

This page was added on 03 December 2012 to included the Disclaimer below.
No other amendments were made to this Product

DISCLAIMER

Users are warned that this historic issue of this publication series may contain language or views which, reflecting the authors' attitudes or that of the period in which the item was written, may be considered to be inappropriate or offensive today.

CHAPTER X. PUBLIC JUSTICE.

§ 1. Police.

1. **General.**—In early issues of the Year Book a résumé was given of the evolution of the police force in Australia up to the passing of the Police Act of 1862 (25 Vic. No. 16) in New South Wales, but considerations of space preclude its inclusion in the present volume.

2. **Strength of Police Force.**—(i) *General.* The strength of the police force in each State during the five years ended 1924 is given in the table hereunder. It may be mentioned that the police forces are entirely under State control, but, by arrangement, the Commonwealth Government utilizes their services in various directions, such as the collection of particulars for Commonwealth electoral rolls, etc.

POLICE FORCES.—STRENGTH, 1920 TO 1924.

State.	Area of State in Sq. Miles.	1920.	1921.	1922.	1923.	1924.
New South Wales ..	310,372	2,630	2,738	2,799	2,825	2,890
Victoria ..	87,884	1,733	1,736	1,741	1,251	1,810
Queensland ..	670,500	1,126	1,105	1,113	1,114	1,127
South Australia ..	380,070	566	593	576	599	616
Western Australia	975,920	473	493	489	502	523
Tasmania ..	26,215	240	240	240	240	241
Northern Territory	523,620	32	30	32	32	32
Total ..	2,974,581	6,800	6,935	6,990	6,563	7,239

The figures for New South Wales for 1924 are exclusive of 33 "black trackers," i.e., natives employed in detection of offenders chiefly in outlying districts, and 4 female searchers. For Queensland the figures exclude 67 native trackers and 1 female searcher; for South Australia 10 "black trackers" and 1 female searcher, and for the Northern Territory 28 "black trackers." There are also 43 "black trackers" and 5 female searchers in Western Australia, not included in the table. According to the returns, women police are employed in all the States except Queensland, the respective numbers being—New South Wales 4, Victoria 4, South Australia 11, Western Australia 5, and Tasmania 2. Their work is mainly preventive, and the importance and usefulness of their duties have been referred to in very high terms, especially by the Commissioners of Police in South Australia and Western Australia.

The strength of the force in Victoria for the year 1923 was below normal, owing to dismissals consequent on the dispute which occurred in November of that year.

(ii) *Proportion to Population.* The average number of inhabitants to each officer in each State during the same period is as follows. In considering these figures, allowance must, of course, be made for the unequal area and unequal distribution of the population of the various States.

POLICE FORCES.—COMPARISON WITH POPULATION, 1920 TO 1924.

State.	Number of Persons per Sq. Mile. 1921 Census.	Inhabitants to each Police Officer.				
		1920.	1921.	1922.	1923.	1924.
New South Wales	6.80	787	770	769	777	772
Victoria	17.42	873	885	902	1,285	907
Queensland	1.13	662	690	702	720	732
South Australia	1.30	860	839	879	864	860
Western Australia	0.34	698	677	695	694	687
Tasmania	8.15	876	889	895	897	891
Northern Territory .. ..	..	131	130	114	113	113
Total	1.83	788	787	797	867	802

As explained previously the figures for Victoria for the year 1923 are abnormal.

3. *Duties of the Police.*—In addition to the ordinary employment attaching to their office, the police are called upon to perform many duties which in other countries are carried out by various functionaries. Thus, in New South Wales, according to the Report of the Inspector-General, the time of one-fifth of the force was taken up during 1921 in extraneous duties unconnected with the protection of life and property, while the cash value of the services rendered to other Government departments was stated as over £200,000 per annum. The Queensland Commissioner refers to the circumstance that in 1924 no less than 70 subsidiary offices were held by the police. In South Australia, the Commissioner alludes to the large number of subsidiary duties performed by police officers, and mentions that in 1924 over 97,000 inquiries were made on behalf of other departments.

While these special tasks doubtless involve some degree of sacrifice of ordinary routine duties, the fact that the general intelligence of the police is adequate for their performance, besides being most creditable, results in a large saving of the public money.

4. *Cost of Police Forces.*—The expenditure from Consolidated Revenue on the police forces, and the cost per head of population in each State during the five years 1920 to 1924, are given in the following table :—

POLICE FORCES.—COST, 1920 TO 1924.

State.	1920.	1921.	1922.	1923.	1924.
TOTAL.					
	£	£	£	£	£
New South Wales ..	1,101,767	1,150,323	1,205,557	1,219,244	1,317,320
Victoria ..	577,407	579,351	600,856	755,698	741,126
Queensland ..	476,153	458,955	455,519	461,446	497,484
South Australia ..	197,157	211,428	216,109	221,635	246,646
Western Australia ..	186,717	184,245	181,893	185,945	193,461
Tasmania ..	79,372	79,105	77,096	78,313	81,318
Northern Territory ..	12,970	15,520	16,011	16,070	17,923
Total ..	2,631,543	2,678,927	2,753,041	2,938,351	3,095,278

PER HEAD OF POPULATION.

	s. d.	s. d.	s. d.	s. d.	s. d.
New South Wales ..	10 6	10 10	11 1	11 0	11 8
Victoria ..	7 7	7 6	7 7	9 4	8 11
Queensland ..	12 8	11 11	11 7	11 5	11 11
South Australia ..	8 0	8 5	8 5	8 5	9 2
Western Australia ..	11 3	11 0	10 7	10 6	10 7
Tasmania ..	7 6	7 3	7 0	7 2	7 6
Northern Territory ..	65 0	81 6	90 2	90 5	99 7
Total ..	9 9	9 9	9 9	10 3	10 6

In view of the small number of its white population and the vast extent of country to be patrolled, the figures for the Northern Territory necessarily show a very high average. The duties of the police, moreover, chiefly pertain to matters connected with the control of aborigines.

The total for New South Wales in 1924 includes £139,200 payment to the Police Superannuation Fund. Similar payments in Victoria and Queensland amount to £118,000 and £46,900 respectively, while smaller sums are included in the returns for other States.

The relatively high cost per head in Queensland and Western Australia is due to the fact that there are in those States extensive areas of sparsely settled country, in which mounted patrols have to be maintained. It may be noted also that the high cost

and cost per head in Victoria shown for the year 1923, as compared with previous years, are accounted for by expenditure in connexion with the police dispute in 1923.

The general advance in cost during the period under review is due to increases in salaries, and rise in prices of supplies and equipment.

5. *Interstate Police Conferences.*—In February, 1921, a Conference of the chief officers of the police forces of the various States was held in Melbourne. In addition to the discussion of matters of common interest, arrangements were made for the interchange of detectives. The results were so satisfactory that it was decided to hold similar Conferences annually, and the 1924 session of the Conference was held at Adelaide in January, while a Conference of Police Commissioners met at Sydney in February of that year.

§ 2. Lower (Magistrates') Courts.

1. *General.*—In considering the criminal returns of the various States, due allowance must be made on account of several factors, such as the relative powers of the courts, both lower and higher, etc. In the case of lower courts, the actual number of laws in each State the breach of which renders a person liable to fine or imprisonment must be taken into account. Again, the attitude of the magistracy and police towards certain classes of offences is a factor, for in the case of liquor laws, or laws connected with vagrancy or gaming, the views of magistrates, and instructions issued to the police, may be responsible for considerable variations in the returns. The strength and distribution of the police forces, and the age-constitution and distribution of the State's population, also influence the results. Due weight should also be given to the prevalence of undetected crime, but information on this point is not available for all States. It may be mentioned that each State has its own separate judicial system, the Commonwealth jurisdiction being confined to the High Court of Australia, which is largely a Court of Appeal intermediate to the Privy Council, although it has also original jurisdiction, and the Commonwealth Court of Arbitration and Conciliation. Full particulars regarding the judicial power of the Commonwealth will be found in Chapter III. of the Commonwealth Constitution, which is quoted in full in Chapter I. of this work.

2. *Powers of the Magistrates.*—In New South Wales there is no general limit to the powers of the magistrates in regard to offences punished summarily, their authority depending in each case on the statute which creates the offence and gives them jurisdiction. Except in the case of a very few statutes, and excluding cumulative sentences, the power of sentence is limited to six months. Imprisonment in default of payment of fine is regulated by a scale limiting the maximum period according to the sum ordered to be paid, but in no case exceeding twelve months. Actions for debt and damage within certain limits also come within magisterial jurisdiction. In cases of debts, liquidated or unliquidated, the amount recoverable is not exceeding £50 before a court constituted of a stipendiary or police magistrate at certain authorized places, and not exceeding £30 at any other place before a court constituted of a stipendiary or police magistrate or two or more justices of the peace. The amount in actions of damage is limited to £10, but may extend to £30 by consent of parties.

In Victoria, the civil jurisdiction of magistrates is restricted to what may be designated ordinary debts, damages for assault, restitution of goods, etc., where the amount in dispute does not exceed £50. No definite limit is fixed to the powers of the magistrates on the criminal side, and for some offences sentences up to two years may be imposed. The proportion of long sentences is, however, comparatively small.

In Queensland, generally speaking, the maximum term of imprisonment which justices can inflict is six months, but in certain exceptional cases, such as offences against sections 233 and 445 of the Criminal Code (betting-houses and illegally using animals) sentences of twelve months may be imposed. No limit exists as to the extent to which cumulative sentences may be applied, but in practice the term is never very lengthy.

In South Australia, under the Minor Offences Act, magistrates can impose sentences up to six months, and under the Summary Convictions Act, up to three months. The Police Act of 1916 gives power to sentence up to one year, with hard labour, in the case of incorrigible rogues; while under the Quarantine Act of 1877, and the Lottery and Gaming Act of 1875, sentences of two years may be imposed.

Under the Petty Offences Act of 1867, in Tasmania, any person charged with having committed, or with having aided or abetted in the commission of an offence in regard to property of a value not exceeding £10. may, on conviction for a first offence before two or more justices in Petty Sessions, be imprisoned for any term not exceeding one year, and for a term not exceeding two years for a second or subsequent offence.

3. Persons Charged at Magistrates' Courts.—The total number of persons who were charged before magistrates in each State is given below for the five years 1920 to 1924 :—

MAGISTRATES' COURTS.—PERSONS CHARGED, 1920 TO 1924.

State.	1920.	1921.	1922.	1923.	1924.
New South Wales ..	89,572	94,685	96,989	104,519	98,101
Victoria ..	56,698	62,402	63,713	67,112	68,494
Queensland ..	24,180	24,479	25,185	25,956	24,017
South Australia ..	10,143	10,622	11,821	14,321	15,812
Western Australia ..	10,430	10,775	10,844	10,182	10,679
Tasmania ..	6,629	7,185	7,106	8,479	8,001
Northern Territory ..	221a	115	186	154	204
Total ..	197,873	210,263	215,844	230,723	225,308

(a) Year 1919. Returns for 1920 not available.

Investigation of the returns shows that considerable variations in the figures for single States are occasioned by breaches of new Acts, or the more stringent enforcement of the provisions of existing Acts. Any deductions drawn from the total returns as to the increase or otherwise of criminality must, therefore, be largely influenced by a careful analysis of the detailed list of offences.

4. Convictions and Committals.—The figures given in the tabulation above include, of course, a number of people who were wrongly charged, and statistically are not of general importance. The actual number of convictions in connexion with the persons who appeared before the lower courts in each year of the period 1920 to 1924 is, therefore, given hereunder. A separate line is added showing the committals to higher courts.

MAGISTRATES' COURTS.—CONVICTIONS AND COMMITTALS, 1920 TO 1924.

State.	1920.	1921.	1922.	1923.	1924.
New South Wales .. { Convictions	74,667	80,214	82,263	88,864	83,019
.. { Committals	2,239	2,594	2,495	2,654	2,327
Victoria .. { Convictions	43,088	46,924	49,464	53,183	54,376
.. { Committals	795	776	733	634	602
Queensland .. { Convictions	21,922	22,479	22,982	23,072	21,476
.. { Committals	309	328	331	341	233
South Australia .. { Convictions	8,628	8,968	10,048	12,647	13,790
.. { Committals	123	121	146	193	176
Western Australia .. { Convictions	9,198	9,605	9,748	8,985	9,534
.. { Committals	112	120	68	92	92
Tasmania .. { Convictions	6,034	6,474	6,385	7,601	7,271
.. { Committals	71	88	79	78	59
Northern Territory { Convictions	187a	100	171	117	145
.. { Committals	3a	8	4	3	5
Total .. { Convictions	163,724	174,764	181,061	194,469	189,611
.. { Committals	3,652	4,035	3,856	3,995	3,494

(a) Year 1919. Returns for 1920 not available.

5. **Convictions for Serious Crime.**—While the figures given in the preceding table refer to the entire body of convictions, the fact must not be overlooked that they include a large proportion of offences of a technical nature, many of them unwittingly committed, against various Acts of Parliament. Cases of drunkenness and minor breaches of good order, which, if they can be said to come within the category of crime at all, at least do so in a very different sense to some other offences, also help to swell the list. The following table has therefore been prepared for the purpose of showing the convictions at magistrates' courts for what may be regarded as the more serious offences, i.e., against the person and property, either separately or conjointly, and forgery and offences against the currency:—

MAGISTRATES' COURTS.—CONVICTIONS FOR SERIOUS CRIME, 1920 TO 1924.

State.	1920.	1921.	1922.	1923.	1924.
TOTAL.					
New South Wales ..	7,704	8,057	7,744	7,543	7,210
Victoria	4,294	3,719	2,909	3,188	2,815
Queensland	1,357	1,747	1,835	2,021	1,881
South Australia ..	772	855	653	883	724
Western Australia ..	993	976	977	930	941
Tasmania	548	550	577	637	549
Northern Territory ..	11a	42	60	17	25
Total	15,679	15,946	14,755	15,219	14,145

(a) Year 1919. Returns for 1920 not available.

PER 10,000 OF THE POPULATION.

New South Wales ..	37.2	38.2	36.0	34.4	32.3
Victoria	28.4	24.2	18.5	19.8	17.1
Queensland	18.2	22.9	23.5	25.2	22.8
South Australia ..	15.9	17.2	12.9	17.1	13.7
Western Australia ..	30.1	29.2	28.8	26.7	26.2
Tasmania	26.0	25.8	26.9	29.6	25.6
Northern Territory ..	26.1	107.5	164.2	47.1	69.4
Total	29.3	29.2	26.5	26.8	24.4

6. **Decrease in Serious Crime, 1881 to 1924.**—(i) *Rate of Convictions.* The figures quoted in the preceding table show that while during the last five years the rate of serious crime has decreased considerably, if the comparison be carried back to 1881 the position is seen to be still more satisfactory. The rate of convictions at magistrates' courts per 10,000 of the population is given below for each of the years 1881, 1891, 1901, 1921, and 1924. Only the more serious offences particularized in the preceding sub-section have been taken into consideration.

MAGISTRATES' COURTS.—SERIOUS CRIME.—RATE OF CONVICTIONS, 1881 TO 1924.

Year.	Convictions per 10,000 Persons.				
1881	69.3
1891	44.8
1901	29.1
1921	29.2
1924	24.4

The figures already quoted refer to total convictions, and in respect of individuals necessarily involve a considerable amount of duplication, especially as regards minor offences, such as petty larcenies, etc.

(ii) *Causes of Decrease.* The statistics given above show that there has been a considerable decrease in crime throughout Australia during the period dealt with. The results so far quoted are restricted entirely to the lower or magistrates' courts. There has also been a gratifying decrease in regard to offences tried at the higher courts, as will be seen later.

Attempts have been made to account for this decline: e.g., advance in education, enlightened penological methods, etc. Much depends upon what is meant by education. Many classed in census statistics as "educated" can barely read and write. In this connexion, moreover, it ought not to be forgotten that collaterally with the introduction of ordinary intellectual education certain people have departed from their pristine virtues. In regard to the deterrent effect of punishment, it may be said that in respect of many offences, notably drunkenness, vagrancy, petty larcenies, etc., it appears to be almost negligible. In general, punishment has declined in brutality and severity, and has improved in respect of being based to a greater extent upon a scientific penological system, though in this latter respect there is yet much to be desired. Recent advances in penological methods will be referred to in a subsequent sub-section. Here it will be sufficient to remark that under the old régime, a prisoner on completion of a sentence in gaol was simply turned adrift on society, and in many cases sought his criminal friends, and speedily qualified for readmission to the penitentiary. Frequently, he was goaded to this by mistaken zeal on the part of the police, who took pains to inform employers of the fact of a man having served a sentence in gaol. For a long time any assistance to discharged prisoners was in the hands of private organizations, such as the Salvation Army Prison Gate Brigade, but in some of the States, and notably in New South Wales, the authorities themselves look after the welfare of discharged prisoners in the way of finding work, providing tools, etc. Improvements in the means of communication and identification have been responsible for some of the falling-off noticeable in the criminal returns, the introduction of the Bertillon system having contributed to certainty of identification. In his report for the year 1910 the Inspector-General of Police in New South Wales stated that "criminals have a wholesome dread of the finger-print system, and I have not the slightest doubt that it is one of the principal causes of the diminution of serious crimes." Part of the improvement may no doubt be referred also to the general amelioration in social conditions that has taken place in modern years.

7. *Drunkenness.*—(i) *Cases and Convictions.* The number of cases of drunkenness and the convictions recorded in connexion therewith during the period 1920 to 1924 will be found in the following table:—

DRUNKENNESS.—CASES AND CONVICTIONS, 1920 TO 1924.

State.	1920.		1921.		1922.		1923.		1924.	
	Cases.	Convictions.	Cases.	Convictions.	Cases.	Convictions.	Cases.	Convictions.	Cases.	Convictions.
New South Wales	26,080	25,843	20,047	28,702	30,918	30,723	33,118	32,938	31,468	31,260
Victoria ..	7,154	3,884	7,621	4,334	8,773	5,204	10,131	6,207	9,814	6,033
Queensland ..	12,017	11,712	12,166	11,744	13,014	12,632	12,376	11,832	11,458	11,005
South Australia ..	3,463	3,448	3,465	3,443	3,775	3,764	4,512	4,498	4,972	4,961
Western Australia	4,222	4,185	4,135	4,103	3,740	3,715	3,198	3,165	3,590	3,571
Tasmania ..	536	530	539	531	539	535	506	501	473	464
Northern Territory	(a)109	(a)109	51	51	112	104	37	37	43	39
Total ..	53,581	49,661	57,024	52,908	60,871	56,677	63,878	59,176	61,827	57,333

(a) For 1919. Returns for 1920 not available.

The number of convictions is, as might naturally be expected, almost identical with the number of cases. Victoria, however, is an exception, but in this State it is explained that offenders are generally discharged on a first appearance, and no conviction is recorded, a similar procedure being also adopted in the case of those arrested on Saturday and detained in custody till Monday. The logic of excluding these cases from the list of convictions is open to doubt.

(ii) *Convictions per 10,000 of Population.* The convictions for drunkenness per 10,000 of the population during each of the years from 1920 to 1924 are given hereunder :—

DRUNKENNESS.—CONVICTIONS PER 10,000 INHABITANTS, 1920 TO 1924.

State.	1920.	1921.	1922.	1923.	1924.
New South Wales	124.9	136.0	142.7	148.9	140.0
Victoria	25.4	28.2	33.1	38.2	36.7
Queensland	157.0	153.9	161.7	145.9	133.4
South Australia	70.9	69.2	74.4	85.7	93.7
Western Australia	126.8	122.9	109.4	89.5	99.3
Tasmania	25.2	24.9	24.9	22.9	21.6
Northern Territory	258.8	130.6	284.7	104.1	108.2
Total	92.7	96.9	101.8	102.9	98.7

The convictions for drunkenness taken by themselves are not an altogether satisfactory test of the relative sobriety of the inhabitants of each State, inasmuch as several important factors must be taken into consideration. The age and sex constitution of the people, for example, is by no means identical in all the States. (Owing to the smallness of the population the figures for the Northern Territory are, of course, abnormal.) The avocations of the people affect the result, since persons engaged in strenuous callings are, on the whole, more likely to indulge in alcoholic stimulants than those employed in less arduous ones. The distribution of the population is also a factor, the likelihood of arrest or summons for drunkenness obviously being greater in the more densely populated regions, while allowance must be made for the attitude of the magistracy, the police, and the public generally in regard to the offence. Due account also must be taken of the effect of legislation dealing with the limitation of hours during which liquor may be sold in hotels.

(iii) *Consumption of Intoxicants.* It is not unusual to supplement statistics of drunkenness by furnishing also the relative consumption of alcoholic beverages. Deductions drawn therefrom will be very misleading if they fail to take into account also the consumption of non-intoxicating beverages such as tea and coffee, and the general habits of the people. Throughout the greater part of Europe, tea and coffee are consumed but sparingly, while Australia, as is well known, is one of the greatest tea-drinking countries of the world.

The following table shows the consumption of spirits, wine, and beer per head of the population in Australia during each year of the quinquennium 1921–25 :—

INTOXICANTS, CONSUMPTION.—AUSTRALIA, 1921 TO 1925.

Year.	Consumption per Head of Population.		
	Spirits.	Wine.	Beer.
	Imp. Galls.	Imp. Galls.	Imp. Galls.
1920–21	0.36	0.50	12.20
1921–22	0.36	0.50	11.49
1922–23	0.39	0.50	11.30
1923–24	0.43	0.50	11.08
1924–25	0.43	0.50	11.15

The figures in regard to wine are approximate, and are probably to some extent understated, as it is impossible to ascertain the exact quantity of the production which goes into consumption in the form of wine.

(iv) *Treatment of Drunkenness.* (a) *General.* Though the problem of the correct method of dealing with dipsomania is by no means an easy one, it seems fairly clear that the present plan of bringing offenders before magistrates, and subjecting them to the penalty of imprisonment or fine, has little deterrent effect, as the same offenders are constantly reappearing before the courts. Further, the casting of an inebriate into prison, and placing him in his weakened state in the company of professional malefactors, certainly lowers his self-respect, and doubtless tends to swell the ranks of criminals. Examination of the prison records in New South Wales some years ago

disclosed the fact that over 40 per cent. of the gaol population had commenced their criminal career with a charge of drunkenness. During the last few years the dangers of moral contamination in this way have been more accurately appreciated, and a system of classification of prisoners has been adopted whereby the petty offender is as far as possible kept from association with the more evilly-disposed. The Comptroller-General of Prisons in Queensland stated in his Report for the year 1907 that "the drunken habit in many cases is merely one of the many symptoms which jointly indicate the existence of a graver condition than simple habitual drunkenness."

(b) *Remedial.* Legislation has been passed in each State, providing for the commitment of inebriates to special Government institutions. The laws in the various States are as follows:—New South Wales, Inebriates Act 1912; Victoria, Inebriates Act 1915 and 1923; Queensland, Inebriate Institutions Act 1896; South Australia, Inebriates Acts 1908, 1913, and 1920; Western Australia, Inebriates Acts 1912 and 1919; Tasmania, Inebriates Acts 1885, Inebriate Hospitals Act 1892. Curative work was first undertaken by the Government of New South Wales in 1907. In most cases the institutes are connected with the gaols, and, naturally, custodial measures are still a strong feature in their management; nevertheless, the results of remedial measures have been encouraging.

8. *First Offenders.*—In all the States statutes dealing with first offenders have been in force for some years, the dates of passing the Acts being as follows:—New South Wales, 1894; Victoria, 1890, 1908, and 1915 (Crimes Act, sec. 340); Queensland, 1887; South Australia, 1887 and 1913; Western Australia, 1892; Tasmania, 1886. The method of procedure is practically the same in all cases, i.e., with regard to most first offenders the magistrate or judge is empowered to allow the offender to go free on recognizances being entered into for his good behaviour for a certain period. In practice, this humane law has been found to work excellently, very few of those to whom its provisions have been extended having been found to relapse into crime.

9. *Children's Courts.*—Special courts for the trial of juvenile offenders have been established in New South Wales, Victoria, Western Australia, Tasmania, and New Zealand within the last few years, while Children's Courts, although not under that name, are practically provided for by the State Children's Acts of 1895 and 1900 in South Australia. The object of these Courts is to avoid, as far as possible, the unpleasant surroundings of the ordinary police court.

10. *Committals to Superior Courts.*—(i) *General.* In a previous sub-section it has been pointed out that comparisons of criminality based on a consideration of the total returns from magistrates' courts are somewhat inadequate, seeing that the figures include numbers of cases which are merely technical breaches of laws having in some instances a purely local significance. The committals to higher courts give a better basis of comparison, although even in this connexion allowance must be made for the want of uniformity in jurisdiction. The table below gives the number of committals in each year from 1920 to 1924, with the rate of such committals per 10,000 of the population.

COMMITTALS TO SUPERIOR COURTS, 1920 TO 1924.

State.		1920.	1921.	1922.	1923.	1924.
New South Wales	No.	2,239	2,594	2,495	2,654	2,327
	Rate	10.8	12.3	11.6	12.1	10.4
Victoria	No.	795	776	733	634	602
	Rate	5.3	5.0	4.7	3.9	3.7
Queensland	No.	309	328	331	341	233
	Rate	4.1	4.3	4.2	4.2	2.8
South Australia	No.	123	121	146	193	176
	Rate	2.5	2.4	2.9	3.7	3.3
Western Australia	No.	112	120	68	92	92
	Rate	3.4	3.6	2.0	2.6	2.6
Tasmania	No.	72	88	79	78	59
	Rate	3.4	4.1	3.7	3.6	2.7
Northern Territory	No.	3	8	4	3	5
	Rate	7.1	20.5	10.9	8.3	13.9
Total	No.	3,653	4,035	3,856	3,995	3,494
	Rate	6.8	7.4	6.9	7.0	6.0

(ii) *Decrease in Rate since 1861.* The above figures show that the rate of committals for serious crime has decreased by 12 per cent. during the last five years, but if the comparison be carried further back, it will be found that there has been a considerable improvement. This will be evident from an examination of the following figures, which show the rate of committals per 10,000 persons in Australia at various periods since 1861 :—

RATE OF COMMITTALS, AUSTRALIA, 1861 TO 1923.

Year	..	..	..	1861.	1871.	1881.	1891.	1901.	1911.	1921.	1924.
Committals per 10,000 inhabitants	22	14	12	11	8	6	7	6			

The decline in proportion to population since 1861 has therefore been about 73 per cent.

§ 3. Superior Courts.

1. *Convictions at Superior Courts.*—The number of convictions at superior courts with the rate per 10,000 of the population is given below for each of the years 1920 to 1924 :—

SUPERIOR COURTS.—CONVICTIONS, 1920 TO 1924.

State.		1920.	1921.	1922.	1923.	1924.
New South Wales	{ No.	1,027	1,111	1,040	1,059	1,002
	{ Rate	5.0	5.3	4.8	4.8	4.5
Victoria	{ No.	461	520	463	400	401
	{ Rate	3.0	3.4	2.9	2.5	2.4
Queensland	{ No.	302	338	378	278	222
	{ Rate	4.0	4.4	4.8	3.5	2.7
South Australia	{ No.	83	97	113	120	104
	{ Rate	1.7	2.0	2.2	2.3	2.0
Western Australia	{ No.	69	70	40	80	64
	{ Rate	2.1	2.1	1.2	2.3	1.8
Tasmania	{ No.	51	57	55	56	53
	{ Rate	2.4	2.7	2.6	2.6	2.5
Northern Territory	{ No.	..	3	3	2	1
	{ Rate	..	7.7	8.2	5.5	2.8
Total ..	{ No.	1,993	2,196	2,092	1,995	1,847
	{ Rate	3.7	4.0	3.8	3.5	3.2

The rate in 1901 was 4.6 per 10,000, and the decrease to the end of 1924 was, therefore, about 31 per cent.

In considering the above figures allowance must be made for the various factors enumerated in a preceding paragraph. South Australia, Western Australia, and Tasmania, it will be noted, show the smallest proportion of serious crime, while the rates for New South Wales and the Northern Territory are the highest, the figures for the latter, however, owing to the particular conditions prevailing there being abnormal.

2. *Offences for which Convictions were recorded at Superior Courts.*—In the following table will be found a classification of the principal offences for which persons were convicted at the higher courts during each year of the period 1920 to 1924. Owing to lack of

uniformity in the presentation of the returns the information is confined to the chief offences against the person only.

SUPERIOR COURTS.—CONVICTIONS, SERIOUS CRIME, AUSTRALIA, 1920 TO 1924.

Offences.	1920.	1921.	1922.	1923.	1924.
Murder, and attempts at ..	20	29	36	15	21
Manslaughter	18	17	10	15	13
Rape, and attempts at ..	7	8	5	9	5
Other offences against females ..	69	87	95	130	100
" " " the person	223	235	240	246	217
Total	337	376	386	415	356

The total convictions for similar offences in 1901 amounted to 432, the decline during the period 1901 to 1924 amounting therefore to about 18 per cent.

3. Habitual Offenders.—In New South Wales the Habitual Criminals Act of 1905 gives judges the power of declaring a prisoner, after a certain number of sentences, to be an habitual criminal, and as such to be detained until, in the opinion of the authorities, he is fit to be at large. At the end of 1924 there were 38 persons in prison under this Act. Since the passing of the Act, 104 offenders, including 1 female, have been declared to be habitual criminals. So far the indeterminate sentence has been applied to the older hardened offender, but under the Crimes Amendment Act of 1924 when an accused person has been convicted on more than three occasions before a magistrate, the magistrate may direct an application to be made by the Clerk of the Peace to a Judge, to have the person so convicted declared an habitual offender. The Indeterminate Sentences Act came into force in Victoria in July, 1908, and up to the end of June, 1925, 983 prisoners had been released on probation or parole. Of this number, 354 were re-convicted or returned for not observing the conditions of release, and 629 have not returned to prison. Of the latter, 196 are still on probation or parole, and 442 have completed their probation and are out of the Board's control. At the 30th June, 1925, the number under indeterminate detention was 162. The Criminal Code Amendment Act of 1914, which makes provision for the detention and control of habitual criminals, was assented to in Queensland on the 3rd December, 1914, and the first cases in connexion therewith were dealt with in 1922, when 2 prisoners were declared to be habitual criminals. Up to the end of 1924, 15 prisoners had been declared habitual criminals, of whom 3 had completed the definite portion of their sentence, but none of them has been released. The provisions of the Habitual Criminals Amendment Act of 1907 were put into force in South Australia in 1909, and 24 criminals had been declared to be habitual offenders up to the end of 1924. Of these, 23 had been released after serving the indeterminate portion, and 1 was serving the definite portion of his sentence. In Western Australia, under the Criminal Code Amendment Act of 1918, power is given to declare a prisoner after a certain number of convictions to be an habitual criminal. The number under preventive detention on the 30th June, 1925, was 37, and the total number dealt with since the passing of the Act was 141. During the period in which the Habitual Criminals and Offenders Act of 1907 (now Indeterminate Sentences Act 1921) has been in force in Tasmania, 141 prisoners have been released under its provisions, and the results, according to the Sheriff, have been satisfactory, only four prisoners having defaulted.

The Comptroller-General of Prisons in New South Wales points out that the system has exercised a wholesome deterrent effect on the criminal who is not a prisoner, while the Indeterminate Sentence Board in Victoria states that it has become impressed with the advantages which this form of sentence offers, both from a reformatory and deterrent standpoint, over the ordinary sentence. In New South Wales it is stated that while old associations and habits have in some cases proved too strong for the released "habitual," many of them have done well, and, generally, there is hope of reformation in the average prisoner other than the sexual offender.

4. Capital Punishment.—The table below gives the number of executions in each State during the period 1920 to 1924 :—

EXECUTIONS, 1920 TO 1924.

State.	1920.	1921.	1922.	1923.	1924.
New South Wales .. ..	..	..	..	..	2
Victoria .. ..	..	..	1	..	1
Queensland .. ..	..	..	..	..	..
South Australia	1	..	..	..	..
Western Australia .. ..	..	..	1	..	..
Tasmania .. ..	..	..	1	..	..
Total	1	..	3	..	3

In the early days of the history of Australia the penalty of death was attached to a large number of offences, many of which at the present time would be dealt with in the lower or magistrates' courts. With the growth of settlement, and the general amelioration in social and moral conditions, the list was, however, considerably curtailed, and the existing tendency is practically to restrict death sentences to cases of murder. It may be remarked that in cases of rape, which is a capital offence in some of the Australian States, the penalty has been but sparingly inflicted during the last few years. Juries are reputed to be loth to convict on this charge, owing to the uncertainty whether sentence of death will be pronounced.

Under the Criminal Code Amendment Act of 1922, capital punishment was abolished in Queensland.

During the period 1861 to 1880 the annual average number of executions in Australia was 9, from 1881 to 1900 the average was 6, for the period 1901 to 1910 the figure was 4, from 1911 to 1920 it was 2, while the average for the last five years was 1.

§ 4. Prisons.

1. Prison Accommodation and Prisoners, 1924.—The table below shows the number of prisons in each State, the accommodation therein, and the number of prisoners in confinement at the end of 1924 :—

PRISON ACCOMMODATION AND PRISONERS, 1924.

State.	Number of Prisons.	Accommodation in—		Prisoners at End of Year.
		Separate Cells.	Wards.	
New South Wales	24	(a) 2,510	..	1,411
Victoria	15	1,228	420	749
Queensland	9	573	322	230
South Australia	13	692	467	250
Western Australia	22	669	848	201
Tasmania	2	145	5	74
Northern Territory	3	..	67	13
Total	88	5,817	2,129	2,928

(a) Total accommodation.

The figures refer to prisoners under sentence and are exclusive of aborigines.

2. Prisoners in Gaol, 1920 to 1924.—The number of prisoners in gaol at the 31st December in each of the years 1920 to 1924 is given below. As stated above, the figures refer to prisoners under sentence, and are exclusive of aborigines. A separate line is added in each instance showing the proportion per 10,000 of the population.

PRISONERS IN GAOL, 1920 TO 1924.

State.		1920.	1921.	1922.	1923.	1924.
New South Wales	{ Number ..	1,128	1,273	1,373	1,339	1,411
	{ Proportion	5.4	6.0	6.4	6.1	6.3
Victoria	{ Number ..	700	733	719	765	749
	{ Proportion	4.6	4.8	4.6	4.8	4.6
Queensland	{ Number ..	275	309	331	279	230
	{ Proportion	3.7	4.1	4.2	3.5	2.8
South Australia	{ Number ..	229	252	265	267	250
	{ Proportion	4.7	5.1	5.2	5.2	4.7
Western Australia	{ Number ..	167	211	196	226	201
	{ Proportion	5.1	6.3	5.8	6.5	5.6
Tasmania	{ Number ..	63	95	62	79	74
	{ Proportion	3.0	4.5	2.9	3.7	3.4
Northern Territory	{ Number ..	3	4	4	2	13
	{ Proportion	7.1	10.2	10.9	5.5	36.1
Total	{ Number ..	2,565	2,877	2,950	2,957	2,928
	{ Proportion	4.8	5.3	5.3	5.2	5.0

The proportion to population of prisoners in gaol under sentence has risen by about 4 per cent. for Australia during the last five years, but, if the comparison be carried farther back, the position is seen to be more favourable, the proportion in 1891 being as high as 16 per 10,000.

3. Improvement of Penological Methods.—(i) *New South Wales.* During recent years Australia, in common with most other civilized countries, has introduced considerable modifications and improvements in methods of prison management. Under the old system, punishment partook more or less of the character of reprisal for wrongdoing, and the idea of constituting the prison as a reformatory agency was in the background. But in recent years there has been an earnest attempt at effecting a moral reformation in the unfortunates who lapse into crime. This aspect of prison management has been specially prominent in New South Wales. A short account of the reorganization of the prison system in this State appears in preceding Year Books (see No. 5, p. 922), but considerations of space preclude its repetition here. At the present time it is found that good results have followed the principles of scientific classification and restricted association of prisoners, together with the provision of separate institutions for the treatment of inebriates. Until recently the prison authorities were confronted with a difficult problem arising from the fact that so little could be done in the case of short-sentenced prisoners, but the passing of the Crimes Act of 1924, alluded to previously, under which such persons could, after repeated convictions, be declared "habituals," and as such liable to reformatory detention, will, it is hoped, lead to considerable improvement. Special efforts are put forward to provide reproductive work of a regular and intelligent nature, and for the year 1924 the value of the prisoners' labour amounted to £69,000, as compared with £35,000 in 1913. Very few skilled tradesmen are received into gaol, the great majority of prisoners being unskilled at any trade, and many being drunkards, vagrants, and physical and moral degenerates. At the chief penitentiaries for males and females in the metropolis, a careful classification of prisoners is carried out, and provision is made for the treatment of special cases at some of the larger country gaols. Young first offenders are employed at the Emu Plains Prison Farm, and first offenders over the age of 25 years are drafted to the Prisoners' Afforestation Camp at Tuncurry, on the Manning River. This institution, which was opened in 1911, has given very satisfactory results. The total area set apart for afforestation is 3,380 acres, of which 1,750 acres have been planted. About 170,000 pine seedlings are raised each year, and nearly 2,000,000 trees, some up to 50 feet in height, are flourishing. The Shaftesbury Inebriate Institution was established in 1915 for the treatment of non-criminal inebriates, and in the following year provision was made for the accommodation and treatment of voluntary paying guests. Suitable cases from the Long Bay prison are transferred to the Shaftesbury Institution.

In many instances prisoners received into the gaols are found to be suffering from contagious diseases, and, under the Prisoners Detention Act such persons may be detained until cured.

Amongst other improvements introduced during the last few years were the relieving of the monotony of non-working hours at week-ends by the provision of concerts, lectures, and suitable picture shows at the principal gaols, by more open-air exercise on Saturday afternoons and Sundays, and by the supply of a greater variety of interesting books and magazines to the prison libraries. These libraries now contain over 22,000 volumes. Prisoners are encouraged to take up courses of study likely to be of service to them on their discharge, and, within reason, the text-books required are purchased for their use. As the Comptroller-General points out, these changes have been brought about, not from sympathy with the criminal, but as ordinary necessities to the wholesome functioning of the mind. In 1924 a revised dietary scale came into operation, under which prisoners are supplied with greater quantity and greater variety of food.

In 1902 the system of finger-print identification of criminals was introduced, and in the following year bureaux were established in the various States for the exchange of records. Very successful results have attended the introduction of the system.

Allusion may be made here to the excellent work performed by the Prisoners' Aid Association, which has branches in the country towns where there are prisons. Members of the organization meet prisoners on their discharge, help in restoring hopeful cases to reputable relatives and friends, assist in obtaining situations, and generally maintain a friendly supervision over those in need of assistance.

(ii) *Victoria.* In Victoria there is an excellent system of classification and allocation of prisoners in various grades to different gaols, while at the important penal establishment at Pentridge careful segregation into several classes is carried out. First offenders are placed in the "special" division, and it is stated that out of 955 prisoners in this class discharged from Pentridge during the decade ending in 1924 only 89 are known to have been reconvicted. In common with the other States the latest humane methods of accommodation and prison treatment have for some time been employed. The younger prisoners spend a portion of each week day at school, and evening school or recreational classes are held from 7 p.m. to 9 p.m. at the Reformatory. Voluntary classes for older prisoners have been formed by the Prisoners' Aid Society. In addition, where the necessary arrangements can be made, well-behaved prisoners are allowed to take correspondence lessons from outside institutions. An afforestation camp known as McLeod Settlement, French Island, was opened in 1916, and at the 31st December, 1924, there were 24 inmates. In addition to the work of afforestation, portion of the land has been laid down in crops, and some attention given to poultry and pig-keeping. It is stated that the experiment has resulted in improvement both in demeanour and physique of prisoners, and in many cases has led to a return to honest citizenship. A farm has been established about 3 miles from the prison at Castlemaine with provision for 13 inmates, while others are taken to and fro daily. The number in confinement at the end of December, 1924, was 62. The orchard planted in connexion with the farm contains about 1,000 fruit trees. A large number of poultry is kept, and provision has been made for practical instruction in carpentering and other work which will help in securing employment for prisoners on release.

The results of intelligence tests carried out in 1924 at the Castlemaine Reformatory show a considerable amount of mental deficiency, particularly amongst sexual offenders. Further tests in regard to larger numbers of the latter class will, however, be necessary to determine whether mental deficiency is characteristic of this class.

Under the Venereal Diseases Act, prisoners where necessary receive medical treatment, and after release the treatment where required is continued outside the prison at places gazetted by the Health Department. Provision is also made for dental attention where necessary, the treatment being free if the prisoner is unable to pay or to make arrangements for payment.

In their Report for the year 1924-25, the Indeterminate Sentences Board advocate the application of the indeterminate sentence in the case of the habitual petty offender.

Aid is given to discharged prisoners by the Salvation Army and by various church organizations and welfare committees.

(iii) *Queensland.* Queensland prisons have been considerably modernized during the last few years. Amongst recent reforms may be mentioned the provision of a separate institution at Brisbane for long-sentence prisoners, and the extension of the principle of classification and separation. Juvenile offenders, i.e., those between the ages of 16 and 21 years, are kept apart from other prisoners and treated in accordance with the latest reformative methods. Many of the prisoners received, both in the adult and junior stage, come from the ranks of the idle, the thriftless, and the unskilled, and efforts are made to teach these some useful calling, and to help them to form habits of industry. It has been

found in Queensland, as is the case elsewhere, that very few skilled workmen are criminals. The penal establishment at St. Helena has been converted into a farm colony, and well conducted prisoners receive special treatment there during the latter stages of their sentences. Greater facilities have been provided for the instruction of prisoners in trades which will afford them a means of earning a livelihood on their release, and the prison libraries have been replenished with useful and interesting literature. The cells in the principal prisons have been provided with lights, and prisoners are allowed to read and study up to a reasonable hour at night. Under the provisions of the Health Act, prisoners suffering from venereal disease may be detained until danger of infection has ceased.

Excellent work in aid of discharged prisoners is carried on by the Salvation Army, while the "William Powell Home," through its secretary, renders valuable service. In the Report for the year 1924 attention is again drawn to the need of an organized State system of assisting released prisoners.

(iv) *South Australia*.—The present system of gaol administration was drafted mainly on English and European lines by the late W. R. Boothby, C.M.G., and has since been as far as possible adapted to modern penological procedure. At the Yatala Labour Prison, which is the largest in the State, the number in confinement on the 31st December, 1924, was 143. The prisoners are graded into three classes—first offenders, second offenders, and old offenders, the various classes being kept apart. During the year 1924 new regulations were introduced chiefly with the view to encourage prisoners to take greater interest in the results of their labour. Industrious prisoners are able to earn monetary payment, and are allowed to remit a portion of their earnings to dependents in need of pecuniary help. A more liberal dietary scale has been introduced, and well-conducted prisoners are allowed to supplement this from their earnings. Permits are granted to prisoners to earn money by working in their cells at night. Facilities are afforded to help prisoners who desire to improve themselves educationally, and greater provision has been made for recreation. Provision is made for the special treatment of inebriates at the Adelaide and Gladstone gaols.

Various religious organizations devote attention to the periodical visiting of prisoners in the gaols, while fine work is done by the Prisoners' Aid Association in helping released prisoners to obtain employment, or return to their homes in other States.

(v) *Western Australia*. A Royal Commission in 1911 recommended the adoption of various reforms in connexion with the prison system of Western Australia. The bulk of these were carried out, and included, amongst other things, an extension of the principle of separate treatment, improvement in prisoners' dietary scale, more satisfactory arrangements in regard to remission of sentences, and better conditions in regard to hours of labour, leave of absence, etc., for the staff. Amongst other improvements introduced may be mentioned the grant of an eight hours' day to officers, enlargement and improved hygiene of cells, additional library facilities, assistance to discharged prisoners by provision of railway passes and monetary aid, appointment of committees to look after the welfare of discharged prisoners, and the remodelling of the "mark" system. Under the Prisons Act Amendment Act of 1918 a portion of Fremantle Prison was set aside as a reformatory prison in 1919, and first offenders are kept separate from other prisoners. It is pointed out, however, that reformatory treatment is greatly hampered by the lack of a suitable institution away from the ordinary gaol surroundings. In common with other penologists the Comptroller-General alludes to the weakness of the definite sentence, and points to the necessity for skilled consideration of all the circumstances that have led to wrongdoing, coupled with skilled medical, psychological, and penological treatment of the prisoner whilst undergoing confinement. The Prison Gate Committee affords assistance to discharged prisoners by finding work and helping in other ways.

(vi) *Tasmania*. The number of convicted prisoners in confinement in Tasmanian gaols at the end of 1924 was 74. The completion of alterations to the Hobart gaol has facilitated the classification of offenders, and afforded greater opportunities for teaching trades. Youthful offenders are kept apart from ordinary prisoners.

(vii) *Psychology of the Criminal*. The Director of the State Psychological Clinic at Hobart recently stated that an examination of the prisoners in Hobart Gaol showed that nearly two-thirds were "deviates" from the normal, and he stressed the necessity for devising means for the discovery and possible correction of abnormal tendencies in childhood. He alluded also to the connexion between brain development and mental development, and pointed out that in Hobart Gaol 84 per cent. of the defectives were small-headed.

§ 5. Civil Courts.

1. **Lower Courts.**—The transactions of the lower courts on the civil side during each of the last five years are given in the table hereunder. As pointed out previously, the jurisdiction of the courts is by no means uniform in the various States :—

LOWER COURTS.—CIVIL CASES, 1920 TO 1924.

State.		1920.	1921.	1922.	1923.	1924.
New South Wales ..	{ Cases No.	34,475	37,557	39,828	48,760	53,997
	{ Amount £	111,531	145,176	163,803	198,558	220,442
Victoria ..	{ Cases No.	38,200	45,319	47,140	58,502	73,264
	{ Amount £	158,198	202,606	295,697	413,417	497,833
Queensland ..	{ Cases No.	10,428	14,339	16,023	18,329	17,607
	{ Amount £	58,476	84,277	122,684	155,314	178,018
South Australia ..	{ Cases No.	18,030	20,334	23,030	25,839	29,101
	{ Amount £	73,505	103,715	123,569	142,217	182,930
Western Australia ..	{ Cases No.	12,306	15,240	15,991	16,649	18,705
	{ Amount £	46,765	63,162	71,457	76,208	91,100
Tasmania ..	{ Cases No.	4,954	1,442	7,246	7,879	7,950
	{ Amount £	34,329	36,571	59,137	57,014	62,234
Total ..	{ Cases No.	118,493	134,231	148,258	175,958	200,624
	{ Amount £	482,804	635,507	836,347	1,042,728	1,232,557

The figures just given represent the returns from Petty Sessions Courts in New South Wales and Victoria, the Petty Debts Courts in Queensland, the Local Courts of South Australia and Western Australia, and the Courts of Requests in Tasmania.

2. **Superior Courts.**—In the next table will be found the transactions on the civil side in the Superior Courts during each of the years 1920 to 1924.

The New South Wales returns refer to the total amounts sued for, and not the sums actually awarded after trial in the District Courts, and are exclusive of judgments signed in the Supreme Court, for which the amount is not available.

SUPERIOR COURTS.—CIVIL CASES, 1920 TO 1924.

State.		1920.	1921.	1922.	1923.	1924.
New South Wales ..	{ Causes No.	1,148	1,344	1,386	1,557	1,618
	{ Amount £	377,419	475,816	500,862	578,774	259,327
Victoria ..	{ Causes No.	760	906	863	996	1,041
	{ Amount £	122,840	226,736	213,597	237,145	303,140
Queensland ..	{ Causes No.	225	231	187	245	225
	{ Amount £	19,707	32,513	21,914	17,645	9,861
South Australia ..	{ Causes No.	39	52	55	60	146
	{ Amount £	16,938	5,673	10,300	3,923	7,654
Western Australia ..	{ Causes No.	174	288	195	205	272
	{ Amount £	28,890	54,339	40,119	34,207	37,495
Tasmania ..	{ Causes No.	145	246	474	525	548
	{ Amount £	14,507	13,651	28,952	30,127	42,624
Total ..	{ Causes No.	2,491	3,067	3,160	3,588	3,850
	{ Amount £	580,301	808,728	815,744	901,821	660,101

As stated previously the figures for New South Wales are exclusive of judgments signed, Supreme Court, the amounts thereof not being available.

3. **Divorces and Judicial Separations.**—The number of divorces and judicial separations in each State during the period 1920 to 1924 is shown below. The figures refer in the case of divorces to decrees made absolute in each year and include decrees for nullity of marriage.

DIVORCES AND JUDICIAL SEPARATIONS, 1920 TO 1924.

State.	1920.		1921.		1922.		1923.		1924.	
	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.
New South Wales ..	556	11	789	18	684	9	739	13	838	7
Victoria ..	373	2	388	1	376	2	429	2	407	1
Queensland ..	45	1	56	2	47	..	75	2	105	..
South Australia ..	32	2	88	1	76	..	90	..	77	..
Western Australia ..	128	..	119	..	110	1	101	..	89	..
Tasmania ..	18	..	40	..	33	..	29	..	20	..
Northern Territory ..	..	..	..	..	..	..	..	..	..	..
Total ..	1,152	16	1,480	22	1,326	12	1,463	17	1,536	8

The figures for Western Australia for the last four years have been considerably amended since last year, consequent on alterations in the Supreme Court returns.

The average annual number of divorces and judicial separations in Australia at decennial periods from 1871 to 1920 is as follows :—

DIVORCES AND JUDICIAL SEPARATIONS.—AUSTRALIA, 1871 TO 1920.

	1871-1880.	1881-90.	1891-1900.	1901-10.	1911-20.
Averages ..	29	70	358	401	707

For the last five years the average was 1,406.

The bulk of the divorces and judicial separations refer to New South Wales and Victoria, the Acts of 1899 and 1889 in the respective States having made the separation of the marriage tie comparatively easy. In some statistical works it is customary to compare the divorces in any year with the marriages in the same year. The comparison is, however, quite valueless, as there is no necessary connexion between the figures.

4. Probates.—The number of probates and letters of administration granted, together with the value of the estates concerned, are given below for each State for the period 1920 to 1924 :—

PROBATES AND LETTERS OF ADMINISTRATION, 1920 TO 1924.

State.		1920.	1921.	1922.	1923.	1924.
New South Wales ..	Number	5,737	5,461	5,681	6,281	6,410
	Value £	12,265,044	13,895,765	15,441,378	16,429,860	17,970,385
Victoria ..	Number	5,837	5,769	5,445	6,283	5,540
	Value £	14,672,239	12,554,865	12,641,263	15,070,725	12,831,268
Queensland ..	Number	1,027	1,130	1,002	1,073	922
	Value £	3,594,844	4,039,379	3,591,531	3,594,467	3,258,981
South Australia ..	Number	1,844	1,784	1,786	1,823	2,001
	Value £	3,831,914	3,115,106	3,683,202	4,043,547	4,065,615
Western Australia ..	Number	948	1,059	942	907	949
	Value £	1,438,192	1,854,099	979,214	1,358,846	1,639,479
Tasmania ..	Number	517	518	545	569	622
	Value £	1,095,536	1,207,252	1,211,764	1,283,638	1,281,006
Northern Territory ..	Number	(a)	10	27	19	26
	Value £	..	3,864	5,411	6,006	27,953
Total ..	Number	15,910	15,731	15,428	16,955	16,464
	Value £	36,897,769	36,670,330	37,553,763	41,787,089	41,074,687

(a) Not available.

5. Bankruptcies.—(i) General. The returns in bankruptcy during each of the last five years are given in the following table.

For several reasons comparisons drawn from these figures are of little value. In the first place, the statements of assets and liabilities are notably unsatisfactory, particularly in regard to the former. Then, again, there is wide dissimilarity in regard to the laws in force in the various States and the methods of procedure thereunder in connexion with bankruptcy. Further, there are no means of knowing how many persons in each State who were in a bankrupt condition made private arrangements with their creditors either personally or by intervention of a solicitor. The figures quoted in the table exclude private arrangements in Victoria, South Australia, and Western Australia, and the liquidations in Queensland and Tasmania.

BANKRUPTCIES, 1920 TO 1924.

State.		1920.	1921.	1922.	1923.	1924.
New South Wales ..	Number ..	344	394	481	668	668
	Liabilities £	204,594	311,900	440,856	659,314	742,079
	Assets £	139,550	166,457	251,185	282,657	303,215
Victoria ..	Number ..	186	300	322	414	520
	Liabilities £	154,658	180,044	349,118	323,540	504,678
	Assets £	53,229	92,048	189,016	152,802	311,290
Queensland..	Number ..	118	150	148	204	247
	Liabilities £	73,853	65,603	90,790	109,211	184,979
	Assets £	57,904	18,760	42,012	55,135	76,462
South Australia ..	Number ..	60	67	110	137	167
	Liabilities £	81,610	121,987	158,987	173,632	262,959
	Assets £	54,502	96,658	102,738	116,333	167,982
Western Australia ..	Number ..	25	30	36	41	44
	Liabilities £	46,331	43,044	36,510	50,449	36,488
	Assets £	41,875	35,899	16,961	24,018	23,388
Tasmania ..	Number ..	..	6	1	4	3
	Liabilities £	..	1,829	1,170	3,148	1,705
	Assets £	..	1,599	..	535	692
Northern Territory ..	Number ..	..	..	2	2	1
	Liabilities £	..	..	175	141	(a)
	Assets £	..	..	..	40	(a)
Total ..	Number ..	733	947	1,100	1,470	1,650
	Liabilities £	561,096	725,307	1,077,606	1,319,435	1,732,888
	Assets £	347,060	411,421	601,912	631,370	883,129

(a) Not stated.

(ii) *Deeds of Arrangement, etc.* The figures given above are, as explained, exclusive of private arrangements. For New South Wales the returns show that a composition was effected in 1 case only in 1924. In Victoria during 1924 the deeds of arrangement numbered 232, the declared liabilities and assets being £350,350 and £263,124 respectively. Liquidations under the Insolvency Act in Queensland numbered 15, the total liabilities and assets amounting to £29,141 and £17,892 respectively. In South Australia, 174 compositions were arranged during the year. Under the Bankruptcy Amendment Act of 1898, 13 compositions, 10 schemes of arrangement, and 69 deeds of assignment were made in Western Australia. In Tasmania, 23 liquidations involving liabilities £13,541 and assets £5,527, and 18 compositions with liabilities £4,448 and assets £1,074, were arranged during 1924.

6. *High Court of Australia.*—Under the provisions of section 71 of the Commonwealth Constitution Act, the judicial power of the Commonwealth is vested in a Federal Supreme Court, called the High Court of Australia, and in such other courts as the Parliament creates or invests with federal jurisdiction. The Federal High Court possesses both original and appellate jurisdiction. The powers of the Court are defined in Chapter III. of the Constitution Act and in the Judiciary Acts of 1903–20. At present the Court consists of a Chief Justice and six other judges. Sittings of the Court are held in the capitals of the various States as occasion may require. The following statement shows the transactions of the High Court for the quinquennium 1920–24 :—

COMMONWEALTH HIGH COURT.—TRANSACTIONS, 1920 TO 1924.

Items.	1920.	1921.	1922.	1923.	1924.
I. ORIGINAL JURISDICTION.					
Number of writs issued ..	123	155	183	82	88
Number of causes entered for trial ..	20	24	30	15	7
Verdicts for plaintiffs ..	6	13	6	5	4
Verdicts for defendants ..	5	4	9	1	1
Otherwise disposed of ..	31	22	61	9	2
Amount of judgments ..	£6,907	£15,403	£18,579	£5,525	£23,724
II. APPELLATE JURISDICTION.					
Number of appeals set down for hearing ..	65	68	96	72	101
Number allowed ..	20	31	39	27	39
Number dismissed ..	31	24	48	35	46
Otherwise disposed of ..	14	13	9	10	16
III. AMOUNT OF FEES COLLECTED.					
Amount in each year ..	£675	£742	£802	£586	£789

During the year 1924 the Court dealt also with other matters as follows :—

Appeals from Assessments under the Taxation Assessment Acts ..	13
Special cases stated for the opinion of the Full Court ..	20
Applications for Prohibition	2

7. **Commonwealth Court of Conciliation and Arbitration.**—A more or less detailed statement regarding the operation of this Court, which was established under the provisions of the Commonwealth Conciliation and Arbitration Act of 1904–26, will be found in Chapter XIII.

§ 6. Cost of Administration of Justice.

1. **Expenditure by the States.**—The table below shows the expenditure from Consolidated Revenue during each of the last five years in connexion with the administration of justice in each of the States. Expenditure on police and on prisons are given on separate lines. With regard to the figures quoted for "other" expenditure, a slight allowance has to be made for the fact that some extraneous expenditure has been included which it was found impossible to disentangle from the total, but the amount is in no instance large.

STATE EXPENDITURE ON JUSTICE, 1920 TO 1924.

State.		1920.	1921.	1922.	1923.	1924.
		£	£	£	£	£
New South Wales ..	{ Police	1,101,767	1,150,323	1,205,557	1,219,244	1,317,320
	{ Gaols	113,882	120,136	145,887	138,137	150,052
	{ Other	370,061	400,943	395,691	415,420	428,437
Victoria ..	{ Police	577,407	579,351	600,856	755,698	741,126
	{ Gaols	75,986	74,161	80,363	101,233	99,732
	{ Other	227,190	224,670	233,452	252,995	259,626
Queensland ..	{ Police	476,153	458,955	455,519	461,446	497,484
	{ Gaols	40,190	36,236	34,068	34,635	33,239
	{ Other	149,068	143,592	144,341	149,492	170,350
South Australia ..	{ Police	197,157	211,428	216,109	221,635	246,646
	{ Gaols	31,940	33,359	34,520	37,388	41,257
	{ Other	52,500	54,129	50,459	64,549	65,447
Western Australia ..	{ Police	186,717	184,245	181,893	185,945	193,461
	{ Gaols	30,417	28,715	27,440	26,102	25,970
	{ Other	97,779	89,987	91,605	99,250	92,816
Tasmania ..	{ Police	79,372	79,105	77,096	78,313	81,318
	{ Gaols	9,774	10,097	9,643	9,475	9,426
	{ Other	53,322	34,114	32,921	33,487	38,381
Northern Territory ..	{ Police	12,970	15,520	16,011	16,070	17,923
	{ Gaols	3,857	4,171	4,403	4,148	4,469
	{ Other	3,396	3,289	2,664	2,611	3,078
Total ..	{ Police	2,631,543	2,678,927	2,753,041	2,938,351	3,095,278
	{ Gaols	306,046	306,875	336,324	351,118	369,145
	{ Other	933,316	950,724	951,133	1,017,804	1,058,135

(a) See 2, Federal Expenditure, next page.

The rise in expenditure during the last few years was due chiefly to increases in wages and salaries and heavier outlay on stores and supplies.

For the purposes of comparison the figures in the table above have been reduced to a population basis, and the results are given in the table following :—

STATE EXPENDITURE ON JUSTICE—PER HEAD, 1920 TO 1924.

State.	1920.	1921.	1922.	1923.	1924.
	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>
New South Wales ..	Police 10 6	10 10	11 1	11 0	11 8
	Gaols 1 1	1 2	1 4	1 3	1 4
	Other 3 6	3 9	3 8	3 9	3 10
Victoria ..	Police 7 7	7 6	7 7	9 4	8 11
	Gaols 1 0	0 11	1 0	1 3	1 2
	Other 3 0	2 11	2 11	3 1	3 2
Queensland ..	Police 12 8	11 11	11 7	11 5	11 11
	Gaols 1 1	0 11	0 10	0 10	0 11
	Other 4 0	3 9	3 8	3 8	4 1
South Australia ..	Police 8 0	8 5	8 5	8 5	9 2
	Gaols 1 4	1 4	1 4	1 5	1 6
	Other 2 2	2 2	2 0	2 6	2 5
Western Australia ..	Police 11 3	11 0	10 7	10 6	10 7
	Gaols 1 10	1 9	1 7	1 6	1 5
	Other 5 11	5 4	5 4	5 7	5 1
Tasmania ..	Police 7 6	7 3	7 0	7 2	7 6
	Gaols 0 11	0 11	0 11	0 10	0 10
	Other 3 2	3 1	3 0	3 1	3 6
Northern Territory ..	Police 65 0	81 6	90 2	90 5	99 7
	Gaols 19 4	22 4	24 10	23 4	24 10
	Other 17 0	17 7	15 0	14 8	17 1
Total ..	Police 9 9	9 9	9 9	10 3	10 6
	Gaols 1 2	1 1	1 2	1 3	1 3
	Other 3 5	3 6	3 5	3 6	3 7

Owing to the smallness of the white population, large area to be policed, and cost of supplies, transport, etc., the figures for the Northern Territory must necessarily appear somewhat abnormal.

The total expenditure in connexion with the administration of justice in the various States has risen from 10s. per inhabitant in 1901 to 15s. 4d. in 1924. Police expenditure increased by 4s. 9d. per head, the average for gaols by 1d. per head, while the expenditure on courts and the remaining machinery of justice increased by 6d. per head during the period. Increased salaries and allowances, and the heavier cost of materials and equipment were largely responsible for the rise in the rate per head during the last few years.

2. Federal Expenditure.—(i) *High Court.* With the exception of that for the Northern Territory, the expenditure shown in the foregoing tables is that incurred by the State Governments only, and does not include expenditure in connexion with the Federal High Court, which is given hereunder for the period 1919–20 to 1924–25 :—

EXPENDITURE ON FEDERAL HIGH COURT, 1919–20 TO 1924–25.

Year.	Amount.	Year.	Amount.
	£		£
1919–20	34,370	1922–23	35,458
1920–21	34,669	1923–24	35,645
1921–22	33,776	1924–25	34,769

(ii) *Other Expenditure.* Other items of expenditure during 1924–25 by the Commonwealth Attorney-General's Department include—Secretary's office, £28,230; Crown Solicitor, £21,997; Court of Conciliation and Arbitration, £12,845; Public Service Arbitrator, £4,027; Investigation Branch, £9,184. Including the High Court expenditure, but excluding that in connexion with Patents and Copyright, the total expenditure by the federal law authorities in 1924–25 amounted to £123,417.