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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 1928 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, 1924 TO 1928.

State.	Area of State in Sq. Miles.	1924.	1925.	1926.	1927.	1928.
New South Wales ..	310,372	2,890	2,937	2,970	3,109	3,444
Victoria ..	87,884	1,810	1,875	1,963	1,977	2,112
Queensland ..	670,500	1,127	1,182	1,167	1,191	1,125
South Australia ..	380,070	616	632	642	716	801
Western Australia	975,920	523	532	537	541	549
Tasmania ..	26,215	241	240	245	246	239
Northern Territory	523,620	32	38	38	39	39
Fed. Cap. Territory	..	..	..	..	(a)13	13
Total ..	2,974,581	7,239	7,436	7,562	7,832	8,322

(a) Organization created in September, 1927.

The figures for New South Wales for 1928 are exclusive of 28 "black trackers," i.e., natives employed in detection of offenders chiefly in outlying districts, and 4 female searchers. For Queensland the figures exclude 63 native trackers and 1 female searcher; for South Australia 8 "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 5, Victoria 4, South Australia 12, 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.

(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, 1924 TO 1928.

State.	Number of Persons per Sq. Mile, 1921 Census.	Inhabitants to each Police Officer.				
		1924.	1925.	1926.	1927.	1928.
New South Wales ..	6.80	772	776	783	763	710
Victoria ..	17.42	907	891	864	874	834
Queensland ..	1.13	732	720	750	749	814
South Australia ..	1.30	860	861	871	798	723
Western Australia	0.34	687	691	698	712	739
Tasmania ..	8.15	891	889	862	854	906
Northern Territory	..	113	97	99	109	102
Fed. Cap. Territory	..	..	..	..	565	622
Total ..	1.83	802	798	800	788	765

The above figures show, therefore, that 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, 1929, nearly 197,000 inquiries were made on behalf of other departments.

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

4. *Cost of Police Forces.*—The expenditure from Consolidated Revenue on the police forces, and the cost per head of population in each State during the five years 1924 to 1928, are given in the following table :—

POLICE FORCES.—COST, 1924 TO 1928.

State.	1924.	1925.	1926.	1927.	1928.
TOTAL.					
	£	£	£	£	£
New South Wales	1,317,320	1,331,978	1,370,659	1,512,523	1,650,285
Victoria	741,126	768,939	840,653	857,306	880,729
Queensland	497,484	554,879	563,391	571,706	595,490
South Australia	246,646	250,915	263,857	275,844	315,465
Western Australia	193,461	216,798	224,690	227,106	268,830
Tasmania	81,318	84,340	88,725	91,704	94,059
Northern Territory	17,923	19,004	19,656	16,159	22,738
Total	3,095,278	3,226,853	3,371,631	3,552,348	3,827,596
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 8	11 7	11 9	12 9	13 6
Victoria	8 11	9 2	9 11	9 11	10 0
Queensland	11 11	12 11	12 11	12 10	13 0
South Australia	9 2	9 1	9 5	9 8	10 11
Western Australia	10 7	11 8	12 0	11 10	13 3
Tasmania	7 6	7 9	8 5	8 9	8 8
Northern Territory	99 7	104 0	104 5	76 4	114 2
Total	10 6	10 9	11 2	11 6	12 1

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 1928 includes £167,450 payment to the Police Superannuation Fund. Similar payments in Victoria and Queensland amount to £139,500 and £43,800 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 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 it is not proposed to repeat this information 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 1924 to 1928 :—

MAGISTRATES' COURTS.—PERSONS CHARGED, 1924 TO 1928.

State.	1924.	1925.	1926.	1927.	1928.
New South Wales	98,101	102,377	116,675	124,030	132,439
Victoria	68,494	73,346	75,556	67,276	60,562
Queensland	24,017	28,684	29,196	30,479	27,300
South Australia	15,812	20,651	23,637	25,455	21,766
Western Australia	10,679	11,358	12,335	13,325	15,499
Tasmania	8,061	7,035	7,848	7,309	7,413
Northern Territory	204	180	142	317	456
Total	225,308	243,631	265,389	268,191	265,435

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 1924 to 1928 is, therefore, given hereunder. A separate line is added showing the committals to higher courts.

MAGISTRATES' COURTS.—CONVICTIONS AND COMMITTALS, 1924 TO 1928.

State.		1924.	1925.	1926.	1927.	1928.
New South Wales ..	Convictions	83,019	85,970	100,644	107,657	113,398
	Committals	2,327	1,806	1,832	1,895	2,403
Victoria ..	Convictions	54,376	58,879	60,728	53,612	47,865
	Committals	602	744	761	774	731
Queensland ..	Convictions	21,476	26,148	26,815	28,763	25,563
	Committals	233	326	328	337	313
South Australia ..	Convictions	13,790	18,556	21,417	22,876	18,665
	Committals	176	181	299	301	420
Western Australia ..	Convictions	9,534	10,047	11,105	12,114	14,197
	Committals	92	91	87	84	76
Tasmania ..	Convictions	7,271	6,415	7,200	6,766	6,835
	Committals	59	95	99	72	98
Northern Territory	Convictions	145	121	129	287	424
	Committals	5	..	2	6	2
Total ..	Convictions	189,611	206,136	228,038	232,075	226,947
	Committals	3,494	3,243	3,408	3,469	4,043

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, 1924 TO 1928.

State.	1924.	1925.	1926.	1927.	1928.
TOTAL.					
New South Wales ..	7,210	7,543	9,340	10,132	11,674
Victoria ..	2,815	3,044	3,249	3,588	3,415
Queensland ..	1,881	2,274	2,608	2,712	3,135
South Australia ..	724	864	872	1,017	1,091
Western Australia ..	941	1,108	1,177	1,163	1,344
Tasmania ..	549	550	607	551	616
Northern Territory ..	25	5	22	7	51
Total ..	14,145	15,388	17,875	19,170	21,326
PER 10,000 OF THE POPULATION.					
New South Wales ..	32.3	33.1	41.8	42.7	48.0
Victoria ..	17.1	18.2	19.1	20.8	19.5
Queensland ..	22.8	26.7	29.8	30.5	34.5
South Australia ..	13.7	15.9	15.6	17.8	18.9
Western Australia ..	26.2	30.1	31.4	30.2	33.7
Tasmania ..	25.6	25.8	28.7	26.2	29.1
Northern Territory ..	69.4	13.6	58.4	16.5	121.2
Total ..	24.4	25.9	29.6	31.1	33.9

6. **Decrease in Serious Crime, 1881 to 1928.**—(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 1928. 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 1928.

Year.							Convictions per 10,000 Persons.
1881 ..	..	..	..	..	..	..	69.3
1891 ..	..	..	..	..	..	..	44.8
1901 ..	..	..	..	..	..	..	29.1
1921 ..	..	..	..	..	..	..	29.2
1928 ..	..	..	..	..	..	..	33.9

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 over 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. 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 1924 to 1928 will be found in the following table :—

DRUNKENNESS.—CASES AND CONVICTIONS, 1924 TO 1928.

State.	1924.		1925.		1926.		1927.		1928.	
	Cases.	Convictions.	Cases.	Convictions.	Cases.	Convictions.	Cases.	Convictions.	Cases.	Convictions.
New South Wales	31,468	31,260	30,069	30,160	31,922	31,361	33,011	32,649	33,819	33,136
Victoria ..	9,814	6,033	9,430	5,767	10,150	6,461	10,793	7,050	9,635	6,241
Queensland ..	11,458	11,005	13,020	12,475	12,713	12,650	12,829	12,657	10,836	10,599
South Australia ..	4,972	4,961	5,830	5,795	6,050	6,029	5,925	5,913	4,996	4,946
Western Australia	3,259	3,231	3,149	3,131	3,318	3,299	3,904	3,881	4,039	4,011
Tasmania ..	473	464	364	361	333	330	313	303	281	274
Northern Territory	43	39	44	44	68	68	108	108	232	232
Total ..	61,487	56,993	62,506	57,733	64,554	60,198	66,883	62,561	63,838	59,489

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 1924 to 1928 are given hereunder :—

DRUNKENNESS.—CONVICTIONS PER 10,000 INHABITANTS, 1924 TO 1928.

State.	1924.	1925.	1926.	1927.	1928.
New South Wales	140.0	132.3	134.8	137.2	136.2
Victoria	36.7	34.5	33.1	40.8	35.6
Queensland	133.4	146.5	144.5	141.9	116.6
South Australia	93.7	106.5	107.9	103.5	85.7
Western Australia	99.3	85.0	83.0	100.8	100.4
Tasmania	21.6	16.9	15.6	14.4	12.9
Northern Territory	108.2	119.5	180.6	255.1	551.5
Total	98.7	97.3	99.5	101.4	94.6

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 1925–29 :—

INTOXICANTS, CONSUMPTION.—AUSTRALIA, 1925 TO 1929.

Year.	Consumption per Head of Population.		
	Spirits.	Wine.	Beer.
	Imp. Galls.	Imp. Galls.	Imp. Galls.
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
1928–29	0.38	0.50	11.31

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 1924 to 1928, with the rate of such committals per 10,000 of the population:—

COMMITTALS TO SUPERIOR COURTS, 1924 TO 1928.

State.		1924.	1925.	1926.	1927.	1928.
New South Wales	No.	2,327	1,806	1,832	1,895	2,403
	Rate	10.4	7.9	7.9	8.0	9.9
Victoria	No.	602	744	761	774	731
	Rate	3.7	4.5	4.5	4.5	4.2
Queensland	No.	233	326	328	337	313
	Rate	2.8	3.8	3.7	3.8	3.4
South Australia	No.	176	181	299	301	420
	Rate	3.3	3.3	5.4	5.3	7.3
Western Australia	No.	92	91	87	84	76
	Rate	2.6	2.5	2.3	2.2	2.0
Tasmania	No.	59	95	99	72	98
	Rate	2.7	4.4	4.7	3.4	4.6
Northern Territory	No.	5	..	2	6	2
	Rate	13.9	..	5.3	14.2	4.8
Total	No.	3,494	3,243	3,408	3,469	4,043
	Rate	6.0	5.5	5.6	5.6	6.4

(ii) *Decrease in Rate since 1861.* The figures in the preceding table show that the rate of committals for serious crime has increased slightly 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 1928.

Year	1861.	1871.	1881.	1891.	1901.	1911.	1921.	1928.
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 1924 to 1928 :—

SUPERIOR COURTS.—CONVICTIONS, 1924 TO 1928.

State.		1924.	1925.	1926.	1927.	1928.
New South Wales	No.	1,002	(a) 1,060	(b) 744	877	846
	Rate	4.5	(c) 3.1	3.2	3.7	3.5
Victoria	No.	401	510	461	474	521
	Rate	2.4	3.1	2.7	2.7	3.0
Queensland	No.	222	234	269	259	244
	Rate	2.7	2.7	3.1	2.9	2.7
South Australia	No.	104	123	174	196	264
	Rate	2.0	2.3	3.1	3.4	4.6
Western Australia	No.	64	67	64	61	51
	Rate	1.8	1.8	1.7	1.6	1.3
Tasmania	No.	53	66	69	37	70
	Rate	2.5	3.1	3.3	1.8	3.3
Northern Territory	No.	1	2	..	..	4
	Rate	2.8	5.4	..	..	9.5
Total	No.	1,847	2,062	1,781	1,904	2,000
	Rate	3.2	2.7	2.9	3.1	3.2

(a) Eighteen months ended 30th June, 1925.

(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 1928 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 1924 to 1928. 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, 1924 TO 1928.

Offences.	1924.	1925.	1926.	1927.	1928.
Murder, and attempts at	21	31	24	30	25
Manslaughter	13	10	13	15	17
Rape, and attempts at	5	8	15	14	11
Other offences against females ..	100	120	125	130	159
" " " the person	217	253	235	224	222
Total	356	422	412	413	434

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 1928 amounted to 0.69, as compared with a rate of 1.14 in 1901, the decrease for the period amounting, therefore, to about 40 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), but this information cannot be repeated in this issue.

4. **Capital Punishment.**—The table below gives the number of executions in each State during the period 1924 to 1928 :—

EXECUTIONS, 1924 TO 1928.

State.	1924.	1925.	1926.	1927.	1928.
New South Wales	2	..	..	2	..
Victoria	1	..	..	..	..
Queensland .. ..	..	..	..	..	..
South Australia .. ..	..	..	..	2	..
Western Australia .. ..	..	..	3	1	1
Tasmania .. ..	..	..	..	..	..
Total	3	..	3	5	1

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 over 2.

§ 4. Prisons.

1. Prison Accommodation and Prisoners, 1928.—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 1928 :—

PRISON ACCOMMODATION AND PRISONERS, 1928.

State.	Number of Prisons.	Accommodation in—		Prisoners at End of Year.
		Separate Cells.	Wards.	
New South Wales	23	(a)2,233	..	1,699
Victoria	14	1,274	419	934
Queensland	7	557	86	365
South Australia	14	709	240	403
Western Australia	21	616	561	236
Tasmania	1	95	3	73
Northern Territory	3	..	61	18
Total	83	5,484	1,370	3,728

(a) Total accommodation.

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

2. Prisoners in Gaol, 1924 to 1928.—The number of prisoners in gaol at the 31st December in each of the years 1924 to 1928 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, 1924 TO 1928.

State.		1924.	1925.	1926.	1927.	1928.
New South Wales	Number ..	1,411	1,404	1,429	1,682	1,699
	Proportion ..	6.3	6.2	6.1	7.0	7.0
Victoria	Number ..	749	894	915	883	934
	Proportion ..	4.6	5.3	5.4	5.1	5.3
Queensland	Number ..	230	295	366	353	365
	Proportion ..	2.8	3.5	4.2	4.0	4.0
South Australia	Number ..	250	280	326	312	403
	Proportion ..	4.7	5.1	5.8	5.5	7.0
Western Australia	Number ..	201	219	208	221	236
	Proportion ..	5.6	5.9	5.5	5.7	5.9
Tasmania	Number ..	74	94	81	85	73
	Proportion ..	3.4	4.4	3.8	4.0	3.4
Northern Territory	Number ..	13	5	2	6	18
	Proportion ..	36.1	13.6	5.3	14.2	42.8
Total	Number..	2,928	3,191	3,327	3,542	3,728
	Proportion	5.0	5.4	5.5	5.7	5.9

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.—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 22, pp. 471-4), but this information cannot be repeated in the present volume.

§ 5. Civil Courts.

1. Lower Courts.—The transactions of the lower courts on the civil side during the year 1928 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, 1928.

State.		1928.	State.		1928
New South Wales	Cases No.	88,033	Western Australia	Cases No.	22,364
	Amount £	368,242		Amount £	139,571
Victoria..	Cases No.	103,906	Tasmania	Cases No.	9,504
	Amount £	680,151		Amount £	71,580
Queensland	Cases No.	27,394	Total	Cases No.	288,564
	Amount £	255,106		Amount £	1,771,505
South Australia	Cases No.	37,363			
	Amount £	256,855			

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 the year 1928. Particulars for previous years will be found in preceding issues.

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, 1928.

State.		1928.	State.		1928.
New South Wales	Cases No.	2,173	Western Australia	Cases No.	394
	Amount £	335,072		Amount £	73,015
Victoria..	Cases No.	1,143	Tasmania	Cases No.	540
	Amount £	372,119		Amount £	27,522
Queensland	Cases No.	242	Total	Cases No.	4,679
	Amount £	18,392		Amount £	878,612
South Australia	Cases No.	187			
	Amount £	52,492			

3. Divorces and Judicial Separations.—The number of divorces and judicial separations in each State during the period 1924 to 1928 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, 1924 TO 1928.

State.	1924.		1925.		1926.		1927.		1928.	
	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.
New South Wales	838	7	1,071	11	834	12	1,068	20	921	6
Victoria	399	2	445	1	466	2	513	2	481	..
Queensland	105	..	85	2	99	1	64	..	117	2
South Australia	77	..	85	..	71	1	97	..	113	..
Western Australia	89	..	121	..	127	..	103	..	141	1
Tasmania	20	..	37	..	34	..	51	..	55	..
Northern Territory	..	..	..	..	..	..	..	..	..	..
Total	1,528	9	1,844	14	1,631	16	1,896	22	1,828	9

The average annual number of divorces and judicial separations in Australia at decennial periods from 1871 to 1920 and during the octennium 1921–28 was as follows:—

DIVORCES AND JUDICIAL SEPARATIONS.—AUSTRALIA, 1871 TO 1928.

	1871–1880.	1881–90.	1891–1900.	1901–10.	1911–20.	1921–28.
Averages	29	70	358	401	707	1,639.

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.**—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 1924–28 jurisdiction in insolvency was taken over by the Commonwealth from 1st August, 1928. The Act constitutes each State a single bankruptcy district, excepting in the case of New South Wales, which includes the Federal Capital Territory, and Queensland, which has been divided into three districts corresponding to the three Supreme Court districts in that State. Operations under the Act for the year ended 31st July, 1929, are given in the table hereunder.

COMMONWEALTH BANKRUPTCY ACT RETURNS—1928–29.

Heading.	N.S.W.	Vic.	Qld.	S. Aust.	W. Aust.	Tas.	Australia.	
Sequestrations ..	{ Number ..	446	300	181	54	66	27	1,074
	{ Liabilities £	570,215	419,005	144,812	70,234	54,041	11,297	1,270,204
	{ Assets £	266,550	123,472	72,920	29,034	37,548	4,445	533,969
Compositions, etc., after Bankruptcy	{ Number ..	..	..	..	2	..	5	7
	{ Liabilities £	..	..	..	3,063	..	5,079	8,142
	{ Assets £	..	..	..	222	..	1,211	1,433
Compositions, etc., without Bank- ruptcy	{ Number ..	33	15	7	248	253	1	557
	{ Liabilities £	84,618	2,502	3,892	263,915	517,385	3,277	875,589
	{ Assets £	73,878	3,061	2,365	228,000	863,310	1,026	1,171,640
Deeds of arrange- ment ..	{ Number ..	218	159	76	2	33	19	507
	{ Liabilities £	479,826	1,175,992	175,714	5,635	52,873	14,721	1,904,761
	{ Assets £	491,852	1,102,766	149,877	7,430	109,069	13,903	1,874,902
Total ..	{ Number ..	697	474	264	306	352	52	2,145
	{ Liabilities £	1,134,659	1,597,499	324,418	342,847	624,899	34,374	4,058,696
	{ Assets £	832,280	1,229,299	225,162	264,686	1,009,927	20,590	3,581,944

No transactions were recorded for the year in the Northern Territory. The Commonwealth Attorney-General's Report states that comparative tables have not been prepared in relation to State bankruptcy or insolvency for past 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 &c. in South Australia and Western Australia.

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 four other judges. Sittings of the Court are held in the capitals of the various States as occasion may require. The High Court also functions

as a Court of Appeal for Australia. The following statement shows the transactions of the High Court for the year 1928. Figures for previous years are given in preceding issues.

COMMONWEALTH HIGH COURT.—TRANSACTIONS, 1928.

Original Jurisdiction.		Items.	Appellate Jurisdiction.		Items.
Number of writs issued	..	71	Number of appeals set down for hearing	..	65
Number of causes entered for trial	..	7	Number allowed	..	17
Verdicts for plaintiffs	..	3	Number dismissed	..	37
Verdicts for defendants	..	1	Otherwise disposed of	..	10
Otherwise disposed of	..	29			
Amount of judgments	..	£5,898			

The fees collected in 1928 amounted to £730.

During the year 1928 the Court dealt also with other matters as follows :—

Appeals from Assessments under the Taxation Assessment Acts, 31; Special cases stated for the opinion of the Full Court, 6; Applications for Prohibition, 6.

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 the year 1928 in connexion with the administration of justice in each of the States. Expenditures 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, 1928.

State.		Expenditure.	Per Head of Population.	
			£	s. d.
New South Wales ..	{ Police	1,650,285	13	7
	{ Gaols	262,419	2	2
	{ Other	462,572	3	10
Victoria ..	{ Police	880,729	10	1
	{ Gaols	113,252	1	4
	{ Other	297,613	3	5
Queensland ..	{ Police	595,490	13	1
	{ Gaols	40,132	0	11
	{ Other	199,478	4	5
South Australia ..	{ Police	315,465	10	11
	{ Gaols	49,659	1	9
	{ Other	73,745	2	7
Western Australia ..	{ Police	268,530	13	6
	{ Gaols	28,711	1	5
	{ Other	104,724	5	3
Tasmania ..	{ Police	94,059	8	11
	{ Gaols	11,675	1	1
	{ Other	29,125	2	9
Northern Territory(a)	{ Police	22,738	108	1
	{ Gaols	6,450	30	9
	{ Other	4,037	20	2
Total ..	{ Police	3,827,596	12	2
	{ Gaols	512,308	1	8
	{ Other	1,171,894	3	9

(a) See 2, Federal Expenditure, following.

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 17s. 7d. in 1928. Police expenditure increased by 6s. 5d. per head, the average for gaols by 6d. 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 1923-24 to 1928-29 :—

EXPENDITURE ON FEDERAL HIGH COURT, 1923-24 TO 1928-29.

Year.		Amount.	Year.		Amount.
		£			£
1923-24	.. ..	35,645	1926-27	.. ..	36,494
1924-25	.. ..	34,769	1927-28	.. ..	35,010
1925-26	.. ..	35,500	1928-29	.. ..	36,546

(ii) *Total Expenditure*. Other items of expenditure during 1928-29 by the Commonwealth Attorney-General's Department include—Secretary's office, £24,389; Crown Solicitor, £29,392; Court of Conciliation and Arbitration, £26,641; Public Service Arbitrator, £4,465; Investigation Branch, £10,951; Bankruptcy Administration £20,941; Reporting Branch, £10,820. Including the High Court expenditure but excluding that in connexion with Patents and Copyright, the total expenditure by the federal law authorities in 1928-29 amounted to £195,867.