>	<b>22.4</b>	<b>331</b>	<b>22.2</b>	<b>127</b>	<b>11.1</b>
<b><u>Proven</u></b>										
Dismissed and cautioned...	109	5.7	54	2.9	72	3.8	35	2.4	1	0.1
Proved, no penalty.....	67	3.5	35	1.9	45	2.4	68	4.6	55	4.8
Rising of the court.....	1	0.1	0	0.0	4	0.2	0	0.0	0	0.0
Recognizance.....	13	0.7	13	0.7	8	0.4	1	0.1	0	0.0
Probation.....	319	16.7	197	10.7	207	11.0	86	5.8	6	0.5
Committed to care - FACS..	340	17.8	325	17.7	305	16.2	256	17.2	312	27.2
Committed to care - other.	572	29.9	817	44.4	734	39.1	524	35.2	194	16.9
Committed to institution..	75	3.9	17	0.9	16	0.9	8	0.5	0	0.0
Other proven.....	0	0.0	1	0.1	66	3.5	180	12.1	452	39.4
<b><u>Subtotal, proven.....</u></b>	<b>1,496</b>	<b>78.2</b>	<b>1,459</b>	<b>79.3</b>	<b>1,457</b>	<b>77.6</b>	<b>1,158</b>	<b>77.8</b>	<b>1,020</b>	<b>88.9</b>
<b><u>TOTAL, All Outcomes.....</u></b>	<b>1,914</b>	<b>100.0</b>	<b>1,841</b>	<b>100.0</b>	<b>1,878</b>	<b>100.0</b>	<b>1,489</b>	<b>100.0</b>	<b>1,147</b>	<b>100.0</b>

Table 6.15

Type of Matter and Outcomes  
for Welfare Matters before the Children's Courts  
1988/89

Court Outcome	Exposed to moral danger		Incompetent guardianship		Other neglect matters		Uncontrollable		Child abuse		Other complaints		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Not proven.....	1	33.3	7	18.9	75	10.6	5	55.6	21	6.8	18	22.2	127	11.1
Dismissed and cautioned...	0	0.0	1	2.7	0	0.0	0	0.0	0	0.0	0	0.0	1	0.1
Proven, no penalty.....	1	33.3	0	0.0	34	4.8	2	22.2	11	3.6	7	8.6	55	4.8
Probation.....	1	33.3	0	0.0	3	0.4	2	22.2	0	0.0	0	0.0	6	0.5
Committed to care - FACS..	0	0.0	8	21.6	212	29.9	0	0.0	73	23.6	19	23.5	312	27.2
Committed to care - other.	0	0.0	7	18.9	122	17.2	0	0.0	46	14.9	19	23.5	194	16.9
Other proven.....	0	0.0	14	37.8	262	37.0	0	0.0	158	51.1	18	22.2	452	39.4
TOTAL, All Outcomes.....	3	100.0	37	100.0	708	100.0	9	100.0	309	100.0	81	100.0	1,147	100.0

Table 6.16

Age and Sex of Proven Offender  
for Welfare Matters before the Children's Courts  
1988/89

Age	Male		Female		Total	
	No.	%	No.	%	No.	%
Under 3 years.....	120	25.5	104	18.9	224	22.0
3 to 5 years.....	64	13.6	90	16.4	154	15.1
6 to 8 years.....	70	14.9	58	10.6	128	12.5
9 to 11 years.....	74	15.7	79	14.4	153	15.0
12 to 14 years.....	118	25.1	178	32.4	296	29.0
15 years.....	21	4.5	34	6.2	55	5.4
16 years.....	3	0.6	5	0.9	8	0.8
17 years.....	1	0.2	1	0.2	2	0.2
TOTAL, All Proven Offenders.....	471	100.0	549	100.0	1,020	100.0

Table 6.17

Type of matter and Sex of Proven Offender  
for Welfare Matters before the Children's Courts  
1988/89

Type of matter	Male		Female		Total	
	No.	%	No.	%	No.	%
Exposed to moral danger...	1	0.2	1	0.2	2	0.2
Incompetent guardianship..	14	3.0	16	2.9	30	2.9
Other neglect matters.....	317	67.3	316	57.6	633	62.1
Uncontrollable.....	1	0.2	3	0.5	4	0.4
Child abused.....	108	22.9	180	32.8	288	28.2
Other complaints.....	30	6.4	33	6.0	63	6.2
<b>TOTAL, All Proven Offenders.....</b>	<b>471</b>	<b>100.0</b>	<b>549</b>	<b>100.0</b>	<b>1,020</b>	<b>100.0</b>

Table 6.18

Sex and Outcome  
for Welfare Matters before the Children's Courts  
1988/89

Court Outcome	Male		Female		Total	
	No.	%	No.	%	No.	%
Not proven.....	62	11.6	65	10.6	127	11.1
Dismissed and cautioned...	1	0.2	0	0.0	1	0.1
Proved, no penalty.....	24	4.5	31	5.0	55	4.8
Probation.....	1	0.2	5	0.8	6	0.5
Committed to care - FACS..	162	30.4	150	24.4	312	27.2
Committed to care - Other.	83	15.6	111	18.1	194	16.9
Other proven.....	200	37.5	252	41.0	452	39.4
TOTAL, All Proven Offenders.....	533	100.0	614	100.0	1,147	100.0

## **APPENDICES**

## APPENDIX I

## LEGISLATION

The Bureau of Crime Statistics and Research collects statistics on all appearances at Local Courts at which there was any charge under:

New South Wales Crimes Act  
Commonwealth Crimes Act

It also collects statistics on charges of particular social interest under the following Acts and Regulations:

Bail  
Bush Fires  
Clean Air Regulations  
Clean Waters  
Commonwealth Customs  
Commonwealth Reserve Bank  
Community Service Orders  
Customs  
Drug Misuse and Trafficking  
Firearms and Dangerous Weapons  
Gaming and Betting  
Government Railways  
Government Railways By-Laws  
Inclosed Lands Protection  
Indecent Articles and Classified Publications  
Hire Purchase  
Justices  
Liquor  
Listening Devices  
Local Government  
Local Government Ordinances  
Marriage  
Motor Traffic  
Motor Traffic Regulations  
National Crimes Authority  
Navigable Waters (Anti-Pollution) Regulations  
Noise Control  
Offences in Public Places  
Ombudsman  
Periodic Detention of Prisoners  
Poisons  
Police Offences  
Police Regulations  
Port Authority Smoke Control Regulations  
Port of Sydney Regulations  
Prevention of Cruelty to Animals  
Prevention of Oil Pollution of Navigable Waters  
Prisons  
Prostitution  
Public Health  
Summary Offences  
Transport Regulations  
Transport Authority Regulations  
Water

## APPENDIX II

## NOTES ON COURT ACTIONS AND RELEVANT LEGISLATION

As well as the self-explanatory penalties, such as fines and imprisonment, the following court actions may need some explanation.

**Withdrawn/dismissed**

This includes cases where the court dismisses an information or charge after having heard the evidence and cases where the prosecution themselves elect not to proceed against the accused because of insufficient evidence.

**Rising of the court**

This is a nominal penalty imposed by the court. The defendant is held in custody until the court adjourns.

**556A dismissal/recognizance**

Under Section 556A of the Crimes Act, the court where it finds the charge proved can, without proceeding to a conviction, discharge the defendant with no penalty, with some nominal penalty, or upon his entering into a recognizance to be on good behaviour. (For details regarding recognizance, see separate heading.)

**Recognizance**

There are several different types of recognizances, or "bonds", which may be imposed by a court. Generally speaking they all require the offender to be "of good behaviour" for a certain length of time and may impose other conditions as well. Common conditions attached to recognizances are, for example, that the offender:

- . report to the Probation and Parole Service on a regular basis;
- . attend alcohol counselling;
- . reside in a certain area; etc.

Depending on the kind of recognizance the court imposes, a monetary sum is usually fixed at the time of sentencing by the court and indicates the amount the offender will be liable to pay if he is later found guilty of breaching any conditions of the recognizance. Such payment by the offender will, of course, be in addition to any other sanction which breach of the recognizance might attract.

In addition the court may require that one or more "suitable people" act as "sureties" on the recognizance, that is agree to forfeit a certain sum of money should the offender fail to honour his recognizance.

The following are the major types of recognizances provided under the N.S.W. Crimes Act:

Section 432: Provides that where a court sentences an offender to a term of imprisonment the court may also require him to enter a recognizance to keep the peace for a period of up to 3 years.

Section 547: Similar to the "Common Law Bond", a recognizance under section 547 is essentially an undertaking to keep the peace for up to 6 months. Section 547 provides that any person who apprehends violence or injury to themselves or their family may request the court to have a potential offender enter such a recognizance when, in the court's opinion, the complainant's apprehension was reasonable.

Section 554: Provides for a recognizance of between 12 months and 3 years and may be given in addition to some other penalty such as a fine, order for compensation, or imprisonment.

Section 556A: Provides for a court in appropriate circumstances to not proceed to a conviction against an offender against whom an offence has been proven. The court then has the discretion to discharge the offender with no penalty whatsoever, with some nominal penalty, or upon his entering a recognizance of up to 3 years duration. Such a recognizance requires the offender to appear for possible conviction and sentence on the original offence if, during the life of the recognizance, he breaches any of its conditions.

Section 562B: In essence section 562B is identical in nature to section 547 (above). It differs in that it applies exclusively to cases of apprehended domestic violence and in various procedural details. As long as it is certain such a recognizance can be of any duration the court deems expedient.

Section 558: Recognizances under section 558 are commonly referred to as "deferred sentences". They differ from the section 554 type of recognizance in that if the offender breaches it, then in addition to having to pay a monetary penalty, he may be called upon for sentencing on the original offence.

#### **Periodic detention**

The Periodic Detention Act, 1970, which came into effect in February 1971, provides for certain persons to be sentenced to periodic detention for periods ranging from three to twelve months. Persons sentenced to periodic detention are required to spend each weekend of their sentence under custody, returning to their normal routine from Monday to Friday.

**Community Service Orders**

Under the Community Service Order Act, 1979, an offender may be sentenced up to 500 hours of unpaid community work.

**Mental Disability: Sections 428A, 428B, etc.**

In 1983 amendments to the Crimes Act in line with the Mental Health Act, 1983 were made. These amendments all bear the section number 428 followed by one or more capital letters. Where such a section is mentioned in the Court Statistics it indicates that by reason of mental illness or mental disorder the accused was either unfit to plead, to be tried or to be convicted as the case may be.

## APPENDIX III

## PLEAS AVAILABLE TO THE ACCUSED

A. General and Special Pleas

An accused may plead generally, that is, a plea of "guilty" or "not guilty" or he may plead specially.

A brief explanation of the major special pleas follows although it should be noted that they rarely come up in practice:

1. **Lack of jurisdiction:** Here the accused alleges that the court has no authority to try him, whether it be for territorial reasons, time factors, or for some other reason.
2. **Plea of Pardon:** An accused will rely on this plea where he has been previously granted a pardon by the Crown in relation to the offence.
3. **Autrefois Acquit:** Here the accused alleges that he has been previously acquitted on a charge for the same offence.
4. **Autrefois Convict:** Here the accused alleges that he has been previously convicted on a charge for the same offence.

B. Alternative Pleas

An accused may plead "not guilty" to the charge of which he is accused but "guilty" of some other offence. In such a case the Crown may elect to accept the "guilty" plea and drop the original charge or may insist on prosecuting the original charge.

C. Silence

Where an accused remains silent he is taken to have pleaded "not guilty".

D. Mentally-ill Accused

Where at a Local Court level (other than Committal Proceedings) a Magistrate forms the view that an accused is mentally disordered or mentally ill he may discharge the accused without determining the matter. In such a case, of course, the accused's plea (if any) is disregarded.

For more serious offences before the District or Supreme Courts, the question of the accused's unfitness to be tried, if raised bona fide as an issue, will usually be determined on the balance of probabilities by a jury in a special inquiry constituted for that purpose. If found fit to be tried, the accused will then be tried in the normal manner. If found unfit the accused will be referred to the Mental Health Review Tribunal which will then examine the accused to

determine whether he is ever likely to be fit for trial. This determination is then passed on to the Court and to the Attorney General and Director of Public Prosecutions who will between them decide on the appropriate course of action. The accused may be hospitalised by the court for up to 12 months and in appropriate cases a "special hearing" will be conducted before a jury to determine whether the accused did in fact commit the offence alleged. At such a hearing the mentally-ill accused need not attend but is deemed to have pleaded "not guilty". He will be represented by a solicitor or barrister who on behalf of the accused has all the rights to which an accused would normally be entitled.

If such special hearing determines that the accused committed the offence alleged, and the matter is of sufficient seriousness to warrant in normal circumstances the imposition of a gaol sentence, then the Court makes an estimate of what such sentence would have been and refers to the accused to the Mental Health Review Tribunal for further assessment along with such orders with respect to custody of the person as the Court deems appropriate.

#### E. Ex Parte Proceedings

For summary matters or for those matters which although indictable may be dealt with summarily without the accused's consent, a Magistrate may in appropriate circumstances proceed to determine a case and sentence an accused even though the accused has failed to turn up. Such proceedings are known as ex parte proceedings.

#### Section 75B

For certain summary offences brought to court by summons or attendance notice, where the defendant does not appear and is not represented, if it is clear that the summons or notice has been correctly served by the appropriate officer, and provided that it is satisfied that the alleged facts constitute the offence, the court may impose the penalty which would have been imposed had the defendant been found guilty of the offence.

## APPENDIX IV

## DRINK/DRIVE OFFENCES AND PENALTIES

This collection includes all appearances for serious offences under the Motor Traffic Act, 1909.

Under this Act a police officer is empowered to require any person to undergo a breath test where he has reasonable cause to believe that person:

- (a) is or was driving a motor-vehicle upon a public street;  
 OR (b) is or was occupying the driving seat of a motor-vehicle upon a public street and attempting to put it in motion.

Without limiting the above, the Act further empowers a police officer to at any time request or signal the driver of a motor vehicle to stop the vehicle in order to undergo such a breath test.

For the purposes of these statistics a distinction has been made between offences detected by random breath testing (RBT) and those detected by testing following an accident, dangerous driving and the like (non-RBT).

Following the introduction of a legal blood alcohol limit (.08 grams of alcohol per 100 millilitres of blood) in New South Wales, the following legislative changes affecting both police activity and penalties for drink/driving offences were introduced:

- . In December 1978, the maximum fine for driving with the prescribed concentration of alcohol (PCA) was increased from \$400 to \$1,000.
- . In July 1980, police were directed to breath-test any driver involved in a crash or who had committed a four-point traffic offence.
- . In December 1980, the legal blood alcohol limit was reduced from 0.08 to 0.05, thereby creating two offences - driving with a lower prescribed concentration of alcohol (0.05 grams of alcohol or more per 100 millilitres of blood, but less than 0.08 grams) and driving with a higher PCA (0.08 grams or more of alcohol in 100 millilitres of blood).

An amendment to the legislation, effective from 17 December 1982, introduced random breath testing and compulsory blood testing of drivers of motor vehicles, motor cyclists and pedestrians, aged 15 and over who were admitted to or treated at a hospital following a road accident. The amendments relating to random breath testing empower "a member of the police force, who has reasonable cause to believe that any person is or was driving a motor vehicle, to require the driver to undergo a breath test".

The usual procedure involves an initial screening breath test. If the result is positive, then the driver is required to undergo a second test on the breath analysis machine within two hours of the time he last drove. The reading given by breath analysis has prima facie evidentiary status in court.

Current legislation now provides for four levels of prescribed concentration of alcohol (Sections 4E(1D) - 4E(1G)):- (i) special range PCA (0.020 - 0.049g/100ml of blood) (ii) low range PCA (0.050 - 0.079g/100ml of blood) (iii) medium range PCA (0.080 - 0.149g/100ml of blood) (iv) high range PCA (0.15g or more/100ml of blood). It is also an offence to fail to comply with a signal to stop at a random breath testing station (Section 4E (2B), to refuse a breath test (Section 4E(6)), to refuse breath analysis (Section 4E(7) (a)), or to wilfully alter one's blood alcohol concentration (Section 4E(7) (b)).

The following table shows the penalties incurred by breaches of the legislation.

#### PENALTIES FOR DRINK-DRIVE OFFENCES

##### MOTOR TRAFFIC ACT

Section	Offence	Penalty	Suspension
4E (1D)	Special range PCA	<u>1st Offence:</u> \$500 maximum fine	<u>1st Offence:</u> 3 months automatic (maximum), no minimum
		<u>2nd Offence:</u> \$1,000 maximum fine	<u>2nd Offence:</u> Automatic 12 months, minimum 3 months
4E (1E)	Low PCA	<u>1st Offence:</u> \$500 maximum fine	<u>1st Offence:</u> 6 months automatic (maximum), no minimum
		<u>2nd Offence:</u> \$1,000 maximum fine. No gaol penalty	<u>2nd Offence:</u> 12 months automatic, minimum 3 months
4E (1F)	Medium PCA	<u>1st Offence:</u> \$1,000 maximum fine and/or 6 months gaol	<u>1st Offence:</u> 12 months automatic, minimum 3 months
		<u>2nd Offence:</u> \$1,000 maximum fine and/or 6 months gaol	<u>2nd Offence:</u> 3 years automatic, minimum months
4E (1G)	High PCA	<u>1st Offence:</u> \$1,500 maximum fine and/or 9 months gaol	<u>1st Offence:</u> 3 years automatic, minimum 6 months
		<u>2nd Offence:</u> \$2,000 maximum fine and/or 12 months gaol	<u>2nd Offence:</u> 5 years automatic, minimum 12 months

## PENALTIES FOR DRINK-DRIVE OFFENCES

## MOTOR TRAFFIC ACT (continued)

Section	Offence	Penalty	Suspension
4E (1L)	Occupy seat next to the holder of a learners permit (who is driving a motor vehicle) with a B.A.C. of 0.05 or greater	\$1,000 maximum fine	Nil
4E (2B)	Fail to comply with signal to stop at RBT station	\$1,000 maximum fine	Nil
4E (6)	Refuse breath test	\$1,000 maximum fine	Nil
4E (7)	Refuse breath analysis	As for high PCA	As for high PCA
4F (7) (b)	Wilfully alter concentration of alcohol	As for high PCA	As for high PCA
5 (2) (a), (b)	D.U.I.	\$1,000 maximum fine and/or 6 months gaol	<u>1st Offence:</u> 12 months automatic, minimum 3 months  <u>2nd Offence:</u> 3 years automatic, minimum 6 months
5 (2) (c)	Occupy seat next to the holder of a learners permit who is driving a motor vehicle whilst under the influence of intoxicating liquor or of a drug	\$1,000 maximum fine	

## Note:

1. The offence of failing to comply with signal to stop at an RBT station was a new offence from 1985.
2. Sections 4E (1D), 4E (1L), 5 (2) (C) were amendments contained in the Motor Traffic (Road Safety) Amendment Act, 1985.