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# JUSTICE PREFACE

## Introduction

Justice services are concerned with ensuring a safe society, enhancing social order and security and upholding the rule of law. Upholding the rule of law includes both preventing breaches of the law and mitigating the impact of any breaches that do occur. Social order is enhanced by providing mechanisms for resolution of civil disputes. Achievement of a safer society depends on reducing crime levels and the fear of crime.

The justice system comprises services and agencies dealing with crime and civil disputes. It includes crime detection and prevention, law enforcement, judicial processes and dispute resolution, offender containment and rehabilitation services. The focus in this Report is on the core justice services of police, court administration and corrective services.

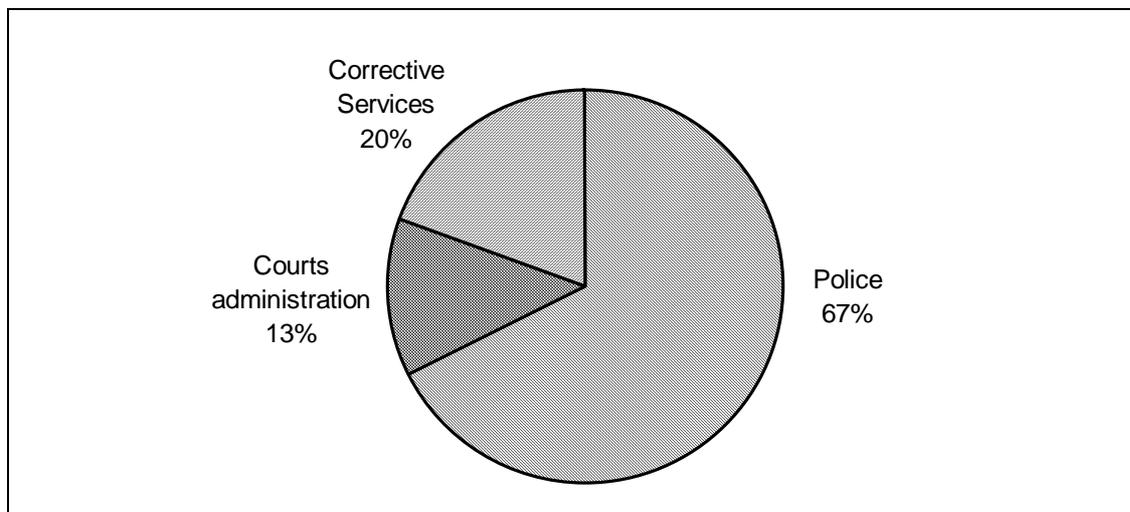
Police services generally undertake a wide variety of tasks associated with protecting, helping and reassuring the community, preventing crime and enforcing the law. Police also play an important role in emergency management and police agencies in some jurisdictions (for example, Tasmania and the NT) have additional responsibilities for emergency services. Emergency management is discussed in Chapter 8.

## Scope of the sector

The justice section of this Report covers total government recurrent expenditure of approximately \$5.4 billion in 1996–97. The largest component of the justice system was police services, which accounted for approximately 67 per cent of total justice-related expenditure covered by this Report. Corrective services accounted for 20 per cent and court administration accounted for the remaining 13 per cent.

Some smaller, but still important elements of the justice system are not covered by this Report — in police, the National Crime Authority and the federal functions of the Australian Federal Police; in court administration, the operations of tribunals and registries; and in corrective services, the juvenile detention system.

### Composition of government expenditure on justice covered in this Report, 1996–97<sup>a</sup>



a Definitions of 'recurrent expenditure' may differ slightly across sectors.

Sources: Tables 5A.1 to 5A.8; 6A.1 to 6A.8; 7A.1

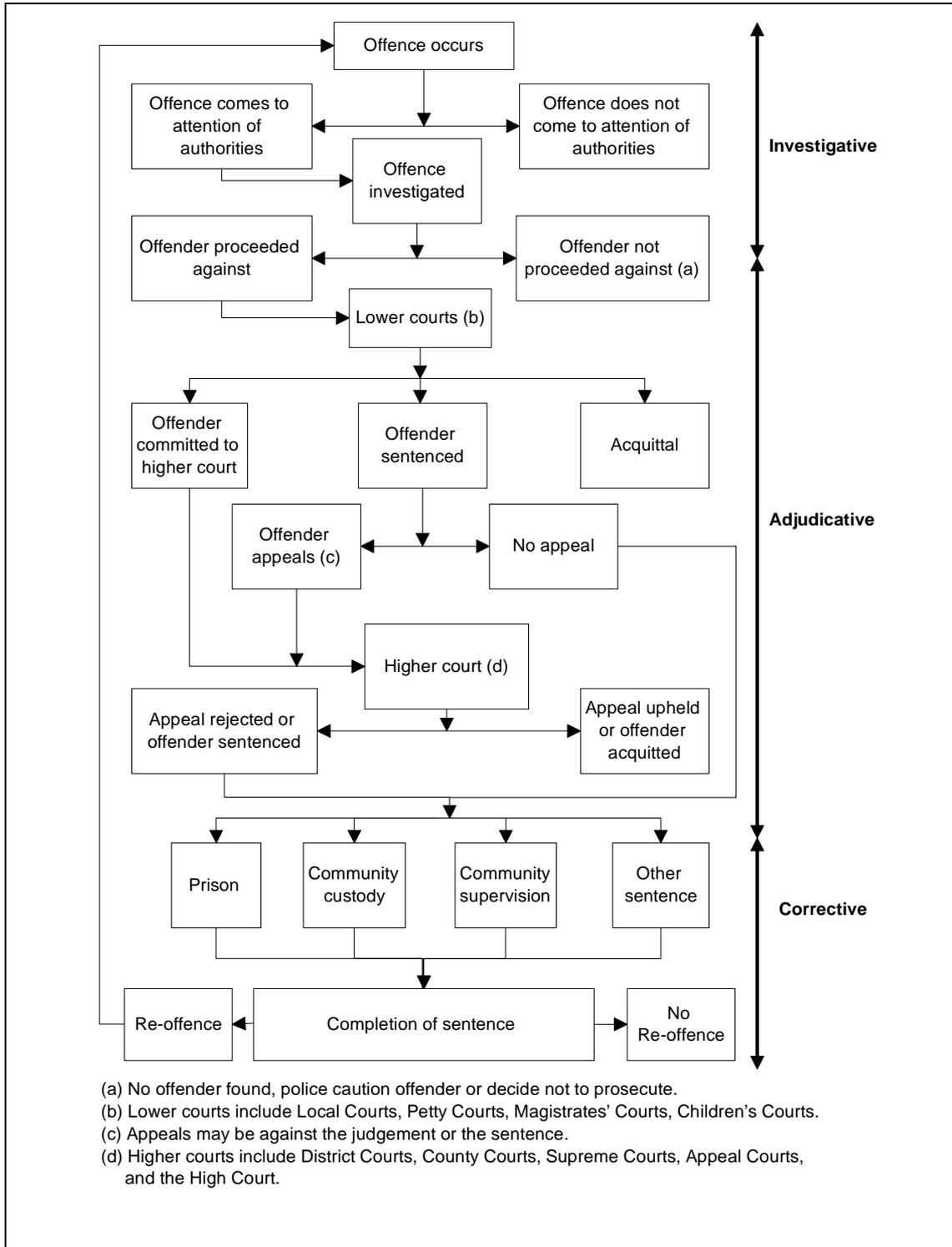
### Interactions within the justice sector

The justice system involves many independent agencies — police, courts and corrective services — all of which contribute to the broad objective of improving community safety and good order. The agencies interact in many ways, with the specific objectives of one agency, and the effectiveness and efficiency with which it pursues them, affecting the operations of other agencies. Particular interactions include:

- the police service affecting the judicial system — for example, the demand for judicial services;
- the judicial system affecting the correctional system — for example, the entry of prisoners into the correctional system and the nature of the correctional sanction; and
- the correctional system affecting the police service — for example, the ability of the correctional system (along with other parts of the justice system) to affect recidivism.

Individuals tend to pass through the criminal justice system, interacting in succession with police, courts and corrections.

Flows through the criminal justice system



## **Broad sector indicators**

Given the integrated nature of the justice system, some aspects of performance cannot be attributed to a single agency. Some performance indicators reflect the combined influence of many services.

### *Perceptions of public safety*

An important objective of the justice system is to ensure that the public feel safe (both personally and regarding their property) in public and private places. The community perceptions survey provided information on perceptions of safety. A majority of people surveyed felt safe at home both during the day and after dark. A majority of people also felt safe walking or jogging locally and catching public transport during the day, but only a minority felt safe undertaking these activities after dark. Generally, while there were not significant differences between jurisdictions, more people felt safe in Tasmania, NT and the ACT, and fewer people felt safe in NSW and WA (Figures 5.6 and 5.7).

### *Incidence of crime*

An indicator of the success of crime prevention and law enforcement is the rate of crime. Across jurisdictions, reported victims of crimes against the person ranged from 1635 per 100 000 persons in the NT to 464 in Victoria (Figure 5.1). Crimes against property ranged from 8156 per 100 000 persons in WA to 4795 in Victoria (Figure 5.1).

### *Recidivism*

Recidivism — the extent to which persons passing through the justice system re-offend — is a partial measure of the success of the justice system in improving public safety by reducing the incidence of crime. It is measured here in terms of returns to corrections.<sup>1</sup> It should be noted that this measure:

- does not include arrests that do not proceed to a court conviction (for example, restitution or police cautions);
- does not include convictions for re-offending that lead to outcomes that are not administered by corrective services (for example, sanctions such as fines or bonds);

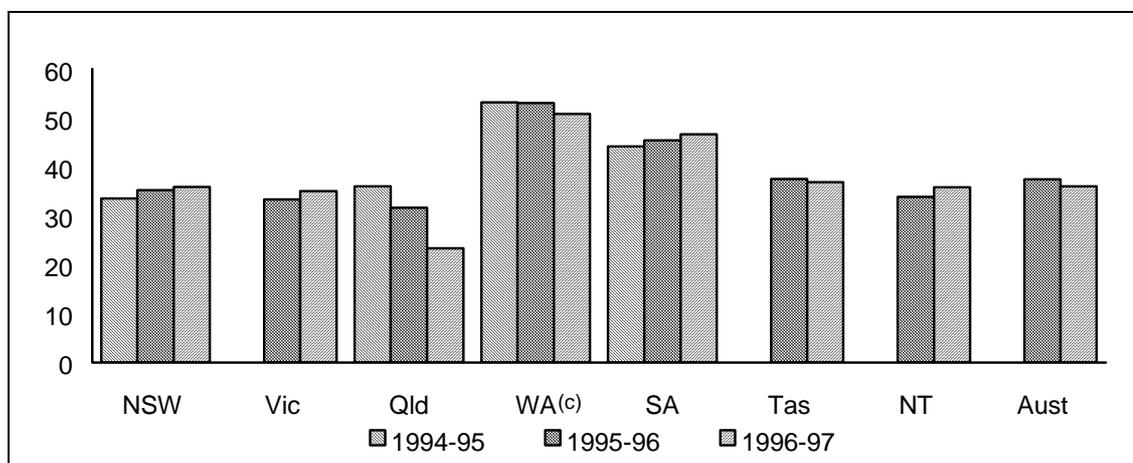
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<sup>1</sup> Recidivism is defined as a return to corrective services with a new correctional sanction (prison, community custody or community supervision) — within two years of release from prison for sentenced prisoners or within two years of completion of a community-based order for community custody or community supervision offenders — where the earlier release or completion had not been subject to further supervision or contact with corrective services.

- is not weighted in any way to account for the nature of the re-offence (for example, a return to prison for fine default is counted in the same manner as a return for armed robbery); and
- relates only to returns to prison, not returns to any corrective services program, for NSW and Tasmania.

For prison custody, in 1996–97, Queensland had the lowest proportion of sentenced prisoners returning to corrective services within two years of release (23.4 per cent) and WA had the highest proportion (50.8 per cent). Most jurisdictions’ rates were similar to those of the previous year, except for Queensland (whose rate declined from 31.6 per cent to 23.4 per cent).

Recidivism rate for prison custody, 1994–95 to 1996–97 (per cent)<sup>a,b</sup>



a The ACT did not report on recidivism because it contracts NSW to provide prison facilities for ACT prisoners. ACT sentenced prisoners are included within NSW figures.

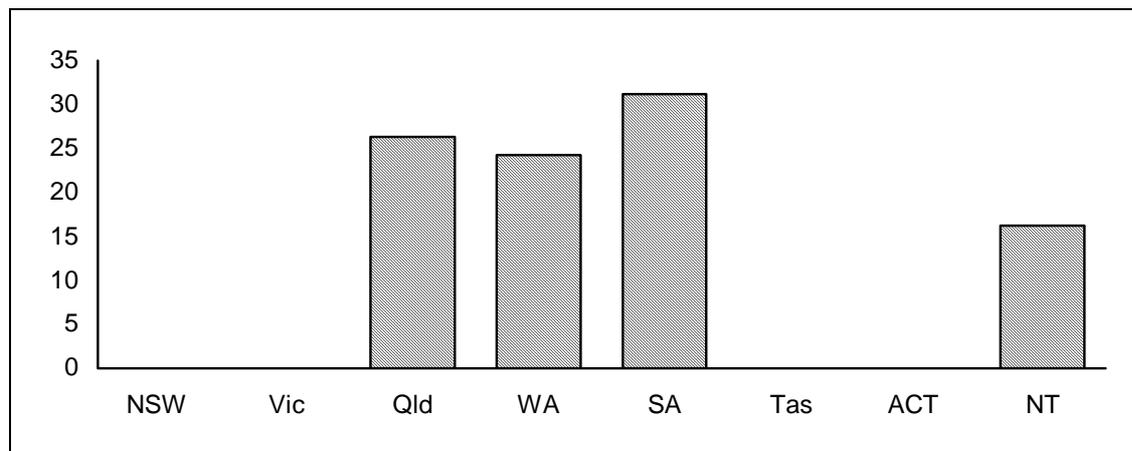
b No data were available for Victoria, Tasmania and the NT for 1994–95. No average was calculated for Australia for 1994–95.

c The figures for 1994–95 and 1995–96 for WA were amended from those in the 1997 Report.

Source: Table 7A.31

The NT had 26.8 per cent of community custody offenders return to corrections within two years of completing the community custody order, compared with 32.3 per cent in SA. Only two other jurisdictions used community custody as a sentencing option. NSW did not report on this measure and it is not relevant for Queensland because offenders are not released from community custody directly, but are invariably subject to community supervision after completing an order.

For community supervision, only four of the eight jurisdictions (Queensland, WA, SA and the NT) reported on recidivism for 1996–97. The NT showed the lowest rate (16.2 per cent) and SA the highest rate (31.2 per cent).

Recidivism rate for community supervision, 1996–97 (per cent)<sup>a</sup>

a NSW, Victoria, Tasmania and the ACT did not report on this indicator.

Source: Table 7A.32

### Recent developments and future directions

The ABS Australian Standard Offence Classification (ASOC), released in October 1997 to replace the Australian National Classification of Offences (ANCO), will provide a basis for consistent national collections in the justice area. The ASOC is to be progressively introduced into ABS statistical collections over the next 12 months, and the ABS anticipates that key agencies within the crime and justice system will introduce it into their data collections.

As the classification is adopted across systems in all jurisdictions, it will allow better tracking of case flows through the system. It will also provide the basis for collecting and publishing national crime and justice statistics with greater comparability across states and territories and between the different sectors of the criminal justice system.

### The justice sector and indigenous people

The range of information available on the interaction of indigenous people with the justice sector is limited. Statistical collections cannot identify charges laid against indigenous people or their convictions. However, imprisonment rates and deaths in prison custody are reported in Chapter 7 (Corrective Services).

The National Centre for Crime and Justice Statistics, in conjunction with the National Aboriginal and Torres Strait Islander Statistics unit, is placing greater priority on developing and implementing national standards for indigenous identification in crime, courts and corrective services statistical collections. The first step will involve a survey of existing administrative collections.