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## CHAPTER XVI

### PUBLIC JUSTICE

NOTE.—In interpreting statistics of public justice, it should be realized that a number of factors affect comparability from State to State and from year to year, e.g.:

- (a) Differences in the jurisdiction of courts;
- (b) Changes in the law in particular States and differences in the laws between States;
- (c) Differences in the methods of compiling the figures (e.g. in respect of persons convicted for more than one offence);
- (d) The attitude to laws such as those connected with liquor, vagrancy, gaming, and traffic offences;
- (e) The strength and distribution of the police force;
- (f) The proportion of various types of crimes reported and solved.

#### § 1. The Australian Legal System

1. **Development of the System.**—The two major factors in the development of the Australian legal system have been its British origin and the Federal Constitution of 1900. When the various parts of Australia were first settled by British colonists, the common law and statutes of England were brought with them by the settlers. When local law-making bodies were established, the law so brought in was gradually modified and augmented by local legislation, but the Imperial Parliament in London also continued to legislate (to a lesser and lesser extent) in respect of Australia. The Federal Constitution of 1900, which is itself an Imperial Act, limited the legislative power of State Parliaments in some respects and created a federal legislature. Since the *Statute of Westminster Adoption Act* 1942, the Imperial Parliament can legislate for Australia only at Australia's request. The sources of Australian law of today are, therefore, found in Commonwealth and State legislation, in some Imperial legislation and in the common law. No significant attempt has been made at codification of the law, but three of the States (Queensland, Western Australia, and Tasmania) have Criminal Codes. However, separate consolidations of the statutes of the Commonwealth and of all States except Western Australia (which has adopted a system of reprinting of individual statutes at intervals) have been brought out from time to time.

There are few constitutional or other legislative guarantees of individual rights and liberties in Australia. These rights are nevertheless protected, because a basic feature of the Australian system is the "rule of law": no act, official or unofficial, however *bona fide* and apparently reasonable, which infringes the liberty or rights of an individual is justifiable unless it is authorized by law, and for any such unlawful act, by whatever authority commanded, the official or other person is personally liable in an action in the ordinary courts. In the case of subordinate legislation, and even in the case of Federal or State Acts, the validity of the law itself may be challenged in the courts. The remedy for the protection of the personal liberty of the individual is the writ of habeas corpus, which requires the person named therein to be produced in the court.

Australian law adheres to the principle that Federal control must in general be exercised by ordinary courts. There is no integrated system of administrative tribunals, but there is

a great variety of such tribunals of various descriptions. The ordinary courts exercise supervision over administrative tribunals either by way of statutory appeal or by the use of prerogative writs of *mandamus*, *prohibition*, or *certiorari*, by which the administrative tribunals can be enjoined to perform a duty or to abstain from excess of jurisdiction, or can have their decisions set aside.

Independence of the judiciary is an essential part of the Australian legal system. Security of tenure of superior court judges is guaranteed, mostly by the Constitutions of the Commonwealth and the States, and they can be removed from office only by resolution of both Houses of Parliament of the Commonwealth or the States, as the case may be, for proven misbehaviour or incapacity. Their independence is further secured by relatively high salaries which, in the case of High Court judges, cannot be reduced during their tenure of office, and liberal (mostly non-contributory) pensions for the judges or their widows.

Judgments given in the courts of any part of Australia can be enforced in any other part of Australia under the *Service and Execution of Process Act* 1901–1958 of the Commonwealth.

**2. State and Territory Courts.**—(i) *Civil jurisdiction.* Lower civil courts (which term includes, for the purposes of this chapter, Magistrates' Courts, Courts of Petty Sessions, Local Courts, Small Debts Courts, Courts of Request and Courts of General Sessions) are usually constituted or presided over by a stipendiary or special magistrate or a commissioner. In some limited instances, justices of the peace may exercise the jurisdiction of the court. Local Courts are sometimes constituted by a Judge. The powers of the magistrates in the various States and Territories are set out in § 2, pages 659–60. In most cases, unless the amount involved is very small, appeal may be made to a higher court against a magistrate's decision. In any case, the Supreme Court has a supervisory power, by means of prerogative writs, to examine whether a lower court has properly exercised its jurisdiction.

In the higher courts (which term includes, for the purposes of this chapter, District Courts, County Courts, and the Supreme Courts), actions are usually tried by a single judge, sitting with or without a jury, from whose judgment appeal lies to the bench of the Supreme Court. In certain cases, the appeal can be carried to the High Court of Australia. Appeals to the Privy Council are discussed below.

(ii) *Criminal jurisdiction.* Criminal courts are of two kinds, namely, courts of summary jurisdiction and higher courts. Courts of summary jurisdiction, usually called Courts of Petty Sessions, may deal summarily with minor offences; higher courts, known as Courts of Sessions, Quarter Sessions or General Sessions (not to be confused with the lower court of civil jurisdiction of that name) and the Supreme Court, hear indictable offences. A court of summary jurisdiction consists of a stipendiary or police magistrate, or two or more justices of the peace; a higher court consists of a judge or chairman, sitting with a jury. The jury finds as to the facts of the case and the judge determines the applicable law and, within the limits of the law, the punishment of the convicted person.

In the case of other than minor offences, a preliminary hearing is held before a stipendiary magistrate or justice of the peace for the purpose of determining whether a *prima facie* case has been made out. If the magistrate or justice of the peace finds that there is a case to answer, the person charged is committed for trial at a higher court. A magistrate or justice of the peace has power to release on bail.

There is an appeal to a higher court from the decision of a court of summary jurisdiction hearing a minor offence, and an appeal from a higher court to the full bench of the Supreme Court, or Court of Criminal Appeal. A further appeal may, with leave, be brought to the High Court of Australia.

**3. Federal Courts.**—The judicial power of the Commonwealth is vested in the High Court of Australia (the Federal Supreme Court), in the Federal courts created by Parliament (the Federal Court of Bankruptcy and the Commonwealth Industrial Court), and in the State courts invested by Parliament with Federal jurisdiction, both civil and criminal. Further particulars regarding the judicial power of the Commonwealth will be found in Chapter III. (§§ 71–73) of the Commonwealth Constitution (*see* p. 16 of this Year Book).

Particulars concerning the Federal Court of Bankruptcy and the High Court of Australia will be found in §§ 4 and 5, respectively, of this chapter. Information regarding the Commonwealth Industrial Court, which was established under the *Conciliation and Arbitration Act 1904-1961*, will be found in Chapter XII. Labour, Wages and Prices (pp.462-3).

4. **Appeal to the Privy Council.**—There is an appeal, by special leave of the Privy Council, from the High Court to the Privy Council. In certain important types of constitutional disputes, involving questions of the powers of the Commonwealth *vis-a-vis* the States, a certificate of the High Court in effect granting leave to appeal is necessary. There is also an appeal from the State Supreme Courts direct to the Privy Council.

## § 2. Lower (Magistrates') Courts

1. **Powers of the Magistrates.**—(i) *New South Wales.* There is no general limit to the powers of the magistrates with regard to offences punishable 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 twelve months. Imprisonment in default 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 liquidated debts, and damages whether liquidated or unliquidated, the amount is limited to £150 before a court constituted by a stipendiary magistrate. Where the amount claimed exceeds £50, the Court must transfer the action to the District Court when the defendant gives notice that he objects to the action being heard and determined by a Court of Petty Sessions. Magistrates have power to entertain claims of up to £500 under the *Money Lenders and Infants Loans Act 1941*, as amended. The amount in actions of debt before two or more justices of the peace is limited to £30 and in actions of damages it is limited to £10, but may extend to £30 with the consent of the defendant. Outside the Metropolitan Area of Sydney and certain other prescribed districts, one justice of the peace may hear cases of debt, liquidated or unliquidated, or damage, up to £5 or to £30 by consent of parties.

(ii) *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 £100, and to actions arising out of torts or contracts to the extent of £250. No definite limit is fixed to the powers of the magistrates on the criminal side, and for some offences, sentences of up to two years' imprisonment may be imposed. The proportion of long sentences is, however, comparatively small.

(iii) *Queensland.* Generally speaking, the maximum term of imprisonment which justices can impose is six months, but in certain exceptional cases, such as offences against sections 233, 344 and 445 of the *Criminal Code* (betting houses, aggravated assaults, and unlawfully using animals), sentences of twelve months may be imposed.

There is provision for applying cumulative sentences, but in practice not more than one sentence is generally made cumulative on a previous sentence.

(iv) *South Australia.* The power of special magistrates to impose fines and imprisonment is defined by the special Act creating the offence and conferring jurisdiction. In the case of minor indictable offences which are tried summarily, a maximum penalty of £100 fine or two years' imprisonment is fixed by the *Justices Act 1921-1960*. Magistrates also have power to hear certain civil actions in which the amount claimed is less than £1,250.

(v) *Western Australia.* The powers of magistrates and justices with regard to offences which are tried summarily are governed by the Act creating the offence and giving them jurisdiction. Imprisonment in default of payment of a fine is regulated by a scale limiting the period according to the amount of the fine but not to exceed six months.

The civil jurisdiction of Local Courts is restricted in general to £500. By consent of the parties, any action that might be brought in the Supreme Court may be dealt with in a Local Court. Justices may act in the case of illness or absence of the magistrate.

Magistrates are coroners and justices may be appointed as acting coroners.

Magistrates have appellate jurisdiction under some statutes and in country districts act as *Chairmen of the Session Courts*. They may be appointed as *Commissioners of the Supreme Court*. On the goldfields, the magistrate is also the warden.

(vi) *Tasmania*. Magistrates are empowered to hear and determine in Courts of Petty Sessions all offences when an enactment expressly or by implication provides that the matter is to be determined summarily, or by or before justices, or that any offence is to be punishable upon summary conviction. In addition, stealing and analogous crimes may be heard and determined summarily on the election of the person charged, when the amount involved does not exceed £100.

No general limit is fixed in respect of sentences, the statute creating the offence almost invariably laying down the penalty. Where this is not the case, the *Contravention of Statutes Act* 1889 provides that a fine of £50 may be imposed. Sentences of imprisonment which justices may impose vary with the nature of the offence, with a maximum of two years. The aggregate of terms of cumulative sentences may not exceed two years.

The civil jurisdiction of magistrates is divided into two categories. A Commissioner of the Court of Requests, provided he is a legal practitioner, may hear actions for the recovery of debts and damages not exceeding £250. As Commissioners are invariably police magistrates, this jurisdiction is State-wide. Courts of General Sessions, constituted by at least two justices, exercise similar powers, but the jurisdiction cannot exceed £50. Only one court, that at Currie, King Island, has the maximum jurisdiction, the others being limited to £30.

(vii) *Northern Territory*. Magistrates constituting courts of summary jurisdiction try offences punishable summarily. The punishment that may be imposed depends on the law creating the offence. Where there is no magistrate available, the offence may be tried by two or more justices of the peace or, if all parties consent, by one justice. Proceedings for committal on indictable offences may be heard by either a magistrate or a justice of the peace. Certain minor indictable offences may be tried summarily by a magistrate or two justices of the peace, who may impose a fine up to £100 or imprisonment for up to two years.

A stipendiary magistrate constituting a local court has a civil jurisdiction to hear and determine claims for not more than £1,000. A local court constituted by two justices of the peace has a civil jurisdiction to hear claims up to £50.

(viii) *Australian Capital Territory*. Magistrates have jurisdiction to try an offence which is punishable summarily and also where a person is made liable to a penalty or punishment and no other provision is made for trial. The punishment depends upon the statute which creates the offence. Certain indictable offences of a less serious nature may be tried summarily by a magistrate, who may impose a fine not exceeding £50 or imprisonment for up to one year. Magistrates also hear proceedings for committal on indictable offences. In civil proceedings, magistrates try actions for amounts up to £200. Justices of the peace have no judicial functions.

NOTE.—In interpreting the statistics in the following paragraph, the factors affecting comparability listed at the beginning of this chapter (p. 657) should be borne in mind.

2. **Criminal Proceedings.**—(i) *Cases*. The total numbers of cases dealt with at magistrates' courts in each State and Territory for the years 1957 to 1961 are shown in the following table.

## CASES AT MAGISTRATES' COURTS: OFFENCES CHARGED

State or Territory	1957	1958	1959	1960	1961
New South Wales(a) ..	307,824	323,097	331,195	332,728	345,730
Victoria ..	224,015	270,017	287,622	(a) 268,104	(a) 259,268
Queensland(b) ..	53,611	(a) 62,468	(a) 65,773	(a) 73,804	(a) 79,448
South Australia(a)(b) ..	34,399	36,305	38,003	47,427	59,534
Western Australia(a) ..	59,205	49,945	50,696	50,107	48,220
Tasmania(a) ..	19,120	20,009	21,355	24,047	27,227
Northern Territory ..	(b) 2,615	3,103	3,617	2,958	3,091
Australian Capital Territory ..	1,875	2,197	2,539	3,168	3,305
<b>Australia ..</b>	<b>702,664</b>	<b>767,141</b>	<b>800,800</b>	<b>802,343</b>	<b>825,823</b>

(a) Excludes minor traffic offences settled by payment of fines without court appearance.  
 (b) Year ended 30th June.

In addition, provision exists in all States for settlement of minor traffic offences by payment of fines without court appearance. The following table shows the number of such offences for the years 1957 to 1961.

## MINOR TRAFFIC OFFENCES SETTLED BY PAYMENT OF FINES(a)

State	1957	1958	1959	1960	1961
New South Wales ..	237,811	315,058	321,157	351,685	370,688
Victoria ..	(b)	(b)	(b)	69,895	113,874
Queensland ..	(b)	18,803	22,701	22,680	24,513
South Australia(c) ..	n.a.	n.a.	145,276	149,241	156,067
Western Australia ..	31,405	36,999	44,973	50,879	44,392
Tasmania ..	9,960	15,022	18,554	25,801	36,745
<b>Total ..</b>	<b>(d) 279,176</b>	<b>(d) 385,882</b>	<b>407,385</b>	<b>520,940</b>	<b>746,279</b>

(a) Without court appearance. (b) Not applicable. (c) Year ended 30th June. (d) Excludes South Australia.

(ii) *Convictions at Magistrates' Courts.* Of the cases dealt with in Magistrates' Courts in 1961, the following table shows the number in which convictions were made.

## CONVICTIONS AT MAGISTRATES' COURTS, 1961

Class of offence	N.S.W.	Vic.	Qld (a)(b)	S.A. (a)	W.A.	Tas.	N.T.	A.C.T. <sup>1</sup>	Aust.
Against the person ..	3,405	1,998	522	340	411	287	69	99	7,131
Against property ..	27,807	13,935	4,211	3,204	4,844	1,348	201	452	56,002
Forgery and offences against the currency ..	484	16	3	8	1	1	15	22	550
Against good order ..	104,358	33,975	28,582	7,108	7,182	1,286	1,724	602	184,817
Other ..	178,253	185,657	38,324	41,495	33,335	20,290	803	1,438	499,595
<b>Total ..</b>	<b>314,307</b>	<b>235,581</b>	<b>71,642</b>	<b>52,155</b>	<b>45,773</b>	<b>23,212</b>	<b>2,812</b>	<b>2,613</b>	<b>748,095</b>

(a) Year ended 30th June. (b) A person convicted on several counts at the one hearing is included only once.

The following table shows the number of convictions in each year from 1957 to 1961.

### CONVICTIONS AT MAGISTRATES' COURTS

State or Territory	1957	1958	1959	1960	1961
New South Wales(a) ..	282,489	294,540	303,504	306,436	314,307
Victoria .. ..	208,125	251,065	265,214	(a) 245,807	(a) 235,581
Queensland(b)(c) ..	52,113	(a) 60,592	(a) 60,212	(a) 67,508	(a) 71,642
South Australia(a)(b) ..	30,658	32,621	34,203	42,531	52,155
Western Australia(a) ..	56,297	47,037	47,579	47,462	45,773
Tasmania(a) ..	17,040	17,216	19,094	20,196	23,212
Northern Territory ..	(b) 2,340	2,715	3,212	2,664	2,812
Australian Capital Territory ..	1,597	1,910	1,787	2,280	2,613
<b>Australia .. ..</b>	<b>650,659</b>	<b>707,696</b>	<b>734,805</b>	<b>734,884</b>	<b>748,095</b>

(a) See footnote (a) to first table on previous page. (b) Year ended 30th June. (c) A person convicted on several counts at the one hearing is included only once.

(iii) *Convictions for Serious Crime at Magistrates' Courts.* (a) *General.* The figures given in the preceding tables refer to all convictions, and include offences of a technical nature, drunkenness, and minor breaches of good order, which come under the heading of crime in a very different sense from the more serious offences. The following table has therefore been prepared to show convictions at Magistrates' Courts for what may be regarded as the more serious offences, i.e., offences against the person, offences against property, forgery and offences against the currency.

(b) *Number and Rates.* The following table shows the number of convictions for serious crime at Magistrates' Courts for the years 1957 to 1961.

### CONVICTIONS FOR SERIOUS CRIME(a) AT MAGISTRATES' COURTS

State or Territory	1957	1958	1959	1960	1961
New South Wales .. ..	23,510	27,960	30,769	31,529	31,696
Victoria .. ..	8,926	11,132	12,260	15,646	15,949
Queensland(b)(c) .. ..	4,079	4,301	4,422	4,678	4,736
South Australia(b) .. ..	2,298	2,338	2,554	2,604	3,552
Western Australia .. ..	5,205	6,016	5,423	5,764	5,256
Tasmania .. ..	1,738	1,666	1,634	1,788	1,636
Northern Territory .. ..	(b) 247	209	297	243	285
Australian Capital Territory ..	295	357	384	331	573
<b>Australia .. ..</b>	<b>46,298</b>	<b>53,979</b>	<b>57,743</b>	<b>62,583</b>	<b>63,683</b>

(a) Offences against the person, offences against property, forgery and offences against the currency. (b) Year ended 30th June. (c) A person convicted on several counts at the one hearing is included only once.

The numbers of convictions for serious crime at Magistrates' Courts per 10,000 of population for the same series of years for Australia were:—1957, 48.0; 1958, 54.8; 1959, 57.4; 1960, 60.9; 1961, 60.6.

(c) *Rate of Convictions, 1881 to 1961.* The rate of convictions at ten-year intervals over a period of 80 years is shown below.

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

Year .. .. .	1881	1891	1901	1911	1921	1931	1941	1951	1961
Convictions per 10,000 persons	69	45	29	25	29	37	34	37	61

(iv) *Committals to Higher Courts. (a) Number of Committals.* The following table shows the number of offences, classified according to the nature of the offence, which were committed to higher courts for each State and Territory for the year 1961.

**COMMITTALS TO HIGHER COURTS, 1961**

Class of offence	N.S.W.	Vic.	Qld (a)(b)	S.A. (a)	W.A.	Tas.	N.T.	A.C.T.	Aus- tralia
Against the person ..	1,604	761	359	304	46	54	24	8	3,160
Against property ..	5,806	3,142	1,143	323	230	645	56	56	11,401
Forgery and offences against the currency ..	691	291	7	13	11	21	6	1	1,041
Against good order ..	102	129	1	9	5	1	..	..	247
Other .. .. .	91	275	17	22	6	4	..	..	415
<b>Total .. .. .</b>	<b>8,294</b>	<b>4,598</b>	<b>1,527</b>	<b>671</b>	<b>298</b>	<b>725</b>	<b>86</b>	<b>65</b>	<b>16,264</b>

(a) Year ended 30th June.

(b) A person committed on several counts at the one hearing is included only once.

The following table shows the number of committals to higher courts for each of the years 1957 to 1961.

**COMMITTALS TO HIGHER COURTS**

State or Territory	1957	1958	1959	1960	1961
New South Wales .. ..	7,221	7,327	7,522	8,212	8,294
Victoria .. .. .	2,707	4,227	4,523	5,274	4,598
Queensland(a) .. .. .	712	911	954	1,211	1,527
South Australia(a) .. ..	552	505	558	542	671
Western Australia .. ..	356	463	447	362	298
Tasmania .. .. .	604	600	529	475	725
Northern Territory .. ..	(a) 62	66	93	26	86
Australian Capital Territory ..	37	74	65	97	65
<b>Australia .. .. .</b>	<b>12,251</b>	<b>14,173</b>	<b>14,691</b>	<b>16,199</b>	<b>16,264</b>

(a) Year ended 30th June.

(b) *Rate of Committals, 1881 to 1961.* The rate of committals to higher courts for serious crime at ten-year intervals since 1881 is shown below.

**RATE OF COMMITTALS TO HIGHER COURTS: AUSTRALIA**

Year .. .. .	1881	1891	1901	1911	1921	1931	1941	1951	1961
Committals per 10,000 persons	12	11	8	6	7	8	5	8	16



(v) *Convictions for Drunkenness. (a) Number and Rates.* The numbers of convictions recorded during each of the years 1957 to 1961 are given in the following table.

#### DRUNKENNESS: CONVICTIONS

State or Territory	1957	1958	1959	1960	1961
New South Wales .. ..	75,953	68,354	69,201	68,591	67,809
Victoria .. ..	25,284	29,434	29,334	29,116	27,212
Queensland(a) .. ..	23,521	28,196	26,918	28,538	26,136
South Australia(a) .. ..	5,019	4,299	4,439	5,273	5,438
Western Australia .. ..	5,428	4,821	5,587	5,144	5,333
Tasmania .. ..	760	718	660	512	534
Northern Territory .. ..	(a) 1,029	926	1,010	822	1,037
Australian Capital Territory ..	322	380	255	298	307
<b>Australia .. ..</b>	<b>137,316</b>	<b>137,128</b>	<b>137,404</b>	<b>138,294</b>	<b>133,806</b>

(a) Year ended 30th June.

The term "drunkenness" includes "drunkenness and disorderliness", and "habitual drunkenness".

The rates of convictions for drunkenness for the years 1957 to 1961 per 10,000 of population for Australia were:—1957, 142.5; 1958, 139.3; 1959, 136.6; 1960, 134.6; 1961, 128.7.

(b) *Rate of Convictions, 1901 to 1961.* The rate of convictions for drunkenness since 1901 is shown below.

#### RATE OF CONVICTIONS FOR DRUNKENNESS: AUSTRALIA

Year .. ..	1901	1911	1921	1931	1941	1951	1961
Convictions per 10,000 persons..	133	133	97	57	91	175	129

(c) *Remedial Treatment of Drunkenness.* For particulars of relevant legislation and some details of the various institutions established for the treatment of inebriates, see Official Year Book, No. 46, p. 632.

(vi) *First Offenders.* In all States and Territories, statutes are in force for dealing with first offenders. For particulars of the relevant legislation, see Official Year Book, No. 46, page 632. Provisions are incorporated in the various Acts whereby courts may extend leniency to the offender by means such as: (i) dismissal of the charge without proceeding to a conviction; (ii) freeing the offender or suspending sentence with the requirement of a recognizance for good behaviour for a specified period; and (iii) by placing the offender under the supervision of a probation officer for a specified period. The provisions existing in the individual States and Territories are set out in Year Book No. 46.

3. **Civil Proceedings.**—The total numbers of complaints entered and the amounts awarded to plaintiffs during 1961 are shown in the following table. The figures are compiled from returns from the Small Debts Courts in New South Wales, Courts of Petty Sessions in Victoria, Magistrates' Courts in Queensland, Local Courts in South Australia and Western Australia, Courts of Requests in Tasmania, Local Courts in the Northern Territory and the Court of Petty Sessions in the Australian Capital Territory.

## CIVIL CASES AT LOWER COURTS, 1961

Particulars	N.S.W.	Vic.	Qld (a)	S.A.	W.A.	Tas.	N.T. (a)	A.C.T.	Aus- tralia
Plaints entered No.	140,417	208,219	42,587	106,097	46,657	40,976	1,994	4,157	591,104
Amount awarded to plaintiffs £	1,426,098	3,973,358	994,514	2,145,057	863,041	529,855	65,638	78,398	10,075,959

(a) Year ended 30th June.

## § 3. Children's Courts

1. *New South Wales.*—Children's Courts, first established in 1905, now exercise jurisdiction under the *Child Welfare Act* 1939–1960. Each court consists of a special magistrate with jurisdiction within a proclaimed area. Elsewhere, the jurisdiction of a court may be exercised by a special magistrate or two justices of the peace. Where practicable, children's courts are not held in ordinary court rooms, and persons not directly interested are excluded from any hearing.

The magistrates exercise all the powers of a Court of Petty Sessions in respect of offences committed by or against children under 18 years of age. They also exercise jurisdiction in respect of neglected and uncontrollable children. Their functions are reformative, not punitive; they may commit children to institutions, to the care of persons other than the parents, or to the care of the Minister.

2. *Victoria.*—Under the *Children's Court Act* 1958, the jurisdiction of Children's Courts is restricted, with certain exceptions, to children up to 17 years of age. Two stipendiary special magistrates with jurisdiction throughout the State and, in addition, honorary special magistrates, operate in some metropolitan courts and provincial cities. At country courts to which no special magistrates are appointed, the local stipendiary magistrate usually constitutes the bench. The Children's Court may deal with all offences except homicide. However, consent to the jurisdiction of the Children's Court must be indicated by the child (or by a parent if the child is under 14 years of age) before an indictable case may proceed.

The primary aim of the Children's Court is reformation and rehabilitation of the offender, and the court, under Section 27 (3) of the *Children's Court Act* 1958, must "firstly have regard to the welfare of the child".

The probation system has been in use by the Children's Court since 1907, and there are now in Victoria a large number of honorary probation officers as well as six stipendiary probation officers. Problem cases are referred by the Court for investigation to a Children's Court Clinic, which is staffed by psychiatrists, psychologists and social workers.

3. *Queensland.*—Children under the age of 17 years before the Court on summary charges are dealt with under the *Children's Court Acts*, 1907–1930, and the *State Children Acts*, 1911–1955. The Children's Court in the metropolitan area is presided over by a magistrate, and the services of the psychiatric clinic are available to him if he considers they are needed. Proceedings are held *in camera*. A non-commissioned police officer is present to offer any observations he considers necessary and to assist the magistrate. In country areas, the court is presided over by the local stipendiary magistrate or, in his absence, by two justices. If found guilty, a child may be either admonished, released on probation, or committed to the care of the State Children Department or an institution. A conviction will not necessarily be recorded against him. His parent or guardian may be ordered to pay damages to the wronged party, and in default is liable to the same consequences as a defendant in an ordinary Court of Petty Sessions.

4. *South Australia.*—Provision for the treatment of juvenile offenders under the age of 18 years is contained in various Acts, the main ones being the *Maintenance Act*, 1926–1958, the *Juvenile Courts Act*, 1941, the *Justices Act*, 1921–1960, and the *Offenders Probation*

*Act, 1913-1953.* A Juvenile Court to hear cases of offences by children is constituted by a special magistrate or two justices of a Juvenile Court, and it has power to determine all charges other than homicide. A child convicted of an offence punishable by imprisonment can be committed by a court only to a reformatory. For indictable offences, the penalty is committal to a reformatory or a fine of up to £50.

**5. Western Australia.**—Children's Courts deal with offenders under the age of 18 years and hear cases of certain offences against children. Special magistrates are appointed for Children's Courts, and the Governor may appoint other persons to be members of a particular Children's Court. One member may sit and adjudicate with the special magistrate, but in the magistrate's absence at least two members must be present.

A Children's Court is deemed to be a court of summary jurisdiction and may exercise exclusive jurisdiction in respect of all offences except wilful murder, murder, manslaughter or treason alleged to have been committed by children.

Adults charged with certain indictable offences against children may forego the right to trial by jury and agree to be dealt with summarily by Children's Courts.

**6. Tasmania.**—Under the provisions of the *Child Welfare Act 1960*, Children's Courts are established to deal with offenders under the age of 17 years. Special magistrates may be appointed by the Governor to adjudicate in these Courts, and one such Magistrate is sufficient to constitute a Court. In the absence of a Special Magistrate, the Court may be constituted by a Police Magistrate or two justices.

A Children's Court is a court of summary jurisdiction, but in the case of children under 14 years of age it may hear and determine all indictable offences except murder, attempt to murder, manslaughter, and wounding with intent to do grievous bodily harm. When children over this age are charged with an indictable offence, they, or their parents on their behalf, may elect to be dealt with by the Court in a summary way instead of being tried by a jury, except when the offences are murder, attempt to murder, manslaughter, rape, wounding with intent to do grievous bodily harm and robbery with violence.

**7. Northern Territory.**—The *Child Welfare Ordinance 1958-1960* provides for the establishment of Children's Courts. These courts are constituted by a special magistrate and one member of the Child Welfare Council authorized to sit as a member of the Children's Court. Where no Children's Court has been established for a particular area, or where special circumstances require it, the jurisdiction of a Children's Court may be exercised by a court of summary jurisdiction constituted by a special magistrate.

Proceedings in a Children's Court are in form similar to proceedings in a court of summary jurisdiction, but no reports of proceedings may be published without the express authority of the Court, and any person not directly concerned may be excluded from the hearing.

A Children's Court has jurisdiction in respect of all offences committed by persons under 18 years of age in respect of which proceedings may be taken in a court of summary jurisdiction. In dealing with such offences, the Court may, in cases other than homicide, impose a fine not exceeding fifty pounds or a sentence of imprisonment for not more than six months, and, in addition to or in lieu of these punishments, may make an order committing the child to the care of the Director of Child Welfare or of a person who is willing to undertake the care on the Court's terms and conditions (in which case the child may be declared a State child), or it may commit the child to an institution for a specified period or release the child on probation on such conditions as the Court orders. Children's Courts also exercise jurisdiction in respect of destitute, neglected, incorrigible or uncontrollable children.

**8. Australian Capital Territory.**—The *Child Welfare Ordinance 1957* provides that the Court of Petty Sessions constitutes the Children's Court when it is hearing proceedings involving persons under the age of 18 years. Its proceedings are similar to those of an ordinary Court of Petty Sessions except that persons not directly interested are excluded from the Court.

In addition to the power to deal with summary offences, the Children's Court has power to hear and determine summarily a charge for an indictable offence other than an offence punishable by death. In either case, the Court's powers include releasing an offender on probation, committing him to the care of a specified person, making him a government ward, or committing him to an institution for up to three years.

## § 4. Higher (Judges') Courts

NOTE.—In interpreting the statistics in the following paragraph, the factors affecting comparability listed at the beginning of this chapter (p. 657) should be borne in mind.

1. **Criminal Proceedings.**—(i) *Offences for which Persons were convicted at Higher Courts.* The following table shows the number of persons convicted at higher courts in each of the States and Territories of Australia during 1961, classified according to the nature of the offence.

## PERSONS CONVICTED AT HIGHER COURTS, 1961

Offence	N.S.W.	Vic.	Qld (a)(b)	S.A.	W.A.	Tas. (c)	N.T.	A.C.T.	Aust.
Against the person—									
Infanticide ..	1	..	..	..	..	..	..	..	1
Concealment of birth ..	..	..	..	2	..	..	..	..	2
Murder ..	11	4	4	..	2	2	..	1	24
Attempted murder ..	4	1	6	..	..	1	..	..	12
Manslaughter(d) ..	23	8	5	8	7	1	2	..	54
Culpable driving ..	14	..	..	..	..	..	..	..	14
Rape ..	21	19	20	1	1	6	2	..	70
Incest ..	..	14	7	4	3	..	..	..	28
Other offences against females ..	257	290	98	148	1	9	3	..	806
Abduction ..	5	4	3	2	..	..	..	..	14
Unnatural offences ..	109	76	31	29	5	1	9	1	261
Abortion and attempt to procure ..	8	3	..	..	..	..	..	..	11
Bigamy ..	24	8	3	4	1	..	1	..	41
Malicious wounding ..	47	..	..	..	..	..	..	..	47
Attempted suicide ..	1	1	..	..	..	..	..	..	2
Aggravated assault ..	53	20	40	14	5	6	13	3	154
Common assault ..	42	43	8	3	1	3	..	..	100
Other offences against the person ..	14	78	19	..	..	8	1	..	120
<b>Total ..</b>	<b>634</b>	<b>569</b>	<b>244</b>	<b>215</b>	<b>26</b>	<b>37</b>	<b>31</b>	<b>5</b>	<b>1,761</b>
Against property—									
Burglary, breaking and entering ..	1,145	994	535	239	104	181	12	25	3,235
Robbery and stealing from the person ..	108	74	24	9	4	..	2	2	223
Livestock stealing ..	..	17	17	5	4	..	2	..	45
Embezzlement and fraudulent misappropriation ..	77	14	12	11	9	4	3	1	131
Other larceny ..	571	233	37	16	21	33	12	17	940
Unlawfully using vehicles ..	..	57	322	..	2	..	..	..	381
Receiving ..	36	48	36	8	7	12	1	..	148
Fraud and false pretences ..	80	44	15	24	8	12	1	3	187
Arson ..	4	9	7	1	2	2	1	..	26
Malicious damage ..	5	9	2	2	..	1	1	..	20
Other offences against property ..	5	13	13	5	..	1	2	..	39
<b>Total ..</b>	<b>2,031</b>	<b>1,512</b>	<b>1,020</b>	<b>320</b>	<b>161</b>	<b>246</b>	<b>37</b>	<b>48</b>	<b>5,375</b>
Forgery and offences against the currency ..	24	62	7	20	7	11	19	1	151
Against good order ..	2	6	..	..	3	10	..	..	21
Other ..	21	158	8	51	6	..	..	..	244
<b>Grand Total ..</b>	<b>2,712</b>	<b>2,307</b>	<b>1,279</b>	<b>606</b>	<b>203</b>	<b>304</b>	<b>87</b>	<b>54</b>	<b>7,552</b>

(a) Year ended 30th June. (b) A person convicted on several counts at the one hearing is included only once, but if a person has been convicted at different hearings during the year, whether for the same or for a different type of offence, the results of all hearings are recorded separately. (c) Convictions. (d) Includes causing death by dangerous driving.

(ii) *Persons Convicted at Higher Courts, Numbers and Rates.* The numbers of persons convicted at higher courts for the years 1957 to 1961 are given in the following table.

## PERSONS CONVICTED AT HIGHER COURTS

State or Territory	1957	1958	1959	1960	1961
New South Wales .. ..	2,225	2,274	2,325	2,635	2,712
Victoria .. ..	1,643	1,779	1,799	1,996	2,307
Queensland(a)(b) .. ..	584	883	915	1,020	1,279
South Australia .. ..	459	457	499	580	606
Western Australia .. ..	200	255	216	183	203
Tasmania(c) .. ..	205	276	290	295	304
Northern Territory .. ..	(a) 59	31	69	29	87
Australian Capital Territory ..	32	50	40	62	54
<b>Australia .. ..</b>	<b>5,407</b>	<b>6,005</b>	<b>6,153</b>	<b>6,800</b>	<b>7,552</b>

(a) Year ended 30th June. (b) A person convicted on several counts at the one hearing is included only once. (c) Convictions.

The numbers of persons convicted at higher courts in Australia per 10,000 of population for the years 1957 to 1961 were:—1957, 5.6; 1958, 6.1; 1959, 6.1; 1960, 6.6; 1961, 7.2.

(iii) *Habitual Offenders.* An account of the methods adopted in each jurisdiction in connexion with habitual offenders is given in the following paragraphs.

(a) *Commonwealth.* Under the provisions of the *Crimes Act* 1914–1960, where a person who is convicted of an indictable offence against the law of the Commonwealth has been previously convicted on at least two occasions of indictable offences against the law of the Commonwealth or of a State or Territory, the court before which he is convicted may declare that he is a habitual criminal, and may direct as part of his sentence that on expiration of the term of imprisonment then imposed on him he be detained during the pleasure of the Governor-General.

(b) *New South Wales.* The *Habitual Criminals Act* 1957 gives power to judges to declare as a habitual criminal any person of or above the age of 25 years who has been convicted on indictment and has on at least two occasions previously served separate terms of imprisonment as a consequence of convictions for indictable offences, provided that such offences were not dealt with summarily without his consent. A person may also be pronounced by a Judge to be a habitual criminal upon recommendation by a Stipendiary Magistrate.

A judge, having pronounced a person to be a habitual criminal, shall sentence him to a term of imprisonment of not less than five years nor more than fourteen years.

A habitual criminal so sentenced may be considered for release on licence in the light of his conduct and attitude after he has served two-thirds of his sentence. He will, in any event, be granted a remission to permit his release on licence after five-sixths of his sentence, subject to good conduct and industry.

(c) *Victoria.* The Indeterminate Sentences provisions of the *Crimes Act* were abolished as from 1st July, 1957, with the proclamation of the *Penal Reform Act* 1956. The terms "reformatory prison" and "habitual criminal" also ceased to exist as from that date.

Under the *Penal Reform Act* 1956, a sentence of twelve months or more must contain provision for an offender's release on parole after he has served a minimum term which must be named. With sentences of under twelve months, the courts may fix a minimum term.

The relevant parts of the *Penal Reform Act* 1956 have now been embodied in Sections 506 to 542 of the *Crimes Act* 1958. In the case of the persistent offender, if the court is satisfied that it is expedient for the protection of the public that he should be detained in gaol for a substantial time, the court may pass a sentence of preventive detention for a term of not more than ten years, and where any such sentence is passed shall fix a minimum term during which the offender shall not be eligible to be released on parole.

(d) *Queensland.* Sections 659A to 659I, of the *Criminal Code of Queensland* deal with habitual criminals. Only the Supreme Court or a judge thereof, or a District Court Judge, may declare a person to be a habitual criminal. A habitual criminal is detained in a reformatory prison (Section 659D) and there employed (Section 659F).

Where the Supreme Court or a judge recommends the discharge of a habitual criminal, the Governor may direct his discharge and may order him so long as he remains in Queensland to report at intervals during any period not exceeding two years (Section 659G).

A habitual criminal may be released by order in writing (called a "parole order") by the Parole Board set up under the provisions of the *Offenders Probation and Parole Act* of 1959, after he has been detained during a period of two years (Section 32).

(e) *South Australia.* The *Criminal Law Consolidation Act 1935-1957* provides that persons previously convicted of a certain number of indictable offences of a particular class may be declared habitual criminals and shall then be detained during Her Majesty's pleasure. Proof of previous convictions is in all cases relevant to the question of penalty.

(f) *Western Australia.* Under the *Criminal Code Amendment Act 1918*, power is given to sentence a prisoner to be detained in a reformatory prison during the Governor's pleasure, where such prisoner is deemed to be a habitual criminal, or in other special circumstances where the Court considers such a sentence is fit.

The number under preventive detention on 30th June, 1962, was 29, and the total number dealt with since the passing of the Act was 236.

(g) *Tasmania.* Since the *Indeterminate Sentences Act* came into operation in 1922, 166 persons have been confined under its provisions and 27 were in custody at the end of 1962.

Of the 133 released on probation, 32 have been recommitted.

(h) *Northern Territory.* The *Habitual Criminals Amendment Act 1907* of South Australia is still in force in the Northern Territory. By virtue of that Act, a Judge of the Northern Territory Supreme Court has power to declare as habitual criminals persons of any age who come before him for sentence and have had at least two or, in some cases, three previous convictions for certain indictable offences specified in the Act. The result of the declaration is that the offender is detained for an indefinite period after the completion of his sentence, and is released only when he is considered fit to be at large.

(i) *Australian Capital Territory.* The *Habitual Criminals Act 1905* of New South Wales is still in force in the Australian Capital Territory. By virtue of that Act, a judge of the Australian Capital Territory Supreme Court has power to declare as habitual criminals persons of any age who come before him for sentence and have had at least two or, in some cases, three previous convictions for certain indictable offences specified in the Act. The result of the declaration is that the offender is confined for an indefinite period after the completion of his sentence, and is released only when he is considered fit to be at large. Habitual criminals declared in the Australian Capital Territory are detained in New South Wales.

(iv) *Capital Punishment.* There were eight executions in Australia during the period 1952 to 1961. Three took place in South Australia (one each in 1953, 1956, and 1958), three in Western Australia (one each in 1952, 1960, and 1961), and two in the Northern Territory (in 1952). In each case the offence was murder.

Under the *Criminal Code Amendment Act* of 1922, capital punishment was abolished in Queensland, and in New South Wales the *Crimes Act* was amended in 1955, abolishing capital punishment for all offences except treason and piracy with violence. In the Australian Capital Territory, the *Child Welfare Ordinance 1957* now provides that no death sentence is to be pronounced or recorded against a person under the age of 18 years.

In the early days of the history of Australia, the penalty of death was attached to a large number of offences, many of which would now be dealt with in a Magistrate's Court. The present tendency is to restrict death sentences to persons convicted of murder. Although rape is a capital offence in some States, the penalty of death has not been imposed in recent years on persons convicted of it.

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; from 1931 to 1940, 1; from 1941 to 1950, 0.5; and from 1951 to 1960, 1.0.

**2. Divorce and Other Matrimonial Relief.**—(i) *Separation and Maintenance Orders of Courts of Summary Jurisdiction.* In all States and Territories, there are laws enabling a wife whose husband leaves her or the children of the marriage without adequate means of support to obtain a maintenance order against the husband from a court of summary jurisdiction. In some States and in the Northern Territory, courts of summary jurisdiction also have power to make separation orders. A separation order is intended primarily for the protection of the person of the wife.

(ii) *Divorce and Other Matrimonial Relief Granted by Higher Courts.* A marriage may be terminated by a Supreme Court of a State or Territory in one of three ways. Firstly, there may be a dissolution of the marriage, commonly known as divorce; secondly, the courts may annul a marriage; and thirdly, there can be a judicial separation of the parties.

Until recently, each State was primarily responsible for the provision of matrimonial relief. The law varied from State to State; for example, as to the period of desertion needed to obtain a decree for the dissolution of marriage.

In 1959, however, the Commonwealth Parliament passed the *Matrimonial Causes Act 1959* which came into force on 1st February, 1961. The Act establishes uniform grounds throughout the whole of the Commonwealth for the termination of marriage. While the Act displaces corresponding State law, it vests jurisdiction in existing State and Territorial Courts.

Some of the statistical information given in this section relates to proceedings under the system before the operation of the Commonwealth Act.

(iii) *Matrimonial Causes Act 1959.* Under the *Commonwealth Matrimonial Causes Act 1959*, a decree for the dissolution of marriage may be granted on fourteen grounds, which include adultery, desertion, insanity, separation for five years in certain circumstances, or failure to comply with a restitution decree.

Proceedings for nullity of marriage may be instituted in respect of a marriage which is void or voidable. A marriage which is void has no existence at all, and so it is not legally necessary to obtain a decree of nullity of marriage, but since the issue may depend on difficult questions of fact, such as proof that the consent of one of the parties to the marriage was not a real consent, it is advisable and customary to seek a court judgment which decides the question of the validity of the marriage.

Proceedings for annulling a voidable marriage may be instituted on various grounds, as, for example, where at the time of the marriage either party was a mental defective. A voidable marriage is void from the date of the decree absolute, but until then the parties have the status of married people, and transactions concluded on the basis of the existence of that status cannot be undone or re-opened. Since the parties to a marriage which is void or which has been voided do not have the status of married people, they may remarry.

The death of either husband or wife terminates any proceedings for matrimonial relief. A decree for dissolution or annulment of a voidable marriage is first a decree *nisi*. The decree automatically becomes absolute at the expiration of three months, unless it is in the meantime rescinded, appeal proceedings are instituted, or there are children of the marriage under the age of 16, in which case the Court must be satisfied that appropriate arrangements have been made for their welfare before the decree will become absolute. The parties cannot remarry until a decree *nisi* has become absolute.

A decree of judicial separation is available on most of the grounds available for divorce. It leaves unimpaired the status of marriage, but suspends rights and duties with respect to cohabitation. A husband is not responsible for the acts of his wife, except that he is liable for necessities supplied to her if he has failed to pay alimony ordered by a court. Persons who have judicially separated cannot remarry, but a divorce may be obtained on the same facts as those on which the decree of judicial separation was based.

The new Commonwealth Act provides for financial grants to approved marriage guidance organizations, and the courts are enjoined to consider at all times the possibility of reconciliation and they may take certain steps to endeavour to effect a reconciliation.

In the following tables, the term "divorce" is used to cover dissolution of marriage, nullity of marriage and judicial separation.

(iv) *Number of Petitions Filed.* The following table shows the number of petitions for dissolution of marriage, nullity of marriage and judicial separation filed in each State during 1961 and 1962.

### PETITIONS FILED FOR DISSOLUTION OF MARRIAGE, NULLITY OF MARRIAGE AND JUDICIAL SEPARATION

Petition for—	N.S.W.	Vic.	Q'land	S.A.	W.A.	Tas.	N.T.	A.C.T.	Aust.
1961									
Dissolution of marriage—									
Husband petitioner ..	1,833	1,107	533	406	305	154	23	33	4,394
Wife petitioner ..	2,382	1,182	551	459	315	167	17	37	5,110
<i>Total ..</i>	<i>4,215</i>	<i>2,289</i>	<i>1,084</i>	<i>865</i>	<i>620</i>	<i>321</i>	<i>40</i>	<i>70</i>	<i>9,504</i>
Nullity of marriage—									
Husband petitioner ..	6	2	4	1	..	..	..	..	13
Wife petitioner ..	22	8	5	8	..	1	..	..	44
<i>Total ..</i>	<i>28</i>	<i>10</i>	<i>9</i>	<i>9</i>	<i>..</i>	<i>1</i>	<i>..</i>	<i>..</i>	<i>57</i>
Dissolution or nullity—									
Husband petitioner ..	..	3	..	..	..	..	..	..	3
Wife petitioner ..	..	4	..	..	..	..	..	..	4
<i>Total ..</i>	<i>..</i>	<i>7</i>	<i>..</i>	<i>..</i>	<i>..</i>	<i>..</i>	<i>..</i>	<i>..</i>	<i>7</i>
Judicial separation—									
Husband petitioner ..	..	..	..	..	2	..	..	..	2
Wife petitioner ..	4	..	2	3	..	..	..	..	9
<i>Total ..</i>	<i>4</i>	<i>..</i>	<i>2</i>	<i>3</i>	<i>2</i>	<i>..</i>	<i>..</i>	<i>..</i>	<i>11</i>
Total petitions—									
Husband petitioner No.	1,839	1,112	537	407	307	154	23	33	4,412
Wife petitioner No.	2,408	1,194	558	470	315	168	17	37	5,167
Per cent.	57	52	51	54	51	52	42	53	54
Per cent.	..	..	..	..	..	..	..	..	..
<i>Grand Total ..</i>	<i>4,247</i>	<i>2,306</i>	<i>1,095</i>	<i>877</i>	<i>622</i>	<i>322</i>	<i>40</i>	<i>70</i>	<i>9,579</i>

### 1962

Dissolution of marriage—									
Husband petitioner ..	1,724	1,005	508	368	296	127	25	19	4,072
Wife petitioner ..	2,369	1,143	575	542	355	149	14	29	5,176
<i>Total ..</i>	<i>4,093</i>	<i>2,148</i>	<i>1,083</i>	<i>910</i>	<i>651</i>	<i>276</i>	<i>39</i>	<i>48</i>	<i>9,248</i>
Nullity of marriage—									
Husband petitioner ..	8	3	2	1	1	..	..	..	15
Wife petitioner ..	13	10	5	3	2	2	..	..	35
<i>Total ..</i>	<i>21</i>	<i>13</i>	<i>7</i>	<i>4</i>	<i>3</i>	<i>2</i>	<i>..</i>	<i>..</i>	<i>50</i>
Dissolution or nullity—									
Husband petitioner ..	..	4	1	1	..	..	..	..	6
Wife petitioner ..	..	5	..	..	..	..	..	..	5
<i>Total ..</i>	<i>..</i>	<i>9</i>	<i>1</i>	<i>1</i>	<i>..</i>	<i>..</i>	<i>..</i>	<i>..</i>	<i>11</i>
Judicial separation—									
Husband petitioner ..	1	..	1	..	..	..	..	..	2
Wife petitioner ..	9	4	2	1	..	2	..	..	18
<i>Total ..</i>	<i>10</i>	<i>4</i>	<i>3</i>	<i>1</i>	<i>..</i>	<i>2</i>	<i>..</i>	<i>..</i>	<i>20</i>
Total petitions—									
Husband petitioner No.	1,733	1,012	512	370	297	127	25	19	4,095
Wife petitioner No.	2,391	1,162	582	546	357	153	14	29	5,234
Per cent.	58	53	53	60	55	55	36	60	56
Per cent.	..	..	..	..	..	..	..	..	..
<i>Grand Total ..</i>	<i>4,124</i>	<i>2,174</i>	<i>1,094</i>	<i>916</i>	<i>654</i>	<i>280</i>	<i>39</i>	<i>48</i>	<i>9,329</i>



(v) *Number of Divorces Granted.* The following table shows the number of dissolutions of marriage, nullities of marriage and judicial separations granted in each State during 1961 and 1962.

### DISSOLUTIONS OF MARRIAGE, NULLITIES OF MARRIAGE AND JUDICIAL SEPARATIONS GRANTED

Decree for—	N.S.W.	Vic.	Q'land	S.A.	W.A.	Tas.	N.T.	A.C.T.	Aust.
1961									
<b>Dissolution of marriage(a)—</b>									
Husband petitioner ..	1,419	594	362	288	224	124	15	23	3,049
Wife petitioner ..	1,737	654	417	390	242	162	8	13	3,623
Petition by both ..	..	..	..	1	..	..	..	..	1
<b>Total ..</b>	<b>3,156</b>	<b>1,248</b>	<b>779</b>	<b>679</b>	<b>466</b>	<b>286</b>	<b>23</b>	<b>36</b>	<b>6,673</b>
<b>Nullity of marriage(b)—</b>									
Husband petitioner ..	6	5	..	3	..	..	..	..	14
Wife petitioner ..	12	4	2	3	..	..	..	1	22
<b>Total ..</b>	<b>18</b>	<b>9</b>	<b>2</b>	<b>6</b>	<b>..</b>	<b>..</b>	<b>..</b>	<b>1</b>	<b>36</b>
<b>Judicial separation—</b>									
Husband petitioner ..	..	..	..	..	..	..	..	..	..
Wife petitioner ..	1	..	..	..	1	..	..	..	2
<b>Total ..</b>	<b>1</b>	<b>..</b>	<b>..</b>	<b>..</b>	<b>1</b>	<b>..</b>	<b>..</b>	<b>..</b>	<b>2</b>
<b>Total decrees—</b>									
Husband petitioner No.	1,425	599	362	291	224	124	15	23	3,063
Per cent.	45	48	46	43	48	43	65	64	46
Wife petitioner No.	1,750	658	419	393	243	162	8	14	3,647
Per cent.	55	52	54	57	52	57	35	36	54
Petition by both No.	..	..	..	1	..	..	..	..	1
<b>Grand Total ..</b>	<b>3,175</b>	<b>1,257</b>	<b>781</b>	<b>685</b>	<b>467</b>	<b>286</b>	<b>23</b>	<b>37</b>	<b>6,711</b>

### 1962

<b>Dissolution of marriage(a)—</b>									
Husband petitioner ..	1,389	738	422	301	283	125	19	18	3,295
Wife petitioner ..	1,724	877	498	358	299	123	18	26	3,923
Petition by both ..	..	..	..	1	..	..	1	..	2
<b>Total ..</b>	<b>3,113</b>	<b>1,615</b>	<b>920</b>	<b>660</b>	<b>582</b>	<b>248</b>	<b>38</b>	<b>44</b>	<b>7,220</b>
<b>Nullity of marriage(b)—</b>									
Husband petitioner ..	4	4	2	2	..	..	..	..	12
Wife petitioner ..	14	4	3	4	2	1	..	..	28
<b>Total ..</b>	<b>18</b>	<b>8</b>	<b>5</b>	<b>6</b>	<b>2</b>	<b>1</b>	<b>..</b>	<b>..</b>	<b>40</b>
<b>Judicial separation—</b>									
Husband petitioner ..	..	..	1	..	1	..	..	..	2
Wife petitioner ..	..	..	2	1	..	..	..	..	3
<b>Total ..</b>	<b>..</b>	<b>..</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>..</b>	<b>..</b>	<b>..</b>	<b>5</b>
<b>Total decrees—</b>									
Husband petitioner No.	1,393	742	425	303	284	125	19	18	3,309
Per cent.	44	46	46	46	49	50	50	41	46
Wife petitioner No.	1,738	881	503	363	301	124	18	26	3,954
Per cent.	56	54	54	54	51	50	47	59	54
Petition by both No.	..	..	..	1	..	..	1	..	2
Per cent.	..	..	..	..	..	..	3	..	..
<b>Grand Total ..</b>	<b>3,131</b>	<b>1,623</b>	<b>928</b>	<b>667</b>	<b>585</b>	<b>249</b>	<b>38</b>	<b>44</b>	<b>7,265</b>

(a) Decrees absolute.

(b) Final decrees.

(vi) *Number of Divorces Granted, 1958 to 1962.* The following table shows the number of dissolutions of marriage, nullities of marriage and judicial separations granted in each State and Territory for each year from 1958 to 1962.

## DISSOLUTIONS OF MARRIAGE, NULLITIES OF MARRIAGE AND JUDICIAL SEPARATIONS GRANTED

State or Territory	1958	1959	1960	1961	1962
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## DISSOLUTIONS OF MARRIAGE(a)

New South Wales .. .. .	3,217	3,363	3,243	3,156	3,113
Victoria .. .. .	1,698	1,861	1,296	1,248	1,615
Queensland .. .. .	759	739	696	779	920
South Australia .. .. .	483	503	610	679	660
Western Australia .. .. .	536	584	540	466	582
Tasmania .. .. .	176	222	210	286	248
Northern Territory .. .. .	15	14	5	23	38
Australian Capital Territory .. .. .	36	29	33	36	44
<i>Australia</i> .. .. .	<i>6,920</i>	<i>7,315</i>	<i>6,633</i>	<i>6,673</i>	<i>7,220</i>

## NULLITIES OF MARRIAGE(b)

New South Wales .. .. .	18	23	27	18	18
Victoria .. .. .	19	16	16	9	8
Queensland .. .. .	7	5	7	2	5
South Australia .. .. .	9	7	9	6	6
Western Australia .. .. .	6	2	2	..	2
Tasmania .. .. .	..	..	..	..	1
Northern Territory .. .. .	1	..	1	..	..
Australian Capital Territory .. .. .	1	..	1	1	..
<i>Australia</i> .. .. .	<i>61</i>	<i>53</i>	<i>63</i>	<i>36</i>	<i>40</i>

## JUDICIAL SEPARATIONS

New South Wales .. .. .	5	..	5	1	..
Victoria .. .. .	..	..	1	..	..
Queensland .. .. .	1	1	2	..	3
South Australia .. .. .	5	..	..	..	1
Western Australia .. .. .	2	1	5	1	1
Tasmania .. .. .	..	..	..	..	..
Northern Territory .. .. .	..	..	..	..	..
Australian Capital Territory .. .. .	..	..	..	..	..
<i>Australia</i> .. .. .	<i>13</i>	<i>2</i>	<i>13</i>	<i>2</i>	<i>5</i>

## TOTAL DIVORCES GRANTED

Grand Total .. .. .	6,994	7,370	6,709	6,711	7,265
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(a) Decrees absolute.

(b) Final decrees.

(vii) *Average Number of Divorces granted Annually.* The ten-year averages of the numbers of divorces (i.e., dissolutions, nullities and judicial separations) granted annually in Australia for the 80 years from 1881 to 1960 are as follows.

#### DIVORCES: AUSTRALIA

Decade	1881-90	1891-1900	1901-10	1911-20	1921-30	1931-40	1941-50	1951-60
Average	70	357	399	741	1,692	2,508	6,187	6,973

(viii) *Grounds on which Divorces were Granted.* The grounds on which dissolutions of marriage, nullities of marriage and judicial separations were granted during 1961 and 1962 in each State and Territory are shown in the following table. Some of the decrees granted during 1961 and 1962 were for petitions lodged under the former, superseded legislation.

#### GROUND OF DISSOLUTION OF MARRIAGE, NULLITY OF MARRIAGE AND JUDICIAL SEPARATION, 1961

Ground	N.S.W.	Vic.	Q'land	S.A.	W.A.	Tas.	N.T.	A.C.T.	Aust.
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#### DISSOLUTION OF MARRIAGE

Single Grounds—									
Desertion .. ..	1,669	816	509	275	145	163	9	14	3,600
Adultery .. ..	797	306	188	221	196	81	8	14	1,811
Separation .. ..	121	34	36	20	95	31	1	4	342
Cruelty .. ..	79	8	4	133	4	2	2	1	231
Drunkenness ..	41	1	..	6	2	1	..	2	53
Frequent convictions ..	9	2	..	1	..	..	..	..	12
Imprisonment ..	7	..	..	..	1	1	..	..	9
Failure to pay maintenance ..	..	..	..	3	15	..	..	..	18
Non-compliance with restitution decree ..	296	..	..	..	..	..	..	..	296
Insanity .. ..	2	3	2	3	1	..	..	1	12
Refusal to consummate ..	3	2	..	..	2	..	1	..	8
Other single grounds ..	..	..	3	1	2	..	..	..	6
Dual Grounds—									
Desertion and adultery ..	17	55	8	8	2	2	1	..	93
Desertion and separation ..	5	8	20	1	2	..	..	..	36
Desertion and cruelty ..	7	..	..	1	..	..	1	..	9
Adultery and separation ..	..	..	..	2	1	..	..	..	3
Adultery and cruelty ..	2	1	1	..	..	..	..	..	4
Adultery and bigamy ..	3	3	..	..	..	..	..	..	6
Cruelty and drunkenness ..	90	1	2	1	1	2	..	..	97
Other dual grounds ..	6	4	2	..	..	..	..	..	12
Multiple grounds(a) ..	2	4	4	3	1	1	..	..	15
Total .. ..	3,156	1,248	779	679	466	286	23	36	6,673

#### NULLITY OF MARRIAGE

Bigamy .. ..	4	2	1	2	..	..	..	..	9
Invalid marriage ..	..	..	..	2	..	..	..	..	2
Incapacity to consummate ..	14	6	1	2	..	..	..	1	24
Want of consent ..	..	1	..	..	..	..	..	..	1
Total .. ..	18	9	2	6	..	..	..	1	36

(a) Three grounds or more.

**GROUND OF DISSOLUTION OF MARRIAGE, NULLITY OF MARRIAGE  
AND JUDICIAL SEPARATION, 1961—continued**

Ground	N.S.W.	Vic.	Q'land	S.A.	W.A.	Tas.	N.T.	A.C.T.	Aust.
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**JUDICIAL SEPARATION**

Adultery .. ..	1	..	..	..	1	..	..	..	1
Cruelty .. ..	1	..	..	..	..	..	..	..	1
<i>Total</i> .. ..	<i>1</i>	<i>..</i>	<i>..</i>	<i>..</i>	<i>1</i>	<i>..</i>	<i>..</i>	<i>..</i>	<i>2</i>

**TOTAL DIVORCES GRANTED**

<b>Grand Total</b> ..	<b>3,175</b>	<b>1,257</b>	<b>781</b>	<b>685</b>	<b>467</b>	<b>286</b>	<b>23</b>	<b>37</b>	<b>6,711</b>
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**GROUND OF DISSOLUTION OF MARRIAGE, NULLITY OF MARRIAGE  
AND JUDICIAL SEPARATIONS, 1962**

Ground	N.S.W.	Vic.	Q'land	S.A.	W.A.	Tas.	N.T.	A.C.T.	Aust.
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**DISSOLUTION OF MARRIAGE**

<b>Single Grounds—</b>									
Desertion .. ..	1,593	794	504	295	176	114	16	13	3,505
Adultery .. ..	645	248	155	166	196	56	11	13	1,490
Separation .. ..	414	245	158	122	155	59	4	2	1,159
Cruelty .. ..	114	5	10	58	4	3	3	7	204
Drunkenness ..	46	4	5	3	5	7	1	3	74
Frequent convictions ..	13	4	1	..	..	..	..	..	18
Failure to pay maintenance ..	1	..	..	1	14	1	..	..	17
Non-compliance with restitution decree ..	57	..	..	..	..	..	..	..	57
Insanity .. ..	30	..	..	4	2	..	..	..	36
Refusal to consummate ..	8	4	1	2	..	1	..	..	16
Other single grounds ..	3	..	2	..	4	..	..	..	9
<b>Dual Grounds—</b>									
Desertion and adultery ..	30	56	7	..	6	4	..	1	104
Desertion and separation ..	57	179	62	1	9	1	2	1	312
Desertion and cruelty ..	14	14	2	4	1	..	..	..	35
Desertion and drunkenness ..	13	3	4	..	..	1	..	1	22
Desertion and frequent convictions ..	4	6	2	..	..	..	..	..	12
Desertion and failure to pay maintenance ..	1	8	1	..	3	..	..	..	13
Adultery and separation ..	1	4	..	..	3	..	..	..	8
Adultery and cruelty ..	2	..	1	3	..	..	..	..	6
Separation and insanity ..	1	2	1	..	..	..	..	..	4
Cruelty and drunkenness ..	53	3	2	1	2	1	..	1	63
Other dual grounds ..	3	11	..	..	2	..	1	1	18
Multiple grounds (a) ..	10	25	2	..	..	..	..	1	38
<i>Total</i> .. ..	<i>3,113</i>	<i>1,615</i>	<i>920</i>	<i>660</i>	<i>582</i>	<i>248</i>	<i>38</i>	<i>44</i>	<i>7,220</i>

**NULLITY OF MARRIAGE**

Bigamy .. ..	7	2	2	3	..	..	..	..	14
Incapacity to consummate ..	11	6	3	2	1	1	..	..	24
Other .. ..	..	..	..	1	1	..	..	..	2
<i>Total</i> .. ..	<i>18</i>	<i>8</i>	<i>5</i>	<i>6</i>	<i>2</i>	<i>1</i>	<i>..</i>	<i>..</i>	<i>40</i>

(a) Three grounds or more.

**GROUND OF DISSOLUTION OF MARRIAGE, NULLITY OF MARRIAGE  
AND JUDICIAL SEPARATION, 1962—continued**

Ground	N.S.W.	Vic.	Q'land	S.A.	W.A.	Tas.	N.T.	A.C.T.	Aust.
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**JUDICIAL SEPARATION**

Adultery	..	..	..	..	2	..	..	..	..	2
Desertion	..	..	..	..	1	..	1	..	..	2
Other	..	..	..	..	..	1	..	..	..	1
<b>Total</b>	..	..	..	..	3	1	1	..	..	5

**TOTAL DIVORCES GRANTED**

<b>Grand Total</b>	..	3,131	1,623	928	667	585	249	38	44	7,265
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(ix) *Ages of Husband and Wife at time of Marriage.* The following tables show the ages at time of marriage of husbands and wives who were parties to marriages dissolved in 1961 and 1962.

**DISSOLUTIONS: AGES OF PARTIES AT TIME OF MARRIAGE, AUSTRALIA**

Age of husband (years)	Age of wife (years)											Total husbands	
	Under 20	20-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60 and over	Not stated		
1961													
Under 20	..	332	95	6	..	..	..	..	..	..	..	433	
20-24	..	1,258	1,546	208	31	8	1	..	..	..	1	3,053	
25-29	..	369	859	405	108	15	2	2	..	..	1	1,761	
30-34	..	74	228	192	128	41	14	4	..	1	1	683	
35-39	..	13	85	75	68	61	23	6	..	..	..	331	
40-44	..	3	23	24	37	41	24	3	1	..	..	156	
45-49	..	1	7	9	17	15	12	14	4	2	..	81	
50-54	..	..	1	2	5	8	10	10	10	..	..	46	
55-59	..	..	..	1	1	3	6	4	9	8	..	32	
60 and over	..	..	1	..	..	..	3	1	4	5	5	19	
Not stated	..	..	..	..	..	..	..	..	..	..	78	78	
Total Wives		2,050	2,845	922	395	192	95	44	28	16	5	81	6,673

**1962**

Under 20	..	332	100	8	1	1	..	..	..	..	..	442
20-24	..	1,330	1,662	241	34	3	2	..	..	..	..	3,272
25-29	..	373	942	480	118	25	4	2	..	..	2	1,946
30-34	..	81	281	200	123	42	12	..	1	..	1	741
35-39	..	22	78	89	98	59	31	2	1	..	..	380
40-44	..	2	22	30	51	43	38	13	..	1	..	201
45-49	..	2	8	7	13	18	24	14	5	..	..	90
50-54	..	1	2	4	7	13	5	13	7	3	..	55
55-59	..	1	..	2	1	1	7	5	9	1	..	28
60 and over	..	..	..	1	..	2	3	7	5	9	..	27
Not stated	..	..	..	1	..	1	..	..	..	..	36	38
<b>Total Wives</b>	2,144	3,095	1,063	446	206	125	52	30	10	10	39	7,220

(x) *Ages of Husband and Wife at Time of Dissolution of Marriage.* The following table shows the number of husbands and wives in each age group who were parties to marriages dissolved in 1961 and 1962. Age is taken at the time the decree absolute is made.

**DISSOLUTIONS: AGES OF PARTIES AT TIME OF DISSOLUTION OF MARRIAGE, AUSTRALIA**

Age of husband (years)	Age of wife (years)											Total husbands
	Under 20	20-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60 and over	Not stated	
1961												
Under 20 ..	1	1	..	..	..	..	..	..	..	..	..	2
20-24 ..	7	108	16	2	..	..	..	..	..	..	..	133
25-29 ..	6	300	435	59	8	3	..	..	..	..	1	812
30-34 ..	..	80	566	576	118	12	1	2	..	..	1	1,356
35-39 ..	..	17	162	500	494	99	19	3	..	..	..	1,294
40-44 ..	..	4	36	139	343	361	76	17	1	..	..	977
45-49 ..	..	..	9	38	136	289	276	51	9	6	..	814
50-54 ..	..	..	4	16	45	101	211	155	25	10	1	568
55-59 ..	..	..	..	5	8	33	71	107	81	19	..	324
60 and over ..	..	..	..	2	4	12	30	30	79	156	..	313
Not stated ..	..	..	..	..	..	..	..	..	..	..	80	80
Total Wives	14	510	1,228	1,337	1,156	910	684	365	195	191	83	6,673

1962

Under 20 ..	..	..	..	..	..	..	..	..	..	..	..	..
20-24 ..	12	106	17	2	..	..	..	..	..	..	..	137
25-29 ..	5	298	445	54	10	1	1	..	..	..	..	814
30-34 ..	..	94	494	579	88	12	4	..	..	..	..	1,271
35-39 ..	..	20	149	524	548	115	20	6	..	..	1	1,383
40-44 ..	..	3	32	141	465	389	86	15	2	1	..	1,134
45-49 ..	..	..	9	45	152	328	307	66	9	3	1	920
50-54 ..	..	1	4	9	57	125	253	182	40	6	1	678
55-59 ..	..	..	..	8	11	39	98	149	112	36	..	453
60 and over ..	..	..	1	1	6	9	27	58	77	213	..	392
Not stated ..	..	..	..	1	..	1	..	..	..	..	36	38
<b>Total Wives</b>	<b>17</b>	<b>522</b>	<b>1,151</b>	<b>1,364</b>	<b>1,537</b>	<b>1,019</b>	<b>796</b>	<b>476</b>	<b>240</b>	<b>259</b>	<b>39</b>	<b>7,220</b>

(xi) *Duration of Marriages Dissolved and Number of Children.* The following table shows the number of dissolutions of marriage granted in 1961 and 1962, classified according to the legal duration of the marriage (i.e., the period from the date of marriage to the date when the decree *nisi* was made absolute) and number of children.

### DURATION OF MARRIAGES DISSOLVED AND NUMBER OF CHILDREN(a): AUSTRALIA

Duration of marriage (years)		Dissolutions of marriages with—											Total dissolutions of marriages	Total children (a)	
		No children	1 child	2 children	3 children	4 children	5 children	6 children	7 children	8 children	9 children	10 children			11 children and over
1961															
1 year and under	2..	19	..	..	..	..	..	..	..	..	..	..	..	19	..
2 years and under	3..	47	10	..	1	..	..	..	..	..	..	..	..	58	13
3 "	4..	86	35	5	..	..	..	..	..	..	..	..	..	126	45
4 "	5..	175	79	20	1	3	..	..	..	..	..	..	..	278	134
5 "	6..	231	115	34	6	..	..	..	..	1	..	..	..	387	209
6 "	7..	193	120	49	10	4	..	..	..	..	..	..	..	376	264
7 "	8..	187	138	61	16	3	..	..	..	..	..	..	..	405	320
8 "	9..	146	107	82	27	4	1	..	..	..	..	..	..	368	379
9 "	10..	130	128	96	27	8	3	..	..	..	..	..	..	392	448
10 "	11..	123	90	94	40	10	4	1	..	..	..	..	..	362	464
11 "	12..	142	85	86	45	13	3	1	..	..	..	..	..	375	465
12 "	13..	96	86	85	36	14	4	1	..	..	..	..	..	322	446
13 "	14..	105	89	81	47	15	7	1	..	..	..	..	..	345	493
14 "	15..	82	79	78	34	11	3	1	1	..	..	..	..	289	409
15 "	16..	52	60	77	50	11	4	2	..	..	..	..	..	256	440
16 "	17..	37	49	76	36	11	4	4	..	1	..	..	..	219	412
17 "	18..	40	45	48	36	8	8	..	1	..	..	..	..	186	328
18 "	19..	28	51	46	29	10	5	..	..	1	..	..	..	170	303
19 "	20..	50	47	55	29	15	3	1	1	..	..	..	..	201	332
20 "	21..	47	43	51	31	10	5	2	..	..	..	..	..	189	315
21 "	25..	146	137	174	82	31	13	4	4	2	1	..	..	594	997
25 "	30..	160	82	71	33	14	6	3	2	..	..	..	..	371	441
30 "	35..	124	30	15	13	2	2	1	2	..	..	..	..	189	137
35 "	40..	77	10	6	7	4	3	2	1	..	..	..	..	110	93
40 "	45..	40	2	5	4	1	1	..	..	1	..	..	..	54	41
45 .. and over	..	25	..	3	1	2	..	..	..	..	..	..	..	31	17
Not stated	..	1	..	..	..	..	..	..	..	..	..	..	..	1	..
Total Dissolutions of Marriage	..	2,589	1,717	1,398	641	204	79	25	13	6	1	..	..	6,673	..
Total Children (a)	..	..	1,717	2,796	1,923	816	395	150	91	48	9	..	..	..	7,945
1962															
1 year and under	2..	15	2	..	1	..	..	..	..	..	..	..	..	18	5
2 years and under	3..	33	7	2	1	..	..	..	..	..	..	..	..	43	14
3 "	4..	86	25	8	1	..	1	..	..	..	..	..	..	121	48
4 "	5..	164	85	15	1	..	1	..	..	..	..	..	..	266	123
5 "	6..	205	144	38	10	..	..	..	..	..	..	..	..	397	250
6 "	7..	183	137	63	4	2	1	..	..	..	..	..	..	390	288
7 "	8..	179	104	64	23	4	1	..	1	..	..	..	..	376	329
8 "	9..	153	131	66	16	4	..	..	..	..	..	..	..	370	327
9 "	10..	124	127	67	25	11	2	..	..	..	..	..	..	356	390
10 "	11..	156	107	97	39	6	5	2	..	..	..	..	..	412	479
11 "	12..	111	111	97	36	14	3	2	..	..	..	..	..	374	496
12 "	13..	109	88	96	36	15	2	2	1	..	..	..	..	349	477
13 "	14..	98	93	81	36	16	3	1	..	..	..	..	..	328	448
14 "	15..	95	78	95	43	17	6	1	..	..	..	..	..	335	501
15 "	16..	74	76	83	49	13	7	..	..	1	..	..	..	304	493
16 "	17..	59	77	82	63	27	6	1	1	1	..	..	..	317	589
17 "	18..	43	53	65	42	19	2	3	..	..	..	..	..	227	413
18 "	19..	53	33	34	35	22	3	5	..	..	..	..	..	185	339
19 "	20..	47	43	54	31	8	5	4	1	..	..	..	..	193	332
20 "	21..	57	59	53	38	20	4	2	2	..	..	..	..	235	405
21 "	25..	182	145	174	94	30	11	10	..	1	1	..	..	648	1,027
25 "	30..	235	113	64	28	8	6	3	1	..	..	..	..	458	412
30 "	35..	188	49	16	8	3	3	..	1	..	..	..	..	268	139
35 "	40..	112	6	4	3	1	1	..	1	..	..	..	..	128	39
40 "	45..	61	2	2	1	1	..	..	..	..	..	..	..	67	13
45 .. and over	..	50	2	1	..	1	..	..	..	..	..	..	..	54	8
Not stated	..	1	..	..	..	..	..	..	..	..	..	..	..	1	..
Total Dissolutions of Marriage	..	2,873	1,897	1,421	664	243	72	36	9	3	2	..	..	7,220	..
Total Children (a)	..	..	1,897	2,842	1,992	972	360	216	63	24	18	..	..	..	8,384

(a) The term "children" used in the Commonwealth legislation refers to living "children of the marriage" under 21 years. However, as the majority of the dissolutions in this period were granted to petitions lodged under old legislation, it has not been possible to make the data in the table above conform exactly to this definition. For instance, New South Wales, Victoria, Queensland and Western Australia included children whether living or dead; and only Queensland included adopted children.

(xii) *Ages of Children of Dissolved Marriages.* The following table shows the ages of children of marriages dissolved in 1961 and 1962. The children referred to are only those under 21 years of age at the time of petition.

**CHILDREN OF DISSOLVED MARRIAGES(a) BY AGE AT TIME OF PETITION:  
AUSTRALIA**

Petitioner	Age of children at time of petition—																		Total number of children
	Under 12 mths	1 yr	2 yrs	3 yrs	4 yrs	5 yrs	6 yrs	7 yrs	8 yrs	9 yrs	10 yrs	11 yrs	12 yrs	13 yrs	14 yrs	15 yrs	16-20 yrs	Not stated	
1961																			
Husband ..	19	20	56	92	98	149	151	172	155	160	153	130	116	131	102	92	345	1,153	3,294
Wife ..	19	51	73	120	184	202	234	209	209	218	173	198	167	177	168	128	428	1,691	4,649
Both ..	..	..	..	..	..	..	1	..	..	..	..	..	..	1	..	..	..	..	2
Total ..	38	71	129	212	282	351	386	381	364	378	326	328	283	309	270	220	773	2,844 (b)	7,945
1962																			
Husband ..	17	60	91	149	197	214	216	216	232	220	166	203	145	186	154	532	409	3,623	
Wife ..	26	56	113	224	242	250	310	303	305	292	286	266	256	230	255	218	645	481	4,758
Both ..	..	..	..	..	..	..	..	1	1	1	..	..	..	..	..	..	..	..	3
Total ..	43	116	204	373	439	464	526	519	522	525	507	432	459	375	441	372	1177	890	8,384

(a) This table refers to children, under 21 years at time of petition, of marriages for which decrees absolute for dissolution have been granted in 1961 and 1962. (b) Includes mainly children in respect of petitions for dissolution of marriage lodged under the superseded matrimonial causes laws of the States which did not, in all cases, require this information to be supplied. Most of the not stated cases refer to dissolutions in New South Wales.

(xiii) *Number of Divorced Persons at each Census, 1911 to 1961.* The following table shows the number and proportion of divorced persons in Australia as recorded from returns supplied at each census from 1911 to 1961. A classification of divorced persons by age, for the censuses from 1891 to 1947, appeared in earlier issues of the Official Year Book (see No. 39, p. 269). Prior to 1911, no record was made of divorced persons in South Australia, so comparisons cannot be made beyond that date.

**DIVORCED PERSONS AT CENSUS DATES: AUSTRALIA**

Sex	Number						Proportion per 10,000 of males or females, 15 years of age and over					
	1911	1921	1933	1947	1954	1961	1911	1921	1933	1947	1954	1961
Males ..	2,368	4,233	10,298	25,052	32,389	38,641	15	23	42	89	100	105
Females ..	2,140	4,304	10,888	27,516	36,650	43,339	15	24	46	96	115	119

3. *Bankruptcy.*—(i) *General.* Particulars relating to bankruptcy in each State to the end of 1927 were incorporated in issues of the Official Year Book prior to No. 23. On 1st August, 1928, the *Commonwealth Bankruptcy Act*, which is now the *Bankruptcy Act 1924-1960*, came into operation.



Under the *Bankruptcy Act* 1924–1960, the Commonwealth is divided into bankruptcy districts which coincide generally with State boundaries. A Federal Court of Bankruptcy has been established with jurisdiction throughout Australia, but it exercises this jurisdiction mainly in the bankruptcy districts of New South Wales, which includes the Australian Capital Territory, and Victoria. Certain State courts have been invested with federal jurisdiction in bankruptcy and, outside New South Wales and Victoria, usually exercise that jurisdiction in the appropriate bankruptcy district.

Any person unable to pay his debts may apply voluntarily for the sequestration of his estate, or his creditors may apply for a compulsory sequestration, if he has committed an act of bankruptcy. The act of bankruptcy usually relied on is non-compliance by a debtor with a bankruptcy notice which requires the debtor to whom it is addressed to pay within a specified time, to a creditor who has obtained a final judgment or order to pay, the amount of the debt, or satisfy the Court that he has a counter claim, set-off, or cross demand which equals or exceeds the judgment debt. If a bankruptcy notice is not complied with, a creditor may thereupon present a petition against a debtor, provided that—the debt or debts amount to £50; the act of bankruptcy relied on has occurred within the six months preceding the presentation of the petition; and the statutory requirements relating to domicile or residence are applicable to the debtor.

Upon the issue of a sequestration order, the property of the bankrupt vests in the official receiver named in the order, and his property is divisible among his creditors in accordance with the provisions of the Act. No creditor to whom the bankrupt is indebted in respect of any debt provable in bankruptcy has any remedy against the property or person of the bankrupt except by leave of the court.

Under Part XI. of the *Bankruptcy Act* 1924–1960, instead of having a sequestration order made against his estate, a debtor may compound with his creditors or assign his estate for their benefit. Under Part XII of the Act, a debtor may enter into a scheme of arrangement. The object of Parts XI and XII of the Act is to allow a debtor and his creditors to enter into an agreement concerning the debts due to the creditors without having a sequestration order made against the debtor.

The Court has power to decide questions of law affecting a bankrupt estate. Questions of fact may be tried before a jury.

The *Bankruptcy Act* 1924–1960 provides for an Inspector-General in Bankruptcy, and for a Registrar and an Official Receiver to be appointed for each bankruptcy district.

A Registrar in Bankruptcy is controlled by the Court and has such duties as the Attorney-General of the Commonwealth directs, or as are prescribed, and exercises such functions of an administrative nature as are authorized by the Court. He may examine a bankrupt or a person indebted to a bankrupt or having in his possession any of the estate or effects of a bankrupt. Stipendiary magistrates are appointed Deputy Registrars in country districts.

All sequestrated estates are vested in an Official Receiver, who is a permanent officer of the Commonwealth Public Service. His duties are to investigate the conduct, property and transactions of the debtor, and the cause of bankruptcy of a debtor, and to realize and administer the estate of the debtor. In respect of these activities, the Official Receiver is under the control of the Court.

Persons registered by the Court as qualified to act as trustees may be appointed by resolution of the creditors to be trustees of estates. In cases where a registered trustee under a deed of arrangement, composition, or assignment (Parts XI and XII of the *Bankruptcy Act*) is removed from or vacates his office, the official receiver may be appointed by the Court to complete the administration of the estate, or the Court may direct the official receiver to convene a meeting of the creditors in the estate to enable them to appoint a registered trustee to complete the administration of the estate.

(ii) *Bankruptcy Proceedings.* The following table shows the number of bankruptcies of the various types in each State, together with the assets and liabilities of the debtors, during the twelve months ended 30th June, 1962.

## BANKRUPTCY PROCEEDINGS, 1961-62

State or Territory		Sequestration orders and orders for administration of deceased debtors' estates	Compositions and schemes under Part XI	Deeds under Part XI	Deeds of arrangement, Part XII	Total
N.S.W. (a)	Number ..	795	5	2	63	865
	Liabilities £	2,618,918	74,902	31,220	534,981	3,260,021
	Assets £	1,524,773	48,535	17,890	470,257	2,061,455
Vic. ..	Number ..	441	16	1	129	587
	Liabilities £	1,415,676	180,961	6,490	803,302	2,406,429
	Assets £	144,426	152,684	10,416	696,297	1,003,823
Q'land	Number ..	259	5	..	21	285
	Liabilities £	1,132,116	42,349	..	146,049	1,320,514
	Assets £	1,042,373	31,401	..	98,782	1,172,556
S. Aust.	Number ..	504	63	14	..	581
	Liabilities £	1,249,986	453,771	52,259	..	1,756,016
	Assets £	593,334	410,862	47,255	..	1,051,451
W. Aust.	Number ..	141	83	12	2	238
	Liabilities £	289,694	326,280	137,219	110,089	863,282
	Assets £	88,217	229,911	100,510	73,685	492,323
Tas. ..	Number ..	93	..	2	3	98
	Liabilities £	253,503	..	10,608	42,060	306,171
	Assets £	100,901	..	17,689	45,828	164,418
N.T. ..	Number ..	6	..	..	..	6
	Liabilities £	28,417	..	..	..	28,417
	Assets £	9,827	..	..	..	9,827
Australia	Number ..	2,239	172	31	218	2,660
	Liabilities £	6,988,310	1,078,263	237,796	1,636,481	9,940,850
	Assets £	3,503,851	873,393	193,760	1,384,849	5,955,853

(a) Includes the Australian Capital Territory.

For purposes of comparison, the two tables which follow show Australian figures in respect of each of the various types of bankruptcy, and State figures in respect of all types of bankruptcy for the past five years.

## BANKRUPTCY PROCEEDINGS: AUSTRALIA

Year		Sequestration orders and orders for administration of deceased debtors' estates	Compositions and schemes under Part XI	Deeds under Part XI	Deeds of arrangement, Part XII	Total
1957-58	Number ..	1,357	120	28	164	1,669
	Liabilities £	3,126,313	707,134	166,367	1,271,353	5,271,167
	Assets £	1,680,868	636,032	107,675	1,315,856	3,740,431
1958-59	Number ..	1,603	131	19	196	1,949
	Liabilities £	4,534,479	608,040	198,730	1,844,512	7,185,761
	Assets £	2,089,842	697,414	145,712	1,594,706	4,527,674
1959-60	Number ..	1,949	119	28	192	2,288
	Liabilities £	5,126,243	529,885	161,978	1,961,335	7,779,441
	Assets £	2,738,689	411,084	176,205	1,531,283	4,857,261
1960-61	Number ..	2,004	118	21	225	2,368
	Liabilities £	5,609,860	424,969	189,434	2,170,643	8,394,906
	Assets £	3,333,274	325,602	196,254	1,665,396	5,520,526
1961-62	Number ..	2,239	172	31	218	2,660
	Liabilities £	6,988,310	1,078,263	237,796	1,636,481	9,940,850
	Assets £	3,503,851	873,393	193,760	1,384,849	5,955,853

## BANKRUPTCY PROCEEDINGS: STATES

Year	N.S.W. (a)	Vic.	Qld	S.A.	W.A.	Tas.	N.T.	Aus- tralia.
1957-58	Number .. 524 Liabilities £ 2,010,218 Assets £ 1,607,587	418 1,021,428 676,021	181 607,109 377,379	263 645,401 375,932	212 793,439 578,097	70 184,552 120,778	1 9,020 4,637	1,669 5,271,167 3,740,431
1958-59	Number .. 745 Liabilities £ 2,683,920 Assets £ 1,661,574	394 1,713,739 952,691	200 832,572 656,757	316 707,481 371,488	206 1,057,664 775,328	88 190,385 109,836	.. .. ..	1,949 7,185,761 4,527,674
1959-60	Number .. 892 Liabilities £ 3,216,889 Assets £ 2,001,621	494 2,019,268 1,182,287	234 725,189 631,121	372 801,093 446,738	199 628,876 412,387	96 373,246 168,030	1 14,880 15,077	2,288 7,779,441 4,857,261
1960-61	Number .. 868 Liabilities £ 3,305,964 Assets £ 2,342,275	489 1,951,320 1,297,881	253 952,715 725,656	468 1,343,854 696,223	206 545,522 327,729	81 287,718 125,340	3 7,813 5,422	2,368 8,394,906 5,520,526
1961-62	Number .. 865 Liabilities £ 3,260,021 Assets £ 2,061,455	587 2,406,429 1,003,823	285 1,320,514 1,172,556	238 1,756,016 1,051,451	98 863,282 492,323	98 306,171 164,418	6 28,417 9,827	2,660 9,940,850 5,955,853

(a) Includes the Australian Capital Territory.

4. **Other Civil Proceedings.**—The following table shows the civil judgments (excluding those for divorce and bankruptcy) in the higher courts during 1961. The particulars given below include the number and amount of judgments entered by default or confession or agreement.

## CIVIL CASES AT HIGHER COURTS, 1961

Particulars	N.S.W. (a)	Vic.	Qld (b)	S.A.	W.A. (c)	Tas.	N.T. (b)	A.C.T.	Total
Judgments No.	4,761	19,076	1,279	309	321	823	n.a.	377	n.a.
Amount awarded £	n.a.	5,560,215	1,482,095	463,695	417,340	n.a.	n.a.	330,427	n.a.

(a) Excludes judgments signed in the Supreme Court.  
(c) Judgments signed and entered.

(b) Year ended 30th June, 1961.

## § 5. High Court of Australia

The High Court of Australia consists of a Chief Justice and six other Justices. Its principal seat is in Melbourne, but sittings are held in every State capital as occasion requires. The High Court has both original and appellate jurisdiction. Its original jurisdiction is usually exercised by a single Justice, appellate jurisdiction by at least three Justices.

The Constitution itself confers original jurisdiction on the High Court in all matters (i) arising under any treaty, (ii) affecting consuls or other representatives of other countries, (iii) in which the Commonwealth, or a person suing or being sued on behalf of the Commonwealth, is a party, (iv) between States, or between residents of different States, or between a State and a resident of another State, (v) in which a writ of mandamus or prohibition or an injunction is sought against an officer of the Commonwealth. In addition, Parliament may, under the Constitution, confer additional original jurisdiction on the High Court in certain classes of matters, and has in fact conferred original jurisdiction on the High Court in all matters arising under the Constitution or involving its interpretation and in trials of indictable offences against the laws of the Commonwealth. In matters (i) and (v) and in suits between the Commonwealth and a State or between States, the jurisdiction of the High Court is exclusive of that of the State Courts, and in matters (other than trials of indictable offences) involving any question as to the limits *inter se* of the constitutional powers of the Commonwealth and those of the States, the jurisdiction of the High Court is exclusive of that of the Supreme Courts of the States.

Under the Constitution, the High Court has jurisdiction, with such exceptions and subject to such regulations as the Parliament permits, to hear and determine appeals from all judgments, decrees, orders and sentences of (i) any Justice or Justices exercising the original jurisdiction of the High Court, (ii) any other Federal court or court exercising Federal jurisdiction and (iii) from the Supreme Court or other court of any State from which appeal lay to Privy Council at the establishment of the Commonwealth. In respect of (iii), the Parliament has prescribed that, generally, appeal can be brought only by special leave of the High Court. However, in the case of judgments affecting the status of any person under the laws relating to aliens, marriage, bankruptcy or insolvency, or in respect of any sum or matter at issue, or involving any claim, demand, or question, or to regarding any property or civil right, amounting to or of the value of £1,500, appeal may be brought as of right from final judgments, and by leave of the High Court or the Supreme Court from interlocutory judgments.

By Acts of Parliament and by subordinate legislation, the High Court has also been given appellate jurisdiction in respect of the courts of the Territories under the control of the Commonwealth. Provision is also made in various enactments for appeal to the High Court on points of law from administrative determinations, such as decisions of the Commissioner of Taxation and Taxation Boards of Review, the Commissioner of Patents, or the Registrar of Trade Marks. Such proceedings, although called appeals, are in reality proceedings in the original jurisdiction of the High Court.

The following table shows the transactions of the High Court for 1961 and 1962.

TRANSACTIONS OF THE HIGH COURT OF AUSTRALIA

Original jurisdiction(a)	1961	1962	Appellate jurisdiction	1961	1962
Number of writs issued ..	130	92	Number of appeals set down for hearing ..	122	132
Number of cases entered for trial ..	51	51	Number allowed ..	31	36
Judgments for plaintiffs ..	27	30	Number dismissed ..	65	52
Judgments for defendants ..	8	2	Otherwise disposed of ..	31	20
Otherwise disposed of ..	29	36			
Amount of judgments ..	£58,175	£96,588			

(a) Some matters dealt with by the High Court neither originate as writs nor are entered as cases.

During 1961 and 1962, respectively, the High Court dealt also with the following:— appeals from assessments under the Taxation Assessment Act, 39, 49; special cases stated for the opinion of the Full Court, 11, 8; applications for prohibition, etc., 21, 23. The fees collected amounted to £2,952 in 1961 and £3,239 in 1962.

## § 6. Police, Prisons and Prisoners

1. Police.—(i) *General.* The primary duties of the police are to prevent crime, to detect and detain offenders, to protect life and property, to enforce the law, and to maintain peace and good order. In addition, they perform many duties in the service of the State, e.g. they act as clerks of petty sessions in small centres, as crown land bailiffs, foresters, mining wardens and inspectors under the fisheries and various other Acts. In metropolitan and large country areas, they also regulate the street traffic. With the exception of the Commonwealth Police Force (*see* next page) and the police in the Northern Territory and the Australian Capital Territory, the police forces of Australia are under the control of the State governments, but their members perform certain functions for the Commonwealth government, such as acting as aliens registration officers and policing various acts and regulations.

Women police perform special duties at places where young women and girls are subject to moral danger, control traffic at school crossings, and lecture school children on road safety. They also assist male police as required in the performance of normal police duties.

The strength of the police force in each State and Territory and the number of persons to each police officer are shown in the following table for the years 1957 to 1961. The figures include traffic police, probationers, cadets, special constables and women police, but exclude parking police, native trackers (aboriginals employed in outlying districts in tracking lost persons and persons wanted by the police), female searchers, wardresses and interpreters. Figures refer to 30th June, except where otherwise indicated.

## STRENGTH OF POLICE FORCES

30th June—	N.S.W.	Vic.	Q'land	S. Aust.	W. Aust.	Tas.	N.T.	A.C.T.	Australia
TOTAL STRENGTH									
1957 .. ..	(a)5,043	(a)3,709	2,491	1,234	970	507	80	60	14,094
1958 .. ..	5,130	3,753	2,617	1,351	988	526	76	66	14,507
1959 .. ..	5,245	3,753	2,678	1,425	1,056	524	102	73	14,856
1960 .. ..	5,378	3,867	2,647	1,498	1,142	550	103	77	15,262
1961 .. ..	5,575	4,025	2,673	1,694	1,169	558	105	89	15,888

## POPULATION TO EACH POLICE OFFICER

1957 .. ..	(a) 719	(a) 716	567	708	709	643	263	631	684
1958 .. ..	720	724	550	664	708	633	291	624	678
1959 .. ..	717	742	548	646	674	648	236	631	677
1960 .. ..	713	739	565	631	632	625	248	680	673
1961 .. ..	703	728	568	572	630	628	258	661	661

## NUMBER OF POLICEWOMEN(b)

1957 .. ..	(a) 38	(a) 55	7	24	9	10	..	2	145
1958 .. ..	46	52	9	32	11	9	..	2	161
1959 .. ..	48	50	9	33	12	8	..	2	162
1960 .. ..	54	55	9	34	13	10	..	2	177
1961 .. ..	58	58	9	35	14	10	5	2	191

## NUMBER OF NATIVE TRACKERS(c)

1957 .. ..	(a) 8	(a) 1	23	(d)	3	..	30	..	65
1958 .. ..	7	1	23	(d)	4	..	31	..	66
1959 .. ..	5	1	24	(d)	4	..	35	..	69
1960 .. ..	5	1	18	(d)	4	..	32	..	60
1961 .. ..	5	1	17	(d)	4	..	31	..	58

(a) At 31st December, 1957. (b) Included in total strength shown above. (c) Not included in total strength shown above. (d) One native tracker, who is paid a small weekly retainer and is supplied with rations, is continually on call.

(ii) *The Commonwealth Police Force.* The Commonwealth Police Force commenced operations on 21st April, 1960, and is the principal agency for the enforcement of the laws passed by the Commonwealth Parliament. It is also responsible for the protection of Commonwealth property and interests at various buildings and establishments under the control of the Commonwealth. This force co-ordinates the work of other Commonwealth investigation and law enforcement agencies and acts on behalf of the United Nations Organization for the suppression of traffic in women and the suppression of obscene literature.

Under the control of the force is the Australian Police College at Manly, N.S.W., which provides training for members of various police forces and other agencies in Australia and New Zealand.

The force has District Offices in each Capital City and its Head Office in Canberra. The strength of the force at 30th June, 1962, was 568 policemen and 3 policewomen. Twenty-eight guard dogs were available for use by the force and by State police forces as required.

2. **Prisons and Prison Accommodation.**—The table below shows the number of prisons in each State and the Northern Territory and the accommodation therein at 30th June, 1961.

PRISONS AND PRISON ACCOMMODATION, 1961

Particulars	N.S.W.	Vic.	Q'land	S. Aust.	W. Aust.	Tas.	N.T.	Australia
Prisons .. ..	18	11	8	16	19	1	2	75
Accommodation ..	2,912	2,055	929	965	906	381	87	8,235

There is no gaol in the Australian Capital Territory, but there is a lock-up attached to the police station at Canberra, and another lock-up at Jervis Bay, where offenders are held while awaiting trial or serving short sentences not exceeding one week imposed by a Magistrate's Court.

3. **Convicted Prisoners.**—The number of convicted prisoners at 30th June of each of the years 1957 to 1961 and the proportion per 10,000 of the population are shown in the following table.

CONVICTED PRISONERS

30th June—	N.S.W. (a)	Vic.	Q'land (b)	S. Aust. (b)	W. Aust. (b)	Tas. (b)	N.T. (b)	Australia
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## NUMBER

1957 .. ..	3,050	1,441	680	569	488	162	29	6,419
1958 .. ..	3,126	1,397	799	526	527	196	32	6,603
1959 .. ..	2,895	1,539	868	577	477	223	28	6,607
1960 .. ..	2,903	1,678	865	570	526	195	26	6,763
1961 .. ..	3,090	1,827	877	592	526	237	41	7,190

## NUMBER PER 10,000 OF POPULATION

1957 .. ..	8.4	5.4	4.8	6.5	7.1	5.0	13.8	6.7
1958 .. ..	8.5	5.1	5.6	5.9	7.5	5.9	14.5	6.7
1959 .. ..	7.7	5.5	5.9	6.3	6.7	6.6	11.6	6.6
1960 .. ..	7.6	5.9	5.8	6.0	7.3	5.7	10.2	6.6
1961 .. ..	7.9	6.2	5.8	6.1	7.1	6.8	15.1	6.8

(a) Includes the Australian Capital Territory. Includes short-term prisoners held in lock-ups at police stations. (b) Excludes aboriginals.

## § 7. Patents, Trade Marks and Designs

1. **Patents.**—Patents for inventions are granted under the *Patents Act* 1952–1960, which applies to the Commonwealth of Australia and the Territories of Norfolk Island, Papua and New Guinea. The Act is administered by a Commissioner of Patents. The principal fees payable up to and including the grant of a patent amount to £19 10s. Renewal fees are payable as follows:—£5 before the expiration of the fourth year, and an amount progressively increasing by £1 before the expiration of each succeeding year up to the final fee of £16, payable before the expiration of the fifteenth year. An extension of time for six months for payment of a renewal fee may be obtained.

The number of separate inventions in respect of which applications were filed and the number of letters patent sealed during the years 1958 to 1962 are shown in the following table.

## PATENTS: AUSTRALIA

Particulars	1958	1959	1960	1961	1962
Applications .. ..	10,511	11,430	11,828	12,901	13,026
Applications accompanied by provisional specifications ..	3,919	4,063	3,772	3,919	3,710
Letters patent sealed ..	6,093	5,488	4,857	4,940	3,866

2. *Trade Marks and Designs.*—Under the *Trade Marks Act* 1955–1958 the Commissioner of Patents is also Registrar of Trade Marks. This Act has replaced the *Trade Marks Act* 1905–1948. Provision is made for the registration of users of trade marks and for their assignment with or without the goodwill of the business concerned. A new classification of goods has been adopted and trade marks registered under the repealed Acts are reclassified on renewal.

Under the *Designs Act* 1906–1950, the Commissioner of Patents is also Registrar of Designs.

The following table shows the applications for trade marks and designs received and registered during the years 1958 to 1962.

## TRADE MARKS AND DESIGNS: AUSTRALIA

Particulars	1958	1959	1960	1961	1962
Trade marks—					
Received .. ..	5,331	5,436	6,083	6,209	5,920
Registered .. ..	4,219	3,792	3,203	4,592	3,558
Designs—					
Received .. ..	1,362	1,366	1,283	1,413	1,392
Registered .. ..	1,758	819	1,507	1,522	1,064

## § 8. Copyright

1. *Legislation.*—Copyright is regulated by the *Commonwealth Copyright Act* 1912–1950 wherein, subject to modifications relating to procedure and remedies, the British *Copyright Act* of 1911 has been adopted and scheduled to the Australian law. The Act is administered by the Commissioner of Patents.

Reciprocal protection of unpublished works was extended in 1918 to citizens of Australia and of the United States of America, under which copyright may be secured in the latter country by registration at the Library of Congress, Washington. The Commonwealth government promulgated a further Order in Council which came into operation on 1st February, 1923, and extended the provisions of the *Copyright Act* to the foreign countries of the Copyright Union, subject to the observance of the conditions contained therein.

2. *Applications and Registrations.*—The following table shows under the various headings the number of applications for copyright lodged and registered for the years 1958 to 1962.

## COPYRIGHT: AUSTRALIA

Particulars	1958	1959	1960	1961	1962
Applications lodged—					
Literary .. ..	1,078	1,153	1,042	1,088	1,131
Artistic .. ..	74	65	53	65	31
International .. ..	..	..	..	..	..
Applications registered—					
Literary .. ..	1,100	1,038	916	1,005	1,884
Artistic .. ..	38	47	61	37	52
International .. ..	..	..	..	..	..

## § 9. Cost of Administration of Law and Order

1. *Expenditure by the States.*—The tables below show the net expenditure (i.e., gross expenditure less receipts from fees, fines, recoups for services rendered, etc.) from Consolidated Revenue during 1961–62 in connexion with the administration of justice, police and prisons in each State.

In South Australia, the receipts for legal fees and registrations exceed the expenditure under "Justice". Because of differing legislative and administrative arrangements in the various States, the activities covered by the figures shown are not exactly the same in each State. Small differences also result from differing accounting practices. However, the figures shown for individual States are comparable from year to year.

## NET EXPENDITURE ON LAW AND ORDER, 1961-62

State	Net expenditure			Per head of population		
	Justice	Police	Prisons	Justice	Police	Prisons
	£	£	£	s. d.	s. d.	s. d.
New South Wales ..	1,475,864	8,908,081	1,524,809	7 6	45 2	7 9
Victoria ..	773,750	7,365,756	1,102,880	5 3	49 9	7 5
Queensland ..	259,875	4,654,903	492,854	3 5	61 0	6 5
South Australia ..	—232,663	2,703,973	442,113	—4 9	55 2	9 0
Western Australia ..	102,331	1,905,071	307,635	2 9	51 1	8 3
Tasmania ..	250,240	950,926	224,640	14 0	53 3	12 7
Total ..	2,629,397	26,488,710	4,094,931	4 8	52 7	8 7

2. *Commonwealth Expenditure.*—(i) *Attorney-General's Department.* The expenditure shown in the previous table is that incurred by the State Governments. Since the functions of the Commonwealth Government in the administration of law and order differ considerably from those of the States, precise comparison between Commonwealth and State expenditure in this field is not possible. The following table, however, shows the gross expenditure by the Commonwealth Attorney-General's Department during the year 1961–62 on the main services performed by that department.

EXPENDITURE BY THE COMMONWEALTH ATTORNEY-GENERAL'S DEPARTMENT, 1961-62  
(£)

Particulars	Gross expenditure
Administration .. .. .	323,673
Bankruptcy .. .. .	235,224
Commonwealth Police Force .. .. .	333,084
Court Reporting Branch .. .. .	191,923
Crown Solicitor's Office .. .. .	438,811
High Court .. .. .	169,298
Industrial Court .. .. .	114,811
Industrial Registrar's Branch .. .. .	237,008
Judges' Pensions .. .. .	22,180
Legal Service Bureau .. .. .	60,762
Matrimonial Causes—Grants to organizations .. .. .	51,000
Patents, Trade Marks and Designs .. .. .	519,864
Rent .. .. .	85,617
Repairs and Maintenance .. .. .	21,466
Total .. .. .	2,804,721



In addition, £243,851 was spent by the Attorney-General's Department on capital works and services.

The items of expenditure shown in the table above are gross. Receipts of the Attorney-General's Department for 1961-62 aggregated £946,934, of which revenue on account of Patents, Trade Marks and Designs, and Copyright amounted to £581,662, Bankruptcy £168,787, Court Reporting Branch £142,353, Fees, Fines and Costs of Court £31,323, and Miscellaneous £22,809.

Expenditure and receipts of the Attorney-General's Department for the five years 1957-58 to 1961-62 is shown in the following table.

#### EXPENDITURE BY THE COMMONWEALTH ATTORNEY-GENERAL'S DEPARTMENT

(£)

Year					Gross expenditure	Receipts	Net expenditure
1957-58	..	..	..	..	1,984,776	516,090	1,468,686
1958-59	..	..	..	..	2,100,388	572,771	1,527,617
1959-60	..	..	..	..	2,434,828	670,048	1,764,780
1960-61	..	..	..	..	2,594,495	812,493	1,782,002
1961-62	..	..	..	..	2,804,721	946,934	1,857,787

(ii) *Police and Prisons.* Expenditure (other than capital) by the Commonwealth Government on police in the Australian Capital Territory (excluding the Commonwealth Police Force shown above) and police and prisons in the Northern Territory for the five years 1957-58 to 1961-62 is shown in the following table.

#### EXPENDITURE ON POLICE AND PRISONS IN THE NORTHERN TERRITORY AND THE AUSTRALIAN CAPITAL TERRITORY

(£)

Year					Northern Territory	Australian Capital Territory(a)
1957-58	..	..	..	..	208,099	142,462
1958-59	..	..	..	..	227,031	137,894
1959-60	..	..	..	..	262,261	168,952
1960-61	..	..	..	..	322,763	197,275
1961-62	..	..	..	..	335,485	215,921

(a) Expenditure on police only. There is no prison in the Australian Capital Territory.