

## Question on Notice

No. 390

Asked on Tuesday 28 March 2006

Mr McARDLE asked the Minister for Justice and Attorney-General (Mrs Lavarch) -

### QUESTION:

(1) Since the appointment of the permanent Magistrate to the Court House at Caloundra, how many people have pleaded guilty or been found guilty for (a) offences against the Criminal Code and in regard to each person the section thereof, (b) offences against the Drugs Misuse Act and in regard to each person the section thereof and (c) offences for (i) being under the influence of alcohol or a drug and either driving or being in charge of a motor vehicle or (ii) driving a motor vehicle whilst being disqualified to do so?

(2) In regard to each, how many were sentenced to terms of imprisonment for (a) less than seven days, (b) less than fourteen days, (c) less than one month, (d) between one month and six months and (e) in excess of six months?

(3) How many had their sentences wholly suspended?

### ANSWER:

A permanent Magistrate was appointed to the Caloundra Courthouse on 12 September 2005. Individual defendants were identified using given names, surname and date of birth. A total of 370 defendants were identified as having pleaded guilty or found guilty for the offences outlined in the question in Caloundra between 12 September 2005 and 7 February 2006.

Respectively, under sections, 328A, 335, 339, 359, 398, 408A, 408C, 419, 421, 433, 469 and 488 of the *Criminal Code Act 1899*, 4, 10, 11, 1, 19, 4, 4, 3, 1, 2, 14 and 1 defendants pleaded or were found guilty. One defendant was found, or pleaded guilty under section 469 of the *Criminal Code Act 1899* and was sentenced to two months imprisonment. There were five suspended sentences handed down in relation to the *Criminal Code Act 1899*, one under section 339, one under section 419, two under section 408A and one under section 419.

Respectively, under sections 6, 8, 9 and 10 of the *Drugs Misuse Act 1986*, 1, 8, 43 and 47 defendants pleaded or were found guilty. There no periods of imprisonment imposed for these offences. There were two suspended sentences handed down in relation to the *Drugs Misuse Act 1986*, one under section 9 and one under section 10.

Respectively, under sections 78 and 79 of the *Transport Operations (Road Use Management) Act 1995* 70 and 210 defendants pleaded or were found guilty. Two defendants were found or pleaded guilty under section 78 and were sentenced to imprisonment for three and four months separately. Two defendants were found or pleaded guilty under section 79 and were sentenced to imprisonment for one and three months separately. There were seven suspended sentences handed down in relation to the *Transport Operations (Road Use Management) Act 1995*, four under section 78 and three under section 79.

The number of defendants mentioned in this response has been overstated due to the grouping of defendants under legislative sections (e.g. if a defendant was sentenced to two offences, one under section 8 and one under section 10 of the Drugs Misuse Act 1986 they will be counted twice, once for each legislative reference).