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CHAPTER XVI.

PUBLIC JUSTICE.

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

- (a) Differences in the jurisdiction of courts;
- (b) Changes in the law in particular States and differences in the laws between States;
- (c) The methods of compilation of the figures (e.g. *see* footnotes to the tables dealing with convictions);
- (d) The attitude to laws such as those connected with liquor, vagrancy, gaming, and traffic offences;
- (e) The strength and distribution of the police force;
- (f) The proportion of various types of crimes reported and solved.

§ 1. The Australian Legal System.

1. **General.**—Australia, being a federation, has two systems of courts—State and federal. The only federal courts are the High Court of Australia, the Federal Court of Bankruptcy and the Commonwealth Industrial Court. Otherwise, federal jurisdiction is vested in the State courts.

Thus, while the High Court has extensive original jurisdiction, most civil cases involving federal jurisdiction are heard in the State courts. Almost all criminal matters involving federal jurisdiction are tried in State courts. In the tables in this chapter which give statistics of proceedings in State courts, no distinction has been drawn between State cases proper and cases where State courts are exercising federal jurisdiction.

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

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

(ii) *Criminal jurisdiction.* Criminal courts are of two kinds, namely, courts of summary jurisdiction, usually called Courts of Petty Sessions, which may deal summarily with minor offences, and higher courts, known as Courts of Sessions, Quarter Sessions or General Sessions, and the Supreme Court, which 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.

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

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

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

Particulars concerning the Federal Court of Bankruptcy and the High Court of Australia will be found in §§ 4c and 5, respectively, of this chapter. Information regarding the Commonwealth Industrial Court, which was established under the Conciliation and Arbitration Act 1904–1960, will be found in Chapter XII.—Labour, Wages and Prices (p. 423).

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

§ 2. Lower (Magistrates') Courts.

A. POWERS OF THE MAGISTRATES.

1. New South Wales.—There is no general limit to the powers of the magistrates with regard to offences punishable summarily, their authority depending in each case on the statute which creates the offence and gives them jurisdiction. Except in the case of a very few statutes, and excluding cumulative sentences, the power of sentence is limited to twelve months. Imprisonment in default of fine is regulated by a scale limiting the maximum period according to the sum ordered to be paid, but in no case exceeding twelve months. Actions for debt and damage within certain limits also come within magisterial jurisdiction. In cases of liquidated debts, and damages whether liquidated or unliquidated, the amount is limited to £50 before a court constituted by a stipendiary magistrate. Magistrates have power to entertain claims of up to £250 under the Money Lenders and Infants Loans Act, 1941, as amended. The amount in actions of debt before two or more justices of the peace is limited to £30 and in actions of damage it is limited to £10, but may extend to £30 with the consent of the defendant. Outside the Metropolitan Area of Sydney and certain other prescribed districts, one justice of the peace may hear cases of debt, liquidated or unliquidated, or damage up to £5 or to £30 by consent of parties.

2. Victoria.—The civil jurisdiction of magistrates is restricted to what may be designated ordinary debts, damages for assault, restitution of goods, etc., where the amount in dispute does not exceed £100, and to actions arising out of torts or contracts to the extent of £250. No definite limit is fixed to the powers of the magistrates on the criminal side, and for some offences, sentences of up to two years' imprisonment may be imposed. The proportion of long sentences is, however, comparatively small.

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

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

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

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

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

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

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

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

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

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

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

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

8. **Australian Capital Territory.**—Magistrates have jurisdiction to try an offence which is punishable summarily and also where a person is made liable to a penalty or punishment and no other provision is made for trial. The punishment depends upon the statute which creates the offence. Certain indictable offences of a less serious nature may be tried summarily by a magistrate, who may impose a fine of £50 or imprisonment for one year. Magistrates also hear proceedings for committal on indictable offences. The stipendiary magistrate is also the coroner. In civil proceedings, magistrates try actions for amounts up to £200. Justices of the peace have no judicial functions.

B. CRIMINAL PROCEEDINGS.

1. **Cases Tried.**—The total numbers of cases tried at magistrates' courts in each State for the years 1955 to 1959 are shown in the following table:—

CASES TRIED AT MAGISTRATES' COURTS.

State or Territory.	1955.	1956.	1957.	1958.	1959.
New South Wales(a) ..	254,487	271,172	307,824	323,097	331,195
Victoria	149,296	175,899	224,015	270,017	287,622
Queensland(b) ..	49,372	47,072	53,611	(a) 62,468	(a) 65,773
South Australia(b) ..	32,593	31,799	34,399	36,305	38,003
Western Australia(a) ..	67,739	62,753	59,205	49,945	50,696
Tasmania	19,672	(a) 19,274	(a) 19,120	(a) 20,009	(a) 21,355
Northern Territory ..	(b) 2,105	(b) 2,779	(b) 2,615	3,103	3,617
Australian Capital Territory	1,480	1,564	1,875	2,197	2,539
Australia	576,744	612,312	702,664	767,141	800,800

(a) In addition, the following numbers of minor traffic offences were settled by payment of fines without court appearance:—New South Wales: 1955—61,179; 1956—163,921; 1957—237,811; 1958—315,058; 1959—321,157. Queensland: 1958—18,803; 1959—22,701. Western Australia: 1955—9,811; 1956—32,130; 1957—31,405; 1958—36,999; 1959—44,973. Tasmania: 1956—7,706; 1957—9,960; 1958—15,022; 1959—18,554. (b) Twelve months ended 30th June of year shown.

2. **Convictions at Magistrates' Courts.**—Of the persons who appeared before Magistrates' Courts in 1959, the following table shows the number who were convicted in each State.

CONVICTIONS AT MAGISTRATES' COURTS, 1959.

Class of Offence.	N.S.W.	Vic.	Qld. (a)(b)	S.A. (a)	W.A.	Tas.	N.T.	A.C.T.	Aust.
Against the Person ..	3,485	1,487	434	349	394	312	91	77	6,629
Against Property ..	26,884	10,737	3,983	2,203	5,025	1,294	178	239	50,543
Forgery and Offences against the Currency ..	400	36	5	2	4	28	28	68	571
Against Good Order ..	100,656	38,621	29,686	5,579	7,385	1,456	1,573	433	185,389
Other	172,079	214,333	26,104	26,070	34,771	16,004	1,342	970	491,673
Total	303,504	265,214	60,212	34,203	47,579	19,094	3,212	1,787	734,805

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

The following table shows the number of convictions in each year from 1955 to 1959:—

CONVICTIONS AT MAGISTRATES' COURTS.

State or Territory.	1955.	1956.	1957.	1958.	1959.
New South Wales(a) ..	233,777	249,131	282,489	294,540	303,504
Victoria	133,575	158,869	208,125	251,065	265,214
Queensland(b)(c) ..	46,242	45,711	52,113	(a) 60,592	(a) 60,212
South Australia(b) ..	29,264	28,221	30,658	32,621	34,203
Western Australia(a) ..	65,118	59,883	56,297	47,037	47,579
Tasmania	17,314	(a) 17,029	(a) 17,040	(a) 17,216	(a) 19,094
Northern Territory ..	(b) 1,864	(b) 2,444	(b) 2,340	2,715	3,212
Australian Capital Territory ..	1,285	1,209	1,597	1,910	1,787
Australia	528,439	562,497	650,659	707,696	734,805

(a) See footnote (a) to table in para. 1 above. (b) Twelve months ended 30th June of year shown. (c) A person convicted on several counts at the one hearing is included only once, but if a person has been convicted at different hearings during the year, whether for the same or for a different type of offence, the results of all hearings are recorded separately.

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

(ii) *Number and Rates.* The following table shows the number of convictions for serious crime at Magistrates' Courts for the years 1955 to 1959:—

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

State or Territory.	1955.	1956.	1957.	1958.	1959.
New South Wales	19,803	21,399	23,510	27,960	30,769
Victoria	7,318	8,504	8,926	11,132	12,260
Queensland(b)(c)	3,546	3,942	4,079	4,301	4,422
South Australia(b)	1,867	1,889	2,298	2,338	2,554
Western Australia	4,368	5,289	5,205	6,016	5,423
Tasmania	1,127	1,176	1,738	1,666	1,634
Northern Territory	(b) 177	(b) 115	(b) 247	209	297
Australian Capital Territory ..	138	102	295	357	384
Australia	38,344	42,416	46,298	53,979	57,743

(a) Offences against the person, offences against property, forgery and offences against the currency.

(b) Twelve months ended 30th June of year shown. (c) A person convicted on several counts at the one hearing is included only once, but if a person has been convicted at different hearings during the year, whether for the same or for a different type of offence, the results of all hearings are recorded separately.

The number of convictions for serious crime at Magistrates' Courts per 10,000 of population for the same series of years is shown in the following table:—

CONVICTIONS FOR SERIOUS CRIME AT MAGISTRATES' COURTS.

(PER 10,000 OF POPULATION.)

State or Territory.	1955.	1956.	1957.	1958.	1959.
New South Wales	56.7	60.2	64.9	75.7	81.9
Victoria	29.0	32.7	33.4	40.6	43.6
Queensland(a)	26.8	29.1	29.5	30.2	31.0
South Australia(a)	23.1	22.6	26.7	25.7	28.1
Western Australia	66.3	78.1	75.2	85.3	75.4
Tasmania	35.6	36.5	52.6	49.3	47.4
Northern Territory	(a) 107.0	(a) 65.8	(a) 134.7	108.7	145.0
Australian Capital Territory ..	42.6	49.4	78.3	90.9	82.4
Australia	41.8	45.1	48.1	54.7	57.8

(a) Twelve months ended 30th June of year shown.

(iii) *Rate of Convictions 1881 to 1951.* The rate of convictions at ten-year intervals over a period of 70 years is shown below.

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

Year	1881.	1891.	1901.	1911.	1921.	1931.	1941.	1951.
Convictions per 10,000 persons..	69.3	44.8	29.1	24.6	29.2	37.1	33.6	37.1

4. **Committals to Higher Courts.**—(i) *Number of Committals.* The following table shows the number of offences, classified according to the nature of the offence, for which persons appearing in the lower courts were committed to higher courts for each State and Territory for the year 1959:—

COMMITTALS TO HIGHER COURTS, 1959.

Class of Offence.	N.S.W.	Vic.	Q'land. (a)(b)	S. Aust. (a)	W.Aust.	Tas.	N.T.	A.C.T.	Aus- tralia.
Against the Person ..	1,347	884	257	226	69	54	25	9	2,871
Against Property ..	5,514	2,861	678	278	294	445	43	52	10,165
Forgery and Offences against the Currency ..	498	454	4	26	72	14	13	3	1,084
Against Good Order ..	95	44	3	5	8	..	12	1	168
Other ..	68	280	12	23	4	16	..	..	403
Total ..	7,522	4,523	954	558	447	529	93	65	14,691

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

The following table shows the number of committals to higher courts for each of the years 1955 to 1959:—

COMMITTALS TO HIGHER COURTS.

State or Territory.	1955.	1956.	1957.	1958.	1959.
New South Wales ..	4,792	6,056	7,221	7,327	7,522
Victoria ..	2,198	2,624	2,707	4,227	4,523
Queensland(a) ..	482	572	712	911	954
South Australia(a) ..	426	432	552	505	558
Western Australia ..	454	386	356	463	447
Tasmania ..	348	321	604	600	529
Northern Territory ..	(a) 45	(a) 87	(a) 62	66	93
Australian Capital Territory ..	25	40	37	74	65
Australia ..	8,770	10,518	12,251	14,173	14,691

(a) Twelve months ended 30th June of year shown.

(ii) *Rate of Committals, 1881 to 1951.* The rate of committals to higher courts for serious crime at ten-year intervals since 1881 is shown below:—

RATE OF COMMITTALS TO HIGHER COURTS: AUSTRALIA.

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

5. **Drunkenness.**—(i) *Cases and Convictions.* The numbers of arrests for drunkenness and the convictions recorded during each of the years 1955 to 1959 are given in the following table:—

DRUNKENNESS: CASES AND CONVICTIONS.

State or Territory.	1955.	1956.	1957.	1958.	1959.
CASES.					
New South Wales ..	81,199	77,867	76,700	69,085	69,516
Victoria ..	20,685	20,457	25,657	29,752	29,973
Queensland(a) ..	23,986	22,748	23,550	28,242	26,993
South Australia(a) ..	4,772	4,739	5,030	4,312	4,452
Western Australia ..	5,752	5,959	5,484	4,870	5,632
Tasmania ..	776	705	786	746	732
Northern Territory ..	(a) 487	(a) 507	(a) 1,059	969	1,024
Australian Capital Territory ..	231	279	358	385	255
Australia ..	137,888	133,261	138,624	138,361	138,577

(a) Twelve months ended 30th June of year shown.

DRUNKENNESS: CASES AND CONVICTIONS—*continued.*

State or Territory.	1955.	1956.	1957.	1958.	1959.
CONVICTIONS.					
New South Wales	80,457	77,195	75,953	68,354	69,201
Victoria	20,437	20,184	25,284	29,434	29,334
Queensland(a)	23,947	22,687	23,521	28,196	26,918
South Australia(a)	4,765	4,732	5,019	4,299	4,439
Western Australia	5,720	5,912	5,428	4,821	5,587
Tasmania	757	674	760	718	660
Northern Territory	(a) 474	(a) 502	(a) 1,029	926	1,010
Australian Capital Territory	231	271	322	380	255
Australia	136,788	132,157	137,316	137,128	137,404

(a) Twelve months ended 30th June of year shown.

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

(ii) *Convictions per 10,000 of Population.* In the twenties, the convictions for drunkenness averaged approximately 100 per 10,000 of population, but the rate fell away considerably during 1930 and 1931, being only 57.1 in the latter year. The average then rose steadily, the annual average for the period 1936 to 1939 being 82.7 and that for the years 1940 to 1945, 90.8. In 1946, the convictions per 10,000 rose very steeply to 132.1, increasing further to 174.5 by 1951, since when they have declined again to 136.9 in 1959.

The rates of convictions for drunkenness for the years 1955 to 1959 are shown in the following table:—

CONVICTIONS FOR DRUNKENNESS.

(PER 10,000 OF POPULATION.)

State or Territory.	1955.	1956.	1957.	1958.	1959.
New South Wales	230.4	217.1	209.7	185.1	184.1
Victoria	80.9	77.5	94.6	107.4	104.3
Queensland(a)	180.7	167.7	170.4	200.9	188.8
South Australia(a)	59.0	56.7	58.3	48.5	48.9
Western Australia	86.8	87.3	79.5	68.3	77.7
Tasmania	23.9	20.9	23.0	21.3	19.2
Northern Territory	(a)286.6	(a)287.3	(a)555.8	481.6	493.3
Australian Capital Territory	71.3	78.1	85.6	88.5	54.7
Australia	149.1	140.6	142.8	138.9	136.9

(a) Twelve months ended 30th June of year shown.

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

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

C. CIVIL PROCEEDINGS.

The total numbers of plaints entered and the amounts awarded to plaintiffs during 1959 are shown in the following table. The figures are compiled from returns from the Small Debts Courts in New South Wales, Courts of Petty Sessions in Victoria, Magistrates' Courts in Queensland, Local Courts in South Australia and Western Australia, Courts of Requests in Tasmania, Courts of Summary Jurisdiction in the Northern Territory and the Court of Petty Sessions in the Australian Capital Territory.

CIVIL CASES AT LOWER COURTS, 1959.

Particulars.	N.S.W.	Vic.	Q'land. (a)	S.Aust.	W.Aust.	Tas.	N.T. (a)	A.C.T.	Aus- tralia.
Plaints Entered									
No.	101,169	142,915	38,901	70,170	45,794	34,170	1,630	2,232	436,981
Amount Awarded to Plaintiffs £	834,886	2,748,576	843,123	1,356,884	527,805	485,786	48,980	44,060	6,890,100

(a) Year ended 30th June.

§ 3. Children's Courts.

1. **New South Wales.**—Children's Courts, first established in 1905, now exercise jurisdiction under the Child Welfare Act, 1939–60. Where practicable, they are not held in ordinary court rooms, and persons not directly interested are excluded from any hearing in order that children may be protected against the adverse influences which they would encounter in ordinary courts.

The magistrates exercise all the powers of a Court of Petty Sessions in respect of offences committed by or against children under 18 years of age. They also exercise jurisdiction in respect of neglected and uncontrollable children. Their functions are 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.

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

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

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

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

4. **South Australia.**—Provision for the treatment of juvenile offenders under the age of 18 years is contained in various Acts, the main ones being the Maintenance Act, 1926–1958, the Juvenile Courts Act, 1941, the Justices Act, 1921–1960, and the Offenders Probation Act, 1913–1953. A Juvenile Court to hear cases of offences by children is constituted by a special magistrate or two justices of a Juvenile Court, and it has power to determine all charges other than homicide. A child convicted of an offence punishable by imprisonment can be committed by a court only to a reformatory. For indictable offences, the penalty is committal to a reformatory or a fine of up to £50.

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

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

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

6. **Tasmania.**—Under the provisions of the Infants' Welfare Act 1935, Children's Courts are established to deal with offenders under the age of 17 years. Special magistrates are appointed for the Children's Courts by the Governor. One or two special magistrates, or one or two justices, constitute a court.

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

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

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

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

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

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

§ 4. Higher (Judges') Courts.

A. CRIMINAL PROCEEDINGS.

1. Persons Convicted at Higher Courts.—The following table shows the number of persons convicted at higher courts in each of the States and Territories of Australia during 1959, classified according to the nature of the offence:—

PERSONS CONVICTED AT HIGHER COURTS, 1959.

Offence.	N.S.W.	Vic.	Q'land. (a)(b)	S. Aust.	W. Aus.	Tas. (c)	N.T.	A.C.T.	Aus- tralia.
I. OFFENCES AGAINST THE PERSON.									
Infanticide	1	..	..	..	..	..	..	..	1
Concealment of Birth ..	12	3	8	3	2	2	..	..	30
Murder	3	2	1	1	..	1	..	..	7
Attempted Murder	(d) 18	5	(d) 12	(d) 6	(d) 3	5	5	2	56
Manslaughter	23	..	13	3	..	6	..	..	36
Culpable Driving	5	5	10	..	..	..	..	..	29
Rape .. ..	..	..	..	..	..	..	..	..	..
Other Offences against Females	206	227	69	113	2	17	9	3	646
Abduction	3	4	2	1	..	..	..	..	10
Incest	8	12	5	7	6	1	..	1	41
Unnatural Offences	108	109	21	33	5	3	3	..	282
Abortion and Attempts to Procure	10	1	..	3	..	..	1	..	15
Bigamy	27	3	13	3	2	..	..	..	50
Aggravated Assault	46	21	36	8	..	6	3	1	121
Common Assault	52	16	4	3	12	..	1	3	91
Malicious Wounding	28	31	..	..	..	..	..	..	59
Other Offences against the Person	7	10	12	5	..	14	1	..	49
Total	557	449	192	202	32	58	24	10	1,524
II. OFFENCES AGAINST PROPERTY.									
Burglary, Breaking and Entering	875	727	357	170	111	147	9	8	2,404
Robbery and Stealing from the Person	69	60	20	9	4	22	..	4	188
Horse, Cattle and Sheep Stealing .. ..	..	15	5	5	..	..	2	..	27
Embezzlement or Fraudulent Misappropriation	88	26	5	9	10	3	..	2	143
Other larceny	532	189	19	19	27	..	19	7	812
Illegally using Vehicles	1	56	254	..	2	..	..	..	313
Receiving	42	44	14	2	1	3	..	..	107
Fraud and False Pretences	95	37	13	24	9	11	5	5	199
Arson .. ..	..	11	4	3	..	6	..	..	24
Malicious Damage to Property or Animals	13	6	7	1	3	..	..	..	30
Other Offences against Property	14	16	3	7	..	1	..	..	41
Total	1,729	1,187	701	249	167	193	35	27	4,288
III. FORGERY AND OFFENCES AGAINST THE CURRENCY.									
Forgery and Uttering Forged Instruments	20	63	7	28	9	23	9	3	162
Other Offences against the Currency .. ..	..	..	..	1	..	..	..	..	1
Total	20	63	7	29	9	23	9	3	163
IV. OFFENCES AGAINST GOOD ORDER									
.. ..	4	2	3	..	6	10	..	..	25
V. OTHER									
.. ..	15	98	12	19	2	6	1	..	153
Total all Offences ..	2,325	1,799	915	499	216	290	69	40	6,153

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

2. **Persons Convicted at Higher Courts.**—The numbers of persons convicted at higher courts and rates of conviction per 10,000 of population for the years 1955 to 1959 are given in the following table:—

PERSONS CONVICTED AT HIGHER COURTS.

State or Territory.	1955.	1956.	1957.	1958.	1959.
NUMBER.					
New South Wales	(a) 1,631	(a) 1,933	2,225	2,274	2,325
Victoria	1,043	1,249	1,643	1,779	1,799
Queensland(a)(b)	382	431	584	883	915
South Australia	340	362	459	457	499
Western Australia	260	241	200	255	216
Tasmania(c)	154	184	205	276	290
Northern Territory	(a) 55	(a) 72	(a) 59	31	69
Australian Capital Territory..	20	40	32	50	40
Australia	3,885	4,512	5,407	6,005	6,153

PER 10,000 OF POPULATION.

New South Wales	(a) 4.7	(a) 5.5	6.1	6.2	6.2
Victoria	4.1	4.8	6.1	6.5	6.4
Queensland(a)(b)	2.9	3.2	4.2	6.3	6.4
South Australia	4.1	4.3	5.3	5.0	5.4
Western Australia	3.9	3.6	2.9	3.6	3.0
Tasmania(c)	4.9	5.7	6.8	8.2	8.4
Northern Territory	(a) 33.3	(a) 41.2	(a) 32.2	16.1	33.7
Australian Capital Territory..	6.2	11.5	8.5	12.2	8.6
Australia	4.2	4.8	5.6	6.1	6.1

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

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

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

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

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

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

At 30th June, 1960, there were 101 prisoners detained in pursuance of the legislation.

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

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

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

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

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

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

(v) *South Australia*. The Criminal Law Consolidation Act, 1935–1956 provides that persons previously convicted of a certain number of indictable offences of a particular class may be declared habitual criminals and shall then be detained during Her Majesty's pleasure. Proof of previous convictions is in all cases relevant to the question of penalty.

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

The number under preventive detention on 30th June, 1959, was 23 and the total number dealt with since the passing of the Act was 187.

(vii) *Tasmania*. Since the Indeterminate Sentences Act came into operation in 1922, 110 persons have been confined under its provisions and 13 were in custody at the end of 1960.

Of the 97 released on probation, 25 have been re-committed.

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

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

4. **Capital Punishment.**—There were ten executions in Australia during the period 1949 to 1959. Three took place in Victoria (in 1951), four in South Australia (one each in 1950, 1953, 1956, and 1958), one in Western Australia (in 1952), and two in the Northern Territory (in 1952). In each case the offence was murder.

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

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

The average annual number of executions in Australia from 1861 to 1880 was 9; from 1881 to 1900, 6; from 1901 to 1910, 4; from 1911 to 1920, 2; from 1921 to 1930, 2; from 1931 to 1940, 1; and from 1941 to 1950, 0.5.

B. DIVORCE AND OTHER MATRIMONIAL RELIEF.

1. **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 the Northern Territory, courts of summary jurisdiction also have power to make separation orders. A separation order is primarily intended for the protection of the person of the wife.

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

Up till now, each State has been primarily responsible for the provision of matrimonial relief. The law has varied from State to State; for example, as to the period of desertion needed to obtain a decree for the dissolution of marriage.

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

All statistical information given in this section relates to proceedings under the system before the operation of the Commonwealth Act. The various grounds of dissolution available are shown in the tables.

3. **Matrimonial Causes Act 1959.**—Under the Commonwealth Matrimonial Causes Act 1959, a decree for the dissolution of marriage may be granted on various grounds, such as adultery, desertion, insanity, separation for five years in certain circumstances, or failure to comply with a restitution decree.

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

Proceedings for annulling a voidable marriage may be instituted on various grounds, as, for example, where at the time of the marriage either party was a mental defective. Proceedings must be taken before the marriage is terminated by dissolution or death. 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 reopened. Since the parties to a marriage which is void or which has been voided do not have the status of married people, they may re-marry.

A decree for dissolution or annulment 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 re-marry until a decree nisi has become absolute.

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

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

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

4. Number of Petitions Filed.—The following table shows the number of petitions for dissolution of marriage, nullity of marriage and judicial separation filed in each State during 1959:—

PETITIONS FILED FOR DISSOLUTION OF MARRIAGE, NULLITY OF MARRIAGE AND JUDICIAL SEPARATION, 1959.

Petition for—	N.S.W.	Vic.	Q'land.	S.A.	W.A.	Tas.	N.T.	A.C.T.	Aust.
Dissolution of Marriage—									
Husband Petitioner ..	1,743	814	450	329	351	123	10	23	3,843
Wife Petitioner ..	2,141	836	526	460	320	160	2	20	4,465
Total ..	3,884	1,650	976	789	671	283	12	43	8,308
Nullity of Marriage—									
Husband Petitioner ..	11	3	5	2	1	..	..	..	22
Wife Petitioner ..	20	9	7	4	2	..	..	1	43
Total ..	31	12	12	6	3	..	..	1	65
Judicial Separation—									
Husband Petitioner ..	1	1	1	..	4	..	..	..	7
Wife Petitioner ..	14	3	3	1	3	..	..	..	24
Total ..	15	4	4	1	7	..	..	..	31
Total Petitions—									
Husband Petitioner No.	1,755	818	456	331	356	123	10	23	3,872
Wife Petitioner No.	2,175	848	536	465	325	160	2	21	4,532
%	55	51	54	58	48	57	17	48	54
Grand Total ..	3,930	1,666	992	796	681	283	12	44	8,404

5. Number of Divorces Granted, 1959.—The following table shows the number of dissolutions of marriage, nullities of marriage and judicial separations granted in each State during 1959:—

DISSOLUTIONS OF MARRIAGE, NULLITIES OF MARRIAGE AND JUDICIAL SEPARATIONS GRANTED, 1959.

Decree for—	N.S.W.	Vic.	Q'land.	S.A.	W.A.	Tas.	N.T.	A.C.T.	Aust.
Dissolution of Marriage(a)—									
Husband Petitioner ..	1,448	867	340	220	299	87	6	11	3,278
Wife Petitioner ..	1,915	994	399	283	285	105	8	18	4,007
Total ..	3,363	1,861	739	503	584	192	14	29	7,285
Nullity of Marriage(b)—									
Husband Petitioner ..	9	6	1	4	1	..	..	..	21
Wife Petitioner ..	14	10	4	3	1	..	..	..	32
Total ..	23	16	5	7	2	..	..	..	53
Judicial Separation—									
Husband Petitioner ..	..	..	..	..	1	..	..	..	2
Wife Petitioner ..	..	..	1	..	..	..	..	..	2
Total ..	..	..	1	..	1	..	..	..	2
Total Decrees—									
Husband Petitioner No.	1,457	873	341	224	300	87	6	11	3,299
Wife Petitioner No.	1,929	1,004	404	286	287	105	8	18	4,041
%	57	53	54	56	49	55	57	62	55
Grand Total ..	3,386	1,877	745	510	587	192	14	29	7,340

(a) Decrees absolute.

(b) Final decrees.

6. Number of Divorces granted, 1955 to 1959.—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 1955 to 1959:—

DISSOLUTION OF MARRIAGE (DECREES ABSOLUTE).

State or Territory.	1955.	1956.	1957.	1958.	1959.
New South Wales	2,874	3,125	2,975	3,217	3,363
Victoria	(a)1,674	(a)1,255	1,345	1,698	1,861
Queensland	801	703	682	759	739
South Australia	624	567	529	483	503
Western Australia	479	544	541	536	584
Tasmania	233	196	179	165	192
Northern Territory	18	25	18	15	14
Australian Capital Territory	21	20	29	36	29
Australia	6,724	6,435	6,298	6,909	7,285

NULLITY OF MARRIAGE (FINAL DECREES).

State or Territory.	1955.	1956.	1957.	1958.	1959.
New South Wales	17	18	32	18	23
Victoria	16	13	15	19	16
Queensland	2	5	7	7	5
South Australia	4	5	8	9	7
Western Australia	6	4	1	6	2
Tasmania .. .. .	..	1	1	..	..
Northern Territory .. .. .	..	..	..	1	..
Australian Capital Territory .. .. .	..	..	..	1	..
Australia	45	46	64	61	53

JUDICIAL SEPARATION.

State or Territory.	1955.	1956.	1957.	1958.	1959.
New South Wales	9	4	6	5	..
Victoria	1	2	2	..	..
Queensland .. .. .	..	..	..	1	1
South Australia .. .. .	..	..	1	5	..
Western Australia	3	4	3	2	1
Tasmania .. .. .	..	..	..	..	..
Northern Territory .. .. .	..	..	..	..	..
Australian Capital Territory .. .. .	..	1	..	..	..
Australia	13	11	12	13	2

(a) Decrees nisi granted.

7. **Average Number of Divorces granted Annually.**—The ten-year averages of the numbers of divorces (i.e., dissolutions, nullities and judicial separations) granted annually in Australia for the 80 years from 1871 to 1950 are as follows:

DIVORCES: AUSTRALIA.

Decade	1871-80.	1881-90.	1891-1900.	1901-10.	1911-20.	1921-30.	1931-40.	1941-50
Average	29	70	357	399	741	1,692	2,508	6,187

8. **Grounds on which Divorces were Granted.**—The grounds on which dissolutions of marriage, nullities of marriage and judicial separations were granted during 1959 in each State and Territory are shown in the following table, but it should be borne in mind that the legal grounds for divorce vary as between States and Territories:—

GROUND OF DISSOLUTION OF MARRIAGE, NULLITY OF MARRIAGE AND JUDICIAL SEPARATION, 1959.

Ground.	N.S.W.	Vic.	Q'land.	S.A.	W.A.	Tas.	N.T.	A.C.T.	Aust.
Dissolution of Marriage—									
Adultery	876	464	242	175	274	70	5	6	2,112
Bigamy	1	..	..	..	..	..	..	..	1
Cruelty	106	8	..	90	..	2	2	1	209
Cruelty and Drunkenness ..	97	12	..	..	3	2	..	3	117
Desertion	2,206	1,270	492	218	149	117	5	17	4,474
Desertion and Adultery ..	..	86	..	..	1	..	..	..	87
Drunkenness and Failure to Support	55	2	..	1	1	..	1	1	61
Drunkenness and Neglect of Domestic Duties ..	8	4	..	3	..	..	..	1	16
Failure to Pay Maintenance .. ..	..	..	..	3	21	..	..	..	24
Imprisonment	12	8	..	1	3	..	1	..	25
Incest .. ..	..	..	..	..	..	..	..	..	..
Insanity	1	6	5	5	1	1	..	..	19
Presumption of Death ..	..	..	..	..	..	..	..	..	..
Refusal to Consummate ..	..	..	..	..	1	..	..	..	1
Separation for over 5 years .. ..	..	..	..	6	130	..	..	..	136
Sodomy	1	1	..	1	..	..	..	..	3
Total	3,363	1,861	739	503	584	192	14	29	7,285
Nullity of Marriage—									
Non-consummation .. ..	..	..	..	2	..	..	..	..	2
Bigamy	11	1	1	..	2	..	..	..	15
Impotence	11	8	4	5	..	..	..	..	28
Invalid Marriage .. ..	..	4	..	..	..	..	..	..	4
Want of Consent	1	..	..	..	..	..	..	..	1
Failure to Comply with Legal Provision .. ..	..	..	..	..	..	..	..	..	..
Consanguinity .. ..	..	3	..	..	..	..	..	..	3
Not Stated .. ..	..	..	..	..	..	..	..	..	..
Total	23	16	5	7	2	..	..	..	53
Judicial Separation—									
Adultery .. ..	..	..	1	..	1	..	..	..	1
Cruelty .. ..	..	..	..	..	..	..	..	..	1
Desertion .. ..	..	..	..	..	..	..	..	..	..
Total .. ..	..	..	1	..	1	..	..	..	2
Grand Total	3,386	1,877	745	510	587	192	14	29	7,340

(a) Includes non-compliance with order for restitution of conjugal rights, 414.

9. **Ages of Husband and Wife at Time of Dissolution of Marriage.**—The following table shows the number of husbands and wives in each age group who were parties to marriages dissolved in 1959. Age is taken at the time the decree absolute is made.

Forty-two per cent. of wives were in the 25-34 years age group and 42 per cent. of husbands in the 30-39 years age group. These proportions have varied little during recent years, and are considerably higher than the proportions of married persons of those age groups in the whole population (27 per cent. and 26 per cent. respectively at the Census of 30th June, 1947; 28 per cent. and 26 per cent. respectively at the Census of 30th June, 1954).

AGES OF PARTIES AT TIME OF DISSOLUTION OF MARRIAGE: AUSTRALIA, 1959.

Age of Husband (Years).		Age of Wife (Years).										Total Husbands.
		Under 21.	21 to 24.	25 to 29.	30 to 34.	35 to 39.	40 to 44.	45 to 49.	50 to 54.	55 to 59.	60 and over.		Not stated.
Under 21	..	2	2	..	..	2	..	..	..	..	..	4
21 to 24	..	22	83	18	1	2	1	..	..	..	..	127
25 to 29	..	10	292	539	74	9	1	..	..	..	..	926
30 to 34	..	5	92	636	750	109	21	5	..	..	..	1,618
35 to 39	..	..	23	173	601	552	112	19	5	1	..	1,486
40 to 44	..	..	2	32	152	418	358	83	23	1	..	1,070
45 to 49	..	..	..	16	72	152	312	249	40	6	1	848
50 to 54	..	..	1	5	17	45	121	218	152	21	4	584
55 to 59	..	..	..	1	5	20	39	66	113	62	15	321
60 and over	..	..	..	..	1	8	15	36	57	76	1	229
Not Stated	..	1	1	..	..	..	..	..	..	..	70	72
Total	Wives	40	496	1,420	1,673	1,315	980	676	368	148	97	7,285

10. Duration of Marriages Dissolved and Number of Children.—The following table shows the number of dissolutions of marriage granted in 1959, 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. In 1959, approximately two-thirds of the marriages dissolved were of less than fifteen years' duration and 38 per cent. were of less than ten years' duration.

DURATION OF MARRIAGES DISSOLVED AND NUMBER OF CHILDREN(a): AUSTRALIA, 1959.

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 and over.		
1 year and under 2	..	18	..	..	..	..	..	..	..	..	..	..	18	..
2 years and under 3	..	51	.. 5	..	..	..	..	1	..	..	..	..	57	.. 11
3 " " " 4	..	91	49	9	..	..	..	..	..	..	..	..	150	70
4 " " " 5	..	161	77	21	1	..	..	..	..	..	..	..	260	122
5 " " " 6	..	219	138	31	6	..	..	1	..	..	..	..	395	224
6 " " " 7	..	230	138	63	8	..	..	..	..	..	..	..	444	309
7 " " " 8	..	232	139	80	17	4	..	..	..	..	..	..	472	366
8 " " " 9	..	217	148	84	15	6	2	..	..	..	..	..	472	395
9 " " " 10	..	190	150	106	29	6	4	..	..	..	..	..	485	493
10 " " " 11	..	169	129	103	40	12	5	1	..	..	..	..	459	534
11 " " " 12	..	154	130	130	55	21	2	..	..	..	..	..	492	649
12 " " " 13	..	122	104	93	46	19	4	..	..	..	..	..	388	524
13 " " " 14	..	97	77	111	54	21	5	2	..	..	..	1	368	593
14 " " " 15	..	68	72	70	41	9	5	..	..	..	..	..	265	396
15 " " " 16	..	65	60	55	46	16	1	1	..	1	..	..	247	405
16 " " " 17	..	57	51	66	42	20	6	3	1	..	..	..	246	444
17 " " " 18	..	54	77	89	48	10	1	4	..	1	..	..	284	476
18 " " " 19	..	53	45	75	27	21	3	..	..	..	..	..	224	375
19 " " " 20	..	45	52	61	42	17	6	1	1	1	..	..	226	419
20 " " " 21	..	27	40	55	23	15	5	3	4	..	..	..	172	350
21 " " " 25	..	88	111	122	88	57	12	8	5	2	1	..	494	1,015
25 " " " 30	..	50	84	111	56	46	12	10	4	6	1	1	381	873
30 " " " 35	..	28	32	56	34	19	9	5	2	1	2	1	190	461
35 " " " 40	..	11	10	15	16	4	4	3	..	3	..	..	66	166
40 " " " 45	..	3	..	10	1	2	2	..	..	1	..	..	19	49
45 " " and over	..	2	1	1	1	2	..	..	..	..	..	..	8	20
Not Stated	..	1	..	2	..	..	..	..	..	..	..	..	3	4
Total Dissolutions of Marriage	2,503	1,919	1,619	737	330	91	43	19	16	4	2	2	7,285	..
Total Children (a)	..	1,919	3,238	2,211	1,320	455	258	133	128	36	20	25	..	9,743

(a) The term "children" used in the above table, being dependent upon State legislation and court rules, is not comparable in all States, and is defined as follows:—New South Wales, Victoria and Western Australia, issue of the marriage, of all ages, living and dead; Queensland, children, including adoptions and step-children of all ages, living and dead; South Australia, issue of the marriage, living, under 16; Tasmania, living issue of the marriage.

11. **Number of Divorced Persons at each Census 1901 to 1954.**—The following table shows the number and proportion of divorced persons in Australia as recorded from returns supplied at each census from 1901 to 1954. A classification of these persons by age appeared in earlier issues of the Official Year Book (*see* No. 39, p. 269). Prior to 1911, no record was made of divorced persons in South Australia, so comparisons cannot be made to extend beyond that date.

DIVORCED PERSONS AT CENSUS DATES: AUSTRALIA.

Sex.	Number.						Proportion per 10,000 of Males or Females, 15 years of age and over.					
	1901. (a)	1911.	1921.	1933.	1947.	1954.	1901. (a)	1911.	1921.	1933.	1947.	1954.
Males ..	1,234	2,368	4,233	10,298	25,052	32,389	10	15	23	42	89	100
Females ..	1,149	2,140	4,304	10,888	27,516	36,650	10	15	24	46	96	115

(a) Excludes South Australia.

C. BANKRUPTCY.

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

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

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

- (1) the debt or debts amount to £50;
- (2) the act of bankruptcy relied on has occurred within the six months preceding the presentation of the petition; and
- (3) the statutory requirements relating to domicile or residence are applicable to the debtor.

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

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

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

The Bankruptcy Act 1924–1960 provides for an Inspector-General in Bankruptcy, who performs such duties as are prescribed. The Act also provides for a Registrar and an Official Receiver to be appointed for each bankruptcy district.

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

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

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

2. **Bankruptcy Proceedings.**—The following table shows the number of bankruptcies of the various types in each State, together with the assets and liabilities of the debtors, during the twelve months ended 30th June, 1960:—

BANKRUPTCY PROCEEDINGS, 1959-60.

State.		Sequestration Orders and Orders for Administration of Deceased Debtors' Estates.	Compositions and Schemes under Part XI.	Deeds under Part XI.	Deeds of Arrangement, Part XII.	Total.
N.S.W.	Number ..	813	6	4	69	892
	Liabilities £	2,127,924	91,372	18,514	979,079	3,216,889
	Assets £	1,148,691	39,689	27,377	785,864	2,001,621
(a) Vic. ..	Number ..	395	3	1	95	494
	Liabilities £	1,225,124	79,645	8,558	705,941	2,019,268
	Assets £	658,281	17,625	2,931	503,450	1,182,287
Q'land	Number ..	211	..	..	23	234
	Liabilities £	512,414	..	..	212,775	725,189
	Assets £	411,579	..	..	219,542	631,121
S. Aust.	Number ..	319	43	9	1	372
	Liabilities £	580,728	142,498	74,549	3,318	801,093
	Assets £	241,745	117,044	86,244	1,705	446,738
W. Aust.	Number ..	119	67	13	..	199
	Liabilities £	367,829	216,370	44,677	..	628,876
	Assets £	129,470	236,726	46,191	..	412,387
Tas. ..	Number ..	91	..	1	4	96
	Liabilities £	297,344	..	15,680	60,222	373,246
	Assets £	133,846	..	13,462	20,722	168,030
N.T. ..	Number ..	1	..	..	..	1
	Liabilities £	14,880	..	..	..	14,880
	Assets £	15,077	..	..	..	15,077
Australia	Number ..	1,949	119	28	192	2,288
	Liabilities £	5,126,243	529,885	161,978	1,961,335	7,779,441
	Assets £	2,738,689	411,084	176,205	1,531,283	4,857,261

(a) Includes the Australian Capital Territory.

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

Until 1954-55, the bankruptcy year ended on 31st July. Thereafter it has ended on 30th June. Figures for 1955-56, therefore, cover only eleven months.

BANKRUPTCY PROCEEDINGS: AUSTRALIA.

Year.		Sequestration Orders and Orders for Administration of Deceased Debtors' Estates.	Compositions and Schemes under Part XI.	Deeds under Part XI.	Deeds of Arrangement, Part XII.	Total.
1955-56 (a)	Number ..	798	80	14	120	1,012
	Liabilities £	2,167,986	541,666	110,541	832,635	3,652,828
	Assets £	1,082,492	459,242	81,000	856,009	2,478,743
1956-57	Number ..	1,200	126	32	171	1,529
	Liabilities £	3,243,749	501,486	126,140	1,242,834	5,114,209
	Assets £	1,795,830	545,275	126,063	1,196,604	3,663,772
1957-58	Number ..	1,357	120	28	164	1,669
	Liabilities £	3,126,313	707,134	166,367	1,271,353	5,271,167
	Assets £	1,680,868	636,032	107,675	1,315,856	3,740,431
1958-59	Number ..	1,603	131	19	196	1,949
	Liabilities £	4,534,479	608,040	198,730	1,844,512	7,185,761
	Assets £	2,089,842	697,414	145,712	1,594,706	4,527,674
1959-60	Number ..	1,949	119	28	192	2,288
	Liabilities £	5,126,243	529,885	161,978	1,961,335	7,779,441
	Assets £	2,738,689	411,084	176,205	1,531,283	4,857,261

(a) Eleven months.

BANKRUPTCY PROCEEDINGS: STATES.

Year.		N.S.W. (a)	Vic.	Q'land	S. Aust.	W. Aust.	Tas.	N.T.	Aus- tralia.
1955-56 .. (b)	Number ..	400	206	153	99	120	33	1	1,012
	Liabilities £	1,644,478	712,223	361,636	441,626	373,119	114,159	5,587	3,652,828
	Assets £	1,092,323	522,159	151,954	342,790	276,246	92,642	629	2,478,743
1956-57 ..	Number ..	555	335	152	214	204	66	3	1,529
	Liabilities £	2,262,611	992,246	449,519	598,090	562,808	220,155	28,780	5,114,209
	Assets £	1,441,731	661,268	394,898	352,916	608,424	181,939	22,596	3,663,772
1957-58 ..	Number ..	524	418	181	263	212	70	1	1,669
	Liabilities £	2,010,218	1,021,428	607,109	645,401	793,439	184,552	9,020	5,271,167
	Assets £	1,607,587	676,021	377,379	375,932	578,097	120,778	4,637	3,740,431
1958-59 ..	Number ..	745	394	200	316	206	88	..	1,949
	Liabilities £	2,683,920	1,713,739	832,572	707,481	1,057,664	190,385	..	7,185,761
	Assets £	1,661,574	952,691	656,757	371,488	775,328	109,836	..	4,527,674
1959-60 ..	Number ..	892	494	234	372	199	96	1	2,288
	Liabilities £	3,216,889	2,019,268	725,189	801,093	628,876	373,246	14,880	7,779,441
	Assets £	2,001,621	1,182,287	631,121	446,738	412,387	168,030	15,077	4,857,261

(a) Includes the Australian Capital Territory.

(b) Eleven months.

D. OTHER CIVIL PROCEEDINGS.

The following table shows the civil judgments (excluding those for divorce and bankruptcy) in the higher courts during 1959. The particulars given below include the number and amount of judgments entered by default or confession or agreement.

CIVIL CASES AT HIGHER COURTS, 1959.

Particulars.	N.S.W. (a)	Vic.	Q'land. (b)	S. Aust.	W. Aust. (c)	Tas.	N.T. (b)	A.C.T.	Aus- tralia.
Judgments No.	4,343	11,464	1,262	127	219	578	(d)	132	(d)
Amount Awarded £	(d)	3,118,347	528,172	283,607	356,805	430,127	(d)	139,389	(d)

(a) Excludes judgments signed in the Supreme Court.

(b) Twelve months ended 30th June, 1959.

(c) Judgments signed and entered.

(d) Not available.

§ 5. High Court of Australia.

Under the provisions of Section 71 of the Commonwealth Constitution, the judicial power of the Commonwealth is vested in a Supreme Court called the High Court of Australia and in such other courts as the Parliament creates or invests with Federal jurisdiction. The High Court of Australia possesses both original and appellate jurisdiction. The powers of the Court are defined in the Commonwealth Constitution and in the Judiciary Act 1903-55. The Court consists of a Chief Justice and six other judges. Sittings of the Court are held in the capitals of the various States as occasion requires. The High Court functions as a Court of Appeal for Australia. The following statement shows the transactions of the High Court for 1959 and 1960:—

TRANSACTIONS OF THE HIGH COURT OF AUSTRALIA.

Original Jurisdiction. (a)	1959.	1960.	Appellate Jurisdiction.	1959.	1960.
Number of writs issued	156	183	Number of appeals set down for hearing ..	119	134
Number of cases entered for trial ..	31	40	Number allowed ..	41	49
Judgments for plaintiffs	41	23	Number dismissed ..	59	85
Judgments for defendants	5	4	Otherwise disposed of	16	16
Otherwise disposed of ..	12	48			
Amount of judgments ..	£122,970	£182,693			

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

During 1959 and 1960, respectively, the High Court dealt also with the following:— appeals from assessments under the Taxation Assessment Act, 30, 130; special cases stated for the opinion of the Full Court, 8, 13; applications for prohibition, etc., 26, 22. The fees collected amounted to £3,349 in 1959 and £4,305 in 1960.

§ 6. Police, Prisons and Prisoners.

1. **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 acts and regulations.

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

The strength of the police force in each State and Territory and the number of police officers per 10,000 of population are shown in the following table for the years 1955 to 1959. The figures include traffic police, probationers, cadets, special constables and women police, but exclude parking police, native trackers (natives employed in outlying districts in tracking lost persons and persons wanted by the police), female searchers, wardresses and interpreters. Figures refer to the 30th June, except where otherwise indicated.

STRENGTH OF POLICE FORCES.

As at 30th June—	N.S.W.	Vic.	Q'land.	S. Aust.	W. Aust.	Tas.	N.T.	A.C.T.	Aus- tralia.
TOTAL STRENGTH.									
1955	(a) 4,817	(a) 3,109	2,355	1,086	964	471	62	60	12,924
1956	(a) 4,927	(a) 3,392	2,422	1,132	971	481	67	60	13,452
1957	(a) 5,043	(a) 3,709	2,491	1,234	970	507	80	60	14,094
1958	5,130	3,753	2,617	1,351	988	526	76	66	14,507
1959	5,245	3,753	2,678	1,425	1,056	524	102	73	14,856

POPULATION TO EACH POLICE OFFICER.

1955	(a) 732	(a) 813	571	744	683	668	284	558	721
1956	(a) 728	(a) 776	566	738	698	665	273	602	706
1957	(a) 726	(a) 728	561	708	713	647	240	652	689
1958	719	730	542	664	714	638	258	624	679
1959	716	750	538	646	681	653	205	631	677

NUMBER OF POLICEWOMEN.(b)

1955	(a) 37	(a) 34	8	20	9	5	..	2	115
1956	(a) 36	(a) 43	7	23	9	8	..	2	128
1957	(a) 38	(a) 55	7	24	9	10	..	2	145
1958	46	52	9	32	11	9	..	2	161
1959	48	50	9	33	12	8	..	2	162

NUMBER OF NATIVE TRACKERS.(c)

1955	(a) 8	(a) 1	23	..	18	..	29	..	79
1956	(a) 8	(a) 1	25	(d)	7	..	31	..	72
1957	(a) 8	(a) 1	23	(d)	3	..	30	..	65
1958	7	1	23	(d)	4	..	31	..	66
1959	5	1	24	(d)	4	..	35	..	69

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

2. **Prisons and Prison Accommodation.**—The table below shows the number of prisons in each State and the accommodation therein in 1959. All figures refer to 30th June, except where otherwise indicated.

PRISONS AND PRISON ACCOMMODATION, 1959.

Particulars.	N.S.W.	Vic. (a)	Q'land.	S. Aust.	W. Aust.	Tas.	N.T.	Aus- tralia.
Prisons	18	11	7	16	19	1	2	74
Accommodation ..	2,768	2,046	929	920	900	244	59	7,866

(a) 31st December.

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

3. **Convicted Prisoners.**—The number of convicted prisoners at 30th June of each of the years 1955 to 1959 and the proportion per 10,000 of the population are shown in the following table. The figures exclude aborigines, except for New South Wales and Victoria.

CONVICTED PRISONERS.

At 30th June—	N.S.W. (a)	Vic. (b)	Q'land.	S. Aust.	W. Aust.	Tas.	N.T.	Aus- tralia.
NUMBER.								
1955 ..	2,238	1,229	580	413	386	163	50	5,059
1956 ..	2,860	1,462	612	457	482	149	21	6,043
1957 ..	3,050	1,441	630	569	488	162	29	6,419
1958 ..	3,126	1,397	799	526	527	196	32	6,603
1959 ..	2,895	1,539	868	577	477	223	28	6,607
NUMBER PER 10,000 OF POPULATION.								
1955 ..	6.4	4.8	4.3	5.0	5.7	5.2	28.4	5.5
1956 ..	8.0	5.6	4.5	5.4	7.1	4.7	11.5	6.4
1957 ..	8.3	5.3	4.9	6.6	7.1	5.0	15.8	6.6
1958 ..	8.5	5.1	5.6	5.9	7.5	5.8	16.3	6.7
1959 ..	7.7	5.5	6.0	6.3	6.6	6.5	13.4	6.6

(a) Includes the Australian Capital Territory.

(b) At 31st December of year shown.

§ 7. Cost of Administration of Law and Order.

1. **Expenditure by the States.**—The tables below show the net expenditure (i.e., gross expenditure less receipts from fees, fines, recoups for services rendered, etc.) from Consolidated Revenue during 1959–60 in connexion with the administration of justice, police and prisons in each State.

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

NET EXPENDITURE ON LAW AND ORDER, 1959-60.

State.	Net Expenditure.			Per Head of Population.		
	Justice.	Police.	Prisons.	Justice.	Police.	Prisons.
	£.	£.	£.	s. d.	s. d.	s. d.
New South Wales ..	1,198,120	7,828,364	1,218,052	6 4	41 3	6 5
Victoria ..	547,028	6,336,402	908,408	3 10	44 5	6 5
Queensland ..	113,330	4,062,471	393,717	1 7	56 1	5 5
South Australia ..	—205,791	2,136,275	347,009	—4 5	45 9	7 5
Western Australia ..	58,352	1,744,713	257,955	1 7	48 1	7 1
Tasmania ..	211,430	836,957	157,411	12 2	48 2	9 1
Total ..	1,922,469	22,945,182	3,282,552	3 10	45 2	6 6

2. **Commonwealth Expenditure.**—(i) *Attorney-General's Department.* The expenditure shown in the previous table is that incurred by the State Governments. Since the functions of the Commonwealth Government in the administration of law and order differ considerably from those of the States, precise comparison between Commonwealth and State expenditure in this field is not possible. The following table, however, shows the gross expenditure by the Commonwealth Attorney-General's Department during the year 1959–60 on the main services performed by that department.

**EXPENDITURE BY THE COMMONWEALTH ATTORNEY-GENERAL'S
DEPARTMENT, 1959-60.**
(£.)

Item.	Gross Expenditure.
Administration	300,813
Bankruptcy	196,668
Commonwealth Investigation Service	105,648
Industrial Registrar's Branch	195,182
Court Reporting Branch	153,743
Crown Solicitor's Office	413,241
High Court	147,967
Industrial Court	85,491
Judges' Salaries and Pensions	15,287
Legal Service Bureau	65,165
Miscellaneous Services	22,726
Patents, Trade Marks and Designs	473,811
Peace Officer Guard	161,041
Commonwealth Police Force	14,214
Rent	56,509
Repairs and Maintenance	27,322
Total	2,434,828

In addition, £158,991 was spent by the Attorney-General's Department on capital works and services.

The items of expenditure shown in the table above are gross. Receipts of the Attorney-General's Department for 1959-60 aggregated £670,048, of which revenue on account of Patents, Trade Marks and Designs, and Copyright amounted to £398,633, Bankruptcy £113,305, Court Reporting Branch £111,520, Fees, Fines and Costs of Court £32,755, and Miscellaneous £13,835.

Expenditure and receipts of the Attorney-General's Department for the five years 1955-56 to 1959-60 is shown in the following table:—

**EXPENDITURE BY THE COMMONWEALTH ATTORNEY-GENERAL'S
DEPARTMENT.**
(£.)

Year.	Gross Expenditure.	Receipts.	Net Expenditure.
1955-56	1,896,741	407,474	1,489,267
1956-57	1,952,184	451,758	1,500,426
1957-58	1,984,776	516,090	1,468,686
1958-59	2,100,388	572,771	1,527,617
1959-60	2,434,828	670,048	1,764,780

(ii) *Police and Prisons.* Expenditure by the Commonwealth Government on police in the Australian Capital Territory (excluding the Commonwealth Police Force shown above), and police and prisons in the Northern Territory for the five years 1955-56 to 1959-60 is shown in the following table.

**EXPENDITURE ON POLICE AND PRISONS IN THE NORTHERN TERRITORY
AND THE AUSTRALIAN CAPITAL TERRITORY.**
(£.)

Year.	Northern Territory.	Australian Capital Territory.(a)
1955-56	145,387	98,720
1956-57	136,000	109,710
1957-58	208,099	142,462
1958-59	227,031	137,894
1959-60	262,261	168,952

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