

**ASSESSING
THE UTILITY OF
FINES**

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A Report To The
Criminology Research Council
November 1983

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First published in 1983 by
Criminology Department
University of Melbourne
23 Royal Parade
Parkville, Victoria, 3052.

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National Library of Australia card number and ISBN:

0 86839 318 5

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ASSESSING THE UTILITY OF FINES

1. INTRODUCTION

Assessing the utility of fines is an important task because to a great extent fines are the backbone of the Victorian court system being the most frequently used sanction in Victorian Magistrates' courts and accounting for about 70 per cent of court dispositions in any year. While only about 45 per cent of criminal cases in those courts are disposed of with a fine, the figure is close to 90 per cent for road traffic related offences dealt with by Magistrates and Justices of the Peace. In purely numerical terms, each year around 300,000 fines are imposed on Victorians as a result of court decisions. In addition non-judicial fines, mainly on-the-spot fines, number in excess of 600,000.

But despite this and despite the fact that in 1981/82 over \$16 million was contributed to Victorian Government revenue through court-imposed fines with a further \$12 million from on-the-spot traffic fines, little is known about the utility of fines as sanctions. The word 'utility' is used here in its broad sense of 'suitability' rather than in the sense of specifically focussing on a particular sentencing objective. This is done because it is not possible to establish the utility of the fine as a means of curtailing or preventing future offending, since the effect of a fine alone on an offender's behaviour is immeasurable. And measuring the utility of a fine as a punishment for any particular offender could only be assessed with great difficulty, assiduous interviewing and complicated assessment of his circumstances. Indeed the whole notion of determining the efficacy of the fine is fraught with difficulties (see Bottoms, 1973).

This research therefore considers more basic measures of the utility of fines. Firstly, whether fines are generally paid or not, with consideration of the speed and regularity of their payment. Secondly, whether fines are seen as appropriate within the community in which they are applied. Fines would have little or no utility if they were not paid or were seen as being quite inappropriate. Yet little is actually known about each of these issues.

The current research was undertaken to throw some light on these particular issues through consideration of aspects of fines in Magistrates' Courts in Victoria. Most Victorian Magistrates cannot say with any certainty whether fines they impose for particular offences are generally paid or not, because any feedback they get is generally about some offenders who have not paid their fines. And while Magistrates believe they are reflecting community views in their fine setting, the majority of fines they set provoke no general community reaction mostly because the majority of fines receive no publicity. The research into these two issues; fine payment practice and fine setting, is reported below following a review of existing research relating to fines.

2. RESEARCH REVIEW

2.1 The Lack of Hard Data

The lack of empirical data with respect to fines is a recurring theme in recent work in this area. Morgan and Bowles (1981) emphatically say that there exists an 'empirical vacuum' in which policy debate about fines continues in Britain. The situation there is made more urgent and pertinent by their severe current prison overcrowding, in which it is suggested some reduction could occur if fine defaulters were not necessarily sent to prison. This premise was the starting point for a NACRO Working Party whose important Report "Fine Default" (hereinafter called the Howe Report) was published in 1981. That Report did collect some relevant data to support its recommendations but even so the Editor of the Criminal Law Review made a further call in late 1981 for a "wide ranging enquiry into the principles and procedures associated with fining", following the publication of these two documents.

Similar concerns had followed the Canadian Law Reform Commission's 1974 Working Paper Number 5, "Restitution and Compensation". That report had identified three problems relating to fines; the Criminal Code did not give sufficient recognition to the use of fines, setting a default prison sentence discriminated against the indigent, and so did fines expressed solely in dollars. Stenning and Ciano (1975) pointed out that no research existed to indicate whether these were real problems in Canada rather than theoretical problems. Further, they said, if they are real problems, it cannot be known whether they are big or small relating to fines for all offences or simply for some offences, and this total state of ignorance made it difficult to make sound recommendations.

Locally three recent Reports have dealt in part with the issue of fines. They are the Australian Law Reform Commission's 1980 Interim Report "Sentencing of Federal Offenders", (hereafter referred to as the ALRC Report), the Victorian Government's Sentencing Alternatives Committee's 1979 Report "Sentencing Alternatives Involving Community Service" (the Nelson Report) and the Western Australian Government's 1981 "Report of the Committee of Inquiry Into the Role of Imprisonment" (the Dixon Report). Of these only the Dixon Report includes specially collected hard data relating to the payment of fines, surely the first step towards diligent consideration of the issues. The overall lack of research in this important policy area is plainly quite severe.

2.2 The Merits of Fines

Generally speaking fines are so frequently used as Court sanctions because:

- (i) they are flexible allowing sentencers to consider the gravity of the offence and the means of the offender and strive for proportionality of penalty;
- (ii) they are economical in that they not only bolster the State's revenue thus helping pay the costs of running the criminal justice system, but they also deflect offenders from the expensive prospect of a stay in prison;
- (iii) they serve multiple purposes being seen to include elements of retribution, deterrence and reparation; and
- (iv) they are humane in that they spare an offender the potentially harmful consequences of a period in prison or any other intrusion (like probation) into his life.

There are of course many criticisms of fines. One is related to the uniqueness of the fine as a penal sanction in that it does not have to be discharged personally by the offender. If the fine is meant to punish an offender, but is actually paid by an employer, friend, relation or a stranger, the offender himself suffers no inconvenience or salutary experience. A notable exception to this is the United Kingdom's Criminal Justice Act 1982 which makes parents and guardians responsible for paying fines incurred by young offenders. But generally in adult Courts all sanctions except fines are exacted from the offender personally.

Other criticisms include comments such as the following dealing with some Arkansas legislation where Wade (1979) indicates that fines have been attacked for:

punishing the family of a defendant more than the defendant, for having little if any rehabilitative or deterrent potential, and as a device for generating additional public revenue. (p382-383)

And there is an obvious and often heard criticism that because fines are harsher penalties on less affluent members of the community, they are particularly unfair sanctions even though Magistrates exercise considerable discretion in fine setting.

But such criticisms do not necessarily weaken the possible utility of fines. Their value can be illustrated by the West German experience where in 1969, prison terms of less than six months were replaced by fines or probation 'in all but exceptional cases'. As described by Gillespie (1980) up until 1977 this move had been highly successful "without either a significant cost in terms of higher rates of crime or incarceration for fine-default". In addition, there was a considerable

economic benefit and presumably a reduction in prison over-crowding. But once again this German action appears to have been based on a general belief by legislators and criminal justice decision makers at that time about what ought to be done rather than on analysis of hard data.

2.3 Fine Enforcement

Ensuring, through some enforcement procedure, that fines do actually get paid constitutes a major difficulty, which appears to explain why the fine is used so sparingly in criminal cases in the United States. The Howe Report (1981) suggests "the fine is used to only a limited extent (in the USA) because courts have little faith that the fine will be paid", a view echoed by Carter and Cole (1979).

The common default mechanism if a fine is not paid is the imposition of a period of imprisonment, but the paradox of imprisoning a fine defaulter is well expressed in a comment noted by Rinaldi (1973). Such imprisonment, he relates, is "the only instance where a debtor goes to board at his creditor's house if he is unable to pay his debt" (p23). Indeed if it is accepted that an important role of the fine is to keep an offender out of prison, in some ways it seems somewhat bizarre to later imprison him.

A most important point raised by Rinaldi relates to the 'significantly worse treatment' that fine defaulters suffer in prison. They are invariably held in overcrowded metropolitan prisons, they are there for such short periods that they are not assessed by the classification committee and they are seldom provided with work during their prison stay. The particular conditions at Pentridge Prison where

most Victorian fine defaulters serve their time are quite obnoxious and their effect on a fine defaulter must be most marked.

But despite the relatively high number of receptions into Victorian prisons that involve non-payment of fines, the actual situation at any given time is less startling. This is the case in Britain too. The 1981 Prison Statistics for England and Wales show that while fine defaulters accounted for 24 per cent of receptions into prison they comprised only 3 per cent of the population under sentence at any time because they served "very short periods of imprisonment". The 1982 Victorian Prison Census revealed that only 17 prisoners from the total population of 1577 convicted prisoners in Victorian prisons on the 30 June 1982 were there solely because of a failure to pay their fines. Thus on that date 1.1 per cent of the prison population were simple fine defaulters compared with 1.6 per cent at the previous Prison Census in October 1980.

In that earlier Census, 84 per cent of the 26 fine defaulters had been fined at least \$200, and only 12 per cent of them (that is 3 persons) were required to serve more than 6 months in lieu of their unpaid fines. These unpaid fines were predominantly for motor traffic offences (56%) -- the three defaulters with longer sentences were all criminal offenders against property. The 1982 Census indicates that 8 of the fine defaulters had not paid fines imposed for motor traffic offences, 5 for thefts, 3 for offences against the person and 1 for an offence against good order. But unfortunately it is not known whether all, or indeed any, of these defaulters discharged their fines by serving the entire default period in prison. This last criticism also applies to Mulligan's (1982) work which provides details of the relative

use of imprisonment in default in both England and Wales, and Northern Ireland.

The ALRC, Nelson and Dixon Reports are all in agreement that to imprison an offender in default because he (or she -- for convenience the masculine will be used throughout this research) has not paid a fine must be the last resort. The ALRC Report sets out quite clearly the principle that "imprisonment for the non-payment of fines should be provided only for those who wilfully and without just excuse disobey a court order to pay such a penalty" (p232). And the English Howe Report notes that imprisonment has to be seen "not so much as a method of enforcement as a recognition that the sentence awarded by the Court cannot be executed". Thus a prison term in default of paying a fine is less because the money is not forthcoming but more because an order of the court has been treated with contempt.

The Dixon Report concluded that there was 'great practical merit' in introducing community work as an alternative to prison for fine defaulters. (And see West (1978) for a sound commentary on this area.) The Nelson Report also supported this concept and a pilot Community Service Order scheme has now been running in one area of Melbourne for just over a year. A number of offenders unable to pay their fines have applied for the Community Service option and appear to have completed that programme successfully. However the legislation does require the fined offender to initiate a request for the option -- defaulters can, and do still, go to prison.

Overseas jurisdictions have considerable experience with these community work programmes. The Alberta (Canada) Solicitor-General's Department's fine option programme was developed following discovery

that 40 per cent of Alberta prisoners were detained because of non-payment of fines (Weber, 1977). That programme involves community work as a substantial part of an offender's penalty in lieu of paying a fine. A similar community work programme for fine defaulters in Saskatchewan has been found to have positive effects, including job offers, personal references and encouragement and support to return to school or attend treatment services, for the fine defaulters themselves as well as for communities in which the work is being completed. (Heath 1979)

In South Australia since 1980 juvenile offenders have had the ability to discharge their fines by undertaking one day's community service for each \$25 they owe. A curious result that has followed from this provision is that more juveniles are now paying their fines than was previously the case (Newman, 1983). Such a phenomenon has not apparently been observed elsewhere but if it were always the case, improved payment of fines would constitute an additional reason to provide an alternative to incarceration in default. As it is there are other methods for enforcing fines without using the ultimate sanction of imprisonment.

Flexibility is undoubtedly called for in enforcing fines and numerous methods to do this do exist. Softley's (1978) study of fine payment lists various methods of enforcement available to English courts, and the success they appeared to have with non-paying offenders in his sample. "Attachment of earnings" orders were sparingly used with his sample but their imposition resulted in some payment being made in 92 per cent of cases. Not surprisingly this mode of enforcement achieved the best 'success-rate' for getting (at least part) payment of the fine. But simple warning letters from the court produced some

payment in 51 per cent of cases, achieving roughly the same result as money payment supervision orders with 52 per cent. These last orders place a fined offender under the supervision of a probation officer or some other person appointed by the court to encourage payment. Such people being different from fine enforcement officers who appear to be used in some English courts to follow up non-payers (Latham, 1973). Rinaldi (1973) suggests a distinctive Australian adaptation. He suggests the Taxation Office might deduct unpaid fines from an offender's annual Tax Refund cheque and forward them direct to the Court!

From an Australian point of view an extraordinary contribution to this area comes from the American lawyer-econometrician Polinsky (1980). It comprises an analysis of the relative merits of public versus private enforcement of fines. The latter is initially suggested as allowing "the first individual or firm to discover and report the violation (to) receive the fine". It is not so much the rather complex conclusions of this particular study that cause this work to be mentioned here, but rather the concept of private enterprise being involved in this area. A British example of such private enterprise is provided by an advertisement which appeared in at least 1981 on the back cover of copies of "Justice of the Peace", the respected periodical for English Magistrates. It reads:

OVERDUE FINES
UNPAID FINES

Question : Does your Court, like most in the country, have the problem of fines enforcement

Answer : The latest figures available show that outstanding fines amount to 30 Million Pounds which does not include INNER LONDON

Question : DOES your Court have an effective enforcement method

Answer : Most Courts still use Police Officers

Question : DOES your Court know of other methods of enforcement available to it

Answer : XYZ (Bailiffs) LIMITED provide a very effective method at no cost to the Court (my emphasis)

The advertisement reveals that XYZ (not its real name) have succeeded in achieving 86 per cent payment of fines apparently for four London Courts over two years, using the distress provisions of the legislation. And XYZ apparently gains its income by extracting their fees from the sale of the goods they seize to be sold in distress. This sort of involvement of private individuals in Court business is not something that Australians would readily accept but an indication of the sorts of contingencies considered elsewhere to deal with the problems of fine enforcement.

In Victoria, the Penalties and Sentences Act 1981 made various changes to fining practices (most notably with respect to fine setting). Fox (1981) is critical of various provisions in this Act especially those with respect to default imprisonment. He is particularly concerned with that Act's 'failure to confront more fundamental questions' concerning capacity to pay. He points out that it is unfair to imprison the impecunious who simply cannot pay a fine, but it is wrong for a fine to be so low as to effectively constitute a licence fee for continued offending. According to Fox the various options discussed above do not seem to have been 'seriously considered' by those drafting the Act. And there is no doubt that that legislation had provided the perfect opportunity for instituting a range of fine enforcement alternatives in Victoria.

Very recently the problem of prison over-crowding in Victoria has caused the Government to adopt an alternative way of dealing with fine

defaulters. The Community Welfare Service (Attendance Centre Permits) Act, 1983 allows for fine defaulters to serve their default prison sentences in Attendance Centres where a week's imprisonment is served by 16 hours' attendance over two weeknights and a Saturday. Fine defaulters have to agree to transfer to the Attendance Centre programme and at the time of writing only six fine defaulters had actually done so. Typically this programme was not developed on the basis of any thorough appraisal of the fine-default problem, but rather was an expedient reaction to another problem, that of overcrowding of prisons. It may be, of course, that the various solutions to avoid use of imprisonment for fine defaulters might not be needed if it is established that, in practice, prison is used for only a very small number of fined persons. The data collection in this research aimed to establish the real situation in this regard.

2.4 Fine Setting

Apparent inequities in the amounts of fines imposed by different magistrates on different offenders apparently for the same offences constitute a general community concern. Despite the necessity for fines to be substantially tailored to offenders and their offences, criticisms are made of sentencers when two apparently similar cases receive significantly different fines, or when a "more serious" offender receives a lesser fine than a "less serious" offender.

There are of course some requirements with respect to fine setting. Fox and Freiberg (1982) in their thorough review of the Victorian law relating to fines set out the courts' established practices with respect to fine setting. Summarising they are:

- (i) the fine "must be proportionate to the gravity of the offence committed",

- (ii) a fine alone should not be set if imprisonment is warranted for the offence,
- (iii) fines "should not be set at such a high level as to render imprisonment in default a certainty" so,
- (iv) a fine should be reduced to a level realistically able to be paid although conversely,
- (v) a fine "heavier than warranted by the gravity of the offence" cannot be imposed upon a wealthy offender.
- (vi) Nor can such a wealthy person be imprisoned simply because an appropriately set fine would not be punitive for him, and
- (vii) nor can he escape imprisonment when it is indicated, by payment of a heavier fine, and, lastly
- (viii) "Fines should not be set so low as to amount to a licence" to re-offend.

Within these general guidelines a sentencer determines an appropriate financial penalty to impose upon an offender within the limits set by legislation. But these limits themselves have been criticised as inappropriate because they basically assume that all offenders are equally able to pay. A system more sensitive to the differing economic standing of offenders is that of the Swedish day-fine system which allows consideration of an offender's income and the Court fixes a fine equivalent to so many day's income. It should be noted that determination of a Swedish offender's income is less difficult than it would be for an Australian offender.

Details of the Swedish system are provided by Thornstedt (1978) who points out amongst other things that Finland actually first introduced the system in 1921. Sweden still has traditional fines as well as day-fines which are apparently only used in particular circumstances.

Additionally day-fines themselves can be converted to days of imprisonment if they are not paid. As day-fines are often suggested as a means to avoid imprisoning offenders, this last point constitutes a potential difficulty although Thornstedt indicates that only about 130 day-fines in 250,000 are converted to prison sentences in this way.

A slight variation of the day-fine is a simple fine as a percentage of income as suggested in the Rutgers Law Review of 1975. In that article other approaches to fines include "employment as equivalent to a fine" (which Victorians would probably call community service), and a "job bank" to which fined offenders could refer to get jobs to help raise money to pay their fines although it could be argued that realistic fine setting should render this last suggestion unnecessary.

A further criticism of current fine setting relates to Magistrates' distinct reluctance to use the maximum penalties allowed in the legislation notwithstanding the previously documented guidelines. In the area of fines imposed for motor traffic offences, Nichols (1980) provides interesting statistics relating to fourteen different offences. Two minor offences of not wearing a seat belt and having an expired registration label both attracted maximum fines of \$20, and such fines had in fact been used by the Courts under study. But the more serious driving offences never attracted the maximum fine and for eleven of the offences the average fines actually imposed by the court did not exceed 25 per cent of the maximum allowed for by law. The offence of driving with a blood alcohol level above the prescribed level did slightly better attracting an average fine equivalent to 34 per cent of the maximum.

Such a sentencing practice makes it hard to be optimistic about either legislators' enthusiastic claim of the merit in increasing maximum fines, or their similarly publicised faith in deterrence. And if there is confusion about the soundness of legislative fine setting it scarcely inspires confidence amongst those who must impose fines later on. Yet confusion and disagreement there are in the community.

As an example the Assistant Commissioner (Traffic) of the Victoria Police bemoaned in late 1982 that "it appears many motorists accept being booked (and thus, fined) as a business expense". (The Herald, 17 December 1982). He made this comment after pointing out that 17,566 speeding motorists were booked in a 6-week period in November-December 1982 compared with 13,269 over the same period in the previous year. That increase despite a considerable monetary increase in fines caused the Commissioner to conclude that speeding fines were indeed no deterrent.

But three days later the Minister for Police and Emergency Services commenting on further increases in traffic fines stated that the new penalties would "effectively deter the irresponsible users of our roads". Further, he believed that:

the penalties are in line with or slightly ahead of the way people think about their money ... Responsible drivers do not need the new penalties. Other drivers will now have to ask themselves whether they can afford them. (The Age, 1 January 1983)

When those increases in fines had been originally passed in Parliament the motorists' organisation, the Royal Automobile Club of Victoria, had asked why that had occurred particularly as:

... there is no evidence that increased financial penalties without an accompanying increase in the rate of apprehension and conviction will reduce bad driving practices. (Royalauto, October 1982)

The RACV went on to say that increased penalties alone could in fact be "counter-productive to future deterrence of detected offenders, because the enforcement system is then much more reluctant to apprehend, convict and punish these offenders". This is of course conjecture but this whole episode indicates the level of debate about legislative fine setting, which may well be reflected in judicial fine-setting practice.

3. THE CURRENT RESEARCH

3.1 The Data

The Research Section of the Victorian Law Department supplied the figures in Table 1 which are compiled from Quarterly Returns of Clerks of Magistrates' Courts in 1980. That year was chosen as the base year for this research for two main reasons. It was a year immediately before hefty across the board rises in fines for many offences and it is assumed such increases would have unsettled the established fining practices then existing. And it provided a considerable follow-up period in which offenders would have had plenty of time to pay, or otherwise discharge their fines, if they wished.

Apart from indicating that a total of 273,138 fines were imposed in Magistrates' Courts in 1980, Table 1 also shows three other facts. First, offences which involved a police arrest are generally less likely to result in a fine. While that would be expected as serious offenders are less likely to be dealt with by summons, the differences are quite marked in some instances. For instance an offender against good order is two and a half times more likely to be fined if proceeded against by summons. Second, within the group of criminal offences (as distinct from traffic offences) there are considerable differences with respect to fine likelihood. For instance half of those persons convicted of wilful damage received fines and that is twice the percentage of offenders convicted of other property offences. And lastly, cases dealt with through the Alternative Procedure mechanism invariably result in a fine.

These facts merely indicate the sort of fining practices in Victorian Magistrates' Courts in 1980. Various explanations could be

TABLE 1
FINES IN VICTORIAN MAGISTRATES' COURTS 1980

Offence	Arrest Cases		Summons Cases		Alternative Procedures		Total	
	No.	Fined	No.	Fined	No.	Fined	No.	Fined
Offences against the person	8535	31%	3802	31%			12337	31%
Thefts	13098	27%	6819	47%			19917	34%
Theft of motor vehicle	2377	23%	454	41%			2831	26%
Wilful damage	1121	49%	1066	54%			2187	51%
Fraud etc	3519	20%	557	41%			4076	23%
Other offences against property	5611	22%	1083	39%			6694	25%
Offences against good order	27530	27%	4282	68%			31812	33%
Serious driving offences*	7084	77%	8706	80%			15790	79%
Other driving offences	13871	61%	87523	82%	121397	96%	222791	88%
Offences against other Acts	8200	46%	44471	72%	3312	96%	55983	70%
TOTAL	90946	34283 (38%)	158763	119358 (75%)	124709	119497 (96%)	374418	273138 (73%)

* Serious driving offences comprise culpable driving, dangerous driving and drink driving offences.

advanced to explain them but such is not the purpose of this work. Here a sample of offences concluding with fines was needed, but to draw a large representative sample from these 273,138 fines would have been a gargantuan task. So it was decided to identify a number of typical Victorian Magistrates' courts by reference to the offences they dealt with and their sentencing patterns. After six such courts were identified they were visited and data was extracted from their Court

Registers for the first six months of 1980. (In fact three small country courts were also included in the study as their records were accessible at the time of data collection in the country.)

All offences for which fines (or contributions to the poor box) were ordered by the Court, constituted the data-base for this research. Fines imposed for the offences of being drunk and disorderly, failing to vote, and offending against Railways By Laws or the Transport Regulation Board were excluded. Fines imposed for them were found to be fairly 'automatic' and thus had more in common with administrative than judicial fines. Fines imposed against three persons who died before paying them were also disregarded. The final sample comprised 8,256 fines which were distributed over the nine courts as shown in Table 2. Poor-box contributions which do not require a conviction to be recorded against an offender but do require payment of a monetary penalty, accounted for only 391 'fines'.

TABLE 2
DISTRIBUTION OF SAMPLES BY COURTS

Court	Number of		
	Fines	Offenders	Single Offences
A (Suburban)	1547	963	610
B (Suburban)	1362	900	626
C (Country)	1005	695	489
D (Country)	158	118	86
E (Country)	106	80	61
F (Country)	1090	743	508
G (Country)	851	654	509
H (Country)	318	217	145
J (Suburban)	1819	1207	848
TOTAL	8256	5577	3882

Table 2 shows that 5577 separate individuals were responsible for these 8256 fines, an average of 1.48 fines per person. Seventy per cent, that is 3882 of these 5577 individuals had appeared in Court charged with only a single offence. However the remaining individuals who appeared in court on multiple offences, and were fined separately for each of them, complicate the data in the following ways.

Firstly, statistics concerning objective factors relating to the court hearing may be unduly influenced by multiple offenders. By way of explanation consider the situation of a drinking driver who retains legal representation. If he has also been charged with other breaches of road traffic regulations (a common occurrence) they too would involve legal representation and that might unduly increase the statistic relating to legal representation for these regulatory breaches, whereas it is most unlikely that legal representation would be retained for those offences alone.

But secondly, and more seriously, the inclusion of multiple charges complicates consideration of fine payment practices. As an example, take a man fined \$50 for assaulting police, \$50 for resisting arrest and \$10 for not wearing a seat belt. Such a person would account for one entry in the "offences against the person group", one in the "offences against good order" group, and one in the "offences against road traffic regulations" group. After the court agrees to allow him to pay these fines by instalments he pays \$30 instantly and then \$10 a week regularly for the next six weeks. In that he only pays a total of \$90 he has not paid all of his fines. But he has certainly paid fines for one, and possibly two of his offences.

In practice Clerks of Court exercise some discretion in the way in which fines paid by instalments are credited to different offences. Accordingly one court (through one Clerk) might have this offender having paid one \$10 fine instantly, one \$50 fine after three weeks, and owing \$20 on his last fine. Another's records could reveal one \$50 fine paid after two weeks, one \$50 fine partly paid after six weeks, and one \$10 fine completely outstanding.

The arbitrariness of this practice makes it quite misleading to generate fine payment statistics for all of the separate 8256 offences in the sample. Those statistics could only make sense for single offences and fines, or for individual offenders in consideration of their total fines. The three bases for analysis in this research are then, offences (N=8256), persons (N=5577) and single offences (N=3882).

The basic data that were collected from Courthouse Registers were:

- Sentencer (either Stipendiary Magistrate or Justice of the Peace)
- Sex of offender
- Offence(s)
- Plea(s) entered
- Amount of fine(s) (or poor box contribution)
- Default period(s)
- Stay of payment (and subsequent stays) granted
- Legal representation
- Date of offence(s)
- Date of summons/information(s)
- Date of court hearing
- Date of final payment
- Payment status
- Value of property involved in offence (if relevant and available)
- Driver's blood alcohol reading (if relevant and available)

Full details of the average fines imposed for different offences in each of the courts in the sample can be found in the Appendix. Differing practices in courts' fining practices that are evident from

the Appendix are not unexpected, though by way of consolation recent English research has shown that "there is a greater proportionate variation between courts in the use of fines than any other sentence" (Morgan and Bowles, 1983). Further the data in the Appendix show the sort of variation in fines between courts and offences that Weatherburn (1983) has documented for New South Wales, and which he says, "suggest quite simply that magistrates are often inconsistent in their response to comparable cases appearing before them" (p130). But this suggestion is bold in the absence of details of the particular circumstances of actual offences for which fines were imposed. Apparent discrepancies in fines imposed at different courts may in substantial part be explained by consideration of the different characteristics of offences bearing the same legal title. Lack of such detail is an unavoidable deficiency in research of this sort where offences are assumed to be similar and average fines for large groups of offences become the basic variable that is considered.

For ease of analysis the 8,256 offences for which fines were imposed were condensed into the ten groups listed in Table 3. These offence groupings will be used throughout the remainder of this report and the precise offences constituting each group are listed in Appendix A. Individual offenders (N=5577) have been grouped according to that one of the multiple offences for which they appeared in court which resulted in the greatest fine.

Table 3 shows that the majority of the 8256 offences dealt with related to road traffic or motoring offences, and this reflects fairly accurately the business of Victorian Magistrates' Courts. It also shows that more criminal offences were dealt with as single offences. This too reflects the real situation where motoring offenders, other than

TABLE 3
THE THREE BASES FOR ANALYSIS

Offence Group	Offences		Persons		Single Offences	
	(n)	(%)	(n)	(%)	(n)	(%)
<u>Criminal Offences Comprising:</u>						
Offences against the person	305	(3.7)	207	(3.7)	123	(3.2)
Offences against property	1086	(13.2)	808	(14.5)	667	(17.2)
Offences against good order	598	(7.2)	431	(7.7)	359	(9.2)
By-Law offences	307	(3.7)	188	(3.4)	129	(3.3)
Sub-total Crime	2296	(27.8)	1634	(29.3)	1278	(32.9)
<u>Road Traffic Offences Comprising:</u>						
Non-moving offences	799	(9.7)	448	(8.0)	309	(8.0)
Moving offences	1188	(14.4)	730	(13.1)	543	(14.0)
Offences against regulations	1176	(14.2)	464	(8.3)	318	(8.2)
Speeding offences	1531	(18.5)	1224	(21.9)	910	(23.4)
Licence offences	476	(5.8)	357	(6.4)	166	(4.3)
Alcohol related offences	790	(9.6)	720	(12.9)	358	(9.2)
Sub-total Traffic	5960	(72.2)	3943	(70.7)	2604	(67.1)
TOTAL	8256	(100.0)	5577	(100.0)	3882	(100.0)

simple speedsters, often appear in court charged with a group of offences. Further the Table shows that the distribution of offenders grouped according to their most serious offence is a good approximation of the crime-traffic split for offences.

4. THE FINES

Notwithstanding the shortcomings of not knowing the specific details or circumstances of offences culminating in fines, Table 4 provides averages within the ten offence-groups for each of the three data samples. There are no significant statistical differences between the rankings of the offence groups in each data base. In order, alcohol related driving offences, driving licence offences, and offences against the person, attracted the highest average fines. And offences constituting breaches of road traffic regulations attracted the lowest average fines.

The distribution of offences shown in Table 3 and the average fines shown in Table 4 are unsurprising, and serve to confirm the soundness of the samples. However more interesting findings emerge from consideration of four characteristics which are known prior to the court's decision. These are: the sex of the offender, the type of judicial officer hearing the case, the presence of legal representation and the plea. The appropriate data base for which to analyse these characteristics is the offender sample, and Table 5 relates to this sample only. It shows the percentage of offenders within each offence group who met descriptions shown as column headings. Thus 30 per cent of property offenders were female, 25 per cent were dealt with by Justices of the Peace and so on. Each of the four characteristics is now dealt with in turn.

4.1 Female Offenders

Females were significantly under-represented in alcohol related driving offences, driving licence offences, breaches of road traffic regulations and offences against good order. However they were

TABLE 4
AVERAGE FINES FOR OFFENCE TYPES IN EACH SAMPLE

Offence Group	Offences		
	Total (N=8256)	Single Only (N=3882)	Individual Offenders (N=5577)
	(\$)	(\$)	(\$)
<u>Criminal Offences Comprising:</u>			
Offences against the person	157	169	236
Offences against property	115	113	155
Offences against good order	74	75	98
By-Law offences	74	88	126
Average Crime	104	105	147
<u>Road Traffic Offences Comprising:</u>			
Non-moving offences	58	47	90
Moving offences	74	71	107
Offences against regulations	44	44	72
Speeding offences	70	72	88
Licence offences	225	231	312
Alcohol related offences	282	284	356
Average Traffic	105	105	158
TOTAL	105	105	155

significantly over-represented in property offences most of which appeared to be cases of theft in shops (commonly referred to as shoplifting). This over-representation of females in property offences is shown by the fact that of all the 527 property offenders whose primary offence was theft, 222 or 42 per cent were female. Conversely, 35 per cent of the 633 female offenders in the sample fell into the theft group.

The different sorts of offences for which female offenders appeared in court undoubtedly explain some of the highly significant difference between the average fine of \$101 for a female in this sample compared

TABLE 5
 FEATURES OF FINED OFFENDERS
 (N=5577)

Offence Group	Percentage Of Offenders Who Were:			
	Female	Dealt With By JPs	Legally Represented	Guilty *Pleas
<u>Criminal Offences Comprising:</u>				
Offences against the person	6	5	52	67
Offences against property	30	25	26	87
Offences against good order	6	12	14	75
By-Law offences	15	15	19	60
Sub-Total Crime	19	18	25	80
<u>Road Traffic Offences Comprising:</u>				
Non-moving offences	10	13	7	76
Moving offences	16	20	26	59
Offences against regulations	7	13	8	84
Speeding offences	7	8	17	84
Licence offences	7	15	25	92
Alcohol offences	3	8	43	84
Sub-Total Traffic	8	12	22	79
TOTAL	11	14	23	79

* N=3332 as 2004 offenders' cases were heard ex-parte, pleas were not noted in the Court Register for a further 92 offenders, and 149 offenders made mixed pleas, admitting guilt to some of their multiple offences but not to others.

with \$178 for a male. (t-statistic=8.42, df=5575, $p < 0.01$) In 1973 Smith and Gordon noted "as would be expected, courts imposed heavy fines on a far smaller proportion of women than of men". Their Scottish sample had differing offence patterns for men and women however the readiness with which they state their expectation would seem unlikely today.

4.2 Judicial Officer

Overall 14 per cent of the offenders (and as it happens the same percentage of offences) were dealt with by Justices of the Peace rather than Stipendiary Magistrates. The selection of cases for Justices to deal with is generally made by the Stipendiary Magistrate and it is clear that certain cases are unlikely to be so allocated. In particular Justices are less likely to be asked to hear cases of offences against persons or alcohol related driving offences, in both of which legal representation was more likely. Of all cases heard by Justices only 17 per cent involved legal representation, significantly different from the 24 per cent of such cases heard by Magistrates. (Chi-squared=14.86, 1d.f., $p < 0.01$) Justices of the Peace were more likely to hear property offences and moving traffic offences.

These features of case allocation are primarily responsible for the significant difference between the average fine of \$141 imposed by Justices and the Magistrates' average fine of \$158. ($t=2.46$, $df=5575$, $p < 0.05$)

4.3 Pleas

The majority (79%) of persons pleaded guilty to the charges for which they appeared in court. There is an obvious relationship between legal representation and plea (30% of those legally represented pleaded not guilty compared with 15% of those unrepresented). But notwithstanding that, guilty pleas were significantly more likely for driving licence offences and far less likely for by-law offences.

Thus the significant difference between the average fine of \$181 for offences for which pleas of guilty were made, and the average \$153 for not guilty pleas ($t=3.63$, $df=3330$, $p < 0.001$) can be explained primarily

by reference to the sorts of offences involved in each. The average fine was \$175 for all cases in which a plea was actually made (N=3332 see footnote to Table 5).

4.4 Legal Representation

As indicated above, those offenders whose primary offence was against the person or comprised an alcohol related driving offence, were far more likely than other offenders to have legal representation during their court hearing. Overall only 23 per cent of offenders engaged a legal representative with non-moving traffic offenders being represented in only 7 per cent of cases.

The different offences for which lawyers are likely to be retained probably explain much of the significant difference between the average fine of \$223 for a legally represented offender, and \$135 for the remainder of offenders ($t=16.26$, $df=5575$, $p < 0.001$). This result gives the appearance of there being some sort of surcharge for the use of a lawyer since for all offence groups except one, legally represented offenders are eventually fined more. In the exception, alcohol related driving offences, offenders without a lawyer were fined an average of \$360 while legally represented offenders were fined a not significantly different average of \$351.

While the surcharge notion is intuitively pleasing to those who like to think of the judicial officer penalising those who might be wasting court time, it is not sustainable with the above data. There are two difficulties with the data. First those offences for which lawyers were retained may well have been qualitatively more serious than others within the same offence grouping. Secondly individuals charged with multiple offences may be more likely to seek legal representation and

those minor offences are subsumed under the primary offence when the sample of individuals is used, as here. (In fact only 20 per cent of those persons charged with a single offence retained legal representation with that statistic increasing fairly evenly to just over 50 per cent represented when six or more charges were involved.)

This last point can be investigated by using the sample of single-offence offenders. Analysis shows that in all offence groups except one offenders with legal representation were fined more than non-represented offenders. The average fines for these two groups were \$94 for the 3100 non-represented, and \$151 for the 782 represented offenders. This is a more significant statistical difference ($t=12.34$, $df=3880$, $p < 0.001$) than given above for all offenders. But it still does not allow a confident choice between the two possible explanations for the difference to be made. Whether the Court is penalising frivolous representation and time wasting, or whether serious breaches attract more representation, bears more investigation.

4.5 Mode of Hearing

It is possible for persons charged with some offences to have them judicially considered without a formal court hearing. This practice constitutes an "alternative procedure" and is defined in Sections 84-89 of the Magistrates (Summary Proceedings) Act 1975. Those sections allow a Magistrate in chambers to read the facts of the case and decide upon an appropriate penalty, usually a fine (see Table 1). If an alternative procedure is offered to an offender he will not have his case heard in open court unless he elects to do so by returning the appropriate documents to the Court. It may be the case that some offenders are dealt with by an alternative procedure simply because they have failed to return the required documentation.

Notwithstanding this, a person charged with an offence may be faced with two decisions concerning how that charge will be heard. The first decision may be whether to elect to go to an open court hearing and the second may be whether to retain legal representation or not. There are thus three possible modes of hearing available -- alternative procedure, court appearance without legal representation, and court appearance with a lawyer -- and the average fines for groups of offences dealt with in each of these ways can be calculated. Indeed in the last section it was pointed out that fines for the second mode were statistically significantly lower than fines for the third mode. The effect of multiple charges (where legal representation is more likely) undoubtedly contributed to that result so it is more appropriate to use the sample of single offences (N=3882) to look further at this point. Table 6 uses this data base and provides average fines for each of the three modes of hearing. It adds further weight to the proposition that the Courts might be penalising those who are seen as wasting their time by fining them more (even though this could not be unequivocally supported from these data). The basic problem of legal representation being more likely in the case of more serious offences still remains problematic. And the fact that an alternative procedure may not have been offered for all offences in Table 6 further complicates the situation. However the Table indicates usually higher fines for the more time consuming modes of hearing for some offence groups.

The obvious exception is the non-moving traffic offences group where legal representation seems to have reduced the average fine. (However there were only 8 such single offences in the group total of 309.) Legal representation does not seem to affect the average fine significantly in alcohol related driving offences, speeding or offences against good order. But for all offences where alternative procedures

are possible the fines set following that procedure are always considerably (and sometimes significantly) less than fines resulting from a formal court hearing.

TABLE 6
AVERAGE FINES FOR SINGLE OFFENCES
ACCORDING TO MODE OF HEARING
(N=3882)

Offence Group	Mode of Hearing					
	Alternative Procedure Invoked		Court Appearance			
			No legal Representation		Legal Representation	
	\$	n	\$	n	\$	n
<u>Criminal Offences Comprising:</u>						
Offences against the person	-	-	\$153	61	\$184	62
Offences against property	-	-	\$109	516	\$124	151
Offences against good order	\$37	9	\$76	306	\$78	44
By-Law offences	\$29	5	\$84	100	\$115	24
Sub-Total Crime	\$34	14	\$99	983	\$129	281
<u>Road Traffic Offences Comprising:</u>						
Non-moving offences	\$39	198	\$61	103	\$48	8
Moving offences	\$42	55	\$70	355	\$95	133
Offences against regulations	\$39	77	\$45	225	\$63	16
Speeding offences	\$62	133	\$72	627	\$80	150
Licence offences	\$174	17	\$226	113	\$274	36
Alcohol offences	-	-	\$281	200	\$288	158
Sub-Total Traffic	\$50	480	\$104	1623	\$162	501
TOTAL	\$50	494	\$102	2606	\$151	782

Consideration of the whole offence sample (N=8256) does not produce different results from those shown in Table 6. However consideration of separate offences within offence groups does identify a few offences where lesser average fines follow a court hearing. Most notably "permitting an unlicensed driver to drive" attracts an average fine of

\$165 as an alternative procedure but only \$117 when dealt with in Court. Thus it appears that explaining to the Court in detail the facts of the incident that caused the charge to be laid has had some beneficial effect upon level of sanction. But simple 'unlicensed driving' which constitutes the bulk of the licence offences group attracted a fine of \$175 when dealt with as an alternative procedure and a \$209 fine when a Court hearing occurred.

5. FINE PAYMENT

5.1 Payment Data

As a result of this research an indication of the payment practice of Victorians fined in Magistrates' Courts is available for the first time. Statistics based on following through fines from their imposition until their payment are not readily available for other jurisdictions either. Smith and Gordon (1973) have produced some statistics for Scotland, work in the British Home Office Unit has resulted in data about practices in English Magistrates' Courts, (Softley 1973, Softley 1978, Softley and Moxon 1982), and Morgan and Bowles (1983) have recently provided data concerning two English courts. Further light is thrown on the area of fine default by researchers such as Mulligan (1982) who use broad official statistics to show in particular the default or non-payment rates for particular jurisdictions. However these rates give an overview of the situation rather than a definitive statement of the level of non-payment of fines.

In Victoria the level of payment of fines up to 18 months after imposition seems high in that overall 92 per cent of the 5577 individual offenders in this research paid their fines totalling \$749,969 or 86.5 per cent of the total amount. Of the total 8256 separate fines imposed, the same percentage, 92 per cent, were paid. These figures compare extremely well with Softley's (1978) research which showed that 23 per cent of offenders in his sample had failed to pay the full amount of fine after eighteen months, at which time 28 per cent of the total amount of fines imposed was still outstanding. It is possible that some of the difference between the two jurisdictions is caused by Softley's 2596 'fines' actually comprising 57 per cent fines, 39 per cent orders for compensation and 4 per cent orders for costs etc. This fact should

be borne in mind whenever Softley's data is referred to hereafter, as it is conceivable that fines may be more likely to be paid than orders for compensation which may be seen as less of a penalty and may not have had default imprisonment periods attached to them.

As it is plainly more sensible to examine individual offenders' behaviour in paying their fines, Table 7 indicates their differing fine payment behaviour according to the offence groupings already defined. The four column headings in Table 7 indicate the four possible outcomes of being fined which follow from the practice now described.

After having been ordered to pay a fine a guilty offender can request, and is generally given by the Court, time in which to pay it. In this research, time to pay was granted in 88 per cent of cases and averaged 30 days with a mode of 21 days. That 12 per cent of Victorians were effectively required to pay forthwith is interesting given that Softley (1973) found that 26 per cent of his British sample were so treated by the Court. It would seem relatively rare for a Victorian Court to refuse an offender time to pay although Softley (1978) found this concession was refused in 1.5 per cent of his later sample.

An offender unable to pay his fine within the time allowed is able to approach the Court with a request for an additional period in which to pay, and after consideration of the reasons for the request, such an extension of time can be allowed. In this research these second stays of payment occurred for 6 per cent of offenders and averaged a further 46 days. Further extensions of time to pay are possible although obviously the reasons for requesting them have to be persuasive to the court, and they cannot go on ad infinitum. Third stays of payment were granted to one per cent of individuals in this research and averaged a

further 47 days. An offender seeking further extensions is often reminded of the possibility of paying his fine by instalments under Section 82 of the Magistrates (Summary Proceedings) Act. This allows fines to be paid off by (interest free!) instalments over time. By way of example of the flexibility allowed through this provision, in this sample, one offender paid his \$200 fine by irregular instalments ranging from \$5 to \$40, over a period of 33 months, from March 1980 until December 1982. This case is somewhat exceptional, a 1980 English judgment states that it is undesirable that fines should be payable over a long period and that payment within 12 months should be the aim (144 Justice of the Peace 310).

Persons who do not appear at Court and are fined in their absence are notified by "ordinary post" that they have been fined and are required to pay that fine within 21 days. The 1975 Act initially required such notice to be served on offenders either by registered mail or in person. However the Attorney-General reported to the Parliament that in July and August 1976, 19 per cent of suburban addressees had refused to sign for and accept such notices from the postman. This represented a monthly figure of around \$100,000 in fines which were unpaid effectively because of a procedural difficulty. The legislation was therefore amended to allow ordinary postal services to be used.

Those individual offenders in this research who paid their fines in full before the required date are noted in the first column of Table 7 under the heading 'fine paid'. They constituted 70 per cent of all individuals in the study. Within this group, 22 per cent paid their fines on the day of their court hearing and a further 15 per cent paid within the next 7 days. This payment practice is far better than Softley's (1978) payment rate of 22 per cent within seven days.

TABLE 7
 OUTCOMES OF FINES
 (N=5577)

Offence Group	N	Percentage of Individuals Who			
		Paid Fine	Paid Fine Ex Warrant	Dis-appeared	Went To Prison
<u>Criminal Offences Comprising:</u>					
Offences against the person	207	65	21	13	1
Offences against property	808	82	13	3	2
Offences against good order	431	68	20	10	2
By-Law Offences	188	63	28	8	1
Sub-total Crime	1634	74	17	7	2
<u>Road Traffic Offences Comprising:</u>					
Non-moving offences	448	52	38	8	1
Moving offences	730	78	18	3	1
Offences against regulations	464	67	24	7	2
Speeding offences	1224	72	21	6	1
Licence offences	357	56	27	13	4
Alcohol offences	720	69	21	8	2
Sub-total Traffic	3943	68	23	7	2
TOTAL	5577	70	22	7	2
Total Amount of Fines Involved	\$553,940	\$196,029	\$87,159	\$29,515	

Note: Some rows do not total 100 per cent due to rounding.

If payment of the fine (or an instalment of it) is not made by the required date Section 106 (1)(e) of the Act requires a warrant of commitment to prison to be issued. In practice, warrants are not generally prepared by the Clerk of Courts immediately the fine becomes in default. But when they are prepared they are passed to the police for execution on the offender.

Persons fined at Court in their absence (obviously including persons who elected for an Alternative Procedure) will not have such warrants

immediately executed upon them. Under Section 106(1)(f) the police demand payment of the fine from them and give warning that the warrant will be executed in 7 days time if no payment is forthcoming. The offender is also informed by the police of the ability to pay by instalments (under Section 82) or a restricted right to call for a re-hearing of the offence (under Sections 152 and 153).

This whole process can plainly take some time to work through but not surprisingly the preparation of the warrant often produces payment of the fine at the Court. Table 7 indicates that 22 per cent of individuals paid their fines in that way -- that is, fine paid ex warrant.

However not all warrants are able to be executed as offenders can often not be found, or, it is suggested, they quickly disappear after the police warning-call. Unexecuted warrants are kept filed by the police awaiting re-emergence of the offender. Such individuals in this research are placed under the column headed disappeared in Table 7 and account for 7 per cent of all individuals. This group actually comprises offenders who had disappeared and otherwise not been located 18 months after their court hearing. It is possible that some additional number of these may have had their warrants executed between then and the time of writing (up to three years after being fined).

At present the Victoria Police have filed at Police Headquarters, in excess of 210,000 warrants awaiting execution, and this figure is increasing by the order of 20,000 warrants a year. Not all of these relate solely to warrants for fine default but it seems the great majority do fall into that category. Assuming for a minute that 150,000 of those warrants relate to fines of an average \$50 there would be \$7.5

million worth of unpaid fines "owing" to Government revenue! The data collected in this study indicate such a figure is by no means an over-estimate.

The final outcome of being ordered by a Court to pay a fine is to discharge it by serving the default period of imprisonment. This can occur through an offender actually wishing to serve the default period, for instance, as a matter of principle; being simply unable to pay the fine and having no option but to go to prison; or going to prison on another charge or being in custody on remand and having default warrants executed whilst there. In this research just under 2 per cent of all individuals, that is 93 of the 5577 individuals went to prison and they appear under that heading in Table 7. (Actually the heading is somewhat of a misnomer in that many such individuals served their default periods in watchhouses or police lock-ups.) These 93 individuals accounted for 3.4 per cent of all fines, a figure higher than but not inconsistent with statistics provided in the Nelson Report which indicate that in the year 1977-78, \$420,000 (that is 2.6 per cent) of the \$16 million in fines for the year were actually discharged through imprisonment in default.

Those individuals with multiple fines and different outcomes for some of them appear in Table 7 according to the worst of those outcomes where the order is indicated above and paying a fine without complication is the best outcome. Thus an individual who paid one of his fines promptly but the other two fines only after a warrant was prepared, appears under the second column 'paid ex-warrant'. This is somewhat unfair on the offender in this sample who was fined a total of \$960 for seven separate offences in April 1980. By December of that year he had paid \$641 of those fines by regular instalments but he then

faltered and disappeared. Warrants were finally executed upon him in March 1983 at which time he paid a further \$300 and discharged the final \$19 through an overnight stay in a police lock-up. Under the rule just enumerated he was placed in the 'went to prison' category.

Individuals whose primary offence involved a driving licence offence comprised the worst payment group. Not only did a relatively low 83 per cent of them actually pay their fines, but 13 per cent were not able to be served their warrants of default having disappeared. The problem of young driving offenders moving their domicile has been found in other studies and an immediate reaction to the situation shown in Table 7 is to counsel Magistrates about the wisdom of fining young nomadic driving offenders. But offenders against the person show a similarly high level of disappearance and only a marginally higher rate of payment.

TABLE 8
LEVELS OF FINES AND THEIR OUTCOME
(N=5577)

Range Of Fine	N	Percentage Of Individuals Who			
		Paid Fine	Paid Fine Ex Warrant	Dis-appeared	Went To Prison
Under \$50	1079	67	25	7	1
\$50-\$99	1651	78	16	5	1
\$100-\$249	1685	71	23	4	2
Over \$250	1162	59	24	13	4
TOTAL	5577	70	22	7	2
AVERAGE FINE		\$142	\$163	\$235	\$317

There is a marked tendency for larger fines to be unpaid, a fact established by Softley's work (1973). In this research only 83 per cent of those fined a total of \$250 or more had actually paid compared with over 90 per cent for all other fines. The average fines for each outcome type indicated in Table 8 substantiate this further. But it is the sort of offence which is most important with respect to whether fines are paid or not.

5.2 Judicial Officers and Payment Rates

Notwithstanding the apparent importance of offence type on payment probability, Table 9 shows the fine repayment practice of individuals fined by those Magistrates in this study who had heard at least one per cent of the total number of cases. It was earlier suggested that Magistrates had little idea about the effectiveness of the fines they imposed upon offenders. Table 9 indicates that some Magistrates are achieving very poor results with their use of fines -- at least where measured by eventual payment of those fines. While 92 per cent of fines in this research were paid, only 80 per cent of those imposed by Magistrate "M2" were paid and almost 18 per cent of those individuals fined by that Magistrate disappeared without paying. And significantly more of those individuals fined by Magistrate "M37" discharged their fines by serving time in prison. If all Magistrates are hearing the same sorts of offences each of the above two is probably out of step with his brothers undoubtedly without knowing it.

5.3 Speed of Payment

Amongst the data collected from Courthouse registers for this research were dates of; commission of the offence, serving of the

TABLE 9
 OUTCOME OF FINES IMPOSED ON INDIVIDUALS
 BY PARTICULAR MAGISTRATES
 (N=5577)

Magistrates	Percentage of Individuals Who				Number of Cases Heard
	Paid Fine	Paid Fine Ex Warrant	Dis- appeared	Went To Prison	
Justices	74.2	20.4	4.7	0.8	766
M2	58.2	22.0	17.6	2.2	91
M3	72.1	19.7	5.9	2.3	390
M4	71.4	16.3	10.3	2.0	203
M16	80.1	14.7	4.2	1.0	672
M17	74.3	21.1	3.7	0.9	109
M20	79.3	17.1	3.7	-	82
M29	67.6	24.6	5.8	1.9	479
M30	67.7	25.8	4.8	1.6	124
M31	68.1	24.5	6.4	1.1	94
M34	73.8	17.5	7.9	0.8	126
M35	68.3	21.2	8.9	1.6	788
M36	67.6	24.4	5.9	2.1	714
M37	66.7	23.5	6.9	2.9	102
M38	57.9	29.8	9.7	2.7	598
Others	74.9	18.0	5.4	1.7	239
TOTAL	70.1	21.6	6.7	1.7	5577

summons (where relevant), court hearing and final payment of the fine. It was then possible to calculate the various time periods between these stages of the justice process, and the most useful of these are shown on Table 10. The offence sample is the base for the table since many individuals paid some of their fines but not others. As some of the dates were not located for some offences the sample sizes for calculation of these various time delays do vary. And because of the different sample sizes, and the fact that average periods are shown in Table 10 it is not possible to simply add, for instance, the average delay between offence and court to the average delay between court and payment to get an average delay between offence and payment.

TABLE 10
 AVERAGE PERIOD BETWEEN OFFENCE, COURT HEARING
 AND PAYMENT OF FINE FOR OFFENCE SAMPLE
 (N=8256)

Offence Group	Number of Days Between		
	Offence and Court Hearing	Court Hearing and Payment	Offence and Payment
<u>Criminal Offences Comprising:</u>			
Offences against the person	129	62	221
Offences against property	108	48	170
Offences against good order	103	47	178
By-Law offences	165	59	241
<u>Road Traffic Offences Comprising:</u>			
Non-moving offences	171	55	219
Moving offences	149	39	191
Offences against regulations	147	42	194
Speeding offences	144	34	185
Licence offences	133	85	220
Alcohol offences	116	63	199
TOTAL	137	48	195
NUMBER OF OFFENCES	8168	7526	4122

NOTE:

1. Dates for each offence, court hearing and final payment of fine were only known for the numbers of offences noted in the Table.
2. Averages cannot be added across the table since they are based on different sample sizes.

It is not possible here to say why it is that an average of four and a half months passes between an offence occurring and its being heard in Court. There is of course much paperwork to be prepared, (sometimes including Alternative Procedure documentation) and the non-availability of police witnesses or a place on a Court list can cause delays. But equally a defendant himself can slow the process down by seeking an adjournment for various reasons. Given these various complexities some

might say that four and a half months is not an unreasonable delay but there are undoubtedly strains on some defendants caused by waiting such a time, and the effectiveness of the justice process may well be seen to be poor by defendants keen and ready to appear in court.

The two offence groups for which the average delay between offence and court hearing is creeping up to six months are By-Law offences and non-moving traffic offences. This could indicate that within the system preference is given to non-regulatory sort of offences for court attention, or it could indicate that the system sees offences against minor regulations as relatively unimportant and they are seen as having no urgency. But in the eyes of the persons charged with such offences they may well be ever present concerns which they are no less keen to have finalised. The fact that offences against property and good order are dealt with significantly more quickly seems to be a result of a larger number of arrest (rather than summons) cases which of necessity must be heard rapidly.

Plainly the time that the Court gives offenders to pay their fines affects how soon after the Court hearing a fine is paid. Notwithstanding this Table 10 indicates that the average period for payment to be made amounted to a day under seven weeks. Those convicted of speeding and moving traffic offences paid their fines an average of around five weeks after their court appearance but driving licence offences (which it will be recalled from Table 7 were the least paid group) took an average of twelve weeks to be paid.

The time to pay a fine could be seen as another measure of the utility of fines. If fines are not paid for some time it could indicate that those who have been fined are somehow disinterested in the view of

the Court, if not contemptuous of it. Of course it may be that those fined for offences such as those involving drivers' licences where payment is slow and less frequent, are simply a group of persons who cannot pay their fines. But in each case it could be suggested that a fine is then an inappropriate measure. Without establishing the views about fines and the reasons why payment is slow from those who have actually been fined, one can only speculate about the possibilities.

The final column in Table 10 indicates for the small sample of offences for which both relevant dates were available, that there was an average of six and a half months between offences occurring and fines being paid, thus finalising the matter. Speeding resolution of offences is desirable if formal action against a law breaker is intended to be a learning experience, or indeed if some deterrent effect is hoped for. Penalties separated by a lengthy period of time from the action that caused their imposition are unlikely to be a strong deterrent, and over six months' delay is certainly lengthy in this context.

6. FINE DEFAULTERS IN PRISON

In total 93 individuals from the 5577 in this study discharged their fines by spending some time in custody. In some cases that involved a prison term but in others it involved a short stay in a police lock-up or watchhouse. Considerable difficulty was experienced in following up records for this subsample of 92 men and 1 woman. In the absence of information about 24 of them in the central records kept at Pentridge Prison it is assumed that that number were held in police custody. In one of those cases it was established that the watchhouse was used for a period of detention of 6 hours to discharge a fine of \$5.

Not all of these 93 persons had simply chosen to discharge their fines by going to prison; a substantial number, in fact 32 per cent, had made an effort to pay their fines. Those with no prior prison experience were far more likely to have tried to pay their fines. Table 11 indicates this and also shows that the majority of fine defaulters going to prison were not experiencing prison for the first time. Those who had served previous prison terms for offences, that is 50 of the 93, were serving significantly longer default periods than the others. What Table 11 strongly suggests is that those who go to prison instead of paying fines are not the 'normal' offender who is fined but rather a person whose commitment to offending is fairly well established.

Another way of looking at the problem of fine defaulters in prison is to measure the demand that they make on prison accommodation. This can be done by extracting data from daily reception sheets for Pentridge. These documents are quite complex accounts of the movements of prisoners which record, receptions of prisoners from courts as well as transfers from other prisons, additional warrants executed on serving

TABLE 11
PREVIOUS PRISON EXPERIENCE OF INDIVIDUALS
IMPRISONED FOR FINE DEFAULT
(N=93)

	Previous Prison Experience					Not Known Total
	None	For Fine Default Only	For Fine Default & Other Offences	For Offences Only	For Offences Only	
Number of individuals	14	5	31	19	24	93
Average total fine imposed on individuals	\$317	\$158	\$371	\$326	\$222	\$304
Percentage of total fine actually paid before default period served	44%	14%	11%	8%	39%	21%
Percentage of individuals who had made some payment before default period served	50%	20%	23%	37%	38%	32%
Average number of days required to be served in settlement of the total fine	14	14	30	26	13	22

prisoners, and other information. In this brief analysis, only receptions concluding with, or effectively producing, a defined period of imprisonment are considered. Thus receptions for remand alone, transfers from country prisons and returns to prison from continuing trials or appeals at court were not counted. This left four distinct sources of demand:

Prison sentence - receptions of persons with only sentences of imprisonment.

Prison sentence plus fine - receptions of persons with both prison sentences and fines (with default periods of imprisonment).

Fine default - receptions of persons on whom warrants had been served for non-payment of fines.

Additional warrants - for fine default and/or imprisonment executed on prisoners currently undergoing sentence.

These sources of demand on prison accommodation are somewhat simplistic in that, for instance, remands are ignored. Thus a prisoner arriving with a sentence of imprisonment, some fines to pay and a remand on other offences is called a "prison and fine". Further, no attempt is made to reduce the number of receptions to a number of separate persons. An additional warrant for fine default executed on a prisoner serving a straight prison sentence does not move him into the "prison and fine" group.

Analysis of the July 1982 reception sheets produces Table 12. The month of July 1982 was chosen for analysis because; the reception sheets for that month were readily available, it was assumed to be an unexceptional (that is, not unrepresentative) month of the legal year, and, it was long enough ago to be relatively unaffected by Special Remissions commonly granted by the Director-General to all prisoners today.

This table shows that a definite demand for 66,171 days worth of prison space was made by receptions in July 1982. Of that only 5.8 per cent was directly accounted for by default periods for fines, even though fine-default cases accounted for 27.4 per cent of all the 379 cases. Plainly, fine default accounts for a fairly small part of the demand for prison accommodation.

TABLE 12
 DEMANDS ON PRISON ACCOMMODATION
 JULY 1982
 (N=379)

Source of Demand	Number of Cases	Amount of Fines Imposed	Days of Imprisonment in Default of of Fines	Days of Straight Prison Sentence
	(n)	(\$)	(n)	(n)
Prison sentence	197	0	0	58,592
Prison and fine	28	12,817	529	2,910
Fine default	104	51,396	2,499	0
Additional warrants	50	15,448	807	834
TOTAL	379	\$79,661	3,835	62,336

More importantly however these fine-default statistics do not necessarily reflect what actually happens in practice. At any time a fine can be paid and a prisoner released and it is essential therefore to establish how long fine defaulters actually serve in prison. (Obviously prisoners undergoing sentences for imprisonment for other offences may also pay their outstanding fines when their other sentences are complete. But as they are in the system anyway the added strain they impose on prison accommodation is a lesser problem. Indeed there is a good chance that fines such as \$5 or 1 day for an old parking offence which appear in the additional warrants executed on serving prisoners, may be paid by such prisoners.)

Some Victorian prison staff believed that a considerable number of fine defaulters left prison early after paying (at least some of) their fines. Existing English statistics seemed to support this; the 1975 Prison Department Statistics showed that 20 per cent of fine defaulters discharged in that year served up to 10 per cent of their sentence, 16

per cent served over 10 and up to 50 per cent, 10 per cent served over 50 and up to 80 per cent and the remaining 54 per cent of defaulters served over 80 per cent of their sentences. In order to throw light on the current Victorian experience, the individual records relating to the 104 "fine default" receptions in Table 12 were searched in the D Division Records Office at Pentridge Prison. This time-consuming exercise finally concluded with the isolation of four groups of cases which appear in Table 13 and are described fully thereafter.

TABLE 13
EXPERIENCE OF FINE DEFAULTERS
JULY 1982
(N=104)

Experience	Number	Amount of Fines Imposed	Amount of Fines Paid	Days of Imprisonment In Default	Days Actually Served
	(n)	(\$)	(\$)	(n)	(n)
Served prison sentence	55	25,604	0	1,043	555
Part paid fines	25	15,174	8,056	874	283
Remandees	19	7,211	917	421	203
Null fines	5	3,407	1,850	161	0
TOTAL	104	51,396	10,823	2,499	1,041

The "Served Prison Sentence" group comprised 55 men whose fines were discharged solely by serving time in prison. In money terms the group accounted for just on half of all the fines imposed, but they accounted for only 42 per cent of all days in default. And in practice only 53 per cent of those days actually involved fine defaulters occupying prison accommodation. (Eight of the group had received early release through Director's Special Remissions or other Special Authority serving

a total of only 69 days of the 172 days imposed.) Each member of the group served an average of 10 days in prison (although it appears some may have spent a day or two in police watchhouses prior to arrival at Pentridge).

The "Part Paid Fines" group comprised 25 cases where some part of the fine(s) was paid, thus reducing the length of the fine defaulter's stay in prison. Just over 53 per cent of the money-value of these fines were paid, ranging from 6 per cent paid (\$36 of \$619) to 93 per cent paid (\$756 of \$817). Overall this group only occupied prison space for 32 per cent of the days set in default, an average of 11 days each.

Nineteen cases in this were found to constitute remandees effectively discharging their fines during their remand period. It appears that following apprehension for offences leading to their remand, police had located outstanding fine-default warrants which were executed after their reception at Pentridge. Five of them had paid some part of their fines amounting to 42 per cent of the total amount of fines imposed upon the group, and probably followed by release from prison on bail. Overall this group served an average of 11 days in prison for fine default.

The remaining group bears the title "Null Fines" and comprises five cases accounting for \$3,407 in fines and involving 161 days in default which concluded without making any demand on prison accommodation, although they did occasion administrative inconvenience and expense. Three fines of \$1000, \$750 and \$100 were paid the same day as the offender's arrival. One (Family Court) warrant for \$884 or 35 days was withdrawn after the offender's arrival at Pentridge and one fine of \$673

or 34 days was found to involve a Youth Trainee who was immediately transferred to a Youth Training Centre.

In summary, the 2,499 days of potential imprisonment for fine default, in practice actually involved a demand on prison accommodation of only 1,041 days, that is 42 per cent of the total court imposed default period.

It is not possible to say whether this result could be extended to those periods of fine default to be served by prisoners undergoing other sentences of imprisonment, but if it were, and allowing one-third remission for prison terms set out in Table 13, fine defaulters at any time seem to account for no more than about 4 per cent of the demand for prison space.

This level of demand makes the Howe Committee's suggestion of a Special Defaulters' unit within the prison system somewhat of an extravagance. Staff of such a unit would be required to try to expedite quick release of a fine defaulter by contacting relatives, friends and other potential sources of payment. There is no doubt that such an end would be universally supported, the issue is devising or facilitating the means to achieve it. Recent legislation allowing Victorian fine defaulters to transfer from prison to an Attendance Centre does reduce their prison exposure -- it remains to see how viable it is in practice.

7. FINE SETTING

7.1 A Difficult Task

Fair and consistent fine setting is a very difficult task if magistrates are expected to set fines proportionately. They are given no particular training in how to reach the final amount that is most appropriate for any given offender. They do have available maximum fines set out in the legislation, a rough tariff and the guidelines set out in Section 2.4. In Victoria, as Magistrates have mostly been recruited from the ranks of Clerks of Court they have had the benefit of observing fine setting over many years and it is on that sort of experience that they approach fine setting in their own right. At least some Justices of the Peace in Victoria appear to receive fairly explicit instructions from Magistrates with respect to the tariff for the simple offences like speeding that they are required to hear.

But there are discrepancies between sentencers with respect to the fines they set as well as with respect to the payment practices of those they fine. In New South Wales, the Bureau of Crime Statistics and Research has been monitoring Magistrates' sentencing practice for some years and are able to see how a particular Magistrate's sentencing pattern differs from the remainder of the Bench. During workshops those divergent practices are discussed and attempts made to explain them. A similar service to Victorian Magistrates seems overdue; Table 9 in this Report has already indicated existing inconsistencies in the system.

This should not be read as a criticism of the current Magistrates, rather it is a positive suggestion to improve the equity of sentencing in lower courts. Evidence that the current practice is not grossly errant is provided in Tables 14 and 15 which arise from data collected

in this study. Table 14 shows quite clearly that when fining drinking drivers Magistrates are consistently harsher on those with a higher measured blood alcohol level notwithstanding the different maximum fine for first and subsequent offences. The relevant legislation requires that a higher blood alcohol level should attract a longer period of driving license loss, but the significant relationship between blood alcohol level and amount of fine for this sample of offences is significantly strong ($r=0.38$, $p<0.001$).

TABLE 14
BLOOD ALCOHOL LEVEL AND AMOUNT OF FINE FOR
CONVICTED DRINKING DRIVERS
(N=527)

Amount of Fine	Blood Alcohol Level				Average Blood Alcohol Level
	.05-.10	.11-.13	.14-.17	over .17	
\$50-\$199	68	30	22	9	.114
\$200	33	34	26	25	.137
\$201-\$300	14	44	49	32	.147
Over \$300	10	24	47	60	.169
TOTAL	125	132	144	126	
AVERAGE FINE	\$188	\$263	\$326	\$358	

In the criminal area the existence of an objective measure of the seriousness of an offence is less often found. However the value of property stolen in a theft is such a measure and Table 15 shows a significant relationship between that and the subsequent fine ($r=0.28$, $p<0.001$). Softley (1978) found a higher but no stronger relationship of 0.37 for thefts in his study. He also found correlation co-efficients of 0.24 for burglaries and 0.23 for criminal damage

between the values of property stolen or damaged and amount of fine imposed.

TABLE 15
 VALUE OF GOODS STOLEN AND AMOUNT OF FINE
 FOR CONVICTED THIEVES
 (N=627)

Amount of Fine	Value of Goods Stolen				Average Value
	\$1-\$10	\$11-\$40	\$41-\$100	Over \$100	
\$10-\$50	125	76	31	21	\$48
\$60-\$100	80	83	31	34	\$77
Over \$100	39	40	18	49	\$178
TOTAL	244	199	80	104	
AVERAGE FINE	\$81	\$94	\$99	\$144	

Victorian sentencers do then appear to use some rough notion of proportionality in their fine setting at least for the two offences of theft and drink driving. But while most in the community would probably agree, and be content, with that sort of fine setting, it is important to work towards fine setting that more confidently reflects the views of the community.

7.2 Reflecting Community Views

As long ago as 1963 Weeks suggested that critics of the apparent unfairness of fines "would be satisfied if they knew that all magistrates' courts had a basic formula in deciding penalties". (p.75) He then produced a two dimensional chart incorporating consideration of the "gravity and circumstance" of the offence and "weekly means and

circumstances" of the defendant, reference to which indicated what percentage of the maximum fine would be appropriate for that offender. Arbitrary percentages were displayed on this chart ranging from a fine of 100 per cent of the maximum for an offender of indefinite (sic) means convicted of an offence of 100 per cent "gravity" decreasing regularly to 1 per cent for an offender with the lowest means, convicted of an offence of only 10 per cent gravity. This crude 10 by 10 chart foreshadowed Wilkins' work with sentencing guidelines by almost 20 years. Wilkins sentencing guidelines relate to periods of imprisonment rather than amounts fined and comprise sets of tables for different offences incorporating characteristics of offence and offender. Sentencers can use them to determine an appropriate range of periods of imprisonment for that offender, which is intended to guide them to consistent sentencing. The concept of guidance is important; Weeks' emphasised that his chart was "intended as a guide and its operation in no way fetters the discretion of the court".

The "means and circumstances" of the defendant constitute a continuing difficulty for the fine setter. In particular the issue of whether a wealthy defendant should be fined more, remains a "vexed controversy" (see "Fining the Rich", 1981, 1982) and there is little that empirical research can currently contribute to that area.

The problem of determining the views of the community about what are important factors of "gravity and circumstance" is more amenable to research. However the majority of the community does not generally have experience with the fine-setting activities of Magistrates' Courts and their views about appropriate sanctions for criminal offences are probably based upon selective media-reporting and emotion.

To measure community views it was therefore necessary to isolate a fairly common offence, commission of which would usually occasion a fine at Court. An obvious offence fulfilling these conditions was the Road Traffic offence of exceeding the speed limit. During piloting of a questionnaire it was quickly established that most respondents did not know what the legislatively defined fine was for speeding in a built-up area. This fact alone makes it foolish to justify increases on fines by reference to deterrence, which can only work if the sanction is known!

It also confirmed the form of the questionnaire which set a base fine of \$100 for speeding and then required respondents to indicate appropriate fines for speeding offences where additional factors relating to the actual offence were provided. Weeks' study had also used such factors. He saw as relevant to determining the gravity of a driving offence the following five groups of factors:

- (1) Conduct as a driver (including such conduct as being merely neglectful, reckless, slightly drunk with good control, speed, previous record);
- (2) Particulars of defendant (including driving experience, age, eyesight, or other disabilities);
- (3) Particulars of vehicle (including type and condition of vehicle);
- (4) Particulars of case (including weather conditions, type of road, time of day and amount of traffic); and,
- (5) Nature of offence (that is, contrary to public safety, public order or merely (sic) violations of regulations).

Intuitively it would seem that the sorts of factors listed should affect the levels of fine imposed for a particular offence and the questionnaire used in this research aimed at establishing whether this intuitive view has the support of the Victorian community.

7.3 The Victorian Study

The sample for this part of the research finally numbered 1256 Victorian drivers who were approached in a number of different locations. Finding "typical" Victorian drivers is of course a problematical exercise and it is not suggested that the current sample was immaculately drawn being finally based on pragmatic rather than scientific considerations. Indeed there is really no way of determining the representativeness of the sample in this study. The variety of respondents is indicated by the following description of the sources of the sample.

- (i) Workers at four different factories in both Metropolitan Melbourne and Ballarat, who approached an interviewer in the factory canteen at lunchtime (N=209).
- (ii) Employees at a City office who similarly approached an interviewer in their dining room at lunchtime (N=57).
- (iii) Weekday shoppers at seven large self-contained shopping complexes in Melbourne and Ballarat who approached an interviewer at a road-safety display (N=729).
- (iv) Weekday shoppers approached at random in the major shopping areas in Shepparton, Sunshine and Footscray (N=145).
- (v) Miscellaneous groups including members of a professional association responding by mail, drivers awaiting entry into a free City car-parking area on weekday mornings, and others (N=116).

The questionnaire that was self-completed by respondents required them to suggest appropriate fines for speeding offence occurring under a set of different circumstances given that \$100 was the standard fine for a speeding offence. The actual instruction given to respondents was "A driver appears in court on a charge of speeding at 90kph (56mph) in a built-up area. As the law stands, a Court can fine this speeding driver \$100. Now using this fine as a base figure (from which you could move up or down as you wish), indicate what fine you think should be imposed

if:" and thereafter followed sixteen different sets of circumstances relating to speeding events which were devised for the questionnaires although only twelve of these were included on any of the eight different questionnaire forms that were used. Further, seven additional circumstances were developed each incorporating two of the previously mentioned sixteen circumstances. This was done in the hope of establishing the viability of increasing fines for each added circumstance. Thus a total of 23 different speeding events were described on the questionnaires. Table 16 sets out these different events, the average fine suggested for each, and the total number of valid responses to each event.

Examination of Table 16 indicates that the average fines suggested by the total sample are reasonable given that the "worst" offence as measured by average fine (N15) is plainly the most outrageous and the "least serious" offences by average fine are the more innocuous ones (N1, N5 and N8). However the respondents plainly had some difficulty with the additivity exercise and this is reflected in the average fine given for the "paired events" (that is N3, N6, N9, N12, N15, N18 and N21). Indeed the degree of difficulty that some respondents appear to have had with the questionnaire is quite considerable. Inspection of completed questionnaires indicates that quite clearly, yet exclusion from the study of all apparently inconsistent questionnaires would have reduced the sample size by half.

TABLE 16

AVERAGE FINES SUGGESTED FOR
VARIOUS SPEEDING CIRCUMSTANCES

Ref. Number	Circumstances	Short Title	Average Fine \$	Number of Responses
N1	The speeding driver has no previous driving offences	No priors	\$112	894
N2	The speeding occurred on a sunny morning on a quiet street	Sunny	\$156	999
N3	The speeding occurred on a sunny morning on a quiet street, and was committed by a driver who has no previous driving offences	No priors and sunny	\$109	296
N4	The speeding occurred on a road regularly travelled on by the driver	Known road	\$145	1110
N5	The speeding occurred on an empty main road at 3 a.m.	Empty road	\$130	627
N6	The speeding occurred at 3 am on an empty main road regularly travelled on by the driver	Known empty road	\$154	167
N7	The speeding car was picked at random from a stream of cars, all of which were speeding	In stream	\$115	592
N8	The speeding car is a new vehicle in perfect mechanical condition	New car	\$152	742
N9	A new car in perfect mechanical condition was picked at random from a stream of cars which were all speeding	New car in stream	\$140	138
N10	The car in which the speeding occurred is found to have two bald tyres with no tread	Bald tyres	\$257	767
N11	The speeding occurred on a wet road after one hour's heavy rain	Wet road	\$197	848
N12	The speeding occurred on a wet road after heavy rain and the car is found to have two bald tyres with no tread	Bald tyres, wet road	\$323	315

TABLE 16 (cont.)

AVERAGE FINES SUGGESTED FOR
VARIOUS SPEEDING CIRCUMSTANCES

Ref. Number	Circumstances	Short Title	Average Fine \$	Number of Responses
N13	The speeding driver has a blood-alcohol level of over 0.05%	.05	\$665	1227
N14	The speeding driver has been caught speeding three times in the last year	Speedster	\$542	768
N15	The speeding driver has a blood-alcohol level of over 0.05% and has been caught speeding three times in the last year	.05 speedster	\$1300	279
N16	The speeding car has three children as passengers	Passengers	\$378	758
N17	The car in which the speeding occurred is found to have defective brakes which do not hold the car stationary on a hill	Bad brakes	\$338	782
N18	The speeding car has three children as passengers and is found to have defective brakes which do not hold the car stationary on a hill	Passengers and bad brakes	\$629	300
N19	The speeding driver has been licenced for only three months	New driver	\$200	779
N20	The speeding occurred on a road near a school at a time when children were leaving for home	Near school	\$313	751
N21	The speeding driver has been licenced for only three months and the speeding occurred on a road near a school at a time when children were leaving for home	New driver near school	\$368	302
N22	The speeding driver is nearing his suburban home after a six hour drive	Near home	\$158	822
N23	The speeding car is driving into the sunset	Sunset	\$175	621

However the definition of inconsistency in this way itself is problematic. First it is quite reasonable in some cases for a fine when two circumstances exist to be less than the total of the two fines for the two circumstances separately. Second, there are ambiguities in some of the questions. Take for instance N2, "the speeding occurred on a sunny morning on a quiet street". Some respondents, as anticipated, thought of "sunny" as fine or good motoring weather, others thought of "sunny" as hazardous to driving (a situation aimed at through N23 - "driving into the sunset"). Thus inconsistencies are virtually impossible to confidently identify and the sample size stayed at 1256.

Average fines provide a useful measure for comparing respondents' views according to their sex (either male or female), age (whether under 25 or 25 and over), whether they had ever been fined for speeding (yes or no) and their weekly driving habit (less than 250 kilometres being 'little' driving, more being 'great'). Each of these attributes has been dichotomised as shown and when average fines for each of these eight groups are examined some interesting features emerge.

Firstly while there are some differences with respect to ranking the 23 circumstances according to suggested value of appropriate fine there is substantial agreement within each pair. Thus the Spearman Rank Correlation Co-efficient for rankings by males and females was 0.89, according to age was 0.93, according to ever fined or not 0.92, and according to weekly driving practice 0.89. In all cases a driver with a blood alcohol level of 0.05 with three speeding priors (N15) was given the highest fine (and thus ranked first).

However despite this basic agreement there were instances where quite different views of the driving events were expressed. These are

summarised in Table 17 which has columns corresponding to the dichotomised values for each of the four attributes.

Within each attribute where there was at least a 10 per cent difference in the fines suggested by respondents in the dichotomised groups, those fines are entered on the Table. Thus, for N1 where the speeding driver has no prior offences, no entries are given in the 'sex' column as males suggested an average fine of \$112 and females suggested \$114, the difference between these being less than 10 per cent. However for N2, relating to speeding on a sunny day, there are entries under 'sex' because females suggested \$173 which is over 10 per cent more than males' suggested \$144.

A t-test of statistical significance was applied to the average fines suggested by each pair, and instances of significant difference are marked on the Table with asterisks. Thus there was a highly statistically significant difference between respondents who had themselves been fined and those who had not, with respect to N1 (no priors), where the respective suggested fines were \$87 and \$124. The unequal distribution of the 23 circumstances over the 8 different questionnaires used means that the number of responses on which the t-statistic was calculated varied throughout Table 17. This sample size variation explains why some entries on the Table that look as if they should be statistically significant are actually not.

Respondents having themselves been fined for speeding was the attribute where most significant differences were noted. There were nine such instances, and for only one circumstance did those who had been fined suggest a higher fine than those who had not. Respectively fines of \$211 and \$196 were suggested for a "new driver" speeding (N19).

TABLE 17

RESPONDENTS' ATTRIBUTES ASSOCIATED WITH
HIGHER SUGGESTED FINES

Circumstances (Short Title)	Respondents' Attributes								
	Ref.	Sex		Age		Ever Fined?		Weekly Driving	
		M	F	Old	Young	No	Yes	Little	Great
No priors	N1					124	87**		
Sunny	N2	144	173	176	113			132	183
No priors and sunny	N3	101	124			121	84*		
Known road	N4			157	122*	160	113**		
Empty road	N5	119	143	142	106	144	95		
Known empty road	N6	100	204	173	122	178	92	196	105
In stream	N7			121	101	135	74**		
New car	N8	163	139	161	139	169	118	134	172
New car in stream	N9	154	119			178	80	116	162
Bald tyres	N10			284	203**	273	222	234	281*
Wet road	N11			214	164*	206	177		
Bald tyres wet road	N12	290	365	364	235*	337	294	304	347
.05	N13			714	567*				
Speedster	N14	483	638	596	440	604	418*	500	588
.05 speedster	N15					1456	983	1125	1508
Passengers	N16	339	429	412	312	421	283*	421	332
Bad brakes	N17			362	289	355	302		
Passengers and bad brakes	N18	558	709	683	530	694	494	675	583
New driver	N19	211	188	221	152*			174	231*
Near school	N20			328	288	352	230*		
New driver near school	N21	397	329	313	522	415	264		
Near home	N22			168	141	175	123*	143	173
Sunset	N23	186	161			188	146*	160	190

* significant at 0.05 level

**significant at 0.01 level

Older drivers suggested higher fines for twenty of the circumstances with only six of them registering statistically significant differences. Younger drivers suggested higher fines for "new car in stream" (N9), ".05 speedster" (N15) and "new driver near school" (N21).

Consideration of driving practice revealed only two instances of statistical significance where those who regularly drove further suggested higher fines for "bald tyres" (N10) and "new driver" (N19). For fifteen of the circumstances such drivers suggested heavier fines but there is no ready explanation as to why in the remaining eight circumstances those drivers suggested lighter fines than those respondents who drove lesser distances each week. There is similarly no ready explanation as to why males suggested heavier fines for only six circumstances five of which are shown in Table 17, and ".05 driver" (N15) being the sixth. None of the differences between suggested fines by males and females was found to be statistically significant.

Table 17 raises more questions than it answers and of course there are possible overlaps between attributes. Further statistical analysis would have allowed some of these overlaps to be controlled but the rather precarious nature of the sample and their previously mentioned difficulties they experienced completing the questionnaires make sophisticated analysis unwise if not potentially misleading. It is sufficient for current purposes to indicate that differences do exist but that generally those circumstances which intuitively deserve higher fines do attract them, despite the methodological shortcomings just noted.

7.4 Respondents' Views

As well as suggesting appropriate fines for particular speeding events, respondents in this research were invited to make general written comments about fines and speeding and over 10 per cent of them took this opportunity to elaborate. Many of these comments were not very helpful expressing general concerns about road accidents and drinking drivers and arguing that action to reduce the occurrence of each was essential. There were additional comments expressing support for raising the speed limit on freeways -- an issue which had been canvassed in the media at the time of interviewing.

A small number of respondents believed that speeding was "a natural instinct" or that "people with speeding tendencies cannot be curbed". Thus, "if conditions permit a few miles over the speed limit it's not the end of the world". A response to this is provided by one respondent who wrote:

I think that most people don't take speeding seriously, perhaps because the fines aren't enough. If the fines were increased perhaps they may deter more people.

And support for harsh treatment, that is, heavier fines for speeding drivers, was reflected by a number of other respondents. "If people are speeding more nowadays then fines need to be heavier" said one respondent who continued:

If people haven't the maturity to follow the road rules which have been set down for their benefit and safety then they ought to pay heavily for their irresponsibility.

The heavy fine was supported by another respondent "so long as the road toll continues to be a major problem", and by another "to teach young drivers a lesson". And another was concerned about discriminatory treatment. He said:

The use of fines in cases are too lenient on those people in high places who just happen to know someone who can influence the result of the outcomes. (sic)

Notwithstanding this last statement which at any rate reflects a belief in some parts of the community, there is support for rigorous treatment of offenders which is borne out in Table 17.

The inappropriateness of fines was mentioned by two respondents who commented as follows:

Fines do not penalise just the driver, they can also affect the immediate household by depriving them of money.

and

People nowadays can afford to pay them or if a rep. the company pays for them. So they have little effect.

Some further respondents suggested that fines imposed by courts were insufficient or unnecessary ("on the spot fines are a better idea than clogging the courts with speeding charges"). Better penalties were seen as incorporating further driving tests and driver re-education. One respondent stated:

As well as a heavy fine persons should be given a thorough test by oral examination on road safety and (the necessity) of having a roadworthy car.

And there was considerable support for some form of driving licence restriction on offenders. Said one respondent:

I feel that loss of licence is more fair to all concerned working on a basis of one month's loss of licence for each \$100 of fine.

In particular temporary loss of licence was seen to be a better deterrent especially for "habitual offenders". While agreeing that "most of the present fines are quite reasonable" one respondent thought that "suspension even if only for two weeks or a month may be a better

deterrent". And another respondent expressed a minority view arguing for heavy fines but no loss of licence because of the effect that could have on an offenders family and job.

The ultimate use to which speeding fines were put provoked comments. Such money should go "to helping people maimed in car accidents", "for better road construction", "to make roads safer", "for continuing re-education of drivers or medical checks" to ensure offenders are healthy enough to drive. Less positively one respondent hoped that income from fines was not used to "pay for card tables and chairs for the police to sit at while waiting beside the amphotermeter". And the role of the police in detecting speeding offenders caused additional comments, most of which encouraged the police to play a deterrent role by being more visible instead of "generating revenue by hiding, using unmarked cars, radar and amphotermeters". One driver stated that "a warning siren would be a better deterrent than being pulled over" apparently ignoring the fact than offence would have been committed. That same respondent impractically stated:

I think that police should be more consistent in that if one car is speeding among a few they all should be stopped or a warning (sic).

Overall the general theme that emerged from respondents' general comments related to deterring persistent speedsters. The role of the court appears to be seen as doing more than exacting some sort of punishment from an offender, in addition possibly deterring others. The extent to which this sort of sentiment affected the suggested fines provided on the questionnaire is difficult to assess. However it does seem likely that respondents, when completing questionnaires were mindful of the possibility of their being in at least one of the listed circumstances sometime in the future.

8. FINES IN THE FUTURE

This research looked at two important areas with respect to fines; payment patterns and refinement of fine setting. With respect to fine payment it was found that while the majority of fines were paid there were a group of fined offenders who disappeared without paying their fines and a further group who were generally speaking no strangers to offending or prison who served time in custody in lieu of payment. In the second area it was found that the attitudes of citizens towards levels of fines varied according to various characteristics but that there was support for consideration of the particular circumstances of an offending incident when the quantum of a fine was to be determined.

While the methodological weaknesses of the fine setting part of this research do not allow definitive comment, there is support for the notion of a Magistrate always considering a standard list of characteristics of an offence before setting a fine for an offender. Most Magistrates do of course consider the offence event in detail, but what a standard list would provide is a guarantee that in all cases characteristics seen as important by the community are always considered. Such a checklist for speeding could include details of the driver's experience, the condition of his vehicle and environmental aspects of the speeding event. At the moment, a number of factors including legal representation for the driver, the elaboration that the police give or are permitted by the Court to give, and the pressure of other court business can affect whether this standard information is considered by a Magistrate. And not always considering all relevant facts helps to produce discontent within the community about inconsistent fines, with an associated disillusion about the justice system.

The above two general findings together indicate that fines have a utility within the criminal justice system but there is most certainly a need to monitor the use of fines to ensure that the sanction remains potent. In addition that monitoring process would supply an invaluable basis for policy-making in this area. The fact that current decision making is often not grounded in any real substantial fact was shown earlier in this report to be virtually a universal problem.

And during the life of this research the Victorian Government has made major decisions in this area without any substantial basis. The Penalties and Sentences (Amendment) Act 1983 increases fines by up to ten times for some offences. They include vagrancy where it seems reasonable to assume some impecuniousness on the part of the offender, yet fines for that were raised from \$1000 to \$10,000!! And maximum fines for theft, indecent assault and assault were increased from \$5000 to \$10,000. Nichols (1980) has shown, that Magistrates have a marked reluctance to use maximum fines anyway, and Harper (1982) in commenting on the English Magistrates' Association "Suggestions for Traffic Offence Penalties" -- a list not a tariff -- points out that:

(b)roadly speaking, the 'suggested penalty' for the majority of road traffic offences represents about 10 percent of the statutory maximum and seldom exceeds 25 percent.

True these two sources both relate to road traffic offences but the data presented in this research indicates a similar tendency for fines for criminal offences. The above increases in Victorian fines relate to such offences but on what basis did the Government believe that Magistrates would be more likely to use these fines than short-term prison sentences? And what basis did the Minister have for saying when introducing this legislation in Parliament that:

A substantial fine may more closely reflect the view of the community that financial detriment is more appropriate than deprivation of liberty for some lesser offences.

It is hard not to be very cynical about the legislative fine setting exercise when one considers the comments of Crowther (1980) who wrote to eight Members of the British Parliament following the setting of increased fines asking them "what the reasoning was behind them". All five who replied:

said that they had not realised that such heavy penalties had been included in the Regulations and they appeared to be as astonished as I (Crowther) was.

The Victorian Government hoped that the above legislation would help decrease the prison population and reduce the number of offenders appearing before Higher Courts. It is possible that these higher fines might cause some Magistrates to stop sending to prison those for whom they had earlier thought a fine was insufficient. But if none of the persons who committed a particular offence had actually gone to prison for it in the last couple of years maybe the fine and the way Magistrates had been using it were appropriate. On the other hand increasing the fine may have the reverse effect of sending additional people to prison simply because they are unable to pay five or ten times the previous going fine for the offence. The introduction of legislation with no firm basis is not a particularly rare event, but as fines are so much the backbone of our Magistrates Court system in Victoria, their manipulation deserves to be based upon a good deal more than well-meant rumination.

However research in an attempt to advise Government about prudent avenues to maximise the opportunities provided by fines is not an easy task. Morgan and Bowles (1983) have found that all the collected

material dealing with fines over the last few years has indicated that "the research and policy questions are more complex" than they envisaged when they criticised the lack of research in 1981.

In their later work Morgan and Bowles (1983) observed the operation of two English Magistrates Courts and indicated how the fining practices in each of them is related to their respective enforcement practices. There is, they say, a symbiotic relationship between the sentencers and the enforcers the latter being the Clerks of Court on whose shoulders falls the responsibility of ensuring fine payment. Emerging from this study, and other documentation, is the patently punitive nature of the fine in English Magistrates Courts. Consider the following passage from *The Magistrate* (1980) at page 59:

A fine has no point unless it hurts. The figure fixed should be as high as the defendant can afford while allowing him to meet his essential obligations. A fine takes priority over all other obligations save bed and board and the maintenance of dependants ...

That writer goes on to say that loans and other debts for "inessentials" are irrelevant to the Court and the offender should renegotiate or defer them until the fine is paid. "Where a man has a motor car the court may fix a time within which it is reasonable to expect him to realise its value", even though it is acknowledged the court has no power to order him to sell it.

Hopefully this grim commentary is no longer the popular view of fines held by English Magistrates, although the notion that the "fine should hurt" is probably still current there as it appears to be in Victoria. That the fine is not a punishment if it is not paid is a truism but its corollary is that if fine enforcement is not diligently pursued the utility of the fine is weakened. Morgan and Bowles (1983)

indicate the "blurred boundary between sentencing and enforcement", and Horsman (1981) suggests that one measure of the efficiency of, and public confidence in, a court is the court's attitude towards the prompt payment of monetary penalties. A Court with a slack fine enforcement policy according to Horsman leads to "the impression ... that an offender's punishment need only be accepted on his own terms".

This mitigation of the penal effects of fines by generous terms of payment is developed by Magistrate Dicks in a letter to the Editor of "The Magistrate" (1980). According to him:

'Regular customers' are fully aware and extract to the full the free credit facilities which are afforded by time to pay ... A fine which was carefully considered to have the right penal effect is often whittled down to a mere extraneous item on the weekly budget.

But time to pay is a valuable and vital mechanism for allowing those with restricted incomes or assets to meet the requirement of a fine. The above suggests a level of manipulation on the part of some offenders, and it is certainly true in the Victorian context that a fine can be eked out over a long period with the goodwill of a Clerk of Courts. No one would suggest that an indigent person should not be given time to pay but the real question is how does such a person find themselves in the position of having to pay a fine they cannot afford if the sentencing Magistrate had considered their economic situation when setting the fine? One answer is that somehow their circumstances have changed, in which case a re-assessment of the fine seems wise -- but more of this later.

An immediate response to handling the problem of manipulation is to demand payment of (at least part of) the fine at the time that sentence is announced. Most other Court dispositions result in an immediate

impact on the offender. Bonds and probation orders need to be instantly signed and those sentenced to custody are immediately taken away. Even adjournments have some impact to the extent that the offender leaves the Court in the knowledge that further offending on his part within some period of time will cause his current offence to be recalled. Currently, and invariably, the fined offender leaves court with another bill to pay sometime in the future. There is a strong argument for immediate payment to emphasise the punitive nature of the fine. Those attending Court indubitably have some inkling as to the outcome of their case -- they should be prepared to pay their penalty after the case has been decided.

For its part the Court should engage in a public education programme to indicate that fines are expected to be paid instantly. They should allow the use of Bankcard or other credit cards if that is more convenient to the offender. They should make telephones freely available to allow offenders to arrange for family or friends to bring money to the Court if they have omitted to bring enough themselves. The immediate payment would emphasise the offender's guilt, restrict manipulation of fine-payment possibilities and considerably reduce the hours of manpower currently spent by Clerks of Court in processing documentation for non- or slow-payers.

It should be noted that the immediate payment scheme just suggested does not always require payment of the full amount if the sentencing Magistrate is satisfied that special circumstances exist. So the problem of fine defaulters may well still exist. Morgan and Bowles (1983) suggest that a high priority for the Court is the quick identification of likely fine defaulters. And various writers have indicated the sorts of people who fall into this category. Horsman

(1981) describes the majority of fine defaulters as being "either muddlers who need a prod or some help to organise their affairs, or dodgers who will do all they can to avoid having to part with their money". And Probation Officer Watson suggests in a letter to the "Justice of the Peace" (1981) that in his experience those offenders least likely to pay are those "least able to pay" and those "whose fines and repayments are so large as to permit no light at the end of the tunnel". These rough descriptions may apply to fined offenders serving default periods in Victorian prisons but research is necessary to establish why those prisoners are there. This is necessary not only because of the potential but unintended damaging effects of imprisonment but because administrative processing of fine defaulters who are usually in prison for only a short time constitutes an added strain on the prison bureaucracy and because a defaulter's arrival in the prison system calls into question the "wisdom and terms of the original sentence" (Morgan 1977). Plainly there is nothing that can be done with fined offenders who wish to go to prison on a "matter of principle", but attempts should be made to divert others.

In a small internal Departmental study of eleven fine defaulters in Pentridge Prison on 10 May 1983, inability to pay was the prime reason for ten of those offenders being there, the eleventh being confused and obviously a little psychologically disoriented. All these prisoners had prior court appearances (ranging from 1 to 20) and seven had been in prison before, three of them for fine default only. Only two were employed and their average fine was \$1300 in default an average of 66 days.

These facts are in accord with the data in Section 6 and indicate again that those who currently discharge their fines by a period in

custody are not unknown to the Justice system. It could be argued that it was inappropriate of a Court to have imposed a fine on an offender in particular light of his lack of employment and previous record. But this would be a hasty proposition to make in the absence of data about the fine payment practice of all offenders with previous records and no employment. And such data is simply not available at present.

Nevertheless there is a good chance that unemployed offenders with previous offending histories are a greater risk. Softley (1978) indicates that default was higher for those: with prior criminal history, with no employment, not living with a spouse or parents, aged over (rather than under) 31 years, and having been required to pay a larger fine. Overall Softley states:

... the number of previous convictions was a better predictor of default (and non-payment) than the offender's financial circumstances at the time of conviction. (p19)

And he had found that payment of the fine was completed by only 54 per cent of those with three or more prior convictions compared with 89 per cent for those with no priors.

It would seem very harsh advice to suggest that those offenders with prior convictions should not be considered suitable persons to be fined by Courts, since there is always the chance that such a person will really make an effort to pay the fine and keep out of prison. A cynic might argue that fining an "active" offender might simply encourage him to commit further offences in order to pay his fine, but, particularly if he is in employment, that would seem unlikely. Softley indicates that employment is related to likelihood of payment in that three quarters of the fined offenders who answered his questionnaire had paid

their fine from their current income, reducing spending on essentials like shoes, clothing, and food in order to do so.

An investigation of an offender's means therefore seems to be a most appropriate consideration when there is a likelihood of a fine imposing an unreasonable strain on an offender (and his family). In England the Courts conduct a means enquiry for offenders in default of fines but before any prison sentence becomes effective and this seems a most appropriate time at which to make a full enquiry. The nature of the English enquiry is indicated by the form that defaulters complete for the court, a copy of which appears as Appendix V in the Howe Report. It covers the offender's earnings, benefits, assets and weekly expenditure, although one English Magistrate argues that more than these bald facts are needed. In a letter to "The Magistrate" in 1976 Vincent states:

To my mind it is more important to discover how much the defaulter actually spends on non-essential items; this will give a direct measure of the money he has available to pay off his fine.

Softley (1983) reports a modest observation study of actual means enquiries conducted in seven English courts from which followed three main findings. First, means enquiries as conducted in those Courts were "sometimes incomplete". Second, some defaulters appeared to be unable to afford terms of payment fixed at those enquiries. And third, some who simply seemed unable to pay had default prison terms imposed.

Plainly establishing the means of a defaulter is a delicate task but one which should be carefully engaged in before a fine defaulter is sent to prison. This is particularly important where an offender's situation has changed since the fine was set by, for instance, his losing his job. Indeed a possible result of the means enquiry should be a reduction of the original fine to take into account any changed circumstance. Such

an enquiry in conjunction with the use of instalments to pay the fine, would seem to be a very sound course of action for Victorian courts dealing with a 'sincere' fine defaulter.

Thus a Magistrate might convert an outstanding fine of say, \$100, to \$5 a fortnight for the next 40 weeks for an offender with restricted means. Indeed it might even be a good idea for an offender to be given a "payment card" on which required dates of payment were marked and which the offender would keep and have updated on each visit to the Clerk of Courts' office or his local Post Office or Bank if these could be incorporated into a fine receipt role. This would only be required in a relatively small number of cases - although arguably, as economic circumstances worsen, that number might grow. But it might also lessen the Clerk of Courts' work in the long run by saving the preparation of warrants or otherwise following up unpaid fines which may constitute unreachable financial targets or simply be overlooked.

The many issues relating to fine setting and fine payment that have been discussed in this research do need thoughtful consideration. Fines should be realistically set and procedures should be implemented to ensure their payment, in most cases immediately after guilt is established by the Court. But there are associated issues that have not been dealt with in this research. Consider for instance the relative priority of payment of financial orders, that is, fines, compensation orders and costs. At a time when victims are receiving deserved attention at last should not they be compensated before the State receives its fine? (See Wasik, 1981) A flexible and imaginative approach to all these issues will ensure that fines remain a valuable and viable component of the Victorian criminal justice system.

APPENDIX

Table 1
Average Fines By Offence Group and Court

Offence Group	Court										Total
	A	B	C	D	E	F	G	H	J		
Offences Against The Person	160.78 (83)	176.25 (80)	127.92 (24)	20.00 (1)	42.50 (2)	163.57 (35)	186.11 (18)	100.00 (5)	137.19 (57)	157.43 (305)	
Offences Against Property	135.01 (292)	108.22 (277)	102.56 (78)	38.00 (5)	65.42 (12)	114.86 (71)	161.76 (17)	62.29 (7)	106.35 (327)	114.63 (1086)	
Offences Against Good Order	90.13 (115)	63.65 (78)	56.17 (81)	25.00 (8)	27.00 (5)	70.92 (87)	84.17 (24)	41.52 (23)	82.37 (137)	74.00 (598)	
By-Law Offences	110.67 (52)	51.52 (92)	73.75 (24)	55.00 (12)	31.67 (3)	103.61 (38)	129.29 (14)	250.00 (1)	50.14 (71)	73.54 (307)	
Traffic											
Non-Moving Offences	68.95 (110)	71.94 (67)	50.76 (133)	78.46 (13)	71.31 (16)	54.30 (143)	53.10 (42)	59.81 (27)	53.15 (248)	57.70 (799)	
Moving Offences	81.66 (237)	79.89 (245)	60.37 (145)	41.43 (7)	43.33 (9)	75.35 (155)	70.93 (59)	65.00 (45)	73.06 (286)	74.11 (1188)	
Offences Against Regulations	46.23 (231)	50.72 (153)	38.78 (144)	29.43 (35)	32.00 (15)	46.75 (167)	42.04 (127)	39.49 (68)	45.58 (236)	44.32 (1176)	
Speeding Offences	70.37 (150)	70.36 (111)	72.41 (176)	70.27 (73)	60.45 (22)	65.51 (207)	72.92 (472)	62.74 (123)	71.83 (197)	70.16 (1531)	
Licence Offences	240.89 (101)	232.12 (76)	221.76 (68)	50.00 (1)	194.29 (7)	220.45 (66)	186.61 (28)	58.57 (7)	233.44 (122)	225.05 (476)	
Alcohol Related Offences	291.76 (136)	302.99 (183)	262.36 (132)	250.00 (3)	173.67 (15)	270.91 (121)	294.60 (50)	368.00 (12)	277.58 (138)	282.72 (790)	
Total	119.37 (1547)	122.49 (1362)	100.43 (1005)	59.11 (158)	79.30 (106)	102.87 (1090)	89.38 (851)	68.90 (318)	100.72 (1819)	104.59 (8256)	

Table 2
Offence Group : Offences Against The Person

Offence	Court										Total
	A	B	C	D	E	F	G	H	J		
Unlawful assault on police	134.09 (11)	125.00 (6)	-	-	45.00 (1)	140.00 (5)	150.00 (2)	50.00 (1)	-	-	127.69 (26)
Assault police by kicking	300.00 (1)	-	-	-	-	500.00 (1)	-	-	100.00 (1)	-	300.00 (3)
Assault police other weapons	250.00 (1)	-	-	-	-	-	-	-	-	-	250.00 (1)
Grievous bodily harm to police	800.00 (1)	-	-	-	-	-	-	-	-	-	800.00 (1)
Unlawful assault	207.50 (20)	160.95 (21)	110.00 (5)	-	40.00 (1)	66.67 (3)	200.00 (3)	125.00 (2)	137.81 (16)	-	160.21 (71)
Assault by kicking	250.00 (1)	325.00 (2)	162.50 (4)	-	-	-	-	-	300.00 (2)	-	238.89 (9)
Assault with other weapons	150.00 (5)	200.00 (1)	200.00 (2)	-	-	-	-	100.00 (2)	185.00 (6)	-	166.25 (16)
Grievous bodily harm	275.00 (2)	416.67 (3)	125.00 (4)	-	-	-	400.00 (1)	-	167.00 (10)	-	218.50 (20)
Assault in company	-	-	100.00 (2)	-	-	-	-	-	90.00 (2)	-	95.00 (4)

con'td

Table 2

Offence Group : Offences Against The Person - con'td

Offence	Court										Total				
	A	B	C	D	E	F	G	H	J	J					
Armed with an offensive weapon	-	-	-	-	-	-	100.00 (1)	-	-	-	-	100.00 (1)	-	-	100.00 (1)
Armed with felonious intent	300.00 (1)	-	20.00 (1)	-	-	-	200.00 (2)	-	-	-	-	60.00 (1)	-	-	156.00 (5)
Indecent assault on female	-	83.33 (6)	-	-	-	300.00 (1)	-	-	-	-	-	-	-	-	114.29 (7)
Obscene exposure	300.00 (1)	275.00 (2)	-	-	-	-	-	-	-	-	-	81.67 (3)	-	-	182.50 (6)
Drugs (using)	91.67 (15)	136.67 (18)	50.00 (3)	-	-	100.00 (9)	137.50 (4)	-	-	-	-	75.00 (6)	-	-	107.00 (55)
Drugs (selling)	133.33 (3)	260.00 (5)	200.00 (1)	-	-	-	500.00 (1)	-	-	-	-	-	-	-	240.00 (10)
Drugs (possession)	116.43 (21)	191.25 (16)	200.00 (2)	20.00 (1)	-	195.31 (16)	125.00 (4)	-	-	-	-	120.00 (10)	-	-	153.57 (70)
TOTAL	160.78 (83)	176.25 (80)	127.92 (24)	20.00 (1)	42.50 (2)	163.57 (35)	186.11 (18)	100.00 (5)	100.00 (5)	137.19 (57)	137.19 (57)	157.43 (305)			157.43 (305)

Table 3
Offence Group : Offences Against Property

Offence	Court										Total
	A	B	C	D	E	F	G	H	J	J	
Burglary	235.71 (21)	255.00 (10)	200.00 (2)	-	-	187.50 (4)	200.00 (2)	-	-	202.08 (12)	225.00 (51)
Attempted burglary	-	-	-	-	-	-	-	-	-	100.00 (2)	100.00 (2)
Theft (unspecified)	112.25 (174)	86.36 (191)	85.36 (56)	-	46.67 (3)	92.26 (42)	107.14 (7)	-	-	100.24 (211)	97.55 (684)
Theft of car	483.33 (9)	287.50 (4)	-	-	250.00 (1)	200.00 (1)	-	-	-	90.00 (8)	290.00 (23)
Illegal use of car	100.00 (1)	-	-	-	-	-	-	-	-	-	100.00 (1)
Tampering with motor vehicle	50.00 (2)	48.00 (5)	-	-	-	-	-	-	-	64.29 (7)	56.43 (14)
Theft of motor cycle	-	200.00 (1)	-	-	-	-	-	-	-	90.00 (3)	117.50 (4)
Theft from SEC	-	-	150.00 (2)	-	-	-	-	-	-	72.50 (8)	88.00 (10)
Attempted theft	166.67 (3)	100.00 (4)	-	-	-	-	-	-	-	200.00 (2)	144.44 (9)
Handling stolen goods	268.75 (4)	300.00 (1)	-	-	50.00 (1)	300.00 (1)	-	-	-	55.00 (4)	176.82 (11)
Receiving	157.14 (7)	225.00 (4)	-	-	50.00 (5)	200.00 (3)	-	-	-	122.73 (11)	140.00 (30)
Unlawful possession	170.00 (5)	91.67 (3)	125.00 (2)	-	-	200.00 (4)	-	-	-	187.50 (4)	162.50 (18)

con'td

Table 3

Offence Group : Offences Against Property - con'td

Offence	Court										Total	
	A	B	C	D	E	F	G	H	J			
Credit by fraud	122.86 (7)	-	-	-	-	-	-	-	-	-	-	122.86 (7)
Forged cheques, bankcards, etc.	-	731.00 (1)	-	-	-	-	-	-	-	100.00 (3)	-	257.75 (4)
Deception	92.26 (42)	146.73 (26)	100.00 (1)	-	-	100.00 (4)	-	-	-	162.14 (14)	-	120.23 (87)
Unlawfully on premises	-	-	-	-	-	-	-	-	-	35.00 (5)	-	35.00 (5)
Trespass	175.00 (2)	200.00 (1)	50.00 (1)	-	-	125.00 (2)	-	75.00 (3)	-	86.43 (14)	-	99.35 (23)
Trespass with firearm on farm	-	-	-	40.00 (3)	-	40.00 (2)	-	30.00 (2)	-	-	-	37.14 (7)
Loiter with intent	-	50.00 (1)	-	-	-	-	100.00 (2)	-	-	200.00 (4)	-	150.00 (7)
Possession of explosives	-	-	-	-	-	-	-	-	-	100.00 (3)	-	100.00 (3)
Wilful damage	126.15 (13)	106.80 (25)	151.43 (14)	35.00 (2)	47.50 (2)	112.50 (8)	233.33 (6)	75.50 (2)	-	106.36 (11)	-	123.08 (83)
Illegal use of bicycle	-	-	-	-	-	-	-	-	-	35.00 (1)	-	35.00 (1)
Possess house- breaking instruments	70.00 (2)	-	-	-	-	-	-	-	-	-	-	70.00 (2)
TOTAL	135.01 (292)	108.22 (277)	102.56 (78)	38.00 (5)	65.42 (12)	114.86 (71)	161.76 (17)	62.29 (7)	106.35 (327)			114.63 (1086)

Table 4

Offence Group : Offences Against Good Order

Offence	Court											Total
	A	B	C	D	E	F	G	H	J	J		
Indecent language	53.24 (37)	53.68 (34)	54.29 (14)	-	-	70.23 (22)	65.00 (5)	49.00 (5)	74.62 (26)			60.21 (143)
Indecent behaviour	50.00 (1)	50.00 (2)	50.00 (1)	-	-	-	-	-	-	-	-	50.00 (4)
Offensive behaviour	56.82 (11)	62.73 (11)	50.00 (8)	40.00 (2)	25.00 (1)	78.13 (8)	64.44 (9)	-	66.67 (18)			62.13 (68)
Insulting words	40.00 (1)	-	50.00 (2)	-	30.00 (1)	69.17 (6)	-	-	50.00 (2)			57.08 (12)
Threatening words or behaviour	66.43 (7)	-	75.00 (2)	-	-	-	-	100.00 (1)	-			71.50 (10)
Disorderly behaviour	100.00 (1)	-	-	-	-	-	-	-	20.00 (1)			60.00 (2)
Obstruct police	125.00 (3)	-	-	-	-	-	-	-	-			125.00 (3)
Offensive weapon	-	-	100.00 (3)	-	-	-	-	-	133.33 (3)			116.67 (6)
Resist arrest	125.00 (15)	150.00 (2)	56.67 (6)	-	25.00 (2)	125.00 (6)	150.00 (6)	-	100.00 (10)			110.96 (47)
Undue noise	46.47 (17)	80.00 (1)	49.00 (10)	-	-	36.67 (9)	50.00 (1)	45.71 (7)	48.33 (18)			46.51 (63)
Discharge firearm without permission	100.00 (2)	-	20.00 (3)	10.00 (3)	-	-	-	15.00 (2)	-			32.00 (10)
Shoot & carry firearms on Sunday	-	-	15.00 (2)	-	-	17.50 (4)	-	-	20.00 (2)			17.50 (8)

con'td

Table 4

Offence Group : Offences Against Good Order - con'td

Offence	Court										Total	
	A	B	C	D	E	F	G	H	I	J		
Carry gun - under 18 years	50.00 (1)	-	20.00 (3)	-	-	-	-	-	-	32.50 (4)	-	30.00 (8)
Felon in possession of firearm	100.00 (1)	-	-	-	-	-	-	-	-	-	-	100.00 (1)
Carry firearms/discharge populous place	158.33 (6)	100.00 (3)	27.50 (4)	-	-	30.00 (2)	-	50.00 (1)	46.67 (3)	-	-	84.74 (19)
Drunk in charge of firearm	-	-	50.00 (2)	-	-	-	-	-	-	-	-	50.00 (2)
Drink liquor in vicinity of dance/drank & disorderly	35.00 (2)	36.67 (3)	25.00 (1)	-	-	17.50 (6)	-	20.00 (2)	22.50 (4)	-	-	24.44 (18)
Buy drink under age	-	-	20.00 (7)	-	-	-	-	-	-	-	-	20.00 (7)
Buy/sell liquor after hours	-	-	30.00 (1)	-	30.00 (1)	-	-	-	75.00 (1)	-	-	45.00 (3)
Drinking methylated spirits	-	-	-	-	-	50.00 (1)	-	-	-	-	-	50.00 (1)
False report/statement	125.00 (6)	60.00 (5)	70.00 (2)	-	-	75.00 (3)	32.50 (2)	-	100.00 (6)	-	-	86.67 (24)
Assume designation of police	50.00 (2)	-	-	-	-	50.00 (1)	-	-	-	-	-	50.00 (3)
Perjury	250.00 (1)	-	-	-	-	-	-	-	60.00 (1)	-	-	155.00 (2)
Aid & abet, accessory after the fact	175.00 (2)	-	52.50 (4)	30.00 (3)	-	-	-	-	-	-	-	72.22 (9)

Table 4

Offence Group : Offences Against Good Order - con'td

Offence	Court										Total
	A	B	C	D	E	F	G	H	J	J	
Escape legal custody	-	100.00 (1)	100.00 (1)	-	-	50.00 (1)	-	-	300.00 (1)	-	137.50 (4)
Loiter YTC	-	135.00 (2)	-	-	-	-	-	-	-	-	135.00 (2)
Bribery	55.00 (2)	200.00 (1)	-	-	-	-	-	-	100.00 (1)	-	102.50 (4)
Indecent Publications	300.00 (1)	-	200.00 (1)	-	-	400.00 (1)	-	-	50.00 (3)	-	175.00 (6)
Indecent objects	-	200.00 (1)	-	-	-	-	-	-	50.00 (2)	-	100.00 (3)
Prostitution	-	100.00 (1)	-	-	-	150.00 (1)	-	-	-	-	125.00 (2)
Gaming offences	124.44 (33)	35.45 (11)	500.00 (1)	-	-	74.64 (14)	-	-	131.90 (21)	-	110.06 (80)
Throw litter or missiles	116.67 (3)	-	85.00 (3)	-	-	150.00 (2)	100.00 (1)	50.00 (3)	158.57 (7)	-	119.21 (19)
Obstruct footpath	-	-	-	-	-	-	-	-	30.00 (3)	-	30.00 (3)
Walk on road instead of footpath	-	-	-	-	-	-	-	10.00 (2)	-	-	10.00 (2)
TOTAL	90.13 (155)	63.65 (78)	56.17 (81)	25.00 (8)	27.00 (5)	70.92 (87)	84.17 (24)	41.52 (23)	82.37 (137)	74.00 (598)	

Table 5

Offence Group : By-Law Offences

Offence	Court										Total
	A	B	C	D	E	F	G	H	J	J	
Firearm without certificate	143.75 (8)	56.67 (3)	42.50 (4)	20.00 (2)	35.00 (1)	41.43 (7)	50.00 (1)	-	-	41.58 (19)	59.89 (45)
Pistol without permit	200.00 (2)	-	-	-	-	175.00 (4)	200.00 (2)	-	-	60.00 (2)	162.00 (10)
Breach of city by-laws	40.00 (1)	70.53 (19)	-	-	-	-	-	-	-	40.00 (7)	61.48 (27)
Breach of Health Act	207.78 (9)	44.17 (24)	200.00 (2)	-	-	47.50 (4)	70.00 (1)	-	-	-	89.75 (40)
Licensing offence (unstamped eggs etc)	68.00 (10)	100.00 (1)	20.00 (1)	-	-	-	-	-	-	66.67 (3)	66.67 (15)
No motor trades licence	-	-	-	250.00 (1)	-	-	-	-	-	-	250.00 (1)
Allow dogs to wander	43.44 (16)	27.93 (29)	25.00 (1)	-	-	42.27 (11)	70.00 (1)	-	-	27.61 (23)	33.33 (81)
Unregistered dogs	40.00 (1)	13.33 (6)	-	-	-	-	-	-	-	6.67 (3)	14.00 (10)
Shooting/catching animals during closed season	-	50.00 (1)	-	-	-	-	-	-	-	-	50.00 (1)
Transport livestock without owners permission	-	-	-	-	-	-	30.00 (2)	-	-	-	30.00 (2)
Wandering cattle	-	-	30.00 (1)	-	-	-	-	-	-	-	30.00 (1)

Table 5

Offence Group : By-Law Offences - con'td

Offence	Court										Total
	A	B	C	D	E	F	G	H	J		
Fisheries and games offences	-	82.00 (5)	35.56 (9)	-	30.00 (1)	93.33 (6)	20.00 (3)	-	-	10.00 (1)	55.60 (25)
Breach bond	-	300.00 (2)	100.00 (2)	-	-	200.00 (1)	275.00 (4)	-	-	62.50 (2)	202.27 (11)
Breach probation	100.00 (1)	20.00 (1)	-	-	-	225.00 (2)	-	-	-	200.00 (1)	154.00 (5)
Breach bail	300.00 (1)	-	100.00 (1)	-	-	250.00 (1)	-	-	-	100.00 (1)	187.50 (4)
Fire during prohibited period	400.00 (1)	-	242.50 (2)	100.00 (1)	-	416.00 (2)	-	250.00 (1)	-	225.00 (2)	279.67 (9)
Fire on a Sunday	-	-	-	-	-	-	-	-	-	30.00 (1)	30.00 (1)
Summons to debtor non-attendance as witness	40.00 (2)	-	-	-	-	-	-	-	-	-	40.00 (2)
Fail to vote	-	-	-	-	-	-	-	-	-	10.00 (1)	10.00 (1)
Fail to have necessary equipment on boat	-	-	-	33.75 (8)	-	-	-	-	-	-	33.75 (8)
Post bill	-	-	-	-	-	-	-	-	-	50.00 (1)	50.00 (1)

con'td

Table 5

Offence Group : BY-Law Offences - con'td

Offence	Court										Total	
	A	B	C	D	E	F	G	H	J	J		
False and unauthorised advertisements	-	-	-	-	30.00 (1)	-	-	-	-	-	-	30.00 (1)
Cause chemist to dispense forged prescription.	-	-	-	-	-	-	-	-	100.00 (1)	-	-	100.00 (1)
Leave child for unreasonable time	-	-	-	-	-	-	-	-	200.00 (2)	-	-	200.00 (2)
Dispose firearm to under 18 years old	-	-	20.00 (1)	-	-	-	-	-	40.00 (1)	-	-	30.00 (2)
Fail to appear	-	100.00 (1)	-	-	-	-	-	-	-	-	-	100.00 (1)
TOTAL	110.67 (52)	51.52 (92)	73.75 (24)	55.00 (12)	31.67 (3)	103.61 (38)	129.29 (14)	250.00 (1)	50.14 (71)	-	-	73.54 (307)

Table 6

Offence Group : Non-Moving Offences

Offence	Court										Total
	A	B	C	D	E	F	G	H	J	J	
Unregistered motor vehicle	76.52 (42)	88.57 (28)	81.67 (36)	226.67 (3)	136.20 (5)	92.43 (35)	92.92 (12)	123.75 (8)	72.22 (54)	72.22 (54)	86.26 (223)
No third party insurance	70.32 (31)	83.68 (19)	43.70 (27)	40.00 (1)	50.00 (4)	51.61 (31)	48.89 (9)	50.00 (4)	76.82 (44)	76.82 (44)	63.59 (170)
Failure to forward notice of acquisition	65.00 (4)	30.00 (1)	37.57 (46)	36.67 (6)	36.00 (5)	37.72 (57)	34.67 (15)	36.67 (3)	43.33 (6)	43.33 (6)	38.17 (143)
Fail send prescribed fee & duty to MRB	-	-	36.00 (8)	-	-	-	-	-	39.98 (116)	39.98 (116)	39.73 (124)
Fail have registration label displayed	28.75 (8)	17.00 (5)	22.00 (5)	20.00 (2)	-	23.33 (3)	25.00 (2)	25.83 (6)	17.50 (8)	17.50 (8)	22.56 (39)
Fail report particulars of accident to police	86.67 (15)	46.25 (4)	46.67 (3)	-	-	56.67 (3)	-	-	70.29 (7)	70.29 (7)	71.47 (32)
Use vehicle when prohibited by notice	50.00 (1)	36.67 (3)	-	40.00 (1)	40.00 (1)	52.00 (5)	-	-	35.00 (4)	35.00 (4)	42.67 (15)
Give false statement to obtain 'L' plates	-	42.50 (4)	37.50 (2)	-	-	-	-	-	45.00 (2)	45.00 (2)	41.87 (8)
Failure to notify change of address	20.00 (1)	-	33.33 (3)	-	-	35.00 (2)	15.00 (1)	-	20.00 (1)	20.00 (1)	28.12 (8)
Unregistered trailer	30.00 (1)	-	-	-	-	30.00 (4)	30.00 (3)	-	-	-	30.00 (8)

con'td

Table 5

Offence Group : Non-Moving Offences - con'td

Offence	Court										Total	
	A	B	C	D	E	F	G	H	J			
Failure to exchange particulars	45.00 (4)	65.00 (2)	-	-	-	-	-	-	-	-	-	51.67 (6)
Fail to notify MRB of change of address or return registration plates	60.00 (1)	-	100.00 (1)	-	-	-	-	-	-	20.00 (4)	-	40.00 (6)
Remove roadworthy label	50.00 (1)	-	70.00 (1)	-	40.00 (1)	50.00 (1)	-	-	-	-	-	52.50 (4)
Fail to have correct name and address of owner displayed	-	-	-	-	-	-	-	25.00 (4)	-	-	-	25.00 (4)
Bicycle offences	10.00 (1)	-	20.00 (1)	-	-	20.00 (2)	-	30.00 (2)	-	20.00 (2)	-	21.25 (8)
Fail to send additional fee	-	40.00 (1)	-	-	-	-	-	-	-	-	-	40.00 (1)
TOTAL	58.95 (110)	71.94 (67)	50.76 (133)	78.46 (13)	71.31 (16)	54.30 (143)	53.10 (42)	59.81 (27)	53.15 (248)			57.70 (799)

Table 7
Offence Group : Moving Offences

Offence	Court										Total
	A	B	C	D	E	F	G	H	J		
Careless driving	202.35 (17)	208.44 (16)	272.00 (5)	-	-	268.75 (8)	225.00 (2)	-	-	192.78 (18)	215.23 (66)
Reckless driving	50.00 (1)	-	-	-	-	-	-	-	-	-	50.00 (1)
Careless driving; fail to keep left	119.43 (79)	119.57 (74)	65.98 (49)	-	58.75 (4)	144.69 (32)	153.00 (10)	106.15 (13)	109.03 (72)	109.03 (72)	111.53 (333)
Fail to give way	46.77 (47)	45.70 (57)	52.68 (41)	30.00 (1)	35.00 (1)	52.21 (34)	51.43 (7)	43.33 (3)	52.74 (42)	52.74 (42)	49.39 (233)
Fail to stop at stop sign	57.33 (15)	55.54 (28)	46.67 (9)	-	35.00 (1)	39.81 (26)	40.00 (1)	-	59.81 (54)	59.81 (54)	53.54 (134)
Fail to signal intention to diverge	27.83 (23)	29.00 (10)	31.25 (16)	32.00 (5)	15.00 (1)	22.00 (10)	25.00 (8)	24.29 (7)	35.43 (35)	35.43 (35)	29.87 (115)
Drive against auto- matic signal	56.82 (22)	53.42 (38)	53.64 (11)	-	-	38.42 (19)	36.67 (3)	-	51.18 (17)	51.18 (17)	50.73 (110)
Cross double lines	79.17 (6)	-	43.33 (3)	100.00 (1)	-	56.67 (6)	66.00 (15)	59.44 (9)	74.00 (5)	74.00 (5)	65.33 (45)
Unsafe overtaking	52.86 (7)	-	20.00 (1)	-	50.00 (1)	50.00 (2)	75.00 (1)	56.67 (9)	48.57 (7)	48.57 (7)	52.32 (28)
Reverse when unsafe to do so	20.00 (5)	18.00 (5)	23.33 (3)	-	-	40.00 (1)	50.00 (1)	-	20.00 (5)	20.00 (5)	22.50 (20)

con'td

Table 7

Offence Group : Moving Offences - con'td

Offence	Court										Total
	A	B	C	D	E	F	G	H	J		
Fail to obey police instructions	50.00 (1)	50.00 (1)	-	-	-	40.00 (4)	-	-	20.00 (1)		40.00 (7)
Fail to give way to vehicle already at intersection	-	52.86 (7)	-	-	-	-	-	-	-		52.86 (7)
Make illegal turn	-	40.00 (2)	-	-	-	20.00 (1)	-	-	42.50 (4)		38.57 (7)
Fail to indicate intention to turn or stop	32.50 (4)	-	50.00 (1)	-	-	-	30.00 (1)	-	-		35.00 (6)
Fail to stop safely at railway crossing	20.00 (1)	-	50.00 (1)	-	-	40.00 (1)	-	-	45.00 (2)		40.00 (5)
Drive too close to vehicle in front	-	-	-	-	-	-	50.00 (2)	50.00 (3)	-		50.00 (5)
Drive against constables' hand signals	-	-	-	-	-	-	-	-	40.00 (4)		40.00 (4)
Use microphone while vehicle in motion	-	-	-	-	-	-	35.00 (4)	-	-		35.00 (4)
Fail to give way to pedestrians	-	50.00 (1)	-	-	-	40.00 (1)	-	-	60.00 (1)		50.00 (3)
Unsafe turn into private drive	20.00 (1)	-	20.00 (1)	-	-	-	-	-	20.00 (1)		20.00 (3)

Table 7
Offence Group : Moving Offences - con'td

Offence	Court										Total
	A	B	C	D	E	F	G	H	J		
Incorrect use of indicator	10.00 (1)	-	-	-	-	-	25.00 (2)	-	-	-	20.00 (3)
Driving in public place	20.00 (1)	-	-	-	-	-	-	-	25.00 (2)	-	23.33 (3)
Go down one way street wrong way	-	50.00 (1)	35.00 (2)	-	-	35.00 (4)	40.00 (1)	-	41.11 (9)	-	39.41 (17)
Move laterally when unsafe	38.75 (4)	45.00 (2)	30.00 (1)	-	-	30.00 (1)	-	-	40.00 (1)	-	38.33 (9)
Fail to stop at crossing	80.00 (1)	-	-	-	-	60.00 (3)	-	50.00 (1)	40.00 (3)	-	53.75 (8)
Incorrect turn	50.00 (1)	50.00 (2)	-	-	-	-	-	-	-	-	50.00 (3)
Did not dip lights in built up area	-	-	50.00 (1)	-	-	20.00 (1)	20.00 (1)	-	35.00 (2)	-	32.00 (5)
Drove on footpath	-	-	-	-	-	30.00 (1)	-	-	40.00 (1)	-	35.00 (2)
Pass stationary tram	-	-	-	-	20.00 (1)	-	-	-	-	-	20.00 (1)
Fail to have clear view of traffic	-	30.00 (1)	-	-	-	-	-	-	-	-	30.00 (1)
TOTAL	81.66 (237)	79.89 (245)	60.37 (145)	41.43 (7)	43.33 (9)	75.35 (155)	70.93 (59)	65.00 (45)	73.06 (286)		74.11 (1188)

Table 8

Offence Group : Offences Against Regulations

Offence	Court										Total
	A	B	C	D	E	F	G	H	J		
Failing to display 'P' plates	40.00 (34)	33.08 (13)	28.28 (29)	27.00 (10)	17.50 (2)	39.06 (32)	39.72 (53)	43.57 (28)	43.82 (55)	38.67 (256)	
Display 'P' plates after 12 months	-	-	-	40.00 (1)	-	-	10.00 (1)	-	-	25.00 (2)	
Failing to comply with conditions of 'L' plates	66.29 (31)	48.00 (15)	38.17 (30)	30.00 (7)	46.25 (4)	70.38 (26)	56.87 (16)	57.50 (4)	65.91 (22)	56.35 (155)	
Giving false name and address	42.32 (28)	47.71 (35)	51.67 (6)	50.00 (1)	-	64.44 (9)	53.56 (9)	20.00 (1)	46.05 (21)	47.85 (110)	
Refuse to state name and address	-	-	50.00 (2)	-	25.00 (1)	45.00 (2)	-	-	40.00 (1)	42.50 (6)	
Fail to give name and address after accident	53.39 (28)	50.53 (19)	50.00 (5)	-	35.00 (2)	67.50 (6)	-	-	57.29 (14)	53.81 (74)	
Fail to stop after accident	46.00 (15)	54.55 (11)	140.00 (4)	-	-	73.33 (3)	-	-	48.00 (5)	60.79 (38)	
Not wearing seat belt	18.57 (7)	25.00 (2)	26.67 (12)	30.00 (1)	45.00 (2)	27.73 (22)	25.00 (4)	20.00 (3)	30.00 (13)	26.97 (66)	
Unroadworthy vehicle	41.82 (11)	44.00 (5)	52.00 (10)	50.00 (1)	35.00 (1)	37.27 (11)	37.50 (4)	50.00 (6)	46.92 (13)	44.44 (62)	
No headlights whilst driving	32.00 (10)	30.00 (5)	30.83 (12)	-	20.00 (1)	30.00 (8)	28.33 (6)	23.33 (3)	39.38 (16)	32.30 (61)	

con'td

Table 8

Offence Group : Offences Against Regulations - con'td

98

Offence	Court											Total
	A	B	C	D	E	F	G	H	I	J		
No number plates	20.00 (1)	22.50 (4)	21.67 (6)	20.00 (2)	-	30.00 (2)	20.00 (3)	20.00 (5)	36.67 (3)	23.46 (26)		
Child not properly restrained	-	50.00 (2)	25.00 (2)	-	-	30.00 (1)	-	-	23.75 (8)	28.46 (13)		
No brake lights	10.00 (1)	-	42.50 (4)	22.50 (2)	10.00 (1)	40.00 (1)	-	-	51.25 (4)	36.92 (13)		
Fail to render assistance (after accident)	75.00 (1)	145.00 (4)	-	-	-	-	-	-	100.00 (1)	125.83 (6)		
No rear vision mirrors	-	-	20.00 (1)	-	-	35.00 (2)	30.00 (2)	30.00 (1)	-	30.00 (6)		
No light on rear of trailer	30.00 (1)	-	-	20.00 (1)	-	30.00 (1)	-	-	-	26.67 (3)		
Driving without rear lights	-	-	-	-	-	30.00 (2)	30.00 (1)	27.50 (2)	-	29.00 (5)		
Offences concerning trailers	-	-	-	20.00 (2)	-	32.50 (4)	30.00 (1)	-	-	28.57 (7)		
Projecting load - unsafe to other drivers	-	-	-	-	-	40.00 (1)	50.00 (1)	40.00 (2)	100.00 (1)	54.00 (5)		
leave vehicle unattended with keys in it	-	-	-	-	-	30.00 (1)	20.00 (1)	20.00 (2)	40.00 (1)	26.00 (5)		

con'td

Table 8

Offence Group : Offences Against Regulations - con'td

Offence	Court										Total		
	A	B	C	D	E	F	G	H	J				
Carry uncertified person in tow truck	-	-	-	-	-	-	-	-	82.50 (4)	-	-	-	82.50 (4)
Fail to have pre-scribed lights fitted	-	20.00 (1)	-	-	-	-	40.00 (1)	-	45.00 (2)	-	-	-	37.50 (4)
Fail to have affixed a safety connection	50.00 (1)	-	-	-	-	30.00 (1)	30.00 (1)	-	-	-	-	-	36.67 (3)
No lights on motor cycle	30.00 (1)	30.00 (1)	30.00 (1)	15.00 (1)	-	30.00 (1)	30.00 (1)	-	-	-	-	-	27.50 (6)
'P' permit holder driving motor cycle exceeding 260cc	-	80.00 (1)	-	30.00 (1)	-	50.00 (1)	58.33 (3)	-	-	-	-	-	55.83 (6)
Other motor cycle offences	123.33 (3)	138.75 (8)	50.00 (1)	50.00 (1)	-	76.00 (5)	-	125.00 (2)	-	-	-	-	110.50 (20)
Carry pillion passenger - not licensed to do so	42.00 (10)	40.00 (1)	50.00 (6)	30.00 (1)	-	63.89 (9)	102.50 (4)	60.00 (1)	28.33 (6)	-	-	-	52.76 (38)
Fail to wear helmet	28.00 (5)	20.00 (3)	30.00 (1)	30.00 (1)	-	40.00 (3)	25.00 (2)	30.00 (1)	25.88 (17)	-	-	-	27.27 (33)
Drive unauthorized vehicle	-	-	-	-	-	-	-	-	80.00 (1)	-	-	-	80.00 (1)
Fail to sign licence	-	15.00 (2)	-	-	-	2.00 (1)	-	-	10.00 (1)	-	-	-	10.50 (4)

con'td

Table 8

Offence Group : Offences Against Regulations - con'td

Offence	Court										Total
	A	B	C	D	E	F	G	H	J		
Fail to produce licence	45.33 (15)	32.50 (4)	-	-	-	40.00 (1)	30.40 (5)	23.33 (3)	40.50 (10)		38.87 (38)
Break conditions of conditional licence	-	-	-	-	-	-	20.00 (1)	-	105.00 (2)		76.67 (3)
Make false statement to obtain licence	-	200.00 (1)	20.00 (1)	-	-	-	75.00 (1)	-	200.00 (1)		123.75 (4)
No number plate lights	-	-	20.00 (1)	-	-	-	-	-	-		20.00 (1)
Miscellaneous	41.43 (28)	30.62 (16)	37.00 (10)	40.00 (2)	10.00 (1)	41.36 (11)	30.00 (6)	17.50 (4)	38.36 (14)		36.43 (92)
TOTAL	46.23 (231)	50.72 (153)	38.78 (144)	29.43 (35)	32.00 (15)	46.75 (167)	42.04 (127)	39.49 (68)	45.58 (236)		44.32 (1176)

Table 9

Offence Group : Speeding Offences

Offence	Court										Total
	A	B	C	D	E	F	G	H	J		
Exceed 60 kph in built-up area	68.18 (119)	61.69 (77)	69.90 (144)	-	47.50 (2)	63.84 (112)	62.70 (61)	35.83 (12)	69.85 (163)	66.40 (690)	
Exceed 100 kph	86.67 (3)	90.00 (6)	68.00 (10)	68.67 (45)	57.14 (14)	74.69 (32)	76.70 (226)	61.35 (26)	72.50 (8)	73.70 (370)	
Exceed 80 kph whilst carrying load	100.00 (1)	-	-	-	-	59.17 (6)	57.50 (4)	70.00 (2)	75.00 (1)	64.29 (14)	
Exceed 80 kph on 'p' plates	55.00 (4)	50.00 (3)	61.43 (7)	57.37 (19)	66.67 (3)	74.29 (7)	77.43 (74)	77.33 (15)	133.33 (3)	73.33 (135)	
Exceed 75 kph	54.29 (14)	50.00 (1)	75.00 (4)	100.00 (1)	-	65.76 (33)	67.11 (19)	47.50 (12)	63.53 (17)	62.43 (101)	
Dangerous or excessive speed through intersection	142.86 (7)	131.54 (13)	145.00 (6)	175.00 (2)	100.00 (1)	43.33 (3)	200.00 (1)	-	145.00 (4)	133.51 (37)	
Exceed 70 kph	50.00 (1)	55.45 (11)	-	-	60.00 (1)	60.00 (1)	-	-	-	55.71 (14)	
Exceed 50 kph whilst carrying load	50.00 (1)	-	80.00 (5)	83.33 (6)	75.00 (1)	60.38 (13)	66.95 (87)	68.25 (56)	50.00 (1)	67.69 (170)	
TOTAL	70.37 (150)	70.36 (111)	72.41 (176)	70.27 (73)	60.45 (22)	65.51 (207)	72.92 (472)	62.74 (123)	71.83 (197)	70.16 (1531)	

Table 10

Offence Group : Licence Offences

Offence	Court										Total
	A	B	C	D	E	F	G	H	J		
Unlicensed driving	218.60 (86)	208.92 (65)	197.86 (56)	50.00 (1)	142.00 (5)	216.13 (62)	159.29 (21)	66.67 (6)	219.60 (99)		207.24 (401)
Driving during licence suspension	386.92 (13)	395.67 (9)	427.78 (9)	-	325.00 (2)	600.00 (1)	437.50 (4)	-	331.05 (19)		381.25 (57)
Permit an unlicensed driver to drive	250.00 (2)	250.00 (1)	50.00 (3)	-	-	250.00 (1)	43.33 (3)	-	112.50 (4)		123.57 (14)
Drive heavy vehicle licence not endorsed	-	250.00 (1)	-	-	-	150.00 (2)	-	10.00 (1)	-		140.00 (4)
TOTAL	240.89 (101)	232.12 (76)	221.76 (68)	50.00 (1)	194.29 (7)	220.45 (66)	186.61 (28)	58.57 (7)	233.44 (122)		225.05 (476)

Table 11

Offence Group : Alcohol Related Offences

Offence	Court										Total
	A	B	C	D	E	F	G	H	J		
Exceeding .05%	280.26 (115)	298.33 (170)	260.34 (124)	250.00 (3)	173.57 (14)	271.50 (120)	281.87 (48)	368.00 (12)	281.62 (121)	279.24 (727)	
Refuse breath test	313.64 (11)	233.33 (6)	293.75 (8)	-	175.00 (1)	-	-	-	213.00 (10)	264.03 (36)	
Drive under the influence	400.00 (10)	475.86 (7)	-	-	-	200.00 (1)	600.00 (2)	-	300.00 (7)	401.15 (27)	
TOTAL	291.76 (136)	302.99 (183)	262.36 (132)	250.00 (3)	173.67 (15)	270.91 (121)	294.60 (50)	368.00 (12)	277.58 (138)	282.72 (790)	

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