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CHAPTER VII.

PUBLIC JUSTICE.

§ 1. Police.

1. **General.**—In early issues of the Year Book (*see* No. 4, p. 918) 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.

2. **Strength of Police Force.**—(i) *General.* The strength of the police force in each State during the five years ended 1935 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 in the Northern Territory and 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.

State or Territory.	Area of State in Sq. Miles.	1931.	1932.	1933.	1934.	1935.
New South Wales ..	309,432	3,653	3,590	3,600	3,600	3,593
Victoria ..	87,884	2,107	2,121	2,148	2,170	2,247
Queensland (a) ..	670,500	1,258	1,262	1,275	1,320	1,325
South Australia (a)	380,070	742	740	762	766	817
Western Australia (a)	975,920	573	550	559	583	592
Tasmania (a) ..	20,215	261	264	260	281	284
Northern Territory(a)	523,620	40	40	40	41	41
Fed. Cap. Territory	940	13	13	13	14	14
Total ..	2,974,581	8,647	8,580	8,657	8,775	8,913

(a) 30th June of year following.

The figures for New South Wales for 1935 are exclusive of 14 "black trackers," i.e., natives employed in detection of offenders chiefly in outlying districts, and 5 matrons, while the Victorian returns are exclusive of 3 matrons and 2 black trackers. For Queensland the figures exclude 40 native trackers, for South Australia 2 black trackers and 3 wardresses, and for the Northern Territory 34 black trackers. There are also 38 black trackers and 2 female searchers in Western Australia not included in the table. According to the returns, women police are employed in all the States, the respective numbers included in the above table being:—New South Wales 8, Victoria 7, Queensland 2, South Australia 14, Western Australia 7, 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 Chief Officers of Police. In his Report for the year 1932 the Inspector-General of Police in New South Wales states that "there can be no doubt that many girls have been saved from moral and physical danger through the activities of the women special constables." The Inspector-General also refers to the valuable assistance rendered by the women police to detectives and the ordinary police in connexion with crimes against women and children.

(ii) *Proportion to Population.*—The average number of inhabitants in the various States to each police officer during the same period is shown in the following table. 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.

State or Territory.	Number of Persons per Sq. Mile, 1933 Census.	Inhabitants to each Police Officer.				
		1931.	1932.	1933.	1934.	1935.
New South Wales	8.41	703	722	726	732	740
Victoria	20.71	854	853	849	847	817
Queensland (a)	1.41	745	752	753	733	740
South Australia (a)	1.53	776	781	762	763	718
Western Australia (a)	0.45	755	791	785	764	756
Tasmania (a)	8.68	861	860	875	814	808
Northern Territory (a)	0.01	121	120	120	125	130
Fed. Cap. Territory	9.52	677	687	712	707	666
Total	2.23	758	770	769	764	758

(a) 30th June of year following.

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 1935-36 no less than 54 important 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, 1936, 252,802 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 in each State, and the cost per head of population during the five years 1931-32 to 1935-36, are given in the following table. In order to present comparable figures the cost of pensions or superannuation benefits is not included in the table:—

POLICE FORCES.—COST.

State.	1931-32.	1932-33.	1933-34.	1934-35.	1935-36.
TOTAL.					
	£	£	£	£	£
New South Wales	1,430,033	1,409,162	1,421,749	1,428,125	1,532,508
Victoria	588,489	604,343	620,570	665,750	714,097
Queensland	457,330	456,240	480,432	518,768	523,871
South Australia	294,244	278,209	279,481	263,052	270,897
Western Australia	207,653	203,298	218,523	221,628	230,033
Tasmania	80,505	83,798	85,161	99,393	106,801
Total	3,058,254	3,035,050	3,105,916	3,196,716	3,378,207

POLICE FORCES.—COST—*continued.*

State.	1931-32.	1932-33.	1933-34.	1934-35.	1935-36.
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 2	10 11	10 11	10 10	11 6
Victoria	6 6	6 8	6 10	7 3	7 9
Queensland	9 10	9 8	10 1	10 10	10 9
South Australia	10 2	9 7	9 7	9 0	9 3
Western Australia	9 7	9 4	9 11	10 0	10 3
Tasmania	7 2	7 4	7 5	8 8	9 3
Total	9 4	9 3	9 4	9 7	10 0

The totals quoted above refer exclusively to the State police forces, and are based on returns supplied by the States for the respective financial years. As shown in the first table in this chapter, the Commonwealth Government maintains small police forces in the Northern Territory and in the Federal Capital Territory, the expenditure on which in 1935-36 amounted to £21,145 and £5,661 respectively.

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. Conferences were held at Melbourne in 1928, and at Perth in 1929, but owing to the need for economy no further meetings have been held.

§ 2. Lower (Magistrates') Courts.

1. *General.*—In considering the criminal returns of the various States, due allowance must be made for certain 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 the 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, the Commonwealth Court of Conciliation and Arbitration and the Federal Court of Bankruptcy. Full particulars regarding the judicial power of the Commonwealth will be found in Chapter III. of the Commonwealth Constitution.

2. *Powers of the Magistrates.*—Preceding issues of the Official Year Book contained a brief statement of the powers of the magistrates in the various States (*see* No. 22, page 462), but this information is not repeated in the present volume.

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 1931 to 1935 :—

MAGISTRATES' COURTS.—PERSONS CHARGED.

State or Territory.	1931.	1932.	1933.	1934.	1935.
New South Wales	121,743	116,341	126,134	127,960	134,900
Victoria	54,775	56,797	58,406	57,070	65,973
Queensland (a)	25,899	24,983	28,259	28,922	31,909
South Australia	17,033	17,546	15,285	15,916	17,299
Western Australia	14,986	14,707	13,544	14,575	19,255
Tasmania	6,785	7,051	7,271	7,197	8,345
Northern Territory	442 ^a	308 ^a	353 ^a	401	361
Federal Capital Territory ..	92	194	166	210	135
Total	241,755	237,927	249,418	252,251	278,177

(a) Year ended 30th June following.

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 for the year 1935 as compared with the previous year, although caused partly by an increase of about 3,800 in the number of offences against property, was chiefly due to a rise in the offences against good order and in the miscellaneous class, amounting in the case of the former to nearly 10,000, and in the latter to 15,600, the bulk of the increase in the latter consisting of charges under the Traffic Act.

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 1931 to 1935 is, therefore, given in the next table. A separate line is added showing the committals to higher courts.

MAGISTRATES' COURTS.—CONVICTIONS AND COMMITTALS.

State or Territory.		1931.	1932.	1933.	1934.	1935.
New South Wales ..	Convictions	101,675	93,860	100,075	104,018	110,135
	Committals	2,751	2,244	2,202	1,732	1,748
Victoria	Convictions	42,997	45,664	47,079	45,748	54,666
	Committals	1,095	1,024	1,404	1,531	1,587
Queensland (a) ..	Convictions	22,081	21,679	25,430	25,997	29,527
	Committals	367	352	367	256	209
South Australia ..	Convictions	14,654	14,705	13,060	13,728	14,838
	Committals	424	400	343	325	269
Western Australia ..	Convictions	13,441	13,214	12,244	13,585	17,966
	Committals	99	111	70	144	102
Tasmania	Convictions	6,180	6,450	6,849	6,464	7,658
	Committals	175	142	89	62	79
Northern Territory	Convictions	314 ^a	297 ^a	296 ^a	365	328
	Committals	11 ^a	..	17 ^a	9	8
Federal Capital Territory	Convictions	84	186	151	187	125
	Committals	1	5	2	..	1
Total	Convictions	201,426	196,055	205,184	210,092	235,243
	Committals	4,923	4,278	4,494	4,059	4,003

(a) Year ended 30th June following.

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.

State or Territory.	1931.	1932.	1933.	1934.	1935.
NUMBER.					
New South Wales ..	13,627	12,224	11,104	11,920	12,069
Victoria ..	4,123	4,024	4,715	4,438	4,955
Queensland (a) ..	2,396	2,526	2,254	2,329	2,311
South Australia ..	1,370	1,448	1,343	1,434	1,382
Western Australia ..	1,713	1,479	1,316	1,404	1,691
Tasmania ..	875	726	713	856	936
Northern Territory ..	97(a)	21(a)	20(a)	26	36
Federal Capital Territory ..	28	29	38	13	11
Total ..	24,229	22,477	21,503	22,420	23,391

PER 10,000 OF THE POPULATION.

New South Wales ..	53.31	47.38	42.67	45.43	45.62
Victoria ..	22.91	22.25	25.90	24.24	26.94
Queensland (a) ..	25.90	26.99	23.71	24.24	23.77
South Australia ..	23.80	25.05	23.11	24.58	23.62
Western Australia ..	39.61	33.99	29.99	31.79	37.97
Tasmania ..	38.92	31.97	31.21	37.35	40.77
Northern Territory ..	195.21(a)	42.61(a)	40.87(a)	52.71	70.57
Federal Capital Territory ..	31.81	32.49	41.96	14.04	11.72
Total ..	37.12	34.17	32.43	33.57	34.78

(a) Year ended 30th June following.

6. **Decrease in Serious Crime, 1881 to 1935.**—(i) *Rate of Convictions.* Statistics of convictions reveal a consistent increase in the rate of serious crime from 1925 to 1931, when 37.1 convictions per 10,000 of the population were recorded. Following this comparatively high figure the rate declined to 32.43 in 1933 and has since risen to 34.78. Viewed over a longer period the position is very satisfactory, for the average number of convictions is now less than half of those reported in 1881. 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 1935.

Year.							Convictions per 10,000 Persons.
1881 .. .. .	..	..	..	..	..	..	69.3
1891 .. .. .	..	..	..	..	..	..	44.8
1901 .. .. .	..	..	..	..	..	..	29.1
1911 .. .. .	..	..	..	..	..	..	24.6
1921 .. .. .	..	..	..	..	..	..	29.2
1931 .. .. .	..	..	..	..	..	..	37.1
1935 .. .. .	..	..	..	..	..	..	34.8

(ii) *Causes of Decrease.* The decrease in crime already referred to is 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. A review of the various factors responsible for this decline is given in preceding issues of the Official Year Book. (*See* No. 22, p. 465.)

7. *Drunkenness.*—(i) *Cases and Convictions.* The number of cases of drunkenness and the convictions recorded in connexion therewith during the period 1931 to 1935 will be found in the following table:—

DRUNKENNESS.—CASES AND CONVICTIONS.

State or Territory.	1931.		1932.		1933.		1934.		1935.	
	Cases.	Convictions.	Cases.	Convictions.	Cases.	Convictions.	Cases.	Convictions.	Cases.	Convictions.
New South Wales	21,195	20,559	21,815	21,510	25,727	25,421	26,872	26,344	28,450	27,823
Victoria	7,018	5,602	8,255	7,028	9,240	7,975	8,666	7,244	10,221	9,217
Queensland (a) ..	6,120	6,079	6,355	6,315	6,697	6,662	7,583	7,531	8,383	8,362
South Australia	2,334	2,320	2,653	2,643	2,373	2,357	2,430	2,418	2,748	2,737
Western Australia	2,329	2,309	2,111	2,093	1,992	1,960	2,016	1,999	2,686	2,671
Tasmania	245	243	250	245	228	222	312	309	419	411
Northern Territory ..	146 ^a	145 ^a	139 ^a	139 ^a	133 ^a	133 ^a	159	154	146	146
Fed. Cap. Terr. ..	26	26	64	64	69	69	95	95	55	55
Total	39,413	37,283	41,642	40,037	46,459	44,799	48,133	46,094	53,108	51,422

(a) Year ended 30th June following.

Under the heading "drunkenness" are included cases of ordinary drunkenness, drunkenness and disorderliness, and habitual drunkenness. In the figures quoted for Western Australia, convictions for disorderliness attributable to drink were formerly included in the second category, but since 1929 the returns relate only to drunkenness either as a single or concurrent offence.

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 1931 to 1935 are given hereunder :—

DRUNKENNESS.—CONVICTIONS PER 10,000 INHABITANTS.

State or Territory.	1931.	1932.	1933.	1934.	1935.
New South Wales	80.4	83.4	97.7	100.4	105.2
Victoria	31.1	38.9	43.8	39.6	50.1
Queensland (a)	65.7	67.5	70.1	78.4	86.0
South Australia	40.3	45.7	40.6	41.5	46.8
Western Australia	53.4	48.1	44.7	45.3	60.0
Tasmania	10.8	10.8	9.7	13.5	17.9
Federal Capital Territory	29.5	71.7	76.2	102.6	58.6
Total	57.1	60.9	67.6	68.9	76.3

(a) Year ended 30th June following.

It would appear that the improvement in the social condition of the people during the past four years has arrested the decline in the rate of convictions and the falling off in the consumption of intoxicating liquors, which had been in evidence since 1927.

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, are 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 and have not; therefore, been included in the above table.) 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.* The following table shows the consumption of spirits, wine and beer per head of the population in Australia during each year of the quinquennium 1931-32 to 1935-36 :—

INTOXICANTS, CONSUMPTION.—AUSTRALIA.

Consumption per Head of Population.

Year.	Spirits.			Wine.			Beer.		
	Imp. Galls.			Imp. Galls.			Imp. Galls.		
1931-32	0.17	}	0.82	}	}	7.32			
1932-33	0.17					7.43			
1933-34	0.19					8.02			
1934-35	0.21					8.68			
1935-36	0.21					9.60			

The increase in the consumption per head of intoxicants during the past four years was accompanied by a corresponding rise in the figures for drunkenness over the same period.

(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.

(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 1928; Queensland, Inebriate Institutions Act 1896; South Australia, Inebriates Act 1908 amended in 1920, Convicted Inebriates Act 1913; Western Australia, Inebriates Act 1912 amended in 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 many years. Existing legislation is as follows:—New South Wales, Crimes Act 1900 amended in 1924 and 1929, First Offenders (Women) Act 1918; Victoria, Criminal Code Act 1928; Queensland, Criminal Code Act 1899; South Australia, Offenders Probation Act 1913; Western Australia, Criminal Code Act 1913; Tasmania, Probation of Offenders Act 1934. 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 title, are provided for by the Maintenance Act of 1926 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 paragraph 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 1931 to 1935, with the rate of such committals per 10,000 of the population :—

COMMITTALS TO SUPERIOR COURTS.

State or Territory.	1931.	1932.	1933.	1934.	1935.
NUMBER.					
New South Wales	2,751	2,244	2,202	1,732	1,748
Victoria	1,095	1,024	1,404	1,531	1,587
Queensland (a)	367	352	367	256	209
South Australia	424	400	343	325	269
Western Australia	99	111	70	144	102
Tasmania	175	142	89	62	79
Northern Territory	11 ^a	..	17 ^a	9	8
Federal Capital Territory ..	1	5	2	..	1
Total	4,923	4,278	4,494	4,059	4,003

PER 10,000 OF THE POPULATION.

New South Wales	10.8	8.8	8.5	6.6	6.6
Victoria	6.1	5.7	7.7	8.4	8.6
Queensland (a)	4.0	3.8	3.9	2.7	2.1
South Australia	7.4	6.9	5.9	5.6	4.6
Western Australia	2.3	2.6	1.6	3.3	2.3
Tasmania	7.8	6.3	3.9	2.7	3.4
Northern Territory (a)	22.1	..	34.7	18.2	15.7
Federal Capital Territory ..	1.1	5.6	2.2	..	1.1
Total	7.5	6.5	6.8	6.1	6.0

(a) Year ended 30th June following.

(ii) *Decrease in Rate since 1861.* With occasional variations the rate of committals for serious crime has remained fairly stable during recent years, but if the comparison be carried back to 1861, it will be found that there has been a very considerable improvement, the decline in proportion to population since that date amounting to approximately 72 per cent.

RATE OF COMMITTALS, AUSTRALIA, 1861 TO 1935.

Year	1861.	1871.	1881.	1891.	1901.	1911.	1921.	1931.	1935.
Committals per 10,000 inhabitants	22	14	12	11	8	6	7	8	6

§ 3. Superior Courts.

1. Convictions at Superior Courts.—The number of convictions at superior courts and the rate per 10,000 of the population are given below for each of the years 1931 to 1935 :—

SUPERIOR COURTS.—CONVICTIONS.

State or Territory.	1931.	1932.	1933.	1934.	1935.
NUMBER.					
New South Wales (a) ..	1,139	1,024	855	862	766
Victoria	723	674	594	550	569
Queensland (a) ..	209	198	206	129	222
South Australia ..	274	236	224	206	172
Western Australia ..	72	75	38	81	55
Tasmania	84	81	59	55	54
Northern Territory ..	6	..	4	4	8
Federal Capital Territory ..	1	5	1	..	..
Total	2,508	2,293	1,981	1,887	1,846

PER 10,000 OF THE POPULATION.

New South Wales (a) ..	4.5	4.0	3.3	3.3	2.9
Victoria	4.0	3.7	3.3	3.0	3.1
Queensland (a) ..	2.3	2.1	2.2	1.3	2.3
South Australia ..	4.8	4.1	3.9	3.5	2.9
Western Australia ..	1.7	1.7	0.9	1.8	1.2
Tasmania	3.7	3.6	2.6	2.4	2.4
Northern Territory ..	12.1	..	8.2	8.1	15.7
Federal Capital Territory ..	1.1	5.6	1.1	..	..
Total	3.8	3.5	3.0	2.8	2.7

(a) Year ended 30th June following.

The rate of convictions has improved during each of the past four years, and the figure for 1935 approximately equals the average obtaining for some years prior to the rather heavy increase recorded for the period 1929 to 1931. Owing to the smallness of the population and the particular conditions prevailing there the rates for the Territories naturally show considerable variation.

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 1931 to 1935. 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, OFFENCES AGAINST THE PERSON,
AUSTRALIA.**

Offences.	1931.	1932.	1933.	1934.	1935.
Murder, and attempts at ..	38	15	21	17	29
Manslaughter	13	17	15	15	15
Rape, and attempts at ..	9	14	16	6	10
Other offences against females ..	118	102	130	134	144
" " " the person	211	217	216	191	186
Total	389	365	398	363	384

The total convictions for similar offences in 1901 amounted to 432. Stated according to the proportion per 10,000 of mean population, the rate in 1935 amounted to 0.57, as compared with a rate of 1.14 in 1901, the decrease for the period amounting, therefore, to 50 per cent.

3. **Habitual Offenders.**—Some account of the methods adopted in each State in connexion with habitual offenders is given in preceding Year Books (*see* No. 22, pp. 469–70).

4. **Capital Punishment.**—The table below gives the number of executions in each State during the period 1931 to 1935 :—

EXECUTIONS.

State.	1931.	1932.	1933.	1934.	1935.
New South Wales (a) .. ..	..	1	..	..	2
Victoria .. ..	..	1	..	..	..
South Australia .. ..	..	..	..	..	..
Western Australia (a)	1	..	..	..	..
Tasmania .. ..	..	..	..	..	..
Total	1	2	..	..	2

(a) Year ended 30th June following.

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

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.

The average annual number of executions in Australia from 1861 to 1880 was 9; from 1881 to 1900, 6; from 1901 to 1910, 4; from 1911 to 1920, 2; while the average for the last ten years has fallen to one.

§ 4. Prisons.

1. **Prison Accommodation and Prisoners, 1935.**—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 1935 :—

PRISON ACCOMMODATION AND PRISONERS, 1935.

State or Territory.	Number of Prisons.	Accommodation in—		Prisoners at End of Year.
		Separate Cells.	Wards.	
New South Wales (a)	23	(b) 2,334	..	1,330
Victoria	12	1,316	446	1,159
Queensland	6	541	110	301
South Australia	15	765	179	260
Western Australia	19	607	506	264
Tasmania	1	142	4	104
Northern Territory (a)	3	..	75	25
Total	79	5,705	1,320	3,443

(a) Year ended 30th June following.

(b) Total accommodation.

The figures refer to prisoners under sentence and are exclusive of aborigines. There are no gaols in the Federal Capital Territory, but there is a lock-up attached to the police station, where offenders are held while awaiting trial, and sentences not exceeding one week imposed by a magistrate may be served.

2. **Prisoners in Gaol, 1931 to 1935.**—The number of prisoners in gaol at the 31st December in each of the years 1931 to 1935 and the proportion per 10,000 of the population are given in the following table. The figures refer to prisoners under sentence, and are exclusive of aborigines.

PRISONERS IN GAOL.

State or Territory.	1931.	1932.	1933.	1934.	1935.
NUMBER.					
New South Wales (a)	1,648	1,775	1,515	1,398	1,330
Victoria	1,407	1,339	1,347	1,225	1,159
Queensland	318	353	331	339	301
South Australia	369	313	296	294	260
Western Australia	319	337	229	249	264
Tasmania	125	125	104	100	104
Northern Territory (a)	25	21	20	28	25
Total	4,211	4,263	3,842	3,633	3,443

(a) 30th June of year following.

PRISONERS IN GAOL—*continued.*

State.	1931.	1932.	1933.	1934.	1935.
PER 10,000 OF THE POPULATION.					
New South Wales (a) ..	6.4	6.9	5.8	5.3	5.0
Victoria ..	7.8	7.4	7.4	6.7	6.3
Queensland ..	3.4	3.8	3.5	3.5	3.1
South Australia ..	6.4	5.4	5.1	5.0	4.4
Western Australia ..	7.4	7.7	5.2	5.6	5.9
Tasmania ..	5.6	5.5	4.6	4.3	4.5
Total ..	6.5	6.5	5.8	5.4	5.1

(a) 30th June of year following.

After remaining stationary at 6.5 per 10,000 for the four years ended 1932 the proportion of prisoners in gaol to the total population declined to 5.1 in 1935, which figure contrasts most favourably with that obtaining in 1891 when the proportion was as high as 16 per 10,000. Rates for the Northern Territory have not been included on account of the abnormal conditions prevailing there.

3. Improvement in Prison Methods.—In previous issues of the Official Year Book a more or less detailed account was given of the improvements effected in each State during recent years in regard to methods of prison management (*see* Official Year Book No. 22, pp. 471-4), but this information is not repeated in the present volume.

§ 5. Civil Courts.

1. Lower Courts.—The total number of plaints entered together with the amounts awarded to plaintiffs during 1935 are given in the table hereunder. Particulars for earlier years will be found in preceding issues of the Official Year Book.

LOWER COURTS.—CIVIL CASES, 1935.

State.	1935.	State or Territory.	1935.
New South Wales	Cases No. 59,377	Western Australia	Cases No. 24,818
	Amount £ 346,268		Amount £ 146,789
Victoria ..	Cases No. 88,828	Tasmania ..	Cases No. 16,500
	Amount £ 560,039		Amount £ 55,078
Queensland (a) ..	Cases No. 20,053	Federal Capital Territory ..	Cases No. 827
	Amount £ 193,128		Amount £ 5,411
South Australia ..	Cases No. 23,398	Total ..	Cases No. 233,801
	Amount £ 158,259		Amount £ 1,464,972

(a) Year ended 30th June, 1936.

Particulars in regard to the amount of judgments involved in the 332 civil cases held at Darwin and 257 held at Alice Springs during the year ended 30th June, 1936, are not available.

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

2. Superior Courts.—In the next table will be found the transactions on the civil side in the Superior Courts during the year 1935. The particulars given below include the number and amount of judgments entered by default or consent, and differ from those in previous issues prior to No. 29 which related in most States only to cases actually tried during the year.

The New South Wales returns refer to judgments in the District Courts only, and are exclusive of 2,162 judgments signed in the Supreme Court, for which the amount is not available.

SUPERIOR COURTS.—CIVIL CASES, 1935.

State.	1935.	State or Territory.	1935.
New South Wales	{ Causes No. 7,034 Amount £ 310,446	Western Australia	{ Causes No. 196 Amount £ 72,427
Victoria	{ Causes No. 2,739 Amount £ 223,194	Tasmania	{ Causes No. 309 Amount £ 35,394
Queensland (a)	{ Causes No. 358 Amount £ 46,857	Federal Capital Territory	{ Causes No. 13 Amount £ 1,855
South Australia	{ Causes No. 321 Amount £ 44,539	Total	{ Causes No. 10,970 Amount £ 734,712

(a) Year ended 30th June, 1936.

(b) Judgments signed and entered.

3. Divorces and Judicial Separations.—The number of divorces and judicial separations in each State during the period 1931 to 1935 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.

State.	1931.		1932.		1933.		1934.		1935.	
	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.
New South Wales	1,084	3	853	17	1,014	22	1,002	13	1,133	15
Victoria	423	2	459	..	499	..	621	..	602	6
Queensland (a)	107	1	90	..	109	5	153	1	152	..
South Australia	139	..	134	..	163	2	189	1	212	1
Western Australia	138	1	110	..	121	..	157	..	159	..
Tasmania	47	..	33	..	42	..	60	..	86	1
Northern Territory (a)	..	..	1	..	..	..	..	..	2	..
Federal Capital Territory	..	..	..	..	..	..	10	..	11	..
Total	1,938	7	1,680	17	1,948	29	2,282	15	2,357	23

(a) Year ended 30th June following.

The average annual number of divorces and judicial separations in Australia at decennial periods from 1871 to 1930 and the proportion per 10,000 existing marriages were as follows :—

DIVORCES AND JUDICIAL SEPARATIONS.—AUSTRALIA.

	1871-80.	1881-90.	1891-1900.	1901-10.	1911-20.	1921-30.
Averages	29	70	358	401	707	1,699
Per 10,000 existing marriages ..	0.98	1.74	6.86	6.15	8.13	15.45

The rapid increase of divorce during the period 1891-1900 occurred largely in New South Wales and Victoria where legislation passed respectively in 1899 and 1889 made the separation of the marriage tie comparatively easy.

4. Probates.—Information in regard to probates and letters of administration will be found in Chapter XXVI.—Private Finance.

5. Bankruptcies.—Particulars relating to bankruptcy in each State up to the end of the year 1927 were incorporated under this heading in preceding issues of the Official Year Book. Under the terms of the Bankruptcy Act 1924-1933 jurisdiction in bankruptcy and insolvency was taken over by the Commonwealth from 1st August, 1928. The Act makes provision for the declaration of districts, and each State (except Queensland) has been declared a bankruptcy district. The bankruptcy district of New South Wales includes the Federal Capital Territory, while Queensland has been divided into three districts corresponding to the three Supreme Court districts in that State. The Northern Territory was also declared a separate bankruptcy district. Operations under the Act for the year ended 31st July, 1936, are given in the following table. For the purposes of comparison, figures for each of the preceding two years have been appended to the table.

COMMONWEALTH BANKRUPTCY ACT RETURNS, 1935-36.

Heading.	N.S.W.	Vic.	Qld.	S. Aust.	W. Aust.	Tas.	Nor. Ter.	Australia
Sequestration Orders and Orders for Administration of Deceased Debtors' Estates	Number ..	261	195	138	174	29	44	811
	Liabilities £	399,620	139,113	109,581	288,578	60,353	24,213	1,021,458
	Assets £	181,251	31,206	53,438	107,729	18,806	4,358	396,818
Compositions, etc., after Bankruptcy	Number ..	8	..	..	1	..	..	9
	Liabilities £	9,231	..	..	279	..	..	9,510
	Assets £	5,157	..	..	590	..	..	5,747
Compositions, etc., without Bankruptcy	Number ..	5	5	..	403	46	2	461
	Liabilities £	3,402	5,057	..	1,485,212	129,248	1,563	1,624,482
	Assets £	1,218	5,329	..	1,110,124	139,795	886	1,257,352
Deeds of Arrangement	Number ..	173	143	58	4	15	9	402
	Liabilities £	275,690	288,194	97,327	38,670	61,198	7,173	768,261
	Assets £	226,976	201,299	91,392	45,167	45,682	5,692	616,203
Total, 1935-36	Number ..	447	343	196	582	90	55	1,713
	Liabilities £	687,943	432,364	206,908	1,812,748	250,799	32,949	3,423,711
	Assets £	414,632	237,834	144,830	1,263,610	204,283	10,936	2,276,125
Total, 1934-35	Number ..	450	394	164	581	89	49	1,727
	Liabilities £	662,267	835,293	192,589	1,372,356	106,478	69,149	3,328,132
	Assets £	438,579	328,590	142,158	849,132	199,220	53,783	2,011,463
Total, 1933-34	Number ..	646	444	212	614	147	71	2,131
	Liabilities £	961,241	961,184	381,752	1,507,992	255,688	95,362	4,163,219
	Assets £	727,469	480,553	312,017	1,019,913	204,855	51,166	2,795,975

The Commonwealth Attorney-General's Report for the year ended 31st July, 1929, states that comparative tables have not been prepared in relation to State bankruptcy or insolvency for previous years, as the methods of collection and presentation do not afford a reliable common basis. It is also pointed out that the procedure

in certain States has been largely influenced by the procedure in force prior to the passing of the Commonwealth Act, and that, therefore, no particular significance attaches to the large number of compositions, etc., in South Australia and Western Australia. The Bankruptcy Act 1930 created a Federal Court of Bankruptcy and gave power to appoint two Judges thereto. In 1930 a Federal Judge in Bankruptcy was appointed to deal with bankruptcy work, in addition to the State Judges, in New South Wales and Victoria, the Courts in these States having been unable to cope with the business. All the bankruptcy cases in these States are now heard by the Federal Judge who sits in Sydney and Melbourne alternately.

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 Act 1903–1933. 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 High Court functions as a Court of Appeal for Australia. The following statement shows the transactions of the High Court for the years 1935 and 1936. Figures for previous years are given in preceding issues.

COMMONWEALTH HIGH COURT.—TRANSACTIONS, 1935 AND 1936.

Original Jurisdiction.	1935.	1936.	Appellate Jurisdiction.	1935.	1936.
Number of writs issued	40	35	Number of appeals set down for hearing ..	97	107
Number of causes entered for trial ..	12	16	Number allowed ..	45	40
Verdicts for plaintiffs ..	3	6	Number dismissed ..	56	55
Verdicts for defendants	3	6	Otherwise disposed of	9	10
Otherwise disposed of ..	4	4			
Amount of judgments	£7,711	£26,902			

During the years 1935 and 1936 respectively the Court dealt also with the following: Appeals from Assessments under the Income Tax Assessment Acts 1936, 49, 40; Special cases stated for the opinion of the Full Court, 12, 8; Applications for Prohibitions, etc., 9, 30. The fees collected in 1935 amounted to £1,084, and in 1936 to £594.

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 1904–1934, will be found in the Chapter dealing with Labour, Wages, etc.

§ 6. Cost of Administration of Justice.

1. **Expenditure by the States.**—The table below shows the expenditure from Consolidated Revenue during the year 1935–36 in connexion with the administration of justice in each of the States. The figures shown represent the gross expenditure, which is offset to a large extent by the various items of revenue.

STATE EXPENDITURE ON JUSTICE, 1935-36.

State.	Expenditure.	Per Head of Population.	State.	Expenditure.	Per Head of Population.
	£	s. d.		£	s. d.
N.S.W. ..	Police	1,532,508	W.A. ..	Police	230,033
	Gaols	325,425		Gaols	27,290
	Other	627,628		Other	92,243
Vic. ..	Police	714,097	Tas. ..	Police	106,801
	Gaols	114,115		Gaols	12,935
	Other	228,086		Other	44,322
Q'land ..	Police	523,871	Total ..	Police	3,378,207
	Gaols	31,583		Gaols	546,769
	Other	180,373		Other	1,272,419
S.A. ..	Police	270,897		Total	5,197,395
	Gaols	35,421			
	Other	99,707			

2. Federal Expenditure.—The expenditure shown in the foregoing table is that incurred by the State Governments only, and does not include expenditure in connexion with the Commonwealth Attorney-General's Department, which is given hereunder for the period 1931-32 to 1935-36 :—

COMMONWEALTH ATTORNEY-GENERAL'S DEPARTMENT—EXPENDITURE.

Year.	Amount.	Year.	Amount.
	£		£
1931-32	196,528	1934-35	223,258
1932-33	197,070	1935-36	239,702
1933-34	207,279		

The totals for each year include expenditure in connexion with patents and copyright which amounted in 1935-36 to £53,285. As pointed out previously, the Commonwealth took over jurisdiction in bankruptcy in August, 1928, and the expenditure thereon in 1935-36 amounted to £36,281, including the salary of the Federal Judge, £2,500. Expenditure in connexion with the Federal Capital Territory police amounted in 1935-36 to £5,661, while £1,569 was expended on miscellaneous items including the Law Court, Titles Office and Industrial Arbitration Board. Revenue in connexion with the Attorney-General's Department amounted for the year to £97,116, comprising £58,783 for patents, copyright, trademarks and designs, £20,517 for bankruptcy and £8,816 miscellaneous including fees and fines.

In addition to the foregoing the following amounts were expended in the Northern Territory by the Department of the Interior :—Police, £21,145; prisons, £5,723; other expenditure in connexion with administration of justice, £4,808.