QUEENSLAND TREASURY

Queensland response to Overview of the final draft justice assessment

2026 Update

12 November 2025

Summary

Commission draft position	Queensland response
2022-23 and 2023-24 data is fit for use in developing the justice assessment.	**Support**
2021 Census-based estimated resident population (ERP) will be used in the revised justice assessment method.	**Support in principle,** with analysis of non-demographic changes.
Central costs will be allocated using a 50:50 blend of proportion of police district full-time equivalent (FTE) staff and police district expenses.	**Do not support**
Remote and very remote variables in the police regression will be combined.	**Support**
An additional cost weight for remote offenders will not be included.	**Support**
A global cities driver will not be included in the assessment of police expenses.	**Support**
A 5-tier structure will be used to measure the socio-economic status (SES) of First Nations offenders.	**Support**
The criminal courts component will not be assessed on an equal per capita basis.	**Support**
Regional costs will no longer be assessed for criminal and civil courts.	**Do not support**
A juvenile detainee cost weight will be applied in the prisons assessment.	**Support**
A community corrections assessment will not be introduced.	**Support**
General service delivery scale (discounted by 25%) will be used to assess service delivery scale (SDS) in prisons.	**Support** use of general SDS
Regional costs will not be assessed in the prisons assessment.	**Do not support** removal of regional costs
Indigenous status will be attributed to not-stated finalised defendants by the proportion of stated defendant response.	**Support**
State data will continue to be used to calculate the split between expenses in the criminal courts and other legal services components	**Support**
Discounts will not be applied to the updated justice assessment method	**Support**

DELIVERING FOR QUEENSLAND | Queensland Government

1.   Use of 2022-23 and 2023-24 data

Commission staff proposal:

- The Commission considers that, with the exception of state data on prison costs, both 2022–23 and 2023–24 data are robust and fit for purpose for use in updating the justice assessment.

Queensland position:

- Support the use of 2022-23 and 2023-24 data, noting the testing undertaken supports its broad use in the justice assessment.

2.   Use of 2021 estimated resident population and First Nations proportions

Commission staff proposal:

- The Commission proposes to use 2021 Census based estimated resident population (ERP) data in the revised justice assessment method.

Queensland position:

- Support in principle the use of 2021 ERP data. While noting the Commission desire to use contemporaneous data and that First Nations reporting issues will be examined as part of the Forward Work Program, Queensland recommends the Commission analyse the suitability of the 2021 Census-based ERP before deciding on its use, given the significant non-demographic impacts on Census numbers.

3.   Allocation of central costs

Commission staff proposal:

- The Commission proposes allocating central costs based on a 50:50 split between full-time equivalent staff and police district expenses.

Queensland position:

- Do not support the change to a 50:50 split for allocating central costs as this is based on an arbitrary judgement, unsupported by data.

- Queensland considers that the current approach of allocating central costs based solely on police district expenses should be maintained until detailed consideration of the matter can be undertaken by the data working groups.

- Evidence provided by several states show that the proposed split is not reflective of 'what states do' and implementing a solution despite known data quality concerns, including an inability to obtain a consistent level of disaggregated data, risks producing inaccurate horizontal fiscal equalisation (HFE) outcomes.

4.   Specification of the police regression model

Commission staff proposal:

- The Commission proposes to:
  - o   group remote and very remote areas in its police regression incorporating 2022–23 and 2023–24 state data.
  - o   not add an additional variable for remote offenders into the police regression.
  - o   not change the specification of the model to include additional variables.

Queensland position:

- <u>Support</u> combining remote and very remote variables on the basis of the conceptual case. The Commission has noted that it is unable to determine if this change is supported by long term trends but remains open to reconsidering this in the next Review, a position which Queensland supports.

- <u>Support</u> not including the remote offenders variable, noting that this would introduce multicollinearity issues with the remote populations variable.

- <u>Support</u> leaving the specification of the regression unchanged but continue to maintain that the assessment needs to better account for the costs in policing in the most remote regions. Queensland would welcome this being explored through the data working group, noting that the Commission has acknowledged the conceptual case and examples provided.

5.   Inclusion of a global cities driver

Commission staff proposal:

- The Commission proposes not to assess a global cities driver in the police assessment.

Queensland position:

- <u>Support</u> not introducing a global cities driver.

- Queensland continues to maintain that the Commonwealth has a key role in policing many of the activities suggested to occur more commonly in global cities.

- There is also a lack of available data and conclusive evidence to support the view that complex crimes are more prevalent in major cities.

- As noted by the United Nations Office on Drugs and Crime[1] *"the current availability of data, especially administrative statistics on such crimes is particularly limited, thus making the analysis and understanding of the dimensions and characteristics of crime problems a very difficult task."*

- Furthermore, recent examples such as the counterterrorism operations conducted in regional Queensland[2] continue to support the view that such crimes do occur in locations and regions outside major cities.

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[1] United Nations Office of Drugs and Crime: International Statistics on Crime and Justice, Chapter 4 – Complex crimes, HEUNI_tn.indd, accessed 5 November 2025
[2] Seven people arrested in counter-terrorism sting in regional Queensland - ABC News

6.   SES structure for First Nations people

Commission staff proposal:

- The Commission proposes to use a 5-tier structure to measure the socio-economic status (SES) of First Nations offenders.

Queensland position:

- Support the use of a 5-tier SES structure as this is supported by the inclusion of both 2022-23 and 2023-24 data.

- Note that this structure is not strongly evident in the 2022-23 alone and less so with the inclusion of 2023-24 data. This is seen in Figure 1 of the final draft justice paper with the differences in First Nations offences between the middle and 2nd least disadvantaged quintile appearing to have narrowed compared to a similar analysis conducted on the 2022-23 data.

- Queensland would therefore recommend this relationship be re-tested in the next Review.

7.   Treatment of criminal courts

Commission staff proposal:

- The Commission proposes to not assess the criminal courts component on an equal per capita (EPC) basis and continue using finalised defendants as the most appropriate measure.

Queensland position:

- Support not assessing on an EPC basis. Finalisations remain the most appropriate measure of criminal court spending and should continue to be used.

8.   Assessment of regional costs for criminal and civil courts

Commission staff proposal:

- The Commission proposes to discontinue assessing regional costs for criminal and civil courts.

Queensland position:

- Do not support the removal of regional cost gradients. While the uptake of audio-visual technology may have lessened the additional costs driven by remoteness, it has not eliminated them.

- Implementation issues with audio-visual technology continue to remain as noted in a post-pandemic study[3] conducted across multiple Australian jurisdictions. The findings from that study noted that *"Problems were still commonplace, which included operator error, quality of the recordings, and the issues with the recording technology and devices."*

- Crucially it was found that the infrastructure or platforms used by courts around Australia continues to vary. Participants were required to have access to suitable bandwidth and technology, and in regional areas this was demonstrated to not always be guaranteed.

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[3] Taylor & Francis Online, Current Issues in Criminal Justice – Volume 36 2024 Issue 3; Anna M. Kretowicz & Martine B. Powell, 'Technology in the courtroom: challenges with presenting children's evidence, accessed 5 November 2025'

- Given these issues, Queensland <u>recommends</u> that the regional cost gradient remain in place until it is re-assessed in the 2030 review. Alternatively, the Commission could adopt a lower regional cost factor to acknowledge that while the case supporting its use has lessened, its inclusion remains justified.

9.   Inclusion of a juvenile detainee cost weight

Commission staff proposal:

- The Commission proposes to apply a juvenile detainee cost weight in the prisons assessment.

Queensland position:

- <u>Support</u> the inclusion of a juvenile detainee indicator, supported by the latest materiality testing.

- There are significantly higher costs of detainment for juvenile detainees including higher staffing ratios, specialised programs and infrastructure requirements and these should be recognised in the assessment.

- <u>Note</u> the preference to use an annual daily average cost measure rather than a cost per bed night measure as recommended by Queensland on the basis that this better reflects actual state expenses.

10.   Separate assessment of community corrections

Commission staff proposal:

- The Commission proposes not introduce a community corrections assessment.

Queensland position:

- <u>Support</u> not including a community corrections assessment which falls short of materiality thresholds.

- Queensland also maintains that community corrections are primarily driven by policy choices rather than genuine state needs.

11.   Assessment of regional costs for prisons

Commission staff proposal:

- The Commission proposes to discontinue the prisons regression, not assess regional costs and apply the service delivery scale general gradient to assess needs in prisons.

Queensland position:

- <u>Do not support</u> the removal of regional cost gradients, noting the higher operational costs to provide more remote facilities and the need to provide facilities in remote areas.

- <u>Support</u> the inclusion of a service delivery scale gradient on the basis of the analysis of 2022-23 and 2023-24 data which showed that broadly smaller prisons were costlier on a per person basis than larger prisons.

- The Commission notes that it is concerned that including both regional and service delivery scale cost gradients would overstate the need of remote areas and produce inferior HFE outcomes. The

Commission's justification for this change relies solely on a comparison to the 2020 cost gradient, as shown in Figure 5 of the paper.

- This however does not provide sufficient justification for this change, particularly in light of the conceptual case for regional costs already acknowledged by the Commission and the previous examples of the higher costs seen in other areas of the justice assessment.

12. Treatment of non-stated defendants

Commission staff proposal:

- The Commission proposes to attribute the Indigenous status of non-stated defendants using the proportion of stated responses.

Queensland position:

- <u>Support</u> the Commission approach to non-stated responses.

13. Data for splitting criminal court and other legal service expenses

Commission staff proposal:

- The Commission proposes to continue using state data to calculate the split between expenses in the criminal courts and other legal services components.

Queensland position:

- <u>Support</u> the use of state data for calculating the split, while acknowledging that data comparability and quality issues remain an ongoing issue.

- As previously noted, Report on Government Services (RoGs) data is an unsuitable alternative as it excludes non-court expenditure (such as the costs of running state departments of justice and legal aid) and some criminal court expenses related to specialised courts.

14. Discounting

Commission staff proposal:

- The Commission proposes to not apply any discounts to the updated justice assessment method outside of the already discounted service delivery scale general gradient.

Queensland position:

- <u>Support</u> the Commission not applying any additional discounts. Discounts are not applied in response to general uncertainty and any data quality issues are not considered to be greater than those present in other assessments, thus any discount is not warranted.