

This page was added on 03 December 2012 to included the Disclaimer below.
No other amendments were made to this Product

DISCLAIMER

Users are warned that this historic issue of this publication series may contain language or views which, reflecting the authors' attitudes or that of the period in which the item was written, may be considered to be inappropriate or offensive today.

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

(ii) *Victoria.* The civil jurisdiction of magistrates is restricted to what may be designated ordinary debts, damages for assault, restitution of goods, etc., where the amount in dispute does not exceed £50, and to actions arising out of torts or contracts. No definite limit is fixed to the powers of the magistrates on the criminal side, and for some offences sentences up to two years may be imposed. The proportion of long sentences is, however, comparatively small.

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

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

Magistrates have no power to deal with habitual offenders, but there are such powers vested in the Supreme Court.

(iv) *South Australia.* In South Australia the power of special magistrates to impose fine and imprisonment is defined by the special act creating the offence and conferring jurisdiction. In the case of minor indictable offences, triable summarily, a maximum penalty of £100 fine or 2 years' imprisonment is fixed by the Justices Act 1921-1947. Magistrates also have power to hear certain civil actions in which the amount claimed is less than £750.

(v) *Western Australia.* The powers of magistrates and justices in regard to offences triable summarily are governed by the act creating the offence and giving them jurisdiction. Imprisonment in default of payment of a fine is regulated by a scale limiting the period according to the amount of the fine but not to exceed six months.

The civil jurisdiction of magistrates and courts is restricted in general to £250, but disputed actions, the subject matter of which exceeds £100, must be tried by a judge. *By consent of the parties, any action that might be brought in the Supreme Court may be dealt with in a Local Court.* Justices may act in the case of illness or absence of the magistrate.

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

Magistrates have appellate jurisdiction under some statutes and in country districts act as Chairmen of the Courts of Session. They may be appointed as Commissioners of the Supreme Court.

On the goldfields, the magistrate is also the warden.

(vi) *Tasmania.* Magistrates may hear and determine in Courts of Petty Sessions all offences other than those punishable on indictment. Stealing and analogous crimes where the property involved does not exceed £10 in value may be dealt with by magistrates unless the defendant objects.

No general limit is fixed in respect of sentences, the statute creating the offence almost invariably laying down the penalty. Where this is not the case, the Contravention of Statutes Act 1889 provides that a fine of £50 may be imposed. Generally speaking, sentences which justices can inflict are limited to six months, although in several cases sentences of up to two years may be imposed. The aggregate term of cumulative sentences cannot exceed two years.

The civil jurisdiction of magistrates is divided into two categories. A Commissioner of the Court of Requests, who must be a legal practitioner, and is invariably a police magistrate, may hear actions for the recovery of debts and damages not exceeding £100. The jurisdiction of these courts may be increased by proclamation to £250, and this has been done in five instances. Courts of General Sessions, constituted by at least two justices, exercise similar powers, but the jurisdiction cannot exceed £50. Only one court has the maximum jurisdiction, the others being limited to £30.

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 1945 to 1949:—

CASES TRIED AT MAGISTRATES' COURTS.

State or Territory.	1939.	1945.	1946.	1947.	1948.	1949.
New South Wales ..	144,848	141,079	173,311	180,835	198,456	205,817
Victoria ..	82,858	60,744	64,487	73,990	76,516	80,511
Queensland(a) ..	32,501	27,838	33,096	34,664	36,149	40,503
South Australia ..	22,776	(a)22,837	(a)27,067	(a)27,005	(a)25,376	(a)28,349
Western Australia ..	24,111	19,716	24,831	22,893	26,257	27,373
Tasmania ..	9,498	6,422	9,390	9,024	9,060	11,713
Northern Territory(a)	1,494	349	786	1,102	1,598	1,199
Aust. Cap. Territory..	284	354	633	893	777	1,018
Total ..	318,370	279,339	333,601	350,406	374,189	396,483

(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 1949 is given in the following table :—

CONVICTIONS AT MAGISTRATES' COURTS, 1949.

Class of Offence.	N.S.W.	Vic.	Qld.(a)	S.A.(a)	W.A.	Tas.	N.T.(a)	A.C.T.	Aust.
Against the Person ..	2,551	860	382	233	337	212	80	42	4,697
Against Property ..	10,327	3,810	2,099	1,254	1,980	717	29	103	20,319
Forgery and Offences against the Currency..	105	5	..	1	3	11	3	..	128
Against Good Order ..	100,484	24,503	26,901	7,231	7,081	1,660	804	712	169,376
Other Miscellaneous ..	76,488	43,238	9,309	16,777	15,987	7,606	211	60	169,676
Total	189,955	72,416	38,691	25,496	25,388	10,206	1,127	917	364,196

(a) Year ended 30th June following.

The following table shows the number of convictions in 1939 and in each year from 1945 to 1949 :—

CONVICTIONS AT MAGISTRATES' COURTS.

State or Territory.	1939.	1945.	1946.	1947.	1948.	1949.
New South Wales ..	126,353	125,982	157,108	165,472	183,367	189,955
Victoria ..	72,186	53,101	56,628	66,086	68,243	72,416
Queensland(a) ..	28,920	25,417	30,623	31,315	33,469	38,691
South Australia ..	20,429	(a)20,585	(a)24,491	(a)24,164	(a)22,834	(a)25,496
Western Australia ..	22,539	18,263	23,042	21,095	24,360	25,388
Tasmania ..	8,722	5,048	7,529	7,312	7,701	10,206
Northern Territory(a)	1,394	244	738	1,058	1,516	1,127
Aust. Cap. Territory..	260	308	440	729	714	917
Total	280,803	248,948	300,599	317,231	342,204	364,196

(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 and 1945 to 1949.* The following table shows the number and rates of convictions for serious crime at magistrates' courts for the years 1939 and 1945 to 1949:—

CONVICTIONS FOR SERIOUS CRIME AT MAGISTRATES' COURTS.

State or Territory.	1939.	1945.	1946.	1947.	1948.	1949.
NUMBER.						
New South Wales ..	12,724	15,768	14,870	14,626	13,308	12,983
Victoria ..	5,727	5,211	5,196	5,028	4,964	4,675
Queensland(a) ..	2,402	3,090	2,473	2,241	2,434	2,481
South Australia ..	1,224	(a) 1,435	(a) 1,571	(a) 1,579	(a) 1,440	(a) 1,488
Western Australia ..	2,614	2,401	2,767	2,441	2,578	2,320
Tasmania ..	959	707	982	937	805	940
Northern Territory(a)	44	23	87	99	194	112
Aust. Cap. Territory..	59	115	69	139	129	145
Total ..	25,753	28,750	28,015	27,090	25,852	25,144
PER 10,000 OF POPULATION.						
New South Wales ..	46.26	54.04	50.48	49.00	43.92	41.69
Victoria ..	30.48	25.96	25.65	24.49	23.75	21.86
Queensland(a) ..	23.52	28.51	22.54	20.14	21.45	21.33
South Australia ..	20.50	(a) 22.74	(a) 24.53	(a) 24.22	(a) 21.65	(a) 21.66
Western Australia ..	55.63	49.23	50.13	48.52	50.07	43.52
Tasmania ..	40.15	28.44	38.94	36.35	30.42	34.48
Northern Territory(a)	60.58	21.84	81.53	87.53	151.08	78.61
Aust. Cap. Territory..	47.18	76.61	43.44	81.62	67.20	68.43
Total ..	36.91	38.84	37.45	35.68	33.44	31.66

(a) Year ended 30th June following.

(iii) *Rate of Convictions, 1881 to 1949.* 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. By 1941 the rate had 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. Since 1943 it has declined steadily to the rate of 31.7 for 1949. The rate of convictions over a series of years is shown below; only the more serious offences particularized on the preceding page have been taken into consideration.

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

Year	1881.	1891.	1901.	1911.	1921.	1931.	1941.	1949.
Convictions per 10,000 persons	69.3	44.8	29.1	24.6	29.2	37.1	33.6	31.7

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 year 1949 is shown in the following table.

COMMITTALS TO SUPERIOR COURTS, 1949.

Class of Offence.	N.S.W.	Vic.	Qld.(a)	S.A.(a)	W.A.	Tas.	N.T.(a)	A.C.T.	Aust.
Against the Person ..	828	316	193	139	62	39	7	6	1,590
Against Property ..	2,782	1,265	210	195	111	89	4	16	4,672
Forgery and Offences against the Currency ..	41	100	2	17	4	2	1	..	167
Against Good Order ..	35	3	2	31	1	3	..	1	76
Other Miscellaneous ..	90	67	7	11	8	4	..	1	188
Total	3,776	1,751	414	393	186	137	12	24	6,693

(a) Year ended 30th June following.

The following table shows the number of committals in 1939 and in each year from 1945 to 1949, with the rate of such committals per 10,000 of population :—

COMMITTALS TO SUPERIOR COURTS.

State or Territory.	1939.	1945.	1946.	1947.	1948.	1949.
NUMBER.						
New South Wales ..	2,288	3,061	3,566	3,148	3,113	3,776
Victoria	1,777	1,595	1,532	1,783	1,996	1,751
Queensland(a)	359	369	400	433	330	414
South Australia	259	(a) 352	(a) 344	(a) 405	(a) 326	(a) 393
Western Australia ..	129	193	150	172	160	186
Tasmania	82	113	118	100	72	137
Northern Territory(a)	12	9	6	11	23	12
Australian Capital Territory	18	6	7	22	9	24
Total	4,924	5,698	6,123	6,074	6,029	6,693

PER 10,000 OF POPULATION.

New South Wales	8.3	10.5	12.1	10.6	10.3	12.1
Victoria	9.5	8.0	7.6	8.7	9.6	8.2
Queensland(a)	3.5	3.4	3.7	3.9	2.9	3.6
South Australia	4.3	(a) 5.6	(a) 5.4	(a) 6.2	(a) 4.9	(a) 5.7
Western Australia	2.8	4.0	3.0	3.4	3.1	3.5
Tasmania	3.4	4.6	4.7	3.9	2.7	5.0
Northern Territory(a)	16.5	8.5	5.6	9.7	17.9	8.4
Australian Capital Territory	14.4	4.0	4.4	12.9	4.7	11.3
Total	7.1	7.7	8.2	8.0	7.8	8.4

(a) Year ended 30th June following.

(ii) *Rate of Committals, 1881 to 1949.* 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.	1949.
Committals per 10,000 persons	12	11	8	6	7	8	5	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 the years 1946 to 1949 are given in the following table :—

DRUNKENNESS : CASES AND CONVICTIONS.

State or Territory.	1939.		1946.		1947.		1948.		1949.	
	Cases.	Convictions.	Cases.	Convictions.	Cases.	Convictions.	Cases.	Convictions.	Cases.	Convictions.
New South Wales	32,472	32,405	62,211	62,120	67,524	67,324	82,900	82,625	78,401	78,206
Victoria ..	11,609	11,421	11,704	11,601	14,952	14,850	16,600	16,416	17,972	17,799
Queensland (a) ..	11,202	11,118	16,154	16,042	17,419	17,258	21,242	21,124	24,813	24,767
South Australia ..	2,607	2,597	a 4,311	a 4,296	a 4,932	a 4,908	a 5,482	a 5,458	a 5,393	a 5,360
Western Australia	2,681	2,658	4,094	4,052	4,292	4,250	4,437	4,367	5,424	5,383
Tasmania ..	411	407	464	450	445	436	519	501	724	705
Northern Terr. (a)	686	677	119	113	351	348	804	798	680	674
Aust. Cap. Terr.	114	114	139	136	279	279	427	414	437	435
Total ..	61,782	61,397	99,196	98,810	110,194	109,653	132,411	131,703	133,844	133,329

(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 population during 1939 and each of the years from 1945 to 1949 are shown in the following table :—

CONVICTIONS FOR DRUNKENNESS PER 10,000 OF POPULATION.

State or Territory.	1939.	1945.	1946.	1947.	1948.	1949.
New South Wales ..	117.8	149.3	120.9	225.5	272.7	251.2
Victoria ..	60.8	52.0	57.3	72.3	78.5	83.2
Queensland (a) ..	108.9	107.2	146.2	155.1	186.2	212.9
South Australia ..	43.5	(a) 55.6	(a) 67.1	(a) 75.2	(a) 82.1	(a) 78.0
Western Australia ..	56.6	82.0	82.2	84.5	84.8	101.0
Tasmania ..	17.0	0.0	17.8	16.9	18.9	25.9
Australian Capital Territory	91.2	24.7	85.6	163.8	215.7	205.3
Total ..	88.0	99.4	132.1	144.4	170.4	167.9

(a) Year ended 30th June following.

In the twenties the convictions for drunkenness averaged approximately 100 per 10,000 of population, 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. The annual average for the period 1936 to 1939 was 82.7 as compared with 90.8 for the years 1940 to 1945. Following an appreciable increase in the previous year the convictions per 10,000 rose very steeply in 1946 to 132.1 and increased to 170.4 in 1948 but fell to 167.9 in 1949. Figures for the consumption of beer have followed a somewhat similar course. The average consumption of beer per head, which in the twenties was slightly over eleven gallons, fell to 7.32 gallons in 1931-32. It rose to 10.34 in 1936-37, averaged 11.75 gallons for the years 1936-37 to 1939-40 and increased further to an average of 13.23 for the years 1940-41 to 1945-46. Consumption increased in 1945-46, and has continued to do so, except for a slight decline in 1947-48, to reach the 1950-51 figure of 19.73.

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 population in Australia during the years 1938-39 and 1945-46 to 1950-51 :—

CONSUMPTION OF INTOXICANTS IN AUSTRALIA PER HEAD OF POPULATION.

Year.			Spirits.	Wine.	Beer.
			Proof Gals.	Gals.	Gals.
1938-39	..	..	0.22	0.65	12.13
1945-46	..	..	0.32	0.96	13.45
1946-47	..	..	0.29	1.09	15.90
1947-48	..	..	0.31	1.37	15.47
1948-49	..	..	0.33	1.38	17.87
1949-50	..	..	0.32	1.50	18.23
1950-51	..	..	0.38	1.55	19.73

(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 table shows for each State and Territory during 1949, and in Australia as a whole in that and the previous year, the number of convictions at Superior Courts for each of the principal offences.

CONVICTIONS AT SUPERIOR COURTS, 1949.

Offence.	N.S.W. (a)	Vic.	Qld. (a)	S.A.	W.A.	Tas.	N.T. (a)	A.C.T.	Australia.	
									1949.	1948.
I. OFFENCES AGAINST THE PERSON.										
Murder ..	5	..	5	..	..	..	3	..	13	23
Attempted Murder ..	4	..	3	..	..	..	3	..	10	7
Manslaughter ..	12	3	2	7	7	4	2	..	37	29
Rape ..	..	..	4	..	3	2	1	..	10	13
Other Offences against Females ..										
Unnatural Offences ..	92	63	39	39	12	12	5	5	267	240
Abortion and Attempts to Procure Bigamy ..	95	24	14	16	3	5	1	1	159	189
Suicide, Attempted ..	2	..	..	3	..	..	..	..	5	9
Assault, Aggravated ..	46	10	8	2	3	1	..	..	70	112
Assault, Common ..	64	18	22	7	1	4	..	..	5	4
Other Offences against the Person ..	24	7	7	13	6	2	4	4	116	118
Total ..	3	7	11	3	1	..	..	..	25	41
Total ..	347	132	115	90	36	31	25	10	786	864
II. OFFENCES AGAINST PROPERTY.										
Burglary and House-breaking ..	574	285	123	29	32	22	3	5	1,073	1,072
Robbery and Stealing from the Person ..	55	29	4	6	8	35	1	..	138	104
Horse-stealing ..	6	2	1	..	..	..	1	..	12	1
Cattle-stealing ..			..	..	..	..	..	..		7
Sheep-stealing ..			..	..	..	2	..	..		..
Embezzlement and Stealing by Servants ..	35	7	4	13	2	..	..	..	61	43
Larceny, Other ..	152	104	30	19	19	..	6	..	330	375
Unlawfully using Horses, Cattle and Vehicles ..	15	1	..	8	2	..	..	..	18	14
Receiving ..	43	31	8	8	..	6	..	..	96	93
Fraud and False Pretences ..	73	22	16	10	2	6	1	..	130	99
Arson ..	5	4	1	2	..	..	..	..	10	9
Malevolent Damage ..	7	5	1	..	..	..	2	..	17	14
Other Offences against Property ..	6	4	..	1	..	..	..	..	11	31
Total ..	971	494	188	88	67	69	14	5	1,896	1,862
III. FORGERY AND OFFENCES AGAINST THE CURRENCY.										
Forgery and Uttering Forged Instruments ..	6	17	2	18	2	2	..	..	47	40
Offences in relation to the Currency ..	2	..	1	..	..	..	..	..	3	6
Total ..	8	17	3	18	2	2	..	..	50	46
IV. OFFENCES AGAINST GOOD ORDER.										
..	13	1	7	..	1	..	..	..	22	26
V. OTHER MISCELLANEOUS.										
Conspiracy ..	3	3	..	3	3	2	..	..	14	15
Perjury and Subornation ..	3	6	..	..	1	..	..	..	10	19
Other Offences ..	7	16	..	6	..	5	..	8	42	36
Total ..	13	25	..	9	4	7	..	8	66	70
Grand Total ..	1,352	669	313	205	110	109	39	23	2,820	2,868

(a) Year ended 30th June, 1950.

2. Convictions at Superior Courts, Years 1939 and 1945 to 1949.—The number of convictions at superior courts and the rate per 10,000 of population are given below for each of the years 1939 and 1945 to 1949 :—

CONVICTIONS AT SUPERIOR COURTS.

State or Territory.	1939.	1945.	1946.	1947.	1948.	1949.
NUMBER.						
New South Wales(a) ..	982	1,178	1,396	1,297	1,369	1,352
Victoria ..	690	692	712	785	806	669
Queensland(a) ..	214	229	261	270	250	313
South Australia ..	179	203	231	246	185	205
Western Australia ..	71	99	94	102	107	110
Tasmania ..	39	73	73	64	58	109
Northern Territory(a) ..	11	20	50	48	86	39
Australian Capital Territory	14	4	7	15	7	23
Total ..	2,200	2,498	2,824	2,827	2,868	2,820
PER 10,000 OF POPULATION.						
New South Wales(a) ..	3.6	4.0	4.7	4.3	4.5	4.3
Victoria ..	3.7	3.5	3.5	3.8	3.9	3.1
Queensland(a) ..	2.1	2.1	2.4	2.4	2.2	2.7
South Australia ..	3.0	3.2	3.6	3.8	2.8	3.0
Western Australia ..	1.5	2.0	1.9	2.0	2.1	2.1
Tasmania ..	1.6	2.9	2.9	2.5	2.2	4.0
Northern Territory(a) ..	15.2	19.0	46.9	42.4	66.9	27.4
Australian Capital Territory	11.2	2.7	4.4	8.8	3.6	10.9
Total ..	3.2	3.4	3.8	3.7	3.7	3.5

(a) Year ended 30th June following.

The rate of convictions per 10,000 of mean 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 subsequently rose as high as 3.8 (1946), but had fallen to 3.5 by 1949. 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.—An account of the methods adopted in each State in connexion with habitual offenders is given in the following paragraphs.

(i) *New South Wales.* The Habitual Criminals Act of 1905 gives power to judges to declare as habitual criminals persons who have a certain scheduled number of previous convictions. Action may be taken either on the initiative of the judge in indictable matters, or on the recommendation of a stipendiary magistrate, when the matter becomes a special hearing before a judge. The result of the declaration is that the offender is kept for an indefinite period after the completion of his sentence, and is released only when he is considered to be fit to be at large. During the indeterminate stage of his sentence the conditions of detention are governed by regulations under the Act which are somewhat less restrictive than those under the Prisons Act 1899.

At 31st December, 1951 there were 47 prisoners detained in pursuance of the legislation.

(ii) *Victoria*. The Indeterminate Sentences Act came into force in Victoria in July, 1908, and up to the end of June, 1950, 5,964 individual prisoners had been detained under its provisions. Of the 5,195 who were released on parole or probation, 2,146 were reconvicted or returned, 2,750 had completed probation or not offended again, so far as is known, and 270 were reporting on parole or probation. The report of the Indeterminate Sentences Board indicates that the successful results from all inmates approximates 59 per cent., while the results from the younger delinquents (up to 25 years of age) is over 62 per cent. The Indeterminate Sentences system was brought into operation with the object of more comprehensive control of prisoners, particularly after parole and probation, with the twofold object of the reform of the inmate and protection of society.

Committals to reformatory prison are generally by Supreme Court Judges or Chairmen of General Sessions pursuant to the provisions of Sections 514 and 515 of the Crimes Act and by Special Magistrates of Children's Courts pursuant to the provisions of Section 28 of the Children's Court Act. This latter provision is limited to children between the ages of fifteen and seventeen.

(iii) *Queensland*. Sections 659A to 659I of the Queensland Criminal Code deal with habitual criminals. Only the Supreme Court or a judge thereof may declare a person to be an habitual criminal. An habitual criminal is to be detained in a reformatory prison (Section 659D) and there employed (Section 659F).

Where the Supreme Court or a judge recommends the discharge of an habitual criminal, the Governor may direct his discharge and may order him so long as he remains in Queensland to report at intervals during any period not exceeding two years (Section 659G).

(iv) *South Australia*. The Criminal Law Consolidation Act 1935-1940 provides that persons convicted of a certain number of indictable offences shall be detained, upon further conviction, during the Governor's pleasure. Proof of previous conviction is always relevant to the question of penalty.

(v) *Western Australia*. Under the Criminal Code Amendment Act of 1918, power is given to sentence prisoners to be detained in a reformatory prison during the Governor's pleasure, where such prisoner is deemed to be an habitual criminal, or in other special circumstances where the Court considers such a sentence is fit.

The number under preventative detention on 30th June, 1951, was 20, and the total number dealt with since the passing of the Act was 128.

(vi) *Tasmania*. Since the Indeterminate Sentences Act came into operation in 1922, 55 persons have been confined under its provisions; at present four are in custody, two being re-committals.

Of the 51 released on probation, 13 have been re-committed, two of them on three occasions.

4. **Capital Punishment.**—There were seven executions in Australia during the period 1939 to 1949. One took place in New South Wales (in 1939), three in Victoria (two in 1939 and one in 1942), two in South Australia (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 complaints entered and the amounts awarded to plaintiffs during the years 1948 and 1949 are shown 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.		1948.	1949.	State or Territory.		1948.	1949.
N.S.W.—				Tas.—			
Cases ..	No.	26,579	31,362	Cases ..	No.	8,495	10,214
Amount	£	146,525	163,810	Amount	£	34,296	44,217
Victoria—				Nor. Terr.(a)—			
Cases ..	No.	31,914	39,490	Cases ..	No.	254	319
Amount	£	261,229	338,606	Amount	£	5,308	(b)
Q'land(a)—				A.C.T.—			
Cases ..	No.	3,878	4,361	Cases ..	No.	302	172
Amount	£	96,316	99,882	Amount	£	1,513	1,991
S. Aust.—							
Cases ..	No.	12,562	13,894				
Amount	£	103,700	114,860				
W. Aust.—				Total—			
Cases ..	No.	15,623	15,245	Cases ..	No.	102,607	115,057
Amount	£	138,678	103,768	Amount	£	787,565	(b)

(a) Year ended 30th June following. (b) Not available.

2. Superior Courts.—The following table shows the transactions on the civil side in the Superior Courts during the years 1948 and 1949. 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 causes actually tried during the year.

The New South Wales returns refer to judgments in the District Courts only, and exclude 1,393 judgments in 1948 and 1,548 judgments in 1949 signed in the Supreme Court, for which the amounts entered are not available.

CIVIL CAUSES AT SUPERIOR COURTS.

State.		1948.	1949.	State or Territory.		1948.	1949.
N.S.W.—				Tas.—			
Causes	No.	4,016	4,784	Causes	No.	384	445
Amount	£	(b)	(b)	Amount	£	38,021	61,969
Victoria—				Nor. Terr. (a)			
Causes	No.	3,202	3,308	Cases	No.	24	14
Amount	£	325,137	387,192	Amount	£	4,572	7,641
Q'land(c)—				A.C.T.—			
Causes	No.	827	1,066	Causes	No.	4	7
Amount	£	101,209	104,091	Amount	£	888	1,364
S. Aust.—							
Causes	No.	653	772				
Amount	£	30,195	54,972				
W. Aust.(a)—				Total—			
Causes	No.	139	131	Causes	No.	9,149	10,527
Amount	£	65,593	51,667	Amount	£	(b)	(b)

(a) Judgments signed and entered. (b) Not available. (c) Year ended 30th June following.

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 separation filed in each State during 1950, and the number of divorce and nullity of marriage decrees made absolute and judicial separations granted during the year :—

PETITIONS FOR DIVORCE, ETC., AND DIVORCES, ETC. GRANTED, 1950.

State or Territory.	Petitions for Divorce, Nullity of Marriage and Judicial Separation.			Decrees for Divorce and Nullity made absolute.	Judicial Separations Granted.
	By Husband.	By Wife.	Total.		
New South Wales	1,718	2,221	3,939	3,450	6
Victoria	861	1,017	1,878	1,602	2
Queensland	365	430	795	791	1
South Australia	310	473	783	664	2
Western Australia	328	378	706	724	..
Tasmania	137	146	283	152	..
Northern Territory	6	9	15	6	..
Australian Capital Territory	16	14	30	25	..
Total 1950	3,741	4,688	8,429	7,414	11
1949	3,911	4,524	8,435	6,622	8

(ii) *Number of Divorces, etc., granted, Years 1939 and 1946 to 1950.* The number of divorces and judicial separations in each State and Territory for the year 1939 and the years 1946 to 1950 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.		1946.		1947.		1948.		1949.		1950.	
	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.
N.S.W. ..	1,545	8	2,792	6	3,821	5	3,300	8	2,655	5	3,450	6
Victoria ..	801	4	1,648	1	2,291	2	1,679	2	1,778	2	1,602	2
Queensland ..	a 224	..	1,161	..	933	..	724	..	731	..	791	1
S. Australia ..	243	..	659	1	701	2	632	2	592	1	664	2
W. Australia ..	244	..	731	..	814	..	702	..	569	..	724	..
Tasmania ..	80	..	219	..	210	..	185	..	266	..	152	..
Nor. Territory ..	(a) 2	..	4	..	7	..	3	..	12	..	6	..
Aus. Cap. Ter.	6	1	12	1	25	..	18	..	19	..	25	..
Total ..	3,145	13	7,226	12	8,802	13	7,243	12	6,622	8	7,414	11

(a) Year ended 30th June following.

(iii) *Average Annual Number of Divorces granted, Years 1871 to 1950.* The average annual number of divorces and judicial separations in Australia for decennial periods from 1871 to 1950 were as follows :—

DIVORCES AND JUDICIAL SEPARATIONS : AUSTRALIA.

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

(iv) *Grounds of Decree on which Divorce, etc., granted, Years 1949 and 1950.* The grounds on which divorces, including nullity of marriage, were made absolute and judicial separations granted during 1949 and 1950 in each State and Territory are shown in the following tables :—

DIVORCES AND JUDICIAL SEPARATIONS : GROUNDS ON WHICH GRANTED.

Grounds on which Decrees were Granted.	N.S.W.		Vic.		Qld.		S.A.		W.A.		Tas.		N.T.		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.

1949.

Adultery ..	582	2	424	1	181	..	252	..	221	..	50	..	7	..	3	..	1,720	3
Adultery and Desertion ..	..	..	38	1	3	1	..	..	3	..	..	..	..	..	..	..	44	2
Bigamy ..	11	..	..	..	1	..	..	..	2	..	..	..	..	..	..	..	15	..
Cruelty ..	49	..	..	..	..	..	52	..	1	..	4	..	..	..	..	..	106	..
Cruelty and Drunkenness ..	39	..	12	..	..	..	..	..	3	..	..	..	..	..	1	..	55	..
Drunkenness ..	24	..	10	..	..	..	7	..	..	..	2	..	..	..	..	..	43	..
Desertion ..	1,930	3	1,254	..	534	..	262	..	214	..	209	..	5	..	15	..	4,423	3
Imprisonment for Crime ..	6	..	5	..	..	..	1	..	..	..	..	..	..	..	..	..	12	..
Insanity ..	..	..	13	..	6	..	7	..	1	..	..	..	..	..	..	..	27	..
Maintenance for Separation for over 5 years ..	..	..	..	..	..	..	2	..	11	..	..	..	..	..	..	..	13	..
Other ..	14	..	22	..	6	..	7	..	112	..	..	..	..	..	..	..	119	..
Total ..	2,655	5	1,778	2	731	1	592	..	569	..	266	..	12	..	19	..	6,622	8

1950.

Adultery ..	724	2	357	..	172	1	238	..	261	..	32	..	5	..	3	..	1,792	5
Adultery and Desertion ..	..	..	19	..	3	..	..	..	2	..	1	..	..	..	..	..	25	..
Bigamy ..	21	..	1	..	1	..	..	..	2	..	..	..	..	..	..	..	25	..
Cruelty ..	53	1	4	1	..	..	56	2	..	..	4	..	1	..	1	..	119	4
Cruelty and Drunkenness ..	70	..	11	..	..	..	..	..	2	..	1	..	..	..	..	..	85	..
Drunkenness ..	24	..	3	..	..	..	7	..	2	..	..	..	..	..	..	..	36	..
Desertion ..	2,536	3	1,179	1	603	..	344	..	256	..	113	..	..	..	20	..	5,051	4
Imprisonment for Crime ..	10	..	3	..	..	..	1	..	2	..	..	..	..	..	..	..	16	..
Insanity ..	..	..	13	..	4	..	4	..	7	..	1	..	..	..	..	..	29	..
Maintenance for Separation for over 5 years ..	..	..	..	..	..	..	2	..	23	..	..	..	..	..	..	..	25	..
Other ..	12	..	12	..	8	..	8	..	165	..	..	..	..	..	..	..	173	..
Total ..	3,450	6	1,602	2	791	1	664	2	724	..	152	..	6	..	25	..	7,414	11

(v) *Ages of Husband and Wife at Time of Divorce, 1950.* The following table shows, in each age group at the time when the divorce decree was made absolute, the number of husbands and wives who were divorced during 1950. In 1950 the incidence of divorce was highest in the vicinity of the group 30 to 34 years.

DIVORCES : AGES OF PARTIES AT TIME OF DIVORCE, AUSTRALIA, 1950.

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 ..	2	1	..	..	..	..	..	..	..	..	..	3
21 to 24 ..	19	100	25	4	..	..	..	..	..	..	I	149
25 to 29 ..	10	259	720	117	13	4	..	..	..	..	..	1,123
30 to 34 ..	I	62	665	686	113	14	3	2	..	..	..	1,546
35 to 39 ..	..	19	201	611	574	88	11	4	..	..	I	1,509
40 to 44 ..	..	2	51	185	466	403	62	8	3	I	I	1,182
45 to 49 ..	..	2	12	52	146	306	256	47	9	2	2	834
50 to 54 ..	..	I	3	18	38	81	180	126	27	6	..	480
55 to 59 ..	..	I	I	6	18	22	67	80	60	22	..	277
60 and over ..	..	..	I	I	5	11	29	38	60	88	..	233
Not stated ..	..	..	..	I	I	I	..	..	..	..	19	22
Total Wives	32	447	1,679	1,681	1,374	930	608	305	159	119	24	7,358

NOTE.—Excludes nullity of marriage.

(vi) *Divorces Granted—Duration of Marriage and Issue of Persons Involved.* The following table shows the number of divorce decrees made absolute in 1950, classified according to the legal duration of the marriage (i.e., the period from the date of marriage to the date when the decree nisi was made absolute) and the issue involved. Of the couples divorced in 1950, 36.6 per cent. had no children, 31.9 per cent. had one child, 18.0 per cent. had two children, 7.4 per cent. had three children and 6.1 per cent. had four or more children.

DIVORCES : DURATION OF MARRIAGE AND ISSUE OF PARTIES, AUSTRALIA, 1950.

Duration of Marriage (Years.)	Number of Children.													Total Divorces made absolute.	Total children.		
	0	1	2	3	4	5	6	7	8	9	10	Over 10	N.S.				
Under 1 year and under 2 ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	26	1
2 " " 3 ..	66	14	..	..	..	..	..	..	..	..	..	..	..	..	..	80	14
3 " " 4 ..	116	45	4	..	..	..	..	..	..	..	..	..	..	..	..	165	53
4 " " 5 ..	237	105	5	..	..	..	..	..	..	..	..	..	..	..	..	347	115
5 " " 6 ..	288	188	6	..	..	..	..	..	..	..	..	..	..	..	..	517	276
6 " " 7 ..	293	184	35	6	I	..	..	..	..	..	..	..	..	..	..	528	294
7 " " 8 ..	277	215	52	7	2	..	..	..	..	..	..	..	..	..	..	553	348
8 " " 9 ..	263	230	90	14	I	I	..	..	..	..	..	..	..	..	..	599	461
9 " " 10 ..	191	199	85	20	6	..	I	..	..	..	..	..	..	..	..	502	459
10 " " 11 ..	147	173	89	22	9	5	..	..	..	..	..	..	..	..	..	445	478
11 " " 12 ..	105	139	75	32	4	..	I	..	..	..	..	..	..	..	..	356	407
12 " " 13 ..	95	104	90	29	15	2	2	..	..	..	..	..	..	..	..	337	453
13 " " 14 ..	70	96	73	28	18	4	..	..	I	I	..	..	..	..	..	291	431
14 " " 15 ..	58	78	54	28	12	3	3	..	..	..	..	..	..	..	..	236	366
15 " " 16 ..	81	67	75	23	12	3	3	I	..	..	..	..	..	..	..	265	374
16 " " 17 ..	35	72	59	26	7	3	2	..	..	..	I	..	..	..	..	205	333
17 " " 18 ..	38	54	44	23	11	4	I	I	..	..	..	..	..	..	..	177	296
18 " " 19 ..	33	48	47	28	8	3	I	I	..	..	..	..	..	..	..	170	294
19 " " 20 ..	30	37	45	22	9	8	4	2	..	..	..	..	..	..	..	157	307
20 " " 21 ..	36	44	42	17	11	8	I	3	I	..	..	..	..	..	..	163	298
21 to 24 years ..	96	140	143	80	33	16	14	5	4	I	..	..	..	..	..	532	1,038
25 to 29 ..	61	67	102	81	41	30	11	4	5	..	..	..	..	..	..	402	962
30 to 34 ..	32	32	46	28	21	6	7	4	2	I	..	..	..	..	..	179	417
35 to 39 ..	14	10	19	15	15	7	2	3	2	I	I	I	..	..	..	90	269
40 to 44 ..	7	I	7	4	I	3	2	..	I	..	..	..	..	..	..	26	66
45 years and over ..	2	I	I	2	..	I	I	..	..	..	..	..	..	..	..	9	27
Not stated ..	..	..	..	I	..	..	..	..	..	..	..	..	..	..	..	I	3
Total Divorces..	2,696	2,344	1,326	542	237	107	56	25	18	4	2	I	..	..	..	7,358	..
Total Children..	..	2,344	2,652	1,626	948	535	336	175	144	36	20	13	..	..	..	..	8,829

NOTE.—Excludes nullity of marriage.

(vii) *Number of Divorced Persons at Censuses 1891 to 1947.* The following table shows the number and proportions of divorced males and females in Australia at each Census from 1891 to 1947 according to their ages. Prior to 1911 no record was made of divorced persons in South Australia, so comparisons cannot be made to extend beyond that date.

DIVORCED PERSONS AT CENSUS DATES : AGE DISTRIBUTION, AUSTRALIA.

Age last Birthday.	Number.						Proportion per 10,000 of the Sex.					
	1891. (a)	1901. (a)	1911.	1921.	1933.	1947.	1891. (a)	1901. (a)	1911.	1921.	1933.	1947.
MALES.												
Years—												
15-19 ..	..	..	2	11	..	3	..	..	..	..	..	..
20-24 ..	10	21	27	55	73	258	..	1	1	2	3	8
25-29 ..	37	77	137	321	501	1,957	2	5	7	14	18	66
30-34 ..	60	167	286	580	1,100	3,449	4	11	17	26	44	116
35-39 ..	68	262	321	661	1,575	3,900	7	17	21	34	69	137
40-44 ..	41	233	361	592	1,777	3,694	5	19	25	35	77	143
45-49 ..	34	154	407	533	1,614	3,309	5	17	30	37	77	140
50-54 ..	27	131	338	498	1,250	2,755	4	19	31	37	73	133
55-59 ..	28	76	204	425	877	2,327	6	14	28	36	66	117
60-64 ..	16	55	134	281	611	1,572	4	12	26	31	53	99
65-69 ..	5	33	76	155	477	941	2	9	19	28	51	81
70-74 ..	5	14	43	86	270	523	3	5	14	26	41	68
75-79 ..	1	7	12	27	122	233	1	5	6	14	34	46
80-84 ..	..	3	14	7	35	98	..	5	16	7	25	37
85 and over	..	1	6	1	10	33	..	5	17	2	17	28
Age 15 and over ..	332	1,234	2,368	4,233	10,298	25,052	3	10	15	23	42	89
FEMALES.												
Years—												
15-19 ..	2	2	1	8	6	18	..	..	..	..	..	1
20-24 ..	16	56	71	168	230	1,008	1	3	3	7	8	33
25-29 ..	60	168	239	526	960	3,144	4	11	13	22	37	104
30-34 ..	49	244	332	756	1,565	4,107	5	18	21	34	66	137
35-39 ..	40	287	374	713	1,939	4,239	5	24	26	37	82	154
40-44 ..	26	178	366	621	1,880	3,805	4	19	29	38	83	160
45-49 ..	19	107	319	496	1,598	3,344	4	16	29	37	80	146
50-54 ..	10	52	220	405	1,066	2,858	2	10	27	34	65	131
55-59 ..	4	28	79	280	662	2,174	1	6	14	28	51	110
60-64 ..	1	11	59	217	485	1,401	..	3	13	28	42	85
65-69 ..	..	10	38	70	287	843	..	3	10	14	32	66
70-74 ..	1	5	14	25	136	341	1	3	5	8	21	38
75-79 ..	..	..	16	14	58	157	..	..	10	7	16	26
80-84 ..	..	1	2	2	12	58	..	2	3	2	8	18
85 and over	..	..	1	3	4	19	..	3	..	5	5	11
Age 15 and over ..	228	1,149	2,140	4,304	10,888	27,516	3	10	15	24	46	97

(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 1924-1950 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 have been declared bankruptcy districts. 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 year ended 31st July, 1950 are shown in the following table. For the purposes of comparison, the annual averages for periods between the years 1929 and 1948 are appended to the table.

FEDERAL BANKRUPTCY ACT : OPERATIONS, 1949-50.

Particulars.	N.S.W.	Vic.	Qld.	S. Aust.	W. Aust.	Tas.	Nor. Terr.	Aus-tralia.
Sequestration Orders and Orders for Administration of Deceased Debtors' Estates	Number ..	140	78	49	24	29	13	333
	Liabilities £	257,242	139,743	189,039	30,031	68,628	13,305	697,988
	Assets £	125,919	39,152	39,374	24,437	71,360	5,264	305,506
Division 5—Compositions, etc., after Bankruptcy	Number ..	1	1	9	2	3	..	16
	Amount under ros.	1	..	3	2	3	..	9
	Amount over ros.	..	1	6	..	..	..	7
Compositions without Bankruptcy Part XI.	Number ..	..	4	1	12	11	..	28
	Liabilities £	..	85,965	2,473	64,486	23,777	..	176,701
	Assets £	..	28,716	2,788	65,425	8,152	..	105,081
Deeds under Part XI.	Number ..	..	..	..	7	3	..	10
	Liabilities £	..	..	..	50,782	14,309	..	65,091
	Assets £	..	..	..	41,780	10,126	..	51,906
Deeds of Arrangement, Part XII.	Number ..	18	14	11	..	..	..	43
	Liabilities £	53,028	43,959	23,554	..	..	..	120,541
	Assets £	50,151	38,745	25,268	..	..	..	114,164
Total, 1949-50	Number ..	158	96	61	43	43	13	414
	Liabilities £	310,270	269,667	215,066	145,299	106,714	13,305	1,060,321
	Assets £	176,070	106,613	67,430	131,042	89,638	5,264	576,657
Total, 1948-49	Number ..	143	70	71	49	31	12	376
	Liabilities £	236,711	184,778	131,423	88,165	77,170	15,778	734,025
	Assets £	131,297	178,425	83,750	59,057	53,532	7,848	514,503
Average 5 years ended 1947-48	Number ..	95	51	25	33	16	7	227
	Liabilities £	165,066	98,525	27,584	86,491	26,288	3,946	407,900
	Assets £	80,963	39,948	22,857	56,034	12,530	1,215	214,147
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	4062,446,802
	Assets £	429,462	127,977	152,602	730,482	166,561	14,475	1821,621,741
Average 5 years ended 1937-38	Number ..	496	383	183	544	108	58	1,772
	Liabilities £	707,075	627,900	259,921	1,566,821	228,623	56,944	9323,448,276
	Assets £	477,547	277,004	194,174	1,076,347	187,933	33,688	7952,247,488
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	2605,976,652
	Assets £	1,152,489	1,006,120	493,108	796,478	1,215,686	82,227	805,146,188

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 and Western 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 1903-1950. 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 1949 and 1950.

TRANSACTIONS OF COMMONWEALTH HIGH COURT.

Original Jurisdiction.			Appellate Jurisdiction.		
	1949.	1950.		1949.	1950.
Number of writs issued	96	128	Number of appeals set down for hearing ..	95	86
Number of causes entered for trial ..	18	8	Number allowed ..	36	31
Judgments for plaintiffs	27	14	Number dismissed ..	51	37
Judgments for defendants	4	3	Otherwise disposed of	2	17
Otherwise disposed of ..	11	31			
Amount of judgments	£264,204	£37,203			

During 1949 and 1950 respectively the High Court dealt also with the following : Appeals from Assessments under Taxation Assessment Act, 23, 22 ; Special cases stated for the opinion of the Full Court, 30, 5 ; Applications for Prohibitions, etc., 63, 49. The fees collected amounted to £1,390 in 1949 and £1,277 in 1950.

6. **Commonwealth Court of Conciliation and Arbitration.**—Some information regarding this Court, which was established under the Commonwealth Conciliation and Arbitration Act 1904-1950, will be found in Chapter XI.—Labour, Wages and Prices, of this volume, and in the *Labour Report* issued by this Bureau.

§ 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. Much of the time of the several forces is 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 is considerable.

3. **Strength of Police Force.**—(i) *General.* The strength of the police force in each State during 1939 and the years 1945 to 1949 is shown 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 various regulations, etc.

STRENGTH OF POLICE FORCES.

State or Territory.	Area of State in Sq. Miles.	No. of Police.					
		1939.	1945.	1946.	1947.	1948.	1949.
New South Wales	309,433	3,907	3,710	3,993	4,242	4,333	4,382
Victoria..	87,884	2,333	2,131	2,188	2,268	2,385	2,597
Queensland(a)	670,500	1,460	1,741	1,734	1,796	1,982	2,040
S. Australia(a)	380,070	905	922	921	958	975	996
W. Australia(a)	975,920	600	626	661	673	730	759
Tasmania(a)	26,215	296	317	314	342	340	363
Nor. Territory(a)	523,620	48	46	40	53	65	58
Aust. Cap. Terr.	939	17	22	29	36	40	43
Total	2,974,581	9,566	9,515	9,880	10,368	10,850	11,238

(a) 30th June of year following.

The figures for New South Wales for 1949 exclude 15 "black trackers" and three "cadet trackers" (i.e., natives employed in detection of offenders chiefly in outlying districts) and 4 matrons, while the Victorian returns exclude one black tracker. For Queensland the figures exclude 30 black trackers, for South Australia 3 wardresses, for Western Australia 29 black trackers and 5 female searchers, and for the Northern Territory 33 black trackers. Women police are employed in all the States, the respective numbers for 1949 included in the table above being:—New South Wales 29, Victoria 18, Queensland 10, South Australia 18, Western Australia 9, Tasmania 6 and Australian Capital Territory 1. Their work is mainly preventive, relating particularly to females and neglected children. They also carry out escort duties in respect of female prisoners.

(ii) *Proportion to Population.* The average number of persons in the various States to each police officer during 1939 and the years 1945 to 1949 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.	1945.	1946.	1947.	1948.	1949.
New South Wales	9.65	708	791	742	709	707	725
Victoria	23.36	807	946	932	909	883	833
Queensland(a)	1.65	704	626	638	628	581	581
South Australia(a)	1.70	662	689	701	688	690	703
Western Australia(a)	0.51	789	787	760	766	730	735
Tasmania(a)	9.81	812	795	819	767	792	770
Northern Territory(a)	0.02	167	230	272	235	212	264
Aust. Cap. Territory	18.00	767	701	565	489	483	514
Total	2.55	733	782	763	739	721	720

(a) 30th June of year following.

4. Prison Accommodation and Prisoners, 1948 and 1949.—The table below shows the number of prisons in each State, the accommodation therein, and the number of prisoners under sentence at the end of 1948 and 1949 :—

PRISON ACCOMMODATION AND PRISONERS.

State or Territory.	Number of Prisons.		Accommodation in—				Prisoners at End of Year.	
			Separate Cells.		Wards.			
	1948.	1949.	1948.	1949.	1948.	1949.	1948.	1949.
New South Wales(a) ..	15	15	2,242	2,285	..	..	1,717	1,854
Victoria ..	9	9	1,288	1,288	340	340	912	993
Queensland(a) ..	8	7	570	570	109	109	376	406
South Australia ..	15	15	673	673	173	173	230	234
Western Australia(a) ..	21	21	551	504	207	207	314	333
Tasmania(a) ..	2	2	154	154	1	1	93	122
Northern Territory(a) ..	2	2	12	12	19	19	40	41
Total ..	72	71	5,490	5,486	849	849	3,682	3,983

(a) Year ended 30th June following.

The figures refer to prisoners under sentence and exclude aborigines and debtors. 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 similar 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 and 1945 to 1949.—The number of prisoners in gaol at 31st December in each of the years 1939 and 1945 to 1949 and the proportion per 10,000 of the population are shown in the following table. The figures refer to prisoners under sentence and exclude aborigines and debtors.

PRISONERS IN GAOL.

State or Territory.	1939.	1945.	1946.	1947.	1948.	1949.
NUMBER.						
New South Wales(a) ..	1,357	1,684	1,847	1,587	1,717	1,854
Victoria ..	1,144	966	952	915	912	993
Queensland ..	261	493	356	359	(a) 376	(a) 406
South Australia ..	199	213	250	267	230	234
Western Australia(a) ..	244	279	290	281	314	333
Tasmania(a) ..	108	96	120	100	93	122
Northern Territory ..	23	4	19	(a) 32	(a) 40	(a) 41
Total ..	3,336	3,735	3,834	3,541	3,682	3,983
PER 10,000 OF POPULATION.						
New South Wales(a) ..	4.9	5.7	6.2	5.2	5.5	5.7
Victoria ..	6.1	4.8	4.7	4.4	4.3	4.6
Queensland ..	2.6	4.5	3.2	3.2	(a) 3.3	(a) 3.4
South Australia ..	3.3	3.4	3.9	4.1	3.5	3.4
Western Australia(a) ..	5.2	5.7	5.8	5.5	5.9	6.0
Tasmania(a) ..	4.5	3.8	4.7	3.8	3.5	4.4
Total ..	4.8	5.0	5.1	4.6	4.7	4.9

(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, but it rose slightly above this rate to 5.5 in 1944 and then fell to 4.6 in 1947, to rise again to 4.9 in 1949. This figure compares most favorably 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 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 1948-49 and 1949-50 in connexion with the administration of justice in each of the States.

Net costs are shown instead of gross expenditure as it is difficult to obtain comparable figures of the total costs of the various services under this heading. It will be noted that in South Australia and Western Australia (except for 1949-50) the receipts for legal fees and registrations exceed the actual expenditure under "Justice".

NET EXPENDITURE ON ADMINISTRATION OF 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	28,466	-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
1948-49.						
New South Wales ..	358,152	2,616,067	400,309	2 4	17 1	2 7
Victoria ..	250,767	1,460,021	189,769	2 4	13 10	1 10
Queensland ..	143,357	1,268,169	91,511	2 6	22 4	1 7
South Australia ..	-24,660	566,520	58,014	0 9	17 0	1 9
Western Australia ..	-3,062	461,776	76,813	0 1	17 8	2 11
Tasmania ..	47,087	202,339	30,930	3 6	15 1	2 4
Total ..	771,641	6,574,892	847,346	2 0	16 11	2 2
1949-50.						
New South Wales ..	396,026	2,842,769	484,419	2 6	17 11	3 1
Victoria ..	251,402	1,909,705	231,979	2 4	17 7	2 2
Queensland ..	105,156	1,583,644	95,220	1 10	27 3	1 8
South Australia ..	-48,137	661,714	73,795	-1 4	19 3	2 2
Western Australia ..	1,691	536,738	86,151	0 1	19 8	3 2
Tasmania ..	49,647	227,180	34,857	3 7	16 5	2 6
Total ..	755,785	7,761,750	1,006,421	1 11	19 4	2 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 shown hereunder for the years 1938-39 and 1945-46 to 1949-50.

EXPENDITURE OF THE COMMONWEALTH ATTORNEY-GENERAL'S DEPARTMENT.

(£.)

Year.	Gross Expenditure.	Receipts.	Net Expenditure.
1938-39	281,497	111,036	170,461
1945-46	472,604	135,239	337,365
1946-47	569,234	155,419	413,815
1947-48	688,572	178,591	509,981
1948-49	745,106	176,310	568,796
1949-50	820,560	183,398	637,162

The totals for each year include expenditure in connexion with patents and copyright which amounted in 1949-50 to £151,572. The Commonwealth took over jurisdiction in bankruptcy in August, 1928, and the expenditure thereon in 1949-50 amounted to £59,315. Expenditure in connexion with the Australian Capital Territory police in 1949-50 amounted to £35,955, and £12,847 was expended on miscellaneous items including the Law Court, Titles Office and Industrial Board. Revenue of the Attorney-General's Department for the year 1949-50 amounted to £183,398, comprising £123,727 for patents, copyright, trade marks and designs, £21,993 for bankruptcy and £37,678 miscellaneous, including fees and fines.

In addition to the foregoing, the amounts of £70,439 during 1948-49 and £71,923 in 1949-50 were expended in the Northern Territory for the upkeep of the police force and prison services.