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# B Justice preface

## Part B: Justice preface

Governments provide justice services to facilitate effective and efficient administration of justice and to ensure community safety and confidence in law and order. 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 2009* (2009 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 corrective services. 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.

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**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 ensure that children's and spousal rights are respected and enforced.

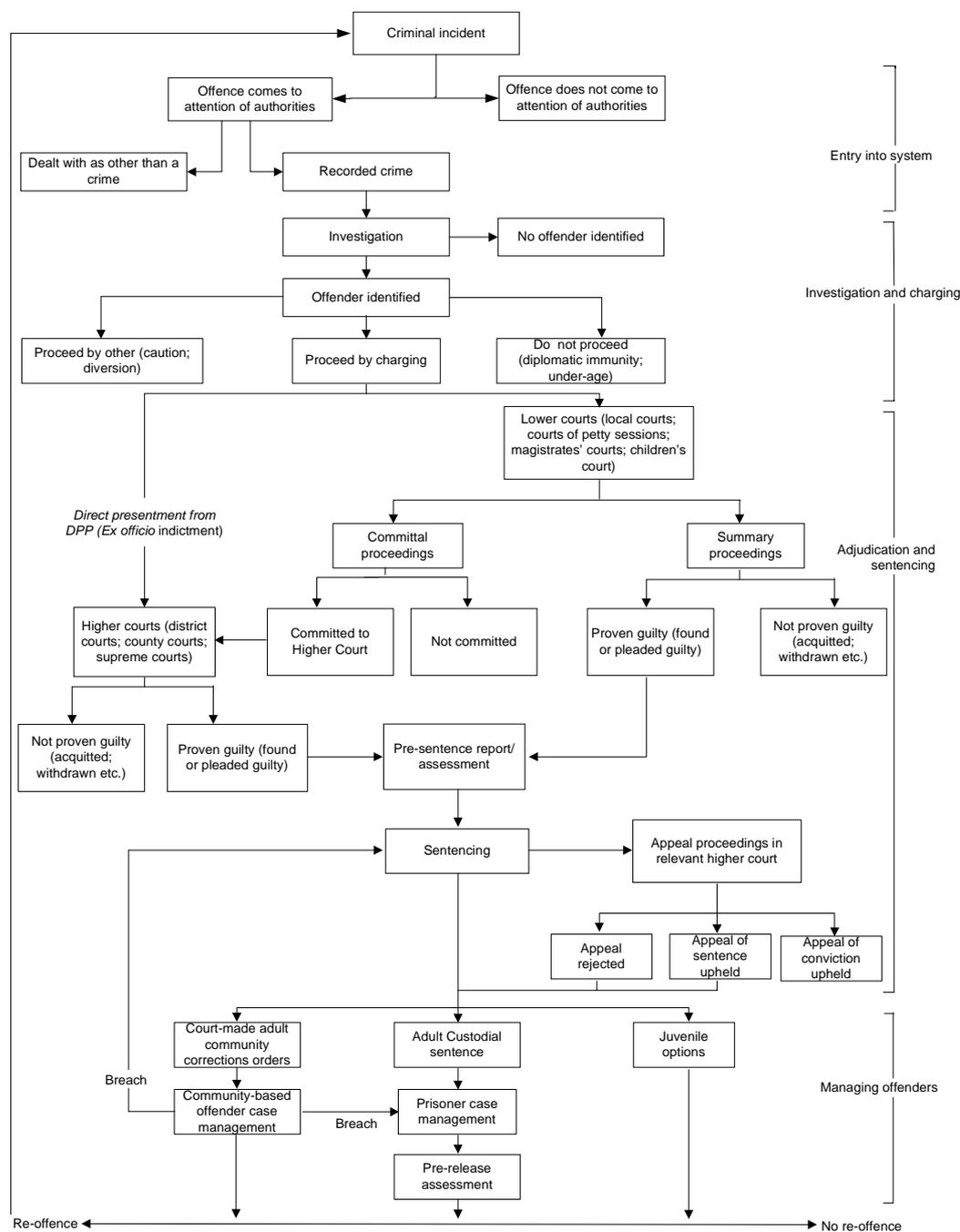
By contrast with criminal justice, civil cases involve participants using the legal system as a matter of choice to settle disputes, and the types of parties and possible dispute resolution approaches vary considerably.

*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<sup>a, b, c</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 criminal justice system. <sup>c</sup> Juvenile justice is covered in the Protection and support services chapter (chapter 15).

Source: ABS 2007; 2009 Report, figure C.1, p. C.5.

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.

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## 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. A second edition was released in July 2005 and a third in June 2007 (SCRGSP 2007). The next edition of the Report is expected to be released in mid-2009.

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 (which include criminal justice indicators). In the *Overcoming Indigenous Disadvantage: Key indicators 2007* report, information about family and community violence, and imprisonment and juvenile detention rates formed part of the suite of headline indicators. 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 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.

## References

- ABS (Australian Bureau of Statistics) 2007, *National Criminal Justice Statistical Framework, Australia*, Cat. no. 4525.0, Canberra.
- SCRGSP (Steering Committee for the Review of Government Service Provision) 2007, *Overcoming Indigenous Disadvantage: Key Indicators 2007*, Productivity Commission, Canberra.