



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

**Report on Criminal Cases in the
Supreme Court
of Western Australia
2006/07 to 2010/11**

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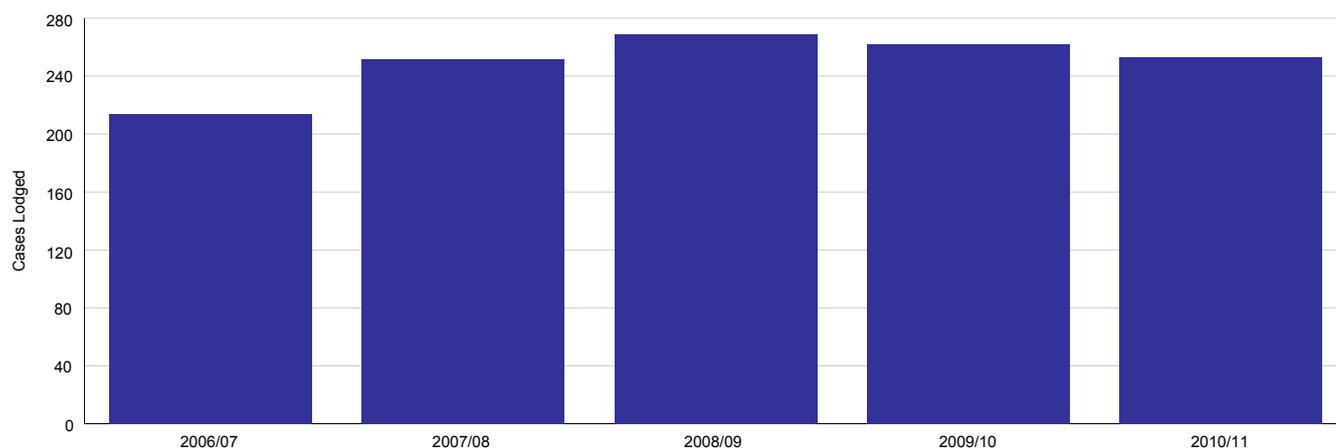
About this Report

The purpose of this report is to provide information about the work carried out by the Supreme Court of Western Australia. 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. Lodgments cannot be compared to Finalisations as they are counted differently: lodgments are based on a count of indictments lodged per individual accused whereas finalisations are based on the count of individual accused having one or more charges finalised on the same day. The charges that make up an indictment can be finalised on different occasions. One indictment with two co-accused will be counted here as two lodgments. If one charge within the indictment is finalised on a different date to the remaining charges then this will be counted as 4 finalisations.

Separate counting rules that best illustrate the work of the court is utilised for each statistic. Please read the counting rules on each page to help interpret the data.

Criminal Case Lodgments

Criminal Cases Lodged (Last 5 Years)



Case Lodgments by Offence Type (ASOC Division)

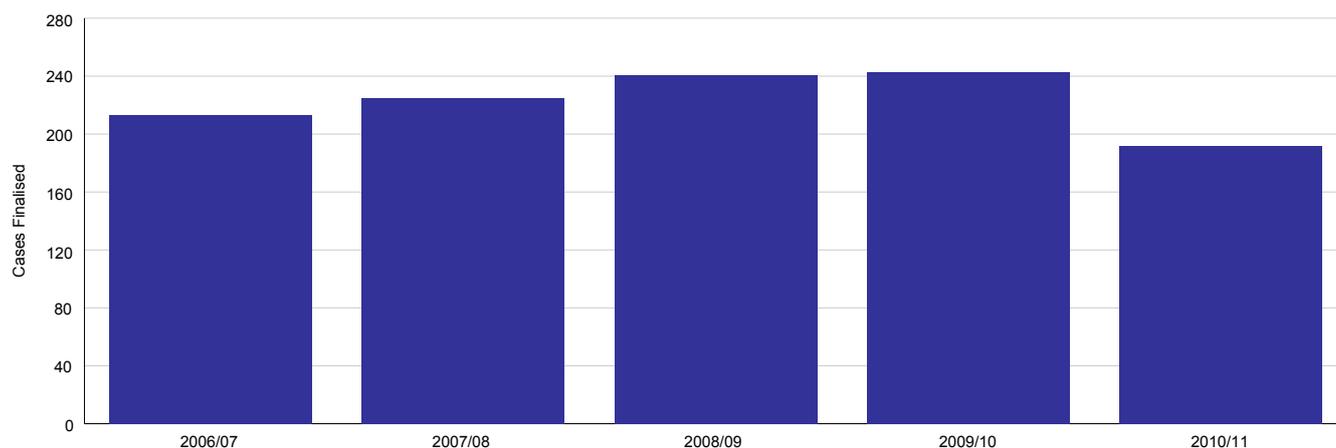
ASOC Offence	2006/07	2007/08	2008/09	2009/10	2010/11	% Change 1 Year	% Change 5 Years
01: Homicide and Related Offences	24	29	27	40	42	5.0%	75.0%
02: Acts Intended to Cause Injury	15	11	19	19	19	0.0%	26.7%
03: Sexual Assault and Related Offences	1	3				n/a	n/a
04: Dangerous or Negligent Acts Endangering Persons			2	2	4	n/a	n/a
05: Abduction, Harassment and Other Offences Against the Person					1	n/a	n/a
06: Robbery, Extortion and Related Offences	160	170	185	152	116	-23.7%	-27.5%
07: Unlawful Entry With Intent/Burglary, Break and Enter			1		3	n/a	n/a
08: Theft and Related Offences		2				n/a	n/a
09: Fraud, Deception and Related Offences		2	3	4		n/a	n/a
10: Illicit Drug Offences	1	1	5	2	5	n/a	n/a
11: Prohibited and Regulated Weapons And Explosives Offences				1		n/a	n/a
12: Property Damage and Environmental Pollution		1		5	32	n/a	n/a
14: Traffic and Vehicle Regulatory Offences	1					n/a	n/a
15: Offences Against Justice Procedures, Government Security and Government Operations	11	30	24	35	31	-11.4%	181.8%
16: Miscellaneous Offences	1	3	3	2		n/a	n/a
Total	214	252	269	262	253	-3.4%	18.2%

Counting Rules:

- (a) These are the number of criminal cases lodged in Supreme 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 accused processed through the Supreme Court 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). See appendix for more details.
- (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 Case Finalisations

Criminal Cases Finalised (Last 5 Years)



Criminal Cases Finalised by Method of Finalisation

Method of Finalisation	2006/07	2007/08	2008/09	2009/10	2010/11	% Change 1 Year	% Change 5 Years
Adjudicated finalisation							
(Charge proven n.f.d.)	3	5	10	1	23	n/a	n/a
Guilty finding by court	32	22	33	28	20	-28.6%	-37.5%
Guilty plea by defendant	135	152	157	179	135	-24.6%	0.0%
Charge unproven n.f.d.					1	n/a	n/a
Acquitted by court	19	19	16	20	7	n/a	n/a
Charge unproven n.e.c.	5	4	3			n/a	n/a
Transfer between court levels							
Transfer from a higher court to a Magistrates' Court	1	5	7	5	2	n/a	n/a
Transfer from a Supreme Court to an intermediate court n.f.d.	3	6	5	4	2	n/a	n/a
Transfer from a Supreme Court to an intermediate court for trial	3	6	2			n/a	n/a
Non-adjudicated finalisation							
Defendant Deceased	1		1			n/a	n/a
Withdrawn by prosecution	11	6	7	6	2	n/a	n/a
Total	213	225	241	243	192	-21.0%	-9.9%

Counting Rules:

(a) Counts the number of "finalised accused (defendants)". An accused may have one or more charges finalised on the same day, but they are only counted once. Where one or more charges that are part of an indictment or case and only a portion of those charges are finalised on the same day, the accused is counted as a finalised accused (defendant) for each separate finalising date. Cases that have previously been finalised then reactivated and finalised once more have been excluded from this count. The term 'finalised defendant' is used by the Australian Bureau of Statistics in its Criminal Courts Australia publication.

(b) Finalisation is defined as the determination of a charge or charges in the Supreme Court Criminal jurisdiction and involves any action, activity or court order that renders the charge 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 charge by the prosecution.

(c) 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.

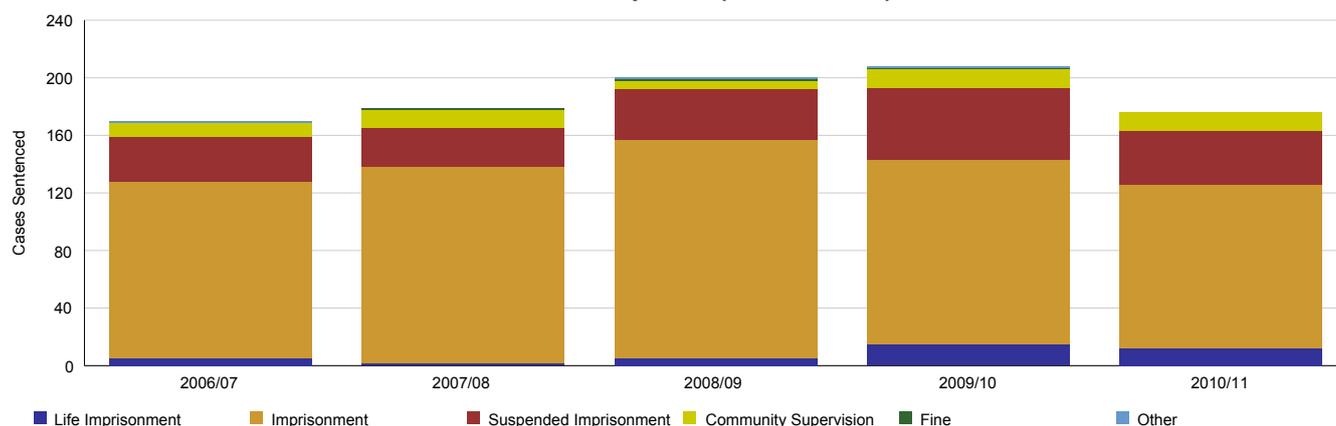
(d) Only the initial finalisation of a charge is counted here. Under some circumstances, a criminal case will be reactivated (for example: to make a minor order for the destruction of drugs or for the return of stolen property where that order had not been sought at the time of sentence) but they are generally consequential to the initial method of finalisation.

(e) 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.

(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.

Sentencing

Sentences Imposed (Last 5 Years)



Sentence	2006/07	2007/08	2008/09	2009/10	2010/11	% Change 1 Year	% Change 5 Years
LIFE IMPRISONMENT	5	2	5	15	12	-20.0%	n/a
IMPRISONMENT	123	136	152	128	114	-10.9%	-7.3%
SUSPENDED IMPRISONMENT	31	27	35	50	37	-26.0%	19.4%
INTENSIVE SUPERVISION ORDER	8	9	6	10	12	n/a	n/a
COMMUNITY BASED ORDER	2	3		3	1	n/a	n/a
COMMUNITY SERVICE ORDER		1				n/a	n/a
CONDITIONAL RELEASE ORDER			1	1		n/a	n/a
FINE		1	1	1		n/a	n/a
ORDER AS ASKED	1					n/a	n/a
Total	170	179	200	208	176	-15.4%	3.5%

Counting Rules:

- (a) Counts only those finalised accused where a sentence was imposed by the Supreme Court.
- (b) Imprisonment means a term to be served in a prison.
- (c) 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.
- (d) 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.
- (e) 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.
- (f) 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.
- (g) '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

Most serious offence of Cases receiving a custodial sentence

ASOC Offence Type	2006/07	2007/08	2008/09	2009/10	2010/11	% Change 1 Year	% Change 5 Years
Homicide and Related Offences							
Murder	12	6	7	19	20	5.3%	66.7%
Attempted murder	4	5	2	2	2	n/a	n/a
Manslaughter	6	9	8	5	4	n/a	n/a
Acts Intended to Cause Injury							
Serious assault resulting in injury	10	15	16	14	9	n/a	n/a
Serious assault not resulting in injury		1				n/a	n/a
Sexual Assault and Related Offences							
Aggravated sexual assault	2	1	1			n/a	n/a
Dangerous or Negligent Acts Endangering Persons							
Dangerous or negligent operation (driving) of a vehicle					2	n/a	n/a
Other dangerous or negligent acts endangering persons, nec		1	1	2	1	n/a	n/a
Abduction, Harassment and Other Offences Against the Person							
Deprivation of liberty/false imprisonment					1	n/a	n/a
Threatening behaviour	1					n/a	n/a
Robbery, Extortion and Related Offences							
Aggravated robbery	87	96	114	95	74	-22.1%	-14.9%
Non-aggravated robbery		1	1			n/a	n/a
Unlawful Entry With Intent/Burglary, Break and Enter							
Unlawful entry with intent/burglary, break and enter		1				n/a	n/a
Theft and Related Offences							
Theft of a motor vehicle			1			n/a	n/a
Theft (except motor vehicles), nec	1					n/a	n/a
Receive or handle proceeds of crime			1		1	n/a	n/a
Fraud, Deception and Related Offences							
Obtain benefit by deception	1		1		1	n/a	n/a
Illicit Drug Offences							
Import illicit drugs	1			1		n/a	n/a
Deal or traffic in illicit drugs - commercial quantity	1		1	3		n/a	n/a
Manufacture illicit drugs					1	n/a	n/a
Possess illicit drugs			1			n/a	n/a
Other illicit drug offences, nec					1	n/a	n/a
Property Damage and Environmental Pollution							
Property damage by fire or explosion				1	9	n/a	n/a
Offences Against Justice Procedures, Government Security and Government Operations							
Subvert the course of justice				1		n/a	n/a
Offences against justice procedures, nec	1	1				n/a	n/a
Miscellaneous Offences							
Import/export regulations	1	1	1			n/a	n/a
Other miscellaneous offences, nec			1			n/a	n/a
Total	128	138	157	143	126	-11.9%	-1.6%

Counting Rules:

- (a) Counts those accused that received a custodial sentence, broken down by the most serious offence sentenced on the date of finalisation.
- (b) As a finalised accused 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.

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.***