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

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

Australian law adheres to the principle that Federal control must in general be exercised by ordinary courts. There is no integrated system of administrative tribunals, but there is a great variety of administrative tribunals of various descriptions. The ordinary courts exercise supervision over administrative tribunals either by way of statutory appeal or by the use of prerogative writs of mandamus, prohibition, or *certiorari*, by which the administrative tribunals can be enjoined to perform a duty or to abstain from excess of jurisdiction, or can have their decisions set aside.

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

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

2. State Courts.—(i) *Civil jurisdiction.* Lower courts (which term includes, for the purposes of this chapter, Magistrates' Courts, Courts of Petty Sessions, Local Courts when not constituted by a judge, 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, Local Courts when constituted by a judge, 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 1904–1961, will be found in Chapter XII.—Labour, Wages and Prices (p. 399).

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 £150 before a court constituted by a stipendiary magistrate. Where the amount claimed exceeds £50, the Court must transfer the action to the District Court when the defendant gives notice that he objects to the action being heard and determined by a Court of Petty Sessions. Magistrates have power to entertain claims of up to £500 under the Money Lenders and Infants Loans Act, 1941, as amended. The amount in actions of debt before two or more justices of the peace is limited to £30 and in actions of 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 imprisonment for up to two years.

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

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 not exceeding £50 or imprisonment for up to 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 and Territory for the years 1956 to 1960 are shown in the following table.

CASES TRIED AT MAGISTRATES' COURTS.

State or Territory.	1956.	1957.	1958.	1959.	1960.
New South Wales(a) ..	271,172	307,824	323,097	331,195	332,728
Victoria	175,899	224,015	270,017	287,622	(a) 268,104
Queensland(b) ..	47,072	53,611	(a) 62,468	(a) 65,773	(a) 73,804
South Australia(b) ..	31,799	34,399	36,305	38,003	47,427
Western Australia(a) ..	62,753	59,205	49,945	50,696	50,107
Tasmania(a)	19,274	19,120	20,009	21,355	24,047
Northern Territory ..	(b) 2,779	(b) 2,615	3,103	3,617	2,958
Australian Capital Territory	1,564	1,875	2,197	2,539	3,168
Australia	612,312	702,664	767,141	800,800	802,343

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

In addition, in most States, provision exist for settlement of minor traffic offences by payment of fines without court appearance. The following table shows the number of such offences for the years 1956 to 1960.

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

State.	1956.	1957.	1958.	1959.	1960.
New South Wales ..	163,921	237,811	315,058	321,157	351,685
Victoria	(b)	(b)	(b)	(b)	69,895
Queensland	(b)	(b)	18,803	22,701	22,680
South Australia ..	(b)	(b)	(b)	(b)	(b)
Western Australia ..	32,130	31,405	36,999	44,973	50,879
Tasmania	7,706	9,960	15,022	18,554	25,801
Total	203,757	279,176	385,882	407,385	520,940

(a) Without court appearance. (b) Not applicable.

2. Convictions at Magistrates' Courts.—Of the cases tried in Magistrates' Courts in 1960, the following table shows the number in which convictions were made.

CONVICTIONS AT MAGISTRATES' COURTS, 1960.

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 ..	3,776	1,766	557	358	382	329	60	58	7,286
Against Property ..	26,745	13,837	4,119	2,242	5,379	1,458	164	241	54,185
Forgery and Offences against the Currency ..	1,008	43	2	4	3	1	19	32	1,112
Against Good Order ..	103,701	36,907	31,475	6,731	6,918	1,134	1,635	447	188,948
Other	171,206	193,254	31,355	33,196	34,780	17,274	786	1,502	483,353
Total	306,436	245,807	67,508	42,531	47,462	20,196	2,664	2,280	734,884

(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 1956 to 1960.

CONVICTIONS AT MAGISTRATES' COURTS.

State or Territory.	1956.	1957.	1958.	1959.	1960.
New South Wales(a) ..	249,131	282,489	294,540	303,504	306,436
Victoria	158,869	208,125	251,065	265,214	(a)245,807
Queensland(b)(c)	45,711	52,113	(a) 60,592	(a) 60,212	(a) 67,508
South Australia(b)	28,221	30,658	32,621	34,203	42,531
Western Australia(a) ..	59,883	56,297	47,037	47,579	47,462
Tasmania(a)	17,029	17,040	17,216	19,094	20,196
Northern Territory ..	(b) 2,444	(b) 2,340	2,715	3,212	2,664
Australian Capital Territory	1,209	1,597	1,910	1,787	2,280
Australia	562,497	650,659	707,696	734,805	734,884

(a) See footnote (a) to table on previous page. (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 1956 to 1960.

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

State or Territory.	1956.	1957.	1958.	1959.	1960.
New South Wales	21,399	23,510	27,960	30,769	31,529
Victoria	8,504	8,926	11,132	12,260	15,646
Queensland ^{(b)(c)}	3,942	4,079	4,301	4,422	4,678
South Australia ^(b)	1,889	2,298	2,338	2,554	2,604
Western Australia	5,289	5,205	6,016	5,423	5,764
Tasmania	1,176	1,738	1,666	1,634	1,788
Northern Territory	(b) 115	(b) 247	209	297	243
Australian Capital Territory	102	295	357	384	331
Australia	42,416	46,298	53,979	57,743	62,583

(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.	1956.	1957.	1958.	1959.	1960.
New South Wales	60.2	64.9	75.6	81.8	82.2
Victoria	32.8	33.6	41.0	44.0	54.8
Queensland ^(a)	29.0	29.3	30.2	30.5	31.6
South Australia ^(a)	22.6	26.7	26.4	28.1	27.9
Western Australia	78.4	75.7	86.0	76.2	79.7
Tasmania	36.6	52.9	49.7	47.9	51.5
Northern Territory	(a) 62.4	(a) 124.0	96.1	125.7	96.8
Australian Capital Territory ..	28.9	77.6	86.8	82.4	63.0
Australia	45.2	48.2	55.0	57.6	61.1

(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 1960.

COMMITTALS TO HIGHER COURTS, 1960.

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 ..	1,728	945	302	195	63	41	16	16	3,306
Against Property ..	5,992	3,473	894	284	271	417	6	77	11,414
Forgery and Offences ..									
against the Currency ..	307	377	9	40	19	12	1	1	766
Against Good Order ..	87	59	1	1	1	1	3	3	156
Other ..	98	420	5	22	8	4	..	..	557
Total ..	8,212	5,274	1,211	542	362	475	26	97	16,199

(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 1956 to 1960.

COMMITTALS TO HIGHER COURTS.

State or Territory.	1956.	1957.	1958.	1959.	1960.
New South Wales	6,056	7,221	7,327	7,522	8,212
Victoria	2,624	2,707	4,227	4,523	5,274
Queensland(a)	572	712	911	954	1,211
South Australia(a)	432	552	505	558	542
Western Australia	386	356	463	447	362
Tasmania	321	604	600	529	475
Northern Territory	(a) 87	(a) 62	66	93	26
Australian Capital Territory ..	40	37	74	65	97
Australia	10,518	12,251	14,173	14,691	16,199

(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. **Drunkennes.**—(i) *Cases and Convictions.* The numbers of arrests for drunkenness and the convictions recorded during each of the years 1956 to 1960 are given in the following table.

DRUNKENNESS: CASES AND CONVICTIONS.

State or Territory.	1956.	1957.	1958.	1959.	1960.
CASES.					
New South Wales	77,867	76,700	69,085	69,516	69,259
Victoria	20,457	25,657	29,752	29,973	29,717
Queensland(a)	22,748	23,550	28,242	26,993	28,634
South Australia(a)	4,739	5,030	4,312	4,452	5,279
Western Australia	5,959	5,484	4,870	5,632	5,199
Tasmania	705	786	746	732	632
Northern Territory	(a) 507	(a) 1,059	969	1,024	950
Australian Capital Territory ..	279	358	385	255	302
Australia	133,261	138,624	138,361	138,577	139,972

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

DRUNKENNESS: CASES AND CONVICTIONS—*continued.*

State or Territory.	1956.	1957.	1958.	1959.	1960.
CONVICTIONS.					
New South Wales	77,195	75,953	68,354	69,201	68,591
Victoria	20,184	25,284	29,434	29,334	29,116
Queensland(a)	22,687	23,521	28,196	26,918	28,538
South Australia(a)	4,732	5,019	4,299	4,439	5,273
Western Australia	5,912	5,428	4,821	5,587	5,144
Tasmania	674	760	718	660	512
Northern Territory	(a) 502	(a) 1,029	926	1,010	822
Australian Capital Territory	271	322	380	255	298
Australia	132,157	137,316	137,128	137,404	138,294

(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 134.9 in 1960.

The rates of convictions for drunkenness for the years 1956 to 1960 are shown in the following table.

CONVICTIONS FOR DRUNKENNESS.

(PER 10,000 OF POPULATION.)

State or Territory.	1956.	1957.	1958.	1959.	1960.
New South Wales	217.0	209.6	184.9	183.9	178.9
Victoria	77.9	95.2	108.3	105.4	101.9
Queensland(a)	166.7	168.7	198.2	185.6	193.0
South Australia(a)	56.7	58.3	48.5	48.9	56.5
Western Australia	87.7	79.0	68.9	78.5	71.2
Tasmania	21.0	23.1	21.4	19.3	14.8
Northern Territory	(a) 272.5	(a) 516.7	425.8	427.5	327.4
Australian Capital Territory	76.7	84.7	92.4	54.7	56.7
Australia	140.7	142.9	139.6	137.0	134.9

(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 complaints entered and the amounts awarded to plaintiffs during 1960 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, 1960.

Particulars.	N.S.W.	Vic.	Q'land. (a)	S.Aust.	W.Aust.	Tas.	N.T. (a)	A.C.T.	Aus- tralia.
Plaints Entered No.	109,110	164,792	39,348	85,287	43,810	17,362	1,878	3,346	464,933
Amount Awarded to Plaintiffs £	920,419	3,018,614	910,941	1,527,678	589,977	492,031	46,072	51,260	7,556,992

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

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

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

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

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

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

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

§ 4. Higher (Judges') Courts.

A. CRIMINAL PROCEEDINGS.

1. Offences for which Persons were Convicted at Higher Courts.—The following table shows the number of persons convicted at higher courts in each of the States and Territories of Australia during 1960, classified according to the nature of the offence.

PERSONS CONVICTED AT HIGHER COURTS, 1960.

Offence.	N.S.W.	Vic.	Q'land. (a)(b)	S. Aust.	W. Aus.	Tas. (c)	N.T.	A.C.T.	Australia.
I. OFFENCES AGAINST THE PERSON.									
Infanticide	1	1	..	..	..	..	..	..	2
Murder	14	3	8	1	1	1	..	..	28
Attempted Murder	3	1	1	..	1	..	..	..	6
Manlaughter(d)	17	8	12	7	2	4	3	..	53
Culpable Driving	27	..	6	6	..	..	..	..	33
Rape	8	7	10	8	5	1	..	..	39
Other Offences against Females	273	274	88	145	3	16	2	2	803
Abduction	1	6	1	1	1	..	..	..	9
Incest	2	7	12	2	6	..	..	..	29
Unnatural Offences	143	119	22	12	3	3	1	1	304
Abortion and Attempts to Procure	3	2	2	..	1	2	1	..	11
Bigamy	23	13	8	3	1	3	..	..	51
Aggravated Assault	51	31	48	..	11	3	8	2	143
Common Assault	37	22	3	1	..	..	3	2	79
Malicious Wounding	29	37	..	14	..	..	..	..	80
Other Offences against the Person	10	18	11	..	..	6	..	..	45
<i>Total</i>	642	549	225	200	35	39	18	7	1,715
II. OFFENCES AGAINST PROPERTY.									
Burglary, Breaking and Entering	1,001	811	423	201	88	161	4	38	2,727
Robbery and Stealing from the Person	76	46	38	16	6	45	2	..	229
Horse, Cattle and Sheep Stealing .. ..	..	12	16	20	..	..	2	..	50
Embezzlement or Fraudulent Misappropriation	82	65	8	9	14	3	1	..	182
Other larceny	571	144	35	27	16	..	1	5	799
Unlawfully using Vehicles Receiving	43	39	214	..	4	2	8	..	255
Fraud and False Pretences	124	57	19	4	2	9	..	2	135
Arson .. ..	..	5	6	1	1	1	..	9	251
Malicious Damage	12	8	6	..	1	3	..	..	17
Other Offences against Property	18	11	2	4	..	..	..	..	28
<i>Total</i>	1,929	1,250	777	320	138	230	10	54	4,708
III. FORGERY AND OFFENCES AGAINST THE CURRENCY.									
Forgery and Uttering	23	36	6	22	7	13	1	1	109
Offences against the Currency	7	..	..	..	..	..	..	..	7
<i>Total</i>	30	36	6	22	7	13	1	1	116
IV. OFFENCES AGAINST GOOD ORDER									
.. ..	5	16	1	..	..	6	..	..	28
V. OTHER									
.. ..	29	145	11	38	3	7	..	..	233
Total all Offences	2,635	1,996	1,020	580	183	295	29	62	6,800

(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, Numbers and Rates.—The numbers of persons convicted at higher courts and rates of conviction per 10,000 of population for the years 1956 to 1960 are given in the following table.

PERSONS CONVICTED AT HIGHER COURTS.

State or Territory.	1956.	1957.	1958.	1959.	1960.
NUMBER.					
New South Wales	(a) 1,933	2,225	2,274	2,325	2,635
Victoria	1,249	1,643	1,779	1,799	1,996
Queensland(a)(b)	431	584	883	915	1,020
South Australia	362	459	457	499	580
Western Australia	241	200	255	216	183
Tasmania(c)	184	205	276	290	295
Northern Territory	(a) 72	(a) 59	31	69	29
Australian Capital Territory	40	32	50	40	62
Australia	4,512	5,407	6,005	6,153	6,800

PER 10,000 OF POPULATION.

New South Wales	(a) 5.5	6.1	6.2	6.2	6.9
Victoria	4.8	6.2	6.5	6.5	7.0
Queensland(a)(b)	3.2	4.2	6.2	6.3	6.9
South Australia	4.3	5.3	5.1	5.4	6.1
Western Australia	3.6	2.9	3.6	3.0	2.5
Tasmania(c)	5.7	6.2	8.2	8.5	8.5
Northern Territory	(a) 39.1	(a) 29.6	14.3	29.2	11.6
Australian Capital Territory	11.3	8.4	12.2	8.6	11.8
Australia	4.8	5.6	6.1	6.1	6.6

(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 a habitual criminal, and may direct as part of his sentence that on expiration of the term of imprisonment then imposed on him he be detained during the pleasure of the Governor-General.

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

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

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

At 30th June, 1961, there were 77 prisoners detained in pursuance of this Act.

(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 a habitual criminal. A habitual criminal is detained in a reformatory prison (Section 659D) and there employed (Section 659F).

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

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

(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 a habitual criminal, or in other special circumstances where the Court considers such a sentence is fit.

The number under preventive detention on 30th June, 1960, was 25, and the total number dealt with since the passing of the Act was 199.

(vii) *Tasmania.* Since the Indeterminate Sentences Act came into operation in 1922, 132 persons have been confined under its provisions and 14 were in custody at the end of 1961.

Of the 118 released on probation, 28 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, a Judge of the Northern Territory Supreme Court has power to declare as habitual criminals persons of any age who come before him for sentence and have had at least two or, in some cases, three previous convictions for certain indictable offences specified in the Act. The result of the declaration is that the offender is detained for an indefinite period after the completion of his sentence, and is released only when he is considered fit to be at large.

(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 1951 to 1960. Three took place in Victoria (in 1951), three in South Australia (one each in 1953, 1956, and 1958), two in Western Australia (one each in 1952 and 1960), 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; from 1941 to 1950, 0.5; and from 1951 to 1960, 1.

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 in 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.**—A marriage may be terminated by a Supreme Court of a State or Territory in one of three ways. Firstly, there may be a dissolution of the marriage, commonly known as divorce; secondly, the courts may annul a marriage; and thirdly, there can be a judicial separation of the parties.

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

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

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 was based.

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

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

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 1960.

PETITIONS FILED FOR DISSOLUTION OF MARRIAGE, NULLITY OF MARRIAGE AND JUDICIAL SEPARATION, 1960.

Petition for—	N.S.W.	Vic.	Q'land.	S.A.	W.A.	Tas.	N.T.	A.C.T.	Aust.
Dissolution of Marriage—									
Husband Petitioner ..	1,670	860	398	313	292	136	16	24	3,709
Wife Petitioner ..	2,076	938	465	468	268	138	10	22	4,385
Total ..	3,746	1,798	863	781	560	274	26	46	8,094
Nullity of Marriage—									
Husband Petitioner ..	14	5	..	4	..	..	..	..	23
Wife Petitioner ..	13	12	1	4	1	..	..	1	32
Total ..	27	17	1	8	1	..	..	1	55
Judicial Separation—									
Husband Petitioner ..	1	..	..	..	6	..	..	..	7
Wife Petitioner ..	22	2	4	..	3	..	..	..	31
Total ..	23	2	4	..	9	..	..	..	38
Total Petitions—									
Husband Petitioner No.	1,685	865	398	317	298	136	16	24	3,739
Wife Petitioner No.	2,111	952	470	472	272	138	10	23	4,448
%	44	48	46	40	52	50	62	51	46
%	56	52	54	60	48	50	38	49	54
Grand Total ..	3,796	1,817	868	789	570	274	26	47	8,187

5. Number of Divorces Granted, 1960.—The following table shows the number of dissolutions of marriage, nullities of marriage and judicial separations granted in each State during 1960.

DISSOLUTIONS OF MARRIAGE, NULLITIES OF MARRIAGE AND JUDICIAL SEPARATIONS GRANTED, 1960.

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 ..	1,464	612	315	284	287	93	4	19	3,078
Wife Petitioner ..	1,779	684	381	326	253	117	1	14	3,555
Total ..	3,243	1,296	696	610	540	210	5	33	6,633
Nullity of Marriage(b)—									
Husband Petitioner ..	12	6	2	4	1	..	1	..	26
Wife Petitioner ..	15	10	5	5	1	..	..	1	37
Total ..	27	16	7	9	2	..	1	1	63
Judicial Separation—									
Husband Petitioner ..	..	..	..	..	2	..	..	..	2
Wife Petitioner ..	5	1	2	..	3	..	..	..	11
Total ..	5	1	2	..	5	..	..	..	13
Total Decrees—									
Husband Petitioner No.	1,476	618	317	288	290	93	5	19	3,106
Wife Petitioner No.	1,799	695	388	331	257	117	1	15	3,603
%	45	47	45	47	53	44	83	56	46
%	55	53	55	53	47	56	17	44	54
Grand Total ..	3,275	1,313	705	619	547	210	6	34	6,709

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

6. Number of Divorces Granted, 1956 to 1960.—The following tables show the number of dissolutions of marriage, nullities of marriage and judicial separations granted in each State and Territory for each year from 1956 to 1960.

DISSOLUTION OF MARRIAGE (DECREES ABSOLUTE).

State or Territory.	1956.	1957.	1958.	1959.	1960.
New South Wales	3,125	2,975	3,217	3,363	3,243
Victoria	(a)1,255	1,345	1,698	1,861	1,296
Queensland	703	682	759	739	696
South Australia	567	529	483	503	610
Western Australia	544	541	536	584	540
Tasmania	196	179	176	222	210
Northern Territory	25	18	15	14	5
Australian Capital Territory	20	29	36	29	33
Australia	6,435	6,298	6,920	7,315	6,633

NULLITY OF MARRIAGE (FINAL DECREES).

State or Territory.	1956.	1957.	1958.	1959.	1960.
New South Wales	18	32	18	23	27
Victoria	13	15	19	16	16
Queensland	5	7	7	5	7
South Australia	5	8	9	7	9
Western Australia	4	1	6	2	2
Tasmania	1	1	..	..	..
Northern Territory .. .. .	..	..	1	..	1
Australian Capital Territory .. .. .	..	..	1	..	1
Australia	46	64	61	53	63

JUDICIAL SEPARATIONS.

State or Territory.	1956.	1957.	1958.	1959.	1960.
New South Wales	4	6	5	..	5
Victoria	2	2	..	..	1
Queensland .. .. .	..	..	1	1	2
South Australia .. .. .	..	1	5	..	..
Western Australia	4	3	2	1	5
Tasmania .. .. .	..	..	..	..	..
Northern Territory .. .. .	..	..	..	..	..
Australian Capital Territory	1	..	..	..	..
Australia	11	12	13	2	13

(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 1881 to 1960 are as follows.

DIVORCES: AUSTRALIA.

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

8. Grounds on which Divorces were Granted.—The grounds on which dissolutions of marriage, nullities of marriage and judicial separations were granted during 1960 in each State and Territory are shown in the following table, but it should be borne in mind that the legal grounds for divorce varied between States and Territories.

GROUND OF DISSOLUTION OF MARRIAGE, NULLITY OF MARRIAGE AND JUDICIAL SEPARATION, 1960.

Ground.	N.S.W.	Vic.	Q'land.	S.A.	W.A.	Tas.	N.T.	A.C.T.	Aust.
<i>Dissolution of Marriage—</i>									
Adultery	901	373	229	274	248	69	1	9	2,104
Cruelty	102	3	..	103	..	5	1	2	216
Cruelty and Drunkenness	106	8	..	..	2	1	..	3	120
Desertion	2,080	829	463	215	129	135	3	19	3,873
Desertion and Adultery .. .. .	..	70	..	..	1	..	..	..	71
Drunkenness and Failure to Support	36	2	..	9	..	..	..	..	47
Drunkenness and Neglect of Domestic Duties	5	3	..	..	1	..	..	..	9
Failure to Pay Maintenance .. .. .	..	..	..	4	19	..	..	..	23
Imprisonment	13	2	..	3	4	..	..	..	19
Insanity .. .. .	..	6	3	..	..	..	..	..	12
Refusal to Consummate .. .. .	..	..	..	..	5	..	..	..	5
Separation for over 5 years .. .. .	..	..	..	2	131	..	..	..	133
Sodomy .. .. .	..	..	1	..	..	..	..	..	1
<i>Total</i>	3,243	1,296	696	610	540	210	5	33	6,633
<i>Nullity of Marriage—</i>									
Non-consummation .. .. .	..	1	1	4	2	..	..	..	4
Bigamy	18	14	4	1	..	..	1	..	24
Impotence	8	1	..	..	..	..	..	1	27
Invalid Marriage .. .. .	..	1	1	4	..	..	..	..	6
Want of Consent	1	..	..	..	..	..	..	..	1
Venerical Disease .. .. .	..	..	1	..	..	..	..	..	1
<i>Total</i>	27	16	7	9	2	..	1	1	63
<i>Judicial Separation—</i>									
Adultery	1	..	..	..	2	..	..	..	3
Desertion	4	1	2	..	3	..	..	..	10
<i>Total</i>	5	1	2	..	5	..	..	..	13
<i>Grand Total</i>	3,275	1,313	705	619	547	210	6	34	6,709

(a) Includes non-compliance with order for restitution of conjugal rights, 402.

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 1960. 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, 1960.

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 ..	4	..	..	..	..	..	..	..	..	..	..	4
21 to 24 ..	23	102	13	1	..	..	..	..	..	..	..	139
25 to 29 ..	16	327	497	76	10	3	2	..	..	..	..	931
30 to 34 ..	3	84	566	602	101	14	4	3	..	..	..	1,377
35 to 39 ..	1	13	135	547	528	82	14	3	1	..	..	1,324
40 to 44 ..	..	6	39	147	366	335	81	12	3	..	..	989
45 to 49 ..	..	1	9	45	143	307	276	35	6	..	..	822
50 to 54 ..	..	1	2	15	39	85	179	125	17	10	..	473
55 to 59 ..	..	..	..	6	19	30	72	87	62	15	..	291
60 and over ..	..	1	..	..	4	9	24	35	56	83	..	212
Not Stated ..	..	..	..	..	..	..	..	..	..	..	71	71
Total Wives	47	535	1,261	1,439	1,210	865	652	300	145	108	71	6,633

10. Duration of Marriages Dissolved and Number of Children.—The following table shows the number of dissolutions of marriage granted in 1960, 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 1960, 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, 1960.

Duration of Marriage (Years).	Dissolutions of Marriages with—											Total Dissolutions of Marriages.	Total Children (a)			
	No Children.	1 Child.	2 Children.	3 Children.	4 Children.	5 Children.	6 Children.	7 Children.	8 Children.	9 Children.	10 Children.			11 Children and over.	N.S.	
1 year and under	2	19	3	3	..	..	..	..	..	..	..	..	..	..	25	30
2 years and under	3	66	24	3	..	..	..	..	..	..	..	..	..	..	93	63
3 "	4	91	35	14	..	..	..	..	..	..	..	..	..	..	140	143
4 "	5	167	84	17	5	..	2	..	..	..	..	..	..	..	275	227
5 "	6	217	129	30	10	2	..	..	..	..	..	..	..	..	407	320
6 "	7	193	131	64	16	2	1	..	..	..	..	..	..	..	400	352
7 "	8	177	125	75	17	4	2	..	..	..	..	..	..	..	433	438
8 "	9	163	139	90	28	10	3	..	..	..	..	..	..	..	388	426
9 "	10	146	113	88	30	8	3	..	..	..	..	..	..	..	377	462
10 "	11	124	103	105	38	5	1	..	..	..	..	..	..	..	406	563
11 "	12	118	107	113	49	16	1	1	..	..	..	..	..	..	354	492
12 "	13	115	83	86	50	16	2	1	..	..	..	..	..	..	363	524
13 "	14	109	93	95	39	18	4	5	..	..	..	..	..	..	304	542
14 "	15	66	68	86	47	29	7	..	..	..	..	..	..	..	217	375
15 "	16	50	49	66	32	10	6	2	1	..	..	..	..	..	188	334
16 "	17	48	35	53	33	12	3	1	1	..	..	..	..	..	181	336
17 "	18	33	50	51	23	15	4	2	2	..	..	..	..	..	224	406
18 "	19	52	51	58	41	5	10	4	2	1	..	..	..	..	181	356
19 "	20	38	36	43	38	16	6	3	..	..	..	..	..	..	184	384
20 "	21	28	48	45	31	18	8	3	1	2	..	..	..	..	498	1,056
21 "	25	83	111	132	85	44	25	8	4	5	1	..	..	..	354	806
25 "	30	64	69	87	64	29	17	10	9	1	2	1	..	..	151	385
30 "	35	23	34	30	22	21	7	6	3	1	..	3	1	..	66	178
35 "	40	14	6	12	15	6	6	3	2	1	1	..	..	..	26	60
40 "	45	5	5	4	6	4	1	..	..	1	..	..	..	..	9	15
45 " and over	..	3	2	..	..	1	..	..	..	..	..	..	..	..	1	..
Not Stated ..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Total Dissolutions of Marriage	..	2,213	1,733	1,452	719	291	120	49	26	15	6	6	3	..	6,633	..
Total Children (a)	..	1,733	2,904	2,157	1,164	600	294	182	120	54	60	34	..	..	9,302	..

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

- (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, and for a Registrar and an Official Receiver to be appointed for each bankruptcy district.

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

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

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

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, 1961.

BANKRUPTCY PROCEEDINGS, 1960-61.

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 ..	783	5	4	76	868
	Liabilities £	2,215,244	33,321	34,676	1,022,723	3,305,964
	Assets £	1,569,439	19,515	33,146	720,175	2,342,275
Vic.	Number ..	362	5	..	122	489
	Liabilities £	1,017,852	63,453	..	870,015	1,951,320
	Assets £	492,396	44,429	..	761,056	1,297,881
Q'land	Number ..	232	..	..	21	253
	Liabilities £	742,864	..	..	209,851	952,715
	Assets £	582,824	..	..	142,832	725,656
S. Aust.	Number ..	421	37	10	..	468
	Liabilities £	1,147,912	76,818	119,124	..	1,343,854
	Assets £	512,531	49,865	133,827	..	696,223
W. Aust.	Number ..	127	70	7	2	206
	Liabilities £	252,042	236,966	35,634	20,880	545,522
	Assets £	81,140	198,838	29,281	18,470	327,729
Tas.	Number ..	76	1	..	4	81
	Liabilities £	226,133	14,411	..	47,174	287,718
	Assets £	89,522	12,955	..	22,863	125,340
N.T.	Number ..	3	..	..	..	3
	Liabilities £	7,813	..	..	..	7,813
	Assets £	5,422	..	..	..	5,422
Australia	Number ..	2,004	118	21	225	2,368
	Liabilities £	5,609,860	424,969	189,434	2,170,643	8,394,906
	Assets £	3,333,274	325,602	196,254	1,665,396	5,520,526

(a) Includes the Australian Capital Territory.

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

BANKRUPTCY PROCEEDINGS: AUSTRALIA.

Year.		Sequestration Orders and Orders for Administration of Deceased Debtors' Estates.	Compositions and Schemes under Part XI.	Deeds under Part XI.	Deeds of Arrangement. Part XII.	Total.
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
1960-61	Number ..	2,004	118	21	225	2,368
	Liabilities £	5,609,860	424,969	189,434	2,170,643	8,394,906
	Assets £	3,333,274	325,602	196,254	1,665,396	5,520,526

BANKRUPTCY PROCEEDINGS: STATES.

Year.	N.S.W. (a)	Vic.	Q'land	S. Aust.	W. Aust.	Tas.	N.T.	Australia.	
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
1960-61 ..	Number ..	868	489	253	468	206	81	3	2,368
	Liabilities £	3,305,964	1,951,320	952,715	1,343,854	545,522	287,718	7,813	8,394,906
	Assets £	2,342,275	1,297,881	725,656	696,223	327,729	125,340	5,422	5,520,526

(a) Includes the Australian Capital Territory.

D. OTHER CIVIL PROCEEDINGS.

The following table shows the civil judgments (excluding those for divorce and bankruptcy) in the higher courts during 1960. The particulars given below include the number and amount of judgments entered by default or confession or agreement.

CIVIL CASES AT HIGHER COURTS, 1960.

Particulars.	N.S.W. (a)	Vic.	Q'land. (b)	S. Aust.	W. Aust. (c)	Tas.	N.T. (b)	A.C.T.	Total.
Judgments No.	3,693	13,877	1,326	121	285	783	(d)	171	(d)
Amount Awarded £	(d)	3,947,506	726,943	249,631	310,501	(d)	(d)	158,108	(d)

(a) Excludes judgments signed in the Supreme Court. (b) Twelve months ended 30th June, 1960.
 (c) Judgments signed and entered. (d) Not available.

§ 5. High Court of Australia.

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

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

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

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

The following table shows the transactions of the High Court for 1960 and 1961.

TRANSACTIONS OF THE HIGH COURT OF AUSTRALIA.

Original Jurisdiction. (a)	1960.		1961.		Appellate Jurisdiction.	
	1960.	1961.	1960.	1961.	1960.	1961.
Number of writs issued	183	130	Number of appeals set			
Number of cases entered for trial	40	51	down for hearing ..	134	122	
Judgments for plaintiffs	23	27	Number allowed ..	49	31	
Judgments for defendants	4	8	Number dismissed ..	85	65	
Otherwise disposed of ..	48	29	Otherwise disposed of	16	31	
Amount of judgments ..	£182,693	£58,175				

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

During 1960 and 1961, respectively, the High Court dealt also with the following:— appeals from assessments under the Taxation Assessment Act, 130, 39; special cases stated for the opinion of the Full Court, 13, 11; applications for prohibition, etc., 22, 21. The fees collected amounted to £4,305 in 1960 and £2,952 in 1961.

§ 6. Police, Prisons and Prisoners.

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

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

The strength of the police force in each State and Territory and the number of persons to each police officer are shown in the following table for the years 1956 to 1960. 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 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.									
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
1960	5,378	3,867	2,647	1,498	1,142	550	103	77	15,262

POPULATION TO EACH POLICE OFFICER.

1956	(a) 729	(a) 772	570	750	695	662	292	586	705
1957	(a) 726	(a) 723	567	708	709	643	263	631	688
1958	719	724	550	664	708	633	291	624	678
1959	717	742	548	646	674	648	236	631	677
1960	713	739	565	631	632	625	248	680	673

NUMBER OF POLICEWOMEN.(b)

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
1960	54	55	9	34	13	10	..	2	177

NUMBER OF NATIVE TRACKERS.(c)

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
1960	5	1	18	(d)	4	..	32	..	60

(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.

(ii) *The Commonwealth Police Force.* The Commonwealth Police Force commenced operations on 21st April, 1960, and is the principal agency for the enforcement of the laws passed by the Commonwealth Parliament. It is also responsible for the protection of Commonwealth property and interests at various buildings and establishments under the control of the Commonwealth.

This Force co-ordinates the work of other Commonwealth investigation and law enforcement agencies and acts on behalf of the United Nations Organization for the suppression of traffic in women and the suppression of obscene literature.

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

District Offices of the Force are in each State Capital City while the Head Office is in Canberra. Kennels are maintained in Melbourne and Adelaide for the breeding and training of guard dogs which are used by the Force. Some of these dogs are specially trained in tracking and are made available as required to the State Police Forces.

Strength.	Policemen.	Policewomen.	Guard Dogs.
30th June, 1960	498	Nil	35
30th June, 1961	560	2	44

2. *Prisons and Prison Accommodation.*—The table below shows the number of prisons in each State and the accommodation therein at 30th June, 1960.

PRISONS AND PRISON ACCOMMODATION, 1960.

Particulars.	N.S.W.	Vic.	Q'land.	S. Aust.	W. Aust.	Tas.	N.T.	Australia.
Prisons	18	11	8	18	19	1	2	77
Accommodation	2,804	2,046	929	959	900	244	59	7,941

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 1956 to 1960 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.	Q'land.	S. Aust.	W. Aust.	Tas.	N.T.	Australia.
NUMBER.								
1956	2,860	1,462	612	457	482	149	21	6,043
1957	3,050	1,441	680	569	488	162	29	6,419
1958	3,126	1,397	799	526	527	196	32	6,603
1959	2,895	1,539	868	577	477	223	28	6,607
1960	2,903	1,678	865	570	526	195	26	6,763
NUMBER PER 10,000 OF POPULATION.								
1956	8.0	5.6	4.4	5.4	7.1	4.7	10.7	6.4
1957	8.3	5.4	4.8	6.5	7.1	5.0	13.8	6.7
1958	8.4	5.1	5.6	5.9	7.5	5.9	14.4	6.7
1959	7.6	5.5	5.9	6.2	6.7	6.6	11.6	6.6
1960	7.5	5.9	5.8	6.0	7.3	5.7	10.2	6.6

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

§ 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 1960–61 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, 1960-61.

State.	Net Expenditure.			Per Head of Population.		
	Justice.	Police.	Prisons.	Justice.	Police.	Prisons.
	£.	£.	£.	s. d.	s. d.	s. d.
New South Wales ..	1,093,105	8,502,157	1,351,568	5 8	43 10	6 11
Victoria ..	514,119	7,015,641	1,037,009	3 6	48 6	7 2
Queensland ..	87,889	4,471,755	451,488	1 2	59 6	6 0
South Australia ..	-288,196	2,406,452	382,652	-6 0	50 3	8 0
Western Australia ..	113,549	1,836,362	281,822	3 1	50 4	7 9
Tasmania ..	213,264	893,911	182,988	12 2	51 1	10 5
Total ..	1,733,730	25,126,278	3,687,527	3 4	48 9	7 2

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 1960–61 on the main services performed by that department.

EXPENDITURE BY THE COMMONWEALTH ATTORNEY-GENERAL'S DEPARTMENT, 1960-61.

(£.)

Item.	Gross Expenditure.
Administration	317,504
Bankruptcy	214,506
Commonwealth Police Force	288,016
Court Reporting Branch	185,251
Crown Solicitor's Office	419,855
High Court	158,144
Industrial Court	110,022
Industrial Registrar's Branch	207,986
Judges' Pensions	20,166
Legal Service Bureau	59,410
Matrimonial Causes—Grants to organizations	36,500
Patents, Trade Marks and Designs	475,938
Rent	71,284
Repairs and Maintenance	29,913
Total	2,594,495

In addition, £262,675 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 1960-61 aggregated £812,493, of which revenue on account of Patents, Trade Marks and Designs, and Copyright amounted to £476,292, Bankruptcy £142,404, Court Reporting Branch £131,871, Fees, Fines and Costs of Court £35,969, and Miscellaneous £25,957.

Expenditure and receipts of the Attorney-General's Department for the five years 1956-57 to 1960-61 is shown in the following table.

EXPENDITURE BY THE COMMONWEALTH ATTORNEY-GENERAL'S DEPARTMENT.

(£.)

Year.	Gross Expenditure.	Receipts.	Net Expenditure.
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
1960-61	2,594,495	812,493	1,782,002

(ii) *Police and Prisons.* Expenditure (other than capital) by the Commonwealth Government on police in the Australian Capital Territory (excluding the Commonwealth Police Force shown above), and police and prisons in the Northern Territory for the five years 1956-57 to 1960-61 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)
1956-57	136,000	109,710
1957-58	208,099	142,462
1958-59	227,031	137,894
1959-60	262,261	168,952
1960-61	322,763	197,275

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