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## B Justice preface

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#### **Attachment tables**

There are no Justice attachment tables throughout this Indigenous Compendium.

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 custodial environment.

The focus of the *Report on Government Services 2010* (2010 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

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administration and corrective services. In the civil jurisdiction, police deliver services for infringements, and court administration deals 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 provides 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.

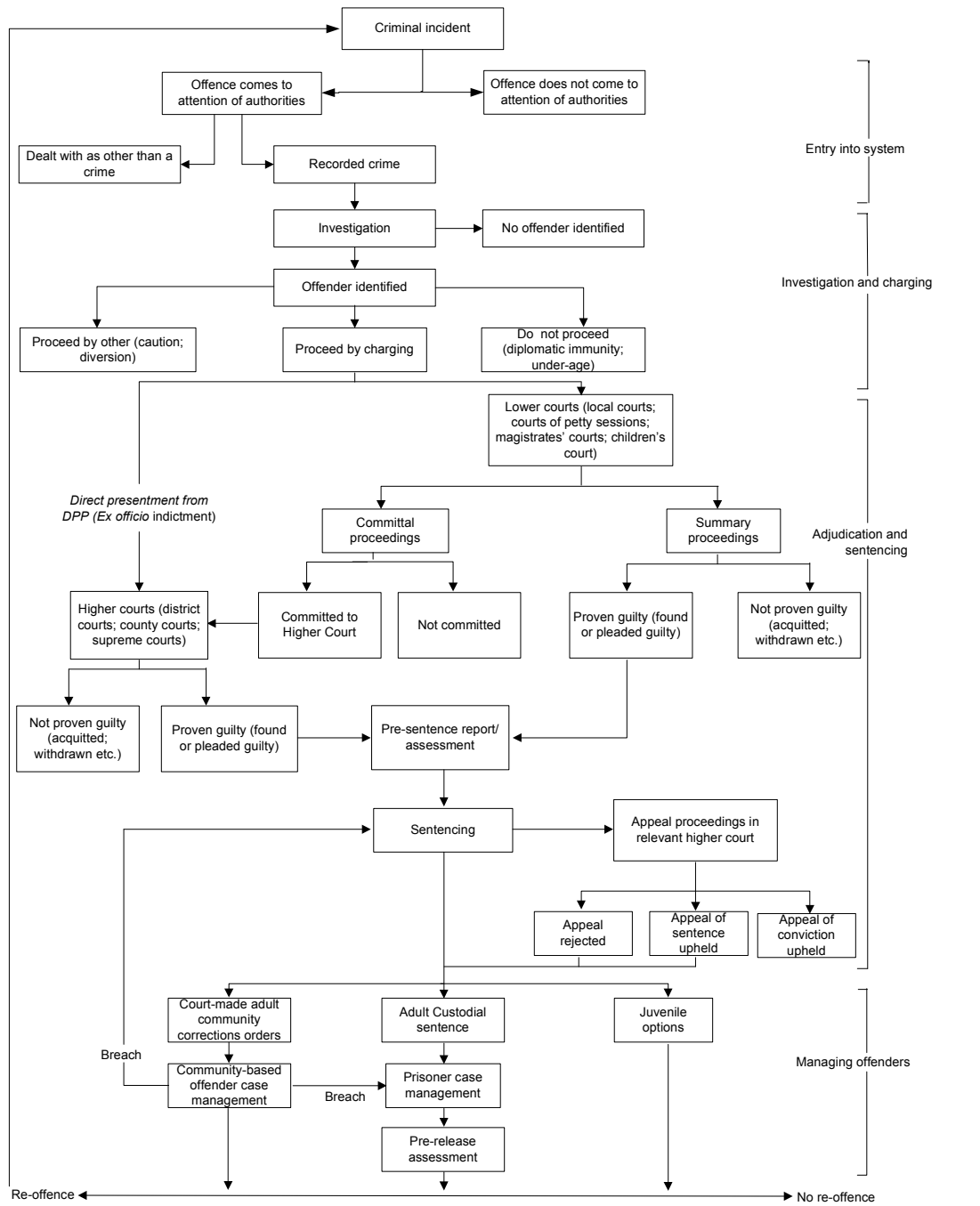
*A model of the criminal justice system*

The justice system is broad and complex, and has many interrelated objectives.

The criminal justice system involves the interaction of many entities and their processes and practices are aimed at providing protection for the rights and

freedoms of all people. 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 Australian, State and Territory governments' criminal justice systems. <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); 2010 Report, figure C.1, p. C.5.

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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.

## **Justice system Indigenous issues**

### *Overcoming Indigenous Disadvantage: Key Indicators*

The *Overcoming Indigenous Disadvantage: Key indicators* report series concentrates on high level outcomes, including criminal justice indicators. In the *Overcoming Indigenous Disadvantage: Key indicators 2009* 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 (SCRGSP 2009). The next edition is scheduled for release in July 2011.

### *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, *Information Paper: National Criminal Justice Statistical Framework, 2007*, Cat. no. 4525.0, Canberra.

SCRGSP (Steering Committee for the Review of Government Service Provision) 2009, *Overcoming Indigenous Disadvantage: Key Indicators 2009*, Productivity Commission, Canberra.