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## CHAPTER XIII.

### PUBLIC JUSTICE.

NOTE.—In the interpretation of statistics of public justice, allowance must be made for the following factors which affect comparability from State to State and from year to year:—

- (a) Differences in the jurisdiction of courts;
- (b) The introduction of new laws in particular States;
- (c) The methods of compilation of the figures (*see* footnotes to the tables dealing with convictions);
- (d) The attitude of the magistracy and instructions issued to the police, especially in the case of laws connected with liquor, vagrancy and gaming;
- (e) The strength and distribution of the police force;
- (f) The proportion of crime solved.

#### § 1. The Australian Legal System.

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

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

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

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

(ii) *Criminal jurisdiction.*—Criminal courts are of two kinds, namely, courts of summary jurisdiction, usually called Courts of Petty Sessions, which may deal summarily with minor offences, and higher courts, known as Courts of Sessions, Quarter Sessions or General Sessions, and the Supreme Court, which hear indictable offences. A court of summary jurisdiction consists of a stipendiary or police magistrate, or two or more justices of the peace; a higher court consists of a judge or chairman, sitting with a jury. The jury finds as to the facts of the case and the judge determines the applicable law.

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

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

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

Particulars concerning the Federal Court of Bankruptcy, the High Court of Australia and the Commonwealth Industrial Court will be found in paragraphs 3, 4 and 5 respectively of § 3 of this chapter.

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

## § 2. Criminal Courts.

### A. LOWER (MAGISTRATES') COURTS.

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

(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 £100, and to actions arising out of torts or contracts to the extent of £250. No definite limit is fixed to the powers of the magistrates on the criminal side, and for some offences, sentences of up to two years' imprisonment may be imposed. The proportion of long sentences is, however, comparatively small.

(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 unlawfully using animals), sentences of twelve months may be imposed.

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

Magistrates have no power to deal with habitual offenders.

(iv) *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 two years' imprisonment is fixed by the Justices Act 1921–1957. Magistrates also have power to hear certain civil actions in which the amount claimed is less than £1,250.

(v) *Western Australia.* The powers of magistrates and justices with 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 £500. By consent of the parties, any action that might be brought in the Supreme Court may be dealt with in a Local Court. Justices may act in the case of illness or absence of the magistrate.

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

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

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

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

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

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

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

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

2. *Cases Tried*.—The total numbers of cases tried at magistrates' courts in each State for the years 1952 to 1956 are shown in the following table:—

#### CASES TRIED AT MAGISTRATES' COURTS.

State or Territory.	1952.	1953.	1954.	1955.	1956.
New South Wales ..	269,197	276,566	(a) 271,105	(a) 254,487	(a) 271,172
Victoria ..	129,091	134,912	135,409	149,296	180,886
Queensland(b) ..	49,849	44,868	46,482	49,372	47,072
South Australia(b) ..	30,953	33,688	28,757	32,593	31,799
Western Australia ..	40,674	43,495	50,640	67,739	62,753
Tasmania ..	16,964	20,381	19,814	19,672	19,274
Northern Territory(b) ..	1,178	1,657	2,077	2,105	2,779
Australian Capital Territory ..	1,610	1,294	1,406	1,480	1,006
<b>Australia ..</b>	<b>539,516</b>	<b>556,861</b>	<b>555,690</b>	<b>576,744</b>	<b>616,741</b>

(a) In addition the following numbers of parking offences were settled by payment of fines to the Police Department, without court appearances: 1954—23,177; 1955—61,179; 1956—163,921. Cases of parking offences tried in previous years are included in the totals shown. (b) Twelve months ended 30th June of year shown.

3. **Convictions at Magistrates' Courts.**—Of the persons who appeared before Magistrates' Courts in 1955 and 1956, the following table shows the number who were convicted :—

### CONVICTIONS AT MAGISTRATES' COURTS.

Class of Offence.	N.S.W.	Vic.	Qld. (a)(b)	S.A. (a)	W.A.	Tas.	N.T. (a)	A.C.T.	Aust.
<b>1955.</b>									
Against the Person ..	3,060	1,109	495	336	389	237	57	30	5,713
Against Property ..	16,478	6,205	3,051	1,527	3,979	888	80	104	32,312
Forgery and Offences against the Currency ..	265	4	..	4	..	2	40	4	319
Against Good Order ..	105,294	27,118	26,340	5,996	7,344	1,545	746	1,057	175,440
Other .. .. .	108,680	99,139	16,356	21,401	53,406	14,642	941	90	314,655
<b>Total .. ..</b>	<b>233,777</b>	<b>133,575</b>	<b>46,242</b>	<b>29,264</b>	<b>65,118</b>	<b>17,314</b>	<b>1,864</b>	<b>1,285</b>	<b>528,439</b>

<b>1956.</b>									
Against the Person ..	3,092	1,175	447	278	506	254	40	36	5,828
Against Property ..	17,972	7,322	3,495	1,604	4,782	918	63	133	36,289
Forgery and Offences against the Currency ..	335	..	..	7	1	4	12	4	363
Against Good Order ..	103,942	26,099	24,870	5,802	7,666	1,460	1,440	586	171,865
Other .. .. .	123,790	129,260	16,899	20,530	46,928	14,393	889	42	352,731
<b>Total .. ..</b>	<b>249,131</b>	<b>163,856</b>	<b>45,711</b>	<b>28,221</b>	<b>59,883</b>	<b>17,029</b>	<b>2,444</b>	<b>801</b>	<b>567,076</b>

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

The following table shows the number of convictions in each year from 1952 to 1956 :—

### CONVICTIONS AT MAGISTRATES' COURTS.

State or Territory.	1952.	1953.	1954.	1955.	1956.
New South Wales ..	249,845	257,522	(a) 250,019	(a) 233,777	(a) 249,131
Victoria .. .. .	115,534	121,497	121,919	133,575	163,856
Queensland(b)(c) ..	46,436	41,266	42,590	46,242	45,711
South Australia(b) ..	27,432	30,229	25,482	29,264	28,221
Western Australia ..	38,109	40,643	48,005	65,118	59,883
Tasmania .. .. .	15,032	17,705	17,299	17,314	17,029
Northern Territory(b) ..	980	1,411	1,915	1,864	2,444
Australian Capital Territory .. ..	1,441	1,141	1,128	1,285	801
<b>Australia .. ..</b>	<b>494,809</b>	<b>511,414</b>	<b>508,357</b>	<b>528,439</b>	<b>567,076</b>

(a) In addition, the following numbers of parking offences were settled by payment of fines to the Police Department without court appearances: 1954—23,177; 1955—61,179; 1956—163,921. Cases of parking offences tried in previous years are included in the totals shown. (b) Twelve months ended 30th June of year shown. (c) A person convicted on several counts at the one hearing appears only once, but if a person be convicted at different hearings during the year, whether for the same or for a different type of offence, the results of all hearings are recorded separately.

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

(ii) *Number and Rates.* The following table shows the number of convictions for serious crime at Magistrates' Courts for the years 1952 to 1956:—

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

State or Territory.	1952.	1953.	1954.	1955.	1956.
New South Wales .. ..	17,858	17,612	17,085	19,803	21,399
Victoria .. ..	7,602	6,905	7,471	7,318	8,497
Queensland(b)(c) .. ..	3,041	2,916	3,226	3,546	3,942
South Australia(b) .. ..	1,926	1,945	1,744	1,867	1,889
Western Australia .. ..	3,446	3,632	4,241	4,368	5,289
Tasmania .. ..	1,126	1,185	898	1,127	1,176
Northern Territory(b) .. ..	144	149	195	177	115
Australian Capital Territory .. ..	173	53	231	134	173
<b>Australia .. ..</b>	<b>35,316</b>	<b>34,397</b>	<b>35,091</b>	<b>38,340</b>	<b>42,480</b>

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

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

(c) A person convicted on several counts at the one hearing appears only once, but if a person be convicted at different hearings during the year, whether for the same or for a different type of offence, the results of all hearings are recorded separately.

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

**CONVICTIONS FOR SERIOUS CRIME AT MAGISTRATES' COURTS.**  
(PER 10,000 OF POPULATION.)

State or Territory.	1952.	1953.	1954.	1955.	1956.
New South Wales .. ..	53.4	52.0	49.8	56.7	60.2
Victoria .. ..	32.4	28.8	30.5	29.0	32.6
Queensland(a) .. ..	24.5	22.9	24.8	26.8	29.1
South Australia(a) .. ..	25.9	25.4	22.2	23.1	22.6
Western Australia .. ..	57.4	58.5	66.3	66.3	78.1
Tasmania .. ..	37.7	38.7	28.9	35.6	36.5
Northern Territory(a) .. ..	95.2	97.8	122.4	107.0	65.8
Australian Capital Territory .. ..	65.1	18.5	76.0	41.3	49.9
<b>Australia .. ..</b>	<b>41.0</b>	<b>39.1</b>	<b>39.1</b>	<b>41.8</b>	<b>45.1</b>

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

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

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

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

5. **Committals to Higher Courts.**—(i) *Number of Committals.* The following table shows the number of offences, classified according to the nature of the offence, for which persons appearing in the lower courts were committed to higher courts for each State and Territory for the years 1955 and 1956:—

#### COMMITTALS TO HIGHER COURTS.

Class of Offence.	N.S.W.	Vic.	Q'land. (a)(b)	S. Aust. (a)	W.Aust.	Tas.	N.T.(a)	A.C.T.	Aus- tralia.
1955.									
Against the Person ..	1,222	480	221	203	110	74	21	6	2,337
Against Property ..	3,465	1,399	254	177	335	236	14	17	5,897
Forgery and Offences ..									
against the Currency ..	76	206	2	22	2	10	9	..	249
Against Good Order ..	29	5	5	5	2	5	..	2	97
Other .. .. .	29	108	5	19	5	23	1	..	190
<b>Total .. ..</b>	<b>4,792</b>	<b>2,198</b>	<b>482</b>	<b>426</b>	<b>454</b>	<b>348</b>	<b>45</b>	<b>25</b>	<b>8,770</b>

1956.									
Against the Person ..	1,500	441	216	165	75	49	46	4	2,496
Against Property ..	4,424	1,781	348	211	286	224	25	30	7,329
Forgery and Offences ..									
against the Currency ..	85	180	2	22	8	25	10	1	246
Against Good Order ..	47	13	2	11	6	15	..	..	132
Other .. .. .	47	214	6	23	11	8	6	..	315
<b>Total .. ..</b>	<b>6,056</b>	<b>2,629</b>	<b>572</b>	<b>432</b>	<b>386</b>	<b>321</b>	<b>87</b>	<b>35</b>	<b>10,518</b>

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

The following table shows the number of committals to higher courts for each of the years 1952 to 1956:—

#### COMMITTALS TO HIGHER COURTS.

State or Territory.	1952.	1953.	1954.	1955.	1956.
New South Wales .. ..	4,504	4,263	4,205	4,792	6,056
Victoria .. .. .	1,671	2,071	2,082	2,198	2,629
Queensland(a) .. .. .	434	605	609	482	572
South Australia(a) .. ..	480	554	422	426	432
Western Australia .. ..	373	384	381	454	386
Tasmania .. .. .	224	337	357	348	321
Northern Territory(a) ..	28	35	46	45	87
Australian Capital Territory ..	23	19	23	25	35
<b>Australia .. ..</b>	<b>7,737</b>	<b>8,268</b>	<b>8,125</b>	<b>8,770</b>	<b>10,518</b>

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

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

#### RATE OF COMMITTALS TO HIGHER COURTS, AUSTRALIA.

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

6. *Drunkenness.*—(i) *Cases and Convictions.* The numbers of arrests for drunkenness and the convictions recorded during each of the years 1952 to 1956 are given in the following table:—

#### DRUNKENNESS : CASES AND CONVICTIONS.

State or Territory.	1952.	1953.	1954.	1955.	1956.
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##### CASES.

New South Wales .. ..	79,217	72,765	72,591	81,199	77,867
Victoria .. .. .	21,751	19,424	20,167	20,685	18,884
Queensland (a) .. ..	28,176	22,994	21,257	23,986	22,748
South Australia (a) ..	5,902	6,317	5,530	4,772	4,739
Western Australia .. ..	6,107	6,274	5,850	5,752	5,959
Tasmania .. .. .	834	800	836	776	705
Northern Territory (a) ..	564	434	707	487	507
Australian Capital Territory ..	545	381	240	231	218
<b>Australia .. .. .</b>	<b>143,096</b>	<b>129,389</b>	<b>127,178</b>	<b>137,888</b>	<b>131,627</b>

##### CONVICTIONS.

New South Wales .. ..	79,088	72,647	72,541	80,457	77,195
Victoria .. .. .	21,526	19,226	19,955	20,437	18,611
Queensland (a) .. ..	28,144	22,932	21,199	23,947	22,687
South Australia (a) ..	5,890	6,307	5,509	4,765	4,732
Western Australia .. ..	6,042	6,210	5,809	5,720	5,912
Tasmania .. .. .	816	763	798	757	674
Northern Territory (a) ..	524	424	699	474	502
Australian Capital Territory ..	541	378	240	231	218
<b>Australia .. .. .</b>	<b>142,571</b>	<b>128,887</b>	<b>126,750</b>	<b>136,788</b>	<b>130,531</b>

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

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

(ii) *Convictions per 10,000 of Population.* In the twenties, the convictions for drunkenness averaged approximately 100 per 10,000 of population, but the rate fell away considerably during 1930 and 1931, being only 57.1 in the latter year. The average then rose steadily, the annual average for the period 1936 to 1939 being 82.7 and that for the years 1940 to 1945, 90.8. In 1946, the convictions per 10,000 rose very steeply to 132.1 increasing further to 174.5 by 1951, since when they have declined again to 138.9 in 1956.



The rates of convictions for drunkenness since 1952 are shown in the following table:—

### CONVICTIONS FOR DRUNKENNESS.

(PER 10,000 OF POPULATION.)

State or Territory.	1952.	1953.	1954.	1955.	1956.
New South Wales .. ..	236.6	214.5	211.6	230.4	217.1
Victoria .. ..	91.9	80.3	81.3	80.9	71.5
Queensland (a) .. ..	227.0	180.2	163.0	180.7	167.7
South Australia (a) .. ..	79.2	82.3	70.1	59.0	56.7
Western Australia .. ..	100.6	100.0	90.7	86.8	87.3
Tasmania .. ..	27.4	24.9	25.6	23.9	20.9
Northern Territory (a) .. ..	346.3	278.2	438.8	286.6	287.3
Australian Capital Territory .. ..	203.6	131.6	79.0	71.3	62.8
<b>Australia .. ..</b>	<b>165.6</b>	<b>146.6</b>	<b>141.4</b>	<b>149.1</b>	<b>138.9</b>

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

(iii) *Consumption of Intoxicants.* The following table shows the consumption of spirits, wine and beer per head of population in Australia during the years 1952–53 to 1956–57:—

### CONSUMPTION OF INTOXICANTS IN AUSTRALIA PER HEAD OF POPULATION.

Year.	Spirits.	Wine.	Beer.
	Proof Gals.	Gals.	Gals.
1952–53 .. ..	0.20	1.36	21.80
1953–54 .. ..	0.25	1.39	23.05
1954–55 .. ..	0.29	1.11	24.26
1955–56 .. ..	0.31	1.18	24.74
1956–57 .. ..	0.28	1.25	22.09

(iv) *Remedial Treatment of Drunkenness.* Legislation has been passed in each State providing for the committal of inebriates to special government institutions. The laws in the various States are as follows:—New South Wales, Inebriates Act 1912 amended in 1949; 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 Acts 1892 and 1941. In New South Wales, the care and treatment of inebriates other than those convicted of an offence are under the control of the Inspector-General of Mental Hospitals. The Inebriates Home in Queensland is under the control of the Department of Health and Home Affairs. Its function is curative. In Western Australia, the treatment of inebriates is under the control of the Inspector-General of Mental Health Services. In Tasmania, a charitable institution has been established by the Gaols Department, but treatment is purely custodial. A certain amount of remedial treatment is undertaken by the Director of Mental Health.

7. *First Offenders.*—In all States, statutes dealing with first offenders have been in force for many years. Existing legislation is as follows:—New South Wales, Crimes Act 1900–1955, First Offenders (Women) Act 1919 amended in 1929; Victoria, Crimes Act 1957; Queensland, Criminal Code Acts 1899 to 1945; South Australia, Offenders Probation Act of 1913–1953; Western Australia, Criminal Code Act 1913–1956; Tasmania, Probation of Offenders Act 1934. In New South Wales, Queensland, South Australia and Western Australia the court may allow a first offender convicted of a minor offence to go free on recognizances being entered into for his good behaviour for a certain period. In Victoria, the court may suspend sentence and place the offender under the supervision of a probation officer for not more than five years. In Western Australia, the court may also dismiss the

indictment or complaint without proceeding to conviction. In Tasmania, the court may discharge an offender on his recognizance, with or without sureties, to be of good behaviour and to appear for sentence when called upon at any time during the following three years. The offender may be placed under the supervision of a probation officer.

8. **Children's Courts.**—(i) *New South Wales.* Children's Courts, established in 1905, exercise jurisdiction under the Child Welfare Act 1939–55. Where practicable, they are not held in ordinary court rooms, and persons not directly interested are excluded from any hearing in order that children may be protected against the adverse influences which they would encounter in ordinary courts.

The magistrates exercise all the powers of a Court of Petty Sessions in respect of offences committed by or against children under 18 years of age. They also exercise jurisdiction in respect of neglected and uncontrollable children. Their functions are reformatory, not punitive; they may commit children to institutions, to the care of persons other than the parents, or to the care of the Minister for Education.

(ii) *Victoria.* The jurisdiction of Children's Courts is limited to children under the age of 17 years. A stipendiary special magistrate, with jurisdiction throughout the State has the assistance of two stipendiary probation officers who investigate problem cases which come before the court. A clinic has been established to deal with cases referred to it by the court.

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

(iv) *South Australia.* A Juvenile Court to hear cases of offences by children under the age of 17 years is constituted by a special magistrate or two justices. It has power to determine all charges other than homicide. A child can be committed by a court only to a reformatory. For indictable offences, the penalty is committal to a reformatory or a fine of up to £50.

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

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

Adults charged with certain specified sexual offences against children may be dealt with summarily, but have the right to elect to be tried by a jury.

(vi) *Tasmania.* Children's Courts are established to deal with offenders under the age of 17 years. Special magistrates are appointed by the Governor for Children's Courts. One or two special magistrates, or one or two justices constitute a court.

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

(vii) *Australian Capital Territory.* The Court of Petty Sessions constitutes the Children's Court when it is hearing proceedings involving persons under the age of 18 years. Its proceedings are similar to those of an ordinary Court of Petty Sessions except that persons not directly interested are excluded from the Court. The Court has power to hear and

determine summarily a charge for an indictable offence. It may release an offender on probation, commit him to the care of a specified person, make him a government ward or commit him to an institution for up to three years.

### B. HIGHER (JUDGES') COURTS.

1. **Persons Convicted at Higher Courts.**—The following tables show for each State and Territory and for Australia as a whole the number of persons convicted at higher courts classified according to the nature of the offence, during 1955 and 1956:—

#### PERSONS CONVICTED AT HIGHER COURTS, 1955.

Offence.	N.S.W. (a)	Vic.	Q'land. (a)(b)	S. Aust.	W.Aust.	Tas. (c)	N.T. (a)	A.C.T.	Aus- tralia.
<b>I. OFFENCES AGAINST THE PERSON.</b>									
Concealment of Birth ..	1	..	..	..	..	..	..	..	1
Murder ..	6	2	11	..	4	..	8	..	31
Attempted Murder ..	4	..	5	..	2	2	..	..	13
Manslaughter ..	16	11	4	2	5	1	..	..	39
Causing Death by Dangerous Driving ..	..	2	..	2	1	..	..	..	3
Rape ..	5	..	5	3	1	..	(d) 1	..	17
Other Offences against Females ..	118	118	49	87	23	21	9	2	427
Abduction ..	4	1	..	..	..	..	..	..	5
Unnatural Offences ..	127	82	22	17	14	7	3	1	273
Abortion and Attempts to Procure ..	4	2	..	3	..	1	..	..	10
Bigamy ..	58	13	4	8	3	2	..	..	88
Attempted Suicide ..	2	..	..	..	..	4	..	..	6
Aggravated Assault ..	114	42	45	4	8	5	3	..	221
Common Assault ..	32	12	1	3	1	..	..	1	50
Other Offences against the Person ..	1	3	3	14	2	..	..	..	23
<b>Total ..</b>	<b>490</b>	<b>290</b>	<b>149</b>	<b>143</b>	<b>64</b>	<b>43</b>	<b>24</b>	<b>4</b>	<b>1,207</b>
<b>II. OFFENCES AGAINST PROPERTY.</b>									
Burglary and House-breaking ..	625	368	133	83	96	53	6	9	1,373
Robbery and Stealing from the Person ..	43	55	16	6	7	29	..	2	158
Embezzlement ..	44	11	7	14	7	..	..	2	85
Other Larceny ..	164	143	33	25	41	..	6	..	412
Unlawfully using horses, cattle or vehicles ..	54	1	5	..	18	..	..	..	78
Receiving ..	39	46	7	8	4	4	..	..	108
Fraud and False Pretences ..	105	22	13	15	17	6	1	..	179
Other Offences against Property ..	21	24	13	8	..	2	3	3	74
<b>Total ..</b>	<b>1,095</b>	<b>670</b>	<b>227</b>	<b>159</b>	<b>190</b>	<b>94</b>	<b>16</b>	<b>16</b>	<b>2,467</b>
<b>III. FORGERY AND OFFENCES AGAINST THE CURRENCY</b>									
..	15	40	..	25	2	9	10	..	101
<b>IV. OFFENCES AGAINST GOOD ORDER</b>									
..	7	1	2	..	2	3	2	..	17
<b>V. OTHER</b>									
..	24	42	4	13	2	5	3	..	93
<b>Total All Offences</b>	<b>1,631</b>	<b>1,043</b>	<b>382</b>	<b>340</b>	<b>260</b>	<b>154</b>	<b>55</b>	<b>20</b>	<b>3,885</b>

(a) Year ended 30th June. (b) A person convicted on several counts at the one hearing appears only once, but if a person be convicted at different hearings during the year, whether for the same or for a different type of offence, the results of all hearings are recorded separately. (c) Convictions. (d) Attempted rape.

## PERSONS CONVICTED AT HIGHER COURTS, 1956.

Offence.	N.S.W. (a)	Vic.	Q'land. (a)(b)	S. Aust.	W.Aust.	Tas. (c)	N.T. (a)	A.C.T.	Aus- tralia.
<b>I. OFFENCES AGAINST THE PERSON.</b>									
Infanticide .. ..	1	..	..	1	2	..	..	..	1
Murder .. ..	12	4	3	1	2	..	..	..	22
Attempted Murder ..	5	2	2	1	2	1	..	..	13
Manslaughter .. ..	12	4	2	1	3	..	3	..	25
Causing Death by Dangerous Driving .. ..	2	..	..	..	4	..	..	..	6
Culpable Driving ..	13	..	..	..	..	..	..	..	13
Rape .. ..	14	3	14	3	7	2	..	..	43
Other Offences against Females .. ..	169	91	38	51	..	24	5	1	379
Abduction .. ..	1	..	1	1	..	..	..	..	3
Unnatural Offences ..	120	65	19	15	11	5	..	..	235
Abortion and Attempts to Procure .. ..	2	1	..	2	4	..	..	..	9
Bigamy .. ..	35	11	9	5	4	1	..	2	67
Attempted Suicide ..	..	2	..	..	..	4	..	..	6
Aggravated Assault ..	88	33	28	6	9	3	20	..	187
Common Assault ..	37	26	3	5	1	4	5	..	81
Other Offences against the Person .. ..	14	5	2	19	4	..	12	..	56
<b>Total .. ..</b>	<b>525</b>	<b>247</b>	<b>121</b>	<b>110</b>	<b>51</b>	<b>44</b>	<b>45</b>	<b>3</b>	<b>1,146</b>
<b>II. OFFENCES AGAINST PROPERTY.</b>									
Burglary, Breaking and Entering .. ..	764	502	208	134	100	86	5	6	1,805
Robbery and Stealing from the Person .. ..	71	52	19	3	9	7	1	..	162
Horse, Cattle and Sheep Stealing .. ..	..	12	3	3	..	..	3	..	21
Embezzlement and Stealing by Servants .. ..	47	11	11	9	16	..	..	1	95
Other Larceny .. ..	281	173	26	32	28	..	4	..	544
Unlawfully using Horses, Cattle or Vehicles ..	5	43	5	..	4	..	..	..	57
Receiving .. ..	68	50	11	8	4	6	1	..	148
Fraud and False Pretences ..	104	28	4	21	15	10	1	..	183
Arson .. ..	3	1	3	..	1	4	..	..	12
Malicious Damage ..	15	6	..	4	..	..	1	..	26
Other Offences against Property .. ..	10	23	2	4	..	..	..	..	39
<b>Total .. ..</b>	<b>1,368</b>	<b>901</b>	<b>292</b>	<b>218</b>	<b>177</b>	<b>113</b>	<b>16</b>	<b>7</b>	<b>3,092</b>
<b>III. FORGERY AND OFFENCES AGAINST THE CURRENCY.</b>									
Forgery and Uttering Forged Instruments .. ..	20	34	4	12	2	9	11	..	92
Offences in Relation to the Currency .. ..	1	..	..	..	..	2	..	..	3
<b>Total .. ..</b>	<b>21</b>	<b>34</b>	<b>4</b>	<b>12</b>	<b>2</b>	<b>11</b>	<b>11</b>	<b>..</b>	<b>95</b>
<b>IV. OFFENCES AGAINST GOOD ORDER</b>									
.. ..	7	2	3	..	2	15	..	..	29
<b>V. OTHER</b>									
.. ..	12	65	11	22	9	1	..	..	120
<b>Total All Offences..</b>	<b>1,933</b>	<b>1,249</b>	<b>431</b>	<b>362</b>	<b>241</b>	<b>184</b>	<b>72</b>	<b>10</b>	<b>4,482</b>

(a) Year ended 30th June.

(b) A person convicted on several counts at the one hearing appears only once, but if a person be convicted at different hearings during the year, whether for the same or for a different type of offence, the results of all hearings are recorded separately.

(c) Convictions.

2. **Persons Convicted at Higher Courts.** The numbers of persons convicted and rates of conviction at higher courts for the years 1952 to 1956 are given in the following table:—

**PERSONS CONVICTED AT HIGHER COURTS.**  
NUMBER.

State or Territory.	1952.	1953.	1954.	1955.	1956.
New South Wales(a) ..	1,388	1,629	1,449	1,631	1,933
Victoria .. ..	883	918	912	1,043	1,249
Queensland(a)(b) ..	336	419	502	382	431
South Australia ..	328	330	312	340	362
Western Australia ..	213	241	216	260	241
Tasmania(c) ..	171	203	244	154	184
Northern Territory(a) ..	44	26	51	55	72
Australian Capital Territory ..	16	10	26	20	10
<b>Australia ..</b>	<b>3,379</b>	<b>3,776</b>	<b>3,712</b>	<b>3,885</b>	<b>4,482</b>

PER 10,000 OF POPULATION.

New South Wales(a) ..	4.2	4.8	4.3	4.7	5.5
Victoria .. ..	3.8	3.8	3.7	4.1	4.8
Queensland(a)(b) ..	2.7	3.3	3.9	2.9	3.2
South Australia ..	4.3	4.3	3.9	4.1	4.3
Western Australia ..	3.5	3.9	3.4	3.9	3.6
Tasmania(c) ..	5.7	6.6	7.8	4.9	5.7
Northern Territory(a) ..	29.1	17.1	32.0	33.3	41.2
Australian Capital Territory ..	6.0	3.5	8.6	6.2	2.9
<b>Australia ..</b>	<b>3.9</b>	<b>4.3</b>	<b>4.1</b>	<b>4.2</b>	<b>4.8</b>

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

3. **Habitual Offenders.**—In most States, judges have power to declare as habitual criminals persons who have a certain number of previous convictions. A summary of the methods adopted in each State was given on pp. 497–8 of Official Year Book No. 40.

4. **Capital Punishment.**—There were nine executions in Australia during the period 1947 to 1956. Three took place in Victoria (in 1951), three in South Australia (one in 1950, one in 1953 and one in 1956), one in Western Australia (in 1952), and two in Northern Territory (in 1952). In each case the offence was murder.

Under the Criminal Code Amendment Act 1922, capital punishment was abolished in Queensland, and in New South Wales the Crimes Act was recently amended abolishing capital punishment for all offences except treason and piracy.

In the early days of the history of Australia, the penalty of death was attached to a large number of offences, many of which would now be dealt with in a Magistrate's Court. With the growth of settlement, and the general improvement in social and moral conditions, the list was considerably curtailed, and the existing tendency is to restrict death sentences to persons convicted of murder. Although rape is a capital offence in some States, the penalty of death has not been imposed in recent years on persons convicted of it.

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

### § 3. Civil Courts.

#### A. LOWER COURTS.

The total numbers of plaints entered and the amounts awarded to plaintiffs during 1955 and 1956 are shown in the following table. The figures are compiled from returns from the Small Debts Courts in New South Wales, Courts of Petty Sessions in Victoria, Magistrates' Courts in Queensland, Local Courts in South Australia and Western Australia, Courts of Requests in Tasmania, Courts of Summary Jurisdiction in the Northern Territory and the Court of Petty Sessions in the Australian Capital Territory.

## CIVIL CASES AT LOWER COURTS.

Particulars.	N.S.W.	Vic.	Q'land. (a)	S. Aust.	W. Aust.	Tas.	N.T. (a)	A.C.T.	Aus- tralia.
1955.									
Cases .. No.	72,167	80,155	7,220	37,575	31,079	22,721	843	771	252,531
Amount Awarded to Plaintiffs £	401,999	955,503	286,560	543,274	448,213	159,652	(b)	10,637	2,805,838 (c)
1956.									
Cases .. No.	53,881	96,136	8,540	48,519	40,313	28,341	1,057	1,098	277,885
Amount Awarded to Plaintiffs £	315,440	1,538,170	439,839	778,013	415,698	216,401	(b)	22,392	3,725,593 (c)

(a) Twelve months ended 30th June of year shown. (b) Not available. (c) Excludes Northern Territory.

## B. HIGHER COURTS.

1. *General*.—The following table shows the transactions on the civil side (excluding divorce and bankruptcy) in the higher courts during 1955 and 1956. 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 cases tried during the year.

## CIVIL CASES AT HIGHER COURTS.

Particulars.	N.S.W. (a)	Vic.	Q'land. (b)	S. Aust.	W. Aust. (c)	Tas.	N.T.	A.C.T.	Aus- tralia.
1955.									
Cases .. No.	3,581	2,897	909	64	131	122	(d)	97	(d)
Amount Awarded to Plaintiffs £	(d)	1,694,054	286,585	123,985	307,785	206,308	(d)	11,280	*(d)
1956.									
Cases .. No.	3,011	2,741	775	94	101	161	(d)	59	(d)
Amount Awarded to Plaintiffs £	(d)	1,467,850	374,129	166,364	280,531	312,924	(d)	78,739	(d)

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

2. *Divorce*.—(i) *General*. The marriage relationship may be terminated by process of law in any one of three ways: by dissolution of the marriage, by annulment of the marriage, or by the grant of a judicial separation. The term "divorce" is used sometimes to designate all three processes, and sometimes to designate only the first. In this publication it is used in the wider sense.

Every decree for dissolution of marriage is first a decree nisi. During a period which varies from State to State, any person may show cause why the decree should not be made absolute, either because of collusion or because material facts were not before the court. In some States, the Attorney-General also may intervene. If no matter in opposition is pending, the decree nisi may be made absolute at the expiration of the time set. A decree absolute for dissolution of marriage dissolves the marriage tie at the time when it is made, the parties to that marriage cease to have the status of husband and wife, and are free to remarry after the expiration of the time set down for appeal against the court's decision.

Proceedings for nullity of marriage may be instituted in respect of a marriage which is void or voidable. A marriage which is void has no existence at all and so, strictly speaking, it is not necessary to obtain a decree of nullity of marriage, but as the issue may depend on difficult questions of fact, such as insanity, it is advisable to seek a court judgment, which is binding and decides the question of the validity of the marriage. Proceedings for annulling a voidable marriage must be taken before the marriage is terminated by dissolution or death. Once the final decree has been pronounced, a voidable marriage is void *ab initio*, but until then the parties to it have the status of married people and transactions

concluded on the basis of the existence of that status cannot be undone or re-opened. Since the parties to a marriage which is void or which has been voided do not have the status of married people, they are free to remarry.

A decree of judicial separation leaves unimpaired the status of marriage, but suspends the rights and duties of the parties to the marriage with respect to cohabitation, and is a defence against a suit for the restitution of conjugal rights. A husband is not responsible for the acts of his wife, save that he is liable for necessities supplied to her if he has failed to pay alimony ordered by a court. Persons who have been judicially separated are not free to remarry.

(ii) *Number of Petitions filed.* The following table shows the number of petitions for dissolution of marriage, nullity of marriage and judicial separation filed in each State during 1956:—

**PETITIONS FILED FOR DISSOLUTION OF MARRIAGE, NULLITY OF MARRIAGE AND JUDICIAL SEPARATION, 1956.**

Petition for—	N.S.W.	Vic.	Q'land.	S.A.	W.A.	Tas.	N.T.	A.C.T.	Aust.
<b>Dissolution of Marriage</b>									
Husband Petitioner ..	1,679	822	387	303	359	128	16	25	3,719
Wife Petitioner ..	2,264	925	450	451	293	145	10	19	4,557
<i>Total</i> ..	<i>3,943</i>	<i>1,747</i>	<i>837</i>	<i>754</i>	<i>652</i>	<i>273</i>	<i>26</i>	<i>44</i>	<i>8,276</i>
<b>Nullity of Marriage</b>									
Husband Petitioner ..	17	8	..	3	..	..	..	..	28
Wife Petitioner ..	20	13	2	12	..	1	..	..	52
<i>Total</i> ..	<i>37</i>	<i>21</i>	<i>2</i>	<i>15</i>	<i>4</i>	<i>1</i>	<i>..</i>	<i>..</i>	<i>80</i>
<b>Judicial Separation</b>									
Husband Petitioner ..	1	..	..	..	5	..	..	..	6
Wife Petitioner ..	28	5	4	1	1	..	..	2	41
<i>Total</i> ..	<i>29</i>	<i>5</i>	<i>4</i>	<i>1</i>	<i>6</i>	<i>..</i>	<i>..</i>	<i>2</i>	<i>47</i>
<b>Total</b>									
Husband Petitioner No.	1,697	830	387	306	364	128	16	25	3,753
Wife Petitioner No.	42	47	46	40	55	47	62	56	45
%	2,312	943	456	464	298	146	10	21	4,650
%	58	53	54	60	45	53	38	44	55
<b>Grand Total</b> ..	<b>4,009</b>	<b>1,773</b>	<b>843</b>	<b>770</b>	<b>662</b>	<b>274</b>	<b>26</b>	<b>46</b>	<b>8,403</b>

(iii) *Number of Divorces granted, 1956.* The following table shows the number of dissolutions of marriage, nullities of marriage and judicial separations granted in each State during 1956:—

**DISSOLUTIONS OF MARRIAGE, NULLITIES OF MARRIAGE AND JUDICIAL SEPARATIONS GRANTED, 1956.**

Decree For—	N.S.W.	Vic.	Q'land.	S.A.	W.A.	Tas.	N.T.	A.C.T.	Aust.
<b>Dissolution of Marriage</b>									
Husband Petitioner ..	1,330	(a) 591	340	264	304	89	13	11	2,942
Wife Petitioner ..	1,795	(a) 664	363	303	240	107	12	9	3,493
<i>Total</i> ..	<i>3,125</i>	<i>a 1,255</i>	<i>703</i>	<i>567</i>	<i>544</i>	<i>196</i>	<i>25</i>	<i>20</i>	<i>6,435</i>
<b>Nullity of Marriage</b>									
Husband Petitioner ..	6	(a) 6	1	1	..	..	..	..	14
Wife Petitioner ..	12	(a) 7	4	4	4	1	..	..	32
<i>Total</i> ..	<i>18</i>	<i>(a) 13</i>	<i>5</i>	<i>5</i>	<i>4</i>	<i>1</i>	<i>..</i>	<i>..</i>	<i>46</i>
<b>Judicial Separation</b>									
Husband Petitioner ..	..	..	..	..	4	..	..	..	4
Wife Petitioner ..	4	2	..	..	..	..	..	1	7
<i>Total</i> ..	<i>4</i>	<i>2</i>	<i>..</i>	<i>..</i>	<i>4</i>	<i>..</i>	<i>..</i>	<i>1</i>	<i>11</i>
<b>Total Decrees</b>									
Husband Petitioner No.	1,336	597	341	265	308	89	13	11	2,960
Wife Petitioner No.	42	47	48	47	56	46	52	52	46
%	1,811	673	367	307	244	108	12	10	3,532
%	58	53	52	53	44	54	48	48	54
<b>Grand Total</b> ..	<b>3,147</b>	<b>1,270</b>	<b>708</b>	<b>572</b>	<b>552</b>	<b>197</b>	<b>25</b>	<b>21</b>	<b>6,492</b>

(a) Decrees nisi.

(iv) *Number of Divorces granted, 1952 to 1956.* The following table shows the number of dissolutions of marriage, nullities of marriage and judicial separations granted in each State and Territory for each year from 1952 to 1956:—

**DIVORCES GRANTED: AUSTRALIA.**

**DISSOLUTION OF MARRIAGE.**

State or Territory.	1952.	1953.	1954.	1955.	1956.
New South Wales .. .. .	3,335	3,725	2,816	2,874	3,125
Victoria(a) .. .. .	1,596	2,096	1,519	1,674	1,255
Queensland .. .. .	705	725	710	801	703
South Australia .. .. .	581	628	594	624	567
Western Australia .. .. .	585	535	530	479	544
Tasmania .. .. .	217	210	235	233	196
Northern Territory .. .. .	6	12	20	18	25
Australian Capital Territory .. .. .	17	31	33	21	20
<b>Australia .. .. .</b>	<b>7,042</b>	<b>7,962</b>	<b>6,457</b>	<b>6,724</b>	<b>6,435</b>

**NULLITY OF MARRIAGE.**

State or Territory.	1952.	1953.	1954.	1955.	1956.
New South Wales .. .. .	27	21	28	17	18
Victoria(a) .. .. .	17	31	20	16	13
Queensland .. .. .	6	5	4	2	5
South Australia .. .. .	3	8	4	4	5
Western Australia .. .. .	..	4	2	6	4
Tasmania .. .. .	..	..	2	..	1
Northern Territory .. .. .	..	..	..	..	..
Australian Capital Territory .. .. .	..	..	..	..	..
<b>Australia .. .. .</b>	<b>53</b>	<b>69</b>	<b>60</b>	<b>45</b>	<b>46</b>

**JUDICIAL SEPARATION.**

State or Territory.	1952.	1953.	1954.	1955.	1956.
New South Wales .. .. .	7	6	7	9	4
Victoria .. .. .	3	1	..	1	2
Queensland .. .. .	..	..	..	..	..
South Australia .. .. .	1	2	2	..	..
Western Australia .. .. .	..	..	1	3	4
Tasmania .. .. .	..	..	1	..	..
Northern Territory .. .. .	..	..	..	..	..
Australian Capital Territory .. .. .	..	1	..	..	1
<b>Australia .. .. .</b>	<b>11</b>	<b>10</b>	<b>11</b>	<b>13</b>	<b>11</b>

(a) Decrees nisi granted.



(v) *Average Number of Divorces granted Annually.* The ten-year averages of the numbers of divorces granted annually in Australia for the 80 years from 1871 to 1950 are as follows.

#### DIVORCES : AUSTRALIA.

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

(vi) *Grounds of Decree on which Divorces were granted.* The grounds on which dissolutions of marriage, nullities of marriage and judicial separations were granted during 1956 in each State and Territory are shown in the following table:—

#### GROUND OF DISSOLUTION OF MARRIAGE, NULLITY OF MARRIAGE AND JUDICIAL SEPARATION, 1956.

Ground.	N.S.W.	Vic. (a)	Q'land.	S.A.	W.A.	Tas.	N.T.	A.C.T.	Aust.
Dissolution of Marriage—									
Adultery .. ..	713	318	203	208	248	46	10	5	1,751
Bigamy .. ..		2	..	..	..	..	..	..	2
Cruelty .. ..	133	12	..	103	..	2	3	2	255
Cruelty and Drunkenness	111	16	..	..	..	..	..	..	127
Desertion .. ..	1,700	851	478	227	136	144	12	13	3,561
Desertion (non-compliance with order for restitution of conjugal rights) ..	405	..	..	..	..	..	..	..	405
Desertion and Adultery	..	41	11	..	3	..	..	..	55
Drunkenness and Failure to Support ..	35	2	..	10	..	2	..	..	49
Drunkenness and Neglect of Domestic Duties	9	1	..	1	..	1	..	..	12
Failure to pay maintenance .. ..	..	..	..	3	17	..	..	..	20
Imprisonment .. ..	17	5	..	..	1	..	..	..	23
Insanity .. ..	..	6	9	..	2	1	..	..	18
Non-consummation ..	..	..	..	..	3	..	..	..	3
Prenuptial Incontinence	..	..	..	..	1	..	..	..	1
Presumption of Death ..	..	..	2	1	..	..	..	..	3
Separation for over 5 years .. ..	..	..	..	12	133	..	..	..	145
Sodomy .. ..	2	..	..	2	..	..	..	..	4
Not Stated .. ..	..	1	..	..	..	..	..	..	1
<i>Total</i> .. ..	<i>3,125</i>	<i>1,255</i>	<i>703</i>	<i>567</i>	<i>544</i>	<i>196</i>	<i>25</i>	<i>20</i>	<i>6,345</i>
Nullity of Marriage—									
Bigamy .. ..	11	5	..	2	4	1	..	..	23
Impotence .. ..	7	8	5	1	..	..	..	..	21
Invalid Marriage .. ..	..	..	..	2	..	..	..	..	2
<i>Total</i> .. ..	<i>18</i>	<i>13</i>	<i>5</i>	<i>5</i>	<i>4</i>	<i>1</i>	<i>..</i>	<i>..</i>	<i>46</i>
Judicial Separation—									
Adultery .. ..	2	1	..	..	..	..	..	1	4
Cruelty .. ..	1	1	..	..	..	..	..	..	2
Desertion .. ..	1	..	..	..	4	..	..	..	5
<i>Total</i> .. ..	<i>4</i>	<i>2</i>	<i>..</i>	<i>..</i>	<i>4</i>	<i>..</i>	<i>..</i>	<i>1</i>	<i>11</i>

(a) For dissolutions and nullities of marriage the figures represent decrees nisi granted.

(vii) *Ages of Husband and Wife at time of Dissolution of Marriage.* The following table shows the number of husbands and wives in each age group who were parties to marriages dissolved in 1956. Age is taken at the time the decree absolute is made.

Forty-two per cent. of wives were in the 25-34 years age group and 40 per cent. of husbands in the 30-39 years age group. These proportions have varied little during recent years and are considerably higher than the proportions of married persons of those age groups in the whole population (27 per cent. and 26 per cent. respectively at the Census of 30th June, 1947; 28 per cent. and 25 per cent. respectively at the Census of 30th June, 1954).

# AGES OF PARTIES AT TIME OF DISSOLUTION OF MARRIAGE, AUSTRALIA, 1956.

Age of Husband (Years).	Age of Wife (Years).											Total Husbands.
	Under 21.	21 to 24.	25 to 29.	30 to 34.	35 to 39.	40 to 44.	45 to 49.	50 to 54.	55 to 59.	60 and over.	Not stated.	
Under 21 ..	2	1	..	..	..	..	..	..	..	..	..	3
21 to 24 ..	19	76	21	2	1	..	..	..	..	..	..	91
25 to 29 ..	20	268	572	88	9	2	..	1	..	..	1	169
30 to 34 ..	3	74	602	615	118	18	4	..	..	..	..	1,434
35 to 39 ..	..	14	129	461	430	75	16	2	3	..	..	1,130
40 to 44 ..	..	3	37	142	379	363	70	11	2	..	..	1,007
45 to 49 ..	..	1	7	46	122	289	224	42	6	1	..	738
50 to 54 ..	..	..	6	18	30	93	161	102	30	6	1	447
55 to 59 ..	..	..	2	3	16	33	63	89	73	15	..	294
60 and over ..	..	..	..	3	7	29	37	58	94	..	..	235
Not stated ..	..	1	2	1	..	2	..	..	..	..	61	67
Total Wives	44	438	1,378	1,379	1,112	882	567	284	172	116	63	6,435

(viii) *Duration and Issue of Marriages Dissolved.* The following table shows the number of dissolutions of marriage granted in 1956, 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 issue. The majority of marriages dissolved are of less than fifteen years' duration; about 40 per cent. of them are of less than ten years' duration. About one-third of all marriages dissolved in 1956 were childless. These proportions have varied very little in recent years. The proportion of all childless marriages in the population was 16.7 per cent. at the Census of 30th June, 1947, and 18.5 per cent. at the Census of 30th June, 1954.

## DURATION AND ISSUE OF MARRIAGES DISSOLVED, AUSTRALIA, 1956.

Duration of Marriage (Years).	Number of Marriages dissolved whose Issue was—													Total Dissolutions of Marriage.	Total Children.
	0	1	2	3	4	5	6	7	8	9	10	11	12	N.S.	
1 year and under 2 ..	15	2	..	..	..	..	..	..	..	..	..	..	..	17	2
2 years and under 3 ..	49	12	..	..	1	..	..	..	..	..	..	..	..	62	16
3 " " " 4 ..	79	33	5	..	..	..	..	..	..	..	..	..	..	117	43
4 " " " 5 ..	187	87	16	..	..	..	..	..	..	..	..	..	..	290	119
5 " " " 6 ..	233	112	32	2	..	..	..	..	..	..	..	..	..	379	182
6 " " " 7 ..	236	153	67	5	3	..	..	1	..	..	..	..	..	467	321
7 " " " 8 ..	220	170	79	19	3	..	..	..	..	..	..	..	..	491	397
8 " " " 9 ..	199	131	91	14	5	3	..	..	..	..	..	..	1	444	390
9 " " " 10 ..	155	136	98	23	7	..	2	..	..	..	..	..	..	421	441
10 " " " 11 ..	126	131	98	32	9	1	..	..	..	..	..	..	..	397	464
11 " " " 12 ..	79	97	76	32	11	3	..	1	..	..	..	..	..	300	411
12 " " " 13 ..	86	70	75	27	9	4	..	..	..	..	..	..	..	271	357
13 " " " 14 ..	89	69	63	18	10	2	..	1	..	..	..	1	..	253	317
14 " " " 15 ..	81	80	88	37	12	2	2	..	..	..	..	..	..	302	437
15 " " " 16 ..	75	69	71	23	11	1	..	..	..	..	..	..	..	250	329
16 " " " 17 ..	52	53	68	30	17	6	..	1	..	..	..	..	..	227	384
17 " " " 18 ..	43	36	60	18	12	5	..	1	1	..	..	..	..	176	298
18 " " " 19 ..	42	39	46	30	11	3	1	..	..	..	..	..	..	172	286
19 " " " 20 ..	21	38	51	28	17	5	2	..	..	..	..	..	..	164	343
20 " " " 21 ..	25	32	54	24	6	7	1	1	1	..	..	..	..	151	292
21 " " to 24 years ..	76	100	113	67	33	14	7	..	..	2	..	..	..	413	798
25 " " " 29 ..	57	76	77	60	35	16	13	..	4	..	1	..	..	339	750
30 " " " 34 ..	32	26	32	39	20	14	3	6	6	1	..	..	..	179	474
35 " " " 39 ..	17	11	14	18	8	6	7	3	2	1	..	..	2	89	267
40 " " " 44 ..	8	4	5	8	5	3	5	3	1	..	1	..	..	43	142
45 " " and over ..	1	1	2	2	3	2	..	..	1	..	..	..	..	12	41
Not Stated ..	3	5	..	..	..	..	..	..	..	..	..	..	1	5	..
Total Dissolutions of Marriage ..	2,286	1,773	1,381	556	248	97	43	21	16	2	4	1	2	5	6,435
Total Children ..	..	1,773	2,762	1,668	992	485	258	147	128	18	40	11	24	..	8,306

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

**DIVORCED PERSONS AT CENSUS DATES : AGE DISTRIBUTION, AUSTRALIA.**

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

(a) Excludes South Australia.

3. **Bankruptcies.**—Particulars relating to bankruptcy in each State to the end of 1927 have been incorporated under this heading in issues of the Official Year Book prior to No. 23. On 1st August, 1928, the Commonwealth Bankruptcy Act, which is now the Bankruptcy Act 1924–1955, came into operation.

Under the Bankruptcy Act 1924–1955, the Commonwealth is divided into bankruptcy districts which coincide generally with State boundaries. A Federal Court of Bankruptcy has been established with jurisdiction throughout Australia but it exercises this jurisdiction mainly in the bankruptcy districts of New South Wales, which includes the Australian Capital Territory, and Victoria. Certain State courts have been invested with federal jurisdiction in bankruptcy and, outside New South Wales and Victoria, usually exercise that jurisdiction in the appropriate bankruptcy district.

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

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

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

Instead of having a sequestration order made against his estate, under Part XI of the Bankruptcy Act 1924–1955, a debtor may compound with his creditors or assign his estate for their benefit. Under Part XII of the Act a debtor may enter into a scheme of arrangement. The object of Parts XI and XII of the Act is to allow a debtor and his creditors to enter into an agreement concerning the debts due to the creditors without having a sequestration order made against the debtor.

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

The Bankruptcy Act 1924–1955 provides for an Inspector-General in Bankruptcy, who performs such duties as are prescribed. The Act also provides for a Registrar and an Official Receiver to be appointed for each bankruptcy district.

A Registrar in Bankruptcy is controlled by the Court and has such duties as the Attorney-General of the Commonwealth directs, or as are prescribed, and exercises such functions of an administrative nature as are authorized by the Court. He may examine a bankrupt

or a person indebted to a bankrupt or having in his possession any of the estate or effects of a bankrupt. Stipendiary magistrates are appointed Deputy Registrars in country districts.

All sequestrated estates are vested in an Official Receiver, who is a permanent officer of the Commonwealth Public Service. His duties are to investigate the conduct, property and transactions of the debtor, and the cause of bankruptcy of a debtor and to realise and administer the estate of the debtor. He acts under the general authority of the Attorney-General and is controlled by the Court.

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

The following tables show the number of bankruptcies of the various types in each State, together with the assets and liabilities of the debtors, during the eleven months ended 30th June, 1956, and the twelve months ended 30th June, 1957:—

## BANKRUPTCIES, 1955-56.(a)

State.		Sequestration Orders and Orders for Administration of Deceased Debtors' Estates.	Compositions without Bankruptcy, Part XI.	Deeds under Part XI.	Deeds of Arrangement, Part XII.	Total.
N.S.W. (b)	{ Number ..	347	5	..	48	400
	{ Liabilities £	1,071,366	96,507	..	476,605	1,644,478
	{ Assets £	575,565	28,035	..	488,723	1,092,323
Vic.	{ Number ..	153	4	4	45	206
	{ Liabilities £	403,142	40,210	28,701	240,170	712,223
	{ Assets £	199,436	37,953	5,029	279,741	522,159
Q'land	{ Number ..	128	1	..	24	153
	{ Liabilities £	258,668	2,789	..	100,179	361,636
	{ Assets £	74,513	634	..	76,807	151,954
S.A.	{ Number ..	75	20	4	..	99
	{ Liabilities £	193,596	191,985	56,045	..	441,626
	{ Assets £	103,587	185,489	53,714	..	342,790
W.A.	{ Number ..	61	50	6	3	120
	{ Liabilities £	121,468	210,175	25,795	15,681	373,119
	{ Assets £	36,120	207,131	22,257	10,738	276,246
Tas.	{ Number ..	33	..	..	..	33
	{ Liabilities £	114,159	..	..	..	114,159
	{ Assets £	92,642	..	..	..	92,642
N.T.	{ Number ..	1	..	..	..	1
	{ Liabilities £	5,587	..	..	..	5,587
	{ Assets £	629	..	..	..	629
Aust.	{ Number ..	798	80	14	120	1,012
	{ Liabilities £	2,167,986	541,666	110,541	832,635	3,652,828
	{ Assets £	1,082,492	459,242	81,000	856,009	2,478,743

(a) Eleven months.

(b) Includes the Australian Capital Territory.

## BANKRUPTCIES, 1956-57.

State.		Sequestration Orders and Orders for Administration of Deceased Debtors' Estates.	Compositions without Bankruptcy, Part XI.	Deeds under Part XI.	Deeds of Arrangement, Part XII.	Total.
N.S.W. (a)	Number ..	484	5	2	64	555
	Liabilities £	1,570,845	33,062	5,247	653,457	2,262,611
	Assets £	788,567	11,863	2,539	638,762	1,441,731
Vic. ..	Number ..	258	4	1	72	335
	Liabilities £	562,380	18,171	9,083	402,612	992,246
	Assets £	288,378	16,269	4,951	351,670	661,268
Q'land	Number ..	128	..	..	24	152
	Liabilities £	321,348	..	..	128,171	449,519
	Assets £	274,073	..	..	120,825	394,898
S. Aust.	Number ..	165	30	19	..	214
	Liabilities £	393,499	118,819	85,772	..	598,090
	Assets £	182,147	99,420	71,349	..	352,916
W. Aust.	Number ..	107	87	10	..	204
	Liabilities £	205,336	331,434	26,038	..	562,808
	Assets £	143,477	417,723	47,224	..	608,424
Tas. ..	Number ..	55	..	..	11	66
	Liabilities £	161,561	..	..	58,594	220,155
	Assets £	96,592	..	..	85,347	181,939
N.T. ..	Number ..	3	..	..	..	3
	Liabilities £	28,780	..	..	..	28,780
	Assets £	22,596	..	..	..	22,596
Australia	Number ..	1,200	126	32	171	1,529
	Liabilities £	3,243,749	501,486	126,140	1,242,834	5,114,209
	Assets £	1,795,830	545,275	126,063	1,196,604	3,663,772

(a) Includes the Australian Capital Territory.

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

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

## BANKRUPTCIES, AUSTRALIA.

Year.		Sequestration Orders and Orders for Administration of Deceased Debtors' Estates.	Compositions without Bankruptcy, Part XI.	Deeds under Part XI.	Deeds of Arrangement, Part XII.	Total.
1952-53	Number ..	636	41	14	115	806
	Liabilities £	1,521,830	246,502	97,518	896,429	2,762,279
	Assets £	927,764	260,805	62,753	721,260	1,972,582
1953-54	Number ..	687	40	5	113	845
	Liabilities £	1,763,134	285,299	34,448	829,585	2,912,466
	Assets £	1,079,830	309,992	24,453	734,376	2,148,651
1954-55	Number ..	769	66	19	123	977
	Liabilities £	1,724,252	284,027	145,003	1,013,150	3,166,432
	Assets £	946,761	268,729	113,995	728,232	2,057,717
1955-56 (a)	Number ..	798	80	14	120	1,012
	Liabilities £	2,167,986	541,666	110,541	832,635	3,652,828
	Assets £	1,082,492	459,242	81,000	856,009	2,478,743
1956-57	Number ..	1,200	126	32	171	1,529
	Liabilities £	3,243,749	501,486	126,140	1,242,834	5,114,209
	Assets £	1,795,830	545,275	126,063	1,196,604	3,663,772

(a) Eleven months.

## BANKRUPTCIES, STATES.

Year.	N.S.W. (a)	Vic.	Q'land.	S. Aust.	W. Aust.	Tas.	N.T.	Aus- tralia.
1952-53 ..	Number .. 298	184	116	100	64	44	..	806
	Liabilities £ 1,045,490	597,244	417,158	320,768	337,541	44,078	..	2,762,279
	Assets £ 685,397	383,094	382,730	202,016	293,857	25,488	..	1,972,582
1953-54 ..	Number .. 330	175	145	82	74	39	..	845
	Liabilities £ 1,221,353	597,090	437,119	229,984	330,051	96,869	..	2,912,466
	Assets £ 968,456	285,854	341,806	147,622	352,093	52,820	..	2,148,651
1954-55 ..	Number .. 360	200	155	111	100	49	2	977
	Liabilities £ 1,162,001	764,083	461,874	338,481	315,157	121,198	3,638	3,166,432
	Assets £ 789,226	365,151	338,287	241,597	237,192	78,851	7,413	2,057,717
1955-56 ..	Number .. 400	206	153	99	120	33	1	1,012
	Liabilities £ 1,644,478	712,223	361,636	441,626	373,119	114,159	5,587	3,652,828
(b)	Assets £ 1,092,323	522,159	151,954	342,790	276,246	92,642	629	2,478,743
1956-57 ..	Number .. 555	335	152	214	204	66	3	1,529
	Liabilities £ 2,262,611	992,246	449,519	598,090	562,808	220,155	28,780	5,114,209
	Assets £ 1,441,731	661,268	394,898	352,916	608,424	181,939	22,596	3,663,772

(a) Includes the Australian Capital Territory.

(b) Eleven months.

4. **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 1903-1955. The Court consists of a Chief Justice and six other judges. Sittings of the Court are held in the capitals of the various States as occasion requires. The High Court functions as a Court of Appeal for Australia. The following statement shows the transactions of the High Court for 1956 and 1957:—

## TRANSACTIONS OF THE HIGH COURT OF AUSTRALIA.

Original Jurisdiction.	1956.	1957.	Appellate Jurisdiction.	1956.	1957.
Number of writs issued	182	197	Number of appeals set down for hearing ..	98	111
Number of cases entered for trial ..	22	14	Number allowed ..	37	46
Judgments for plaintiffs	61	43	Number dismissed ..	35	50
Judgments for defendants	2	3	Otherwise disposed of	8	11
Otherwise disposed of ..	10	7			
Amount of judgments ..	£148,336	£170,198			

During 1956 and 1957, respectively, the High Court dealt also with the following : Appeals from Assessments under the Taxation Assessment Act, 31, 51 ; Special cases stated for the opinion of the Full Court, 10, 5 ; Applications for Prohibitions, etc., 42, 44. The fees collected amounted to £3,457 in 1956 and £3,544 in 1957.

5. **Commonwealth Industrial Court.**—Information regarding the Commonwealth Industrial Court, which was established under the Conciliation and Arbitration Act 1904-1956, will be found in Chapter VI.—Labour, Wages and Prices.

## § 4. Police, Prisons and Prisoners.

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

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

The strength of the police force in each State and Territory for the years 1952 to 1956 is shown in the following table. The figures include traffic police, probationers, cadets, special constables and women police, but exclude parking police, blacktrackers (natives employed in outlying districts in tracking lost persons and persons wanted by the police), female searchers, wardresses and interpreters. Figures refer to the 30th June, except where otherwise indicated.

#### STRENGTH OF POLICE FORCES.

As at 30th June.	N.S.W. (a)	Vic. (a)	Q'land.	S. Aust.	W. Aust.	Tas.	N.T.	A.C.T. (a)	Aus- tralia.
1952 .. ..	4,688	2,992	2,455	1,055	877	420	48	58	12,593
1953 .. ..	4,661	3,047	2,449	1,091	929	418	50	57	12,702
1954 .. ..	4,610	3,021	2,403	1,107	936	438	56	62	12,633
1955 .. ..	4,817	3,109	2,355	1,086	964	471	62	60	12,924
1956 .. ..	4,927	3,392	2,422	1,131	971	481	67	60	13,451

(a) Figures refer to the 31st December of the year shown.

The following table shows the population of each State and Territory to each police officer for the years 1952 to 1956. A decrease in the figures in this table represents an increase in the number of police relative to the population.

#### POPULATION TO EACH POLICE OFFICER.

As at 30th June.	N.S.W. (a)	Vic. (a)	Q'land.	S. Aust.	W. Aust.	Tas.	N.T.	A.C.T. (a)	Aus- tralia.
1952 .. ..	718	791	513	716	684	705	322	479	694
1953 .. ..	731	793	527	711	668	727	317	521	701
1954 .. ..	751	821	549	720	684	705	294	502	720
1955 .. ..	732	813	571	744	683	668	284	558	721
1956 .. ..	728	776	566	738	698	665	273	602	706

(a) Figures refer to the 31st December of the year shown.

The following table shows the number of women police in each State and Territory for the years 1952 to 1956. As has been stated above, the figures are included in the table showing the strength of the police forces.

#### NUMBER OF POLICEWOMEN.

As at 30th June.	N.S.W. (a)	Vic. (a)	Q'land.	S. Aust.	W. Aust.	Tas.	N.T.	A.C.T. (a)	Aus- tralia.
1952 .. ..	36	29	8	16	9	6	..	2	106
1953 .. ..	36	28	9	18	8	5	..	2	106
1954 .. ..	37	30	9	20	9	5	..	3	113
1955 .. ..	37	34	8	20	9	5	..	2	115
1956 .. ..	36	43	7	23	9	8	..	2	128

(a) Figures refer to the 31st December of the year shown.

The following table shows the number of blacktrackers in each State and Territory for the years 1952 to 1956. As has been stated above, these figures are not included in the table showing the strength of the police forces. There are no blacktrackers in Tasmania, where the aboriginal race is extinct, nor in the Australian Capital Territory.

#### NUMBER OF BLACKTRACKERS.

As at 30th June.	N.S.W. (a)	Vic. (a)	Q'land.	S. Aust.	W. Aust.	Tas.	N.T.	A.C.T.	Aus- tralia.
1952 .. ..	14	1	28	..	18	..	29	..	90
1953 .. ..	11	1	24	..	23	..	30	..	89
1954 .. ..	7	1	24	..	18	..	28	..	78
1955 .. ..	8	1	23	..	18	..	29	..	79
1956 .. ..	8	1	25	(b)	7	..	31	..	72

(a) Figures refer to the 31st December of year shown. (b) One blacktracker, who is paid a small weekly retainer and is supplied with rations, is continuously on call.

2. **Prisons and Prison Accommodation.**—The table below shows the number of prisons in each State and the accommodation therein in 1955 and 1956. All figures refer to the 30th June except where otherwise indicated.

## PRISONS AND PRISON ACCOMMODATION.

Particulars.	N.S.W.	Vic. (a)	Q'land.	S. Aust.	W. Aust.	Tas.	N.T.	Aus- tralia.
1955.								
Prisons .. ..	16	12	7	16	19	2	2	74
Accommodation in—								
Separate cells ..	2,305	1,331	603	697	669	109	31	5,745
Wards .. ..	..	469	295	102	207	32	28	1,133
Total .. ..	2,305	1,800	898	799	876	141	59	6,878
1956.								
Prisons .. ..	16	12	7	16	19	(b) 1	2	73
Accommodation in—								
Separate cells ..	2,304	1,344	603	697	669	(c) 149	31	5,797
Wards .. ..	..	450	301	102	207	32	28	1,120
Total .. ..	2,304	1,794	904	799	876	181	59	6,917

(a) 31st December. (b) Includes Hayes Farm previously shown as a separate gaol.  
(c) Includes 40 single-unit huts not previously included.

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

3. **Convicted Prisoners.**—The number of convicted prisoners in each of the years 1952 to 1956 and the proportion per 10,000 of the population are shown in the following table. The figures exclude aborigines and debtors.

## CONVICTED PRISONERS.

Year.	N.S.W.	Vic. (a)	Q'land.	S. Aust.	W. Aust.	Tas.	N.T.	Aus- tralia.
NUMBER.								
1952 .. ..	2,070	1,248	472	(a) 437	362	142	34	4,765
1953 .. ..	2,135	1,173	538	(a) 413	374	154	44	4,831
1954 .. ..	2,155	1,186	606	(a) 377	360	152	47	4,883
1955 .. ..	2,238	1,295	580	413	386	163	50	5,125
1956 .. ..	2,860	1,564	612	457	482	149	21	6,145

## NUMBER PER 10,000 OF POPULATION.

1952 .. ..	6.2	5.3	3.7	(a) 5.7	6.0	4.8	22.0	5.5
1953 .. ..	6.3	4.9	4.2	(a) 5.3	6.0	5.1	27.8	5.5
1954 .. ..	6.3	4.8	4.6	(a) 4.7	5.6	4.9	28.5	5.4
1955 .. ..	6.4	5.1	4.3	5.0	5.7	5.2	28.4	5.6
1956 .. ..	8.1	6.0	4.5	5.4	7.1	4.7	11.5	6.6

(a) 31st December of year shown.



## § 5. Cost of Administration of Law and Order.

1. **Expenditure by the States.**—The tables below show the net expenditure (i.e. gross expenditure less receipts from fees, fines, recoup for services rendered, etc.) from Consolidated Revenue during 1955–56 and 1956–57 in connexion with the administration of justice, police and prisons in each State.

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

## NET EXPENDITURE ON LAW AND ORDER.

State.	Net Expenditure.			Per Head of Population.		
	Justice.	Police.	Prisons.	Justice.	Police.	Prisons.
	£.	£.	£.	s. d.	s. d.	s. d.
1955–56.						
New South Wales ..	931,886	6,017,476	871,171	5 3	34 2	4 11
Victoria ..	663,354	4,365,316	613,736	5 2	34 0	4 9
Queensland ..	320,583	3,105,679	226,487	4 9	45 11	3 4
South Australia ..	–2,817	1,399,201	244,632	–0 1	33 6	5 10
Western Australia ..	47,932	1,381,003	197,464	1 5	41 3	5 11
Tasmania ..	149,895	657,155	87,142	9 5	41 2	5 6
<b>Total ..</b>	<b>2,110,833</b>	<b>16,925,830</b>	<b>2,240,632</b>	<b>4 7</b>	<b>36 6</b>	<b>4 10</b>
1956–57.						
New South Wales ..	905,348	6,045,055	1,032,103	5 1	33 8	5 9
Victoria ..	598,694	5,082,401	756,021	4 6	38 6	5 9
Queensland ..	155,261	3,287,787	248,975	2 3	47 8	3 7
South Australia ..	–14,995	1,539,417	249,141	–0 4	35 8	5 9
Western Australia ..	90,483	1,469,828	172,291	2 7	43 0	5 0
Tasmania ..	155,437	750,584	102,043	9 6	46 0	6 3
<b>Total ..</b>	<b>1,890,228</b>	<b>18,175,072</b>	<b>2,560,574</b>	<b>4 0</b>	<b>38 1</b>	<b>5 4</b>

2. **Commonwealth Expenditure.**—(i) *Police and Prisons.* The expenditure shown in the previous table is that incurred by the State Governments. Expenditure by the Commonwealth Government on police in the Australian Capital Territory and police and prisons in the Northern Territory is shown in the following table.

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

Year.	Northern Territory.	Australian Capital Territory.(a)
1952-53 .. .. .	118,545	74,492
1953-54 .. .. .	108,726	86,413
1954-55 .. .. .	135,738	87,126
1955-56 .. .. .	145,387	98,720
1956-57 .. .. .	136,000	109,710

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

(ii) *Attorney-General's Department.* Expenditure by the Commonwealth Attorney-General's Department throughout Australia is shown in the two tables which follow:—

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

Year.	Gross Expenditure.	Receipts.	Net Expenditure.
1952-53 .. .. .	1,438,139	286,746	1,151,393
1953-54 .. .. .	1,549,991	321,683	1,228,308
1954-55 .. .. .	1,715,945	370,759	1,345,186
1955-56 .. .. .	1,896,741	407,474	1,489,267
1956-57 .. .. .	1,952,184	451,758	1,500,426

**EXPENDITURE BY THE COMMONWEALTH ATTORNEY-GENERAL'S  
DEPARTMENT, 1956-57.**

Item.	Expenditure. £
Administration .. .. .	269,455
Bankruptcy .. .. .	161,129
Commonwealth Investigation Service .. .. .	123,064
Conciliation and Arbitration .. .. .	148,309
Court Reporting Branch .. .. .	92,885
Crown Solicitor's Office .. .. .	326,610
High Court .. .. .	114,667
Industrial Court .. .. .	62,612
Judges' Salaries and Pensions .. .. .	10,467
Legal Service Bureau .. .. .	64,388
Miscellaneous Services .. .. .	13,236
Patents, Trade Marks and Designs .. .. .	396,197
Peace Officer Guard .. .. .	94,530
Public Service Arbitrator's Office .. .. .	7,016
Rent .. .. .	56,647
Repairs and Maintenance .. .. .	10,972
<b>Total .. .. .</b>	<b>1,952,184</b>

In addition £244,214 was spent by the Attorney-General's Department on capital works and services.

(iii) *Receipts of Commonwealth Attorney-General's Department.*—The above items of expenditure are gross. Revenue received by the Commonwealth Attorney-General's Department, which offsets this expenditure to some extent, is shown in the following table:

**RECEIPTS OF THE COMMONWEALTH ATTORNEY-GENERAL'S  
DEPARTMENT, 1956-57.**

Item.	Amount. (£.)
Bankruptcy .. .. .	72,194
Court Reporting Branch .. .. .	34,779
Fees, Fines and Costs of Court .. .. .	25,931
Patents, Trade Marks and Designs, Copyright .. .. .	305,642
Miscellaneous .. .. .	13,212
<b>Total .. .. .</b>	<b>451,758</b>