



Government of **Western Australia**
Department of the **Attorney General**

**Report on Indigenous Defendants in
the
Magistrates Court
of Western Australia
2007/08 to 2011/12**

Table of Contents

Criminal Case Lodgments	1
Criminal Charge Lodgments	4
Criminal Case Finalisations	7
Sentencing	8
Custodial Sentences	9
Arrest Warrants Issued	11
Arrest Warrants Returned	12
Bail Refusals for Initial Court Appearance	13
Appendix One--ABS Method of Finalisation	14
Appendix Two--Australian Standard Offence Classification (ASOC) 2008	15

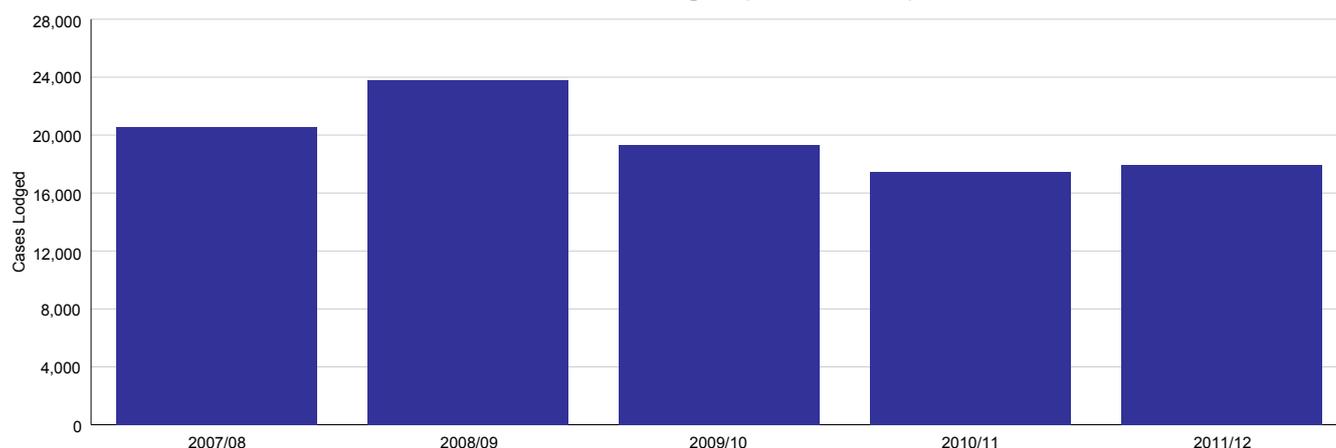
About this Report

The purpose of this report is to provide information about the work carried out by the Magistrates Court of Western Australia where the accused has identified themselves as Indigenous. Upon arrest or charge, the Police ask the accused the Standard Indigenous Question which was developed in conjunction with the Australian Bureau of Statistics. The Indigenous Status is then forwarded electronically to the court with the prosecution and charge details.

A number of different statistics have been included that illustrate different aspects of the criminal court process. Care must be taken in interpreting these statistics. It is NOT possible to compare one indicator with another as the methods of counting are not aligned.

Criminal Case Lodgments

Criminal Cases Lodged (Last 5 Years)



Case Lodgments by Offence Type (ASOC Division)

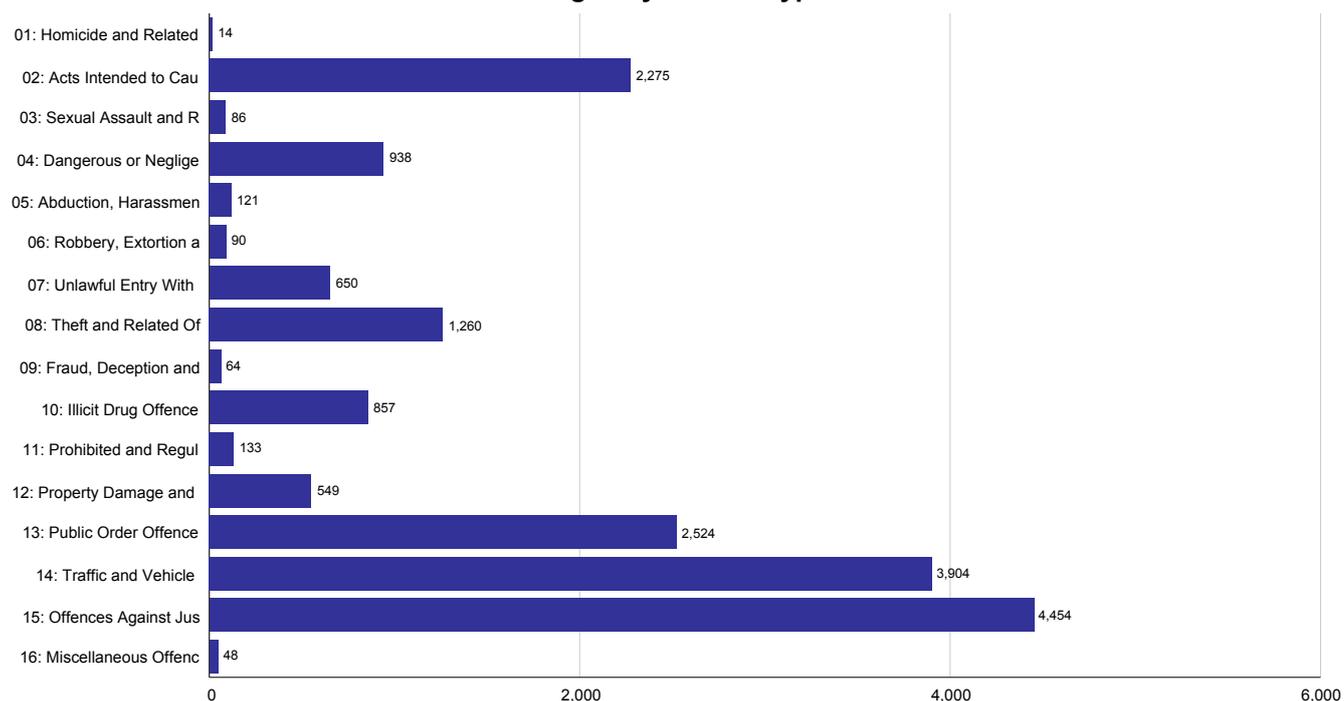
ASOC Offence	2007/08	2008/09	2009/10	2010/11	2011/12	% Change 1 Year	% Change 5 Years
01: Homicide and Related Offences	12	10	17	17	14	-17.6%	16.7%
02: Acts Intended to Cause Injury	2,745	2,892	2,752	2,425	2,275	-6.2%	-17.1%
03: Sexual Assault and Related Offences	163	134	111	85	86	1.2%	-47.2%
04: Dangerous or Negligent Acts Endangering Persons	1,593	1,780	1,012	911	938	3.0%	-41.1%
05: Abduction, Harassment and Other Offences Against the Person	138	138	156	129	121	-6.2%	-12.3%
06: Robbery, Extortion and Related Offences	93	69	72	74	90	21.6%	-3.2%
07: Unlawful Entry With Intent/Burglary, Break and Enter	584	582	511	527	650	23.3%	11.3%
08: Theft and Related Offences	1,107	1,322	1,286	1,141	1,260	10.4%	13.8%
09: Fraud, Deception and Related Offences	105	100	83	61	64	4.9%	-39.0%
10: Illicit Drug Offences	408	637	685	637	857	34.5%	110.0%
11: Prohibited and Regulated Weapons And Explosives Offences	161	172	154	145	133	-8.3%	-17.4%
12: Property Damage and Environmental Pollution	538	636	568	586	549	-6.3%	2.0%
13: Public Order Offences	2,607	3,232	2,999	2,550	2,524	-1.0%	-3.2%
14: Traffic and Vehicle Regulatory Offences	6,105	7,488	4,532	3,921	3,904	-0.4%	-36.1%
15: Offences Against Justice Procedures, Government Security and Government Operations	4,001	4,478	4,290	4,151	4,454	7.3%	11.3%
16: Miscellaneous Offences	177	117	90	74	48	-35.1%	-72.9%
Total	20,537	23,787	19,318	17,434	17,967	3.1%	-12.5%

Counting Rules:

- (a) These are the number of criminal cases lodged against Indigenous Australians in Magistrates Court in Western Australia, broken down by offence type.
- (b) The Australian Standard Offence Classification (ASOC) has been used to group offences. ASOC is a national standard developed by the Australian Bureau of Statistics. For more detail, please refer to www.abs.gov.au/ausstats/abs@.nsf/cat/1234.0
- (c) 'Case' refers to an offender processed through the Magistrates Criminal jurisdiction with one or more charges lodged on any one occasion (e.g. an offender with 16 charges lodged on 14 February and same offender with a further 8 new charges lodged the following day but all heard together in Court on 15 March counts as two cases, not one case or 24 cases).
- (d) Offence descriptions used here are based on the ASOC Division (the top level of the 3 level ASOC hierarchy).
- (e) Excludes all civil cases, Extraordinary Driver's Licence applications, Restraining Order applications and Protection and Care applications.
- (f) 'n/a' in the % Change column indicates that the calculation is 'not appropriate' given that the values of the columns in the table being compared are less than or equal to 10. Comparing values this low is statistically meaningless.

Criminal Case Lodgments

Cases lodged by Offence type 2011/12



Case Lodgments by Offence Type (ASOC Division)--Percentage of cases within each Year

ASOC Offence	2007/08	2008/09	2009/10	2010/11	2011/12	% Change 1 Year	% Change 5 Years
01: Homicide and Related Offences	0.1%	0.0%	0.1%	0.1%	0.1%		
02: Acts Intended to Cause Injury	13.4%	12.2%	14.2%	13.9%	12.7%	-9.0%	-5.3%
03: Sexual Assault and Related Offences	0.8%	0.6%	0.6%	0.5%	0.5%		
04: Dangerous or Negligent Acts Endangering Persons	7.8%	7.5%	5.2%	5.2%	5.2%		
05: Abduction, Harassment and Other Offences Against the Person	0.7%	0.6%	0.8%	0.7%	0.7%		
06: Robbery, Extortion and Related Offences	0.5%	0.3%	0.4%	0.4%	0.5%		
07: Unlawful Entry With Intent/Burglary, Break and Enter	2.8%	2.4%	2.6%	3.0%	3.6%		
08: Theft and Related Offences	5.4%	5.6%	6.7%	6.5%	7.0%		
09: Fraud, Deception and Related Offences	0.5%	0.4%	0.4%	0.3%	0.4%		
10: Illicit Drug Offences	2.0%	2.7%	3.5%	3.7%	4.8%		
11: Prohibited and Regulated Weapons And Explosives Offences	0.8%	0.7%	0.8%	0.8%	0.7%		
12: Property Damage and Environmental Pollution	2.6%	2.7%	2.9%	3.4%	3.1%		
13: Public Order Offences	12.7%	13.6%	15.5%	14.6%	14.0%	-4.0%	10.7%
14: Traffic and Vehicle Regulatory Offences	29.7%	31.5%	23.5%	22.5%	21.7%	-3.4%	-26.9%
15: Offences Against Justice Procedures, Government Security and Government Operations	19.5%	18.8%	22.2%	23.8%	24.8%	4.1%	27.2%
16: Miscellaneous Offences	0.9%	0.5%	0.5%	0.4%	0.3%		

Counting Rules:

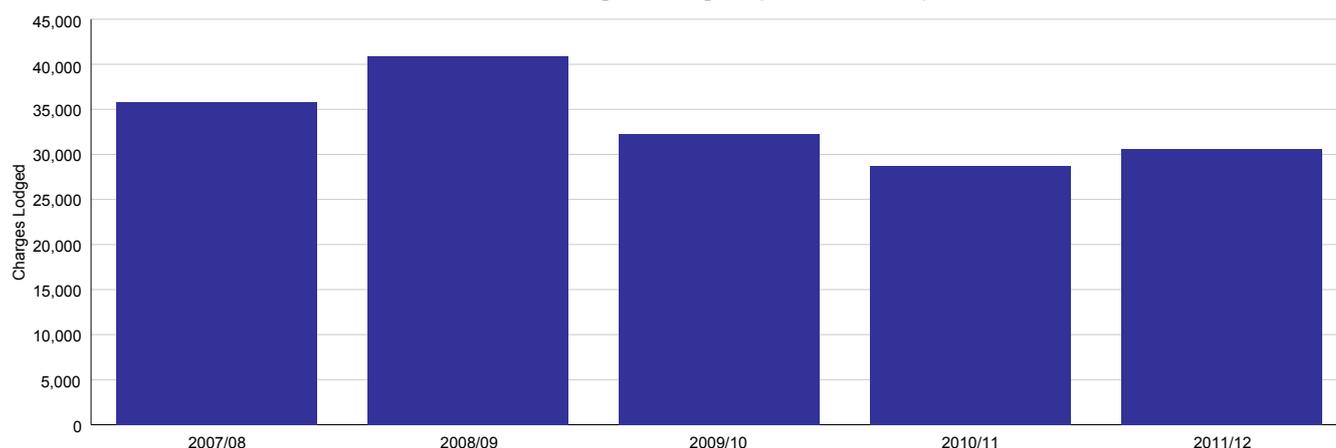
- These are the number of criminal cases lodged against Indigenous Australians in the Magistrates Court in WA, broken down by offence type.
- The Australian Standard Offence Classification (ASOC) has been used to group offences. ASOC is a national standard used to group offences in a 3 level hierarchy.
- Offence descriptions used here are based on the ASOC Division (the top level of the ASOC hierarchy).
- 'n/a' in the % Change column indicates that the calculation is 'not appropriate' given that the values of the columns in the table being compared are

Criminal Case Lodgments

less than or equal to 1%. Comparing values this low is statistically meaningless.

Criminal Charge Lodgments

Criminal Charges Lodged (Last 5 Years)



Charge Lodgments by Offence Type (ASOC Division)

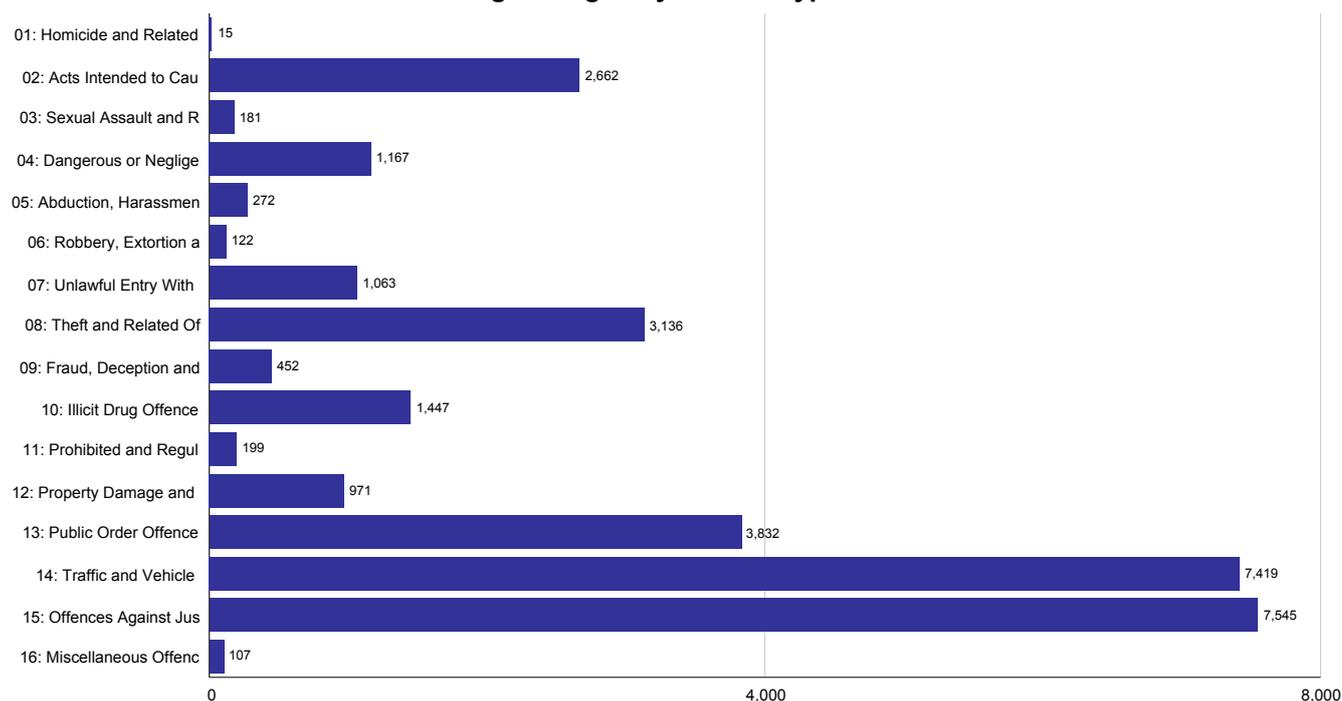
ASOC Offence	2007/08	2008/09	2009/10	2010/11	2011/12	% Change 1 Year	% Change 5 Years
01: Homicide and Related Offences	15	12	17	17	15	-11.8%	0.0%
02: Acts Intended to Cause Injury	3,290	3,517	3,297	2,897	2,662	-8.1%	-19.1%
03: Sexual Assault and Related Offences	347	584	227	159	181	13.8%	-47.8%
04: Dangerous or Negligent Acts Endangering Persons	1,922	2,184	1,224	1,114	1,167	4.8%	-39.3%
05: Abduction, Harassment and Other Offences Against the Person	343	366	377	265	272	2.6%	-20.7%
06: Robbery, Extortion and Related Offences	148	113	127	116	122	5.2%	-17.6%
07: Unlawful Entry With Intent/Burglary, Break and Enter	1,032	1,025	897	983	1,063	8.1%	3.0%
08: Theft and Related Offences	2,716	2,666	2,853	2,511	3,136	24.9%	15.5%
09: Fraud, Deception and Related Offences	299	640	566	309	452	46.3%	51.2%
10: Illicit Drug Offences	885	1,168	1,293	1,144	1,447	26.5%	63.5%
11: Prohibited and Regulated Weapons And Explosives Offences	212	257	237	207	199	-3.9%	-6.1%
12: Property Damage and Environmental Pollution	919	1,086	1,003	966	971	0.5%	5.7%
13: Public Order Offences	4,310	5,287	4,794	3,808	3,832	0.6%	-11.1%
14: Traffic and Vehicle Regulatory Offences	12,258	14,457	8,326	7,153	7,419	3.7%	-39.5%
15: Offences Against Justice Procedures, Government Security and Government Operations	6,824	7,264	6,871	6,964	7,545	8.3%	10.6%
16: Miscellaneous Offences	291	240	193	147	107	-27.2%	-63.2%
Total	35,811	40,866	32,302	28,760	30,590	6.4%	-14.6%

Counting Rules:

- (a) These are the number of criminal charges lodged against Indigenous Australians in the Magistrates Court in Western Australia.
- (b) A charge is a single allegation that an accused has breached a provision of the criminal law. A charge is not counted as a case. A case can be made up of one or more charges.
- (c) Only initial lodgments are counted, excluding all arrest warrant returns and reactivated charges.
- (d) Excludes all civil cases, Extraordinary Driver's Licence applications, Restraining Order applications and Protection and Care applications.
- (e) 'n/a' in the % Change column indicates that the calculation is 'not appropriate' given that the values of the columns in the table being compared are less than or equal to 10. Comparing values this low is statistically meaningless.

Criminal Charge Lodgments

Charges lodged by Offence type 2011/12



Charge Lodgments by Offence Type (ASOC Division)--Percentage of cases within each Year

ASOC Offence	2007/08	2008/09	2009/10	2010/11	2011/12	% Change 1 Year	% Change 5 Years
01: Homicide and Related Offences	0.0%	0.0%	0.1%	0.1%	0.0%	n/a	n/a
02: Acts Intended to Cause Injury	9.2%	8.6%	10.2%	10.1%	8.7%	n/a	n/a
03: Sexual Assault and Related Offences	1.0%	1.4%	0.7%	0.6%	0.6%	n/a	n/a
04: Dangerous or Negligent Acts Endangering Persons	5.4%	5.3%	3.8%	3.9%	3.8%	n/a	n/a
05: Abduction, Harassment and Other Offences Against the Person	1.0%	0.9%	1.2%	0.9%	0.9%	n/a	n/a
06: Robbery, Extortion and Related Offences	0.4%	0.3%	0.4%	0.4%	0.4%	n/a	n/a
07: Unlawful Entry With Intent/Burglary, Break and Enter	2.9%	2.5%	2.8%	3.4%	3.5%	n/a	n/a
08: Theft and Related Offences	7.6%	6.5%	8.8%	8.7%	10.3%	n/a	n/a
09: Fraud, Deception and Related Offences	0.8%	1.6%	1.8%	1.1%	1.5%	n/a	n/a
10: Illicit Drug Offences	2.5%	2.9%	4.0%	4.0%	4.7%	n/a	n/a
11: Prohibited and Regulated Weapons And Explosives Offences	0.6%	0.6%	0.7%	0.7%	0.7%	n/a	n/a
12: Property Damage and Environmental Pollution	2.6%	2.7%	3.1%	3.4%	3.2%	n/a	n/a
13: Public Order Offences	12.0%	12.9%	14.8%	13.2%	12.5%	-5.4%	4.1%
14: Traffic and Vehicle Regulatory Offences	34.2%	35.4%	25.8%	24.9%	24.3%	-2.5%	-29.1%
15: Offences Against Justice Procedures, Government Security and Government Operations	19.1%	17.8%	21.3%	24.2%	24.7%	1.9%	29.4%
16: Miscellaneous Offences	0.8%	0.6%	0.6%	0.5%	0.3%	n/a	n/a

Counting Rules:

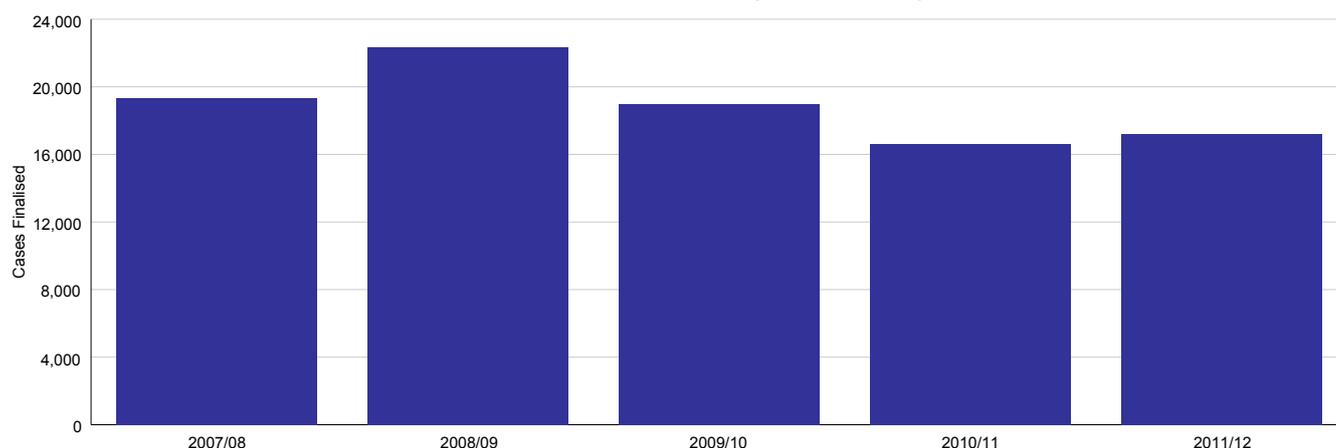
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- Offence descriptions used here are based on the ASOC Division (the top level of the ASOC hierarchy).
- 'n/a' in the % Change column indicates that the calculation is 'not appropriate' given that the values of the columns in the table being compared are

Criminal Charge Lodgments

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Criminal Case Finalisations

Criminal Cases Finalised (Last 5 Years)



Criminal Cases Finalised by Method of Finalisation

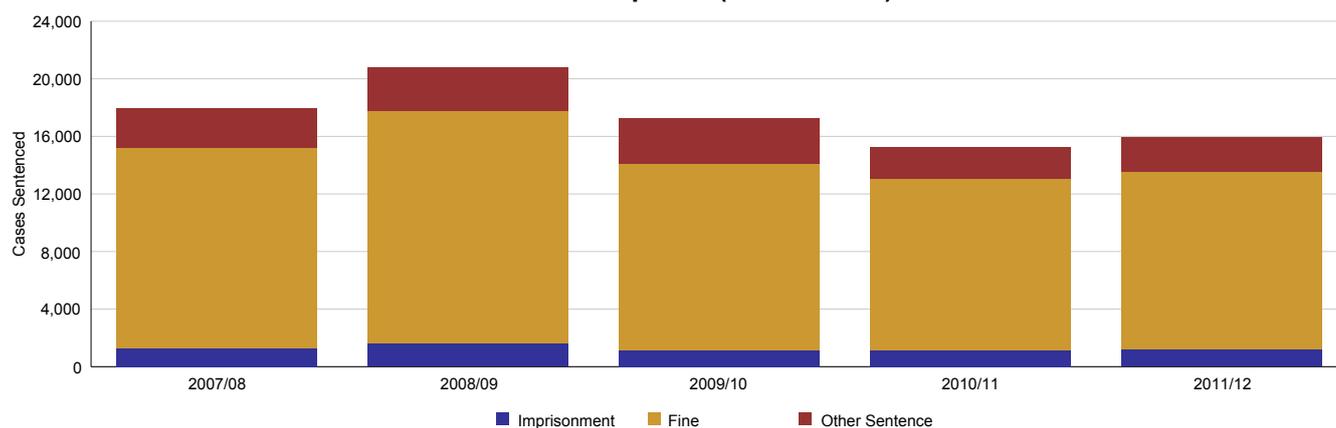
Method of Finalisation	2007/08	2008/09	2009/10	2010/11	2011/12	% Change 1 Year	% Change 5 Years
Adjudicated finalisation							
(Charge proven n.f.d.)		2				n/a	n/a
Guilty finding by court	151	133	130	102	101	-1.0%	-33.1%
Guilty plea by defendant	15,118	16,747	14,086	12,263	12,481	1.8%	-17.4%
Guilty ex-parte	2,977	4,251	3,405	3,211	3,609	12.4%	21.2%
Acquitted by court	38	58	70	53	51	-3.8%	34.2%
Not guilty by reason of mental illness/condition		1	1			n/a	n/a
Charge unproven n.e.c.	30	25	38	26	26	0.0%	-13.3%
Transfer between court levels							
Committed for trial	60	78	89	58	72	24.1%	20.0%
Committed for sentence	85	104	107	85	149	75.3%	75.3%
Transfer from a Magistrates'/Childrens' Court to a higher court n.e.c.	251	172	179	190	162	-14.7%	-35.5%
Other transfers between court levels n.e.c.	16	8	7	4	4	n/a	n/a
Non-adjudicated finalisation							
Defendant Deceased	21	30	24	24	10	n/a	n/a
Unfit to plead	13	23	33	8	4	n/a	n/a
Withdrawn by prosecution	505	623	796	562	510	-9.3%	1.0%
Other non-adjudicated finalisation n.e.c.	52	67	39	23	37	60.9%	-28.8%
Total	19,317	22,322	19,004	16,609	17,216	3.7%	-10.9%

Counting Rules:

- Counts the number of criminal cases against Indigenous Australians finalised by the Magistrates Court in Western Australia. A case is only counted the first time it is finalised. Cases that have previously been finalised then reactivated and finalised once more have been excluded from this count.
- Finalisation is defined as the determination of a case in the Magistrates Court Criminal jurisdiction and involves any action, activity or court order that renders the case unable to proceed any further in that jurisdiction. Examples of finalising actions are the imposition of a sentence, a finding of not-guilty following a trial or the withdrawal of the case by the prosecution.
- The issue of an arrest warrant for failure to attend court when required to do so is not considered a finalisation, even though it renders the case unable to proceed.
- Only the initial finalisation of a case is counted here. Under some circumstances, a criminal case will be reactivated (for example: to make a minor order for the destruction of drugs or for the return of stolen property where that order had not been sought at the time of sentence) but they are generally consequential to the initial method of finalisation.
- The 'Method of Finalisation' used in the table above has been developed by the Australian Bureau of Statistics to assist with the comparison of court outcomes across Australia. Please refer to the appendix for more detail.
- 'n/a' in the % Change column indicates that the calculation is 'not appropriate' given that the values of the columns in the table being compared are less than or equal to 10. Comparing values this low is statistically meaningless.

Sentencing

Sentences Imposed (Last 5 Years)



Sentence	2007/08	2008/09	2009/10	2010/11	2011/12	% Change 1 Year	% Change 5 Years
Imprisonment	1,264	1,586	1,189	1,134	1,239	9.3%	-2.0%
Suspended Imprisonment Order s76 Sent Act	725	840	804	642	757	17.9%	4.4%
Conditional Suspended Imprisonment Order	2	2				n/a	n/a
Intensive Supervision Order s69 Sent Act	320	340	341	319	298	-6.6%	-6.9%
Community Based Order under s62 Sent Act	1,225	1,142	1,107	774	903	16.7%	-26.3%
Fine	13,956	16,140	12,901	11,955	12,297	2.9%	-11.9%
Good Behaviour Bond - Com'with Offences			1			n/a	n/a
Conditional Release Order s47 Sent. Act	276	394	334	176	169	-4.0%	-38.8%
Work and Development Order	68	78	187	88	71	-19.3%	4.4%
No Punishment	137	250	382	165	172	4.2%	25.5%
Total	17,973	20,772	17,246	15,253	15,906	4.3%	-11.5%

Counting Rules:

- Counts only those finalised cases against Indigenous Australians where a sentence was imposed by the Magistrates Court.
- Imprisonment means a term to be served in a Prison.
- Suspended Imprisonment means that a term of Imprisonment has been ordered, but that the offender is released without having to serve the sentence in a prison provided that they do not reoffend.
- Intensive Supervision Orders and Community Based Orders usually have a community work component as well as a supervision component and may require the offender to comply with a programme condition (for example anger management, alcohol abuse treatment, etc) and may also require the offender to comply with a curfew condition. In addition to this order the court may require the offender to pay the costs of bringing the case to court or to pay a victim compensation.
- A Fine order may include an order requiring the offender to pay the costs of bringing the case to court or to pay a victim compensation.
- A Conditional Release Order and Good Behaviour Bond are orders that the offender agree to be of good behaviour for a defined period of time with the condition that if they fail to do so, will forfeit a set amount of money. In addition to this order the court may require the offender to pay the costs of bringing the case to court or to pay a victim compensation.
- A Work and Development Order is imposed by the court when a fine would normally be imposed but the offender has no means to pay the fine so they are ordered to perform community work in lieu of the fine.
- No Punishment is an order by the court that the offender be release without a formal sentence being imposed. No punishment orders are generally only used for first time offenders or where the court is satisfied that the offender has been punished by some other means. In addition to this order the court may require the offender to pay the costs of bringing the case to court or to pay a victim compensation.
- 'n/a' in the % Change column indicates that the calculation is 'not appropriate' given that the values of the columns in the table being compared are less than or equal to 10. Comparing values this low is statistically meaningless.

Custodial Sentences

Custodial Sentences imposed by Offence Type

ASOC Offence Type	2007/08	2008/09	2009/10	2010/11	2011/12	% Change 1 Year	% Change 5 Years
Homicide and Related Offences							
Driving causing death	1			1		n/a	n/a
Acts Intended to Cause Injury							
Serious assault resulting in injury	259	303	279	246	268	8.9%	3.5%
Serious assault not resulting in injury	167	169	154	148	147	-0.7%	-12.0%
Common assault	38	37	31	28	39	39.3%	2.6%
Stalking				3		n/a	n/a
Sexual Assault and Related Offences							
Aggravated sexual assault	6	2	5	7	7	n/a	n/a
Non-aggravated sexual assault	3	1		1	1	n/a	n/a
Non-assaultive sexual offences against a child			1			n/a	n/a
Dangerous or Negligent Acts Endangering Persons							
Driving under the influence of alcohol or other substance	152	220	136	115	132	14.8%	-13.2%
Dangerous or negligent operation (driving) of a vehicle	11	19	13	6	16	n/a	n/a
Other dangerous or negligent acts endangering persons, nec	4	6	3	2	2	n/a	n/a
Abduction, Harassment and Other Offences Against the Person							
Threatening behaviour	6	17	15	8	7	n/a	n/a
Unlawful Entry With Intent/Burglary, Break and Enter							
Unlawful entry with intent/burglary, break and enter	160	158	127	104	144	38.5%	-10.0%
Theft and Related Offences							
Theft of a motor vehicle	26	49	31	29	42	44.8%	61.5%
Theft from a person (excluding by force)					1	n/a	n/a
Theft (except motor vehicles), nec	3	7	3	4	3	n/a	n/a
Receive or handle proceeds of crime	4	15	8	5	12	n/a	n/a
Fraud, Deception and Related Offences							
Obtain benefit by deception	1	1	3	2	4	n/a	n/a
Other fraud and deception offences, nec	2	3		1	1	n/a	n/a
Illicit Drug Offences							
Deal or traffic in illicit drugs - commercial quantity	3	6	3	10	5	n/a	n/a
Cultivate illicit drugs					1	n/a	n/a
Possess illicit drugs	2	8	5	1	3	n/a	n/a
Prohibited and Regulated Weapons And Explosives Offences							
Sell, possess and/or use prohibited weapons/explosives	2	3	2	3	3	n/a	n/a
Unlawfully obtain or possess regulated weapons/explosives	1	4	4	1	1	n/a	n/a
Misuse of regulated weapons/explosives					1	n/a	n/a
Regulated weapons/explosives offences, nec		1				n/a	n/a
Property Damage and Environmental Pollution							
Property damage by fire or explosion	1					n/a	n/a
Property damage, nec	27	36	21	18	30	66.7%	11.1%
Public Order Offences							
Trespass	3	6	4	7	4	n/a	n/a
Criminal intent	9	3	6	8	5	n/a	n/a
Riot and affray					1	n/a	n/a
Prostitution offences		1				n/a	n/a
Offences against public order sexual standards	3	1	1	3	3	n/a	n/a
Traffic and Vehicle Regulatory Offences							
Drive while licence disqualified or suspended	123	168	73	84	68	-19.0%	-44.7%
Drive without a licence	1	5	2	1		n/a	n/a
Exceed the prescribed content of alcohol or other substance limit		1			1	n/a	n/a
Offences Against Justice Procedures, Government Security and Government Operations							

Custodial Sentences

Custodial Sentences imposed by Offence Type

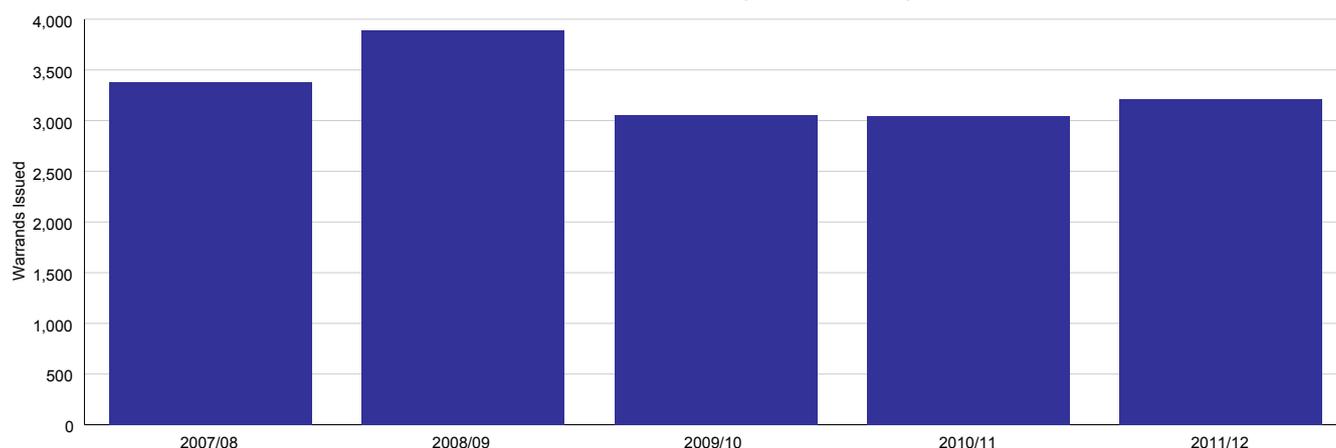
ASOC Offence Type	2007/08	2008/09	2009/10	2010/11	2011/12	% Change 1 Year	% Change 5 Years
Breach of custodial order offences	17	8	1	6	7	n/a	n/a
Breach of bail	161	234	177	218	186	-14.7%	15.5%
Breach of community-based order, nec	5	6	2	4	2	n/a	n/a
Breach of violence order	18	35	30	25	42	68.0%	133.3%
Offences against government operations, nec	15	18	14	13	13	0.0%	-13.3%
Resist or hinder police officer or justice official	19	21	16	10	22	n/a	n/a
Prison regulation offences	6	5	2	7	4	n/a	n/a
Offences against justice procedures, nec	5	9	17	5	11	n/a	n/a
Total	1,264	1,586	1,189	1,134	1,239	9.3%	-2.0%

Counting Rules:

- (a) Counts those cases against Indigenous Australians that received a custodial sentence in the Magistrates Court, broken down by the most serious offence on the case.
- (b) As a case may have more than one charge, the most serious offence for which the offender has been sentenced is shown above. The most serious offence is derived by applying the National Offence Index, which ranks the ASOC offences from least serious to most serious.
- (c) The Australian Standard Offence Classification (ASOC) has been used to group offences. ASOC is a national standard developed by the Australian Bureau of Statistics. For more detail, please refer to www.abs.gov.au/ausstats/abs@.nsf/cat/1234.0
- (d) 'n/a' in the % Change column indicates that the calculation is 'not appropriate' given that the values of the columns in the table being compared are less than or equal to 10. Comparing values this low is statistically meaningless.

Arrest Warrants Issued

Arrest Warrants Issued (Last 5 Years)



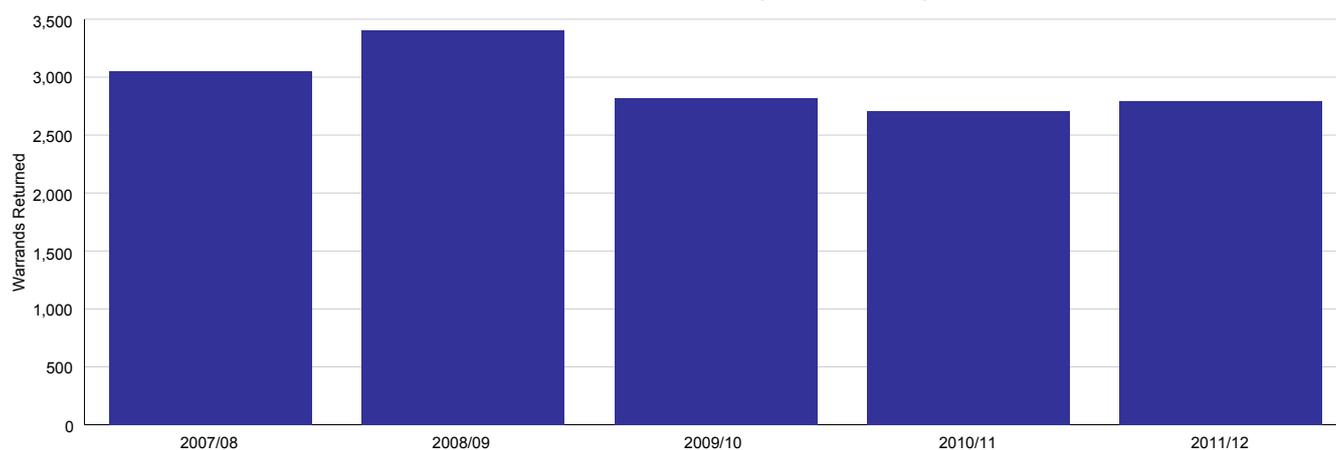
ASOC Division	2007/08	2008/09	2009/10	2010/11	2011/12	% Change 1 Year	% Change 5 Years
01: Homicide and Related Offences	1			2	1	n/a	n/a
02: Acts Intended to Cause Injury	940	1,008	985	935	915	-2.1%	-2.7%
03: Sexual Assault and Related Offences	29	21	28	28	22	-21.4%	-24.1%
04: Dangerous or Negligent Acts Endangering Persons	482	585	299	297	321	8.1%	-33.4%
05: Abduction, Harassment and Other Offences Against the Person	64	81	96	76	84	10.5%	31.2%
06: Robbery, Extortion and Related Offences	22	18	10	12	13	8.3%	-40.9%
07: Unlawful Entry With Intent/Burglary, Break and Enter	220	256	220	256	250	-2.3%	13.6%
08: Theft and Related Offences	471	560	515	565	669	18.4%	42.0%
09: Fraud, Deception and Related Offences	62	44	54	36	45	25.0%	-27.4%
10: Illicit Drug Offences	107	131	116	128	158	23.4%	47.7%
11: Prohibited and Regulated Weapons And Explosives Offences	45	38	23	25	25	0.0%	-44.4%
12: Property Damage and Environmental Pollution	241	252	210	220	256	16.4%	6.2%
13: Public Order Offences	688	851	615	516	531	2.9%	-22.8%
14: Traffic and Vehicle Regulatory Offences	1,074	1,242	672	642	672	4.7%	-37.4%
15: Offences Against Justice Procedures, Government Security and Government Operations	1,148	1,311	1,185	1,190	1,291	8.5%	12.5%
16: Miscellaneous Offences	18	13	6	11	9	n/a	n/a
Total	5,612	6,411	5,034	4,939	5,262	6.5%	-6.2%

Counting Rules:

- (a) These are the number of warrants against Indigenous Australians issued by the Magistrates Court in Western Australia for failure to attend court when required to do so, broken down by the most serious offence on the case.
- (b) The Australian Standard Offence Classification (ASOC) has been used to group offences. ASOC is a national standard developed by the Australian Bureau of Statistics. For more detail, please refer to www.abs.gov.au/ausstats/abs@.nsf/cat/1234.0
- (c) An arrest warrant is issued for failure to attend court whilst on bail or when summoned.
- (d) A warrant counted here relates to one person with one or more charges having an order for a warrant to issue on the same date.
- (e) 'n/a' in the % Change column indicates that the calculation is 'not appropriate' given that the values of the columns in the table being compared are less than or equal to 10. Comparing values this low is statistically meaningless.

Arrest Warrants Returned

Arrest Warrants Returned (Last 5 Years)



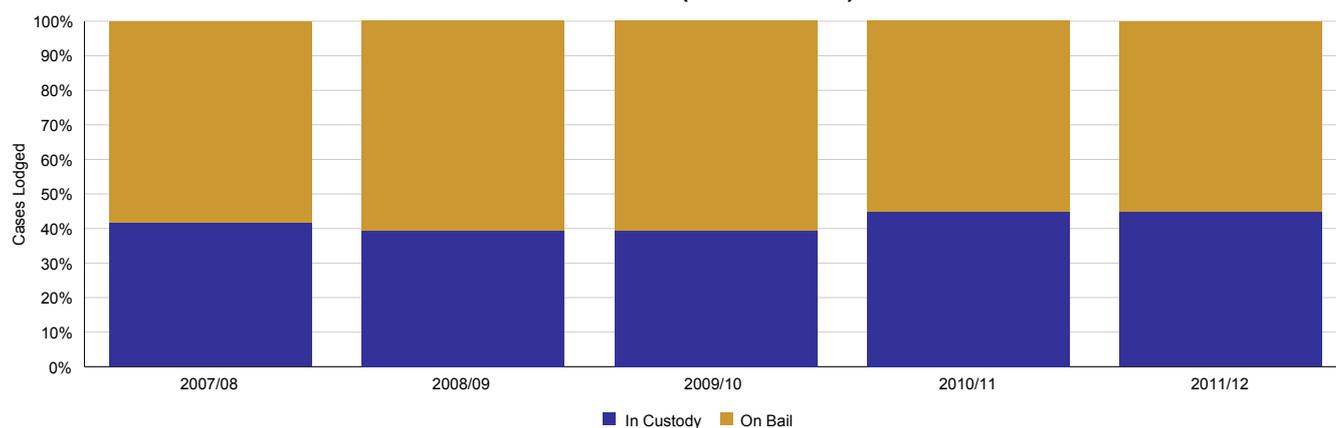
ASOC Division	2007/08	2008/09	2009/10	2010/11	2011/12	% Change 1 Year	% Change 5 Years
01: Homicide and Related Offences	1			2		n/a	n/a
02: Acts Intended to Cause Injury	858	916	877	878	786	-10.5%	-8.4%
03: Sexual Assault and Related Offences	30	22	26	28	19	-32.1%	-36.7%
04: Dangerous or Negligent Acts Endangering Persons	416	533	318	289	288	-0.3%	-30.8%
05: Abduction, Harassment and Other Offences Against the Person	61	69	86	75	70	-6.7%	14.8%
06: Robbery, Extortion and Related Offences	20	14	11	11	9	n/a	n/a
07: Unlawful Entry With Intent/Burglary, Break and Enter	198	240	205	232	201	-13.4%	1.5%
08: Theft and Related Offences	429	510	468	520	555	6.7%	29.4%
09: Fraud, Deception and Related Offences	55	42	50	34	31	-8.8%	-43.6%
10: Illicit Drug Offences	99	123	105	127	131	3.1%	32.3%
11: Prohibited and Regulated Weapons And Explosives Offences	37	34	19	16	29	81.2%	-21.6%
12: Property Damage and Environmental Pollution	205	240	201	200	211	5.5%	2.9%
13: Public Order Offences	673	789	617	503	483	-4.0%	-28.2%
14: Traffic and Vehicle Regulatory Offences	984	1,084	697	611	626	2.5%	-36.4%
15: Offences Against Justice Procedures, Government Security and Government Operations	1,020	1,173	1,103	1,090	1,144	5.0%	12.2%
16: Miscellaneous Offences	26	15	7	12	10	n/a	n/a
Total	5,112	5,804	4,790	4,628	4,593	-0.8%	-10.2%

Counting Rules:

- (a) These are the number of warrants against Indigenous Australians returned to a Magistrates Court in Western Australia, broken down by the most serious offence on the case.
- (b) The Australian Standard Offence Classification (ASOC) has been used to group offences. ASOC is a national standard developed by the Australian Bureau of Statistics. For more detail, please refer to www.abs.gov.au/ausstats/abs@nsf/cat/1234.0
- (c) An arrest warrant is returned to court following the arrest of the accused and subsequent appearance in the court, or the relisting of the charge or charges before the court to have the warrant cancelled.
- (d) A warrant counted here relates to one person with one or more charges being returned to court following the arrest of an accused or the relisted of warrant charges on the same date.
- (e) Warrants Issued and Warrants returned should not be compared. Because the count of warrants issued and warrants returned is based on a count of an individual at a court sitting on a particular date, the number of charges involved may be different. It is common for warrants to be issued on a number of different occasions but once the accused is apprehended and brought to court, all the charges from the different warrant issue occasions are put before the court on the same day.
- (f) 'n/a' in the % Change column indicates that the calculation is 'not appropriate' given that the values of the columns in the table being compared are less than or equal to 10. Comparing values this low is statistically meaningless.

Bail Refusals for Initial Court Appearance

Bail Refusals (Last 5 Years)



Percentage of persons arrested and refused bail prior to initial court appearance

ASOC Division	2007/08	2008/09	2009/10	2010/11	2011/12	% Change 1 Year	% Change 5 Years
01: Homicide and Related Offences	100.0%	80.0%	100.0%	100.0%	66.7%	-33.3%	n/a
02: Acts Intended to Cause Injury	38.5%	37.6%	36.4%	39.9%	41.9%	5.0%	n/a
03: Sexual Assault and Related Offences	57.9%	60.9%	51.2%	62.5%	53.3%	-14.7%	n/a
04: Dangerous or Negligent Acts Endangering Persons	21.5%	16.9%	17.6%	17.8%	18.1%	2.2%	n/a
05: Abduction, Harassment and Other Offences Against the Person	46.8%	45.5%	44.6%	50.5%	54.0%	6.9%	n/a
06: Robbery, Extortion and Related Offences	68.0%	76.7%	77.1%	82.1%	79.6%	-3.0%	n/a
07: Unlawful Entry With Intent/Burglary, Break and Enter	51.4%	54.1%	41.8%	44.4%	48.2%	8.5%	n/a
08: Theft and Related Offences	31.9%	32.5%	24.7%	32.0%	29.7%	-7.1%	n/a
09: Fraud, Deception and Related Offences	35.7%	44.1%	34.4%	38.9%	52.0%	33.7%	n/a
10: Illicit Drug Offences	33.6%	17.1%	25.4%	26.6%	28.8%	8.4%	n/a
11: Prohibited and Regulated Weapons And Explosives Offences	42.9%	29.6%	25.6%	34.5%	35.7%	3.6%	n/a
12: Property Damage and Environmental Pollution	30.4%	32.5%	32.7%	28.0%	39.1%	39.8%	n/a
13: Public Order Offences	11.5%	9.1%	6.6%	9.3%	7.5%	n/a	n/a
14: Traffic and Vehicle Regulatory Offences	17.9%	14.5%	12.6%	16.0%	19.1%	19.4%	n/a
15: Offences Against Justice Procedures, Government Security and Government Operations	73.6%	74.7%	73.2%	78.7%	74.5%	-5.3%	n/a
16: Miscellaneous Offences		11.1%	7.7%			n/a	n/a
Statewide	41.8%	39.4%	39.4%	44.9%	45.0%	0.3%	n/a

Counting Rules:

- These are the number of criminal cases lodged against Indigenous Australians in the Magistrates Court in Western Australia where the accused was arrested and then either released on bail or remanded in custody prior to the initial court appearance. Cases proceeding by way of summons or notice to attend are not counted here.
- Cases have been broken down by Offence Type. The Australian Standard Offence Classification (ASOC) has been used to group offences. ASOC is a national standard developed by the Australian Bureau of Statistics. For more detail, please refer to www.abs.gov.au/ausstats/abs@nsf/cat/1234.0
- Case refers to an offender processed through the Magistrates Court Criminal jurisdictions with one or more charges lodged on any one occasion (e.g. an offender with 16 charges lodged on 14 February and same offender with 8 new charges heard in Court on 15 March counts as two cases, not one case or 24 cases).
- Only initial lodgments are counted, excluding all arrest warrant returns and reactivated cases.
- Excludes all civil cases, Extraordinary Driver's Licence applications, Restraining Order applications and Protection and Care applications.
- 'n/a' in the % Change column indicates that the calculation is 'not appropriate' given that the values of the columns in the table being compared are less than or equal to 1%. Comparing values this low is statistically meaningless.

Appendix One--ABS Method of Finalisation

The Method of Finalisation classification has been developed by the Australian Bureau of Statistics and refers to the process which leads to the completion of a case or cases for a person as an item of business in a particular jurisdiction. A person undergoing court proceedings is considered to be finalised when all charges against that person have been processed to completion within a jurisdiction

Classification structure

The Method of Finalisation classification has three major categories distinguishing between finalisations which are adjudicated, transferred between court levels or non-adjudicated.

Division	Sub-Division	Code
100	Adjudicated finalisation n.f.d.	
	110	Charge proven n.f.d.
		111 Guilty finding by court
		112 Guilty plea by defendant
		113 Guilty ex-parte
	120	Charge unproven n.f.d.
		121 Acquitted by court
		122 Not guilty by reason of mental illness/condition
		123 No case to answer at committal
		129 Charge unproven n.e.c.
200	Finalisation by transfer of charges between court levels n.f.d.	
	210	Transfer from a Magistrates' Court to a higher court n.f.d.
		211 Committed for trial
		212 Committed for sentence
		219 Transfer from a Magistrates' Court to a higher court n.e.c.
	220	Transfer from a higher court to a Magistrates' Court
	230	Transfer from an intermediate court to a Supreme Court n.f.d.
		231 Transfer from an intermediate court to a Supreme Court for trial
		232 Transfer from an intermediate court to a Supreme Court for sentence
	240	Transfer from a Supreme Court to an intermediate court n.f.d.
		241 Transfer from a Supreme Court to an intermediate court for trial
		242 Transfer from a Supreme Court to an intermediate court for sentence
	250	Transfer from a Children's' Court to a Magistrates' Court
	290	Other transfers between court levels n.e.c.
300	Non-adjudicated finalisation n.f.d.	
	310	Defendant deceased
	330	Unfit to plead
	340	Withdrawn by prosecution
	350	Transfer to non-court agency
	390	Other non-adjudicated finalisation n.e.c.
900	Method of finalisation unknown/not stated	

NB n.f.d. – not further defined

n.e.c. – not elsewhere classified

Intermediate Court -- in Western Australia refers to the District Court

For more details of the ABS Method of Finalisation, please refer to the publication, Criminal Courts Australia (ABS Catalogue number 4513.0)<http://www.abs.gov.au/ausstats/abs@.nsf/Products/4513.0~2007-08~Appendix~METHOD+OF+FINALISATION+CLASSIFICATION+%28Appendix%29?OpenDocument>

Appendix Two--Australian Standard Offence Classification (ASOC) 2008

The Australian Standard Offence Classification (ASOC) 2008 has been developed by the Australian Bureau of Statistics in order to make it easier to report offence type information and to enable comparison between jurisdictions across Australia. The current version of the ASOC was released in 2008. All offence types in the WA criminal court systems have been mapped to an ASOC code.

Classification structure

The ASOC is a three level hierarchy: There are 16 divisions, each with one or more sub-Divisions and each of these has one or more groups. Here is a summary of the types of offences included in each of ASOC Divisions.

Division 01: Homicide and Related Offences

Murder, Attempted Murder, Manslaughter, infanticide, accelerate death and dangerous driving causing death.

Division 02: Acts intended to cause injury

Serious assaults resulting in injury (grievous bodily harm, actual bodily harm, wounding, deliberate transmission of a grievous bodily disease).

Serious assaults NOT resulting in injury (committed in company, use of a weapon, committed against a vulnerable victim, pregnant female, prison officer, police officer or other justice official, involving more than one victim, part of planned or organised criminal activity or any other aggravating circumstances that do not involve serious bodily harm or injury).

Common assault, stalking, administer illicit drugs, administer poison, drink/food spiking, set mantraps, stupefy a victim and administer sedative or hypnotic drug.

Division 03: Sexual Assault and Related Offences

Aggravated sexual assault (sexual intercourse, inflict injury or violence, possession of a weapon, consent proscribed/committed against a child or in company).

Non-aggravated sexual assault (indecent assault that does not involve any aggravating circumstances, threat of sexual assault).

Non-assaultive sexual offences against a child (including grooming offences, procuring a child for prostitution and forcing a minor to witness an act of sexual intercourse), child pornography offences, sexual servitude offences (debt bondage, operating a sexual servitude business, people trafficking involving sexual servitude and coercive behaviour such as threat of deportation if person refuses sexual services).

Division 04: Dangerous or Negligent acts endangering persons

Driving under the influence of alcohol or other substance, dangerous or negligent operation of a vehicle (dangerous, negligent, careless or reckless driving, fail to have proper control of a vehicle, speeding in dangerous or negligent manner, road racing and culpable navigation), neglect or ill-treatment of person under care (including child neglect), cause grievous bodily harm by negligent act or omission and unlawful interference with aviation (damage equipment or instruments, unlawfully interfere with pilot).

Division 05: Abduction, Harassment and Other offences against the person

Abduction and kidnapping, deprivation of liberty/false imprisonment and harassment and threatening behaviour (nuisance phone calls, sexual harassment not amounting to assault, sexual assault or stalking and threats to kill, cause fire or explosion or destroy or damage property).

Division 06: Robbery, Extortion and Related Offences

Robbery (aggravated and non-aggravated), blackmail and extortion.

Division 07: Unlawful entry with intent/Burglary, Break and Enter

Break, enter and steal, burglary, unlawful entry to a structure with intent, ram raid, smash and grab, home invasion (not involving an assault).

Division 08: Theft and Related Offences

Theft of motor vehicle, illegal use of motor vehicle, theft of motor vehicle parts, theft from person (excluding by force--pick pocketing, bag snatching, passport theft, theft of deeds or bill of sale, theft of cheques or credit cards and EFTPOS cards and theft from residential premises where entry was lawfully gained).

Theft of intellectual property (computer hacking, copyright infringement, computer software piracy, industrial espionage).

Shoplifting, theft from market stalls, theft from wholesale or factory retail outlets, theft of retail goods, leave restaurant without paying, illicit drug theft, theft of weapons or explosives, fare evasion, fuel drive-offs, theft of electricity, gas or water, evade payment for services, theft of animals/livestock and theft of a tram, train, vessel or other vehicle not defined as motor vehicle.

Receive, handle or possess money or goods taken or obtained illegally (includes money laundering, possess stolen goods and possess money from sale of illicit drugs).

Illegal use of property (except motor vehicles--includes illegal use of non-motorised vehicle and illegal use of tools and/or equipment).

Division 09: Fraud, Deception and Related Offences

Offences involving a dishonest act or omission carried out with the purpose of deceiving to obtain a benefit (identity fraud, create fictitious identity, cheque/credit card fraud, prescription drug fraud, false name/address, false representation, social security fraud, phishing, sales tax fraud, fraud against insurance companies and computer hacking involving fraud).

Forgery and counterfeiting--create false documents, forge passport or visa, forge birth certificate, forge Commonwealth document, forge bill of sale, share certificate, supply false documentation to get a weapons, explosives licence or permit, forge signature and forge motor vehicle registration certificate.

Possess equipment to make false/illegal instrument, fraudulent trade practices, misrepresentation of professional status and acts intended to obtain financial gain or advantage through dishonest or unscrupulous means not involving fraud (such as selective supply (or non-supply) of a product or acceptance of solicitation of a 'gazumping' offer).

Division 10: Illicit Drug Offences

Import or export illicit drugs, deal or traffic in illicit drugs (commercial and non-commercial quantities), manufacture or cultivate illicit drugs, possess equipment with intent to manufacture or cultivate illicit drugs, possess and/or use illicit drugs, possess money with intent to obtain drugs, possess utensils for using illicit drugs, permit premises to be used to take, sell or distribute drugs and fail to keep register for drugs of addiction.

Division 11: Prohibited and Regulated Weapons and Explosives Offences

Import or export prohibited weapons/explosives, sell, possess and/or use prohibited weapons/explosives and manufacture or modify prohibited weapons/explosives.

Unlawfully obtain or possess regulated weapons/explosives, misuse of regulated weapons/explosives (discharging offences, storage offences, unlawful use, lending a weapon to minor/unlicensed person and unlawfully modify regulated weapon). Deal or traffic in regulated weapons/explosives, registration offences by licensed owner, registration offences by dealer, dealer's licence offences and offences related to the manufacture or modification of regulated weapons/explosives.

Appendix Two--Australian Standard Offence Classification (ASOC) 2008

Division 12: Property Damage and Environmental Pollution

Arson, malicious property damage by fire or explosion, graffiti/deface building, bill posting.

Vandalism, sacrilege, kill/injure animals, damage/obstruct mines, tamper with motor vehicle (where no property is taken), malicious property damage (not by fire/explosion), contaminate commercial goods and computer hacking involving property damage.

Air pollution offences, water pollution offences, noise pollution offences, soil pollution offences and environmental pollution offences.

Division 13: Public Order Offences

Trespass (unlawfully on premises, trespass without intent to commit crime and enter restricted areas at major events), criminal intent (go equipped to steal, possess instruments used for theft or burglary, possess articles of disguise, possess any object with intent to destroy or damage property), riot and affray and disorderly conduct (disorderly behaviour in a public place, desecrate graves/interfere with corpse, throw stones not causing injury and hoaxes causing public nuisance).

Regulated public order offences--betting and gambling offences, liquor and tobacco offences, censorship offences (excluding child pornography), prostitution offences, offences against public order sexual standards, consumption of legal substances in regulated places and other offences such as breach of euthanasia legislation not amounting to murder, manslaughter, attempted murder or assault and advertise/seek out a surrogate mother.

Offensive conduct--offensive language, vagrancy, begging, public drunkenness, coarse forms of gesticulation, engage in intercourse in front of minor/child (unless there is an intent to force the child to watch), vilify or incite hatred and cruelty to animals.

Division 14: Traffic and Vehicle Regulatory Offences

Driver licence offences--drive while licence disqualified or suspended, drive without a licence, drive contrary to conditions of a licence, L or P plate licence offences and fail to produce licence on demand.

Vehicle registration and roadworthiness offences--driving unregistered vehicle, number plates obscured/missing, fail to transfer vehicle ownership, drive an uninsured vehicle, faulty or no lights, defective vehicle, drive an unroadworthy vehicle, motor vehicle pollution and cause excessive noise or smoke.

Regulatory driving offences--drive a vehicle or ride bicycle, horse, skateboard, etc while exceeding the prescribed content of alcohol (not including driving under the influence), speeding, parking offences and other regulated offences such as fail to wear seatbelts, fail to provide life jackets, drive while using a mobile phone, fail to stop after an accident, fail to wear bicycle helmet, refuse preliminary breath test, fail to give way or stop, fail to keep left of double lines and pedestrian offences.

Division 15: Offences against Justice Procedures, Government Security and Government Operations

Breaches of custodial order offences (escape custody, breach of home detention, breach of suspended sentence).

Breach of community-based orders (breaches of ISO, IYSO, CBO, YCBO, WDO, bail, surety recognisance, parole, etc) and breach of violence and non-violence orders (breaches of VRO and MRO).

Offences against government operations (resist government officials (not police), hinder emergency services, bribery involving government officials, immigration offences, fail to complete census forms, fail to lodge taxation forms, fail to vote, hoax calls to emergency services and postal offences).

Offences against government security (resist or hinder government officer concerned with government security, sedition, mutiny, aid piracy, conspiracy, terrorism offences, incite mutiny). Offences against justice procedures (subvert the course of justice, resist/hinder police officer or justice official, prison regulation offences, contempt of court, fail to attend court, false report and accessory after the fact).

Division 16: Miscellaneous Offences

Defamation and libel and offences against privacy (actions intended to invade the privacy of an individual or company, such as opening mail, phone tapping--other than phone tapping for espionage purposes--and computer hacking not involving the theft of intellectual property, fraud, property damage or breach of government security).

Public health and safety offences (sanitation offences, disease prevention offences, occupational health and safety offences, transport regulation offences, dangerous substances offences, licit drug offences and public health and safety offences).

Commercial/Industry/Financial regulation--breaches of regulations designed to protect an industrial, commercial or financial activity, comprising acts that are harmful to persons, or acquisitive or deceptive, and that are not directed at health and safety and pollution control, such as restrictive trade/industry practices and foreign boats fishing in Australian fishing zones unlawfully.

Environmental regulation offences such as disobey rules of parks/crown land, littering, possess native game/animals illegally, total fire ban breaches, flora and fauna offences and personal illegal fishing offences, bribery involving an official other than a government official, quarantine offences, import/export regulation offences such as failing to declare goods, procuring or committing an illegal abortion and any other miscellaneous offence not categorised elsewhere within this classification.

For more details of the Australian Standard Offence Classification (ASOC), please refer to the ABS Website (ABS Catalogue number 1234.0) www.abs.gov.au/ausstats/abs@.nsf/cat/1234.0

As well as our FOI and annual reporting responsibilities, the Department has now committed to regularly publishing a wide range of statistics relating to the operation of its various business areas.

The Department receives requests from media outlets on a daily basis for customised statistics, which may be beyond the scope of this statistics package.

All media requests for customised figures are considered individually and the Department will generally supply such information only where the

- information is stored in a way that it is easily retrievable; and***
- amount of work required to compile and supply customised information is not unreasonable.***