



# Crime and justice



Photo courtesy of the Department of Justice and Attorney-General

## Main findings

- Young women aged under 20 years are the most frequent victims of sexual offences.
- Women are much less likely than men to commit criminal offences.
- 71% of women murder victims in Queensland in 2002 were killed by members of their own family.
- Women received more advice from Legal Aid in 2001–2002 (54.2% of all advice provided was to women), but were less likely to seek ongoing legal assistance.
- Women predominantly use Legal Aid for family law matters and men, for criminal law matters.
- Female students outnumber males in law schools.
- 33% of Queensland's solicitors are women.
- None of the 37 Queen's Counsel (QC) and 41 Senior Counsel (SC) in Queensland in April 2004 were women.
- 19.3% of complaints to the Anti-Discrimination Commission are about sexual harassment, mostly in the workplace.



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Despite more female students enrolled in law, the legal system remains heavily male-dominated, making it hard for women to feel that justice can be served.

## Introduction

Accurate crime data is hard to obtain. Many crimes go unreported. For example, only an estimated 33% of sexual assaults are actually reported to police.<sup>1</sup> The data contained in this section represents only detected or reported crime.

Women are under-represented in the justice system. The significant majority of judges, solicitors, barristers, and police are male. Women are obtaining legal qualifications, but are not proceeding to careers practising law. The lack of women's presence in the justice system, coupled with financial disadvantage, may make the legal system much less accessible to women than men, reducing their capacity to protect themselves and their children against crime and violence, and to achieve justice.

Women are less likely than men to be the victims, or perpetrators, of crime. The exceptions are sexual offences (including rape, sexual assault and non-assaultive sexual offences), kidnapping and abduction and, for women under 20 years of age, other forms of assault. Women are the most frequent victims of those offences. The offenders are predominantly males, in most cases known to the women and, in many instances, related to them.

Domestic violence, where one member of an intimate family relationship attempts physically or psychologically to dominate and control another, is perpetrated mainly by people in intimate relationships or after separation. Domestic violence takes many forms, from physical and sexual violence, threats and intimidation through to emotional and social abuse and economic deprivation. Many forms of domestic violence are against the law. Both men and women can perpetrate domestic violence, but evidence clearly shows that the nature and results of men's violence are different to women's violence. In particular, men's violence is more likely to inflict severe injury or death.<sup>2</sup>

Social, economic and emotional factors can make it difficult for a woman experiencing domestic violence to leave the offender. It may take many years and several temporary separations before she can finally do so. Many women who do leave still face violence, harassment and even murder by their former partners.<sup>3</sup>

Stealing and credit card fraud are the only offences where women offend at a level close to that of men.

## Victims of crime

“Offences against the person” include homicide, assault, sexual offences, robbery, extortion and kidnapping. With the exception of sexual offences and kidnapping/abduction, males are more likely than females to be victims of crime.

Young people are also more likely than older people to be victims, with young women under 20 years the most frequent victims of sexual offences.

Table 21

Victims of crime, Queensland 2002–2003.																
Offence	0-14		15-19		20-24		25-29		30-39		40-49		50+		Not stated	
	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male
Homicide (murder)	5	7	0	2	1	4	4	5	2	13	4	1	3	6	2	2
Attempted murder	5	10	0	8	4	12	4	7	6	22	4	17	4	4	3	4
Conspiracy to murder	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Manslaughter	0	0	0	0	0	1	0	3	0	01	0	3	0	2	0	0
Driving causing death	0	1	4	4	2	6	0	2	3	6	0	4	2	4	0	1
Assault	776	1,159	1,269	1,710	1,142	1,513	1,061	1,603	1,655	2,721	870	1,556	441	1,032	207	636
Rape and attempted rape	216	45	282	15	111	9	82	7	136	7	62	4	13	1	16	2
Other sexual offences	1171	380	509	167	214	41	137	40	172	58	78	33	41	9	80	50
Armed robbery	4	21	39	121	24	83	8	45	15	46	20	43	22	44	7	11
Unarmed robbery	17	67	54	285	47	103	39	58	64	81	55	62	80	58	13	9
Extortion	0	0	0	3	0	3	1	1	1	3	7	7	2	8	0	3
Kidnapping and abduction	63	30	52	23	31	21	24	6	32	11	22	10	5	4	4	4
Other offences against the person	435	460	222	119	189	151	187	135	364	305	240	288	157	216	105	160
Total offences against the person	2,693	2,180	2,432	2,375	1,765	1,947	1,547	1,912	2,450	3,273	1,362	2,028	770	1,388	437	883

Source: Queensland Police Service. Annual Statistical Review, 2002–03.

Note: These figures do not refer to individuals as one person may be counted several times if they were the victim of more than one offence.



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In 2002, Queensland recorded the second highest rate of sexual assaults in Australia (133.5 cases per 100,000 population), behind the Northern Territory (152.8 cases per 100,000 population).<sup>4</sup> It is estimated that the proportion of sexual assaults actually reported to the police is around 33% (up from around 25% in the mid 1990s).

At 30 June 2002, 13.2% of Queensland's prisoners had been sentenced for sexual assault.<sup>5</sup>

## Offenders

Women in all age groups are far less likely than men to commit criminal offences. In fact the only offence committed by more women than men in 2002–2003 was credit card fraud (51.4%). In the case of credit card fraud, male offenders outweigh females in every age group except for 30 to 39-year olds; in this group, females offend at a rate more than double that of males. The only other offence in which women approached men's offence numbers was shop stealing at 46.5%. Young female offenders, under 19 years, outnumbered males in that offence.<sup>6</sup>

Table 22

Offenders by age and sex, selected offences, Queensland 2001–2002.														
	10–14		15–19		20–24		25–29		30–39		40–49		50+	
	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male
Homicide (murder)	0	0	0	4	0	16	4	9	6	19	0	12	2	7
Manslaughter	0	0	0	2	0	2	0	1	0	2	0	2	0	1
Assault	265	546	739	1,893	437	1,905	341	1,511	595	2,255	239	960	72	400
Rape and attempted rape	0	26	0	72	1	59	0	66	1	111	5	84	0	57
Other sexual offences	15	234	6	228	3	130	2	148	12	432	13	309	1	474
Armed robbery	3	27	20	169	12	109	6	71	95	3	24	11	1	7
Total offences against the person	332	1,043	880	2,857	526	2,573	444	2,102	779	3,397	336	1,676	102	1,085
Credit card fraud	6	16	34	81	330	460	396	462	1,076	509	80	239	21	67
Shop stealing	2,153	1,992	2,035	2,782	689	882	438	605	707	726	343	337	216	256
Total offences against property	3,362	8,676	4,888	22,928	3,085	12,044	2,495	8,197	3,940	9,214	1,248	3,397	444	1,351
Drug offences	205	766	1,304	6,189	1,664	6,377	1,327	4,766	2,008	6,584	911	3,134	117	831
Prostitution-related offences	0	0	29	36	85	111	43	163	140	222	61	151	19	80
Breach domestic violence orders	0	0	28	218	63	790	103	1,050	201	2,264	125	1,050	24	323

Source: Queensland Police Service. *Annual Statistical Review, 2002–03*.

Note: QPS Offender statistics are based on offence counts and do not refer to individuals. One individual may be responsible for one or many offences.



Indigenous women in rural and remote areas are 45 times more likely to experience domestic violence than the non-Indigenous population.

### Relationship between victims and offenders

Offenders are often known to the victim. In 78.9% of murders in 2002, the victim knew the offender. Of the 21 incidences of murder of women in Queensland in 2002, 71.4% were killed by members of their own family.<sup>7</sup>

82% of sexual offenders in 2002–2003 were known to their victims. Family members were responsible for 30% of reported cases, but only 2% of reported offences were committed by partners and ex-partners. Acquaintances, friends, neighbours or colleagues accounted for 50%. 11% of offenders were unknown to the victim, while 8% were not stated.<sup>8</sup>

In 12.8% of all assault offences by men in 2002–2003 in Queensland, the victim was a partner or ex-partner of the offender. In a further 8%, the victims were other family members of the offender. Women were the offenders in 22.1% of all recorded assault offences. Of those, 10.7% were assaults against partners or ex-partners, and 5% against other family members. Men assaulted partners and ex-partners in 1,214 cases, while women assaulted partners and ex-partners in 137 cases.<sup>9</sup>

A high level of crime goes unreported. This makes it difficult to determine the full extent of violence against women, which often takes the form of domestic violence. A 1996 national survey found that of women who had been married or in a de facto relationship, 23% experienced violence by a partner at some time during or following the relationship.<sup>10</sup>

Pregnancy is a time of vulnerability for women: 20% experienced violence for the first time while they were pregnant.<sup>11</sup>

51.4% of women who experienced violence from a previous partner had ended that relationship because of the violence or because of threats against their children.<sup>12</sup>

Violence which occurs between partners in a home may affect the children who also live there: 38% of women who experienced violence by a current partner reported that their children were witnesses. Of women who experienced violence by a previous partner, 46% said that children in their care had witnessed the violence.<sup>13</sup>

Australian Aboriginal women living in rural and remote areas are 45 times more likely to be a victim of domestic violence than the non-Aboriginal population.<sup>14</sup> Australian homicide data collected between 1989 and 2000 also indicates that Indigenous women were more likely than non-Indigenous women to be killed by a male offender (35.9% and 28.5% respectively), but were also more likely to kill a male victim (15% and 8.4% respectively). The motives for killing in Indigenous homicides, as compared to non-Indigenous homicides, have significantly more often been reported as domestic altercations (45% versus 23.7%) or alcohol-related arguments (29.3% versus 10.5%); and victims and offenders were more often married/de facto spouses (77.3% and 70.8%).

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## Access to Legal Aid

Access to the justice system is recognised as one of the major issues affecting women, and is related to economic disadvantage. Legal Aid Queensland is a major provider of legal services, providing information, advice and representation in family, civil and criminal matters. It was established to address the need to provide financially and socially disadvantaged people with access to legal representation and other legal services. Women receive more legal advice than men (54.2% of all advice provided was to women), but are less likely to ask for ongoing legal assistance, representing 36.5% of applications for Legal Aid.<sup>16</sup>

Women predominantly use Legal Aid for family law matters.

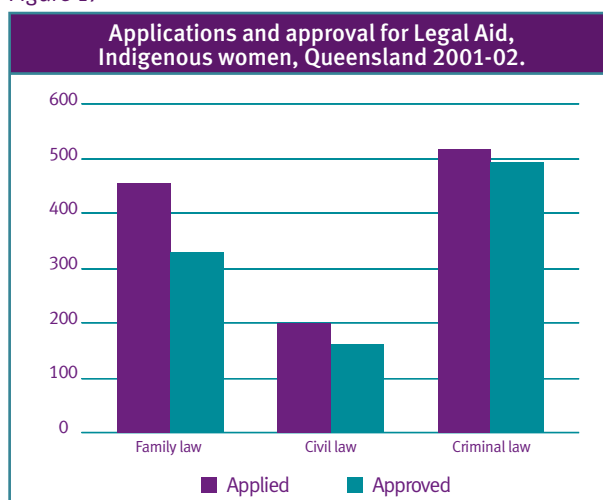
Table 23

Areas in which Legal Advice was sought, and applications and approval of Legal Aid in 2001–2002, in percentage per law type.			
	Law Type	Women (%)	Men (%)
Legal advice sought	Family law	60.3	31.2
	Civil law	29.9	28.4
	Criminal law	9.7	40.4
Applied for legal aid	Family law	56.3	19.4
	Civil law	17.5	7.0
	Criminal law	26.2	73.6
Legal aid approved	Family law	50.9	15.5
	Civil law	18.5	5.5
	Criminal law	30.6	79.0

Source: *Women's Legal Aid, Gender Equity Report 2003*.

While Indigenous women, as a subgroup, seek legal advice primarily for family and civil law matters (74.1%), applications for assistance are not as frequently being made in those matters (55.9%). It is for criminal law cases that most Legal Aid is applied for (44.1%) and approved (50.1%).<sup>17</sup>

Figure 17

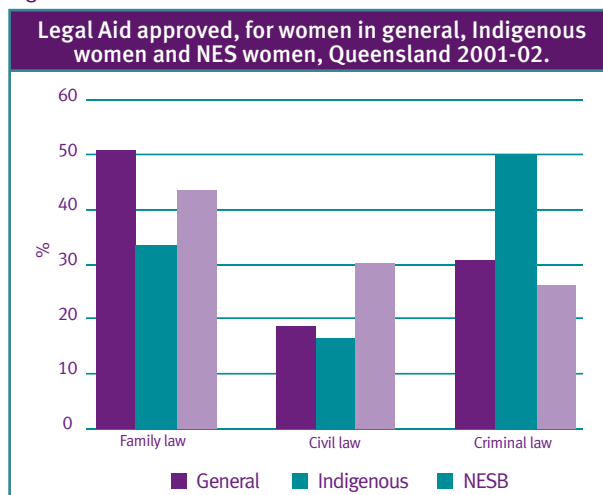


Source: *Women's Legal Aid, Gender Equity Report 2003*.

For women from non-English-speaking backgrounds (NESB) family law is the most applied for (52.1%) and approved (43.6%) area. Application and approval for aid in the area of civil law is slightly higher for this group than for women in general (25.6% versus 20% respectively for application; 30.2% versus 21.7% respectively for approval). Aid for criminal law matters is sought and approved at a lower rate for this subgroup.<sup>18</sup>

These patterns for men and women seeking Legal Aid have been fairly consistent since 1997.

Figure 18



Source: *Women's Legal Aid, Gender Equity Report 2003*.

## Women working in the justice system

11.5% of barristers<sup>ii,19</sup> and 33% of Queensland's solicitors in June 2003 were female.<sup>20</sup> However, this in no way reflects the proportion of women studying law in Queensland. At all Queensland's tertiary institutions in 2003, women outnumbered men studying law. At one institution, women made up 65.5% of law students.<sup>21</sup> It would appear that women with legal qualifications are not necessarily practising as barristers or solicitors upon qualification or admission.

None of the 37 Queen's Counsel or 41 Senior Counsel in Queensland in April 2004 were women.<sup>22</sup>

Several women hold senior judiciary positions in Queensland, as discussed in the chapter "Leaders".

Of Queensland's 67,855 Justices of the Peace and Commissioners for Declarations, 42.5% are women (at July 2004).<sup>23</sup>

More women are serving as Queensland police officers (from 15.7% in June 2001 to 21.2% in June 2003).<sup>24</sup> Queensland has the second-highest rate of female sworn and unsworn police staff (31.6%) after New South Wales, although this rate is not increasing as in other jurisdictions.<sup>25</sup>

Figure 19



Source: Queensland Police Service. *Annual Statistical Review, 2002-03.*

<sup>ii</sup> Bar Association members.

## Women in prison

The proportion of female prisoners in Queensland has risen from 3.8% in 1992 to 6.6% in 2003. This compares with a national increase over the same period from 4.9% to 6.8%.<sup>26,27</sup>

Indigenous women are over-represented in the prison system. Of Queensland's 356 female prisoners incarcerated at 30 June 2003, 25.2% were Indigenous women<sup>28</sup>, despite being only 3.1% of the State's female population.

As at 30 June 2003, 5.5% of Indigenous women prisoners were in community custody, compared with 7.8% of non-Indigenous women prisoners.

The average number of community-based orders has declined steadily since 1999, reflecting the impact of the State Penalties Enforcement Register (SPER), which is responsible for more efficient collection and civil enforcement of penalty amounts. In June 2003, up to 20.8% of all offenders serving a community supervision order were female, of which 14.1% were Indigenous women.<sup>29</sup>

## Illegal discrimination

The Queensland Anti-Discrimination Commission (ADC) accepted 160 complaints about sexual harassment, mostly in the workplace, in 2002-2003 (an increase from 131 in 2001-2002). This represented 19.3% of all complaints. Illegal discrimination in the workplace on the basis of pregnancy accounted for 34 accepted complaints, a decrease from 41. A further 36 (4.3%) related to illegal discrimination relating to parental status (26 in 2001-2002). Discrimination on the basis of sex/gender accounted for 148 complaints (17.8%) compared with 101 in 2001-2002, while 31 (3.7%) were on the basis of sexuality.<sup>30</sup>

Complaints to the ADC are only one measure of illegal discrimination. Complaints may also be made to unions, the Queensland Industrial Relations Commission, and the Commonwealth Human Rights and Equal Opportunity Commission.



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## References

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- <sup>11</sup> ABS, 2002. Cat. No. 1301.0. *Australia Now. Crime and Justice. Violence Against Women*.
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