Childrens Court of Queensland

Fourth Annual Report 1996-1997

CHILDRENS COURT OF QUEENSLAND

Chambers of the President

November 1997

The Honourable Denver Beanland MLA
Attorney-General and Minister for Justice

Sir,

In accordance with the requirements of s. 22 of the *Childrens Court Act 1992*, I have the honour to submit to you for presentation in Parliament the Fourth Annual Report of the Childrens Court of Queensland for 1996–97.

Judge McGuire
President of the Childrens Court of Queensland

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Juvenile crime: Trends in 1996–97

- 6,513 juveniles had their cases disposed of in all Queensland courts in 1996–97, an increase of 360 (5.9%) over last year.
- 20,114 charges against juveniles were disposed of in all Queensland courts in 1996–97, an increase of 1,048 (5.5%) over last year.
- 15,103 police cautions were administered to juveniles for offences committed by them in 1996–97, an increase of 521 (3.6%) over last year.
- In 1996–97 the Magistrates Court disposed of 83.8% of juvenile defendants, the District Court 13.0%, the Childrens Court of Queensland (presided over by a Childrens Court Judge) 3.1% and the Supreme Court 0.2%.
- There was a 13% reduction over last year in the number of defendants before the Childrens Court of Queensland (from 231 to 201).
- The proportion of boys to girls before the courts in 1996–97 was 84% boys to 16% girls.
- The worst offending age group was 15-year-olds (1,604) and 16 year-olds (2,415). Together they constituted over 60% of defendants.
- Twelve 10-year-olds appeared before the courts in 1996–97.
- Penalties imposed: 5% received a detention order; 3.0% received a suspended detention order (referred to as an immediate release order); and 40% received community-based orders (probation or community service); no penalty or a reprimand was the outcome for over 20%.
- The most common offence types in 1996–97 were breaking and entering, and stealing (including car theft): 11,245 compared with 10,705 last year–an increase of 5%.
- In 1996–97, 934 drug charges against juveniles were disposed of in all courts–an increase of 143 (18%) over last year, and 2,533 cautions were administered by police for drug offences–an increase of 383 (18%) over last year.
- 248 robbery charges were disposed of in 1996–97 compared with 295 in 1995–96–a decrease of 16%.
- 9 homicide charges against juveniles (attempted murder 5, manslaughter 2, dangerous driving causing death 2) were disposed of in 1996–97 compared with 13 in 1995–96–a decrease of 31%.
- 3 murder charges against juveniles were disposed of in July–September 1997.

[For full details refer to *Statistical tables* pp. 53–108].

two

An optional court

(the right of election revisited for the fourth time)

In the three previous Annual Reports I severely criticised the right of election concept which permeates the Juvenile Justice Act (see First Annual Report 1993–1994, pp. 45–70; Second Annual Report 1994–1995, pp. 10–21; Third Annual Report 1995–96, pp. 9–19). What follows will be unintelligible to the uninformed reader. For the benefit of the informed reader I recapitulate the salient points I made in the earlier reports.

Inaugural address

In my inaugural address to launch the new *Juvenile Justice Act 1992* and the *Childrens Court Act 1992* I drew attention to problems associated with the right of election. I said (in July 1993): 'There is, however, a severely limiting feature to the exercise of the jurisdiction: the child must be legally represented and consent to conferring the jurisdiction on a Childrens Court Judge.' In each of the three previous reports I recommended the abolition of the right of election. All serious offences (whether committed for sentence or for trial, with or without a jury) should be tried by a Childrens Court Judge. The recommendation has not so far been adopted.

Second report

In the Second Annual Report 1994–95 (at pp. 15–16) I quoted a letter to the then Director-General of Family Services which reads as follows:

> 28 March 1994
>
> The Director-General
> Department of Family Services and Aboriginal and Islander Affairs
> GPO Box 806
> BRISBANE Q 4001
>
> Dear Director-General,
>
> In our recent discussion you will recall that I raised the problem associated with a child's right under the Juvenile Justice Act to be tried or dealt with by a Childrens Court Judge or a District Court Judge. It seems to me that the right of election frustrates the whole purpose of the legislation, which is to constitute a Childrens Court to deal exclusively with juvenile crime.
>
> I have made a genuine attempt to sort the matter out at an administrative level with the Chief Judge of the District Court, but alas! to no avail (see attached correspondence). I should say that I think the Director of Prosecutions's opinion, assuming it is accurately recounted in the Chief Judge's letter, is a rather strained interpretation of the relevant provisions of the Act.
>
> As a consequence of the legislation and the Chief Judge's attitude as disclosed in his letter, you have not only in effect, but in fact, two heads of court administering juvenile justice. In my opinion, the head of the Childrens Court should have complete control over the administration of juvenile justice in Queensland: nothing short of that will do. The present administrative arrangements are, I must say emphatically, wholly unsatisfactory and should not be allowed to continue. If the present dual arrangements are not terminated I cannot be expected to accept responsibility—as I am prepared to do—for the administration of juvenile justice State-wide.

I am adamant in the view that the new Childrens Court should deal with ALL juvenile crime—otherwise public confidence in the new legislation and the Court will be seriously and perhaps irreparably undermined. The public perception is that a special court is dealing exclusively with juvenile crime, and, if I may say so, despite criticism from certain quarters, which is likely to persist, there seems to be a generally favourable public reaction to the new approach to juvenile crime. A report, such as appeared in the Courier Mail, 23 March, would, I think, tend to quickly disabuse the public of that perception (report attached).

I regard the matter of sufficient importance to seek a conference with your Minister and also the Attorney-General. It seems to me that the relevant legislation should be reviewed with a view to correcting what I believe is a fundamental flaw in the management of juvenile justice.

I should foreshadow that in my annual Report to Parliament I will be obliged to make conspicuous reference to the anomalous position which has arisen, albeit unintentionally, unless, of course, in the meantime, the matter is corrected either administratively or legislatively.

I refer to the following observation I made in my inaugural address (pp. 11–12) on 6 July 1993, before the Act was proclaimed: 'A Childrens Court Judge is empowered, *inter alia*, to review sentence orders made by Magistrates and to try serious offences sitting alone without a jury. *There is, however, a severely limiting feature to the exercise of this jurisdiction: the child must be legally represented and consent to conferring the jurisdiction on a Childrens Court Judge.*' (Emphasis added).

...

And at pp. 20–21 of the Second Annual Report I said:

The Chief Judge of District Courts, His Honour Judge Shanahan, and I have conferred on ways and means of eliminating, or at least reducing, the problems associated with the right of election. As a result, the Chief Judge wrote to the Honourable the Minister for Family and Community Services on 7 April 1995 in the following terms:

'Dear Minister,

Since my appointment as Chief Judge of District Court on 17 July 1994, it has become apparent to me that the 'right of election' afforded children under the Juvenile Justice Act has resulted in serious jurisdictional and procedural problems which have made the administration of the District Court and the Childrens Court of Queensland, over which I as head of Court have general superintendence, difficult.

I have discussed these problems with the President of the Childrens Court, Judge McGuire, on a number of occasions and have carefully studied his analysis of the problems to which the right of election has given rise in the First Annual Report of the operation of the Childrens Court of Queensland.

It seems to me that Judge McGuire's arguments for the abolition of the right of election are persuasive and I endorse his recommendation that the right of election should be removed.

It comes down to this—the Childrens Court should deal with all children who are to be tried and/or sentenced for indictable offences.

At present we have two systems operating side-by-side—the District Court and the Childrens Court.

This leads to inefficiencies, waste of court time and resources and unnecessary expense.

The problem has been around for a while now and I believe that it is time that a decision, one way or the other, should be made.

Yours sincerely

CHIEF JUDGE.'

Third report

In the Third Annual Report at p. 19, I had this to say:

The statistics reveal that for every serious offence dealt with in the Childrens Court of Queensland three serious offences are dealt with in the District Court. In other words, the Childrens Court of Queensland deals with only one-quarter of serious offences: the remaining three-quarters are dealt with in the District Court. About the same ratio between the two courts applies for non-serious indictable offences. See Statistical Tables (Table 2, Figure 2). These figures demonstrate that the new Childrens Court of Queensland (i.e. a court presided over by a Childrens Court Judge) is dealing with only one-quarter of indictable offences (serious and non-serious) committed by magistrates to higher courts.

I regard the position as wholly unsatisfactory. What has to be emphasised is that I, as President of the Childrens Court of Queensland, have no control whatever (administrative or otherwise) over what happens in three out of four indictable offences committed to higher courts.

Unless all juvenile crime dealt with in higher courts is brought under one control the administrative imbroglio to which I have repeatedly drawn attention will continue to blight the proper administration of the juvenile justice system in Queensland.

If the task of controlling juvenile crime is to be tackled in a proper and effective manner there has to be a person put in charge of the whole operation, and not, as now, of one-quarter of the operation. The public perception is that the Childrens Court of Queensland deals with all indictable offences committed by magistrates to higher courts. It would, I suspect, come as a great surprise to the trusting public to learn that in fact the new court deals with a minority of such cases, and that the great majority are spread over a large amorphous system beyond the control of the head of the Childrens Court of Queensland.

I think the time is long overdue for the removal of this grave public misapprehension, nay, deception (albeit unintended).

The proper administration of juvenile justice will suffer, and suffer irretrievably, if the right of election continues unabated.

As head of the Childrens Court of Queensland I absolutely refuse to accept responsibility for something over which I have no control. I trust steps will be taken to remedy this most unsatisfactory situation without further delay.

The position has worsened markedly since then, especially for the period June–September 1997.

The situation in my opinion is ludicrous. It has made a mockery and a farce of the whole system of the administration of juvenile justice. A Childrens Court Judge can only be vested with jurisdiction to sentence or try a child on a serious offence if the child consents. In other words, it is a jurisdiction conferred by consent–the consent of a child. Under the existing arrangements the child can elect to go to a Childrens Court Judge or to the District Court. The District Court is a non-specialist Court so far as juveniles are concerned, whereas the Childrens Court is a specialist Court.

Children, as a general rule, would not understand the concept of the right of election. Despite what is sometimes alleged, the legal representative advises the child where the case should go–to a Childrens Court or to the District Court. If it goes to the District Court in Brisbane any one of about 20 Judges could try the case. The idea of a specialist court fades into the mists of a Court of general jurisdiction.

Legal Aid Office

It should be understood that, with rare exceptions, all juvenile defendants are legally aided. Their legal representation is handled by the Legal Aid Office. For the most part staff legal officers appear for juveniles at Magistrates Court committal stage when the right of election is exercised.

In my opinion, in the great majority of cases the child makes the election as to where the case should go–a Court presided over by a specialist Childrens Court Judge or the District Court–on the advice of his legal representative.

These remarks apply with equal force to the operation of the Youth Advocacy Centre.

Attributes of a Childrens Court Judge

In the First Annual Report (at pp. 36–37) I attempted to set out the attributes of a Childrens Court Magistrate or Judge. In the light of the serious misgivings I have about the present Queensland system as it operates in practice, I think it pertinent to re-state, in the context of this section of the Report, those attributes.

It has been said that the effectiveness of the juvenile justice system is dependent in large measure on the calibre of the Magistrates and Judges serving on juvenile courts. According to the United States Standards for the Administration of Juvenile Justice (1975–78), a list of personal attributes a juvenile court Magistrate or Judge should possess is:

1. deep concern about the rights of people;
2. interest in the problems of children and families;
3. awareness of modern psychiatry, psychology and social work;
4. ability to make dispositions uninfluenced by personal concepts of child-care;
5. skill in administration and ability to delegate;
6. ability to conduct hearings in a kindly manner and talk to children and adults at their level of understanding without loss of the essential dignity of the court; and
7. eagerness to learn.

Another authority has said that Magistrates and Judges must have something more than knowledge of the law and the world. They must have that touch of sympathy and enthusiasm for their work, without which any attempt to deal with children is useless. They must be endowed in no ordinary degree with the larger and better attributes of human nature and those qualities which experience will best cultivate. It is therefore desirable that all cases dealing with children should come before one Judge so that he or she may gain those valuable qualities which experience alone can give.

There is no doubt that the task of a juvenile court Judge is a demanding one. It can, at times, prove morally elevating and at other times emotionally draining. It requires judicial administrative skills, knowledge of psychological, sociological and emotional problems affecting children and their parents, and an ability to wisely determine the most suitable means by which a delinquent can be rehabilitated. These skills and abilities must be learnt through education, training and experience.

The ideal juvenile Court Judge is perhaps one who combines a willingness to display leniency with an ability to recognise cases where strong corrective measures are indispensable.

For myself, I would say that the most important quality which a juvenile Court Judge must possess is a wise and understanding heart. You will all recall the biblical story about King Solomon. God said to Solomon:

> Ask what I shall give thee
>
> Solomon replied: 'Give thy servant an understanding heart to judge thy people, that I may discern good and bad.'
>
> And God said: 'Because thou hast asked for thyself understanding to discern justice, behold I have done according to thy words: lo, I have given thee a wise and understanding heart.'

There are at least three fundamental responsibilities of a juvenile Court Judge.

1. to protect the community;
2. to act in the best interests of the welfare of the child; and
3. to uphold the dignity of the law and public faith in the judicial system.

In my opinion, a juvenile Court Judge should make periodic on-site visits to detention centres and other facilities serving juveniles. It is my strong belief that only by inspecting juvenile facilities and programs for themselves can juvenile Court Judges understand the impact of detention and other judicial dispositions upon an offender.

There is no conceivable benefit in going to the District Court. The procedures and sentencing powers of that Court are precisely the same as those of a Childrens Court Judge.

Trial by jury preserved

It has been put about (falsely) that if the right of election were abolished the child would lose the right of trial by jury. This is arrant and mischievous nonsense. I have made it perfectly clear that if the right of election were abolished the right of trial by jury by a Childrens Court Judge would be preserved.

In the Second Annual Report I said at p. 17:

> Discussions with officers of the Department ensued. I once again highlighted the problems and advised abolition of the right of election save where a child elects to be tried by Judge and jury. Trial by jury clearly raises a fundamental constitutional question about which I hold the firmest views. Waiver of right to trial by jury must be the result of an informed, conscious and free decision. Nothing short of that will suffice. There is therefore not the slightest suggestion that the right to elect for trial by Judge and jury should be abolished.

What it amounts to is that the Childrens Court is an alternative Court, or a Court of choice, or, as I would prefer to say, an OPTIONAL Court.

Process irreversible

If a child charged with a serious offence opts for trial by jury his case must be committed to the District Court. If the child changes his plea from not guilty to guilty the sentence must be heard in the District Court. There is no procedure under the Juvenile Justice Act to remit the matter to a Childrens Court Judge. The cases remain in the District Court. Experience shows that about 90 per cent of juvenile cases committed for trial do not proceed to trial but turn into pleas of guilty and the juveniles are sentenced in the District Court.

A vain search

With the exception of Western Australia I have searched in vain for any comparable situation in the civilized world. The Supreme Court Library has researched the matter at my request and is unable to direct me to any jurisdiction anywhere (with the one exception mentioned) where a juvenile court can be availed of entirely as a matter of choice. This highlights the absurdity of the retention of the right of election.

I have referred to the exception of Western Australia. The Childrens Court in that State presided over by a District Court Judge is vested with a large area of exclusive jurisdiction. The child's right to elect to be tried in the District or Supreme Courts is reserved for cases where:

(a) if an adult was similarly charged a Court of Petty Sessions could not deal summarily with the charge; or

(b) the adult could elect not to have the charge dealt with summarily. *(See s. 19B of the Children's Court of Western Australia Act).*

Nowhere in the Queensland Juvenile Justice Act is the Court vested with any exclusive jurisdiction. It is true that a child may apply to a Childrens Court Judge for a sentence review of a Magistrate's sentence order, but so too may the child elect to appeal to the Court of Appeal (see ss. 87 and 94). It is also true that a child may apply to a Childrens Court Judge for bail if refused bail by a Magistrate, but so too may the child apply to the Supreme Court for bail (see ss. 46(4) of the Juvenile Justice Act). In other words, the right of appeal to the Court of Appeal and the right to apply to the Supreme Court for bail are preserved.

The result then is that a Childrens Court Judge in Queensland has no exclusive jurisdiction whatsoever. Jurisdiction can only be conferred on the Court if the child consents. In contradistinction, in Western Australia the Childrens Court has a significant area of exclusive jurisdiction (see s. 19 of the Children's Court Act of Western Australia).

If the Western Australian Juvenile Justice system was functioning effectively, one wonders why the Western Australian Parliament unanimously passed legislation in 1996 making it mandatory on juvenile courts to impose minimum detention sentences on juveniles thrice found guilty of domestic burglary. (For a detailed discussion of this legislation and the reasons which prompted its introduction, see section entitled *Mandatory Minimum Sentences* pp. 31–33).

A return to reality

The public perception is that the Childrens Court deals with ALL serious crime–not just fragments, and then only at the option of a child.

It is time to return to reality and invest the Court with jurisdiction for all serious offences, or abolish it. They are the choices, and the Parliament must make a decision quickly or face the opprobrium of public opinion. The force of public opinion cannot be ignored.

An optional Court is not a Court that a civilised community can countenance.

three

A coordinated effort

Efforts to prevent offending and other anti-social behaviour by young people need to be coordinated between all relevant departments and agencies. The current system for dealing with youth crime is inefficient and expensive. The present arrangements fail young people by not guiding them away from offending to constructive activities and they also fail victims–those who suffer from some young people's inconsiderate behaviour and from vandalism, arson and loss of property from thefts and burglaries.

As Dr Sacks put it in the *Politics of Hope*:

> 'There has to be recognition that many of the problems which are currently split into different government departments are in fact interconnected. Crime, vandalism, truancy, educational under-achievement, unemployability, substance abuse, depressive illness and the breakdown of family belong together through a thousand filaments of cause-and-effect. That is why they are so difficult to address on their own, because they do not exist on their own.'

It is generally believed that juvenile delinquency is best dealt with on a regional basis. Problems vary from area to area. Local problems need to be identified. For example, if in a provincial town or a Brisbane suburb vandalism is a persistent problem, then collective community action is required. This cannot be done except in a coordinated fashion. Therefore a strategy should be devised which provides the framework for policy formulation and action.

I am far from persuaded that there is at present sufficient consultation and coordination between the departments and agencies most involved in the juvenile justice area. It appears to me from what I have learnt in my work over four years in the Childrens Court that there is little effective continuing liaison between the Department of Families, Youth and Community Care, the Department of Justice, the Department of Police, the Department of Education and the Department of Health. I have the impression that the departments tend to be territorial and seem to be more concerned in preserving their own patch than working towards a whole-of-government approach. The issue of prevention and control of juvenile crime, which is a major social problem, is too important to be left to the previously haphazard and fragmented approach–each department doing its own thing, as it were. The issue of juvenile delinquency is crying out for a purposeful direction. I am of the view that the political and civil heads of these departments should meet at least quarterly to discuss strategies for the prevention and control of juvenile crime. So as to achieve a whole-of-government approach it would seem essential to involve the Premier's Department which should have the responsibility of calling the meetings and setting the agendas after due consultation with the various departments I have mentioned. It is only in this way that a coordinated effort on a State level can be achieved.

Next, the problem must be tackled at a local level. In each local authority in Queensland a committee should be constituted to deal with juvenile problems at the local level. I would suggest that a committee should have the following composition:

1. Civic head (the Mayor)
2. Head of Police for the region
3. Head of Education for the region
4. A cleric
5. Representative of the Department of Family Services
6. Representative of the Department of Health
7. Representative of local commerce
8. Representative of a Service Club (e.g. Rotary)
9. Aboriginal representation
10. Media representation

The appointment of the committee should be handled by the relevant local authority.

The functions of the committee, in broad terms, are juvenile crime prevention and juvenile crime control. That is the broad scheme. The details will of course have to be fleshed out.

I was pleased to learn that the Police Department has recently taken an important and laudable step in the right direction. The *Courier-Mail* report on the matter of 9 August 1997 outlines the plan:

> 'The community will have a greater say in crime fighting under a radical plan establishing special councils across Queensland.
>
> Police Minister Russell Cooper yesterday announced the establishment of the seven councils, dubbed Community Policing Partnerships, which will be trialled over a 12-month period.
>
> The CPPs will be established at Logan, Mackay, Gold Coast, Thuringowa, Sunshine Coast, Toowoomba and one for both Hervey Bay and Maryborough.
>
> Each council will be made up of seven community leaders and each district's top-ranking police officer.
>
> They will identify crime hotspots and suggest solutions augmenting traditional policing methods.'

But, as I have tried to emphasise, there must be a whole-of-government approach if the scheme I have been expounding is to be given a chance of succeeding. It must start at the top, in the Premier's Department, and trickle down to local levels.

The reasons for juvenile delinquency are many and inter-connected. As Dr Sacks stated:

> 'They belong together through a thousand filaments of cause-and-effect. That is why they are so difficult to address on their own, because they do not exist on their own.'

I recommend the implementation of the whole-of-government approach outlined above.

four

A hard look at cautions

The rate at which cautions are administered continues to concern me.

An examination of this year's cautions impels me to restate in substance the observations I made about cautions in the last annual report (see Third Annual Report 1995–96, *Conferencing and Cautioning*, pp. 20–28).

There is nothing in this year's caution statistics to suggest that my views on cautions have been seriously considered. Now that family conferencing is an available option, cautioning for many indictable offences, especially 'serious' indictable offences, should be availed of less frequently than before for the reasons I advanced in the last report.

In the hope that I can stimulate sensible discussion on cautions I repeat here what I said in the last report (with necessary adaptations).

Before a police officer decides whether a caution would be appropriate he or she must have regard to the circumstances of the alleged offence and the child's previous history. As conditions precedent to the administering of a caution the child must admit committing the offence to the police officer and consent to being cautioned.

At the administration of the caution a parent of the child or a person chosen by the child should be present. An 'authorised' police officer should administer the caution. If a police officer administering a caution is not an authorised officer, the caution must be administered in the presence of an authorised officer. An 'authorised officer' is a police officer whom the Commissioner of Police certifies has sufficient training or experience to administer cautions. A police officer who administers a caution must ensure that the child and the person present understand the purpose, nature and effect of the caution.

It is important to note that nowhere in the cautioning process is the victim of the offence involved. There is, however, one exception. If a police officer administering the caution considers that an apology to the victim is appropriate he may make it a term of the caution that the child apologise to the victim, but such apology is dependent on the child's willingness to apologise and the victim's willingness to participate in the procedure.

Section 18K of the *Juvenile Justice Legislation Amendment Act 1996* provides that a member of the Queensland Police Service must not give to anyone other than a member of the Police Service information likely to identify the child as a person to whom a caution is to be or has been administered. However, this general proscription does not prevent the information being given, inter alia, to a complainant for an offence.

Tables 1, 2 and 3 show the police caution statistics for the current year (1996–97) and the three preceding years, for comparative purposes.

There was an increase in cautions administered in 1996–97 as compared with last year. The total number of cautions (15,103) for 1996–97 represents a very high figure.

Table 1 **Offences against the person—Offenders proceeded against by caution, offence by age 1993–97**

	1993–94					1994–95					1995–96					1996–97					1993–97
Offence	10–14	15	16	17	Total	10–14	15	16	17	Total	10–14	15	16	17	Total	10–14	15	16	17	Total	Total
Murder	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Attempted murder	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter excl. M.V.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Driving causing death	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total homicide	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Serious assault	139	72	58	1	270	212	97	77	2	388	200	104	81	0	385	280	100	96	0	486	1529
Minor assault	203	100	62	0	365	177	65	34	1	277	224	66	96	0	326	142	50	28	0	218	1186
Total assault	342	172	120	1	635	389	162	111	3	665	424	170	117	0	711	432	150	122	0	704	2715
Rape & attempted rape	0	1	1	0	2	0	0	1	0	1	1	0	0	0	1	0	0	0	0	0	4
Other sexual offences	102	44	34	0	180	47	40	21	0	108	63	15	16	2	96	51	13	26	1	90	474
Total sex offences	102	45	35	0	182	47	40	22	0	109	64	15	16	2	97	51	13	26	1	90	478
Armed robbery	2	2	2	0	6	0	0	0	0	0	5	1	0	0	6	17	0	4	0	21	33
Unarmed robbery	12	8	1	0	21	12	4	5	0	21	11	6	2	0	19	9	6	3	0	18	79
Total robbery	14	10	3	0	27	12	4	5	0	21	16	7	2	0	25	26	6	7	0	41	114
Extortion	7	0	3	0	10	4	3	0	0	7	2	3	0	0	5	4	1	0	0	5	27
Kidnapping & abduct'n etc.	0	0	0	0	0	6	3	2	0	11	1	1	1	0	3	3	2	0	0	5	19
Other offences against the person	21	17	17	0	55	20	9	10	0	39	20	8	9	0	37	19	12	16	0	47	178
Total offences against the person	486	244	178	1	909	478	221	150	3	852	527	202	145	2	876	535	184	171	1	891	3575

Table 2 Offences against property—Offenders proceeded against by caution, offence by age 1993–97

	1993–94					1994–95					1995–96					1996–97					1993–97
Offence	10–14	15	16	17	Total	10–14	15	16	17	Total	10–14	15	16	17	Total	10–14	15	16	17	Total	Total
Breaking and entering	369	193	131	1	694	401	163	121	4	689	357	106	95	0	558	367	129	129	0	625	2566
Breaking and entering a shop	239	303	120	0	662	153	73	75	0	301	120	48	32	0	200	118	57	72	1	248	1411
Breaking and entering other	603	690	223	1	1517	634	159	138	2	1133	714	180	133	3	1030	657	199	188	2	1046	4726
Total breaking and entering	1211	1186	474	2	2873	1188	385	334	3	1910	1191	334	260	3	1788	1142	385	389	3	1919	8490
Arson	15	5	3	0	25	35	3	5	0	43	22	1	6	0	29	19	5	1	0	25	120
Other property damage	804	315	330	1	1450	994	345	336	5	1680	1002	390	312	4	1708	998	334	338	2	1672	6510
Motor vehicle theft	169	126	128	0	423	141	114	109	1	365	181	118	145	0	444	148	90	87	0	325	1557
Stealing from dwelling	193	54	45	1	293	156	51	46	1	254	146	41	47	0	234	114	60	42	2	218	919
Stealing from shop	2964	1015	674	5	4658	3451	1004	669	3	5127	2996	742	553	3	4294	2933	784	519	8	4244	18323
Stock stealing	6	0	0	0	6	0	0	2	0	2	0	0	0	0	0	3	0	0	0	3	11
Other stealing	948	371	421	3	1743	1060	335	518	4	1937	951	345	355	6	1659	790	312	367	3	1472	6811
Total stealing	4111	1440	1140	9	6700	4667	1390	1235	8	7300	4093	1128	955	9	6185	3840	1146	928	13	5927	26112
Fraud by cheque	5	2	6	0	13	18	5	17	0	41	10	1	1	1	13	11	6	4	0	21	88
Fraud by credit card	2	1	3	0	6	4	2	7	0	13	0	3	0	0	3	8	11	22	5	46	68
Other fraud	160	53	86	0	299	120	28	65	0	213	123	20	27	2	172	189	149	48	3	389	1073
Total fraud	167	56	95	0	318	142	35	89	0	266	133	24	28	3	188	208	166	72	8	454	1226
Other offences against property	1	1	1	0	3	1	0	0	0	1	0	2	2	0	4	1	0	1	0	2	10
Total offences against property	6478	3129	2171	12	11790	7169	2272	2108	17	11565	6622	1997	1708	19	10346	6356	2127	1816	26	10325	44026

Table 3 **Other Offences—Offenders proceeded against by caution, offence by age, 1993–97**

	1993–94					1994–95					1995–96					1996–97					1993–97
Offence	10–14	15	16	17	Total	10–14	15	16	17	Total	10–14	15	16	17	Total	10–14	15	16	17	Total	Total
Handling stolen goods	144	65	58	0	267	191	71	64	1	327	192	74	46	1	313	153	60	59	2	274	1181
Drug offences	543	451	587	8	1589	750	467	561	6	1784	766	666	715	3	2150	972	704	847	10	2533	8056
Prostitution offences	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	1
Liquor (excluding drunkenness)	10	20	50	1	81	22	44	84	7	157	20	46	70	3	141	36	39	90	9	174	553
Racing and betting offences	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Gaming offences	2	0	0	0	2	0	1	0	0	1	0	0	0	0	0	3	1	0	0	4	7
Vagrancy offences	3	0	2	0	5	3	8	9	0	20	9	4	9	0	22	12	5	2	0	19	66
Good order offences	29	16	23	0	68	28	17	14	0	59	39	12	21	0	72	58	37	18	0	113	312
Stock offences	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Driving offences	11	4	7	0	22	17	12	9	0	38	14	12	19	0	45	10	10	8	0	28	133
Miscellaneous offences	234	124	108	0	466	296	167	139	1	603	360	120	125	4	609	396	196	145	5	742	2420
Total other offences	977	680	835	9	2501	1307	788	880	15	2990	1400	942	1005	13	3360	1640	1052	1169	26	3887	12738

Table 4 **Offences proceeded against by way of caution 1993–97**

Offence Category	1993–94	1994–95	1995–96	1996–97	Total for 4 years
Offences against the person	909	852	876	891	3528
Offences against property	11790	11565	10346	10325	44026
Other offences	2501	2990	3360	3887	12738
YEARLY TOTAL	**15200**	**15407**	**14582**	**15103**	**60292**

A closer look at cautions

It is clear that cautioning is not being restricted to trivial or minor offences. It is being used liberally not only for simple offences but also for indictable offences. On analysis, the statistics disclose:

1. that for 1996–97–15,103 cautions were administered.
2. that of the total number:
   (a) 891 were for offences against the person;
   (b) 10,325 were for offences against property;
   (c) 3,887 were administered for other offences of which 2,533 were for drug offences.

It is important to point out that of the property offences 1,919 were breaking and entering offences, 325 were motor vehicle thefts (unlawful use of a motor vehicle) and 5,927 were stealing offences. And of the offences against the person, 41 were robbery offences (21 armed robbery).

I estimate that of the total cautions administered about one-half were for indictable offences, including 'serious offences' as that term is defined in s. 8 of the *Juvenile Justice Act 1992*.

Inquiry leads me to believe that it is the popular perception that cautions are administered for trivial or minor offences, not indictable or serious offences.

It is true that the cautioning provisions of the Juvenile Justice Act do not define the types of offences for which a caution may properly be administered.

Notwithstanding that the legislation is silent as to the types of offences for which cautions may be administered, I do not think that it was ever envisaged by the Parliament when the legislation was passed that the police should be given carte blanche in administering cautions. Up until the recent amendments to the Juvenile Justice Act the confidentiality surrounding cautioning made it impossible for anyone outside the Police Service to know whether and under what circumstances a police caution had been administered. The courts, in particular, were kept in the dark about police cautions. That strict confidentiality has now been partially lifted by the amending legislation. If a child has been cautioned for an offence that, if committed by an adult would attract a sentence of seven years or more imprisonment, and reoffends as a child, the caution can be disclosed to the sentencing court.

With respect to the caution statistics for 1996–97 it is reasonable to ask, why were 1,919 cautions administered for breaking and entering offences and 41 for robbery offences, to take but two examples? It may be that although the offences are serious the circumstances surrounding their commission were such that a caution could be justified. I must say that I harbour strong reservations about police cautioning for indictable offences, especially 'serious' indictable offences.

One of the consequences of police cautioning for 'serious' offences is that the court process is circumvented. Some may say, 'Well, that is a good thing.' I would take issue with such an attitude.

Mrs Rosemary Thomson JP (described as England's leading magistrate) in an article in *The Times* (25 October 1996) on juvenile delinquency, when recounting some of her court experiences, stated: 'One lad this morning, to my horror, had been cautioned twice, once after seven burglaries and once for four thefts of cars. Frankly, he should have been in court before now. But really the court comes into the process far too late. Our youth court magistrates feel passionately that we can do little more than mop up. Young men have got thoroughly into offending before the court even gets at them.'

And Mr Jack Straw, Shadow Home Secretary in the Labour Opposition, in a report in *The Times* (3 October 1996) said: 'A magistrate told me earlier this year of a young offender who had complained bitterly about being taken to court, "because he hadn't had his five cautions yet". However, in half the cases that do finally reach court, the offender walks away with another warning. Is it any wonder that young offenders get a clear sense of their entitlement to commit crime, and impunity from its consequences?'

There are almost no effective safeguards for preventing police abuse of their cautioning powers. The victim of the offence is not involved in the cautioning process. The victim is not consulted before a police officer determines whether a caution would be appropriate in a particular case. The victim's consent to the administering of a caution is neither sought nor required under the relevant provisions of the Juvenile Justice Act.

The only time a victim is brought into the cautioning process is if the cautioning officer considers that as a term of the caution the offending child should apologise to the victim, but before an apology can be tendered both the child and the victim must be willing to participate in the procedure.

There is no statistic available to me to show what percentage of the total cautions administered in a year include an apology component. However, I would be surprised if there were more than a handful.

I had recommended in previous reports that the victim of an offence committed by a child who is cautioned be entitled to be advised of the outcome of the offence involving the victim if the victim so requests. This recommendation was adopted in a somewhat modified form in the *Juvenile Justice Legislation Amendment Act 1996* (s. 18K).

So far as is relevant, the section provides that if for an offence committed by a child a caution is to be or has been administered a police officer may give the complainant for the offence information concerning the caution about to be or already administered to a child even though such information may identify the child. Although this is a salutary measure–in that it throws some light on the cautioning process–the consent of the victim to the

administering of a caution is not only not sought but is not necessary. In other words, a caution can be administered by a police officer without regard to the victim's wishes in the matter. I see nothing wrong with this if cautions are restricted to trivial or minor matters. But I take objection to the practice of excluding the victim from the cautioning process for indictable offences, especially 'serious' indictable offences. Section 8 of the Juvenile Justice Act defines a 'serious offence' as a life offence or an offence of a type that, if committed by an adult, would make the adult liable to imprisonment for 14 years or more. In the 1996–97 caution statistics (Tables 1, 2 and 3) I suspect a good number of the breaking and entering offences and certainly all the robbery offences would be in the 'serious offence' category.

By way of illustration of the misuse of the cautioning procedure, let me cite a recent case before me. A boy aged 16 years was charged with breaking, entering and stealing. The offence was committed in conjunction with another boy also aged 16 years. Between them they broke into shop premises by smashing a glass door and stole from the shop goods to the value of $2,000. The only apparent difference in the history of the two boys was that the child before me had a conviction for a minor drug offence whereas the other boy had no criminal history. Although equally implicated in the offence, one was charged and the other cautioned. If the facts placed before me are accurate, I would say unhesitatingly that the caution administered to one of the offenders was wholly unwarranted having regard to the nature and circumstances of the offence. I fear instances like this abound.

What I am trying to say is that the cautioning procedure needs looking at afresh. In my opinion, police cautions should generally be confined to first offenders who admit to trivial or minor offences. If it is thought appropriate that a caution should be administered for an indictable offence having regard to the nature and circumstances of the offence, a caution should be administered only on the authority of an officer of the rank of Inspector or above, who, if he authorises a caution, should state in writing his reasons for considering a caution appropriate in the circumstances of the case.

Indeed now that community conferencing is available one wonders whether in the future cautions should be administered for 'serious' indictable offences. As I pointed out in the last report, community conferencing has inbuilt safeguards. They are:

1. the victim must consent to a community conference;
2. the convenor may refuse to conduct a conference if he considers the offence unsuitable for a community conference;
3. the victim, if he or she participates in the conference, must be a signatory to a conference agreement.

As I have been at pains to explain, none of these safeguards exist with respect to cautions.

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Cherbourg

On 22 May 1997 the Childrens Court of Queensland conducted a special Childrens Court at Cherbourg. Cherbourg is an Aboriginal community about 45 minutes drive from Kingaroy. At Cherbourg we dealt with six sentence matters.

Opening remarks

Before the formal Court proceedings commenced I made the following opening remarks:

> 'I should start by telling you how this sittings came about. Last year I inspected Cherbourg. I spoke to the Chairman of the Council, Mr Ken Bone, and planted the thought in his mind that I would give consideration to holding a Children's Court at Cherbourg if the Cherbourg Council were to issue an invitation to the Court to sit here. I am pleased to report that the Council responded positively by issuing an invitation: hence our presence here today.
>
> I am particularly pleased to welcome Mr Neville Bonner AO, Chairman of the Indigenous Advisory Council, who is here at my invitation as an observer and assistant. Mr Bonner has distinguished himself in Australian public life and is a shining light to his own people.
>
> A function of the Children's Court of Queensland is to educate the community about juvenile crime by letting them know what is happening. The only guarantee of the continued survival of the Court system is the support of informed public opinion. Despite the unanimous opinion that the judicial system is dependent upon public confidence in it, practically nothing is done to provide the public with information from which that confidence will grow.
>
> Juvenile crime is distressingly prevalent. It is no good turning a blind eye to it. We have to face up to it and do something about it. We should not lose confidence in ourselves to bring the situation under control. It will take time to turn the tide, but I have full confidence that, if all do their duty, if nothing is neglected and if the best arrangements are made, then turn it will.
>
> Courts see the end result of criminal activity–the committed crime–and must deal with it as best they can. It must be remembered that Courts cannot make people good or more responsible to one another. The Courts are only one of a number of social influences. We happen to be going through a period when juvenile crime is uncomfortably common. We must hope that it will pass, that the social influences of home and education and good government, and the removal of the curse of high unemployment, especially among the young, will improve the moral climate. There is no doubt in my mind that there is a definite correlation between pervasive unemployment and crime.

It is felt in certain quarters that families of offending Aboriginal children and elders should play a formally-recognised role in the Court process; but this is not the present position. Elders have no official role; nor are they legally entitled to supervise community-based orders such as probation and community service.

The plain, unpalatable fact is that a good number of Aboriginal children are more prone to criminal conduct because they are more vulnerable. Their vulnerability stems from complex cultural and social causes which are easier to identify than to correct. Amongst other things, the Aboriginal community feels a sense of rejection and isolation and a painful hostility to the established system.

Some Aboriginal leaders and historians attribute the destruction of the structured Aboriginal family to white man's influence and white man's law, pointing particularly to dispossession followed by dispersion and displacement. I think there may well be much truth in these theories. On the other hand, it would not be right to say that the modern Aboriginal community should not accept responsibility for their own errant children. And indeed the same can be said about the non-Aboriginal community. In all civilisations and cultures parents should accept primary responsibility for their own children at least until they reach the age of discretion.

In my reports to Parliament on the Childrens Court of Queensland I have repeatedly recommended:

- that statutory recognition be afforded to Aboriginal elders and respected persons to administer cautions to children of their communities in appropriate cases in their own right; and
- that responsible and respected leaders of Aboriginal communities be empowered to participate actively in the judicial process and, in particular, be afforded statutory recognition as approved supervisors of probation and community service orders.

So far, those recommendations have not been adopted. Throughout my reports I have made frequent reference to family breakdown and the abdication of parental responsibility as being the prime causes of juvenile crime.

The Aboriginal people have a long heritage of which they can be justly proud. I urge them to bring traditional good influences to bear on the upbringing, discipline and education of their children so that they may proudly take their place as equals in the Australian way of life.

If we treasure the blessings of the inheritance of children, if we regard the youth of this community and our country as a national asset, then it behoves us to turn our errant young from the path of crime by punishing the wrongdoer, warning the unruly, encouraging the faint hearted, supporting the weak and being patient to all.'

Procedure adopted

During the proceedings Mr Bonner sat next to me on the Bench. This was an innovation. There was no statutory authority for it. His function, as I explained at the beginning, was to act as observer and assistant to the Court. I made it clear that the law being applied was the *Juvenile Justice Act 1992*. There was no suggestion of applying Aboriginal customary law so-called. The procedure which a Childrens Court presided over by me has uniformally adopted is (a) to have the prosecutor state the facts and make submissions on sentence; (b) to hear the defence counsel's plea in mitigation; (c) to hear any submissions a representative of the Department of Family Services may care to make; (d) then to invite the parents or other next of kin of the offending child present to speak informally to the Court about anything that is relevant to the case; (e) and finally, to invite the child to speak for himself or herself and make any statement he or she wishes to the Court. Additionally, at Cherbourg, Mr Bonner, at my suggestion spoke to the child and his family in a manner appropriate to indigenous culture. This was a new procedure. It proved highly enlightening. As we were to discover, Aboriginal people will much more readily respond to a respected authority figure of their own culture (call him or her an elder, if you like) than an authoritarian Judge or Magistrate not of the child's kin. What the child says in such circumstances is generally very revealing, and helpful in the proper disposition of the case.

After all these steps in the proceedings were completed, Mr Bonner and I retired to an ante-room of the Court to deliberate. In each case I would explain to Mr Bonner the relevant law and the available sentencing options. We would then consider the facts, the submissions, the criminal history, if any, the family situation and all other relevant circumstances in a frank exchange of views. Each deliberation took on average about 10 minutes. A consensus was reached; a decision was made. We then came back into Court and I pronounced sentence, with reasons for it.

It has to be made abundantly clear that the final decision rested with me as the presiding Judge. The responsibility for it was mine. However, I did on each sentence matter derive great assistance from Mr Bonner with his wealth of experience in indigenous affairs and his wide knowledge of life in both the indigenous and non-indigenous communities. All objective observers of the proceedings pronounced them an outstanding success. It set a model for the future.

Ill-informed criticism

Regrettably, a newspaper columnist–an accomplished writer–Terry Sweetman in *The Courier-Mail* of 24 June 1997 by implication attempted to throw cold water over the proceedings. In an article entitled 'Customary Law is not the Custom' he stated:

> 'Everyone gets a warm inner glow when someone–preferably a learned Judge–suggests that customary law should be taken into account when dealing with Aboriginal law breakers.

> And it all sounds more palatable when it's suggested that youthful transgressors should be answerable to some indefinite group called elders.
>
> The problem is that customary law can mean a return to savagery that has long been rejected by mainstream society.'

Towards the end of the article he said:

> 'The phrase *customary law* might be best seen as nothing more than a metaphor for a rule of law in which an Aboriginal voice is heard and given due respect.'

I have explained the procedure adopted at Cherbourg in some detail. I would simply say in reply to the author's derogatory, unfounded remarks: A little learning is a dangerous thing!

Mr Bonner speaks

At the close of formal proceedings Mr Bonner asked leave to make a statement. Leave was readily granted. This is what he said:

> 'Thank you, Your Honour. It has been my privilege to serve with you here today and to assist the young people and their parents.
>
> We in the Indigenous community have got to understand that what our children do reflects on us as parents. We have an obligation under God to ensure that our children are given every opportunity that is available in this country. We should ensure that we know their whereabouts every minute of the day, because, if we don't, temptation is out there, evil things are out there and we don't want our children involved in those kinds of things. We have an enormous responsibility as parents.
>
> I have raised 5 sons and 2 foster daughters. I have 25 grandchildren and 22 great grandchildren and I thank God that not one of them has been incarcerated yet. This is because I have given to them an understanding and I have given to them my love. You cannot punish children or talk to children in a harsh way. You do it with love and let them understand that what you are doing is because you love them and you want them to grow up to become healthy and responsible adults.
>
> We need to realise that each of us, as the families, parents, grandparents, uncles, and aunts of these children, need to be role models. I heard one young man say a little while ago that this boy needs a role model. Well, my God, if he is unable to find a role model in Cherbourg then there is something wrong. Have we no role models in Cherbourg? Have we no role models here? From where I am sitting I can see a role model over there and there. There are plenty of role models around, but they need to take an interest in our youth. I am appalled that today I sat here and listened to and read of the things which our youth have been doing. It appalled me because it made me consider where are we going?

I once gave a speech—and I think that it was my undoing. I said, "Where are we, as an Aboriginal nation, going in the future?" I didn't call for a separate nation. I said, 'Where are we—the Indigenous people—going as a nation?" I hope that it is not where this young boy has finished up or where the other boys have finished up. I hope that we are going to build an Aboriginal community that all Australians can be proud of.

Thank you, Your Honour. Thank you for inviting me. It was a wonderful experience and I hope that what started here today will go on lifelong.'

I am of opinion that the Cherbourg model should be given statutory recognition. It can only function properly if there is statutory sanction for it.

A new model

I have advised before that a position designated *Aboriginal Assistant to the Court* should be created.

The Attorney-General should appoint an advisory committee of three for each Magistrates Court District in Queensland. Two of the three should be Aborigines of good standing in their community. The third should be an non-Aboriginal, preferably a cleric or a social worker. The composition of the committee, once appointed, should be published. The terms of appointment should be for no more than three years. The prime function of the committee is to advise the Attorney-General on suitable persons for appointment to the position of Aboriginal Assistant to the Court. Only Aborigines should be recommended. The qualifying criteria for recommending a particular person should include:

(a) His or her good standing in the community at large, and in particular the Aboriginal community of that district. It is of paramount importance that the appointee should have the confidence and respect of the community in which he or she lives.

(b) An acquaintance with Aboriginal customary law and practice would be helpful but not essential.

(c) A willingness to serve on a paid part-time basis as required as an Assistant to the Court involving Aboriginal children charged with criminal offences.

A list of, say, five suitable names should be furnished to the Attorney-General by the District Advisory Committee. From this list the Attorney-General should appoint one or more Aboriginal Assistants to the Court for that district.

The principal function of an Assistant is to advise the Court on matters of sentence. The role to be adopted by the Assistant should follow the Cherbourg model explained above.

To get this initiative started I would advocate restricting it to Aboriginal communities in Queensland in the first instance. If, after an experimental

period of say one year, it is seen to function effectively it could be extended to all Courts throughout the State.

I recommend that legislation be introduced to implement these initiatives in consultation with the Indigenous Advisory Council headed by Mr Bonner.

An important first step in empowering indigenous people to participate in the juridical process is the passing of the *Aboriginal, Torres Strait Islander and Remote Communities (Justice Initiatives) Amendment Act 1997*. The Act empowers two duly-qualified indigenous Justices of the Peace to constitute a Magistrates Court to deal summarily with defendants who plead guilty to certain indictable offences. The maximum penalty imposable is fixed at six-months imprisonment or 100 penalty units. However, the Court may sit only within a trust area under the *Community Services (Aborigines) Act 1984* and the *Community Services (Torres Strait) Act 1984* or in such other place as the Attorney-General considers remote. This laudable initiative surely is capable of being expanded in the light of experience gained.

The visible presence of Aboriginal people participating in the juridical process will, I think, inspire greater respect for and confidence in the justice system as it impinges on Aborigines.

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Sentencing: The force of public opinion

Introduction

In November 1993, Jon Venables and Robert Thompson were convicted of the murder of James Bulger aged 2, when they were aged 10½ years. The Judge described the killing as 'an act of unparalleled evil and barbarity'.

Under the relevant law at the time it was obligatory on the Judge to sentence the offender to detention 'during Her Majesty's pleasure'. The Parliament entrusted the determination of the appropriate period of detention to the Home Secretary. In making his determination the practice is that the Home Secretary seeks the advice of the sentencing Judge and also that of the Lord Chief Justice. They recommended eight years and ten years respectively. However the Home Secretary decided that it should be 15 years. The Home Secretary's determination was challenged in a number of Court processes culminating in a decision of the House of Lords on 12 June 1997. The House of Lords' decision was split 3-2 against the Home Secretary's determination.

The majority opinion was that a sentence of detention passed on a young offender under s. 53(1) of the *Children and Young Persons Act 1933* (as substituted by subs. 15 of the *Murder (Abolition of Death Penalty) Act 1965*) was not the same as a mandatory sentence of life imprisonment imposed on an adult and required the Home Secretary to consider from time to time whether continued detention was justified. An inflexible policy whereby a tariff set for a young offender regarding the minimum period by way of punishment and deterrence before he would be considered for release would in no circumstances be varied by reason of matters occurring subsequently to the offence was unlawful. In fixing the tariff period the Home Secretary should, like the sentencing Judge, ignore as irrelevant public petitions and public opinion as expressed in the media. That was the majority view (Lords Browne-Wilkinson, Lord Steyn and Lord Hope).

In making his determination the Home Secretary said that he had regard to public concern about the case which was evidenced by petitions and other correspondence. In particular, there had been a petition signed by 278,000 members of the public, with some 4,400 letters in support, urging that the offenders remain in detention for life, a petition signed by 6,000 members of the public asking for a minimum period of 25 years and over 20,000 coupons cut out of a popular newspaper (*The Sun*) with over 1,000 letters demanding a life tariff. There had been only 33 letters agreeing with the judiciary or asking for a low tariff.

Lord Lloyd (with whom Lord Goff agreed), in a strong dissenting judgment, said the Home Secretary had particular regard to the age of the offenders and their need for rehabilitation. But he had also been entitled to have regard to other factors, especially the need for maintaining public confidence in the criminal justice system. In the light of those factors it could not be said that his initial view of 15 years had been so far beyond what was reasonable as to point inevitably to the wrong approach.

If the Home Secretary was entitled to take account of the need to maintain public confidence in the criminal justice system, as everyone agreed, His Lordship could not see why he could not take account of genuine public concern over a particular case. The petitions and letters had surely demonstrated a certain level of concern. It was to the Home Secretary that the Parliament had entrusted the task of maintaining public confidence in the criminal justice system and as part of that task gauging public concern in relation to a particular case when deciding on the earliest release date. It was not the function of the Courts to tell him how to perform that task.

Reaction to the decision

The Times, in its editorial of 13 June 1997, said:

> 'The arguments the decision generates should be a matter of national debate...It also signals an unfortunate haughtiness towards genuine public feeling.
>
> Michael Howard (the Home Secretary) acted within his rights in insisting that Robert Thompson and Jon Venables serve a minimum of 15 years imprisonment. It is important for the sake of public faith in the criminal justice system that the right of politicians to intervene in the way the former Home Secretary did is protected.
>
> The justification for the intervention is the need to maintain faith in the criminal justice system. Parliament has vested that role in the Home Secretary.
>
> Given the scale of public disquiet after the Bulger killing and the right the Home Secretary enjoys to "have regard to considerations of public character" in fixing tariffs, how can he ignore agitation? Judges have taken public feeling into account in the increasingly tough sentences applied to dangerous driving offences and, as Lord Browne-Wilkinson argued, the Home Secretary is entitled to take into account expressions of public anger to the crime which will have a profound effect on popular sentiment.
>
> As Lord Lloyd pointed out "...The Home Secretary was acting within the law. Parliament chose to give the Home Secretary these powers that he might use them to maintain confidence in the justice system, not see them circumscribed by those who administer it".'

And *The Express* (13 June 1997) editorialised under the banner 'Why The Law Must Bow To The Will Of The Public':

> 'Even in opposition Mr Michael Howard cannot avoid running foul of the Judges. On this issue he can at least comfort himself that he has the public on side. Indeed it was the fact that he responded to the demand for tougher sentences that offended three of the five Law Lords. One of them, Lord Steyn, airily dismissed public "clamour and petitions" as "irrelevant and worthless" in judicial matters. Does he mean that the

Courts must ignore the views of society? Many Judges would seem to disagree given the number of times they refer to public feeling before they pass sentence.'

The question then arises–how much regard should the Courts have to public opinion in sentencing offenders for particular types of crime and especially for sentencing juvenile offenders? Surely the Courts are entitled to take genuine public concern into account. How are the Courts to discover what those concerns are except from the media, from petitions and from long experience in sentencing criminals?

One of the reasons the public lacks faith in the juvenile justice system is that it is almost impossible for outsiders to understand how it works.

Mandatory minimum sentences

Recently, the former conservative government in Britain introduced legislation to compel Courts to pass minimum sentences of imprisonment on, inter alia, thrice-convicted home burglars. The measure is contained in the *Crime (Sentences) Bill 1996.*

A government White Paper on the matter proposed that there should be a mandatory minimum sentence of three years imprisonment for domestic burglars of two or more previous convictions. The mandatory sentence would not apply, however, if there were 'genuinely exceptional circumstances'. However, when the Bill was drafted, clause 3 made it obligatory on the Courts to pass sentence of at least three years imprisonment on anyone convicted of a third domestic burglary.

During the debate on the Bill in the House of Commons, Mr Howard the Home Secretary said: 'If prison, and the threat of prison are to work effectively, there is a strong case for greater certainty in sentencing–for stiff minimum sentences for burglars who offend again and again and again. Persistent burglars would be taken out of circulation for a long time. If this had already been the case, there would be no need for the legislation.'

The legislation was passed by the Commons without significant amendment. But in the House of Lords fierce resistance was encountered from various quarters, and particularly from the Senior Judiciary.

The Government's position was put by the Lord Chancellor, Lord Mackay. The reason for the Government's change of policy, he said, 'was the realisation of the extent to which actual crime results from persistent offending. We are not free to ignore public opinion. The government-of-the-day must take careful note of public expectations and concerns in framing their policies because the structure of law and order in a democratic society rests on broad consent of the population to the way their safety and rights are safeguarded. I believe that the proposals received considerable support when they were made public.'

Lord Taylor, a former Lord Chief Justice, led the charge against the Government measure. He was supported, though less vigorously, by his successor, Lord Bingham. Lord Taylor said: 'Quite simply, minimum sentences must involve a denial of justice. It cannot be right for sentences to be passed without regard to the gravity, frequency, consequences and other circumstances of the offending.'

And in another statement made from his office, Lord Taylor conceded that long sentences are sometimes necessary to protect the public. Nevertheless, he did not believe that the threat of longer periods of imprisonment would deter habitual criminals. 'What does deter them is the likelihood of being caught which at the moment is small', he said. Lord Taylor insisted that Judges must be free to fit the particular punishment to the particular crime. 'Minimum sentences are inconsistent with doing justice according to the circumstances of each case. Instead of limiting discretion by introducing unnecessary constraints on sentencing, the police should be provided with the resources they need to bring criminals before the Courts in the first place.' According to official statistics the chances of detection for burglary are at best about three in twenty.

Lord Taylor's objections to mandatory sentences may be summarised thus:

1. The fundamental objection to minimum sentences (for, say, burglars) is that they will cause injustice. They will fetter the Judge's discretion to take account of all the circumstances of the burglary and the burglar.
2. Minimum sentences would prevent giving discounts for a plea of guilty. Recent legislation has endorsed that principle. Discounts encouraged criminals to admit their guilt and so enhance the prospects of rehabilitation. An early plea also saves time and money in Court.
3. Mandatory minimum sentences could deter guilty persons from pleading guilty and harden the resolve to be proven guilty by due process, thus taxing Court resources, and slowing down the process with a further consequence that some 'guilty' persons will be found not guilty.
4. The Government's proposals would not work. What primarily deterred criminals was the likelihood of detection.
5. Mandatory sentences would result in an increase of the prison population with a consequential heavy cost factor.

However, in the final analysis, Lord Taylor recognised that the ultimate decision was for the Parliament.

Lord Bingham accepted that just as the Parliament can set maximum sentences so too can it fix minimum sentences. But, he said, 'It is a cardinal principal of sentencing that the sentence imposed should be fashioned to match the gravity of the offence and to take into account the circumstances

in which it was committed. A blanket scatter-gun approach inevitably leads to injustice in individual cases. It would also lead to indefensible anomalies.

It is one thing–a very serious thing–to strip someone's home of its valuable contents, accompanied perhaps by terror to the householder or gratuitous or offensive vandalism. It is quite another thing to take a gallon of petrol from an outhouse or reach through a window and take a pint of milk. Yet both are domestic burglaries within clause 3. A skilful professional burglar who avoids detection until he is brought to book on the same occasion for 50 domestic burglaries is not subject to the mandatory penalty. Anomalies of this kind are not the stuff of sound law-making.

Lord Irvine, who succeeded Lord Mackay as Lord Chancellor, said: 'Almost every aspect of the administration of justice is politically controversial these days. Even though sentencing is part of the administration of justice, it is not the unique province of the judiciary: Parliament is fully entitled to deal with it by way of legislation.'

In the upshot the government, in order to ensure the passage of the legislation through the House of Lords, agreed to make an exception to the minimum mandatory sentence. The Court would not have to pass this sentence if it was 'of the opinion that there were exceptional circumstances which justify its not doing so'. In such cases the Judge would have to say in open Court that he is of that opinion and what the exceptional circumstances are. Exceptional circumstances are not defined.

Two Australian States follow suit

I come now closer to home and discuss the practice which pertains in Western Australia and the Northern Territory with regard to mandatory minimum sentences for adults and juveniles.

By 1996 home burglaries in Western Australia had reached alarming proportions. There was public agitation for the Government to take measures to curb the pestilence. There was a public perception that the Courts had failed effectively to deal with the problem. The Government grasped the nettle. By the *Criminal Code Amendment Act (No 2) 1996* it was enacted that an offender convicted for the third time of a home burglary must suffer a mandatory minimum sentence of 12 months imprisonment if an adult and 12 months detention if a juvenile. It is of great significance to note that the legislation was passed by the Western Australia Parliament unopposed.

One of the first cases to come before the Courts under the new law involved a juvenile. The sentencing Judge refused to sentence the juvenile to a minimum term of 12 months detention, holding that under the State's Young Offenders Act he still had a discretion to make what is known as a Conditional Release Order which, in effect, is a sentence of detention to be served in the community, subject to conditions. The decision excited much public criticism. In particular, the *West Australian Newspaper* (12 February 1997) editorialised in these vehement terms:

'Judge "X" has thwarted the will of the State Parliament–and therefore the people–by placing a 14-year-old boy with five home-burglary convictions on a conditional release order.

Judge "X", the president of the Childrens Court, used a loophole in the State Government's controversial "three strikes and you're in" legislation to avoid sentencing the boy to 12 months detention. He found that the three-strikes law did not stipulate that a sentence to detention could not be served through a conditional release order.

But there was no impediment to him locking up the offender as the community would wish.

It is clear the judge has gone to some lengths in this case to get around the wishes of the Parliament–a move which places him in an invidious position.

Judge "X" would do well to remember that the legislation took less than a month to get through State Parliament. It was supported by the State Opposition.

Rushed legislation is not necessarily good legislation but the speed in this case and the bipartisan political approach reflected community frustration at the rampant and destructive nature of burglary, at least 60 per cent of which is blamed on drug addicts hoping to fund expensive illicit purchases of heroin and amphetamines.

WA has the dishonourable distinction of having Australia's highest rate of burglary–double Victoria's.

There are thousands of victims every year–41,722 homes were burgled in 1995, 12,000 more than in 1991. And less than 13 per cent of burglaries are solved, the lowest clearance rate of the main WA crime categories.

The number of 1995 burglaries, including those at commercial premises, was 60,031. Put another way, 60 of every 1000 WA homes were burgled in 1995.

And one in 15 insurance policy holders makes a burglary-related contents claim each year, leaving beleaguered home insurers acutely aware of the cost. In 1994 they paid $64.2 million in such claims, about $22 million more than in 1991.

Faced with this booming criminal and social problem, both major political parties felt compelled to act.

Attorney-General Peter Foss is right when he says that home burglary is a predatory crime involving more than damage, loss of property and the risk of serious personal injury. As he told the Legislative Council when he detailed the legislation, victims felt the sanctity of their homes had been violated.

He is also right to pledge that the Government will amend its three-strikes legislation until it closes all the loopholes exposed by the Childrens Court.

Back in November–when the new laws came into effect–Judge "X" warned offenders to expect to be locked up if they did three home burglaries.

The Aboriginal Legal Service estimates that 600 juveniles are in danger of being caught by the three-strikes law. The solution to their dilemma is for them to stop offending.

Judges can help in that process by applying the law firmly. By making use of the loophole, Judge "X" has risked lowering the standing of the judiciary in the eyes of the public. It is an outcome that judges can ill-afford.'

Recently in the Northern Territory legislation was passed by the Parliament making it mandatory for Courts to order minimum sentences of imprisonment for adult property offenders and minimum sentences of detention for juvenile property offenders.

The *Sentencing Amendment Act (No. 2) 1996* requires a Court to impose compulsory imprisonment on an adult offender found guilty of a property offence of not less than 14 days. Property offenders found guilty for a second time are to be imprisoned for not less than 90 days, and property offenders found guilty for the third time are to be imprisoned for not less than 12 months. In addition to the penalty of imprisonment, the Court may make a punitive work order in certain circumstances.

And under the *Juvenile Justice Amendment Act (No. 2) 1996* a juvenile who has attained the age of 15 years and who has been found guilty of a property offence once or more before shall be detained for not less than 28 days. The Court may also make a punitive work order in respect of a juvenile property offender.

Property offences include offences of stealing, home burglary, unlawful entry, unlawful use of a motor vehicle, receiving stolen property and criminal damage.

There have, of course, been strident criticisms of mandatory prison sentences. The reason advanced by the governments of Western Australia and the Northern Territory for introducing such legislation was that there was a public perception that the Courts generally were imposing sentences for repeat property offenders which failed adequately to reflect public concern at the high incidence of property offences, particularly home burglaries, and the need to protect the public from persistent property offenders. It is interesting to note that in both Western Australia and the Northern Territory the legislation was passed by the Parliament without challenge from the

Opposition. The reason appears to be that it was perceived by the politicians moving among their constituents that there was widespread concern that court sentences were, on the whole, grossly inadequate to curb the escalation of property offences, especially home burglaries.

The question then arises—Are the Courts or is the Parliament the best barometer of public opinion on the level of sentencing for certain types of offending?

Two points of view

The obvious criticisms against the Parliament fixing minimum sentences of imprisonment or detention are that it deprives the Court of flexibility in sentencing, could result in fewer pleas of guilty, could work injustices in hard cases, and would inevitably increase the prison population.

On the one hand, the politicians maintain that it the rightful role of the duly elected Parliament, representative of the people, to reflect community concern about sentencing attitudes which should be adopted for certain types of offending. On the other hand, the Courts have traditionally adopted the role of determining the appropriate level of sentencing or in fixing the tariff, as it is called, for pervasive crime after dispassionately taking into account all relevant factors, including the prevalence of a particular crime, and public concerns about it.

My own position

I should now state my own position on the controversial issue of mandatory minimum sentences. On balance, I am against mandatory sentences substantially for the reasons advanced by the Senior English Judges.

It is particularly concerning that the Parliaments of Western Australia and the Northern Territory should have thought it necessary to fix a mandatory minimum sentencing tariff for juveniles.

There is no doubt in my mind that in the specialist area in which I work, namely juvenile crime, there is a clear public perception that juvenile Courts are too often imposing inappropriate sentences on both serious first offenders and persistent offenders. Although I have tried to set proper standards for seriously criminally inclined juveniles, the standards which are ultimately set are set not in my Court but by the Court of Appeal.

Sentencing juvenile offenders

In the First Annual Report I set down my then views on sentencing juvenile offenders. I said:

> 'If there is one topic of equal concern to lawyer and layman alike, it is the high level of crime—especially juvenile crime—and how to deal with it.
>
> ...
>
> The Juvenile Justice Act prescribes sentencing principles for juveniles. The emphasis throughout is on rehabilitation and reintegration into the

community. A custodial sentence–in the Act called a detention order–is an option of last resort.

What, then, should be the aims of sentencing? They should be to treat, reform or rehabilitate the offender, to compensate the victim, to punish, to deter, and to protect the public. Not all these aims can be achieved by any given sentence. For example, if a custodial sentence is warranted, it would be illusory, in most cases, to combine it with a compensation order compensating the victim of the crime. There is, if I may say so, no such thing as an absolutely right sentence.

So far as juvenile offenders are concerned, a sentence of detention will be reserved for those guilty of serious crimes, and for those repeat, incorrigible and intractable offenders who have proved to be impervious to community-service orders and who treat the courts with defiance and contempt.

If a young offender has been given the benefit and assistance of probation, has been conditionally discharged, has been given a community-service order, what, I ask you, is the Court to do if he comes back again, again, and again! Short of repeating the same threats and wagging the same finger once more, there must surely be a custodial sanction available.

...

There is a school of thought that society needs protection against offenders who, because of the gravity of their current crimes or their criminal histories, are a serious nuisance or, worse still, dangerous. In such cases it is contended that the emphasis should be on issues central to the criminal law, notably denunciation, retribution, deterrence and incapacitation. It is wrong to close one's eyes to the political reality that certain highly-visible, serious offences evoke community outrage or fear which only punitive sanction can mollify. There are some crimes which, of their nature, are so serious, and so shocking to the conscience of the community, that anything short of a custodial disposition would do nothing to assuage community concerns. It is only realistic to recognise that society desires to place in long-term custody certain categories of young offenders whom it regards as dangerous.'

In the light of four years experience gained since then I have no reason to alter those views.

The Juvenile Justice Act: Sentencing principles

The *Juvenile Justice Act 1992* lays down certain sentencing principles. Section 4(c) provides that a child should be detained in custody for an offence (whether on arrest or sentence) only as 'a last resort'. Section 165 provides:

A court may make a detention order against a child only if the court after–

(a) considering all other available sentences; and

(b) taking into account the desirability of not holding a child in detention;

is satisfied that no other sentence is appropriate in the circumstances of the case.

And section 109 provides that in sentencing a child for an offence, a court must, *inter alia*, have regard to–

(d) the nature and seriousness of the offence;

(e) the child's previous offending history; and

(g) any impact on the victim.

In my experience the principle of 'last resort' is sometimes used as an excuse or justification for failing to take firm action when firm action is clearly required. I would have thought that any experienced juvenile Judge would not sentence a child to detention unless he or she considered that detention was the only appropriate sentence. Indeed, it is implied in all sentencing that a custodial sentence should only be imposed when no other available sentence is considered appropriate. What I am saying is that if these express sentencing principles were not inserted in the Juvenile Justice Act they would certainly be implied and no sentencing Judge of experience worth his or her salt would contemplate detaining a child unless it was considered that having regard to the nature and seriousness of the offence and all other relevant factors detention was the only proper sentence to impose.

In deciding whether a detention order will be made, an experienced Judge will be guided by the volume, diversity and prevalence of offences he or she deals with regularly and will mark out the occasional very bad case for a custodial disposition. One must deal with a large volume and diversity of cases to be able to make an informed judgment in this area. It is, I stress, a specialist area. It is a question of–Where do you draw the line? The drawing of lines is very much a matter of judgment based on the considerations that I have mentioned above.

The force of popular sentiment

And there is a further important consideration which I should mention: it is the force of popular sentiment. Courts ignore or treat as irrelevant the force of popular sentiment at their peril. But how is public opinion or popular sentiment to be ascertained? How else than through the responsible media, talk-back radio, public polling and through years of experience in Court deciding cases.

The media play a powerful role. They can mould public opinion. There are memorable instances of the great power of the press in making popular opinion and thus influencing events for good or for ill.

'In order to be deserving of freedom', said Lord Denning, 'the press must show itself worthy of it. A free press is a responsible press. The power of the press is great. It must not abuse its power.'

Popular sentiment is not, I think, as nebulous as some would want to make out. Indeed there are times when it is so real that it hits you in the face. Take, for example, the present concern over the prevalence of paedophilia, the spate of armed robberies, and the high incidence of home burglaries in our society.

I am far from suggesting a vigilante or lynch-mob mentality. That must be rejected out of hand.

A recent example

I cite a recent example of what I would regard as an expression of popular sentiment through the press in a Gold Coast case. I quote an unabridged press report of the case (*Weekend Australian* 28–29 June 1997):

> 'The Queensland Court of Appeal had in its grasp yesterday the type of bag-snatching teenager who politicians say instils fear into society's elderly—and they let him go.
>
> The court found that a 12-month custodial sentence imposed on the repeat offender, now 16, who terrorised patrons of a Gold Coast shopping centre for almost a month, was too severe.
>
> Custodial sentences should be imposed only as a last resort, the judges argued.
>
> In this case, the sentencing judge had 'miscarried' his discretion after giving weight to the rise of similar offences in his local neighbourhood.
>
> The offender was sentenced last month on one count of robbery, two counts of stealing and two counts of robbery with personal violence, all at the same Gold Coast shopping centre.
>
> He assaulted two elderly pensioners and stole their handbags and robbed another boy of $5. While on bail for those offences, he returned to the shopping centre where he punched and kicked a teenage boy to the ground before robbing him.
>
> But in overturning the sentence and ordering that no conviction be recorded, the appeal court found that not enough weight had been given to the fact the offender had since accepted the authority of his mother and his behaviour had improved. He had also not had the previous benefit of guidance under probation.'

The sentencing Judge at Southport has informed me that the report is substantially factually accurate.

'We are not free to ignore public opinion'

I conclude this section of the report by asserting that it is my belief that the courts have not paid sufficient regard to the force of public opinion when fixing sentencing tariffs. A consequence has been that there has been a

perceptible loss of public confidence in the criminal justice system. In Queensland, the tariffs are, for all practical purposes, ultimately set by the Court of Appeal. This, I think, is not understood by the public.

As Lord Mackay said 'We are not free to ignore public opinion'. Courts must have regard to genuine public expectations and concerns, otherwise they will fail to maintain confidence in the criminal justice system.

In my opinion, it is precisely this failure of the Courts to have sufficient regard to the force of public opinion that has forced the English Parliament and in our country the Parliaments of Western Australia and the Northern Territory to enact generally undesirable laws making it mandatory on Courts to impose minimum sentences for certain prevalent types of offending. These Parliaments, it seems to me, were doing no more than reacting to public opinion in the area of law enforcement. If the Courts in the future pay proper regard to the force of public opinion by changing sentencing tariffs for certain classes of prevalent offences it may well be that such legislation–objectionable in principle as it is–will be repealed.

seven

The moral dimension IV: A national conversation

Introduction

In each of the three previous reports I devoted a significant section to what I called *The Moral Dimension*.

As I have repeatedly stated, I fervently believe that as an adjunct to its judicial function the Childrens Court of Queensland has an important educative role to play.

We search for answers to the problem of juvenile delinquency. Despite the best efforts of governments, the welfare and social systems and the juvenile courts, juvenile crime persists. Everyone agrees that prevention is better than cure. But it has to be faced that the present elaborate paraphernalia for dealing with juvenile delinquency and juvenile crime–the welfare system, social workers, the police, the courts–has not noticeably succeeded.

I am convinced that there is a high level of public concern over the failure of the established system to eliminate juvenile crime, or at least bring it under reasonable control. There are two aspects to this concern. On the one hand, there is concern for the destructive nature of juvenile crime both to the community and to the offender. On the other hand, there is deep concern that the prevalence of juvenile crime portends a crumbling society, a society in danger of disintegration.

It is generally recognised–certainly by the sensible, silent majority–that pervasive juvenile crime is symptomatic of a decadent society, a society cracking at its foundations. If I am right about this, we must have a hard look at the moral dimension to see if we can find a real and lasting solution to the malaise which besets us.

For these reasons, I propose an entirely new and different approach to the problem. Let's talk about the moral dimension. Let's engage in a debate on the lifting of standards of every-day behaviour. It could be called a morals debate, but I prefer to call it a national conversation–table-talk on a national scale.

The moral condition of society

As we approach the millennium, it is time to take stock of the moral condition of society. Many people of the western democracies are in a state of profound perplexity.

Today, western civilisation is marred by violent crime, vandalism and loss of civility; by a breakdown of family and the widespread neglect of children; by an erosion of trust and loss of confidence in the power of governments to solve the problems which beset us; and by a feeling that matters crucial to our future survival are slipping beyond our control.

When a system breaks down we are liable to despair, but we must not lose hope because morality is the language of hope.

In essence, the problem is a progressive demoralisation of liberal society. There has been a marked tendency towards the privatisation of morality. The philosophy of moral relativism is on the ascendant. What then is the solution

to the problem? It is simply that demoralisation must be met with remoralisation. That, of course, is easier said than done. One would be naive to believe that a call for moral regeneration will overnight result in a reduction in the level of crime or that sermonising will suddenly change the ways of a cynical secular society. But moral transformations have happened before and they can happen again.

I sense a feeling of fear and hopelessness creeping into our community at the present time. The new fearfulness is symptomatic of a moral vacuum; and without hope no great initiative can be undertaken. What is sadly lacking at all levels of society is confidence in ourselves. There must be a recovery of hope and we must have faith in the future. It is my belief that the recovery of hope through the remoralisation of society can solve problems which the existing socio-political system has failed dismally to solve.

There is a self-evident but rarely stated truth: societies like individuals are more likely to be magnanimous when they are self-confident, and more likely to be self-confident when there is an acceptance of a strong moral code, an ethic of self-reliance and a sense of their own identity.

There are acute structural weaknesses in contemporary society. I am dismayed at the poverty of our public conversation on issues of grave concern to our collective future. On the whole, I am surprised at the impoverishment of our thinking on the vexed issues of our time: crime, drugs, family dissolution, child neglect and abuse, to name but a few.

We have entered an age of discussion, a critical period, as Mill defined it, in which 'loud disputes are accompanied by equally weak convictions'. We must take stock of ourselves before we have joined 'the march of this retreating world into the vain citadels that are not walled'. I am disturbed by the consciousness of the thinness of the walls of the citadel into which we have withdrawn. The task ahead is the assertion of moral leadership not only by people in positions of authority but by ordinary right-minded citizens.

The story of Elijah

It is pertinent to tell again here the story of Elijah: You will all recall the biblical hero Elijah. Under the reign of Ahab and Jezebel, Baal worship had become the official cult. God's prophets were killed or in hiding. Elijah nevertheless did not lack the courage to risk a direct confrontation with King Ahab which resulted in a great public challenge. He faced 400 of Baal's representatives. Elijah set about settling the issue of religious truth once and for all. He posed the critical question, 'How long halt ye between two opinions?'—the worship of God or the worship of Baal.

Truth was about to be decided by a test. If it lay with Baal, fire would consume an offering prepared by his priests. If it lay with God, fire would descend on Elijah's offering. Elijah won the confrontation. The priests of Baal were routed.

But the story does not end there. Jezebel sends a message to Elijah: a warrant is out for his death. Elijah escapes to Mount Horab and takes refuge in a cave. The rest of the story is best told by reference to biblical text (1 Kings 19:9–12):

> 'And, behold, the word of the Lord came to him, and said unto him,...Go forth, and stand upon the mount before the Lord. And, behold, the Lord passed by, and a great and strong wind rent the mountains, and broke in pieces the rocks before the Lord; but the Lord was not in the wind. And after the wind an earthquake; but the Lord was not in the earthquake.
>
> And after the earthquake, a fire; but the Lord was not in the fire. And after a fire—a still, small voice.'

It is then that God speaks to Elijah and instructs him as to the future course of events, including the appointment of Elisha as his successor.

What is the moral to be drawn from the story of Elijah? I believe it is this. Elijah is shown that God is not disclosed in dramatic confrontation: not in the whirlwind or the earthquake or the fire; but in the still, small voice.

And so it is in the world in which we live. Moral leadership is not to be found in the trappings of secular authority; not in military might; nor the strident vociferations of political dictators: but in the still, small voice.

Moral leadership calls for a special kind of virtue, the way of the still, small voice.

One is prompted to ask, 'By whom may the still, small voice be heard?' The answer is simple: 'By all who turn their ears to it.'

We need more and better leadership at all levels of society. We need more persons of experience and authority to act boldly and sincerely without deference to the imputed susceptibilities of egalitarian opinion. We need men and women who are ready to act heroically if occasion thrusts the role upon them.

But is all this lofty sentiment devoid of practical meaning? Is it pie in the sky? Is it too far removed from the real world to attract merit?

You may judge that it is, but I beg to differ.

There is a belief commonly held, I think, that it is only those in positions of authority with power over others, whether political, religious or professional, who can exert moral leadership.

Not so. There is still, I believe, a residual wisdom in our community which needs to be harnessed: it is reposed in the so-called silent majority—in you and in me. For therein lies the still, small voice of moral leadership. It is time that its voice was heard above the madding crowd.

The language of morality

Given some encouragement, ailing societies can cure themselves. The task of intellectual and spiritual leaders is to give ordinary people 'a useable moral vocabulary'. As Dr Jonathon Sacks said in his most remarkable book *The Politics of Hope*: 'We must restate the language of morality itself as a legitimate mode of discourse in the public domain. Our national language has effectively been secularised. Religion enters our conversation obliquely and with embarrassment. The orthodoxies of our time are that morality is a private affair, a matter of personal choice, and that the State must be morally neutral. To make moral judgments is to be judgmental. Calling a way of life "wrong" is an assault on the integrity of others.'

The present dilemma was more or less summarised 2,000 years ago by Livy: 'We have reached a point where we cannot bear either our vices or their cure'.

Functioning families and social cohesion are the key to survival. 'Civility' is the keyword in the modern communitarian discourse.

Manifesto to the nation

In December 1995 Philip Lawrence, a much-respected English schoolmaster, was murdered by a student for no apparent reason. The incident prompted national outrage.

The widow of the deceased was moved to articulate her views on what has gone wrong with society. On 21 October 1996 *The Times* published her *Manifesto to the Nation* in which she outlines her version for a better society. I quote the following excerpts from the manifesto:

> 'I wish to see the emergence of a nationwide movement, dedicated to healing our fractured society, banishing violence, ensuring that the next generation are equipped to be good citizens and urgently debating how the moral climate can be changed for the better.
>
> This manifesto contains no policies, pledges, or plans of action: only my thoughts which I hope will be a stimulus to debate. Philip and I had discussed how the slow deterioration of our civil society might be reversed. We sensed that there would be widespread support for action. Politicians have recently reflected a widespread concern about the fraying of civic bonds, the rise of moral relativism and an increase in violent crime.
>
> The nation seems engaged in a reduction of values and principles. Faced with this chaos each of us must do what we can. Should this not be to turn energetically towards standards of decency and truth.
>
> Each of us has the potential to be a force for good but I believe that individual efforts are not enough and we need to rally the majority who have been silent for so long. In them is a yearning to restore a moral code to the centre of our national life. This is not nostalgia: it is an honest recognition that we are losing sight of fundamentals.

I am not calling for vociferous demonstrations but a nationwide movement which encourages calm and quiet exploration of the problems and then campaign intelligently for effective and effectual action.

One of the most effective crime prevention measures is, surely, action to protect and encourage family life. The strongest influences upon a child are the earliest. Every child is born with, as it were, a 'tabula rasa'. Deprived of the simple warmth of family life, children for self-preservation, may have to seek refuge in the harsh, unfamiliar and tenuous camaraderie of the streets. Support for the family should be more than making our streets safe in the future; it should signify the meaning of a civilised society.

I have asked questions, not provided definitive answers. I can only hope that what I have said will strike a chord and prompt others better qualified than myself to provide answers and leadership. I hope that if enough of us make a stand we can build another kind of peace: civic peace.

When a tree is cut down it falls with a crash. As it grows it makes no sound. The process of building is always by degrees but the process of destruction is sudden enough to command headlines.

My hope is that out of the terrible violence a new ethos may be constructed in which neglected virtues are reinstated and cherished and sustained.'

The *Times* editorial

The Times editorial (21 October 1996) commented on Mrs Lawrence's manifesto as follows:

'The powerful words of Frances Lawrence should find an echo across the country today. Frances Lawrence's call for a national movement to banish violence and promote civic values deserves the support of all who wish to see society remain civilised.

She is supremely qualified to light a beacon. The sense that there is no longer an agreed and authoritative ethical consensus and the recognition that there is an appetite for restoring moral barriers finds moving and authentic expression in her words.

In recent weeks politicians have been trying to translate their thoughts into moral language. Their attempts show that they are alive to the need for an ethical renewal.

Her message, although challenging, is meant to launch a debate, not a crusade.

The first step, as Mrs Lawrence argues, is the abandonment of the tone of sneering cynicism which has accompanied mention of the principles

she articulates. Then there needs to be a debate, free of point-scoring partisanship, about the concrete ways such values can be enacted.

Over the next few weeks we hope that new voices will join the debate that Mrs Lawrence has started, that the majority she refers to 'who have been silent for too long' will be heard. The moral relativism and glamorisation of violence which unsettles so many should be opposed with reason and passion.

Mrs Lawrence showed that in unpromising times unfashionable values could change, perhaps even save, young lives.'

A unifying philosophy

There are two faces of western civilisation. On the one hand there is the society we read about in the press and witness on television and sometimes experience personally, a society suffering from the breakdown of authority and loss of civility, a society of fragile self-confidence and crumbling institutions, a society living in fear of violence and crime.

On the other hand, there are still within that troubled society many examples of politeness and friendliness, kindness and acts of courage and charity.

Major national catastrophes like Dunblane and the murder of a two-year-old toddler James Bulger by two 10-year-olds in horrific circumstances (in Great Britain), and the Port Arthur slaughter, and more recently the Thredbo tragedy (in Australia), have stirred a nation's conscience and brought in its wake a deep sense of moral awareness which has united people of all cultures and beliefs. After Dunblane Dr Jonathan Sacks, Chief Rabbi of Great Britain, expressed the national feeling in language memorable for its profundity:

> 'Beyond the national grief there was a palpable sense that something of larger significance was taking place, as if these were eruptions of a deeper undercurrent of violence moving just beneath the surface of society. On the eve of the millennium there is a barely suppressed mood of foreboding that something is going wrong with the way we live.'

It is fallacious to think that because we are now such a pluralistic society we cannot share a common moral code. What has been shown by recent events, not least the response to Dunblane and the murder of Philip Lawrence, is that this is simply not true.

All major civilisations and faiths show a remarkable convergence when defining those things in the human spirit worth valuing.

No civilisation can survive unless it is permeated by a unifying philosophy: call it religion, if you like. Western civilisation was build on the Judeo-Christian ethos. Other civilisations were built on a different ethos. But all have one thing in common: a unifying philosophy.

The *Times* reflects the mood

The Times, perhaps the world's leading and most influential newspaper, in its editorial of 7 July 1996 reflected the national mood thus:

> 'There is little doubt that most people believe that Britain is in severe moral decline. Some regard the situation as hopeless, the majority are uneasy. A gallop poll last week painted a grim picture of a nation ill at ease with its conscience, worried about issues of religion, sexual morality, honesty and a willingness to make sacrifices for others. Institutions are under attack, respect in decline, behaviour appalling, the outlook bleak. Three-quarters believe that society is less moral than it was 50 years ago. Only one in five believe there is a broadly agreed set of moral standards; most maintain it is left (wrongly) to individuals.'

A morals debate

For some time I have felt an increasingly urgent need for a national conversation–a morals debate. I do not expect that, if it were to occur, it would achieve a complete consensus, but I would like to think that it would achieve a significant consensus. It seems to me we have lost the confidence to publicly express moral values. We fear that if we do we will be ridiculed, accused of being old fuddy duddies, that our utterances will be seen by some as old-fashioned banalities, worn-out platitudes, or misguided vacuities.

Unfortunately the stridency of the adherents to the philosophy of moral relativism and libertarianism has forced the traditional moralities onto the back foot and exiled them from the public domain (often through ridicule). It is time that those who espouse traditional moralities re-entered the public domain and participated in the national conversation.

The moral decay which is evident in our society cannot be solved through the agencies of law enforcement alone: by police, and courts and prisons. They are agencies of necessity. Society has not only the right, but the duty to protect itself from those who violate the peaceable and orderly existence of law-abiding citizens by theft and violence. But it must be realised that laws touch only the surface of social life, checking its most harmful manifestations. As Martin Luther King pointed out, laws can 'restrain the heartless'; they cannot change the heart. A distinguished American jurist Learned Hand put this very powerfully when he said:

> 'I often wonder whether we do not rest our hopes too much on constitutions, upon laws, and upon courts. These are false hopes; believe me, these are false hopes. Liberty lies in the hearts of men and women. When it dies there: no constitution, no law, no court can save it; no constitution, no law, no court can ever do much to help.'

It was Robert Kennedy who said: 'No nation hiding behind locked doors is free, for it is imprisoned by its own fear.'

Order, then, needs not only law but the widespread habit of law-abidingness. This can only be achieved by the daily practice of social virtues.

The lesson of history has been that cohesive societies exist only when there is a common faith or a shared religion. However, when in a multicultural society there is no dominant common faith, what else can weave the strands of private lives into a fabric of common existence? It is the existence of a shared morality.

As Lord Devlin put it in 1964:

> 'The removal of religion from society does not mean that society can exist without faith. There is faith in a moral belief as well as a religious belief. Though it is less precise and less demanding, it is not necessarily less intense.'

Again I fall back on the wise words of Dr Sacks:

> 'Whenever there is widespread recognition that things are not as they should be we have to join hands. Social change is always preceded by and works through moral change. Things may be bad; the social fabric may be frayed, but precisely because we are moral beings, we have every reason not to despair.'

Gertrude Himmelfarb (*The De-moralisation of Society*) reminds us: 'That the ethos of society, its moral and spiritual character, cannot be reduced to economic, material, political or other factors' and that 'values'—or better yet, virtues—are a determining factor in their own right.

A loss of civility

What has gone wrong can be summed up simply as a 'loss of civility'.

A code of conduct was first compiled in 1595 by French Jesuits.

An updated copy fell into the hands of George Washington under the title *Rules of Civility*. He not only copied them but followed them all his life. At all events he was always cited in the early American Republic as a model of good manners and presidential dignity.

Paul Johnson in *The Spectator* (15 February 1997) said:

> 'We tend to think today that good manners and right morals are entirely separate. But the truth is, they are a continuum. Bad manners and high crime rates are all part of the same disease.'

It has been said that at the heart of civilisation lies courtesy: the pleases, the thank-yous, respect for the aged, opening the door for someone, a warm handshake, a generous gesture, and so on. Courtesy has been described as that property of the heart which overlooks the broken gate and draws attention to the garden beyond.

The *Rules of Civility* offer a framework for behaviour. The essence of the Rules is not so much their content as their emphasis on discipline.

You will recall that it was Edmund Burke who so prophetically stated two centuries ago, 'Manners are more important than laws for upon them in great measure the laws depend.'

Lord Eldon who chaired his committee's prestigious report on *Discipline in Schools* (1996) stated in the House of Lords Morals debate:

> 'We found it necessary to point out that teachers who require their children to have good manners and dress tidily should themselves dress tidily and have good manners. There is crying need for a new professional body in charge of professional teaching standards most especially in schools.'

And as the redoubtable Dr Sacks said:

> 'Education has a key role to play in teaching discipline, perseverance, courage, duty and honour. Society too has to promote such virtues. Citizens are role models expected to display civility and good manners. But the matrix of personality is the home.'

Not all that long ago, in 1944, George Orwell felt able to say of English society:

> 'An imaginary foreign observer would certainly be struck by our gentleness, by the orderly behaviour of English crowds, the lack of pushing and quarrelling. And except for well-defined areas in half a dozen big towns there was very little crime or violence.'

My, how times have changed!

If more people displayed good manners and acted civilly–in other words, if standards of behaviour were raised–the incidence of crime would decrease markedly and law enforcement agencies would virtually be out of business. It really is as simple as that. The simple solution is often the elusive one; and it costs nothing.

It is all encapsulated in Burke's marvellous aphorism:

> 'Manners are more important than laws for upon them in great measure the laws depend.'

If we want to return to a civil society, we must practice civility.

The House of Lords debate

On 5 July 1996 in the House of Lords, the Upper House of the British Parliament, an historic event occurred. The House held an unprecedented debate on morality which had urgently been called for by the Archbishop of Canterbury.

Peers from all sides spoke on the decline of standards in public and private life which has contributed to the erosion of the moral fabric of the nation. In varying degrees speakers attributed the lowering of standards to family breakdown, single parents, a media which portrayed violence, lust and degradation, child neglect and abuse, an abdication of parental responsibility, an undermining of traditional values, modern education attitudes, the emergence of moral relativism and the loss of faith. It is interesting to observe

that despite the diversity of personal and professional backgrounds of the individual speakers there was a surprising consensus of opinion: moral decay in all its manifestations could be ascribed to a marked decline in the observance of traditional values.

In moving the motion on *Society's Moral and Spiritual Well-being*, Archbishop Carey said:

> 'My main concern since becoming Archbishop has been the way that people now see what is good and right as a matter of private taste and individual opinion only. Many people now find it embarrassing to talk about religion or morality in public and the traditional vocabulary of moral discourse–virtue, sin, good, bad, right, wrong, moral, wholesome, godly, righteous and sober–have come under acute contemporary suspicion.'

He quoted the Chief Rabbi, Dr Jonathan Sacks, saying:

> 'It is as if in the 1950s and 1960s we set a time-bomb ticking which eventually would explode the moral framework into fragments. The human cost has been colossal. But the cost has been far wider in terms of loss of authority, institutions in crisis, and the loss of a public sense of moral order.'

He also quoted Cardinal Basil Hume. The Cardinal recently stated:

> 'We are not engaged, surely, in producing just good performers in the market place or able technocrats. Our task is the training of human beings, purposeful and wise, themselves with a vision of what it is to be human and the kind of society that makes that possible.'

Archbishop Carey emphasised that the family must bear the brunt of teaching a moral code.

> 'An average child spends one-fifth of his time at school. Many schoolteachers feel that their efforts to develop moral and spiritual teaching are not supported by families, who are giving their children quite contradictory messages. The family is of prime importance. It has to be a partnership with families, schools and the wider community.'

The Archbishop concluded:

> 'I believe that the fight back against moral and cultural relativism is under way, and that the schools have an important part to play.'

Professor Dynan speaks out

In a profile of Professor Muredach Dynan, Vice Chancellor of the Australian Catholic University, McAuley Campus, Mitchelton (Talking Point with Tony Koch, *Courier-Mail*, 'Weekend' 2, 30 August 1997), the distinguished Professor stated:

> 'To leave debate about the future values of our society to the morality construction–or deconstruction–of those who have little sense of the

> sacred or belief in a spiritual dimension to life and who actively decry the existence of or need for God, would be an abdication of responsibility by those who believe otherwise.
>
> Australian society would be well served by a resurgence of thoughtful, intellectually sound and articulate public advocacy of basic Christian principles and values and their application to day-to-day policy formulation and behaviour.'

The House of Lords debate on morals was on 5 July 1996. Frances Lawrence's manifesto was published in *The Times* on 21 October 1996. The public response to both was overwhelming. *The Times* devoted extra space to letters from a wide range of readers. Most expressed concern about the decline in moral values and the need for the re-moralisation of society. It was an excellent exercise in the so-called silent majority asserting moral leadership. It is a very good example of the power of popular sentiment.

A rallying call

I make a rallying call for a similar debate in this country.

The solution to our problems lies within ourselves. Morality cannot be legislated for. Governments cannot make people good or more responsible to one another, any more than courts can. As Dr Sacks powerfully put it in *The Politics of Hope*:

> 'We expect governments to do what they manifestly cannot: to make us solicitous, law-abiding, honest, hardworking, well-intentioned, public-spirited and reliable. Neither can the State nor its agents–police, schools, social workers, policy planners–make families stay together or neighbours help one another, or parents spend more time with their children. Yet these form the very text and texture of a civilised society. Without them our lives are impoverished.
>
> So in a very real sense is society. The cost of crime, private and commercial security measures, litigation, family breakdown and child dysfunction are already massive and growing at an accelerating rate.
>
> But these things matter in a non-economic level no less importantly. They contribute to the growing sense of unease, a loss of hope, a sense of matters spinning out of control.'

I have myself proposed a solution to child crime. It is my belief that the primary causes of child crime are family breakdown and associated lack of discipline. The moral dilemma which confronts us can only be resolved by an acceptance of the moral imperative. What is needed is a moral renaissance, a moral reawakening, a return to the good and the right way–in short, a return to ordinary goodness.

This solution may seem to some too idealistic, too simplistic. My answer is that other measures have been tried and have not succeeded. Moreover, the

cost of those measures is 'growing at an accelerating rate'. My solution is costless. It has worked before and it can work again.

So let's have a morals debate, or if that term offends the sensibilities of some by sounding too moralistic, let's have a debate about lifting standards of behaviour. And let's start now.

eight

Statistical tables—contents

eight

Statistical tables

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.

Explanatory notes

Reference period

The statistics in this report focus on the financial year 1 July 1996 to 30 June 1997. Where possible, data from the previous financial year are provided for comparison.

Data collection

The data were collected from all criminal courts in Queensland either by extraction from the computerised Case Register System (CRS) for the Magistrates Courts and Criminal Register System (CRS) for the District and Supreme Courts or by manual returns provided by those Courts without access to a CRS system.

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.

defendant — a juvenile charged with a criminal offence. A juvenile is counted as a defendant more than once if he has been 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 conviction and sentence, discharge or withdrawal, but not by transfer to another court).

District Court of Queensland — a court constituted by a District Court judge (see *An optional court*, p. 6).

ex officio indictment — an indictment filed by the Attorney-General committing an accused person for trial without a committal.

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 offences with which he is charged were committed before he attained 17 years of age.)
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 convicted 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 conviction.
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.
compensation	a monetary penalty requiring an offender to make a payment by way of redress for loss or injury to person or property (includes restitution).
good behaviour order	a penalty where an offender agrees to be of good behaviour for a specified period and where a breach thereof may be taken into account if the child reoffends during the period of the order.
disqualification of licence	a penalty revoking an offender's driver's licence for a specified time.
other penalty	a penalty not included in other types (such as payment of costs or fees, forfeiture, or participation in a drink driving program).
no penalty	where an offender on conviction has been reprimanded but not otherwise punished.
sentence	the determination by a court of the punishment to be imposed on a convicted person.
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

Data quality improvements

Further improvements have been made to the scope of data included and the methodology used for the 1996–97 report. Data for 1995–96 have therefore been revised to reflect the improved coverage and methodology and to be consistent with the published 1996–97 data.

The improvements in scope have resulted in an increased number of charges, and in some instances defendants, for those court locations where the computerised Case Register System or Criminal Register System (CRS) was in use. In contrast, the implementation of a refined counting rule has reduced the overall numbers of defendants in instances where the defendant was finalised on one date for charges initiated on a number of dates.

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 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.

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 which 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.

Burglary and housebreaking and other breaking and entering

While the detailed tables contain separate figures of counts of defendants and charges for these offence types, they have been combined in the summary tables, as there is uncertainty about the accuracy of recording offences into these types. The numbers obtained for burglary and housebreaking are smaller in relation to other breaking and entering than expected. The likely explanation is recording error when court results were transcribed to statistical returns.

Serious offences disposed at Magistrates Court

Methods of disposal at Magistrates Courts include dismissal and withdrawal of charges. Therefore, the data will show serious offences disposed at Magistrates Court level where dismissal or withdrawal has occurred.

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.

Court delays

Court delays in Magistrates Courts have been calculated by examining returns from the following court locations: Brisbane, Beenleigh, Ipswich, Southport, Maroochydore, Toowoomba, Rockhampton, Mackay, Townsville and Cairns. These courts accounted for about 58.4 per cent of all defendants statewide.

Delays in District and Supreme Courts have been assessed for the courts at Brisbane only, which deal with 56.4 per cent of all defendants in these courts statewide.

Delays in the Childrens Court of Queensland have been calculated for the court at Brisbane, which deals with 53.2 per cent of all defendants in the Childrens Court of Queensland statewide.

The delay in each case has been calculated as the time from presentation of the initiating document (bench charge sheet or indictment) to finalisation. A longer measure of the delay in the Childrens Court of Queensland, the District Court or the Supreme Court would result if calculated from the date of committal.

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).

In the tables, a small number of penalties which were reported as imprisonment have been shown as detention, as in most of these instances it

is assumed that the source information was transcribed in error from court results to statistical returns.

Summary

(Note: The quality of the data included in this report reflects the significant improvements made to the collection methodology over the past year. As a result, the 1995–96 data have been revised from that published in last year's annual report. For further detail, see the note in *Data issues* at pp. 57–59.)

Juvenile defendants by court level

The number of juveniles whose cases were disposed in all Queensland courts increased by 5.9 per cent, from 6,153 in 1995–96 to 6,513 in 1996–97. The increase of 7.7 per cent in defendants before the Magistrates Court (from 5,065 to 5,455) was partly offset by a 13.0 per cent reduction in the number of defendants before the Childrens Court of Queensland (from 231 to 201).

In 1996–97, Magistrates Courts disposed 83.8 per cent of juvenile defendants, the Childrens Court of Queensland 3.1 per cent, the District Court 13.0 per cent and the Supreme Court 0.2 per cent.

Juvenile defendants by court level of final disposal[a], Queensland, 1995–96 and 1996–97

Court level	1995–96		1996–97		Increase
	No.	%	No.	%	%
Magistrates	5,065	82.3	5,455	83.8	7.7
Childrens Court of Queensland	231	3.8	201	3.1	–13.0
District	846	13.7	846	13.0	—
Supreme	11	0.2	11	0.2	—
Total	**6,153**	**100.0**	**6,513**	**100.0**	**5.9**

(a) A defendant is disposed when all the charges against him 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 represented 83.6 per cent of all defendants in 1996–97. Some 37.1 per cent of defendants were 16 years of age with a further 24.6 per cent aged 15 years (for more detail refer to Table 18).

Charges against juveniles by court level

Charges against juveniles increased by 5.5 per cent from 19,066 in 1995–96 to 20,114 in 1996–97. There was an increase in both the Magistrates Courts (8.4%) and the District Courts (5.1%). The number of charges disposed in the Childrens Court of Queensland decreased by 18.6 per cent from 1,471 to 1,198.

The offence with the largest number of charges was *theft, breaking and entering, etc.* with 11,245 charges in 1996–97, up 5.0 per cent from 10,705 in 1995–96. Within *theft, breaking and entering, etc.*, *other stealing* had the largest number of charges with 4,731, up 9.7 per cent from 4,314 in 1995–96 (for more detail refer to Table 19).

Charges against juveniles by court level of final disposal[a], Queensland, 1995–96 and 1996–97

Court level	1995–96		1996–97		Increase
	No.	%	No.	%	%
Magistrates	13,261	69.6	14,380	71.5	8.4
Childrens Court of Queensland	1,471	7.7	1,198	6.0	–18.6
District	4,298	22.5	4,518	22.5	5.1
Supreme	36	0.2	18	0.1	–50.0
Total	19,066	100.0	20,114	100.0	5.5

(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 6,513 defendants in 1996–97, 5,683 (87.3%) were found guilty. The number found guilty was 5.1 per cent higher than in 1995–96.

Juvenile offenders by most serious penalty, Queensland, 1995–96 and 1996–97

Penalty[a]	1995–96		1996–97		Increase
	No.	%	No.	%	%
Detention	302	5.6	283	5.0	–6.3
Immediate release	194	3.6	198	3.5	2.1
Community service	1,009	18.7	1,136	20.0	12.6
Probation	1,175	21.7	1,151	20.3	–2.0
Fine	415	7.7	411	7.2	–1.0
Compensation	180	3.3	202	3.6	12.2
Good behaviour order	821	15.2	857	15.1	4.4
Disqualif'n of licence	22	0.4	13	0.2	–40.9
Other penalty	120	2.2	180	3.2	50.0
No penalty[b]	1,169	21.6	1,252	22.0	7.1
Total	5,407	100.0	5,683	100.0	5.1

(a) In decreasing order of seriousness.

(b) Including reprimands.

Of those found guilty in 1996–97, 283 (5.0%) were sentenced to detention, and a further 198 (3.5%) received an immediate release order.

No penalties were ordered for 1,252 juveniles (22.0%). The next largest group of 1,151 (20.3%) received probation as their most serious penalty and 1,136 (20.0%) received community service.

Cautions

Data provided by the Queensland Police Service showed that 14,582 juvenile offenders were administered cautions in 1995–96 and 15,103 in 1996–97, an increase of 3.6 per cent. (The number of juvenile offenders proceeded against by caution in 1995–96 has been revised by the Queensland Police Service from the level published in the previous annual report (15,681).)

Juvenile offenders proceeded against by caution[a] by offence type, Queensland, 1995–96 and 1996–97

Offence type[b]	1995–96[r]	1996–97	Increase %
Homicide, etc.	—	—	..
Assaults (incl. sexual offences), etc.	846	847	0.1
Robbery & extortion	30	44	46.7
Fraud & misappropriation	188	454	141.5
Theft, breaking & entering, etc.	8,734	8,447	–3.3
[Unlawful use of motor vehicle]	444	325	–26.8
[Other stealing]	6,185	5,927	–4.2
[Receiving, unlawful possession]	317	276	–12.9
[Breaking & entering][c]	1,788	1,919	7.3
Property damage	1,737	1,698	–2.2
Driving, traffic & related offences	45	28	–37.8
Other offences	3,002	3,585	19.4
[Drug offences][d]	2,150	2,533	17.8
Total	**14,582**	**15,103**	**3.6**

(a) A person is counted as an offender more than once if he 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.

(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.*

r Data revised since previous report.

Source: Queensland Police Service.

The 15,103 juvenile offenders administered cautions in 1996–97 may be compared with 20,114 charges against juveniles disposed in court.

The majority of cautions were administered for *theft, breaking and entering, etc.*, 8,734 (59.9% of all cautions) in 1995–96 and 8,447 (55.9%) in 1996–97. *Other stealing* (5,927 or 39.2% of all cautions) and *breaking and entering* (1,919 or 12.7% of all cautions) were the main components within this category.

A large number of juveniles were also proceeded against by caution for *property damage* (1,698 or 11.2% of all cautions).

The greatest increases from 1995–96 to 1996–97 occurred in the number of cautions administered to juveniles for *drug offences* (from 2,150 to 2,533, up 17.8%) and *fraud and misappropriation* (from 188 to 454, up 141.5%).

Offences before the courts

Childrens Court of Queensland

The Childrens Court of Queensland, comprising courts at Brisbane, Ipswich, Southport, Rockhampton, Townsville and Cairns, dealt with 1,198 charges against 201 defendants in 1996–97. This represented a 13.0 per cent decrease in the number of defendants from the 1995–96 level (231 juveniles).

Defendants in the Childrens Court of Queensland

Decreases were recorded for most ages. The main exception was for defendants aged 17 years or over, where numbers increased by 37.0 per cent.

Childrens Court of Queensland: Juvenile defendants by age, Queensland, 1995–96 and 1996–97

Age	1995–96	1996–97	Increase %
10	—	1	..
11	1	2	100.0
12	4	5	25.0
13	16	13	–18.8
14	35	31	–11.4
15	61	49	–19.7
16	87	63	–27.6
17 and over	27	37	37.0
Total	**231**	**201**	**–13.0**

Charges against juveniles in the Childrens Court of Queensland

The Childrens Court of Queensland dealt with 1,198 charges in 1996–97, compared with 1,471 in 1995–96, a decrease of 18.6 per cent. There were decreases in charges for *fraud and misappropriation* (down 89.2%), *other offences* (down 42.4%) and *property damage* (down 32.1%).

Childrens Court of Queensland: Charges against juveniles disposed by offence type, Queensland, 1995–96 and 1996–97

Offence type[a]	1995–96	1996–97	Increase %
Homicide, etc.	—	1	..
Assaults (incl. sexual offences), etc.	68	56	–17.6
[Major assault]	30	34	13.3
[Minor assault]	9	8	–11.1
Robbery & extortion	47	41	–12.8
Fraud & misappropriation	37	4	–89.2
Theft, breaking & entering, etc.	1,097	948	–13.6
[Unlawful use of motor vehicle]	238	112	–52.9
[Other stealing]	337	360	6.8
[Receiving, unlawful possession]	40	34	–15.0
[Breaking & entering][b]	482	442	–8.3
Property damage	184	125	–32.1
Driving, traffic & related offences	5	4	–20.0
Other offences	33	19	–42.4
[Drug offences][c]	14	5	–64.3
Total	**1,471**	**1,198**	**–18.6**

(a) Only selected offence types are shown [in brackets] at the more detailed level. For more detail refer to Table 11.

(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 1995–96 and 1996–97 (1,097 and 948 respectively), representing almost three-quarters of the total Childrens Court of Queensland charges in 1995–96 and just under 80 per cent in 1996–97.

A further dissection of *theft, breaking and entering, etc.* in 1996–97 indicated that the offence type with the most charges was *breaking and entering* with 442 (36.9% of all charges) followed by *other stealing* with 360 (30.1%).

Within the *theft, breaking and entering, etc.* category, there was a significant fall in the number of charges for *unlawful use of motor vehicle*, down 52.9 per cent from the 1995–96 level.

Penalties received by juvenile offenders before the Childrens Court of Queensland

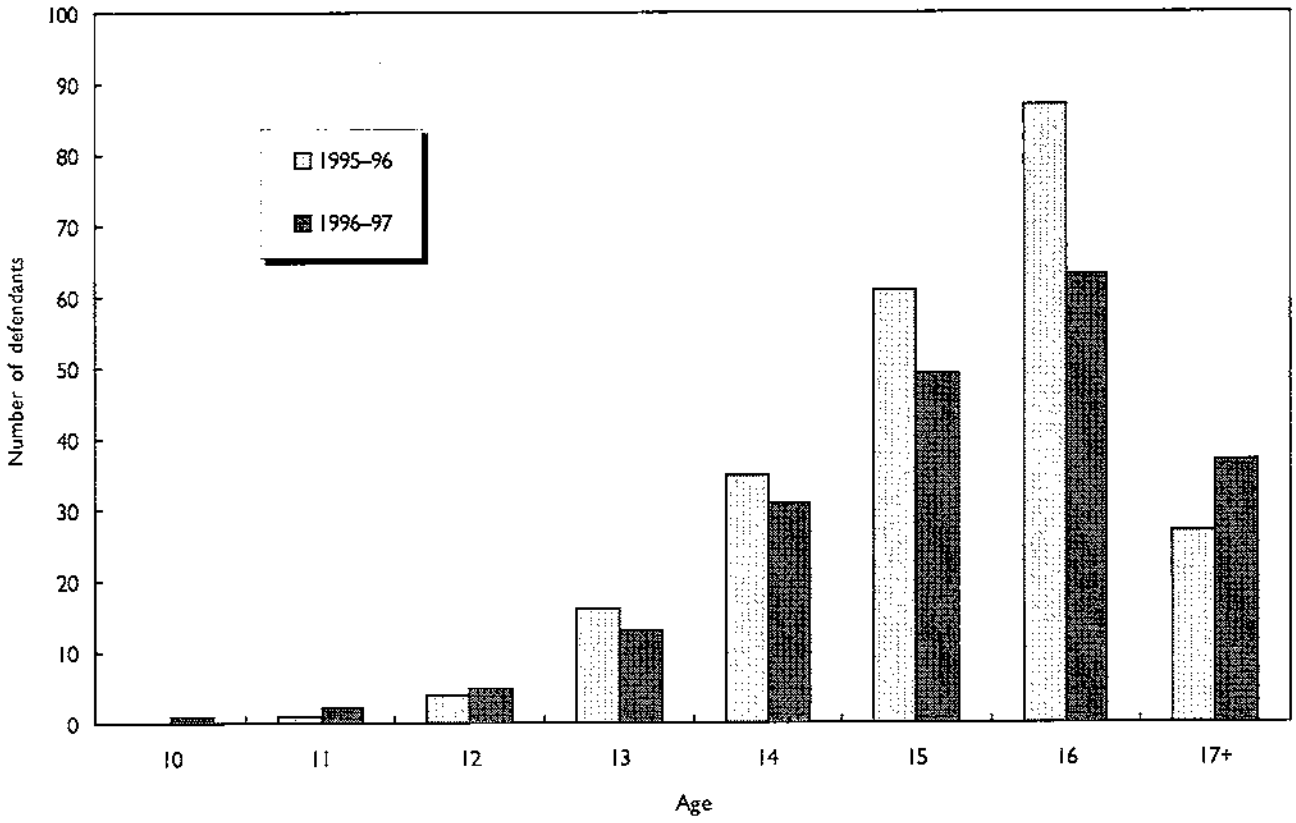
Of the 201 juveniles before the Childrens Court of Queensland in 1996–97, 180 were found guilty. Of these, 26 juvenile offenders (or 14.4%) received detention as their most serious penalty, with a further 24 (13.3%) receiving an immediate release order. Other penalties included community service (55 or 30.6%), probation (63 or 35.0%) and good behaviour orders (9 or 5.0%).

Decreases were recorded for all penalty types except good behaviour orders and those receiving no penalty, where slight increases were recorded (for more detail refer to Table 13).

Childrens Court of Queensland: Juvenile defendants disposed by age and sex, Queensland, 1995–96 and 1996–97

Age	1995–96			1996–97			Percentage increase		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
10	—	—	—	1	—	1	..	..	..
11	1	—	1	2	—	2	100.0	..	100.0
12	2	2	4	5	—	5	150.0	–100.0	25.0
13	14	2	16	10	3	13	–28.6	50.0	–18.8
14	35	—	35	29	2	31	–17.1	..	–11.4
15	57	4	61	40	9	49	–29.8	125.0	–19.7
16	83	4	87	57	6	63	–31.3	50.0	–27.6
17+	24	3	27	36	1	37	50.0	–66.7	37.0
Total	**216**	**15**	**231**	**180**	**21**	**201**	**–16.7**	**40.0**	**–13.0**

Childrens Court of Queensland: Juvenile defendants disposed by age, Queensland, 1995–96 and 1996–97



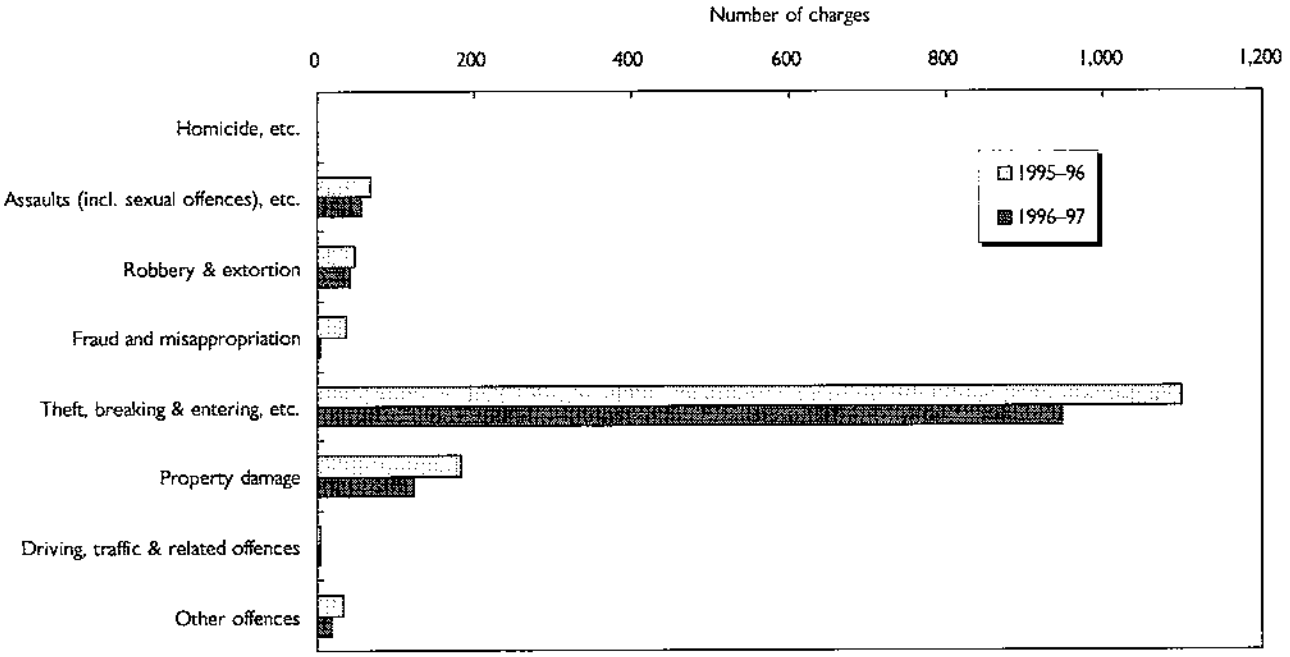
Statistical tables

Childrens Court of Queensland: Charges against juveniles disposed by offence type by sex of defendant, Queensland, 1995–96 and 1996–97

Offence type	1995–96			1996–97			Percentage increase		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Homicide, etc.	—	—	—	1	—	1	..	..	..
Murder	—	—	—	—	—	—	..	..	..
Attempted murder	—	—	—	—	—	—	..	..	..
Manslaughter (excl. driving)	—	—	—	—	—	—	..	..	..
Manslaughter (driving)	—	—	—	—	—	—	..	..	..
Dangerous driving causing death	—	—	—	1	—	1	..	..	..
Conspiracy to murder	—	—	—	—	—	—	..	..	..
Assaults (incl. sexual offences), **etc.**	**61**	**7**	**68**	**42**	**14**	**56**	**–31.1**	**100.0**	**–17.6**
Major assault	26	4	30	25	9	34	–3.8	125.0	13.3
Minor assault	8	1	9	7	1	8	–12.5	—	–11.1
Rape	—	—	—	3	—	3	..	..	..
Other sexual offences	25	1	26	6	—	6	–76.0	–100.0	–76.9
Other violation of persons	2	1	3	1	4	5	–50.0	300.0	66.7
Robbery & extortion	**41**	**6**	**47**	**32**	**9**	**41**	**–22.0**	**50.0**	**–12.8**
Robbery	41	6	47	32	9	41	–22.0	50.0	–12.8
Extortion	—	—	—	—	—	—	..	..	..
Fraud & misappropriation	**37**	—	**37**	**2**	**2**	**4**	**–94.6**	..	**–89.2**
Embezzlement	1	—	1	—	—	—	–100.0	..	–100.0
False pretences	5	—	5	2	1	3	–60.0	..	–40.0
Fraud & forgery	31	—	31	—	1	1	–100.0	..	–96.8
Theft, breaking & entering, etc.	**1,045**	**52**	**1,097**	**891**	**57**	**948**	**–14.7**	**9.6**	**–13.6**
Unlawful use of motor vehicle	227	11	238	108	4	112	–52.4	–63.6	–52.9
Other stealing	317	20	337	335	25	360	5.7	25.0	6.8
Receiving, unlawful possession	37	3	40	33	1	34	–10.8	–66.7	–15.0
Burglary & housebreaking[a]	144	16	160	233	21	254	61.8	31.3	58.8
Other breaking & entering[a]	320	2	322	182	6	188	–43.1	200.0	–41.6
Property damage	**178**	**6**	**184**	**119**	**6**	**125**	**–33.1**	—	**–32.1**
Arson	21	—	21	16	1	17	–23.8	..	–19.0
Other property damage	157	6	163	103	5	108	–34.4	–16.7	–33.7
Driving, traffic & related offences	**4**	**1**	**5**	**4**	—	**4**	—	**–100.0**	**–20.0**
Drink driving	—	—	—	—	—	—	..	..	..
Dangerous/negligent driving	4	—	4	4	—	4	—	..	—
Licence offences	—	1	1	—	—	—	..	–100.0	–100.0
State Transport, Main Roads Act	—	—	—	—	—	—	..	..	..
Other traffic offences	—	—	—	—	—	—	..	..	..
Other driving offences	—	—	—	—	—	—	..	..	..
Other offences	**31**	**2**	**33**	**15**	**4**	**19**	**–51.6**	**100.0**	**–42.4**
Possession or use of drugs	4	1	5	1	1	2	–75.0	—	–60.0
Dealing & trafficking in drugs	6	—	6	3	—	3	–50.0	..	–50.0
Manufacturing & growing drugs	3	—	3	—	—	—	–100.0	..	–100.0
Other drug offences	—	—	—	—	—	—	..	..	..
Drunkenness	—	—	—	—	—	—	..	..	..
Offensive behaviour	1	—	1	—	—	—	–100.0	..	–100.0
Trespassing & vagrancy	—	—	—	—	—	—	..	..	..
Weapons offences	—	—	—	3	—	3	..	..	..
Environmental offences	—	—	—	—	—	—	..	..	..
Liquor offences	—	—	—	—	—	—	..	..	..
Enforcement of orders	16	1	17	8	3	11	–50.0	200.0	–35.3
Other	1	—	1	—	—	—	–100.0	..	–100.0
Total	**1,397**	**74**	**1,471**	**1,106**	**92**	**1,198**	**–20.8**	**24.3**	**–18.6**

(a) See the note in *Data issues* at pp. 57–59.

Childrens Court of Queensland: Charges against juveniles disposed by offence type, Queensland, 1995–96 and 1996–97



Childrens Court of Queensland: Juvenile defendants and charges disposed by court location, Queensland, 1995–96 and 1996–97

Court location[a]	1995–96			1996–97			Percentage increase	
	Defendants	Charges	Charges per defendant	Defendant	Charges	Charges per defendant	Defendants	Charges
Brisbane	132	792	6.00	107	480	4.49	−18.9	−39.4
Cairns	9	76	8.44	8	52	6.50	−11.1	−31.6
Southport	42	306	7.29	17	117	6.88	−59.5	−61.8
Townsville	48	297	6.19	69	549	7.96	43.8	84.8
Total	**231**	**1,471**	**6.37**	**201**	**1,198**	**5.96**	**−13.0**	**−18.6**

(a) Courts not shown did not dispose any juveniles in the relevant years. In the cases of the Ipswich and Rockhampton courts, there is a single judge undertaking both District Court and Childrens Court of Queensland work. Therefore, if cases are committed to the District Court rather than to the Childrens Court of Queensland, the judges try or sentence the cases in the capacity of a District Court Judge.

Statistical tables

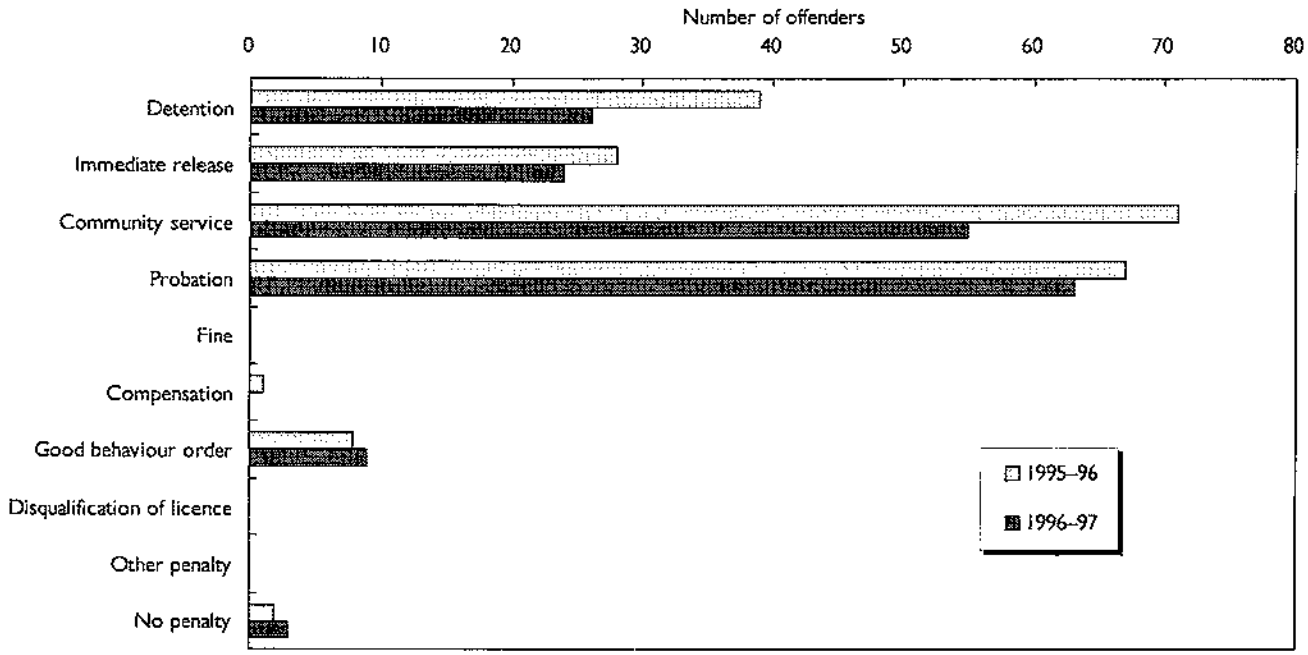
Childrens Court of Queensland: Juvenile offenders by most serious penalty and sex, Queensland, 1995–96 and 1996–97

Penalty[a]	1995–96			1996–97			Percentage increase		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Detention	37	2	39	23	3	26	–37.8	50.0	–33.3
Immediate release	26	2	28	21	3	24	–19.2	50.0	–14.3
Community service	70	1	71	52	3	55	–25.7	200.0	–22.5
Probation	60	7	67	56	7	63	–6.7	—	–6.0
Fine	—	—	—	—	—	—	..	..	..
Compensation	1	—	1	—	—	—	–100.0	..	–100.0
Good behaviour order	7	1	8	8	1	9	14.3	—	12.5
Disqualification of licence	—	—	—	—	—	—	..	..	..
Other penalty	—	—	—	—	—	—	..	..	..
No penalty[b]	2	—	2	3	—	3	50.0	..	50.0
Total	**203**	**13**	**216**	**163**	**17**	**180**	**–19.7**	**30.8**	**–16.7**

(a) In decreasing order of seriousness.

(b) Including reprimands.

Childrens Court of Queensland: Juveniles offenders by most serious penalty, Queensland, 1995–96 and 1996–97



Magistrates Courts

Juvenile defendants in Magistrates Courts

In 1996–97, 6,485 juvenile defendants appeared before Magistrates Courts in Queensland, an increase of 415 (6.8%) on 1995–96. The difference between the 6,513 defendants disposed by all courts and the 6,485 appearing in Magistrates Courts in 1996–97 is accounted for by ex officio indictments, by committals in 1995–96 being disposed in the higher court in 1996–97, and by committals in 1996–97 being disposed in 1997–98.

Magistrates Courts: Juvenile defendants by method of finalisation, Queensland, 1995–96 and 1996–97

Method of finalisation	1995–96	1996–97	Increase %
Committal	1,005	1,030	2.5
Conviction	4,481	4,777	6.6
Discharge[a]	584	678	16.1
Total	**6,070**	**6,485**	**6.8**

(a) Where all charges against the defendant were dismissed or withdrawn.

Of the 6,485 defendants appearing in 1996–97, 5,455 were disposed at that level, either by conviction (4,777 or 73.7%) or by discharge (678 or 10.5%), and 1,030 were committed to a higher court for trial or sentence.

The number of juveniles committed to a higher court was 25 or 2.5% greater in 1996–97 than in 1995–96.

Charges against juveniles in Magistrates Courts

The number of charges against juveniles in Magistrates Courts has increased by 2,133 from 17,337 in 1995–96 to 19,470 in 1996–97, an increase of 12.3 per cent. Of these charges, 14,380 (73.9%) were disposed in the Magistrates Courts and the remaining 5,090 (26.1%) were committed to a higher court for trial or sentence. The number of charges committed increased by 1,014 (24.9%).

Magistrates Courts: Charges against juveniles by method of finalisation, Queensland, 1995–96 and 1996–97

Method of finalisation	1995–96	1996–97	Increase %
Committal	4,076	5,090	24.9
Conviction, dismissal, withdrawal[a]	13,261	14,380	8.4
Total	**17,337**	**19,470**	**12.3**

(a) Outcomes are recorded for defendants and not for each charge. It is therefore not possible to tell whether a particular charge was disposed by conviction or by dismissal or by withdrawal.

The percentage of each offence type committed to a higher court varies. Almost all charges of homicide were committed to higher courts, those disposed in Magistrates Courts being by dismissal or withdrawal.

Most *robbery and extortion* offences (79.9%) were committed to higher courts (see the note on serious offences disposed in Magistrates Courts in the section on *Data issues*).

The majority of charges brought before the Magistrates Courts for all other offence types were disposed in the Magistrates Court, rather than being committed to a higher court. Thus, 75.8 per cent of *assaults (including sexual offences), etc.* were disposed in the Magistrates Courts, 65.2 per cent of *theft, breaking and entering, etc.*, 71.4 per cent of *property damage*, 97.7 per cent of *driving, traffic and related offences* and 95.8 per cent of *other offences*.

Magistrates Courts: Charges against juveniles by offence type, Queensland, 1996–97

Offence type[a]	Committed	Disposed[b]	Total
Homicide, etc.	11	3	14
Assaults (incl. sexual offences), etc.	379	1,185	1,564
[Major assault]	182	333	515
[Minor assault]	90	752	842
Robbery & extortion	183	46	229
Fraud & misappropriation	86	536	622
Theft, breaking & entering, etc.	3,710	6,959	10,669
[Unlawful use of motor vehicle]	336	1,010	1,346
[Other stealing]	1,396	3,169	4,565
[Receiving, unlawful possession]	135	541	676
[Breaking & entering][c]	1,843	2,239	4,082
Property damage	558	1,391	1,949
Driving, traffic & related offences	28	1,207	1,235
Other offences	135	3,053	3,188
[Drug offences][d]	57	918	975
Total	**5,090**	**14,380**	**19,470**

(a) Only selected offence types are shown [in brackets] at the more detailed level. For more detail refer to Tables 4 and 7.

(b) A Magistrates Court can dispose a charge by conviction, dismissal or withdrawal.

(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.*

Charges against juveniles committed to higher courts

The number of charges committed to higher courts by Magistrates Courts in 1996–97 was 5,090 compared with 4,076 in the previous year, an increase of 24.9 per cent.

Theft, breaking and entering, etc. contained the largest number of charges committed in 1996–97, with 3,710 charges representing 72.9 per cent of all charges. This proportion compares with 70.5 per cent for 1995–96 (2,873 charges). The 1996–97 figure was 29.1 per cent higher than the previous year's figure.

Magistrates Courts: Charges against juveniles committed by offence type, Queensland, 1995–96 and 1996–97

Offence type[a]	1995–96	1996–97	Increase %
Homicide, etc.	6	11	83.3
Assaults (incl. sexual offences), etc.	324	379	17.0
[Major assault]	140	182	30.0
[Minor assault]	80	90	12.5
Robbery & extortion	215	183	–14.9
Fraud & misappropriation	36	86	138.9
Theft, breaking & entering, etc.	2,873	3,710	29.1
[Unlawful use of motor vehicle]	398	336	–15.6
[Other stealing]	1,072	1,396	30.2
[Receiving, unlawful possession]	147	135	–8.2
[Breaking & entering][b]	1,256	1,843	46.7
Property damage	470	558	18.7
Driving, traffic & related offences	23	28	21.7
Other offences	129	135	4.7
[Drug offences][c]	30	57	90.0
Total	**4,076**	**5,090**	**24.9**

(a) Only selected offence types are shown [in brackets] at a more detailed level. For more detail refer to Table 4.

(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.*

Within the broad category *theft, breaking and entering, etc.* in 1996–97, offence types with the most charges committed were *breaking and entering* (1,843) and *other stealing* (1,396). *Unlawful use of motor vehicle* accounted for 336 charges or 9.1 per cent of the category total, lower than the corresponding figures for 1995–96 (398 charges or 13.9% of the category total).

Other offence categories with significant numbers of charges committed in 1996–97 were *property damage* (558) and *assault (incl. sexual offences), etc.* (379). Both were higher than in 1995–96, by 18.7 per cent and 17.0 per cent respectively.

Of the total charges committed to higher courts (5,090) in 1996–97, 918 or 18.0 per cent were for sentence and 4,172 (82.0%) were for trial.

Magistrates Courts: Charges against juveniles committed for sentence or trial by offence type, Queensland, 1996–97

Offence type(a)	Committed for sentence	Committed for trial	Total
Homicide, etc.	2	9	11
Assaults (incl. sexual offences), etc.	34	345	379
[Major assault]	21	161	182
[Minor assault]	6	84	90
Robbery & extortion	18	165	183
Fraud & misappropriation	25	61	86
Theft, breaking & entering, etc.	622	3,088	3,710
[Unlawful use of motor vehicle]	40	296	336
[Other stealing]	230	1,166	1,396
[Receiving, unlawful possession]	28	107	135
[Breaking & entering][b]	324	1,519	1,843
Property damage	163	395	558
Driving, traffic & related offences	2	26	28
Other offences	52	83	135
[Drug offences][c]	2	55	57
Total	**918**	**4,172**	**5,090**

(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 and use of drugs + dealing and trafficking in drugs + manufacturing and growing drugs + other drug offences.*

Charges against juveniles disposed in Magistrates Courts

In 1996–97, 14,380 charges were disposed in the Magistrates Courts, an increase of 8.4 per cent over the 1995–96 figure (13,261).

The largest number of charges disposed in 1996–97 were for *theft, breaking and entering, etc.*, with 6,959 charges or 48.4 per cent of the total. This proportion is similar to that for the previous year (48.2% or 6,391 charges).

Other offences, with 3,053 charges or 21.2 per cent of the total, was the category with the next highest number of charges. Of these, 918 charges or 30.1 per cent were *drug offences*.

Magistrates Courts: Charges against juveniles disposed by offence type, Queensland, 1995–96 and 1996–97

Offence type[a]	1995–96	1996–97	Increase %
Homicide, etc.	2	3	50.0
Assaults (incl. sexual offences), etc.	1,169	1,185	1.4
[Major assault]	294	333	13.3
[Minor assault]	805	752	–6.6
Robbery & extortion	53	46	–13.2
Fraud & misappropriation	327	536	63.9
Theft, breaking & entering, etc.	6,391	6,959	8.9
[Unlawful use of motor vehicle]	1,166	1,010	–13.4
[Other stealing]	2,933	3,169	8.0
[Receiving, unlawful possession]	439	541	23.2
[Breaking & entering][b]	1,853	2,239	20.8
Property damage	1,406	1,391	–1.1
Driving, traffic & related offences	1,196	1,207	0.9
Other offences	2,717	3,053	12.3
[Drug offences][c]	759	918	20.9
Total	**13,261**	**14,380**	**8.4**

(a) Only selected offence types are shown [in brackets] at the more detailed level. For more detail refer to Table 7.

(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.*

Of charges disposed in Magistrates Courts, offence types with the largest increases from 1995–96 to 1996–97 were *breaking and entering*, 386 (up 20.8%), *other stealing*, 236 (up 8.0%), *fraud and misappropriation*, 209 (up 63.9%) and *drug offences*, 159 (up 20.9%). On the other hand, *unlawful use of a motor vehicle* decreased by 156 or 13.4%.

Penalties received by juvenile offenders before Magistrates Courts

Of the 4,777 juveniles found guilty in Magistrates Courts in 1996–97, 151 offenders (or 3.2% of the total) received detention as their most serious penalty, with a further 78 (1.6%) receiving an immediate release order. Other categories included community service (845 or 17.7%), probation (873 or 18.3%) and good behaviour orders (813 or 17.0%). A total of 1,223 (25.6%) had no penalty imposed.

Magistrates Courts: Juvenile offenders by most serious penalty, Queensland, 1995–96 and 1996–97

Penalty[a]	1995–96	1996–97	Increase %
Detention	158	151	–4.4
Immediate release	78	78	—
Community service	724	845	16.7
Probation	870	873	0.3
Fine	410	401	–2.2
Compensation	177	200	13.0
Good behaviour order	780	813	4.2
Disqualification of licence	22	13	–40.9
Other penalty	120	180	50.0
No penalty[b]	1,142	1,223	7.1
Total	**4,481**	**4,777**	**6.6**

(a) In decreasing order of seriousness.

(b) Including reprimands.

District and Supreme Courts

In 1996–97, District and Supreme Courts disposed 4,536 charges against 857 juveniles. This was an increase in the number of charges from 1995–96 when 4,334 charges against 857 juveniles were disposed.

The Supreme Court comprised a small proportion of the charges and defendants in both years. In 1996–97, there were 18 charges against 11 defendants disposed in the Supreme Court, compared with 36 charges and 11 defendants in 1995–96.

Defendants in District and Supreme Courts

In 1996–97, 50.8 per cent of juvenile defendants before the District and Supreme Courts were aged 15 or 16 years, with a further 29.6 per cent aged 17 or over. In 1995–96, the proportion of 15- and 16-year-olds was slightly higher (55.0%).

District and Supreme Courts: Juvenile defendants disposed by age, Queensland, 1995–96 and 1996–97

Age	1995–96	1996–97	Increase %
10	1	2	100.0
11	8	6	–25.0
12	8	18	125.0
13	32	45	40.6
14	102	97	–4.9
15	179	178	–0.6
16	292	257	–12.0
17 & over	230	254	10.4
Unknown	5	—	–100.0
Total	857	857	—

Charges against juveniles in District and Supreme Courts

Of the 4,536 charges before District and Supreme Courts, *theft, breaking and entering, etc.* accounted for the largest number with 3,338 charges (73.6% of the total). A further dissection of *theft, breaking and entering, etc.* indicated that the largest number of charges was for *breaking and entering* (1,578) followed by *other stealing* (1,202).

Property damage constituted the second largest number of charges (405) and *assaults (including sexual offences), etc.* (370) the third largest.

District and Supreme Courts: Charges against juveniles disposed by offence type, Queensland, 1995–96 and 1996–97

Offence type[a]	1995–96	1996–97	Increase %
Homicide, etc.	11	5	–54.5
Assaults (incl. sexual offences), etc.	332	370	11.4
[Major assault]	159	158	–0.6
[Minor assault]	94	99	5.3
Robbery & extortion	195	161	–17.4
Fraud & misappropriation	64	85	32.8
Theft, breaking & entering, etc.	3,217	3,338	3.8
[Unlawful use of motor vehicle]	664	441	–33.6
[Other stealing]	1,044	1,202	15.1
[Receiving, unlawful possession]	128	117	–8.6
[Breaking & entering][b]	1,381	1,578	14.3
Property damage	376	405	7.7
Driving, traffic & related offences	20	18	–10.0
Other offences	119	154	29.4
[Drug offences][c]	18	11	–38.9
Total	4,334	4,536	4.7

(a) Only selected offence types are shown [in brackets] at the more detailed level. For more detail refer to Table 15.

(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 857 juveniles before the District and Supreme Courts in 1996–97, 726 (84.7%) were found guilty. Of these, 106 (or 14.6%) received detention as their most serious penalty, 96 (13.2%) received an immediate release order, 236 (32.5%) received community service and 215 (29.6%) received probation.

District and Supreme Courts: Juvenile offenders by most serious penalty, Queensland, 1995–96 and 1996–97

Penalty[a]	1995–96	1996–97	Increase %
Detention	105	106	1.0
Immediate release	88	96	9.1
Community service	214	236	10.3
Probation	238	215	–9.7
Fine	5	10	100.0
Compensation	2	2	—
Good behaviour order	33	35	6.1
Disqualification of licence	—	—	..
Other penalty	—	—	..
No penalty[b]	25	26	4.0
Total	**710**	**726**	**2.3**

(a) In decreasing order of seriousness.

(b) Including reprimands.

Court delays

The District and Supreme Courts in Brisbane and several of the larger Magistrates Courts record court outcomes electronically. These electronic records and records of cases in the Childrens Court of Queensland in Brisbane were used to determine the length of time between presentation of the bench charge sheet or indictment and finalisation.

The information showed that the majority of cases against juveniles in 1996–97 (78.8%) were finalised within three months.

Court delays[a] by court level, 1996–97

Court level	<=3 months %	3–6 months %	6–9 months %	9–12 months %	>12 months %	Total %
Magistrates	79.4	11.8	4.7	2.7	1.4	100.0
Childrens Court of Queensland	88.8	7.8	2.6	0.9	–	100.0
District and Supreme	76.6	13.7	4.8	2.8	2.1	100.0
All courts[b]	78.8	12.2	4.7	2.7	1.6	100.0

(a) Number of charges (in Magistrates Courts) or indictments (in other courts) by length of time to finalise.

(b) Percentages may not add to 100% due to rounding.

Sources: Lower Courts CRS (Brisbane, Beenleigh, Ipswich, Southport, Maroochydore, Toowoomba, Rockhampton, Mackay, Townsville and Cairns courts); indictments for Childrens Court of Queensland (Brisbane court); Higher Courts CRS (Brisbane court).

Offences placed on schedules

In cases of multiple offending by juveniles, the Office of the Director of Public Prosecutions may decide to charge juveniles with some offences on indictment and list the reminder on a schedule of offences. These schedule offences are taken into account when a juvenile is sentenced on the indictment offences.

For example, where a juvenile is facing 30 charges of house breaking, the Office of the Director of Public Prosecutions may decide to include only 10 offences on the indictment and place the balance on a schedule of offences to be taken into account in imposing sentence.

In 1996–97, 24 juveniles sentenced in the Childrens Court of Queensland or in the District or Supreme Courts between them asked for 424 other offences to be taken into account when they were sentenced for the offences listed on the indictment. The majority of these schedule offences (296 offences or 69.8% of the total) were for *theft, breaking and entering, etc.* A further 83 (19.6%) were for *property damage* offences.

Compliance with court orders

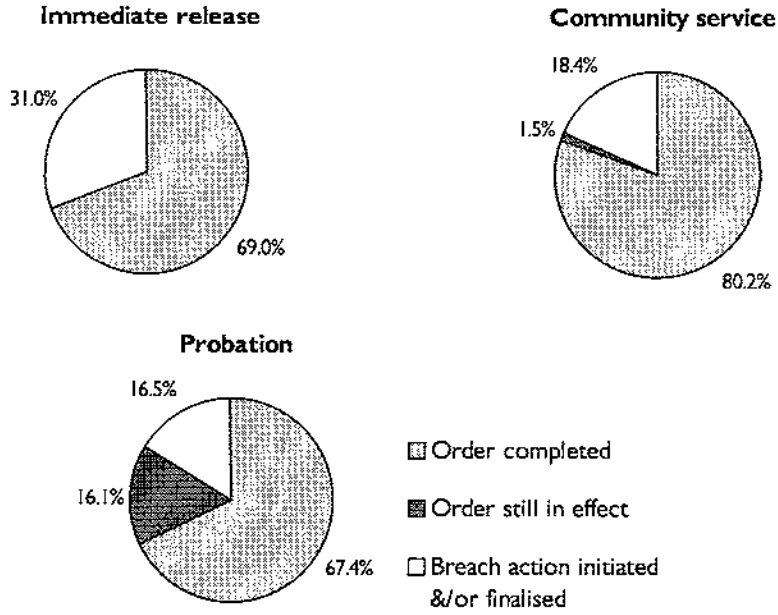
The Department of Families, Youth and Community Care supervises juveniles on community correction orders (i.e. probation, immediate release and community service orders). The following information has been extracted from their Client Information System for the years 1995–96 and 1996–97.

In 1995–96 there were 2,929 admissions to these types of orders. Of these, 1,711 (58.4%) were probation, 1,018 (34.8%) were community service orders and 200 (6.8%) were immediate release orders.

Orders breached

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

Admissions to orders against juveniles in 1995–96:Type of order by completion status at 30 June 1997, Queensland



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

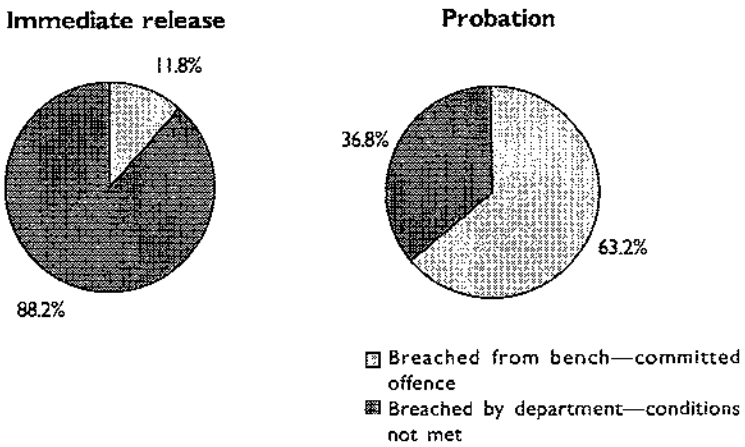
The majority of orders made in 1995–96 had been complied with and completed by 30 June 1997, with community service orders having the highest compliance rate (80.2%). The largest non-compliance rate (where a breach action had been initiated and/or finalised) was for immediate release orders (31.0%), compared to 18.4% for community service orders and 16.5% for probation orders.

In 1995–96, 16.1% of probation orders were still in effect 12 months after the end of the financial year in which the order was made. Although community service orders are usually to be completed within six months, a small proportion of 1995–96 orders (1.5%) were still in effect at 30 June 1997. Longer periods are usually due to subsequent variations to the original order. Immediate release orders are a maximum of three months in duration.

Reason for breach

Almost two-thirds of appearances for breach of probation in 1996–97 were due to reoffending during the period of the order (63.2%). Immediate release orders were more likely to be breached because other conditions of the order were not met (88.2%).

Appearances of juveniles for breach of court order by type of order by type of breach, 1996–97



Source: Children in Court database, Department of Families, Youth and Community Care

Victims of juvenile offenders

Information about the victims of juvenile offenders was provided by the Queensland Police Service. 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 some 250 victims whose details were unknown.)

Of the 1,559 victims of incidents where details were available, 1,084 (69.5%) were aged under 20 years. There were 661 (42.4%) aged 14 years or under and 423 (27.1%) aged 15 to 19 years. Only 3.1% of victims were aged 55 years or over.

Victims aged under 20 years accounted for 82.0 per cent of all victims of sexual offences, 71.6 per cent of serious assault, 57.1 per cent of robbery and 57.1 per cent of kidnapping, abduction, etc.

Some 58.6 per cent of victims were male. Almost four-fifths of these males (79.5%) were victims of assault, with a further 11.7 per cent being victims of robbery. Most female victims were victims of assault (65.7%), sexual offences (19.7%) or robbery (8.7%).

The age profile for both male and female victims is similar. Males predominate in each age group studied although to a lesser extent in the 35–44 years and 55 years and over groups.

(Note: Queensland Police Service has revised data included in the previous Annual Report. Comparisons should therefore not be made between the two years as published.)

Community conferencing

Community conferencing was introduced on a trial basis in three locations in Queensland in April 1997. The community conference offers an alternative method of dealing with young offenders, in an effort to reduce re-offending and thereby divert these young people from further involvement in the criminal justice system.

It is a process which brings together those people in the community who have been most affected by a criminal offence: the offender, the victim and their supporters (family or friends). The purpose of the community conference is:

- to hold the young person accountable for their offending behaviour;
- to put right the damage that has been done to the victim and to minimise further harm; and
- to involve the family, the victims and the young person in the decision making about the offending behaviour.

A referral to a community conference may be made by the police if a young person admits to an offence or by the court following a finding of guilt. The court may take this action in place of sentencing or prior to sentencing. In every instance, the victim, if there was a victim, must consent to the referral.

The six-month trial began in Logan, Ipswich and Palm Island in April. In the first four months, there were forty-four referrals to community conferences. One case was referred by the court with the remainder by the police.

Conferences were held for more than 80 per cent of the referrals made. Victims or their representatives attended all conferences convened. Agreements were reached in all of these conferences. In each instance, an apology to the victim was made as part of the agreement together with other components such as payment of restitution, work arrangements or undertakings not to re-offend.

The types of offences for which referrals were made included break and enter, assault occasioning bodily harm, wilful damage, unlawful use of a motor vehicle and stealing. Over half of the offenders referred were between 14 and 16 years of age (inclusive).

The community conferencing pilots have received encouraging feedback from most participants. A more detailed evaluation of the process will be conducted when the trials conclude.

Detailed tables

eight

Statistical review

Table 1 **All Courts: Charges against juveniles disposed by offence type and court, Queensland, 1995–96 and 1996-97**

Offence type	1995–96				1996–97			
	Magistrates Courts[a]	Childrens Court of Qld	District & Supreme Courts	Total	Magistrates Court	Childrens Court of Qld	District & Supreme Courts	Total
Homicide, etc.	**2**	**—**	**11**	**13**	**3**	**1**	**5**	**9**
Murder	—	—	10	10	—	—	—	—
Attempted murder	2	—	—	2	3	—	2	5
Manslaughter (excluding driving)	—	—	—	—	—	—	2	2
Manslaughter (driving)	—	—	—	—	—	—	—	—
Dangerous driving causing death	—	—	1	1	—	1	1	2
Conspiracy to murder	—	—	—	—	—	—	—	—
Assaults (incl. sexual offences), **etc.**	**1,169**	**68**	**332**	**1,569**	**1,185**	**56**	**370**	**1,611**
Major assault	294	30	159	483	333	34	158	525
Minor assault	805	9	94	908	752	8	99	859
Rape	3	—	14	17	3	3	13	19
Other sexual offences	38	26	43	107	62	6	81	149
Other violation of persons	29	3	22	54	35	5	19	59
Robbery & extortion	**53**	**47**	**195**	**295**	**46**	**41**	**161**	**248**
Robbery	53	47	195	295	46	41	161	248
Extortion	—	—	—	—	—	—	—	—
Fraud & misappropriation	**327**	**37**	**64**	**428**	**536**	**4**	**85**	**625**
Embezzlement	30	1	2	33	25	—	3	28
False pretences	176	5	35	216	364	3	50	417
Fraud & forgery	121	31	27	179	147	1	32	180
Theft, breaking & entering, etc.	**6,391**	**1,097**	**3,217**	**10,705**	**6,959**	**948**	**3,338**	**11,245**
Unlawful use of motor vehicle	1,166	238	664	2,068	1,010	112	441	1,563
Other stealing	2,933	337	1,044	4,314	3,169	360	1,202	4,731
Receiving, unlawful possession	439	40	128	607	541	34	117	692
Burglary & housebreaking[b]	140	160	614	914	241	254	793	1,288
Other breaking & entering[b]	1,713	322	767	2,802	1,998	188	785	2,971
Property damage	**1,406**	**184**	**376**	**1,966**	**1,391**	**125**	**405**	**1,921**
Arson	14	21	43	78	12	17	32	61
Other property damage	1,392	163	333	1,888	1,379	108	373	1,860
Driving, traffic & related offences	**1,196**	**5**	**20**	**1,221**	**1,207**	**4**	**18**	**1,229**
Drink driving	139	—	—	139	114	—	—	114
Dangerous/negligent driving	82	4	20	106	80	4	17	101
Licence offences	471	1	—	472	403	—	1	404
State Transport, Main Roads Act	86	—	—	86	125	—	—	125
Other traffic offences	418	—	—	418	485	—	—	485
Other driving offences	—	—	—	—	—	—	—	—
Other offences	**2,717**	**33**	**119**	**2,869**	**3,053**	**19**	**154**	**3,226**
Possession or use of drugs	355	5	4	364	448	2	6	456
Dealing & trafficking in drugs	35	6	10	51	42	3	2	47
Manufacturing & growing drugs	60	3	4	67	46	—	3	49
Other drug offences	309	—	—	309	382	—	—	382
Drunkenness	187	—	—	187	194	—	—	194
Offensive behaviour	617	1	6	624	681	—	1	682
Trespassing & vagrancy	138	—	2	140	239	—	1	240
Weapons offences	95	—	—	95	85	3	—	88
Environmental offences	8	—	—	8	—	—	—	—
Liquor offences	71	—	—	71	69	—	2	71
Enforcement of orders	735	17	89	841	759	11	121	891
Other	107	1	4	112	108	—	18	126
Total	**13,261**	**1,471**	**4,334**	**19,066**	**14,380**	**1,198**	**4,536**	**20,114**

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

(b) See the note in *Data issues* at pp. 57–59.

Figure 1 **All Courts: Charges against juveniles disposed by offence type and court, Queensland, 1996–97**

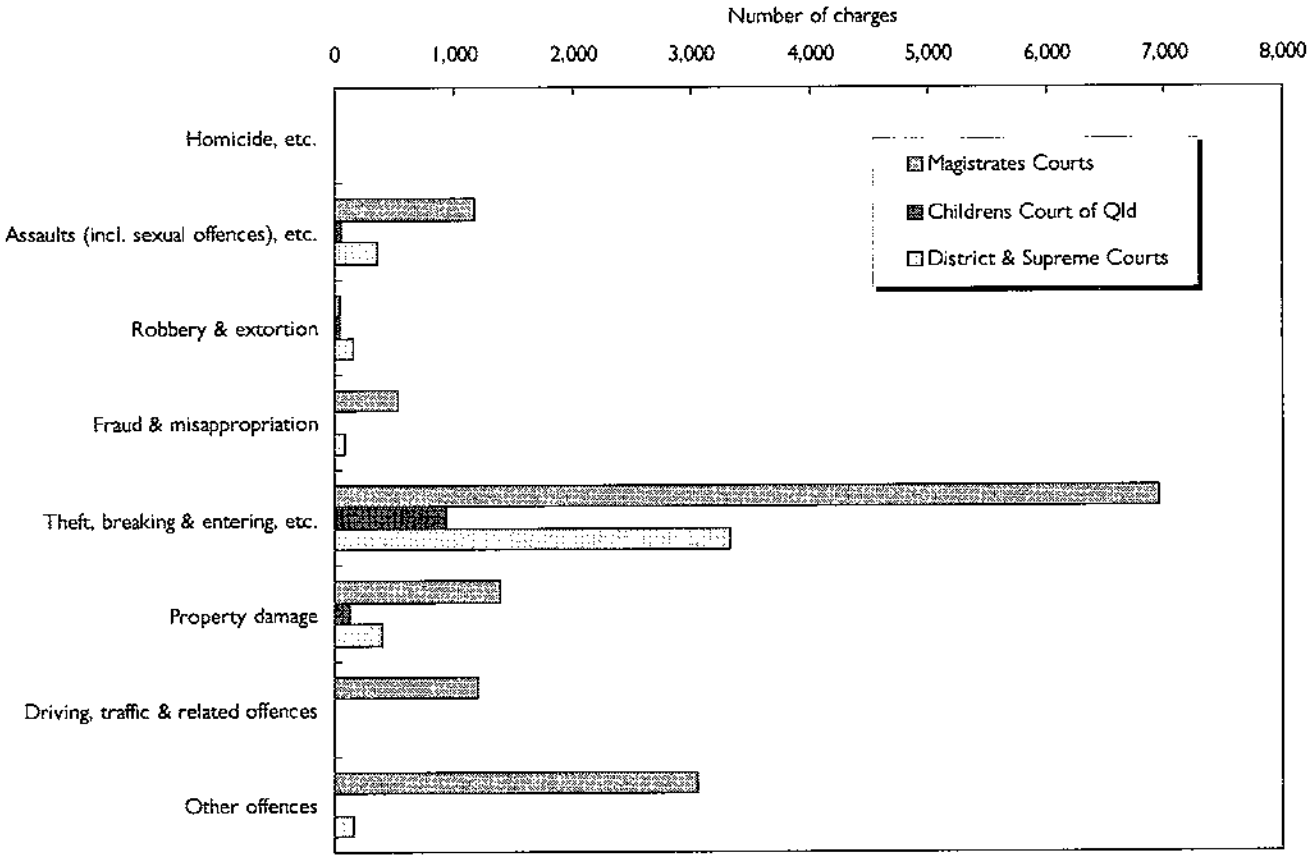


Table 2 **Childrens Court of Queensland, District and Supreme Courts: Juvenile defendants by court by level of seriousness of most serious offence charged, Queensland, 1995–96 and 1996–97**

Court	1995–96			1996–97			Percentage increase		
	Serious offences[a]	Other offences	Total	Serious offences[a]	Other offences	Total	Serious offences[a]	Other offences	Total
Childrens Court of Queensland	107	124	231	116	85	201	8.4	–31.5	–13.0
District and Supreme Courts	358	499	857	411	446	857	14.8	–10.6	—
Total	**465**	**623**	**1,088**	**527**	**531**	**1,058**	**13.3**	**–14.8**	**–2.8**

(a) Serious offences are those which would make an adult liable to imprisonment of 14 years or more.

Figure 2 **Distribution of juvenile defendants with serious offences, Queensland, 1995–96 and 1996–97**

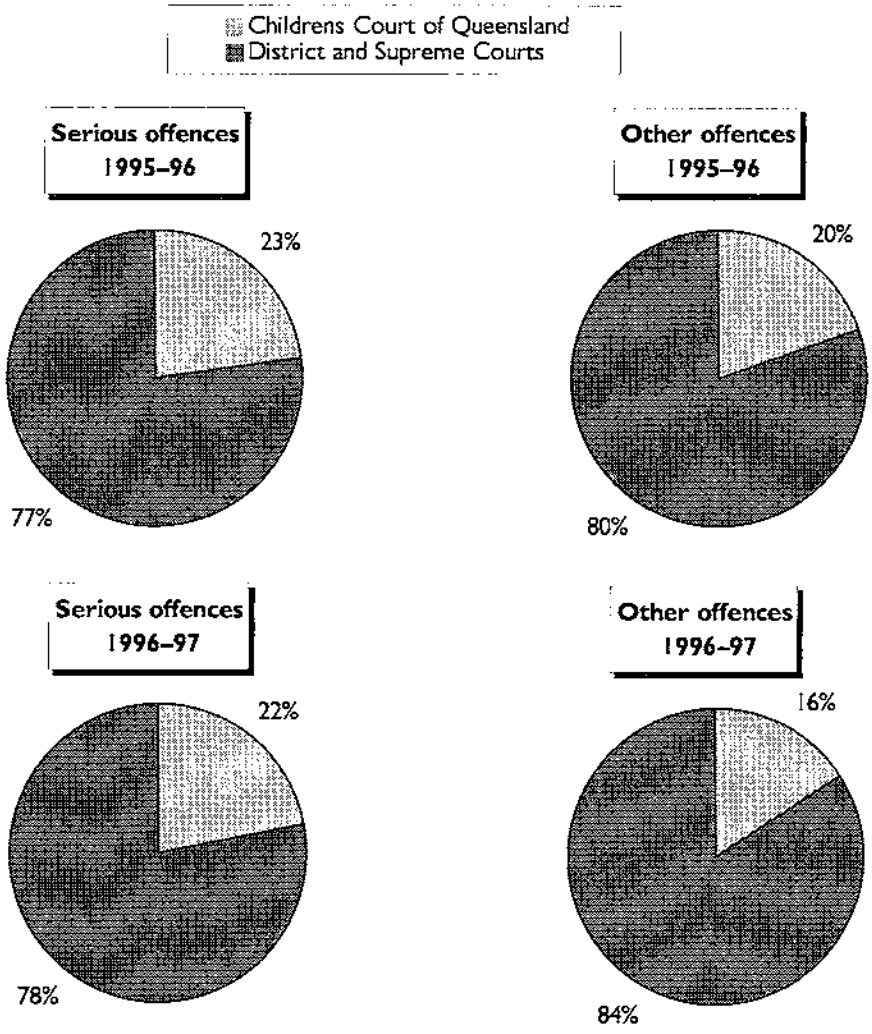


Table 3 **Magistrates Courts: Juvenile defendants committed for sentence or trial by age and sex, Queensland, 1995–96 and 1996–97**

Age	1995–96			1996–97			Percentage increase		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
10	4	—	4	2	—	2	–50.0	..	–50.0
11	10	1	11	13	1	14	30.0	—	27.3
12	22	6	28	17	—	17	–22.7	–100.0	–39.3
13	68	10	78	70	12	82	2.9	20.0	5.1
14	149	28	177	139	22	161	–6.7	–21.4	–9.0
15	229	25	254	218	34	252	–4.8	36.0	-0.8
16	298	44	342	333	46	379	11.7	4.5	10.8
17+	102	9	111	110	13	123	7.8	44.4	10.8
Total	**882**	**123**	**1,005**	**902**	**128**	**1,030**	**2.3**	**4.1**	**2.5**

Figure 3 **Magistrates Courts: Juvenile defendants committed for sentence or trial by age, Queensland, 1995–96 and 1996–97**

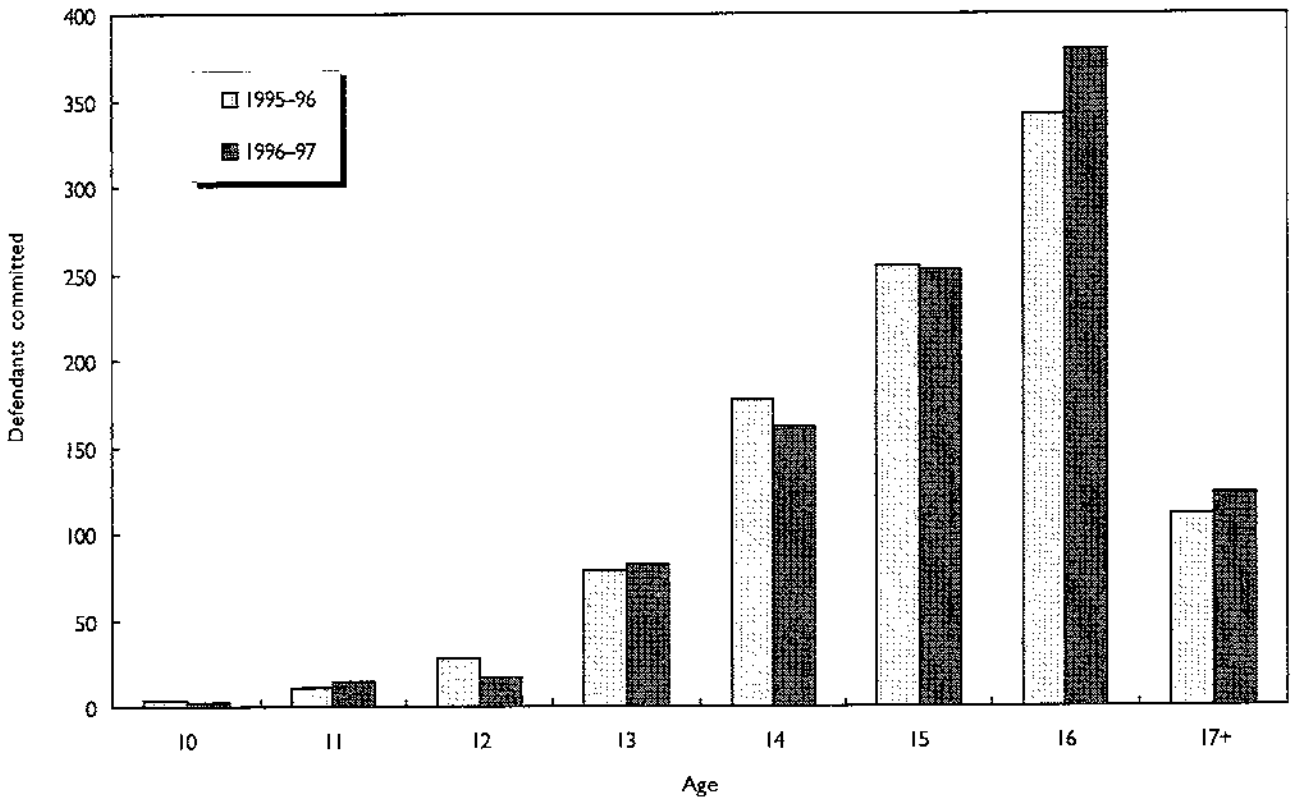


Table 4 **Magistrates Courts: Charges against juveniles committed for sentence or trial by offence type by sex of defendant, Queensland, 1995–96 and 1996–97**

Offence type	1995–96			1996–97			Percentage increase		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Homicide, etc.	**3**	**3**	**6**	**10**	**1**	**11**	**233.3**	**–66.7**	**83.3**
Murder	1	—	1	4	—	4	300.0	..	300.0
Attempted murder	2	2	4	6	1	7	200.0	–50.0	75.0
Manslaughter (excluding driving)	—	—	—	—	—	—	..	..	..
Manslaughter (driving)	—	—	—	—	—	—	..	..	..
Dangerous driving causing death	—	1	1	—	—	—	..	–100.0	–100.0
Conspiracy to murder	—	—	—	—	—	—	..	..	..
Assaults (incl. sexual offences), **etc.**	**284**	**40**	**324**	**312**	**67**	**379**	**9.9**	**67.5**	**17.0**
Major assault	113	27	140	141	41	182	24.8	51.9	30.0
Minor assault	69	11	80	74	16	90	7.2	45.5	12.5
Rape	31	—	31	10	—	10	–67.7	..	–67.7
Other sexual offences	41	—	41	47	—	47	14.6	..	14.6
Other violation of persons	30	2	32	40	10	50	33.3	400.0	56.3
Robbery & extortion	**177**	**38**	**215**	**141**	**42**	**183**	**–20.3**	**10.5**	**–14.9**
Robbery	177	38	215	141	42	183	–20.3	10.5	–14.9
Extortion	—	—	—	—	—	—	..	..	..
Fraud & misappropriation	**24**	**12**	**36**	**73**	**13**	**86**	**204.2**	**8.3**	**138.9**
Embezzlement	—	—	—	1	—	1	..	..	..
False pretences	11	7	18	61	6	67	454.5	–14.3	272.2
Fraud & forgery	13	5	18	11	7	18	–15.4	40.0	—
Theft, breaking & entering, etc.	**2,704**	**169**	**2,873**	**3,496**	**214**	**3,710**	**29.3**	**26.6**	**29.1**
Unlawful use of motor vehicle	380	18	398	323	13	336	–15.0	–27.8	–15.6
Other stealing	991	81	1,072	1,298	98	1,396	31.0	21.0	30.2
Receiving, unlawful possession	132	15	147	118	17	135	–10.6	13.3	–8.2
Burglary & housebreaking[a]	201	7	208	382	9	391	90.0	28.6	88.0
Other breaking & entering[a]	1,000	48	1,048	1,375	77	1,452	37.5	60.4	38.5
Property damage	**441**	**29**	**470**	**525**	**33**	**558**	**19.0**	**13.8**	**18.7**
Arson	48	1	49	36	2	38	–25.0	100.0	–22.4
Other property damage	393	28	421	489	31	520	24.4	10.7	23.5
Driving, traffic & related offences	**22**	**1**	**23**	**26**	**2**	**28**	**18.2**	**100.0**	**21.7**
Drink driving	—	—	—	—	—	—	..	..	..
Dangerous / negligent driving	18	1	19	20	2	22	11.1	100.0	15.8
Licence offences	4	—	4	5	—	5	25.0	..	25.0
State Transport, Main Roads Act	—	—	—	1	—	1	..	..	..
Other traffic offences	—	—	—	—	—	—	..	..	..
Other driving offences	—	—	—	—	—	—	..	..	..
Other offences	**121**	**8**	**129**	**87**	**48**	**135**	**–28.1**	**500.0**	**4.7**
Possession or use of drugs	7	—	7	8	6	14	14.3	..	100.0
Dealing & trafficking in drugs	11	1	12	7	26	33	–36.4	2,500.0	175.0
Manufacturing & growing drugs	6	—	6	2	1	3	–66.7	..	–50.0
Other drug offences	5	—	5	3	4	7	–40.0	..	40.0
Drunkenness	—	—	—	—	—	—	..	..	..
Offensive behaviour	8	2	10	5	3	8	–37.5	50.0	–20.0
Trespassing & vagrancy	—	—	—	3	—	3	..	..	..
Weapons offences	3	—	3	—	—	—	–100.0	..	–100.0
Environmental offences	—	—	—	—	—	—	..	..	..
Liquor offences	—	—	—	—	—	—	..	..	..
Enforcement of orders	79	5	84	57	8	65	–27.8	60.0	–22.6
Other	2	—	2	2	—	2	—	..	—
Total	**3,776**	**300**	**4,076**	**4,670**	**420**	**5,090**	**23.7**	**40.0**	**24.9**

(a) See the note in *Data issues* at pp. 57–59.

Figure 4 **Magistrates Courts: Charges against juveniles committed for sentence or trial by offence type, Queensland, 1995–96 and 1996–97**

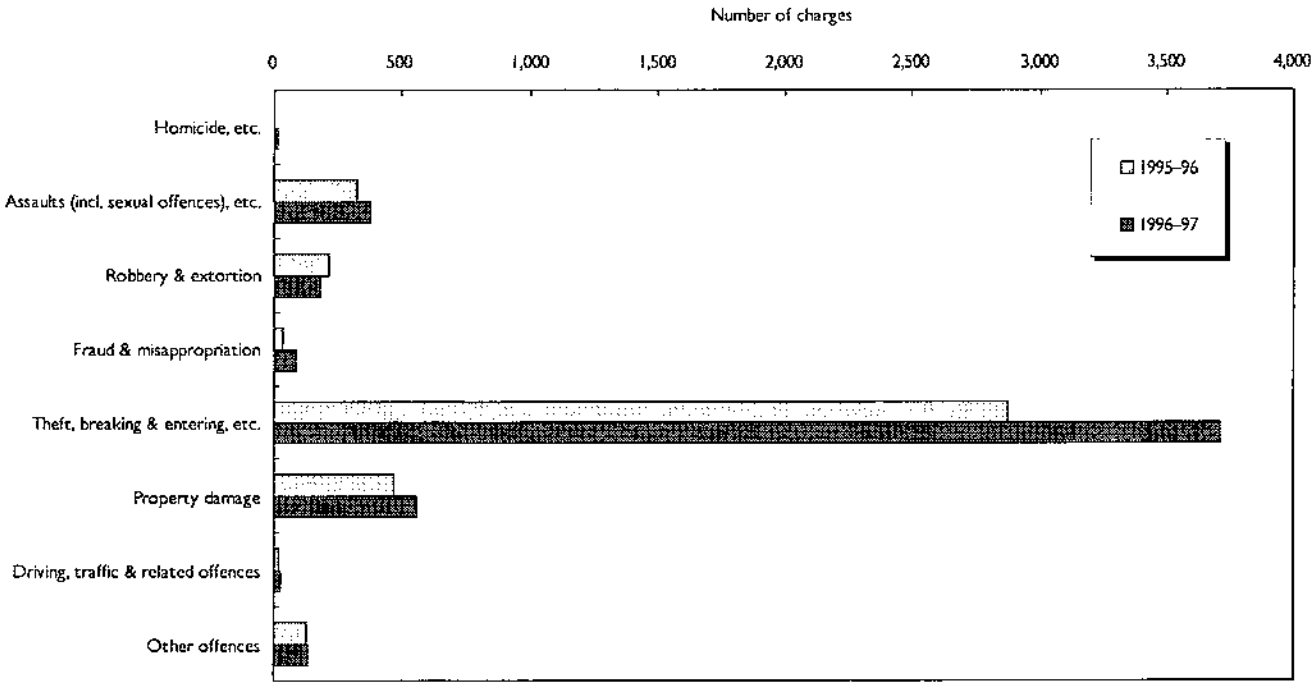


Table 5 **Magistrates Courts: Juvenile defendants and charges committed for sentence or trial by court location, Queensland, 1995–96 and 1996–97**

Statistical Division and Court location[a]	1995–96			1996–97			Percentage increase	
	Defendants	Charges	Charges per defendant	Defendants	Charges	Charges per defendant	Defendants	Charges
Brisbane								
Brisbane City								
Brisbane Childrens Court	246	848	3.45	203	1,106	5.45	–17.5	30.4
Holland Park	23	67	2.91	49	270	5.51	113.0	303.0
Inala	72	311	4.32	54	212	3.93	–25.0	–31.8
Sandgate	8	19	2.38	27	96	3.56	237.5	405.3
Wynnum	8	25	3.13	11	86	7.82	37.5	244.0
Remainder of Brisbane								
Beenleigh	63	258	4.10	68	268	3.94	7.9	3.9
Caboolture	11	33	3.00	16	185	11.56	45.5	460.6
Cleveland	17	148	8.71	13	60	4.62	–23.5	–59.5
Ipswich	98	677	6.91	83	251	3.02	–15.3	–62.9
Petrie	8	27	3.38	14	67	4.79	75.0	148.1
Redcliffe	34	150	4.41	39	173	4.44	14.7	15.3
Moreton								
Beaudesert	3	6	2.00	1	5	5.00	–66.7	–16.7
Gatton	1	1	1.00	3	31	10.33	200.0	3,000.0
Maroochydore	21	103	4.90	29	165	5.69	38.1	60.2
Noosa	4	5	1.25	1	1	1.00	–75.0	–80.0
Southport	56	214	3.82	62	560	9.03	10.7	161.7
Toogoolawah	1	2	2.00	—	—	—	–100.0	–100.0
Wide Bay – Burnett								
Bundaberg	6	25	4.17	14	43	3.07	133.3	72.0
Childers	—	—	—	2	2	1.00	..	..
Gayndah	1	1	1.00	—	—	—	–100.0	–100.0
Gympie	5	12	2.40	3	8	2.67	–40.0	–33.3
Hervey Bay	8	23	2.88	2	3	1.50	–75.0	–87.0
Kingaroy	1	1	1.00	6	17	2.83	500.0	1,600.0
Maryborough	18	85	4.72	4	25	6.25	–77.8	–70.6
Murgon	16	37	2.31	18	68	3.78	12.5	83.8
Nanango	—	—	—	1	6	6.00	..	..
Darling Downs								
Chinchilla	—	—	—	1	6	6.00	..	..
Dalby	8	22	2.75	2	15	7.50	–75.0	–31.8
Goondiwindi	4	18	4.50	4	7	1.75	—	–61.1
Stanthorpe	3	10	3.33	5	10	2.00	66.7	—
Toowoomba	35	70	2.00	27	100	3.70	–22.9	42.9
Warwick	1	2	2.00	1	2	2.00	—	—
South West								
Charleville	6	8	1.33	7	59	8.43	16.7	637.5
Cunnamulla	3	7	2.33	4	15	3.75	33.3	114.3
Quilpie	1	2	2.00	—	—	—	–100.0	–100.0
Roma	4	14	3.50	4	12	3.00	—	–14.3
St George	3	8	2.67	1	3	3.00	–66.7	–62.5

Table 5 **Continued**

Statistical Division and Court location[a]	1995–96			1996–97			Percentage increase	
	Defendants	Charges	Charges per defendant	Defendants	Charges	Charges per defendant	Defendants	Charges
Fitzroy								
Emerald	—	—	—	6	32	5.33	..	..
Gladstone	14	69	4.93	14	24	1.71	—	–65.2
Rockhampton	11	40	3.64	29	233	8.03	163.6	482.5
Woorabinda	—	—	—	1	13	13.00	..	..
Yeppoon	1	1	1.00	2	2	1.00	100.0	100.0
Central West								
Barcaldine	—	—	—	1	6	6.00	..	..
Longreach	—	—	—	—	—	—	..	..
Mackay								
Clermont	—	—	—	2	3	1.50	..	..
Mackay	22	75	3.41	16	65	4.06	–27.3	–13.3
Moranbah	—	—	—	1	8	8.00	..	..
Proserpine	1	3	3.00	4	13	3.25	300.0	333.3
Northern								
Ayr	1	1	1.00	5	133	26.60	400.0	13,200.0
Bowen	4	16	4.00	—	—	—	–100.0	–100.0
Charters Towers	2	3	1.50	3	15	5.00	50.0	400.0
Ingham	—	—	—	4	23	5.75	..	..
Townsville	56	245	4.38	84	347	4.13	50.0	41.6
Far North								
Atherton	1	1	1.00	2	3	1.50	100.0	200.0
Aurukun	4	19	4.75	1	10	10.00	–75.0	–47.4
Cairns	56	249	4.45	28	102	3.64	–50.0	–59.0
Innisfail	2	5	2.50	6	8	1.33	200.0	60.0
Lockhart River	—	—	—	3	10	3.33	..	..
Mareeba	6	19	3.17	1	3	3.00	–83.3	–84.2
Mossman	1	6	6.00	1	2	2.00	—	–66.7
Thursday Island	10	46	4.60	3	3	1.00	–70.0	–93.5
Tully	1	3	3.00	—	—	—	–100.0	–100.0
Weipa	—	—	—	4	8	2.00	..	..
Yarrabah	1	1	1.00	—	—	—	–100.0	–100.0
North West								
Cloncurry	—	—	—	1	2	2.00	..	..
Hughenden	—	—	—	1	3	3.00	..	..
Kowanyama	4	10	2.50	5	6	1.20	25.0	–40.0
Mornington Island	3	5	1.67	—	—	—	–100.0	–100.0
Mount Isa	5	18	3.60	21	73	3.48	320.0	305.6
Normanton	2	2	1.00	2	3	1.50	—	50.0
Total	**1,005**	**4,076**	**4.06**	**1,030**	**5,090**	**4.94**	**2.5**	**24.9**

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

Table 6 **Magistrates Courts: Juvenile defendants disposed by age and sex, Queensland, 1995–96 and 1996–97**

Age	1995–96			1996–97			Percentage increase		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
10	26	1	27	7	2	9	–73.1	100.0	–66.7
11	62	3	65	74	4	78	19.4	33.3	20.0
12	128	17	145	135	19	154	5.5	11.8	6.2
13	311	59	370	310	80	390	–0.3	35.6	5.4
14	638	150	788	723	190	913	13.3	26.7	15.9
15	1,017	241	1,258	1,123	254	1,377	10.4	5.4	9.5
16	1,611	333	1,944	1,758	337	2,095	9.1	1.2	7.8
17+	400	61	461	373	66	439	–6.8	8.2	–4.8
Unknown	3	4	7	—	—	—	–100.0	–100.0	–100.0
Total	**4,196**	**869**	**5,065**	**4,503**	**952**	**5,455**	**7.3**	**9.6**	**7.7**

Figure 5 **Magistrates Courts: Juvenile defendants disposed by age, Queensland, 1995–96 and 1996–97**

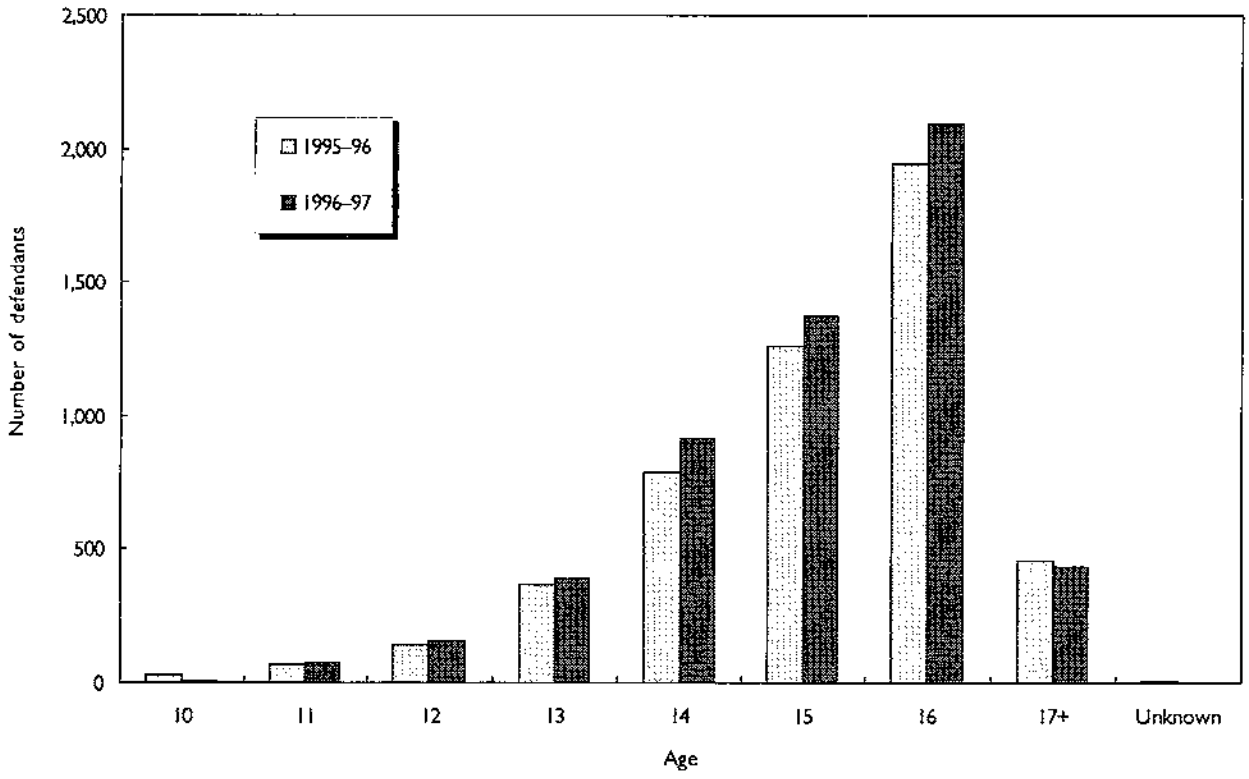


Table 7 **Magistrates Courts: Charges against juveniles disposed by offence type by sex of defendant, Queensland, 1995–96 and 1996–97**

Offence type	1995–96			1996–97			Percentage increase		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Homicide, etc.	**1**	1	**2**	**3**	—	**3**	**200.0**	**–100.0**	**50.0**
Murder	—	—	—	—	—	—	..	..	..
Attempted murder	1	1	2	3	—	3	200.0	–100.0	50.0
Manslaughter (excluding driving)	—	—	—	—	—	—	..	..	..
Manslaughter (driving)	—	—	—	—	—	—	..	..	..
Dangerous driving causing death	—	—	—	—	—	—	..	..	..
Conspiracy to murder	—	—	—	—	—	—	..	..	..
Assaults (incl. sexual offences), **etc.**	**880**	**289**	**1,169**	**899**	**286**	**1,185**	**2.2**	**–1.0**	**1.4**
Major assault	220	74	294	244	89	333	10.9	20.3	13.3
Minor assault	594	211	805	560	192	752	–5.7	–9.0	–6.6
Rape	3	—	3	3	—	3	—	..	—
Other sexual offences	35	3	38	58	4	62	65.7	33.3	63.2
Other violation of persons	28	1	29	34	1	35	21.4	—	20.7
Robbery & extortion	**43**	**10**	**53**	**43**	**3**	**46**	**—**	**–70.0**	**–13.2**
Robbery	43	10	53	43	3	46	—	–70.0	–13.2
Extortion	—	—	—	—	—	—	..	..	..
Fraud & misappropriation	**206**	**121**	**327**	**274**	**262**	**536**	**33.0**	**116.5**	**63.9**
Embezzlement	15	15	30	6	19	25	–60.0	26.7	–16.7
False pretences	98	78	176	141	223	364	43.9	185.9	106.8
Fraud & forgery	93	28	121	127	20	147	36.6	–28.6	21.5
Theft, breaking & entering, etc.	**5,568**	**823**	**6,391**	**6,096**	**863**	**6,959**	**9.5**	**4.9**	**8.9**
Unlawful use of motor vehicle	1,090	76	1,166	927	83	1,010	–15.0	9.2	–13.4
Other stealing	2,396	537	2,933	2,592	577	3,169	8.2	7.4	8.0
Receiving, unlawful possession	359	80	439	477	64	541	32.9	–20.0	23.2
Burglary & housebreaking[a]	124	16	140	210	31	241	69.4	93.8	72.1
Other breaking & entering[a]	1,599	114	1,713	1,890	108	1,998	18.2	–5.3	16.6
Property damage	**1,304**	**102**	**1,406**	**1,270**	**121**	**1,391**	**–2.6**	**18.6**	**–1.1**
Arson	14	—	14	11	1	12	–21.4	..	–14.3
Other property damage	1,290	102	1,392	1,259	120	1,379	–2.4	17.6	–0.9
Driving, traffic & related offences	**1,085**	**111**	**1,196**	**1,087**	**120**	**1,207**	**0.2**	**8.1**	**0.9**
Drink driving	116	23	139	103	11	114	–11.2	–52.2	–18.0
Dangerous / negligent driving	73	9	82	74	6	80	1.4	–33.3	–2.4
Licence offences	424	47	471	365	38	403	–13.9	–19.1	–14.4
State Transport, Main Roads Act	85	1	86	109	16	125	28.2	1,500.0	45.3
Other traffic offences	387	31	418	436	49	485	12.7	58.1	16.0
Other driving offences	—	—	—	—	—	—	..	..	..
Other offences	**2,218**	**499**	**2,717**	**2,514**	**539**	**3,053**	**13.3**	**8.0**	**12.4**
Possession or use of drugs	317	38	355	380	68	448	19.9	78.9	26.2
Dealing & trafficking in drugs	26	9	35	35	7	42	34.6	–22.2	20.0
Manufacturing & growing drugs	55	5	60	41	5	46	–25.5	—	–23.3
Other drug offences	270	39	309	332	50	382	23.0	28.2	23.6
Drunkenness	154	33	187	151	43	194	–1.9	30.3	3.7
Offensive behaviour	446	171	617	483	198	681	8.3	15.8	10.4
Trespassing & vagrancy	115	23	138	213	26	239	85.2	13.0	73.2
Weapons offences	94	1	95	81	4	85	–13.8	300.0	–10.5
Environmental offences	8	—	8	—	—	—	–100.0	..	–100.0
Liquor offences	47	24	71	61	8	69	29.8	–66.7	–2.8
Enforcement of orders	603	132	735	640	119	759	6.1	–9.8	3.3
Other	83	24	107	97	11	108	16.9	–54.2	0.9
Total	**11,305**	**1,956**	**13,261**	**12,186**	**2,194**	**14,380**	**7.8**	**12.2**	**8.4**

(a) See the note in *Data issues* at pp. 57–59.

Figure 6 **Magistrates Courts: Charges against juveniles disposed by offence type, Queensland, 1995–96 and 1996–97**

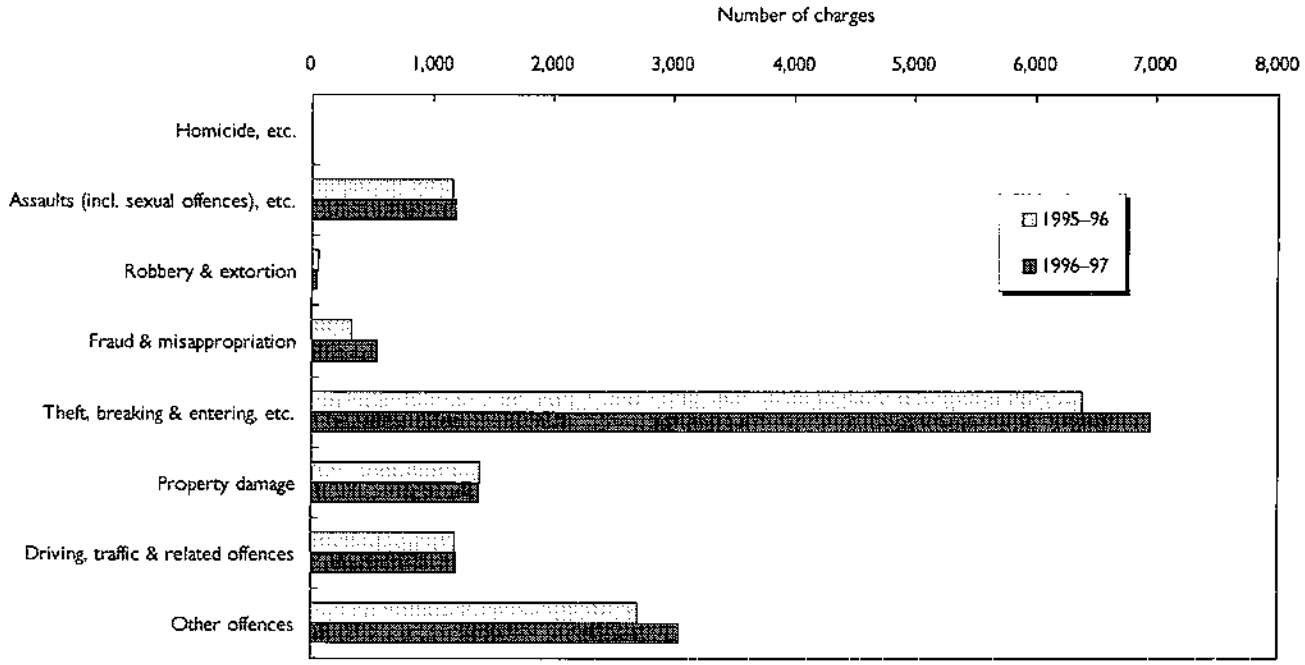


Table 8 **Magistrates Courts: Juvenile defendants and charges disposed by court location, Queensland, 1995–96 and 1996–97**

Statistical Division and Court location[a]	1995–96			1996–97			Percentage increase	
	Defendants	Charges	Charges per defendant	Defendants	Charges	Charges per defendant	Defendants	Charges
Brisbane								
Brisbane City								
Brisbane Childrens Court	769	1,910	2.48	802	2,178	2.72	4.3	14.0
Holland Park	108	336	3.11	144	376	2.61	33.3	11.9
Inala	166	392	2.36	194	592	3.05	16.9	51.0
Sandgate	66	125	1.89	113	208	1.84	71.2	66.4
Wynnum	94	229	2.44	73	163	2.23	–22.3	–28.8
Remainder of Brisbane								
Beenleigh	134	404	3.01	165	518	3.14	23.1	28.2
Caboolture	94	182	1.94	124	257	2.07	31.9	41.2
Cleveland	80	344	4.30	76	193	2.54	–5.0	–43.9
Ipswich	288	657	2.28	335	784	2.34	16.3	19.3
Petrie	82	143	1.74	84	219	2.61	2.4	53.1
Redcliffe	160	406	2.54	100	249	2.49	–37.5	–38.7
Moreton								
Beaudesert	16	39	2.44	9	18	2.00	–43.8	–53.8
Coolangatta	1	1	1.00	1	2	2.00	—	100.0
Gatton	36	97	2.69	42	128	3.05	16.7	32.0
Maroochydore	116	281	2.42	115	313	2.72	–0.9	11.4
Noosa	12	34	2.83	9	19	2.11	–25.0	–44.1
Southport	477	1,225	2.57	440	1,087	2.47	–7.8	–11.3
Toogoolawah	2	3	1.50	3	4	1.33	50.0	33.3
Wide Bay – Burnett								
Bundaberg	61	132	2.16	102	299	2.93	67.2	126.5
Childers	7	34	4.86	2	3	1.50	–71.4	–91.2
Gayndah	1	2	2.00	3	6	2.00	200.0	200.0
Gympie	36	72	2.00	38	87	2.29	5.6	20.8
Hervey Bay	53	125	2.36	36	72	2.00	–32.1	–42.4
Kingaroy	12	28	2.33	14	43	3.07	16.7	53.6
Maryborough	65	128	1.97	48	109	2.27	–26.2	–14.8
Murgon	65	266	4.09	51	106	2.08	–21.5	–60.2
Nanango	8	12	1.50	14	25	1.79	75.0	108.3
Darling Downs								
Chinchilla	10	18	1.80	18	57	3.17	80.0	216.7
Dalby	20	57	2.85	26	77	2.96	30.0	35.1
Goondiwindi	16	32	2.00	18	48	2.67	12.5	50.0
Inglewood	—	—	..	1	1	1.00	..	..
Oakey	1	2	2.00	4	7	1.75	300.0	250.0
Pittsworth	4	6	1.50	5	14	2.80	25.0	133.3
Stanthorpe	3	11	3.67	7	13	1.86	133.3	18.2
Toowoomba	216	468	2.17	168	332	1.98	–22.2	–29.1
Warwick	30	81	2.70	51	115	2.25	70.0	42.0
South West								
Charleville	12	22	1.83	26	95	3.65	116.7	331.8
Cunnamulla	16	31	1.94	22	69	3.14	37.5	122.6
Quilpie	1	2	2.00	1	2	2.00	—	—
Roma	13	27	2.08	13	33	2.54	—	22.2
St George	16	40	2.50	12	93	7.75	–25.0	132.5

Table 8 **Continued**

Statistical Division and Court location[a]	1995–96			1996–97			Percentage increase	
	Defendants	Charges	Charges per defendant	Defendants	Charges	Charges per defendant	Defendants	Charges
Fitzroy								
Biloela	14	68	4.86	10	32	3.20	–28.6	–52.9
Blackwater	8	18	2.25	22	36	1.64	175.0	100.0
Duaringa	1	2	2.00	3	11	3.67	200.0	450.0
Emerald	9	22	2.44	22	81	3.68	144.4	268.2
Gladstone	97	308	3.18	64	162	2.53	–34.0	–47.4
Rockhampton	277	711	2.57	271	696	2.57	–2.2	–2.1
Woorabinda	11	30	2.73	6	8	1.33	–45.5	–73.3
Yeppoon	20	35	1.75	31	113	3.65	55.0	222.9
Central West								
Barcaldine	4	6	1.50	9	27	3.00	125.0	350.0
Blackall	1	1	1.00	2	4	2.00	100.0	300.0
Longreach	1	4	4.00	7	13	1.86	600.0	225.0
Winton	1	1	1.00	—	—	..	–100.0	–100.0
Mackay								
Clermont	5	18	3.60	5	14	2.80	—	–22.2
Mackay	197	552	2.80	221	592	2.68	12.2	7.2
Moranbah	7	16	2.29	12	25	2.08	71.4	56.3
Proserpine	10	30	3.00	15	51	3.40	50.0	70.0
Sarina	1	1	1.00	5	22	4.40	400.0	2,100.0
Northern								
Ayr	18	74	4.11	24	58	2.42	33.3	–21.6
Bowen	17	29	1.71	12	23	1.92	–29.4	–20.7
Charters Towers	15	36	2.40	28	72	2.57	86.7	100.0
Ingham	14	37	2.64	19	45	2.37	35.7	21.6
Townsville	315	1,055	3.35	386	1,036	2.68	22.5	–1.8
Far North								
Atherton	9	20	2.22	18	43	2.39	100.0	115.0
Aurukun	61	211	3.46	109	376	3.45	78.7	78.2
Bamaga	—	—	..	14	82	5.86	..	..
Cairns	268	730	2.72	282	713	2.53	5.2	–2.3
Coen	1	2	2.00	—	—	..	–100.0	–100.0
Cooktown	14	31	2.21	6	14	2.33	–57.1	–54.8
Innisfail	56	208	3.71	50	169	3.38	–10.7	–18.8
Lockhart River	21	39	1.86	23	55	2.39	9.5	41.0
Mareeba	29	60	2.07	50	140	2.80	72.4	133.3
Mossman	5	8	1.60	10	51	5.10	100.0	537.5
Thursday Island	18	43	2.39	20	32	1.60	11.1	–25.6
Tully	6	14	2.33	7	10	1.43	16.7	–28.6
Weipa	14	45	3.21	14	35	2.50	—	–22.2
Yarrabah	15	36	2.40	39	97	2.49	160.0	169.4
North West								
Camooweal	—	—	..	3	3	1.00	..	..
Cloncurry	20	53	2.65	4	12	3.00	–80.0	–77.4
Kowanyama	12	21	1.75	5	11	2.20	–58.3	–47.6
Mornington Island	15	46	3.07	10	13	1.30	–33.3	–71.7
Mount Isa	74	191	2.58	87	335	3.85	17.6	75.4
Normanton	15	39	2.60	21	54	2.57	40.0	38.5
Pormpuraaw	1	4	4.00	—	—	..	–100.0	–100.0
Richmond	1	2	2.00	—	—	..	–100.0	–100.0
Total	**5,065**	**13,261**	**2.62**	**5,455**	**14,380**	**2.64**	**7.7**	**8.4**

(a) Magistrates courts not shown did not dispose any juveniles during the relevant years.

Table 9 **Magistrates Courts: Juvenile offenders by most serious penalty and sex, Queensland, 1995–96 and 1996–97**

	1995–96			1996–97			Percentage increase		
Penalty[a]	**Male**	**Female**	**Total**	**Male**	**Female**	**Total**	**Male**	**Female**	**Total**
Detention	141	17	158	141	10	151	—	–41.2	–4.4
Immediate release	70	8	78	70	8	78	—	—	—
Community service	646	78	724	760	85	845	17.6	9.0	16.7
Probation	719	151	870	706	167	873	–1.8	10.6	0.3
Fine	373	37	410	344	57	401	–7.8	54.1	–2.2
Compensation	139	38	177	160	40	200	15.1	5.3	13.0
Good behaviour order	625	155	780	646	167	813	3.4	7.7	4.2
Disqualification of licence	19	3	22	10	3	13	–47.4	—	–40.9
Other penalty	81	39	120	137	43	180	69.1	10.3	50.0
No penalty[b]	886	256	1,142	939	284	1,223	6.0	10.9	7.1
Total	**3,699**	**782**	**4,481**	**3,913**	**864**	**4,777**	**5.8**	**10.5**	**6.6**

(a) In decreasing order of seriousness.

(b) Including reprimands.

Figure 7 **Magistrates Courts: Juvenile offenders by most serious penalty, Queensland, 1995–96 and 1996–97**

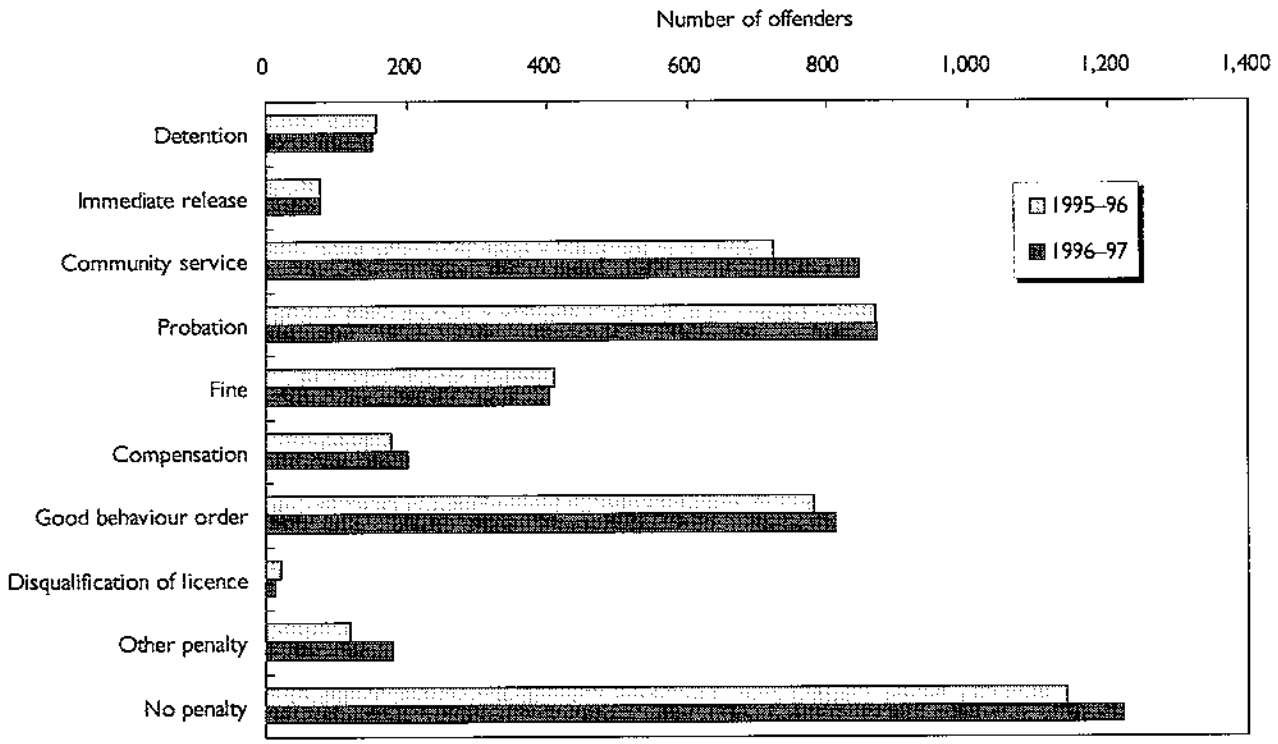


Table 10 **Childrens Court of Queensland: Juvenile defendants disposed by age and sex, Queensland, 1995–96 and 1996–97**

Age	1995–96			1996–97			Percentage increase		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
10	—	—	—	1	—	1	..	..	..
11	1	—	1	2	—	2	100.0	..	100.0
12	2	2	4	5	—	5	150.0	–100.0	25.0
13	14	2	16	10	3	13	–28.6	50.0	–18.8
14	35	—	35	29	2	31	–17.1	..	–11.4
15	57	4	61	40	9	49	–29.8	125.0	–19.7
16	83	4	87	57	6	63	–31.3	50.0	–27.6
17+	24	3	27	36	1	37	50.0	–66.7	37.0
Total	**216**	**15**	**231**	**180**	**21**	**201**	**–16.7**	**40.0**	**–13.0**

Figure 8 **Childrens Court of Queensland: Juvenile defendants disposed by age, Queensland, 1995–96 and 1996–97**

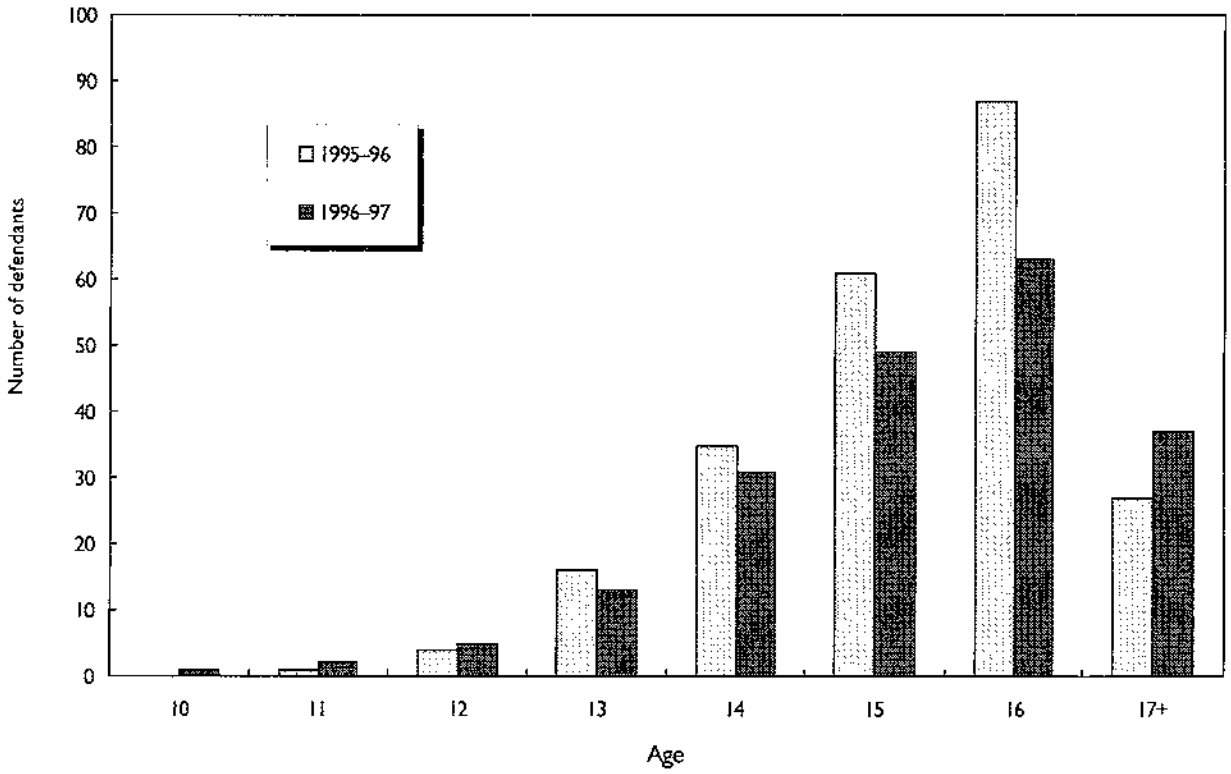


Table 11 **Childrens Court of Queensland: Charges against juveniles disposed by offence type by sex of defendant, Queensland, 1995–96 and 1996–97**

Offence type	1995–96			1996–97			Percentage increase		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Homicide, etc.	—	—	—	1	—	1	..	..	..
Murder	—	—	—	—	—	—	..	..	..
Attempted murder	—	—	—	—	—	—	..	..	..
Manslaughter (excluding driving)	—	—	—	—	—	—	..	..	..
Manslaughter (driving)	—	—	—	—	—	—	..	..	..
Dangerous driving causing death	—	—	—	1	—	1	..	..	..
Conspiracy to murder	—	—	—	—	—	—	..	..	..
Assaults (incl. sexual offences), **etc.**	**61**	**7**	**68**	**42**	**14**	**56**	**–31.1**	**100.0**	**–17.6**
Major assault	26	4	30	25	9	34	–3.8	125.0	13.3
Minor assault	8	1	9	7	1	8	–12.5	—	–11.1
Rape	—	—	—	3	—	3	..	..	..
Other sexual offences	25	1	26	6	—	6	–76.0	–100.0	–76.9
Other violation of persons	2	1	3	1	4	5	–50.0	300.0	66.7
Robbery & extortion	**41**	**6**	**47**	**32**	**9**	**41**	**–22.0**	**50.0**	**–12.8**
Robbery	41	6	47	32	9	41	–22.0	50.0	–12.8
Extortion	—	—	—	—	—	—	..	..	..
Fraud & misappropriation	**37**	**—**	**37**	**2**	**2**	**4**	**–94.6**	**..**	**–89.2**
Embezzlement	1	—	1	—	—	—	–100.0	..	–100.0
False pretences	5	—	5	2	1	3	–60.0	..	–40.0
Fraud & forgery	31	—	31	—	1	1	–100.0	..	–96.8
Theft, breaking & entering, etc.	**1,045**	**52**	**1,097**	**891**	**57**	**948**	**–14.7**	**9.6**	**–13.6**
Unlawful use of motor vehicle	227	11	238	108	4	112	–52.4	–63.6	–52.9
Other stealing	317	20	337	335	25	360	5.7	25.0	6.8
Receiving, unlawful possession	37	3	40	33	1	34	–10.8	–66.7	–15.0
Burglary & housebreaking[a]	144	16	160	233	21	254	61.8	31.3	58.8
Other breaking & entering[a]	320	2	322	182	6	188	–43.1	200.0	–41.6
Property damage	**178**	**6**	**184**	**119**	**6**	**125**	**–33.1**	**—**	**–32.1**
Arson	21	—	21	16	1	17	–23.8	..	–19.0
Other property damage	157	6	163	103	5	108	–34.4	–16.7	–33.7
Driving, traffic & related offences	**4**	**1**	**5**	**4**	**—**	**4**	**—**	**–100.0**	**–20.0**
Drink driving	—	—	—	—	—	—	..	..	..
Dangerous/negligent driving	4	—	4	4	—	4	—	..	—
Licence offences	—	1	1	—	—	—	..	–100.0	–100.0
State Transport, Main Roads Act	—	—	—	—	—	—	..	..	..
Other traffic offences	—	—	—	—	—	—	..	..	..
Other driving offences	—	—	—	—	—	—	..	..	..
Other offences	**31**	**2**	**33**	**15**	**4**	**19**	**–51.6**	**100.0**	**–42.4**
Possession or use of drugs	4	1	5	1	1	2	–75.0	—	–60.0
Dealing & trafficking in drugs	6	—	6	3	—	3	–50.0	..	–50.0
Manufacturing & growing drugs	3	—	3	—	—	—	–100.0	..	–100.0
Other drug offences	—	—	—	—	—	—	..	..	..
Drunkenness	—	—	—	—	—	—	..	..	..
Offensive behaviour	1	—	1	—	—	—	–100.0	..	–100.0
Trespassing & vagrancy	—	—	—	—	—	—	..	..	..
Weapons offences	—	—	—	3	—	3	..	..	..
Environmental offences	—	—	—	—	—	—	..	..	..
Liquor offences	—	—	—	—	—	—	..	..	..
Enforcement of orders	16	1	17	8	3	11	–50.0	200.0	–35.3
Other	1	—	1	—	—	—	–100.0	..	–100.0
Total	**1,397**	**74**	**1,471**	**1,106**	**92**	**1,198**	**–20.8**	**24.3**	**–18.6**

(a) See the note in *Data issues* at pp. 57–59.

Figure 9 **Childrens Court of Queensland: Charges against juveniles disposed by offence type, Queensland, 1995–96 and 1996–97**

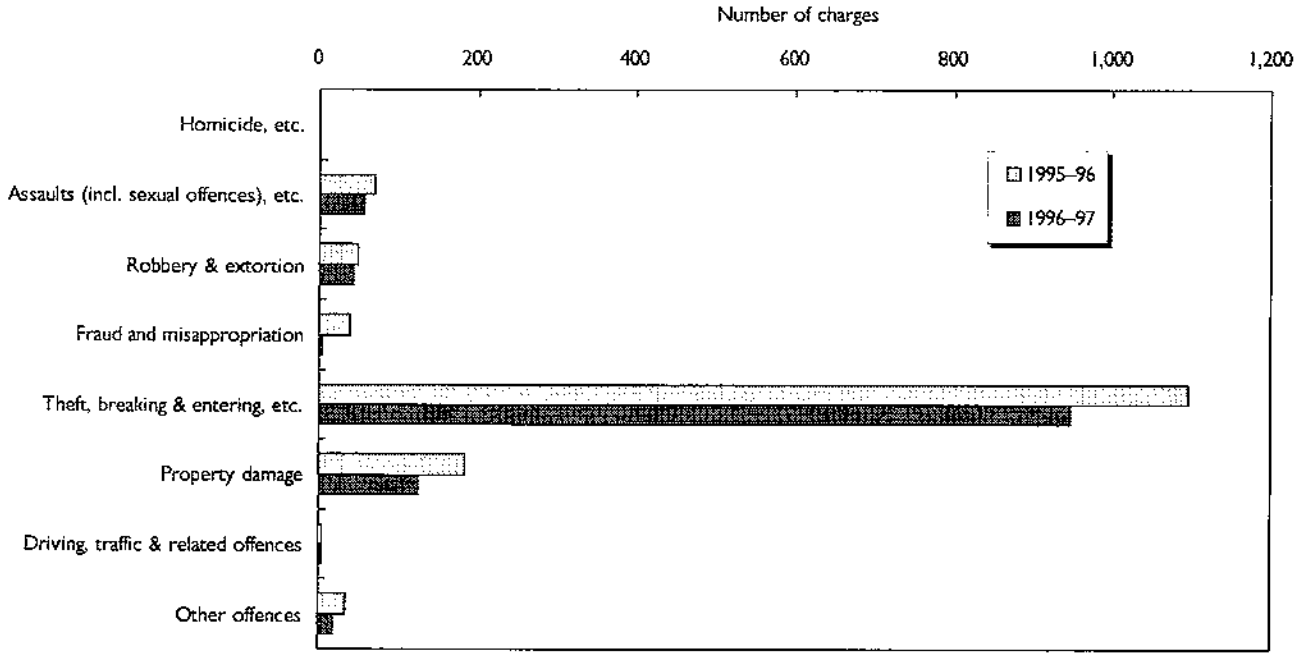


Table 12 **Childrens Court of Queensland: Juvenile defendants and charges disposed by court location, Queensland, 1995–96 and 1996–97**

	1995–96			1996–97			Percentage increase	
Court location[a]	Defendants	Charges	Charges per defendant	Defendant	Charges	Charges per defendant	Defendants	Charges
Brisbane	132	792	6.00	107	480	4.49	–18.9	–39.4
Cairns	9	76	8.44	8	52	6.50	–11.1	–31.6
Southport	42	306	7.29	17	117	6.88	–59.5	–61.8
Townsville	48	297	6.19	69	549	7.96	43.8	84.8
Total	**231**	1,471	**6.37**	**201**	**1,198**	**5.96**	**–13.0**	**–18.6**

(a) Courts not shown did not dispose any juveniles in the relevant years. In the cases of the Ipswich and Rockhampton courts, there is a single judge undertaking both District Court and Childrens Court of Queensland work. Therefore, if cases are committed to the District Court rather than to the Childrens Court of Queensland, the judges try or sentence the cases in the capacity of a District Court judge.

Table 13 **Childrens Court of Queensland: Juvenile offenders by most serious penalty and sex, Queensland, 1995–96 and 1996–97**

Penalty[a]	1995–96			1996–97			Percentage increase		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Detention	37	2	39	23	3	26	–37.8	50.0	–33.3
Immediate release	26	2	28	21	3	24	–19.2	50.0	–14.3
Community service	70	1	71	52	3	55	–25.7	200.0	–22.5
Probation	60	7	67	56	7	63	–6.7	—	–6.0
Fine	—	—	—	—	—	—	..	..	..
Compensation	1	—	1	—	—	—	–100.0	..	–100.0
Good behaviour order	7	1	8	8	1	9	14.3	—	12.5
Disqualification of licence	—	—	—	—	—	—	..	..	..
Other penalty	—	—	—	—	—	—	..	..	..
No penalty[b]	2	—	2	3	—	3	50.0	..	50.0
Total	**203**	**13**	**216**	**163**	**17**	**180**	**–19.7**	**30.8**	**–16.7**

(a) In decreasing order of seriousness.

(b) Including reprimands.

Figure 10 **Childrens Court of Queensland: Juveniles offenders by most serious penalty, Queensland 1995–96 and 1996–97**

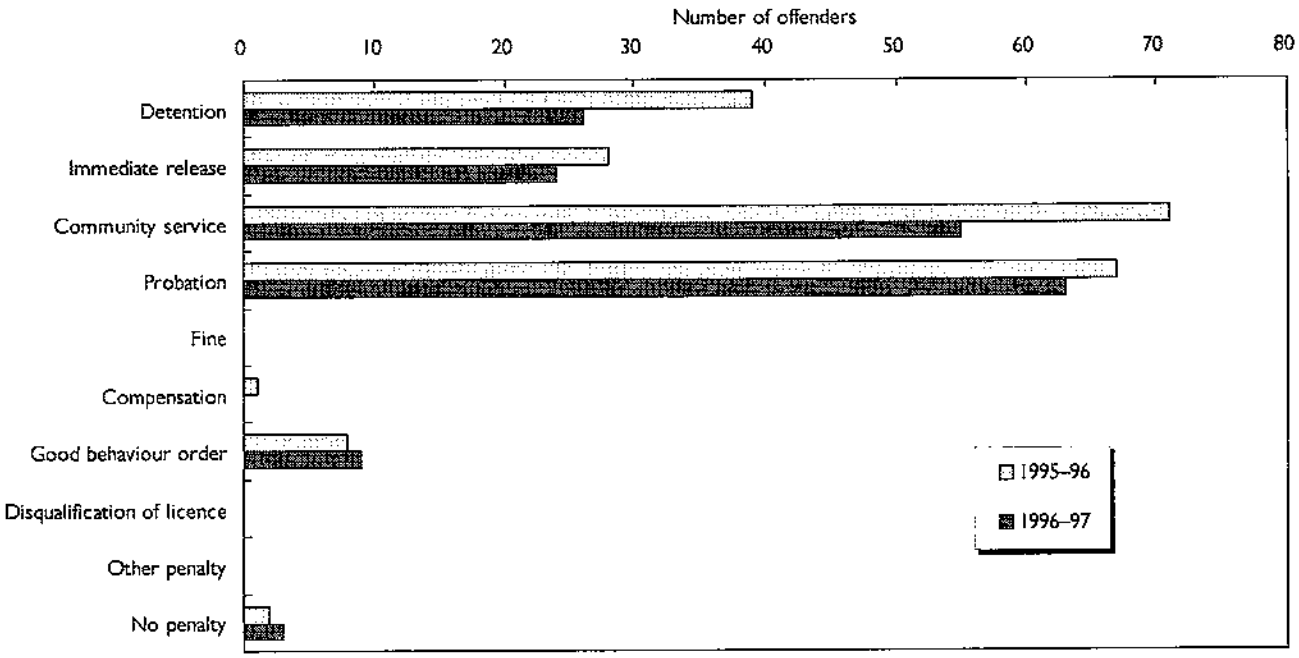


Table 14 **District and Supreme Courts: Juvenile defendants disposed by age and sex, Queensland, 1995–96 and 1996–97**

Age	1995–96			1996–97			Percentage increase		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
10	1	—	1	2	—	2	100.0	..	100.0
11	8	—	8	5	1	6	–37.5	..	–25.0
12	8	—	8	17	1	18	112.5	..	125.0
13	25	7	32	37	8	45	48.0	14.3	40.6
14	86	16	102	83	14	97	–3.5	–12.5	–4.9
15	154	25	179	155	23	178	0.6	–8.0	–0.6
16	265	27	292	223	34	257	–15.8	25.9	–12.0
17+	208	22	230	238	16	254	14.4	–27.3	10.4
Unknown	4	1	5	—	—	—	–100.0	–100.0	–100.0
Total	**759**	**98**	**857**	**760**	**97**	**857**	**0.1**	**–1.0**	**—**

Figure 11 **District and Supreme Courts: Juvenile defendants disposed by age, Queensland, 1995–96 and 1996–97**

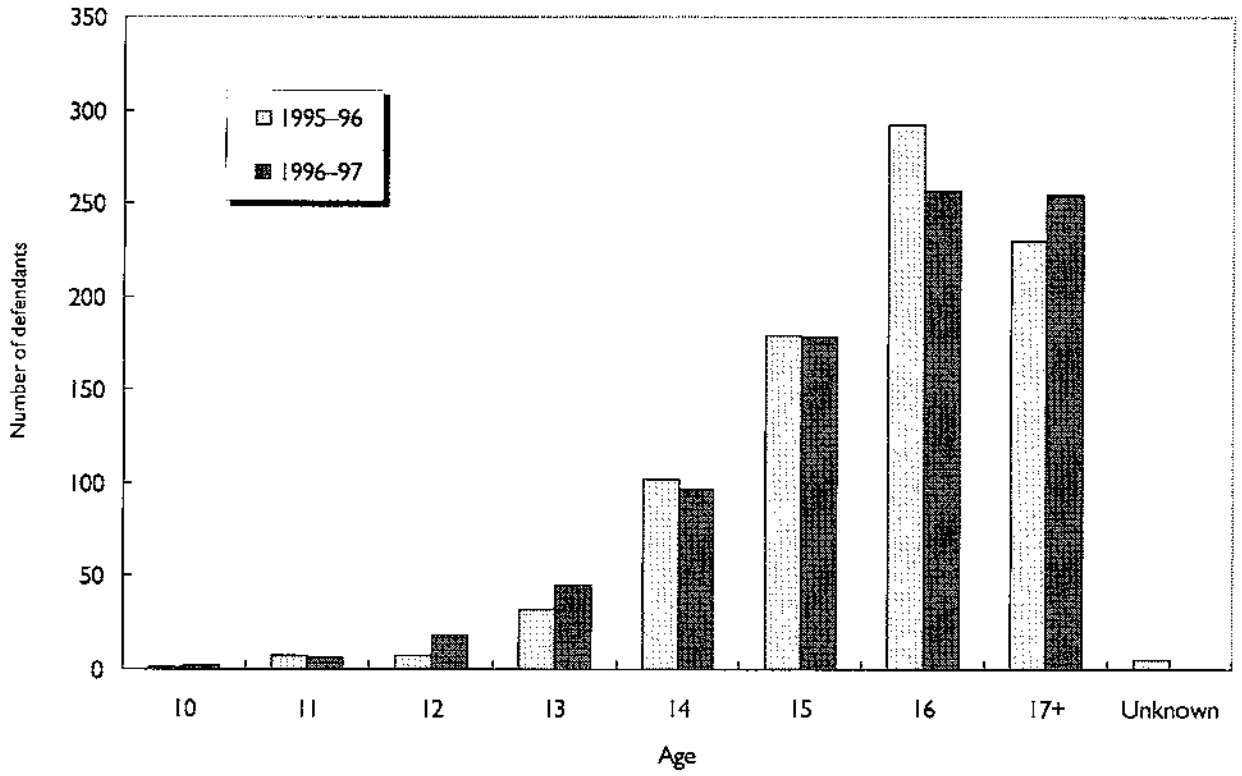


Table 15 **District and Supreme Courts: Charges against juveniles disposed by offence type by sex of defendant, Queensland, 1995–96 and 1996–97**

Offence type	1995–96			1996–97			Percentage increase		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Homicide, etc.	**6**	**5**	11	**3**	**2**	**5**	**–50.0**	**–60.0**	**–54.5**
Murder	6	4	10	—	—	—	–100.0	–100.0	–100.0
Attempted murder	—	—	—	1	1	2	..	..	..
Manslaughter (excluding driving)	—	—	—	1	1	2	..	..	..
Manslaughter (driving)	—	—	—	—	—	—	..	..	..
Dangerous driving causing death	—	1	1	1	—	1	..	–100.0	—
Conspiracy to murder	—	—	—	—	—	—	..	..	..
Assaults (incl. sexual offences), etc.	**276**	**56**	**332**	**328**	**42**	**370**	**18.8**	**–25.0**	11.4
Major assault	127	32	159	137	21	158	7.9	–34.4	–0.6
Minor assault	73	21	94	82	17	99	12.3	–19.0	5.3
Rape	14	—	14	13	—	13	–7.1	..	–7.1
Other sexual offences	43	—	43	81	—	81	88.4	..	88.4
Other violation of persons	19	3	22	15	4	19	–21.1	33.3	–13.6
Robbery & extortion	**168**	**27**	**195**	**127**	**34**	**161**	**–24.4**	**25.9**	**–17.4**
Robbery	168	27	195	127	34	161	–24.4	25.9	–17.4
Extortion	—	—	—	—	—	—	..	..	..
Fraud & misappropriation	**56**	**8**	**64**	**58**	**27**	**85**	**3.6**	**237.5**	**32.8**
Embezzlement	1	1	2	—	3	3	–100.0	200.0	50.0
False pretences	28	7	35	41	9	50	46.4	28.6	42.9
Fraud & forgery	27	—	27	17	15	32	–37.0	..	18.5
Theft, breaking & entering, etc.	**2,971**	**246**	**3,217**	**3,187**	**151**	**3,338**	**7.3**	**–38.6**	**3.8**
Unlawful use of motor vehicle	638	26	664	431	10	441	–32.4	–61.5	–33.6
Other stealing	949	95	1,044	1,136	66	1,202	19.7	–30.5	15.1
Receiving, unlawful possession	99	29	128	102	15	117	3.0	–48.3	–8.6
Burglary & housebreaking [a]	551	63	614	750	43	793	36.1	–31.7	29.2
Other breaking & entering [a]	734	33	767	768	17	785	4.6	–48.5	2.3
Property damage	**341**	**35**	**376**	**379**	**26**	**405**	11.1	**–25.7**	**7.7**
Arson	40	3	43	31	1	32	–22.5	–66.7	–25.6
Other property damage	301	32	333	348	25	373	15.6	–21.9	12.0
Driving, traffic & related offences	**20**	**—**	**20**	**15**	**3**	**18**	**–25.0**	**..**	**–10.0**
Drink driving	—	—	—	—	—	—	..	..	..
Dangerous/negligent driving	20	—	20	14	3	17	–30.0	..	–15.0
Licence offences	—	—	—	1	—	1	..	..	..
State Transport, Main Roads Act	—	—	—	—	—	—	..	..	..
Other traffic offences	—	—	—	—	—	—	..	..	..
Other driving offences	—	—	—	—	—	—	..	..	..
Other offences	**110**	**9**	**119**	**132**	**22**	**154**	**20.0**	**144.4**	**29.4**
Possession or use of drugs	1	3	4	4	2	6	300.0	–33.3	50.0
Dealing & trafficking in drugs	7	3	10	1	1	2	–85.7	–66.7	–80.0
Manufacturing & growing drugs	4	—	4	3	—	3	–25.0	..	–25.0
Other drug offences	—	—	—	—	—	—	..	..	..
Drunkenness	—	—	—	—	—	—	..	..	..
Offensive behaviour	6	—	6	1	—	1	–83.3	..	–83.3
Trespassing & vagrancy	1	1	2	—	1	1	–100.0	—	–50.0
Weapons offences	—	—	—	—	—	—	..	..	..
Environmental offences	—	—	—	—	—	—	..	..	..
Liquor offences	—	—	—	2	—	2	..	..	..
Enforcement of orders	87	2	89	106	15	121	21.8	650.0	36.0
Other	4	—	4	15	3	18	275.0	..	350.0
Total	**3,948**	**386**	**4,334**	**4,229**	**307**	**4,536**	**7.1**	**–20.5**	**4.7**

(a) See the note in *Data issues* at pp. 57–59.

eight

Statistical tables

Figure 12 **District and Supreme Courts: charges against juveniles disposed by offence type, Queensland, 1995–96 and 1996–97**

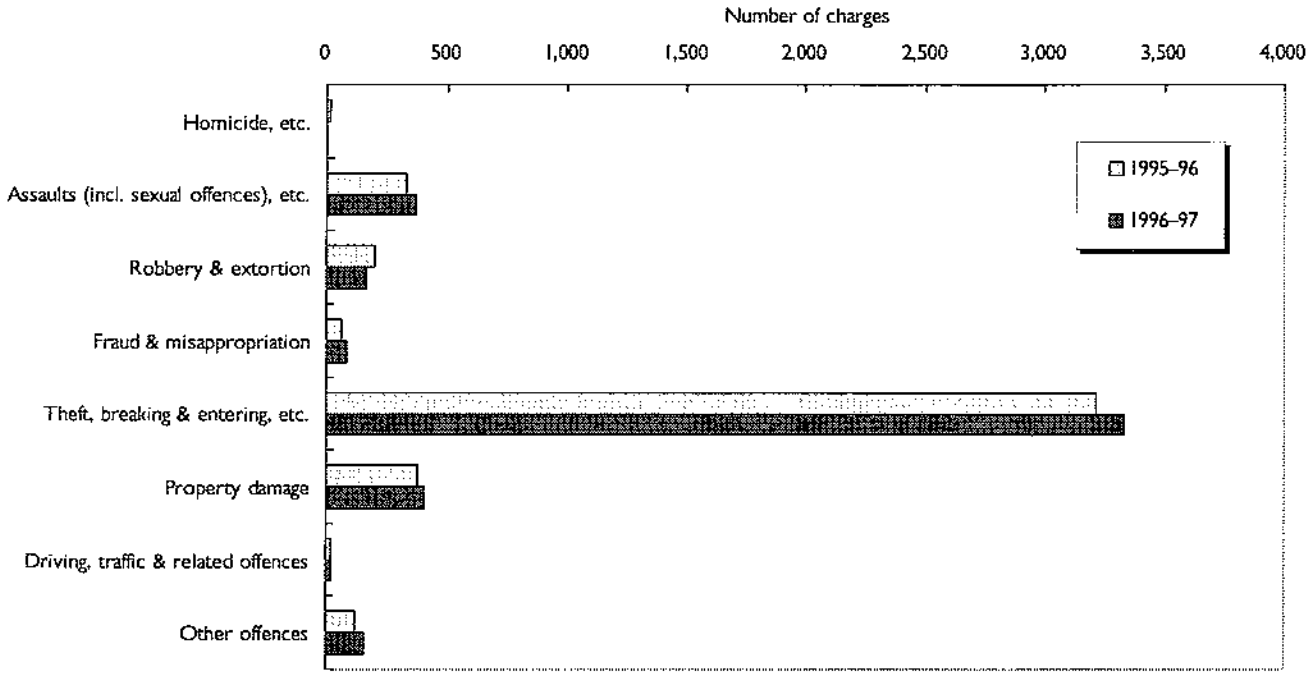


Table 16 **District and Supreme Courts: Juvenile defendants and charges disposed by court location, Queensland, 1995–96 and 1996–97**

Statistical division and court location[a]	1995–96			1996–97			Percentage increase	
	Defendants	Charges	Charges per defendant	Defendants	Charges	Charges per defendant	Defendants	Charges
Brisbane								
Brisbane Supreme	10	35	3.50	10	15	1.50	—	–57.1
Brisbane	474	2,695	5.69	473	2,656	5.62	–0.2	–1.4
Ipswich	65	355	5.46	47	165	3.51	–27.7	–53.5
Moreton								
Maroochydore	23	98	4.26	21	175	8.33	–8.7	78.6
Southport	46	231	5.02	17	55	3.24	–63.0	–76.2
Wide Bay – Burnett								
Bundaberg	10	45	4.50	17	71	4.18	70.0	57.8
Gympie	5	15	3.00	1	4	4.00	–80.0	–73.3
Kingaroy	9	30	3.33	18	68	3.78	100.0	126.7
Maryborough	19	86	4.53	16	66	4.13	–15.8	–23.3
Darling Downs								
Chinchilla	—	—	..	1	3	3.00	..	..
Dalby	4	8	2.00	5	11	2.20	25.0	37.5
Goondiwindi	7	29	4.14	3	6	2.00	–57.1	–79.3
Stanthorpe	1	3	3.00	4	7	1.75	300.0	133.3
Toowoomba	47	132	2.81	32	178	5.56	–31.9	34.8
Warwick	2	3	1.50	1	2	2.00	–50.0	–33.3
South West								
Charleville	6	16	2.67	11	54	4.91	83.3	237.5
Cunnamulla	3	9	3.00	—	—	..	–100.0	–100.0
Roma	2	10	5.00	1	4	4.00	–50.0	–60.0
Fitzroy								
Emerald	—	—	..	3	9	3.00	..	..
Gladstone	13	34	2.62	13	48	3.69	—	41.2
Rockhampton Supreme	1	1	1.00	—	—	..	–100.0	–100.0
Rockhampton	3	5	1.67	35	227	6.49	1,066.7	4,440.0
Mackay								
Clermont	—	—	..	2	6	3.00	..	..
Mackay	19	102	5.37	17	214	12.59	–10.5	109.8
Northern								
Bowen	3	3	1.00	4	24	6.00	33.3	700.0
Charters Towers	1	2	2.00	—	—	..	–100.0	–100.0
Townsville Supreme	—	—	..	1	3	3.00	..	..
Townsville	23	157	6.83	12	53	4.42	–47.8	–66.2
Far North								
Cairns	55	216	3.93	65	263	4.05	18.2	21.8
Innisfail	—	—	..	10	73	7.30	..	..
North West								
Mount Isa	6	14	2.33	17	76	4.47	183.3	442.9
Total	**857**	**4,334**	**5.06**	**857**	**4,536**	**5.29**	**—**	**4.7**

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

Table 17 **District and Supreme Courts: Juvenile offenders by most serious penalty and sex, Queensland, 1995–96 and 1996–97**

Penalty[a]	1995–96			1996–97			Percentage increase		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Detention	98	7	105	93	13	106	–5.1	85.7	1.0
Immediate release	80	8	88	91	5	96	13.8	–37.5	9.1
Community service	186	28	214	209	27	236	12.4	–3.6	10.3
Probation	202	36	238	188	27	215	–6.9	–25.0	–9.7
Fine	5	—	5	8	2	10	60.0	..	100.0
Compensation	—	2	2	2	—	2	..	–100.0	—
Good behaviour order	26	7	33	33	2	35	26.9	–71.4	6.1
Disqualification of licence	—	—	—	—	—	—	..	..	..
Other penalty	—	—	—	—	—	—	..	..	..
No penalty[b]	23	2	25	21	5	26	–8.7	150.0	4.0
Total	**620**	**90**	**710**	**645**	**81**	**726**	**4.0**	**–10.0**	**2.3**

(a) In decreasing order of seriousness.

(b) Including reprimands.

Figure 13 **District and Supreme Courts: Juvenile offenders by most serious penalty, Queensland, 1995–96 and 1996–97**

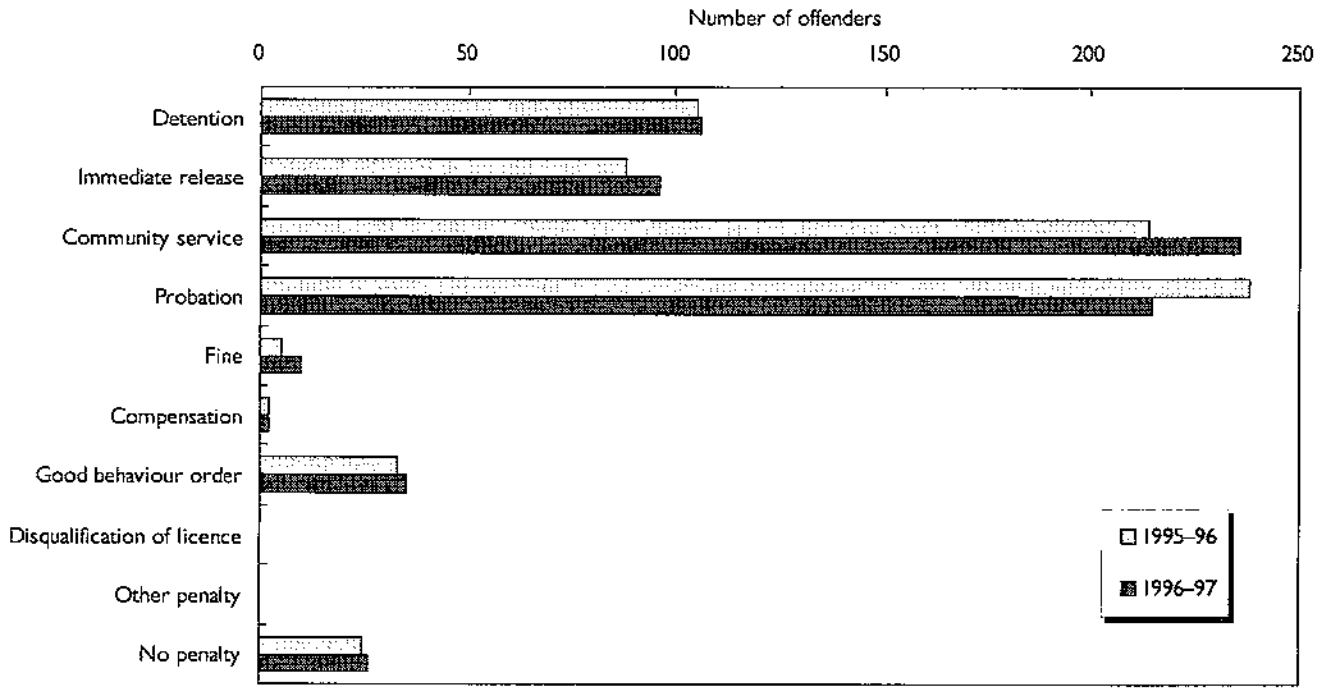


Table 18 **All Courts: Juvenile defendants disposed by age and sex, Queensland, 1995–96 and 1996–97**

Age	1995–96			1996–97			Percentage increase		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
10	27	1	28	10	2	12	–63.0	100.0	–57.1
11	71	3	74	81	5	86	14.1	66.7	16.2
12	138	19	157	157	20	177	13.8	5.3	12.7
13	350	68	418	357	91	448	2.0	33.8	7.2
14	759	166	925	835	206	1,041	10.0	24.1	12.5
15	1,228	270	1,498	1,318	286	1,604	7.3	5.9	7.1
16	1,959	364	2,323	2,038	377	2,415	4.0	3.6	4.0
17+	632	86	718	647	83	730	2.4	–3.5	1.7
Unknown	7	5	12	—	—	—	–100.0	–100.0	–100.0
Total	**5,171**	**982**	**6,153**	**5,443**	**1,070**	**6,513**	**5.3**	**9.0**	**5.9**

Figure 14 **All Courts: Juvenile defendants disposed by age, Queensland, 1995–96 and 1996–97**

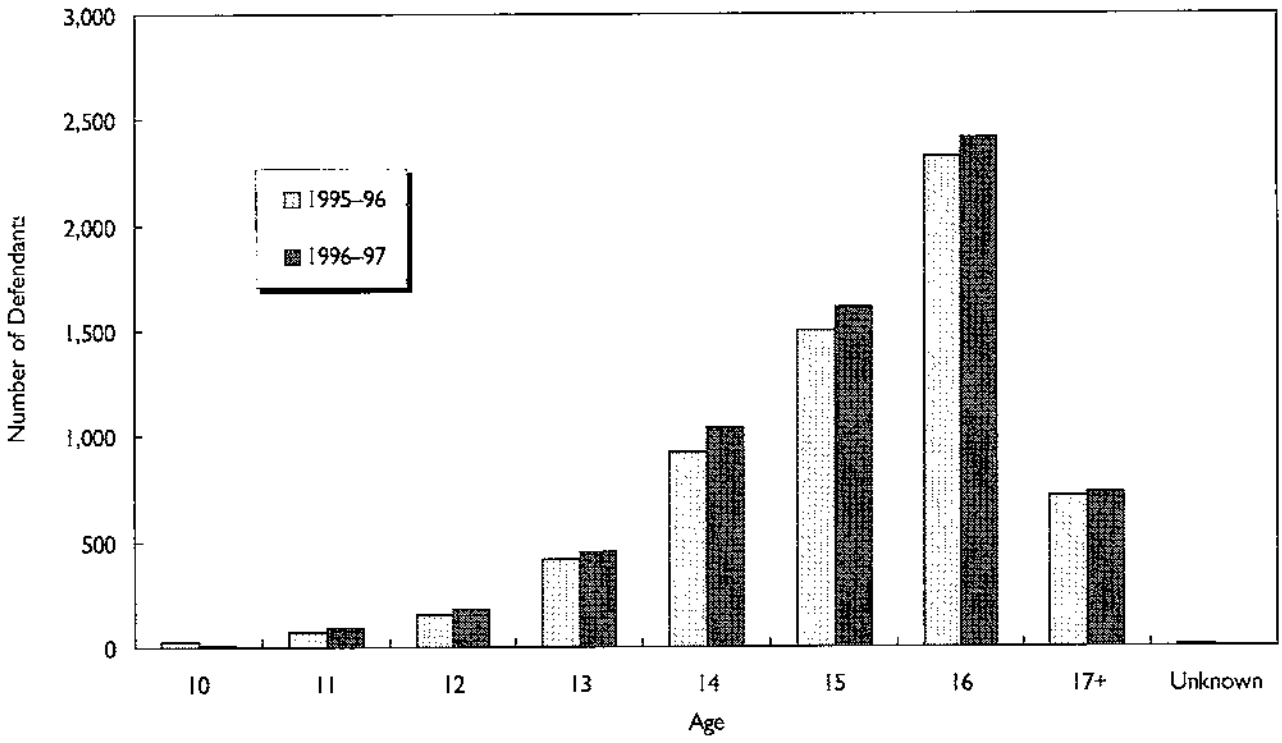


Table 19 **All Courts: Charges against juveniles disposed by offence type by sex of defendant, Queensland, 1995–96 and 1996–97**

Offence type	1995–96 Male	1995–96 Female	1995–96 Total	1996–97 Male	1996–97 Female	1996–97 Total	Percentage increase Male	Percentage increase Female	Percentage increase Total
Homicide, etc.	**7**	**6**	**13**	**7**	**2**	**9**	**—**	**–66.7**	**–30.8**
Murder	6	4	10	—	—	—	–100.0	–100.0	–100.0
Attempted murder	1	1	2	4	1	5	300.0	—	150.0
Manslaughter (excluding driving)	—	—	—	1	1	2	..	..	..
Manslaughter (driving)	—	—	—	—	—	—	..	..	..
Dangerous driving causing death	—	1	1	2	—	2	..	–100.0	100.0
Conspiracy to murder	—	—	—	—	—	—	..	..	..
Assaults (incl. sexual offences), **etc.**	**1,217**	**352**	**1,569**	**1,269**	**342**	**1,611**	**4.3**	**–2.8**	**2.7**
Major assault	373	110	483	406	119	525	8.8	8.2	8.7
Minor assault	675	233	908	649	210	859	–3.9	–9.9	–5.4
Rape	17	—	17	19	—	19	11.8	..	11.8
Other sexual offences	103	4	107	145	4	149	40.8	—	39.3
Other violation of persons	49	5	54	50	9	59	2.0	80.0	9.3
Robbery & extortion	**252**	**43**	**295**	**202**	**46**	**248**	**–19.8**	**7.0**	**–15.9**
Robbery	252	43	295	202	46	248	–19.8	7.0	–15.9
Extortion	—	—	—	—	—	—	..	..	..
Fraud & misappropriation	**299**	**129**	**428**	**334**	**291**	**625**	**11.7**	**125.6**	**46.0**
Embezzlement	17	16	33	6	22	28	–64.7	37.5	–15.2
False pretences	131	85	216	184	233	417	40.5	174.1	93.1
Fraud & forgery	151	28	179	144	36	180	–4.6	28.6	0.6
Theft, breaking & entering, etc.	**9,584**	**1,121**	**10,705**	**10,174**	**1,071**	**11,245**	**6.2**	**–4.5**	**5.0**
Unlawful use of motor vehicle	1,955	113	2,068	1,466	97	1,563	–25.0	–14.2	–24.4
Other stealing	3,662	652	4,314	4,063	668	4,731	11.0	2.5	9.7
Receiving, unlawful possession	495	112	607	612	80	692	23.6	–28.6	14.0
Burglary & housebreaking[a]	819	95	914	1,193	95	1,288	45.7	—	40.9
Other breaking & entering[a]	2,653	149	2,802	2,840	131	2,971	7.0	–12.1	6.0
Property damage	**1,823**	**143**	**1,966**	**1,768**	**153**	**1,921**	**–3.0**	**7.0**	**–2.3**
Arson	75	3	78	58	3	61	–22.7	—	–21.8
Other property damage	1,748	140	1,888	1,710	150	1,860	–2.2	7.1	–1.5
Driving, traffic & related offences	**1,109**	**112**	**1,221**	**1,106**	**123**	**1,229**	**–0.3**	**9.8**	**0.7**
Drink driving	116	23	139	103	11	114	–11.2	–52.2	–18.0
Dangerous/negligent driving	97	9	106	92	9	101	–5.2	—	–4.7
Licence offences	424	48	472	366	38	404	–13.7	–20.8	–14.4
State Transport, Main Roads Act	85	1	86	109	16	125	28.2	1,500.0	45.3
Other traffic offences	387	31	418	436	49	485	12.7	58.1	16.0
Other driving offences	—	—	—	—	—	—	..	..	..
Other offences	**2,359**	**510**	**2,869**	**2,661**	**565**	**3,226**	**12.8**	**10.8**	**12.4**
Possession or use of drugs	322	42	364	385	71	456	19.6	69.0	25.3
Dealing & trafficking in drugs	39	12	51	39	8	47	—	–33.3	–7.8
Manufacturing & growing drugs	62	5	67	44	5	49	–29.0	—	–26.9
Other drug offences	270	39	309	332	50	382	23.0	28.2	23.6
Drunkenness	154	33	187	151	43	194	–1.9	30.3	3.7
Offensive behaviour	453	171	624	484	198	682	6.8	15.8	9.3
Trespassing & vagrancy	116	24	140	213	27	240	83.6	12.5	71.4
Weapons offences	94	1	95	84	4	88	–10.6	300.0	–7.4
Environmental offences	8	—	8	—	—	—	–100.0	..	–100.0
Liquor offences	47	24	71	63	8	71	34.0	–66.7	—
Enforcement of orders	706	135	841	754	137	891	6.8	1.5	5.9
Other	88	24	112	112	14	126	27.3	–41.7	12.5
Total	**16,650**	**2,416**	**19,066**	**17,521**	**2,593**	**20,114**	**5.2**	**7.3**	**5.5**

(a) See the note in *Data issues* at pp. 57–59.

Figure 15 **All Courts: Charges against juveniles disposed by offence type, Queensland, 1995–96 and 1996–97**

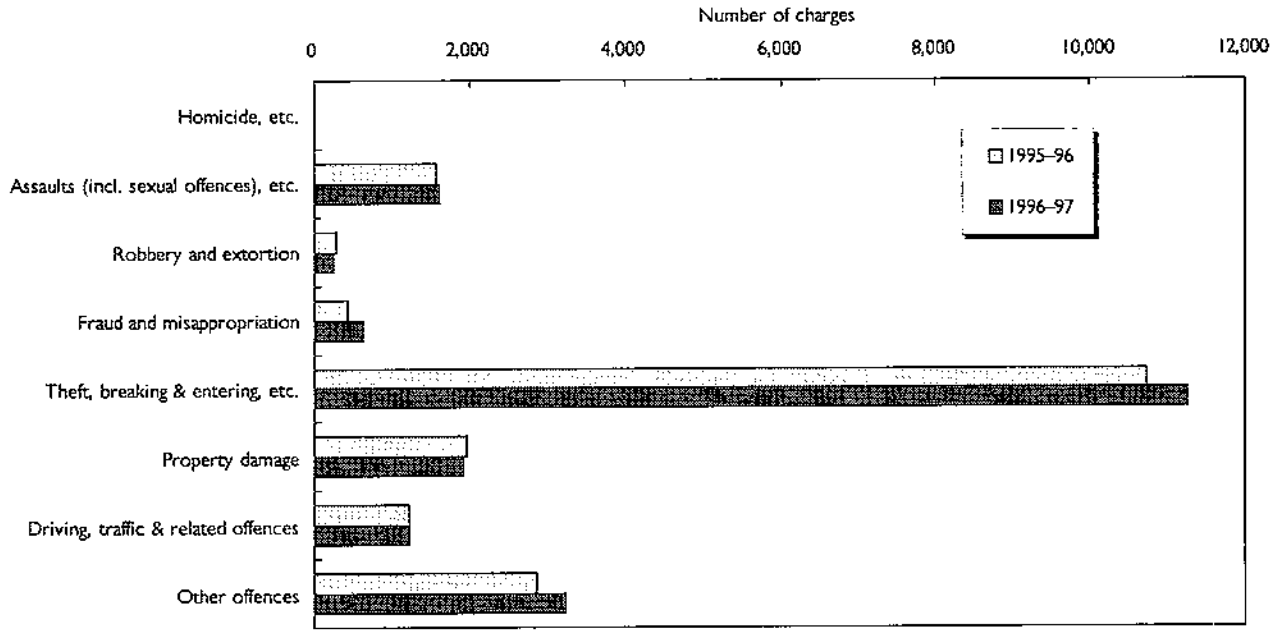


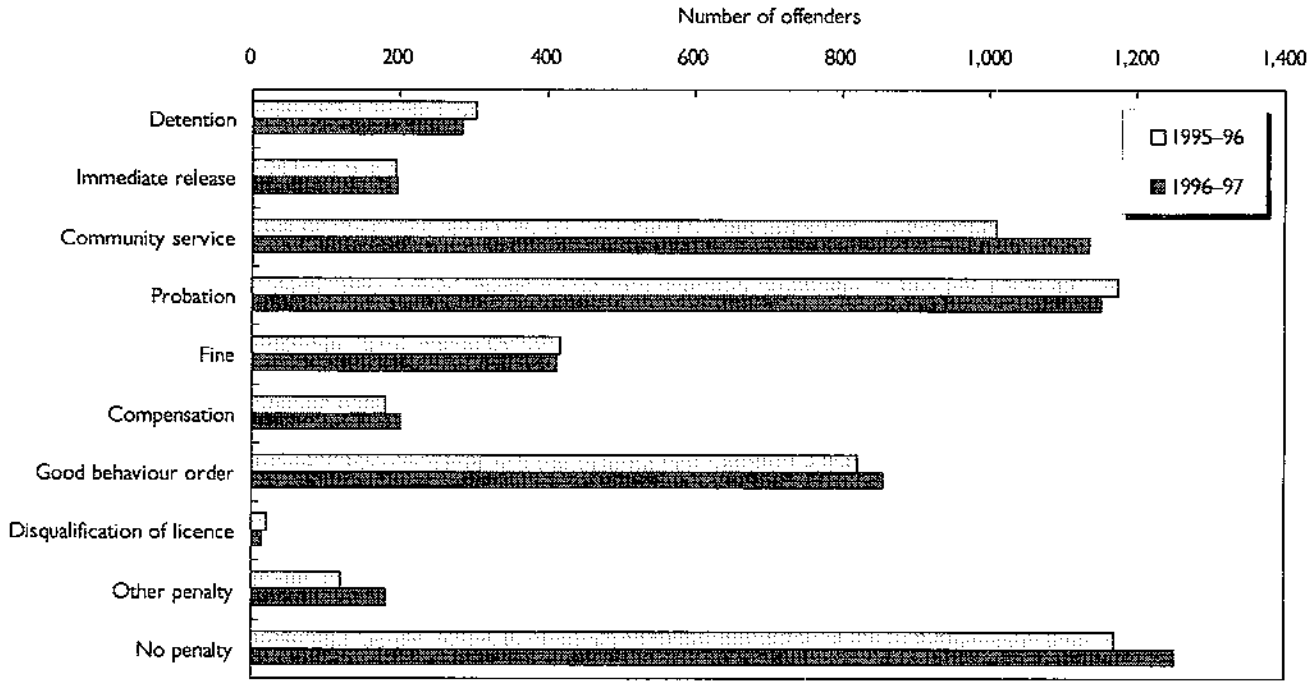
Table 20 **All Courts: Juvenile offenders by most serious penalty and sex, Queensland, 1995–96 and 1996–97**

Penalty[a]	1995–96			1996–97			Percentage increase		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Detention	276	26	302	257	26	283	–6.9	—	–6.3
Immediate release	176	18	194	182	16	198	3.4	–11.1	2.1
Community service	902	107	1,009	1,021	115	1,136	13.2	7.5	12.6
Probation	981	194	1,175	950	201	1,151	–3.2	3.6	–2.0
Fine	378	37	415	352	59	411	–6.9	59.5	–1.0
Compensation	140	40	180	162	40	202	15.7	—	12.2
Good behaviour order	658	163	821	687	170	857	4.4	4.3	4.4
Disqualification of licence	19	3	22	10	3	13	–47.4	—	–40.9
Other penalty	81	39	120	137	43	180	69.1	10.3	50.0
No penalty[b]	911	258	1,169	963	289	1,252	5.7	12.0	7.1
Total	**4,522**	**885**	**5,407**	**4,721**	**962**	**5,683**	**4.4**	**8.7**	**5.1**

(a) In decreasing order of seriousness.

(b) Including reprimands.

Figure 16 **All Courts: Juvenile offenders by most serious penalty, Queensland, 1995–96 and 1996–97**



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Acknowledgments

I gratefully acknowledge the keen interest the Attorney-General and Minister for Justice the Honourable Denver Beanland and the Minister for Families Youth and Community Care the Honourable Kevin Lingard and their respective Directors-General Mr Kevin Martin and the Rev Alan Male have shown in juvenile justice. The Ministers have been accessible and have been prepared to give fair consideration to any recommendations I have made for the improvement of the juvenile justice system. There is a statutory requirement on the President of the Childrens Court of Queensland to report annually to the Parliament on the administration and operation of the Court. However, I must emphasise that for the reasons stated in the section of this report entitled *An Optional Court* the functions, powers and responsibilities of the President are severely circumscribed.

I once more record my sincere appreciation of the co-operative effort of the other Childrens Court Judges: Senior Judge Trafford-Walker and Judge McMurdo in Brisbane; Senior Judge Hanger in Southport; Judges O'Brien and Wall in Townsville; Judge White in Cairns; Judge Nase in Rockhampton; and Judge Robertson in Ipswich.

The Brisbane Childrens Court Magistrate Mr Tony Pascoe has proved to be a very satisfactory replacement for Mr Pat Smith. In the relatively short time since he assumed the office of Brisbane Childrens Court Magistrate he has acquitted himself creditably. I lean on him from time-to-time for information and advice. For his helpful co-operation I am most grateful.

I must not overlook paying tribute to the Queensland Magistracy generally who continue to bear 'the heat and burden of the day' so far as Childrens Court work is concerned. It should be recognised that they do the bulk of the work. The significant role they play is often overlooked or understated.

The Crime Statistics Unit which, under my general supervision, produces the Statistical Tables for the reports has once again been of inestimable help.

The Acting Manager of the Unit Ms Tracey Edwards and her staff have performed prodigiously to get the detailed statistics compiled under the extreme pressure of time constraints. For Ms Edwards' cordial co-operation and cheerful discharge of duty I am most grateful.

It should be noted that the statistical tables produced by the Crime Statistics Unit are the only comprehensive, published record of juvenile crime in Queensland. The tables do more than record the bare statistical facts: they make very useful analyses of the data and, most importantly, depict trends.

My thanks go also to the Police Commissioner Mr Jim O'Sullivan and his senior officers Assistant Commissioner Early and Chief Superintendent Crawford for their co-operation and assistance throughout the year.

Acknowledgements

I am ever mindful of the treasure we have in the Supreme Court Librarian Mr Aladin Rahematula. For research assistance he and his staff are without peer. My sincere thanks to them.

To my secretary Mrs Elizabeth Plummer and her son Mr Andrew Plummer who is my Associate I am especially indebted. They have put up with my inordinate demands with usual good grace.

Ms Linda Skopp of the Courts Division, Department of Justice, is responsible for the layout and design of the report. For the champagne result, my grateful thanks.

Last of all, I acknowledge the interest the Chief Judge of the District Court, Judge Shanahan, has taken in the Childrens Court of Queensland. His solid support on the 'right of election' issue is greatly appreciated.