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## CHAPTER 16

### PUBLIC JUSTICE

Statistics of public justice are influenced by a number of factors which 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.

### The Australian legal system

#### Development of the system

The two major factors in the development of the Australian legal system have been its British origin and the Commonwealth 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 Commonwealth 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. Three of the States (Queensland, Western Australia and Tasmania) have Criminal Codes, and 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 authorised 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 Commonwealth 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 judicial 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. Salaries of High Court judges were increased in June 1969 to \$30,000 for the Chief Justice and \$27,000 for each other Justice. Allowances of \$2,000 and \$1,500 respectively are also provided.

Civil 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* 1901–1963. Since 1 January 1964 this applies also to fines imposed by courts of summary jurisdiction.

#### State and Territory courts

*Civil jurisdiction.* Lower civil courts (i.e. 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 on pages 567–9. 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 (i.e. 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 referred to on page 567.

*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.

#### 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. The nature and extent of the judicial power of the Commonwealth are set out in Chapter III. (§§ 71–80) of the Commonwealth Constitution (see pages 15–16 of this Year Book). Particulars concerning the Federal Court of Bankruptcy are given on pages 586–8 of this chapter, and information regarding the Commonwealth Industrial Court, which was established under the *Conciliation and Arbitration Act* 1904–1967, is included in the chapter Labour, Wages and Prices (pages 261–2). In November 1968 a bill was introduced in Federal Parliament to establish a new Federal Court to be known as the Commonwealth Superior Court. The new court would replace the present Federal Court of Bankruptcy and the Commonwealth Industrial Court, be a superior court of general Federal jurisdiction in matters other than matrimonial causes and criminal prosecutions and perform multifarious special functions under Commonwealth statutes.

#### 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. The High Court's jurisdiction in trials of indictable offences has not been used for many years.

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 the 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 regarding any property or civil right, of the value of \$3,000, 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, 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. Under the proposals announced in Parliament in 1967 and 1968, these functions would be transferred to the new Commonwealth Superior Court.

Transactions of the High Court are shown on page 579.

#### Appeal to the Privy Council

There had been since Federation an appeal, by special leave of the Privy Council, from the High Court to the Privy Council, except in certain important types of constitutional disputes, involving questions of the powers of the Commonwealth vis-à-vis the States. In the latter type of case a certificate of the High Court, in effect granting leave to appeal, is necessary.

In 1968 the Commonwealth Parliament passed an Act, which came into operation on 1 September 1968, restricting appeals to the Privy Council. Under the Act, no appeal can be taken to the Privy Council from the Supreme Court of any Territory or from any Federal court other than the High Court, and special leave of the Privy Council to appeal from the High Court may be asked only in matters that come to the High Court on appeal from the Supreme Court of a State exercising jurisdiction not derived from Commonwealth legislation and which do not raise in the High Court any questions of the application or interpretation of the Commonwealth Constitution, or Commonwealth or Territory legislation.

There is provision for appeals from the State Supreme Courts direct to the Privy Council, but another Federal Act passed in 1968 makes it clear that a decision of a court of a State, including a decision of a Supreme Court, is not subject to appeal to the Privy Council, whether by special leave or otherwise, if it was given in federal jurisdiction.

### Lower (magistrates') courts

#### Powers of magistrates

*New South Wales.* The powers of the magistrates with regard to offences punishable summarily depend in each case on the statute which creates the offence and gives them jurisdiction. A magistrate may, with the consent of the accused, deal summarily with certain indictable offences under the Commonwealth Crimes Act and offences involving \$500 or less under the State Crimes Act; offences under the Commonwealth Act and certain offences under the State Act may be disposed of summarily without such consent if the amount involved does not exceed \$100. 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 \$300 before a court constituted by a stipendiary magistrate. Where the amount claimed exceeds \$100 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 \$1,000 under the Money Lenders and Infants Loans Act, 1941-1961. The amount in actions of debt or damages before one or more justices of the peace ranges up to \$60 in certain cases.

*Victoria.* The civil jurisdiction of magistrates is restricted as follows: (a) ordinary debts, to \$200; (b) any action in tort or contract, with the exception of a few torts such as breach of promise or illegal arrest (on which magistrates have no power to adjudicate), to \$600; and (c) any action in tort arising out of any accident in which a vehicle is involved, to \$1,000. 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.

*Queensland.* Generally speaking, the maximum term of imprisonment which a magistrate or justice of the peace can impose is six months, but in certain cases sentences of twelve months may be imposed. Some examples are Sections 233, 344 and 445 of the Criminal Code (betting houses, aggravated assaults, and unlawfully using animals). There is also provision for applying cumulative sentences. In civil matters, a magistrate has jurisdiction in actions involving an amount of not more than \$1,200, unless all parties to the action agree that no such limitation shall apply.

*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 \$200 fine or two years' imprisonment is fixed by the Justices Act, 1921-1965. Magistrates also have power to hear certain civil actions in which the amount claimed is less than \$2,500.

*Western Australia.* The powers of magistrates and justices of the peace 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 cannot exceed six months. The civil jurisdiction of Local Courts is restricted in general to \$1,000. 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.

*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 of the peace, or that any offence is to be punishable upon summary conviction. Stealing and certain allied crimes are deemed to be summary offences where the value of the property concerned does not exceed \$20. Where the value of the property exceeds \$20 but is not more than \$400 the defendant may elect summary trial or trial by jury. This right of election applies to certain other charges such as escape or rescue; facilitating the escape of a prisoner; rescuing goods legally seized; making a false declaration or statement, etc. In the case of a charge of forgery or uttering, a right of election exists provided the complaint is in respect of a cheque for not more than \$400. In the case of a charge of breaking into a building, other than a dwelling house, a defendant may elect to be tried summarily under certain conditions. 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 \$100 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 up to \$1,500 or damages up to \$1,000. As Commissioners are invariably police magistrates, this jurisdiction is State-wide. Courts of General Sessions, constituted by at least two justices of the peace, exercise similar powers, but the jurisdiction cannot exceed \$100.

*Northern Territory.* Stipendiary and special 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. Certain indictable offences under the Territory law may be tried summarily by a magistrate or two justices, who may impose a fine of up to \$200 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 \$2,000. A local court constituted by two justices (every special magistrate is also a justice of the peace) has a civil jurisdiction to hear claims up to \$100.

*Australian Capital Territory.* Stipendiary and special magistrates have general jurisdiction to try offences 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 on the law which creates the offence. In addition to jurisdiction (possessed by stipendiary and special magistrates throughout

Australia) to try summarily with the consent of the defendant offences indictable under the *Crimes Act 1914-1966* (in which case the magistrate cannot impose a fine exceeding \$200 or imprisonment exceeding one year), under Territory law certain indictable offences may also be tried summarily by a magistrate, who may impose a fine not exceeding \$100 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 \$400. Justices of the peace have no judicial functions.

#### First offenders

In all States and Territories statutes are in force for dealing with first offenders. 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 recognisance for good behaviour for a specified period; and (iii) by placing the offender under the supervision of a probation officer for a specified period.

#### Children's courts

Special provisions exist in all States and Territories for dealing with juvenile offenders in special courts. Particulars of the relevant legislation and the constitution and powers of these courts are given below.

*New South Wales.* Children's Courts, first established in 1905, now exercise jurisdiction under the *Child Welfare Act, 1939-1967*. 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 eighteen years of age. They also exercise jurisdiction in respect of neglected and uncontrollable children. Their functions are reformatory, not punitive; they may commit children to institutions, to the care of persons other than the parents, or to the care of the Minister.

*Victoria.* Under the *Children's Court Act 1958*, the jurisdiction of Children's Courts is restricted, with certain exceptions, to children under 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 a parent if the child is under 15 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.

*Queensland.* Children under the age of seventeen years who come before the Court are dealt with under *The Children's Services Act of 1965*. A Children's Court has jurisdiction to try or sentence a child charged with an indictable offence other than such an offence for which he would be liable, were he not a child, to imprisonment with hard labour for life. Children charged with simple offences or breaches of duty also appear before a Children's Court, as do children in respect of whom an application may be made to the Court for their committal to care and control (unruly children, etc.) or admission to care and protection (neglected children, etc.). The custody and or maintenance of a person under the age of twenty-one years may be sought by the mother or father of that person by application to a Children's Court.

The Children's Court in the metropolitan and near country areas is presided over by a specially appointed Children's Court magistrate. Proceedings are held *in camera*. A non-commissioned police officer is present to offer any observations he considers necessary and to assist the magistrate. An officer of the Department of Children's Services is also present. In country areas the Court is presided over by the local stipendiary magistrate, or in his absence, by two justices of the peace.

A child guilty of an offence shall not be imprisoned unless the Court is satisfied that he is so unruly that he should be detained in custody other than under the control of the Director of the Department of Children's Services, in which case it may order that he be imprisoned for a period not exceeding two years; if a child is convicted of an offence of a sexual nature committed on a child, the Court may make orders and deal with the child as if he were not a child and as if such

Court were a Magistrate's Court; a child guilty of an offence may be committed to the care and control of the Director for a period not exceeding two years with or without conviction; upon conviction the Court may order that the Director exercise supervision over a child until eighteen years or for a period not exceeding two years (even though he may turn eighteen years in that period) or without conviction for a period not exceeding twelve months; the Court may fine the child in accordance with the Act under which he was charged; it may order the parent or guardian to enter into a recognisance with or without surety to exercise proper care, protection, and guardianship over the child; it may order the child, parent, or guardian to pay compensation, costs, or make restitution; the Court may admonish and discharge the child without convicting him.

*South Australia.* Persons under the age of eighteen years charged with offences are dealt with in Juvenile Courts, from which the public are excluded. The procedure and powers of the Court are laid down in the Juvenile Courts Act, 1965-66, the Justices Act, 1921-1960, the Social Welfare Act, 1926-1965, and the Offenders Probation Act, 1913-1963. Any Court of Summary Jurisdiction may be a Juvenile Court provided that it is constituted by a special magistrate if one is available; and if it is constituted by two justices of the peace, they must be from a special panel of justices selected for the purpose. Any case may be referred by any other Juvenile Court to the Adelaide Juvenile Court. A Juvenile Court has power to deal finally with all offences except homicide, but in the case of indictable offences it may commit for trial in the Supreme Court. For offences punishable by fine, it may impose the fine provided, subject to a maximum of \$100. A juvenile may not be imprisoned; but if the Court is constituted by a special magistrate, he may be committed to a reformatory institution. The Court, however constituted, may place the defendant under the control of the Minister of Social Welfare and disqualify him from driving a motor vehicle.

*Western Australia.* Children's Courts deal with offenders under the age of eighteen years and hear cases of all 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 forgo the right to trial by jury and agree to be dealt with summarily by Children's Courts. This power to exercise summary jurisdiction is designed to eliminate as far as possible the necessity for children to appear in open courts as witnesses in cases dealing with sex offences. A Children's Court may commit such offenders for sentence by the Supreme Court.

*Tasmania.* Under the provisions of the *Child Welfare Act 1960* (as amended in 1963), Children's Courts are established to deal with offenders under the age of seventeen 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 of the peace.

The Court is empowered to deal with children under seventeen years of age and no proceedings can be instituted without the consent of the Director of Social Welfare. Before disposing of the case the Court must receive a report from a child welfare officer, unless the offence is considered trivial or the Director decides not to provide one.

In summary proceedings a conviction is normally recorded only when the child receives a prison sentence. Children under sixteen years cannot be sentenced to imprisonment and children sixteen years of age cannot be sentenced for more than two years. Maximum fines are \$20 for offenders under fourteen years and \$50 for those over fourteen years. The Court may impose supervision orders or make the child a ward of the State, i.e. the child is placed under the supervision of the Director of Social Welfare until his eighteenth birthday.

*Northern Territory.* The *Child Welfare Ordinance 1958-1967* provides for the establishment of Children's Courts. These courts are constituted by a special magistrate. 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.

A Children's Court has jurisdiction in respect of all offences committed by persons under seventeen 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 one hundred dollars or, if the child is not under fourteen years of age, a sentence of imprisonment of not more than six months. In addition, the Court's powers include releasing an offender on probation, committing him to the care of a specified person (in which case the offender may be declared a State child), or committing him to an institution for a specified period.

Children's Courts also exercise jurisdiction in respect of destitute, neglected, incorrigible, or uncontrollable children.

*Australian Capital Territory.* The *Child Welfare Ordinance 1957-1966* provides that the Court of Petty Sessions constitutes the Children's Court when it is hearing proceedings involving persons under the age of eighteen 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. The Children's Court also exercises jurisdiction in respect of neglected or uncontrollable children.

#### Proceedings at lower (magistrates') courts

Particulars of the differences in the jurisdiction of lower courts in the various States are given under Powers of Magistrates (pages 567-9). The proceedings of these courts are summarised in this paragraph. The statistics in the following tables are influenced by the factors affecting comparability listed at the beginning of this chapter (page 565).

*Criminal proceedings—total cases.* The total numbers of cases dealt with at magistrates' courts in each State and Territory for the years 1963 to 1967 are shown in the following table.

#### CASES AT MAGISTRATES' COURTS(a): OFFENCES CHARGED, STATES AND TERRITORIES, 1963 TO 1967(b)

State or Territory	1963	1964	1965	1966	1967
New South Wales . . . . .	323,501	341,351	341,171	338,808	336,746
Victoria . . . . .	290,332	303,096	323,644	307,465	318,172
Queensland(c) . . . . .	87,737	97,878	113,568	111,743	95,155
South Australia(c) . . . . .	67,372	64,401	71,468	83,080	98,588
Western Australia . . . . .	60,086	60,510	67,244	66,863	76,458
Tasmania . . . . .	34,728	31,702	36,535	37,624	36,550
Northern Territory . . . . .	(d)5,886	(d)6,581	(d)7,519	(d)7,961	10,336
Australian Capital Territory . . . . .	6,435	7,797	7,845	9,025	7,318
<b>Australia . . . . .</b>	<b>876,077</b>	<b>913,316</b>	<b>968,994</b>	<b>962,569</b>	<b>979,323</b>

(a) Includes Children's Courts, except for Northern Territory. (b) Excludes minor traffic offences settled without court appearance. (c) Year ended 30 June. (d) Excludes courts at Tennant Creek and Katherine.

Differences in the figures in the preceding table between States, and within a State over a period of time, are influenced by the large number of traffic offences and the arrangements which have been introduced at various times for dealing with them. Provision exists in the States and the Australian Capital Territory for settlement of parking and minor traffic offences by payment of fines without court appearance.

#### MINOR TRAFFIC OFFENCES SETTLED WITHOUT COURT APPEARANCES STATES AND A.C.T., 1963 TO 1967

State or Territory	1963	1964	1965	1966	1967
New South Wales . . . . .	389,395	381,058	400,459	464,122	411,447
Victoria . . . . .	170,590	181,479	229,478	313,529	343,432
Queensland(a) . . . . .	79,237	101,276	115,446	209,417	264,617
South Australia(a) . . . . .	183,684	198,943	121,535	240,359	240,014
Western Australia . . . . .	43,970	49,488	51,167	64,842	62,827
Tasmania . . . . .	34,394	38,555	40,917	50,914	45,081
Australian Capital Territory . . . . .	..	(b)1,419	5,145	3,949	10,132
<b>Total . . . . .</b>	<b>901,270</b>	<b>952,218</b>	<b>964,147</b>	<b>1,347,132</b>	<b>1,377,550</b>

(a) Year ended 30 June. (b) From 14 September 1964.



*Criminal proceedings—cases in which convictions were made.* Of the cases dealt with in magistrates' courts, the following tables show the number in which convictions were made.

**CASES AT MAGISTRATES' COURTS<sup>(a)</sup> IN WHICH CONVICTIONS WERE MADE, BY CLASS OF OFFENCE: STATES AND TERRITORIES, 1967<sup>(b)</sup>**

<i>Class of offence</i>	<i>N.S.W.</i>	<i>Vic.</i>	<i>Old (c)(d)</i>	<i>S.A. (e)</i>	<i>W.A.</i>	<i>Tas.</i>	<i>N.T.</i>	<i>A.C.T.</i>	<i>Aust.</i>
Against the person . . . .	4,021	3,764	853	564	974	422	224	93	10,915
Against property . . . .	30,685	22,983	5,917	4,605	9,225	2,720	582	773	77,490
Forgery and offences against the currency . . . .	1,103	608	19	11	8	136	12	29	1,926
Against good order . . . .	86,868	32,180	32,779	8,954	15,300	1,459	6,194	602	184,336
Other . . . . .	175,020	226,781	42,703	72,976	47,291	26,788	2,425	4,524	598,508
<b>Total . . . . .</b>	<b>297,697</b>	<b>286,316</b>	<b>82,271</b>	<b>87,110</b>	<b>72,798</b>	<b>31,525</b>	<b>9,437</b>	<b>6,021</b>	<b>873,175</b>

(a) Includes Children's Courts except for Northern Territory. (b) Excludes minor traffic offences settled without court appearances. (c) Year ended 30 June. (d) A person convicted on several counts at the one hearing is included only once.

**CASES AT MAGISTRATES' COURTS<sup>(a)</sup> IN WHICH CONVICTIONS WERE MADE STATES AND TERRITORIES, 1963 TO 1967<sup>(b)</sup>**

<i>State or Territory</i>	<i>1963</i>	<i>1964</i>	<i>1965</i>	<i>1966</i>	<i>1967</i>
New South Wales . . . . .	287,053	301,922	304,053	299,780	297,697
Victoria . . . . .	266,058	277,877	296,542	279,631	286,316
Queensland <sup>(c)(d)</sup> . . . . .	78,864	88,442	101,955	98,214	82,271
South Australia <sup>(c)</sup> . . . . .	57,189	55,408	62,238	71,694	87,110
Western Australia . . . . .	56,778	57,498	64,014	63,489	72,798
Tasmania . . . . .	29,945	26,686	31,256	32,414	31,525
Northern Territory . . . . .	(e)5,503	(e)6,166	(e)7,026	(e)7,402	9,437
Australian Capital Territory . . . . .	6,026	5,815	6,688	7,793	6,021
<b>Australia . . . . .</b>	<b>787,416</b>	<b>819,814</b>	<b>873,772</b>	<b>860,417</b>	<b>873,175</b>

(a) Includes Children's Courts except for Northern Territory. (b) Excludes minor traffic offences settled without court appearances. (c) Year ended 30 June. (d) A person convicted on several counts at the one hearing is included only once. (e) Excludes courts at Tennant Creek and Katherine.

*Criminal proceedings—cases in which convictions were made for drunkenness.* The numbers of cases in which convictions were recorded during each of the years 1963 to 1967 are given in the following table.

**DRUNKENNESS: CASES<sup>(a)</sup> IN WHICH CONVICTIONS WERE MADE, STATES AND TERRITORIES, 1963 TO 1967**

<i>State or Territory</i>	<i>1963</i>	<i>1964</i>	<i>1965</i>	<i>1966</i>	<i>1967</i>
New South Wales . . . . .	65,630	61,537	63,143	56,159	55,134
Victoria . . . . .	27,576	24,048	23,790	24,279	23,855
Queensland <sup>(b)</sup> . . . . .	28,580	30,924	29,224	28,791	29,530
South Australia <sup>(b)</sup> . . . . .	7,485	6,952	7,110	7,334	6,109
Western Australia . . . . .	7,294	7,910	8,288	9,033	10,722
Tasmania . . . . .	562	420	491	461	481
Northern Territory . . . . .	(c)1,730	(c)3,021	(c)3,938	(c)3,231	4,598
Australian Capital Territory . . . . .	237	331	401	377	313
<b>Australia . . . . .</b>	<b>139,094</b>	<b>135,143</b>	<b>136,385</b>	<b>129,665</b>	<b>130,742</b>

(a) Includes Children's Courts except for Northern Territory. (b) Year ended 30 June. (c) Excludes courts at Tennant Creek and Katherine.

*Civil proceedings.* Civil proceedings in the lower courts refer to those in 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. Statistics of civil proceedings in the lower courts are given on page 579.

### Higher (judges') courts

Higher courts are presided over by a judge, sometimes with a jury (*see* page 566). The general jurisdiction of the higher courts in the States and Territories, which for this purpose include District, County and Supreme Courts, includes appeals from the lower courts, cases of serious crime committed from lower courts, and civil cases involving common law, commercial causes, equity, etc. Under the *Matrimonial Causes Act* 1959–1966 of the Commonwealth, the Supreme Courts of the various States and Territories have exclusive jurisdiction in matrimonial causes, and under the *Bankruptcy Act* 1966–1968, the Supreme Courts of New South Wales, Queensland, Western Australia, Tasmania and the Northern Territory, and the Courts of Insolvency in Victoria and South Australia, can deal with bankruptcy cases.

Proceedings at higher courts include therefore criminal, civil, divorce, and bankruptcy proceedings. Separate details of each are given on pages 577–88.

An account of the methods adopted in each jurisdiction in connection with habitual offenders is given in Year Book No. 49, pages 668–9.

#### Capital punishment

There were eight executions in Australia during the period 1955 to 1968. Three took place in South Australia (in 1956, 1958 and 1964), four in Western Australia (one in 1960 and 1961, two in 1964) and one in Victoria in 1967. In each case the offence was murder.

Under *The Criminal Code Amendment Act* of 1922 capital punishment was abolished in Queensland. In New South Wales the Crimes Act was amended in 1955, abolishing capital punishment. The death penalty for piracy with violence is retained in the Piracy Punishment Act 1902. In Tasmania capital punishment was abolished in 1968 by an amendment to the Criminal Code. In the Australian Capital Territory the *Child Welfare Ordinance* 1957–1968 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 court of summary jurisdiction. 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, 0.7.

### Serious crime

#### Selected crime reported or becoming known to police

The tables on pages 575–6 show some details of certain categories of offences reported or becoming known to police. This series, which commenced in 1964, is derived from police records and is based, as far as possible, on definitions and procedural arrangements uniformly determined for all States. The following explanations are necessary in order to interpret the figures in this series.

*Number of offences reported or becoming known.* All incidents reported or becoming known to the police which are found to constitute offences within the scope of the crimes covered are included. Offences are shown as 'reported or becoming known' in the year during which it has been established that the incident constitutes a crime, not necessarily in the period when the incident occurred. However, the incident is included when the police are satisfied that a crime has been committed, even though it may be established in subsequent proceedings that no crime or a crime of a different nature was committed. As far as possible, the offences are recorded in respect of the State in which the incident occurred, regardless of which police force undertakes investigations or prosecutions, or where an arrest is made. In the case of homicide, assault, robbery, and rape, one offence is counted in respect of each victim, regardless of the number of offenders involved. In the case of breaking and entering, and fraud, etc., one offence is counted for each act or series of directly related acts occurring at the same time and place and under the same circumstances. Each motor vehicle stolen is counted as constituting a separate offence.

*Number of offences cleared.* An offence of the type included in this series is counted as 'cleared' when an information (charge, arrest or summons to appear) has been laid against at least one person involved. However, an offence may also be counted as 'cleared' without an information being laid. This may occur when the offender has received an official caution or has died, has committed suicide, has been committed to a mental institution, or is in another jurisdiction from which extradition is not desired or available, or is serving a sentence; or if there are other obstacles to prosecution, such

as diplomatic immunity or that the complainant refuses to prosecute. A clearance is always shown against the classification under which the offence was 'reported', regardless of the nature of the charge laid or changes in the description of an offence due to later information. The entries are made in respect of the year when the offence was 'cleared', whether or not the offence was 'reported' in that or an earlier year.

*Persons involved in crimes cleared.* This is the sum of the number of persons dealt with in each of the offences shown as 'cleared'. If more than one person is involved in the one offence, each person is counted. If the same person is involved in more than one offence cleared, he is counted separately for each offence. Persons involved are shown against the categories of offences to which an incident was originally allocated, regardless of the actual offences they are charged with. This basis of counting 'persons involved in offences cleared' was adopted to reveal trends in crime participation by persons in various age-groups. The figures in this series are not directly comparable with statistics of persons charged or convicted in court, or of cases brought before the courts; nor do these figures reveal the number of offenders in the community.

*Offences included in the statistics*

*Homicide.* Separate details are provided for murder, attempted murder (i.e. acts done with intent to murder) and manslaughter (unlawful killing other than murder), excluding manslaughter arising from motor traffic accidents.

*Serious assault.* These are assaults normally dealt with on indictment. Includes woundings, offences causing bodily harm, assaults with a weapon, etc., and attempts of this nature. Excludes sexual assault and robbery. *Uniform interpretation of this definition between States is especially difficult to effect.*

*Robbery.* Stealing anything, if at or immediately before or after the time of stealing the offender uses or threatens to use violence to any person or property in order to obtain the thing stolen, or to prevent or overcome resistance to its being stolen. Includes attempts of this nature.

*Rape.* Includes attempted rape and assault with intent to rape. Excludes unlawful carnal knowledge (i.e. where consent is given, but the girl is below the legal age of consent, etc.) and indecent assault.

*Breaking and entering.* Breaking and entering a building (or entering a building and breaking out) and committing or intending to commit a crime. Includes burglaries. Separate details are shown according to the type of building involved, namely, *dwellings* (including unoccupied dwellings, tents, caravans, etc., used as dwellings, and the residential parts of hotels, schools, etc.); *shops* (including kiosks, service stations, restaurants, bars, non-residential clubs, etc.); and *offices, factories and warehouses* (including parts of buildings, but excluding dwellings and shops used for such purposes). Includes attempts. From 1967 the figures exclude breakings involving property valued at \$100 or less.

*Motor vehicle thefts, illegal use, etc.* Includes all offences of illegal, unlawful or unauthorised use, use without consent, unlawfully assuming control, etc., no matter under which legislation these offences are prescribed. Excludes cases of 'interference', but includes attempts at illegal use. The number of stolen motor vehicles which are recovered is also shown.

*Fraud, forgery, false pretences.* Includes embezzlement, 'omit to account', misappropriation, fraudulent appropriation, conversion, larceny as bailee, falsification of accounts, company fraud, forgery, uttering, false pretences, passing of valueless cheques and offences by trustees. Includes attempts, but excludes imposition. As a general rule, offences are included only if there is an element of deception or trickery. Separate details are shown for *valueless cheque* offences (i.e. passing of valueless cheques, whether there is no account, insufficient funds or a false signature of the purported drawer of the cheque. However, this sub-group excludes cases where a genuine cheque is altered or the endorsement of the payee is forged. These cases are regarded as forgery and or uttering and included in 'other').

**Number of offences reported or becoming known to police**

The following table shows, for each State and Territory, the number of offences in each of the seven categories covered by this series which were reported or became known to police during the years 1964 to 1968.

**SELECTED CRIME REPORTED OR BECOMING KNOWN TO POLICE  
NUMBER OF OFFENCES, STATES AND TERRITORIES, 1964 TO 1968**

Category of crime	N.S.W.	Vic.	Qld	S.A.	W.A.	Tas.	N.T.	A.C.T.	Aust.
<b>Homicide—</b>									
1964 . . . . .	109	72	56	14	10	4	6	1	272
1965 . . . . .	111	81	34	14	13	7	6	5	271
1966 . . . . .	113	106	62	13	14	3	8	2	321
1967 . . . . .	139	57	47	25	7	7	17	1	300
1968 . . . . .	140	52	51	18	14	10	12	3	300
<b>Serious assault(a)—</b>									
1964 . . . . .	545	1,208	61	34	33	27	9	7	1,924
1965 . . . . .	484	1,243	49	53	13	19	13	21	1,895
1966 . . . . .	522	1,529	82	53	14	3	11	13	2,227
1967 . . . . .	547	1,338	119	71	20	11	39	13	2,158
1968 . . . . .	611	1,600	128	52	60	19	15	23	2,508
<b>Robbery—</b>									
1964 . . . . .	211	252	53	37	22	17	..	..	592
1965 . . . . .	283	302	72	32	17	18	1	5	730
1966 . . . . .	346	457	92	50	20	17	4	6	992
1967 . . . . .	386	395	79	51	21	18	5	5	960
1968 . . . . .	544	480	88	79	48	23	6	12	1,280
<b>Rape—</b>									
1964 . . . . .	91	94	33	21	6	11	2	4	262
1965 . . . . .	67	93	46	23	13	8	2	5	257
1966 . . . . .	72	107	38	16	7	2	8	1	251
1967 . . . . .	72	138	32	43	5	17	2	2	311
1968 . . . . .	95	168	34	43	5	7	7	4	363
<b>Breaking and entering (dwellings, shops, offices, etc.)—</b>									
1964 . . . . .									(b)39,695
1965 . . . . .									(b)46,626
1966 . . . . .									(b)56,841
1967(c) . . . . .	7,806	7,656	1,417	1,165	552	340	40	96	19,072
1968(c) . . . . .	11,026	8,069	1,841	1,181	883	422	54	86	23,562
<b>Motor vehicle theft, etc.—</b>									
1964 . . . . .	11,512	7,269	1,711	1,372	1,153	353	45	124	23,539
1965 . . . . .	12,214	6,967	1,792	1,472	1,141	424	83	192	24,285
1966 . . . . .	12,678	8,969	1,703	1,304	1,572	410	89	212	26,937
1967 . . . . .	12,558	8,348	1,544	1,701	1,707	603	119	211	26,791
1968 . . . . .	13,008	9,352	1,740	1,967	2,084	759	192	196	29,298
<b>Fraud, forgery, etc.—</b>									
1964 . . . . .	5,688	3,828	2,634	2,091	1,020	293	85	69	15,708
1965 . . . . .	6,311	4,132	3,331	1,617	1,075	371	104	258	17,199
1966 . . . . .	5,558	3,779	2,778	1,740	1,052	182	144	276	15,509
1967 . . . . .	5,438	3,367	2,872	2,185	1,256	292	143	270	15,823
1968 . . . . .	6,283	4,402	4,154	1,596	1,476	607	271	166	18,955

(a) See definition on page 574. (b) All reported breakings, etc. (c) Excludes offences involving property valued at \$100 or less.

**Crimes cleared and persons involved**

The tables which follow show, for the various categories of offences, the number of offences reported, the number cleared, and the number of persons involved according to age and sex. Subdivisions of the categories homicide, breaking and entering, and fraud, etc., are provided. See pages 573-4 for definitions used and the bases on which these statistics are prepared.

**HOMICIDE: CRIMES REPORTED OR BECOMING KNOWN, CRIMES CLEARED AND PERSONS INVOLVED, AUSTRALIA, 1966 TO 1968**

	Murder			Attempted murder			Manslaughter			All homicide		
	1966	1967	1968	1966	1967	1968	1966	1967	1968	1966	1967	1968
Number reported or becoming known . . . . .	163	137	143	129	127	114	29	36	43	321	300	300
Number cleared . . . . .	149	127	140	121	116	105	29	36	42	299	279	287
Persons involved in crimes cleared—												
Aged(a)—												
16 years and under . . . . .	6	4	7	10	3	8	2	2	..	18	9	15
17 and 18 years . . . . .	9	7	10	7	4	6	3	2	2	19	13	18
19 and 20 years . . . . .	12	7	12	10	7	8	3	2	6	25	16	26
21 years and over . . . . .	134	121	136	101	104	98	27	31	38	262	256	272
Total persons involved . . . . .	161	139	165	128	118	120	35	37	46	(b)324	(b)294	(b)331

(a) Age last birthday at time of clearance. (b) Includes 41 females in 1966, 46 in 1967, and 44 in 1968.

**SERIOUS ASSAULT, ROBBERY, RAPE: CRIMES REPORTED OR BECOMING KNOWN,  
CRIMES CLEARED, AND PERSONS INVOLVED, AUSTRALIA, 1966 TO 1968**

	Serious assault			Robbery			Rape		
	1966	1967	1968	1966	1967	1968	1966	1967	1968
Number reported or becoming known . . . . .	2,227	2,158	2,508	992	960	1,280	251	311	363
Number cleared . . . . .	1,838	1,748	1,987	424	425	459	205	228	281
Persons involved in crimes cleared—									
Aged(a)—									
16 years and under . . . . .	150	111	156	110	108	105	38	22	48
17 and 18 years . . . . .	271	238	267	136	161	160	89	111	99
19 and 20 years . . . . .	345	271	271	118	121	164	79	90	99
21 years and over . . . . .	1,363	1,365	1,501	335	306	411	124	205	187
Total persons involved . . . . .	(b)2,129	(b)1,985	(b)2,195	(c)699	(c)696	(c)840	330	428	433

(a) Age last birthday at time of clearance. (b) Includes 114 females in 1966, 85 in 1967, and 106 in 1968. (c) Includes 35 females in 1966, 26 in 1967, and 38 in 1968.

**BREAKING AND ENTERING: CRIMES REPORTED OR BECOMING KNOWN, CRIMES  
CLEARED, AND PERSONS INVOLVED, AUSTRALIA, 1966 TO 1968**

	Dwellings			Shops			Offices and warehouses			Total		
	1966 (a)	1967 (b)	1968 (b)	1966 (a)	1967 (b)	1968 (b)	1966 (a)	1967 (b)	1968 (b)	1966 (a)	1967 (b)	1968 (b)
Number reported or becoming known . . . . .	22,186	8,205	11,434	18,743	6,030	6,585	15,912	4,837	5,543	56,841	19,072	23,562
Number cleared . . . . .	5,954	1,738	2,221	4,788	1,367	1,354	3,924	983	1,057	14,666	4,088	4,632
Persons involved in crimes cleared—												
Aged(c)—												
16 years and under . . . . .	4,023	602	893	3,144	506	452	3,065	276	410	10,232	1,384	1,755
17 and 18 years . . . . .	1,325	416	394	1,573	387	400	850	189	239	3,748	992	1,033
19 and 20 years . . . . .	808	417	326	997	438	343	570	210	224	2,375	1,065	893
21 years and over . . . . .	2,251	1,086	1,427	2,430	874	928	1,888	831	731	6,569	2,791	3,086
Total persons involved . . . . .	8,407	2,521	3,040	8,144	2,205	2,123	6,373	1,506	1,604	(d)22,924	(d)6,232	(d)6,767

(a) All reported offences. (b) Excludes offences involving property valued at \$100 or less. (c) Age last birthday at time of clearance. (d) Includes 447 females in 1966, 195 in 1967, and 174 in 1968.

**MOTOR VEHICLE THEFT, ETC., FRAUD, ETC.: CRIMES REPORTED OR BECOMING  
KNOWN, CRIMES CLEARED, AND PERSONS INVOLVED, AUSTRALIA, 1966 TO 1968**

	Motor vehicles theft, etc.			Fraud, forgery, false pretences						All frauds, etc.		
	1966	1967	1968	Valueless cheques			Other			1966	1967	1968
Number reported or becoming known . . . . .	26,937	26,791	29,298	7,277	7,127	7,787	8,232	8,696	11,168	15,509	15,823	18,955
Number cleared . . . . .	5,640	6,039	6,218	5,739	5,063	5,784	7,483	7,681	9,935	13,222	12,744	15,719
Persons involved in crimes cleared—												
Males aged (a)—												
16 years and under . . . . .	3,535	3,774	3,747	76	69	105	344	219	186	420	288	291
17 and 18 years . . . . .	2,559	2,413	2,298	186	146	186	251	258	235	437	404	421
19 and 20 years . . . . .	1,181	1,168	1,165	266	387	242	409	260	496	675	647	738
21 years and over . . . . .	1,696	1,799	1,944	4,635	4,034	4,810	5,146	4,777	7,565	9,781	8,811	12,375
Total males . . . . .	8,971	9,154	9,154	5,163	4,636	5,343	6,150	5,514	8,482	11,313	10,150	13,825
Females aged(a)—												
16 years and under . . . . .	80	68	57	16	1	22	144	127	83	160	128	105
17 and 18 years . . . . .	38	21	39	39	60	26	205	143	140	244	203	166
19 and 20 years . . . . .	19	20	58	97	46	23	252	343	475	349	389	498
21 years and over . . . . .	26	18	95	544	621	590	876	1,902	1,065	1,420	2,523	1,655
Total females . . . . .	163	127	249	696	728	661	1,477	2,515	1,763	2,173	3,243	2,424
Total persons involved . . . . .	9,134	9,281	9,403	5,859	5,364	6,004	7,627	8,029	10,245	13,486	13,393	16,249

(a) Age last birthday at time of clearance.

The number of stolen motor vehicles recovered was: 1966, 24,490; 1967, 24,701; 1968, 27,191.

**Convictions for serious crime at lower (magistrates') courts**

The figures given in the tables on page 572 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 the years 1963 to 1967 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.

**CONVICTIONS FOR SERIOUS CRIME<sup>(a)</sup> AT MAGISTRATES' COURTS<sup>(b)</sup>: STATES AND TERRITORIES, 1963 TO 1967**

<i>State or Territory</i>	<i>1963</i>	<i>1964</i>	<i>1965</i>	<i>1966</i>	<i>1967</i>
New South Wales . . . . .	32,656	31,826	34,585	34,911	35,809
Victoria . . . . .	21,540	23,131	23,785	25,804	27,355
Queensland <sup>(c)(d)</sup> . . . . .	5,768	5,707	6,160	6,900	6,789
South Australia <sup>(c)</sup> . . . . .	3,727	4,145	4,813	5,085	5,180
Western Australia . . . . .	8,450	8,017	7,991	9,357	10,207
Tasmania . . . . .	1,570	2,122	3,670	3,285	3,278
Northern Territory . . . . .	(e)591	(e)469	(e)627	(e)647	818
Australian Capital Territory . . . . .	492	480	627	761	895
<b>Australia . . . . .</b>	<b>74,794</b>	<b>75,897</b>	<b>82,258</b>	<b>86,750</b>	<b>90,331</b>

(a) Offences against the person, offences against property, forgery, and offences against the currency. (b) Includes Children's Courts except for Northern Territory. (c) Year ended 30 June. (d) A person convicted on several counts at the one hearing is included only once. (e) Excludes courts at Tennant Creek and Katherine.

**Committals to higher (judges') courts**

**COMMITTALS TO HIGHER COURTS<sup>(a)</sup>, BY CLASS OF OFFENCE: STATES AND TERRITORIES, 1967**

<i>Class of offence</i>	<i>N.S.W.</i>	<i>Vic.</i>	<i>Old (b)(c)</i>	<i>S.A. (b)</i>	<i>W.A.</i>	<i>Tas.</i>	<i>N.T.</i>	<i>A.C.T.</i>	<i>Aust.</i>
Against the person . . . . .	1,500	1,128	398	274	96	119	44	45	3,604
Against property . . . . .	6,016	3,056	1,184	396	455	399	93	105	11,704
Forgery and offences against the currency . . . . .	221	561	10	25	36	19	29	13	914
Against good order . . . . .	180	82	12	10	15	3	..	..	302
Other . . . . .	37	828	7	8	7	9	10	7	913
<b>Total . . . . .</b>	<b>7,954</b>	<b>5,655</b>	<b>1,611</b>	<b>713</b>	<b>609</b>	<b>549</b>	<b>176</b>	<b>170</b>	<b>17,437</b>

(a) Includes committals from Children's Court except for Northern Territory. (b) Year ended 30 June. (c) A person committed on several counts at the one hearing is included only once.

**COMMITTALS TO HIGHER COURTS<sup>(a)</sup>: STATES AND TERRITORIES, 1963 TO 1967**

<i>State or Territory</i>	<i>1963</i>	<i>1964</i>	<i>1965</i>	<i>1966</i>	<i>1967</i>
New South Wales . . . . .	8,538	7,575	7,908	8,758	7,954
Victoria . . . . .	5,306	5,343	4,745	5,308	5,655
Queensland <sup>(b)(c)</sup> . . . . .	1,354	1,270	1,477	1,614	1,611
South Australia <sup>(b)</sup> . . . . .	600	602	753	737	713
Western Australia . . . . .	544	474	515	523	609
Tasmania . . . . .	705	610	414	486	549
Northern Territory . . . . .	(d)107	(d)65	(d)169	(d)127	176
Australian Capital Territory . . . . .	92	177	224	137	170
<b>Australia . . . . .</b>	<b>17,246</b>	<b>16,116</b>	<b>16,205</b>	<b>17,690</b>	<b>17,437</b>

(a) Includes committals from the Children's Court except for Northern Territory. (b) Year ended 30 June. (c) A person committed on several counts at the one hearing is included only once. (d) Excludes courts at Tennant Creek and Katherine.

## Persons convicted at higher (judges') courts

PERSONS CONVICTED<sup>(a)</sup> AT HIGHER COURTS, BY NATURE OF OFFENCE: STATES AND TERRITORIES, 1967

Offence	N.S.W.	Vic.	Qld (b)	S.A.	W.A.	Tas.	N.T.	A.C.T.	Aust.
Against the person—									
Murder . . . . .	15	8	8	1	1	..	1	..	34
Attempted murder . . . . .	3	1	3	2	2	..	..	..	11
Manslaughter(c) . . . . .	24	22	19	9	8	1	3	1	87
Culpable driving . . . . .	39	..	22	1	..	6	..	2	70
Rape . . . . .	35	17	26	10	9	5	..	..	102
Other offences against females	302	254	98	163	9	60	6	12	904
Abduction . . . . .	2	7	1	1	..	..	..	..	11
Unnatural offences . . . . .	73	51	11	16	7	17	3	5	183
Abortion and attempt to procure	1	..	..	1	2	1	..	..	5
Bigamy . . . . .	8	2	..	..	1	..	..	..	11
Malicious wounding and aggravated assault	135	46	53	18	..	9	5	5	271
Common assault . . . . .	56	22	1	2	24	3	4	1	113
Other offences against the person	6	47	2	1	..	..	..	..	56
<i>Total, against the person</i> . . . . .	<i>699</i>	<i>477</i>	<i>244</i>	<i>225</i>	<i>63</i>	<i>102</i>	<i>22</i>	<i>26</i>	<i>1,858</i>
Against property—									
Burglary, breaking and entering . . . . .	1,298	372	684	358	211	82	25	19	3,049
Robbery and stealing from the person	143	107	33	14	10	49	1	..	357
Embezzlement and larceny by servants	87	43	8	7	17	1	..	2	165
Other larceny(d) . . . . .	604	214	204	19	5	..	5	14	1,065
Receiving . . . . .	117	55	43	4	9	3	..	3	234
Fraud and false pretences . . . . .	81	36	3	19	26	8	2	2	177
Arson . . . . .	2	18	12	1	..	3	..	..	36
Malicious damage . . . . .	25	18	4	..	..	..	5	..	52
Other offences against property . . . . .	7	1	16	..	2	..	..	1	27
<i>Total, against property</i> . . . . .	<i>2,364</i>	<i>864</i>	<i>1,007</i>	<i>422</i>	<i>280</i>	<i>146</i>	<i>38</i>	<i>41</i>	<i>5,162</i>
Forgery and offences against the currency	24	76	10	21	7	4	4	2	148
Against good order . . . . .	2	21	11	..	1	..	1	..	36
Other . . . . .	37	348	7	39	6	2	..	..	439
<b>Grand total</b> . . . . .	<b>3,126</b>	<b>1,786</b>	<b>1,279</b>	<b>707</b>	<b>357</b>	<b>254</b>	<b>65</b>	<b>69</b>	<b>7,643</b>

(a) A person convicted on several counts at the one hearing is classified according to the most serious offence and is included only once. (b) Year ended 30 June. (c) Includes causing death by dangerous driving. (d) Includes unlawfully using vehicles.

PERSONS CONVICTED<sup>(a)</sup> AT HIGHER COURTS: STATES AND TERRITORIES, 1963 TO 1967

State or Territory	1963	1964	1965	1966	1967
New South Wales . . . . .	2,907	2,689	2,900	3,201	3,126
Victoria . . . . .	1,946	1,793	1,618	1,725	1,786
Queensland(b) . . . . .	1,187	1,134	1,201	1,330	1,279
South Australia . . . . .	745	629	713	738	707
Western Australia . . . . .	313	259	315	302	357
Tasmania . . . . .	293	172	170	204	254
Northern Territory . . . . .	56	41	76	58	65
Australian Capital Territory . . . . .	51	66	85	67	69
<b>Australia</b> . . . . .	<b>7,498</b>	<b>6,783</b>	<b>7,078</b>	<b>7,625</b>	<b>7,643</b>

(a) See note (a) above. (b) Year ended 30 June.

## Civil cases

The statistics in the two tables in this section are influenced by factors which affect comparability between States and between courts. The total number of plaintiffs entered and amounts awarded plaintiffs in the lower courts during 1967 are shown in the following table.

## CIVIL CASES AT LOWER COURTS: STATES AND TERRITORIES, 1967

		<i>N.S.W.</i>	<i>Vic.</i>	<i>Qld</i> (a)	<i>S.A.</i>	<i>W.A.</i>	<i>Tas.</i>	<i>N.T.</i>	<i>A.C.T.</i>	<i>Aust.</i>
Plaints entered	number	165,941	204,336	56,759	96,145	55,559	38,276	3,142	6,772	626,930
Amounts awarded to plaintiffs	\$'000	5,628	17,050	3,818	4,767	2,822	1,314	179	295	35,873

(a) Year ended 30 June.

The following table shows the civil judgments (excluding those for divorce and bankruptcy) in the higher courts during 1967. The particulars given below include the number and amount of judgments entered by default or confession or agreement.

## CIVIL CASES AT HIGHER COURTS: STATES AND TERRITORIES, 1967

		<i>N.S.W.</i> (a)	<i>Vic.</i>	<i>Qld</i> (b)	<i>S.A.</i>	<i>W.A.</i> (c)	<i>Tas.</i>	<i>N.T.</i>	<i>A.C.T.</i>	<i>Aust.</i>
Judgments	number	50,197	9,437	838	182	633	n.a.	n.a.	692	n.a.
Amounts awarded	\$'000	n.a.	7,617	4,210	1,383	5,770	n.a.	n.a.	1,563	n.a.

(a) Excludes Common Law Jurisdiction. (b) Year ended 30 June. (c) Judgments signed and entered.

## Transactions of the High Court

## TRANSACTIONS OF THE HIGH COURT OF AUSTRALIA, 1967 AND 1968

<i>Original jurisdiction</i> (a)	1967	1968	<i>Appellate jurisdiction</i>	1967	1968
Number of writs issued . . . . .	74	98	Number of appeals set down for hearing . . . . .	114	89
Number of causes entered for trial . . . . .	46	43	Number allowed . . . . .	27	49
Judgments for plaintiffs . . . . .	6	7	Number dismissed . . . . .	67	70
Judgments for defendants . . . . .	7	3	Otherwise disposed of . . . . .	25	20
Otherwise disposed of . . . . .	19	21			
Amounts of judgments . . . . .	\$74,175	\$441,760			

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

During 1967 and 1968, respectively, the High Court dealt also with the following: appeals from assessments under the Taxation Assessment Acts, 55, 19; special cases stated for the opinion of the Full Court, 4, 6; applications for prohibition, etc., 15, 5. The fees collected amounted to \$7,327 in 1967 and \$16,764 in 1968.



## Divorce and other matrimonial causes

### 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.

### Divorce and other matrimonial proceedings in higher courts

A marriage may be terminated by a Supreme Court of a State or Territory, under powers vested in these courts by Commonwealth legislation, 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 the Commonwealth *Matrimonial Causes Act* 1959 came into operation each State was primarily responsible for legislation relating to matrimonial causes. 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 Matrimonial Causes Act was passed, and it came into force on 1 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.

### Matrimonial Causes Act 1959-1966

Under this Act a decree for the dissolution of marriage may be granted on one or more of fourteen grounds, which include adultery, desertion, separation for five years in certain circumstances, cruelty, drunkenness, and 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 under the Act. 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 necessaries supplied to her if he has failed to pay maintenance 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 Act provides for financial grants to approved marriage guidance organisations 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.

### 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 and Territory during 1968.

PETITIONS FILED FOR DISSOLUTION OF MARRIAGE, NULLITY OF MARRIAGE AND JUDICIAL SEPARATION: STATES AND TERRITORIES, 1968

Petition for—	N.S.W.	Vic.	Qld	S.A.	W.A.	Tas.	N.T.	A.C.T	Aust.
<b>Dissolution of marriage—</b>									
Husband petitioner . . .	2,025	1,112	609	422	485	197	33	63	4,946
Wife petitioner . . .	3,533	1,659	855	764	510	208	26	118	7,673
Total . . .	5,558	2,771	1,464	1,186	995	405	59	181	12,619
<b>Nullity of marriage—</b>									
Husband petitioner . . .	7	5	2	..	2	1	..	1	18
Wife petitioner . . .	21	5	4	5	3	1	..	2	41
Total . . .	28	10	6	5	5	2	..	3	59
<b>Dissolution or nullity—</b>									
Husband petitioner . . .	1	6	..	..	..	..	..	..	7
Wife petitioner . . .	4	10	4	1	..	..	..	..	19
Total . . .	5	16	4	1	..	..	..	..	26
<b>Judicial separation—</b>									
Wife petitioner . . .	7	6	6	8	3	1	..	6	37
Total . . .	7	6	6	8	3	1	..	6	37
<b>Dissolution or judicial separation—</b>									
Wife petitioner . . .	..	..	..	1	..	..	..	..	1
Total . . .	..	..	..	1	..	..	..	..	1
<b>Total petitions—</b>									
Husband petitioner . No.	2,033	1,123	611	422	487	198	33	64	4,971
per cent	36	40	41	35	49	49	(a)	(a)	39
Wife petitioner . No.	3,565	1,680	869	779	516	210	26	126	7,771
per cent	64	60	59	65	51	51	(a)	(a)	61
Grand total . . .	5,598	2,803	1,480	1,201	1,003	408	59	190	12,742

(a) Percentages not shown because of small number of cases involved.

Number of decrees granted

The following table shows the number of dissolutions of marriage, nullities of marriage and judicial separations granted in each State and Territory during 1968 classified according to petitioner.

DISSOLUTIONS OF MARRIAGE, NULLITIES OF MARRIAGE AND JUDICIAL SEPARATIONS GRANTED: STATES AND TERRITORIES, 1968

Decree for—	N.S.W.	Vic.	Qld	S.A.	W.A.	Tas.	N.T.	A.C.T.	Aust.
<b>Dissolution of marriage(a)—</b>									
Husband petitioner . . .	1,756	1,048	467	336	365	153	14	52	4,191
Wife petitioner . . .	3,122	1,465	668	579	447	149	9	97	6,536
Petition by both . . .	2	2	..	..	..	..	..	..	4
Total . . .	4,880	2,515	1,135	915	812	302	23	149	10,731
<b>Nullity of marriage(b)—</b>									
Husband petitioner . . .	10	4	1	2	..	1	..	..	18
Wife petitioner . . .	14	6	3	2	..	..	..	1	26
Total . . .	24	10	4	4	..	1	..	1	44
<b>Judicial separation—</b>									
Wife petitioner . . .	7	..	1	3	..	..	..	3	14
Total . . .	7	..	1	3	..	..	..	3	14
<b>Total decrees—</b>									
Husband petitioner . No.	1,766	1,052	468	338	365	154	14	52	4,209
per cent	36	42	41	37	45	51	(c)	(c)	39
Wife petitioner . No.	3,143	1,471	672	584	447	149	9	101	6,576
per cent	64	58	59	63	55	49	(c)	(c)	61
Petition by both . No.	2	2	..	..	..	..	..	..	4
Grand total . . .	4,911	2,525	1,140	922	812	303	23	153	10,789

(a) Decrees absolute. (b) Final decrees. (c) Percentages not shown because of small number of cases involved.

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 1964 to 1968.

**DISSOLUTIONS OF MARRIAGE, NULLITIES OF MARRIAGE AND JUDICIAL SEPARATIONS GRANTED: STATES AND TERRITORIES, 1964 TO 1968**

<i>State or Territory</i>	<i>1964</i>	<i>1965</i>	<i>1966</i>	<i>1967</i>	<i>1968</i>
<b>DISSOLUTIONS OF MARRIAGE(a)</b>					
New South Wales . . . . .	3,024	3,440	4,515	4,555	4,880
Victoria . . . . .	2,130	2,089	2,131	2,039	2,515
Queensland . . . . .	981	1,052	1,031	1,074	1,135
South Australia . . . . .	887	852	1,069	929	915
Western Australia . . . . .	542	604	637	726	812
Tasmania . . . . .	229	279	317	248	302
Northern Territory . . . . .	31	41	58	20	23
Australian Capital Territory . . . . .	93	134	101	97	149
<i>Australia</i> . . . . .	<i>7,917</i>	<i>8,491</i>	<i>9,859</i>	<i>9,688</i>	<i>10,731</i>
<b>NULLITIES OF MARRIAGE(b)</b>					
New South Wales . . . . .	14	14	19	17	24
Victoria . . . . .	19	13	11	15	10
Queensland . . . . .	5	3	7	6	4
South Australia . . . . .	3	3	9	9	4
Western Australia . . . . .	2	2	3	1	..
Tasmania . . . . .	1	..	1	..	1
Northern Territory . . . . .	..	..	..	..	..
Australian Capital Territory . . . . .	..	..	..	2	1
<i>Australia</i> . . . . .	<i>44</i>	<i>35</i>	<i>50</i>	<i>50</i>	<i>44</i>
<b>JUDICIAL SEPARATIONS</b>					
New South Wales . . . . .	3	1	4	2	7
Victoria . . . . .	2	1	2	..	..
Queensland . . . . .	..	4	1	3	1
South Australia . . . . .	..	..	2	3	3
Western Australia . . . . .	1	..	..	..	..
Tasmania . . . . .	..	1	1	..	..
Northern Territory . . . . .	..	..	..	..	..
Australian Capital Territory . . . . .	..	1	2	..	3
<i>Australia</i> . . . . .	<i>6</i>	<i>8</i>	<i>12</i>	<i>8</i>	<i>14</i>
<b>TOTAL DECREES GRANTED</b>					
<i>Australia</i> . . . . .	<i>7,967</i>	<i>8,534</i>	<i>9,921</i>	<i>9,746</i>	<i>10,789</i>

(a) Decrees absolute. (b) Final decrees.

The ten-year averages of the numbers of decrees (i.e. dissolutions, nullities and judicial separations) granted annually in Australia for the 80 years from 1881 to 1960 are as follows:

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

**Grounds on which decrees were granted**

The grounds on which dissolutions of marriage, nullities of marriage and judicial separations were granted in each State and Territory during 1968 are shown in the following table.

DISSOLUTIONS OF MARRIAGE, NULLITIES OF MARRIAGE AND JUDICIAL SEPARATIONS GRANTED: GROUNDS, STATES AND TERRITORIES, 1968

Ground	N.S.W.	Vic.	Qld	S.A.	W.A.	Tas.	N.T.	A.C.T.	Aust.
<b>DISSOLUTIONS OF MARRIAGE</b>									
<b>Single grounds—</b>									
Desertion . . . . .	2,327	1,221	559	339	255	113	7	42	4,863
Adultery . . . . .	1,032	674	198	264	301	85	5	52	2,611
Separation . . . . .	765	512	254	137	204	69	4	14	1,959
Cruelty . . . . .	400	36	68	114	22	6	1	23	670
Drunkenness . . . . .	75	19	25	19	9	2	..	1	150
Failure to pay maintenance	3	..	..	..	7	..	..	..	10
Non-compliance with restitution decree . . . . .	2	..	..	1	1	..	..	1	5
Refusal to consummate . . . . .	17	15	3	3	..	..	..	1	39
Insanity . . . . .	2	2	1	3	..	..	..	..	7
Frequent convictions . . . . .	8	6	1	2	1	..	..	..	18
Other single grounds . . . . .	10	6	3	..	1	1	..	..	21
<b>Dual grounds—</b>									
Desertion and adultery . . . . .	40	7	10	3	4	4	..	..	68
Desertion and separation . . . . .	42	4	4	19	1	15	3	..	88
Desertion and cruelty . . . . .	35	3	..	1	2	1	1	1	44
Desertion and drunkenness . . . . .	11	1	1	3	..	..	..	..	16
Desertion and failure to pay maintenance . . . . .	4	1	..	..	1	..	..	..	6
Desertion and other . . . . .	2	2	..	..	..	1	..	..	5
Adultery and cruelty . . . . .	6	1	2	2	..	..	..	1	12
Adultery and other . . . . .	..	..	..	..	..	2	1	..	3
Separation and refusal to consummate . . . . .	..	..	1	..	..	..	..	..	1
Cruelty and drunkenness . . . . .	87	5	6	4	3	2	1	10	118
Cruelty and other . . . . .	2	..	..	..	..	..	..	..	2
Other dual grounds . . . . .	2	..	..	..	..	..	..	..	2
Three grounds or more . . . . .	8	..	..	1	..	1	..	3	13
<b>Total . . . . .</b>	<b>4,880</b>	<b>2,515</b>	<b>1,135</b>	<b>915</b>	<b>812</b>	<b>302</b>	<b>23</b>	<b>149</b>	<b>10,731</b>

NULLITIES OF MARRIAGE

Bigamy . . . . .	13	2	1	1	..	..	..	1	18
Invalid marriage . . . . .	..	..	1	1	..	..	..	..	2
Incapacity to consummate . . . . .	10	8	2	2	..	1	..	..	23
Unsound mind . . . . .	1	..	..	..	..	..	..	..	1
<b>Total . . . . .</b>	<b>24</b>	<b>10</b>	<b>4</b>	<b>4</b>	<b>..</b>	<b>1</b>	<b>..</b>	<b>1</b>	<b>44</b>

JUDICIAL SEPARATIONS

Desertion . . . . .	1	..	..	3	..	..	..	..	1
Adultery . . . . .	4	..	..	3	..	..	..	1	8
Cruelty . . . . .	2	..	..	..	..	..	..	..	2
Desertion and adultery . . . . .	..	..	..	..	..	..	..	1	1
Cruelty and drunkenness . . . . .	..	..	1	..	..	..	..	1	2
<b>Total . . . . .</b>	<b>7</b>	<b>..</b>	<b>1</b>	<b>3</b>	<b>..</b>	<b>..</b>	<b>..</b>	<b>3</b>	<b>14</b>

TOTAL DECREES GRANTED

<b>Grand total . . . . .</b>	<b>4,911</b>	<b>2,525</b>	<b>1,140</b>	<b>922</b>	<b>812</b>	<b>303</b>	<b>23</b>	<b>153</b>	<b>10,789</b>
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## Ages of husband and wife at time of marriage

The following table shows the *ages at time of marriage* of husbands and wives who were parties to marriages dissolved in 1968.

**DISSOLUTIONS, BY AGES OF PARTIES AT TIME OF MARRIAGE  
AUSTRALIA, 1968**

Age of husband (years)	Age of wife (years)										60 and over	Not stated	Total hus- bands
	Under 20	20-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59				
Under 20	771	154	14	1	..	..	..	..	..	..	..	..	940
20-24	2,285	2,654	285	39	11	4	1	..	..	..	..	..	5,279
25-29	542	1,348	524	111	35	4	2	2	..	..	..	1	2,569
30-34	118	359	252	145	57	19	2	..	..	..	..	1	953
35-39	22	100	107	81	82	31	12	1	1	..	..	..	437
40-44	4	32	38	52	42	46	11	8	1	..	..	..	234
45-49	3	12	11	23	28	34	25	7	1	1	..	..	145
50-54	1	1	9	10	12	15	15	9	6	..	..	..	78
55-59	..	1	1	1	4	12	7	18	5	..	..	..	49
60 and over	..	..	1	1	2	3	7	7	10	16	..	..	47
Not stated	..	..	..	..	..	..	..	..	..	..	..	..	..
Total wives	3,746	4,661	1,242	464	273	168	82	52	24	17	2	10,731	

## Ages of husband and wife at time of dissolution of marriage

The following table shows the *ages at the time the decree became absolute* of husbands and wives who were parties to marriages dissolved in 1968.

**DISSOLUTIONS, BY AGES OF PARTIES AT TIME OF DISSOLUTION OF MARRIAGE  
AUSTRALIA, 1968**

Age of husband (years)	Age of wife (years)										60 and over	Not stated	Total hus- bands
	Under 20	20-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59				
Under 20	..	1	..	..	..	..	..	..	..	..	..	..	1
20-24	9	293	38	3	..	..	..	..	..	..	..	..	343
25-29	3	618	954	68	12	1	1	..	..	..	..	..	1,657
30-34	..	121	853	724	88	16	2	3	..	..	1	..	1,808
35-39	..	16	207	665	644	123	21	5	3	1	1	..	1,686
40-44	..	4	48	205	623	602	154	15	5	3	..	..	1,659
45-49	..	1	18	53	182	547	469	100	23	4	..	..	1,397
50-54	..	1	6	9	45	152	350	314	63	13	..	..	953
55-59	..	..	3	9	19	63	120	207	176	40	1	..	638
60 and over	..	..	2	2	5	11	60	110	143	256	..	..	589
Not stated	..	..	..	..	..	..	..	..	..	..	..	..	..
Total wives	12	1,055	2,129	1,738	1,618	1,515	1,177	754	413	318	2	10,731	

Duration of marriages dissolved and number of children

The following table shows the number of dissolutions of marriage granted in 1968, 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.

DISSOLUTIONS, BY DURATION OF MARRIAGES DISSOLVED AND NUMBER OF CHILDREN: AUSTRALIA, 1968

Duration of marriage (years)	Dissolutions of marriages with											Total dissolutions of marriage	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
Under 1 year	1	..	..	..	..	..	..	..	..	..	..	..	1	..
1 year and under	2	19	5	..	1	..	..	..	..	..	..	..	25	8
2 years and under	3	71	8	2	..	..	..	..	..	..	..	..	81	12
3	4	143	50	12	1	1	..	..	..	..	..	..	207	81
4	5	322	170	36	13	1	1	..	..	..	..	..	543	290
5	6	313	256	78	12	2	3	..	..	..	..	..	664	471
6	7	274	211	123	23	3	..	2	1	..	..	..	637	557
7	8	228	231	163	42	5	3	..	..	..	..	..	672	718
8	9	165	164	169	49	8	1	..	..	..	..	..	556	686
9	10	149	131	142	53	14	6	..	..	..	..	..	495	660
10	11	132	127	124	70	21	2	1	..	..	..	..	477	685
11	12	105	114	132	59	17	5	..	1	..	..	..	433	656
12	13	94	92	119	69	28	13	1	..	..	..	..	416	720
13	14	84	78	117	79	39	8	4	1	..	..	..	410	776
14	15	79	70	119	73	33	18	2	..	..	..	..	394	761
15	16	79	56	109	86	29	11	4	2	1	..	..	377	749
16	17	63	57	98	73	39	12	8	1	1	..	..	352	751
17	18	59	68	87	67	35	10	5	1	1	..	..	333	678
18	19	54	61	87	58	28	7	5	4	1	..	..	305	622
19	20	51	62	82	67	28	9	8	4	..	..	..	311	660
20	21	66	50	96	66	36	17	6	2	2	..	..	341	735
21	25	215	223	296	182	111	35	14	6	..	1	1	1,085	2,136
25	30	382	235	157	68	26	2	3	4	..	..	..	877	913
30	35	311	81	38	5	5	..	..	..	..	..	..	440	192
35	40	149	21	2	3	1	..	..	..	..	..	..	176	38
40	45	81	2	1	..	..	..	..	..	..	..	..	84	4
45	over	38	..	1	..	..	..	..	..	..	..	..	39	2
Total dissolutions of marriage	3,727	2,623	2,390	1,219	510	163	63	26	7	1	1	1	10,731	..
Total children(a)	..	2,623	4,780	3,657	2,040	815	378	182	56	9	10	11	..	14,561

(a) The term 'children' refers to 'children of the marriage' as defined in the Matrimonial Causes Act 1959, living and under 21 years at the time of petition.

Ages of children of dissolved marriages

The following table shows the ages of children of marriages dissolved in 1968. The children referred to are those under twenty-one years of age at the time of petition.

CHILDREN OF DISSOLVED MARRIAGES(a), BY AGE AT TIME OF PETITION AUSTRALIA, 1968

Petitioner	Ages 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
Husband	33	88	188	292	320	321	332	331	307	301	277	279	259	253	252	231	973	2	5,039
Wife	67	180	373	536	645	611	640	617	579	565	553	537	491	482	445	438	1,755	1	9,515
Petitions of both	..	1	1	..	..	1	..	1	..	1	..	..	..	..	1	..	1	..	7
Total	100	269	562	828	965	933	972	949	886	867	830	816	750	735	698	669	2,729	3	14,561

(a) See footnote (a) to preceding table.

### Number of divorced persons at each census, 1911 to 1966

The following table shows the number and proportion of divorced persons in Australia as recorded from returns supplied at each census from 1911 to 1966. A classification of divorced persons by ages for the censuses from 1891 to 1947 appeared in earlier issues of the Year Book (*see* No. 39, page 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, 1911 TO 1966

Sex	Number							Number per 10,000 of males or females 15 years of age and over						
	1911	1921	1933	1947	1954	1961	1966	1911	1921	1933	1947	1954	1961	1966
Males	2,368	4,233	10,298	25,052	32,389	38,640	42,885	15	23	42	89	100	105	105
Females	2,140	4,304	10,888	27,516	36,650	43,339	51,143	15	24	46	96	115	119	125

### Bankruptcy

Particulars of bankruptcy in each State to the end of 1927 were incorporated in issues of the Year Book before No. 23. On 1 August 1928 the first Bankruptcy Act of the Commonwealth came into operation. This Act as amended was repealed by the *Bankruptcy Act 1966-1968* which came into operation on 4 March 1968.

Under the *Bankruptcy Act 1966-1968* the Commonwealth is divided into nine Bankruptcy Districts, of which three are in Queensland, and the remainder coincide with the boundaries of the States and of the Northern Territory of Australia. The State of New South Wales and the Australian Capital Territory together constitute one district.

The Federal Court of Bankruptcy is invested with jurisdiction throughout Australia, but exercises it only in the Bankruptcy Districts of the State of New South Wales and the Australian Capital Territory, and the State of Victoria. Certain State Courts have been invested with federal jurisdiction in bankruptcy and, outside New South Wales and Victoria, exercise that jurisdiction in the appropriate Bankruptcy District. The Supreme Court of the Northern Territory has also been invested with federal jurisdiction in bankruptcy, but certain restrictions are placed on its powers unless the debtor or bankrupt resides or carries on business in the Territory.

Any debtor unable to pay his debts may present to a Registrar in Bankruptcy a petition against himself accompanied by a statement of his affairs. Upon their acceptance by the Registrar the debtor becomes a bankrupt. A creditor may apply for a compulsory sequestration if the debtor has committed an act of bankruptcy. The act of bankruptcy usually relied on is that the debtor has failed to comply with the requirements of a bankruptcy notice issued in respect of a debt due under a judgment or order, or to satisfy the Court that he has a counter-claim, set-off, or cross demand equal to or exceeding the debt and which he could not have set up in the proceedings in which the judgment or order was obtained. The prescribed form of bankruptcy notice requires the debtor, within a specified time, to pay the amount of the debt due under the judgment or order, secure payment of the debt, or compound the debt. If an act of bankruptcy is committed, a creditor may thereupon present a petition against a debtor, provided that the debt or debts amount to not less than \$500, the act of bankruptcy relied on has occurred within six months preceding the presentation of the petition, and the statutory requirements relating to presence or residence in Australia are applicable to the debtor.

When a debtor becomes bankrupt, either by acceptance of his own petition, or by the making of a sequestration order, the property of the bankrupt vests forthwith in The Official Receiver in Bankruptcy and after-acquired property of the bankrupt vests, as soon as it is acquired by the bankrupt, in the Official Receiver in Bankruptcy or, if a person other than an official receiver is trustee of the property of the bankrupt, in that trustee. The property of the bankrupt is divisible among his creditors in accordance with the provisions of the Act. No creditor may, in respect of a debt provable in bankruptcy, enforce any remedy against the person or property of the bankrupt, or, except with the leave of the Court, commence any legal proceeding or take any fresh step in such a proceeding.

Part X of the Act enables a debtor and his creditors to enter into arrangements without having a sequestration order made against him. These arrangements may take the form of a composition, a deed of assignment, or a deed of arrangement. A debtor who desires that his affairs be dealt with under this Part may authorise a solicitor or a registered trustee to call a meeting of his creditors.

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

The Act provides for an Inspector-General in Bankruptcy. It also provides for a Registrar in Bankruptcy to be appointed for each Bankruptcy District, and for so many Deputy Registrars in Bankruptcy as are necessary. Each Registrar and Deputy Registrar has such powers and functions as are conferred or imposed on a Registrar by the Act, and may exercise such of the powers and functions of an administrative nature exercisable by the Court as the Court directs or authorises him to exercise. He may examine a bankrupt, the spouse of a bankrupt, and a person indebted to a bankrupt or having in his possession any of the estate or effects of a bankrupt.

There is an official receiver for each District and the official receivers together constitute a body corporate known as 'The Official Receiver in Bankruptcy'. An official receiver is a permanent officer of the Commonwealth Public Service. His duties are to investigate the conduct, property and transactions of a bankrupt, and the cause of his bankruptcy, and to realise and administer the property of the bankrupt. In respect of these activities an official receiver is under the control of the Court.

A person registered by the Court as qualified to act as a trustee may be appointed by resolution of the creditors to be the trustee of the estate of a bankrupt. Until a trustee of the estate of a bankrupt is appointed by the creditors or the Court, or if a trustee is not so appointed, or there is, for any other reason, at any time no trustee so appointed, the official receiver for the District in which the sequestration order was made or the debtor's petition was presented is the trustee of the estate.

In cases where a vacancy occurs in the office of trustee under a deed of arrangement, a deed of assignment or a composition under Part X of the Act, a meeting of creditors or the Court may appoint a registered trustee to the vacant office. The Court may also appoint an official receiver or a registered trustee who is willing so to act as trustee until the vacant office is filled by a meeting of creditors.

#### 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 1967-68.

#### BANKRUPTCY PROCEEDINGS: STATES AND TERRITORIES, 1967-68

State or Territory		<i>Sequestration orders and orders for administra- tion of deceased debtors' estates</i>	<i>Compositions</i>	<i>Deeds of assignment</i>	<i>Deeds of arrangement</i>	<i>Total</i>
N.S.W.(a)	Number	550	10	8	34	602
	Liabilities \$	3,503,584	163,590	269,303	2,255,510	6,191,987
	Assets \$	1,765,653	187,132	106,655	1,199,406	3,258,846
Vic.	Number	520	13	13	33	579
	Liabilities \$	4,567,331	627,653	552,754	676,685	6,424,423
	Assets \$	1,318,185	253,984	378,640	540,645	2,491,454
Qld	Number	288	4	4	11	307
	Liabilities \$	2,541,910	135,771	207,948	238,283	3,123,912
	Assets \$	1,063,282	51,409	208,843	118,167	1,441,701
S. Aust.	Number	698	8	5	2	713
	Liabilities \$	3,360,073	93,230	126,358	29,686	3,609,347
	Assets \$	1,822,885	60,149	149,735	18,190	2,050,959
W. Aust.	Number	221	41	5	6	273
	Liabilities \$	947,182	767,030	72,787	101,011	1,888,010
	Assets \$	221,678	582,718	73,722	89,035	967,153
Tas.	Number	71	2	..	2	75
	Liabilities \$	299,254	40,648	..	29,111	369,013
	Assets \$	100,595	53,473	..	44,786	198,854
N.T.	Number	2	..	..	..	2
	Liabilities \$	2,181	..	..	..	2,181
	Assets \$	8	..	..	..	8
Australia	Number	2,350	78	35	88	2,551
	Liabilities \$	15,221,515	1,827,922	1,229,150	3,330,286	21,608,873
	Assets \$	6,292,286	1,188,865	917,595	2,010,229	10,408,975

(a) Includes the Australian Capital Territory.



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 years 1963-64 to 1967-68.

**BANKRUPTCY PROCEEDINGS: AUSTRALIA, 1963-64 TO 1967-68**

Year			<i>Sequestration orders and orders for administration of deceased debtors' estates</i>		<i>Compositions</i>	<i>Deeds of assignment</i>	<i>Deeds of arrangement</i>	<i>Total</i>
1963-64	Number		2,392	142		23	121	2,678
	Liabilities	\$'000	15,608	1,753		688	2,593	20,642
	Assets	\$'000	6,393	1,231		490	2,179	10,292
1964-65	Number		2,453	128		13	110	2,704
	Liabilities	\$'000	15,740	1,993		312	1,804	19,850
	Assets	\$'000	6,127	1,129		129	1,365	8,749
1965-66	Number		2,384	133		23	113	2,653
	Liabilities	\$'000	15,106	4,082		634	3,176	22,998
	Assets	\$'000	6,488	3,585		725	2,623	13,421
1966-67	Number		2,284	127		18	108	2,537
	Liabilities	\$'000	19,108	2,176		535	2,310	24,129
	Assets	\$'000	7,685	1,293		308	1,542	10,829
1967-68	Number		2,350	78		35	88	2,551
	Liabilities	\$'000	15,222	1,828		1,229	3,330	21,609
	Assets	\$'000	6,292	1,189		918	2,010	10,409

**BANKRUPTCY PROCEEDINGS: STATES AND TERRITORIES, 1963-64 TO 1967-68**

Year			<i>N.S.W.</i>							
			<i>(a)</i>	<i>Vic.</i>	<i>Qld</i>	<i>S.A.</i>	<i>W.A.</i>	<i>Tas.</i>	<i>N.T.</i>	<i>Aust.</i>
1963-64	Number		772	631	271	629	241	128	6	2,678
	Liabilities	\$'000	7,774	5,993	1,800	3,291	1,142	545	97	20,642
	Assets	\$'000	3,192	2,647	1,609	2,009	509	264	61	10,292
1964-65	Number		798	613	255	633	308	96	1	2,704
	Liabilities	\$'000	5,937	6,343	2,041	3,507	1,610	405	6	19,850
	Assets	\$'000	2,829	2,088	1,165	1,879	598	190	..	8,749
1965-66	Number		818	594	262	592	277	106	4	2,653
	Liabilities	\$'000	6,633	7,223	2,115	3,144	3,231	624	28	22,998
	Assets	\$'000	3,713	4,125	1,175	1,709	2,470	222	8	13,421
1966-67	Number		670	559	262	694	277	70	5	2,537
	Liabilities	\$'000	5,758	9,157	3,477	3,773	1,607	304	53	24,129
	Assets	\$'000	2,636	3,885	1,483	1,760	813	175	78	10,829
1967-68	Number		602	579	307	713	273	75	2	2,551
	Liabilities	\$'000	6,192	6,424	3,124	3,609	1,888	369	2	21,609
	Assets	\$'000	3,259	2,491	1,442	2,051	967	199	..	10,409

(a) Includes the Australian Capital Territory.

### Police

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 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 Commonwealth 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 and the duties and ranks of the personnel involved in each State and Territory for 1968 are shown in the following table. Comparability between States is affected by differences in the classification of ranks and duties, and known differences between States are mentioned in footnotes.

Also included in the table are statistics of ancillary and civilian staff employed by police departments. Differences between States in the use of such staff are considerable. These differences arise, on the one hand, from differences in the extent to which police make use of such staff for police functions and, on the other hand, in the extent to which such staff are required to undertake additional functions (such as parking control) which are allocated to the police in varying degree between States. There is also some overlap between duties of ancillary and civilian staff as defined in footnotes (i), (j), (k) and (m) of the following table.

**POLICE FORCES AND ASSISTANT STAFFS: STATES AND TERRITORIES, 30 JUNE 1968**

<i>Duty and rank(a)</i>	<i>N.S.W.</i>	<i>Vic.</i>	<i>Qld</i>	<i>S.A.</i>	<i>W.A.</i>	<i>Tas.</i>	<i>N.T.</i>	<i>A.C.T.</i>
<b>POLICE FORCES</b>								
Criminal investigations, plain clothes police, scientific duties—								
Executive officers . . . . .	3	2	..	1	..	1	..	..
Inspectors . . . . .	16	12	12	3	5	5	..	1
Sergeants . . . . .	411	53	153	35	54	16	8	6
Constables(b) . . . . .	770	590	(c)298	206	113	68	16	21
Total, criminal investigations, etc. . . . .	1,200	657	463	245	172	90	24	28
Traffic duties—								
Executive officers . . . . .	2	1	..	1	..	1	..	..
Inspectors . . . . .	9	9	5	3	3	2	..	1
Sergeants . . . . .	154	16	33	16	13	7	1	7
Constables(b) . . . . .	839	436	(c)243	179	105	65	8	39
Total, traffic duties . . . . .	1,004	462	281	199	121	75	9	47
Other special and general duties—								
Executive officers . . . . .	26	22	..	5	..	1	..	..
Inspectors . . . . .	115	91	(d)57	33	31	29	..	5
Sergeants . . . . .	1,218	182	674	164	185	40	20	35
Constables(b) . . . . .	3,207	3,080	(c)1,436	1,091	870	353	95	107
Total, other special, etc. . . . .	(e)4,566	3,375	2,167	1,293	(f)1,086	423	(e)117	(e)147
Not allocated—								
Executive officers whose duties extend beyond one branch . . . . .								
Inspectors . . . . .	4	(g)3	(h)4	2	(g)3	5	(g)2	2
Police women . . . . .	..	2	..	..	..	..	..	..
Trainees and cadets . . . . .	70	58	18	38	21	12	2	4
Total, not allocated . . . . .	197	268	150	437	18	34	18	..
Total police force—								
Executive officers . . . . .	35	(g)28	(h)4	9	(g)3	8	(g)2	2
Inspectors . . . . .	140	114	74	39	39	36	2	7
Sergeants . . . . .	1,783	251	860	215	252	63	29	48
Constables(b) . . . . .	4,886	4,106	(c)1,977	1,476	1,088	486	119	167
Police women . . . . .	70	58	18	38	21	12	2	4
Trainees and cadets . . . . .	197	268	150	437	18	34	18	..
Total police force . . . . .	7,111	4,825	3,083	2,214	1,421	639	172	228
<b>ANCILLARY AND CIVILIAN STAFFS</b>								
Employed by Police Department—								
Ancillary staff(i)								
Full-time . . . . .	186	109	25	(j)163	..	66	33	..
Part-time . . . . .	..	4	..	2	54	..	..	..
Civilian staff(k)								
Full-time . . . . .	(l)661	725	281	76	(m)299	81	16	29
Part-time . . . . .	..	47	23	8	80	..	..	1

For footnotes see next page.

POLICE FORCES AND ASSISTANT STAFFS: STATES AND TERRITORIES, 30 JUNE 1968—  
*continued*

<i>Duty and rank(a)</i>	<i>N.S.W.</i>	<i>Vic.</i>	<i>Qld</i>	<i>S.A.</i>	<i>W.A.</i>	<i>Tas.</i>	<i>N.T.</i>	<i>A.C.T.</i>
<b>TOTAL STAFFS</b>								
<b>Grand total—</b>								
Full-time . . . . .	7,958	5,659	3,389	2,453	1,720	786	221	257
Part-time . . . . .	..	51	23	10	134	..	..	1

(a) Where more than one duty is involved, officers have been allocated to the category of duties in which the greater part of their time is spent. The allocation of executive officers and inspectors to categories of duties is necessarily somewhat arbitrary and varies from State to State. (b) Includes probationary constables. (c) Excludes probationary constables; included with trainees and cadets. (d) Includes sub-inspectors. (e) Does not include transport and maintenance; each section undertakes its own transport, and maintenance is done on contract and/or by the government transport pool. (f) Includes officers engaged on motor vehicle examination and testing and licensing drivers. (g) Includes 1 chief inspector. (h) Includes 1 commissioner's inspector and 1 chief inspector. (i) Parking police, native trackers, wardresses, etc.; special constables in New South Wales and Tasmania; police reservists in Victoria. (j) Includes clerical workers in the Women Police Auxiliaries. (k) Clerks, typists, artisans, cleaners. (l) Does not include cleaning which is done by the Cleaning Services Branch of the Government Stores Department. (m) Includes 41 cadets whose appointment is not subject to the W.A. Police Act.

**POLICE FORCES: STATES AND TERRITORIES, 1964 TO 1968**

<i>30 June—</i>	<i>N.S.W.</i>	<i>Vic.</i>	<i>Qld</i>	<i>S.A.</i>	<i>W.A.</i>	<i>Tas.</i>	<i>N.T.</i>	<i>A.C.T.</i>	<i>Aust.</i>
1964 . . . . .	5,950	4,448	2,818	1,830	1,266	598	149	135	17,194
1965 . . . . .	6,121	4,527	2,810	1,926	1,306	633	155	165	17,643
1966 . . . . .	6,486	4,656	2,975	1,994	1,349	619	157	186	18,422
1967 . . . . .	6,765	4,711	3,056	2,059	1,375	645	151	215	18,977
1968 . . . . .	7,111	4,825	3,083	2,214	1,421	639	172	228	19,693

**Commonwealth Police Force**

The Commonwealth Police Force commenced operations on 21 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 suppressing of traffic in women and the suppression of obscene literature.

Under the control of the force is the Australian Police College at Manly, New South Wales, which provides training for officers of various police forces and other agencies in Australia and New Zealand. The force has its Head Office in Canberra and District Offices in each capital city. The strength of the force at 30 June 1968 was 800 policemen and 3 policewomen. At that date there were, in addition, 85 civilian employees.

**Prisons**

**Prisons and prison accommodation**

**PRISONS AND PRISON ACCOMMODATION: STATES AND NORTHERN TERRITORY, 1967**

	<i>N.S.W.</i>	<i>Vic.</i>	<i>Qld</i>	<i>S.A.</i>	<i>W.A.</i>	<i>Tas.</i>	<i>N.T.</i>	<i>Aust</i>
Prisons . . . . .	18	13	7	14	20	1	2	75
Accommodation . . . . .	3,100	2,490	1,078	1,118	1,238	404	96	9,524

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 for short periods. Prisoners remanded or sentenced by a court in the Australian Capital Territory for more than five days are usually held in New South Wales prisons.

## Convicted prisoners

## CONVICTED PRISONERS: STATES AND TERRITORIES, 1963 TO 1967

30 June—	N.S.W. (a)	Vic.	Qld	S.A.	W.A.	Tas.	N.T.	Australia	
								Number	Per 10,000 of popu- lation
1963 . . .	3,043	1,942	890	749	774	231	66	7,695	7.0
1964 . . .	3,090	1,981	801	726	825	232	74	7,729	6.9
1965 . . .	2,957	1,879	949	796	803	210	129	7,723	6.8
1966 . . .	3,140	1,872	995	818	863	259	107	8,054	6.9
1967 . . .	3,334	1,994	1,021	866	1,137	275	112	8,739	7.4

(a) Includes Australian Capital Territory prisoners held in New South Wales prisons.

## Patents, trade marks and designs

## Patents

Patents for inventions are granted under the *Patents Act* 1952–1966, 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 \$39. Renewal fees are payable as follows: \$10 before the expiration of the fourth year, and an amount progressively increasing by \$2 before the expiration of each succeeding year up to the final fee of \$32, payable before the expiration of the fifteenth year. An extension of time for six months for payment of a renewal fee may be obtained.

## PATENTS: AUSTRALIA, 1964 TO 1968

	1964	1965	1966	1967	1968
Applications . . . . .	14,134	15,150	16,007	15,733	16,712
Applications accompanied by provisional specifications . . . . .	3,603	3,783	3,853	3,708	3,899
Letters patent sealed . . . . .	5,456	7,277	6,140	6,356	5,537

## Trade marks and designs

Under the *Trade Marks Act* 1955–1966 the Commissioner of Patents is also Registrar of Trade Marks. 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 was adopted in 1958, and trade marks registered under repealed Acts are reclassified on renewal. Under the *Designs Act* 1906–1968 the Commissioner of Patents is also Registrar of Designs.

## TRADE MARKS AND DESIGNS: AUSTRALIA, 1964 TO 1968

	1964	1965	1966	1967	1968
Trade marks—					
Received . . . . .	6,280	6,583	6,714	7,537	8,301
Registered . . . . .	3,606	3,256	3,272	5,333	4,612
Designs—					
Received . . . . .	1,572	1,567	1,523	1,627	1,769
Registered . . . . .	1,287	1,260	642	1,833	1,614

### Copyright

Copyright is regulated by the Commonwealth *Copyright Act* 1912-1963 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 1 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.

#### COPYRIGHT: AUSTRALIA, 1964 TO 1968

	1964	1965	1966	1967	1968
Applications lodged . . .	1,360	1,438	1,291	1,387	1,584
Applications registered . . .	1,275	1,277	1,113	1,231	1,405

### Cost of administration of law and order

#### Expenditure by the States

The tables following show the net expenditure (i.e. gross expenditure less receipts from fees, fines, recoups for services rendered, etc.) from Consolidated Revenue in connection with the administration of justice, police and prisons. The figures exclude Loan Fund expenditure and expenditure on debt charges, pay-roll tax and superannuation payments. 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.

#### STATE NET EXPENDITURE ON LAW AND ORDER, 1967-68

State	Net expenditure			Per head of population		
	Justice	Police	Prisons(a)	Justice	Police	Prisons
	\$'000	\$'000	\$'000	\$	\$	\$
New South Wales . . . . .	5,786	28,040	5,321	1.33	6.45	1.22
Victoria . . . . .	(b) -950	22,159	2,944	(b) -0.29	6.71	0.89
Queensland . . . . .	(b) -29	14,407	1,798	(b) -0.02	8.39	1.05
South Australia . . . . .	(b) -1,942	8,531	1,467	(b) -1.74	7.63	1.31
Western Australia . . . . .	73	6,218	1,811	0.08	6.96	2.03
Tasmania . . . . .	613	2,931	731	1.62	7.73	1.93
<b>Total . . . . .</b>	<b>3,552</b>	<b>82,286</b>	<b>14,072</b>	<b>0.30</b>	<b>7.00</b>	<b>1.20</b>

(a) Excludes expenditure on reformatories, which amounted to N.S.W., \$2,401,547; Vic., n.a.; Qld, \$162,062; S.A., \$476,140; W.A., \$717,173; Tas., \$169,857. (b) Receipts for fines, legal fees and registrations exceed expenditure.

#### STATE NET EXPENDITURE ON LAW AND ORDER AUSTRALIA, 1963-64 TO 1967-68 (\$'000)

Year	Justice	Police	Prisons (a)
1963-64 . . . . .	5,454	60,051	8,462
1964-65 . . . . .	5,408	64,338	10,633
1965-66 . . . . .	5,495	68,132	10,261
1966-67 . . . . .	4,133	77,197	11,824
1967-68 . . . . .	3,552	82,286	14,072

(a) Excludes expenditure on reformatories, which amounted to: 1963-64, \$2,944,662; 1964-65, \$1,970,083; 1965-66, \$3,239,536; 1966-67, \$3,672,797; 1967-68, \$3,926,779. Expenditure on reformatories in Victoria is not included in these amounts.

**Commonwealth expenditure**

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 tables show expenditure by the Commonwealth Government on the services it performs in relation to law and order.

**COMMONWEALTH EXPENDITURE ON LAW AND ORDER, 1967-68**  
(\$'000)

	<i>Gross expenditure</i>	<i>Receipts</i>	<i>Net expenditure</i>
<b>Justice—</b>			
Administration . . . . .	1,664	581	1,082
Bankruptcy . . . . .	952	104	849
Crown Solicitor's Office . . . . .	1,662	..	1,662
High Court . . . . .	293	..	293
Judges' salaries and pensions . . . . .	252	..	252
Rent . . . . .	710	..	710
Court reporting . . . . .	609	242	367
Territory courts . . . . .	652	394	258
Repairs and maintenance . . . . .	223	..	223
<i>Total, justice</i> . . . . .	<i>7,017</i>	<i>1,321</i>	<i>5,696</i>
<b>Police—</b>			
Commonwealth Police Force . . . . .	3,661	..	3,661
Australian Police College . . . . .	81	..	81
Australian Security and Intelligence Organization . . . . .	2,753	..	2,753
Northern Territory Police . . . . .	1,044	..	1,044
Australian Capital Territory Police . . . . .	1,385	..	1,385
<i>Total, police</i> . . . . .	<i>8,924</i>	<i>..</i>	<i>8,924</i>
<b>Prisons—</b>			
Northern Territory prisons . . . . .	273	..	273
<i>Total, prisons</i> . . . . .	<i>273</i>	<i>..</i>	<i>273</i>
<b>Total, law and order</b> . . . . .	<b>16,215</b>	<b>1,321</b>	<b>14,893</b>

**COMMONWEALTH EXPENDITURE ON LAW AND ORDER**  
1963-64 TO 1967-68  
(\$'000)

<i>Year</i>	<i>Gross expenditure</i>	<i>Receipts</i>	<i>Net expenditure</i>
1963-64 . . . . .	8,280	1,220	7,061
1964-65 . . . . .	9,342	1,236	8,106
1965-66 . . . . .	10,363	1,529	8,834
1966-67 . . . . .	14,123	1,624	12,499
1967-68 . . . . .	16,215	1,321	14,893

