

1883.

VICTORIA.



ROYAL COMMISSION ON POLICE.

GENERAL REPORT

ON THE

Present State and Organization of the Police Force.

PRESENTED TO BOTH HOUSES OF PARLIAMENT BY HIS EXCELLENCY'S COMMAND.

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

Victoria, by the Grace of God of the United Kingdom of Great Britain
and Ireland QUEEN, Defender of the Faith :

To our trusty and well-beloved the Honorable FRANCIS LONGMORE,
M.P., the Honorable WILLIAM McCULLOCH, M.L.C.,
WILLIAM ANDERSON, Esquire, M.P., GEORGE RANDALL
FINCHAM, Esquire, M.P., JAMES GIBB, Esquire, M.P.,
JAMES HOWLIN GRAVES, Esquire, M.P., GEORGE COLLINS
LEVEY, Esquire, C.M.G., and EDWARD JOHN DIXON,
Esquire, J.P.

GREETING :

Whereas the Governor of our Colony of Victoria, with the advice of the Executive Council thereof, has deemed it expedient that a Royal Commission should forthwith issue to inquire into the circumstances preceding and attending the Kelly outbreak, and as to the efficiency of the police to deal with such possible occurrences; to inquire further into the action of the police authorities during the period the Kelly gang were at large, and the efficacy of the means employed for their capture; and generally to inquire and report on the present state and organization of the Police Force: Now know ye that we, reposing great trust and confidence in your zeal, discretion, and ability, have authorized and appointed, and by these presents do authorize and appoint you the said—

FRANCIS LONGMORE,
WILLIAM McCULLOCH,
WILLIAM ANDERSON,
GEORGE RANDALL FINCHAM,
JAMES GIBB,
JAMES HOWLIN GRAVES,
GEORGE COLLINS LEVEY, and
EDWARD JOHN DIXON,

to be our Commissioners for the purposes aforesaid: And we do by these presents give and grant unto you or any three or more of you full power and authority to call before you such person or persons as you shall judge likely to afford you any information upon the subject of this our Commission, and to inquire of and concerning the premises by all other lawful ways and means whatsoever: And we will and command and by these presents ordain that this our Commission shall continue in full force and virtue, and that you our said Commissioners, or any three or more of you, shall and may from time to time proceed in the execution thereof and of every matter and thing therein contained although the same be not continued from time to time by adjournment: And we do hereby appoint you the said

HON. FRANCIS LONGMORE, M.P.,

to be the President of this our Commission, and for your assistance in the due execution of this our Commission we do hereby appoint

JAMES WILLIAMS, Esquire,

to be Secretary to you our Commissioners, and to attend you, and his services we require you to use from time to time as occasion may require: And lastly we direct that you do with as little delay as possible report to us under your hands and seals your opinions resulting from the said inquiry. In testimony whereof we have caused these our letters to be made patent and the seal of our said colony to be hereunto affixed.

Witness our right trusty and entirely beloved Cousin and Councillor the most Honorable GEORGE AUGUSTUS CONSTANTINE, Marquis of Normanby, Earl of Mulgrave, Viscount Normanby, and Baron Mulgrave of Mulgrave, all in the County of York, in the Peerage of the United Kingdom; and Baron Mulgrave of New Ross, in the County of Wexford, in the Peerage of Ireland; a Member of our Most Honorable Privy Council; Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George; Governor and Commander-in-Chief in and over our Colony of Victoria and its Dependencies, &c., &c., &c., at Melbourne, this seventh day of March One thousand eight hundred and eighty-one, and in the forty-fourth year of our reign.

NORMANBY.

By His Excellency's Command,

GRAHAM BERRY.



ENTERED on Record by me in the Register of Patents, Book 20, page 382, this seventh day of March, One thousand eight hundred and eighty-one.

W. H. ODGERS.

MEMORANDUM.

By an Order of His Excellency the Governor in Council, dated the 16th day of March 1881,
GEORGE WILSON HALL, Esquire, M.P.,
was appointed an additional Member of the Commission.

ROYAL COMMISSION ON POLICE OF VICTORIA.

GENERAL REPORT.

To His Excellency the Most Honorable George Augustus Constantine, Marquis of Normanby, Earl of Mulgrave, Viscount Normanby, and Baron Mulgrave of Mulgrave, all in the County of York, in the Peerage of the United Kingdom; and Baron Mulgrave of New Ross, in the County of Wexford, in the Peerage of Ireland; a Member of Her Majesty's Most Honorable Privy Council; Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George; Governor and Commander-in-Chief in and over the Colony of Victoria and its Dependencies, &c., &c., &c.

MAY IT PLEASE YOUR EXCELLENCY :

Under date March 7th 1881, Letters Patent were issued by Your Excellency appointing a Royal Commission, whose powers were thus defined, viz. :—

1. To inquire into the circumstances preceding and attending the Kelly outbreak, and
2. As to the efficiency of the police to deal with such possible occurrences.
3. To inquire into the action of the police authorities during the period the Kelly gang were at large.
4. The efficiency of the means employed for their capture; and
5. Generally to inquire into and report upon the present state and organization of the police force.

I.—PROCEEDINGS OF THE COMMISSION.

Your Commissioners, in submitting their General Report upon the police force of the colony, based upon the evidence, oral and documentary, adduced during their protracted and arduous inquiry, desire briefly to review the history of their proceedings and the results of their deliberations as embraced in the series of Progress Reports which they have presented to Your Excellency. The mal-administration of the Police Department, and the unsatisfactory relations that existed between Captain Standish and many of his subordinates, culminated during the outbreak of the Kelly gang, in the North-Eastern district. That disgraceful and humiliating episode in the history of the colony necessitated not only the retirement of the late Chief Commissioner of Police, but also the issue of a Royal Commission to investigate the causes and circumstances attending the outrages of the daring criminals alluded to, and to report upon the state and organization of the police force generally.

Regarding the interests of the public as of paramount importance, and anxious to discharge fearlessly and impartially the duty entrusted to their hands, your Commissioners felt constrained, though reluctantly, to make certain recommendations from time to time, which, no doubt, involved individual hardship. It was not, however, intended, except in a few flagrant cases, that the proposals of your Commissioners should have a punitive significance; the main object sought to be achieved was the elimination of all disturbing and objectionable elements from the police force, in order the better to facilitate the labors essential to its complete re-organization. Thus, though the extreme course of dispensing with the services of many of the officers was declared to be necessary, the suggestion was accompanied by a desire that it should be without prejudice to their claims for compensation.

In their first Progress Report the Commissioners expressed disapproval of the proposed appointment of Mr. Stanhope O'Connor to the position of Inspector in the force, for reasons specifically mentioned. In their second Report your Commissioners made a series of recommendations affecting the position of many prominent officers and members of the force. The withdrawal of Mr. C. H. Nicolson, then Acting Chief Commissioner, and of Superintendent Hare, was deemed expedient, owing to the jealousy and dissension that had existed for some years between those officers. It was felt that, whatever might have been their abilities or the value of their public services in the past, the peculiar relations of the one towards the other precluded all possibility of their working in harmony in the future. The recommendations in respect to Inspector Brook Smith were acted on fully; those regarding Superintendent Sadleir only partially, while in Sergeant Steele's case they were altogether ignored. From the evidence since adduced your Commissioners see no reason to qualify the opinions then expressed respecting the conduct of the two officers last mentioned.

Consequent upon the retirement of Mr. C. H. Nicolson and of Mr. Hare, Superintendent H. M. Chomley was appointed Chief Commissioner of Police. To this gentleman's selection for the post your Commissioners had no objection personally to offer; but the manner of it lacked the courtesy due to a Royal Commission charged with an important inquiry into the state of the department over which he was called on to preside. Mr. Chomley, on receiving his promotion, was instructed to draw up a special report embodying his views upon the re-organization of the force. But for an assurance to the contrary, this action on the part of the Government might have been interpreted as designed to supersede the Commission, or at least to render further investigation superfluous. Further, it was clear that the Chief Commissioner's suggestions, even if carried out in their entirety, were wholly inadequate to remedy existing abuses, and to place the Police Department upon a satisfactory footing. Mr. Chomley appeared to regard political influence as the main cause of the admitted demoralization of the force, and seemed encouraged to suppose that, by an increase in the number of the police, a new system of recruiting, an extension of the period of service, and some minor departmental reforms, all that was necessary would be accomplished. In this sanguine anticipation your Commissioners did not participate. They believed that nothing less than a searching investigation, and the matured conclusions of a Royal Commission, could move the Government and Parliament to undertake the rectification of the glaring anomalies and wrong-doings which were alleged to exist in connection with the Police Department. Under those circumstances, and influenced by such considerations, your Commissioners, after a suspension of their labors for some time, resumed the inquiry, and proceeded to deal with that branch relating to the state and organization of the force as laid down in the 5th clause of the order of reference.



It was decided to call upon subordinate members of the force to elect delegates to represent their views before the Commission ; also, to examine officers whose experience and status necessarily gave weight to their evidence. It was not considered desirable to investigate individual grievances, unless where such had a direct bearing upon the general questions at issue. As to the Detective branch, it was felt that a distinct and most searching investigation was requisite.

In an *ad interim* Report presented to Your Excellency in October last, it was recommended that Superintendent Winch and Sub-Inspector Lerner should be removed from the force, owing to conduct on their part in direct contravention of the regulations—conduct calculated to reflect odium upon the general body of the police, to undermine discipline, and to exercise a pernicious influence on the administration of the department. With the views of your Commissioners respecting those officers the Government has thought proper to coincide, and the officers named have been permitted to retire.

A Special Report upon the Detective force was in January last submitted by the Commission. It proposed certain organic changes in the department, and expressed certain opinions regarding Inspector Secretan and Detectives O'Callaghan, Duncan, and Nixon. In the opinion of your Commissioners, the recommendations then made should be given effect to promptly, the same having been submitted solely with a view to the better organization, government, and discipline of the force.

In pursuance of the powers conferred upon your Commissioners, they have held 133 meetings and examined 183 witnesses. They have inspected the depôt, the Russell-street barracks, and the detective office. They have also visited many of the principal centres of population, and taken evidence on the spot, wherever necessary, in relation to the subject matter of the inquiry.

II.—THE POLICE IN RELATION TO PUBLIC MORALITY.

The opinions entertained by your Commissioners respecting the general deterioration of the police force of the colony, and the imperative necessity that existed for its re-organization, have been indicated in the several Progress Reports already submitted to Your Excellency. The circumstances antecedent to and attending the pursuit and destruction of the Kelly gang proved that the police, as a body, had become demoralised and comparatively powerless in the face of a grave and unexpected emergency. The mal-administration of the department was no doubt the primary source of the mischief ; but the unsatisfactory relations of some superior officers, the misconduct and incapacity of others, the laxity of discipline, the vicious system pursued by the detectives, the impunity with which the law was evaded by low-class publicans, the wide-spread ramifications of public prostitution, the audacity which characterised larrikinism in every direction, and the marked increase of every species of gambling, all demonstrated that the exigencies of the service, and the safety of the public, demanded a thorough change in the mode of working adopted by the police.

The delegates, in giving their evidence, seemed reluctant, in most instances, to expose the laches of their officers ; but as regards the grievances under which they labored, and the improvements in the force which they deemed essential, they evinced every desire to be communicative. Nothing, however, could better illustrate the paralysed condition of the force than the evidence adduced respecting the state of the metropolis in relation to public morals. It was alleged that there is scarcely a suburb, or a street in the city, free from open and undisguised prostitution.

Numerous hotels, situate in the vicinity of the principal thoroughfares, were described as notorious brothels, the licensees of which were alleged to be no better than panders, the barmaids employed professional harlots, and the attendants thieves and bullies. Those disreputable houses are the recognised haunts of the vicious and criminal classes, for whose accommodation they are made accessible at all hours of the day and night. In the year 1878, a Select Committee of the Assembly was appointed to inquire into and report upon the Social evil in Melbourne. The testimony obtained was startling as regards the extent and character of the vice that prevailed, but no really practical measures were adopted by the authorities for its suppression beyond the appointment of certain plain-clothes constables, for purposes of surveillance. The revelations made before your Commissioners regarding the immorality that existed in the metropolis, the facilities allowed for its propagation, and the inability of the ordinary members of the police to grapple with the evil, constituted a feature in the examination of several of the witnesses. A portion of the evidence was of so revolting a character that it was ordered to be expunged from the records. In addition to the large number of the low-class hotels which are annually licensed with little more than nominal opposition from the police, there are numerous private dwellings scattered throughout the city and its environs devoted to immoral purposes, which the law seems almost powerless to reach.

Larrikinism, respecting which several of the witnesses were examined, appears to be an abnormal growth, arising from the absence of efficient police supervision in the suburbs and in localities where the worst class of youths are permitted to congregate and combine for purposes of brutality and insult.

The failure of the authorities for many years to obtain a conviction against persons notably identified with monster sweeps and gambling has been attributable, not so much to defective legislative machinery as to the indifference, if not the connivance, of officers whose duty it was to bring offenders in this respect to justice.

It must be obvious that the appointment of the Commission, the evidence adduced, and the recommendations made by them and, to some extent, acted upon must have exercised a marked influence upon the conduct of the police, and the administration of the department, so that many of the more glaring abuses exposed have been partially rectified. It would, however, be idle to suppose that nothing further in this direction remains to be accomplished; in the opinion of your Commissioners, the recommendations which they now submit, in addition to those already made, are absolutely essential in order to place the police force of the colony in a proper and permanent state of efficiency.

III.—BOARD OF THREE COMMISSIONERS.

In the opinion of many of the most competent authorities the administration of the affairs of the Police Department should be vested in a board of three commissioners. A recommendation to that effect formed a prominent feature of the report of the Select Committee of the Assembly which sat during the sessions of 1861–2–3. It was as follows :—“Your Committee have enquired into and considered the present “system of police management under one commissioner, and whether it would be more “desirable to vest the management of the force in a board of three commissioners, “and are of opinion that the affairs of the Police Department under a board of three “commissioners would be conducted with greater efficiency, impartiality, and economy, “and with much more satisfaction both to the public and the members of the force, “than is possible under the present system. The affairs also of the Police

"Department appear to be too numerous, various, and responsible to be entrusted to the discretion and administration of one commissioner. Your Committee would therefore recommend that the future management of the police force be vested in a board of three commissioners." Upon this point some very important evidence was given at that time. Amongst the advocates for the proposed reform was Captain, now Sir Charles Mac Mahon, who may be said to have organized the present police force of the colony. In his evidence before the Committee, he is reported to have said:—"My opinion now is as it always was when I occupied the position of Chief Commissioner myself. After I had brought the police into a state of organization, and the country, or rather the population, was beginning to be more settled, I thought that the best system of management would be under a Board of Commissioners, and recommended that to the Chief Secretary." His opinion was supported by the testimony of many other witnesses, but Captain Standish, who was then Chief Commissioner, strenuously opposed so important an innovation. The experience of the last twenty years proves that Sir Charles Mac Mahon had formed a correct opinion of what was required by the police, and that his successor was altogether in error. It is in the opinion of your Commissioners highly impolitic to vest the entire official control of so vast and important a branch of the public service in the hands of a single individual. Upon this point the witnesses examined before your Commissioners were almost unanimous. It was urged on the one hand that by such a modification of existing arrangements there was less likelihood of injustice being inflicted where members of subordinate rank were concerned, while on the other it would in reality strengthen rather than weaken the hands of the Chief Commissioner, and effectually guard against external interference with the affairs of the department. The present Chief Commissioner is strongly impressed with the advantage of such a change. It seemed to be a settled conviction in the minds of the other witnesses that the appointment of a Board of three Commissioners to deal with all matters relating to recruiting, appointments, transfers, dismissals, and superannuations would ultimately remove all causes of complaint or dissatisfaction, and assist in raising the standard of efficiency of the force generally. A difference of opinion, however, existed as to the composition of such a Board, and a serious difficulty seemed involved in defining its functions, and its relation to the political head of the department. The Board, in the opinion of your Commissioners, should consist of the Chief Commissioner and two competent gentlemen selected from outside the force, one of whom shall have had legal training. The Chief Commissioner should act as chairman and as executive officer of the Board, and be, as at present, responsible to the political head of the department for the enforcement of the regulations, the discipline and efficiency of the force. When sitting as a Board the three Commissioners should have co-ordinate powers, and the duties appertaining to the administration of the department arranged by the Commissioners as thought most convenient and advantageous to the service. To the Board should be entrusted full power to deal, subject to the approval of the political head of the department, with all matters relating to recruiting, appointments, complaints, punishments, rewards, transfers, discharges, and superannuations; their decisions to be final in all cases affecting the subordinate ranks; the superior officers alone to have the right of appeal to the Government. This would supersede the present system of appointing boards to investigate charges made against members of the force under the Police Statute. A modification of the Act in this particular is greatly needed, as the experience of your Commissioners points to the conclusion that such boards are, in most instances, a mere mockery. The Board should sit from time to time, at stated intervals, its proceedings to become records of the department.

IV.—RECRUITING.

In this section and in those immediately following your Commissioners propose to deal with questions which have a bearing upon the existing Police Regulations, and with respect to which the delegates were more or less explicit. The selection of recruits under the old system (q. 117) was made by a board which sat every Tuesday and Friday. In time the names of approved candidates thus obtained became so numerous that the list was closed and so it remained for years. Recruits, as they were required, were taken from the list in the order of rotation and sent before the Medical Board for examination. A *Gazette* notice was published, Oct. 21st 1870, notifying that members of the Permanent Artillery were entitled to admission to the police to fill vacancies as they occurred. According to the testimony of many intelligent witnesses, this mode of recruiting the ranks of the police was not attended with advantage (qs. 1167, 1516). Recruits taken from the artillery were found in many instances to have contracted objectionable habits owing to their association with low characters and women of abandoned morals. The qualifications of a recruit are thus defined in Section 9 of the Regulations—"Filling up a form in his own handwriting, giving answers to queries respecting his previous employment, whether married or single, or a member of a secret society." Many of the documents, such as reports and memoranda, written by subordinate officers and constables which came before your Commissioners proved how utterly insufficient was the educational test thus applied. The delegates were in favor of a much stricter examination of candidates. "Constables," observed one of the witnesses, "are the groundwork of the whole force—the officers are built upon us—therefore it is essential in the organization of the police that greater attention should be paid to the class of men taken into it." With this view the Commission coincide. The suitability of candidates should be considered educationally and socially no less than physically, and a much higher intellectual standard of merit applied in the appointment of recruits.

V.—PROBATION.

The non-observance of the regulation which requires that recruits shall undergo a period of probation has resulted in many incompetent and undesirable candidates obtaining a permanent footing in the police force. In Section 12 of the Regulations the rule is laid down, "that if, after a few weeks' service, any constables are found deficient in that general intelligence, aptitude, and inclination for police duties without which they cannot become good police constables, they will be discharged as unsuitable for the service." In order, also, that this regulation should not become a dead letter, the Chief Commissioner of Police was invested with the power of discharging a constable without assigning any reason. From evidence given, it appears that, if a man once gets into the force, it is difficult to remove him. If an attempt were made to dispense with his services on the ground of incapacity, it was urged that the Chief Commissioner would have depositions from the friends of the man declaring him to be "the best man that ever existed." It was admitted by the delegates that a certain fixed period of probation was essential, although some of the superior officers considered that it was superfluous, and that the proper mode of dealing with recruits was to send them on the "beat" in company with an experienced constable, from whom a knowledge of the work would soon be obtained. Your Commissioners recommend that in no instance shall a recruit be entrusted with responsible duties until he has served a period of probation of at least two months.

VI.—INSTRUCTION AND DRILL.

The police authorities for many years appear to have acted on the principle that a constable is born, not made. Such was the infatuation that prevailed in this respect that, during the Kelly pursuit, men were sent up to do duty in the North-Eastern District without any knowledge of the use of the firearms with which they were entrusted. Even at the present time a foot constable is not supposed to undergo any preparatory training for the proper discharge of his duties. This neglect of training seems to have arisen from a desire to avoid imparting a military character to the force. Section 336 of the Regulations declares that "as the police force is not a military but a civil force, all unnecessary military parade and show, as well as the frequent and unnecessary parade of firearms and other weapons, is to be avoided." The police are no doubt intended as a civil force, and in a peaceful and law-abiding community like that of Victoria they are seldom called on to act in large bodies, when military discipline and tactics are called into play; but experience has demonstrated the danger of so demilitarizing the police as to render them comparatively valueless for other than patrol or beat duty. There can be no question of the necessity and utility of recruits being properly instructed, not only in all matters appertaining to the routine duties of constables, but, to a certain extent, in a practical knowledge of the use of firearms. The London Metropolitan Police are essentially a civil body, nevertheless it is laid down in Mr. Vincent's Code that "All candidates for enrolment in the police force or the preparatory class are instructed in elementary drill, as well as constables and sergeants prior to promotion. This is absolutely necessary, as, without some practice in drill, bodies of men cannot possibly move with that precision which enables them to cope with a mob superior in numbers." In the same excellent work it is stated that "before any constable is allowed to do duty, superintendents shall take care that he is thoroughly instructed in the requirements of the law and the regulations of the service, that no neglect nor mistake may be caused by ignorance." The Irish Constabulary Code indicates "that it is required of every officer and member of the force to be perfectly acquainted with the exercise and movements of a company, as laid down in the revised book of drill;" while, as regards instruction in duties, a regular school for that purpose is established at the Depôt in Phoenix Park. In any re-organization of the present police in Victoria, too much importance cannot be attached to the training and better instruction of recruits for police duties.

VII.—PROMOTION.

The majority of the witnesses examined appeared to be severely exercised in their minds upon the subject of promotion. In no other direction, it is considered, has the Victorian police system so signally failed. The Regulations on the subject are explicit, but they have been to a great extent ignored. According to Section 264, seniority is the rule of promotion: "All vacancies in the grades above that of constable and up to and including that of superintendent are filled up by promotion from the next inferior grade." The next section contains a qualification to this general averment, as it admonishes aspirants "that seniority, good conduct, and length of service are not the sole recommendations for promotion," for, although those qualifications will have their due weight, "efficiency and adaptation for the particular vacancy will be the principal considerations." It is manifest that, if this principle were undeviatingly observed in all appointments in the force, the public and the members of the force would have no just cause to complain. The evidence leads to the conclusion that the course here prescribed has not of late years

been pursued. The Regulations of the London metropolitan police respecting promotion are almost identical with those of this colony except in one vital particular, namely, that candidates shall pass an educational test examination of a standard suitable to officials who are daily called upon to discharge important duties, those often affecting the lives, liberties, and property of citizens. The general principle adopted in relation to promotion in the Irish police is that, "while due regard will always be paid to long servitude and respectability of conduct, the efficiency of the service requires something more than this in making selections for promotion, and that a preference must always be given to those who have manifested superior intelligence, zeal, and alacrity in the discharge of their duties." The members of the force are therefore given distinctly to understand that "there will be no hesitation in selecting the meritorious and efficient for promotion, however low down on the seniority list it may become necessary to descend for that purpose." With this object, two lists are prepared in the Inspector-General's office, a seniority list and a special list. In the former the names of the officers and men are placed according to their standing in the force; in the latter are placed the names of those who have distinguished themselves. For every grade there is a special examination by a board of superior officers appointed for that purpose. The advantage of such a system is self-evident. The Chief Commissioner thinks that every man before he becomes eligible for promotion should pass an educational test, and from amongst those who have passed the officers should be chosen. He would "regulate promotion by seniority, education, efficiency, and general fitness. Examinations would narrow down the circle to younger and better-educated men." Mr. Moors, Chief Clerk of the Police Department, "would like to get rid entirely of the idea that mere seniority should give a man promotion. Good conduct should be a *sine quâ non*, and there should be an educational test as well as general efficiency. A man may be an excellent constable and yet be utterly unfit for anything higher. At present, a young man may join the force full of energy, well-educated, and ambitious to rise. He may have in him all the qualifications for an officer, but the prospect before him is hopeless. He may, after many years, become a senior constable, after a longer period be appointed sergeant, and by the time he reaches the grade of an officer he has lost all his enthusiasm and a great deal of his energy. What is wanted is some method which would allow of all the young, active, and in all respects efficient men being selected and rapidly pushed forward into positions for which nature appears to have qualified them." If efficiency, education, good conduct, and seniority went together, there would be no difficulty in obtaining good officers, provided an examination interposed at every stage. Your Commissioners agree with the opinion expressed that (question 618) "there should be an examination once a year open to all constables; simple as regards the literary part—to write good English and a fair hand, and to perform a simple arithmetical computation; an examination of two or three Acts of Parliament, and how constables under certain circumstances calling for the exercise of their powers would act; the examination to be conducted in the same manner as those in connection with the University." The examination for officers of the higher grades should be more strict and comprehensive.

VIII.—TRANSFERS.

The periodical transfer of police from one station or district to another involves an important question of policy, although it must necessarily entail expense and frequently occasion personal inconvenience. Much has been urged *pro* and *con.* upon this point by the witnesses examined. In some cases it was shown that a system of

regular transfer was desirable ; in others it was contended that removals should not be made without good reason. The transfer of very efficient constables from stations in the North-Eastern District, and the substitution of others in every way inferior, had much to do with the impunity with which the Kelly family and their sympathizers were enabled to carry on a wholesale system of horsestealing for years. At present the necessity for change arises when the men are negligent, untrustworthy, guilty of misconduct, or through death or retirement. "It is a "bad plan," observes one witness (1173), "to allow a man to remain too long in "charge of a station. It never gives other men a chance. Men in Melbourne put "in their entire period of service in the city. They should, where competent, be sent "occasionally to the country, say for five years." Another witness states that "when "a man has been in charge of a station for two years, it is quite time that he should "leave it. If a crime were perpetrated in a district shortly after the transfer of a "constable, he should be sent back to assist in the apprehension of the offender, as his "knowledge of the locality and of the people would no doubt be serviceable." Sergeant Richards (2035) deemed five years long enough for a man to be in any district. It was maintained, however, that one constable well acquainted with a district is equal to three men without any knowledge of it. Criminals generally pursue special lines ; that is, one man is essentially a burglar, another a cattle stealer, and so on. The peculiar aptitude and proclivity of offenders is known to a constable who has been resident for any time in a district, and this knowledge must greatly facilitate inquiry. Publicans also are slow to give information to the police, unless they are well acquainted with them. There seems, from the evidence, every reason to believe that a constable who is allowed to remain for a lengthened period in any locality is liable to form associations and assume a demeanor incompatible with his position. He frequently acquires land and other property, and in the performance of his duty becomes an object of suspicion and jealousy, while his ideas of discipline, owing to the absence of immediate control, must become more or less relaxed. Upon a review of the whole circumstances, your Commissioners consider that neither officers nor constables should be allowed to remain at any one station for a longer period than five years.

IX.—UNIFORM.

The delegates, especially those representing the constables, expressed a desire for a modification of the present regulation uniform. An objection has been raised to the tunic, which is regarded as wholly unsuited to the climate, being heavy and closely buttoned to the chin, and therefore most oppressive in summer. In the country districts it is seldom worn, unless where the officer or sergeant in charge of a station is a strict disciplinarian. As a rule it is only worn when attending assize courts, or on the occasion of some public demonstration. On the other hand the officers, when questioned upon this point, were averse to the abolition of the tunic, as it was necessary that on important occasions the constables should appear smartly and well dressed. The men think that the jumper is ample for every purpose of parade and show, while at the same time they would gain by the proposed change both in comfort and economy. The delegates expressed themselves also desirous of the white trousers in summer being dispensed with. Their retention entails expense and trouble, while the variability of the climate renders them at times extremely uncomfortable and prejudicial to health. The white gloves are also condemned as superfluous and inconvenient. The armllet is declared unnecessary. It is used to indicate

that the wearer is on duty, and that is not needed, as it must be self-evident when a constable is attending to the duties on his beat. In lieu of the white trousers the men suggest a light tweed for summer wear, and a heavier material for winter. The present glazed cape worn by the constables is taken exception to as failing to serve the object intended, namely, to preserve the constable when doing duty from the inclemency of the weather. Its use is said to be sometimes attended with danger, inasmuch as it is so loose below and so tight about the neck that by pulling the cape over a constable's head he may be rendered powerless and possibly smothered if attacked by a number of disorderly persons. It is proposed to substitute for those capes light waterproof coats, which will protect the lower limbs without impeding locomotion. The helmet at present in use is generally condemned as being cumbrous and uncomfortably heavy in warm weather. It is with difficulty retained on the head if an unusual exertion is required. The men seem to think that a light cap, of felt or cloth, with a French peak, and a white cover and fall at the back for summer, would be sufficient for every purpose. Mr. Nicolson, the late Acting Chief Commissioner, appears to approve of the helmet, the reason assigned being that policemen should be distinguishable from a distance. The delegates representing the mounted police also took exception to the helmet, the present military cloak, and the sword; the latter being regarded as useless, except for purposes of show. The head-dress is described as clumsy, heavy, and easily displaced; and in lieu of the present cloak one of waterproof material is suggested. The more simple accoutrement of their horses when doing duty in the bush has also been recommended by some of the witnesses, but there seems no reason for making any change in this particular. Your Commissioners do not consider it desirable to recommend any important alteration in the present uniform and accoutrements of the police except the substitution of a waterproof coat for the glazed cape, and a cloak of similar material for mounted men. An improved style of helmet might also be adopted with advantage, and the men should only be required to wear white gloves when attending parade, or when on duty in full dress uniform.

X.—RATE OF PAY AND ALLOWANCES.

The rule regulating the pay and allowances of constables seems variable and arbitrary. From an official memo. furnished by the Chief Commissioner, dated 14th September 1882, it appears that for some years prior to May 18th 1870 the men received 6s. 6d. per day for the first twelve months of their service, when they were allowed 7s. 6d. At that date a regulation was made to the effect that all constables joining the force should not receive an increase of pay for length of service. In 1875 it was ruled that from and after that year all constables of not less than two years' standing should be paid 7s. 6d. per day. This rule prevailed until October 13th 1880, when it was directed that constables joining the force after that date should not receive any increase of pay for length of service under ten years. In the Estimates, however, of the present financial year, viz., 1882-3, provision is made for the payment of 7s. 6d. a day to all constables of more than two years' service. The number of constables in the force at present drawing 6s. 6d. per day is 132. It will thus be seen that the pay of constables in the Victorian Police Force is, to some extent, dependent upon the dictum and pleasure of the Government for the time being. Representations have been made to your Commissioners by delegates representing the men who were in receipt of 6s. 6d. a day, and who were led to believe that this rate of remuneration was likely to extend to a period of ten years; and, from the statements submitted, it was clear that some of the men

considered themselves the victims of bad faith and false economy. It was evident that where the recipients of the lower pay were married, and were obliged to live outside of barracks, they were placed at a great, if not unjust, disadvantage as compared to others who obtained the higher rate of pay, and were provided with quarters, fuel, light, and water. Petitions were submitted to the Commission from the married members of the force objecting to the existing system whereby married men were deprived of the allowance for which provision is supposed to be made on the Estimates, owing to the fact of their having to live outside barracks. The men, in those documents, submit that, "although by the annual Appropriation Act the item of salaries and wages of the general police includes quarters, light, fuel, and water, yet married men, except those in charge of stations and watch-houses, receive no allowance whatever in lieu of quarters, and only about £2 18s. per annum for fuel; that, as the men outside barracks must live in close proximity to head-quarters, the cost of procuring a suitable residence is increased, more especially as they are obliged to avoid localities that would bring them in contact with criminals and disreputable persons. The other colonies provide the married men with quarters, and in some parts of New Zealand the married men receive 1s. a day in lieu of quarters. Both married and single men engaged as gaol warders are granted 1s. a day for quarters outside." Thus, the expense of providing their own uniform, the deduction of 2½ per cent. from their pay for the purposes of the Superannuation Fund, and the payment of rent, leave many of the men with only a very limited margin for the maintenance of themselves and families. Your Commissioners consider that immediate steps should be taken to remedy so glaring an anomaly, more especially as it is admitted that the arrangement is not designed as a discouragement to men to incur domestic obligations. There are in the force 444 married men provided with quarters or their equivalent, and 354 married men without quarters and extra allowances. There are 284 single men with quarters, and 17 without quarters. The witnesses estimate the value of the allowances received by the men living outside of barracks at about 1s. per week. The inadequacy of this allowance must be the more apparent when it is considered that a constable on joining has to incur an outlay of from £20 to £30 for uniform and other requisites. In the opinion of your Commissioners, it is desirable that the pay and allowances of constables on joining the force should be regulated upon a more systematic and equitable principle. We recommend that in future the rate of remuneration to constables joining the force shall be as follows :—

			s.	d.	
First and second year of service	...	...	6	6	per diem
Third and fourth	"	...	7	0	"
Fifth and sixth	"	...	7	6	"
After ten years	"	...	8	0	"

Married constables and sub-officers living outside of barracks to receive 6d. per diem in lieu of quarters, fuel, light, and water. Quarters should only be provided by Government for married men in charge of stations. Superintendents of districts should reside at head-quarters stations.

XI.—INCIDENTAL EXPENSES.

Sub-officers and constables have a substantial grievance in the inadequate amount allowed them for their expenses in case of transfer, and when despatched to another district on duty. Men under the grade of an officer are only allowed free transport of 2 cwt. of luggage. To a married man the expense of transferring his family and

household effects may be ruinous, and many constables are necessarily subjected to this hardship for no fault of theirs. A case in point was narrated by one of the witnesses who, after many years of good service in Sandhurst, was suddenly shifted to Hamilton to act there in the absence of an officer who had been transferred. The man was obliged to dispose of his furniture, and was only allowed a second-class passage by steamer to Belfast, from whence he had to find his way as best he could to his destination. Your Commissioners think a concession may be fairly made to the officers and men in this direction, and that, when transferred for reasons other than misconduct, they be allowed their personal expenses, and to carry luggage free as follows:—Officers, 10 cwt.; Sub-officers, 7 cwt.; Constables, 5 cwt. The travelling expenses allowed seem inadequate. We would recommend the following regulation in lieu of that existing:—Allowance when travelling or proceeding on duty beyond their sub-district—Constables, 3s. 6d.; Sub-officers, 5s. 6d.; Superior officers, 10s. per diem.

XII.—INCREMENT.

A quinquennial increment upon the pay of sub-officers and constables after ten years' service, similar in principle to that allowed to classified civil servants, has been proposed by several witnesses. At present the men receive 6d. per diem increase after ten years' service, and it is proposed that the amount shall be increased by 6d. a day after every five years successively until 2s. a day extra is reached, when no further increment should be allowed. This is following the precedent set by the police in Ireland, where an increment of 1½d. per day is granted after each period of five years' service. The increase of pay necessarily implies unimpeachable conduct throughout on the part of the constable whose services it is thus sought to recognise. The advantages arising from holding forth to constables special incentives to zeal and meritorious conduct generally has been regarded as very questionable, as it frequently renders men solicitous rather of obtaining convictions than of striving to discharge their duties conscientiously. The main objection, however, to the adoption of such a proposal is the material increase in the cost of the service thereby necessitated, not only in connection with the salaries of the men, but in the pensions and compensation allowance of those who retire. Upon this point, therefore, your Commissioners refrain from making any recommendation.

XIII.—EXTRA EMOLUMENTS.

Complaints have been made respecting the existence of a species of monopoly, possessed by certain members of the force, of sinecures and offices from which considerable extra emoluments are derived. Thus, special men, selected for the purpose, are placed at important railway stations, in banks, at the General Post Office, and at the Mint; others are employed as inspectors of nuisances, keepers of powder magazines, petty sessions clerks, inspectors of distilleries, &c., by which means their ordinary pay is in some cases substantially supplemented. Many of the witnesses consider that those positions should be conferred for good conduct and for limited periods. It frequently happens, especially in country districts, that the constable in charge of a station, or the senior sub-officer, claims those extra emoluments as a right. In some large centres the remuneration attached to the discharge of the duties of inspectors of nuisances is considerable, ranging as high as £100 per annum. Thus, while one man is restricted to his ordinary pay, and perhaps obliged to pay 15s. a week for quarters outside of barracks, others have quarters, fuel, light, and water supplied by the Government, with a handsome bonus from the local bodies in addition. Several of the witnesses were in favor of those emoluments being divided amongst the men in the station, but others considered that the amount so obtainable by each would prove so

paltry that the men would hardly care to accept it. The difficulty in dealing with the question arises from the fact that such positions are mainly in the hands of the Government, or of the municipalities, who will not be dictated to in the matter by the police authorities. As to the partition of the emoluments thus obtained it seems out of the question, as it would necessarily involve a divided responsibility and no little confusion in the discharge of the duties demanded. It seems, however, somewhat reasonable to ask that, if there are prizes for distribution in the gift of the police authorities, that they should be held out to the men as incentives to efficiency and good conduct, and that they should only be held for a period of five years.

XIV.—RETIRING ALLOWANCES.

A serious defect exists in the *Police Regulation Statute 1873* as regards the payment of the retiring allowance to which the members of the force are equitably entitled. In the event of a constable dying without sending in his resignation or receiving the certificate of a member of the Medical Board, in the form prescribed in the Second Schedule of the Act, his claim upon the Superannuation Fund is virtually forfeited, and his widow and family (if any) thereby lose the amount of compensation, based upon his period of service, which they would otherwise receive. This was the result of an oversight, and the error was not discovered until some time after the Act had been in force. When a man dies from injuries sustained in the execution of his duty, his widow and children, if any, are authorized to receive a gratuity, also if he should be killed in the performance of his duty; but under section 21 a man must be returned as unfit for duty to enable him or those dependent on him to obtain his compensation. Should a man die suddenly from natural causes, without having forwarded his resignation, his family may thus remain for years without obtaining his compensation money, and there have been cases where the amount justly due has never been paid. As soon as the defect was discovered, certain queries, with a view to having the point elucidated, were submitted to the Crown Law Officers by the then Chief Commissioner of Police (1902), as follows:—

1st. "In the event of a member of the force who has become entitled to that gratuity, but who has not sent in a formal application for it, dying suddenly, could his heirs have any claim on the Superannuation Fund for the amount?" The Hon. G. B. Kerferd, Attorney-General, replied, "He will have no claim in such a case." A further query was then submitted—"If such member of the force were to send in his resignation accompanied by an application for the gratuity he was entitled to at any time before his death, even though his resignation had not been formally accepted, could his claim to the gratuity be held good?" The reply was—"The answer to this will depend upon the special circumstances in each case. If the resignation be sent before death, as a rule, it would be given effect to if a widow or children were left." Virtually, therefore, there is no fixed rule in such cases. In order to guard against the contingency of sudden death, some members of the force are said to have their resignations drawn up and signed, with only the date to be attached so that, in the event of an accident likely to prove fatal, the document can be sent forward at once, and the man's widow and family enabled to obtain any sum to which he may have claim under the Act. In the opinion of your Commissioners immediate steps should be taken to rectify this glaring injustice. By the deduction of $2\frac{1}{2}$ per cent. from the salaries of the police the men acquire equitable rights to compensation on retiring, to which, in case of death, their heirs should become entitled. In all such cases your Commissioners consider that the amount of compensation for length of service should be paid to the heirs and assigns of deceased.



XV.—AGE OF RETIREMENT.

Under the Police Regulation Statute 1873, section 51, any member of the force who, having served not less than ten years, and has attained the full age of 55 years, may be superannuated. The wording of the Act may be taken either as declaratory or mandatory, although it would seem to be usually accepted in the latter sense. To this objections have been raised. It is contended that at 55 many men are in full possession of their mental faculties, and provided that physically they are not incapacitated for the efficient discharge of their duties, it would be desirable that the limit during which the members of the force, and especially the officers, shall serve should be extended to 60 years. The Chief Commissioner suggests that at 55 years members of the force shall be sent before the Medical Board, and, should they be considered competent, they shall remain until 60 years of age, when retirement shall be made compulsory. The evidence of the Chief Clerk of the Police Department indicates that constables are, as a rule, unserviceable at 55, owing to the debilitating effects of their duties. Many witnesses were examined upon this point, but the balance of evidence is clearly in favor of retirement at 55. In the opinion, therefore, of your Commissioners, it is expedient that all members of the force shall retire on attaining the age of 55 years.

XVI.—STORES.

Exception has been taken to the system which obtains (4489) of supplying stores to the police, which it is asserted frequently causes unnecessary delay and expense, while the goods furnished are at times of a very inferior quality. There is a central store, under the special charge of a sub-officer, maintained at the Depôt, from which supplies of most articles are forwarded to the districts, and from thence distributed amongst the country stations. Kerosene oil and supplies of a similar nature are forwarded direct from Melbourne, by the contractor, to the stations. Half-yearly requisitions are sent from the districts for the approval of the Chief Commissioner, including kerosene, blankets, and everything belonging to the Stores Department. When they are approved they are sent from the Depôt, thus putting the Government to the expense of sending them in the first instance to the different places from the head-quarters of the district, which is made the point of distribution. It is suggested, in lieu of this arrangement, that superintendents, instead of sending in half-yearly requisitions, be permitted to effect the requisite purchases from local storekeepers. A board could be appointed to supervise the goods furnished to the police, similar to the boards that have the control of the supply of firewood, &c. A discretionary power might be vested in superintendents to effect purchases in their respective districts, subject to the restrictions customary in connection with Government contracts. It has been urged, however, that, if officers were allowed to purchase stores, a system of trafficking, if not of bribery, might be established. Existing arrangements are, in the opinion of your Commissioners, unsatisfactory, and an alteration we think might be safely effected by conferring a certain discretionary power upon the superintendents of districts to incur an expenditure subject to the approval of the Chief Commissioner.

XVII.—RECORD SHEETS.

Your Commissioners are decidedly of opinion that a tyrannical use has been made of the system of record sheets in connection with the force. The object aimed at by their introduction was excellent, but the result has been that cruel and often

unjust entries are made to gratify personal animus. In those sheets the gratuitous opinions of officers are written respecting any member of the force who is about to be transferred to another district. An illustration of the manner in which this may work was exemplified in the treatment accorded Sergeant Kelly by the Superintendent of his district, who was very properly reprimanded for his action. The men complain that frequently entries the most damaging are made in their record sheets respecting them, and about which they know nothing. If unfavorable comment is made upon a man's character or conduct, it stands against him for all time and acts as a bar to promotion. It may unjustifiably render him an object of suspicion and aversion to every officer of the district in which he happens to be stationed. To quote a case in point: A witness was examined, and from his manner and mode of giving his evidence he seemed a person of superior education, intelligence, and respectability. On inspecting his record sheet the following entry was found, signed by an officer: "I do not think _____ at all "a steady man. There are some very disgusting rumors concerning him, and I therefore "recommend his removal." Such a record was well described by Inspector Dowdell, of Scotland Yard, London, as un-English and unfair, and in his opinion should never have been written. This man is still in the force, and has never been afforded an opportunity of clearing his character from the insinuation conveyed in this entry. Had there been any grounds for a charge against him, the circumstances should have been investigated. He would then have had an opportunity of refuting the allegation, and if unable to do so, he should, at the very least, have been permitted to retire from the force. If the charge were proved, he should have been instantly dismissed. The officers are enabled to terrorize the men by means of those record sheets as at present manipulated; and it would be only a matter of justice that in future constables should be furnished with a copy of any entry that may be made in their record sheets, within one month of the entry having been made, and that where it is found adverse they should not be debarred from appealing to the Board of Commissioners against it.

XVIII.—THE FRANCHISE.

The evidence indicates that the constables are not quite unanimous in desiring that the franchise should be conferred upon the members of the force. It was urged that in Victoria none but constables and convicts are deprived of the right of franchise, which belongs to every free citizen. Section 51 of the Police Regulation Statute, No. 476, renders it illegal for any member of the force to vote for the election of a member to serve in the Legislative Council or Legislative Assembly of Victoria, or in any manner to influence any elector in giving his vote. In order still further to emphasize this restriction, it is laid down in the Manual of Regulations, secs. 160 and 161, "The police are bound to observe strict neutrality "in all matters connected with politics, but more particularly is this necessary at "the election of members of the Legislature, when party feeling is apt to run "high. Any member who, instead of observing that neutrality which is required "of the police, does anything which can be fairly considered as taking part with or "favoring the views of any candidate, at the expense or to the detriment of another, "is liable to be removed from the force." The prohibition is still more stringent in the London Metropolitan Police, who are denied the franchise, not only while members of the force, but for six months after their retirement. In the Irish police a penalty of £100 is incurred by any policeman voting at an election. Indeed it seems an almost universal rule to remove the police as far as possible from the arena of politics.

The officers, both subordinate and superior, are opposed to compliance with the wishes of some of the witnesses in this respect. One sergeant is of opinion that the men should not vote, not that it would interfere in any way between the police and the public, but it might be the cause of bringing the police into collision amongst themselves. Dissatisfaction and inconvenience to the service might arise by a policeman being sent off to do duty at a particular booth on the day of election, when he was desirous of recording his vote elsewhere; and a candidate might urge that the sergeant, or officer in charge of a station, had unduly interfered to prevent some of the men giving their votes in his favor. This objection might be met by allowing a constable to record his vote at any booth at which he might be stationed, but he would probably in conversation mention for whom he had given his vote, and thus influence others. Sergeant Daly declares that giving the men the right of franchise would only have the effect of introducing political influence into the force. Mr. Hare, P.M., in his evidence considers it would be establishing a dangerous precedent to give the police the franchise. It would upset the whole discipline of the force. "The constables themselves," he urged (4913), "would no doubt like to have the privilege of voting at elections, because it would make them more powerful, and they would go behind the backs of their officers, if they thought that they had the member for the district to support them." Your Commissioners regret that the exigencies of the public service will not, in their opinion, admit of any alteration in the existing regulation prohibiting the franchise to members of the force.

XIX.—MISCELLANEOUS.

Objections have been raised to the title of senior constable. It is regarded as a misnomer, and it serves to militate against the efficient service of a member of the force of that grade who may be charged with the conduct of cases in local courts. A senior constable is supposed to discharge duties that appertain to the position of sergeant. It is not proposed to increase the remuneration with a change of title. The object seems to be to raise the nominal status of the men holding the rank of senior constable. The substitution of the title acting sergeants would meet the difficulty.

Mess arrangements at the depôt and at Russell-street Barracks appear satisfactory, except that at the latter place there seemed at the time the Commissioners made their inspection an utter disregard for comfort or cleanliness.

Some diversity of opinion existed amongst the witnesses in reference to the continuance of the canteen at Russell street. The Chief Commissioner and a number of witnesses favor its maintenance, but many others allege the facility thus afforded to the men of procuring drink at all hours leads to habits of inebriety. Your Commissioners have no hesitation in recommending the abolition of the canteen in connection with the Depôt, the Russell-street Barracks, and all police stations.

A good-conduct badge, to be worn by sub-officers and men, has been suggested, and, if adopted, would no doubt work beneficially, more especially as promotion is necessarily slow in the ranks.

Protests have been made against officers undertaking the conduct of prosecutions against constables at the suit of private individuals. People who had complaints to make, other than those involving breaches of discipline, should be left to seek their own remedy in the law courts. A general regulation of this nature might be made, provided that, in the opinion of the Chief Commissioner, the case did not warrant official interference.

Many of the witnesses suggested that the Government should purchase the blue cloth material used in police uniforms, and allow the constables to obtain it in such quantities as they desired ; the same to be paid for by instalments at stated periods. There seems, however, no reason for disturbing existing arrangements in this respect.

Several of the witnesses representing the constables stated their conviction that sectarian influences were allowed to operate to the undue advantage of some individual members of the force and to the prejudice of others not less deserving of promotion. Nothing, however, could be satisfactorily proved in support of such allegations, and there seems every reason to believe that the men in this respect have been laboring under an imaginary grievance or at least one that has been greatly exaggerated.

In the opinion of your Commissioners it is undesirable to dispose of the Dandenong Stud Depôt or interfere with it in any way, as we consider it the most convenient and eligible site for the objects required. We therefore recommend that it be permanently reserved for police purposes.

The Commissioners deem it inexpedient to confer upon superintendents authority to select or purchase horses for the mounted police. That duty, in our opinion, should be entirely entrusted, subject to the approval of the Chief Commissioner, to the remount officer, who should receive the rank and emoluments of a sub-inspector in the force.

In the prevention and detection of crime, and especially in the repression of immorality, the police are frequently impeded in the exercise of their functions, owing to condition of things in what are called the "back slums" of Melbourne. Here poverty and vice seek shelter in dilapidated habitations, devoid of every adjunct for purposes of health, decency, and cleanliness—too often found reeking with filth and every abomination, and wholly unfit for human occupation. Criminals, old and young of both sexes, appear to congregate in those dens, living almost promiscuously, and enabled to associate and combine for vicious objects. Such localities are morally and physically plague spots, foci of disease, and sources of ever active contamination, and for the existence of which the Melbourne City Council seems to be mainly responsible. Your Commissioners would therefore impress upon the Government the necessity for legislative action in this regard, as by no other means can the metropolis be relieved of the reproach which attaches to the presence of such abodes.

XX.—EXTENSION OF RUSSELL-STREET BARRACKS.

Your Commissioners cannot too earnestly urge the necessity for erecting additional building accommodation in connection with the Russell-street Barracks, the internal arrangements of which at present are, in our opinion, most unsatisfactory. It is, we believe, absolutely essential to the discipline and effective working of the police of the metropolis that the City Superintendent, the plain-clothes constables or detectives, and the ordinary police should be, as it were, under one roof. The demoralized condition of the Detective Department has been due in a measure to the fact of the official business being carried on in a separate building removed from the immediate and daily supervision of a properly responsible and trustworthy officer. The detectives appeared to have considered themselves independent agents, who should be left untrammelled by the rules of discipline or the regulations of the force. The Superintendent of the city having a private office, as shown by the evidence, assumed the discretionary powers of a magistrate, and ignored the Chief Commissioner

respecting matters that came before him. In a general way many of the officers did what they thought right in their own eyes, their example not being thrown away on their subordinates. The only effectual mode of preventing the recurrence of a similar state of things in the future is, in the opinion of your Commissioners, by locating the plain-clothes constables and the ordinary police in the Russell-street Barracks, and placing the entire establishment under the immediate supervision of the City Superintendent.

An increase in the number of sub-stations in suburban localities has been suggested by several witnesses. Those, it has been urged, would not only relieve the Russell-street Barracks, but would greatly conduce to the more efficient performance of their duty on the part of constables. In this view your Commissioners coincide. They consider, for many reasons, that the maintenance of the public peace can best be preserved by having police stations and sub-stations established in every suburb, as at present large areas are left for many hours during the day and night wholly without protection, owing to the extent of the beats assigned to constables on duty. Further, your Commissioners think it desirable that officers in charge of all stations should, as far as practicable, make themselves acquainted with the householders within their jurisdiction, so that they may be useful as referees in all matters relating to police duties, and acquire special knowledge of individuals composing the less reputable classes of the community.

XXI.—THE BENCH AND THE POLICE.

The police witnesses, when questioned on the subject, exposed unreservedly the extent to which immorality prevails in the metropolis, and unhesitatingly declared the city bench responsible to a great extent for the same, owing to the licensing of low public houses, the discouragement encountered by constables when prosecuting, and the leniency shown in the sentences passed upon disorderly persons against whom convictions were obtained. Prior to the passing of the present Licensing Act, it was stated that the bench was frequently packed by justices, many of whom were directly interested in the cases that came before them. It is alleged that even at the present time the licensing magistrates are subject to certain influences, and one witness (Senior Constable Bourke) declares (1087) that it is a mistake for the Government to keep police magistrates too long in the one place. This statement, taken in connection with the context, could have but one meaning, namely, a serious reflection upon the probity of Mr. Call, the chairman of the city licensing bench. The attendance of that gentleman was accordingly requested before the Commission, he being at the same time furnished with a copy of the evidence given. Mr. Call, when interrogated, declined to answer any question relating to the discharge of his magisterial functions, adding that as soon as the Commission had terminated their labors he proposed to bring the evidence given by the witness Bourke under the notice of the Government. Your Commissioners did not deem it desirable to press the witness further upon this point. The matter, however, should not be allowed to rest here. If Senior Constable Bourke has been guilty of falsehood or gross exaggeration, he deserves to be severely punished; and if, on the other hand, he is able to substantiate his statements, then Mr. Call is not a proper person to be entrusted with the discharge of the important duties appertaining to his position, and should not be retained in the service a single day. Bourke implies that the city bench is open to extraneous and extra-judicial influences. Numerous hotels are held by dummies, who act for brewers and wine and spirit merchants. "When the license of a house is jeopardized,

“the owner, the broker, the merchant, and licensee work their influence with the bench” (1086) “or with the friends of the bench, on behalf of the hotel.” The witness adds that he cannot prove those serious allegations; but he persists in urging that he knows them to be true nevertheless, else, it is urged, how could notoriously disreputable persons continue for years to hold licenses. This witness adds (1083)—“If a constable, in prosecuting, states what he sees, the solicitor tackles him, and for the simplest error comes at you; and the magistrates are glad of the chance. They dispose of the case, and turn round and look at the constable as though he were a dog. I think the law is good enough, but it is the mal-administration. The prosecutions are sometimes commenced by one officer and before one set of magistrates and finished by others who, possibly, are not seized of the facts deposed to in the first instance; and in this way the police fail in obtaining a satisfactory decision from the bench. The bench do not co-operate with the police also as regards larrikins; and this state of things is likely to continue, as influence is always likely to be brought to bear.” Sergeant Dalton is somewhat more guarded in his statements upon this point, and considers that the failure of the police in obtaining convictions and in having licenses cancelled is owing to the tactics of the legal practitioners who appear before the bench, and who generally browbeat the officers conducting the cases and insult the witnesses called for the prosecution. Sergeant Daly agrees with this view, and asserts that “the fact of the magistrates failing to co-operate with the police” (2756) “acted as a damper upon the men’s efforts. If the police,” he adds, “were properly supported by the bench, larrikinism would soon disappear.” Senior Constable Corbett, when asked if his experience led him to arrive at a similar conclusion, replied (3424), “There is where you have laid the ulcer bare. The bench, owing to their leniency, are responsible for the mischief.” The evidence of other witnesses serves to show that the city and other benches of magistrates require a more strict surveillance on the part of the Crown Law Officers, and that a more frequent change of police magistrates would probably be attended with beneficial results to the community.

XXII.—MUNICIPALITIES AND THE POLICE.

In the opinion of your Commissioners, the time has not arrived in this colony when a system of municipal police could be introduced with advantage. The subject received due consideration at our hands, inasmuch as it was known that local bodies in certain parts of the colony were dissatisfied with existing police arrangements, and were anxious for a modification of the same. In order to test their views, the following resolution was adopted by the Commission, and copies of it sent to every local body in the colony, viz. :—“That the secretary be instructed to communicate with the various local bodies throughout the colony, with a view to eliciting an expression of opinion upon the proposal to allow municipalities to have a voice in regulating the strength and distribution of the police force in their respective districts, and to be made chargeable with the cost of maintenance of any constables applied for in excess of the fixed number of those allotted, which would be based upon the population, geographical position, and general requirements of each locality.” The replies received to the communications forwarded indicated, in the majority of instances, an indisposition to interfere with the present system. There were several local bodies not unwilling to accept responsibility attached to assisting in regulating the number and distribution of the police in their respective localities, but a decided objection was expressed to contributing any portion of the expense of maintenance from the municipal funds. The City Council of Ballarat was not averse to paying a moiety of the

expenditure incurred by the employment of police in excess of the number officially allotted, but the advantages of such an arrangement seemed highly problematical, and might possibly lead to confusion inseparable from a divided responsibility. Of all the Australian colonies, Tasmania alone has adopted, but only partially, the municipal system of police. There, however, it has been simply tolerated. For some time prior to the organization of the force in Victoria, the police of Melbourne were under the control of the corporation, but with very questionable benefit either to the members of that body or to the community generally. The present force has been modelled upon that of the Irish constabulary, which has been found by experience to be the best adapted for the purposes of the colony, but the regulations of the London Metropolitan Police force are closely adhered to in all matters of administration and discipline. Mr. James Oddie, of Ballarat, who had evidently bestowed upon the subject mature thought, propounded his opinions on the question of the municipal control of the police (5908) at some length. Theoretically, his propositions are possibly unanswerable; practically, in the present state of public opinion in the colony, they could not be entertained. Your Commissioners consider that it would be unwise to effect any alteration in the direction indicated.

XXIII.—POLITICAL AND EXTERNAL INFLUENCE.

Where political influence is exercised to the extent of overriding the regulations, and materially interfering with the ordinary procedure of any Government department, the results cannot fail to prove disastrous. Much has been urged upon this head in relation to the management of the police, but, judging from the evidence as a whole, your Commissioners have a difficulty in arriving at the conclusion that Members of Parliament, or public men generally, are chargeable with intermeddling on behalf of members of the force, or as regards police arrangements generally, to an extent detrimental to the service. Many of the witnesses were emphatic in declaring that the principal cause of the deterioration of the force was political influence; but when closely interrogated, and facts demanded, the answers given almost invariably were that there could be no other possible explanation of the promotion of certain individuals. The Chief Commissioner himself lays special stress upon external interference with the affairs of the department, both in the report which in April last he submitted to the Government and in his first examination before the Commission. In support of his allegations he referred to the efforts made to prevent the withdrawal of constables from various localities; but nothing seems to have been attempted by the parties interested beyond forwarding petitions and attending as deputations upon the Chief Secretary; to do which, in relation to all grievances, real and imaginary, is the constitutional right of every citizen. The Chief Commissioner, when more recently interrogated upon this point, and when from his experience gained in the meantime he could speak with more authority, states (9780):—"As to politicians, I have found that a number of Members of Parliament have come to me before going to the Chief Secretary, and said, 'I want to know whether it is opposed to your ideas?' I have not been unfairly pressed by Members of Parliament since I have been Chief Commissioner. I consider there is more made of political influence than there really is. It is the feeling in the force that I want to get rid of rather than the actual fact." Much that has been urged respecting the mischievous effects of political influence in relation to the force seems exaggerated. It has also been alleged that constables punished for offences were enabled by the assistance of friends to have their cases re-opened. Two instances



of external influence being exercised came before your Commissioners, namely, one in which Superintendent Hare acknowledged to having asked His Excellency Sir George Bowen to assist in having him retained at the Depôt when he was ordered to Beechworth, and the other that of Constable Thompson, who was promised the position of powder-magazine keeper by the Honorable Major Smith when Minister of Mines, at the instance of the Mayor and Council of Ballarat East, but who was afterwards deprived of that position by the appointment of Constable Parsons, apparently at the solicitation of Mr. Towers, the editor of the *Ballarat Evening Post*. Where political influence may have worked mischievously was where the Government of the day have interfered with the recommendations of the Chief Commissioner, and this in the past may have been unavoidable, but will be materially checked by the appointment of a Board of three Commissioners to administer the affairs of the police.

XXIV.—OFFICERING THE FORCE.

Considerable diversity of opinion prevails as to the best method of officering the force. While the delegates are unanimously agreed that promotions to the higher grades should be made from the ranks, the officers examined, with the exception of the Chief Commissioner, declare in favor of a system of cadets, who, possessing the necessary qualifications, and having undergone a period of at least five years' training, should serve to recruit the ranks of the superior officers. In some instances this latter proposal is modified, to the extent that no absolute bar to preferment should thereby be raised to the subordinate members of the police, who should be open to receive the promotions due to distinguished services and meritorious conduct. The Chief Commissioner asserts that there are materials in the force at present from which creditable and efficient officers can be obtained by a system of educational tests, *i.e.*, competitive examinations for admission and for successive grades. Seniority at present is supposed to be the principal qualification for promotion, but it has not been invariably adhered to. Some modification of the present system is requisite. Upon this point the witnesses agree. The sergeants and constables think that it is only by holding out the prospect of promotion to the higher ranks that a superior class of men can be induced to join the force. In the absence of such a stimulus, the men would no longer strive to maintain individually or collectively a high standard of excellence. The advocates for the appointment of cadets are confessedly aware that the official recognition of such a method of officering the force would be at variance with the democratic spirit of our institutions, and they seek to evade the difficulty by urging that cadetships should be given to the sons of police officers and of subordinate members of the force who distinguish themselves in their studies and pass through the University with honor. It is suggested that cadets should undergo a period of probation for at least five years. During that time they should receive practical instruction in the duties of the several grades of the force, including beat, escort, and office routine. Their pay should be the same as an ordinary constable, and in matters of discipline, when undergoing instruction or engaged on duty, they should rank as such. An argument put forward in support of those views is that, while in the majority of instances ordinary members of the police make excellent sergeants, it is a positive cruelty to advance them to the higher grades for which they are unfitted by education, training, and associations. It is stated that social status, no less than professional knowledge and experience, is requisite to qualify a man to hold the position of an officer. No doubt such a qualification is useful, if not essential, and might weigh

it influenced beneficially the character of young cadets; but, unfortunately, no guarantee of this nature can be given, and experience serves to show that young men with limited means and dubious prospects are not always found the most reliable when placed in positions of trust and responsibility. Your Commissioners consider that it would be highly inexpedient to adopt any novel principle in relation to the officering of the force, and they believe that the suggestions made relative to the application of test examinations at certain stages of preferment cannot fail to secure ultimately officers possessed of the requisite qualifications for the purposes of the police.

XXV.—THE HOSPITAL.

The hospital arrangements of the force are of a very unsatisfactory character. A radical reform in this particular is necessary. Dr. F. T. West Ford, M.R.C.S., is the medical officer, who depends for his remuneration upon the pay stopped from the men during illness, which is at the rate of 3s. 9d. per day. This gentleman received in the first instance the appointment of surgeon to the police force, and during the early days of the goldfields that of district colonial surgeon, with charge of the watch-houses, at a salary of £1,000 a year. Finding that malingering was common amongst the men when attended at their homes, Dr. Ford suggested the formation of a police hospital, the patients in which should contribute 5s. a day (their salary at that time was 10s. a day), and for this amount they were to receive attendance, medicine, medical comforts, and everything that they required. In 1856 this office was abolished. At the time there were about twenty men under treatment in the hospital, and they were for a time left without attendance. Mr. Ford thereupon wrote to the Government offering to continue his services as previously, provided that the stoppages from the men's pay were handed to him. The authorities acquiesced in the arrangement, which has ever since existed. Mr. Ford derives an income of about £500 a year from this source. But the net returns are necessarily fluctuating, so that the doctor naturally considers that a fixed Government appointment at £600 a year would be preferable to the present system. Both officers and men are opposed to the principle upon which the hospital is conducted. Constables, whether married or single, when ill in the metropolitan district, are compelled to go into the police hospital. In the country districts, when capable of removal, they are brought down also, often at great inconvenience, if not hardship, to themselves and to their families. It was pointed out by several of the witnesses that, in all cases where the men could not be attended to at home, they might be allowed to enter the local hospital, and forward a certificate weekly as to the state of their health. It was urged that many members of the force were connected with benefit societies, and it was inflicting increased hardship that they should, under all circumstances, be compelled to enter the police hospital. The difficulty is said to be to provide a sufficient check against the men malingering. A medical certificate obtained promiscuously is not considered sufficient, as it is easily purchasable. On one occasion the officer in charge of the depôt, recognizing the objection to men suffering from illness being brought from their homes to the hospital, issued a regulation dispensing with the necessity for their removal, and arranging that the men should send in medical certificates. The result was that, after the first wet night, no less than 45 certificates were sent in, whereupon the regulation was abolished. The present arrangement, however, directly affords a premium to the medical officer to keep men in the hospital, and possibly, but for the deservedly high character of Dr. Ford, a collusive understanding might easily be arrived at between a patient and his medical attendant. Bribes

have been offered by men to be allowed to remain in the hospital, in order to obtain superannuation allowance, but such attempts at fraud have been invariably exposed. The weight of evidence appeared so directly opposed to the continuance of the present system that your Commissioners have no hesitation in recommending the abolition of the police hospital, believing that the usual stoppages of pay during sickness will be an effectual check upon any attempt at malingering.

XXVI.—THE LICENSING ACT.

The enforcement of the provisions of the Licensing Act in the Metropolitan district hitherto seems to have been eminently unsatisfactory, owing not only to the unsystematic, and probably at times the arbitrary, action of the police authorities, but to the alleged unworkable nature of the Act itself. Without desiring to express any opinion upon this latter point, your Commissioners desire to direct special attention to the evidence given by a large number of licensed victuallers (pp. 263–270), by the police generally, and more particularly (p. 391) to the valuable suggestions submitted by Mr. Call, P.M., chairman of the City Licensing Bench.

XXVII.—POLICE SUPERANNUATION FUND.

The Police Superannuation Fund threatens at no distant date to become a heavy annual charge upon the consolidated revenue. The fund had its origin in 1853, when the present force was organized. Prior to that date a moiety of all fines imposed upon members of the community was given to the informers. This was considered an objectionable arrangement, inasmuch as it was supposed to encourage the police to lay informations frequently for no other purpose than to obtain a portion of the penalty. It was therefore provided that all such sums together with all fines imposed upon members of the force for breaches of discipline and misconduct, should go towards a fund to be called the Police Reward Fund, to be distributed periodically in the shape of gratuities to the deserving members of the force. It was at the same time provided that 10d. in the pound should be deducted from the pay of the police for the purposes of superannuation. The latter arrangement was, however, found impracticable. It was believed that the Police Reward Fund would in time accumulate sufficiently to gradually form a superannuation fund. It was then decided that from the Police Reward Fund constables who had served a certain period in the force should receive an extra 6d. a day for good conduct. This was intended as only a temporary measure until a more comprehensive scheme was devised. The addition, which was virtually an increase in the pay of some of the men, threatened in time to absorb the entire fund. The extra rate of pay then ceased, and a system of gratuities was substituted. This arrangement was not regarded as satisfactory, and was superseded by the Police Regulation Statute 1873. The amount standing to the credit of the Police Reward Fund, at that time, was £70,000, which was invested in 4 per cent. stock, and the interest applied to the purposes of the Superannuation Fund. For the year 1882 the income derived from all sources was as follows:—

Interest on £70,000, invested	...	...	...	...	£2,800
Endowment	...	...	...	...	2,000
Vote in aid	...	...	...	...	5,000
Deductions from police pay, at $2\frac{1}{2}$ per cent.	...	...	...	...	4,076
Fines	...	...	...	...	4,558
Total	...	...	...	...	£18,434

The following memo., dated 3rd March 1883 from Mr. W. Robertson, the accountant of the Police Department, will best explain the position of the fund at present, viz. :—

POLICE SUPERANNUATION FUND.

During 1882 retiring gratuities were paid to the amount of	£9,205	0	0
On 31st December 1882 there were 140 pensions current, amounting to an annual charge of ...	13,500	0	0
			£22,705 0 0
The income of the fund, from all sources was ...			18,434 0 0

A large balance was brought forward from 1881, but the amount at present (March 3rd 1883) standing to the credit of the fund is very small, say £1,300.

As the Police Regulation Act does not provide for any increase in the present rate of reduction from police pay ($2\frac{1}{2}$ per cent.), and states that any deficit in the fund must be met by the consolidated revenue, the last vote in aid (£5,000) will, next financial year, probably have to be doubled.

By a reference to Appendix D, it will be seen that the annual charge upon the fund has been gradually increasing, and it cannot be said to have yet reached its maximum. Judging from the memo. above given, the fund is likely to become swamped unless some other arrangement is made immediately. At present the fund is administered, in accordance with the Act, by a Board of three members. In the opinion of your Commissioners, the distribution of the fund, under existing circumstances, should be vested in the hands of the Board of Commissioners, who must necessarily be in a better position to pronounce upon the fitness or otherwise of members of the force for duty, and who would also have before them the question of expediency of superannuating men who, though unsuited for beat duty, might be utilised in some other capacity, so that the drain upon the fund should not become excessive.

If the Police Superannuation Fund were self-supporting it would be unnecessary, if not injudicious, to interfere with existing arrangements, but as the income derivable from all available sources is wholly inadequate, it would simplify matters to merge the fund into the consolidated revenue and place police pensioners in the category of those who by law receive retiring and superannuation allowances from the general revenue. In any future amendment of the Civil Service Act, your Commissioners recommend that the measure be made applicable to the members of the police force, especially in relation to any provision that may be proposed for the establishment of a system of State life assurance to be rendered compulsory in all cases, and to be in lieu of the present arrangement under clause 34 of the Police Regulation Act 1873 (No. 476).

In concluding our Report, your Commissioners desire to acknowledge the valuable services of our Secretary, Mr. James Williams, whose industry, integrity, and ability, no less than his fidelity and impartiality, were conspicuous throughout the inquiry.

XXVIII.—SUMMARY OF RECOMMENDATIONS.

1. The future management of the Police force to be vested in a Board of three Commissioners, to consist of the Chief Commissioner and of two competent gentlemen, selected from outside the force, one of whom shall have had legal training. The Board shall, subject to the approval of the political head of the department, have full power to deal with all matters relating to the appointment, transfer, promotion, discharge, and superannuation of the members of the force, and the distribution of the police throughout the colony. The Chief Commissioner to be chairman of the Board, and to act as executive officer thereof.

2. The officers of superior grade to be recruited from the ranks as at present.

3. Every facility and encouragement to be afforded members of the force compatible with discipline and the proper discharge of their duties to qualify themselves educationally for the higher grades.

4. No promotion to be made to the superior grades without candidates having passed a strict educational and technical examination, such examinations to be held periodically.

5. Recruits, in addition to the usual qualifications, to possess a sound knowledge of the rudiments of education.

6. Recruits to undergo a period of probation of not less than two months at the depôt, the rate of pay being 5s. 6d. per diem. At the termination of their period of probation, if found ineligible, to be discharged.

7. Recruits, during their period of probation, to be instructed in the nature and scope of their duties, in military drill, and the use of firearms.

8. The age of admission to the force, both for foot and mounted men, to be from twenty to twenty-five years, both inclusive; unmarried men to have the preference.

9. Officers and constables to be transferred at least every five years, but not necessarily from the district in which they have been doing duty.

10. Dandenong Stud Depôt to be permanently reserved for police purposes.

11. Horses to be purchased exclusively, subject to approval of the Chief Commissioner, by remount officer, who shall have the pay and status of sub-inspector.

12. Where transfers are made in accordance with the regulations, or owing to the exigencies of the service, the Government shall pay the personal expenses incurred, and allow the free carriage of luggage as follows:—Officers, 10 cwt.; sub-officers, 7 cwt.; constables, 5 cwt.

13. The present uniform to remain intact, except as regards the glazed cape and the helmet. A waterproof coat to be substituted for the present cape, and a more comfortable head-dress to be provided. The white gloves to be used by the men only when in full-dress uniform.

14. The pay of constables to be placed upon a more equitable footing, and the regulations affecting same to be permanent, viz.:—First and second years of service, 6s. 6d. per diem; third and fourth years, 7s. per diem; fifth and sixth years, 7s. 6d. per diem; after ten years' service, 8s. per diem.

15. Married men living outside of barracks to be allowed 6d. a day in lieu of quarters, fuel, light, and water.

16. Government to provide quarters for only married men who are in charge of stations.

17. When travelling or proceeding on duty outside of their respective districts the allowances to be as follows:—Constables, 3s. 6d.; sub-officers, 5s. 6d.; officers, 10s., for every twenty-four hours.

18. The title of senior-constable to be changed to that of acting-sergeant.
19. Badges to be granted to subordinate officers and men for meritorious service without carrying any additional remuneration.
20. Positions in the gift of the Government from which extra emoluments are derived to be conferred for good conduct and made tenable for five years only.
21. A member of the force dying without sending in his resignation, his heirs or assigns to be entitled to receive the gratuity which he could have claimed had his resignation been accepted prior to death.
22. The canteen in connection with the Dépôt, the Russell-street barracks, and all other police stations, to be abolished.
23. The present Superannuation Board to be abolished and its duties transferred to the Board of three Commissioners.
24. The Police Superannuation Fund to be handed over to the Consolidated Revenue, from which police pensions and gratuities shall be made payable.
25. Members of the force to receive a copy of any entry made in their record sheets within one month of such record being made.
26. Superintendents of districts to be allowed discretionary power to purchase stores, subject to Chief Commissioner's approval.
27. It is not expedient that the present law relating to the exercise of the right of franchise by members of the police should be altered.
28. Sub-stations to be established in suburban localities wherever by so doing economy and efficiency render the same desirable.
29. Accommodation to be provided at the Russell-street Barracks, so as to dispense with the premises at present used as the detective office and superintendents' office.
30. The superintendents' office and the plain-clothes' constables office to be for the future located in the Russell-street Barracks.
31. Wherever possible, superintendents to reside at head-quarters station.
32. The time has not arrived when a system of municipal police can be introduced with advantage in the colony.
33. Retirement at 55 years to be made compulsory upon members of the force, irrespective of grade.
34. The Police Hospital to be abolished.
35. Arrangements to be made with metropolitan and country hospitals for the reception and treatment of invalided members of the force, the usual stoppages of salary to be paid into the funds of such institutions as afford the required accommodation.
36. Arrangements to be made by the Government for the compilation of a handy book for the use of members of the force, similar to Vincent's Police Code, and embracing the regulations and instructions as regards duties and discipline for the guidance of officers and men.

FRANCIS LONGMORE, Chairman,
 GEORGE WILSON HALL,
 GEORGE RANDALL FINCHAM,
 WILLIAM ANDERSON,
 EDWARD J. DIXON.

JAS. WILLIAMS,
 Secretary.

Melbourne, 6th April 1883.

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