



BASELINE REPORT

The sentencing of people in Queensland



Sentencing Profile

Baseline report: The sentencing of people in Queensland

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Acknowledgement of Traditional Owners

We acknowledge and give our respects to the Traditional Owners and Caretakers of this land, where they have performed age-old ceremonies of storytelling, healing, music, dance and celebration. We would also like to acknowledge and give our respects to Elders, past, present and emerging, for they hold the memories, traditions and knowledge of Aboriginal and Torres Strait Islander culture.

The Queensland Sentencing Advisory Council values Aboriginal and Torres Strait Islander peoples experience and culture and recognises and prioritises their needs to understand the drivers of their over-representation in Queensland's criminal justice system.

Our Aboriginal and Torres Strait Islander corporate artwork *Overcoming Obstacles* by Casey Coolwell was commissioned to embody our commitment to understanding the drivers of over-representation in the Queensland criminal system. To view the artwork and what it represents, please visit [our website](#).

Summary

This research report examines the sentencing of offenders in Queensland between 2005–06 and 2018–19, providing a statistical overview of offending patterns, trends in offences and recidivism, and a description of sentencing outcomes.

It provides a statistical overview of the people and offences sentenced, as well as the distribution of penalties imposed using data from the Queensland courts database.

The *Technical Paper for Research Publications*, available on the Council's [website](#), provides more information about the counting rules, methodology and terminology used in this series.

Patterns of offending

The rate of offenders decreased over time

While the number of cases sentenced in Queensland courts remained relatively stable over time, the rate of unique offenders decreased from 3,145.1 offenders per 100,000 population in 2005–06 down to 2,330.3 offenders per 100,000 population in 2018–19. Over the same period, the average number of finalised charges per case increased steadily from 1.9 in 2005–06 to 2.7 in 2018–19.

Remote areas had the highest rate of offending

The rate of offending was highest in remote areas at 3,435.3 per 100,000, followed by regional areas (2,760.2 per 100,000 population) and major cities (2,054.9 per 100,000 population).

The proportion of female offenders increased over time

While over three-quarters of sentenced cases involved male offenders (76.5%), the proportion of cases involving female offenders gradually increased over time (from 20.8 per cent in 2005–06 to 25.6 per cent in 2018–19).

Aboriginal and Torres Strait Islander peoples were over-represented

Only 3.8 per cent of the Queensland population aged 10 and over identifies as Aboriginal and/or Torres Strait Islander. However, 14.5 per cent of sentenced cases involved offenders who were Aboriginal and/or Torres Strait Islander.

Aboriginal and Torres Strait Islander peoples made up 21.7 per cent of sentenced male offenders and 31.1 per cent of sentenced female offenders. Aboriginal and Torres Strait Islander offenders were younger (29 years) compared to non-Indigenous offenders (30 years). The proportion of cases involving Aboriginal and Torres Strait Islander children (12.7%) was more than double that of non-Indigenous children (4.7%).

Trends in offences and recidivism

Traffic and vehicle offences were the most common

Traffic and vehicle offences comprised 38.5 per cent of all sentenced cases, followed by justice and government offences (24.0%), which include breach of justice orders, offences against justice procedures and offences against government security and operations. Public order offences (15.7%) were the third most common type of offence.

Contravention of a domestic violence order (DVO), and drug-related offences increased the most over time

Contravention of a DVO more than doubled between 2005–06 and 2018–19 (up by 121.9%). Possession of drug utensils and possession of dangerous drugs also increased considerably between the two time periods (up by 118.9% and 104.2%, respectively).

Theft, unlawful entry and property offences were common among children

Offences involving theft, unlawful entry and property offences were common among children, with stealing as the most common offence, followed by wilful damage.

Nearly half of those sentenced were repeat offenders

An analysis of recidivism was undertaken and found that 44.1 per cent of offenders were sentenced multiple times over the 14-year period.

Penalties and sentencing

The use of custodial penalties increased over time

Custodial penalties increased over the 14-year data period, from 6 per cent to 13 per cent in the Magistrates Courts and from 67 per cent to 77 per cent in the higher courts. Non-custodial penalties decreased over the same period.

Monetary penalties account for the majority of penalties imposed on adults

Monetary orders (74.5%) were the most common type of penalty for adults, followed by custodial penalties at 10.2 per cent.

More than one-third of all adult offenders sentenced to imprisonment received a sentence of less than 6 months

41.1 per cent of adults sentenced to imprisonment received a sentence of less than 6 months in prison, with another 27.9 per cent sentenced to between 6 and 12 months.

The length of imprisonment for adults increased over time

The average length of imprisonment increased over the data period in both the Magistrates Courts and the higher courts. In the Magistrates Courts, the average length of imprisonment was 5.8 months in 2006–07. This increased to an average of 8.2 months in 2018–19. In the higher courts, the average imprisonment sentence increased from 2.6 years in 2006–07 to 3 years in 2018–19.

For children, the most common penalty imposed was a community-based order, followed by a formal warning (reprimand)

The most common penalty for children was a community-based order (42.2%), followed by a reprimand (28.2%). Less than 10 per cent of children received a custodial penalty (7.7%).

Nearly 6 in 10 children sentenced to detention received a sentence of less than 6 months

More than half of children (58.7%) sentenced to detention received a penalty of less than 6 months, and a further 27.0 per cent received a sentence of between 6 and 12 months.

The length of detention for children decreased over time

In contrast to adults, the average length of detention orders decreased over time, from an average of 8.7 months in 2005–06 to an average of 7.4 months in 2018–19.

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Abbreviations

ABS	Australian Bureau of Statistics
ANZSOC	Australian and New Zealand Standard Offence Classification
ASGS	Australian Statistical Geography Standard
COP	court ordered parole
DJAG	Department of Justice and Attorney-General
DVO	domestic violence order
ERP	estimated resident population
ICO	intensive correction order
MSO	most serious offence
NFP	not further punished
PDLR	prison/detention last resort (principle of)
QGSO	Queensland Government Statistician's Office
QWIC	Queensland Wide Inter-linked Courts

Introduction

During 2019–20, the Council began development of its [Sentencing Profiles](#), a series of statistical research papers that investigate emerging sentencing trends and patterns for specific cohorts in Queensland. The purpose of this *Baseline report* is to provide a profile of all people sentenced in Queensland from 2005–06 to 2018–19. The data presented in this report can be used as a baseline to compare the results of other papers in this series.

Methodology

This report uses data that has been collected from administrative information systems used by the Department of Justice and Attorney-General (DJAG).

The Courts Database is maintained by the Queensland Government Statistician's Office (QGSO), Queensland Treasury. The Courts Database comprises data extracts obtained from the administrative system used by Queensland Courts to record information about court events. This system is known as 'QWIC' or the Queensland Wide Inter-linked Courts system.

An extract of the Courts Database was provided to the Council in November 2019 and includes cases sentenced in Queensland courts from 1 July 2005 to 30 June 2019 – this data forms the basis of the statistical analysis contained in this report. Only data up to 2018–19 is being used to ensure consistency with other papers in the series.

The data reported in this paper may differ from information published by other agencies, primarily due to differences in the counting rules applied.

The data in this report relates to finalised court appearances that resulted in a sentenced outcome. Cases that did not result in a sentence (such as cases involving charges that were withdrawn or defendants found not guilty) have been excluded.

For more information on the counting rules, methodology and terminology used in this series, please see the [Technical Paper for Research Publications](#) available on the Council's website.¹

The Courts Database includes information about sentenced offenders including age, gender, information about the offence (e.g., offence type, when and where the offence occurred), and information about the sentencing outcomes. Data is available from 2005–06 to 2018–19 which allows an examination of trends over time.



A defendant's Aboriginal and Torres Strait Islander status is based on information recorded by police and transferred to the administrative systems used by Queensland Courts. The information is based on self-identification by the offender and the quality of data is dependent on the accurate recording of data by police and whether the data was able to be transferred to the courts administrative systems. As such, cases which are not brought by police (for example, traffic offences) may be missing information on Aboriginal and Torres Strait Islander status.

Cases involving traffic and vehicle regulatory offences (ANZSOC Division 14)² and dangerous or negligent operation of a vehicle (ANZSOC Subdivision 041) were excluded from data analysis based on Aboriginal and Torres Strait Islander status and associated commentary presented in this report. Defendants proceeded against for traffic offences often do not have Aboriginal and Torres Strait Islander status recorded (due to these offences usually being dealt with outside the court process via fines issued by road traffic authorities).³

Offenders were classified as adults or children based on the penalty imposed. If the penalty was made pursuant to the *Youth Justice Act 1992* (Qld), the offender was categorised as a child. If the penalty was imposed under the *Penalties and Sentences Act 1992* (Qld), the offender was categorised as an adult.

When appropriate, offender rates were calculated using Estimated Resident Population (ERP) data derived from the Australian Bureau of Statistics (ABS) and expressed as the number of offenders per 100,000 population.

Types of data analyses undertaken in this report

	Age
	Gender
	Aboriginal and Torres Strait Islander status
	Geographical
	Trends over time
	Offence type
	Recidivism
	Penalty type

¹ See Queensland Sentencing Advisory Council, *Technical Paper for Research Publications* (2021).

² Traffic and vehicle offence division includes offences relating to vehicles and most forms of traffic, including offences pertaining to the licensing, registration, roadworthiness or use of vehicles, bicycle offences and pedestrian offences.

³ For more information on this counting methodology, please see the Explanatory notes to Australia Bureau of Statistics, *Criminal Courts, Australia methodology, 2018-19 financial year* (27 February 2020).

Where data is presented by location, sex, age or Aboriginal and Torres Strait Islander status, the rates are calculated using the population of the relevant group. For example, the statement '88.7 offenders per 100,000 people' should be read as '88.7 offenders per 100,000 people in the relevant group'.

For geographical data, the offence location was coded to the Australian Statistical Geography Standard's (ASGS) remoteness structure (as published by the ABS).⁴ This structure divides Australia into 5 classes of remoteness based on relative access to services. However, for ease of reporting, this report classifies offence location by 3 levels of remoteness: 1. major cities, 2. regional areas (consisting of inner and outer regional areas) and 3. remote areas (consisting of remote and very remote areas).

Some of the analysis in the report is based on the most serious offence (MSO) sentenced. The MSO is the offence receiving the most serious penalty, as ranked by the classification scheme used by the ABS. One MSO is recorded per offender per court event.

Where data is analysed by offence categories, the offences listed reflect the classifications assigned by the Australian and New Zealand Standard Offence Classification (ANZSOC) scheme. This classification scheme aims to provide 'a uniform national statistical framework for classifying criminal behaviour in the production and analysis of crime and justice statistics'.⁵

As the ANZSOC is a national classification, its broad categories may not always account for the elements of offences as they exist in individual jurisdictions. For example, in the Queensland context, some offences that are classified under 'acts intended to cause injury' do not actually require an 'intent' to injure, and the classification might more accurately be thought of as 'assaults that cause harm'.

Structure of the research report

The report is divided into 3 sections.

Section 1 presents a descriptive analysis of the profile of all people sentenced in the Queensland courts over the 14-year data period – including analysis of offender characteristics, geographical patterns and trends over time.

Section 2 explores trends in common offences sentenced and recidivism.

Section 3 presents an analysis of the penalties and sentencing outcomes for people sentenced in Queensland.

⁴ Australian Bureau of Statistics, 'Correspondence, 2017 Locality to 2016 Remoteness Area', *Australian Statistical Geography Standard (ASGS): Volume 5 - Remoteness Structure, July 2016* (16 March 2018).

⁵ For more information, please see Australian Bureau of Statistics, *Australian and New Zealand Standard Offence Classification (ANZSOC), 2011* (02 June 2011).

Section 1 Patterns in offending

This section presents an overview of patterns of offending for people sentenced in Queensland between 2005–06 and 2018–19, specifically focusing on offender characteristics (age and gender) and the location where offences were committed.

1.1 Sentencing court

Between 2005–06 and 2018–19, 781,587 unique offenders were involved in more than 2.2 million cases sentenced in Queensland courts.

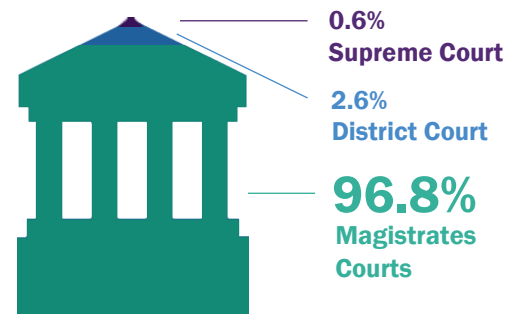
Queensland has 3 tiers of courts that sentence adult offenders: the Magistrates Courts, the District Court, and the Supreme Court. The type of court a person is sentenced by depends on the type of offence the person is charged with and the seriousness of the charge (and in some cases, whether the person elects to have a trial or pleads guilty).

Generally, the more serious the offence, the higher the court that will deal with it.

For example, murder and manslaughter cases can only be heard in the Supreme Court.

Child defendants can be dealt with by the Childrens Court (a special court at the Magistrates Courts level), the Childrens Court of Queensland (a special court at the District Court level) or the Supreme Court.

The vast majority of sentenced cases were dealt with in the Magistrates Courts (including those dealt with by the Childrens Court), representing 96.8 per cent of cases (n=2.1 million) between 2005–06 to 2018–19. The remaining cases were heard in the higher courts, with 2.6 per cent (n=58,707) heard in the District Court and 0.6 per cent (n=12,328) heard in the Supreme Court.



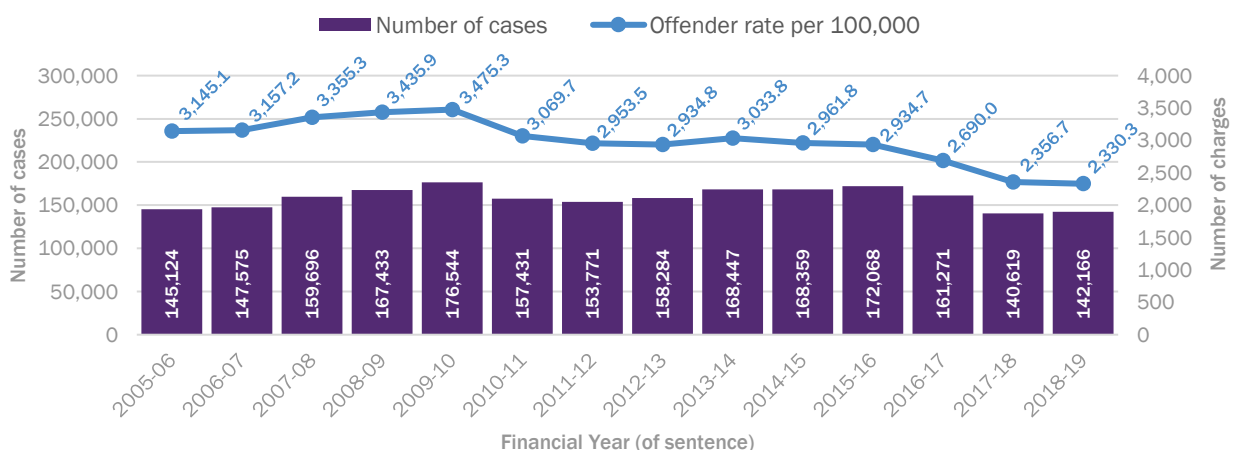
1.2 Number of cases over time

Figure 1 shows the number of cases sentenced in Queensland between 2005–06 and 2018–19. There were 145,124 cases heard in 2005–06. This declined to 142,166 cases in 2018–19 – a decrease of 2.0 per cent over 14 years. The number of cases sentenced has fluctuated over this period, reaching a peak of 176,544 cases in 2009–10 and a low of 140,619 cases in 2017–18.

The line chart in Figure 1 shows the rate of unique offenders over the data period. The rate of unique offenders has decreased over time. The rate of unique offenders declined by 25.9 per cent over the 14 years, from 3,145.1 in 2005–06 to 2,330.3 offenders per 100,000 people in 2018–19.

In summary, while the rate of unique offenders has decreased by 25.9 per cent, the number of cases sentenced in Queensland courts has remained relatively unchanged.

Figure 1: Sentenced cases and offender rate over time



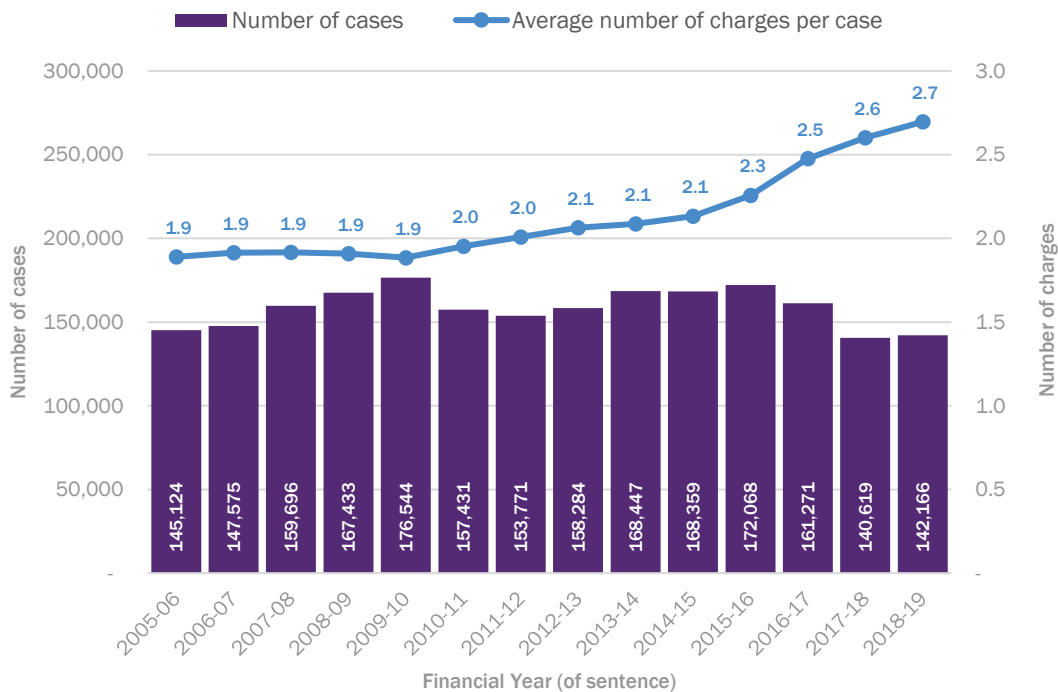
Data includes adult and juvenile offenders, higher and lower courts, cases sentenced 2005–06 to 2018–19 in Queensland.

Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2019.

Notes: Rates were calculated using the estimated Queensland resident population (ERP) data for people aged 10 years and over from Australian Bureau of Statistics, "National, state and territory population", March 2020.

Despite the declining trend in the number of cases since 2005–06, Figure 2 shows that the average number of charges per case continues to increase. In 2005–06, on average, there were 1.9 charges sentenced at each court event. In 2018–19, each case involved an average of 2.7 charges.

Figure 2: Sentenced cases and average number of charges per case over time



Data includes adult and juvenile offenders, higher and lower courts, cases sentenced 2005–06 to 2018–19 in Queensland.
Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2019.

1.3 Remoteness of offence location

According to the ABS, it is estimated there were 5,009,424 people residing in Queensland on 30 June 2018.⁶

A large proportion of residents lived in major cities (n=3,212,263, 64.1%) and over one-third lived in regional areas (inner regional: n=979,736, 19.6%; outer regional: n=690,709, 13.8%).

A very small proportion lived in remote areas (remote: n=72,287, 1.4%; very remote: n=54,429, 1.1%).

Within the 14-year reporting period, most cases (MSO) involved offences committed in major cities, accounting for 54.5 per cent of the total cases (n=1,208,355).

This was followed by regional areas at 39.0 per cent (n=865,201).

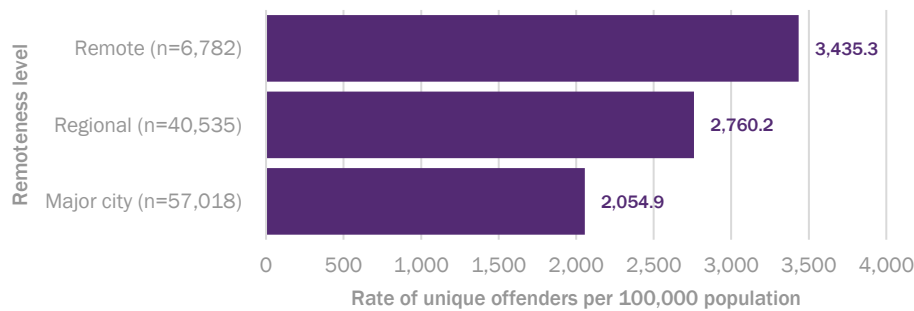
The smallest proportion of offences were committed in remote areas, accounting for 6.4 per cent of cases (n=142,463).



⁶ Australian Bureau of Statistics, 'Population Estimates by Remoteness Area, 2009 to 2019', *Regional population, 2018-19 financial year* (25 March 2020). This estimate includes children under 10 years old.

Figure 3 illustrates the rate of unique offenders per 100,000 people aged 10 years and over by remoteness level using 2019 population estimates. Even though the smallest proportion of cases were committed in remote areas, these areas had the highest rate of offending at 3,435.3 offenders per 100,000 people in 2018–19.

Figure 3: Offender rate by remoteness level



Data includes MSO, adult and juvenile offenders, higher and lower courts, cases sentenced 2018–19 in Queensland.

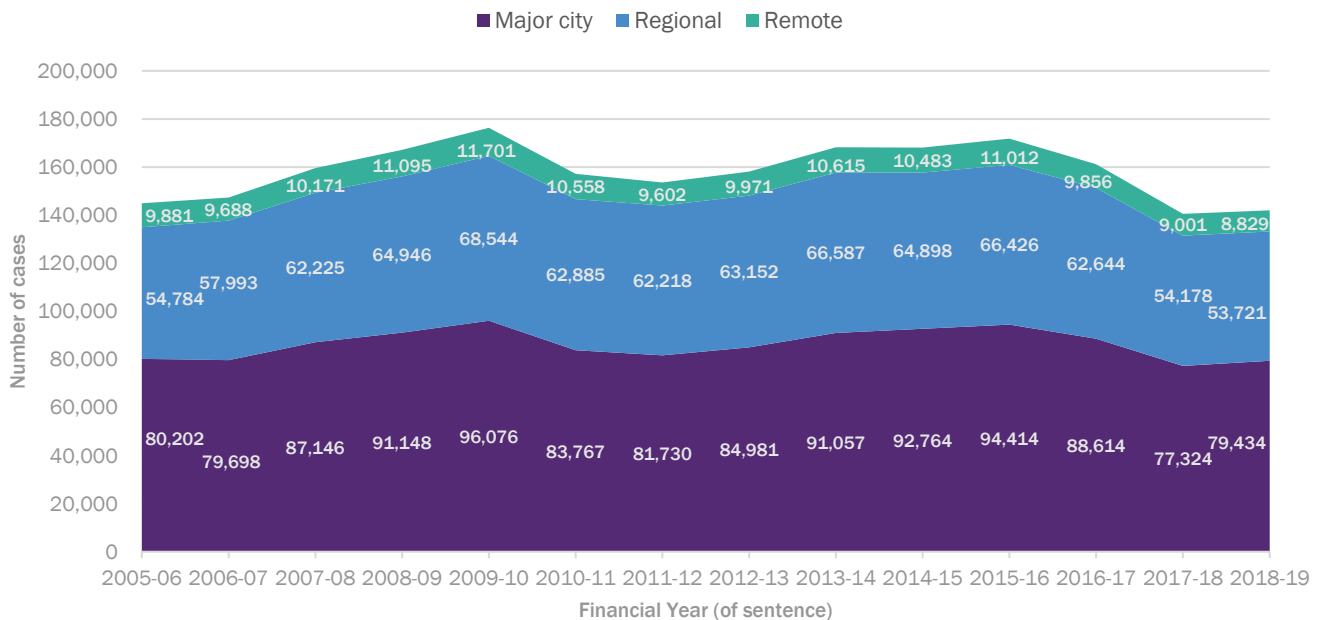
Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2019.

Notes:

- 1) 182 cases were excluded as the offence location was either unknown or interstate.
- 2) Rates were calculated using estimated resident population data by remoteness area for people aged 10 years and over from Australian Bureau of Statistics, 'Regional population by age and sex', 2019.
- 3) Remoteness levels of offences were determined by mapping the postcode and suburb in which an offence was committed to a remoteness area using Australian Bureau of Statistics, 'Correspondence, 2017 Locality to 2016 Remoteness Area', Australian Statistical Geography Standard (ASGS): Volume 5 - Remoteness Structure, July 2016.

As discussed above, the number of cases finalised in the Queensland courts has decreased over time. Figure 4 shows that offences being committed in remote areas have experienced the greatest decline. Between 2005–06 and 2018–19, offences committed in remote areas reduced by 10.6 per cent, from 9,881 to 8,829 cases. On the other hand, the number of offences committed in major cities and regional areas has declined by 1.0 per cent and 1.9 per cent, respectively.

Figure 4: Sentenced cases by remoteness level over time



Data includes MSO, adult and juvenile offenders, higher and lower courts, cases sentenced 2005–06 to 2018–19 in Queensland.

Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2019.

Notes: 2,769 cases were excluded as the offence location was either unknown or interstate.

1.4 Offender characteristics

This section of the report explores the demographic characteristics of people who were sentenced in Queensland. In a small proportion of cases (n=6,528), the offender is a company, and demographic attributes such as gender and age are not applicable. These cases involving companies have been excluded for this section. Appendix 1 includes information on the patterns of offending by companies.

1.4.1 Age

At the time of the 2016 census, 4,703,193 people were counted as being usual residents of Queensland.⁷ Queensland has a relatively young age profile, with a median age of 37 years, slightly younger than the Australian median of 38 years.⁸

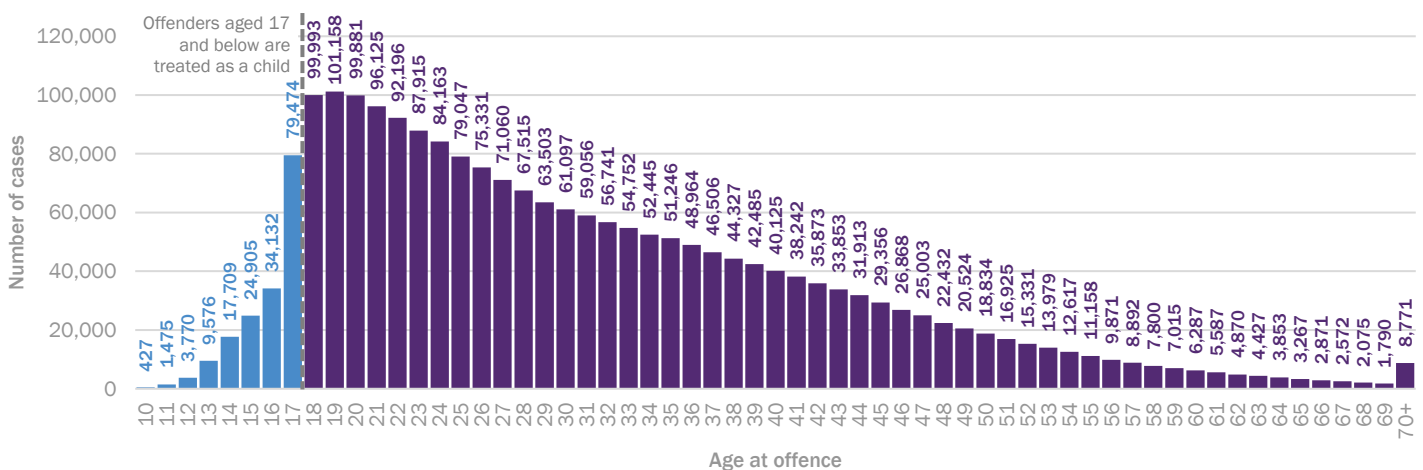
Figure 5 shows the age distribution of all offenders in Queensland at the time of their offence. This shows the number of cases (MSO) over the data period increases sharply at the ages of 17 and 18 years. From the peak of age 19, the number of cases sentenced gradually decreases as people get older.

19
YEARS OLD
most common age

28.5
YEARS OLD
median age

The youngest offender in Queensland was 10 years old (the minimum age of criminal responsibility) and the oldest offender sentenced was 97 years old. The most common age at which sentenced offences were committed was 19 years old. The average age of an offender in Queensland was 31.1 years and the median age was 28.5 years.

Figure 5: Age of sentenced offenders at time of offence



Data includes MSO, adult and juvenile offenders, higher and lower courts, cases sentenced 2005–06 to 2018–19 in Queensland.

Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2019.

Notes: 38,833 cases were excluded as the offender's age at time of offence was unknown.

1.4.2 Gender



At the time of the 2016 census, of all the people living in Queensland, slightly less than half were male (49.4%), and slightly more than half were female (50.6%).⁹ In contrast, of all sentenced offenders over the data period, over three-quarters were male (n=1.6 million, 76.5%), compared to less than one-quarter who were female (n=518,028, 23.5%).

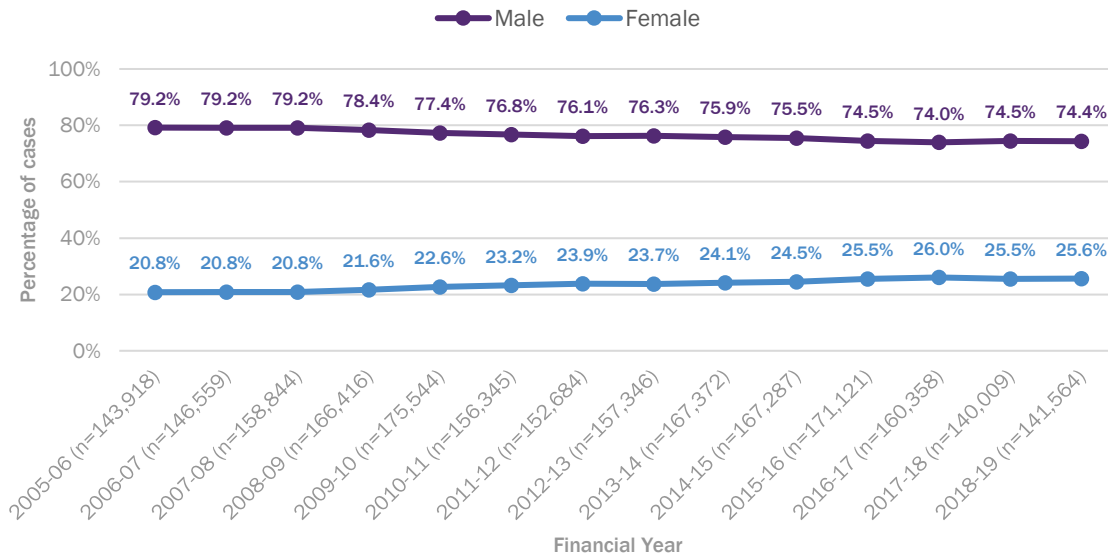
The proportion of female offenders has, however, steadily increased over time, from 20.8 per cent in 2005–06 to 25.6 per cent in 2018–19 (see Figure 6). The proportion of women peaked in 2016–17, at which time female offenders accounted for 26.0 per cent of cases sentenced.

⁷ Queensland Government Statistician's Office, *Queensland compared, Census 2016* (28 September 2018), 1.

⁸ Ibid.

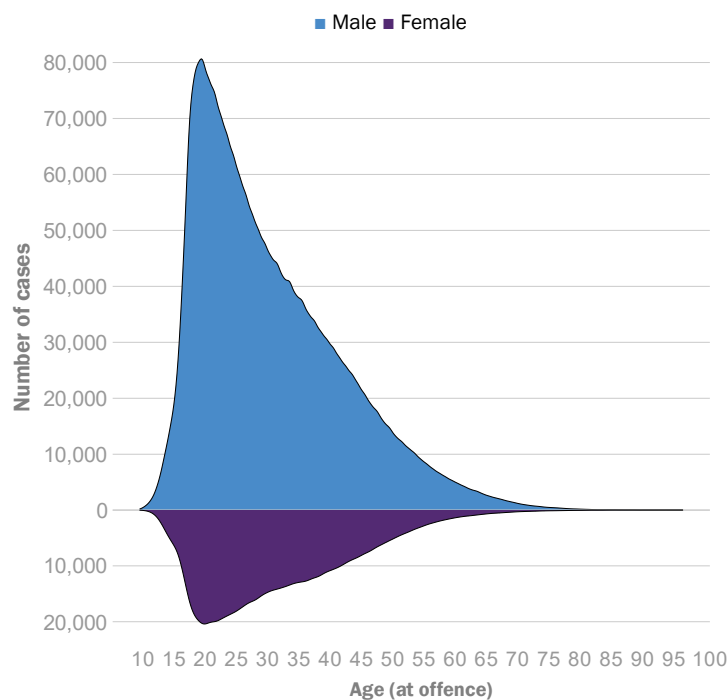
⁹ Queensland Government Statistician's Office, *Queensland compared, Census 2016 Snapshot* (27 June 2017)

Figure 6: Gender of sentenced offenders over time



Data includes MSO, adult and juvenile offenders, higher and lower courts, cases sentenced 2005–06 to 2018–19 in Queensland.
 Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2019.
 Notes: 13,421 cases were excluded as the gender of the offender was either unknown or the case involved a company.

Figure 7: Age and gender of sentenced offenders



On average, female offenders were slightly older compared to male offenders (see Figure 7). The average age at the time of offence was 31.6 years for female offenders (median=29.5) compared to 31.0 for male offenders (median=28.1). This difference was statistically significant.¹⁰

Data include MSO, adult and juvenile offenders, higher and lower courts, cases sentenced 2005–06 to 2018–19 in Queensland, age as at the time of the offence.
 Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2019.
 Notes: 44,236 cases were excluded as the offender's gender or their age at the time of offence was unknown.

¹⁰ Independent groups t-test: $t(851,084) = 32.16, p < .0001, r = 0.03$ (equal variances not assumed).

1.4.3 Aboriginal and Torres Strait Islander status

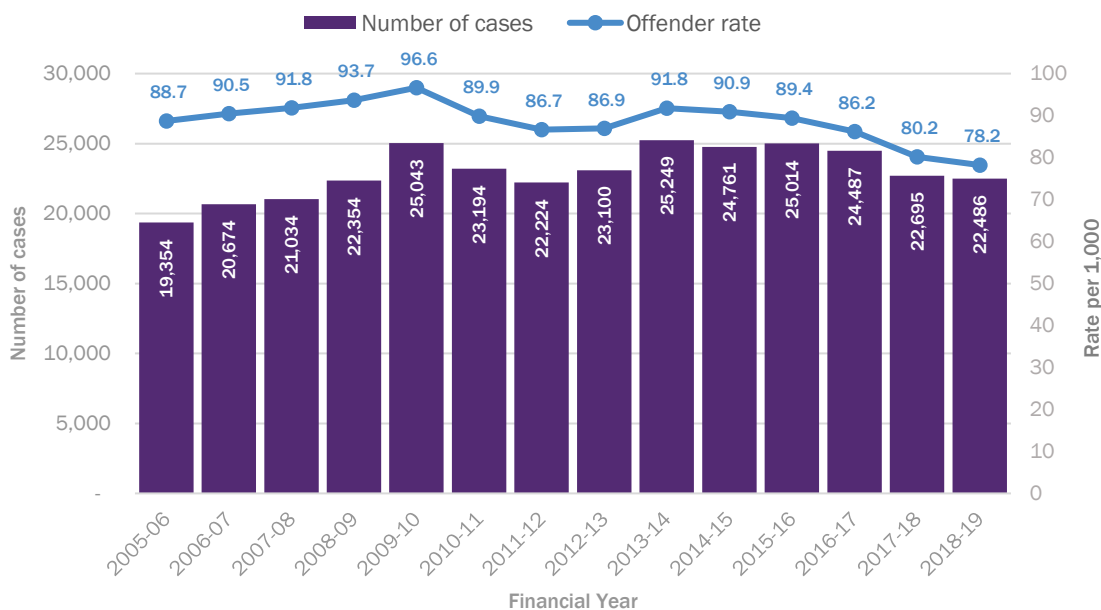


Aboriginal and Torres Strait Islander peoples comprised 3.8 per cent of Queensland's total population aged 10 years and over.¹¹

However, out of the 2.2 million cases that were sentenced in Queensland courts over the 14-year period, they accounted for 321,669 of the cases sentenced (14.5%).¹²

Figure 8 shows the number cases involving Aboriginal and Torres Strait Islander peoples and their rate of offending, and it demonstrate that while the rate of unique offender has been decreasing over time, the number of cases is increasing.

Figure 8: Number of cases and offender rate of Aboriginal and Torres Strait Islander peoples over time



Data includes adult and juvenile offenders, higher and lower courts, cases sentenced 2005–06 to 2018–19 in Queensland.
Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2019.

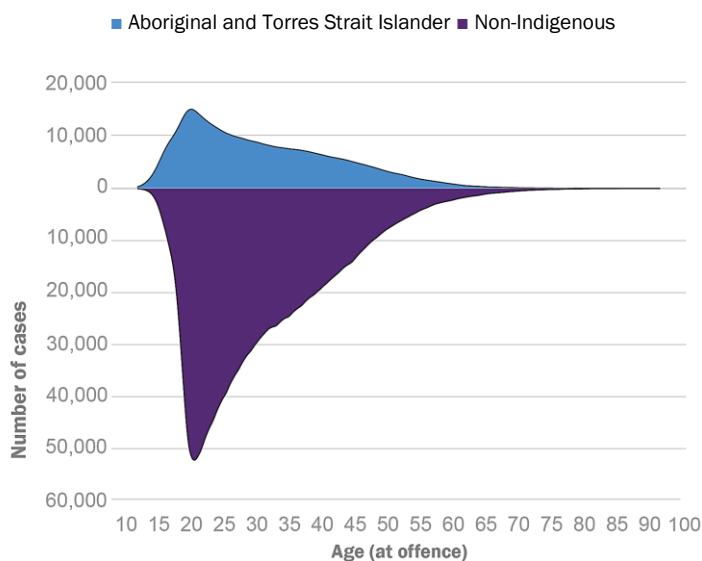
Notes:

- 1) Cases involving traffic and vehicle regulatory offences (ANZSOC Division 14) and dangerous or negligent operation of a vehicle (ANZSOC Subdivision 041) were excluded in the calculation of Aboriginal and Torres Strait Islander offenders due to data quality issues in recording Aboriginal and Torres Strait Islander status for these offences.
- 2) Rates were calculated using the estimated resident population data aged 10 and over of the Aboriginal and Torres Strait Islander population from Australian Bureau of Statistics, 'Estimates and Projections, Aboriginal and Torres Strait Islander Australians', July 2019.

¹¹ As at 30 June 2015. See Queensland Government Statistician's Office, *Population Estimates by Indigenous Status, LGAs, 2001 to 2015*, accessed 4 August 2017.

¹² As discussed in the methodology section, cases involving traffic and vehicle regulatory offences (ANZSOC Division 14) and dangerous or negligent operation of a vehicle (ANZSOC Subdivision 041) were excluded from data analysis and associated commentary related to Aboriginal and Torres Strait Islander status due to data quality issues.

Figure 9: Age and Aboriginal and Torres Strait Islander status of sentenced offenders



Data includes MSO, adult and juvenile offenders in the lower and higher courts, cases sentenced 2005–06 to 2018–19 in Queensland.

Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2019.

Notes:

- 1) 30,392 cases were excluded as the offender's Aboriginal and Torres Strait Islander status or their age at the time of offence was unknown.
- 2) Cases involving traffic and vehicle regulatory offences (ANZSOC Division 14) and dangerous or negligent operation of a vehicle (ANZSOC Subdivision 041) were excluded due to data quality issues in recording Aboriginal and Torres Strait Islander status for these offences.

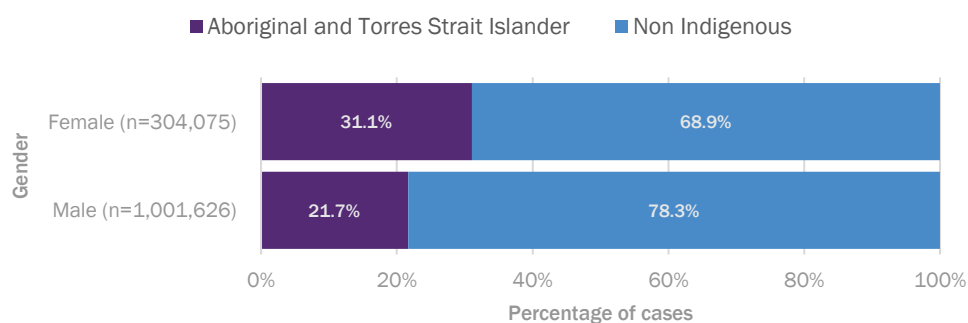
Figure 9 shows that, on average, Aboriginal and Torres Strait Islander offenders were slightly younger compared to non-Indigenous offenders.

The average age at the time of offence was 29.0 years for Aboriginal and Torres Strait Islander offenders (median=26.7) compared to 30.0 years for non-Indigenous offenders (median=27.4). This difference was statistically significant.¹³

While the analysis found that Aboriginal and Torres Strait Islander offenders were younger than non-Indigenous offenders, it is important to note that the age profile of the Aboriginal and Torres Strait Islander population in Queensland is younger in comparison to the non-Indigenous population due to different fertility and mortality rates.¹⁴

Over the data period, Aboriginal and Torres Strait Islander peoples made up 21.7 per cent of sentenced male offenders (n=216,938), and 31.1 per cent of sentenced female offenders (n= 94,495) – see Figure 10. This difference was statistically significant.¹⁵

Figure 10: Gender and Aboriginal and Torres Strait Islander status of sentenced offenders



Data includes adult and juvenile offenders in the lower and higher courts, cases sentenced 2005–06 to 2018–19 in Queensland.

Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted August 2020.

Note:

- 1) 29,855 cases were excluded as the offender's Aboriginal and Torres Strait Islander status or gender was unknown.
- 2) Cases involving traffic and vehicle regulatory offences (ANZSOC Division 14) and dangerous or negligent operation of a vehicle (ANZSOC Subdivision 041) were excluded due to data quality issues in recording Aboriginal and Torres Strait Islander status for these offences.

¹³ Independent groups t-test: $t(577,876) = 94.92, p < .0001, r = 0.12$ (equal variances not assumed).

¹⁴ For more details see Australian Bureau of Statistics, *Estimates of Aboriginal and Torres Strait Islander Australians, June 2016* (31 August 2018).

¹⁵ Pearson's chi-square test: $\chi^2(1) = 13792.48, p < 0.0001$.

1.4.4 Children

If, at the time of offence, an offender was aged 10 years or over, and under 18, they may be dealt with as a child under the *Youth Justice Act 1992* (Qld).¹⁶ However, the treatment of 17-year-old offenders in Queensland as children for the purposes of the youth justice system only commenced recently (February 2018).¹⁷ As most of the data presented in this report was collected before this reform, the data presented in this section of the report mostly relates to children aged between 10 and 16 dealt with as children under the *Youth Justice Act 1992* (Qld) and will significantly undercount 17 year-olds.

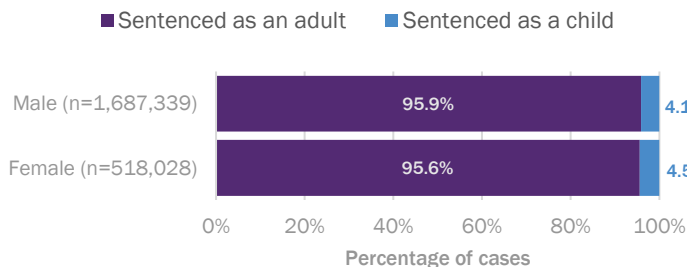
In June 2018, there was an estimate of 512,338 children aged 10-17 residing in Queensland, accounting for 11.8 per cent of the total population who could be held criminally responsible (aged 10 and above).¹⁸

Between 2005–06 and 2018–19, 4.2 per cent of sentenced cases involved a child sentenced under the *Youth Justice Act 1992* (Qld) (n=92,999). The average age at first offence for children was 15.3 years old.¹⁹

As shown in Figure 11, the proportion of female offenders sentenced as children was slightly higher (4.5%) than male offenders (4.1%). This difference was statistically significant.²⁰

15.3
YEARS OLD
average age at first
offence as a child

Figure 11: Gender and juvenile status of sentenced offenders



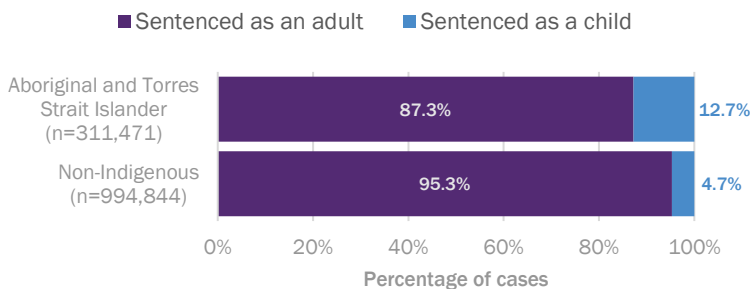
Data includes MSO adult and juvenile offenders in the lower and higher courts, cases sentenced 2005–06 to 2018–19 in Queensland.

Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2019.

Notes: 26 cases were excluded as the gender of the offender was unknown.

As shown in Figure 12, the proportion of Aboriginal and Torres Strait Islander peoples sentenced as children (12.4%) was more than double their non-Indigenous counterparts (4.7%). This difference was statistically significant.²¹

Figure 12: Aboriginal and Torres Strait Islander status and juvenile status of sentenced offenders



Data includes MSO adult and juvenile offenders in the lower and higher courts, cases sentenced 2005–06 to 2018–19 in Queensland.

Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2019

Notes:

- 1) 299 cases were excluded as the Aboriginal and Torres Strait Islander status of the offender was unknown.
- 2) Cases involving traffic and vehicle regulatory offences (ANZSOC Division 14) and dangerous or negligent operation of a vehicle (ANZSOC Subdivision 041) were excluded due to data quality issues in recording Aboriginal and Torres Strait Islander status for these offences.

¹⁶ Sentencing laws are different for children, who are sentenced under the *Youth Justice Act 1992* (Qld) (YJA). In contrast, the *Penalties and Sentences Act 1992* (Qld) applies to the sentencing of adult offenders. For more information, see Queensland Sentencing Advisory Council, *Sentencing Child Offenders*, (Web Page, 8 February 2021) <<https://www.sentencingcouncil.qld.gov.au/about-sentencing/sentencing-child-offenders>>. The equivalent of imprisonment for a child is detention. The YJA sets different maximum detention periods for children depending on the level of the sentencing court and seriousness of the offence. The maximum sentence available to higher courts is generally lower than that applicable to adults. Relevant ages for children and criminal responsibility have changed. Until 12 February 2018, children aged between 10 and 16 were sentenced as children. From 12 February 2018, 17-year-olds are also treated as children.

¹⁷ Department of Youth Justice, *Inclusion of 17-year-olds in the youth justice system*, (Web Page, 3 June 2020) <<https://www.youthjustice.qld.gov.au/reform/inclusion-17-year-olds-youth-justice-system>>.

¹⁸ Estimates were calculated using Australian Bureau of Statistics, Table 53 'Estimated Resident Population by single year of age, Queensland' in *National, State and Territory Population* (June 2020).

¹⁹ It is important to note that the calculation of this average is restricted to the available data of the reporting period. This calculation only looked at offenders who were sentenced as a juvenile.

²⁰ Pearson's chi-square statistic: $\chi^2(1) = 89.10, p < 0.0001$.

²¹ Pearson's chi-square statistic: $\chi^2(1) = 24827.49, p < 0.0001$.

Section 2 Trends in offending and recidivism

This section describes trends in the types of offences committed in Queensland and includes analysis of recidivism.

2.1 Most common offences

The 3 most common offence categories sentenced in Queensland are: traffic and vehicle offences, justice and government offences and public order offences – see Figure 13.

This data refers to the number of cases that involved at least one offence in each category – as such, if a case involved multiple charges of the same type of offence, the case was only counted once.

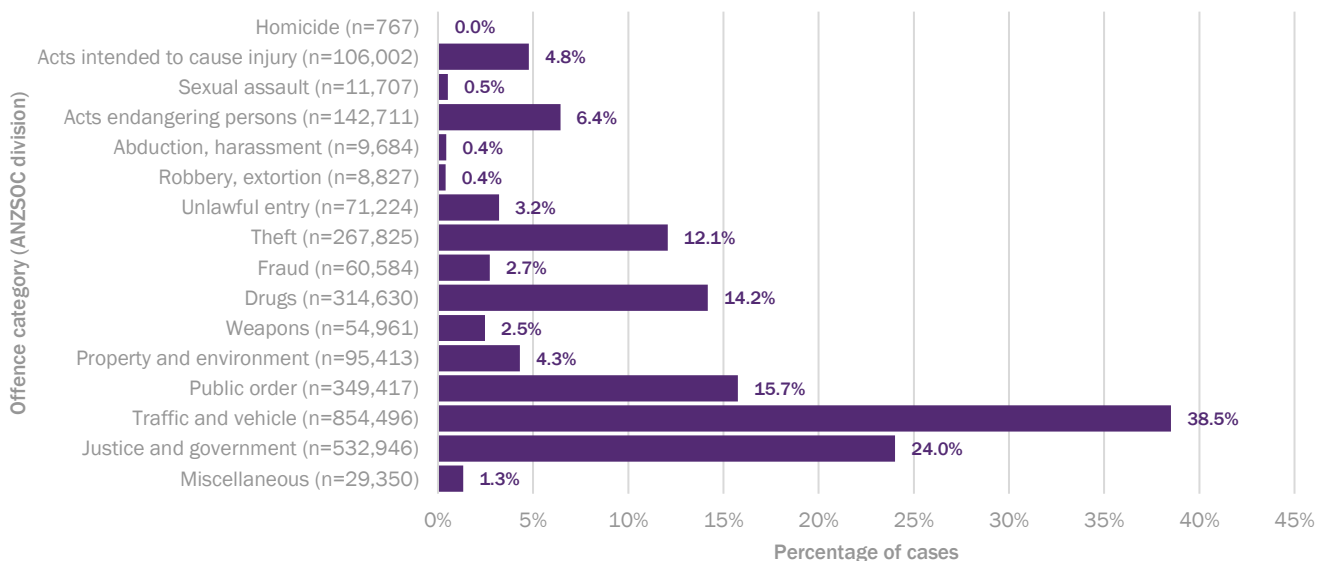
The category of ‘traffic and vehicle offences’ includes offences relating to vehicles and most forms of traffic offences (including bicycle and pedestrian offences) that are finalised in court (and does not include traffic offences finalised outside the court process). This category includes offences pertaining to the licensing, registration, roadworthiness and use of vehicles.

Out of the 854,496 cases involving traffic and vehicle offences, 44.3 per cent (n=378,581) involved driving a motor vehicle without a licence. The next most common offence in this category was vehicle offences involving alcohol or other drugs (n=306,630,²² 35.9%).

Justice and government offences include breaches of custodial and community-based orders, breaches of violence orders, and other offences against government operations and security. Of these offences, just over a quarter of cases involved the contravention of a direction or requirement of a police officer (n=139,584, 26.2%), and one-fifth of cases involved assaulting or obstructing a police officer (n=121,005,²³ 22.7%).

Public order offences include offences relating to disorderly conduct and regulated public order activities. Of the 349,417 cases related to public order offences, over half (n=200,436, 57.4%) involved a charge of public nuisance.

Figure 13: Most common offence categories sentenced in Queensland



Data includes adult and juvenile offenders in the lower and higher courts, cases sentenced 2005–06 to 2018–19.

Note: Percentages will add to more than 100% as cases which involved multiple types of offences will be counted multiple times.

Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2019.

²² This number is smaller than the number reported in Table 1 because this offence category in the table also includes more serious offences that are categorised as ‘acts endangering persons’.

²³ This number is smaller than the number reported in Table 1 because this offence category in the table also includes more serious offences that are categorised as ‘acts intended to cause injury’.

Table 1 provides a list of the top 10 most common offences sentenced for all offenders in Queensland. Traffic and vehicle offences and justice and government offences each accounted for 3 of the most common offences.

As noted earlier, public nuisance²⁴ is the most common offence within the public order category, emerging as the fourth most common offence across all offences in Queensland. Possession of dangerous drugs and drug utensils were common offences, as was stealing.

Table 1: Top 10 most common offences sentenced in Queensland

Rank	Offence category	Offence description	Cases
1	 Traffic and vehicle	Vehicle offences involving alcohol or other drugs ¹	380,962
2	 Traffic and vehicle	Driving without a licence	378,581
3	 Drugs	Possession of dangerous drugs	219,990
4	 Public order	Public nuisance	200,436
5	 Drugs	Possession of drug utensils	179,274
6	 Justice and government	Contravene direction or requirement of police officer	139,584
7	 Justice and government	Assault or obstruct police officer ²	122,916
8	 Traffic and vehicle	Driving an unregistered vehicle	114,034
9	 Justice and government	Breach of bail - failure to appear	113,275
10	 Theft	Stealing ³	109,714

Data includes adult and juvenile offenders in the lower and higher courts, cases sentenced 2005–06 to 2018–19.

Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2019.

Notes:

- 1) A large proportion of these cases (n=76,280) are classified as 'acts endangering persons' for offences where the driver is under the influence of alcohol or other substance and their driving is impaired, and they actually do or potentially could cause an injury to themselves or another person.
- 2) A small proportion of these cases (n=5,062) were classified as 'acts intended to cause injury'.
- 3) A small proportion of these cases (n=5,784) were classified as 'fraud'.

2.1.1 Differences in offending patterns over time

Table 2 shows the trends for offences in the Magistrates Courts between 2005–06 and 2018–19.

Acts endangering persons, public order offences and traffic and vehicle offences were the only categories that demonstrated a decreasing average annual percentage change – all the other offence categories were, on average, increasing over time.

In the Magistrates Courts, acts endangering persons decreased considerably over the data period. From 2005–06 to 2018–19, these offences decreased by 45.2 per cent (with an average annual decrease of 4.1% each year).

In contrast, the number of cases involving weapons offences more than doubled from 2,560 in 2005–06 to 5,552 in 2018–19 (with an average annual increase of 6.2%).

Drug offences also increased substantially over the 14-year period. In 2005–06, there were 14,204 cases involving drug offences, increasing to 27,605 in 2018–19, representing an increase of 94.3 per cent (with an average annual increase of 5.3%).

The number of abduction and harassment offences also increased from 317 cases to 592 cases from 2005–06 to 2018–19 (with an average annual increase of 6.1%).

²⁴ For more information about this specific offence, see Queensland Sentencing Advisory Council, *Public Nuisance* (Sentencing @ a glance).

Table 2: Magistrates Courts, change in offences sentenced over time

Offence category	Offenders †	Cases ‡	Average annual percentage change in cases	
Homicide*	-	-	-	-
Acts intended to cause injury	60,412 (8.0%)	76,739 (3.7%)	2.1%	▲
Sexual assault	1,837 (0.2%)	1,904 (0.1%)	3.6%	▲
Acts endangering persons	117,072 (15.5%)	135,770 (6.6%)	-4.1%	▼
Abduction, harassment	6,129 (0.8%)	6,626 (0.3%)	6.1%	▲
Robbery and extortion**	234 (0.0%)	235 (0.0%)	**	▲
Unlawful entry	26,719 (3.5%)	40,046 (2.0%)	1.6%	▲
Theft	112,280 (14.9%)	214,941 (10.5%)	2.8%	▲
Fraud	43,302 (5.7%)	52,761 (2.6%)	1.0%	▲
Drugs	145,847 (19.3%)	288,021 (14.1%)	5.3%	▲
Weapons	39,235 (5.2%)	49,281 (2.4%)	6.2%	▲
Property and environment	54,389 (7.2%)	71,489 (3.5%)	0.4%	▲
Public order	169,933 (22.5%)	321,492 (15.7%)	-2.8%	▼
Traffic and vehicle	481,521 (63.9%)	841,836 (41.1%)	-0.2%	▼
Justice and government	209,051 (27.7%)	497,243 (24.3%)	2.2%	▲

Data includes adult and juvenile offenders in the lower courts, cases sentenced 2005–06 to 2018–19.

Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2019.

Notes:

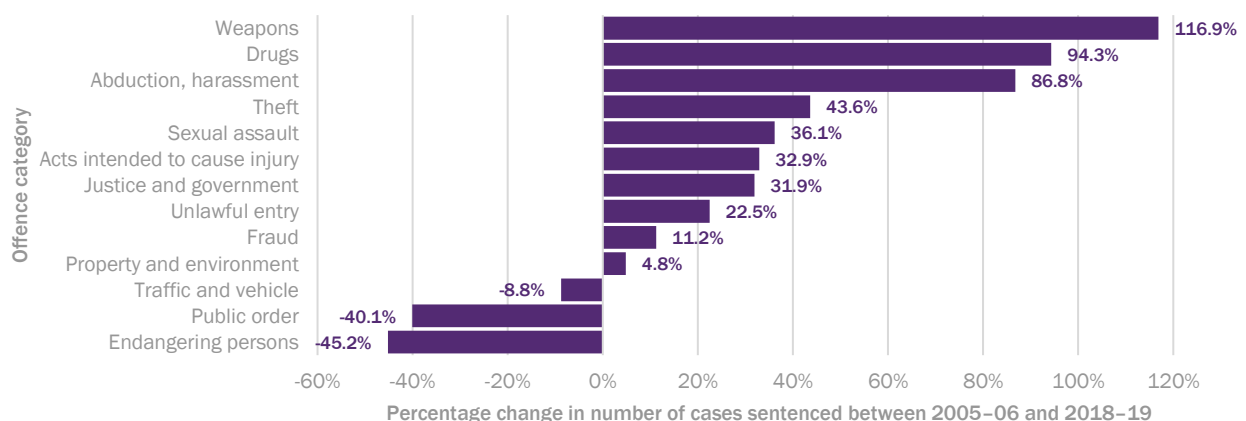
* Homicide cannot be dealt with in the Magistrates Courts.

** Caution – small sample sizes. Magistrates Courts cannot sentence offence of robbery or extortion, which must be ultimately dealt with by the higher courts. Lesser offences falling under this ANZSOC definition, such as demanding property with menaces with intent to steal (s 414 of the Criminal Code) are likely to be the offences making up this category.

† Totals do not add to 100% as some offenders may be sentenced for multiple types of offences.

‡ Totals do not add to 100% as some cases may involve multiple types of offences.

Figure 14: Magistrates Courts, change in offences sentenced between 2005-06 and 2018-19



Data includes adult and juvenile offenders in the lower courts, cases sentenced in 2005–06 and in 2018–19 in Queensland.

Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2019.

Notes:

1) Homicide cannot be dealt with in the Magistrates Courts.

2) Robbery and extortion was excluded in the analysis due to the small number of cases sentenced. There were 4 cases sentenced in 2005–06 which increased to 29 cases in 2018–19, representing a 625.0% increase. Magistrates Courts cannot sentence offences of robbery or extortion, which must be dealt with by the higher courts. Lesser offences falling under this ANZSOC definition, such as demanding property with menaces with intent to steal (s 414 of the Criminal Code) are likely to be the offences making up this category.

Table 3 shows the trends for offences in the higher courts between 2005–06 and 2018–19. Acts endangering persons, unlawful entry offences, fraud offences and property and environment offences were the only categories that demonstrated a decreasing average annual percentage change – all other offence categories increased over the 14-year period.

Similar to the pattern observed in the Magistrates Courts, cases involving weapons offences demonstrated the largest increase over the data period. The number of cases involving weapons offences jumped from 87 cases in 2005–06 to 434 cases in 2018–19, representing a 398.9 per cent increase. Drug offences more than doubled in the higher courts, from 846 cases in 2005–06 to 2,254 cases in 2018–19. Cases involving traffic and vehicle offences in the higher courts also more than doubled, from 166 cases in 2005–06 to 403 cases in 2018–19. These 3 offence categories also experienced the largest average annual percentage change in the higher courts.

Table 3: Higher courts, change in offences sentenced over time

Offence (ANZSOC categories)	Offenders †	Cases ‡	Average annual percentage change in cases
Homicide	759 (1.4%)	767 (1.1%)	1.2% ▲
Acts intended to cause injury	17,428 (31.5%)	19,384 (27.3%)	0.8% ▲
Sexual assault	8,987 (16.2%)	9,641 (13.6%)	2.6% ▲
Acts endangering persons	4,296 (7.8%)	4,485 (6.3%)	-0.7% ▼
Abduction, harassment	2,374 (4.3%)	2,440 (3.4%)	2.6% ▲
Robbery, extortion	7,351 (13.3%)	8,359 (11.8%)	3.7% ▲
Unlawful entry	8,796 (15.9%)	10,327 (14.6%)	-1.8% ▼
Theft	11,825 (21.4%)	13,773 (19.4%)	1.4% ▲
Fraud	5,374 (9.7%)	5,672 (8.0%)	-3.0% ▼
Drugs	17,213 (31.1%)	18,901 (26.7%)	7.8% ▲
Weapons	2,898 (5.2%)	3,022 (4.3%)	14.1% ▲
Property and environment	6,413 (11.6%)	6,892 (9.7%)	-0.2% ▼
Public order	2,977 (5.4%)	3,137 (4.4%)	1.0% ▲
Traffic and vehicle	3,155 (5.7%)	3,352 (4.7%)	7.6% ▲
Justice and government	13,149 (23.8%)	16,106 (22.7%)	2.6% ▲

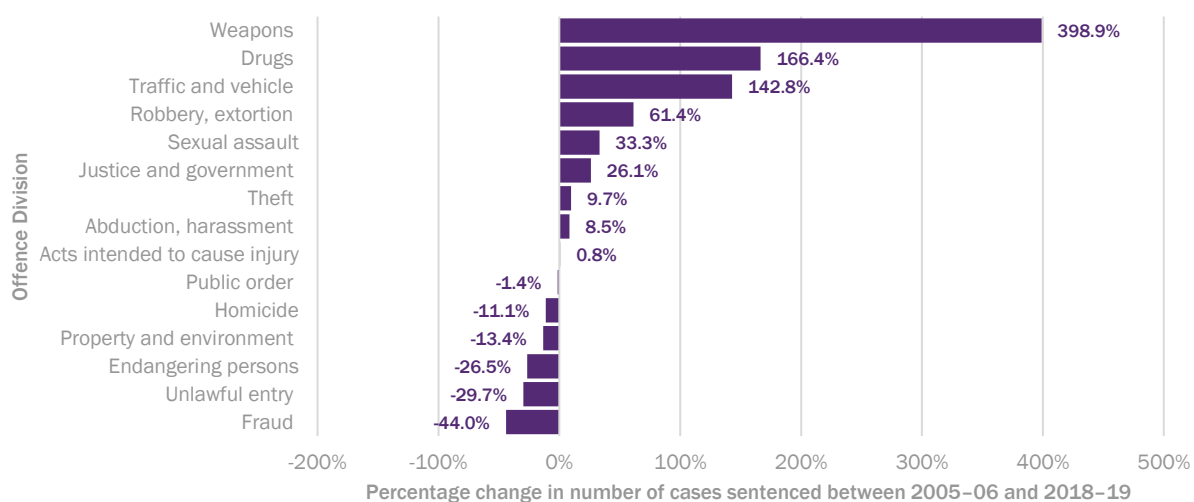
Data includes adult and juvenile offenders in the higher courts, cases sentenced 2005–06 to 2018–19 in Queensland
Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2019.

Notes:

† Totals do not add to 100% as some offenders may be sentenced for multiple types of offences.

‡ Totals do not add to 100% as some cases may involve multiple types of offences.

Figure 15: Higher courts, change in offence categories sentenced between 2005-06 and 2018-19



Data includes adult and juvenile offenders, higher courts, cases sentenced in 2005–06 and in 2018–19 in Queensland.
Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2019.

Figure 16 shows the 10 most common offences in the first year of the data period (2005–06) compared to the 10 most common offences in the final year of the period (2018–19). The percentages represent the change in the number of offences sentenced between these 2 points in time. [Note: more than 10 offences are presented in Figure 16 as the top 10 offences in 2005–06 were different to the top 10 offences in 2018–19].

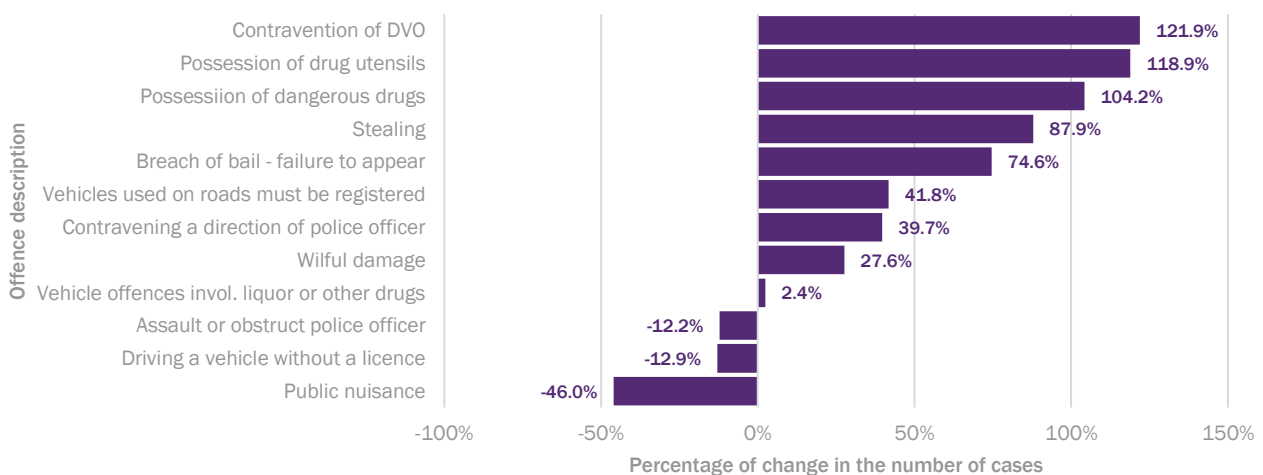
The number of cases involving public nuisance decreased by 46.0 per cent between 2005–06 and 2018–19.²⁵ Driving a vehicle without a licence and assaulting or obstructing a police officer also decreased by 12.9 per cent and 12.2 per cent respectively.

Contravention of a DVO, possession of drug utensils, and possession of dangerous drugs more than doubled from 2005–06 to 2018–19, with the number of cases increasing by more than 100 per cent.

Stealing, breach of bail (failure to appear), vehicles on roads must be registered, contravening a direction of a police officer and wilful damage all increased considerably between the 2 time periods.

Vehicle offences involving alcohol or other drugs increased between 2005–06 and 2018–19, but only by 2.4 per cent.

Figure 16: Changes in the top 10 most common offences sentenced between 2005–06 and 2018–19



Data includes adult and juvenile offenders, higher courts, cases sentenced in Queensland in 2005–06 and in 2018–19.
Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2019.

²⁵ This decrease could have been due to increases for ticketing for public nuisance offences in this time period.

2.1.2 Differences in offending patterns by gender and Aboriginal and Torres Strait Islander status

The Council's analysis of Queensland court data shows that patterns of offending also differed depending on the gender and Aboriginal and Torres Strait Islander status of people sentenced in Queensland.

Analysis of adult offenders is presented separately to analysis pertaining to children.

Adult offenders

Figure 17 shows that public order and justice and government offences were more common for Aboriginal and Torres Strait Islander peoples, regardless of gender, compared to their non-Indigenous counterparts.

Theft and drug offences were common across all 4 demographic groups; however, drug offences were more common for non-Indigenous offenders, while theft was more common for women.

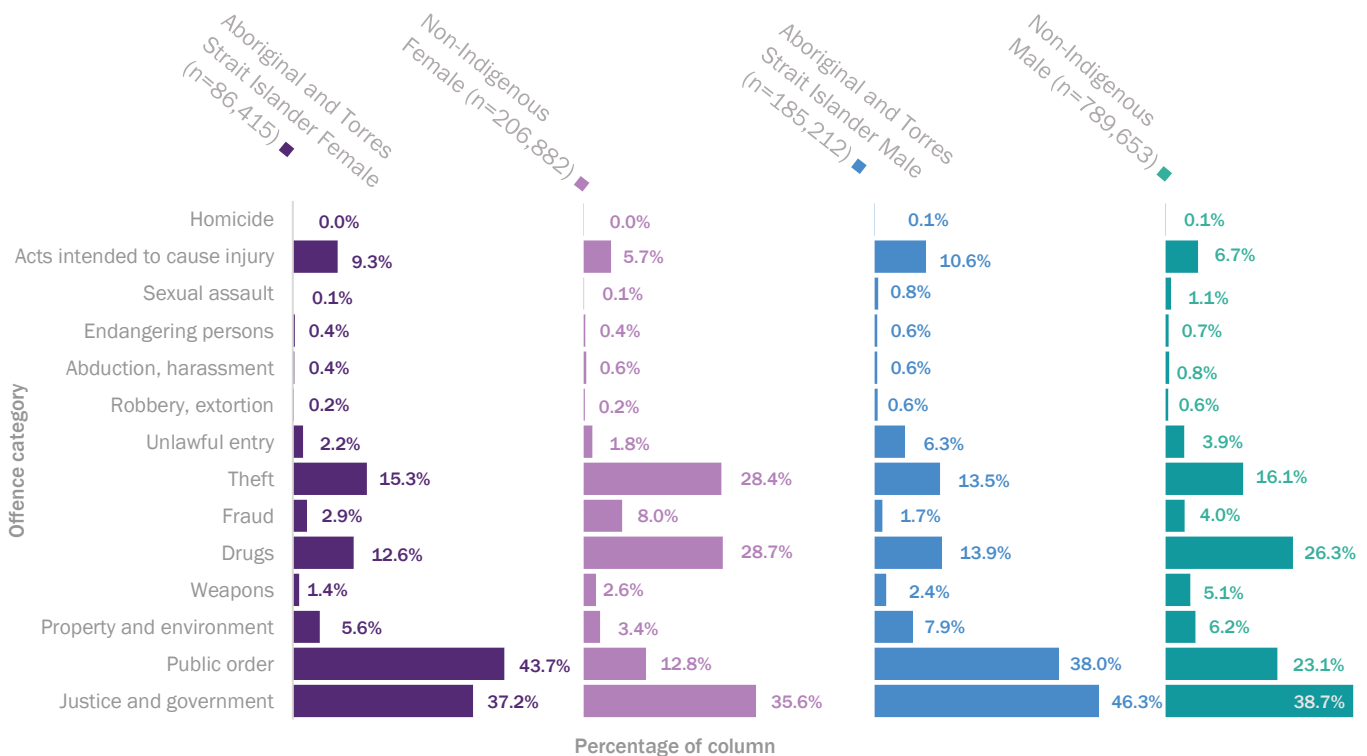
Unlawful entry was more common for Aboriginal and Torres Strait Islander men compared to other demographic groups.

Property and environment offences were common for both Aboriginal and Torres Strait Islander men and women compared to their non-Indigenous counterparts.

Fraud was more common for non-Indigenous people, regardless of gender, compared to Aboriginal and Torres Strait Islander people.

Sexual assault, robbery and extortion offences were also more common among men, regardless of Aboriginal and Torres Strait Islander status, compared to women.

Figure 17: Offence categories by demographic groups for sentenced offenders



Data includes adult offenders, higher and lower courts, cases sentenced 2005–06 to 2018–19 in Queensland.

Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2019.

Notes:

- 1) Totals do not add to 100% as some cases may involve multiple types of offences.
- 2) Cases involving traffic and vehicle regulatory offences (ANZSOC Division 14) and dangerous or negligent operation of a vehicle (ANZSOC Subdivision 041) were also excluded due to the data quality issues in recording Aboriginal and Torres Strait Islander status for these offences.

Table 4 presents the 5 most common offences for each demographic group. [Note: more than 5 offences are displayed in Table 4 as the top 5 most common offences were different for each demographic group].²⁶

Public nuisance was the most common offence for Aboriginal and Torres Strait Islander men and women. Possession of dangerous drugs and possession of drug utensils was more common for non-Indigenous people compared Aboriginal and Torres Strait Islander peoples, regardless of gender.











Some offences were more common for specific groups. For instance, Aboriginal and Torres Strait Islander women were commonly sentenced for possession of alcohol in restricted areas, while non-Indigenous women were commonly sentenced for unauthorised dealing with shop goods ('shoplifting') and stealing.

Contravening a direction or requirement of a police officer was more common for women compared to men, regardless of Aboriginal and Torres Strait Islander status; whereas, contravention of a DVO was more common for men than women. However, contravention of a DVO was observed to be particularly high for Aboriginal and Torres Strait Islander peoples.

Both Aboriginal and Torres Strait Islander men and women were frequently sentenced for breach of bail (failure to appear) – more often than their non-Indigenous counterparts.

The Council's report [Connecting the Dots](#) provides more information about sentenced offences by Aboriginal and Torres Strait Islander status.

Table 4: Top 5 most common offences sentenced by demographic group

Offence	Aboriginal and Torres Strait Islander		Non-Indigenous	
	Female (n=86,415)	Male (n=195,212)	Female (n=206,882)	Male (n=789,653)
 Possessing dangerous drugs	7.1%	8.8%	19.2%	19.1%
 Public nuisance	23.4%	19.5%	7.8%	14.3%
 Possession of drug utensils	7.5%	7.8%	17.3%	14.7%
 Contravene direction or requirement of police officer	11.0%	9.3%	12.3%	10.4%
 Assault or obstruct police officer	8.3%	10.3%	7.6%	8.7%
 Breach of bail - failure to appear	9.6%	11.4%	8.5%	7.6%
 Contravention of domestic violence order	5.8%	13.1%	4.1%	7.2%
 Stealing	6.2%	5.2%	11.4%	6.6%
 Unauthorised dealing with shop goods	4.5%	2.2%	12.5%	3.9%
 Prohibition on possession of alcohol in restricted area	8.5%	6.0%	0.0%	0.1%

Data includes adult offenders, higher and lower courts, cases sentenced 2005–06 to 2018–19.

Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2019.

Notes:

- 1) Totals do not add to 100% as some cases may involve multiple types of offences.
- 2) Cases involving traffic and vehicle regulatory offences (ANZSOC Division 14) and dangerous or negligent operation of a vehicle (ANZSOC Subdivision 041) were also excluded due to the data quality issues in recording Aboriginal and Torres Strait Islander status for these offences.

Children

Figure 18 shows that regardless of demographic characteristics, theft was the most common offence category for children. Public order offences and justice and government offences were also common among children – although public order offences were markedly more common for Aboriginal and Torres Strait Islander children, particularly girls.

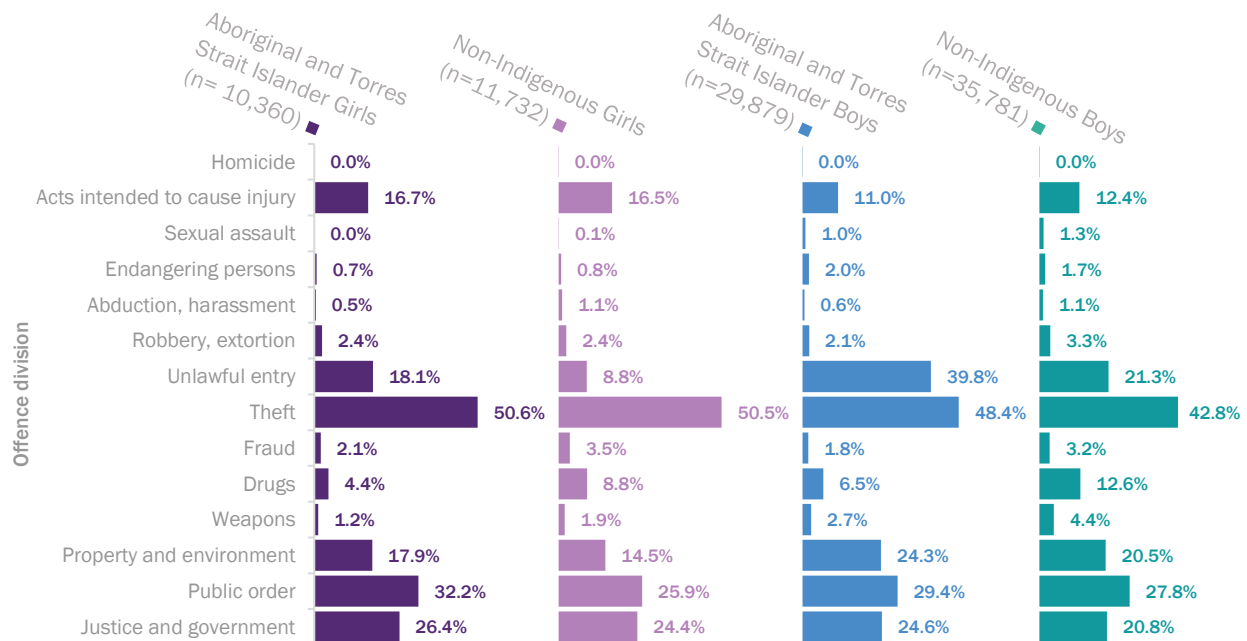
Some offence categories were more common for specific groups. For instance, 39.8 per cent of cases involving Aboriginal and Torres Strait Islander boys involved an unlawful entry offence, and almost a quarter (24.3%) involved a property and environment offence (most of these were offences involving damage to property).

Drug offences were more common for non-Indigenous boys, compared to other demographic groups.

²⁶ For instance, prohibition on possession of alcohol in a restricted area was in the top 5 most common offences for Aboriginal and Torres Strait Islander women; however, it was not in the top 5 for any of the other demographic groups.

More than 15 per cent of cases for both Aboriginal and Torres Strait Islander and non-Indigenous girls involved acts intended to cause injury. Acts endangering people and sexual assault were more common for boys, regardless of their Aboriginal and Torres Strait Islander status.

Figure 18: Offence categories sentenced by demographic group for children



Data includes children, higher and lower courts, cases sentenced 2005–06 to 2018–19 in Queensland.

Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2019.










Notes:

- 1) Totals add to more than 100% as some cases may involve multiple types of offences.
- 2) Cases involving traffic and vehicle regulatory offences (ANZSOC Division 14) and dangerous or negligent operation of a vehicle (ANZSOC Subdivision 041) were also excluded due to the data quality issues in recording Aboriginal and Torres Strait Islander status for these offences.

Table 5 presents the 5 most common offences for each demographic group [Note: more than 5 offences are displayed as the top 5 most common offences were different for each demographic group]. Offences involving theft, unlawful entry and property were common among children, with stealing as the most common offence, followed by wilful damage.

Entering or being in premises and committing indictable offences, unlawful use or possession of motor vehicles, trespassing and burglary were particularly common for Aboriginal and Torres Strait Islander boys. Unauthorised dealing with shop goods was common for girls, regardless of their Aboriginal and Torres Strait Islander status.

Table 5: Top 5 most common offences sentenced by demographic group for children

Offence	Aboriginal and Torres Strait Islander		Non-Indigenous	
	Girls (n=10,360)	Boys (n=29,879)	Girls (n=11,732)	Boys (n=35,781)
 Stealing	22.2%	21.5%	18.9%	19.2%
 Wilful damage	16.7%	23.1%	13.0%	18.4%
 Entering or being in premises and committing indictable offences	13.5%	30.4%	5.8%	15.1%
 Unlawful use or possession of motor vehicles, aircraft or vessels	13.0%	20.6%	7.8%	10.5%
 Public nuisance	18.7%	12.4%	15.1%	12.8%
 Trespass	11.1%	14.8%	8.6%	11.5%
 Unauthorised dealing with shop goods	16.8%	7.1%	21.8%	10.9%
 Assault or obstruct police officer	12.8%	11.7%	13.6%	10.3%
 Burglary	7.4%	18.0%	4.0%	9.7%

Data includes children, higher and lower courts, cases sentenced 2005–06 to 2018–19.

Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2019.

Notes:

- 1) Totals do not add to 100% as some cases may involve multiple types of offences.
- 2) Cases involving traffic and vehicle regulatory offences (ANZSOC Division 14) and dangerous or negligent operation of a vehicle (ANZSOC Subdivision 041) were also excluded due to the data quality issues in recording Aboriginal and Torres Strait Islander status for these offences.

2.1.3 Differences in offending patterns by location

Patterns of offending differed by the remoteness of the offence location — see Figure 19.

Public order offences, traffic and vehicle offences, and justice and government offences were common across all locations, regardless of remoteness levels.

Public order offences were particularly prevalent in remote areas, where just over one-third of cases committed in these locations involved a public order offence.

In comparison, traffic and vehicle offences were more prevalent in major cities and regional areas, with 39.1 per cent and 38.5 per cent of cases in these regions respectively involving a traffic offence.

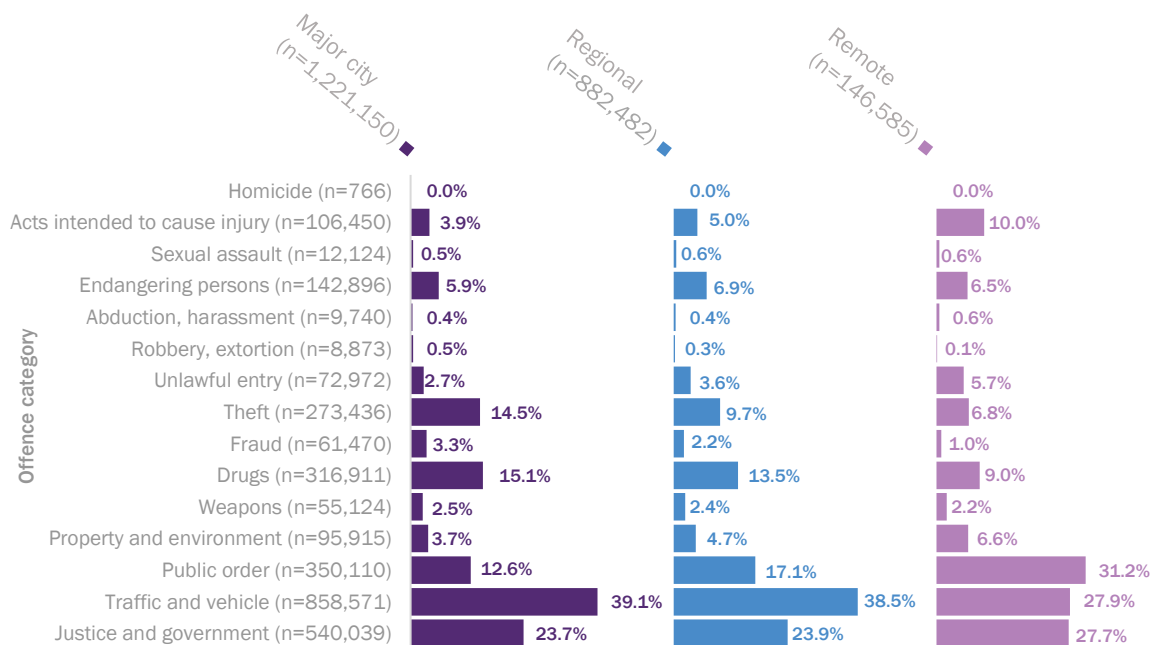
Acts intended to cause injury offences made up a higher proportion of offences in remote areas compared to major cities and regional areas.

Drug offences were more prevalent in major cities and regional areas compared to remote areas.

There was a higher proportion of offences related to theft committed in major cities compared to other areas; however, charges of unlawful entry and property and environment offences were more common in regional and remote areas.

The other offence divisions (that is, homicide, sexual assault, endangering persons, abduction and harassment, robbery and extortion and weapons offences) were relatively similar across the 3 levels of remoteness.

Figure 19: Types of offences sentenced by remoteness level



Data includes adult and juvenile offenders, higher and lower courts, cases sentenced 2005–06 to 2018–19 in Queensland.

Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2019.

Notes:

- 1) Totals add to more than 100% as some cases may involve multiple types of offences.
- 2) Some cases may involve multiple offences which were committed at locations with different remote areas.

Table 6 provides the top 5 most common offences by the level of remoteness of the offence location.

Vehicle offences involving alcohol or other drugs and driving a vehicle without a licence were the top 2 most common offences across all 3 levels of remoteness.







As discussed above, drug-related offences were more common in major cities and regional areas.

Table 6 shows that the 2 most common offences under this division are possession of dangerous drugs and possession of drug utensils.

Public nuisance was also common across all location categories and was the third most common offence in remote areas.

Contravention of a DVO was also more common in remote areas compared to major cities and regional areas.

Table 6: Top 5 most common offences sentenced by remoteness level

Offence	Major City (n=1,221,150)	Regional (n=882,482)	Remote (n=146,585)
 Vehicle offences involving alcohol or other drugs	16.6%	17.9%	14.7%
 Driving a vehicle without a licence	17.8%	16.0%	15.2%
 Possession of dangerous drugs	10.7%	9.4%	5.7%
 Public nuisance	7.6%	10.0%	13.8%
 Possession of drug utensils	8.1%	8.3%	5.8%
 Contravention of domestic violence order	3.4%	5.0%	7.9%

Data includes adult and juvenile offenders, higher and lower courts, cases sentenced 2005–06 to 2018–19 in Queensland.

Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2019.

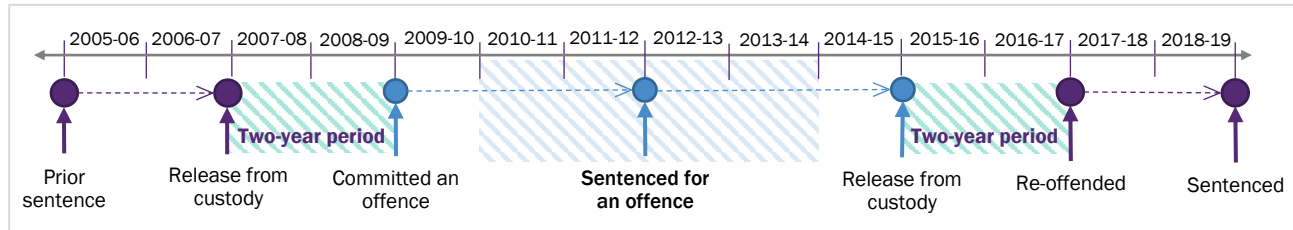
2.2 Recidivism

Of the 781,587 offenders who were sentenced in Queensland courts between 2005–06 and 2018–19, 344,879 (44.1%) were repeat offenders – that is, they had been sentenced multiple times over the 14-year period.

44.1%
repeat offenders

Those who were sentenced between 2010–11 and 2013–14 were examined in more detail to determine whether they had been sentenced for any prior or subsequent offences.²⁷ Prior and subsequent offending was operationalised as any sentencing event with an offence date that occurred within 2 years of an offender's expected release from custody – see Figure 20.

Figure 20: Methodology for recidivism analysis

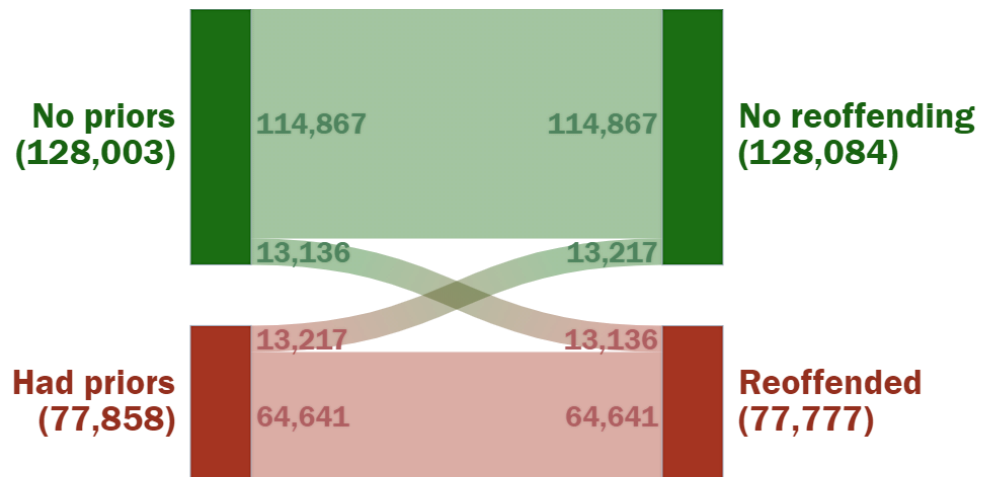


In 2010–11 to 2013–14, there were 412,592 cases sentenced, involving 205,861 unique offenders. Of these people, over one-third had been dealt with for a previous offence ($n=77,858$, 37.8%) and over one-third were sentenced for a new offence after being sentenced ($n=77,777$, 37.8%) – see Figure 21.

Just over half of offenders sentenced between 2010–11 and 2013–14 had no prior and no subsequent offences sentenced ($n=114,867$, 55.8%).

One-third of offenders had committed both prior offences, and subsequent offences ($n=64,641$, 31.4%). There were 13,136 offenders who reoffended, but had no prior sentenced offences (6.4%), and 13,217 offenders who had prior offences but did not reoffend (6.4%).

Figure 21: Reoffending for all offenders



Data includes higher and lower courts, adult and juvenile cases sentenced between 2010–11 and 2013–14 where reoffending occurred within 2 years of the offender's expected release from custody.

Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2019.

Note: Cases involving traffic and vehicle regulatory offences (ANZSOC Division 14) were excluded in the recidivism analyses.

²⁷ To calculate recidivism, offenders were linked across multiple court events to identify occurrences of prior and subsequent offending. This person linkage was undertaken by the Queensland Government Statistician's Office and involved deterministic and probabilistic matching techniques to account for anomalies in data systems in relation to common administrative data errors relating to issues such as the use of nicknames and transposed details.

Table 7 shows the prior and subsequent court events for offenders by gender and Aboriginal and Torres Strait Islander status. There was a statistically significant difference in the average number of prior²⁸ and subsequent²⁹ court events for non-Indigenous offenders compared to First Nations peoples.

On average, Aboriginal and Torres Strait Islander offenders had the highest number of prior and subsequent court events, both at 3.2.

On average, men had a higher number of prior³⁰ and subsequent³¹ court events compared to women, and these differences were statistically significant.

Table 7: Prior and subsequent court events by gender and Aboriginal and Torres Strait status

Offender type	N	No prior offences (%)	1 to 3 prior offences (%)	4+ prior offences (%)	Number of court events			
					Avg	Median	Min	Max
Prior offending	205,861	62.2	26.0	11.8	1.3	0.0	0	147
Male	155,080	60.6	26.9	12.5	1.4	0.0	0	147
Female	50,208	66.7	23.5	9.8	1.1	0.0	0	105
Aboriginal and Torres Strait Islander	28,553	36.2	33.6	30.1	3.2	1.0	0	147
Non-Indigenous	148,830	61.7	28.0	10.3	1.1	0.0	0	65
Subsequent offending	205,861	62.2	25.2	12.5	1.3	0.0	0	109
Male	155,080	60.9	26.1	13.1	1.4	0.0	0	109
Female	50,208	66.0	22.9	11.1	1.2	0.0	0	77
Aboriginal and Torres Strait Islander	28,553	36.0	33.2	30.8	3.2	1.0	0	109
Non-Indigenous	148,830	61.8	27.0	11.2	1.2	0.0	0	62

Data includes higher and lower courts, adult and juvenile cases sentenced between 2010–11 and 2013–14 in Queensland where reoffending occurred within 2 years of the offender's expected release from custody.

Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2019.

Notes:

- 1) Cases involving dangerous or negligent operation of a vehicle offences (ANZSOC Subdivision 041) were excluded in the analysis between Aboriginal and Torres Strait Islander and non-Indigenous offenders.

Table 8 shows the prior and subsequent court events for offenders by remoteness of the offence location.

Level of remoteness was associated with the numbers of prior³² and subsequent offences sentenced.³³

Offenders who committed an offence in a remote area had the highest average of 2.0 prior court events, and major cities had the least number of prior court events (average=1.3). Similar trends were observed in subsequent reoffending.

Table 8: Prior and subsequent court events by remoteness level

Offender type	N	No prior offences (%)	1 to 3 prior offences (%)	4+ prior offences (%)	Number of court events			
					Avg	Median	Min	Max
Prior offending	221,829	60.4	27.5	12.1	1.3	0.0	0	144
Major city	117,590	62.9	26.1	10.9	1.2	0.0	0	56
Regional	88,487	59.3	28.4	12.3	1.4	0.0	0	144
Remote	15,752	47.5	33.0	19.5	2.0	1.0	0	73
Subsequent offending	221,829	60.4	26.7	12.9	1.4	0.0	0	100
Major city	117,590	62.7	25.4	11.9	1.3	0.0	0	55
Regional	88,487	59.5	27.5	13.0	1.4	0.0	0	100
Remote	15,752	47.8	32.1	20.1	2.0	1.0	0	57

Data includes higher and lower courts, adult and juvenile cases sentenced between 2010–11 and 2013–14 in Queensland where reoffending occurred within 2 years of the offender's expected release from custody.

Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2019.

Notes: Some cases may also involve multiple offences which were committed at locations with different remote areas.

²⁸ Independent groups t-test: $t(30,516) = -62.30, p < .0001, r = 0.34$ (equal variances not assumed).

²⁹ Independent groups t-test: $t(31,323) = -66.93, p < .0001, r = 0.35$ (equal variances not assumed).

³⁰ Independent groups t-test: $t(91,332) = -17.57, p < .0001, r = 0.06$ (equal variances not assumed).

³¹ Independent groups t-test: $t(88,402) = -13.12, p < .0001, r = 0.04$ (equal variances not assumed).

³² One-way ANOVA: $F(2, 221,826) = 54.17, p < .0001$ (used Welch's correction as equal variances not assumed).

³³ One-way ANOVA: $F(2, 221,826) = 40.45, p < .0001$ (used Welch's correction as equal variances not assumed).

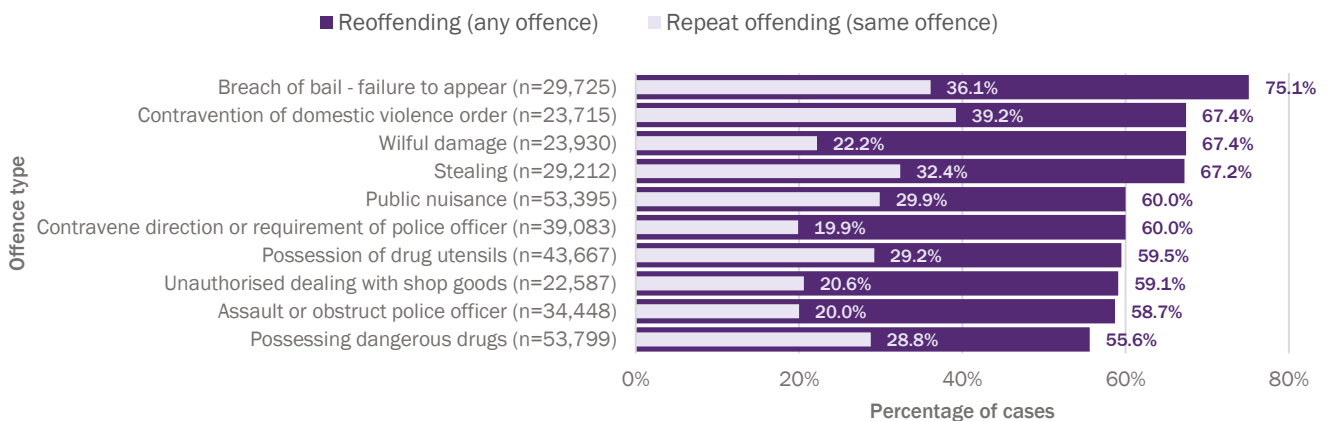
Figure 22 shows the proportion of cases that resulted in reoffending within 2 years of release, by the top 10 most common offences. The darker bars show the proportion of cases in which the person reoffended by committing any offence, while the lighter bars show the proportion of cases where the person reoffended by committing the same offence.

Those sentenced for breach of bail (failure to appear) had the highest rate of reoffending, with 75.1 per cent of offenders committing a new offence within 2 years, of which over one-third (n=10,736, 36.1%) were for the same offence. Those sentenced for contravention of a DVO, wilful damage and stealing also had high levels of reoffending.

The highest rate of repeat offending involving commission of the same offence was contravention of a DVO at 39.2 per cent of cases. In other words, 39.2 of cases that involved contravention of a DVO were followed within 2 years by another offence of contravening a DVO.

Among the top 10 offences, possessing dangerous drugs had the lowest reoffending rate at 55.6 per cent.

Figure 22: Reoffending for the top 10 most common offences sentenced



Data includes adult and juvenile cases sentenced between 2010–11 and 2013–14 in Queensland where reoffending occurred within 2 years of the offender's expected release from custody.

Source: QGSO, Queensland Treasury – Courts Database, extracted November 2019.

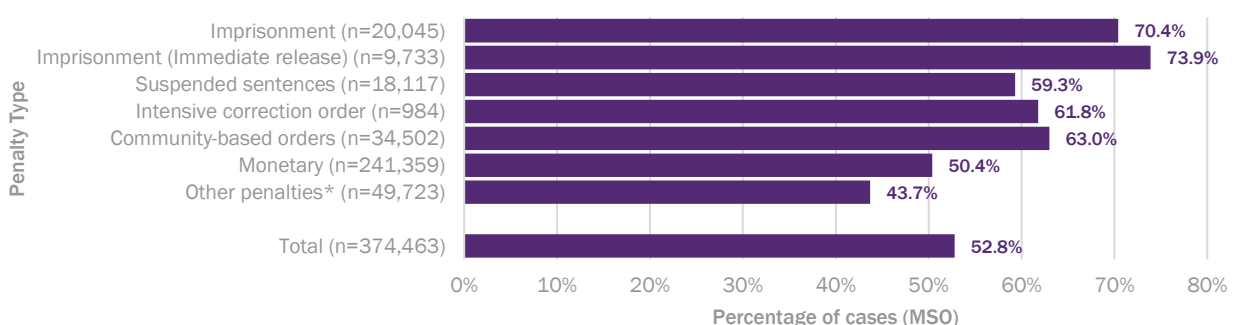
Figure 23 shows reoffending rates by penalty type (MSO). It shows that just over half of offenders committed a new offence within 2 years of their expected release from custody.

Those who were sentenced to imprisonment but were immediately released showed the highest rate of reoffending at 73.9 per cent, followed by imprisonment with actual time spent in custody post-sentence (70.4%). Within the custodial penalties, those who were sentenced to suspended imprisonment had the lowest rate of reoffending at 59.3 per cent.

Intensive correction orders and community-based orders had similar levels of reoffending at 61.8 per cent and 63.0 per cent, respectively.

Monetary penalties had a reoffending rate of 50.4 per cent while other penalties (good behaviour, recognisance, convicted and not further punished and disqualification of driver's licence) had a reoffending rate of 43.7 per cent.

Figure 23: Reoffending by penalty type for all sentenced offences



Data includes MSO, adults, cases sentenced between 2010–11 and 2013–14 in Queensland where reoffending occurred within 2 years of the offender's expected release from custody.

Source: QGSO, Queensland Treasury – Courts Database, extracted November 2019.

Notes: 'Imprisonment' includes sentences of imprisonment where the offender was required to serve time in custody post-sentence.

'Imprisonment (Immediate release)' includes sentences of imprisonment with immediate release on court ordered parole, or where the entire sentence was fully served as declared pre-sentence custody, or where the defendant was sentenced to the rising of the court.

* Other penalties include: Good behaviour bonds, recognisance, convicted and not further punished and disqualification of driver's licence.

Section 3 Penalties and sentencing outcomes

Generally, in sentencing under section 9(2)(a) of the *Penalties and Sentences Act 1992* (Qld) (for adults), a court must have regard to the principles that imprisonment should only be imposed as a last resort, and a sentence that allows the offender to stay in the community is preferable.

However, these principles do not apply for any offence that results in physical harm to another person or involves violence against another person. In such cases, a court must have primary regard to factors such as the risk of further harm to the community, and the personal circumstances of any victim of the offence.³⁴

This section provides an analysis of the penalties and sentencing outcomes for all offenders sentenced in Queensland courts, focusing on the MSO sentenced in each case.

As noted earlier, a different sentencing regime applies to children sentenced under the *Youth Justice Act 1992* (Qld) to that which applies to offenders sentenced as adults under the *Penalties and Sentences Act 1992* (Qld). For this reason, the penalties imposed on adults and children are discussed separately.

3.1 Courts data

Overview

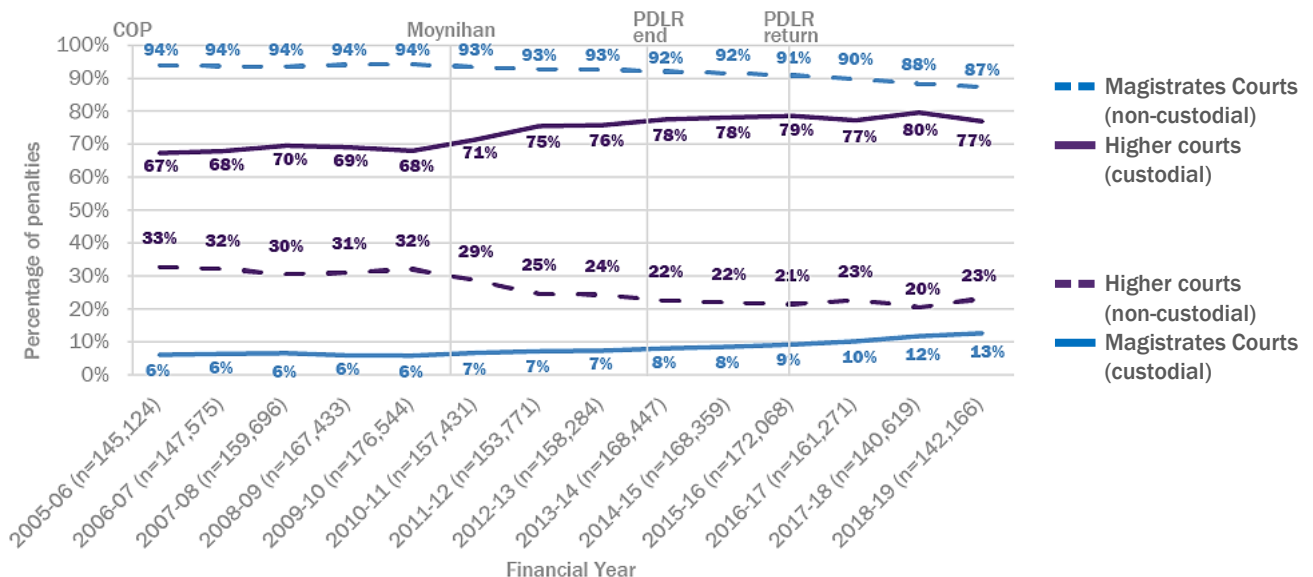
From 2005–06 to 2018–19, there were 2,125,789 cases sentenced involving adult offenders and 92,999 cases sentenced involving children.

Figure 24 shows the use of custodial and non-custodial penalties³⁵ for all offenders by court level between 2005–06 and 2018–19. The use of custodial and non-custodial penalties has changed over time in both the Magistrates Courts and the higher courts.³⁶

Across all courts, the use of custodial penalties increased over the past 14 years, from 6 per cent to 13 per cent in the Magistrates Courts and from 67 per cent to 77 per cent in the higher courts.

The Magistrates Courts sentence most cases (96.8%) – even a small increase in the use of custodial penalties can represent a large increase in the number of people being sentenced to imprisonment.

Figure 24: Use of custodial and non-custodial penalties by level of court



Data includes adult offenders, higher and lower courts, cases sentenced 2005–06 to 2018–19.

Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2019.

Notes: The vertical lines depicts reforms that could affect the data – COP refers to the introduction of court ordered parole in Queensland, Moynihan refers to legislative changes which expanded the jurisdiction of the Magistrates Courts and increased the District Court's general criminal jurisdiction, PDLR refers to the legislative requirement that courts should only impose imprisonment as a last resort and that a sentence allowing the person to stay in the community is preferable (with some legislative exceptions).

³⁴ *Penalties and Sentences Act 1992* (Qld) s 9(2A) and (3). For the principles that apply to the sentencing of children, see *Youth Justice Act 1992* (Qld) ss 2, 3, 150 and Schedule 1. One of several differences is that it does not share the adult exclusion of imprisonment as a last resort for offences involving violence or physical harm.

³⁵ To find out more about different penalty types, see Queensland Sentencing Advisory Council, *Queensland Sentencing Guide* (February 2021).

³⁶ For more information, see Queensland Sentencing Advisory Council, *Community-based Sentencing Orders, Imprisonment and Parole Options* (Final Report, July 2019), Table 2-1 and Figure 2-1.

Figure 25 shows sentencing outcomes for both adult offenders and children at a high level.

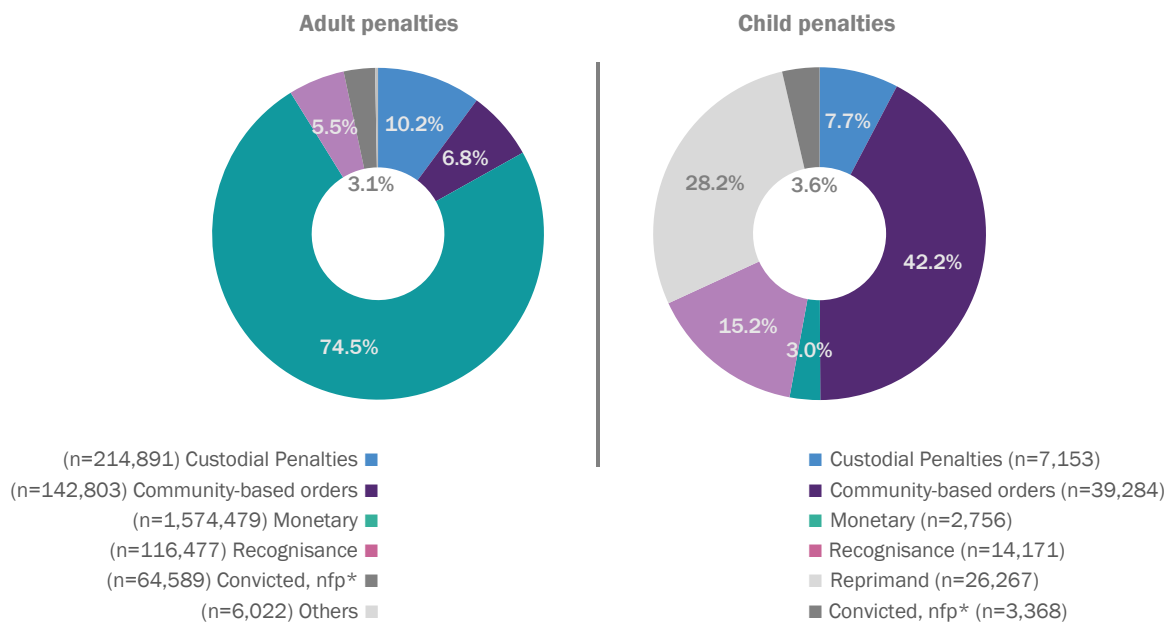
The most common penalty imposed on adult offenders was a monetary penalty (n = 1,574,479, 74.5%). Monetary penalties include fines, compensation payments and restitution orders.

A higher proportion of cases resulted in a custodial penalty being imposed (n=214,891, 10.1%) compared to cases that received a community-based order, such as probation or a community service order (n=142,803, 6.8%).

For children, community-based orders were the most common penalty imposed at 42.2 per cent (n=39,284).

Reprimands were the second most common penalty type at 28.2 per cent. Custodial penalties only represented 7.7 per cent of all penalties imposed. The least common penalty type was a monetary penalty at 3.0 per cent.

Figure 25: Types of penalties imposed for adult offenders compared to children



Data includes MSO, adult and juvenile offenders, higher and lower courts, cases sentenced 2005–06 to 2018–19 in Queensland.

Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2019.

Notes:

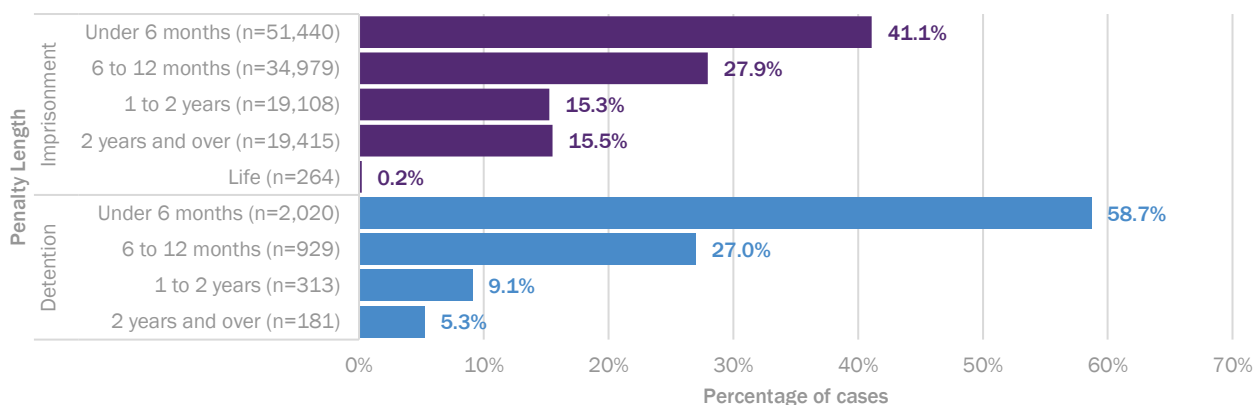
- 1) Adult penalties. Custodial penalties include imprisonment, suspended sentences, intensive correction order; Community-based orders include community service and probation orders; 6,022 cases (MSO) that received a licence disqualification were excluded.
- 2) Child penalties. Custodial penalties include detention, conditional release orders, and boot camp orders; Community-based orders include intensive supervision orders, community service, probation orders, court ordered conferences and treatment programs.

* nfp means not further punished.

Figure 26 shows the length of imprisonment and detention orders for adult offenders and children respectively.

It shows that 41.1 per cent of adult offenders who received imprisonment were sentenced to less than 6 months. For children sentenced to detention, 58.7 per cent received a sentence less than 6 months.

Figure 26: Length of imprisonment and detention penalties



Data includes MSO, adult and juvenile offenders, higher and lower courts, cases sentenced 2005–06 to 2018–19 in Queensland.

Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2019.

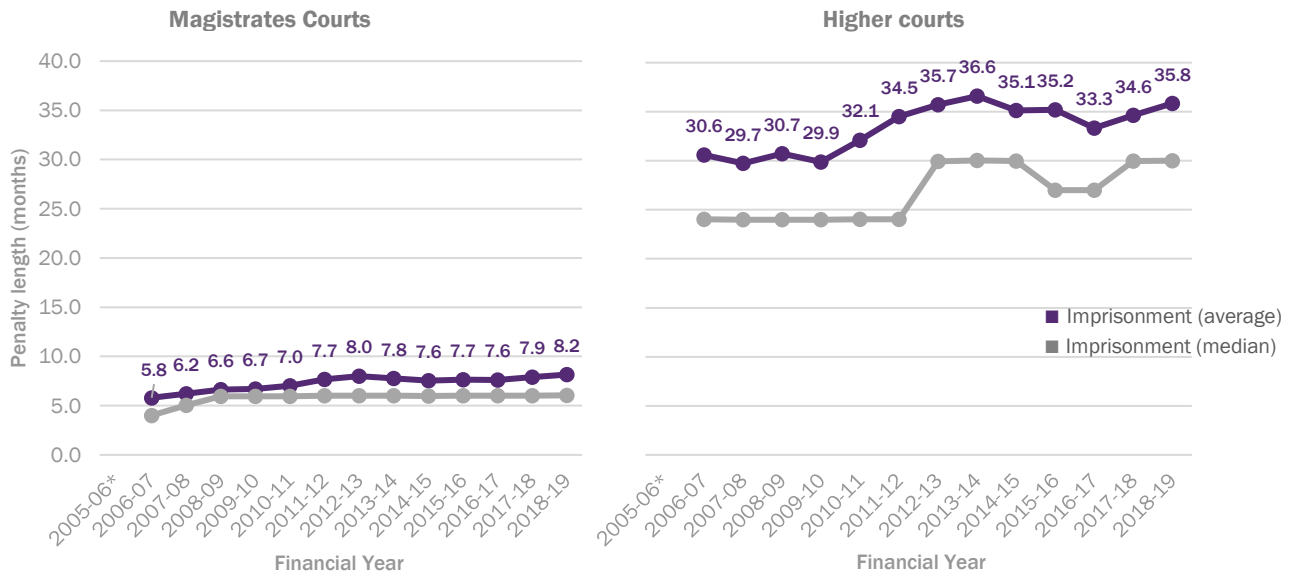
Notes: Suspended sentences of imprisonment were excluded.

Figure 27 shows the length of imprisonment for adult offenders sentenced between 2006–07 and 2018–19 and shows that the length of imprisonment has increased over time.

In 2006–07, the average length of imprisonment in the Magistrates Courts was 5.8 months. This increased to an average of 8.2 months in 2018–19.

For cases sentenced in the higher courts, the average imprisonment sentence increased from 30.6 months (or 2.6 years) in 2006–07 to 35.8 months (or 3.0 years) in 2018–19.

Figure 27: Length of imprisonment for adult offenders by court type over time



Data includes MSO, adult offenders, higher and lower courts, cases sentenced 2005–06 to 2018–19 in Queensland.

Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2019.

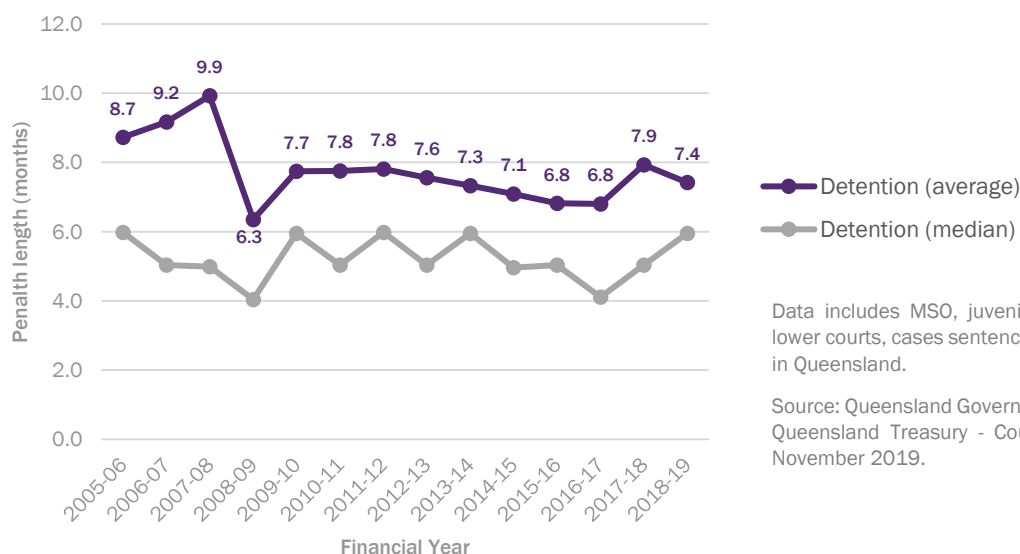
Notes:

1) Suspended sentences of imprisonment were excluded.

* Length of imprisonment from 2005-06 in the higher courts is not presented as the introduction of the court-ordered parole had an impact on the sentence lengths of imprisonment and therefore not comparable to the rest of the time series. Consequently, the data for the Magistrates Courts in 2005-06 is also not presented to make the two graphs comparable.³⁷

Figure 28 shows the length of detention for children sentenced across all court levels between 2005–06 and 2018–19. The average length of detention orders has decreased over time. In 2005–06, the average length of detention orders was 8.7 months. In 2018–19, this decreased to an average of 7.4 months. The median sentence length has remained relatively stable over the data period, starting and ending with a median length of 6 months.

Figure 28: Length of detention for children over time



Data includes MSO, juvenile offenders, higher and lower courts, cases sentenced 2005–06 to 2018–19 in Queensland.

Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2019.

³⁷ For more information, see Queensland Sentencing Advisory Council, *Community-based Sentencing Orders, Imprisonment and Parole Options* (Final Report, July 2019), Figure 11-6, 297-298.

3.1.1 Sentencing outcomes for adults

Figure 29 shows the breakdown of custodial and non-custodial penalties for adults sentenced from 2005–06 to 2018–19 in the Magistrates Courts and higher courts.

The most common penalty types for adult offenders were monetary penalties (in the Magistrates Courts) and imprisonment (in the higher courts).

In the Magistrates Courts, monetary penalties accounted for over three-quarters of penalties imposed (76.8% of cases, MSO).

The most common type of custodial penalty was a wholly suspended sentence (3.0% of cases, MSO), followed closely by imprisonment (2.9% of cases, MSO).

Community service orders and probation together accounted for 6.6 per cent of penalties imposed (community service=2.1%, probation=4.5%).

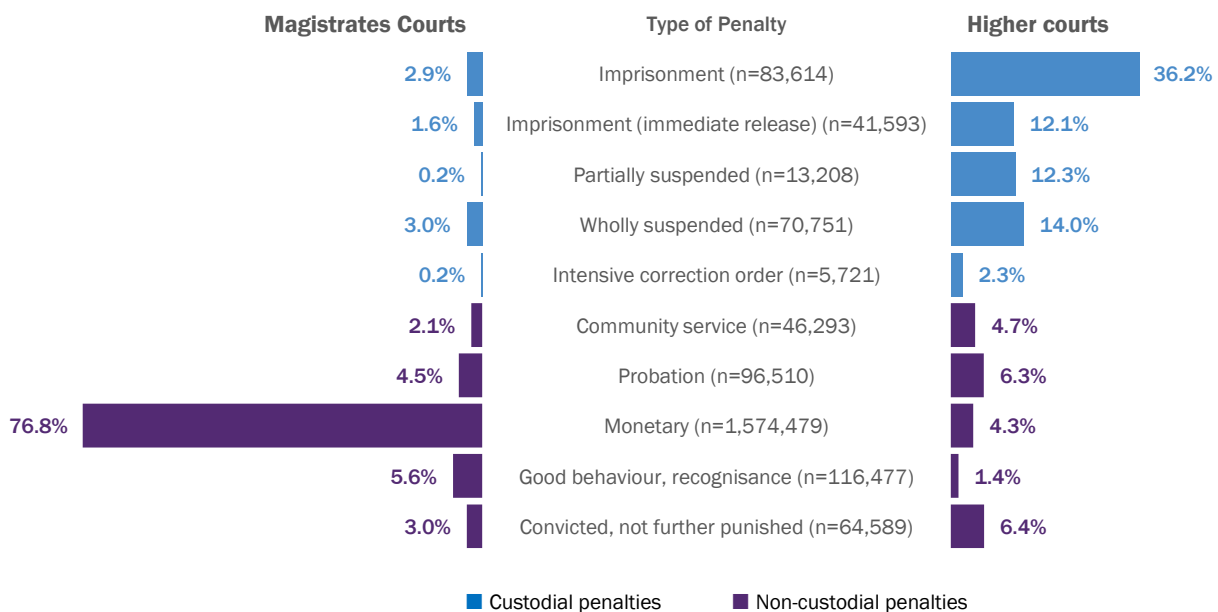
In the higher courts, imprisonment was the most common penalty, with 36.2 per cent of cases resulting in a sentence of imprisonment requiring the person to serve time in custody after being sentenced (referred to below as 'Imprisonment').

An additional 12.1 per cent received a sentence of imprisonment with immediate release (however, a number of these offenders may have served time in custody on remand prior to being sentenced).

More than a quarter (26.3%) of offenders received a suspended sentence of imprisonment (either wholly or partially suspended).

A small proportion of cases received a community-based order – 4.7 per cent received community service and 6.3 per cent received probation.

Figure 29: Types of penalties imposed for adult offenders by court type



Data include MSO, adult offenders, higher and lower courts, cases sentenced 2005–06 to 2018–19 in Queensland.

Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2019.

Notes:

- 1) 'Imprisonment' refers to offenders who were required to serve time in custody after the date of sentence.
- 2) 'Immediate release' refers to offenders who were immediately released on parole on the day of sentence, or who had fully served their sentence while on remand. It is important to note that some of these offenders may have served considerable time in custody prior to being sentenced.
- 3) Cases that involved companies and those who received a driver's licence disqualification were excluded; Some cases were excluded due to data quality issues.

3.1.2 Sentencing outcomes for children

Figure 30 shows the breakdown of custodial and non-custodial penalties for children sentenced between 2005–06 and 2018–19. The penalties imposed on children were more varied compared to those imposed on adults.

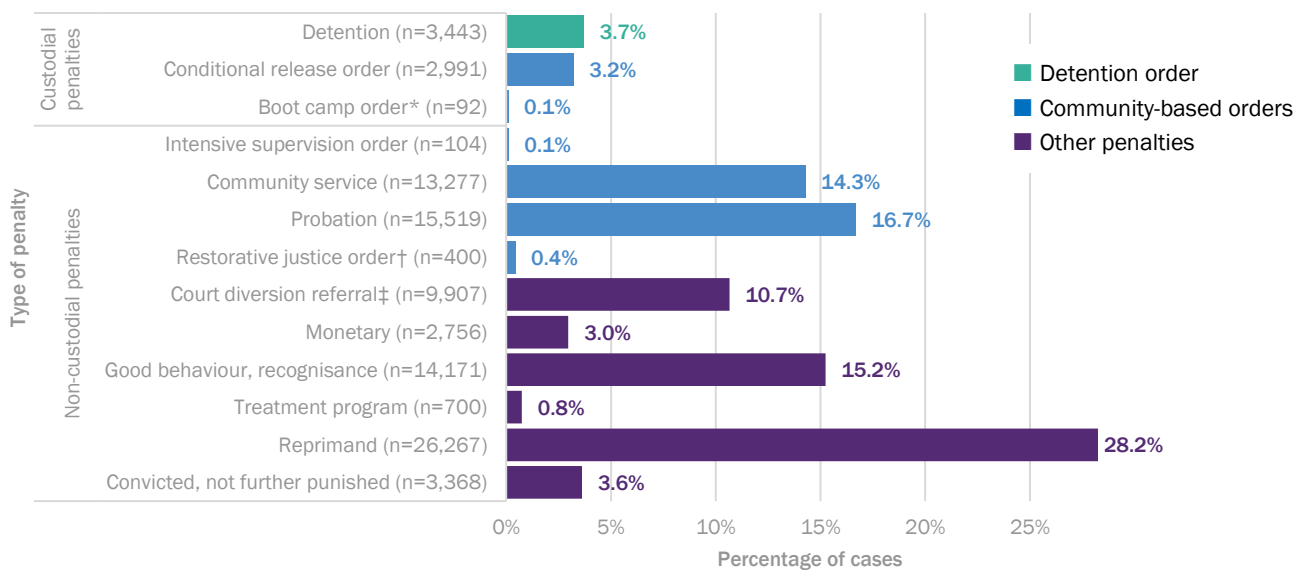
The most common penalty ordered for juveniles was a reprimand, representing over one-quarter of cases (28.2%, MSO).

Probation was the most common community-based order, accounting for 16.7 per cent of all cases, followed by community service at 14.3 per cent.

Custodial penalties comprised 7.0 per cent of penalties, with detention the most common at 3.7 per cent followed by conditional release orders (3.2%).

Boot camp orders (0.1%) were the least common penalty for children; however, it is important to note that boot camp orders were only in place for a short period between January 2013 and June 2016.

Figure 30: Types of penalties imposed on children



Data include MSO, juvenile offenders, higher and lower courts, cases sentenced 2005–06 to 2018–19 in Queensland.

Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2019.

Notes:

* Boot camp orders were introduced on 31 January 2013 and were repealed from 1 July 2016. The orders were available in a limited number of geographic locations.

† Restorative justice orders were introduced on 27 June 2016.

‡ A court may refer a matter to conferencing without making a sentencing order. Prior to 11 December 2012, these orders were known as Indefinite Referrals and resulted in the child being found guilty of the offence without a conviction being recorded. From 27 June 2016, the current Court Diversion Referrals do not include such a deemed legislative conviction; however, the making of the referral does bring the court proceedings for the offence to an end.

3.1.3 Length of sentences

Figure 31 and Figure 32 illustrate the distribution of sentence lengths for cases sentenced in the Magistrates Courts and higher courts for adult offenders. Figure 33 shows the same for children.

For more information on the length and number of sentencing outcomes by gender and offence locations, see appendices 2 and 3.

Adults sentenced in the Magistrates Courts

The average term of imprisonment in the Magistrates Courts was 7.3 months (median=6.0 months). The longest imprisonment sentence was 4 years.³⁸

On average, men had longer imprisonment sentences (7.5 months) compared to women (5.9 months). Non-Indigenous offenders had slightly longer imprisonment sentences (7.2 months) on average, compared to Aboriginal and Torres Strait Islander peoples (7.0 months).

Offences committed in regional areas received shorter imprisonment sentences on average (6.8 months) compared to other areas (7.6 months in major cities, and 7.6 months in remote areas).

³⁸ The maximum sentence that can be imposed in the Magistrates Court is 3 years' imprisonment; however, a sentence of up to 4 years' imprisonment can be imposed by a Magistrates Court sitting as the Drug and Alcohol Court.

In the Magistrates Courts, the average head sentence for a partially suspended sentence was 8.2 months (median=6.1 months), and the average amount of time an offender was required to serve before the sentence was suspended was 2.5 months.

The average length of wholly suspended sentences was 3.8 months (median=3.0 months). The average length of an intensive correction order was 7.9 months (median=8.0 months).

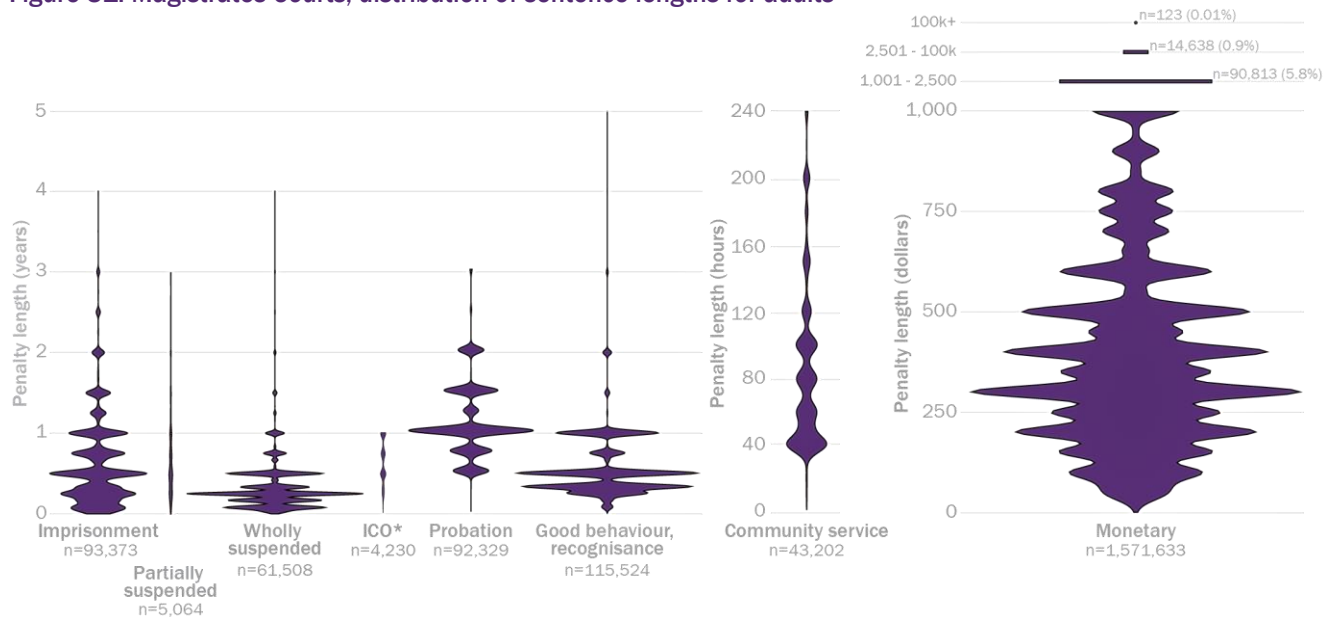
Offenders sentenced to community service were required to complete an average of 83.0 hours of unpaid community work (median=75 hours).

The average probation order was for a period of 13.3 months (median=12.0 months).

On average, offenders who received a monetary penalty were required to pay \$566.9 (median=\$400). The largest monetary penalty issued was \$1 million.

The average length of recognisance orders imposed was 6.5 months (median=6.0 months).

Figure 31: Magistrates Courts, distribution of sentence lengths for adults



Data includes MSO, adult offenders, lower courts, cases sentenced 2005–06 to 2018–19 in Queensland.

Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2019.

Notes: Some cases may have been excluded due to data quality issues, such as invalid administrative data.

* Intensive correction order

Adults sentenced in the higher courts

In the higher courts, the average term of imprisonment was 2.7 years (or 32.5 months). Men received longer imprisonment sentences on average (2.8 years) compared to women (2.3 years), while non-Indigenous offenders had slightly longer imprisonment sentences (2.8 years), compared to Aboriginal and Torres Strait Islander peoples (2.5 years).

Offences that were committed in major cities received the longest average imprisonment sentence at 2.8 years, compared to 2.6 years in regional locations and 2.3 years in remote locations.

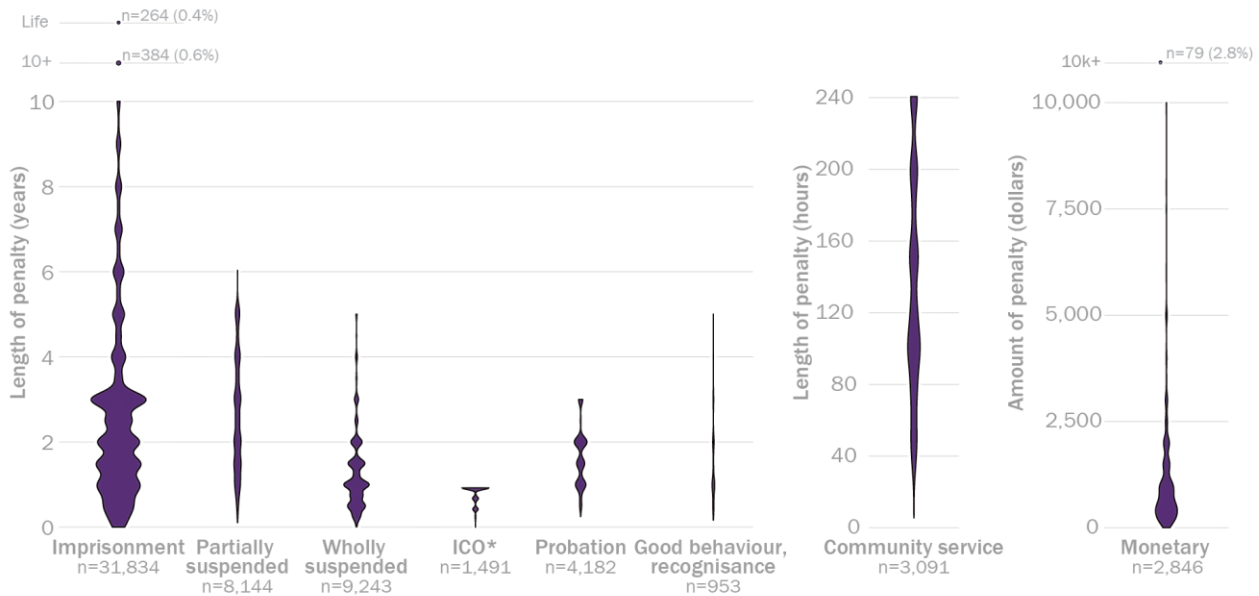
The average head sentence for a partially suspended sentence was 31 months (or 2.6 years), and the average time served before release was 8.6 months.

The average length of wholly suspended sentences was 14.8 months (median=12.0 months). The average length of an intensive correction order was 10.4 months (median=12.0 months).

Offenders were required to complete an average of 133.5 hours of unpaid community work (median=120 hours) when they were sentenced to a community service order. Probation orders ranged from 3 months to 3 years, with an average sentence of 19.4 months or 1.6 years (median=18 months).

The largest monetary penalty issued in the higher courts was \$1.2 million. On average, offenders who received a monetary penalty were required to pay \$4,987.28 (median=\$700). The average length of recognisance orders was 17 months or 1.4 years (median=12.0 months).

Figure 32: Higher courts, distribution of sentence lengths for adult offenders



Data include MSO, adult offenders, higher courts, cases sentenced 2005–06 to 2018–19 in Queensland.
Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2019.
Notes: * Intensive correction order

Children sentenced in the Childrens Court

The average head sentence for children sentenced to detention was 7.6 months (median=5.6 months) – the longest detention sentence was 14 years.

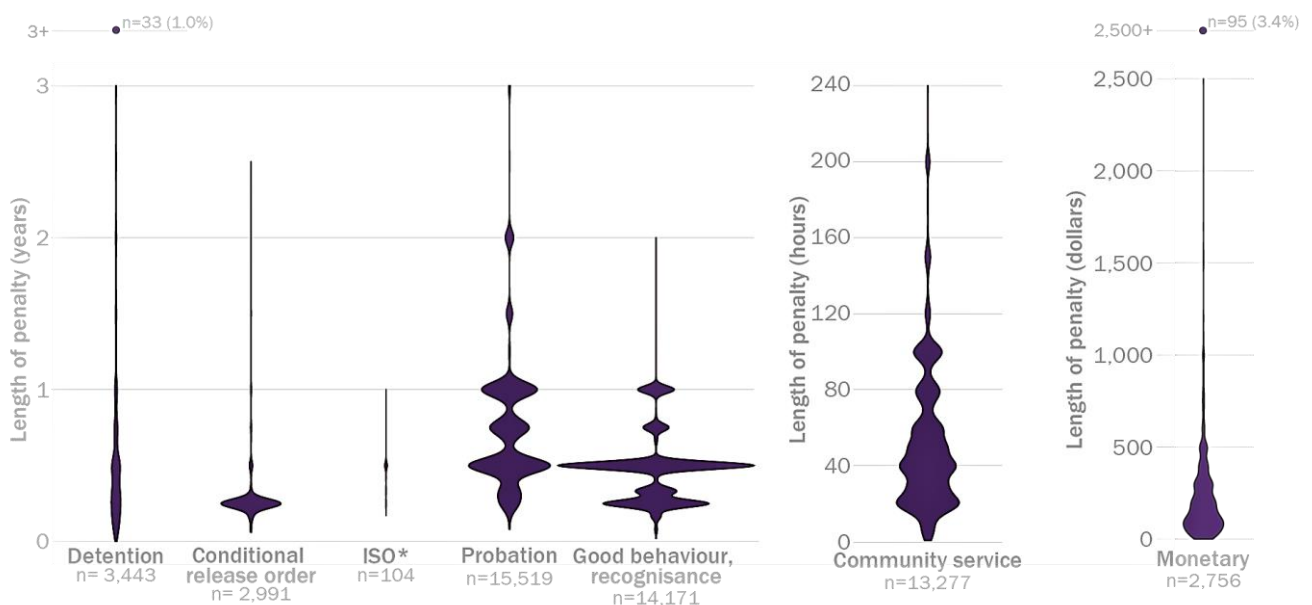
On average, boys had slightly longer detention sentences (7.8 months) compared to girls (6.4 months). In cases where a conditional release order was issued, the average order had a head sentence of 3.4 months (median=3 months), and the longest sentence was for 2.5 years.

There were very few intensive supervision orders made during the data period – only 104 – with an average length of 5.4 months (median = 6.0).

Probation was the most common community-based penalty imposed on children with an average length of 8.8 months (median = 9.0). Community service was also a common penalty for children, with an average length of 52.4 hours (median = 40.0).

On average, children who received a monetary penalty were required to pay \$245.4 (median=\$150.0). The largest monetary penalty was \$8,156.0. The average length of recognisance orders was 5.6 months (median=6.0 months).

Figure 33: Distribution of sentence lengths for children

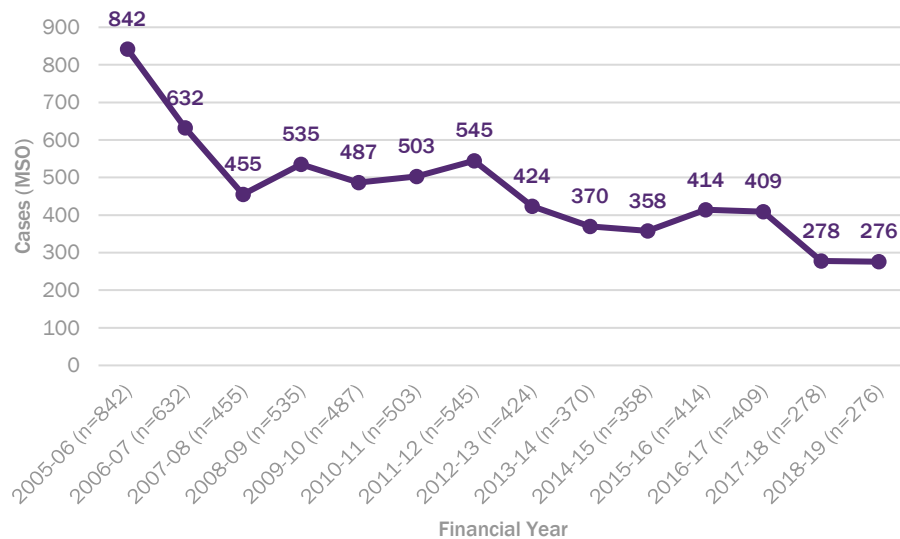


Data include MSO, juvenile offenders, higher and lower courts, cases sentenced 2005–06 to 2018–19 in Queensland.
Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2019.
Notes: * Intensive supervision order

Appendix 1: Patterns of offending by companies

A small percentage of the cases sentenced in Queensland courts involve offences committed by companies rather than by individuals. Between 2005–06 to 2018–19, there was a total of 6,528 cases that involved offences committed by a company. Figure A1-1 shows the number of cases involving companies has decreased over time.

Figure A1-1: Sentenced cases for companies over time

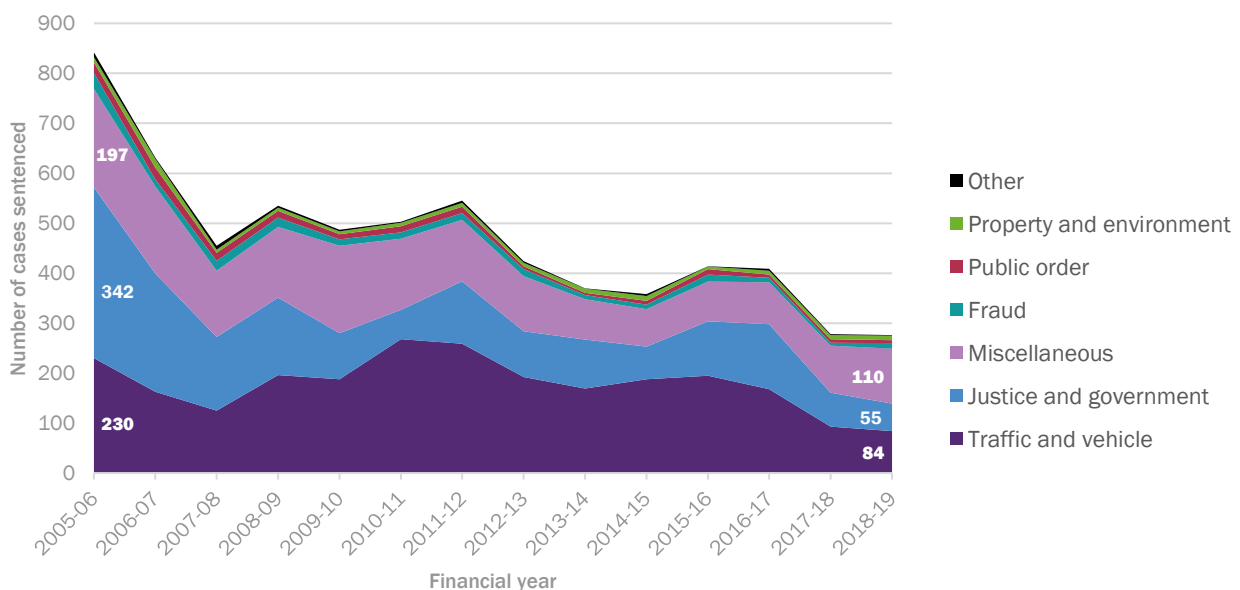


Data includes companies, higher and lower courts, cases sentenced 2005-06 to 2018-19 in Queensland.
Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2019.

This decline in cases sentenced was the result of a dwindling number of cases being heard by the criminal courts for certain types of offences — see Figure A1-2. For example, traffic and vehicle offences (the majority of which related to parking offences, disobeying the speed limit, and disobeying other road rules) declined by 63.5 per cent over the data period, from 230 cases to 84 cases. A considerable portion of this decline was the result of Townsville City Council ceasing to lodge unpaid traffic infringements with the Queensland courts, and instead referring matters to the State Penalties Enforcement Registry — this change occurred from July 2017.

The cases classified as involving justice and government offences primarily involved Commonwealth offences of failing to comply with taxation law requirements. The cases classified as involving the commission of 'miscellaneous' offences primarily involved offences relating to workplace health and safety violations and food standards and licensing offences.

Figure A1-2: Sentenced cases for companies by offence category over time






Data includes MSO, companies, higher and lower courts, cases sentenced 2005-06 to 2018-19 in Queensland.
Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2019.

Table A1-1 provides a list of the top 5 most common offence categories for companies in Queensland. The offence categories are reported at the third level of the ANZSOC classification. Parking offences were the most common offences sentenced involving companies – however, Figure A1-2 above shows that the number of traffic and vehicle offences has declined considerably in recent years.

The second most common category, offences against government operations (not elsewhere classified) accounted for 1,527 offences. Most of these involved violations of taxation law under Commonwealth legislation (n=1098).

The category of occupational health and safety offences (n=1,527) includes offences under the *Work Health and Safety Act 2011* (Qld), as well as related regulations, and other similar legislation. Similarly, the category of public health and safety offences (not elsewhere classified) involves a range of offences under various legislation; however, the majority of cases involved offences under the *Food Act 2006* (Qld) relating to food standards and licensing.

Table A1-1: Top 5 most common offences sentenced for companies

Rank	Offence Division	Offence Description	Cases
1	 Traffic and vehicle	Parking offences	1,637
2	 Justice and government	Offences against government operations (not elsewhere classified)	1,527
3	MISC Miscellaneous	Occupational health and safety offences	797
4	 Traffic and vehicle	Disobeying the speed limit	504
5	MISC Miscellaneous	Public health and safety offences (not elsewhere classified)	374

Data includes MSO, companies, higher and lower courts, cases sentenced 2005-06 to 2018-19 in Queensland.

Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2019.

Note: Offences reported at the third level of ANZSOC.

Table A1-2 shows the sentencing outcomes for companies sentenced for an offence in Queensland over the relevant reporting period. It shows that monetary penalties were the most common penalty type imposed, with companies needing to pay an average of \$12,661.1 (median=\$1,500). The maximum monetary penalty imposed on companies was \$1.2 million and the lowest was \$10. Some companies received a good behaviour bond with an average of 15.6 months (median=12 months), while some were convicted but not further punished.

Table A1-2: Sentencing outcomes for companies

Offence Description	N	Average	Median	Minimum	Maximum
Probation	*	-	-	-	-
Monetary (in dollars)	6,431	12,666.1	1,500.0	\$ 10.0	\$ 1,200,000.0
Good behaviour, recognisance (months)	32	15.6	12.0	3.0	36.0
Convicted, not further punished	64	-	-	-	-

Data includes MSO, companies, higher and lower courts, cases sentenced 2005-06 to 2018-19 in Queensland.

Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2019.

Notes:

* Due to a small number of companies that received this penalty (5 or less), this figure has been suppressed.

Appendix 2: Adult offenders, sentence lengths by gender and remoteness level

	Adults - Magistrates Courts					Adults - Higher courts				
Imprisonment (months)										
	N	Avg	Median	Min	Max	N	Avg	Median	Min	Max
Female	12,956	5.9	4.0	0	36	4,272	27.2	24.0	0	Life
Male	80,409	7.5	6.0	0	48	27,552	33.3	24.0	0	Life
Aboriginal and Torres Strait Islander	31,819	7.0	6.0	0	48	6,270	29.3	24.0	0	Life
Non-Indigenous	57,119	7.2	6.0	0	48	24,386	33.0	24.0	0	Life
Major city	44,059	7.6	6.0	0	48	18,521	33.5	24.0	0	Life
Regional	39,728	6.8	6.0	0	46	11,169	31.6	24.0	0	Life
Remote	9,484	7.6	6.0	0	36	2,043	27.7	24.0	0	Life
Total	93,373	7.3	6.0	0	48	31,834	32.5	24.0	0	Life
Partially suspended (months)										
	N	Avg	Median	Min	Max	N	Avg	Median	Min	Max
Female	763	8.7	6.1	0	36	1,049	34.0	36.0	1	60
Male	4,299	8.1	6.1	0	36	7,087	30.6	30.0	1	72
Aboriginal and Torres Strait Islander	1,318	7.2	6.0	0	36	1,011	27.0	24.0	1	60
Non-Indigenous	3,311	8.4	6.1	0	36	6,337	31.5	30.0	1	72
Major city	2,434	8.6	6.1	0	36	4,521	32.7	30.0	1	60
Regional	2,130	7.8	6.1	0	36	3,064	29.2	24.0	1	72
Remote	475	7.8	6.1	0	36	519	27.1	24.0	3	60
Total	5,064	8.2	6.1	0	36	8,144	31.0	30.0	1	72
Wholly suspended (months)										
	N	Avg	Median	Min	Max	N	Avg	Median	Min	Max
Female	11,378	3.7	3.0	0	48	1,711	15.1	12.0	1	60
Male	50,090	3.8	3.0	0	48	7,525	14.8	12.0	0	60
Aboriginal and Torres Strait Islander	14,297	3.4	3.0	0	48	1,057	12.2	12.0	0	60
Non-Indigenous	43,443	3.8	3.0	0	48	7,538	15.1	12.0	0	60
Major city	33,411	3.9	3.0	0	48	5,368	15.7	12.0	0	60
Regional	23,044	3.8	3.0	0	36	3,346	13.6	12.0	0	60
Remote	4,922	3.6	3.0	0	36	509	13.6	12.0	1	60
Total	61,508	3.8	3.0	0	48	9,243	14.8	12.0	0	60
Intensive correction order (months)										
	N	Avg	Median	Min	Max	N	Avg	Median	Min	Max
Female	878	8.1	9.0	1	12	238	9.7	12.0	3	12
Male	3,349	7.8	8.0	0	12	1,253	10.6	12.0	1	12
Aboriginal and Torres Strait Islander	839	7.5	6.1	0	12	204	10.1	12.0	3	12
Non-Indigenous	2,807	7.9	8.1	0	12	1,220	10.5	12.0	1	12
Major city	2,374	8.1	9.0	0	12	947	10.6	12.0	1	12
Regional	1,542	7.7	8.0	0	12	477	10.3	12.0	3	12
Remote	290	7.2	6.1	0	12	65	9.4	12.0	3	12
Total	4,230	7.9	8.0	0	12	1,491	10.4	12.0	1	12

	Adults - Magistrates Courts					Adults - Higher courts				
Community service (hours)										
	N	Avg	Median	Min	Max	N	Avg	Median	Min	Max
Female	9,650	83.4	70	2	240	608	120.9	100	20	240
Male	33,507	82.8	75	1	240	2,482	136.5	120	5	240
Aboriginal and Torres Strait Islander	11,206	75.0	60	2	240	448	117.8	100	5	240
Non-Indigenous	29,196	83.3	75	1	240	2,546	135.5	120	5	240
Major city	21,670	85.8	80	1	240	1,785	138.8	120	5	240
Regional	16,194	81.7	70	2	240	1,069	129.5	120	5	240
Remote	5,191	74.3	60	5	240	233	111.7	100	25	240
Total	43,202	83.0	75	1	240	3,091	133.5	120	5	240

Probation (months)										
	N	Avg	Median	Min	Max	N	Avg	Median	Min	Max
Female	26,238	12.9	12.0	1	36	1,180	18.8	18.0	6	36
Male	66,068	13.4	12.0	0	36	3,002	19.7	18.0	3	36
Aboriginal and Torres Strait Islander	18,897	12.1	12.0	3	36	592	17.9	18.0	3	36
Non-Indigenous	64,443	13.3	12.0	0	36	3,481	19.7	18.0	3	36
Major city	44,176	13.8	12.0	0	36	2,433	19.9	18.0	3	36
Regional	39,593	13.0	12.0	2	36	1,497	19.1	18.0	3	36
Remote	8,499	12.0	12.0	3	36	245	16.8	15.0	5	36
Total	92,328	13.3	12.0	0	36	4,182	19.4	18.0	3	36

Monetary (dollars)										
	N	Avg	Median	Min	Max	N	Avg	Median	Min	Max
Female	370,321	\$471.3	\$300	\$2	\$139,333	435	\$7,533.9	\$600	\$2	\$139,333
Male	1,194,869	\$534.1	\$400	\$0	\$500,000	2,408	\$2,591.4	\$750	\$0	\$500,000
Aboriginal and Torres Strait Islander	214,176	\$375.4	\$300	\$1	\$59,795	241	\$2,111.9	\$400	\$20	\$109,252
Non-Indigenous	1,177,487	\$494.3	\$400	\$0	\$276,000	2,424	\$2,448.5	\$750	\$10	\$250,483
Major city	861,397	\$525.3	\$400	\$1	\$500,000	1,550	\$3,728.5	\$750	\$10	\$258,702
Regional	618,561	\$508.4	\$360	\$0	\$276,000	1,134	\$2,791.6	\$750	\$20	\$377,732
Remote	89,964	\$518.6	\$350	\$3	\$250,000	146	\$3,278.1	\$500	\$50	\$138,038
Total	1,571,633	\$520.4	\$400	\$0	\$500,000	2,846	\$3,389.16	\$500	\$0	\$377,732

Good behaviour, recognisance (months)										
	N	Avg	Median	Min	Max	N	Avg	Median	Min	Max
Female	35,693	6.6	6.0	0	60	266	14.3	12.0	3	60
Male	79,695	6.5	6.0	0	60	680	17.9	12.0	2	60
Aboriginal and Torres Strait Islander	12,502	6.6	6.0	1	36	113	13.4	12.0	3	48
Non-Indigenous	99,567	6.4	6.0	0	60	762	17.0	12.0	2	60
Major city	73,457	6.6	6.0	0	60	509	18.4	12.0	2	60
Regional	36,531	6.4	6.0	0	48	332	15.0	12.0	3	60
Remote	5,368	7.1	6.0	0	60	79	13.8	12.0	3	48
Total	115,524	6.5	6.0	0	60	953	17.0	12.0	2	60

Data includes adult offenders, higher and lower courts, cases sentenced 2005-06 to 2018-19 in Queensland.

Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2019.

Appendix 3: Children, sentence lengths by gender and remoteness level

	Children - All courts				
Detention (months)					
	N	Avg	Median	Min	Max
Female	384	6.4	4.0	0	36
Male	3,059	7.8	5.6	0	168
Aboriginal and Torres Strait Islander	2,349	6.7	5.0	0	96
Non-Indigenous	917	9.9	6.0	0	168
Major city	914	10.7	6.1	0	168
Regional	2,062	6.8	5.0	0	144
Remote	466	5.5	4.0	0	54
Total	3,443	7.6	5.6	0	168

Conditional release order (months)					
	N	Avg	Median	Min	Max
Female	427	3.1	3.0	1	12
Male	2,564	3.4	3.0	1	30
Aboriginal and Torres Strait Islander	1,816	3.3	3.0	1	24
Non-Indigenous	1,050	3.5	3.0	1	30
Major city	880	3.7	3.0	1	30
Regional	1,658	3.3	3.0	1	24
Remote	449	3.3	3.0	1	24
Total	2,991	3.4	3.0	1	30

Boot camp order (months)					
	N	Avg	Median	Min	Max
Female	24	4.0	3.5	3	6
Male	68	4.4	4.0	3	9
Aboriginal and Torres Strait Islander	85	4.2	4.0	3	9
Non-Indigenous	7	5.0	6.0	3	6
Major city	-	-	-	-	-
Regional	89	4.3	4.0	3	9
Remote	3	4.0	4.0	3	6
Total	92	4.3	3.0	3	9

Intensive supervision order (months)					
	N	Avg	Median	Min	Max
Female	6	4.3	4.5	2	6
Male	98	5.4	6.0	3	12
Aboriginal and Torres Strait Islander	92	5.4	6.0	2	6
Non-Indigenous	11	5.3	6.0	3	12
Major city	8	4.9	6.0	3	6
Regional	70	5.5	6.0	3	12
Remote	26	5.2	6.0	2	6
Total	104	5.4	6.0	2	12

	Children - All courts				
Community service (hours)					
	N	Avg	Median	Min	Max
Female	2,381	46.2	40.0	1	200
Male	10,895	53.8	40.0	1	240
Aboriginal and Torres Strait Islander	7,083	48.9	40.0	1	240
Non-Indigenous	5,947	55.6	50.0	1	200
Major city	4,512	55.0	40.0	1	240
Regional	6,944	51.7	40.0	1	200
Remote	1,814	49.0	40.0	2	200
Total	13,277	52.4	40.0	1	240
Probation (months)					
	N	Avg	Median	Min	Max
Female	3,999	8.3	6.1	1	36
Male	11,520	9.0	8.1	1	36
Aboriginal and Torres Strait Islander	7,679	8.5	7.0	1	36
Non-Indigenous	7,515	9.1	7.1	1	36
Major city	5,955	9.4	8.1	1	36
Regional	7,539	8.4	9.0	1	36
Remote	2,018	8.6	9.0	1	36
Total	15,519	8.8	9.0	1	36
Monetary (dollars)					
	N	Avg	Median	Min	Max
Female	476	\$175.1	\$100	\$2	\$3,462
Male	2,277	\$260.2	\$195	\$1	\$8,156
Aboriginal and Torres Strait Islander	698	\$219.6	\$150	\$2	\$5,500
Non-Indigenous	1,944	\$248.0	\$175	\$1	\$8,156
Major city	1,063	\$246.2	\$150	\$1	\$6,196
Regional	1,491	\$241.4	\$150	\$1	\$8,156
Remote	199	\$270.8	\$200	\$4	\$2,500
Total	2,756	\$245.4	\$150	\$1	\$8,156
Good behaviour, recognisance (months)					
	N	Avg	Median	Min	Max
Female	3,856	5.6	6.0	0	12
Male	10,314	5.7	6.0	1	24
Aboriginal and Torres Strait Islander	5,618	5.3	6.0	0	12
Non-Indigenous	8,359	5.8	4.0	1	24
Major city	6,981	5.8	6.0	1	24
Regional	6,041	5.5	6.0	0	12
Remote	1,137	5.4	6.0	1	12
Total	14,171	5.6	6.0	0	24

Data includes juvenile offenders, higher and lower courts, cases sentenced 2005-06 to 2018-19 in Queensland.

Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2019.



Queensland Sentencing
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