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CHAPTER VII.

PUBLIC JUSTICE.

§ 1. Lower (Magistrates') Courts.

1. **General.**—In considering the criminal returns of the various States, due allowance must be made for certain factors, such as the relative powers of the higher and lower courts. In the case of lower courts, the actual number of laws in each State, the breach of which renders a person liable to fine or imprisonment, must be taken into account. Again, the attitude of the magistracy and police towards certain classes of offences is a factor, for in the case of liquor laws, or laws connected with vagrancy or gaming, the views of the magistrates, and instructions issued to the police, may be responsible for considerable variations in the returns. The strength and distribution of the police forces, and the age-constitution and distribution of the population of the States, also influence the results. Due weight should be given also to the prevalence of undetected crime, but information on this point is not available for all States. It may be mentioned that each State has its own separate judicial system, the Commonwealth jurisdiction being confined to the High Court of Australia, which is largely a Court of Appeal intermediate to the Privy Council although it has also original jurisdiction, the Commonwealth Court of Conciliation and Arbitration and the Commonwealth Court of Bankruptcy. Full particulars regarding the judicial power of the Commonwealth will be found in Chapter III. of the Commonwealth Constitution which appears on page 18 of this issue.

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

3. **Cases Tried at Magistrates' Courts.**—The total number of cases tried at Magistrates' Courts in each State is given below for the five years 1939 to 1943:—

CASES TRIED AT MAGISTRATES' COURTS.

State or Territory.	1939.	1940.	1941.	1942.	1943.
New South Wales	144,848	149,421	133,470	154,531	135,503
Victoria	82,858	86,287	77,003	74,498	71,093
Queensland(a)	32,501	28,653	25,783	23,451	24,397
South Australia	22,776	20,637	24,362	(a)24,876	(a)24,058
Western Australia	24,111	23,095	21,667	24,091	22,085
Tasmania	9,498	7,548	7,479	7,427	6,508
Northern Territory(a)	1,494	1,835	1,168	374	540
Australian Capital Territory	284	306	256	376	419
Total	318,370	317,782	291,188	309,624	284,603

(a) Year ended 30th June following.

Investigation of the returns shows that considerable variations in the figures for single States are occasioned by breaches of new Acts, or the more stringent enforcement of the provisions of existing Acts. Any deductions drawn from the total returns as to the increase or decrease of criminality should, therefore, be based upon a careful analysis of the detailed list of offences.

4. Convictions.—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. A classification of convictions of persons who appeared before the lower courts in each State during 1942 and 1943 is given in the following table :—

CONVICTIONS AT MAGISTRATES' COURTS.

Offence.	N.S.W.	Vic.	Qld.(a)	S.A.(a)	W.A.	Tas.	N.T.(a)	A.C.T.	Aust.
1942.									
Against the Person	1,914	912	254	207	243	169	17	77	3,793
Against Property	12,426	5,920	2,673	1,392	2,726	680	52	141	26,010
Forgery and Offences against the Currency	46	11	2	4	2	2	6	..	71
Against Good Order	52,618	19,661	10,349	6,367	6,541	1,020	20	91	96,667
Other Miscellaneous	73,616	40,007	7,412	14,540	13,412	3,948	202	52	153,189
Total	140,620	66,511	20,690	22,510	22,924	5,817	297	361	279,730
1943.									
Against the Person	2,065	811	265	252	242	116	28	75	3,854
Against Property	13,420	5,655	3,088	1,415	2,885	677	67	176	27,383
Forgery and Offences against the Currency	51	5	..	2	1	2	..	..	61
Against Good Order	50,775	19,498	10,310	6,357	5,416	1,042	278	100	93,776
Other Miscellaneous	52,055	36,392	7,931	14,053	12,298	3,285	49	57	126,120
Total	118,366	62,361	21,594	22,079	20,842	5,122	422	408	251,194

(a) Year ended 30th June, following.

The following table shows the number of convictions in each year from 1939 to 1943 :—

CONVICTIONS AT MAGISTRATES' COURTS.

State or Territory.	1939	1940.	1941.	1942.	1943.
New South Wales	126,353	131,891	119,735	140,620	118,366
Victoria	72,180	75,712	67,520	66,511	62,361
Queensland(a)	28,920	25,640	23,297	20,690	21,564
South Australia	20,429	18,364	21,990	(a) 22,510	(a) 22,079
Western Australia	22,539	21,705	20,435	22,924	20,842
Tasmania	8,722	7,078	5,721	5,817	5,122
Northern Territory(a)	1,394	1,724	1,053	297	422
Australian Capital Territory	260	273	234	361	408
Total	280,803	282,387	259,985	279,730	251,194

(a) Year ended 30th June following.

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

CONVICTIONS FOR SERIOUS CRIME AT MAGISTRATES' COURTS.

State or Territory.	1939.	1940.	1941	1942.	1943.
NUMBER.					
New South Wales ..	12,724	13,133	11,707	14,386	15,536
Victoria ..	5,727	5,653	5,429	6,843	6,471
Queensland(a) ..	2,402	2,275	2,165	2,929	3,353
South Australia ..	1,224	1,340	1,379	(a) 1,603	(a) 1,669
Western Australia ..	2,614	2,601	2,330	2,971	3,128
Tasmania ..	959	846	764	849	795
Northern Territory(a) ..	44	60	66	75	95
Australian Capital Territory	59	35	68	218	251
Total ..	25,753	25,943	23,908	29,874	31,298

PER 10,000 OF THE POPULATION.

New South Wales ..	46.30	47.37	41.94	51.05	54.68
Victoria ..	30.43	29.69	28.03	34.83	32.68
Queensland(a) ..	23.54	22.04	20.85	28.08	31.69
South Australia ..	20.52	22.37	22.90	(a) 26.15	(a) 26.98
Western Australia ..	56.15	55.23	49.17	62.06	65.22
Tasmania ..	40.28	35.18	31.86	35.27	32.80
Northern Territory(a) ..	70.81	95.27	118.41	151.33	184.20
Australian Capital Territory	48.79	25.82	46.24	149.04	177.83
Total ..	36.95	36.86	33.66	41.62	43.23

(a) Year ended 30th June following.

6. *Rate of Convictions, 1881 to 1943.*—Statistics of convictions reveal a consistent increase in the rate of serious crime from 1925 to 1931, when 37.1 convictions per 10,000 of the population were recorded. Following this comparatively high figure the rate declined to 32.4 in 1933 but increased considerably to 37.0 in 1939. In 1941 the rate declined to 33.7 but rose in the next two years to 43.2, the highest recorded since 1891, when the average number of convictions was 44.8. The rate of convictions over a series of years is included below; only the more serious offences particularized in the preceding sub-section have been taken into consideration.

RATE OF CONVICTIONS FOR SERIOUS CRIME AT MAGISTRATES' COURTS : AUSTRALIA.

Year ..	1881.	1891.	1901.	1911.	1921.	1931.	1941.	1943.
Convictions per 10,000 persons	69.3	44.8	29.1	24.6	29.2	37.1	33.7	43.2

7. *Committals to Superior Courts.*—(i) *General.* In a previous paragraph it has been pointed out that comparisons of criminality based on a consideration of the total returns from magistrates' courts are somewhat inadequate, inasmuch as 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 allowances must be made for the

want of uniformity in jurisdiction. A classification of the offences for which persons appearing in the lower courts were committed to higher courts in each State in 1942 and 1943 is shown in the following tables:—

COMMITTALS TO SUPERIOR COURTS.

Offence.	N.S.W.	Vic.	Qld.(a)	S.A.(a)	W.A.	Tas	N.T.(a)	A.C.T.	Aust.
1942.									
Against the Person ..	616	225	132	144	37	22	9	5	1,190
Against Property ..	1,411	1,132	125	146	82	15	15	..	2,926
Forgery and Offences against the Currency ..	27	27	2	18	2	..	4	..	80
Against Good Order ..	18	2	1	9	..	7	..	..	37
Other Miscellaneous ..	47	36	6	12	4	5	..	..	110
Total ..	2,119	1,422	266	329	125	49	28	5	4,343
1943.									
Against the Person ..	597	264	143	137	56	17	22	..	1,236
Against Property ..	2,029	1,254	146	97	105	20	9	..	3,660
Forgery and Offences against the Currency ..	70	55	5	14	1	3	..	..	148
Against Good Order ..	13	4	4	4	4	1	2	..	32
Other Miscellaneous ..	102	67	13	22	4	1	..	..	209
Total ..	2,811	1,644	311	274	170	42	33	..	5,285

(a) Year ended 30th June following.

The following table gives the number of committals in each year from 1939 to 1943, with the rate of such committals per 10,000 of the population:—

COMMITTALS TO SUPERIOR COURTS.

State or Territory.	1939.	1940.	1941.	1942.	1943.
NUMBER.					
New South Wales ..	2,288	2,211	1,717	2,119	2,811
Victoria ..	1,777	1,543	1,400	1,422	1,644
Queensland (a) ..	359	228	276	266	311
South Australia ..	259	199	283	(a) 329	(a) 274
Western Australia ..	129	211	114	125	170
Tasmania ..	82	85	89	49	42
Northern Territory (a) ..	12	17	17	28	33
Australian Capital Territory ..	18	5	10	5	..
Total ..	4,924	4,499	3,906	4,343	5,285
PER 10,000 OF THE POPULATION.					
New South Wales ..	8.3	8.0	6.2	7.5	9.9
Victoria ..	9.4	8.1	7.2	7.2	8.3
Queensland(a) ..	3.5	2.2	2.7	2.6	2.9
South Australia ..	4.3	3.3	4.7	(a) 5.4	(a) 4.4
Western Australia ..	2.8	4.5	2.4	2.6	3.5
Tasmania ..	3.4	3.5	3.7	2.0	1.7
Northern Territory (a) ..	19.3	27.0	30.5	56.5	64.0
Australian Capital Territory ..	15.0	3.7	6.8	3.4	..
Total ..	7.1	6.3	5.5	6.1	7.3

(a) Year ended 30th June following.

(ii) *Rate of Committals since 1881.* With occasional variations the rate of committals for serious crime has remained fairly stable during recent years, and, if the comparison be carried back further, the movement in the rate has undergone very little change during the present century. The rate at intervals since 1881 is as follows:—

RATE OF COMMITTALS TO SUPERIOR COURTS: AUSTRALIA.

Year	1881.	1891.	1901.	1911.	1921.	1931.	1941.	1943.
Committals per 10,000 persons	12	11	8	6	7	8	6	7

8. Drunkenness.—(i) *Cases and Convictions.* The number of cases of drunkenness and the convictions recorded in connexion therewith during the period 1939 to 1943 are given in the following table:—

DRUNKENNESS : CASES AND CONVICTIONS.

State or Territory.	1939.		1940.		1941.		1942.		1943.	
	Cases.	Convictions.	Cases.	Convictions.	Cases.	Convictions.	Cases.	Convictions.	Cases.	Convictions.
New South Wales	32,472	32,405	34,710	34,575	34,683	34,637	34,909	34,870	34,929	34,906
Victoria	11,609	11,421	11,619	11,440	12,064	11,899	12,886	12,749	12,561	12,444
Queensland (a)	11,202	11,118	9,558	9,422	10,124	10,025	8,527	8,439	8,367	8,288
South Australia	2,607	2,597	2,594	2,580	3,837	3,818	a 4,601	a 4,588	a 4,636	a 4,618
Western Australia	2,681	2,658	2,860	2,833	3,290	3,262	4,809	4,778	3,855	3,821
Tasmania	111	407	336	333	282	250	264	252	396	367
Northern Terr. (a)	686	677	522	517	492	479	126	123	100	100
Aust. Cap. Terr.	114	114	109	108	80	80	65	65	37	37
Total	61,782	61,307	62,308	61,808	64,852	64,450	66,187	65,864	64,881	64,581

(a) Year ended 30th June following.

Under the heading "drunkenness" are included cases of ordinary drunkenness, drunkenness and disorderliness, and habitual drunkenness.

The number of convictions is, as might naturally be expected, almost identical with the number of cases.

(ii) *Convictions per 10,000 of Population.* The convictions for drunkenness per 10,000 of the population during each of the years from 1939 to 1943 are given hereunder:—

CONVICTIONS FOR DRUNKENNESS PER 10,000 OF THE POPULATION.

State or Territory.	1939	1940	1941.	1942.	1943
New South Wales	117.9	124.7	124.1	123.7	122.9
Victoria	60.7	60.1	61.4	64.9	62.8
Queensland(a)	109.0	91.3	96.6	80.9	78.3
South Australia	43.6	43.1	63.4	(a) 74.9	(a) 74.7
Western Australia	57.1	60.2	68.8	99.8	79.7
Tasmania	17.1	13.9	10.4	10.5	15.1
Australian Capital Territory	94.3	79.7	54.4	44.4	26.2
Total	88.1	87.8	90.8	91.8	89.2

(a) Year ended 30th June following.

In the twenties the convictions for drunkenness averaged approximately 100 per 10,000 inhabitants, but the rate fell away considerably during the following years and was only 57.1 in 1931. With the improvement in the social condition of the people following that year, the average rose steadily to 84.0 in 1936, declined somewhat during the next two years, and rose to 91.8 in 1942, but decreased to 89.2 in 1943. Figures for the consumption of beer have followed a similar course. From an average of 11.33 gallons per head of the population consumed for some years prior to 1931-32, when the amount declined to 7.32 gallons, the average rose each year to 13.76 gallons in 1941-42, but declined in 1942-43 to 12.58 gallons. In 1943-44 the consumption rose slightly to 12.91 gallons and to 12.94 gallons in 1944-45.

The convictions for drunkenness taken by themselves are not altogether a satisfactory test of the relative sobriety of the inhabitants of each State, inasmuch as several important factors must be taken into consideration. The age and sex constitution

of the people, for example, are by no means identical in all the States. Another factor is the distribution of the population. Arrest or summons for drunkenness obviously is more likely in the regions densely populated than in those sparsely populated. In addition allowance must be made for the attitude of the magistracy, the police and the general public in regard to the offence. Due account also must be taken of the effect of legislation dealing with the limitation of hours during which liquor may be sold in hotels.

(iii) *Consumption of Intoxicants.* The following table shows the consumption of spirits, wine and beer per head of the population in Australia during each year of the five-yearly period 1940-41 to 1944-45:—

CONSUMPTION OF INTOXICANTS IN AUSTRALIA.

Year.	Consumption per Head of Population.		
	Spirits.	Wine.	Beer.
	Imp. Galls.	Imp. Galls.	Imp. Galls.
1940-41	0.22	} 0.36	13.71
1941-42	0.20		13.76
1942-43	0.22		12.58
1943-44	0.23		12.91
1944-45	0.23		12.94

(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. During recent 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 those convicted of more serious offences.

(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 1928; Queensland, Inebriate Institutions Act 1896; South Australia, Inebriates Act 1908-1934, Convicted Inebriates Act 1913-1934; Western Australia, Inebriates Act 1912-1919; 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.

9. *First Offenders.*—In all the States, statutes dealing with first offenders have been in force for many years. Existing legislation is as follows:—New South Wales, Crimes Act 1900 amended in 1924 and 1929, First Offenders (Women) Act 1919; Victoria, Crimes Act 1928; Queensland, Criminal Code Acts 1899 to 1945; South Australia, Offenders Probation Act 1913-1934; Western Australia, Criminal Code Act 1913-1942; Tasmania, Probation of Offenders Act 1934. The method of procedure is practically the same in all cases, i.e., with regard to most first offenders convicted of a minor offence 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 convicted under it having been found to relapse into crime.

10. *Children's Courts.*—Special courts for the trial of juvenile offenders have been established in New South Wales, Victoria, Queensland, Western Australia and Tasmania, while Children's Courts, although not under that title, are provided for by the Maintenance Act 1926-1941 in South Australia. The object of these courts is to avoid, as far as possible the unpleasant surroundings of the ordinary police court.

§ 2. Superior Courts.

I. Convictions at Superior Courts.—The following is a list of the principal offences for which persons were convicted in superior courts in each State and Territory during 1943 and in Australia as a whole in that year and in 1942:—

CONVICTIONS AT SUPERIOR COURTS, 1943.

Offences.	N.S.W. (a)	Vic.	Qld. (a)	S.A.	W.A.	Tas.	N.T. (a)	A.C.T.	Australia.	
									1943.	1942.
I. OFFENCES AGAINST THE PERSON.										
Murder	1	2	2	..	3	1	3	..	12	18
Attempted Murder .. .. .	..	..	..	..	..	..	2	..	2	4
Manslaughter	13	4	4	..	1	1	..	..	23	19
Rape	3	4	1	4	4	1	7	..	24	14
Other Offences against Females	57	50	27	30	7	8	..	..	179	148
Unnatural Offences	47	41	17	15	6	2	1	..	129	112
Abortion and Attempts to Procure	10	4	2	7	..	..	..	..	23	20
Bigamy	54	48	17	10	4	1	..	..	134	88
Suicide, Attempted .. .. .	..	1	..	..	..	1	..	..	2	7
Assault, Aggravated .. .. .	..	..	11	3	5	3	3	..	25	25
Assault, Common	22	6	6	2	..	..	1	..	37	49
Other Offences against the Person	59	20	5	6	5	2	2	..	99	129
Total	266	180	92	77	35	20	19	..	689	633
II. OFFENCES AGAINST PROPERTY.										
Burglary and Housebreaking Robbery and Stealing from the Person	491	267	46	25	30	7	2	..	868	748
Horse-stealing	83	21	19	8	11	5	1	..	148	134
Cattle-stealing .. .. .	..	..	6	..	..	..	..	..	6	3
Sheep-stealing	1	3	2	..	..	..	..	..	6	20
Embezzlement and Stealing by Servants .. .. .	..	2	..	2	1	..	..	..	5	6
Larceny, Other	16	15	4	6	1	..	..	..	42	46
Unlawfully using Horses, Cattle and Vehicles	95	217	9	14	10	..	7	..	352	265
Receiving	2	..	1	..	..	..	..	..	3	..
Fraud and False Pretences	92	46	3	7	1	..	..	..	149	96
Arson	29	18	5	3	..	1	..	..	56	47
Malicious Damage	5	1	4	3	..	..	..	..	13	4
Other Offences against Property	1	1	..	..	..	..	..	..	2	14
Total	14	6	..	32	1	..	..	..	53	49
Total	829	597	99	100	55	13	10	..	1,703	1,432
III. FORGERY AND OFFENCES AGAINST THE CURRENCY.										
Forgery and Uttering Forged Instruments	5	17	4	15	1	..	..	..	42	28
Offences in relation to the Currency	1	..	..	..	..	..	..	..	1	..
Total	6	17	4	15	1	..	..	..	43	28
IV. OFFENCES AGAINST GOOD ORDER										
.. .. .	8	1	1	1	..	2	..	..	13	13
V. OTHER MISCELLANEOUS.										
Conspiracy	17	..	2	3	..	..	..	..	22	26
Perjury and Subornation	3	9	1	..	2	..	..	..	15	11
Other Offences	1	22	1	4	..	..	..	..	28	26
Total	21	31	4	7	2	..	..	..	65	63
Grand Total	1,130	826	200	200	93	35	29	..	2,513	2,169

(a) Year ended 30th June, 1944.

The number of convictions at superior courts and the rate per 10,000 of the population are given below for each of the years 1939 to 1943:—

CONVICTIONS AT SUPERIOR COURTS.

State or Territory.	1939.	1940.	1941.	1942.	1943
NUMBER.					
New South Wales(a) ..	982	861	886	941	1,130
Victoria ..	690	651	705	721	826
Queensland(a) ..	214	145	151	155	200
South Australia ..	179	163	177	211	200
Western Australia ..	71	84	65	64	93
Tasmania ..	39	59	28	39	35
Northern Territory(a) ..	11	36	26	35	29
Australian Capital Territory ..	14	4	3	3	..
Total ..	2,200	2,003	2,041	2,169	2,513

PER 10,000 OF THE POPULATION.

New South Wales(a) ..	3.6	3.1	3.2	3.3	4.0
Victoria ..	3.7	3.4	3.6	3.7	4.2
Queensland(a) ..	2.1	1.4	1.5	1.5	1.9
South Australia ..	3.0	2.7	2.9	3.5	3.3
Western Australia ..	1.5	1.8	1.4	1.3	1.9
Tasmania ..	1.6	2.5	1.2	1.6	1.4
Northern Territory(a) ..	17.7	57.2	46.7	70.6	56.3
Australian Capital Territory ..	11.6	3.0	2.0	2.1	..
Total ..	3.2	2.8	2.9	3.0	4.0

(a) Year ended 30th June following.

The rate of convictions 2.3 per 10,000 of the population in 1936 was the lowest on record, but it increased to 3.2 in 1939, fell slightly to 2.8 in 1940 and rose during each of the next three years to 4.0 in 1943. Owing to the smallness of the population and the particular conditions prevailing there, the rates for the Territories naturally show considerable variation.

2. **Habitual Offenders.**—Some account of the methods adopted in each State in connexion with habitual offenders is given in preceding issues of the Official Year Book (see No. 22, pp. 469-70).

3. **Capital Punishment.**—There were five executions in Australia during the period 1937 to 1943. Two took place in New South Wales (one in 1937-38 and one in 1939-40) and three in Victoria (two in 1939 and one in 1941).

Under the Criminal Code Amendment Act 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' court. 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 stated 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 carried out.

The average annual number of executions in Australia from 1861 to 1880 was 9; from 1881 to 1900, 6; from 1901 to 1910, 4; from 1911 to 1920, 2; from 1921 to 1930, 2; and from 1931 to 1940, 1.

§ 3. Civil Courts.

1. Lower Courts.—The total number of plaints entered and the amounts awarded to plaintiffs during 1942 and 1943 are given in the following table. Particulars for earlier years appear in preceding issues of the Official Year Book.

CIVIL CASES AT LOWER COURTS.

State.	1942.	1943.	State or Territory.	1942.	1943.
N.S.W. ..	{ Cases No. 40,132 Amount £ 207,170	{ 28,725 141,049	Tas. ..	{ Cases No. 10,843 Amount £ 39,704	{ 8,620 25,870
Victoria..	{ Cases No. 52,786 Amount £ 351,886	{ 36,667 228,572	N. Ter.(a) {	{ Cases No. .. Amount £ ..	{ 20 29
Qld.(a) ..	{ Cases No. 6,359 Amount £ 80,346	{ 4,185 51,160	A.C.T. ..	{ Cases No. 332 Amount £ 2,641	{ 102 1,566
S. Aus. ..	{ Cases No. 16,259 Amount £ 93,082	{ 12,184 61,685	Total ..	{ Cases No. 145,635 Amount £ 860,875	{ 104,274 559,183
W. Aus... {	{ Cases No. 18,924 Amount £ 86,046	{ 13,771 49,252			

(a) Year ended 30th June following.

The figures just given represent the returns from the Small Debts Courts in New South Wales, Petty Session Courts in Victoria, Magistrates' Courts in Queensland, Local Courts of South Australia and Western Australia, Courts of Requests in Tasmania, Courts of Summary Jurisdiction in Northern Territory and Court of Petty Sessions in the Australian Capital Territory.

2. **Superior Courts.**—In the next table will be found the transactions on the civil side in the Superior Courts during 1942 and 1943. The particulars given below include the number and amount of judgments entered by default or confession, or agreement, and differ from those in issues of the Official Year Book prior to No. 29, which related in most States only to cases actually tried during the year.

The New South Wales returns refer to judgments in the District Courts only, and exclude 1,097 judgments in 1942 and 758 judgments in 1943 signed in the Supreme Court, for which the amounts entered are not available.

CIVIL CASES AT SUPERIOR COURTS.

State.	1942.	1943.	State or Territory.	1942.	1943.
N.S.W. ...	{ Causes No. 4,081 Amount £ 231,398	{ 2,756 160,929	W. Aust. <i>b</i> ...	{ Causes No. 80 Amount £ 155,136	{ 70 27,582
Victoria ..	{ Causes No. 1,756 Amount £ 129,645	{ 2,065 82,703	Tas. ...	{ Causes No. 174 Amount £ 20,508	{ 119 12,453
Qld.(a) ..	{ Causes No. 493 Amount £ 31,360	{ 746 14,545	A.C.T. ...	{ Causes No. 3 Amount £ 2,356	{ 1 180
S. Aust... ..	{ Causes No. 469 Amount £ 40,419	{ 618 16,899	Total ..	{ Causes No. 7,956 Amount £ 610,822	{ 6,375 315,291

(a) Year ended 30th June following.

(b) Judgments signed and entered.

3. **Divorces and Judicial Separations.**—The following table shows the number of petitions for divorce, nullity of marriage and judicial separations filed in each State during 1943, and the number of divorces made absolute and judicial separations granted:—

PETITIONS FOR DIVORCE, ETC., AND DIVORCES GRANTED, 1943.

State or Territory.	Petitions for Divorce, Nullity of Marriage and Judicial Separation.			Divorces and Nullity made absolute.	Judicial Separations.
	By Husband.	By Wife.	Total.		
New South Wales	1,628	1,410	3,038	1,837	3
Victoria	858	738	1,596	1,382	1
Queensland	257	198	455	441	3
South Australia	324	306	630	450	..
Western Australia	323	247	570	458	..
Tasmania	84	56	140	89	..
Northern Territory(a) ..	4	..	4	3	..
Australian Capital Territory ..	4	..	4	4	..
Total	3,482	2,955	6,437	4,664	7

(a) Year ended 30th June, 1944.

The grounds on which divorces, including nullity of marriage, and judicial separations were granted during 1942 and 1943 in each State are given in the following table:—

GROUND ON WHICH DIVORCES AND JUDICIAL SEPARATIONS WERE GRANTED.

Grounds on which Granted.	N.S.W.		Vic.		Qld.		S.A.		W.A.		Tas.		N.T.(a)		A.C.T.		Aust.	
	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.
1942.																		
Adultery ..	389	2	225	..	94	..	139	1	164	..	13	..	..	..	..	..	1,024	3
Bigamy ..	4	..	3	..	2	..	1	..	..	..	..	..	..	..	..	..	10	..
Cruelty ..	6	2	..	..	..	..	14	..	..	..	2	..	..	..	..	..	22	2
Cruelty and Drunkenness ..	22	..	6	..	..	..	..	..	..	..	..	..	..	..	..	..	28	..
Drunkenness ..	13	..	5	..	..	..	4	..	1	..	..	..	..	..	..	..	23	..
Desertion ..	1,161	..	699	2	143	..	129	1	170	..	67	..	..	..	..	..	2,369	3
Imprisonment for Crime ..	7	..	4	..	..	..	1	..	..	..	..	..	..	..	..	..	12	..
Insanity ..	..	..	10	..	6	..	7	..	7	..	1	..	..	..	..	..	31	..
Other ..	4	1	5	..	3	..	18	..	25	..	..	..	..	..	..	..	55	1
Total ..	1,606	5	957	2	248	..	313	2	367	..	83	..	..	..	..	..	3,574	9

1943.																		
Adultery ..	440	1	431	1	192	1	226	..	232	..	33	..	..	..	..	..	1,556	3
Bigamy ..	8	..	5	..	2	..	..	..	..	..	..	..	..	..	..	..	15	..
Cruelty ..	5	1	3	..	..	2	17	..	..	..	1	..	..	..	..	..	26	3
Cruelty and Drunkenness ..	29	..	5	..	..	..	..	..	..	..	..	..	..	..	..	..	34	..
Drunkenness ..	15	..	4	..	..	..	5	..	4	..	..	..	..	..	..	..	28	..
Desertion ..	1,339	1	914	..	239	..	177	..	182	..	54	..	3	..	2	..	2,901	1
Imprisonment for Crime ..	5	..	2	..	..	..	..	..	6	..	..	..	..	..	..	..	7	..
Insanity ..	..	..	12	..	3	..	6	..	6	..	1	..	..	..	..	..	28	..
Other ..	5	..	6	..	5	..	19	..	34	..	..	..	..	..	..	..	69	..
Total ..	1,837	3	1,382	1	441	3	450	..	458	..	89	..	3	..	4	..	4,664	7

(a) Year ended 30th June following.

The number of divorces and judicial separations in each State during the period 1939 to 1943 is shown below. The figures refer in the case of divorces to decrees made absolute in each year and include decrees for nullity of marriage.

DIVORCES AND JUDICIAL SEPARATIONS.

State or Territory.	1939.		1940.		1941.		1942.		1943.	
	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.
New South Wales ..	1,545	6	1,484	13	1,567	10	1,606	5	1,837	3
Victoria ..	801	4	821	1	837	5	957	2	1,382	1
Queensland ..	a 224	..	b 224	..	253	..	248	..	441	3
South Australia ..	243	..	309	5	273	1	313	2	450	..
Western Australia ..	231	..	246	..	292	..	367	..	458	..
Tasmania ..	80	..	83	..	84	..	83	..	89	..
Northern Territory (a) ..	2	..	8	..	4	..	..	..	3	..
Australian Capital Territory ..	6	1	5	1	2	..	..	..	4	..
Total ..	3,135	13	3,180	20	3,312	18	3,574	9	4,664	7

(a) Year ended 30th June following.

(b) Year ended 30th June, 1940.

The average annual number of divorces and judicial separations in Australia for decennial periods from 1871 to 1940 were as follows:—

DIVORCES AND JUDICIAL SEPARATIONS : AUSTRALIA.

Year ..	1871-80.	1881-90.	1891-1900.	1901-10.	1911-20.	1921-30.	1931-40.
Average ..	29	70	358	401	707	1,699	2,501

The following table shows the numbers and proportions of divorced males and females according to age in Australia at each Census from 1891 onwards. Prior to 1911 no record was made of divorced persons in South Australia, so that no definite comparisons can be made to extend beyond that date.

DIVORCED PERSONS : AGE DISTRIBUTION, AUSTRALIA.

Age last Birthday.	Number.					Proportion per 10,000 of the Sex.				
	1891. (a)	1901. (a)	1911.	1921.	1933.	1891. (a)	1901. (a)	1911.	1921.	1933.
MALES.										
Years—										
15-19 ..	..	..	2	11	..	..	..	..	..	..
20-24 ..	10	21	27	55	73	..	1	1	2	3
25-29 ..	37	77	137	321	501	2	5	7	14	18
30-34 ..	60	167	286	580	1,100	4	11	17	26	44
35-39 ..	68	262	321	661	1,575	7	17	21	34	69
40-44 ..	41	233	361	592	777	5	19	25	35	77
45-49 ..	34	154	407	533	1,614	5	17	30	37	77
50-54 ..	27	131	338	498	1,256	4	19	31	37	73
55-59 ..	28	76	204	425	877	6	14	28	36	66
60-64 ..	16	55	134	281	611	4	12	26	31	53
65-69 ..	5	33	76	155	477	2	9	19	28	51
70-74 ..	5	14	43	86	270	3	5	14	26	41
75-79 ..	1	7	12	27	122	1	5	6	14	34
80-84 ..	..	3	14	7	35	..	5	16	7	25
85 and over ..	..	1	6	1	10	..	5	17	2	17
Age 15 and over	332	1,234	2,368	4,233	10,298	3	10	15	23	42
FEMALES.										
Years—										
15-19 ..	..	..	1	8	6	..	..	..	..	..
20-24 ..	16	56	71	168	230	1	3	3	7	8
25-29 ..	60	168	239	526	960	4	11	13	22	37
30-34 ..	49	244	332	756	1,565	5	18	21	34	66
35-39 ..	40	287	374	713	1,939	5	24	26	37	82
40-44 ..	26	178	366	621	1,880	4	19	29	38	83
45-49 ..	19	107	319	496	1,598	4	16	29	37	80
50-54 ..	10	52	229	495	1,066	2	10	27	34	65
55-59 ..	4	28	79	280	662	1	6	14	28	51
60-64 ..	1	11	59	217	485	..	3	13	28	42
65-69 ..	..	10	38	70	287	..	3	10	14	32
70-74 ..	1	5	14	25	136	..	3	5	8	21
75-79 ..	..	..	16	14	58	..	..	10	7	16
80-84 ..	..	1	2	2	12	..	2	3	2	8
85 and over ..	..	..	1	3	4	..	..	3	5	5
Age 15 and over	228	1,149	2,140	4,304	10,888	3	10	15	24	46

(a) Excludes South Australia.

4. **Bankruptcies.**—Particulars relating to bankruptcy in each State up to the end of 1927 were incorporated under this heading in preceding issues of the Official Year Book prior to No. 23. Under the terms of the Bankruptcy Act 1924-1945 jurisdiction in bankruptcy and insolvency was taken over by the Commonwealth from 1st August, 1928.

The Act made provision for the declaration of districts, and each State (except Queensland and Northern Territory) has been declared a bankruptcy district. The bankruptcy district of New South Wales includes the Australian Capital Territory. Queensland has been divided into three districts corresponding to the three Supreme Court districts in that State. Operations under the Act for the year ended 31st July, 1945, are given in the following table. For the purposes of comparison, figures for each of the preceding two years are appended to the table.

COMMONWEALTH BANKRUPTCY ACT RETURNS, 1944-45.

Heading.		N.S.W.	Vic.	Qld.	S. Aust.	W. Aust.	Tas.	Nor. Terr.	Australia.
Sequestration Orders and Orders for Administration of Deceased Debtors' Estates	Number ..	58	32	9	20	3	6	..	128
	Liabilities £	92,356	11,747	3,061	134,866	3,953	1,786	..	247,769
	Assets £	13,143	3,915	2,015	37,725	2,130	447	..	59,375
Compositions, etc., after Bankruptcy	Number ..	4	3	4	4	..	1	..	16
	Liabilities £	9,832	1,105	4,850	3,072	..	1,056	..	19,915
	Assets £	3,350	358	950	246	..	593	..	5,497
Compositions, etc., without Bankruptcy	Number ..	..	..	..	17	2	..	..	19
	Liabilities £	..	..	..	27,494	1,474	..	..	28,968
	Assets £	..	..	..	29,726	1,671	..	..	31,397
Deeds of Arrangement ..	Number ..	8	3	..	..	..	..	..	11
	Liabilities £	23,392	35,901	..	..	..	..	..	59,293
	Assets £	20,646	25,472	..	..	..	..	..	46,118
Total, 1944-45	Number ..	70	38	13	41	5	7	..	174
	Liabilities £	125,580	48,753	7,911	165,432	5,427	2,842	..	355,945
	Assets £	37,139	29,745	2,965	67,697	3,801	1,040	..	142,387
Total, 1943-44	Number ..	91	64	17	50	6	7	..	235
	Liabilities £	167,113	93,780	30,034	142,751	8,229	3,943	..	445,850
	Assets £	83,130	29,948	28,658	129,196	6,674	710	..	278,316
Total, 1942-43	Number ..	165	91	65	112	24	18	..	475
	Liabilities £	380,261	96,569	89,319	303,901	67,045	14,029	..	951,124
	Assets £	296,459	39,876	66,361	246,423	44,720	1,946	..	695,785

It is pointed out that the procedure in certain States has been influenced largely by the procedure in force prior to the passing of the Commonwealth Act, and that, therefore, no particular significance attaches to the large number of compositions, etc., in South Australia.

The Bankruptcy Act 1930 created a Commonwealth Court of Bankruptcy and provided for the appointment of a Judge or two Judges thereto. In 1930 a Commonwealth Judge in Bankruptcy was appointed in addition to the State Judges to deal with bankruptcy work in New South Wales and Victoria, as the Courts in these States were unable to cope with the business. All the bankruptcy cases in these States are now heard by the Commonwealth Judge, who sits in Sydney and Melbourne alternatively.

5. **High Court of Australia.**—Under the provisions of Section 71 of the Commonwealth Constitution, the judicial power of the Commonwealth is vested in a Supreme Court called the High Court of Australia, and in such other courts as the Parliament creates or invests with federal jurisdiction. The Commonwealth High Court possesses both original and appellate jurisdiction. The powers of the Court are defined in the Commonwealth Constitution, and in the Judiciary Act 1903-1940. The Court consists of a Chief Justice and five other judges. Sittings of the Court are held in the capitals of the various States as occasion may require. The High Court functions as a Court of Appeal for Australia. The following statement shows the transactions of the High Court for 1943 and 1944. Figures for previous years are given in preceding issues.

TRANSACTIONS OF COMMONWEALTH HIGH COURT.

Original Jurisdiction.			Appellate Jurisdiction.		
	1943.	1944.		1943.	1944.
Number of writs issued	62	83	Number of appeals set down for hearing ..	116	68
Number of causes entered for trial	20	23	Number allowed ..	52	17
Verdicts for plaintiffs	2	16	Number dismissed ..	44	41
Verdicts for defendants	6	7	Otherwise disposed of	4	6
Otherwise disposed of	8	8			
Amount of judgments	£5,000	£44,976			

During 1943 and 1944 respectively the Court dealt also with the following : Appeals from Assessments under Taxation Assessment Act, 21, 20 ; Special cases stated for the opinion of the Full Court, 18, 18 ; Applications for Prohibitions, etc., 28, 45. The fees collected amounted to £948 in 1943 and £972 in 1944.

6. **Commonwealth Court of Conciliation and Arbitration.**—A detailed statement regarding the operation of this Court, which was established under the Commonwealth Conciliation and Arbitration Act 1904-1934, will be found in Chapter XIII. "Labour, Wages and Prices", and in the *Labour Report*.

§ 4. Police and Prisons.

1. **General.**—Early issues of the Official Year Book (see No. 4, p. 918) contain a résumé of the evolution of the police force in Australia up to the passing of the Police Act 1862 (25 Vic. No. 16) in New South Wales.

2. **Strength of Police Force.**—(i) *General.* The strength of the police force in each State during the five years ended 1943 is given in the following table. It may be mentioned that the police forces (with the exception of the small body of Commonwealth police maintained in the Northern Territory and in the Australian Capital Territory) are entirely under State control, but, by arrangement, the Commonwealth Government utilizes their services in various directions, such as acting as aliens registration officers, and policing the liquid fuel regulations, etc.

STRENGTH OF POLICE FORCES.

State or Territory.	Area of State in Sq. Miles.	No. of Police.				
		1939.	1940.	1941.	1942.	1943.
New South Wales ..	399,433	3,907	3,964	3,902	3,817	3,711
Victoria ..	87,884	2,333	2,327	2,335	2,318	2,263
Queensland (a) ..	670,500	1,460	1,510	1,621	1,715	1,733
South Australia (a)	380,070	905	928	879	874	866
Western Australia (a)	975,920	600	614	638	623	582
Tasmania (a) ..	26,215	296	297	311	308	312
Northern Territory (a)	523,620	48	51	43	43	43
Aust. Cap. Territory	939	17	19	19	19	18
Total ..	2,974,581	9,566	9,710	9,748	9,717	9,528

(a) 30th June of year following.

The figures for New South Wales for 1943 exclude 18 "black trackers", (i.e., natives employed in detection of offenders chiefly in outlying districts) and 4 matrons, while the Victorian returns exclude 3 matrons and 1 black tracker. For Queensland the figures exclude 33 black trackers, for South Australia 5 wardresses and 3 black trackers, for Western Australia 36 black trackers and 5 female searchers, and for the Northern Territory 34 black trackers. Women police are employed in all the States, the respective numbers for 1943 included in the table above being:—New South Wales 18, Victoria 12, Queensland 9, South Australia 14, Western Australia 8, and Tasmania 5. Their work is mainly preventive, and the importance and usefulness of their duties have been referred to in very high terms by the Chief Officers of Police. In his Report for 1941 the Commissioner of Police in New South Wales refers to the valuable work performed by the women police in connexion with vice and crime particularly touching females and juveniles. They also carry out escort duties in respect of female prisoners. The experience in other States has been of a similar nature.

(ii) *Proportion to Population.*—The average number of persons in the various States to each police officer during the five years 1939 to 1943 is shown in the following table. 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 IN RELATION TO POPULATION.

State or Territory.	Number of Persons per Sq. Mile, 1933 Census.	Persons to each Police Officer.				
		1939.	1940.	1941.	1942.	1943.
New South Wales	8.41	707	702	718	742	769
Victoria	20.71	800	824	836	849	879
Queensland (a)	1.41	704	688	643	613	615
South Australia (a)	1.53	662	648	694	704	718
Western Australia (a)	0.45	785	773	751	770	834
Tasmania (a)	8.68	809	805	774	787	787
Northern Territory (a)	0.01	130	124	111	120	120
Aust. Cap. Territory	9.52	745	741	757	772	794
Total	2.23	732	729	733	742	764

(a) 30th June of year following.

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, it has been estimated that one-fifth of the time of the force was taken up in extraneous duties not connected 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 1941-42 no less than 54 important subsidiary offices were held by the police. In South Australia, the Commissioner alludes to the large number of subsidiary duties performed by police officers, and mentions that for the year ended June, 1944, over 243,800 inquiries were made on behalf of other State and Commonwealth departments. As a result of the war extra duties have been added to those normally performed by the police. These relate chiefly to war emergency legislation and include, amongst others, the registration and control of movements of aliens throughout each State.

4. **Prison Accommodation and Prisoners, 1942 and 1943.**—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 1942 and 1943 :—

PRISON ACCOMMODATION AND PRISONERS.

State or Territory.	Number of Prisons.		Accommodation in—				Prisoners at End of Year.	
			Separate Cells.		Wards.		1942.	1943.
	1942.	1943.	1942.	1943.	1942.	1943.		
New South Wales(a) ..	13	13	1,947	1,941	45	44	1,558	1,739
Victoria ..	10	8	1,292	1,202	338	226	1,109	1,089
Queensland ..	7	8	558	564	106	118	298	318
South Australia ..	15	15	673	673	171	171	262	232
Western Australia(b) ..	20	21	257	444	94	92	260	240
Tasmania(a) ..	1	1	142	142	4	4	43	80
Northern Territory(a) ..	3	3	13	13	19	19	37	45
Total ..	69	69	4,882	4,979	777	674	3,567	3,743

(a) Year ended 30th June following.

(b) 30th June.

The figures refer to prisoners under sentence and exclude aborigines. There are no gaols in the Australian Capital Territory, but there are lock-ups attached to the police stations at Canberra and Jervis Bay, where offenders are held while awaiting trial or serving short sentences not exceeding one week imposed by the Magistrate's Court.

5. **Prisoners in Gaol, 1939 to 1943.**—The number of prisoners in gaol at 31st December in each of the years 1939 to 1943 and the proportion per 10,000 of the population are given in the following table. The figures refer to prisoners under sentence and exclude aborigines.

PRISONERS IN GAOL.

State or Territory.	1939.	1940.	1941.	1942.	1943.
NUMBER.					
New South Wales(a) ..	1,357	1,236	1,497	1,558	1,739
Victoria ..	1,144	1,046	939	1,109	1,089
Queensland ..	261	271	277	298	318
South Australia ..	199	197	208	262	232
Western Australia ..	234	246	211	(b) 260	(b) 240
Tasmania(a) ..	108	91	62	43	80
Northern Territory ..	23	39	32	(a) 37	(a) 45
Total ..	3,326	3,126	3,226	3,567	3,743

PER 10,000 OF THE POPULATION.

State or Territory.	1939.	1940.	1941.	1942.	1943.
New South Wales(a) ..	4.9	4.4	5.3	5.5	6.1
Victoria ..	6.1	5.5	4.8	5.6	5.5
Queensland ..	2.6	2.6	2.7	2.9	3.0
South Australia ..	3.3	3.3	3.4	4.3	3.8
Western Australia ..	5.0	5.2	4.4	(b) 5.4	(b) 5.0
Tasmania(a) ..	4.5	3.8	2.6	1.8	3.3
Total ..	4.7	4.4	4.5	5.0	5.1

(a) 30th June of year following.

(b) 30th June.

After remaining stationary at 6.5 per 10,000 for the four years ended 1932 the proportion of prisoners in gaol to the total population declined to 4.5 in 1941 and rose to 5.1 in 1943. This figure compares most favourably with that obtaining in 1891, when the proportion was as high as 16 per 10,000. Rates for the Northern Territory have not been included on account of the prevailing abnormal conditions.

6. **Improvement in Prison Methods.**—In previous issues of the Official Year Book a fairly detailed account is given of the improvements effected in each State during recent years in regard to methods of prison management (see Official Year Book No. 22, pp. 471-4), but this information is not repeated in the present volume.

§ 5. Cost of Administration of Justice.

1. **Expenditure by the States.**—The table below shows the expenditure from Consolidated Revenue during 1942-43 and 1943-44 in connexion with the administration of justice in each of the States.

It is difficult to obtain comparable figures of the total costs of the various services under this heading, and net costs have been substituted for gross expenditure. It will be noted that in South Australia (both years) and Western Australia (1942-43) the receipts for legal fees and registrations exceed the actual expenditure under "Justice".

NET EXPENDITURE ON JUSTICE.

State.	Net Expenditure.			Per Head of Population		
	Justice.	Police.	Prisons.	Justice.	Police.	Prisons.
	£	£	£	s. d.	s. d.	s. d.
1942-43.						
New South Wales ..	217,887	1,492,869	224,146	1 6	10 7	1 7
Victoria ..	125,272	948,169	112,296	1 3	9 7	1 2
Queensland ..	98,000	752,815	46,230	1 11	14 5	0 11
South Australia ..	-9,551	325,380	37,387	0 8	10 7	1 3
Western Australia ..	-3,894	261,247	33,590	0 2	10 11	1 5
Tasmania ..	25,897	124,273	16,354	2 2	10 4	1 4
Total ..	443,611	3,904,753	470,003	1 3	10 11	1 4
1943-44.						
New South Wales ..	232,151	1,532,705	247,119	1 8	10 9	1 9
Victoria ..	131,777	989,794	133,042	1 4	9 11	1 4
Queensland ..	66,237	815,015	46,419	1 3	15 5	0 11
South Australia ..	-14,447	338,911	37,788	0 6	10 11	1 3
Western Australia ..	12,762	263,860	41,232	0 6	10 11	1 9
Tasmania ..	25,674	130,252	18,887	2 1	10 8	1 7
Total ..	454,154	4,070,537	524,487	1 3	11 3	1 5

2. Commonwealth Expenditure.—The expenditure shown in the foregoing table is that incurred by the State Governments only, and does not include expenditure of the Commonwealth Attorney-General's Department, which is given hereunder for the years 1939-40 to 1943-44 :—

EXPENDITURE OF THE COMMONWEALTH ATTORNEY-GENERAL'S DEPARTMENT.

Year.				Gross Expenditure.	Receipts.	Net Expenditure.
				£	£	£
1939-40	..	..	..	276,557	107,680	168,877
1940-41	..	..	..	297,400	99,898	197,502
1941-42	..	..	..	319,171	90,820	228,351
1942-43	..	..	..	351,452	103,919	247,533
1943-44	..	..	..	386,749	117,128	269,621

The totals for each year include expenditure in connexion with patents and copyright which amounted in 1943-44 to £48,171. The Commonwealth took over jurisdiction in bankruptcy in August, 1928, and the expenditure thereon in 1943-44 amounted to £41,937, including the salary of the Commonwealth Judges, £3,333. Expenditure in connexion with the Australian Capital Territory police amounted in 1943-44 to £11,218, and £4,196 was expended on miscellaneous items including the Law Court, Titles Office and Industrial Arbitration Board. Revenue of the Attorney-General's Department amounted for the year to £117,128, comprising £66,660 for patents, copyright, trademarks and designs, £16,795 for bankruptcy and £33,673 miscellaneous, including fees and fines.

In addition to the foregoing a sum of approximately £26,898 was expended in the Northern Territory during 1943-44 by the Department of the Interior on the administration of justice, including the costs of the police force and prisons.