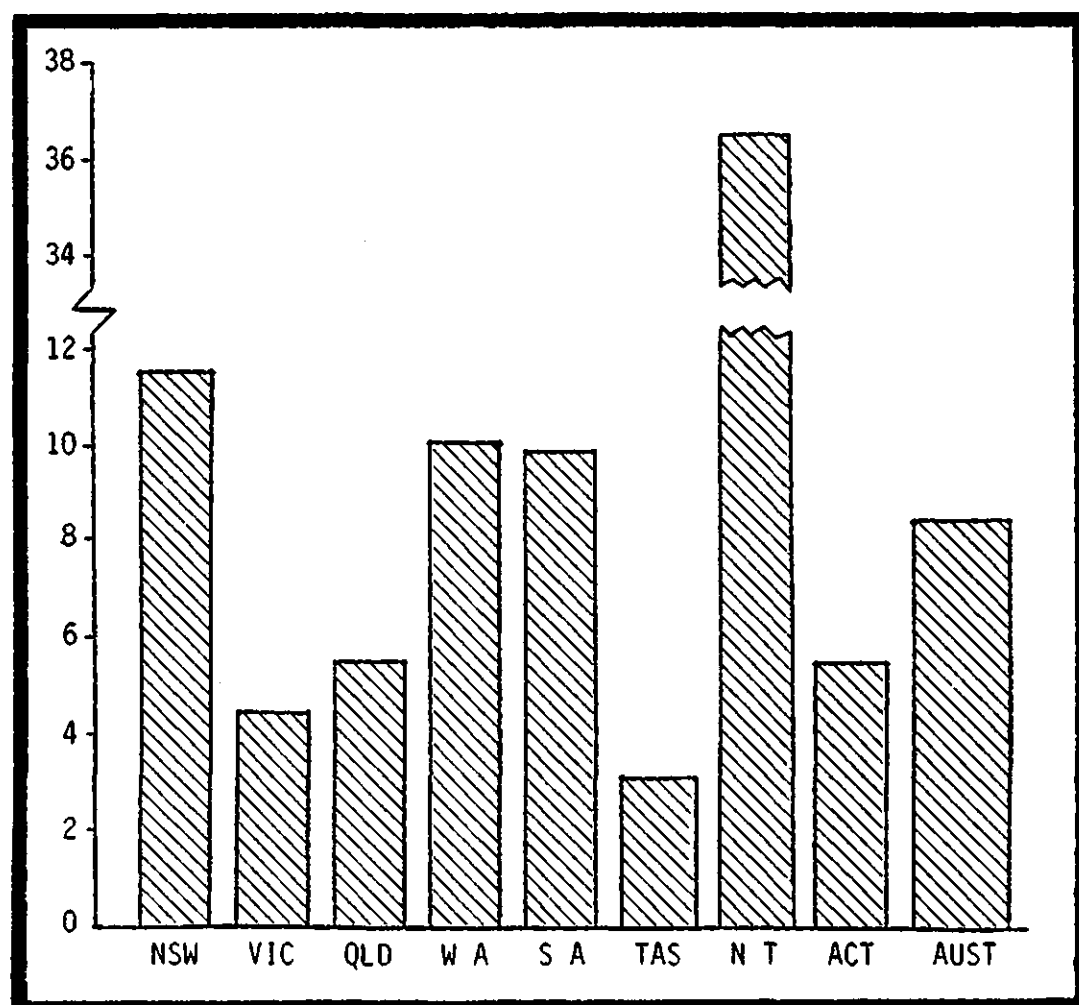


# UNCONVICTED PRISONERS IN AUSTRALIA:

A study of the structure of remand populations in eight jurisdictions

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A Study of the Structure of Remand Populations in Eight Jurisdictions

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SUMMARY

This study examines the wide differences between Australian jurisdictions in the use of remand in custody, with the Northern Territory, New South Wales, Western Australia and South Australia being shown to have remand rates which are consistently higher than the national average.

The results of the 1982 and 1983 national prison censuses are used to examine the characteristics of remandees and to analyse the structure of the remand populations in each jurisdiction in terms of the two relevant factors: intake and length of stay.

The results suggest that greater efforts are needed to reduce the average time spent in custody for remandees in New South Wales, Victoria and Western Australia, but the major problem seems to be high intake figures in South Australia and the Northern Territory. There may also be room to reduce the intake figures in New South Wales.

Queensland, Tasmania and the Australian Capital Territory, with their relatively low remand rates, do not seem to be in such urgent need of either legislative or administrative action as far as their use of remand in custody is concerned.

## INTRODUCTION

This study has been undertaken at the request of the Annual Conference of Ministers in Charge of Prisons, Probation and Parole. At the Ministers' Conference held in Hobart in 1983 all Ministers present indicated their desire to keep the number of unconvicted prisoners or remandees in their jurisdictions to a minimum. The Australian Institute of Criminology volunteered to undertake this study with a view to exploring the relative significance of different strategies that may be applied to reduce the size of remand populations.

In essence there are two basically different approaches that may be pursued to reduce the size of any institutional population. These strategies may be deduced from the indisputable fact that any institutional population is a function of the numbers of persons coming into the system and the average length of stay within the system. This may be expressed as follows:

$$\text{population} = \text{intake} \times \text{length of stay}$$

As far as remandees are concerned the intake is determined by the numerous decisions, taken largely by magistrates or police, in relation to bail. If bail is refused the accused person is remanded in custody and therefore becomes part of the remand population. The length of stay as a remandee is clearly determined by the relative efficiency of the prosecution and court systems in each jurisdiction. It is hypothesised that there will be differences between jurisdictions in the extent to which changes need to be made in either the intake process or the average length of stay on remand and that these differences will reflect different strategies being appropriate in different jurisdictions.

Nearly all of the data to be analysed in this study have been derived from the first two national censuses of prisoners conducted on 30 June 1982 and 30 June 1983. These censuses were conducted under the authority of the Ministers' Conference by the Australian Institute of Criminology in close cooperation with all Australian correctional agencies. The high level of cooperation that made these exercises possible is warmly acknowledged.

## THE CURRENT DATA

The fact that the eight Australian jurisdictions, six states and two territories, make widely different use of the penalty of imprisonment, as is shown by differences in imprisonment rates, is widely known and understood. There has been less attention given, however, to the very significant differences between jurisdictions in the use of remand in custody, and yet these differences are of even greater magnitude.

The most recently available data which reveal the extent to which prison administrations are responsible for unconvicted or remand prisoners are shown in Table 1 below.

Table 1: Remand Prisoners in Australia by Jurisdiction,  
1 January 1984

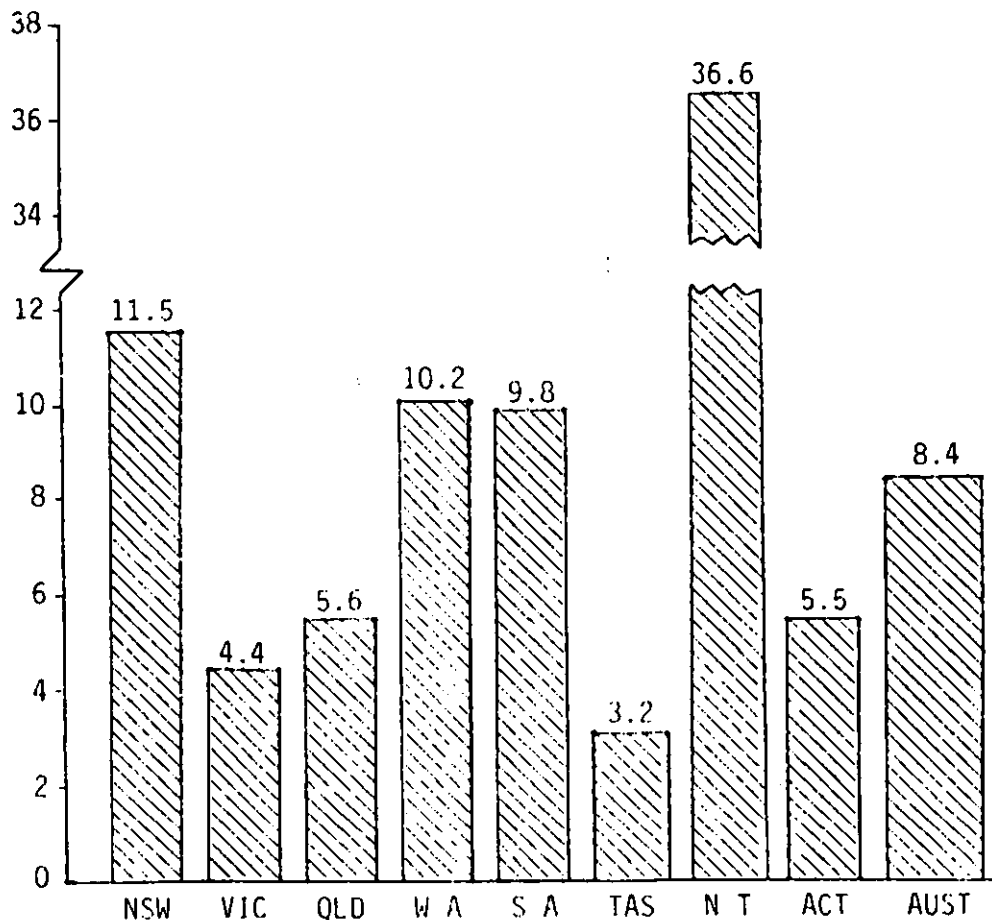
	<u>Total Prisoners</u>	<u>Prisoners on Remand</u>	<u>Percentage of Remandees</u>	<u>Remandees per 100,000 of General Population</u>
N.S.W.	3672	502	13.7	9.0
VIC.	1913	188	9.8	4.7
QLD	1715	99	5.8	4.0
W.A.	1363	115	8.4	8.6
S.A.	640	109	17.0	8.0
TAS.	239	16	6.7	3.7
N.T.	251	37	14.7	27.8
A.C.T.	55	10	18.2	4.2
AIUST.	9848	1076	10.9	6.9

From this table it can be seen that nationally on 1 January 1984 unconvicted prisoners comprised 10.9 percent of all persons in custody in gazetted prisons. (Persons held in police custody are not shown in these data.) The percentages for individual jurisdictions vary between 5.8 percent in Queensland to 18.2 percent for the Australian Capital Territory. As the percentages of remandees are influenced very greatly by the differences in overall imprisonment rates between jurisdictions a more reliable measure of the use of remand is the remand rate, which is defined as the number of remandees per 100,000 of the general population

in each jurisdiction. In Table 1 the national remand rate is shown as 6.9, while the highest jurisdiction is the Northern Territory with a rate of 27.8 and the lowest is Tasmania with a rate of 3.7. Thus, on that date the highest was over 7-1/2 times the lowest, a much greater difference than found with the percentages.

It may be unwise to place too much reliance on the figures applying to a single day, however, as the remand rates tend to fluctuate from time to time. This is particularly so in the smaller jurisdictions where the addition or subtraction of a relatively small number of remandees can make a big difference to the rate. To overcome this problem, average rates have been calculated for all jurisdictions for the first day of every month in 1983. The result of these calculations are shown graphically in Figure 1.

Figure 1: Average Remand Rates, Australia,  
January to December 1983



From this graph it can be seen that four jurisdictions have remand rates markedly lower than the national rate (Victoria, Queensland, Tasmania and the Australian Capital Territory) while three others (New South Wales, Western Australia and South Australia) fall into a cluster at a level noticeably above the national rate. (Information very recently received suggests that there may be some overcounting in the New South Wales remand figures, and therefore these must be interpreted cautiously.) Finally, the Northern Territory is shown to have a remand rate so much higher than all of the others that the relevant bar graph has been broken to fit it in. These differences in the use of remand are the primary focus of this study.



## LONG-TERM TRENDS

Since May 1976 the Australian Institute of Criminology has been collecting and publishing each month basic information about the number of prisoners in each of the Australian jurisdictions. This has been published under the title Australian Prison Trends. Since December 1977 this data series was expanded to include the numbers of unconvicted or remand prisoners in custody on the first day of each month. Thus, detailed data are available for a little over five years. Table 2 sets out the basic figures for this period of time.

Table 2: Number of Remandees, Australia, December 1977 to January 1984, as at First Day of Each Month

	<u>N.S.W.</u>	<u>VIC.</u>	<u>QLD</u>	<u>W.A.</u>	<u>S.A.</u>	<u>TAS.</u>	<u>N.T.</u>	<u>A.C.T.</u>	<u>AUST.</u>
<u>1977</u>									
Dec.	420	144	88	86	90	27	19	8	882
<u>1978</u>									
Jan.	302	149	81	85	103	23	30	11	784
Feb.	505	126	100	97	114	24	30	8	1004
Mar.	544	154	116	87	131	25	18	14	1089
Apr.	543	140	106	125	138	22	21	13	1108
May	436	110	105	129	138	16	38	14	986
June	547	136	93	96	137	20	39	7	1075
July	513	136	109	101	153	24	39	10	1085
Aug.	562	160	91	87	136	42	26	11	1115
Sept.	531	170	93	97	135	25	18	9	1078
Oct.	479	178	95	95	140	27	15	7	1036
Nov.	564	136	88	95	156	32	16	10	1097
Dec.	503	136	85	67	141	37	13	18	1000
<u>1979</u>									
Jan.	520	140	88	61	112	16	14	6	957
Feb.	607	148	106	95	158	12	22	14	1162
Mar.	587	127	116	139	127	31	23	8	1158
Apr.	561	166	116	162	140	22	20	9	1196
May	546	145	101	133	142	28	22	18	1135
June	462	131	101	127	144	26	35	12	1038
July	517	125	110	122	136	17	34	11	1072
Aug.	542	124	94	144	126	23	28	12	1093
Sept.	525	126	98	119	140	23	49	11	1091
Oct.	532	100	101	123	145	20	37	7	1065
Nov.	504	91	93	105	129	25	43	7	997
Dec.	441	62	90	79	132	19	46	6	875

	<u>N.S.W.</u>	<u>VIC.</u>	<u>QLD</u>	<u>W.A.</u>	<u>S.A.</u>	<u>TAS.</u>	<u>N.T.</u>	<u>A.C.T.</u>	<u>AUST.</u>
<u>1980</u>									
Jan.	510	156	95	67	119	23	33	5	1008
Feb.	533	168	110	68	111	21	28	6	1045
Mar.	564	149	131	93	108	22	26	7	1100
Apr.	503	115	109	75	135	20	42	7	1006
May	518	133	122	111	149	20	45	10	1108
June	468	95	119	70	144	24	43	14	977
July	497	86	98	82	144	19	41	12	979
Aug.	467	70	108	89	146	12	38	6	936
Sept.	477	66	101	104	155	16	32	5	956
Oct.	519	48	80	106	142	17	32	9	953
Nov.	408	51	81	100	148	15	24	3	830
Dec.	456	112	79	109	132	18	29	5	940
<u>1981</u>									
Jan.	441	111	89	90	106	7	28	7	879
Feb.	507	117	112	94	123	15	27	5	1000
Mar.	529	148	99	123	123	15	27	4	1068
Apr.	521	144	108	125	128	8	31	9	1074
May	518	153	118	122	125	12	32	10	1090
June	548	127	129	132	126	21	37	9	1129
July	545	110	116	122	109	22	42	7	1073
Aug.	528	129	109	95	122	20	39	8	1050
Sept.	529	120	118	95	120	17	32	6	1037
Oct.	546	108	118	100	129	17	44	6	1068
Nov.	505	117	136	112	143	12	47	6	1078
Dec.	540	132	139	91	146	14	41	10	1113
<u>1982</u>									
Jan.	545	121	110	95	131	8	40	5	1055
Feb.	649	151	119	114	142	15	56	6	1252
Mar.	601	154	118	136	112	15	48	7	1191
Apr.	619	150	120	116	164	20	50	10	1249
May	604	153	136	105	164	20	47	5	1234
June	635	138	131	102	139	17	32	7	1201
July	609	172	112	95	127	11	21	6	1153
Aug.	613	167	121	104	125	18	28	8	1184
Sept.	648	150	134	104	134	13	40	12	1235
Oct.	655	153	134	118	139	10	27	14	1250
Nov.	670	185	150	122	136	10	35	15	1323
Dec.	677	160	139	142	138	18	55	9	1338
<u>1983</u>									
Jan.	664	168	124	125	116	16	35	11	1259
Feb.	736	178	174	119	107	14	47	14	1389
Mar.	723	156	156	134	132	9	50	10	1370
Apr.	622	146	168	132	125	11	44	7	1255
May	617	167	160	146	132	12	49	14	1297
June	633	192	126	147	131	13	49	15	1306
July	640	182	125	111	125	18	34	18	1253
Aug.	649	174	104	146	127	13	40	22	1275
Sept.	617	171	112	138	131	14	46	11	1240
Oct.	643	199	147	142	144	21	49	11	1356

	<u>N.S.W.</u>	<u>VIC.</u>	<u>QLD</u>	<u>W.A.</u>	<u>S.A.</u>	<u>TAS.</u>	<u>N.T.</u>	<u>A.C.T.</u>	<u>AUST.</u>
<u>1983</u>									
Nov.	584	196	114	142	162	14	67	11	1290
Dec.	478	186	141	143	139	10	64	9	1170
<u>1984</u>									
Jan.	502	188	99	115	109	16	37	10	1076

From this table it can be seen that the number of remand prisoners in the whole of Australia has tended to remain at around 1000 with a low of 784 being recorded in January 1978 and a high of 1389 being recorded in February 1983. The overall pattern of figures in Table 2 reveals a tendency towards increasing numbers of remandees, but this is a fluctuating trend and seems to be no greater than the overall increase in population.

In order to take into account changes in the overall size of the population, and to facilitate comparisons between jurisdictions, it is necessary to convert the crude figures in Table 2 to rates per 100,000 of the general population. This has been done and the remand rates for each jurisdiction and for Australia as a whole over the same period of time are shown in Table 3.

Table 3: Remand Rates,\* Australia, December 1977 to January 1984, as at First Day of Each Month

	<u>N.S.W.</u>	<u>VIC.</u>	<u>QLD</u>	<u>W.A.</u>	<u>S.A.</u>	<u>TAS.</u>	<u>N.T.</u>	<u>A.C.T.</u>	<u>AUST.</u>
<u>1977</u>									
Dec.	8.4	3.8	4.1	7.1	7.0	6.6	17.6	3.8	6.2
<u>1978</u>									
Jan.	6.1	3.9	3.8	7.0	8.0	5.6	27.8	5.2	5.5
Feb.	10.1	3.3	4.7	8.0	8.9	5.8	27.8	3.8	7.1
Mar.	10.9	4.0	5.4	7.1	10.2	6.1	16.2	6.5	7.7
Apr.	10.9	3.7	4.9	10.3	10.7	5.3	18.9	6.1	7.8
May.	8.7	2.9	4.9	10.6	10.7	3.9	34.2	6.5	6.9
June	10.9	3.6	4.3	7.8	10.6	4.8	34.8	3.3	7.5
July	10.3	3.6	5.0	8.2	11.8	5.8	34.8	4.7	7.6
Aug.	11.2	4.2	4.2	7.1	10.5	10.1	23.2	5.1	7.8
Sept.	10.6	4.4	4.3	7.9	10.4	6.0	15.9	4.1	7.5
Oct.	9.5	4.6	4.4	7.7	10.8	6.5	13.3	3.2	7.2
Nov.	11.2	3.5	4.0	7.7	12.1	7.7	14.2	4.6	7.7
Dec.	10.0	3.5	3.9	5.4	10.9	8.9	11.4	8.2	7.0

	<u>N.S.W.</u>	<u>VIC.</u>	<u>QLD</u>	<u>W.A.</u>	<u>S.A.</u>	<u>TAS.</u>	<u>N.T.</u>	<u>A.C.T.</u>	<u>AUST.</u>
<u>1979</u>									
Jan.	10.3	3.6	4.0	4.9	8.6	3.8	12.5	2.7	6.7
Feb.	12.1	3.8	4.9	7.7	12.2	2.9	19.3	6.4	8.1
Mar.	11.6	3.3	5.3	11.2	9.8	7.5	20.0	3.6	8.1
Apr.	11.1	4.3	5.3	13.1	10.8	5.3	17.4	4.1	8.3
May.	10.8	3.8	4.6	10.7	11.0	6.7	19.1	8.1	7.9
June	9.1	3.4	4.6	10.2	11.1	6.2	29.9	5.4	7.2
July	10.2	3.2	5.0	9.8	10.5	4.1	29.1	4.9	7.4
Aug.	10.7	3.2	4.3	11.6	9.7	5.5	23.9	5.4	7.6
Sept.	10.3	3.3	4.5	9.5	10.8	5.5	41.9	4.9	7.5
Oct.	10.4	2.6	4.6	9.9	11.2	4.8	31.6	3.1	7.4
Nov.	9.9	2.4	4.2	8.4	10.0	6.0	36.8	3.1	6.9
Dec.	8.6	1.6	4.1	6.3	10.2	4.5	39.0	2.7	6.0
<u>1980</u>									
Jan.	10.0	4.0	4.3	5.3	9.2	5.5	28.0	2.2	6.9
Feb.	10.4	4.3	5.0	5.4	8.6	5.0	23.7	2.7	7.2
Mar.	11.0	3.8	5.9	7.4	8.3	5.3	22.0	3.1	7.6
Apr.	9.8	3.0	4.9	5.9	10.4	4.8	35.0	3.1	6.9
May.	10.1	3.4	5.5	8.8	11.5	4.8	37.5	4.4	7.6
June	9.1	2.4	5.4	5.5	11.1	5.7	35.5	6.1	6.7
July	9.7	2.2	4.4	6.5	11.1	4.5	33.9	5.2	6.7
Aug.	9.1	1.8	4.9	7.0	11.2	2.9	31.4	2.6	6.4
Sept.	9.2	1.7	4.5	8.2	11.9	3.8	26.4	2.1	6.5
Oct.	10.1	1.2	3.6	8.3	10.9	4.0	26.4	3.9	6.5
Nov.	7.9	1.3	3.6	7.8	11.3	3.5	19.8	1.3	5.7
Dec.	8.8	2.9	3.5	8.5	10.1	4.2	23.4	2.2	6.4
<u>1981</u>									
Jan.	8.5	2.8	3.9	7.0	8.1	1.6	22.6	3.1	6.0
Feb.	9.8	3.0	4.9	7.4	9.4	3.5	21.8	2.2	6.8
Mar.	10.2	3.8	4.3	9.6	9.4	3.5	21.6	1.7	7.2
Apr.	10.0	3.7	4.7	9.7	9.8	1.9	24.8	3.9	7.3
May.	10.0	3.9	5.2	9.5	9.6	2.8	25.6	4.3	7.4
June	10.5	3.2	5.6	10.2	9.7	4.9	28.9	3.9	7.6
July	10.4	2.8	5.0	9.5	8.4	5.1	32.8	3.0	7.2
Aug.	10.1	3.3	4.7	7.4	9.3	4.7	30.5	3.5	7.1
Sept.	10.1	3.0	5.1	7.3	9.2	4.0	24.6	2.6	7.0
Oct.	10.4	2.7	5.1	7.7	9.9	4.0	33.8	2.6	7.2
Nov.	9.6	3.0	5.9	8.7	10.9	2.8	36.2	2.6	7.2
Dec.	10.3	3.3	6.0	7.0	11.1	3.3	30.8	4.2	7.4
<u>1982</u>									
Jan.	10.4	3.1	4.7	7.3	10.0	1.9	30.1	2.1	7.1
Feb.	12.3	3.8	5.1	8.8	10.8	3.5	42.1	2.5	8.4
Mar.	11.4	3.9	5.0	10.4	8.5	3.5	35.6	2.9	7.9
Apr.	11.7	3.8	5.1	8.9	12.5	4.7	37.0	4.2	8.3
May	11.4	3.9	5.8	8.0	12.5	4.7	34.8	2.1	8.2
June	12.0	3.5	5.4	7.7	10.5	4.0	24.6	3.0	7.9
July	11.5	4.3	4.6	7.1	9.5	2.6	16.2	2.6	7.6
Aug.	11.6	4.2	5.0	7.8	9.4	4.2	21.5	3.5	7.8

	<u>N.S.W.</u>	<u>VIC.</u>	<u>QLD</u>	<u>W.A.</u>	<u>S.A.</u>	<u>TAS.</u>	<u>N.T.</u>	<u>A.C.T.</u>	<u>AUST.</u>
<u>1982</u>									
Sept.	12.2	3.8	5.6	7.8	10.1	3.0	29.0	5.0	8.2
Oct.	12.3	3.8	5.6	8.9	10.5	2.3	19.6	5.9	8.2
Nov.	12.6	4.6	6.2	9.2	10.3	2.3	25.4	6.3	8.7
Dec.	12.8	4.0	5.8	10.7	10.4	4.2	39.9	3.8	8.8
<u>1983</u>									
Jan.	12.4	4.2	5.1	9.4	8.7	3.7	27.1	4.8	8.3
Feb.	13.5	4.5	7.2	10.0	8.0	3.3	36.4	6.1	9.2
Mar.	13.2	3.9	6.4	10.0	9.9	2.1	38.8	4.3	9.0
Apr.	11.3	3.7	6.9	9.8	9.4	2.6	33.8	3.0	8.2
May.	11.2	4.2	6.6	10.9	9.9	2.8	37.7	6.0	8.4
June	11.5	4.8	5.2	10.9	9.8	3.0	37.7	6.5	8.5
July	11.6	4.6	5.1	8.2	9.3	4.2	26.0	7.8	8.1
Aug.	11.7	4.4	4.3	10.8	9.5	3.0	30.5	9.4	8.3
Sept.	11.1	4.3	4.6	10.2	9.8	3.3	35.1	4.7	8.0
Oct.	11.6	5.0	6.0	10.5	10.7	4.9	37.1	4.7	8.7
Nov.	10.5	4.9	4.6	10.6	11.9	3.2	50.8	4.7	8.3
Dec.	8.6	4.6	5.7	10.7	10.2	2.3	48.1	3.8	7.5
Average	11.5	4.4	5.6	10.2	9.8	3.2	36.6	5.5	8.4
<u>1984</u>									
Jan.	9.0	4.7	4.0	8.6	8.0	3.7	27.8	4.2	6.9

\* Remandees per 100,000 of the general population

This table reveals a fairly stable tendency for some jurisdictions to have consistently higher remand rates than others. The Northern Territory has always had the highest rate within the period under review, but New South Wales, Western Australia and South Australia are shown also to generally have remand rates which are higher than the national average. On the other hand, the rates for Victoria, Tasmania and Queensland have generally been lower than the national rate, as has the rate for the Australian Capital Territory. (It must be noted that in the Northern Territory and the Australian Capital Territory the relatively small underlying populations result in fairly dramatic changes in rates from fairly small increases or decreases in the numbers of remandees. The rates for these jurisdictions are therefore necessarily relatively unstable.)

Notwithstanding fluctuations that occur over time, it is apparent that overall the relative differences in remand rates are quite stable. Therefore, it has been established that there is a phenomenon worthy of more detailed examination and analysis.

## THE CHARACTERISTICS OF REMANDEES

Bearing in mind the two factors of intake and duration of remand outlined earlier, the most important characteristics of remandees that need to be analysed are the offences with which they are charged and the time served on remand at the date of each census. For Australia as a whole Tables 4 and 5 indicate these two factors in full detail.

Table 4: Number of Remandees by Time Already Served on Remand, Australia, 30 June 1982

	<u>Less than one month</u>	<u>1 to 3 months</u>	<u>3 to 6 months</u>	<u>6 to 9 months</u>	<u>9 to 12 months</u>	<u>Over 1 year</u>	<u>Total</u>
Homicide	22	33	20	19	6	6	106
Assaults	34	14	18	7	1	0	74
Sexual Offences	22	19	18	10	2	1	72
Other Ag. Person	7	1	0	1	0	1	10
Robbery	29	32	33	16	8	6	124
Extortion	3	0	2	1	0	0	6
Break & Enter	99	43	18	5	6	1	172
Fraud etc.	26	12	8	3	1	2	52
Receiving	6	5	2	0	0	0	13
Other Theft	59	19	9	3	0	0	90
Property Damage	10	5	3	2	0	0	20
Govt Security	10	0	0	0	0	0	10
Justice Procedure	6	5	2	1	0	0	14
Prostitution	0	1	0	0	0	0	1
Offensive Bhvr	1	0	0	0	0	0	1
Unlawf Poss Weapon	2	1	0	1	0	0	4
Other Good Order	3	2	1	0	0	0	6
Possess, Use Drugs	7	4	7	1	0	0	19
Trafficking Drugs	28	24	23	3	1	2	81
Manufacture Drugs	2	0	0	0	0	0	2
Driving Offences	10	3	0	0	0	0	13
Admin've Offences	2	1	0	0	0	0	3
Other Offences	3	2	1	0	0	0	6
Unknown	54	31	10	2	0	2	99
Total	445	257	175	75	25	21	998

From Table 4 it can be seen that the most common offence leading to remand in custody was breaking and entering followed by robbery and homicide. It can be also seen from this table that over 12 percent of the remandees had been held in custody for over six months at the time of the census. It is also apparent from this table that the more serious offences of homicide and robbery tend to be associated with lengthier remand periods.

Table 5: Number of Remandees by Time Already Served on Remand, Australia, 30 June 1983

	<u>Less than one month</u>	<u>1 to 3 months</u>	<u>3 to 6 months</u>	<u>6 to 9 months</u>	<u>9 to 12 months</u>	<u>Over 1 year</u>	<u>Total</u>
Homicide	28	30	26	12	6	7	109
Assaults	40	27	12	2	1	2	84
Sexual Offences	21	23	18	7	3	1	73
Other Ag. Person	6	6	1	3	2	0	18
Robbery	55	64	39	14	4	3	179
Extortion	2	2	0	0	0	1	5
Break & Enter	105	71	29	8	2	2	217
Fraud etc.	21	17	11	1	2	4	56
Receiving	8	6	1	0	0	0	15
Other Theft	44	25	4	2	0	0	75
Property Damage	5	5	5	1	0	0	16
Govt Security	7	1	0	0	0	0	8
Justice Procedure	12	4	3	2	0	0	21
Prostitution	1	0	0	0	0	0	1
Offensive Bhvr	4	0	1	0	0	0	5
Unlawf Poss Weapon	3	4	0	0	0	0	7
Other Good Order	4	1	2	0	0	0	7
Possess, Use Drugs	11	11	8	4	3	1	38
Trafficking Drugs	20	16	7	12	5	5	65
Manufacture Drugs	9	9	0	0	0	0	18
Driving Offences	7	1	0	0	0	1	9
Admin've Offences	2	2	0	0	0	0	4
Other Offences	9	5	1	0	1	2	18
Total*	424	330	168	68	29	29	1048

\* Details not known on 105 cases

A similar pattern emerges from the more recent data in Table 5, but here the number of remandees charged with breaking and entering is even higher, as are the numbers charged with robbery. From this table it can be seen that just under 12 percent of the group had served more than six months in custody at the time of the census.

A comparison between Tables 4 and 5 suggests that the higher total in 1983 may be the result of a general slowing down of the system. Whereas in 1982 the proportion of remandees who had been held for less than one month constituted 44.6 percent of the total, that proportion reduced to 39.9 in 1983. If that inference is valid it suggests that there is an urgent need for action to be taken to prevent accused persons languishing in custody for unnecessarily long periods.

There is also an interesting difference in the sub-groups of drug offenders in each of the two populations under study. There were overall more drug offenders in custody in 1983 (123 compared with 102 in 1982) but the difference is especially noticeable for those charged with the less serious offence of possession or use (which increased from 19 to 40 over this period). It is possible that this change in the structure of the drug offender group may reflect changes in policy in some jurisdictions.

(It must be pointed out that the data available from the national censuses cannot reveal the actual times spent in custody by persons on remand, but the time already spent at the time of each of the censuses is taken as an indication of the total time that will be spent in custody for each offence classification. This is obviously an approximation and therefore needs to be interpreted cautiously. This point also applies to the data relating to the individual jurisdictions which will be presented later.)

There are a number of other characteristics of remandees which are of general interest even though they do not relate to the central themes to be explored in this study. The first of these is the extent to which persons remanded in custody have had any prior experience with imprisonment (either on remand or under sentence). Basic information on this question is shown in Table 6 and from this table it can be seen that just over half of all remandees at 30 June 1982 had some prior experience of imprisonment and a similar proportion is found for the equivalent date in 1983, data for which are shown in Table 7.

It is interesting to note that there are some differences between jurisdictions revealed in these tables with Western Australia having relatively few remandees with prior prison experience in 1982 and still remaining below the national average in 1983. In the latter period, however, Victoria is also shown to have fewer than half of its remandees who had had prior prison experience.



Table 6: Prior Imprisonment of Remandees, Australian States and Territories, 30 June 1982

	Prior Imprisonment						Per cent with prior imprisonment
	Yes		No		Not known		
	Male	Female	Male	Female	Male	Female	
N.S.W.	221	8	193	21	15	0	50.0
VIC.	96	7	64	5	4	0	58.5
QLD	56	1	56	2	1	0	49.6
W.A.	30	0	62	5	0	0	30.9
S.A.	67	3	31	1	0	0	68.6
TAS.	13	4	0	0	0	0	100.0
N.T.	14	2	10	0	0	0	61.5
A.C.T.	2	3	0	0	0	0	100.0
AUST.	499	28	416	34	20	0	52.6

Table 7: Prior Imprisonment of Remandees, Australian States and Territories, 30 June 1983

	Prior Imprisonment						Per cent with prior imprisonment
	Yes		No		Not known		
	Male	Female	Male	Female	Male	Female	
N.S.W.	273	4	193	33	18	0	53.2
VIC.	73	2	85	5	1	0	45.2
QLD	84	4	66	7	0	0	54.7
W.A.	45	3	55	2	0	0	45.7
S.A.	62	2	48	2	5	0	53.8
TAS.	17	2	9	0	0	0	67.9
N.T.	24	1	10	0	2	1	65.8
A.C.T.	9	0	6	0	0	0	60.0
AUST.	587	18	472	49	26	1	52.5

A further characteristic of remandees which is potentially of great interest is their race, or more specifically their Aboriginality. The underlying question here is the extent to which, if any, aborigines and Torres Strait Islanders are more likely to be remanded in custody than other accused persons. The over-representation of Aborigines in all Australian prison systems that has been well and fully documented, but the test to be applied here is to determine whether there are relatively more Aboriginal remandees than there are Aboriginal sentenced prisoners in each jurisdiction. The relevant data for both 1982 and 1983 are shown in Table 8 and from this it can be seen that for Australia as a whole the Aboriginal proportion of the remand populations is less than the proportion for sentenced prisoners and therefore there is no consistent evidence to support the proposition that racial discrimination is relevant to the bail/remand decision-making process. However, it is slightly disturbing to note that in both South Australia and Victoria for both of the survey periods the trend is in the opposite direction. Even though the discrimination against Aborigines in the remand process appears to be no worse than in sentencing generally, it may be the case that the very high Aboriginal imprisonment rate is due in part to the fact that a high proportion of Aborigines come to trial from remand rather than bail.

Table 8: Percentage of Remandees and Sentenced Prisoners who are Aborigines or Torres Strait Islanders, Australian States and Territories, 30 June 1982 and 1983

	<u>1982</u>		<u>1983</u>	
	<u>Remandees</u>	<u>Sentenced Prisoners</u>	<u>Remandees</u>	<u>Sentenced Prisoners</u>
N.S.W.	5.7	5.9	6.5	6.3
VIC.	6.5	4.2	6.0	3.4
QLD	Not known	Not known	Not known	Not known
W.A.	16.5	33.9	20.0	35.9
S.A.	18.8	14.5	17.6	14.7
TAS.	0.0	2.3	3.6	4.4
N.T.	48.0	64.8	57.9	61.1
A.C.T.	0.0	-	0.0	-
AUST.	9.8	13.5	9.5	11.1

The final characteristic of remandees to be examined here relates to the prior address of the persons remanded in custody. It may be hypothesised that persons charged with offences whose address falls into any of the categories of interstate, overseas or no fixed address, would be more likely to be remanded in custody than those whose address is shown to be within the jurisdiction where the proceedings are taking place. Again, the appropriate way to test this hypothesis is to compare the proportion of remandees and sentenced prisoners who fall into those categories. The data are shown in Table 9 and from this table it can be seen that the hypothesis does gain some support. The proportion of remandees with prior address listed as interstate, overseas or no fixed abode is higher than the equivalent proportion of sentenced prisoners for both of the census dates. This finding is relatively consistent for all jurisdictions with the exception that the Northern Territory data for 1983 show a slight tendency in the opposite direction. None of the data in Table 9, however, should be used to find fault with the system as it is perfectly valid and reasonable for courts to take into account the location of the address of accused persons when making decisions in relation to bail applications.

Table 9: Percentage of Remandees and Sentenced Prisoners with Prior Address Listed as 'Interstate, Overseas or No Fixed Abode', Australian States and Territories, 30 June 1982 and 1983

	<u>1982</u>		<u>1983</u>	
	<u>Remandees</u>	<u>Sentenced Prisoners</u>	<u>Remandees</u>	<u>Sentenced Prisoners</u>
N.S.W.	17.0	11.3	12.7	11.6
VIC.	11.4	11.2	12.6	9.7
QLD	25.2	18.2	20.5	17.5
W.A.	Not known	Not known	Not known	Not known
S.A.	11.7	11.7	10.9	11.0
TAS.	5.9	7.2	14.2	2.8
N.T.	20.0	12.9	5.3	6.6
A.C.T.	60.0	-	6.7	-
AUST.	14.9	10.8	12.1	10.1

## NEW SOUTH WALES

Of the approximate 500-600 remandees in custody in New South Wales at any time the majority, over 60 percent, are held in the Metropolitan Remand Centre within the Long Bay complex and a further 13 or 14 percent are held in the Parramatta Gaol. Of female remandees, about 30 at any time are held at the Mulawa Training and Detention Centre. Small numbers of male remandees are also located in other parts of the Long Bay complex and in the regional prisons at Maitland, Bathurst, Goulburn, Grafton and Narrabri.

The details of the major offences charged (using broad categories only) and the time spent on remand for all New South Wales remandees as at 30 June 1982 and 30 June 1983 are given in Tables 10 and 11 below.

Table 10: Most Serious Offence Charged by Remand Period Served, New South Wales, 30 June 1982

Offence	<u>Time on Remand in Completed Months</u>						Total	Per cent
	<u>Less than one month</u>	<u>1 to 3 months</u>	<u>3 to 6 months</u>	<u>6 to 9 months</u>	<u>9 to 12 months</u>	<u>Over 1 year</u>		
Homicide	8	19	14	5	2	3	51	11.1
Assault	13	8	13	5	0	0	39	8.5
Rape etc.	7	9	12	3	0	1	32	7.0
Kidnap etc.	3	0	0	0	0	1	4	0.9
Robbery	12	23	23	12	8	5	83	18.1
Brk & Ent	32	19	9	3	5	1	69	15.1
Fraud etc.	12	4	5	3	1	2	27	5.9
Theft	31	17	6	2	0	0	56	12.2
Drugs	21	17	22	3	2	2	67	14.6
Other	12	9	5	4	0	0	30	6.6
<b>Total</b>	<b>151</b>	<b>125</b>	<b>109</b>	<b>40</b>	<b>18</b>	<b>15</b>	<b>458</b>	
<b>Per cent</b>	<b>33.0</b>	<b>27.3</b>	<b>23.8</b>	<b>8.7</b>	<b>3.9</b>	<b>3.2</b>		<b>100.0</b>

From Table 10 it can be seen that 15.8 percent of the remandees had been in custody for six months or more at the time of the 1982 census, but Table 11 shows that this proportion increased to 16.5 percent in the following year.

Table 11: Most Serious Offence Charged by Remand Period Served,  
New South Wales, 30 June 1983

Offence	Time on Remand in Completed Months						Total	Per cent
	Less than one month	1 to 3 months	3 to 6 months	6 to 9 months	9 to 12 months	Over 1 year		
Homicide	15	4	11	8	1	5	44	8.4
Assault	21	13	9	1	1	1	46	8.8
Rape etc.	7	11	9	7	1	0	35	6.7
Kidnap etc.	1	3	1	2	2	0	9	1.7
Robbery	25	28	29	11	1	3	97	18.6
Brk & Ent	45	32	13	3	2	1	96	18.4
Fraud etc.	9	12	5	1	2	4	33	6.3
Theft	31	16	4	1	0	0	52	10.0
Drugs	18	17	13	13	8	3	72	13.8
Other	21	12	0	2	1	1	37	7.1
Total	193	148	94	49	19	18	521	
Per cent	37.0	28.4	18.0	9.4	3.6	3.5		100.0

Also, it can be seen from these two tables that the proportion of offenders charged with violent offences is approximately 45 percent on both occasions.

New South Wales was the second state in Australia to pass legislation to control the bail and remand decisions that are taken by the police and the courts. The Bail Act, 1978 provides a presumption in favour of bail being granted and directs the courts to consider the probability of the accused answering bail. The Act also requires police officers to give written information to the accused in respect of his entitlement or eligibility to bail. Notwithstanding this carefully worded legislation the use of remand in custody in New South Wales is clearly greater than in most other jurisdictions and the data contained in Tables 10 and 11 suggest that the high remand rate results from a combination of high intake figures and relatively lengthy periods of remand associated with slow progress through the courts. Therefore, it seems that New South Wales has the double problem of high intake into remand and slow progress through remand and therefore a dual strategy is required if the remand figures are to be significantly reduced.

## VICTORIA

Nearly all of the 160 to 180 remandees in Victoria are held in Pentridge with only very small numbers being occasionally held in the country prisons at Geelong, Beechworth and Sale. As part of Fairlea, the only women's prison in Victoria, was destroyed by fire in February 1982 all female remandees were also held in Pentridge from the middle of that year. Within Pentridge, most remandees were located in D and F Divisions, associated with the notorious remand yards about which much has been written, but small numbers were also located in the prison hospital, the psychiatric division, an annexe to B Division used for women and in Jika Jika, the high security unit.

Details of offences charged and time spent on remand for all Victorian remandees as at 30 June 1982 and 30 June 1983 are given in Tables 12 and 13 below.

Table 12: Most Serious Offence Charged by Remand Period Served, Victoria, 30 June 1982

Offence	<u>Time on Remand in Completed Months</u>						Total	Per cent
	<u>Less than one month</u>	<u>1 to 3 months</u>	<u>3 to 6 months</u>	<u>6 to 9 months</u>	<u>9 to 12 months</u>	<u>Over 1 year</u>		
Homicide	5	9	3	12	4	2	35	19.9
Assault	4	2	4	2	1	0	13	7.4
Rape etc.	5	4	2	6	1	0	18	10.2
Kidnap etc.	2	0	0	0	0	0	2	1.1
Robbery	2	3	6	3	0	1	15	8.5
Brk & Ent	17	7	2	2	1	0	29	16.5
Fraud etc.	4	4	0	0	0	0	8	4.5
Theft	13	4	1	0	0	0	18	10.3
Drugs	7	9	7	0	0	0	23	13.1
Other	6	5	4	0	0	0	15	8.7
Total	65	47	29	25	7	3	176	
Per cent	36.9	26.7	16.5	14.2	4.0	1.8		100.0

Table 13: Most Serious Offence Charged by Remand Period Served, Victoria, 30 June 1983

Offence	Time on Remand in Completed Months						Total	Per cent
	Less than one month	1 to 3 months	3 to 6 months	6 to 9 months	9 to 12 months	Over 1 year		
Homicide	2	15	10	2	1	1	31	18.7
Assault	5	1	1	0	0	0	7	4.2
Rape etc.	6	2	3	0	0	0	11	6.6
Kidnap etc.	3	1	0	1	0	0	5	3.0
Robbery	6	20	4	1	2	0	33	19.9
Brk & Ent	11	14	4	1	0	0	30	18.1
Fraud etc.	3	1	1	0	0	0	5	3.0
Theft	5	2	1	0	0	0	8	4.8
Drugs	3	5	1	2	0	3	14	8.4
Other	4	8	7	1	0	2	22	13.3
Total	48	69	32	8	3	6	166	
Per cent	28.9	41.6	19.3	4.8	1.8	3.6		100.0

From these tables it can be seen that the proportion of remandees charged with offences of violence on both occasions are higher than the equivalent figures for New South Wales. In 1982, 47.1 percent of Victorian remandees fell into this category and in 1983 the proportion was 52.4 percent. These findings suggest more stringent intake procedures in Victoria than in New South Wales.

Compared with New South Wales, however, the average length of stay seems to have been greater in Victoria in 1982 with exactly 20 percent of the remandees being shown to have spent six months or more in custody. In 1983, however, this proportion had dropped to 10.2 percent. This decrease may be due to the appointment of a Director of Public Prosecutions during this period.

The Victorian Bail Act, 1977 was the first legislation of its type to be passed in Australia. The Act provides a general presumption in favour of bail, followed by specific exceptions when bail should not be granted and criteria to be considered before bail is granted. Bail may be granted by a police officer or by the courts. For persons charged with offences involving weapons, drug dealing or trafficking, or indictable offences while awaiting trial for another indictable offence, the courts may only grant bail after providing a statement of reasons for such an order. Persons charged with murder or treason may only be granted bail by

order of a Supreme Court judge. The Victorian Bail Act was amended in 1981 to make provision for the Attorney-General to appeal to the Supreme Court if he considers that the conditions of bail are inadequate.

This legislation has almost certainly been influential in keeping the Victorian remand rate at a low level, but as shown in separate research conducted in Victoria<sup>1</sup> the more important factor may be the disinclination of magistrates to order remand in custody in conditions that they perceive as unsatisfactory. This disinclination may well disappear when the planned new Melbourne remand centre is available for use. Victoria therefore faces something of a 'time bomb' problem as far as remand numbers are concerned.

The data shown in Tables 12 and 13 above, however, clearly indicate that the most appropriate strategy to follow in Victoria for the further reduction, or containment, of the remand numbers is to focus on reducing the remand period. The proportion of remandees held for lengthy periods seems to be reducing, however, and this trend is likely to continue following the passage of speedy trial legislation early in 1984.

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1. Biles, David, Remand in Victoria: A Review of the Nature and Size of Facilities Needed, Australian Institute of Criminology, Canberra, October 1982



## QUEENSLAND

At any time there are generally between 100 and 160 remandees in Queensland and approximately 75 per cent of these are held in the Brisbane prison, a relatively new complex which incorporates a separate remand section. The remaining remandees are held in the Townsville and Rockhampton prisons.

Details of offences charged and time spent on remand for all Queensland remandees as at 30 June 1982 and 30 June 1983 are given in Tables 14 and 15 below.

Table 14: Most Serious Offence Charged by Remand Period Served, Queensland, 30 June 1982

Offence	Time on Remand in Completed Months					Total	Per cent
	Less than one month	1 to 3 months	3 to 6 months	6 to 9 months	9 to 12 months		
Homicide	2	3	3	1	0	9	7.6
Assault	5	1	1	0	0	7	5.9
Rape etc.	1	5	3	1	1	11	9.3
Kidnap etc.	0	1	0	1	0	2	1.7
Robbery	3	4	3	1	0	11	9.3
Brk & Ent	7	15	7	0	0	29	24.6
Fraud etc.	1	3	3	0	0	7	5.9
Theft	6	3	3	1	0	13	11.0
Drugs	7	2	1	0	0	10	8.5
Other	11	5	0	0	0	16	13.6
Unknown	2	0	1	0	0	3	2.5
Total	45	42	25	5	1	118	
Per cent	38.1	35.6	21.2	4.2	0.8		100.0

Table 15: Most Serious Offence Charged by Remand Period Served, Queensland, 30 June 1983

Offence	Time on Remand in Completed Months						Total	Per cent
	Less than one month	1 to 3 months	3 to 6 months	6 to 9 months	9 to 12 months	Over 1 year		
Homicide	5	3	3	1	1	0	13	8.1
Assault	2	2	1	1	0	1	7	4.3
Rape etc.	4	2	5	0	2	0	13	8.1
Kidnap etc.	1	0	0	0	0	0	1	0.6
Robbery	19	9	6	1	0	0	35	21.7
Brk & Ent	21	9	8	3	0	1	42	26.1
Fraud etc.	3	1	4	0	0	0	8	5.0
Theft	6	1	0	1	0	0	8	5.0
Drugs	9	3	1	1	0	0	14	8.7
Other	17	2	1	0	0	0	20	12.4
Total	87	32	29	8	3	2	161	
Per cent	54.0	19.9	18.0	5.0	1.9	1.2		100.0

The first comment that must be made about these tables is that there has been a striking increase in the number of remandees in custody in the twelve months between the two surveys. It is possible, however, that there may have been some overcounting of remandees in the 1983 census as the Australian Prison Trends figure for 1 July 1983 (the day after the census) is only 125. Nevertheless, there seems to be a slight tendency for the remand statistics of Queensland to increase in recent years.

The proportions of Queensland remandees on both occasions charged with offences involving violence both seem to be lower than the equivalent proportions in New South Wales and Victoria and this suggests there may be some possibility of further reducing remand figures by more stringent application of intake procedures.

As far as time in custody is concerned, Queensland does not seem to have a very serious problem as only 5.0 percent in 1982 and 8.1 percent in 1983 of the remandees had been held for more than six months. These are relatively low proportions.

Like New South Wales and Victoria, Queensland has specific legislation covering bail, the Bail Act, 1980, which explicitly states:

Where a person held in custody on a charge of an offence of which he has not been convicted appears or is brought before a court ... the court shall, subject to this Act, grant bail to that person ...

Persons charged with treason, murder or offences relating to selling, supplying or procuring dangerous drugs may be only granted bail by the Supreme Court, but, notwithstanding this, if the person appearing on behalf of the Crown indicates to the court that in his opinion a drug offence can be dealt with by summary proceedings and the court accepts this, then any court can grant bail. Bail may be refused when the court considers there is an unacceptable risk that the accused would not appear for trial or that he would commit further offences.

The fact that Queensland has a relatively low remand rate and the fact that there are no particularly disturbing trends shown in Tables 14 and 15 suggest that the Queensland legislation seems to be working reasonably well. There are no urgent needs for reform here but vigilance will be necessary to ensure that the remand rate does not drift upwards in the future.

## WESTERN AUSTRALIA

With from 100 to 140 remandees at any time, Western Australia has a relatively high remand rate, similar to the rates of New South Wales and South Australia. Well over half of the remandees are held at the C.W. Campbell Remand Centre which is part of the new Metropolitan Prison complex at Canning Vale. Female remandees in the metropolitan area are held at the Bandyup Women's Prison and some male remandees may also be held at the old Fremantle Prison. Small numbers of remandees are also held in the regional prisons at Geraldton, Kalgoorlie, Broome, Barton's Mill and Wyndham.

Inadequacies in the data collection procedures for Western Australia has meant that the statistical information available on the structure of remand populations in that state is disappointingly incomplete. Such information as is available is shown in Tables 16 and 17 below and while these tables can provide some indication of the average length of time spent on remand they contain no information on the most serious offences which prompted the decision to remand in custody.

Table 16: Most Serious Offence Charged by Remand Period Served,  
Western Australia, 30 June 1982

<u>Offence</u>	<u>Time on Remand in Completed Months</u>					<u>Total</u>	<u>Per cent</u>
	<u>Less than one month</u>	<u>1 to 3 months</u>	<u>3 to 6 months</u>	<u>6 to 12 months</u>	<u>Over 1 year</u>		
Unknown	53	30	10	2	2	97	100.0
Total	53	30	10	2	2	97	
Per cent	54.6	30.9	10.3	2.1	2.1		100.0

Table 17: Most Serious Offence Charged by Remand Period Served, Western Australia, 30 June 1983

<u>Offence</u>	<u>Time on Remand in Completed Months</u>						<u>Total</u>	<u>Per cent</u>
	<u>Less than one month</u>	<u>1 to 3 months</u>	<u>3 to 6 months</u>	<u>6 to 9 months</u>	<u>9 to 12 months</u>	<u>Over 1 year</u>		
Unknown	41	38	26	0	0	0	105	100.0
<b>Total</b>	<b>41</b>	<b>38</b>	<b>26</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>105</b>	
<b>Per cent</b>	<b>39.0</b>	<b>36.2</b>	<b>24.8</b>					<b>100.0</b>

From such data as are available it can be seen that in 1982, 4.2 percent of Western Australian remandees had been in custody for six months or more at the census date, but, remarkably, none fell into this category in 1983.

Information on legislation covering bail procedures in Western Australia is not available at the time of writing this report, but the above average remand rate of Western Australia, coupled with the apparent relatively short remand periods leads to the clear conclusion that there is insufficient control over the intake procedures and if the remand rate is to be reduced in Western Australia attention must be focused on the bail/remand decision-making process.

## SOUTH AUSTRALIA

The number of remandees in South Australia seems to vary between 100 and 160 and approximately 75 per cent of these are held in the Adelaide Gaol, a very old institution near the city which is also used to house prisoners serving short sentences. Female remandees are held in the Women's Rehabilitation Centre which is also near the city of Adelaide. Small numbers of remandees may also be held at the Northfield Security Hospital and in the regional prisons at Port Augusta, Port Lincoln and Mount Gambier.

Tables 18 and 19 provide the basic data about the South Australian remand populations as at 30 June 1982 and 30 June 1983 and from these data it can be seen that from approximately 35 to 38 percent of the remandees had been charged with offences of violence (much lower proportions than found in New South Wales and Victoria), but that the number of persons charged with drug related offences had increased from one to 19 over this twelve-months period. It is possible that this dramatic change has resulted from the fact that Adelaide recently gained an international airport. However, the total number of sentenced drug offenders in South Australia has not increased over this period.

Table 18: Most Serious Offence Charged by Remand Period Served, South Australia, 30 June 1982

<u>Offence</u>	<u>Time on Remand in Completed Months</u>				<u>Total</u>	<u>Per cent</u>
	<u>Less than one month</u>	<u>1 to 3 months</u>	<u>3 to 6 months</u>	<u>6 to 9 months</u>		
Homicide	4	3	0	2	9	8.8
Assault	8	3	0	0	11	10.8
Rape etc.	5	3	0	0	8	7.8
Robbery	9	2	0	0	11	10.8
Brk & Ent	29	4	1	0	34	33.3
Fraud etc	6	1	0	0	7	6.9
Theft	9	0	0	0	9	8.8
Drugs	1	0	0	0	1	1.0
Other	8	3	0	1	12	11.9
<b>Total</b>	<b>79</b>	<b>19</b>	<b>1</b>	<b>3</b>	<b>102</b>	
<b>Per cent</b>	<b>77.5</b>	<b>18.6</b>	<b>1.0</b>	<b>2.9</b>		<b>100.0</b>

Table 19: Most Serious Offence Charged by Remand Period Served,  
South Australia, 30 June 1983

Offence	Time on Remand in Completed Months						Total	Per cent
	Less than one month	1 to 3 months	3 to 6 months	6 to 9 months	9 to 12 months	Over 1 year		
Homicide	3	2	0	0	3	1	9	7.6
Assault	5	8	0	0	0	0	13	10.9
Rape etc.	3	6	1	0	0	0	10	8.4
Kidnap etc.	1	2	0	0	0	0	3	2.5
Robbery	3	3	0	0	1	0	7	5.9
Brk & Ent	14	8	2	1	0	0	25	21.0
Fraud etc.	4	3	1	0	0	0	8	6.7
Theft	5	9	0	0	0	0	14	11.8
Drugs	9	10	0	0	0	0	19	16.0
Other	8	1	2	0	0	0	11	9.2
Total	55	52	6	1	4	1	119	
Per cent	46.2	43.7	5.0	0.8	3.4	0.8		100.0

For both years almost exactly one-third of South Australian remandees were charged with breaking and entering, a higher proportion than found elsewhere in Australia.

Time on remand in South Australia seems to be relatively short as Table 18 suggests that in 1982 only 2.9 percent of remandees had been in custody for six months or more and the equivalent figure for 1983 was still only 5.0 percent.

It is therefore clear that the relatively high remand rate in South Australia is brought about by high intake figures rather than slow court processing. This may possibly be due to the fact that there is no specific bail legislation in South Australia and the granting of bail is discretionary under the provisions of the Justices Act, 1921-76 and the Police Offences Act, 1953-74. If there were specific bail legislation in South Australia of the type described for the eastern States it is predicted that the number of property offenders remanded in custody would be significantly reduced.

## TASMANIA

The remand figures for Tasmania are necessarily small with between 10 and 30 persons being detained at any time, and the remand rate generally being low. Remandees in nearly all cases are held in the Risdon Prison near Hobart, with small numbers occasionally being held in the police cells in Launceston.

Charge and duration of remand details for 1982 and 1983 for Tasmania are shown in Tables 20 and 21 and from these tables it is of interest to note that none had been held for more than six months in 1982 and only two had been held for more than six months in 1983.

Like South Australia, Tasmania has no specific bail legislation, but in this case there seems to be no urgent need for reform as the remand rate has remained consistently low with neither the intake nor the time spent on remand seeming to require corrective action.

Table 20: Most Serious Offence Charged by Remand Period Served, Tasmania, 30 June 1982

<u>Offence</u>	<u>Time on Remand in Completed Months</u>			<u>Total</u>	<u>Per cent</u>
	<u>Less than one month</u>	<u>1 to 3 months</u>	<u>3 to 6 months</u>		
Assault	0	3	0	3	17.6
Rape etc.	1	1	0	2	11.8
Robbery	0	1	0	1	5.9
Brk & Ent	3	0	0	3	17.6
Fraud etc	1	1	0	2	11.8
Theft	2	0	1	3	17.6
Other	2	1	0	3	17.7
<b>Total</b>	<b>9</b>	<b>7</b>	<b>1</b>	<b>17</b>	
<b>Per cent</b>	<b>52.9</b>	<b>41.2</b>	<b>5.9</b>		<b>100.0</b>

Table 21: Most Serious Offence Charged by Remand Period Served,  
Tasmania, 30 June 1983

Offence	Time on Remand in Completed Months						Total	Per cent
	Less than one month	1 to 3 months	3 to 6 months	6 to 9 months	9 to 12 months	Over 1 year		
Homicide	1	1	1	1	0	0	4	14.3
Robbery	0	1	0	0	0	0	1	3.6
Brk & Ent	6	3	0	0	0	0	9	32.1
Theft	4	1	0	0	0	0	5	17.9
Drugs	0	1	0	0	0	0	1	3.6
Other	5	1	1	0	0	1	8	28.6
Total	16	8	2	1	0	1	28	
Per cent	57.1	28.6	7.1	3.6		3.6		100.0

(Advice has been received suggesting that the one case in the table above shown as having spent over one year on remand may have been a misclassification. It now seems that this person was under sentence for the greater part of this period but was a remandee, facing another charge, at the date of the census.)



## NORTHERN TERRITORY

As is the case with the use of imprisonment in general the Northern Territory is obviously quite different from the rest of Australia with its use of remand in custody. The Northern Territory remand rate at 1 January 1984 was 27.8 compared with a national rate of 6.9. Basic data from the two prison censuses relating to the Northern Territory are shown in Tables 22 and 23.

Table 22: Most Serious Offence Charged by Remand Period Served, Northern Territory, 30 June 1982

<u>Offence</u>	<u>Time on Remand in Completed Months</u>			<u>Total</u>	<u>Per cent</u>
	<u>Less than one month</u>	<u>1 to 3 months</u>	<u>1.5 to 2 years</u>		
Homicide	1	0	1	2	8.0
Assault	1	0	0	1	4.0
Kidnap etc.	2	0	0	2	8.0
Robbery	1	1	0	2	8.0
Brk & Ent	5	1	0	6	24.0
Fraud etc	1	0	0	1	4.0
Theft	2	0	0	2	8.0
Drugs	1	0	0	1	4.0
Other	6	0	0	6	24.0
Unknown	1	1	0	2	8.0
<b>Total</b>	<b>21</b>	<b>3</b>	<b>1</b>	<b>25</b>	
<b>Per cent</b>	<b>84.0</b>	<b>12.0</b>	<b>4.0</b>		<b>100.0</b>

Table 23: Most Serious Offence Charged by Remand Period Served, Northern Territory, 30 June 1983

<u>Offence</u>	<u>Time on Remand in Completed Months</u>						<u>Total</u>	<u>Per cent</u>
	<u>Less than one month</u>	<u>1 to 3 months</u>	<u>3 to 6 months</u>	<u>6 to 9 months</u>	<u>9 to 12 months</u>	<u>Over 1 year</u>		
Homicide	2	3	1	0	0	0	6	15.8
Assault	3	1	0	0	0	0	4	10.5
Rape etc.	1	2	0	0	0	1	4	10.5
Robbery	1	2	0	1	0	0	4	10.5
Brk & Ent	7	2	2	0	0	0	11	28.9
Fraud etc.	1	0	0	0	0	0	1	2.6
Theft	1	2	0	0	0	0	3	7.9
Drugs	1	0	0	0	0	0	1	2.6
Other	1	2	1	0	0	0	4	10.5
<b>Total</b>	<b>18</b>	<b>14</b>	<b>4</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>38</b>	
<b>Per cent</b>	<b>47.4</b>	<b>36.8</b>	<b>10.5</b>	<b>2.6</b>		<b>2.6</b>		<b>100.0</b>

From these tables it can be seen that only one remandee had been in custody for more than three months in 1982 and only two in 1983. The average period of remand in the Northern Territory is therefore relatively short and it follows that the extraordinarily high remand rate must be entirely explicable by the high intake figures.

Specific legislation covering bail in the Northern Territory was passed in 1982, but possibly of even greater significance is the fact that the Northern Territory has a crime rate which is very significantly higher than elsewhere in the country. Nevertheless, carefully framed bail legislation may have some impact on the Northern Territory remand rate.

## AUSTRALIAN CAPITAL TERRITORY

The only adult correctional institution in the Australian Capital Territory is the Belconnen Remand Centre which was designed to accommodate up to 18 male and female detainees, but which generally has a daily average of from five to ten. There have been occasions in the past year, however, when the population has temporarily been in excess of the accommodation available.

No detailed statistical tables will be presented for the Australian Capital Territory as at 30 June 1982 there were only five detainees, only one of whom had been in custody for more than three months, and one year later there were 15 remandees, again only one of whom had been in custody for more than three months. In this jurisdiction the figures are so small that any analysis in terms of intake and remand period would be meaningless.

With a staff of some 30 male and female officers, the Belconnen Remand Centre is prohibitively expensive and could not therefore be seen as a model for other jurisdictions. It is of considerable interest, however, as it was the first institution in Australia specifically designed for adult remandees and for which staff were specially selected and trained. Even though the institution is not without problems, it is different from other remand centres in that every effort is made to create a non-punitive atmosphere. Detainees are addressed by staff either as Mr, Mrs or Miss, or by using first names. Professional and private visits, and telephone calls, are facilitated virtually without restriction, and all detainees' rooms incorporate toilet facilities. Limited provision has been made for indoor and outdoor recreation, but there is a lack of suitable work opportunities for detainees. The building provides adequate security, but being fairly new it is also relatively attractive and comfortable.

## CONCLUSIONS

The data and analyses presented in this report clearly demonstrate that the remand populations in different Australian jurisdictions vary considerably in the extent to which they are influenced by a high intake or slow processing through the courts. In summary, the evidence suggests that greater efforts are needed to reduce the average time spent in custody for remandees in New South Wales, Victoria and Western Australia, but the major problem seems to be high intake figures in South Australia and the Northern Territory. There may also be room to reduce the intake figures in New South Wales. Queensland, Tasmania and the Australian Capital Territory, with their relatively low remand rates, do not seem to be in such urgent need on either legislation or administrative action as far as their use of remand in custody is concerned.

It has become apparent throughout the preparation of this report that there are some significant discrepancies between the data supplied to the Australian Institute of Criminology for publication in the monthly Australian Prison Trends and comprising the national prison census. As the suppliers of these data are the same agencies, it is suggested that greater efforts be made to ensure accuracy of this information. A possible explanation for these discrepancies is the fact that in the monthly returns the definition of remandees is 'unconvicted prisoner on remand', whereas in the national prison censuses remandees are defined as any prisoner in custody who is not under sentence, including those who have been convicted and not yet sentenced and also the very small numbers of cases of persons awaiting extradition or deportation. One would expect therefore that the monthly data would be marginally lower than the published figures in the annual censuses, but in some cases the differences are very much greater than would be accounted for by this explanation. One of the technical problems yet to be resolved is the fact that the New South Wales monthly figures include as remandees sentenced prisoners who are awaiting the outcome of appeals.