

This sentencing profile provides information on sentencing outcomes of the Queensland Courts for adult criminal defendants. Information on the number and demographics of sentenced defendants, types of offences sentenced and sentence outcomes are presented.

Overview of Queensland courts

The Magistrates, District and Supreme Courts deal with adult criminal defendants in Queensland. The Queensland criminal justice system treats people aged 17 years and above as adults.

The **Magistrates Court** is the first level of the criminal court system. The Magistrates Court is responsible for dealing with less serious offences such as traffic infringements, less serious stealing offences and less serious examples of burglary, assault, fraud and drug offences. If a person pleads guilty or is found guilty of an offence which can be dealt with in the Magistrates Court, the person will be sentenced by that court. In the case of serious offences, the Magistrates Court will determine whether or not there is enough evidence for a person to face trial and commit a case for trial or sentencing to either the District or Supreme Court, depending on the seriousness of the offence.

The Magistrates Court can also deal with more serious offences (indictable offences) that meet certain eligibility criteria, in which case the maximum penalty the Court can impose is 3 years imprisonment or 100 penalty units (currently a penalty unit in Queensland is \$100); in the case of drug court matters the maximum penalty is 4 years imprisonment or 100 penalty units where the prosecuting authority and the offender consent to the offence being dealt with in this way. A magistrate does not have to deal with these more serious matters if they decide that the offences should be dealt with in either the District or Supreme Court, including on the basis that the defendant, if convicted, may not be adequately punished if dealt with in the Magistrates Court.

The **District Court** is responsible for dealing with the majority of serious criminal offences such as rape, armed robbery and serious fraud. If a person pleads not guilty to an offence and the case goes to trial, a jury of 12 people determines whether the person is guilty or not guilty of the offence. An accused person can also be tried by a judge without a jury in some circumstances. On being found guilty or pleading guilty to the offence in the District Court, the person is sentenced by a judge.

The District Court also hears appeals from cases decided in the Magistrates Court.

¹ This paper was prepared by Leigh Krenske and Dr Travis Anderson-Bond of the Council Secretariat. The Council thanks the Department of Justice and Attorney General (DJAG) for making courts data available. DJAG staff also provided valuable feedback on earlier drafts of the paper.


² A 'defendant' is defined as an adult (aged 17 years and above) against whom one or more criminal charges have been laid. A 'sentenced criminal defendant' is an adult defendant found guilty of criminal charges and sentenced by the court.

³ *Criminal Code* (Qld) s 552H(1)(a).

⁴ *Penalties and Sentences Act 1992* (Qld) s 5.

⁵ *Criminal Code* (Qld) s 552H(1)(b).

⁶ *Criminal Code* (Qld) s 552D.



The **Supreme Court** is the highest court in Queensland. It is responsible for dealing with the most serious criminal cases of murder, manslaughter and serious drug offences. As is the case in the District Court, if a person pleads not guilty to an offence and the case goes to trial, a jury of 12 people determines whether or not the person is guilty or not guilty of the offence. If the person is found guilty or pleads guilty, a Supreme Court judge sentences the person for the offence. The Supreme Court also includes the **Court of Appeal**, which hears appeals from the District and Supreme Courts, including appeals against sentence.

A case can involve multiple appearances before a court, although this is most likely to occur for more serious offences which start in the Magistrates Court and are then committed for trial or sentencing to the District or Supreme Courts.

Data sources, definitions and counting rules

- This paper uses courts data maintained by the Queensland Office of Economic and Statistical Research (OESR) which is derived from administrative information collected by the Department of Justice and Attorney-General (DJAG).
- The complexity of offending and the courts administrative system means that the data presented in this paper reflects the most serious offence for which a defendant is sentenced for in each case.
- A ‘case’ is defined as the collection of offences for a single defendant that are finalised on the same day at the same court level and court location.
- A ‘defendant’ is defined as an adult (aged 17 years and above) against whom one or more criminal charges have been laid. A ‘sentenced criminal defendant’ is a defendant found guilty of criminal charges and sentenced by the court.
- The term defendant is used because not all persons before the court will be found guilty and to be consistent with other publications that report on Queensland courts data.
- Defendants with multiple cases before the court in a given year are counted as unique defendants. A person who is a defendant in a number of criminal cases finalised on different days will therefore be counted multiple times.
- Offences are classified into offence categories according to the 2008 Australian Bureau of Statistics’ (ABS) Australian Standard Offence Classification (ASOC) scheme. The offence categories reflect ASOC’s three digit offence classification. Cases lacking a valid ASOC code have been excluded from the analyses.
- The most serious offence is defined as the offence receiving the most serious sentence as ranked by the classification scheme used by the ABS.
- The sentence outcome reported is the most serious sentence imposed for that case. The ABS 2009 National Offence Index was used to rank offence seriousness.
- Defendants who are transferred to a higher court for sentencing or adjudication are only included in the sentencing court’s counts.
- Offences associated with a breach offence (e.g. ‘breach of bail’, ‘breach of parole’) and bench warrants are excluded from the analyses. These exclusions are consistent with counting rules used in ABS courts reporting.
- Cases with missing information are excluded from the relevant analyses. This includes the socio-demographic profile wherever the defendant’s gender, Aboriginal and Torres Strait Islander status or age were missing.

Scope and limitations

This data presented in this paper are a simplified representation of a complex criminal justice system and subject to a range of limitations. Therefore, caution should be used when interpreting these data.

- Information presented in this paper relates to adult criminal defendants before the Magistrates, District and Supreme Courts from 2006 to 2010.
- Data is derived from an administrative system that is designed for operational, rather than research purposes. The accuracy of information presented in this paper reflects how administrative information is structured, entered, maintained and extracted from the administrative system.
- The use of the most serious offence and most serious sentence means that offences and sentence outcomes not defined as most serious were not included in analyses. This means that sentencing information will not reflect court decisions regarding all offences heard by the court.
- The OESR courts database is continually updated as more information is entered into the DJAG administrative database. Data for this publication are valid as of 3 June 2011.
- Information relating to the outcomes of appeal decisions is not included in the data maintained by OESR.
- Sentencing outcome information is included for the court imposing the sentence as this is how this information is administratively recorded.
- Information on defendant disability status is not reported as this information is not collected by DJAG. The Council notes that people with disabilities are overrepresented in the criminal justice system (French, 2007).

Number of sentenced adult defendants

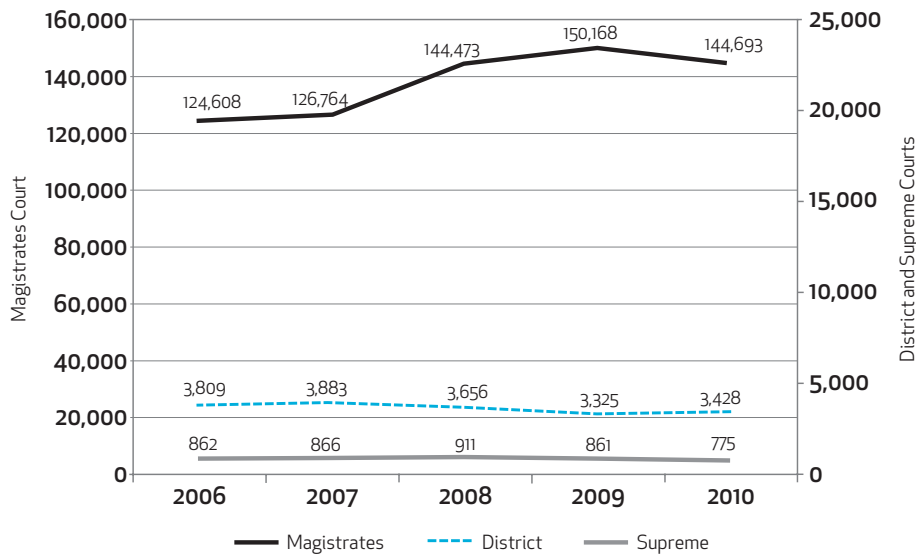
Figure 1 shows the number of adult defendants sentenced by the Magistrates, District and Supreme Courts in Queensland over the past five years.

The majority of adult Queensland defendants are sentenced by the Magistrates Court, which indicates that most offending is within the lower range of offence seriousness. During 2006–10, the Magistrates Court sentenced 97 per cent of sentenced adult defendants, with an average of approximately 138,000 defendants sentenced each year. There was a 16 per cent increase in the number of defendants sentenced by the Magistrates Court between 2006 (124,608) and 2010 (144,693). The peak caseload for the Magistrates Court was in 2009, with the court sentencing 150,168 defendants.

In contrast to an increasing number of defendants in the Magistrates Court, the District and Supreme Courts have experienced a decrease in the number of defendants sentenced. The District Court experienced a 10 per cent decline from 2006 (3,809) to 2010 (3,428), with a peak in 2007 of 3,883 sentenced defendants. The Supreme Court also experienced a decrease of 10 per cent between 2006 (862) and 2010 (775), although due to the Supreme Court's relatively low case-volume this represented a reduction of only 87 defendants. The Supreme Court experienced a minor peak in 2008 in the number of defendants sentenced with 911 defendants sentenced and a low in 2010 of 775. On average, the District Court sentenced approximately 3,600 defendants a year and the Supreme Court sentenced approximately 860 defendants per year.

The trends in the number of defendants before the courts for sentencing reported above occur in a context of a decline in reported crime rates in Queensland. The Queensland Police Service (QPS) has reported a statistically significant decline in the total number of reported offences against the person and total number of reported property offences between 2000–01 and 2009–10 (QPS, 2010).

Figure 1: Number of criminal defendants sentenced by the Queensland adult courts, 2006–10



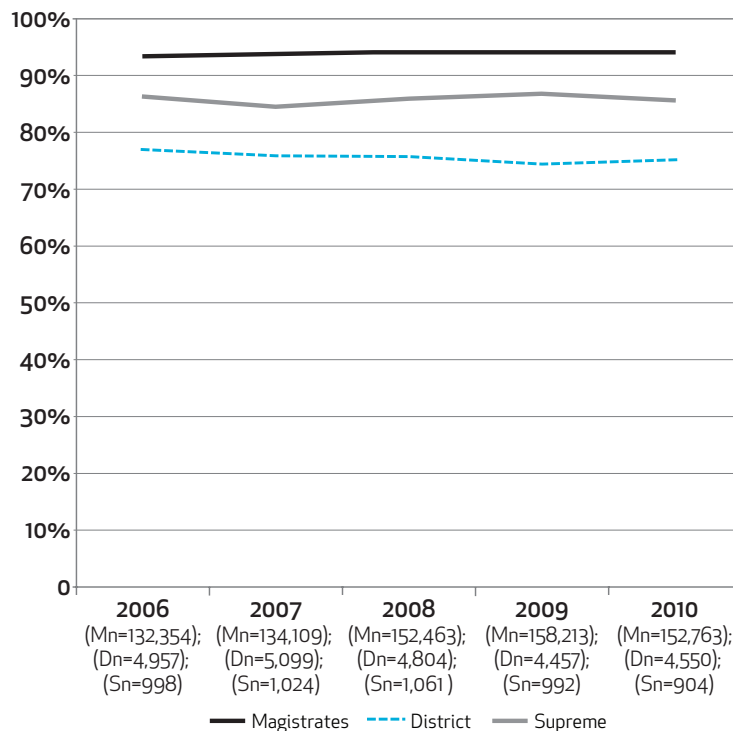
Proportion of criminal defendants sentenced

Not all criminal defendants coming before the courts receive a sentence. Some defendants are found not guilty, are involved in cases that are discontinued or transferred to a higher court for adjudication or sentencing.

Excluding cases which are transferred to a higher court for trial or sentencing, an average of 94 per cent of defendants before the Magistrates Court, 76 per cent of defendants before the District Court and 86 per cent of defendants before the Supreme Court were either found guilty or pleaded guilty and were sentenced for at least one of their charged offences during 2006–10.

Figure 2 shows there was little change in the proportion of defendants with a sentence imposed during the reporting period.

Figure 2: Proportion of criminal defendants heard by the courts resulting in a sentence, 2006–10



Characteristics of sentenced criminal defendants

Figure 3 compares the gender, Aboriginal and Torres Strait Islander and age status of sentenced criminal defendants across the three courts.

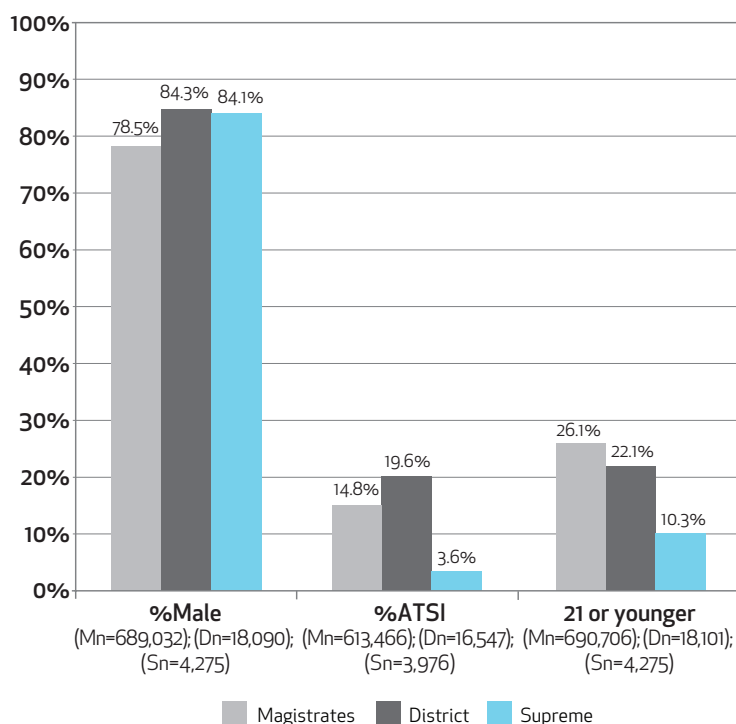
The majority of criminal defendants sentenced in Queensland are male. This finding is consistent with research that shows that males are more likely to be charged with criminal offences than females (QPS, 2010). The proportion of sentenced defendants who are male is higher in the District (84%) and Supreme Courts (84%) than in the Magistrates Court (79%).

Although people of Aboriginal and Torres Strait Islander status represent approximately 4 per cent of Queensland's population (ABS, 2010a) they account for 15 per cent of sentenced criminal defendants in the Magistrates Court and 20 per cent of sentenced criminal defendants in the District Court. Their representation among sentenced criminal defendants in the Supreme Court (4%) is similar to their representation in the State's population.

Differences in the age of sentenced criminal defendants across the three courts are represented by the proportion of defendants aged 21 years or younger. Figure 3 shows that defendants aged 21 years or younger account for 26 per cent of defendants sentenced by the Magistrates Court, 22 per cent in the District Court and 10 per cent in the Supreme Court. These findings suggest that the age profile of offenders gets older as the seriousness of the court jurisdiction increases. This is consistent with research that shows that the seriousness of offending behaviour tends to increase with age (Blumstein et al, 1988).

The proportions of sentenced defendants aged 17 to 21 years are higher than their corresponding proportion in the Queensland population. People aged 17 to 21 years comprise five per cent of all Queenslanders 17 years and older (ABS, 2010b). This indicates that young adults are over-represented in the Queensland adult courts. Compared with their representation in the Queensland population, young adults are over-represented by five times in the Magistrates Courts, four times in the District Courts and two times in the Supreme Court (ABS, 2010b). This indicates a substantial over-representation of young people in the Magistrates and District Courts and a slight over-representation in the Supreme Court.

Figure 3: Socio-demographic profile of sentenced defendants, 2006–10



Offence profile of sentenced criminal defendants

This section discusses the most common types of criminal offences dealt with by each court. Two different measures were used to determine the most common offence type. One measure uses the most serious offence for the defendant, while the other measure uses the total offences sentenced by the courts. For example, if a defendant receives a sentence for two counts of rape, one count of trespass and one count of burglary, the measure using the most serious offence would count only 'rape' (as it is the most serious offence), while the total offences measure would count all four offences. The measure using the most serious offence reflects the reality of most criminal justice processing. However, this measure hides the diversity of offences dealt with by the courts. The measure using the total offences overcomes this limitation by ensuring that all criminal offences sentenced by the courts are included in the analyses.

Table 1 shows that the most common criminal offence profile is different for each court.

The Magistrates Court is characterised by traffic offences, public nuisance offences and offences related to obstructing police officers and other justice officials. When using the most serious offence measure, the most common types of criminal offences sentenced by this court are 'regulatory driving offences' (20%), 'driver licence offences' (15%), 'offensive conduct' (14%), 'dangerous or negligent operation of a vehicle' (8%) and 'offences against justice procedures' (6%). These offences represent the most serious offence for those sentenced for nearly two-thirds (62%) of the criminal defendants sentenced by the Magistrates Court.

When using the total offences measure, the most common types of criminal offences sentenced by the Magistrates Court are 'regulatory driving offences' (14%), 'driver licence offences' (13%), 'offensive conduct' (10%), 'vehicle registration and roadworthiness offences' (9%) and 'offences against justice procedures' (8%). These offences represent over half (54%) of the total criminal offences sentenced in the Magistrates Court.

The most common criminal offences heard in the District Court relate to serious offences against the person and property offences.

When using the most serious offence measure, the most common types of criminal offences sentenced by the District Court are 'assault' (33%), 'sexual assault' (12%), 'burglary' (12%), 'robbery' (9%) and 'obtain benefit by deception' (5%). These offences represent the most serious offence for more than two-thirds (70%) of criminal defendants sentenced in the District Court.

When using the total offences measure, the most common types of criminal offences are 'burglary' (18%), 'assault' (14%), 'sexual assault' (11%), 'obtain benefit by deception' (7%) and 'theft (excluding motor vehicles)' (7%). These offences represent over half (56%) of the total sentenced criminal offences in the District Court.

The majority of criminal defendants before the Supreme Court are sentenced for serious drug-related offences. This reflects the jurisdiction of the Supreme Courts. When using the most serious offence measure, the most common criminal offence sentenced by the Supreme Court are 'deal or traffic illicit drugs' (42%), 'manufacture or cultivate illicit drugs' (24%), 'possess or use illicit drugs' (21%), 'other illicit drug offences' (2%) and 'manslaughter' (2%). These offences represent the most serious offence for the majority (90%) of sentenced Supreme Court criminal defendants. Murder was the most serious offence for 0.6 per cent of matters sentenced in the Supreme Court.

When using the total offences measure, the most common criminal offences are 'possess or use illicit drugs' (26%), 'deal or traffic illicit drugs' (25%), 'other illicit drug offences' (20%), 'manufacture or cultivate illicit drugs' (8%) and 'receive or handle the proceeds of crime' (6%). These offences again represent a large proportion (84%) of the total sentenced criminal offences in the Supreme Court.

Due to their respective jurisdictions, the Magistrates Court has the widest variety of criminal offences, while the Supreme Court has the narrowest focus. The five most common types of criminal offences sentenced in the Magistrates Court consist of approximately half (54%) of the total offences sentenced, while the five most common types of offences in the Supreme Court consist of over three-quarters (84%) of the total offences sentenced.

Table 1: Five most common types¹ of criminal offences sentenced in Queensland adult criminal courts, 2006–10²

| | Most serious offence measure ³ (%) | Total offence measure ⁴ (%) |
|--|--|---|
| Magistrates Court | | |
| Regulatory driving offences | 19.5 | 14.0 |
| Driver licence offences | 15.2 | 13.1 |
| Offensive conduct | 14.1 | 10.1 |
| Dangerous or negligent operation of a vehicle | 7.8 | – |
| Vehicle registration and roadworthiness offences | – | 8.9 |
| Offences against justice procedures | 5.8 | 8.1 |
| Total | 62.4 | 54.2 |
| | (n=690,706) | (n=1,181,159) |
| District Court | | |
| Assault | 32.5 | 13.9 |
| Sexual assault | 12.1 | 10.5 |
| Burglary | 12.0 | 18.1 |
| Robbery | 8.6 | – |
| Obtain benefit by deception | 4.8 | 6.5 |
| Theft (excluding motor vehicles) | – | 6.7 |
| Total | 70.0 | 55.7 |
| | (n=18,101) | (n=73,989) |
| Supreme Court | | |
| Deal or traffic illicit drugs | 41.6 | 24.9 |
| Manufacture or cultivate illicit drugs | 23.9 | 7.8 |
| Possess or use illicit drugs | 20.5 | 26.1 |
| Other illicit drug offences | 2.1 | 19.5 |
| Manslaughter ⁵ | 2.1 | – |
| Receive or handle proceeds of crime | – | 5.8 |
| Total | 90.2 | 84.1 |
| | (n=4,275) | (n=17,733) |

1. The offence categories reflect the three-digit offence classifications of ASOC 2008. These offence categories do not necessarily directly correspond to individual Queensland offences and may capture multiple offences.
2. The most serious offence measure results in different most common offence types sentenced by the court than the total offences measure. This is why some offence types are not provided with a percentage value within the different columns.
3. This measure uses the defendant's most serious offence sentenced by the Courts to calculate the five most common offence types.
4. This measure uses all offences sentenced by the Courts to calculate the five most common offence types.
5. The 'manslaughter' ABS ASOC category includes 'driving causing death' offences, however driving causing death offences are heard in the District rather than Supreme Court in Queensland.

Further analyses were undertaken to establish how the prevalence of the most common types of criminal offences identified in Table 1 may have changed over the reporting period. The results are presented in Figures 4 to 6.

Figure 4 shows little change (under two percentage points) between 2006 and 2010 in the proportion of defendants sentenced in the Magistrates Court for a most serious offence within the categories of 'dangerous or negligent operation of a vehicle', 'driver licence offences', 'offences against justice procedures', 'offensive conduct' and 'regulatory driving offences'.

Figure 4: Changes in the five most common types of criminal offence (most serious offence per defendant) sentenced in the Magistrates Court, 2006–10

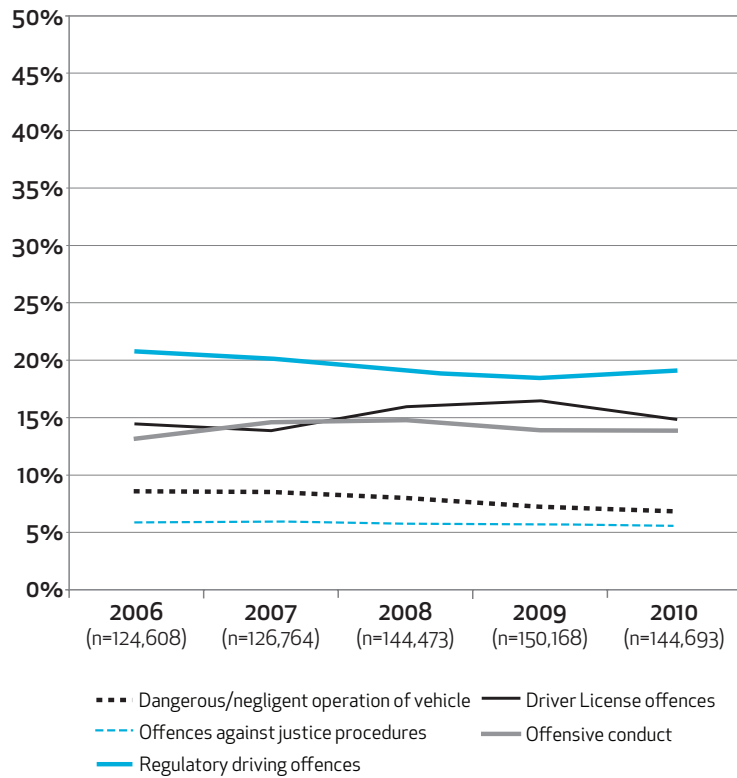


Figure 5 shows the prevalence of the offence types ‘assault’, ‘burglary’, ‘obtain benefit by deception’, ‘robbery’ and ‘sexual assault’ as the most serious offence sentenced by the District Court over the last five years.

The incidence of defendants sentenced for a most serious offence in the categories of ‘burglary’, ‘obtain benefit by deception’ and ‘sexual assault’ remained stable between 2006 and 2010, with a net change of less than half a percentage point. However, minor changes occurred in the incidence of defendants sentenced for ‘robbery’ and ‘assault’ as the most serious offence type. The proportion of defendants sentenced with a most serious offence type of ‘robbery’ increased by four percentage points between 2006 (7%) and 2010 (11%), while ‘assault’ decreased by six percentage points, from 35 per cent to 29 per cent.

Figure 5: Changes in the five most common types of criminal offence (most serious offence per defendant) sentenced in the District Court, 2006–10

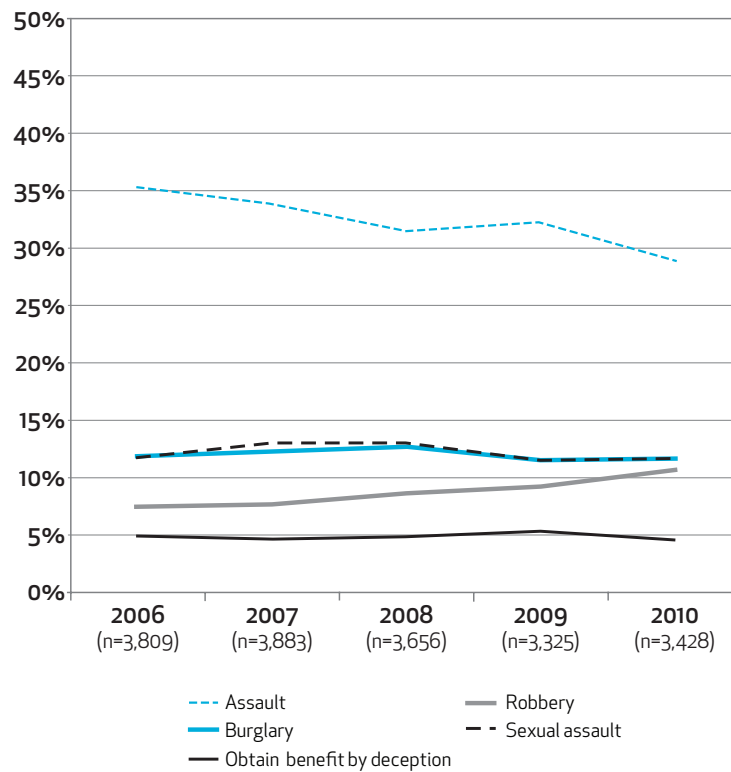
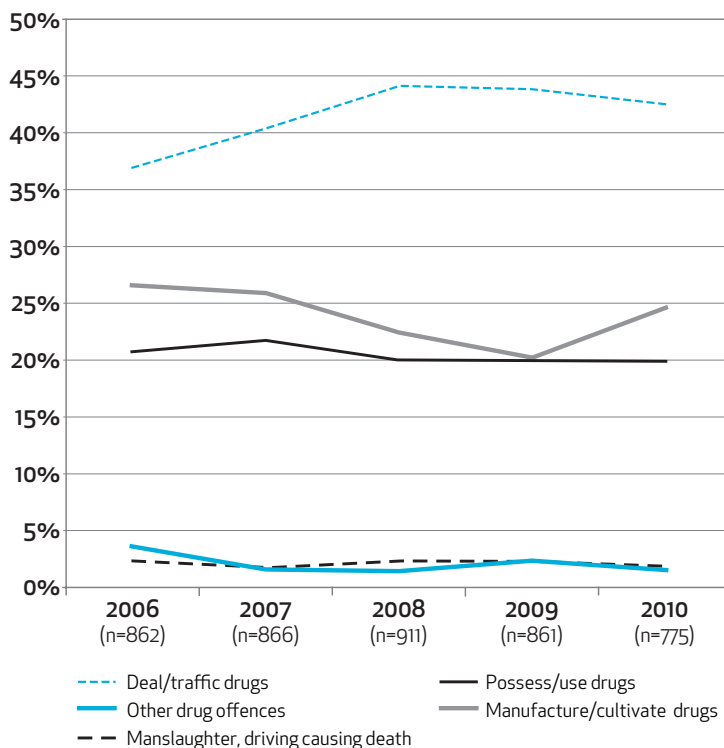


Figure 6 shows the prevalence of ‘deal or traffic illicit drugs’, ‘manslaughter and driving causing death’, ‘manufacture or cultivate illicit drugs’, ‘other illicit drug offences’ and ‘possess or use illicit drugs’ as the most serious offence resulting in a sentence in the Supreme Court over the last five years.

As with the Magistrates and District Courts, the Supreme Court experienced only minor variations in the incidence of particular types of criminal offences. ‘Manslaughter’ and ‘possess or use illicit drugs’ varied by less than one percentage point when comparing 2006 to 2010. ‘Manufacture or cultivate illicit drugs’ and ‘other illicit drug offences’ decreased by two percentage points from 2006 to 2010. However, the number of defendants where ‘deal or traffic illicit drugs’ was the most serious sentenced offence increased by six percentage points during that same period.

Figure 6: Changes in the five most common types of criminal offence (most serious offence per defendant) sentenced in the Supreme Court, 2006–10



Sentence outcomes

Table 2 shows the most serious sentence outcome for the most serious sentenced offence for cases heard from 2006 to 2010 by the Magistrates, District and Supreme Courts.

The Magistrates Court predominantly issued fines and other monetary penalties, while imprisonment was the most common sentence issued by the District and Supreme Courts.

Fines and other monetary penalties accounted for 81 per cent of sentence outcomes in the Magistrates Court. Three per cent of criminal defendants sentenced in this court received imprisonment, less than one per cent received a partially suspended sentence and two per cent received a wholly suspended sentence.

The proportion of sentenced criminal defendants dealt with by the District Court that resulted in imprisonment was 44 per cent, compared with 50 per cent of sentenced defendants dealt with by the Supreme Court. Both the District and Supreme Courts made greater use of partially and wholly suspended sentences, intensive correction orders, community service orders and probation orders when compared with the Magistrates Court.

The differences in the severity of sentences imposed by the different courts reflect the offences dealt with in those courts (see Table 1).

Table 2: Sentence outcomes by court for the most serious offence, 2006–10

| Type of Sentence | Magistrates Court (%) | District Court (%) | Supreme Court (%) |
|--|-----------------------|--------------------|-------------------|
| Imprisonment | 3.2 | 43.5 | 49.5 |
| Partially suspended sentence | <1 | 15.1 | 11.6 |
| Intensive corrections order | <1 | 4.5 | 2.7 |
| Wholly suspended sentence | 2.3 | 14.6 | 16.7 |
| Community service order | 2.0 | 7.7 | 6.5 |
| Probation order | 3.8 | 7.9 | 6.1 |
| Monetary order (including fine, compensation, and restitution) | 80.9 | 4.3 | 5.9 |
| Good behaviour bond/release on recognisance order | 5.6 | 1.6 | <1 |
| Driver licence disqualification ¹ | <1 | <1 | <1 |
| Convicted not punished ² | 1.6 | <1 | <1 |
| Other ³ | <1 | <1 | — |
| | (n=690, 706) | (n=18,101) | (n=4,275) |

1. The ABS penalty serious ranking scheme ranks ‘fines’ as more serious than ‘driver licence disqualification’. It is noted that the majority of cases that result in ‘driver’s licence disqualification’ will also result in a ‘fine’.

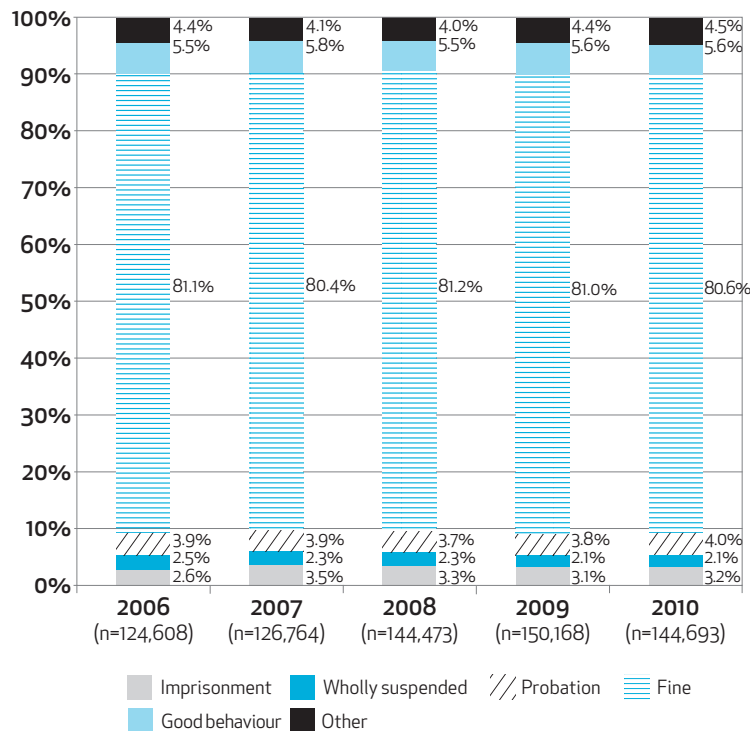
2. This is a category created and maintained by the DJAG. It includes ‘convicted not punished’, ‘absolute discharge’ and ‘released absolutely’.

3. This includes 2 instances of ‘reprimand’ in the Magistrates Court and one instance in the District Court.

Further analysis was undertaken to determine whether or not the imposition of different sentence types by the courts changed over the reporting period. Figures 7 to 9 present trend information on the most common sentences issued by the different courts from 2006 to 2010.

Figure 7 shows that the pattern of sentences imposed by the Magistrates Court remained consistent from 2006 to 2010. Each type of sentence experienced less than a one per cent change when comparing 2006 with 2010 proportions.

Figure 7: Changes in the five most frequent sentence outcomes for the most serious offence, Magistrates Court, 2006–10¹



1. The ‘other’ category represents all sentenced outcomes not positioned in the five most common sentence outcomes.

Figure 8 presents trend information on the five most common sentences issued by the District Court from 2006 to 2010 for sentenced criminal defendants.

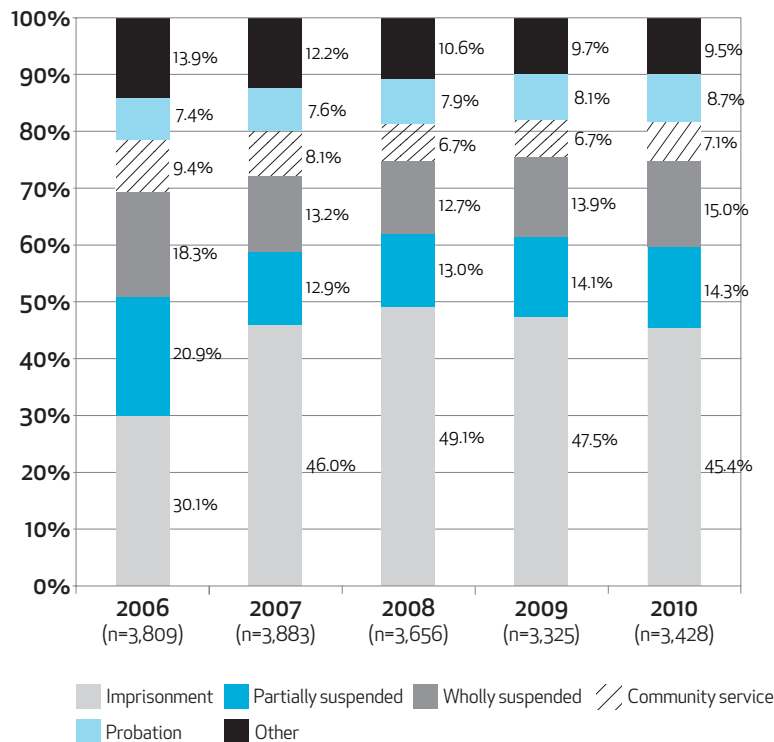
The sentences imposed by the District Court experienced considerable change during the early stages of the reporting period, with an increase in the use of imprisonment and a decrease in the use of partially and wholly suspended sentences occurring between 2006 and 2007.

The proportion of sentenced criminal defendants receiving imprisonment in the District Court increased from 30 per cent in 2006 to 46 per cent in 2007. Conversely, partially suspended sentences decreased from 21 per cent in 2006 to 13 per cent in 2007. Wholly suspended sentences decreased from 18 per cent in 2006 to 13 per cent in 2007. The yearly proportions for these three sentence types then remained relatively stable for the remainder of the 2007 to 2010 period, with annual variations of three percentage points or less.

The changes in the types of sentences imposed between 2006 and 2007 coincided with the introduction of court ordered parole. Court ordered parole was introduced in Queensland in August 2006 as a result of the new Corrective Services Act 2006 (Qld) and amendments to the Penalties and Sentences Act 1992 (Qld). Court ordered parole is available to offenders sentenced to three years imprisonment or less (excluding sex offenders and serious violent offenders) and enables the courts to specify the parole release date. Offenders on court ordered parole do not have to apply for release from prison – their release is determined by the date set by the courts.

The increased use of imprisonment after the introduction of court ordered parole may be due to the greater confidence court ordered parole provides regarding the release of sentenced offenders from custody. Court ordered parole also ensures that sentenced offenders are under supervision (either custodial or community) for their whole sentence.

Figure 8: Changes in the five most frequent sentence outcomes for the most serious offence, District Court, 2006–10¹



1. The 'other' category represents all sentenced outcomes not positioned in the five most common sentence outcomes.

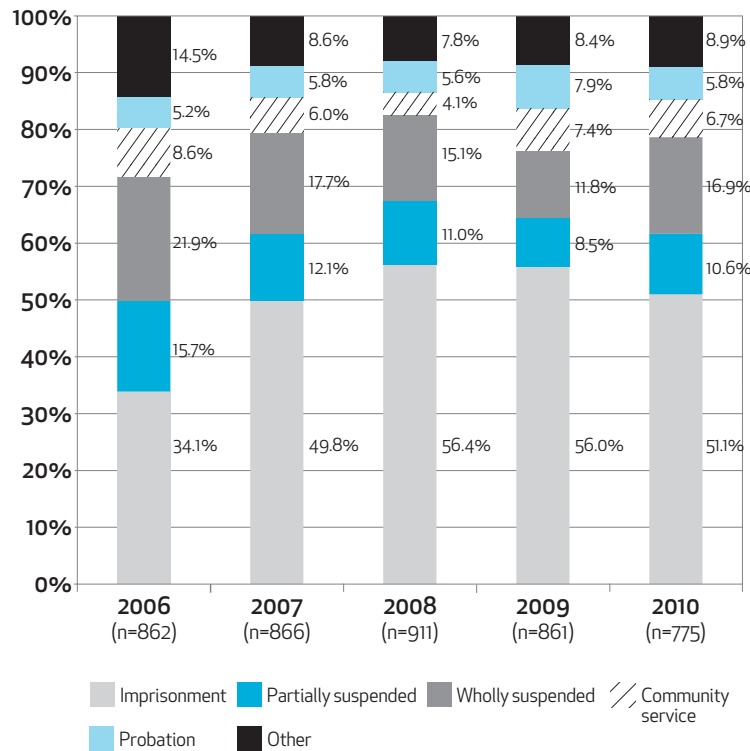
Figure 9 presents trend information on the five most common sentences issued by the Supreme Court from 2006 to 2010 for adult criminal defendants.

As with the District Court, the type of sentences imposed by the Supreme Court experienced considerable change during the earlier stages of the reporting period.

The proportion of defendants receiving imprisonment in the Supreme Court increased from 34 per cent in 2006 to 50 per cent in 2007 and 56 per cent in 2008. The use of imprisonment then remained relatively stable from 2008 to 2010, with annual variations of five percentage points or less.

Partially suspended sentences were more commonly used in 2006 (16%) compared with 2007 (12%). The yearly proportions for this type of sentence remained stable for the remainder of the 2007 to 2010 period, with yearly variations of two percentage points or less. The imposition of wholly suspended sentences decreased from 22 per cent in 2006 to 12 per cent in 2009, but increased to 17 per cent in 2010.

Figure 9: Changes in the five most frequent sentence outcomes for the most serious offence, Supreme Court, 2006–10¹



1. The 'other' category represents all sentenced outcomes not positioned in the five most common sentence outcomes.

Further analysis (not shown) tested the explanation that changes in District and Supreme Court sentencing practices were related to the introduction of court ordered parole (which relates only to imprisonment sentences of three years or less) in August 2006. This analysis confirmed there was an increase in the use of imprisonment for sentences of three years or less in 2006 and 2007, while the use of imprisonment for sentences greater than three years remained relatively constant over the reporting period. This supports the view that court ordered parole impacted the sentencing practices of the higher courts.

Court ordered parole is unlikely to have had a great impact on the sentencing practices of the Magistrates Court, as this court primarily imposed fines during the reporting period.

Summary

This paper presents information on the sentencing outcomes for adult criminal defendants appearing before the Magistrates, District and Supreme Courts in Queensland from 2006 to 2010.

The Magistrates Court sentenced the majority of defendants who received a sentence (97%). The number of defendants sentenced by the Magistrates Court increased by 16 per cent from 2006 to 2010, while there was an overall decrease in the number of defendants sentenced in the District (10%) and Supreme Courts (10%).

Excluding cases transferred to a higher court for trial or sentencing, the Magistrates Court had the greatest proportion of defendants appearing before it who were found guilty or pleaded guilty and received a sentence (94%), followed by the Supreme Court (86%) and District Court (76%) during the reporting period.

Most criminal defendants sentenced by the courts were male and a greater proportion of defendants were male in the District (84%) and Supreme Courts (84%), than the Magistrates Court (79%). Aboriginal and Torres Strait Islanders were over-represented in the Magistrates (15%) and District Courts (20%) when compared to their representation in the general population.

The proportion of young adult defendants decreased in relation to the seriousness of the court. Twenty-six per cent of sentenced defendants were aged 21 years and under in the Magistrates Court, compared with 22 per cent in the District Court and 10 per cent in the Supreme Court. Young people were over-represented in the court system when compared to their representation in the general population.

The types of criminal offences dealt with by the Queensland criminal courts varied considerably, which reflects the different criminal jurisdiction of each of these courts. The Magistrates Court primarily sentenced traffic, public nuisance and obstructing police offences, the District Court most commonly sentenced violent offences against the person and property offences and the most common sentences imposed in the Supreme Court were for serious drug offences. Only minor changes in the type of offences most commonly dealt with by the different courts occurred from 2006 to 2010.

The most serious sentence for the case was used to report information on sentence outcomes and there was variation across the different courts in the types of sentences typically imposed. The majority of defendants (81%) dealt with by the Magistrates Court received a fine, while the most common sentences imposed by the District (44%) and Supreme Courts (50%) was imprisonment. The higher courts were also more likely to impose partially and wholly suspended sentences than the Magistrates Court.

The District and Supreme Courts experienced a marked increase in the use of imprisonment and a decreased use of partially and wholly suspended sentences after the introduction of court ordered parole in 2006. The imposition of imprisonment for criminal defendants increased from 30 per cent to 46 per cent in the District Court from 2006 to 2007 and 34 per cent to 56 per cent from 2006 to 2008 in the Supreme Court.

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