



**AUSTRALIAN CAPITAL TERRITORY**

**SUBMISSION TO THE  
COMMONWEALTH GRANTS COMMISSION'S  
STAFF DISCUSSION PAPER 2008/23:**

*Justice Services*

**January 2009**



## Introduction

The 2010 Review has been run as an iterative process between the Commonwealth Grants Commission (the Commission) and the States and Territories (the States) over the course of the past four years. As part of this process the ACT has provided a number of submissions in response to the Staff and Commission Discussion Papers, incorporating subsequent multilateral and bilateral discussions with Commission staff and other States. These submissions outlined the ACT's position as to the validity of the conceptual case behind a number of assessments and the proposed assessment methodologies.

It is noted that in some instances the position adopted by the Commissioners, as detailed in the latest Commission Position Papers, is at odds to those of the ACT. In the interests of brevity the ACT has not sought to reiterate the entirety of its previously stated position unless new data or new thinking has been applied. In this light, a lack of objection does not imply support where such support has not been previously stated.

### Should a Portion of Police Expenses be Assessed Equal Per Capita (EPC)?

The Commission view to assess 50 per cent of police expenses differentially and 50 per cent by EPC is supported. The ratio is broadly in line with the ACT experience which focuses resources to both the general community as well as specific Socio-Demographic Composition groups.

### Are Custody Rates an Appropriate Indicator of Police Expenses?

In line with comments by other States, the ACT believes that the use of custody rates overstates the relative need of those States with a higher incidence of unsophisticated crime, such as public drunkenness and petty assault/theft. Although unsophisticated crime may generate a large number of custody incidents, it is less clear how this relates to the overall use of police resources when compared to the investigation of more sophisticated crimes, such as fraud or drug trafficking offences, where greater police resources are required.

Furthermore, the potential for State policy to impact on the reported custody rates is of concern. Given that indigenous custody rates can be significantly impacted by particular State policies, the use of the Australian average rates does not sufficiently eliminate the potential for policy influence.

As such, the proposal to discount custody rates as an indicator of police expenses by 50 per cent is supported, as to do so is consistent with the agreed data quality guidelines.

### Does it make a Material Difference to net Law and Order Fees and Fines off Civil Court Expenses and Assess a Disability or Assess both EPC?

The assessment of civil court expenses by EPC is supported.

### Service Use - Low SES

Caution needs to be applied to the proposed inclusion of a Low SES service use adjustment. As low SES groups on average undertake less complex crimes which require less police resources per crime the service use adjustment should be discounted.

The basis for the adjustment is incomplete in that the available data only provides details on the incidence of offenders by SES and does not provide a direct link to the impact this has on policing resources.

The basis for the proposed adjustment, given the available data, requires an assumption that either:

- on average the types of offences committed by a low SES individual is the same as that committed by a high SES individual; or
- that all types of offences receive an equal amount of police resources (i.e. the complexity of all crimes is equal).

The Commission has already noted that data on the number of custody incidents fails to acknowledge the differing complexity of criminal investigation. And that crime of differing complexity receives different levels of police resources.

In terms of the types of crimes committed by differing SES groups, there would seem to be similar characteristics between non-indigenous low SES groups and indigenous low SES groups in relation to crimes related to alcohol abuse.

For example, the National Expert Advisory Committee on Alcohol found that low SES females were significantly more likely to have children born with Fetal Alcohol Syndrome than those of higher SES.<sup>1</sup> Similarly, the Victorian Alcohol and Drug Association linked low SES with higher levels of alcohol abuse.<sup>2</sup> Given the higher levels of alcohol abuse, it follows (similarly to the reasoning of indigenous alcohol related crime) that:

- lower SES individuals are more likely to commit less complex crimes, such as public intoxication;
- that these crimes require less police resources per offence when compared to criminal acts by higher SES groups; and
- higher SES groups undertake relatively more complex crime which who requires more resources per offence.

Given the lack of available data to determine the relationship between SES groups and their overall use of police resources, caution should be applied to the SES adjustment by appropriately discounting in line with the data quality guidelines.

### Service Delivery Scale (SDS)

As SDS could not be established using the State provided data, the Commission view to not assess SDS is supported.

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<sup>1</sup> National Expert Advisory Committee on Alcohol. (2002). Fetal Alcohol Syndrome: A Literature Review. National Alcohol Strategy, Occasional Paper. August 2002. Available [online] at [http://www.alcohol.gov.au/internet/alcohol/publishing.nsf/Content/746BAD892492B586CA2572610010C29A/\\$File/fetalcsyn.pdf](http://www.alcohol.gov.au/internet/alcohol/publishing.nsf/Content/746BAD892492B586CA2572610010C29A/$File/fetalcsyn.pdf)

<sup>2</sup> Victorian Alcohol & Drug Association. (2003). The Links Between Alcohol and Drug Use and Poverty: VAADA's Submission to the Senate Inquiry into Poverty. March 2003. Available [online] at <http://www.vaada.org.au/resources/items/2005/08/16142-upload-00001.pdf>

## Urban Complexity

The ACT notes the Commission's analysis on urban complexity and supports its view that the analysis does not substantiate the conceptual case to assess a disability.