



***JUSTICE SERVICES***

***Commission Position Paper CGC 2008/23***

***SUBMISSION BY SOUTH AUSTRALIAN  
DEPARTMENT OF TREASURY AND FINANCE***

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## **SOUTH AUSTRALIAN SUBMISSION ON JUSTICE SERVICES**

South Australia supports the direction of the Justice Services Assessment. The significant progress accomplished by the Commission in recognising the difference between targeted and general expenditure with respect to police expenditure, and the incorporation of a low SES factor, is acknowledged. South Australia would encourage the Commission to review the splits assessed in police expenditure and strongly argue, that in the absence of an alternative to the custody dataset, for at least a fifty percent discount to be applied to the custody rates.

### **Should a portion of police expenses be assessed equal per capita?**

South Australia supports the view that a significant proportion of police expenses are not driven by the existence of groups at a high risk of offending. As a significant share of police resources are spent non-specifically across all the community, South Australia supports at least fifty percent of police expenditure being assessed EPC.

As the CGC paper reports, from state Police Annual Reports it is possible to determine a split between the four CGC defined categories: crime investigation (30%), services to the judicial process (10%), community safety and support (50%) and road safety and traffic management (10%). This split is consistent with that reported in ROGS reports to 2006, when the data was discontinued because one State declined to publish further data.

South Australia agrees with the CGC determination that the majority of expenditure on community safety and support and road safety and traffic management was driven by the whole community and not the at-risk population.

However, while it is reasonable to assume that the majority of expenses for services to judicial process is driven by the at-risk population, it is still the case that crime investigation involves expenditure targeted at the general community and not just at the at-risk population. Examples of expenditure include television and shopping centre campaigns appealing for information on crimes.

Accounting for this, would lead to a more appropriate split of 40% assessed differentially and 60% assessed EPC, as reflected in the 40:60 finding of the Commission.

### **Are custody rates an appropriate indicator of police expenses?**

South Australia agrees with Victoria and NSW that custody rates are a very weak proxy for targeted police expenditure.

A custody outcome represents only a proportion of all police outcomes. Other outcomes of police involvement in crime investigation may be warnings, fines, issuing of summons, organisation of conferencing or no outcome.

Additionally, as argued by Victoria, different crimes require different expenditure levels to achieve a custody result. A non-weighted application of custody rates therefore introduces bias to the assignment of disabilities to police expenditure.

Tasmania's theoretical argument presented at the CGC meeting on the 22<sup>nd</sup> October 2008, that "if the use rates for all types of offences are similar, then the police time and resources spent dealing with these crimes should not matter", is valid in theory. However, there is no empirical evidence that demonstrates this across states. As such South Australia does not support Tasmania's argument and agrees that custody rates should be discounted by at least fifty percent to reflect the weakness of custody rates as a proxy for police expenditure.

Furthermore, the Australian Institute of Criminology's data set, National Police Custody Survey, has many shortcomings. It samples only one month of data. The data collection method is inconsistent across states – the police in the ACT, South Australia and Victoria were required to manually fill out a form for each custody event while database information was retrospectively extracted for New South Wales, Queensland, Western Australia, Northern Territory and Tasmania<sup>1</sup>. The data set had a large proportion of missing data, with 1,371 out of the 27,047 custody events recorded missing data on gender, age and/or Indigenous status<sup>2</sup>. These methodology and collection weaknesses underscore the importance of at least a fifty percent discount being applied to the custody rates.

### **Civil court expenses and user charges**

South Australia supports the Commission's decision to assess fees and fines on an EPC basis in the Miscellaneous Revenue assessment.

South Australia supports the Commission's view that civil court expenses should be assessed EPC in the Justice Services assessment.

### **Service use - Low SES**

South Australia supports the Commission's decision to assess a low SES disability for the Justice Services assessment. During the Commissioners' visit to South Australia, the South Australian Police reported that one of the primary indicators used for the allocation of police resources is the ABS SEIFA index of disadvantage. South Australia supports the application of a 1.6 weighting to areas with a SEIFA index below 900 and a weighting of 1 for those above 900.

### **Service use - service delivery scale**

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<sup>1</sup> Taylor, Natalie and Michael Bareja (2005) "2002 National Police Custody Survey: Technical and Background Paper", No. 13, AIC, p.58.

<sup>2</sup> Taylor, Natalie and Michael Bareja (2005) "2002 National Police Custody Survey: Technical and Background Paper", No. 13, AIC, p.59.

South Australia supports the Commission's decision to assess a service delivery scale disability in respect of Justice services.

### **Service use - urban complexity**

South Australia agrees with the Commission's assessment, finding that there is no evidence to support an urban complexity factor. During the Commissioners' visit to South Australia, the South Australian Police reported that the operation of outlaw motorcycle gangs resulted in a higher level of serious and organised crime than in other jurisdictions. Despite this higher level of organised crime, Adelaide would not be considered high on an urban complexity scale. This concurs with the Commission's data analysis showing that expenditure on drugs and organised crime is not proportional to the urban complexity of a city, and so their decision not to assess an urban complexity factor.

### **Service use - culturally and linguistically diverse (CALD) background**

South Australia acknowledges that the ABS Prisoners in Australia 2007 data set does not demonstrate a disability in relation to CALD. The data set is limited to prisoners and as such does not represent the greater proportion of police outcomes and so the proportion of police expenditure devoted to CALD groups. The South Australian Police report that multiculturalism is an emerging driver of policing activity. South Australia also receives a higher share of humanitarian immigrants. Due to the different social expectations and, in some cases, imported gang culture, this group of the population is requiring more police expenditure, through measures such as building positive relationships between authority figures and the humanitarian immigrants.

It is requested that the Commission do a specific data request to States to establish the validity of this claim.

### **Cross-border, Location, Administrative scale, Native title and land rights**

South Australia supports the Commission's decision to apply cross border, location, administrative scale and native title and land rights factors to the Justice Services assessment.

### **National Capital**

South Australia supports the Commission's decision not to apply a national capital factor to the Justice Services assessment.

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