



Royal Commission into Aboriginal Deaths in Custody Recommendation

45. Common collection across jurisdictions for custodial data

That the appropriate Ministerial Councils strive to achieve a commonality of approach in data collections concerning both police and prison custody.¹

Background²	The Royal Commission into Aboriginal Deaths in Custody (RCIADIC) emphasised the importance of information on people in custody being comparable across states and territories and in a form that enables data to be aggregated to produce a national overview. At the time of the RCIADIC the Australian Institute of Criminology had made successful efforts in relation to prison custody.
Intent	Adopt a common approach across jurisdictions to collect data about police and prison custody.
Responsibility	The Commonwealth and all state and territory governments.
Key contacts	Australian Institute of Criminology (AIC); Australian Bureau of Statistics (ABS); Australian Institute of Health and Welfare (AIHW); Corrections Victoria, Youth Justice, Department of Justice and Community Safety; Victoria Police.
Key action taken	
2005 Review³	Corrections Victoria assessed Recommendation 45 as fully implemented for prison custody data. It was noted that no progress had been made in other areas.
2018 Review⁴	Commonwealth Government Deloitte concluded that the Commonwealth Government had fully implemented Recommendation 45 through the efforts of the AIC, ABS and AIHW to collect nationally consistent data. Victorian Government Deloitte concluded that the Victorian Government had fully implemented this recommendation through participation in national initiatives focused on achieving a common approach to data collection.
Since then	Australian Institute of Criminology

¹ Royal Commission into Aboriginal Deaths in Custody (Final Report, 1991) vol 1, 196 ('RCIADIC').

² *ibid* vol 1, 196, [6.1.11].

³ Aboriginal Justice Forum (Vic), Department of Justice (Vic), *Victorian Implementation Review of the Recommendations from the Royal Commission into Aboriginal Deaths in Custody* (Review Report, October 2005) vol 1, 400 ('2005 Review').

⁴ Deloitte Access Economics, Department of Prime Minister and Cabinet, *Review of the Implementation of the Recommendations of the Royal Commission into Aboriginal Deaths in Custody* (Report, August 2018) 94-95 ('2018 Review').

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The Australian Institute of Criminology (AIC) conducted National Police Custody Surveys in August 1992, August 1995 and October 2002 with the cooperation of each police jurisdiction in Australia.⁵ In the report from the 2002 survey, the AIC aimed to continue to monitor patterns in police custody through the conduct of future police custody surveys.⁶ However, no surveys have been published since 2002.⁷

For the 2002 survey, a uniform procedure and methodology was not applied as data were collected in different ways. Data for the Australian Capital Territory, South Australia and Victoria were collected by police officers at the station who manually completed a separate data collection form for each occasion of custody and forwarded the form to the AIC for coding, data entry, editing and analysis. Data for New South Wales, Queensland, Western Australia, Northern Territory and Tasmania were provided in the form of electronic datasets, and the required information was manually sorted and extracted by an AIC researcher.⁸ The introduction of the electronic method of data provision created issues with the comparability of the data between jurisdictions. Missing data was a major problem.

Australian Bureau of Statistics

The collection of statistics on prison custody was established in 1983 by the AIC until the ABS took over responsibility in 1993. The first official ABS release of Prisoner Census statistics was through the 2000 publication, *Prisoners in Australia*.⁹ Prior to this, the data were presented as an annual report for the Corrective Services Ministers' Council by the National Corrective Services Statistics Unit.¹⁰

The Prisoner Census provides a national view of adults in prison across Australia, as well as comparable data across states and territories and a basis for measuring change over time.¹¹ The quarterly ABS publication, 'Corrective Services, Australia', also contains information on persons in prison that is comparable across jurisdictions.¹²

Australian Institute of Health and Welfare¹³

⁵ David McDonald, Australian Institute of Criminology, *National Police Custody Survey: Preliminary Report* (Research and Public Policy Series No 2, 1 March 1993) ('NPCS 1992'); Carlos Carcach and David McDonald, Australian Institute of Criminology, *National Police Custody Survey August 1995* (Research and public policy series No 9, August 1995) ('NPCS 1995'); Natalie Taylor and Michael Bareja, *2002 National Police Custody Survey* (Technical and Background Paper No 13, 1 February 2005) ('NPCS 2002').

⁶ *NPCS 2002*.

⁷ See further information in response to Recommendation 42.

⁸ *NPCS 2002*, 18.

⁹ 'Prisoners in Australia: Latest Release', *Australian Bureau of Statistics* (Web Page, 25 January 2025) <<https://www.abs.gov.au/statistics/people/crime-and-justice/prisoners-australia/latest-release>> ('Prisoners in Australia: Latest Release').

¹⁰ 'National Prisoner Census', *Australian Bureau of Statistics* (Web Page, 9 June 2015) <<https://www.abs.gov.au/AUSSTATS/abs@.nsf/DSSbyCollectionid/8724931436CDF784CA256BD00027E909?opendocument>> ('National Prisoner Census').

¹¹ *Ibid.*

¹² 'Corrective Services Australia', *Australian Bureau of Statistics* (Web Page, 12 June 2025) <<https://www.abs.gov.au/statistics/people/crime-and-justice/corrective-services-australia/latest-release>> ('Corrective Services Australia').

¹³ 'Youth Justice: Our Data Collections', *Australian Institute of Health and Welfare* (Web Page, 8 December 2023) <<https://www.aihw.gov.au/about-our-data/our-data-collections/youth-justice>> ('Youth Justice: Our Data Collections').

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The AIHW collects information from all states and territories about young people in custody under for the Youth Justice National Minimum Data Set (YJ NMDS). Annual reports developed from this data set include information about children and young people in youth detention.¹⁴

Evidence of impact

Authorising documents

None identified.

Outputs

There has not been a report from the National Police Custody Service since the 2002 survey. The ABS' annual Prisoners in Australia releases provide a national view of adults in prison, and comparable data across states and territories. Similarly, the AIHW's Youth Justice in Australia series provides a national view of young people in youth detention, and comparable data across state and territories.

Outcomes

The absence of consistent and comparable data about people in police custody limits understanding of their circumstances, risks and outcomes and reduces the potential for oversight, and monitoring of trends and changes over time.

Community views

None identified.

Related recommendations

2005 Review¹⁵

Recommendation 69

That Victoria Police develop a proactive position on the establishment of a common national data capture for Aboriginal people in contact with police and pursue this through the Australian Police Ministers Council.

That the Victorian Government continue to implement and monitor Recommendation 45 through any monitoring process established as a consequence of this Review.

Recommendation 149

That the Department of Justice (Corrections Victoria) provide a report to the Aboriginal Justice Forum on progress of the implementation of the recommendations from the National Corrective Services Statistics Unit of the ABS and the Australian Institute of Criminology.

Assessment summary

The intent of Recommendation 45 was to establish consistent and comprehensive data collection on people held in custody to improve transparency and support informed decision-making. The Aboriginal Justice Caucus (AJC) noted that actions taken partially align with this intent. While there is no common collection of police

¹⁴ Australian Institute of Health and Welfare, *Youth Justice in Australia 2023-24* (Web report, 28 March 2025) ('Youth Justice in Australia 2023-24').

¹⁵ 2005 Review, vol 1, 53, 72.

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custody data, some progress has been made through the annual Prisoners in Australia (ABS) and Youth Justice in Australia (AIHW) reports, which provide nationally comparable data on the demographic and legal characteristics of Aboriginal adults and young people in custody across states and territories. The AJC considered Recommendation 45 was still relevant and a moderate priority for further work, as regular publication of custody data ensures that governments and Aboriginal communities are better informed and able to take effective action. The AJC also highlighted that consistent police custody data collection, as outlined in Recommendation 43, is largely the responsibility of national bodies, and that any progress on related recommendations in Victoria could support this effort.

Assessment of Recommendation 45

Is the intent of the recommendation accurately described?

Yes ☒ No ☐

Does the action taken align with the intent of the recommendation?

0 – No action taken

1 – Action taken is of little relevance to the intent of the recommendation

2 – Action taken partially aligns with the intent of the recommendation

3 – Action taken fully aligns with the intent of the recommendation

2

(Score out of 3)

Is there evidence of the desired impact or outcome/s?

0 – No evidence

1 – Evidence of output rather than outcome

2 – Some evidence action contributed to outcome/s

3 – Clear link between action and impact or outcome/s

2

(Score out of 3)

How relevant is the recommendation in the current context?

0 – No relevance – refers to practices, agencies or laws that no longer exist

1 – Low – some relevance, but most aspects of the recommendation no longer apply

2 – Moderate – remains relevant, but some aspects of recommendation no longer apply

3 – High – entirely relevant to current context

2

(Score out of 3)

Does full implementation have the potential to reduce incarceration, increase safety in custody and/or progress Aboriginal self-determination?

0 – No potential to improve Aboriginal justice outcomes

1 – Low – potential to improve Aboriginal justice outcomes, but none of the three identified

2 – Moderate – potential to progress one or two of the outcomes identified

3 – High – potential to reduce incarceration AND increase safety in custody AND self-determination

2

(Score out of 3)

Potential actions for further work

No actions identified.

Moderate priority for further work

Relevance and potential impact

		Low (0-2)	Moderate (3-4)	High (5-6)
Extent of action taken and evidence of outcomes	High (5-6)			
	Moderate (3-4)		Rec 45	
	Low (0-2)			

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