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CHAPTER XII.

PUBLIC JUSTICE.

§ 1. Introduction.

Each State has its own separate judicial system, the Commonwealth jurisdiction being confined to the High Court of Australia (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 on page 18 of Official Year Book No. 39.

In considering the criminal returns of the various States, due allowance must be made for certain factors, such as the relative powers of the higher and lower courts. In the case of lower courts, the actual number of laws in each State whose breach 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 numbers. 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 be given also to the prevalence of undetected crime, but information on this point is not available for all States.

§ 2. Lower (Magistrates') Courts.

1. Powers of the Magistrates.—(i) *New South Wales*. There is no general limit to the powers of the magistrates in regard to offences punished summarily, their authority depending in each case on the statute which creates the offence and gives them jurisdiction. Except in the case of a very few statutes, and excluding cumulative sentences, the power of sentence is limited to twelve months. Imprisonment in default of fine is regulated by a scale limiting the maximum period according to the sum ordered to be paid, but in no case exceeding twelve months. Actions for debt and damage within certain limits also come within magisterial jurisdiction. In cases of liquidated debts and damages, whether liquidated or unliquidated, the amount is limited to £50 before a court constituted by a stipendiary magistrate. The amount in actions of debt before two or more Justices of the Peace is limited to £30 and in actions of damage 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 and to £30 by consent of parties.

(ii) *Victoria*. The civil jurisdiction of magistrates is restricted to what may be designated ordinary debts, damages for assault, restitution of goods, etc., where the amount in dispute does not exceed £50, and to actions arising out of torts or contracts. No definite limit is fixed to the powers of the magistrates on the criminal side, and for some offences sentences up to two years may be imposed. The proportion of long sentences is, however, comparatively small.

(iii) *Queensland*. Generally speaking, the maximum term of imprisonment which justices can inflict 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 illegally using animals), sentences of twelve months may be imposed.

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

Magistrates have no power to deal with habitual offenders, but there are such powers vested in the Supreme Court.

(iv) *South Australia.* In South Australia the power of special magistrates to impose fine and imprisonment is defined by the special act creating the offence and conferring jurisdiction. In the case of minor indictable offences, triable summarily, a maximum penalty of £100 fine or 2 years' imprisonment is fixed by the Justices Act 1921-1943. Magistrates also have power to hear certain civil actions in which the amount claimed is less than £750.

(v) *Western Australia.* The powers of magistrates and justices in regard to offences triable 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 magistrates and courts is restricted in general to £250, but disputed actions, the subject matter of which exceeds £100, must be tried by a judge. 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.

(vi) *Tasmania.* Magistrates may hear and determine in Courts of Petty Sessions all offences other than those punishable on indictment. Stealing and analogous crimes where the property involved does not exceed £10 in value may be dealt with by magistrates unless the defendant objects.

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. Generally speaking, sentences which justices can inflict are limited to six months, although in several cases sentences of up to two years may be imposed. The aggregate term of cumulative sentences cannot exceed two years.

The civil jurisdiction of magistrates is divided into two categories. A Commissioner of the Court of Requests, who must be a legal practitioner, and is invariably a police magistrate, may hear actions for the recovery of debts and damages not exceeding £100. The jurisdiction of these courts may be increased by proclamation to £250, and this has been done in five instances. Courts of General Sessions, constituted by at least two justices, exercise similar powers, but the jurisdiction cannot exceed £50. Only one court has the maximum jurisdiction, the others being limited to £30.

2. *Cases Tried at Magistrates' Courts.*—The total number of arrest and summons cases tried at Magistrates' Courts in each State is given below for 1939 and for the years 1947 to 1951 :—

CASES TRIED AT MAGISTRATES' COURTS.

State or Territory.	1939.	1947.	1948.	1949.	1950.	1951.
New South Wales ..	144,848	180,835	198,456	205,817	214,894	242,165
Victoria ..	82,858	73,990	76,516	80,511	97,201	109,066
Queensland(a) ..	32,501	34,664	36,149	40,503	43,932	49,849
South Australia ..	22,776	(a)27,005	(a)25,376	(a)28,349	(a)31,964	(a)30,953
Western Australia ..	24,111	22,893	26,257	27,373	29,521	31,985
Tasmania ..	9,498	9,024	9,060	11,713	12,403	14,649
Northern Territory(a)	1,494	1,102	1,598	1,199	1,269	1,178
Aust. Cap. Territory ..	284	893	777	1,018	1,237	1,500
Total ..	318,370	350,406	374,189	396,483	432,421	481,345

(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 decrease of criminality should, therefore, be based upon a careful analysis of the detailed list of offences.

3. **Convictions at Magistrates' Courts.**—The figures given in the previous table include, of course, a number of people who were charged without sufficient reasons, and, statistically, are not of general importance. A classification of convictions of persons who appeared before the lower courts in each State during 1951 is given in the following table :—

CONVICTIONS AT MAGISTRATES' COURTS, 1951.

Class of Offence.	N.S.W.	Vic.	Qld.(a)	S.A.(a)	W.A.	Tas.	N.T.(a)	A.C.T.	Aust.
Against the Person . . .	2,787	1,205	399	276	349	151	74	50	5,291
Against Property . . .	12,769	5,290	2,642	1,647	2,765	678	65	121	25,977
Forgery and Offences against the Currency	76	..	..	3	1	..	5	..	85
Against Good Order . .	108,065	30,310	30,157	7,284	7,581	1,641	695	553	186,286
Other Miscellaneous . .	100,817	61,564	13,238	18,222	19,067	10,295	141	718	224,062
Total ..	224,514	98,369	45,435	27,432	29,763	12,765	980	1,442	441,701

(a) Year ended 30th June following.

The following table shows the number of convictions in 1939 and in each year from 1947 to 1951 :—

CONVICTIONS AT MAGISTRATES' COURTS.

State or Territory.	1939.	1947.	1948.	1949.	1950.	1951.
New South Wales ..	126,353	165,472	183,367	189,955	199,619	224,514
Victoria ..	72,186	66,086	68,243	72,416	87,873	98,369
Queensland(a) ..	28,920	31,315	33,469	38,691	41,492	46,436
South Australia ..	20,429	(a)24,164	(a)22,834	(a)25,496	(a)28,675	(a)27,432
Western Australia ..	22,539	21,095	24,360	25,388	27,315	29,763
Tasmania ..	8,722	7,312	7,701	10,206	10,961	12,765
Northern Territory(a)	1,394	1,058	1,516	1,127	1,145	980
Aust. Cap. Territory ..	260	729	714	917	1,151	1,442
Total ..	280,803	317,231	342,204	364,196	398,231	441,701

(a) Year ended 30th June following.

4. **Convictions for Serious Crime at Magistrates' Courts.**—(i) *General.* 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 and the Australian Capital Territories are subject to considerable variation.

(ii) *Number and Rates, Years 1939 and 1947 to 1951.*—The following table shows the number and rates of convictions for serious crime at magistrates' courts for the years 1939 and 1947 to 1951 :—

CONVICTIONS FOR SERIOUS CRIME AT MAGISTRATES' COURTS.

State or Territory.	1939.	1947.	1948.	1949.	1950.	1951.
NUMBER.						
New South Wales ..	12,724	14,626	13,308	12,983	14,141	15,632
Victoria ..	5,727	5,028	4,964	4,675	5,204	6,495
Queensland(a) ..	2,402	2,241	2,434	2,481	2,699	3,041
South Australia ..	1,224	(a) 1,579	(a) 1,440	(a) 1,488	(a) 1,654	(a) 1,926
Western Australia ..	2,614	2,441	2,578	2,320	2,901	3,115
Tasmania ..	959	937	805	940	810	829
Northern Territory(a)	44	99	194	112	43	144
Aust. Cap. Territory ..	59	139	129	145	183	171
Total ..	25,753	27,090	25,852	25,144	27,635	31,353

PER 10,000 OF POPULATION.

New South Wales ..	46.26	49.00	43.92	41.69	43.85	47.10
Victoria ..	30.48	24.49	23.75	21.86	23.61	28.62
Queensland(a) ..	23.52	20.14	21.45	21.33	22.63	24.90
South Australia ..	20.50	(a) 24.22	(a) 21.65	(a) 21.66	(a) 23.26	(a) 26.41
Western Australia ..	55.63	48.52	50.07	43.52	51.92	53.57
Tasmania ..	40.15	36.35	30.42	34.48	28.70	28.30
Northern Territory(a)	60.58	87.53	151.08	78.61	27.67	89.75
Aust. Cap. Territory ..	47.18	81.62	67.20	68.43	77.60	70.10
Total ..	36.91	35.68	33.44	31.66	33.66	37.09

(a) Year ended 30th June following.

(iii) *Rate of Convictions, 1881 to 1951.* The rate of convictions at ten-yearly intervals over a period of seventy years is shown below; only the more serious offences particularized on the preceding page have been taken into consideration.

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

5. *Committals to Higher 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 and Territory for the year 1951 is shown in the following table :—

COMMITTALS TO HIGHER COURTS, 1951.

Class of Offence.	N.S.W.	Vic.	Qld.(a)	S.A.(a)	W.A.	Tas.	N.T.(a)	A.C.T.	Aust.
Against the Person ..	914	328	165	153	92	19	19	6	1,696
Against Property ..	2,622	1,148	257	279	107	161	3	18	4,595
Forgery and Offences against the Currency ..	67	102	2	20	1	6	2	..	200
Against Good Order ..	33	9	2	5	6	6	1	1	63
Other Miscellaneous ..	70	63	8	23	3	5	3	5	180
Total	3,706	1,650	434	480	209	197	28	30	6,734

(a) Year ended 30th June following.

The following table shows the number of committals in 1939 and in each year from 1947 to 1951, with the rate of such committals per 10,000 of population :—

COMMITTALS TO HIGHER COURTS.

State or Territory.	1939.	1947.	1948.	1949.	1950.	1951.
NUMBER.						
New South Wales	2,288	3,148	3,113	3,776	3,513	3,706
Victoria	1,777	1,783	1,996	1,751	1,638	1,650
Queensland(a)	359	433	330	414	521	434
South Australia	259	(a) 405	(a) 326	(a) 393	(a) 362	(a) 480
Western Australia	129	172	160	186	211	209
Tasmania	82	100	72	137	195	197
Northern Territory(a) ..	12	11	23	12	9	28
Australian Capital Territory	18	22	9	24	38	30
Total	4,924	6,074	6,029	6,693	6,487	6,734

PER 10,000 OF POPULATION.

New South Wales	8.3	10.6	10.3	12.1	10.9	11.2
Victoria	9.5	8.7	9.6	8.2	7.4	7.3
Queensland(a)	3.5	3.9	2.9	3.6	4.4	3.6
South Australia	4.3	(a) 6.2	(a) 4.9	(a) 5.7	(a) 5.1	(a) 6.6
Western Australia	2.8	3.4	3.1	3.5	3.8	3.6
Tasmania	3.4	3.9	2.7	5.0	6.9	6.7
Northern Territory(a) ..	16.5	9.7	17.9	8.4	5.8	17.5
Australian Capital Territory	14.4	12.9	4.7	11.3	16.1	12.3
Total	7.1	8.0	7.8	8.4	7.9	8.0

(a) Year ended 30th June following.

(ii) *Rate of Committals, 1881 to 1951.* The rate of committals for serious crime at ten-yearly 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

6. Drunkenness.—(i) *Cases and Convictions.* The number of arrest and summons cases of drunkenness and the convictions recorded during the year 1939 and the years 1948 to 1951 are given in the following table :—

DRUNKENNESS : CASES AND CONVICTIONS.

State or Territory.	1939.		1948.		1949.		1950.		1951.	
	Cases.	Convictions.	Cases.	Convictions.	Cases.	Convictions.	Cases.	Convictions.	Cases.	Convictions.
New South Wales	32,472	32,405	82,900	82,625	78,401	78,206	78,727	78,477	83,178	82,837
Victoria	11,609	11,421	16,600	16,416	17,972	17,799	21,248	21,003	23,151	22,884
Queensland(a)	11,202	11,118	20,872	21,124	24,813	24,767	26,914	26,855	28,176	28,144
South Australia	2,607	2,597	(a)5,482	(a)5,458	(a)5,393	(a)5,360	(a)5,861	(a)5,846	(a)5,902	(a)5,890
Western Australia	2,681	2,658	4,437	4,367	5,424	5,383	6,113	6,046	6,035	5,974
Tasmania	411	407	519	501	724	705	653	639	718	693
Northern Terr.(a)	686	677	804	798	680	674	652	644	564	524
Aus. Cap. Terr.	114	114	427	414	437	435	430	426	477	476
Total	61,782	61,397	132,041	131,703	133,844	133,329	140,600	139,936	148,201	147,422

(a) Year ended 30th June following.

Under the heading "drunkenness" are included cases of ordinary drunkenness, drunkenness and disorderliness, and habitual drunkenness.

The number of convictions is, as might naturally be expected, almost identical with the number of cases.

(ii) *Convictions per 10,000 of Population.* The convictions for drunkenness per 10,000 of population during 1939 and each of the years from 1947 to 1951 are shown in the following table :—

CONVICTIONS FOR DRUNKENNESS PER 10,000 OF POPULATION.

State or Territory.	1939.	1947.	1948.	1949.	1950.	1951.
New South Wales ..	117.8	225.5	272.7	251.2	243.4	249.6
Victoria ..	60.8	72.3	78.5	83.2	95.3	100.9
Queensland(a) ..	108.9	155.1	186.2	212.9	225.1	230.5
South Australia ..	43.5	(a) 75.2	(a) 82.1	(a) 78.0	(a) 82.2	(a) 80.8
Western Australia ..	56.6	84.5	84.8	101.0	108.2	102.7
Tasmania ..	17.0	16.9	18.9	25.9	22.6	23.7
Australian Capital Territory	91.2	163.8	215.7	205.3	180.5	195.1
Total ..	88.0	144.4	170.4	167.9	170.5	174.4

(a) Year ended 30th June following.

In the twenties the convictions for drunkenness averaged approximately 100 per 10,000 of population, but the rate fell away considerably during the following 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 84.1 in 1936. The annual average for the period 1936 to 1939 was 82.7 as compared with 90.8 for the years 1940 to 1945. Following an appreciable increase in the previous year the convictions per 10,000 rose very steeply in 1946 to 132.1 and increased to 170.5 in 1950 and to 174.4 in 1951. Figures for the consumption of beer have followed a somewhat similar course. The average consumption of beer per head, which in the twenties was slightly over eleven gallons, fell to 7.32 gallons in 1931-32. It rose to 10.34 in 1936-37, averaged 11.75 gallons for the years 1936-37 to 1939-40 and increased further to an average of 13.23 for the years 1940-41 to 1945-46. Consumption increased in 1945-46, and except for a slight decline in 1947-48 has continued to do so. In 1951-52 the average consumption per head was 20.46 gallons.

The convictions for drunkenness taken by themselves are not altogether a 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. Another factor is the distribution of the population. Arrest or summons for drunkenness obviously is more likely in the regions densely populated than in those sparsely populated. In addition, 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 population in Australia during the years 1938-39 and 1946-47 to 1951-52 :-

CONSUMPTION OF INTOXICANTS IN AUSTRALIA PER HEAD OF POPULATION.

Year.	Spirits.			Wine.	Beer.
	Proof Gals.			Gals.	Gals.
1938-39	0.22			0.65	12.13
1946-47	0.29			1.09	15.90
1947-48	0.31			1.37	15.47
1948-49	0.33			1.38	17.87
1949-50	0.32			1.50	18.23
1950-51	0.38			1.61	19.72
1951-52	0.32			1.62	20.46

(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. The dangers of moral contamination in this way are 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 1908-1934, Convicted Inebriates Act 1913-1934 ; Western Australia, Inebriates Act 1912-1919 ; 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.

7. *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 as amended in 1929 ; Victoria, Crimes Act 1928 ; Queensland, Criminal Code Acts 1899 to 1945 ; South Australia, Offenders Probation Act of 1913-1951 ; Western Australia, Criminal Code Act 1913-1942 ; 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 convicted of a minor offence 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.

8. *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 1926-1950 in South Australia. The object of these courts is to avoid, as far as possible, the unpleasant surroundings of the ordinary police court.

§ 3. Higher Courts (Judges' Courts).

1. Convictions at Higher Courts.—The following table shows for each State and Territory during 1951 and in Australia as a whole in that and the previous year, the number of convictions at Higher Courts for each of the principal offences.

CONVICTIONS AT HIGHER COURTS, 1951.

Offence.	N.S.W. (a)	Vic.	Qld. (a)	S.A.	W.A.	Tas.	N.T. (a)	A.C.T.	Australia.	
									1951.	1950.
I. OFFENCES AGAINST THE PERSON.										
Murder ..	10	2	1	2	1	1	3	..	20	26
Attempted Murder ..	3	2	..	..	..	..	..	..	5	7
Manslaughter ..	10	12	4	8	4	3	1	..	42	34
Rape ..	3	5	3	5	2	..	..	1	19	17
Other Offences against Females ..	117	79	35	53	11	17	5	..	317	267
Unnatural Offences ..	102	51	11	17	11	5	..	3	200	176
Abortion and Attempts to Procure Bigamy ..	3	..	..	3	..	..	..	..	6	6
Suicide, Attempted ..	32	24	12	4	4	4	..	..	80	87
Assault, Aggravated ..	83	27	28	6	11	5	9	..	165	166
Assault, Common ..	16	5	5	5	1	2	3	1	38	49
Other Offences against the Person ..	2	3	16	(b) 16	(c) 19	..	3	1	60	32
Total ..	381	212	115	119	64	38	24	7	960	876
II. OFFENCES AGAINST PROPERTY.										
Burglary and House-breaking ..	533	333	136	85	32	36	2	1	1,158	1,103
Robbery and Stealing from the Person ..	51	28	13	7	..	57	..	20	176	170
Horse-stealing ..	..	..	1	..	..	..	..	..	..	..
Cattle-stealing ..	3	3	2	1	..	..	..	..	13	13
Sheep-stealing ..	..	1	..	..	2	..	..	..	..	..
Embezzlement and Stealing by Servants ..	47	14	9	6	6	..	..	..	82	64
Larceny, Other ..	211	76	20	34	25	..	13	..	379	372
Unlawfully using Horses, Cattle and Vehicles ..	22	..	3	..	1	..	..	..	26	18
Receiving ..	38	36	9	7	1	5	..	1	97	89
Fraud and False Pretences ..	49	9	11	10	3	12	2	2	98	118
Arson ..	7	1	3	1	..	1	..	..	13	12
Malicious Damage ..	6	2	..	1	..	3	..	..	12	4
Other Offences against Property ..	..	12	..	..	..	..	..	2	14	11
Total ..	967	515	207	152	70	114	17	26	2,068	1,974
III. FORGERY AND OFFENCES AGAINST THE CURRENCY.										
Forgery and Uttering Forged Instruments ..	11	16	3	21	1	4	..	..	56	53
Offences in relation to the Currency ..	..	1	..	..	..	..	..	..	1	3
Total ..	11	17	3	21	1	4	..	..	57	56
IV. OFFENCES AGAINST GOOD ORDER.										
..	12	7	8	..	4	4	..	..	35	8
V. OTHER MISCELLANEOUS.										
Conspiracy ..	4	..	..	7	..	..	1	..	12	11
Perjury and Subornation ..	4	4	..	..	..	3	2	..	13	8
Other Offences ..	9	6	3	8	2	..	..	..	28	31
Total ..	17	10	3	15	2	3	3	..	53	50
Grand Total ..	1,388	761	336	307	141	163	44	33	3,173	2,964

(a) Year ended 30th June, 1952. (b) Includes 7 convictions for causing death by dangerous driving. (c) Includes 2 convictions for causing death by negligent driving.

2. **Convictions at Higher Courts, Years 1939 and 1947 to 1951.**—The number of convictions at higher courts and the rate per 10,000 of population for these years are given below. Owing to the smallness of the population and the particular conditions prevailing there the rates for the Territories naturally show considerable variation.

CONVICTIONS AT HIGHER COURTS.

State or Territory.	1939.	1947.	1948.	1949.	1950.	1951.
NUMBER.						
New South Wales(a) ..	982	1,297	1,369	1,352	1,299	1,388
Victoria	690	785	806	669	722	761
Queensland(a)	214	270	250	313	346	336
South Australia	179	246	185	205	207	307
Western Australia ..	71	102	107	110	149	141
Tasmania	39	64	58	109	148	163
Northern Territory(a) ..	11	48	86	39	44	44
Australian Capital Territory	14	15	7	23	49	33
Total	2,200	2,827	2,868	2,820	2,964	3,173
PER 10,000 OF POPULATION.						
New South Wales(a) ..	3.6	4.3	4.5	4.3	4.0	4.1
Victoria	3.7	3.8	3.9	3.1	3.3	3.4
Queensland(a)	2.1	2.4	2.2	2.7	2.9	2.8
South Australia	3.0	3.8	2.8	3.0	3.0	4.3
Western Australia ..	1.5	2.0	2.1	2.1	2.7	2.4
Tasmania	1.6	2.5	2.2	4.0	5.2	5.6
Northern Territory(a) ..	15.2	42.4	66.9	27.4	28.3	27.4
Australian Capital Territory	11.2	8.8	3.6	10.9	20.8	13.5
Total	3.2	3.7	3.7	3.5	3.6	3.7

(a) Year ended 30th June following.

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

(i) *New South Wales.* The Habitual Criminals Act of 1905 gives power to judges to declare as habitual criminals persons who have a certain scheduled number of previous convictions. Action may be taken either on the initiative of the judge in indictable matters, or on the recommendation of a stipendiary magistrate, when the matter becomes a special hearing before a judge. The result of the declaration is that the offender is kept for an indefinite period after the completion of his sentence, and is released only when he is considered to be fit to be at large. During the indeterminate stage of his sentence the conditions of detention are governed by regulations under the Act which are somewhat less restrictive than those under the Prisons Act 1899.

At 31st December, 1952 there were 72 prisoners detained in pursuance of the legislation.

(ii) *Victoria.* The Indeterminate Sentences Act came into force in Victoria in July, 1908, and up to the end of June, 1952, 6,151 individual prisoners had been detained under its provisions. Of the 5,370 who were released on parole or probation, 2,222 were

reconvicted or returned, 2,885 had completed probation or not offended again, so far as is known, and 234 were reporting on parole or probation. The report of the Indeterminate Sentences Board indicates that the successful results from all inmates approximates 59 per cent., while the results from the younger delinquents (up to 25 years of age) is over 66 per cent. The Indeterminate Sentences system was brought into operation with the object of more comprehensive control of prisoners, particularly after parole and probation, with the twofold object of the reform of the inmate and protection of society.

Committals to reformatory prison are generally by Supreme Court Judges or Chairmen of General Sessions pursuant to the provisions of Sections 514 and 515 of the Crimes Act and by Special Magistrates of Children's Courts pursuant to the provisions of Section 28 of the Children's Court Act. This latter provision is limited to children between the ages of fifteen and seventeen.

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

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

(iv) *South Australia.* The Criminal Law Consolidation Act 1935-1952 provides that persons convicted of a certain number of indictable offences shall be detained, upon further conviction, during the Governor's pleasure. Proof of previous conviction is always relevant to the question of penalty.

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

The number under preventative detention on 30th June, 1952 was 17, and the total number dealt with since the passing of the Act was 130.

(vi) *Tasmania.* Since the Indeterminate Sentences Act came into operation in 1922, 65 persons have been confined under its provisions; at present five are in custody.

Of the 60 released on probation, 15 have been re-committed.

4. **Capital Punishment.**—There were eleven executions in Australia during the period 1939 to 1951. One took place in New South Wales (in 1939), six in Victoria (two in 1939, one in 1942 and three in 1951), three in South Australia (one in 1944, one in 1946 and one in 1950) and one in Tasmania (in 1946).

Under the Criminal Code Amendment Act 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 loath to convict on this charge, owing to the uncertainty whether sentence of death will be carried out.

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

§ 4. Civil Courts.

1. Lower Courts.—The total number of complaints entered and the amounts awarded to plaintiffs during the years 1950 and 1951 are shown in the following table. The figures represent the returns from the Small Debts Courts in New South Wales, Petty Session Courts in Victoria, Magistrates' Courts in Queensland, Local Courts of South Australia and Western Australia, Courts of Requests in Tasmania, Courts of Summary Jurisdiction in Northern Territory and Court of Petty Sessions in the Australian Capital Territory.

CIVIL CASES AT LOWER COURTS.

State.		1950.	1951.	State or Territory.		1950.	1951.
N.S.W.—				Tas.—			
Cases ..	No.	33,090	33,425	Cases ..	No.	11,394	11,908
Amount	£	168,891	155,766	Amount	£	51,714	57,203
Victoria—				Nor. Terr.(a)—			
Cases ..	No.	45,174	40,352	Cases	No.	346	292
Amount	£	365,257	352,269	Amount	£	(b)	9,687
Q'land.(a)—				A.C.T.—			
Cases ..	No.	3,948	4,049	Cases ..	No.	181	115
Amount	£	106,072	132,200	Amount	£	2,269	1,416
S. Aust.—				Total—			
Cases ..	No.	17,993	19,757				
Amount	£	133,845	215,611	Cases ..	No.	127,243	125,049
W. Aust.—				Amount	£	6919,820	1,017,160
Cases ..	No.	16,017	15,151				
Amount	£	91,772	93,008				

(a) Year ended 30th June following.

(b) Not available.

(c) Excluding Northern Territory.

2. Higher Courts.—The following table shows the transactions on the civil side in the Higher Courts during the years 1950 and 1951. The particulars given below include the number and amount of judgments entered by default or confession, or agreement, and differ from those in issues of the Official Year Book prior to No. 29, which related in most States only to causes actually tried during the year.

The New South Wales returns refer to judgments in the District Courts only, and exclude 1,778 judgments in 1950 and 1,897 judgments in 1951 signed in the Supreme Court.

CIVIL CAUSES AT HIGHER COURTS.

State.		1950.	1951.	State or Territory.		1950.	1951.
N.S.W.—				Tas.—			
Causes	No.	6,362	5,329	Causes	No.	509	561
Amount	£	(a)	(a)	Amount	£	66,504	83,069
Victoria—				Nor. Terr.(b)—			
Causes	No.	3,851	4,901	Causes ..	No.	13	6
Amount	£	438,938	581,743	Amount	£	8,471	14,534
Q'land.(b)—				A.C.T.—			
Causes	No.	1,173	1,014	Causes	No.	14	24
Amount	£	86,733	220,827	Amount	£	5,179	8,598
S. Aust.—				Total—			
Causes	No.	715	701				
Amount	£	45,215	30,118	Causes	No.	12,819	12,737
W. Aust.(c)—				Amount	£	(a)	(a)
Causes	No.	182	201				
Amount	£	99,527	113,908				

(a) Not available.

(b) Year ended 30th June following.

(c) Judgments signed and entered.

3. Divorces and Judicial Separations.—(i) *Number of Petitions and Divorces granted.* The following table shows the number of petitions for divorce, nullity of marriage and judicial separation filed in each State during 1952, and the number of divorce and nullity of marriage decrees made absolute and judicial separations granted during the year :—

PETITIONS FOR DIVORCE, ETC., AND DIVORCES, ETC. GRANTED, 1952.

State or Territory.	.Petitions for Divorce, Nullity of Marriage and Judicial Separation.			Decrees made Absolute for—		Judicial Separations Granted.
	By Husband.	By Wife.	Total.	Divorce.	Nullity of Marriage.	
New South Wales ..	1,791	2,507	4,298	3,335	27	7
Victoria ..	843	1,010	1,853	(a) 1,596	(a) 17	(a) 3
Queensland ..	305	409	714	705	6	..
South Australia ..	339	473	812	581	3	1
Western Australia ..	366	296	662	585	..	..
Tasmania ..	143	171	314	217	..	..
Northern Territory ..	6	6	12	6	..	..
Aust. Cap. Territory ..	19	17	36	17	..	..
Total 1952 ..	3,812	4,889	8,701	7,042	53	11
1951 ..	3,750	4,753	8,503	7,269	51	7

(a) Dissolution of marriage granted.

(ii) *Number of Divorces, etc., granted, Years 1939 and 1948 to 1952.* The number of divorces and judicial separations in each State and Territory for these years is shown in the following table. 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 : AUSTRALIA.

State or Territory.	1939.		1948.		1949.		1950.		1951.		1952.	
	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.
N.S.W. ..	1,545	8	3,300	8	2,655	5	3,450	6	3,328	4	3,362	7
Victoria(a) ..	801	4	1,679	2	1,778	2	1,602	2	1,729	1	1,613	3
Queensland ..	624	..	724	..	731	1	791	1	707	1	711	..
S. Australia ..	243	..	632	2	592	..	664	2	641	1	584	1
W. Australia ..	244	..	702	..	569	..	724	..	683	..	585	..
Tasmania ..	80	..	185	..	266	..	152	..	194	..	217	..
Nor. Territory ..	(b) 2	..	3	..	12	..	6	..	13	..	6	..
Aus. Cap. Ter.	6	1	18	..	19	..	25	..	25	..	17	..
Total ..	3,145	13	7,243	12	6,622	8	7,414	11	7,320	7	7,095	11

(a) Dissolution of marriage granted.

(b) Year ended 30th June following.

(iii) *Average Annual Number of Divorces granted, Years 1871 to 1950.* The average annual number of divorces and judicial separations in Australia for each decennial period from 1871 to 1950 was as follows:—

DIVORCES AND JUDICIAL SEPARATIONS : AUSTRALIA.

Year 1871-80.	1881-90.	1891-1900.	1901-10.	1911-20.	1921-30.	1931-40.	1941-50.
Average 29	70	358	399	744	1,699	2,521	6,192

(iv) *Grounds of Decree on which Divorce, etc., granted, Years 1951 and 1952.* The grounds on which divorces, including nullity of marriage, were made absolute and judicial separations granted during 1951 and 1952 in each State and Territory are shown in the following table:—

DIVORCES AND JUDICIAL SEPARATIONS : GROUNDS ON WHICH GRANTED.

Grounds on which Decrees were Granted.	N.S.W.		Vic.(a)		Qld.		S.A.		W.A.		Tas.		N.T.		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.	
1951.																			
Adultery ..	652	2	420	..	173	..	234	1	250	..	46	..	3	..	6	..	1,784	3	
Adultery and Desertion ..	..	..	14	..	..	..	..	..	1	..	1	..	..	..	..	..	..	16	..
Bigamy ..	16	..	5	..	1	..	1	..	1	..	..	..	..	..	..	..	..	24	..
Cruelty ..	59	..	4	..	..	1	74	..	1	..	..	..	1	..	3	..	..	142	1
Cruelty and Drunkenness ..	71	..	15	..	..	..	..	..	4	..	1	..	..	..	..	..	..	91	..
Desertion ..	2,457	2	1,241	1	521	..	304	..	201	..	144	..	9	..	16	..	..	4,893	3
Drunkenness ..	48	..	7	..	..	..	9	..	1	..	..	..	..	..	..	..	..	65	..
Gaol for Crime ..	15	..	3	..	..	..	1	..	3	..	..	..	..	..	..	..	..	22	..
Impotency ..	8	..	10	..	..	..	3	..	1	..	..	..	..	..	..	..	..	22	..
Insanity ..	..	..	9	..	5	..	6	..	2	..	2	..	..	..	..	..	..	25	..
Maintenance ..	..	..	..	..	..	..	2	..	3	..	..	..	..	..	..	..	..	24	..
Non-Consumma- tion ..	..	..	..	..	5	..	..	..	..	..	..	..	..	..	..	..	..	5	..
Separation for over 5 years ..	..	..	..	..	..	..	7	..	194	..	..	..	..	..	..	..	..	201	..
Other ..	2	..	1	..	2	..	7	..	1	..	..	..	..	..	..	..	..	6	..
Total ..	3,328	4	1,729	1	707	1	641	1	683	..	194	..	13	..	25	..	..	7,320	7
1952.																			
Adultery ..	744	1	379	1	195	..	230	..	230	..	46	..	4	..	6	..	..	1,834	2
Adultery and Desertion ..	..	..	28	..	3	..	..	..	2	..	..	..	..	..	..	..	..	33	..
Bigamy ..	12	..	5	..	2	..	1	..	..	..	..	..	..	..	..	..	..	20	..
Cruelty ..	72	1	5	1	..	..	86	1	..	..	..	..	1	..	2	..	..	166	3
Cruelty and Drunkenness ..	86	2	24	..	..	..	..	..	1	..	1	..	..	..	..	..	..	111	2
Desertion ..	2,362	3	1,139	1	502	..	240	..	153	..	168	..	1	..	9	..	..	4,574	4
Drunkenness ..	55	..	10	..	..	..	8	..	1	..	1	..	..	..	..	..	..	75	..
Gaol for Crime ..	15	..	1	..	..	..	..	..	1	..	..	..	..	..	..	..	..	17	..
Impotency ..	14	..	12	..	5	..	2	..	..	..	..	..	..	..	..	..	..	33	..
Insanity ..	..	..	9	..	3	..	1	..	4	..	1	..	..	..	..	..	..	18	..
Maintenance ..	..	..	..	..	..	..	4	..	21	..	..	..	..	..	..	..	..	25	..
Non-Consumma- tion ..	..	..	..	..	1	..	..	..	3	..	..	..	..	..	..	..	..	4	..
Separation for over 5 years ..	..	..	..	..	..	..	12	..	169	..	..	..	..	..	..	..	..	181	..
Other ..	2	..	1	..	..	..	1	..	1	..	..	..	..	..	..	..	..	4	..
Total ..	3,362	7	1,613	3	711	..	584	1	585	..	217	..	6	..	17	..	..	7,095	11

(a) Dissolution of marriage granted.

(v) *Ages of Husband and Wife at Time of Divorce.* The following table shows, in each age group at the time when the divorce decree was made absolute, the number of husbands and wives who were divorced during 1952. In that year the incidence of divorce was highest in the vicinity of the group 30 to 34 years.

DIVORCES : AGES OF PARTIES AT TIME OF DIVORCE, AUSTRALIA, 1952.

(NOTE.—Excludes nullity of marriage.)

Ages of Husbands (Years).	Ages of Wives (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 ..	1	..	..	..	..	..	..	..	..	..	..	1
21 to 24 ..	20	84	25	3	3	..	..	..	..	..	..	135
25 to 29 ..	9	310	599	93	12	..	..	..	..	..	..	1,025
30 to 34 ..	4	61	684	704	194	23	5	..	..	..	..	1,675
35 to 39 ..	..	22	160	566	551	103	12	1	1	..	..	1,418
40 to 44 ..	2	4	40	145	356	372	80	9	2	1	3	1,014
45 to 49 ..	..	..	11	38	115	322	232	32	8	2	..	760
50 to 54 ..	..	..	2	7	42	102	161	118	20	5	..	457
55 to 59 ..	..	..	1	4	14	33	63	71	73	15	1	275
60 and over ..	..	..	2	4	3	11	27	58	53	78	..	236
Not stated ..	..	1	2	..	2	2	1	..	..	..	38	46
Total Wives	36	482	1,526	1,564	1,292	968	581	289	157	101	46	7,042

(vi) *Divorces Granted—Duration of Marriage and Issue of Persons Involved.* The following table shows the number of divorce decrees made absolute in 1952, 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 the issue involved. In respect of 40 per cent. of the divorces finalized in that year the marriages had been celebrated within the previous 10 years. Of the couples divorced, 34 per cent. had no children, 30 per cent. had one child, 21 per cent. had two children, 8 per cent. had three children and 7 per cent. had four or more children.

DIVORCES : DURATION OF MARRIAGE AND ISSUE OF PARTIES, AUSTRALIA, 1952.

(NOTE.—Excludes nullity of marriage.)

Duration of Marriage (Years).	Number of Children.												Total Divorces made absolute.	Total children.	
	0	1	2	3	4	5	6	7	8	9	10	Over 10			N.S.
Under 1 year	3	..	..	..	..	..	..	..	..	..	..	..	..	3	..
1 and under	17	3	..	..	..	..	..	..	..	..	..	..	..	20	3
2 ..	73	14	..	..	..	..	..	..	..	..	..	..	..	87	14
3 ..	96	48	3	..	1	..	..	..	..	..	..	..	..	148	58
4 ..	198	105	12	2	..	..	..	..	..	..	..	..	..	317	135
5 ..	248	158	33	5	..	..	..	..	..	..	..	..	..	444	239
6 ..	210	187	53	9	1	1	..	..	..	..	..	..	..	461	329
7 ..	194	186	69	16	1	..	..	..	..	..	..	..	..	466	376
8 ..	172	147	66	17	4	1	..	..	..	..	..	..	..	407	351
9 ..	166	172	115	27	6	1	..	..	..	..	..	..	..	487	512
10 ..	175	172	94	26	3	3	1	..	..	..	..	..	..	474	471
11 ..	129	132	110	30	12	2	..	1	..	..	..	..	..	416	507
12 ..	117	102	96	36	7	4	..	..	..	..	..	..	..	362	450
13 ..	81	90	80	31	12	3	..	..	..	..	..	..	..	297	406
14 ..	75	85	67	31	12	4	4	..	..	..	..	..	..	278	404
15 ..	58	67	69	39	10	7	1	..	..	..	..	..	..	251	403
16 ..	46	52	63	31	14	5	5	..	..	..	..	..	..	216	382
17 ..	42	61	61	32	11	5	3	..	1	..	..	..	..	216	374
18 ..	27	40	51	28	12	5	1	..	1	..	..	..	..	165	313
19 ..	24	44	45	26	11	5	1	1	1	..	..	..	..	158	302
20 ..	29	31	46	18	10	4	1	1	..	..	..	..	..	140	250
21 to 24 years	79	107	149	88	55	20	8	3	1	1	..	..	..	511	1,075
25 to 29 ..	66	68	114	62	39	17	5	7	2	3	4	1	..	388	896
30 to 34 ..	38	44	38	27	23	15	9	3	2	1	2	..	..	202	488
35 to 39 ..	16	13	20	13	7	5	5	2	..	4	2	1	..	88	258
40 to 44 ..	2	1	4	4	8	6	1	2	2	1	..	..	..	31	128
45 years and over	..	1	1	1	..	1	..	..	1	..	..	..	..	5	19
Not stated	2	2	..	..	..	..	..	..	..	..	..	..	..	4	2
Total Divorces..	2,383	2,132	1,459	599	259	114	45	20	11	10	8	2	..	7,042	..
Total Children..	..	2,132	2,918	1,797	1,036	570	270	140	88	90	80	24	..	..	9,145

(vii) *Number of Divorced Persons at Censuses 1891 to 1947.* The following table shows the number and proportions of divorced males and females in Australia at each Census from 1891 to 1947. A classification of these persons by age has appeared in previous

issues of the Official Year Book (see No. 39, page 269). Prior to 1911 no record was made of divorced persons in South Australia, so comparisons cannot be made to extend beyond that date.

DIVORCED PERSONS AT CENSUS DATES : AGE DISTRIBUTION, AUSTRALIA.

Sex.	Number.						Proportion per 10,000 of the Sex, 15 years of age and over.					
	1891. (a)	1901. (a)	1911.	1921.	1933.	1947.	1891. (a)	1901. (a)	1911.	1921.	1933.	1947.
Males ..	332	1,234	2,368	4,233	10,298	25,052	3	10	15	23	42	89
Females ..	228	1,149	2,140	4,304	10,888	27,516	3	10	15	24	46	96

(a) Excludes South Australia.

4. **Bankruptcies.**—Particulars relating to bankruptcy in each State up to the end of 1927 were incorporated under this heading in issues of the Official Year Book prior to No. 23. Under the terms of the Bankruptcy Act 1924-1950 jurisdiction in bankruptcy and insolvency was taken over by the Commonwealth from 1st August, 1928. The Act made provision for the declaration of districts, and each State (except Queensland) and Northern Territory have been declared bankruptcy districts. 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. Operations under the Act for the year ended 31st July, 1952 are shown in the following table. For the purposes of comparison, the annual averages for periods between the years 1929 and 1948 are appended to the table.

FEDERAL BANKRUPTCY ACT : OPERATIONS, 1951-52.

Particulars.	N.S.W.	Vic.	Qld.	S. Aust.	W. Aust.	Tas.	Nor. Terr.	Aus-tralia.	
Sequestration Orders and Orders for Administration of Deceased Debtors' Estates	Number ..	155	67	74	37	23	26	382	
	Liabilities £	255,226	111,669	106,263	89,348	43,718	38,230	644,454	
	Assets .. £	213,270	35,043	88,678	77,071	38,823	21,399	474,284	
Compositions without Bankruptcy Part XI.	Number ..	2	2	..	15	18	..	37	
	Liabilities £	8,536	7,603	..	38,829	45,555	..	100,523	
	Assets .. £	719	10,985	..	29,686	33,977	..	75,367	
Deeds under Part XI.	Number ..	..	2	..	6	4	..	12
	Liabilities £	..	12,480	..	25,835	15,744	..	54,059	
	Assets .. £	..	16,678	..	22,997	16,721	..	56,396	
Deeds of Arrangement, Part XII.	Number ..	25	17	9	..	..	1	52
	Liabilities £	256,882	74,543	75,815	..	..	3,146	410,386
	Assets .. £	319,087	54,488	65,377	..	..	373	439,325
Total, 1951-52	Number ..	182	88	83	58	45	27	483	
	Liabilities £	520,644	206,295	182,078	154,012	105,017	41,376	1,209,422	
	Assets .. £	533,076	117,194	154,055	129,754	89,521	21,772	1,045,372	
Total, 1950-51	Number ..	139	72	60	47	39	20	380	
	Liabilities £	352,929	174,120	200,561	154,445	128,945	19,420	9,057	1,039,477
	Assets .. £	275,368	84,158	90,707	114,837	81,593	6,438	16,546	669,647
Average 5 years ended 1947-48	Number ..	95	50	25	33	17	7	227	
	Liabilities £	163,417	100,174	27,584	86,490	26,288	3,946	407,899	
	Assets .. £	80,911	40,000	22,857	56,634	12,530	1,215	214,147	
Average 5 years ended 1942-43	Number ..	430	296	133	355	81	44	1,339	
	Liabilities £	661,001	297,571	219,236	995,722	235,944	27,937	406	2,437,817
	Assets .. £	427,684	127,954	152,415	726,359	166,425	14,402	182	1,615,421
Average 5 years ended 1937-38	Number ..	490	380	183	543	108	57	1,761	
	Liabilities £	700,657	595,056	259,592	1,565,025	228,624	55,870	931	3,405,755
	Assets .. £	474,500	274,545	193,975	1,075,350	187,933	33,382	795	2,240,480
Average 5 years ended 1932-33	Number ..	960	689	304	631	343	94	3,021	
	Liabilities £	1,920,031	1,419,060	605,707	1,032,299	871,133	114,901	260	5,963,391
	Assets .. £	1,552,490	1,005,694	493,083	782,432	1,215,154	81,785	79	5,130,717

It is pointed out that the procedure in certain States has been influenced largely 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 Commonwealth Judge in Bankruptcy was appointed, in addition to the State Judges, to deal with bankruptcy work in New South Wales and Victoria, as the Courts in these States were unable to cope with the business. All the bankruptcy cases in these States are now heard in the Federal Court which sits in Sydney and Melbourne alternately.

5. **High Court of Australia.**—Under the provisions of Section 71 of the Commonwealth Constitution, the judicial power of the Commonwealth is vested in a Supreme Court called the High Court of Australia, and in such other courts as the Parliament creates or invests with federal jurisdiction. The High Court of Australia possesses both original and appellate jurisdiction. The powers of the Court are defined in the Commonwealth Constitution, and in the Judiciary Act 1903–1950. The Court consists of a Chief Justice and six other judges. Sittings of the Court are held in the capitals of the various States as occasion may require. The High Court functions as a Court of Appeal for Australia. The following statement shows the transactions of the High Court for 1951 and 1952.

TRANSACTIONS OF THE HIGH COURT OF AUSTRALIA.

Original Jurisdiction.	1951.	1952.	Appellate Jurisdiction.	1951.	1952.
	Number of writs issued	127		151	Number of appeals set down for hearing ..	80	113
Number of causes entered for trial ..	42	39	Number allowed ..	31	40
Verdicts for plaintiffs ..	17	42	Number dismissed ..	42	63
Verdicts for defendants	6	15	Otherwise disposed of	2	10
Otherwise disposed of ..	47	18			
Amount of judgments	£85,642	£85,388			

During 1951 and 1952 respectively the High Court dealt also with the following : Appeals from Assessments under Taxation Assessment Act, 38, 53 ; Special cases stated for the opinion of the Full Court, 5, 16 ; Applications for Prohibitions, etc., 65, 37. The fees collected amounted to £1,431 in 1951 and £1,521 in 1952.

6. **Commonwealth Court of Conciliation and Arbitration.**—Information regarding this Court, which was established under the Conciliation and Arbitration Act 1904–1952, will be found in Chapter VIII.—Labour, Wages and Prices, of this volume and in the *Labour Report* issued by this Bureau.

§ 5. 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 1862 (25 Vic. No. 16) in New South Wales.

2. **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. Much of the time of the several forces is taken up in extraneous duties not connected with the protection of life and property, while the cash value of the services rendered to other Government departments is considerable.

3. **Strength of Police Force.**—(i) *General.* The strength of the police force including probationers, cadets, special constables and women police, in each State and Territory during 1939 and the years 1947 to 1951 is shown in the following table. 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 various regulations, etc.

STRENGTH OF POLICE FORCES.

State or Territory.	Area of State in Sq. Miles.	No. of Police.					
		1939.	1947.	1948.	1949.	1950.	1951.
New South Wales	309,433	3,907	4,242	4,333	4,382	4,449	4,527
Victoria ..	87,884	2,333	2,268	2,385	2,597	2,751	2,879
Queensland(a) ..	670,500	1,460	1,796	1,982	2,040	2,220	2,455
S. Australia(a) ..	380,070	905	958	975	996	972	1,055
W. Australia(a) ..	975,920	600	673	730	759	787	877
Tasmania(a) ..	26,215	296	342	340	363	392	420
Nor. Territory(a) ..	523,620	48	53	65	58	61	48
Aust. Cap. Terr. ..	939	17	36	40	43	45	57
Total ..	2,974,581	9,566	10,368	10,850	11,238	11,677	12,318

(a) 30th June of year following.

The figures for New South Wales for 1951 exclude 12 "black trackers" (i.e., natives employed in detection of offenders chiefly in outlying districts) and 4 matrons, while the Victorian returns exclude one black tracker. For Queensland the figures exclude 28 black trackers, for South Australia 3 wardresses, for Western Australia 18 black trackers and 6 female searchers, and for the Northern Territory 29 black trackers. Women police are employed in all the States, the respective numbers for 1951 included in the table above being:—New South Wales 36, Victoria 25, Queensland 8, South Australia 16, Western Australia 9, Tasmania 6 and Australian Capital Territory 2. Their work is mainly preventive, relating particularly to females and neglected children. They also carry out escort duties in respect of female prisoners.

(ii) *Proportion of Population.* The average number of persons in the various States to each police officer during 1939 and the years 1947 to 1951 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, 1947 Census.	Persons to each Police Officer.					
		1939.	1947.	1948.	1949.	1950.	1951.
New South Wales ..	9.65	708	709	707	725	737	742
Victoria ..	23.38	807	909	883	833	811	796
Queensland(a) ..	1.65	704	628	581	581	546	504
South Australia(a) ..	1.70	662	688	690	703	741	701
Western Australia(a) ..	0.51	789	766	730	735	739	686
Tasmania(a) ..	9.81	812	767	792	770	742	719
Northern Territory(a) ..	0.02	167	235	212	264	269	343
Aust. Cap. Territory ..	18.00	767	489	483	514	525	439
Total ..	2.55	733	739	721	720	715	696

(a) 30th June of year following.

4. Prison Accommodation and Prisoners, 1950 and 1951.—The table below shows the number of prisons in each State, the accommodation therein, and the number of prisoners under sentence at the end of 1950 and 1951 :—

PRISON ACCOMMODATION AND PRISONERS.

State or Territory.	Number of Prisons.		Accommodation in—				Prisoners at End of Year.	
			Separate Cells.		Wards.		1950.	1951.
	1950.	1951.	1950.	1951.	1950.	1951.		
New South Wales(a) ..	15	15	2,285	2,285	..	..	1,885	2,070
Victoria	9	9	1,267	1,221	339	341	981	1,048
Queensland(a) .. .	7	7	593	593	134	134	454	472
South Australia ..	15	15	673	598	175	175	261	316
Western Australia(a) ..	21	19	504	504	207	207	342	362
Tasmania(a) .. .	2	2	154	154	1	1	114	142
Northern Territory(a) ..	2	2	12	12	19	19	52	34
Total	71	69	5,488	5,367	877	877	4,089	4,444

(a) Year ended 30th June following.

The figures refer to prisoners under sentence and exclude aborigines and debtors. There are no gaols in the Australian Capital Territory, but there is a lock-up consisting of six cells attached to the police station at Canberra, and a similar lock-up at Jervis Bay, where offenders are held while awaiting trial or serving short sentences not exceeding one week imposed by the Magistrate's Court.

5. Prisoners in Gaol, 1939 and 1947 to 1951.—The number of prisoners in gaol at 31st December in each of the years 1939 and 1947 to 1951 and the proportion per 10,000 of the population are shown in the following table. The figures refer to prisoners under sentence and exclude aborigines and debtors.

PRISONERS IN GAOL.

State or Territory.	1939.	1947.	1948.	1949.	1950.	1951.
NUMBER.						
New South Wales(a) ..	1,355	1,587	1,715	1,853	1,885	2,070
Victoria	1,144	915	912	993	981	1,048
Queensland	261	359	(a) 376	(a) 406	(a) 454	(a) 472
South Australia .. .	199	267	230	234	261	316
Western Australia(a) ..	244	281	314	333	342	362
Tasmania(a) .. .	108	100	93	122	114	142
Northern Territory ..	23	(a) 32	(a) 40	(a) 41	(a) 52	(a) 34
Total	3,334	3,541	3,680	3,982	4,089	4,444

PER 10,000 OF POPULATION.

New South Wales(a) ..	4.9	5.2	5.5	5.7	5.7	6.1
Victoria	6.1	4.4	4.3	4.6	4.4	4.6
Queensland	2.6	3.2	(a) 3.3	(a) 3.4	(a) 3.8	(a) 3.8
South Australia .. .	3.3	4.1	3.5	3.4	3.7	4.3
Western Australia(a) ..	5.2	5.5	5.9	6.0	5.9	6.0
Tasmania(a) .. .	4.5	3.8	3.5	4.4	3.9	4.7
Total	4.8	4.6	4.7	4.9	4.9	5.2

(a) 30th June of year following.

In recent years the proportion of prisoners in gaol to the total population has remained about 5 per 10,000. This figure compares most favorably 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 prevailing conditions.

§ 6. Cost of Administration of Justice.

1. Expenditure by the States.—The table below shows the expenditure from Consolidated Revenue during 1938–39 and 1950–51 and 1951–52 in connexion with the administration of justice in each of the States.

Net costs are shown instead of gross expenditure as it is difficult to obtain comparable figures of the total costs of the various services under this heading. It will be noted that in South Australia for each year and in Western Australia for the year 1938–39 the receipts for legal fees and registrations exceed the actual expenditure under “Justice”.

NET EXPENDITURE ON ADMINISTRATION OF JUSTICE.

State.	Net Expenditure.			Per Head of Population.		
	Justice.	Police.	Prisons.	Justice.	Police.	Prisons.
	£	£	£	s. d.	s. d.	s. d.
1938–39.						
New South Wales ..	178,941	1,445,819	199,625	1 4	10 7	1 6
Victoria ..	104,903	796,626	103,202	1 1	8 6	1 1
Queensland ..	66,095	580,581	35,144	1 4	11 6	0 8
South Australia ..	-27,876	306,387	36,171	0 11	10 4	1 3
Western Australia ..	-28,962	251,311	28,466	-1 3	10 9	1 3
Tasmania ..	22,780	118,478	15,071	1 11	10 0	1 3
Total ..	315,881	3,499,202	417,679	0 11	10 1	1 2
1950–51.						
New South Wales ..	532,865	3,241,229	565,997	3 3	19 9	3 6
Victoria ..	300,256	2,300,341	277,565	2 8	20 7	2 6
Queensland ..	124,910	2,037,107	109,542	2 1	34 1	1 10
South Australia ..	-45,407	781,287	84,091	-1 3	22 0	2 4
Western Australia ..	7,846	684,504	98,530	0 3	23 11	3 5
Tasmania ..	58,793	317,110	41,727	4 1	22 1	2 11
Total ..	979,263	9,361,578	1,177,452	2 5	22 7	2 10
1951–52.						
New South Wales ..	849,567	4,198,943	722,235	5 1	25 0	4 4
Victoria ..	443,529	2,915,153	395,331	3 10	25 4	3 5
Queensland ..	203,428	2,579,197	150,272	3 4	42 3	2 6
South Australia ..	-24,704	987,555	122,155	0 8	27 1	3 4
Western Australia ..	33,541	919,014	122,108	1 2	31 1	4 2
Tasmania ..	93,748	411,898	49,761	6 3	27 7	3 4
Total ..	1,599,109	12,011,760	1,561,862	3 9	28 4	3 8

2. **Commonwealth Expenditure.**—The expenditure shown in the previous table is that incurred by the State Governments only, and does not include expenditure of the Commonwealth Attorney-General's Department which is shown hereunder for the years 1938-39 and 1947-48 to 1951-52.

EXPENDITURE OF THE COMMONWEALTH ATTORNEY-GENERAL'S DEPARTMENT.

(£.)

Year.	Gross Expenditure.	Receipts.	Net Expenditure.
1938-39	281,497	111,036	170,461
1947-48	688,572	178,591	509,981
1948-49	745,106	176,310	568,796
1949-50	820,560	183,398	637,162
1950-51	1,096,274	204,362	891,912
1951-52	1,348,721	238,676	1,110,045

The totals for each year include expenditure in connexion with patents and copyright which amounted in 1951-52 to £318,614. The Commonwealth took over jurisdiction in bankruptcy in August, 1928, and the expenditure thereon in 1951-52 amounted to £90,269. Revenue of the Attorney-General's Department for the year 1951-52 amounted to £238,676, comprising £142,972 for patents, copyright, trade marks and designs, £27,364 for bankruptcy and £68,340 miscellaneous, including fees and fines.

In addition to the foregoing, during 1951-52, £93,292 was expended in the Northern Territory for the upkeep of the police force and prison services.

Expenditure in connexion with the Australian Capital Territory police in 1951-52 amounted to £63,995.