

PART C

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# JUSTICE



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## 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 this Report is on the justice services provided by police, court administration and adult corrective services. The Report covers:

- 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' (including electronic and children's) courts, coroners' courts and probate registries, as well as the court administration of the Federal Court of Australia, the Federal Magistrates Court, the Family Court of Australia and the Family Court of WA
- the operations of corrective services within each State and Territory, including prison custody (and periodic detention), and a range of community correctional orders and programs for adult prisoners and offenders (including both public and privately operated facilities).

While the Report covers an extensive range of justice service activities within police, court administration and corrective services, it does not cover everything that occurs within the justice system. Some government services not included in this Report also contribute to civil and criminal justice outcomes, such as:

- 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 which 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
  - corrective services for juveniles (see the Community services preface).

## **Profile of the justice system**

### **Real recurrent expenditure (less revenue from own sources)**

Total recurrent expenditure (less revenue from own sources) by the parts of the justice system covered in this Report was nearly \$7.2 billion in 2002-03 (table C.1). Expenditure data reported in this preface exclude payroll tax so data reported in previous reports will not match the data reported here. Total reported recurrent expenditure on justice represented approximately 9.3 per cent of all recurrent expenditure on services covered in the 2004 Report.

Expenditure in 2002-03 included approximately \$4.9 billion on police services, about \$1.5 billion on corrective services and \$413.7 million on criminal courts administration. Expenditure on civil justice (including the Federal Court, the Federal Magistrates Court and the family courts) was approximately \$403.9 million (table C.1).

Recurrent expenditure (less revenue from own sources) between 1999-2000 and 2002-03 grew fastest in real terms for corrective services (at an annual average rate of 5.7 per cent). It decreased for civil courts administration (at an annual average rate of 7.2 per cent) (table C.1) although, this decrease needs to be viewed with caution because it may reflect changes in expenditure reporting for courts administration from 2000-01 and further changes in 2002-03. Changes in counting rules and collection scope for each service area over this period mean that care also needs to be taken in interpreting the rate of change of expenditure.

**Table C.1 Real recurrent expenditure (less revenue from own sources) on justice by all Australian governments (2002-03 dollars)<sup>a, b</sup>**

	1999-2000 <sup>c</sup>	2000-01	2001-02 <sup>d</sup>	2002-03 <sup>d</sup>	Annual average growth <sup>c, d</sup>
	\$m	\$m	\$m	\$m	%
Police services	4 461.6	4 440.3	4 573.5	4 875.7	3.0
Court admin. — criminal <sup>e</sup>	452.4	413.7	410.4	413.7	-2.9
Court admin. — civil <sup>f</sup>	505.0	357.1	381.6	403.9	-7.2
Corrective services	1 266.7	1 298.0	1 402.3	1 494.5	5.7
<b>Total justice system</b>	<b>6 685.8</b>	<b>6 509.1</b>	<b>6 767.8</b>	<b>7 187.9</b>	<b>2.4</b>
	%	%	%	%	
Police services	66.7	68.2	67.6	67.8	..
Court admin. — criminal	6.8	6.4	6.1	5.8	..
Court admin. — civil	7.6	5.5	5.6	5.6	..
Corrective services	18.9	19.9	20.7	20.8	..
<b>Total justice system</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>..</b>

<sup>a</sup> Totals may not sum as a result of rounding. <sup>b</sup> Excludes payroll tax. <sup>c</sup> In 1999-2000, court administration net recurrent expenditure included only a small portion of total revenue collected by courts. This has been rectified from 2000-01 and accounts for the large drop experienced in net recurrent expenditure in the following years (particularly in the civil courts). Care needs to be taken in comparing court expenditure in 1999-2000 with future years. <sup>d</sup> The data for court administration (criminal) include a large amount of income from electronic courts not previously reported. <sup>e</sup> Includes the cost of magistrates' (including electronic and children's), district/county, supreme and coroners' courts. <sup>f</sup> Includes magistrates' (including children's), district/county and supreme courts, the Family Court, the Federal Court of Australia and Family Court of WA. The Federal Magistrates Court was included for the first time in 2001-02. The data exclude the cost of probate hearings for all years. .. Not applicable.

Source: Australian, State and Territory governments (unpublished); tables A2, 5A.11, 6A.12, 6A.13, 7A.7 and 7A.10.

## 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. Police agencies in some jurisdictions provide, for example, event management and emergency response services, while others do not.

Expenditure per person on civil and criminal justice in 2002-03 was highest in the NT (\$858) and lowest in Victoria (\$298) (table C.2). Expenditure per person on police services was highest in the NT (\$556) and lowest in Tasmania (\$228). In criminal courts administration, the highest expenditure per person was in the NT (\$51) and the lowest was in Victoria (\$10). In civil courts administration, the highest expenditure per person was in the NT (\$38) and the lowest was in

Queensland (\$6). The NT also had the highest expenditure per person on corrective services (\$213), while Victoria had the lowest (\$47) (table C.2).

**Table C.2 Recurrent expenditure (less revenue from own sources) on justice, per person, 2002-03<sup>a, b, c</sup>**

	<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	\$	250	234	234	276	246	228	252	556	248
Court admin.— criminal	\$	26	10	19	28	23	21	25	51	21
Court admin.— civil <sup>d,e,f</sup>	\$	11	7	6	24	15	7	15	38	20
Corrective services	\$	84	47	80	102	74	59	77	213	76
<b>Total justice system</b>	<b>\$</b>	<b>371</b>	<b>298</b>	<b>340</b>	<b>430</b>	<b>357</b>	<b>314</b>	<b>370</b>	<b>858</b>	<b>364</b>
Police services	%	67.4	78.4	69.2	64.3	68.8	72.5	68.3	64.8	67.9
Court admin. — criminal	%	7.1	3.5	5.5	6.4	6.4	6.7	6.8	5.9	5.7
Court admin. — civil	%	3.0	2.3	1.9	5.5	4.2	2.2	4.2	4.4	5.6
Corrective services	%	22.6	15.8	23.6	23.8	20.6	18.9	20.8	24.8	20.7
<b>Total justice system</b>	<b>%</b>	<b>100.0</b>								

<sup>a</sup> Expenditure excludes payroll tax. <sup>b</sup> Totals may not sum as a result of rounding. <sup>c</sup> Population is estimated at 31 December 2002. <sup>d</sup> Australian total includes Australian Government expenditure on the Family Court of Australia, the Federal Court, and the Federal Magistrates Court, which are not attributed to jurisdiction expenditure. The civil expenditure on these Australian Government courts was \$9 per person (based on the Australian population). <sup>e</sup> WA civil court administration data include the cost of the Family Court of WA, so are not comparable with data for other jurisdictions. <sup>f</sup> Excludes cost of probate hearings.

Source: Australian, State and Territory governments (unpublished); tables A2, 5A.11, 6A.12, 6A.13, 7A.7 and 7A.10.

## Policy developments in the justice system

The provision of services is continually evolving. Recent policy initiatives within the areas of courts, police and corrective services are outlined in chapters 5, 6 and 7 respectively. In addition to these developments, initiatives are occurring across police, courts and corrective services that have implications for the system as a whole. These are outlined as follows.

### Crime prevention

Crime prevention initiatives can have positive effects on policing, courts and corrective services. All jurisdictions have endeavoured, where practical, to develop mechanisms aimed at enhancing crime prevention. A common theme has been the

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involvement of police in the community. Some of the initiatives undertaken by jurisdictions are outlined below.

The NSW Premier's Council on Crime Prevention was established in 1995 to take proactive steps to prevent crime and the preconditions that foster it. This body was recently reconstituted as the NSW Crime Prevention Council. The Crime Prevention Division of the Attorney-General's Department provides advice on crime prevention policy and programs, and assists local government and non-government agencies to address crime prevention issues. Crime prevention programs and initiatives in the State are broad-based whole-of-Government approaches, involving non-government organisations and the general community working in close partnership with local councils. Programs offered include Safer Community Development, Families First, Schools as Community Centres, Beat Graffiti, Drug Diversion, Violence against Women, and Police Accountability Community Teams. The NSW approach to crime prevention is based on the understanding that strong and effective law enforcement, combined with firm but fair penalties for breaking the law, need to be supported by policies and programs that work to prevent people from becoming involved in crime in the first place.

The Victorian Government agency Crime Prevention Victoria develops effective strategies for reducing crime and violence, particularly through its *Safer Streets and Homes Strategy 2002–2005*. Victoria Police is also actively involved in community safety and crime prevention strategies targeted at different sections of the community (including women, young people and older Victorians) and the establishment of multicultural liaison units.

The Queensland Government's commitment to crime prevention is outlined in its crime prevention strategy *Building Safer Communities*. The strategy, launched in 1999, provides for a comprehensive package of initiatives to reduce the causes of crime and the harms resulting from crime. This approach has continued to evolve with further legislative and community-based initiatives. Crime Prevention Queensland (in the Department of the Premier and Cabinet) co-ordinates this whole-of-Government approach. Programs under Queensland's strategy range from those aimed at effecting change in entire communities — such as the Community Renewal program, which operates in 15 areas throughout the State, incorporating more than 500 projects to reduce disadvantage, to situation-based programs, such as the Security Improvement Program, which can assist councils with target hardening measures of specific sites.

Other initiatives delivered across the State target key areas of risk for criminal activity. The nexus between drugs and crime is being addressed through the Government's *Drug Strategic Framework: Beyond a Quick Fix* and its subsequent action plans, in a comprehensive whole-of-Government approach to combat drug

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abuse and reduce drug related crime. The establishment of drug courts, for example, will offer offenders the opportunity to beat their drug addiction and will be expanded following positive evaluations by the Australian Institute of Criminology. Alcohol service management practices, and safety within public spaces, will continue to be addressed through alcohol management plans, drink spiking prevention campaigns, schoolies and ‘party safe’ programs, anti-identity fraud initiatives, localised safety action plans and the promotion of responsible drinking practices.

The Queensland Government’s commitment to progressing *Meeting Challenges, Making Choices* — a strategy to improve the quality of life in Indigenous communities — continued with reforms targeting eight priority areas, including alcohol and substance abuse, and crime and justice. In 2002-03 a strong emphasis on community safety programs saw the rollout of community safety initiatives. *The Strategic Framework for Community Crime Prevention* funded regional crime prevention resource officers in eight regions throughout Queensland, who assist communities to develop Building Safer Community Action Teams. These teams provide a co-ordinated response to address crime problems at the local level. The Community Safety Project targeted Neighbourhood Watch communities to incorporate a broader focus on community safety, particularly in the home. There will be a further rollout of community safety initiatives across Government to build on initiatives already developed and implemented.

In addition to these activities, a range of legislative reforms have been enacted in Queensland. These restrict access to concealable weapons; provide increased protection against domestic and family violence to family members, older people, people with disabilities and people in dating relationships; and provide the means to continue the imprisonment of dangerous sex offenders who continue to pose a threat to the community.

The WA Government’s strategic direction statement *Making Our Community Safer* outlines the Government’s policy commitments to crime prevention. The focus is on the development of a whole-of-Government crime prevention strategy, which requires closer partnerships among agencies, local governments and communities. A key element of the strategy is the establishment of an Office of Crime Prevention that is directly responsible to the Premier.

The SA Government maintains a Crime Prevention Unit (CPU) in the Attorney General’s Department to work with other agencies and sectors to prevent crime. Aside from its work with the Australia and New Zealand Crime Prevention Ministerial Forum, the CPU undertakes community based crime prevention projects and programs within SA. The SA Police *Future Directions Strategy 2003–2006 Policing Model* features a crime reduction strategy. SA Police (SAPOL) place great

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importance on crime reduction in all SA communities, working with local communities to identify particular needs and co-ordinate State-wide crime reduction/prevention and community-based policing programs. Crime management is an integral part of SAPOL's Crime Reduction Strategy, using problem solving techniques such as enhanced intelligence systems and the targeting of persistent offenders to reduce crime and the fear of crime.

The Tasmanian Government has identified community safety as a key priority within the *Tasmania Together* goal of 'having a community where people feel safe and are safe in all aspects of their lives'. The Police Department has a major role as co-ordinator of a range of cross-agency projects focusing on poverty, and of early intervention strategies for young people and families at risk. Projects that the police support include: protocols for co-operation and information sharing across Government; involvement with local community partnerships comprising local government, government agencies and community organisations; a new pro-interventionist legislative framework for dealing with family violence; a therapeutic wilderness course with integrated ongoing support for 'at risk' young people; and U-Turn, which is a diversionary program targeting young motor vehicle thieves.

In the ACT, a four year Criminal Justice Strategic Plan is being implemented by co-operative cross-agency action towards four core aims: (1) preventing and reducing crime and its impacts; (2) bringing offenders to justice; (3) administering justice fairly; and (4) administering sentence outcomes efficiently and effectively.

In February 2000, the NT Government established the Office of Crime Prevention in the newly formed Department of Justice. The office develops and co-ordinates the implementation of whole-of-Government crime prevention strategies with wide community involvement, administers a community grants scheme, evaluates the success or failure of crime prevention strategies, provides policy advice about crime reduction initiatives and independently compiles, analyses and publishes crime and justice statistics.

## **Alternative sentencing mechanisms**

While there has been a sustained growth in prisoner populations over recent years, jurisdictions have also considered and, in some cases, implemented various alternative sentencing mechanisms. This action stems from both the rise in prisoner populations and the development of alternative methods to ensure offender integration back into the community and to limit the prospect of re-offending. Alternative sentencing options (such as intensive supervision orders, home detention and electronic surveillance) are likely to continue to be considered as

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more sophisticated technology becomes available. The following are some of the alternative sentencing mechanisms being implemented or considered by jurisdictions.

New South Wales has developed a model to conduct a ‘trial of circle sentencing’, to improve the effectiveness of sentencing for Indigenous people and their communities. The initiation of a series of community forums helped to improve recognition of Indigenous customary law. NSW and the ACT are also the only jurisdictions that operate periodic detention programs (under which an order of confinement requires that a person be held in a prison or periodic detention facility for two consecutive days within a one week period).

The WA Government is committed to the notion that reducing re-offending is more effectively carried out in the community, reserving imprisonment for those from whom the community requires most protection. To support this approach, the Government is developing legislative reforms, including proscribing on sentences of six months or less, providing a full range of sentencing options for traffic offences, and providing courts with the capacity to impose conditions on suspended imprisonment.

South Australia’s Police Drug Diversion Initiative, implemented in 2001, diverts some offenders away from the justice system into the health environment, in conjunction with the Pilot Drug Court, where illicit drug users gain access to education and treatment/rehabilitation programs before sentencing. SAPOL also administers diversionary juvenile justice programs that contain an educative component aimed at reducing offending.

A major review of sentencing in Victoria was completed during 2001-02, which will lead to refinement of the sentencing options available in that jurisdiction.

## **Framework of the justice system**

The criminal justice system is broad and complex, and has many interrelated objectives. An overarching aim is to ensure community access to a fair system of justice that protects the rights of individuals and is responsive to community needs (box C.1).

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**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 adult correctional system that incorporates the elements of safe custody, rehabilitation and restorative justice to the community.

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

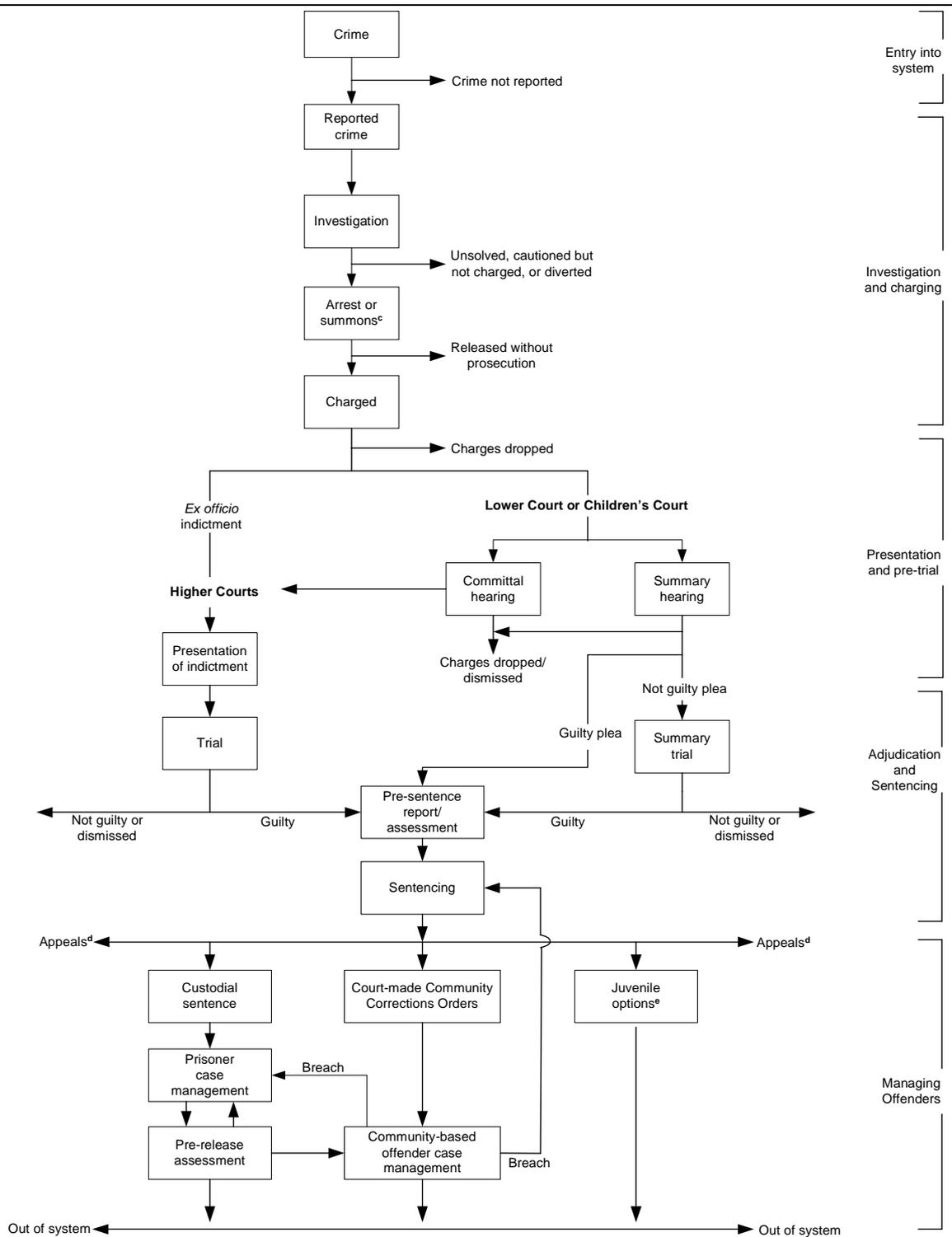
## **A model of the criminal justice system**

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 and timeliness), 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 areas of policing, courts and corrective services interact with each other, as illustrated by:

- the police service's direct influence on the judicial system through policing strategies such as police cautions and other diversionary strategies
- the judicial system's direct influence on the correctional system through sentencing practices
- the correctional system's direct influence on the police service through offences committed inside prison, and its input to the judicial system through advisory services provided to courts.

Figure C.1 illustrates the possible stages involved in the processing of cases as they move through the criminal justice system, showing some of the links among police, courts and corrective services. This depiction is broadly indicative and for purposes of 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<sup>a, b</sup>



<sup>a</sup> Does not account for all variations across jurisdictions. <sup>b</sup> The flow diagram is indicative and does not seek to include all the complexities of the justice system. <sup>c</sup> Includes voluntary agreement to attend court in some jurisdictions. <sup>d</sup> Appeals are referred to the higher courts. Lower court sentencing is upheld for unsuccessful appeals. <sup>e</sup> Juvenile justice is covered in the Community services preface.

Source: Adapted from Criminal Justice Commission (1991).

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## **Key indicators of the criminal justice system**

The following discussion links into the stated policy objectives of the criminal justice system (box C.1), and follows the process by which the criminal justice system operates (figure C.1). The discussion draws on a number of performance indicators used in this Report. It also identifies other areas that are not covered in this analysis, but that may also be relevant in providing a more complete picture of the operations of, and service delivery options available to, police, courts and corrective services agencies.

### **Crime prevention and detection**

#### *Effectiveness*

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 the public feels 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 a number of factors can influence recorded rates of crime, including the general willingness of the public to report crimes to police, additional information is also provided. A survey of the community's experience with crime, such as the Australian Bureau of Statistics' (ABS) Crime and Safety Survey, 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.

#### *Efficiency*

The cost per person of the service delivery area 'community safety and support' is used for measuring the efficiency of agencies in delivering these services. These data are contained in chapter 5.

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## **Crime investigation**

### *Effectiveness*

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 investigations finalised as a proportion of total investigations, and the investigations that resulted in proceedings against the offending person as a proportion of investigations that were finalised. 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.

### *Efficiency*

The efficiency measure for crime investigation is the cost per person of delivering the service to the community. These data are contained in chapter 5.

## **Presentation and pre-trial**

### *Effectiveness*

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 provides data for police in this area. Data on the timeliness of hearings provide important information on the ability of the justice system to meet community demands for accused persons to be dealt with in a timely manner, and also on the courts' ability to manage their caseload effectively. The timeliness with which criminal committal matters were finalised is reported in chapter 6.

### *Efficiency*

The cost per person of the service delivery area 'services to the judicial process' is used to measure the efficiency of delivering police prosecution services. It is reported in chapter 5. The cost per case in lower criminal courts is used as a measure of the efficiency of case management by court administrators. It is reported in chapter 6.

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## **Adjudication and sentencing**

### *Effectiveness*

Data on the timeliness of hearings provide further important information on the ability of the 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. Measures relating to the proportion of higher court cases resulting in a guilty finding are contained in chapter 5. Case completion times are reported in chapter 6.

## **Custodial corrections**

### *Effectiveness*

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).

### *Efficiency*

Recurrent and capital costs per prisoner per day are key indicators of efficiency, reported in chapter 7. These include costs associated with offender programs, reparation, prisoner custody and transport.

## **Community corrections**

### *Effectiveness*

In community corrections, a key effectiveness measure is the proportion of orders successfully completed. This measure is supported by descriptive indicators, such as offender rates (disaggregated by gender and Indigenous status). Chapter 7 contains these data.

### *Efficiency*

The cost per offender per day is used to measure the efficiency of providing community corrections. It is included in chapter 7.

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## **Offender programs and reparation**

### *Effectiveness*

Information on the number of prisoners and offenders undertaking approved education, training and personal development courses provides a measure of the effectiveness of corrective services in providing programs that increase the chances of successful re-integration into the community. The programs offered are reported in chapter 7.

Reparation may include prisoners undertaking work in the community on environmental and other work projects. Offenders serving community corrections orders provide reparation by undertaking unpaid community work. The level and distribution of this reparation is detailed in chapter 7.

Not covered in this Report, but under development, is the delivery of structured, targeted, offence focused programs to prisoners and offenders such as sex offence treatment programs and violent offence treatment programs.

### *Efficiency*

The costs associated with offender programs and reparation are not separately identified. These data are incorporated into the cost per prisoner/offender indicator (chapter 7).

## **Overall performance**

### *Effectiveness*

Recidivism — the extent to which persons convicted by the criminal justice system re-offend — is a partial measure of the performance of the system in improving public safety by reducing the incidence of crime. An indicator of recidivism presented in this Report measures the return to corrective services of persons released from custody or community correction orders. This measure:

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

- 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).

Two indicators of recidivism are reported. The first is the percentage of prisoners returning to prison within two years of release and the second is the percentage of prisoners returning to corrective services (either prisons or community corrections). Both indicators are based on the outcomes for prisoners released from custody during the two years before the year in which the indicator is reported. Data for this Report thus relate to prisoners released during 2000-01.

Recidivism among offenders under community correction orders is also assessed by two indicators: the percentage of offenders returning to community corrections and the percentage returning to corrective services (either prisons or community corrections). Return to corrective services is the preferred indicator in both cases, however, not all jurisdictions can report this measure.

In 2002-03, NSW reported the highest rate of return to prison by prisoners (45.4 per cent) and SA reported the lowest (25.5 per cent). WA reported the highest rate of prisoner return to corrections as a whole (51.4 per cent) and the NT reported the lowest (39.4 per cent). The ACT did not report on either indicator in 2002-03 (table C.3).

Western Australia reported the highest rate of return to community corrections by offenders following completion of community orders in 2002-03 (32.7 per cent) and Queensland reported the lowest (10.6 per cent). WA also reported the highest rate of return by offenders to corrections as a whole (39.6 per cent) and Queensland reported the lowest (16.4 per cent). NSW and the ACT did not report on either indicator in 2002-03 (table C.3).

**Table C.3 Prisoners and offenders released or completing order in 2000-01 who returned with a correctional sanction within two years (per cent)**

	<i>NSW<sup>a</sup></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	45.4	31.3	32.0	42.1	25.5	35.4	na	33.1	37.2
– to corrective services	51.2	39.6	49.3	51.4	45.7	45.3	na	39.4	47.0
Offenders returning									
– to community corrections	na	21.1	10.6	32.7	16.9	15.7	na	16.4	19.9
– to corrective services	na	25.5	16.4	39.6	24.0	24.2	na	31.9	25.8

<sup>a</sup> NSW rates are affected by the inclusion of breaches of drug court orders. This sentencing option has a significantly higher recidivism rate than that for other orders. **na** Not available.

Source: State and Territory governments (unpublished).

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## Efficiency

The efficiency of the criminal justice system is reflected in the level of resources used to deliver justice services. Unit cost indicators for individual justice services are presented in the relevant 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 (table C.4). However, comparisons of unit costs need to account for conflicting objectives and tradeoffs between cost, quality and timeliness, so need to be viewed in the context of the suite of effectiveness indicators in each chapter.

Over the period 1999-2000 to 2002-03, the highest annual rate of growth in real expenditure per person on criminal justice was experienced in the ACT (3.6 per cent). Real expenditure fell slightly over this period in Victoria (a fall of 0.2 per cent) (table C.4). Given improvements in counting rules and collection scope for each service area over this period, the annual growth rate of expenditure needs to be viewed with caution.

Table C.4 **Real recurrent expenditure (less revenue from own sources) per person on the criminal justice system (2002-03 dollars)<sup>a, b, c, d</sup>**

	1999-2000	2000-01	2001-02	2002-03	Real annual growth rate
	\$	\$	\$	\$	%
NSW	330	337	333	359	2.9
Victoria	293	268	282	291	-0.2
Queensland	308	303	324	333	2.7
WA	403	392	399	406	0.3
SA	311	311	322	342	3.3
Tasmania	284	282	303	303	2.6
ACT	318	343	327	358	3.6
NT	798	770	811	820	0.9
<b>Australia</b>	<b>326</b>	<b>320</b>	<b>328</b>	<b>344</b>	<b>1.9</b>

<sup>a</sup> 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. <sup>b</sup> Excludes payroll tax. <sup>c</sup> Population estimates at 31 December. <sup>d</sup> Excludes costs of civil court administration and probate hearings.

Source: State and Territory governments (unpublished); tables A2, 5A.11, 6A.12, 6A.13, 7A.7 and 7A.10.

## Future directions in performance reporting

Each chapter (police, courts 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.

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## **Juvenile justice**

The Community services preface contains information on juvenile justice. It contains descriptive data on the number and detention rates of juveniles (including Indigenous juveniles) in correctional facilities. In future years, it is anticipated that the Report will expand to include performance reporting on juvenile justice.

## **Crime and justice statistical framework**

In July 2001, the ABS released the National Criminal Justice Statistical Framework (NCJSF). The development of the framework arose from the need to develop comprehensive and integrated national criminal justice data. The NCJSF discusses the connections between the main sectors of the criminal justice system and identifies some key counting units (such as ‘person’ and ‘criminal incident’) and data variables that are needed to characterise its main aspects.

The NCJSF has strategic objectives that include integrating criminal justice data across the different interconnecting sectors of the criminal justice system and the States and Territories. It achieves this objective by promoting the comparability of data, both within and across jurisdictions, and by using common definitions and standards across services areas and jurisdictions. A common interpretation of language is created that facilitates a shared understanding of the criminal justice system and the populations that flow through it.

The NCJSF’s promotion of a common unit of measurement ensures consistent reporting across jurisdictions and criminal justice agencies, and allows for an examination of the flow of aggregate populations through the criminal justice system. The ABS reports both person data (for example, demographic information on defendants and prisoners) and non-person data (for example, the number of cases handled by the courts), and is working to expand its police statistics collection to include information on those alleged to have committed a crime.

## **National Information Development Plan**

The ABS is also committed to facilitating the development of National Information Development Plans (NIDPs) for a range of sectors including crime and justice. Such plans are already in place for the health and community services sectors. An NIDP aims to articulate a sector’s demand for statistical information and the current supply of information and, by deduction, identify the information gaps. It articulates the relative priority of information needs and how they are to be met.

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An NIDP is a strategic document that needs to be developed in conjunction with the key stakeholders in a field and thus requires substantial consultation. Throughout 2003, the ABS held bilateral meetings with chief executive officers from crime and justice agencies — along with their senior staff, policy advisers and administrators — to discuss the strategic information needs of each agency. Broader workshops with other agency staff, as well as with researchers, academics and other stakeholders in the field, were also conducted in each State and Territory. The NIDP will be published in late 2004.

## **Indigenous issues**

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 the reluctance of some justice agencies to ask explicitly for a person's Indigenous status. A number of agencies, however, have recently moved to rectify this situation.

New South Wales and WA continue to collect Indigenous status data based on the ABS standard Indigenous questions. The Queensland Government has been collecting statistics on the level of Indigenous representation in the criminal justice system (based on the ABS standard Indigenous questions) from July 2003, as has the NT. The standard Indigenous questions are the ABS's preferred method of identifying Indigenous clients. They endeavour to facilitate self-identification of Indigenous status. An ABS outposted officer is working with police in Tasmania to develop the capacity to collect this type of data early in 2004.

Western Australian courts, with the introduction of the 'ebrief' system now routinely collect Indigenous status data direct from the police service, resulting in Indigenous data being captured in approximately 80 per cent of all police initiated cases.

The 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) (see chapter 5), Indigenous representation in prisons and community corrections (see chapter 7), and Indigenous deaths in prison custody (see chapter 7) are of a high quality and are published in the Report.

Another source of Indigenous data is the Australian Institute of Criminology, which produces statistical and analytical reports on the involvement of Indigenous people in the criminal justice system, particularly in relation to deaths in police and corrective services custody.

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## Reference

Criminal Justice Commission 1991, *Crime and Justice in Queensland*, Brisbane.

