

Statistical Bulletin No. 19

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Shoplifting Offences Heard in N.S.W.  
Courts of Petty Sessions 1975 - 81

Bureau of Crime Statistics and Research,  
N.S.W. Department of the Attorney General and of Justice,  
Box 6, G.P.O. Sydney, N.S.W. 2001.

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Courts of Petty Sessions 1975-1981

The following data concerning shoplifting refers only to appearances in N.S.W. Courts of Petty Sessions, statistics for which are collected by the N.S.W. Bureau of Crime Statistics and Research.

It is important to bear in mind that in all probability only a small percentage of shoplifting offences are detected and of those that are detected not all may be reported to the police. Many that are reported may be committed by juveniles and hence will appear in N.S.W. Children's Courts or will receive official police cautions. Statistics on juvenile offenders are maintained separately by the Department of Youth and Community Services. Unfortunately, these statistics do not identify shoplifting from other larceny offences.

The term 'shoplifting' is a purely colloquial expression for a particular form of larceny and persons appearing in N.S.W. courts for stealing from shops are charged with larceny under section 177 of the Crimes Act 1900. For this reason it is difficult to strictly differentiate shoplifting from other forms of larceny.

However, the N.S.W. Bureau of Crime Statistics and Research has adopted the approach that there are sufficient clear cut cases of shoplifting for it to be practicable to collect separate statistics on this type of larceny based on the description of the charge contained in court papers.

In 1981 there were 5,370 appearances in N.S.W. Courts of Petty Sessions for shoplifting. This represents 50% of all appearances for larceny offences of all types. Table 1 shows the

number of appearances for shoplifting for the years 1975 to 1981 and indicates that appearances increased from 2,367 in 1975 to a peak of 5,792 in 1979, an increase of 144%. The number of appearances decreased by 4.6% in 1980 and a further 2.8% in 1981.

Table 1. Shoplifting appearances in N.S.W. Courts of Petty Sessions 1975-81

1975	1976	1977	1978	1979	1980	1981
2,367	3,320	4,910	5,510	5,792	5,523	5,370
% change + 40.3	+ 47.9	+ 12.2	+ 5.1	- 4.6	- 2.8	

The sex distribution of shoplifting offenders for the years 1975-1981 is shown in Table 2 and indicates that females have constituted the majority of those convicted in all years, although this percentage has decreased from 60% in 1975 to 55% in 1981. This is in contrast to other offences heard in courts of petty sessions where the majority of offenders are usually male. In 1981 only 19.1% of appearances for all offences were by females.

Table 2. Sex of shoplifting offenders 1975-1981  
 - appearances resulting in a finding of guilt

	Year									
	1975	1976	1977	1978	1979	1980	1981			
	No.	No.	No.	No.	No.	No.	No.	No.	%	%
Male	887	1,224	1,813	2,232	2,245	2,172	2,293		41.8	45.0
Female	1,376	1,900	2,835	3,010	3,176	3,018	2,803		58.2	55.0
TOTAL	2,263	3,124	4,648	5,242	5,421	5,190	5,096		100.0	100.0

Sex

Table 3, which shows the age of shoplifting offenders from 1975-1981, indicates a similar age distribution for each year. In 1981, for example, approximately 25% of shoplifters were aged under 25 years, 33% between 25 and 39 years, 30% between 40-59 years and 10% were aged 60 years or over. This is markedly different from the age distribution for 'other' offenders convicted in the courts of petty sessions, as is illustrated in Table 4, where there were more young people and a lesser proportion of persons aged 40 years or more. In 1981 persons under 25 years of age accounted for 52% of convictions for 'other' offences compared to 26% of shoplifting convictions, while persons over 40 years of age accounted for 14% of 'other' convictions compared to 40% of shoplifting convictions.

Table 3. Age of shoplifting offenders 1976-1981  
- appearances resulting in a finding of guilt.\*

Age	Year											
	1976		1977		1978		1979		1980		1981	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
18 yrs	136	4.4	202	4.4	255	4.9	238	4.5	239	4.7	256	5.3
19 yrs	117	3.8	153	3.3	233	4.5	227	4.2	241	4.7	231	4.6
20-24 yrs	486	15.7	730	15.9	803	15.5	809	15.1	781	15.3	831	16.6
25-29 yrs	423	13.7	598	13.0	653	12.6	636	11.9	620	12.1	627	12.5
30-39 yrs	655	21.2	923	20.1	1,065	20.6	1,100	20.6	1,090	21.3	1,076	21.4
40-49 yrs	533	17.2	808	17.6	811	15.7	839	15.7	793	15.5	759	15.1
50-59 yrs	491	15.9	755	16.5	827	16.0	881	16.5	823	16.1	719	14.3
60-64 yrs	145	4.7	217	4.7	270	4.9	277	5.2	265	5.2	244	4.9
65 plus	109	3.5	198	4.3	255	6.4	340	6.4	267	5.2	265	5.3
TOTAL	3,095	100.0	4,584	100.0	5,172	100.0	5,347	100.0	5,119	100.0	5,017	100.0

\* Excludes cases where age unknown.

Table 4. Age of shoplifting and 'other'\*  
petty sessions offenders 1981.

Age	<u>Shoplifters</u>	<u>'Other' offenders</u>
	%	%
18 yrs	5.3	10.3
19 yrs	4.6	10.4
20-24 yrs	16.6	31.8
25-29 yrs	12.5	15.9
30-39 yrs	21.4	17.7
40-49 yrs	15.1	8.0
50-59 yrs	14.3	4.1
60-64 yrs	4.9	0.9
65 yrs plus	5.3	0.9
	<hr/> 100.0	<hr/> 100.0

\* 'other' offences includes all appearances in petty sessions  
excluding shoplifting, drink-driving and drug offences.



An examination of the age distribution of male and female shoplifters in 1981 reveals that a slightly greater percentage of males were under 20 yrs of age (11.9%) than was the case for females (8.2%), whereas, 66.7% of females were aged between 25 and 60 years compared to 59.4% of males. Interestingly, 7.1% of males were aged 65 and over compared to 3.8% of females. (See Table 5).

Table 5. Age and sex of shoplifting offenders 1981  
-appearances resulting in a finding of guilt \*

Age	Sex			
	Male		Female	
	No.	%	No.	%
18 yrs	152	6.7	113	4.1
19 yrs	117	5.2	114	4.1
20-24 yrs	377	16.7	454	16.5
25-29 yrs	258	11.4	369	13.4
30-39 yrs	465	20.6	611	22.1
40-49 yrs	335	14.8	424	15.4
50-59 yrs	284	12.6	435	15.8
60-64 yrs	109	4.8	135	4.9
65 yrs plus	161	7.1	104	3.8
TOTAL	2,258	100.0	2,759	100.0

\* Age unknown in 79 cases.

Table 6 indicates that 50.5% of males found guilty of shoplifting were employed; in sales, small business, clerical, skilled trades or unskilled jobs. A further 23% were unemployed and 18% were pensioners. In contrast 49% of females found guilty were occupied with domestic duties. A similar percentage of females (17.4%) and males were receiving pensions; while 12.5% were employed in sales, small business, clerical or skilled trades and 12.0% were unemployed.

Table 6. Occupation of shoplifters by Sex \*  
- appearances resulting in a finding of guilt 1981.

Occupation	Males		Females	
	No.	%	No.	%
Professional/managerial	5	0.2	3	0.1
Semi-professional/ middle management	72	3.2	75	2.7
Sales, small business, clerical, skilled trade	606	27.2	341	12.5
Unskilled	520	23.3	111	4.1
Student	40	1.8	67	2.5
Pensioner	396	17.8	476	17.4
Domestic	81	3.6	1,336	48.9
Unemployed	509	22.8	325	11.9
TOTAL	2,229	100.0	2,734	100.0

\* Excludes 133 cases where occupation unknown.

Table 7 shows that for all petty sessions appearances resulting in a finding of guilt in 1981, excepting drink/driving and drug offences, 63.1% of the 2,247 persons engaged in domestic duties were found guilty of shoplifting. Similarly, of the 2,122 pensioners found guilty 41.1% were convicted of shoplifting, as were 35.4% of students, 17.0% of semi-professionals and 20.0% of professionals or managers.

Table 7. Occupation by offence  
- appearances resulting in a finding of guilt, 1981 \*

Occupation	Offence		TOTAL
	Shoplifting	'Other' offences**	
Professional/ managerial	No. 8 % 20.0	32 80.0	40 100.0
Semi-professional/ middle management	No. 147 % 17.0	720 83.0	867 100.0
Sales, small business, clerical, skilled trade	No. 947 % 12.2	6,796 87.8	7,743 100.0
Unskilled	No. 631 % 7.8	7,423 92.2	8,054 100.0
Student	No. 107 % 35.4	195 64.6	302 100.0
Pensioner	No. 872 % 41.1	1,250 58.9	2,122 100.0
Domestic	No. 1,417 % 63.1	830 36.9	2,247 100.0
Unemployed	No. 834 % 12.5	5,826 87.5	6,660 100.0

\* excludes cases where occupation unknown.  
\*\* excludes drink-driving and drug offences.

Information on whether defendants had a previous criminal record for any offence was collected for the years 1975 to 1979. In 1975 and 1976 available information was recorded from court papers for all cases, whereas in subsequent years only 1 in 5 cases were sampled. The data in Table 8 suggests that 20% to 30% of those appearing had a previous conviction for some offence. In 1978, 37% of those cases sampled had a criminal record, however, it is possible that this higher figure is due to sampling variance.

Table 8. Previous criminal record by shoplifting appearances 1975-1979 year\*

Previous criminal record	1975		1976		1977		1978		1979	
	No.	%	No.	%	No.	%	No.	%	No.	%
Yes	515	21.8	819	24.7	251	29.0	334	37.2	313	27.0
No	1852	78.2	2501	75.3	616	71.0	565	62.8	809	69.9
Unknown		0.0	0	0.0	0	0.0	0	0.0	36	3.1
TOTAL	2367	100.0	3320	100.0	867	100.0	899	100.0	1158	100.0

\* One in 5 appearances sampled for previous criminal history except in 1975, 76 where previous criminal history provided by the court.

In each of the years 1975 to 1981 nearly 90 % of defendants pleaded guilty to the charge of shoplifting, as is shown in Table 9. Pleas of not guilty have increased slightly over the years from 7.4% in 1975 to 10.3% in 1981 with a peak of 11.9% in 1980, which may be a result of the greater percentage of people being legally represented (See Table 12).

Table 10 indicates that the percentage of not guilty pleas increased with the age of the defendant. Less than 4.0% of under 20 year olds pleaded not guilty compared to 13.1% of 50 to 59 year olds and 17.1% of defendants 65 years of age or over.

Table 9. Plea for shoplifting appearances 1975-1981

Plea	Year													
	1975		1976		1977		1978		1979		1980		1981	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Guilty	2,139	90.4	2,932	88.3	4,353	88.7	4,907	89.1	5,053	87.2	4,744	85.9	4,747	88.4
Not Guilty	174	7.4	283	8.5	428	8.7	472	8.6	565	9.8	656	11.9	553	10.3
Ex-parte	1	0.0	0	0.0	10	0.2	6	0.1	6	0.1	14	0.3	9	0.2
No plea	53	2.2	105	3.2	119	2.4	125	2.3	165	2.8	107	1.9	58	1.1
S. 75B	0	0.0	0	0.0	0	0.0	0	0.0	1	0.0	0	0.0	0	0.0
Unknown	0	0.0	0	0.0	0	0.0	0	0.0	2	0.0	2	0.0	3	0.0
TOTAL	2,367	100.0	3,320	100.0	4,910	100.0	5,510	100.0	5,792	100.0	5,523	100.0	5,370	100.0

Table 10. Age and Plea for Shoplifting appearances 1981.\*

Plea	Age																	
	18 yrs	19 yrs	20-24 yrs	25-29 yrs	30-39 yrs	40-49 yrs	50-59 yrs	60-64 yrs	65 plus	No.	%	No.	%					
Guilty	261	96.3	224	95.3	784	90.5	588	89.4	1,006	89.1	687	85.3	670	87.0	231	87.5	232	81.1
Not Guilty	8	3.0	9	3.8	69	8.0	61	9.3	110	9.7	110	13.7	91	11.8	30	11.4	49	17.1
Ex Parte	0	0.0	0	0.0	2	0.2	1	0.2	4	0.4	1	0.1	0	0.0	0	0.0	1	0.3
No Plea	2	0.7	2	0.9	11	1.3	8	1.2	9	0.8	7	0.9	9	1.2	3	1.1	4	1.4
TOTAL	271	100.0	235	100.0	866	100.0	658	100.0	1,129	100.0	805	100.0	770	100.0	264	100.0	286	100.0

\* excludes cases where age or plea unknown

The court outcomes for shoplifting offences for 1975-81 are shown in Table 11. A fine was the most common result in all years. Approximately two thirds of appearances resulted in this sentence each year. A further 10% to 14% of cases resulted in a recognizance with or without probation or a fine, and 10% to 12% resulted in a S. 556A recognizance or dismissal. Under S.556A of the Crimes Act the court can, where it finds the charge proved, dismiss the charge or discharge the defendant conditionally on his entering into a recognizance to be of good behaviour without proceeding to a conviction. Generally S. 556A dismissals or recognizances are only given to first offenders with no previous convictions. The percentage of shoplifting cases resulting in S. 556A outcomes is about twice the rate for all other petty sessions offences.

Sentences of imprisonment increased from 2.1% of court outcomes in 1975 to 4.1% in 1978, before falling to 2.3% in 1981.

Findings of not guilty increased over the years 1975-81 from 1.7% to 3.3%. This may be attributable to increases in the percentages of persons legally represented. Table 12 shows that legal representation has increased from 25.3% of cases in 1975 to 62.4% in 1981.

Table 11. Court Action for Shoplifting Offences  
1975-81.

Court Action	1975		1976		1977		1978		1979		1980		1981	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Not guilty	40	1.7	81	2.4	104	2.1	122	2.2	182	3.1	187	3.4	178	3.3
Withdrawn/dissmissed	22	0.9	29	0.9	52	1.1	42	0.8	89	1.5	97	1.8	83	1.5
Recognizance forfeited	42	1.8	86	2.6	106	2.2	107	1.9	100	1.7	49	0.9	13	0.2
S.556A dismissal/recognition	240	10.1	341	10.3	597	12.2	556	10.1	655	11.3	676	12.2	632	11.8
Rising of the Court	5	0.2	17	0.5	14	0.3	36	0.7	28	0.5	17	0.3	21	0.4
Fine	1624	68.6	2289	68.9	3355	68.3	3797	68.9	3924	67.7	3701	67.0	3571	66.5
Recognizance with/without probation/fine	344	14.5	378	11.4	514	10.5	625	11.3	602	10.4	643	11.6	710	13.2
Periodic detention/ Community Service order	-	-	-	-	-	-	-	-	-	-	23	0.4	37	0.7
Imprisonment	50	2.1	99	3.0	168	3.4	255	4.1	212	3.7	130	2.4	125	2.3
TOTAL	2,367	100.0	3,320	100.0	4,910	100.0	5,510	100.0	5,792	100.0	5,523	100.0	5,370	100.0



Table 12. Legal Representation for shoplifting appearances  
1975-1981\*

Legal Representation	Year													
	1975	1976	1977	1978	1979	1980	1981							
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Yes	598	25.3	1,006	30.3	2,448	49.9	3,017	54.8	3,127	54.0	3,252	58.9	3,343	62.4
No	1,769	74.7	2,314	69.7	2,462	50.1	2,493	45.2	2,663	46.0	2,268	41.1	2,014	37.6
TOTAL	2,367	100.0	3,320	100.0	4,910	100.0	5,510	100.0	5,790	100.0	5,520	100.0	5,357	100.0

\* excludes cases where legal representation unknown

Table 13 shows the court outcome for shoplifters in 1981 by the age of the defendant. The most notable feature of the table is the greater percentage of persons over 50 years of age receiving S. 556A dismissals or recognizances. Whereas 11% or less of persons under 50 years of age received this outcome it was the result for 14.2% of 50-59 year olds, 26.1% of 60-64 year olds and 43.4% of those 65 years and over.

Similarly, the percentage of not guilty findings increased with the defendants age. Less than 1.0% of under 20 year olds were acquitted compared to 4.0% or greater of those aged 40 years or over. Conversely, young offenders received recognizances more often.

Fines were the most common result for all age groups with the exception of those 65 years of age or over. As indicated in Table 14 fines of between \$51 and \$200 accounted for three quarters (75.6%) of all fines imposed in 1981. In general the amount of fine was less for persons 60 years of age and over, but there was little difference between the other age groups.

Table 13. Age and Court Action for Shoplifting Offences  
1981\*

Court Action	18 yrs		19 yrs		20-24 yrs		25-29 yrs		30-39 yrs		40-49 yrs		50-59 yrs		60-64 yrs		65 plus	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Not guilty	2	0.7	2	0.9	22	2.5	19	2.9	38	3.4	33	4.1	31	4.0	14	5.3	13	4.5
Withdrawn/dismissed	4	1.5	2	0.9	9	1.0	11	1.7	14	1.2	9	1.1	17	2.2	6	2.3	8	2.8
Recognizance forfeited	0	0.0	0	0.0	4	0.5	1	0.2	1	0.1	4	0.5	3	0.4	0	0.0	0	0.0
S.556A dismissal/ recognizance	28	10.2	20	8.5	56	6.5	41	6.2	88	7.8	88	10.9	109	14.2	69	26.1	124	43.4
Rising of the Court	3	1.1	1	0.4	3	0.3	1	0.2	5	0.4	4	0.5	0	0.0	2	0.8	1	0.3
Fine	179	65.3	170	72.3	617	71.2	487	74.0	784	69.4	543	67.5	491	63.8	136	51.5	109	38.1
Recognizance with/ without probation/fine	53	19.3	33	14.0	115	13.3	81	12.3	165	14.6	103	12.8	96	12.5	31	11.7	25	8.7
Periodic detention/ Community Service order	2	0.7	3	1.3	7	0.8	2	0.3	8	0.7	7	0.9	5	0.6	0	0.0	2	0.7
Imprisonment	3	1.1	4	1.7	33	3.8	15	2.3	26	2.3	14	1.7	18	2.3	6	2.2	4	1.4
TOTAL	274	100.0	235	100.0	866	100.0	658	100.0	1129	100.0	805	100.0	770	100.0	264	100.0	286	100.0

\* Age unknown in 79 cases

Table 14. Age and amount of fine for shoplifting appearances resulting in a finding of guilt, 1981\*

Amount of Fine	Age												Total
	18 yrs	19 yrs	20-24 yrs	25-29 yrs	30-39 yrs	40-49 yrs	50-59 yrs	60-64 yrs	65 plus	No.	%	No.	
\$1-50	22	15	46	44	57	50	8.9	54	29	26	23.0	343	9.4
\$51-100	65	59	219	158	266	175	31.0	197	54	48	42.5	1,241	34.1
\$101-200	72	72	255	224	362	250	44.3	198	47	29	25.7	1,509	41.5
\$201-300	11	21	70	57	78	55	9.8	42	7	7	6.2	348	9.6
\$301-400	8	4	24	15	22	19	3.4	9	3	0	0.0	104	2.9
\$401-500	4	5	18	8	12	11	2.0	4	1	2	1.8	65	1.8
\$500 +	0	0	3	2	10	4	0.7	4	0	1	0.9	24	0.7
TOTAL	182	176	635	508	807	564	100.0	508	141	113	100.0	3,634	100.0

\* excludes cases where age unknown

In the majority (77.4%) of shoplifting cases in 1981 defendants were on bail at their final court appearance (See Table 15). In a further 12.2% of cases the person was allowed at large pending their hearing and in the remaining 10.4% of cases they were in custody. This last figure may be misleading as most persons appearing in custody for these offences would normally appear in court on the same day as they were charged.

Table 15. Bail at final appearance for shoplifting appearances 1981\*

Bail condition	No.	%
In custody	554	6.4
On bail	4,124	77.4
Allowed at large	647	12.2
TOTAL	5,325	100.0

\* excludes 45 cases where bail condition unknown;

