



2009–10

4515.0

FEDERAL DEFENDANTS, SELECTED STATES AND TERRITORIES

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For further information about these and related statistics, contact the National Information and Referral Service on 1300 135 070 or Jo Dover on Melbourne (03) 9615 7681.

NOTES

ABOUT THIS PUBLICATION	This publication presents comparable statistics relating to cases of Federal Defendants heard in the criminal jurisdiction of the Higher (Supreme and Intermediate), Magistrates' and Children's Courts across Australia for the period 1 July 2009 to 30 June 2010. The statistics describe the characteristics of defendants with finalised federal offences, including information about their offences and sentences outcomes.
DATA CONSISTENCY	The statistics are sourced from the national Criminal Courts collection conducted by the Australian Bureau of Statistics (ABS), and have been compiled according to national standards in order to maximise consistency between the states and territories. The Explanatory Notes, Appendices and Glossary provide detailed information on the data sources, counting rules, terminology, classifications and other technical aspects associated with these statistics
ROUNDING	Discrepancies may occur between sums of the component items and totals across tables due to rounding and randomisation.
INFORMATION ON ABS CRIME AND JUSTICE	More information about ABS activities in the field of crime and justice statistics is available from the 'Crime and Justice' theme page on the ABS website < www.abs.gov.au >. Details of other ABS publications relating to crime and justice statistics can be found in the Explanatory Notes paragraph 53.
ACKNOWLEDGMENTS	The ABS acknowledges the valuable contribution of the Board of Management, the National Criminal Courts Statistics Advisory Group, the Court Practitioners' Group and the staff of the various agencies that provide the statistics presented in this publication.
ABBREVIATIONS	<div>ABS Australian Bureau of Statistics</div> <div>ACT Australian Capital Territory</div> <div>ASOC Australian Standard Offence Classification</div> <div>cat. no. Catalogue number</div> <div>n.e.c. not elsewhere classified</div> <div>n.f.d. not further defined</div> <div>NCCJS National Centre for Crime and Justice Statistics, Australian Bureau of Statistics</div> <div>NCCSU National Criminal Courts Statistics Unit</div> <div>NOI National Offence Index</div> <div>NSW New South Wales</div> <div>NT Northern Territory</div> <div>Qld Queensland</div> <div>SA South Australia</div> <div>Vic. Victoria</div> <div>WA Western Australia</div>

Brian Pink
Australian Statistician

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INTRODUCTION

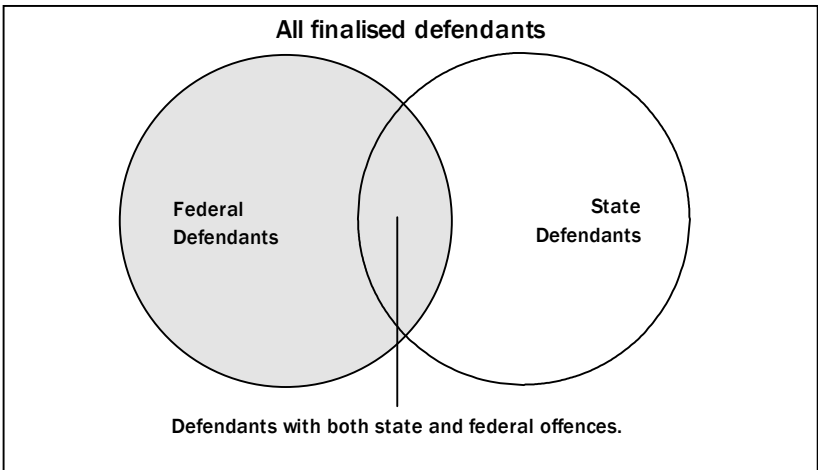
This publication presents statistics about finalised defendants charged with federal offences, that were dealt with by the criminal jurisdiction of the Higher (Supreme and Intermediate), Magistrates' and Children's Courts of Australia, for the period 1 July 2009 to 30 June 2010, for all states and territories, except Tasmania. Data for Tasmania were not available for inclusion in this issue of the publication, therefore, complete national data are not yet available from this collection. Data for the contributing states and territories have been aggregated to provide a total for the tables presented, unless otherwise specified.

This chapter provides an introduction to the federal defendants collection. Chapter 2 presents data about finalised defendants with federal charges classified using the Australian Standard Offence Classification (ASOC). Chapter 3 presents data about federal offences heard in the criminal courts and classified to a non-standard group of offences providing an alternative view of the types of offences federal defendants have been charged with.

FINALISED DEFENDANTS

Finalised defendants include persons charged with Commonwealth criminal offences for each court level as well as organisations charged with Commonwealth criminal offences for the Higher and Magistrates' Courts. A federal defendant is a finalised defendant who has been charged with at least one offence against Commonwealth legislation, irrespective of whether they have also been charged with any offences under state/territory legislation.

The federal defendants collection comprises a subset of all finalised defendants. However, as federal defendants may also be charged with state offences, the difference between all finalised defendants and finalised federal defendants does not equal the state defendants.



FINALISED DEFENDANTS

continued

Defendants are counted for each case they have finalised during the reference period, irrespective of whether multiple cases are finalised on the same day at the same hearing. This counting rule differs to that applied in *Criminal Courts, Australia* (cat. no. 4513.0) (see Explanatory Notes paragraphs 28–29) and as such, the information presented in the two publications is not directly comparable. The statistics are based on data extracted from administrative records held by the state and territory agencies responsible for courts administration.

OFFENCE INFORMATION

Offence data in this publication are presented using both the ASOC and an alternative specialised view of the types of federal offences that are finalised for defendants. ASOC provides a basis for the standard collection, analysis and dissemination of offence data within Crime and Justice statistics. For more information, see Explanatory Notes paragraph 20. Chapter 2 presents information on the number of offences finalised, as well as the principal federal offence.

Principal federal offence

When presenting information on defendants in this publication, the offence categories referred to relate to the defendant's most serious federal offence, known as the 'principal federal' offence. Whilst it is possible for a defendant to be charged with multiple offences under Commonwealth legislation as well as state/territory legislation, only offences enacted under Commonwealth legislation are considered in scope of this publication. For information on defendants with state/territory and/or Commonwealth offences refer to the *Criminal Courts, Australia* publication (cat. no. 4513.0).

Where defendants are represented by multiple federal offences, they are assigned a principal federal offence based on the method of finalisation and/or the most serious offence type using an ordinal ranking from the National Offence Index (NOI) 2009.

An alternative view of the types of federal offences is presented in Chapter 3. The offence types used in this chapter are not based on an official standard but have been created to compile groupings of Commonwealth offences of particular interest to users, using Act and Section information. These groupings may comprise a range of offences that reside in a number of different ASOC subdivisions. For more information about these non-standard offence groupings and their concordance to Commonwealth Acts/Section and ASOC division, refer to Appendix 4.

CHAPTER 2

FEDERAL DEFENDANTS

INTRODUCTION

This chapter presents information about the characteristics of defendants charged with federal offences finalised in Australia's criminal courts during 2009–10. Characteristics of defendants include age, sex, their principal federal offence, and sentence outcomes, as well as a count of the total number of federal offences heard by the criminal courts during 2009–10. Offence data in this chapter are based on ASOC. Data are presented for all states and territories except Tasmania, due to their data not being readily available.

SUMMARY

In 2009–10, there were a total of 14,007 defendants finalised in Australia's criminal courts with at least one federal offence: 765 in the Higher Courts; 13,028 in the Magistrates' Courts; and 214 in the Children's Courts.

There were 13,156 persons and 851 organisations finalised in 2009–10, compared to 12,751 persons and 1,251 organisations in 2008–09. Just under two thirds (64% or 8,909) of all finalised defendants were male while 29% (4,009) were female.

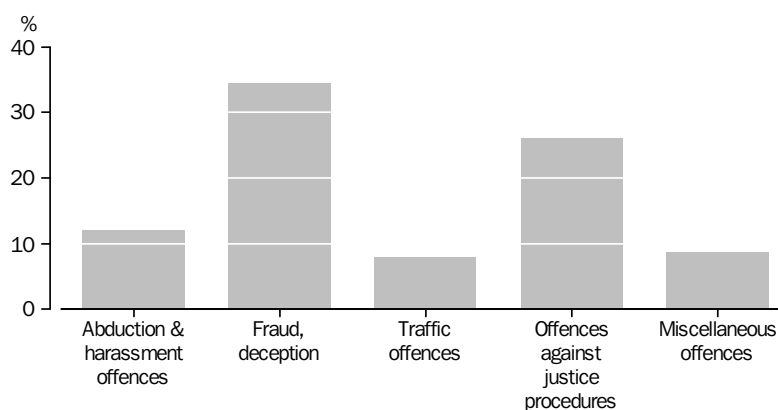
Across all three court levels, 76% of defendants finalised were proven guilty of at least one federal offence. Of those proven guilty, 19% (2,023) were sentenced to a custodial order.

The 14,007 defendants represented a total of 49,009 federal offences finalised; an average of 3.5 offences per defendant. There were 2,686 federal offences finalised in the Higher Courts; 45,979 in the Magistrates' Courts; and 344 in the Children's Courts.

PRINCIPAL FEDERAL OFFENCE

Over one third (34%) of defendants finalised across all court levels had a principal federal offence of fraud and deception, followed by offences against justice procedures (26%) and abduction and harassment (12%).

FEDERAL DEFENDANTS - ALL COURTS(a), Selected principal federal offences



(a) Excludes Tasmanian federal defendants.

PRINCIPAL FEDERAL OFFENCE *continued*

Of the defendants heard in the Higher Courts, almost three-quarters had a principal federal offence in the following three ASOC Divisions: illicit drug offences (26%); fraud and deception (25%); and sexual assault (21%).

For the Magistrates' Courts, almost three-quarters had a principal federal offence in the following three ASOC Divisions: fraud and deception (35%); offences against justice procedures (27%); and abduction and harassment (12%).

More than three-quarters of defendants in the Children's Court had a principal federal offence in the following four ASOC Divisions: abduction and harassment (41%); offences against justice procedures (16%); public order offences (11%); and theft and related offences (11%).

OFFENCE TYPES

Of the 49,015 offences across all court levels, 89% were classified to four ASOC divisions; offences against justice procedures (43%); fraud and deception (35%); miscellaneous offences (6%); and abduction and harassment (6%).

The largest number of offences finalised in the Higher Courts related to fraud and deception (42%) followed by miscellaneous offences (14%) and sexual assault and related offences (12%).

For the Magistrates' Courts, offences against justice procedures (45%) and fraud and deception (35%) were the most prevalent. Offences were spread over a larger number of ASOC divisions in the Children's Courts, with abduction and harassment offences the largest contributor (33%).

AGE AND SEX

The proportion of male defendants finalised varied between court levels; 81% of defendants in the Higher Courts were male, compared to 67% in the Magistrates' Courts, and 76% in the Children's Courts.

Across the three court levels, the 35–39 year age group was the highest represented age cohort (15%), and this was consistent for both males and females. More than half (54%) of all defendants were aged between 25 and 44 years. In the Children's Courts, defendants aged 17 years and over comprised more than a third (37%) of persons finalised.

The largest age cohort in New South Wales, Victoria and Queensland was 35–39 year olds. In South Australia, 40–44 year olds had the highest proportion of finalised defendants. While in Western Australia and the Northern Territory 30–34 year olds had the highest proportion of finalised defendants, and 20–24 years olds in the Australian Capital Territory. The proportion of male defendants varied between jurisdictions, between 78% in the Northern Territory and 61% in Western Australia.

FINALISATION METHOD

In the Higher Courts, 88% (675) of the 765 defendants were proven guilty. The proportion of defendants proven guilty within the Magistrates' and Children's Courts was 75% (9,951), and a further 17% (2,310) were withdrawn by the prosecution.

SENTENCE OUTCOMES

Of the defendants proven guilty across all court levels, 19% received a custodial order as their principal sentence. This varied across courts levels, 94% (637) in the Higher Courts, 14% (1,368) in the Magistrates' courts, and 12% (18) in the Children's Courts.

Across all court levels, defendants were predominantly issued with a custodial order as their principal sentence where their principal federal offence was sexual assault (90%) or illicit drugs (83%). Those defendants with a principal federal offence in the category of offences against justice procedures were predominantly sentenced to a monetary order (79%).

Defendants sentenced to non-custodial orders (community supervision or work orders, monetary orders and other non-custodial orders) accounted for 81% (8,587) of defendants proven guilty across all court levels. Within the Magistrates' and Children's courts 8,549 defendants (or 86%) were issued with a non-custodial order.

For the combined court levels, defendants who had a principal sentence of community supervision or work orders most commonly had a principal federal offence of fraud and deception (84%) or abduction and harassment (9%). Those with a principal sentence of monetary orders most commonly had a principal federal offence of offences against justice procedures (45%) or fraud and deception (19%).

STATES AND TERRITORIES

Principal federal offence

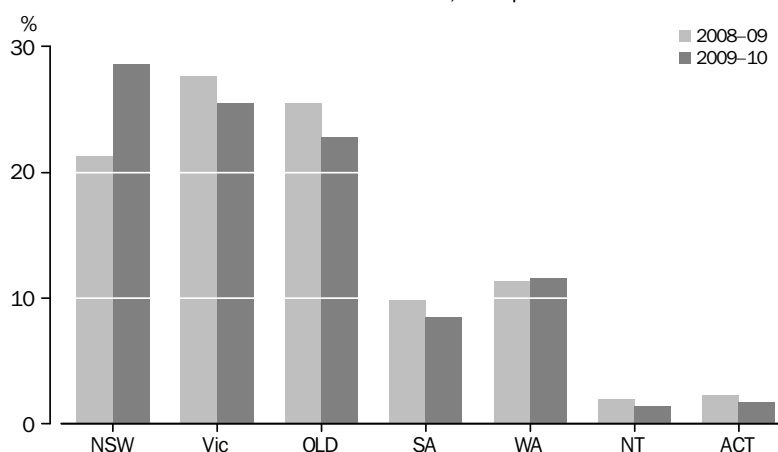
Of the federal defendants finalised in all court levels during 2009–10, just over a third (34% or 4,748) appeared in New South Wales, 22% or 3,043 appeared in Victoria and 21% or 3,003 appeared in Queensland.

For defendants in New South Wales, Queensland, South Australia, Western Australia and the Northern Territory, the most prevalent principal offence related to fraud and deception. In Victoria, offences against justice procedures were the most common, while in the Australian Capital Territory, traffic and vehicle regulatory offences were the most predominant.

Offence type

New South Wales had the highest proportion of offences finalised by the courts, (29% or 14,009 offences), followed by Victoria (25% or 12,492 offences) and Queensland (23% or 11,185 offences). These states accounted for more than three-quarters of all federal offences.

FEDERAL OFFENCES - ALL COURTS, Proportion of federal offences



Offence type continued

Fraud and deception offences comprised the largest proportion of offences in the Northern Territory (71%), South Australia (53%) and Queensland (46%). Offences against justice procedures had the highest proportions in Western Australia (64%), Victoria (53%) and Queensland (39%). In the Australian Capital Territory, traffic and vehicle regulatory offences comprised 44% of all federal offences finalised (see Explanatory Notes, paragraph 48 for more detail).

2.1**SUMMARY CHARACTERISTICS OF ALL FEDERAL DEFENDANTS(a), Court level,
2008–09 to 2009–10**

	NUMBER		PERCENTAGE CHANGE (%)
	2008–09	2009–10	2008–09 to 2009–10
ALL COURTS (b)			
Defendants finalised			
Males	8 796	8 909	1.3
Females	3 770	4 009	6.3
Organisations	1 251	851	–32.0
Total(c)	14 002	14 007	—
Method of finalisation			
Adjudicated outcomes			
Acquitted	310	350	12.9
Proven guilty	10 821	10 626	–1.8
Total	11 131	10 976	–1.4
Withdrawn by prosecution	2 272	2 360	3.9
Other(d)	597	671	12.4
Total(e)	14 002	14 007	—
Sentence outcomes			
Custodial orders	1 824	2 023	10.9
Non-custodial orders	8 978	8 587	–4.4
Total proven guilty(f)	10 821	10 626	–1.8
Federal offences	35 614	49 009	37.6
Ratio - offences per defendant	2.5	3.5	37.6
HIGHER			
Defendants finalised			
Males	506	616	21.7
Females	115	146	27.0
Organisations	3	3	—
Total(c)	625	765	22.4
Method of finalisation			
Adjudicated outcomes			
Acquitted	30	27	–10.0
Proven guilty	545	675	23.9
Total	575	702	22.1
Withdrawn by prosecution	7	50	614.3
Other(d)	43	13	–69.8
Total(e)	625	765	22.4
Sentence outcomes			
Custodial orders	491	637	29.7
Non-custodial orders	54	38	–29.6
Total proven guilty(f)	545	675	23.9
Federal offences	1 970	2 686	36.3
Ratio - offences per defendant	3.2	3.5	11.4

— nil or rounded to zero (including null cells)

(a) Excludes Tasmanian federal defendants and offences.

(b) Defendants may be counted twice where they are transferred between court levels and finalised in each court level within the same reference period. See Explanatory Notes 31–33.

(c) Includes defendants with unknown sex.

(d) Includes transfers to other courts, defendants deceased, unfit to plead, transfers to non-court agencies and other non-adjudicated finalisations n.e.c.

(e) Includes defendants with an unknown method of finalisation.

(f) Includes defendants for whom a principal sentence is unknown.

2.1**SUMMARY CHARACTERISTICS OF ALL FEDERAL DEFENDANTS(a), Court level,
2008–09 to 2009–10 *continued***

	NUMBER		PERCENTAGE CHANGE (%)
	2008–09	2009–10	2008–09 to 2009–10
MAGISTRATES¹			
Defendants finalised			
Males	8 167	8 132	–0.4
Females	3 608	3 810	5.6
Organisations	1 248	848	–32.1
Total(b)	13 207	13 028	–1.4
Method of finalisation			
Adjudicated outcomes			
Acquitted	268	311	16.0
Proven guilty	10 166	9 798	–3.6
Total	10 434	10 109	–3.1
Withdrawn by prosecution	2 221	2 267	2.1
Other(c)	550	652	18.5
Total(d)	13 207	13 028	–1.4
Sentence outcomes			
Custodial orders	1 322	1 368	3.5
Non-custodial orders	8 825	8 415	–4.6
Total proven guilty(e)	10 166	9 798	–3.6
Federal offences	33 359	45 979	37.8
Ratio - offences per defendant	2.5	3.5	39.7
CHILDREN'S			
Defendants finalised			
Males	123	161	30.9
Females	47	53	12.8
Organisations	—	—	—
Total(b)	170	214	25.9
Method of finalisation			
Adjudicated outcomes			
Acquitted	12	12	—
Proven guilty	110	153	39.1
Total	122	165	35.2
Withdrawn by prosecution	44	43	–2.3
Other(c)	4	6	50.0
Total(d)	170	214	25.9
Sentence outcomes			
Custodial orders	11	18	63.6
Non-custodial orders	99	134	35.4
Total proven guilty(e)	110	153	39.1
Federal offences	285	344	20.7
Ratio - offences per defendant	1.7	1.6	–4.1

— nil or rounded to zero (including null cells)

(a) Excludes Tasmanian federal defendants and offences.

(b) Includes defendants with unknown sex.

(c) Includes transfers to other courts, defendants deceased, unfit to plead, transfers to non-court agencies and other non-adjudicated finalisations n.e.c.

(d) Includes defendants with an unknown method of finalisation.

(e) Includes defendants for whom a principal sentence is unknown.

2.2**FEDERAL DEFENDANTS(a), Principal federal offence by court level**

ASOC Division	COURT LEVEL			
	Higher	Magistrates'	Children's	All Courts(b)
NUMBER				
Homicide and related offences	—	—	—	—
Acts intended to cause injury	—	23	3	26
Sexual assault and related offences	159	247	9	415
Dangerous or negligent acts	3	39	—	42
Abduction, harassment and related offences	28	1 568	89	1 685
Robbery, extortion and related offences	—	—	—	—
Unlawful entry with intent	—	7	3	10
Theft and related offences	40	218	23	281
Fraud, deception and related offences	192	4 619	10	4 821
Illicit drug offences	198	232	—	430
Prohibited and regulated weapons and explosives offences	—	42	3	45
Property damage and environmental pollution	—	25	7	32
Public order offences	—	185	24	209
Traffic and vehicle regulatory offences	—	1 107	6	1 113
Offences against justice procedures, etc.	94	3 525	35	3 654
Miscellaneous offences	51	1 163	4	1 218
Total defendants(c)	765	13 027	216	14 008
PROPORTION (%)				
Homicide and related offences	—	—	—	—
Acts intended to cause injury	—	0.2	1.4	0.2
Sexual assault and related offences	20.8	1.9	4.2	3.0
Dangerous or negligent acts	0.4	0.3	—	0.3
Abduction, harassment and related offences	3.7	12.0	41.2	12.0
Robbery, extortion and related offences	—	—	—	—
Unlawful entry with intent	—	0.1	1.4	0.1
Theft and related offences	5.2	1.7	10.6	2.0
Fraud, deception and related offences	25.1	35.5	4.6	34.4
Illicit drug offences	25.9	1.8	—	3.1
Prohibited and regulated weapons and explosives offences	—	0.3	1.4	0.3
Property damage and environmental pollution	—	0.2	3.2	0.2
Public order offences	—	1.4	11.1	1.5
Traffic and vehicle regulatory offences	—	8.5	2.8	7.9
Offences against justice procedures, etc.	12.3	27.1	16.2	26.1
Miscellaneous offences	6.7	8.9	1.9	8.7
Total defendants(c)	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Excludes Tasmanian federal defendants.

(b) Defendants may be counted twice where they are transferred between court levels and finalised in each court level within the same reference period. See Explanatory Notes 31–33.

(c) Includes defendants for whom offence data are missing or a principal offence could not be determined.

2.3**FEDERAL OFFENCES(a), Court level**

ASOC Division	COURT LEVEL			
	Higher	Magistrates'	Children's	All Courts
NUMBER				
Homicide and related offences	—	—	—	—
Acts intended to cause injury	3	27	3	33
Sexual assault and related offences	319	434	15	768
Dangerous or negligent acts	3	51	—	54
Abduction, harassment and related offences	168	2 470	115	2 753
Robbery, extortion and related offences	—	3	—	3
Unlawful entry with intent	—	7	3	10
Theft and related offences	220	1 513	93	1 826
Fraud, deception and related offences	1 125	16 067	27	17 219
Illicit drug offences	289	426	3	718
Prohibited and regulated weapons and explosives offences	—	55	3	58
Property damage and environmental pollution	—	37	8	45
Public order offences	3	226	24	253
Traffic and vehicle regulatory offences	—	1 369	6	1 375
Offences against justice procedures, etc.	175	20 711	40	20 926
Miscellaneous offences	380	2 554	9	2 943
Total offences(b)	2 685	45 981	349	49 015
PROPORTION (%)				
Homicide and related offences	—	—	—	—
Acts intended to cause injury	0.1	0.1	0.9	0.1
Sexual assault and related offences	11.9	0.9	4.3	1.6
Dangerous or negligent acts	0.1	0.1	—	0.1
Abduction, harassment and related offences	6.3	5.4	33.0	5.6
Robbery, extortion and related offences	—	—	—	—
Unlawful entry with intent	—	—	0.9	—
Theft and related offences	8.2	3.3	26.6	3.7
Fraud, deception and related offences	41.9	34.9	7.7	35.1
Illicit drug offences	10.8	0.9	0.9	1.5
Prohibited and regulated weapons and explosives offences	—	0.1	0.9	0.1
Property damage and environmental pollution	—	0.1	2.3	0.1
Public order offences	0.1	0.5	6.9	0.5
Traffic and vehicle regulatory offences	—	3.0	1.7	2.8
Offences against justice procedures, etc.	6.5	45.0	11.5	42.7
Miscellaneous offences	14.2	5.6	2.6	6.0
Total offences(b)	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Excludes Tasmanian federal offences.

(b) Includes offence data that are missing or inadequately described.

2.4 FEDERAL DEFENDANTS - ALL COURTS(a), Principal federal offence by selected states and territories

ASOC Division	NSW	Vic.	Qld	SA	WA	NT	ACT
NUMBER							
Homicide and related offences	—	—	—	—	—	—	—
Acts intended to cause injury	6	3	—	3	—	—	16
Sexual assault and related offences	84	47	214	10	21	6	33
Dangerous or negligent acts	10	7	14	—	8	—	—
Abduction, harassment and related offences	771	479	374	26	33	—	3
Robbery, extortion and related offences	—	3	—	—	—	—	—
Unlawful entry with intent	—	—	—	—	—	—	8
Theft and related offences	100	74	52	11	24	3	17
Fraud, deception and related offences	1 613	707	1 319	510	522	74	76
Illicit drug offences	203	76	76	43	24	9	—
Prohibited and regulated weapons and explosives offences	22	4	5	—	—	3	8
Property damage and environmental pollution	4	3	7	3	—	—	17
Public order offences	22	15	68	6	16	10	72
Traffic and vehicle regulatory offences	45	660	44	—	—	—	362
Offences against justice procedures, etc.	1 144	808	721	316	471	24	170
Miscellaneous offences	724	130	109	70	99	63	23
Total defendants(b)	4 748	3 043	3 003	998	1 218	192	805
PROPORTION (%)							
Homicide and related offences	—	—	—	—	—	—	—
Acts intended to cause injury	0.1	0.1	—	0.3	—	—	2.0
Sexual assault and related offences	1.8	1.5	7.1	1.0	1.7	3.1	4.1
Dangerous or negligent acts	0.2	0.2	0.5	—	0.7	—	—
Abduction, harassment and related offences	16.2	15.7	12.5	2.6	2.7	—	0.4
Robbery, extortion and related offences	—	0.1	—	—	—	—	—
Unlawful entry with intent	—	—	—	—	—	—	1.0
Theft and related offences	2.1	2.4	1.7	1.1	2.0	1.6	2.1
Fraud, deception and related offences	34.0	23.2	43.9	51.1	42.9	38.5	9.4
Illicit drug offences	4.3	2.5	2.5	4.3	2.0	4.7	—
Prohibited and regulated weapons and explosives offences	0.5	0.1	0.2	—	—	1.6	1.0
Property damage and environmental pollution	0.1	0.1	0.2	0.3	—	—	2.1
Public order offences	0.5	0.5	2.3	0.6	1.3	5.2	8.9
Traffic and vehicle regulatory offences	0.9	21.7	1.5	—	—	—	45.0
Offences against justice procedures, etc.	24.1	26.6	24.0	31.7	38.7	12.5	21.1
Miscellaneous offences	15.2	4.3	3.6	7.0	8.1	32.8	2.9
Total defendants(b)	100.0	100.0	100.0	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Data are combined for Higher, Magistrates' and Children's courts.

(b) Includes defendants for whom offence data are missing or a principal offence could not be determined.

2.5 FEDERAL OFFENCES - ALL COURTS(a), Selected states and territories

ASOC Division	NSW	Vic.	Qld	SA	WA	NT	ACT
NUMBER							
Homicide and related offences	—	—	—	—	—	—	—
Acts intended to cause injury	11	3	—	—	—	—	16
Sexual assault and related offences	161	99	412	13	36	11	36
Dangerous or negligent acts	14	9	15	5	9	3	—
Abduction, harassment and related offences	1 146	869	597	66	70	4	—
Robbery, extortion and related offences	—	—	—	—	—	—	—
Unlawful entry with intent	—	—	—	3	—	—	9
Theft and related offences	852	628	142	128	51	7	18
Fraud, deception and related offences	5 010	2 796	5 170	2 206	1 476	479	82
Illicit drug offences	284	129	153	113	23	14	—
Prohibited and regulated weapons and explosives offences	24	14	5	3	—	6	8
Property damage and environmental pollution	11	6	11	—	—	—	16
Public order offences	26	31	81	6	21	17	70
Traffic and vehicle regulatory offences	216	742	53	3	—	—	362
Offences against justice procedures, etc.	4 893	6 628	4 332	1 250	3 608	35	180
Miscellaneous offences	1 361	507	214	357	380	101	23
Total offences(b)	14 009	12 492	11 185	4 153	5 674	677	820
PROPORTION (%)							
Homicide and related offences	—	—	—	—	—	—	—
Acts intended to cause injury	0.1	—	—	—	—	—	2.0
Sexual assault and related offences	1.1	0.8	3.7	0.3	0.6	1.6	4.4
Dangerous or negligent acts	0.1	0.1	0.1	0.1	0.2	0.4	—
Abduction, harassment and related offences	8.2	7.0	5.3	1.6	1.2	0.6	—
Robbery, extortion and related offences	—	—	—	—	—	—	—
Unlawful entry with intent	—	—	—	0.1	—	—	1.1
Theft and related offences	6.1	5.0	1.3	3.1	0.9	1.0	2.2
Fraud, deception and related offences	35.8	22.4	46.2	53.1	26.0	70.8	10.0
Illicit drug offences	2.0	1.0	1.4	2.7	0.4	2.1	—
Prohibited and regulated weapons and explosives offences	0.2	0.1	—	0.1	—	0.9	1.0
Property damage and environmental pollution	0.1	—	0.1	—	—	—	2.0
Public order offences	0.2	0.2	0.7	0.1	0.4	2.5	8.5
Traffic and vehicle regulatory offences	1.5	5.9	0.5	0.1	—	—	44.1
Offences against justice procedures, etc.	34.9	53.1	38.7	30.1	63.6	5.2	22.0
Miscellaneous offences	9.7	4.1	1.9	8.6	6.7	14.9	2.8
Total offences(b)	100.0	100.0	100.0	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Data are combined for Higher, Magistrates' and Children's courts.

(b) Includes offence data that are missing or inadequately described.

2.6**FEDERAL DEFENDANTS - ALL COURTS(a)(b)(c), Court level and age by sex**

Age groups (years)	NUMBER			PROPORTION (%)		
	Males	Females	Persons(d)	Males	Females	Persons(d)
HIGHER						
Under 20 years	11	—	11	1.8	—	1.4
20–24 years	60	9	69	9.7	6.2	9.1
25–29 years	92	14	106	14.9	9.7	13.9
30–34 years	74	22	96	12.0	15.2	12.6
35–39 years	82	26	108	13.3	17.9	14.2
40–44 years	76	20	96	12.3	13.8	12.6
45–49 years	70	15	85	11.4	10.3	11.2
50–54 years	66	20	86	10.7	13.8	11.3
55 years and over	85	19	104	13.8	13.1	13.7
Total	616	145	761	100.0	100.0	100.0
MAGISTRATES¹						
Under 20 years	202	45	251	2.5	1.2	2.1
20–24 years	781	245	1 036	9.6	6.4	8.5
25–29 years	972	537	1 530	12.0	14.1	12.6
30–34 years	1 070	597	1 689	13.2	15.7	13.9
35–39 years	1 215	630	1 868	14.9	16.5	15.3
40–44 years	1 062	590	1 671	13.1	15.5	13.7
45–49 years	919	430	1 370	11.3	11.3	11.2
50–54 years	663	290	969	8.2	7.6	8.0
55 years and over	1 008	358	1 384	12.4	9.4	11.4
Total(e)	8 132	3 810	12 180	100.0	100.0	100.0
CHILDREN'S						
12–14 years	21	14	35	13.0	26.9	16.4
15 years	25	11	36	15.5	21.2	16.9
16 years	37	16	53	23.0	30.8	24.9
17 years	40	5	45	24.8	9.6	21.1
18 years and over	27	6	33	16.8	11.5	15.5
Total(e)	161	52	213	100.0	100.0	100.0
ALL COURTS						
Under 20 years	371	98	473	4.2	2.4	3.6
20–24 years	842	255	1 107	9.5	6.4	8.4
25–29 years	1 065	551	1 637	12.0	13.7	12.4
30–34 years	1 144	619	1 785	12.8	15.4	13.6
35–39 years	1 297	656	1 976	14.6	16.4	15.0
40–44 years	1 138	610	1 767	12.8	15.2	13.4
45–49 years	989	445	1 455	11.1	11.1	11.1
50–54 years	730	310	1 056	8.2	7.7	8.0
55 years and over	1 093	377	1 489	12.3	9.4	11.3
Total(e)	8 909	4 009	13 157	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Excludes Tasmanian federal defendants.

(b) Data are combined for Higher, Magistrates' and Children's courts.

(c) Excludes defendants that are organisations.

(d) Includes persons with unknown sex.

(e) Includes persons with unknown age.

2.7**FEDERAL DEFENDANTS - ALL COURTS(a)(b), Sex and age by selected states and territories**

Age groups
(years)

NSW

Vic.

Qld

SA

WA

NT

ACT

MALES

Under 20 years	94	118	81	6	18	7	47
20–24 years	246	256	131	30	70	20	89
25–29 years	315	254	204	77	101	28	86
30–34 years	398	260	217	70	106	30	63
35–39 years	478	296	280	88	87	14	54
40–44 years	389	274	231	86	98	15	45
45–49 years	350	209	235	61	92	5	37
50–54 years	244	139	177	39	75	11	45
55 years and over	408	231	251	59	88	13	43
Total(c)	2 960	2 040	1 838	603	744	151	575

FEMALES

Under 20 years	29	32	29	3	—	—	5
20–24 years	72	65	53	19	14	—	30
25–29 years	187	80	139	55	52	7	31
30–34 years	208	112	158	50	59	12	20
35–39 years	237	111	163	53	62	7	23
40–44 years	166	117	183	66	55	5	18
45–49 years	170	72	99	51	36	5	12
50–54 years	117	62	63	26	26	4	12
55 years and over	129	66	108	29	23	3	21
Total(c)	1 327	717	1 016	371	330	43	205

PERSONS (d)

Under 20 years	123	150	110	9	22	7	52
20–24 years	322	321	187	49	88	20	119
25–29 years	506	334	352	132	161	35	117
30–34 years	613	372	379	120	176	42	83
35–39 years	722	407	452	141	156	21	77
40–44 years	558	391	420	152	163	20	63
45–49 years	525	281	343	112	135	10	49
50–54 years	361	201	247	65	110	15	57
55 years and over	541	297	367	88	118	16	64
Total(c)	4 326	2 757	2 913	974	1 216	194	780

— nil or rounded to zero (including null cells)

(a) Data are combined for Higher, Magistrates' and Children's courts.

(b) Excludes defendants that are organisations.

(c) Includes persons with unknown age.

(d) Includes persons with unknown sex.

2.8 FEDERAL DEFENDANTS - ALL COURTS(a)(b), Principal federal offence by method of finalisation

ASOC Division	Acquitted	Proven guilty	Withdrawn by prosecution	Other(c)	Total
NUMBER					
Homicide and related offences	—	—	—	—	—
Acts intended to cause injury	3	13	5	5	26
Sexual assault and related offences	9	182	79	145	415
Dangerous or negligent acts	3	32	7	—	42
Abduction, harassment and related offences	116	1 173	361	35	1 685
Robbery, extortion and related offences	—	—	—	—	—
Unlawful entry with intent	—	3	3	5	11
Theft and related offences	7	178	77	19	281
Fraud, deception and related offences	85	4 155	440	141	4 821
Illicit drug offences	12	213	67	139	431
Prohibited and regulated weapons and explosives offences	—	27	15	—	42
Property damage and environmental pollution	—	19	6	6	31
Public order offences	14	155	28	12	209
Traffic and vehicle regulatory offences	31	669	413	—	1 113
Offences against justice procedures, etc.	30	2 927	573	124	3 654
Miscellaneous offences	40	877	263	38	1 218
Total defendants(d)	353	10 626	2 360	669	14 008

PROPORTION (%)					
Homicide and related offences	—	—	—	—	—
Acts intended to cause injury	0.8	0.1	0.2	0.7	0.2
Sexual assault and related offences	2.5	1.7	3.3	21.7	3.0
Dangerous or negligent acts	0.8	0.3	0.3	—	0.3
Abduction, harassment and related offences	32.9	11.0	15.3	5.2	12.0
Robbery, extortion and related offences	—	—	—	—	—
Unlawful entry with intent	—	—	0.1	0.7	0.1
Theft and related offences	2.0	1.7	3.3	2.8	2.0
Fraud, deception and related offences	24.1	39.1	18.6	21.1	34.4
Illicit drug offences	3.4	2.0	2.8	20.8	3.1
Prohibited and regulated weapons and explosives offences	—	0.3	0.6	—	0.3
Property damage and environmental pollution	—	0.2	0.3	0.9	0.2
Public order offences	4.0	1.5	1.2	1.8	1.5
Traffic and vehicle regulatory offences	8.8	6.3	17.5	—	7.9
Offences against justice procedures, etc.	8.5	27.5	24.3	18.5	26.1
Miscellaneous offences	11.3	8.3	11.1	5.7	8.7
Total defendants(d)	100.0	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Excludes Tasmanian federal defendants.

(b) Data are combined for Higher, Magistrates' and Children's courts.

(c) Includes transfers to other courts, defendants deceased, unfit to plead, transfers to non-court agencies and other non-adjudicated finalisations n.e.c.

(d) Includes defendants for whom offence data are missing or a principal offence could not be determined.

2.9**FEDERAL DEFENDANTS PROVEN GUILTY - ALL COURTS(a)(b), Principal federal offence by principal sentence**

ASOC Division	NON-CUSTODIAL ORDERS				Total(c)
	Custodial orders	Community supervision/ work orders	Monetary orders	Other non-custodial orders	
NUMBER					
Homicide and related offences	—	—	—	—	—
Acts intended to cause injury	3	—	3	8	14
Sexual assault and related offences	164	5	—	10	182
Dangerous or negligent acts	3	—	18	11	32
Abduction, harassment and related offences	194	88	381	508	1 171
Robbery, extortion and related offences	—	—	—	3	3
Unlawful entry with intent	—	—	3	—	3
Theft and related offences	64	21	58	34	177
Fraud, deception and related offences	1 230	849	970	1 103	4 155
Illicit drug offences	176	—	21	16	213
Prohibited and regulated weapons and explosives offences	3	—	12	12	27
Property damage and environmental pollution	3	3	9	4	19
Public order offences	3	3	98	52	156
Traffic and vehicle regulatory offences	—	3	661	6	670
Offences against justice procedures, etc.	113	31	2 308	469	2 927
Miscellaneous offences	67	5	621	183	876
Total defendants	2 023	1 008	5 163	2 419	10 625
PROPORTION (%)					
Homicide and related offences	—	—	—	—	—
Acts intended to cause injury	0.1	—	0.1	0.3	0.1
Sexual assault and related offences	8.1	0.5	—	0.4	1.7
Dangerous or negligent acts	0.1	—	0.3	0.5	0.3
Abduction, harassment and related offences	9.6	8.7	7.4	21.0	11.0
Robbery, extortion and related offences	—	—	—	0.1	—
Unlawful entry with intent	—	—	0.1	—	—
Theft and related offences	3.2	2.1	1.1	1.4	1.7
Fraud, deception and related offences	60.8	84.2	18.8	45.6	39.1
Illicit drug offences	8.7	—	0.4	0.7	2.0
Prohibited and regulated weapons and explosives offences	0.1	—	0.2	0.5	0.3
Property damage and environmental pollution	0.1	0.3	0.2	0.2	0.2
Public order offences	0.1	0.3	1.9	2.1	1.5
Traffic and vehicle regulatory offences	—	0.3	12.8	0.2	6.3
Offences against justice procedures, etc.	5.6	3.1	44.7	19.4	27.5
Miscellaneous offences	3.3	0.5	12.0	7.6	8.2
Total defendants	100.0	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Excludes Tasmanian federal defendants.

(b) Data are combined for Higher, Magistrates' and Children's courts.

(c) Includes defendants for whom a principal sentence is unknown.

2.10**FEDERAL DEFENDANTS - HIGHER COURTS(a), Selected principal federal offence by method of finalisation**

<i>ASOC Division</i>	<i>Acquitted</i>	<i>Proven guilty</i>	<i>Withdrawn by prosecution</i>	<i>Other(b)</i>	<i>Total</i>
.....					
NUMBER					
Sexual assault and related offences	3	151	4	—	158
Abduction, harassment and related offences	3	18	4	3	28
Theft and related offences	—	37	—	—	37
Fraud, deception and related offences	8	164	15	5	192
Illicit drug offences	6	175	15	3	199
Offences against justice procedures, etc.	—	87	5	3	95
Miscellaneous offences	4	40	6	—	50
Other(c)	—	3	—	—	3
Total defendants	24	675	49	14	762
.....					
PROPORTION (%)					
Sexual assault and related offences	12.5	22.4	8.2	—	20.7
Abduction, harassment and related offences	12.5	2.7	8.2	21.4	3.7
Theft and related offences	—	5.5	—	—	4.9
Fraud, deception and related offences	33.3	24.3	30.6	35.7	25.2
Illicit drug offences	25.0	25.9	30.6	21.4	26.1
Offences against justice procedures, etc.	—	12.9	10.2	21.4	12.5
Miscellaneous offences	16.7	5.9	12.2	—	6.6
Other(c)	—	0.4	—	—	0.4
Total defendants	100.0	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Excludes Tasmanian federal defendants.

(b) Includes transfers to other courts, defendants deceased, unfit to plead, transfers to non-court agencies and other non-adjudicated finalisations n.e.c.

(c) Includes ASOC Divisions 01, 02, 04, 06, 07, 11–14 (refer to Appendix 2).

2.11**FEDERAL DEFENDANTS PROVEN GUILTY - HIGHER COURTS(a), Selected principal federal offence by principal sentence**

<i>ASOC Division</i>	<i>Custodial orders</i>	<i>Non-custodial orders</i>	<i>Total</i>
.....			
NUMBER			
Sexual assault and related offences	147	4	151
Abduction, harassment and related offences	12	6	18
Theft and related offences	32	5	37
Fraud, deception and related offences	156	8	164
Illicit drug offences	171	4	175
Offences against justice procedures, etc.	83	4	87
Miscellaneous offences	34	6	40
Other(b)	3	—	3
Total defendants	638	37	675
.....			
PROPORTION (%)			
Sexual assault and related offences	23.0	10.8	22.4
Abduction, harassment and related offences	1.9	16.2	2.7
Theft and related offences	5.0	13.5	5.5
Fraud, deception and related offences	24.5	21.6	24.3
Illicit drug offences	26.8	10.8	25.9
Offences against justice procedures, etc.	13.0	10.8	12.9
Miscellaneous offences	5.3	16.2	5.9
Other(b)	0.5	—	0.4
Total defendants	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Excludes Tasmanian federal defendants.

(b) Includes ASOC Divisions 01, 02, 04, 06, 07, 11–14 (refer to Appendix 2).

2.12 FEDERAL DEFENDANTS - MAGISTRATES' & CHILDREN'S COURTS(a), Principal federal offence by method of finalisation

ASOC Division	Acquitted	Proven guilty	Withdrawn by prosecution	Other(b)	Total
NUMBER					
Homicide and related offences	—	—	—	—	—
Acts intended to cause injury	3	13	5	5	26
Sexual assault and related offences	6	31	75	144	256
Dangerous or negligent acts	—	30	7	—	37
Abduction, harassment and related offences	113	1 155	357	32	1 657
Robbery, extortion and related offences	—	—	—	—	—
Unlawful entry with intent	—	3	3	5	11
Theft and related offences	5	141	76	19	241
Fraud, deception and related offences	77	3 991	425	136	4 629
Illicit drug offences	6	38	52	137	233
Prohibited and regulated weapons and explosives offences	—	27	15	3	45
Property damage and environmental pollution	—	19	6	6	31
Public order offences	14	155	28	12	209
Traffic and vehicle regulatory offences	31	669	413	—	1 113
Offences against justice procedures, etc.	29	2 840	568	123	3 560
Miscellaneous offences	36	837	257	37	1 167
Total defendants(c)	323	9 952	2 310	659	13 244
PROPORTION (%)					
Homicide and related offences	—	—	—	—	—
Acts intended to cause injury	0.9	0.1	0.2	0.8	0.2
Sexual assault and related offences	1.9	0.3	3.2	21.9	1.9
Dangerous or negligent acts	—	0.3	0.3	—	0.3
Abduction, harassment and related offences	35.0	11.6	15.5	4.9	12.5
Robbery, extortion and related offences	—	—	—	—	—
Unlawful entry with intent	—	—	0.1	0.8	0.1
Theft and related offences	1.5	1.4	3.3	2.9	1.8
Fraud, deception and related offences	23.8	40.1	18.4	20.6	35.0
Illicit drug offences	1.9	0.4	2.3	20.8	1.8
Prohibited and regulated weapons and explosives offences	—	0.3	0.6	0.5	0.3
Property damage and environmental pollution	—	0.2	0.3	0.9	0.2
Public order offences	4.3	1.6	1.2	1.8	1.6
Traffic and vehicle regulatory offences	9.6	6.7	17.9	—	8.4
Offences against justice procedures, etc.	9.0	28.5	24.6	18.7	26.9
Miscellaneous offences	11.1	8.4	11.1	5.6	8.8
Total defendants(c)	100.0	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Excludes Tasmanian federal defendants.

(b) Includes transfers to other courts, defendants deceased, unfit to plead, transfers to non-court agencies and other non-adjudicated finalisations n.e.c.

(c) Includes defendants for whom offence data are missing or a principal offence could not be determined.

2.13**FEDERAL DEFENDANTS PROVEN GUILTY - MAGISTRATES' & CHILDREN'S****COURTS(a), Principal federal offence by principal sentence**

	NON-CUSTODIAL ORDERS				
ASOC Division	Custodial orders	Community supervision/ work orders	Monetary orders	Other non-custodial orders	Total(b)
NUMBER					
Homicide and related offences	—	—	—	—	—
Acts intended to cause injury	—	—	3	8	11
Sexual assault and related offences	17	5	3	6	31
Dangerous or negligent acts	3	—	18	10	31
Abduction, harassment and related offences	182	86	379	506	1 153
Robbery, extortion and related offences	—	—	—	—	—
Unlawful entry with intent	—	—	—	—	—
Theft and related offences	32	20	57	31	140
Fraud, deception and related offences	1 074	848	963	1 103	3 991
Illicit drug offences	5	—	20	13	38
Prohibited and regulated weapons and explosives offences	3	—	12	12	27
Property damage and environmental pollution	3	3	9	4	19
Public order offences	3	—	98	52	153
Traffic and vehicle regulatory offences	3	—	661	6	670
Offences against justice procedures, etc.	30	30	2 306	468	2 840
Miscellaneous offences	33	4	618	181	836
Total defendants	1 388	996	5 147	2 400	9 940
PROPORTION (%)					
Homicide and related offences	—	—	—	—	—
Acts intended to cause injury	—	—	0.1	0.3	0.1
Sexual assault and related offences	1.2	0.5	0.1	0.3	0.3
Dangerous or negligent acts	0.2	—	0.3	0.4	0.3
Abduction, harassment and related offences	13.1	8.6	7.4	21.1	11.6
Robbery, extortion and related offences	—	—	—	—	—
Unlawful entry with intent	—	—	—	—	—
Theft and related offences	2.3	2.0	1.1	1.3	1.4
Fraud, deception and related offences	77.4	85.1	18.7	46.0	40.2
Illicit drug offences	0.4	—	0.4	0.5	0.4
Prohibited and regulated weapons and explosives offences	0.2	—	0.2	0.5	0.3
Property damage and environmental pollution	0.2	0.3	0.2	0.2	0.2
Public order offences	0.2	—	1.9	2.2	1.5
Traffic and vehicle regulatory offences	0.2	—	12.8	0.3	6.7
Offences against justice procedures, etc.	2.2	3.0	44.8	19.5	28.6
Miscellaneous offences	2.4	0.4	12.0	7.5	8.4
Total defendants	100.0	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(b) Includes defendants for whom a principal sentence is unknown.

(a) Excludes Tasmanian federal defendants.

CHAPTER 3

FEDERAL OFFENCES

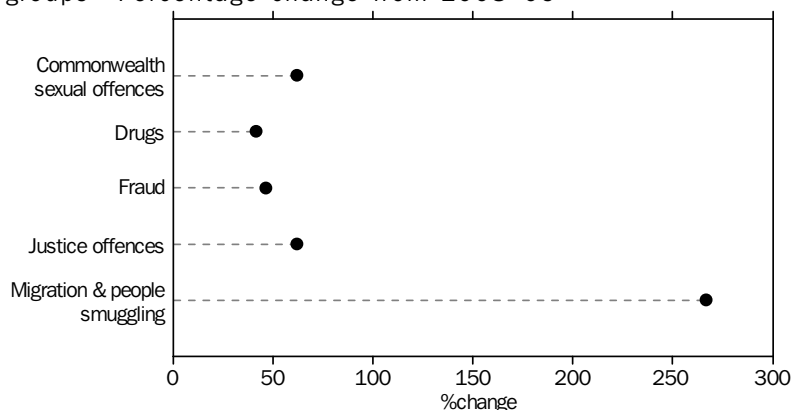
INTRODUCTION

This chapter presents information about the number of federal offences heard in the criminal courts. The offence groupings used are not based on an official standard but are grouped around similar themes of federal offences using Commonwealth Acts and Sections. These groupings also may comprise a range of ASOC subdivisions. A concordance of the Commonwealth legislation and ASOC to these groupings can be found at Appendix 4.

FEDERAL OFFENCE TYPE

During 2009–10 there were 49,011 federal offences finalised in the Higher, Magistrates' and Children's Courts. Almost three-quarters of federal offences finalised in all court levels (74% or 36,213 offences) were classified as fraud offences, an increase of 47% for this offence type from 2008–09.

FEDERAL OFFENCES - ALL COURTS (a), Selected federal offence groups—Percentage change from 2008–09



(a) Excludes Tasmanian federal offences.

Within the Higher Courts, the predominant offence types were: fraud (34%), financial offences (21%) and sexual offences (12%). Of the 45,979 offences in the Magistrates' Court, 77% were classified as fraud, 6% were communications offences and 5% were financial offences. The highest proportion of offences in the Children's Court were communications offences (40%).

Fraud offences comprised the highest proportion of offences in every jurisdiction except the Australian Capital Territory, ranging from 63% in the Northern Territory up to 82% in Western Australia. The largest proportion of communications offences and financial offences (both 10%) were finalised in New South Wales, whilst the highest majority of illegal fishing offences (13%) were finalised in the Northern Territory. Offences related to commonwealth officials were proportionally more common in the Australian Capital Territory (12%), with Queensland having the largest proportion of commonwealth sexual offences (4%).

FINALISATION METHOD

During 2009–10, 77% or 37,843 offences were proven guilty across all courts, while 17% (8,238) were withdrawn by the prosecution. The offence group with the highest proportion proven guilty was fraud offences (83%), while almost a third (31%) of commonwealth officials offences were withdrawn by the prosecution.

SENTENCE OUTCOMES

Information on sentence outcomes in Chapter 3 do not apply the concept of a principal sentence (as applied in Chapter 2). Sentence outcomes presented in this chapter represent all sentences handed down for each offence proven guilty. Where multiple sentence types are handed down for a single offence, these are counted each time. As such the total number of sentence outcomes recorded is greater than the number of offences proven guilty.

Monetary orders were the most common sentence type to be issued overall, comprising 52% (20,622) of all sentence outcomes handed down by the courts. These orders predominantly related to fraud offences (81%).

Of the 39,506 sentences across all court levels, 16% (6,471) were custodial orders. The Higher courts issued custodial orders in 74% of the sentence outcomes, compared with 13% in the Magistrates' and Children's courts.

Fraud offences comprised 70% (4,503) of all custodial orders, followed by communications offences (8%) and financial offences (6%) for all court levels.

The majority (82%) of migration and people smuggling offences resulted in a custodial order. Other offence groups with high proportions of custodial orders were: commonwealth property offences (70%) and commonwealth sexual offences (64%).

FEDERAL OFFENCE GROUPS

A summary of the Commonwealth Legislation contained within the federal offence groupings in the following tables is presented below. For further information, please refer to Explanatory Notes paragraph 26, and Appendix 4.

Aviation - Offences under the *Aviation Transport Security Regulations 2005*. The intent of this Act is to safeguard against the unlawful interference of aviation throughout Australia.

Commonwealth officials - Offences under the sections of the *Criminal Code Act 1995* that relate to bribery of Commonwealth officials, demands with menaces, and the harming or impersonating of Commonwealth officials.

Commonwealth property - Offences under the sections of the *Criminal Code Act 1995* that relate to theft, robbery and burglary of Commonwealth property or on Commonwealth premises.

Commonwealth sexual offences - Offences under Commonwealth legislation of a sexual nature e.g. child sex tourism, importation of child pornography, sexual slavery.

Communications - Offences under Commonwealth legislation that relate to the use of computers and other telecommunications and the use of the postal service.

FEDERAL OFFENCE
GROUPS *continued*

Drugs - Offences under the *Customs Act 1901* that relate to the importing of performance enhancing and non-narcotic drugs; offences under the *Criminal Code Act 1995* that relate to illicit drug offences; and offences under the *Therapeutic Goods Act 1989* that relate to the supply of therapeutic goods.

Financial - Offences under Commonwealth legislation relating to the improper handling of finance e.g. bankruptcy; money laundering; the improper use of public money.

Fraud - Offences under Commonwealth legislation relating to fraudulent activities e.g. tax fraud; social security fraud; false passports.

Illegal fishing - Offences under the *Fisheries Management Act 1991*. The intent of this Act is to safeguard against illegal fishing in Australian waters.

Illegal use/importation of weapons - Offences under Commonwealth legislation relating to the illegal use or importation of firearms, other weapons and explosives.

International - Offences under Commonwealth legislation that are initiated overseas or relate to foreign persons e.g. harming Australians overseas; bribery of foreign officials; war crimes.

Justice offences - Offences under Commonwealth legislation relating to the breach of justice orders; escaping from custody; escaping from immigration detention; and subverting the course of justice.

Migration and people smuggling - Offences under the Commonwealth legislation relating to people smuggling and other migration offences.

Security - Offences under Commonwealth legislation that relate to the security of Commonwealth property e.g. espionage, treason, domestic terrorism.

Wildlife smuggling - Offences under the *Environmental Protection and Biodiversity Conservation Act 1999*. The intent of this Act is to safeguard protected wildlife and heritage areas.

3.1**FEDERAL OFFENCES(a)(b), Court level, 2008–09 to 2009–10**

	NUMBER		PERCENTAGE CHANGE (%)
	2008–09	2009–10	2008–09 to 2009–10
<i>Federal offence group</i>			
.....			
ALL COURTS			
Aviation	29	25	–13.8
Commonwealth officials	166	171	3.0
Commonwealth property	194	248	27.8
Commonwealth sexual offences	491	795	61.9
Communications	2 874	3 202	11.4
Drugs	567	803	41.6
Financial	2 560	3 105	21.3
Fraud	24 703	36 213	46.6
Illegal fishing	110	119	8.2
Illegal use/importation of weapons	—	8	—
International	—	—	—
Justice offences	134	217	61.9
Migration and people smuggling	60	220	266.7
Security	38	44	15.8
Wildlife smuggling	11	38	245.5
Other(c)	3 674	3 803	3.5
Total	35 614	49 011	37.6

.....			
HIGHER COURTS			
Aviation	—	—	—
Commonwealth officials	14	25	78.6
Commonwealth property	64	115	79.7
Commonwealth sexual offences	187	335	79.1
Communications	103	205	99.0
Drugs	214	279	30.4
Financial	503	570	13.3
Fraud	588	921	56.6
Illegal fishing	14	4	–71.4
Illegal use/importation of weapons	—	3	—
International	—	—	—
Justice offences	46	67	45.7
Migration and people smuggling	10	29	190.0
Security	20	20	—
Wildlife smuggling	—	3	—
Other(c)	206	112	–45.6
Total	1 970	2 688	36.4

— nil or rounded to zero (including null cells)

(a) Excludes Tasmanian federal offences.

(b) Data are combined for Higher, Magistrates' and Children's courts.

(c) Includes federal offences n.e.c.

3.1**FEDERAL OFFENCES(a)(b), Court level, 2008–09 to 2009–10** *continued*

<i>Federal offence group</i>	NUMBER		PERCENTAGE
	2008–09	2009–10	CHANGE (%)
			2008–09 to 2009–10
.....			
MAGISTRATES' COURTS			
Aviation	29	25	–13.8
Commonwealth officials	143	136	–4.9
Commonwealth property	122	117	–4.1
Commonwealth sexual offences	301	446	48.2
Communications	2 639	2 861	8.4
Drugs	350	524	49.7
Financial	2 032	2 503	23.2
Fraud	24 115	35 223	46.1
Illegal fishing	96	115	19.8
Illegal use/importation of weapons	—	5	—
International	—	—	—
Justice offences	81	138	70.4
Migration and people smuggling	50	191	282.0
Security	18	21	16.7
Wildlife smuggling	11	35	218.2
Other(c)	3 371	3 639	8.0
Total	33 359	45 979	37.8

.....			
CHILDREN'S COURTS			
Aviation	—	—	—
Commonwealth officials	9	10	11.1
Commonwealth property	8	16	100.0
Commonwealth sexual offences	3	14	366.7
Communications	132	136	3.0
Drugs	3	—	–100.0
Financial	25	32	28.0
Fraud	—	69	—
Illegal fishing	—	—	—
Illegal use/importation of weapons	—	—	—
International	—	—	—
Justice offences	7	12	71.4
Migration and people smuggling	—	—	—
Security	—	3	—
Wildlife smuggling	—	—	—
Other(c)	97	52	–46.4
Total	285	344	20.7

.....

— nil or rounded to zero (including null cells)

(a) Excludes Tasmanian federal offences.

(b) Data are combined for Higher, Magistrates' and Children's courts.

(c) Includes federal offences n.e.c.

3.2**FEDERAL OFFENCES - ALL COURTS(a), Selected states and territories**

<i>Federal offence group</i>	<i>NSW</i>	<i>Vic.</i>	<i>Qld</i>	<i>SA</i>	<i>WA</i>	<i>NT</i>	<i>ACT</i>
------------------------------	------------	-------------	------------	-----------	-----------	-----------	------------

NUMBER

Aviation	3	—	15	—	5	—	—
Commonwealth officials	28	3	18	—	25	—	97
Commonwealth property	19	37	44	113	21	4	10
Commonwealth sexual offences	195	104	407	13	38	11	27
Communications	1 349	978	712	29	99	4	31
Drugs	384	125	149	105	27	14	—
Financial	1 400	593	510	366	171	51	14
Fraud	9 762	9 242	8 814	3 193	4 663	425	114
Illegal fishing	18	—	12	3	—	88	—
Illegal use/importation of weapons	3	—	—	—	—	5	—
International	—	—	—	—	—	—	—
Justice offences	37	61	45	42	27	4	3
Migration and people smuggling	30	16	13	33	111	16	—
Security	12	—	7	3	8	3	11
Wildlife smuggling	8	—	—	—	29	—	—
Other(b)	763	1 331	441	251	450	52	517
Total	14 011	12 490	11 187	4 151	5 674	677	824

PROPORTION (%)

Aviation	—	—	0.1	—	0.1	—	—
Commonwealth officials	0.2	—	0.2	—	0.4	—	11.8
Commonwealth property	0.1	0.3	0.4	2.7	0.4	0.6	1.2
Commonwealth sexual offences	1.4	0.8	3.6	0.3	0.7	1.6	3.3
Communications	9.6	7.8	6.4	0.7	1.7	0.6	3.8
Drugs	2.7	1.0	1.3	2.5	0.5	2.1	—
Financial	10.0	4.7	4.6	8.8	3.0	7.5	1.7
Fraud	69.7	74.0	78.8	76.9	82.2	62.8	13.8
Illegal fishing	0.1	—	0.1	0.1	—	13.0	—
Illegal use/importation of weapons	—	—	—	—	—	0.7	—
International	—	—	—	—	—	—	—
Justice offences	0.3	0.5	0.4	1.0	0.5	0.6	0.4
Migration and people smuggling	0.2	0.1	0.1	0.8	2.0	2.4	—
Security	0.1	—	0.1	0.1	0.1	0.4	1.3
Wildlife smuggling	0.1	—	—	—	0.5	—	—
Other(b)	5.4	10.7	3.9	6.0	7.9	7.7	62.7
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Data are combined for Higher, Magistrates' and Children's courts.

(b) Includes federal offences n.e.c.

3.3**FEDERAL OFFENCES - ALL COURTS(a)(b), Method of finalisation**

<i>Federal offence group</i>	<i>Acquitted</i>	<i>Proven guilty</i>	<i>Withdrawn by prosecution</i>	<i>Other(c)</i>	<i>Total</i>
.....					
NUMBER					
Aviation	3	21	3	—	27
Commonwealth officials	18	80	53	20	171
Commonwealth property	7	159	40	42	248
Commonwealth sexual offences	21	353	182	239	795
Communications	263	2 046	767	126	3 202
Drugs	17	376	222	189	804
Financial	98	1 882	860	265	3 105
Fraud	433	30 158	5 020	602	36 213
Illegal fishing	26	85	6	—	117
Illegal use/importation of weapons	—	7	—	—	7
International	—	—	—	—	—
Justice offences	6	82	67	62	217
Migration and people smuggling	—	88	20	111	219
Security	3	26	8	8	45
Wildlife smuggling	—	34	3	—	37
Other(d)	194	2 446	987	176	3 803
Total	1 089	37 843	8 238	1 840	49 010
.....					
PROPORTION (%)					
Aviation	0.3	0.1	—	—	0.1
Commonwealth officials	1.7	0.2	0.6	1.1	0.3
Commonwealth property	0.6	0.4	0.5	2.3	0.5
Commonwealth sexual offences	1.9	0.9	2.2	13.0	1.6
Communications	24.2	5.4	9.3	6.8	6.5
Drugs	1.6	1.0	2.7	10.3	1.6
Financial	9.0	5.0	10.4	14.4	6.3
Fraud	39.8	79.7	60.9	32.7	73.9
Illegal fishing	2.4	0.2	0.1	—	0.2
Illegal use/importation of weapons	—	—	—	—	—
International	—	—	—	—	—
Justice offences	0.6	0.2	0.8	3.4	0.4
Migration and people smuggling	—	0.2	0.2	6.0	0.4
Security	0.3	0.1	0.1	0.4	0.1
Wildlife smuggling	—	0.1	—	—	0.1
Other(d)	17.8	6.5	12.0	9.6	7.8
Total	100.0	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Excludes Tasmanian federal offences.

(b) Data are combined for Higher, Magistrates' and Children's courts.

(c) Includes transfers to other courts, defendants deceased, unfit to plead, transfers to non-court agencies and other non-adjudicated finalisations n.e.c.

(d) Includes federal offences n.e.c.

3.4**FEDERAL OFFENCES PROVEN GUILTY - ALL COURTS(a)(b)(c), Sentence type****NON-CUSTODIAL ORDERS**

<i>Federal offence group</i>	<i>Custodial orders</i>	<i>Community supervision/ work orders</i>	<i>Monetary orders</i>	<i>Other non-custodial orders</i>	<i>Total(d)</i>
NUMBER					
Aviation	—	—	10	12	22
Commonwealth officials	25	3	27	43	98
Commonwealth property	118	11	13	26	168
Commonwealth sexual offences	293	54	3	105	459
Communications	503	184	510	938	2 141
Drugs	221	—	31	148	400
Financial	382	53	1 092	429	1 967
Fraud	4 503	2 155	16 793	7 540	31 249
Illegal fishing	5	—	65	15	85
Illegal use/importation of weapons	3	—	—	—	6
International	—	—	—	—	—
Justice offences	49	—	15	18	86
Migration and people smuggling	90	—	5	15	110
Security	18	—	4	6	28
Wildlife smuggling	28	—	5	3	36
Other(e)	233	14	2 049	338	2 651
Total	6 471	2 474	20 622	9 636	39 506

PROPORTION (%)

Aviation	—	—	—	0.1	0.1
Commonwealth officials	0.4	0.1	0.1	0.4	0.2
Commonwealth property	1.8	0.4	0.1	0.3	0.4
Commonwealth sexual offences	4.5	2.2	—	1.1	1.2
Communications	7.8	7.4	2.5	9.7	5.4
Drugs	3.4	—	0.2	1.5	1.0
Financial	5.9	2.1	5.3	4.5	5.0
Fraud	69.6	87.1	81.4	78.2	79.1
Illegal fishing	0.1	—	0.3	0.2	0.2
Illegal use/importation of weapons	—	—	—	—	—
International	—	—	—	—	—
Justice offences	0.8	—	0.1	0.2	0.2
Migration and people smuggling	1.4	—	—	0.2	0.3
Security	0.3	—	—	0.1	0.1
Wildlife smuggling	0.4	—	—	—	0.1
Other(e)	3.6	0.6	9.9	3.5	6.7
Total	100.0	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Excludes Tasmanian federal offences.

(b) Offences proven guilty may have resulted in more than one sentence type. In these instances an offence will be counted for each sentence type. Therefore the totals may be higher than in other tables within this publication.

(c) Data are combined for Higher, Magistrates' and Children's courts.

(d) Includes unknown sentence types.

(e) Includes federal offences n.e.c.

3.5**FEDERAL OFFENCES - HIGHER COURTS(a), Method of finalisation**

<i>Federal offence group</i>	<i>Acquitted</i>	<i>Proven guilty</i>	<i>Withdrawn by prosecution</i>	<i>Other(b)</i>	<i>Total</i>
.....					
NUMBER					
Aviation	—	—	—	—	—
Commonwealth officials	—	24	3	—	27
Commonwealth property	4	98	13	—	115
Commonwealth sexual offences	11	303	10	11	335
Communications	12	124	63	6	205
Drugs	8	216	48	7	279
Financial	63	236	259	12	570
Fraud	22	817	44	38	921
Illegal fishing	—	3	3	—	6
Illegal use/importation of weapons	—	—	—	—	—
International	—	—	—	—	—
Justice offences	—	54	11	3	68
Migration and people smuggling	—	28	—	—	28
Security	3	16	3	—	22
Wildlife smuggling	—	3	—	—	3
Other(c)	—	100	7	—	107
Total	123	2 022	464	77	2 686
.....					
PROPORTION (%)					
Aviation	—	—	—	—	—
Commonwealth officials	—	1.2	0.6	—	1.0
Commonwealth property	3.3	4.8	2.8	—	4.3
Commonwealth sexual offences	8.9	15.0	2.2	14.3	12.5
Communications	9.8	6.1	13.6	7.8	7.6
Drugs	6.5	10.7	10.3	9.1	10.4
Financial	51.2	11.7	55.8	15.6	21.2
Fraud	17.9	40.4	9.5	49.4	34.3
Illegal fishing	—	0.1	0.6	—	0.2
Illegal use/importation of weapons	—	—	—	—	—
International	—	—	—	—	—
Justice offences	—	2.7	2.4	3.9	2.5
Migration and people smuggling	—	1.4	—	—	1.0
Security	2.4	0.8	0.6	—	0.8
Wildlife smuggling	—	0.1	—	—	0.1
Other(c)	—	4.9	1.5	—	4.0
Total	100.0	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Excludes Tasmanian federal offences.

(b) Includes transfers to other courts, defendants deceased, unfit to plead, transfers to non-court agencies and other non-adjudicated finalisations n.e.c.

(c) Includes federal offences n.e.c.

3.6**FEDERAL OFFENCES PROVEN GUILTY - HIGHER COURTS(a)(b), Sentence type**

<i>Federal offence group</i>	<i>Custodial orders</i>	<i>Non-custodial orders</i>	<i>Total</i>
.....			
NUMBER			
Aviation	—	—	—
Commonwealth officials	13	12	25
Commonwealth property	96	5	101
Commonwealth sexual offences	266	141	407
Communications	102	28	130
Drugs	213	25	238
Financial	186	67	253
Fraud	605	264	869
Illegal fishing	—	3	3
Illegal use/importation of weapons	3	—	3
International	—	—	—
Justice offences	42	15	57
Migration and people smuggling	48	—	48
Security	16	—	16
Wildlife smuggling	3	—	3
Other(c)	87	27	114
Total	1 680	587	2 267

.....			
PROPORTION (%)			
Aviation	—	—	—
Commonwealth officials	0.8	2.0	1.1
Commonwealth property	5.7	0.9	4.5
Commonwealth sexual offences	15.8	24.0	18.0
Communications	6.1	4.8	5.7
Drugs	12.7	4.3	10.5
Financial	11.1	11.4	11.2
Fraud	36.0	45.0	38.3
Illegal fishing	—	0.5	0.1
Illegal use/importation of weapons	0.2	—	0.1
International	—	—	—
Justice offences	2.5	2.6	2.5
Migration and people smuggling	2.9	—	2.1
Security	1.0	—	0.7
Wildlife smuggling	0.2	—	0.1
Other(c)	5.2	4.6	5.0
Total	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Excludes Tasmanian federal offences.

(b) Offences proven guilty may have resulted in more than one sentence type. In these instances an offence will be counted for each sentence type. Therefore the totals may be higher than in other tables within this publication.

(c) Includes federal offences n.e.c.

3.7 FEDERAL OFFENCES - MAGISTRATES' & CHILDREN'S COURTS(a), Method of finalisation

<i>Federal offence group</i>	<i>Acquitted</i>	<i>Proven guilty</i>	<i>Withdrawn by prosecution</i>	<i>Other(b)</i>	<i>Total</i>
NUMBER					
Aviation	3	21	3	—	27
Commonwealth officials	18	56	52	20	146
Commonwealth property	3	61	27	42	133
Commonwealth sexual offences	10	50	172	228	460
Communications	251	1 922	704	120	2 997
Drugs	9	160	174	182	525
Financial	35	1 646	601	253	2 535
Fraud	411	29 341	4 976	564	35 292
Illegal fishing	26	83	4	—	113
Illegal use/importation of weapons	—	5	—	—	5
International	—	—	—	—	—
Justice offences	6	28	56	60	150
Migration and people smuggling	—	60	20	111	191
Security	—	10	5	8	23
Wildlife smuggling	—	32	3	—	35
Other(c)	192	2 346	980	173	3 691
Total	964	35 821	7 777	1 761	46 323
PROPORTION (%)					
Aviation	0.3	0.1	—	—	0.1
Commonwealth officials	1.9	0.2	0.7	1.1	0.3
Commonwealth property	0.3	0.2	0.3	2.4	0.3
Commonwealth sexual offences	1.0	0.1	2.2	12.9	1.0
Communications	26.0	5.4	9.1	6.8	6.5
Drugs	0.9	0.4	2.2	10.3	1.1
Financial	3.6	4.6	7.7	14.4	5.5
Fraud	42.6	81.9	64.0	32.0	76.2
Illegal fishing	2.7	0.2	0.1	—	0.2
Illegal use/importation of weapons	—	—	—	—	—
International	—	—	—	—	—
Justice offences	0.6	0.1	0.7	3.4	0.3
Migration and people smuggling	—	0.2	0.3	6.3	0.4
Security	—	—	0.1	0.5	—
Wildlife smuggling	—	0.1	—	—	0.1
Other(c)	19.9	6.5	12.6	9.8	8.0
Total	100.0	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) Excludes Tasmanian federal offences.

(b) Includes transfers to other courts, defendants deceased, unfit to plead, transfers to non-court agencies and other non-adjudicated finalisations n.e.c.

(c) Includes federal offences n.e.c.

3.8 FEDERAL OFFENCES PROVEN GUILTY - MAGISTRATES' & CHILDREN'S COURTS(a)(b), Sentence type

NON-CUSTODIAL ORDERS

<i>Federal offence group</i>	<i>Custodial orders</i>	<i>Community supervision/ work orders</i>	<i>Monetary orders</i>	<i>Other non-custodial orders</i>	<i>Total(c)</i>
NUMBER					
Aviation	—	—	10	12	22
Commonwealth officials	12	—	27	33	72
Commonwealth property	22	11	12	22	67
Commonwealth sexual offences	27	7	—	12	50
Communications	401	176	508	920	2 011
Drugs	8	—	29	125	162
Financial	196	49	1 074	384	1 714
Fraud	3 898	2 139	16 683	7 402	30 380
Illegal fishing	5	—	63	15	83
Illegal use/importation of weapons	—	—	—	3	3
International	—	—	—	—	—
Justice offences	7	3	9	9	32
Migration and people smuggling	42	—	5	14	61
Security	3	—	4	6	13
Wildlife smuggling	25	—	5	3	33
Other(d)	146	13	2 046	315	2 537
Total	4 792	2 398	20 475	9 275	37 240

PROPORTION (%)

Aviation	—	—	—	0.1	0.1
Commonwealth officials	0.3	—	0.1	0.4	0.2
Commonwealth property	0.5	0.5	0.1	0.2	0.2
Commonwealth sexual offences	0.6	0.3	—	0.1	0.1
Communications	8.4	7.3	2.5	9.9	5.4
Drugs	0.2	—	0.1	1.3	0.4
Financial	4.1	2.0	5.2	4.1	4.6
Fraud	81.3	89.2	81.5	79.8	81.6
Illegal fishing	0.1	—	0.3	0.2	0.2
Illegal use/importation of weapons	—	—	—	—	—
International	—	—	—	—	—
Justice offences	0.1	0.1	—	0.1	0.1
Migration and people smuggling	0.9	—	—	0.2	0.2
Security	0.1	—	—	0.1	—
Wildlife smuggling	0.5	—	—	—	0.1
Other(d)	3.0	0.5	10.0	3.4	6.8
Total	100.0	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(c) Includes unknown sentence types.

(a) Excludes Tasmanian federal offences.

(d) Includes federal offences n.e.c.

(b) Offences proven guilty may have resulted in more than one sentence type. In these instances an offence will be counted for each sentence type. Therefore the totals may be higher than in other tables within this publication.

EXPLANATORY NOTES

INTRODUCTION	<p>1 This publication presents information on the characteristics of federal defendants dealt with by Australian state and territory criminal courts. This includes information on the offences and sentences associated with those defendants.</p> <p>2 The information relates to the criminal jurisdiction of the Higher (Supreme and Intermediate), Magistrates' and Children's Courts in each state and territory. The criminal jurisdiction of the courts includes the trial and sentencing of persons and organisations charged with criminal offences in Australia.</p> <p>3 Federal defendants are a subset of all criminal courts defendants. Information relating to all defendants finalised in the criminal courts is available in the publication <i>Criminal Courts, Australia</i> (cat. no. 4513.0).</p>
DATA SOURCE	<p>4 These statistics are derived from data about each federal defendant provided to the ABS by the state and territory agencies responsible for courts administration. The ABS receives data directly from these agencies in all states and territories except for Queensland (where data are supplied via the Office of Economic and Statistical Research), and New South Wales (where data are supplied via the Bureau of Crime Statistics and Research). Data for Tasmania are not available for this publication.</p> <p>5 In order to ensure consistency between the states and territories, the statistics have been compiled according to national standards and classifications. Standardisation of data requires the states and territories to provide data coded according to national classifications and standards.</p>
SCOPE	<p>6 The scope of the statistics in this publication includes all defendants with at least one Commonwealth legislative offence that has been finalised in the Higher, Magistrates' or Children's Courts. Defendants with charges against both Commonwealth legislation and State and Territory legislation are still within scope of the collection, however only federal offences are counted for the purposes of this publication.</p> <p>7 The federal defendants collection is limited to defendants finalised, that is a person or organisation for whom all charges have been formally completed so that the defendant ceases to be an item of work to be dealt with by the court.</p> <p>8 The geographic definition of Australia, as used by the ABS, includes 'Other Territories'. However, these territories are generally out of scope for ABS collections. For the federal defendants data, defendant cases heard in the criminal courts on Cocos (Keeling) Islands and Christmas Island are included in the counts for Western Australia, where applicable. Defendants finalised in Jervis Bay Territory are not included in any counts in this publication.</p>
Higher Courts	<p>9 Data includes defendants finalised in the original jurisdiction of the Supreme and Intermediate Criminal Courts. Children treated as adults by the courts are included in the Higher Courts collection.</p>
Magistrates' Courts	<p>10 Data includes defendants finalised in the original jurisdiction of the Magistrates' Criminal Courts. Children treated as adults by the courts are included in the Magistrates' Courts collection.</p>

Magistrates' Courts continued

11 Data for New South Wales Magistrates' Courts are based on finalised defendants from 2009–10, resulting in slightly lower populations counts to previous years. Prior to this reference period, data for New South Wales Magistrates' Courts were based on finalised appearances. Where charges were finalised at different court appearances in the same case for a defendant in New South Wales, these were counted as finalised defendants at each appearance rather than being aggregated as a single finalised defendant at the latest charge finalisation date.

Children's Courts

12 Data includes defendants finalised in the original jurisdiction of the Children's Criminal Courts. Prior to 2009–10, data for New South Wales Children's Courts were based on finalised appearances (as described in Magistrates' Courts above).

13 In all states and territories, children aged under 10 years cannot be charged with a criminal offence. The maximum age that defendants are considered a child or juvenile is under the age of 18 years in all states and territories, except Queensland. In Queensland, defendants are considered adults if aged 17 years and over at the time the offence was committed.

Exclusions

14 The Higher, Magistrates' and Children's Courts data exclude cases heard in the criminal jurisdiction of the courts which do not require the adjudication of charges (e.g. bail reviews and applications to amend sentences or penalties). Also excluded are breach of bail or parole cases, appeal cases, tribunal matters and defendants for whom a bench warrant is issued but not executed.

15 The Magistrates' and Children's Courts data exclude finalisations in specialist courts, such as Drug Courts, Electronic Courts, Fine Recovery Units, Family Violence Courts and Indigenous Courts. Defendants referred to these specialist courts from mainstream courts will be included in the mainstream Court data as transfers, etc.

16 The Australian Road Rules are maintained by the National Transport Commission but only apply if they are adopted in each state and territory through local legislation. In the Northern Territory, offences against the Australian Road Rules are identified as federal offences. To ensure consistency across all states and territories, the Australian Road Rules, and their state/territory enacting legislation, were excluded from the scope of the federal defendants collection.

REFERENCE PERIOD

17 The statistics in this collection relate to federal defendants who had criminal cases finalised within the Higher, Magistrates' and Children's Courts during the reference period 1 July 2009 to 30 June 2010.

CLASSIFICATIONS

18 The national classifications used to collect and produce data on federal defendants are:

- Australian Standard Offence Classification (ASOC) 2008 (refer to Appendix 2);
- Method of finalisation (refer to Appendix 1); and
- Sentence type (refer to Appendix 3).

19 The classifications provide a framework for classifying criminal court information for statistical purposes, promoting data that are compiled on a consistent basis across states and territories. The classifications have a hierarchical structure and therefore allow for different levels of detail to be recorded depending on the level of detail in the source information. Associated with each classification are coding rules which ensure that the counting of information is consistent across states and territories.

Australian Standard Offence Classification (ASOC)

20 The offence categories used for 2009–10 federal defendants statistics in this publication are classified to the *Australian Standard Offence Classification (ASOC), 2008 (Second edition)* (cat. no. 1234.0). ASOC, first released in 1997, provides a national framework for classifying offences for statistical purposes. In 2008 the ABS released the second edition of ASOC, which reflects changes that have occurred in criminal legislation

*Australian Standard Offence
Classification (ASOC) continued*

since the first edition was released, as well as satisfying emerging user requirements for offence data.

National Offence Index (NOI)

21 The National Offence Index (NOI) is a ranking of all ASOC Groups and supplementary ASOC codes (ASOC Divisions and/or ASOC Subdivisions). This ranking is based on the concept of seriousness of offence, with a ranking of 1 relating to the ASOC code containing the most serious offence.

22 The NOI was revised in 2009 to accommodate the changes made to the ASOC, and supercedes the first version of NOI which was released in 2002. Principal federal offence information in this publication, are based on the 2009 edition of the NOI.

23 The assumptions and rules underpinning the NOI, in particular defining 'offence seriousness' and the impact of this definition on the ranking of offences, need to be considered when using the principal federal offence data in this publication. However, it is important to note that these technical issues are only of practical significance where a choice must be made between output categories. For example, although some sexual assault and related offences are ranked ahead of illicit drug and related offences, they are unlikely to co-occur. For more information see *National Offence Index, 2009*, cat. no. 1234.0.55.001.

Method of Finalisation

24 This classification categorises how an offence and defendant has been finalised by a court. Main categories include adjudications, non-adjudications and transfers. For more information see Appendix 1 and paragraph 30.

Sentence Type

25 This classification is used to assign a sentence to offences that are proven guilty. It is also used to determine a principal sentence for a defendant who has been proven guilty. For more information see Appendix 3 and paragraphs 42–45.

Federal Offence Group

26 The Federal Offence Group classifies the various Commonwealth Acts and Sections into broad categories or themes by the type of legislation. For more information see Appendix 4.

COUNTING METHODOLOGY

Finalised defendant

27 The principal counting unit for the federal defendants collection is a finalised defendant. A defendant is a person or organisation against whom one or more criminal charges have been laid and which are heard together as the one unit of work by a court at a particular level. It should be noted that the collection does not enumerate unique persons or organisations. If a person or organisation is a defendant in a number of criminal cases dealt with and finalised separately within the courts during the reference period, this person or organisation will be counted more than once within that reference period.

28 This counting unit is based on the principal counting unit in the Criminal Courts collection. However, in the Criminal Courts collection, a further step is taken when a defendant has more than one case in the reference period. When this occurs a defendant is created as follows:

Merging Defendant Records – If the Defendant has more than one case which is finalised on the same day and at the same hearing, this should be counted as one defendant case, irrespective of the dates of initiation.

29 As the information provided for the federal defendants collection does not allow for this final merging step to be undertaken, the defendant counts may be higher than the counts for federal defendants in the Criminal Courts collection.

METHOD OF FINALISATION

Finalised defendant continued

30 Method of finalisation describes how a criminal charge is concluded by a criminal court level. For the purposes of the federal defendants collection, one method of finalisation is applied to each offence and each defendant within the Higher, Magistrates' and Children's Courts.

TRANSFER BETWEEN HIGHER COURT LEVELS

31 Defendants who transfer from one Higher Court level to another Higher Court level are considered as initiated only once (in the level they first entered) and finalised only once (from the level they finally left).

TRANSFER BETWEEN MAGISTRATES' AND HIGHER COURT LEVELS

32 Defendants who transfer from the Magistrates' Court level to the Higher Court level (or vice versa) are considered as initiated twice (once in each of these levels) and finalised twice (once in each level). Defendants may have some charges finalised in the Magistrates' Courts whilst other charges are committed to the Higher Courts.

TRANSFERS BETWEEN THE CHILDREN'S COURTS AND THE MAGISTRATES' OR HIGHER COURTS

33 Defendants who transfer between the Children's Courts and the Magistrates' or Higher Courts (or vice versa) are considered to be initiated twice (once in each court level) and finalised twice (once in each court level).

HIGHER COURTS

34 Where a defendant finalised in a Higher Court has multiple charges and these have different methods of finalisation, the defendant method of finalisation code is determined by the following order of precedence:

- defendant deceased
- unfit to plead
- not guilty by reason of mental illness/condition
- guilty finding by court
- charge proven n.f.d.
- guilty plea by defendant
- acquitted by court
- charge unproven n.f.d.
- charge unproven n.e.c.
- transfer from a Higher Court to a Magistrates' Court
- other transfer between court levels n.e.c.
- transfer to non-court agency
- withdrawn by the prosecution
- other non-adjudicated finalisation n.e.c.
- unknown/not stated.

MAGISTRATES' COURTS

35 Where a defendant finalised in a Magistrates' Court has multiple charges and these have different methods of finalisation, the defendant method of finalisation code is determined by the following order of precedence:

- defendant deceased
- unfit to plead
- not guilty by reason of mental illness/condition
- guilty finding by court
- charge proven n.f.d.
- guilty plea by defendant
- guilty ex-parte
- acquitted by court
- charge unproven n.f.d.

Finalised defendant continued

- no case to answer at committal
- charge unproven n.e.c.
- committed for trial
- transfer from a Magistrates' Court to a Higher Court n.f.d.
- committed for sentence
- transfer from a Magistrates' Court to a Higher Court n.e.c.
- other transfer between court levels n.e.c.
- transfer to non-court agency
- withdrawn by the prosecution
- other non-adjudicated finalisation n.e.c.
- unknown/not stated.

CHILDREN'S COURTS

36 Where a defendant finalised in a Children's Court has multiple charges and these have different methods of finalisation, the defendant method of finalisation code is determined by the following order of precedence:

- defendant deceased
- unfit to plead
- not guilty by reason of mental illness/condition
- guilty finding by court
- charge proven n.f.d.
- guilty plea by defendant
- guilty ex-parte
- acquitted by court
- charge unproven n.f.d.
- no case to answer at committal
- charge unproven n.e.c.
- committed for trial
- transfer from a Children's Court to a Higher court n.f.d.
- committed for sentence
- transfer from a Children's Court to a Higher court n.e.c.
- transfer from a Children's Court to a Magistrates' Court
- other transfer between court levels n.e.c.
- transfer to non-court agency
- withdrawn by the prosecution
- other non-adjudicated finalisation n.e.c.
- unknown/not stated.

PRINCIPAL FEDERAL OFFENCE

37 Where a finalised defendant has multiple charges the principal federal offence is determined by:

- the type of finalisation and/or
- the highest ranked ASOC using the NOI.

38 The type of finalisation is considered in the following order:

- defendant deceased, unfit to plead, or not guilty by reason of mental illness
- charges proven
- charges not proven
- transfer of charges
- charges withdrawn
- other non-adjudicated finalisation
- unknown/not stated.

Finalised defendant continued

39 Where a defendant has a single charge within the type of finalisation (e.g. charges proven, charges not proven, transfer of charges etc.), the principal federal offence is the relevant ASOC code (refer to paragraph 20) associated with that charge.

40 Where a defendant has multiple charges, each with the same type of finalisation, for example, the defendant has been found guilty of all charges, the NOI is used to determine the principal federal offence. The principal federal offence is determined as the charge with the highest ranked ASOC Group in the NOI. Where the defendant has an offence that is unable to be determined via the NOI (due to missing offence information or the offence is mapped to an ASOC code that is not included in the NOI), and this offence cannot be determined as more or less serious than another offence within the same type of finalisation, the principal federal offence is coded to 'not able to be determined'. For more information about the NOI refer to paragraphs 21–23.

41 There is presently no similar hierarchy for classification of the detailed Act and Section level information from which the federal offence types are derived. As such, whilst defendant level information in this publication can be presented broken down by ASOC, there is no means of representing defendants by a single federal category type. Therefore, data presented by federal offence group are only available at the offence level.

PRINCIPAL SENTENCE

42 Federal defendants who are proven guilty have sentence information reported against them at the offence level. This enables the presentation of two views of sentencing data: the sentence for an offence and the principal sentence for the defendant.

43 A defendant can receive a single sentence for a single offence proven guilty, a single sentence for multiple offences proven guilty, multiple sentences for multiple offences proven guilty and/or multiple sentences assigned to the one offence proven guilty. Where a defendant has multiple sentences, the principal sentence is selected by applying the hierarchy of the Sentence Type Classification (see Appendix 3). This is usually, though not necessarily, the sentence associated with the principal federal offence.

44 It should be noted that not all sentence types are available to magistrates and judges in all jurisdictions. For example, in the Higher Courts, all states and territories with the exception of Western Australia have provision for the use of partially suspended imprisonment sentences. Whether a sentencing option is available in a particular state/territory and court level should be considered when making comparisons.

45 Defendants with a method of finalisation of 'not guilty by reason of mental illness/condition' (an acquitted outcome) may have a specific kind of sentence or order imposed on them by the court. However, these sentences are not within the scope of this collection as the definition of principal sentence, for the purpose of this collection, is that it only applies to defendants with a method of finalisation of proven guilty.

Offence

OFFENCES

46 The secondary counting unit for the federal defendants collection is the offence. Rather than apply an order of precedence to the offences for each defendant case to enable the defendant to be represented by one principal federal offence (as in Chapter 2), the federal defendants collection allows for the counting of all offences finalised. These counts are presented in both Chapters 2 and 3. The count of offences will be the same or higher than the count for defendants.

OFFENCE SENTENCES

47 The third counting unit for the federal defendants collection is offence sentences. This is an extension of the offence counting unit for offences that are proven guilty. A proven guilty offence may have more than one sentence type. When this occurs the offence will be counted for each sentence type handed down.

STATE / TERRITORY SPECIFIC
ISSUES

48 Both Victoria and the Australian Capital Territory have a high proportion of defendants with a principal federal offence of traffic offences: 22% and 45% respectively. In Victoria this is due to the way parking offences at Tullamarine airport are handled - these are charged under the *Aviation Transport Security Regulations 2005* rather than under state legislation. In the Australian Capital Territory this is due to parking offences charged under the *Australian National University Parking and Traffic Statute 2007*.

49 The majority of records in the Northern Territory data for the Magistrates' and Children's Courts related to the Australian Road Rules. The Northern Territory identify offences under this legislation as federal whereas the other jurisdictions apply this through their state legislation. The Australian Road Rules are not Commonwealth legislation in their own right, and exist as guidelines for the enacting of State and Territory legislation only. To ensure national comparability these offences have been deemed out of scope of the federal defendants collection. In the Criminal Courts collection federal defendants are identified by a flag only (i.e. no detail of the particular legislation is provided) and therefore records associated with the Australian Road Rules cannot be separately identified and excluded.

COMPARISONS TO OTHER
ABS DATA*Criminal Courts Collection*

50 Federal defendants are a subset of all criminal courts defendants. Information relating to all defendants finalised in the criminal courts is available in the publication *Criminal Courts, Australia* (cat. no. 4513.0). However, as a federal defendant may also be charged with state or territory offences, the difference between all finalised defendants in the criminal courts and finalised federal defendants does not equal the count of defendants charged with state or territory offences.

COMPARISONS TO NON-ABS
SOURCES

51 Due to differing scope and counting rules the data in this publication may not be comparable to data published in other national and state/territory publications.

CONFIDENTIALITY OF
TABULAR DATA

52 Table cells containing small values have been randomly adjusted to avoid releasing confidential information. Due to this randomisation process, totals may vary slightly across tables.

RELATED PUBLICATIONS

ABS publications

53 ABS publications which may be of interest include:

- Australian Social Trends* (cat. no. 4102.0) – issued quarterly
- Australian Standard Offence Classification* (cat. no. 1234.0) – irregular
- Corrective Services, Australia* (cat. no. 4512.0) – issued quarterly
- Crime Victimisation, Australia* (cat. no. 4530.0) – issued annually
- Crime and Safety, New South Wales* (cat. no. 4509.1) – irregular
- Criminal Courts, Australia* (cat. no. 4513.0) – issued annually
- General Social Survey: Summary Results, Australia* (cat. no. 4159.0) – irregular
- Information Paper: Measuring Crime Victimisation, Australia: The Impact of Different Collection Methodologies* (cat. no. 4522.0.55.001) – single issue
- Information Paper: National Information Development Plan for Crime and Justice Statistics 2005* (cat. no. 4520.0) – single issue
- Measures of Australia's Progress* (cat. no. 1370.0) – released 15 Sept 2010
- Measuring Well-being: Frameworks for Australian Social Statistics* (cat. no. 4160.0) – irregular
- National Criminal Courts Data Dictionary* (cat. no. 4527.0) – single issue
- Personal Safety Survey, Australia* (cat. no. 4906.0) – irregular
- Prisoners in Australia* (cat. no. 4517.0) – issued annually
- Recorded Crime – Offenders, Australia* (cat. no. 4519.0) – issued annually
- Recorded Crime – Victims, Australia* (cat. no. 4510.0) – issued annually
- Year Book Australia* (cat. no. 1301.0) – irregular

54 Current publications and other products released by the ABS are listed on the ABS website. The ABS also issues a daily Release Advice on the website which details products

ABS publications continued

to be released in the week ahead. The National Centre for Crime and Justice Statistics (NCCJS) releases a newsletter titled *Crime and Justice News* (cat. no. 4500.0) that is published on the ABS website, and emailed to subscribers of the NCCJS electronic mailing list. The NCCJS can be contacted by email through <crime.justice@abs.gov.au>.

Non-ABS publications

55 Non-ABS sources of criminal court statistics which may be of interest include:

ACT Department of Justice and Community Safety, Annual Report
Australian Institute of Criminology, List of Publications
Children's Court, Queensland, Annual Report
Children's Court of Victoria, Annual Report
Commonwealth Director of Public Prosecutions, Annual Report
County Court of Victoria, Annual Report
Courts Administration Authority, South Australia, Annual Report
Crime Research Centre, University of Western Australia, Crime and Justice Statistics for Western Australia
Department of Justice, Northern Territory, Annual Report
Department of Justice, Victoria, Annual Report
Department of the Attorney General, Western Australia, Annual Report
Department of Justice and Attorney-General, Queensland, Annual Report
Department of Justice, Tasmania, Annual Report
Director of Public Prosecutions – States and Territories, Annual Report
District Court of Queensland, Annual Report
District Court of Western Australia, Annual Report
Local Court of New South Wales, Annual Review
Magistrates' Court, Queensland, Annual Report
Magistrates' Court of Tasmania, Annual Report
Magistrates' Court of Victoria, Annual Report
NSW Bureau of Crime Statistics and Research, New South Wales Criminal Courts Statistics
Office of Crime Statistics and Research, South Australia, Publications and Statistics
Office of Economic and Statistical Research, Crime and Justice Statistics Queensland
Productivity Commission, Report on Government Services
Supreme Court of Queensland, Annual Report
Supreme Court of Victoria, Annual Report
Supreme Court of Tasmania, Annual Report
Supreme Court of Western Australia, Annual Report

<i>Code</i>	<i>Division/Subdivision/Item</i>
1	Adjudicated finalisation
11	Charge proven n.f.d.
111	Guilty finding by court
112	Guilty plea by defendant
113	Guilty ex-parte
12	Charge unproven n.f.d.
121	Acquitted by court
122	Not guilty by reason of mental illness/condition
123	No case to answer at committal
129	Charge unproven n.e.c.
2	Finalisation by transfer between court levels
21	Transfer from a Magistrates'/Children's Court to a higher Court
211	Committed for trial
212	Committed for sentence
219	Transfer from a Magistrates'/Children's Court to a higher Court n.e.c.
22	Transfer from a higher Court to a Magistrates' Court
23	Transfer from an intermediate court to a Supreme Court n.f.d
231	Transfer from an intermediate court to a Supreme Court for trial
232	Transfer from an intermediate court to a Supreme Court for sentence
24	Transfer from a Supreme Court to an intermediate court n.f.d
241	Transfer from a Supreme Court to an intermediate court for trial
242	Transfer from a Supreme Court to an intermediate court for sentence
25	Transfer from a Children's Court to a Magistrates' Court
29	Other transfers between courts n.e.c.
3	Non-adjudicated finalisation
31	Defendant deceased
33	Unfit to plead
34	Withdrawn by the prosecution
35	Transfer to non-court agency
39	Other non-adjudicated finalisation
9	Method of finalisation unknown/not stated

APPENDIX 2

AUSTRALIAN STANDARD OFFENCE CLASSIFICATION

Code	Division/Subdivision/Group
01	Homicide and related offences
011	Murder
0111	Murder
012	Attempted murder
0121	Attempted murder
013	Manslaughter and driving causing death
0131	Manslaughter
0132	Driving causing death
02	Acts intended to cause injury
021	Assault
0211	Serious assault resulting in injury
0212	Serious assault not resulting in injury
0213	Common assault
029	Other acts intended to cause injury
0291	Stalking
0299	Other acts intended to cause injury, nec
03	Sexual assault and related offences
031	Sexual assault
0311	Aggravated sexual assault
0312	Non-aggravated sexual assault
032	Non-assaultive sexual offences
0321	Non-assaultive sexual offences against a child
0322	Child pornography offences
0323	Sexual servitude offences
0329	Non-assaultive sexual offences, nec
04	Dangerous or negligent acts endangering persons
041	Dangerous or negligent operation of a vehicle
0411	Driving under the influence of alcohol or other substance
0412	Dangerous or negligent operation (driving) of a vehicle
049	Other dangerous or negligent acts endangering persons
0491	Neglect or ill-treatment of persons under care
0499	Other dangerous or negligent acts endangering persons, nec
05	Abduction, harassment and other offences against the person
051	Abduction and kidnapping
0511	Abduction and kidnapping
052	Deprivation of liberty/false imprisonment
0521	Deprivation of liberty/false imprisonment
053	Harassment and threatening behaviour
0531	Harassment and private nuisance
0532	Threatening behaviour
06	Robbery, extortion and related offences
061	Robbery
0611	Aggravated robbery
0612	Non-aggravated robbery
062	Blackmail and extortion
0621	Blackmail and extortion
07	Unlawful entry with intent/burglary, break and enter
071	Unlawful entry with intent/burglary, break and enter
0711	Unlawful entry with intent/burglary, break and enter

- 08 Theft and related offences
- 081 Motor vehicle theft and related offences
 - 0811 Theft of a motor vehicle
 - 0812 Illegal use of a motor vehicle
 - 0813 Theft of motor vehicle parts or contents
 - 082 Theft (except motor vehicles)
 - 0821 Theft from a person (excluding by force)
 - 0822 Theft of intellectual property
 - 0823 Theft from retail premises
 - 0829 Theft (except motor vehicles), nec
 - 083 Receive or handle proceeds of crime
 - 0831 Receive or handle proceeds of crime
 - 084 Illegal use of property (except motor vehicles)
 - 0841 Illegal use of property (except motor vehicles)
- 09 Fraud, deception and related offences
- 091 Obtain benefit by deception
 - 0911 Obtain benefit by deception
 - 092 Forgery and counterfeiting
 - 0921 Counterfeiting of currency
 - 0922 Forgery of documents
 - 0923 Possess equipment to make false/illegal instrument
 - 093 Deceptive business/government practices
 - 0931 Fraudulent trade practices
 - 0932 Misrepresentation of professional status
 - 0933 Illegal non-fraudulent trade practices
 - 099 Other fraud and deception offences
 - 0991 Dishonest conversion
 - 0999 Other fraud and deception offences, nec
- 10 Illicit drug offences
- 101 Import or export illicit drugs
 - 1011 Import illicit drugs
 - 1012 Export illicit drugs
 - 102 Deal or traffic in illicit drugs
 - 1021 Deal or traffic in illicit drugs - commercial quantity
 - 1022 Deal or traffic in illicit drugs - non-commercial quantity
 - 103 Manufacture or cultivate illicit drugs
 - 1031 Manufacture illicit drugs
 - 1032 Cultivate illicit drugs
 - 104 Possess and/or use illicit drugs
 - 1041 Possess illicit drugs
 - 1042 Use illicit drugs
 - 109 Other illicit drug offences
 - 1099 Other illicit drug offences, nec
- 11 Prohibited and regulated weapons and explosives offences
- 111 Prohibited weapons/explosives offences
 - 1111 Import or export prohibited weapons/explosives
 - 1112 Sell, possess and/or use prohibited weapons/explosives
 - 1119 Prohibited weapons/explosives offences, nec
 - 112 Regulated weapons/explosives offences
 - 1121 Unlawfully obtain or possess regulated weapons/explosives
 - 1122 Misuse of regulated weapons/explosives
 - 1123 Deal or traffic regulated weapons/explosives offences
 - 1129 Regulated weapons/explosives offences, nec
- 12 Property damage and environmental pollution
- 121 Property damage
 - 1211 Property damage by fire or explosion
 - 1212 Graffiti
 - 1219 Property damage, nec

- 12 Property damage and environmental pollution *cont.*
- 122 Environmental pollution
- 1221 Air pollution offences
- 1222 Water pollution offences
- 1223 Noise pollution offences
- 1224 Soil pollution offences
- 1229 Environmental pollution, nec
- 13 Public order offences
- 131 Disorderly conduct
- 1311 Trespass
- 1312 Criminal intent
- 1313 Riot and affray
- 1319 Disorderly conduct, nec
- 132 Regulated public order offences
- 1321 Betting and gambling offences
- 1322 Liquor and tobacco offences
- 1323 Censorship offences
- 1324 Prostitution offences
- 1325 Offences against public order sexual standards
- 1326 Consumption of legal substances in regulated spaces
- 1329 Regulated public order offences, nec
- 133 Offensive conduct
- 1331 Offensive language
- 1332 Offensive behaviour
- 1333 Vilify or incite hatred on racial, cultural, religious or ethnic grounds
- 1334 Cruelty to animals
- 14 Traffic and vehicle regulatory offences
- 141 Driver Licence offences
- 1411 Drive while licence disqualified or suspended
- 1412 Drive without a licence
- 1419 Driver licence offences, nec
- 142 Vehicle registration and roadworthiness offences
- 1421 Registration offences
- 1422 Roadworthiness offences
- 143 Regulatory driving offences
- 1431 Exceed the prescribed content of alcohol or other substance limit
- 1432 Exceed the legal speed limit
- 1433 Parking offences
- 1439 Regulatory driving offences, nec
- 144 Pedestrian offences
- 1441 Pedestrian offences
- 15 Offences against justice procedures, government security and government operations
- 151 Breach of custodial order offences
- 1511 Escape custody offences
- 1512 Breach of home detention
- 1513 Breach of suspended sentence
- 152 Breach of community-based orders
- 1521 Breach of community service order
- 1522 Breach of parole
- 1523 Breach of bail
- 1524 Breach of bond - probation
- 1525 Breach of bond - other
- 1529 Breach of community-based order, nec
- 153 Breach of violence and non-violence orders
- 1531 Breach of violence order
- 1532 Breach of non-violence order
- 154 Offences against government operations
- 1541 Resist or hinder government official (excluding police officer, justice official or government security officer)
- 1542 Bribery involving government officials
- 1543 Immigration offences
- 1549 Offences against government operations, nec

15 Offences against justice procedures, government security and government operations *cont.*

155 Offences against government security

1551 Resist or hinder government officer concerned with government security

1559 Offences against government security, nec

156 Offences against justice procedures

1561 Subvert the course of justice

1562 Resist or hinder police officer or justice official

1563 Prison regulation offences

1569 Offences against justice procedures, nec

16 Miscellaneous offences

161 Defamation, libel and privacy offences

1611 Defamation and libel

1612 Offences against privacy

162 Public health and safety offences

1621 Sanitation offences

1622 Disease prevention offences

1623 Occupational health and safety offences

1624 Transport regulation offences

1625 Dangerous substances offences

1626 Licit drug offences

1629 Public health and safety offences, nec

163 Commercial/industry/financial regulation

1631 Commercial/industry/financial regulation

169 Other miscellaneous offences

1691 Environmental regulation offences

1692 Bribery excluding government officials

1693 Quarantine offences

1694 Import/export regulations

1695 Procure or commit illegal abortion

1699 Other miscellaneous offences, nec

<i>Code</i>	<i>Division/Subdivision/Item</i>
1000	Custodial orders n.f.d.
1100	Custody in a correctional institution n.f.d.
1110	Life and indeterminate imprisonment
1120	Imprisonment n.f.d.
1121	Imprisonment with determined term
1122	Imprisonment with partially suspended term
1130	Periodic detention
1140	Juvenile detention n.f.d.
1141	Juvenile detention with determined term
1142	Juvenile detention with partially suspended term
1200	Custody in the community n.f.d.
1210	Intensive corrections order
1220	Home detention
1290	Other custody in the community n.e.c.
1300	Fully suspended sentence n.f.d.
1310	Fully suspended adult sentence
1320	Suspended juvenile sentence
2000	Non-custodial orders n.f.d.
2100	Community supervision or work orders n.f.d.
2110	Community service orders
2120	Probation orders
2130	Treatment orders
2140	Referral to conference
2200	Monetary orders n.f.d.
2210	Fine
2220	Orders as recompense to victim
2290	Other monetary orders n.e.c.
2900	Other non-custodial orders n.f.d.
2910	Good behaviour bond/recognition orders
2920	Licence disqualification/suspension/amendment
2930	Forfeiture of property order
2940	Nominal penalty
2990	Other non-custodial orders n.e.c.
9000	Sentence type unknown/not stated

*Federal offence group***Aviation***Act & Section by ASOC Division***Aviation Transport Security Regulations 2005**

- 09 Fraud, deception and related offences
- 13 Public order offences
- 15 Offences against justice procedures, government security and government operations
- 16 Miscellaneous offences

Commonwealth officials**Criminal Code Act 1995**

- 02 Acts intended to cause injury
- 05 Abduction, harassment and other offences against the person
- 09 Fraud, deception and related offences
- 15 Offences against justice procedures, government security and government operations

Commonwealth property**Criminal Code Act 1995**

- 06 Robbery, extortion and related offences
- 07 Unlawful entry with intent/burglary, break and enter
- 08 Theft and related offences
- 09 Fraud, deception and related offences
- 10 Illicit drug offences
- 13 Public order offences
- 15 Offences against justice procedures, government security and government operations

Commonwealth sexual offences**Crimes Act 1914**

- 03 Sexual assault and related offences

Criminal Code Act 1995

- 03 Sexual assault and related offences
- 04 Dangerous or negligent acts endangering persons
- 05 Abduction, harassment and other offences against the person
- 08 Theft and related offences
- 09 Fraud, deception and related offences
- 10 Illicit drug offences
- 13 Public order offences
- 15 Offences against justice procedures, government security and government operations
- 16 Miscellaneous offences

Communications**Classification of Publications, Films and Computer Games Act**

- 13 Public order offences

Crimes Act 1914

- 05 Abduction, harassment and other offences against the person
- 16 Miscellaneous offences

Criminal Code Act 1995

- 01 Homicide and related offences
- 03 Sexual assault and related offences
- 05 Abduction, harassment and other offences against the person
- 08 Theft and related offences
- 09 Fraud, deception and related offences
- 12 Property damage and environmental pollution
- 13 Public order offences
- 15 Offences against justice procedures, government security and government operations
- 16 Miscellaneous offences
- 99 Unknown

Referendum (Machinery Provisions) Act 1984

- 05 Abduction, harassment and other offences against the person

Drugs**Criminal Code Act 1995**

- 08 Theft and related offences
- 10 Illicit drug offences
- 16 Miscellaneous offences

*Federal offence group**Act & Section by ASOC Division***Customs Act 1901**

- 10 Illicit drug offences
- 16 Miscellaneous offences

Therapeutic Goods Act 1989

- 09 Fraud, deception and related offences
- 15 Offences against justice procedures, government security and government operations
- 16 Miscellaneous offences

Financial**Bankruptcy Act 1966**

- 09 Fraud, deception and related offences
- 15 Offences against justice procedures, government security and government operations
- 16 Miscellaneous offences

Corporations Act 2001

- 09 Fraud, deception and related offences
- 15 Offences against justice procedures, government security and government operations
- 16 Miscellaneous offences

Corporations Law

- 09 Fraud, deception and related offences
- 16 Miscellaneous offences

Crimes (Currency) Act 1981

- 04 Dangerous or negligent acts endangering persons
- 09 Fraud, deception and related offences
- 11 Prohibited and regulated weapons and explosives offences
- 16 Miscellaneous offences

Criminal Code Act 1995

- 08 Theft and related offences
- 09 Fraud, deception and related offences
- 16 Miscellaneous offences

Excise Act 1901

- 09 Fraud, deception and related offences
- 13 Public order offences
- 16 Miscellaneous offences

Financial Management and Accountability Act 1997

- 09 Fraud, deception and related offences

Financial Transaction Reports Act 1988

- 08 Theft and related offences
- 09 Fraud, deception and related offences
- 10 Illicit drug offences
- 13 Public order offences
- 16 Miscellaneous offences
- 99 Unknown

Financial Transaction Reports Act 1992

- 09 Fraud, deception and related offences

Proceeds of Crime Act 1987

- 08 Theft and related offences
- 15 Offences against justice procedures, government security and government operations

Proceeds of Crime Act 2002

- 15 Offences against justice procedures, government security and government operations

Fraud**A New Tax System (Australian Business Number) Act 1999**

- 09 Fraud, deception and related offences

Australian Passports Act 2005

- 08 Theft and related offences
- 09 Fraud, deception and related offences
- 12 Property damage and environmental pollution
- 15 Offences against justice procedures, government security and government operations
- 16 Miscellaneous offences

Copyright Act 1968

- 08 Theft and related offences
- 09 Fraud, deception and related offences

*Federal offence group**Act & Section by ASOC Division***Crimes Act 1914**

- 05 Abduction, harassment and other offences against the person
- 08 Theft and related offences
- 09 Fraud, deception and related offences
- 10 Illicit drug offences
- 12 Property damage and environmental pollution
- 13 Public order offences
- 15 Offences against justice procedures, government security and government operations
- 16 Miscellaneous offences
- 99 Unknown

Criminal Code Act 1995

- 05 Abduction, harassment and other offences against the person
- 09 Fraud, deception and related offences
- 15 Offences against justice procedures, government security and government operations
- 16 Miscellaneous offences
- 99 Unknown

Criminal Code Amendment Act 2000

- 09 Fraud, deception and related offences

Foreign Passports (Law Enforcement and Security) Act 2005

- 09 Fraud, deception and related offences
- 15 Offences against justice procedures, government security and government operations
- 99 Unknown

Health Insurance Act 1973

- 09 Fraud, deception and related offences
- 15 Offences against justice procedures, government security and government operations

National Health Act 1953

- 09 Fraud, deception and related offences

Passports Act 1938

- 09 Fraud, deception and related offences

Social Security (Administration) Act 1999

- 09 Fraud, deception and related offences
- 16 Miscellaneous offences

Social Security Act 1991

- 09 Fraud, deception and related offences

Statutory Declarations Act 1959

- 09 Fraud, deception and related offences
- 15 Offences against justice procedures, government security and government operations

Student and Youth Assistance Act 1973

- 09 Fraud, deception and related offences

Student Assistance Regulations 1973

- 09 Fraud, deception and related offences

Superannuation Industry (Supervision) Act 1993

- 16 Miscellaneous offences

Taxation (Administration) Act 1953

- 09 Fraud, deception and related offences
- 15 Offences against justice procedures, government security and government operations
- 16 Miscellaneous offences

Illegal fishing**Fisheries Management Act 1991**

- 15 Offences against justice procedures, government security and government operations
- 16 Miscellaneous offences

Illegal use/importation of weapons**Crimes Act 1914**

- 11 Prohibited and regulated weapons and explosives offences

Criminal Code Act 1995

- 11 Prohibited and regulated weapons and explosives offences

International**Crimes (Foreign Incursions and Recruitment) Act 1978**

Not available

Crimes (Internationally Protected Persons) Act 1976

Not available

<i>Federal offence group</i>	<i>Act & Section by ASOC Division</i>
	Criminal Code Act 1995 Not available
Justice offences	Australian Crime Commission Act 2002 09 Fraud, deception and related offences 15 Offences against justice procedures, government security and government operations Crimes (Aviation) Act 1991 15 Offences against justice procedures, government security and government operations Crimes Act 1914 09 Fraud, deception and related offences 15 Offences against justice procedures, government security and government operations 99 Unknown
Migration and people smuggling	Criminal Code Act 1995 15 Offences against justice procedures, government security and government operations Migration Act 1958 09 Fraud, deception and related offences 15 Offences against justice procedures, government security and government operations Migration Regulations 1994 09 Fraud, deception and related offences
Security	Crimes Act 1914 12 Property damage and environmental pollution 15 Offences against justice procedures, government security and government operations 16 Miscellaneous offences Criminal Code Act 1995 04 Dangerous or negligent acts endangering persons 08 Theft and related offences 12 Property damage and environmental pollution 15 Offences against justice procedures, government security and government operations
Wildlife smuggling	Environment Protection and Biodiversity Conservation Act 1999 16 Miscellaneous offences
Other	Crimes (Aviation) Act 1991 02 Acts intended to cause injury 04 Dangerous or negligent acts endangering persons 05 Abduction, harassment and other offences against the person 12 Property damage and environmental pollution 13 Public order offences 16 Miscellaneous offences Crimes Act 1914 13 Public order offences 15 Offences against justice procedures, government security and government operations 99 Unknown Criminal Code Act 1995 13 Public order offences Customs Act 1901 02 Acts intended to cause injury 03 Sexual assault and related offences 09 Fraud, deception and related offences 10 Illicit drug offences 11 Prohibited and regulated weapons and explosives offences 13 Public order offences 15 Offences against justice procedures, government security and government operations 16 Miscellaneous offences Environment Protection and Biodiversity Conservation Act 1999 16 Miscellaneous offences Environment Protection and Biodiversity Conservation Regulations 16 Miscellaneous offences
Not elsewhere classified	A New Tax System (Family Assistance) (Administration) Act 1999 09 Fraud, deception and related offences Aged Care Act 1997 16 Miscellaneous offences

Federal offence group

Act & Section by ASOC Division

Agricultural and Veterinary Chemicals Code Act 1994

16 Miscellaneous offences

Air Navigation Regulations

09 Fraud, deception and related offences

13 Public order offences

16 Miscellaneous offences

Airports (Control of On-Airport Activities) Regulations 1997

13 Public order offences

14 Traffic and vehicle regulatory offences

Anti-Money Laundering and Counter-Terrorism Financing Act 2006

08 Theft and related offences

09 Fraud, deception and related offences

15 Offences against justice procedures, government security and government operations

ANU Parking and Traffic Statute 2007

14 Traffic and vehicle regulatory offences

Australian Citizenship Act 1948

09 Fraud, deception and related offences

15 Offences against justice procedures, government security and government operations

Australian Federal Police Act 1979

02 Acts intended to cause injury

09 Fraud, deception and related offences

15 Offences against justice procedures, government security and government operations

Australian National University Act 1991

14 Traffic and vehicle regulatory offences

Australian Postal Corporation Act 1989

16 Miscellaneous offences

Australian Securities and Investments Commission Act 2001

09 Fraud, deception and related offences

15 Offences against justice procedures, government security and government operations

Australian Security Intelligence Organisation Act 1979

15 Offences against justice procedures, government security and government operations

Aviation Transport Security Act 2004

11 Prohibited and regulated weapons and explosives offences

13 Public order offences

15 Offences against justice procedures, government security and government operations

Aviation Transport Security Regulations 2005

09 Fraud, deception and related offences

13 Public order offences

15 Offences against justice procedures, government security and government operations

16 Miscellaneous offences

Building and Construction Industry Improvement Act 2005

15 Offences against justice procedures, government security and government operations

Census and Statistics Act 1905

15 Offences against justice procedures, government security and government operations

Charter of the United Nations Act 1945

15 Offences against justice procedures, government security and government operations

Child Support (Registration and Collection) Act 1988

15 Offences against justice procedures, government security and government operations

Civil Aviation Act 1988

02 Acts intended to cause injury

04 Dangerous or negligent acts endangering persons

09 Fraud, deception and related offences

12 Property damage and environmental pollution

13 Public order offences

14 Traffic and vehicle regulatory offences

15 Offences against justice procedures, government security and government operations

16 Miscellaneous offences

*Federal offence group**Act & Section by ASOC Division***Civil Aviation Regulations**

- 04 Dangerous or negligent acts endangering persons
- 11 Prohibited and regulated weapons and explosives offences
- 13 Public order offences
- 14 Traffic and vehicle regulatory offences
- 15 Offences against justice procedures, government security and government operations
- 16 Miscellaneous offences

Classification of Publications, Films and Computer Games Act

- 13 Public order offences

Commonwealth Electoral Act 1918

- 15 Offences against justice procedures, government security and government operations

Control of Naval Waters Act 1918

- 13 Public order offences

Crimes (Traffic in Narcotic Drugs and Psychotropic Substances) Act 1990

- 10 Illicit drug offences

Crimes Act 1914

- 02 Acts intended to cause injury
- 03 Sexual assault and related offences
- 04 Dangerous or negligent acts endangering persons
- 05 Abduction, harassment and other offences against the person
- 07 Unlawful entry with intent/burglary, break and enter
- 08 Theft and related offences
- 11 Prohibited and regulated weapons and explosives offences
- 12 Property damage and environmental pollution
- 13 Public order offences
- 14 Traffic and vehicle regulatory offences
- 16 Miscellaneous offences
- 99 Unknown

Criminal Code Act 1995

- 02 Acts intended to cause injury
- 03 Sexual assault and related offences
- 05 Abduction, harassment and other offences against the person
- 07 Unlawful entry with intent/burglary, break and enter
- 08 Theft and related offences
- 09 Fraud, deception and related offences
- 10 Illicit drug offences
- 13 Public order offences
- 16 Miscellaneous offences
- 99 Unknown

Customs Act 1901

- 16 Miscellaneous offences

Defence Act 1903

- 08 Theft and related offences
- 09 Fraud, deception and related offences
- 13 Public order offences
- 15 Offences against justice procedures, government security and government operations

Defence Force Discipline Act 1982

- 15 Offences against justice procedures, government security and government operations

Distillation Act 1901

- 13 Public order offences

Environment Protection and Biodiversity Conservation Act 1999

- 15 Offences against justice procedures, government security and government operations

Fair Work (Registered Organisations) Act 2009

- 15 Offences against justice procedures, government security and government operations
- 16 Miscellaneous offences

Family Law Act 1975

- 15 Offences against justice procedures, government security and government operations

Federal Airports By-Laws

- 14 Traffic and vehicle regulatory offences

Federal offence group

Act & Section by ASOC Division

Fisheries Management Regulations 1992

09 Fraud, deception and related offences

Fuel Quality Standards Act 2000

16 Miscellaneous offences

Great Barrier Reef Marine Park Act 1975

13 Public order offences

14 Traffic and vehicle regulatory offences

16 Miscellaneous offences

Great Barrier Reef Marine Park Regulations 1983

16 Miscellaneous offences

Historic Shipwrecks Act 1976

13 Public order offences

Income Tax Assessment Act 1936

09 Fraud, deception and related offences

15 Offences against justice procedures, government security and government operations

16 Miscellaneous offences

Industrial Chemicals (Notification and Assessment) Act 1989

16 Miscellaneous offences

Interstate Road Transport Act 1985

14 Traffic and vehicle regulatory offences

15 Offences against justice procedures, government security and government operations

Interstate Road Transport Regulations 1986

09 Fraud, deception and related offences

14 Traffic and vehicle regulatory offences

15 Offences against justice procedures, government security and government operations

16 Miscellaneous offences

Marine Orders Part 30

04 Dangerous or negligent acts endangering persons

16 Miscellaneous offences

Marine Regulations

16 Miscellaneous offences

Maritime Transport and Offshore Facilities Regulations 2003

13 Public order offences

16 Miscellaneous offences

Marriage Act 1961

13 Public order offences

Motor Vehicle Standards Act 1989

14 Traffic and vehicle regulatory offences

National Crime Authority Act 1984

15 Offences against justice procedures, government security and government operations

National Parks and Wildlife Regulations

11 Prohibited and regulated weapons and explosives offences

Nature Conservation (Administration) Regulations 2006

15 Offences against justice procedures, government security and government operations

Passports Act 1938

09 Fraud, deception and related offences

Primary Industries Levies and Charges Collection Act 1991

15 Offences against justice procedures, government security and government operations

16 Miscellaneous offences

Protection Sea (Prevent Pollution) Act 1983

12 Property damage and environmental pollution

16 Miscellaneous offences

*Federal offence group**Act & Section by ASOC Division***Public Order (Protection of Persons and Property) Act 1971**

- 02 Acts intended to cause injury
- 04 Dangerous or negligent acts endangering persons
- 05 Abduction, harassment and other offences against the person
- 11 Prohibited and regulated weapons and explosives offences
- 13 Public order offences
- 15 Offences against justice procedures, government security and government operations

Quarantine Act 1908

- 02 Acts intended to cause injury
- 09 Fraud, deception and related offences
- 16 Miscellaneous offences

Radiocommunications Act 1992

- 04 Dangerous or negligent acts endangering persons
- 15 Offences against justice procedures, government security and government operations
- 16 Miscellaneous offences

Referendum (Machinery Provisions) Act 1984

- 15 Offences against justice procedures, government security and government operations

Superannuation Guarantee (Administration) Act 1992

- 16 Miscellaneous offences

Sydney Airport Curfew Act 1995

- 12 Property damage and environmental pollution

Telecommunications Act 1997

- 15 Offences against justice procedures, government security and government operations
- 16 Miscellaneous offences

Telecommunications (General) By-Laws 1975

- 05 Abduction, harassment and other offences against the person

Telecommunications (Interception) Act 1979

- 05 Abduction, harassment and other offences against the person
- 16 Miscellaneous offences

Telecommunications Regulations 1975

- 09 Fraud, deception and related offences

Torres Strait Fisheries Act

- 16 Miscellaneous offences

Trade Marks Act 1995

- 09 Fraud, deception and related offences
- 16 Miscellaneous offences

Workplace Relations Act 1996

- 15 Offences against justice procedures, government security and government operations

GLOSSARY

Abduction, harassment and other offences against the person	Acts intended to threaten or harass, or acts that unlawfully deprive another person of their freedom of movement, that are against that person's will or against the will of any parent, guardian or other person having lawful custody or care of that person. This is a Division of ASOC which includes the following Subdivisions: abduction and kidnapping (051), deprivation of liberty/false imprisonment (052) and harassment and threatening behaviour (053).
Acquitted	A determination by the court that a defendant is not guilty of the charge(s) on the grounds that the charge has not been proven. A not guilty verdict by the court. This includes dismissal of charge(s) by a magistrate on the grounds that the defendant is found not guilty or dismissal of charge(s) by a member of the judiciary due to lack of evidence or no evidence given by the prosecution. This excludes a finding of not guilty by reason of mental illness or condition at the time the defendant committed the offence. This is a method of finalisation.
Acts intended to cause injury	Acts, excluding attempted murder and those resulting in death, which are intended to cause non-fatal injury or harm to another person and where there is no sexual or acquisitive element. This is a Division of ASOC which includes the following Subdivisions: assault (021) and other acts intended to cause injury (029).
Adjudicated finalisation	A method of finalisation based on a judgement or decision by the court as to whether or not the defendant is guilty of the charge(s) laid against them.
Adjudicated outcomes	The outcomes of the judgement or decision by the court as to whether or not the defendant is guilty of the charge(s) laid against them. These outcomes include: acquitted, guilty finding, guilty plea and guilty ex-parte.
Age	A defendant's age is the time elapsed (in years) between a defendant's date of birth and the date of finalisation of the defendant's case.
Assault	The direct (and immediate/confrontational) infliction of force, injury or violence upon a person or persons or the direct (and immediate/confrontational) threat of force, injury or violence where there is an apprehension that the threat could be enacted. This is a Subdivision of ASOC which includes the following Groups: serious assault resulting in injury (0211), serious assault not resulting in injury (0212) and common assault (0213).
Australian Standard Offence Classification (ASOC)	The ASOC is a hierarchical classification developed by the ABS for use in the collection and publication of crime and justice statistics. It provides a classificatory framework for the comparison of statistics on offences across Australia. Within the classificatory structure of ASOC, Divisions represent the broadest categories of offences (see Appendix 2). The main purpose of Divisions is to provide a limited number of categories which represent broad groups of criminal offences. The Subdivision and Group levels provide increasingly detailed dissections of these broad categories. The 2008 version of ASOC is used to classify offence data within this publication. The <i>Australian Standard Offence Classification (2008)</i> (cat no. 1234.0) is available from the Australian Bureau of Statistics website < http://www.abs.gov.au >.
Aviation	Offences under the <i>Aviation Transport Security Regulations 2005</i> . The intent of this Act is to safeguard against the unlawful interference of aviation throughout Australia.
Case	One or more defendants against whom one or more charge(s) have been laid and which are heard together by a court as one unit of work. The charge(s) usually relate to the same criminal incident.

Charge	An allegation laid before a court by the police, Director of Public Prosecutions or other prosecuting agency that a person or organisation has committed a criminal offence.
Charged	In this publication, the term charged refers to those defendants who were adjudicated i.e. finalised via a plea of guilty or a decision by the court as to their guilt or otherwise of the final charge(s) laid against them.
Children's Court	The Children's Court is primarily a Court of Summary Jurisdiction, to hear and determine criminal charges against persons generally aged less than 18 years. The Children's Court may also determine some minor indictable offences and conduct committal proceedings in relation to young people who have been charged with major indictable offences.
Commonwealth officials	Offences under the sections of the <i>Criminal Code Act 1995</i> that relate to bribery of Commonwealth officials, demands with menaces, and the harming or impersonating of Commonwealth officials.
Commonwealth property	Offences under the sections of the <i>Criminal Code Act 1995</i> that relate to theft, robbery and burglary of Commonwealth property or on Commonwealth premises.
Commonwealth sexual offences	Offences under Commonwealth legislation of a sexual nature e.g. child sex tourism, importation of child pornography, sexual slavery.
Communications	Offences under Commonwealth legislation that relate to the use of computers and other telecommunications and the use of the postal service.
Community supervision or work orders	Sentences imposed on a defendant requiring a person to perform work within the community or report to a person nominated by the court (for example a corrections officer). These non-custodial orders include: community service orders, probation orders, treatment orders and referral to conference.
Convicted	In this publication the term convicted refers to those defendants who were proven guilty of at least one of the final charge(s) laid against them.
Court level	This indicates the level of the court in which a defendant's case is heard. Court levels can be distinguished from one another on the basis of the extent of their legal powers (see Jurisdiction). Court levels include Court of Summary Jurisdiction, Intermediate Court and Supreme Court. The names assigned to each of these court levels varies across Australia.
Court of Summary Jurisdiction	A lower court level (also referred to as Magistrates' Court, Local Court or Court of Petty Sessions) which deals with relatively less serious charges and has the most limited legal powers of all the state and territory court levels. A Court of Summary Jurisdiction is presided over by a magistrate and has jurisdiction to try and sentence matters relating to summary offences. Under some circumstances, this court level may also deal with less serious indictable offences known as 'minor indictable' or 'triable either way' offences. Courts of Summary Jurisdiction are also responsible for conducting preliminary (committal) hearings for indictable offences.
Custodial orders	Sentences imposed on a defendant requiring a person to have restricted liberty for a specified period of time either through detainment in an institution/home or being subject to regular supervision while residing in the community. The court may set aside the order subject to the person being of good behaviour. Includes: custody in a correctional institution, custody in the community and fully suspended sentence.
Custody in a correctional institution	Sentences imposed on a defendant requiring a person to be detained within a facility built especially for the purpose of incarceration. Includes: life and indeterminate imprisonment, imprisonment with determined term, imprisonment with partially suspended term, periodic detention, juvenile detention with determined term, and juvenile detention with partially suspended term.
Custody in the community	Sentences imposed on a defendant requiring a person to have restricted liberty for a specified period of time while living within the community. Includes: intensive corrections orders, home detention and other custody in the community.

Dangerous or negligent acts endangering persons	Dangerous or negligent acts which, though not intended to cause harm, actually or potentially result in injury to oneself or another person. This is a Division of ASOC which includes the following Subdivisions: dangerous or negligent operation of a vehicle (041) and other dangerous or negligent acts endangering persons (049).
Date of finalisation	The date on which all charges laid against a defendant are regarded as formally completed by a particular court level and the defendant ceases to be an active unit of work to be dealt with by that court level.
Date of initiation	Date of initiation represents either the date of committal or the date of registration depending on the process of entry into that level of court. For defendants who are committed from a Magistrates' Court to a higher criminal court, date of committal is used for the date of initiation. For defendants who have any other method of initiation, including direct presentment to a higher court by ex-officio, date of registration for that court level is used as the date of initiation. Where there are multiple dates of initiation for charges for a defendant, the earliest date is used.
Defendant	A person or organisation against whom one or more criminal charges have been laid and which are heard together as one unit of work by a court level.
District Court	See Intermediate Court.
Drugs	Offences under the <i>Customs Act 1901</i> that relate to the importing of performance enhancing and non-narcotic drugs; offences under the <i>Criminal Code Act 1995</i> that relate to illicit drug offences; and offences under the <i>Therapeutic Goods Act 1989</i> that relate to the supply of therapeutic goods.
Duration	The time elapsed between the earliest date of initiation and the latest date of finalisation for a defendant that has been finalised.
Federal defendant	A finalised defendant in the Criminal Courts who has been charged with at least one Commonwealth legislative offence.
Federal offence group	A listing of broad offence categories, as agreed with by the Attorney-General's Department (AGD), that are amalgamations of Commonwealth Acts/Sections. These do not relate to ASOC. See Appendix 4 for a list of the AGD federal offences groups and associated Commonwealth Acts/Sections.
Federal offence group n.e.c.	Federal offence types not elsewhere classified. A listing of those Commonwealth Acts/Sections not able to be classified to a specific federal offence group. See Appendix 4.
Finalised defendant	A person or organisation for whom all charges relating to the one case have been formally completed so that the defendant ceases to be an item of work to be dealt with by the court.
Financial	Offences under Commonwealth legislation relating to the improper handling of finance e.g. bankruptcy; money laundering; the improper use of public money.
Fraud	Offences under Commonwealth legislation relating to fraudulent activities e.g. tax fraud; social security fraud; false passports.
Fraud, deception and related offences	Offences involving a dishonest act or omission carried out with the purpose of deceiving to obtain benefit. This is a Division of ASOC which includes the following Subdivisions: obtain benefit by deception (091); forgery and counterfeiting (092); deceptive business/government practices (093); and other fraud and deception offences (099).
Fully suspended sentence	A custodial order which provides that all of the sentence not be served, subject to the person being of good behaviour for the length of the sentence. Excludes fully suspended sentences that have added conditions other than good behaviour.
Good behaviour bond	An obligation, with or without sureties, aimed at securing the performance of some act by the person bound by the undertaking. Includes recognisance orders.
Guilty ex-parte	Where the court adjudicates charge(s) and the charge(s) are proven either:

Guilty ex-parte <i>continued</i>	<p>(i) where the defendant pleaded guilty and the charges are proven in his/her absence, or</p> <p>(ii) the defendant failed to appear and the charge(s) were proven on the basis of the evidence presented.</p> <p>This is a method of finalisation in the Magistrates' and Children's Courts.</p>
Guilty finding	A guilty finding by the court, where the court finds the charge has been proven (and the case was not heard ex-parte). This is a method of finalisation.
Guilty plea	A guilty plea to charge(s) by the defendant (and the case was not heard ex-parte). This is not a trial outcome. This is a method of finalisation.
Higher Court	The criminal jurisdiction of an Intermediate Court or Supreme Court.
Homicide and related offences	Unlawfully kill, attempt to unlawfully kill or conspiracy to kill another person. This is a Division of ASOC which includes the following Subdivisions: murder (011), attempted murder (012), and manslaughter and driving causing death (013).
Illegal fishing	Offences under the <i>Fisheries Management Act 1991</i> . The intent of this Act is to safeguard against illegal fishing in Australian waters.
Illegal use/importation of weapons	Offences under Commonwealth legislation relating to the illegal use or importation of firearms, other weapons and explosives.
Illicit drug offences	The possession, selling, dealing or trafficking, importing or exporting, manufacturing or cultivation of drugs or other substances prohibited under legislation. This is a Division of ASOC which includes the following Subdivisions: import or export illicit drugs (101), deal or traffic in illicit drugs (102), manufacture or cultivate illicit drugs (103), possess and/or use illicit drugs (104) and other illicit drug offences (109).
Imprisonment	See Custody in a correctional institution.
Imprisonment with determined term	An order requiring a person to be detained for a specified period of time within a facility built especially for the purpose of incarceration.
Imprisonment with partially suspended term	An order requiring a person to be detained for part of the specified period of time within a facility built especially for the purpose of incarceration, subject to the person being of good behaviour.
Indictable offence	A serious criminal offence as defined by specific Commonwealth, state or territory legislation. Charges relating to indictable offences generally require a trial and/or sentence hearing in a Higher Court. Under some circumstances, a defendant can elect to have these charges dealt with in a Court of Summary Jurisdiction.
Intermediate Court	A Higher Court level (known either as the District Court or County Court) which has legal powers that are between those of the Court of Summary Jurisdiction and the Supreme Court and deals with the majority of cases involving serious criminal offences. An Intermediate Court is presided over by a judge, and has original jurisdiction to hear trial and sentence matters relating to most indictable offences. Note: As Tasmania, the Northern Territory and the Australian Capital Territory do not have an Intermediate Court, all indictable offences are heard in the Supreme Court.
International	Offences under Commonwealth legislation that are initiated overseas or relate to foreign persons e.g. harming Australians overseas; bribery of foreign officials; war crimes.
Jurisdiction	The legal power or authority which may be exercised by a particular court level and within which the judgements or orders of the court can be enforced or executed. The criminal jurisdiction of a court includes the original jurisdiction. Each court level has its own defined jurisdictional limits and these vary across states and territories.
Justice offences	Offences under Commonwealth legislation relating to the breach of justice orders; escaping from custody; escaping from immigration detention; and subverting the course of justice.

Juvenile detention with determined term	An order requiring a person to be detained in a juvenile facility for all of the specified period of time.
Juvenile detention with partially suspended term	An order requiring a person to be detained in a juvenile facility for part of the specified period of time, subject to the person being of good behaviour for the length of the sentence.
Life and indeterminate imprisonment	<p>The most serious sentence of imprisonment.</p> <p><i>Life</i> – This does not necessarily mean that the person will be held in custody for the term of his/her natural life. In some states or territories a minimum time to serve in custody is specified by the court, while in others an administrative body such as a Parole Board makes this decision.</p> <p><i>Indeterminate</i> – Persons declared as habitual criminals, persons who are either permanently or temporarily deemed not responsible for their actions because of a mental disorder or intellectual disability and prisoners who are sentenced to imprisonment but have not had a release date set. The prisoner may be released, at any time, at the discretion of the administrative body within each jurisdiction responsible for making that decision.</p>
Local Court	See Court of Summary Jurisdiction.
Magistrates' Court	<p>Where used in this publication, the term 'Magistrates' Court' includes the adult criminal Magistrates' Court and the Court of Petty Sessions and New South Wales Local Court. Excluded from this are other Courts of Summary Jurisdiction, such as Children's Courts, Electronic Courts and Drug Courts.</p> <p>See Court of Summary Jurisdiction for further information.</p>
Method of finalisation	The process which leads to the completion of a defendant as an item of business in a particular court level. A defendant undergoing court proceedings is considered to be finalised when all charges against that defendant have been processed to completion within a court level. There are different methods by which a charge may be finalised (see Appendix 1).
Migration and people smuggling	Offences under Commonwealth legislation relating to people smuggling and other migration offences.
Minor indictable offence	See Triable either way offence.
Miscellaneous offences	Offences involving the breach of statutory rules or regulations governing activities that are prima facie legal, where such offences are not explicitly dealt with under any other Division of ASOC. This is a Division of ASOC which includes the following Subdivisions: defamation, libel and privacy offences (161), public health and safety offences (162), commercial/industry/financial regulation (163) and other miscellaneous offences (169).
Monetary orders	A sentence order that requires the offender to pay a sum of money, usually in the form of a fine or as recompense to victims (includes restitution orders and compensation orders) and other monetary orders, n.e.c. (does not include court levies and fees).
National Offence Index	The National Offence Index (NOI) is a seriousness ranking of the ASOC and is used to determine a principal offence when a defendant has multiple finalised offences across different offence categories, with the same type of finalisation (e.g. proven guilty, acquitted, charges withdrawn).
Nominal penalty	Release of a defendant without an order following sentence that may or may not have conditions attached.
Non-adjudicated finalisation	A method of finalisation whereby a charge is considered completed and ceases to be active in a court even though that charge has not been adjudicated. This includes where the defendant is deceased, unfit to plead, the charge is withdrawn by the prosecution, transferred to a non-court agency or another non-adjudicated finalisation n.e.c. such as diplomatic immunity and statute of limitation applies.

Non-custodial orders	Sentences imposed on a defendant that do not involve being held in custody. Includes: community supervision or work orders, monetary orders and other non-custodial orders.
Not guilty verdict	See Acquitted.
Offences against justice procedures, government security and government operations	An act or omission that is deemed to be prejudicial to the effective carrying out of justice procedures or any government operations. This includes general government operations as well as those specifically concerned with maintaining government security. This is a Division of ASOC which includes the following Subdivisions: breach of custodial order offences (151), breach of community-based orders (152), breach of violence and non-violence orders (153), offences against government operations (154), offences against government security (155) and offences against justice procedures (156).
Original jurisdiction	The power of a court to hear criminal charges and determine whether or not a defendant is proven guilty and/or to sentence defendants where a charge has been proven (refer to Jurisdiction).
Other non-custodial orders	Sentences imposed on a defendant that do not require custody, are not fully suspended, and are not elsewhere classified in the non-custodial orders category of the Sentence Type classification. Includes: good behaviour bond/recognition orders, licence disqualification/suspension/amendment, forfeiture of property order, nominal penalty and other non-custodial orders n.e.c.
Partially suspended sentence	An order of imprisonment requiring a person be detained for part of the specified period of time, subject to the person being of good behaviour for the length of the sentence.
Periodic detention	Sentence imposed on a defendant requiring a person to be in custody for two consecutive days in a week (e.g. weekends) and remain at liberty during the rest of the week. This sentencing option is available in New South Wales and the Australian Capital Territory.
Plea	The formal statement by, or on behalf of, the defendant in response to a criminal charge that has been laid in a court. The nature of this response indicates whether or not the defendant intends to contest that charge. If the defendant does not enter a plea, this is treated by the court as if the defendant had pleaded not guilty.
Principal federal offence	The offence category, based on ASOC, that describes the most serious offence type associated with a finalised federal defendant. The most serious offence is determined by how the offences were finalised and/or the rankings in the National Offence Index 2009 (see National Offence Index).
Principal sentence	The main sentence type for a defendant who has a proven guilty finalisation. It is based on the hierarchy of the Sentence Type Classification (see Appendix 3).
Prohibited and regulated weapons and explosives offences	Offences involving prohibited or regulated weapons and explosives. This is a Division of ASOC which includes the following Subdivisions: prohibited weapons/explosives offences (111) and regulated weapons/explosives offences (112).
Property damage and environmental pollution	The wilful and unlawful destruction, damage or defacement of public or private property, or the pollution of property or a definable entity held in common by the community. For this division, 'destruction' means altering the property in any way so as to render it imperfect or inoperative. This is a Division of ASOC which includes the following Subdivisions: property damage (121) and environmental pollution (122).
Proven guilty	An outcome of criminal proceedings in which a court accepts that a charge is proven through a guilty plea entered by a defendant or the defendant is found guilty by the court. In the Magistrates' and Children's Courts, this includes defendants found guilty ex-parte.
Public order offences	Offences relating to personal conduct that involves, or may lead to, a breach of public order or decency, or that is indicative of criminal intent, or that is otherwise regulated or prohibited on moral or ethical grounds. In general these offences do not involve a specific victim or victims; however some offences, such as offensive language and

Public order offences <i>continued</i>	offensive behaviour, may be directed towards a single victim. This is a Division of ASOC which includes the following Subdivisions: disorderly conduct (131), regulated public order offences (132) and offensive conduct (133).
Robbery, extortion and related offences	Acts intended to unlawfully gain money, property or other items of value from, or cause detriment to, another person by using the threat of force or any other coercive measure. This is a Division of ASOC which includes the following Subdivisions: robbery (061) and blackmail and extortion (062).
Security	Offences under Commonwealth legislation that relate to the security of Commonwealth property e.g. espionage, treason, domestic terrorism.
Sentence	A penalty or penalties imposed by a court upon a defendant who is proven guilty of a criminal offence.
Sexual assault and related offences	Acts, or intent of acts, of a sexual nature against another person which are non-consensual or where consent is proscribed. This is a Division of ASOC which includes the following Subdivisions: sexual assault (031) and non-assaultive sexual offences (032).
Summary offence	A criminal offence which is regarded as less serious relative to an indictable offence as defined by specific Commonwealth, state or territory legislation (see Indictable offence). Charges relating to summary offences are generally dealt with by a Court of Summary Jurisdiction and do not require a trial by jury in a Higher Court. In some states and territories, a defendant against whom summary charges are laid may be transferred to a Higher Court for sentencing (e.g. if the magistrate wants to impose a penalty which exceeds his/her jurisdictional powers).
Supreme Court	A Higher Court level which deals with the most serious criminal charges and has the greatest legal powers of all the state and territory court levels. A Supreme Court is presided over by a judge, and has jurisdiction to hear trial and sentence matters relating to all indictable offences. In states which have an Intermediate Court, the Supreme Court is usually reserved to deal with the most serious indictable offences, such as murder.
Theft and related offences	The unlawful taking or obtaining of money or goods, not involving the use of force, threat of force or violence, coercion or deception, with the intent to permanently or temporarily deprive the owner or possessor of the use of the money or goods, or the receiving or handling of money or goods obtained unlawfully. This is a Division of ASOC which includes the following Subdivisions: motor vehicle theft and related offences (081), theft (except motor vehicles) (082), receive or handle proceeds of crime (083) and illegal use of property (except motor vehicles) (084).
Traffic and vehicle regulatory offences	Offences relating to vehicles and most forms of traffic, including offences pertaining to the licensing, registration, roadworthiness or use of vehicles, bicycle offences and pedestrian offences. This is a Division of ASOC which includes the following Subdivisions: driver licence offences (141), vehicle registration and roadworthiness offences (142), regulatory driving offences (143) and pedestrian offences (144).
Transfer to non-court agency	An outcome of court proceedings whereby the charge(s) have been transferred to a non-court agency. This is a method of finalisation.
Transfer to other court levels	A court outcome ordering that a criminal charge be transferred to another court level to be adjudicated and/or sentenced. For all transfers, except those between Higher Court levels, this process is regarded as a method of finalisation for the court level ordering the transfer and a method of initiation for the court level to which the defendant's charge(s) were transferred. Defendants who transfer from one Higher Court level to another will be considered as initiated only once (in the level they first entered) and finalised only once (from the level they finally left).
Triable either way offence	An indictable offence which a defendant can elect to have heard either in a Court of Summary Jurisdiction before a magistrate or in a Higher Court before a judge and jury.

Trial	The examination of, and decision on, a matter of law or fact by a court. Where a defendant enters a not guilty plea or other defended plea in the committal proceedings, they are committed to a Higher Court for trial. In the Higher Courts, trials are usually conducted before a judge and jury whereby the judge rules on questions of law and the jury is responsible for determining whether or not the defendant is guilty. Some states and territories also allow for a trial before a judge alone in the Higher Courts.
Unfit to plead	An outcome of court proceedings when it has been determined that a defendant's mental status is such that he/she is unfit to plead in relation to the charge(s) against him/her. For the purposes of this collection, this process is regarded as a non-adjudicated method of finalisation.
Unlawful entry with intent/burglary, break and enter	The unlawful entry of a structure with the intent to commit an offence, where the entry is either forced or unforced (ASOC Division 7). A structure is defined as a building that is contained by walls and can be secured in some form. This includes a dwelling (e.g. house, flat, caravan), office, bank, shop, factory, school and church. This division is not further disaggregated.
Wildlife smuggling	Offences under the <i>Environmental Protection and Biodiversity Conservation Act 1999</i> . The intent of this Act is to safeguard protected wildlife and heritage areas.
Withdrawn by the prosecution	The formal withdrawal of charge(s) by the prosecution (e.g. police, Director of Public Prosecutions, Attorney-General). This includes nolle prosequi and no true bill. Withdrawal of charges allows the prosecution to charge the defendant on the same incident at a later time. This is a non-adjudicated method of finalisation.

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<i>FAX</i>	1300 135 211
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