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CHAPTER XVI.

PUBLIC JUSTICE.

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

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

§ 1. The Australian Legal System.

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

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

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

In the higher courts (which term includes, for the purposes of this chapter, District Courts, County Courts, and the Supreme Courts), actions are usually tried by a single judge, sitting with or without a jury, from whose judgment appeal lies to the 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 § 3B 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.

(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 which are tried 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 which are tried summarily are governed by the Act creating the offence and giving them jurisdiction. Imprisonment in default of payment of a fine is regulated by a scale limiting the period according to the amount of the fine but not to exceed six months.

The civil jurisdiction of 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 1953 to 1957 are shown in the following table:—

CASES TRIED AT MAGISTRATES' COURTS.

State or Territory.	1953.	1954.	1955.	1956.	1957.
New South Wales ..	276,566	(a) 271,105	(a) 254,487	(a) 271,172	(a) 307,824
Victoria ..	134,912	135,409	149,296	175,899	224,015
Queensland(b) ..	44,868	46,482	49,372	47,072	53,611
South Australia(b) ..	33,688	28,757	32,593	31,799	34,399
Western Australia ..	43,495	50,640	67,739	(c) 62,753	(c) 59,205
Tasmania ..	20,381	19,814	19,672	19,274	19,120
Northern Territory(b) ..	1,657	2,077	2,105	2,779	2,615
Australian Capital Territory ..	1,294	1,406	1,480	1,564	1,875
Australia ..	556,861	555,690	576,744	612,312	702,664

(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; 1957—237,811. Cases of parking offences tried in 1953 are included in the total shown. (b) Twelve months ended 30th June of year shown. (c) In addition the following number of fines for minor traffic offences were paid to Crown Law Departments: 1956—32,130; 1957—31,405.

3. *Convictions at Magistrates' Courts.*—Of the persons who appeared before Magistrates' Courts in 1957, the following table shows the number who were convicted in each State.

CONVICTIONS AT MAGISTRATES' COURTS, 1957.

Class of Offence.	N.S.W.	Vic.	Qld. (a)(b)	S.A. (a)	W.A.	Tas.	N.T. (a)	A.C.T.	Aust.
Against the Person ..	3,587	1,242	441	297	392	280	83	51	6,373
Against Property ..	19,638	7,684	3,638	1,999	4,813	1,454	141	244	39,611
Forgery and Offences against the Currency ..	285	41		2		4	23		355
Against Good Order ..	106,121	33,676	26,047	6,194	7,149	1,702	1,712	385	182,986
Other ..	152,858	165,482	21,987	22,166	43,943	13,600	381	917	421,334
Total ..	282,489	208,125	52,113	30,658	56,297	17,040	2,340	1,597	650,659

(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.

The following table shows the number of convictions in each year from 1953 to 1957:—

CONVICTIONS AT MAGISTRATES' COURTS.

State or Territory.	1953.	1954.	1955.	1956.	1957.
New South Wales ..	257,522	(a) 250,019	(a) 233,777	(a) 249,131	(a) 282,489
Victoria ..	121,497	121,919	133,575	158,869	208,125
Queensland(b)(c) ..	41,266	42,590	46,242	45,711	52,113
South Australia(b) ..	30,229	25,482	29,264	28,221	30,658
Western Australia ..	40,643	48,005	65,118	(a) 59,883	(a) 56,297
Tasmania ..	17,705	17,299	17,314	17,029	17,040
Northern Territory(b) ..	1,411	1,915	1,864	2,444	2,340
Australian Capital Territory ..	1,141	1,128	1,285	1,209	1,597
Australia	511,414	508,357	528,439	562,497	650,659

(a) See footnotes (a) and (c) to table on p. 613.

(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 1953 to 1957:—

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

State or Territory.	1953.	1954.	1955.	1956.	1957.
New South Wales	17,612	17,085	19,803	21,399	23,510
Victoria	6,905	7,471	7,318	8,504	8,926
Queensland(b)(c)	2,916	3,226	3,546	3,942	4,079
South Australia(b)	1,945	1,744	1,867	1,889	2,298
Western Australia	3,632	4,241	4,368	5,289	5,205
Tasmania	1,185	898	1,127	1,176	1,738
Northern Territory(b) ..	149	195	177	115	247
Australian Capital Territory ..	53	231	138	102	295
Australia	34,397	35,091	38,344	42,416	46,298

(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.	1953.	1954.	1955.	1956.	1957.
New South Wales	52.0	49.8	56.7	60.2	64.9
Victoria	28.8	30.5	29.0	32.7	33.4
Queensland(a)	22.9	24.8	26.8	29.1	29.5
South Australia(a) ..	25.4	22.2	23.1	22.6	26.7
Western Australia ..	58.5	66.3	66.3	78.1	75.2
Tasmania	38.7	28.9	35.6	36.5	41.7
Northern Territory(a)	97.8	122.4	107.0	65.8	134.7
Australian Capital Territory ..	18.5	76.0	42.6	49.4	78.3
Australia	39.1	39.1	41.8	45.1	48.1

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

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

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

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

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 year 1957:—

COMMITTALS TO HIGHER COURTS, 1957.

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.
Against the Person ..	1,431	519	239	169	61	35	19	8	2,481
Against Property ..	5,378	1,790	454	341	264	527	27	29	8,810
Forgery and Offences against the Currency ..	198	122	4	15	11	29	9	..	388
Against Good Order ..	42	21	..	4	7	5	4	..	83
Other	172	255	15	23	13	8	3	..	489
Total	7,221	2,707	712	552	356	604	62	37	12,251

(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.

The following table shows the number of committals to higher courts for each of the years 1953 to 1957:—

COMMITTALS TO HIGHER COURTS.

State or Territory.	1953.	1954.	1955.	1956.	1957.
New South Wales	4,263	4,205	4,792	6,056	7,221
Victoria	2,071	2,082	2,198	2,624	2,707
Queensland(a)	605	609	482	572	712
South Australia(a) ..	554	422	426	432	552
Western Australia ..	384	381	454	386	356
Tasmania	337	357	348	321	604
Northern Territory(a)	35	46	45	87	62
Australian Capital Territory ..	19	23	25	40	37
Australia	8,268	8,125	8,770	10,518	12,251

(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. *Drunkness.*—(i) *Cases and Convictions.* The numbers of arrests for drunkness and the convictions recorded during each of the years 1953 to 1957 are given in the following table:—

DRUNKENNESS : CASES AND CONVICTIONS.

State or Territory.	1953.	1954.	1955.	1956.	1957.
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CASES.

New South Wales	72,765	72,591	81,199	77,867	76,700
Victoria	19,424	20,167	20,685	20,457	25,657
Queensland(a)	22,994	21,257	23,986	22,748	23,550
South Australia(a)	6,317	5,530	4,772	4,739	5,030
Western Australia	6,274	5,850	5,752	5,959	5,484
Tasmania	800	836	776	705	786
Northern Territory(a) ..	434	707	487	507	1,059
Australian Capital Territory ..	381	240	231	279	358
Australia	129,389	127,178	137,888	133,261	138,624

CONVICTIONS.

New South Wales	72,647	72,541	80,457	77,195	75,953
Victoria	19,226	19,955	20,437	20,184	25,284
Queensland(a)	22,932	21,199	23,947	22,687	23,521
South Australia(a)	6,307	5,509	4,765	4,732	5,019
Western Australia	6,210	5,809	5,720	5,912	5,428
Tasmania	763	798	757	674	760
Northern Territory(a) ..	424	699	474	502	1,029
Australian Capital Territory ..	378	240	231	271	322
Australia	128,887	126,750	136,788	132,167	137,316

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

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

(ii) *Convictions per 10,000 of Population.* In the twenties, the convictions for drunkness 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 142.8 in 1957.

The rates of convictions for drunkenness since 1953 are shown in the following table:—

CONVICTIONS FOR DRUNKENNESS.
(PER 10,000 OF POPULATION.)

State or Territory.	1953.	1954.	1955.	1956.	1957.
New South Wales	214.5	211.6	230.4	217.1	209.7
Victoria	80.3	81.3	80.9	77.5	94.6
Queensland(a)	180.2	163.0	180.7	167.7	170.4
South Australia(a)	82.3	70.1	59.0	56.7	58.3
Western Australia	100.0	90.7	86.8	87.3	79.5
Tasmania	24.9	25.6	23.9	20.9	23.0
Northern Territory(a)	278.2	438.8	286.6	287.3	555.8
Australian Capital Territory	131.6	79.0	71.3	78.1	85.6
Australia	146.6	141.4	149.1	140.6	142.8

(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 1953-54 to 1957-58:—

CONSUMPTION OF INTOXICANTS IN AUSTRALIA PER HEAD OF POPULATION.

Year.	Spirits.	Wine.	Beer.
	Proof Gals.	Gals.	Gals.
1953-54	0.25	1.39	23.05
1954-55	0.29	1.11	24.26
1955-56	0.31	1.11	24.16
1956-57	0.28	1.15	22.88
1957-58	0.28	(a)1.14	(a)23.00

(a) Preliminary figures.

(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 1912-1949; Victoria, Inebriates Act 1958 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; Northern Territory, the Inebriates Act 1908 of South Australia; Australian Capital Territory, the New South Wales Inebriates Act 1900 amended in 1909, and the Inebriates Ordinance 1938 of the Australian Capital Territory. 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. In Victoria, a Psychiatric Clinic has been established at Pentridge Gaol and some remedial treatment is carried out there under the control of the Department of Mental Hygiene. It is proposed to add an alcoholics section to the Psychiatric Clinic in the near future. The Inebriates Home in Queensland is under the control of the Department of Health and Home Affairs. An alcoholism clinic was opened as an annexe to the Brisbane General Hospital in 1958 and in-patient and out-patient treatment is given there to voluntary patients. 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. Under an agreement between the Commonwealth and New South Wales and by virtue of the Insane Persons and Inebriates (Committal and Detention) Ordinance 1936-1937, inebriates committed to an institution from the Australian Capital Territory are placed in New South Wales institutions, where they are under the control of the appropriate New South Wales authorities and receive the same care and treatment as inebriates committed in the State.

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 1958; 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; Northern Territory, the Offenders Probation Act 1887 of South Australia. Australian Capital Territory, the Crimes Act 1900 of New South Wales amended by Crimes Ordinances 1931, 1942, 1944 and 1951. Provisions similar to those of the First Offenders (Women) Act 1919 of New South Wales have been incorporated in the Australian Capital Territory by the First Offenders (Women) Ordinance 1947. 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, in accordance with the provisions of the Crimes Act, 1958, where any person is convicted by any court of any offence for which a term of imprisonment may be imposed (otherwise than in default of payment of a fine) and the court is of the opinion that, having regard to the circumstances, including the nature of the offence and the character and antecedents of the offender, it is expedient to do so, the court may, instead of sentencing him, make a probation order requiring him to be under the supervision of a probation officer for such period being not less than one year and not more than five years, as is specified in the order. 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. In the Northern Territory, the court may suspend the sentence imposed on a first offender punishable on summary conviction, or by less than two years imprisonment, upon his entering into a recognizance to be of good behaviour for a certain period. In the Australian Capital Territory, the court may, without proceeding to conviction, dismiss a charge in respect of an offence punishable summarily, or may discharge the person charged conditionally on his entering into a recognizance to be of good behaviour for a certain period. Alternatively, the court may suspend the sentence imposed on a first offender upon his entering into a recognizance to be of good behaviour for a certain period.

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

(iv) *South Australia.* Provision for the treatment of juvenile offenders under the age of 18 years is contained in various Acts, the main ones being the Maintenance Act 1926–1952, the Juvenile Courts Act 1941, the Justices Act 1921–1957, and the Offenders Probation Act 1913–1953. A Juvenile Court to hear cases of offences by children is constituted by a special magistrate or two justices of a Juvenile Court and it has power to determine all charges other than homicide. A child convicted of an offence punishable by imprisonment can be committed by a court only to a reformatory. For indictable offences, the penalty is committal to a reformatory or a fine of up to £50.

(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.

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

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

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

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

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

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

B. HIGHER (JUDGES') COURTS.

1. Persons Convicted at Higher Courts.—The following table shows for each State and Territory and for Australia as a whole the number of persons convicted at higher courts during 1957, classified according to the nature of the offence:—

PERSONS CONVICTED AT HIGHER COURTS, 1957.

Offence.	N.S.W. (a)	Vic.	Q'land (a)(b)	S. Aust.	W.Aust.	Tas. (c)	N.T. (a)	A.C.T.	Aus- tralia.
I. OFFENCES AGAINST THE PERSON.									
Concealment of Birth ..		1	1	..	..	..	..	..	2
Murder ..	10	2	5	1	3	..	..	..	21
Attempted Murder ..	2	2	3	1	..	..	..	..	8
Manslaughter ..	21	13	4	8	..	1	3	..	50
Culpable Driving ..	17	..	..	..	..	..	..	..	17
Rape ..	1	3	4	4	..	1	..	..	13
Other Offences against Females ..	195	161	47	71	..	2	3	1	480
Abduction ..	1	..	4	..	..	1	..	..	6
Incest ..	..	..	6	..	4	..	..	..	10
Unnatural Offences ..	143	103	42	19	10	3	..	2	322
Abortion and Attempts to Procure ..	1	..	6	1	..	..	..	..	8
Bigamy ..	40	14	7	5	8	1	..	..	75
Aggravated Assault ..	28	..	30	4	..	6	8	..	76
Common Assault ..	36	38	7	4	8	2	3	..	98
Malicious Wounding ..	36	31	..	..	..	..	..	..	67
Other Offences against the Person ..	18	8	1	18	..	2	..	..	47
Total ..	549	376	167	136	33	19	17	3	1,300
II. OTHER OFFENCES AGAINST PROPERTY.									
Burglary, Breaking and Entering ..	899	696	282	179	106	102	10	12	2,286
Robbery and Stealing from the Person ..	66	44	15	6	3	34	..	16	184
Horse, Cattle and Sheep Stealing ..	..	13	10	6	3	..	..	..	32
Embezzlement or Fraudulent Misappropriation ..	60	11	5	9	11	2	..	..	98
Other Larceny ..	404	170	34	43	25	..	14	..	690
Illegally using Vehicles ..	3	44	16	..	3	..	..	..	66
Receiving ..	85	57	12	11	3	5	..	..	173
Fraud and False Pretences ..	105	33	6	21	2	28	8	..	203
Arson ..	2	3	6	3	..	3	..	..	17
Malicious Damage to Property or Animals ..	17	5	..	1	..	2	..	..	25
Other Offences against Property ..	5	22	7	11	2	2	..	1	50
Total ..	1,646	1,098	393	290	158	178	32	29	3,824
III. FORGERY AND OFFENCES AGAINST THE CURRENCY.									
Forgery and Uttering Forged Instruments ..	11	60	5	11	1	..	2	..	90
Other Offences against the Currency ..	1	..	..	..	..	..	..	..	1
Total ..	12	60	5	11	1	..	2	..	91
IV. OFFENCES AGAINST GOOD ORDER									
..	4	2	..	2	5	6	8	..	27
V. OTHER									
..	14	107	19	20	3	2	..	..	165
Total all Offences ..	2,225	1,643	584	459	200	205	59	32	5,407

(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 1953 to 1957 are given in the following table:—

PERSONS CONVICTED AT HIGHER COURTS.

State or Territory.	1953.	1954.	1955.	1956.	1957.
NUMBER.					
New South Wales(a)	1,629	1,449	1,631	1,933	2,225
Victoria	918	912	1,043	1,249	1,643
Queensland(a)(b)	419	502	382	431	584
South Australia	330	312	340	362	459
Western Australia	241	216	260	241	200
Tasmania(c)	203	244	154	184	205
Northern Territory(a)	26	51	55	72	59
Australian Capital Territory	10	26	20	40	32
Australia	3,776	3,712	3,885	4,512	5,407

PER 10,000 OF POPULATION.

New South Wales(a)	4.8	4.3	4.7	5.5	6.2
Victoria	3.8	3.7	4.1	4.8	6.1
Queensland(a)(b)	3.3	3.9	2.9	3.2	4.2
South Australia	4.3	3.9	4.1	4.3	5.3
Western Australia	3.9	3.4	3.9	3.6	2.9
Tasmania(c)	6.6	7.8	4.9	5.7	6.8
Northern Territory(a)	17.1	32.0	33.3	41.2	32.2
Australian Capital Territory	3.5	8.6	6.2	11.5	8.5
Australia	4.3	4.1	4.2	4.8	5.6

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

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

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

At 30th June, 1958, there were 119 prisoners detained in pursuance of the legislation.

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

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

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

(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 1935–1956 provides that persons previously convicted of a certain number of indictable offences of a particular class may be declared habitual criminals, and shall then be detained during Her Majesty's pleasure. Proof of previous conviction is in all cases 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 preventive detention on 30th June, 1957, was 18 and the total number dealt with since the passing of the Act was 163.

(vi) *Tasmania.* Since the Indeterminate Sentences Act came into operation in 1922, 78 persons have been confined under its provisions; 12 were in custody at the end of 1958.

Of the 66 released on probation 16 have been re-committed.

(vii) *Northern Territory.* The legislation in force in South Australia applies to the Northern Territory.

(viii) *Australian Capital Territory.* The Habitual Criminals Act 1905–1952 of New South Wales applies in the Australian Capital Territory. This Act gives power to judges to declare as habitual criminals persons who have a certain scheduled number of 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 fit to be at large.

4. Capital Punishment.—There were nine executions in Australia during the period 1948 to 1957. 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 the 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 amended in 1955 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. The present tendency is to restrict death sentences to persons convicted of murder. Although rape is a capital offence in some States, the penalty of death has not been imposed in recent years on persons convicted of it.

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

§ 3. Civil Courts.

A. LOWER COURTS.

The total numbers of plaints entered and the amounts awarded to plaintiffs during 1957 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, 1957.

Particulars.	N.S.W.	Vic.	Q'land. (a)	S. Aust.	W. Aust.	Tas.	N.T. (a)	A.C.T.	Aus- tralia.
Plaints Entered No.	81,422	118,634	(b)9,548	57,121	39,259	30,286	1,027	1,695	338,992
Amount Awarded to Plaintiffs £	652,531	2,153,035	551,824	991,114	525,064	279,900	(c)	33,554	5,187,022 (d)

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

B. HIGHER COURTS.

1. General.—The following table shows the civil judgments (excluding those for divorce and bankruptcy) in the higher courts during 1957. The particulars given below include the number and amount of judgments entered by default or confession, or agreement, and differ from those in previous issues of the Official Year Book, which related in most States only to cases tried during the year.

CIVIL CASES AT HIGHER COURTS, 1957.

Particulars.	N.S.W. (a)	Vic.	Q'land. (b)	S. Aust.	W. Aust. (c)	Tas.	N.T. (b)	A.C.T.	Aus- tralia.
Judgments No.	10,182	8,845	988	143	262	556	(d)	242	(d)
Amount Awarded £	(d)	2,235,188	387,236	173,205	337,049	257,892	(d)	686,655	(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 1957:—

PETITIONS FILED FOR DISSOLUTION OF MARRIAGE, NULLITY OF MARRIAGE AND JUDICIAL SEPARATION, 1957.

Petition for—	N.S.W.	Vic.	Q'land.	S.A.	W.A.	Tas.	N.T.	A.C.T.	Aust.
Dissolution of Marriage									
Husband Petitioner ..	1,667	822	346	324	348	130	10	24	3,671
Wife Petitioner ..	2,157	832	326	443	275	161	9	25	4,228
<i>Total</i> ..	<i>3,824</i>	<i>1,654</i>	<i>672</i>	<i>767</i>	<i>623</i>	<i>291</i>	<i>19</i>	<i>49</i>	<i>7,899</i>
Nullity of Marriage									
Husband Petitioner ..	22	12	..	3	2	..	..	1	40
Wife Petitioner ..	29	9	6	8	4	..	..	..	56
<i>Total</i> ..	<i>51</i>	<i>21</i>	<i>6</i>	<i>11</i>	<i>6</i>	<i>..</i>	<i>..</i>	<i>1</i>	<i>96</i>
Judicial Separation									
Husband Petitioner ..	..	..	1	..	4	..	..	1	6
Wife Petitioner ..	..	5	4	..	..	..	..	..	26
<i>Total</i> ..	<i>17</i>	<i>5</i>	<i>5</i>	<i>..</i>	<i>4</i>	<i>..</i>	<i>..</i>	<i>1</i>	<i>32</i>
Total Petitions									
Husband Petitioner No.	1,689	834	347	327	354	130	10	26	3,717
Wife Petitioner No.	2,203	846	336	451	279	161	9	25	4,310
%	43	50	51	42	56	45	53	51	46
%	57	50	49	58	44	55	47	49	54
Grand Total ..	3,892	1,680	683	778	633	291	19	51	8,027

(iii) *Number of Divorces granted, 1957.* The following table shows the number of dissolutions of marriage, nullities of marriage and judicial separations granted in each State during 1957:—

DISSOLUTIONS OF MARRIAGE, NULLITIES OF MARRIAGE AND JUDICIAL SEPARATIONS GRANTED, 1957.

Decree For—	N.S.W.	Vic.	Q'land.	S.A.	W.A.	Tas.	N.T.	A.C.T.	Aust.
Dissolution of Marriage(a)									
Husband Petitioner ..	1,296	642	306	233	292	83	8	15	2,875
Wife Petitioner ..	1,679	703	376	296	249	96	10	14	3,423
<i>Total</i> ..	<i>2,975</i>	<i>1,345</i>	<i>682</i>	<i>529</i>	<i>541</i>	<i>179</i>	<i>18</i>	<i>29</i>	<i>6,298</i>
Nullity of Marriage(a)									
Husband Petitioner ..	12	6	2	3	1	..	..	..	24
Wife Petitioner ..	20	9	5	5	..	1	..	..	40
<i>Total</i> ..	<i>32</i>	<i>15</i>	<i>7</i>	<i>8</i>	<i>1</i>	<i>1</i>	<i>..</i>	<i>..</i>	<i>64</i>
Judicial Separation									
Husband Petitioner ..	..	..	..	..	2	..	..	..	2
Wife Petitioner ..	6	2	..	1	1	..	..	..	10
<i>Total</i> ..	<i>6</i>	<i>2</i>	<i>..</i>	<i>1</i>	<i>3</i>	<i>..</i>	<i>..</i>	<i>..</i>	<i>12</i>
Total Decrees									
Husband Petitioner No.	1,308	648	308	236	295	83	8	15	2,901
Wife Petitioner No.	1,705	714	381	302	250	97	10	14	3,473
%	43	48	45	44	54	46	44	52	46
%	57	52	55	56	46	54	56	48	54
Grand Total ..	3,013	1,362	689	538	545	180	18	29	6,374

(a) Decrees absolute.

(iv) *Number of Divorces granted, 1953 to 1957.* 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 1953 to 1957:—

DIVORCES GRANTED: AUSTRALIA.

DISSOLUTION OF MARRIAGE (DECREES ABSOLUTE).

State or Territory.	1953.	1954.	1955.	1956.	1957.
New South Wales	3,725	2,816	2,874	3,125	2,975
Victoria	(a)2,096	(a)1,519	(a)1,674	(a)1,255	1,345
Queensland	725	710	801	703	682
South Australia	628	594	624	567	529
Western Australia	535	530	479	544	541
Tasmania	210	235	233	196	179
Northern Territory	12	20	18	25	18
Australian Capital Territory	31	33	21	20	29
Australia	7,962	6,457	6,724	6,435	6,298

NULLITY OF MARRIAGE (DECREES ABSOLUTE).

State or Territory.	1953.	1954.	1955.	1956.	1957.
New South Wales	21	28	17	18	32
Victoria	(a) 31	(a) 20	(a) 16	(a) 13	15
Queensland	5	4	2	5	7
South Australia	8	4	4	5	8
Western Australia	4	2	6	4	1
Tasmania .. .. .	..	2	..	1	1
Northern Territory .. .. .	..	..	..	..	..
Australian Capital Territory .. .. .	..	..	..	..	..
Australia	69	60	45	46	64

JUDICIAL SEPARATION.

State or Territory.	1953.	1954.	1955.	1956.	1957.
New South Wales	6	7	9	4	6
Victoria	1	..	1	2	2
Queensland .. .. .	..	..	..	..	..
South Australia	2	2	..	..	1
Western Australia .. .. .	..	1	3	4	3
Tasmania .. .. .	..	1	..	..	..
Northern Territory .. .. .	..	..	..	..	..
Australian Capital Territory	1	..	..	1	..
Australia	10	11	13	11	12

(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 70 357 399 742 1,693 2,508 6,187

(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 1957 in each State and Territory are shown in the following table, but it should be borne in mind that the legal grounds for divorce vary as between States and Territories:—

**GROUND OF DISSOLUTION OF MARRIAGE, NULLITY OF MARRIAGE
AND JUDICIAL SEPARATION, 1957.**

Ground.	N.S.W.	Vic.	Q'land.	S.A.	W.A.	Tas.	N.T.	A.C.T.	Aust.
Dissolution of Marriage—									
Adultery	765	368	180	190	240	55	7	17	1,822
Bigamy	1	1	..	..	..	..	..	..	2
Conviction of Spouse for attempted Murder ..	2	..	..	..	..	..	..	..	2
Cruelty	103	7	1	111	..	6	2	1	231
Cruelty and Drunkenness	95	13	..	..	1	3	..	..	112
Desertion	1,558	882	492	206	140	115	9	11	3,413
Desertion (non-compliance with order for restitution of conjugal rights)	394	..	..	..	..	..	..	..	394
Desertion and Adultery	..	64	3	..	..	..	..	..	67
Drunkenness and Failure to Support	36	1	..	9	..	..	..	..	46
Drunkenness and Neglect of Domestic Duties ..	12	3	..	..	..	..	..	..	15
Failure to pay Maintenance .. ..	..	..	..	2	16	..	..	..	18
Imprisonment	6	2	..	3	5	..	..	..	16
Insanity	(a) 1	4	4	3	3	..	..	..	15
Presumption of Death ..	..	..	2	2	..	..	..	..	4
Refusal to Consummate	..	..	..	..	2	..	..	..	2
Separation for over 5 years .. ..	..	..	..	3	134	..	..	..	137
Sodomy	2	..	..	..	..	..	..	..	2
<i>Total</i>	<i>2,975</i>	<i>1,345</i>	<i>682</i>	<i>529</i>	<i>541</i>	<i>179</i>	<i>18</i>	<i>29</i>	<i>6,298</i>
Nullity of Marriage—									
Bigamy	18	3	3	2	1	..	..	..	27
Impotence	13	11	4	5	..	1	..	..	34
Invalid Marriage	1	..	..	1	..	..	..	..	2
Want of Consent .. ..	..	1	..	..	..	..	..	..	1
<i>Total</i>	<i>32</i>	<i>15</i>	<i>7</i>	<i>8</i>	<i>1</i>	<i>1</i>	<i>..</i>	<i>..</i>	<i>64</i>
Judicial Separation—									
Adultery	1	..	..	..	..	..	..	..	1
Cruelty	2	..	..	..	1	1	..	..	4
Desertion	(b) 3	1	..	..	2	..	..	..	6
Desertion and Adultery	..	1	..	..	..	..	..	..	1
<i>Total</i>	<i>6</i>	<i>2</i>	<i>..</i>	<i>..</i>	<i>3</i>	<i>1</i>	<i>..</i>	<i>..</i>	<i>12</i>

(a) Federal Jurisdiction.

(b) Includes non-compliance with order for restitution of conjugal rights.

(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 1957. 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, 1957.

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 ..	..	..	..	..	..	..	..	..	..	..	..	..	119
21 to 24 ..	17	82	15	3	..	..	..	..	..	..	..	1	866
25 to 29 ..	16	267	490	79	8	3	..	..	..	..	1	1	1,334
30 to 34 ..	3	69	567	560	113	13	6	2	..	..	1	1	1,171
35 to 39 ..	..	14	134	484	419	98	19	2	..	..	..	..	988
40 to 44 ..	..	3	37	174	376	321	68	8	1	..	..	..	737
45 to 49 ..	..	1	10	47	107	275	244	44	6	2	..	1	495
50 to 54 ..	..	1	4	12	41	120	188	110	16	3	..	..	263
55 to 59 ..	..	1	1	9	13	34	54	84	57	10	..	..	214
60 and over ..	..	..	1	2	4	9	21	39	51	87	..	..	111
Not stated ..	..	1	4	1	1	1	..	..	..	..	..	103	6,298
Total Wives	36	439	1,263	1,371	1,082	874	601	290	131	103	108	..	6,298

(viii) *Duration and Issue of Marriages Dissolved.* The following table shows the number of dissolutions of marriage granted in 1957, 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 and 40 per cent. of them are of less than ten years' duration. Of all marriages dissolved in 1957, 34.9 per cent. 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, 1957.

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	12	N.S.			
1 year and under 2 ..	18	4	..	..	..	..	..	..	..	..	..	..	..	..	22	4
2 years and under 3 ..	49	17	..	..	..	..	..	..	..	..	..	..	..	..	67	19
3 " " " 4 ..	102	35	6	1	..	..	..	..	..	..	..	..	..	..	144	50
4 " " " 5 ..	137	60	15	5	2	..	..	..	..	..	..	..	..	..	219	113
5 " " " 6 ..	209	121	29	5	..	..	..	..	..	..	..	..	..	..	365	194
6 " " " 7 ..	209	154	56	13	1	2	..	..	..	..	..	..	..	..	435	319
7 " " " 8 ..	199	141	80	13	3	..	..	1	..	..	..	..	..	..	438	359
8 " " " 9 ..	181	140	87	21	9	2	..	..	..	..	..	..	..	..	440	423
9 " " " 10 ..	175	121	94	25	3	2	..	..	..	..	..	..	..	..	420	406
10 " " " 11 ..	131	123	99	30	7	2	..	..	..	..	1	..	..	..	393	459
11 " " " 12 ..	98	99	94	32	13	2	..	..	..	..	..	..	..	..	338	445
12 " " " 13 ..	98	61	82	31	8	3	..	..	..	..	..	..	..	..	283	365
13 " " " 14 ..	60	59	72	38	7	..	2	..	..	..	..	..	..	..	238	357
14 " " " 15 ..	78	62	70	23	12	5	1	..	..	..	..	..	..	..	251	350
15 " " " 16 ..	76	83	63	30	18	4	1	2	..	..	..	..	..	..	277	411
16 " " " 17 ..	49	58	53	32	5	3	2	..	..	..	..	..	..	..	203	307
17 " " " 18 ..	53	57	66	25	14	1	..	2	..	..	..	..	..	..	218	339
18 " " " 19 ..	46	42	50	28	12	5	2	1	2	..	..	..	..	..	188	334
19 " " " 20 ..	29	49	41	23	10	2	4	..	..	..	..	..	..	..	158	274
20 " " " 21 ..	25	18	45	28	15	2	2	1	3	..	..	..	..	..	139	305
21 " " to 24 years ..	60	83	101	59	25	13	2	2	..	..	..	..	..	..	345	653
25 " " " 29 ..	55	91	110	67	35	7	8	3	1	1	2	..	..	..	380	793
30 " " " 34 ..	38	48	52	37	20	10	6	5	3	..	..	..	..	..	219	488
35 " " " 39 ..	12	4	11	16	6	8	3	3	..	1	1	..	..	..	65	196
40 " " " 44 ..	2	6	9	1	7	3	3	1	1	1	..	1	..	..	35	124
45 " " and over ..	4	..	4	1	..	1	1	1	..	..	..	..	..	..	13	37
Not Stated ..	2	1	1	..	..	..	..	..	..	..	..	..	1	..	5	3
Total Dissolutions of Marriage ..	2,195	1,737	1,391	584	232	77	37	22	11	3	4	1	4	6,298	..	
Total Children ..	..	1,737	2,782	1,752	928	385	222	154	88	27	40	12	..	..	8,127	

(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 1924–1958, came into operation.

Under the Bankruptcy Act 1924–1958, the Commonwealth is divided into bankruptcy districts which coincide generally with State boundaries. A Federal Court of Bankruptcy has been established with jurisdiction throughout Australia but it exercises this jurisdiction mainly in the bankruptcy districts of New South Wales, which includes the Australian Capital Territory, and Victoria. Certain State courts have been invested with *federal jurisdiction in bankruptcy and, outside New South Wales and Victoria, usually exercise that jurisdiction in the appropriate bankruptcy district.*

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

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

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

Under Part XI of the Bankruptcy Act 1924–1958, instead of having a sequestration order made against his estate, a debtor may compound with his creditors or assign his estate for their benefit. Under Part XII of the Act, a debtor may enter into a scheme of arrangement. The object of Parts XI and XII of the Act is to allow a debtor and his creditors to enter into an agreement concerning the debts due to the creditors without having a sequestration order made against the debtor.

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

The Bankruptcy Act 1924–1958 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 twelve months ended 30th June, 1958:—

BANKRUPTCY PROCEEDINGS, 1957-58.

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 ..	443	7	1	73	524
	Liabilities £	1,218,551	30,265	1,572	759,830	2,010,218
	Assets £	696,209	10,841	894	899,643	1,607,587
Vic. ..	Number ..	357	1	1	59	418
	Liabilities £	716,777	3,051	1,409	300,191	1,021,428
	Assets £	430,867	6,871	1,018	237,265	676,021
Q'land	Number ..	155	..	..	26	181
	Liabilities £	443,387	..	..	163,722	607,109
	Assets £	257,046	..	..	120,333	377,379
S. Aust.	Number ..	222	26	15	..	263
	Liabilities £	400,058	127,377	117,966	..	645,401
	Assets £	173,485	132,634	69,813	..	375,932
W. Aust.	Number ..	116	85	11	..	212
	Liabilities £	210,598	537,421	45,420	..	793,439
	Assets £	61,098	481,049	35,950	..	578,097
Tas. ..	Number ..	64	..	..	6	70
	Liabilities £	136,942	..	..	47,610	184,552
	Assets £	62,163	..	..	58,615	120,778
N.T. ..	Number ..	..	1	..	..	1
	Liabilities £	..	9,020	..	..	9,020
	Assets £	..	4,637	..	..	4,637
Australia	Number ..	1,357	120	28	164	1,669
	Liabilities £	3,126,313	707,134	166,367	1,271,353	5,271,167
	Assets £	1,680,868	636,032	107,675	1,315,856	3,740,431

(a) Includes the Australian Capital Territory.

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

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

BANKRUPTCY PROCEEDINGS: AUSTRALIA.

Year.		Sequestration Orders and Orders for Administration of Deceased Debtors' Estates.	Compositions without Bankruptcy, Part XI.	Deeds under Part XI.	Deeds of Arrangement, Part XII.	Total.
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
1957-58	Number ..	1,357	120	28	164	1,669
	Liabilities £	3,126,313	707,134	166,367	1,271,353	5,271,167
	Assets £	1,680,868	636,032	107,675	1,315,856	3,740,431

(a) Eleven months.

BANKRUPTCY PROCEEDINGS, STATES.

Year.	N.S.W. (a)	Vic.	Q'land.	S. Aust.	W. Aust.	Tas.	N.T.	Aus- tralia.
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	977
	Liabilities £	1,162,001	764,083	461,874	338,481	315,157	121,198	3,638
	Assets £	789,226	365,151	338,287	241,597	237,192	78,851	7,413
1955-56 .. (b)	Number ..	400	206	153	99	120	33	1,012
	Liabilities £	1,644,478	712,223	441,626	373,119	373,119	114,159	5,587
	Assets £	1,092,323	522,159	151,954	342,790	276,246	92,642	629
1956-57 ..	Number ..	555	335	152	214	204	66	1,529
	Liabilities £	2,262,611	992,246	449,519	598,090	562,808	220,155	28,780
	Assets £	1,441,731	661,268	394,898	352,916	608,424	181,939	22,595
1957-58 ..	Number ..	524	418	181	263	212	70	1,669
	Liabilities £	2,010,218	1,021,428	607,109	645,401	793,439	184,552	9,020
	Assets £	1,607,587	676,021	377,379	375,932	578,097	120,778	4,637

(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 1957 and 1958:—

TRANSACTIONS OF THE HIGH COURT OF AUSTRALIA.

Original Jurisdiction. (a)	1957.	1958.	Appellate Jurisdiction.	1957.	1958.
	Number of writs issued	197		196	Number of appeals set down for hearing ..	111	99
Number of cases entered for trial ..	14	48	Number allowed ..	46	25
Judgments for plaintiffs	43	29	Number dismissed ..	50	46
Judgments for defendants	3	2	Otherwise disposed of	11	21
Otherwise disposed of ..	7	16			
Amount of judgments ..	£170,198	£57,589			

(a) Some matters dealt with by the High Court do not originate as writs nor are entered as cases.

During 1957 and 1958, respectively, the High Court dealt also with the following : Appeals from Assessments under the Taxation Assessment Act, 51, 25 ; Special cases stated for the opinion of the Full Court, 5, 19 ; Applications for Prohibitions, etc., 44, 41. The fees collected amounted to £3,544 in 1957 and £3,201 in 1958.

5. Commonwealth Industrial Court.—Information regarding the Commonwealth Industrial Court, which was established under the Conciliation and Arbitration Act 1904–1958, will be found in Chapter XII.—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, and the number of police officers per 10,000 of population, are shown in the following tables for the years 1953 to 1957. The figures include traffic police, probationers, cadets, special constables and women police, but exclude parking police, native trackers (natives employed in outlying districts in tracking lost persons and persons wanted by the police), female searchers, wadresses 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.	Australia.
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	1,132	971	481	67	60	13,452
1957	5,043	3,709	2,491	1,234	970	507	80	60	14,094

(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 1953 to 1957.

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.	Australia.
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
1957	726	728	561	708	713	647	240	652	689

(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 1953 to 1957. 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.	Australia.
1953	36	28	9	18	8	5	..	2	106
1954	37	30	9	9	9	5	..	3	113
1955	37	34	8	20	9	5	..	2	115
1956	36	43	7	23	9	8	..	2	128
1957	38	55	7	24	9	10	..	2	145

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

The following table shows the number of native trackers in each State and Territory for the years 1953 to 1957. As has been stated above, these figures are not included in the table showing the strength of the police forces. There are no native trackers in Tasmania, where the aboriginal race is extinct, nor in the Australian Capital Territory.

NUMBER OF NATIVE TRACKERS.

As at 30th June—	N.S.W. (a)	Vic. (a)	Q'land.	S. Aust.	W. Aust.	Tas.	N.T.	A.C.T.	Australia.
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
1957	8	1	23	(b)	3	..	30	..	65

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

2. **Prisons and Prison Accommodation.**—The table below shows the number of prisons in each State and the accommodation therein in 1957. All figures refer to the 30th June except where otherwise indicated.

PRISONS AND PRISON ACCOMMODATION, 1957.

Particulars.	N.S.W.	Vic. (a)	Q'land.	S. Aust.	W. Aust.	Tas.	N.T.	Australia.
Prisons	17	11	7	16	19	1	2	73
Accommodation	(b)	1,915	916	856	876	186	59	(b)

(a) 31st December. (b) Not available.

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

3. **Convicted Prisoners.**—The number of convicted prisoners in each of the years 1953 to 1957 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. (a)	Vic. (b)	Q'land.	S. Aust.	W. Aust.	Tas.	N.T.	Australia.
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NUMBER.

1953	2,135	1,173	538	(b) 413	374	154	44	4,831
1954	2,155	1,186	606	(b) 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
1957	3,050	1,572	680	569	488	162	29	6,550

NUMBER PER 10,000 OF POPULATION.

1953	6.3	4.9	4.2	(b) 5.3	6.0	5.1	27.8	5.5
1954	6.2	4.8	4.6	(b) 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	8.0	6.0	4.5	5.4	7.1	4.7	11.5	6.6
1957	8.3	5.9	4.9	6.6	7.1	5.0	15.8	6.8

(a) Revised to include A.C.T. (b) 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 1957–58 in connexion with the administration of justice, police and prisons in each State.

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

NET EXPENDITURE ON LAW AND ORDER, 1957–58.

State.	Net Expenditure.			Per Head of Population.		
	Justice.	Police.	Prisons.	Justice.	Police.	Prisons.
	£.	£.	£.	s. d.	s. d.	s. d.
New South Wales ..	934,188	6,721,317	1,096,604	5 1	36 9	6 0
Victoria	492,663	5,644,832	797,516	3 8	41 8	5 11
Queensland ..	66,042	3,412,274	260,208	0 11	48 8	3 9
South Australia ..	—89,221	1,734,074	282,990	—2 0	39 2	6 5
Western Australia ..	12,330	1,528,528	235,407	0 4	43 9	6 9
Tasmania	165,223	751,648	120,830	9 11	45 0	7 3
Total	1,581,225	19,792,673	2,793,555	3 3	40 10	5 9

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)
1953–54	108,726	86,413
1954–55	135,738	87,126
1955–56	145,387	98,720
1956–57	136,000	109,710
1957–58	208,099	142,462

(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 BY THE COMMONWEALTH ATTORNEY-GENERAL'S DEPARTMENT.

(£.)

Year.	Gross Expenditure.	Receipts.	Net Expenditure.
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
1957–58	1,984,776	516,090	1,468,686

**EXPENDITURE BY THE COMMONWEALTH ATTORNEY-GENERAL'S
DEPARTMENT, 1957-58.**

Item.	Gross Expenditure. £.
Administration	268,052
Bankruptcy	169,720
Commonwealth Investigation Service	126,206
Conciliation and Arbitration	142,522
Court Reporting Branch	95,962
Crown Solicitor's Office	336,003
High Court	111,023
Industrial Court	76,383
Judges' Salaries and Pensions	10,682
Legal Service Bureau	63,727
Miscellaneous Services	12,406
Patents, Trade Marks and Designs	407,002
Peace Officer Guard	79,205
Public Service Arbitrator's Office	4,971
Rent	65,030
Repairs and Maintenance	15,882
Total	1,984,776

In addition £397,070 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, 1957-58.**

Item.	Amount. (£.)
Bankruptcy	97,729
Court Reporting Branch	54,695
Fees, Fines and Costs of Court	28,156
Patents, Trade Marks and Designs, Copyright	317,824
Miscellaneous	17,686
Total	516,090