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CHAPTER IX. 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 1931 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.	Area of State in Sq. Miles.	1927.	1928.	1929.	1930.	1931.
New South Wales ..	309,432	3,109	3,444	3,631	3,709	3,653
Victoria ..	87,884	1,977	2,112	2,141	2,115	2,107
Queensland ..	670,500	1,191	1,125	1,229	1,236	1,233
South Australia ..	380,070	716	801	784	762	742
Western Australia	975,920	541	549	581	562	573
Tasmania ..	26,215	246	239	237	252	261
Northern Territory	523,620	39	39	42	41	40
Fed. Cap. Territory	940	13	13	13	13	13
Total ..	2,974,581	7,832	8,322	8,658	8,600	8,622

The figures for New South Wales for 1931 are exclusive of 21 "black trackers," i.e., natives employed in detection of offenders chiefly in outlying districts, and 4 matrons, while the Victorian returns are exclusive of 3 matrons and 2 black trackers. For Queensland the figures exclude 68 native trackers and 1 female searcher; for South Australia 2 black trackers and 1 female searcher, and for the Northern Territory 23 "black trackers." There are also 44 "black trackers" and 4 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 being—New South Wales 8, Victoria 8, Queensland 2, South Australia 11, 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.

State.	Number Persons per Sq. Mile, 1921 Census.	Inhabitants to each Police Officer.				
		1927.	1928.	1929.	1930.	1931.
New South Wales ..	6.80	772	710	682	674	686
Victoria ..	17.42	881	834	830	847	855
Queensland ..	1.13	755	815	757	767	782
South Australia ..	1.30	804	723	740	764	788
Western Australia	0.34	725	739	717	748	736
Tasmania ..	8.15	877	906	924	875	856
Northern Territory	..	112	102	106	113	111
Fed. Cap. Territory	..	441	622	637	657	672
Total ..	1.83	796	761	741	745	757

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 1930 no less than 72 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, 1932, nearly 245,000 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 in each State, and the cost per head of population during the five years 1927-28 to 1931-32, are given in the following table:—

POLICE FORCES.—COST.					
State.	1927-28.	1928-29.	1929-30.	1930-31.	1931-32.
TOTAL.					
	£	£	£	£	£
New South Wales ..	1,364,609	1,749,575	1,863,021	1,811,469	1,430,933
Victoria ..	894,121	917,454	921,383	850,372	783,390
Queensland ..	571,706	595,490	596,057	550,473	499,330
South Australia ..	275,342	315,338	327,572	323,541	294,244
Western Australia ..	220,511	236,332	250,200	237,996	207,653
Tasmania ..	91,645	93,609	96,214	93,732	80,505
Total ..	3,417,934	3,907,798	4,054,447	3,867,583	3,295,155
PER HEAD OF POPULATION.					
	s. d.	s. d.	s. d.	s. d.	s. d.
New South Wales ..	11 4	14 4	15 0	14 6	11 4
Victoria ..	10 3	10 5	10 4	9 6	8 8
Queensland ..	12 9	13 0	12 10	11 7	10 4
South Australia ..	9 7	10 11	11 3	11 1	10 1
Western Australia ..	11 3	11 8	12 0	11 4	9 10
Tasmania ..	8 6	8 8	8 9	8 7	7 3
Total ..	11 0	12 4	12 8	12 0	10 1

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 1931-32 amounted to £20,764 and £4,500 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. The Conference was held at Melbourne in 1928, and at Perth in 1929. Owing to the need for economy meetings were not held in 1930 and 1931, and the usual interchange of detectives was not carried out during these years.

§ 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 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, 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 1927 to 1931 :—

MAGISTRATES' COURTS.—PERSONS CHARGED.

State.	1927.	1928.	1929.	1930.	1931..
New South Wales	124,030	137,079	132,439	124,538	121,743
Victoria	67,276	60,562	58,097	56,749	54,775
Queensland	30,479	27,300	27,719	29,309	25,899
South Australia	25,455	21,766	20,106	18,475	17,033
Western Australia	13,325	15,499	16,972	15,734	14,986
Tasmania	7,309	7,413	7,468	7,504	6,785
Northern Territory	317	456	500	441	442
Federal Capital Territory .. ..	..	..	..	..	92
Total	268,191	270,075	263,301	252,810	241,755

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 1928 as compared with the previous year 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 over 4,000, and in the latter to 7,760, 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 1927 to 1931 is, therefore, given hereunder. A separate line is added showing the committals to higher courts.

MAGISTRATES' COURTS.—CONVICTIONS AND COMMITTALS.

State.		1927.	1928.	1929.	1930.	1931.
New South Wales ..	Convictions	107,657	119,936	113,398	102,670	101,675
	Committals	1,895	2,003	2,403	2,725	2,751
Victoria ..	Convictions	53,612	47,865	45,318	45,537	42,997
	Committals	774	731	950	948	1,095
Queensland ..	Convictions	28,763	25,563	25,324	26,814	22,081
	Committals	337	313	309	358	367
South Australia ..	Convictions	22,876	18,665	17,320	15,609	14,654
	Committals	301	420	403	491	424
Western Australia ..	Convictions	12,114	14,197	15,565	14,358	13,441
	Committals	84	76	93	114	99
Tasmania ..	Convictions	6,766	6,835	6,898	6,743	6,180
	Committals	72	98	105	76	175
Northern Territory	Convictions	287	424	460	354	314
	Committals	6	2	14	11	11
Federal Capital Territory	Convictions	..	..	..	..	84
	Committals	..	..	..	..	1
Total ..	Convictions	232,075	233,485	224,283	212,085	201,426
	Committals	3,469	3,643	4,277	4,723	4,923

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.		1927.	1928.	1929.	1930.	1931.
NUMBER.						
New South Wales ..	..	10,132	10,237	11,674	11,822	13,627
Victoria ..	..	3,588	3,415	3,860	4,060	4,123
Queensland ..	..	2,712	3,135	3,420	4,148	2,396
South Australia ..	..	1,017	1,091	1,235	1,254	1,370
Western Australia ..	..	1,163	1,344	1,508	1,736	1,713
Tasmania ..	..	551	616	743	725	875
Northern Territory ..	..	7	51	99	90	97
Federal Capital Territory ..	..	..	..	..	..	84
Total ..	..	19,170	19,889	22,539	23,835	24,285

PER 10,000 OF THE POPULATION.

New South Wales ..	..	42.6	42.2	47.2	47.3	54.3
Victoria ..	..	20.8	19.5	21.8	22.8	22.9
Queensland ..	..	30.5	34.5	37.0	44.2	25.0
South Australia ..	..	17.8	18.9	21.3	21.6	23.5
Western Australia ..	..	30.2	33.7	36.7	41.5	40.7
Tasmania ..	..	26.2	29.1	34.8	33.5	39.8
Northern Territory ..	..	16.5	121.2	237.0	193.6	211.2
Federal Capital Territory ..	..	..	..	..	..	97.5
Total ..	..	31.1	31.6	35.4	37.0	37.4

The rate for 1931 is the highest recorded for the quinquennium, the increase in this year being mainly due to a rise in convictions for offences against property in New South Wales.

6. **Decrease in Serious Crime, 1881 to 1931.**—(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 1931. 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 1931.

Year.							Convictions per 10,000 Persons.
1881 .. .. .	..	..	..	..	..	..	69.3
1891 .. .. .	..	..	..	..	..	..	44.8
1901 .. .. .	..	..	..	..	..	..	29.1
1921 .. .. .	..	..	..	..	..	..	29.2
1930 .. .. .	..	..	..	..	..	..	37.4

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. **Drunkennes.**—(i) *Cases and Convictions.* The number of cases of drunkennes and the convictions recorded in connexion therewith during the period 1927 to 1931 will be found in the following table:—

DRUNKENNESS.—CASES AND CONVICTIONS.

State.	1927.		1928.		1929.		1930.		1931.	
	Cases.	Convictions.	Cases.	Convictions.	Cases.	Convictions.	Cases.	Convictions.	Cases.	Convictions.
New South Wales	33,011	32,649	35,590	35,155	33,819	33,136	26,126	25,655	21,195	20,559
Victoria ..	10,793	7,050	9,635	6,241	9,385	5,866	8,132	6,243	7,018	5,602
Queensland ..	12,829	12,657	10,836	10,599	9,882	9,747	9,476	9,385	6,120	6,079
South Australia	5,925	5,913	4,996	4,946	4,312	4,291	2,582	2,577	2,334	2,320
Western Australia	3,904	3,881	4,039	4,011	3,567	3,539	2,906	2,879	2,329	2,309
Tasmania ..	313	303	281	274	329	321	240	240	245	243
Northern Territory	108	108	232	232	157	153	103	100	146	145
Fed. Cap. Terr. ..	..	..	..	..	..	..	..	..	26	26
Total ..	66,883	62,561	65,609	61,458	61,451	57,053	49,565	47,079	39,413	37,283

Under the heading drunkennes, are included cases of ordinary drunkennes, drunkennes and disorderliness, and habitual drunkennes. In the figures quoted for Western Australia, convictions for disorderliness attributable to drink were formerly included in the second category, but for the last three years the returns relate only to drunkennes 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 1927 to 1931 are given hereunder:—

DRUNKENNESS.—CONVICTIONS PER 10,000 INHABITANTS.

State.	1927.	1928.	1929.	1930.	1931.
New South Wales	137.2	144.5	134.1	102.7	82.0
Victoria	40.8	35.6	33.2	35.0	31.2
Queensland	141.9	116.6	105.4	99.8	63.5
South Australia	103.5	85.7	74.0	44.4	39.8
Western Australia	100.8	100.4	86.0	68.8	54.9
Tasmania	14.4	12.9	15.0	11.1	11.0
Federal Capital Territory .. .. .	..	..	..	..	30.2
Total	101.4	97.8	89.5	73.1	57.4

During the last five years there has been a considerable decline in convictions, and as shown in the following table this has been accompanied by a falling off in the consumption of intoxicating beverages.

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 1928–32:—

INTOXICANTS, CONSUMPTION.—AUSTRALIA.

Year.	Consumption per Head of Population.		
	Spirits.	Wine.	Beer.
	Imp. Galls.	Imp. Galls.	Imp. Galls.
1927–28	0.40	0.50	11.44
1928–29	0.38	0.50	11.31
1929–30	0.36	0.50	10.22
1930–31	0.18	0.50	8.12
1931–32	0.17	0.50	7.32

The figures in regard to wine are approximate, and are probably to some extent understated. It is impossible to ascertain exactly the consumption, as a beverage, of wine produced in Australia. As pointed out in connexion with the preceding table, the decline in the consumption per head of intoxicants during the last five years was accompanied by a corresponding decrease 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. 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, 1923 and 1928; 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 and 1900; Victoria, 1890, 1908, 1915 (Crimes Act, sec. 340), and 1928; 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 1927 to 1931, with the rate of such committals per 10,000 of the population :—

COMMITTALS TO SUPERIOR COURTS.

State.	1927.	1928.	1929.	1930.	1931.
NUMBER.					
New South Wales	1,895	2,003	2,403	2,725	2,751
Victoria.. ..	774	731	950	948	1,095
Queensland	337	313	309	358	367
South Australia	301	420	403	491	424
Western Australia	84	76	93	114	99
Tasmania	72	98	105	76	175
Northern Territory	6	2	14	11	11
Federal Capital Territory .. ..	..	..	..	..	1
Total	3,469	3,643	4,277	4,723	4,923

PER 10,000 OF THE POPULATION.

New South Wales	8.0	8.2	9.7	10.9	11.0
Victoria.. ..	4.5	4.2	5.4	5.4	6.1
Queensland	3.8	3.4	3.3	3.8	3.8
South Australia	5.3	7.3	7.0	8.5	7.3
Western Australia	2.2	2.0	2.3	2.7	2.4
Tasmania	3.4	4.6	4.9	3.5	8.0
Federal Capital Territory .. ..	..	..	..	..	1.2
Total	5.6	5.7	6.7	7.3	7.6

(ii) *Decrease in Rate since 1861.* The figures in the preceding table show that the rate of committals for serious crime has increased 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 1931.

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

The decline in proportion to population since 1861 has therefore been about 64 per cent.

§ 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 1927 to 1931 :—

SUPERIOR COURTS.—CONVICTIONS.

State.	1927.	1928.	1929.	1930.	1931.
NUMBER.					
New South Wales ..	(a)877	(a)846	(a)1,034	(a)1,208	(b)1,139
Victoria ..	474	521	630	720	723
Queensland ..	259	244	193	198	209
South Australia ..	196	264	258	304	274
Western Australia ..	61	51	74	92	72
Tasmania ..	37	70	73	65	84
Northern Territory ..	..	4	21	2	6
Federal Capital Territory ..	..	..	..	..	1
Total ..	1,904	2,000	2,283	2,589	2,508

PER 10,000 OF THE POPULATION.

New South Wales (a) ..	3.7	3.5	4.2	4.8	4.5
Victoria ..	2.7	3.0	3.6	4.0	4.0
Queensland ..	2.9	2.7	2.0	2.1	2.2
South Australia ..	3.4	4.6	4.5	5.2	4.7
Western Australia ..	1.6	1.3	1.8	2.2	1.7
Tasmania ..	1.8	3.3	3.4	3.0	3.8
Total ..	3.1	3.2	3.6	4.0	3.9

(a) Year ended 30th June following. (b) Year 1932.

The rate in 1901 was 4.6 per 10,000, and the decrease to the end of 1931 was, therefore, about 15 per cent. During the last five years, however, the rate of convictions in Australia increased by about 26 per cent., Queensland being the only State to show a tendency towards decrease. Owing to the particular conditions prevailing there, the figures for the Northern Territory are abnormal, and the rates have, therefore, been excluded from the table.

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 1927 to 1931. 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.	1927.	1928.	1929.	1930.	1931.
Murder, and attempts at ..	30	25	33	21	38
Manslaughter ..	15	17	15	8	13
Rape, and attempts at ..	14	11	15	14	9
Other offences against females ..	130	159	124	136	118
” ” ” the person ..	224	222	244	224	211
Total ..	413	434	431	403	389

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 1931 amounted to 0.60, as compared with a rate of 1.14 in 1901, the decrease for the period amounting, therefore, to about 47 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 1927 to 1931 :—

EXECUTIONS.

State.	1927.	1928.	1929.	1930.	1931.
New South Wales	2	..	..	..	..
Victoria .. ..	..	..	..	..	..
South Australia	2	..	I	..	..
Western Australia (a) ..	I	I	..	I	I
Tasmania .. ..	..	..	..	..	..
Total	5	I	I	I	I

(a) Year ended 30th June following.

There were 3 executions in 1932, i.e., 1 in each of the States of New South Wales, Victoria, and Western Australia.

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.

During the period 1861 to 1880 the average annual 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 ten years was about 1.8.

§ 4. Prisons.

1. **Prison Accommodation and Prisoners, 1931.**—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 1931 :—

PRISON ACCOMMODATION AND PRISONERS, 1931.

State.	Number of Prisons.	Accommodation in—		Prisoners at End of Year.
		Separate Cells.	Wards.	
New South Wales (a)	26	(b) 2,351	..	1,648
Victoria	15	1,292	491	1,407
Queensland	7	581	98	318
South Australia	14	731	187	369
Western Australia	19	609	486	319
Tasmania	1	142	4	125
Northern Territory	3	..	64	25
Total	85	5,706	1,330	4,211

(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 magistraté may be served.

2. *Prisoners in gaol, 1927 to 1931.*—The number of prisoners in gaol at the 31st December in each of the years 1927 to 1931 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.	1927.	1928.	1929.	1930.	1931.
NUMBER.					
New South Wales (a) ..	1,682	1,699	1,842	1,691	1,648
Victoria ..	883	934	1,145	1,299	1,407
Queensland ..	353	365	368	323	318
South Australia ..	312	403	368	361	369
Western Australia ..	221	236	315	382	319
Tasmania ..	85	73	89	116	125
Northern Territory ..	6	18	30	26	25
Total ..	3,542	3,728	4,157	4,198	4,211

PER 10,000 OF THE POPULATION.

New South Wales ..	7.0	7.0	7.5	6.8	6.6
Victoria ..	5.1	5.3	6.5	7.3	7.8
Queensland ..	4.0	4.0	4.0	3.4	3.3
South Australia ..	5.5	7.0	6.4	6.2	6.3
Western Australia ..	5.7	5.9	7.7	9.1	7.6
Tasmania ..	4.0	3.4	4.2	5.4	5.9
Total ..	5.7	5.9	6.5	6.5	6.5

(a) Year ended 30th June following.

The proportion to population of prisoners in gaol under sentence has risen by about 14 per cent. 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. 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 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 1931 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, 1931.

State.		1931.	State.		1931.
New South Wales	{ Cases No.	71,509	Western Australia	{ Cases No.	25,863
	{ Amount £	397,902		{ Amount £	172,609
Victoria	{ Cases No.	109,919	Tasmania	{ Cases No.	10,774
	{ Amount £	841,044		{ Amount £	81,294
Queensland	{ Cases No.	23,001	Total	{ Cases No.	265,941
	{ Amount £	268,180		{ Amount £	1,982,374
South Australia	{ Cases No.	24,875			
	{ Amount £	221,345			

Particulars in regard to the amount of judgments involved in the 161 civil cases in the Northern Territory were not available.

Causes dealt with in the Civil Courts of the Federal Capital Territory during the years 1931 and 1932, respectively, were as follow:—Lower Courts: Causes 155 and 158, judgments £2,848 and £2,045; Higher Courts: Causes in 1931 3, judgments £1,666; 1932 nil.

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 1931. 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, 1931.

State.		1931.	State.		1931.
New South Wales	{ Causes No.	2,437	Western Australia	{ Causes No.	995
	{ Amount £	392,684		{ Amount £	97,130
Victoria..	{ Causes No.	630	Tasmania	{ Causes No.	605
	{ Amount £	132,383		{ Amount £	29,102
Queensland	{ Causes No.	319	Total	{ Causes No.	5,170
	{ Amount £	15,293		{ Amount £	785,276
South Australia	{ Causes No.	184			
	{ Amount £	118,684			

The figures for amount of judgments in New South Wales are exclusive of returns for the Supreme Court for which particulars are not available. Causes numbering 3,274, involving an amount of £379,471, in which judgment was entered by default or consent, have been excluded from the returns for Victoria.

In addition, four civil cases were returned from Courts in the Northern Territory, but details regarding judgments were not available.

3. Divorces and Judicial Separations.—The number of divorces and judicial separations in each State during the period 1927 to 1931 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.	1927.		1928.		1929.		1930.		1931.	
	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.
New South Wales	1,068	20	921	6	1,078	17	933	7	1,034	3
Victoria	513	2	481	..	546	2	387	1	423	..
Queensland	64	..	117	2	89	..	119	2	107	1
South Australia	97	..	113	..	107	..	148	1	139	..
Western Australia	106	..	142	1	167	1	153	2	138	1
Tasmania	51	..	55	..	48	1	42	..	47	..
Northern Territory .. ..	..	..	..	..	1	..	1	..	..	..
Total	1,899	22	1,829	9	2,036	21	1,783	13	1,938	7

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 follow :—

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 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.

4. Probates.—Information in regard to probates and letters of administration will be found in Chapter XV., 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 1924-1932 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, 1932, are given in the table hereunder. For purposes of comparison, figures for each of the preceding two years have been appended to the table.

COMMONWEALTH BANKRUPTCY ACT RETURNS—1931-32.

Heading.	N.S.W.	Vic.	Qld.	S. Aust.	W. Aust.	Tas.	Australia.	
Sequestration Orders and Orders for administration of Deceased Debtors' Estates	Number ..	409	319	181	174	52	69	1,204
	Liabilities £	897,497	459,899	198,032	391,534	82,601	39,559	2,069,122
	Assets £	595,307	184,550	109,485	256,306	39,002	12,326	1,197,476
Compositions, etc., after Bankruptcy	Number ..	..	..	1	12	..	..	14
	Liabilities £	..	..	414	11,306	1,933	..	13,653
	Assets £	..	..	119	19,424	2,603	..	22,206
Compositions, etc., without Bankruptcy	Number ..	11	19	16	560	129	4	739
	Liabilities £	583,180	154,904	3,425	1,050,102	592,796	5,990	2,390,406
	Assets £	267,122	1,029	3,384	757,049	916,445	4,170	1,950,069
Deeds of arrangement	Number ..	443	351	116	18	44	36	1,008
	Liabilities £	860,049	665,598	335,239	37,996	164,871	79,887	2,143,640
	Assets £	822,079	568,499	321,993	54,573	224,396	88,317	2,079,857
Total, 1931-32	Number ..	863	689	314	764	226	109	2,965
	Liabilities £	2,340,739	1,280,401	537,110	1,490,938	842,201	125,436	6,616,821
	Assets £	1,684,508	754,978	434,981	1,087,352	1,182,476	105,313	5,249,608
Total, 1930-31	Number ..	1,540	1,052	358	1,044	500	151	4,645
	Liabilities £	2,902,511	1,726,508	586,414	1,420,301	1,146,671	196,509	7,978,914
	Assets £	2,622,265	1,320,861	601,974	1,029,760	1,033,021	152,645	7,360,535
Total, 1929-30	Number ..	1,057	705	317	510	485	94	3,168
	Liabilities £	2,158,088	1,244,443	556,271	686,107	1,146,194	155,006	5,946,109
	Assets £	1,806,023	976,035	442,496	551,547	1,716,707	87,962	5,580,770

No transactions were recorded for the year in the Northern Territory. 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 those 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 Acts of 1903-32. 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 1931 and 1932. Figures for previous years are given in preceding issues.

COMMONWEALTH HIGH COURT.—TRANSACTIONS, 1931 AND 1932.

Original Jurisdiction.	1931.		1932.		Appellate Jurisdiction.	1931.		1932.	
Number of writs issued ..	82		38		Number of appeals set down for hearing ..	79		91	
Number of causes entered for trial ..	8		9		Number allowed ..	25		33	
Verdicts for plaintiffs ..	7		5		Number dismissed ..	43		46	
Verdicts for defendants ..	2		4		Otherwise disposed of ..	12		9	
Otherwise disposed of ..	9		3						
Amount of judgments ..	£24,805		£8,377						

The fees collected in 1931 amounted to £699, and in 1932 to £775.

During the years 1931 and 1932, the Court dealt also with other matters as follows :—

Appeals from Assessments under the Taxation Assessment Acts, 41 and 53 ; Special cases stated for the opinion of the Full Court, 5 and 9 ; Applications for Prohibitions, etc., 6 and 7.

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 1904-30, 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 1931-32 in connexion with the administration of justice in each of the States.

STATE EXPENDITURE ON JUSTICE, 1931-32.

State.	Expenditure.	Per Head of Population.	State.	Expenditure.	Per Head of Population.		
	£	s. d.		£	s. d.		
N.S.W. ..	{ Police	1,430,033	11 4	W.A. ..	{ Police	207,653	9 10
	{ Gaols	332,159	2 8		{ Gaols	26,018	1 3
	{ Other	526,538	4 2		{ Other	56,972	2 8
Vic. ..	{ Police	783,390	8 8	Tas. ..	{ Police	80,505	7 3
	{ Gaols	97,559	1 1		{ Gaols	11,213	1 0
	{ Other	212,696	2 4		{ Other	31,541	2 10
Q'land ..	{ Police	499,330	10 4	Total ..	{ Police	3,295,155	10 1
	{ Gaols	29,809	0 7		{ Gaols	539,587	1 8
	{ Other	154,591	3 2		{ Other	1,043,383	3 2
S.A. ..	{ Police	294,244	10 1				
	{ Gaols	42,829	1 6				
	{ Other	61,045	2 1				

The total expenditure in connexion with the administration of justice in the various States declined from 15s. 11d. per inhabitant in 1926-27 to 14s. 11d. in 1931-32. Police expenditure decreased by 5d. per head, the average for gaols rose by 4d. per head, while the expenditure on courts and the remaining machinery of justice decreased by 11d. per head during the period. As might naturally be expected, in view of the necessity for economy, the total expenditure on this service for the year 1931-32 amounting to £4,878,000, shows a considerable decline as compared with that for 1930-31 when the total was returned at £5,658,000.

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 1927-28 to 1931-32 :—

COMMONWEALTH ATTORNEY-GENERAL'S DEPARTMENT—EXPENDITURE.

Year.				Amount.	Year.				Amount.
				£					£
1927-28	..	..	..	231,697	1930-31	..	..	..	233,199
1928-29	..	..	..	246,745	1931-32	..	..	..	196,528
1929-30	..	..	..	245,491					

The totals for each year include expenditure in connexion with Patents and Copyright which decreased from £48,691 in 1925-26 to £41,328 in 1931-32. As pointed out previously, the Commonwealth took over jurisdiction in bankruptcy in August, 1928, and the expenditure thereon in 1931-32 amounted to £26,021. Expenditure in connexion with the Federal Capital Territory police amounted in 1931-32 to £4,500 while £1,416 was expended on miscellaneous items including the Law Court, Titles Office, and Industrial Arbitration Board. During the same year the Department of the Interior expended the following amounts in the Northern Territory :—Police, £26,674 ; Prisons, £4,787 ; other expenditure in connexion with administration of Justice, £2,664.