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## 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 1927 is given in the table hereunder. It may be mentioned that the police forces (with the exception of the small body of Commonwealth police maintained at the Federal Capital) 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, 1923 TO 1927.

State.	Area of State in Sq. Miles.	1923.	1924.	1925.	1926.	1927.
New South Wales ..	310,372	2,825	2,890	2,937	2,970	3,109
Victoria ..	87,884	1,251	1,810	1,875	1,963	1,977
Queensland ..	670,500	1,114	1,127	1,182	1,167	1,191
South Australia ..	380,070	599	616	632	642	716
Western Australia	975,920	502	523	532	537	541
Tasmania ..	26,215	240	241	240	245	246
Northern Territory	523,620	32	32	38	38	39
Fed. Cap. Territory	..	..	..	..	..	(a)13
<b>Total ..</b>	<b>2,974,581</b>	<b>6,563</b>	<b>7,239</b>	<b>7,436</b>	<b>7,562</b>	<b>7,832</b>

(a) Organization created in September, 1927.

The figures for New South Wales for 1927 are exclusive of 31 "black trackers," i.e., natives employed in detection of offenders chiefly in outlying districts, and 4 female searchers. For Queensland the figures exclude 60 native trackers and 1 female searcher; for South Australia 9 "black trackers" and 1 female searcher, and for the Northern Territory 26 "black trackers." There are also 40 "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 10, Western Australia 5, and Tasmania 1. Their work is mainly preventive, and the importance and usefulness of their duties have been referred to in very high terms by the Commissioners of Police.

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, 1923 TO 1927.

State.	Number of Persons per Sq. Mile, 1921 Census.	Inhabitants to each Police Officer.				
		1923.	1924.	1925.	1926.	1927.
New South Wales ..	6.80	777	772	776	783	763
Victoria ..	17.42	1,285	907	891	864	874
Queensland ..	1.13	720	732	720	750	749
South Australia ..	1.30	864	860	861	871	798
Western Australia ..	0.34	694	687	691	698	712
Tasmania ..	8.15	897	891	889	862	854
Northern Territory	..	113	113	97	99	109
Fed. Cap. Territory	..	..	..	..	..	565
<b>Total ..</b>	<b>1.83</b>	<b>867</b>	<b>802</b>	<b>798</b>	<b>800</b>	<b>788</b>

As explained previously, the figures for Victoria for the year 1923 are abnormal, but, with the exception of that year, the rate of protection maintained for Australia as a whole has remained fairly constant.

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 1927 no less than 71 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 for the year ended June, 1928, nearly 161,000 hours were devoted to carrying out work 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 1923 to 1927, are given in the following table :—

## POLICE FORCES.—COST, 1923 TO 1927.

State.	1923.	1924.	1925.	1926.	1927.
TOTAL.					
	£	£	£	£	£
New South Wales .. .. .	1,219,244	1,317,320	1,331,978	1,370,659	1,512,523
Victoria .. .. .	755,698	741,126	768,939	840,653	857,306
Queensland .. .. .	461,446	497,484	554,879	563,391	571,706
South Australia .. .. .	221,635	246,646	250,915	263,857	275,844
Western Australia .. .. .	185,945	193,461	216,798	224,690	227,106
Tasmania .. .. .	78,313	81,318	84,340	88,725	91,704
Northern Territory .. .. .	16,070	17,923	19,004	19,656	16,159
Total .. .. .	2,938,351	3,095,278	3,226,853	3,371,631	3,552,348
PER HEAD OF POPULATION.					
	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>
New South Wales .. .. .	11 0	11 8	11 7	11 9	12 9
Victoria .. .. .	9 4	8 11	9 2	9 11	9 11
Queensland .. .. .	11 5	11 11	12 11	12 11	12 10
South Australia .. .. .	8 5	9 2	9 1	9 5	9 8
Western Australia .. .. .	10 6	10 7	11 8	12 0	11 10
Tasmania .. .. .	7 2	7 6	7 9	8 5	8 9
Northern Territory .. .. .	90 5	99 7	104 0	104 5	76 4
Total .. .. .	10 3	10 6	10 9	11 2	11 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 1927 includes £165,200 payment to the Police Superannuation Fund. Similar payments in Victoria and Queensland amount to £136,000 and £43,500 respectively.

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. Amongst other matters discussed at the Hobart Conference in 1927, particular attention was given to the subject of traffic regulation in view of the large and increasing number of motor vehicles. The Conference was held at Melbourne in 1928.

## § 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 States' 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, and to actions arising out of torts or contracts. 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 1923 to 1927 :—

MAGISTRATES' COURTS.—PERSONS CHARGED, 1923 TO 1927.

State.	1923.	1924.	1925.	1926.	1927.
New South Wales ..	104,519	98,101	102,377	116,675	124,030
Victoria ..	67,112	68,494	73,346	75,556	67,276
Queensland ..	25,956	24,017	28,684	29,196	30,479
South Australia ..	14,321	15,812	20,651	23,637	25,455
Western Australia ..	10,182	10,679	11,358	12,335	13,325
Tasmania ..	8,479	8,001	7,035	7,848	7,309
Northern Territory ..	154	204	180	142	317
Total ..	230,723	225,308	243,631	265,389	268,191

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. Thus, the considerable increase in the total offences in New South Wales for the year 1926 was due chiefly to the large number of charges under the Traffic Act, the total recorded in 1926 being 20,594 as compared with 11,895 in 1925.

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 1923 to 1927 is, therefore, given hereunder. A separate line is added showing the committals to higher courts.

MAGISTRATES' COURTS.—CONVICTIONS AND COMMITTALS, 1923 TO 1927.

State.		1923.	1924.	1925.	1926.	1927.
New South Wales ..	Convictions	88,864	83,019	85,970	100,644	107,657
	Committals	2,654	2,327	1,806	1,832	1,895
Victoria ..	Convictions	53,183	54,376	58,879	60,728	53,612
	Committals	634	602	744	761	774
Queensland ..	Convictions	23,072	21,476	26,148	26,815	28,763
	Committals	341	233	326	328	337
South Australia ..	Convictions	12,647	13,790	18,556	21,417	22,876
	Committals	193	176	181	299	301
Western Australia ..	Convictions	8,985	9,534	10,047	11,105	12,114
	Committals	92	92	91	87	84
Tasmania ..	Convictions	7,601	7,271	6,415	7,200	6,766
	Committals	78	59	95	99	72
Northern Territory	Convictions	117	145	121	129	287
	Committals	3	5	..	2	6
Total ..	Convictions	194,469	189,611	206,136	228,038	232,075
	Committals	3,995	3,494	3,243	3,408	3,469

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 from 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, 1923 TO 1927.**

State.	1923.	1924.	1925.	1926.	1927.
<b>TOTAL.</b>					
New South Wales ..	7,543	7,210	7,543	9,340	10,132
Victoria ..	3,188	2,815	3,044	3,249	3,588
Queensland ..	2,021	1,881	2,274	2,608	2,712
South Australia ..	883	724	864	872	1,017
Western Australia ..	930	941	1,108	1,177	1,163
Tasmania ..	637	549	550	607	551
Northern Territory ..	17	25	5	22	7
<b>Total ..</b>	<b>15,219</b>	<b>14,145</b>	<b>15,388</b>	<b>17,875</b>	<b>19,170</b>

**PER 10,000 OF THE POPULATION.**

New South Wales ..	34.4	32.3	33.1	41.8	42.7
Victoria ..	19.8	17.1	18.2	19.1	20.8
Queensland ..	25.2	22.8	26.7	29.8	30.5
South Australia ..	17.1	13.7	15.9	15.6	17.8
Western Australia ..	26.7	26.2	30.1	31.4	30.2
Tasmania ..	29.6	25.6	25.8	28.7	26.2
Northern Territory ..	47.1	69.4	13.6	58.4	16.5
<b>Total ..</b>	<b>26.8</b>	<b>24.4</b>	<b>25.9</b>	<b>29.6</b>	<b>31.1</b>

6. **Decrease in Serious Crime, 1881 to 1927.**—(i) *Rate of Convictions.* The figures quoted in the preceding table show that during the last five years the rate of serious crime has increased, but if the comparison be carried back to 1881 the position is seen to be 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 1927. 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 1927.**

Year.	Convictions. per 10,000 Persons.
1881 .. ..	69.3
1891 .. ..	44.8
1901 .. ..	29.1
1921 .. ..	29.2
1927 .. ..	31.1

The figures already quoted refer to total convictions, and in respect of individuals necessarily involve a considerable amount of duplication, especially as regards the less important 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 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 1923 to 1927 will be found in the following table:—

DRUNKENNESS.—CASES AND CONVICTIONS, 1923 TO 1927.

State.	1923.		1924.		1925.		1926.		1927.	
	Cases.	Convictions.	Cases.	Convictions.	Cases.	Convictions.	Cases.	Convictions.	Cases.	Convictions.
New South Wales	33,118	32,938	31,468	31,260	30,669	30,160	31,922	31,361	33,011	32,649
Victoria . . .	10,131	6,207	9,814	6,033	9,430	5,767	10,150	6,461	10,793	7,050
Queensland . . .	12,376	11,832	11,458	11,005	13,020	12,475	12,713	12,650	12,829	12,657
South Australia . . .	4,512	4,496	4,972	4,961	5,830	5,795	6,050	6,029	5,925	5,913
Western Australia	3,198	3,165	3,259	3,231	3,149	3,131	3,318	3,299	3,904	3,881
Tasmania . . .	506	501	473	404	364	361	333	330	313	303
Northern Territory	37	37	43	39	44	44	68	68	108	108
Total . . .	63,878	59,176	61,487	56,993	62,506	57,733	64,554	60,198	66,883	62,561

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 1923 to 1927 are given hereunder :—

**DRUNKENNESS.—CONVICTIONS PER 10,000 INHABITANTS, 1923 TO 1927.**

State.	1923.	1924.	1925.	1926.	1927.
New South Wales .. ..	148.9	140.0	132.3	134.8	137.2
Victoria .. ..	38.2	36.7	34.5	39.1	40.8
Queensland .. ..	145.9	133.4	146.5	144.5	141.9
South Australia .. ..	85.7	93.7	106.5	107.9	103.5
Western Australia .. ..	89.5	99.3	85.0	88.0	100.8
Tasmania .. ..	22.9	21.6	16.9	15.6	14.4
Northern Territory .. ..	104.1	108.2	119.5	180.6	255.1
Total .. ..	102.9	98.7	97.3	99.5	101.4

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 1924–28 :—

**INTOXICANTS, CONSUMPTION:—AUSTRALIA, 1924 TO 1928.**

Year.	Consumption per Head of Population.		
	Spirits.	Wine.	Beer.
	Imp. Galls.	Imp. Galls.	Imp. Galls.
1923–24 .. ..	0.43	0.50	11.08
1924–25 .. ..	0.43	0.50	11.15
1925–26 .. ..	0.44	0.50	11.34
1926–27 .. ..	0.41	0.50	11.56
1927–28 .. ..	0.40	0.50	11.44

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 Acts 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 Act 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, 1913, 1924, and 1925; 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, Queensland, Western Australia, Tasmania, and New Zealand, 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 1923 to 1927, with the rate of such committals per 10,000 of the population :—

COMMITTALS TO SUPERIOR COURTS, 1923 TO 1927.

State.		1923.	1924.	1925.	1926.	1927.
New South Wales	No.	2,654	2,327	1,806	1,832	1,895
	Rate	12.1	10.4	7.9	7.9	8.0
Victoria	No.	634	602	744	761	774
	Rate	3.9	3.7	4.5	4.5	4.5
Queensland	No.	341	233	326	328	337
	Rate	4.2	2.8	3.8	3.7	3.8
South Australia	No.	193	176	181	299	301
	Rate	3.7	3.3	3.3	5.4	5.3
Western Australia	No.	92	92	91	87	84
	Rate	2.6	2.6	2.5	2.3	2.2
Tasmania	No.	78	59	95	99	72
	Rate	3.6	2.7	4.4	4.7	3.4
Northern Territory	No.	3	5	..	2	6
	Rate	8.3	13.9	..	5.3	14.2
Total	No.	3,995	3,494	3,243	3,408	3,469
	Rate	7.0	6.0	5.5	5.6	5.6

(ii) *Decrease in Rate since 1861.* The figures in the preceding table show that the rate of committals for serious crime has decreased by about 20 per cent. during the last five years, but if the comparison be carried further back, it will be found that there has been a very 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 1927.

Year	1861.	1871.	1881.	1891.	1901.	1911.	1921.	1927.
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 1923 to 1927 :—

#### SUPERIOR COURTS.—CONVICTIONS, 1923 TO 1927.

State.		1923.	1924.	1925.	1926.	1927.
New South Wales	No.	1,059	1,002	(a)1,060	(b)744	877
	Rate	4.8	4.5	(c)3.1	3.2	3.7
Victoria	No.	400	401	510	461	474
	Rate	2.5	2.4	3.1	2.7	2.7
Queensland	No.	278	222	234	269	259
	Rate	3.5	2.7	2.7	3.1	2.9
South Australia	No.	120	104	123	174	196
	Rate	2.3	2.0	2.3	3.1	3.4
Western Australia	No.	80	64	67	64	61
	Rate	2.3	1.8	1.8	1.7	1.6
Tasmania	No.	56	53	66	69	37
	Rate	2.6	2.5	3.1	3.3	1.8
Northern Territory	No.	2	1	2	..	..
	Rate	5.5	2.8	5.4	..	..
Total	No.	1,995	1,847	2,062	1,781	1,904
	Rate	3.5	3.2	2.7	2.9	3.1

(a) Eighteen months ended 30th June, 1926.

(b) Year ended 30th June following.

(c) Equivalent annual rate.

The rate in 1901 was 4.6 per 10,000, and the decrease to the end of 1927 was, therefore, about 32 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 Victoria; 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 1923 to 1927. 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, 1923 TO 1927.**

Offences.	1923.	1924.	1925.	1926.	1927.
Murder, and attempts at ..	15	21	31	24	30
Manslaughter .. .. .	15	13	10	13	15
Rape, and attempts at ..	9	5	8	15	14
Other offences against females ..	130	100	120	125	130
"    "    "    the person	246	217	253	235	224
Total .. .. .	415	356	422	412	413

The total convictions for similar offences in 1901 amounted to 432, the decline during the period 1901 to 1927 amounting, therefore, to about 4 per cent. Stated according to the proportion per 10,000 of mean population, the rate in 1927 amounted to 0.67, as compared with a rate of 1.14 in 1901, the decrease for the period amounting, therefore, to over 41 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 30th June, 1927, there were 50 persons in prison under this Act. Since the passing of the Act, 158 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, 1928, 1,285 individual prisoners have been detained under its provisions. Of the 1,112 who were released on probation, 432 were reconvicted or returned, 402 had completed probation or not offended again so far as known, and 278 were reporting on parole or probation. The Report of the Indeterminate Sentences Board states that, allowing for those who were recommitted as a precautionary measure while in the indeterminate stage, as well as for those who were convicted on some minor charge after many years of freedom, the percentage of successful results approximates 61. It is claimed that this figure compares favourably with that obtained under the Borstal system in England. Section 516 of the Crimes Act provides for the application of the indeterminate sentence under prescribed conditions to persons who have been convicted on three occasions at Courts of Petty Sessions. The section is seldom applied, but it is believed that it could be employed with advantage in many cases not only so far as the offenders themselves are concerned, but in the interests of the public.

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 1926, 18 prisoners had been declared habitual criminals, of whom 4 had completed the definite portion of their sentence, all being in Brisbane prison. Two habituals were discharged in 1925.

The provisions of the Habitual Criminals Amendment Act of 1907 were put into force in South Australia in 1909, and 25 criminals had been declared to be habitual offenders up to the end of 1927. Of these, 24 had been released after serving the indeterminate portion of their sentences. 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, 1928, was 32, and the total number dealt with since the passing of the Act was 219. 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 Indeterminate Sentences Act came into operation during 1924, and at the 30th June, 1928, the number in confinement under its provisions was 21. Out of the 5 discharged, 1 was again convicted, 1 was sent to the Mental Diseases Hospital, and 3 were apparently earning an honest livelihood.

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 Sentences 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.

According to the Report of the English Prison Commissioners for the year 1925, however, the main value of preventive detention was considered to lie in the protection of the public rather than in the hope of any widespread reformation in the ranks of the professional criminal.

4. **Capital Punishment.**—The table below gives the number of executions in each State during the period 1923 to 1927:—

**EXECUTIONS, 1923 TO 1927.**

State.	1923.	1924.	1925.	1926.	1927.
New South Wales .. .. .	..	2	..	..	..
Victoria .. .. .	..	1	..	..	..
Queensland .. .. .	..	..	..	..	..
South Australia .. .. .	..	..	..	..	2
Western Australia .. .. .	..	..	..	3	1
Tasmania .. .. .	..	..	..	..	..
Total .. .. .	..	3	..	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 less than 2.

### § 4. Prisons.

1. **Prison Accommodation and Prisoners, 1927.**—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 1927 :—

PRISON ACCOMMODATION AND PRISONERS, 1927.

State.	Number of Prisons.	Accommodation in—		Prisoners at End of Year.
		Separate Cells.	Wards.	
New South Wales .. .. .	25	(a)2,192	..	1,682
Victoria .. .. .	14	1,270	410	883
Queensland .. .. .	7	551	86	353
South Australia .. .. .	14	623	420	312
Western Australia .. .. .	21	678	708	221
Tasmania .. .. .	1	129	..	85
Northern Territory .. .. .	3	..	61	6
<b>Total</b> .. .. .	<b>85</b>	<b>5,443</b>	<b>1,685</b>	<b>3,542</b>

(a) Total accommodation.

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

2. **Prisoners in Gaol, 1923 to 1927.**—The number of prisoners in gaol at the 31st December in each of the years 1923 to 1927 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, 1923 TO 1927.

State.		1923.	1924.	1925.	1926.	1927.
New South Wales .. .. .	Number ..	1,339	1,411	1,404	1,429	1,682
	Proportion ..	6.1	6.3	6.2	6.1	7.0
Victoria .. .. .	Number ..	765	749	894	915	883
	Proportion ..	4.8	4.6	5.3	5.4	5.1
Queensland .. .. .	Number ..	279	230	295	366	353
	Proportion ..	3.5	2.8	3.5	4.2	4.0
South Australia .. .. .	Number ..	267	250	280	326	312
	Proportion ..	5.2	4.7	5.1	5.8	5.5
Western Australia .. .. .	Number ..	226	201	219	208	221
	Proportion ..	6.5	5.6	5.9	5.5	5.7
Tasmania .. .. .	Number ..	79	74	94	81	85
	Proportion ..	3.7	3.4	4.4	3.8	4.0
Northern Territory .. .. .	Number ..	2	13	5	2	6
	Proportion ..	5.5	36.1	13.6	5.3	14.2
<b>Total</b> .. .. .	<b>Number ..</b>	<b>2,957</b>	<b>2,928</b>	<b>3,191</b>	<b>3,327</b>	<b>3,542</b>
	<b>Proportion</b>	<b>5.2</b>	<b>5.0</b>	<b>5.4</b>	<b>5.5</b>	<b>5.7</b>

The proportion to population of prisoners in gaol under sentence has risen slightly in 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 appeared in the earlier Year Books, 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 1926-7 the value of the prisoners' labour amounted to £86,000, 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. Both of these institutions have given very satisfactory results. The total area set apart for afforestation is 3,380 acres, of which about two-thirds have been planted. About 200,000 pine seedlings were raised in 1926, and over 2,000,000 trees, some exceeding 50 feet in height, are flourishing. The Department receives the benefit of advice and assistance from the Forestry Commission, and has opened another large area at Mila, Bombala, where younger prisoners will be accommodated. 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. It is found also that many persons who commit crimes are mentally unbalanced, and need curative rather than punitive treatment. Careful investigation of the mental condition of all prisoners is conducted at the observation ward in the Penitentiary.

Amongst other improvements introduced during the last few years were the relieving of the monotony of the 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 24,000 volumes. Prisoners are encouraged to take up courses of study likely to be of service to them on their discharge, writing materials are provided, and, within reason, the text-books required are purchased for their use. Tutorial classes for young prisoners have been instituted, and the results so far have been very encouraging. 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. Fine work is being done by the chaplains and sisters of the various religious bodies, including the Salvation Army.

(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 very few of the prisoners in this class discharged from Pentridge 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. Text books, dictionaries, and books of reference are supplied on loan within reason to prisoners who desire to use them. An afforestation camp known as McLeod Settlement, French Island, was opened in 1916, and at the 30th June, 1928, there were 42 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 14 inmates, while others are taken to and fro daily. The number in confinement at the 30th June, 1928, was 86. 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 farming, carpentering and other work which will help in securing employment for prisoners on release.

The results of intelligence tests carried out 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. Up to the 31st December, 1927, out of a total of 311 inmates examined about 65 per cent. were found to be sub-normal.

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.

As mentioned previously, 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 reformatory 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 later 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. The Comptroller-General, in his Report for the year 1926, draws attention 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 prisoners are graded into three classes—first offenders, second offenders, and old offenders, the various classes being kept apart. Declared inebriates under “The Convicted Inebriates Act 1913” are as a rule received at the Adelaide Gaol and thence transferred to the institution at Gladstone. During the year 1924 new regulations were introduced chiefly with a 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. Under the amending Prisons Act of 1924, prisoners who have completed not less than half their sentences may apply for conditional release. Up to the end of 1927, a total of 46 prisoners had been so released, of whom 7 had their certificates revoked. Special district probation officers have been appointed, who visit and assist all persons released on probation.

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. Provision is also made for the appointment of an Indeterminate Sentences Board, and conditions are laid down under which prisoners may be released on probation or parole. A State Prison Farm has been established on a site at Pardelup and good conduct prisoners may be transferred there from Fremantle. The farm covers an area of 3,300 acres and the first inmates were transferred thereto in 1927. At the 30th June, 1928, there were 25 inmates, and it is proposed shortly to increase the number to 32.

The Prison Gate Committee affords assistance to discharged prisoners by finding work and helping in other ways.

(vi) *Tasmania.* The number of prisoners in gaol under sentence at the end of 1927 was 81. 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. A considerable amount of useful work amongst discharged prisoners is carried out by the Prisoners’ Aid Society.

(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. In the Prisons Report for New South Wales for the year 1925 the Visiting Surgeon to the State Penitentiary remarks: “The majority of cases that have come under my observation this year are undoubtedly persons below the normal standard of mentality, and the question always arises, are they mentally responsible or no?” Attention is also drawn to the fact that many adult criminals are mentally and morally under the age of discretion. Intelligence tests conducted at the Pentridge Gaol, Melbourne, in 1924–25 showed a percentage of 61 in the sub-normal stage.



§ 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, 1923 TO 1927.

State.		1923.	1924.	1925.	1926.	1927.
New South Wales ..	{ Cases No.	48,760	53,997	70,798	77,365	84,740
	{ Amount £	198,558	220,442	249,418	288,735	336,058
Victoria ..	{ Cases No.	58,502	73,264	82,589	90,299	97,993
	{ Amount £	413,417	497,833	552,788	611,528	653,548
Queensland ..	{ Cases No.	18,329	17,607	17,226	18,255	18,903
	{ Amount £	155,314	178,018	189,742	218,742	247,297
South Australia ..	{ Cases No.	25,839	29,101	33,650	36,113	37,820
	{ Amount £	142,217	182,930	197,924	209,658	243,259
Western Australia ..	{ Cases No.	16,649	18,705	21,029	21,626	23,652
	{ Amount £	76,208	91,100	97,415	118,044	123,652
Tasmania ..	{ Cases No.	7,879	7,950	10,332	10,248	8,967
	{ Amount £	57,014	62,234	73,415	76,272	64,906
Total ..	{ Cases No.	175,958	200,624	235,624	253,906	272,075
	{ Amount £	1,042,728	1,232,557	1,360,702	1,522,979	1,668,720

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 1923 to 1927.

The New South Wales returns refer to the total amounts of judgments 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, 1923 TO 1927.

State.		1923.	1924.	1925.	1926.	1927.
New South Wales ..	{ Causes No.	1,557	1,618	1,563	1,786	1,885
	{ Amount £	578,774	259,327	257,211	274,605	298,052
Victoria ..	{ Causes No.	996	1,041	1,032	1,076	1,049
	{ Amount £	237,145	303,140	341,184	330,647	389,482
Queensland ..	{ Causes No.	245	225	242	274	258
	{ Amount £	17,645	9,861	13,114	16,168	15,346
South Australia ..	{ Causes No.	60	146	174	178	198
	{ Amount £	3,923	7,654	64,821	56,664	36,780
Western Australia ..	{ Causes No.	205	272	300	320	422
	{ Amount £	34,207	87,495	87,653	53,573	92,072
Tasmania ..	{ Causes No.	525	548	634	611	614
	{ Amount £	30,127	42,624	26,667	24,914	28,777
Total ..	{ Causes No.	3,588	3,850	3,945	4,245	4,426
	{ Amount £	901,821	710,101	790,650	756,571	860,509

3. **Divorces and Judicial Separations.**—The number of divorces and judicial separations in each State during the period 1923 to 1927 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, 1923 TO 1927.**

State.	1923.		1924.		1925.		1926.		1927.	
	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.
New South Wales .. ..	739	13	838	7	1,071	11	834	12	1,068	20
Victoria .. ..	426	2	399	2	445	1	466	2	513	12
Queensland .. ..	75	2	105	..	85	2	99	1	64	..
South Australia .. ..	90	..	77	..	85	..	71	1	97	..
Western Australia .. ..	101	..	89	..	121	..	127	..	103	..
Tasmania .. ..	29	..	20	..	37	..	34	..	51	..
Northern Territory .. ..	..	..	..	..	..	..	..	..	..	..
Total .. ..	1,460	17	1,528	9	1,844	14	1,631	16	1,896	22

The average annual number of divorces and judicial separations in Australia at decennial periods from 1871 to 1920 and during the septennium 1921–27 was as follows :—

**DIVORCES AND JUDICIAL SEPARATIONS.—AUSTRALIA, 1871 TO 1927.**

	1871–1880.	1881–90.	1891–1900.	1901–10.	1911–20.	1921–27.
Averages	29	70	358	401	707	1,614.

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 a 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.**—Information in regard to probates and letters of administration will be found under § 8, Chapter VIII. Finance.

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. The figures quoted in the table exclude private arrangements in Victoria, South Australia, and Western Australia, and the liquidations and compositions in Queensland and Tasmania.

## BANKRUPTCIES, 1923 TO 1927.

State.		1923.	1924.	1925.	1926.	1927.
New South Wales	Number ..	570	668	578	647	765
	Liabilities £	659,314	742,079	878,708	736,149	770,992
	Assets £	282,657	303,315	438,796	353,028	358,668
Victoria	Number ..	414	520	563	683	723
	Liabilities £	323,540	504,678	446,438	493,428	741,540
	Assets £	152,602	311,290	249,251	224,316	509,289
Queensland	Number ..	204	247	275	267	275
	Liabilities £	109,211	184,979	170,053	207,061	214,604
	Assets £	55,185	76,462	100,259	94,795	127,624
South Australia	Number ..	137	167	161	213	233
	Liabilities £	173,632	262,959	344,542	341,113	363,037
	Assets £	116,333	167,982	236,713	195,594	232,942
Western Australia	Number ..	41	44	44	60	51
	Liabilities £	50,449	36,488	37,962	51,451	64,700
	Assets £	24,018	23,388	11,219	37,785	54,864
Tasmania	Number ..	7	3	7	7	2
	Liabilities £	7,685	1,705	8,577	6,867	827
	Assets £	4,337	692	3,460	1,394	35
Northern Territory	Number ..	2	1	..	1	..
	Liabilities £	141	(a)	..	(a)	..
	Assets £	40	(a)	..	(a)	..
Total	Number ..	1,375	1,650	1,628	1,878	2,049
	Liabilities £	1,323,972	1,732,888	1,886,280	1,836,069	2,155,700
	Assets £	635,172	883,129	1,039,698	906,912	1,283,422

(a) Not stated.

As pointed out in (iii) hereunder jurisdiction in bankruptcy has now been taken over by the Commonwealth.

(ii) *Deeds of Arrangement, etc.* The figures given above are, as explained, exclusive of private arrangements. For New South Wales the returns show that no compositions were effected in 1926. In Victoria during 1927 the deeds of arrangement numbered 216, the declared liabilities and assets being £387,079 and £321,982 respectively. Liquidations under the Insolvency Act in Queensland numbered 25, the total liabilities and assets amounting to £52,916 and £56,270 respectively. In South Australia, 260 compositions were arranged during the year. Under the Bankruptcy Amendment Act of 1898, 2 compositions, 19 schemes of arrangement, and 77 deeds of assignment were made in Western Australia, but particulars regarding the liabilities and assets involved are not available. In Tasmania, 34 liquidations, involving liabilities £27,089 and assets £24,833, and 21 compositions, involving liabilities £9,228 and assets £2,439, were arranged during 1927.

(iii) *Bankruptcy Act (Commonwealth) 1924-27.* This Act provides for the transfer of jurisdiction in bankruptcy to the Commonwealth, and the necessary rules and proclamation of bankruptcy districts thereunder were issued in January 1928. Each State, with the exception of Queensland, where there are three districts, has been proclaimed a single "Bankruptcy District." The rules, which number 400, will replace all the existing insolvency rules and regulations throughout Australia, which number nearly 1,700.

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 1903-27. At present the Court

consists of a Chief Justice and five 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 1923-27 :—

**COMMONWEALTH HIGH COURT.—TRANSACTIONS, 1923 TO 1927.**

Items.	1923.	1924.	1925.	1926.	1927.
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**I. ORIGINAL JURISDICTION.**

Number of writs issued .. ..	82	88	138	160	140
Number of causes entered for trial .. ..	15	7	21	25	36
Verdicts for plaintiffs .. ..	5	4	8	6	22
Verdicts for defendants .. ..	1	1	3	6	5
Otherwise disposed of .. ..	9	2	10	13	9
Amount of judgments .. ..	£5,525	£23,724	£11,810	£6,018	£11,256

**II. APPELLATE JURISDICTION.**

Number of appeals set down for hearing	72	101	76	80	80
Number allowed .. ..	27	39	24	36	27
Number dismissed .. ..	35	46	34	38	38
Otherwise disposed of .. ..	10	16	18	6	15

**III. AMOUNT OF FEES COLLECTED.**

Amount in each year .. ..	£586	£789	£1,185	£1,057	£872
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During the year 1927 the Court dealt also with other matters as follows :—

Appeals from Assessments under the Taxation Assessment Acts ..	22
Special cases stated for the opinion of the Full Court .. ..	6
Applications for Prohibition .. ..	1

**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, 1923 TO 1927.

State.		1923.	1924.	1925.	1926.	1927.
		£	£	£	£	£
New South Wales ..	Police	1,219,244	1,317,320	1,331,978	1,370,659	1,512,523
	Gaols	138,137	150,052	162,411	174,902	182,990
	Other	415,420	428,437	428,726	444,295	482,924
Victoria ..	Police	755,698	741,126	768,939	840,653	857,306
	Gaols	101,233	99,732	117,577	114,397	111,502
	Other	252,995	259,626	265,748	285,321	292,430
Queensland ..	Police	461,446	497,484	554,879	563,391	571,706
	Gaols	34,635	38,239	39,874	44,255	38,614
	Other	149,492	170,350	190,495	175,264	179,989
South Australia ..	Police	221,635	246,646	250,915	263,857	275,844
	Gaols	37,388	41,257	46,240	49,165	47,106
	Other	64,549	65,447	70,431	68,805	73,081
Western Australia	Police	185,945	193,461	216,798	224,690	227,106
	Gaols	26,102	25,970	25,989	28,079	26,681
	Other	99,250	92,816	97,364	108,351	108,934
Tasmania ..	Police	78,313	81,318	84,340	88,725	91,704
	Gaols	9,475	9,426	9,446	10,858	11,176
	Other	33,487	38,381	37,680	37,001	26,817
Northern Territory (a)	Police	16,070	17,923	19,004	19,656	16,159
	Gaols	4,148	4,469	4,432	4,746	4,926
	Other	2,611	3,078	3,226	3,359	4,019
Total ..	Police	2,938,351	3,095,278	3,226,853	3,371,631	3,552,348
	Gaols	351,118	369,145	405,969	426,402	422,995
	Other	1,017,804	1,058,135	1,093,670	1,122,396	1,168,194

(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, 1923 TO 1927.

State.		1923.	1924.	1925.	1926.	1927.
		s. d.	s. d.	s. d.	s. d.	s. d.
New South Wales ..	Police	11 0	11 8	11 7	11 9	12 9
	Gaols	1 3	1 4	1 5	1 6	1 7
	Other	3 9	3 10	3 9	3 10	4 1
Victoria ..	Police	9 4	8 11	9 2	9 11	9 11
	Gaols	1 3	1 2	1 5	1 4	1 3
	Other	3 1	3 2	3 2	3 4	3 5
Queensland ..	Police	11 5	11 11	12 11	12 11	12 10
	Gaols	0 10	0 11	0 11	1 0	0 10
	Other	3 8	4 1	4 5	4 0	4 0
South Australia ..	Police	8 5	9 2	9 1	9 5	9 8
	Gaols	1 5	1 6	1 8	1 9	1 8
	Other	2 6	2 5	2 7	2 6	2 7
Western Australia ..	Police	10 6	10 7	11 8	12 0	11 10
	Gaols	1 6	1 5	1 5	1 6	1 5
	Other	5 7	5 1	5 3	5 9	5 8
Tasmania ..	Police	7 2	7 6	7 9	8 5	8 9
	Gaols	0 10	0 10	0 10	1 0	1 1
	Other	3 1	3 6	3 6	3 6	2 7
Northern Territory (a) ..	Police	90 5	99 7	104 0	104 5	76 4
	Gaols	23 4	24 10	24 3	25 2	23 3
	Other	14 8	17 1	17 8	17 10	19 0
Total ..	Police	10 3	10 6	10 9	11 2	11 6
	Gaols	1 3	1 3	1 4	1 5	1 4
	Other	3 6	3 7	3 8	3 9	3 9

(a) See 2 below.

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 16s. 7d. in 1927. Police expenditure increased by 5s. 9d. per head, the average for gaols by 2d. per head, while the expenditure on courts and the remaining machinery of justice increased by 8d. 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 1922–23 to 1927–28 :—

EXPENDITURE ON FEDERAL HIGH COURT, 1922–23 TO 1927–28.

Year.				Amount.	Year.				Amount.
				£					£
1922–23	..	..	..	35,458	1925–26	..	..	..	35,500
1923–24	..	..	..	35,645	1926–27	..	..	..	36,494
1924–25	..	..	..	34,769	1927–28	..	..	..	35,010

(ii) *Total Expenditure.* Other items of expenditure during 1927–28 by the Commonwealth Attorney-General's Department include—Secretary's office, £17,337; Crown Solicitor, £28,626; Court of Conciliation and Arbitration, £26,775; Public Service Arbitrator, £4,368; Investigation Branch, £10,769. Including the High Court expenditure but excluding that in connexion with Patents and Copyright, the total expenditure by the federal law authorities in 1927–28 amounted to £179,027.