

statistical report **11**

# **petty sessions 1972**

published by the department of the attorney general and of justice nsw bureau of crime statistics and research t vinson phd director november 1973



NOTE TO THE READER

Of necessity, this report contains more tables of figures than is usual for Bureau reports. The general reader may, therefore, find it advantageous at a first reading to concentrate on the narrative sections.

Most readers will find the section 'Background Note' an essential introduction to the whole report. An overview of Part I may be obtained by reading pages 3 through to 7.

In contrast to Part I, the numerical content of Part II (Drunkenness Offences), Part III (Country of Birth of Offenders) and Part IV ('Breathalyser' Offences) forms an integral part of the text.

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## Background Note

For several years the Department of the Attorney General and of Justice has published statistics on drug and breathalyser offenders dealt with by the New South Wales Courts of Petty Sessions. However, it was not until January 1972, following the establishment of the Bureau of Crime Statistics and Research, that the Department attempted the formidable task of collecting a wide range of criminal statistics from more than 250 Courts of Petty Sessions throughout the State.

If the Bureau had attempted to document all the cases heard at Petty Sessions, it would have been buried in an avalanche of almost half a million statistical reports in the course of a single year. Moreover, it takes time to train Court staff in the requirements of a new statistical system. So it was decided to concentrate on the more 'serious' offences or those of special pertinence to social policy. This emphasis on documenting serious or socially contentious crime is fundamental to the systems of public reporting which either exist or have been recommended in the United States, England and Canada.

The results of more than 60,000 'general' cases which terminated at the Courts of Petty Sessions during 1972 have been analysed in terms of the offender's sex, place of residence, the 'principal offence' (essentially the offence which attracted the highest penalty), the plea entered in respect of the principal offence, whether or not the defendant was legally represented, previous convictions and the action taken in respect of the principal offence (see Part I of the report). In addition, a necessarily more

limited analysis has been undertaken of 50,238 cases involving the offence of public drunkenness (see Part II). The results of a small pilot investigation of the nationality of offenders appearing at Central Court of Petty Sessions are presented in Part III of the report.

Finally, to complete the analysis of Court action contained in this report, a summary of penalties imposed on breathalyser offenders is presented in Part IV. This section includes an analysis of appeals against the penalties imposed by Courts of Petty Sessions during the first half of 1972.

## The detailed analysis of Offences

As already mentioned, a very substantial number of cases have been subjected to detailed analysis. The offences involved in this analysis have been classified under the following general headings:

- offences against the person,
- sexual offences,
- offences against property,
- fraud, false pretence and like offences,
- larcenies,
- offences against good order,
- summary offences (excluding drunkenness  
which is reported separately),
- driving offences (limited number of categories  
only),
- offences involving drugs and restricted substances,
- environmental offences.

Inevitably the classification which is currently in use will need to be modified. An Inter-Departmental Committee throughout the past year has been assisting the Commonwealth Bureau of Census and Statistics to develop a uniform system of classification which can be used as the basic 'currency' for exchanging information between the different agencies compiling criminal and judicial statistics in New South Wales.

This classification has already been tested in selected Courts of Petty Sessions and, providing certain technical difficulties can be overcome in time, will be adopted for use in January 1974.

As the system becomes better established it should be possible to produce the basic Petty Sessions statistical tables by around April of the following year. It should also be possible to expand considerably the range of analyses of the data and indicate the social policy implications of the figures. Rather than delay further the publication of the 1972 findings, however, it has been decided to limit the scope of the present report to fairly basic data.

In particular, it has been decided not to publish data concerning the area of residence of offenders since we are not completely satisfied with the accuracy of this information. Steps are being taken to improve reporting of this data during 1973.\*

\* The area of residence information will be made available to health workers and social planners who can make allowance for the defects in the data.

#### Uses of Court statistics

Since this is the first presentation of the Petty Sessions statistics it may be as well to draw the reader's attention to an important distinction between 'offender based statistics' and 'offence statistics'. The latter tell us how frequently various crimes are reported as having occurred in the community. They provide a measure of the level of crime which exists. Court statistics on the other hand, focus on the offender and are more useful for the light they throw on the workings of the Law and the social and criminal characteristics of offenders. The two sets of statistics cannot be equated since, obviously, not all criminals are apprehended, and some individuals may be convicted for several offences.

Court statistics may also serve a useful administrative purpose. While equity may be only one of many considerations which have a bearing on the sentencing process, Court statistics can assist the Magistrate in this respect. They can help him see how the penalties he imposes match or differ from the penalties imposed by other Magistrates.

Work is progressing on another type of research which promises to provide an important feedback of information to the sentencer. This concerns the apparent impact of different penalties imposed on specific types of offenders (for example, those convicted of breathalyser offences). The results of this work will be presented in future editions of Petty Sessions annual statistics. They will also be made available directly to the Magistrates.

## Part I

### Petty Sessions: General

This part of the report is divided into two sections. The first section presents some of the general social characteristics of over 62,500 people who appeared before Courts of Petty Sessions for offences of the types listed in the Background Note. (A detailed listing of these offences is contained in Table A).

In the second section, an analysis of 61,668 cases which terminated at Courts of Petty Sessions is presented. One-thousand and twenty six of the original documented cases have thus been deleted for the purposes of the detailed analysis of penalties. It was to be expected in the early development of a relatively large statistical system that the classification of certain types of cases would prove difficult for Court staff. These were mainly the indictable cases which were not proceeded with and a relatively small number of cases which could have been dealt with either on indictment or summarily. These are the cases which have been deleted although it is hoped that they will be included in the report on 1973 Petty Sessions Statistics.

Future reports will also contain a wider range of analyses. Many of the technical difficulties encountered in the first year of operation of the system have now been overcome.

## Section I

### Social Characteristics of Offenders

Males committed four out of every five (83.6 per cent) offences documented in the Petty Session study (see the accompanying table).

#### Sex

	Number	Percentage
Male	52,350	83.6
Female	10,177	16.3
Corporate body	13	-
Not established	54	0.1
	<hr/> 62,594	<hr/> 100.0

Precisely one third of those appearing before the Court were legally represented:

#### Legal Representation

	Number	Percentage
Represented	20,873	33.3
Not represented	41,640	66.6
Not established	81	0.1
	<hr/> 62,594	<hr/> 100.0

In 7175 cases the charge was dismissed for want of prosecution or the bail was forfeited. The question of plea entered was, therefore, not relevant in these cases.

Of the remaining 55,418 cases 4915 (8.9 per cent) pleaded not guilty:

#### Plea Entered

	Number	Percentage
Not guilty	4,915	8.9
Guilty	47,251	85.3
Ex-parte	3,121	5.6
Not established	131	0.2
	<hr/> 55,418	<hr/> 100.0

The pleas entered by different categories of offenders have been documented. First, it should be remembered that two-thirds of the defendants belonged to the 'driving' and 'summary offences' categories, and that the proportion overall who pleaded 'not guilty' was 8.9 per cent.

The extent to which the number of pleas of not guilty within each category of offence exceeded or fell below the overall average, is shown in the figure below. (The actual numbers appear in the margin). Obviously, people charged with sexual offences were more likely than other defendants to plead not guilty. Those charged with offences against the person, property offences and offences against good order also were likely to plead not guilty.

At the other extreme, people facing driving charges (predominantly breathalyser and 'serious' driving offences) and larceny and summary offenders were considerably more



likely to plead guilty. The environmental offence category was also characterised by relatively few pleas of not guilty. However, as the tables which follow indicate, more than four out of every five of these offences involved breaches by individuals of Local Government Ordinances.

#### Pattern of Representation

Paralleling the relatively high rate of not guilty pleas entered by those charged with sexual offences, there was a relatively high rate of legal representation within this group (see figure which follows). The situation was somewhat different among those facing driving charges; the special nature of the evidence tended in breathalyser cases helps to explain the high rate of guilty pleas. However, in half the cases the defendant was legally represented. This level of representation only slightly exceeded that which occurred in 'drug' cases, and those involving offences against good order. Larceny and environmental offenders (see note above) were more likely to appear before Court without legal representation.

#### Previous Offences

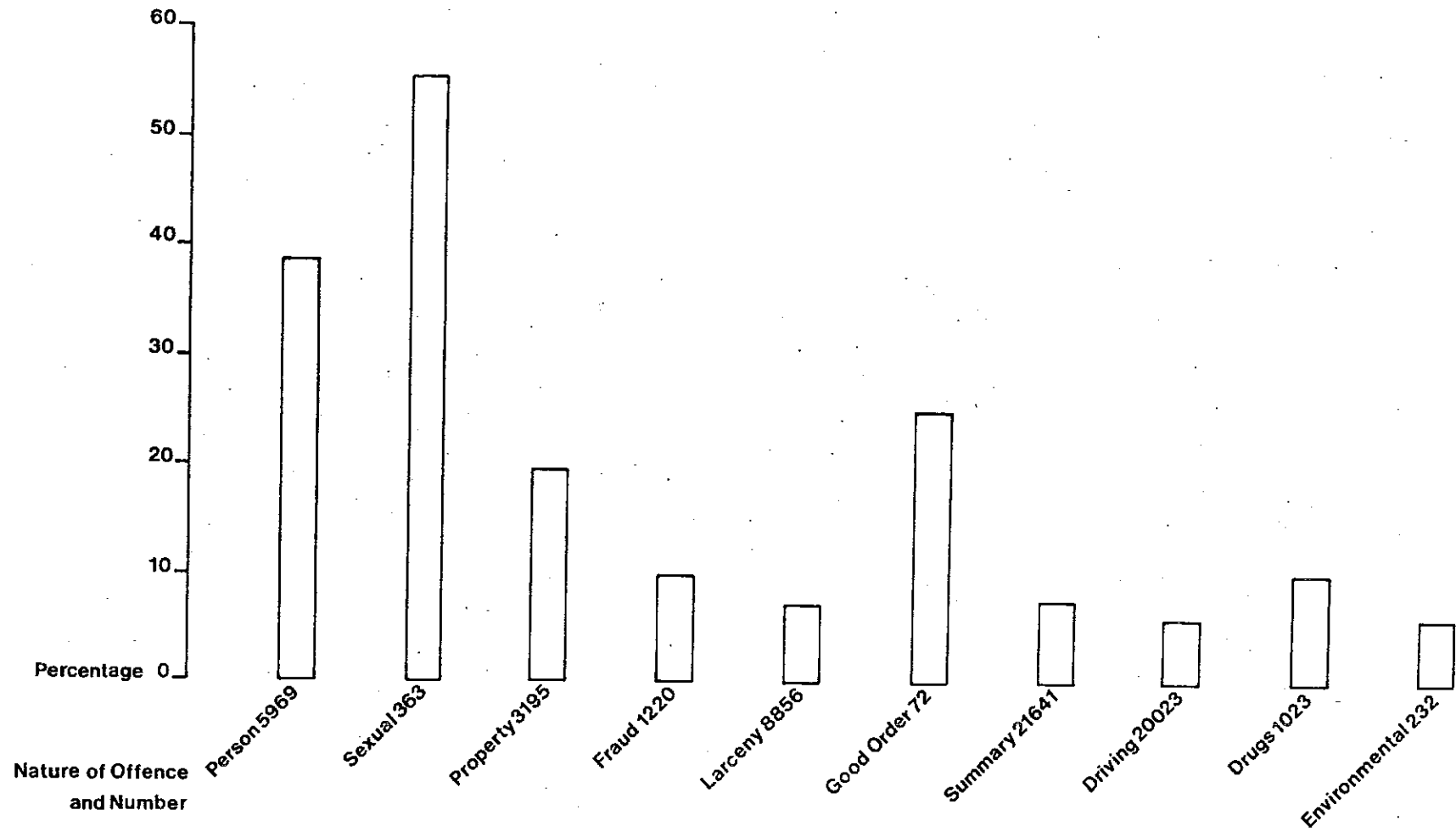
The offence histories of almost 60,000 people appearing before the Courts of Petty Sessions were documented in the course of the year. (Approximately, 5,000 cases in which the matter lapsed for want of prosecution, were not documented in this way).

Two out of every five people appearing before the Court had no previous convictions. Perhaps the most interesting thing about the remaining cases was the way they divided into two classes: a very large proportion (half the entire group) had a history of summary offences but had not incurred convictions for relatively serious (indictable) offences. Just 1 in 20 of all those who appeared before the Court had prior convictions for serious (indictable) offences. But 2 out of 5 had no previous convictions:

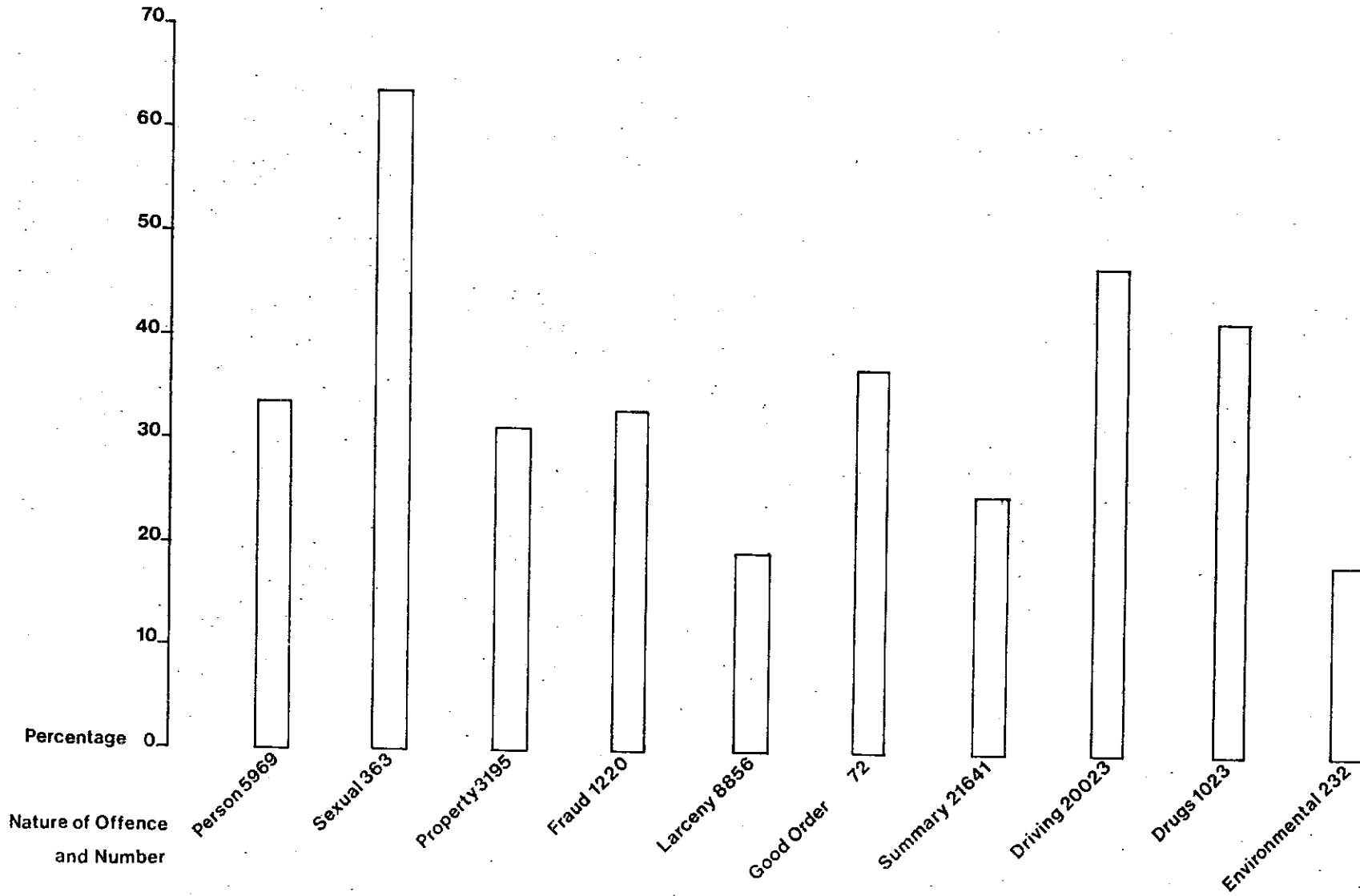
#### Offence History

	Number	Percentage
Indictable with/without other convictions	2725	4.7
Summary with/without juvenile offences	29332	50.7
Juvenile offences	809	1.4
No previous offences	24514	42.3
Not stated	497	0.9
	57877	100.0

### Percentage pleading not Guilty



### Percentage Legally Represented





## Section II

### General Petty Sessions Statistics

The matters included in this section are presented in two sets of tables.

The first table (Table A - General) shows the documented summary cases dealt with at Courts of Petty Sessions.

The second table (Table B) represents the indictable offences, which under specified conditions can be disposed of summarily by a Magistrate. There is a need for special caution in interpreting these figures since, in the majority of cases, the offences referred to, are dealt with by the Higher Criminal Courts. (The interested reader can pursue these matters further by consulting the publication: STATISTICS OF HIGHER CRIMINAL COURTS 1972).

#### The categories

As previously mentioned, the offence categories used during 1972 will shortly be revised. To assist the reader in his understanding of the tables which follow, some brief comments are offered on three of the categories.

#### Category 1 - ASSAULT, common, female, in company:

This category contains diverse elements which it is hoped to separate after January, 1974. The large number of instances in which the charge or information was withdrawn probably indicates that a high proportion of the 'minor' assaults were of a domestic character.

#### Category 3 - OTHER assaultive offences (including apprehended violence):

Again it would be desirable to separate out the elements which make up this category. They were, however, assaultive in character, were dealt with at Petty Sessions and are suspected to have included a high proportion of orders for the purpose of apprehending violence.

#### Category 5 - BURGLARY, break enter and commit felony, with intent.

This category contains a number of offences related to house breaking. The cases where there were convictions in the lower court, were for 'break enter with intent to commit felony'.

#### Note on imprisonment categories (tables A2 and B2)

With the exception of offences involving prohibited substances, the category of 1 - 2 years imprisonment refers to penalties of 1 year only.

Table A1 - General

(Details of Prison Sentence shown in Table A2, Page 18)

Offence	Total	Dismissed/Withdrawn	Recognizance Forfeited	Not Guilty/No Prima Facie Case	Withdrawn in view of death of Defendant	SS6A Dismissal/Recognizance	Recognizance with or without Fine	Fine	Imprisonment with or without Fine	Periodic Detention	Total Imprisonment	
1 ASSAULT, common, female, in company	5069	2572	69	271	8	354	846	85	639	225	-	225
	% -	50.7	1.4	5.3	0.2	7.0	16.7	1.7	12.6	4.4	-	4.4
2 ASSAULT, constable, officer in execution of duty	285	26	6	12	1	12	46	5	125	52	-	52
	% -	9.1	2.1	4.2	0.4	4.2	16.1	1.8	43.9	18.2	-	18.2
3 OTHER assaultive offences - including apprehended violence	234	138	2	16	-	10	49	8	9	2	-	2
	% -	59.0	0.9	6.8	-	4.3	20.9	3.4	3.8	0.9	-	0.9
4 PROPERTY - unlawfully possess	919	161	49	77	1	57	84	6	373	111	-	111
	% -	17.5	5.3	8.4	0.1	6.2	9.1	0.7	40.6	12.1	-	12.1
5 OBTAIN credit by fraud	24	4	3	-	-	2	1	-	12	2	-	2
	% -	16.7	12.5	-	-	8.3	4.2	-	50.0	8.3	-	8.3
6 CHEQUE not paid on presentation	115	48	7	7	-	7	14	-	24	8	-	8
	% -	41.7	6.1	6.1	-	6.1	12.2	-	20.9	6.9	-	6.9
7 LARCENY - simple	8150	341	192	191	4	615	1057	162	4649	938	1	939
	% -	4.2	2.4	2.3	-	7.5	13.0	2.0	57.0	11.5	-	11.5
8 CONTEMPT of Court	3	-	-	-	-	-	-	-	2	1	-	-
	% -	-	-	-	-	-	-	-	66.7	33.3	-	-

Offence	Total	Dismissed/Withdrawn	Recognizance Forfeited	Not Guilty/No Prima Facie Case	Withdrawn in view of death of Defendant	556A Dismissal/Recognizance	Recognizance with or without Fine	Fine	Imprisonment with or without Fine	Periodic Detention	Total Imprisonment	
9 CAUSE action of obstruction, annoyance or danger	29	-	1	5	-	1	-	1	19	2	-	-
	% -	-	3.4	17.3	-	3.4	-	3.4	65.5	7.0	-	-
10 BEG or gather alms	122	8	6	-	-	-	3	-	31	74	-	74
	% -	6.6	4.9	-	-	-	2.5	-	25.4	60.6	-	60.5
11 PERSON in charge of premises frequented by criminals	1	-	-	1	-	-	-	-	-	-	-	-
	% -	-	-	100.0	-	-	-	-	-	-	-	-
12 INDECENT, offensive etc. behaviour	3394	100	332	85	1	267	154	11	2269	175	-	175
	% -	2.9	9.8	2.5	-	7.9	4.5	0.3	66.9	5.2	-	5.2
13 BETTING	1338	7	820	4	-	4	9	1	490	3	-	3
	% -	0.5	61.3	0.3	-	0.3	0.7	0.1	36.6	0.2	-	0.2
14 BRIBERY and attempts	37	1	-	-	-	-	1	4	30	1	-	1
	% -	2.7	-	-	-	-	2.7	10.8	81.1	2.7	-	2.7
15 FOUND in common gaming house	35	-	31	-	-	-	-	-	5	-	-	-
	% -	-	86.1	-	-	-	-	-	13.9	-	-	-
16 CONSORTING with reputed criminals	51	1	7	-	-	4	3	-	30	6	-	6
	% -	2.0	13.7	-	-	7.8	5.9	-	58.8	11.8	-	11.8

Offence	Total	Dismissed/Withdrawn	Recognizance Forfeited	Not Guilty/No Prima Facie Case	Withdrawn in view of death of Defendant	SSSA Dismissal/Recognizance	Recognizance with or without Fine	Fine	Imprisonment with or without Fine	Periodic Detention	Total Imprisonment
17 KEEPER of common gaming house	56	-	30	-	-	1	-	25	-	-	-
%	-	-	53.6	-	-	1.8	-	44.6	-	-	-
18 ASSUME designation of constable	24	2	-	-	-	3	3	13	2	-	2
%	-	8.3	-	-	-	12.5	12.5	54.2	8.3	-	8.3
19 IN POSSESSION of cutting instrument	61	6	4	5	-	4	15	3	23	-	23
%	-	9.8	6.6	8.2	-	6.6	24.6	4.9	37.7	-	37.7
20 DAMAGE fountain	3	-	-	-	-	-	-	3	-	-	-
%	-	-	-	-	-	-	-	100.0	-	-	-
21 DAMAGE shrines, monuments, statues	1	-	-	-	-	-	-	1	-	-	-
%	-	-	-	-	-	-	-	100.0	-	-	-
22 DEFACE walls	15	1	-	-	-	2	2	10	-	-	-
%	-	6.7	-	-	-	13.3	13.3	66.7	-	-	-
23 DISTURB occupier of premises	7	5	-	-	-	-	1	-	-	-	-
%	-	71.4	-	-	-	-	14.3	-	-	-	-
24 ENTER building, land without reasonable cause	467	64	13	19	1	68	42	204	50	-	50
%	-	13.7	2.8	4.1	0.2	14.6	9.0	43.6	10.7	-	10.7
25 EVADE fare	2250	33	6	14	-	47	1	2148	-	-	-
%	-	1.5	0.3	0.6	-	2.1	-	95.5	-	-	-



Offence	Total	Dismissed/Withdrawn	Recognizance Forfeited	Not Guilty/No Prima Facie Case	Withdrawn in view of death of Defendant	556A Dismissal/Recognizance	Recognizance with or without Fine	Fine	Imprisonment with Probation with or without Fine	Imprisonment with or without Fine	Periodic Detention	Total Imprisonment
26 EXPLOSIVES unlawfully make/possess	27	4	-	4	-	1	3	1	4	10	-	10
%	-	14.8	-	14.8	-	3.7	11.1	3.7	14.8	37.0	-	37.0
27 FAIL to observe police direction	12	4	1	1	-	1	1	-	4	-	-	-
%	-	33.3	8.3	8.3	-	8.3	8.3	-	33.3	-	-	-
28 FIREARMS unlawfully possess	268	17	2	7	-	18	17	4	193	10	-	10
%	-	6.3	0.7	2.6	-	6.7	6.3	1.5	72.0	3.6	-	3.6
29 FIREARMS shoot, carry on sunday	59	-	1	1	-	6	1	-	50	-	-	-
%	-	-	1.7	1.7	-	10.2	1.7	-	84.7	-	-	-
30 FORTUNE telling	-	-	-	-	-	-	-	-	-	-	-	-
%	-	-	-	-	-	-	-	-	-	-	-	-
31 SUSPECTED person	53	6	5	6	-	2	7	-	10	17	-	17
%	-	11.3	9.4	11.3	-	3.8	13.2	-	18.9	32.1	-	32.1
32 PERSON found in premises frequented by reputed criminals	14	-	1	-	-	1	3	-	9	-	-	-
%	-	-	7.1	-	-	7.1	21.4	64.2	-	-	-	-
33 POSSESS homebreaking implements	49	11	3	2	-	1	10	-	5	17	-	17
%	-	22.5	6.1	4.1	-	2.0	20.4	-	10.2	34.7	-	34.7
34 INDECENT exposure	162	6	9	3	-	25	21	3	90	5	-	5
%	-	3.7	5.5	1.9	-	15.4	12.9	1.9	55.5	3.1	-	3.1

Offence	Total	Dismissed/Withdrawn	Recognizance Forfeited	Not Guilty/No Prima Facie Case	Withdrawn in view of death of Defendant	556A Dismissal/Recognizance	Recognizance with or without Fine	Fine	Imprisonment with or without Fine	Periodic Detention	Total Imprisonment	
35 OBSCENE exposure	245	2	4	8	-	24	82	26	74	24	1	25
%	-	0.8	1.6	3.3	-	9.8	33.5	10.6	30.2	9.8	0.4	10.2
36 USE noisy instruments	-	-	-	-	-	-	-	-	-	-	-	-
%	-	-	-	-	-	-	-	-	-	-	-	-
37 MAKE fires or let off fireworks in public place or school	11	-	1	-	-	3	-	-	7	-	-	-
%	-	-	9.1	-	-	27.3	-	-	63.6	-	-	-
38 OBSTRUCT traffic	28	2	5	-	-	-	1	-	20	-	-	-
%	-	7.1	17.9	-	-	-	3.6	-	71.4	-	-	-
39 POSSESS unlicensed pistol	114	10	1	3	-	8	11	1	63	17	-	17
%	-	8.8	0.9	2.6	-	7.0	9.6	0.9	55.3	14.9	-	14.9
40 USE premises for prostitution	51	3	3	1	1	2	2	-	38	1	-	1
%	-	5.9	5.9	2.0	2.0	3.9	3.9	-	74.4	2.0	-	2.0
41 PERSON living on earnings of prostitution	46	4	3	4	-	1	3	-	19	12	-	12
%	-	8.7	6.5	8.7	-	2.2	6.5	-	41.3	26.1	-	26.1
42 SOLICIT, loiter for prostitution	4288	100	139	7	-	19	15	1	3994	13	-	13
%	-	2.3	3.3	0.2	-	0.4	0.3	-	93.2	0.3	-	0.3
43 PRYING	69	2	1	3	-	11	22	3	26	1	-	1
%	-	2.9	1.5	4.3	-	15.9	31.9	4.3	37.7	1.5	-	1.5

Offence	Total	Dismissed/Withdrawn	Recognizance Forfeited	Not Guilty/No Prime Facia Case	Withdrawn in view of death of Defendant	556A Dismissal/Recognizance	Recognizance with or without Fine	Fine	Imprisonment with or without Fine	Periodic Detention	Total Imprisonment	
44 RESIST police	427	28	9	7	1	26	26	2	274	54	54	
%	-	6.6	2.1	1.6	0.2	6.1	6.1	0.5	64.2	12.6	12.6	
45 SELL liquor without license	10	-	-	-	-	-	-	-	10	-	-	
%	-	-	-	-	-	-	-	-	100.0	-	-	
46 TAKE part in unauthorised procession	5	-	-	-	-	1	-	-	4	-	-	
%	-	-	-	-	-	20.0	-	-	80.0	-	-	
47 TRESPASS on enclosed lands	170	7	4	4	-	19	6	2	122	6	6	
%	-	4.1	2.4	2.4	-	11.2	3.5	1.2	71.7	3.5	3.5	
48 USE unseemly words	3797	203	225	5.7	1	185	127	14	2783	202	202	
%	-	5.3	5.9	1.5	-	4.9	3.3	0.4	73.4	5.3	5.3	
49 VAGRANCY	3712	1624	36	54	3	98	82	17	53	1743	2	1745
%	-	43.8	1.0	1.5	0.1	2.6	2.2	0.4	1.4	47.0	-	47.0
50 WRITE or draw unseemly words or draw obscene figures	27	1	2	1	-	3	3	1	14	2	2	
%	-	3.7	7.4	3.7	-	11.1	11.1	3.7	51.9	7.4	7.4	
51 TAKE and use motor vehicle or boat without consent	105	5	2	3	-	6	11	6	48	24	24	
%	-	4.8	1.9	2.9	-	5.7	10.5	5.7	45.7	22.8	22.8	
52 DRIVE with prescribed concentration of alcohol/under the influence	17140	141	141	127	11	1102	1308	134	13815	358	3	351
%	-	0.8	0.8	0.7	0.1	6.4	7.6	0.8	80.6	2.1	-	2.1

Offence	Total	Dismissed/Withdrawn	Recognizance Forfeited	Not Guilty/No Prima Facie Case	Withdrawn in view of 556A Dismissal/Recognizance	Recognizance with or without Fine	Fine	Imprisonment with or without Fine	Periodic Detention	Total Imprisonment	
53. DRIVE in manner/speed dangerous	1745	259	14	110	1	49	52	7	1202	51	51
% -	-	14.8	0.8	6.3	0.1	2.8	3.0	0.4	68.9	2.9	2.9
54 FAIL to stop after accident	400	25	1	24	1	19	3	-	326	1	1
% -	-	6.2	0.2	6.0	0.3	4.8	0.7	-	81.5	0.3	0.3
55 DRIVE while disqualified	582	13	6	8	-	10	73	17	250	205	205
% -	-	2.2	1.0	1.4	-	1.7	12.6	2.9	43.0	35.2	35.2
56. POSSESS restricted substances (drugs)	209	12	2	12	1	20	45	28	69	20	20
% -	-	5.7	1.0	5.7	0.5	9.6	21.5	13.4	33.0	9.6	9.6
57 SELL restricted substances	27	1	-	1	-	-	5	2	4	14	14
% -	-	3.7	-	3.7	-	-	18.5	7.4	14.8	51.9	51.9
58 OFFENCES relating to Opium, Indian hemp and other drugs of addiction	679	34	6	12	-	42	150	48	333	54	54
% -	-	5.0	0.9	1.8	-	6.2	22.1	7.1	49.0	7.9	7.9
59 FORGE, alter or utter prescription	43	1	-	-	-	1	11	6	11	13	13
% -	-	2.3	-	-	-	2.3	25.6	14.0	25.6	30.2	30.2
60 OBTAIN drug by false representation	5	-	-	-	-	-	-	-	1	4	4
% -	-	-	-	-	-	-	-	-	20.0	80.0	80.0
61 MANUFACTURE, sell, possess use etc. prohibited drug	24	1	1	-	-	-	10	1	2	9	9
% -	-	4.2	4.2	-	-	-	41.6	4.2	8.3	37.5	37.5

Offence	Total	Dismissed/Withdrawn	Recognizance Forfeited	Not Guilty/No Prima Facie Case	Withdrawn in view of death of Defendant	556A Dismissal/Recognizance	Recognizance with or without Fine	Fine	Imprisonment with or without Fine	Periodic Detention	Total Imprisonment
62 MANUFACTURE drugs without licence	1	-	-	-	-	-	-	-	1	-	1
%	-	-	-	-	-	-	-	-	100.0	-	100.0
63 POLLUTION of navigable waters	3	-	-	1	-	-	-	2	-	-	-
%	-	-	-	33.3	-	-	-	66.6	-	-	-
64 EMISSION from vessels, noise smoke dust etc.	9	-	-	-	-	1	1	7	-	-	-
%	-	-	-	-	-	11.1	11.1	77.8	-	-	-
65 DUMP rubbish in port or on shore	3	-	-	-	-	2	-	1	-	-	-
%	-	-	-	-	-	66.6	-	33.3	-	-	-
66 POLLUTION of water, watercourse	2	-	-	-	-	-	-	2	-	-	-
%	-	-	-	-	-	-	-	100.0	-	-	-
67 NOT CONTROL/regulate emission, discharge etc. of smoke, fumes, water products	1	-	-	-	-	-	-	1	-	-	-
%	-	-	-	-	-	-	-	100.0	-	-	-
68 DEPOSIT litter on public place	128	11	1	-	-	6	-	110	-	-	-
%	-	8.6	0.8	-	-	4.7	-	85.9	-	-	-
69 DEPOSIT rubbish on land	57	3	-	-	-	1	-	53	-	-	-
%	-	5.3	-	-	-	1.8	-	92.9	-	-	-
70 NOT MAINTAIN and operate control equipment in proper efficient manner	1	-	-	-	-	-	-	1	-	-	-
%	-	-	-	-	-	-	-	100.0	-	-	-

Offence	Total	Dismissed/Withdrawn	Recognizance Forfeited	Not Guilty/No Prima Facie Case	Withdrawn in view of death of Defendant	555A Dismissal/Recognizance	Recognizance with or without Fine	Fine	Imprisonment with or without Fine	Periodic Detention	Total Imprisonment
71 EXCEED prescribed standard of air impurities - scheduled premises	1	-	-	-	-	-	-	1	-	-	-
%	-	-	-	-	-	-	-	100.0	-	-	-
72 CERTAIN work not to be carried out if in so doing increase air impurities	-	-	-	-	-	-	-	-	-	-	-
%	-	-	-	-	-	-	-	-	-	-	-
73 NOT comply with notice - control of air impurities	3	1	-	1	-	1	-	-	-	-	-
%	-	33.3	-	33.3	-	33.3	-	-	-	-	-
74 NOT EXCEED prescribed standard of air impurities - unscheduled premises	-	-	-	-	-	-	-	-	-	-	-
%	-	-	-	-	-	-	-	-	-	-	-
75 CONTROL of air impurities from trade premises, industry etc.	-	-	-	-	-	-	-	-	-	-	-
%	-	-	-	-	-	-	-	-	-	-	-
76 PREVENTING and minimising air pollution mine or open cut working	-	-	-	-	-	-	-	-	-	-	-
%	-	-	-	-	-	-	-	-	-	-	-
77 OCCUPIER of premises required to furnish information	-	-	-	-	-	-	-	-	-	-	-
%	-	-	-	-	-	-	-	-	-	-	-
78 OBSTRUCTION etc. of authorised officer in the exercise of his powers	-	-	-	-	-	-	-	-	-	-	-
%	-	-	-	-	-	-	-	-	-	-	-



Table A2 - General (Cont.) Details of Prison Sentences

Offence	Total	Periodic detention	14 days and under	Over 14 days up to 1 month	1 month up to 2 months	2 months up to 3 months	3 months up to 6 months	6 months up to 9 months	9 months up to 1 year	1 year up to 2 years
1 ASSAULT, common, female, in company	225	-	31	27	32	50	74	11	-	-
	% -	-	13.8	12.0	14.2	22.2	32.9	4.9	-	-
2 ASSAULT, constable, officer in execution of duty	52	-	5	5	10	5	19	8	-	-
	% -	-	9.6	9.6	19.2	9.6	36.5	15.4	-	-
3 OTHER assaultive offences - including apprehended violence	2	-	-	-	-	-	1	-	1	-
	% -	-	-	-	-	-	50.0	-	50.0	-
4 PROPERTY - unlawfully possess	111	-	18	7	20	15	34	17	-	-
	% -	-	16.2	6.3	18.0	13.5	30.6	15.3	-	-
5 OBTAIN credit by fraud	2	-	-	-	-	-	1	1	-	-
	% -	-	-	-	-	-	50.0	50.0	-	-
6 CHEQUE not paid on presentation	8	-	3	-	1	1	1	2	-	-
	% -	-	37.5	-	12.5	12.5	12.5	25.0	-	-
7 LARCENY simple	939	1	101	53	112	149	279	153	72	19
	% -	0.1	10.7	5.6	11.9	15.9	29.7	16.3	7.8	2.0
8 CONTEMPT of Court	1	-	1	-	-	-	-	-	-	-
	% -	-	100.0	-	-	-	-	-	-	-



Offence	Total	Periodic detention	14 days and under	Over 14 days up to 1 month	1 month up to 2 months	2 months up to 3 months	3 months up to 6 months	6 months up to 9 months	9 months up to 1 year	1 year up to 2 years
9 CAUSE action of obstruction, annoyance or danger	2	-	2	-	-	-	-	-	-	-
%	-	-	100.0	-	-	-	-	-	-	-
10 BEG or gather alms	74	-	41	5	13	11	4	-	-	-
%	-	-	55.4	6.7	17.6	14.9	5.4	-	-	-
11 PERSON in charge of premises frequented by criminals	-	-	-	-	-	-	-	-	-	-
%	-	-	-	-	-	-	-	-	-	-
12 INDECENT, offensive etc. behaviour	175	-	68	51	24	18	12	2	-	-
%	-	-	38.9	29.1	13.7	10.3	6.9	1.1	-	-
13 BETTING	3	-	-	2	1	-	-	-	-	-
%	-	-	-	66.7	33.3	-	-	-	-	-
14 BRIBERY and attempts	1	-	-	-	-	1	-	-	-	-
%	-	-	-	-	-	100.0	-	-	-	-
15 FOUND in common gaming house	-	-	-	-	-	-	-	-	-	-
%	-	-	-	-	-	-	-	-	-	-
16 KEEPER of common gaming house	-	-	-	-	-	-	-	-	-	-
%	-	-	-	-	-	-	-	-	-	-

Offence	Total	Periodic detention 14 days and under	Over 14 days up to 1 month	1 month up to 2 months	2 months up to 3 months	3 months up to 6 months	6 months up to 9 months	9 months up to 1 year	1 year up to 2 years
17 CONSORTING with reputed criminals	6	1	1	2	1	1	-	-	-
%	-	16.7	16.7	33.3	16.7	16.7	-	-	-
18 ASSUME designation of constable	2	-	-	1	1	-	-	-	-
%	-	-	-	50.0	50.0	-	-	-	-
19 IN POSSESSION of cutting instrument	23	6	2	5	3	6	1	-	-
%	-	26.1	8.7	21.7	13.0	26.1	4.4	-	-
20 DAMAGE fountain	-	-	-	-	-	-	-	-	-
%	-	-	-	-	-	-	-	-	-
21 DAMAGE shrines, monuments, statues	-	-	-	-	-	-	-	-	-
%	-	-	-	-	-	-	-	-	-
22 DEFACE walls	-	-	-	-	-	-	-	-	-
%	-	-	-	-	-	-	-	-	-
23 DISTURB occupier of premises	-	-	-	-	-	-	-	-	-
%	-	-	-	-	-	-	-	-	-
24 ENTER building, land without reasonable cause	50	7	5	22	11	5	-	-	-
%	-	14.0	10.0	44.0	22.0	10.0	-	-	-
25 EVADE fare	-	-	-	-	-	-	-	-	-
%	-	-	-	-	-	-	-	-	-

Offence	Total	Periodic detention	14 days and under	Over 14 days up to 1 month	1 month up to 2 months	2 months up to 3 months	3 months up to 6 months	6 months up to 9 months	9 months up to 1 year	1 year up to 2 years
26 EXPLOSIVES unlawfully make/possess	10	-	1	-	1	1	3	4	-	-
%	-	-	10.0	-	10.0	10.0	30.0	40.0	-	-
27 FAIL to observe police direction	-	-	-	-	-	-	-	-	-	-
%	-	-	-	-	-	-	-	-	-	-
28 FIREARMS unlawfully possess	-	-	-	-	-	-	-	-	-	-
%	-	-	-	-	-	-	-	-	-	-
29 FIREARMS shoot, carry on Sunday	-	-	-	-	-	-	-	-	-	-
%	-	-	-	-	-	-	-	-	-	-
30 FORTUNE telling	-	-	-	-	-	-	-	-	-	-
%	-	-	-	-	-	-	-	-	-	-
31 SUSPECTED person	17	-	1	-	1	4	8	3	-	-
%	-	-	5.9	-	5.9	23.5	47.1	17.6	-	-
32 PERSON found in premises frequented by reputed criminals	-	-	-	-	-	-	-	-	-	-
%	-	-	-	-	-	-	-	-	-	-
33 POSSESS housebreaking implements	17	-	1	-	1	-	5	8	2	-
%	-	-	5.9	-	5.9	-	29.4	47.0	11.8	-
34 INDECENT exposure	5	-	-	1	1	1	1	1	-	-
%	-	-	-	20.0	20.0	20.0	20.0	20.0	-	-

Offence	Total	Periodic detention	14 days and under	Over 14 days and under	1 month up to 1 month	2 months up to 2 months	3 months up to 3 months	6 months up to 6 months	9 months up to 9 months	1 year up to 1 year	2 years up to 2 years
35 OBSCENE exposure	25	1	-	-	2	2	15	5	-	-	-
%	-	4.0	-	-	8.0	8.0	60.0	20.0	-	-	-
36 USE noisy instrument	-	-	-	-	-	-	-	-	-	-	-
%	-	-	-	-	-	-	-	-	-	-	-
37 MAKE fires or let off fireworks in public place or school	-	-	-	-	-	-	-	-	-	-	-
%	-	-	-	-	-	-	-	-	-	-	-
38 OBSTRUCT traffic	-	-	-	-	-	-	-	-	-	-	-
%	-	-	-	-	-	-	-	-	-	-	-
39 POSSESS unlicensed pistol	17	-	-	2	2	3	4	4	1	1	-
%	-	-	-	11.8	11.8	17.6	23.5	23.5	5.9	5.9	-
40 USE premises for prostitution	1	-	-	-	1	-	-	-	-	-	-
%	-	-	-	-	100.0	-	-	-	-	-	-
41 PERSON living on earnings of prostitution	12	-	-	3	1	1	6	1	-	-	-
%	-	-	-	25.0	8.3	8.3	50.0	8.3	-	-	-
42 SOLICIT, loiter for prostitution	13	-	8	-	3	1	1	-	-	-	-
%	-	-	61.5	-	23.1	7.7	7.7	-	-	-	-
43 PRYING	1	-	-	-	-	1	-	-	-	-	-
%	-	-	-	-	-	100.0	-	-	-	-	-

Offence	Total	Periodic detention 14 days and under	Over 14 days up to 1 month	1 month up to 2 months	2 months up to 3 months	3 months up to 6 months	6 months up to 9 months	9 months up to 1 year	1 year up to 2 years
44 RESIST police	54	-	10	8	20	12	4	-	-
%	-	-	18.5	14.8	37.1	22.2	7.4	-	-
45 SELL liquor without license	-	-	-	-	-	-	-	-	-
%	-	-	-	-	-	-	-	-	-
46 TAKE part in unauthorised procession	-	-	-	-	-	-	-	-	-
%	-	-	-	-	-	-	-	-	-
47 TRESPASS on enclosed lands	6	-	3	3	-	-	-	-	-
%	-	-	50.0	50.0	-	-	-	-	-
48 USE unseemly words	202	-	118	35	29	13	7	-	-
%	-	-	58.4	17.3	14.4	6.4	3.5	-	-
49 VAGRANCY	1745	1	668	339	375	227	132	2	-
%	-	0.1	38.3	19.4	21.5	13.0	7.6	0.1	-
50 WRITE or draw unseemly words or obscene figures	2	-	-	-	1	1	-	-	-
%	-	-	-	-	50.0	50.0	-	-	-
51 TAKE and use motor vehicle or boat without consent	24	-	2	-	1	4	9	5	3
%	-	-	8.3	-	4.2	16.7	37.5	20.8	12.5
52 DRIVE with prescribed concentration of alcohol/under the influence	351	3	17	17	30	77	180	37	-
%	-	0.8	4.7	4.7	8.3	21.3	49.9	10.3	-

Offence	Total	Periodic detention 14 days and under	Over 14 days up to 1 month	1 month up to 2 months	2 months up to 3 months	3 months up to 5 months	5 months up to 9 months	9 months up to 1 year	1 year up to 2 years
53 DRIVE in manner/speed dangerous	51	1	3	1	10	28	8	-	-
%	-	1.9	5.9	1.9	19.6	55.0	15.7	-	-
54 FAIL to stop after accident	1	-	-	-	-	1	-	-	-
%	-	-	-	-	-	100.0	-	-	-
55 DRIVE while disqualified	205	3	8	20	50	101	23	-	-
%	-	1.5	3.9	9.7	24.4	49.3	11.2	-	-
56 POSSESS restricted substances (drugs)	20	1	-	1	-	5	5	6	2
%	-	5.0	-	5.0	-	25.0	25.0	30.0	10.0
57 SELL restricted substances	14	-	1	-	-	2	6	-	5
%	-	-	7.1	-	-	14.3	42.9	-	35.7
58 OFFENCE relating to opium Indian hemp and other drugs of addiction	54	5	-	4	3	14	10	5	13
%	-	9.2	-	7.4	5.6	26.0	18.5	9.2	24.1
59 FORGE, alter or utter prescription	13	2	-	-	2	4	1	4	-
%	-	15.4	-	-	15.4	30.7	7.8	30.7	-
60 OBTAIN drug by false representation	4	-	-	-	-	1	-	-	3
%	-	-	-	-	-	25.0	-	-	75.0
61 MANUFACTURE, sell, possess, use etc. prohibited drug	9	-	-	-	-	3	1	1	4
%	-	-	-	-	-	33.3	11.1	11.1	44.5

Offence	Total	Periodic detention 14 days and under	Over 14 days up to 1 month	1 month up to 2 months	2 months up to 3 months	3 months up to 6 months	6 months up to 9 months	9 months up to 1 year	1 year up to 2 years
62 MANUFACTURE drugs without license	1	-	-	-	-	-	-	-	1
%	-	-	-	-	-	-	-	-	100.0

**Table B1- Indictable/Dealt with Summarily**

(Details of Prison Sentences shown in Table B2 - Page 29)

Offence	Total	Dismissed/Withdrawn	Recognizance Forfeited	Not Guilty/No. Prima Facie Case	Withdrawn in view of death of Defendant	555A Dismissal/Recognizance	Recognizance with or without Fine	Fine	Imprisonment with or without Fine	Periodic Detention	Total Imprisonment
1 INDECENT act between males (in public or private)	17	-	-	2	-	5	4	5	1	-	-
%	-	-	-	11.8	-	29.4	23.5	29.4	5.9	-	-
2 INDECENT act with male - male person party to commission of	34	7	-	1	-	3	9	3	8	3	-
%	-	20.6	-	3.0	-	8.8	26.5	8.8	23.5	8.8	-
3 INDECENT act with male - procure, attempt to procure	19	3	1	4	-	2	5	3	-	1	-
%	-	15.8	5.3	21.0	-	10.5	26.3	15.8	-	5.3	-
4 INDECENT act with male - solicit, attempt to solicit	2	-	-	-	-	1	-	1	-	-	-
%	-	-	-	-	-	50.0	-	50.0	-	-	-
5 BURGLARY break, enter and commit felony, with intent	556	323	64	44	1	9	37	17	21	40	-
%	-	58.1	11.5	7.9	0.2	1.6	6.6	3.1	3.8	7.2	-
6 CATTLE unlawfully kill, maim, wound	22	-	-	1	-	1	4	2	8	6	6
%	-	-	-	4.5	-	4.5	18.2	9.1	36.4	27.3	27.3
7 PROPERTY maliciously injure	955	147	29	27	-	43	83	21	553	52	52
%	-	15.2	3.0	2.8	-	4.5	8.6	2.2	57.3	6.4	6.4
8 RECEIVING	613	65	23	66	-	34	102	22	248	53	53
%	-	10.6	3.8	10.8	-	5.5	16.6	3.5	40.5	8.6	8.6



Offence	Total	Dismissed/Withdrawn	Recognizance Forfeited	Not Guilty/No Prima Facie Case	Withdrawn in view of death of Defendant	SS6A Dismissal/Recognizance	Recognizance with or without Fine	Fine	Imprisonment with or without Fine	Periodic Detention	Total Imprisonment	
9 RECEIVING Commonwealth Property	7	-	1	1	-	1	1	-	1	2	-	2
	% -	-	14.3	14.3	-	14.3	14.3	-	14.3	28.5	-	28.5
10 EMBEZZLEMENT - Larceny as a Clerk	129	29	6	6	-	10	47	7	20	4	-	4
	% -	22.5	4.7	4.7	-	7.7	36.4	5.4	15.5	3.1	-	3.1
11 FALSE pretences	619	97	23	20	-	27	92	22	199	139	-	139
	% -	15.7	3.7	3.2	-	4.4	14.9	3.5	32.1	22.5	-	22.5
12 FORGE/UTTER	238	42	1	7	-	15	51	7	84	31	-	31
	% -	17.7	0.4	2.9	-	6.4	21.4	2.9	35.3	13.0	-	13.0
13 MISAPPROPRIATION	63	19	-	4	1	3	18	3	10	5	-	5
	% -	30.1	-	6.3	1.6	4.8	28.6	4.8	15.9	7.9	-	7.9
14 LARCENY/illegal use motor vehicle or boat	248	47	12	16	1	16	28	11	59	58	-	58
	% -	19.0	4.8	6.5	0.4	6.4	11.3	4.4	23.8	23.4	-	23.4
15 LARCENY as bailee	6	1	-	-	-	1	-	-	4	-	-	-
	% -	16.7	-	-	-	16.7	-	-	66.6	-	-	-
16 LARCENY Commonwealth Property	48	3	-	1	-	2	6	2	32	2	-	2
	% -	6.2	-	2.1	-	4.2	12.5	4.2	66.6	4.2	-	4.2
17 LARCENY/illegally use animals	41	3	-	3	-	3	4	3	15	10	-	10
	% -	7.3	-	7.3	-	7.3	9.8	7.3	36.6	24.4	-	24.4

Offence	Total	Dismissed/Withdrawn	Recognizance Forfeited	Not Guilty/No Prima Facie Case	Withdrawn in view of death of Defendant	596A Dismiss /Recognizance	Recognizance with or without Fine	Fine	Imprisonment with Probation with or without Fine	Periodic Detention	Total Imprisonment	
18 LARCENY from the person	131	5	2	-	-	12	22	3	63	24	-	24
%	-	3.8	1.5	-	-	9.2	16.8	2.3	48.1	18.3	-	18.3
19 LARCENY in dwelling	225	14	3	4	-	7	28	4	131	34	-	34
%	-	6.2	1.3	1.8	-	3.1	12.5	1.8	58.2	15.1	-	15.1
20 LARCENY person employed in Public Service	7	2	-	-	-	-	1	-	1	3	-	3
%	-	28.6	-	-	-	-	14.3	-	14.3	42.8	-	42.8
21 CONSPIRACY	7	4	-	2	-	-	1	-	-	-	-	-
%	-	57.1	-	28.6	-	-	14.3	-	-	-	-	-
22 INCITE to commit crime	14	2	3	-	-	1	2	-	6	-	-	-
%	-	14.3	21.4	-	-	7.1	14.3	-	42.9	-	-	-
23 FOUND at night with intent to commit a felony	30	7	2	2	-	1	6	4	6	2	-	2
%	-	23.3	6.7	6.7	-	3.3	20.0	13.3	20.0	6.7	-	6.7
24 CONCEALMENT of birth	-	-	-	-	-	-	-	-	-	-	-	-
%	-	-	-	-	-	-	-	-	-	-	-	-

Table B2 - Indictable/Dealt with Summarily (Cont.)

Details of Prison Sentences

Offence	Total	Periodic detention 14 days and under	Over 14 days and under 1 month up to 1 month	2 months up to 2 months	3 months up to 3 months	3 months up to 3 months	3 months up to 3 months	3 months up to 3 months	9 months up to 9 months	1 year up to 1 year	1 year up to 2 years
1 INDECENT act between males (in public or private)	-	-	-	-	-	-	-	-	-	-	-
%	-	-	-	-	-	-	-	-	-	-	-
2 INDECENT act with male - male person party to commission of	3	-	-	1	1	-	1	-	-	-	-
%	-	-	-	33.3	33.3	-	33.3	-	-	-	-
3 INDECENT act with male - procure attempt to procure	1	-	-	-	-	-	1	-	-	-	-
%	-	-	-	-	-	-	100.0	-	-	-	-
4 INDECENT act with male - solicit attempt to solicit	-	-	-	-	-	-	-	-	-	-	-
%	-	-	-	-	-	-	-	-	-	-	-
5 BURGLARY break enter & commit felony, with intent	40	-	-	-	-	-	17	2	9	12	-
%	-	-	-	-	-	-	42.5	5.0	22.5	30.0	-
6 CATTLE unlawfully kill, mame, wound	6	-	-	-	-	-	3	3	-	-	-
%	-	-	-	-	-	-	50.0	50.0	-	-	-
7 PROPERTY maliciously injure	62	-	8	8	12	10	18	5	1	-	-
%	-	-	12.9	12.9	19.4	16.1	29.0	8.1	1.6	-	-
8 RECEIVING	53	-	7	2	5	10	18	6	2	3	-
%	-	-	13.2	3.8	9.4	18.9	34.0	11.3	3.8	5.6	-

Offence	Total	Periodic detention 14 days and under	Over 14 days up to 1 month	1 month up to 2 months	2 months up to 3 months	3 months up to 6 months	6 months up to 9 months	9 months up to 1 year	1 year up to 2 years
9 RECEIVING Commonwealth Property	2	-	-	-	-	2	-	-	-
%	-	-	-	-	-	100.0	-	-	-
10 EMBEZZLEMENT/larceny as a clerk	4	-	1	-	-	2	1	-	-
%	-	-	25.0	-	-	50.0	25.0	-	-
11 FALSE PRETENCES	139	-	8	3	11	19	40	23	20
%	-	-	5.8	2.1	7.9	13.7	28.8	16.5	14.4
12 FORGE/UTTER	31	-	5	1	-	6	10	4	3
%	-	-	16.1	3.2	-	19.4	32.2	12.9	9.7
13 MISAPPROPRIATION	5	-	1	-	-	1	2	1	-
%	-	-	20.0	-	-	20.0	40.0	20.0	-
14 LARCENY/illegal use motor vehicle or boat	58	-	6	1	6	4	16	11	10
%	-	-	10.3	1.7	10.3	6.9	27.7	19.0	17.2
15 LARCENY as bailee	-	-	-	-	-	-	-	-	-
%	-	-	-	-	-	-	-	-	-
16 LARCENY Commonwealth Property	2	-	1	-	-	-	1	-	-
%	-	-	50.0	-	-	-	50.0	-	-

Offence	Total	Periodic detention	14 days and under	Over 14 days up to 1 month	1 month up to 2 months	2 months up to 3 months	3 months up to 6 months	6 months up to 9 months	9 months up to 1 year	1 year up to 2 years
17 LARCENY/illegal use animals	10	-	1	2	1	3	-	1	2	-
%	-	-	10.0	20.0	10.0	30.0	-	10.0	20.0	-
18 LARCENY from the person	24	-	1	4	6	3	6	3	1	-
%	-	-	4.2	16.6	25.0	12.5	25.0	12.5	4.2	-
19 LARCENY in dwelling	34	-	6	-	3	6	11	7	-	1
%	-	-	17.6	-	8.8	17.6	32.4	20.7	-	2.9
20 LARCENY person employed in Public Service	-	-	-	-	-	-	-	-	-	-
%	-	-	-	-	-	-	-	-	-	-
21 CONSPIRACY	-	-	-	-	-	-	-	-	-	-
%	-	-	-	-	-	-	-	-	-	-
22 INCITE to commit crime	-	-	-	-	-	-	-	-	-	-
%	-	-	-	-	-	-	-	-	-	-
23 FOUND at night with intent to commit felony	2	-	-	-	-	-	1	-	1	-
%	-	-	-	-	-	-	50.0	-	50.0	-
24 CONCEALMENT of birth	-	-	-	-	-	-	-	-	-	-
%	-	-	-	-	-	-	-	-	-	-

## A Further Note on Environmental Offences

For this analysis of environmental offences dealt with by Courts of Petty Sessions in 1972, we omitted the offences which were dealt with under the relevant Local Government Ordinances. All but three of 188 prosecutions were for depositing litter or rubbish.

### Clean Waters Act

This Act provides that a person shall not pollute any waters or cause or permit any waters to be polluted. The penalty provided for this offence is a fine of up to \$10,000 upon conviction plus a daily penalty of up to \$5,000 for non-compliance.

This legislation did not become operative until 3/11/72 and no cases were heard by the Courts before the end of the year.

### Maritime Services Act

#### (1) Navigable Waters (Anti-Pollution) Regulations

These regulations prevent the pollution of the navigable waters lying within one nautical league of the coast or the inland navigable waters of New South Wales or the foreshores or shores of such navigable waters or inland navigable waters.

### Penalties

The penalty for pollution by inflammable liquid, dangerous goods, oil, tar, etc. is a fine of not less than \$100, and not more than \$2000.

The penalty for pollution by any other solid or liquid matter is a fine not exceeding \$200 and in addition a penalty not exceeding \$40 a day for non-compliance.

There were three companies prosecuted under these regulations during 1972.

One company was found 'not guilty' and the other two were fined \$100 and \$40 respectively.

#### (2) Port Authority - Smoke Control Regulation N.S.W.

These regulations control the emission of black/dense dark smoke from any vessel in any Port in New South Wales.

### Penalty

A person guilty of an offence under these regulations can be liable to a penalty not exceeding \$200.

A total of 9 persons were prosecuted under these regulations during 1972.

One person was granted the benefit of a dismissal under Section 566A of the Crimes Act. Two people were fined \$10, one person was fined \$20, three were fined \$40, one was fined \$45, and one \$70.

### Port of Sydney Regulations

These regulations prohibit the discharge of rubbish, soil or offensive matter into the Port.

A total of 3 persons were prosecuted under the particular regulation which prohibits the depositing into waters of the Port any rubbish, refuse, etc., which are likely to create a nuisance.

### Penalty

A person guilty of a breach of this regulation can be liable to a penalty of not less than \$10 and not more than \$100.

In two instances during 1972 the persons were awarded a dismissal under section 555A of the Crimes Act. In the remaining case, the person was fined \$25.

### Prevention of Oil Pollution of Navigable Waters Act

This Act applies to the control of oil pollution from vessels and from land installations into navigable waters (i.e. the sea lying within the Territorial limits, the Ports and tidal rivers and the inland navigable waters of New South Wales.)

### Penalty

Where there is a discharge of oil from any ship or from any place on land both the owner and the master upon

conviction shall be liable to a penalty not exceeding \$2000.

19 persons and 5 companies were prosecuted for discharging oil into navigable waters.

Action was withdrawn against one company. Two persons and two companies were found not guilty of the offence. One person benefited from a dismissal under section 556A of the Crimes Act. 16 persons and 2 companies were convicted and fined for the offence. The amounts of fines imposed in these cases were as follows:

Persons	Amount of fine	Companies	Amount of fine
	\$		\$
2	25	2	100
1	40		
1	50		
1	80		
3	100		
3	200		
2	250		
2	400		
1	500		

### **Clean Air Act**

The purpose of this Act is to prevent and minimise air pollution.

### **Penalty**

For a conviction under this Act a person is liable for a penalty not exceeding \$400, and in the case of a continuing offence, a penalty not exceeding \$10 for each day the offence continues.

A total of 6 companies were prosecuted under the provisions of this Act during the year 1972. Action was withdrawn in one instance and one company was found not guilty. Another company was granted a dismissal under Section 556A of the Crimes Act. Fines were imposed on the remaining three companies.

One company was fined \$50, and another fined \$100. The remaining company was fined \$100 for each of three offences.



## Part II

### Drunkness Offences

The Bureau of Crime Statistics and Research has already published a number of detailed reports on drunkenness offenders. These earlier studies were based on samples of arrested and/or convicted offenders, and involved the use of interview and survey techniques. Unfortunately, far less detailed information is usually available from routine Court records. However, one advantage of the new system of reporting is that it affords a complete coverage of the drunkenness cases heard at Courts of Petty Sessions throughout the State. The statistical returns indicate the age and sex of the offender and the penalty imposed by the Court.

While the present report relates to drunkenness offences dealt with in 1972, it must be pointed out that there has been a considerable amount of public discussion of this problem in recent months.\* Preliminary sampling of Court statistics suggest that the picture presented below, at least with respect to the penalties which are imposed, could be considerably altered when the 1973 figures become available.

\*See for example, the account of a recent public forum held in Sydney in: New South Wales Council of Social Service, SOCIAL SERVICE March-April, 1973, Vol.24 No.5.

## Offence Rates

A total of 50,238 people were arrested for drunkenness in New South Wales during 1972. Of this number, 47,505 (94.5 per cent) were men and 2438 (5.5 per cent) women\*. These proportions were constant throughout the different age groups.

It has not been possible to ascertain how many cases involved the same individuals being arrested two, three or more times. A detailed study during the first quarter of the year, however, showed that a core of 7 per cent of offenders accounted for more than 20 per cent of the total offences throughout the State.\*\*

The table which appears on the following page shows the rate of drunkenness offences per thousand population within each age group. The arrest rate for both sexes tends to increase until they reach 50 - 54 years of age. After this, there is a fairly steep decline in the arrest rate although this decrease occurred a little later among women than men (see Appendix A).

\* The sex of the offender was not recorded in 295 cases.

\*\* City Drunks: Central Court of Petty Sessions, February, 1972. Bureau of Crime Statistics and Research, Statistical Report No. 3, 1972.

The decrease in the number of offenders beyond 54 years of age is at least partly attributable to a high mortality rate among chronic alcoholics and homeless people in their early fifties. As the Working Party on Homeless Men in Australia recently reported to the Minister for Social Security: "Studies suggest that the bulk of homeless men are between 35 and 50 years of age, with the average age between 42 and 54 years and the average age of death around 53 years. The high rates of serious injury, street accidents, involvement in fires and drownings account for many deaths of men in their late forties and early fifties.\*\*\*"

\*\*\* Report of the Working Party on Homeless Men and Women to the Minister for Social Security, Australian Government Publishing Service, Canberra, June 1973.

**Rate of Drunkenness Offences (Men and Women)**

Age		Number of offenders	Number in population*	Rate per 1000 population
18-19	years	1,549	154,511	9.97
20-24	"	3,685	399,153	9.23
25-29	"	3,138	345,156	9.09
30-34	"	3,125	293,892	10.63
35-39	"	3,653	271,337	13.46
40-44	"	4,777	290,403	16.45
45-49	"	5,747	290,420	19.79
50-54	"	5,326	248,874	21.40
55-59	"	3,481	226,105	15.40
60-64	"	2,257	186,623	12.09
65-69	"	908	141,180	6.43
70+	"	580	249,936	2.32
Age not known		12,002		
TOTAL		50,238	4,601,180	10.92

\* Population as at June 1971 Census.

**Penalties**

Almost three quarters of those who were arrested for drunkenness simply sobered-up and forfeited their bail (usually a dollar). One in eight faced the Court but were fined, in default, 24 or 48 hours imprisonment. (It is this latter type of penalty which appears to have been used less frequently during the current year. Instead, the Courts appear to be imposing a nominal fine, in default, rising of the Court. The current situation will become clearer when the corresponding analysis of 1973 figures has been completed).

The table of 1972 penalties is presented on the following page.

**Penalties imposed on Drunkenness Offenders**

	Number	Percentage
Recognizance forfeited	36,330	72.3
Admonished, discharged	6,009	12.0
Fined, in default, 24/48 hours imprisonment	6,664	13.3
Fined, in default, rising of the Court	321	0.6
Fine + recognizance	605	1.2
Remanded for Inebriate Action	246	0.5
Recognizance	59	0.1
Not specified	4	-
	50,238	100.0

**Age X Outcome**

In the previous section it was shown that three out of four drunkenness offenders absent themselves from the Court system by forfeiting their recognizance or bail money (usually a dollar). The table which appears on the following page indicates that younger offenders were more prepared (or better able) to terminate the proceedings in this way. The percentage of each group forfeiting their recognizance diminished with increasing age up to the 55 - 59 years bracket. Thereafter, there was a slight reversal in the trend.

The other side of the picture concerned the proportion of each age group who were fined, in default 24 or 48 hours imprisonment. The likelihood of this type of outcome generally increased with age up to the 60 - 64 years age group. To complete the picture, however, it should be noted that a similar pattern existed with respect to the outcome 'admonished and discharged'; this type of determination also occurred more frequently in cases involving older offenders - at least up till 55 - 59 years of age.

The raw figures upon which the percentages on the following page are based appear in Appendix B.

PRINCIPAL OUTCOMES\* X AGE

\* Account for 97.6 per cent of total cases.

Type of outcome	Age in years													Age not stated	TOTAL
	18 - 19	20 - 24	25 - 29	30 - 34	35 - 39	40 - 44	45 - 49	50 - 54	55 - 59	60 - 64	65 - 69	70+			
	%	%	%	%	%	%	%	%	%	%	%	%	%	%	
Recognizance forfeited	88.8	87.7	83.6	79.0	76.4	75.0	74.4	71.7	70.3	71.2	74.2	76.2	58.2	72.3	
Admonished and discharged	6.3	6.7	9.8	11.3	12.3	12.0	13.4	13.8	14.3	13.0	12.9	11.4	12.6	12.0	
Fined, in default 24 - 48 hours imprisonment	3.8	4.8	5.7	7.9	11.3	10.6	9.7	11.4	11.9	13.0	9.8	9.1	26.2	13.3	

### Part III

#### Country of Birth of Offenders – Pilot Study,

#### Central Court of Petty Sessions

In view of the scale and social importance of post-war migration, a regrettable deficiency of Petty Sessions statistics is the lack of information concerning the national background of offenders. To some extent this deficiency is unavoidable. Several factors place limits on the systematic collection of sociological data at Courts of Petty Sessions. These include the sheer volume of cases dealt with, the concentration on matters directly relevant to the charge or summons and the fact that a substantial number of cases are dealt with ex-parte.

Clearly, however, the national background of those appearing before the Courts of Petty Sessions is too important to be allowed to remain a complete gap in our knowledge. With the cooperation of the Chief Stipendiary Magistrate and the Metropolitan Superintendent of Police, a small pilot study was undertaken at Central Court of Petty Sessions between the 8th February and the 8th May, 1973.

The results of this preliminary investigation are by no means conclusive. They are subject to at least one major technical limitation. Nevertheless they are included in the present report because, with all their limitations, the findings underline the potential social importance of such nationality data.

The major shortcoming of the study was that country of birth was not reported in all cases. Statistical returns were not completed in 1234 of the 3708 relevant cases which occurred during the three months period. Therefore, the analysis which follows is based on a limited sample of 2474 cases.

Obviously, it is desirable that the scope of the study should be extended and that a way be found for recording the details of national background in a higher proportion of cases than was possible in the preliminary study.

#### Method

Each person charged at Central Police Station during the study period was asked the simple question: "Where were you born?" In the case of persons born in Australia, the further question was asked: "Are you an Australian Aborigine?" Thus, the 'self-identification' criterion used for establishing the Aboriginality of Australian born people was similar to that employed in the Commonwealth census.

In addition to the country of birth of arrested persons, several other items of information were recorded as a matter of routine. The additional information included the 'Principal offence' (essentially the offence which attracted the greatest penalty), the age, sex, and previous Court history of the offender, the plea entered, whether or not the defendant was legally represented and the action taken by the Court.

To help make the raw figures concerning offences committed by members of different national groups more meaningful they need to be expressed as a rate per 1,000 of the relevant segment of the population.

One way of doing this is to relate the number of offenders in each national group to the known size of that group\* within the Sydney Statistical Division (which includes most of the Metropolitan area). However, a relatively small number of local government areas supply four out of five of the cases presented at Central Court of Petty Sessions. A second set of rates have, therefore, been calculated according to the known population characteristics of the municipalities of Waverley, Ashfield, City of Sydney, Randwick, Murrumbidgee, Woollahra and Leichhardt.

\* Based on country of birth.

#### Comparison of Conviction Rates

Substantial differences can be observed in the conviction rates for different national groups. The average rate for the entire Sydney Statistical Division was 0.88 per 1000. Italians, Maltese and, to a lesser extent the British group, had a conviction rate which was below this average figure. The Hungarian, American and Australian born groups (other than Aborigines) had a rate which approximated the average.

From the table on the next page it can be seen that a number of groups had rates which exceeded the average. This was particularly true of New Zealand, Greece and to a lesser extent Poland, Yugoslavia, the Netherlands and Germany. However, the conviction rate among Aborigines (14.4 per 1,000) far exceeded that of any other group. Expressed another way; Aborigines (according to the last census) represent 0.2 per cent of the Sydney Metropolitan population but accounted for 3.2 per cent of convictions recorded at Central Petty Sessions. At face value, this means that Aborigines incurred 16 times more convictions than might have been expected on a population basis.

Before examining the pattern of offences committed by each group it is first necessary to examine the possibility that a different picture might have emerged from an analysis of the seven municipalities which contributed the bulk of offenders. These seven municipalities, accounting for four out of every five convictions at Central Court of Petty Sessions, contain a total population of 524,882 persons. Of this number 1,754 (0.3 per cent) are Aborigines. Using this method of calculation, Aborigines incurred 10.7 times more convictions than might have been expected on a

population basis.

The analysis based on the seven municipalities confirmed the low level of Petty Sessions offences among the Italian and Maltese groups. The analysis improved the relative position of the Hungarians and Greeks but also had the effect of increasing the offence rate of the Netherlands group. In no other case, however, did the ratio of offences to share of population approach the magnitude that was observed in the case of the Aboriginal group.

Country of birth	Number convicted	Number in Sydney population	Rate per 1000 population
Australia	1,745	2,103,909	0.83
New Zealand	70	28,930	2.52
Great Britain	157	254,441	0.62
Germany	27	25,538	1.06
Netherlands	20	18,369	1.09
Greece	94	47,734	1.97
Italy	24	64,380	0.37
Malta	12	20,826	0.58
Poland	18	13,520	1.33
Yugoslavia	51	39,367	1.30
Hungary	10	11,617	0.86
U S S R	15	9,074	1.65
U S A	9	9,473	0.95
Aborigine	79	5,479	14.43
Other	133	155,171	0.86
<b>TOTAL</b>	<b>2,465</b>	<b>2,807,828</b>	<b>0.88</b>

Country of birth	Percentage of Population (seven municipalities)	Percentage of Offenders
Australia	65.5	70.8
New Zealand	1.8	2.8
Great Britain	8.5	6.4
Germany	1.1	1.1
Netherlands	0.4	0.8
Greece	4.5	3.8
Italy	3.4	1.0
Malta	0.8	0.5
Poland	0.7	0.7
Yugoslavia	1.9	2.1
Hungary	1.0	0.4
U S S R	0.3	0.6
U S A	0.6	0.4
Aborigine	0.3	3.2
Other	9.2	5.4
<b>TOTAL</b>	<b>100.0</b>	<b>100.0</b>



## Offence Patterns

In order to determine what types of offences are committed by each national group, the most recurring types of convictions are shown in the accompanying table. Six categories of offences were found to account for 92 per cent of the cases (other than those involving drunkenness offences) documented during the study period. The table on the next page shows the proportion that each of these categories (larceny, vagrancy, etc.,) represented of the total offences committed by each national group.

People born in Australia (other than Aborigines) accounted for 70.8 per cent of convictions recorded at Central Court of Petty Sessions. It is not surprising, therefore, that the pattern of offences committed by Australians paralleled that for the entire study group. Much the same pattern applied in the case of New Zealanders although they had relatively fewer indecent behaviour and drinking/driving offences. While they had few prostitution type offences two out of every five convictions incurred by the British were for vagrancy. The Italian, Polish, Hungarian, Russian and American groups also had relatively few convictions for prostitution.

A comparatively small percentage of Greeks committed summary offences like vagrancy, unseemly words and indecent behaviour but larcenies accounted for a substantial proportion of their convictions. The pattern of Aboriginal offences was almost the opposite, namely, a relatively high percentage of summary offences (especially unseemly words and vagrancy) and very few larceny offences.

The pilot sample was too small to permit any worthwhile analysis of the penalties incurred by members of the different national groups. However, there was considerable variation in the extent to which the different groups were legally represented. All twelve Maltese and 52 (55 per cent) of Greeks were represented. (The overall figure for all nationalities was 42.1 per cent). At the other extreme, just one of the eighteen Poles was legally represented. The British, Russian, Hungarian, Italian, American and German groups also had comparatively low rates of representation. Approximately 2 out of 3 Aborigines were unrepresented. (See accompanying table).

OFFENCE PATTERN X NATIONAL GROUPS

	For all Nationalities (N=2465) European Australians (N=1745) New Zealand (N=70) Great Britain (N=157) Germany (N=27) Netherlands (N=20) Greece (N=94) Italy (N=24) Malta (N=12) Poland (N=18) Yugoslavia (N=51) Hungary (N=10) U S S R (N=15) U S A (N=9) Aborigine (N=79) Other (N=133)															
	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%
Soliciting	40.0	46.0	37.0	9.0	26.0	45.0	57.0	8.0	67.0	0.0	33.0	0.0	0.0	11.0	25.0	19.0
Vagrancy	20.0	18.0	14.0	43.0	22.0	0.0	5.0	17.0	0.0	62.0	31.0	30.0	50.0	11.0	32.0	25.0
Unseemly words	13.0	13.0	16.0	17.0	15.0	10.0	3.0	17.0	0.0	22.0	6.0	10.0	31.0	33.0	31.0	9.0
Larceny	10.0	9.0	8.0	10.0	15.0	5.0	22.0	33.0	17.0	11.0	14.0	20.0	13.0	11.0	3.0	16.0
Offensive & Indecent Behaviour	6.0	5.0	3.0	6.0	15.0	10.0	0.0	13.0	8.0	0.0	2.0	10.0	0.0	0.0	6.0	16.0
Drinking/driving	3.0	2.0	2.0	6.0	7.0	25.0	0.0	8.0	0.0	0.0	2.0	10.0	6.0	0.0	0.0	2.0
Other	8.0	7.0	20.0	9.0	0.0	5.0	13.0*	4.0	8.0	5.0	12.0	20.0	0.0	34.0**	3.0	13.0
TOTAL	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

\* includes 7.5% for betting

\*\* includes 22.2% for malicious injury

LEGAL REPRESENTATION X NATIONALITY

Country of birth	Number Represented	Number In Group	Percentage Represented
Australia	823	1754	46.9
New Zealand	26	70	37.1
Britain	19	157	12.1
Germany	8	27	29.6
Holland	9	20	45.0
Greece	52	94	55.3
Italy	5	24	20.8
Malta	12	12	100.0
Poland	1	18	5.6
Yugoslavia	16	51	31.4
Hungary	2	10	20.0
U S S R	3	16	18.8
U S A	2	9	22.2
Aborigine	24	79	30.4
Other	40	133	30.1
TOTAL	1,042	2,474	

## Part IV

### 'Breathalyser' Offences

For the purpose of analysis, offences were divided into three categories:

Alcohol rating	Blood alcohol level
Light	0.080 - 0.155
Medium	0.160 - 0.225
Heavy	0.230 +

The various penalties imposed by Courts of Petty Sessions for offences involving different alcohol readings, are set out in detail in the table which appears on page 49.

### Fine/Suspension of Licence

The most common penalty imposed by the Courts was a fine and suspension of licence (83.1 per cent of all cases). Offenders in the 'light' alcohol category were slightly more likely than those in the 'medium' and 'heavy' categories to receive this penalty.

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Apart from being associated with the suspension of licence which is mandatory in all drinking/driving convictions, a fine occurred as one element of the penalty imposed in 87.5 per cent of cases. The absolute amount of the fine was recorded in each case so that a precise (mean) average figure could be calculated. The average figure during 1972 was \$146.41 compared with \$138.50 in 1971.

There was a definite tendency for the amount of fine to vary with the offender's blood alcohol level ( $P < 1$  per cent). This can be seen in the accompanying table where fines have been divided into three categories (less than \$110, \$110-\$199, \$200 and over). Comparatively few (12.7 per cent) of the low blood alcohol level offenders were fined in excess of \$200, compared with 28.4 per cent of the medium and 48.2 per cent of the high alcohol level groups. Conversely, the chance of receiving a 'small' fine (less than \$110) decreased with a high blood alcohol reading:

### Alcohol Level

	Low		Medium		High	
	Number	Percentage	Number	Percentage	Number	Percentage
Less \$110	2502	34.6	1048	20.3	228	17.0
\$110-\$199	3815	52.7	2653	51.3	467	34.8
\$200+	923	12.7	1473	28.4	647	48.2
	7240	100.0	5174	100.0	1342	100.0

Fines were also heavier in cases involving multiple offenders (P < 1 per cent). Approximately 96 per cent of first offenders who were fined received a penalty of less than \$110 compared with 73 per cent of those with a previous drinking/driving record:

	First offenders		One or more convictions	
	Number	Percentage	Number	Percentage
Less \$110	11472	96.5	2673	72.9
\$110-\$199	393	3.3	836	22.8
\$200+	19	0.2	156	4.3
	11884	100.0	3665	100.0

The length of the suspension was clearly related to the offender's alcohol level (P < 1 per cent): 8.3 per cent of the low alcohol group received a suspension of two or more years compared with 15.1 and 23.1 per cent respectively of the medium and high alcohol level groups.

Full details of the relation between alcohol level and length of suspension appear on the next page.

### Suspension

	Low (0.080-0.155)		Medium (0.160-0.225)		High (0.230+)		Total	
	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
Under 6 months	4330	58.4	2649	48.8	530	36.4	7509	52.5
6 months - 1 year	696	9.4	512	9.5	135	9.3	1343	9.4
1 year - 2 years	1773	23.9	1438	26.6	454	31.2	3665	25.7
2 years +	612	8.3	817	15.1	336	23.1	1765	12.4
	7411	100.0	5416	100.0	1455	100.0	14282	100.0

## Alcohol Level By Penalty

Note

Low 0.080 - 0.155  
 Medium 0.160 - 0.225  
 Heavy 0.230+

Penalty	Low		Medium		Heavy		TOTAL	
	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
Imprisonment and suspension of licence	79	1.0	134	2.3	58	3.7	271	1.7
Imprisonment, suspension of licence and fine	10	0.2	11	0.2	8	0.5	29	0.2
Periodic detention and suspension of licence	2		1		0		3	
Recognizance, probation and suspension of licence	14	0.2	20	0.3	6	0.4	40	0.3
Recognizance, probation, fine and suspension of licence	18	0.2	37	0.6	20	1.3	75	0.5
Recognizance and suspension of licence	84	1.0	81	1.4	46	3.0	211	1.3
Fine and suspension of licence	7013	85.1	4853	81.6	1198	77.3	13064	83.1
Fine, recognizance and suspension of licence	190	2.3	279	4.6	119	7.7	588	3.7
S556A (dismissal/'discharge recognizance')	826	10.0	533	9.0	95	6.1	1454	9.2
Not stated	1		0		0		1	
<b>TOTAL</b>	<b>8237</b>	<b>100.0</b>	<b>5949</b>	<b>100.0</b>	<b>1550</b>	<b>100.0</b>	<b>15736</b>	<b>100.0</b>

### 'Breathalyser' Appeal Cases

Although Breathalyser convictions have been documented since 1959, appeals against the decisions made in Courts of Petty Sessions have hitherto received little attention. To bridge this gap in our Court statistics, a study has been made of all breathalyser appeals to District Courts during the first six months of 1972.

A total of 375 appeals were determined during the first half of the year. In 374 cases the appeal was dismissed but in 215 (57 per cent) the original penalty was varied. This number included two cases where the period of licence suspension was increased.

The accompanying table shows the nature of the reduction in penalty which occurred in 213 cases. In 84 per cent of the cases in which the Magistrate's order was varied - i.e., 48 per cent of all the appeals - the period of license suspension was reduced. In 38 per cent of the cases involving variation of penalty - i.e., 22 per cent of all appeals - the amount of fine was reduced. (It should be noted that in 69 cases both the fine and suspension were reduced).

#### ALTERED PENALTIES

	Number	Percentage
Term of imprisonment reduced	17	7.9
Fine and period of suspension reduced	69	32.0
Fine reduced	12	5.6
Period of suspension reduced	109	50.8
Fine and recognizance reduced to fine only	3	1.4
Fine increased, period of suspension decreased	2	0.9
556A recognizance altered to 556A dismissal	1	0.5
Period of suspension increased	2	0.9
	<hr/>	
	215	100.0



### The Appeal Cases

Cases in which a fine and period of licence suspension had been imposed by the Magistrate, accounted for 86.4 per cent of the appeal cases. But it should be pointed out that this type of penalty accounted for 83 per cent of the original breathalyser convictions before Courts of Petty Sessions. As might be expected, cases involving a term of imprisonment were somewhat over-represented among the appeals but there were no challenges to the imposition of recognizances.\*

It is to be appreciated that appeals to District Courts are by way of rehearing. Consequently, the result of the appeal is not merely a review of the decision of the Court of Petty Sessions but also derives from evidence not provided to the lower Court. Also the appeals are not necessarily brought from decisions recorded in the same period of statistical review.

	Original Outcome (1972)		Appeal cases	
	Number	Percentage	Number	Percentage
Fine	13,064	83.0	324	86.4
Recognizance	251	1.6	-	-
Fine/recognizance	663	4.2	21	5.6
Imprisonment	303	1.9	29	7.7
s556A	1,454	9.3	1	0.3
Not stated	1	-	-	-
	<hr/>		<hr/>	
	15,736	100.0	375	100.0

\* One appellant had originally received a 'discharge recognizance' under 556A of the Crimes Act.

There was little difference in the outcome of appeals by people in different penalty or blood alcohol categories. For example, 320 appellants were originally fined and given a period of licence suspension. There was little difference in the likelihood of a person with a 'high', 'medium' or 'low' blood alcohol level securing a reduction in the amount of the fine:

Blood alcohol level		Fine reduced	
High	(0.230+)	15/24	(63%)
Medium	(0.160-0.225)	65/114	(57%)
Low	(0.080-0.155)	101/182	(56%)

#### Previous Drink/Driving Offences

A little more than one in three (140/375 ...37.3 per cent) of those who appealed, had at least one previous drink/driving conviction. The members of this group were slightly less likely than people with no previous convictions to have their penalties altered. However, this difference was not statistically significant. The same pattern was sustained throughout the specific categories of penalties:

Drink/driving convictions		Penalty altered	
No previous convictions	142/235	(60.4%)	
Previous convictions	74/140	(52.9%)	

## Extent of Reduction in Penalties

### (i) Fines

There were 81 cases in which the fine imposed by Courts of Petty Sessions was reduced. Before the determination of the appeal, the average fine in these 81 cases was \$176.50. (This compares with an average of \$146.40 for all 15,736 cases heard by Courts of Petty Sessions throughout 1972). The average fine in the 81 cases was reduced to \$71.70. (The cost of the appeal may have been taken into account).

### (ii) Imprisonment

Of the 29 appellants who had been given a prison sentence by Courts of Petty Sessions, 17 (or approximately three out of every five) were successful in having the sentence varied. In all but one of these cases, a fine and/or recognizance was substituted for the prison sentence:

	Imprisonment	Fine	Fine & recognizance*	Recognizance*
Periodic detention		1		
Less than 3 months imprisonment	3	1	2	
3 months, less than 6 months imprisonment	1	4	1	3
6 months imprisonment	1			
	<hr/>	<hr/>	<hr/>	<hr/>
	1	8	3	5

\* On 8 occasions the prison sentence was replaced by a recognizance. In 6 of these cases the prison sentence was suspended and in the remaining 2 cases the prison sentence was deferred.

(iii) Licence Suspension

There were 180 cases in which the period of suspension was reduced. Before the appeal, the average period of licence suspension in these cases was 13.3 months. (This compared with an average of 12.4 months for all cases heard by Courts of Petty Sessions throughout 1972). After the appeal, the average licence suspension in the 180 cases where it was varied was 4.3 months.

An adequate consideration of this particular type of penalty demands that attention also be paid to the question of restricted licences. Occasionally the Magistrate and the Judge hearing the appeal will recommend that the offender only be allowed to drive at stipulated times or in defined circumstances (such as in the course of his usual work).

When allowance is made for this factor by combining the period of licence suspension with the recommended period of restricted licence, the following picture emerges. As previously mentioned, a group of 180 appellants were successful in having the period of suspension of licence reduced. Before the appeal, these 180 people had an average period of licence suspension + restriction of 14.4 months. After the appeal, this average was reduced by 4.4 months to 10 months - a figure which was still below the average period of licence suspension imposed by the Courts of Petty Sessions during 1972. Unfortunately, data is not available concerning the average period of restricted licence for all 15,736 breathalyser cases dealt with by the Courts during 1972.

Appendix A

Rates of Drunkenness Offences

Men

Age	Number of offenders	Number in population*	Rate per 1000 population
18-19 years	1487	79,048	1.81
20-24 "	3516	204,617	17.18
25-29 "	2970	177,807	16.70
30-34 "	2947	151,311	19.48
35-39 "	3455	139,825	24.71
40-44 "	4471	149,601	29.89
45-49 "	5421	147,811	36.68
50-54 "	5005	124,182	40.30
55-59 "	3280	111,844	29.33
60-64 "	2133	89,671	23.79
65-69 "	837	65,884	12.70
70 years and over	554	95,046	5.83
Age not known	11430		
TOTAL	47506	1,536,647	30.91

Women

Age	Number of offenders	Number in population*	Rate per 1000 population
18-19 years	55	75,463	0.73
20-24 "	153	194,536	0.79
25-29 "	133	167,349	0.79
30-34 "	142	142,581	1.00
35-39 "	170	131,512	1.29
40-44 "	268	140,802	1.90
45-49 "	274	142,609	1.92
50-54 "	280	124,692	2.25
55-59 "	189	114,261	1.66
60-64 "	109	96,952	1.12
65-69 "	68	75,296	.90
70 years and over	24	154,890	.15
Age not known	572		
TOTAL	2438	1,560,988	1.56

\*Population as at June, 1971.

**Appendix B**

PRINCIPAL OUTCOMES\* X AGE

Type of outcome	Age in years												Age not stated	TOTAL
	18 - 19	20 - 24	25 - 29	30 - 34	35 - 39	40 - 44	45 - 49	50 - 54	55 - 59	60 - 64	65 - 69	70+		
Forfeited Recognizance	1375	3232	2622	2468	2790	3584	4274	3819	2448	1607	674	442	6995	36330
Admonished and Discharged	98	245	308	353	448	572	771	731	496	293	117	66	1511	6009
Fined, in default 24 or 48 hours imprisonment	58	176	178	246	340	508	557	600	415	294	89	53	3148	6664

\* Account for 97.6 per cent of total cases