Childrens Court of Queensland

Annual Report

1999-2000

16 November 2000

The Honourable Matt Foley MLA
Attorney-General, Minister for Justice
State Law Building
50 Ann Street
BRISBANE QLD 4000

Dear Attorney

In accordance with the requirements of s.22 of the Childrens Court Act 1992, I am pleased to present the Seventh Annual Report of the Childrens Court of Queensland for 1999-2000-11-16

Yours sincerely

Judge John Robertson
President of the Childrens Court of Queensland

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Introduction

This is my second report as President of the Childrens Court of Queensland and the seventh since the Court's inception. Sadly, my predecessor in office, Judge Fred McGuire, died earlier this year, shortly after receiving an Order of Australia for his services to the law and particularly in relation to his time as President of the Court. A tribute to his life and achievements follows.

In my last report, I referred to the review of the Juvenile Justice Act 1992 then being undertaken. Prior to the presentation of my report in 1999, I had made a written submission to Government concerning the review and some of the issues canvassed in my submission were highlighted in my report. This included the right of election and the role of the Court in the criminal justice system. My comments provoked some interest, including a perceptive and helpful speech to Parliament by the Member for Nudgee, Mr Roberts. Regrettably, the review is still underway, and I am told that it may be completed by December. For that reason, I do not intend to again canvass those issues referred to in the Sixth Annual Report, which also form part of my submission, in this report.

It is significant that in the year under review, there has been a significant decrease in the use by the courts of the ultimate sanction of detention as a sentencing option, while, at the same time, there has been no appreciable increase in crime and indeed a small drop in the number of young people coming before the courts. This is encouraging, as, during the same period, there has been an increase in the use of community conferencing, both as a diversionary and a pre-sentence option, but a significant drop in the number of cautions administered by the police.

In the introduction to my last report, I mentioned the impossibility of complying with section 22 of the Childrens Court Act 1992, because of the difficulty in gathering and analysing statistics which necessarily have to come from diverse sources. Section 22 is in mandatory terms and requires me to report no later than 30 September of each year. Thankfully, there is no sanction imposed for a failure to comply with the section, otherwise both Judge McGuire and I would now be repeat offenders. I strongly recommend that the Act be amended to provide for reporting no later than five months after the end of the financial year.

Readers will note that statistical information from the 1998-1999 is not included in the statistical tables and analysis attached to the report. In 1998-1999 (and in past years), the statistics have been collected by the Office of Economic and Statistical Research from the computerised Case Register System (CRS), for the Magistrates Courts, and the Criminal Register System (CRS), for the District and Supreme Courts. This year the statistics have been provided by the Department of Families, Youth and Community Care. The Chief Justice and the Chief Judge have both commented unfavourably on the lack of proper statistical gathering and counting methodology in the higher courts, which makes it difficult to predict future trends, and the need for additional judicial and administrative resources.

The same criticisms apply to this Court. The differences are stark and very concerning. Based on the CRS systems, for example, I reported last year that in 1998-1999 (encompassing the first six months of my leadership of the Court), the number of young people appearing before the Court totalled 120. The data collected for the same year by the Department of Families, Youth and Community Care, from court information forms completed by Departmental officers attending Court or by the receipt of official court documentation (for example, court orders, transcripts, warrants etc.), states that the figure is 85. This one example, from many similar discrepancies,

graphically demonstrates the failure of Government, over many years, to invest in the development of proper systems to ***accurately*** measure court statistics. I am quite sure that the unsatisfactory measures available to the courts to measure its performance statistically, would ***not*** be tolerated in the Office of the Treasury or the Premier's Department. The question has to be asked, how can anyone confidently rely on figures which are demonstrably "rubbery". These figures form the basis for arguments for resources and on important social policy initiatives. Surely it is time for the Government to invest in a proper system for collecting and measuring the statistics relevant to the work of the courts.

Judge Fred McGuire A.M. – A Tribute

As all readers will know, Fred McGuire died in July, shortly after he received an Order of Australia in the Queens Birthday Honours, an award which he cherished and one which he richly deserved. Last year, I canvassed many of Fred's qualities as a Judge and as a warm, compassionate human being. Little did I realise that by the time of the writing of my second report, he would no longer be alive. Much has been said of his contribution to the Law, of his deep commitment to the Queensland community and his abiding interest in the plight of indigenous offenders. As the Editor of the Queensland Bar News commented in a warm tribute to Fred in the October edition, perhaps the most remarkable feature of his funeral service at St Johns College, St Lucia, was the extraordinary diversity of those who attended and who came from all walks of life. I extend to Fred's family, and in particular to his wife Patricia, my sympathy. Fred will be missed. I will miss him. He was a valued colleague and a good friend.

Trends

Unfortunately, it is not possible for me to make any credible comments on trends, because of the change in statistical gathering and analysis techniques referred to in my introduction. What I say now must be read in light of that.

- There is certainly a trend downwards for detention for young people from previous years.
- The use of the Childrens Court of Queensland as the court of final disposition has increased dramatically. Based on the Department of Families, Youth and Community Care statistics, there has been a rise from 85 to 195, a 126 per cent increase, in the number of young people appearing before the Court. Even on the basis of the figures in the last Annual Report, the increase is from 120 to 195, a more modest, but still a satisfactory, increase.
- There has been an increase in the number of very young children, those under 14, appearing before the courts. In a number of centres (for example, Brisbane, Ipswich and

Mt Isa), these very young offenders commit a large number of offences, usually against property.

- The tables do not support any factual basis for a suggestion that there is a dramatic increase in crimes committed by young people under the age of 17.

The Year in Focus

(a) The Courts Work

There has been a significant increase in the number of young people choosing the Court as the venue of final disposal. At present, there is no appropriate measurement for another important area of the Court's work, which was discussed in last years report. During the year under review, Judges of the Court have dealt with a large number of urgent bail applications, sentence reviews and stay applications outside the gazetted sittings of the Court. The initiative resulted from significant community concern about the number of young people held in custody on remand while awaiting final disposal. Section 46 of the Juvenile Justice Act gives wide powers to a Childrens Court Judge to grant or vary bail for all offences, including offences within the otherwise exclusive jurisdiction of the Supreme Court. Co-operation by the Judges holding commissions in Brisbane has enabled urgent bail applications to be considered at any time. Some of these matters are difficult and time consuming. Unfortunately, there is no mechanism in place to record these matters so that accurate analysis and reporting can be undertaken. The need to maintain this service cannot be over emphasised. As I reported last year, a significant number of young people actually serve their sentence on remand before final disposition. Many serve sentences that are inappropriate to the circumstances of the case. The Department of Families, Youth and Community Care produced figures for the 1999 workshop on children in watchhouses, which indicated that in 1998-1999, 73 per cent of distinct admissions to custodial remand did not result in a custodial order at final disposition. It may be that because the child had been in detention so long, a community based order was the only option, but the figures do support the need to have in place mechanisms to ensure that bail for children is regularly reviewed.

In the same vein, I am very grateful to the Director of Public Prosecutions, Ms Leanne Clare, who, within weeks of her appointment this year, established a specialist unit within her office to deal with juvenile cases. The present head of this unit is Mr Andrew McDonald. His group continues to facilitate the urgent hearing of bail applications and sentence reviews, and to provide all relevant police material to the Court. Without that cooperation the system would not work.

(b) 40 Quay Street

The move to the Childrens Court premises at 40 Quay Street has been successful and well received by the users of the Court. Nonetheless, difficulties have arisen at an administrative level, largely because of the irregular sittings of the Court in that building. At the outset, after consultation with all stakeholders, it was agreed that administrative support (filing of documents, perfecting of orders etc.) should be undertaken from the Childrens Court building. Initially this worked well with a staff

member combining these duties with duties on behalf of the Brisbane Childrens Court Magistrate. Inevitably, with staff changes and key people going on leave, some difficulties arose. With an increasing number of urgent applications for bail and sentence review being heard outside of gazetted Court sittings, it was decided, again after consultation, to remove administrative support for the Court from 40 Quay Street to the Criminal Registry on the ground floor of the District Court Building in George Street. All users of the Court were advised as follows:

> " All listings of the Childrens Court of Queensland will be done in the criminal listings office on the 3rd Floor, District Court Building, George Street, Brisbane. All applications and related material will be filed in George Street with the following exceptions:
>
> > Applications to be heard <u>during</u> a sitting held at Quay Street, which are filed on the day of the hearing, <u>may</u> be filed at Quay Street.
>
> It will be the responsibility of the Quay Street Court staff to record the results and prepare the necessary documentation in relation to matters dealt with in that court, and subsequently return the files to George Street.
> All monetary orders made in the Childrens Court of Queensland, whether made at Quay Street or George Street, Will be administered in the criminal registry in George Street.
> All appeals to the Childrens Court in its appellate jurisdiction pursuant to the Child Protection Act must be filed in the Civil Registry of the District Court in George Street. Queries in relation to these appeals should be directed to Ian Mitchell (3247 4414)."

(c) <u>Activities of the President</u>

During the year, I have undertaken many duties outside the courtroom. I have met with the user-groups on a number of occasions. These meetings are designed for a frank exchange of views and to assist me in monitoring the Courts role. In August 2000, I attended a Bail Workshop at the Parliamentary Annexe, organised by the Youth Justice Coordinator at the Department of Families, Youth and Community Care.

Between 14 and 16 July 2000, I attended the Annual Heads of Youth Courts meeting at Coolum on the Sunshine Coast. All of the Childrens Courts in the Australian States and Territories, as well as New Zealand, were represented. Topics discussed included mandatory sentencing; a session in which papers were delivered by Her Honour Judge Valerie French, President of the Childrens Court of Western Australia, and His Worship Mr Hugh Bradley, Chief Magistrate of the Northern Territory. Other topics involving guest speakers included psychiatric assessments of young offenders (Dr Barbara Maguire), domestic violence in Indigenous Communities (Ms Boni Robertson from Griffith University) and restorative justice in schools (Marg Thorsborne). The meetings provide a vital opportunity for hearing about new initiatives and fresh ideas in what is a dynamic area of law. Later in my report, I have reproduced extracts from the executive summary of an extensive review of the research throughout the world focussed on what works to reduce offending by young people. This excellent review, undertaken by the New Zealand Ministry of Youth Affairs, was brought to the meeting by His Honour Judge David Carruthers, who is the

Principal Youth Court Judge in that country. Steve Armitage, the Executive Director of the Youth Justice Programme in Queensland, attended the Saturday session. I am very grateful for the financial assistance of both the Department of Families, Youth and Community Care and the Department of Justice which enabled me to host this important event.

On a number of occasions during the past year, I have attended meetings of the recently formed Childrens Court Committee of the Queensland Law Society. I recently participated in a CLE teleconference which was an initiative of that committee. I congratulate the Society for its recognition of the importance of this aspect of legal practice.

During the year, I have spoken at a number of schools and at other functions about the operation of the Court. There is a great deal of interest in the community in juvenile issues, particularly juvenile crime, and I regret not having more time to extend this important area of outreach. I have also participated actively in the District Court's school programme, which, again, is coordinated by the Law Society, and which involves Judges of the Court speaking to groups of young people (usually grade 11 and 12 students who are undertaking legal studies) in an actual courtroom about the court and trial process. On occasions, it has been possible for groups to remain in court and to hear proceedings before the particular Judge. These sessions are very important in "de-mystifying" the trial process and for educating young people about what actually does happen in court. I have also published a number of articles and attended various seminars and training sessions in my capacity as President of the Court.

Over the last year, I have also had a number of meetings with the Director-General of the Department of Families, Youth and Community Care and the Executive Director of the Youth Justice Programme, Mr Steve Armitage. On occasions, I have been consulted about issues to do with children and the law by Ministers and Shadow Ministers.

There is a significant extra-curricular aspect to the role of President of the Court, which is probably not well understood, neither inside nor outside the Court, but the role is sanctioned by the Childrens Court Act 1992.

(d) The Move to Maroochydore

In August 2000, I commenced duties as the second permanent District Court Judge based at Maroochydore. For the time being, I have retained the position of President of the Court. In 2001, I will travel regularly to Brisbane to conduct CCQ sittings. Two other Judges, Judges Healy and Samios, have received commissions, and the gazetted work will be spread among the Judges with the President assuming the greatest load. The decision to retain my position was made after consultation with the Chief Judge, the Attorney-General and the various user-groups, including Youth Legal Aid and the DPP. If the right of election is changed in accordance with my recommendation, then it would be necessary for the President of the Court to be based permanently in Brisbane. Over the next 12 months I will review the position and I have invited feedback from all interested persons as to whether the job can be undertaken effectively from a regional centre.

Some Issues

(a) Children in Custody

It is gratifying to note that rates of detention have dropped during the year under review. This is against the adult trend.

As I said in my first report, I favour much more emphasis on community based measures, such as restorative justice initiatives, with considerable emphasis being placed on the most difficult young people – the persistent offenders who come back again and again. I am fortified in what appears to be the bi-partisan approach to this issue in Queensland, with the Shadow Attorney-General, the Honourable Lawrence Springborg, being a strong supporter of restorative justice initiatives.

I am very conscious of the high levels of concern n the community about the issue of juvenile crime. Clearly, the hard evidence does not support any suggestion of a crime wave – indeed criminal offences by children have decreased – nor does it suggest that a merely punitive approach has much effect at all. In my conversations with community groups, such as Parents and Citizens groups etc., I find there is a great deal of understanding about the causes of juvenile crime and, also, considerable compassion for young people who inevitably drift into crime from a dysfunctional, abusive and neglected childhood. In many respects, the easiest sentence for a Judge to pass is the ultimate sanction of imprisonment. Has a Judge ever been criticised in the media for being too hard? Despite the impression one might gain from some aspects of the media treatment of this subject, most people in the community instinctively understand that there is no simple answer and that imprisonment, in most cases, is no answer at all.

(b) Department of Families Youth and Community Care

I have continued to enjoy a positive and professional relationship with officers of the Department whose duties bring them into contact with the Court. There is a high degree of professionalism amongst Departmental officers and, on many occasions, I have been greatly aided by the assistance they have given to the Court. It is probably unfair to single anyone out, but it is a fact that very often the Department is represented in Brisbane by Mr Martin McMillan, who has provided outstanding service to the Court and the community.

As I have noted, I have enjoyed a good working relationship with Mr Ken Smith, the Director-General, and Mr Steve Armitage, Executive Director of the Youth Justice Programme. I am grateful for their support to the Court.

Later in my report, Her Honour Judge Bradley expresses concerns, which I share, about the Department's ability to properly administer Court orders in some of the remote Aboriginal and Torres Strait communities in northern Australia. I recognize the difficulty in administering programmes and services in these areas, but the Juvenile Justice Act 1992 imposes a positive obligation on the Chief Executive to do so. Section 224A(1) is in these terms:

> "The Chief Executive must establish –
> (a) programs and services necessary to give effect to any order or direction

under the Act; and

(b) programs and services to support, help, and re-integrate into the community children who have committed offences."

In an application for sentence review earlier this year, I reviewed a six month detention order imposed on a 16 year old in a remote community, in circumstances in which the Magistrate did not make an Immediate Release Order because he was advised by the Family Services Officer that no such programme was available: In the Matter of Y (a child), unreported judgment of the Childrens Court of Queensland, dated 2 March 2000.

It would be remiss of me not to mention an initiative referred to in the recent budget, which suggests, despite those more cynical than I, that Ministers do read Annual Reports. As a direct consequence of hearing a paper on the Mary Street Clinic in Adelaide at the meeting of the Heads of Youth Courts in 1999, and as a result of my concern about an increase in sexual offending by young people, I strongly recommended in my last report that the Government consider funding a similar programme in Queensland. In the 2000-2001 Budget, the Minister for Families, Youth and Community Care and the Minister for Disability Services announced recurrent annual funding, in the sum of $0.25 million, to establish and maintain a specialised assessment and treatment programme for young sexual offenders. It is anticipated that the service will provide written reports to courts, ***and will combine individual and treatment models and consultancy services to remote areas.*** This is an important initiative as I am convinced that early intervention with offenders in this area may well steer the person away from becoming an adult sex offender.

(c) The Age of Criminal Responsibility

Judge McGuire said much about this vexed topic in his various reports over the years. He favoured a complete abolition of the doli incapax (incapable of crime) rule. Indeed the Conolly Criminal Code Advisory Working Group, in their report in July 1996, recommended changes to section 29 to, in effect, place the onus on the accused child to prove an absence of criminal capacity. This recommendation was not adopted by Government. The Criminal Law Amendment Act 1997 amended section 29 by lowering the age from 15 to 14. Consequently, for a child aged between 10 and 14, the Crown has to prove criminal capacity beyond a reasonable doubt.

I have already mentioned the concerning phenomena in many Queensland communities of the persistent, even incorrigible, very young offender. These children present a particularly difficult problem to the criminal justice system, which, in reality, is not equipped to cope. Very quickly, these children learn that the Magistrates and Judges can do nothing to them that is in any way more significant than what they have experienced for most of their young lives. Detention is no deterrent because it in fact provides them with a sense of community (that is, as part of the most serious child offender group) that they have never before experienced. The only purpose in detaining these children is to protect the public. Over the years, I have experienced the same frustrations felt particularly by Magistrates as they impose order after order and there is no change in the child's offending behaviour. Many of these young people become familiar with the inadequacies of the system and treat it all as a joke, regarding detention as a badge of honour and not a punishment.

In New Zealand, children under the age of 14 years are dealt with under the welfare regime of the Family Court and cannot be charged with a criminal offence, unless the charge is murder or manslaughter, in which case the age of criminal responsibility is 10. It is difficult to compare our systems, because New Zealand is not a federal system and the Youth Court Judges also exercise family law jurisdiction. In Australia, family law power is now exercised, in all states except

Western Australia, by the Commonwealth, although, at least up until the formation of the Federal Magistrates Court, State Magistrates exercised some family law jurisdiction. This group of offenders inevitably present with a personal history characterised by gross neglect, lack of education, drug and alcohol abuse, seriously dysfunctional domestic backgrounds and physical, psychological and/or sexual abuse. Such children always suffer from lack of self esteem and are almost always pathological attention seekers. My own experience tells me that young children of 11, 12 or 13 years, most of whom are male in this context, soon learn techniques whereby they attract attention to themselves. I admit to a strong sense of disquiet in these cases that the child is offending to attract attention and is quite unconcerned about the consequences. To treat these young offenders as a community issue and deal with them under the welfare system may be seen as akin to shifting the deck chairs on the Titanic, and certainly many of these children are already subject to care and protection orders. I raise the issue again, as I believe it is an important issue for the community to consider. The research worldwide suggests that there is great utility in concentrating resources on this small group of persistent young offenders, as it may prevent some of them from becoming serious adult offenders. I do have serious doubts about the efficacy of criminal sanctions in achieving this purpose, given that the criminal law, as a method to alter entrenched behaviours and attitudes, is, at best, a very blunt instrument.

I have reproduced, as schedule 1 to the report, a judgment of a Youth Court Judge in a disturbing case in New Zealand. The child offender was 13 and he had set fire to a school causing over $1 million damage. He could not be charged with arson, so he was dealt with under the welfare regime administered by the Youth Court. The presiding Judge refers to many of the issues, including the concerns of the police and the community. As can be seen in this case, there are deficiencies in the New Zealand system, but it may also demonstrate that a concerted multi-disciplined approach to dealing with such a young and serious offender is more appropriate than jailing him. To allay community concerns, there may need to be a right vested in the Director of Public Prosecutions to apply to the Court to have a child charged with an offence and dealt with by the criminal justice process. I raise the issue now, with a view to fostering constructive debate, as I know from my own long experience in the criminal law, that these very young offenders inevitably become incorrigible adult criminals.

(d) Indigenous Issues

Her Honour Judge Bradley, who holds a Childrens Court of Queensland commission and who is resident in Cairns, has now had considerable judicial experience (as a Judge and formerly as a Magistrate in Townsville) in dealing with young offenders in remote indigenous communities. She reports as follows:

> During the 1999-2000 year, the District Court visited a number of indigenous communities in the Gulf of Carpentaria, Cape York and Torres Strait areas. These included Mornington Island, Doomadgee, Normanton, Weipa, Aurukun, Kowanyama, Thursday Island and Bamaga.
>
> In each community, prior to commencement of the Court, meetings were organised between the District Court Judge and others in the Court party, and Community Justice Groups or groups of elders and other respected persons. In every community the Court was warmly welcomed and appreciation was expressed

> for the Court affording offenders the opportunity to be dealt with within their own communities. In a number of communities, juvenile offenders were dealt with, although, apart from a sentence review conducted in Weipa, the juvenile offenders were dealt with in the District Court rather than the Childrens Court.
>
> In the case of all of the children, members of their family and/or communities were able to attend the Court hearing and contributed in a very real sense to the Court process. This enabled realistic and culturally relevant penalties to be imposed. For example, in Aurukun, one juvenile offender who was placed on probation received as a condition of the order a requirement that he reside with an elder at a community out-station during the term of the order.
>
> The involvement of Community Justice Groups and elders in the sentencing of indigenous juvenile offenders is recognised in amendments to the Juvenile Justice Act, contained in the Penalties and Sentences and Other Act Amendment Bill 2000, which is currently before Parliament.
>
> Judges visiting remote communities, however, have expressed concerns that juvenile offenders residing in those communities do not have access to the same programs and resources as are offered by the Department of Families, Youth and Community Care to juvenile offenders in other parts of the State. For example, supervision whilst on probation often consists of nothing more than very brief contact with a Family Services Officer when that person visits the community on a monthly basis for Magistrates Court purposes; specific programs are rarely offered and, on occasion, the Department has been unable to set up appropriate community service projects or offer Immediate Release programs. This, of course, significantly limits the courts ability to impose meaningful penalties.

Judge Bradley refers to the amendments to the Juvenile Justice Act 1992, to provide for the input of community justice groups, elders and respected persons on sentence of indigenous offenders. These amendments are based on restorative justice principles and are in some ways similar to the approach taken to sentencing offenders (adults and children) in the indigenous lands in Canada. I am aware that a protocol is being developed by the Departments concerned, to establish the practical steps which the stakeholders in the process should follow.

(e) <u>Restorative Justice Issues</u>

The statistical reports refer to the significant increase in Court ordered community conferences. In the same period, cautioning by Police has decreased. Based on the records of the Department of Families, Youth and Community Care, in the 1998-1999 period, there were five indefinite court referrals to community conference and four pre-sentence court referrals. In the 1999-2000 period, however, 16 indefinite court referrals and 12 pre-sentence court referrals were made. The community conferencing program continues to record very high participant satisfaction rates. In

Queensland, the victim has an unconditional right of veto, so only "victim approved" conferences can take place. An evaluation of conferencing in Queensland in 1998 by the Griffith University Centre for Crime Policy and Public Safety stated that between 96.7 per cent and 100 per cent of young people, carers, care givers and victims were satisfied with the conference agreements and felt the conference was fair. The 1999-2000 participation results indicate that this high level of satisfaction with the conference process has been maintained.

(f) What works and what doesn't

At the risk of intruding into areas perhaps beyond my expertise, I wish to report briefly on a review of the worldwide research literature undertaken by the Ministry of Youth Affairs in New Zealand. The Department's report "Tough is Not Enough – Getting Smart about Youth Crime", was brought to my attention by the Principal Youth Court Judge in New Zealand, His Honour Judge David Carruthers. In the same vein, I wish to report briefly on a booklet published by Judge Carruthers entitled the "Child Offender's Manual – A Practical Guide to Successful Intervention with Child Offenders". The Manual is designed to assist all those involved in the management of young offenders, from the Courts, Police and Government Agencies to NGO's, to adopt a co-ordinated multi-disciplinary approach.

There is no doubt that in Australia, with its large number of separate jurisdictions, considerable resources are expended on examining programmes already tested and evaluated elsewhere. In referring to this New Zealand material, I do not intend to suggest any criticism of the Department of Families Youth and Community Care; rather, it is a recognition that New Zealand has been at the vanguard of policy initiatives in this difficult area and their efforts can bear critically on policy in Queensland and other states.

I have annexed to my report a copy of pages 83 to 89 of the research review, schedule 2, which includes a summary of "what works" and "what doesn't work". I emphasise these observations are based on an examination of "the most recent and rigorous research into 'what works' to reduce offending by young people" (page 15). The research papers reviewed include recent work from the United Kingdom, Canada, Australia, New Zealand and the United States of America. I will leave it for those who are interested to read the annexure. For my purposes it is sufficient to quote two passages from the Executive Summary:

> "**Tough is not Enough**
>
> Interventions that focus only on 'getting tough' with young offenders almost always fail. These include boot camps, scared straight, shock probation, para-military training and any other intervention that tries to scare or punish young people out of crime.
>
> The reasons are fairly simple. The young people who are the most serious and persistent offenders are usually that way because they grew up in families so plagued with problems that they simply didn't learn a lot of the skills and values necessary to live a successful, law-abiding lifestyle. These are skills like getting along with people, knowing how to solve problems, stopping and thinking before acting and the three r's, reading, writing and arithmetic. They also failed to learn values such as respect for the safety of others, or their property, because their families didn't show that respect themselves.

This is not to say that persistent young offenders should be seen as victims who have no responsibility for their actions. To the contrary, they need to be held accountable, and this is a characteristic of effective interventions."

And:

"One thing that all the reviews and meta-analysis looked at agree on is this:

THERE IS HOPE – OFFENDING BY YOUNG PEOPLE CAN BE REDUCED.

They also agree that no single approach will do this (although there are some approaches that usually don't work). What they indicate is that delivering the right kinds of interventions, to the right people, in the right way, will reduce offending anywhere from five to 50 per cent."

Statistical Tables and Analysis

Contents

INTRODUCTION

For a proper understanding of this section, reference should be made to *A Case Restated for the Third Time* (p. 9 in the third annual report), where the court structure and the classification of offences are explained. It may also be helpful to refer back to the first annual report under the rubric *Statistical Tables* (pp. 128–46) for some of the underlying assumptions and general principles which govern the compilation of the statistical data. It should be borne in mind that an unknown number of crimes committed by children are not reflected in this report. This is because these crimes are either not reported or not detected.

Families, Youth and Community Care Queensland provided the court statistics used in this report, where previously the data were collected by the Office of Economic and Statistical Research. Due to differences in collection methods and the order of seriousness applied for penalty tables, comparisons should not be made to data published in previous reports.

EXPLANATORY NOTES

Reference period

The statistics in this report focus on the financial year 1 July 1999 to 30 June 2000. Where possible, data from the previous financial year are provided for comparison.

Data collection

Statistical information used in this report has been provided by Families, Youth and Community Care Queensland (FYCCQ). The data were collected from all criminal courts in Queensland either by court information forms completed by FYCCQ officers attending court or by the receipt of official court documentation (eg. court orders, transcripts, warrants etc.).

Symbols used in tables

— nil

. . not applicable

DEFINITIONS

caution — an official warning given at police discretion to juveniles as an alternative to charging.

charge — a formal accusation of an offence.

child — see juvenile.

Childrens Court of Queensland — an intermediate court created to deal with juveniles charged with serious offences. It is presided over by a Childrens Court judge.

committal — referral of a case from a Magistrates Court to a higher court for trial or sentence.

community conference	a diversionary option based on restorative justice principles whereby firstly the police can divert young offenders from the court system, and then the court can either divert or order a pre-sentence conference or indefinite referral as a method of dealing with a charge. The victim of an offence has the right to veto any conference.
Court of Appeal	the Supreme Court sitting in judgement on an appeal.
defendant	a juvenile charged with a criminal offence. A juvenile is counted as a defendant more than once if disposed more than once during the reference period.
disposal	the ultimate finalisation and clearing of all matters to do with a defendant (for instance by a guilty finding and sentence, discharge or withdrawal, but not by transfer to another court).
District Court of Queensland	a court constituted by a District Court judge
ex officio indictment	an indictment presented to a higher court by the Director of Prosecutions without a committal.
guilty finding	a determination by the court or as a result of a guilty plea that a defendant is legally responsible for an offence.
juvenile	a person who has not turned 17 years. (A person who has attained 17 years of age may be dealt with as a juvenile if the offence with which he or she is charged was committed before the age of 17 years.)
Magistrates Court	a court of summary jurisdiction constituted by a stipendiary magistrate or, in some circumstances, by two justices of the peace.
offence	an act or omission which renders the person doing the act or making the omission liable to punishment.
offence type	a category within a classification describing the nature of the offence; the Queensland Classification of Offences mainly is used in this report.
offender	a juvenile who has been found or has pleaded guilty of an offence.
penalty	a term of imprisonment or detention, fine or other payment, community service or supervision, surrender of licence or other imposition ordered by the court as part of the punishment of an offender after a guilty finding. *detention order* a custodial penalty placing a juvenile in a youth detention centre. *immediate release order* suspension by the sentencing court of a detention order against a juvenile offender conditional on participation in a program of up to three months. *community service order* a supervision penalty requiring an offender to perform a specified number of hours of unpaid community work.

probation order a penalty allowing freedom under supervision for a specified period, conditional upon compliance with the terms of the order.

fine a monetary penalty requiring an offender to make a payment of a specified sum to the Crown.

good behaviour order a penalty where an offender is ordered to be of good behaviour for a specified period and where a breach thereof may be taken into account if the juvenile reoffends during the period of the order.

reprimand a formal reproof given by the court to a juvenile offender upon a guilty finding.

sentence the determination by a court of the punishment to be imposed on a person who has been found guilty or has pleaded guilty.

serious offence an offence that, if committed by an adult, would make the adult liable to imprisonment for life or for 14 years or more (*Juvenile Justice Act 1992*, s. 8).

Supreme Court of Queensland the highest court in the Queensland judicial system (with unlimited jurisdiction and dealing with murder, attempted murder, manslaughter and the most serious drug offences).

trial (criminal) a hearing (in a District or Supreme Court) before a judge sitting with a jury or (in the Childrens Court of Queensland) by a judge alone to determine the guilt of a defendant charged with an offence.

Data Issues

Recording of ages Where possible, age has been calculated from the date of birth of the defendant to the date the offence occurred.

Most serious penalty Offenders may receive more than one type of penalty. Tables in this report show the number of offenders by their most serious penalty for the most serious offence with which they have been charged. For example, a person ordered to be detained and also placed on probation is placed in the "Detention" row only, because it is the more serious penalty. An ancillary order (ie. compensation, restitution or licence disqualification) is made in association with another order (including reprimands) and defendants will therefore be counted with the most serious main penalty.

Percentage totals In tables in this report constituent percentages may not add to 100 per cent due to rounding to one decimal place.

Classification of offences This report shows the classification of charges by "Offence type". The offence classification used is based on the Queensland Classification of Offences and is only partially compatible with the Australian National Classification of Offences (ANCO). Offences are first classified into one of eight categories shown broadly in order of seriousness. Most of these categories are further broken down into offence types.

Detailed tables contain figures for all offence types. Summary tables in the body of the text give figures for all categories at the higher level and those at the lower level that are of significant interest.

"Other offences" contains those that cannot be classified elsewhere. The most common offence types in this category are the various drug offences and good order offences such as *drunkenness*, *offensive behaviour* and *enforcement of orders*.

Cautions

Only one caution is counted for each different offence type on a crime report. Thus a person cautioned for three property damage offences will only be counted once for that offence type, and a person cautioned for one burglary offence and one property damage offence will be counted twice, once for each offence type.

The total number of cautions recorded is therefore less than the total number of offences for which offenders were cautioned.

Imprisonment

As a general rule, there is no power of imprisonment as opposed to detention under the *Juvenile Justice Act 1992*. In rare cases, however, the power of imprisonment exists. For example, if a person commits a crime as a child, absconds and is arrested pursuant to warrant after attaining the age of 18, the court is empowered in an appropriate case to impose imprisonment by way of penalty (see *Juvenile Justice Act 1992*, s.105).

Summary

Juvenile defendants by court level

There were 7,497 in juveniles whose cases were disposed in all Queensland courts in 1999–2000. Comparable data for 1998–99 provided by Families, Youth and Community Care Queensland indicated that there was a large increase (up 126%) in the number of defendants before the Childrens Court of Queensland. It was offset by a 16 per cent reduction in the number of defendants before the District Court. The overall number of juvenile defendants in Queensland courts was stable.

In 1999–2000, Magistrates Courts disposed 88.6 per cent of juvenile defendants, the Childrens Court of Queensland 2.6 percent, the District Court 8.7 per cent and the Supreme Court 0.2 per cent.

Juvenile defendants by court level of final disposal[(a)], Queensland, 1999–2000

	1999–2000	
Court level	No.	%
Magistrates	6,639	88.6
Childrens Court of Queensland	192	2.6
District	653	8.7
Supreme	13	0.2
Total	**7,497**	**100.0**

(a) A defendant is disposed when all the charges against him or her are proved or dismissed or withdrawn. Juveniles committed from a Magistrates Court are disposed at a higher court and are counted here only at that level.

Males accounted for 81.5 per cent of all defendants in 1999–2000. Some 37.2 per cent of defendants were 16 years of age with a further 24.2 per cent aged 15 years. (For more detail refer to Table 8.)

Charges against juveniles by court level

Charges against juveniles in the Childrens Court of Queensland increased 96 per cent to 1,232 in 1999–2000 due to the increased number of defendants. There were 3,502 charges disposed in District courts, a decrease of 17 per cent.

The offence category with the largest number of charges was *theft, breaking and entering, etc.* with 10,940 charges. Within *theft, breaking and entering, etc.*, *breaking and entering* (comprising *burglary and housebreaking* and *other breaking and entering*) had the largest number of charges with 3,797. (For more detail refer to Table 1.)

Charges against juveniles by court level of final disposal[(a)], Queensland, 1999–2000

Court level	1999–2000 No.	%
Magistrates	17,208	73.8
Childrens Court of Queensland	1,232	5.6
District	3,502	15.9
Supreme	24	0.1
Court of Appeal	—	—
Total	**21,966**	**100.0**

(a) Charges against juveniles committed from a Magistrates Court are disposed at a higher court and are counted here only at that level.

Penalties received by juvenile offenders

Of the 7,497 defendants in 1999–2000, 6,817 (90.9%) were either found guilty or pleaded guilty to their most serious offence.

Juvenile offenders by most serious penalty for the most serious offence, Queensland, 1999–2000

Penalty[(a)]	1999–2000 No.	%
Detention	195	2.9
Immediate release	220	3.2
Community service	1,246	18.3
Probation	1,212	17.8
Fine	556	8.2
Good behaviour order	1,435	21.1
Reprimand[(b)]	1,953	28.6
Total	**6,817**	**100.0**

(a) In decreasing order of seriousness.
(b) Including one offender in 1999–2000 who was ordered to make restitution as the only penalty.

Of those found guilty in 1999–2000, 195 (or 2.9%) were sentenced to detention, and a further 220 (or 3.2%) received an immediate release order.

Reprimands were ordered for 1,953 juveniles (or 28.6%). The next largest group of 1,435 (21.1%) received good behaviour orders as their most serious penalty and 1,246 (18.3%) received community service.

CAUTIONS

Data provided by the Queensland Police Service showed that 13,669 juvenile offenders were administered cautions in 1999–2000 compared with 14,118 in 1998–99, a decrease of 3.2 per cent. In comparison, in 1999–2000 21,966 charges were disposed in court against juveniles.

Juvenile offenders proceeded against by caution[(a)] by offence type, Queensland, 1998–99 and 1999–2000

Offence type[(b)]	1998–99	1999–2000	Change %
Homicide, etc.	—	—	. .
Assaults (inc. Sexual offences), etc.	803	685	–14.7
Robbery & extortion	41	27	–34.1
Fraud & misappropriation	316	428	35.4
Theft, breaking & entering, etc.	7,649	7,481	–2.2
[Unlawful use of motor vehicle]	468	347	–25.9
[Other stealing]	5,082	5,476	7.8
[Receiving, unlawful possession]	327	325	–0.6
[Breaking & entering][(c)]	1,772	1,333	–24.8
Property damage	1,885	1,758	–6.7
Driving, traffic & related offences	39	38	–2.6
Other offences	3,385	3252	–3.9
[Drug offences][(d)]	2,034	1,700	–16.4
Total	**14,118**	**13,669**	**–3.2**

(a) A person is counted as an offender more than once if he or she has been cautioned for more than one type of offence, or for offences against more than one victim, or for offences during more than one incident.
(b) Only selected offence types are shown [in brackets] at the more detailed level. For more detail refer to Table 1.
(c) Breaking and entering = *burglary and housebreaking + other breaking and entering*
(d) Drug offences = *possession or use of drugs + dealing and trafficking in drugs + manufacturing and growing drugs + other drug offences*

Source: Queensland Police Service

The majority of cautions were administered for *theft, breaking and entering, etc*., 7,481 (or 54.7% of all cautions) in 1999–2000 and 7,649 (54.2%) in 1998–99. *Other stealing* (5,476 or 40.1% of all cautions) and *breaking and entering* (1,333 or 9.8% of all cautions) were the main components within this category.

A large number of juveniles were proceeded against by caution for *property damage* (1,758 or 12.9% of all cautions) and *drug offences* (1,700 or 12.4% of all cautions).

There were decreases in the number of cautions administered to juveniles across all the main offence types, with the exception of *fraud and misappropriation* (up 35.4%). The largest decreases from 1998–99 occurred for *robbery and extortion* (down 34.1%), *unlawful use of motor vehicle* (down 25.9%) and *breaking and entering* (down 24.8%).

CHILDRENS COURT OF QUEENSLAND

The Childrens Court of Queensland, comprising courts at Brisbane, Ipswich, Southport, Rockhampton, Townsville and Cairns, disposed 1,232 charges against 192 defendants in 1999–2000, an increase of 126 per cent in defendants from the 1998–99 level (based on additional data provided by Families, Youth and Community Care Queensland). This increase followed several years of decreases in numbers of juveniles in the Childrens Court of Queensland.

DEFENDANTS IN THE CHILDRENS COURT OF QUEENSLAND

The majority of defendants were aged 15 or 16 years (113 or 58.9%).

Childrens Court of Queensland: Juvenile defendants disposed by age, Queensland, 1999–2000

Age	1999–2000
10	—
11	2
12	5
13	9
14	18
15	56
16	57
17 & over[(a)]	45
Total	**192**

(a) A person may be dealt with as a juvenile if the offence with which he or she is charged was committed before the age of 17 years.

CHARGES AGAINST JUVENILES IN THE CHILDRENS COURT OF QUEENSLAND

The Childrens Court of Queensland dealt with 1,232 charges in 1999–2000.

Childrens Court of Queensland: Charges against juveniles disposed by offence type, Queensland, 1999–2000

Offence type[a]	1999–2000
Homicide, etc.	1
Assaults (inc. Sexual offences), etc.	107
[Major assault]	38
[Minor assault]	31
Robbery & extortion	86
Fraud & misappropriation	6
Theft, breaking & entering, etc.	872
[Unlawful use of motor vehicle]	257
[Other stealing]	185
[Receiving, unlawful possession]	16
[Breaking & entering][b]	414
Property damage	102
Driving, traffic & related offences	18
Other offences	40
[Drug offences][c]	10
Total	**1,232**

(a) Only selected offence types are shown [in brackets] at the more detailed level. For more detail refer to Table 1.
(b) Breaking and entering = *burglary and housebreaking + other breaking and entering.*
(c) Drug offences = *possession or use of drugs + dealing and trafficking in drugs + manufacturing and growing drugs + other drug offences*.

Theft, breaking and entering etc. accounted for the largest number of charges in 1999–2000 representing 70.8 per cent of the total Childrens Court of Queensland charges.

PENALTIES RECEIVED BY JUVENILE OFFENDERS BEFORE THE CHILDRENS COURT OF QUEENSLAND

Of the 192 juveniles before the Childrens Court of Queensland in 1999–2000, 166 or 86.5 per cent were found guilty or pleaded guilty. Of these, 21 juvenile offenders (or 12.7%) received detention as their most serious penalty, with a further 22 (13.3%) receiving an immediate release order. Other penalties included community service (54 or 32.5%), probation (56 or 33.7%) and good behaviour orders (8 or 4.8%). Five juvenile offenders received reprimands.

Childrens Court of Queensland: Juvenile offenders by most serious penalty for the most serious offence, Queensland, 1999–2000

Penalty[(a)]	1999–2000
Detention	21
Immediate release	22
Community service	54
Probation	56
Fine	—
Good behaviour order	8
Reprimand	5
Total	**166**

(a) In decreasing order of seriousness.

Magistrates Courts

JUVENILE DEFENDANTS IN MAGISTRATES COURTS

In 1999–2000, 6,639 juvenile defendants were disposed in Magistrates Courts in Queensland.

Charges against juveniles in Magistrates Courts

Of the 19,984 charges against juveniles in Magistrates Courts in 1999–2000, 17,208 (86.1%) were disposed in the Magistrates Courts and the remaining 2,776 (13.9%) were committed to a higher court for trial or sentence.

Magistrates Courts: Charges against juveniles by method of finalisation, Queensland, 1999–2000

Method of finalisation	1999–2000
Committed	2,776
Disposed	17,208
Charge proven	15,968
Charge not proven	1,240
Total	**19,984**

THE DIFFERENCE BETWEEN THE 2,776 CHARGES COMMITTED TO THE HIGHER COURT AND THE 4,758 DISPOSED IN THE CHILDRENS, DISTRICT AND SUPREME COURTS IN 1999–2000 IS ACCOUNTED FOR BY EX OFFICIO INDICTMENTS, BY COMMITTALS TO THE HIGHER COURT MADE IN 1998–99 BEING DISPOSED IN 1999–2000, AND BY COMMITTALS MADE IN 1999–2000 BEING DISPOSED IN 2000–01.

CHARGES AGAINST JUVENILES DISPOSED IN MAGISTRATES COURTS

In 1999–2000, 17,208 charges were disposed in the Magistrates Courts.

The largest number of charges disposed were for *theft, breaking and entering, etc.*, with 7,842 charges or 45.6 per cent of the total.

Other offences, with 3,491 charges or 20.3 per cent of the total, was the category with the next highest number of charges. Of these, 1,150 charges or 32.9 per cent were *drug offences*.

Magistrates Courts: Charges against juveniles disposed by offence type, Queensland, 1999–2000

Offence type[(a)]	1999–2000
Homicide, etc.	5
Assaults (inc. sexual offences), etc.	1,462
[Major assault]	312
[Minor assault]	1,020
Robbery & extortion	35
Fraud & misappropriation	1,302
Theft, breaking & entering, etc.	7,842
[Unlawful use of motor vehicle]	1,615
[Other stealing]	3,012
[Receiving, unlawful possession]	780
[Breaking & entering]	2,435
Property damage	1,370
Driving, traffic & related offences	1,701
Other offences	3,491
[Drug offences][(b)]	1,150
Total	**17,208**

(a) Only selected offence types are shown [in brackets] at the more detailed level. For more detail refer to Table 1.
(b) Drug offences = *possession or use of drugs + dealing and trafficking in drugs + manufacturing and growing drugs + other drug offences.*

PENALTIES RECEIVED BY JUVENILE OFFENDERS BEFORE MAGISTRATES COURTS

In 1999–2000, 6,056 juveniles were found guilty or pleaded guilty in Magistrates Courts. Of these, 107 offenders (or 1.8% of the total) received detention as the most serious penalty for their most serious offence, with a further 119 (2.0%) receiving an immediate release order. Other categories included community service (965 or 15.9%), probation (980 or 16.2%) and good behaviour orders (1,410 or 23.3%). A total of 1,928 (or 31.8%) were reprimanded.

Magistrates Courts: Juvenile offenders by most serious penalty for the most serious offence, Queensland, 1999–2000

Penalty[(a)]	1999–2000
Detention	107
Immediate release	119
Community service	965
Probation	980
Fine	547
Good behaviour order	1,410
Reprimand[(b)]	1,928
Total	**6,056**

(a) In decreasing order of seriousness.
(b) Including one offender who was ordered to make restitution as the only penalty.

District and Supreme Courts

In 1999–2000, District and Supreme Courts disposed 3,526 charges against 666 juveniles. This was a decrease of 16 per cent in the number of defendants from 1998–99, with more juveniles appearing in the Childrens Court of Queensland instead of electing to appear in District Courts.

THE SUPREME COURT DISPOSED A SMALL PROPORTION OF THE CHARGES AND DEFENDANTS. IN 1999–2000, THERE WERE 24 CHARGES AGAINST 13 DEFENDANTS DISPOSED IN THE SUPREME COURT, COMPARED WITH 3,502 CHARGES AGAINST 653 DEFENDANTS DISPOSED IN THE DISTRICT COURT.

DEFENDANTS IN DISTRICT AND SUPREME COURTS

In 1999–2000, 50.9 per cent of juvenile defendants before the District and Supreme Courts were aged 15 or 16 years, with a further 31.7 per cent aged 17 or over.

District and Supreme Courts: Juvenile defendants disposed by age, Queensland, 1999–2000

Age	1999–2000
10	2
11	3
12	18
13	30
14	63
15	117
16	222
17 & over [(a)]	211
Total	**666**

(a) A person may be dealt with as a juvenile if the offence with which he or she is charged was committed before the age of 17 years.

CHARGES AGAINST JUVENILES IN DISTRICT AND SUPREME COURTS

Of the 3,526 charges before District and Supreme Courts, *theft, breaking and entering, etc.* accounted for the largest number with 2,226 charges or 63.1 per cent of the total. A further dissection of *theft, breaking and entering, etc.* indicated that the largest number of charges was for *breaking and entering* (948) followed by *unlawful use of a motor vehicle* (661) and *other stealing* (512).

Assaults (incl. sexual offences), etc was the second largest category with 502 charges, followed by property damage (275) and *robbery and extortion* (178).

District and Supreme Courts: Charges against juveniles disposed by offence type, Queensland, 1999–2000

Offence type[a]	1999–2000
Homicide, etc.	5
Assaults (inc. sexual offences), etc.	502
[Major assault]	211
[Minor assault]	180
Robbery & extortion	178
Fraud & misappropriation	69
Theft, breaking & entering, etc.	2,226
[Unlawful use of motor vehicle]	661
[Other stealing]	512
[Receiving, unlawful possession]	105
[Breaking & entering][b]	948
Property damage	275
Driving, traffic & related offences	111
Other offences	160
[Drug offences][c]	56
Total	**3,526**

(a) Only selected offence types are shown [in brackets] at the more detailed level. For more detail refer to Table 1.

(b) Breaking and entering = *burglary and housebreaking + other breaking and entering*.

(c) Drug offences = *possession or use of drugs + dealing and trafficking in drugs + manufacturing and growing drugs + other drug offences*.

PENALTIES RECEIVED BY JUVENILE OFFENDERS BEFORE DISTRICT AND SUPREME COURTS

Of the 666 juveniles before the District and Supreme Courts in 1999–2000, 595 (89.3%) were found guilty or had pleaded guilty. Of these, 67 (or 11.3%) received detention as the most serious penalty for their most serious offence, 79 (13.3%) received an immediate release order, 227 (38.2%) received community service and 176 (29.6%) received probation.

District and Supreme Courts: Juvenile offenders by most serious penalty for the most serious offence, Queensland, 1999–2000

Penalty[(a)]	1999–2000
Detention	67
Immediate release	79
Community service	227
Probation	176
Fine	9
Good behaviour order	17
Reprimand[(b)]	20
Total	**595**

(a) In decreasing order of seriousness.

COMPLIANCE WITH COURT ORDERS

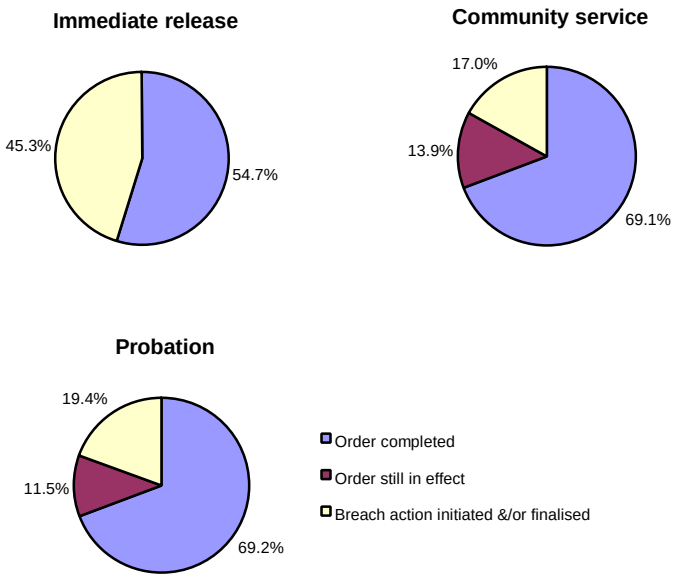
The Juvenile Justice Program, Department of Families, Youth and Community Care supervises juveniles on community correction orders (i.e. probation, immediate release and community service orders). The following information has been extracted from their Families and Youth Justice Information System.

In 1998–99 there were 3,808 admissions to these types of orders. Of these, 2,012 (52.8%) were probation, 1,564 (41.1%) were community service orders and 232 (6.1%) were immediate release orders.

Orders breached

Probation and immediate release orders can be breached either by the juvenile re-offending during the period of the order or by not meeting other conditions of the order.

Admissions to orders against juveniles in 1998–99: Type of order by completion status at 30 June 2000, Queensland



Source: *Families and Youth Justice Information System, Department of Families, Youth and Community Care*

The majority of orders made in 1998–99 had been complied with and completed by 30 June 2000, with community service and probation orders having the compliance rates of almost 70 per cent. The largest non-compliance rate (where a breach action had been initiated and/or finalised) was for immediate release orders (45.3%), compared with 19.4 per cent for probation orders and 17.0 per cent for community service orders.

Of community service orders from 1998–99, 13.9 per cent were still in effect 12 months after the end of the financial year in which the order was made, and of probation orders 11.5 per cent were still in effect. Probation orders may be up to three years in length. The length of time within which community service orders should be completed is twelve months, but longer periods may be due to subsequent variations to the original order, including extension of orders or those which are not administratively closed after the specified date. Immediate release orders are a maximum of three months in duration.

VICTIMS OF JUVENILE OFFENDERS

The Queensland Police Service provided information about the victims of juvenile offenders. Data was extracted from the statistical system for incidents where at least one of the offenders was under the age of 17 years. The incidents were restricted to those involving an offence against the person and where the age and sex of the victim were recorded and the age of the offender was known. (There were 131 victims in 1999–2000 whose age details were not recorded).

Of the 2,132 victims of incidents where details were available, 1,403 (or 65.8%) were aged under 20 years. There were 760 (or 35.6%) aged 14 years or under and 643 (30.2%) aged 15 to 19 years. Only 2.9 per cent of victims was aged 55 years or over.

Victims aged under 20 years accounted for 90.0 per cent of all victims of sexual offences, 69.1 per cent of serious assault, and 67.5 per cent of robbery.

Some 60.1 per cent of victims were male. These males comprised 77.6 per cent of victims of assault and 60.0 per cent of victims of robbery. Most female victims were victims of assault (64.8%), sexual offences (16.1%) or robbery (12.5%).

Male victims predominated in all age groups except children under 10 years, where 52.6 per cent of victims were female.

COMMUNITY CONFERENCING

Community conferencing was introduced into Queensland with the 1996 amendments to the *Juvenile Justice Act* 1992. A community conference is a meeting between an offender and the victim of his or her offence. The purpose of the meeting is to discuss the offence and negotiate an agreement satisfactory to both parties. The young person's parents or caregivers usually attend the conference. Support people for the victim may also attend.

In 1999–2000 the conferencing program was expanded to increase the availability of conferencing in south east Queensland. As a result of this expansion the Magistrates Courts, Childrens Court of Queensland and higher Courts sitting at Brisbane, Sandgate, Petrie, Southport, and Beaudesert now have the option of referring juvenile matters to a community conference. This is in addition to the south east Queensland courts of Beenleigh, Inala, Ipswich, Holland Park, Wynnum and Cleveland, and the far north Queensland courts of Cairns, Innisfail, Mareeba, Tully, Atherton and Mossman, which already had this power.

In the 1999–2000 year 179 juvenile offenders attended conferences in the programs. The majority of conferences resulted from police diversionary referrals. There were 12 Pre-sentence Court Referrals and 16 Indefinite Court Referrals (where the matter need not go back to court). Agreements were reached in all conferences. Of children attending conferences , 85 per cent were males and 16 per cent identified as being of Aboriginal or Torres Strait Islander descent.

From any conference there may be several outcomes included in the agreement. Conference outcomes in the 1999–2000 included verbal apologies (73%), written apologies (42%), commitments not to re-offend (26%), direct restitution (14%), work for the victim (17%), voluntary work in the community (19%) and counselling and treatment (8%).

Offences for which juvenile offenders were proceeded against by community conference, by offence type, Queensland, 1999–2000

Offence type[a]	Total
Homicide, etc.	—
Assaults (inc. sexual offences), etc.	22
[Major assault]	12
[Minor assault]	9
Robbery & extortion	3
Fraud and Misappropriation	23
Theft, breaking & entering, etc.	148
[Unlawful use of motor vehicle]	24
[Other stealing]	60
[Receiving, unlawful possession]	4
[Breaking & entering][b]	60
Property damage	59
Driving, traffic & related offences	9
Other offences	34
[Drug offences][c]	17
Total	**298**

(a) Only selected offence types are shown [in brackets] at the more detailed level.
(b) Breaking and entering = *burglary and housebreaking + other breaking and entering*.
(c) Drug offences = *possession or use of drugs + dealing and trafficking in drugs + manufacturing and growing drugs + other drug offences*.

Source: Youth Justice Program, Department of Families Youth and Community Care

DETAILED TABLES

Juvenile crime: Trends in 1999–2000

- In 1999–2000, 7,497 juveniles had their cases disposed in all Queensland courts for 21,966 charges, with little change in either number from the previous year.
- There was a 126% increase from 1998–99 in the number of defendants before the Childrens Court of Queensland (to 192). The increase followed several years of decreases. The increase was offset by a decrease of 16% in juveniles in the District Court.
- In 1999–2000, the Magistrates Court disposed 89% of juvenile defendants, the Childrens Court of Queensland 2.6%, the District Court 8.7% and the Supreme Court 0.2%.
- 195 children were sentenced to actual terms of detention in 1999–2000 (down 10%), while the number of immediate release orders (suspended sentences of detention) increased to 220 (up 16%). The main penalties used were community service orders (1,246) and probation orders (1,212), making up 36% of penalties imposed.
- Non-compliance rates for immediate release orders increased from 39% in 1998–99 to 45% in 1999-2000.
- 13,669 police cautions were administered to children for offences committed in 1999–2000, a decrease of 449 (3%).
- The most common offence type remains theft and breaking and entering (including car theft) with 10,940 charges.
- There were two children dealt with for murder in 1999–2000, a further two for dangerous driving causing death, and four for manslaughter.
- The proportion of boys to girls before the courts in 1999–2000 was 82% boys to 18% girls. The proportion of girls has increased steadily over ten years (from 13% in 1989–90).
- The largest offending age groups were 16 year olds (2,787) and 15 year olds (1,813). Together they made up 61 per cent of defendants.
- Of the victims of juvenile crime the majority (66%) were under 20 years of age. Only 3% were aged 55 years or over.

FYCC data

Appearances for offences by court jurisdiction,
Queensland, 1996-97 to 1999-00

	1996-97		1997-98		1998-99		1999-00	
Court jurisdiction	No.	% change	No.	% change	No.	% change	No.	% change
Magistrates Court (a)			6,035		6,626	9.8	6,639	0.2
Childrens Court of Queensland			91		85	-6.6	192	125.9
District Court			810		777	-4.1	653	-16.0
Supreme Court			14		9	-35.7	13	44.4
Court of Appeals			3		7	133.3	0	-100.0
Total	**6,171**		**6,953**	**12.7**	**7,504**	**7.9**	**7,497**	**-0.1**

Qstats data

Juvenile defendants by court level of final disposal,
Queensland, 1996-97 to 1998-99

	1996-97		1997-98		1998-99		1999-00	
Court jurisdiction	No.	% change	No.	% change	No.	% change	No.	% change
Magistrates Court (a)			6,382		7,022	10.0		
Childrens Court of Queensland			135		120	-11.1		
District Court			876		839	-4.2		
Supreme Court			11		7	-36.4		
Total	**6,513**		**7,404**	**13.7**	**7,988**	**7.9**		

Table 1 **All Courts: Charges against juveniles disposed by offence type and court, Queensland, 1999–2000**

Offence type	1999–2000			
	Magistrates Courts[(a)]	Childrens Court of Qld	District & Supreme Courts	Total
Homicide, etc.	**5**	**1**	**5**	**11**
Murder	1	—	1	2
Attempted murder	3	—	—	3
Manslaughter (excluding driving)	—	—	4	4
Manslaughter (driving)	—	—	—	—
Dangerous driving causing death	1	1	—	2
Conspiracy to murder	—	—	—	—
Assaults (incl. sexual offences), etc.	**1,462**	**107**	**502**	**2,071**
Major assault	312	38	211	561
Minor assault	1,020	31	180	1,231
Rape	4	6	6	16
Other sexual offences	29	23	59	111
Other violation of persons	97	9	46	152
Robbery & extortion	**35**	**86**	**178**	**299**
Robbery	35	86	178	299
Extortion	—	—	—	—
Fraud & misappropriation	**1,302**	**6**	**69**	**1,377**
Embezzlement	23	—	3	26
False pretences	165	1	19	185
Fraud & forgery	1,114	5	47	1,166
Theft, breaking & entering, etc.	**7,842**	**872**	**2,226**	**10,940**
Unlawful use of motor vehicle	1,615	257	661	2,533
Other stealing	3,012	185	512	3,709
Receiving, unlawful possession	780	16	105	901
Burglary & housebreaking	1,138	283	518	1,939
Other breaking & entering	1,297	131	430	1,858
Property damage	**1,370**	**102**	**275**	**1,747**
Arson	28	8	15	51
Other property damage	1,342	94	260	1,696
Driving, traffic & related offences	**1,701**	**18**	**111**	**1,830**
Drink driving	145	3	6	154
Dangerous / negligent driving	91	7	38	136
Other driving & traffic offences	1,465	8	67	1,540
Other offences	**3,491**	**40**	**160**	**3,691**
Possession or use of drugs	562	6	30	598
Dealing & trafficking in drugs	45	—	8	53
Manufacturing & growing drugs	39	—	—	39
Other drug offences	504	4	18	526
Weapons offences	227	6	22	255
Enforcement of orders	385	10	28	423
Other	1,729	14	54	1,797
Total	**17,208**	**1,232**	**3,526**	**21,966**

(a) Charges are disposed at Magistrates Court level by conviction, dismissal or withdrawal, but not by committal.

Table 2 **Magistrates courts: Juvenile charges committed for sentence or trial by court location, Queensland, 1999–2000**

Statistical division and court location[(a)]	Charges 1999–2000
Brisbane	
Brisbane City	
Brisbane Childrens Court	441
Holland Park	57
Inala	57
Sandgate	28
Wynnum	33
Remainder of Brisbane	
Beenleigh	87
Caboolture	80
Cleveland	76
Ipswich	154
Petrie	37
Redcliffe	228
Moreton	
Gatton	9
Maroochydore	146
Southport	148
Wide Bay – Burnett	
Bundaberg	13
Cherbourg	1
Childers	1
Gympie	6
Hervey Bay	23
Kingaroy	2
Maryborough	109
Murgon	28
Darling Downs	
Chinchilla	1
Dalby	37
Oakey	2
Pittsworth	1
Stanthorpe	5
Toowoomba	57
Warwick	13
South West	
Roma	2
Fitzroy	
Gladstone	59
Rockhampton	115
Yeppoon	5
Central West	
Longreach	14
Mackay	
Mackay	35
Northern	
Ayr	7
Charters Towers	20
Ingham	1
Palm Island	17
Townsville	273
Far North	
Atherton	29
Aurukun	44
Cairns	235
Cooktown	6
Innisfail	1
Lockhart River	5
Mareeba	2
Weipa	3
North West	
Mount Isa	23
Total	**2,776**

(a) Magistrates courts not shown did not commit any juveniles during the relevant year.

Table 3 **Magistrates Courts: Juvenile defendants disposed by age and sex, Queensland, 1999–2000**

Age	1999–2000 Male	Female	Total
10	15	2	17
11	71	5	76
12	156	18	174
13	399	104	503
14	748	233	981
15	1,307	333	1,640
16	2,055	453	2,508
17+	629	111	740
Total	**5,380**	**1,259**	**6,639**

Figure 1 **Magistrates Courts: Juvenile defendants disposed by age, Queensland, 1999–2000**

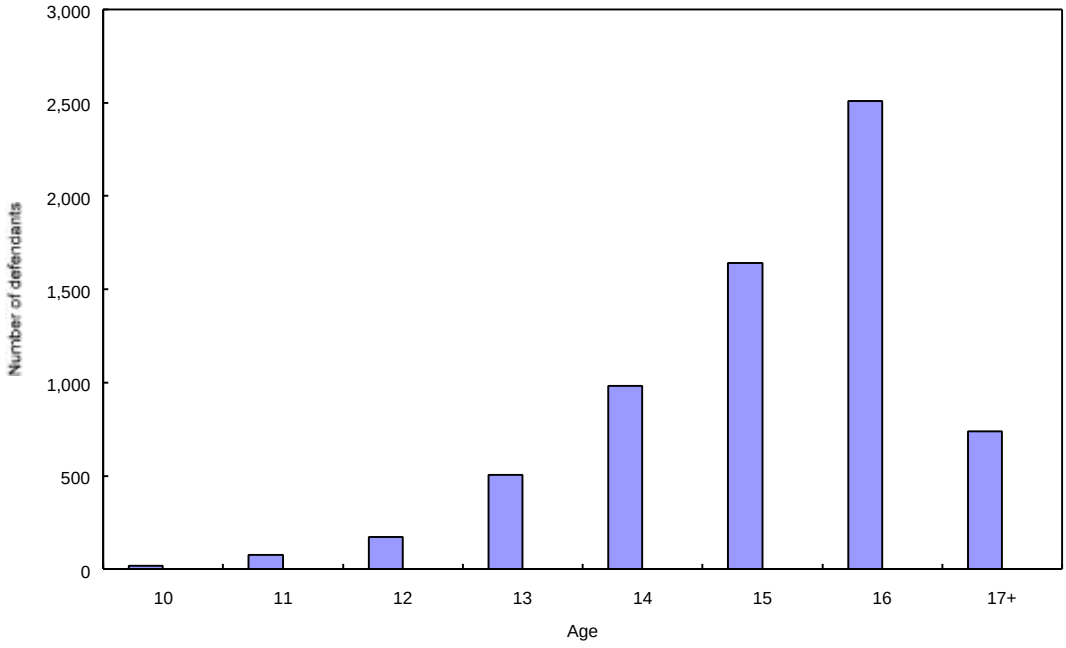


Table 4 **Magistrates Courts: Juvenile offenders by most serious penalty for the most serious offence charged and sex, Queensland, 1999–2000**

Penalty[a]	1999–2000		
	Male	Female	Total
Detention	96	11	107
Immediate release	111	8	119
Community service	856	109	965
Probation	774	206	980
Fine	488	59	547
Good behaviour order	1,128	282	1,410
Reprimand[b]	1,463	465	1,928
Total	**4,916**	**1,140**	**6,056**

(a) In decreasing order of seriousness.

(b) Including one offender who was ordered to make restitution as the only penalty.

Figure 2 **Magistrates Courts: Juvenile offenders by most serious penalty for the most serious offence charged, Queensland, 1999–2000**

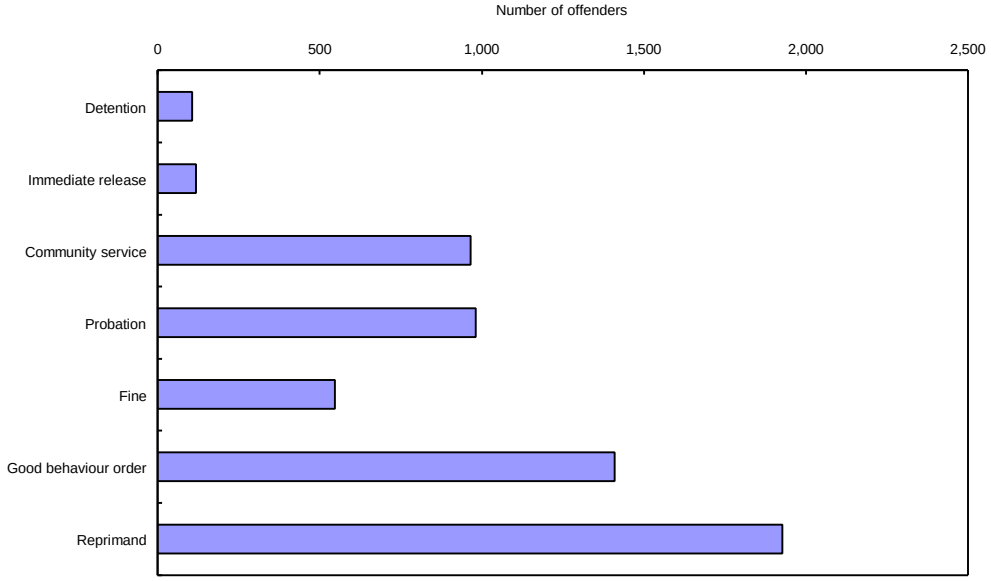


Table 5 **District and Supreme Courts: Juvenile defendants disposed by age and sex, Queensland, 1999–2000**

	1999–2000		
Age	Male	Female	Total
10	2	—	2
11	3	—	3
12	18	—	18
13	27	3	30
14	53	10	63
15	96	21	117
16	193	29	222
17+	174	37	211
Total	**566**	**100**	**666**

Figure 3 **District and Supreme Courts: Juvenile defendants disposed by age, Queensland, 1999–2000**

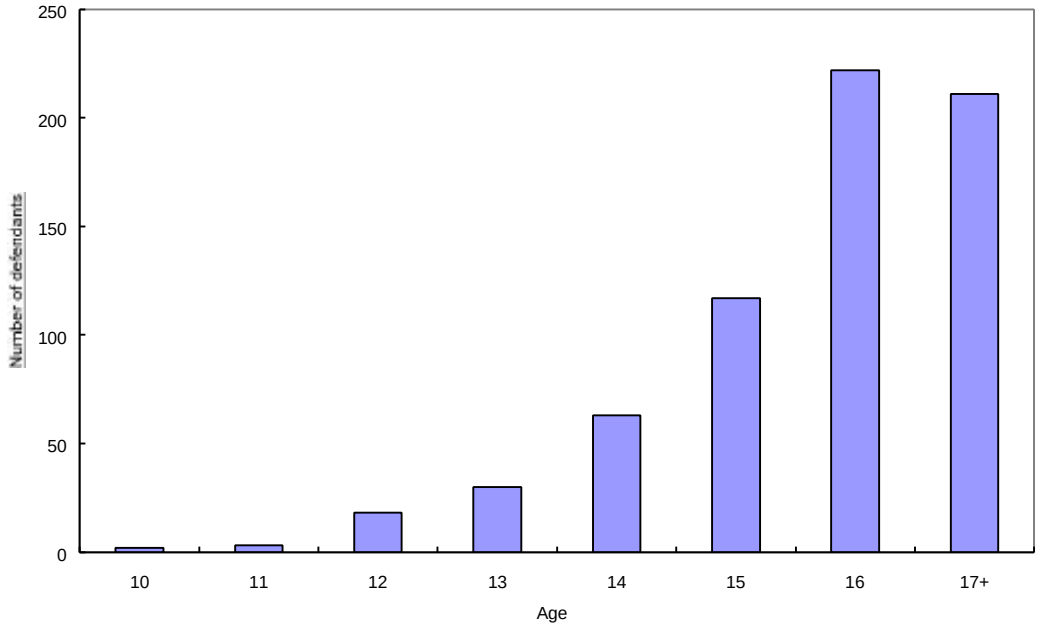


Table 6 **District and Supreme Courts: Juvenile defendants and charges disposed by court location, Queensland, 1999–2000**

Statistical division and court location[(a)]	1999–2000 Defendants	Charges	Charges per defendant
Brisbane			
Brisbane Supreme	9	15	1.67
Brisbane	175	962	5.50
Beenleigh	39	385	9.87
Inala	1	5	5.00
Ipswich	59	220	3.73
Moreton			
Maroochydore	39	310	7.95
Southport	27	81	3.00
Wide Bay – Burnett			
Bundaberg Supreme	1	1	1.00
Bundaberg	15	67	4.47
Gympie	3	6	2.00
Hervey Bay	6	33	5.50
Kingaroy	27	169	6.26
Maryborough Supreme	1	3	3.00
Maryborough	46	206	4.48
Darling Downs			
Dalby	7	50	7.14
Goondiwindi	2	7	3.50
Stanthorpe	3	16	5.33
Toowoomba	13	64	4.92
Warwick	1	4	4.00
South West			
Charleville	2	4	2.00
Cunnamulla	4	14	3.50
Roma	1	14	14.00
Fitzroy			
Emerald	1	1	1.00
Gladstone	22	90	4.09
Rockhampton	33	122	3.70
Mackay			
Clermont	1	14	14.00
Mackay Supreme	1	4	4.00
Mackay	16	77	4.81
Northern			
Bowen	2	3	1.50
Charters Towers	3	16	5.33
Townsville	30	237	7.90
Far North			
Cairns Supreme	1	1	1.00
Cairns	55	271	4.93
Innisfail	5	5	1.00
Thursday Island	1	3	3.00
Weipa	2	3	1.50
North West			
Mount Isa	12	43	3.58
Total	**666**	**3,526**	**5.29**

(a) District Courts unless otherwise indicated. Courts not shown did not dispose any juveniles during the relevant year.

Table 7 **District and Supreme Courts: Juvenile offenders by most serious penalty for the most serious offence charged and sex, Queensland, 1999–2000**

Penalty[(a)]	1999–2000		
	Male	Female	Total
Detention	61	6	67
Immediate release	68	11	79
Community service	202	25	227
Probation	139	37	176
Fine	8	1	9
Good behaviour order	13	4	17
Reprimand	19	1	20
Total	**510**	**85**	**595**

(a) In decreasing order of seriousness.

Figure 4 **District and Supreme Courts: Juvenile offenders by most serious penalty for the most serious offence charged, Queensland, 1999–2000**

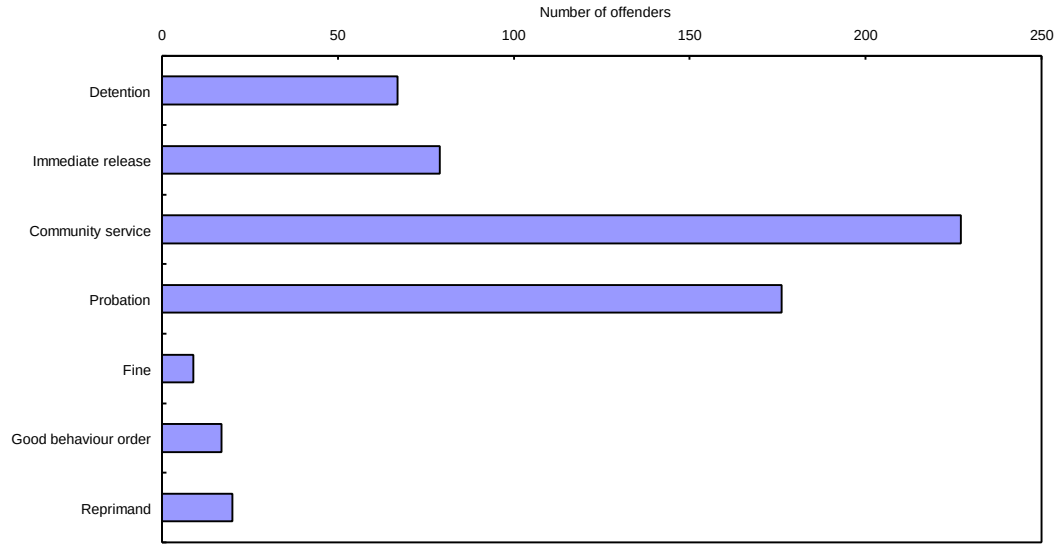


Table 8 **All Courts: Juvenile defendants disposed by age and sex, Queensland, 1999–2000**

Age	1999–2000		
	Male	Female	Total
10	17	2	19
11	76	5	81
12	178	19	197
13	434	108	542
14	815	247	1,062
15	1,450	363	1,813
16	2,298	489	2,787
17+	844	152	996
Total	**6,112**	**1,385**	**7,497**

Figure 5 **All Courts: Juvenile defendants disposed by age, Queensland, 1999–2000**