

CHAPTER 11

LAW AND ORDER

Law and order throughout Australia are matters for Federal, State and Territorial governments and authorities.

This chapter provides information about the Federal courts structure and Federal matters, including bankruptcy, patents and design and copyright; summary details of police strength; statistics of selected crime reported to or becoming known to police; drug offences which are reported on a national basis; and convicted prisoners.

Detailed information about State and Territorial police, courts, prisoners and other law and order functions are provided in State Year Books and other statistical bulletins, and in annual and other reports of the relevant authorities.

Information about public safety, such as details of fire brigade and ambulance services is provided in State Year Books and other statistical bulletins and in reports of the relevant authorities.

FEDERAL COURTS

The judicial power of the Commonwealth is vested in the High Court of Australia, in the Federal courts created by Parliament and in the State courts invested by Parliament with Federal jurisdiction. The nature and extent of the judicial powers of the Commonwealth are prescribed by Chapter III of the Australian Constitution.

High Court of Australia

The High Court consists of a Chief Justice and six other Justices, and has its principal seat in Sydney. However, sittings are held in every State capital as the need arises.

A new building to permanently accommodate the High Court is being built in Canberra and is scheduled to open in 1980.

The Australian 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 of Australia, or a person suing or being sued on behalf of the Commonwealth of Australia, 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 of Australia.

In addition, the Federal Parliament may, under the Constitution, confer additional original jurisdiction on the High Court in certain classes of matters. The Court currently has original jurisdiction in all matters arising under the Constitution or involving its interpretation, in trials of indictable offences against the laws of the Commonwealth, and in respect of certain other matters specified in various laws made by the Parliament.

The High Court's jurisdiction is made exclusive of the jurisdiction of State courts in:

- (i) matters arising directly under any treaty;
- (ii) suits between States or between persons suing or being sued on behalf of different States, or between a State and a person suing or being sued on behalf of another State;
- (iii) suits by the Commonwealth of Australia or any person suing on behalf of the Commonwealth of Australia against a State, or any person being sued on behalf of a State;
- (iv) suits by a State, or any person suing on behalf of a State against the Commonwealth of Australia or any person being sued on behalf of the Commonwealth of Australia;
- (v) matters in which a writ of mandamus or prohibition is sought against an officer of the Commonwealth of Australia or a Federal court.

The High Court's exclusive jurisdiction no longer includes matters involving the limits *inter se* of the constitutional powers of the Commonwealth and those of the States. Where the High Court has concurrent jurisdiction, it may remit a matter commenced in the High Court to a court of concurrent jurisdiction and remove a matter commenced in another such court into the High Court.

Under the Constitution the High Court has jurisdiction, with such exceptions and subject to such regulations as the Federal Parliament prescribes, 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) the Supreme Court or other court of any State from which appeal lay to the Privy Council at the establishment of the Commonwealth of Australia.

Subject to the exception mentioned below, an appeal may be brought as of right from a final judgment of a Full Court of a State Supreme Court where the interpretation of the Australian Constitution is involved; from judgments for the sum of \$20,000 or upwards; and from judgments in any proceedings in which the matter in issue amounts to or is of the value of \$20,000 or upwards or which involve a claim, demand or question relating to any property or civil right amounting to or of the value of \$20,000 or upwards. The exception to the generality of this statement is that an appeal on a ground relating to quantum of damages for death or personal injury lies only with special leave of the High Court. In all other cases in which the High Court has appellate jurisdiction, appeals lie only by special leave of the Court.

Appeal to the Privy Council

In 1968 the Federal Parliament passed an Act, which came into operation on 1 September 1968, restricting appeals to the Privy Council. Under the Act no appeal can be taken to the Privy Council from a judgment of the Supreme Court of any Territory or a Federal court other than the High Court.

Until 1975, special leave of the Privy Council to appeal from the High Court could be sought only in matters that came to the High Court on appeal from the Supreme Court of a State exercising jurisdiction not derived from Federal legislation, and which did not raise in the High Court any question of the application or interpretation of the Australian Constitution, or of Federal or Territory legislation. In 1975 the right to apply for special leave in these cases was removed. An exception to the generality of the foregoing is that under the Australian Constitution an appeal lies to the Privy Council in cases involving the powers of the Commonwealth vis-a-vis the States if the High Court certifies that the question is one that ought to be determined by the Privy Council. No such certificate has in fact been granted since 1913.

High Court of Australia Transactions 1977

| | |
|---|----------|
| <i>Original jurisdiction</i> | |
| Number of writs issued | 148 |
| Number of matters heard | 20 |
| <i>Appellate jurisdiction</i> | |
| Number of appeals filed | |
| by plaintiff as appellant | 29 |
| by defendant as appellant | 25 |
| Number of applications for leave/special leave to appeal: | |
| filed | 108 |
| allowed | 42 |
| refused | 41 |
| Number of judgments | |
| reserved | 86 |
| oral | 66 |
| <i>Result of hearings</i> | |
| Verdict/judgments | |
| plaintiff/appellant | 67 |
| defendant/respondent | 60 |
| Otherwise disposed of | 10 |
| <i>Miscellaneous</i> | |
| Number of | |
| matters remitted to State Courts | 46 |
| matters removed into High Court under the Judiciary Act | 5 |
| demurrers set down and heard | 5 |
| cases stated for opinion of a Full Court | 4 |
| <i>Amount of fees collected</i> | \$16,637 |

Federal Court of Australia

The Federal Court of Australia was created in 1976 and commenced to exercise jurisdiction on 1 February 1977.

For the purposes of its organisation and business, the Federal Court of Australia consists of two Divisions: an Industrial Division and a General Division. Matters arising under the *Conciliation and Arbitration Act* 1904 and under the *Stevedoring Industry Act* 1956 are dealt with in the Industrial Division. All other matters are dealt with in the General Division of the Court. The Federal Court of Australia sits as required in each State and in the Australian Capital Territory and the Northern Territory.

The *Federal Court of Australia Act* 1976 provides that the Court has such original jurisdiction as is invested in it by laws made by the Federal Parliament.

In respect of matters the hearing of which commenced on or after 1 February 1977, the Court's original jurisdiction includes that formerly exercised by the Federal Court of Bankruptcy and the Australian Industrial Court. Further, original jurisdiction has been conferred by a number of Acts, the most significant being the *Federal Court of Australia (Consequential Provisions) Act* 1976.

The Federal Court of Australia has appellate jurisdiction with respect to judgments of the Court constituted by a single judge; judgments of the Supreme Courts of the Territories; and, in certain circumstances provided for by legislation, with respect to judgments of State courts other than those of the Full Court of a State Supreme Court (e.g. *Patents Act* 1966, *Trade Marks Act* 1955, *Bankruptcy Act* 1966, *Income Tax Assessment Act* 1936).

Australian Industrial Court and Federal Court of Bankruptcy

The hearing of matters which had commenced in these courts at 1 February 1977 continues to be dealt with by these Courts. Subject to this, the respective jurisdictions formerly exercised by these Courts is now vested in the Federal Court of Australia and each of the Courts is to be abolished when there ceases to be a person holding office as a Judge of the Court.

Family Law Act

The *Family Law Act* 1975 commenced operation on 5 January 1976. It introduced a new law dealing with human problems in marriage, viz. the custody and welfare of the children, divorce, maintenance and the split up of property of the marriage.

The law is administered by the Family Court of Australia and by certain other courts in the States and Territories. A State Family Court has been established in Western Australia to administer family law in that State.

Under the Act, great emphasis is placed on the counselling services available through the family courts to persons involved in proceedings and to any persons who have encountered marriage problems. It is not necessary to start proceedings to make use of these services.

The Act provides that there is only one ground for divorce—that of irretrievable breakdown of a marriage. Irretrievable breakdown of a marriage is established under the law if the husband and wife have separated and have lived apart from each other for 12 months and there is no reasonable likelihood of reconciliation. The main change made by the Act is that fault is no longer taken into account as a ground for divorce.

The Family Court of Australia

Applications can be made to the Family Court of Australia for custody and maintenance even if a divorce is not sought. People may approach the Court for counselling (and help) with regard to their marital problems whether or not they are contemplating proceedings for divorce or other relief.

The judges of the Family Court are chosen because of their suitability to deal with matters of family law by reason of their training, experience and personality. They do not wear wigs and gowns and have a competent back-up staff attached to the Court to assist them.

In dealing with a marriage problem, the Family Court is guided by the following principles:

- the need to preserve and protect the institution of marriage as the union of a man and a woman to the exclusion of all others voluntarily entered into for life;
- the need to give the widest possible protection and assistance to the family as the natural and fundamental group unit of society, particularly while it is responsible for the care and education of dependent children;
- the need to protect the rights of children and to promote their welfare; and
- the means available for assisting parties to a marriage to consider reconciliation or the improvement of their relationship to each other and to the children of the marriage.

The same principles apply to all courts exercising jurisdiction under the *Family Law Act*. Proceedings under the Act in the Family Court are heard in private, and no publicity in newspapers or elsewhere about any proceedings under the Act is permitted.

Counselling

The Family Court aims to be a 'helping' court. A principal Director of Court Counselling and a staff of court counsellors are attached to the Court to help parties settle their problems. Their help is available to people who are not even contemplating divorce or other proceedings, but who may need counselling assistance. These services complement those already provided by voluntary marriage counselling agencies. People may approach the Court counselling service directly—in person, in writing or by telephone—or through a legal advisor.

Children

The Family Court has the special task of protecting and promoting the welfare and rights of dependent children. The paramount consideration guiding the Court in all custody proceedings is the welfare of the children. Further, a divorce decree will not become effective unless the Court is satisfied that proper arrangements have been made by parties for the welfare of their children.

A feature of the new Act is that, in the absence of any court order, both parents of a child have joint custody of the child as a matter of law. However, one parent can ask the Court for sole custody of a child. In disputes over custody, the child may be separately represented. The wishes of children over 14 in such disputes are given special consideration.

Maintenance

The right to maintenance under the new Act is based on the needs of the party seeking it and the ability of the other party to pay. There are specific matters for the Court to consider when it is dealing with maintenance applications. These include:

- the age and state of health of each of the parties;
- the income and financial resources of each of the parties and their financial obligations;
- whether either party is entitled to a pension or superannuation;
- the length of the marriage and what is an appropriate standard of living for each party;
- whether persons seeking maintenance have to care for children;
- the extent to which a marriage has affected the earning capacity of the marriage partners; and
- the possibility of the persons concerned taking on training courses or further educational courses to improve employment prospects.

Both parties are liable to maintain their children according to their respective means and the Court is guided by similar considerations in deciding what order to make.

Matrimonial Property

The Court has power to settle disputes about the family assets, including the power to order a transfer of legal interests in property. When dealing with these disputes, the Court considers the interest each of the parties has in the property and the contribution made during the marriage. The new Act directs the Court to look at the financial contributions made by the parties and at the contribution made by either party in the capacity of homemaker or parent.

Legal Aid

The new Act recognises that even with the simpler procedures, many people will not be able to afford the legal costs associated with Court proceedings. Specific provision is made in the Act for legal assistance to be given to people who are unable to afford legal representation. This is provided on a means and needs test.

The Court has pamphlets printed in English, Arabic, Finnish, German, Italian, Serbo-Croat, Spanish and Turkish to explain the operation of the new Family Law.

LEGAL AID

Australian Legal Aid Office

The Australian Legal Aid Office was established by the Australian Government in July 1973. It provides a general problem-solving service of legal advice for persons with an element of need. Each person seeking help from the Office is seen by a lawyer, the problem is identified and advice is given. Further assistance, including assistance in litigation, is available in matters arising under Federal law, including family law, to all persons, and in matters arising under State or Federal law to persons for whom the Australian Government has a special responsibility such as those in receipt of social services, Aboriginals, ex-servicemen, students and newcomers to Australia. The assistance is provided by lawyers of the Office or by referral to private legal practitioners.

The criteria for the provision of further assistance are the merit of the applicant's case and the financial position of the applicant, i.e. whether he satisfies the means and needs test of the Office. In considering the merits, regard is had to all the circumstances, particularly to any advantage the applicant might gain from the provision of assistance and any disadvantage he might suffer if assistance is refused, and the likelihood that the proceedings will be terminated by a decision, settlement or otherwise so as to result in a proper and just advantage to the applicant. The means and needs test is the inability of the applicant to afford the cost of representation in the particular case. A system of contributions by applicants towards the cost of assistance has been in operation since August 1975.

The Office operates in each State and Territory of the Commonwealth: there is a branch in each of the capital cities, and twenty-seven regional offices have been established in suburban and provincial centres. In 1977 the Office employed some 160 lawyers and 200 supporting administrative staff. The lawyers provide advice at interview to approximately 11,000 persons each month; further assistance is provided by the lawyers or by referral to private legal practitioners to an average of 4,800 persons each month. However, since then a number of State Governments have established State operated Legal Aid Offices that have assumed some of the functions of the Australian Legal Aid Office.

ADMINISTRATIVE LAW

There have been a number of important developments in the field of administrative law:

Australian Law Reform Commission

In 1973 the Australian Government established the Australian Law Reform Commission to reform, modernise and simplify Australia's laws. The Attorney-General makes a reference to the Commission on matters requiring attention and, after examination and study, the Commission reports its findings to the Federal Parliament. The Commission has worked in close association with State law reform bodies and with similar agencies overseas.

Since starting formal operations at the beginning of 1975, the Commission has undertaken law reform studies in criminal investigation procedures; complaints against the police; alcohol, drugs, and driving; the legal protection of privacy; defamation; consumers in debt; insurance contract law; the law on organ transplants; the use of Aboriginal customary law in the Australian legal system; the right of access to civil proceedings; the provision of the *Lands Acquisition Act* 1955; and sentencing submissions. Legislative action has been initiated following reports on some of these references.

Administrative Appeals Tribunal

The Administrative Appeals Tribunal came into operation on 1 July 1976. The main purpose of the Tribunal is to reassess bureaucratic decisions. Since the Tribunal's inception, the Australian Government has reviewed and enlarged the Tribunal's jurisdiction, so that it is now an effective and efficient body to which citizens can turn when adversely affected by bureaucratic decisions. The Government has also established an Administrative Review Council to make sure that there are safeguards in legislation to give citizens the right of appeal.

Commonwealth Ombudsman

The Office of Commonwealth Ombudsman was established in mid-1977 to investigate complaints about the administrative actions of officials of Federal Government departments, statutory authorities and other official bodies. It complements the Administrative Appeals Tribunal.

BANKRUPTCY

For a description of the provisions of the *Bankruptcy Act* 1966, see Year Book No. 55, Pages 586-7. The *Bankruptcy Act* was amended in 1970 to remove any obstacle the Act might present to the operation of compositions or schemes of arrangement entered into under State or Territory legislation providing assistance to farmers in respect of their debts.

The following table shows the number of bankruptcies of the various types together with the disclosed assets and liabilities of the debtors. Details for each State are published in the Annual Report by the Minister for Consumer and Business Affairs on the operation of the *Bankruptcy Act*.

BANKRUPTCY PROCEEDINGS: AUSTRALIA

| Year | | <i>Bankruptcies and orders for administration of deceased debtors' estates</i> | | <i>Compositions</i> | <i>Deeds of assignment</i> | <i>Deeds of arrangement</i> | <i>Total</i> |
|---------|------------------------------|--|--------|---------------------|--------------------------------|---------------------------------|--------------|
| | | | | | | | |
| 1972-73 | Number | 2,254 | 71 | | 160 | 88 | 2,573 |
| | Liabilities \$'000 | 18,508 | 1,591 | | 4,630 | 2,701 | 27,430 |
| | Assets \$'000 | 9,231 | 1,290 | | 2,804 | 2,133 | 15,458 |
| 1973-74 | Number | 1,637 | 54 | | 110 | 63 | 1,864 |
| | Liabilities \$'000 | 17,194 | 1,196 | | 3,569 | 2,280 | 24,241 |
| | Assets \$'000 | 5,970 | 646 | | 2,364 | 1,307 | 10,288 |
| 1974-75 | Number | 2,061 | 63 | | 128 | 80 | 2,332 |
| | Liabilities \$'000 | 33,788 | 1,693 | | 15,776 | 2,742 | 53,999 |
| | Assets \$'000 | 13,529 | 1,069 | | 5,129 | 2,034 | 21,761 |
| 1975-76 | Number | 1,900 | 67 | | 118 | 92 | 2,177 |
| | Liabilities \$'000 | 48,829 | 8,969 | | 6,374 | 15,823 | 79,995 |
| | Assets \$'000 | 14,188 | 490 | | 3,864 | 11,667 | 30,209 |
| 1976-77 | Number | 2,196 | 72 | | 109 | 75 | 2,452 |
| | Liabilities \$'000 | 48,862 | 6,996 | | 6,409 | 15,130 | 77,397 |
| | Assets \$'000 | 20,936 | 723 | | 4,389 | 9,947 | 35,995 |
| 1977-78 | Number | 3,134 | 75 | | 163 | 89 | 3,461 |
| | Liabilities \$'000 | 74,723 | 12,061 | | 9,551 | 6,042 | 102,377 |
| | Assets \$'000 | 27,524 | 646 | | 5,152 | 2,521 | 35,843 |

PATENTS, TRADE MARKS AND DESIGNS

Patents

Patents for inventions are granted under the *Patents Act* 1952, which applies to Australia and to the Territory of Norfolk Island and which is administered by the Commissioner of Patents.

PATENTS: AUSTRALIA

| | 1972 | 1973 | 1974 | 1975 | 1976 | 1977 |
|--|--------|--------|--------|--------|--------|--------|
| Total applications | 16,165 | 16,460 | 15,950 | 14,082 | 14,117 | 14,246 |
| Applications accompanied by provisional specifications | 4,195 | 4,354 | 4,036 | 4,250 | 4,214 | 4,248 |
| Letters patent sealed | 10,920 | 11,670 | 12,828 | 12,161 | 11,074 | 9,636 |

Trade marks and designs

Under the *Trade Marks Act* 1955, 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. Under the *Designs Act* 1906 the Commissioner of Patents is also Registrar of Designs.

TRADE MARKS AND DESIGNS: AUSTRALIA

| | 1972 | 1973 | 1974 | 1975 | 1976 | 1977 |
|----------------------|-------|--------|-------|-------|--------|--------|
| Trade marks— | | | | | | |
| Received | 9,204 | 10,026 | 9,209 | 9,046 | 10,195 | 10,888 |
| Registered | 5,012 | 5,665 | 5,303 | 7,087 | 4,941 | 4,881 |
| Designs— | | | | | | |
| Received | 2,228 | 2,115 | 1,991 | 2,105 | 2,571 | 2,695 |
| Registered | 1,608 | 1,732 | 1,570 | 1,733 | 1,519 | 2,290 |

Copyright

Copyright is regulated by the Commonwealth *Copyright Act* 1968-1973, which came into force on 1 May 1969. On that date Australia ratified its adherence to the Brussels revision of the Berne Copyright Convention and to the Universal Copyright Convention whereby citizens of member countries

are accorded protection by complying with the convention formality requiring proprietors to place on their works the symbol © together with their name and the year of first publication in such a manner and location as to give reasonable notice of their claim of copyright in the works so identified. The new legislation contains no provision for the registration of copyright, and the Copyright Office ceased to exist on 1 May 1969. Copyright is administered by the Attorney-General's Department.

POLICE AND SELECTED CRIME

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 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, concurrently with Commonwealth Police and other Commonwealth Officers, policing various Commonwealth 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.

Commonwealth Police Force

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

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 police forces in Australia and the ranks of the personnel involved in the Commonwealth, State and Territorial police forces are shown in the following table.

POLICE FORCES(a)

| At 30 June— | C'wealth | N.S.W. | Vic. | Qld | S.A. | W.A. | Tas. | N.T. | A.C.T. |
|------------------------------|----------|--------|----------|-------|-------|-------|-------|------|--------|
| 1975 | 1,502 | 8,537 | (b)6,018 | 3,949 | 2,879 | 2,280 | 976 | 457 | 557 |
| 1976 | 1,466 | 8,628 | (b)6,730 | 4,034 | 3,007 | 2,358 | 1,004 | 417 | 551 |
| 1977 | 1,505 | 8,959 | 6,663 | 4,230 | 3,216 | 2,345 | 1,026 | 451 | 549 |
| Comprising in 1977— | | | | | | | | | |
| Executive officers | 15 | 51 | 66 | 17 | 37 | 35 | 8 | 8 | 6 |
| Inspectors | 48 | 216 | 269 | 112 | 64 | 63 | 53 | 23 | 19 |
| Sergeants | 198 | 2,112 | 436 | 964 | 366 | 556 | 145 | 105 | 96 |
| Constables(a) | 1,244 | 6,580 | (b)5,892 | 3,137 | 2,749 | 1,691 | 820 | 315 | 428 |

(a) Includes trainees, cadets and probationary constables in all States and Territories, but excludes cadets in Victoria. (b) Excludes cadets. See footnote (a).

Selected crime reported to Police

The following tables 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. For definitions and explanatory notes relating to the following statistics see Year Book No. 61, pp 475-7.

Offences reported or becoming known to police

The following table shows, for each State and Territory, the number of offences in each of the seven categories covered by this series which were reported or became known to police. The table includes offences reported to and investigated by the Commonwealth Police.

**SELECTED CRIME REPORTED OR BECOMING KNOWN TO POLICE:
NUMBER OF OFFENCES^(a)**

| <i>Category of Crime</i> | <i>N.S.W.</i> | <i>Vic.</i> | <i>Qld</i> | <i>S.A.</i> | <i>W.A.</i> | <i>Tas.</i> | <i>N.T.</i> | <i>A.C.T.</i> | <i>Aust.</i> |
|--|---------------|-------------|------------|-------------|-------------|-------------|-------------|---------------|--------------|
| Homicide (b)– | | | | | | | | | |
| 1974–75 | 272 | 142 | 121 | 68 | 61 | 17 | 19 | 1 | 701 |
| 1975–76 | 273 | 127 | 152 | 74 | 53 | 16 | 17 | 2 | 714 |
| 1976–77 | 314 | 171 | 136 | 57 | 39 | 11 | 33 | 4 | 765 |
| Serious assault– | | | | | | | | | |
| 1974–75 | 908 | 1,104 | 307 | 213 | 238 | 33 | 42 | 34 | 2,879 |
| 1975–76 | 837 | 1,413 | 537 | 244 | 320 | 45 | 43 | 34 | 3,473 |
| 1976–77 | 895 | 1,277 | 544 | 251 | 429 | 42 | 58 | 42 | 3,538 |
| Robbery– | | | | | | | | | |
| 1974–75 | 1,705 | 889 | 343 | 288 | 141 | 46 | 39 | 16 | 3,467 |
| 1975–76 | 1,319 | 826 | 332 | 269 | 145 | 35 | 29 | 18 | 2,973 |
| 1976–77 | 1,353 | 965 | 282 | 265 | 127 | 38 | 19 | 21 | 3,070 |
| Rape– | | | | | | | | | |
| 1974–75 | 364 | 212 | 75 | 91 | 43 | 11 | 22 | 7 | 825 |
| 1975–76 | 342 | 273 | 64 | 131 | 71 | 25 | 7 | 7 | 920 |
| 1976–77 | 307 | 264 | 77 | 148 | 93 | 17 | 15 | 7 | 928 |
| Breaking and entering– | | | | | | | | | |
| 1974–75 | 43,722 | 34,921 | 14,387 | 14,628 | 14,833 | 2,564 | 920 | 1,203 | 127,178 |
| 1975–76 | 41,135 | 33,525 | 15,657 | 14,027 | 14,013 | 2,792 | 978 | 1,196 | 123,323 |
| 1976–77 | 42,142 | 37,347 | 14,318 | 14,562 | 14,433 | 2,835 | 1,141 | 1,512 | 128,290 |
| Motor vehicle theft (c)– | | | | | | | | | |
| 1974–75 | 22,301 | 11,194 | 5,451 | 4,679 | 5,524 | 1,052 | 797 | 542 | 51,540 |
| 1975–76 | 21,769 | 10,880 | 5,199 | 4,846 | 5,279 | 1,032 | 605 | 495 | 50,105 |
| 1976–77 | 23,443 | 13,067 | 5,189 | 4,496 | 5,499 | 858 | 675 | 481 | 53,708 |
| Fraud, forgery and false pretences– | | | | | | | | | |
| 1974–75 | 14,768 | 10,047 | 5,932 | 3,612 | 3,167 | 932 | 312 | 593 | 39,363 |
| 1975–76 | 15,372 | 15,982 | 8,293 | 3,238 | 4,103 | 809 | 559 | 701 | 49,057 |
| 1976–77 | 18,349 | 14,166 | 8,946 | 3,604 | 3,524 | 984 | 503 | 1,695 | 51,771 |

(a) Includes attempts and a small number of unfounded reports. (b) Comprising murder, attempted murder, and manslaughter, including manslaughter arising from motor vehicle accidents. (c) Includes illegal, unlawful or unauthorised use, etc.

Crimes cleared and persons involved

The tables which follow show, for the various categories of offences, the numbers of offences reported, the numbers cleared, and the numbers of persons involved according to age and sex. Subdivisions of the categories homicide, breaking and entering, and fraud, etc., are provided.

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

| | <i>Murder</i> | | | <i>Attempted murder</i> | | | <i>Manslaughter(a)</i> | | | <i>All homicide</i> | | |
|--|----------------|----------------|----------------|-------------------------|----------------|----------------|------------------------|----------------|----------------|---------------------|----------------|----------------|
| | <i>1974–75</i> | <i>1975–76</i> | <i>1976–77</i> | <i>1974–75</i> | <i>1975–76</i> | <i>1976–77</i> | <i>1974–75</i> | <i>1975–76</i> | <i>1976–77</i> | <i>1974–75</i> | <i>1975–76</i> | <i>1976–77</i> |
| Numbers reported or becoming known | 225 | 250 | 252 | 172 | 140 | 148 | 314 | 332 | 365 | 701 | 714 | 765 |
| Numbers cleared | 203 | 225 | 231 | 158 | 131 | 143 | 304 | 325 | 362 | 665 | 698 | 736 |
| Persons involved in crimes cleared– | | | | | | | | | | | | |
| Aged(b)– | | | | | | | | | | | | |
| 16 years and under | 11 | 7 | 13 | 10 | 2 | 4 | 10 | 6 | 6 | 31 | 15 | 23 |
| 17 and 18 years | 12 | 16 | 15 | 10 | 11 | 14 | 53 | 50 | 37 | 75 | 77 | 66 |
| 19 and 20 years | 24 | 18 | 21 | 8 | 12 | 9 | 43 | 54 | 58 | 75 | 84 | 88 |
| 21 years and over | 159 | 156 | 196 | 104 | 84 | 99 | 216 | 211 | 210 | 479 | 451 | 507 |
| Total persons involved | 206 | 197 | 245 | 132 | 109 | 126 | 322 | 321 | 311 | (c)660 | (c)627 | (c)684 |

(a) Includes manslaughter arising from motor vehicle accidents. (b) Age last birthday at time of clearance. (c) Includes 58 females in 1974–75, 55 in 1975–76 and 73 in 1976–77.

**SERIOUS ASSAULT, ROBBERY, RAPE: CRIMES REPORTED OR BECOMING KNOWN CRIMES
CLEARED AND PERSONS INVOLVED**

| | <i>Serious assault</i> | | | <i>Robbery</i> | | | <i>Rape</i> | | |
|--|------------------------|----------|----------|----------------|----------|----------|-------------|---------|---------|
| | 1974-75 | 1975-76 | 1976-77 | 1974-75 | 1975-76 | 1976-77 | 1974-75 | 1975-76 | 1976-77 |
| Numbers reported or becoming known | 2,879 | 3,473 | 3,538 | 3,467 | 2,973 | 3,070 | 825 | 920 | 928 |
| Numbers cleared | 2,046 | 2,600 | 2,532 | 1,018 | 911 | 845 | 458 | 483 | 433 |
| Persons involved in crimes cleared— | | | | | | | | | |
| Aged(a)— | | | | | | | | | |
| 16 years and under | 202 | 219 | 209 | 258 | 209 | 183 | 84 | 80 | 74 |
| 17 and 18 years | 274 | 326 | 293 | 299 | 243 | 210 | 106 | 134 | 109 |
| 19 and 20 years | 240 | 320 | 357 | 207 | 167 | 193 | 105 | 91 | 95 |
| 21 years and over | 1,350 | 1,734 | 1,763 | 537 | 457 | 460 | 263 | 284 | 249 |
| Total persons involved | (b)2,066 | (b)2,599 | (b)2,622 | (c)1,301 | (c)1,076 | (c)1,046 | 558 | 589 | 527 |

(a) Age last birthday at time of clearance. (b) Includes 116 females in 1974-75, 151 in 1975-76 and 165 in 1976-77. (c) Includes 85 females in 1974-75, 69 in 1975-76 and 93 in 1976-77.

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

| | <i>Dwellings</i> | | | <i>Shops</i> | | | <i>Other buildings</i> | | | <i>All breaking and entering</i> | | |
|--|------------------|---------|---------|--------------|---------|---------|------------------------|---------|----------|----------------------------------|-----------|---------|
| | 1974-75 | 1975-76 | 1976-77 | 1974-75 | 1975-76 | 1976-77 | 1974-75 | 1975-76 | 1976-77 | 1974-75 | 1975-76 | 1976-77 |
| Numbers reported or becoming known | 64,572 | 62,750 | 64,712 | 24,807 | 23,035 | 22,092 | 37,799 | 37,500 | 41,486 | 127,178 | 123,323 | 128,290 |
| Numbers cleared | 12,815 | 11,756 | 11,049 | 5,959 | 5,750 | 5,132 | 6,285 | 6,693 | 6,893 | 25,059 | 24,199 | 22,074 |
| Persons involved in crimes cleared— | | | | | | | | | | | | |
| Aged(a)— | | | | | | | | | | | | |
| 16 years and under | 4,657 | 4,036 | 3,951 | 2,524 | 2,816 | 2,495 | 3,181 | 3,610 | 3,787 | 10,362 | 10,462 | 10,233 |
| 17 and 18 years | 1,051 | 871 | 884 | 1,013 | 900 | 864 | 701 | 649 | 827 | 2,765 | 2,420 | 2,575 |
| 19 and 20 years | 500 | 495 | 552 | 609 | 530 | 509 | 413 | 377 | 466 | 1,522 | 1,402 | 1,537 |
| 21 years and over | 1,216 | 1,383 | 1,319 | 1,329 | 1,126 | 1,125 | 956 | 889 | 1,034 | 3,501 | 3,398 | 3,478 |
| Total persons involved | 7,414 | 6,785 | 6,706 | 5,475 | 5,372 | 4,993 | 5,251 | 5,525 | 6,114(b) | 18,150(b) | 17,682(b) | 17,813 |

(a) Age last birthday at time of clearance. (b) Includes 871 females in 1974-75, 769 in 1975-76 and 751 in 1976-77.

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

| | <i>Motor vehicle theft,(a)</i> | | | <i>Fraud, forgery, false pretences</i> | | | | | | | | |
|--|--------------------------------|---------|---------|--|---------|---------|--------------|---------|---------|------------------------|---------|---------|
| | | | | <i>Valueless cheques</i> | | | <i>Other</i> | | | <i>All fraud, etc.</i> | | |
| | 1974-75 | 1975-76 | 1976-77 | 1974-75 | 1975-76 | 1976-77 | 1974-75 | 1975-76 | 1976-77 | 1974-75 | 1975-76 | 1976-77 |
| Numbers reported or becoming known | 51,540 | 50,105 | 53,708 | 10,382 | 10,946 | 10,916 | 24,912 | 33,310 | 40,855 | 39,363 | 49,057 | 51,771 |
| Numbers cleared | 10,939 | 10,668 | 10,866 | 6,904 | 6,966 | 6,894 | 19,062 | 23,745 | 24,533 | 25,966 | 30,731 | 31,427 |
| Persons involved in offences cleared— | | | | | | | | | | | | |
| Males aged(b)— | | | | | | | | | | | | |
| 16 years and under | 5,183 | 4,738 | 4,828 | 90 | 90 | 76 | 384 | 436 | 420 | 474 | 526 | 496 |
| 17 and 18 years | 2,787 | 2,583 | 2,642 | 115 | 113 | 118 | 431 | 465 | 501 | 546 | 578 | 619 |
| 19 and 20 years | 1,252 | 1,199 | 1,302 | 148 | 122 | 130 | 451 | 557 | 541 | 599 | 679 | 671 |
| 21 years and over | 1,981 | 2,047 | 1,983 | 1,492 | 1,259 | 1,426 | 3,596 | 3,667 | 3,792 | 5,088 | 4,926 | 5,218 |
| Total Males | 11,203 | 10,567 | 10,775 | 1,845 | 1,584 | 1,750 | 4,862 | 5,125 | 5,254 | 6,707 | 6,709 | 7,004 |
| Females aged(b)— | | | | | | | | | | | | |
| 16 years and under | 195 | 193 | 216 | 30 | 19 | 12 | 192 | 194 | 190 | 222 | 213 | 202 |
| 17 and 18 years | 55 | 55 | 66 | 29 | 59 | 29 | 164 | 206 | 220 | 193 | 265 | 249 |
| 19 and 20 years | 22 | 25 | 31 | 45 | 42 | 29 | 164 | 176 | 167 | 209 | 218 | 196 |
| 21 years and over | 57 | 53 | 58 | 214 | 242 | 235 | 787 | 815 | 919 | 1,001 | 1,057 | 1,154 |
| Total females | 329 | 326 | 371 | 318 | 362 | 305 | 1,307 | 1,391 | 1,496 | 1,625 | 1,753 | 1,801 |
| Total persons involved | 11,532 | 10,893 | 11,146 | 2,163 | 1,946 | 2,055 | 6,169 | 6,516 | 6,752 | 8,332 | 8,462 | 8,805 |

(a) Includes illegal, unlawful and unauthorised use, etc. (b) Age last birthday at time of clearance.

The number of stolen motor vehicles recovered was: 1974-75, 44,813; 1975-76, 42,648; 1976-77, 46,803.

Drug offences

Australia is a signatory to the Single Convention of Narcotic Drugs which has as its main aim the limitation of narcotic drugs to legitimate medical and research purposes.

As its name implies, the Single Convention covers only the so-called narcotic drugs. In recognition that there are other drugs of dependence, the member nations met during 1970 and 1971 and drew up a further Convention to impose controls on psychotropic substances such as hallucinogens, amphetamines, other central nervous system stimulants, barbiturates, tranquillisers and certain other sedatives.

Legislative provisions

Regulation 5 of the Customs (Prohibited Imports) Regulations made under Section 50 of the *Customs Act* 1901 provides the legal controls for the importation of narcotic drugs and other drugs of dependence. Under this regulation all importers of these drugs must be licensed and must obtain permission in writing for each importation. Importers are also required to keep these drugs in a secure place and to keep such records as may be required concerning use or disposal.

The manufacture of narcotic drugs in Australia is controlled under the *Narcotic Drugs Act* 1967. The Act requires that a manufacturer shall be licensed and shall comply with strict conditions and directions relating to such manufacture and the handling of the drugs concerned. The regulation, control and prohibition of the selling, using, possessing and administering (including smoking) of poisons, restricted substances, drugs of addiction, dangerous drugs and deleterious substances are subject to State and Territory legislation.

In some States this legislation also provides for the offence of 'trafficking' (where there is possession of a minimum specified quantity of a prescribed substance, prohibited drug, or drug of addiction, such possession being *prima facie* for the offence), and for the offence of being the owner, lessee, or concerned in the management of any premises used for the purposes of drug abuse such as the smoking of opium or indian hemp. Offences of habitually consorting, etc. with reputed drug offenders are also covered under State legislation.

Since 1970 some States have introduced legislation requiring that stocks of dangerous drugs in pharmacies be stored in heavy metal safes.

All State Governments have agreed to a uniform code of penalties based on those applicable in Commonwealth Government legislation.

Law enforcement

Law enforcement in respect of drugs is handled by State police forces, the Commonwealth Police Force and the Department of Business and Consumer Affairs. In 1969 a National Standing Control Committee on Drugs of Dependence was established to consider further action by the Commonwealth and States to combat all aspects of the drug problem in Australia and to make recommendations on legislation and administrative action. The Committee is chaired by the Secretary of the Department of Business and Consumer Affairs. The Department administers the Australian Narcotics Bureau and the Bureau of Customs, and has responsibility for the enforcement of laws controlling importing and exporting of drugs. Membership of the Committee is comprised of senior officers of the Commonwealth and State police and health authorities. Its Deputy Chairman is the Director-General of the Australian Department of Health.

The National Standing Control Committee on Drugs of Dependence recommended that the Australian Crime Intelligence Centre (formerly known as the Central Crime Intelligence Bureau) of the Commonwealth Police Force serve as the national agency for the systematic collection, collation, evaluation and dissemination of information concerning the illicit drug traffic in Australia. The following extracts are from detailed statistics published in *Drug Abuse in Australia: A Statistical Survey* prepared annually by the Australian Crime Intelligence Centre of the Commonwealth Police. They include information from all police forces and the Department of Business and Consumer Affairs.

DRUG OFFENCES: OFFENCE TYPE, CLEARED BY CHARGE, 1974 TO 1976

| Year | Possess | Import | Use/ administer | Traffic | Steal | False pretences | Forged scripts | Other and non- related crime |
|----------------|---------|--------|--------------------|---------|-------|--------------------|-------------------|---------------------------------------|
| 1974 | 5,097 | 172 | 2,532 | 470 | 161 | 42 | 66 | 199 |
| 1975 | 7,878 | 81 | 4,537 | 877 | 228 | 103 | 343 | 1,238 |
| 1976 | 9,812 | 210 | 5,510 | 1,048 | 231 | 215 | 447 | 1,966 |

DRUG OFFENCES: NUMBER OF CHARGES (a) INVOLVING SPECIFIC DRUG TYPES, 1974 TO 1976

| Type of drug and Year | Possess | Import | Use/ administer | Traffic | Steal | False pretences | Forged scripts | Other | Total |
|--------------------------------|---------|--------|--------------------|---------|-------|--------------------|-------------------|-------|--------|
| Narcotics— | | | | | | | | | |
| 1974 | 367 | 36 | 312 | 89 | 165 | 57 | 89 | 43 | 1,158 |
| 1975 | 590 | 15 | 581 | 147 | 73 | 78 | 305 | 87 | 1,876 |
| 1976 | 941 | 92 | 1,061 | 219 | 70 | 228 | 391 | 126 | 3,128 |
| Cannabis— | | | | | | | | | |
| 1974 | 4,125 | 152 | 1,964 | 342 | 2 | — | — | 591 | 7,176 |
| 1975 | 7,518 | 68 | 3,809 | 686 | 1 | — | — | 926 | 13,008 |
| 1976 | 9,143 | 149 | 4,379 | 766 | 6 | 1 | — | 1,245 | 15,689 |
| Amphetamines— | | | | | | | | | |
| 1974 | 29 | 2 | 20 | 5 | — | — | — | 3 | 59 |
| 1975 | 26 | — | 17 | 3 | 3 | — | 20 | 1 | 70 |
| 1976 | 36 | — | 32 | 11 | — | 2 | 10 | 2 | 93 |
| Barbiturates hypnotics— | | | | | | | | | |
| 1974 | 58 | — | 20 | 11 | 10 | 1 | 3 | 1 | 104 |
| 1975 | 150 | 1 | 97 | 20 | 11 | 6 | 22 | 8 | 315 |
| 1976 | 197 | 1 | 142 | 72 | 4 | 26 | 59 | 12 | 513 |
| Tranquillisers— | | | | | | | | | |
| 1974 | 18 | — | 1 | — | 10 | 1 | 4 | — | 34 |
| 1975 | 17 | — | 11 | 3 | 3 | 12 | 46 | 7 | 99 |
| 1976 | 25 | — | 15 | 9 | 3 | — | 14 | 2 | 68 |
| Hallucinogens— | | | | | | | | | |
| 1974 | 133 | 5 | 79 | 27 | — | — | — | 2 | 246 |
| 1975 | 282 | 4 | 104 | 57 | — | — | — | 2 | 449 |
| 1976 | 259 | 2 | 91 | 58 | — | 1 | — | 5 | 416 |
| Other— | | | | | | | | | |
| 1974 | 172 | 2 | 15 | 24 | 40 | 3 | 9 | 23 | 288 |
| 1975 | 7 | — | 5 | — | 5 | 3 | 1 | — | 21 |
| 1976 | 23 | — | 7 | 1 | 2 | 2 | 4 | 2 | 41 |
| Grand total— | | | | | | | | | |
| 1974 | 4,902 | 197 | 2,411 | 498 | 227 | 62 | 105 | 663 | 9,065 |
| 1975 | 8,590 | 88 | 4,624 | 916 | 96 | 99 | 394 | 1,031 | 15,847 |
| 1976 | 10,624 | 244 | 5,727 | 1,136 | 85 | 260 | 478 | 1,394 | 19,948 |

(a) If a number of different drug types have been involved in an offence, they are counted under each drug category.

PROSECUTIONS AND CONVICTIONS FOR DRUG OFFENCES REPORTED TO THE AUSTRALIAN CRIME INTELLIGENCE CENTRE: PERSONS INCLUDED

| | Number of offenders | | | Number of individual charges | | | Convictions on individual charges | | |
|------------------------------|------------------------|--------|--------|---------------------------------|--------|--------|--------------------------------------|-------|-------|
| | 1974 | 1975 | 1976 | 1974 | 1975 | 1976 | 1974 | 1975 | 1976 |
| Males aged— | | | | | | | | | |
| 16 years and under | 295 | 598 | 793 | 308 | 688 | 864 | 95 | 92 | 228 |
| 17 and 18 years | 1,403 | 2,441 | 3,053 | 1,536 | 2,725 | 3,307 | 572 | 674 | 1,097 |
| 19 and 20 years | 1,935 | 3,112 | 3,736 | 2,163 | 3,448 | 4,167 | 968 | 1,035 | 1,460 |
| 21 years and over | 3,489 | 5,641 | 7,147 | 4,060 | 6,504 | 8,568 | 1,741 | 1,848 | 2,786 |
| Females aged— | | | | | | | | | |
| 16 years and under | 98 | 144 | 157 | 106 | 167 | 171 | 28 | 23 | 44 |
| 17 and 18 years | 211 | 420 | 481 | 240 | 452 | 536 | 82 | 117 | 195 |
| 19 and 20 years | 275 | 426 | 527 | 307 | 470 | 602 | 139 | 135 | 204 |
| 21 years and over | 409 | 705 | 963 | 459 | 831 | 1,215 | 180 | 202 | 297 |
| Persons | 8,115 | 13,487 | 16,857 | 9,179 | 15,285 | 19,430 | 3,805 | 4,126 | 6,311 |

Sentences on convictions

| | Fines imposed | | | Gaol sentences | | | Number of bonds granted | | |
|------------------------------|---------------|-------|-------|----------------|------|------|----------------------------|------|------|
| | 1974 | 1975 | 1976 | 1974 | 1975 | 1976 | 1974 | 1975 | 1976 |
| Males aged— | | | | | | | | | |
| 16 years and under | 36 | 32 | 108 | 1 | — | — | 51 | 45 | 84 |
| 17 and 18 years | 406 | 489 | 843 | 17 | 14 | 42 | 131 | 163 | 187 |
| 19 and 20 years | 708 | 783 | 1,141 | 87 | 51 | 89 | 134 | 176 | 204 |
| 21 years and over | 1,239 | 1,319 | 1,983 | 186 | 177 | 280 | 233 | 299 | 298 |
| Females aged— | | | | | | | | | |
| 16 years and under | 4 | 3 | 17 | — | — | — | 16 | 20 | 25 |
| 17 and 18 years | 50 | 81 | 125 | 4 | 3 | 6 | 33 | 33 | 52 |
| 19 and 20 years | 97 | 95 | 131 | 4 | 2 | 9 | 33 | 42 | 56 |
| 21 years and over | 105 | 123 | 194 | 10 | 9 | 20 | 53 | 57 | 81 |
| Persons | 2,645 | 2,925 | 4,542 | 309 | 256 | 446 | 684 | 835 | 987 |

Convicted prisoners

There are prisons in all States and the Northern Territory. In the Australian Capital Territory there are lock-ups attached to each of the police stations in Canberra and at Jervis Bay, as well as a remand centre in the Canberra suburb of Belconnen where offenders are held for short periods. Prisoners sentenced by a court in the Australian Capital Territory to more than five days are usually held in New South Wales prisons.

CONVICTED PRISONERS

| <i>30 June—</i> | <i>N.S.W.(a)</i> | <i>Vic.</i> | <i>Qld</i> | <i>S.A.</i> | <i>W.A.</i> | <i>Tas.</i> | <i>N.T.</i> | <i>Aust.</i> |
|-----------------|------------------|-------------|------------|-------------|-------------|-------------|-------------|--------------|
| 1972 | 3,641 | 2,192 | 1,313 | 816 | 1,269 | 339 | 252 | 9,822 |
| 1973 | 3,419 | 2,096 | 1,414 | 675 | 1,105 | 332 | 282 | 9,323 |
| 1974 | 2,696 | 1,568 | 1,224 | 640 | 915 | 346 | 144 | 7,533 |
| 1975 | 3,009 | 1,488 | 1,305 | 632 | 867 | 361 | 158 | 7,820 |
| 1976 | 3,221 | 1,490 | 1,399 | 594 | 873 | 297 | 160 | 8,034 |
| 1977 | 3,272 | 1,386 | 1,393 | 618 | 1,032 | 267 | 175 | 8,143 |

(a) Includes Australian Capital Territory prisoners held in New South Wales prisons.