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## CHAPTER VII.

### PUBLIC JUSTICE.

#### § 1. Lower (Magistrates') Courts.

1. **General.**—In considering the criminal returns of the various States, due allowance must be made for certain factors, such as the relative powers of the higher and lower courts. In the case of lower courts, the actual number of laws in each State whose breach renders a person liable to fine or imprisonment must be taken into account. Again, the attitude of the magistracy and police towards certain classes of offences is a factor, for in the case of liquor laws or laws connected with vagrancy or gaming, the views of the magistrates, and instructions issued to the police, may be responsible for considerable variations in the returns. The strength and distribution of the police forces, and the age-constitution and distribution of the population of the States, also influence the results. Due weight should be given also to the prevalence of undetected crime, but information on this point is not available for all States. It may be mentioned that each State has its own separate judicial system, the Commonwealth jurisdiction being confined to the High Court of Australia (largely a Court of Appeal intermediate to the Privy Council although it has also original jurisdiction), the Commonwealth Court of Conciliation and Arbitration and the Federal Court of Bankruptcy. Full particulars regarding the judicial power of the Commonwealth will be found in Chapter III. of the Commonwealth Constitution which appears on page 18 of this issue.

2. **Powers of the Magistrates.**—Preceding issues of the Official Year Book contain a brief statement of the powers of the magistrates in the various States (see No. 22, p. 462), but this information is not repeated in the present volume.

3. **Cases Tried at Magistrates' Courts.**—The total number of arrest and summons cases tried at Magistrates' Courts in each State is given below for 1939 and for the years 1943 to 1946 :—

#### CASES TRIED AT MAGISTRATES' COURTS.

State or Territory.	1939.	1943.	1944.	1945.	1946.
New South Wales ..	144,848	135,503	126,501	141,079	173,311
Victoria ..	82,858	71,093	64,889	60,744	64,487
Queensland(a) ..	32,501	24,397	24,040	27,838	33,096
South Australia ..	22,776	(a)24,058	(a)22,646	(a)22,837	(a)27,067
Western Australia ..	24,111	22,085	21,682	19,716	24,831
Tasmania ..	9,498	6,508	6,318	6,422	9,390
Northern Territory(a) ..	1,494	540	244	349	786
Australian Capital Territory	284	419	409	354	633
<b>Total</b> ... ..	<b>318,370</b>	<b>284,603</b>	<b>266,729</b>	<b>279,339</b>	<b>333,601</b>

(a) Year ended 30th June following.

Investigation of the returns shows that considerable variations in the figures for single States are occasioned by breaches of new Acts, or the more stringent enforcement of the provisions of existing Acts. Any deductions drawn from the total returns as to the increase or decrease of criminality should, therefore, be based upon a careful analysis of the detailed list of offences.

4. Convictions at Magistrates' Courts.—The figures given in the previous table include, of course, a number of people who were charged without sufficient reasons, and, statistically, are not of general importance. A classification of convictions of persons who appeared before the lower courts in each State during 1944 to 1946 is given in the following table :—

CONVICTIONS AT MAGISTRATES' COURTS.

Class of Offence.	N.S.W.	Vic.	Qld.(a)	S.A.(a)	W.A.	Tas.	N.T.(a)	A.C.T.	Aust.
1944.									
Against the Person ..	2,315	811	357	246	284	142	29	13	4,197
Against Property ..	12,652	5,371	3,149	1,213	2,553	513	11	64	25,526
Forgery and Offences against the Currency ..	71	4	3	6	4	..	..	..	88
Against Good Order ..	49,758	19,066	9,138	5,688	5,492	924	154	55	90,375
Other Miscellaneous ..	46,212	31,687	8,279	13,401	11,969	3,650	..	54	115,282
<b>Total ..</b>	<b>111,008</b>	<b>56,939</b>	<b>20,926</b>	<b>20,554</b>	<b>20,302</b>	<b>5,229</b>	<b>194</b>	<b>286</b>	<b>235,438</b>
1945.									
Against the Person ..	2,387	823	381	280	258	107	21	5	4,262
Against Property ..	13,329	4,383	2,708	1,154	2,143	599	2	110	24,428
Forgery and Offences against the Currency ..	52	5	1	1	1	1	..	..	60
Against Good Order ..	63,211	16,015	14,317	5,394	5,327	787	217	147	105,415
Other Miscellaneous ..	47,003	31,875	8,010	13,756	10,535	3,554	4	46	114,783
<b>Total ..</b>	<b>125,982</b>	<b>53,101</b>	<b>25,417</b>	<b>20,585</b>	<b>18,263</b>	<b>5,048</b>	<b>244</b>	<b>308</b>	<b>248,948</b>
1946.									
Against the Person ..	2,815	952	356	254	302	207	39	13	4,938
Against Property ..	11,939	4,233	2,116	1,315	2,462	775	45	56	22,941
Forgery and Offences against the Currency ..	116	11	1	2	3	..	3	..	136
Against Good Order ..	87,490	17,341	19,045	6,343	5,551	1,340	172	299	137,581
Other Miscellaneous ..	54,748	34,091	9,105	16,577	14,724	5,207	479	72	135,003
<b>Total ..</b>	<b>157,108</b>	<b>56,628</b>	<b>30,623</b>	<b>24,491</b>	<b>23,042</b>	<b>7,529</b>	<b>738</b>	<b>440</b>	<b>300,599</b>

(a) Year ended 30th June following.

The following table shows the number of convictions in 1939 and in each year from 1943 to 1946 :—

CONVICTIONS AT MAGISTRATES' COURTS.

State or Territory.	1939.	1943.	1944.	1945.	1946.
New South Wales ..	126,353	118,366	111,008	125,982	157,108
Victoria ..	72,180	62,361	56,939	53,101	56,628
Queensland(a) ..	28,920	21,504	20,926	25,417	30,623
South Australia ..	20,429	(a) 22,079	(a) 20,554	(a) 20,585	(a) 24,491
Western Australia ..	22,539	20,842	20,302	18,263	23,042
Tasmania ..	8,722	5,122	5,229	5,048	7,529
Northern Territory(a) ..	1,394	422	194	244	738
Australian Capital Territory ..	260	408	286	308	440
<b>Total ..</b>	<b>280,803</b>	<b>251,194</b>	<b>235,438</b>	<b>248,948</b>	<b>300,599</b>

(a) Year ended 30th June following.

5. **Convictions for Serious Crime at Magistrates' Courts.**—(i) *General.* While the figures given in the preceding table refer to the entire body of convictions, the fact must not be overlooked that they include a large proportion of offences of a technical nature, many of them unwittingly committed, against various Acts of Parliament. Cases of drunkenness and minor breaches of good order, which, if they can be said to come within the category of crime at all, at least do so in a very different sense from some other offences, also help to swell the list. The following table has therefore been prepared for the purpose of showing the convictions at magistrates' courts for what may be regarded as the more serious offences, i.e., against the person and property, either separately or conjointly, and forgery and offences against the currency. Owing to the smallness of the population, the rates for the Northern and the Australian Capital Territories are subject to considerable variation.

(ii) *Number and Rates, Years 1939, 1943 to 1946.* The following table shows the number and rates of convictions for serious crime at magistrates' courts for the years 1939, 1943 to 1946 :—

**CONVICTIONS FOR SERIOUS CRIME AT MAGISTRATES' COURTS.**

State or Territory.	1939.	1943.	1944.	1945.	1946.
<b>NUMBER.</b>					
New South Wales ..	12,724	15,536	15,038	15,768	14,870
Victoria ..	5,727	6,471	6,186	5,211	5,196
Queensland(a) ..	2,402	3,353	3,509	3,090	2,473
South Australia ..	1,224	(a) 1,669	(a) 1,465	(a) 1,435	(a) 1,571
Western Australia ..	2,614	3,128	2,841	2,401	2,767
Tasmania ..	959	795	655	707	982
Northern Territory(a) ..	44	95	40	23	87
Australian Capital Territory	59	251	77	115	69
<b>Total ..</b>	<b>25,753</b>	<b>31,298</b>	<b>29,811</b>	<b>28,750</b>	<b>28,015</b>

**PER 10,000 OF THE POPULATION.**

New South Wales ..	46.26	54.36	52.10	54.04	50.48
Victoria ..	30.48	32.79	31.08	25.96	25.65
Queensland(a) ..	23.52	31.79	32.84	28.51	22.54
South Australia ..	20.50	(a) 27.08	(a) 23.51	(a) 22.74	(a) 24.53
Western Australia ..	55.63	65.60	58.99	49.23	56.13
Tasmania ..	40.15	32.73	26.67	28.44	38.94
Northern Territory(a) ..	60.58	91.35	38.21	21.84	81.53
Australian Capital Territory	47.18	184.04	54.23	76.61	43.44
<b>Total ..</b>	<b>36.91</b>	<b>43.19</b>	<b>40.72</b>	<b>38.84</b>	<b>37.45</b>

(a) Year ended 30th June following.

(iii) *Rate of Convictions, 1881 to 1946.* Statistics of convictions reveal a consistent increase in the rate of serious crime from 1925 to 1931, when 37.1 convictions per 10,000 of the population were recorded. Following this comparatively high figure the rate declined to 32.4 in 1933 but increased considerably to 36.9 in 1939. In 1941 the rate declined to 33.6 but rose in the next two years to 43.2, the highest recorded since 1891,

when the average number of convictions was 44.8. The rate declined in 1944 to 40.7, in 1945 to 38.8 and in 1946 to 37.5. The rate of convictions over a series of years is included below; only the more serious offences particularized in the preceding subsection have been taken into consideration.

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

Year .. .. .	1881.	1891.	1901.	1911.	1921.	1931.	1941.	1946.
Convictions per 10,000 persons	69.3	44.8	29.1	24.6	29.2	37.1	33.6	37.5

6. *Committals to Superior Courts.*—(i) *General.* In a previous paragraph it has been pointed out that comparisons of criminality based on a consideration of the total returns from magistrates' courts are somewhat inadequate, inasmuch as the figures include numbers of cases which are merely technical breaches of laws having in some instances a purely local significance. The committals to higher courts give a better basis of comparison, although even in this connexion allowances must be made for the want of uniformity in jurisdiction. A classification of the offences for which persons appearing in the lower courts were committed to higher courts in each State and Territory for the years 1944 to 1946 is shown in the following tables :—

**COMMITTALS TO SUPERIOR COURTS.**

Class of Offence.	N.S.W.	Vic.	Qld.(a)	S.A.(a)	W.A.	Tas.	N.T.(a)	A.C.T.	Aust.
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1944.

Against the Person ..	636	228	182	140	58	24	10	1	1,279
Against Property ..	1,915	1,248	162	120	59	30	5	..	3,539
Forgery and Offences against the Currency ..	22	66	1	..	7	..	..	..	96
Against Good Order ..	13	8	2	1	3	4	..	..	31
Other Miscellaneous ..	45	67	12	12	16	..	..	..	152
<b>Total .. ..</b>	<b>2,631</b>	<b>1,617</b>	<b>359</b>	<b>273</b>	<b>143</b>	<b>58</b>	<b>15</b>	<b>1</b>	<b>5,097</b>

1945.

Against the Person ..	704	258	197	139	91	38	5	2	1,434
Against Property ..	2,274	1,219	164	177	90	52	..	4	3,986
Forgery and Offences against the Currency ..	12	67	..	6	6	18	..	..	109
Against Good Order ..	8	..	1	13	3	5	4	..	34
Other Miscellaneous ..	63	51	7	17	3	..	..	..	141
<b>Total .. ..</b>	<b>3,061</b>	<b>1,595</b>	<b>369</b>	<b>352</b>	<b>193</b>	<b>113</b>	<b>9</b>	<b>6</b>	<b>5,698</b>

1946.

Against the Person ..	814	268	166	142	64	48	4	5	1,511
Against Property ..	2,576	1,176	225	161	88	60	2	24	4,312
Forgery and Offences against the Currency ..	118	30	..	20	5	2	..	..	175
Against Good Order ..	25	9	4	14	..	6	..	19	77
Other Miscellaneous ..	33	49	5	7	16	2	..	5	117
<b>Total .. ..</b>	<b>3,566</b>	<b>1,532</b>	<b>400</b>	<b>344</b>	<b>173</b>	<b>118</b>	<b>6</b>	<b>53</b>	<b>6,192</b>

(a) Year ended 30th June following.

The following table gives the number of committals in 1939 and in each year from 1943 to 1946, with the rate of such committals per 10,000 of the population :—

**COMMITTALS TO SUPERIOR COURTS.**

State or Territory.	1939.	1943.	1944.	1945.	1946.
NUMBER.					
New South Wales .. .. .	2,288	2,811	2,631	3,061	3,566
Victoria .. .. .	1,777	1,644	1,617	1,595	1,532
Queensland (a) .. .. .	359	311	359	369	400
South Australia .. .. .	259	(a) 274	(a) 273	(a) 352	(a) 344
Western Australia .. .. .	129	170	143	193	173
Tasmania .. .. .	82	42	58	113	118
Northern Territory (a) .. .. .	12	33	15	9	6
Australian Capital Territory .. .. .	18	..	1	6	53
<b>Total .. .. .</b>	<b>4,924</b>	<b>5,285</b>	<b>5,097</b>	<b>5,698</b>	<b>6,192</b>

**PER 10,000 OF THE POPULATION.**

New South Wales .. .. .	8.3	9.8	9.1	10.5	12.1
Victoria .. .. .	9.5	8.3	8.1	8.0	7.6
Queensland (a) .. .. .	3.5	3.0	3.4	3.4	3.7
South Australia .. .. .	4.3	(a) 4.5	(a) 4.4	(a) 5.6	(a) 5.4
Western Australia .. .. .	2.8	3.6	3.0	4.0	3.5
Tasmania .. .. .	3.4	1.7	2.4	4.6	4.7
Northern Territory (a) .. .. .	16.5	31.7	14.3	8.6	5.6
Australian Capital Territory .. .. .	14.4	..	0.7	4.0	33.4
<b>Total .. .. .</b>	<b>7.1</b>	<b>7.3</b>	<b>7.0</b>	<b>7.7</b>	<b>8.3</b>

(a) Year ended 30th June following.

(ii) *Rate of Committals since 1881.* With occasional variations the rate of committals for serious crime has remained fairly stable during recent years, and, if the comparison be carried back further, the movement in the rate has undergone very little change during the present century. The rate at intervals since 1881 is as follows :—

**RATE OF COMMITTALS TO SUPERIOR COURTS : AUSTRALIA.**

Year .. .. .	1881.	1891.	1901.	1911.	1921.	1931.	1941.	1946.
Committals per 10,000 persons	12	11	8	6	7	8	6	8

7. Drunkenness.—(i) *Cases and Convictions.* The number of arrest and summons cases of drunkenness and the convictions recorded during the year 1939 and for the years 1943 to 1946 are given in the following table :—

**DRUNKENNESS : CASES AND CONVICTIONS.**

State or Territory.	1939.		1943.		1944.		1945.		1946.	
	Cases.	Convictions.	Cases.	Convictions.	Cases.	Convictions.	Cases.	Convictions.	Cases.	Convictions.
New South Wales	32,472	32,405	34,929	34,906	34,576	34,562	43,582	43,561	62,211	62,120
Victoria ..	11,609	11,421	12,551	12,444	12,518	12,388	10,534	10,443	11,704	11,601
Queensland (a) ..	11,202	11,118	8,367	8,288	7,489	7,399	11,075	11,017	16,154	16,042
South Australia ..	2,607	2,597	a 4,636	a 4,618	a 4,007	a 3,985	a 3,515	a 3,507	a 4,311	a 4,206
Western Australia	2,681	2,658	3,855	3,821	4,164	4,120	4,087	4,039	4,094	4,052
Tasmania ..	411	407	396	367	307	291	232	223	464	450
Northern Terr. (a)	686	677	100	100	38	38	185	139	119	113
Aust. Cap. Terr.	114	114	37	37	62	62	37	37	139	136
Total ..	61,782	61,397	64,881	64,581	63,161	62,845	73,847	73,566	99,196	98,810

(a) Year ended 30th June following.

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

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

(ii) *Convictions per 10,000 of Population.* The convictions for drunkenness per 10,000 of the population during 1939 and each of the years from 1943 to 1946 are given in the following table :—

**CONVICTIONS FOR DRUNKENNESS PER 10,000 OF THE POPULATION.**

State or Territory.	1939.	1943.	1944.	1945.	1946.
New South Wales ..	117.8	122.1	119.8	149.3	210.9
Victoria ..	60.8	63.1	62.3	52.0	57.3
Queensland (a) ..	108.9	78.6	69.3	107.2	146.2
South Australia ..	43.5	(a) 74.9	(a) 63.9	(a) 55.6	(a) 67.1
Western Australia ..	56.6	80.1	85.5	82.8	82.2
Tasmania ..	17.0	15.1	11.9	9.0	17.8
Australian Capital Territory	91.2	27.1	43.7	24.7	85.6
Total ..	88.0	89.1	85.9	99.4	132.1

(a) Year ended 30th June following.

In the twenties the convictions for drunkenness averaged approximately 100 per 10,000 inhabitants, but the rate fell away considerably during the following years and was only 57.1 in 1931. With the improvement in the social condition of the people following that year, the average rose steadily to 84.1 in 1936, declined somewhat during the next two years, and rose to 91.7 in 1942, but decreased to 89.1 in 1943 and to 85.9 in 1944 but rose to 99.4 in 1945 and then sharply to 132.1 in 1946. Figures for the consumption of beer have followed a fairly similar course. From an average of 11.33 gallons per head of the population consumed for some years prior to 1931-32, when the amount declined to 7.32 gallons, the average rose each year to 13.76 gallons in 1941-42, but declined in 1942-43 to 12.59 gallons, rose to 13.00 gallons in 1943-44, declined to 12.90 gallons in 1944-45, rose to 13.45 in 1945-46, and then sharply to 15.94 in 1946-47.

The convictions for drunkenness taken by themselves are not altogether a satisfactory test of the relative sobriety of the inhabitants of each State, inasmuch as several important factors must be taken into consideration. The age and sex constitution

of the people, for example, are by no means identical in all the States. Another factor is the distribution of the population. Arrest or summons for drunkenness obviously is more likely in the regions densely populated than in those sparsely populated. In addition allowance must be made for the attitude of the magistracy, the police and the general public in regard to the offence. Due account also must be taken of the effect of legislation dealing with the limitation of hours during which liquor may be sold in hotels.

(iii) *Consumption of Intoxicants.* The following table shows the consumption of spirits, wine and beer per head of the population in Australia during the years 1938-39 and 1940-41 to 1946-47 :—

#### CONSUMPTION OF INTOXICANTS IN AUSTRALIA.

Year.	Consumption per Head of Population.		
	Spirits.	Wine.	Beer.
	Imp. Galls.	Imp. Galls.	Imp. Galls.
1938-39 .. .. .	0.22	0.65	12.13
1940-41 .. .. .	0.21	0.91	13.71
1941-42 .. .. .	0.20	0.98	13.76
1942-43 .. .. .	0.22	1.28	12.59
1943-44 .. .. .	0.23	1.17	13.00
1944-45 .. .. .	0.23	1.18	12.90
1945-46 .. .. .	0.32	0.96	13.45
1946-47 .. .. .	0.29	1.07	15.94

(iv) *Treatment of Drunkenness.* (a) *General.* Though the problem of the correct method of dealing with dipsomania is by no means an easy one, it seems fairly clear that the present plan of bringing offenders before magistrates, and subjecting them to the penalty of imprisonment or fine, has little deterrent effect, as the same offenders are constantly reappearing before the courts. During recent years the dangers of moral contamination in this way have been more accurately appreciated, and a system of classification of prisoners has been adopted whereby the petty offender is as far as possible kept from association with those convicted of more serious offences.

(b) *Remedial.* Legislation has been passed in each State providing for the commitment of inebriates to special Government institutions. The laws in the various States are as follows :—New South Wales, Inebriates Act 1912; Victoria, Inebriates Act 1928; Queensland, Inebriate Institutions Act 1896; South Australia, Inebriates Act 1908-1934, Convicted Inebriates Act 1913-1934; Western Australia, Inebriates Act 1912-1919; Tasmania, Inebriates Act 1885, Inebriate Hospitals Act 1892. Curative work was first undertaken by the Government of New South Wales in 1907. In most cases the institutes are connected with the gaols, and, naturally, custodial measures are still a strong feature in their management; nevertheless, the results of remedial measures have been encouraging.

8. *First Offenders.*—In all the States, statutes dealing with first offenders have been in force for many years. Existing legislation is as follows :—New South Wales, Crimes Act 1900 amended in 1924 and 1929, First Offenders (Women) Act 1919; Victoria, Crimes Act 1928; Queensland, Criminal Code Acts 1899 to 1945; South Australia, Offenders Probation Act 1913-1941; Western Australia, Criminal Code Act 1913-1942; Tasmania, Probation of Offenders Act 1934. The method of procedure is practically the same in all cases, i.e., with regard to most first offenders convicted of a minor offence the magistrate or judge is empowered to allow the offender to go free on recognizances being entered into for his good behaviour for a certain period. In practice, this humane law has been found to work excellently, very few of those convicted under it having been found to relapse into crime.

9. *Children's Courts.*—Special courts for the trial of juvenile offenders have been established in New South Wales, Victoria, Queensland, Western Australia and Tasmania, while Children's Courts, although not under that title, are provided for by the Maintenance Act 1926-1941 in South Australia. The object of these courts is to avoid, as far as possible, the unpleasant surroundings of the ordinary police court.

## § 2. Superior Courts (Judges' Courts).

1. Convictions at Superior Courts.—The following is a list of the principal offences for which persons were convicted in superior courts in each State and Territory during 1946 and in Australia as a whole in that year and for the years 1944 and 1945:—

## CONVICTIONS AT SUPERIOR COURTS, 1946.

Offence.	N.S.W. (a)	Vic.	Qld. (a)	S.A.	W.A.	Tas.	N.T. (a)	A.C.T.	Australia.		
									1946.	1945.	1944.
<b>I. OFFENCES AGAINST THE PERSON.</b>											
Murder ..	5	2	4	1	3	1	..	..	16	17	19
Attempted Murder ..	..	..	..	..	..	1	2	..	3	3	6
Manslaughter ..	9	2	8	4	2	..	3	..	28	32	22
Rape ..	10	2	6	3	..	4	..	..	25	18	16
Other Offences against											
Females ..	79	56	20	47	6	13	5	..	226	224	142
Unnatural Offences ..	58	22	6	11	8	3	4	1	113	103	108
Abortion and At-											
tempts to Procure	5	1	2	3	..	4	..	..	15	11	9
Bigamy ..	51	21	18	1	6	2	..	2	101	145	149
Suicide, Attempted ..	..	3	..	1	..	4	..	..	8	8	6
Assault, Aggravated	..	..	22	4	5	2	9	..	42	31	27
Assault, Common ..	65	6	7	6	..	..	4	..	88	51	46
Other Offences against											
the Person ..	69	36	9	5	..	..	2	..	121	93	123
Total ..	351	151	102	86	30	34	29	3	786	736	673
<b>II. OFFENCES AGAINST PROPERTY.</b>											
Burglary and House-											
breaking ..	628	271	75	17	24	13	5	..	1,033	962	887
Robbery and Stealing											
from the Person ..	61	15	8	4	10	17	4	..	110	85	78
Horse-stealing ..	..	2	1	..	..	..	..	..	3	5	3
Cattle-stealing ..	3	1	3	..	..	..	..	..	7	6	8
Sheep-stealing ..	..	1	..	..	..	..	..	..	1	..	..
Embezzlement and											
Stealing by Serv-											
ants ..	13	6	4	4	4	..	..	..	31	18	27
Larceny, Other ..	163	123	39	86	14	..	2	4	431	336	354
Unlawfully using											
Horses, Cattle and											
Vehicles ..	15	1	1	..	1	..	..	..	18	15	10
Receiving ..	71	40	12	5	3	1	4	..	136	130	156
Fraud and False Pre-											
tences ..	34	21	4	8	4	3	..	..	74	42	49
Arson ..	1	5	3	1	1	1	..	..	12	19	10
Malicious Damage ..	10	1	1	..	..	..	..	..	12	6	4
Other Offences against											
Property ..	9	9	1	..	1	1	..	..	21	25	25
Total ..	1,008	496	152	125	53	36	15	4	1,889	1,649	1,611
<b>III. FORGERY AND OFFENCES AGAINST THE CURRENCY.</b>											
Forgery and Uttering											
Forged Instruments											
Offences in relation	16	24	..	3	5	..	3	..	51	31	31
to the Currency ..	..	..	..	..	..	..	..	..	..	..	1
Total ..	16	24	..	3	5	..	3	..	51	31	32
<b>IV. OFFENCES AGAINST GOOD ORDER.</b>											
..	6	2	6	..	..	..	3	..	17	17	15
<b>V. OTHER MISCELLANEOUS.</b>											
Conspiracy ..	9	2	..	6	1	..	..	..	18	9	15
Perjury and Suborna-											
tion ..	1	6	..	..	..	1	..	..	8	14	21
Other Offences ..	5	31	1	11	5	2	..	..	55	42	20
Total ..	15	39	1	17	6	3	..	..	81	65	56
Grand Total ..	1,396	712	261	231	94	73	50	7	2,824	2,498	2,387

(a) Year ended 30th June, 1947.

2. **Convictions at Superior Courts, Years 1939, 1943 to 1946.**—The number of convictions at superior courts and the rate per 10,000 of the population are given below for each of the years 1939 and 1943 to 1946:—

**CONVICTIONS AT SUPERIOR COURTS.**

State or Territory.	1939.	1943.	1944.	1945.	1946.
NUMBER.					
New South Wales (a) ..	982	1,130	1,050	1,178	1,396
Victoria .. .. .	690	826	792	692	712
Queensland (a) ..	214	200	218	229	261
South Australia ..	179	200	158	203	231
Western Australia ..	71	93	87	99	94
Tasmania .. .. .	39	35	56	73	73
Northern Territory (a) ..	11	29	25	20	50
Australian Capital Territory ..	14	..	1	4	7
Total .. .. .	2,200	2,513	2,387	2,498	2,824
PER 10,000 OF THE POPULATION.					
New South Wales (a) ..	3.6	3.9	3.6	4.0	4.7
Victoria .. .. .	3.7	4.2	4.0	3.5	3.5
Queensland (a) ..	2.1	1.9	2.0	2.1	2.4
South Australia ..	3.0	3.3	2.6	3.2	3.6
Western Australia ..	1.5	2.0	1.8	2.0	1.9
Tasmania .. .. .	1.6	1.4	2.3	2.9	2.9
Northern Territory (a) ..	15.2	27.9	23.9	19.0	46.9
Australian Capital Territory ..	11.2	..	0.7	2.7	4.4
Total .. .. .	3.2	3.5	3.3	3.4	3.8

(a) Year ended 30th June following.

The rate of convictions per 10,000 of population for Australia, which in 1930 stood at 4.0, fell each year thereafter until 1936 when the record low level of 2.3 was reached. It rose during each of the next three years to 3.2 in 1939 and after falling to 2.8 in 1940 rose in each of the next three years reaching 3.5 in 1943. Following a fall to 3.3 in 1944 the rate rose during 1945 and 1946 and stood at 3.8 in the latter year. Owing to the smallness of the population and the particular conditions prevailing there, the rates for the Territories naturally show considerable variation.

3. **Habitual Offenders.**—Some account of the methods adopted in each State in connexion with habitual offenders is given in preceding issues of the Official Year Book (see No. 22, pp. 469-70).

4. **Capital Punishment.**—There were nine executions in Australia during the period 1937 to 1946. Two took place in New South Wales (one in 1938 and one in 1939), three in Victoria (two in 1939 and one in 1942), three in South Australia (one in 1938, one in 1944 and one in 1946) and one in Tasmania in 1946.

Under the Criminal Code Amendment Act 1922 capital punishment was abolished in Queensland.

In the early days of the history of Australia the penalty of death was attached to a large number of offences, many of which at the present time would be dealt with in the lower or magistrates' court. With the growth of settlement and the general amelioration in social and moral conditions, the list was, however, considerably curtailed, and the existing tendency is practically to restrict death sentences to cases of murder. It may be stated that in cases of rape, which is a capital offence in some of the Australian States, the penalty has been but sparingly inflicted during the last few years. Juries are reputed to be loth to convict on this charge, owing to the uncertainty whether sentence of death will be carried out.

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

### § 3. Civil Courts.

1. Lower Courts.—The total number of plaints entered and the amounts awarded to plaintiffs during the years 1944 to 1946 are given in the following table. Particulars for earlier years appear in preceding issues of the Official Year Book.

The figures represent the returns from the Small Debts Courts in New South Wales, Petty Session Courts in Victoria, Magistrates' Courts in Queensland, Local Courts of South Australia and Western Australia, Courts of Requests in Tasmania, Courts of Summary Jurisdiction in Northern Territory and Court of Petty Sessions in the Australian Capital Territory.

#### CIVIL CASES AT LOWER COURTS.

State.	1944.	1945.	1946.	State or Territory.	1944.	1945.	1946.
N.S.W.—				Tas.—			
Cases No.	19,635	18,064	20,245	Cases No.	7,342	6,816	8,225
Amount £	103,862	99,049	110,321	Amount £	25,125	24,256	31,425
Victoria—				N. Ter.(a)—			
Cases No.	30,064	31,191	31,686	Cases No.	18	52	76
Amount £	186,305	210,210	244,146	Amount £	103		
Qld.(a)—				A.C.T.—			
Cases No.	3,429	2,211	3,453	Cases No.	125	108	173
Amount £	41,537	39,963	66,982	Amount £	1,127	1,167	888
S. Aust.—				Total—			
Cases No.	9,331	12,590	13,861	Cases No.	81,127	81,673	91,595
Amount £	51,019	53,317	60,367	Amount £	446,951	474,573	581,258
W. Aust.—							
Cases No.	11,183	10,641	13,876				
Amount £	37,873	40,611	67,129				

(a) Year ended 30th June following.

2. Superior Courts.—The following table shows the transactions on the civil side in the Superior Courts during the years 1944 to 1946. The particulars given below include the number and amount of judgments entered by default or confession, or agreement, and differ from those in issues of the Official Year Book prior to No. 29, which related in most States only to cases actually tried during the year.

The New South Wales returns refer to judgments in the District Courts only, and exclude 677 judgments in 1944, 607 judgments in 1945 and 803 judgments in 1946 signed in the Supreme Court, for which the amounts entered are not available.

#### CIVIL CASES AT SUPERIOR COURTS.

State.	1944.	1945.	1946.	State or Territory.	1944.	1945.	1946.
N.S.W.—				W. Aust.(b)—			
Causes No.	1,807	1,786	2,325	Causes No.	57	101	121
Amount £	122,439	117,007	149,988	Amount £	36,449	120,595	48,892
Victoria—				Tas.—			
Causes No.	1,047	1,179	1,553	Causes No.	138	118	217
Amount £	70,244	103,858	131,523	Amount £	23,887	16,363	29,685
Qld.(a)—				A.C.T.—			
Causes No.	1,109	1,277	1,296	Causes No.	3	1	1
Amount £	12,682	41,639	115,630	Amount £	5,643	205	247
S. Aust.—				Total—			
Causes No.	675	767	857	Causes No.	4,836	5,229	6,370
Amount £	7,154	11,649	17,969	Amount £	278,498	411,316	493,984

(a) Year ended 30th June following.

(b) Judgments signed and entered.

3. Divorces and Judicial Separations.—(i) *Number of Petitions and Divorces granted.* The following table shows the number of petitions for divorce, nullity of marriage and judicial separations filed in each State during 1946, and the number of divorces made absolute and judicial separations granted :—

PETITIONS FOR DIVORCE, ETC., AND DIVORCES GRANTED, 1946.

State or Territory.	Petitions for Divorce, Nullity of Marriage and Judicial Separation.			Divorces and Nullity made absolute.	Judicial Separations.
	By Husband.	By Wife.	Total.		
New South Wales .. .. .	2,262	2,047	4,309	2,792	6
Victoria .. .. .	1,195	1,044	2,239	1,648	3
Queensland .. .. .	671	508	1,179	1,161	1
South Australia .. .. .	393	466	859	656	1
Western Australia .. .. .	577	438	1,015	731	..
Tasmania .. .. .	144	140	284	219	..
Northern Territory .. .. .	5	1	6	4	..
Australian Capital Territory .. .. .	16	8	24	12	1
Total 1946 .. .. .	5,263	4,652	9,915	7,223	12
1945 .. .. .	4,969	4,147	9,116	7,199	16
1944 .. .. .	4,555	3,598	8,153	5,681	11

(ii) *Number of Divorces, etc., granted, Years 1939, 1943 to 1946.* The number of divorces and judicial separations in each State and Territory for the year 1939 and the years 1943 to 1946 is shown in the following table. The figures refer, in the case of divorces, to decrees made absolute in each year and include decrees for nullity of marriage.

DIVORCES AND JUDICIAL SEPARATIONS : AUSTRALIA.

State or Territory.	1939.		1943.		1944.		1945.		1946.	
	Divorces.	Judicial Separations.								
New South Wales .. .. .	1,545	8	1,837	3	2,044	5	3,129	10	2,792	6
Victoria .. .. .	801	4	1,382	1	1,692	2	1,759	..	1,648	3
Queensland .. .. .	224	..	441	3	719	2	903	4	1,161	1
South Australia .. .. .	243	..	450	..	497	2	604	2	656	1
Western Australia .. .. .	244	..	476	..	601	..	619	..	731	..
Tasmania .. .. .	80	..	89	..	115	..	172	..	219	..
Northern Territory(a) .. .. .	2	..	3	..	4	..	6	..	(b) 4	(b) ..
Australian Capital Territory .. .. .	6	1	4	..	9	..	7	..	12	1
Total .. .. .	3,145	13	4,682	7	5,681	11	7,199	16	7,223	12

(a) Year ended 30th June following.

(b) Year 1946.

(iii) *Average Annual Number of Divorces granted, Years 1871 to 1940.*—The average annual number of divorces and judicial separations in Australia for decennial periods from 1871 to 1940 were as follows :—

DIVORCES AND JUDICIAL SEPARATIONS : AUSTRALIA.

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

(iv) *Grounds of Decree on which Divorce, etc., granted, Years 1944 to 1946.* The grounds on which divorces, including nullity of marriage, were made absolute and judicial separations granted during 1944 to 1946 in each State and Territory are given in the following table:—

**GROUND ON WHICH DIVORCES AND JUDICIAL SEPARATIONS WERE GRANTED.**

Grounds on which Decrees were Granted.	N.S.W.		Vic.		Qld.		S.A.		W.A.		Tas.		N.T.(a)		A.C.T.		Aust.	
	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.
<b>1944.</b>																		
Adultery ..	542	3	635	1	405	1	285	..	359	..	33	..	1	..	3	..	2,263	5
Bigamy ..	10	..	4	..	..	..	..	..	..	..	..	..	..	..	..	..	14	..
Cruelty ..	12	2	5	..	1	1	26	..	1	..	3	..	..	..	1	..	49	3
Cruelty and Drunkenness ..	30	..	8	..	..	..	..	2	5	..	..	..	..	..	..	..	43	2
Drunkenness ..	24	..	3	..	..	..	5	..	2	..	1	..	..	..	..	..	35	..
Desertion ..	1,413	..	994	1	293	..	156	..	202	..	76	..	3	..	5	..	3,142	1
Imprisonment for Crime ..	6	..	6	..	..	..	1	..	1	..	1	..	..	..	..	..	15	..
Insanity ..	..	..	18	..	9	..	6	..	2	..	1	..	..	..	..	..	36	..
Other ..	7	..	19	..	11	..	18	..	29	..	..	..	..	..	..	..	84	..
<b>Total ..</b>	<b>2,044</b>	<b>5</b>	<b>1,692</b>	<b>2</b>	<b>719</b>	<b>2</b>	<b>497</b>	<b>2</b>	<b>601</b>	<b>..</b>	<b>115</b>	<b>..</b>	<b>4</b>	<b>..</b>	<b>9</b>	<b>..</b>	<b>5,681</b>	<b>11</b>
<b>1945.</b>																		
Adultery ..	935	6	677	..	455	3	371	1	361	..	60	..	3	..	4	..	2,866	10
Bigamy ..	24	..	10	..	1	..	1	..	2	..	1	..	..	..	..	..	39	..
Cruelty ..	29	3	4	..	..	..	29	1	..	..	3	..	..	..	..	..	65	4
Cruelty and Drunkenness ..	37	..	9	..	..	..	..	..	5	..	..	..	..	..	..	..	51	..
Drunkenness ..	17	..	8	..	..	..	7	..	2	..	3	..	..	..	..	..	37	..
Desertion ..	2,061	1	1,005	..	427	1	179	..	221	..	105	..	3	..	3	..	4,004	2
Imprisonment for Crime ..	8	..	11	..	..	..	..	..	3	..	..	..	..	..	..	..	22	..
Insanity ..	..	..	11	..	4	..	3	..	4	..	..	..	..	..	..	..	22	..
Other ..	18	..	24	..	16	..	14	..	21	..	..	..	..	..	..	..	93	..
<b>Total ..</b>	<b>3,129</b>	<b>10</b>	<b>1,759</b>	<b>..</b>	<b>903</b>	<b>4</b>	<b>604</b>	<b>2</b>	<b>619</b>	<b>..</b>	<b>172</b>	<b>..</b>	<b>6</b>	<b>..</b>	<b>7</b>	<b>..</b>	<b>7,199</b>	<b>16</b>
<b>1946.</b>																		
Adultery ..	870	5	654	1	513	..	411	1	429	..	85	..	1	..	..	..	2,966	7
Bigamy ..	15	..	4	..	2	..	2	..	2	..	..	..	..	..	..	..	25	..
Cruelty ..	17	..	4	..	..	..	34	..	..	..	3	..	..	..	..	..	58	2
Cruelty and Drunkenness ..	45	..	10	..	..	..	..	..	6	..	..	..	..	..	..	..	61	..
Drunkenness ..	13	..	8	..	..	..	5	..	1	..	..	..	..	..	..	..	27	..
Desertion ..	1,808	1	926	2	624	..	180	..	260	..	130	..	3	..	0	..	3,940	3
Imprisonment for Crime ..	16	..	4	..	..	..	..	..	3	..	..	..	..	..	..	..	23	..
Insanity ..	..	..	11	..	7	..	12	..	5	..	..	..	..	..	..	..	35	..
Other ..	8	..	27	..	15	..	12	..	25	..	1	..	..	..	..	..	88	..
<b>Total ..</b>	<b>2,792</b>	<b>6</b>	<b>1,648</b>	<b>3</b>	<b>1,161</b>	<b>1</b>	<b>656</b>	<b>1</b>	<b>731</b>	<b>..</b>	<b>219</b>	<b>..</b>	<b>4</b>	<b>..</b>	<b>12</b>	<b>1</b>	<b>7,223</b>	<b>12</b>

(a) See notes to previous table.

(v) *Ages of Husband and Wife at Time of Divorce, 1946.* The following table shows the number of husbands and wives who were divorced in each age group at the time when the divorce decree was made absolute. In 1946 the incidence of divorce was highest in the vicinity of the group 30 to 34 years :—

**AGES OF PARTIES AT TIME OF DIVORCE : AUSTRALIA, 1946.**

Ages of Husbands (Years).	Ages of Wives (Years).										Total Husbands.	
	Under 21.	21 to 24.	25 to 29.	30 to 34.	35 to 39.	40 to 44.	45 to 49.	50 to 54.	55 to 59.	60 and over.		Not stated.
Under 21 ..	5	4	..	..	..	..	..	..	..	..	..	9
21 to 24 ..	43	177	50	3	..	..	..	..	..	..	..	273
25 to 29 ..	24	438	698	98	13	..	..	..	..	..	..	1,272
30 to 34 ..	10	145	717	712	99	11	..	..	..	..	..	1,699
35 to 39 ..	..	40	213	640	493	67	9	1	..	..	..	1,467
40 to 44 ..	1	4	48	186	399	331	47	2	..	..	..	1,021
45 to 49 ..	..	3	12	60	118	226	207	29	4	..	..	660
50 to 54 ..	..	1	5	11	32	75	135	96	11	..	..	369
55 to 59 ..	..	..	..	2	8	27	55	56	41	..	..	209
60 and over ..	..	..	..	..	1	9	14	26	41	..	..	133
Not stated ..	..	..	..	..	..	..	..	..	..	33	..	34
Total Wives ..	84	814	1,745	1,729	1,171	746	469	213	99	50	35	7,155

NOTE.—Excludes nullity of marriage.

(vi) *Duration of Marriage and Issue.* The following table shows the legal duration of marriage (i.e., the period from the date of marriage to the date when the decree nisi was made absolute) and the number of children born in respect of the decrees made absolute in 1946. Of the couples divorced in 1946, 39.6 per cent. had no children, 28.6 per cent. had one child, 18.0 per cent. had two children, 7.2 per cent. had three children and 6.6 per cent. had four or more children :—

**DURATION OF MARRIAGE AND ISSUE : AUSTRALIA, 1946.**

Duration of Marriage (Years).	Number of Children.												Total Divorces made absolute.	Total children.	
	0	1	2	3	4	5	6	7	8	9	10	12			N.S.
Under 1 year ..	4	1	..	..	..	..	..	..	..	..	..	..	..	5	1
1 and under ..	58	9	1	..	..	..	..	..	..	..	..	..	..	68	11
2 ..	145	31	1	..	..	..	..	..	..	..	..	..	..	177	33
3 ..	224	61	10	..	..	..	..	..	..	..	..	..	..	296	81
4 ..	380	112	24	2	..	..	..	..	..	..	..	..	..	519	166
5 ..	365	179	44	6	..	1	..	..	..	..	..	..	..	596	290
6 ..	260	184	52	5	..	1	..	..	..	..	..	..	..	503	308
7 ..	214	151	76	21	3	..	..	..	..	..	..	..	..	468	381
8 ..	173	151	91	23	6	..	..	..	..	..	..	..	..	445	426
9 ..	135	138	74	19	3	2	..	..	..	..	..	..	..	371	365
10 ..	110	114	93	30	12	..	..	..	1	..	..	..	..	360	446
11 ..	101	121	89	33	11	1	..	1	..	..	..	..	..	357	454
12 ..	90	107	79	30	13	..	..	..	..	1	..	..	..	326	446
13 ..	85	86	70	26	10	3	1	..	..	..	..	..	..	281	365
14 ..	55	79	67	26	12	4	2	..	..	..	..	..	..	245	371
15 ..	42	68	54	25	11	7	..	..	1	2	..	..	..	210	356
16 ..	47	75	64	33	17	8	1	1	1	..	..	1	..	248	443
17 ..	48	48	66	26	13	6	4	..	..	1	..	..	1	213	375
18 ..	30	52	46	13	14	9	2	..	1	..	..	..	..	167	304
19 ..	30	49	42	26	13	3	..	..	1	1	..	..	..	165	295
20 ..	40	51	36	20	8	5	2	..	..	..	1	..	..	168	294
21 to 24 years ..	97	88	108	69	41	25	13	4	3	2	..	..	..	450	948
25 to 29 ..	61	57	64	50	34	17	11	7	4	2	1	..	..	308	731
30 to 34 ..	26	21	23	25	17	16	10	2	2	2	..	..	..	144	398
35 to 39 ..	11	4	7	9	11	1	..	1	3	1	..	..	..	48	134
40 to 44 ..	1	1	5	1	2	4	1	..	1	..	..	..	..	16	56
Not stated ..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	1
Total Divorces ..	2,832	2,042	1,286	518	251	119	50	18	18	12	2	1	6	7,155	..
Total Children ..	..	2,042	2,572	1,554	1,004	595	300	126	144	108	20	12	..	..	8,477

NOTE.—Excludes nullity of marriage.

(vii) *Number of Divorced Persons at Censuses 1891 to 1933.*—The following table shows the numbers and proportions of divorced males and females according to age in Australia at each Census from 1891 to 1933. Prior to 1911 no record was made of divorced persons in South Australia, so comparisons cannot be made to extend beyond that date.

**DIVORCED PERSONS : AGE DISTRIBUTION, AUSTRALIA.**

Age last Birthday.	Number.					Proportion per 10,000 of the Sex.				
	1891. (a)	1901. (a)	1911.	1921.	1933.	1891. (a)	1901. (a)	1911.	1921.	1933.
<b>MALES.</b>										
Years—										
15-19 ..	..	..	2	11	..	..	..	..	..	..
20-24 ..	10	21	27	55	73	..	1	1	2	3
25-29 ..	37	77	137	321	501	2	5	7	14	18
30-34 ..	60	167	286	580	1,100	4	11	17	26	44
35-39 ..	63	202	321	661	1,575	7	17	21	34	69
40-44 ..	41	233	361	592	1,777	5	19	25	35	77
45-49 ..	34	154	407	533	1,614	5	17	30	37	77
50-54 ..	27	131	338	498	1,256	4	19	31	37	73
55-59 ..	28	76	204	425	877	6	14	28	36	66
60-64 ..	16	55	134	281	611	4	12	26	31	53
65-69 ..	5	33	76	155	477	2	9	19	28	51
70-74 ..	5	14	43	86	270	3	5	14	26	41
75-79 ..	1	7	12	27	122	1	5	6	14	34
80-84 ..	..	3	14	7	35	..	5	16	7	25
85 and over ..	..	1	6	1	10	..	5	17	2	17
Age 15 and over	332	1,234	2,368	4,233	10,298	3	10	15	23	42

<b>FEMALES.</b>										
Years—										
15-19 ..	2	2	1	8	6	..	..	..	..	..
20-24 ..	16	56	71	168	230	1	3	3	7	8
25-29 ..	60	168	239	526	960	4	11	13	22	37
30-34 ..	49	244	332	756	1,595	5	18	21	34	66
35-39 ..	40	287	374	713	1,939	5	24	26	37	82
40-44 ..	26	178	366	621	1,880	4	19	29	38	83
45-49 ..	19	107	319	496	1,598	4	16	29	37	80
50-54 ..	10	53	229	495	1,066	2	10	27	34	65
55-59 ..	4	28	79	280	662	1	6	14	28	51
60-64 ..	1	11	59	217	485	..	3	13	28	42
65-69 ..	..	10	38	70	287	..	3	10	14	32
70-74 ..	1	5	14	25	136	1	3	5	8	21
75-79 ..	..	..	16	14	58	..	..	10	7	16
80-84 ..	..	1	2	2	12	..	2	3	2	8
85 and over ..	..	..	1	3	4	..	..	3	5	5
Age 15 and over	228	1,149	2,140	4,304	10,888	3	10	15	24	46

(a) Excludes South Australia.

4. **Bankruptcies.**—Particulars relating to bankruptcy in each State up to the end of 1927 were incorporated under this heading in issues of the Official Year Book prior to No. 23. Under the terms of the Bankruptcy Act 1924-1946 jurisdiction in bankruptcy and insolvency was taken over by the Commonwealth from 1st August, 1928. The Act made provision for the declaration of districts, and each State (except Queensland and Northern Territory) has been declared a bankruptcy district. The bankruptcy district of New South Wales includes the Australian Capital Territory. Queensland has been divided into three districts corresponding to the three Supreme Court districts in that State. Operations under the Act for the years ended 31st July, 1946 and 1947 are given in the following table. For the purposes of comparison, the annual averages for periods between the years 1929 and 1947 are appended to the table.

## FEDERAL BANKRUPTCY ACT, 1946-47.

Particulars.	N.S.W.	Vic.	Qld.	S. Aust.	W. Aust.	Tas.	Nor. Terr.	Australia.
Sequestration Orders and Orders for Administration of Deceased Debtors' Estates	Number ..	92	45	23	19	22	5	206
	Liabilities £	159,515	22,292	11,561	29,850	30,903	3,071	257,192
	Assets £	30,192	2,700	12,232	14,602	17,638	1,614	78,978
Division 5—Compositions, etc., after Bankruptcy	Number ..	..	4	6	4	7	..	21
	Amount under ios.	..	3	5	4	5	..	17
	Amount over ios.	..	1	1	..	2	..	4
Compositions without Bankruptcy Part XI.	Number ..	2	..	..	6	7	..	15
	Liabilities £	8,248	..	..	12,100	8,693	..	29,041
	Assets £	262	..	..	12,287	3,574	..	16,123
Deeds under Part XI.	Number ..	..	..	..	2	3	..	5
	Liabilities £	..	..	..	3,794	5,148	..	8,942
	Assets £	..	..	..	3,274	3,956	..	7,230
Deeds of Arrangement, Part XII.	Number ..	14	10	5	..	..	..	29
	Liabilities £	40,064	17,198	12,860	..	..	..	70,131
	Assets £	44,795	15,837	12,670	..	..	..	73,302
Total, 1946-47	Number ..	108	55	28	27	32	5	255
	Liabilities £	207,827	39,490	24,430	45,744	44,744	3,071	365,306
	Assets £	75,249	18,537	24,902	30,163	23,168	1,614	175,633
Total, 1945-46	Number ..	67	34	21	23	15	7	167
	Liabilities £	66,109	117,169	11,385	34,839	30,890	854	261,246
	Assets £	101,303	30,950	2,095	34,437	11,974	137	181,496
Average 4 years ended 1946-47	Number ..	84	48	20	35	14	7	208
	Liabilities £	141,657	74,798	18,440	97,191	22,325	2,676	357,037
	Assets £	74,205	27,295	14,805	65,374	11,904	875	194,458
Average 5 years ended 1942-43	Number ..	434	296	134	357	81	45	1,347
	Liabilities £	664,121	297,840	219,588	1,000,376	236,178	28,293	2,446,802
	Assets £	429,462	127,977	152,602	730,482	166,561	14,475	1,621,741
Average 5 years ended 1937-38	Number ..	490	383	183	544	108	58	1,772
	Liabilities £	707,075	627,960	259,921	1,566,821	228,623	56,944	3,448,276
	Assets £	477,547	277,004	194,174	1,076,347	187,933	33,688	2,247,488
Average 5 years ended 1932-33	Number ..	959	689	305	637	344	95	3,029
	Liabilities £	1,920,030	1,419,402	605,789	1,043,637	871,520	116,014	5,976,652
	Assets £	1,552,489	1,006,120	493,108	796,478	1,215,686	82,227	5,146,188

It is pointed out that the procedure in certain States has been influenced largely by the procedure in force prior to the passing of the Commonwealth Act, and that, therefore, no particular significance attaches to the large number of compositions, etc., in South Australia.

The Bankruptcy Act 1930 created a Federal Court of Bankruptcy and provided for the appointment of a Judge or two Judges thereto. In 1930 a Commonwealth Judge in Bankruptcy was appointed in addition to the State Judges to deal with bankruptcy work in New South Wales and Victoria, as the Courts in these States were unable to cope with the business. All the bankruptcy cases in these States are now heard in the Federal Court which sits in Sydney and Melbourne alternatively.

5. High Court of Australia.—Under the provisions of Section 71 of the Commonwealth Constitution, the judicial power of the Commonwealth is vested in a Supreme Court called the High Court of Australia, and in such other courts as the Parliament creates or invests with federal jurisdiction. The Commonwealth High Court possesses both original and appellate jurisdiction. The powers of the Court are defined in the Commonwealth Constitution, and in the Judiciary Act 1903-1946. The Court consists of a Chief Justice and six other judges. Sittings of the Court are held in the capitals

of the various States as occasion may require. The High Court functions as a Court of Appeal for Australia. The following statement shows the transactions of the High Court for 1945 and 1946.

#### TRANSACTIONS OF COMMONWEALTH HIGH COURT.

Original Jurisdiction.	1945.	1946.	Appellate Jurisdiction.	1945.	1946.
	Number of writs issued	81		84	Number of appeals set down for hearing ..
Number of causes entered for trial	23	12	Number allowed ..	27	24
Verdicts for plaintiffs	20	9	Number dismissed ..	50	46
Verdicts for defendants	7	1	Otherwise disposed of	11	11
Otherwise disposed of ..	4	12			
Amount of judgments	£97,094	£28,414			

During 1945 and 1946 respectively the High Court dealt also with the following : Appeals from Assessments under Taxation Assessment Act, 18, 23 ; Special cases stated for the opinion of the Full Court, 22, 12 ; Applications for Prohibitions, etc., 38, 20. The fees collected amounted to £1,163 in 1945 and £1,040 in 1946.

6. Commonwealth Court of Conciliation and Arbitration.—A detailed statement regarding the operation of this Court, which was established under the Commonwealth Conciliation and Arbitration Act 1904-1947 will be found in Chapter XII. "Labour, Wages and Prices", and in the *Labour Report*.

### § 4. Police and Prisons.

1. *General*.—Early issues of the Official Year Book (see No. 4, p. 918) contain a *résumé* of the evolution of the police force in Australia up to the passing of the Police Act 1862 (25 Vic. No. 16) in New South Wales.

2. *Duties of the Police*.—In addition to the ordinary employment attaching to their office, the police are called upon to perform many duties which in other countries are carried out by various functionaries. Thus, in New South Wales, it has been estimated that one-fifth of the time of the force was taken up in extraneous duties not connected with the protection of life and property, while the cash value of the services rendered to other Government departments was stated as over £200,000 per annum. The Queensland Commissioner refers to the circumstance that in 1941-42 no less than 54 important subsidiary offices were held by the police. In South Australia, the Commissioner alludes to the large number of subsidiary duties performed by police officers, and mentions that for the year ended June, 1946, many inquiries were made on behalf of other State and Commonwealth departments.

3. *Strength of Police Force*.—(i) *General*. The strength of the police force in each State during 1939 and the years 1943 to 1946 is given in the following table. It may be mentioned that the police forces (with the exception of the small body of Commonwealth police maintained in the Northern Territory and in the Australian Capital Territory) are entirely under State control, but, by arrangement, the Commonwealth Government utilizes their services in various directions, such as acting as aliens registration officers, and policing the liquid fuel regulations, etc.

## STRENGTH OF POLICE FORCES.

State or Territory.	Area of State in Sq. Miles.	No. of Police.				
		1939.	1943.	1944.	1945.	1946.
New South Wales ..	309,433	3,927	3,711	3,630	3,710	4,084
Victoria ..	87,884	2,333	2,263	2,209	2,131	2,198
Queensland (a) ..	670,500	1,460	1,733	1,730	1,741	1,734
South Australia (a) ..	380,070	905	866	884	922	920
Western Australia (a)	975,920	600	582	571	626	661
Tasmania (a) ..	26,215	296	312	286	317	314
Northern Territory(a)	523,620	48	43	43	46	40
Aust. Cap. Territory	939	17	18	20	22	29
<b>Total</b> ..	<b>2,974,581</b>	<b>9,566</b>	<b>9,528</b>	<b>9,373</b>	<b>9,515</b>	<b>9,980</b>

(a) 30th June of year following.

The figures for New South Wales for 1946 exclude 16 "black trackers" and 5 "cadet trackers" (i.e., natives employed in detection of offenders chiefly in outlying districts) and 4 matrons, while the Victorian returns exclude 1 matron and 1 black tracker. For Queensland the figures exclude 35 black trackers, for South Australia 3 wardresses and 5 black trackers, for Western Australia 31 black trackers and 5 female searchers, and for the Northern Territory 34 black trackers. Women police are employed in all the States, the respective numbers for 1946 included in the table above being:—New South Wales 25, Victoria 15, Queensland 8, South Australia 19, Western Australia 9, and Tasmania 4. Their work is mainly preventive, and the importance and usefulness of their duties have been referred to in very high terms by the Chief Officers of Police. In his Report for 1946 the Commissioner of Police in New South Wales refers to the valuable work performed by the women police in connexion with vice and crime, particularly in relation to females and neglected children. They also carry out escort duties in respect of female prisoners. The experience in other States has been of a similar nature.

(ii) *Proportion to Population.* The average number of persons in the various States to each police officer during 1939 and the years 1943 to 1946 is shown in the following table. In considering these figures allowance must, of course, be made for the unequal area and unequal distribution of the population of the various States.

## POLICE FORCES IN RELATION TO POPULATION.

State or Territory.	Number of Persons per Sq. Mile, 1947 Census.	Persons to each Police Officer.				
		1939.	1943.	1944.	1945.	1946.
New South Wales ..	9.65	708	774	799	791	725
Victoria ..	23.39	807	876	905	946	928
Queensland (a) ..	1.65	704	613	623	626	638
South Australia (a) ..	1.70	662	715	710	689	702
Western Australia (a)	0.52	789	828	854	787	761
Tasmania (a) ..	9.81	812	787	869	795	819
Northern Territory (a)	0.02	167	243	244	229	272
Aust. Cap. Territory ..	18.00	767	766	730	701	565
<b>Total</b> ..	<b>2.55</b>	<b>733</b>	<b>765</b>	<b>786</b>	<b>782</b>	<b>756</b>

(a) 30th June of year following.

4. **Prison Accommodation and Prisoners, 1945 and 1946.**—The table below shows the number of prisons in each State, the accommodation therein, and the number of prisoners in confinement at the end of 1945 and 1946:—

**-PRISON ACCOMMODATION AND PRISONERS.**

State or Territory.	Number of Prisons.		Accommodation in—				Prisoners at End of Year.	
	1945.	1946.	Separate Cells.		Wards.		1945.	1946.
			1945.	1946.	1945.	1946.		
New South Wales(a) ..	14	16	2,012	2,214	..	..	1,684	1,768
Victoria ..	8	8	1,200	1,200	256	256	966	952
Queensland ..	10	9	596	612	182	170	493	356
South Australia ..	15	15	673	672	174	173	213	250
Western Australia(a) ..	21	21	431	431	182	182	279	290
Tasmania(a) ..	1	1	142	142	4	4	96	120
Northern Territory ..	2	2	11	12	5	19	4	19
<b>Total</b> ..	<b>71</b>	<b>72</b>	<b>5,065</b>	<b>5,283</b>	<b>803</b>	<b>804</b>	<b>3,735</b>	<b>3,755</b>

(a) Year ended 30th June following.

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

5. **Prisoners in Gaol, 1939, 1943 to 1946.**—The number of prisoners in gaol at 31st December in each of the years 1939 and 1943 to 1946 and the proportion per 10,000 of the population are given in the following table. The figures refer to prisoners under sentence and exclude aborigines.

**PRISONERS IN GAOL.**

State or Territory.	1939.	1943.	1944.	1945.	1946.—
<b>NUMBER.</b>					
New South Wales (a) ..	1,357	1,739	1,856	1,684	1,768
Victoria ..	1,144	1,089	1,101	966	952
Queensland ..	261	318	473	493	356
South Australia ..	199	232	224	213	250
Western Australia (a) ..	244	259	294	279	290
Tasmania (a) ..	108	80	87	96	120
Northern Territory ..	23	(a) 45	22	4	19
<b>Total</b> ..	<b>3,336</b>	<b>3,762</b>	<b>4,057</b>	<b>3,735</b>	<b>3,755</b>
<b>PER 10,000 OF THE POPULATION.</b>					
New South Wales (a) ..	4.9	6.0	6.4	5.7	5.9
Victoria ..	6.1	5.5	5.5	4.8	4.7
Queensland ..	2.6	3.0	4.4	4.5	3.2
South Australia ..	3.3	3.8	3.6	3.4	3.9
Western Australia (a) ..	5.2	5.4	6.0	5.7	5.8
Tasmania (a) ..	4.5	3.3	3.5	3.8	4.7
<b>Total</b> ..	<b>4.8</b>	<b>5.2</b>	<b>5.5</b>	<b>5.0</b>	<b>5.0</b>

(a) 30th June of year following.

After remaining stationary at 6.5 per 10,000 for the four years ended 1932 the proportion of prisoners in gaol to the total population declined each year to 4.5 in 1937. It fluctuated slightly during the next four years but remained under 5.0. The proportion was 4.9 in 1942 and rose slightly above this rate to 5.5 in 1944 and fell to 5.0 in 1945 and 1946. This figure compares most favourably with that obtaining in 1891, when the proportion was as high as 16 per 10,000. Rates for the Northern Territory have not been included on account of the prevailing abnormal conditions.

6. Improvement in Prison Methods.—In previous issues of the Official Year Book a fairly detailed account is given of the improvements effected in each State during recent years in regard to methods of prison management (see Official Year Book No. 22, pp. 471-4), but this information is not repeated in the present volume.

### § 5. Cost of Administration of Justice.

1. Expenditure by the States.—The table below shows the expenditure from Consolidated Revenue during 1938-39 and 1944-45 and 1945-46 in connexion with the administration of justice in each of the States.

It is difficult to obtain comparable figures of the total costs of the various services under this heading, therefore net costs have been substituted for gross expenditure. It will be noted that in South Australia and Western Australia the receipts for legal fees and registrations exceed the actual expenditure under "Justice".

#### NET EXPENDITURE ON JUSTICE.

State.	Net Expenditure.			Per Head of Population.		
	Justice.	Police.	Prisons.	Justice.	Police.	Prisons.
	£	£	£	s. d.	s. d.	s. d.
1938-39.						
New South Wales ..	178,941	1,445,819	199,625	1 4	10 7	1 6
Victoria ..	104,903	796,626	103,202	1 1	8 6	1 1
Queensland..	66,095	580,581	35,144	1 4	11 6	0 8
South Australia ..	-27,876	306,387	36,171	-0 11	10 4	1 3
Western Australia ..	-28,962	251,311	28,166	-1 3	10 9	1 3
Tasmania ..	22,780	118,478	15,071	1 11	10 0	1 3
Total ..	315,881	3,499,202	417,679	0 11	10 1	1 2
1944-45.						
New South Wales ..	226,852	1,536,644	268,603	1 7	10 7	1 10
Victoria ..	131,117	988,317	123,633	1 4	9 11	1 3
Queensland..	60,491	841,618	58,515	1 2	15 9	1 1
South Australia ..	-24,602	355,556	37,525	-0 9	11 5	1 2
Western Australia ..	-1,285	264,795	40,772	-0 1	10 11	1 8
Tasmania ..	26,618	134,012	18,567	2 2	10 10	1 6
Total ..	419,191	4,120,942	547,615	1 2	11 3	1 6
1945-46.						
New South Wales ..	238,016	1,655,187	275,254	1 7	11 3	1 11
Victoria ..	126,474	1,025,804	133,632	1 3	10 2	1 4
Queensland..	75,501	881,549	40,175	1 5	16 3	0 9
South Australia ..	-39,679	383,447	38,152	-1 3	12 2	1 3
Western Australia ..	-10,432	275,543	46,208	-0 5	11 3	1 11
Tasmania ..	26,424	147,007	23,302	2 1	11 9	1 10
Total ..	416,304	4,368,537	556,723	1 1	11 10	1 6

2. Commonwealth Expenditure.—The expenditure shown in the previous table is that incurred by the State Governments only, and does not include expenditure of the Commonwealth Attorney-General's Department, which is given hereunder for the years 1938-39 and 1941-42 to 1945-46 :—

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

Year.					Gross Expenditure.	Receipts.	Net Expenditure.
					£	£	£
1938-39	..	..	..	..	281,497	111,036	170,461
1941-42	..	..	..	..	319,171	90,820	228,351
1942-43	..	..	..	..	351,452	103,919	247,533
1943-44	..	..	..	..	386,749	117,128	269,621
1944-45	..	..	..	..	433,646	140,198	293,448
1945-46	..	..	..	..	472,604	135,239	337,365

The totals for each year include expenditure in connexion with patents and copyright which amounted in 1945-46 to £67,897. The Commonwealth took over jurisdiction in bankruptcy in August, 1928, and the expenditure thereon in 1945-46 amounted to £39,679, including the salary of the Commonwealth Judge, £2,500. Expenditure in connexion with the Australian Capital Territory police amounted in 1945-46 to £13,279, and £6,413 was expended on miscellaneous items including the Law Court, Titles Office and Industrial Board. Revenue of the Attorney-General's Department amounted for the year 1945-46 to £135,239, comprising £95,122 for patents, copyright, trademarks and designs, £14,526 for bankruptcy and £25,591 miscellaneous, including fees and fines.

In addition to the foregoing a sum of £32,650 was expended in the Northern Territory during 1944-45 and £38,440 in 1945-46 by the Department of the Interior on the administration of justice, including the costs of the police force and prisons.