
JUSTICE SYSTEM PREFACE

The justice system is concerned with maintaining the rule of law (including handling civil disputes), enhancement of social order, security and the maintenance of a safe society, and the amelioration of the impact of breaches of the law. Achievement of a safer society depends on, amongst other things, reducing both crime levels and the fear of crime; and enhancement of social order by providing mechanisms for resolution of civil disputes.

The justice system comprises services and agencies that deal with crime and civil disputes. It includes crime prevention and detection, law enforcement, judicial processes and dispute resolution, offender containment and rehabilitative services, and the general enhancement of public safety.

The focus in this Report is on the core justice services of the police, courts administration and corrective services. A number of other services within the broad ambit of the justice system are not explicitly examined. These include: criminal justice commissions; some criminal justice bodies and prosecution authorities; justice departments; specialist enforcement agencies; and non-court dispute resolution systems.

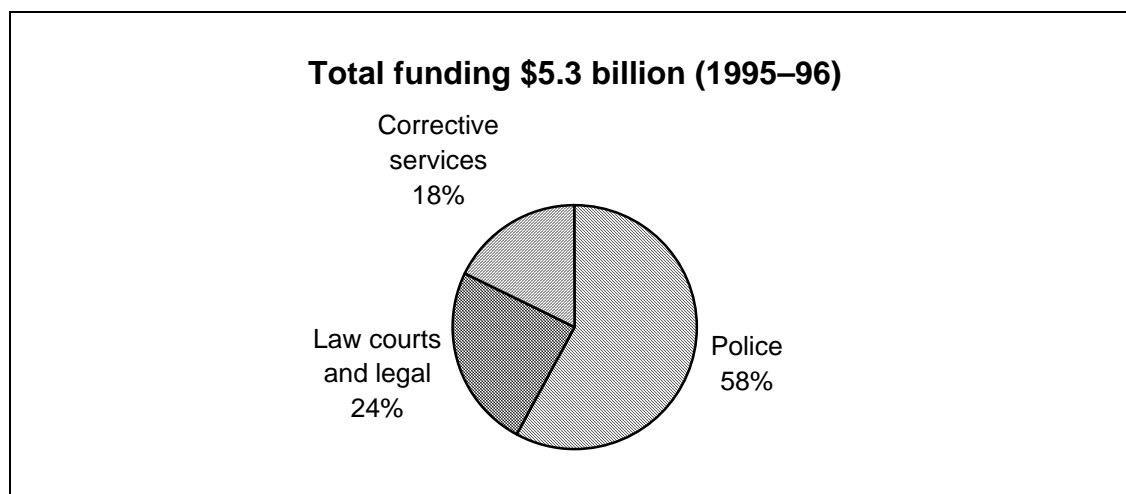
Other policing, crime and detention agencies (such as immigration detention centres and military police and prisons) are also not included.

Features of the sector

Total government expenditure on the justice system was approximately \$5.3 billion dollars in 1994–95 (ABS Cat No. 5512.0).¹ The expenditure largest component of the justice system is police services, which accounted for approximately 58 per cent of total expenditure in 1992–93 — the last year for which the breakdown of justice services was available.

¹ Based on ABS classifications, which vary slightly from the definitions used in this Report. The greatest variation occurs in the area of ‘law court and legal’.

Composition of government expenditure on justice services, 1992–93
(per cent)¹



1 ABS classifications for justice services do not exactly match those in this Report. 1992–93 was the last year for which the breakdown of justice services expenditure was available.

Source: ABS Cat. No. 5512.0, unpublished statistics.

Responsibility for the justice system rests largely with the State and Territory Governments. Each funds and (generally) operates a police service, Magistrate's, District and Supreme courts and correctional facilities.

Aims, objectives and interactions of the justice system

The justice system involves many independent agencies, but all contribute to the broad objective of improving community safety and good order. This is achieved through a series of specific objectives such as dispute resolution, the enforcement of laws, and the detention and rehabilitation of criminals.

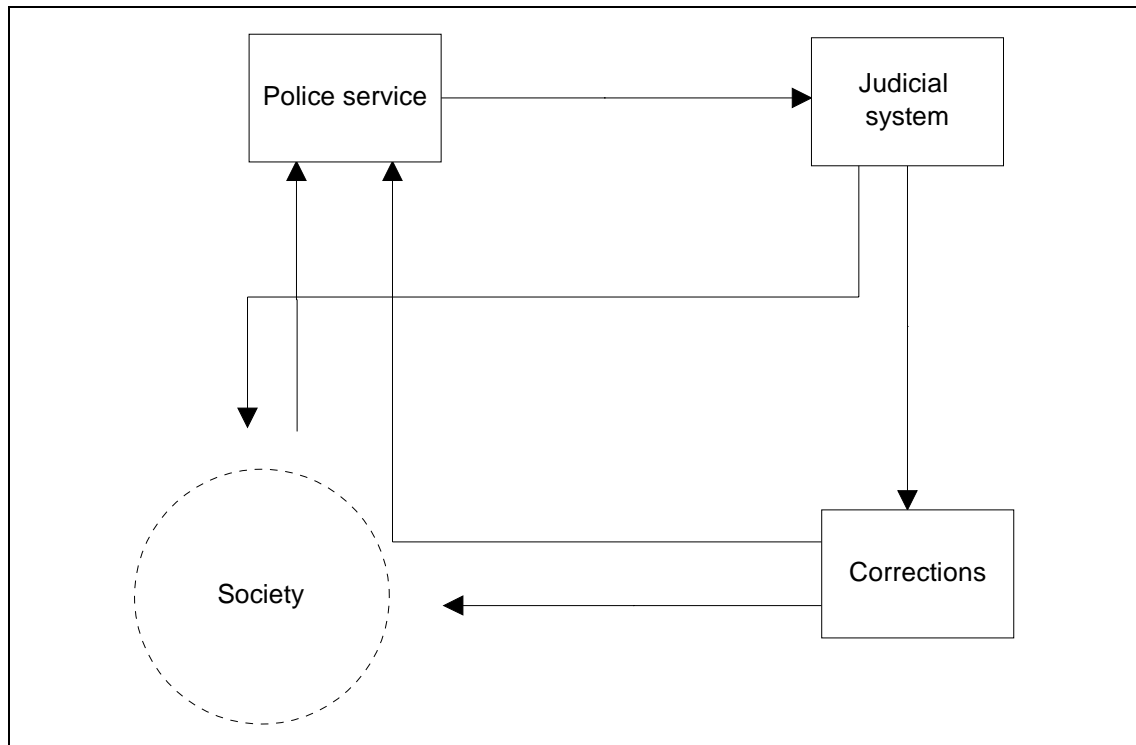
The different agencies within the justice system interact in many ways. The effectiveness and efficiency of one agency affects the operations of others.

The police service affects the judicial system. This occurs in at least two ways: the success of the police service in apprehending offenders accounts for much of the demand for judicial services; and police, and the information they provide, are integral to the success or otherwise of the prosecution of criminals.

The judicial system affects the correctional system. The operation of the judicial system and sentencing policy controls the flow of prisoners into the correctional system, and significantly influences the length of time they serve in correctional facilities. For example, there are substantial differences among states and territories in the treatment of fine defaulters, with a high level of imprisonment of fine defaulters in SA and a low level in Victoria.

The correctional system affects the police service. The ability of the correctional system to reduce the likelihood of repeat offences by prisoners after their release has a significant effect on the activities of police. The police also have responsibility for pursuing escaped prisoners.

Interactions in the justice system



Indicators

Due to the integrated nature of the justice system some aspects of performance cannot be specifically attributed to any type of one agency.

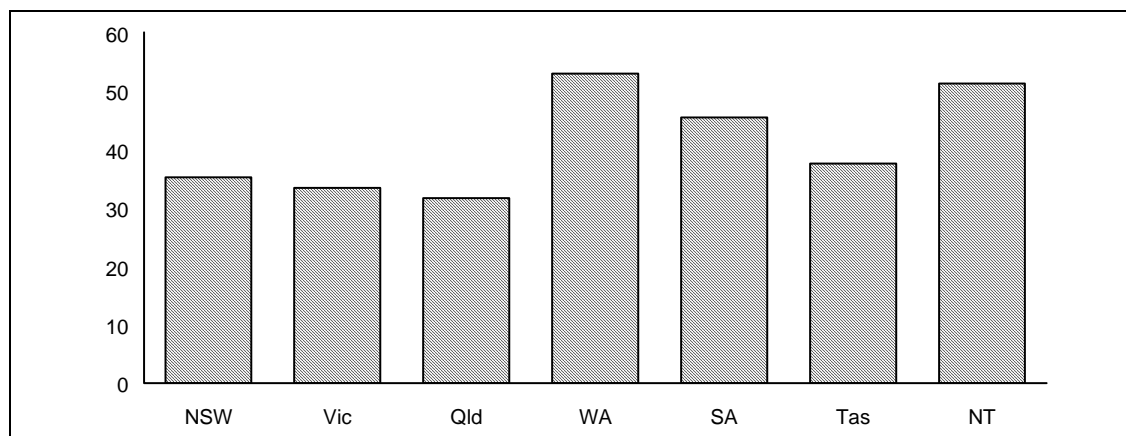
A partial measure of the success of the justice system in improving public safety by reducing the incidence of crime is recidivism — that is, the extent to which persons passing through the justice system reoffend. The best currently available measure of recidivism is the proportion of sentenced prisoners who are not subject to further supervision upon release and who return to corrective services within two years of completing a prison sentence.

The recidivism data for 1995–96 shows some variation in recidivism among jurisdictions — from slightly above 30 per cent in Queensland to approximately 55 per cent in WA.

There are, however, some weaknesses in the above measure of recidivism. For example, it considers only those criminals who receive prison sentences, it is based only on detected crimes and makes no allowance for their severity. Recidivism itself may also be affected by factors outside the justice system such as availability of community services and levels of economic activity.

Further consideration is being given to indicators which cover the whole justice system. Possible indicators include crime incidence and community attitudes to various aspects of the justice system.

Persons returning to corrections within two years, 1995–96 (per cent)¹



1 The ACT did not report on recidivism as it contracts NSW to provide prison facilities for ACT prisoners.

Recent developments

Coordination among justice system agencies is likely to help them achieve shared objectives. However, they have not significantly coordinated their efforts in the past either within or between jurisdictions. Coordination requires: shared knowledge of activities, planning and processes between agencies; cooperation and coordination in the development of strategic and corporate plans; and consistent objectives across the criminal justice system.

Recent moves to improve coordination in the criminal justice system include:

- improvements in information systems which allow agencies to access a common pool of data. For example, the NT has introduced an Integrated Justice Information System which allows individuals to be tracked within and between agencies;
- establishment of the Commonwealth Law Enforcement Board which coordinates the national law enforcement effort; and
- conduct of the National Campaign Against Crime.
