

# Chapter 4

## LAW AND ORDER

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## Chapter 4

# LAW AND ORDER

Tasmania's laws, legal system and institutions are derived from those of Britain. Indeed, for a time, English law directly applied to the colony and, by Federation in 1901, all Australian States had a legal system firmly based on the Common Law of England. With Federation, Tasmanians also became subject to Commonwealth laws enforced by administratively separate institutions.

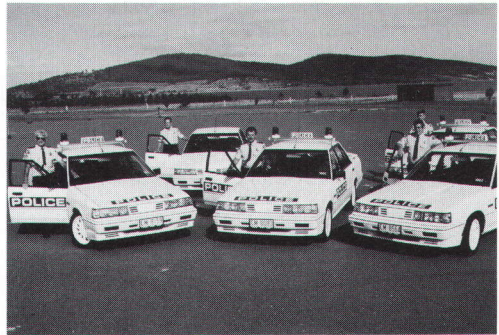
The legal system is based on the political and philosophical ideal called *the rule of law*. This means a person's relations with other people and the State are governed by law, not by force or arbitrary power. The Parliament enacts the law and officers who administer the law are responsible, through parliament, to the people.

Another principle of the rule of law is that no person should be deprived of his life, liberty or property except by fair trial in open court presided over by impartial judges. In law, all people are equal.

Australia has two sources of law, case law and legislation or statute law. Case law, also called common law, consists of rules resulting from the decisions of the courts. When a case comes before the courts, the judges generally apply the law as laid down or interpreted by earlier courts that decided similar cases.

The Commonwealth and State parliaments make Australia's laws within powers set out in the Constitution. Often legislation gives power to the Governor-General, Governor or a Minister to make rules of law. Such laws, called subordinate, or delegated, legislation are an important part of the law.

State, and Commonwealth, police are charged with enforcing the law. The police have broad



Tasmanian Police Nissan Skylines.  
Photo: Tasmanian Police Department

powers to investigate breaches of the law and to arrest people suspected of crimes. Usually, it is the police who institute criminal proceedings. Each State as well as the Commonwealth has its own police force.

When formal charges are laid, guilt or innocence is determined through trial in a court. In Tasmania, this is either the Supreme Court or, for less serious matters, a lower court, with each having jurisdiction in civil, as well as criminal, matters. In civil trials and in criminal matters in the lower courts the issue is generally determined by a magistrate. In the Supreme Court questions of guilt in criminal matters are decided by a jury.

Although the Tasmanian jury system is based on the English system it has, since 1934, embodied the principle of allowing majority decisions in certain circumstances instead of requiring the unanimous decisions once characteristic of juries in England. In criminal cases, a 10-2 decision is accepted in lieu of 12-nil after stipulated periods of deliberation. In the case of murder, 12-nil is necessary to convict, but 10-2 can bring in a verdict of not guilty, or not guilty of murder but guilty of a lesser crime.

Civil litigants may elect to have a seven-member jury and, if after three hours deliberation a seven-nil decision cannot be reached, a five-two decision is accepted. If the minimum five-two decision cannot be reached after four hours, the jury may be discharged.

At present, all people listed on the electoral roll below the age of 65 are liable for service as jurors. However, persons convicted of an offence, bound by a recognizance or subject to a work order or probation are disqualified from service.

Within limits prescribed in legislation, the presiding officer of the court imposes a sentence; imprisonment, a fine, probation, or a community service order. A term of imprisonment may be suspended on condition of good behaviour.

#### Crime Frequency, 1988-89

Property crimes	One offence every 17.4 mins.
Theft (excluding motor vehicle theft)	One offence every 33.8 mins.
Burglary (excl. motor vehicles)	One offence every 68.6 mins.
Fraud, forgery, and misappropriation	One offence every 353.5 mins.
Motor vehicle theft	One offence every 421.8 mins.

## 4.1 POLICE

Directed by a Police Commissioner answerable to the Minister of Police, the Police Department is composed of a force of 1074 officers (one per 420 persons) plus support personnel. It consists of four main branches; criminal investigation, traffic control, recruitment and training, and support services.

The duty of a police officer is to serve the community by protecting life and property, preserving the peace and detecting and apprehending offenders. There are few limits however to the variety of tasks police officers are called on to perform.

### 4.1.1 Criminal Investigation

Tasmania Police has Criminal Investigation Branches in their Divisional Headquarters at Hobart, Launceston and Burnie. The task of each branch is to detect and investigate crime and to offer the public advice on how to prevent crime.

Modern methods of criminal investigation help produce a high rate of reported crime being 'cleared-up'. In 1988-89 the clear-up rate of indictable criminal offences reported was 21.3 per cent.

#### Reported Serious Crime Per Head of Population

1980-81	1 crime per 3.86 persons
1985-86	1 crime per 4.85 persons
1986-87	1 crime per 4.78 persons
1987-88	1 crime per 4.28 persons
1988-89	1 crime per 4.66 persons

Uniform officers from police stations are often the first on the 'scene of a crime' and their reports are sent to the Divisional Criminal Investigation Branch (CIB) for specialist attention. Each crime report is examined by senior officers and allocated to a detective. Then can follow hours of telephone calls, general enquiries, in-

#### 4.1 OFFENCES RECORDED BY TASMANIA POLICE

Offences	1987-88	1988-89
Assault and like offences	1 216	1 455
Homicide and like offences	14	17
Crimes of indecency and like offences	126	92
Other offences against the person	21	22
Offences against property	26 296	30 167
Fraud and similar offences	1 695	1 487
Miscellaneous police offences	3 237	4 315
Licensing Act offences	2 717	3 145
Racing and Gaming Act offences	41	20
Traffic and road safety offences	66 074	52 903
Miscellaneous Acts and offences	3 445	3 161

interviews, examination of statements and forensic reports in an effort to track down offenders.

Specialist squads within the CIB investigate such matters as major crime, illicit drug activity, vice, gaming, fraud, corporate affairs, arson, breaking and stock theft.

#### 4.1.2 Traffic Control

The aim of traffic police is to keep traffic moving safely on Tasmanian roads. Detection of traffic offenders is the primary role, with parking offences, general road traffic management duties and attendance also important.

The Accident Investigation Squad attends all fatal and serious accidents where serious charges are likely to arise. It is the duty of the first police officer on the scene of an accident to ensure it remains undisturbed until the arrival of the Squad. It is also the duty of the officer to ensure all the drivers of the vehicles involved are given a breath analysis. The officer also has the task of ensuring next of kin are notified and of completing the initial Coroners Form. In 1988 there were 1457 road traffic accidents on Tasmanian roads that involved casualties.

#### *The Road Toll*

The number of people killed or injured on the roads in recent years has stabilized. The intervention of both blood-alcohol limit and compulsory seat-belt legislation is believed to have mitigated the toll, but alcohol, speed, pedestrian fault, failure to keep left and failure to give way remain as major contributors to the fatality rate.

### 4.2 THE ROAD TOLL, TASMANIA

<i>Period</i>	<i>Persons killed</i>	<i>Persons injured</i>	<i>Total</i>
1983	70	1 473	1 543
1984	84	2 015	2 099
1985	78	2 070	2 148
1986	91	2 060	2 151
1987	77	1 959	2 036
1988	75	1 925	2 000
1989	80	1 997	2 077

#### 4.1.3 Support Services

Tasmania Police is assisted by various support services which are administered and developed by the Management Services District which has six specific areas of operation:

Planning and Research Section; Search and Rescue Section; Transport Section; Communications (Technical) Section; Information Bureau; and Scientific Bureau. Of special assistance to Criminal Investigation and Traffic Branches is the Scientific Bureau.

In recent times, drug trafficking has spread throughout the world. Since 1984 specialised personnel highly qualified in their respective fields have worked closely together in the investigation of drug related crime. Their forensic duties are performed in co-operation with the Government Pathologist and Analyst.

#### 4.1.4 Crime Prevention

A vigilant, well informed public can take an active role in crime prevention. Making people responsible for their own safety and the security of their property is the aim of officers who work in the Crime Prevention Bureau of Tasmania Police.

With the objective of reducing preventable crime, advice is readily available to householders, businesses, government and other police officers. Many lectures and workshops are given every year to schools, service clubs and businesses. The Neighbourhood Watch Program is supported by police who attend neighbourhood meetings and provide information on local crime rates and help where needed. They also test the many anti-crime devices offered by commercial firms, such as locks and payroll protection.

#### *Police Staffing*

The basic requirements for entry to the police force are Australian or British citizenship, age and education and entrants must pass an exam and physical fitness test. The candidates are interviewed by a selection board and medically examined before a final selection of recruits is made. In 1988, 77 recruits were inducted into the force.

The training course for recruits is a 32 week fully residential course conducted at the Police Academy at Rokeby, near Hobart. There is a full study schedule of academic and practical subjects, and physical training and sport. Recruits get a chance to work in police stations, with community groups and to develop survival skills in the bush. The curriculum is based on the modern thematic modular approach to specific problem areas which face police officers. Legal

procedures, social and practical policing techniques of each area are taught at the same time.

## 4.2 COURTS

**Courts are tribunals set up to hear arguments to resolve allegations that offences have been committed and to resolve disputes. Where offences are proven the courts impose a penalty or penalties; where matters in dispute are decided the court can impose appropriate conditions of settlement.**

As in the other Australian States, Tasmanian courts derive from British traditions. Thus the basic hierarchy of courts is similar between States, except that in Tasmania there are no intermediate courts. The Higher courts are titled Supreme Courts and deal with matters of a major nature. Civil matters brought before the Supreme Court will usually be heard by a judge alone and in criminal cases by a judge and jury. It also hears appeals from lower courts at which the case will be heard by a single judge. Appeals from the Supreme Court will be heard by several judges, referred to as the Full Court of the Supreme Court or the Court of Criminal Appeal.

Lower courts in Tasmania are known as Courts of Petty Sessions or Magistrates Courts and deal with minor civil or criminal matters. Civil matters involving amounts of less than \$5000 are heard in Courts of Requests.

Cases involving children are heard by the Children's Courts and may involve either a criminal matter or an allegation under child or community welfare legislation relating to a child being in need of care, control or protection.

In addition, inquests concerning certain deaths or the cause of fires are held as required in Coroners Courts.

Although not strictly courts, there are also a number of tribunals set up under particular statutes to act as specialised courts. An example is the Wardens' Court constituted under the *Mining Act* 1929 to hear matters involving mining licences.

Tasmanians, like the residents of the other States, are subject to Commonwealth laws, for which there is a system of Commonwealth

Courts. The most prestigious is the High Court of Australia constituted by the Chief Justice and six other Justices to resolve inter-state disputes and disputes between the Commonwealth and the States. If there is sufficient business, the High Court may sit in Hobart.

With the passing of the *Family Law Act*, in 1975, the Family Court of Australia was established to deal with divorce and the custody of children. The sole ground for divorce became irretrievable break down of marriage.

### 4.2.1 Supreme Court

The Supreme Court of Tasmania is constituted by the Chief Justice and six puisne judges. Regular sittings of the court are held at Hobart, Launceston and Burnie, although the court is authorised to sit and act at any time and at any place in the exercise of the jurisdiction and business of the court.

The court has jurisdiction over all cases, both civil and criminal, except those reserved for other courts under the Australian Constitution. It also exercises federal jurisdiction in particular matters; for example all criminal matters (including those covered by the *Commonwealth Crimes Act*) are heard in State courts. Its civil jurisdiction extends to all cases of action, whatever the amount involved, and its criminal

#### The Supreme Court of Tasmania

##### Chief Justice

Sir Guy Green, appointed 1973.

##### Puisne Judges

The Hon. Mr Justice Francis Neasey, appointed 1963.

The Hon. Mr Justice Robert Nettlefold, appointed 1971.

The Hon. Mr Justice William Cox, appointed 1982.

The Hon. Mr Justice Peter Underwood, appointed 1984.

The Hon. Mr Justice Christopher Wright, appointed 1986.

The Hon. Mr Justice Ewan Crawford, appointed 1988.

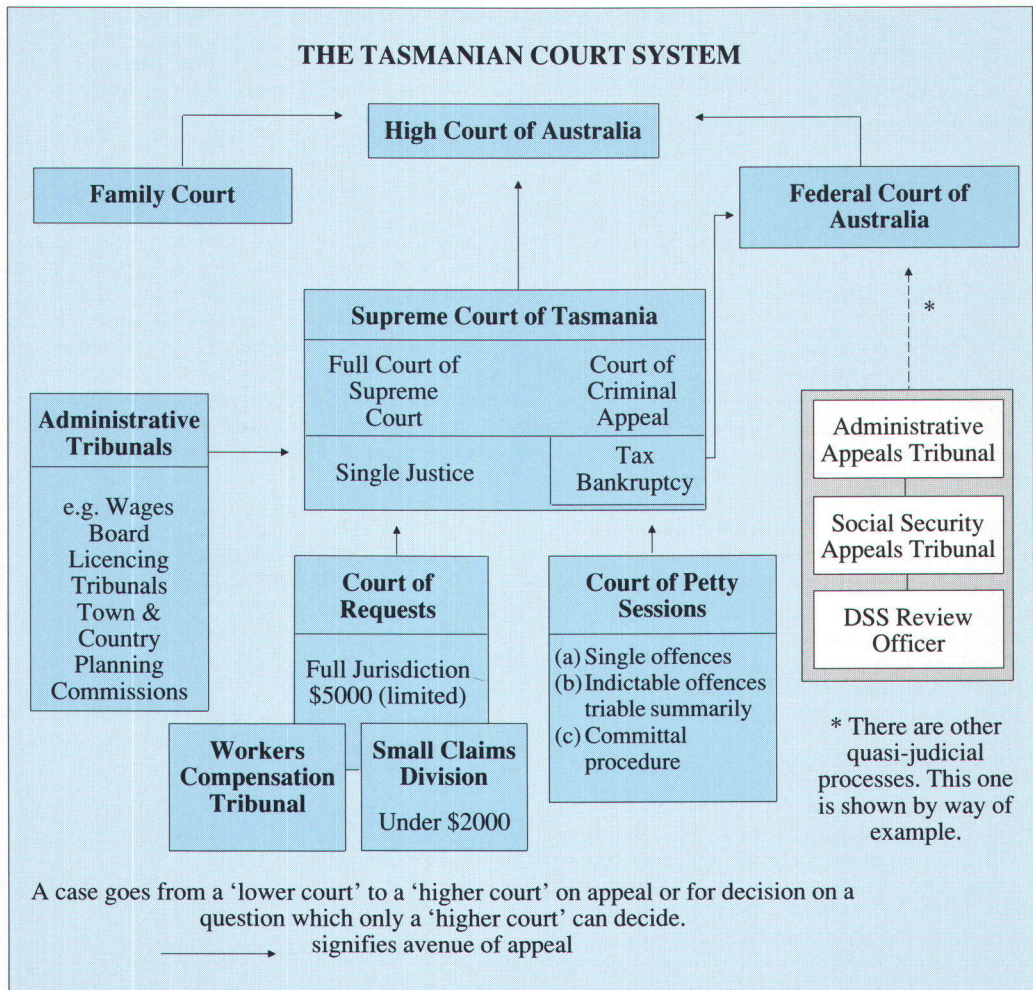
jurisdiction includes the trial of all indictable offences.

The jurisdiction of the court is usually exercised by one judge of the court. From his decision there is a right of appeal to the Full Court of the Supreme Court of Tasmania. A Full Court usually consists of three or more judges of the court. The Full Court is also a Court of Criminal Appeal under the Criminal Code. Appeals may be brought to the Supreme Court by the prosecution or by the defendant from conviction or sentence in a Court of Petty Sessions, or from many administrative tribunals.

Unlike a Children's Court, the Supreme Court is in no way inhibited in imposing a penalty on a child. In addition to its ordinary sentencing

**4.3 OFFENCES, TASMANIAN SUPREME COURT, 1989**

<i>Offence</i>	<i>Finalised</i>	<i>Proven</i>
Offences against the person	215	177
Robbery and extortion	11	11
Breaking and entering, fraud and other offences involving theft	711	578
Property damage and environmental offences	42	41
Offences against good order	34	33
Drug offences	102	62
Motor vehicle, traffic and related offences	8	7
Other offences	1	1
<b>Total</b>	<b>1 124</b>	<b>910</b>



powers, it may make supervision or wardship orders, and commit a child to an institution. If a child is sentenced to imprisonment, the Minister responsible may direct that the sentence be served in a place other than a gaol.

In 1989, 81 per cent of matters finalised in the Supreme Court were proven. Most of the matters finalised, 93 per cent, involved males.



*The Supreme Court, Hobart.  
Photo: Tasmap Photographic*

#### 4.2.2 Lower Courts

The lower courts are presided over by magistrates or justices of the peace and exercise both criminal and civil jurisdiction in minor matters. Both jurisdictions are kept separate although the same magistrate or justice of the peace may preside over both types of case.

Civil cases include minor disputes in the 'common law' area such as landlord and tenant disputes and hire purchase; magistrates generally try cases alone, without a jury. In their criminal jurisdiction the courts have power to try and impose sentence in summary offences. Some magistrates preside over Children's Courts.

#### *Courts of Petty Sessions*

There are Courts of Petty Sessions sitting in Hobart, Launceston, Devonport and Burnie, as well as temporary courts in other country centres. The court is constituted by a magistrate (who must have been a legal practitioner or barrister for not less than five years) or by two or more lay justices. In major centres of population, a court sits regularly; in smaller centres a

court sits less frequently or is convened as occasion requires.

A Court of Petty Sessions has jurisdiction over all summary offences and also over certain indictable offences at the option of the defendant, including escape, facilitating escape and related offences; stealing, fraud and receiving stolen property of a value between \$500 and \$5000; unarmed breaking into a building other than a dwelling where the value of the property involved does not exceed \$5000; and forgery and uttering of a cheque for not more than \$5000.

#### *Courts of Request*

These are constituted as courts with civil jurisdiction for particular municipalities in accordance with the authority given by the *Local Courts Act* 1896. Courts are held before a commissioner who is usually a magistrate. Every court has jurisdiction throughout the State but a plaintiff may have his action struck out if he brings it in a court other than the court nearest to which the cause of action arose.

The current jurisdiction of a Court of Requests covers all personal actions where the debt or damage claimed does not exceed \$5000.

The Small Claims Division of the Magistrates Court was established to deal with claims of up to \$2000. The primary function of the magistrate hearing the claim is to attempt to bring the parties to a dispute to an acceptable settlement but, if he cannot do so, he may determine the matter in dispute. Proceedings in this jurisdiction are private, straightforward and informal. Legal practitioners are excluded as a general rule, and the magistrate may proceed as he sees fit.

#### 4.4 OFFENCES, TASMANIAN LOWER COURTS, 1989

<i>Offence</i>	<i>Finalised</i>	<i>Proven</i>
Offences against the person	970	713
Robbery and extortion	8	-
Breaking and entering, fraud and other offences involving theft	4 944	4 473
Property damage and environmental offences	779	710
Offences against good order	7 927	7 232
Drug offences	2 129	2 044
Motor vehicle, traffic and related offences	5 991	5 897
Other offences	715	632
Total	23 463	21 701

Matters finalised in the lower court may be finalised by referral to the Supreme Court. In 1989, 390 matters were finalised by this method. Most were in relation to the more serious crimes of offences against the person and breaking, entering, fraud and other theft. About 83 per cent of matters finalised involved males, a similar percentage to that for higher courts. In terms of age the majority of matters coming before the courts relate to young offenders; males in the age bracket 15-24 account for about 55-60 per cent of male matters finalised. (Males in this age group comprise only 23 per cent of the male population aged 15 years and over.) A similarly high proportion of female matters finalised relate to women in this same age bracket.

### Children's Courts

A 'child' in this jurisdiction is one under the age of 17 years. The court before finally disposing of the case, must receive a report from a child welfare officer (the representative of the Director of Community Welfare), unless the court considers the offence trivial or the Director decides not to provide one. A child's parent has the right to be heard and to examine and cross-examine witnesses, or to be represented by counsel; also a parent can be compelled to attend the hearing if this imposes no unreasonable inconvenience.

In summary proceedings, the court is compelled not to enter a conviction against a child unless it imposes a sentence of imprisonment or there are special circumstances which indicate that a conviction should be recorded.

Children under 16 years cannot be sentenced to imprisonment and children of 16 years cannot be sentenced for more than two years, in aggregate. Minimum penalties imposed by statute do not apply to children; for those under 14 years the maximum fine is \$20, and for those over 14 years, \$100. The court may impose a supervision order to bring the child under the guidance of a child welfare officer or, if over 15 years, of a probation officer. Alternatively, the court may declare the child a ward of the State, placing him or her under the control of the Director for Community Welfare until his or her eighteenth birthday, unless released sooner; it may also direct that a ward be committed to an institution. In cases where further investigation appears necessary the Court may issue a remand for an observation order before it makes a final decision. Remands for observation orders are for short periods and usually provide for intensive supervision. Neglected or uncontrolled children are also in the Court's jurisdiction.

### Coroner's Court

Coroners are appointed by the Governor and have jurisdiction throughout the State. Under the *Coroners Act 1957*, a coroner may hold an inquest:

- concerning the manner of death of any person who has died a violent or unnatural death, who died suddenly without cause being known, or from 'sudden infant death syndrome' or 'cot death', or who died in a prison, or mental institution. At the direction of the Attorney-General, he may also be required to hold an inquest concerning any death; and
- concerning the cause of any fire if the Attorney-General has directed, or has approved a request by the owner or insurer of the property; or at the request of the State Fire Authority or the Rural Fires Board.

The duty of the court is to determine who the deceased was, and the circumstances by which death occurred. Medical practitioners and other persons may be summoned to give evidence. In the case of the death of an infant in a nursing home, the coroner may also inquire generally into the conditions and running of the institution. On the evidence submitted at the inquest, the coroner can order a person to be committed to the Supreme Court and can grant bail. In the case of murder, a coroner can issue a warrant for apprehension.

### 4.5 OFFENCES, TASMANIAN CHILDREN'S COURTS, 1989

Offence	Finalised	Proven
Offences against the person	52	49
Robbery and extortion	3	3
Breaking and entering, fraud and other offences involving theft	1 652	1 603
Property damage and environmental offences	108	103
Offences against good order	1 331	1 213
Drug offences	44	41
Motor vehicle, traffic and related offences	42	41
Other offences	10	9
Total	3 242	3 062



The coroner, in holding an inquest, usually acts alone, but either the Attorney-General or the relatives of the deceased may request that a four or six-person jury be empanelled. After considering a post-mortem report the coroner may dispense with an inquest, unless the circumstances of death make an inquest mandatory under the Act.

The *Coroners Amendment Act 1985*, brought forward two significant innovations; the tape recording of depositions to speed up the hearing of inquests, and new provisions dealing with the care, custody and control of exhibits which may prove useful to those persons who need the use of exhibits pending the hearing of inquests or who seek possession of exhibits when the inquest is over.

#### 4.2.3 Commonwealth Courts

##### *The High Court of Australia*

The High Court has original jurisdiction under the *Commonwealth of Australia Constitution Act 1901* in cases concerning treaties, consuls, the Commonwealth of Australia as a party, residents in different States and matters arising under the Constitution.

It is the final court of appeal for Commonwealth and State Courts; it hears appeals from State Supreme Courts and the Federal Court of Australia, and in some circumstances, from the Family Court of Australia.

##### *The Family Court*

The Family Court of Australia was set up by the *Family Law Act 1975*. It hears petitions for divorce and has jurisdiction in the welfare and custody of children and in disputes as to maintenance and property of marriage.

#### 4.6 DIVORCES GRANTED BY SEX OF PETITIONER

Year	Males	Females	Joint (a)	Total
1983	497	862	-	1 359
1984	431	754	-	1 185
1985	450	695	24	1 169
1986	464	736	45	1 245
1987	415	660	40	1 115
1988	455	688	77	1 220

(a) Under the *Family Law Act* joint applications for divorce became possible from 1 December 1984.

#### Family Violence

Organisations and agencies specifically dealing with domestic violence issues have been established in recent years, not only to increase awareness of formal legal rights and responsibilities, but also to raise community awareness of the problem and to offer alternative solutions. The primary aim of such organisations is to suggest practical steps that may avert the worst effects of domestic violence at the point of crisis.

Practical measures against family violence usually involve seeking immediate protection for the victims. The police are an obvious source of assistance and have a range of powers to investigate and guard against breaches of the peace, although police action often depends upon the request of a victim. The Crisis Intervention Unit of the Department of Community Services offers advice and assistance in obtaining alternative accommodation or enhanced security and communications facilities to persons at risk.

Women's Refuges provide crisis accommodation to women and children until a threatening situation has abated. Child Protection is specifically catered for under the *Child Protection Act* which includes mandatory reporting of suspected child abuse cases by medical practitioners, and wide powers for officers to investigate and act upon any reports of child abuse. Counselling services are available to parties, including advice in specific areas such as alcohol abuse and through self-help groups for violent men.

Legal remedies available include the laying of charges of assault or of more serious indictable offences. If an alleged assailant is granted police bail, conditions such as that the defendant not approach, harass or molest the victim, or telephone or directly contact them, may be applied.

Domestic Restraint Orders, specifically designed under the *Justices Act*, are also available to provide victims of domestic violence with legal protection. Similar provisions are also included in the *Family Law Act* where parties are involved in Family Court proceedings.

In 1988, 1220 divorces were granted, an increase of 105 on the number granted in the previous year. About 56 per cent of the petitioners are females.

### *The Federal Court of Australia*

Established in 1976 to replace the former Australian Industrial Court and the Federal Court of Bankruptcy, it sits in two divisions, Industrial and General.

## 4.3 SENTENCES

**Statutes creating offences in criminal law often prescribe a penalty for the crime. It is, however, a maximum penalty. The magistrate or judge may exercise discretion in deciding what is appropriate, taking into consideration the particular offender, and the circumstances of the offence.**

The death sentence was abolished in Tasmania in December 1968 having last been imposed in 1946. Punishment has been regarded as preventive, exercised to avoid further trouble from the offender. In all forms of punishment, deterrence, the imposition of a severe sentence on the offender as an example to the community, is a strong element.

Although fines and terms of imprisonment remain frequently imposed penalties, the modern trend has been toward avoiding the use of imprisonment. This is the basis for such sentences as community service orders and probation.

### 4.3.1 Fines

A fine is the penalty most frequently imposed by the courts. In 1989 fines provided just on 39 per cent of all penalties imposed by all courts, with the majority being handed down by magistrates. More than three quarters of all fines imposed related to just two offence categories, motor vehicle offences and offences against good order. Most fines imposed are for amounts of less than \$100; 54 per cent of fines in 1989. Only 13 per cent of fines are for amounts in excess of \$250.

### 4.3.2 Imprisonment

Tasmania's main prison is at Risdon, near Hobart, which has, as an outstation a prison farm at Hayes in the Derwent Valley. A prison at the Police Headquarters building in Launce-

### Legal Aid Services

Legal Aid is intended to provide access to the law to people who would otherwise be unable to afford it. The solicitors and others who provide legal aid are salaried or funded by government. Services provided include legal advice and assistance in legal procedures concerning civil or criminal matters ranging from small legal problems to appeals to the High Court.

Legal advice, covering legal rights and problems including appropriate referral and sources of further advice, is provided free of charge by government and government-funded agencies. Legal assistance most often involves representation in court but may also cover drafting of documents, legal negotiation and a range of complementary and other services.

Legal assistance is generally subject to means testing and to the merits of the prospective case. The primary provider is the Australian Legal Aid Office, through its salaried solicitors or via private practitioners. A State Legal Assistance Scheme is run by the Law Society of Tasmania to assist needy persons ineligible for Australian Legal Aid. A basic function of the scheme is the provision of duty solicitors at magistrates courts and the prison.

Community Legal Centres (CLSs) provide alternatives to mainstream legal aid. Voluntary lawyers and community workers offer advice to clients, primarily during evening sessions. Referral and assistance with self-help are the primary forms of assistance given. Because of the high level of demand on their services, CLSs have become involved in community legal education and in advocating specific law reform issues. The release in 1988 of the *Law Handbook*, a comprehensive but non-technical guide to the law and legal services in Tasmania, is an example of the educational role of the CLSs.

Other agencies which provide more specialised legal aid services include the Aboriginal Legal Service, the Human Rights and Equal Opportunities Commission and the Child Support Agency.

ton is a temporary holding centre where prisoners are held prior to being transferred to Risdon.

Approximately 93 per cent of people sentenced to gaol are males. In 1988-89, 642 prisoners were received - 599 males and 43 females. However, there were 717 imprisonments during the period. A number of prisoners, almost entirely males, therefore had more than one prison sentence during the year. Almost 60 per cent of the people sentenced to gaol in 1989 had been imprisoned previously. Of the 376 people (59 per cent) with previous prison sentences, 50 per cent had been to prison at least three times before.

The biggest proportion of imprisonments was for offences against good order and offences relating to breaking and entering, fraud and other offences involving theft. Offences relating to motor vehicle and traffic were also relatively high. Only about 12 per cent of gaol sentences were for periods of one year or more. Most prison sentences were for a period of one to three months.

#### 4.3.3 Probation and Parole

Although fines and imprisonment are the most common sentences for offences, there has been a growing view that harsh punishments are not necessarily effective in reducing offences. The result is a growing move towards imposing custodial sentences, such as probation orders with supervision, that aim to reform the offender and community service orders. In Tasmania, the Probation and Parole Service is responsible for administering these sentences.

The service has a total complement of 54 permanent officers, 34 of whom are field officers. It works closely with officers of the Mental Health Services Commission, the Department of Community Welfare, the Prison Service and the Police and is essentially a community-based operation involving close liaison with families, private relief agencies, public departments concerned with human problems and law enforcement. While there is a significant component of welfare work involved, the Service conducts over 200 prosecutions annually against persons failing to discharge satisfactorily, the conditions and obligations set down in their Supervision or Community Service Orders.

During 1987-88, 2261 persons (1984 males and 277 females), were subject to supervision orders. The majority of supervisions were either community service orders (43 per cent) or single probation orders (41.2 per cent). Supervised parole accounted for 7.4 per cent of cases. Fifty-one per cent of female supervisions related to single probation orders, while 32 per cent related to community service orders. The majority of male supervisions, on the other hand related to community service orders (44.6 per cent) with single probation orders accounting for 39.9 per cent. Almost 70 per cent of all orders relate to persons under 25 years of age.

For the year 1988-89 the Service prepared 1390 court reports and 71 pre-release reports for the Parole Board.

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