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## CHAPTER VII.

## PUBLIC JUSTICE.

## § 1. Lower (Magistrates') Courts.

1. **General.**—In considering the criminal returns of the various States, due allowance must be made for certain factors, such as the relative powers of the courts, both lower and higher, etc. In the case of lower courts, the actual number of laws in each State the breach of which renders a person liable to fine or imprisonment must be taken into account. Again, the attitude of the magistracy and police towards certain classes of offences is a factor, for in the case of liquor laws, or laws connected with vagrancy or gaming, the views of the magistrates, and instructions issued to the police, may be responsible for considerable variations in the returns. The strength and distribution of the police forces, and the age-constitution and distribution of the population of the States, also influence the results. Due weight should also be given to the prevalence of undetected crime, but information on this point is not available for all States. It may be mentioned that each State has its own separate judicial system, the Commonwealth jurisdiction being confined to the High Court of Australia, which is largely a Court of Appeal intermediate to the Privy Council although it has also original jurisdiction, the Commonwealth Court of Conciliation and Arbitration and the Federal Court of Bankruptcy. Full particulars regarding the judicial power of the Commonwealth will be found in Chapter III. of the Commonwealth Constitution, which appeared in preceding issues of the Official Year Book (See No. 33, p. 18).

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

3. **Cases Tried at Magistrates' Courts.**—The total number of cases tried at Magistrates' Courts in each State is given below for the five years 1935 to 1939:—

## CASES TRIED AT MAGISTRATES' COURTS.

State or Territory.	1935.	1936.	1937.	1938.	1939.
New South Wales ..	134,900	144,707	125,791	115,521	144,848
Victoria ..	65,973	82,118	74,222	79,056	82,858
Queensland(a) ..	31,909	34,359	33,467	35,434	32,501
South Australia ..	17,299	17,213	19,543	20,729	22,776
Western Australia ..	19,255	22,611	24,430	24,822	24,111
Tasmania ..	8,345	8,948	8,388	9,236	9,498
Northern Territory(a) ..	308	370	461	591	1,494
Australian Capital Territory	135	165	216	308	284
Total ..	278,124	310,491	286,518	285,697	318,370

(a) Year ended 30th June following.

Investigation of the returns shows that considerable variations in the figures for single States are occasioned by breaches of new Acts, or the more stringent enforcement of the provisions of existing Acts. Any deductions drawn from the total returns as to the increase or otherwise of criminality must, therefore, be largely influenced by a careful analysis of the detailed list of offences. Thus, the considerable increase in the total offences in Victoria for 1936 as compared with the previous year was chiefly due to a rise of 14,800 in the miscellaneous class, the bulk of which consisted of charges under the Motor Car, Education and Licensing Acts, and breaches of the Traffic Code which came into operation in June, 1936.

4. **Convictions.**—The figures given in the tabulation above include, of course, a number of people who were wrongly charged, and statistically are not of general importance. A classification of convictions in connexion with the persons who appeared before the lower courts in each State during 1939 is given in the following table :—

**CONVICTIONS AT MAGISTRATES' COURTS, 1939.**

Offence.	N.S.W.	Vic.	Qld.(a)	S.A.	W.A.	Tas.	N.T.(a)	A.C.T.	Aust.
Against the Person ..	1,667	618	241	111	206	145	13	8	3,009
Against Property ..	10,968	5,109	2,158	1,112	2,406	805	31	51	22,640
Forgery and Offences against the Currency ..	89	..	3	1	2	9	..	..	104
Against Good Order ..	46,693	17,178	13,285	4,361	4,176	1,053	905	133	87,784
Other Miscellaneous ..	66,936	49,281	13,233	14,844	15,749	6,710	445	68	167,266
<b>Total ..</b>	<b>126,353</b>	<b>72,186</b>	<b>28,920</b>	<b>20,429</b>	<b>22,539</b>	<b>8,722</b>	<b>1,394</b>	<b>260</b>	<b>280,803</b>

(a) Year ended 30th June, 1940.

The following table shows the number of convictions in each year from 1935 to 1939 :—

**CONVICTIONS AT MAGISTRATES' COURTS.**

State or Territory.	1935.	1936.	1937.	1938.	1939.
New South Wales ..	110,135	117,490	103,272	96,933	126,353
Victoria ..	54,666	70,752	64,772	68,841	72,186
Queensland(a) ..	29,527	31,575	29,893	32,047	28,920
South Australia ..	14,838	14,920	17,297	18,341	20,429
Western Australia ..	17,966	21,120	22,777	23,134	22,539
Tasmania ..	7,658	8,347	7,927	8,605	8,722
Northern Territory(a) ..	262	316	397	518	1,394
Australian Capital Territory ..	125	155	195	283	260
<b>Total ..</b>	<b>235,177</b>	<b>264,675</b>	<b>246,530</b>	<b>248,702</b>	<b>280,803</b>

(a) Year ended 30th June following.

5. **Convictions for Serious Crime.**—While the figures given in the preceding table refer to the entire body of convictions, the fact must not be overlooked that they include a large proportion of offences of a technical nature, many of them unwittingly committed,

against various Acts of Parliament. Cases of drunkenness and minor breaches of good order, which, if they can be said to come within the category of crime at all, at least do so in a very different sense from some other offences, also help to swell the list. The following table has therefore been prepared for the purpose of showing the convictions at magistrates' courts for what may be regarded as the more serious offences, i.e., against the person and property, either separately or conjointly, and forgery and offences against the currency. Owing to the smallness of the population, the rates for the Northern Territory are subject to considerable variation.

### CONVICTIONS FOR SERIOUS CRIME AT MAGISTRATES' COURTS.

State or Territory.	1935.	1936.	1937.	1938.	1939.
NUMBER.					
New South Wales ..	12,069	13,220	12,468	11,651	12,724
Victoria ..	4,955	5,240	5,289	6,064	5,727
Queensland(a) ..	2,311	2,400	2,278	2,467	2,402
South Australia ..	1,382	1,121	1,246	1,287	1,224
Western Australia ..	1,691	1,741	2,011	2,127	2,614
Tasmania ..	936	963	1,007	960	959
Northern Territory(a) ..	15	32	26	62	44
Australian Capital Territory ..	11	21	25	55	59
Total ..	23,370	24,738	24,350	24,673	25,753

### PER 10,000 OF THE POPULATION.

New South Wales ..	45.62	49.55	45.99	42.82	46.28
Victoria ..	26.94	28.36	28.44	32.47	30.43
Queensland(a) ..	23.77	24.39	22.71	24.50	23.60
South Australia ..	23.62	19.08	21.08	21.72	20.53
Western Australia ..	37.97	38.69	43.99	46.24	56.21
Tasmania ..	40.76	41.68	42.14	40.73	40.29
Northern Territory(a) ..	29.41	61.97	45.07	106.04	62.59
Australian Capital Territory ..	11.72	21.51	24.40	49.44	49.21
Total ..	34.75	36.50	35.41	35.78	36.99

(a) Year ended 30th June following.

6. Rate of Convictions, 1881 to 1939.—Statistics of convictions reveal a consistent increase in the rate of serious crime from 1925 to 1931, when 37.1 convictions per 10,000 of the population were recorded. Following this comparatively high figure the rate declined to 32.43 in 1933 but has since risen considerably. The rate of convictions over a series of years is included below; only the more serious offences particularized in the preceding sub-section have been taken into consideration.

**RATE OF CONVICTIONS FOR SERIOUS CRIME AT MAGISTRATES' COURTS :  
AUSTRALIA, 1881 TO 1939.**

Year.							Convictions per 10,000 Persons
1881 .. .. .	..	..	..	..	..	..	69.3
1891 .. .. .	..	..	..	..	..	..	44.8
1901 .. .. .	..	..	..	..	..	..	29.1
1911 .. .. .	..	..	..	..	..	..	24.6
1921 .. .. .	..	..	..	..	..	..	29.2
1931 .. .. .	..	..	..	..	..	..	37.1
1939 .. .. .	..	..	..	..	..	..	37.0

7. *Committals to Superior Courts.*—(i) *General.* In a previous paragraph it has been pointed out that comparisons of criminality based on a consideration of the total returns from magistrates' courts are somewhat inadequate, inasmuch as the figures include numbers of cases which are merely technical breaches of laws having in some instances a purely local significance. The committals to higher courts give a better basis of comparison, although even in this connexion allowances must be made for the want of uniformity in jurisdiction. A classification of the offences for which persons appearing in the lower courts were committed to higher courts in each State in 1939 is given below :—

**COMMITTALS TO SUPERIOR COURTS, 1939.**

Offence.	N.S.W.	Vic.	Qld.(a)	S.A.	W.A.	Tas	N.T.(a)	A.C.T.	Aust.
Against the Person ..	529	171	106	57	36	20	8	6	933
Against Property ..	1,608	1,451	197	168	76	57	4	12	3,573
Forgery and Offences against the Currency ..	92	100	4	17	9	3	..	..	225
Against Good Order ..	17	2	45	1	..	..	..	..	65
Other Miscellaneous ..	42	53	7	16	8	2	..	..	128
Total .. .. .	2,288	1,777	359	259	129	82	12	18	4,924

(a) Year ended 30th June, 1940.

The table below gives the number of committals in each year from 1935 to 1939, with the rate of such committals per 10,000 of the population :—

**COMMITTALS TO SUPERIOR COURTS.**

State or Territory.	1935.	1936.	1937.	1938.	1939.
<b>NUMBER.</b>					
New South Wales ..	1,748	1,620	1,771	2,048	2,288
Victoria .. .. .	1,587	1,482	1,545	2,016	1,777
Queensland (a) ..	209	238	251	282	359
South Australia ..	269	237	230	220	259
Western Australia ..	102	113	181	206	129
Tasmania .. .. .	79	71	91	66	82
Northern Territory (a) ..	8	10	16	2	12
Australian Capital Territory	1	4	3	4	18
Total .. .. .	4,003	3,775	4,088	4,844	4,924

(a) Year ended 30th June following.

COMMITTALS TO SUPERIOR COURTS—*continued*.

State or Territory.	1935.	1936.	1937.	1938.	1939.
PER 10,000 OF THE POPULATION.					
New South Wales ..	6.6	6.1	6.5	7.5	8.3
Victoria ..	8.6	8.0	8.3	10.8	9.4
Queensland (a) ..	2.1	2.4	2.5	2.8	3.5
South Australia ..	4.6	4.0	3.9	3.7	4.3
Western Australia ..	2.3	2.5	4.0	4.5	2.8
Tasmania ..	3.4	3.1	3.8	2.8	3.4
Northern Territory (a) ..	15.7	19.4	27.7	3.4	17.1
Australian Capital Territory	1.1	4.1	2.9	3.6	15.0
Total ..	6.0	5.6	5.9	7.0	7.1

(a) Year ended 30th June following.

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

## RATE OF COMMITTALS TO SUPERIOR COURTS : AUSTRALIA, 1881 TO 1939.

Year .. .. .	1881.	1891.	1901.	1911.	1921.	1931.	1939.
Committals per 10,000 inhabitants ..	12	11	8	6	7	8	7

8. *Drunkenness.*—(i) *Cases and Convictions.* The number of cases of drunkenness and the convictions recorded in connexion therewith during the period 1935 to 1939 are given in the following table :—

## DRUNKENNESS : CASES AND CONVICTIONS.

State or Territory.	1935.		1936.		1937.		1938.		1939.	
	Cases.	Convictions.	Cases.	Convictions.	Cases.	Convictions.	Cases.	Convictions.	Cases.	Convictions.
New South Wales	28,450	27,823	31,383	30,297	29,672	27,651	29,610	27,181	32,472	32,405
Victoria ..	10,221	9,217	10,390	10,247	10,433	10,296	11,311	11,128	11,609	11,421
Queensland (a) ..	8,383	8,362	10,436	10,409	10,450	10,183	11,416	11,187	11,202	11,118
South Australia ..	2,748	2,737	2,639	2,628	2,529	2,520	2,662	2,653	2,607	2,597
Western Australia	2,686	2,671	2,879	2,849	2,708	2,678	2,513	2,479	2,681	2,658
Tasmania ..	419	411	386	384	379	365	349	334	411	407
Northern Terr. (a)	134	134	87	87	145	145	156	151	686	677
Aust. Cap. Terr.	55	55	63	63	92	91	133	133	114	114
Total ..	53,096	51,410	58,263	56,964	56,408	53,929	58,150	55,246	61,782	61,397

(a) Year ended 30th June following.

Under the heading "drunkenness" are included cases of ordinary drunkenness, drunkenness and disorderliness, and habitual drunkenness. In the figures quoted for Western Australia, convictions for disorderliness attributable to drink were formerly included in the second category, but since 1929 the returns relate only to drunkenness either as a single or concurrent offence.

The number of convictions is, as might naturally be expected, almost identical with the number of cases. Until 1936 this was not so in the case of Victoria for in this State offenders are generally discharged on a first appearance and no conviction is recorded, a similar procedure being also adopted in the case of those arrested on Saturday and detained in custody till Monday. Since 1936, however, these cases have been included as convictions. Until 1939 the number of convictions recorded for New South Wales did not include cases where offenders were admonished and discharged.

(ii) *Convictions per 10,000 of Population.* The convictions for drunkenness per 10,000 of the population during each of the years from 1935 to 1939 are given hereunder:—

#### CONVICTIONS FOR DRUNKENNESS PER 10,000 OF THE POPULATION.

State or Territory.	1935.	1936.	1937.	1938.	1939.
New South Wales .. ..	105.2	113.6	102.6	100.0	117.9
Victoria .. ..	50.1	55.5	55.5	59.6	60.7
Queensland(a) .. ..	86.0	105.8	102.3	111.1	109.2
South Australia .. ..	46.8	44.7	42.8	44.8	43.6
Western Australia .. ..	60.0	63.3	58.9	53.9	57.2
Tasmania .. ..	17.9	16.6	15.6	14.2	17.1
Australian Capital Territory	58.6	64.5	89.3	119.6	95.1
Total .. ..	76.4	84.0	78.9	80.1	88.2

(a) Year ended 30th June following.

In the twenties the convictions for drunkenness averaged approximately 100 per 10,000 inhabitants, but the rate fell away considerably during the depression years and was only 57.1 in 1931. With the improvement in the social condition of the people following that year, the average rose steadily to 84.0 in 1936, declined somewhat during the next two years, and rose to 88.2 in 1939. Figures for the consumption of beer have followed a similar course. From an average of 11½ gallons per head of the population consumed for some years prior to the depression the amount declined to 7.32 gallons in 1931-32, and thereafter rose each year to more than 12 gallons in 1938-39. The consumption declined to 11.08 gallons in 1939-40.

The convictions for drunkenness taken by themselves are not an altogether satisfactory test of the relative sobriety of the inhabitants of each State, inasmuch as several important factors must be taken into consideration. The age and sex constitution of the people, for example, are by no means identical in all the States. (Owing to the smallness of the population the figures for the Northern Territory are abnormal and have not, therefore, been included in the above table.) The distribution of the population is also a factor, the likelihood of arrest or summons for drunkenness obviously being greater in the more densely populated regions, and allowance must be made for the attitude of the magistracy, the police and the general public in regard to the offence. Due account also must be taken of the effect of legislation dealing with the limitation of hours during which liquor may be sold in hotels.

(iii) *Consumption of Intoxicants.* The following table shows the consumption of spirits, wine and beer per head of the population in Australia during each year of the quinquennium 1935-36 to 1939-40 :—

#### CONSUMPTION OF INTOXICANTS IN AUSTRALIA.

Year.	Consumption per Head of Population.		
	Spirits.	Wine.	Beer.
	Imp. Galls.	Imp. Galls.	Imp. Galls.
1935-36 .. .. .	0.21	} 0.36 {	9.60
1936-37 .. .. .	0.21		10.34
1937-38 .. .. .	0.22		11.62
1938-39 .. .. .	0.22		12.13
1939-40 .. .. .	0.26		11.08

(iv) *Treatment of Drunkenness.* (a) *General.* Though the problem of the correct method of dealing with dipsomania is by no means an easy one, it seems fairly clear that the present plan of bringing offenders before magistrates, and subjecting them to the penalty of imprisonment or fine, has little deterrent effect, as the same offenders are constantly reappearing before the courts. Further, the casting of an inebriate into prison and placing him in his weakened state in the company of professional malefactors certainly lowers his self-respect, and doubtless tends to swell the ranks of criminals. Examination of the prison records in New South Wales some years ago disclosed the fact that over 40 per cent. of the gaol population had commenced their criminal career with a charge of drunkenness. During the last few years the dangers of moral contamination in this way have been more accurately appreciated, and a system of classification of prisoners has been adopted whereby the petty offender is as far as possible kept from association with those convicted of more serious offences.

(b) *Remedial.* Legislation has been passed in each State providing for the commitment of inebriates to special Government institutions. The laws in the various States are as follows :—New South Wales, Inebriates Act 1912 ; Victoria, Inebriates Act 1928 ; Queensland, Inebriate Institutions Act 1896 ; South Australia, Inebriates Act 1908 amended in 1920 and 1934, Convicted Inebriates Act 1913 amended in 1934 ; Western Australia, Inebriates Act 1912-19 ; Tasmania, Inebriates Act 1885, Inebriate Hospitals Act 1892. Curative work was first undertaken by the Government of New South Wales in 1907. In most cases the institutes are connected with the gaols, and, naturally, custodial measures are still a strong feature in their management ; nevertheless, the results of remedial measures have been encouraging.

9. *First Offenders.*—In all the States statutes dealing with first offenders have been in force for many years. Existing legislation is as follows :—New South Wales, Crimes Act 1900 amended in 1924 and 1929, First Offenders (Women) Act 1919 ; Victoria, Crimes Act 1928 ; Queensland, Criminal Code Acts 1899 to 1931 ; South Australia, Offenders Probation Act 1913 amended in 1934 ; Western Australia, Criminal Code Act 1913 ; Tasmania, Probation of Offenders Act 1934. The method of procedure is practically the same in all cases, i.e., with regard to most first offenders the magistrate or judge is empowered to allow the offender to go free on recognizances being entered into for his good behaviour for a certain period. In practice, this humane law has been found to work excellently, very few of those convicted under it having been found to relapse into crime.

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



## § 2. Superior Courts.

I. Convictions at Superior Courts.—The following is a list of the principal offences for which persons were convicted in superior courts during 1939 :—

## CONVICTIONS AT SUPERIOR COURTS, 1939.

Offence.	N.S.W. (a)	Vic.	Qld. (a)	S.A.	W.A.	Tas.	N.T. (a)	A.C.T.	Aust.
<b>I. OFFENCES AGAINST THE PERSON.</b>									
Murder .. ..	7	2	7	..	..	1	..	..	17
Attempted Murder .. ..	2	..	2	..	..	..	..	..	4
Manslaughter .. ..	5	..	4	1	1	1	1	..	13
Rape .. ..	4	1	3	2	..	..	..	..	10
Other Offences against Females .. ..	44	17	18	29	2	3	2	..	115
Unnatural Offences .. ..	33	11	4	3	3	..	..	..	54
Abortion and Attempts to Procure .. ..	..	2	..	1	..	..	..	..	3
Bigamy .. ..	18	12	9	..	1	2	..	..	42
Suicide, Attempted .. ..	..	..	..	..	..	2	..	..	2
Assault, Aggravated .. ..	..	..	17	1	1	2	2	..	23
Assault, Common .. ..	32	3	3	2	..	..	..	1	41
Other Offences against the Person .. ..	30	24	1	5	3	..	1	1	65
<b>Total .. ..</b>	<b>175</b>	<b>72</b>	<b>68</b>	<b>44</b>	<b>11</b>	<b>11</b>	<b>6</b>	<b>2</b>	<b>389</b>
<b>II. OFFENCES AGAINST PROPERTY.</b>									
Burglary and Housebreaking .. ..	485	305	74	72	28	11	1	12	988
Robbery and Stealing from the .. ..	68	30	11	6	2	..	..	..	117
Person .. ..	..	2	3	1	..	..	..	..	6
Horse-stealing .. ..	..	4	3	2	1	..	1	..	11
Cattle-stealing .. ..	2	5	..	2	1	..	..	..	10
Sheep-stealing .. ..	..	..	..	..	..	..	..	..	..
Embezzlement and Stealing by .. ..	..	..	..	..	..	..	..	..	..
Servants .. ..	15	6	1	5	4	..	..	..	31
Larceny, Other .. ..	71	160	22	7	9	1	1	..	271
Unlawfully using Horses, Cattle and .. ..	..	..	..	..	..	..	..	..	..
Vehicles .. ..	4	..	..	..	..	..	..	..	4
Receiving .. ..	61	29	3	8	..	2	..	..	103
Fraud and False Pretences .. ..	38	27	11	6	..	5	..	..	87
Arson .. ..	3	6	..	..	1	..	..	..	10
Malicious Damage .. ..	4	..	..	..	..	..	..	..	4
Other Offences against Property .. ..	13	3	4	3	2	..	1	..	26
<b>Total .. ..</b>	<b>764</b>	<b>577</b>	<b>132</b>	<b>112</b>	<b>48</b>	<b>19</b>	<b>4</b>	<b>12</b>	<b>1,668</b>
<b>III. FORGERY AND OFFENCES AGAINST THE CURRENCY.</b>									
Forgery and Uttering Forged .. ..	16	25	1	12	5	4	1	..	64
Instruments .. ..	7	4	3	..	1	..	..	..	15
Offences in relation to the Currency .. ..	..	..	..	..	..	..	..	..	..
<b>Total .. ..</b>	<b>23</b>	<b>29</b>	<b>4</b>	<b>12</b>	<b>6</b>	<b>4</b>	<b>1</b>	<b>..</b>	<b>79</b>
<b>IV. OFFENCES AGAINST GOOD ORDER</b>									
.. ..	5	2	7	..	..	1	..	..	15
<b>V. OTHER MISCELLANEOUS.</b>									
Conspiracy .. ..	4	1	3	5	3	..	..	..	16
Perjury and Subornation .. ..	2	6	..	2	1	1	..	..	12
Other Offences .. ..	9	3	..	4	2	3	..	..	21
<b>Total .. ..</b>	<b>15</b>	<b>10</b>	<b>3</b>	<b>11</b>	<b>6</b>	<b>4</b>	<b>..</b>	<b>..</b>	<b>49</b>
<b>Grand Total .. ..</b>	<b>982</b>	<b>690</b>	<b>214</b>	<b>179</b>	<b>71</b>	<b>39</b>	<b>11</b>	<b>14</b>	<b>2,200</b>

(a) Year ended 30th June, 1940.

The number of convictions at superior courts and the rate per 10,000 of the population are given below for each of the years 1935 to 1939 :—

### CONVICTIONS AT SUPERIOR COURTS.

State or Territory.	1935.	1936.	1937.	1938.	1939.
NUMBER.					
New South Wales(a) ..	766	623	695	804	982
Victoria.. ..	569	533	565	642	690
Queensland(a) ..	222	154	173	142	214
South Australia ..	172	171	183	172	179
Western Australia ..	55	52	103	90	71
Tasmania ..	54	47	42	55	39
Northern Territory(a) ..	6	10	14	23	11
Australian Capital Territory ..	..	2	1	4	14
Total .. ..	1,844	1,592	1,776	1,932	2,200

### PER 10,000 OF THE POPULATION.

New South Wales(a) ..	2.9	2.4	2.6	2.9	3.6
Victoria.. ..	3.1	2.9	3.0	3.4	3.7
Queensland(a) ..	2.3	1.6	1.7	1.4	2.1
South Australia ..	2.9	2.9	3.1	2.9	3.0
Western Australia ..	1.2	1.2	2.3	2.0	1.5
Tasmania ..	2.4	2.0	1.8	2.3	1.6
Northern Territory(a) ..	11.8	19.4	24.2	39.3	15.6
Australian Capital Territory ..	..	2.0	1.0	3.6	11.7
Total .. ..	2.7	2.3	2.6	2.8	3.1

(a) Year ended 30th June following.

The rate of convictions in 1936 was the lowest on record, but it has increased consistently during each of the past three years. Owing to the smallness of the population and the particular conditions prevailing there, the rates for the Territories naturally show considerable variation.

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

3. **Capital Punishment.**—There were eight executions in Australia during the period 1935 to 1939. Four took place in New South Wales (two in 1935-36, one in 1937-38 and one in 1939-40) and four in Victoria (two in 1936 and two in 1939).

Under the Criminal Code Amendment Act of 1922 capital punishment was abolished in Queensland.

In the early days of the history of Australia the penalty of death was attached to a large number of offences, many of which at the present time would be dealt with in the lower or magistrates' court. With the growth of settlement, and the general amelioration in social and moral conditions, the list was, however, considerably curtailed, and the existing tendency is practically to restrict death sentences to cases of murder. It may be stated that in cases of rape, which is a capital offence in some of the Australian States,

the penalty has been but sparingly inflicted during the last few years. Juries are reputed to be loth to convict on this charge, owing to the uncertainty whether sentence of death will be pronounced.

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; while the average for the last ten years has fallen to one.

### § 3. Civil Courts.

1. **Lower Courts.**—The total number of plaints entered and the amounts awarded to plaintiffs during 1939 are given in the following table. Particulars for earlier years appear in preceding issues of the Official Year Book.

CIVIL CASES AT LOWER COURTS, 1939.

State.	1939.	State or Territory.	1939.
New South Wales	{ Cases No. 78,970 Amount £ 426,429	Western Australia	{ Cases No. 28,107 Amount £ 179,454
Victoria..	{ Cases No. 112,423 Amount £ 705,971	Tasmania	{ Cases No. 19,321 Amount £ 68,800
Queensland(a)	{ Cases No. 17,248 Amount £ 184,780	Australian Capital Territory	{ Cases No. 830 Amount £ 4,414
South Australia	{ Cases No. 29,585 Amount £ 163,988	Total	{ Cases No. 286,484 Amount £ 1,733,836

(a) Year ended 30th June, 1940.

Particulars in regard to the amount of judgments involved in the 809 civil cases in the Northern Territory during the year ended 30th June, 1940, are not available.

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

2. **Superior Courts.**—In the next table will be found the transactions on the civil side in the Superior Courts during 1939. The particulars given below include the number and amount of judgments entered by default or consent, and differ from those in issues of the Official Year Book prior to No. 29, which related in most States only to cases actually tried during the year.

The New South Wales returns refer to judgments in the District Courts only, and are exclusive of 2,316 judgments signed in the Supreme Court, for which the amounts entered are not available.

CIVIL CASES AT SUPERIOR COURTS, 1939.

State.	1939.	State or Territory.	1939.
New South Wales	{ Causes No. 8,976 Amount £ 393,156	Western Australia	{ Causes No. 128 Amount £ 39,626
Victoria..	{ Causes No. 3,226 Amount £ 232,843	(b) Tasmania	{ Causes No. 310 Amount £ 21,064
Queensland(a)	{ Causes No. 591 Amount £ 70,864	Australian Capital Territory	{ Causes No. 3 Amount £ 672
South Australia	{ Causes No. 341 Amount £ 15,785	Total	{ Causes No. 13,575 Amount £ 774,010

(a) Year ended 30th June, 1940.

(b) Judgments signed and entered.

3. Divorces and Judicial Separations.—The following table shows the number of petitions for divorce filed in each State during 1939, and the number of divorces granted :—

**PETITIONS FOR DIVORCE AND DIVORCES GRANTED, 1939.**

State or Territory.	Petitions for Divorce.			Divorces Granted.
	By Husband.	By Wife.	Total.	
New South Wales .. ..	1,138	1,232	2,370	1,545
Victoria .. ..	396	494	890	801
Queensland(a) .. ..	132	168	300	224
South Australia .. ..	165	195	360	243
Western Australia .. ..	122	160	282	234
Tasmania .. ..	45	81	126	80
Northern Territory(a) ..	1	..	1	2
Australian Capital Territory ..	3	4	7	10
Total .. ..	2,002	2,334	4,336	3,139

(a) Year ended 30th June, 1940.

The grounds on which divorces and judicial separations were granted during 1939 in each State are given in the following table :—

**GROUND ON WHICH DIVORCES AND JUDICIAL SEPARATIONS WERE GRANTED, 1939.**

Grounds on which Granted.	N.S.W.		Vic.		Qld.(a)		S.A.		W.A.		Tas.		N.T.(a)		A.C.T.		Aust.	
	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.
Adultery .. ..	349	1	165	4	77	..	130	..	88	..	14	..	1	..	..	..	824	5
Bigamy .. ..	2	..	2	..	..	..	..	..	2	..	..	..	..	..	..	..	6	..
Oruelty .. ..	11	3	2	..	1	..	9	..	..	..	3	..	..	..	..	..	26	3
Cruelty and Drunkenness ..	16	..	5	..	..	..	..	..	..	..	..	..	..	..	..	..	21	..
Drunkenness ..	17	1	10	..	..	..	3	..	1	..	2	..	..	..	..	..	33	1
Desertion .. ..	1,141	3	597	..	141	..	89	..	127	..	60	..	1	..	10	1	2,166	4
Imprisonment for Crime .. ..	6	..	..	..	..	..	1	..	2	..	..	..	..	..	..	..	9	..
Insanity .. ..	..	..	15	..	3	..	4	..	1	..	1	..	..	..	..	..	24	..
Other .. ..	3	..	5	..	2	..	7	..	13	..	..	..	..	..	..	..	30	..
Total .. ..	1,545	8	801	4	224	..	243	..	234	..	80	..	2	..	10	1	3,139	13

(a) Year ended 30th June, 1940.

The number of divorces and judicial separations in each State during the period 1935 to 1939 is shown below. The figures refer in the case of divorces to decrees made absolute in each year and include decrees for nullity of marriage.

**DIVORCES AND JUDICIAL SEPARATIONS.**

State or Territory.	1935.		1936.		1937.		1938.		1939.	
	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.
New South Wales .. ..	1,133	15	1,160	12	1,272	11	1,431	9	1,545	8
Victoria .. ..	602	6	689	1	797	3	827	3	801	4
Queensland(a) .. ..	152	..	162	2	210	..	201	..	224	..
South Australia .. ..	212	1	213	..	207	3	243	1	243	..
Western Australia .. ..	159	..	192	..	236	..	255	..	234	..
Tasmania .. ..	86	1	61	1	30	..	109	..	80	..
Northern Territory(a) ..	2	..	4	..	4	..	4	..	2	..
Australian Capital Territory ..	11	..	2	..	3	..	4	..	10	1
Total .. ..	2,357	23	2,483	16	2,759	17	3,074	13	3,139	13

(a) Year ended 30th June following.

The average annual number of divorces and judicial separations in Australia for decennial periods from 1871 to 1930 and the proportion per 10,000 existing marriages were as follows :—

**DIVORCES AND JUDICIAL SEPARATIONS : AUSTRALIA.**

Particulars.	1871-80.	1881-90.	1891-1900.	1901-10.	1911-20.	1921-30.
Average .. .. .	29	70	358	401	707	1,699
Per 10,000 existing marriages	0.98	1.74	6.86	6.15	8.13	15.45

The rapid increase of divorce during the period 1891-1900 occurred largely in New South Wales and Victoria, where legislation passed respectively in 1892 and 1889 made the separation of the marriage tie comparatively easy.

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

**DIVORCED PERSONS : AGE DISTRIBUTION, AUSTRALIA, 1891 TO 1933.**

Age last Birthday.	Number.					Proportion per 10,000 of the Sex.				
	1891. (a)	1901. (a)	1911.	1921.	1933.	1891. (a)	1901. (a)	1911.	1921.	1933.
<b>MALES.</b>										
Years—										
15-19 .. .. .	..	..	2	11	..	..	..	0	0	..
20-24 .. .. .	10	21	27	55	73	0	1	1	2	3
25-29 .. .. .	37	77	137	321	501	2	5	7	14	18
30-34 .. .. .	60	167	286	580	1,100	4	11	17	26	44
35-39 .. .. .	68	262	321	661	1,575	7	17	21	34	69
40-44 .. .. .	41	233	361	592	1,777	5	19	25	35	77
45-49 .. .. .	34	154	407	533	1,614	5	17	30	37	77
50-54 .. .. .	27	131	338	498	1,256	4	19	31	37	73
55-59 .. .. .	28	76	204	425	877	6	14	28	36	66
60-64 .. .. .	16	55	134	281	611	4	12	26	31	53
65-69 .. .. .	5	33	76	155	477	2	9	19	28	51
70-74 .. .. .	5	14	43	86	270	3	5	14	26	41
75-79 .. .. .	1	7	12	27	122	1	5	6	14	34
80-84 .. .. .	..	3	14	7	35	..	5	16	7	25
85 and over ..	..	1	6	1	10	..	5	17	2	17
Age 15 and over	52	1,234	2,368	4,233	10,298	3	10	15	23	42
<b>FEMALES.</b>										
Years—										
15-19 .. .. .	2	2	1	8	6	0	0	0	0	0
20-24 .. .. .	16	56	71	168	230	1	3	3	7	8
25-29 .. .. .	60	168	239	526	960	4	11	13	22	37
30-34 .. .. .	49	244	332	756	1,565	5	18	21	34	66
35-39 .. .. .	40	287	374	713	1,939	5	24	26	37	82
40-44 .. .. .	26	178	366	621	1,880	4	19	29	38	83
45-49 .. .. .	19	107	319	496	1,593	4	16	29	37	80
50-54 .. .. .	10	52	229	405	1,066	2	10	27	34	65
55-59 .. .. .	4	28	79	280	662	1	6	14	28	51
60-64 .. .. .	1	11	59	217	485	0	3	13	28	42
65-69 .. .. .	..	10	38	70	287	..	3	10	14	32
70-74 .. .. .	1	5	14	25	136	1	3	5	8	21
75-79 .. .. .	..	..	16	14	58	..	..	10	7	16
80-84 .. .. .	..	1	2	2	12	..	2	3	2	8
85 and over ..	..	..	1	3	4	..	..	3	5	5
Age 15 and over	228	1,149	2,140	4,304	10,888	3	10	15	24	46

(a) Exclusive of South Australia.

4. Probates.—Information in regard to probates and letters of administration will be found in Chapter XXV. "Private Finance."

5. Bankruptcies.—Particulars relating to bankruptcy in each State up to the end of 1927 were incorporated under this heading in preceding issues of the Official Year Book. Under the terms of the Bankruptcy Act 1924-1933 jurisdiction in bankruptcy and insolvency was taken over by the Commonwealth from 1st August, 1928. The Act makes provision for the declaration of districts, and each State (except Queensland) has been declared a bankruptcy district. The bankruptcy district of New South Wales includes the Australian Capital Territory. Queensland has been divided into three districts corresponding to the three Supreme Court districts in that State. The Northern Territory was also declared a separate bankruptcy district. Operations under the Act for the year ended 31st July, 1940, are given in the following table. For the purposes of comparison, figures for each of the preceding two years are appended to the table.

#### COMMONWEALTH BANKRUPTCY ACT RETURNS, 1939-1940.

Heading.	N.S.W.	Vic.	Qld.	S. Aust.	W. Aust.	Tas.	Nor. Terr.	Australia
Sequestration Orders and Orders for Administration of Deceased Debtors' Estates	Number .. 333 Liabilities £ 317,189 Assets £ 147,594	265 187,354 5,800	91 80,201 41,219	137 130,414 65,573	39 52,644 26,053	44 14,034 4,244	..	909 781,839 290,483
Compositions, etc., after Bankruptcy	Number .. 3 Liabilities £ 2,882 Assets £ 1,684	.. .. ..	.. .. ..	2 10,811 6,889	1 608 250	2 742 39	..	8 15,043 8,862
Compositions, etc., without Bankruptcy	Number .. 15 Liabilities £ 19,232 Assets £ 10,266	6 24,742 17,986	.. .. ..	333 835,754 684,211	82 520,877 380,460	1,700 1,749	..	438 1,402,305 1,094,672
Deeds of Arrangement	Number .. 301 Liabilities £ 465,039 Assets £ 426,249	160 193,683 126,869	77 160,143 154,469	5 32,254 27,741	1 222 50	10 16,953 22,617	..	554 868,294 757,995
Total, 1939-40	Number .. 652 Liabilities £ 804,342 Assets £ 585,793	431 405,779 150,655	168 240,347 195,688	477 1,009,233 784,414	123 574,351 406,813	58 33,429 28,649	..	1,909 3,067,481 2,152,012
Total, 1938-39	Number .. 524 Liabilities £ 691,046 Assets £ 450,666	431 429,612 210,479	143 220,592 149,268	622 2,016,093 1,328,027	117 193,611 136,643	61 39,427 19,326	1 2,030 908	1,899 3,592,411 2,295,317
Total, 1937-38	Number .. 465 Liabilities £ 552,266 Assets £ 335,272	387 464,095 196,640	136 195,100 149,100	463 1,508,490 1,096,978	108 202,195 153,815	54 31,878 17,954	..	1,613 2,954,018 1,949,759

The Commonwealth Attorney-General's Report for the year ended 31st July, 1929, stated that comparative tables have not been prepared in relation to State bankruptcy or insolvency for previous years, as the methods of collection and presentation do not afford a reliable common basis. It is also pointed out that the procedure in certain States has been largely influenced by the procedure in force prior to the passing of the Commonwealth Act, and that, therefore, no particular significance attaches to the large number of compositions, etc., in South Australia and Western Australia. The Bankruptcy Act 1930 created a Federal Court of Bankruptcy and provided for the appointment of a Judge or two Judges thereto. In 1930 a Federal Judge in Bankruptcy was appointed to deal with bankruptcy work, in addition to the State Judges, in New South Wales and Victoria, the Courts in these States having been unable to cope with the business. All the bankruptcy cases in these States are now heard by the Federal Judge, who sits in Sydney and Melbourne alternately.

**6. High Court of Australia.**—Under the provisions of Section 71 of the Commonwealth Constitution, the judicial power of the Commonwealth is vested in a Federal Supreme Court, called the High Court of Australia, and in such other courts as the Parliament creates or invests with federal jurisdiction. The Federal High Court possesses both original and appellate jurisdiction. The powers of the Court are defined in the Commonwealth Constitution, and in the Judiciary Act 1903-1940. At present the Court consists of a Chief Justice and five other judges. Sittings of the Court are held in the capitals of the various States as occasion may require. The High Court functions as a Court of Appeal for Australia. The following statement shows the transactions of the High Court for 1939 and 1940. Figures for previous years are given in preceding issues.

**TRANSACTIONS OF COMMONWEALTH HIGH COURT, 1939 AND 1940.**

Original Jurisdiction.	1939.	1940.	Appellate Jurisdiction.	1939.	1940.
Number of writs issued	45	33	Number of appeals set down for hearing ..	110	84
Number of cases entered for trial ..	2	3	Number allowed ..	21	21
Verdicts for plaintiffs	9	15	Number dismissed ..	66	46
Verdicts for defendants	1	1	Otherwise disposed of	11	5
Otherwise disposed of	8	11			
Amount of judgments	£37,481	£149,287			

During 1939 and 1940 respectively the Court dealt also with the following : Appeals from Assessments under Taxation Assessment Act, 57, 45 ; Special cases stated for the opinion of the Full Court, 10, 5 ; Applications for Prohibitions, etc., 54, 34. The fees collected amounted to £777 in 1939 and £740 in 1940.

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

**§ 4. Police and Prisons.**

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

**2. Strength of Police Force.**—(i) *General.* The strength of the police force in each State during the five years ended 1939 is given in the table hereunder. It may be mentioned that the police forces (with the exception of the small body of Commonwealth police maintained in the Northern Territory and in the Australian Capital Territory) are entirely under State control, but, by arrangement, the Commonwealth Government utilizes their services in various directions, such as acting as aliens registration officers, and policing the liquid fuel regulations, etc.

**STRENGTH OF POLICE FORCES.**

State or Territory.	Area of State in Sq. Miles.	No. of Police.				
		1935.	1936.	1937.	1938.	1939.
New South Wales ..	309,433	3,593	3,726	3,816	3,801	3,907
Victoria ..	87,884	2,247	2,289	2,280	2,279	2,333
Queensland (a) ..	670,500	1,325	1,363	1,390	1,395	1,460
South Australia (a)	380,070	817	837	882	894	905
Western Australia (a)	975,920	592	585	582	601	600
Tasmania (a) ..	26,215	284	282	283	284	296
Northern Territory (a)	523,620	41	41	43	43	48
Aust. Cap. Territory	939	14	15	15	17	17
<b>Total ..</b>	<b>2,974,581</b>	<b>8,913</b>	<b>9,138</b>	<b>9,291</b>	<b>9,314</b>	<b>9,566</b>

(a) 30th June of year following.

The figures for New South Wales for 1939 are exclusive of 12 "black trackers", (i.e., natives employed in detection of offenders chiefly in outlying districts) and 4 matrons, while the Victorian returns are exclusive of 3 matrons and 1 black tracker. For Queensland the figures exclude 33 black trackers, for South Australia 4 wardresses and 5 black trackers, and for the Northern Territory 36 black trackers. There are also 40 black trackers and 4 female searchers in Western Australia not included in the table. Women police are employed in all the States, the respective numbers included in the table above being:—New South Wales 8, Victoria 8, Queensland 2, South Australia 14, Western Australia 6, and Tasmania 2. Their work is mainly preventive, and the importance and usefulness of their duties have been referred to in very high terms by the Chief Officers of Police. In his Report for 1939 the Inspector-General of Police in New South Wales refers to the valuable work performed by the women police in connexion with the welfare of women and young girls who frequent the streets and places of public resort, and the location of missing girls. They also carry out escort duties in respect of female prisoners. The experience in other States has been of a similar nature.

(ii) *Proportion to Population.*—The average number of persons in the various States to each police officer during the same period is shown in the following table. In considering these figures allowance must, of course, be made for the unequal area and unequal distribution of the population of the various States.

POLICE FORCES IN RELATION TO POPULATION.

State or Territory.	Number of Persons per Sq. Mile, 1933 Census.	Persons to each Police Officer.				
		1935.	1936.	1937.	1938.	1939.
New South Wales .. ..	8.41	740	720	710	720	709
Victoria .. ..	20.71	820	809	816	822	809
Queensland (a) .. ..	1.41	740	728	722	729	703
South Australia (a) ..	1.53	718	703	672	666	661
Western Australia (a) ..	0.45	756	777	791	774	780
Tasmania (a) .. ..	8.68	809	825	827	833	808
Northern Territory (a) ..	0.01	130	133	134	144	165
Aust. Cap. Territory ..	9.52	666	652	683	674	721
Total .. ..	2.23	758	745	740	744	731

(a) 30th June of year following.

3. *Duties of the Police.*—In addition to the ordinary employment attaching to their office, the police are called upon to perform many duties which in other countries are carried out by various functionaries. Thus, in New South Wales, it has been estimated that one-fifth of the time of the force was taken up in extraneous duties unconnected with the protection of life and property, while the cash value of the services rendered to other Government departments was stated as over £200,000 per annum. The Queensland Commissioner refers to the circumstance that in 1939-40 no less than 54 important subsidiary offices were held by the police. In South Australia, the Commissioner alludes to the large number of subsidiary duties performed by police officers, and mentions that for the year ended June, 1940, over 242,500 inquiries were made on behalf of other departments. While these special tasks doubtless involve some degree of sacrifice of ordinary routine duties, the fact that the police are able to perform these functions results in a large saving of the public money.

4. *Interstate Police Conferences.*—In February, 1921, a conference of the chief officers of the police forces of the various States was held in Melbourne. In addition to the discussion of matters of common interest, arrangements were made for the interchange of detectives. The results were so satisfactory that it was decided to hold similar conferences annually. Amongst other matters discussed at the Hobart Conference in 1927, particular attention was given to the subject of traffic regulation in view of the large and increasing number of motor vehicles. Conferences were held at Melbourne in 1928, and at Perth in 1929, but owing to the need for economy no further meetings have been held.



5. **Prison Accommodation and Prisoners, 1939.**—The table below shows the number of prisons in each State, the accommodation therein, and the number of prisoners in confinement at the end of 1939:—

**PRISON ACCOMMODATION AND PRISONERS, 1939.**

State or Territory.	Number of Prisons.	Accommodation in—		Prisoners at End of Year.
		Separate Cells.	Wards.	
New South Wales (a)	19	(b) 2,093	..	1,357
Victoria ..	10	1,322	433	1,144
Queensland ..	6	544	94	261
South Australia ..	16	756	173	199
Western Australia ..	19	607	506	234
Tasmania (a) ..	1	142	4	108
Northern Territory ..	3	14	90	23
Total ..	74	5,478	1,300	3,326

(a) Year ended 30th June, 1940.

(b) Total accommodation.

The figures refer to prisoners under sentence and are exclusive of aborigines. There are no gaols in the Australian Capital Territory, but there are lock-ups attached to the police stations at Canberra and Jervis Bay, where offenders are held while awaiting trial, and sentences not exceeding one week imposed by a magistrate may be served.

6. **Prisoners in Gaol, 1935 to 1939.**—The number of prisoners in gaol at 31st December in each of the years 1935 to 1939 and the proportion per 10,000 of the population are given in the following table. The figures refer to prisoners under sentence and are exclusive of aborigines.

**PRISONERS IN GAOL.**

State or Territory.	1935.	1936.	1937.	1938.	1939.
<b>NUMBER.</b>					
New South Wales(a)	1,330	1,183	1,176	1,364	1,357
Victoria ..	1,159	1,092	1,030	1,084	1,144
Queensland ..	301	272	276	265	261
South Australia ..	260	242	231	235	199
Western Australia ..	264	264	260	294	234
Tasmania(a) ..	104	114	87	116	108
Northern Territory ..	19	18	18	17	23
Total ..	3,437	3,185	3,078	3,375	3,326
<b>PER 10,000 OF THE POPULATION.</b>					
New South Wales(a)	5.0	4.4	4.3	5.0	4.9
Victoria ..	6.3	5.9	5.5	5.8	6.1
Queensland ..	3.1	2.8	2.8	2.6	2.6
South Australia ..	4.4	4.1	3.9	3.9	3.3
Western Australia ..	5.9	5.9	5.7	6.4	5.0
Tasmania(a) ..	4.5	4.9	3.6	4.9	4.5
Total ..	5.1	4.7	4.5	4.9	4.8

(a) 30th June of year following.

After remaining stationary at 6.5 per 10,000 for the four years ended 1932 the proportion of prisoners in gaol to the total population declined to 4.8 in 1939, which figure compares most favourably with that obtaining in 1891, when the proportion was as high as 16 per 10,000. Rates for the Northern Territory have not been included on account of the abnormal conditions prevailing there.

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

### § 5. Cost of Administration of Justice.

1. **Expenditure by the States.**—The table below shows the expenditure from Consolidated Revenue during 1939-40 in connexion with the administration of justice in each of the States.

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

#### NET EXPENDITURE ON JUSTICE, 1939-40.

State.	Net Expenditure.			Per Head of Population.		
	Justice.	Police.	Prisons.	Justice.	Police.	Prisons.
	£	£	£	s. d.	s. d.	s. d.
New South Wales ..	185,832	1,429,473	199,776	1 4	10 4	1 5
Victoria ..	111,519	812,839	110,064	1 2	8 7	1 2
Queensland ..	74,391	605,158	37,139	1 6	11 11	0 9
South Australia ..	-29,010	318,371	36,413	-1 0	10 8	1 3
Western Australia ..	-22,357	236,886	29,059	-1 0	10 2	1 3
Tasmania ..	20,529	104,706	16,325	1 9	8 9	1 4
Total ..	340,904	3,507,433	428,776	1 0	10 0	1 3

2. **Commonwealth Expenditure.**—The expenditure shown in the foregoing table is that incurred by the State Governments only, and does not include expenditure of the Commonwealth Attorney-General's Department, which is given hereunder for the years 1936-37 to 1939-40:—

#### EXPENDITURE OF THE COMMONWEALTH ATTORNEY-GENERAL'S DEPARTMENT.

Year.	Gross Expenditure.	Receipts.	Net Expenditure.
	£	£	£
1936-37 .. ..	252,158	102,613	149,545
1937-38 .. ..	263,319	107,600	155,719
1938-39 .. ..	281,497	111,036	170,461
1939-40 .. ..	276,557	107,680	168,877

The totals for each year include expenditure in connexion with patents and copyright which amounted in 1939-40 to £63,635. As pointed out previously, the Commonwealth took over jurisdiction in bankruptcy in August, 1928, and the expenditure thereon in 1939-40 amounted to £44,126, including the salary of the Federal Judge, £2,500. Expenditure in connexion with the Australian Capital Territory police amounted in 1939-40 to £7,776, and £4,005 was expended on miscellaneous items including the Law Court, Titles Office and Industrial Arbitration Board. Revenue of the Attorney-General's Department amounted for the year to £107,680, comprising £61,982 for patents, copyright, trademarks and designs, £35,817 for bankruptcy and £9,881 miscellaneous including fees and fines.

In addition to the foregoing a sum of approximately £34,400 was expended in the Northern Territory by the Department of the Interior on the administration of justice including the costs of the police force and prisons.