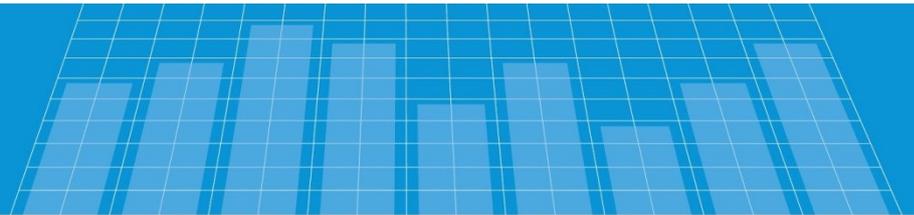




Statistical Overview



Australian Bureau of Statistics

***Criminal Courts, Australia
2013-14***

The South Australian Perspective

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and Research
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Executive Summary

Key Outcomes from Australian Bureau of Statistics (ABS) media release

In Australia:

- There has been an increase in the number of finalised defendants in 2013-14, reversing the consecutive reductions noted over the previous four years. In 2013-14, there were 579,152 defendants finalised in Australia's criminal courts representing a 3 percent increase (17,592 defendants) compared with 2012-13.
- *Illicit drug offences* made up the largest increase in the number of defendants, accounting for 9 percent of the total number of finalised defendants nationally in 2013-14, compared with 6 percent in 2009-10. Compared with 2012-13, the number of defendants finalised with a principal offence of *Illicit drug offences* increased by 15 percent or 6,442 defendants.
- The second largest increase was for *Offences against justice procedures, government security and government operations*, which increased by 10 percent to 40,958 defendants in 2013-14. This was driven by increases in *Breach of violence and non-violence restraining orders*.
- Despite the increase in the above two offence types, *Traffic and vehicle regulatory offences* remained the most common principal offence with 37 percent of defendants finalised for this offence in 2013-14.

Key Findings from this report

In South Australian Higher Courts:

- In 2013-14, there were 1,741 finalised defendants in South Australia's Higher Courts, of which 86.4 percent were male.
- The number of finalised defendants increased by 1.4 percent (28 defendants) compared with the previous year.
- Aboriginal and Torres Strait Islander defendants made up 10.3 percent of defendants finalised in the Higher Courts.
- In 2013-14, the most common principal offence for all finalised defendants was *Illicit drug offences* (583 or 33.5%).
- A lower proportion of defendants were adjudicated (74.8%) compared with nationally (86.5%) and a higher proportion had their matters withdrawn (24.0% compared with 11.7%).
- Custody in a correctional institution was the most common principal sentence imposed on proven guilty defendants and highest for defendants proven guilty of *Robbery, extortion and related offences* (81.6% imprisoned).
- The median length of time from initiation to finalisation in the South Australian Higher Courts was comparable with Australia at 29.0 weeks.

In South Australian Magistrates Courts:

- A total of 42,837 defendants were finalised in the Magistrates Courts in 2013-14, of which 78.3 percent were male.
- Aboriginal and Torres Strait Islander defendants made up 15.9 percent of finalised defendants.
- The most common principal offence for all finalised defendants was *Traffic and vehicle regulatory offences* (14,345 or 33.5%).
- A lower proportion of defendants were adjudicated (77.5%) compared with nationally (90.1%) and a higher proportion had their matters withdrawn (17.8% compared with 7.3%).
- Nearly half of *Acts intended to cause injury* matters (46.1%) were withdrawn in the Magistrates Courts.
- The length of time to finalisation was more than double the national figure (13.1 weeks compared with 5.9 weeks).

In the South Australian Youth Court:

- There were 2,776 defendants finalised in the Youth Court in 2013-14, which was a 5.1 percent reduction on the previous year (2,925). Just over three-quarters of finalised defendants were male (76.8%).
- Aboriginal or Torres Strait Islander defendants made up over one-third (35.1%) of finalised defendants, which was higher than the proportion recorded in 2012-13 (29.0%).
- The most common principal offence for all finalised defendants was *Acts intended to cause injury* (620 or 22.3%).
- A much lower proportion of defendants were adjudicated (51.3%) compared with Australia (83.0%) and a greater proportion were transferred to other courts (22.8% compared with 4.0%) or had their matters withdrawn (16.6% compared with 8.7%).

Introduction

This report summarises the key South Australian findings from the Australian Bureau of Statistics (ABS) *Criminal Courts, Australia, 2013-14* (cat. no. 4513.0) which was released on 5 March 2015.

Criminal Courts, Australia is an annual publication which presents information on the characteristics of defendants dealt with by Australian state and territory criminal courts. This includes information on the offences, case outcomes and sentences associated with those defendants.

The publication includes information relating to the criminal jurisdictions of the Higher (Supreme and Intermediate), Magistrates' and Children's Courts in each state and territory. The criminal jurisdiction of the courts includes the trial and sentencing of persons and organisations charged with criminal offences in Australia.

In interpreting the figures contained in *Criminal Courts, Australia* it should be noted that they do not necessarily equate with the actual incidence of offending in the community, as not all crimes are reported to or recorded by police and therefore not all alleged offenders are brought before the courts.

Please see Appendix A for an overview of the *Criminal Courts, Australia* publication.

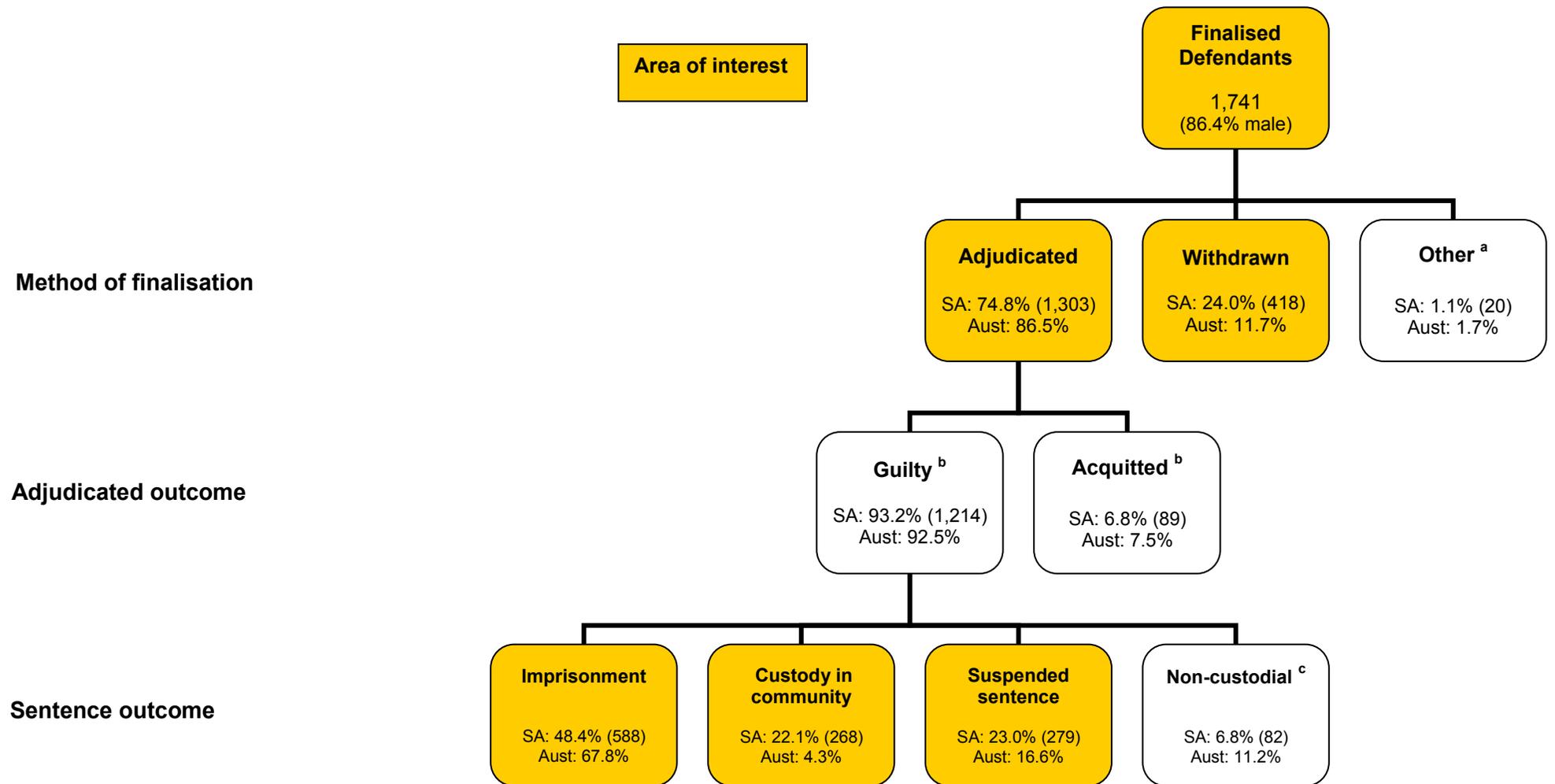
Higher Courts

Figure 1 shows the number of defendants finalised in the Higher Courts in 2013-14 by the method of finalisation, adjudicated outcomes and sentence outcomes for South Australia (SA) and Australia. It shows there were 1,741 defendants finalised in SA in 2013-14 of which, 86.4 percent were male. The average age of defendants was 35.3 years which was slightly older than the national average of 34.4 years (figures not shown).

Three-quarters of defendants were adjudicated (74.8%) and a further 24.0 percent had their matters withdrawn by the prosecution. This contrasts with the findings for Australia in which a higher proportion of matters were adjudicated in the Higher Courts (86.5%) and lower proportion of matters were withdrawn (11.7%).

The median length of time from initiation to finalisation in the South Australian Higher Courts was 29.0 weeks, which was similar to Australia (29.6 weeks) and a slight reduction compared with the previous year (31.1 weeks).

Figure 1. Finalised defendants in the Higher Courts by methods of finalisation, outcomes and penalties, South Australia versus Australia, 2013-14



^a Includes defendants deceased or unfit to plead, transfers to other court levels, transfers to non-court agencies, and other non-court finalisations.

^b The percentages shown are calculated by the Office of Crime Statistics and Research (OCSAR) as a percentage of *adjudicated* defendants. In contrast, the ABS reports the figures as the percentage of *finalised* defendants (e.g. in SA in 2013-14 the ABS reported 69.7% found guilty and 5.1% acquitted).

^c Non-custodial orders include community supervision/work orders, monetary orders, and other non-custodial orders.

In 2013-14, the South Australian Higher Courts recorded a 1.4 percent increase in the number of finalised defendants compared with the previous year (1,741 compared with 1,717 during 2012-13¹). One-in-ten finalised defendants (10.3%, n=176) were identified as of Aboriginal or Torres Strait Islander status², which was similar to the proportion recorded in 2012-13 (11.3%) (figures not shown).

Overall, the number of adjudicated defendants was slightly higher (up 2.6%), although this represented a similar proportion of all finalised defendants compared with the previous year (74.8% and 74.0% adjudicated respectively). With regard to withdrawn defendants, there was a 2.1 percent reduction in the number of matters withdrawn in 2013-14 compared to the previous year (418 compared with 427 respectively).

Table 2. South Australian Higher Courts, 2012-13 versus 2013-14

	2012-13 Results	2013-14 Results	2013-14 compared to 2012-13
Finalised defendants*	1,717	1,741	↑ by 24 (1.4%)
Adjudicated defendants	74.0% (1,270)	74.8% (1,303)	↑ by 2.6%
• Defendants acquitted	10.0% (127)	6.8% (89)	↓ by 29.9%
• Defendants found guilty	90.0% (1,143)	93.2% (1,214)	↑ by 6.2%
– Imprisonment	47.4% (540)	48.4% (588)	↑ by 8.9%
– Custody in the community	30.3% (345)	22.1% (268)	↓ by 22.3%
– Fully suspended sentence	16.4% (187)	23.0% (279)	↑ by 49.2%
Withdrawn defendants	24.9% (427)	24.0% (418)	↓ by 2.1%

Arrows indicate the direction of change.

* Totals include: transfers to other court levels; defendants deceased or unfit to plead; transfers to non-court agencies; and other non-adjudicated finalisations not elsewhere classified.

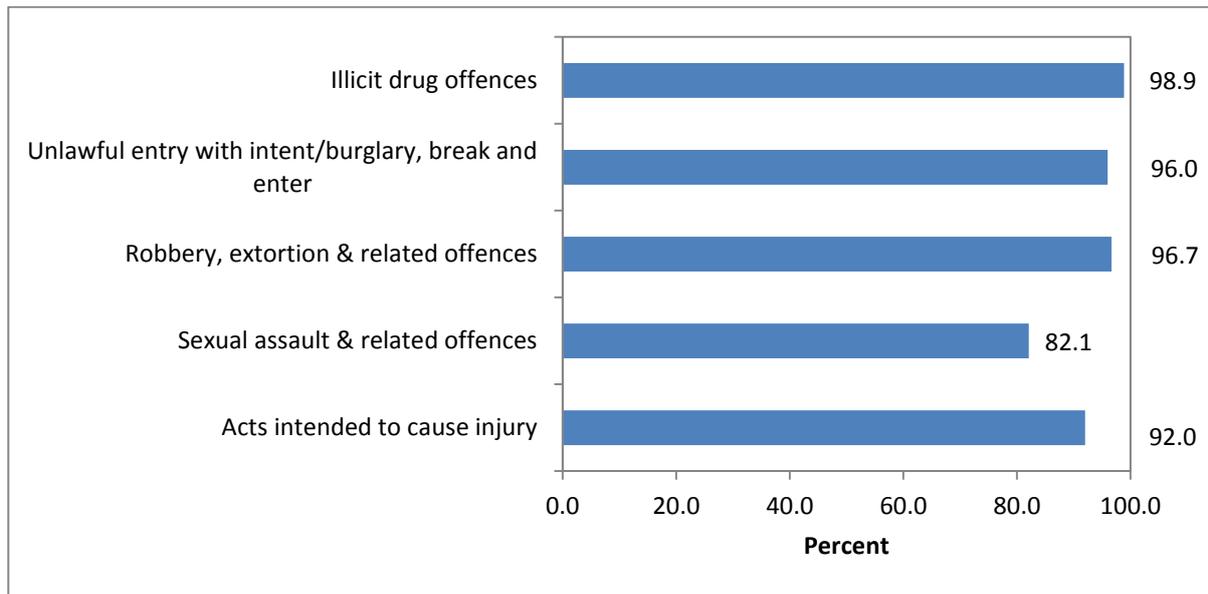
The five principal³ offence types shown in Figure 2 accounted for approximately 83 percent of all defendants adjudicated in the South Australian Higher Courts during 2013-14. Figure 2 presents the proportion of all defendants adjudicated in the Higher Courts where the outcome was a finding of guilt. *Illicit drug offences* recorded the greatest proportion of adjudicated defendants found guilty (98.9%), followed by *Robbery, extortion and related offences* (96.7%) and *Unlawful entry with intent/burglary, break and enter* (96%).

¹ Source: Australian Bureau of Statistics (2014)

² Indigenous status was not recorded for 8.2 percent of defendants and figures exclude all traffic offences.

³ The principal offence is the offence category, based on ANZSOC, that describes the most serious offence type associated with a finalised defendant. The principal offence is determined by how the offences were finalised and/or the rankings in the National Offence Index 2009.

Figure 2. Percentage of Higher Court adjudicated defendants found guilty in SA for each of the five most common principal offence types (excluding *Other offences*), 2013-14

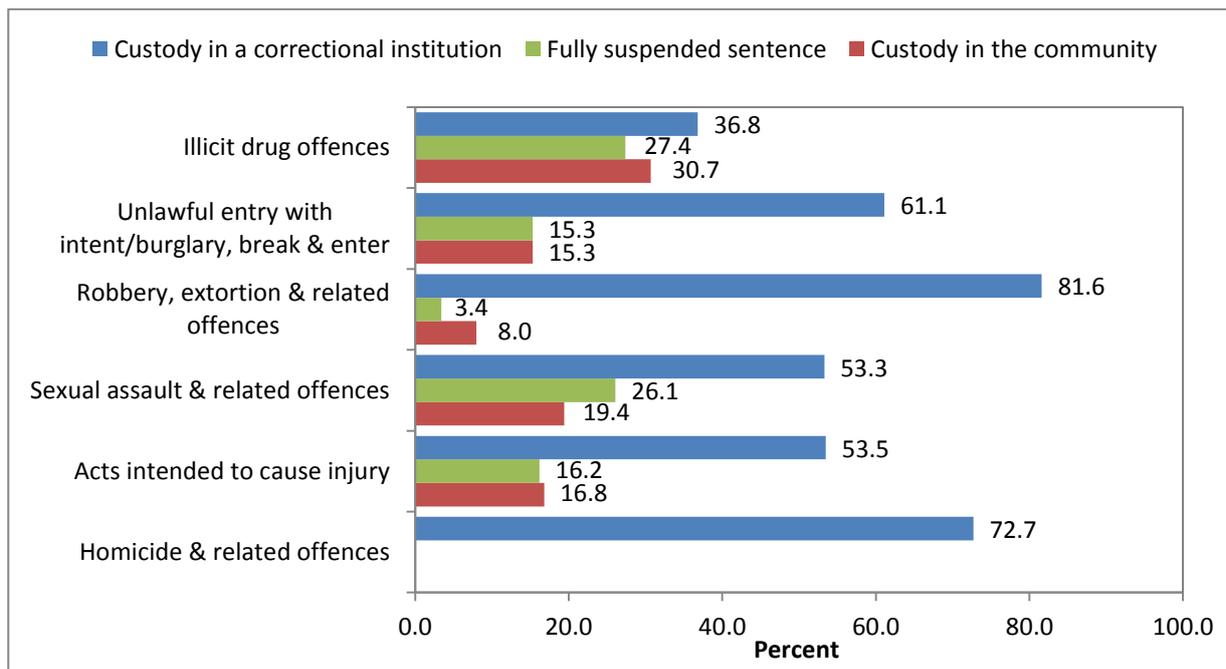


NB - Excludes *Homicide and related offences* due to small numbers.

Figure 3 presents the custodial sentences imposed in South Australian Higher Courts in 2013-14 by principal offence type. As shown, across all major offence categories, direct imprisonment was the most common principal sentence imposed on proven guilty defendants. *Homicide and related offences* and *Robbery, extortion and related offences* were the two offence categories most likely to result in a sentence of direct imprisonment in the Higher Courts (72.7% and 81.6% respectively).

A sentence of custody in the community was highest amongst those proven guilty of *illicit drug offences* (30.7%), followed by *sexual assault and related offences* (19.4%). These two offence types also recorded a higher proportion of fully suspended sentences than other offence categories (27.4% for *illicit drug offences* and 26.1% for *sexual assault and related offences*).

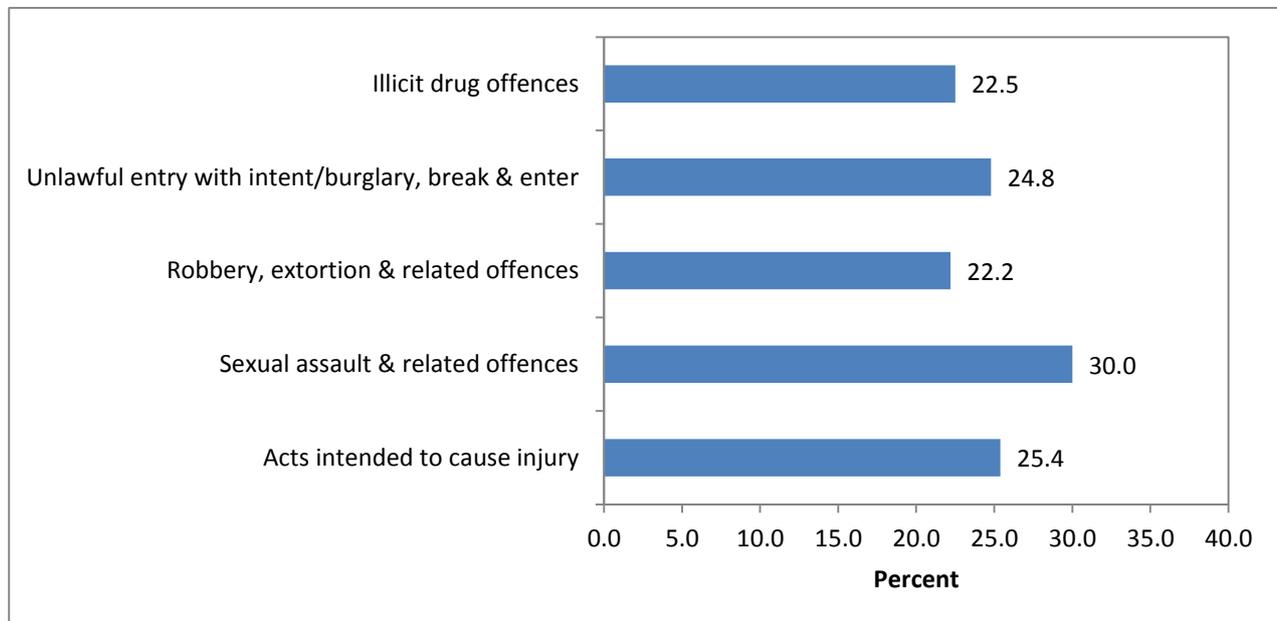
Figure 3. Custodial sentence outcomes of Higher Court defendants proven guilty in SA by offence type, 2013-14



NB - Data on custody in the community and suspended sentence were not available for *Homicide and related offences*.

The five principal⁴ offence types shown in Figure 4 accounted for approximately 80 percent of all defendants withdrawn in the South Australian Higher Courts during 2013-14. *Sexual assault and related offences* recorded the greatest proportion of withdrawn defendants at 30.0 percent, followed by *Acts intended to cause injury* (25.4%).

Figure 4. Percentage of Higher Court defendants withdrawn in SA by offence type for the five most common principal offence types (excluding *Other offences*), 2013-14



NB - Excludes *Homicide and related offences* due to small numbers.

Magistrates Courts

Figure 4 (page 11) shows the number of defendants finalised in the Magistrates Courts in 2013-14 by the method of finalisation, adjudicated outcomes and sentence outcomes for South Australia (SA) and Australia. It shows there were 42,837 defendants finalised in SA in 2013-14 of which, 78.3 percent were male. The average age of defendants was 35.2 years which was slightly higher than the national average of 33.8 years (figures not shown). A total of 15.9 percent of finalised defendants (3,919) were identified as of Aboriginal or Torres Strait Islander status⁵, which was similar to the proportion recorded in 2012-13 (16.3%) (figures not shown).

Over three-quarters of defendants were adjudicated (77.2%) and a further 17.8 percent of defendants in the Magistrates Courts had their matters withdrawn. This contrasts with the findings for Australia in which a higher proportion of matters were adjudicated (90.1%) and lower proportion of matters were withdrawn (7.3%).

In 2013-14, the median length of time from initiation to finalisation in the South Australian Magistrates Courts was 13.1 weeks, which was the second consecutive reduction compared with previous years (14.9 weeks in 2011-12 and 13.7 weeks in 2012-13). The length of time to finalisation was still more than double the figure recorded for Australia (5.9 weeks in 2013-14).

Table 2 shows that nearly all adjudicated defendants were found guilty in 2013-14 (99.5%), which was consistent with the previous year. A total of 1,152 defendants received a sentence of direct imprisonment, an increase of 274 over the 2012-13 period. The proportion of defendants that received direct imprisonment was also higher in 2013-14 (3.5% compared with 2.7%). The number of defendants that received a fully suspended sentence increased by 4.1% from 2012-13 to 2013-14 (1771 defendants during 2012-13 to 1843 during 2013-

⁴ The principal offence is the offence category, based on ANZSOC, that describes the most serious offence type associated with a finalised defendant. The principal offence is determined by how the offences were finalised and/or the rankings in the National Offence Index 2009.

⁵ Indigenous status was not recorded for 8.1 percent of defendants and figures exclude all traffic offences.

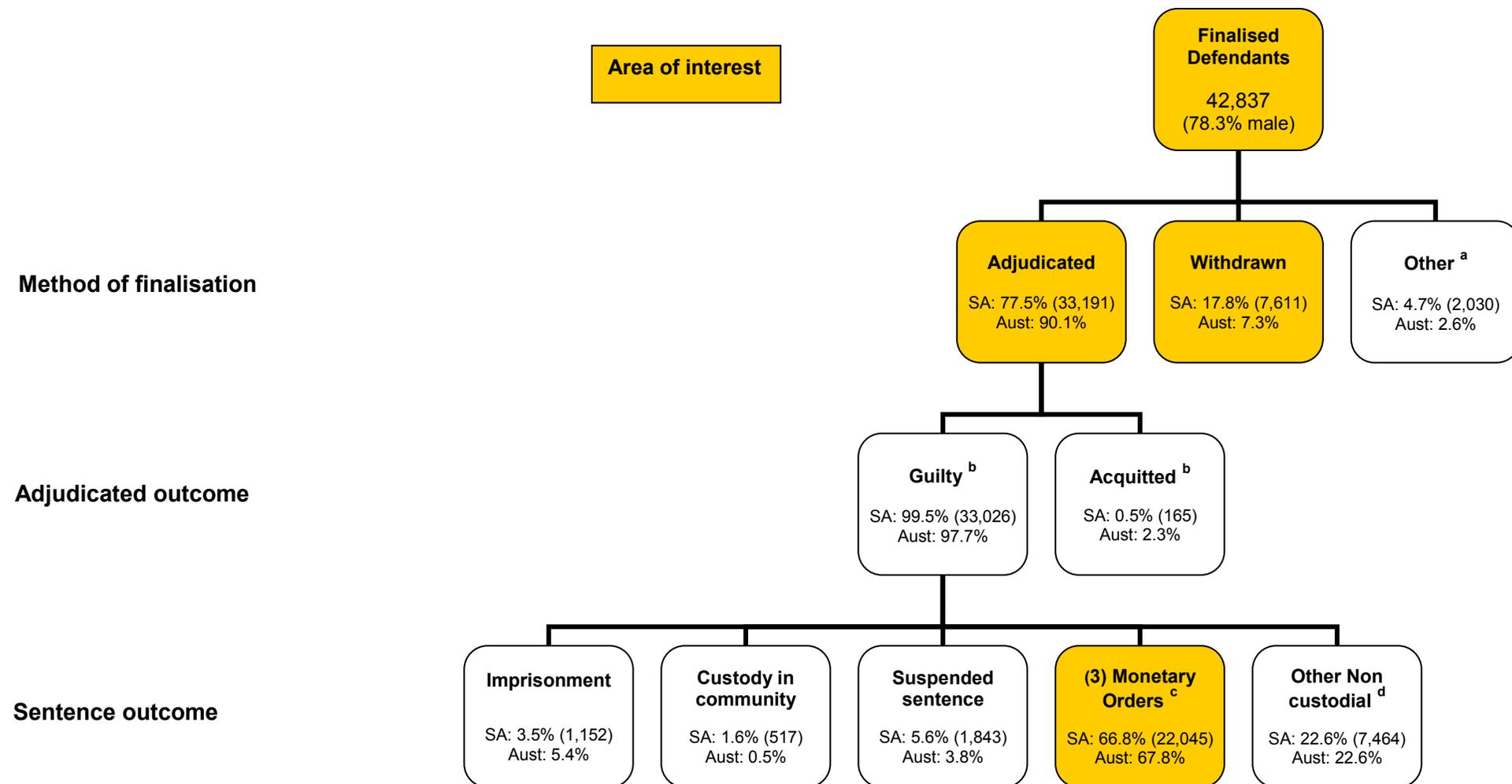
14). Defendants sentenced to custody in the community also increased by 2.6 percent, from 504 to 517 defendants.

Table 2. South Australian Magistrates Courts, 2012-13 versus 2013-14

	2012-13 Results	2013-14 Results	2013-14 compared to 2012-13
Finalised defendants	42,524	42,837	↑ by 313 (0.7%)
Adjudicated defendants	77.2% (32,818)	77.5% (33,191)	↑ by 1.1%
• Defendants acquitted	0.6% (194)	0.5% (165)	↓ by 14.9%
• Defendants found guilty	99.4% (32,624)	99.5% (33,026)	↑ by 1.2%
– Imprisonment	2.7% (878)	3.5% (1,152)	↑ by 31.2%
– Custody in the community	1.5% (504)	1.6% (517)	↑ by 2.6%
– Fully suspended sentence	5.4% (1,771)	5.6% (1,843)	↑ by 4.1%
Withdrawn defendants	18.1% (7,679)	17.8% (7,611)	↓ by 0.9%

Arrows indicate the direction of change.

Figure 4. Finalised defendants in the Magistrates Courts by methods of finalisation, outcomes and penalties, South Australia versus Australia, 2013-14



^a Includes defendants deceased or unfit to plead, transfers to other courts or non-court agencies.

^b Calculated as a percentage of *adjudicated* defendants. The ABS reports these figures as a percentage of *finalised* defendants (i.e. 77.1 percent found guilty and 0.4 percent acquitted in South Australia compared with 88.0 percent and 2.1 percent respectively for Australia). The ABS statistics therefore suggest that SA has a lower percentage of defendants with a proven guilty outcome compared with Australia as a whole. However, the percentage derived from *finalised* defendants is influenced by the number of matters withdrawn. When compared as a percentage of *adjudicated* defendants (as above) the percentage of SA defendants with a guilty outcome is similar to that of Australia.

^c Sentenced orders that require the offender to pay a sum of money, usually a fine or compensation for victims.

^d Includes: good behaviour bond/recognition orders, licence disqualification/suspension/amendment, forfeiture of property order, nominal penalty and other non-custodial orders n.e.c.

The seven principal offence types shown in Figure 5 accounted for almost 80% of all adjudicated defendants in the Magistrates Court during 2013-14. Of these seven offences, each offence type was individually analysed to identify the proportion of defendants found guilty versus those acquitted. Almost all defendants adjudicated for the following seven offence types were found guilty, with an overall average of 99.3 percent.

Figure 5. Percentage of adjudicated Magistrates Courts defendants found guilty in SA by offence type for the seven most common principal offence types, 2013-14

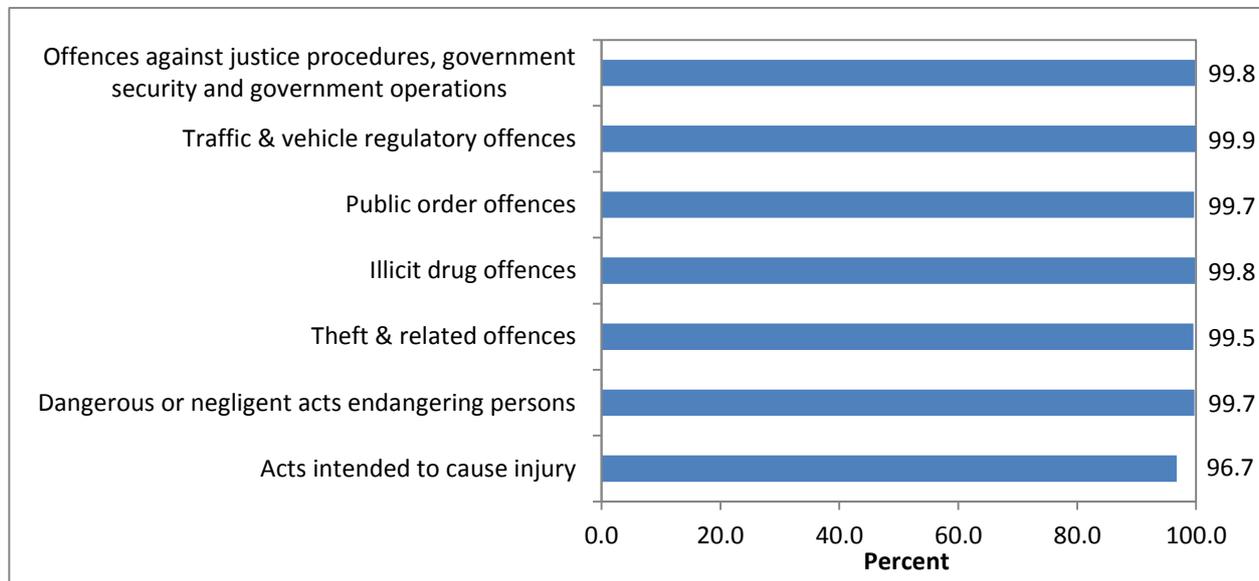


Figure 6 presents the custodial sentences imposed in South Australian Magistrates Courts in 2013-14 for the most common principal offence types to receive a custodial order. The seven offence types shown in Figure 6 accounted for around 85 percent of all defendants that received a custodial sentence. *Unlawful entry with intent/burglary, break and enter* and *Fraud, deception and related offences* were the two offence categories most likely to result in a sentence of direct imprisonment in the Magistrates Courts (19.3% and 15.3% respectively) followed by *Acts intended to cause injury* (13.4%).

A sentence of custody in the community was highest amongst those proven guilty of *Acts intended to cause injury* (8.6%), followed by *Unlawful entry with intent/burglary, break and enter* (6.4%). Across the seven principal offence types, custody in the community was the least common order imposed.

Figure 6. Custodial sentence outcomes of Magistrates Courts defendants proven guilty in SA by offence type, 2013-14

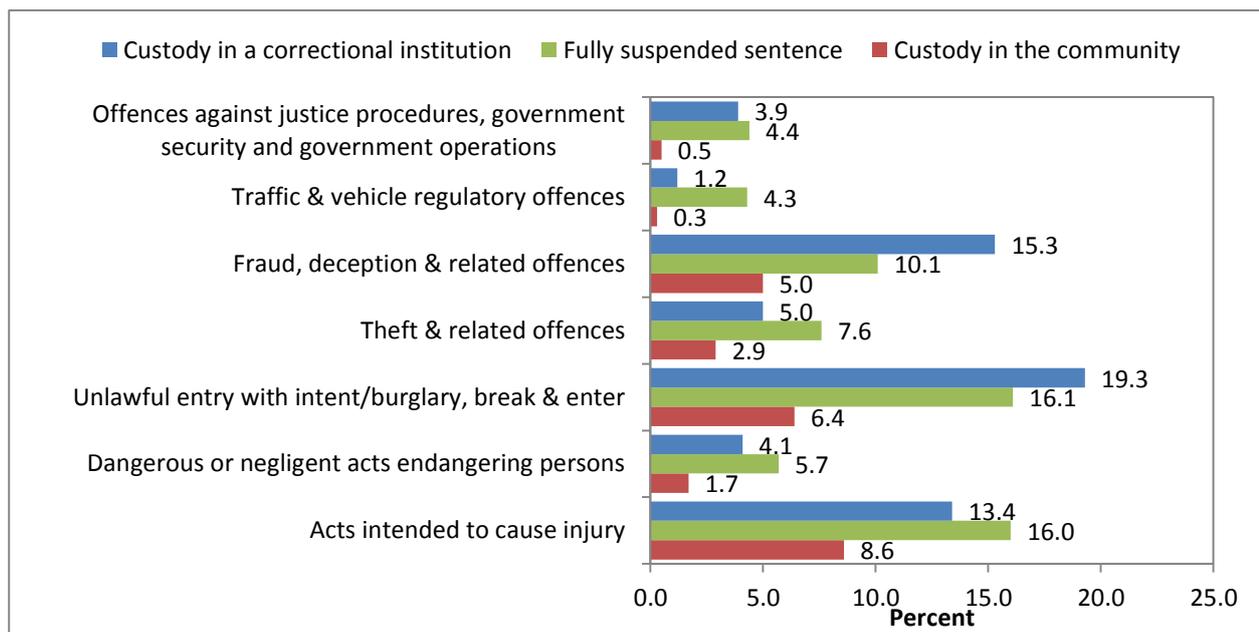
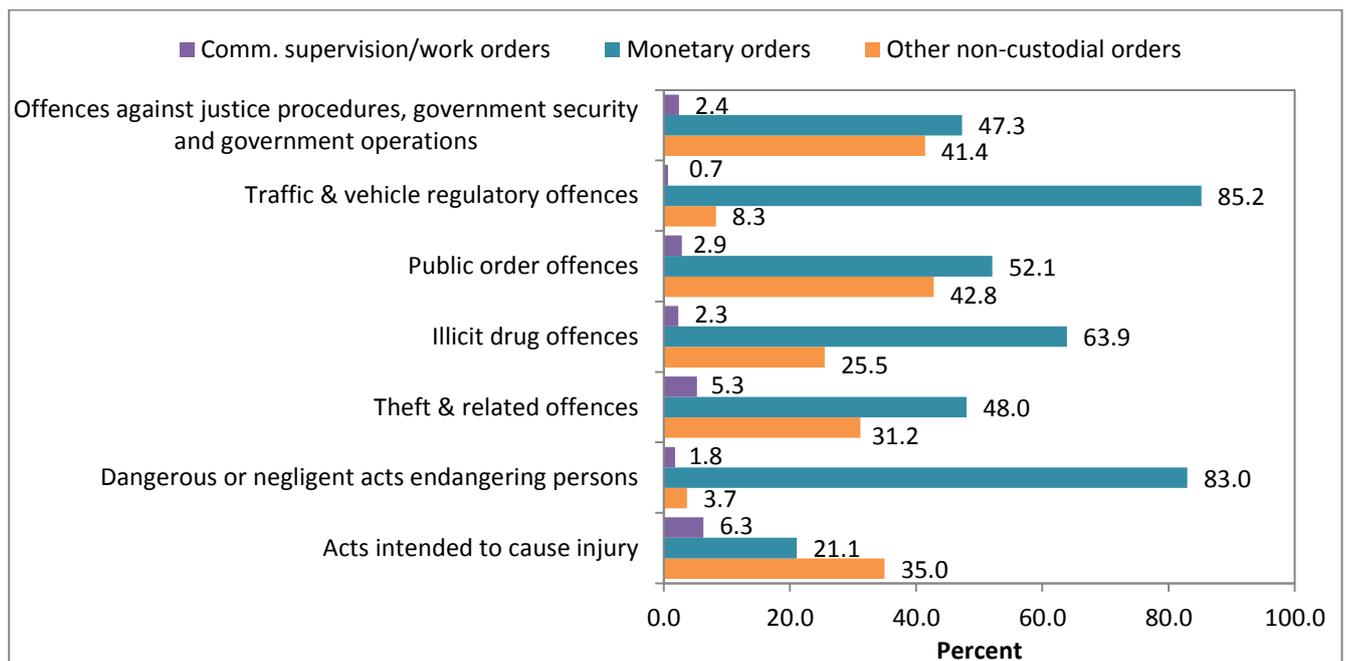


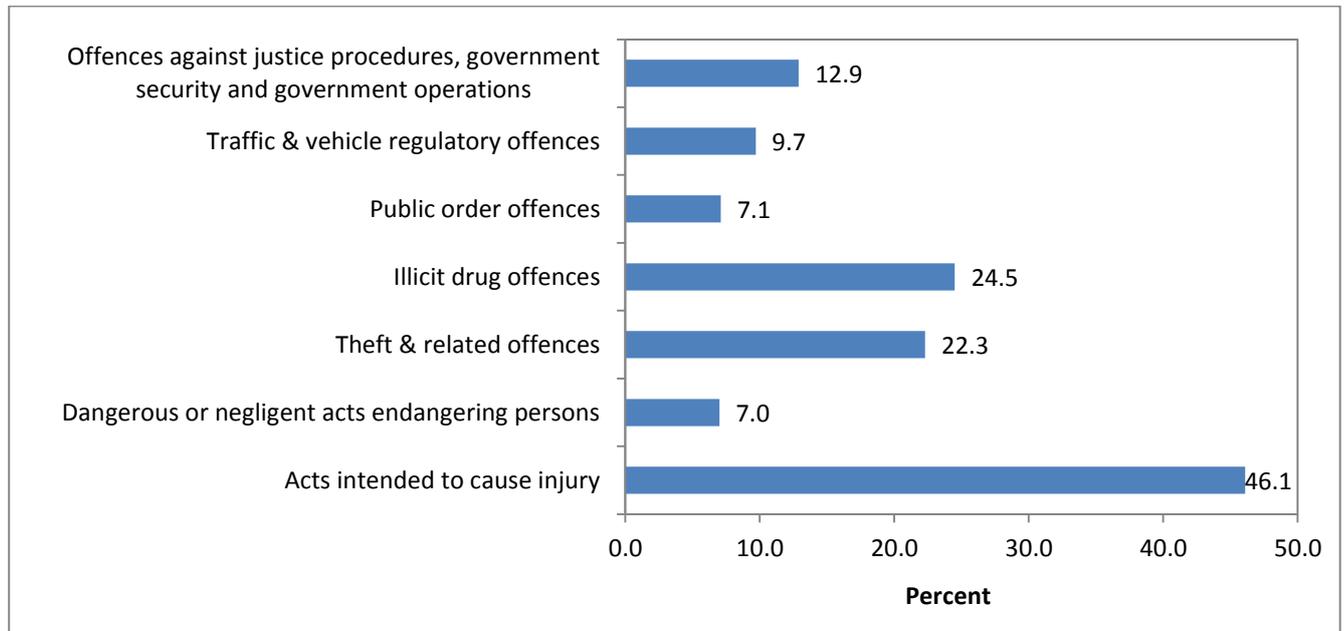
Figure 7 presents the most common principal offence types to receive a non-custodial order in South Australian Magistrates Courts in 2013-14. The seven offence types shown in Figure 7 accounted for over 85 percent of all defendants that received a non-custodial sentence. A monetary order was the most common non-custodial order imposed across most offence types (excluding *Acts intended to cause injury*) with this type of order highest amongst *Traffic and vehicle regulatory offences* (85.2%) and *Dangerous or negligent acts endangering persons* (83.0%). Across the seven principal offence types, a community supervision/work order was the least common order imposed.

Figure 7. Non-custodial sentence outcomes of Magistrates Courts defendants proven guilty in SA in 2013-14 by offence type, 2013-14



The seven principal offence types shown in Figure 8 accounted for approximately 80 percent of all defendants withdrawn in the South Australian Magistrates Courts during 2013-14. *Acts intended to cause injury* recorded the greatest proportion of withdrawn defendants at 46.1 percent, followed by *Illicit drug offences* (24.5%) and *Theft and related offences* (22.3%).

Figure 8. Percentage of Magistrates Courts defendants withdrawn in SA by offence type for the seven most common principal offence types, 2013-14



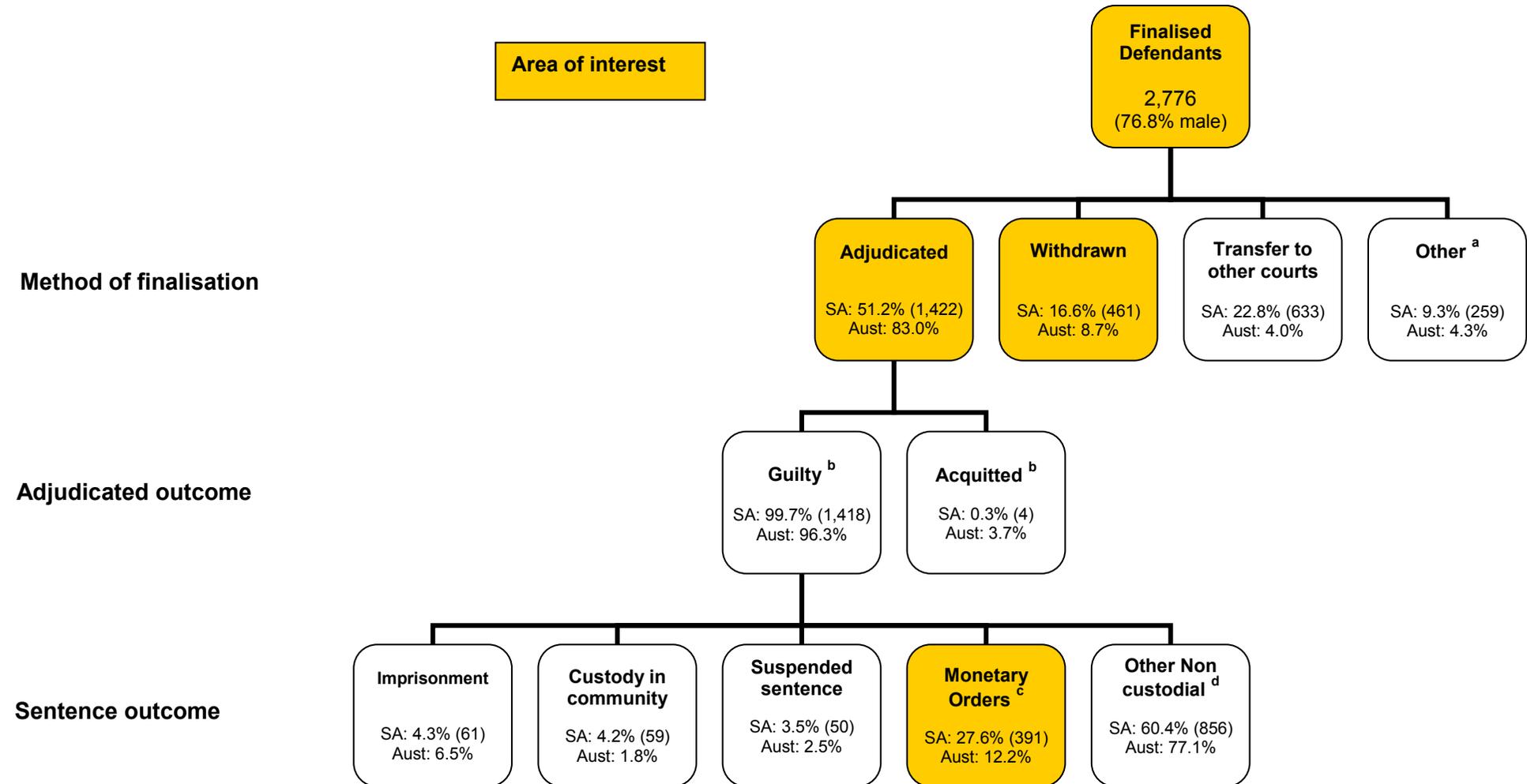
Youth Court

Figure 9 shows the number of defendants finalised in the Youth Court in 2013-14 by the method of finalisation, adjudicated outcomes and sentence outcomes for South Australia (SA) and Australia. It shows there were 2,776 defendants finalised in SA in 2013-14 of which, around three-quarters were male (76.8%). The average age of Youth Court defendants was 16.2 years which was slightly higher than the national average of 15.8 years (figures not shown).

Just over half of defendants were adjudicated (51.2%), a further 22.8 percent were transferred to other courts and 16.6 percent had their matters withdrawn. This contrasts with the findings for Australia in which a higher proportion of defendants were adjudicated in the Youth Court (83.0%) and lower proportion had their matters withdrawn (8.7%) or moved to another court (4.0%).

In 2013-14, the median length of time from initiation to finalisation in the South Australian Youth Court was 12.0 weeks, which was lower than the previous year (13.0 weeks) but higher than median time Australia-wide (8.6 weeks).

Figure 9. Finalised defendants in the Youth Court by methods of finalisation, outcomes and penalties, South Australia versus Australia, 2013-14



^a Includes defendants deceased or unfit to plead.

^b Calculated as a percentage of *adjudicated* defendants. The ABS reports these figures as a percentage of *finalised* defendants (e.g. 51.1 percent found guilty and 0.1 percent acquitted in South Australia compared with 79.9 percent and 3.9 percent respectively for Australia). The ABS statistics therefore suggest that SA has a lower percentage of defendants with a proven guilty outcome compared with Australia as a whole. However, the percentage derived from *finalised* defendants is influenced by the number of matters withdrawn. When compared as a percentage of *adjudicated* defendants (as above) the percentage of SA defendants with a guilty outcome is similar to that of Australia. As such, guilty outcomes are not identified here as an area of interest.

^c Sentenced orders that require the offender to pay a sum of money, usually a fine or compensation for victims.

^d Includes: good behaviour bond/recognition orders, licence disqualification/suspension/amendment, forfeiture of property order, nominal penalty and other non-custodial orders n.e.c.

Table 3 shows that in 2013-14, the South Australian Youth Court recorded a 5.1 percent decrease in the number of finalised defendants compared with the previous year (2,776 compared with 2,926 during 2012-13). Over one-third (35.1%) of finalised defendants in the Youth Court (830) were identified as of Aboriginal or Torres Strait Islander status^{6, 7}, which was higher than the proportion recorded in 2012-13 (29.0%) (figures not shown).

Overall, the number of adjudicated defendants fell by 11.1 percent (from 1,599 to 1,422), and represented a slightly lower proportion of all finalised defendants compared with the previous year (51.2% and 54.6% adjudicated respectively). With regard to withdrawn defendants, there was a slight reduction in the number of matters withdrawn in 2013-14 compared to the previous year (461 compared with 471).

Table 3. South Australian Youth Court, 2012-13 versus 2013-14

	2012-13 Results	2013-14 Results	2013-14 compared to 2012-13
Finalised defendants	2,926	2,776	↓ by 150 (5.1%)
Adjudicated defendants	54.6% (1,599*)	51.2% (1,422)	↓ by 11.1%
• Defendants acquitted	1.2% (20)	0.3% (4)	↓ by 80%
• Defendants found guilty	98.7% (1,579)	99.7% (1,418)	↓ by 10.0%
– Imprisonment	3.6% (57)	4.3% (61)	↑ by 7.0%
– Custody in the community	3.6% (59)	4.1% (59)	Stable
– Fully suspended sentence	3.2% (52)	3.5% (50)	↓ by 3.8%
Withdrawn defendants	16.1% (471)	16.6% (461)	↓ by 2.1%

Arrows indicate the direction of change. * Total includes 6 defendants with an adjudication not further defined.

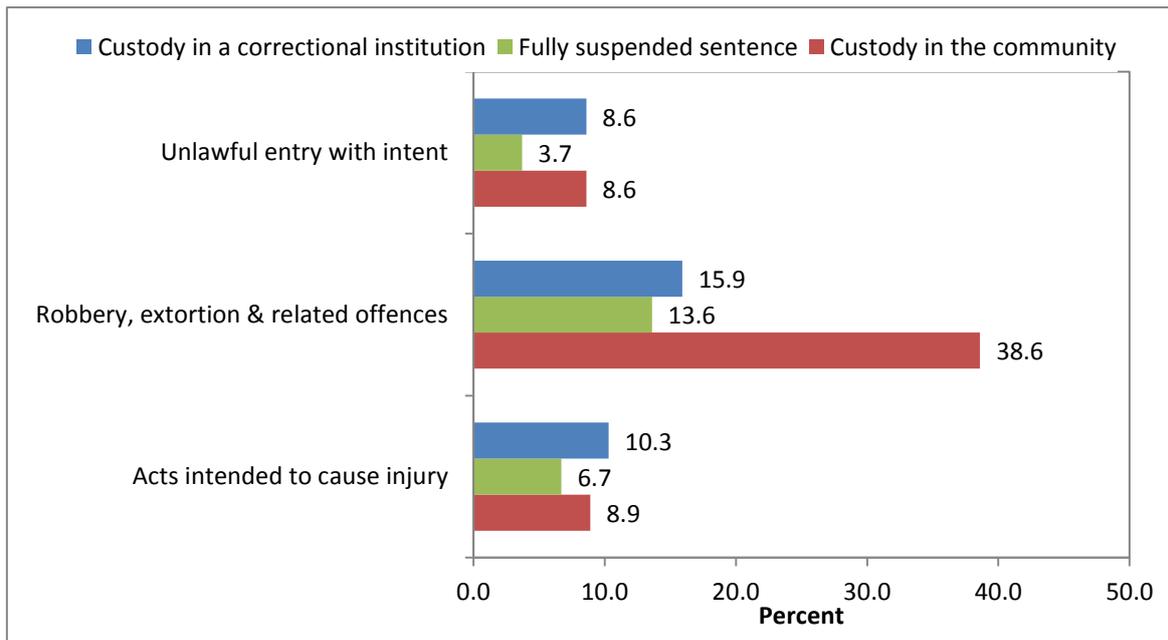
It is noted that almost all matters adjudicated in the Youth Court during 2013-14 resulted in a judgement of guilty and few were acquitted, which is evident in numbers presented in Figure 9 and Table 3.

Figure 10 presents the custodial sentences imposed in the South Australian Youth Court in 2013-14 for the three most common principal offence types to receive a custodial order (accounting for 85.8% of custodial orders). Nearly two-in-five Youth Court defendants proven guilty of *Robbery, extortion and related offences* received a sentence of custody in the community (38.6%) and a further 15.9 percent received a sentence of direct imprisonment.

⁶ Excludes all traffic offences.

⁷ Indigenous status was not recorded for 4.9 percent of defendants.

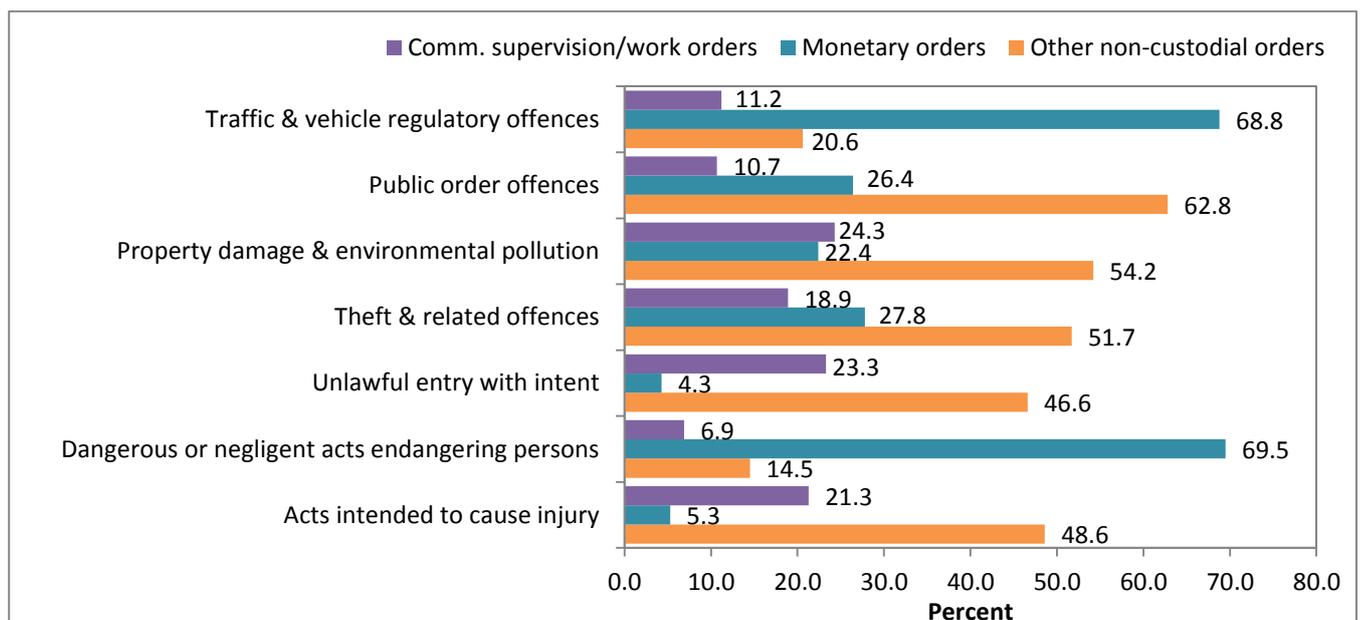
Figure 10. Custodial sentence outcomes of Youth Court defendants proven guilty in SA by offence type, 2013-14



Additional principal offence categories not shown due to small numbers of defendants in each category (12 or less).

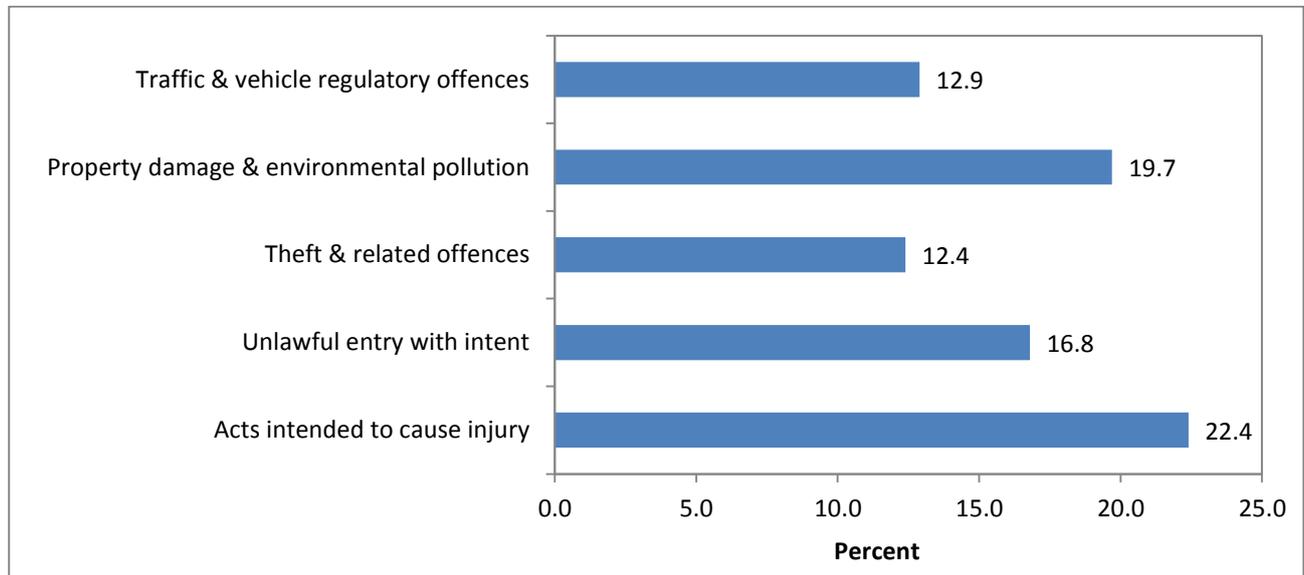
Figure 11 presents the most common principal offence types to receive a non-custodial order in the South Australian Youth Court. A monetary order was the most common non-custodial order imposed for *Traffic and vehicle regulatory offences* (68.8%) and *Dangerous or negligent acts endangering persons* (69.5%). A community supervision/work order was most commonly imposed on those proven guilty of *Property damage and environmental pollution* (24.3%), *Unlawful entry with intent* (23.3%) or *Acts intended to cause injury* (21.3%).

Figure 11. Non-custodial sentence outcomes of Youth Court defendants proven guilty in SA by offence type, 2013-14



The five principal offence types shown in Figure 12 accounted for approximately 85 percent of all defendants withdrawn in the South Australian Youth Court during 2013-14. *Acts intended to cause injury* recorded the greatest proportion of withdrawn defendants at 22.4 percent, followed by *Property damage and environmental pollution* (19.7%).

Figure 12. Percentage of Youth Court defendants withdrawn in SA by offence type for the five most common principal offence types, 2013-14



References

Australian Bureau of Statistics (2015). *Criminal Courts, Australia 2013-14*. Cat. no. 4513.0. Canberra. Released 5 March 2015. Viewed 5 March 2015. <<http://www.abs.gov.au/ausstats/abs@.nsf/mf/4513.0>>

Office of Crime Statistics and Research (2014). *ABS Criminal Courts Australia 2012-13: The South Australian Perspective*. Attorney-General's Department, South Australian Government, Adelaide.

Appendix A: Overview of Criminal Courts Australia, 2013-14.

About this publication

This publication presents nationally comparable statistics relating to the criminal jurisdictions of the Higher (Supreme and Intermediate), Magistrates' and Children's Courts across Australia for the period 1 July 2013 to 30 June 2014. Defendants include persons charged with criminal offences for each court level as well as organisations charged with criminal offences for the Higher and Magistrates' Courts. The statistics are based on administrative records held by state and territory agencies responsible for the administration of the courts and describe the characteristics of defendants, including information on the offences, case outcomes and sentences associated with those defendants.

Data Source

National statistics are derived from data about each defendant provided to the ABS by the state and territory agencies responsible for courts administration. The ABS receives data directly from these agencies in all states and territories except for Queensland (where data are supplied via the Office of the Government Statistician), and New South Wales (where data are supplied via the Bureau of Crime Statistics and Research).

In order to ensure consistency between the states and territories, jurisdictions are requested to provide data coded according to national classifications and standards. Data are then processed and compiled by the ABS in line with these classifications and standards.

Scope

The scope of the statistics in this publication includes all defendants who have been finalised in the Higher, Magistrates' or Children's Courts during the reference period.

The Criminal Courts collection is restricted to counts of defendants finalised - that is, persons or organisations for whom all charges have been formally completed so that they cease to be an item of work to be dealt with by the court. Statistics are available on:

- Age and sex
- Method of finalisation
- Principal offence (i.e. the Australian and New Zealand Standard Offence Classification offence category associated with the most serious charge)
- Principal sentence (i.e. the main sentence type received by the defendant)
- Duration (i.e. the time elapsed between the date of initiation and the date of finalisation)
- Sentence length and fine amount output by principal sentence and principal proven offence.

The numbers of defendants finalised can be impacted by the use of diversionary programs initiated by police and other agencies (pre-court) and/or by the courts themselves as part of the court process. Given that an objective of the juvenile justice system is to divert young people away from the more formal justice system, the use of diversionary schemes are likely to be used more often in the Children's Courts. These types of pre-court diversionary programs include (but are not limited to) warnings (both informal and formal), cautions, police drug diversions and conferencing. Successful completion of a diversionary program may mean that these offenders will not appear in court and therefore will not be counted as finalised defendants in the Criminal Courts collection.

Exclusions

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

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

Classifications

The national classifications used to collect and produce data on defendants in the Criminal Courts are:

- Australian and New Zealand Standard Offence Classification (ANZSOC)

- Method of finalisation
- Sentence type

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

Counting method

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

Courts in some jurisdictions operate programs which transfer defendants to drug and other specialist courts for finalisation. These defendants are counted as finalised by transfer in the criminal court level that recommended the transfer. In some instances, defendants may be referred to programs where, upon completion of the program, the defendant returns for finalisation to the court that requested the transfer.

Where a person or organisation is a defendant in more than one case, and their cases are finalised on the same date and in the same court level, their defendant records will be merged and counted as a single defendant record. This merging rule is used for defendants finalised in the Higher, Magistrates' and Children's Courts.

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

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

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