
C Justice preface

Governments provide justice services to ensure a safe society by enhancing public order and security, and upholding the rule of law. This provision involves crime prevention, detection and investigation, judicial processes and dispute resolution, prisoner and offender management, and rehabilitation services. The focus of the following chapters is on the justice services provided by police (chapter 5), court administration (chapter 6) and adult corrective services (chapter 7). These chapters cover:

- the operations of the police agencies of each State and Territory government and the ACT community policing function performed by the Australian Federal Police (AFP)
- the court administration of the State and Territory supreme courts, district/county courts, magistrates' courts (including electronic infringement and enforcement systems and children's courts), coroners' courts and probate registries, as well as the court administration of the Federal Court of Australia, the Family Court of Australia, the Family Court of WA and the Federal Magistrates Court of Australia
- the operations of the corrective services agencies within each state and territory, including prisons (both public and private), periodic detention centres and a range of supervised community corrections orders for adult offenders.

Some government services that are not included, but which also contribute to civil and criminal justice outcomes, are:

- crime prevention, diversion and early intervention activities within policing (although chapter 5 contains some information relevant to these activities)
- legal aid services, which provide access to both criminal and civil aspects of the justice system
- alternative dispute resolution services, such as conciliation and mediation
- offices of fair trading or consumer affairs, which operate to minimise incidences of unlawful trade practices
- crimes compensation services and victim support services, which assist victims' recovery from crime

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- prosecution services, which bring actions on behalf of the community in criminal actions
 - various social services and community organisations that help prisoners released from prison to re-integrate into society, support families of prisoners during their incarceration, and assist people who have contact with the criminal justice system
 - the Australian Crime Commission and the federal functions of the AFP
 - the operations of tribunals and registries (except for probate and court registries) and judicial outcomes
 - the operations of the High Court of Australia and specialist jurisdiction courts (except for family courts, children's courts and coroners' courts)
 - juvenile justice agencies and services (except children's courts). (Some descriptive information on juvenile justice is included in the community services preface).

Profile of the justice system

Real recurrent expenditure (less revenue from own sources)

Recurrent expenditure relates to the annual service costs for the parts of the justice system covered in this Report, and excludes payroll tax. Real recurrent expenditure is derived by applying a Gross Domestic Product (GDP) Implicit Price Deflator (IPD) to the recurrent expenditure data (for the 2007 Report the GDP IPD has a base year of 2005-06). Details on the GDP IPD can be found in appendix A.

Differences between service areas costs reported in recurrent expenditure may affect service area comparisons. In this preface:

- capital expenditure is reported for police services but not for court administration or corrective services
- user cost of capital is reported for police services, but not reported for court administration or corrective services
- depreciation is reported for police services and court administration but not for corrective services (see table C.1).

To maintain consistency in the time series presented in table C.1, corrective services data on recurrent expenditure differs from that reported in the Corrective services

chapter – the expenditure data reported in the Corrective services chapter includes depreciation and user cost of capital.

The presentation of expenditure data in this preface is under review to improve the comparability of the service areas for future Reports.

Total real recurrent expenditure for those parts of the justice system covered in this Report was \$9.1 billion in 2005-06 (table C.1).

Table C.1 Real recurrent expenditure (less revenue from own sources) on justice services by all Australian governments (2005-06 dollars)^{a, b, c}

	2001-02	2002-03	2003-04	2004-05	2005-06	Annual average growth
	\$m	\$m	\$m	\$m	\$m	%
Police services ^d	5 341.2	5 664.4	5 844.3	5 956.7	6 178.3	3.7
Court admin. — criminal ^e	431.8	434.1	428.5	443.7	452.7	1.2
Court admin. — civil ^{e, f}	454.9	482.7	496.4	527.4	538.4	4.3
Corrective services ^g	1 576.8	1 675.3	1 716.8	1 811.8	1 897.6	4.7
Total justice system	7 804.6	8 256.5	8 486.1	8 739.7	9 066.9	3.8
	%	%	%	%	%	
Police services ^d	68.4	68.6	68.9	68.2	68.1	..
Court admin. — criminal ^e	5.5	5.3	5.0	5.1	5.0	..
Court admin. — civil ^{e, f}	5.8	5.8	5.9	6.0	5.9	..
Corrective services ^g	20.2	20.3	20.2	20.7	20.9	..
Total justice system	100.0	100.0	100.0	100.0	100.0	..

^a Totals may not sum as a result of rounding. ^b Excludes payroll tax. ^c Excludes expenditure on justice services out of the scope of this Report (e.g., expenditure on specialist courts). ^d Recurrent expenditure on police services includes depreciation and user cost of capital. ^e Recurrent expenditure on court administration includes depreciation but excludes user cost of capital. ^f Civil expenditure excludes expenditure on probate matters. ^g Recurrent expenditure on corrective services excludes depreciation and the user cost of capital. .. Not applicable.

Source: Australian, State and Territory governments (unpublished); tables 5A.1–8, 6A.12–13, 7A.8 and 7A.10.

Real recurrent expenditure (less revenue from own sources) per person

A number of factors contribute to the marked differences in expenditure across jurisdictions. These include factors beyond the control of jurisdictions (such as geographic dispersion, economies of scale and socioeconomic factors), as well as differences in justice policies and/or the scope of services that justice agencies deliver. For example:

- police agencies in some jurisdictions provide event management and emergency response services, while others do not
- electronic infringement and enforcement systems are within the scope of court administration only in Victoria, Queensland, WA and SA.

Nationally, justice expenditure (less revenue from own sources) per person on justice in 2005-06 was \$445 (table C.2).

Table C.2 Real recurrent expenditure (less revenue from own sources) per person on justice services, 2005-06^{a, b, c, d}

	<i>Unit</i>	<i>NSW</i>	<i>Vic</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>ACT</i>	<i>NT</i>	<i>Aust</i>
Police services ^e	\$	301	285	294	348	289	292	306	788	304
Court admin.— criminal ^f	\$	24	16	18	33	22	26	21	68	22
Court admin.— civil ^{f, g, h}	\$	14	12	11	32	17	17	33	69	26
Corrective Services ⁱ	\$	106	62	89	133	85	87	84	269	93
Total justice system	\$	445	375	412	546	413	422	444	1194	445
Police services ^e	%	67.6	76.0	71.3	63.7	70.0	69.2	68.9	66.0	68.1
Court admin.— criminal ^f	%	5.4	4.3	4.4	6.0	5.3	6.2	4.7	5.7	5.0
Court admin.— civil ^{f, g, h}	%	3.1	3.2	2.7	5.9	4.1	4.0	7.4	5.8	5.9
Corrective Services ⁱ	%	23.8	16.5	21.6	24.4	20.6	20.6	18.9	22.5	20.9
Total justice system	%	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

^a Totals may not sum as a result of rounding. ^b Excludes payroll tax. ^c Population is estimated by taking the average of the four quarters for the 2005-06 financial year. ^d Excludes expenditure on justice services out of the scope of this Report (for example, expenditure on specialist courts). ^e Recurrent expenditure on police services includes depreciation and user cost of capital. ^f Recurrent expenditure on court administration includes depreciation, but excludes user cost of capital. ^g The Australian total includes Australian Government expenditure on the Federal Court of Australia, the Family Court of Australia, and the Federal Magistrates Court, which are not attributed to jurisdiction expenditure. ^h WA civil court administration data include the cost of the Family Court of WA, so are not directly comparable with other jurisdictions. ⁱ Recurrent expenditure on corrective services excludes depreciation and the user cost of capital.

Source: Australian, State and Territory governments (unpublished); tables AA2, 5A.1–8, 6A.12–13, 7A.8 and 7A.10.

Framework of the criminal justice system

The criminal justice system is broad and complex, and has many interrelated objectives. An overarching aim is to ensure that the community has access to a fair

system of justice that protects the rights of individuals and contributes to community safety (box C.1).

Box C.1 Objectives of the criminal justice system

The objectives of the criminal justice system are to provide protection for the rights and freedoms of all people through:

- the operation of police services that enhance community safety by preventing, detecting and investigating crime
- the administration of criminal justice that determines guilt and applies appropriate, consistent and fair sanctions to offenders
- the provision of a safe, secure and humane custodial environment and an effective community corrections environment that provide program interventions to reduce the risk of re-offending.

These objectives are pursued in a manner that is accessible, equitable, timely and efficient.

A model of the criminal justice system

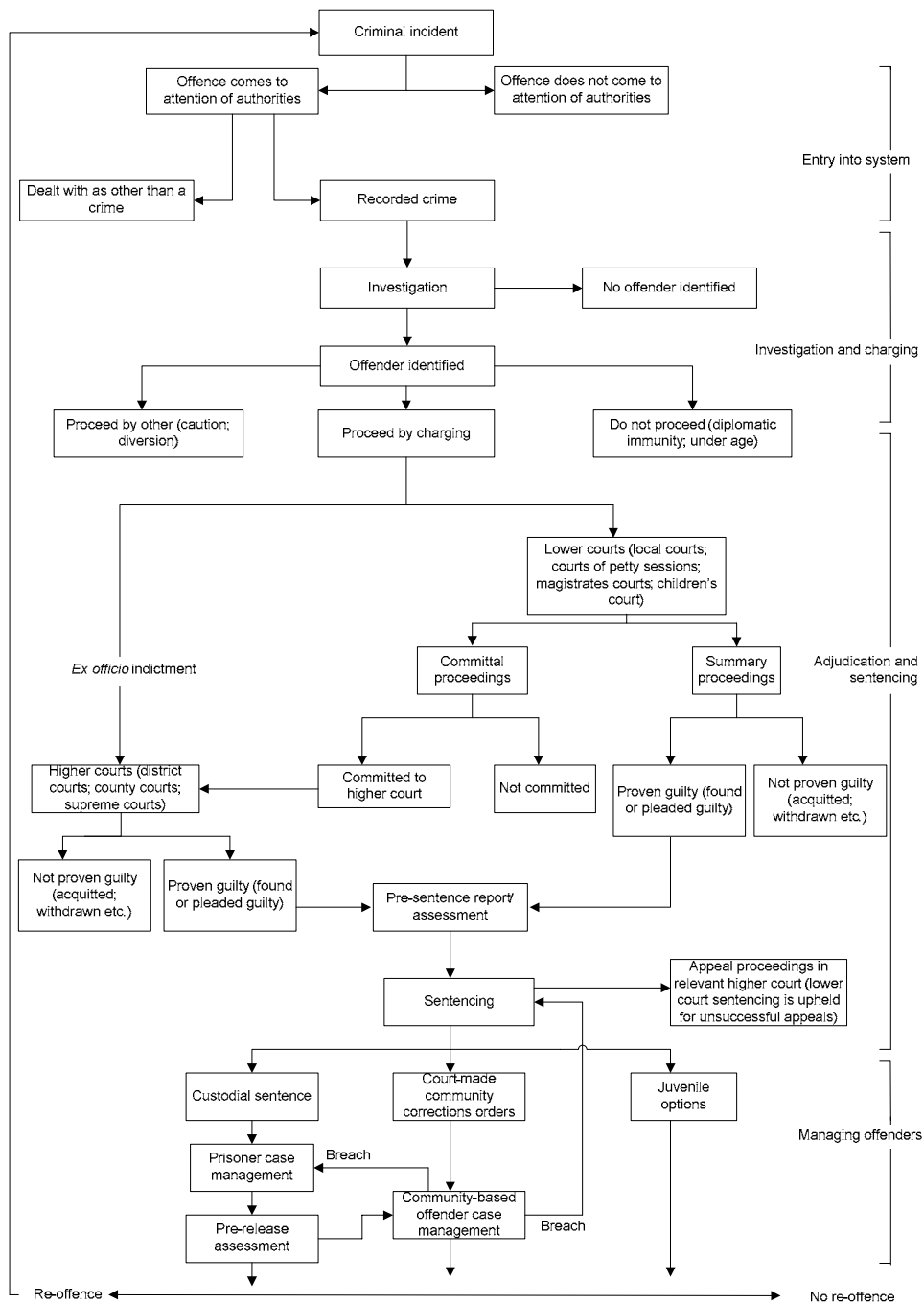
The performance of the criminal justice system is measured in this Report against the objectives of effectiveness (how well agencies meet the outcomes of access, appropriateness and/or quality), equity (how well agencies treat special needs groups) and efficiency (how well inputs are used to deliver a range of outputs). Within the criminal justice system, the ability of one agency to meet these objectives depends on the effectiveness of the complex interactions between the police, courts and corrective services (and other agencies outside the scope of this Report). Examples of this are:

- the police services' effect on the courts through the implementation of initiatives such as the issue of police cautions and other diversionary strategies
- the correctional system's services to courts through advisory services
- the impact on the justice system of the degree of recidivism (rate of return) experienced.

Although service areas are represented in separate chapters in this Report, performance results are to some extent interdependent. Each agency's activities may affect the activities and priorities of the other areas of the system. The resource demands on police, corrective services and, to a lesser degree, courts, along with their responsiveness and capacity to provide services and programs to their client bases, need to be considered in this context.

For most people who come into contact with it, the criminal justice system is a sequentially structured process. Figure C.1 shows the typical flow of events in the criminal justice system. This depiction is broadly indicative and, for brevity and clarity, does not seek to capture all the complexities of the criminal justice system or variations across jurisdictions.

Figure C.1 Flows through the criminal justice system a, b, c



a Does not account for all variations across jurisdictions. **b** The flow diagram is indicative and does not seek to include all the complexities of the criminal justice system. **c** Juvenile justice is covered in the community services preface.

Source: Adapted from ABS (unpublished) Criminal Justice Statistics Framework.

Key indicators of the criminal justice system

The following discussion expands on the policy objectives of the criminal justice system, traces the process by which the criminal justice system operates and refers to relevant effectiveness indicators used in the Report. It also reports some rate of return indicators, and some overall efficiency measures. Specific equity indicators are yet to be developed for criminal justice.

Crime prevention, detection and investigation

The Report includes measures of community perceptions of safety and rates of reported crime and victimisation.

Measures of public perceptions of safety indicate the success of the system in ensuring that the public feel safe both personally and in regard to their property. Public perceptions of safety are reported in detail in chapter 5 and include measures of perceived safety in the home, in public places and on public transport.

The recorded rate of crime is an indicator of the success of crime prevention and law enforcement. Given that several factors can influence recorded rates of crime, including the general willingness of the public to report crimes to police, additional information is also provided on the community's experience with crime, from the Australian Bureau of Statistics' (ABS) Crime and Safety Survey. This information helps to clarify the relationship between reported and unreported crimes. Recorded rates of crime and information from crime victimisation surveys are reported in chapter 5.

Information on the outcomes of criminal investigations provides a measure of the success of the police in responding to criminal incidents. Chapter 5 reports on outcomes of investigations. The data include the total number of investigations for a range of crimes, the number of investigations finalised as a proportion of total investigations, and the number of investigations that resulted in proceedings against the offending person. Measures relating to the proportion of lower court cases resulting in a guilty plea indicate the effectiveness of work undertaken by police and prosecuting services.

Chapter 5 also identifies the proportion of investigations that resulted in the offending person being cautioned or diverted from the criminal justice system, as well as the proportion of investigations that were not resolved.

Court administration

Data on the timeliness of court hearings provide information on the ability of the criminal justice system to meet community demands for accused persons to be dealt with in a timely manner, and on the courts' ability to manage their caseload effectively. The timeliness of case processing is reported in chapter 6.

Custodial and community corrections

Key effectiveness measures of custodial care — prisoner assault, death and escape rates — are reported in chapter 7. These measures are supported by descriptive indicators, such as imprisonment rates (disaggregated by gender and Indigenous status).

Community corrections data are also reported in chapter 7. A key effectiveness measure of community corrections is the proportion of orders successfully completed. This measure is supported by descriptive indicators, such as offender rates (disaggregated by gender and Indigenous status).

Offender programs and reparation

Information on the number of prisoners and offenders undertaking approved courses provides a measure of the effectiveness of corrective services in providing programs that increase the chances of successful re-integration into the community. Data on prisoner participation in education programs are reported in chapter 7. Not covered in this Report, but under development, is the delivery of structured, targeted, offence-focused programs for prisoners and offenders, such as sex offence treatment programs and violent offence treatment programs.

Offenders serving community corrections orders can provide reparation by undertaking unpaid community work. Similarly, some prisoners may undertake work in the community. The level and distribution of this reparation are detailed in chapter 7.

Overall performance

Rate of return — prisoners

Two indicators of ‘rate of return’ are reported for prisoners (table C.3):

- the percentage of prisoners returning to prison within two years of release
- the percentage of prisoners returning to corrective services (either prisons or community corrections) within two years of release.

Both indicators are based on the outcomes for prisoners released from custody during the two years before the reporting year (box C.2).

Box C.2 Rate of return reported by the criminal justice system

Rate of return — the extent to which persons entering the criminal justice system re-offend — is a partial measure of the success of the system in improving public safety by reducing the incidence of crime.

This report only includes rate of return indicators for corrective services (for prisons and for community corrections). No rate of return indicators are currently available from police services or court administration.

Rate of return, as it relates to corrective services, refers to the rate of prisoner/offender return. This measure does not include:

- arrests
- convictions for re-offending that lead to outcomes that are not administered by corrective services (for example, fines)
- a corrections sanction for a repeat offender who has previously been sentenced to only non-corrections sanctions (such as fines).

Further, it is not weighted in any way to account for the nature of the re-offence — for example, a return to prison for a traffic offence is counted in the same manner as a return for a more serious offence such as armed robbery.

The section is disaggregated to report on the rate of return of:

- prisoners — defined as persons with court-issued authorities held in full time custody under the jurisdiction of an adult corrective service agency
- offenders — defined as adult persons under community correction orders, which include prisoners released to the community on parole/licence orders.

The most recent rate of return data for this Report relate to prisoners released during 2003-04. The ACT did not report on either indicator, because the majority of full time prisoners sentenced in the ACT are held in NSW prisons.

Table C.3 Prisoners released during 2003-04 who returned to corrective services with a new correctional sanction within two years (per cent)^a

	<i>NSW</i>	<i>Vic</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>ACT</i>	<i>NT</i>	<i>Aust</i>
Prisoners returning to:									
– prison	43.3	36.5	27.6	40.3	41.1	39.3	..	46.4	38.3
– corrective services ^b	46.1	44.8	37.5	49.7	52.7	46.7	..	49.9	45.2

^a Refers to all prisoners released following a term of sentenced imprisonment including prisoners subject to correctional supervision following release, i.e. offenders released on parole or other community corrections order. ^b Includes a prison sentence or a community corrections order. .. Not applicable.

Source: State and Territory governments (unpublished).

Table C.4 provides a time series on the proportion of prisoners released who returned to prison within two years. Nationally, 38.3 per cent of prisoners released in 2003-04 returned to prison within two years, a decline from 40.1 per cent in 2001-02.

Table C.4 Prisoners released who returned to prison under sentence within two years (per cent)^{a, b}

	<i>NSW</i>	<i>Vic</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>ACT</i>	<i>NT</i>	<i>Aust</i>
2001-02	46.3	42.5	29.5	41.2	36.4	37.7	..	33.6	40.1
2002-03	44.1	41.1	33.2	37.0	40.3	38.8	..	37.1	39.6
2003-04	42.9	40.1	34.1	38.2	40.5	39.3	..	40.4	39.6
2004-05	43.5	38.3	30.6	40.6	42.7	37.8	..	44.2	39.3
2005-06	43.3	36.5	27.6	40.3	41.1	39.3	..	46.4	38.3

^a The counting rule for the total rate of prisoners returning to prison within two years of release was revised for the 2006 Report (2004-05 data) and is now based on all prisoners released following a term of sentenced imprisonment. In previous Reports (data for 2003-04 and earlier), prisoners subject to correctional supervision following release were excluded from the recidivism rate calculation. As a result, the total prisoner return rates published in previous Reports cannot be compared to the total rate calculated under the new rules. Total prisoner return rates for the previous four years are re-calculated in this table in accordance with the revised rule. **na** Not available. ^b Data for past years have been revised for some jurisdictions and Australian averages have been recalculated for all previous years. .. Not applicable

Source: State and Territory governments (unpublished).

Rate of return — offenders

Rate of return among offenders (defined as persons under community correction orders including prisoners released to the community on parole/licence orders) is reported by two indicators (table C.5):

- the percentage of offenders returning to community corrections
- the percentage of offenders returning to corrective services (either prisons or community corrections).

Return to corrective services is the preferred indicator of these two but not all jurisdictions can report this measure. Victoria and the ACT did not report on either indicator for this Report.

Table C.5 provides data on offenders discharged from community corrections orders who returned with a new correctional sanction within two years. Nationally, during 2003-04, 16.9 per cent of offenders returned with a new correctional sanction to community corrections.

Table C.5 Offenders discharged from community corrections orders during 2003-04 who returned with a new correctional sanction within two years (per cent)

	<i>NSW</i>	<i>Vic</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>ACT</i>	<i>NT</i>	<i>Aust</i>
Offenders returning to:									
– community corrections	17.1	na	12.3	23.6	13.9	13.1	na	16.5	16.9
– corrective services ^a	29.6	na	23.0	41.8	19.8	20.7	na	32.9	29.1

^a Includes a prison sentence or a community corrections order. **na** Not available.

Source: State and Territory governments (unpublished).

Efficiency

The efficiency of the criminal justice system is reflected in the level of resources used to deliver those services. Unit cost indicators for individual justice services are presented in the related chapters, but some outcomes result from interactions among the individual services. One indicator of efficiency is annual government recurrent expenditure per person on the criminal justice system. The data include real recurrent expenditure on prisons, courts and police services per person but exclude costs of civil court administration, probate hearings and electronic infringement and enforcement systems (table C.6).

Comparisons of unit costs need to account for conflicting objectives and tradeoffs among cost, quality and timeliness, and need to be interpreted in the context of the effectiveness indicators in each chapter.

In 2005-06, expenditure on the criminal justice system was \$422 per person nationally. Given improvements in the counting rules and collection scope for each service area over this period, comparisons over time and the annual growth rate of expenditure should be made with caution (table C.6).

Table C.6 Real recurrent expenditure (less revenue from own sources) per person on the criminal justice system (2005-06 dollars)^{a, b, c, d}

	<i>Unit</i>	<i>NSW</i>	<i>Vic</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>ACT</i>	<i>NT</i>	<i>Aust</i>
2001-02	\$	380	323	378	457	372	350	374	997	378
2002-03	\$	413	342	396	473	396	354	406	958	396
2003-04	\$	423	350	397	483	368	372	415	1035	401
2004-05	\$	422	358	393	508	390	385	416	1105	408
2005-06	\$	431	368	409	521	402	408	411	1133	422
Real annual growth rate	%	3.2	3.3	2.0	3.3	2.0	4.0	2.4	3.3	2.8

^a Improvements in counting rules and collection scope for each service area over this period mean that the annual growth rate of expenditure needs to be viewed with caution. ^b Excludes payroll tax. ^c Population is estimated by taking the average of the four quarters of the relevant financial year. ^d Excludes costs of civil court administration, probate hearings and electronic infringement and enforcement systems.

Source: State and Territory governments (unpublished); tables AA2, 5A.1–8, 6A.12, 7A.8 and 7A.10.

Future directions in performance reporting

Each chapter (police services, court administration and corrective services) contains its own service-specific section on future directions. The aim of this section is to provide an insight into directions in performance reporting for the whole justice sector.

Juvenile justice

The community services preface contains descriptive information on juvenile justice. It is anticipated that the Report will expand in future years to include performance reporting on juvenile justice.

Criminal Justice statistical framework

The National Criminal Justice Statistical Framework (ABS National Centre for Crime and Justice Statistics, unpublished) is an evolving document. It was developed to provide a structure for organising, collecting and reporting data on crime and the criminal justice system. (For more information, see SCRGSP 2004, p. C.17.) The primary purpose of the framework is to identify the key counting units

and data variables in the criminal justice system that would allow stakeholders to characterise the main aspects of that system. The framework intends to facilitate the compatibility and integration of aggregated data on populations across the criminal justice system and across geographic areas.

Crime and Justice National Information Development Plan

The Crime and Justice National Information Development Plan (NIDP) identifies national needs for data in crime and justice, current key data sources (both ABS and other agencies) and information gaps with reference to national data requirements (ABS 2005). It is a strategic document that has been developed in consultation with the Australian Government, State and Territory justice services, their associated research bodies, and a range of other portfolio agencies and non-government bodies that use this statistical information.

The NIDP lists 12 priority areas for improving the quality, coverage and use of crime and justice information across Australia and provides a map of the work planned over the next three years. The priority areas relevant to this Report include:

- improve data comparability across administrative collections
- improve quality and integration of national crime and safety data
- develop measures of recidivism (rate of return)
- develop statistics on juvenile contact with the crime and justice system.

Indigenous issues

In April 2002, the Council of Australian Governments (COAG) asked the Steering Committee to prepare a regular report on key indicators of Indigenous disadvantage as part of the COAG reconciliation commitment. In November 2003 the Steering Committee released the first edition of this report, *Overcoming Indigenous Disadvantage: Key Indicators 2003*. The second and most recent edition of this report, *Overcoming Indigenous Disadvantage: Key Indicators 2005* was released in July 2005.

The Report on Government Services focuses on the delivery of government services, whereas the report on Indigenous disadvantage concentrates on high level outcomes and strategic areas for action (which includes criminal justice indicators). The two reports are thus different yet complementary.

The available information on the interaction of Indigenous people with specific parts of the criminal justice system is of varying quality. The most important reason

for the poor quality of Indigenous data is that some agencies in the justice system do not conform to the ABS standard when recording Indigenous status.

The ABS standard is prefaced on self-identification whereby all offenders and/or victims are asked whether they are of Aboriginal or Torres Strait Islander origin and that the Indigenous status is a mandatory field in administrative systems.

Police agencies collect Indigenous status information for victims and offenders, but the data do not entirely comply with the ABS standard. Courts rely on the transfer of Indigenous data from police administrative systems, but given that police data are not of sufficient quality, nationally comparable data for Courts are not yet available. Indigenous data relating to custodial prisoners have been published for all jurisdictions for a number of years, with data sourced directly from corrections agencies. Experimental Indigenous data have also recently been released for persons with community-based corrective services orders.

Although Indigenous data are not yet available on a nationally comparable basis from the police, work is currently underway in many police agencies to improve information about Indigenous people. The ABS is planning to produce experimental Indigenous data as part of its National Recorded Crime Victims collection in 2007 for those states and territories that do currently comply with the ABS standard (NSW, Queensland and the ACT). Additionally, the ABS is exploring the release of experimental Indigenous data for the ABS National Offenders collection for those states and territories that comply with the standard. The ABS will also continue to work with the courts in relation to the transfer of Indigenous data from police administrative systems to court systems for those agencies that comply with the ABS standard.

In this Report, data on the deaths of Indigenous people in police custody and custody-related operations (for example, most sieges and most cases in which officers were attempting to detain a person, such as pursuits) (chapter 5), the representation of Indigenous people in prisons and community corrections (chapter 7), and Indigenous deaths in prison custody (chapter 7) are of high quality.

Civil justice

This preface currently focuses on the criminal justice system. Future reports will develop information on the civil justice system.

References

ABS (Australian Bureau of Statistics) 2005, *Information Paper: National Information Plan for Crime and Justice Statistics 2005*, Cat. No. 4520.0, Canberra.

SCRGSP (Steering Committee for the Review of Government Service Provision) 2004, *Report on Government Services 2004*, Productivity Commission, Canberra.