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MEDIA RELEASE

NSW Criminal Courts Statistics 1997

Court Appearances by Aboriginal People

Persons of Aboriginal or Torres Strait Islander (ATSI) origin are more than four times more likely to be brought before the Local Courts than persons of non-ATSI origin, according to the annual Criminal Courts Statistics Report released today by the NSW Bureau of Crime Statistics and Research.

This is the first time that data on the court appearances by persons of ATSI origin have become available in New South Wales.

The offences for which ATSI people are brought before the courts are generally similar to those for which people who are not of ATSI background are brought before the courts.

The likelihood of imprisonment following conviction, however, is very different for ATSI and non-ATSI offenders.

For example, while about 20 per cent of ATSI persons who are found guilty of offences against the person were imprisoned, the corresponding percentage for all persons was just 8 per cent.

Other Trends in Court Appearances

Between 1995/96 and 1996/97 the NSW Children's Court experienced increases in appearances for offences against the person (up 21%), sexual assault (up 17%), unlawful possession (up 15%) and property damage (up 12%).

Over the same period it experienced decreases in appearances for shoplifting (down 7%), fraud (down 3%) and motor vehicle theft (down 3%).

Between 1996 and 1997 the NSW Local Courts experienced increases in appearances for sexual offences against children (up 22%), fraud (up 23%), causing injury by driving (up 14%).

However they experienced decreases in appearances for possession and/or use of illegal drugs (down 3%), dealing and trafficking in illegal drugs (down 15%) and manufacturing illegal drugs (down 7%).

Between 1996 and 1997, the Higher Criminal Courts experienced increases in appearances for offences against the person (up 16%), robbery and extortion (up 14%) and property damage (up 12%).

They experienced decreases in appearances for most other categories of offence, including drug offences (down 14%).

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Court Workload and Performance

The number of new criminal cases brought before the NSW Higher Criminal Courts rose by 13 per cent between 1996 and 1997, according to the Bureau's report.

The largest increases in registrations occurred in courts attached to the Wollongong, Sydney and Dubbo registries.

According to the report the percentage of cases proceeding to trial and the number of trials actually held also increased. The percentage of cases proceeding to trial rose from 24 per cent of cases finalised in 1996 to 25 per cent in 1997.

The number of trials held by the Higher Criminal Courts rose from 848 in 1996 to 871 in 1997, an increase of about three per cent.

The median delay from arrest to committal where the accused was remanded in custody but eventually acquitted of all charges decreased by about five per cent, from 75 days in 1996 to 71.5 days in 1997.

However for the same type of case, the delay between committal and case finalisation rose by 12 per cent, from 196 days to 219 days.

The workload of the Local Court also increased substantially between 1996 and 1997.

Although the number of persons charged with criminal offences brought before the Local Court only increased by about one per cent, the number of Apprehended Violence Orders issued by the Local Courts rose by 15 per cent between 1996 and 1997.

Possibly as a result of this increased workload the median delay from first to final appearance for persons proceeding to a defended hearing in the Local Courts has increased by 13 per cent for persons on bail where all charges are dismissed (from 90 days in 1996 to 102 days in 1997) and by eight per cent for persons on bail who are found guilty of at least one offence (from 79 days in 1996 to 85 days in 1997).

Commenting on the report findings concerning aboriginal defendants, the Director of the Bureau, Dr Don Weatherburn, said that, without further research, it would be unfair to conclude that racial bias existed in court sentencing practices.

"In deciding whether or not to send someone to prison the courts must have regard to factors such as the prior criminal record of an offender."

"We cannot tell from these figures whether Aboriginal and non-Aboriginal defendants convicted of the same offences are similar in terms of the other factors which influence a magistrate's sentencing decision," he said. "Further research is required to establish whether this is the case."

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