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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 1925 is given in the table hereunder. It may be mentioned that the police forces 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, 1921 TO 1925.

| State. | Area of State in Sq. Miles. | 1921. | 1922. | 1923. | 1924. | 1925. |
|----------------------|--------------------------------|-------|-------|-------|-------|-------|
| New South Wales .. | 310,372 | 2,738 | 2,799 | 2,825 | 2,890 | 2,937 |
| Victoria .. | 87,884 | 1,736 | 1,741 | 1,251 | 1,810 | 1,875 |
| Queensland .. | 670,500 | 1,105 | 1,113 | 1,114 | 1,127 | 1,182 |
| South Australia .. | 380,070 | 593 | 576 | 599 | 616 | 632 |
| Western Australia .. | 975,920 | 493 | 489 | 502 | 523 | 532 |
| Tasmania .. | 26,215 | 240 | 240 | 240 | 241 | 240 |
| Northern Territory | 523,620 | 30 | 32 | 32 | 32 | 38 |
| Total .. | 2,974,581 | 6,935 | 6,990 | 6,563 | 7,239 | 7,436 |

The figures for New South Wales for 1925 are exclusive of 32 "black trackers," i.e., natives employed in detection of offenders chiefly in outlying districts, and 4 female searchers. For Queensland the figures exclude 66 native trackers and 1 female searcher; for South Australia 10 "black trackers" and 1 female searcher, and for the Northern Territory 30 "black trackers." There are also 50 "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 4, Victoria 4, South Australia 10, Western Australia 5, and Tasmania 2. 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.

The strength of the force in Victoria for the year 1923 was below normal, owing to dismissals consequent on the dispute which occurred in November of that year.

(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, 1921 TO 1925.

| State. | Number of Persons per Sq. Mile. 1921 Census. | Inhabitants to each Police Officer. | | | | |
|-----------------------|---|-------------------------------------|-------|-------|-------|-------|
| | | 1921. | 1922. | 1923. | 1924. | 1925. |
| New South Wales .. | 6.80 | 770 | 769 | 777 | 772 | 776 |
| Victoria .. | 17.42 | 885 | 902 | 1,285 | 907 | 891 |
| Queensland .. | 1.13 | 690 | 702 | 720 | 732 | 720 |
| South Australia .. | 1.30 | 839 | 879 | 864 | 860 | 861 |
| Western Australia .. | 0.34 | 677 | 695 | 694 | 687 | 691 |
| Tasmania .. | 8.15 | 889 | 895 | 897 | 891 | 889 |
| Northern Territory .. | .. | 130 | 114 | 113 | 113 | 97 |
| Total .. | 1.83 | 787 | 797 | 867 | 802 | 798 |

As explained previously the figures for Victoria for the year 1923 are abnormal.

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 1925 no less than 70 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 in 1925 over 140,000 hours were devoted to carrying out work 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 1921 to 1925, are given in the following table :—

POLICE FORCES.—COST, 1921 TO 1925.

| State. | 1921. | 1922. | 1923. | 1924. | 1925. |
|-----------------------|-----------|-----------|-----------|-----------|-----------|
| TOTAL. | | | | | |
| | £ | £ | £ | £ | £ |
| New South Wales .. | 1,150,323 | 1,205,557 | 1,219,244 | 1,317,320 | 1,331,978 |
| Victoria .. | 579,351 | 600,856 | 755,698 | 741,126 | 768,939 |
| Queensland .. | 458,955 | 455,519 | 461,446 | 497,484 | 554,879 |
| South Australia .. | 211,428 | 216,109 | 221,635 | 246,646 | 250,915 |
| Western Australia .. | 184,245 | 181,893 | 185,945 | 193,461 | 216,798 |
| Tasmania .. | 79,105 | 77,096 | 78,313 | 81,318 | 84,340 |
| Northern Territory .. | 15,520 | 16,011 | 16,070 | 17,923 | 19,004 |
| Total .. | 2,678,927 | 2,753,041 | 2,938,351 | 3,095,278 | 3,226,853 |

PER HEAD OF POPULATION.

| | s. d. |
|-----------------------|-------|-------|-------|-------|-------|
| New South Wales .. | 10 10 | 11 1 | 11 0 | 11 8 | 11 7 |
| Victoria .. | 7 6 | 7 7 | 9 4 | 8 11 | 9 2 |
| Queensland .. | 11 11 | 11 7 | 11 5 | 11 11 | 12 11 |
| South Australia .. | 8 5 | 8 5 | 8 5 | 9 2 | 9 1 |
| Western Australia .. | 11 0 | 10 7 | 10 6 | 10 7 | 11 8 |
| Tasmania .. | 7 3 | 7 0 | 7 2 | 7 6 | 7 9 |
| Northern Territory .. | 81 6 | 90 2 | 90 5 | 99 7 | 104 0 |
| Total .. | 9 9 | 9 9 | 10 3 | 10 6 | 10 9 |

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 1925 includes £153,650 payment to the Police Superannuation Fund. Similar payments in Victoria and Queensland amount to £121,000 and £45,300 respectively. It may be noted that the high cost and cost per

head in Victoria shown for the year 1923, as compared with previous years, are accounted for by expenditure in connexion with the police dispute in 1923.

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

5. Interstate Police Conferences.—In February, 1921, a Conference of the chief officers of the police forces of the various States was held in Melbourne. In addition to the discussion of matters of common interest, arrangements were made for the interchange of detectives. The results were so satisfactory that it was decided to hold similar Conferences annually. In 1926 the Conference met in Sydney, and the next was held in Hobart in January, 1927.

§ 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 Arbitration and Conciliation. Full particulars regarding the judicial power of the Commonwealth will be found in Chapter III. of the Commonwealth Constitution, which is quoted in full in Chapter I. of this work.

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 each 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 authorized 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 1916 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 Offences 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 1921 to 1925 :—

MAGISTRATES' COURTS.—PERSONS CHARGED, 1921 TO 1925.

| State. | 1921. | 1922. | 1923. | 1924. | 1925. |
|-----------------------|---------|---------|---------|---------|---------|
| New South Wales .. | 94,685 | 96,989 | 104,519 | 98,101 | 102,377 |
| Victoria .. | 62,402 | 63,713 | 67,112 | 68,494 | 73,346 |
| Queensland .. | 24,479 | 25,185 | 25,956 | 24,017 | 28,634 |
| South Australia .. | 10,622 | 11,821 | 14,321 | 15,812 | 20,651 |
| Western Australia .. | 10,775 | 10,844 | 10,182 | 10,679 | 11,358 |
| Tasmania .. | 7,185 | 7,106 | 8,479 | 8,001 | 7,035 |
| Northern Territory .. | 115 | 186 | 154 | 204 | 180 |
| Total .. | 210,263 | 215,844 | 230,723 | 225,308 | 243,631 |

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.

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 1921 to 1925 is, therefore, given hereunder. A separate line is added showing the committals to higher courts.

MAGISTRATES' COURTS.—CONVICTIONS AND COMMITTALS, 1921 TO 1925.

| State. | | 1921. | 1922. | 1923. | 1924. | 1925. |
|----------------------|---------------|---------|---------|---------|---------|---------|
| New South Wales .. | { Convictions | 80,214 | 82,263 | 88,864 | 83,019 | 85,970 |
| | { Committals | 2,594 | 2,495 | 2,654 | 2,327 | 1,806 |
| Victoria .. | { Convictions | 46,924 | 49,464 | 53,183 | 54,376 | 58,879 |
| | { Committals | 776 | 733 | 634 | 602 | 744 |
| Queensland .. | { Convictions | 22,479 | 22,982 | 23,072 | 21,476 | 26,148 |
| | { Committals | 328 | 331 | 341 | 233 | 326 |
| South Australia .. | { Convictions | 8,968 | 10,048 | 12,647 | 13,790 | 18,556 |
| | { Committals | 121 | 146 | 193 | 176 | 181 |
| Western Australia .. | { Convictions | 9,605 | 9,748 | 8,985 | 9,534 | 10,047 |
| | { Committals | 120 | 68 | 92 | 92 | 91 |
| Tasmania .. | { Convictions | 6,474 | 6,385 | 7,601 | 7,271 | 6,415 |
| | { Committals | 88 | 79 | 78 | 59 | 95 |
| Northern Territory | { Convictions | 100 | 171 | 117 | 145 | 121 |
| | { Committals | 8 | 4 | 3 | 5 | .. |
| Total .. | { Convictions | 174,764 | 181,061 | 194,469 | 189,611 | 206,136 |
| | { Committals | 4,035 | 3,856 | 3,995 | 3,494 | 3,243 |

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 to 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, 1921 TO 1925.

| State. | 1921. | 1922. | 1923. | 1924. | 1925. |
|--------------------------------------|---------------|---------------|---------------|---------------|---------------|
| TOTAL. | | | | | |
| New South Wales | 8,057 | 7,744 | 7,543 | 7,210 | 7,543 |
| Victoria | 3,719 | 2,909 | 3,188 | 2,815 | 3,044 |
| Queensland | 1,747 | 1,835 | 2,021 | 1,881 | 2,274 |
| South Australia | 855 | 653 | 883 | 724 | 864 |
| Western Australia | 976 | 977 | 930 | 941 | 1,108 |
| Tasmania | 550 | 577 | 637 | 549 | 550 |
| Northern Territory | 42 | 60 | 17 | 25 | 5 |
| Total | 15,946 | 14,755 | 15,219 | 14,145 | 15,388 |
| PER 10,000 OF THE POPULATION. | | | | | |
| New South Wales | 38.2 | 36.0 | 34.4 | 32.3 | 33.1 |
| Victoria | 24.2 | 18.5 | 19.8 | 17.1 | 18.2 |
| Queensland | 22.9 | 23.5 | 25.2 | 22.8 | 26.7 |
| South Australia | 17.2 | 12.9 | 17.1 | 13.7 | 15.9 |
| Western Australia | 29.2 | 28.8 | 26.7 | 26.2 | 30.1 |
| Tasmania | 25.8 | 26.9 | 29.6 | 25.6 | 25.8 |
| Northern Territory | 107.5 | 164.2 | 47.1 | 69.4 | 13.6 |
| Total | 29.2 | 26.5 | 26.8 | 24.4 | 25.9 |

6. **Decrease in Serious Crime, 1881 to 1925.**—(i) *Rate of Convictions.* The figures quoted in the preceding table show that during the last five years the rate of serious crime has decreased considerably, while if the comparison be carried back to 1881 the position is seen to be still 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 1925. 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 1925.

| Year. | Convictions per 10,000 Persons. |
|--------------|---------------------------------------|
| 1881 | 69.3 |
| 1891 | 44.8 |
| 1901 | 29.1 |
| 1921 | 29.2 |
| 1925 | 25.9 |

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

(ii) *Causes of Decrease.* The statistics given above show that there has been a considerable decrease in crime throughout Australia during 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.

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 connexion, 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 sub-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 organizations, 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 stated 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 in modern years.

7. *Drunkenness.*—(i) *Cases and Convictions.* The number of cases of drunkenness and the convictions recorded in connexion therewith during the period 1921 to 1925 will be found in the following table:—

DRUNKENNESS.—CASES AND CONVICTIONS, 1921 TO 1925.

| State. | 1921. | | 1922. | | 1923. | | 1924. | | 1925. | |
|--------------------|--------|--------------|--------|--------------|--------|--------------|--------|--------------|--------|--------------|
| | Cases. | Convictions. |
| New South Wales | 29,047 | 28,702 | 30,918 | 30,723 | 33,118 | 32,938 | 31,468 | 31,260 | 30,669 | 30,160 |
| Victoria .. | 7,621 | 4,334 | 8,773 | 5,204 | 10,131 | 6,207 | 9,814 | 6,033 | 9,430 | 5,767 |
| Queensland .. | 12,166 | 11,744 | 13,014 | 12,632 | 12,376 | 11,832 | 11,458 | 11,005 | 13,020 | 12,475 |
| South Australia .. | 3,465 | 3,443 | 3,775 | 3,764 | 4,512 | 4,496 | 4,972 | 4,961 | 5,330 | 5,795 |
| Western Australia | 4,135 | 4,103 | 3,740 | 3,715 | 3,198 | 3,165 | 3,259 | 3,231 | 3,149 | 3,131 |
| Tasmania .. | 539 | 531 | 539 | 535 | 506 | 501 | 473 | 464 | 364 | 361 |
| Northern Territory | 51 | 51 | 112 | 104 | 37 | 37 | 43 | 39 | 44 | 44 |
| Total .. | 57,024 | 52,908 | 60,871 | 56,677 | 63,878 | 59,176 | 61,487 | 56,993 | 62,506 | 57,733 |

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 1921 to 1925 are given hereunder :—

DRUNKENNESS.—CONVICTIONS PER 10,000 INHABITANTS, 1921 TO 1925.

| State. | 1921. | 1922. | 1923. | 1924. | 1925. |
|----------------------------|-------|-------|-------|-------|-------|
| New South Wales | 136.0 | 142.7 | 148.9 | 140.0 | 132.3 |
| Victoria | 28.2 | 33.1 | 38.2 | 36.7 | 34.5 |
| Queensland | 153.9 | 161.7 | 145.9 | 133.4 | 146.5 |
| South Australia | 69.2 | 74.4 | 85.7 | 93.7 | 106.5 |
| Western Australia | 122.9 | 109.4 | 89.5 | 99.3 | 85.0 |
| Tasmania | 24.9 | 24.9 | 22.9 | 21.6 | 16.9 |
| Northern Territory | 130.6 | 284.7 | 104.1 | 108.2 | 119.5 |
| Total | 96.9 | 101.8 | 102.9 | 98.7 | 97.3 |

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 1922–26 :—

INTOXICANTS, CONSUMPTION.—AUSTRALIA, 1922 TO 1926.

| Year. | Consumption per Head of Population. | | |
|-----------------|-------------------------------------|-------------|-------------|
| | Spirits. | Wine. | Beer. |
| | Imp. Galls. | Imp. Galls. | Imp. Galls. |
| 1921–22 | 0.36 | 0.50 | 11.49 |
| 1922–23 | 0.39 | 0.50 | 11.30 |
| 1923–24 | 0.43 | 0.50 | 11.08 |
| 1924–25 | 0.43 | 0.50 | 11.15 |
| 1925–26 | 0.44 | 0.50 | 11.34 |

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 Act 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 Acts 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, Western Australia, Tasmania, 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.

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 1921 to 1925, with the rate of such committals per 10,000 of the population.

COMMITTALS TO SUPERIOR COURTS, 1921 TO 1925.

| State. | | 1921. | 1922. | 1923. | 1924. | 1925. |
|--------------------|--------|-------|-------|-------|-------|-------|
| New South Wales | { No. | 2,594 | 2,495 | 2,654 | 2,327 | 1,806 |
| | { Rate | 12.3 | 11.6 | 12.1 | 10.4 | 7.9 |
| Victoria | { No. | 776 | 733 | 634 | 602 | 744 |
| | { Rate | 5.0 | 4.7 | 3.9 | 3.7 | 4.5 |
| Queensland | { No. | 328 | 331 | 341 | 233 | 326 |
| | { Rate | 4.3 | 4.2 | 4.2 | 2.8 | 3.8 |
| South Australia | { No. | 121 | 146 | 193 | 176 | 181 |
| | { Rate | 2.4 | 2.9 | 3.7 | 3.3 | 3.3 |
| Western Australia | { No. | 120 | 68 | 92 | 92 | 91 |
| | { Rate | 3.6 | 2.0 | 2.6 | 2.6 | 2.5 |
| Tasmania | { No. | 88 | 79 | 78 | 59 | 95 |
| | { Rate | 4.1 | 3.7 | 3.6 | 2.7 | 4.4 |
| Northern Territory | { No. | 8 | 4 | 3 | 5 | .. |
| | { Rate | 20.5 | 10.9 | 8.3 | 13.9 | .. |
| Total .. | { No. | 4,035 | 3,856 | 3,995 | 3,494 | 3,243 |
| | { Rate | 7.4 | 6.9 | 7.0 | 6.0 | 5.5. |

(ii) *Decrease in Rate since 1861.* The figures in the preceding table show that the rate of committals for serious crime has decreased by over 25 per cent. 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 1925.

| Year | 1861. | 1871. | 1881. | 1891. | 1901. | 1911. | 1921. | 1925. |
|-----------------------------------|-------|-------|-------|-------|-------|-------|-------|-------|
| Committals per 10,000 inhabitants | 22 | 14 | 12 | 11 | 8 | 6 | 7 | 5 |

The decline in proportion to population since 1861 has therefore been about 77 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 1921 to 1925 :—

SUPERIOR COURTS.—CONVICTIONS, 1921 TO 1925.

| State. | | 1921. | 1922. | 1923. | 1924. | 1925. |
|--------------------|--------|-------|-------|-------|-------|-------|
| New South Wales | { No. | 1,111 | 1,040 | 1,059 | 1,002 | 1,060 |
| | { Rate | 5.3 | 4.8 | 4.8 | 4.5 | 4.7 |
| Victoria | { No. | 520 | 463 | 400 | 401 | 510 |
| | { Rate | 3.4 | 2.9 | 2.5 | 2.4 | 3.1 |
| Queensland | { No. | 338 | 378 | 278 | 222 | 234 |
| | { Rate | 4.4 | 4.8 | 3.5 | 2.7 | 2.7 |
| South Australia | { No. | 97 | 113 | 120 | 104 | 123 |
| | { Rate | 2.0 | 2.2 | 2.3 | 2.0 | 2.3 |
| Western Australia | { No. | 70 | 40 | 80 | 64 | 67 |
| | { Rate | 2.1 | 1.2 | 2.3 | 1.8 | 1.8 |
| Tasmania | { No. | 57 | 55 | 56 | 53 | 66 |
| | { Rate | 2.7 | 2.6 | 2.6 | 2.5 | 3.1 |
| Northern Territory | { No. | 3 | 3 | 2 | 1 | 2 |
| | { Rate | 7.7 | 8.2 | 5.5 | 2.8 | 5.4 |
| Total | { No. | 2,196 | 2,092 | 1,995 | 1,847 | 2,062 |
| | { Rate | 4.0 | 3.8 | 3.5 | 3.2 | 3.5 |

The rate in 1901 was 4.6 per 10,000, and the decrease to the end of 1925 was, therefore, about 24 per cent.

In considering the above figures allowance must be made for the various factors enumerated in a preceding paragraph. South Australia, Western Australia, and Tasmania, it will be noted, show the smallest proportion of serious crime, while the rates for New South Wales and the Northern Territory are the highest, the figures for the latter, however, owing to the particular conditions prevailing there being abnormal.

2. *Offences for which Convictions were recorded at Superior Courts.*—In the following table will be found a classification of the principal offences for which persons were convicted at the higher courts during each year of the period 1921 to 1925. 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, 1921 TO 1925.

| Offences. | 1921. | 1922. | 1923. | 1924. | 1925. |
|-----------------------------------|-------|-------|-------|-------|-------|
| Murder, and attempts at .. | 29 | 36 | 15 | 21 | 31 |
| Manslaughter .. | 17 | 10 | 15 | 13 | 10 |
| Rape, and attempts at .. | 8 | 5 | 9 | 5 | 8 |
| Other offences against females .. | 87 | 95 | 130 | 100 | 120 |
| " " " the person | 235 | 240 | 246 | 217 | 253 |
| Total .. | 376 | 386 | 415 | 356 | 422 |

The total convictions for similar offences in 1901 amounted to 432, the decline during the period 1901 to 1925 amounting therefore to about 2 per cent. Stated according to the proportion per 10,000 of mean population, the rate in 1925 amounted to 0.71, as compared with a rate of 1.14 in 1901, the decrease for the period amounting, therefore, to over 37 per cent.

3. **Habitual Offenders.**—In New South Wales the Habitual Criminals 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 1925 there were 49 persons in prison under this Act. Since the passing of the Act, 128 offenders, including 1 female, have been declared to be habitual criminals. So far the indeterminate sentence has been applied to the older hardened offender, but under the Crimes Amendment Act of 1924 when an accused person has been convicted on more than three occasions before a magistrate, the magistrate may direct an application to be made by the Clerk of the Peace to a Judge, to have the person so convicted declared an habitual offender. The Indeterminate Sentences Act came into force in Victoria in July, 1908, and up to the end of June, 1925, 909 individual prisoners have been detained under its provisions. Of the 800 who were released on probation, 479 have not been returned, and, so far as is known, have not been reconvicted in any other State. At the 30th June, 1926, the number under indeterminate detention was 187. 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, and the first cases in connexion therewith were dealt with in 1922, when 2 prisoners were declared to be habitual criminals. Up to the end of 1924, 15 prisoners had been declared habitual criminals, of whom 3 had completed the definite portion of their sentence, but none of them has been released. The provisions of the Habitual Criminals Amendment Act of 1907 were put into force in South Australia in 1909, and 25 criminals had been declared to be habitual offenders up to the end of 1925. Of these, 23 had been released after serving the indeterminate portion, and 2 were serving the definite portion of their sentences. In Western Australia, under the Criminal Code Amendment Act of 1918, power is given to declare a prisoner after a certain number of convictions to be an habitual criminal. The number under preventive detention on the 30th June, 1926, was 30, and the total number dealt with since the passing of the Act was 168. During the period in which the Habitual Criminals and Offenders Act of 1907 (now Indeterminate Sentences Act 1921) has been in force in Tasmania, 141 prisoners have been released under its provisions, and the results, according to the Sheriff, have been satisfactory, only four prisoners having defaulted. The Indeterminate Sentences Act came into operation during 1924, and since then four prisoners have been discharged under its provisions.

The Comptroller-General of Prisons in New South Wales points out 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. In New South Wales it is stated that while old associations and habits have in some cases proved too strong for the released "habitual," many of them have done well, and, generally, there is hope of reformation in the average prisoner other than the sexual offender.

According to the Report of the English Prison Commissioners for the year 1925, however, the main value of preventive detention was considered to lie in the protection of the public rather than in the hope of any widespread reformation in the ranks of the professional criminal.

4. **Capital Punishment.**—The table below gives the number of executions in each State during the period 1921 to 1925:—

EXECUTIONS, 1921 TO 1925.

| State. | 1921. | 1922. | 1923. | 1924. | 1925. |
|---------------------------|-------|----------|-------|----------|-------|
| New South Wales | .. | .. | .. | 2 | .. |
| Victoria | .. | 1 | .. | 1 | .. |
| Queensland | .. | .. | .. | .. | .. |
| South Australia | .. | .. | .. | .. | .. |
| Western Australia | .. | 1 | .. | .. | .. |
| Tasmania | .. | 1 | .. | .. | .. |
| Total | .. | 3 | .. | 3 | .. |

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

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

During the period 1861 to 1880 the annual average number of executions in Australia was 9, from 1881 to 1900 the average was 6, for the period 1901 to 1910 the figure was 4, from 1911 to 1920 it was 2, while the average for the last five years was 1.

§ 4. Prisons.

1. **Prison Accommodation and Prisoners, 1925.**—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 1925:—

PRISON ACCOMMODATION AND PRISONERS, 1925.

| State. | Number of Prisons. | Accommodation in— | | Prisoners at End of Year. |
|----------------------------|--------------------|-------------------|--------------|---------------------------|
| | | Separate Cells. | Wards. | |
| New South Wales | 24 | (a) 2,475 | .. | 1,404 |
| Victoria | 14 | 1,234 | 397 | 894 |
| Queensland | 8 | 569 | 312 | 295 |
| South Australia | 13 | 617 | 426 | 280 |
| Western Australia | 22 | 669 | 848 | 219 |
| Tasmania | 1 | 130 | .. | 94 |
| Northern Territory | 3 | .. | 54 | 5 |
| Total | 85 | 5,694 | 2,037 | 3,191 |

(a) Total accommodation.

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

2. **Prisoners in Gaol, 1921 to 1925.**—The number of prisoners in gaol at the 31st December in each of the years 1921 to 1925 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. 1921 TO 1925.

| State. | | 1921. | 1922. | 1923. | 1924. | 1925. |
|--------------------|------------|-------|-------|-------|-------|-------|
| New South Wales | Number .. | 1,273 | 1,373 | 1,339 | 1,411 | 1,404 |
| | Proportion | 6.0 | 6.4 | 6.1 | 6.3 | 6.2 |
| Victoria | Number .. | 733 | 719 | 765 | 749 | 894 |
| | Proportion | 4.8 | 4.6 | 4.8 | 4.6 | 5.3 |
| Queensland | Number .. | 309 | 331 | 279 | 230 | 295 |
| | Proportion | 4.1 | 4.2 | 3.5 | 2.8 | 3.5 |
| South Australia | Number .. | 252 | 265 | 267 | 250 | 230 |
| | Proportion | 5.1 | 5.2 | 5.2 | 4.7 | 5.1 |
| Western Australia | Number .. | 211 | 196 | 226 | 201 | 219 |
| | Proportion | 6.3 | 5.8 | 6.5 | 5.6 | 5.9 |
| Tasmania | Number .. | 95 | 62 | 79 | 74 | 94 |
| | Proportion | 4.5 | 2.9 | 3.7 | 3.4 | 4.4 |
| Northern Territory | Number .. | 4 | 4 | 2 | 13 | 5 |
| | Proportion | 10.2 | 10.9 | 5.5 | 36.1 | 13.6 |
| Total | Number .. | 2,877 | 2,950 | 2,957 | 2,928 | 3,191 |
| | Proportion | 5.3 | 5.3 | 5.2 | 5.0 | 5.4 |

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

3. Improvement of Penological Methods.—(i) *New South Wales.* During recent years Australia, in common with most other civilized countries, has introduced considerable modifications and improvements in methods of prison management. Under the old system, 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 in recent years there has been an earnest attempt at effecting a moral reformation in the unfortunates who lapse into crime. This aspect of prison management has been specially prominent in New South Wales. A short account of the reorganization of the prison system in this State appeared in the earlier Year Books, 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. Until recently the prison authorities were confronted with a difficult problem arising from the fact that so little could be done in the case of short-sentenced prisoners, but the passing of the Crimes Act of 1924, alluded to previously, under which such persons could, after repeated convictions, be declared "habituals," and as such liable to reformatory detention, will, it is hoped, lead to considerable improvement. Special efforts are put forward to provide reproductive work of a regular and intelligent nature, and for the year 1925 the value of the prisoners' labour amounted to £76,000, as compared with £35,000 in 1913. Very few skilled tradesmen are received into gaol, the great majority of prisoners being unskilled at any trade, and many being drunkards, vagrants, and physical and moral degenerates. At the chief penitentiaries for males and females in the metropolis, a careful classification of prisoners is carried out, and provision is made for the treatment of special cases at some of the larger country gaols. Young first offenders are employed at the Emu Plains Prison Farm, and first offenders over the age of 25 years are drafted to the Prisoners' Afforestation Camp at Tuncurry, on the Manning River. This institution, which was opened in 1911, has given very satisfactory results. The total area set apart for afforestation is 3,380 acres, of which about two-thirds have been planted. About 250,000 pine seedlings were raised in 1925, and over 2,000,000 trees, some exceeding 50 feet in height, are flourishing. The Shaftesbury Inebriate Institution was established in 1915 for the treatment of non-criminal inebriates, and in the following year provision was made for the accommodation and treatment of voluntary paying guests. Suitable cases from the Long Bay prison are transferred to the Shaftesbury Institution.

In many instances prisoners received into the gaols are found to be suffering from contagious diseases, and, under the Prisoners Detention Act such persons may be detained until cured.

Amongst other improvements introduced during the last few years were the relieving of the monotony of non-working hours at week-ends by the provision of concerts, lectures,

and suitable picture shows at the principal gaols, by more open-air exercise on Saturday afternoons and Sundays, and by the supply of a greater variety of interesting books and magazines to the prison libraries. These libraries now contain over 22,000 volumes. Prisoners are encouraged to take up courses of study likely to be of service to them on their discharge, writing materials are provided, and, within reason, the text-books required are purchased for their use. Tutorial classes for young prisoners have been instituted, and the results so far have been very encouraging. As the Comptroller-General points out, these changes have been brought about, not from sympathy with the criminal, but as ordinary necessities to the wholesome functioning of the mind. In 1924 a revised dietary scale came into operation, under which prisoners are supplied with greater quantity and greater variety of food.

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

Allusion may be made here to the excellent work performed by the Prisoners' Aid Association, which has branches in the country towns where there are prisons. Members of the organization meet prisoners on their discharge, help in restoring hopeful cases to reputable relatives and friends, assist in obtaining situations, and generally maintain a friendly supervision over those in need of assistance.

(ii) *Victoria.* In Victoria there is an excellent system of classification and allocation of prisoners in various grades to different gaols, while at the important penal establishment at Pentridge careful segregation into several classes is carried out. First offenders are placed in the "special" division, and it is stated that out of 1,052 prisoners in this class discharged from Pentridge during the decade ending in 1925 only 107 are known to have been reconvicted. In common with the other States the latest humane methods of accommodation and prison treatment have for some time been employed. The younger prisoners spend a portion of each week day at school, and evening school or recreational classes are held from 7 p.m. to 9 p.m. at the Reformatory. Voluntary classes for older prisoners have been formed by the Prisoners' Aid Society. In addition, where the necessary arrangements can be made, well-behaved prisoners are allowed to take correspondence lessons from outside institutions. An afforestation camp known as McLeod Settlement, French Island, was opened in 1916, and at the 31st December, 1925, there were 36 inmates. In addition to the work of afforestation, portion of the land has been laid down in crops, and some attention given to poultry and pig-keeping. It is stated that the experiment has resulted in improvement both in demeanour and physique of prisoners, and in many cases has led to a return to honest citizenship. A farm has been established about 3 miles from the prison at Castlemaine with provision for 13 inmates, while others are taken to and fro daily. The number in confinement at the end of December, 1925, was 71. The orchard planted in connexion with the farm contains about 1,000 fruit trees. A large number of poultry is kept, and provision has been made for practical instruction in carpentering and other work which will help in securing employment for prisoners on release.

The results of intelligence tests carried out in 1924 at the Castlemaine Reformatory show a considerable amount of mental deficiency, particularly amongst sexual offenders. Further tests in regard to larger numbers of the latter class will, however, be necessary to determine whether mental deficiency is characteristic of this class.

Under the Venereal Diseases Act, prisoners where necessary receive medical treatment, and after release the treatment where required is continued outside the prison at places gazetted by the Health Department. Provision is also made for dental attention where necessary, the treatment being free if the prisoner is unable to pay or to make arrangements for payment.

In their Report for the year 1924-25, the Indeterminate Sentences Board advocate the application of the indeterminate sentence in the case of the habitual petty offender.

Aid is given to discharged prisoners by the Salvation Army and by various church organizations and welfare committees.

(iii) *Queensland.* Queensland prisons have been considerably modernized during the last few years. Amongst recent reforms may be mentioned the provision of a separate institution at Brisbane for long-sentence prisoners, and the extension of the principle of classification and separation. Juvenile offenders, i.e., those between the ages of 16 and 21 years, are kept apart from other prisoners and treated in accordance with the latest reformative methods. Many of the prisoners received, both in the adult and junior stage, come from the ranks of the idle, the thriftless, and the unskilled, and efforts are made to

teach these some useful calling, and to help them to form habits of industry. It has been found in Queensland, as is the case elsewhere, that very few skilled workmen are criminals. The penal establishment at St. Helena has been converted into a farm colony, and well conducted prisoners receive special treatment there during the later stages of their sentences. Greater facilities have been provided for the instruction of prisoners in trades which will afford them a means of earning a livelihood on their release, and the prison libraries have been replenished with useful and interesting literature. The cells in the principal prisons have been provided with lights, and prisoners are allowed to read and study up to a reasonable hour at night. Under the provisions of the Health Act, prisoners suffering from venereal disease may be detained until danger of infection has ceased.

Excellent work in aid of discharged prisoners is carried on by the Salvation Army, while the "William Powell Home," through its secretary, renders valuable service. In the Report for the year 1924 attention is again drawn to the need of an organized State system of assisting released prisoners.

(iv) *South Australia*.—The present system of gaol administration 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. At the Yatala Labour Prison, which is the largest in the State, the number in confinement on the 31st December, 1925, was 133. The prisoners are graded into three classes—first offenders, second offenders, and old offenders, the various classes being kept apart. Declared inebriates under "The Convicted Inebriates Act 1913" are as a rule received at the Adelaide Gaol and thence transferred to the Institution at Gladstone. Admissions to this Institute in 1925 numbered 56, of whom 13 were females. During the year 1924 new regulations were introduced chiefly with the view to encourage prisoners to take greater interest in the results of their labour. Industrious prisoners are able to earn monetary payment, and are allowed to remit a portion of their earnings to dependents in need of pecuniary help. A more liberal dietary scale has been introduced, and well-conducted prisoners are allowed to supplement this from their earnings. Permits are granted to prisoners to earn money by working in their cells at night. Facilities are afforded to help prisoners who desire to improve themselves educationally, and greater provision has been made for recreation.

Various religious organizations devote attention to the periodical visiting of prisoners in the gaols, while fine work is done by the Prisoners' Aid Association in helping released prisoners to obtain employment, or return to their homes in other States.

(v) *Western Australia*. A Royal Commission in 1911 recommended the adoption of various reforms in connexion 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 better conditions in regard to hours of labour, leave of absence, etc., for the staff. Amongst other improvements 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. Under the Prisons Act Amendment Act of 1918 a portion of Fremantle Prison was set aside as a reformatory prison in 1919, and first offenders are kept separate from other prisoners. It is pointed out, however, that reformatory treatment is greatly hampered by the lack of a suitable institution away from the ordinary gaol surroundings. In common with other penologists the Comptroller-General alludes to the weakness of the definite sentence, and points to the necessity for skilled consideration of all the circumstances that have led to wrongdoing, coupled with skilled medical, psychological, and penological treatment of the prisoner whilst undergoing confinement. The Prison Gate Committee affords assistance to discharged prisoners by finding work and helping in other ways.

(vi) *Tasmania*. The number of convicted prisoners in confinement in Tasmanian gaols at the end of 1925 was 74. The completion of alterations to the Hobart gaol has facilitated the classification of offenders, and afforded greater opportunities for teaching trades. Youthful offenders are kept apart from ordinary prisoners.

(vii) *Psychology of the Criminal*. The Director of the State Psychological Clinic at Hobart recently stated that an examination of the prisoners in Hobart Gaol showed that nearly two-thirds were "deviates" from the normal, and he stressed the necessity for devising means for the discovery and possible correction of abnormal tendencies in

childhood. He alluded also to the connexion between brain development and mental development, and pointed out that in Hobart Gaol 84 per cent. of the defectives were small-headed. In the Prisons Report for New South Wales for the year 1925 the Visiting Surgeon to the State Penitentiary remarks: "The majority of cases that have come under my observation this year are undoubtedly persons below the normal standard of mentality, and the question always arises, are they mentally responsible or no?" Attention is also drawn to the fact that many adult criminals are mentally and morally under the age of discretion. Intelligence tests conducted at the Pentridge Gaol, Melbourne, in 1924-5 showed a percentage of 61 in the sub-normal stage.

§ 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, 1921 TO 1925.

| State. | | 1921. | 1922. | 1923. | 1924. | 1925. |
|-------------------|-------------|---------|---------|-----------|-----------|-----------|
| New South Wales | { Cases No. | 37,557 | 38,828 | 48,760 | 53,997 | 70,798 |
| | { Amount £ | 145,176 | 163,803 | 198,558 | 220,442 | 249,418 |
| Victoria | { Cases No. | 45,319 | 47,140 | 58,502 | 73,264 | 82,589 |
| | { Amount £ | 202,606 | 295,697 | 413,417 | 497,833 | 552,788 |
| Queensland | { Cases No. | 14,339 | 16,023 | 18,329 | 17,607 | 17,226 |
| | { Amount £ | 84,277 | 122,684 | 155,314 | 178,018 | 189,742 |
| South Australia | { Cases No. | 20,334 | 23,030 | 25,839 | 29,101 | 33,650 |
| | { Amount £ | 103,715 | 123,569 | 142,217 | 182,930 | 197,924 |
| Western Australia | { Cases No. | 15,240 | 15,991 | 16,649 | 18,705 | 21,029 |
| | { Amount £ | 63,162 | 71,457 | 76,208 | 91,100 | 97,415 |
| Tasmania | { Cases No. | 1,442 | 7,246 | 7,879 | 7,950 | 10,332 |
| | { Amount £ | 36,571 | 59,137 | 57,014 | 62,234 | 73,415 |
| Total | { Cases No. | 134,231 | 148,258 | 175,958 | 200,624 | 235,624 |
| | { Amount £ | 635,507 | 836,347 | 1,042,728 | 1,232,557 | 1,360,702 |

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 each of the years 1921 to 1925.

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, 1921 TO 1925.

| State. | | 1921. | 1922. | 1923. | 1924. | 1925. |
|-------------------|--------------|---------|---------|---------|---------|---------|
| New South Wales | { Causes No. | 1,344 | 1,386 | 1,557 | 1,618 | 1,563 |
| | { Amount £ | 475,816 | 500,862 | 578,774 | 259,327 | 257,211 |
| Victoria | { Causes No. | 906 | 863 | 996 | 1,041 | 1,032 |
| | { Amount £ | 226,736 | 213,597 | 237,145 | 303,140 | 341,184 |
| Queensland | { Causes No. | 231 | 187 | 245 | 225 | 242 |
| | { Amount £ | 32,513 | 21,914 | 17,645 | 9,861 | 13,114 |
| South Australia | { Causes No. | 52 | 55 | 60 | 146 | 174 |
| | { Amount £ | 5,673 | 10,300 | 3,923 | 7,654 | 64,821 |
| Western Australia | { Causes No. | 288 | 195 | 205 | 272 | 300 |
| | { Amount £ | 54,339 | 40,119 | 34,207 | 87,495 | 87,653 |
| Tasmania | { Causes No. | 246 | 474 | 525 | 548 | 624 |
| | { Amount £ | 13,651 | 28,952 | 30,127 | 42,624 | 26,667 |
| Total | { Causes No. | 3,067 | 3,160 | 3,588 | 3,850 | 3,945 |
| | { Amount £ | 808,728 | 815,744 | 901,821 | 710,101 | 790,650 |

3. Divorces and Judicial Separations.—The number of divorces and judicial separations in each State during the period 1921 to 1925 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, 1921 TO 1925.

| State. | 1921. | | 1922. | | 1923. | | 1924. | | 1925. | |
|----------------------------|-----------|-----------------------|-----------|-----------------------|-----------|-----------------------|-----------|-----------------------|-----------|-----------------------|
| | Divorces. | Judicial Separations. |
| New South Wales | 789 | 18 | 684 | 9 | 739 | 13 | 838 | 7 | 1,071 | 11 |
| Victoria | 388 | 1 | 376 | 12 | 429 | 12 | 407 | 1 | 455 | 3 |
| Queensland | 56 | 2 | 47 | .. | 75 | 2 | 195 | .. | 85 | 2 |
| South Australia | 88 | 1 | 76 | .. | 90 | .. | 77 | .. | 85 | .. |
| Western Australia | 119 | .. | 110 | 1 | 101 | .. | 89 | .. | 121 | .. |
| Tasmania | 40 | .. | 33 | .. | 29 | .. | 20 | .. | 37 | .. |
| Northern Territory | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Total | 1,480 | 22 | 1,326 | 12 | 1,463 | 17 | 1,536 | 8 | 1,854 | 16 |

The average annual number of divorces and judicial separations in Australia at decennial periods from 1871 to 1920 and during the quinquennium 1921-25 was as follows :—

DIVORCES AND JUDICIAL SEPARATIONS.—AUSTRALIA, 1871 TO 1925.

| Averages .. | 1871-1880. | 1881-90. | 1891-1900. | 1901-10. | 1911-20. | 1921-25. |
|-------------|------------|----------|------------|----------|----------|----------|
| | 29 | 70 | 358 | 401 | 707 | 1,552. |

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 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 connexion between the figures.

4. Probates.—The number of probates and letters of administration granted, together with the value of the estates concerned, are given below for each State for the period 1921 to 1925 :—

PROBATES AND LETTERS OF ADMINISTRATION, 1921 TO 1925.

| State. | 1921. | | 1922. | | 1923. | | 1924. | | 1925. | |
|-------------------------|---------|------------|------------|------------|------------|------------|-------|--|-------|--|
| New South Wales .. . | Number | 5,461 | 5,681 | 6,281 | 6,410 | 6,909 | | | | |
| | Value £ | 13,895,765 | 15,441,378 | 16,429,860 | 17,970,385 | 18,390,924 | | | | |
| Victoria | Number | 5,769 | 5,445 | 6,283 | 5,540 | 5,204 | | | | |
| | Value £ | 12,554,865 | 12,641,263 | 15,070,725 | 12,831,268 | 13,227,243 | | | | |
| Queensland | Number | 1,130 | 1,002 | 1,073 | 922 | 897 | | | | |
| | Value £ | 4,039,379 | 3,591,531 | 3,594,467 | 3,258,981 | 3,367,734 | | | | |
| South Australia .. . | Number | 1,784 | 1,786 | 1,823 | 2,001 | 1,942 | | | | |
| | Value £ | 3,115,106 | 3,683,202 | 4,043,547 | 4,065,615 | 4,366,425 | | | | |
| Western Australia .. . | Number | 1,059 | 942 | 907 | 949 | 1,038 | | | | |
| | Value £ | 1,854,099 | 979,214 | 1,358,846 | 1,639,479 | 1,724,727 | | | | |
| Tasmania | Number | 518 | 545 | 569 | 622 | 541 | | | | |
| | Value £ | 1,207,252 | 1,211,764 | 1,283,638 | 1,281,006 | 1,262,103 | | | | |
| Northern Territory .. . | Number | 10 | 27 | 19 | 20 | 28 | | | | |
| | Value £ | 3,864 | 5,411 | 6,006 | 27,953 | 10,246 | | | | |
| Total | Number | 15,731 | 15,428 | 16,955 | 16,464 | 16,559 | | | | |
| | Value £ | 36,670,330 | 37,553,763 | 41,787,089 | 41,074,687 | 42,349,452 | | | | |

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

For several reasons comparisons drawn from these figures 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 methods of procedure thereunder in connexion with bankruptcy. The figures quoted in the table exclude private arrangements in Victoria, South Australia, and Western Australia, and the liquidations in Queensland and Tasmania.

The Bankruptcy Act (No. 37 of 1924) and the Bankruptcy Act (No. 3 of 1927) passed by the Commonwealth Parliament provide for the transfer of jurisdiction in Bankruptcy to the Commonwealth, but these acts have not yet been proclaimed.

BANKRUPTCIES, 1921 TO 1925.

| State. | | 1921. | 1922. | 1923. | 1924. | 1925. |
|-----------------------|---------------|---------|-----------|-----------|-----------|-----------|
| New South Wales .. | Number .. | 394 | 481 | 668 | 668 | 716 |
| | Liabilities £ | 311,900 | 440,856 | 659,314 | 742,079 | 878,708 |
| | Assets £ | 166,457 | 251,185 | 282,657 | 303,315 | 438,796 |
| Victoria | Number .. | 300 | 322 | 414 | 520 | 563 |
| | Liabilities £ | 180,044 | 349,118 | 323,540 | 504,678 | 446,438 |
| | Assets £ | 92,048 | 189,016 | 152,602 | 311,290 | 249,251 |
| Queensland .. | Number .. | 150 | 148 | 204 | 247 | 275 |
| | Liabilities £ | 65,603 | 90,790 | 109,211 | 184,979 | 170,053 |
| | Assets £ | 18,760 | 42,012 | 55,185 | 76,462 | 100,259 |
| South Australia .. | Number .. | 67 | 110 | 137 | 167 | 161 |
| | Liabilities £ | 121,987 | 158,987 | 173,632 | 262,959 | 344,542 |
| | Assets £ | 96,658 | 102,738 | 116,333 | 167,982 | 236,713 |
| Western Australia .. | Number .. | 30 | 36 | 41 | 44 | 44 |
| | Liabilities £ | 43,944 | 36,510 | 50,449 | 36,488 | 37,962 |
| | Assets £ | 35,899 | 16,961 | 24,018 | 23,388 | 11,219 |
| Tasmania | Number .. | 6 | 1 | 4 | 3 | 4 |
| | Liabilities £ | 1,829 | 1,170 | 3,148 | 1,705 | 6,964 |
| | Assets £ | 1,599 | .. | 535 | 692 | 3,377 |
| Northern Territory .. | Number .. | .. | 2 | 2 | 1 | .. |
| | Liabilities £ | .. | 175 | 141 | (a) | .. |
| | Assets £ | .. | .. | 40 | (a) | .. |
| Total | Number .. | 947 | 1,100 | 1,470 | 1,650 | 1,763 |
| | Liabilities £ | 725,307 | 1,077,606 | 1,319,435 | 1,732,888 | 1,884,667 |
| | Assets £ | 411,421 | 601,912 | 631,370 | 883,129 | 1,039,615 |

(a) Not stated.

(ii) *Deeds of Arrangement, etc.* The figures given above are, as explained, exclusive of private arrangements. For New South Wales the returns show that no compositions were effected in 1924. In Victoria during 1925 the deeds of arrangement numbered 233, the declared liabilities and assets being £321,877 and £273,933 respectively. Liquidations under the Insolvency Act in Queensland numbered 19, the total liabilities and assets amounting to £36,128 and £30,909 respectively. In South Australia, 212 compositions were arranged during the year. Under the Bankruptcy Amendment Act of 1898, 11 compositions, 13 schemes of arrangement, and 63 deeds of assignment were made in Western Australia. In Tasmania, 18 liquidations involving liabilities £11,609 and assets £4,087, were arranged during 1925.

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 1903–20. 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 shows the transactions of the High Court for the quinquennium 1921–25 :—

COMMONWEALTH HIGH COURT.—TRANSACTIONS, 1921 TO 1925.

| Items. | 1921. | 1922. | 1923. | 1924. | 1925. |
|---|---------|---------|--------|---------|---------|
| I. ORIGINAL JURISDICTION. | | | | | |
| Number of writs issued | 155 | 183 | 82 | 88 | 138 |
| Number of causes entered for trial | 24 | 30 | 15 | 7 | 21 |
| Verdicts for plaintiffs | 13 | 6 | 5 | 4 | 8 |
| Verdicts for defendants | 4 | 9 | 1 | 1 | 3 |
| Otherwise disposed of | 22 | 61 | 9 | 2 | 10 |
| Amount of judgments | £15,403 | £18,579 | £5,525 | £23,724 | £11,810 |
| II. APPELLATE JURISDICTION. | | | | | |
| Number of appeals set down for hearing .. | 68 | 96 | 72 | 101 | 76 |
| Number allowed | 31 | 39 | 27 | 39 | 24 |
| Number dismissed | 24 | 48 | 35 | 46 | 34 |
| Otherwise disposed of | 13 | 9 | 10 | 16 | 18 |
| III. AMOUNT OF FEES COLLECTED. | | | | | |
| Amount in each year | £742 | £802 | £586 | £789 | £1,185 |

During the year 1925 the Court dealt also with other matters as follows:—

| | |
|--|----|
| Appeals from Assessments under the Taxation Assessment Acts .. | 23 |
| Special cases stated for the opinion of the Full Court .. | 10 |
| Applications for Prohibition | 4 |

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 each of the last five years in connexion with the administration of justice in each of the States. Expenditure 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, 1921 TO 1925.

| State. | 1921. | 1922. | 1923. | 1924. | 1925. | |
|----------------------|--------|-----------|-----------|-----------|-----------|-----------|
| | £ | £ | £ | £ | £ | |
| New South Wales .. | Police | 1,150,323 | 1,205,557 | 1,219,244 | 1,317,320 | 1,331,978 |
| | Gaols | 120,136 | 145,887 | 138,137 | 150,052 | 162,411 |
| | Other | 400,943 | 395,691 | 415,420 | 428,437 | 428,726 |
| Victoria .. | Police | 579,351 | 600,856 | 755,698 | 741,126 | 768,939 |
| | Gaols | 74,161 | 80,363 | 101,233 | 99,732 | 117,577 |
| | Other | 224,670 | 233,452 | 252,995 | 259,626 | 265,743 |
| Queensland .. | Police | 458,955 | 455,519 | 461,446 | 497,484 | 554,879 |
| | Gaols | 36,236 | 34,068 | 34,635 | 38,239 | 39,874 |
| | Other | 143,592 | 144,341 | 149,492 | 170,350 | 190,495 |
| South Australia .. | Police | 211,428 | 216,109 | 221,635 | 246,646 | 250,915 |
| | Gaols | 33,359 | 34,520 | 37,338 | 41,257 | 46,240 |
| | Other | 54,129 | 50,459 | 64,549 | 65,447 | 70,431 |
| Western Australia .. | Police | 184,245 | 181,893 | 185,945 | 193,461 | 216,798 |
| | Gaols | 28,715 | 27,440 | 26,102 | 25,970 | 25,989 |
| | Other | 89,987 | 91,605 | 99,250 | 92,816 | 97,364 |
| Tasmania .. | Police | 79,105 | 77,096 | 78,313 | 81,318 | 84,340 |
| | Gaols | 10,097 | 9,643 | 9,475 | 9,426 | 9,446 |
| | Other | 34,114 | 32,921 | 33,487 | 38,381 | 37,680 |
| Northern Territory a | Police | 15,520 | 16,011 | 16,070 | 17,923 | 19,004 |
| | Gaols | 4,171 | 4,403 | 4,148 | 4,469 | 4,432 |
| | Other | 3,289 | 2,664 | 2,611 | 3,078 | 3,226 |
| Total .. | Police | 2,678,927 | 2,753,041 | 2,938,351 | 3,095,278 | 3,226,853 |
| | Gaols | 306,875 | 336,324 | 351,118 | 369,145 | 405,969 |
| | Other | 950,724 | 951,133 | 1,017,804 | 1,058,135 | 1,093,670 |

(a) See 2, Federal Expenditure, next page.

The rise in expenditure during the last few years was due chiefly to increases in wages and salaries and heavier outlay on stores and supplies.

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

STATE EXPENDITURE ON JUSTICE—PER HEAD, 1921 TO 1925.

| State. | | 1921. | 1922. | 1923. | 1924. | 1925. |
|------------------------|--------|--------------|--------------|--------------|--------------|--------------|
| | | <i>s. d.</i> |
| New South Wales | Police | 10 10 | 11 1 | 11 0 | 11 8 | 11 7 |
| | Gaols | 1 2 | 1 4 | 1 3 | 1 4 | 1 5 |
| | Other | 3 9 | 3 8 | 3 9 | 3 10 | 3 9 |
| Victoria | Police | 7 6 | 7 7 | 9 4 | 8 11 | 9 2 |
| | Gaols | 0 11 | 1 0 | 1 3 | 1 2 | 1 5 |
| | Other | 2 11 | 2 11 | 3 1 | 3 2 | 3 2 |
| Queensland | Police | 11 11 | 11 7 | 11 5 | 11 11 | 12 11 |
| | Gaols | 0 11 | 0 10 | 0 10 | 0 11 | 0 11 |
| | Other | 3 9 | 3 8 | 3 8 | 4 1 | 4 5 |
| South Australia | Police | 8 5 | 8 5 | 8 5 | 9 2 | 9 1 |
| | Gaols | 1 4 | 1 4 | 1 5 | 1 6 | 1 8 |
| | Other | 2 2 | 2 0 | 2 6 | 2 5 | 2 7 |
| Western Australia | Police | 11 0 | 10 7 | 10 6 | 10 7 | 11 8 |
| | Gaols | 1 9 | 1 7 | 1 6 | 1 5 | 1 5 |
| | Other | 5 4 | 5 4 | 5 7 | 5 1 | 5 3 |
| Tasmania | Police | 7 3 | 7 0 | 7 2 | 7 6 | 7 9 |
| | Gaols | 0 11 | 0 11 | 0 10 | 0 10 | 0 10 |
| | Other | 3 1 | 3 0 | 3 1 | 3 6 | 3 6 |
| Northern Territory (a) | Police | 81 6 | 90 2 | 90 5 | 99 7 | 104 0 |
| | Gaols | 22 4 | 24 10 | 23 4 | 24 10 | 24 3 |
| | Other | 17 7 | 15 0 | 14 8 | 17 1 | 17 8 |
| Total | Police | 9 9 | 9 9 | 10 3 | 10 6 | 10 9 |
| | Gaols | 1 1 | 1 2 | 1 3 | 1 3 | 1 4 |
| | Other | 3 6 | 3 5 | 3 6 | 3 7 | 3 8 |

(a) See 2 below.

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 15s. 9d. in 1925. Police expenditure increased by 4s. 9d. per head, the average for gaols by 1d. per head, while the expenditure on courts and the remaining machinery of justice increased by 6d. per head during the period. Increased salaries and allowances, and the heavier cost of materials and equipment were largely responsible for the rise in the rate per head during the last few years.

2. Federal Expenditure.—(i) *High Court.* With the exception of that for the Northern Territory, the expenditure shown in the foregoing tables is that incurred by the State Governments only, and does not include expenditure in connexion with the Federal High Court, which is given hereunder for the period 1920–21 to 1925–26:—

EXPENDITURE ON FEDERAL HIGH COURT, 1920-21 TO 1925-26.

| Year. | Amount. | Year. | Amount. |
|-----------------|---------|-----------------|---------|
| | £ | | £ |
| 1920–21 | 34,669 | 1923–24 | 35,645 |
| 1921–22 | 33,776 | 1924–25 | 34,769 |
| 1922–23 | 35,458 | 1925–26 | 35,500 |

(ii) *Total Expenditure.* Other items of expenditure during 1925–26 by the Commonwealth Attorney-General's Department include—Secretary's office, £30,512; Crown Solicitor, £22,691; Court of Conciliation and Arbitration, £12,958; Public Service Arbitrator, £3,953; Investigation Branch, £9,970. Including the High Court expenditure, but excluding that in connexion with Patents and Copyright, the total expenditure by the federal law authorities in 1925–26 amounted to £136,735.