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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 1933 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.	1929.	1930.	1931.	1932.	1933.
New South Wales ..	309,432	3,631	3,709	3,653	3,590	3,600
Victoria ..	87,884	2,141	2,115	2,107	2,121	2,148
Queensland (a) ..	670,500	1,229	1,236	1,233	1,231	1,253
South Australia (a) ..	380,070	784	762	742	740	762
Western Australia (a)	975,920	581	562	573	550	559
Tasmania (a) ..	26,215	237	252	261	264	260
Northern Territory	523,620	42	41	40	40	40
Fed. Cap. Territory	940	13	13	13	13	13
Total ..	2,974,581	8,658	8,690	8,622	8,549	8,635

(a) 30th June of year following.

The figures for New South Wales for 1933 are exclusive of 14 "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 64 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 38 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 14, 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 Chief Officers of Police. In his Report for the year 1932 the Inspector-General of Police in New South Wales states that "there can be no doubt that many girls have been saved from moral and physical danger through the activities of the women special constables." The Inspector-General also refers to the valuable assistance rendered by the women police to detectives and the ordinary police in connexion with crimes against women and children.

(ii) *Proportion to Population.*—The average number of inhabitants in the various States to each police officer during the same period is 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 of Persons per Sq. Mile, 1933 Census.	Inhabitants to each Police Officer.				
		1929.	1930.	1931.	1932.	1933.
New South Wales .. .. .	8.41	689	683	700	719	726
Victoria .. .. .	20.71	827	845	854	853	849
Queensland .. .. .	1.41	730	737	750	760	756
South Australia .. .. .	1.53	730	752	776	781	762
Western Australia .. .. .	0.45	724	764	755	791	785
Tasmania .. .. .	8.68	919	877	861	860	875
Northern Territory .. .. .	0.01	107	122	124	123	121
Fed. Cap. Territory .. .. .	9.52	657	689	677	687	712
<b>Total .. .. .</b>	<b>2.23</b>	<b>739</b>	<b>744</b>	<b>757</b>	<b>770</b>	<b>771</b>

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 1934 no less than 55 important subsidiary offices were held by the police. In South Australia, the Commissioner alludes to the large number of subsidiary duties performed by police officers, and mentions that for the year ended June, 1934, nearly 249,000 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 1929-30 to 1933-34, are given in the following table:—

**POLICE FORCES.—COST.**

State.	1929-30.	1930-31.	1931-32.	1932-33.	1933-34.
<b>TOTAL.</b>					
	£	£	£	£	£
New South Wales .. .. .	1,863,021	1,811,469	1,430,033	1,409,162	1,421,749
Victoria .. .. .	921,383	850,372	783,390	790,691	807,435
Queensland .. .. .	596,057	550,473	499,330	499,740	522,132
South Australia .. .. .	327,572	323,541	294,244	278,209	279,481
Western Australia .. .. .	250,200	237,996	207,653	203,208	218,523
Tasmania .. .. .	96,214	93,732	80,505	83,798	85,161
<b>Total .. .. .</b>	<b>4,054,447</b>	<b>3,867,583</b>	<b>3,295,155</b>	<b>3,264,898</b>	<b>3,334,481</b>

POLICE FORCES.—COST—*continued.*

State.	1929-30.	1930-31.	1931-32.	1932-33.	1933-34.
PER HEAD OF POPULATION.					
	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>
New South Wales ..	14 10	14 3	11 2	10 11	10 11
Victoria ..	10 4	9 6	8 8	8 9	8 10
Queensland ..	13 2	12 0	10 9	10 7	10 11
South Australia ..	11 5	11 3	10 2	9 7	9 7
Western Australia ..	11 9	11 1	9 7	9 4	9 11
Tasmania ..	8 9	8 5	7 2	7 4	7 5
Total ..	12 7	11 11	10 1	9 11	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 1933-34 amounted to £23,743 and £4,529 respectively.

5. *Interstate Police Conferences.*—In February, 1921, a Conference of the chief officers of the police forces of the various States was held in Melbourne. In addition to the discussion of matters of common interest, arrangements were made for the interchange of detectives. The results were so satisfactory that it was decided to hold similar Conferences annually. Amongst other matters discussed at the Hobart Conference in 1927, particular attention was given to the subject of traffic regulation in view of the large and increasing number of motor vehicles. Conferences were held at Melbourne in 1928, and at Perth in 1929, but owing to the need for economy no further meetings have been held.

## § 2. Lower (Magistrates') Courts.

1. *General.*—In considering the criminal returns of the various States, due allowance must be made for certain factors, such as the relative powers of the courts, both lower and higher, etc. In the case of lower courts, the actual number of laws in each State the breach of which renders a person liable to fine or imprisonment must be taken into account. Again, the attitude of the magistracy and police towards certain classes of offences is a factor, for in the case of liquor laws, or laws connected with vagrancy or gaming, the views of the magistrates, and instructions issued to the police, may be responsible for considerable variations in the returns. The strength and distribution of the police forces, and the age-constitution and distribution of the States' population, also influence the results. Due weight should also be given to the prevalence of undetected crime, but information on this point is not available for all States. It may be mentioned that each State has its own separate judicial system, the Commonwealth jurisdiction being confined to the High Court of Australia, which is largely a Court of Appeal intermediate to the Privy Council although it has also original jurisdiction, the Commonwealth Court of Conciliation and Arbitration and the Federal Court of Bankruptcy. Full particulars regarding the judicial power of the Commonwealth will be found in Chapter III. of the Commonwealth Constitution.

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

3. Persons Charged at Magistrates' Courts.—The total number of persons who were charged before magistrates in each State is given below for the five years 1929 to 1933 :—

**MAGISTRATES' COURTS.—PERSONS CHARGED.**

State.	1929.	1930.	1931.	1932.	1933.
New South Wales ..	132,439	124,538	121,743	116,341	126,134
Victoria ..	58,097	56,749	54,775	56,797	58,406
Queensland (a) ..	27,719	29,369	25,899	24,983	28,259
South Australia ..	20,106	18,475	17,033	17,546	15,285
Western Australia ..	16,972	15,734	14,986	14,707	13,544
Tasmania ..	7,468	7,504	6,785	7,051	7,271
Northern Territory (a) ..	500	441	442	308	353
Federal Capital Territory ..	..	..	92	194	166
<b>Total .. ..</b>	<b>263,301</b>	<b>252,810</b>	<b>241,755</b>	<b>237,927</b>	<b>249,418</b>

(a) Year ended 30th June following.

Investigation of the returns shows that considerable variations in the figures for single States are occasioned by breaches of new Acts, or the more stringent enforcement of the provisions of existing Acts. Any deductions drawn from the total returns as to the increase or otherwise of criminality must, therefore, be largely influenced by a careful analysis of the detailed list of offences. Thus, the considerable increase in the total offences in New South Wales for the year 1933 as compared with the previous year, although caused partly by an increase of about 3,000 in the number of offences against property, was chiefly due to a rise in the offences against good order and in the miscellaneous class, amounting in the case of the former to nearly 3,000, and in the latter to 4,700, 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 1929 to 1933 is, therefore, given in the next table. A separate line is added showing the committals to higher courts.

**MAGISTRATES' COURTS.—CONVICTIONS AND COMMITTALS.**

State.		1929.	1930.	1931.	1932.	1933.
New South Wales ..	Convictions	113,398	102,670	101,675	93,860	100,075
	Committals	2,403	2,725	2,751	2,244	2,202
Victoria ..	Convictions	45,318	45,537	42,997	45,664	47,079
	Committals	950	948	1,095	1,024	1,404
Queensland (a) ..	Convictions	25,324	26,814	22,081	21,679	25,430
	Committals	309	358	367	352	367
South Australia ..	Convictions	17,320	15,609	14,654	14,705	13,060
	Committals	403	491	424	400	343
Western Australia ..	Convictions	15,565	14,358	13,441	13,214	12,244
	Committals	93	114	99	111	70
Tasmania ..	Convictions	6,898	6,743	6,180	6,450	6,849
	Committals	105	76	175	142	89
Northern Territory a	Convictions	460	354	314	297	296
	Committals	14	11	11	..	17
Federal Capital Territory	Convictions	..	..	84	186	151
	Committals	..	..	1	5	2
<b>Total .. ..</b>	<b>Convictions</b>	<b>224,283</b>	<b>212,085</b>	<b>201,426</b>	<b>196,055</b>	<b>205,184</b>
	<b>Committals</b>	<b>4,277</b>	<b>4,723</b>	<b>4,923</b>	<b>4,278</b>	<b>4,494</b>

(a) Year ended 30th June following.

5. **Convictions for Serious Crime.**—While the figures given in the preceding table refer to the entire body of convictions, the fact must not be overlooked that they include a large proportion of offences of a technical nature, many of them unwittingly committed against various Acts of Parliament. Cases of drunkenness and minor breaches of good order, which, if they can be said to come within the category of crime at all, at least do so in a very different sense from some other offences, also help to swell the list. The following table has therefore been prepared for the purpose of showing the convictions at magistrates' courts for what may be regarded as the more serious offences, i.e., against the person and property, either separately or conjointly, and forgery and offences against the currency :—

**MAGISTRATES' COURTS.—CONVICTIONS FOR SERIOUS CRIME.**

State.	1929.	1930.	1931.	1932.	1933.
NUMBER.					
New South Wales ..	11,674	11,822	13,627	12,224	11,104
Victoria ..	3,860	4,060	4,123	4,024	4,715
Queensland (a) ..	3,420	4,148	2,396	2,526	2,254
South Australia ..	1,235	1,254	1,370	1,448	1,343
Western Australia ..	1,508	1,736	1,713	1,479	1,316
Tasmania ..	743	725	875	726	713
Northern Territory (a) ..	99	90	97	21	20
Federal Capital Territory ..	..	..	28	29	38
<b>Total ..</b>	<b>22,539</b>	<b>23,835</b>	<b>24,229</b>	<b>22,477</b>	<b>21,503</b>

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

New South Wales ..	46.64	46.68	53.31	47.38	42.67
Victoria ..	21.81	22.73	22.91	22.25	25.90
Queensland (a) ..	38.10	45.56	25.90	26.99	23.71
South Australia ..	21.57	21.87	23.80	25.05	23.11
Western Australia ..	35.84	40.45	39.61	33.99	29.99
Tasmania ..	34.12	32.81	38.92	31.97	31.21
Northern Territory (a) ..	221.18	180.40	195.21	42.61	40.87
Federal Capital Territory ..	..	..	31.81	32.49	41.96
<b>Total ...</b>	<b>35.24</b>	<b>36.86</b>	<b>37.12</b>	<b>34.17</b>	<b>32.43</b>

(a) Year ended 30th June following.

6. **Decrease in Serious Crime, 1881 to 1933.**—(i) *Rate of Convictions.* Statistics of convictions reveal a consistent increase in the rate of serious crime from 1925 to 1931, when 37.1 convictions per 10,000 of the population were recorded. Following this comparatively high figure the next two years witnessed a very marked decline to 32.4. Viewed over a longer period the position is far more satisfactory, for the average number of convictions is now less than half of those reported in 1881. Only the more serious offences particularized in the preceding sub-section have been taken into consideration.

## MAGISTRATES' COURTS.—SERIOUS CRIME.—RATE OF CONVICTIONS, 1881 TO 1933.

Year.							Convictions per 10,000 Persons.
1881 .. .. .	..	..	..	..	..	..	69.3
1891 .. .. .	..	..	..	..	..	..	44.8
1901 .. .. .	..	..	..	..	..	..	29.1
1911 .. .. .	..	..	..	..	..	..	24.6
1921 .. .. .	..	..	..	..	..	..	29.2
1931 .. .. .	..	..	..	..	..	..	37.1
1933 .. .. .	..	..	..	..	..	..	32.4

(ii) *Causes of Decrease.* The decrease in crime already referred to is restricted entirely to the lower or magistrates' courts. There has also been a gratifying decrease in regard to offences tried at the higher courts, as will be seen later. A review of the various factors responsible for this decline is given in preceding issues of the Official Year Book. (See No. 22, p. 465.)

7. *Drunkenness.*—(i) *Cases and Convictions.* The number of cases of drunkenness and the convictions recorded in connexion therewith during the period 1929 to 1933 will be found in the following table:—

## DRUNKENNESS.—CASES AND CONVICTIONS.

State.	1929.		1930.		1931.		1932.		1933.	
	Cases.	Convictions.	Cases.	Convictions.	Cases.	Convictions.	Cases.	Convictions.	Cases.	Convictions.
New South Wales	33,819	33,136	26,126	25,655	21,195	20,559	21,815	21,510	25,727	25,421
Victoria .. ..	9,385	5,866	8,132	6,243	7,018	5,602	8,255	7,028	9,240	7,975
Queensland (a) ..	9,882	9,747	9,476	9,385	6,120	6,079	6,355	6,315	6,697	6,662
South Australia	4,312	4,291	2,582	2,577	2,334	2,320	2,653	2,643	2,373	2,357
Western Australia	3,567	3,539	2,906	2,879	2,329	2,309	2,111	2,093	1,992	1,966
Tasmania .. ..	329	321	240	240	245	243	250	245	228	222
Northern Territory (a) ..	157	153	103	100	146	145	139	139	133	133
Fed. Cap. Terr. ..	..	..	..	..	26	26	64	64	69	69
Total .. .. .	61,451	57,053	49,565	47,079	39,413	37,283	41,642	40,037	46,459	44,799

(a) Year ended 30th June following.

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

The number of convictions is, as might naturally be expected, almost identical with the number of cases. Victoria, however, is an exception, but in this State it is explained that offenders are generally discharged on a first appearance, and no conviction is recorded, a similar procedure being also adopted in the case of those arrested on Saturday and detained in custody till Monday. The logic of excluding these cases from the list of convictions is open to doubt.

(ii) *Convictions per 10,000 of Population.* The convictions for drunkenness per 10,000 of the population during each of the years from 1929 to 1933 are given hereunder :—

**DRUNKENNESS.—CONVICTIONS PER 10,000 INHABITANTS.**

State.	1929.	1930.	1931.	1932.	1933.
New South Wales .. ..	132.4	101.3	80.4	83.4	97.7
Victoria .. ..	33.1	35.0	31.1	38.9	43.8
Queensland (a) .. ..	108.6	103.1	65.7	67.5	70.1
South Australia .. ..	75.0	45.0	40.3	45.7	40.6
Western Australia .. ..	84.1	67.1	53.4	48.1	44.7
Tasmania .. ..	14.7	10.9	10.8	10.8	9.7
Federal Capital Territory .. ..	..	..	29.5	71.7	76.2
<b>Total .. ..</b>	<b>89.2</b>	<b>72.8</b>	<b>57.1</b>	<b>60.9</b>	<b>67.6</b>

(a) Year ended 30th June following.

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

The convictions for drunkenness taken by themselves are not an altogether satisfactory test of the relative sobriety of the inhabitants of each State, inasmuch as several important factors must be taken into consideration. The age and sex constitution of the people, for example, are by no means identical in all the States. (Owing to the smallness of the population the figures for the Northern Territory are, of course, abnormal and have not, therefore, been included in the above table.) The avocations of the people affect the result, since persons engaged in strenuous callings are, on the whole, more likely to indulge in alcoholic stimulants than those employed in less arduous ones. The distribution of the population is also a factor, the likelihood of arrest or summons for drunkenness obviously being greater in the more densely populated regions, while allowance must be made for the attitude of the magistracy, the police, and the public generally in regard to the offence. Due account also must be taken of the effect of legislation dealing with the limitation of hours during which liquor may be sold in hotels.

(iii) *Consumption of Intoxicants.* The following table shows the consumption of spirits, wine, and beer per head of the population in Australia during each year of the quinquennium 1929-34 :—

**INTOXICANTS, CONSUMPTION.—AUSTRALIA.**

Year.	Consumption per Head of Population.		
	Spirits.	Wine.	Beer.
	Imp. Galls.	Imp. Galls.	Imp. Galls.
1929-30 .. ..	0.36	} 0.82	10.22
1930-31 .. ..	0.18		8.12
1931-32 .. ..	0.17		7.32
1932-33 .. ..	0.17		7.43
1933-34 .. ..	0.19		8.02



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

(iv) *Treatment of Drunkenness.* (a) *General.* Though the problem of the correct method of dealing with dipsomania is by no means an easy one, it seems fairly clear that the present plan of bringing offenders before magistrates, and subjecting them to the penalty of imprisonment or fine, has little deterrent effect, as the same offenders are constantly reappearing before the courts. Further, the casting of an inebriate into prison and placing him in his weakened state in the company of professional malefactors certainly lowers his self-respect, and doubtless tends to swell the ranks of criminals. Examination of the prison records in New South Wales some years ago disclosed the fact that over 40 per cent. of the gaol population had commenced their criminal career with a charge of drunkenness. During the last few years the dangers of moral contamination in this way have been more accurately appreciated, and a system of classification of prisoners has been adopted whereby the petty offender is as far as possible kept from association with the more evilly-disposed.

(b) *Remedial.* Legislation has been passed in each State providing for the commitment of inebriates to special Government institutions. The laws in the various States are as follow:—New South Wales, Inebriates Act 1912; Victoria, Inebriates Act 1928; Queensland, Inebriate Institutions Act 1896; South Australia, Inebriates Act 1908 amended in 1920, Convicted Inebriates Act 1913; Western Australia, Inebriates Act 1912 amended in 1919; Tasmania, Inebriates Act 1885, Inebriate Hospitals Act 1892. Curative work was first undertaken by the Government of New South Wales in 1907. In most cases the institutes are connected with the gaols, and, naturally, custodial measures are still a strong feature in their management; nevertheless, the results of remedial measures have been encouraging.

8. *First Offenders.*—In all the States statutes dealing with first offenders have been in force for many years. Existing legislation is as follows:—New South Wales, Crimes Act 1900 amended in 1924 and 1929, First Offenders (Women) Act 1918; Victoria, Criminal Code Act 1928; Queensland, Criminal Code Act 1899; South Australia, Offenders Probation Act 1913; Western Australia, Criminal Code Act 1913; Tasmania, Probation of Offenders Act 1934. The method of procedure is practically the same in all cases, i.e., with regard to most first offenders the magistrate or judge is empowered to allow the offender to go free on recognizances being entered into for his good behaviour for a certain period. In practice, this humane law has been found to work excellently, very few of those to whom its provisions have been extended having been found to relapse into crime.

9. *Children's Courts.*—Special courts for the trial of juvenile offenders have been established in New South Wales, Victoria, Queensland, Western Australia, Tasmania, and New Zealand, while Children's Courts, although not under that title, are provided for by the Maintenance Act of 1926 in South Australia. The object of these courts is to avoid, as far as possible, the unpleasant surroundings of the ordinary police court.

10. *Committals to Superior Courts.*—(i) *General.* In a previous 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 1929 to 1933, with the rate of such committals per 10,000 of the population :—

COMMITTALS TO SUPERIOR COURTS.

State.	1929.	1930.	1931.	1932.	1933.
NUMBER.					
New South Wales .. ..	2,403	2,725	2,751	2,244	2,202
Victoria.. ..	950	948	1,095	1,024	1,404
Queensland (a) .. ..	309	358	367	352	367
South Australia .. ..	403	491	424	400	343
Western Australia .. ..	93	114	99	111	70
Tasmania .. ..	105	76	175	142	89
Northern Territory (a) .. ..	14	11	11	..	17
Federal Capital Territory .. ..	..	..	1	5	2
Total .. ..	4,277	4,723	4,923	4,278	4,494

PER 10,000 OF THE POPULATION.

New South Wales .. ..	9.6	10.8	10.8	8.8	8.5
Victoria.. ..	5.4	5.3	6.1	5.7	7.7
Queensland (a) .. ..	3.4	3.9	4.0	3.8	3.9
South Australia .. ..	7.0	8.6	7.4	6.9	5.9
Western Australia .. ..	2.2	2.7	2.3	2.6	1.6
Tasmania .. ..	4.8	3.4	7.8	6.3	3.9
Northern Territory (a) .. ..	31.3	22.0	22.1	..	34.7
Federal Capital Territory .. ..	..	..	1.1	5.6	2.2
Total .. ..	6.7	7.3	7.5	6.5	6.8

(a) Year ended 30th June following.

(ii) *Decrease in Rate since 1861.* The figures in the preceding table show that the rate of committals for serious crime has remained fairly stable during the last five years, but if the comparison be carried back to 1861, it will be found that there has been a very considerable improvement, the decline in proportion to population since that date amounting to approximately 68 per cent.

RATE OF COMMITTALS, AUSTRALIA, 1861 TO 1933.

Year .. ..	1861.	1871.	1881.	1891.	1901.	1911.	1921.	1931.	1933.
Committals per 10,000 inhabitants .. ..	22	14	12	11	8	6	7	8	7

### § 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 1929 to 1933:—

#### SUPERIOR COURTS.—CONVICTIONS.

State.	1929.	1930.	1931.	1932.	1933.
NUMBER.					
New South Wales (a) ..	1,034	1,208	1,139	1,024	855
Victoria ..	630	720	723	674	594
Queensland (a) ..	193	198	209	198	206
South Australia ..	258	304	274	236	224
Western Australia ..	74	92	72	75	38
Tasmania ..	73	65	84	81	59
Northern Territory (a) ..	21	2	6	..	4
Federal Capital Territory ..	..	..	1	5	1
<b>Total .. ..</b>	<b>2,283</b>	<b>2,589</b>	<b>2,508</b>	<b>2,293</b>	<b>1,981</b>

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

New South Wales (a) ..	4.1	4.8	4.5	4.0	3.3
Victoria ..	3.5	4.0	4.0	3.7	3.3
Queensland (a) ..	2.1	2.2	2.3	2.1	2.2
South Australia ..	4.5	5.3	4.8	4.1	3.9
Western Australia ..	1.8	2.1	1.7	1.7	0.9
Tasmania ..	3.4	2.9	3.7	3.6	2.6
Northern Territory (a) ..	46.9	4.0	12.1	..	8.2
Federal Capital Territory ..	..	..	1.1	5.6	1.1
<b>Total .. ..</b>	<b>3.6</b>	<b>4.0</b>	<b>3.8</b>	<b>3.5</b>	<b>3.0</b>

(a) Year ended 30th June following.

The rate of convictions has definitely improved during the past two years, and the figure for 1933 approximately equals the average obtaining for some years prior to the rather heavy increase recorded for the period 1929 to 1931. Owing to the smallness of the population and the particular conditions prevailing there the rates for the Territories naturally show considerable variation.

2. **Offences for which Convictions were recorded at Superior Courts.**—In the following table will be found a classification of the principal offences for which persons were convicted at the higher courts during each year of the period 1929 to 1933. 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.	1929.	1930.	1931.	1932.	1933.
Murder, and attempts at ..	33	21	38	15	21
Manslaughter .. ..	15	8	13	17	15
Rape, and attempts at ..	15	14	9	14	16
Other offences against females ..	124	136	118	102	130
„ „ „ the person	244	224	211	217	216
<b>Total .. ..</b>	<b>431</b>	<b>403</b>	<b>389</b>	<b>365</b>	<b>398</b>

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 1933 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 is not repeated in this issue.

4. **Capital Punishment.**—The table below gives the number of executions in each State during the period 1929 to 1933 :—

## EXECUTIONS.

State.	1929.	1930.	1931.	1932.	1933.
New South Wales .. ..	..	..	..	1	..
Victoria .. ..	..	..	..	1	..
South Australia .. ..	1	..	..	..	..
Western Australia (a) ..	..	1	1	..	..
Tasmania .. ..	..	..	..	..	..
<b>Total .. ..</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>..</b>

(a) Year ended 30th June following.

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

In the early days of the history of Australia the penalty of death was attached to a large number of offences, many of which at the present time would be dealt with in the lower or magistrates' courts. With the growth of settlement, and the general amelioration in social and moral conditions, the list was, however, considerably curtailed, and the existing tendency is practically to restrict death sentences to cases of murder. It may be remarked that in cases of rape, which is a capital offence in some of the Australian States, the penalty has been but sparingly inflicted during the last few years. Juries are reputed to be loth to convict on this charge, owing to the uncertainty whether sentence of death will be pronounced.

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

## § 4. Prisons.

1. **Prison Accommodation and Prisoners, 1933.**—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 1933 :—

## PRISON ACCOMMODATION AND PRISONERS, 1933.

State.	Number of Prisons.	Accommodation in—		Prisoners at End of Year.
		Separate Cells.	Wards.	
New South Wales (a) .. .. .	26	(b) 2,356	..	1,515
Victoria .. .. .	12	1,292	485	1,347
Queensland .. .. .	6	530	98	331
South Australia .. .. .	15	762	174	296
Western Australia .. .. .	19	609	486	229
Tasmania .. .. .	1	142	4	104
Northern Territory (c) .. .. .	3	..	66	25
<b>Total .. .. .</b>	<b>82</b>	<b>5,691</b>	<b>1,313</b>	<b>3,847</b>

(a) Year ended 30th June following.  
December, 1934.

(b) Total accommodation.

(c) Year ended 31st

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

2. **Prisoners in Gaol, 1929 to 1933.**—The number of prisoners in gaol at the 31st December in each of the years 1929 to 1933 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.	1929.	1930.	1931.	1932.	1933.
NUMBER.					
New South Wales (a) .. .. .	1,842	1,691	1,648	1,775	1,515
Victoria .. .. .	1,145	1,299	1,407	1,339	1,347
Queensland .. .. .	368	323	318	353	331
South Australia .. .. .	368	361	369	313	296
Western Australia .. .. .	315	382	319	337	229
Tasmania .. .. .	89	116	125	125	104
Northern Territory .. .. .	(a) 30	(a) 26	(a) 25	(a) 21	(b) 25
<b>Total .. .. .</b>	<b>4,157</b>	<b>4,198</b>	<b>4,211</b>	<b>4,263</b>	<b>3,847</b>

(a) Year ended 30th June following.

(b) Year ended 31st December, 1934.

PRISONERS IN GAOL—*continued.*

State.	1929.	1930.	1931.	1932.	1933.
PER 10,000 OF THE POPULATION.					
New South Wales (a)	7.4	6.7	6.4	6.9	5.8
Victoria	6.5	7.3	7.8	7.4	7.4
Queensland	4.1	3.5	3.4	3.8	3.5
South Australia	6.4	6.3	6.4	5.4	5.1
Western Australia	7.5	8.9	7.4	7.7	5.2
Tasmania	4.1	5.3	5.6	5.5	4.6
<b>Total</b>	<b>6.5</b>	<b>6.5</b>	<b>6.5</b>	<b>6.5</b>	<b>5.8</b>

(a) Year ended 30th June following.

The proportion to population of prisoners in gaol under sentence dropped sharply in 1933 following a figure that had remained stationary during the previous four years. The result for 1933 contrasts most favourably with that obtaining in 1891 when the proportion was as high as 16 per 10,000. Rates for the Northern Territory have not been included on account of the abnormal conditions prevailing there.

3. **Improvement in Prison Methods.**—In previous issues of the Official Year Book a more or less detailed account was given of the improvements effected in each State during recent years in regard to methods of prison management (see Official Year Book 22, pp. 471-4), but this information is not repeated in the present volume.

§ 5. Civil Courts.

1. **Lower Courts.**—The transactions of the lower courts on the civil side during the year 1933 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, 1933.

State.	1933.	State.	1933.
New South Wales	{ Cases No. 63,999 Amount £ 372,065	Western Australia	{ Cases No. 21,480 Amount £ 106,551
Victoria	{ Cases No. 79,424 Amount £ 582,241	Tasmania	{ Cases No. 8,385 Amount £ 56,020
Queensland (a)	{ Cases No. 19,874 Amount £ 207,385	<b>Total</b>	{ Cases No. 215,323 Amount £ 1,707,147
South Australia	{ Cases No. 22,161 Amount £ 382,885		

(a) Year ended 30th June, 1934.

Particulars in regard to the amount of judgments involved in the 136 civil cases in the Northern Territory during the year ended 31st December, 1934, are not available.

Causes dealt with in the Civil Courts of the Federal Capital Territory during the year 1933 were as follow:—Lower Courts Causes 390, judgments £3,419; Higher Courts: Causes 7, judgments £1,523.

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 1933. 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, 1933.

State.	1933.	State.	1933.
New South Wales	{ Causes No. 1,870 Amount £ 320,163	Western Australia	{ Causes No. 390 Amount £ 29,715
Victoria	{ Causes No. 671 Amount £ 75,671	Tasmania	{ Causes No. 243 Amount £ 15,690
Queensland	{ Causes No. 230 Amount £ 29,288	Total	{ Causes No. 3,664 Amount £ 527,919
South Australia	{ Causes No. 260 Amount £ 57,392		

Causes numbering 1,964, involving an amount of £208,709, in which judgment was entered by default or consent, have been excluded from the returns for Victoria.

3. **Divorces and Judicial Separations.**—The number of divorces and judicial separations in each State during the period 1929 to 1933 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.	1929.		1930.		1931.		1932.		1933.	
	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.
New South Wales ..	1,078	17	933	7	1,084	3	853	17	1,014	22
Victoria ..	546	2	387	1	423	3	459	..	499	..
Queensland (a) ..	89	..	119	2	107	1	90	..	109	5
South Australia ..	107	..	148	1	139	..	134	..	163	2
Western Australia ..	167	1	153	2	138	1	110	..	121	..
Tasmania ..	48	1	42	..	47	..	33	..	42	..
Northern Territory (a)	1	..	1	..	..	..	1	..	..	..
Total ..	2,036	21	1,783	13	1,938	7	1,680	17	1,948	29

(a) Year ended 30th June following.

The average annual number of divorces and judicial separations in Australia at decennial periods from 1871 to 1930 and the proportion per 10,000 existing marriages were as 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 rapid increase of divorce during the period 1891-1900 occurred largely in New South Wales and Victoria where legislation passed respectively in 1899 and 1889 made the separation of the marriage tie comparatively easy.

4. Probates.—Information in regard to probates and letters of administration will be found in Chapter 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 1924-1933 jurisdiction in bankruptcy and insolvency was taken over by the Commonwealth from 1st August, 1928. The Act makes provision for the declaration of districts, and each State (except Queensland) has been declared a bankruptcy district. The bankruptcy district of New South Wales includes the Federal Capital Territory, while Queensland has been divided into three districts corresponding to the three Supreme Court districts in that State. The Northern Territory was also declared a separate bankruptcy district. Operations under the Act for the year ended 31st July, 1934, are given in the following table. For the purposes of comparison, figures for each of the preceding two years have been appended to the table.

COMMONWEALTH BANKRUPTCY ACT RETURNS, 1933-34.

Heading.	N.S.W.	Vic.	Qld.	S. Aust.	W. Aust.	Tas.	Nor. Ter.	Australia.
Sequestration Orders and Orders for administration of Deceased Debtors' Estates	Number ..	366	218	130	175	43	51	983
	Liabilities £	443,636	509,745	154,575	259,425	63,618	74,488	1,505,487
	Assets £	208,926	116,156	103,417	116,231	47,460	32,886	625,076
Compositions, etc., after Bankruptcy	Number ..	..	3	1	..	..	1	5
	Liabilities £	..	11,293	1,643	..	..	1,406	14,342
	Assets £	..	2,180	1,000	..	..	650	3,830
Compositions, etc., without Bankruptcy	Number ..	14	11	..	434	89	6	554
	Liabilities £	24,263	37,996	..	1,230,159	138,495	9,803	1,440,716
	Assets £	7,611	39,414	..	888,459	113,226	9,224	1,057,934
Deeds of arrangement	Number ..	266	212	81	..	15	13	592
	Liabilities £	493,342	402,150	225,534	18,408	53,575	9,665	1,202,674
	Assets £	510,932	322,803	207,600	15,225	44,169	8,406	1,109,135
Total, 1933-34	Number ..	646	444	212	614	147	71	2,134
	Liabilities £	961,241	961,134	381,752	1,507,992	255,688	95,362	4,163,219
	Assets £	727,409	480,553	312,017	1,019,915	204,855	51,166	2,795,975
Total, 1932-33	Number ..	637	527	270	561	157	68	2,222
	Liabilities £	1,064,159	1,248,159	1,024,732	1,277,991	597,634	68,745	5,282,720
	Assets £	817,369	749,426	760,925	1,049,038	536,300	44,626	3,958,082
Total, 1931-32	Number ..	863	689	314	764	226	109	2,965
	Liabilities £	2,340,735	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

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



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

5. **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 1903–1933. At present the Court consists of a Chief Justice and five other judges. Sittings of the Court are held in the capitals of the various States as occasion may require. The High Court functions as a Court of Appeal for Australia. The following statement shows the transactions of the High Court for the years 1933 and 1934. Figures for previous years are given in preceding issues.

**COMMONWEALTH HIGH COURT.—TRANSACTIONS, 1933 AND 1934.**

Original Jurisdiction.			Appellate Jurisdiction.		
	1933.	1934.		1933.	1934.
Number of writs issued	43	42	Number of appeals set down for hearing ..	116	132
Number of causes entered for trial ..	10	14	Number allowed ..	39	49
Verdicts for plaintiffs ..	4	3	Number dismissed ..	54	61
Verdicts for defendants	1	2	Otherwise disposed of	2	4
Otherwise disposed of ..	4	6			
Amount of judgments	£105,772	£4,931			

During the years 1933 and 1934 respectively the Court dealt also with the following—Appeals from Assessments under the Taxation Assessment Acts, 39, 73; special cases stated for the opinion of the Full Court, 6, 17; Applications for Prohibitions, etc., 8, 9. The fees collected in 1933 amounted to £676, and in 1934 to £900.

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 1904–1930, 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 1933–34 in connexion with the administration of justice in each of the States.

STATE EXPENDITURE ON JUSTICE, 1933-34.

State.	Expenditure.	Per Head of Population.	State.	Expenditure.	Per Head of Population.
	£	s. d.		£	s. d.
N.S.W. ..	Police 1,421,749	10 11	W.A. ..	Police 218,523	9 11
	Gaols 299,798	2 4		Gaols 26,008	1 1
	Other 461,430	3 10		Other 71,274	3 2
Vic. ..	Police 807,435	8 10	Tas. ..	Police 85,161	7 5
	Gaols 106,332	1 1		Gaols 11,590	1 0
	Other 203,655	2 4		Other 30,597	2 7
Q'land ..	Police 522,132	10 11			
	Gaols 28,356	0 7			
	Other 168,807	3 6			
S.A. ..	Police 279,481	9 7	Total ..	Police 3,334,481	10 1
	Gaols 39,209	1 5		Gaols 511,293	1 6
	Other 60,911	1 11		Other 996,674	3 0

The total expenditure in connexion with the administration of justice in the various States declined from 17s. 7d. per inhabitant in 1929-30 to 14s. 7d. in 1933-34. As might naturally be expected, in view of the necessity for economy, the total expenditure on this service for the year 1933-34 amounting to £4,842,000 shows a considerable decline as compared for example 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 1929-30 to 1933-34 :—

COMMONWEALTH ATTORNEY-GENERAL'S DEPARTMENT—EXPENDITURE.

Year.	Amount.	Year.	Amount.
	£		£
1929-30 .. .. .	245,491	1932-33 .. .. .	197,070
1930-31 .. .. .	233,199	1933-34 .. .. .	207,279
1931-32 .. .. .	196,528		

The totals for each year include expenditure in connexion with Patents and Copyright which decreased from £56,301 in 1929-30 to £43,773 in 1933-34. As pointed out previously, the Commonwealth took over jurisdiction in bankruptcy in August, 1928, and the expenditure thereon in 1933-34 amounted to £31,050, including the salary of the Federal Judge, £2,500. Expenditure in connexion with the Federal Capital Territory police amounted in 1933-34 to £4,529, while £1,381 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, £23,743 ; Prisons, £5,255 ; other expenditure in connexion with administration of Justice, £4,569.