

2

MAGISTRATES COURTS OF SOUTH AUSTRALIA

Magistrates Courts of South Australia
1 January - 31 December 2004

TABLE 2.1 Case outcome by major offence charged. Summary of all offence groups

Offence Group	Committed for trial or sentence	Convicted			Acquitted on Major Charge	Not guilty: mentally incompetent	Major charge withdrawn	Major charge dismissed	Orders issued/ varied/ revoked	Withdrawn on completion of mental health diversion program	Other (eg. Defendant died)	Total	
		With penalty	Without Penalty	Guilty without conviction								No.	%
Offences against the person (excl. sexual offences)	127 (1)	1,008	41	429	5	22	675 (174)	960 (173)	0	2	7	3,276	11.9
Sexual offences	128 (2)	66	3	30	1	6	21 (3)	113 (5)	0	0	0	368	1.3
Robbery and extortion	109 (2)	2	0	0	0	0	3	108 (15)	0	0	0	222	0.8
Serious criminal trespass	211 (7)	364	7	17	1 (1)	1	85 (31)	466 (139)	0	0	0	1,152	4.2
Fraud and misappropriation	17	376	1	81	0	1	74 (12)	62 (2)	0	0	0	612	2.2
Larceny and receiving	13	1,581	133	784	3	4	608 (163)	291 (80)	0	12	11	3,440	12.5
Property damage and environmental offences	8	605	46	270	0	5	228 (36)	67 (15)	0	3	0	1,232	4.5
Offences against good order	38	2,510	805	1,348	3 (2)	9	672 (105)	135 (19)	0	5	4	5,529	20.1
Drug offences	269 (5)	888	6	497	0	1	115 (24)	250 (17)	0	0	1	2,027	7.4
Driving offences	0	6,864	41	35	3	1	619 (139)	53 (7)	0	0	11	7,627	27.7
Other offences	9	203	180	54	0	0	57	18 (1)	0	0	0	521	1.9
Non-offence matters	0	0	0	0	0	0	130	109	1,253	22	1	1,493	5.4
Total	929 (17)	14,467	1,263	3,545	16 (3)	50	3,287 (687)	2,632 (473)	1,253	22	35	27,499	
Percentage	3.4	52.6	4.6	12.9	0.1	0.2	12.0	9.6	4.6	0.1	0.1		100.0

These tables only deal with selected offences; many traffic offences, council matters and most regulations are not included. A number of additional offences were added to the 'other offences' category in 1995. Numbers in brackets indicate cases where the defendant was not found guilty of the major charge but was found guilty of another charge. The bracketed numbers are also included in the total alongside which they appear. Thus 10(1) would mean that of the 10 cases with a given outcome, 10 were not guilty of the major charge but in one case there was a finding of guilt for an offence which was not the major charge. Some of these other charges may be for offences in groups other than the major charge - e.g. a person charged with *assault* (an offence against the person) may eventually be found guilty and convicted of only *offensive language*. In such instances cases are shown in the penalty tables for the offence group for which they were convicted. The way in which the data have been presented in this table differs from that used for the corresponding table in *Crime and Justice* reports prior to 1996 (see Appendix A for explanation). For *non-offence matters*, matters previously recorded as 'Guilty without conviction' are now reported under 'Orders issued/varied/revoked'. For more detail regarding cases found not guilty on the grounds of mental incompetence see Appendix A.

Magistrates Courts of South Australia
1 January - 31 December 2004

TABLE 2.2 Case outcome by major offence charged. Offences against the person (excluding sexual offences)

Offence Group	Committed for trial or sentence	Convicted			Acquitted on Major Charge	Not guilty: mentally incompetent	Major charge withdrawn	Major charge dismissed	Orders issued/ varied/ revoked	Withdrawn on completion of mental health diversion program	Other (eg. Defendant died)	Total	
		With penalty	Without Penalty	Guilty without conviction								No.	%
Murder	17	0	0	0	0	0	7	0	0	0	0	24	0.7
Attempted murder	17	0	0	0	0	0	15	0	0	0	0	32	1.0
Conspiracy to murder	0	0	0	0	0	0	2	0	0	0	0	2	0.1
Manslaughter	1	0	0	0	0	0	0	0	0	0	0	1	0.0
Driving causing death	13	0	0	0	0	0	1	2	0	0	0	16	0.5
Other homicide	0	0	0	0	0	0	0	0	0	0	0	0	0
Assault occasioning grievous bodily harm	17	12	0	1	0	1	5 (2)	43 (5)	0	0	0	79	2.4
Assault occasioning actual bodily harm	1	201	0	24	0	5	37 (9)	258 (57)	0	0	1	527	16.1
Other major assault	9	12	0	1	0	1	4 (2)	12 (0)	0	0	0	39	1.2
Common assault													
- of a male	0	236	11	141	2	3	194 (32)	47 (3)	0	0	3	637	19.4
- of a female	0	117	9	102	3	4	196 (22)	34 (4)	0	1	0	466	14.2
- sex of victim unspecified	0	14	0	17	0	0	17 (2)	8 (1)	0	1	0	57	1.7
Common assault of family member	0	200	6	86	0	1	99 (15)	336 (44)	0	0	2	730	22.3
Other minor assault	0	0	0	0	0	0	0	0	0	0	0	0	0
Assault police	0	155	15	48	0	2	91 (69)	16 (6)	0	0	1	328	10.0
Kidnapping and abduction	7	0	0	0	0	1	0 (0)	11 (2)	0	0	0	19	0.6
Ill treatment of children	0	0	0	0	0	0	0	0	0	0	0	0	0
Hijacking	0	1	0	0	0	0	0	0	0	0	0	1	0.0
Defamation and libel	0	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0 (0)	2 (1)	0	0	0	2	0.1
Other offences against the person	45 (1)	60	0	9	0	4	31 (21)	167 (50)	0	0	0	316	9.6
Total	127 (1)	1,008	41	429	5	22	675 (174)	960 (173)	0	2	7	3,276	
Percentage	3.9	30.8	1.3	13.1	0.2	0.7	20.6	29.3	0	0.1	0.2	100.0	

Numbers in brackets indicate cases where the defendant was not found guilty of the major charge but was found guilty of another charge. The bracketed numbers are also included in the total alongside which they appear. Thus 10(1) would mean that of the 10 cases with a given outcome, 10 were not guilty of the major charge but in one case there was a finding of guilt for an offence which was not the major charge. Some of these other charges may be for offences in groups other than the major charge - e.g. a person charged with *assault* (an offence against the person) may eventually be found guilty and convicted of only *offensive language*. In such instances cases are shown in the penalty tables for the offence group for which they were convicted. Prior to 1992 *kidnapping* was included under *robbery & extortion*. Prior to 1994 *defamation and libel* was included under *offences against good order*. On June 1st 1994 it became an offence to stalk another person (*stalking*). *Hijacking* includes other acts endangering life involving transport. A new category of *common assault of a family member* was introduced in 1995. The way in which the data have been presented in this table differs from that used for the corresponding table in *Crime and Justice* reports prior to 1996 (see Appendix A for explanation). For more detail regarding cases found not guilty on the grounds of mental incompetence see Appendix A.

Magistrates Courts of South Australia
1 January - 31 December 2004

TABLE 2.3 Case outcome by major offence charged. Sexual offences

Offence Group	Committed for trial or sentence	Convicted			Acquitted on Major Charge	Not guilty: mentally incompetent	Major charge withdrawn	Major charge dismissed	Orders issued/ varied/ revoked	Withdrawn on completion of mental health diversion program	Other (eg. Defendant died)	Total	
		With penalty	Without Penalty	Guilty without conviction								No.	%
Rape of female													
- Victim age under 12	5	0	0	0	0	0	0	1	0	0	0	6	1.6
- Victim age 12 to 16	8	0	0	0	0	0	0	6	0	0	0	14	3.8
- Victim age 17 or over	43	0	0	0	0	0	0	25 (1)	0	0	0	68	18.5
- Victim age unspecified	10 (1)	0	0	0	0	0	0	5	0	0	0	15	4.1
Attempted rape of female													
- Victim age under 12	0	0	0	0	0	0	0	0	0	0	0	0	0
- Victim age 12 to 16	0	0	0	0	0	0	0	0	0	0	0	0	0
- Victim age 17 or over	1	0	0	0	0	0	0	0	0	0	0	1	0.3
- Victim age unspecified	0	0	0	0	0	0	0	0	0	0	0	0	0
Rape of male													
- Victim age under 12	0	0	0	0	0	0	0	0	0	0	0	0	0
- Victim age 12 to 16	2	0	0	0	0	0	0	1	0	0	0	3	0.8
- Victim age 17 or over	1	0	0	0	0	0	1	3 (1)	0	0	0	5	1.4
- Victim age unspecified	1	0	0	0	0	0	0	2	0	0	0	3	0.8
Attempted rape of male													
- Victim age under 12	0	0	0	0	0	0	0	0	0	0	0	0	0
- Victim age 12 to 16	0	0	0	0	0	0	0	0	0	0	0	0	0
- Victim age 17 or over	0	0	0	0	0	0	0	0	0	0	0	0	0
- Victim age unspecified	0	0	0	0	0	0	0	0	0	0	0	0	0
Rape of victim sex and age unspecified	3	0	0	0	0	0	0	0	0	0	0	3	0.8
Attempted rape of victim sex and age unspecified	0	0	0	0	0	0	0	0	0	0	0	0	0

Continued on the next page

Numbers in brackets indicate cases where the defendant was not found guilty of the major charge but was found guilty of another charge. The bracketed numbers are also included in the total alongside which they appear. Thus 10(1) would mean that of the 10 cases with a given outcome, 10 were not guilty of the major charge but in one case there was a finding of guilt for an offence which was not the major charge. Some of these other charges may be for offences in groups other than the major charge - e.g. a person charged with *assault (an offence against the person)* may eventually be found guilty and convicted of only *offensive language*. In such instances cases are shown in the penalty tables for the offence group for which they were convicted. On July 28th 1994 the offence of *persistent sexual abuse of a child* was introduced. The way in which the data have been presented in this table differs from that used for the corresponding table in *Crime and Justice* reports prior to 1996 (see Appendix A for explanation). For more detail regarding cases found not guilty on the grounds of mental incompetence see Appendix A.

Magistrates Courts of South Australia
1 January - 31 December 2004

TABLE 2.3 Case outcome by major offence charged. Sexual offences (continued)

Offence Group	Committed for trial or sentence	Convicted			Acquitted on Major Charge	Not guilty: mentally incompetent	Major charge withdrawn	Major charge dismissed	Orders issued/ varied/ revoked	Withdrawn on completion of mental health diversion program	Other (eg. Defendant died)	Total	
		With penalty	Without Penalty	Guilty without conviction								No.	%
Indecent assault of female													
- Victim age under 12	1	5	0	0	0	0	2	11	0	0	0	19	5.2
- Victim age 12 to 16	3	6	0	3	0	0	2 (1)	7	0	0	0	21	5.7
- Victim age 17 or over	1	10	0	1	1	1	2	12 (1)	0	0	0	28	7.6
- Victim age unspecified	4	6	0	0	0	2	0	6 (1)	0	0	0	18	4.9
Indecent assault of male													
- Victim age under 12	2	1	0	0	0	0	0	2	0	0	0	5	1.4
- Victim age 12 to 16	0	1	0	0	0	1	0	1	0	0	0	3	0.8
- Victim age 17 or over	0	2	0	0	0	0	0	3	0	0	0	5	1.4
- Victim age unspecified	2	0	0	0	0	0	0	3	0	0	0	5	1.4
Indecent assault of victim sex and age unspecified	0	1	0	0	0	0	0	0	0	0	0	1	0.3
Unlawful sexual intercourse with female													
- Victim age under 12	15 (1)	0	0	0	0	0	0	6	0	0	0	21	5.7
- Victim age 12 to 16	14	0	0	0	0	0	0	5	0	0	0	19	5.2
- Victim age unspecified	0	0	0	0	0	0	0	0	0	0	0	0	0
Unlawful sexual intercourse with female by teacher/guardian	1	0	0	0	0	0	0	0	0	0	0	1	0.3
Unlawful sexual intercourse with female with intellectual disability	0	0	0	0	0	0	0	1	0	0	0	1	0.3
Attempted unlawful sexual intercourse with female													
- Victim age under 12	1	0	0	0	0	0	0	0	0	0	0	1	0.3
- Victim age 12 to 16	0	0	0	0	0	0	0	0	0	0	0	0	0
- Victim age unspecified	0	0	0	0	0	0	0	0	0	0	0	0	0
Attempted unlawful sexual intercourse with female by teacher/guardian	0	0	0	0	0	0	0	0	0	0	0	0	0
Attempted unlawful sexual intercourse with female with intellectual disability	0	0	0	0	0	0	0	0	0	0	0	0	0

Continued on the next page

Numbers in brackets indicate cases where the defendant was not found guilty of the major charge but was found guilty of another charge. The bracketed numbers are also included in the total alongside which they appear. Thus 10(1) would mean that of the 10 cases with a given outcome, 10 were not guilty of the major charge but in one case there was a finding of guilt for an offence which was not the major charge. Some of these other charges may be for offences in groups other than the major charge - e.g. a person charged with *assault (an offence against the person)* may eventually be found guilty and convicted of only *offensive language*. In such instances cases are shown in the penalty tables for the offence group for which they were convicted. On July 28th 1994 the offence of *persistent sexual abuse of a child* was introduced. The way in which the data have been presented in this table differs from that used for the corresponding table in *Crime and Justice* reports prior to 1996 (see Appendix A for explanation). For more detail regarding cases found not guilty the grounds of mental incompetence see Appendix A.

Magistrates Courts of South Australia
1 January - 31 December 2004

TABLE 2.3 Case outcome by major offence charged. Sexual offences (continued)

Offence Group	Committed for trial or sentence	Convicted			Acquitted on Major Charge	Not guilty: mentally incompetent	Major charge withdrawn	Major charge dismissed	Orders issued/ varied/ revoked	Withdrawn on completion of mental health diversion program	Other (eg. Defendant died)	Total		
		With penalty	Without Penalty	Guilty without conviction								No.	%	
Unlawful sexual intercourse with male														
- Victim age under 12	6	0	0	0	0	0	0	5	0	0	0	11	3.0	
- Victim age 12 to 16	2	0	0	0	0	0	0	0	0	0	0	2	0.5	
- Victim age unspecified	0	0	0	0	0	0	0	0	0	0	0	0	0	
Unlawful sexual intercourse with male by teacher/guardian	0	0	0	0	0	0	0	0	0	0	0	0	0	
Unlawful sexual intercourse with male with intellectual disability	0	0	0	0	0	0	0	0	0	0	0	0	0	
Attempted unlawful sexual intercourse with male														
- Victim age under 12	0	0	0	0	0	0	0	0	0	0	0	0	0	
- Victim age 12 to 16	0	0	0	0	0	0	0	0	0	0	0	0	0	
- Victim age unspecified	0	0	0	0	0	0	0	0	0	0	0	0	0	
Attempted unlawful sexual intercourse with male by teacher/guardian	0	0	0	0	0	0	0	0	0	0	0	0	0	
Attempted unlawful sexual intercourse with male with intellectual disability	0	0	0	0	0	0	0	0	0	0	0	0	0	
Unlawful sexual intercourse with victim sex and age unspecified	0	0	0	0	0	0	0	0	0	0	0	0	0	
Unlawful sexual intercourse with victim sex and age unspecified by teacher/guardian	0	0	0	0	0	0	0	0	0	0	0	0	0	
Unlawful sexual intercourse with victim sex and age unspecified with intellectual disability	0	0	0	0	0	0	0	0	0	0	0	0	0	
Attempted unlawful sexual intercourse with victim sex and age unspecified	1	0	0	0	0	0	0	0	0	0	0	1	0.3	
Attempted unlawful sexual intercourse with victim sex and age unspecified by teacher/guardian	0	0	0	0	0	0	0	0	0	0	0	0	0	
Attempted unlawful sexual intercourse with victim sex and age unspecified with intellectual disability	0	0	0	0	0	0	0	0	0	0	0	0	0	
Incest	1	0	0	0	0	0	0	0	0	0	0	1	0.3	
Indecent behaviour/exposure	0	25	3	24	0	2	11	(1)	4	0	0	69	18.8	
Gross indecency	0	2	0	0	0	0	0	1	0	0	0	3	0.8	
Persistent sexual abuse of a child	0	0	0	0	0	0	0	1	(1)	0	0	1	0.3	
Other sexual offences	0	7	0	2	0	0	3	(1)	2	0	0	14	3.8	
Total	128	(2)	66	3	30	1	6	21	(3)	113	(5)	0	0	368
Percentage	34.8		17.9	0.8	8.2	0.3	1.6	5.7		30.7		0	0	100.0

Numbers in brackets indicate cases where the defendant was not found guilty of the major charge but was found guilty of another charge. The bracketed numbers are also included in the total alongside which they appear. Thus 10(1) would mean that of the 10 cases with a given outcome, 10 were not guilty of the major charge but in one case there was a finding of guilt for an offence which was not the major charge. Some of these other charges may be for offences in groups other than the major charge - e.g. a person charged with *assault (an offence against the person)* may eventually be found guilty and convicted of only *offensive language*. In such instances cases are shown in the penalty tables for the offence group for which they were convicted. On July 28th 1994 the offence of *persistent sexual abuse of a child* was introduced. The way in which the data have been presented in this table differs from that used for the corresponding table in *Crime and Justice* reports prior to 1996 (see Appendix A for explanation). For more detail regarding cases found not guilty on the grounds of mental incompetence see Appendix A.

Magistrates Courts of South Australia
1 January - 31 December 2004

TABLE 2.4 Case outcome by major offence charged. Robbery and extortion

Offence Group	Committed for trial or sentence	Convicted			Acquitted on Major Charge	Not guilty: mentally incompetent	Major charge withdrawn	Major charge dismissed	Orders issued/ varied/ revoked	Withdrawn on completion of mental health diversion program	Other (eg. Defendant died)	Total	
		With penalty	Without Penalty	Guilty without conviction								No.	%
Robbery with a firearm													
- financial institution	0	0	0	0	0	0	0	0	0	0	0	0	0
- other institution	6	1	0	0	0	0	0	7	0	0	0	14	6.3
Robbery with other weapon													
- financial institution	0	0	0	0	0	0	0	0	0	0	0	0	0
- other institution	46 (1)	0	0	0	0	0	0	31 (5)	0	0	0	77	34.7
Unarmed robbery with violence													
- financial institution	0	0	0	0	0	0	0	0	0	0	0	0	0
- other institution	27	0	0	0	0	0	0	21 (3)	0	0	0	48	21.6
Unarmed robbery with no violence													
- financial institution	1	0	0	0	0	0	0	0	0	0	0	1	0.5
- other institution	23 (1)	0	0	0	0	0	2	41 (6)	0	0	0	66	29.7
Extortion	6	1	0	0	0	0	1	8 (1)	0	0	0	16	7.2
Total	109 (2)	2	0	0	0	0	3	108 (15)	0	0	0	222	
Percentage	49.1	0.9	0	0	0	0	1.4	48.6	0	0	0		100.0

Numbers in brackets indicate cases where the defendant was not found guilty of the major charge but was found guilty of another charge. The bracketed numbers are also included in the total alongside which they appear. Thus 10(1) would mean that of the 10 cases with a given outcome, 10 were not guilty of the major charge but in one case there was a finding of guilt for an offence which was not the major charge. Some of these other charges may be for offences in groups other than the major charge - e.g. a person charged with *assault (an offence against the person)* may eventually be found guilty and convicted of only *offensive language*. In such instances cases are shown in the penalty tables for the offence group for which they were convicted. Since 1992 *kidnapping* has been included under *offences against the person (excluding sexual offences)* (Table 2.2). The way in which the data have been presented in this table differs from that used for the corresponding table in *Crime and Justice* reports prior to 1996 (see Appendix A for explanation). For more detail regarding cases found not guilty on the grounds of mental incompetence see Appendix A.

Magistrates Courts of South Australia
1 January - 31 December 2004

TABLE 2.5 Case outcome by major offence charged. Serious criminal trespass

Offence Group	Committed for trial or sentence	Convicted			Acquitted on Major Charge	Not guilty: mentally incompetent	Major charge withdrawn	Major charge dismissed	Orders issued/ varied/ revoked	Withdrawn on completion of mental health diversion program	Other (eg. Defendant died)	Total	
		With penalty	Without Penalty	Guilty without conviction								No.	%
Burglary	1	0	0	0	0	0	1	0	0	0	0	2	0.2
Break and enter dwellings	0	4	0	0	0	0	6	5 (1)	0	0	0	15	1.3
Break and enter dwellings with intent	0	0	0	0	0	0	1	0	0	0	0	1	0.1
Break and enter dwellings at night with intent	0	0	0	0	0	0	0	0	0	0	0	0	0
Break and enter shops	0	0	0	1	0	0	3	1	0	0	0	5	0.4
Break and enter shops with intent	0	0	0	0	0	0	0	0	0	0	0	0	0
Break and enter schools	0	0	0	0	0	0	1	0	0	0	0	1	0.1
Break and enter schools with intent	0	1	0	0	0	0	0	0	0	0	0	1	0.1
Break and enter other building	1	4	0	0	0	0	2	5 (1)	0	0	0	12	1.0
Break and enter other building with intent	0	0	0	0	0	0	0	0	0	0	0	0	0
Non Aggravated serious criminal trespass													
- place of residence	21	146	3	2	0	1	18 (12)	132 (49)	0	0	0	323	28.0
- shops	3	38	0	0	0	0	5 (2)	19 (8)	0	0	0	65	5.6
- schools	0	14	0	1	0	0	1 (1)	4 (3)	0	0	0	20	1.7
- other buildings	1	117	3	8	0	0	15 (5)	50 (14)	0	0	0	194	16.8
Aggravated serious criminal trespass													
- place of residence	138 (4)	11	1	1	0	0	11 (6)	171 (42)	0	0	0	333	28.9
- shops	17 (1)	1	0	0	0	0	2 (1)	12 (0)	0	0	0	32	2.8
- schools	5	0	0	1	0	0	0	4 (1)	0	0	0	10	0.9
- other buildings	24 (2)	1	0	2	0	0	1	38 (7)	0	0	0	66	5.7
Other criminal trespass – place of residence	0	16	0	0	1 (1)	0	7 (2)	17 (9)	0	0	0	41	3.6
Offences related to break and enter	0	11	0	1	0	0	12 (2)	7 (4)	0	0	0	31	2.7
Total	211 (7)	364	7	17	1 (1)	1	85 (31)	466 (139)	0	0	0	1,152	
Percentage	18.3	31.6	0.6	1.5	0.1	0.1	7.4	40.5	0	0	0		100.0

Numbers in brackets indicate cases where the defendant was not found guilty of the major charge but was found guilty of another charge. The bracketed numbers are also included in the total alongside which they appear. Thus 10(1) would mean that of the 10 cases with a given outcome, 10 were not guilty of the major charge but in one case there was a finding of guilt for an offence which was not the major charge. Some of these other charges may be for offences in groups other than the major charge - e.g. a person charged with *assault* (an offence against the person) may eventually be found guilty and convicted of only *offensive language*. In such instances cases are shown in the penalty tables for the offence group for which they were convicted. The way in which the data have been presented in this table differs from that used for the corresponding table in *Crime and Justice* reports prior to 1996 (see Appendix A for explanation). On 25 December 1999 new legislation was proclaimed which replaced *break and enter* offences (other than *sacrilege*) with a range of *criminal trespass* offences. The *break and enter* figures cited for 2000 and onwards are therefore not directly comparable with those listed before 1999 (for more information see Appendix A). For more detail regarding cases found not guilty on the grounds of mental incompetence see Appendix A.

Magistrates Courts of South Australia
1 January - 31 December 2004

TABLE 2.6 Case outcome by major offence charged. Fraud and misappropriation

Offence Group	Committed for trial or sentence	Convicted			Acquitted on Major Charge	Not guilty: mentally incompetent	Major charge withdrawn	Major charge dismissed	Orders issued/ varied/ revoked	Withdrawn on completion of mental health diversion program	Other (eg. Defendant died)	Total	
		With penalty	Without Penalty	Guilty without conviction								No.	%
False pretences													
- credit/debit cards	0	7	0	5	0	0	3	5	0	0	0	20	3.3
- cheques	0	20	0	6	0	0	6 (0)	3 (1)	0	0	0	35	5.7
- other	3	49	1	27	0	0	18 (4)	11	0	0	0	109	17.8
Forge and utter (excluding cheques)	1	5	0	0	0	0	1	2	0	0	0	9	1.5
False statement													
- unemployment benefit	1	55	0	1	0	0	3	0	0	0	0	59	9.6
- other social security benefit	0	31	0	1	0	0	2	0	0	0	0	34	5.6
- unspecified government benefit	0	60	0	3	0	0	2	1	0	0	0	66	10.8
Other fraud with respect to government benefits	0	54	0	2	0	0	16 (2)	1	0	0	0	73	11.9
Other fraud	9	42	0	17	0	0	11 (1)	8 (1)	0	0	0	87	14.2
Misappropriation													
- by director/trustee/partner	3	18	0	2	0	0	5 (3)	7	0	0	0	35	5.7
- by employee	1	35	0	16	0	0	7 (2)	23	0	0	0	82	13.4
Counterfeiting	0	0	0	1	0	1	0	1	0	0	0	3	0.5
Total	17	376	1	81	0	1	74 (12)	62 (2)	0	0	0	612	
Percentage	2.8	61.4	0.2	13.2	0	0.2	12.1	10.1	0	0	0		100.0

Numbers in brackets indicate cases where the defendant was not found guilty of the major charge but was found guilty of another charge. The bracketed numbers are also included in the total alongside which they appear. Thus 10(1) would mean that of the 10 cases with a given outcome, 10 were not guilty of the major charge but in one case there was a finding of guilt for an offence which was not the major charge. Some of these other charges may be for offences in groups other than the major charge - e.g. a person charged with *assault (an offence against the person)* may eventually be found guilty and convicted of only *offensive language*. In such instances cases are shown in the penalty tables for the offence group for which they were convicted. The way in which the data have been presented in this table differs from that used for the corresponding table in *Crime and Justice* reports prior to 1996 (see Appendix A for explanation). For more detail regarding cases found not guilty on the grounds of mental incompetence see Appendix A.

Magistrates Courts of South Australia
1 January - 31 December 2004

TABLE 2.7 Case outcome by major offence charged. Larceny and receiving

Offence Group	Committed for trial or sentence	Convicted			Acquitted on Major Charge	Not guilty: mentally incompetent	Major charge withdrawn	Major charge dismissed	Orders issued/ varied/ revoked	Withdrawn on completion of mental health diversion program	Other (eg. Defendant died)	Total	
		With penalty	Without Penalty	Guilty without conviction								No.	%
Receiving	5	87	11	17	0	0	59 (32)	48 (21)	0	0	0	227	6.6
Unlawful possession of stolen goods	0	160	13	54	0	0	137 (27)	28 (6)	0	0	2	394	11.5
Handling of stolen goods – other	0	0	0	0	0	0	0	0	0	0	0	0	0
Larceny of a motor vehicle	1	18	0	2	0	0	13 (6)	11 (6)	0	0	0	45	1.3
Illegal use of a motor vehicle	1	168	1	9	1	0	82 (22)	65 (12)	0	0	0	327	9.5
Interfere with a motor vehicle	0	44	0	10	0	0	30 (12)	8 (3)	0	0	1	93	2.7
Larceny or illegal use of other vehicle	3	17	3	11	0	0	12 (5)	8 (4)	0	0	1	55	1.6
Larceny from the person	1	0	0	0	0	0	0	0	0	0	0	1	0.0
Larceny of livestock	0	0	0	0	0	0	1 (1)	2	0	0	0	3	0.1
Larceny from shops	1	533	64	420	1	2	87 (9)	28 (5)	0	10	4	1,150	33.4
Other larceny	1	554	41	261	1	2	187 (49)	93 (23)	0	2	3	1,145	33.3
Total	13	1,581	133	784	3	4	608 (163)	291 (80)	0	12	11	3,440	
Percentage	0.4	46.0	3.9	22.8	0.1	0.1	17.7	8.5	0	0.3	0.3		100.0

Numbers in brackets indicate cases where the defendant was not found guilty of the major charge but was found guilty of another charge. The bracketed numbers are also included in the total alongside which they appear. Thus 10(1) would mean that of the 10 cases with a given outcome, 10 were not guilty of the major charge but in one case there was a finding of guilt for an offence which was not the major charge. Some of these other charges may be for offences in groups other than the major charge - e.g. a person charged with *assault (an offence against the person)* may eventually be found guilty and convicted of only *offensive language*. In such instances cases are shown in the penalty tables for the offence group for which they were convicted. Due to some problems in the coding of offences in the 'Larceny from shops, and 'Other larceny' categories offence details on court files which involved these types of larceny were compared, where possible, with offence details on the apprehension report. Where discrepancies were identified, the offence codes on the apprehension report were substituted on the court file (see Appendix A for further details). The way in which the data have been presented in this table differs from that used for the corresponding table in *Crime and Justice* reports prior to 1996 (see Appendix A for explanation). For more detail regarding cases found not guilty on the grounds of mental incompetence see Appendix A.

Magistrates Courts of South Australia
1 January - 31 December 2004

TABLE 2.8 Case outcome by major offence charged. Property damage and environmental offences

Offence Group	Committed for trial or sentence	Convicted			Acquitted on Major Charge	Not guilty: mentally incompetent	Major charge withdrawn	Major charge dismissed	Orders issued/ varied/ revoked	Withdrawn on completion of mental health diversion program	Other (eg. Defendant died)	Total	
		With penalty	Without Penalty	Guilty without conviction								No.	%
Arson or damage by explosives													
- dwellings	5	1	0	1	0	0	0	5 (1)	0	0	0	12	1.0
- shops	1	1	0	0	0	0	0	0	0	0	0	2	0.2
- schools	0	0	0	0	0	0	0	0	0	0	0	0	0
- factory/warehouse	0	1	0	0	0	0	0	0	0	0	0	1	0.1
- motor vehicle	0	3	0	0	0	0	0	3 (1)	0	0	0	6	0.5
- other/not known	2	6	0	2	0	0	4	3	0	1	0	18	1.5
Property damage (not arson or explosives)													
- dwellings	0	142	7	62	0	0	51 (4)	12	0	0	0	274	22.2
- shops	0	52	5	25	0	0	14 (2)	1	0	0	0	97	7.9
- schools	0	3	0	4	0	0	0	0	0	0	0	7	0.6
- factory/warehouse	0	0	0	1	0	0	0	0	0	0	0	1	0.1
- motor vehicle	0	178	8	75	0	2	66 (11)	17 (6)	0	0	0	346	28.1
- other/not known	0	210	23	97	0	3	88 (17)	20 (5)	0	2	0	443	36.0
Other property damage offences	0	5	1	2	0	0	3 (2)	6 (2)	0	0	0	17	1.4
Environmental offences	0	3	2	1	0	0	2	0	0	0	0	8	0.6
Total	8	605	46	270	0	5	228 (36)	67 (15)	0	3	0	1,232	
Percentage	0.6	49.1	3.7	21.9	0	0.4	18.5	5.4	0	0.2	0		100.0

Numbers in brackets indicate cases where the defendant was not found guilty of the major charge but was found guilty of another charge. The bracketed numbers are also included in the total alongside which they appear. Thus 10(1) would mean that of the 10 cases with a given outcome, 10 were not guilty of the major charge but in one case there was a finding of guilt for an offence which was not the major charge. Some of these other charges may be for offences in groups other than the major charge - e.g. a person charged with *assault* (an offence against the person) may eventually be found guilty and convicted of only *offensive language*. In such instances cases are shown in the penalty tables for the offence group for which they were convicted. The way in which the data have been presented in this table differs from that used for the corresponding table in *Crime and Justice* reports prior to 1996 (see Appendix A for explanation). For more detail regarding cases found not guilty on the grounds of mental incompetence see Appendix A.

Magistrates Courts of South Australia
1 January - 31 December 2004

TABLE 2.9 Case outcome by major offence charged. Offences against good order

Offence Group	Committed for trial or sentence	Convicted			Acquitted on Major Charge	Not guilty: mentally incompetent	Major charge withdrawn	Major charge dismissed	Orders issued/ varied/ revoked	Withdrawn on completion of mental health diversion program	Other (eg. Defendant died)	Total	
		With penalty	Without Penalty	Guilty without conviction								No.	%
Offences against govt. security and operations	4	0	0	1	0	0	0	0	0	0	0	5	0.1
Contempt of court	0	0	0	0	0	0	5 (1)	0	0	0	0	5	0.1
Perjury	0	1	0	0	0	0	0	1	0	0	0	2	0.0
Pervert the course of justice	6	1	0	0	0	0	0	14 (3)	0	0	0	21	0.4
Breach court order (parole, bail, etc.)	0	345	300	53	0	3	107 (22)	16 (1)	0	1	0	825	14.9
Breach restraining/summary protection order	0	40	14	21	1 (1)	2	31	5 (1)	0	1	0	115	2.1
Breach domestic violence restraining order	0	67	26	34	0	0	61 (3)	10	0	0	0	198	3.6
Escape from custody (excluding prisons)	8	0	0	0	0	0	0	5	0	0	0	13	0.2
Resist/hinder police	0	389	103	245	0	0	87 (37)	4 (1)	0	1	1	830	15.0
Conspiracy	0	0	0	0	0	0	0	1	0	0	0	1	0.0
Offences against justice procedures	2	94	11	38	0	0	25 (3)	14 (6)	0	0	0	184	3.3
Possession/use of firearms	16	150	6	42	0	0	28 (4)	15 (3)	0	0	0	257	4.6
Possession/use of bombs	0	0	0	0	0	0	0	0	0	0	0	0	0
Possession/use of other weapons	0	197	6	81	1	1	59 (6)	4	0	0	0	349	6.3
Other weapon offences	1	38	2	15	0	0	9 (1)	0	0	0	0	65	1.2
Pornography and censorship offences	0	11	0	3	0	0	4	2	0	0	0	20	0.4
Liquor licensing offences	0	55	13	47	0	0	8	2	0	0	0	125	2.3
Betting and gaming offences	0	1	0	3	0	0	0	0	0	0	0	4	0.1
Trespassing offences	0	116	27	77	1 (1)	2	52 (6)	8	0	1	1	285	5.2
Consorting	0	1	0	1	0	0	0	0	0	0	0	2	0.0
Prostitution offences	0	2	1	3	0	0	0	1 (1)	0	0	0	7	0.1
Found with intent to commit a crime	1	15	0	2	0	0	6 (2)	12 (2)	0	0	0	36	0.7
Indecent/offensive language	0	67	33	39	0	0	11 (2)	0	0	0	0	150	2.7
Disorderly behaviour	0	539	202	375	0	0	124 (17)	12 (1)	0	1	1	1,254	22.7
Offensive behaviour	0	11	4	9	0	0	5	0	0	0	0	29	0.5
Loitering	0	97	39	139	0	0	13 (1)	6	0	0	0	294	5.3
Urinating/defecating in public	0	214	15	80	0	0	6	2	0	0	1	318	5.8
Graffiti and related offences	0	50	0	33	0	0	11	0	0	0	0	94	1.7
Other offences	0	9	3	7	0	1	20	1	0	0	0	41	0.7
Total	38	2,510	805	1,348	3 (2)	9	672 (105)	135 (19)	0	5	4	5,529	
Percentage	0.7	45.4	14.6	24.4	0.1	0.2	12.2	2.4	0	0.1	0		100.0

Numbers in brackets indicate cases where the defendant was not found guilty of the major charge but was found guilty of another charge. The bracketed numbers are also included in the total alongside which they appear. Thus 10(1) would mean that of the 10 cases with a given outcome, 10 were not guilty of the major charge but in one case there was a finding of guilt for an offence which was not the major charge. Some of these other charges may be for offences in groups other than the major charge - e.g. a person charged with *assault* (an offence against the person) may eventually be found guilty and convicted of only *offensive language*. In such instances cases are shown in the penalty tables for the offence group for which they were convicted. As of July 2nd 1992 *restraint orders* became known as *summary protection orders*. On August 1st 1994 *summary protection orders* became known as *restraining orders* and *domestic violence restraining orders* were introduced. Breaches of orders refer to the nature of the original order, rather than the circumstances of the breach. *Breach court order* does not include breaches of bonds or CSO. As from 1994 *defamation and libel* has been included under *offences against the person (excluding sexual offences)* (Table 2.2). The way in which the data have been presented in this table differs from that used for the corresponding table in *Crime and Justice* reports prior to 1996 (see Appendix A for explanation). For more detail regarding cases found not guilty on the grounds of mental incompetence see Appendix A.

Magistrates Courts of South Australia
1 January - 31 December 2004

TABLE 2.10 Case outcome by major offence charged. Drug offences

Offence Group	Committed for trial or sentence	Convicted			Acquitted on Major Charge	Not guilty: mentally incompetent	Major charge withdrawn	Major charge dismissed	Orders issued/ varied/ revoked	Withdrawn on completion of mental health diversion program	Other (eg. Defendant died)	Total	
		With penalty	Without Penalty	Guilty without conviction								No.	%
Possess/use cannabis	0	49	2	30	0	0	7 (2)	3 (1)	0	0	0	91	4.5
Possess/use other drug	0	34	2	11	0	0	11	2	0	0	0	60	3.0
Import/export cannabis	0	0	0	0	0	0	0	0	0	0	0	0	0
Import/export other drug	1	0	0	0	0	0	0	1	0	0	0	2	0.1
Sell/possess for sale cannabis	62	84	1	14	0	0	26 (13)	48 (5)	0	0	1	236	11.6
Sell/possess for sale other drug	118 (3)	3	0	0	0	0	5 (1)	134 (9)	0	0	0	260	12.8
Produce/manufacture cannabis	46	680	1	423	0	1	52 (7)	27 (1)	0	0	0	1,230	60.7
Produce/manufacture other drug	42 (2)	8	0	8	0	0	3	33 (1)	0	0	0	94	4.6
Other drug offences	0	30	0	11	0	0	11 (1)	2	0	0	0	54	2.7
Total	269 (5)	888	6	497	0	1	115 (24)	250 (17)	0	0	1	2,027	
Percentage	13.3	43.8	0.3	24.5	0	0.0	5.7	12.3	0	0	0.0	100.0	

Numbers in brackets indicate cases where the defendant was not found guilty of the major charge but was found guilty of another charge. The bracketed numbers are also included in the total alongside which they appear. Thus 10(1) would mean that of the 10 cases with a given outcome, 10 were not guilty of the major charge but in one case there was a finding of guilt for an offence which was not the major charge. Some of these other charges may be for offences in groups other than the major charge - e.g. a person charged with *assault (an offence against the person)* may eventually be found guilty and convicted of only *offensive language*. In such instances cases are shown in the penalty tables for the offence group for which they were convicted. With effect from 1995, a breakdown of the quantities of drugs involved has been omitted from this table, since information on quantity of drugs was rarely available. Further information may be obtained from the Office of Crime Statistics and Research on request. The way in which the data have been presented in this table differs from that used for the corresponding table in *Crime and Justice* reports prior to 1996 (see Appendix A for explanation). For more detail regarding cases found not guilty on the grounds of mental incompetence see Appendix A.

Magistrates Courts of South Australia
1 January - 31 December 2004

TABLE 2.11 Case outcome by major offence charged. Driving offences

Offence Group	Committed for trial or sentence	Convicted			Acquitted on Major Charge	Not guilty: mentally incompetent	Major charge withdrawn	Major charge dismissed	Orders issued/ varied/ revoked	Withdrawn on completion of mental health diversion program	Other (eg. Defendant died)	Total	
		With penalty	Without Penalty	Guilty without conviction								No.	%
Driving under the influence of alcohol/drugs	0	622	2	0	0	157 (103)	15 (5)	0	0	4	800	10.5	
Exceed prescribed concentration of alcohol													
.001 to .049	0	15	0	1	0	2	0	0	0	0	18	0.2	
.050 to .079	0	74	1	4	0	7	0	0	0	0	86	1.1	
.080 to .149	0	2,905	1	2	1	82	7	0	0	1	2,999	39.3	
.150 or more	0	1,057	1	0	0	45	5	0	0	3	1,111	14.6	
Unknown	0	3	0	0	0	0	1	0	0	0	4	0.1	
Refuse to supply blood sample	0	3	0	0	0	0	1	0	0	0	4	0.1	
Refuse breath/alcotest	0	123	0	0	0	28	5	0	0	1	157	2.1	
Dangerous or reckless driving	0	612	1	3	1	99 (17)	5 (1)	0	0	1	722	9.5	
Driving while licence suspended or cancelled	0	1,442	35	24	1	199 (19)	14 (1)	0	0	1	1,717	22.5	
Driving without a licence	0	0	0	0	0	0	0	0	0	0	0	0	
Other driving licence offences	0	8	0	1	0	0	0	0	0	0	9	0.1	
Total	0	6,864	41	35	3	619 (139)	53 (7)	0	0	11	7,627		
Percentage	0	90.0	0.5	0.5	0.0	8.1	0.7	0	0	0.1		100.0	

Numbers in brackets indicate cases where the defendant was not found guilty of the major charge but was found guilty of another charge. The bracketed numbers are also included in the total alongside which they appear. Thus 10(1) would mean that of the 10 cases with a given outcome, 10 were not guilty of the major charge but in one case there was a finding of guilt for an offence which was not the major charge. Some of these other charges may be for offences in groups other than the major charge - e.g. a person charged with *assault (an offence against the person)* may eventually be found guilty and convicted of only *offensive language*. In such instances cases are shown in the penalty tables for the offence group for which they were convicted.

Exceed prescribed content of alcohol .001 to .049 relates specifically to drivers on a P-plate licence as it is an offence for such licence holders to drive with any concentration of alcohol in their blood. This category also includes P-plate drivers charged with *driving under the influence of alcohol*. The category of *negligent driving* has been omitted from this table with effect from 1995, since this offence falls outside Office of Crime Statistics and Research collection boundaries. The way in which the data have been presented in this table differs from that used for the corresponding table in *Crime and Justice* reports prior to 1996 (see Appendix A for explanation). For more detail regarding cases found not guilty on the grounds of mental incompetence see Appendix A.

Magistrates Courts of South Australia
1 January - 31 December 2004

TABLE 2.12 Case outcome by major offence charged. Other offences

Offence Group	Committed for trial or sentence	Convicted			Acquitted on Major Charge	Not guilty: mentally incompetent	Major charge withdrawn	Major charge dismissed	Orders issued/ varied/ revoked	Withdrawn on completion of mental health diversion program	Other (eg. Defendant died)	Total	
		With penalty	Without Penalty	Guilty without conviction								No.	%
Banking, financial and insurance offences	1	16	0	2	0	0	5	2	0	0	0	26	5.0
Taxation and stamp duty (excluding excise)	0	0	0	0	0	0	0	0	0	0	0	0	0
Posts, telegraphs and telecommunications	0	0	0	0	0	0	0	0	0	0	0	0	0
Customs, excise, imports/exports (non-drugs)	1	19	0	4	0	0	0	0	0	0	0	24	4.6
Immigration, passports, etc.	2	5	0	6	0	0	0	4	0	0	0	17	3.3
Electoral offences	0	0	0	0	0	0	0	0	0	0	0	0	0
Air navigation, airports and aircraft operations	0	0	0	0	0	0	0	2	0	0	0	2	0.4
Health, mental health, quarantine, food standards etc.	0	0	0	0	0	0	0	0	0	0	0	0	0
Bankruptcy	0	8	0	0	0	0	0	1	0	0	0	9	1.7
Copyright and patents	0	1	0	0	0	0	0	0	0	0	0	1	0.2
Offences in custody (against prison rules)	5	0	0	0	0	0	0	0	0	0	0	5	1.0
Other offences	0	154	180	42	0	0	52	9 (1)	0	0	0	437	83.9
Total	9	203	180	54	0	0	57	18 (1)	0	0	0	521	
Percentage	1.7	39.0	34.5	10.4	0	0	10.9	3.5	0	0	0		100.0

Numbers in brackets indicate cases where the defendant was not found guilty of the major charge but was found guilty of another charge. The bracketed numbers are also included in the total alongside which they appear. Thus 10(1) would mean that of the 10 cases with a given outcome, 10 were not guilty of the major charge but in one case there was a finding of guilt for an offence which was not the major charge. Some of these other charges may be for offences in groups other than the major charge - e.g. a person charged with *assault (an offence against the person)* may eventually be found guilty and convicted of only *offensive language*. In such instances cases are shown in the penalty tables for the offence group for which they were convicted. A number of additional offences were added to the *other offences* category of this table in 1995. Further details may be obtained from the Office of Crime Statistics. The way in which the data have been presented in this table differs from that used for the corresponding table in *Crime and Justice* reports prior to 1996 (see Appendix A for explanation). For more detail regarding cases found not guilty on the grounds of mental incompetence see Appendix A.

Magistrates Courts of South Australia
1 January - 31 December 2004

TABLE 2.13a Case outcome by major offence charged. Non-offence matters

Offence Group	Accused died	Order issued	Order varied	Order revoked/ cancelled	Application withdrawn	Application dismissed	Application refused	No action/ no case	Total	
									No.	%
RESTRAINING ORDERS										
Application for issuance of restraining order - court application	0	441	98	30	51	41	3	5	669	44.8
Application for issuance of restraining order - telephone application	0	9	1	2	1	0	0	1	14	0.9
Application to vary/revoke restraining order	0	0	0	2	0	1	0	1	4	0.3
Registration interstate/foreign restraining order	0	1	0	0	0	0	0	0	1	0.1
Application to vary/cancel registration of interstate/foreign restraining order	0	0	0	0	0	0	0	0	0	0
DOMESTIC VIOLENCE RESTRAINING ORDERS										
Application for issuance of domestic violence restraining order - court application	1	461	156	33	71	42	4	5	773	51.8
Application for issuance of domestic violence restraining order - telephone application	0	7	3	1	4	1	0	0	16	1.1
Application to vary/revoke domestic violence restraining order	0	1	0	1	0	0	0	4	6	0.4
Registration foreign domestic violence restraining order	0	0	0	0	0	0	0	0	0	0
Application to vary/cancel registration of foreign domestic violence restraining order	0	0	0	0	0	0	0	0	0	0
PAEDOPHILE RESTRAINING ORDERS										
Application for issuance of paedophile restraining order - court application	0	6	0	0	3	1	0	0	10	0.7
Application for issuance of paedophile restraining order - telephone application	0	0	0	0	0	0	0	0	0	0
Total	1	926	258	69	130	86	7	16	1,493	
Percentage	0.1	62.0	17.3	4.6	8.7	5.8	0.5	1.1		100.0
Orders issued under s.19A of the Criminal Law (Sentencing) Act	0	21	0	0	0	0	0	0	21	

With effect from 1995, this table has been expanded to provide more detailed information regarding applications for restraining orders. The information relates to final orders only. Interim orders are excluded. Where an interim order is varied or revoked at the final hearing, it is included in the 'order varied' or 'order revoked' category, rather than the 'order issued' category. On August 1st 1994 *domestic violence restraining orders* were introduced (Domestic Violence Act). This Act also amended the Criminal Law (Sentencing) Act by inserting section 19A, whereby a Magistrates Court may issue a restraining order under the Domestic Violence or Summary Procedure Act on finding a defendant guilty of an offence or on sentencing a defendant for an offence. The table above provides figures based only on major outcome for major offence charged. On October 30th 1995 *paedophile restraining orders* were introduced. Breaches of orders are included under *offences against good order* (Table 2.9).

Magistrates Courts of South Australia
1 January - 31 December 2004

TABLE 2.13b Disposition of cases involving persons declared to be liable to supervision on grounds of mental incompetence: Release and detention orders issued

Offence Group	No Penalty	Conditional Release (weeks)				Detention (weeks)				Total		
		Unconditional release	No.	Min	Av	Max	No.	Min	Av	Max	No.	%
Assault occasioning grievous bodily harm	0	0	1	52	52	52	0	-	-	-	1	1.8
Assault occasioning actual bodily harm	0	0	3	34	55	78	0	-	-	-	3	5.4
Common assault, male victim	0	2	2	52	65	78	0	-	-	-	4	7.1
Common assault, female victim	0	3	2	26	39	52	0	-	-	-	5	8.9
Assault Police	0	0	2	52	52	52	0	-	-	-	2	3.6
Kidnapping & abduction	0	0	1	26	26	26	0	-	-	-	1	1.8
Other offences against the person	0	0	2	39	46	52	0	-	-	-	2	3.6
Indecent assault, female victim, age 17 or over	0	0	1	26	26	26	0	-	-	-	1	1.8
Indecent behaviour/exposure	0	1	1	26	26	26	0	-	-	-	2	3.6
Other sexual offences	0	0	1	52	52	52	0	-	-	-	1	1.8
Counterfeiting	0	0	1	104	104	104	0	-	-	-	1	1.8
Illegal use of a motor vehicle	0	0	2	52	78	104	0	-	-	-	2	3.6
Other larceny	1	1	1	52	52	52	1	52	52	52	4	7.1
Property damage -other/not known	1	0	3	26	61	78	0	-	-	-	4	7.1
Breach court order (parole, bail , etc)	0	0	2	26	39	52	0	-	-	-	2	3.6
Breach restraining order	0	1	1	52	52	52	0	-	-	-	2	3.6
Resist/hinder police	0	1	4	17	34	52	0	-	-	-	5	8.9
Offences against justice procedures	0	0	2	52	65	78	0	-	-	-	2	3.6
Possession/use of other weapons	0	0	1	78	78	78	0	-	-	-	1	1.8
Trespassing offences	0	1	1	52	52	52	0	-	-	-	2	3.6
Disorderly behaviour	0	0	2	52	52	52	0	-	-	-	2	3.6
Other good order offences	0	2	0	0	0	0	0	-	-	-	2	3.6
Refuse breath/alco test	0	1	0	0	0	0	0	-	-	-	1	1.8
Dangerous or reckless driving	0	0	1	52	52	52	0	-	-	-	1	1.8
Drive while licence suspended or cancelled	0	0	2	26	39	52	0	-	-	-	2	3.6
Other offences (including some traffic offences)	0	0	1	52	52	52	0	-	-	-	1	1.8
Total	2	13	40	17	51	104	1	52	52	52	56	
Percentage	3.6	23.2	71.4				1.8	-	-	-		100.0

For more detail regarding cases found not guilty on the grounds of mental incompetence see Appendix A. *The total in this table (n=56) is slightly higher than the total number of cases listed in Table 2.1 as not guilty on grounds of mental incompetence (n=50) because this table considers the disposition of all offences within the case whereas Table 2.1 considers only the disposition of the major charge.

Magistrates Courts of South Australia
1 January - 31 December 2004

TABLE 2.14 Major penalty for major charge convicted or found guilty. Summary of all offence groups

Offence Group	No penalty	Restraining order	Other order	Rising of the court	Fine (\$)				Suspension of driver's licence	Bond	Community service order	Suspended imprisonment	Imprisonment (weeks)				Total	
					No.	Min	Av	Max					No.	Min	Av	Max	No.	%
Offences against the person (excl. sexual offences)	115	20	4	0	327	40	333	1,500	9	567	93	308	153	1	25	228	1,596	7.8
Sexual offences	9	0	0	0	20	70	350	2,000	0	34	3	28	8	13	45	104	102	0.5
Robbery and extortion	0	0	0	0	0	-	-	-	1	1	0	1	0	-	-	-	3	0.0
Serious criminal trespass	8	0	1	0	11	150	377	800	1	43	6	186	146	1	70	312	402	2.0
Fraud and misappropriation	10	0	8	0	59	50	853	20,000	0	146	13	187	46	4	41	312	469	2.3
Larceny and receiving	271	0	57	0	815	15	223	5,600	43	697	172	390	240	1	27	390	2,685	13.1
Property damage and environmental offences	87	7	170	0	332	20	231	1,500	9	216	82	52	24	1	20	86	979	4.8
Offences against good order	1,518	2	113	0	2,627	10	182	3,000	78	408	209	100	108	1	11	78	5,163	25.2
Drug offences	13	0	32	0	1,224	25	286	2,500	1	64	31	39	7	4	32	125	1,411	6.9
Driving offences	53	0	0	0	548	10	330	1,500	5,567	94	200	559	169	1	11	156	7,190	35.2
Other offences	196	0	2	0	194	10	579	8,500	0	33	23	6	1	186	186	186	455	2.2
Non-offence matters	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Total	2,280	29	387	0	6,157	10	252	20,000	5,709	2,303	832	1,856	902	1	30	390	20,455	
Percentage	11.1	0.1	1.9	0	30.1				27.9	11.3	4.1	9.1	4.4					100.0

More than one penalty type may be imposed per major charge, but only the most severe penalty is shown in this table. A number of additional offences were added to the *other offences* category in 1995. *Restraining orders* as the major penalty were added from 1996 onwards.

Magistrates Courts of South Australia
1 January - 31 December 2004

TABLE 2.15 Major penalty for major charge convicted or found guilty. Offences against the person (excluding sexual offences)

Offence Group	No penalty	Restraining order	Other order	Rising of the court	Fine (\$)			Suspension of driver's licence	Bond	Community Service Order	Suspended imprisonment	Imprisonment (weeks)				Total		
					No.	Min	Av					Max	No.	Min	Av	Max	No.	%
Murder	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Attempted murder	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Conspiracy to murder	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Manslaughter	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Driving causing death	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Other homicide	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Assault occasioning grievous bodily harm	0	0	0	0	0	-	-	-	0	1	0	8	5	21	43	82	14	0.9
Assault occasioning actual bodily harm	1	0	0	0	25	150	512	1,200	0	54	7	109	38	4	38	130	234	14.7
Other major assault	0	0	0	0	0	-	-	-	2	1	1	6	3	34	53	65	13	0.8
Common assault																		
- of a male	32	3	0	0	152	40	332	1,500	2	141	30	42	19	1	11	39	421	26.4
- of a female	27	7	2	0	53	50	283	1,000	0	127	14	17	10	3	16	52	257	16.1
- sex of victim unspecified	4	0	0	0	14	50	303	800	0	9	1	3	1	43	43	43	32	2.0
Common assault of family member	20	9	1	0	24	50	256	1,000	0	154	19	52	38	2	20	228	317	19.9
Other minor assault	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Assault police	30	0	1	0	52	50	326	1,000	4	59	16	46	24	1	12	56	232	14.5
Kidnapping and abduction	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Ill treatment of children	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Hijacking	0	0	0	0	1	1,000	1,000	1,000	0	0	0	0	0	-	-	-	1	0.1
Defamation and libel	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Stalking	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Other offences against the person	1	1	0	0	6	200	383	600	1	21	5	25	15	7	41	78	75	4.7
Total	115	20	4	0	327	40	333	1,500	9	567	93	308	153	1	25	228	1,596	
Percentage	7.2	1.3	0.3	0	20.5				0.6	35.5	5.8	19.3	9.6					100.0

More than one penalty type may be imposed per major charge, but only the most severe penalty is shown in this table. Prior to 1992 kidnapping was included under robbery and extortion. Prior to 1994 defamation and libel was included under offences against good order. On June 1st 1994 it became an offence to stalk another person (stalking). Hijacking includes other acts endangering life involving transport. A new category of common assault of a family member was introduced in 1995. Restraining orders as the major penalty were added from 1996 onwards.

Magistrates Courts of South Australia
1 January - 31 December 2004

TABLE 2.16 Major penalty for major charge convicted or found guilty. Sexual offences

Offence Group	No penalty	Restrain- ing order	Other order	Rising of the court	Fine (\$)			Suspension of driver's licence	Bond	Community Service Order	Suspended imprisonment	Imprisonment (weeks)				Total		
					No.	Min	Av					Max	No.	Min	Av	Max	No.	%
Rape of female																		
- Victim age under 12	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
- Victim age 12 to 16	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
- Victim age 17 or over	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
- Victim age unspecified	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Attempted rape of female																		
- Victim age under 12	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
- Victim age 12 to 16	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
- Victim age 17 or over	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
- Victim age unspecified	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Rape of male																		
- Victim age under 12	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
- Victim age 12 to 16	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
- Victim age 17 or over	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
- Victim age unspecified	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Attempted rape of male																		
- Victim age under 12	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
- Victim age 12 to 16	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
- Victim age 17 or over	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
- Victim age unspecified	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Rape of victim sex and age unspecified																		
- Victim age unspecified	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Attempted rape of victim sex and age unspecified																		
- Victim age unspecified	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0

continued on the next page

More than one penalty type may be imposed per major charge, but only the most severe penalty is shown in this table. On July 28th 1994 the offence of *persistent sexual abuse of a child* was introduced. *Restraining orders* as the major penalty were added from 1996 onwards.

Magistrates Courts of South Australia
1 January - 31 December 2004

TABLE 2.16 Major penalty for major charge convicted or found guilty. Sexual offences (continued)

Offence Group	No penalty	Restraining order	Other order	Rising of the court	Fine (\$)			Suspension of driver's licence	Bond	Community Service Order	Suspended imprisonment	Imprisonment (weeks)				Total		
					No.	Min	Av					Max	No.	Min	Av	Max	No.	%
Indecent assault of female																		
- Victim age under 12	0	0	0	0	0	-	-	-	0	0	1	2	2	60	82	104	5	4.9
- Victim age 12 to 16	0	0	0	0	0	-	-	-	0	3	0	5	1	104	104	104	9	8.8
- Victim age 17 or over	0	0	0	0	1	1,000	1,000	1,000	0	2	1	6	1	26	26	26	11	10.8
- Victim age unspecified	0	0	0	0	0	-	-	-	0	1	0	5	0	-	-	-	6	5.9
Indecent assault of male																		
- Victim age under 12	0	0	0	0	0	-	-	-	0	0	0	1	0	-	-	-	1	1.0
- Victim age 12 to 16	0	0	0	0	0	-	-	-	0	0	0	1	0	-	-	-	1	1.0
- Victim age 17 or over	0	0	0	0	1	2,000	2,000	2,000	0	0	0	1	0	-	-	-	2	2.0
- Victim age unspecified	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Indecent assault of victim sex and age unspecified	0	0	0	0	0	-	-	-	0	0	0	1	1	13	13	13	2	2.0
Unlawful sexual intercourse with female																		
- Victim age under 12	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
- Victim age 12 to 16	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
- Victim age unspecified	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Unlawful sexual intercourse with female by teacher/guardian	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Unlawful sexual intercourse with female with intellectual disability	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0

continued on the next page

More than one penalty type may be imposed per major charge, but only the most severe penalty is shown in this table. On July 28th 1994 the offence of *persistent sexual abuse of a child* was introduced. *Restraining orders* as the major penalty were added from 1996 onwards.

Magistrates Courts of South Australia
1 January - 31 December 2004

TABLE 2.16 Major penalty for major charge convicted or found guilty. Sexual offences (continued)

Offence Group	No penalty	Restraining order	Other order	Rising of the court	Fine (\$)				Suspension of driver's licence	Bond	Community Service Order	Suspended imprisonment	Imprisonment (weeks)				Total	
					No.	Min	Av	Max					No.	Min	Av	Max	No.	%
Attempted unlawful sexual intercourse with female																		
- Victim age under 12	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
- Victim age 12 to 16	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
- Victim age unspecified	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Attempted unlawful sexual intercourse with female by teacher/guardian																		
	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Attempted unlawful sexual intercourse with female with intellectual disability																		
	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Unlawful sexual intercourse with male																		
- Victim age under 12	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
- Victim age 12 to 16	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
- Victim age unspecified	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Unlawful sexual intercourse with male by teacher/guardian																		
	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Unlawful sexual intercourse with male with intellectual disability																		
	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Attempted unlawful sexual intercourse with male																		
- Victim age under 12	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
- Victim age 12 to 16	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
- Victim age unspecified	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0

continued on the next page

More than one penalty type may be imposed per major charge, but only the most severe penalty is shown in this table. On July 28th 1994 the offence of *persistent sexual abuse of a child* was introduced. *Restraining orders* as the major penalty were added from 1996 onwards.

Magistrates Courts of South Australia
1 January - 31 December 2004

TABLE 2.16 Major penalty for major charge convicted or found guilty. Sexual offences (continued)

Offence Group	No penalty	Restraining order	Other order	Rising of the court	Fine (\$)				Suspension of driver's licence	Bond	Community Service Order	Suspended imprisonment	Imprisonment (weeks)				Total	
					No.	Min	Av	Max					No.	Min	Av	Max	No.	%
Attempted unlawful sexual intercourse with male by teacher/guardian	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Attempted unlawful sexual intercourse with male with intellectual disability	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Unlawful sexual intercourse with victim age and sex unspecified	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Unlawful sexual intercourse with victim sex and age unspecified by teacher/guardian	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Unlawful sexual intercourse with victim sex and age unspecified with intellectual disability	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Attempted unlawful sexual intercourse with victim age and sex unspecified	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Attempted unlawful sexual intercourse with victim sex and age unspecified by teacher/guardian	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Attempted unlawful sexual intercourse with victim sex and age unspecified with intellectual disability	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Incest	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Indecent behaviour/exposure	9	0	0	0	17	70	218	500	0	23	1	3	0	-	-	-	53	52.0
Gross indecency	0	0	0	0	0	-	-	-	0	0	0	1	1	26	26	26	2	2.0
Persistent sexual abuse of a child	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Other sexual offences	0	0	0	0	1	300	300	300	0	5	0	2	2	13	15	17	10	9.8
Total	9	0	0	0	20	70	350	2,000	0	34	3	28	8	13	45	104	102	
Percentage	8.8	0	0	0	19.6				0	33.3	2.9	27.5	7.8					100.0

More than one penalty type may be imposed per major charge, but only the most severe penalty is shown in this table. On July 28th 1994 the offence of *persistent sexual abuse of a child* was introduced. *Restraining orders* as the major penalty were added from 1996 onwards.

Magistrates Courts of South Australia
1 January - 31 December 2004

TABLE 2.17 Major penalty for major charge convicted or found guilty. Robbery and extortion

Offence Group	No penalty	Restraining order	Other order	Rising of the court	Fine (\$)				Suspension of driver's licence	Bond	Community Service Order	Suspended imprisonment	Imprisonment (weeks)				Total	
					No.	Min	Av	Max					No.	Min	Av	Max	No.	%
Robbery with a firearm																		
- financial institution	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
- other institution	0	0	0	0	0	-	-	-	1	0	0	0	0	-	-	-	1	33.3
Robbery with other weapon																		
- financial institution	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
- other institution	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Unarmed robbery with violence																		
- financial institution	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
- other institution	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Unarmed robbery with no violence																		
- financial institution	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
- other institution	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Extortion	0	0	0	0	0	-	-	-	0	1	0	1	0	-	-	-	2	66.7
Total	0	0	0	0	0	-	-	-	1	1	0	1	0	-	-	-	3	
Percentage	0	0	0	0	0				33.3	33.3	0	33.3	0					100.0

More than one penalty type may be imposed per major charge, but only the most severe penalty is shown in this table. *Restraining orders* as the major penalty were added from 1996 onwards.

Magistrates Courts of South Australia
1 January - 31 December 2004

TABLE 2.18 Major penalty for major charge convicted or found guilty. Serious criminal trespass

Offence Group	No penalty	Restraining order	Other order	Rising of the court	Fine (\$)				Suspension of driver's licence	Bond	Community Service Order	Suspended imprisonment	Imprisonment (weeks)				Total	
					No.	Min	Av	Max					No.	Min	Av	Max	No.	%
Burglary	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Break and enter dwellings	0	0	0	0	0	-	-	-	0	0	0	2	2	3	21	39	4	1.0
Break and enter dwellings with intent	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Break and enter dwellings at night with intent	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Break and enter shops	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Break and enter shops with intent	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Break and enter schools	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Break and enter schools with intent	0	0	0	0	0	-	-	-	0	0	0	1	0	-	-	-	1	0.2
Break and enter other building	0	0	0	0	0	-	-	-	0	0	0	4	0	-	-	-	4	1.0
Break and enter other building with intent	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Non aggravated serious criminal trespass																		
- place of residence	3	0	0	0	2	500	650	800	1	11	0	73	64	8	85	312	154	38.3
- shops	0	0	0	0	1	500	500	500	0	4	0	21	14	17	61	182	40	10.0
- school	0	0	0	0	0	-	-	-	0	2	1	9	4	22	50	78	16	4.0
- other building	4	0	0	0	2	150	225	300	0	15	1	65	46	1	63	208	133	33.1
Aggravated serious criminal trespass																		
- place of residence	1	0	0	0	0	-	-	-	0	2	1	4	5	52	77	156	13	3.2
- shops	0	0	0	0	0	-	-	-	0	0	0	0	1	39	39	39	1	0.2
- school	0	0	0	0	0	-	-	-	0	0	1	0	0	-	-	-	1	0.2
- other building	0	0	0	0	1	200	200	200	0	1	0	1	0	-	-	-	3	0.7
Other criminal trespass -place of residence	0	0	0	0	4	150	300	650	0	4	1	5	5	26	42	52	19	4.7
Offences related to break and enter	0	0	1	0	1	500	500	500	0	4	1	1	5	8	40	104	13	3.2
Total	8	0	1	0	11	150	377	800	1	43	6	186	146	1	70	312	402	
Percentage	2.0	0	0.2	0	2.7				0.2	10.7	1.5	46.3	36.3					100.0

More than one penalty type may be imposed per major charge, but only the most severe penalty is shown in this table. *Restraining orders* as the major penalty were added from 1996 onwards.

On 25th December 1999 new legislation was proclaimed which replaced *break and enter offences* (other than sacrilege) with a range of *criminal trespass offences* (for more details see Appendix A).

Magistrates Courts of South Australia
1 January - 31 December 2004

TABLE 2.19 Major penalty for major charge convicted or found guilty. Fraud and misappropriation

Offence Group	No penalty	Restraining order	Other order	Rising of the court	Fine (\$)			Suspension of driver's licence	Bond	Community Service Order	Suspended imprisonment	Imprisonment (weeks)				Total		
					No.	Min	Av					Max	No.	Min	Av	Max	No.	%
False pretences																		
- credit/debit cards	0	0	0	0	2	60	180	300	0	6	0	3	1	8	8	8	12	2.6
- cheques	1	0	1	0	6	300	583	1,000	0	9	2	9	1	26	26	26	29	6.2
- other	6	0	2	0	14	60	465	3,000	0	25	1	21	13	4	66	312	82	17.5
Forge and utter (excluding cheques)	0	0	0	0	0	-	-	-	0	1	0	3	1	6	6	6	5	1.1
False statement																		
- unemployment benefit	0	0	0	0	5	250	750	2,100	0	13	3	29	6	4	11	26	56	11.9
- other social security benefit	0	0	0	0	2	500	500	500	0	13	1	15	1	13	13	13	32	6.8
- unspecified govt. benefit	0	0	0	0	1	500	500	500	0	25	1	29	7	4	19	91	63	13.4
Other fraud with respect to government benefits	0	0	0	0	1	1,250	1,250	1,250	0	15	2	34	6	4	11	17	58	12.4
Other fraud	1	0	4	0	18	50	1,593	20,000	0	12	2	16	6	12	50	156	59	12.6
Misappropriation																		
- by director/trustee/partner	1	0	0	0	2	150	200	250	0	7	0	8	3	26	104	182	21	4.5
- by employee	1	0	1	0	8	200	550	1,500	0	20	1	20	1	86	86	86	52	11.1
Counterfeiting	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Total	10	0	8	0	59	50	853	20,000	0	146	13	187	46	4	41	312	469	
Percentage	2.1	0	1.7	0	12.6				0	31.1	2.8	39.9	9.8					100.0

More than one penalty type may be imposed per major charge, but only the most severe penalty is shown in this table. *Restraining orders* as the major penalty were added from 1996 onwards.

Magistrates Courts of South Australia
1 January - 31 December 2004

TABLE 2.20 Major penalty for major charge convicted or found guilty. Larceny and receiving

Offence Group	No penalty	Restraining order	Other order	Rising of the court	Fine (\$)			Suspension of driver's licence	Bond	Community Service Order	Suspended imprisonment	Imprisonment (weeks)				Total		
					No.	Min	Av					Max	No.	Min	Av	Max	No.	%
Receiving	12	0	2	0	19	60	570	3,000	2	32	4	43	16	1	59	390	130	4.8
Unlawful possession of stolen goods	32	0	21	0	117	40	285	1,500	2	61	23	40	29	1	13	65	325	12.1
Handling of stolen goods - other	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Larceny of a motor vehicle	0	0	0	0	0	-	-	-	0	5	1	8	7	4	69	208	21	0.8
Illegal use of a motor vehicle	1	0	0	0	2	300	300	300	22	32	13	74	65	2	28	104	209	7.8
Interfere with a motor vehicle	1	0	0	0	1	400	400	400	8	18	6	15	11	8	19	34	60	2.2
Larceny or illegal use of other vehicle	8	0	0	0	6	100	217	300	0	8	4	3	3	8	23	52	32	1.2
Larceny from the person	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Larceny of livestock	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Larceny from shops	133	0	20	0	407	25	178	1,000	3	300	63	60	35	1	21	73	1,021	38.0
Other larceny	84	0	14	0	263	15	240	5,600	6	241	58	147	74	1	27	133	887	33.0
Total	271	0	57	0	815	15	223	5,600	43	697	172	390	240	1	27	390	2,685	
Percentage	10.1	0	2.1	0	30.4				1.6	26.0	6.4	14.5	8.9					100.0

More than one penalty type may be imposed per major charge, but only the most severe penalty is shown in this table. *Restraining orders* as the major penalty were added from 1996 onwards. Due to some problems in the coding of offences in the 'Larceny from shops', and 'Other larceny' categories offence details on court files which involved these types of *larceny* were compared, where possible, with offence details on the apprehension report. Where discrepancies were identified, the offence codes on the apprehension report were substituted on the court file (see Appendix A for further details).

Magistrates Courts of South Australia
1 January - 31 December 2004

TABLE 2.21 Major penalty for major charge convicted or found guilty. Property damage and environmental offences

Offence Group	No penalty	Restraining order	Other order	Rising of the court	Fine (\$)			Suspension of driver's licence	Bond	Community service order	Suspended imprisonment	Imprisonment (weeks)				Total		
					No.	Min	Av					Max	No.	Min	Av	Max	No.	%
Arson or damage by explosives																		
- dwellings	0	0	0	0	0	-	-	-	0	1	0	1	0	-	-	-	2	0.2
- shops	0	0	0	0	0	-	-	-	0	0	0	1	0	-	-	-	1	0.1
- schools	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
- factory/warehouse	0	0	0	0	0	-	-	-	0	1	0	0	0	-	-	-	1	0.1
- motor vehicle	0	0	0	0	1	150	150	150	0	0	0	1	1	17	17	17	3	0.3
- other/not known	0	0	2	0	3	150	250	400	0	1	2	0	0	-	-	-	8	0.8
Property damage (not arson)																		
- dwellings	17	4	46	0	72	50	223	1,500	1	56	24	9	4	1	26	86	233	23.8
- shops	10	0	18	0	35	50	210	500	0	10	5	6	3	13	29	39	87	8.9
- schools	0	0	0	0	3	200	400	800	0	3	1	0	0	-	-	-	7	0.7
- factory/warehouse	0	0	1	0	0	-	-	-	0	0	0	0	0	-	-	-	1	0.1
- motor vehicle	24	1	38	0	99	20	237	1,000	3	56	26	19	9	1	23	65	275	28.1
- other/not known	33	1	65	0	115	50	227	1,000	5	84	24	13	7	1	9	21	347	35.4
Other property damage offences	1	1	0	0	0	-	-	-	0	4	0	2	0	-	-	-	8	0.8
Environmental offences	2	0	0	0	4	150	419	750	0	0	0	0	0	-	-	-	6	0.6
Total	87	7	170	0	332	20	231	1,500	9	216	82	52	24	1	20	86	979	
Percentage	8.9	0.7	17.4	0	33.9				0.9	22.1	8.4	5.3	2.5					100.0

More than one penalty type may be imposed per major charge, but only the most severe penalty is shown in this table. *Restraining orders* as the major penalty were added from 1996 onwards.

Magistrates Courts of South Australia
1 January - 31 December 2004

TABLE 2.22 Major penalty for major charge convicted or found guilty. Offences against good order

Offence Group	No penalty	Restraining order	Other order	Rising of the court	Fine (\$)			Suspension of driver's licence	Bond	Community service order	Suspended imprisonment	Imprisonment (weeks)				Total		
					No.	Min	Av					Max	No.	Min	Av	Max	No.	%
Offences against government security and operations	0	0	0	0	0	-	-	-	0	1	0	0	0	-	-	-	1	0.0
Contempt of court	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Perjury	0	0	0	0	0	-	-	-	0	1	0	1	0	-	-	-	2	0.0
Pervert the course of justice	0	0	0	0	1	1,000	1,000	1,000	0	0	0	0	0	-	-	-	1	0.0
Breach court order (parole, bail, etc.)	374	0	6	0	194	25	232	1,000	26	51	34	32	61	1	8	78	778	15.1
Breach restraining order	27	1	0	0	21	50	220	750	0	20	1	9	2	7	8	8	81	1.6
Breach domestic violence restraining order	47	0	1	0	42	50	201	600	1	33	4	7	10	1	3	8	145	2.8
Escape from custody (excluding prisons)	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Resist/hinder police	259	0	2	0	445	20	213	1,200	30	76	53	8	7	1	4	13	880	17.0
Conspiracy	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Offences against justice procedures	19	0	8	0	67	50	273	1,000	6	24	14	14	5	1	21	65	157	3.0
Possession/use of firearms	8	0	19	0	150	40	335	2,000	1	15	8	4	7	6	34	60	212	4.1
Possession/use of bombs	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Possession/use of other weapons	18	1	67	0	199	40	201	1,000	5	28	11	5	4	1	8	26	338	6.5
Other weapon offences	3	0	2	0	53	75	287	1,200	1	3	0	0	0	-	-	-	62	1.2
Pornography and censorship offences	0	0	0	0	6	500	1,100	3,000	0	4	0	4	0	-	-	-	14	0.3
Liquor licensing offences	40	0	0	0	73	10	124	400	0	2	1	0	0	-	-	-	116	2.2
Betting and gaming offences	0	0	2	0	2	100	200	300	0	0	0	0	0	-	-	-	4	0.1

Continued on the next page

More than one penalty type may be imposed per major charge, but only the most severe penalty is shown in this table. On August 1st 1994 *domestic violence restraining orders* were introduced. *Breach court order* does not include breach of bond or CSO. As from 1994 *defamation and libel* has been included under *offences against the person (excluding sexual offences)* (Table 2.15). *Restraining orders* as the major penalty were added from 1996 onwards.

Magistrates Courts of South Australia
1 January - 31 December 2004

TABLE 2.22 Major penalty for major charge convicted or found guilty. Offences against good order (continued)

Offence Group	No penalty	Restraining order	Other order	Rising of the court	Fine (\$)			Suspension of driver's licence	Bond	Community service order	Suspended imprisonment	Imprisonment (weeks)				Total		
					No.	Min	Av					Max	No.	Min	Av	Max	No.	%
Trespassing offences	59	0	1	0	110	50	192	1,000	0	55	18	4	5	1	15	26	252	4.9
Consorting	1	0	0	0	1	150	150	150	0	0	0	0	0	-	-	-	2	0.0
Prostitution offences	2	0	0	0	4	50	63	100	0	0	0	0	0	-	-	-	6	0.1
Found with intent to commit a crime	0	0	0	0	3	100	300	400	0	5	3	3	5	25	34	52	19	0.4
Indecent/offensive language	62	0	0	0	84	50	132	500	0	3	1	0	0	-	-	-	150	2.9
Disorderly behaviour	425	0	2	0	666	25	151	1,000	7	62	49	6	1	4	4	4	1,218	23.6
Offensive behaviour	6	0	0	0	14	50	176	500	0	3	1	0	0	-	-	-	24	0.5
Loitering	124	0	0	0	154	50	124	400	0	3	2	0	0	-	-	-	283	5.5
Urinating/defecating in public	38	0	0	0	275	20	56	200	0	0	0	0	0	-	-	-	313	6.1
Graffiti and related offences	1	0	3	0	58	60	197	500	1	9	9	2	0	-	-	-	83	1.6
Other offences against good order	5	0	0	0	5	25	605	2,000	0	10	0	1	1	34	34	34	22	0.4
Total	1,518	2	113	0	2,627	10	182	3,000	78	408	209	100	108	1	11	78	5,163	
Percentage	29.4	0.0	2.2	0	50.9				1.5	7.9	4.0	1.9	2.1					100.0

More than one penalty type may be imposed per major charge, but only the most severe penalty is shown in this table. On August 1st 1994 *domestic violence restraining orders* were introduced. *Breach court order* does not include breach of bond or CSO. As from 1994 *defamation and libel* has been included under *offences against the person (excluding sexual offences)* (Table 2.15). *Restraining orders* as the major penalty were added from 1996 onwards.

Magistrates Courts of South Australia
1 January - 31 December 2004

TABLE 2.23 Major penalty for major charge convicted or found guilty. Drug offences

Offence Group	No penalty	Restraining order	Other order	Rising of the court	Fine (\$)				Suspension of driver's licence	Bond	Community service order	Suspended imprisonment	Imprisonment (weeks)				Total	
					No.	Min	Av	Max					No.	Min	Av	Max	No.	%
Possess/use cannabis	3	0	3	0	79	30	203	500	0	3	2	0	2	6	14	21	92	6.5
Possess/use other drug	4	0	5	0	36	60	221	600	1	3	0	0	0	-	-	-	49	3.5
Import/export cannabis	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Import/export other drug	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Sell/possess for sale cannabis	1	0	2	0	56	50	376	1,100	0	14	6	18	4	4	19	26	101	7.2
Sell/possess for sale other drug	0	0	0	0	1	400	400	400	0	0	1	1	0	-	-	-	3	0.2
Produce/manufacture cannabis	5	0	17	0	1,012	25	291	2,500	0	33	21	17	1	125	125	125	1,106	78.4
Produce/manufacture other drug	0	0	0	0	15	100	302	550	0	1	0	0	0	-	-	-	16	1.1
Other drug offences	0	0	5	0	25	50	226	800	0	10	1	3	0	-	-	-	44	3.1
Total	13	0	32	0	1,224	25	286	2,500	1	64	31	39	7	4	32	125	1,411	
Percentage	0.9	0	2.3	0	86.7				0.1	4.5	2.2	2.8	0.5					100.0

More than one penalty type may be imposed per major charge, but only the most severe penalty is shown in this table. With effect from 1995, a breakdown of the quantities of drugs involved has been omitted from this table, since information on quantity of drugs was seldom available. Further information may be obtained from the Office of Crime Statistics and Research on request. *Restraining orders* as the major penalty were added from 1996 onwards.

Magistrates Courts of South Australia
1 January - 31 December 2004

TABLE 2.24 Major penalty for major charge convicted or found guilty. Driving offences

Offence Group	No penalty	Restraining order	Other order	Rising of the court	Fine (\$)				Suspension of driver's licence	Bond	Community service order	Suspended imprisonment	Imprisonment (weeks)				Total	
					No.	Min	Av	Max					No.	Min	Av	Max	No.	%
Driving under the influence of alcohol or drugs	2	0	0	0	10	75	208	500	585	1	25	10	1	4	4	4	634	8.8
Exceed prescribed concentration of alcohol																		
.001 to .049	0	0	0	0	6	150	217	300	10	0	0	0	0	-	-	-	16	0.2
.050 to .079	1	0	0	0	50	10	233	850	32	0	2	0	0	-	-	-	85	1.2
.080 to .149	1	0	0	0	14	50	166	500	2,923	0	46	0	0	-	-	-	2,984	41.5
.150 or more	1	0	0	0	4	75	469	1,200	1,090	0	39	0	1	4	4	4	1,135	15.8
Unknown	0	0	0	0	1	325	325	325	4	0	0	0	0	-	-	-	5	0.1
Refuse to supply blood sample	0	0	0	0	0	-	-	-	3	0	0	0	0	-	-	-	3	0.0
Refuse breath/alcotest	0	0	0	0	1	200	200	200	137	0	5	0	0	-	-	-	143	2.0
Dangerous or reckless driving	2	0	0	0	10	75	234	400	614	1	6	3	0	-	-	-	636	8.8
Driving while licence suspended or cancelled	46	0	0	0	446	30	354	1,500	167	91	77	546	167	1	12	156	1,540	21.4
Driving without a licence	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Other driving licence offences	0	0	0	0	6	50	176	294	2	1	0	0	0	-	-	-	9	0.1
Total	53	0	0	0	548	10	330	1,500	5,567	94	200	559	169	1	11	156	7,190	
Percentage	0.7	0	0	0	7.6				77.4	1.3	2.8	7.8	2.4					100.0

More than one penalty type may be imposed per major charge, but only the most severe penalty is shown in this table.

Exceed prescribed content of alcohol '.001 to .049' relates specifically to drivers on a P-plate licence as it is an offence for such licence holders to drive with any concentration of alcohol in their blood. This category also includes P-plate drivers charged with *driving under the influence of alcohol*.

The category of *negligent driving* has been omitted from this table with effect from 1995, since this offence falls outside Office of Crime Statistics and Research collection boundaries.

Restraining orders as the major penalty were added from 1996 onwards.

Magistrates Courts of South Australia
1 January - 31 December 2004

TABLE 2.25 Major penalty for major charge convicted or found guilty. Other offences

Offence Group	No penalty	Restraining order	Other order	Rising of the court	Fine (\$)			Suspension of driver's licence	Bond	Community service order	Suspended imprisonment	Imprisonment (weeks)				Total		
					No.	Min	Av					Max	No.	Min	Av	Max	No.	%
Banking, financial and insurance offences	0	0	0	0	14	10	636	1,000	0	3	0	0	1	186	186	186	18	4.0
Taxation and stamp duty (excluding excise)	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Posts, telegraphs and telecommunications	0	0	0	0	0	-	-	-	0	0	0	1	0	-	-	-	1	0.2
Customs, excise, imports/exports (non-drugs)	0	0	0	0	12	250	1,677	6,000	0	4	7	0	0	-	-	-	23	5.1
Immigration, passports, etc	0	0	0	0	2	150	275	400	0	8	0	1	0	-	-	-	11	2.4
Electoral offences	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Air navigation, airports and aircraft operations	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Health, mental health, quarantine, food standards etc.	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Bankruptcy	0	0	0	0	3	250	450	550	0	3	0	2	0	-	-	-	8	1.8
Copyright and patents	0	0	0	0	1	1,750	1,750	1,750	0	0	0	0	0	-	-	-	1	0.2
Offences in custody (against prison rule)	0	0	0	0	0	-	-	-	0	0	0	0	0	-	-	-	0	0
Other offences	196	0	2	0	162	20	491	8,500	0	15	16	2	0	-	-	-	393	86.4
Total	196	0	2	0	194	10	579	8,500	0	33	23	6	1	186	186	186	455	
Percentage	43.1	0	0.4	0	42.6				0	7.3	5.1	1.3	0.2					100.0

More than one penalty type may be imposed per major charge, but only the most severe penalty is shown in this table. A number of additional offences were added to the *other offences* category in 1995. *Restraining orders* as the major penalty were added from 1996 onwards.

Magistrates Courts of South Australia
1 January - 31 December 2004

TABLE 2.26 Penalties imposed for cases involving offenders convicted or found guilty of driving with more than the prescribed content of alcohol (PCA) and who have no previous convictions for such an offence within the last five years, by PCA level

Blood alcohol level	Fine		Duration of licence suspension (months)												Av.	Until further order	Total licence suspension	Bond	CSO	Suspended imprisonment	Direct imprisonment	Total convicted
	No.	Av. \$	1-3	4-6	7-9	10-12	13-15	16-18	19-24	25-36	37-48	49-60	61-72	73+								
.001 to .049	6	275	0	1	0	0	0	0	0	0	0	0	0	0	6.0	0	1	0	0	0	0	6
.050 to .079	38	269	4	0	0	0	0	0	0	0	0	0	0	0	1.8	0	4	0	0	0	0	39
.080 to .099	972	531	9	908	50	5	1	0	0	1	0	0	0	0	6.1	0	974	0	7	0	0	981
.100 to .149	1,638	604	10	988	561	84	13	6	0	1	1	0	0	0	7.0	1	1,665	0	31	0	0	1,671
.150 to .199	683	780	2	10	3	519	119	35	8	3	2	0	0	0	12.8	0	701	1	19	0	1	703
.200 to .249	174	875	0	5	3	47	59	49	12	5	0	1	0	0	15.5	0	181	0	5	0	0	181
.250 and over	54	874	1	0	0	11	8	15	18	1	1	0	1	0	19.3	0	56	0	3	0	0	57
Unknown	4	531	0	2	0	1	0	0	0	0	0	0	0	0	8.0	0	3	0	0	0	0	4
Total	3,569	631	26	1,914	617	667	200	105	38	11	4	1	1	0	8.5	1	3,585	1	65	0	1	3,642
Percentage	98.0		0.7	52.6	16.9	18.3	5.5	2.9	1.0	0.3	0.1	0.0	0.0	0	0.0	98.4	0.0	1.8	0	0.0	100.0	

This table gives the penalties for defendants with no prior convictions for drink driving offences within the last five years, while Table 2.27 focuses on defendants with one or more prior convictions within the last five years. Although the Road Traffic Act sets different penalties for first offenders and those with prior drink-driving convictions within the last five years, before 1995 this table did not distinguish between convictions more and less recent than five years prior. Recent system enhancements have now made this distinction possible. *Exceed prescribed content of alcohol .001 to .049* relates specifically to drivers on a P-plate licence as it is an offence for such licence holders to drive with any concentration of alcohol in their blood. This category also includes P-plate drivers charged with *driving under the influence of alcohol*. Average duration of licence suspension excludes the *Until further order* category. Because up to three penalties per case are counted, the percentages listed in the last row of the table exceed 100.0%.

Magistrates Courts of South Australia
1 January - 31 December 2004

TABLE 2.27 Penalties imposed for cases involving offenders convicted or found guilty of driving with more than the prescribed content of alcohol (PCA) and who have one or more previous convictions for such an offence within the last five years, by PCA level

Blood alcohol level	Fine (\$)		Duration of licence suspension (months)													Av.	Until further order	Total licence suspension	Bond	CSO	Suspended Imprisonment	Direct Imprisonment	Total convicted
	No.	Av. \$	1-3	4-6	7-9	10-12	13-15	16-18	19-24	25-36	37-48	49-60	61-72	73+									
.001 to .049	9	544	7	1	0	0	0	0	0	0	0	0	0	0	2.6	1	9	0	0	0	0	10	
.050 to .079	44	354	27	3	0	0	0	0	0	0	0	0	0	0	3.2	0	30	0	2	0	0	46	
.080 to .099	94	730	0	15	2	70	4	0	2	0	0	0	0	0	11.3	3	96	0	3	0	0	98	
.100 to .149	229	818	1	27	22	92	43	15	15	9	0	0	0	0	13.2	10	234	0	5	0	0	234	
.150 to .199	131	1,207	0	0	0	12	4	5	0	94	13	0	0	0	33.2	9	137	0	6	0	0	139	
.200 to .249	39	1,138	1	0	0	2	4	3	2	28	5	0	0	0	31.1	0	45	0	6	0	0	45	
.250 and over	10	1,340	0	0	0	1	2	0	0	3	3	1	0	0	34.6	0	10	0	0	0	0	10	
Unknown	1	650	0	0	1	0	0	0	0	0	0	0	0	0	8.0	0	1	0	0	0	0	1	
Total	557	885	36	46	25	177	57	23	19	134	21	1	0	0	18.8	23	562	0	22	0	0	583	
Percentage	95.5		6.2	7.9	4.3	30.4	9.8	3.9	3.3	23.0	3.6	0.2	0	0	3.9	96.4	0	3.8	0	0	0	100.0	

This table gives the penalties for defendants with one or more prior convictions for drink driving offences within the last five years. Although the Road Traffic Act sets different penalties for first offenders and those with prior drink-driving convictions within the last five years, before 1995 this table did not distinguish between convictions more and less recent than five years prior. Recent system enhancements have now made this distinction possible. *Exceed prescribed content of alcohol .001 to .049* relates specifically to drivers on a P-plate licence as it is an offence for such licence holders to drive with any concentration of alcohol in their blood. This category also includes P-plate drivers charged with *driving under the influence of alcohol*. Average duration of licence suspension excludes the 'Until further order' category. Because up to three penalties per case are counted, the percentages listed in the last row of the table exceed 100.0%.

Magistrates Courts of South Australia
1 January - 31 December 2004

TABLE 2.28a Age by major offence charged. Male defendants

Offence Group	Age of males in years									Total with information available		Information not available
	18-19	20-24	25-29	30-34	35-39	40-49	50-59	60 and over	Average age (years)	Number	Percentage	
Offences against the person (excl. sexual offences)	265	556	522	472	399	422	125	48	31.7	2,809	12.5	2
Sexual offences	26	52	43	59	45	69	44	24	36.6	362	1.6	0
Robbery and extortion	35	49	49	24	24	13	3	1	27.5	198	0.9	1
Serious criminal trespass	151	266	211	177	116	92	13	2	28.2	1,028	4.6	2
Fraud and misappropriation	26	68	52	71	46	60	27	7	33.3	357	1.6	4
Larceny and receiving	410	523	435	351	247	271	88	43	29.7	2,368	10.5	4
Property damage and environmental offences	148	288	181	127	129	130	26	11	29.3	1,040	4.6	1
Offences against good order	750	1,165	736	618	521	605	174	64	29.8	4,633	20.6	10
Drug offences	50	199	297	342	288	327	91	44	34.7	1,638	7.3	0
Driving offences	690	1,609	1,092	901	674	960	389	150	31.5	6,465	28.7	7
Other offences	27	73	67	75	42	54	23	13	32.9	374	1.7	4
Non-offence matters	39	144	191	220	198	312	98	41	36.3	1,243	5.5	27
Total	2,617	4,992	3,876	3,437	2,729	3,315	1,101	448	31.3	22,515		62
Percentage	11.6	22.2	17.2	15.3	12.1	14.7	4.9	2.0			100.0	
Rate per 1,000 adult population	120.2	94.4	80.0	64.1	50.3	29.1	11.0	3.3		38.7		

In Tables 2.28 - 2.31 there is one entry for each finalised appearance by a defendant. These background items refer to the status of the defendant at the time of apprehension. Rates per 1,000 adult population have been derived from Catalogue no. 3201.0 30th June 2004.

Magistrates Courts of South Australia
1 January - 31 December 2004

TABLE 2.28b Age by major offence charged. Female defendants

Offence Group	Age of females in years								Average age (years)	Total with information available		Information not available
	18-19	20-24	25-29	30-34	35-39	40-49	50-59	60 and over		Number	Percentage	
Offences against the person (excl. sexual offences)	61	90	63	84	72	68	22	3	31.1	463	9.6	2
Sexual offences	2	1	0	1	1	1	0	0	28.8	6	0.1	0
Robbery and extortion	3	3	7	3	2	2	1	0	29.2	21	0.4	0
Serious criminal trespass	13	28	24	22	21	14	0	0	29.2	122	2.5	0
Fraud and misappropriation	23	44	54	31	39	36	15	2	31.9	244	5.0	2
Larceny and receiving	134	207	169	166	115	179	59	36	32.4	1,065	22.0	1
Property damage and environmental offences	16	48	40	26	30	26	3	1	30.3	190	3.9	0
Offences against good order	103	173	174	153	124	115	36	3	30.6	881	18.2	1
Drug offences	18	50	70	66	57	87	36	5	35.0	389	8.0	0
Driving offences	85	265	192	174	155	209	64	11	32.2	1,155	23.9	0
Other offences	5	14	19	30	17	11	3	1	32.2	100	2.1	2
Non-offence matters	12	20	30	32	42	43	20	5	35.9	204	4.2	14
Total	475	943	842	788	675	791	259	67	32.0	4,840		22
Percentage	9.8	19.5	17.4	16.3	13.9	16.3	5.4	1.4			100.0	
Rate per 1,000 adult population	22.9	19.0	18.5	15.0	12.6	6.9	2.5	0.4		7.1		

In Tables 2.28 - 2.31 there is one entry for each finalised appearance by a defendant. These background items refer to the status of the defendant at the time of apprehension. Rates per 1,000 adult population have been derived from Catalogue no. 3101.0 30th June 2004.

Magistrates Courts of South Australia
1 January - 31 December 2004

TABLE 2.28c Age by major offence charged. All defendants

Offence Group	Age of all defendants in years								Average age (years)	Total with information available		Information not available
	18-19	20-24	25-29	30-34	35-39	40-49	50-59	60 and over		Number	Percentage	
Offences against the person (excl. sexual offences)	326	646	585	556	471	490	147	51	31.7	3,272	11.9	4
Sexual offences	28	53	43	60	46	70	44	24	36.5	368	1.3	0
Robbery and extortion	38	52	56	27	26	15	4	1	27.7	219	0.8	3
Serious criminal trespass	164	294	235	199	137	106	13	2	28.3	1,150	4.2	2
Fraud and misappropriation	49	113	106	103	86	96	42	9	32.7	604	2.2	8
Larceny and receiving	545	730	604	517	362	450	147	79	30.5	3,434	12.5	6
Property damage and environmental offences	164	337	221	153	159	156	29	12	29.4	1,231	4.5	1
Offences against good order	853	1,338	910	771	645	720	210	67	29.9	5,514	20.1	15
Drug offences	68	249	367	408	345	414	127	49	34.8	2,027	7.4	0
Driving offences	775	1,874	1,284	1,075	829	1,169	453	161	31.6	7,620	27.8	7
Other offences	33	88	89	107	64	75	29	22	33.4	507	1.9	14
Non-offence matters	51	164	221	252	240	355	118	46	36.3	1,447	5.3	46
Total	3,094	5,938	4,721	4,228	3,410	4,116	1,363	523	31.5	27,393		106
Percentage	11.3	21.7	17.2	15.4	12.4	15.0	5.0	1.9			100.0	
Rate per 1,000 adult population	72.7	57.9	50.2	39.9	31.6	18.0	6.7	1.7		23.1		

In Tables 2.28 - 2.31 there is one entry for each finalised appearance by a defendant. These background items refer to the status of the defendant at the time of apprehension.

Rates per 1,000 adult population have been derived from Catalogue no. 3201.0 30th June 2004.

The totals in this table may be slightly greater than the sum of male and female totals because sex is not always known, even though age may be known.

The 106 cases where information was not available were either company names or related to non-offence matters, such as restraining order applications.

Magistrates Courts of South Australia
1 January - 31 December 2004

TABLE 2.29 Racial appearance of defendant by major offence charged

Offence Group	Racial appearance		Total with information available		Information not available
	Aboriginal	Non-Aboriginal	Number	Percentage	
Offences against the person (excl. sexual offences)	627	2,568	3,195	12.4	81
Sexual offences	28	324	352	1.4	16
Robbery and extortion	48	170	218	0.8	4
Serious criminal trespass	180	963	1,143	4.4	9
Fraud and misappropriation	10	471	481	1.9	131
Larceny and receiving	356	2,968	3,324	12.9	116
Property damage and environmental offences	242	952	1,194	4.6	38
Offences against good order	1,048	4,345	5,393	20.9	136
Drug offences	51	1,859	1,910	7.4	117
Driving offences	438	6,512	6,950	26.9	677
Other offences	294	133	427	1.7	94
Non-offence matters	93	1,139	1,232	4.8	261
Total	3,415	22,404	25,819		1,680
Percentage	13.2	86.8		100.0	
Rate per 1,000 adult population	266.4	21.1	23.3		

In Tables 2.28 - 2.31 there is one entry for each finalised appearance by a defendant. Racial appearance, derived from police apprehension reports, reflects the opinion of the apprehending police officer.

Rates per 1,000 adult population have been derived from ABS 2001 Census.

The 1,680 cases where information was not available were either company names or related to non-offence matters, such as restraining order applications.

Magistrates Courts of South Australia
1 January - 31 December 2004

TABLE 2.30 Prior criminal convictions and prior imprisonments of defendant by major offence charged

Offence Group	Prior criminal record											
	Number of prior criminal convictions							One or more previous imprisonments		Total with information available		Information not available
	No prior convictions	1	2-4	5-9	10-49	50 or more	Average	Number	Percentage of offence group	Number	Percentage	
Offences against the person (excl. sexual offences)	772	227	475	446	1,074	282	16.0	803	24.5	3,276	11.9	0
Sexual offences	142	31	64	40	76	15	9.1	70	19.0	368	1.3	0
Robbery and extortion	37	7	27	20	88	43	27.7	96	43.2	222	0.8	0
Serious criminal trespass	156	35	128	136	456	241	27.9	509	44.2	1,152	4.2	0
Fraud and misappropriation	245	47	100	61	138	21	9.2	86	14.1	612	2.2	0
Larceny and receiving	939	192	405	391	1,090	423	19.3	920	26.7	3,440	12.5	0
Property damage and environmental offences	308	72	233	183	346	90	14.1	248	20.1	1,232	4.5	0
Offences against good order	1,435	392	832	721	1,622	527	16.3	1,184	21.4	5,529	20.1	0
Drug offences	519	150	368	351	550	89	10.6	312	15.4	2,027	7.4	0
Driving offences	2,605	651	1,370	1,126	1,609	266	8.8	924	12.1	7,627	27.7	0
Other offences	168	37	70	50	157	39	13.4	73	14.0	521	1.9	0
Non-offence matters	499	110	228	204	385	67	10.7	244	16.3	1,493	5.4	0
Total	7,825	1,951	4,300	3,729	7,591	2,103	14.0	5,469		27,499		0
Percentage	28.5	7.1	15.6	13.6	27.6	7.6			100.0		100.0	

Prior to 1994 defendants with 100 or more previous convictions were recorded as 99. From 1994 onwards all previous convictions have been recorded.

A defendant's previous convictions include both adult and juvenile offences in South Australia, and, if the South Australian Police are advised of them, interstate and Commonwealth offences.

In 1996 this table was modified to bring the data in line with the counting rules used for other tables in this report. The statistics provided relate to the number of counts of offences previously convicted. In addition, in 1996 defendants with suspended imprisonments were excluded from the number of defendants with one or more previous imprisonments. Convictions quashed by appeal or re-hearing were also excluded in 1996.

Magistrates Courts of South Australia
1 January - 31 December 2004

TABLE 2.31 Bail status at final court appearance by major offence charged

Offence Group	One court hearing			Two or more court hearings			Committed for trial or sentence			Total with Information available		Information not available
	Bail not required	Bail granted	In custody	Bail not required	Bail Granted	In custody	Bail not required	Bail Granted	In custody	Number	Percentage	
Offences against the person (excl. sexual offences)	304	1	1	602	1,930	300	0	87	40	3,265	11.9	11
Sexual offences	31	0	0	44	145	18	0	109	19	366	1.3	2
Robbery and extortion	3	0	0	4	64	40	0	60	48	219	0.8	3
Serious criminal trespass	49	0	0	57	612	210	0	154	57	1,139	4.2	13
Fraud and misappropriation	70	1	0	276	205	42	0	16	1	611	2.2	1
Larceny and receiving	825	0	2	841	1,337	409	0	8	5	3,427	12.5	13
Property damage and environmental offences	368	1	1	303	437	112	0	5	3	1,230	4.5	2
Offences against good order	2,698	2	4	874	1,474	415	0	31	7	5,505	20.1	24
Drug offences	786	1	0	410	498	62	0	249	20	2,026	7.4	1
Driving offences	2,796	0	0	3,254	1,267	305	0	0	0	7,622	27.8	5
Other offences	327	0	0	144	33	8	0	5	4	521	1.9	0
Non-offence matters	70	0	0	1,273	134	13	0	0	0	1,490	5.4	3
Total	8,327	6	8	8,082	8,136	1,934	0	724	204	27,421		78
Percentage	30.4	0.0	0.0	29.5	29.7	7.1	0	2.6	0.7		100.0	

For defendants with only one court hearing, *bail status* refers to police bail. For those with two or more hearings the *bail status* has been determined by the court.

Magistrates Courts of South Australia
1 January - 31 December 2004

TABLE 2.32 Legal representation at final court appearance by major offence charged

Offence Group	One court hearing			Two or more court hearings			Committed for trial or sentence			Total with information available		Information not available
	Duty solicitor	Other legal representation	No legal representation	Duty solicitor	Other legal representation	No legal representation	Duty solicitor	Other legal representation	No legal representation	Number	Percentage	
Offences against the person (excl. sexual offences)	12	102	114	109	2,054	352	2	117	7	2,869	13.3	407
Sexual offences	0	9	12	6	162	14	3	119	5	330	1.5	38
Robbery and extortion	1	1	0	2	96	6	1	104	1	212	1.0	10
Serious criminal trespass	2	30	8	25	753	51	4	192	5	1,070	5.0	82
Fraud and misappropriation	1	33	27	17	396	62	0	15	2	553	2.6	59
Larceny and receiving	51	189	348	140	1,718	401	0	11	1	2,859	13.2	581
Property damage and environmental offences	18	80	183	43	487	181	0	7	0	999	4.6	233
Offences against good order	156	522	1,127	163	1,613	527	1	35	1	4,145	19.2	1,384
Drug offences	9	151	399	21	679	136	1	253	9	1,658	7.7	369
Driving offences	51	439	1,429	134	2,718	1,108	0	0	0	5,879	27.2	1,748
Other offences	1	97	25	7	95	32	0	9	0	266	1.2	255
Non-offence matters	2	7	21	14	339	374	0	0	0	757	3.5	736
Total	304	1,660	3,693	681	11,110	3,244	12	862	31	21,597		5,902
Percentage	1.4	7.7	17.1	3.2	51.4	15.0	0.1	4.0	0.1		100.0	

The term 'Duty solicitor' refers to solicitors rostered to service courts under the Law Society's Duty Solicitor Scheme, and to solicitors from Legal Services Commission and the Aboriginal Legal Rights Movement who also provide a duty solicitor service. 'Other' legal representation refers to private solicitors and to solicitors from legal aid organisations appearing on occasions other than as duty solicitors.

Magistrates Courts of South Australia
1 January - 31 December 2004

TABLE 2.33 Plea at final court appearance by major offence charged

Offence Group	Finalised in summary court							Committed for trial or sentence					Total with information available		
	Guilty	Guilty 3	Not guilty	No plea	Plea not applicable	Defence reserved	<i>Ex parte</i>	Guilty	Not guilty	No plea	Defence reserved	<i>Ex parte</i>	Number	Percentage	Unknown
Offences against the person (excl. sexual offences)	1,397	0	185	1,567	0	0	0	3	114	10	0	0	3,276	11.9	0
Sexual offences	93	0	14	133	0	0	0	10	113	5	0	0	368	1.3	0
Robbery and extortion	2	0	2	109	0	0	0	28	79	2	0	0	222	0.8	0
Serious criminal trespass	381	0	26	534	0	0	0	32	166	13	0	0	1,152	4.2	0
Fraud and misappropriation	441	0	15	139	0	0	0	6	11	0	0	0	612	2.2	0
Larceny and receiving	2,310	2	87	1,028	0	0	0	5	8	0	0	0	3,440	12.5	0
Property damage and environmental offences	852	1	30	341	0	0	0	0	8	0	0	0	1,232	4.5	0
Offences against good order	3,930	77	70	1,414	0	0	0	10	26	2	0	0	5,529	20.1	0
Drug offences	1,293	1	7	457	0	0	0	39	216	14	0	0	2,027	7.4	0
Driving offences	6,658	2	87	880	0	0	0	0	0	0	0	0	7,627	27.7	0
Other offences	231	1	3	277	0	0	0	4	5	0	0	0	521	1.9	0
Non-offence matters	4	0	21	0	1,468	0	0	0	0	0	0	0	1,493	5.4	0
Total	17,592	84	547	6,879	1,468	0	0	137	746	46	0	0	27,499		0
Percentage	64.0	0.3	2.0	25.0	5.3	0	0	0.5	2.7	0.2	0	0		100.0	

In 1994 a new plea of 'not applicable' was introduced by courts. This applies to cases where the defendant is not required to enter a plea. In 1994 'Guilty 3' replaced 'Guilty 4A' whereby a defendant charged with a summary offence not punishable by imprisonment may plead guilty to the charge without attending the court or engaging a solicitor to attend. For non-offence matters (restraining orders), a plea of not guilty may be entered where the defendant wishes to contest the order.