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**CHAPTER X.**  
**PUBLIC JUSTICE.**  
**§ 1. Police.**

1. *General.*—In early issues of the Year Book a résumé was given of the evolution of the police force in Australia up to the passing of the Police Act of 1862 (25 Vic. No. 16) in New South Wales, but considerations of space preclude its inclusion in the present volume.

2. *Strength of Police Force.*—(i) *General.* The strength of the police force in each State during the five years ended 1929 is given in the table hereunder. It may be mentioned that the police forces (with the exception of the small body of Commonwealth police maintained at the Federal Capital) are entirely under State control, but, by arrangement, the Commonwealth Government utilizes their services in various directions, such as the collection of particulars for Commonwealth electoral rolls, etc.

**POLICE FORCES.—STRENGTH, 1925 TO 1929.**

State.	Area of State in Sq. Miles.	1925.	1926.	1927.	1928.	1929.
New South Wales ..	309,432	2,937	2,970	3,109	3,444	3,709
Victoria .. ..	87,884	1,875	1,963	1,977	2,112	2,141
Queensland .. ..	670,500	1,182	1,167	1,191	1,125	1,229
South Australia ..	380,070	632	642	716	801	784
Western Australia	975,920	532	537	541	549	581
Tasmania .. ..	26,215	240	245	246	239	237
Northern Territory	523,620	38	38	39	39	42
Fed. Cap. Territory	940	..	..	(a)13	13	13
<b>Total .. ..</b>	<b>2,974,581</b>	<b>7,436</b>	<b>7,562</b>	<b>7,832</b>	<b>8,322</b>	<b>8,736</b>

(a) Organization created in September, 1 27.

The figures for New South Wales for 1929 are exclusive of 22 "black trackers," i.e., natives employed in detection of offenders chiefly in outlying districts, and 4 matrons. For Queensland the figures exclude 63 native trackers and 1 female searcher; for South Australia 5 "black trackers" and 1 female searcher, and for the Northern Territory 34 "black trackers." There are also 43 "black trackers" and 5 female searchers in Western Australia, not included in the table. According to the returns, women police are employed in all the States except Queensland, the respective numbers being—New South Wales 8, Victoria 7, South Australia 13, Western Australia 5, and Tasmania 1. Their work is mainly preventive, and the importance and usefulness of their duties have been referred to in very high terms by the Commissioners of Police.

(ii) *Proportion to Population.*—The average number of inhabitants to each officer in each State during the same period is as follows. In considering these figures, allowance must, of course, be made for the unequal area and unequal distribution of the population of the various States.

**POLICE FORCES.—COMPARISON WITH POPULATION, 1925 TO 1929.**

State.	Number of Persons per Sq. Mile, 1921 Census.	Inhabitants to each Police Officer.				
		1925.	1926.	1927.	1928.	1929.
New South Wales .. ..	6.80	776	783	763	710	660
Victoria .. .. .	17.42	891	864	874	834	830
Queensland .. .. .	1.13	720	750	749	814	757
South Australia .. ..	1.30	861	871	798	723	740
Western Australia .. ..	0.34	691	698	712	739	717
Tasmania .. .. .	8.15	889	862	854	906	924
Northern Territory .. ..	..	97	99	109	102	106
Fed. Cap. Territory .. ..	..	..	..	441	622	637
<b>Total .. .. .</b>	<b>1.83</b>	<b>798</b>	<b>800</b>	<b>788</b>	<b>765</b>	<b>734</b>

The above figures show, therefore, that the rate of protection maintained for Australia as a whole has remained fairly constant.

3. **Duties of the Police.**—In addition to the ordinary employment attaching to their office, the police are called upon to perform many duties which in other countries are carried out by various functionaries. Thus, in New South Wales, according to the Report of the Inspector-General, the time of one-fifth of the force was taken up during 1921 in extraneous duties unconnected with the protection of life and property, while the cash value of the services rendered to other Government departments was stated as over £200,000 per annum. The Queensland Commissioner refers to the circumstance that in 1929 no less than 71 subsidiary offices were held by the police. In South Australia, the Commissioner alludes to the large number of subsidiary duties performed by police officers, and mentions that for the year ended June, 1929, nearly 197,000 inquiries were made on behalf of other departments.

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

4. **Cost of Police Forces.**—The expenditure from Consolidated Revenue on the police forces, and the cost per head of population in each State during the five years 1925 to 1929, are given in the following table :—

**POLICE FORCES.—COST, 1925 TO 1929.**

State.	1925.	1926.	1927.	1928.	1929.
<b>TOTAL.</b>					
	£	£	£	£	£
New South Wales .. ..	1,331,978	1,370,659	1,512,523	1,650,285	1,734,145
Victoria .. ..	768,939	840,653	857,306	880,729	888,244
Queensland .. ..	554,879	563,391	571,706	595,490	596,057
South Australia .. ..	250,915	263,857	275,844	315,465	330,625
Western Australia .. ..	216,798	224,690	227,106	268,830	256,761
Tasmania .. ..	84,340	88,725	91,704	94,059	96,200
Northern Territory .. ..	19,004	19,656	16,159	22,738	22,591
<b>Total .. ..</b>	<b>3,226,853</b>	<b>3,371,631</b>	<b>3,552,348</b>	<b>3,827,596</b>	<b>3,924,623</b>

**PER HEAD OF POPULATION.**

	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>
New South Wales .. ..	11 7	11 9	12 9	13 6	14 0
Victoria .. ..	9 2	9 11	9 11	10 0	10 0
Queensland .. ..	12 11	12 11	12 10	13 0	12 10
South Australia .. ..	9 1	9 5	9 8	10 11	11 5
Western Australia .. ..	11 8	12 0	11 10	13 3	12 4
Tasmania .. ..	7 9	8 5	8 9	8 8	8 9
Northern Territory .. ..	104 0	100 10	74 1	114 2	101 1
<b>Total .. ..</b>	<b>10 9</b>	<b>11 2</b>	<b>11 6</b>	<b>12 1</b>	<b>12 3</b>

In view of the small number of its white population and the vast extent of country to be patrolled, the figures for the Northern Territory necessarily show a very high average. The duties of the police, moreover, chiefly pertain to matters connected with the control of aborigines.

The total for New South Wales in 1929 includes £175,525 payment to the Police Superannuation Fund. Similar payments in Victoria and Queensland amount to £138,000 and £44,500 respectively.

The general advance in cost during the period under review is due to increases in salaries, and in prices of supplies and equipment.

5. *Interstate Police Conferences.*—In February, 1921, a Conference of the chief officers of the police forces of the various States was held in Melbourne. In addition to the discussion of matters of common interest, arrangements were made for the interchange of detectives. The results were so satisfactory that it was decided to hold similar Conferences annually. Amongst other matters discussed at the Hobart Conference in 1927, particular attention was given to the subject of traffic regulation in view of the large and increasing number of motor vehicles. The Conference was held at Melbourne in 1928, and at Perth in 1929.

§ 2. Lower (Magistrates') Courts.

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

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

3. *Persons Charged at Magistrates' Courts.*—The total number of persons who were charged before magistrates in each State is given below for the five years 1925 to 1929 :—

MAGISTRATES' COURTS.—PERSONS CHARGED, 1925 TO 1929.

State.	1925.	1926.	1927.	1928.	1929.
New South Wales ..	102,377	116,675	124,030	137,079	132,439
Victoria ..	73,346	75,556	67,276	60,562	58,097
Queensland ..	28,684	29,196	30,479	27,300	27,719
South Australia ..	20,651	23,637	25,455	21,766	20,106
Western Australia ..	11,358	12,335	13,325	15,499	16,972
Tasmania ..	7,035	7,848	7,309	7,413	7,468
Northern Territory ..	180	142	317	456	500
Total ..	243,631	265,389	268,191	270,075	263,301

Investigation of the returns shows that considerable variations in the figures for single States are occasioned by breaches of new Acts, or the more stringent enforcement of the provisions of existing Acts. Any deductions drawn from the total returns as to the increase or otherwise of criminality must, therefore, be largely influenced by a careful analysis of the detailed list of offences. Thus, the considerable increase in the total offences in New South Wales for the year 1926 was due chiefly to the large number of charges under the Traffic Act, the total recorded in 1926 being 20,594 as compared with 11,895 in 1925. The increase in this State for the year 1928 as compared with the previous year was chiefly due to a rise in the offences against good order and in the miscellaneous class, amounting in the case of the former to over 4,000, and in the latter to 7,760, the bulk of the increase in the latter consisting of charges under the Traffic Act.

4. *Convictions and Committals.*—The figures given in the tabulation above include, of course, a number of people who were wrongly charged, and statistically are not of general importance. The actual number of convictions in connexion with the persons who appeared before the lower courts in each year of the period 1925 to 1929 is, therefore, given hereunder. A separate line is added showing the committals to higher courts.

## MAGISTRATES' COURTS.—CONVICTIONS AND COMMITTALS, 1925 TO 1929.

State.		1925.	1926.	1927.	1928.	1929.
New South Wales	Convictions	85,970	100,644	107,657	119,936	113,398
	Committals	1,806	1,832	1,895	2,003	2,403
Victoria	Convictions	58,879	60,728	53,612	47,865	45,318
	Committals	744	761	774	731	950
Queensland	Convictions	26,148	26,815	28,763	25,563	25,324
	Committals	326	328	337	313	309
South Australia	Convictions	18,556	21,417	22,876	18,665	17,320
	Committals	181	299	301	420	403
Western Australia	Convictions	10,047	11,105	12,114	14,197	15,565
	Committals	91	87	84	76	93
Tasmania	Convictions	6,415	7,200	6,766	6,835	6,898
	Committals	95	99	72	98	105
Northern Territory	Convictions	121	129	287	424	460
	Committals	..	2	6	2	14
Total	Convictions	206,136	228,038	232,075	233,485	224,283
	Committals	3,243	3,408	3,469	3,643	4,277

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, 1925 TO 1929.

State.	1925.	1926.	1927.	1928.	1929.
TOTAL.					
New South Wales	7,543	9,340	10,132	10,237	11,674
Victoria	3,044	3,249	3,588	3,415	3,860
Queensland	2,274	2,608	2,712	3,135	3,420
South Australia	864	872	1,017	1,091	1,235
Western Australia	1,108	1,177	1,163	1,344	1,508
Tasmania	550	607	551	616	743
Northern Territory	5	22	7	51	99
Total	15,388	17,875	19,170	19,880	22,530
PER 10,000 OF THE POPULATION.					
New South Wales	33.1	41.8	42.6	42.2	47.2
Victoria	18.2	19.1	20.8	19.5	21.8
Queensland	26.7	29.8	30.5	34.5	37.0
South Australia	15.9	15.6	17.8	18.9	21.3
Western Australia	30.1	31.4	30.2	33.7	36.7
Tasmania	25.8	28.7	26.2	29.1	34.8
Northern Territory	13.6	58.4	16.5	121.2	237.0
Total	25.9	29.6	31.1	31.6	35.4

6. **Decrease in Serious Crime, 1881 to 1929.**—(i) *Rate of Convictions.* The figures quoted in the preceding table show that during the last five years the rate of serious crime has increased, but if the comparison be carried back to 1881 the position is seen to be more satisfactory. The rate of convictions at magistrates' courts per 10,000 of the population is given below for each of the years 1881, 1891, 1901, 1921, and 1929. 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 1929.**

Year.							Convictions per 10,000 Persons.
1881 .. .. .	..	..	..	..	..	..	69.3
1891 .. .. .	..	..	..	..	..	..	44.8
1901 .. .. .	..	..	..	..	..	..	29.1
1921 .. .. .	..	..	..	..	..	..	29.2
1929 .. .. .	..	..	..	..	..	..	35.4

The figures already quoted refer to total convictions, and in respect of individuals necessarily involve a considerable amount of duplication, especially as regards the less important offences, such as petty larcenies, etc.

(ii) *Causes of Decrease.* The statistics given above show that there has been a considerable decrease in crime throughout Australia over the period dealt with. The results so far quoted are restricted entirely to the lower or magistrates' courts. There has also been a gratifying decrease in regard to offences tried at the higher courts, as will be seen later. A review of the various factors responsible for this decline is given in preceding issues of the Official Year Book. (See No. 22, p. 465.)

7. **Drunkennes.**—(i) *Cases and Convictions.* The number of cases of drunkenness and the convictions recorded in connexion therewith during the period 1925 to 1929 will be found in the following table :—

**DRUNKENNESS.—CASES AND CONVICTIONS, 1925 TO 1929.**

State.	1925.		1926.		1927.		1928.		1929.	
	Cases.	Convictions.	Cases.	Convictions.	Cases.	Convictions.	Cases.	Convictions.	Cases.	Convictions.
New South Wales	30,689	36,160	31,922	31,361	33,011	32,649	35,590	35,155	33,819	33,136
Victoria .. ..	9,430	5,767	10,150	6,461	10,793	7,050	9,635	6,241	9,385	5,866
Queensland ..	13,020	12,475	12,713	12,650	12,829	12,657	10,536	10,599	9,882	9,747
South Australia ..	5,830	5,795	6,050	6,029	5,925	5,913	4,996	4,946	4,312	4,291
Western Australia	3,149	3,131	3,318	3,299	3,904	3,881	4,039	4,011	4,068	4,040
Tasmania .. ..	364	361	333	330	313	303	281	274	329	321
Northern Territory	44	44	68	68	108	108	232	232	157	153
Total .. .. .	62,506	57,733	64,554	60,198	66,883	62,561	65,609	61,458	61,952	57,554

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 have been included in the second category.

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 1925 to 1929 are given hereunder :—

**DRUNKENNESS.—CONVICTIONS PER 10,000 INHABITANTS, 1925 TO 1929.**

State.	1925.	1926.	1927.	1928.	1929.
New South Wales .. ..	132.3	134.8	137.2	144.5	134.1
Victoria .. ..	34.5	38.1	40.8	35.6	33.2
Queensland .. ..	146.5	144.5	141.9	116.6	105.4
South Australia .. ..	106.5	107.9	103.5	85.7	74.0
Western Australia .. ..	85.0	88.0	100.8	100.4	98.2
Tasmania .. ..	16.9	15.6	14.4	12.9	15.0
Northern Territory .. ..	119.5	180.6	255.1	551.5	366.2
Total .. ..	97.3	99.5	101.4	97.8	90.3

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

(iii) *Consumption of Intoxicants.* It is not unusual to supplement statistics of drunkenness by furnishing also the relative consumption of alcoholic beverages. Deductions drawn therefrom will be very misleading if they fail to take into account also the consumption of non-intoxicating beverages such as tea and coffee, and the general habits of the people. Throughout the greater part of Europe, tea and coffee are consumed but sparingly, while Australia, as is well known, is one of the greatest tea-drinking countries of the world.

The following table shows the consumption of spirits, wine, and beer per head of the population in Australia during each year of the quinquennium 1926-30 :—

**INTOXICANTS, CONSUMPTION.—AUSTRALIA, 1926 TO 1930.**

Year.	Consumption per Head of Population.		
	Spirits.	Wine.	Beer.
	Imp. Galls.	Imp. Galls.	Imp. Galls.
1925-26 .. ..	0.44	0.50	11.34
1926-27 .. ..	0.41	0.50	11.56
1927-28 .. ..	0.40	0.50	11.44
1928-29 .. ..	0.38	0.50	11.31
1929-30 .. ..	0.36	0.50	10.22

The figures in regard to wine are approximate, and are probably to some extent understated, as it is impossible to ascertain the exact quantity of the production which goes into consumption in the form of wine.

(iv) *Treatment of Drunkenness.* (a) *General.* Though the problem of the correct method of dealing with dipsomania is by no means an easy one, it seems fairly clear that the present plan of bringing offenders before magistrates, and subjecting them to the penalty of imprisonment or fine, has little deterrent effect, as the same offenders are constantly reappearing before the courts. Further, the casting of an inebriate into prison, and placing him in his weakened state in the company of professional malefactors, certainly lowers his self-respect, and doubtless tends to swell the ranks of criminals. Examination of the prison records in New South Wales some years ago

disclosed the fact that over 40 per cent. of the gaol population had commenced their criminal career with a charge of drunkenness. During the last few years the dangers of moral contamination in this way have been more accurately appreciated, and a system of classification of prisoners has been adopted whereby the petty offender is as far as possible kept from association with the more evilly-disposed. The Comptroller-General of Prisons in Queensland stated in his Report for the year 1907 that "the drunken habit in many cases is merely one of the many symptoms which jointly indicate the existence of a graver condition than simple habitual drunkenness."

(b) Remedial. Legislation has been passed in each State, providing for the commitment of inebriates to special Government institutions. The laws in the various States are as follows:—New South Wales, Inebriates Act 1912; Victoria, Inebriates Acts 1915 and 1923; Queensland, Inebriate Institutions Act 1896; South Australia, Inebriates Acts 1908, 1913, and 1920; Western Australia, Inebriates Acts 1912 and 1919; Tasmania, Inebriates Act 1885, Inebriate Hospitals Act 1892. Curative work was first undertaken by the Government of New South Wales in 1907. In most cases the institutes are connected with the gaols, and, naturally, custodial measures are still a strong feature in their management; nevertheless, the results of remedial measures have been encouraging.

8. First Offenders.—In all the States statutes dealing with first offenders have been in force for some years, the dates of passing the Acts being as follows:—New South Wales, 1894; Victoria, 1890, 1908, and 1915 (Crimes Act, sec. 340); Queensland, 1887; South Australia, 1887, 1913, 1924, and 1925; Western Australia, 1892; Tasmania, 1886. The method of procedure is practically the same in all cases, *i.e.*, with regard to most first offenders the magistrate or judge is empowered to allow the offender to go free on recognizances being entered into for his good behaviour for a certain period. In practice, this humane law has been found to work excellently, very few of those to whom its provisions have been extended having been found to relapse into crime.

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

10. Committals to Superior Courts.—(i) General. In a previous sub-section it has been pointed out that comparisons of criminality based on a consideration of the total returns from magistrates' courts are somewhat inadequate, seeing that the figures include numbers of cases which are merely technical breaches of laws having in some instances a purely local significance. The committals to higher courts give a better basis of comparison, although even in this connexion allowance must be made for the want of uniformity in jurisdiction. The table below gives the number of committals in each year from 1925 to 1929, with the rate of such committals per 10,000 of the population:—

COMMITTALS TO SUPERIOR COURTS, 1925 TO 1929.

State.		1925.	1926.	1927.	1928.	1929.
New South Wales	No.	1,806	1,832	1,895	2,003	2,403
	Rate	7.9	7.9	8.0	8.2	9.7
Victoria	No.	744	761	774	731	950
	Rate	4.5	4.5	4.5	4.2	5.4
Queensland	No.	326	328	337	313	309
	Rate	3.8	3.7	3.8	3.4	3.3
South Australia	No.	181	299	301	420	403
	Rate	3.3	5.4	5.3	7.3	7.0
Western Australia	No.	91	87	84	76	93
	Rate	2.5	2.3	2.2	2.0	2.3
Tasmania	No.	95	99	72	98	105
	Rate	4.4	4.7	3.4	4.6	4.9
Northern Territory	No.	..	2	6	2	14
	Rate	..	5.3	14.2	4.8	33.5
Total	No.	3,243	3,408	3,469	3,643	4,277
	Rate	5.5	5.6	5.6	5.7	6.7



(ii) *Decrease in Rate since 1861.* The figures in the preceding table show that the rate of committals for serious crime has increased slightly during the last five years, but if the comparison be carried further back, it will be found that there has been a very considerable improvement. This will be evident from an examination of the following figures, which show the rate of committals per 10,000 persons in Australia at various periods since 1861 :—

**RATE OF COMMITTALS, AUSTRALIA, 1861 TO 1929.**

Year .. .. .	1861.	1871.	1881.	1891.	1901.	1911.	1921.	1929.
Committals per 10,000 inhabitants	22	14	12	11	8	6	7	7

The decline in proportion to population since 1861 has therefore been about 68 per cent.

**§ 3. Superior Courts.**

1. **Convictions at Superior Courts.**—The number of convictions at superior courts with the rate per 10,000 of the population is given below for each of the years 1925 to 1929 :—

**SUPERIOR COURTS.—CONVICTIONS, 1925 TO 1929.**

State.		1925.	1926.	1927.	1928.	1929.
New South Wales	No.	(a)1,060	(b)744	(b)877	(b)846	(b)1,034
	Rate	(c)3.1	3.2	3.7	3.5	4.2
Victoria	No.	510	461	474	521	630
	Rate	3.1	2.7	2.7	3.0	3.6
Queensland	No.	234	269	250	244	193
	Rate	2.7	3.1	2.9	2.7	2.0
South Australia	No.	123	174	196	264	258
	Rate	2.3	3.1	3.4	4.6	4.5
Western Australia	No.	67	64	61	51	74
	Rate	1.8	1.7	1.6	1.3	1.8
Tasmania	No.	66	69	37	70	73
	Rate	3.1	3.3	1.8	3.3	3.4
Northern Territory	No.	2	..	..	4	21
	Rate	5.4	..	..	9.5	50.3
Total ..	No.	2,062	1,781	1,904	2,000	2,283
	Rate	2.7	2.9	3.1	3.2	3.6

(a) Eighteen months ended 30th June, 1926.

(b) Year ended 30th June following.

(c) Equivalent annual rate.

The rate in 1901 was 4.6 per 10,000, and the decrease to the end of 1929 was, therefore, about 22 per cent. During the last five years, however, the rate of convictions in Australia increased by about 33 per cent., Queensland being the only State to show a decrease. Owing to the particular conditions prevailing there, the figures for the Northern Territory are abnormal.

2. **Offences for which Convictions were recorded at Superior Courts.**—In the following table will be found a classification of the principal offences for which persons were convicted at the higher courts during each year of the period 1925 to 1929. Owing to lack of

uniformity in the presentation of the returns the information is confined to the chief offences against the person only.

**SUPERIOR COURTS.—CONVICTIONS, SERIOUS CRIME, AUSTRALIA, 1925 TO 1929.**

Offences.	1925.	1926.	1927.	1928.	1929.
Murder, and attempts at ..	31	24	30	25	33
Manslaughter .. .. .	10	13	15	17	15
Rape, and attempts at .. ..	8	15	14	11	15
Other offences against females ..	120	125	130	159	124
"    "    "    the person	253	235	224	222	244
Total .. .. .	422	412	413	434	431

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 1929 amounted to 0.68, as compared with a rate of 1.14 in 1901, the decrease for the period amounting, therefore, to about 40 per cent.

3. **Habitual Offenders.**—Some account of the methods adopted in each State in connexion with habitual offenders is given in preceding Year Books (see No. 22, pp. 469-70), but this information cannot be repeated in this issue.

4. **Capital Punishment.**—The table below gives the number of executions in each State during the period 1925 to 1929 :—

**EXECUTIONS, 1925 TO 1929.**

State.	1925.	1926.	1927.	1928.	1929.
New South Wales .. .. .	..	..	2	..	..
Victoria .. .. .	..	..	..	..	..
South Australia .. .. .	..	..	2	..	1
Western Australia .. .. .	..	3	1	1	..
Tasmania .. .. .	..	..	..	..	..
Total .. .. .	..	3	5	1	1

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

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

During the period 1861 to 1880 the annual average number of executions in Australia was 9, from 1881 to 1900 the average was 6, for the period 1901 to 1910 the figure was 4, from 1911 to 1920 it was 2, while the average for the last nine years was about 1.8.

## § 4. Prisons.

1. Prison Accommodation and Prisoners, 1929.—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 1929 :—

PRISON ACCOMMODATION AND PRISONERS, 1929.

State.	Number of Prisons.	Accommodation in—		Prisoners at End of Year.
		Separate Cells.	Wards.	
New South Wales .. .. .	24	(a)2,248	..	1,842
Victoria .. .. .	15	1,274	458	1,145
Queensland .. .. .	7	551	86	368
South Australia .. .. .	14	707	246	368
Western Australia .. .. .	16	601	542	315
Tasmania .. .. .	1	129	3	89
Northern Territory .. .. .	3	..	62	30
Total .. .. .	80	5,510	1,397	4,157

(a) Total accommodation.

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

2. Prisoners in Gaol, 1925 to 1929.—The number of prisoners in gaol at the 31st December in each of the years 1925 to 1929 is given below. As stated above, the figures refer to prisoners under sentence, and are exclusive of aborigines. A separate line is added in each instance showing the proportion per 10,000 of the population.

PRISONERS IN GAOL, 1925 TO 1929.

State.		1925.	1926.	1927.	1928.	1929.
New South Wales	Number ..	1,404	1,429	1,682	1,699	1,842
	Proportion	6.2	6.1	7.0	7.0	7.5
Victoria	Number ..	894	915	883	934	1,145
	Proportion	5.3	5.4	5.1	5.3	6.5
Queensland	Number ..	295	366	353	365	368
	Proportion	3.5	4.2	4.0	4.0	4.0
South Australia	Number ..	280	326	312	403	368
	Proportion	5.1	5.8	5.5	7.0	6.4
Western Australia	Number ..	219	208	221	236	315
	Proportion	5.9	5.5	5.7	5.9	7.7
Tasmania	Number ..	94	81	85	73	89
	Proportion	4.4	3.8	4.0	3.4	4.2
Northern Territory	Number ..	5	2	6	18	30
	Proportion	13.6	5.3	14.2	42.8	71.8
Total	Number ..	3,191	3,327	3,542	3,728	4,157
	Proportion	5.4	5.5	5.7	5.9	6.5

The proportion to population of prisoners in gaol under sentence has risen by about 20 per cent. in Australia during the last five years, but, if the comparison be carried farther back, the position is seen to be more favourable, the proportion in 1891 being as high as 16 per 10,000.

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

§ 5. Civil Courts.

1. Lower Courts.—The transactions of the lower courts on the civil side during the year 1929 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, 1929.

State.	1929.	State.	1929.
New South Wales	Cases No. 92,016 Amount £ 395,233	Western Australia	Cases No. 27,596 Amount £ 166,970
Victoria ..	Cases No. 111,832 Amount £ 776,238	Tasmania ..	Cases No. 11,075 Amount £ 76,382
Queensland ..	Cases No. 22,853 Amount £ 267,160	Total ..	Cases No. 305,133 Amount £ 1,949,699
South Australia ..	Cases No. 39,761 Amount £ 267,716		

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 1929. 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, 1929.

State.	1929.	State.	1929.
New South Wales	Cases No. 2,561 Amount £ 395,233	Western Australia	Cases No. 501 Amount £ 85,762
Victoria ..	Cases No. 1,022 Amount £ 467,840	Tasmania ..	Cases No. 526 Amount £ 27,265
Queensland ..	Cases No. 200 Amount £ 20,031	Total ..	Cases No. 5,059 Amount £ 1,060,052
South Australia ..	Cases No. 249 Amount £ 63,921		

3. Divorces and Judicial Separations.—The number of divorces and judicial separations in each State during the period 1925 to 1929 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, 1925 TO 1929.

State.	1925.		1926.		1927.		1928.		1929.	
	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.
New South Wales ..	1,071	11	834	12	1,068	20	921	6	1,078	17
Victoria ..	445	1	466	2	513	2	481	..	546	2
Queensland ..	85	2	99	1	64	..	117	2	89	..
South Australia ..	86	..	71	1	97	..	113	..	107	..
Western Australia ..	121	..	127	..	103	..	141	1	167	1
Tasmania ..	37	..	34	..	51	..	55	..	48	1
Northern Territory ..	..	..	..	..	..	..	..	..	1	..
Total ..	1,844	14	1,631	16	1,896	22	1,828	9	2,036	21

The average annual number of divorces and judicial separations in Australia at decennial periods from 1871 to 1920 and during the nine years 1921-29 was as follows:—

**DIVORCES AND JUDICIAL SEPARATIONS.—AUSTRALIA, 1871 TO 1929.**

Averages	1871-1880.	1881-90.	1891-1903.	1901-10.	1911-20.	1921-29
..	29	70	353	401	707	1,686.

The bulk of the divorces and judicial separations refer to New South Wales and Victoria, the Acts of 1899 and 1889 in the respective States having made a separation of the marriage tie comparatively easy. In some statistical works it is customary to compare the divorces in any year with the marriages in the same year. The comparison is, however, quite valueless, as there is no necessary connexion between the figures.

4. **Probates.**—Information in regard to probates and letters of administration will be found under § 8, Chapter VIII., Finance.

5. **Bankruptcies.**—Particulars relating to bankruptcy in each State up to the end of the year 1927 were incorporated under this heading in preceding issues of the Official Year Book. Under the terms of the Bankruptcy Act 1924-1928 jurisdiction in insolvency was taken over by the Commonwealth from 1st August, 1928. The Act constitutes each State a single bankruptcy district, excepting in the case of New South Wales, which includes the Federal Capital Territory, and Queensland, which has been divided into three districts corresponding to the three Supreme Court districts in that State. The Territories of North Australia and Central Australia were also constituted a separate bankruptcy district. Operations under the Act for the year ended 31st July, 1930, are given in the table hereunder.

**COMMONWEALTH BANKRUPTCY ACT RETURNS—1929-30.**

Heading.	N.S.W.	Vic.	Qld.	S. Aust.	W. Aust.	Tas.	Australia.	
Sequestration Orders and Orders for administration of Deceased Debtors' Estates	Number ..	558	418	191	117	80	61	1,426
	Liabilities £	922,966	410,870	262,787	213,570	79,306	49,425	1,938,924
	Assets £	569,112	219,555	168,859	135,494	31,749	20,975	1,145,74
Compositions, etc. after Bankruptcy	Number ..	..	..	..	2	..	..	2
	Liabilities £	..	..	..	10,775	..	..	10,775
	Assets £	..	..	..	17,142	..	..	17,142
Compositions, etc. without Bankruptcy	Number ..	33	11	8	386	288	..	726
	Liabilities £	187,004	6,500	14,155	439,869	570,119	..	1,217,647
	Assets £	186,402	4,619	8,870	374,803	850,246	..	1,424,940
Deeds of arrangement ..	Number ..	466	276	118	5	117	33	1,015
	Liabilities £	1,048,118	827,073	279,329	21,893	496,769	105,581	2,778,763
	Assets £	1,050,509	751,861	264,767	24,108	834,712	60,987	2,992,944
Total, 1929-30	Number ..	1,057	705	317	510	485	94	3,168
	Liabilities £	2,158,088	1,244,443	556,271	686,107	1,140,194	155,006	5,946,109
	Assets £	1,806,023	976,035	442,496	551,547	1,716,707	87,962	5,580,770
Total, 1928-29	Number ..	697	474	264	306	352	52	2,145
	Liabilities £	1,134,659	1,597,499	324,418	342,347	624,899	34,374	4,058,696
	Assets £	832,280	1,229,299	225,162	264,686	1,009,927	20,590	3,581,944

Aggregates for each State for the year 1928-29 have been inserted in the table for purposes of comparison, and the general increase recorded in 1929-30 offers a clear index of the effect of the depression at the present time throughout Australia.

No transactions were recorded for the year in the Territories of North Australia and Central Australia. 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 &c. in South Australia and Western Australia. The Bankruptcy Act 1930 created a Federal Court of Bankruptcy and gave power to appoint two Judges thereto. No appointments were made in 1929-30 under

this Act, but later a Judge 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. Practically all the bankruptcy work in those States is now being performed by the Federal Judge who sits in Sydney and Melbourne alternately.

6. High Court of Australia.—Under the provisions of section 71 of the Commonwealth Constitution Act, the judicial power of the Commonwealth is vested in a Federal Supreme Court, called the High Court of Australia, and in such other courts as the Parliament creates or invests with federal jurisdiction. The Federal High Court possesses both original and appellate jurisdiction. The powers of the Court are defined in Chapter III. of the Constitution Act and in the Judiciary Acts of 1903–27. 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 also functions as a Court of Appeal for Australia. The following statement shows the transactions of the High Court for the year 1929. Figures for previous years are given in preceding issues.

**COMMONWEALTH HIGH COURT.—TRANSACTIONS, 1929.**

Original Jurisdiction.		Items.	Appellate Jurisdiction.		Items.
Number of writs issued ..		56	Number of appeals set down for hearing .. .. .		68
Number of causes entered for trial ..		7	Number allowed .. .. .		25
Verdicts for plaintiffs ..		1	Number dismissed .. .. .		35
Verdicts for defendants ..		4	Otherwise disposed of .. .. .		8
Otherwise disposed of ..		16			
Amount of judgments ..		£7,992			

The fees collected in 1929 amounted to £707.

During the year 1929 the Court dealt also with other matters as follows :—

Appeals from Assessments under the Taxation Assessment Acts, 98; Special cases stated for the opinion of the Full Court, 13; Applications for Prohibition, etc., 7.

7. Commonwealth Court of Conciliation and Arbitration.—A more or less detailed statement regarding the operation of this Court, which was established under the provisions of the Commonwealth Conciliation and Arbitration Act of 1904–26, will be found in Chapter XIII.

**§ 6. Cost of Administration of Justice.**

1. Expenditure by the States.—The table below shows the expenditure from Consolidated Revenue during the year 1929–30 in connexion with the administration of justice in each of the States. Expenditures on police and on prisons are given on separate lines. With regard to the figures quoted for “other” expenditure, a slight allowance has to be made for the fact that some extraneous expenditure has been included which it was found impossible to disentangle from the total, but the amount is in no instance large.

**STATE EXPENDITURE ON JUSTICE, 1929–30.**

State.	Expenditure.	Per Head of Population.	State.	Expenditure.	Per Head of Population.
	£	s. d.		£	s. d.
N.S.W. ..	{ Police 1,734,145	14 0	W.A. ..	{ Police 256,761	12 4
	{ Gaols 265,860	2 2		{ Gaols 32,208	1 7
	{ Other 466,676	3 9		{ Other 94,959	4 7
Vic. ..	{ Police 888,244	10 0	Tas. ..	{ Police 96,200	8 9
	{ Gaols 122,134	1 4		{ Gaols 12,361	1 2
	{ Other 299,250	3 4		{ Other 30,710	2 10
Q'land ..	{ Police 596,057	12 10	N.T.(a) ..	{ Police 22,591	101 1
	{ Gaols 39,334	0 11		{ Gaols 6,534	29 6
	{ Other 198,338	4 3		{ Other 4,671	20 10
S.A. ..	{ Police 330,625	11 5	Total ..	{ Police 3,924,623	12 3
	{ Gaols 52,125	1 10		{ Gaols 530,606	1 8
	{ Other 71,380	2 6		{ Other 1,165,984	3 8

(a) See 2, Federal Expenditure, following.

Owing to the smallness of the white population, large area to be policed, and cost of supplies, transport, etc., the figures for the Northern Territory must necessarily appear somewhat abnormal.

The total expenditure in connexion with the administration of justice in the various States has risen from 10s. per inhabitant in 1901 to 17s. 7d. in 1929. Police expenditure increased by 6s. 6d. per head, the average for gaols by 6d. per head, while the expenditure on courts and the remaining machinery of justice increased by 7d. per head during the period. Increased salaries and allowances, and the heavier cost of materials and equipment were largely responsible for the rise in the rate per head during the last few years.

2. Federal Expenditure.—With the exception of that for the Northern Territory, 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 1925-26 to 1929-30 :—

**COMMONWEALTH ATTORNEY-GENERAL'S DEPARTMENT—EXPENDITURE  
1925-26 to 1929-30.**

Year.			Amount.	Year.			Amount.
			£				£
1925-26	..	..	185,427	1928-29	..	..	246,745
1926-27	..	..	198,510	1929-30	..	..	245,491
1927-28	..	..	231,697				

The totals for each year include expenditure in connexion with Patents and Copyright which increased from £48,691 in 1925-26 to £56,301 in 1929-30. As pointed out previously, the Commonwealth took over jurisdiction in bankruptcy in August, 1928, and the expenditure thereon in 1929-30 amounted to £24,909. Expenditure in connexion with the Federal Capital Territory police amounted in 1929-30 to £7,298.