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CHAPTER XIII.

PUBLIC JUSTICE.

§ 1. Introduction.

Each State has its own separate judicial system, 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. A statement of the powers and functions of the High Court of the Commonwealth will be found in Chapter III. of the Commonwealth Constitution which appears on page 16 of this volume.

In considering the crime statistics 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 breach of which 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 of arrests and prosecutions. The strength and distribution of the police forces, and the age-constitution and distribution of the population of the States, also influence the figures. Due weight should be given also to such information as is available concerning the prevalence of unsolved crime.

§ 2. Lower (Magistrates') Courts.

1. Powers of the Magistrates.—(i) *New South Wales*. There is no general limit to the powers of the magistrates with regard to offences 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 twelve months. Imprisonment in default of fine is regulated by a scale limiting the maximum period according to the sum ordered to be paid, but in no case exceeding twelve months. Actions for debt and damage within certain limits also come within magisterial jurisdiction. In cases of liquidated debts, and damages, whether liquidated or unliquidated, the amount is limited to £50 before a court constituted by a stipendiary magistrate. The amount in actions of debt before two or more Justices of the Peace is limited to £30 and in actions of damage it is limited to £10, but may extend to £30 with the consent of the defendant. Outside the Metropolitan Area of Sydney and certain other prescribed districts one justice of the peace may hear cases of debt, liquidated or unliquidated, or damage up to £5 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 £100, and to actions arising out of torts or contracts to the extent of £250. No definite limit is fixed to the powers of the magistrates on the criminal side, and for some offences, sentences of up to two years imprisonment may be imposed. The proportion of long sentences is, however, comparatively small.

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

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

Magistrates have no power to deal with habitual offenders, but such powers are 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 1921-1943. 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 £500. By consent of the parties, any action that might be brought in the Supreme Court may be dealt with in a Local Court. Justices may act in the case of illness or absence of the magistrate.

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

Magistrates have appellate jurisdiction under some statutes and in country districts act as Chairmen of the Courts of Session. They may be appointed as Commissioners of the Supreme Court. On the goldfields, the magistrate is also the warden.

(vi) *Tasmania.* Magistrates 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 £100 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 impose 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.

2. *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 1950 to 1954 :—

CASES TRIED AT MAGISTRATES' COURTS.

State or Territory.	1939.	1950.	1951.	1952.	1953.	1954.
New South Wales ..	144,848	214,894	242,165	269,197	276,566	a 271,105
Victoria ..	82,858	97,201	109,066	129,091	134,912	135,409
Queensland(b) ..	32,501	43,932	49,849	44,868	46,482	49,372
South Australia ..	22,776	(b)31,964	(b)30,953	(b)33,688	(b)28,757	(b)32,593
Western Australia ..	24,111	29,521	31,985	40,674	43,495	50,640
Tasmania ..	9,498	12,403	14,649	16,964	20,381	19,814
Northern Territory(b) ..	1,494	1,269	1,178	1,657	2,077	2,105
Aust. Cap Territory ..	284	1,237	1,500	1,610	1,294	1,406
Total	318,370	432,421	481,345	537,749	553,964	562,444

(a) In addition 23,177 parking offences were settled by payment of fines to the Police Department without court appearances. (b) 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.

3. Convictions at Magistrates' Courts.—The figures given in the previous table include a number of people who were charged without sufficient reason, and, statistically, are not of general importance. A classification of convictions of persons who appeared before the lower courts in each State during 1954 is given in the following table :—

CONVICTIONS AT MAGISTRATES' COURTS, 1954.

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 ..	2,860	1,210	495	336	386	198	57	65	5,607
Against Property ..	14,225	6,242	3,051	1,527	3,853	699	80	159	29,836
Forgery and Offences against the Currency..	19	19	4	2	1	1	40	7	73
Against Good Order ..	95,530	26,943	26,340	5,996	7,597	1,712	746	672	165,536
Other Miscellaneous ..	137,404	87,505	16,356	21,401	36,167	14,689	941	225	314,688
Total	250,019	121,919	46,242	29,264	48,005	17,299	1,864	1,128	515,740

(a) Year ended 30th June, 1955.

The following table shows the number of convictions in 1939 and in each year from 1950 to 1954 :—

CONVICTIONS AT MAGISTRATES' COURTS.

State or Territory.	1939.	1950.	1951.	1952.	1953.	1954.
New South Wales ..	126,353	199,619	224,514	249,845	257,522	^a 250,019
Victoria	72,186	87,873	98,369	115,534	121,497	121,919
Queensland(b) ..	28,920	41,492	46,436	41,266	42,590	46,242
South Australia ..	20,429	(b)28,675	(b)27,432	(b)30,229	(b)25,482	(b)29,264
Western Australia ..	22,539	27,315	29,763	38,109	40,643	48,005
Tasmania	8,722	10,961	12,765	15,032	17,705	17,299
Northern Territory(b)	1,394	1,145	980	1,411	1,915	1,864
Aust. Capital Territory ..	260	1,151	1,442	1,441	1,141	1,128
Total	280,803	398,231	441,701	492,867	508,495	515,740

(a) Does not include 23,177 parking offences settled by payment of fines to the Police Department without court appearances. (b) Year ended 30th June following.

4. 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 under the heading 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.

(ii) *Number and Rates, Years 1939 and 1950 to 1954.*—The following table shows the number and rates of convictions for serious crime at magistrates' courts for the years 1939 and 1950 to 1954 :—

CONVICTIONS FOR SERIOUS CRIME AT MAGISTRATES' COURTS.

State or Territory.	1939.	1950.	1951.	1952.	1953.	1954.
NUMBER.						
New South Wales ..	12,724	14,141	15,632	17,858	17,612	17,085
Victoria	5,727	5,204	6,495	7,602	6,905	7,471
Queensland(a) ..	2,402	2,699	3,041	2,916	3,226	3,546
South Australia ..	1,224	(a) 1,654	(a) 1,926	(a) 1,945	(a) 1,744	(a) 1,867
Western Australia ..	2,614	2,901	3,115	3,446	3,632	4,241
Tasmania	959	810	829	1,126	1,185	898
Northern Territory(a) ..	44	43	144	149	195	177
Aust. Capital Territory ..	59	183	171	173	53	231
Total	25,753	27,635	31,353	35,215	34,552	35,516
Rate per 10,000 of population	36.91	33.67	37.12	40.64	39.08	39.41

(a) Year ended 30th June following.

(iii) *Rate of Convictions, 1881 to 1951.* The rate of convictions at ten-yearly intervals over a period of seventy years is shown below ; only the more serious offences particularized in para. (i) above have been taken into consideration.

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

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

5. *Committals to Higher Courts.*—(i) *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 1954 is shown in the following table :—

COMMITTALS TO HIGHER COURTS, 1954.

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 ..	1,128	461	221	203	131	54	21	7	2,226
Against Property ..	2,946	1,426	254	177	233	283	14	10	5,343
Forgery and Offences against the Currency ..	..	120	..	22	8	8	9	5	172
Against Good Order ..	91	7	2	5	5	7	..	1	118
Other Miscellaneous ..	40	68	5	19	4	5	1	..	142
Total	4,205	2,082	482	426	381	357	45	23	8,001

(a) Year ended 30th June, 1955.

The following table shows the number of committals in 1939 and in each year from 1950 to 1954, with the rate of such committals per 10,000 of population :—

COMMITTALS TO HIGHER COURTS.

State or Territory.	1939.	1950.	1951.	1952.	1953.	1954.
NUMBER.						
New South Wales	2,288	3,513	3,706	4,504	4,263	4,205
Victoria	1,777	1,638	1,650	1,671	2,071	2,082
Queensland(a)	359	521	434	605	609	482
South Australia	259	(a) 362	(a) 480	(a) 554	(a) 422	(a) 426
Western Australia	129	211	209	373	384	381
Tasmania	82	195	197	224	337	357
Northern Territory(a)	12	9	28	35	46	45
Australian Capital Territory	18	38	30	23	19	23
Total	4,924	6,487	6,734	7,989	8,151	8,001
Rate per 10,000 of population	7.1	7.9	8.0	9.2	9.2	8.9

(a) Year ended 30th June following.

(ii) *Rate of Committals, 1881 to 1951.* The rate of committals for serious crime at ten-yearly intervals since 1881 is shown below :—

RATE OF COMMITTALS TO HIGHER COURTS : AUSTRALIA.

Year	1881.	1891.	1901.	1911.	1921.	1931.	1941.	1951.
Committals per 10,000 persons	12	11	8	6	7	8	5	8

6. *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 1951 to 1954 are given in the following table :—

DRUNKENNESS : CASES AND CONVICTIONS.

State or Territory.	1939.		1951.		1952.		1953.		1954.	
	Cases.	Convictions.	Cases.	Convictions.	Cases.	Convictions.	Cases.	Convictions.	Cases.	Convictions.
New South Wales	32,472	32,405	83,178	82,837	79,217	79,088	72,765	72,647	72,591	72,541
Victoria	11,609	11,421	23,151	22,884	21,751	21,526	19,424	19,226	20,167	19,955
Queensland(a)	11,202	11,118	28,176	28,144	22,994	22,932	21,257	21,199	23,986	23,947
South Australia	2,607	2,597	(a)5,902	(a)5,890	(a)6,317	(a)6,307	(a)5,530	(a)5,509	(a)4,772	(a)4,765
Western Australia	2,681	2,658	6,035	5,974	6,107	6,042	6,274	6,210	5,350	5,809
Tasmania	411	407	718	693	834	816	800	763	836	798
Northern Terr.(a)	686	677	564	524	434	424	707	699	487	474
Aust. Cap. Terr.	114	114	477	476	545	541	381	378	240	240
Total	61,782	61,397	148,201	147,422	138,199	137,676	127,138	126,631	128,929	128,529
Rate of convictions per 10,000 of population	88.0		174.5		158.9		143.2		142.6	

(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, as might be expected, is almost identical with the number of cases.

(ii) *Convictions per 10,000 of Population.* In the twenties, the convictions for drunkenness averaged approximately 100 per 10,000 of population, but the rate fell away considerably during 1930 and 1931, being only 57.1 in the latter year. The average then rose steadily, the annual average for the period 1936 to 1939 being 82.7 and that for the years 1940 to 1945, 90.8. In 1946, the convictions per 10,000 rose very steeply to 132.1, increasing further to 174.5 by 1951, since when they have declined again to 142.6 in 1954.

(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 1950-51 to 1955-56 :—

CONSUMPTION OF INTOXICANTS IN AUSTRALIA PER HEAD OF POPULATION.

Year.	Spirits.			Wine.			Beer.		
	Proof Gals.			Gals.			Gals.		
1938-39	0.22	0.65	12.47			
1950-51	0.38	1.61	20.41			
1951-52	0.32	1.80	21.19			
1952-53	0.20	1.36	21.80			
1953-54	0.25	1.39	23.05			
1954-55	0.29	1.11	24.26			
1955-56	0.31	1.17	24.74			

(iv) *Remedial Treatment of Drunkenness.* Legislation has been passed in each State providing for the committal of inebriates to special Government institutions. The laws in the various States are as follows :—New South Wales, Inebriates Act 1912 amended in 1949 ; 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 and 1941. Curative work was first undertaken by the Government of New South Wales in 1907. In most cases, the institutions 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.

7. *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 as amended in 1929 ; Victoria, Crimes Act 1928 ; Queensland, Criminal Code Acts 1899 to 1945 ; South Australia, Offenders Probation Act of 1913-1953 ; 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.

8. 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 1926–1952 in South Australia. The object of these courts is to avoid, as far as possible, the unpleasant associations of the ordinary police court.

§ 3. Higher (Judges') Courts.

1. Convictions at Higher Courts.—The following table shows for each State and Territory and for Australia as a whole the number of convictions at higher courts for each of the principal offences during 1954.

CONVICTIONS AT HIGHER COURTS, 1954.

Offences.	N.S.W. (a)	Vic.	Qld. (a)	S.A.	W.A.	Tas.	N.T. (a)	A.C.T.	Aus- tralia.
I. OFFENCES AGAINST THE PERSON.									
Murder	6	2	11	..	..	..	8	..	27
Attempted Murder	4	1	5	..	1	..	..	..	11
Manslaughter	16	7	4	1	7	2	..	1	38
Causing Death by Dangerous Driving .. .. .	..	..	..	..	3	..	..	..	3
Rape	5	7	5	2	3	3	(b) 1	..	26
Other Offences against Females	118	88	49	58	35	26	9	4	387
Unnatural Offences	127	75	22	15	7	11	3	2	262
Abortion and Attempts to Procure	4	..	..	6	1	1	..	1	13
Bigamy	58	24	4	8	6	1	..	..	101
Suicide, Attempted .. .. .	..	3	..	..	..	7	..	..	10
Assault, Aggravated	114	40	45	7	5	9	3	2	225
Assault, Common	32	11	1	..	1	..	..	..	45
Other Offences against the Person	6	8	3	11	2	4	..	1	35
<i>Total</i>	490	266	149	108	71	64	24	11	1,183
II. OFFENCES AGAINST PROPERTY.									
Burglary and House-breaking	625	349	133	103	57	54	6	6	1,333
Robbery and Stealing from the Person	43	41	16	8	13	72	..	4	197
Embezzlement	44	2	7	3	9	..	..	4	69
Larceny, Other	164	125	33	34	27	..	6	..	389
Receiving	39	36	7	7	5	9	..	..	103
Fraud and False Pretences	105	14	13	13	14	23	1	..	183
Other Offences against Property	75	27	18	6	10	8	3	..	147
<i>Total</i>	1,095	594	227	174	135	166	16	14	2,421
III. FORGERY AND OFFENCES AGAINST THE CURRENCY									
	15	29	..	11	4	10	10	..	79
IV. OFFENCES AGAINST GOOD ORDER									
	7	2	2	..	4	1	2	..	18
V. OTHER MISCELLANEOUS									
	24	21	4	19	2	3	3	1	77
Grand Total	1,631	912	382	312	216	244	55	26	3,778

(a) Year ended 30th June 1955.

(b) Attempted rape.

2. Convictions at Higher Courts, Years 1939 and 1950 to 1954.—The number of convictions at higher courts and the rate per 10,000 of population for these years are given in the following table.

CONVICTIONS AT HIGHER COURTS.

State or Territory.	1939.	1950.	1951.	1952.	1953.	1954.
NUMBER.						
New South Wales(a)	982	1,299	1,388	1,629	1,449	1,631
Victoria	690	722	761	883	918	912
Queensland(a)	214	346	336	419	502	382
South Australia	179	207	307	328	330	312
Western Australia	71	149	141	213	241	216
Tasmania	39	148	163	171	203	244
Northern Territory(a)	11	44	44	26	51	55
Australian Capital Territory	14	49	33	16	10	26
Total	2,200	2,964	3,173	3,685	3,704	3,778
Rate per 10,000 of population ..	3.2	3.6	3.8	4.3	4.2	4.2

(a) Year ended 30th June following.

3. **Habitual Offenders.**—In most States, judges have power to declare as habitual criminals persons who have a certain scheduled number of previous convictions. A summary of the methods adopted in each State was given on pp. 497–8 of Official Year Book No. 40.

4. **Capital Punishment.**—There were fifteen executions in Australia during the period 1939 to 1954. One took place in New South Wales (in 1939), six in Victoria (two in 1939, one in 1942 and three in 1951), four in South Australia (one in 1944, one in 1946, one in 1950 and one in 1953), one in Western Australia (in 1952), one in Tasmania (in 1946), and two in the Northern Territory (in 1952).

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 would be dealt with at the present time in the lower or magistrates' court. With the growth of settlement, and the general improvement 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. In cases of rape, which is a capital offence in some of the Australian States, the penalty has been but sparingly inflicted in recent years.

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

§ 4. Civil Courts.

1. **Lower Courts.**—The total number of plaints entered and the amounts awarded to plaintiffs during the year 1954 are shown in the following table. The figures are compiled from returns from the Small Debts Courts in New South Wales, Courts of Petty Sessions in Victoria, Magistrates' Courts in Queensland, Local Courts 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, 1954.

Particulars.	N.S.W.	Vic.	Q'land. (a)	S. Aust.	W. Aust.	Tas.	N.T. (a)	A.C.T.	Total.
Cases .. No.	53,497	66,740	7,220	31,332	24,773	20,098	843	871	205,374
Amount .. £	345,102	650,619	286,560	443,576	244,451	149,784	(b)	20,116	(b)

(a) Year 1954-55. (b) Not available.

2. Higher Courts.—The following table shows the transactions on the civil side in the Higher Courts during the year 1954. 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.

CIVIL CASES AT HIGHER COURTS, 1954.

Particulars.	N.S.W.	Vic.	Q'land. (a)	S. Aust.	W. Aust. (b)	Tas.	N.T. (a)	A.C.T.	Total.
Cases .. No	17,810	11,664	1,146	131	453	630	15	113	31,962
Amount .. £	(c)	1,672,809	286,585	80,662	275,929	149,293	(c)	31,001	(c)

(a) Year 1954-55. (b) Judgments signed and entered. (c) Not available.

3. Divorce.—(i) Number of Petitions filed and Divorces granted. The following table shows the number of petitions for dissolution of marriage, nullity of marriage and judicial separation filed in each State during 1955, and the number of dissolution and nullity of marriage decrees made absolute and judicial separations granted during the year:—

PETITIONS FOR DIVORCE AND DIVORCES GRANTED, 1955.

State or Territory.	Petitions for Dissolution of Marriage, Nullity of Marriage and Judicial Separation.			Decrees made Absolute for—		Judicial Separations Granted.
	By Husband.	By Wife.	Total.	Dissolution of Marriage.	Nullity of Marriage.	
New South Wales ..	1,747	2,408	4,155	2,874	17	9
Victoria ..	741	880	1,621	(a) 1,674	16	1
Queensland ..	(b) 385	(b) 418	(b) 803	801	2	..
South Australia ..	359	475	834	624	4	..
Western Australia ..	301	274	575	479	6	3
Tasmania ..	127	158	285	233	..	..
Northern Territory ..	22	18	40	18	..	..
Aust. Cap. Territory ..	15	12	27	21	..	..
Total ..	3,697	4,643	8,340	6,724	45	13

(a) Decrees nisi granted. (b) Petitions heard.

(ii) Number of Divorces granted, Years 1939 and 1951 to 1955. The numbers of dissolutions of marriage, nullities of marriage and judicial separations in each State and Territory for these years are shown in the following tables.

DIVORCES GRANTED, AUSTRALIA.

DISSOLUTION OF MARRIAGE.

State or Territory.	1939.	1950.	1951.	1952.	1953.	1954.	1955.
New South Wales ..	1,540	3,419	3,303	3,335	3,725	2,816	2,874
Victoria ..	794	1,591	1,714	1,596	2,096	1,519	1,674
Queensland ..	(a) 222	783	701	705	725	710	801
South Australia ..	241	661	637	581	628	594	624
Western Australia ..	242	720	682	585	535	530	479
Tasmania ..	80	152	194	217	210	235	233
Northern Territory ..	(a) 2	6	13	6	12	20	18
Australian Capital Territory ..	6	25	25	17	31	33	21
Australia ..	3,127	7,357	7,269	7,042	7,962	6,457	6,724

NULLITY OF MARRIAGE.

State or Territory.	1939.	1950.	1951.	1952.	1953.	1954.	1955.
New South Wales ..	5	31	25	27	21	28	17
Victoria ..	7	11	15	17	31	20	16
Queensland ..	(a) 2	7	6	6	5	4	2
South Australia ..	2	3	4	3	8	4	4
Western Australia ..	2	4	1	..	4	2	6
Tasmania ..	..	..	..	..	..	2	..
Northern Territory ..	..	..	..	..	..	..	..
Australian Capital Territory ..	..	..	..	..	..	..	..
Australia ..	18	56	51	53	69	60	45

JUDICIAL SEPARATION.

State or Territory.	1939.	1950.	1951.	1952.	1953.	1954.	1955.
New South Wales ..	8	6	4	7	6	7	9
Victoria ..	4	2	1	3	1	..	1
Queensland ..	..	1	1	..	..	..	..
South Australia ..	..	2	1	1	2	2	..
Western Australia ..	..	..	..	..	..	1	3
Tasmania ..	..	..	..	..	..	1	..
Northern Territory ..	..	..	..	..	..	..	..
Australian Capital Territory ..	1	..	..	..	1	..	..
Australia ..	13	11	7	11	10	11	13

(a) Year ended 30th June 1940.

(iii) *Average Annual Number of Divorces granted, Years 1871 to 1950.* The average annual number of divorces in Australia for each decennial period from 1871 to 1950 was as follows:—

DIVORCES : 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 was granted, Year 1955.* The grounds on which dissolutions of marriage, nullities of marriage and judicial separations were granted during 1955 in each State and Territory are shown in the following tables:—

GROUND OF DISSOLUTION OF MARRIAGE, NULLITY OF MARRIAGE AND JUDICIAL SEPARATION, 1955.

Ground on which Granted.	N.S.W.	Vic. (a)	Q'ld.	S.A.	W.A.	Tas.	N.T.	A.C.T.	Aust.
(i) <i>Dissolution of Marriage.</i>									
<i>Desertion</i> .. No.	b 1,903	c 1,139	(d) 548	(e) 251	(f) 242	156	5	14	4,258
Proportion of total %	66	68	68	40	51	67	28	67	63
<i>Adultery</i> .. No.	674	476	242	238	212	68	7	5	1,922
Proportion of total %	24	28	30	38	44	29	39	23	29
<i>Other—</i>									
Bigamy .. ..	..	3	1	1	..	..	..	..	5
Cruelty	114	11	1	113	1	3	5	..	248
Cruelty and Drunkenness	127	20	..	..	5	5	..	1	158
Drunkenness ..	40	3	..	9	1	1	1	1	56
Gaol for Crime ..	15	9	..	..	1	..	..	..	25
Insanity .. ..	..	12	6	4	3	..	..	..	25
Maintenance ..	..	..	..	6	10	..	..	..	16
Non-consummation ..	..	..	..	..	4	..	..	..	4
Other	1	1	3	2	..	..	..	..	7
<i>Total Other</i> .. No.	297	59	11	135	25	9	6	2	544
Proportion of total %	10	4	2	22	5	4	33	10	8
Grand Total ..	2,874	1,674	801	624	479	233	18	21	6,724
(ii) <i>Nullity of Marriage.</i>									
Bigamy	10	4	..	2	6	..	..	..	22
Impotency	6	12	..	1	..	..	..	..	19
Other	1	..	2	1	..	..	..	..	4
Total	17	16	2	4	6	..	..	..	45
(iii) <i>Judicial Separation.</i>									
Adultery	5	..	..	..	1	..	..	..	6
Cruelty	1	..	..	..	..	..	..	..	1
Desertion	3	1	..	..	2	..	..	..	6
Total	9	1	..	..	3	..	..	..	13

(a) Decrees nisi granted. (b) Includes "non-compliance with order for restitution of conjugal rights"—364; "separation for over five years"—1. (c) Includes "adultery and desertion"—61. (d) Includes "adultery and desertion"—3. (e) Includes "separation for over five years"—7. (f) Includes "separation for over five years"—127.

(v) *Ages of Husband and Wife at Time of Dissolution of Marriage.* The following table shows, in each age group at the time when the decree of dissolution of marriage was made absolute, the number of husbands and wives whose marriage was dissolved during 1955.

AGES OF PARTIES AT TIME OF DISSOLUTION OF MARRIAGE, AUSTRALIA, 1955.

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 ..	3	1	1	..	..	..	..	..	..	..	..	5
21 to 24 ..	30	99	18	5	..	..	..	..	..	..	..	153
25 to 29 ..	16	322	558	83	15	1	..	..	..	..	..	995
30 to 34 ..	9	58	630	609	96	23	7	..	..	..	..	1,435
35 to 39 ..	1	21	156	468	427	94	15	4	..	..	..	1,059
40 to 44 ..	..	6	47	167	421	338	65	8	3	4	..	793
45 to 49 ..	..	..	15	52	128	308	246	34	7	1	2	503
50 to 54 ..	..	2	3	16	31	121	179	122	18	8	3	272
55 to 59 ..	..	..	1	2	15	37	69	70	68	10	..	237
60 and over ..	..	..	1	3	5	21	25	34	62	86	..	83
Not stated ..	..	3	3	5	1	1	2	..	..	1	67	..
Total Wives	59	512	1,433	1,410	1,139	944	608	272	158	110	79	6,724

(vi) *Dissolutions of Marriage Granted—Duration of Marriage and Issue of Persons Involved.* The following table shows the number of dissolutions of marriage granted in 1955, 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. In respect of 42 per cent. of the dissolutions granted in that year, the marriages had been contracted within the previous 10 years. Of the parties to these marriages, 33 per cent. had no children, 29 per cent. had one child, 22 per cent. had two children, 9 per cent. had three children and 7 per cent. had four or more children.

DURATION AND ISSUE OF MARRIAGES DISSOLVED, AUSTRALIA, 1955.

Duration of Marriage (Years)	Number of Children													Total Dissolutions of Marriage Granted.	Total Children.	
	0	1	2	3	4	5	6	7	8	9	10	11	Not stated			
Under 1 year	1	1	..	..	..	..	..	..	..	..	..	..	..	..	2	1
1 and under 2 ..	22	3	..	..	..	..	..	..	..	..	..	..	..	..	26	5
2 " " 3 ..	56	18	2	1	..	..	..	..	..	..	..	..	..	..	77	25
3 " " 4 ..	97	43	6	..	..	..	..	..	..	..	..	..	..	..	146	55
4 " " 5 ..	182	98	23	1	..	..	..	..	..	..	..	..	..	..	305	152
5 " " 6 ..	230	124	44	5	2	1	..	..	..	..	..	..	..	..	406	240
6 " " 7 ..	241	167	56	15	2	1	..	..	..	..	..	..	..	..	482	337
7 " " 8 ..	197	139	89	17	1	1	1	..	..	..	..	..	..	..	445	383
8 " " 9 ..	175	166	109	35	10	1	..	..	..	..	..	..	..	..	496	534
9 " " 10 ..	151	157	103	29	10	2	..	1	..	..	..	..	..	..	453	507
10 " " 11 ..	121	126	79	18	11	2	..	..	..	..	..	..	..	..	357	392
11 " " 12 ..	92	81	74	31	9	2	2	..	..	..	..	..	..	..	291	380
12 " " 13 ..	86	99	67	29	11	4	1	..	..	..	..	..	..	..	297	390
13 " " 14 ..	84	110	94	28	12	1	2	..	..	..	..	..	..	..	331	447
14 " " 15 ..	65	95	91	26	14	3	2	2	..	..	..	..	..	..	296	440
15 " " 16 ..	60	72	80	43	10	2	2	..	..	..	..	..	..	..	269	423
16 " " 17 ..	47	50	36	26	8	2	2	1	..	1	..	..	..	..	173	270
17 " " 18 ..	33	45	54	23	12	6	1	..	1	..	..	..	..	..	175	314
18 " " 19 ..	41	51	46	25	15	4	3	1	3	..	..	..	..	..	189	347
19 " " 20 ..	16	47	44	28	11	10	4	2	..	..	..	..	..	..	162	351
20 " " 21 ..	30	36	40	32	11	5	1	..	..	..	..	..	..	..	155	287
21 to 24 years	82	105	114	73	32	17	14	4	5	1	3	..	..	..	447	926
25 to 29 " ..	69	69	129	66	45	23	11	6	1	1	1	1	..	..	424	984
30 to 34 " ..	35	38	41	32	17	10	9	7	3	2	1	..	..	..	195	489
35 to 39 " ..	14	12	16	11	2	8	5	4	1	1	..	..	..	..	74	200
40 to 44 " ..	6	3	9	4	5	1	1	1	..	..	..	..	..	..	29	64
45 years and over	4	..	3	1	..	2	1	..	..	..	..	..	..	..	13	40
Not stated ..	2	2	1	1	..	1	..	..	..	..	..	..	2	..	9	12
Total Dissolutions	2,239	1,957	1,451	600	250	110	60	29	15	8	2	1	2	6,724	..	
Total Children	..	1,957	2,902	1,800	1,000	550	360	203	120	72	20	11	..	..	8,995	

(vii) *Number of Divorced Persons at Censuses 1901 to 1954.* The following table shows the number and proportions of divorced males and females in Australia at each Census from 1901 to 1954. A classification of these persons by age appeared in earlier issues of the

Official Year Book (see No. 39, page 269). Prior to 1911, no record was made of divorced persons in South Australia, so comparisons cannot be made to extend beyond that date.
DIVORCED PERSONS AT CENSUS DATES : AGE DISTRIBUTION, AUSTRALIA.

Sex.	Number.						Proportion per 10,000, 15 years of age and over.					
	1901. (a)	1911.	1921.	1933.	1947.	1954.	1901. (a)	1911.	1921.	1933.	1947.	1954.
Males ..	1,234	2,368	4,233	10,298	25,052	32,389	10	15	23	42	89	100
Females ..	1,149	2,140	4,304	10,888	27,516	36,650	10	15	24	46	96	115

(a) Excludes South Australia.

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 1924–1955, 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 the 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, 1955 are shown in the following table. For purposes of comparison, annual averages for the five-yearly period 1949–1950 to 1953–54 are appended to the table.

FEDERAL BANKRUPTCY ACT : OPERATIONS, 1954-55.

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	314	144	126	75	64	44	2	769
	Liabilities £	750,350	327,498	244,386	187,921	151,816	58,643	3,638	1,724,252
	Assets ..£	434,332	106,368	185,420	123,097	63,614	26,517	7,413	946,761
Compositions without Bankruptcy Part XI.	Number	1	8	1	22	34	..	..	66
	Liabilities £	5,217	47,588	1,651	78,643	150,928	..	..	284,027
	Assets ..£	1,100	39,591	1,281	71,060	155,697	..	..	268,729
Deeds under Part XI.	Number	..	2	..	13	1	3	..	19
	Liabilities £	..	8,589	..	70,202	11,190	55,022	..	145,003
	Assets ..£	..	6,205	..	46,175	17,607	44,008	..	113,995
Deeds of Arrangement, Part XII.	Number	45	46	28	1	1	2	..	123
	Liabilities £	406,434	380,408	215,837	1,715	1,223	7,533	..	1,013,150
	Assets ..£	353,794	212,987	151,586	1,265	274	8,326	..	728,232
Total, 1954-55	Number	360	200	155	111	100	49	2	977
	Liabilities £	1,162,001	764,083	461,874	338,481	315,157	121,198	3,638	3,166,432
	Assets ..£	789,226	365,151	338,287	241,597	237,192	78,851	7,413	2,057,717

FIVE YEARLY AVERAGE 1949-50 TO 1953-54.

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	189	91	81	48	33	27	..	469
	Liabilities £	417,548	188,819	227,984	103,744	91,065	34,838	1,200	1,065,198
	Assets ..£	269,952	69,278	151,743	67,360	61,579	16,910	2,288	639,110
Compositions without Bankruptcy Part XI.	Number	1	3	1	13	17	..	..	35
	Liabilities £	2,556	23,427	1,805	55,985	96,374	..	612	180,759
	Assets ..£	646	11,430	1,490	45,495	107,245	..	1,021	167,327
Deeds under Part XI.	Number	..	1	..	5	3	..	..	9
	Liabilities £	..	4,282	..	39,646	13,819	..	..	57,747
	Assets ..£	..	4,463	..	29,819	12,314	..	..	46,596
Deeds of Arrangement, Part XII.	Number	31	29	12	..	..	1	..	73
	Liabilities £	270,033	152,354	60,607	1,527	396	8,172	..	493,089
	Assets ..£	257,075	110,211	54,113	2,500	203	5,446	..	429,548
Total	Number	221	124	94	66	53	28	..	586
	Liabilities £	690,137	368,882	290,396	200,902	201,654	43,010	1,812	1,796,793
	Assets ..£	527,673	195,382	207,346	145,174	181,341	22,356	3,309	1,282,581

The procedure in certain States has been influenced largely by the procedure in force prior to the passing of the Commonwealth Act, and 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 alternately.

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 High Court of Australia possesses both original and appellate jurisdiction. The powers of the Court are defined in the Commonwealth Constitution, and in the Judiciary Act 1903–1955. The Court consists of a Chief Justice and six other judges. Sittings of the Court are held in the capitals of the various States as occasion may require. The High Court functions as a Court of Appeal for Australia. The following statement shows the transactions of the High Court for 1954 and 1955.

TRANSACTIONS OF THE HIGH COURT OF AUSTRALIA.

Original Jurisdiction.	1954.	1955.	Appellate Jurisdiction.	1954.	1955.
	Number of writs issued	250		104	Number of appeals set down for hearing ..	131	101
Number of causes entered for trial ..	51	10	Number allowed ..	46	44
Judgments for plaintiffs	56	63	Number dismissed ..	60	48
Judgments for defendants	10	1	Otherwise disposed of	34	16
Otherwise disposed of ..	18	8			
Amount of judgments ..	£68,019	£139,664			

During 1954 and 1955, respectively, the High Court dealt also with the following : Appeals from Assessments under the Taxation Assessment Act, 49, 45 ; Special cases stated for the opinion of the Full Court, 8, 13 ; Applications for Prohibitions, etc., 28, 43. The fees collected amounted to £3,202 in 1954 and £3,312 in 1955.

6. **Commonwealth Industrial Court.**—Information regarding this Court, which was established under the Conciliation and Arbitration Act 1904–1956, will be found in Chapter VI.—Labour, Wages and Prices, of this volume.

§ 5. 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 other officials. 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.**—The strength of the police force including probationers, cadets, special constables and women police, in each State and Territory at the end of 1939 and the years 1950 to 1954 is shown in the following table.

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.	1950.	1951.	1952.	1953.	1954.
New South Wales ..	309,433	3,907	4,449	4,527	4,688	4,661	4,610
Victoria ..	87,884	2,333	2,751	2,879	2,992	3,047	3,021
Queensland(a) ..	670,500	1,460	2,220	2,455	2,449	2,403	2,355
S. Australia(a) ..	380,070	905	972	1,055	1,091	1,107	1,086
W. Australia(a) ..	975,920	600	787	877	929	936	964
Tasmania(a) ..	26,215	296	392	420	418	438	471
Nor. Territory(a) ..	523,620	48	61	48	50	56	62
Aust. Cap. Ter. ..	939	17	45	57	58	57	60
Total ..	2,974,581	9,566	11,677	12,318	12,675	12,705	12,629
Population to each Police Officer ..	..	733	715	695	692	703	723

(a) 30th June of year 1955.

The figures for New South Wales for 1954 exclude 8 black trackers and cadet trackers (i.e., natives employed in the detection of offenders, chiefly in outlying districts) and 4 matrons, while the Victorian returns exclude one black tracker. For Queensland the figures exclude 23 black trackers, for South Australia, 5 wardresses, for Western Australia 18 black trackers and 6 female searchers, and for the Northern Territory 29 black trackers. Women police are employed in all the States, the respective numbers for 1954 included in the table above being:—New South Wales, 37, Victoria, 30, Queensland 8, South Australia 20, Western Australia 9, Tasmania 5 and Australian Capital Territory 3. Their work is mainly preventive, relating particularly to females and neglected children. They also carry out escort duties in respect of female prisoners.

4. **Prison Accommodation and Prisoners, 1954.**—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 1954:—

PRISON ACCOMMODATION AND PRISONERS, 1954.

Particulars.	N.S.W. (a)	Vic.	Qld. (a)	S. Aust.	W. Aust. (a)	Tas. (a)	N.T. (a)	Total.
No. of Prisons ..	16	11	7	16	19	2	2	73
Accommodation in—								
Separate cells ..	2,305	1,323	603	681	669	149	31	5,761
Wards ..		435	295	128	207	32	28	1,125
Prisoners at end of year ..	2,238	1,186	580	377	386	163	50	4,980

(a) Year ended 30th June 1955.

There are no gaols in the Australian Capital Territory, but there is a lock-up consisting of five 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 1950 to 1954.**—The number of prisoners in gaol at 31st December in each of the years 1939 and 1950 to 1954 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.	1950.	1951.	1952.	1953.	1954.
NUMBER.						
New South Wales(a) ..	1,355	1,885	2,070	2,135	2,155	2,238
Victoria ..	1,144	981	1,048	1,248	1,173	1,186
Queensland ..	261	(a) 454	(a) 472	(a) 538	(a) 606	(a) 580
South Australia ..	199	261	316	437	413	377
Western Australia(a) ..	244	342	362	374	360	386
Tasmania(a) ..	108	114	142	154	152	163
Northern Territory ..	23	(a) 52	(a) 34	(a) 44	(a) 47	(a) 50
Total ..	3,334	4,089	4,444	4,930	4,906	4,980
Per 10,000 of population ..	4.8	4.9	5.2	5.6	5.5	5.4

(a) 30th June of year following.

§ 6. Cost of Administration of Justice.

1. **Expenditure by the States.**—The table below shows the net expenditure from Consolidated Revenue during 1954–55 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 the receipts for legal fees and registrations exceed the actual expenditure under "Justice".

NET EXPENDITURE ON ADMINISTRATION OF JUSTICE, 1954-55.

State.	Net Expenditure.			Per Head of Population.		
	Justice.	Police.	Prisons.	Justice.	Police.	Prisons.
	£	£	£	s. d.	s. d.	s. d.
New South Wales ..	960,270	5,236,132	1,220,919	5 7	30 3	7 1
Victoria ..	544,282	3,821,191	553,085	4 5	30 9	4 5
Queensland ..	212,381	2,734,811	209,080	3 3	41 3	3 2
South Australia ..	— 38,154	1,210,307	222,875	— 0 11	30 0	5 6
Western Australia ..	21,225	1,221,178	168,477	0 8	37 8	5 2
Tasmania ..	140,490	579,758	101,222	9 0	37 1	6 6
Total ..	1,840,494	14,803,377	2,475,658	4 1	32 9	5 6
1953–54 ..	1,808,185	14,243,687	1,852,675	4 2	32 2	4 2
1952–53 ..	1,890,836	13,478,847	1,723,190	4 4	31 0	4 0
1951–52 ..	1,599,109	12,011,760	1,560,028	3 9	28 4	3 8
1938–39 ..	315,881	3,499,202	417,679	0 11	10 1	1 2

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 1950–51 to 1955–56.

EXPENDITURE OF THE COMMONWEALTH ATTORNEY-GENERAL'S DEPARTMENT.

(£.)

Year.	Gross Expenditure.	Receipts.	Net Expenditure.
1938–39	281,497	111,036	170,461
1950–51	1,096,274	204,362	891,912
1951–52	1,348,721	238,676	1,110,045
1952–53	1,438,139	286,746	1,151,393
1953–54	1,549,991	321,683	1,228,308
1954–55	1,715,945	370,759	1,345,186
1955–56	1,896,741	407,474	1,489,267

The expenditure for each year includes that in connexion with patents and copyright which amounted to £379,370 in 1954–55, and to £388,268 in 1955–56. The Commonwealth took over jurisdiction in bankruptcy in August, 1928, and the expenditure thereon amounted to £122,465 in 1954–55 and to £145,390 in 1955–56. Revenue of the Attorney-General's Department for the year 1954–55 amounted to £370,759, comprising £210,941 for patents, copyright, trade marks and designs, £54,223 for bankruptcy and £105,595 miscellaneous, including fees and fines. Revenue for 1955–56 was £407,474, comprising £266,646 for patents, copyrights, trade marks and designs, £60,032 for bankruptcy and £80,796 for miscellaneous, including fees and fines.

In addition to the foregoing, expenditure in the Northern Territory for the upkeep of the police force and prison services amounted to £135,738 during 1954–55 and to £145,387 during 1955–56.

Expenditure in connexion with the Australian Capital Territory police amounted to £87,126 in 1954–55 and to £98,720 in 1955–56.