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CHAPTER 16

PUBLIC JUSTICE

Statistics of public justice are influenced by a number of factors which 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) Differences in the methods of compiling the figures (e.g. in respect of persons convicted for more than one offence);
- (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.

The Australian legal system

Development of the system

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

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

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

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

Civil judgments given in the courts of any part of Australia can be enforced in any other part of Australia under the *Service and Execution of Process Act 1901-1963*. Since 1 January 1964 this applies also to fines imposed by courts of summary jurisdiction.

State and Territory courts

Civil jurisdiction. Lower civil courts (i.e. Magistrates' Courts, Courts of Petty Sessions, Local Courts, Small Debts Courts, Courts of Request and Courts of General Sessions) are usually constituted or presided over by a stipendiary or special magistrate or a commissioner. In some limited instances justices of the peace may exercise the jurisdiction of the court. Local Courts are sometimes constituted by a Judge. The powers of the magistrates in the various States and Territories are set out on pages 522-3. 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 (i.e. District Courts, County Courts, and the Supreme Courts) actions are usually tried by a single judge, sitting with or without a jury, from whose judgment appeal lies to the bench of the Supreme Court. In certain cases the appeal can be carried to the High Court of Australia. Appeals to the Privy Council are referred to on page 522.

Criminal jurisdiction. Criminal courts are of two kinds, namely, courts of summary jurisdiction and higher courts. Courts of summary jurisdiction, usually called Courts of Petty Sessions, may deal summarily with minor offences; higher courts, known as Courts of Sessions, Quarter Sessions or General Sessions (not to be confused with the lower court of civil jurisdiction of that name) and the Supreme Court, 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 and, within the limits of the law, the punishment of the convicted person.

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.

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. The nature and extent of the judicial power of the Commonwealth are set out in Chapter III. (§§ 71-80) of the Commonwealth Constitution (*see* pages 15-16 of this Year Book). Particulars concerning the Federal Court of Bankruptcy are given on pages 539-41 of this chapter, and information regarding the Commonwealth Industrial Court, which was established under the *Conciliation and Arbitration Act 1904-1965*, is included in the chapter Labour, Wages and Prices (page 345).

High Court of Australia

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

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

Under the Constitution the High Court has jurisdiction, with such exceptions and subject to such regulations as the Parliament permits, to hear and determine appeals from all judgments, decrees, orders and sentences of (i) any Justice or Justices exercising the original jurisdiction of the High Court, (ii) any other Federal Court or court exercising Federal jurisdiction and (iii) from the Supreme Court or other court of any State from which appeal lay to Privy Council at the establishment of the Commonwealth. In respect of (iii) the Parliament has prescribed that, generally, appeal can be brought only by special leave of the High Court. However, in the case of judgments affecting the status of any person under the laws relating to aliens, marriage, bankruptcy or insolvency, or in respect of any sum or matter at issue, or involving any claim, demand, or question, to or regarding any property or civil right, amounting to or of the value of \$3,000, appeal may be brought as of right from final judgments, and by leave of the High Court or the Supreme Court from interlocutory judgments.

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

Transactions of the High Court are shown on page 532.

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.

Lower (magistrates') courts

Powers of magistrates

New South Wales. The powers of the magistrates with regard to offences punishable summarily depend in each case on the statute which creates the offence and gives them jurisdiction. A magistrate may, with the consent of the accused, deal summarily with certain indictable offences under the Commonwealth Crimes Act and offences involving \$500 or less under the State Crimes Act; offences under the Commonwealth Act and certain offences under the State Act may be disposed of summarily without such consent if the amount involved does not exceed \$100. 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 \$300 before a court constituted by a stipendiary magistrate. Where the amount claimed exceeds \$100 the Court must transfer the action to the District Court when the defendant gives notice that he objects to the action being heard and determined by a Court of Petty Sessions. Magistrates have power to entertain claims of up to \$1,000 under the *Money Lenders and Infants Loans Act* 1941-1961. The amount in actions of debt or damages before one or more justices of the peace ranges up to \$60 in certain cases.

Victoria. The civil jurisdiction of magistrates is restricted as follows: (a) ordinary debts, to \$200; (b) any action in tort or contract, with the exception of a few torts such as breach of promise or illegal arrest (on which magistrates have no power to adjudicate), to \$600; and (c) any action in tort arising out of any accident in which a vehicle is involved, to \$1,000. 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.

Queensland. Generally speaking, the maximum term of imprisonment which justices can impose is six months, but in certain exceptional cases, such as offences against sections 233, 344 and 445 of the Criminal Code (betting houses, aggravated assaults, and unlawfully using animals), sentences of twelve months may be imposed. There is provision for applying cumulative sentences.

South Australia. The power of special magistrates to impose fines and imprisonment is defined by the special Act creating the offence and conferring jurisdiction. In the case of minor indictable offences which are tried summarily, a maximum penalty of \$200 fine or two years

imprisonment is fixed by the Justices Act, 1921-1960. Magistrates also have power to hear certain civil actions in which the amount claimed is less than \$2,500.

Western Australia. The powers of magistrates and justices with regard to offences which are tried summarily are governed by the Act creating the offence and giving them jurisdiction. Imprisonment in default of payment of a fine is regulated by a scale limiting the period according to the amount of the fine but not to exceed six months. The civil jurisdiction of Local Courts is restricted in general to \$1,000. 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 Session Courts. They may be appointed as Commissioners of the Supreme Court. On the goldfields the magistrate is also the warden.

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 1963, by an amendment to the *Justices Act 1959*, the categories of crimes triable summarily was extended to include crimes of a less serious nature. In the case of certain crimes the defendant has the option of electing summary trial or trial on indictment in the Supreme Court. However, the choice of election applies only where the property concerned exceeds the value of \$20 but does not exceed \$400. The defendant no longer has any right of election where the value of the property does not exceed \$20. In the case of a charge of forgery or uttering, a right of election exists provided the complaint is in respect of a cheque for not more than \$400. In the case of a charge of breaking into a building, other than a dwelling house, a defendant may elect to be tried summarily under certain conditions. 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 \$100 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 \$500. 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 \$100. Only one court, that at Flinders Island, has the maximum jurisdiction, the others being limited to \$60.

Northern Territory. Stipendiary and special 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 indictable offences under the Territory law may be tried summarily by a magistrate or two justices of the peace, who may impose a fine of up to \$200 or imprisonment for up to two years. A stipendiary magistrate constituting a local court has a civil jurisdiction to hear and determine claims for not more than \$2,000. A local court constituted by two justices of the peace (every special magistrate is also a justice of the peace) has a civil jurisdiction to hear claims up to \$100.

Australian Capital Territory. Stipendiary and special magistrates have general jurisdiction to try offences 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 on the law which creates the offence. In addition to jurisdiction (possessed by stipendiary and special magistrates throughout Australia) to try summarily with the consent of the defendant offences indictable under the *Crimes Act 1914-1960* (in which case the magistrate cannot impose a fine exceeding \$200 or imprisonment exceeding one year), under Territory law certain indictable offences may also be tried summarily by a magistrate, who may impose a fine not exceeding \$100 or imprisonment for up to one year. Magistrates also hear proceedings for committal on indictable offences. In civil proceedings, magistrates try actions for amounts up to \$400. Justices of the peace have no judicial functions.

First offenders

In all States and Territories statutes are in force for dealing with first offenders. For particulars of the relevant legislation, see Year Book, No. 46, page 632. Provisions are incorporated in the various Acts whereby courts may extend leniency to the offender by means such as: (i) dismissal of the charge without proceeding to a conviction; (ii) freeing the offender or suspending sentence with the requirement of a recognizance for good behaviour for a specified period; and (iii) by placing the offender under the supervision of a probation officer for a specified period.

Children's courts

Special provisions exist in all States and Territories for dealing with juvenile offenders in special courts. Particulars of the relevant legislation and the constitution and powers of these courts are given in Year Book No. 49, pages 665-6.

Proceedings at lower magistrates' courts

Particulars of the differences in the jurisdiction of Lower Courts in the various States are given under Powers of Magistrates (pages 522-3). The proceedings of these courts are summarized in this paragraph. The statistics in the following tables are influenced by the factors affecting comparability listed at the beginning of this chapter (page 520).

Criminal proceedings—total cases. The total numbers of cases dealt with at magistrates' courts in each State and Territory for the years 1960 to 1964 are shown in the following table.

CASES AT MAGISTRATES' COURTS: OFFENCES CHARGED, STATES AND TERRITORIES, 1960 TO 1964

State or Territory	1960	1961	1962	1963	1964
New South Wales(a)	332,728	345,730	322,848	323,501	341,351
Victoria(a)	268,104	259,268	270,275	290,332	303,925
Queensland(a)(b)	73,804	79,448	79,772	87,737	97,878
South Australia(a)(b)	47,427	59,534	61,276	68,707	64,799
Western Australia(a)	50,107	48,220	52,764	54,907	53,705
Tasmania(a)	24,047	27,227	30,415	34,728	31,702
Northern Territory	2,958	3,091	4,350	5,886	6,581
Australian Capital Territory	3,168	3,305	4,795	6,435	(a) 7,797
Australia	802,343	825,823	826,495	872,233	907,738

(a) Excludes minor traffic offences settled without court appearance. (b) Year ended 30 June.

Differences in the figures in the preceding table between States, and within a State over a period of time, are influenced by the large number of traffic offences and the arrangements which have been introduced at various times for dealing with them. Provision exists in the States and the Australian Capital Territory for settlement of parking and minor traffic offences by payment of fines without court appearance.

**MINOR TRAFFIC OFFENCES SETTLED WITHOUT COURT APPEARANCES
STATES AND A.C.T., 1960 TO 1964**

State or Territory	1960	1961	1962	1963	1964
New South Wales	351,685	370,688	443,689	389,395	381,058
Victoria	69,895	113,874	132,144	170,590	181,479
Queensland(a)	40,648	58,977	75,322	79,237	115,446
South Australia(a)	149,241	156,067	191,592	183,684	198,943
Western Australia	50,879	44,392	42,582	43,970	49,488
Tasmania	25,801	36,745	33,217	34,394	38,555
Australian Capital Territory . . . . .	..	..	..	..	(b) 1,419
Total	688,149	780,743	918,546	901,270	966,388

(a) Year ended 30 June. (b) From 14 September 1964.

Criminal proceedings—cases in which convictions were made. Of the cases dealt with in magistrates' courts, the following tables show the number in which convictions were made.

**CASES AT MAGISTRATES' COURTS IN WHICH CONVICTIONS WERE MADE
BY CLASS OF OFFENCE: STATES AND TERRITORIES, 1964**

Class of offence	N.S.W.	Vic.	Qld (a)(b)	S.A. (a)	W.A.	Tas.	N.T.	A.C.T.	Aust.
Against the person	3,382	3,315	743	594	563	278	233	87	9,195
Against property	27,581	19,816	4,964	3,539	6,616	1,789	149	389	
Forgery and offences against the currency	863				12	10	55	87	4	65,874
Against good order	103,051	32,769	33,517	8,927	6,659	1,336	4,107	569	190,935
Other	167,045	221,977	49,218	42,734	37,118	23,228	1,590	4,766	547,676
Total	301,922	277,877	88,442	55,806	50,966	26,686	6,166	5,815	813,680

(a) Year ended 30 June. (b) A person convicted on several counts at the one hearing is included only once.

**CASES AT MAGISTRATES' COURTS IN WHICH CONVICTIONS WERE MADE
STATES AND TERRITORIES, 1960 TO 1964**

State or Territory	1960	1961	1962	1963	1964
New South Wales(a)	306,436	314,307	292,484	287,053	301,922
Victoria(a)	245,807	235,581	246,017	266,088	277,877
Queensland(a)(b)(c)	67,508	71,642	71,702	78,864	88,442
South Australia(a)(b)	42,531	52,155	53,531	57,524	55,806
Western Australia(a)	47,462	45,773	49,691	51,712	50,966
Tasmania(a)	20,196	23,212	26,211	29,945	26,686
Northern Territory	2,664	2,812	3,968	5,503	6,166
Australian Capital Territory	2,280	2,613	4,089	6,026	(a) 5,815
Australia	734,884	748,095	747,693	782,715	813,680

(a) Excludes minor traffic offences settled without court appearance. (b) Year ended 30 June. (c) A person convicted on several counts at the one hearing is included only once.

Criminal proceedings—cases in which convictions were made for drunkenness. The numbers of cases in which convictions were recorded during each of the years 1960 to 1964 are given in the following table.

**DRUNKENNESS: CASES IN WHICH CONVICTIONS WERE MADE, STATES AND
TERRITORIES, 1960 TO 1964**

State or Territory	1960	1961	1962	1963	1964
New South Wales	68,591	67,809	68,546	65,630	61,537
Victoria	29,116	27,212	28,529	27,606	24,048
Queensland(a)	28,538	26,136	26,293	28,580	30,924
South Australia(a)	5,273	5,438	6,178	7,485	6,952
Western Australia	5,144	5,333	5,320	4,877	4,529
Tasmania	512	534	575	562	420
Northern Territory	822	1,037	1,388	1,730	3,021
Australian Capital Territory	298	307	252	237	331
Australia	138,294	133,806	137,081	136,707	131,762

(a) Year ended 30 June.

Civil proceedings. Civil proceedings in the lower courts refer to those in 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, Local Courts in the Northern Territory and the Court of Petty Sessions in the Australian Capital Territory. Statistics of civil proceedings in the lower courts are given on page 532.

Higher (judges') courts

Higher courts are presided over by a judge, sometimes with a jury (*see page 521*). Jurisdiction of the higher courts, which include District, County and Supreme Courts, includes appeals from the lower courts, cases of serious crime committed from lower courts, and civil cases involving common law, commercial causes, equity, etc. Under powers vested by the Commonwealth under the *Matrimonial Causes Act 1959-1965* and the *Bankruptcy Act 1924-1965* separate courts within the jurisdiction of the Supreme Courts of the various States and Territories deal exclusively with matrimonial cases and bankruptcy cases respectively.

Proceedings at higher courts comprise criminal, civil, divorce and bankruptcy proceedings. Separate details of each are given on pages 531-41.

An account of the methods adopted in each jurisdiction in connection with habitual offenders is given in Year Book No. 49, pages 668-9.

Capital punishment

There were seven executions in Australia during the period 1955 to 1965. Three took place in South Australia (in 1956, 1958 and 1964) and four in Western Australia (one in 1960 and 1961, two in 1964). In each case the offence was murder.

Under '*The Criminal Code Amendment Act of 1922*' capital punishment was abolished in Queensland, and in New South Wales the Crimes Act was amended in 1955, abolishing capital punishment for all offences except treason and piracy with violence. In the Australian Capital Territory the *Child Welfare Ordinance 1957-1962* provides that no death sentence is to be pronounced or recorded against a person under the age of 18 years, and sub-section (2.) of section 389 of the *Tasmanian Criminal Code Act 1924* as amended contains a similar provision.

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 court of summary jurisdiction. The present tendency is to restrict death sentences to persons convicted of murder. Although rape is a capital offence in some States the penalty of death has not been imposed in recent years on persons convicted of it. The average annual number of executions in Australia from 1861 to 1880 was 9; from 1881 to 1900, 6; from 1901 to 1910, 4; from 1911 to 1920, 2; from 1921 to 1930, 2; from 1931 to 1940, 1; from 1941 to 1950, 0.5; and from 1951 to 1960, 0.7.

Serious crime

Selected crime reported or becoming known to police

The tables on pages 527-9 show some details of certain categories of offences reported or becoming known to police. This series, which commenced in 1964, is derived from police records and is based, as far as possible, on definitions and procedural arrangements uniformly determined for all States. The following explanations are necessary in order to interpret the figures in this series.

Number of offences reported or becoming known. All incidents reported or becoming known to the police which are found to constitute offences within the scope of the crimes covered are included. Offences are shown as 'reported or becoming known' in the year during which it has been established that the incident constitutes a crime, not necessarily in the period when the incident occurred. However, the incident is included when the police are satisfied that a crime has been committed, even though it may be established in subsequent proceedings that no crime or a crime of a different nature was committed. As far as possible, the offences are recorded in respect of the State in which the incident occurred, regardless of which police force undertakes investigations or prosecutions, or where an arrest is made. In the case of homicide, assault, robbery and rape, one offence is counted in respect of each victim, regardless of the number of offenders involved. In the case of breaking and entering, and fraud, etc., one offence is counted for each act or series of directly related acts occurring at the same time and place and under the same circumstances. Each motor vehicle stolen is counted as a separate offence.

Number of offences cleared. An offence of the type included in this series is counted as 'cleared' when an information (charge, arrest or summons to appear) has been laid against at least one person involved. However, an offence may also be counted as 'cleared' without an information being laid. This may occur when the offender has received an official caution or has died, has committed suicide, has been committed to a mental institution, or is in another jurisdiction from which extradition is not desired or available, or is serving a sentence; or if there are other obstacles to prosecution, such as diplomatic immunity or that the complainant refuses to prosecute. A clearance is always shown against the classification under which the offence was 'reported', regardless of the nature of the charge laid or changes in the description of an offence due to later information. The entries are made in respect of the year when the offence was 'cleared', whether or not the offence was 'reported' in that or an earlier year.

Persons involved in crimes cleared. This is the sum of the number of persons dealt with in each of the offences shown as 'cleared'. If more than one person is involved in the one offence, each person is counted. If the same person is involved in more than one offence cleared, he is

counted separately for each offence. Persons involved are shown against the categories of offences to which an incident was originally allocated, regardless of the actual offences they are charged with. This basis of counting 'persons involved in offences cleared' was adopted to reveal trends in crime participation by persons in various age-groups. The figures in this series are not directly comparable with statistics of persons charged or convicted in court, or of cases brought before the courts; nor do these figures reveal the number of offenders in the community.

Offences included in the statistics.

Homicide. Separate details are provided for murder, attempted murder (i.e. acts done with intent to murder) and manslaughter (unlawful killing other than murder), excluding manslaughter arising from motor traffic accidents.

Serious assault. These are assaults normally dealt with on indictment. Includes woundings, offences causing bodily harm, assaults with a weapon, etc., and attempts of this nature. Excludes sexual assault and robbery.

Robbery. Stealing anything, if at, or immediately before or after, the time of stealing, the offender uses or threatens to use violence to any person or property in order to obtain the thing stolen, or to prevent or overcome resistance to its being stolen. Includes attempts of this nature.

Rape. Includes attempted rape and assault with intent to rape. Excludes unlawful carnal knowledge (i.e., where consent is given, but the girl is below the legal age of consent, etc.) and indecent assault.

Breaking and entering. Breaking and entering a building (or entering a building and breaking out) and committing or intending to commit a crime. Includes burglaries. Separate details are shown according to the type of building involved, namely, *dwellings* (including unoccupied dwellings, tents, caravans, etc., used as dwellings, and the residential parts of hotels, schools, etc.); *shops* (including kiosks, service stations, restaurants, bars, non-residential clubs, etc.); and *offices, factories and warehouses* (including parts of buildings, but excluding dwellings and shops used for such purposes). Includes attempts.

Motor vehicle thefts, illegal use, etc. Includes all offences of illegal, unlawful or unauthorized use, use without consent, unlawfully assuming control, etc., no matter under which legislation these offences are prescribed. Excludes cases of 'interference', but includes attempts at illegal use.

Fraud, forgery, false pretences. Includes embezzlement, 'omit to account', misappropriation, fraudulent appropriation, conversion, larceny as bailee, falsification of accounts, company fraud, forgery, uttering, false pretences, passing of valueless cheques and offences by trustees. Includes attempts, but excludes imposition. As a general rule, offences are included only if there is an element of deception or trickery. Separate details are shown for *valueless cheque* offences (i.e., passing of valueless cheques, whether there is no account, insufficient funds or a false signature of the purported drawer of the cheque. However, this sub-group excludes cases where a genuine cheque is altered or the endorsement of the payee is forged. These cases are regarded as forgery and/or uttering and included in 'other').

Number of offences reported or becoming known to police

The following table shows, for Australia, the number of offences, in each of the seven categories covered by this series which were reported or became known to police in 1964 and 1965.

**SELECTED CRIME REPORTED OR BECOMING KNOWN TO POLICE
NUMBER OF OFFENCES, AUSTRALIA, 1964 AND 1965**

Category of crime	Six months ended—		Total 1964	Six months ended—		Total 1965
	June 1964	Dec. 1964		June 1965	Dec. 1965	
Homicide	140	132	272	149	122	271
Serious assault	970	954	1,924	981	914	1,895
Robbery	301	291	592	346	383	729
Rape	137	125	262	118	139	257
Breaking and entering (dwellings, shops, offices, etc.)	19,472	20,223	39,695	21,566	25,050	46,616
Motor vehicle theft, etc.	11,444	12,095	23,539	11,116	13,165	24,281
Fraud, forgery, etc.	7,407	8,301	15,708	8,880	8,292	17,172

Crimes cleared and persons involved

The tables which follow show, for the various categories of offences, the number of offences reported, the number cleared, and the number of persons involved according to age and sex. Subdivisions of the categories homicide, breaking and entering, and fraud, etc., are provided. See pages 526-7 for definitions used and the bases on which these statistics are prepared.

Homicide. The following table provides information on offences classified as homicide (other than manslaughter arising from motor traffic accidents) during 1964 and 1965.

HOMICIDE: CRIMES REPORTED OR BECOMING KNOWN, CRIMES CLEARED AND PERSONS INVOLVED, AUSTRALIA, 1964 AND 1965

	Murder		Attempted murder		Man-slaughter		All homicide	
	1964	1965	1964	1965	1964	1965	1964	1965
Number reported or becoming known	143	141	95	101	34	29	272	271
Number cleared	137	132	92	99	34	29	263	260
Persons involved in crimes cleared—								
Age(a)—16 years and under	6	14	2	5	2	1	10	20
17 and 18 years	6	5	11	6	1	1	17	12
19 and 20 years	12	2	7	4	6	1	25	7
21 years and over	132	125	82	88	29	26	243	239
Total persons involved	156	146	102	103	37	29	(b)295	(b)278

(a) Age last birthday at time of clearance. (b) Includes 51 females in 1964 and 44 in 1965.

Serious assault, robbery, rape. The next table provides details of offences classified as serious assault, robbery and rape during 1964 and 1965.

SERIOUS ASSAULT, ROBBERY, RAPE: CRIMES REPORTED OR BECOMING KNOWN, CRIMES CLEARED, AND PERSONS INVOLVED, AUSTRALIA, 1964 AND 1965

	Serious assault		Robbery		Rape	
	1964	1965	1964	1965	1964	1965
Number reported or becoming known	1,924	1,895	592	729	262	257
Number cleared	1,693	1,604	308	355	229	210
Persons involved in crimes cleared—						
Aged(a)—16 years and under	164	147	81	55	55	43
17 and 18 years	364	280	122	134	110	72
19 and 20 years	244	251	92	93	79	60
21 years and over	1,284	1,197	219	315	118	143
Total persons involved	(b)2,056	(b)1,875	(c) 514	(c) 597	362	318

(a) Age last birthday at time of clearance. (b) Includes 91 females in 1964 and 71 in 1965. (c) Includes 29 females in 1964 and 15 in 1965.

Breaking and entering. This table shows details of offences classified as breaking and entering during 1964 and 1965.

**BREAKING AND ENTERING: CRIMES REPORTED OR BECOMING KNOWN
CRIMES CLEARED, AND PERSONS INVOLVED, AUSTRALIA, 1964 AND 1965**

	Dwellings		Shops		Offices and warehouses		Total	
	1964	1965	1964	1965	1964	1965	1964	1965
Number reported or becoming known	16,299	18,058	13,777	15,175	9,619	13,383	39,695	46,616
Number cleared	5,540	5,521	4,559	4,522	2,717	3,373	12,816	13,416
Persons involved in crimes cleared—								
Aged(a)—16 years and under	4,403	4,295	2,987	2,952	2,185	2,809	9,575	10,056
17 and 18 years	1,478	1,107	1,246	1,340	589	758	3,313	3,205
19 and 20 years	600	636	797	929	453	588	1,850	2,153
21 years and over	1,575	2,212	2,237	2,306	1,173	1,614	4,985	6,132
Total persons involved	8,056	8,250	7,267	7,527	4,400	5,769	19,723	21,546

(a) Age last birthday at time of clearance. (b) Includes 641 females in 1964 and 505 in 1965.

Motor vehicle theft, etc., fraud, forgery, etc. This table shows details of offences classified as motor vehicle theft, illegal use, etc., and of fraud, forgery and false pretences.

**MOTOR VEHICLE THEFT, ETC., FRAUD, ETC.: CRIMES REPORTED
OR BECOMING KNOWN, CLEARED, AND PERSONS INVOLVED, AUSTRALIA
1964 AND 1965**

	Motor vehicle theft, etc.		Fraud, forgery, false pretences					
			Valueless cheques		Other		All frauds, etc.	
	1964	1965	1964	1965	1964	1965	1964	1965
Number reported or becoming known	23,539	24,281	6,707	7,269	9,001	9,903	15,708	17,172
Number cleared	5,357	5,563	5,015	5,342	8,022	9,109	13,037	14,451
Persons involved in crimes cleared—								
Males aged(a)—								
16 years and under	3,465	3,490	72	113	250	250	322	363
17 and 18 years	2,818	2,844	110	179	186	183	296	362
19 and 20 years	1,427	1,163	277	294	384	383	661	677
21 years and over	1,504	1,754	4,205	4,280	5,418	6,674	9,623	10,954
Total males	9,214	9,251	4,664	4,866	6,238	7,490	10,902	12,356
Females aged(a)—								
16 years and under	53	98	18	13	106	178	124	191
17 and 18 years	38	34	23	23	217	253	240	276
19 and 20 years	23	19	40	49	225	220	265	269
21 years and over	31	37	463	598	1,587	1,264	2,050	1,862
Total females	145	188	544	683	2,135	1,915	2,679	2,598
Total persons involved	9,359	9,439	5,208	5,549	8,373	9,405	13,581	14,954

(a) Age last birthday at time of clearance.

The number of stolen motor vehicles recovered were: 1964, 20,957; 1965, 21,678.

Convictions for serious crime at lower (magistrates') courts

The figures given in the tables on page 525 refer to all convictions, and include offences of a technical nature, drunkenness, and minor breaches of good order, which come under the heading of crime in a very different sense from the more serious offences. The following table has therefore been prepared to show convictions at magistrates' courts for the years 1960 to 1964 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.

CONVICTIONS FOR SERIOUS CRIME^(a) AT MAGISTRATES' COURTS: STATES AND TERRITORIES, 1960 TO 1964

State or Territory	1960	1961	1962	1963	1964
New South Wales	31,529	31,696	32,320	32,656	31,826
Victoria	15,646	15,949	19,016	21,540	23,131
Queensland ^{(b)(c)}	4,678	4,736	4,833	5,768	5,707
South Australia ^(b)	2,604	3,552	3,693	3,727	4,145
Western Australia	5,764	5,256	6,814	7,813	7,189
Tasmania	1,788	1,636	1,704	1,570	2,122
Northern Territory	243	285	419	591	469
Australian Capital Territory	331	573	286	492	480
Australia	62,583	63,683	69,085	74,157	75,069

(a) Offences against the person, offences against property, forgery and offences against the currency.
 (b) Year ended 30 June. (c) A person convicted on several counts at the one hearing is included only once.

Committals to higher (judges') courts

The following tables show the number of offences which were committed to higher courts in each State and Territory.

COMMITTALS TO HIGHER COURTS, BY CLASS OF OFFENCE: STATES AND TERRITORIES, 1964

Class of offence	N.S.W.	Vic.	Qld (a)(b)	S.A. (a)	W.A.	Tas.	N.T.	A.C.T.	Australia
Against the person	1,437	1,619	356	263	71	66	17	22	3,851
Against property	5,332		894	290	336	508	29	155	
Forgery and offences against the currency	577	246	7	34	3	27	15	..	11,454
Against good order	111		4	7	13	3	2	..		386
Other	118	1,060	9	8	20	6	2	..	1,223
Total	7,575	6,172	1,270	602	443	610	65	177	16,914

(a) Year ended 30 June. (b) A person committed on several counts at the one hearing is included only once.

COMMITTALS TO HIGHER COURTS: STATES AND TERRITORIES, 1960 TO 1964

State or Territory	1960	1961	1962	1963	1964
New South Wales	8,212	8,294	7,414	8,538	7,575
Victoria	5,274	4,598	5,468	5,306	6,172
Queensland ^{(a)(b)}	1,211	1,527	1,295	1,354	1,270
South Australia ^(a)	542	671	712	600	602
Western Australia	362	298	450	523	443
Tasmania	475	725	643	705	610
Northern Territory	26	86	92	107	65
Australian Capital Territory	97	65	110	92	177
Australia	16,199	16,264	16,184	17,225	16,914

(a) Year ended 30 June. (b) A person committed on several counts at the one hearing is included only once.

Persons convicted at higher (judges') courts

The following tables show the number of persons convicted at higher courts in each State and Territory.

PERSONS CONVICTED AT HIGHER COURTS, BY NATURE OF OFFENCE: STATES AND TERRITORIES, 1964

Offence	N.S.W.	Vic.	Qld (a)(b)	S.A.	W.A.	Tas.	N.T.	A.C.T.	Aust.
Against the person—									
Murder	25	7	5	3	3	..	1	1	45
Attempted murder	8	5	4	..	..	2	1	..	20
Manslaughter(c)	16	14	7	9	14	5	2	..	67
Culpable driving	18	..	18	8	..	1	..	..	45
Rape	44	15	25	8	3	3	2	4	104
Incest	(d) 10	17	8	3	4	..	..	..	42
Other offences against females	273	414	101	131	6	20	1	1	947
Abduction	5	10	3	..	..	2	..	..	20
Unnatural offences	86	83	16	39	3	6	3	4	240
Abortion and attempt to procure	3	6	2	3	4	..	..	..	18
Bigamy	25	11	5	4	1	..	..	..	46
Malicious wounding	45	..	..	..	..	..	..	..	45
Aggravated assault	42	29	47	22	3	9	6	1	159
Common assault	27	18	5	4	..	..	4	2	60
Attempted suicide . . . . .	..	..	..	..	..	..	..	1	1
Other offences against the person	12	76	8	..	..	..	2	..	98
<i>Total against the person</i>	<i>639</i>	<i>705</i>	<i>254</i>	<i>234</i>	<i>41</i>	<i>48</i>	<i>22</i>	<i>14</i>	<i>1,957</i>
Against property—									
Burglary, breaking and entering	1,113	285	588	214	127	76	23	24	2,450
Robbery and stealing from the person	82	51	23	11	7	16	..	..	190
Livestock stealing . . . . .	..	17	9	5	1	..	2	..	34
Embezzlement and fraudulent misappropriation	100	48	2	8	13	3	..	1	175
Other larceny	537	95	29	21	20	..	5	10	717
Unlawfully using vehicles	1	57	146	..	4	..	..	4	212
Receiving	56	29	28	8	3	5	..	3	132
Fraud and false pretences	83	62	6	23	9	8	..	5	196
Arson	7	14	12	5	2	3	..	2	45
Malicious damage	24	8	10	..	..	..	..	1	43
Other offences against property	11	10	10	4	..	..	..	..	35
<i>Total against property</i>	<i>2,014</i>	<i>676</i>	<i>863</i>	<i>299</i>	<i>186</i>	<i>111</i>	<i>30</i>	<i>50</i>	<i>4,229</i>
Forgery and offences against the currency	13	65	6	29	1	10	1	2	127
Against good order	1	19	2	1	1	3	..	..	27
Other	22	328	9	66	11	..	..	..	436
Grand total	2,689	1,793	1,134	629	240	172	53	66	6,776

(a) Year ended 30 June. (b) A person convicted on several counts at the one hearing is included only once, but if a person has been convicted at different hearings during the year, whether for the same or for a different type of offence, the results of all hearings are recorded separately. (c) Includes causing death by dangerous driving. (d) Incest previously included with Other offences against females.

PERSONS CONVICTED AT HIGHER COURTS: STATES AND TERRITORIES 1960 TO 1964

State or Territory	1960	1961	1962	1963	1964
New South Wales	2,635	2,712	2,513	2,907	2,689
Victoria	1,996	2,307	2,329	1,946	1,793
Queensland(a)(b)	1,020	1,279	1,175	1,187	1,134
South Australia	580	606	718	745	629
Western Australia	183	203	228	300	240
Tasmania	295	304	270	293	172
Northern Territory	29	87	74	92	53
Australian Capital Territory	62	54	57	51	66
Australia	6,800	7,552	7,364	7,521	6,776

(a) Year ended 30 June. (b) A person convicted on several counts at the one hearing is included only once.

Civil cases

The statistics in the two tables in this section are influenced by factors which affect comparability between States and between courts. The total number of plaints entered and amounts awarded plaintiffs in the lower courts during 1964 are shown in the following table.

CIVIL CASES AT LOWER COURTS: STATES AND TERRITORIES, 1964

—	N.S.W.	Vic.	Qld (a)	S.A.	W.A.	Tas.	N.T.	A.C.T.	Australia
Plaints entered number	175,835	197,023	48,147	103,218	60,023	40,574	2,452	7,621	634,893
Amount awarded to plaintiffs \$'000	6,509	8,400	3,322	4,329	2,534	574	77	401	26,145

(a) Year ended 30 June.

The following table shows the civil judgments (excluding those for divorce and bankruptcy) in the higher courts during 1964. The particulars given below include the number and amount of judgments entered by default or confession or agreement.

CIVIL CASES AT HIGHER COURTS: STATES AND TERRITORIES, 1964

—	N.S.W.	Vic.	Qld (a)	S.A.	W.A. (b)	Tas.	N.T.	A.C.T.	Australia
Judgments number	52,858	19,723	720	236	408	n.a.	n.a.	325	n.a.
Amount awarded \$'000	n.a.	14,695	2,692	1,467	1,237	n.a.	n.a.	482	n.a.

(a) Year ended 30 June. (b) Judgments signed and entered.

Transactions of the High Court

TRANSACTIONS OF THE HIGH COURT OF AUSTRALIA, 1964 AND 1965

Original jurisdiction(a)	1964	1965	Appellate jurisdiction	1964	1965
Number of writs issued .	108	122	Number of appeals set down for hearing . . .	107	120
Number of causes entered for trial . . .	51	20	Number allowed . . .	31	39
Judgments for plaintiffs .	7	12	Number dismissed . . .	88	61
Judgments for defendants .	15	5	Otherwise disposed of .	16	27
Otherwise disposed of .	36	23			
Amount of judgments \$	59,244	114,424			

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

During 1964 and 1965, respectively, the High Court dealt also with the following: appeals from assessments under the Taxation Assessment Acts, 52, 46; special cases stated for the opinion of the Full Court, 22, 16; applications for prohibition, etc., 14, 13. The fees collected amounted to \$9,308 in 1964 and \$7,056 in 1965.

Divorce and other matrimonial causes

Separation and maintenance orders of courts of summary jurisdiction

In all States and Territories there are laws enabling a wife whose husband leaves her or the children of the marriage without adequate means of support to obtain a maintenance order against the husband from a court of summary jurisdiction. In some States and in the Northern Territory, courts of summary jurisdiction also have power to make separation orders. A separation order is intended primarily for the protection of the person of the wife.

Divorce and other matrimonial proceedings in higher courts

A marriage may be terminated by a Supreme Court of a State or Territory, under powers vested in these courts by Commonwealth legislation, in one of three ways. Firstly, there may be a dissolution of the marriage, commonly known as divorce; secondly, the courts may annul a marriage; and thirdly, there can be a judicial separation of the parties. Until the Commonwealth *Matrimonial Causes Act* 1959 came into operation each State was primarily responsible for legislation relating to matrimonial causes. The law varied from State to State, for example, as to the period of desertion needed to obtain a decree for the dissolution of marriage. In 1959, however, the Commonwealth Matrimonial Causes Act was passed, and it came into force on 1 February 1961. The Act establishes uniform grounds throughout the whole of the Commonwealth for the termination of marriage. While the Act displaces corresponding State law, it vests jurisdiction in existing State and Territorial Courts.

Matrimonial Causes Act 1959-1965

Under this Act a decree for the dissolution of marriage may be granted on one or more of fourteen grounds, which include adultery, desertion, separation for five years in certain circumstances, cruelty, drunkenness, and failure to comply with a restitution decree.

Proceedings for nullity of marriage may be instituted in respect of a marriage which is void or voidable. A marriage which is void has no existence at all, and so it is not legally necessary to obtain a decree of nullity of marriage, but since the issue may depend on difficult questions of fact, such as proof that the consent of one of the parties to the marriage was not a real consent, it is advisable and customary to seek a court judgment which decides the question of the validity of the marriage.

Proceedings for annulling a voidable marriage may be instituted on various grounds, as, for example, where at the time of the marriage either party was a mental defective. A voidable marriage is void from the date of the decree absolute, but until then the parties have the status of married people, and transactions concluded on the basis of the existence of that status cannot be undone or 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 may remarry.

The death of either husband or wife terminates any proceedings under the Act. A decree for dissolution or annulment of a voidable marriage is first a decree *nisi*. The decree automatically becomes absolute at the expiration of three months, unless it is in the meantime rescinded, appeal proceedings are instituted, or there are children of the marriage under the age of 16, in which case the Court must be satisfied that appropriate arrangements have been made for their welfare before the decree will become absolute. The parties cannot remarry until a decree *nisi* has become absolute.

A decree of judicial separation is available on most of the grounds available for divorce. It leaves unimpaired the status of marriage, but suspends rights and duties with respect to cohabitation. A husband is not responsible for the acts of his wife, except that he is liable for necessaries supplied to her if he has failed to pay alimony ordered by a court. Persons who have judicially separated cannot remarry, but a divorce may be obtained on the same facts as those on which the decree of judicial separation was based.

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

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 and Territory during 1965.

**PETITIONS FILED FOR DISSOLUTION OF MARRIAGE, NULLITY OF MARRIAGE
AND JUDICIAL SEPARATION: STATES AND TERRITORIES, 1965**

Petition for—	N.S.W.	Vic.	Qld	S.A.	W.A.	Tas.	N.T.	A.C.T.	Aust.
Dissolution of marriage—									
Husband petitioner . . .	1,722	1,086	613	390	369	143	31	59	4,413
Wife petitioner . . .	2,957	1,415	653	717	367	185	30	102	6,426
<i>Total</i> . . .	4,679	2,501	1,266	1,107	736	328	61	161	10,839
Nullity of marriage—									
Husband petitioner . . .	3	3	..	6	1	3	..	..	16
Wife petitioner . . .	17	9	1	7	1	..	..	..	35
<i>Total</i> . . .	20	12	1	13	2	3	..	..	51
Dissolution or nullity—									
Husband petitioner . . .	2	8	3	2	..	..	..	..	15
Wife petitioner . . .	1	7	2	..	..	..	..	..	10
<i>Total</i> . . .	3	15	5	2	..	..	..	..	25
Judicial separation—									
Husband petitioner . . .	..	..	1	..	..	..	..	..	1
Wife petitioner . . .	4	4	5	5	..	..	..	2	20
<i>Total</i> . . .	4	4	6	5	..	..	..	2	21
Total petitions—									
Husband petitioner . . .	No. 1,727	1,097	617	398	370	146	31	59	4,445
Per cent . . .	37	43	48	35	50	44	51	36	41
Wife petitioner . . .	No. 2,979	1,435	661	729	368	185	30	104	6,491
Per cent . . .	63	57	52	65	50	56	49	64	59
<i>Grand total</i> . . .	4,706	2,532	1,278	1,127	738	331	61	163	10,936

Number of decrees granted

The following table shows the number of dissolutions of marriage, nullities of marriage and judicial separations granted in each State and Territory during 1965.

**DISSOLUTIONS OF MARRIAGE, NULLITIES OF MARRIAGE AND JUDICIAL
SEPARATIONS GRANTED: STATES AND TERRITORIES, 1965**

Decree for—	N.S.W.	Vic.	Qld	S.A.	W.A.	Tas.	N.T.	A.C.T.	Aust.
Dissolution of marriage(a)—									
Husband petitioner . . .	1,348	882	456	354	275	131	26	51	3,523
Wife petitioner . . .	2,092	1,206	596	497	329	148	15	83	4,966
Petition by both . . .	..	1	..	1	..	..	..	..	2
<i>Total</i> . . .	3,440	2,089	1,052	852	604	279	41	134	8,491
Nullity of marriage(b)—									
Husband petitioner . . .	3	5	..	..	2	..	..	..	10
Wife petitioner . . .	11	8	3	3	..	..	..	..	25
<i>Total</i> . . .	14	13	3	3	2	..	..	..	35
Judicial separation—									
Husband petitioner . . .	..	..	..	..	..	..	..	..	..
Wife petitioner . . .	1	1	4	..	..	1	..	1	8
<i>Total</i> . . .	1	1	4	..	..	1	..	1	8
Total decrees—									
Husband petitioner . . .	No. 1,351	887	456	354	277	131	26	51	3,533
Per cent . . .	39	42	43	41	46	47	63	38	41
Wife petitioner . . .	No. 2,104	1,215	603	500	329	149	15	84	4,999
Per cent . . .	61	58	57	59	54	53	37	62	59
Petition by both . . .	No. ..	1	..	1	..	..	..	..	2
<i>Grand total</i> . . .	3,455	2,103	1,059	855	606	280	41	135	8,534

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

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 1961 to 1965.

DISSOLUTIONS OF MARRIAGE, NULLITIES OF MARRIAGE AND JUDICIAL SEPARATIONS GRANTED: STATES AND TERRITORIES, 1961 TO 1965

State or Territory	1961	1962	1963	1964	1965
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DISSOLUTIONS OF MARRIAGE(a)

New South Wales	3,156	3,113	3,293	3,024	3,440
Victoria	1,248	1,615	1,616	2,130	2,089
Queensland	779	920	910	981	1,052
South Australia	718	685	765	887	852
Western Australia	466	582	553	542	604
Tasmania	286	248	260	229	279
Northern Territory	23	38	38	31	41
Australian Capital Territory	36	44	41	93	134
Australia	6,712	7,245	7,476	7,917	8,491

NULLITIES OF MARRIAGE(b)

New South Wales	18	18	13	14	14
Victoria	9	8	7	19	13
Queensland	2	5	6	5	3
South Australia	7	6	5	3	3
Western Australia	..	2	1	2	2
Tasmania	..	1	..	1	..
Northern Territory	..	..	..	..	..
Australian Capital Territory	1	..	..	..	..
Australia	37	40	32	44	35

JUDICIAL SEPARATIONS

New South Wales	1	..	..	3	1
Victoria	..	..	3	2	1
Queensland	..	3	3	..	4
South Australia	..	1	..	..	..
Western Australia	1	1	..	1	..
Tasmania	..	..	1	..	1
Northern Territory	..	..	..	..	..
Australian Capital Territory	..	..	..	..	1
Australia	2	5	7	6	8

TOTAL DECREES GRANTED

Grand total, Australia	6,750	7,290	7,513	7,967	8,534
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(a) Decrees absolute. (b) Final decrees.

The ten-year averages of the numbers of decrees (i.e., dissolutions, nullities and judicial separations) granted annually in Australia for the 80 years from 1881 to 1960 are as follows:

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

Grounds on which decrees were granted

The grounds on which dissolutions of marriage, nullities of marriage and judicial separations were granted in each State and Territory during 1965 are shown in the following table. A few of the decrees granted during 1965 were for petitions lodged under the former, superseded, legislation.

DISSOLUTIONS OF MARRIAGE, NULLITIES OF MARRIAGE AND JUDICIAL SEPARATIONS: GROUNDS, STATES AND TERRITORIES, 1965

Ground	N.S.W.	Vic.	Qld	S.A.	W.A.	Tas.	N.T.	A.C.T.	Aust.
DISSOLUTIONS OF MARRIAGE									
Single grounds—									
Desertion	1,572	996	550	312	182	119	12	34	3,777
Adultery	759	549	189	214	205	57	18	44	2,035
Separation	581	467	221	180	167	68	4	18	1,706
Cruelty	186	27	33	101	14	6	3	10	380
Drunkenness	55	13	9	9	4	4	..	9	103
Failure to pay maintenance	1	1	..	2	6	..	..	..	10
Non-compliance with restitution decree	13	..	2	..	..	..	..	..	15
Refusal to consummate	9	8	5	..	1	..	..	..	24
Insanity	9	1	2	..	..	..	..	1	13
Frequent convictions	10	5	2	4	..	2	..	..	23
Imprisonment	4	1	2	..	..	..	..	..	7
Inflicting grievous bodily harm . . . . .	..	1	..	1	..	..	1	..	3
Rape	2	3	..	..	..	..	..	..	5
Other single grounds	3	..	..	1	1	1	..	..	6
Dual grounds—									
Desertion and adultery	49	5	15	6	6	8	2	2	93
Desertion and separation	61	9	6	8	10	11	1	2	108
Desertion and cruelty	27	..	4	1	1	2	..	1	36
Desertion and drunkenness	17	..	3	3	1	..	..	2	26
Desertion and failure to pay maintenance	3	..	1	..	..	..	..	..	4
Adultery and cruelty	2	..	..	2	..	..	..	2	6
Separation and insanity	1	..	..	1	1	..	..	..	3
Cruelty and drunkenness	55	2	5	3	3	..	..	8	76
Other dual grounds	12	..	3	2	2	..	..	..	19
Three grounds or more	9	1	..	2	..	1	..	..	13
Total	3,440	2,089	1,052	852	604	279	41	134	8,491

NULLITY OF MARRIAGE

Bigamy	8	4	1	..	..	..	..	..	13
Invalid marriage	2	..	..	..	..	..	..	..	2
Incapacity to consummate	4	9	2	3	2	..	..	..	20
Total	14	13	3	3	2	..	..	..	35

JUDICIAL SEPARATIONS

Adultery . . . . .	..	1	3	..	..	1	..	..	5
Cruelty . . . . .	..	..	..	..	..	..	..	1	1
Drunkenness	1	..	..	..	..	..	..	..	1
Cruelty and drunkenness . . . . .	..	..	1	..	..	..	..	..	1
Total	1	1	4	1	..	1	8

TOTAL DECREES GRANTED

Grand total	3,455	2,103	1,059	855	606	280	41	135	8,534
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Ages of husband and wife at time of marriage

The following table shows the ages at time of marriage of husbands and wives who were parties to marriages dissolved in 1965.

DISSOLUTIONS, BY AGES OF PARTIES AT TIME OF MARRIAGE
AUSTRALIA, 1965

Age of husband (years)	Age of wife (years)											Total husbands
	Under 20	20-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60 and over	Not stated	
Under 20 . .	516	113	4	1	1	..	..	..	..	..	1	636
20-24 . .	1,720	2,046	253	36	14	..	..	..	..	..	..	4,069
25-29 . .	443	1,099	461	122	30	7	..	..	..	..	..	2,162
30-34 . .	83	281	218	149	50	14	2	1	..	..	1	799
35-39 . .	22	92	94	71	69	23	15	..	..	..	..	386
40-44 . .	8	26	28	48	39	26	13	3	1	..	..	192
45-49 . .	3	3	11	26	22	25	18	8	2	1	1	120
50-54 . .	..	4	3	7	13	11	12	8	3	..	1	62
55-59 . .	..	1	..	3	4	7	7	4	3	4	..	33
60 and over . .	1	..	..	1	1	1	2	2	7	11	..	26
Not stated . .	..	2	..	..	..	..	..	..	..	..	4	6
Total wives . .	2,796	3,667	1,072	464	243	114	69	26	16	16	8	8,491

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 1965. Age is taken at the time the decree absolute was made.

DISSOLUTIONS, BY AGES OF PARTIES AT TIME OF DISSOLUTION OF MARRIAGE
AUSTRALIA, 1965

Age of husband (years)	Age of wife (years)											Total husbands
	Under 20	20-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60 and over	Not stated	
Under 20 . .	1	..	..	..	..	..	..	..	..	..	..	1
20-24 . .	11	157	23	1	..	1	..	..	..	..	..	193
25-29 . .	5	374	624	70	8	1	..	..	..	..	..	1,082
30-34 . .	2	88	640	502	114	15	8	..	..	..	..	1,369
35-39 . .	..	19	182	587	622	137	24	9	1	..	1	1,582
40-44 . .	..	3	39	158	557	565	105	29	3	2	..	1,461
45-49 . .	..	..	13	33	135	398	357	81	15	5	1	1,038
50-54 . .	..	1	4	12	61	150	293	256	35	12	..	824
55-59 . .	..	..	..	4	16	39	109	159	108	31	1	467
60 and over . .	..	1	1	1	10	16	39	69	112	218	1	468
Not stated . .	..	..	2	..	..	..	..	..	..	..	4	6
Total wives . .	19	643	1,528	1,368	1,523	1,322	935	603	274	268	8	8,491

Duration of marriages dissolved and number of children

The following table shows the number of dissolutions of marriage granted in 1965, classified according to the legal duration of the marriage (i.e., the period from the date of marriage to the date when the decree *nisi* was made absolute) and number of children. Corresponding information for the year 1964 appeared on page 1307 of Year Book No. 51.

DISSOLUTIONS, BY DURATION OF MARRIAGES DISSOLVED AND NUMBER OF CHILDREN: AUSTRALIA, 1965

Duration of marriage (years)	Dissolutions of marriages with—										Total dissolutions of marriage	Total children (a)	
	No children	1 child	2 children	3 children	4 children	5 children	6 children	7 children	8 children	9 children			10 or more children
Under 1 year	1	..	..	..	..	..	..	..	..	..	..	1	..
1 year and under 2	10	1	..	..	..	..	..	..	..	..	..	12	3
2 years and under 3	35	11	3	..	2	..	..	..	..	..	..	51	25
3	79	32	10	2	2	..	..	..	..	..	..	125	66
4	241	108	26	8	..	..	..	..	..	..	..	383	184
5	216	144	58	8	4	..	..	..	..	..	..	430	300
6	176	182	83	13	3	..	..	1	..	..	..	458	406
7	180	153	77	31	8	2	..	2	..	..	..	453	456
8	126	149	121	38	9	1	..	..	..	..	..	444	546
9	120	142	102	39	13	1	1	1	..	..	..	419	533
10	118	106	125	41	10	4	1	..	..	..	..	405	545
11	85	92	102	60	21	3	2	..	..	..	..	365	587
12	93	85	97	60	18	4	2	1	..	..	..	360	570
13	73	88	106	52	17	9	..	2	..	1	..	348	592
14	85	70	107	60	32	6	3	1	1	..	..	365	655
15	69	62	93	55	23	12	..	2	..	..	..	316	579
16	75	64	103	54	18	10	2	2	1	..	..	329	588
17	74	66	75	69	20	8	3	3	1	1	..	320	599
18	47	67	100	57	38	7	4	2	..	..	..	322	663
19	51	62	71	61	24	3	6	..	1	1	2	282	572
20	38	40	65	46	11	12	4	3	..	1	..	218	452
21	189	185	229	155	52	25	12	3	1	1	2	854	1,571
25	257	189	121	49	21	6	1	2	1	..	..	647	720
30	229	64	22	8	6	3	1	..	..	..	..	333	177
35	126	16	6	1	..	..	..	..	..	..	..	149	31
40	58	1	1	..	..	..	..	..	..	..	..	60	3
45 and over	40	1	1	..	..	..	..	..	..	..	..	42	3
Total dissolutions of marriage	2,891	2,180	1,905	967	352	116	42	23	6	5	4	8,491	..
Total children(a)	..	2,180	3,810	2,901	1,408	580	252	161	48	45	41	..	11426

(a) The term 'children' used in the Commonwealth legislation refers to living 'children of the marriage' under 21 years, but the table above includes a small number of dissolutions granted to petitions filed under old legislation, i.e. prior to 1961, in which the term 'children' was used differently. For former definitions of children see Year Book, No. 48, page 652.

Ages of children of dissolved marriages

The following table shows the ages of children of marriages dissolved in 1965. The children referred to are those under 21 years of age at the time of petition.

CHILDREN OF DISSOLVED MARRIAGES(a), BY AGE AT TIME OF PETITION AUSTRALIA, 1965

Petitioner	Ages of children at time of petition—																Total number of children		
	Under 12 mths	1 yr	2 yrs	3 yrs	4 yrs	5 yrs	6 yrs	7 yrs	8 yrs	9 yrs	10 yrs	11 yrs	12 yrs	13 yrs	14 yrs	15 yrs		16-20 yrs	Not stated
Husband	24	69	154	202	245	278	256	291	284	261	264	241	251	245	221	205	852	7	4,350
Wife	50	138	280	414	409	427	449	456	428	419	436	431	400	399	332	356	1,245	4	7,073
Petitions of both	..	..	1	..	1	..	..	..	..	1	..	..	..	..	..	..	..	..	3
Total	74	207	435	616	655	705	705	747	712	681	700	672	651	644	553	561	2,097	11	11426

(a) See footnote (a) to preceding table.

Number of divorced persons at each census, 1911 to 1961

The following table shows the number and proportion of divorced persons in Australia as recorded from returns supplied at each census from 1911 to 1961. A classification of divorced persons by ages for the censuses from 1891 to 1947 appeared in earlier issues of the Year Book (see No. 39, page 269). Prior to 1911 no record was made of divorced persons in South Australia, so comparisons cannot be made beyond that date.

DIVORCED PERSONS AT CENSUS DATES: AUSTRALIA, 1911 TO 1961

Sex	Number						Proportion per 10,000 of males or females 15 years of age and over					
	1911	1921	1933	1947	1954	1961	1911	1921	1933	1947	1954	1961
Males . . .	2,368	4,233	10,298	25,052	32,389	38,640	15	23	42	89	100	105
Females . . .	2,140	4,304	10,888	27,516	36,650	43,339	15	24	46	96	115	119

Bankruptcy

Particulars of bankruptcy in each State to the end of 1927 were incorporated in issues of the Year Book prior to No. 23. On 1 August 1928 the Bankruptcy Act of the Commonwealth, which is now the *Bankruptcy Act 1924-1965*, came into operation.

Under the *Bankruptcy Act 1924-1965* the Commonwealth is divided into bankruptcy districts which coincide generally with State boundaries. A Federal Court of Bankruptcy has been established with jurisdiction throughout Australia, but it exercises this jurisdiction mainly in the bankruptcy districts of New South Wales, which includes the Australian Capital Territory, and Victoria. Certain State courts have been invested with federal jurisdiction in bankruptcy and, outside New South Wales and Victoria, usually exercise that jurisdiction in the appropriate bankruptcy district.

Any person unable to pay his debts may apply voluntarily for the sequestration of his estate, or his creditors may apply for a compulsory sequestration if he has committed an act of bankruptcy. The act of bankruptcy usually relied on is non-compliance by a debtor with a bankruptcy notice which requires the debtor to whom it is addressed to pay within a specified time, to a creditor who has obtained a final judgment or order to pay, the amount of the debt, or satisfy the Court that he has a counter claim, set-off, or cross demand which equals or exceeds the judgment debt. If a bankruptcy notice is not complied with a creditor may thereupon present a petition against a debtor, provided that the debt or debts amount to \$100, the act of bankruptcy relied on has occurred within the six months preceding the presentation of the petition, and 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 Act, 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 Act provides for an Inspector-General in Bankruptcy. It 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 realize and administer the estate of the debtor. In respect of these activities the Official Receiver is under the control of the Court.

Persons registered by the Court as qualified to act as trustees may be appointed by resolution of the creditors to be trustees of estates. In cases where a registered trustee under a deed of arrangement, composition, or assignment (Parts XI and XII of the 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.

Bankruptcy proceedings

The following table shows the number of bankruptcies of the various types in each State, together with the assets and liabilities of the debtors, during 1964-65.

BANKRUPTCY PROCEEDINGS: STATES AND TERRITORIES, 1964-65

State or Territory	Sequestration orders and orders for administration of deceased debtors' estates	Compositions and schemes under Part XI	Deeds under Part XI	Deeds of arrangement, Part XII	Total	
N.S.W. (a)	Number	746	10	3	39	798
	Liabilities \$	5,002,740	129,058	57,094	748,328	5,937,220
	Assets \$	2,200,504	95,826	6,122	526,716	2,829,168
Vic.	Number	541	19	2	51	613
	Liabilities \$	4,689,902	878,974	33,302	740,720	6,342,898
	Assets \$	1,043,414	378,876	28,238	637,694	2,088,222
Qld	Number	240	2	..	13	255
	Liabilities \$	1,782,322	39,216	..	219,082	2,040,620
	Assets \$	981,618	42,006	..	141,766	1,165,390
S. Aust.	Number	597	33	3	..	633
	Liabilities \$	3,027,792	392,324	87,328	..	3,507,444
	Assets \$	1,563,374	263,104	52,108	..	1,878,586
W. Aust.	Number	236	64	4	4	308
	Liabilities \$	891,524	553,582	103,044	62,256	1,610,406
	Assets \$	175,350	348,814	42,750	31,136	598,050
Tas.	Number	92	..	1	3	96
	Liabilities \$	339,874	..	31,602	33,840	405,316
	Assets \$	162,334	..	..	27,226	189,560
N.T.	Number	1	..	..	..	1
	Liabilities \$	5,684	..	..	..	5,684
	Assets \$	160	..	..	..	160
Australia	Number	2,453	128	13	110	2,704
	Liabilities \$	15,739,838	1,993,154	312,370	1,804,226	19,849,588
	Assets \$	6,126,754	1,128,626	129,218	1,364,538	8,749,136

(a) Includes the Australian Capital Territory.

The two tables which follow shows Australian figures in respect of each of the various types of bankruptcy, and State figures in respect of all types of bankruptcy, for the past five years.

BANKRUPTCY PROCEEDINGS: AUSTRALIA, 1960-61 TO 1964-65

Year		Sequestration orders and orders for administration of deceased debtors' estates	Compositions and schemes under Part XI	Deeds under Part XI	Deeds of arrangement, Part XII	Total
1960-61	Number	2,004	118	21	225	2,368
	Liabilities \$'000	11,220	850	379	4,341	16,790
	Assets \$'000	6,667	651	393	3,331	11,041
1961-62	Number	2,239	172	31	218	2,660
	Liabilities \$'000	13,977	2,157	476	3,273	19,882
	Assets \$'000	7,008	1,747	388	2,770	11,912
1962-63	Number	2,371	183	23	158	2,735
	Liabilities \$'000	14,010	3,776	432	3,165	21,383
	Assets \$'000	5,925	3,541	514	2,813	12,793
1963-64	Number	2,392	142	23	121	2,678
	Liabilities \$'000	15,608	1,753	688	2,593	20,642
	Assets \$'000	6,393	1,231	490	2,179	10,292
1964-65	Number	2,453	128	13	110	2,704
	Liabilities \$'000	15,740	1,993	312	1,804	19,850
	Assets \$'000	6,127	1,129	129	1,365	8,749

BANKRUPTCY PROCEEDINGS: STATES AND TERRITORIES, 1960-61 TO 1964-65

Year		N.S.W. (a)	Vic.	Qld	S.A.	W.A.	Tas.	N.T.	Aust.
1960-61	Number	868	489	253	468	206	81	3	2,368
	Liabilities \$'000	6,612	3,903	1,905	2,688	1,091	575	16	16,790
	Assets \$'000	4,685	2,596	1,451	1,392	655	251	11	11,041
1961-62	Number	865	587	285	581	238	98	6	2,660
	Liabilities \$'000	6,520	4,813	2,641	3,512	1,727	612	57	19,882
	Assets \$'000	4,123	2,008	2,345	2,103	985	329	20	11,912
1962-63	Number	872	625	258	617	241	119	3	2,735
	Liabilities \$'000	7,405	5,579	2,240	2,920	2,371	844	24	21,383
	Assets \$'000	3,945	3,363	1,425	1,586	2,141	333	1	12,793
1963-64	Number	772	631	271	629	241	128	6	2,678
	Liabilities \$'000	7,774	5,993	1,800	3,291	1,142	545	97	20,642
	Assets \$'000	3,192	2,647	1,609	2,009	509	264	61	10,292
1964-65	Number	798	613	255	633	308	96	1	2,704
	Liabilities \$'000	5,937	6,343	2,041	3,507	1,610	405	6	19,850
	Assets \$'000	2,829	2,088	1,165	1,879	598	190		8,749

(a) Includes the Australian Capital Territory.

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 the Commonwealth Police Force (*see* next page) and the police in the Northern Territory and the Australian Capital Territory, the police forces of Australia are under the control of the State Governments, but their members perform certain functions for the Commonwealth Government, such as acting as aliens registration officers and policing various acts and regulations.

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

The strength of the police force in each State and Territory and the number of persons to each police officer are shown in the following table for the years 1961 to 1965. The figures include traffic and water police, probationers, cadets, special constables and women police, but exclude ancillary staff, viz., parking police, native trackers (Aboriginals employed in outlying districts in tracking lost persons and persons wanted by the police), female searchers, wardresses and interpreters, civilian staff, etc., viz., clerks, typists, artisans, cleaners, etc. Details of ancillary and civilian staff are provided separately. The figures of ancillary and civilian staff shown below vary from State to State because of administrative differences in the allocation to the police of certain functions such as parking control, motor registration and licensing.

STRENGTH OF POLICE FORCES: STATES AND TERRITORIES, 1961 TO 1965

30 June—	N.S.W.	Vic.	Qld	S.A.	W.A.	Tas.	N.T.	A.C.T.	Australia
Total strength—									
1961	5,575	4,025	2,673	1,694	1,169	558	105	89	15,888
1962	5,687	4,127	2,748	1,727	1,164	579	125	101	16,258
1963	5,826	4,290	2,798	1,752	1,184	629	137	115	16,731
1964	5,977	4,389	2,818	1,830	1,260	598	149	135	17,156
1965	6,151	4,466	2,810	1,926	1,275	633	155	165	17,581
Population to each officer—									
1961	703	728	568	572	630	628	258	661	661
1962	699	725	561	573	648	617	222	650	659
1963	695	712	560	576	652	574	215	639	653
1964	689	713	564	564	627	609	217	596	649
1965	682	718	573	547	631	578	225	537	656
Number of police-women(a)—									
1961	58	58	9	35	14	10	5	2	191
1962	57	60	8	39	14	10	2	2	192
1963	57	58	7	39	15	10	6	2	194
1964	58	60	8	45	15	9	7	4	206
1965	57	58	11	42	18	10	6	4	206
Number of native trackers(b)—									
1961	5	1	17	(c)	4	..	31	..	58
1962	5	1	16	(c)	4	..	34	..	60
1963	5	1	14	(c)	4	..	30	..	54
1964	4	1	14	..	..	..	32	..	51
1965	2	1	12	..	..	..	34	..	49

(a) Included in total strength shown above. (b) Not included in total strength shown above. (c) One native tracker, who was paid a small weekly retainer and was supplied with rations, was continually on call.

Ancillary and civilian staff in the police forces at 30 June 1965 were as follows:

—	N.S.W.	Vic.	Qld	S.A.	W.A.	Tas.	N.T.	A.C.T.	Australia
Ancillary—									
Full time	130	5	19	121	..	..	36	..	311
Part-time . . . . .	..	..	..	4	23	..	..	..	27
Civilian—									
Full time	478	1,135	198	72	150	65	9	17	2,124
Part-time . . . . .	..	46	11	6	..	7	..	1	71

Commonwealth Police Force

The Commonwealth Police Force commenced operations on 21 April 1960, and is the principal agency for the enforcement of the laws passed by the Commonwealth Parliament. It is also responsible for the protection of Commonwealth property and interests at various buildings and establishments under the control of the Commonwealth. This force co-ordinates the work of other Commonwealth investigation and law enforcement agencies and acts on behalf of the United Nations Organization for the suppressing of traffic in women and the suppression of obscene literature.

Under the control of the force is the Australian Police College at Manly, New South Wales, which provides training for officers of various police forces and other agencies in Australia and New Zealand. The force has its Head Office in Canberra and District Offices in each Capital City. The strength of the force at 30 June 1965, was 630 policemen and 3 policewomen. At that date there were, in addition, 3 ancillary and 71 civilian employees.

Prisons

Prisons and prison accommodation

The table below shows the number of prisons in each State and the Northern Territory and the accommodation therein at 30 June 1964.

PRISONS AND PRISON ACCOMMODATION: STATES
AND NORTHERN TERRITORY, 1964

	N.S.W.	Vic.	Qld	S.A.	W.A.	Tas.	N.T.	Australia
Prisons	18	13	7	14	19	1	2	74
Accommodation	3,100	2,330	1,049	1,015	1,026	404	97	9,021

There is no gaol in the Australian Capital Territory, but there is a lock-up 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. Long-term prisoners from the Australian Capital Territory normally serve their sentences in New South Wales prisons.

Convicted prisoners

The number of convicted prisoners at 30 June of each of the years 1960 to 1964 and the proportion per 10,000 of the population are shown in the following table.

CONVICTED PRISONERS: STATES AND TERRITORIES, 1960 TO 1964

30 June—	N.S.W. (a)	Vic.	Qld	S.A.	W.A.	Tas.	N.T. (b)	Australia
Number—								
1960	2,903	1,678	865	570	526	195	26	6,763
1961	3,090	1,827	877	592	526	237	41	7,190
1962	3,052	1,844	843	658	573	207	49	7,226
1963	3,050	1,942	879	688	640	231	48	7,478
1964	3,093	1,981	796	658	662	232	49	7,471
Per 10,000 of population—								
1960	7.5	5.9	5.8	6.0	7.3	5.7	10.2	6.6
1961	7.8	6.2	5.8	6.1	7.1	6.8	15.1	6.9
1962	7.5	6.1	5.4	6.6	7.6	5.7	17.6	6.7
1963	7.4	6.3	5.5	6.8	8.3	6.3	16.3	6.8
1964	7.5	6.3	6.0	6.3	8.3	6.3	15.1	6.7

(a) Includes the Australian Capital Territory.

(b) Excludes full-blood Aborigines.

Patents, trade marks and designs

Patents

Patents for inventions are granted under the *Patents Act* 1952–1962, which applies to the Commonwealth of Australia and the Territories of Norfolk Island, Papua and New Guinea. The Act is administered by a Commissioner of Patents. The principal fees payable up to and including the grant of a patent amount to \$39. Renewal fees are payable as follows: \$10 before the expiration of the fourth year, and an amount progressively increasing by \$2 before the expiration of each succeeding year up to the final fee of \$32, payable before the expiration of the fifteenth year. An extension of time for six months for payment of a renewal fee may be obtained.

PATENTS: AUSTRALIA, 1961 TO 1965

	1961	1962	1963	1964	1965
Applications	12,901	13,026	13,051	14,134	15,150
Applications accompanied by provisional specifications	3,919	3,710	3,557	3,603	3,783
Letters patent sealed	4,940	3,866	5,361	5,456	7,277

Trade marks and designs

Under the *Trade Marks Act 1955-1958* the Commissioner of Patents is also Registrar of Trade Marks. Provision is made for the registration of users of trade marks and for their assignment with or without the goodwill of the business concerned. A new classification of goods was adopted in 1958, and trade marks registered under repealed Acts are reclassified on renewal. Under the *Designs Act 1906-1950* the Commissioner of Patents is also Registrar of Designs.

TRADE MARKS AND DESIGNS: AUSTRALIA, 1961 TO 1965

—	1961	1962	1963	1964	1965
Trade Marks—					
Received	6,209	5,920	6,411	6,280	6,583
Registered	4,592	3,558	4,224	3,606	3,256
Designs—					
Received	1,413	1,392	1,425	1,572	1,567
Registered	1,522	1,064	1,251	1,287	1,260

Copyright

Copyright is regulated by the *Commonwealth Copyright Act 1912-1963* wherein, subject to modifications relating to procedure and remedies, the British Copyright Act of 1911 has been adopted and scheduled to the Australian law. The Act is administered by the Commissioner of Patents.

Reciprocal protection of unpublished works was extended in 1918 to citizens of Australia and of the United States of America, under which copyright may be secured in the latter country by registration at the Library of Congress, Washington. The Commonwealth Government promulgated a further Order-in-Council which came into operation on 1 February 1923 and extended the provisions of the Copyright Act to the foreign countries of the Copyright Union, subject to the observance of the conditions contained therein.

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—	1961	1962	1963	1964	1965
Applications lodged	1,153	1,162	1,265	1,360	1,438
Applications registered	1,042	1,224	1,146	1,275	1,277

Cost of administration of law and order**Expenditure by the States**

The tables following show the net expenditure (i.e., gross expenditure less receipts from fees, fines, recoups for services rendered, etc.) from Consolidated Revenue during 1964-65 in connection with the administration of justice, police and prisons in each State. The figures exclude Loan Fund expenditure, and expenditure on debt charges, pay-roll tax and superannuation payments. 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.

STATE NET EXPENDITURE ON LAW AND ORDER, 1964-65

State	Net expenditure			Per head of population		
	Justice	Police	Prisons (a)	Justice	Police	Prisons
	\$'000	\$'000	\$'000	\$	\$	\$
New South Wales	4,611	21,534	4,625	1.11	5.18	1.11
Victoria	560	18,010	2,458	0.18	5.68	0.78
Queensland	488	11,038	1,232	0.30	6.91	0.77
South Australia	-1,126(b)	6,561	1,106	-1.07	6.29	1.06
Western Australia	486	4,873	726	0.61	6.11	0.91
Tasmania	530	2,322	488	1.44	6.31	1.32
Total	5,549	64,338	10,633	0.50	5.78	0.96

(a) Excludes expenditure on reformatories which for 1964-65 amounted to: N.S.W., \$945,389; Vic., n.a.; Qld, \$97,656; S.A., \$306,002; W.A., \$463,226; Tas., \$157,810. (b) Receipts for fines, legal fees and registrations exceed expenditure.

STATE NET EXPENDITURE ON LAW AND ORDER
AUSTRALIA, 1960-61 TO 1964-65
(\$'000)

Year	Justice	Police	Prisons(a)
1960-61	3,467	50,213	7,375
1961-62	5,253	52,977	8,153
1962-63	5,845	55,450	8,248
1963-64	5,508	60,051	8,462
1964-65	5,549	64,338	10,633

(a) Excludes expenditure on reformatories which for the years 1960-61 to 1964-65 amounted to: 1960-61, \$1,989,826; 1961-62, \$2,207,744; 1962-63, \$2,415,112; 1963-64, \$2,944,662; 1964-65, \$1,970,083. Expenditure on reformatories in Victoria is not included in these amounts.

Commonwealth expenditure

Since the functions of the Commonwealth Government in the administration of law and order differ considerably from those of the States, precise comparison between Commonwealth and State expenditure in this field is not possible. The following table shows expenditure by the Commonwealth Government during the year 1964-65 on the services it performs in relation to law and order.

COMMONWEALTH EXPENDITURE ON LAW AND ORDER, 1964-65
(\$'000)

	Gross expenditure	Receipts	Net expenditure
Justice—			
Administration	994	231	763
Bankruptcy	618	480	138
Crown Solicitor's Office	1,217	..	1,217
High Court	248	..	248
Judges' salaries and pensions	206	..	206
Rent	210	..	210
Court reporting	466	256	209
Territory courts	461	269	193
Repairs and maintenance	78	..	78
Total, justice	4,498	1,236	3,262

COMMONWEALTH EXPENDITURE ON LAW AND ORDER, 1964-65—continued
(\$'000)

	Gross expenditure	Receipts	Net expenditure
Police—			
Commonwealth Police Force	1,062	..	1,062
Australian Police College	71	..	71
Australian Security and Intelligence Organization	1,920	..	1,920
Northern Territory Police	835	..	835
Australian Capital Territory Police	761	..	761
<i>Total, police</i>	<i>4,650</i>	<i>..</i>	<i>4,650</i>
Prisons—			
Northern Territory prisons	194	..	194
<i>Total, prisons</i>	<i>194</i>	<i>..</i>	<i>194</i>
Total, law and order	9,342	1,236	8,106

The preceding table replaces one included in previous issues showing expenditure by the Commonwealth Attorney-General's Department. This table deals more precisely with the function of law and order than did the previous table, and excludes some items of expenditure, previously included, such as conciliation and arbitration and matrimonial causes, which are considered to relate to functions other than law and order.

COMMONWEALTH EXPENDITURE ON LAW AND ORDER
1960-61 TO 1964-65
(\$'000)

Year	Gross expenditure	Receipts	Net expenditure
1960-61	6,024	752	5,271
1961-62	6,482	823	5,659
1962-63	7,150	946	6,203
1963-64	8,280	1,220	7,061
1964-65	9,342	1,236	8,106