

World Factbook of Criminal Justice Systems

Australia

by

David Biles
Australian Institute of Criminology

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GENERAL OVERVIEW

1. Political system.

The Commonwealth of Australia is a federalist government composed of a national government and six State governments. The government of the Commonwealth is responsible for the enforcement of its own laws. The most frequently prosecuted Commonwealth offenses are those related to the importation of drugs and the violation of social security laws. Offenses against a person or against property occurring in Commonwealth facilities are also regarded as offenses against the Commonwealth.

The States are primarily responsible for the development of criminal law. Queensland, Western Australia, and Tasmania are described as "code" States because they have enacted criminal codes which define the limits of the criminal law. The remaining three States, New South Wales, Victoria, and South Australia are regarded as "common law" States because they have not attempted codification. In practice, however, there is little difference in the elements of the criminal law between the "code" and "common law" States.

Local governments can pass legislation, known as bylaws. These generally include social nuisance

offenses as well as traffic and parking rules. Local government officials or the State and Territory police generally enforce the local government bylaws. The maximum penalty that can be imposed for conviction of a bylaw offense is a monetary fine. However, non-payment of fines can result in imprisonment.

2. Legal system.

The structure of the Australian legal system is derived from, and still closely follows, that of the United Kingdom. In addition to parliament-made law, there is the "common law" inherited from the English courts which has since been developed and refined by Australian courts. It should be noted, however, that since 1963 Australian courts have ceased to regard English decisions as superior or even equal in authority to those made by Australian courts. The legal system is adversarial in nature and places a high value on the presumption of innocence.

Due to the federalist system of government, there are nine separate legal systems in operation. Although there are some significant differences between these systems, they are essentially similar in structure and operation.

3. History of the criminal justice system.

For thousands of years Australia was inhabited by an indigenous people, now known as the Aborigines. In 1788, a British Penal Colony was established in the southeast part of the continent. Other settlements of European people were subsequently established elsewhere, leading to the creation of six independent British colonies: New South Wales, Victoria, Queensland, Western Australia, South Australia and Tasmania. These colonies became a federation in 1901, to eventually form the States of the Commonwealth of Australia, although since then, the Northern Territory and the Australian Capital Territory have been granted self government.

The Commonwealth of Australia has nine separate parliaments or legislatures, most of which have lower and upper houses. There are also several hundred local government authorities, known as councils or shires.

The national or Commonwealth Government is responsible for defense, foreign affairs, customs, income tax, post and telegraphs. The State or Territory Governments have primary responsibility for health, education and criminal justice, although the Commonwealth Government is also influential in these areas. Local governments are responsible for municipal functions such as town

planning and the provision of civic amenities.

There exists a level of tension between the governments at the State or Territory level and the Government of the Commonwealth. This tension is almost exclusively concerned with the issue of the allocation of monies raised from income tax and the appropriate distribution of power. Since the 1970s, there has been a noticeable shift of power toward the Commonwealth Government.

CRIME

1. Classification of crimes.

*Legal classification. Crime is generally defined as any conduct which is prohibited by law and which may result in punishment. Crimes can be classified as either felony, misdemeanor or minor offenses, but more commonly they are classified as indictable or not indictable offenses. Indictable offenses are those which are heard by the superior courts and may require a jury, whereas non-indictable offenses, which comprise the vast majority of court cases, are heard in magistrates courts, where no juries are employed.

While there are some classification differences among the various jurisdictions, in all jurisdictions indictable offenses generally include homicide, robbery, serious sexual and non-sexual assault, fraud, burglary and serious theft. In some jurisdictions, such as South Australia, there is a group of "minor indictable" offenses which can be heard in the superior or lower courts, according to the wish of the accused.

Criminal justice statistics are based on a classification scheme which divides crimes into offenses against the person, property offenses and "other".

*Age of criminal responsibility. The minimum age of criminal responsibility and the upper age limit for hearings in juvenile courts varies among Australian States and Territories. The minimum age of criminal responsibility, followed by the maximum age limit for hearings in the juvenile court in the various jurisdictions are as follows: New South Wales: 10 and 17; Victoria: 8 and 16; Queensland: 10 and 16; Western Australia: 7 and 17; South Australia: 10 and 17; Tasmania: 7 and 16; Northern Territory: 10 and 16; and the Australian Capital Territory: 8 and 17. The minimum age of criminal responsibility in juvenile courts is 7, while the minimum age to be tried in

an adult court is 16.

In all jurisdictions, any child above the age of criminal responsibility who is charged with homicide can be tried in an adult court. In some jurisdictions, juveniles may have their offenses tried in adult courts for offenses such as rape and treason.

*Drug offenses. Drug offenses constitute a major focus of all Australian criminal justice systems. The possession, use, sale, distribution, importation, manufacturing or trafficking of a wide range of drugs is illegal in all Australian jurisdictions. Illegal drugs include: marijuana (cannabis), heroin, designer drugs (ice, ecstasy), amphetamines (speed, LSD) and cocaine (including crack).

While the possession or use of any of these drugs is illegal, in some jurisdictions, notably South Australia and the Australian Capital Territory, marijuana has been partially decriminalized. Its possession or use may result in the imposition of a relatively small fine without the need to appear in court.

2. Crime statistics.

The following data has been compiled by the Australian Institute of Criminology from information contained in the annual reports of Australian police forces for the year 1991-92.

*Murder. Homicide includes murder, manslaughter (not by driving) and infanticide. In 1991-1992, there were 356 homicides reported to the police, for a rate of 2.0 per 100,000 population. Attempts are not included.

*Rape. Rape is defined as unlawful sexual intercourse with another person by force or without the consent of the other person. In 1991-1992, there were 48,698 rapes reported to the police, for a rate of 278.3 per 100,000 population.

*Theft. Robbery is defined as the unlawful removing or taking of property or attempted removing or taking of property without consent by force or threat of force immediately before or after the event. In 1991-1992, there were 11,780 robbery offenses reported to the police, for a rate of 67.3 per 100,000 population.

*Drug offenses. Drug offenses include the cultivation, manufacturing, importation, trafficking, sale, possession and use of narcotic or dangerous drugs. In 1991-1992, there were

86,470 drug offenses reported to the police, for a rate of 494.1 per 100,000 population.

*Crime regions. There is a clear link between population density and the incidence of most types of crime. Crime rates are higher in large cities than in small towns or rural communities. This pattern is found in all Australian jurisdictions with the exception of the Northern Territory, where nearly all crime rates are higher than the Australian average. This is thought to be associated with the high crime rates found in Aboriginal communities. The Aborigines make up 22% of the total population in the Northern Territory, whereas they comprise only 1.5% of the entire Australian population.

VICTIMS

1. Groups most victimized by crime.

A number of large victim surveys conducted in Australia have consistently shown that most victims do not report crimes to the police. The main reasons that victims have cited for not reporting are that they consider the offence to be trivial or they believe the police either could not or would not do anything about the crime report. Such surveys have also found that victims are more likely to be men than women, young than old, unemployed and less well educated than the Australian norm.

2. Victims' assistance agencies.

There are a number of agencies that provide crime victim assistance in all Australian jurisdictions. These agencies include rape crisis centers, women's shelters, safe houses and voluntary organizations such as Victims of Crime Assistance League (VOCAL) and Victims of Crime Services (VOCS).

3. Role of victim in prosecution and sentencing.

Crime victims do not play an active role in the prosecution or sentencing of an offender in any Australian jurisdiction.

4. Victims' rights legislation.

South Australia has enacted a Victims of Crime Charter, based on the United Nations Charter. This charter provides for victim impact

statements to be prepared and used in certain cases and for victims to be consulted at the various stages in the criminal justice process.

POLICE

1. Administration.

Australia has one police force for each of the six States and the Northern Territory. There is also a Commonwealth agency known as the Australian Federal Police which provides police services for the Australian Capital Territory and is also involved in preventing, detecting and investigating crimes committed against the Commonwealth. Thus, there are eight separate police forces for the nation. There are, however, a large number of other agencies which have specific law enforcement functions, including health inspectors, tax officials, and immigration and customs officers.

All Australian police forces have a hierarchical organization. In the larger police forces, the chief officer is known as the Commissioner, except in Victoria, where he or she is known as the Chief Commissioner. The larger forces also have one or more Deputy Commissioners and a number of Assistant Commissioners. Below these ranks are Chief Superintendents, Superintendents, Chief Inspectors and Inspectors. Officers achieving the rank of Inspector or above are known as commissioned officers. The remaining ranks consist of Senior Sergeants, Sergeants, Senior Constables and Constables.

In the State and Northern Territory police forces, the administration is divided into geographical districts, which are themselves divided into divisions and subdistricts. There is also a movement towards increasing the autonomy of regional police commanders in many Australian police forces.

The Commissioner of Police is directly accountable to a Minister, but the Minister is usually not permitted to influence the operation and decisions of police commanders. An Australian Police Ministers Council (APMC) meets at least once a year and is supported by the Commissioners in this context as the Senior Officers Group (SOG). The APMC and SOG structures have attempted to create a higher level of cooperation and uniformity of police practices throughout Australia.

Australian police forces are not closely associated with the military forces. Australian

military forces have no responsibility for the maintenance of civil order. However, on very rare occasions the military forces have been required to provide assistance to the police. In the event of a serious natural disaster, such as a flood or bush fire, the military forces are asked to assist the police and other civilian authorities.

2. Resources.

*Expenditures. The total police expenditure for Australia in 1991- 1992 was approximately 2,743 million dollars with a per capita expenditure of 158.3 million dollars. (The approximate expenditure on each Australian police force for the year 1991-92, followed by the per capita expenditure in each jurisdiction is as follows (in millions of dollars): New South Wales: 923.2 total and 156.4 per capita; Victoria: 549.6 total and 124.1 per capita; Queensland: 442.9 total and 149.0 per capita; Western Australia: 242.3 total and 145.4 per capita; South Australia: 261.8 total and 179.7 per capita; Tasmania: 57.5 total and 124.9 per capita; Northern Territory: 54.9 total and 345.8 per capita; and Australian Federal Police: 211.2 total. The per capita expenditure was not calculated for the Australian Federal Police because while a significant part of this police force is devoted to the Australian Capital Territory, the remainder serves the whole of Australia.)

*Number of police. The number of police personnel for the year 1991-1992 is as follows: New South Wales: 16,017; Victoria: 11,794; Queensland: 6,271; Western Australia: 4,129; South Australia: 5,749; Tasmania: 1,014; Northern Territory: 224; and Australian Federal Police: 3,079.

3. Technology.

*Availability of police automobiles. Australian police forces have a total of 9,662 motor vehicles. These include sedans, station wagons, panel vans, motorcycles, four-wheel drive vehicles, prison vans, trucks, buses and utility vehicles. The number of vehicles among the various Australian police forces in 1991 are as follows: New South Wales: 2,993; Victoria: 2,035; Queensland: 1,297; Western Australia: 1,405; South Australia: 1,079; Tasmania: 413; Northern Territory: 268; and Australian Capital Territory: 172.

*Electronic equipment. All Australian police forces have access to computer records, radio

communications and radar. Computer-aided dispatch is available in metropolitan areas and some larger rural areas, while in more isolated areas police communications are limited to radio and telephone.

*Weapons. All rank and file police officers are issued .38 caliber revolvers. Special squads are issued semi-automatic weapons. Bullet proof vests are available in each police force, but they are only issued to individual police officers in particular emergencies.

4. Training and qualifications.

Australian police recruits are required to have completed their secondary education, although it is not always essential to have been awarded a qualification known as Higher School Certificate. A university degree is not generally required of police in Australia except for specialist posts. University training is encouraged for all recruits to the Australian Federal Police and increasingly in other police forces.

Recruits must undergo medical and psychological tests and are evaluated on their overall suitability, competence, physical fitness and character. Recruit training is a combination of classroom and field-based experience which takes approximately 18 months to complete. A portion of this training takes place in a police academy and the remainder is conducted on the job.

5. Discretion.

*Use of force. All police officers may use "appropriate" force when encountering violent persons. "Appropriate" is defined by the level of force required to overcome and apprehend the person(s). Police officers may use "lethal" force on a person if they believe their life or the life of another person is in danger. "Lethal" is defined as the level of force that might result in the person's death.

All police officers carry handguns and handcuffs. They rarely carry batons; these are usually kept in police cars.

*Stop/apprehend a suspect. In general, a police officer may stop and apprehend any person who appears to be committing, or is about to commit, an offence.

*Decision to arrest. The vast majority of arrests are made without a warrant although there are jurisdictional differences concerning prerequisites to arrest.

As an alternative to arrest, police can "caution" suspects. There are published guidelines used by the police in relation to the cautioning of suspects, especially for juveniles. Cautioning can be informal, in which the individual police officer warns the offender. Cautioning can also be formal, in which the suspected offender is required to appear before a senior officer for the cautioning, although no court appearance is required.

*Search and seizure. Police are generally required to obtain a search warrant from a judge or a magistrate before they enter premises and seize property. However, illegal drugs and weapons can be seized without a warrant.

*Confessions. Whereas the issue of obtaining confessions from suspected offenders has been a controversial subject in the past, the controversy has diminished with the onset of video. Virtually all interviews with persons suspected of serious offenses are videotaped.

6. Accountability.

Complaints against the police are investigated by different authorities in different jurisdictions. The principal agencies involved in each jurisdiction are the following: New South Wales: State Ombudsman, Independent Commission Against Corruption and the Police Force's Internal Affairs Department; Victoria: State Ombudsman; Queensland: Criminal Justice Commission and the Police Force's Internal Affairs Department; Western Australia: State Ombudsman; South Australia: Police Complaints Authority; Tasmania: Police Force's Internal Affairs Department; Northern Territory: Territory Ombudsman; Australian Capital Territory and Australian Federal Police: Federal Ombudsman.

PROSECUTORIAL AND JUDICIAL PROCESS

1. Rights of the Accused

*Rights of the accused at trial. All accused persons have the right to defend themselves in court but in serious cases most prefer to be represented by a legal practitioner. A recent decision by the High Court of Australia held that in all serious matters if the accused does not have access to legal advice, the case must be

adjourned. (Dietrich, 1992).

In any trial, both the prosecution and the defense have the right to question and cross examine witnesses. In New South Wales, the accused person also has the right to make an unsworn statement, thus avoiding being cross-examined by the prosecution. This practice has been abolished in all other Australian jurisdictions.

*Assistance to the accused. A national system for the provision of free legal aid to accused persons was established in 1993 and subsequently some of the States have established legal service commissions which monitor and oversee the provision of this service. Eligibility to receive legal aid depends on the financial means of the individual and the merit of the case being defended. Legal aid is provided either through the salaried staff of a Legal Aid Commission or by assignment to private legal practitioners. Also, an extensive number of Aboriginal legal services throughout Australia receive separate funding from national or state legal services.

2 Procedures.

*Preparatory procedures for bringing a suspect to trial. Arrested persons are brought to a police station where charges are brought against them. Before being charged, the arrested person is usually searched. The police are empowered to use force if the search is resisted. In all serious cases, arrested persons are photographed and finger printed before being charged. If no charges are brought, the accused person is released.

In most jurisdictions the police allow arrested persons to make a telephone call to a legal adviser, friend or relative. After the charging procedures are completed, the accused is either released on bail or held in custody.

The role of the police in pre-trial decision-making includes performing the necessary investigation and detection work, filing charges and, except for the Australian Capital Territory, prosecuting the case in court. In some cases and in all Federal matters, the Director of Public Prosecutions is involved in determining what charges will be brought. If the Director decides that the case should be heard on indictment (heard in a superior court), a committal or preliminary hearing in a lower court is usually held in order to discover whether there is sufficient evidence to proceed with the trial.

If the accused pleads guilty to a charge, the judge or magistrate may immediately impose a

sentence without setting the case for trial. Thus, guilty pleas help to speed case flow and reduce case overload in the court system.

If the accused pleads not guilty, the evidence of the prosecution and defense are heard in an adversarial manner in court. Cases involving serious charges are heard in a higher court with a 12-member jury. However, in some cases, the accused person has the right to waive a jury trial.

*Official who conducts prosecution. Police will often conduct the prosecution for lower court cases, but not for those in the higher courts.

*Alternatives to trial. In some jurisdictions there are alternatives to formal charging and court appearance procedures. These alternatives involve the use of community justice centers or dispute resolution centers to provide for the resolution of disputes between conflicting individuals. The proceedings in these centers are relatively informal and the hearings are less expensive than court procedures. In addition, most States have small claims tribunals or courts that allow for minor matters to be settled without involving the police or lawyers.

Although plea bargaining is not officially permitted in any jurisdiction, some commentators have suggested there exists a form of charge bargaining, an arrangement by which an individual chooses to plead guilty to one or two particular charges with the understanding that other charges will be dropped.

*Proportion of prosecuted cases going to trial. Information not obtained.

*Pre-trial incarceration conditions. Pre-trial incarceration is usually referred to as "remanded in custody".

*Bail procedure. In all jurisdictions there is a strong presumption in favor of granting bail. Bail can be granted either by police or by the courts. There are three main grounds for the denial of bail and remanding an individual in custody: 1) to prevent the offense from being continued or repeated; 2) to ensure that the offender does not abscond and appears in court as required; and 3) to ensure that the accused person does not interfere with the process of justice (for instance, by contacting jurors or witnesses).

Generally, suspects brought on very serious charges, such as homicide, are remanded in custody for a substantial period of time while awaiting trial.

*Proportion of pre-trial offenders incarcerated. Approximately 13% of all Australian prisoners are awaiting trial with the period of stay on remand varying between a few days to more than one year in a small number of cases.

JUDICIAL SYSTEM

1. Administration.

Australia has a hierarchical system of courts with the High Court of Australia operating at the top. The High Court of Australia is the final court of appeal for all other courts. It is also the court which has sole responsibility for interpreting the Australian Constitution.

Within each State and Territory there is a Supreme Court and, in the larger jurisdictions, an intermediate court below it, known as the District Court, District and Criminal Court, or County Court. There is no intermediate court in Tasmania or in the two territories.

Below the intermediate courts there are Magistrates Courts at which virtually all civil and criminal proceedings commence. Approximately 95% of criminal cases are resolved at the Magistrates Courts level.

Parallel to the Supreme Courts in the States and Territories is a Federal Court that is primarily concerned with the enforcement of Commonwealth Law, such as that related to trade practices, but that also hears appeals from the Supreme Courts of the Territories.

2. Special Courts.

Juvenile/Children's Courts. Each State and Territory has a children's or juvenile court. Children's courts are invariably closed to the public and the press in order to protect the anonymity of the accused.

Coroners Courts. These courts investigate suspicious deaths and fires. Some coroners courts have the authority to recommend persons for trial in higher courts.

Other Courts. There are many other courts in Australia such as the Family Court, the Industrial Court, Small Claims Tribunals, Licensing Courts, Mining Courts, Land and Environment Courts, and Courts of Disputed Returns, but few, if any, of these courts deal with criminal behavior.

3. Judges.

*Number of judges. The High Court of Australia has seven judges. Since its creation in 1901 there have been 37 appointments to the High Court. Except for one, all appointments have been male.

The Supreme Courts in each State and Territory are headed by a Chief Justice. The actual number of judges varies according to the size of the state. For example, there are 34 Supreme Court judges in New South Wales and seven in Western Australia. There are over 100 Supreme Court judges in Australia, all of whom are assisted by secretaries, bailiffs, associates, and Masters and Registrars of the Court.

The number of judges at the intermediate court level is almost twice the number at the Supreme Court level. There are approximately 500 magistrates in Australia. In some jurisdictions, lay persons are appointed as Justices of the Peace. Although, in the past, these lay persons were able to convene courts and sentence offenders, this power has largely been removed in recent years.

*Appointment and qualifications. All of the persons appointed to the High Court of Australia have been distinguished members of the legal profession, but a significant minority of them have also had political experience or have been judges in a Supreme or Federal Court.

The appointment of judges at each government level is the responsibility of the relevant government. In the case of the High Court and the Federal Court, formal judicial appointments are made by the Governor General. The Governor of the State formally appoints judges to the Supreme Courts. The identification and recommendation of persons to be appointed as judges in each jurisdiction is primarily the responsibility of the corresponding Attorney-General.

PENALTIES AND SENTENCING

1. Sentencing process.

*Who determines the sentence? In cases where a person either pleads guilty or is found guilty, the sentence is determined by the judge or magistrate responsible for the case.

*Is there a special sentencing hearing? In complex or serious cases there is frequently an

adjournment to allow the judicial officer to consider the appropriate sentence and to hear argument from the prosecution and defense in relation to sentence.

*Which persons have input into the sentencing process? Victim impact statements may be submitted in South Australia. In other jurisdictions pre-sentence reports are prepared to assist the judicial officer, usually by probation officers. Pre-sentence reports may also include a psychiatric opinion.

2. Types of penalties.

*Range of penalties. All jurisdictions permit the following penalties to be imposed: fines, probation orders (supervision or recognizance orders), community service orders or imprisonment. Some jurisdictions provide for the imposition of home detention. Home detention is usually employed as a post-prison order rather than as an order imposed directly by the sentencing court.

*Death penalty. Capital punishment and corporal punishment have been abolished in all Australian jurisdictions. The last execution took place in 1967.

PRISON

1. Description.

*Number of prisons and type. All prisons are the responsibility of states or territories. There are no federal penitentiaries or local jails.

There are approximately 80 prisons throughout Australia. This number is an approximation because several large institutions are subdivided into administratively independent units. Although most prisons are designated as either high, medium, or low security facilities, most are occupied by prisoners at varying levels of security classification.

*Number of prison beds. Information not available.

*Average daily/number of prisoners. In May 1993, the total number of prisoners in Australia was 14,335, of which 13,640 were male and 695 were female. The rate for imprisonment in Australia was 80.6 per 100,000 population. There has been considerable concern over the rate of

imprisonment, since it varies by jurisdiction. (The rate of imprisonment per 100,000 population in each jurisdiction, followed by the total number of prisoners, and male and female breakdowns, are as follows: New South Wales: 103.2 (total=6,230; male=5,914, female=316); Victoria: 50.0 (total=2,258, male=2,145, female=113); Queensland: 68.8 (total=2,064, male=1,984, female=80); Western Australia: 110.8 (total=1,911, male=1,808, female=103); South Australia: 73.0 (total=1,087, male=1,033, female=54); Tasmania: 55.9 (total=261, male=249, female=12); Northern Territory: 268.3 (total=432, male=420, female=12); and Australian Capital Territory: 29.8 (total=92, male=87, female=5. Australian Institute of Criminology.)

Approximately 15% of all prisoners are identified as Aborigines. This figure has been cause for concern since Aborigines comprise only 1.5% of the total Australian population.

*Number of annual admissions. Approximately 27,000 sentenced prisoners are received into prison in Australia each year and a much higher number of unconvicted prisoners are received on remand.

*Actual or estimated proportion of inmates incarcerated. Although violent crime constitutes a very small proportion of all crime in Australia, this category contributes the most to the numbers of people in prison at any one time. The total number and percentage of inmates incarcerated for various crimes, as of June 30, 1992:

Drug Crimes	1,522	(10%)
Violent Crimes	6,484	(42%)
Property Crimes		
(theft)	1,333	(8%)
Other Crimes	6,220	(40%)
Total Crimes	15,559	(100%)

Violent crimes include homicide (1,517); assault (1,483); sex offenses (1,662); and robbery (1,822). Other crimes include: break and enter (2,340); fraud (544) driving and other traffic offenses (1,007); breach of probation or similar court orders (950); receiving stolen goods (319); and "other" offenses (1,060).

2. Administration.

*Administration. Information not obtained.

*Prison guards. In 1991-1992, there was a total of 7,348 custodial staff personnel. (The number of custodial staff personnel by jurisdiction,

followed by the prisoner/staff ratio is as follows: New South Wales: 2,516 [2.4:1]; Victoria: 1,341 [1.7:1]; Queensland: 1,283 [1.5:1]; Western Australia: 1,018 [1.8:1]; South Australia: 704 [1.5:1]; Tasmania: 178 [1.5:1]; Northern Territory: 258 [1.8:1]; and Australian Capital Territory: 48 [0.4:1]).

*Training and qualifications. Generally, the training period for prison officers varies from 3 to 12 months and always involves a combination of classroom study and on-the-job training. Prison officers are required to undertake further study and pass examinations in order to be considered for promotion in the prison system. In Western Australia, persons who are appointed as superintendents or officers in charge of institutions must obtain some form of tertiary qualification.

*Expenditure on the prison system. In 1991-1992, the average cost per prisoner per day was 124.8 in Australian dollars. Among jurisdictions, in 1991-1992, the average cost per prisoner per day in Australian dollars was as follows: New South Wales: 106.3; Victoria: 152.0; Queensland: 122.2; Western Australia: 145.6; South Australia: 143.9; Tasmania: 108.6; Northern Territory: 110.8; and Australian Capital Territory: 377.2. The very high cost per day for the Australian Capital Territory in part is explained by the fact that all of its sentenced prisoners are transferred to New South Wales. The only prisoners who are detained in the Australian Capital Territory are unconvicted prisoners on remand.

3. Prison conditions.

*Remissions. Until recently all convicted Australian prisoners were entitled to earn remissions or time off for good behavior. This approach has since been changed in New South Wales and Victoria as a result of support for an approach known as "truth in sentencing". This change is said to have resulted in a significant increase in the number of inmates in prisons, particularly in New South Wales.

All States and Territories in Australia have provisions for parole and virtually all persons serving sentences of one year or more are released under a parole system. Most of the time, the number of persons serving parole is approximately two thirds of the total number of persons in prison. In addition, for every person in prison, there are approximately four persons serving other forms of non-custodial sentences such as probation or community service.

*Work/education. All prisons have provisions for work, education and training, recreation and support.

*Amenities/privileges. Inmates classified as requiring low security are able to obtain weekend leave. Other privileges are also available.

EXTRADITION AND TREATIES

*Extradition. Australia has entered into a number of treaties with foreign countries to facilitate the extradition of offenders and to provide mutual assistance in the investigation of serious crime.

*Exchange of prisoners. Australia has not yet, however, entered into any multilateral or bilateral treaties which would facilitate the transfer of foreign prisoners. This subject is under active consideration in Australia at the present time (1993). The available evidence suggests that approximately 200 Australian prisoners are serving sentences in as many as 30 countries in other parts of the world, and a slightly larger number of foreign prisoners are serving sentences in Australian prisons.

*Specified conditions. Information not obtained.

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David Biles
Deputy Director
Australian Institute of Criminology
2 Marcus Clarke Street
Canberra, ACT 2601
Australia

Tel: 06-274-0200
Fax: 06-274-0201