



No.20

# Prison Sentences in Australia

## Estimates of the Characteristics of Offenders Sentenced to Prison in 1987-88

**John Walker**

*Did you know that of the more than 23 000 sentenced offenders received into Australian prisons each year:*

- Only about 1 in 10 are likely to remain in custody for one year or more;
- Most have been convicted of property offences (almost one third) or driving offences (almost one quarter);
- Fewer than 1 in 6 are violent offenders, and
- Of those convicted of murder, most serve between 10 and 12 years in prison?

*It is suspected that for most readers, these items of information, together with many others contained in this Trends and Issues, will amount to new facts about prison sentences in this country. They are facts which have been ingeniously deduced from existing prison statistics to provide, for the first time in Australia, an overview of the sentences which are actually being imposed by the nation's courts.*

*It will be seen that these sentences vary substantially between jurisdictions. For instance, offenders imprisoned in the most populous states of New South Wales, Queensland and Victoria overall serve longer terms (on average over six months) than do those in other jurisdictions (on average less than four months); and Aborigines are not only sentenced to prison at twenty times the rate of non-Aborigines, but also tend to go to prison for less serious offences than non-Aborigines. Disparities like these require immediate discussion and redress. The data presented here are intended to contribute to such dialogue and action.*

**Duncan Chappell**  
**Director**

- What sentence lengths are actually served by persons sent to prisons in Australia?
- Do these sentence lengths differ markedly from state to state?
- Do violent offenders in Australia get their 'just deserts'?
- Do male and female offenders serve similar terms in prison for similar offences?
- How many Aborigines are given prison sentences each year, and what sorts of offences have they committed?
- How many offenders sent to prison have already served previous terms in prison under sentence?
- How many young offenders under 20 years of age are sent to prison, and how long do they actually serve?

All fundamental questions but, surprisingly, not one of these

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questions can be answered, owing to the lack of appropriate published data. Some states publish court statistics which give the overall duration of a court order, including the time spent on parole after release from prison, but these do not take into account the remissions and other forms of early release a prisoner might expect. The current move towards 'truth in sentencing' will considerably improve this situation, but courts and governments at present are rarely fully aware of the actual times served by offenders.

This Trends and Issues report is an attempt to rectify that situation and to show how questions such as those posed above can be addressed by the use of prison statistics.

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## Stocks and Flows

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Details such as age, aboriginality, offence-type and sentence length are only presently available in published prison statistics for those in prison at a point in time (that is, the 'stock' of prisoners) - namely 30 June each year when the annual census of prisoners is held.

The questions posed above all relate to 'flows' of sentenced offenders from the courts to prisons, that is, the numbers of persons sent to prison over a given period of time, say one month or one year. The census data are highly misleading, if used to analyse sentence lengths or the characteristics of people sent to prison. However, much research is based, inappropriately, on census data simply for lack of any alternative source of information.

The danger results from the fact that prisons 'hoard' long-term prisoners, so that they are greatly over-represented in any snapshot of prisoner characteristics.

*The fact that prisons are full of violent offenders is a consequence of their being given the longest sentences - not that they are the predominant type of offender in*

*society, or even that they are the majority of persons sent to prison.*

It is very easy to forget this point. One is reminded of the headline in a Melbourne newspaper (*The Sun News-Pictorial* 22 December 1986) over an article containing the fact that Victoria's prison population has a high percentage of prisoners convicted of murder. Although the true reason for this is Victoria's comparatively low usage of prison for lesser offences the headline screamed 'Top of the Murder List': perhaps eye-catching journalism, but a totally inaccurate description of the facts, and potentially a very dangerous piece of misinformation. The frequency with which such mistakes are committed shows that it is not easy to comprehend how 'stocks' and 'flows' of prisoners can be so different in composition.

Trying to identify the nature of societal processes by studying the composition of the stock of prisoners at a point in time is equivalent to trying to estimate the size and composition of a family's weekly grocery bill by looking at the contents of the pantry. On the pantry shelves one will find an abundance of those health foods which are rarely bought because nobody ever eats them. Yet the packets of potato chips which fill up the weekly shopping trolley disappear as soon as they arrive, and are seen only fleetingly on the pantry shelves. The observer of the pantry would quite wrongly imagine the weekly shopping trolley to be filled with health foods, with only a very occasional packet of potato chips.

In similar fashion, the numbers of short-term prisoners received into prison are very large compared to their numbers in prison at any one time, while the numbers of long-termers received are low. The casual observer of the prison population would quite wrongly imagine that our courts are teeming with murderers, rapists and drug-traffickers, instead of the usual parade of traffic offenders, abusers of alcohol and petty thieves. This may indeed contribute to the

public perception that society itself is full of murderers, rapists and drug traffickers, when such crime actually accounts for only a tiny fraction of reported crime.

*It is true of both prisons and pantries that, compared to the throughput, the contents on a given day significantly exaggerate the proportion of long-term residents and under-states the proportion of short-term residents.*

However, it is possible to combine data from the prison censuses with information on the numbers of monthly or annual receptions into prisons, to derive detailed estimates of the numbers of people sentenced to prison by the courts. Such estimates are subject to error, particularly in respect of those serving very short prison terms, but the degree of error is limited.

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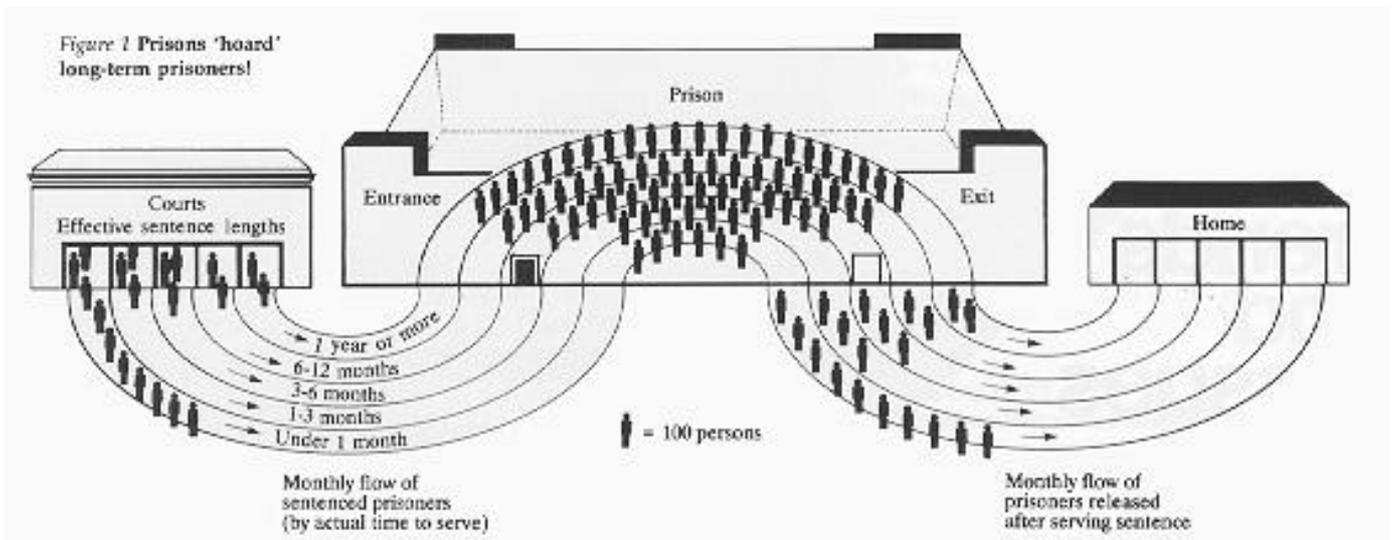
## Estimating Sentenced Prisoner Receptions for 1987-88

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We know from published statistics (Biles 1976 to 1988; Walker 1989) how many sentenced prisoners are received into Australia's prisons each year. The total for 1 July 1987 to 30 June 1988 was 23,023. (Note: The figures used here are corrected for under-numeration in the published Western Australian data.) We know from census data

(Walker 1989), however, that 6,543 of them were still in prisons on 30 June 1988 - census night. From this we can conclude with confidence that close to 16,480 of the 23,023 receptions in the 1987-88 year had served their time and been released.

We have full details of dates of reception and earliest date of release for those still in prison on census night, except those serving life or Governor's Pleasure sentences, and so it is possible to determine *how long they will actually have served upon release.*



Those serving life imprisonment or Governor's Pleasure sentences can be assumed to follow the current average expectations for such sentences. According to Potas (1989) the average time actually served on life sentences is thirteen years. It is assumed that the few prisoners serving Governor's Pleasure sentences for offences including violence would serve an average of five years, while those whose most serious offence was non-violent would serve three years.

The estimation procedure may best be explained as one involving simple probabilities. For example, an offender sentenced to exactly one week's imprisonment during a given year has a probability of exactly 7/365.25 of being counted in the annual census of prisoners. This is because the census has seven chances in 365.25 of being held on a day when that particular prisoner is present (the average year having 365 and a quarter days). The census will therefore 'under-count' this group of prisoners,

relative to the count of receptions. Prisoners counted by the census and serving one week will only be 7/365.25, or about 2 per cent of the total annual receptions of prisoners serving one week's imprisonment. On the other hand, by the same reasoning, prisoners serving exactly six months have a 50 per cent chance of being counted in the census.

If each of the 6,543 prisoners present at the time of the census, who had been sentenced during the previous twelve months, is seen as the outcome of such a probability, then a complete picture of prisoner receptions can be constructed.

One final assumption is then required in order to estimate the composition of those receptions; that is, we must assume that those who served a sentence of a given length, and who had already left prison at census date, have the same characteristics as those in that sentence-length category who are still in prison at the date of the census.

Except during times of rapid changes in prison populations, this is not an unreasonable assumption.

Table 1 shows the basic estimates obtained by the method described above, by jurisdiction of imprisonment and time served. Note that, in this and other tables, minor discrepancies in totals are due to rounding.

### Major Differences Between States

Table 1 shows that the states vary tremendously in their use of imprisonment. Over a third of persons sent to prison in South Australia, and virtually half of those imprisoned in the Northern Territory, appear to spend less than a week in prison. By contrast, only an estimated 3 per cent of those imprisoned in New South Wales and Victoria serve under a week.

One possible explanation for this is that courts in South Australia and

the Northern Territory are particularly lenient with offenders, compared with the other states. An equally plausible explanation is that courts in the other states choose not to imprison for less serious offences, and use instead the community-based alternatives to punish minor offenders. An

Table 1 Estimated<sup>2</sup> numbers of sentenced prisoners received during 1987-88, by jurisdiction<sup>1</sup> and time to serve in prison

Time to serve	NSW	VIC	QLD	WA	SA	TAS	NT	Australia
Under 1 Week	143	74	734	649	1476	75	608	3759
1 week & under 1 Month	188	218	919	1398	709	183	242	3857
1 & under 3 Monthss	2601	597	1504	1122	434	274	139	6670
3 & under 6 Months	1214	685	768	605	538	178	131	4117
6 & under 12 Months	617	542	382	391	331	84	67	2414
1 & under 2 Years	439	254	288	157	73	28	32	1271
2 & under 3 Years	195	69	108	37	28	4	3	444
3 & under 5 Years	132	34	99	27	11	5	5	313
5 & under 10 Years	31	14	55	7	13	0	1	121
10 Years & over	17	7	14	15	3	0	0	56
Total receptions	5577	2494	4872	4408	3616	830	1228	23023

\* Note that all persons sentenced to prison in the Australian Capital Territory are held in New South Wales prisons.

example of this, which appears to be supported by published statistics, is the choice of alternatives for persons unable, or unwilling to pay fines. Australian Prison Trends data show that fine-defaulters account for around half of all sentenced prisoners received in South Australia. By contrast, imprisonment for fine default has been virtually eliminated in New South Wales and Victoria in recent years, and has been replaced largely by community service orders.

At the other end of the scale, Table 1 shows that only about one in ten persons sent to prison in Australia actually serves one year or more. This data, unlike that relating to shorter terms of imprisonment, is not subject to error. They show that around one in seven persons sent to prison in New South Wales and Victoria serve one year or more, while the proportion is only about one in thirty in South Australia and the Northern Territory. Offenders were twice as likely to serve five years or more in Queensland compared to the national average.

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### **Most Offenders Sent to Prison are Burglars, Thieves and Motorists!**

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Occasionally, public opinion surveys indicate public disquiet over the leniency of sentences - particularly for offences involving violence. This debate is often quite uninformed and the claims made by the protagonists on either side are unable to be substantiated.

Tables 2 and 3 show estimates of receptions by most serious offence for which imprisoned, and the average time actually served by offenders in each state. This is the sort of information which is required for proper debate. The Western Australian Department of Corrective Services Annual Report does present a table of receptions by most serious offence. The estimates of Table 2 show remarkable concordance with their figures for 1987-88, particularly

at the most serious end of the offence spectrum, showing the extent to which this form of estimate can be reliable.

Table 2 estimates that almost a third of offenders sent to prison in Australia are property offenders. Fewer than one in six are violent offenders. The second largest group of offenders are driving offenders, who make up around a quarter of all receptions. The estimates suggest that almost half of all persons sentenced to prison in the Northern Territory were motoring offenders. Their average sentence was about two weeks. Offenders imprisoned for motoring offences represent less than half this proportion in New South Wales and Victoria, but they serve considerably longer than those in the Northern Territory - averaging just over two months in New South Wales and Victoria. This suggests that only the most serious driving offenders are sent to prison in those states, while lesser offenders are, presumably, fined or given supervision in the community. This is not necessarily to say that the courts in the Northern Territory under-utilise the community-based options available, since they, in common with Tasmania, also have very high rates of community supervision for driving offences (Walker & Biles 1986). It may, however, suggest that more effective ways are necessary to deter Territorians from driving offences - perhaps the impounding of offenders' vehicles.

South Australia stands out in that around one in eight offenders sentenced to prison are convicted of 'other good order' offences. These offences include offensive behaviour and drunkenness. The average times served by these offenders is two weeks or less. On the other hand, South Australia's proportion of property offenders is very low compared with other jurisdictions.

New South Wales appears to have very large numbers of drug traffickers, reflecting Sydney's status as the main international gateway to Australia.

A possible indication of the different sentencing styles of each jurisdiction is the variance in the proportion of offenders imprisoned for breaches of various court orders. Some offenders who are initially given community-based orders will fail to comply with the orders and consequently are sent to prison. Thus South Australian estimates here include almost 20 per cent of prison receptions in the contrast to New South Wales at the other extreme with only 3 per cent. Many of these are likely to be fine defaulters, so this lends support to the explanation given earlier concerning the large proportion of short-termers in that state.

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### **Murderers Serve an Average of Over Ten Years in Prison Followed By Long Periods Under Community Supervision**

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The longest times served are for the violent offences and for trafficking or manufacturing illegal drugs. The average time served for homicide, which includes the various degrees of manslaughter as well as murder, is three years. This will normally be followed by a period of parole supervision which may last for the rest of the offender's life, so it is rarely true to say that 'three years is all they got'. Convicted murderers appear to serve on average between ten and twelve years in prison prior to parole or licence supervision. Other violent offenders, such as those convicted of rape or robbery serve an average of about two years in prison, while the average for other assaults is around three to six months. Drug trafficking, which may include relatively minor offenders as well as the well publicised major dealers, attracts an average of eight months in prison.

Overall, offenders imprisoned in the most populous states, New South Wales, Victoria and Queensland, serve average terms of over six months. Offenders in the other jurisdictions are likely to serve less

than four, almost certainly because of the different rates of usage of alternatives to prison. Violent offenders in Tasmania and the Northern Territory appear to serve less than those in other states. However, this is a result of the small numbers of receptions for serious premeditated violence in those jurisdictions; almost all homicides, for example, were the result of culpable driving for which offenders serve on average about twelve months in prison.

In summary, there are variations between the states, which appear to be related to the frequency with which certain types of offenders are convicted. It is up to the community to decide whether these prison terms are appropriate.

### Women and the Young Serve Shorter Prison Sentences

Prisons have an ambiguous public image. On the one hand it is argued that prison sentences are more successful deterrents and more appropriate punishments than other forms of sentencing, but it is also widely acknowledged that young offenders learn a lot more about crime from their fellow prisoners than they could ever learn outside prison walls. Also, it is argued that prison sentences are particularly inappropriate for most female offenders, since they are rarely dangers to the public and frequently have family commitments which suffer while the offender is in prison. No statistics are published which address these issues, however.

Some analyses have been made using prison census data. For example, it is known that the Australian rate of imprisonment of persons under 20 years of age is only about half that of the United Kingdom (Walker et al. 1989). However, there continues to be concern over serious offending by juveniles - particularly when violence is used. Police statistics on arrests suggest that breaking and

entering and robbery are typically young adults' offences. Numbers of offences in these categories have been increasing rapidly in recent years, leading to threats in some jurisdictions to introduce higher penalties.

Table 4 presents estimates of percentages of prison receptions for 1987-88, and the average times they serve, by age and sex of offender, and by most serious offence. Persons aged under 20 years account for just over 12 per cent of all offenders sent to prison. Those in the 20-24 years age group account for 28 per cent. Their proportions in the prison populations are about 9 per cent and 26 per cent respectively, and in the general populations, about 7 per cent and 11 per cent respectively. Thus, both groups are over-represented in prison receptions and in prison populations. The degree of over-representation is much higher in the 20-24 years age group.

The data show also that those under 20 years of age serve shorter than average sentences. The average time served by prisoners under 20 years of age was just over four months. Older prisoners served, on

average, almost six months. For both violent and property offenders, time served generally increased with age of offender, probably reflecting the prior records of the older offenders as well as the 'should know better' feeling towards more mature adults.

Table 4 shows that young offenders are more likely to be property offenders. The more detailed figures underlying this summary table confirm that the majority of these prisoners are sentenced for breaking and entering offences. The older age groups tend to be over-represented in other property offences, such as fraud and misappropriation, as well as in the categories of murder, drug trafficking and driving under the influence of alcohol. Practically all those sentenced for the unlawful possession of weapons were under 20 years old, as were the majority of those sentenced for driving while unlicensed.

Over 40 per cent of all female offenders sent to prison in Australia appear to be driving offenders. A further 27 per cent are imprisoned for property offences. Other offences for which women are sent to prison are

Table 2 Estimated numbers of sentenced prisoners received during 1987-88, by jurisdiction and most serious offence

Offence	NSW	VIC	QLD	WA*	SA	TAS	NT	Aust
Murder	17	8	8	6 ( 5)	1	0	1	41
Other Homicide	98	33	42	14 ( 16)	10	4	6	207
Other Violence	881	267	597	483 ( 83)	259	66	123	2677
Robbery/Extortion	269	102	105	56 ( 46)	48	11	1	591
Property Offences	2336	1015	1446	1326 (1058)	495	288	337	7244
Justice/Security	179	301	267	636 ( 586)	684	127	77	2270
Other Good Order	97	88	314	353 ( 337)	483	21	90	1446
Possession Drugs	164	16	255	71 ( 97)	59	3	1	569
Trafficking Drugs	625	183	176	96 ( 141)	22	20	6	1127
Motoring Offences	901	463	1535	1359 ( 1482)	1413	290	578	6538
Other	9	17	128	8 ( 57)	142	0	8	312
All offences	5577	2494	4872	4408	3616	830	1228	23023

\* Parenthesised figures are actual counts of receptions, as published in the Western Australian Department of Corrective Services Annual Report, 1987-88, Table 10

Table 3 Estimated average time served by sentenced prisoners received during 1987-88, by jurisdiction and most serious offence (months)

Offence	NSW	VIC	QLD	WA	SA	TAS	NT	Australia
Murder	143.9	119.1	156.2	152.9	156.2	.	10.2	140.2
Other Homicide	10.3	15.8	35.2	19.6	24.5	20.3	17.4	18.0
Other Violence	7.9	9.0	12.1	6.0	6.3	3.2	5.8	8.2
Robbery/Extortion	23.4	17.8	30.4	20.8	27.5	12.4	12.7	23.6
Property Offences	6.3	6.8	6.4	4.6	7.8	5.2	2.3	5.9
Justice/Security	4.7	7.7	2.2	3.2	3.2	1.7	6.8	3.9
Other Good Order	4.8	4.0	.5	.7	.5	2.7	.6	1.1
Possession Drugs	4.3	5.6	4.4	1.7	.5	5.3	17.8	3.7
Trafficking Drugs	6.6	10.9	9.3	12.1	12.5	5.2	19.4	8.3
Motoring Offences	2.6	2.4	2.0	1.6	.5	2.5	.5	1.6
All offences	7.2	7.4	6.0	3.9	3.0	3.7	2.1	5.3

**Table 4 Sentenced prisoners received during 1987-88, by age and sex; estimated percentages and average times served by most serious offence - Australia**

Offence	Percentages					Average Time Served (Months)				
	Under 20 Yrs	20-24 Years	25 Yrs & over	M	F	Under 20 Yrs	20-24 Years	25 Yrs & over	M	F
	Murder	.1	.1	.2	.2	.1	156.2	145.0	140.9	145.3
Other Homicide	.5	1.0	.9	1.0	.6	22.2	13.5	19.9	17.8	19.6
Other Violence	10.0	11.9	11.9	12.8	3.6	6.9	6.5	9.3	8.4	3.2
Robbery/Extortion	2.1	3.5	2.3	2.8	1.4	16.1	20.4	27.3	23.7	21.0
Property Offences	45.6	40.7	23.8	31.9	27.0	4.8	5.8	6.8	6.2	4.5
Justice/Security	7.7	10.8	10.0	9.6	12.2	3.3	4.5	3.6	4.3	1.3
Other Good Order	.8	2.5	9.1	6.7	2.2	4.4	2.5	.9	1.1	1.4
Possession Drugs	2.6	1.9	2.8	2.7	1.4	2.0	2.2	4.5	3.6	5.0
Trafficking Drugs	.6	2.9	6.9	4.5	8.8	4.7	6.2	8.8	9.5	4.2
Motoring Offences	28.9	24.6	30.0	26.6	41.2	1.1	1.7	1.7	1.9	.2
All offences	100.0	100.0	100.0	100.0	100.0	4.3	5.3	5.6	5.7	2.6

drug trafficking and breaches of court orders. Only one in twenty are imprisoned for offences involving violence. By contrast, the proportion of males imprisoned for violent offences, including robbery, is about one in six.

Average times served for offences such as homicide and robbery do not differ very much by sex of the offender. Generally, however, time served by female offenders is less than that served by males, but there appear to be exceptions in the categories of 'good order' offences and the possession of drugs.

### The Effects of Prior Imprisonment on Time Served

Previous sections have mentioned the supposed deterrent effect of a prison sentence. Courts are empowered to take previous history into account when deciding the appropriate type and severity of sentence to be given to a convicted offender. No information is published by any Australian courts on the frequency or nature of such decisions.

It appears that roughly two thirds of sentenced offenders received into prison have already served a sentence in prison. The estimates presented in Table 5 show that, on average, offenders who have previously served a term in prison under sentence will serve only two weeks longer than those who have not previously served a sentence in prison.

This average obscures some differences between offenders, based on their most serious offence. Around half of those given sentences for homicide or for drug possession offences are first-termers. Ninety per cent of those sent to prison for 'other good order' offences and almost eighty per cent of those sent to prison for 'justice/security offences' (mainly breaches of court orders), on the other hand, are serving a repeat term.

In most categories of offending, those serving a repeat prison term will serve more than first-termers. The average time served by homicide offenders, including murderers, is about four years if they have previously served time in prison (not necessarily for a similar offence), compared with about two years otherwise. The reverse is the case in regard to 'other good order' offences, however, where first-termers serve an average of two and a half months compared to the repeat prisoners' average of less than a month. This apparent paradox is probably the

result of differences in the types of offences being committed. Many offenders imprisoned for minor street offences in this 'good order' category are regular visitors to prison, but serve very short sentences each time. The question is worth asking: what is the point of such ineffective sentences?

### Aborigines Imprisoned for Minor Offences

The following figures confirm that Aborigines are over-represented in prisons by a factor of more than ten. They show that in terms of numbers sent to prison they are over-represented at twice that rate.

Whereas they are currently an estimated 1.09 per cent of the Australian population aged 17 and over, they appear to make up over 20 per cent of those received into prison. That is, they are over twenty times more likely than non-Aborigines to be sent to prison.

Table 6 shows the variation

**Table 5 Sentenced prisoners received during 1987-88, by whether previously imprisoned under sentence; estimated percentages and average time served, by most serious offence - Australia**

Offence	Percentages		Average Time Served (Months)	
	Prior Imprisonment?		Prior Imprisonment?	
	Yes	No	Yes	No
Murder	.2	.2	133.6	145.6
Other Homicide	.5	1.6	24.3	14.1
Other Violence	10.8	13.1	7.5	9.4
Robbery/Extortion	2.5	2.7	27.2	17.2
Property Offences	31.7	31.0	6.3	5.3
Justice/Security	12.3	5.7	4.2	2.5
Other Good Order	8.5	2.3	.9	2.5
Possession Drugs	1.9	3.6	3.4	4.0
Trafficking Drugs	3.4	7.7	9.2	7.2
Motoring Offences	27.2	29.9	1.8	1.3
All offences	100.0	100.0	5.3	5.1

between states in the extent of over-representation of Aborigines receiving prison sentences. In the Northern Territory, where Aborigines constitute almost a fifth of the population, an estimated seventy per cent of prison receptions are Aborigines. They are therefore about four times more likely to be sent to prison than non-Aborigines in that jurisdiction. By contrast, Aborigines in South Australia and Western Australia are over twenty times more likely to be sent to prison than non-Aborigines (see Table 6).

*Aborigines are over-represented in prison receptions in every offence category, particularly the less serious offences and those incurring the shortest sentences.*

Aborigines make up almost 40 per cent of estimated receptions for 'Justice Procedures' - mostly breaches of court orders. That is almost forty times more frequently than non-Aborigines and reflects the 'revolving door' syndrome referred to in an earlier study based on prison census counts (Walker 1987). Only slightly less alarming figures are obtained for violent offences (29.4 per cent of receptions), 'other good order' offences (35.4 per cent), property offences (20.5 per cent) and motoring

offences (20.0 per cent) (see Table 7).

Yet their average time served is only 3.9 months compared to 5.6 months for non-Aboriginal receptions. Complex analysis could explain this phenomenon, but some examples will probably suffice to make the point. In the most serious categories of assault, that is, those causing actual or grievous bodily harm, which result in averages of around six months in prison, Aborigines make up 33.8 per cent of all receptions. By contrast, in the less serious categories which attract average prison terms of only three months, Aborigines comprise 47.8 per cent of all receptions. Aborigines account for 5 per cent of receptions for armed robbery, which carries an average two years imprisonment, but 25 per cent of other robberies, which carry an average of about fifteen months in prison. Aborigines are about a third of all offenders imprisoned for 'driving under the influence of alcohol', yet they are only about ten per cent of receptions for more serious driving offences such as dangerous driving and driving while unlicensed.

More detailed examination at the state level indicates that Aborigines are imprisoned in Western Australia and the Northern Territory for

'breaches of liquor licensing laws' and in Queensland for 'trespassing and vagrancy' - an offence which rarely attracts a prison sentence in other jurisdictions.

In summary, in those jurisdictions where Aborigines make up a significant proportion of the population, they are particularly over-represented in the short-term prison sentences. Aborigines make up two-thirds of prisoners sentenced to less than a month's imprisonment in the Northern Territory, 36 per cent of those in Western Australia and 21 per cent of those in Queensland. The offences for which they are imprisoned are generally at the least serious end of the scale.

## Conclusions

Our understanding of Australian society is seriously limited by our inability to produce comprehensive information on the numbers and characteristics of persons sentenced to terms of imprisonment, and details of the sentences they actually serve. This paper has shown that much valuable information can, however, be obtained from careful analysis of existing data.

The estimates presented here reveal, to an extent not previously available, the differences between sentencing practices from jurisdiction to jurisdiction, which have been up to now hidden from view by the lack of comparable statistics and the confusion created by the terminology of 'indefinite' sentencing. They reveal differences in the relationships between most serious offence and the actual time served which suggest that alternatives to prison may be under-utilised in some jurisdictions.

The estimates reveal, in particular, that Aborigines are sentenced to prison at twenty times the rate of non-Aborigines, and that they tend to go to prison for less serious offences than non-Aborigines. Having been instrumental in legitimising the confiscation of Aboriginal lands and livelihoods in the creation of modern Australia, it would appear to be the

**Table 6 Aborigines sentenced to prison; estimates by state and territory**

	NSW	VIC	QLD	WA	SA	TAS	NT	Aust.
% of Total Sentenced Receptions	8.8	4.5	20.5	48.1	16.1	2.7	70.2	22.5
% of Total Adult Population	0.8	0.2	1.8	2.1	0.8	1.1	17.9	1.1
Times Over-represented	11.0	18.6	11.5	22.9	20.1	2.4	3.9	20.5

**Table 7 Sentenced prisoners received during 1987-88, by aboriginality: estimated percentages and average time served, by most serious offence - Australia**

Offence	Percentages		Average Time Served (Months)	
	Aborigines	Others	Aborigines	Others
Murder	10.5	89.5	123.2	140.2
Other Homicide	11.6	88.4	32.2	16.1
Other Violence	34.9	65.1	7.3	8.7
Robbery/Extortion	12.0	88.0	14.7	24.3
Property Offences	20.5	79.5	4.4	6.4
Justice / Security	37.5	62.5	2.7	4.4
Other Good Order	35.4	64.6	.7	1.3
Possession Drugs	8.1	91.9	1.4	3.8
Trafficking Drugs	1.6	98.4	6.2	8.2
Motoring Offences	20.0	80.0	1.6	1.6
All offences	22.9	77.1	3.9	5.6

clear duty of Australia's criminal justice systems to investigate this apparent disparity. The data presented here are a contribution to this process.

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