

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

DISCLAIMER

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

SECTION XXIII.
PUBLIC JUSTICE.

§ 1. Police.

1. **Introductory.**—In previous 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.

In general terms the police forces of Australia may be said to be satisfactory both in regard to physique and intelligence, while as regards methods of prevention and detection of crime it is believed that the system in vogue here compares very favourably with those of the older-settled countries of the world.

2. **Strength of Police Force.**—The strength of the police force in each State during the five years ended 1915 was as follows. It may be mentioned that the police forces are entirely under State control, but, by arrangement, the Commonwealth Government utilises their services in various directions, such as the collection of Commonwealth electoral rolls, etc.:—

POLICE FORCES IN THE COMMONWEALTH, 1911 to 1915.

State.	Area of State in Sq. Miles.	1911.	1912.	1913.	1914.	1915.
New South Wales ...	310,372	2,487	2,554	2,582	2,627	2,613
Victoria... ..	87,884	1,640	1,662	1,753	1,739	1,737
Queensland	670,500	1,011	1,084	1,108	1,112	1,194
South Australia ...	380,070	502	522	500	556	541
Western Australia ...	975,920	481	487	477	482	495
Tasmania	26,215	232	237	237	231	233
Northern Territory ...	523,620	22	25	26	25	26
Commonwealth ...	2,974,581	6,375	6,571	6,683	6,772	6,839

The figures for New South Wales for 1915 are exclusive of forty-eight "black trackers," *i.e.*, natives employed in detection of offenders chiefly in outlying districts, and five female searchers. In Queensland there were ninety-nine native trackers. The South Australian returns for 1915 are exclusive of nine "black trackers" and one female searcher, and the Tasmanian returns are exclusive of a female searcher. The Northern Territory had twenty-four "black trackers" in 1915. There are also fifty-three "black trackers" in Western Australia and four searchers not included in the table.

Average Number of Inhabitants to each Police Officer. 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.

INHABITANTS TO EACH POLICE OFFICER, 1911 to 1915.
(COMMONWEALTH.)

State.	No. of Persons per Sq. Mile, 1911 Census.	Inhabitants to each Police Officer.				
		1911.	1912.	1913.	1914.	1915.
New South Wales ...	5.31	683	697	710	709	716
Victoria ...	14.97	817	831	805	823	816
Queensland ...	0.90	615	587	595	603	570
South Australia ...	0.46	833	824	880	794	813
Western Australia ...	0.29	612	628	672	670	642
Tasmania ...	7.29	834	832	851	872	863
Northern Territory ...	...	148	139	141	159	175
Commonwealth ...	1.50	717	720	729	730	721

The figures in the preceding tables shew a great disparity in the relative numbers of the population protected by each police officer in the various States, and also in the relative area of territory to each officer. Western Australia and South Australia exhibit the largest figures in the latter respect, this, of course, being due to the fact that extensive areas in each State are as yet unpeopled by white settlers.

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 Queensland, according to the Commissioner's report for 1915, no less than sixty subsidiary offices are held by the police. As far as the statistician is concerned, it is found that the expert local knowledge possessed by the police renders their services in the collection of such returns as those relating to the agricultural, pastoral, and manufacturing industries, private schools, etc., more than ordinarily valuable. Then, again, the fact that their services are enlisted by such widely different departments as those dealing with mines, stock, agriculture, elections, registrations of births, deaths, and marriages, forestry, fisheries, explosives, old-age pensions, lunacy, public works, labour, etc., greatly enhances their general alertness by widening the range of their experience. Occasionally the objection is heard in some quarters that these special tasks involve some degree of sacrifice of ordinary routine duties, but that the general intelligence of the Australian police is adequate to the obligation to perform these tasks, besides being most creditable, results in a great saving of the public money.

4. Cost of Police Forces.—The expenditure from Consolidated Revenue on the police forces in each State during the five years 1911 to 1915 is shewn in the following table. Cost of buildings has been excluded from the return:—

COST OF POLICE FORCES IN THE COMMONWEALTH, 1911 to 1915.

State.	1911.	1912.	1913.	1914.	1915.
	£	£	£	£	£
New South Wales ...	515,569	578,767	593,406	592,694	603,347
Victoria ...	345,889	348,227	354,264	380,724	365,821
Queensland ...	258,538	306,431	304,817	302,633	302,209
South Australia ...	107,872	116,847	129,834	132,445	131,580
Western Australia ...	127,458	129,556	126,532	133,452	131,806
Tasmania ...	41,535	43,236	45,237	45,972	45,952
Northern Territory ...	9,708	10,609	10,614	10,307	10,216
Commonwealth ...	1,406,569	1,533,673	1,564,704	1,598,227	1,590,931

The total for New South Wales includes £31,000 payment to Police Superannuation Fund. Similar payments in Victoria and Queensland amount to £22,000 and £28,000 respectively, while smaller sums are included in the returns for other States. The cost per head of the population in each State for the period 1911 to 1915 was as follows:—

COST OF POLICE PER INHABITANT, 1911 to 1915.

(COMMONWEALTH.)

State.	1911.	1912.	1913.	1914.	1915.
	s. d.	s. d.	s. d.	s. d.	s. d.
New South Wales ...	6 2	6 8	6 7	6 4	6 6
Victoria ...	5 1	5 2	5 1	5 4	5 2
Queensland ...	8 4	9 8	9 4	9 0	8 11
South Australia ...	5 2	5 6	6 0	6 0	6 0
Western Australia ...	8 8	8 7	8 1	8 3	8 3
Tasmania ...	4 4	4 6	4 7	4 7	4 7
Northern Territory ...	58 6	63 2	58 0	52 0	44 9
Commonwealth ...	6 2	6 7	6 6	6 6	6 6

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

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 shew a very high average. The duties of the police, moreover, chiefly pertain to matters connected with the control of aborigines.

§ 2. Lower (Magistrates') Courts.

1. **Introductory.**—In considering the criminal returns of the various States, due allowance must be made on account of several factors, such as the relative powers of the courts, both lower and higher, etc. In the case of lower courts, the actual number of laws in each State, the breach of which renders a person liable to fine or imprisonment, must be taken into account. Again, the attitude of the magistracy and police towards certain classes of offences is a factor, for in the case of liquor laws, or laws connected with vagrancy or gaming, the views of magistrates, and instructions issued to the police, may be responsible for considerable variations in the returns. The strength and distribution of the police forces, and the age constitution and distribution of the State's population, also influence the results. In any consideration of criminal returns, due weight should also be given to the prevalence of undetected crime, but information on this point can only be obtained for the State of Victoria. It may be mentioned that each State has its own separate judicial system, the Commonwealth jurisdiction being confined to the High Court of Australia, which is largely a Court of Appeal intermediate to the Privy Council, although it has also original jurisdiction, and the Commonwealth Court of Arbitration and Conciliation. Full particulars regarding the judicial power of the Commonwealth will be found in Chapter III. of the Commonwealth Constitution (see page 29).

2. **Powers of the Magistrates.**—In New South Wales there is no general limit to the powers of the magistrates in regard to offences punished summarily, their authority depending in such case on the statute which creates the offence and gives them jurisdiction. Except in the case of a very few statutes, and excluding cumulative sentences, the power of sentence is limited to six months. Imprisonment in default of payment of fine is regulated by a scale limiting the maximum period according to the sum ordered to be paid, but in no case exceeding twelve months. Actions for debt and damage

within certain limits also come within magisterial jurisdiction. In cases of debts, liquidated or unliquidated, the amount recoverable is not exceeding £50 before a court constituted of a stipendiary or police magistrate at certain authorised places, and not exceeding £30 at any other place before a court constituted of a stipendiary or police magistrate or two or more justices of the peace. The amount in actions of damage is limited to £10, but may extend to £30 by consent of parties.

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

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

In South Australia, under the Minor Offences Act, magistrates can impose sentences up to six months, and under the Summary Convictions Act, up to three months. The Police Act of 1869 gives power to sentence up to one year, with hard labour, in the case of incorrigible rogues; while under the Quarantine Act of 1877, and the Lottery and Gaming Act of 1875, sentences of two years may be imposed.

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

3. Persons Charged at Magistrates' Courts.—The total number of persons who were charged before magistrates in each State is given below for the five years 1911 to 1915:—

PERSONS CHARGED BEFORE MAGISTRATES IN THE COMMONWEALTH, 1911 to 1915.

State.	1911.	1912.	1913.	1914.	1915.
New South Wales	75,114	89,951	92,107	94,766	86,576
Victoria	44,526	53,087	56,058	57,977	63,140
Queensland	25,482	27,323	29,166	29,635	30,047
South Australia	8,435	10,685	11,818	10,693	9,587
Western Australia	13,862	15,092	16,442	17,879	14,864
Tasmania	6,597	7,084	7,101	6,481	6,306
Northern Territory	92	219	139	203	287
Commonwealth	174,108	203,441	212,831	217,634	210,807

As the table shews, the number of charges at Magistrates' Courts in New South Wales increased during 1912 by nearly 20 per cent. It would, however, be rash to conclude that crime is therefore on the increase in that State, for a scrutiny of the detailed returns shews that the bulk of the increase took place in offences against good order, and in the indefinite "not included" class, which comprises breaches of various enactments, such as the Local Government Act, Commonwealth Defence Act, etc. These offences hardly come within the category of ordinary crime. In Western Australia the decrease of 3000 in 1915 as compared with 1914 was due to a falling-off in offences against good order.

The considerable falling-off in the returns for Victoria during 1911 was due in large measure to the decline in summons cases under the Education Act, the figures for 1911 being 4695, as compared with 12,317 in the preceding year. An increase in summons cases accounted for the rise in the total for 1912, to which summonses contributed 33,273 cases, as against 25,128 in the previous year. A scrutiny of the summons returns shews that the rise was due largely to an increase in breaches of the Education Act, for which the figures advanced from 4695 in 1911 to 7470 in 1912. Further, the summons cases for 1912 include in the column "other" 2936 breaches of the Defence Act, this entry appearing, of course, for the first time in the 1912 returns. Again, in 1915, there was a considerable increase due to the inclusion in the summons returns of 10,954 cases in connection with the Commonwealth Electoral Act. The above considerations afford an excellent illustration of the necessity for analysis of the total returns prior to drawing therefrom any deductions in regard to the increase or otherwise of criminality. (See also in this connection § 2, 1. *ante*.)

The figures given in the tabulation above include, of course, a number of people who were wrongly charged, and statistically are not of great importance. The actual number of convictions in connection with the persons who appeared before the lower courts in each year of the period 1911 to 1915 is, therefore, given hereunder. A separate line is added shewing the committals to higher courts.

CONVICTIONS AND COMMITTALS AT MAGISTRATES' COURTS, 1911 to 1915.

(COMMONWEALTH.)

State.		1911.	1912.	1913.	1914.	1915.
New South Wales	{ Convictions	65,058	77,611	79,079	81,217	73,248
	{ Committals	1,178	1,490	1,529	1,648	1,570
Victoria	{ Convictions	31,564	38,646	39,786	41,033	44,947
	{ Committals	564	571	611	571	634
Queensland	{ Convictions	23,072	24,996	26,782	27,244	27,625
	{ Committals	529	425	417	458	411
South Australia...	{ Convictions	7,303	9,184	10,447	9,280	8,222
	{ Committals	99	121	141	135	105
Western Australia	{ Convictions	11,936	13,251	14,590	15,849	13,308
	{ Committals	204	162	150	147	*116
Tasmania	{ Convictions	5,756	6,108	6,471	5,852	5,492
	{ Committals	57	60	58	67	35
Northern Territory	{ Convictions	75	183	134	187	271
	{ Committals	...	8	2	2	1
Commonwealth	{ Convictions	144,764	169,979	177,289	180,662	173,113
	{ Committals	2,631	2,837	2,908	3,028	2,872

* Exclusive of four extradited.

4. Convictions for Serious Crime.—While the figures given in the preceding table refer to the entire body of convictions, the fact must not be lost sight of that they include a large proportion of offences of a technical nature, many of them unwittingly committed, against various Acts of Parliaments. Cases of drunkenness and minor breaches of good order, which, if they can be said to come within the category of crime at all, at least do so in a very different sense to some other offences, also help to swell the list. The following table has, therefore, been prepared for the purpose of shewing 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:—

CONVICTIONS FOR SERIOUS CRIME AT MAGISTRATES' COURTS, 1911 to 1915.
(COMMONWEALTH.)

State.	1911.	1912.	1913.	1914.	1915.
New South Wales	5,075	5,904	6,161	6,100	5,217
Victoria	2,362	2,655	2,405	2,705	2,994
Queensland	1,540	1,495	1,651	1,497	1,639
South Australia	488	554	571	665	607
Western Australia	1,025	1,053	1,111	1,237	1,005
Tasmania	557	566	657	611	558
Northern Territory	6	11	12	28	18
Commonwealth	11,053	12,238	12,568	12,843	12,038

Compared with the population the above figures give the following results per 10,000 inhabitants:—

CONVICTIONS FOR SERIOUS CRIME PER 10,000 INHABITANTS, 1911 to 1915.
(COMMONWEALTH.)

State.	1911.	1912.	1913.	1914.	1915.
New South Wales	30.7	33.9	34.1	32.9	27.9
Victoria	17.8	19.6	17.3	19.0	21.0
Queensland	25.0	23.7	25.3	22.2	23.9
South Australia	11.9	13.1	13.2	15.1	13.8
Western Australia	35.7	34.9	35.4	38.2	31.2
Tasmania	29.3	29.5	33.5	30.8	28.0
Northern Territory	18.1	32.7	32.8	74.6	40.9
Commonwealth	24.6	26.3	26.2	26.1	24.3

5. Decrease in Crime.—The figures quoted in the preceding table shew that during the last five years the rate of serious crime has remained practically constant, while 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, 1911, and 1915. Only the more serious offences, particularised in the preceding paragraph, have been taken into consideration.

RATE OF CONVICTIONS FOR SERIOUS CRIME IN THE COMMONWEALTH, 1881-1915.

Year.	Convictions per 10,000 Persons.
1881	69.3
1891	44.8
1901	29.1
1911	24.6
1915	24.3

6. Need of Statistics of Distinct Persons.—The figures already quoted refer to total convictions, and in respect of individuals necessarily involve a considerable amount of duplication, especially in minor offences, such as petty larcenies, etc., in which the same offender appears before the court many times in the course of the year. In a few of the States it is possible to obtain the number of distinct persons arrested, but there are no means of arriving at the total distinct persons convicted before the magistrates in any State.

7. Causes of Decrease in Crime.—The statistics given shew that there has been a considerable decrease in crime throughout Australia. The results so far quoted are restricted entirely to the lower or magistrates' courts. There has also been a gratifying decrease in regard to offences tried at the higher courts, as will be seen later.

Attempts have been made to account for this decline: e.g., advance in education, enlightened penological methods, etc. Much depends upon what is meant by education. Many classed in census statistics as "educated" can barely read and write. In this connection, moreover, it ought not to be forgotten that collaterally with the introduction of ordinary intellectual education certain people have departed from their pristine virtues. In regard to the deterrent effect of punishment, it may be said that in respect of many offences, notably drunkenness, vagrancy, petty larcenies, etc., it appears to be almost negligible. In general, punishment has declined in brutality and severity, and has improved in respect of being based to a greater extent upon a scientific penological system, though in this latter respect there is yet much to be desired. Recent advances in penological methods will be referred to in a subsequent section. Here it will be sufficient to remark that under the old régime, a prisoner on completion of a sentence in gaol was simply turned adrift on society, and in many cases sought his criminal friends, and speedily qualified for readmission to the penitentiary. Frequently he was goaded to this by mistaken zeal on the part of the police, who took pains to inform employers of the fact of a man having served a sentence in gaol. For a long time any assistance to discharged prisoners was in the hands of private organisations, such as the Salvation Army Prison Gate Brigade, but in some of the States, and notably in New South Wales, the authorities themselves look after the welfare of discharged prisoners in the way of finding work, providing tools, etc.

Improvements in the means of communication and identification have been responsible for some of the falling-off noticeable in the criminal returns, the introduction of the Bertillon system having contributed to certainty of identification. In his report for the year 1910 the Inspector-General of Police in New South Wales states that "criminals have a wholesome dread of the finger print system, and I have not the slightest doubt that it is one of the principal causes of the diminution of serious crimes." Part of the improvement may no doubt be referred also to the general amelioration in social conditions that has taken place during the last fifty years.

8. **Drunkenness.**—The number of cases of drunkenness and the convictions recorded in connection therewith during the period 1911 to 1915 will be found in the following table:—

CASES AND CONVICTIONS.—DRUNKENNESS, 1911 to 1915.

(COMMONWEALTH.)

State.	1911.		1912.		1913.		1914.		1915.	
	Cases.	Convictions.	Cases.	Convictions.	Cases.	Convictions.	Cases.	Convictions.	Cases.	Convictions.
New South Wales ...	29,399	29,299	32,915	32,720	32,676	32,467	33,393	33,208	26,010	25,863
Victoria ...	13,603	7,557	13,524	7,446	14,782	7,676	14,437	7,425	13,453	7,086
Queensland ...	12,824	12,767	14,225	14,213	14,852	14,840	16,510	16,443	16,260	16,196
South Australia ...	4,673	4,627	5,470	5,416	5,994	5,982	5,282	5,243	4,060	4,027
Western Australia ...	4,857	4,808	4,908	4,855	5,353	5,302	5,795	5,770	4,836	4,806
Tasmania ...	756	740	644	633	729	721	685	661	628	612
Northern Territory ...	34	34	80	80	61	61	64	64	158	158
Commonwealth ...	66,145	59,832	71,766	65,363	74,447	67,029	76,166	68,814	65,405	58,748

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 certainly open to doubt.

The convictions for drunkenness per 10,000 of the population during each of the years from 1911 to 1915 are given hereunder :—

CONVICTIONS FOR DRUNKENNESS PER 10,000, 1911 to 1915.
(COMMONWEALTH.)

State.	1911.	1912.	1913.	1914.	1915.
New South Wales ...	167.0	188.1	179.3	179.3	198.2
Victoria ...	56.8	54.9	55.1	52.2	49.7
Queensland ...	207.8	225.0	227.4	243.6	235.7
South Australia ...	112.5	128.4	137.5	119.1	91.5
Western Australia ...	167.7	161.1	168.9	178.4	149.1
Tasmania ...	38.9	33.0	36.8	33.3	30.7
Northern Territory...	102.4	238.1	166.6	170.6	358.8
Commonwealth ...	133.2	140.7	139.5	139.9	118.7

The convictions for drunkenness taken by themselves are not an altogether satisfactory test of the relative sobriety of the inhabitants of each State, inasmuch as several important factors must be taken into consideration. The age and sex constitution of the people, for example, is by no means identical in each State, Western Australia having by far the largest proportion of adult males. 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, and lastly, allowance must be made for the attitude of the magistracy, the police, and the public generally in regard to the offence.

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 habit 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 shewing the consumption of spirits, wine, and beer per head of the population has, with the exception of the figures relating to the Commonwealth, been compiled from returns prepared by the British Board of Trade. The figures quoted for the Commonwealth refer to the year 1915-16, and for the other countries mentioned cover the quinquennium 1907-11.

CONSUMPTION OF ALCOHOLIC BEVERAGES IN VARIOUS COUNTRIES.

Country.	Consumption per Head of Population.			Country.	Consumption per Head of Population.		
	Spirits.	Wine.	Beer.		Spirits.	Wine.	Beer.
United Kingdom...	Imp. Galls. 0.76	Imp. Galls. 0.27	Imp. Galls. 26.94	Canada ...	0.96	0.11	6.22
Commonwealth ...	0.78	0.5	12.41	German Empire	1.37	1.12	22.86
New Zealand ...	0.78	0.15	9.88	France ...	1.38	34.32	8.48
Union of South Africa ...	0.33	0.70	1.28	United States ...	1.04	0.54	16.72

9. Treatment of Drunkenness as Crime.—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 mental state in the company of professional malefactors, doubtless tends to swell the ranks of criminals and certainly tends to lower his self-respect. 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. With regard to drunkards, however, the Comptroller of Prisons in New South Wales advocates the entire abandonment of the system of repeated fine or imprisonment in favour of a course of hospital treatment, and this has to some extent been accomplished by the Inebriates Acts of 1900 and 1909, under which habitual drunkards may be detained for long periods. The Comptroller-General of Prisons in Queensland states in his report for the year 1907 that "the drunken habit in many cases is merely one of many symptoms which jointly indicate the existence of a graver condition than simple habitual drunkenness."

10. Remedial Treatment of Inebriates.—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 1900 and 1912; Victoria, Inebriates Act 1904; Queensland, Inebriate Institutions Act of 1896; South Australia, Inebriates Act of 1881 and 1913; Western Australia, Lunacy Act 1903, Pt. iv., Habitual Drunkards; Tasmania, Inebriates Act 1885, Inebriate Hospitals Act 1892. Curative work was first undertaken by the Government of New South Wales in 1907. The institutes are connected with the gaols, and, naturally, custodial measures are still a strong feature in their management; nevertheless the results so far have been encouraging. In Victoria an institute purporting to be wholly remedial was founded in 1907. It may be mentioned that there are private retreats in each State, but these are not officially subsidised or inspected.

11. Treatment of Habitual Offenders.—In New South Wales the Habitual Criminal Act of 1905 gives judges the power of declaring a prisoner, after a certain number of sentences, to be an habitual criminal, and as such to be detained until, in the opinion of the authorities, he is fit to be at large. At the end of 1915 there were twenty-five persons in prison under this Act. Since the passing of the Act sixty-three males and one female have been declared to be habitual criminals. Of the twenty-five habitual criminals released under section 7 of the Act up to the end of 1915, three have been re-committed to prison. The Indeterminate Sentences Act came into force in Victoria in July, 1908, and up to the end of June, 1915, 270 prisoners had been admitted to the three reformatory prisons, and 164 had been released on probation on the recommendation of the Indeterminate Sentences Board. Of these, thirty-five have completed their probation of two years and passed out of control by the Board, seventy-nine remain in various stages of probation, and fifty have again become delinquent. The provisions of the Habitual Criminals Amendment Act of 1907 were put into force in South Australia in 1909, and seventeen criminals had been declared to be habitual offenders up to the end of 1915. The Criminal Code Amendment Act of 1914, which makes provision for the detention and control of habitual criminals, was assented to in Queensland on the 3rd December, 1914, but up to the end of 1915 no prisoners had been brought under its provisions. Naturally it will be some time before the full effect of these measures on the prevalence of crime can be estimated. The Comptroller-General of Prisons in New South Wales states, however, that the system has exercised a wholesome deterrent effect on the criminal who is not a prisoner,

while the Indeterminate Sentence Board in Victoria states that it has become impressed with the advantages which this form of sentence offers, both from a reformatory and deterrent standpoint, over the ordinary sentence. During the seven years in which the Habitual Criminals and Offenders Act of 1907 has been in force in Tasmania, fifty-two men and one woman have been released under its provisions, and it is stated that, in view of the fact that only two out of the fifty-three persons have broken their parole, the working of the Act must be deemed eminently satisfactory.

12. **Treatment of First Offenders.**—In all the States and in New Zealand 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; Queensland, 1887; South Australia, 1887 and 1913; Western Australia, 1892; Tasmania and New Zealand, 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 recognisances 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.

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

14. **Committals to Superior Courts.**—In a previous 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 connection allowance must be made for the want of uniformity in jurisdiction. The table below gives the number of committals in each year from 1911 to 1915, with the proportion of such committals per 10,000 of the population. The rates are shewn on a separate line.

COMMITTALS TO SUPERIOR COURTS (COMMONWEALTH), 1911 to 1915.

State.		1911.	1912.	1913.	1914.	1915.
New South Wales ...	{ No.	1,223	1,923	1,573	1,699	1,633
	{ Rate	7.4	11.1	8.7	9.2	8.7
Victoria ...	{ No.	564	571	611	571	634
	{ Rate	4.2	4.2	4.4	4.0	4.4
Queensland ...	{ No.	529	425	417	458	411
	{ Rate	8.6	6.7	6.4	6.8	6.0
South Australia ...	{ No.	99	121	141	135	105
	{ Rate	2.4	2.9	3.3	3.1	2.4
Western Australia ...	{ No.	204	162	150	147	116*
	{ Rate	7.1	5.4	4.8	4.5	3.6
Tasmania ...	{ No.	57	60	58	67	35
	{ Rate	3.0	3.1	3.0	3.4	1.8
Northern Territory ...	{ No.	...	8	2	2	1
	{ Rate	...	23.8	5.5	5.3	2.3
Commonwealth ...	{ No.	2,676	3,270	2,952	3,079	2,935
	{ Rate	6.0	7.0	6.1	6.3	5.9

* Exclusive of four extradited.

The above figures shew that the rate of committals for serious crime has decreased slightly during the last five years, but if the comparison be carried farther back, it will be found that, as compared with the earlier years, there has been a considerable improvement. This will be evident from an examination of the following figures, which shew the rate of committals per 10,000 persons in Australia at various periods since 1861:—

RATE OF COMMITTALS IN AUSTRALIA, 1861 to 1915.

Year	1861.	1871.	1881.	1891.	1901.	1915.
Committals per 10,000 inhabitants ...	22	14	12	11	8	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 total number of convictions at superior courts, together with the rate per 10,000 of the population, is shewn below for each of the years 1911 to 1915:—

CONVICTIONS AT SUPERIOR COURTS (COMMONWEALTH), 1911 to 1915.

State.	1911.	1912.	1913.	1914.	1915.
New South Wales	{ No. 538	{ 620	{ 772	{ 810	{ 843
	{ Rate 3.3	{ 3.6	{ 4.3	{ 4.4	{ 4.5
Victoria	{ No. 477	{ 501	{ 506	{ 494	{ 533
	{ Rate 3.6	{ 3.7	{ 3.6	{ 3.5	{ 3.7
Queensland	{ No. 328	{ 384	{ 343	{ 382	{ 351
	{ Rate 5.3	{ 6.1	{ 5.3	{ 5.7	{ 5.1
South Australia	{ No. 74	{ 86	{ 86	{ 93	{ 74
	{ Rate 1.8	{ 2.0	{ 2.0	{ 2.1	{ 1.7
Western Australia	{ No. 98	{ 92	{ 92	{ 84	{ 66
	{ Rate 3.4	{ 3.1	{ 2.9	{ 2.6	{ 2.0
Tasmania	{ No. 38	{ 25	{ 28	{ 41	{ 19
	{ Rate 2.0	{ 1.3	{ 1.4	{ 2.1	{ 1.0
Northern Territory	{ No. 4	{ 3	{ 1	{ 1	{ 1
	{ Rate 12.0	{ 8.9	{ 2.7	{ 2.7	{ 2.3
Commonwealth	{ No. 1,557	{ 1,711	{ 1,828	{ 1,905	{ 1,887
	{ Rate 3.5	{ 3.7	{ 3.8	{ 3.9	{ 3.8

In considering the above figures allowance must be made for the various factors enumerated in a preceding paragraph. Tasmania, it will be noted, shews the smallest proportion of serious crime, while the figures available shew that the island State is relatively the smallest consumer of alcoholic beverages. That a definite causal relation exists between the figures shewn by the respective tables is not, however, obvious.

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 1911 to 1915. Owing to lack of uniformity in the presentation of the returns for the several States the information is confined to the chief offences against the person only. In the case of Victoria the information is incomplete regarding the convictions on summons committals. The figures quoted refer to convictions in the Commonwealth during the period dealt with.

CONVICTIONS FOR SERIOUS CRIME, SUPERIOR COURTS, 1911 to 1915.

(COMMONWEALTH.)

Offences.	1911.	1912.	1913.	1914.	1915.
Murder and attempts at	18	33	38	42	25
Manslaughter	15	16	14	15	15
Rape and attempts at	97	88	71	67	90
Other offences against the person	235	221	298	300	226

While the individual totals shew considerable fluctuations, the returns generally manifest considerable improvement. The general total of convictions for all offences against the person shews a decline since 1901 of about 2½ per cent.

3. **Capital Punishment.**—The table below gives the number of executions in each State during the period 1911 to 1915:—

EXECUTIONS (COMMONWEALTH), 1911 to 1915.

State.	1911.	1912.	1913.	1914.	1915.
New South Wales ... ..	...	1	...	...	...
Victoria ... ..	...	1	...	...	...
Queensland ... ..	...	...	2	...	...
South Australia ... ..	...	...	...	...	...
Western Australia	2	...	1	1	1
Tasmania ... ..	...	...	1	1	...
Commonwealth	2	2	4	2	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.

During the period 1861 to 1880 the annual average number of executions in the Commonwealth was nine, from 1881 to 1900 the average was six, while for the period 1901 to 1910 the figure stood at four.

§ 4. Prisons.

1. **Prison Accommodation and Prisoners in Gaol.**—The table below shews the number of prisons in each State and the accommodation therein at the end of 1915:—

PRISONS AND PRISON ACCOMMODATION (COMMONWEALTH), 1915.

State.	Number of Prisons.	Accommodation in—		Prisoners at End of Year.
		Separate Cells.	Wards.	
New South Wales	31	2,652	...	1,579
Victoria	17	1,456	673	861
Queensland	13	586	380	450
South Australia	13	756	396	282
Western Australia	24	640	816	238
Tasmania	2	190	280	55
Northern Territory	1	3	48	12
Commonwealth	101	6,283	2,593	3,477

The figures for Western Australia and the Northern Territory are exclusive of aborigines.

The number of prisoners in gaol, exclusive of debtors, at the 31st December in each of the years 1911 to 1915, is given below. A separate line is added in each instance shewing the proportion per 10,000 of the population.

PRISONERS IN GAOL (COMMONWEALTH), 1911 to 1915.

State.	1911.	1912.	1913.	1914.	1915.
New South Wales ... {	1,173	1,257	1,456	1,643	1,579
... {	7.1	7.2	8.0	8.9	8.5
Victoria ... {	797	880	863	898	861
... {	6.0	6.5	6.2	6.3	6.1
Queensland ... {	514	529	450	518	450
... {	8.4	8.4	6.9	7.7	6.6
South Australia ... {	224	287	288	341	282
... {	5.4	6.8	6.6	7.7	6.4
Western Australia ... {	323	356	284	277	238
... {	11.3	11.8	9.0	8.6	7.5
Tasmania ... {	65	69	50	50	55
... {	3.4	3.6	2.6	2.6	2.7
Northern Territory ... {	...	12	7	8	12
... {	...	35.7	19.1	21.3	26.3
Commonwealth ... {	3,096	3,390	3,398	3,735	3,477
... {	6.9	7.3	7.1	7.6	7.0

From the preceding table it will be seen that the proportion to population of prisoners in gaol has varied only slightly during the last five years, but, if the comparison be carried farther back the position is seen to be more favourable, the prisoners in gaol in the Commonwealth numbering as much as 16 per 10,000 of the population in 1891.

2. Improvement of Penological Methods.—During recent years Australia, in common with most other civilised countries, has introduced considerable modifications and improvements in methods of prison management. Under the old *régime*, punishment partook more or less of the character of reprisal for wrongdoing, and the idea of constituting the prison as a reformatory agency was in the background. But of recent years there has been an earnest attempt at effecting a moral reformation in the unfortunate who lapse into crime. This aspect of prison management has been specially

prominent in New South Wales. A short account of the re-organisation of the prison system in this State appears in preceding Year Books (see No. V., p. 922), but considerations of space preclude its repetition here. At the present time it is found that good results have followed the principles of scientific classification and restricted association of prisoners, together with the provision of separate institutions for the treatment of inebriates. There are five principal gaols in which prisoners are classified according to history, etc. The large establishments at Goulburn, Bathurst, and Parramatta deal respectively with first offenders, previously convicted but hopeful cases, and incorrigibles. At Long Bay there is a well-designed reformatory institution for females, providing for effective classification, and a penitentiary used as a distributing centre and a place of detention for short-term prisoners from the metropolis. The first-class minor gaols at Albury, Armidale, Broken Hill, Grafton and Maitland, are convenient centres for the reception of country prisoners, and also for the treatment of special cases. There are also several second-class minor gaols and police gaols where short-sentenced prisoners from the surrounding districts are dealt with. In New South Wales the system of carrying on afforestation by prison labour, somewhat after the manner of that in vogue for several years in New Zealand, has been introduced, and in 1911 a site near Tuncurry, on the Manning River, was selected for the purpose of initiating the scheme. Pine trees of various kinds have been planted, the seedlings set out in 1915 numbering over 150,000. A maximum of twenty prisoners in occupation is maintained, but provision is being made for ten more. So far the scheme appears to be a great success, the prisoners being healthy, cheerful, well-behaved, and industrious. Each prisoner has his own comfortable hut, where he takes his meals and sleeps, and may, if he so desires, write his letters. There are no armed or night guards at the camp. During the year 1914 a property of 107 acres was purchased, near the Emu Plains railway station, for the purpose of establishing a prison farm, and this was opened in April, 1915, with ten prisoners. That there is some connection between mental and physical health and crime is proved by the condition in which many persons are received into gaol. In a large number of instances prisoners are found to be suffering from contagious diseases. Under the Prisoners Detention Act such persons may be kept in gaol until cured, but, unfortunately, the provisions of the Act do not apply to short-sentenced prisoners detained in lieu of paying fines, many of whom are known to be afflicted with disease. A further reform, introduced in 1915, was the provision of the Shaftesbury Inebriate Institution for the treatment of non-criminal inebriates.

In 1902 the system of finger-print identification of criminals was introduced, and by the year 1903 bureaux had been established in the various States for the exchange of records. Very successful results have attended the introduction of the system.

Space will not permit of more than a passing reference to the improvements brought about in prison management in the other States. In Victoria there is an excellent system of classification and allocation of prisoners to different gaols, while at the important penal settlement at Pentridge a careful segregation into no less than five distinct classes is carried out. It is proposed to make better provision at the Pentridge prison for the accommodation and classification of habitual offenders. In common with the other States the latest humane methods of accommodation and prison treatment have for some time been employed.

Queensland prisons have been considerably modernised during the last few years. The prison for females at Brisbane has been built on the radiating plan, and embodies the latest ideas in penological methods. Classification of prisoners has been fully carried out in the male and female divisions of Brisbane prison, at Rockhampton prison, and at the Stewart's Creek penal establishment. It is proposed to erect a new prison establishment at St. Helena, embodying the most modern features in design. Amongst recent reforms are the reduction of the period of separate treatment undergone by prisoners sentenced to hard labour or penal servitude, a remodelling of the remission clauses, and allowance of more liberal privileges in the way of correspondence and visits from friends. Electric light has been installed in the Brisbane prison, and prisoners are allowed to read up to 8 o'clock each evening.

Unusual circumstances have combined to keep crime at a low point in South Australia. In the first place there was never any transportation of criminals to the State, while in the earlier years of its history South Australian lawbreakers were transported elsewhere. The discovery of gold in the neighbouring colonies was also responsible for the drawing away of turbulent spirits who might later on have caused trouble. The present system was drafted mainly on English and European lines by the late W. R. Boothby, C.M.G., and has since been as far as possible adapted to modern penological procedure. It is proposed to establish an afforestation camp prison at the Bangham Forest Reserve on similar lines to that at Tuncurry in New South Wales. Excellent work for the benefit and assistance of discharged prisoners is performed by the Prisoners' Aid Association.

A Royal Commission in 1911 recommended the adoption of various reforms in connection with the prison system of Western Australia. The bulk of these were carried out, and included, amongst other things, an extension of the principle of separate treatment, improvement in prisoners' dietary scale, more satisfactory arrangements in regard to remission of sentences, and improvements in regard to hours of labour, leave of absence, etc., for the staff. The separate system has, however, been abolished. Amongst other improvements recently introduced may be mentioned the grant of an eight hours day to officers, enlargement and improved hygiene of cells, additional library facilities, assistance to discharged prisoners by provision of railway passes and monetary aid, appointment of committees to look after the welfare of discharged prisoners, and the remodelling of the "mark" system. The military method of control at Rottneest Island, coupled with considerable privileges to well-conducted prisoners, has proved very successful.

- § 5. Civil Courts.

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

LOWER COURTS.—CIVIL CASES (COMMONWEALTH), 1911 to 1915.

State.		1911.	1912.	1913.	1914.	1915.
New South Wales	Cases No.	29,570	32,531	40,265	37,472	39,828
	Amount £	74,461	93,592	106,809	107,810	110,229
Victoria	Cases No.	28,575	36,043	39,911	41,497	41,055
	Amount £	129,172	190,485	204,175	207,863	188,542
Queensland	Cases No.	12,511	14,962	15,716	16,015	15,729
	Amount £	48,374	61,047	64,518	66,226	68,337
South Australia	Cases No.	14,996	18,905	21,288	21,681	17,765
	Amount £	51,282	60,813	74,623	74,627	80,918
Western Australia	Cases No.	9,773	12,735	14,549	16,974	17,259
	Amount £	43,413	60,774	67,470	66,864	61,169
Tasmania	Cases No.	5,189	4,487	5,194	5,813	6,081
	Amount £	33,601	28,571	34,425	81,610	67,152
Commonwealth	Cases No.	100,614	119,663	136,923	139,452	137,717
	Amount £	380,303	495,282	552,020	605,000	576,347

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

2. **Superior Courts.**—In the next table will be found the transactions on the civil side in the Superior Courts during each of the years 1911 to 1915.

The New South Wales returns are to some extent defective, as the figures quoted for amount of judgments include, up to 1915, in the case of the Common Law jurisdiction of the Supreme Court, the total judgments signed, while in the case of the other States the figures refer to sums actually adjudged after trial. For New South Wales, also, the transactions of district courts refer to the total amounts sued for, and not the sums actually awarded after trial. Statistically the chief importance of the table consists in the fact that it shows a decline in litigiousness in Australia.

SUPERIOR COURTS.—CIVIL CASES, 1911 to 1915.

COMMONWEALTH.

State.		1911.	1912.	1913.	1914.	1915.
New South Wales	{ Causes No.	729	847	926	864	845
	{ Amount £	369,145	528,384	568,761	*328,429	*293,697
Victoria	{ Causes No.	561	637	617	710	713
	{ Amount £	54,552	75,886	91,428	91,903	93,695
Queensland	{ Causes No.	119	108	133	129	129
	{ Amount £	12,208	16,013	22,932	19,156	22,165
South Australia...	{ Causes No.	29	26	44	27	21
	{ Amount £	13,195	29,352	9,688	17,358	2,882
Western Australia	{ Causes No.	423	496	546	578	367
	{ Amount £	90,078	78,068	79,534	37,610	37,581
Tasmania	{ Causes No.	110	113	118	385	282
	{ Amount £	7,810	7,866	7,486	28,159	17,112
Commonwealth	{ Causes No.	1,971	2,227	2,384	2,693	2,357
	{ Amount £	545,988	735,569	779,829	522,615	467,132

* Exclusive of judgments signed, Supreme Court, the amount not being recorded.

3. **Divorces and Judicial Separations.**—The number of divorces and judicial separations in each State during the period 1911 to 1915 is shewn below:—

DIVORCES AND JUDICIAL SEPARATIONS, 1911 to 1915.

(COMMONWEALTH.)

State.	1911.		1912.		1913.		1914.		1915.	
	Divorces.	Judicial Separations	Divorces.	Judicial Separations	Divorces.	Judicial Separations	Divorces.	Judicial Separations	Divorces.	Judicial Separations
New South Wales	210	12	349	12	317	9	297	6	349	6
Victoria	214	...	250	2	237	2	244	1	218	1
Queensland	27	1	17	1	31	1	29	1	27	...
South Australia	20	...	11	...	9	...	20	...	19	...
Western Australia	30	2	36	...	37	...	21	1	32	2
Tasmania	5	1	8	...	8	...	7	...	7	...
Northern Territory	...	...	...	...	...	...	1	...	1	...
Commonwealth	506	16	671	15	639	12	619	9	653	9

The average annual number of divorces and judicial separations in the Commonwealth at decennial periods from 1871 to 1910 and for the quinquennium 1911-15 is given hereunder :—

DIVORCES AND JUDICIAL SEPARATIONS, 1871 to 1915.

	1871-1880.	1881-90.	1891-1900.	1901-10.	1911-15.
Commonwealth ...	29	70	358	401	630

The bulk of the divorces and judicial separations refer, as the table shews, to New South Wales and Victoria, the Acts of 1892 and 1889 in the respective States making the separation of the marriage tie comparatively easy. In some statistical works it is customary to compare the divorces in any year with the marriages in the same year. The comparison is, however, quite valueless, as there is no necessary connection between the figures.

4. **Probates.**—The number of probates and letters of administration granted, together with the value of the estates concerned, is shewn below for each State for the period 1911 to 1915:—

PROBATES AND LETTERS OF ADMINISTRATION (COMMONWEALTH), 1911 to 1915.

State.		1911.	1912.	1913.	1914.	1915.
New South Wales ...	Number	3,589	3,648	3,679	4,438	5,088
	Value £	13,138,068	13,389,806	8,443,068	9,997,615	10,813,859
Victoria ...	Number	4,614	4,585	4,483	4,451	4,449
	Value £	8,469,163	8,533,502	8,367,862	8,481,720	8,759,728
Queensland ...	Number	729	755	765	765	896
	Value £	2,409,495	2,730,039	2,640,017	2,331,224	2,720,896
South Australia ...	Number	1,057	1,246	1,373	1,418	1,515
	Value £	2,855,089	2,353,238	2,214,241	3,050,075	2,894,517
Western Australia ...	Number	584	552	580	577	681
	Value £	844,151	841,800	607,972	1,009,677	1,263,670
Tasmania ...	Number	399	465	415	336	418
	Value £	596,870	983,618	680,477	727,126	793,106
Commonwealth ...	Number	10,972	11,251	11,295	12,035	13,047
	Value £	28,312,836	28,862,003	22,953,637	25,597,437	27,245,806

As may naturally be expected, the figures in the above table, giving the value of property left each year, shew considerable variations.

5. **Bankruptcies.**—The returns in bankruptcy during each of the last five years are given in the following table.

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

BANKRUPTCIES (COMMONWEALTH), 1911 to 1915.

State.	1911.	1912.	1913.	1914.	1915.	
New South Wales ...	{ Number	331	395	351	405	448
	{ Liabilities £	109,359	210,504	208,755	323,111	428,700
	{ Assets £	49,390	153,633	144,038	141,068	166,748
Victoria ...	{ Number	306	404	455	450	436
	{ Liabilities £	112,748	265,046	440,318	273,582	414,439
	{ Assets £	55,374	159,723	237,868	171,295	273,805
Queensland ...	{ Number	227	246	232	210	238
	{ Liabilities £	41,261	45,508	60,385	53,947	65,716
	{ Assets £	9,286	17,020	21,720	36,293	35,533
South Australia ...	{ Number	106	154	185	187	135
	{ Liabilities £	75,347	188,483	169,516	184,220	204,089
	{ Assets £	47,314	135,771	104,622	115,621	136,420
Western Australia ...	{ Number	75	84	75	77	53
	{ Liabilities £	24,150	50,652	65,284	46,234	38,008
	{ Assets £	9,600	35,221	51,928	23,456	34,576
Tasmania ...	{ Number	19	38	46	30	40
	{ Liabilities £	7,066	7,013	16,673	13,476	15,548
	{ Assets £	5,654	2,635	9,831	4,251	9,461
Northern Territory ...	{ Number	1	3	4	1	1
	{ Liabilities £	348	1,123	724	119	106
	{ Assets £	66	44	18	...	39
Commonwealth ...	{ Number	1,065	1,324	1,348	1,360	1,351
	{ Liabilities £	370,279	768,329	961,655	898,689	1,166,606
	{ Assets £	176,684	504,047	570,025	491,984	656,582

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 1903-15. At present the court consists of a Chief Justice and six other judges. Sittings of the court are held in the capitals of the various States as occasion may require. The following statement shews the transactions of the High Court for the quinquennium 1911-15:—

COMMONWEALTH HIGH COURT TRANSACTIONS, 1911 to 1915.

Items.	1911.	1912.	1913.	1914.	1915.
I. ORIGINAL JURISDICTION.					
Number of writs issued ...	39	63	83	75	126
Number of causes entered for trial ...	7	7	9	6	12
Verdicts for plaintiffs ...	4	6	5	5	6
Verdicts for defendants ...	3	...	2	1	6
Otherwise disposed of ...	20	20	16	31	40
Amount of judgments ...	£133	£769	£6,556	£5,304	£4,966
II. APPELLATE JURISDICTION.					
Number of appeals set down for hearing ...	64	89	66	71	85
Number allowed ...	32	43	33	25	23
Number dismissed ...	23	36	26	38	39
Otherwise disposed of ...	9	10	7	8	23

COMMONWEALTH HIGH COURT TRANSACTIONS, 1911 TO 1915—continued.

Items.	1911.	1912.	1913.	1914.	1915.
III. AMOUNT OF FEES COLLECTED.					
Amount in each year...	£493	£590	£692	£656	£808

During the year 1915 the Court dealt also with other matters as follows:—

Appeals from Assessments under the Land Tax Assessment Act ...	13
Special cases stated for the opinion of the Full Court ...	9
Applications for Prohibition ...	2
Applications under the Trading with the Enemy Act ...	3

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 1904-15 will be found in Section xxvii.

§ 6. Cost of Administration of Justice.

The table below shews the expenditure from Consolidated Revenue during each of the last five years in connection with the administration of justice in each of the States. Expenditure on police and prisons has been separately shewn. 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.

EXPENDITURE ON JUSTICE (STATES), 1911 to 1915.

State.	1911.	1912.	1913.	1914.	1915.
	£	£	£	£	£
New South Wales ...	515,569	578,767	593,406	593,694	603,347
{ Police	81,473	89,712	91,279	92,285	92,529
{ Gaols	260,217	262,174	276,043	282,716	286,924
{ Other					
Victoria ...	345,889	348,227	354,264	380,724	365,821
{ Police	50,822	50,952	54,776	57,272	57,791
{ Gaols	162,453	165,078	165,091	192,222	169,309
{ Other					
Queensland ...	258,538	306,431	304,817	302,633	302,209
{ Police	28,257	28,603	28,950	30,989	32,981
{ Gaols	109,507	100,156	101,011	101,687	136,619
{ Other					
South Australia ...	107,372	116,847	129,834	132,445	131,580
{ Police	17,678	17,776	19,159	23,436	22,177
{ Gaols	37,433	41,592	48,203	33,277	33,006
{ Other					
Western Australia ...	127,458	129,556	126,532	133,452	131,806
{ Police	23,755	22,291	21,403	22,339	23,265
{ Gaols	78,022	77,544	77,182	79,142	86,790
{ Other					
Tasmania ...	41,535	43,236	45,237	45,972	45,952
{ Police	5,320	5,664	6,103	7,071	7,261
{ Gaols	14,688	19,524	20,877	21,763	21,338
{ Other					
Northern Territory ...	9,708	10,609	10,614	10,307	10,216
{ Police	2,247	2,309	2,289	2,501	2,128
{ Gaols	555	2,513	2,136	1,941	1,453
{ Other					
Commonwealth ...	1,406,569	1,533,673	1,564,704	1,598,227	1,500,931
{ Police	209,552	217,307	223,959	235,893	238,132
{ Gaols	662,875	668,381	690,543	712,748	735,439
{ Other					

With the exception of that of the Northern Territory, the expenditure shewn in the foregoing table is that incurred by the State Governments only, and does not include expenditure in connection with the Federal High Court, which is shewn hereunder for the period 1911-12 to 1915-16:—

EXPENDITURE OF FEDERAL HIGH COURT, 1911-12 to 1915-16.

Year.			Amount.	Year.			Amount.
			£				£
1911-12	...	...	26,320	1914-15	...	...	31,037
1912-13	...	...	23,334	1915-16	...	...	31,447
1913-14	...	...	32,709				

Other items of federal legal expenditure also not included in the table are Arbitration Court £9,437, Crown Solicitor £10,078, and general £13,916. Excluding Patents and Copyrights, the total expenditure by the federal law authorities for the year 1915-16 was £64,878.

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

EXPENDITURE ON JUSTICE PER INHABITANT (COMMONWEALTH), 1911 to 1915.

State.		1911.	1912.	1913.	1914.	1915.
		s. d.	s. d.	s. d.	s. d.	s. d.
New South Wales	Police	6 3	6 8	6 7	6 4	6 6
	Gaols	0 11	1 0	1 0	1 0	1 0
	Other	3 2	3 0	3 0	3 0	3 2
Victoria	Police	5 2	5 2	5 1	5 4	5 2
	Gaols	0 9	0 9	0 9	0 10	0 10
	Other	2 5	2 4	2 4	2 8	2 5
Queensland	Police	8 2	9 8	9 4	9 0	8 11
	Gaols	0 11	0 11	0 11	0 11	1 0
	Other	3 7	3 2	3 1	3 0	4 0
South Australia	Police	5 3	5 7	6 0	6 0	6 0
	Gaols	0 10	0 10	0 11	1 1	1 0
	Other	1 9	1 11	2 3	1 6	1 6
Western Australia	Police	8 11	8 7	8 1	8 3	8 3
	Gaols	1 9	1 6	1 4	1 5	1 6
	Other	5 5	5 1	4 11	4 11	5 6
Tasmania	Police	4 4	4 6	4 7	4 7	4 7
	Gaols	0 7	0 7	0 7	0 8	0 9
	Other	1 6	2 0	2 2	2 2	2 1
Northern Territory	Police	58 6	63 2	58 0	52 0	44 9
	Gaols	13 6	13 9	12 6	12 7	9 4
	Other	3 4	15 0	11 8	9 9	6 4
Commonwealth	Police	6 3	6 7	6 6	6 6	6 6
	Gaols	1 0	0 11	0 11	0 11	1 0
	Other	2 11	3 0	3 0	3 0	3 0

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 the Commonwealth in connection with the administration of justice in the various States has risen from ten shillings per inhabitant in 1901 to ten shillings and sixpence in 1915. Police expenditure has increased by about ninepence per head, the average for gaols is about threepence per head less, while the expenditure on courts and the remaining machinery of justice has slightly decreased during the same period. Including federal expenditure, the outlay in 1915-16 amounted to ten shillings and sevenpence per head.