
B Justice preface

Part B: Justice preface

Governments provide justice services to ensure community safety, including community confidence in law and order and effective and efficient administration of justice. The provision of justice services involves crime prevention, detection and investigation, judicial processes and dispute resolution, prisoner and offender management, and rehabilitation services. Some of the high level goals common to all justice agencies are to:

- protect the rights and freedoms of all people through a fair and just system of criminal justice
- provide an accessible and equitable civil justice system
- preserve civil order through the prevention and detection of crime
- provide a safe, just and humane corrective services system.

The focus of the *Report on Government Services 2008* (2008 Report) is on the justice services provided by police (chapter 6), court administration (chapter 7) and adult corrective services (chapter 8).

Profile of the justice system

The justice system reported on in this Report comprises both criminal and civil jurisdictions. Services in the criminal jurisdiction are delivered by police, court administration and corrections. In the civil jurisdiction, police deliver services for infringements, and court administration deal with civil law matters.

The objectives of the criminal justice system are listed in box JP.1.

Box JP.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.

The objectives of the civil justice system are listed in box JP.2.

Box JP.2 Objectives of the civil justice system

The civil justice system sustains and fosters social stability and economic growth through a network of courts, tribunals and legal processes that:

- resolve civil disputes and enforce a system of legal rights and obligations
- respect, restore and protect private and personal rights
- resolve and address the issues resulting from family conflicts and ensures that children's and spousal rights are respected and enforced.

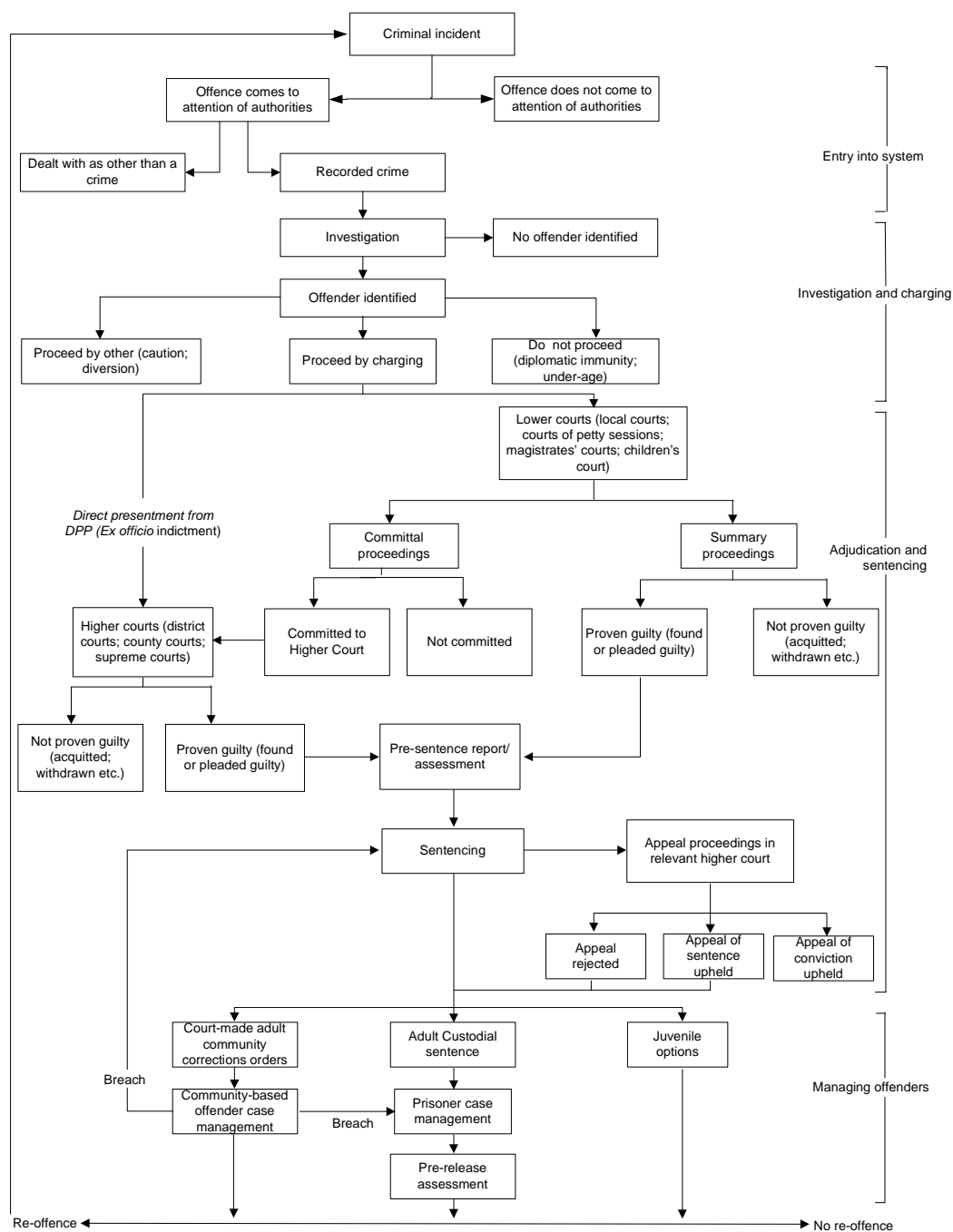
By contrast with criminal justice, civil cases involve participants using the legal system as a matter of choice to settle disputes, and the types of parties and possible dispute resolution approaches vary considerably.

A model of the criminal justice system

The 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 organisations/legal entities and contributes to community safety.

For most people who come into contact with it, the criminal justice system is a sequentially structured process (figure JP.1).

Figure JP.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 Protection and support services chapter (chapter 15).

Source: ABS 2007a; 2008 Report, figure C.1, p. C.4.

Figure JP.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.

Indigenous issues

Overcoming Indigenous Disadvantage: Key Indicators

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 and a second edition was released in July 2005. The third and most recent edition of the report, *Overcoming Indigenous Disadvantage: Key Indicators 2007* was released in June 2007 (SCRGSP 2007).

The annual Report on Government Services focuses on the delivery of government services, whereas the *Overcoming Indigenous Disadvantage: Key indicators* report series concentrates on high level outcomes and strategic areas for action (which includes criminal justice indicators). In the *Overcoming Indigenous Disadvantage: Key indicators 2007* Report, information about family and community violence, and imprisonment and juvenile detention rates, was reported and formed part of the suite of headline indicators which together provide a way of measuring progress in achieving priority outcomes for Indigenous people and communities. Strategic change indicators included diversions of juvenile offenders and repeat offending.

Developments in Indigenous data

Limited data are available on Indigenous people who have interaction with the criminal justice system. In this report, data on the deaths of Indigenous people in police custody and custody-related operations (for example, sieges and pursuits) (chapter 6) are sourced from the Australian Institute of Criminology. Data on the representation of Indigenous people in prisons and community corrections (chapter 8) are sourced from the Australian Bureau of Statistics (ABS).

Ongoing examination by the ABS of the implementation of the ABS 'Standard Indigenous Question' (SIQ) in the practices and systems of police agencies, court agencies, and corrective services agencies will lead to data quality improvements for ABS data currently included in this Report, and may lead to additional data becoming available in the future.

Police

Police agencies across Australia collect Indigenous status information for victims and offenders, but not all data comply with the ABS SIQ standard. During 2006-07,

the ABS conducted a quality assurance review of how state and territory police implement the ABS SIQ standard. The review found that NSW, Queensland, and the ACT were complying fully with the requirements of the SIQ standard for victim records. SA and the NT are expected to comply in the next 12 months. Victoria, Tasmania and WA have a number of issues to address before data about Indigenous victims are of sufficient quality to meet the ABS standard.

The ABS published for the first time experimental Indigenous victimisation data for NSW, Queensland and the ACT in the *ABS Recorded Crime Victims, Australia, 2006* (ABS 2007b). Victimisation data are expected to be available for the NT and SA in the next 12–18 months.

NSW, Queensland and the NT are currently collecting and recording information about alleged offenders in accordance with the ABS standard. SA is in the process of implementation, and expects to comply with the standard within the next twelve months. The remaining jurisdictions do not currently meet the requirements of the standard. The ABS is continuing to work with all jurisdictions to improve Indigenous data collection and the quality of this information.

Criminal courts

Criminal court agencies do not in the main directly collect and or record information about Indigenous people. These agencies largely rely on the quality of information about Indigenous people that is transferred from police agency recording systems to court agency systems. Work is underway in the ABS to examine the quality of Indigenous data in criminal court agency systems for those jurisdictions where the police data currently meet the ABS standard. This will include an assessment of quality at each court level.

Corrective services

The ABS is currently evaluating the use of the ABS Indigenous identification standard in Corrective Services agencies (both custodial and community-based corrections). Whilst the ABS has published Indigenous status data in Corrective Services collections for a number of years, quality assurance is required to better understand the level of accuracy over time.

The quality of the Indigenous status information collected and recorded in Corrective Services agencies is assessed against the ABS SIQ. The SIQ is based upon self-identification by the individual who comes into contact with Corrective Services agencies. The SIQ requires individuals to be asked ‘Are you of Aboriginal or Torres Strait Islander origin?’ The answers to the SIQ can be ‘No’, ‘Yes,

Aboriginal’, or ‘Yes, Torres Strait Islander’. If the offender is of Aboriginal and Torres Strait Islander origin, both responses should be identified. If an offender does not supply an answer to this question, or is not asked, the Indigenous status field should be recorded as ‘not stated’. The standard also requires that the SIQ fields are mandatory in corrective services agency recording systems in order to reinforce the asking of the question, and assist in the maintenance of data quality.

For custodial corrections, initial indications are that corrective services agencies in all states and territories, with the exception of WA, ask the SIQ as described above.

There are however differences across the states and territories in relation to the recording processes for this data. In Tasmania, the NT and the ACT, individuals are asked the SIQ on each reception into corrective services custody, and it is mandatory to enter a response to this field in their recording systems. Victoria does not re-ask the SIQ for every subsequent involvement that an individual has with corrective services, and data may also be sourced from other justice sources. In SA, it is a requirement for persons to be asked upon reception on each occasion in which they enter custody, however it is not a mandatory field in the recording system. NSW does not have Indigenous status as a mandatory field in their recording systems, and does not always re-ask the question for subsequent involvements. WA does not currently comply with any component of the SIQ. At the time of publication, the processes applied in Queensland are yet to be confirmed.

The initial evaluation for community-based corrections has highlighted that currently no jurisdiction is fully complying with the ABS SIQ, therefore, care should be taken when referring to this data. The extent to which jurisdictions are complying with the standard varies. Currently, Tasmania is complying with most SIQ requirements, but does not necessarily re-ask the question on each occasion that an individual commences an order under corrective services supervision. The remaining jurisdictions have more significant issues to overcome before they comply with the SIQ, and the ABS will continue to work with states and territories to better understand and improve the quality of this data item. It should be noted that at the time of publication, the SIQ recording processes applied in Queensland and the ACT are yet to be confirmed.

References

- ABS (Australian Bureau of Statistics) 2007a, *National Criminal Justice Statistical Framework, Australia*, Cat. no. 4525.0, Canberra.
- 2007b, *Recorded Crime — Victims, Australia, 2006*, Cat. no. 4510.0, Canberra.

SCRGSP (Steering Committee for the Review of Government Service Provision) 2007, *Overcoming Indigenous Disadvantage: Key Indicators 2007*, Productivity Commission, Canberra.