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# Report on Government Services 2022

PART C: RELEASED ON 28 JANUARY 2022

Produced by the Productivity Commission for the Steering Committee for Review of Government Service Provision. The content for this PDF is generated from the online, interactive publication. Data below are the most recent at the time of preparing the report. In some cases, charts and tables may present data for a single jurisdiction. To access data for all jurisdictions and the most current data available, go to: [www.pc.gov.au/rogs](http://www.pc.gov.au/rogs)

## C Justice

### Impact of COVID-19 on data for the Justice sector

COVID-19 may affect data in this Report in a number of ways. This includes in respect of actual performance (that is, the impact of COVID-19 on service delivery during 2020 and 2021 which is reflected in the data results), and the collection and processing of data (that is, the ability of data providers to undertake data collection and process results for inclusion in the Report).

Social distancing restrictions and other COVID-safe protocols implemented during 2020 and 2021 are likely to have had an impact on the Justice sector. Any impacts which are specific to the service areas covered in this Report are noted in sections 6, 7 and 8. Impacts on indicators in the Justice sector overview are likely to derive mainly from reductions in the numbers of people entering and/or exiting prison during 2020 and 2021.

### Main aims of services within the sector

The justice sector services aim to contribute to a safe and secure community and promote a law abiding way of life.

### Services included in the sector

#### [Police services](#) >

Deliver services relating to preserving public order, investigating crime and apprehending offenders, improving road safety and supporting the judicial process.

#### [Courts](#) >

Arbitrate on criminal and civil justice matters. This Report focuses on administrative support functions for the courts, such as management of court facilities, services and staffing and the provision of case management services. Judicial decisions and outcomes are not included.

#### [Corrective services](#) >

Administer correctional sanctions imposed by courts and orders of the adult parole boards through the management of adult custodial facilities and community corrections orders, and the provision of programs and services to prisoners and offenders.

Legal aid, public prosecutions and tribunals are not included as service-specific sections in this Report. Justice services for children and young offenders (predominately related to youth community corrections and detention) are covered under youth justice in [section 17](#) of the Report.

Detailed information on the equity, effectiveness and efficiency of service provision and the achievement of outcomes for the Police, Courts and Corrective service areas is contained in the service-specific sections.

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**Note:** Data tables are referenced by table xA.1, xA.2, etc, with x referring to the section or overview. For example, table CA.1 refers to data table 1 for this sector overview.

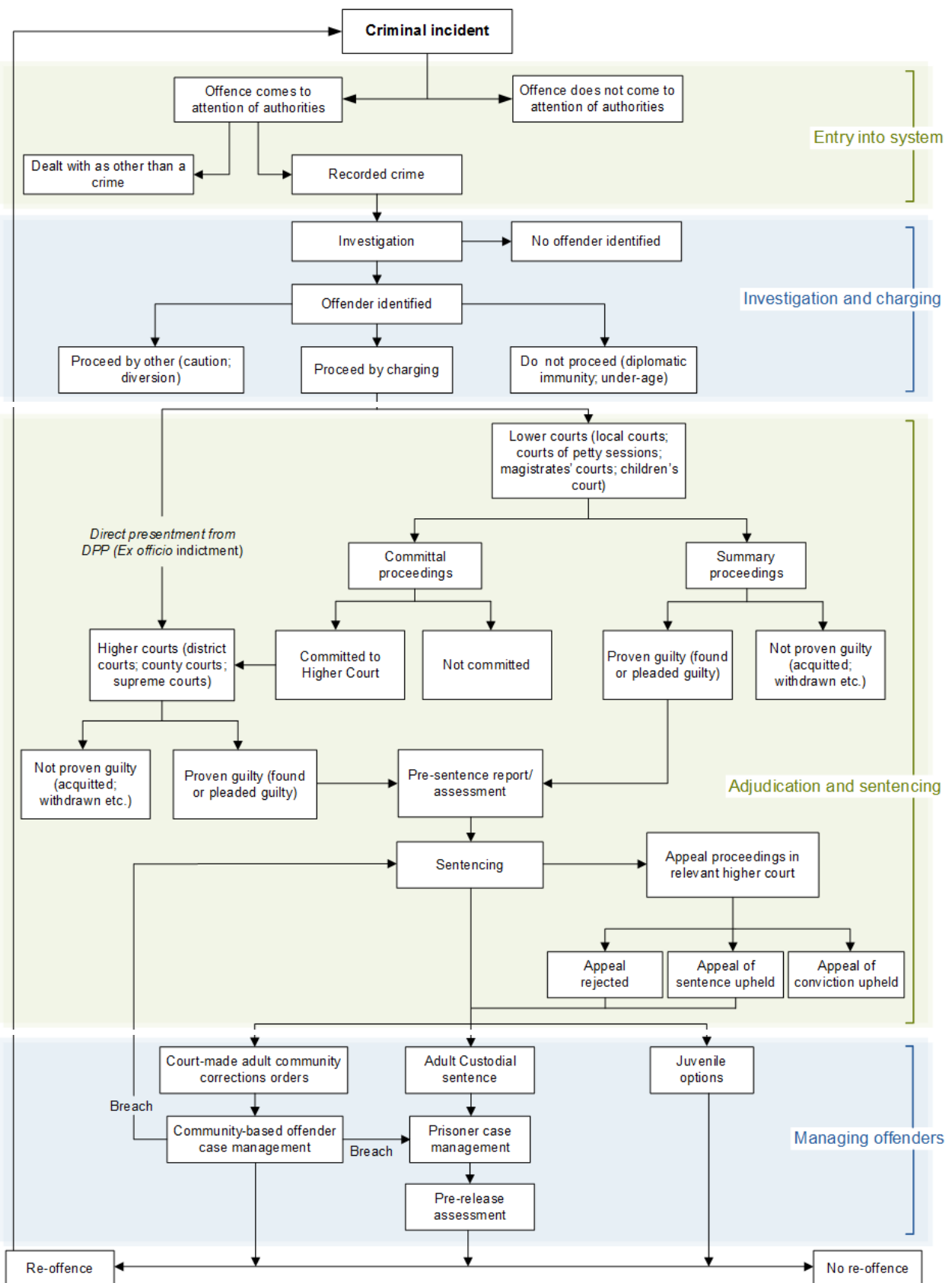
## Government expenditure in the sector

Total government expenditure for the justice services in this Report (less revenue from own sources) was almost \$20.9 billion in 2020-21 (table CA.1), an increase of 4.5 per cent from the previous year and around 6.9 per cent of total government expenditure covered in this Report. Police services was the largest contributor (64.8 per cent), followed by corrective services (26.1 per cent) and courts (9.2 per cent). Nationally, expenditure per person on justice services was \$812 in 2020-21 (table CA.2).

## Flows in the sector

For criminal matters which come to the attention of authorities, the typical flow of events is investigation by police and, if charges are laid, adjudication by courts with subsequent sentencing if applicable and possible entry into corrective services (adult prison, youth justice or community corrections orders). The roles of police, courts and corrective services, and the sequencing of their involvement, are shown in figure C.1.

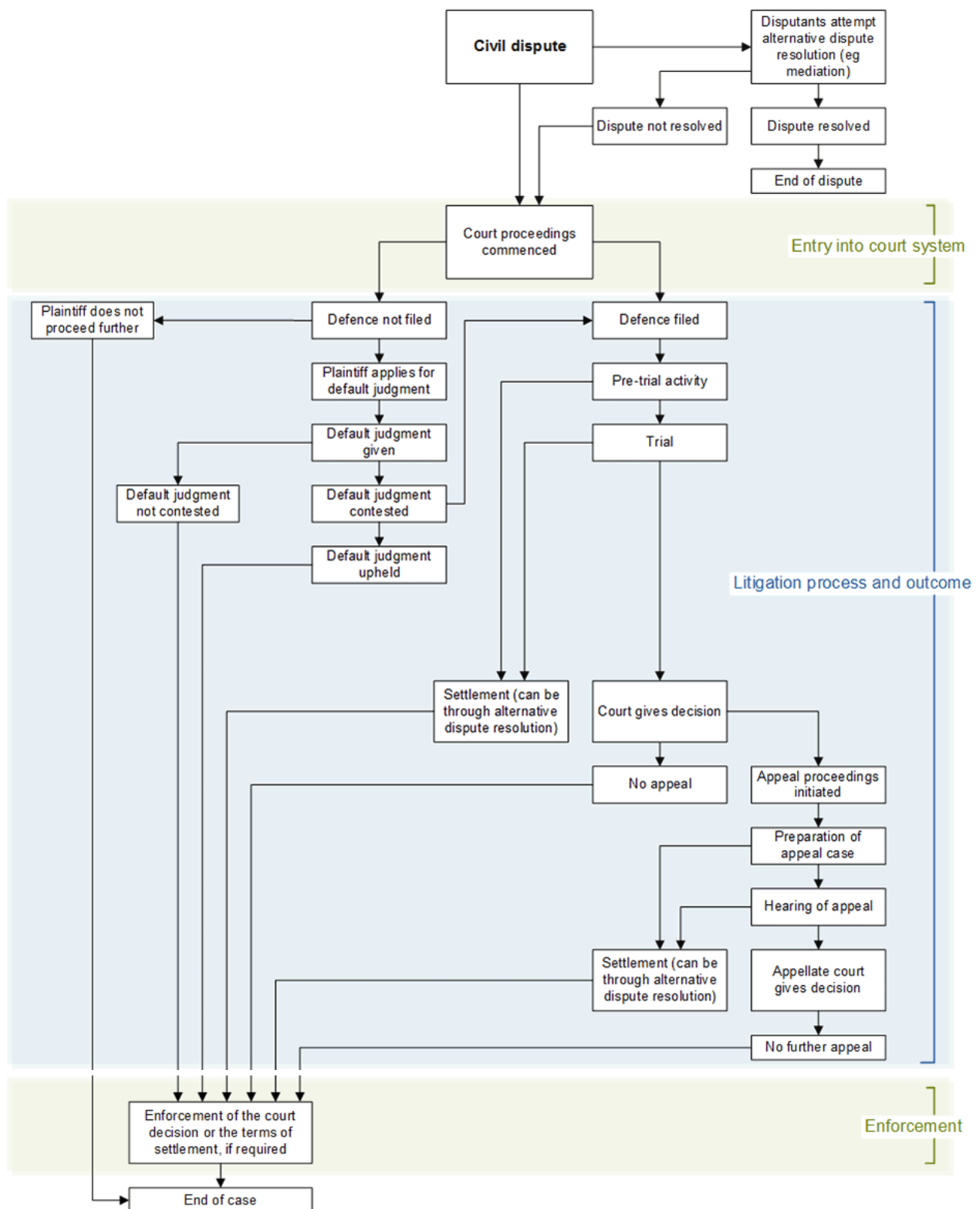
**Figure C.1 Flows through the criminal justice system**<sup>a, b, c</sup>



**a** Does not account for all variations across Australian, State and Territory governments' criminal justice systems. **b** The flow diagram is indicative and does not include all complexities of the criminal justice system. **c** *Ex officio indictment* refers to a decision by the Director of Public Prosecutions (DPP) to commence criminal proceedings in a higher court without a committal hearing, or where a committal hearing did not result in a case being committed to trial in a higher court.

Figure C.2 is an indicative model of the flows through the civil justice system. While the emphasis is on the flow of disputes which proceed to court, the role of alternative dispute resolution processes is considerable in civil justice in part as it is more available as an early alternative to court adjudication.

**Figure C.2 Flows through the civil justice system** <sup>a, b</sup>



**a** Does not account for all variations across Australian, State and Territory governments' civil justice systems. **b** The flow diagram is indicative and does not include all complexities of the civil justice system.

## Sector-wide indicators

One sector-wide proxy indicator of governments' aim to contribute to a safe and secure community and promote a law abiding way of life is reported.

### Re-offending rates

Re-offending rates show the extent to which people who have had contact with the criminal justice system are re-arrested or return to corrective services (either prison or community corrections). Low or decreasing rates of re-offending may indicate a safer and more secure community environment and the promotion of a more law abiding way of life – however higher rates may also indicate more effective policing and detection of offences.

Re-offending rates is a proxy indicator as it only reflects those people whose re-offending has come to the attention of authorities (some offences may go undetected by, or unreported to, police). The restricted time frames for measuring re-offending (one year for police proceedings and two years for return to corrective services) will also underestimate the proportions of offenders who have repeat contact with the criminal justice system beyond those time frames.

Re-offending is measured by:

- the proportion of people aged 10 years or over who were proceeded against more than once by police during the year
- the proportion of adults released from prison after serving a sentence who returned to corrective services (either prison or community corrections) within two years, with a new correctional sanction
- the proportion of adults discharged from community corrections orders who returned to corrective services (either prison or community corrections) with a new correctional sanction within two years.

### People proceeded against by police

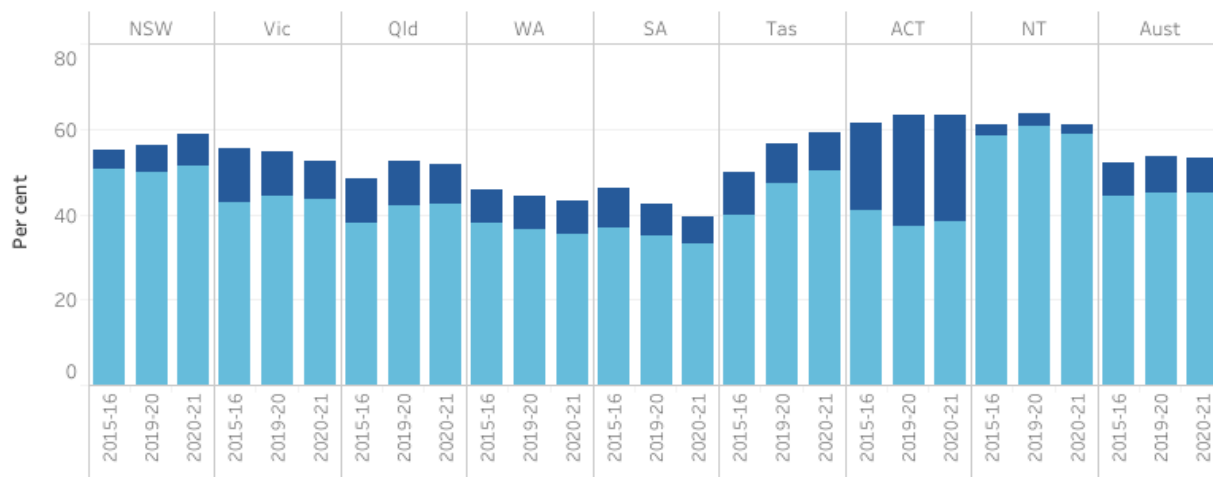
In each State and Territory (except Western Australia for whom data were not available), of people aged 10 years or over proceeded against by police in 2019-20, between 64 and 79 per cent were proceeded against only once during the year (table CA.3). The data represent each separate occasion that police initiated a legal action against a person. Depending on the type of offence committed, police will either initiate a court action (laying of charges to be answered in court) or non-court action (which does not require a court appearance, for example warnings and penalty notices).

### Adult offenders released from prison

In 2020-21, 45.2 per cent of prisoners released in 2018-19 after serving a sentence had returned to prison within two years (for NSW, Qld, Tas and the NT this only included prisoners who had returned with a new sentence within two years, for Vic, WA, SA and the ACT this also included prisoners who had returned to prison on remand within two years but were sentenced within up to three years). Some of those returning to prison may also have received community corrections orders. In total, 53.1 per cent of released prisoners had returned to corrective services within two years in 2020-21 (either prison or community corrections) (figure C.3). Returns to prison and corrective services were higher in all states and territories for Aboriginal and Torres Strait Islander than non-Indigenous people (table CA.4).

Select year(s): ■ to community corrections only  
 Multiple values ■ to prison only or to both prison and community corrections

Figure C.3 Adult offenders released from prison who returned to corrective services within two years of release by jurisdiction, by year



Source: table CA.4

Data tables are referenced above by a 'CA' prefix and all data (footnotes and data sources) are available for download from the supporting material below (both in Excel and CSV format).

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## Adult offenders discharged from community corrections orders

In 2020-21, 15.2 per cent of adults discharged during 2018-19 after serving orders administered by community corrections returned to community corrections within two years, and 25.2 per cent returned to corrective services (prison or community corrections) (table CA.5).

## Download data tables

These data tables relate to the sector as a whole. Data specific to individual service areas are in the data tables under the relevant service area.

[Justice data tables \(XLSX - 43 Kb\)](#)

[Justice dataset \(CSV - 38 Kb\)](#)

See the Sector overview text and corresponding table number in the data tables above for detailed definitions, caveats, footnotes and data source(s).