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A statistical snapshot of crime and justice in New South Wales

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SUMMARY

Crime and justice are complex and often contested concepts. A range of factors are believed to “cause” crime, including: economic hardship; social disadvantage; sexual abuse; alcohol and drug use; and psychological characteristics, including mental illness. The aims of the criminal justice system are similarly diverse, and include: community protection; specific deterrence; general deterrence; denunciation; retribution; and rehabilitation.¹ As former Chief Justice Spigelman said:²

These objectives do not always point in the same direction. The requirements of justice and the requirements of mercy are often in conflict, but we live in a society which values both justice and mercy.

Conceptual debate about crime and justice is one thing; the empirical measurement of the criminal justice system in action is another. As Don Weatherburn, Director of the NSW Bureau of Crime Statistics and Research, said:³

... [W]hether we like them or not, crime statistics are here to stay. We have to make judgments about the prevalence of crime, about trends in crime, about the distribution of crime and about the impact of Government efforts to prevent and control crime. We cannot base these judgements on personal experience and anecdote. They have to be based on statistical information. The challenge facing those who produce and use crime statistics is how to do so in a way which is not misleading and helps rather than hinders our understanding of crime.

This paper looks at the following aspects of the criminal justice system: community perceptions of crime and safety; offender rates and characteristics; crime rates; victims; measures of police effectiveness; courts (including bail and sentencing outcomes); recidivism; corrections (including prison population levels); and expenditure on the criminal justice system. By undertaking this empirical enquiry, the paper seeks to assist in identifying whether legislative and policy reforms to crime and justice are effective in achieving their stated objectives.

Some findings that may usefully inform future consideration of this area include:

- Over 2008–09 to 2012–13, NSW residents felt increasingly safe at home but less safe in public places at night.
- The numbers of offenders in NSW increased by 6% from 2011–12, to 116,056 in 2012–13. That represents a 5% increase in the offender rate, to 1,810 offenders for every 100,000 people over 10 years of age.

¹ Some of the policy considerations that underlie these diverse aims are legislatively expressed in ss 3A and 21A of the *Crimes (Sentencing Procedure) Act* 1999.

² The Honourable JJ Spigelman, *Sentencing Bench Book*, Judicial Commission of NSW, 2006, Sydney, Foreword.

³ D Weatherburn, [Uses and abuses of crime statistics](#) (2011) 153 *Crime and Justice Bulletin* 1 at 1.

- From July 2012 to June 2013, nearly one-third of all female Persons of Interest in NSW were proceeded against by police for shoplifting (16.3%), domestic assault (9.2%) and non-domestic assault (6.4%). The most common offence for NSW male Persons of Interest over the same period was domestic assault (10.5%), followed by possession/use of cannabis (8.2%), offensive conduct/language (6.7%) and malicious damage to property (6.7%)
- 15 – 19 year olds constitute the highest proportion of NSW offenders.
- Over 60 months to June 2014, the crime rate across NSW was stable for 4 of the 17 major crime categories, fell for 10 major crime categories and increased for: domestic violence related assault (2.7%); indecent assault, act of indecency and other sexual offences (4.2%); and fraud offences (7.7%).
- Outside the major crime categories, over 24 months to June 2014 amphetamine possession and/or use offences increased by 16.1% and weapons offences increased by 34.3%
- NSW had 9,897 prisoners in June 2013 and 10,426 prisoners in September 2014.
- Aboriginal and Torres Strait Islanders comprise approximately 2.9% of the NSW population and 23% of the NSW prison population.
- The NSW average daily Indigenous juvenile detention rate (48.9) is almost 29 times greater than the equivalent non-Indigenous juvenile detention rate (1.7).
- There has been an increase in the percentage of unsentenced prisoners in NSW from 20.7% in 2003 to 27.9% in 2013.
- Australian expenditure on prisons and community corrections per head of population per year has increased over 2008–09 to 2012–13, from \$138.24 to \$139.10. NSW expenditure has, over the same period, fallen from \$153.55 to \$124.86 per head of population per year.
- Approximately 43% of NSW prisoners returned to prison under sentence within two years of being released.

This paper draws statistics from a number of sources but is particularly indebted to the Australian Bureau of Statistics; NSW Bureau of Crime Statistics and Research; NSW Department of Attorney General and Justice; and the Productivity Commission's Steering Committee for the Review of Government Services.

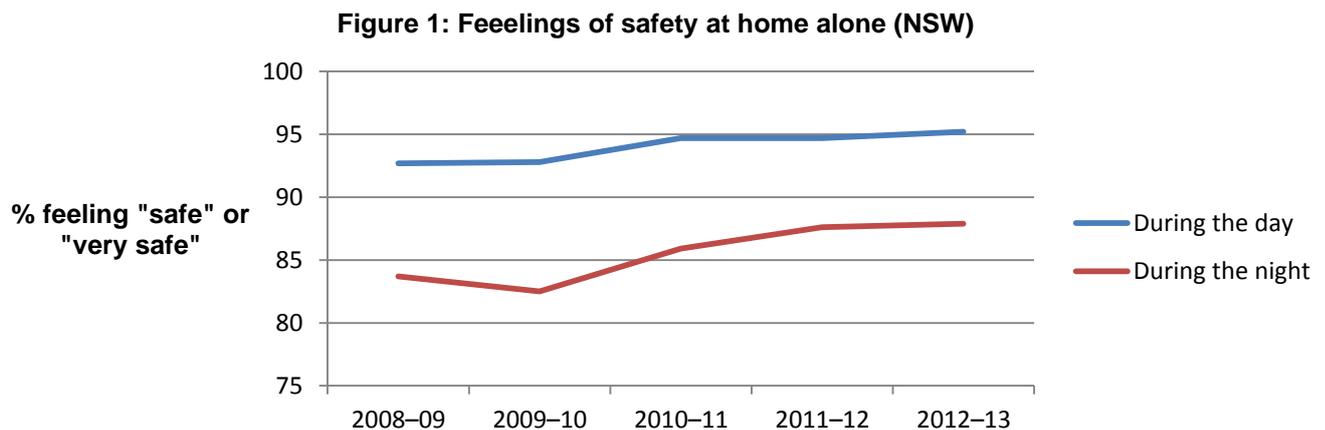
1. CRIME AND SAFETY

The Australian Bureau of Statistics measures the safety of Australian society using the victimisation rate for physical assault as its primary indicator:⁴

The victimisation rate for physical assault is considered a good measure of progress for safety. This is because, second to face-to-face threatened assault, it is the most prevalent type of offence against a person experienced in Australia and can have far-reaching consequences. Crimes committed against individuals can impact directly on the physical, financial and emotional wellbeing of the victim, as well as indirectly on the people around them. However, we recognise that personal safety is only one dimension of safety.

In NSW the proportion of people who were victims of physical assault declined from 2.8% in 2008–09 to 2.7% in 2012–13.⁵ As the ABS concludes, this indicator of safety has effectively remained stable in NSW.

The Report on Government Services 2014 measures community perceptions of crime and safety using the National Survey of Community Satisfaction with Policing.⁶ Figures 1 and 2 reveal that, over 2008–09 to 2012–13, there was an increase in survey participants' feelings of safety at home alone and a decrease in their feelings of safety in public places at night.

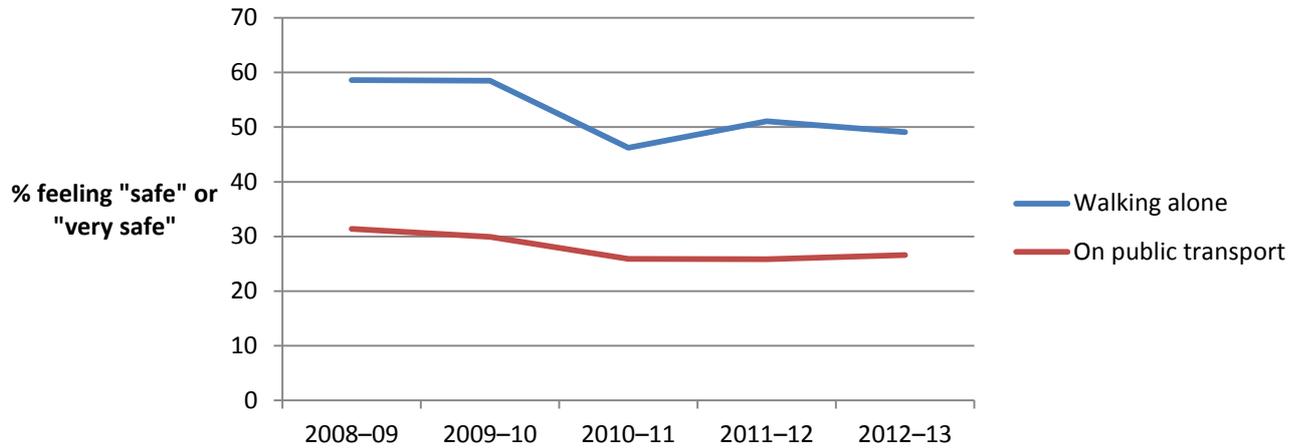


Source: [Report on Government Services 2014: Volume C: Justice](#)

⁴ Australian Bureau of Statistics, [Measures of Australia's Progress 2013: Safety: Overall Progress](#). For a discussion of the link between crime victimisation and feelings of safety, see Australian Bureau of Statistics, [In Focus: Crime and Justice Statistics](#) July 2012.

⁵ Australian Bureau of Statistics, [Measures of Australia's Progress 2013: Safety: Overall Progress: By State and Territory](#)

⁶ Steering Committee for the Review of Government Service Provision, [Report on Government Services 2014: Volume C: Justice](#), 2014, Productivity Commission, Canberra, p C.16, Tables CA.1 and CA.2.

Figure 2: Feelings of safety in public places at night (NSW)

Source: *Report on Government Services 2014: Volume C: Justice*.

Sources

[Australian Bureau of Statistics: Measures of Australia's Progress 2013: Safety.](#)

[Steering Committee for the Review of Government Service Provision, Report on Government Services 2014: Volume C: Justice, 2014, Productivity Commission, Canberra.](#)

2 OFFENDERS

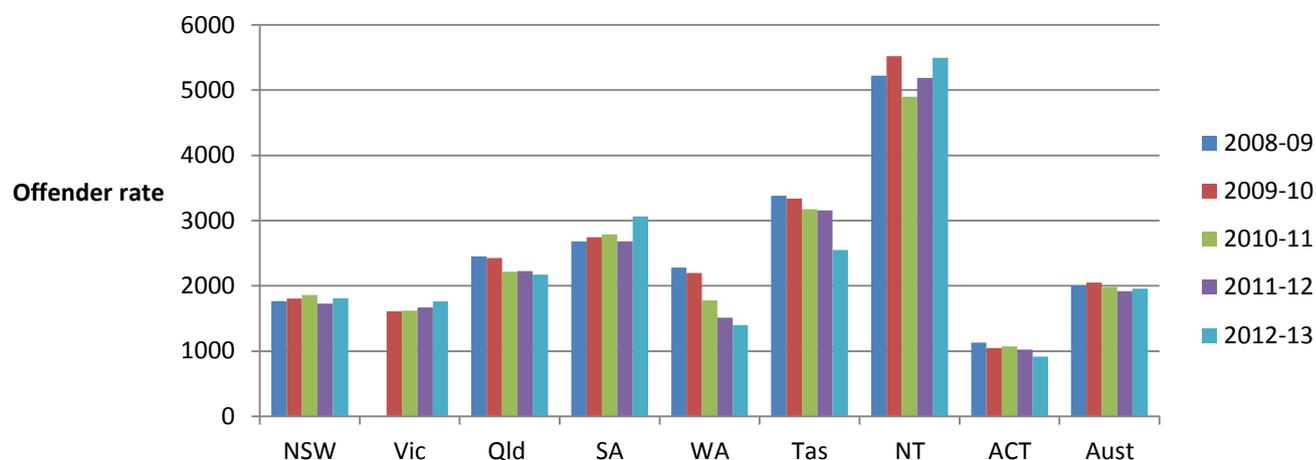
2.1 Offender numbers

The number of offenders in NSW increased by 6% from 2011–12 to reach 116,056 offenders in 2012–13 (30% of all Australian offenders). This compares with 103,853 offenders in 2008–09 (which also was 30% of all Australian offenders).

2.2 Offender rates

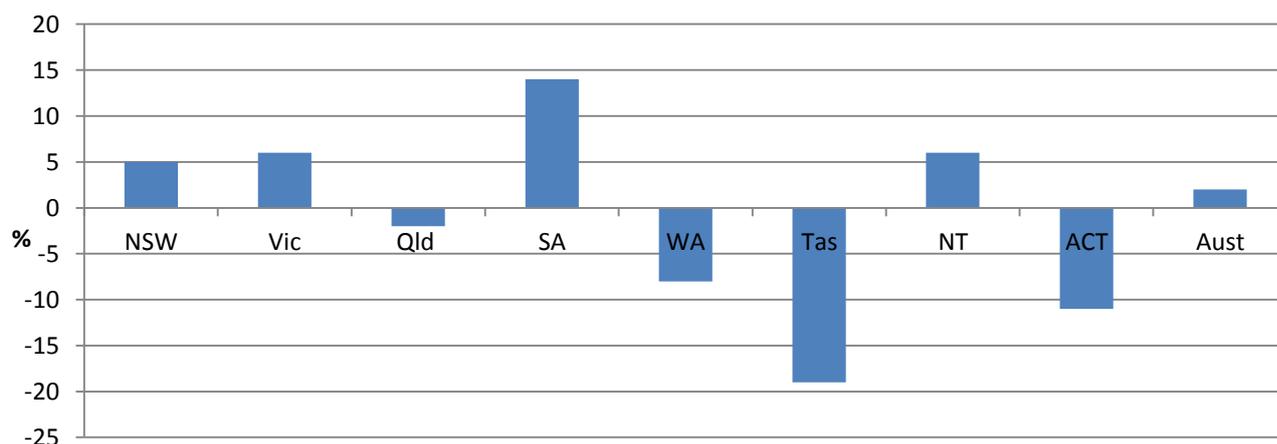
Between 2011–2012 and 2012–2013 the offender rate in NSW increased by 5% to 1,810 offenders for every 100,000 people over 10 years of age.

Figure 3: Offender rate per 100,000 people over 10 years of age, across States and Territories, 2008–2009 to 2012–2013



Notes: (1) Offender rate equals the rate per 100,000 of the population aged 10 years and over. (2) The Australian Bureau of Statistics advises that the South Australian and Australian Capital Territory data may be overstated. Source: [Australian Bureau of Statistics, Recorded Crime, Offenders 2012–13](#)

Figure 4: % change in offender rate 2011–12 to 2012–13



Source: [Australian Bureau of Statistics, Recorded Crime, Offenders 2012–13](#)

2.3 Offender rate by principal offence

Table 1 sets out the offender rates (per 100,000 people aged 10 years and over) by principal offence across Australia. In NSW the top three offender rates were for: acts intended to cause injury (418.7 or 23%); theft (376.3 or 21%); and public order offences (250.4 or 14%). These three offences were also the top three offences (in the same order) in 2008–09.

Table 1: Offender rates (per 100,000 people aged 10 years and over) by principal offence for 2012–13

Principal offence	NSW	Vic	Qld	SA	WA	Tas	NT	ACT	Aus
Homicide	4.0	2.5	3.2	4.4	6.1	3.6	14.0	1.5	3.8
Acts intended to cause injury	418.7	308.2	235.2	370.8	285.2	371.1	1,556.8	167.3	342.8
Sexual assault	23.3	28.0	40.4	48.6	22.8	18.7	79.3	17.5	30.1
Dangerous/negligent acts	1.8	16.3	18.0	7.3	2.6	0.7	25.9	3.0	9.4
Abduction/harassment	13.4	21.3	1.2	13.4	98.9	3.1	54.4	4.8	22.2
Robbery/extortion	17.5	11.0	19.3	17.1	31.2	19.8	7.0	13.0	17.6
Unlawful entry with intent	39.5	48.0	99.3	49.7	72.8	69.9	71.3	27.5	58.7
Theft	376.3	315.2	290.3	293.2	148.1	242.9	173.1	153.4	304.5
Fraud/deception	52.5	49.6	53.0	37.0	48.0	48.0	27.4	26.0	49.5
Illicit drug offences	225.6	167.9	474.8	975.0	251.8	318.3	503.3	97.6	321.6
Prohibited/regulated weapons	19.6	69.9	54.2	109.7	48.0	76.3	166.6	35.6	51.7
Property damage	90.1	75.1	97.5	103.2	67.3	112.1	112.7	52.0	86.4
Public order offences	250.4	271.2	476.1	821.1	171.1	853.1	1,890.5	242.9	364.0
Offences against justice	105.7	64.1	204.5	85.3	139.3	160.4	329.2	68.3	120.1
Miscellaneous offences	171.6	315.6	6.9	77.8	1.3	252.5	79.8	3.3	147.4
Total	1,810.1	1,764.0	2,173.3	3,063.5	1,400.5	2,550.4	5,497.9	915.5	1,958.0

Note: Offender rate per 100,000 population aged 10 years and over. South Australian and Australian Capital Territory data may be overstated. Source: [Australian Bureau of Statistics, Recorded Crime, Offenders 2012–13](#)

The NSW offender rate in 2012–13 was above the Australian average for:

- homicide,
- acts intended to cause injury,

- theft,
- fraud/deception,
- property damage, and
- miscellaneous offences.

In 2008–09 the NSW offender rate was above the national average for:

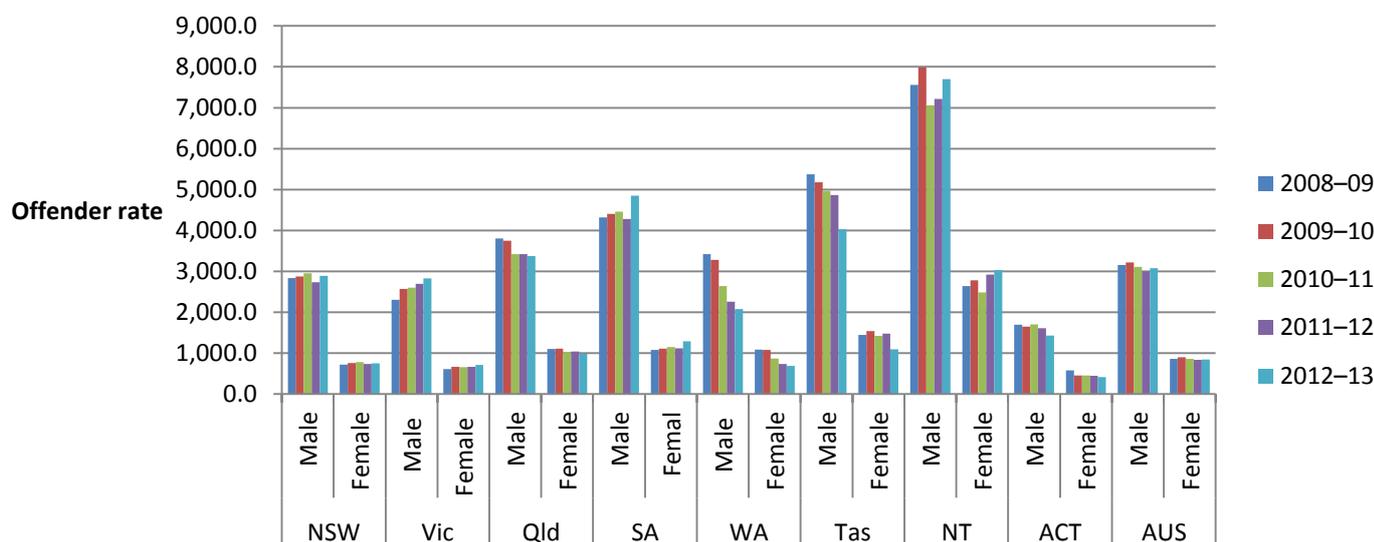
- homicide and related offences,
- acts intended to cause injury,
- robbery, extortion and related offences,
- property damage and environmental pollution,
- offences against justice, and
- miscellaneous offences.

2.4 Offender rates by sex

Between 2011–12 and 2012–13 the number of male offenders increased by 7% to 91,503 and the number of female offenders increased by 3% to 24,376. The offender rate remains significantly higher for males. In 2012–13, the national offender rate for males was almost four times the national offender rate for females (3,080 offenders per 100,000 males, as compared to 847 offenders per 100,000 females). Similarly, in 2012–13, the NSW offender rate for males was also almost four times the NSW offender rate for females (2890 offenders per 100,000 males, as compared to 751 offenders per 100,000 females). For 2012–13:

- three other jurisdictions had a lower female offender rate than NSW (Vic, WA, ACT)
- NSW's female offender rate was below the national average.
- three other jurisdictions had a lower male offender rate than NSW (Vic, WA, ACT)
- NSW's male offender rate was below the national average.

Figure 5: Offender rate* by sex across Australia 2008–09 to 2012–13



* Offenders per 100,000 relevant population. Source: [Australian Bureau of Statistics, Recorded Crime, Offenders 2012–13](#).

In 2010 a study conducted by the NSW Bureau of Crime Statistics and Research (BOCSAR) suggested that, over the 10 years to June 2009, the number of females proceeded against by NSW police increased by 15% whereas the number of males proceeded against by police remained (statistically) stable.⁷ A subsequent study has found that, in the 10 years from July 2003 to June 2013:⁸

- The number of female Persons of Interest (POI)⁹ recorded by NSW Police increased steadily over the past decade by an average of 2.5% per year.
- The increase in female POI is greater than the equivalent figure for male POIs of 1.7% per year.
- In 2012–13 females comprised 18.3% of POIs, compared with 17.3% in 2003–2004.
- Offences which saw the biggest increase in female POIs include: possession of ecstasy (up 21.4% per annum over the past 10 years); dealing in amphetamines (up 13.4%); harassment, threatening behaviour and private nuisance (up 14%); dealing or trafficking in amphetamines (up 13.4%), possession and/or use of amphetamines (up 10.6%) and breach of bail conditions (up 8.5%).

Table 2 lists the top 10 offences with the highest number of male and female POIs in NSW during the period July 2012 to June 2013. Nearly one-third of all female POIs were proceeded against for shoplifting (16.3%), domestic assault (9.2%) and non-domestic assault (6.4%). The most common offence for male POIs was domestic assault (10.5%), followed by possession/use of cannabis (8.2%), offensive conduct/language (6.7%) and malicious damage to property (6.7%). Even though shoplifting was the most common female offence and the tenth most common male offence, there were more male shoplifting POIs (4601) than female shoplifting POIs (4524).¹⁰ With the exception of fraud and receiving/handling stolen goods, the Top 10 offences for female POIs were common to the list of Top 10 offences for male POIs.

⁷ Jessie Holmes, *Female offending: has there been an increase?* (2010) 46 Bureau Brief Issue Paper, 1 at n 4; discussed in T Drabsch, *A statistical snapshot of crime and justice in NSW*, NSW Parliamentary Library Research Service, 2010, Sydney, p 5.

⁸ J Holmes, *NSW Police Recorded Female Persons of Interest: Has there been an increase in the 10 years to June 2013?* (2014) 94 Bureau Brief Issues Paper 1 at 8.

⁹ *Ibid* at 2: Persons of Interest (POI) is defined to be a suspected offender recorded by police in connection with a criminal incident. Further, POI are only included where proceeded against by police to court or by an alternative method, such as a Criminal Infringement Notice or Youth Justice Conference.

¹⁰ *Ibid* at 3.

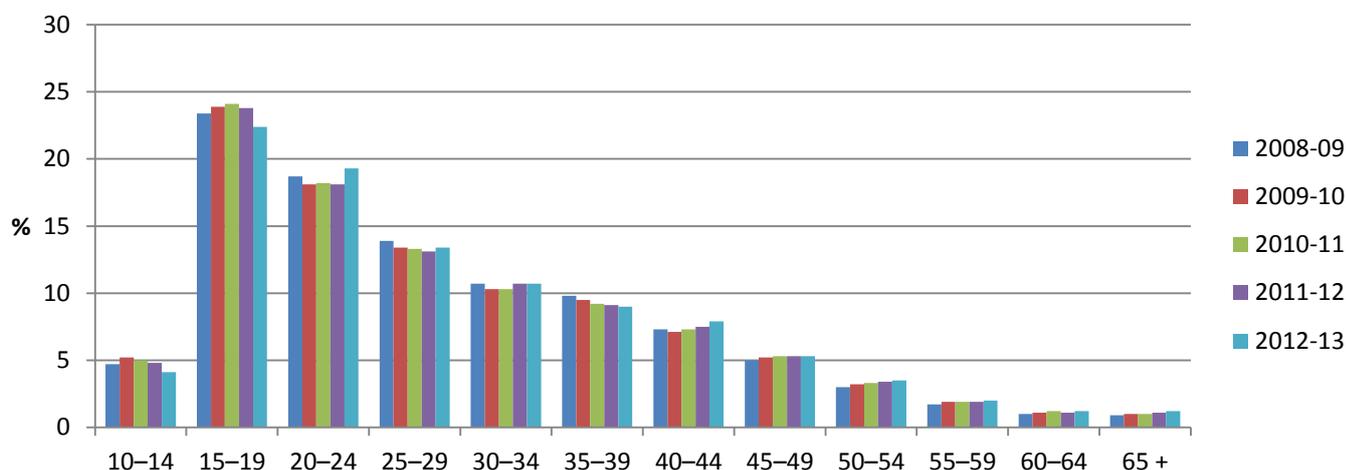
Table 2: Top 10 offences with the highest number of female and male Persons of Interest (POI), NSW, July 2012 to June 2013

Female				Male		
	Offence	Number	% of adult female POIs	Offence	Number	% of adult male POIs
1	Shoplifting	4524	16.3	Domestic assault	13048	10.5
2	Domestic assault	2568	9.2	Possession and/or use of cannabis	10204	8.2
3	Non-domestic assault	1758	6.4	Offensive conduct/language	8262	6.7
4	Possession and/or use of cannabis	1724	6.2	Malicious damage to property	8238	6.7
5	Malicious damage to property	1494	5.4	Harassment, threatening behaviour and private nuisance	7910	6.4
6	Offensive conduct/language	1427	5.1	Breach Apprehended Violence Order	7612	6.1
7	Fraud	1407	5.1	Non-domestic assault	6803	5.5
8	Breach bail conditions	1398	5.0	Other offences*	6641	5.4
9	Breach Apprehended Violence Order	1167	4.2	Breach bail conditions	6487	5.2
10	Receiving / handling stolen goods	1134	4.1	Shoplifting	4601	3.7

* Includes: immigration/customs offences, dog offences, family law offences, public mischief, terrorism offences, carrying cutting weapons/offensive implements, obstruction and other miscellaneous offences. Source: J Holmes, *NSW Police Recorded Female Persons of Interest: Has there been an increase in the 10 years to June 2013*

2.5 Offender age

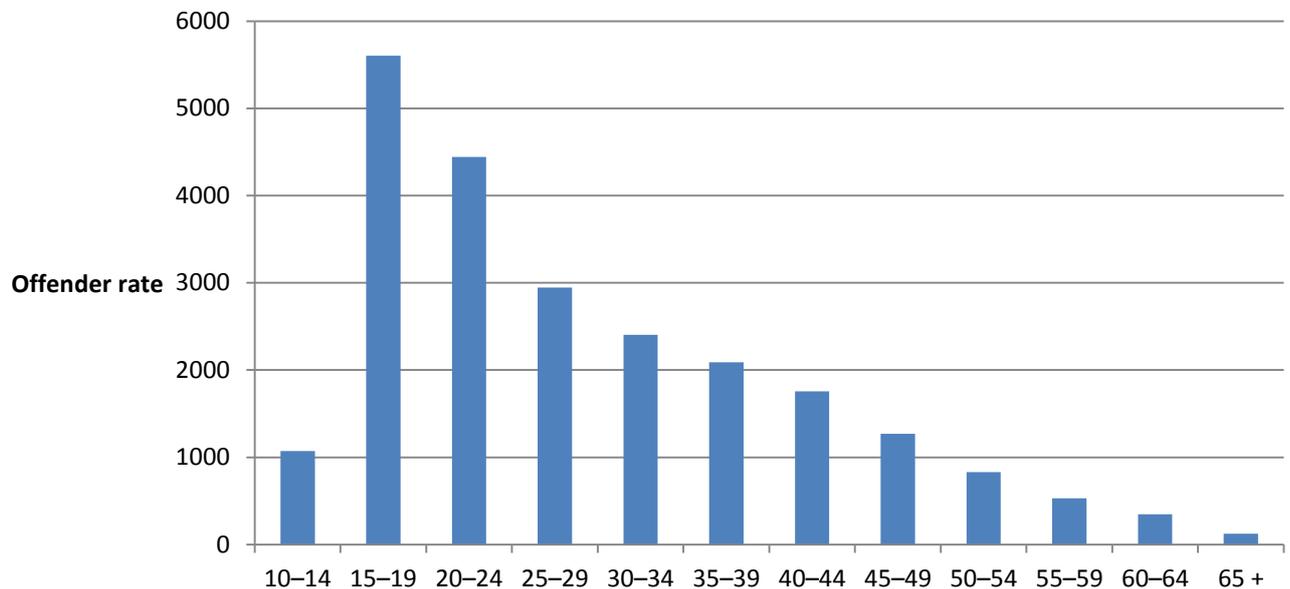
As Figure 6 shows, 15–19 year olds constitute the highest proportion of NSW offenders.

Figure 6: NSW Offenders: proportion by age 2008-09 to 2012-13

Source: [Australian Bureau of Statistics, Recorded Crime, Offenders 2012-13](#).

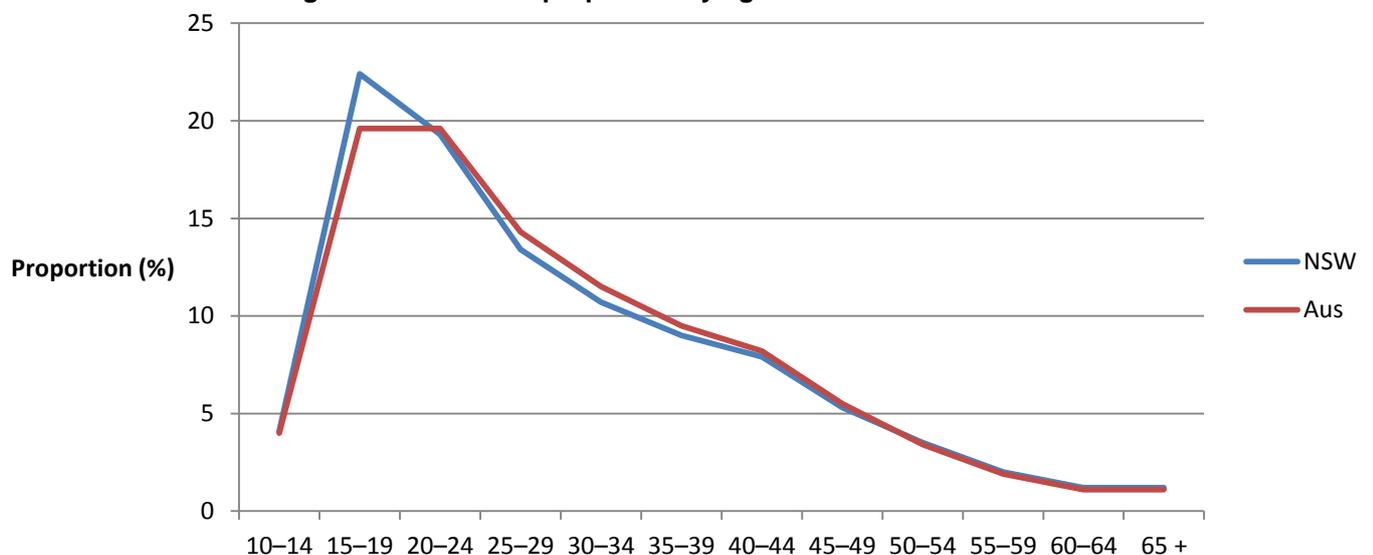
In 2012–13 the median offender age in NSW was 26 years. The 15–19 years age range had both the highest offender rate (Figure 7) and the highest proportion of offenders (Figure 8). Further, almost 42% of offenders fell within the 15–19 years and 20–24 years age ranges, closely reflecting the national data (Figure 8).

Figure 7: NSW offender rate by age: 2012/13



Offender rate equals the rate per 100,000 of the population aged 10 years and over. Source: [Australian Bureau of Statistics, Recorded Crime, Offenders 2012–13](#).

Figure 8: Offenders: proportion by age: 2012/13: NSW and Australia

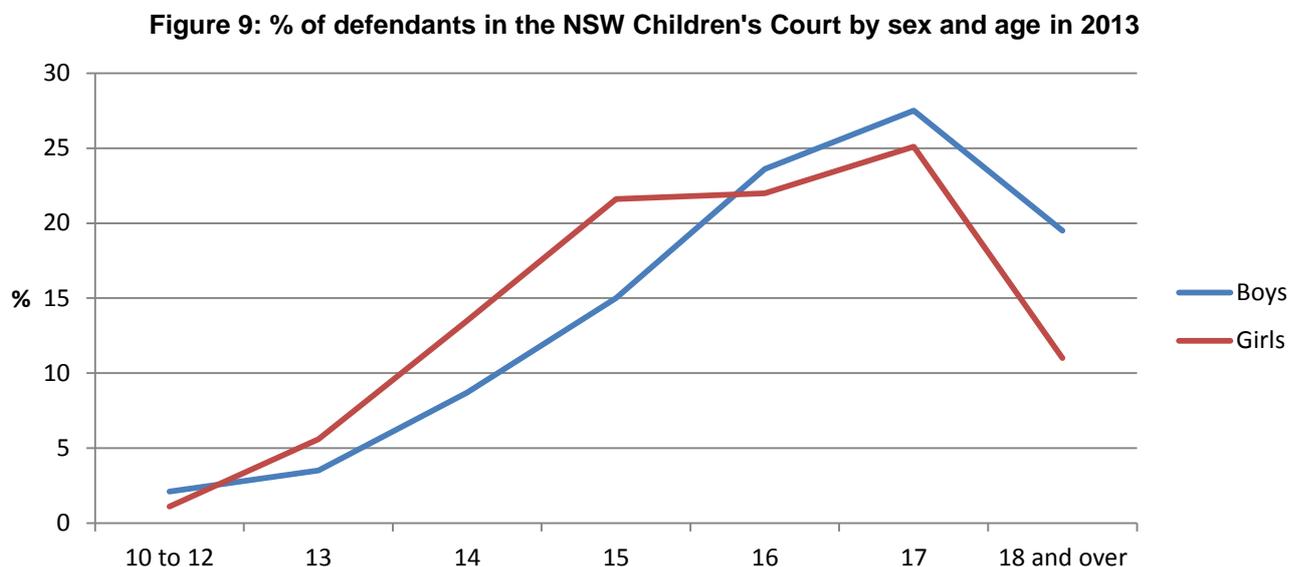


Source: [Australian Bureau of Statistics, Recorded Crime, Offenders 2012–13](#).

A range of risk factors are thought to be related to the participation of young persons in criminal activity. These factors include:¹¹

- difficult home environment;
- experience of trauma, neglect or abuse
- lack of educational achievement;
- anti-social attitudes and personality patterns;
- cognitive and mental health impairments
- anti-social peer group;
- lack of pro-social leisure and recreational activities; and
- substance abuse.

Figure 9 sets out the proportion of defendants before the NSW Children's Court in 2013 by sex and age. It reveals that the proportion of female juvenile defendants aged 13 to 15 years was higher than the proportion of male juvenile defendants aged 13 to 15 years, but that position reversed from age 16 years onwards.



Source: NSW Bureau of Crime Statistics and Research, NSW Criminal Court Statistics 2013

2.6 Number of times police proceeded against offenders

In 2012–13 police proceeded against offenders in NSW an average of 1.6 times. 76.4% of offenders were proceeded against once and 3.4% of offenders were proceeded against 5 or more times, which is comparable with the other States and Territories for which data is available.

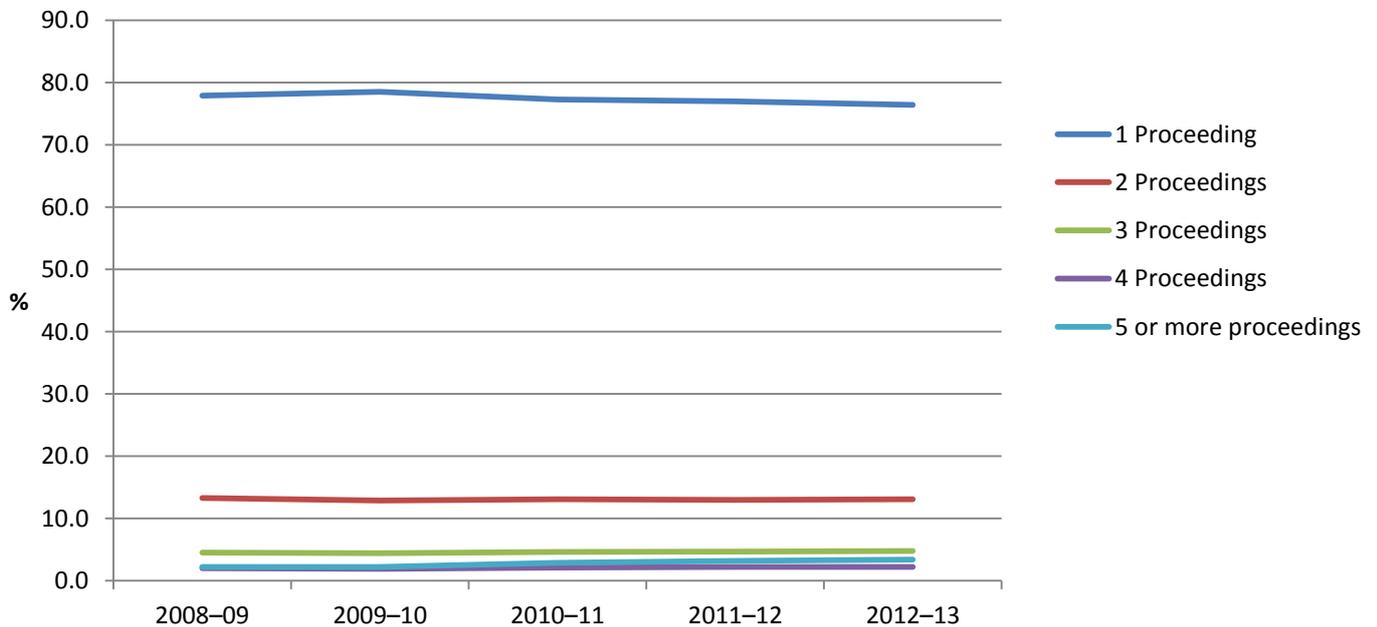
¹¹ [NSW Government Department of Attorney General and Justice, Youth on Track program, Risk and protective factors](#)

Table 3: Proportion of offenders (%) proceeded against by police by number of times, 2012–13, across States and Territories (where data available)							
Number of times proceeded against	NSW	Vic	Qld	SA	Tas	NT	ACT
1	76.4	78.9	70.7	85.6	77.1	69.7	84.8
2	13.1	12.1	16.0	8.3	13.6	17.0	10.2
3	4.8	4.3	6.0	3.1	4.4	6.7	3.0
4	2.2	2.0	3.0	1.4	2.1	3.1	1.1
5 or more	3.4	2.8	4.2	1.6	2.8	3.4	1.0
Total	100						

Source: Australian Bureau of Statistics, Recorded Crime, Offenders, 2012–13

The proportion of offenders proceeded against by police on 1 to 5 or more occasions remained fairly constant in NSW over 2008–09 to 2012–13.

Figure 10: Proportion (%) of NSW offenders proceeded against by police by number of proceedings 2008/09 to 2012/13



Source: Australian Bureau of Statistics, Recorded Crime, Offenders, 2012–13

SOURCES:

[Australian Bureau of Statistics, Recorded Crime - Offenders, 2012-13, 4519.0 issue 27/2/14](#)

T Drabsch, [A statistical snapshot of crime and justice in NSW](#), NSW Parliamentary Library Research Service, 2010, Sydney

[Jessie Holmes, Female Offending: has there been an increase? Bureau Brief, Issue Paper no 46, April 2010](#)

[Jessie Holmes NSW Police Recorded Female Persons of Interest: Has there been an increase in the 10 years to June 2013? Bureau Brief, Issue Paper no 94, May 2014](#)

[NSW Bureau of Crime Statistics \(BOCSAR\), NSW Criminal Courts Statistics 2013](#)

[NSW Government, Department of Attorney General and Justice, Youth on Track program, Risk and protective factors](#)

3 RECORDED CRIME

As detailed in Table 4, the NSW Bureau of Crime Statistics and Research has found that, in the two years to June 2014, the crime rate across NSW was stable for 10 of the 17 major crime categories and fell for the remaining 7.¹² Over 60 months to June 2014, the crime rate across NSW was stable for 4 major crime categories, fell for 10 major crime categories and increased for: domestic violence related assault; indecent assault, act of indecency and other sexual offences; and fraud offences.

Table 4: Trends in recorded criminal incidents for major offences to June 2014		
■ = down ■ = up		
Offence category	Trend and annual % change	
	over 24 months	over 60 months
Murder*	Stable	Stable
Assault — domestic violence related	Stable	Up by 2.7%
Assault — non-domestic violence related	Stable	Down by 5.3%
Sexual assault	Stable	Stable
Indecent assault, act of indecency and other sexual offences	Stable	Up by 4.2%
Robbery without a weapon	Down by 18.7%	Down by 13.0%
Robbery with a firearm	Stable	Down by 8.6%
Robbery with a weapon not a firearm	Stable	Down by 4.9%
Break and enter dwelling	Down by 10.5%	Down by 4.2%
Break and enter non-dwelling	Down by 14.6%	Down by 7%
Motor vehicle theft	Down by 11.5%	Down by 8.9%
Steal from motor vehicle	Down by 5.2%	Down by 1.5%
Steal from retail store	Stable	Stable
Steal from dwelling	Stable	Stable
Steal from person	Down by 14.7%	Down by 8.4%
Fraud	Stable	Up by 7.7%
Malicious damage to property	Down by 11.6%	Down by 7.2%

* For murder the trend test is applied to the monthly number of recorded victims rather than criminal incidents.

Source: [NSW Bureau of Crime Statistics and Research, NSW Recorded Crime Statistics, Quarterly Update, June 2014](#).

Outside the 17 major offence categories, over the 24 months to June 2014 trends increased for:

- possession and/or use of amphetamines (up 16.1%),
- prohibited and regulated weapons offences (up 34.3%), and
- transport regulatory offences (up 22.3%).

The trends for other offences, including other drug offences, either were stable or decreased.¹³ Table 5 details the number of recorded incidents for the 17 major offences in NSW in the 12 months to June 2014:

¹² [NSW Bureau of Crime Statistics and Research, NSW Recorded Crime Statistics, Quarterly Update, June 2014](#) p 4.

¹³ *Ibid* p 5.

Table 5: Number of recorded criminal incidents for major offences in NSW: 12 months to June 2014

Murder*	Assault — domestic violence related	Assault — non-domestic violence related	Sexual assault	Indecent assault, act of indecency and other sexual offences		Robbery without a weapon	Robbery with a firearm	Robbery with a weapon not a firearm
81	28,982	32,639	4,804	6,506		2,109	310	1,340
Break and enter dwelling	Break and enter non-dwelling	Motor vehicle theft	Steal from motor vehicle	Steal from retail store	Steal from dwelling	Steal from person	Fraud	Malicious damage to property
34,699	13,298	15,023	43,221	20,627	21,912	6,554	49,291	71,420

* The count for murder is the number of victims not incidents. [NSW Bureau of Crime Statistics and Research, NSW Recorded Crime Statistics, Quarterly Update, June 2014](#)

Table 6 details the trends in recorded criminal incidents for major offences over the 24 months to June 2014, across NSW statistical areas.

Table 6: Trends in recorded criminal incidents for major offences over the 24 months to June 2014 by NSW statistical areas. ns = not significant (ie stable) = down (%) ■ = up (%)

Statistical area	Murder*	Assault — domestic violence related	Assault — non-domestic violence related	Sexual assault	Indecent assault, act of indecency and other sexual offences	Robbery without a weapon	Robbery with a firearm	Robbery with a weapon not a firearm
Greater Sydney	ns	ns	ns	ns	ns	-17.3	ns	ns
Capital region	—	ns	-12.2	ns	ns	—	—	—
Central West	—	ns	ns	ns	ns	ns	—	—
Coffs Harbour — Grafton	—	ns	-12.3	ns	ns	—	—	—
Far West and Orana	—	ns	ns	24.5	ns	ns	—	—
Hunter Valley excluding Newcastle	—	ns	ns	ns	ns	-34.9	—	ns
Illawarra	—	ns	ns	ns	ns	ns	—	ns
Mid North Coast	—	ns	ns	ns	20.5	ns	—	ns
Murray	—	ns	ns	ns	ns	—	—	—
New England and North West	—	ns	ns	ns	ns	ns	—	ns
Newcastle and Lake Macquarie	—	ns	-9.6	ns	ns	-47.5	—	ns
Richmond — Tweed	—	ns	ns	ns	ns	ns	—	—
Riverina	—	ns	ns	ns	ns	—	—	—
Southern Highlands and Shoalhaven	—	ns	ns	ns	ns	—	—	—
NSW	ns	ns	ns	ns	ns	-18.7	ns	ns

* The count for murder is the number of victims not incidents. [NSW Bureau of Crime Statistics and Research, NSW Recorded Crime Statistics, Quarterly Update, June 2014](#)

Table 6 (continued)									
Statistical area	Break and enter dwelling	Break and enter non-dwelling	Motor vehicle theft	Steal from motor vehicle	Steal from retail store	Steal from dwelling	Steal from person	Fraud	Malicious damage to property
Greater Sydney	-9.6	-11.5	-9.6	ns	-9.8	ns	-14.8	ns	-12.0
Capital region	ns	ns	ns	-21.0	ns	ns	-29.5	ns	-13.3
Central West	ns	ns	ns	26.6	ns	ns	ns	26.9	-8.5
Coffs Harbour — Grafton	ns	ns	ns	ns	ns	27.8	ns	ns	-13.9
Far West and Orana	ns	ns	ns	ns	30.3	ns	ns	ns	-2.3
Hunter Valley excluding Newcastle	-21.2	-41.1	-20.4	-12.9	ns	ns	ns	ns	-16.0
Illawarra	-18.0	-26.2	ns	ns	ns	ns	ns	ns	-13.0
Mid North Coast	ns	ns	ns	-16.6	ns	-7.6	ns	ns	ns
Murray	ns	ns	-23.3	ns	ns	ns	ns	ns	-17.2
New England and North West	-20.9	ns	ns	-11.8	ns	ns	-41.6	ns	-4.9
Newcastle and Lake Macquarie	-20.2	-18.6	-29.8	-17.5	ns	-6.2	-7.0	ns	-16.6
Richmond – Tweed	-12.2	-14.3	ns	ns	ns	ns	-32.7	13.1	-3.6
Riverina	ns	ns	ns	ns	ns	ns	ns	ns	-16.0
Southern Highlands and Shoalhaven	ns	ns	-24.3	ns	ns	ns	ns	55.6	-14.0
NSW	-10.5	-14.6	-11.5	-5.2	ns	ns	-14.7	ns	-11.6

Source: [NSW Bureau of Crime Statistics and Research, NSW Recorded Crime Statistics, Quarterly Update, June 2014](#)

In Greater Sydney the trend for all offences either fell or remained stable. The largest fall (-17.3%) was for robbery without a weapon.

The largest fall (-47.5%) was for robbery without a weapon in Newcastle and Lake Macquarie. The largest increase (55.6%) was for fraud in the Southern Highlands and Shoalhaven. Sexual assault rose by 24.5% in the Far West and Orana.¹⁴ Domestic violence related assault remained stable in all statistical areas.

SOURCES

[NSW Bureau of Crime Statistics and Research, NSW Recorded Crime Statistics, Quarterly Update, June 2014](#)

[Region's police commander say\[s\] new crime statistics don't tell the whole story, ABC News, 5/5/09.](#)

¹⁴ [Region's police commander say\[s\] new crime statistics don't tell the whole story, ABC News, 5/5/09.](#)

4. VICTIMS

The recorded crime statistics set out in Chapter 3 are part of a larger picture, one that is framed by unreported crime. The amount of unreported crime can never be known definitively; instead, the Australian Bureau of Statistics (ABS) uses survey data to estimate the amount of unreported crime.

As part of its Crime Victimization Survey the ABS contacts a sample of people across Australia, asking whether they were recently victims of crime.¹⁵ Of those who said they were victims of crime, the ABS then asks whether or not they reported the crime to police. This gives the ABS the percentage of survey respondents who were victims of a crime during the survey period and the percentage of victims who reported it.

For instance, 2.2% of survey respondents living in NSW said they were victims of physical assault during the survey period. From this result it is extrapolated that 2.2% of the NSW population¹⁶ were victims of physical assault during the survey period. However, only 48% of NSW survey respondents who said they were victims of physical assault reported it to police. From this it is extrapolated that only 48% of physical assault in NSW is reported. From these extrapolations it can be estimated that in NSW 52% of physical assault remains unreported. But as the notes to Tables 7 and 8 explain, the rates derived from the survey are speculative and should only be used with caution.

Table 7: victimisation rates for household and personal crime across Australia in 2012–13.

Type of crime	Victimisation rate (% of relevant population)								
	NSW	Vic	Qld	SA	WA	Tas	NT	ACT	AUS
Personal crime[§]									
Physical Assault	2.2	2.6	3.1	2.6	3.5	2.6	4.6	2.6	2.7
Threatened assault (face-to-face)	2.4	2.6	2.8	3.4	3.4	3.7	4	3.4	2.8
Threatened assault (non-face-to-face)	0.9	1.1	1.4	1.2	1.2	1.5	0.7*	0.7*	1.1
Robbery	0.3	0.4	0.3*	0.2*	0.6	0.5*	0.4 [†]	0.6*	0.4
Sexual Assault	0.2	0.2*	0.2*	0.1*	0.3*	0.3*	0.4 [†]	0.2 [†]	0.2
Household crime									
Break and enter	2.4	2.3	2.7	2.1	4.4	2.3	7.9	2.8	2.7
Attempted break and enter	1.6	1.6	2	1.7	3.5	2	3.6	2.4	1.9
Motor vehicle theft	0.7	0.5	0.6	0.4	0.9	0.8	1.4	0.4	0.6
Theft from motor vehicle	2.4	3.4	2.4	3.1	6.2	2.2	3.6	2.5	3.1
Malicious property damage	6	6.5	4.5	6.3	9.2	6.7	8.7	7.2	6.3
Other theft	2.4	3	3	2.6	3.2	3.1	3.3	2.5	2.8

* Has a Relative Standard Error between 25% and 50% and should be used with caution. [†] Has a Relative Standard Error above 50% and is considered too unreliable for general use. [§] The latest figures do not include a victimisation rate for homicide. However the number of NSW homicide victims is detailed below at 4.1.10. Source: [Australian Bureau of Statistics, Crime Victimization of Australia 2012–2013](#)

¹⁵ [Australian Bureau of Statistics, Crime Victimization, Australia, 2012-13](#) and [Glossary](#). Information about experiences of physical assault, threatened assault and robbery is collected for people aged 15 years and over and information about sexual assault is collected for people aged 18 years and over. For personal crime the terms “victim” and “given population” refers to individuals; whereas, for household crime, those terms refer to households.

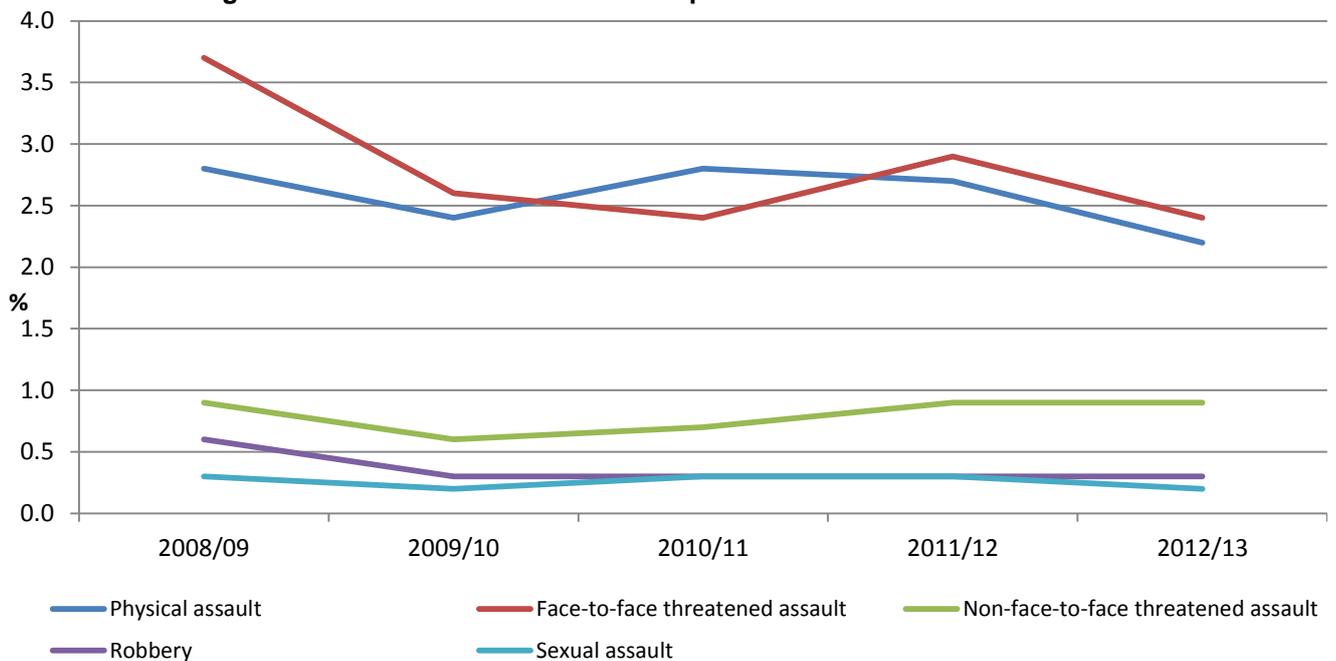
¹⁶ Ibid.

Table 8: % of personal and household crime across Australia reported to police in 2012–13

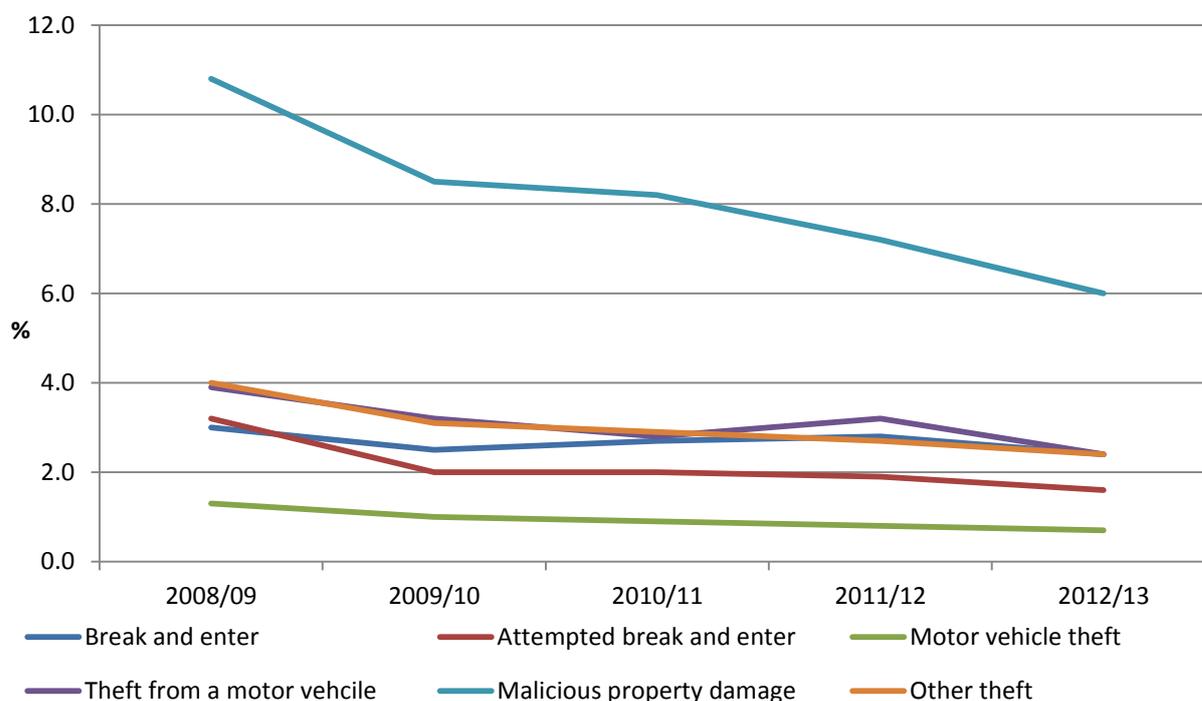
Type of crime	Reporting rate %								
	NSW	Vic	Qld	SA	WA	Tas	NT	ACT	AUS
Personal crime									
Physical Assault	48	42	59.5	63.3	44.4	52.9	48.2	40.8	49.7
Threatened assault (face-to-face)	35.4	39.3	38.5	32.8	37.2	45.1	51.1	25.9*	37.2
Threatened assault (non-face-to-face)	27.5*	21.9	19.5*	26.2*	31.5*	37.9*	n/a	n/a	24.7
Robbery	49.1*	39.8*	67.6	39.59 [†]	51.2*	64.4*	n/a	n/a	49.7
Sexual Assault	53.8*	34.7*	n/a	n/a	32.5 [†]	30.1 [†]	n/a	n/a	34.2*
Household crime									
Break and enter	78	77.1	77.2	77	78.9	84.4	73.9	72.8	77.9
Attempted break and enter	41.7	47.4	43	34.8	43.4	49.2	38.4	46	43.2
Motor vehicle theft	94.2	n/a	87.7	100 [§]	n/a	n/a	n/a	100 [§]	92.7
Theft from motor vehicle	56.7.	59.3	45.9	45.1	57	45.9	55.5	59.1	54.7
Malicious property damage	49.6	47.4	50.7	46.7	58.8	48.7	60.2	46.2	50.5
Other theft	31.6	36.8	35.5	39.4	36.8	39.1	34.8	38.2	35.4

* Has a standard error of 25%–50% and should be used with caution. † Has a relative standard error greater than 50% and is considered too unreliable for general use. § Relative Standard Error associated with this value is not considered reliable and the value should be used with caution. Source: [Australian Bureau of Statistics, Crime Victimization of Australia 2012–2013](#)

Figures 11 and 12 depict the NSW victimisation rates for selected personal and household crime over the period 2008–09 to 2012–13.

Figure 11: NSW victimisation rates for personal crime: 2008/09 to 2012/13

Source: [Australian Bureau of Statistics, Crime Victimization of Australia 2012–2013](#)

Figure 12: NSW victimisation rates for household crime: 2008/09 to 2012/13

Source: [Australian Bureau of Statistics, Crime Victimization of Australia 2012–2013](#)

Tables 7 and 8 and Figures 11 and 12 show that, in the 12 months prior to being interviewed in 2012–13, an estimated:

- 2.2% of people in NSW experienced physical assault; of whom 48% reported it to police.
- 2.4% of people in NSW experienced face-to-face threatened assault; of whom 35% reported it to police.
- 0.9% of people in NSW experienced non-face-to-face threatened assault.¹⁷
- 0.3% of people in NSW experienced robbery.¹⁸
- 0.2% experienced sexual assault.¹⁹

Further, in that period, an estimated:

- 2.4% of households in NSW were victims of break and enter; of which 79% reported the incident to police.

¹⁷ The reporting value is not stated because it is indicated in the tables as requiring caution or being unreliable.

¹⁸ The reporting value is not stated because it is indicated in the tables as requiring caution or being unreliable.

¹⁹ The reporting value is not stated because it is indicated in the tables as requiring caution or being unreliable.

- 1.6% of households in NSW were victims of attempted break and enter; of which 42% reported the incident to police.
- 0.7% of households in NSW were victims of motor vehicle theft; of which 94% reported the incident to police.
- 2.4% of households in NSW were victims of theft from a motor vehicle; of which 57% reported the incident to police.
- 6% of households in NSW were victims of malicious property damage; of which 50% reported the incident to police.
- 2.4% of households in NSW were victims of other theft; of which 32% reported the matter to police.

Over the period 2008–09 to 2012–13 the victimisation rates for the offences depicted in Figures 11 and 12 fell, with the exception for the victimisation rate for non-face-to-face threatened assault, which was stable. The fall in the victimisation rates was statistically significant for the following offences:

- face-to-face threatened assault,
- robbery,
- attempted robbery,
- motor vehicle theft,
- theft from motor vehicle,
- malicious property damage, and
- other theft.

4.1 Victim and offence profiles

4.1.1 Physical assault

The Australian victimisation rate for physical assault was 2.7% in 2012–13, higher than the NSW victimisation rate of 2.2%. Across Australia, more males (3.2%) than females (2.2%) were estimated to be victims. Male victims of physical assault (52.1%) were more likely to experience a single incident of physical assault compared to female victims (40.1%). Female victims of physical assault were more likely to experience three or more incidents of physical assault (35.7%) compared to male victims (26.5%).

58.1% of Australian victims knew their offender. 11.9% of victims were physically assaulted by a member of their family. The most likely place for a victim to be physically assaulted was their home (29% of victims), followed by the victim's work or place of study (22.7% of victims).

4.1.2 Robbery

The 2012–13 Australian victimisation rate for robbery is 0.4%, marginally higher than the NSW victimisation rate of 0.3%. Across Australia the victimisation rate for males (0.6%) was higher than the victimisation rate for females (0.2%).

4.1.3 Sexual assault

The 2012–13 Australian victimisation rate for sexual assault was 0.2%, the same as the NSW victimisation rate. The Australian victimisation rate for females was 0.3%, compared to the male victimisation rate of 0.2%.

There was a 14% increase in the number of sexual assault victims in NSW, from 6,671 in 2012 to a four-year high of 7608 in 2013. Of those NSW victims 81% were female, 71% were aged 19 years or under²⁰ and 68% were sexually assaulted in a residential location. 75% of the victims knew the offender, with 29% being sexually assaulted by a family member.

4.1.4 Break and enter

An estimated 2.7% of Australian households experienced a break and enter in 2012–13, compared to the victimisation rate of 2.4% for NSW. 73% of Australian victim households had property stolen, with the most common type of property stolen being money (21%), followed by jewellery (19%). In 11% of households someone was confronted by an offender or offenders.

4.1.5 Attempted break and enter

An estimated 1.9% of Australian households experience an incident of attempted break and enter in 2012–13, compared to the NSW victimisation rate of 1.6%. The most commonly identified evidence of the attempt was damage to doors or windows (54%), followed by detecting someone trying to break in (16%).

4.1.6 Motor vehicle theft

An estimated 0.6% of Australian households were victims of motor vehicle theft in 2012–13, marginally less than the NSW victimisation rate of 0.7%. Australian victims of motor vehicle theft mostly had their motor vehicle stolen from a home (47%), followed by the street or open land (38%).

In NSW, there was a 12% decrease in the number of motor vehicle thefts, from 17,199 in 2012 to a four-year low of 15,114 in 2013. 44% of NSW victims had their motor vehicle stolen from a home and 43% from a community location.

4.1.7 Theft from a motor vehicle

An estimated 3.1% of Australian households were victims of theft from a motor vehicle in 2012–13, higher than the NSW victimisation rate of 2.4%. The most common type of property stolen from the Australian victims was money (31%) and the most common location for the theft was the victim's home (61%).

²⁰ Only people aged 18 years and over were asked questions about sexual assault.

4.1.8 Malicious property damage

An estimated 6.3% of Australian households experienced malicious property damage, compared to the NSW rate of 6%. Of the Australian households that experienced malicious property damage, 66% had exterior items damaged, defaced or destroyed, and 27% had a motor vehicle damaged, defaced or destroyed.

4.1.9 Other theft

An estimated 2.8% of Australian households experienced an incident of other theft, compared with 2.4% of NSW households. Of the Australian households that experienced other theft, 18% had outdoor and garden items stolen, and 15% had bicycles and sporting equipment stolen. The most common location for the theft was the victim's home (50%), followed by the victim's place of employment (13%).

4.1.10 Homicide (includes murder, attempted murder and manslaughter)

The number of NSW homicide victims increased by 11% over 2012 to 2013, from 119 to 132. Of these homicide victims, 64% were male, 63% knew the offender and 21% were the partner of the offender. 67% of homicide victims were murder victims (as opposed to victims of manslaughter or attempted murder). The most common murder weapon was a knife (56%), followed by a firearm (31%), and the most common location was a domestic residence (68%).

4.1.11 Aboriginal and Torres Strait Islander victims

In NSW in 2013 Aboriginal and Torres Strait Islanders had a higher victimisation rate than non-indigenous people for the following offences:

- Homicide (and related) offences: 5.1 victims per 100,000 Aboriginal and Torres Strait Islander persons, compared to 1.5 victims per 100,000 non-indigenous persons.
- Sexual assault: 291.8 victims per 100,000 Aboriginal and Torres Strait Islander persons, compared to 89.2 victims per 100,000 non-indigenous persons. Further, a larger proportion of NSW Aboriginal and Torres Strait Islander victims of sexual assault identified a family member as the offender (43%), compared to non-indigenous victims of sexual assault (28%).
- Kidnapping/abduction: 9.7 victims per 100,000 Aboriginal and Torres Strait Islander persons, compared to 3.6 victims per 100,000 non-indigenous persons.

In contrast, in 2013, non-indigenous people had a higher victimisation rate than Aboriginal and Torres Strait Islander people in NSW for the following offences:

- Robbery: 51 victims per 100,000 non-indigenous persons, compared to 19.4 victims per 100,000 Aboriginal and Torres Strait Islander persons.
- Blackmail/extortion: 1.3 victims per 100,000 non-indigenous persons, compared to 0 victims per 100,000 Aboriginal and Torres Strait Islanders.

SOURCES

[Australian Bureau of Crime Statistics, Crime Victimisation, Australia, 2012-13](#)

[Australian Bureau of Statistics, Recorded Crime - Victims, Australia, 2013](#)

[Australian Bureau of Statistics, Measuring Victims of Crime: A Guide to Using Administrative and Survey Data, June 2011](#)

[NSW Bureau of Statistics, NSW Recorded Crime Statistics, June Quarter 2014](#)

5. POLICE

In 2012–13 the NSW Police Force had 20,286 employees, of whom 16,371 were police officers, 3,721 were administrative staff and 194 were ministerial staff.²¹ The number of police officers has increased by 4% since 2008–09. The Police Force operated from 6 Regional Areas and 80 Local Area Commands, with total financial contributions and revenue of \$3,269.5 million, about 4% lower than 2011–12.²²

Table 9: NSW Police Force Staff as at 30 June 2013

Employee	2008–09	2009–10	2010–11	2011–12	2012–13
Police Officers*	15,720	15,633	15,943	15,977	16,371
Administrative Officers	3,770	3,700	3,687	3,700	3,721
Ministerial Officers	190	183	202	202	194
Total	19,680	19,516	19,832	19,879	20,286

* Includes officers on secondment to other agencies. *Source: NSW Police Force 2012-2013 Annual Report.*

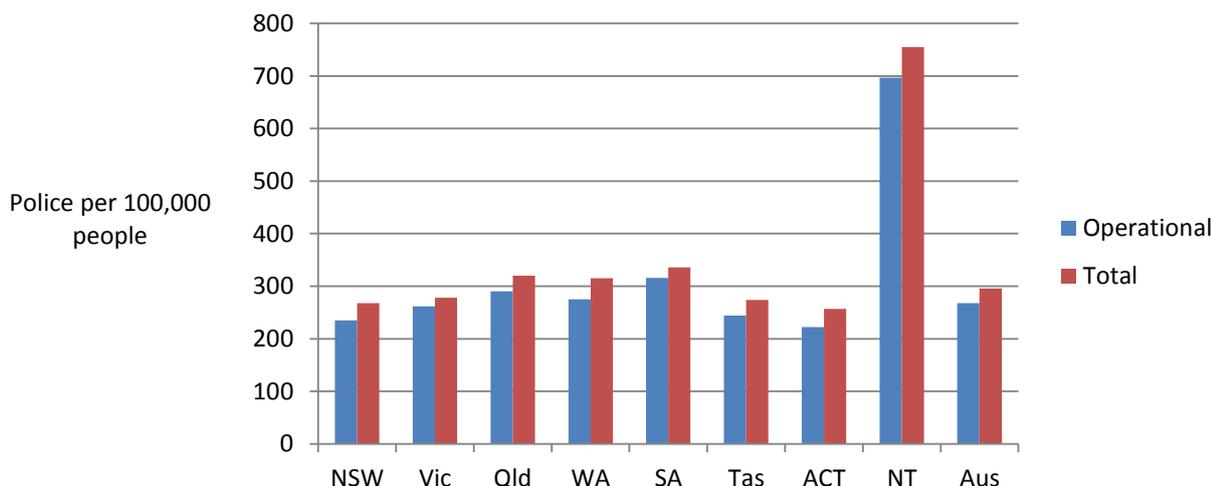
Table 10 and Figure 13 compare the number of operational police and total police staff per 100,000 people in 2012–13, in all States and Territories.²³

Table 10: Police staff per 100,000 people 2012–13*

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
Operational	235	262	290	275	316	244	222	697	268
Total	268	278	320	315	336	274	257	755	296

*Data are for Full Time Equivalent (FTE) staff, except in the NT where the data are based on a headcount at 30 June. *Source: Report on Government Services 2014*

Figure 13: Police staff per 100,000 people 2012/13



Source Report on Government Services 2014

²¹ [NSW Police Force 2012-2013 Annual Report p 84.](#)

²² [NSW Police Force 2012-2013 Annual Report p 32.](#)

²³ [Report on Government Services 2014 Chapter 6 p 6.5](#)

One way of measuring the effectiveness of policing is through recorded crime rates, although factors other than policing, such as youth unemployment rates and educational attainment, can influence crime rates. Other measures include response rates to emergency calls and rates of fatal accidents, although those measures can also be influenced by factors other than policing. Response rates to emergency calls can be influenced by such factors as weather and traffic conditions; while the rate of fatal accidents can be influenced by weather and road conditions and improved motor vehicle safety features. Subjective means, such as public opinion of the effectiveness of police and the safety of the community, can be influenced by media reporting and past personal experiences. The Police Force uses a broad range of measures, rather than relying on any single measure.²⁴

Table 11: Urgent response calls*

	2008–09	2009–10	2010–11	2011–12	2012–13
Urgent response calls	125,446	120,082	113,749	119,254	120,783
% attended within time [†]	78%	74%	80%	78%	78.1%

* Includes calls where there is an imminent threat to life or property. These can include calls to Triple Zero (000), calls to police stations or radio calls from police in the field. [†]The target for police response is to arrive at 80% of urgent duty jobs within 12 minutes. [Source: NSW Police Force 2012-2013 Annual Report.](#)

Table 12: Road fatalities

Year	Total fatalities		Fatalities per 100,000 registered vehicles*	
	NSW	Aus	NSW	Aus
2002-03	520	1 677	13.5	13.1
2003-04	545	1 595	13.8	12.1
2004-05	503	1 577	12.1	11.3
2005-06	536	1 647	12.6	11.5
2006-07	442	1 596	10.1	10.8
2007-08	376	1 489	8.3	9.7
2008-09	432	1 524	9.5	9.7
2009-10	445	1 401	9.5	8.7
2010-11	355	1 294	7.4	7.9
2011-12	386	1 279	7.9	7.6
2012-13	346	1 269	6.9	7.4

* Registered vehicles data have been used for earlier years and Motor Vehicle Census data have been used for the 2011-12 and 2012-13 years. Source: [Report on Government Services 2014](#)

²⁴ This is the approach taken by the NSW Police Force. See [NSW Police Force, Annual Report 2012–13](#), “How We Performed” pp 18-32.

Table 13: Public concern about crime and antisocial behaviour in local neighbourhoods: % of survey participants who responded there was a “major problem” or “somewhat of a problem” in their local neighbourhood

Concerned with ...	NSW										Australia	
	2008–09		2009–10		2010–11		2011–12		2012–13		2012–13	
	Lower/upper limit %*											
Speeding cars or dangerous drivers	71.6	74.3	72.1	75.4	69.5	74.4	65.9	71	53.9	61.3	59.7	62.5
Louts or gangs	39.1	42	37.4	41.1	33	38.2	29.3	34.4	23	29.5	22.6	25
Graffiti or other vandalism	54.3	57.3	55.4	59.1	52.2	57.6	46.7	52.2	40.9	47.9	41.4	44.1
Drunken or disorderly behaviour	47.7	50.7	47.2	51	38	43.4	40.8	46.2	36.4	43.7	35.2	37.9

Source: *NSW Police Force 2012-2013 Annual Report* (based on the National Survey of Community Satisfaction with Policing 2012/13)

* The percentage shown is the sum of respondents who consider the issue to be a “major problem” or “somewhat of a problem”. Results are presented as a range (the 95% confidence interval). This means there are 19 chances in 20 that the true value falls within the range.

Table 14: Feelings of safety: % of survey participants who responded feeling “very safe” or “safe” while on public transport at night, or walking or jogging at night

Feeling safe while ...	NSW										Australia	
	2008–09		2009–10		2010–11		2011–12		2012–13		2012–13	
	Lower/upper limit %*											
On public transport at night	43.4	47.2	41.9	45.8	41	45.1	40.5	44.6	42.3	47.5	44.4	48.9
Jogging or walking at night	61.3	64.4	60.9	64.1	53	56.4	56.8	60.1	55.8	60.1	56.8	60.3

Source: *NSW Police Force 2012-2013 Annual Report* (based on the National Survey of Community Satisfaction with Policing 2012/13). *The percentage shown is the sum of respondents who reported feeling “very safe” and “safe”. Results are presented as a range (a 95% confidence interval), meaning that there are 19 chances in 20 that the true value lies within the range.

Table 15: Community Confidence in Police: % of survey participants who responded “very satisfied/strongly agree” and “satisfied/agreed” when asked whether they were satisfied with or had confidence in police

Community view of police ...	NSW										Australia	
	2008–09		2009–10		2010–11		2011–12		2012–13		2012–13	
	Lower/upper limit %*											
Satisfaction with recent police contact	79.5	82.7	76.1	79.9	76.6	80.1	83.5	86.4	81.5	86.2	82.6	86.3
Have confidence in police	79.9	82.3	79.3	82.3	83	87	83.7	87.6	80.6	87.1	84.2	86.6

Source: *NSW Police Force 2012-2013 Annual Report* (based on the National Survey of Community Satisfaction with Policing 2012/13). *The percentage shown is the sum of “very satisfied/strongly agree” and “satisfied/agreed”. Results are presented as a range (95% confidence interval), meaning that there are 19 chances in 20 that the true value lies within the range.

5.1 Police diversion of juvenile offenders

Under the *Young Offenders Act 1997* police can divert young offenders from the Children's Court by issuing warnings and cautions, or referring them to a Youth Justice Conference. The principles that guide the operation of the Act are set out in s 7. They include:

- The least restrictive form of sanction is to be applied against a child who is alleged to have committed an offence, having regard to all the matters required to be considered under the Act: s 7(a).
- Criminal proceedings are not to be instituted against a child if there is an alternative and appropriate means of dealing with the matter: s 7(c).
- Criminal proceedings are not to be instituted against a child solely in order to provide any assistance or services needed to advance the welfare of the child or their family: s 7(d).
- If it is appropriate in the circumstances, children who are alleged to have committed an offence should be dealt with in their communities in order to assist their reintegration, and to sustain family and community ties: s 7(e).
- Parents are to be recognised and included in justice processes involving children and that parents are to be recognised as being primarily responsible for the development of children: s 7(f).
- The over-representation of Aboriginal and Torres Strait Islander children in the criminal justice system should be addressed by the use of Youth Justice Conferences, cautions and warning: s 7(h).

In 2012–13 the proportion of juvenile offenders diverted by police into diversionary programs varied across jurisdictions; although, within most jurisdictions, the proportion of juvenile offenders undergoing diversionary programs was relatively constant over time.²⁵

Table 16: Juvenile diversions by police as a proportion (%) of juvenile offenders who would otherwise have been proceeded against

Year	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
2008-09	51	40	47	47	52	61	47	41
2009-10	57	39	47	47	52	58	42	42
2010-11	57	33	44	49	51	60	38	49
2011-12	61	31	39	50	47	61	40	35
2012-13	n/a	29	36	47	49	60	38	28

Juvenile diversion is defined as juveniles who would otherwise be proceeded against (that is, taken to court) but who are diverted by police, as a proportion of all juvenile offenders formally dealt with by police. The term diverted includes diversion by way of: community conferences, diversionary conferences, formal cautioning by police, family conferences and other diversionary programs (for example, drug assessment/treatment). Offenders who would not normally be sent to court for the offence detected and are treated by police in a less formal manner (for example, by way of infringement notices) are excluded. Source: [Report on Government Services 2014](#)

²⁵ See also C Ringland and N Smith, *Police use of court alternatives for young persons in NSW (2013)* 167 *Crime and Justice Bulletin 1*; N Smith and D Weatherburn, *Youth Justice Conferences v Children's Court: A comparison of re-offending* (2012) 160 *Crime and Justice Bulletin 1*; and P Wagland, B Blanch and E Moore, *Participant Satisfaction with Youth Justice Conferencing* (2013) 170 *Crime and Justice Bulletin 1*.

SOURCES

NSW Police Force, [*NSW Police Force Annual Report 2012–2013*](#), Sydney.

N Smith and D Weatherburn, [*Youth Justice Conferences v Children’s Court: A comparison of re-offending*](#) (2012) 160 Crime and Justice Bulletin 1.

Steering Committee for the Review of Government Service Provision, [*Report on Government Services 2014*](#), Productivity Commission, Canberra.

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Young Offenders Act 1997

6. COURTS

6.1 Finalised defendants in NSW

In 2012–13 the number of finalised NSW defendants was 136,579, of whom 85% were proven guilty, 6% had their charges withdrawn by the prosecution and 5% were acquitted. The number of finalised defendants for 2012–13 represents an overall decrease of 6% from 2011–12, with male defendants decreasing by 5% and female defendants decreasing by 4%. NSW had the lowest proportion of female defendants (19%). Aboriginal and Torres Strait Islanders made up 14% of all finalised defendants. Custodial orders comprised 12.8% of sentence outcomes.

Table 17: Finalised defendants in all courts across Australia in 2012–13

Finalised defendants	NSW	Vic	Qld	SA	WA	TAS	NT	ACT	AUS
Number finalised*	136,579	99,233	162,217	47,161	82,749	14,907	13,941	4,767	561,554
Method of finalisation									
Acquitted	6,940	2,817	1,305	336	640	1,777	424	139	14,378
Proven guilty [†]	116,671	84,855	147,137	35,346	76,709	12,467	11,324	3,340	487,849
Transfer to other court levels	4,239	476	3,385	2,601	1,553	366	175	139	12,934
Withdrawn by prosecution	8,500	11,077	10,240	8,576	2,640	291	2,018	1,098	44,440
Sentence outcomes									
Custodial orders	14,985	9,754	12,831	4,395	5,977	2,094	4,329	517	54,882
Non-custodial orders	101,686	75,058	134,306	30,952	70,732	10,373	6,995	2,823	432,924

*Includes deceased defendants, defendants who were unfit to plead, transfers to non-court agencies, other non-adjudicated finalisations or defendants with an unknown adjudication. The figures do not enumerate unique persons or organisations. If a person or organisation is a defendant in a number of criminal cases dealt with and finalised separately by the courts, they will be counted more than once.

[†] Includes defendants for whom a principal sentence could not be determined. Source: [Australian Bureau of Statistics, Criminal Courts Australia 2012–13](#)

Table 18: Finalised defendants by court level in NSW in 2012–13

Finalised defendants	Higher Courts [§]	Local Courts	Children's Court	All Courts
Number of finalised defendants*	3,375	125,999	7,205	136,579
Type				
Male	90.3	78.8	80.5	79.2
Female	9.4	19.4	19.5	19.1
Organisation	0.4	1.5	0.0	1.4
Aboriginal / Torres Strait Islander status				
% Aboriginal or Torres Strait Islander	13.1	12.8	31.2	14.4
% Non-Indigenous	75.7	76.3	63.6	75.1
% Not stated	11.2	10.9	5.2	10.5
Method of finalisation:				
% Acquitted	7.7	4.9	7.4	5.1
% Proven guilty [†]	85.5	85.5	83.6	85.4
% Transfer to other court levels	0.5	3.3	1.4	3.1
% Withdrawn by prosecution	5	6.2	7.6	6.2
Sentence outcomes:				
% Custodial orders	91.4	10.7	13.7	12.8
% Non-custodial orders	8.6	89.3	86.3	87.2

* Includes deceased defendants, defendants who were unfit to plead, transfers to non-court agencies, other non-adjudicated finalisations or defendants with an unknown adjudication. The figures do not enumerate unique persons or organisations. If a person or organisation is a defendant in a number of criminal cases dealt with and finalised separately by the courts, they will be counted more than once. [†] Includes defendants for whom a principal sentence could not be determined. [§] Comprises defendants finalised in the original jurisdiction of the Supreme and intermediate criminal courts. Source: [Australian Bureau of Statistics, Criminal Courts Australia 2012–13](#).

6.1.1 Finalised defendants in the Higher Courts

There were 3,375 finalised defendants in the NSW Higher Courts in 2012–13. 90.3% were male and 9.4% were female. 13.1% were Aboriginal or Torres Strait Islanders. 85.5% were proven guilty. Custodial orders comprised 91.4% of sentence outcomes.

6.1.2 Finalised defendants in the Local Court

There were 125,999 finalised defendants in the NSW Local Courts in 2012–13. 78.8% were male and 19.4% were female. 12.8% were Aboriginal or Torres Strait Islanders. 85.5% were proven guilty. Custodial orders comprised 10.7% of sentence outcomes.

6.1.3 Finalised defendants in the Children's Courts

There were 7,205 finalised defendants in the NSW Children's Court in 2012–13. 80.5% were male and 19.5% were female. 31.2% were Aboriginal or Torres Strait Islanders. 83.6% were proven guilty. Custodial orders comprised 13.7% of sentence outcomes.

6.2 Charges, Bail and Penalties

6.2.1 Children's Court

In 2013 25,345 charges were determined in the NSW Children's Court. 79% were proven. The most frequently imposed penalty for a principal offence was a bond (31.3%), followed by a probation order (18.9%). 14.6% of principal offences were dismissed with a caution. Of all persons found guilty, 10.7% were sentenced to a control order; whereas 16.4% of all Aboriginal and Torres Strait Islander persons found guilty were sentenced to a control order.²⁶ The average duration of control orders for all offences was 4.3 months.

Table 19: Charges, Bail and Penalties: NSW Children's Court 2013

Table 19: Charges, Bail and Penalties: NSW Children's Court 2013	
Charges	
Number of charges determined	25,345
% proven	79%
Bail status	%
% of persons refused bail	12.6
% of persons granted bail	38.3
% of persons where bail not required or dispensed with	44.9
Most frequently imposed penalty for principal offence	
% of all principal penalties	%
Bond	31.3
Probation order	18.9
Other proven outcomes [†]	14.8
Dismissed with caution	14.6
Control orders	%
Persons sentenced to control order as a % of all persons found guilty	10.7
Aboriginal and Torres Strait Islander persons sentenced to a control order as a % of all Aboriginal and Torres Strait Islander persons found guilty	16.4

²⁶ Control orders are custodial orders made under s 33(1)(g) of the *Children (Criminal Proceedings) Act 1987*. Under s 33(1)(g)(i) the Children's Court may order that a juvenile offender be committed for a period not exceeding 2 years to a juvenile detention centre.

Table 19 (continued)	
Persons sentenced to control order as a % of all persons found guilty of robbery*	31.3
Persons sentenced to a control order as a % of all persons found guilty of intent/burglary, break and enter*	23.3
Persons sentenced to a control order as a % of all persons found guilty of motor vehicle theft and related offences*	14.3
Average duration of control orders (months) for robbery*	5.3
Average duration of control orders (months) for unlawful entry with intent/burglary, break and enter*	5.1
Average duration of control orders (months) for motor vehicle theft and related offences*	4
Average duration of control orders (months) for all offences	4.3
Average duration of control orders (months) imposed upon Aboriginal and Torres Strait Islander persons for robbery*	5.5
Average duration of control orders (months) imposed upon Aboriginal and Torres Strait Islander persons for unlawful entry with intent/burglary, break and enter*	5.4
Average duration of control orders (months) imposed upon Aboriginal and Torres Strait Islander persons for all offences	4.5

* Highest control order rates. † Other proven outcomes include: suspended sentences, dismissals after Youth Justice Conferences, nominal sentences, convictions without further penalty, no convictions recorded, and no action taken on breach of court orders. [Source: NSW Bureau of Criminal Statistics and Research, NSW Criminal Courts Statistics 2013, May 2014.](#)

6.2.2 Local Court

In 2013 248,389 charges were determined in the NSW Local Court. 79% were proven. The most frequently imposed penalties for a principal offence were: fines (40%), bonds without conviction (14%), bonds without supervision (14%) and imprisonment (8%). The average duration of sentences of imprisonment imposed by the Local Court was 5.6 months.

Table 20: Charges, Bail, Appearances and Penalties: NSW Local Court 2013		
Charges (total finalisations)		Number
Persons charged		109,155
Charges determined		248,389
Persons most frequently charged with		Number
Exceed prescribed content of alcohol or other substance limit		20,040
Common assault		15,543
Driver while licence disqualified or suspended		12,748
Possess illicit drugs		11,749
Outcome of charges		%
Proven		
- accused present		69
- conviction ex parte		10
Receiving other outcomes		21
Outcome of appearance		Number
Persons found guilty	97,373	89.2
Persons found guilty— Aboriginal and Torres Strait Islanders	14,869	86.1
Bail status		%
Persons refused bail		6.3
Persons granted bail		23.0
Persons where bail not required or dispensed with		68.2

Table 20 (Continued)		
Penalties		
Most frequently imposed principal penalty	Number	%
Fine	38,837	40
Bond without conviction	13,538	14
Bond without supervision	13,455	14
Imprisonment	7,403	8
Imprisonment	Number	%
Offences with the highest imprisonment rates:		
- breach of custodial order offences	n/a	54.2
- unlawful entry with intent/burglary, break and enter	n/a	49.7
- deal or traffic in illicit drugs	n/a	24.8
Highest number of persons sentenced to imprisonment:		
- Assault	1,347	n/a
- Driver licence offences	567	n/a
- Theft (excluding motor vehicles)	555	n/a
Imprisonment — Aboriginal and Torres Strait Islanders	Number	%
Number of persons sentenced to imprisonment	2,888	n/a
% of persons found guilty sentenced to imprisonment	n/a	19.4
Offences with the highest imprisonment rates:		
- Breach of custodial order offences	n/a	65.3
- Unlawful entry with intent/burglary, break and enter	n/a	63.4
- Motor vehicle theft and related offences	n/a	57.9
Highest number of persons sentenced to imprisonment:		
- Assault	642	n/a
- Unlawful entry with intent/burglary, break and enter	236	n/a
- Theft (except motor vehicles)	234	n/a
- Breach of community-based order	212	n/a
Average duration of imprisonment for offences with highest imprisonment rates	Months	
Breach of custodial order offences	4.8	
Unlawful entry with intent/burglar, break and enter	8.3	
Deal or traffic in illicit drugs	6.1	
All offences	5.6	
Average duration of imprisonment for offences with highest imprisonment rates — Aboriginal and Torres Strait Islanders	Months	
Breach of custodial order offences	4.9	
Unlawful entry with intent/burglary, break and enter	8.3	
Motor vehicle theft and related offences	6.6	
All offences	5.7	
Apprehended Violence Orders (AVOs) granted	Number	
Domestic AVOs	25,535	
Personal AVOs	6,022	
Bail Status	Number	%
Persons refused bail	6,832	6.3
Persons granted bail	24,735	23.0
Number of persons where bail not required or dispensed with	73,359	68.2

Source: NSW Bureau of Criminal Statistics and Research, NSW Criminal Courts Statistics 2013, revised edition

6.2.3 Higher Courts 2013

In 2013 18.8% of persons charged with an offence proceeded to trial before the Higher Courts and 74.6% proceeded to sentence only. The most frequently charged offences were: aggravated sexual assault; unlawful entry with intent/burglary, break and enter;

aggravated robbery; and deal or traffic in illicit drugs (non-commercial quantity). The most frequently imposed principal penalties were imprisonment (69.1%), suspended sentences (17.7%) and bonds (6.6%). The average duration of sentences of imprisonment for all offences was 29.8 months; for sexual assault 35.8 months; for unlawful entry with intent/burglary, break and enter, 19.8 months; for robbery 24.7 months; and for deal or traffic in illicit drugs 26.9 months.

% of persons charged with an offence proceeding to trial	%
Higher Courts	18.8
- Supreme Court	50
- District Court	17.8
- % of Aboriginal and Torres Strait Islander persons proceeding to trial (Higher Courts)	15.9
% of persons charged with an offence proceeded to sentence only	%
Higher Courts	74.6
- Supreme Court	43.2
- District Court	75.7
% of Aboriginal and Torres Strait Islander persons proceeding to sentence only (Higher Courts)	76.9
Most frequently charged with	Number
Aggravated sexual assault	2,193
Unlawful entry with intent/burglary, break and enter	1,154
Aggravated robbery	1,064
Deal or traffic in illicit drugs: non-commercial quantity	1,038
Most frequently imposed principal penalty	%
Imprisonment	69.1
Suspended sentence	17.7
Bond	6.6
Most frequently imposed principal penalty on Aboriginal and Torres Strait Islanders	%
Imprisonment	78.4
Suspended sentence	13.8
Bond	4.7
Average duration of imprisonment for most frequently charged offences	Months
All offences	29.8
Sexual assault	35.8
Unlawful entry with intent/burglary, break and enter	19.8
Robbery	24.7
Deal or traffic in illicit drugs	26.9
Bail status	%
% of persons refused bail	29.4
% of persons refused bail with guilty outcome	92.7
% of persons found guilty who had no prior proven offence in the previous 10 years	%
Average (all offences)	28
Highest ^T	
- Fraud, deception and related offences	74.2
- Sexual assault and related offences	56.3
Lowest ^S	
- Unlawful entry with intent/burglary, break and enter	10.4
- robbery, extortion and related offences	13.1

Table 21 (continued)	
Appeals	%
Against severity of sentence	
Appeals upheld for all matters	58.1
Appeals dismissed for all matters	31.9
Appeals against conviction and sentence	
Appeals upheld for all matters	23.2
Appeals dismissed for all matters	69
Appeals against inadequacy of sentence (Crown appeal)	
Appeals upheld for all matters	50
Appeals dismissed for all matters	40
Appeals against Apprehended Violence Orders	
Appeals upheld for all matters	24.9
Appeals dismissed for all matters	72.4

* "Higher Courts" refers to the NSW Supreme and District Courts. † Excludes offences with less than 100 persons convicted in the latest year. § Excludes offences with less than 50 persons convicted in the latest year. [Source: NSW Bureau of Criminal Statistics and Research, NSW Criminal Courts Statistics 2013, May 2014, Sydney.](#)

6.3 Diversion Schemes and Specialist Courts

6.3.1 Youth Justice Conferences

Youth Justice Conferences are a formal legal process based on the principles of restorative justice. They aim to help young offenders take responsibility for their own behaviour and to involve victims in decisions relating to crimes committed against them.²⁷ Conference outcomes can include an apology, reasonable reparation to victims, and steps to reconnect the young person with their community to help prevent further offending.

In 2012–13 there were 1,290 Youth Justice Conferences. 89.7% of the young offenders involved in these conferences completed the required tasks in their outcome plans.²⁸ A review of Youth Justice Conferencing by the Bureau of Crime Statistics and Research revealed that, overall, there is no difference in re-offending outcomes after conferencing, compared to court for eligible young people,²⁹ although there is evidence that both victims and offenders find the conference process satisfying and rewarding.³⁰ Further, when viewed in totality, the Youth Justice Conferencing Scheme is more cost effective than the Children's Court for comparable matters.³¹

²⁷ [NSW Government Department of Attorney General and Justice, Annual Report 2012–13](#), p 20.

²⁸ *ibid*, p 20. See also NSW Government, [Youth Justice Conferencing](#).

²⁹ N Smith and D Weatherburn, [Youth Justice Conferences v Children's Court: A comparison of re-offending](#) (2012) 160 Crime and Justice Bulletin 1 at 16.

³⁰ P Wagland, B Blanch and E Moore, [Participant Satisfaction with Youth Justice Conferencing](#) (2013) 170 Crime and Justice Bulletin 1 at 11–12.

³¹ A Webber, [Youth Justice Conference versus Children's Court: A comparison of cost-effectiveness](#) (2012) 164 Crime and Justice Bulletin 1 at 8.

6.3.2 Drug Courts

The [Drug Court of NSW](#) is a specialist court to which drug dependent offenders are referred by the Local Court and District Court. The Drug Court aims to address underlying drug dependency that has resulted in criminal offending by facilitating treatment programs as part of the court process.³²

The Drug Court has been operating since 1999. In 2013 a Drug Court was established at the Downing Centre in Sydney, complementing the Drug Courts in Parramatta and the Hunter Region.³³

An evaluation of the Drug Court by the Bureau of Crime Statistics and Research found that offenders who participated in the Drug Court program were:³⁴

- 17% less likely to be reconvicted for any offence,
- 30% less likely to be reconvicted for a violent offence, and
- 38% less likely to be reconvicted for a drug offence.

It has also been estimated that the Drug Court provides a net saving of \$1.758 million per year relative to conventional sanctions, and that its cost-effectiveness can be further improved.³⁵

6.3.3 Magistrates Early Referral Into Treatment Program (MERIT)

The [Magistrates Early Referral into Treatment \(MERIT\)](#) scheme operates in over 50 Local Courts. It is an early intervention (pre-plea) program that provides adult defendants who have substance abuse problems with the opportunity to access treatment and rehabilitation services whilst on bail.³⁶ From 1 July 2000 to 30 June 2011, a total of 25,714 defendants have been referred to MERIT. Of these, 16,046 (62%) were accepted into the program and a total of 10,156 (63% of acceptances) were recorded as having successfully completed it.³⁷ As Howard and Martie note:³⁸

³² *Drug Court Act 1998*, s 3; NSW Government Department of Attorney General and Justice, *Annual Report 2012–13*, p 22.

³³ NSW Government, Department of Attorney General and Justice, *Annual Report 2012–13*, p 22.

³⁴ D Weatherburn, C Jones, L Snowball and J Hua, *The NSW Drug Court: A re-evaluation of its effectiveness* (2008) 121 *Crime and Justice Bulletin* 1.

³⁵ C Jones, *Intensive judicial supervision and drug court outcomes: Interim findings from a randomised controlled trial* (2011) 152 *Crime and Justice Bulletin* 1 at 2; S Goodall, R Norman and M Haas, *The Costs of the NSW Drug Court* (2008) 122 *Crime and Justice Bulletin* 1.

³⁶ M Howard and K Martie, *Magistrates Early Referral Into Treatment: An overview of the MERIT program as at June 2011* (2012) *Crime Prevention Issues* 1. See also [Local Court Practice Note Crim 1— Case management of criminal proceedings in the Local Court](#) (Issued 4 April 2012); R Lulham, *The Magistrates Early Referral Into Treatment Program: Impact of program participation on reoffending by defendants with a drug use problem* (2009) 131 *Crime and Justice Bulletin* 1.

³⁷ M Howard and K Martie, *Magistrates Early Referral Into Treatment: An overview of the MERIT program as at June 2011* (2012) *Crime Prevention Issues* 1 at 2.

There are considerable differences between the principal penalty outcome for program completers and non-completers. For the 2008 cohort, the most common sentence outcome for MERIT program completers was a bond with supervision (18.2%) or a bond without supervision (17%). The most common sentence outcome for program non-completers was a fine (28.9%) or a term of imprisonment (18.6%).

Further, consistent with both its criminal justice and health objectives, MERIT has resulted in improved participant health outcomes and statistically significant reductions in recidivism.³⁹

6.3.4 Court Referral of Eligible Defendants into Treatment Program (CREDIT)

CREDIT is a court-based intervention program being trialled in Tamworth and Burwood Local Courts. CREDIT aims to reduce recidivism by encouraging and assisting defendants to engage in education, treatment or rehabilitation programs and receive social welfare support.⁴⁰ As part of the program case workers can assist defendants to access: accommodation; financial counselling; mental health assessment; suicide counselling; domestic violence or sexual assault support; drug and alcohol assessment and treatment; education, training or employment support; and disability services.⁴¹ CREDIT is rated highly by stakeholders and participants.⁴² However, a more recent study by BOCSAR found no evidence that CREDIT achieves its aim of reducing reoffending by treating underlying risk factors.⁴³

6.3.5 Forum Sentencing

Forum Sentencing is a diversionary, restorative justice-based scheme that involves bringing together at a conference the offender (who has either pleaded guilty or been found guilty), the victim(s) and a Forum facilitator. Together they develop an intervention plan for the offender.⁴⁴ If the court accepts the intervention plan, it may adjourn

³⁸ M Howard and K Martie, [Magistrates Early Referral Into Treatment: An overview of the MERIT program as at June 2011](#) (2012) Crime Prevention Issues 1 at 3.

³⁹ M Howard and K Martie, [Magistrates Early Referral Into Treatment: An overview of the MERIT program as at June 2011](#) (2012) Crime Prevention Issues 1 at 3–4.

⁴⁰ L Trimboli, [NSW Court Referral of Eligible Defendants into Treatment \(Credit\) pilot program: An evaluation](#) (2012) 159 Crime and Justice Bulletin 1.

⁴¹ NSW Government, Department of Attorney General and Justice, [CREDIT: Court Referral of Eligible Defendants into Treatment](#).

⁴² L Trimboli, [NSW Court Referral of Eligible Defendants into Treatment \(Credit\) pilot program: An evaluation](#) (2012) 159 Crime and Justice Bulletin 1 at 20–21.

⁴³ N Donnelly, L Trimboli and S Poynton, [Does CREDIT reduce the risk of re-offending](#) (2013) 169 Crime and Justice Bulletin 1 at 12–13.

⁴⁴ The Forum Sentencing Program is a “declared intervention program” under Part 4, Chapter 7, of the *Criminal Procedure Act 1986*, enacted by cl 55 of the *Criminal Procedure Regulation 2010*. See also Local Court Practice Note Crim 1.

proceedings or impose a non-custodial sentence in order to enable the intervention plan to be completed.⁴⁵ If a final sentence has not been imposed, the completion of an intervention plan can be taken into account upon sentence.⁴⁶

The objectives of the Forum Sentencing program explicitly include reducing re-offending.⁴⁷ However, a study of 552 matched offenders found that there was no evidence that offenders referred to Forum Sentencing were less likely to re-offend than offenders who were dealt with through the normal sentencing sources.⁴⁸

6.3.6 Youth Drug and Alcohol Court

In 2000, following the 1999 Drug Summit, the Government established the Youth Drug and Alcohol Court:⁴⁹

The Government proposes that the model for the Youth Drug Court will combine intensive judicial supervision and case management of young offenders who are charged with criminal offences that result from drug misuse. These young people will be referred into programs aimed at eliminating or reducing their drug misuse and related criminal behaviour and increasing their ability to function as law abiding members of the community.

Despite a promising early evaluation, the Youth Drug and Alcohol Court remained an indefinite pilot program.⁵⁰ On 1 July 2012 the program was discontinued.⁵¹

6.3.7 Cedar Cottage

Cedar Cottage was established under the *Pre-Trial Diversion of Offenders Act 1985* and the *Pre-Trial Diversion of Offenders Regulation 2005*. Its purpose was to protect children who were the victims of sexual assault by a parent (or the parent's spouse or de facto partner), who was assessed as being at low-risk of reoffending. This purpose was to be achieved by helping families resolve the psychological trauma they suffered, teaching families how to change relationship dynamics and helping offenders change their

⁴⁵ *Crimes (Sentencing Procedure) Act 1999*, ss [9](#) – [12](#).

⁴⁶ Local Court Practice Note Crim 1 at 13.5(d).

⁴⁷ *Criminal Procedure Regulation 2010* cl 61(g).

⁴⁸ S Poynton, [Rates of recidivism among offenders referred to Forum Sentencing](#) (2013) 172 *Crime and Justice Bulletin* 1 at 11.

⁴⁹ NSW Drug Summit 1999 — Government Plan of Action, cited in S Turner, [The NSW Youth Drug and Alcohol Court Program: A Decade of Development](#) (2011) 37(1) *Monash Law Review* 280 at 281

⁵⁰ S Turner, [The NSW Youth Drug and Alcohol Court Program: A Decade of Development](#) (2011) 37(1) *Monash Law Review* 280

⁵¹ Editorial, [Quiet Death of the Youth Drug Court](#), The Sydney Morning Herald, 9 July 2012; [Youth Drug Court closure sparks debate](#), 3/7/2012, 7.30 program, ABC; [Anger as NSW axes Youth Drug Court](#), 3/7/2012, ABC News; Council of Social Services of NSW's Youth Justice Coalition, [Government's short-sighted cost-cutting trumps rehabilitation of young offenders](#), 5/7/2012

behaviour.⁵² Cedar Cottage ceased operation on 1 September 2012, when the *Pre-Trial Diversion of Offenders Regulation 2005* lapsed. As the NSW Parliament's Joint Select Committee on Sentencing of Child Sexual Assault Offenders said, the Cedar Cottage program was discontinued:⁵³

... despite the findings of two independent evaluations of the program, which recommended its expansion. The evaluations concluded that diversion from standard prosecution increased protection for victims and their families by dramatically reducing risks of reoffending by low-risk sex offenders.

⁵² Parliament of NSW, Joint Select Committee on Sentencing of Child Sexual Assault Offenders, [Every Sentence Tells a Story — Report on Sentencing of Child Sexual Assault Offenders](#), 2014, Sydney, at 6.13

⁵³ Parliament of NSW, Joint Select Committee on Sentencing of Child Sexual Assault Offenders, [Every Sentence Tells a Story — Report on Sentencing of Child Sexual Assault Offenders](#) at 6.14, citing: L Butler and J Goodman-Delahunty, *Effectiveness of Pretrial Community-Based Diversion in Reducing Reoffending by Adult Intrafamilial Child Sex Offenders*, (2012) 39 *Criminal Justice and Behaviour* 493-513. See also NSW Government, Department of Health, Western Sydney Local Health District, [Cedar Cottage — Evaluation of the Program](#).

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S Turner, [The NSW Youth Drug and Alcohol Court Program: A Decade of Development](#) (2011) 37(1) *Monash Law Review* 280

P Wagland, B Blanch and E Moore, [Participant Satisfaction with Youth Justice Conferencing](#) (2013) 170 *Crime and Justice Bulletin* 1 at 11–12;

A Webber, [Youth Justice Conference versus Children's Court: A comparison of cost-effectiveness](#) (2012) 164 *Crime and Justice Bulletin* 1 at 8.

[Youth Drug Court closure sparks debate](#), 3/7/2012, 7.30, ABC

7 CORRECTIONS

Custodial and non-custodial (community-based) sentences imposed by the courts are administered by Corrective Services NSW, in line with the objectives of the *Crimes (Administration of Sentences) Act 1999*, which include:⁵⁴

(a) to ensure that those offenders who are required to be held in custody are removed from the general community and placed in a safe, secure and humane environment,

(b) to ensure that other offenders are kept under supervision in a safe, secure and humane manner,

...

(d) to provide for the rehabilitation of offenders with a view to their reintegration into the general community.

7.1 Community-based orders

In 2012–13 Community Corrections NSW managed over 16,000 offenders on community-based orders. Community-based orders include Home Detention, Community Service Orders, Parole Orders, Probation Orders, Intensive Correction Orders and Extended Supervision Orders.

Table 22 details the percentage of community-based orders that were completed successfully in NSW in the years 2008–09 to 2012–13, and the national average for each order for 2011–12.

Order	2008–09	2009–10	2010–11	2011–12	2011–12 National average	2012–13
Restricted movement*	79.7	82.9	86.9	90.2	83.7	88.5
Reparation†	82.3	83.2	84.2	83.1	66.3	81.3
Supervision§	79.3	80.6	80.1	78.8	73.5	76.9
Total % of completion	80.0	81.3	81.1	79.7	71.2	77.7

* Home detention † Community Service Orders § Parole Orders, Probation Orders, Intensive Correction Orders, Extended Supervision Orders. [Source: NSW Government Department of Attorney General and Justice, *Annual Report 2012–2013*.](#)

⁵⁴ *Crimes (Administration of Sentences) Act 1999*, [s 2A\(1\)](#).

Tables 23–29 detail, from 2008–09 to 2012–13, the numbers of community-based orders by type and collectively. Overall, there has been a decrease in the use of community-based orders made. The use of Home Detention Orders decreased from a monthly average of 175 in 2008–2009 to 84 in 2012–13. Community Service Orders use decreased from a monthly average of 4,088 in 2008–2009 to 2,692 in 2012–13. The use of Parole Orders increased from a monthly average of 4,295 in 2008–09 to 4,530 in 2012–13. Probation Orders use decreased from a monthly average of 11,131 in 2008–2009 to 9,549 in 2012–13. The use of Intensive Corrections Orders increased from 633 in 2011–12 to 948 in 2012–13. The use of Extended Supervision Orders increased from 12 in 2008–2009 to 40 in 2012–13.

Table 23: Number of community-based orders 2008–09 to 2012–13

Service measure	2008–09	2009–10	2010–11	2011–12	2012–13
Restricted movement*	175	148	126	92	84
Reparation†	4,088	4,139	3,435	2,831	2,692
Supervision§	15,109	14,602	13,623	14,393	14,634
Total offenders¶	18,123	17,683	16,217	16,373	16,411

* Home Detention. † Community Service Orders. § Supervision includes parole, probation, Drug Court, Intensive Correction Orders and Extended Supervision Orders. As an individual offender may have an order in more than one category, this total figure is not equal to the sum of the individual order categories. [Source: NSW Government Department of Attorney General and Justice, Annual Report 2012–2013.](#)

Table 24: Home detention (restricted movement) 2008–09 to 2012–13

Service measure	2008–09	2009–10	2010–11	2011–12	2012–13
Monthly average supervised	175	148	126	92	84
Change (%)	15.1	-15.4	-14.9	-27.0	-8.7
Annual caseload intake	361	298	236	189	152
Change (%)	24.5	-17.5	-20.8	-19.9	-19.6

[Source: NSW Government Department of Attorney General and Justice, Annual Report 2012–2013.](#)

Table 25: Community Service Orders (reparation) 2008–09 to 2012–13

Service measure	2008–09	2009–10	2010–11	2011–12	2012–13
Monthly average supervised	4,088	4,139	3,435	2,831	2,692
Change (%)	0.9	1.2	-17.0	-17.6	-4.9
Annual caseload intake	5,770	5,436	4,465	4,073	4,071
Change (%)	8.7	-5.8	-17.9	-8.8	0.0

Source: NSW Government Department of Attorney General and Justice, Annual Report 2012–2013

Table 26: Parole Orders (supervision) 2008–09 to 2012–13

Service measure	2008–09	2009–10	2010–11	2011–12	2012–13
Monthly average supervised	4,295	4,309	4,314	4,416	4,530
Change (%)	3.7	0.3	0.1	2.4	2.6
Annual caseload intake	5,940	6,324	6,156	6,191	6,218
Change (%)	7.5	6.5	-2.7	0.6	0.4

Source: NSW Government Department of Attorney General and Justice, Annual Report 2012–2013.

Table 27: Probation Orders (supervision) 2008–09 to 2012–13

Service measure	2008–09	2009–10	2010–11	2011–12	2012–13
Monthly average supervised	11,131	10,600	9,479	9,683	9,549
Change (%)	-0.9	-4.8	-10.6	2.2	-1.4
Annual caseload intake	15,991	14,933	14,316	14,321	13,820
Change (%)	4.3	-6.6	-4.1	0.0	-3.5

Source: NSW Government Department of Attorney General and Justice, Annual Report 2012–2013.

Table 28: Intensive Correction Orders 2010–11 to 2012–13

Service measure	2010–11*	2011–12	2012–13
Average supervised	118	633	948
Change (%)	N/A	N/A	49.8
Caseload intake	372	948	993
Change (%)	N/A	N/A	4.1

* Intensive Correction Orders were introduced in October 2010. [Source: NSW Government Department of Attorney General and Justice, Annual Report 2012–2013.](#)

Table 29: Extended Supervision Orders 2008–09 to 2012–13

Service measure	2008–09	2009–10	2010–11	2011–12	2012–13
Average supervised	12	25	29	37	40
Change (%)	N/A	108.3	16.0	27.6	8.1
Caseload intake	33	23	19	22	10
Change (%)	N/A	-30.3	-17.4	15.8	-54.5

[Source: NSW Government Department of Attorney General and Justice, Annual Report 2012–2013.](#)

7.1.1 The impact of Intensive Correction Orders on recidivism

The [Crimes \(Sentencing Legislation\) Amendment \(Intensive Correction Orders\) Act 2010](#)⁵⁵ introduced the new sentencing option of Intensive Correction Orders (ICOs), and removed periodic detention as a sentencing option. As explained in the Bill's [Second Reading Speech](#):⁵⁶

The bill introduces a new sentencing option—the intensive correction order—designed to reduce an offender's risk of re-offending through the provision of intensive rehabilitation and supervision in the community.

A recent study by the Bureau of Crime Statistics and Research matched offenders who

⁵⁵ Date of commencement, Sch 3 excepted, 1.10.2010, sec 2 and 2010 (532) LW 17.9.2010.

⁵⁶ The Honourable J Hatzistergos, Attorney General, [Second Reading Speech, Crimes \(Sentencing Legislation\) Amendment \(Intensive Correction Orders\) Bill 2010](#), Hansard, Legislative Council, 22 June 2010.

received an ICO with two comparable groups of offenders, one receiving periodic detention and the other receiving suspended sentences with supervision.⁵⁷ The study found no significant difference in re-offending between those offenders who received ICOs and supervised suspended sentences.⁵⁸ There was tentative evidence that offenders on ICO's had a 33% less risk of reoffending compared with offenders who received periodic detention.⁵⁹

7.1.2 Community Service Orders and bonds

The Bureau of Crime Statistics and Research investigated the relative effects of Community Service Orders (CSO) and bonds on recidivism.⁶⁰ The results of the study suggest that offenders on CSOs are less likely to reoffend than offenders on bonds issued under s 9 of the *Crimes (Sentencing Procedure) Act 1999*.⁶¹ That offenders on CSOs were less likely to reoffend than offenders on bonds may be due to the new skills they learned, which helped their re-integration into society; and the opportunity to engage with their local community (and the sense of purpose this can provide).⁶² Further, offenders on CSOs perform around \$12 million worth of unpaid work for 1,600 non-profit organisations.⁶³

7.2 Imprisonment

7.2.1 Number of prisoners

As at 30 June 2013: New South Wales had 9,897 prisoners, the largest prisoner population in Australia (32% of the Australian prisoner population). Male prisoners (9,216) comprised 93% of the NSW prison population. The median age of prisoners in New South Wales was 34.2 years. Aboriginal and Torres Strait Islanders comprise an estimated 2.9% of the NSW population and 23% of the NSW prison population. 75% of prisoners were born in Australia, followed by 3% being born in New Zealand.

⁵⁷ C Ringland and D Weatherburn, [The Impact of intensive correction orders on re-offending](#) (2013) 176 Crime and Justice Bulletin 1.

⁵⁸ Ibid at 1 and 12. Initially there was a statistically significant difference but when the offenders were matched on all variables the difference disappeared.

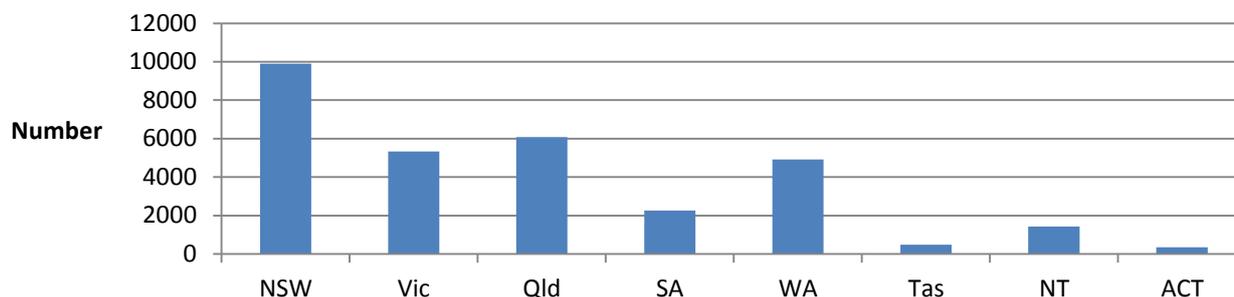
⁵⁹ Ibid at 1 and 12. The authors (at 12–13) emphasised the preliminary and qualified nature of this finding.

⁶⁰ L Snowball and L Bartels, [Community Service Orders and Bonds: A comparison of reoffending](#) (2013) 171 Crime and Justice Bulletin 1.

⁶¹ Ibid at 10.

⁶² Ibid at 10, discussing submissions made to the New South Wales Law Reform Commission by the Police Association of NSW and the Public Defenders.

⁶³ Ibid at 10, discussing a submission to the New South Law Reform Commission by Corrective Services NSW.

Figure 14: Number of prisoners by jurisdiction as at 30 June 2013

Source: Australian Bureau of Statistics, *Prisoners in Australia 2013*

Between 30 June 2012 and 30 June 2013: The prisoner population increased in all States and Territories, except Western Australia and Tasmania. The largest increases in prisoner numbers were in Queensland (483), Victoria (456) and New South Wales (252 or 3%). The male prisoner population in New South Wales increased by 239 persons (3%), while the female prisoner population increased by 13 persons (2%).

Figures to September 2014 and projections to March 2015: In April 2014 the NSW prison population reached a record high of 10,825 inmates, after rising about 13% since late September 2012.⁶⁴ It decreased to 10,426 inmates in September 2014.⁶⁵ Factors thought to be responsible for the overall rise in the prison population include higher rates of arrest for serious crime and an increase in the proportion of convicted offenders given a prison sentence.⁶⁶ The NSW Bureau of Crime Statistics and Research explains:⁶⁷

The rapid rise in the NSW prison population over the past decade has occurred against the backdrop of an aging population and dramatic falls in the incidence of most major categories of crime. Imprisonment rates are not driven solely by conditions external to the justice system. They are very strongly affected by factors such as policing, bail and penal policy.

For instance, one factor that appears to have contributed to the increase in the prison population is the introduction and prolific use of suspended sentences.⁶⁸ This outcome is

⁶⁴ D Weatherburn, *Why is the NSW prison population growing?* (2014) 95 Crime and Justice Statistics 1 at 1; and NSW Bureau of Crime Statistics and Research, *NSW Custody Statistics Quarterly Update — September 2014*. Dr Weatherburn's article states that the prison population peaked at 10,917 but the peak figure is subsequently reported to be 10,825 in the Bureau's *Quarterly Update – September 2014*. The revised figure has been used in this paper.

⁶⁵ NSW Bureau of Crime Statistics and Research, *NSW Custody Statistics Quarterly Update September 2014*.

⁶⁶ D Weatherburn, *Why is the NSW prison population growing?* (2014) 95 Crime and Justice Statistics 1 at 1.

⁶⁷ D Weatherburn, *Why is the NSW prison population growing?* (2014) 95 Crime and Justice Statistics 1 at 6.

⁶⁸ P Menendez and D Weatherburn, *The effect of suspended sentences on imprisonment* (2014) 97 Crime and Justice Statistics 1.

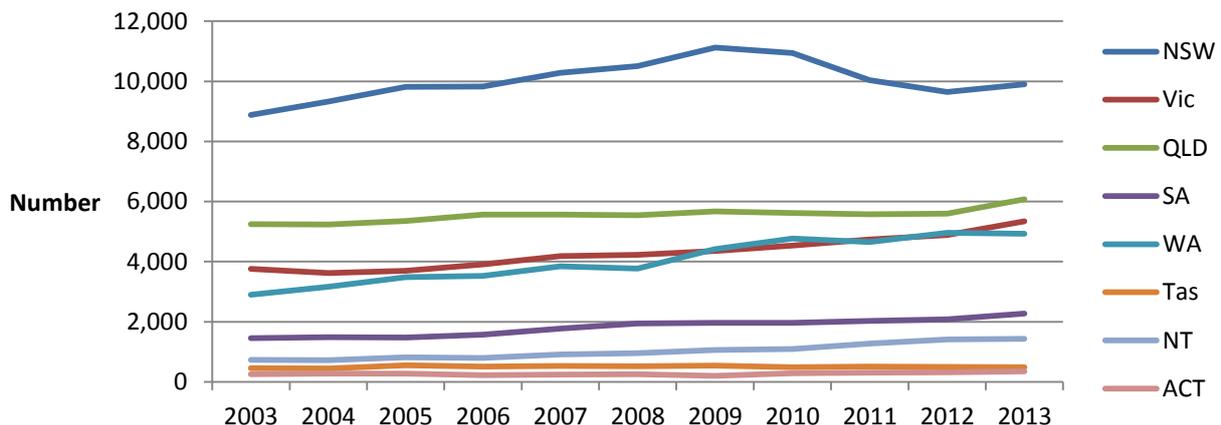
counterintuitive, as suspended sentences were introduced as an alternative to prison. But, as Menendez and Weatherburn state, their empirical analysis suggests that:⁶⁹

one way of reducing the rate of imprisonment is to abolish or curtail the use of suspended sentences in favour of sanctions (e.g. community service orders) that, if breached, do not automatically result in imprisonment.

The NSW Bureau of Crime Statistics and Research predicted in March 2014 that, other things being equal, the NSW prison population will increase by 17%, to approximately 12,500 inmates by 31 March 2015.⁷⁰ As the Bureau notes, if changes to bail and sentencing laws lead to courts reducing the number of defendants granted bail and/or increasing the length of gaol terms, the prison population may rise faster than predicted.⁷¹

Over 2003–2013: Figures 15–18 detail prisoner populations and imprisonment rates across jurisdictions over 2003 – 2013. Additionally, the percentage of Aboriginal and Torres Strait Islander prisoners across jurisdictions over 2003–2013 is depicted in Figure 19. Figure 20 compares the imprisonment rates for Indigenous and non-Indigenous persons in NSW from 2003—2013. The imprisonment rates have been statistically standardised to take account of differences in the age distribution of the Indigenous and non-Indigenous populations.⁷² The percentage of NSW prisoners with prior known imprisonment is depicted in Figure 21 and the median age of NSW prisoners is depicted in Figure 22.

Figure 15: Number of prisoners across jurisdictions, 2003 – 2013*



* As described above, the NSW prison population was 10,426 in September 2014, after reaching a peak of 10,825. Source: Australian Bureau of Statistics, *Prisoners in Australia 2013*; NSW Bureau of Crime Statistics and Research, *NSW Custody Statistics Quarterly Update September 2014*.

⁶⁹ Ibid at 5.

⁷⁰ D Weatherburn, *Why is the NSW prison population growing?* (2014) 95 Crime and Justice Statistics 1at 6.

⁷¹ D Weatherburn, *Why is the NSW prison population growing?* (2014) 95 Crime and Justice Statistics 1at 6.

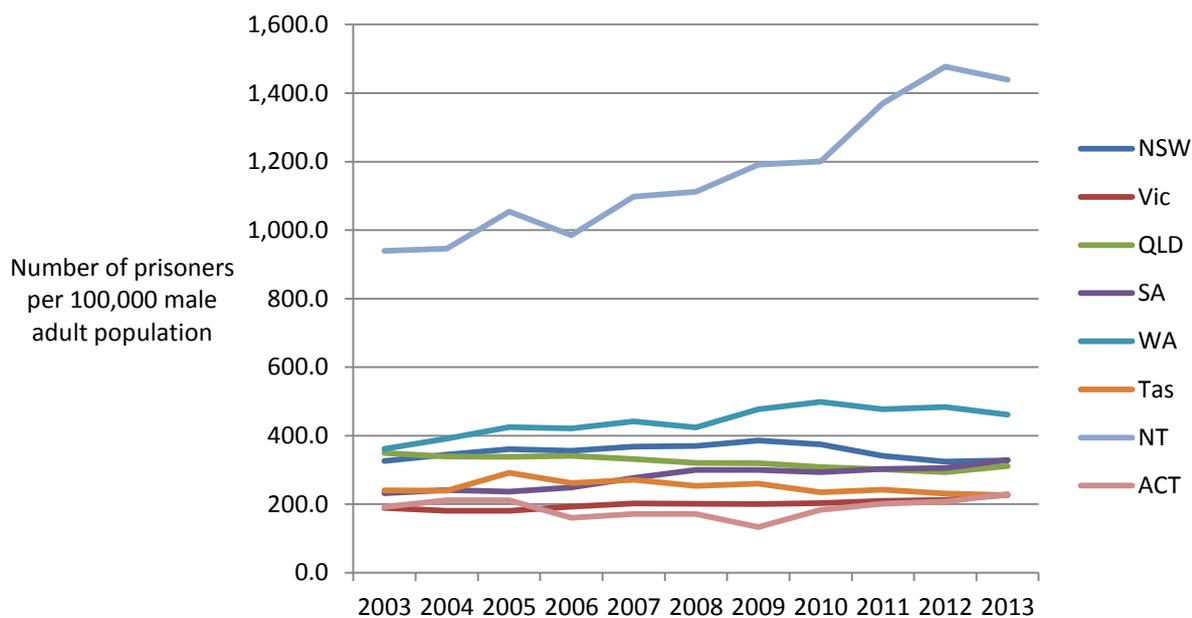
⁷² Australian Bureau of Statistics, *Prisoners in Australia 2013, Explanatory Notes*, 2014, Canberra.

Figure 16: % change in prison population figures across jurisdiction from 2003 – 2013



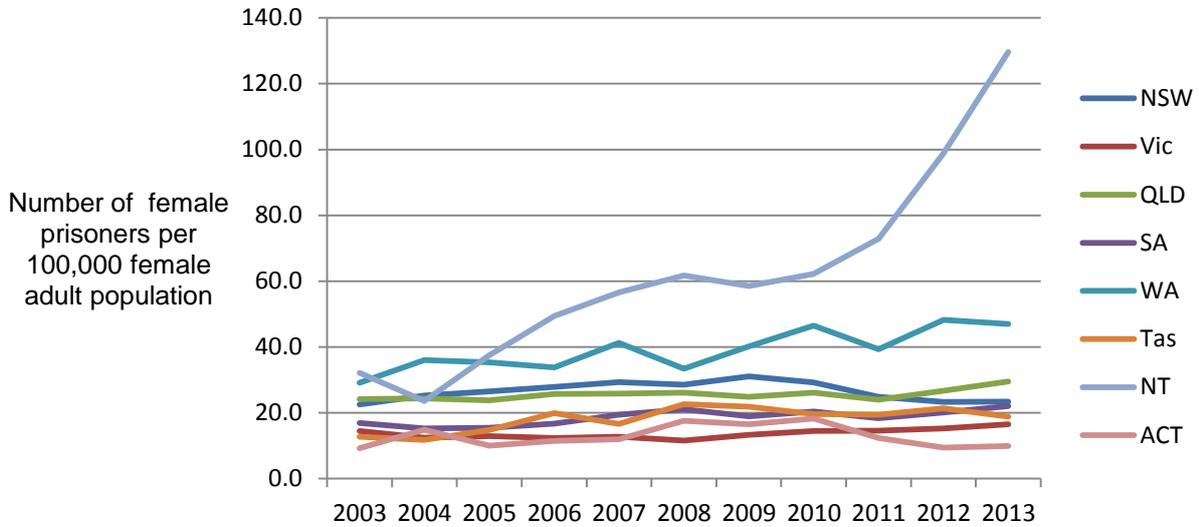
Source: Australian Bureau of Statistics, *Prisoners in Australia 2013*

Figure 17: Male imprisonment rates across jurisdictions, 2003–2013



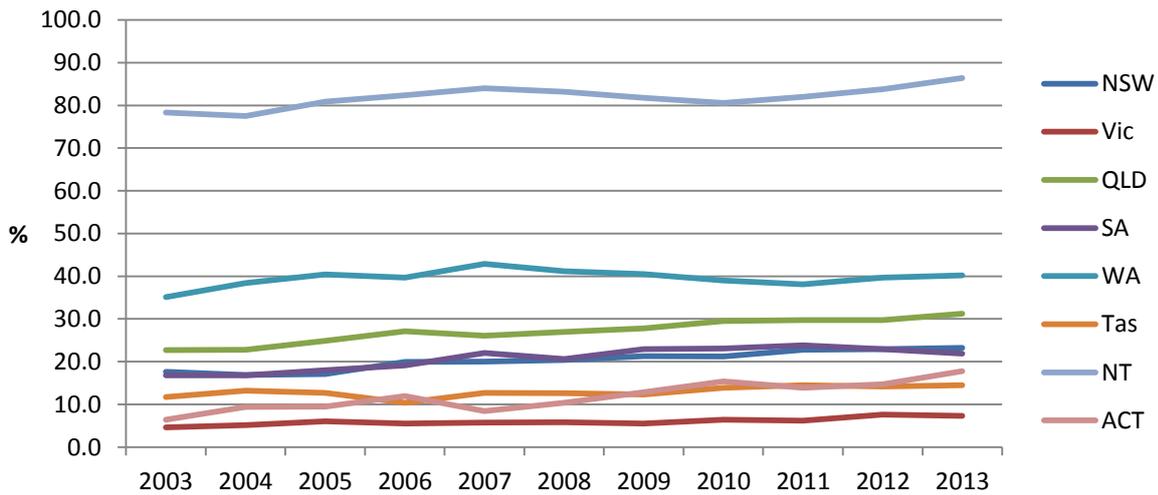
Source: Australian Bureau of Statistics, *Prisoners in Australia 2013*

Figure 18: Female imprisonment rates across jurisdictions 2003–2013



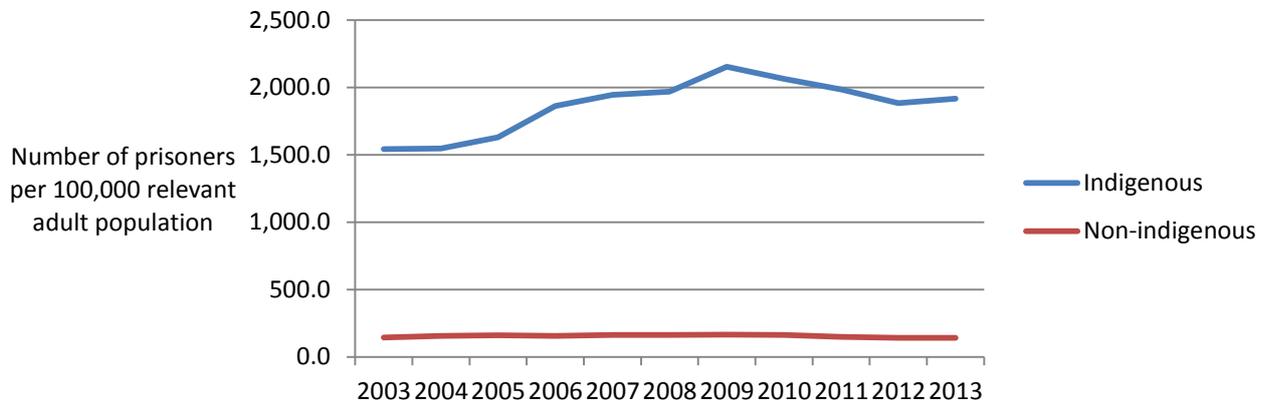
Source: Australian Bureau of Statistics, *Prisoners in Australia 2013*

Figure 19: Indigenous (ATSI) prisoners as a % of prisoner populations across jurisdictions, 2003–2013



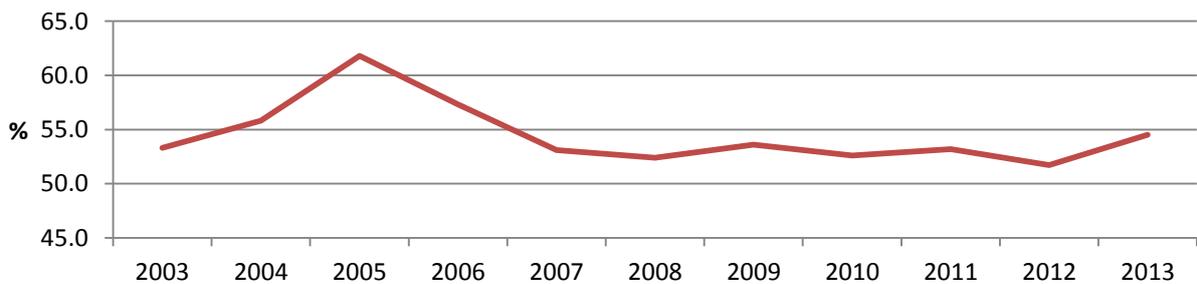
Source: Australian Bureau of Statistics, *Prisoners in Australia 2013*

Figure 20: Age-standardised imprisonment rates for Indigenous and non-Indigenous persons, NSW 2003–2013



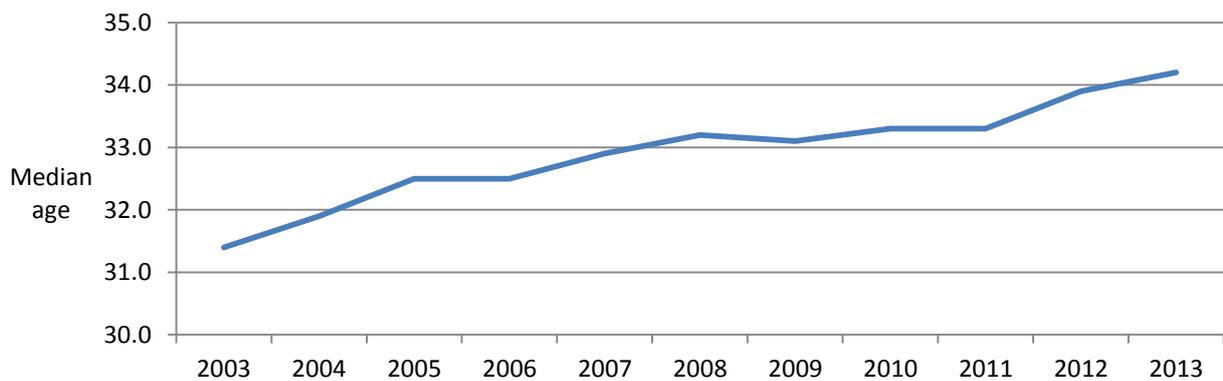
Source: Australian Bureau of Statistics, *Prisoners in Australia 2013*

Figure 21: % of NSW prisoner population with prior known imprisonment, 2003 – 2013



Source: Australian Bureau of Statistics, *Prisoners in Australia 2013*

Figure 22: Median age of NSW Prison Population 2003–2013



Source: Australian Bureau of Statistics, *Prisoners in Australia 2013*

7.2.2 Profile of offenders held in NSW Correctional Centres

Table 30: Number of offenders (by age, sex and Aboriginal and Torres Strait Islander (ATSI) status) held in NSW Correctional Centres as at 19 May 2014

Current age	Male		Female		Total		TOTAL
	ATSI	Non-ATSI	ATSI	Non-ATSI	ATSI	Non-ATSI	
Under 18	13	5	—	—	13	5	18
18	31	43	1	2	32	45	77
19	72	109	4	7	76	116	192
20	97	141	3	9	100	150	250
21–22	191	406	13	13	204	419	623
23–24	214	497	18	26	232	523	755
25–29	509	1199	62	84	571	1283	1854
30–34	419	1298	58	87	477	1385	1862
35–39	290	1151	33	77	323	1228	1551
40–44	251	1011	33	80	284	1091	1375
45–49	126	656	15	54	141	710	851
50–54	61	449	9	34	70	483	553
55–59	22	326	4	27	26	353	379
60–64	22	193	—	6	22	199	221
65+	6	223	—	8	6	231	237
Total	2,324	7,707	253	514	2,577	8,221	10,798

Source: Correspondence from Corrective Services NSW dated 27 May 2014

Table 31: % of offenders (by age, sex and Aboriginal and Torres Strait Islander (ATSI) status) held in NSW Correctional Centres as at 19 May 2014

Current age	Male		Female		Total		TOTAL
	ATSI	Non-ATSI	ATSI	Non-ATSI	ATSI	Non-ATSI	
Under 18	0.6	0.1	—	—	0.5	0.1	0.2
18	1.3	0.6	0.4	0.4	1.2	0.5	0.7
19	3.1	1.4	1.6	1.4	2.9	1.4	1.8
20	4.2	1.8	1.2	1.8	3.9	1.8	2.3
21–22	8.2	5.3	5.1	2.5	7.9	5.1	5.8
23–24	9.2	6.4	7.1	5.1	9.0	6.4	7.0
25–29	21.9	15.6	24.5	16.3	22.2	15.6	17.2
30–34	18.0	16.8	22.9	16.9	18.5	16.8	17.2
35–39	12.5	14.9	13.0	15.0	12.5	14.9	14.4
40–44	10.8	13.1	13.0	15.6	11.0	13.3	12.7
45–49	5.4	8.5	5.9	10.5	5.5	8.6	7.9
50–54	2.6	5.8	3.6	6.6	2.7	5.9	5.1
55–59	0.9	4.2	1.6	5.3	1.0	4.3	3.5
60–64	0.9	2.5	—	1.2	0.9	2.4	2.0
65+	0.3	2.9	—	1.6	0.2	2.8	2.2
Total	100						

Source: Correspondence from Corrective Services NSW dated 27 May 2014

Table 32: Number of offenders held in NSW Correctional Centres as at 19 May 2014 (by Local Government Area of last known address, sex and Aboriginal and Torres Strait Islander (ATSI) status)

Local Government Area	Male		Female		Total		TOTAL
	ATSI	Non-ATSI	ATSI	Non-ATSI	ATSI	Non-ATSI	
Albury	18	66	3	2	21	68	89
Armidale Dumaresq	34	22	2	0	36	22	58
Ashfield	6	23	0	1	6	24	30
Auburn	5	119	1	8	6	127	133
Ballina	17	30	0	1	17	31	48
Balranald	3	1	0	0	3	1	4
Bankstown	23	289	4	10	27	299	326
Bathurst Regional	18	38	5	2	23	40	63
Bega Valley	9	21	1	1	10	22	32
Bellingen	3	13	0	0	3	13	16
Berrigan	1	1	0	1	1	2	3
Blacktown	135	396	16	22	151	418	569
Bland	3	5	1	0	4	5	9
Blayney	2	2	0	1	2	3	5
Blue Mountains	8	51	0	4	8	55	63
Bogan	8	5	1	0	9	5	14
Bombala	1	1	0	1	1	2	3
Botany Bay	8	38	1	2	9	40	49
Bourke	51	1	6	0	57	1	58
Broken Hill	33	18	5	0	38	18	56
Burwood	0	37	1	3	1	40	41
Byron	1	22	0	1	1	23	24
Cabonne	0	3	0	0	0	3	3
Camden	5	36	2	2	7	38	45
Campbelltown	73	321	10	17	83	338	421
Canada Bay	2	49	0	2	2	51	53
Canterbury	9	217	2	11	11	228	239
Central Darling	12	0	1	0	13	0	13
Cessnock	14	72	7	6	21	78	99
Clarence Valley	36	52	1	3	37	55	92
Cobar	5	2	0	0	5	2	7
Coffs Harbour	35	62	3	3	38	65	103
Cooma-Monaro	4	15	0	2	4	17	21
Coonamble	19	3	0	0	19	3	22
Cootamundra	3	8	0	0	3	8	11
Corowa Shire	0	8	0	0	0	8	8
Cowra	5	9	1	1	6	10	16
Deniliquin	3	6	0	0	3	6	9
Dubbo	75	25	5	1	80	26	106
Dungog	1	9	0	0	1	9	10
Eurobodalla	20	41	2	7	22	48	70
Fairfield	32	355	7	38	39	393	432
Forbes	6	6	0	1	6	7	13
Gilgandra	7	2	2	0	9	2	11
Glenn Innes Severn	5	8	4	1	9	9	18
Gloucester	0	2	0	0	0	2	2

Local Government Area	Male		Female		Total		TOTAL
	ATSI	Non-ATSI	ATSI	Non-ATSI	ATSI	Non-ATSI	
Gosford	33	147	2	9	35	156	191
Goulburn Mulwaree	6	36	1	1	7	37	44
Great Lakes	15	25	3	1	18	26	44
Greater Hume Shire	1	3	0	0	1	3	4
Greater Taree	48	44	0	3	48	47	95
Griffith	17	30	1	0	18	30	48
Gundagai	0	4	0	0	0	4	4
Gunnedah	14	10	1	0	15	10	25
Guyra	2	2	0	0	2	2	4
Gwydir	1	2	0	0	1	2	3
Harden	0	2	0	0	0	2	2
Hawkesbury	11	54	2	5	13	59	72
Hay	1	3	0	0	1	3	4
Holroyd	25	141	1	13	26	154	180
Hornsby	4	25	1	1	5	26	31
Hunters Hill	2	4	0	1	2	5	7
Hurstville	12	96	2	8	14	104	118
Inverell	20	18	4	0	24	18	42
Junee	0	4	0	0	0	4	4
Kempsey	72	45	4	1	76	46	122
Kiama	0	12	0	1	0	13	13
Kogarah	2	32	1	2	3	34	37
Ku-ring-gai	0	20	0	2	0	22	22
Kyogle	4	5	0	0	4	5	9
Lachlan	9	3	0	1	9	4	13
Lake Macquarie	55	153	2	9	57	162	219
Lane Cove	0	3	0	0	0	3	3
Leeton	5	7	1	0	6	7	13
Leichardt	11	37	0	3	11	40	51
Lismore	23	30	1	2	24	32	56
Lithgow	11	22	1	0	12	22	34
Liverpool	37	325	7	33	44	358	402
Liverpool Plains	2	4	1	0	3	4	7
Maitland	18	46	2	3	20	49	69
Manly	2	13	0	2	2	15	17
Marrickville	28	75	4	9	32	84	116
Mid-Western Regional	6	17	2	2	8	19	27
Moree Plains	54	17	4	0	58	17	75
Mosman	0	5	0	0	0	5	5
Murray	1	1	0	0	1	1	2
Muswellbrook	10	13	1	1	11	14	25
Nambucca	15	12	2	2	17	14	31
Narrabri	20	8	2	0	22	8	30
Narrandera	4	1	0	0	4	1	5
Narromine	4	4	0	0	4	4	8
Newcastle	61	194	7	13	68	207	275
North Sydney	1	21	1	0	2	21	23
Oberon	1	5	0	0	1	5	6
Orange	37	40	5	3	42	43	85

Local Government Area	Male		Female		Total		TOTAL
	ATSI	Non-ATSI	ATSI	Non-ATSI	ATSI	Non-ATSI	
Palerang	1	5	0	0	1	5	6
Parkes	13	6	0	2	13	8	21
Parramatta	32	244	5	11	37	255	292
Penrith	43	211	7	6	50	217	267
Pittwater	2	15	0	2	2	17	19
Port Macquarie-Hastings	25	58	1	7	26	65	91
Port Stephens	29	73	3	2	32	75	107
Queanbeyan	12	16	2	0	14	16	30
Randwick	40	109	5	11	45	120	165
Richmond Valley	23	25	0	1	23	26	49
Rockdale	6	119	2	7	8	126	134
Ryde	3	42	0	8	3	50	53
Shellharbour	24	64	5	3	29	67	96
Shoalhaven	56	103	5	7	61	110	171
Singleton	4	12	0	2	4	14	18
Snowy River	1	4	0	1	1	5	6
Strathfield	1	25	0	2	1	27	28
Sutherland Shire	8	123	0	10	8	133	141
Sydney	134	345	28	30	162	375	537
Tamworth Regional	48	52	1	4	49	56	105
Temora	0	12	0	0	0	12	12
Tenterfield	16	8	1	0	17	8	25
The Hills Shire	6	55	0	1	6	56	62
Tumbarumba	1	4	0	1	1	5	6
Tumut Shire	3	10	0	1	3	11	14
Tweed	20	81	3	5	23	86	109
Upper Hunter Shire	2	7	1	0	3	7	10
Upper Lachlan Shire	1	5	0	0	1	5	6
Uralla	3	1	0	0	3	1	4
Wagga Wagga	39	63	1	6	40	69	109
Wakool	1	3	0	0	1	3	4
Walcha	2	0	0	0	2	0	2
Walgett	25	1	0	1	25	2	27
Warringah	3	59	1	5	4	64	68
Warrumbungle Shire	9	3	0	1	9	4	13
Waverly	2	33	0	1	2	34	36
Weddin	0	5	0	0	0	5	5
Wellington	18	11	3	0	21	11	32
Wentworth	16	1	0	0	16	1	17
Willoughby	2	14	0	1	2	15	17
Wingecarribee	3	31	0	3	3	34	37
Wollondilly	2	22	0	0	2	22	24
Wollongong	57	240	5	22	62	262	324
Woollahra	2	20	1	1	3	21	24
Wyong	35	165	4	8	39	173	212
Yass Valley	3	9	0	0	3	9	12
Young	3	8	0	0	3	8	11

Local Government Area	Male		Female		Total		TOTAL
	ATSI	Non-ATSI	ATSI	Non-ATSI	ATSI	Non-ATSI	
Sub-total NSW	2,242	6,852	244	459	2,486	7,311	9,799
Interstate	11	69	2	1	13	70	83
Unknown / no fixed abode	71	786	7	54	78	840	918
Total	2,324	7,707	253	514	2,577	8,221	10,798

Source: Correspondence from Corrective Services NSW dated 27 May 2014

7.2.3 Time out of cells

Table 33 below shows the average time out-of-cell, in hours per day, from 2008–09 to 2012–13. In 2012–13 Corrective Services NSW adopted a different interpretation of the Report on Government Services counting rules, to not only include inmates being locked in a cell but also in a wing/unit. This accounts for the fact that the 2012–13 out-of-cell hours for open security were reduced significantly.

Category	2008–09	2009–10	2010–11	2011–12	2011–12 national average	2012–13
Open	13.4	19.1	19.1	18.2	17.2	10.5
Secure	7.1	6.7	7.0	6.9	9.4	6.2
Average	9.3	11.2	11.4	11.0	11.1	7.8

Source: NSW Government Department of Attorney General and Justice, *Annual Report 2012–13*

7.2.4 Unnatural deaths in custody

The rate of unnatural deaths in custody increased from 0.06 in 2011–12 to 0.08 in 2012–13. No Indigenous inmate died from unnatural causes in custody in 2012–13. Tables 34 and 35 detail the number and rate of unnatural deaths in custody for 2008–09 to 2012–13.

Category	2008–09	2009–10	2010–11	2011–12	2012–13
Indigenous	1	1	1	1	0
Non-Indigenous	4	4	10	5	8
Total	5	5	11	6	8

* The number and rate of deaths may change from previous years where the apparent causes are amended following coronial inquiries. Previous years' figures have been amended in some cases to align with national counting rules. Source: NSW Government Department of Attorney General and Justice, *Annual Report 2012–13*.

Table 35: Rate of death, apparent unnatural causes in custody (per 100 inmates) *						
	2008–09	2009–10	2010–11	2011–12	2011–12 National average	2012–13
Category						
Indigenous	0.05	0.04	0.04	0.05	0.03	0.00
Non-Indigenous	0.05	0.05	0.13	0.07	0.04	0.11
Total	0.05	0.05	0.11	0.06	0.03	0.08

* The number and rate of deaths may change from previous years where the apparent causes are amended following coronial inquiries. Previous years' figures have been amended in some cases to align with national counting rules. [Source: NSW Government Department of Attorney General and Justice, Annual Report 2012–13.](#)

7.2.5 Escapes

In 2012–13 escapes from secure custody decreased from the previous year, from 3 to 1. Escapes from open custody also decreased from the previous year, from 12 to 6. Tables 36 and 37 detail the rate and number of escapes from open and secure custody during 2008–09 to 2012–13.

Table 36: Escape rate (per 100 inmates) 2008–09 to 2012–13*						
	2008–09	2009–10	2010–11	2011–12	2011–12 National average	2012–13
Security						
Open	0.31	0.06	0.6	0.34	0.44	0.17
Secure	0.06	0.01	0.02	0.05	0.04	0.02

* National Correctional Indicators counting rules. [Source: NSW Government Department of Attorney General and Justice, Annual Report 2012–13.](#)

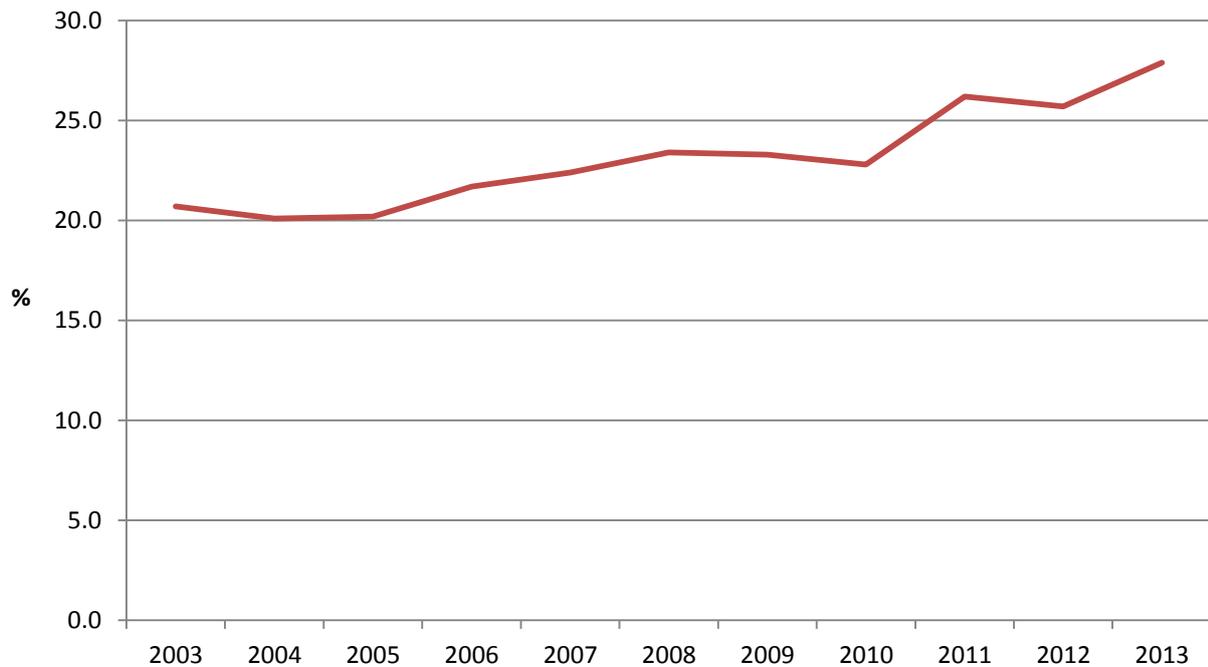
Table 37: Number of escapes 2008–09 to 2012–13*						
Security	2008–09	2009–10	2010–11	2011–12	2012–13	
Open	11	2	22	12	6	
Secure	4	1	1	3	1	

* National Correctional Indicators counting rules. [Source: NSW Government Department of Attorney General and Justice, Annual Report 2012–13.](#)

7.2.6 Unsentenced prisoners

Unsentenced prisoners include prisoners who are unconvicted awaiting court hearing or trial (on remand); prisoners who are convicted and awaiting sentence; and prisoners who are awaiting deportation. Median time spent by NSW prisoners on remand was 3.3 months.⁷³ As Figure 23 shows, there has been an increase in the percentage of unsentenced prisoners in NSW over 2003 – 2013.

Figure 23: % of unsentenced prisoners in NSW 2003–2013



Source: Australian Bureau of Statistics: *Prisoners in Australia 2013*

⁷³ Australian Bureau of Statistics: *Prisoners in Australia 2013*

Sources

Australian Bureau of Statistics, [4517.0 - Prisoners in Australia 2013](#).

Australian Bureau of Statistics, [3238.0 — Estimates and projections, Aboriginal and Torres Strait Islander Australians 2001 to 2026](#).

[Crimes \(Administration of Sentences\) Act 1999](#)

[Crimes \(Sentencing Procedure\) Act 1999](#)

NSW Bureau of Crime Statistics and Research, [NSW Custody Statistics Quarterly Update September 2014](#)

NSW Government Department of Attorney General and Justice, [Annual Report 2012–13](#).

Correspondence dated 27 May 2014 from Corrective Services NSW to the Information and Services Branch, Department of Parliamentary Services, NSW Parliament.

Australian Indigenous Health Info Net, Health Facts, [What details do we know about the Indigenous population?](#)

P Menendez and D Weatherburn, [The effect of suspended sentences on imprisonment](#) (2014) 97 Crime and Justice Statistics 1

8 JUVENILE DETENTION

8.1 Average daily detention rates of young people for 2012–13, across jurisdictions

NSW has a juvenile detention rate (per 10,000 young people) which is higher than the Australian⁷⁴ rate and the rates of Victoria, Queensland and South Australia. The NSW average daily Indigenous juvenile detention rate is almost 29 times greater than the equivalent non-Indigenous juvenile detention rate.

Table 38: Average daily detention rate of young persons* for 2012–13, by Indigenous status and across jurisdictions.[†]

	NSW	Vic	Qld	WA [†]	SA	Tas	ACT	NT [†]	Australia (excluding WA and NT)
Indigenous	48.9	12.3	35.4	n/a	40.9	n/p [§]	n/p [§]	n/a	37.7
Non-Indigenous	1.7	1.0	1.2	n/a	1.7	3.3	3.3	n/a	1.5
Total	3.8	1.2	3.4	n/a	3.1	3.2	4.4	n/a	2.9

* Detention rate refers to the number of young people in detention per 10,000 young people (of the relevant population). As some denominators may be less than 10,000, rates should be interpreted with caution. [†] Western Australia and the Northern Territory did not supply data for 2012–13. [§] Rates are not published where there were fewer than 5 young people. [Source: Australian Institute of Health and Welfare, *Youth Justice in Australia 2012–13, 2014, Bulletin 120*](#)

8.2 Average daily number of young people in custody in NSW

There was an average of 324 young people in custody each day in NSW in 2012–2013, of whom 29 were women and just over half (165 or 51%) were from an Aboriginal or Torres Strait Islander background. Almost half (158 or 49%) were waiting for their court proceedings to be finalised.

Table 39: Average daily number of young people in custody in NSW in 2012–13*

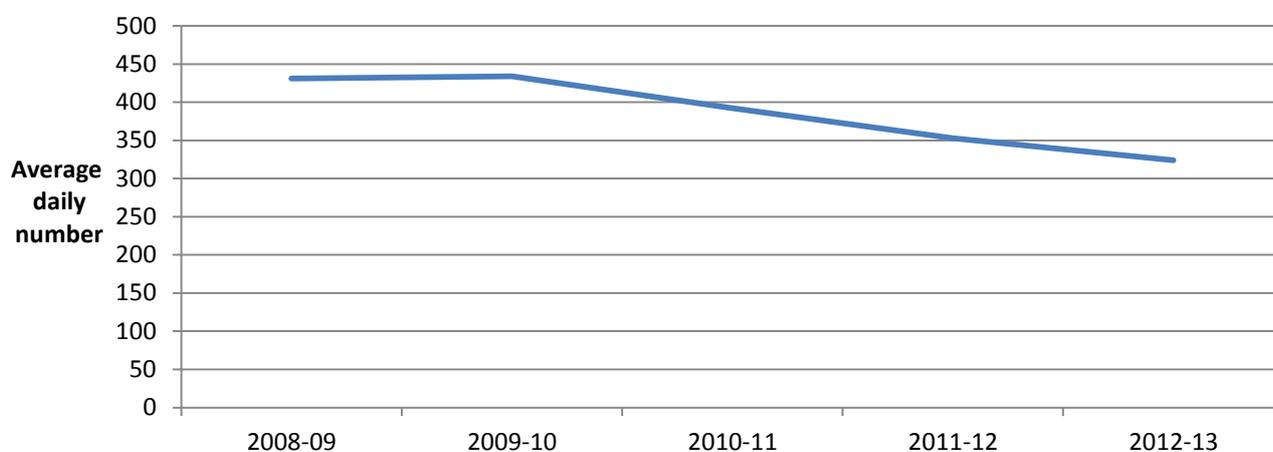
Average daily number of young people in custody	324
Average daily number of young women in custody	29
Average daily number of young people of Aboriginal and/or Torres Strait Islander background	165
Average daily number of young people serving custodial sentences	166
Average daily number of young people remanded in custody awaiting court proceedings to be finalised	158

* Effective date: 13 July 2013. [Source: NSW Government Department of Attorney General and Justice, *Annual Report 2012-13*](#).

⁷⁴ Excluding Western Australia and the Northern Territory, which did not supply data for 2012–13.

As Figure 24 illustrates, the number of people aged 10 to 17 years in juvenile detention in NSW fell by 25% between 2008–09 to 2012–13.

**Figure 24: Average daily number of young people in custody in NSW
2008-09 to 2012-13***



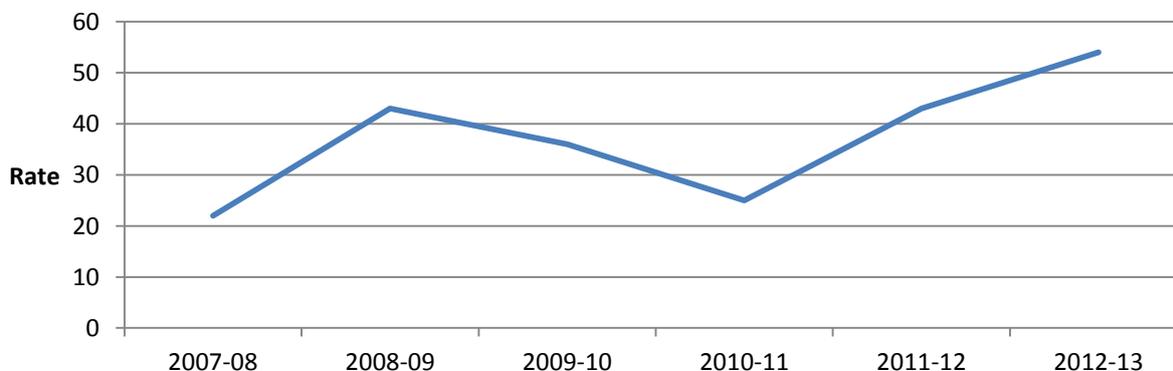
* As at 13 July 2013. [Source: NSW Government Department of Attorney General and Justice, Annual Report 2012-13.](#)

As at September 2014 there were 255 juveniles in custody, of whom 125 (49%) were Aboriginal or Torres Strait Islanders.⁷⁵

8.3 Deaths and self-harm in juvenile detention in NSW

Over the period 2007–2008 to 2012–2013 the rate of NSW juvenile self-harm incidents per 1000 admissions increased by 145%, as illustrated in Figure 25. Over the same period there have been no juvenile deaths in custody.

Figure 25: Juvenile detention self-harm rate (per 1000 admissions)



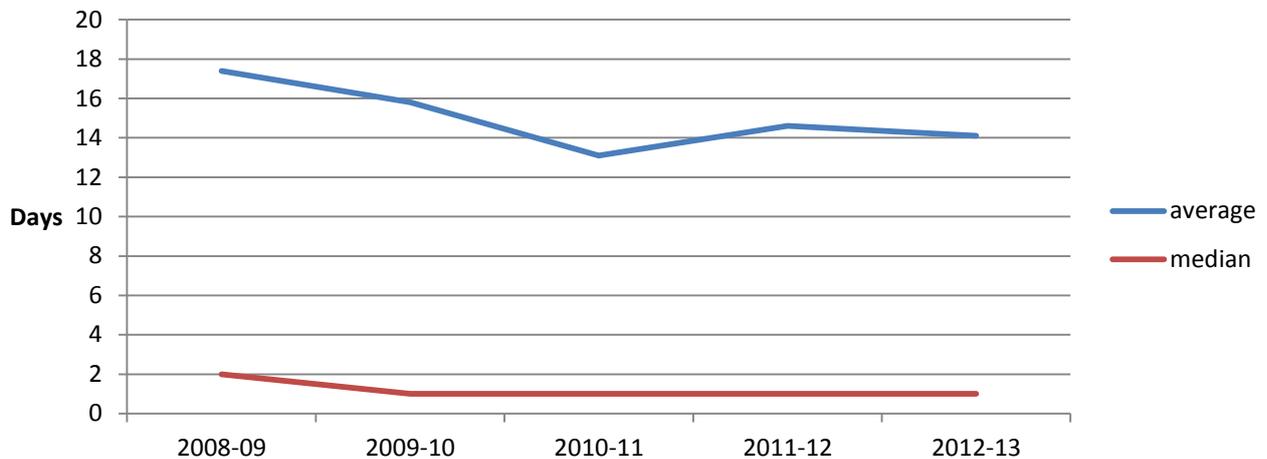
[Source: NSW Government Department of Attorney General and Justice, Annual Report 2012-13.](#)

⁷⁵ NSW Bureau of Crime Statistics and Research, [NSW Custody Statistics Quarterly Update September 2014](#).

8.4 Length of stay (in days) for young people in custody in NSW

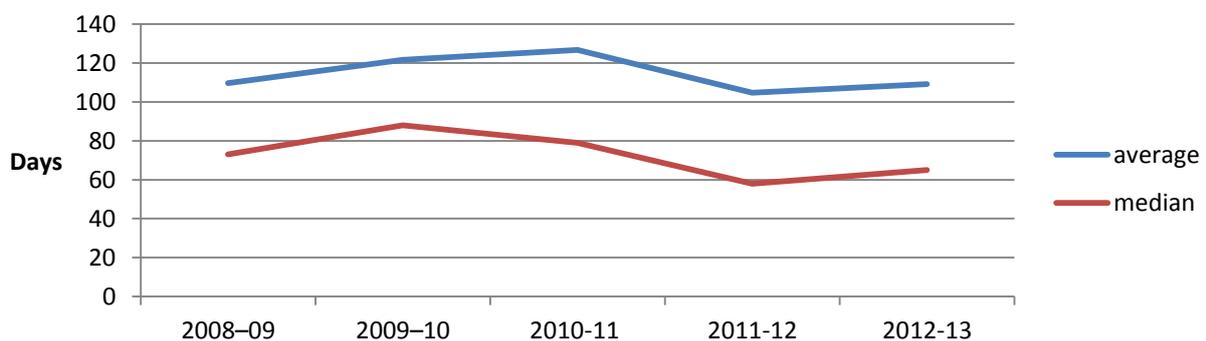
Figure 26 depicts the length of stay for young people in custody on remand, as measured in days. Figure 27 depicts the length of stay for young people in custody subject to control orders, as measured in days.

Figure 26: Length of stay (in days) for NSW young people in custody on remand



Source: NSW Government Department of Attorney General and Justice, *Annual Report 2012-13*.

Figure 27: Length of stay (in days) for NSW young people in custody subject to control orders



Source: NSW Government Department of Attorney General and Justice, *Annual Report 2012-13*

8.5 Escapes

Over the period 2007–08 to 2012–13, there have been two escapes from secure perimeter juvenile detention, one in 2008–09 and one in 2009–10.⁷⁶

⁷⁶ [NSW Government Department of Attorney General and Justice, *Annual Report 2012-13*, p 63.](#)

Sources

[Australian Institute of Health and Welfare, *Youth Justice in Australia 2012–13, 2014, Bulletin 120.*](#)

NSW Bureau of Crime Statistics and Research, [NSW Custody Statistics Quarterly Update September 2014](#)

[Source: NSW Government Department of Attorney General and Justice, *Annual Report 2012-13*](#)

9 PRISONER EMPLOYMENT, EDUCATION AND TRAINING

9.1 Prisoner employment

Under cl 60(1)(a) and (b) of the *Crimes (Administration of Sentences) Regulation 2014*, inmates may be provided with services and programs that offer opportunities for them to develop skills, behaviours and attitudes that lessen the likelihood of reoffending; or contribute to the inmate living in society after release from custody. “Services and programs” is non-exhaustively defined in cl 60(2)(f) to include educational and vocational training programs.

The Commonwealth Steering Committee for the Review of Government Services states:⁷⁷

“Employment” is an indicator of governments’ objective of providing program interventions to reduce the risk of re-offending, including providing access to programs that address the causes of offending and maximise the chances of successful reintegration into the community.

The *Attorney General’s Annual Report for 2012–13* explains:⁷⁸

In 2012–13, Corrective Services Industries (CSI) continued to support the objective of reducing re-offending by providing real work opportunities in 98 commercial business units and 62 service industries within 26 correctional centres. CSI focuses on increasing the number of inmate traineeships and work opportunities to enable inmates to gain employment in the community on their release from custody.

Employment for prisoners is defined as the number of prisoners employed as a percentage of those eligible to work.⁷⁹

As Figure 28 reveals, nationally 74.4% of the eligible prisoner population was employed in 2012–13; in NSW over the same period, 72.4% of the eligible prisoner population was employed. Figure 29 depicts prisoner employment by type in NSW during 2012–13.

⁷⁷ Steering Committee for the Review of Government Service Provision, [Report on Government Services 2014: Volume C: Justice](#), 2014, Productivity Commission, Canberra, p 8.20.

⁷⁸ NSW Government Department of Attorney General and Justice, [Annual Report 2012-13](#), Sydney, p 29. [Corrective Services Industries \(CSI\)](#) is the commercial arm of Corrective Services NSW.

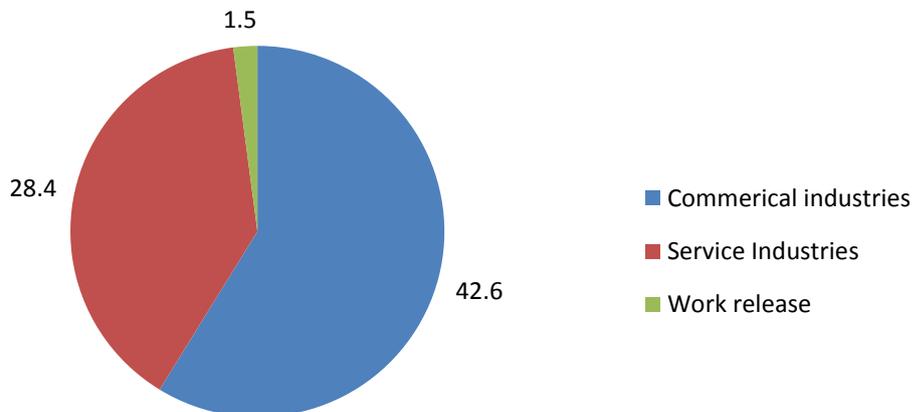
⁷⁹ Steering Committee for the Review of Government Service Provision, [Report on Government Services 2014: Volume C: Justice](#), 2014, Productivity Commission, Canberra, p 8.20. Eligible to work is defined as excluding those prisoners who are unable to participate in a work program due to: full-time education or other full time programs; their protection status precludes access to employment; ill health; age; relatively short period of imprisonment (eg fine defaulters); prisoners in 24-hour court cells; or prisoners on remand who choose not to work.

Figure 28: Prisoner employment (% of eligible prisoner population) across jurisdictions 2012–13



Source: *Report on Government Services 2014: Volume C: Justice*

Figure 29: NSW prisoner employment by type 2012–13 (% of employed prisoners)



Source: *Report on Government Services 2014: Volume C: Justice*

9.2 Prisoner education and training

Prisoner education and training is designed to:⁸⁰

- help reduce the rate of recidivism by improving the language, literacy, numeracy and vocational skills of offenders;
- improve post-release employment options for offenders with minimal employment experience and/or qualifications; and
- foster life-long learning through the development of individualised education and training plans.

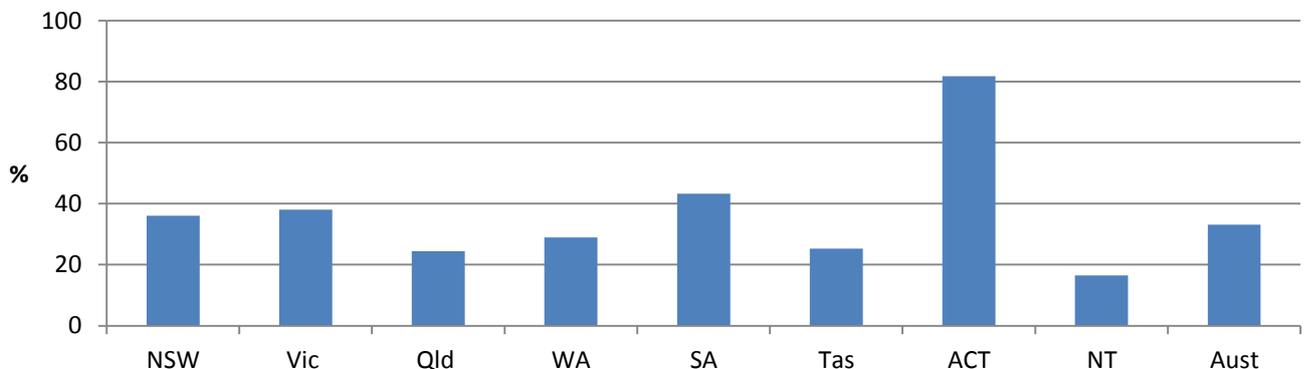
⁸⁰ Corrective Services NSW, *What principles guide service delivery?*; Steering Committee for the Review of Government Service Provision, *Report on Government Services 2014: Volume C: Justice*, 2014, Productivity Commission, Canberra, p 8.22–8.25.

Prisoner Education and Training courses are distinct from other offender services and programs, such as rehabilitation programs, drug and alcohol programs and psychological services.⁸¹ Prisoner education and training, which is provided by the Adult Education and Vocational Training Institute (a Registered Training Organisation), aims to reduce the risk of re-offending by improving the literacy, language and numeracy skills of offenders in custody to Year 10 standards.⁸²

Prisoner education and training is defined as the number of prisoners participating in one or more accredited education and training courses, as a percentage of those eligible to participate.⁸³

As Figure 30 reveals, nationally 33.1% of eligible prisoners participated in accredited education and training courses in 2012–13; while, in NSW, 36.1% of eligible prisoners participated in accredited education and training courses during the same period.⁸⁴ Figure 31 details the type of education engaged in NSW.

**Figure 30: % of eligible prisoners in education and training
all jurisdictions, 2012–2013**



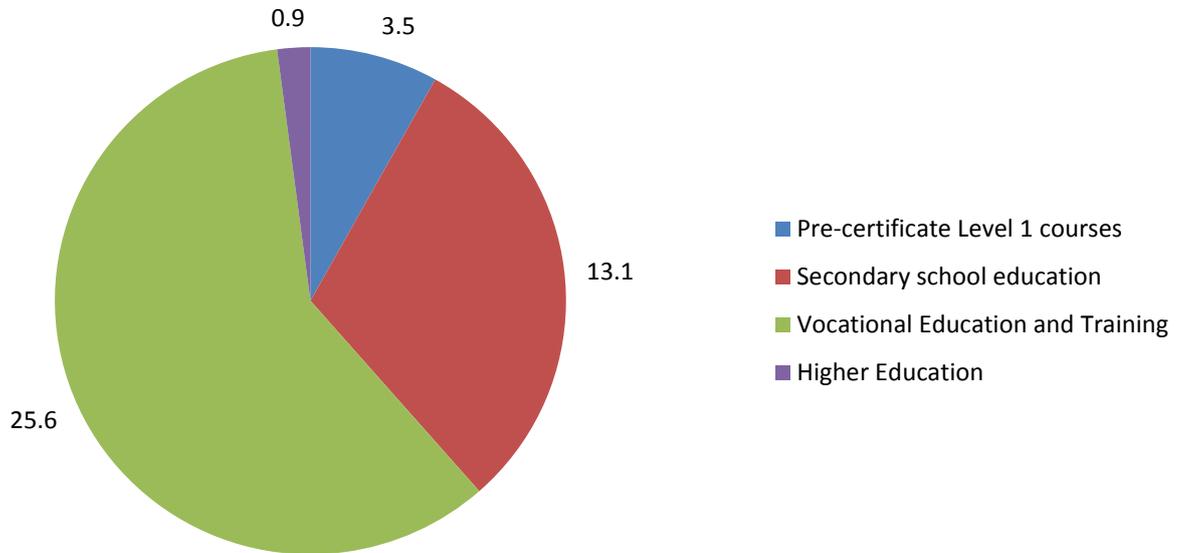
Source: [Report on Government Services 2014: Volume C: Justice](#).

⁸¹ Corrective Services NSW, [Offender Services and Programs](#). Steering Committee for the Review of Government Service Provision, [Report on Government Services 2014: Volume C: Justice](#), 2014, Productivity Commission, Canberra, p 8.23.

⁸² Corrective Services NSW, [What is AEVTI?](#); NSW Government Department of Attorney General and Justice, [Annual Report 2012-13](#), Sydney, pp 27–28.

⁸³ Steering Committee for the Review of Government Service Provision, [Report on Government Services 2014: Volume C: Justice](#), 2014, Productivity Commission, Canberra, p 8.23. Prisoners who may be excluded from participating in education and training programs include: those who cannot participate due to medical reasons; fine defaulters who are incarcerated for only a few days at a time; prisoners at 24-hour court cells (and other centres where education is not provided as a matter of policy); and prisoners on remand, for whom access to education is not available.

⁸⁴ Steering Committee for the Review of Government Service Provision, [Report on Government Services 2014: Volume C: Justice](#), 2014, Productivity Commission, Canberra, p 8.23.

Figure 31: % of NSW prisoners in education and training by type 2012–2013*

* The percentage of total prisoners in education may not equal the sum of percentages for each education category, as an individual may be participating in more than one type of education course. Source: [Report on Government Services 2014: Volume C: Justice](#).

Sources

[Corrective Services NSW website](#)

Steering Committee for the Review of Government Service Provision, [Report on Government Services 2014: Volume C: Justice](#), 2014, Productivity Commission, Canberra.

NSW Government, Department of Attorney General and Justice, [Annual Report 2012-13](#), Sydney.

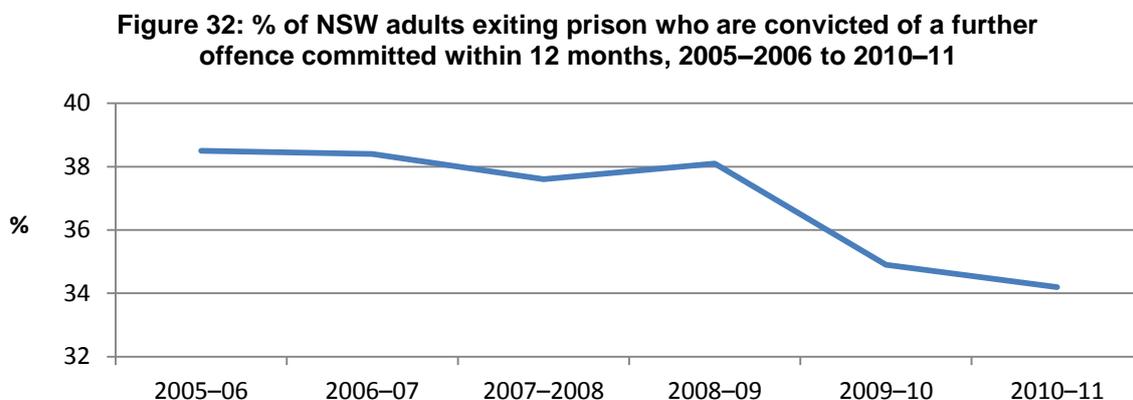
10. RECIDIVISM

Section 3A(d) of the *Crimes (Sentencing Procedure) Act 1999* recognises that one of the purposes of sentencing is to promote the rehabilitation of offenders. Recidivism, the relapse into crime by offenders, represents a failure to achieve that purpose.

Recidivism perpetuates physical and emotional harm to victims of crime. Recidivism also imposes financial costs on the community, it having been calculated that a 10% reduction in the rate of re-imprisonment would, by reducing the prison population, save \$28 million per year.⁸⁵

Recidivism can be measured along the various stages of the criminal justice continuum, including the initiation of police proceedings, conviction, the imposition of non-custodial sentence, or the imposition of a custodial sentence.⁸⁶ The data presented below measures recidivism in terms of convictions, non-custodial sentences and custodial sentences

Figure 32 sets out, for the period 2005–06 to 2010–11, the percentage of NSW adults exiting prison who are convicted of a further offence within 12 months:



Source: NSW Government Department of Attorney General and Justice, *Annual Report 2012–13*.

Figure 33 shows the percentage of adult offenders released from prison during 2010–11 who, within two years, returned to corrective services as either the subject of a prison sentence or a community correction order.

⁸⁵ D Weatherburn, G Froyland, S Moffat and S Corben, *Prison populations and correctional outlays: The effect of reducing reimprisonment* (2009) 138 Crime and Justice Bulletin 1; cited in T Drabsch, *A statistical snapshot of crime and justice in New South Wales*, 2010, NSW Parliamentary Library Research Service, Sydney, p 38.

⁸⁶ The NSW Bureau of Crime Statistics (BOCSAR) maintains a Re-Offending Database, which it uses to measure recidivism. For a description of the development of the NSW Re-Offending Database and the methodology underpinning its operation, see: J Hua and J Fitzgerald, *Matching Court Records to Measure Reoffending* (2006) (95) Crime and Justice Bulletin 1.

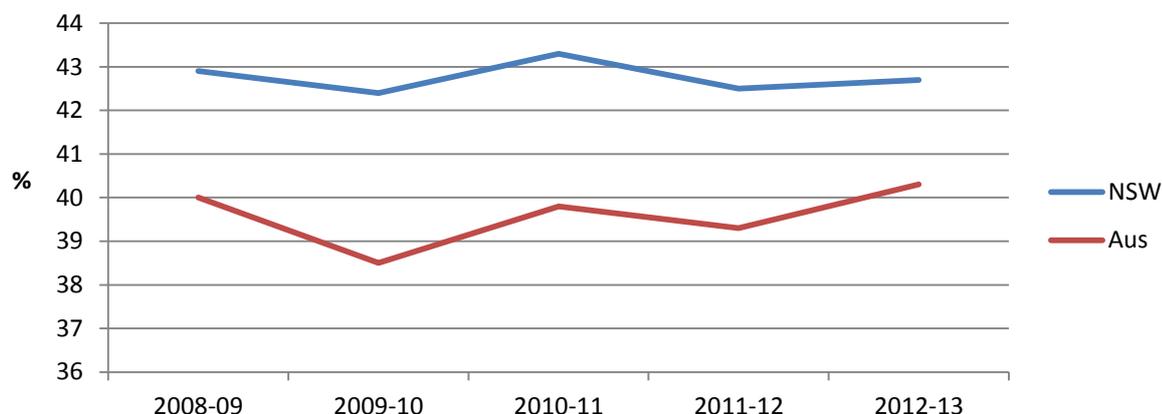
Figure 33: % of prisoners* released during 2010–2011 who returned to corrective services† within 2 years



*Refers to all prisoners released following a term of sentenced imprisonment, including prisoners subject to correctional supervision following release (parole or other community corrections orders). It includes returns to prison resulting from the cancellation of a parole order. †Includes a prison sentence or a community corrections order. Source: [Report on Government Services 2014: Volume C: Justice](#)

Figure 34 shows, over the period 2008–09 to 2012–13, the percentage of NSW and Australian adult prisoners who returned to prison under sentence within two years of being released.

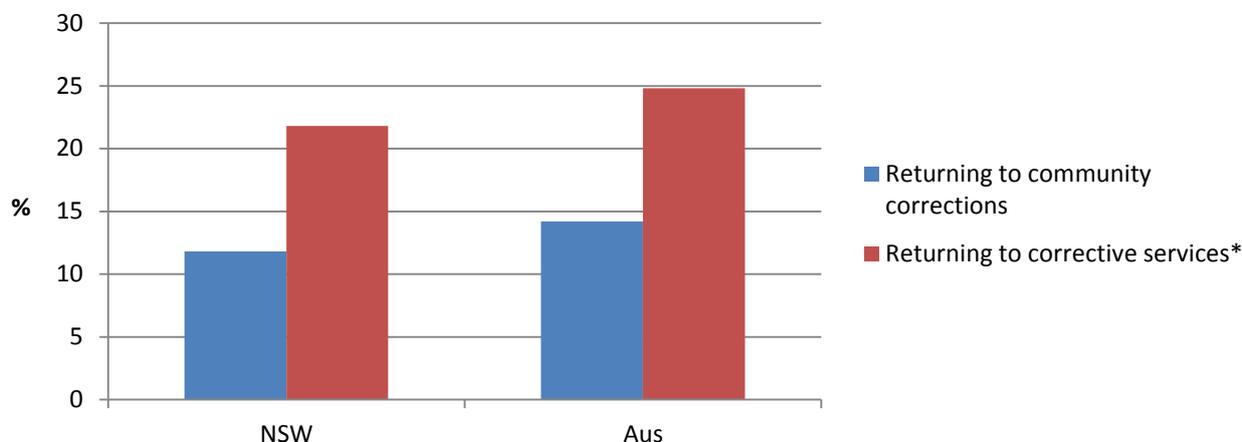
Figure 34: % of NSW and Australian prisoners who returned to prison under sentence within two years of being released, 2008–09 to 2012–13



Source: [Report on Government Services 2014: Volume C: Justice](#).

Figure 35 reveals the percentage of NSW and Australian offenders discharged from community corrections orders during 2010–11 who returned with a new correctional sanction within two years.

Figure 35: % of NSW and Australian offenders discharged from community corrections orders during 2010–11 who returned with a new correctional sanction within two years



* Includes a prison sentence or community corrections order. Source: [Report on Government Services 2014: Volume C: Justice](#).

A long-term study of recidivism conducted by BOCSAR followed 78,589 adults and juveniles convicted in 1994 for 15 years to determine whether they re-offended.⁸⁷ The study found that, of the 78,589 offenders, 47,055 (60%) were reconvicted within 15 years.⁸⁸ The study further found that juvenile offenders had a higher rate of re-offending than adult offenders: almost 80% of juvenile offenders were reconvicted within 15 years, compared with 58% of adult offenders.⁸⁹ Most of the re-offending occurred closer in time to the reference offence.⁹⁰

A third of offenders (26,618) were within 15 years reconvicted of the same offence.⁹¹ As detailed in Figure 36, re-offending for the same offence was highest among adults convicted of traffic and vehicle regulatory offences (40%), assault (37%), theft and related offences (33%), and unlawful entry or break and enter (30%). For juvenile offenders, more than half were reconvicted of the same offence for:

- theft and related offences (55%),
- assault (54%), and
- traffic and vehicle offences (52%).

⁸⁷ J Holmes, "[Re-offending in NSW](#)" (2012) 96 *Crime and Justice Statistics* 1 (revised).

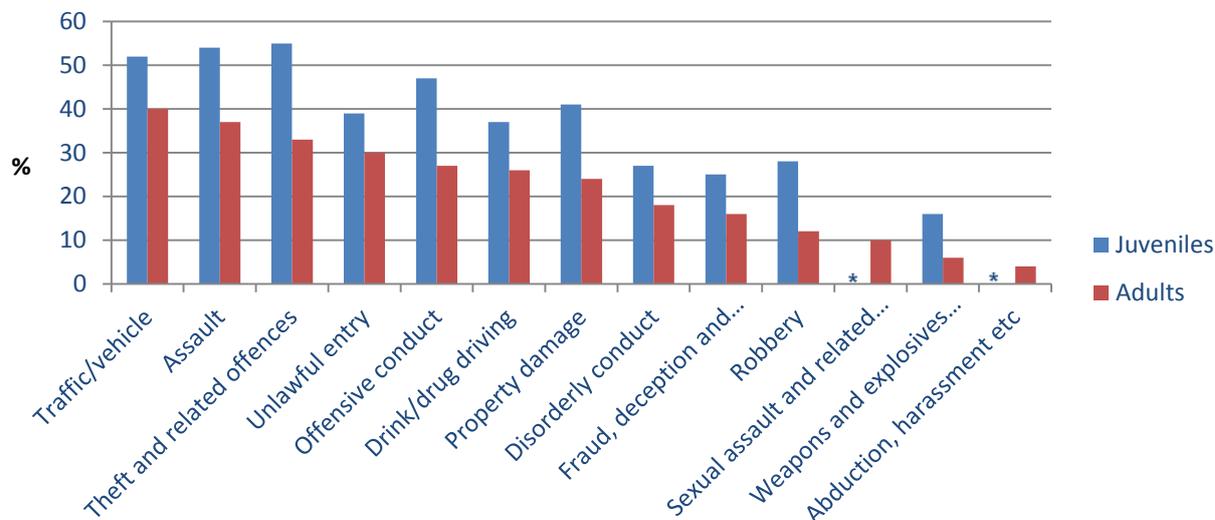
⁸⁸ *Ibid* at 1.

⁸⁹ *Ibid* at 1.

⁹⁰ *Ibid* at 1-2.

⁹¹ *Ibid* at 4–5.

Figure 36: % of NSW adults and juveniles convicted in 1994 who were reconvicted of the same offence within 15 years



* Only offence categories where there were 100 offenders or more convicted in 1994 are included. Juvenile offenders are excluded for the categories of: sexual assault and related offences; and abduction, harassment and other offences against the person. Source: J Holmes, *Re-offending in NSW* (2012) 96 Crime and Justice Statistics 1 (revised).

10.1 Effect of parole on recidivism

A recent study suggests that parole reduces recidivism during the term of the parole period.⁹² The study, which was based on a sample of 9604 offenders released on parole in 2010 or 2011, found that the majority of those offenders (61%) were not convicted of any offence while on parole and were not returned to prison for breaching their parole conditions.⁹³ Further, only 7% of the sample of offenders released to parole committed a violence offence while on parole.⁹⁴

10.2 Comorbid mental health disorders increase incidence of recidivism

Comorbidity refers to the presence of multiple disorders in the one person at any particular time. For example, depression and substance abuse can be comorbid disorders, as can depression and borderline personality disorder. A recent study has found that people who have comorbid mental health disorders are at higher risks of reoffending than: people with no mental disorders; people with a non-substance mental health disorder only; and people with a substance mental health disorder only.⁹⁵

⁹² D Weatherburn and C Ringland, "[Re-offending on Parole](#)" (2014) 178 *Crime and Justice Bulletin* 1.

⁹³ *Ibid* at 12.

⁹⁴ *Ibid* at 13.

⁹⁵ N Smith and L Trimboli, "[Comorbid substance and non-substance health disorders and re-offending](#)" (2010) 140 *Crime and Justice Bulletin* 1 at 9.

Sources

T Drabsch, [*A statistical snapshot of crime and justice in New South Wales*](#), 2010, NSW Parliamentary Library Research Service, Sydney.

J Holmes, [*Re-offending in NSW*](#) (2012) 96 *Crime and Justice Statistics* 1 (revised).

J Hua and J Fitzgerald, [*Matching Court Records to Measure Reoffending*](#) (2006) (95) *Crime and Justice Bulletin* 1.

Local Court Practice Note Crim 1.

S Poynton, [*Rates of recidivism among offenders referred to Forum Sentencing*](#) (2013) 172 *Crime and Justice Bulletin* 1.

Steering Committee for the Review of Government Service Provision, [*Report on Government Services 2014: Volume C: Justice*](#), 2014, Productivity Commission, Canberra.

D Weatherburn, G Froyland, S Moffat and S Corben, [*Prison populations and correctional outlays: The effect of reducing reimprisonment*](#) (2009) 138 *Crime and Justice Bulletin* 1.

D Weatherburn and C Ringland, [*Re-offending on Parole*](#) (2014) 178 *Crime and Justice Bulletin* 1.

11. EXPENDITURE

Table 40 sets out total expenditure on justice services by Australian, State and Territory governments for 2012–13.

Table 40: Real recurrent expenditure (less revenue from own sources) on justice services by Australian, State and Territory governments (2012–13 dollars)*						
	2008–09	2009–10	2010–11	2011–12	2012–13	Average annual growth rate
	\$m	\$m	\$m	\$m	\$m	%
Police services	8,527	8,898	9,181	9,612	9,528	2.8
Courts — criminal	719	727	741	793	771	1.8
Courts — civil	640	655	647	665	620	-0.8
Corrective Services	2,992	3,037	3,039	3,179	3,186	1.6
Total justice system	12,877	13,316	13,608	14,250	14,105	2.3
	%	%	%	%	%	
Police services	66.2	66.8	67.5	67.5	67.5	n/a
Courts — criminal	5.6	5.5	5.4	5.6	5.5	n/a
Courts — civil	5.0	4.9	4.8	4.7	4.4	n/a
Corrective Services	23.2	22.8	22.3	22.3	22.6	n/a
Total justice system	100.0	100.0	100.0	100.0	100	n/a

*Totals may not sum as a result of rounding. Excludes expenditure on specialist courts, legal aid and public prosecutions. Corrective services figures exclude debt servicing fees, transport and escort service costs where they are reported separately by jurisdictions. [Source: Report on Government Services 2014: Volume C: Justice](#)

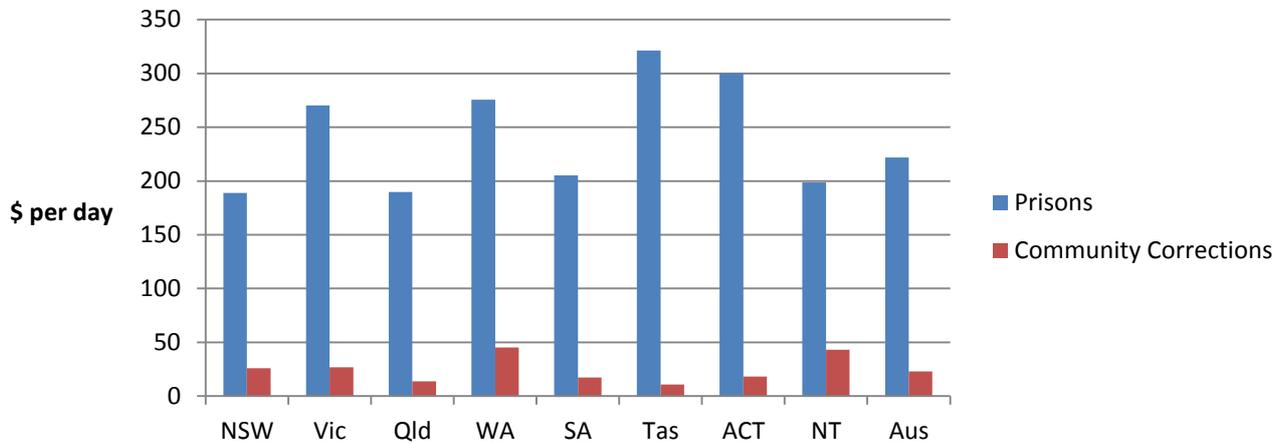
Table 41 details expenditure on justice services per person across all jurisdictions for 2012–13.

Table 41: Real recurrent expenditure (less revenue from own sources) per person on justice services, 2012–13*									
	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aus
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Police services	412	372	415	479	401	376	415	1,166	416
Courts — criminal	27	32	32	51	38	33	35	94	34
Courts — civil	17	18	10	30	11	11	29	48	27
Corrective services	125	113	125	240	129	130	119	554	139
Total justice system	581	534	582	800	580	551	597	1,863	616
	%	%	%	%	%	%	%	%	%
Police services	70.9	69.6	71.2	59.9	69.2	68.3	69.5	62.6	67.5
Courts — criminal	4.7	6.0	5.5	6.4	6.6	6.1	5.8	5.1	5.5
Courts — civil	2.9	3.3	1.8	3.7	1.9	2.0	4.8	2.6	4.4
Corrective services	21.5	21.1	21.5	30.0	22.2	23.7	19.9	29.7	22.6
Total justice system	100.0								

*Totals may not sum as a result of rounding. Expenditure data includes depreciation but excludes payroll tax and user cost of capital. Excludes expenditure on specialist courts, legal aid and public prosecutions. Population estimated by taking the midpoint population estimate of the 2012-13 financial year. [Source: Report on Government Services 2014: Volume C: Justice.](#)

As Figure 37 reveals, in NSW in 2012–13 it cost \$188.82 a day to keep a prisoner in prison (lower than the national daily cost of \$221.92) and \$26.02 a day to keep an offender in a community corrections program (higher than the national daily cost of \$22.97).

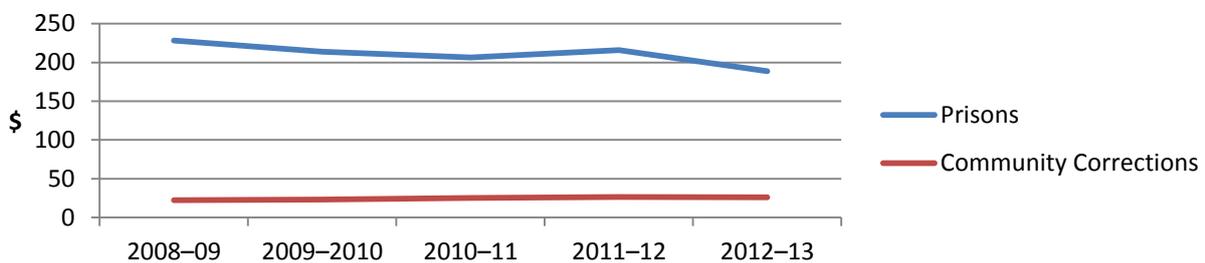
Figure 37: Real net operating expenditure per prisoner and offender per day 2012–13



Source: *Report on Government Services 2014: Volume C: Justice*

Figure 38 reveals that in NSW, over 2008–09 to 2012–13, the daily cost of keeping a prisoner in prison decreased from \$228.31 to \$188.82. Over the same period, the daily cost of keeping an offender in a community corrections program increased from \$22.43 to \$26.02.

Figure 38: Real net operating expenditure per prisoner and offender (community corrections) per day, NSW 2008–09 to 2012–13 (in 2012–13 \$)



Source: *Report on Government Services 2014: Volume C: Justice*.

Table 42 details the real net operating expenditure of prisons and community corrections (plus depreciation) per head of population per year from 2008–09 to 2012–13. While Australian expenditure has increased over 2008–09 to 2012–13, from \$138.24 to \$139.10 per head of population, NSW expenditure has over the same period fallen from \$153.55 to \$124.86 per head of population per year.

Table 42: Real net operating expenditure on prisons and community corrections (plus depreciation) per head of population per year (2012–13 dollars)*									
	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aus
2008–09	153.55	95.23	127.01	207.85	118.89	129.44	127.98	399.05	138.24
2009–10	147.06	94.37	122.91	224.94	119.51	134.11	122.02	410.64	137.06
2010–11	138.24	97.75	120.35	224.54	121.79	132.20	121.68	467.75	135.20
2011–12	139.39	108.91	131.44	220.06	131.24	128.52	122.80	499.35	141.39
2012–13	124.86	112.67	125.43	239.85	128.94	130.47	118.79	553.72	139.10

*Calculated from net real operating expenditure plus depreciation figures and the total resident population (all ages).
Source: [Report on Government Services 2014: Volume C: Justice](#).

Source

Steering Committee for the Review of Government Service Provision, [Report on Government Services 2014: Volume C: Justice](#), 2014, Productivity Commission, Canberra.