



Australian Institute of Criminology

Migration, Ethnicity and Crime in Australian Society

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MIGRATION, ETHNICITY, AND
CRIME IN AUSTRALIAN SOCIETY

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SUMMARY

The simple reality is that Australia is a multicultural society. With almost one in four Australians being post-war immigrants or offspring of those immigrants, 150 different ethnic backgrounds and 90 different languages are now represented in the society.

Much has been written about the difficulties encountered by migrant groups and individuals in adjusting to their new environment. But one could argue that modern industrial society is sustained today by the strength of its community groups, voluntary associations and neighbourhoods which support and cushion the impact of urbanisation and technological change.

Preliminary Findings

The literature on migrants and crime in Australia is extremely limited. Our theories on migrant crime far outstrip our empirical knowledge.

This report is not a synopsis of the impulses towards crime by specific ethnic groups in Australia. Rather, it explores and draws together the scattered existing literature and statistics to provide background and directions to future research.

This presentation of available data covering the past three decades compares the court appearances and imprisonment rates of migrants with those of persons born in Australia.

Earlier studies are complemented by the introduction of a substantial analysis of National Prison Census data between 1982 and 1985. Social factors, such as age, sex, educational level, employment and marital status of offenders at the time of incarceration, are included with data on the nature of offending, sentencing type, sentencing length, and the legal status of prisoners.

While not definitive, trends indicated in this analysis are as follows:

1. Studies have consistently shown that persons from the general migrant population commit fewer offences and are less likely to be in prison than persons from the Australian-born population. For example, overseas-born prisoner rates (75.46 per 100,000 of the population) were significantly lower than Australian-born prisoner rates (107.53 per 100,000) in 1985 (table 39).

2. Offending rates among migrants tend to increase with the duration of residence in Australia. That is to say, migrant offending trends become more like those among the general population over time.

3. There has been a steady rise in migrant prisoner numbers, but this has been comparable with, if not slightly lower than, the increase of migrant population in Australia in general (pp. 52, 54).

4. Migrants do not mirror the offending and imprisonment trends of the general population. A sharp increase in prisoner figures among the Australian-born between 1984 and 1985 was not apparent in migrant figures. Between 1982 and 1985 Australian-born prisoner populations have shown a higher rate of increase and a greater propensity to fluctuation than migrant prisoner populations.

5. Between 1982 and 1985 Australian-born prisoners comprised an average of 79.80 per cent of the national prison population, with overseas-born persons comprising an average of 20.20 per cent (page 52).

6. In both populations male prisoners dominated prison statistics. At the time of the National Prison Census on 30 June 1985, 8,224 Australian-born males and 2,118 overseas-born males,

compared to 410 Australian-born females and 92 overseas-born females were in prison. Higher rates of increase among female prisoners are attributable to the relatively low number of female incarcerations (pp. 49-54).

7. Between 1982-1985, next to the Australian-born, persons from the United Kingdom and from New Zealand comprised the largest numbers in prison. But in relation to the size of the resident population in Australia, a disproportionate representation was most noticeable among New Zealand and other Oceanic, Lebanese and other Middle East, and Yugoslavian migrant groups. New Zealand/Oceania and Middle East rates have consistently surpassed Australian-born rates for some years. Yugoslavia has either equalled or has just surpassed Australian rates with America (North and South) coming close to doing this. Lower rates among Africa, Greece and Italy, and to a lesser extent Asia and UK/Eire have kept overall migrant prisoner rates lower than Australian-born rates. A slight increase in all prisoner rates was noticeable between 1982-1985 (tables 16 and 17; figures 8 to 11; pp. 54-6).

8. Statistics indicate a positive correlation between unemployment and higher prison figures within specific cultural groups. High offending groups, (Lebanese, Yugoslavian and New Zealand persons) suffer from higher unemployment, while persons from the low offending groups (the Greek and Italian community) show the lowest unemployment rates. This is confirmed by statistics of persons outside of prison and by prisoner statistics at time of arrest (figures 6 and 12; pp. 55-6; table 20).

9. On the whole prisoners were not a highly educated population. However more overseas-born prisoners claimed to have completed secondary school or to have had some post secondary education than Australian-born prisoners (table 21; figure 13, pp. 60,64).

10. The twenty to twenty-four age group, followed closely by the twenty-five to twenty-nine age group appeared to be the population most at risk for imprisonment. Migrant prisoners tended to be slightly older and were also more likely to be married than other prisoners. Yugoslavian, Turkish, Lebanese and New Zealand prisoners tended to be slightly younger, with Australian-born prisoners representing the youngest group (tables 22, 23, 24, 25; figures 14, 15; pp. 60, 64).

11. In the 1985 National Prison Census, Australian-born persons - whom we identified as a poorly educated and frequently unemployed sector - were predominantly imprisoned for offences 'against property' (35.16 per cent), offences 'against the person' (26.89 per cent) and 'robbery/extortion' (14.51 per cent). Overseas-born persons - who were slightly older and better educated, and were also marginally more likely to be employed and married than their Australian counterparts - were serving sentences largely for crimes 'against property' (27.74 per cent), (though notably less than the former in this category) and 'against the person' (26.29 per cent). However, a significantly higher percentage of migrant prisoners were serving time for drug related charges (21.0 per cent) than Australian-born prisoners (7.55 per cent). Migrants were convicted less for traffic offences, although there was not a lot of difference between the two general populations on 'against good order' convictions (table 26; pp. 64-8).

12. Trafficking of drugs was highest among New Zealand, Oceanian, Asian, Lebanese, Turkish, North American and other American, African and Other Western Europe convictions. The trafficking and manufacture of drugs also appeared significantly in Greek and Italian convictions (table 26; pp. 67-8).

13. There appeared to be two predominant patterns of offending - those who commit crimes of 'break and enter', 'robbery', 'physical assault', and 'other theft'; and those who were actively involved in the drug trade. It is likely that a

larger proportion of those in the drug trade are foreign transient persons than those in the first category - some of whom would be settled residents, probably committing crime against property and person under economic duress (table 26; pp. 76-8).

14. Migrants were less likely to be serving sentences between one to two years (9.99 per cent) than Australian-born prisoners (13.80 per cent); but more migrant prisoners were serving terms of five to ten years (24.88 per cent) and ten years and over (23.95 per cent) compared to Australian prisoners (20.90 per cent and 17.68 per cent respectively) (table 28; figure 18; pp. 68,72).

15. Migrant groups were found to suffer from an unfamiliarity with police procedures or of their rights under these procedures. An inability to communicate with police, due to language difficulties, frequently led to misinterpretation of situations - both by police and by migrants - which could significantly impair police/migrant community relations.

16. The degree of knowledge migrants had of the legal system and of legal aid resources available to them has been described as 'abysmal'. There is consequently a distrust of lawyers among many migrant people.

17. A major reason for migrant disillusionment with the justice system was this inability to communicate with law enforcement agencies, the legal profession or magistrates without interpreters. While it may be customary in many courts to use interpreters, the provision of an interpreter is not mandatory.

Policy Recommendations

Recommended areas for review in policing, courts, corrections, the community and in education policy have been identified (pp. 125-28). These are summarised as follows:

1. Policing: Frequent regional evaluations of police/migrant relations should be undertaken in order to keep abreast of the special difficulties of migrant policing; the deficiencies in policing expertise, training and ethnic recruitment; and the nature of complaints against policing practices from migrant sectors which might identify areas of cultural conflict. These evaluations could provide useful indicators of areas in which simple adjustments in police training, attitudes and practice could lead to an avoidance of these problems. Training of police recruits in community relations particularly in districts which deal constantly with ethnically mixed populations, should extend well beyond a few hours of lectures during apprenticeship. It should be incorporated into an ongoing training program and become an integral part of law enforcement policy and practice.

2. Courts: The lower level of representation by private lawyers in low income areas creates a greater need for legal aid services. The funding for legal aid and interpreters for migrants in all Courts of Civil, Industrial, Criminal and Summary Jurisdiction should be provided jointly by the States and Commonwealth. No person should be held in custody because of their inability to raise bail, unless the offence is one where they are likely to be a danger to themselves or others or where there are grounds for believing they will abscond. The recruitment of persons of different ethnic backgrounds into the judiciary and legal professions, and the provision of training and seminars for magistrates, judges and lawyers on pertinent issues relating to migrants and the law would do much to facilitate communication and mutual comprehension between these sectors.

3. Prison: Corrective institutions, like all other sectors of the legal and criminal justice system, are not exempt from ensuring that equity under the law between prisoners is maintained and from ensuring that prisoners' rights to communicate and to be communicated with are respected. This will require the introduction of translated versions of prison rule books and other basic instructions, and some employment of bilingual prison and welfare officers.

4. Communications: The employment of interpreters in legal consultations, police interrogation, court hearings and prisons should be provided, as a right, for persons who are not fluent in the English language. Legal services would be enhanced were they to have a professional association with official interpreter services and community migrant centres in their area. Graded tertiary interpreter training courses are needed to provide a pool of competent professionals to draw into the Australian justice system at all levels. The Criminal Investigation Bill (1977) should be reintroduced into Commonwealth Parliament so that safeguards relating to records of interview, interrogation and other criminal investigation procedures may be put firmly in place.

5. Community Liaison: One of the most promising developments in state policing is the establishment of ethnic liaison schemes or special liaison units. Their work in addressing issues of migrant policing, in developing practical approaches, and in initiating direct communication with community groups has been encouraging. In addition to improving police relations with migrants such liaison also helps to instill a sense of well-being in the community.

6. Community participation: The community is its own resource. It also needs to seek ways in which it can help itself by giving support to community-based programs such as Neighbourhood Watch and Community Dispute Resolution Centres; or by providing voluntary labour to day-care and parent-teacher groups, women's refuges, and other community support groups. Many of the problems which police encounter could be mitigated or even handled entirely by community help networks and should not intrude upon police work at all.

The protection and promotion of community life may retard the process of deviance - even in situations of poverty and underprivilege. The criminal justice system cannot substitute for the functions of the community in the imparting of informal sanctions and in the transmission of social responsibility to its members. The fact that

it cannot, single-handedly, prevent crime has significant implications for educators, practitioners, and policy makers. It is clear that there is some recognition by Australian governments of the need to nourish migrant community identity as an integrative source of values and authority.

7. Education and policy: There is a need for a variety of information and education programs, on rights and obligations under the Australian law, to be made available to newly arrived and already established migrants. State governments already collaborating with ethnic groups in the provision of teaching in community languages, could expand their roles to encompass information programs in areas of criminal, civil, industrial and family law. Migrant workers need to know how they can lodge complaints against, and protect themselves from, the exploitation of employers. While recognising the heavy demands to include new subjects in school curricula, there is a good case for making some basic instruction on law and legal processes part of the education of all children in Australian schools. Adults should be informed of Australian law relating to such matters as protection from enforced marriage, domestic violence, child abuse and the distribution of marital property and access to children in the event of marital breakdown. Simple and short leaflets in several community languages could also be produced on such subjects as bail procedures, how to obtain legal or other professional assistance, how to lodge complaints against unfair treatment by authorities, and points about Australian law most frequently breached by migrants.

Areas for Future Research

A number of pertinent questions with serious policy implications have been identified. These have been assembled into fourteen broad categories summarised briefly below (pp. 129-41):

1. Crime and Culture

The question of the influence of culture upon deviance or conformity is an intriguing one. There is a need to investigate the influence of culture, social organisation, and community values upon crime or the deterrence of crime. For comparative purposes the development of an index of social factors which support group boundaries could be explored.

2. Social encounters

A range of offending can arise from social encounters, perceived breaches of social boundaries, and inter-group hostilities. There is a need to consider the relationship between community infrastructure, inter-group relations, public order and crime.

3. Inter-group feuding

This would be a case study project examining inter-group feuding along ethnic, religious, or ideological lines. How feuding develops and the forms which hostilities take - such as racial slurs and mischief, discrimination and physical attacks, or stand-over tactics - need to be addressed.

4. Deprivation, crime, and migration

To what extent do the original motives and socio-economic conditions under which decisions to migrate were taken, and the subsequent conditions and disappointments following settlement, form part of the mental context predisposing towards migrants criminality?

5. Domestic violence

Little is actually known of the impact of child, spouse or partner abuse upon migrant crime rates, or of the socio-cultural factors involved in these crimes. A long-term survey of court and prison records of convictions of overseas-born persons for crimes emerging from the domestic environment, compared to those in the general population, would throw some light on this question.

6. Generation, economic climate, and crime

Between 1971 and 1986 unemployment among teenagers increased six fold. What is the relationship between unemployment rates and juvenile crime? Are youth, generally, more prone to committing offences or is offending more pronounced along cultural-group lines? Are migrant youth more likely to commit offences than were their parents of the same age and sex? There is a need to study how the economic climate impacts on migrant unemployment and offending patterns. This study could compare educational and employment status, and age and sex distribution, in a cross-cultural sample of the offending population.

7. Generations of deviance

Are patterns of offending transferred from one generation to the next? A controlled study of delinquent children, and the child raising practices and expectations of their parents and grandparents, may provide insight into the generational transfer of values and attitudes which lead to crime, or which must be rejected in order to commit crime by juveniles.

8. 'Street-wise' sub-culture

Does juvenile 'street-wise' activity represent freedom from the sanctions of the community group and an escape from conflicting values and expectations at home? Is juvenile street offending the beginning of learned criminal behaviour, or a brief diversion from norms which, in the majority of cases, will re-emerge in adult life-styles?

9. Street offending

Many ethnic groups bring with them traditions of street-located social activity. Some activities, such as congregating in the streets, cafe gambling, public shaming and intimidation, or the extraction of revenge and compensation, offend against Euro-Australian sensibilities. In addition to the nature and frequency of migrant street-offending, the circumstances under which crimes against the person and property and against good order are committed, and the cultural component of street activity which clashes with Euro-Australian customs and laws, could also be examined by a closer study of particular cases.

10. Length of residence and crime

Earlier studies indicate that there is a positive correlation between length of residence in Australia and crime among migrants. Further research is needed to test this finding, with regard to other factors such as unemployment, age, sex, and degree of integration.

11. Organised crime

Has there been a systematic importation of criminal elements into Australia? Rising figures on drug offending are of particular concern. Reports of ethnically-based crime syndicates are difficult to substantiate without the collection and analysis of cases known to be most commonly associated with organised crime. In addition to a review of cases involving large scale immigration, prostitution, extortion, and drug racketeering this analysis might include tax evasion, fraud, and other business or white-collar crime.

12. Policing migrant communities

There is widespread interest in the general issues of police practice and accountability, and preventative policing. A frank and informed analysis of the police persona in the world of the migrant is well overdue. A study of broadly-based issues of police/race relations, policy-making at the managerial level, and policy implementation in the lower ranks, and the identification of likely and needed change should provide the background to more immediate questions of policing practice.

13. 'Foreignness' and 'fairness' in sentencing discretion

There is considerable concern about racial discrimination in the criminal justice system. However, little is actually known about racial and cultural difference and the sentencing of offenders; or indeed of those who are not received into custody. Variations between jurisdiction, ethnicity, court level, and length of sentence are complex influences requiring study. There is a need to explore the relationship between legal and judicial perceptions of 'foreignness', witness reliability, and rates of conviction.

14. Community and Reform

The overstretching of the criminal justice system, particularly prison and detention facilities, has led in the 1980s to the development of alternative, community-based correction schemes. As these programs are still relatively new this area would lend itself to action-oriented research. A study of minor offending among migrant groups and their need for, or participation in, community-based treatment, rehabilitation and community correction programs would be timely and constructive.

MIGRATION, ETHNICITY, AND
CRIME IN AUSTRALIAN SOCIETY

Migration and Multiculturalism

In a continent which is believed by paleontologists to have been populated entirely by migration the 'foreign-born' is a relatively new concept based upon very recent policies and administrations for controlled immigration. The earliest evidence of homo-sapien occupation dates back to 40,000 BP, with the first skeletal sites dated between 28-32,000 BP. These earliest waves of migration, believed to have come from south-east Asia, provided the cradle for local evolution in Australia and the ancestry for Australia's indigenous populations. Although the accuracy of the estimation has been subject to wide debate, when the first Europeans arrived in 1788, it is believed that approximately 300,000 Aborigines lived in Australia. During the following two centuries people from the British Isles, Asia, North America, Europe, New Zealand and China migrated to the continent in response to economic opportunity and the need for labour; or left in times of drought, depression and two world wars.

After World War II immigration was encouraged under relatively relaxed criteria. Australia was a nation in need of a population. In order to develop, it required an adequate supply of skills and labour. During the 1950s a large number of displaced persons from war-torn Europe were admitted. A steady influx of skilled and unskilled labour continued through the 1960s to meet local shortages. But by the late 1960s there was growing concern about the ability of the economy to absorb an average of 170,000 new settlers each year. In 1969 - 1970 this intake peaked at 185,099.

Table 1: Arrivals and Departures by Category of Movement, Australia, 1971 - 1984

Year ended 31 December	Arrivals ('000)				Departures ('000)				All movement ('000)	
	Permanent	Long term	Short term	Total	Permanent	Long term	Short term	Total	Gross	Net
1971	155.5	78.2	845.0	1,078.8	41.1	89.1	863.9	994.2	2,073	+84.6
1972	112.5	80.8	917.4	1,110.7	45.9	91.1	945.8	1,082.8	2,193.5	+27.8
1973	105.0	92.4	1,093.0	1,290.4	43.4	86.5	1,120.0	1,249.9	2,540.3	+40.4
1974	121.3	90.3	1,284.9	1,496.5	33.8	90.6	1,285.0	1,409.4	2,905.9	+87.1
1975	54.1	78.2	1,396.6	1,259.0	29.1	89.7	1,418.3	1,537.1	3,066.0	-8.1
1976	58.3	83.2	1,500.1	1,641.6	26.7	89.2	1,486.3	1,602.2	3,243.8	+39.5
1977	75.6	85.2	1,537.0	1,697.8	22.8	83.3	1,512.2	1,618.2	3,316.0	+79.5
1978	68.4	86.3	1,660.1	1,814.8	25.0	78.2	1,659.3	1,762.5	3,577.3	+52.3
1979	72.2	95.4	1,937.6	2,104.8	23.4	74.7	1,928.2	2,026.3	4,131.1	+78.5
1980	94.5	89.8	2,099.4	2,283.6	20.8	70.0	2,077.7	2,168.6	4,452.2	+115.1
1981	118.7	94.0	2,118.1	2,330.8	19.9	65.7	2,117.7	2,203.3	4,534.1	+127.5
1982	107.2	88.0	2,214.3	2,409.5	22.5	69.8	2,208.4	2,300.7	4,710.2	+108.8
1983	78.4	75.2	2,163.6	2,317.1	25.9	74.6	2,181.9	2,282.4	4,599.5	+34.7
1984	73.1	80.4	2,389.8	2,543.3	22.3	74.1	2,404.4	2,500.5	5,043.8	+42.8

Source: Australian Bureau of Statistics, Australian Demographic Trends 1986, (1986) table 5.1.

Figure 1: Refugee Arrivals 1975 to 1986

Financial years	Total assisted refugees	Total unassisted refugees	Grand total
1975-76	1,456	2,918	4,374
1976-77	1,032	7,092	8,124
1977-78	5,831	3,766	9,597
1978-79	12,008	1,442	13,450
1979-80	17,366	2,588	19,954
1980-81	19,699	2,148	21,847
1981-82	19,752	2,165	21,917
1982-83	16,303	751	17,054
1983-84	12,963	1,806	14,769
1984-85	11,066	3,784	14,850
1985-86	9,008	2,832	11,840
1986-87 (p)	7,211	3,891	11,102

Source: Department of Immigration, Local Government and Ethnic Affairs, 1987

Signs of world recession raised questions about the country's immigration policy. Following the establishment of a National Population Inquiry in 1971, during which time economic and demographic trends were examined, it was recommended that the government's program of large-scale, subsidised immigration be curbed. From 1975 to 1984 permanent intakes were reduced to between 54 - 95,000 (with the exception of 1981 and 1982 which were unusually high due to an increase in Vietnamese and other refugee arrivals) (table 1, figure 1).

While 70 per cent of the permanent arrivals between 1985 and 1986 fell into the 'family reunion' and 'refugee' categories, a changing emphasis upon business and skilled migration has been occurring in line with government policy to stimulate economic growth, labour and export markets and business investment in Australia (figure 2) (Department of Immigration and Ethnic Affairs 1986b, pp. 54-5; Australian Bureau of Statistics, Census of Population and Housing 1981, Australian Demographic Trends 1986a).

The diverse cultural background of the Australian population and a large number of overseas-born citizens is a distinctive feature of Australian society today. Between 1946 and 1983 40 per cent of Australia's population growth resulted from immigration (figure 3). At the time of the 1981 Census 21 per cent of the country's population had been born overseas (table 2) and 41 per cent were either born overseas or had at least one parent who were. Almost one in four (23 per cent) of the population had some parentage with non-English speaking background.

Persons from the United Kingdom and Ireland have comprised the largest proportion of permanent settlers in Australia. Since the 1970s, however, government commitment to a 'global non-discriminatory immigration policy' significantly affected this trend (Department of Immigration and Ethnic Affairs 1986b, p. 54). In 1971, 71 per cent of permanent arrivals came from Europe. This was reduced to 45 per cent and 50 per cent for the

Table 2: Australian Population by Birthplace - 1981 Census¹

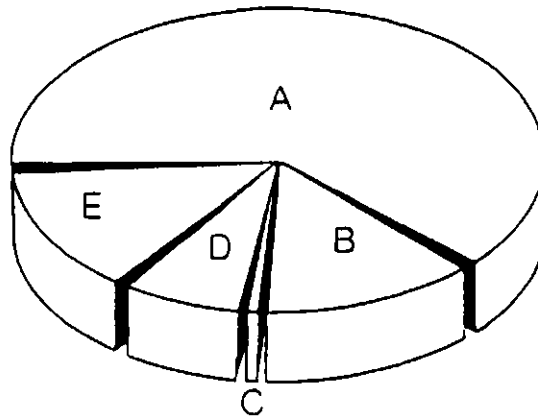
Birthplace	total	per cent
Australia	11,578,500	79.5
UK & Ireland	1,122,000	7.7
Italy	276,000	1.9
New Zealand	177,000	1.2
Yugoslavia	149,000	1.0
Greece	147,000	1.0
Germany	111,000	0.8
Netherlands	96,000	0.6
Poland	59,600	0.4
Africa (except Egypt)	59,000	0.4
Malta	57,000	0.4
Lebanon	50,000	0.3
North America	50,000	0.3
Latin America	46,000	0.3
India	42,000	0.3
Vietnam	41,000	0.3
All Others	521,400	3.6
Total Overseas-born	3,004,000	20.5
TOTAL	14,582,500	100%

Overseas-born by States and Territories:

Western Australia	27.4%	ACT	23.3%
South Australia	22.9%	Victoria	22.8%
New South Wales	20.3%	NT	18.1%
Queensland	14.4%	Tasmania	10.2%

¹ National figures are rounded

Source: Australian Bureau of Statistics and the Department of Immigration Population Branch in September 1982.

Figure 2: 1985-86 Migration Program outcome

A. Family	55,740	E. Change of status approvals	9,672
B. Skilled and business	14,903		
C. Special	938	Total permanent residence outcome	92,953
D. Refugees and humanitarian	11,700		
Total visa program	83,281		

Source: Department of Immigration and Ethnic Affairs, Review of Activities to 30 June 1986 (1986).

years 1976 and 1981 respectively and 29 per cent for 1984. On the other hand, an increase of immigration from Asian countries has occurred over the same period from 12 per cent for 1971, 33 per cent and 27 per cent for 1976 and 1981 respectively and 48 per cent for 1984. An increase in permanent arrivals has also occurred from New Zealand (table 3). In the Department of Immigration and Ethnic Affairs 1985-86 migration program outcome, 14 per cent of all entries were of refugee or humanitarian status (figure 2).

While ethnicity is a poorly defined concept, it is clear that race and culture still divide society into discrete groups in both the minds of the general public and under the administrations of governments. At the very least numerous physiological differences, customary practices and social attitudes are classified, stereo-typed and even stigmatised into culturally-bound definitions. Ideas of race and ethnicity, and practical issues of social relations and acceptability, influence the daily interaction of Australian citizens and structure the activities of service agencies. Perhaps nowhere more obviously are these facts to be seen than in the situation of the Australian Aboriginal. Many of the recently grasped problems of social conflict, prejudice, and cultural indifference experienced by Aboriginals when encountering wider society, are also experienced by other socio-cultural minorities in Australian society.

But perhaps the most unreasonable expectations are those couched in the rhetoric of assimilation into a perceived 'Australian society' which itself is not homogeneous and which is composed of the building blocks of many stable and relatively bounded social entities. In spite of an official policy that proclaims Australia as a multi-cultural society, there remain barriers of class, culture, race, education and so forth which insulate the dominant social group from the newcomers. The question is not whether we make an 'enlightened' effort to

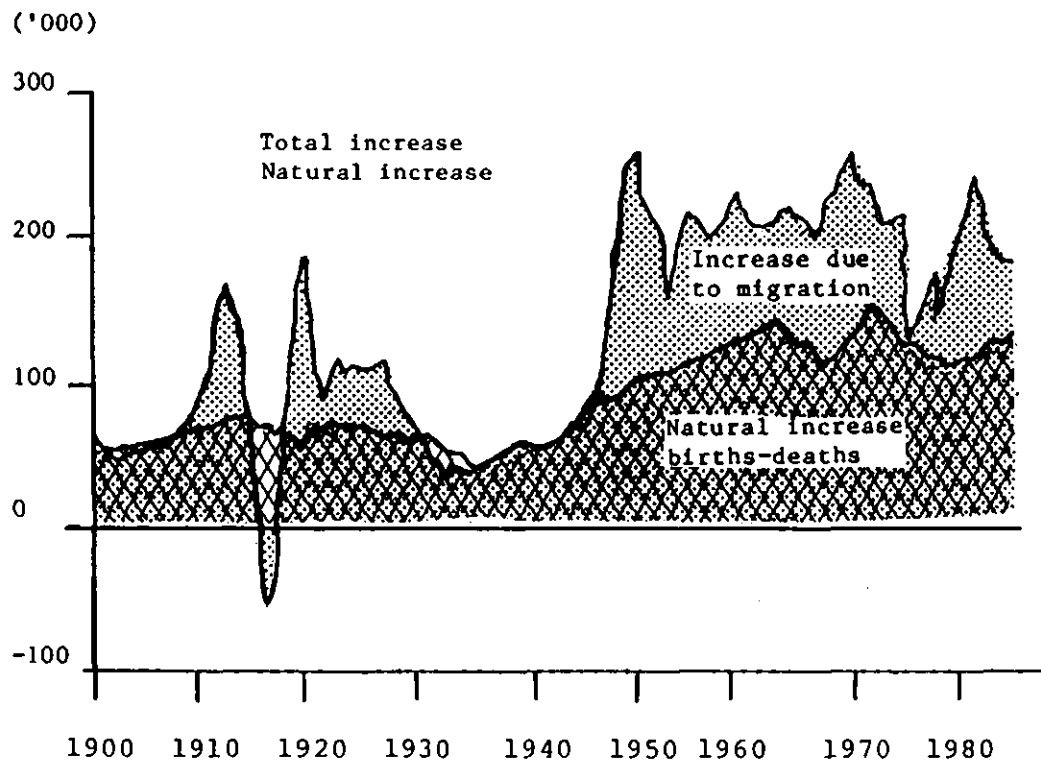
Table 3: Permanent Arrivals by Major Countries of Birth, Australia, 1971 - 1984¹

Region	1971		1976		1981		1984	
	Country	Per cent	Country	Per cent	Country	Per cent	Country	Per cent
Europe	UK and Eire	38	UK and Eire	30	UK and Eire	32	UK and Eire	16
	Yugoslavia	12	Yugoslavia	3	Poland	3	Germany	2
	Greece	6	Greece	3	Germany	2	Poland	2
	Italy	4	Italy	2				
	Total Europe	71	Total Europe	45	Total Europe	50	Total Europe	29
Asia	India	3	Lebanon	10	Vietnam	10	Vietnam	14
	Lebanon	2	Cyprus	5	Philippines	3	Hong Kong	4
	Turkey	2	Malaysia	2	-	-	Philippines	4
	-	-	-	-	-	-	Malaysia	3
	-	-	-	-	-	-	China	4
	-	-	-	-	-	-	Sri Lanka	4
	-	-	-	-	-	-	Lebanon	3
	Total Asia	12	Total Asia	33	Total Asia	27	Total Asia	48
Africa	-	-	-	-	South Africa	3	South Africa	2
	Total Africa	3						
America	USA	4	Chile	3	-	-	-	-
	-	-	USA	2	-	-	-	-
	Total America	9	Total America	10	Total America	4	Total America	8
Oceania	New Zealand	3	New Zealand	6	New Zealand	13	New Zealand	9
	Total Oceania	9	Total Oceania	9	Total Oceania	15	Total Oceania	12

¹ Asia includes countries which are frequently regarded as 'Middle East' countries

Source: Australian Bureau of Statistics, Australian Demographic Trends 1986, (1986) tables 5.4 and 5.1

Figure 3: Components of Population Growth, Australia, 1901-1984



Source: Australian Bureau of Statistics, Demographic Trends 1986 (1986) Figure 1.1.

recognise multi-culturalism for what it is - a distinction between social groups in the modern setting. But rather, that the acknowledgment of this diversity is grounded in a broader recognition of the dynamic and enriching aspects of diversity.

In the early stages of this process, we will encounter problems of racism, ethnocentricity and ethno-class antagonism. Dominant cultures, whether as powerful majorities such as in Australia, or powerful minorities such as in South Africa, display a propensity to believe in their own superiority and thus demand respect, deference and adjustment from less powerful groupings. While a great deal has been written upon issues of race and ethno-class disadvantage, and the misuse of the mechanisms of politics and justice in the imposition of that dominance, some authors question whether apparent 'commonsense' notions and interpretations prove more of a nuisance than an aid in understanding the issues they set about to explain:

Historically, physical differences were equated with innate inferiority; currently cultural differences are equated with beliefs in learned or self-made inferiority which can link with practices, fixing and segmenting forms of cultural oppression that must be regarded not as ethnocentrism but as cultural racism. Intellectuals have contributed to the very form of racism which they construe in ethnic terms by diverting attention from the mechanisms of racism to debilitated notions of culture and cultural difference (Brown 1986, p. 183).

In examining migrants and crime, we should move away from the minority/inferiority analytical categories towards a structural/systemic approach which employs more neutral analyses of social boundaries, social networks and social interaction. Theories of action and exchange are useful in accounting for social structure, relations of power, and the dynamics of inter-group relations.

Explanations of poverty often presume and promote materialistic evaluations of disadvantage whereas structural theories employ systemic explanations of 'position', 'access' and 'organisation' in terms of the chosen lifestyles and cultural values of the group when measuring social success.

Contemporary attitudes and intolerance of diversity can sometimes confuse ethnicity and cultural preference with 'disadvantage'. But, in fact, people may choose to participate in their own social, economic and political arrangements, rather than those of dominant society. This does not necessarily indicate 'inequality' - in fact it may be ethnocentric to assume so - but may merely reflect the realities of group membership, of multiculturalism in its true form.

Poole, Bikkar and Randhawa for example have pointed out that membership in a non-English speaking migrant group was not always synonymous with disadvantage and exclusion, nor could migrants be seen as a homogeneous entity uniformly suffering economic disadvantage and separation from the Australian middle classes (1985 p. 256).

It would be closer to the truth to assert that social cohesion and social integration is hampered not so much by the unwilling assimilation of the migrant into some larger homogeneous society (if indeed that were possible at all). But rather that social cohesion is impeded by the exclusion of these groups as serious contenders for power and resources, and by the sharpening of boundaries along race, class and ethnic lines, as a means of preventing the reciprocity, negotiation and exchange which might lead to greater equity.

Many writers have written upon the concept of multiculturalism. Some, as the Galbally report on post-arrival programs and services for migrants pointed out, have seen multiculturalism as synonymous with 'cultural pluralism'. That is, a model of society where 'different cultural groups compete for influence

and power on the basis of relative equality, where conflicts of interest are resolved peacefully through democratic means' (in Burnley, Encel and McCall 1985, pp. 113-14). The sociologist Saha takes us further by insisting that:

Multiculturalism is more than the mere presence or tolerance of cultural pluralism. In order that a society be multicultural, the institutions and structures of the society must reflect and incorporate pluralism in such a way that its presence and tolerance are guaranteed. Ultimately a true multiculturalism requires a legitimate and equitable share of power in the decision-making process. The requirement that this sharing of power be legitimate (which in fact is the most common definition of authority) differentiates the true multicultural society from one where multiculturalism exists only as a result of pressure-group activity and confrontation (Phillips and Houston 1984, p. 3).

While many of the mechanisms for the implementation of such sweepingly democratic ideals are not yet in place, Australian social policy has been clearly moving in this direction. The principles of human rights and equal opportunity have been enshrined in law and policy; multiethnic television and radio flourish with government support; and language education and translation services have become increasingly accessible. The establishment of systems which promote a sharing of knowledge, experience, and empathy between different cultural groups is as necessary to the interpersonal level, as structuring negotiations and access to power is to formal levels of interaction.

A major component of any healthy social system - whether of a homogeneous or multicultural nature - is the strength of its self knowledge. In Max Weber's metaphor we are suspended in webs of culture: filament-like threads which give meaning to our lives. Significance is attached to objects, social action, relations

of power, ideas, social structures, values and norms, beliefs and material things forming the body of our social knowledge (in Geertz, 1973, p.5). The more different this knowledge is between one social group and another, the greater will be the need to overcome the potential alienation between those groups. Any country wishing to build a nation upon diverse populations, as Australia has done, must first facilitate mutual understanding and shared knowledge. Inevitably, until a system of harmonious co-existence is fully articulated, people will fall down between the cracks - the dark areas where ignorance, fear and prejudice linger in the absence of knowledge and reciprocity.

Clusterings of interest groups - protecting class and ethnic identities - often equate power and wealth with the control of the governmental and justice systems of the country. As social groups establish themselves in city suburbs or country towns, ferocious territoriality may emerge unless conscious efforts for inter-group liaison are made.

In any study of migrants and crime, one must consider the part inter-group incompatibility and cross-cultural provocation might play in effecting crime. One must also consider whether some offences result directly from poor communication of the moral and social values upon which Euro-Australian law is based, and whether the responsibility for such communication should be placed at the doorstep of federal and state governments.

Neighbourhoods, Networks and the Nation State

The simple reality, the conservative philosopher Chipman asserted, is that 'Australia is a poly-ethnic society'. With almost one in four Australians being post-war immigrants or offspring of those immigrants, 150 different ethnic backgrounds and 90 different languages are now represented in the society (1985, p. 260). This surely raises questions about whether

maintaining ethnic traditions by forming voluntary associations is something which the 'true blue Aussie' mainstream can tolerate. Must the 'mainstream' eventually give way to a social hybrid which can genuinely extend equal linguistic and cultural rights as well as political democracy to all social groupings?

Modern liberal democratic thought goes beyond the mere acceptance of diversity to address all aspects of egalitarianism. Stepping off from the measures of government policy and programs designed to educate, assist and encourage migrants to adjust to wider society and to help educate wider society to accommodate them, this new form of liberalism would have every Australian child taught that the 'true Aussie' has an understanding of a number of different cultures, studies the history and customs of other cultures in addition to those of British origin, and ideally speaks at least two community languages.

While this brand of liberalism may seem too radical for some to entertain, shades of it already influence our thinking in the 1980s. What is radical today may well be commonplace two or three decades from now. Questions about the need to maintain the British mould of our political and legal systems have already been raised. Why, for instance, retain traditions and trappings which do little to promote the comprehension of Australian law, among English and non-English speaking citizens alike, in Parliament or in the court room for instance?

Much has been written about the failure of migrant groups and individuals to adjust to their new environment. But one could argue that modern industrial society is sustained today by the strength of its community groups, voluntary associations and neighbourhoods which support and cushion the impact of urbanisation and technological change. Ethnic affiliations, as other interest groups, are mobilised in response to socio-political

needs and situations as they occur. Indeed, anthropologists have demonstrated that modern ethnicity is a phenomenon of relatively recent origin (Banton 1957; Mitchell 1969; Cohen 1969, 1974; Bailey 1969, 1977; Mayer and Mayer 1974).

In the last 50 years social anthropology has increasingly turned its attention from so called primitive, traditional or peasant society to a study of the inter-ethnic structurings of the modern industrial world. Ethnic groups are seen as 'encapsulated political structures' (Bailey, 1969/1977) - that is, collectives which regroup in response to the wider social and political system which surrounds them. These groupings are partly regulated by, and partly independent of, the wider system (Bailey 1969/1977). Following their subjects from rural to urban centres of semi-industrial and industrial societies anthropologists have observed that urbanisation has not, as was once expected, produced a homogeneous whole. So called 'modern society' is a composite in which aspects of traditional, tribal and community identities survive or are abandoned according to need.

Cohen noted that:

Societies consist of a multiplicity of interest groupings of all sizes and sorts, that quarrel, compete, federate, cross-cut, and overlap with one another, to protect or increase their share of power (1974 p. 65).

Cohen felt that the study of 'informally organised interest groups' would provide the key to the understanding of modern society (1974, pp. 124-5).

Migration, in the context of complex industrial life, necessarily brings with it the processes of social restructuring as new groups form within the host country. One aspect of this restructuring, described by anthropologists as 'detrribalisation' or 'deculturalisation', occurs when cultural differences between the groups are eroded and 'various cleavages which cross ethnic

lines' create new alignments between these groups. A second process called 'retribalisation' or 'reculturalisation' occurs when members of a displaced group emphasise their native identity within the foreign setting. This has in more recent years been called 'ethnicity'. Ethnic identity is based upon real or symbolic criteria which define membership and establish boundaries between the ethnic group and wider society. While some might consider this to be a manifestation of conservatism, separatism or stagnation, Cohen has pointed out that a more careful analysis leads one to discover that an organisational dynamic is at play (1974, p. 15).

While Australia and its immigrant groups are not directly comparable with the African societies in which these restructuring processes were originally observed (Cohen 1969; Bailey 1969/1977), reports of knife and club fights between Lebanese and Vietnamese youth street gangs in Bankstown, Sydney, provide a parallel example of territorial realliance. The Lebanese gang consisted of both Christian and Muslim youth. 'Sure there is fighting in Lebanon, but we are all brothers here', one member told the press. 'We do not think of each other here as Christian or Muslim, we are all Lebanese together'. The target of their hostility was not each other but the Vietnamese, a new group of immigrants who had recently moved there and who were believed to be 'trying to take over Bankstown' (Sun Herald 13 July 1986).

What constitutes ethnicity out of its native context? What constitutes Italianness, Greekness? What are the boundaries of the group? What are the shared references, values and practical activities of interaction within the group which serve to support, define and maintain group identity? Social, racial, or psychological parameters of modern ethnicity, are clearly instrumental to identity. To what extent are they merely 'chips' in the more serious poker game for territory, wealth, power and prestige with competing interests?

Ethnic groups and neighbourhood networks are a feature of modern life, as kinship structures were a feature of traditional socio-political organisation. Voluntary associations and community support groups, along whatever lines they have been formed, are elementary building blocks of society. This social diversity is tolerated and to some extent encouraged in Australia. But there is a need for a more widespread recognition that these subsystems safeguard and distribute the weight of the lofty superstructures of the state upon their foundations. No superstructure could survive without its sub-systems. The fact that some of these groupings are open and some are closed; some have flexible boundaries, others define their boundaries along formidable lines of race, language or religion; is of less importance than the recognition that they are a necessary part of contemporary life and are entitled to an equitable share of society's resources.

Employment and the Workplace

Mass migration since the second world war has created a concentration of migrants in major cities, where industrial employment is available, reinforcing residential clustering along ethnic lines. Migrants have, in turn, provided a pool of cheap labour and have attracted industries to the areas where they reside. The practice of chain migration and the government's emphasis upon family reunion has led to extended families, friends, even whole villages, being transplanted in Australia.

With the exception of refugees, government sponsorship of new settlers was significantly reduced from 1971 and was officially discontinued in 1983 (table 4). Over the years, established migrant families and community groups have been able to sponsor relatives and compatriots to settle in Australia. They assist the new arrivals with finding housing and jobs, frequently in the same localities and industries as their own. Growing communities induce a sense of mutual assistance and obligation in their members. They can provide an effective network of exchange and

support which strengthens the 'ethnic' identity of the group in the new setting. To a large extent this process of regrouping and solidarity helps to buffer the members from the shock of relocation in a foreign culture - particularly where the official and daily language of the host community is different from their own.

Much has been written upon the problems experienced by immigrant families during their years of settlement and adjustment to industrial urban environments. Some migrants come already from such environments and require little adjustment. Those who come from rural, traditional societies may also adapt quickly to the material side of Australian life - for instance, the purchase of household and other consumer goods. Others may become entrapped in hire-purchase schemes and unscrupulous building contracts or mortgage plans.

Although recent studies have shown that inequities, particularly in educational and occupational realms, can be overcome quite spectacularly by new immigrants and their offspring (Burnley 1986; Mistilis 1986), nevertheless, difference of social standing, language and access to fair employment are the main sources of divergence between working-class migrants and mainstream Australia. Some of the worst forms of economic exploitation are allowed to continue simply because wider society remains indifferent towards persons of minority status.

Some migrant families, and even whole migrant groups, have experienced excessive discrimination in employment. Their employers push them into inferior positions and withhold promotional opportunities from them (Evans and Kelley 1986; Stein in Phillips and Houston 1984, p. 47-53). In a depressed economic climate, it is always those groups limited in their proficiency in English which are most severely affected by unemployment or are most vulnerable to dishonest employers.

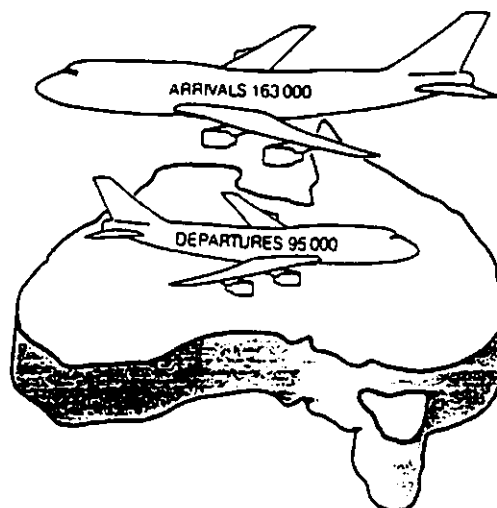
Table 4: Percentage of Government Assisted Settlers to Total Permanent Arrivals by Country of Birth, 1961 - 1983¹

Origin of settlers (last residence)	Period/Year				
	1961-71	1971	1976	1981	1983
United Kingdom & Ireland no. of settlers ('000)	697.9	59.9	17.5	37.5	19.6
per cent assisted	89.6	86.0	44.8	20.1	0.4
Other European countries no. of settlers ('000)	552.9	51.7	8.4	22.5	13.9
per cent assisted	48.7	75.3	25.7	29.9	15.9
All other regions no. of settlers ('000)	284.8	44.8	32.5	58.7	44.9
per cent assisted	27.0	31.5	17.9	26.8	21.3
Total - all regions no. of settlers ('000)	1,535.7	155.5	58.3	118.7	78.4
per cent assisted	63.7	66.7	27.2	25.2	15.5

¹ The assisted settler scheme was discontinued in mid-1983, however some settlers under that scheme arrived in the second half of 1983.

Source: Australian Bureau of Statistics, Australian Demographic Trends 1986 (1986) table 5.3.

Figure 4: Permanent and long term overseas arrivals and departures, 1984-85



Permanent and long-term overseas arrivals are:

- (1) persons who, on arrival, state that they intend to settle in Australia permanently;
- (2) visitors who intend to stay in Australia for 12 months or more; and
- (3) returning Australian residents who had stayed abroad for 12 months or more.

Permanent and long-term overseas departures are:

- (1) Australian residents (including former settlers) who on departure state that they are leaving the country to take up permanent residence abroad;
- (2) Australian residents who intend to stay abroad for 12 months or more; and
- (3) departing visitors to Australia who had stayed more than 12 months in Australia.

Source: Department of Immigration and Ethnic Affairs, Review of Activities to 30 June 1986 (1986).

Although there is no firm information on English proficiency among new settlers on arrival, it has been estimated that up to one fifth of settlers arriving in Australia were likely to be unable to speak English (Australian Institute of Multicultural Affairs 1982, p. 24). The special educational needs of second generation migrant children and younger siblings born in Australia into families where English is not regularly spoken, may be as critical as those of adults and children born overseas.

A detailed study undertaken by the federal government's Adult Migrant Education Service in Perth, with the help of local employers and the Trades and Labour Council, identified illiteracy and poor knowledge of English as primary problems, to the extent that non-English speaking workers were unable to read simple instructions and had to depend upon fellow workers for translations. The problems of migrants are little understood by management or unions the report said (Weekend Australian, 27-28 June 1987).

Language difficulties obviously affect the employment opportunities of thousands of immigrant Australians. In a seven year survey conducted by the Australian Bureau of Statistics it was found that unemployment was noticeably higher among more recently arrived migrants. Compared to Australian-born members of the civilian labour force, higher unemployment was seen among migrants in general. This was particularly the case among migrants from non-English speaking countries.

Between 1978 and 1984 the mean unemployment rate among those born in Australia was 7.8 per cent of the civilian labour force. Among those born in the 'main English-speaking countries', who arrived in Australia before 1961 the mean unemployment rate registered below the Australian rate at 4.75 per cent, but the rate rose to 8.45 per cent for arrivals between 1961 and 1970, 8.8 per cent for arrivals between 1971 and 1980, and 14.65 per

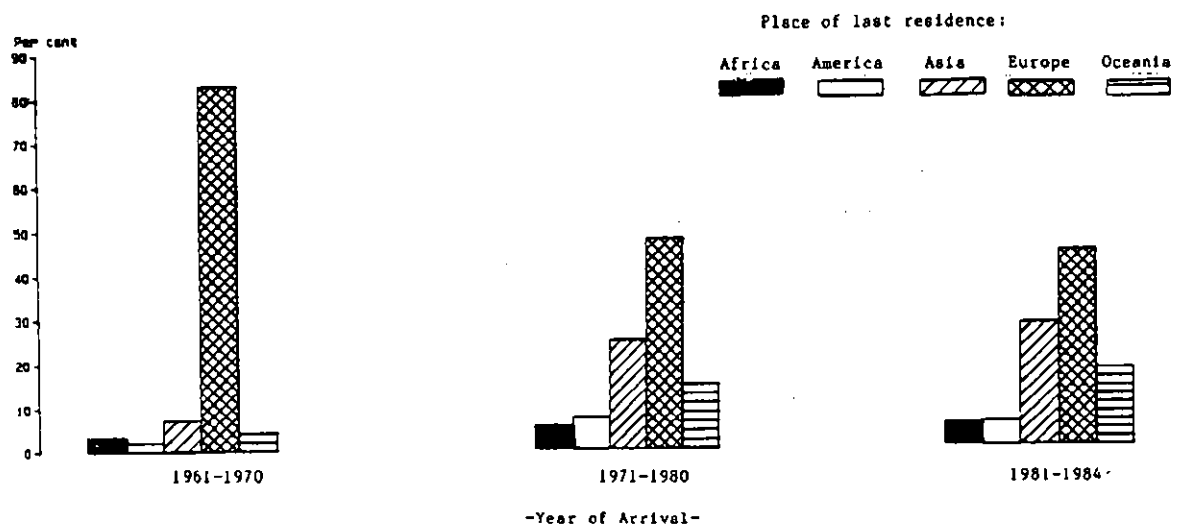
Table 5: Civilian Labour Force by Birthplace

Country of birth	Employed		Unemployed			Labour force	Unemployment rate	Participation rate ¹
	Full-time workers	Total	Looking for full-time work	Looking for part-time work	Total			
('000)						(per cent)		
PERSONS - AUGUST 1984								
Born in Australia	3,914.1	4,810.3	360.1	60.8	420.9	5,231.2	8.0	60.6
Born outside Australia	1,400.7	1,651.9	164.0	19.7	182.7	1,825.7	10.0	61.9
Africa	46.1	54.0	-	-	4.1	58.1	7.1	66.7
America	43.9	55.4	5.4	-	6.1	61.6	9.9	66.2
Asia	185.4	215.8	40.2	-	42.7	258.5	16.5	61.7
Lebanon	20.1	21.7	8.8	-	9.1	30.8	29.4	56.6
Vietnam	22.3	24.4	12.2	-	12.5	36.9	33.9	68.2
Europe	1,027.3	1,213.6	103.2	14.2	117.3	1,330.9	8.8	60.7
Germany	56.3	67.0	4.7	-	5.5	72.4	7.6	62.6
Greece	69.3	76.3	4.8	-	5.9	82.1	7.1	61.4
Italy	127.8	148.4	10.4	-	10.8	159.3	6.8	58.0
Malta	31.6	34.5	-	-	-	36.8	-	64.3
Netherlands	45.2	55.0	4.1	-	4.5	59.6	7.6	60.4
Poland	21.5	24.3	-	-	-	27.2	-	47.6
UK and Ireland	512.4	619.3	55.5	9.0	64.5	683.8	9.4	61.7
Yugoslavia	76.6	85.0	9.9	-	11.0	96.0	11.5	66.4
Oceania	98.0	113.1	11.8	-	13.5	126.6	10.6	73.5
New Zealand	80.6	93.7	9.2	-	10.0	103.7	9.6	74.5

¹ Excludes persons in institutions.

Source: Australian Bureau of Statistics (1986), The Labour Force, Australia: Historical Summary, 1966 to 1984, table 8.

Figure 5: Migrants who arrived in Australia after 1960 aged 18 years and over:
Place of Last Residence and Year of Arrival, March 1984



Source: Australian Bureau of Statistics, Labour Statistics Australia 1985 (1986) Chart 1.g.

cent for arrivals between 1981 and 1984. This difference, without doubt, would be partly explained by the higher proportion of young people in the recent arrivals who, like other youth, were having difficulty finding employment.

The picture of unemployment among those born in 'other than the main English-speaking countries' was even more grim. Among those arrivals before 1961 the mean unemployment rate was 5.75 per cent; 10 per cent for arrivals between 1961 and 1970; 13.1 per cent for arrivals between 1971 and 1980 and 32.1 per cent for arrivals between 1981 and the end of the survey in 1984 (Australian Bureau of Statistics, The Labour Force, Australia, 1986d see table 9).

Unemployment variations between the different ethnic communities are also clear. In March 1984 Italian (6.8 per cent), Greek (7.1 per cent) and African (7.1 per cent) born immigrants showed the lowest rates of unemployment. Those born in Asia (16.5 per cent), Lebanon (29.4 per cent) and Vietnam (33.9 per cent) showed the highest rates, compared to 8.0 per cent of the Australian-born civilian labour force at that date (table 5).

In most years between 1961 and 1984 unemployment rates for migrant women were higher than those of migrant men (table 6). Overall migrant unemployment rates dropped from 10.0 per cent in August 1984 to 8.8 per cent in August 1985, compared with 8.0 to 7.6 per cent for Australian-born persons (tables 6 and 7). It is interesting to note that unemployment among migrant women (8.7 per cent) for 1985 registered below the rate of their men (8.8 per cent), whereas the reverse was true of Australian-born women (7.8 per cent) in relation to Australian-born men (7.5 per cent) (table 7). This would suggest that migrant women were entering the workforce at least as strenuously as their menfolk but it was also probable that they were taking lower paid jobs to do so (Australian Bureau of Statistics 1986d; Bureau of Labour Market Research 1986).

**Table 6: Migrants who Arrived in Australia after 1960 Aged 18 and over:
Labour Force Status and Year of Arrival, March 1984**

Year of arrival	Employed			Unem- ployed	In the labour force	Not in the labour force	Total	Unem- ployment rate	Partici- pation rate
	Full-time	Part-time	Total						
	('000)								
MALES									
1961-1970	220.1	5.2	225.3	23.8	249.1	46.4	295.5	9.5	84.3
1971-1980	193.8	4.7	198.5	21.9	220.4	22.9	243.3	9.9	90.6
1981-1984	66.6	4.2	70.8	17.5	88.2	14.6	102.9	19.8	85.8
Total	480.5	14.1	494.6	63.1	557.8	83.9	641.7	11.3	86.9
FEMALES									
1961-1970	75.6	39.8	115.4	12.0	127.4	135.1	262.5	9.4	48.5
1971-1980	98.0	40.9	138.9	17.0	155.9	111.8	267.8	10.9	58.2
1981-1984	29.8	12.3	42.1	15.0	57.1	48.6	105.7	26.3	54.0
Total	203.4	93.0	296.4	44.0	340.5	295.6	636.0	12.9	53.5
PERSONS									
1961-1970	295.7	45.0	340.8	35.8	376.5	181.5	558.0	9.5	67.5
1971-1980	291.7	45.7	337.4	38.9	376.3	134.8	511.1	10.3	73.6
1981-1984	96.4	16.4	112.9	32.5	145.3	63.2	208.6	22.3	69.7
Total	683.9	107.1	791.0	107.2	898.2	379.5	1,277.7	11.9	70.3

Source: Australian Bureau of Statistics, Labour Statistics Australia 1985 (1986), table 1.5.

Table 7: Unemployed Persons: Birthplace by Age, August 1985

	Number unemployed ('000)			Unemployment rate (per cent)		
	Males	Females	Persons	Males	Females	Persons
BORN IN AUSTRALIA						
Total	244.2	163.9	408.1	7.5	7.8	7.6
Looking for full-time work	225.3	119.1	344.4	7.4	9.1	7.9
Looking for part-time work	18.9	44.8	63.7	8.7	5.7	6.3
Aged 15-19	64.5	53.6	118.2	19.2	16.8	18.0
Aged 20 and over	179.6	110.3	289.9	6.2	6.2	6.2
20-24	57.9	40.9	98.9	11.8	10.2	11.1
25-34	61.8	39.1	100.8	6.7	7.1	6.8
35-44	25.5	20.4	46.0	3.6	4.5	4.0
45-54	17.3	8.1	25.4	3.8	3.1	3.5
55 and over	17.1	-	18.8	5.0	-	4.1
Aged 15-64	243.3	163.8	407.1	7.6	7.9	7.7
BORN OUTSIDE AUSTRALIA						
Total	104.0	59.1	163.1	8.8	8.7	8.8
Looking for full-time work	99.2	43.3	142.4	8.8	9.5	9.0
Looking for part-time work	4.8	15.9	20.7	8.1	7.0	7.2
Aged 15-19	9.5	8.0	17.5	20.0	19.4	19.7
Aged 20 and over	94.5	51.1	145.6	8.3	8.0	8.2
20-24	16.2	9.7	25.8	15.4	11.6	13.7
25-34	24.3	15.9	40.2	8.8	8.6	8.7
35-44	20.8	14.5	35.3	6.0	6.8	6.3
45-54	17.2	8.4	25.6	6.9	7.0	6.9
55 and over	16.1	-	18.6	10.4	-	9.6
Aged 15-64	103.3	58.9	162.2	8.8	8.7	8.8

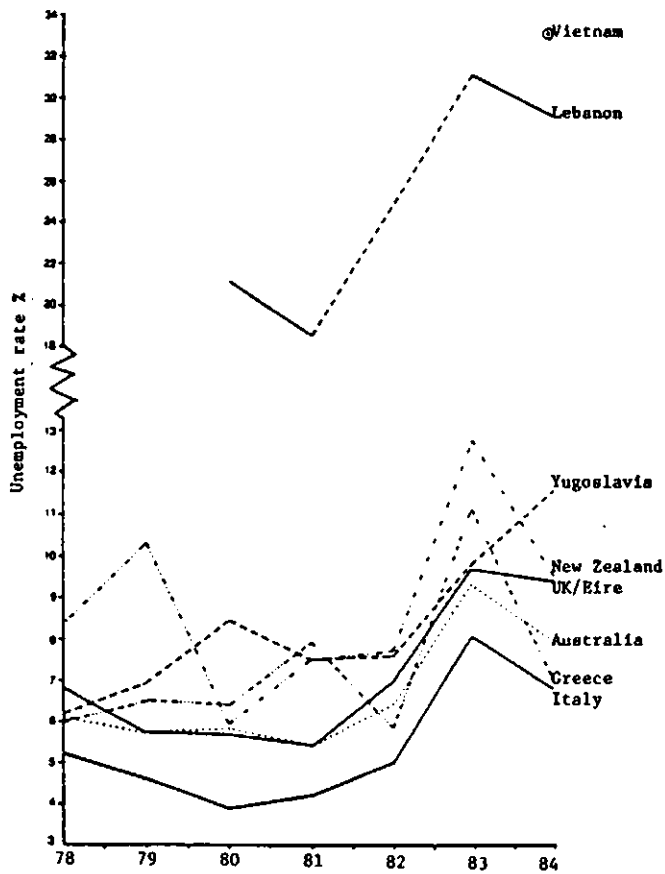
Source: Australian Bureau of Statistics, Labour Statistics Australia 1985 (1986), table 4.3.

Migrant men and women seem to fall prey to underemployment, poor factory conditions, and low returns for their labour. This is particularly true of the pieceworkers - women with children who work at home and are paid for each item which they produce. Sometimes these arrangements are made directly with factories but more often a middle-man is employed to deliver and collect the goods. In the clothing industry these women must work long hours and under tremendous pressure to complete their assignments to make a living wage. They have no workers' compensation, no sick leave and are usually fearful about lodging complaints as their jobs will quickly be given to someone else. Pieceworkers may earn as little as 80 cents an hour. Women who do not speak English and who do not know where to obtain information frequently become depressed and stressful. The use of tranquillisers among migrant women is a widespread concern (Brown 1987; Sydney Morning Herald, 23 April 1987).

Concern has also been expressed over the higher rates of unemployment among young people. At August 1985 19.7 per cent of 15-19 year olds and 13.7 per cent of 20-24 year old persons born overseas, as opposed to 18.0 per cent of 15-19 year olds and 11.1 per cent of 20-24 year old persons born in Australia were unemployed (table 7).

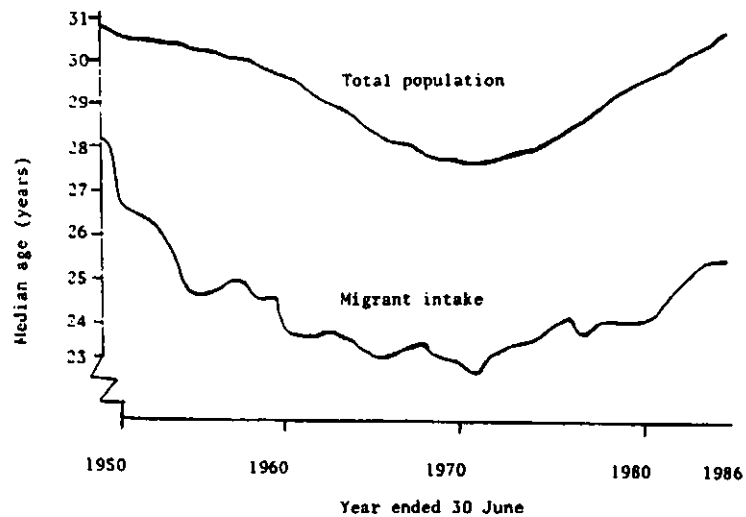
In a major study undertaken by the Australian Institute of Multicultural Affairs, entitled Reducing the Risk: Unemployed Migrant Youth and the Labour Market Programs it was asserted that migrant youth experienced a disproportionate share of unemployment, particularly among refugees. This study indicated that overseas-born youth, those whose English was poor, suffered prolonged and frequent periods of unemployment, lacked vocational skills and were unfamiliar with the Australian labour market and special government work skills programs.

Figure 6: Unemployment rate of civilian labour force aged 15 and over by birthplace, 1978-84 (annually for August)



Source: Australian Institute of Multicultural Affairs, Reducing the Risk (1985) Figure 1.3.

Figure 7: New Migrants - younger than the rest of us



Source: Department of Immigration and Ethnic Affairs, Review 1986 (1986); Australian Bureau of Statistics.

The status of young people in the Australian labour market was bleak, the report claimed. Between 1971 and 1984 the number of unemployed teenagers had increased nearly six times:

In all cities, migrant youth of non-English speaking background record the highest rate of unemployment, and some of the worst affected areas also have the highest concentration of these youth. For example in Sunshine, the worst affected area in Melbourne, Australian-born youth experience a high rate of unemployment (males 12.8 per cent, females 17.3 per cent); migrant youth from English-speaking communities have higher rates (males 17.8 per cent, females 16.9 per cent); while those of non-English-speaking background have even higher rates (20.7 per cent males, 20.1 per cent females) (1985, pp. 15-16).

A comparison during 1972 - 1984, between Australian and non-Australian born young people, showed that the extent of increase in unemployment had been greater for both 15-19 year olds and 20-24 year olds among the overseas-born. Unemployment rates were forecast to rise at a greater rate for migrants up to the year 1991 (*ibid*, pp. 10, 17). As idle and alienated juveniles and young marrieds are traditionally most vulnerable to committing offences, there is a grave warning in these statistics. The fact that unemployment rates also impact differently upon different migrant sub-groups (figure 6) should also be a cause of concern. Such inequities can quickly lead to inter-group friction, and dangerous stereotyping on the part of the wider society and of the agents of the law.

Employment figures, however, can be misleading, particularly when it is the nature of employment which so often affects the quality of family and social life. In a joint conference sponsored by the Department of Immigration and Ethnic Affairs and the Centre for Economic Policy Research, Professor Glenn Withers of La Trobe University stated that migrants should not be viewed as an Australian underclass. They had created at least as many

jobs as they had taken. During the 1970s 42.3 per cent of immigrants were classified as 'skilled' on arrival, compared to only 26.4 per cent of the general population. According to Professor Withers, without migrants in the Australian labour force the growth of national output would have been significantly lower. The government, however, was criticised for its inadequate training and apprenticeship schemes, its underemployment of the existing workforce, and its use of migration as a 'safety valve' whenever skilled labour was needed (Canberra Times 26 April 1987).

There is no doubt of the contribution which education can make in promoting greater equity in employment and intercultural understanding. The curriculum which incorporates the study of other cultures and languages helps to facilitate communication and reciprocity between diverse community groups within modern society (Bullivant in Poole, de Lacey, and Randhaw 1985, pp. 8-22; de Lacey, Barlow and Ronan in *ibid*, pp. 213-21). Where there is no discrimination, the workplace also must be seen as a powerful integrative force.

In addition to the positive impact which migrants have had upon the Australian economy, they have also had an effect upon the age structure of the Australian population in general. The Australian Bureau of Statistics tells us that the Australian population has been aging for the last 100 years. As the 'baby-boom' of the post-World War II era approaches old age this will become increasingly evident. The median age of the migrant population has been younger than that of the general population and has thus been able to gradually reduce this long-term trend (figure 7). While this younger population will ease Australia through the critical years between 2011-2030, by providing the labour to support an aged population, this implies certain responsibilities on the part of governments to ensure that adequate training and employment opportunities are given to that youthful population over the next two decades to enable them to do so.

The Family

While adaptation to the material side of industrial society may require certain adjustment on the part of new arrivals, there are other values and cultural attitudes which are more slow to change.

A large proportion of those immigrants who settle in Australia come from cultures considerably more patriarchal than is generally accepted in Australian society. In an article on 'The Greek Family in Australia and the Process of Migration', Dorothy Buckland stresses the strength of family ties and the clear definition of status and role within the family group among the Greeks:

Family ties are strong among Greek people. Devotion to the family lies at the core of their culture ... In Greece newly married couples set up their own home in a house which is usually part of the bride's dowry. But it is not uncommon for the widowed mother, father, sister, or even an orphaned niece, to move in with the couple. Furthermore, a close-knit network of grandparents, aunts, uncles, cousins and God-parents, usually live nearby. All these people fall into the category of close relatives and act as counselling, conciliatory or cohesive agents, offering, wherever required, emotional, moral, and often material support ...

The father is head of the Greek family. His word is law. He has the final word in all the important decisions. He is responsible for all the business transactions, the welfare of the family, control of its members and the safeguarding of its honour (1972 pp. 9-10).

Buckland notes that Greek men spend much of their leisure time in village cafes where they demonstrate and renew their status and prestige by drinking coffee, gambling and discussing politics, business matters, and the achievements of their families.

Huber observed among Mediterranean immigrants that attitudes of family honour and shame, and the need to restrict adolescent and young adults, continued to cause more conflict for migrant families than anything else (1985, pp. 245-52). Most of these families migrated from rural villages or islands where economic opportunities were few. Many were unskilled, and had lived in relatively traditional communities. As is characteristic of small-scale society, greater emphasis was given to the collectivity than to the individual. Allegiance to the family was supreme. Friendship and patron-client arrangements regulated those relations outside the family:

Underlying and reinforcing the status quo was the code of honour and shame. Honour and shame are social, not judicial, evaluations that slot people into a particular position in the pecking order of their communities (Huber, 1985, p. 246).

Such a code acted both as a mechanism for the regulation of community affairs and for the maintenance of group solidarity. 'It is not lawyers or judges, but the community and public opinion, that act, as the "court of reputation"', wrote Huber. 'This honour or shame cannot be redressed judicially: this can only be done by public confrontation, ridicule, or in some cases through a dual or vendetta. To resort to legal or official action is to court dishonour, to demean oneself' (ibid p. 247).

In the setting of the village, shared values and religious beliefs, group participation and gossip, and the examination of reputations provide the moral restraints. They are rigid and demand a high degree of conformity from the community:

The range of acceptable behaviour is obviously narrower than in an urban heterogeneous setting ... with little room for, or tolerance of, individualists. Gossip, ridicule and loss of honour and the infliction of shame were all social sanctions used to regulate and maintain order within small scale societies such as this (ibid p. 247).

In addition, family life is buttressed by an inheritance of moral duties and obligations within the family. Responsibilities for younger and older members are learned values. By the exercise of these rights and duties one's reputation and position are maintained.

Highly patriarchal societies, such as those in the Mediterranean, placed considerable social investment in the women of their group. 'Women are the repositories of family honour, and men are committed to protect their virtue'. The females of any 'respectable' household are guarded and accompanied when they leave their house and must never be seen in the company of a male who is not a close relative.

The social position and status of a man, and his right to claim political leadership within a community, are largely based upon the appearance of respectability and a good family life. When immigrants from the Mediterranean move to complex industrial societies, Huber observed:

... they move from a homogeneous to a heterogeneous environment, where the range of acceptable behaviour is greater. They find a society that celebrates individualism and often views strong family ties as oppressive. To cope with the new circumstances, ethnic groups erect barriers to assure the continuation of their culture and traditions: "Honour for men, virtue, virginity and fidelity for women, education for sons, and conspicuous consumption for all" (ibid, p. 248).

In the new urban setting of Australian society, where modern communications and schooling begin immediately to challenge many aspects of traditional socialisation, children of migrant families become subject to increasing conflicts with their parents. Parents themselves experience tensions of conflicting values and attitudes.

Employment opportunities offered by industrial and commercial centres have encouraged the concentration of migrants in Sydney and Melbourne. Limited government assistance available to migrants has reinforced the need for group solidarity and mutual support and, in some cases, even the sharing of homes until the new arrivals are established. The relative inadequacy of government services or other public facilities, coupled with the migrant's own problems of disorientation, cultural shock and language difficulties, may all serve to give value and meaning to ethnic group formation.

The maintenance of group identity need not be seen as the persistence of traditionalism, nor as a refusal to assimilate into so-called wider Australian social life, but rather as a restorative and effective means of helping to rebuild the independence, pride, and sense of well-being of uprooted individuals and families. In her study of Australian Greeks, Bottomley noted that a positive sense of 'self-identification' and of 'ethnic honour' is reinforced by the establishment of ethnic institutions. While the structuring of Greek communities, Greek Clubs, and the Greek Orthodox Church maintains communication between relatives and friends in both Australia and overseas, it also provides a 'field of interaction' in which members may enjoy their own avenues for fellowship, power and prestige (1979, pp. 175-6).

The strong desire of migrant groups to transmit the values, norms and sense of history of their culture to the next generation will inevitably produce attitudes and standards of child raising which vary from other social groupings about them. Migrant children, or children of migrants in the second generation, experience special problems in their adjustment to the new environment. They arrive to strange schools and neighbourhoods where studies and friendship require a knowledge of English. The frequent necessity for mothers to move into the work force, in order to support the family, and to provide educational opportunities

for their children, may erode traditional practices of maternal care for children. Where the extended family group has traditionally provided a female relative to assist in the care of children, this may not always be possible after migration.

According to Donoghue, Greek and Turkish parents find it difficult to trust outsiders with the daytime care of their children. Inadequate supervision or assistance with schoolwork, and expectations of parents that children should assist in domestic tasks, can create added stress on those children. Nonetheless children tend to more quickly learn a second language and often become the family interpreters, advising parents on a range of matters from shopping, visits to the doctor or the filling in of government forms (1982 pp. 5-25). While migrant adults retain the social values and attitudes of their upbringing, their children frequently internalise any conflicts of values and attitudes which will arise between their family and the wider Australian society.

In two studies examining parental expectations of children from a variety of backgrounds, Goodnow and Cashmore made the following observations:

Regardless of their economic state, immigrants are like the working-class in the descriptions of Bourdieu (1977) and Jackson and Marsden (1958): they lack procedural knowledge and a differentiated picture of how the social system established by the dominant group, works (1985, p. 242).

Goodnow and Cashmore noted that the occupational aspirations and behavioural expectations of the Australian-born English speaking home, differed in several ways from those of the Lebanese-born Arabic speaking, or Italian-born homes. Many of the parents emigrated to Australia for the purpose of seeing their children advance economically. Distinction between professions which were 'clean jobs' as opposed to those which

were to be avoided such as many of the fathers' occupations in blue-collar industries for instance, were made by migrant families. A higher value was placed on the former than on the latter. While Australian-born parents emphasised the importance of their children excelling in some areas of their studies, foreign-born parents frequently emphasised the importance of being good at all things. Italian-born parents gave a higher rating than did Australian-born parents to their children trying hard and taking pride in their work, speaking correctly and being obedient, than in having a good sense of humour and an imaginative or questioning mind. The authors concluded that:

... a lower economic and educational level is related to a higher value placed on what Kohn (1969) has called "conformity" (being neat, obedient, speaking correctly). Lower socio-economic status also enhances parents interest in children developing a relatively "convergent" style of problem solving (being organised, having a good memory) (ibid, pp. 233-244).

Marjoribanks (1985) and Young (1985) discussed the impact different parental expectations have upon young people growing up in the Australian environment. Adolescents naturally absorb the occupational aspirations and values of the dominant culture as well as those of their parents. Parental educational goals and their perceptions of professional opportunities available to their offspring, frequently conflict with those of their children. In his longitudinal study, Marjoribanks (1979a, 1979b, 1980) assessed the environmental correlates of academic achievement. His sample included 260 Anglo-Australian, 120 Greek and 90 Southern Italian families. Ethnic group membership, the author claimed, acted as a constraining factor in individual educational attainment and aspiration formation in these children (1985).

While Young (1985) observed that the educational and employment experiences of Greek and Italian youths were not very unlike those of the Australian-born, the high school retention rates among the females of the migrant groups was noticeably different.

'Sex differences in school retention are smallest in relation to the Anglo-Australians, followed by the Italian-born and the Greek-born, then by the Turkish-born, with the largest differences observed for the Lebanese-born.' Turks constitute one of the more recently arrived overseas-born groups in Australia. Price (1981) estimated that in addition 6000 children have been born in Australia to Turkish parents.

In comparison with the long-established large groups of migrants of non-English speaking origin in Australia, that is, the Southern Europeans, a higher proportion of Turks are in unskilled occupations, school retention rates are low among Turkish children, especially girls, and there is a high proportion of Turkish women in the labour force (Young 1985, p. 222).

Turkish girls are frequently withdrawn from school at an early age and put to work, or remain at home under the strict supervision of their parents until they are married. Their domestic duties include the care of younger siblings. Parental protectiveness of females, traditional in Turkish society, and a limited knowledge of English severely impaired the educational and career opportunities of Turkish girls. In his study of 96 Turkish teenage girls between the ages of 15 and 20, in Melbourne during 1979 and 1980, Young observed that only 51 per cent of these spoke English well, two thirds were currently employed and the remaining were either unemployed or had never worked before (1985 pp. 222-32; see also Alcorso 1984).

Anxious to obtain security, migrant adults frequently work hard and for long hours. Discrimination in the workplace experienced by the main breadwinner has several side effects upon the family. In order to survive financially a husband may take two jobs, taking him away from his family and children until late at night. Limited prospects of social mobility, and frustration in communicating with bosses, increase stress in the worker and reinforce his perceived need to take an attitude of subservience

in order to succeed. A paternalistic relationship with his employer may not include the side-benefits of a traditional patron/client relationship which he experienced in his native village. The male might feel exploited, over-worked, and under-paid in his employment and may thus emphasise his need for dominance and respect at home. It is considered degrading and a threat to a Greek man's manhood to spend his leisure time at home undertaking household chores. That a man's status is so closely tied to his ability to control his family creates a situation of vulnerability when this family migrates to a new socio-cultural setting. In the unfamiliar fast world of modern cities much of the traditional support of the extended family and friends are taken away.

The migrant wife too is uprooted in many ways. Not only is she severed from the language and culture to which she is accustomed, but her social role may be subject to major change. While expected to maintain the focus of her priorities upon the welfare of her children and husband, a wife may be thrust into the busy, noisy working environment of a factory floor. Befriended by other migrant women at the workplace, and undergoing a changing personal identity and independence as partial provider for the family, she may be severely resented by her husband. Expectations of meek obedience and acceptance of the husband's will, coupled with the possible rebellion of his children against traditional sex-role and generational behavioural expectations which conflict with those seen by their children in Australian homes, schools or on the media, can lead to serious friction and stress in the family.

After long hours at her workplace, the wife is also expected to prepare meals and train her children, without the assistance of her husband in domestic tasks (Inglis 1985; Donoghue 1982). Although she works at home the pieceworker must also spend many hours working - as described by Margaret Brown in this typical case of a Turkish woman:

Constantly sewing in her tiny sitting room, Yasmin was under tremendous pressure. She had no time to devote to her children or attend to normal domestic tasks. Yasmin had to work to feed her growing family and pay the bills. Her husband didn't understand why his meals were often not ready when he came home from work. He thought that Yasmin, home all day, should do the housekeeping and look after her family (1987 p. 11).

The Australian dream of owning a home, the desire for a better education for their children and the acquisition of consumer goods provides the motivation for migrants to devote more and more household labour to employment. However if, under this pressure of a dramatically altered lifestyle, the customary and domestic expectations of the couple cannot also be adjusted, the relationship between the couple may be seriously undermined. Domestic support from the extended family or the presence of daycare facilities in the community may ease the situation. But the stresses of the new lifestyle placed upon the family unit may precipitate domestic disputes and may lead to marital breakdown or crimes of domestic violence and neglect.

Migrant women in general do not have the time or perhaps the opportunity to participate in community organisations and recreational activities to the extent that their menfolk do. It appears that isolation, whether linguistic, domestic or professional, is the greatest handicap of new families. The manner in which community organisations or social clubs help to integrate ethnic minorities into wider society is an area deserving of more study. While extended family and ethnic networks may provide support and assistance within the group, trans-cultural exchange by participation of migrants in Australian organisations appears to be relatively limited (Kelly 1985).

Kelly observed that migrant women tend to play a marginal role in social clubs or political organisations. Church and family activities preoccupy women and tend to bond communities by strong

ties of kinship and social obligation. Even if they were welcomed into Anglo-Australian voluntary organisations Kelly found that the double minority status of Italian migrant women in the rural town of Griffith NSW strongly dissuaded them from any allegiances other than those towards the family and ethnic group (1985 pp. 287-99; see also Humphrey 1984).

Migrants and Crime

Early Studies

The Australian policy of favouring primarily British immigration took a new direction after 1945 when Australia recognised a duty to take refugees from war-torn Europe. Between 1947 and 1951 approximately half a million people, 40 per cent of whom were British, arrived on Australian shores. Some 170,000 were displaced persons from Europe, 120,000 were British assisted migrants, 10,000 were Maltese. 160,000 unassisted immigrants and 10,000 other persons also arrived. The largest groups were British, Italians and European Jews (Francis 1981 p. 14). The implications for social order for any society experiencing the impact of so large an influx of refugees and migrants might seem obvious but were not seriously ascertained until the early 1950s when the Immigration Advisory Council set up a committee to investigate the conduct of migrants and to report their findings to the federal government.

A high proportion of the immigrant population at that time was young, unmarried and male - the sector of society most predisposed to crime. Many of these people were living in hostels, provided for them on arrival. Yet despite popular beliefs to the contrary, the findings of the three reports which emerged from this inquiry under the Chairmanship of Mr Justice W.R. Dovey, showed that the incidence of crime among migrants in Australia was either in line with, or below that of the general population. The first Dovey report published in 1952 recorded

that the incidence of convictions (higher court and magistrates courts) was 3.88 per thousand for adult 'aliens' and 5.70 per thousand for adult Australians between 1950-1951. Furthermore the majority of offences committed by migrants were of a minor nature, over 90 per cent of which were heard in magistrates courts and less than 10 per cent in superior courts. The recidivism rate among migrants was approximately half that of the Australian rate. Despite the fact that 41.5 per cent of the migrant population represented the high-risk group, (males between 18 and 29 years old) as opposed to only 23.3 per cent of the Australian-born population, the comparative crime statistics was no less than 'remarkable' observed Francis. It was further noted that these statistics for aliens included seamen and other transients.

In addition to crime statistics, the opinions of employers, businessmen, police, trade unionists and other authorities were sought by the Dovey committee:

The views of these groups were unanimous - all indicated that with few exceptions migrants were well behaved, honest and aware of their social responsibilities. It was also noted that assimilation activities (undertaken by Good Neighbour Movements, New Settlers' Leagues and their member organisations) were considered to be a valuable corrective to migrants whose conditions of life might otherwise be conducive to crime (Francis 1981 pp. 54-55).

It appeared to the committee that this combination of conscientiousness on the part of settler families and the careful screening processes of the Immigration Department had produced a favourable result. The second and third Dovey reports of 1955 and 1957 confirmed the earlier findings that migrants compared favourably with the Australian-born as law abiding citizens.

Between 1954 and 1955 the conviction rate in higher courts alone for adult Australian males was 1.4 per thousand whereas it was only .61 per thousand among alien males. Differences between the migrant groups were noticed. For both higher courts and magistrates' courts eastern Europeans came closest to the conviction rate among the general Australian population (8.33 per thousand for eastern European males, compared to 12.51 per thousand for Australian males). Southern European males (2.66 per thousand) were less than a quarter of the estimated Australian male rate (12.51 per thousand) and also well below the average alien rate (5.40 per thousand).

It was the committee's view that the fact that the majority of southern European migrants entered Australia under sponsorship from already established members of their family or community, accounted for the 'good conduct of this group of migrants' (Dovey 1957). Francis noted that:

Alien migrants who arrived under early post-war schemes (1945-50) had crime rates below the Australian average but higher than late arrivals. The 1945-50 group in 1955 comprised 56.4 per cent of the migrant population and were responsible for 68.1 per cent of migrant convictions (Francis 1972a p. 207).

There were signs in this of a trend for migrant crime rates to draw nearer that of the general population with longer residence.

Considering the psychological stresses of relocation, loneliness and loss of family ties, the committee pointed out how commendable the overall statistics were to migrants. In their final report of 1957 the number of convictions recorded against aliens (both male and female) had fallen from 3.92 per thousand in 1954 to 3.76 per thousand in 1955. The rate of convicted alien offenders had dropped from 2.62 per thousand in 1954 to

2.18 per thousand in 1955 (ibid). This decrease of crime rates among migrants, (for both crimes against the person and against property) was related to the increase of the incidence of crime in the general population - a trend at that time which the migrant population did not follow.

It was noted that the greatest proportion of offences committed by foreign-born Australian residents were crimes against the person. More often than not these were said to be one-off offences and were less likely to be of the repetitive nature - such as forgery or white-collar crimes. It was also observed that 72.9 per cent of these crimes were committed by single, divorced or widowed persons. Migrants between the age of 20-35 years committed 67.6 per cent of all alien crimes. However, it was cautioned in the third report that as the children of migrants grow up and experience tensions between parental norms and values and those of wider society, crime rates among these juveniles might be expected to increase. Imported rivalries between cultural groups, frustration with language, unemployment and ignorance of Australian law did not seem to result in higher crime rates among migrant populations at this time. Deportation also would not appear to have been a regularly used sanction. Only 37 criminal deportations occurred in the year 1952, 29 in 1953, 39 in 1954 and 20 in 1955 (Dovey reports 1952, 1955, 1957; Francis 1972a, 1981). This is not to say that the 'fear' of deportation would not have acted as a deterrent, however.

Recent Statistics

At the beginning of the 1980s two in every five Australian residents had been born overseas or had at least one parent born overseas. Whereas in 1971 seven out of ten immigrants were from Britain and other European countries, by 1984 the proportion was only three in ten. Over the same period the proportion of Asian immigrants had risen four-fold to 48 per cent. On average

throughout the 1970s and early 1980s non-English speaking immigrants were almost twice as likely to be unemployed as the Australian born. (English speaking immigrants had better employment prospects than non-English speakers, but fared worse than the Australian born). While youth unemployment rates (especially female youth) were significantly higher than those for adults, immigrant youths were only marginally less likely to find employment than the Australian born. But migrants in the workforce tended to be in lower paid jobs and migrant families were more likely to have both parents working.

How is this profile of the migrant community reflected in patterns of offending? Should one expect to find higher rates of offending in groups which are characteristically disadvantaged in a variety of unmeasured ways as well as in the basic indices of participation in the economy? Are there particular kinds of crime which are more likely to be committed by migrants? Are there identifiable differences in the patterns of offending among migrants of different origin? Are recent arrivals more or less likely to offend than those who are well established? What is the migrant experience of the police, the courts, and legal aid? Are migrant criminals more likely to re-offend than the Australian born?

The researcher seeking answers to these and other questions regrettably is confronted with a body of data that is patchy, frequently inconsistent, and inconclusive. For example, the National Population and Housing Census is not concerned with criminal statistics with the exception of persons resident in prisons or other institutions. National Prison Surveys, and periodic state higher and lower court surveys and occasional studies undertaken by Bureaus of Statistics, Attorneys-General and other statistical and research bodies, provide us with smatterings of information on migrants and crime. Police may record ethnic origin on charge sheets but this information is not readily collated and is difficult to obtain unless a special

study is undertaken to do so. While court statistics are not collected uniformly, some states have established more regular and on-going collections than others. The research undertaken by Ronald D. Francis for his book Migrant Crime in Australia (1981) is relied upon for its tables covering the period between 1971 - 1977. The primary problem with criminal statistics, particularly those which indicate country of birth, is their lack of consistency and continuity. Periodic state based samples have to suffice.

Using received-into-prison averages, a rough guide of rankings between the main ethnic groups was provided by Francis for the period 1947 - 1966. The older settlers of the British dominions, New Zealand and Canada, showed higher criminal rates while Asians and African-borns showed lower criminal rates (Francis 1981 p. 174).

Factors of age, marital status, and employment are not taken into account in earlier records but using the New South Wales Statistical Register with census data, Francis was able to examine the effects of marriage patterns upon crime rates:

The two overseas born groups with the highest crime rates both happen to be British subjects - predominantly white and English-speaking. One would expect these two groups to have a high inter-marriage rate with Australian-born brides. The rate was 71.9 per cent for Canadian-born males and 80.4 per cent for New Zealand-born males. Conversely, the two groups with the lowest crime rates were Asian and African-born. Their respective rates for males taking Australian-born brides were 39.1 per cent and 42.6 per cent respectively (1981, p. 66).

Francis noted that the greatest male-female disparity, and the lowest rate of marriage, existed in the Asian-born group. He concluded that marriage rates did not appear to be related to patterns of crime. In fact, he said, if such a relationship could be found in the crime and marital rates of the four groups -

Canadians, New Zealanders, Asians and Africans - one might have expected the reverse to be true. That is, for crime to be highest among males with lower rates of marriage (ibid, pp. 65-6).

A further examination of New South Wales statistics in 1966 led Francis to conclude that neither age nor 'population at risk' provided an explanation for these different crime rates. Males of the crime-prone years of eighteen to twenty-nine represented 19.9 per cent of the Canadian-born population, 21.6 per cent of the New Zealand-born, 21.9 per cent of the African-born and 32.7 per cent of the Asian-born population. But, contrary to what might have been expected, those born in other states and the two oldest migrant groups, the New Zealanders and Canadians, were disproportionately responsible for crime committed in New South Wales in 1966 (ibid, p. 67).

The New South Wales figures suggest that in the mid-1960s factors of age, language or marital status did not appear to determine offending rates among ethnic groups. Some explanation might be offered in the degree of integration of the groups. Those of British citizenship, with English as their mother tongue, were able to enter Australia and move about the community with 'relative ease'. They were, perhaps, more likely to risk police contact. Members of more 'alien' communities, on the other hand, might be able to 'contain many of their problems within a cultural enclave'. This explanation, Francis admitted, did not account for the relatively low rates of offending among migrants from the United Kingdom (ibid, p.68). For the same reason explanations of more rigid screening processes for migrants of non-British citizenship are not very useful either. The fear of deportation might have provided some deterrent; for 1965 there were only 66 criminal deportations. What this data, and the earlier Dovey Reports both confirm, is that crime rates among migrants tend to come increasingly in line with that of the Australian population over time.

Table 8: Number and Percentage of Prisoners by Country of Birth and Offences, National Prison Survey, 30 June 1974

Birthplace	Offences						Total
	Personal Violence	Driving	Offences vs Property + Violence	Offences vs Property - Violence	Offences vs Good Order	Not Given & Other	
	no.	no.	no.	no.	no.	no.	
Australia	1,419	451	616	1,162	317	614	4,579
New Zealand	28	7	17	19	9	12	92
UK, Eire	91	27	52	96	25	32	323
Malta	7	1	3	3	-	-	14
Austria	4	3	3	3	2	4	9
Czechoslovakia	-	1	4	3	1	4	13
USSR	3	3	2	2	4	-	14
Scandinavia	1	2	1	3	3	1	11
Germany	20	4	12	16	5	11	68
Greece	12	1	7	3	-	3	26
Hungary	5	1	6	5	2	1	20
Italy	16	3	6	5	2	10	42
Poland	5	1	1	4	3	6	20
Iberia	2	-	2	1	-	1	6
Yugoslavia	28	1	21	17	6	9	82
Asia	18	2	2	11	14	5	52
Africa	4	2	3	1	4	1	15
Canada	2	-	1	1	2	-	6
USA	8	-	1	5	5	4	23
Netherlands	11	2	1	13	2	7	36
Other	48	13	21	42	12	34	170
							5,631
Australian	no. 1,419 per cent 81.9	451 85.9	616 78.8	1,162 82.1	317 75.8	614 80.9	4,579 81.3
Overseas	no. 313 per cent 18.1	74 14.1	166 21.2	253 17.9	101 24.2	145 19.1	1,052 18.7
Totals	no. 1,732 per cent 100.0	525 100.0	782 100.0	1,415 100.0	418 100.0	759 100.0	5,631 100.0

Source: Francis Migrant Crime in Australia 1981 table 30.

Table 9: Birthplace by Juvenile Convictions - National Prison Survey, 30 June 1974

Birthplace		None	One	Two	Three or more	Not given	Total
Australia	no.	1779	634	414	1529	233	4,579
	per cent	39	14	9	33	5	100
Overseas	no.	572	82	64	161	43	922
	per cent	62	9	7	17	5	100
Not given		4		1	5	120	130

Source: Francis Migrant Crime in Australia 1981 table 31.

Table 10: Birthplace by Juvenile Institutional Experience - National Prison Survey, 30 June 1974

Birthplace		None	One	Two	Three or more	Not given	Total
Australia	no. per cent	1543 34	715 16	371 8	770 17	1,180 25	4,579 100
Overseas	no. per cent	474 51	72 8	54 6	89 10	233 25	922 100
Not given		121	1	1	3	4	130

Source: Francis Migrant Crime in Australia 1981 table 32.

The National Prison Census of 30 June 1971 again confirms that Australian-born persons are substantially over-represented in national prison rates. Australian-born persons in prison at the time of the 1971 census, represented a rate of 138.85 per 100,000 in comparison to overseas-born persons who represented 86.61 per 100,000 (Francis 1981, p. 97). These findings coincided closely with those of Francis and Cassel (1975).

The 1974 National Prison Survey resulted from the co-operation of several heads of prison departments in administering a questionnaire on 30 June 1974. The results of the prison muster depended upon the goodwill of prison administrators and prisoners. As the collection represented only 66 per cent (8,501 persons) of the total persons to be surveyed its results should be used with caution. The number of migrant prisoners who did not co-operate because of language difficulties is an unknown factor, but the absence of their number would surely affect these statistics. Having said this, the survey was useful in providing an overview of a range of variables. Francis was of the opinion that since the general findings of the 1974 National Prison Survey were 'consistent with the findings of other studies it may be concluded that no gross bias is evident' (1981, p. 98).

In the breakdown of birthplace by offence in this survey Australian-born prisoners were found to be more likely to have committed offences of violence against the person and property, and driving offences than offences against good order. Persons from the United Kingdom and Ireland followed a similar pattern to the Australian-born. The foreign-born, in general, showed a high frequency of offences of violence against the person and property, but a higher frequency of offences against good order and a significantly lower frequency of driving offences (table 8). Unfortunately, it could not be ascertained how many of those born overseas owned vehicles and the degree to which this affected the comparative rate of driving offences.

Other findings of the survey corresponded with earlier observed trends. Compared to the Australian-born prison population, migrant prisoners had a lower number of juvenile convictions (and juvenile institutional care) and a lower adult offending record. They also tended to be of a slightly older average age. This difference would be partly attributed to less young persons entering for driving offences than among the Australian-born.

Prisoners with no juvenile convictions amounted to 39 per cent among the Australian-born compared to 62 per cent of the overseas-born prisoners; 33 per cent of the Australian-born compared to only 17 per cent of the overseas-born prisoners recorded three or more convictions (tables 9 and 10). Migrants tended to plead guilty to charges less often than Australian-born prisoners and were recorded in this study as having sought legal counsel, legal aid and assistance from helping agencies (Prisoners' Aid, Salvation Army and Alcoholics Anonymous) in about the same proportion as Australian-born prisoners. The former, however, were less likely to receive bail. From this Francis concluded that: 'Since migrants appear in prison less frequently than natives [Australian-born] the offences with which they are charged are probably more serious'.

A question on interpreter use was included, with the exception of the NSW sample. Of the 182 respondents from non-English speaking countries only fifteen claimed access to an interpreter during police investigations or court hearings. While it would be improbable that the majority would need the services of an interpreter, Francis rightly pointed out that 8.2 per cent seemed to be an extremely small percentage 'deserving of more detailed enquiry' (ibid pp. 100-01; Francis and Cassel 1975).

A comparison of higher court statistics from NSW, South Australia, and Victoria between the years 1973 and 1977, rather than demonstrating any clear pattern of higher offending among particular nationalities shows notable variations between states

(tables 11, 12 and 13). In the case of NSW, New Zealanders ranked first in the rate per hundred thousand, Yugoslavians ranked second, persons from Asia ranked third and Germans ranked fourth. In South Australia persons from Yugoslavia ranked first, from Hungary ranked second, New Zealand third, and Africa fourth. In Victoria rates for New Zealanders were not given. Excluding New Zealanders, persons from Germany ranked first, from Yugoslavia second, the Netherlands third, and Malta fourth. Australian-born persons convicted in higher courts ranked fifth in NSW, seventh in South Australia, and eighth in Victoria. Yugoslavians ranked first in South Australia and second in both NSW and Victoria. However any use of these tables for the purposes of asserting inter-state patterns of offending by national groups is extremely dicey.

The pilot study undertaken by the N.S.W. Bureau of Crime Statistics and Research at the Central Court of Petty Sessions, Sydney, between February and May 1973, also showed differences in conviction rates between the national groups. The groups which exceeded the average rates of offending (0.88 per 1000) were New Zealand, Greece, and to a lesser extent Poland, Yugoslavia, the Netherlands, and Germany. The Italians, Maltese and British had conviction rates below the average (table 14). The inclusion of Aboriginal figures, separated in this study, into the general Australian counts would only increase the ranking of Australian-born offenders to 0.86 (equal 9th ranking), but would not change the relative ordering of the other national groups.

In their analysis of the patterns of offending, the Bureau noted that 36.0 per cent of Australian-born convictions (excluding Aborigines) fell into street-offence categories (offensive behaviour, vagrancy, unseemly words and resisting arrest), compared to 41.0 per cent of convictions of those born-overseas. Street offences were most pronounced among those born in Eastern Europe (77.3 per cent), in the United Kingdom/Eire (67.5 per cent), Italy (45.9 per cent) and Yugoslavia (41.3 per cent)

Table 11: Higher Court statistics, New South Wales, 1976

Birthplace	Distinct Persons Convicted	Total Population	Per 1000 Rate	Rank
Australia	2,011	3,855,869	.52	5
New Zealand	45	36,695	1.22	1
UK/Eire	127	336,263	.37	8
Italy	25	78,397	.31	9
Germany	20	34,059	.58	4
Netherlands	7	24,031	.29	11
Greece	21	50,002	.42	7
Malta	5	22,982	.21	12
Yugoslavia	54	57,422	.94	2
Hungary	6	11,931	.50	6
Africa	11	126,183	.08	13
America	11	37,752	.29	10
Asia	60	97,401	.61	3

Source: Francis Migrant Crime in Australia (1981) table 16.

Table 12: Higher Court statistics, South Australia, 1977

Birthplace	Convictions	Total Population	Per 1000 Rate	Rank
Australia	789	951,535	.82	7
New Zealand	6	4,098	1.46	3
UK/Eire	115	157,962	.72	9
Italy	19	31,943	.59	11
Germany	12	15,393	.77	8
Netherlands	7	10,741	.65	10
Greece	14	25,447	.55	12
Malta	1	2,155	.46	13
Yugoslavia	14	9,002	1.55	1
Hungary	4	2,681	1.49	2
Africa	4	3,341	1.19	4
America	5	4,599	1.08	5
Asia	8	9,253	.86	6

Source: Francis Migrant Crime in Australia (1981) table 18.

Table 13: Higher Court statistics, Victoria, 1973 court data

Birthplace	Arrest & Summons cases. Distinct Persons	Total Population	Per 1000 Rate	Rank
Australia	1,378	2,825,985	.48	8
New Zealand	Not given	17,415	-	-
UK/Eire	147	264,518	.55	7
Italy	41	116,712	.35	9
Germany	34	34,261	.99	1
Netherlands	23	30,752	.74	3
Greece	43	76,143	.56	6
Malta	20	27,062	.73	4
Yugoslavia	50	56,702	.88	2
Hungary	6	8,858	.67	5
Africa	Not given	24,537	-	-
America	" "	17,332	-	-
Asia	" "	61,688	-	-

Source: Francis Migrant Crime in Australia (1981) table 17.

Table 14: Court of Petty Sessions, Sydney, NSW, 1973

Birthplace	Number Convicted	Number in Sydney Population	Per 1000 Rate	Rank
Australia	1,745	2,103,909	.83	10
New Zealand	70	28,930	2.42	1
UK	157	254,441	.62	11
Germany	27	25,538	1.06	7
Netherlands	20	18,369	1.09	6
Greece	94	47,734	1.97	2
Italy	24	64,380	.37	13
Malta	12	20,826	.58	12
Poland	18	13,520	1.33	4
Yugoslavia	51	39,367	1.30	5
Hungary	10	11,617	.86	9
U.S.S.R.	15	9,074	1.65	3
U.S.A.	9	9,472	.95	8
(Aboriginal)	79	5,479	14.43	
(Unknown)	133	155,171	0.86	

Source: NSW Bureau of Crime Statistics and Research (1973).

(table 15). This pilot sample was considered too small for an analysis of penalties imposed upon migrants groups (only 2474 of the original 3708 cases completed the questionnaire forms).

Considerable variation in legal representation between the groups was noted. Of the Australian-born 46.9 per cent were represented compared to 33.2 per cent for the foreign-born. However, some client groups appeared to avail themselves of legal counsel more readily than others. All Maltese of the sample were represented; 55.3 per cent from Greece, 45.0 per cent from The Netherlands 37.1 per cent from New Zealand and 31.4 per cent from Yugoslavia. On the other hand, only 12.1 per cent from UK/Eire, and 5.6 per cent from Poland were legally represented (NSW Bureau of Crime Statistics and Research 1973).

Little is actually known about how migrants fare when either represented or unrepresented in courts in comparison to those of the general population. Vinson (1973) and Jakubowicz and Buckley (1975) claimed evidence that persons with legal representation were either more likely to win their cases, or would receive less severe penalties when found guilty, than those who were not represented. This, however, was not supported by Cashman's findings (1987).

Francis asserted that, in categories of violent crime the overseas-born, as a whole, still rate below that of the general population (1976 pp. 14-23). In periodic state figures certain groups, such as those from New Zealand, Yugoslavia, Turkey, Germany and UK/Eire, appear more frequently in the top seven or eight offending ranks. But they also share these positions with an assortment of other nationalities which vary from year to year and state to state. For example, in her 1975 study of homicides in New South Wales Wallace concluded that, while the majority of 'spouse killers' were Australian-born, one-third (33 per cent) were born overseas. Only overseas-born men, however, were over-represented (37 per cent),

Table 15: Central Court of Petty Sessions Pilot Study - Sydney, NSW, 8 February - 8 May 1973, Country of Birth and Offence Type

Offence	Australia (excl. Aboriginals)	UK incl. EIRE	Italy	Greece	Yugo- slavia	Malta	East Europe	North Europe	Other (excl. N.Z.)	Not known
(Total n=3555)	(n=1754) %	(n=157) %	(n=24) %	(n=94) %	(n=51) %	(n=12) %	(n=44) %	(n=47) %	(n=142) %	(n=1230) %
Assault	.6	1.3	-	-	2.0	-	-	-	-	4.8
Bet or gather arms	.3	1.3	-	-	-	-	4.5	-	.7	.2
Behaviour - riotous, indecent, offensive										
threatening, insulting	5.0	5.7	12.5	-	2.0	8.3	2.3	12.7	14.8	2.5
Betting	.1	-	-	7.4	-	-	-	-	.7	2.5
Burglary - break & enter attempt	.5	-	-	1.1	-	-	-	-	-	1.5
Driving with blood alcohol above limit	2.5	5.7	8.3	-	2.0	-	4.5	16.2	2.1	5.4
Drunk in charge/refuse breathalyser	.2	1.9	-	-	-	-	-	-	.7	.1
Drugs - oral use/possession of	.3	.6	-	-	-	-	-	2.1	1.4	2.3
Environmental offence	-	.6	-	-	-	-	-	-	-	.1
Evasion fare on public transport	.9	1.3	-	1.1	2.0	-	-	-	-	7.2
Explosive - unlawful making, possession of	-	-	-	-	2.0	-	-	-	-	-
False pretences	.4	-	-	1.1	-	-	-	-	-	2.8
Indecent exposure	-	-	-	-	2.0	-	-	-	.7	-
Larceny	9.2	10.8	33.3	22.3	13.7	16.7	13.6	9.9	15.5	16.8
Person unlawfully in possession property	.7	-	4.2	-	2.0	-	-	-	-	4.0
Pistol, unlicensed, in possession of	-	-	-	-	-	8.3	-	-	-	-
Resist arrest and inciting thereto	.6	1.3	-	1.1	2.0	-	2.3	-	-	1.0
Soliciting by known prostitute	45.4	8.9	8.3	56.4	33.3	66.7	-	35.5	18.3	22.4
Unseemly words	12.4	17.2	16.7	3.2	5.9	-	22.7	12.4	10.5	6.8
Vagrancy	18.0	43.3	16.7	5.3	31.4	-	50.0	11.1	23.9	6.8
Other offences	2.9	-	-	1.1	-	-	-	-	10.7	12.8
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Behaviour/unseemly words vagrancy/ resist arrest	36.0	67.5	45.9	9.6	41.3	8.3	77.3	36.2	49.2	

1 New Zealand has been excluded from these figures.

Source: In Jakubowicz and Buckley (1975) from NSW Bureau of Crime Statistics and Research (1973).

compared to overseas-born women. As in all cases discussed, differences were seen between cultural groups. Some nationalities were under-represented or did not even appear while 'a few countries were over-represented to a significant degree, in particular, Turkey, Lebanon, Italy, Poland and Yugoslavia' (1986, p. 91). However, with as few as five, six and eight persons in various sub-groups, it is difficult to sustain notions of 'over-representation', or indeed any pattern of violent crime by nationality.

From such occasional unco-ordinated studies, some plausible relationships and patterns may be discerned. But in lacking continuity or replication the studies do not offer the opportunity to test the theories they suggest. However, the National Prison Census, is a data base which was standardised by the Australian Institute of Criminology in 1982, and which has since been collected annually with the co-operation of State Correctional Departments. Although there are limitations to a survey which counts heads only once a year on June 30, there is the promise that longer term comparisons and consistency of collection could eventually provide a more credible analysis of migrant crime.

Prison Statistics: prisoner rates

The number, percentage and sex of overseas-born prisoners have been published by state jurisdiction since 1982 (Walker and Biles 1983 - 1986). Over a four year period, between 1982 and 1985, Australian-born persons comprised an average of 79.8 per cent, and overseas-born persons 20.2 per cent, of the total national prison population, as summarised below:

Table 16: Number of Prisoners by Jurisdiction and State/Country of Birth - 1985

Birthplace	NSW	Vic	Qld	WA	SA	Tas	NT	ACT	Total
TOTAL PERSONS (no.)									
Australia									
NSW	2750	118	356	96	63	-	19	8	3410
Vic	166	1213	161	81	64	-	20	-	1705
Qld	136	28	1089	27	22	-	24	-	1326
WA	28	20	18	908	16	-	16	-	1006
SA	43	35	31	44	404	-	14	-	571
Tas	19	55	27	14	6	-	3	-	124
NT	8	2	13	13	4	-	207	-	247
ACT	31	1	2	1	3	-	-	1	39
Australia Unspecified	18	-	2	-	-	186	-	-	206
Total Australia	3199	1472	1699	1184	582	186	303	9	8634
New Zealand	106	29	69	27	17	2	7	-	257
Papua New Guinea	8	-	10	1	-	-	-	-	19
Other Oceania	22	1	2	-	1	-	-	-	26
Vietnam	15	5	2	-	3	-	-	-	25
Other Indo-China	1	-	-	3	3	-	-	-	7
Asia	81	26	11	17	6	-	2	-	143
UK, Eire	209	106	91	162	76	2	1	1	648
Greece	28	31	3	2	8	-	1	-	73
Italy	46	45	12	18	16	-	2	-	139
Yugoslavia	76	35	17	15	16	-	2	1	162
Other West Europe	95	31	25	31	22	-	13	-	217
East Europe	29	24	11	9	-	-	-	-	73
USA	13	4	11	8	2	2	-	-	40
Canada	2	2	3	2	-	-	-	-	9
Other America	18	6	1	-	1	1	1	-	28
Africa	21	3	5	5	2	1	-	-	37
Lebanon	82	17	9	1	-	-	-	-	109
Turkey	25	22	1	3	-	-	-	-	51
Other Middle East	21	6	-	1	-	-	1	-	29
Unknown	18	14	17	6	28	34	1	-	118
TOTAL PERSONS	4115	1879	1999	1495	783	228	334	11	10844

Source: Walker and Biles, Australian Prisoners 1985 (1986), National Prison Census 30 June 1985 table 4.

Table 17: Percentage of Prisoners by Jurisdiction and State/Country of Birth - 1985

Birthplace	NSW	Vic	Qld	WA	SA	Tas	NT	ACT	Total
TOTAL PERSONS (per cent)									
Australia									
NSW	66.8	6.3	17.8	6.4	8.0	-	5.7	72.7	31.4
Vic	4.0	64.6	8.1	5.4	8.2	-	6.0	-	15.7
Qld	3.3	1.5	54.5	1.8	2.8	-	7.2	-	12.2
WA	.7	1.1	.9	60.7	2.0	-	4.8	-	9.3
SA	1.0	1.9	1.6	2.9	51.6	-	4.2	-	5.3
Tas	.5	2.9	1.4	.9	.8	-	.9	-	1.1
NT	.2	.1	.7	.9	.5	-	62.0	-	2.3
ACT	.8	.1	.1	.1	.4	-	-	9.1	.4
Australia Unspecified	.4	-	.1	-	-	81.6	-	-	1.9
Total Australia	77.7	78.3	85.0	79.2	74.3	81.6	90.7	81.8	79.6
New Zealand	2.6	1.5	3.5	1.8	2.2	.9	2.1	-	2.4
Papua New Guinea	.2	-	.5	.1	-	-	-	-	.2
Other Oceania	.5	.1	.1	-	.1	-	-	-	.2
Vietnam	.4	.3	.1	-	.4	-	-	-	.2
Other Indo-China	-	-	-	.2	.4	-	-	-	.1
Asia	2.0	1.4	.6	1.1	.8	-	.6	-	1.3
UK, Eire	5.1	5.6	4.6	10.8	9.7	.9	.3	9.1	6.0
Greece	.7	1.6	.2	.1	1.0	-	.3	-	.7
Italy	1.1	2.4	.6	1.2	2.0	-	.6	-	1.3
Yugoslavia	1.8	1.9	.9	1.0	2.0	-	.6	9.1	1.5
Other West Europe	2.3	1.6	1.3	2.1	2.8	-	3.9	-	2.0
East Europe	.7	1.3	.6	.6	-	-	-	-	.7
USA	.3	.2	.6	.5	.3	.9	-	-	.4
Canada	-	.1	.2	.1	-	-	-	-	.1
Other America	.4	.3	.1	-	.1	.4	.3	-	.3
Africa	.5	.2	.3	.3	.3	.4	-	-	.3
Lebanon	2.0	.9	.5	.1	-	-	-	-	1.0
Turkey	.6	1.2	.1	.2	-	-	-	-	.5
Other Middle East	.5	.3	-	.1	-	-	.3	-	.3
Unknown	.4	.7	.9	.4	3.6	14.9	.3	-	1.1
TOTAL PERSONS	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Source: Walker and Biles, Australian Prisoners 1985 (1986), National Prison Census 30 June 1985 table 4A.

Table 18: Percentage of Prisoners by Jurisdiction, Sex and State/Country of Birth - 1985¹

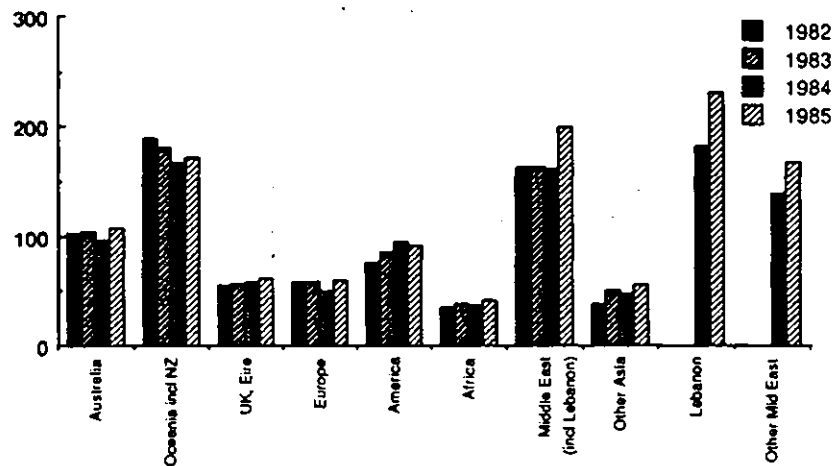
Birthplace	NSW	Vic	Qld	WA	SA	Tas	NT	ACT	Total
MALES (per cent)									
Australia									
NSW	66.7	6.3	18.0	6.7	8.2	-	5.8	70.0	31.4
Vic	4.0	64.4	8.0	5.4	8.3	-	5.8	-	15.7
Qld	3.3	1.6	54.1	1.9	2.8	-	7.1	-	12.3
WA	.7	1.1	.9	60.2	2.0	-	4.9	-	9.2
SA	1.1	2.0	1.6	3.0	50.9	-	4.3	-	5.3
Tas	.5	3.0	1.4	1.0	.7	-	.9	-	1.2
NT	.2	.1	.7	.9	.5	-	61.8	-	2.3
ACT	.7	.1	.1	.1	.1	-	-	10.0	.3
Australia Unspecified	.4	-	.1	-	-	81.9	-	-	1.9
Total Australia	77.6	78.4	84.8	79.1	73.6	81.9	90.8	80.0	79.5
New Zealand	2.6	1.6	3.4	1.8	2.2	.9	1.8	-	2.4
Papua New Guinea	.2	-	.5	.1	-	-	-	-	.2
Other Oceania	.6	.1	.1	-	.1	-	-	-	.2
Vietnam	.4	.3	.1	-	.4	-	-	-	.2
Other Indo-China	-	-	-	.2	.4	-	-	-	.1
Asia	1.9	1.3	.6	1.1	.7	-	.6	-	1.3
UK, Eire	5.1	5.6	4.7	10.8	9.8	.9	.3	10.0	6.0
Greece	.7	1.7	.2	.1	1.1	-	.3	-	.7
Italy	1.2	2.4	.6	1.3	2.2	-	.6	-	1.3
Yugoslavia	1.9	2.0	.9	1.1	2.2	-	.6	10.0	1.6
Other West Europe	2.3	1.5	1.3	2.0	3.0	-	4.0	-	2.0
East Europe	.7	1.2	.6	.6	-	-	-	-	.7
USA	.3	.2	.6	.6	.3	.9	-	-	.4
Canada	.1	.1	.2	.1	-	-	-	-	.1
Other America	.4	.2	.1	-	.1	-	.3	-	.2
Africa	.5	.1	.3	.3	.3	.5	-	-	.3
Lebanon	1.9	.9	.4	.1	-	-	-	-	1.0
Turkey	.6	1.2	.1	.2	-	-	-	-	.5
Other Middle East	.5	.3	-	.1	-	-	.3	-	.3
Unknown	.5	.8	.8	.4	3.8	14.9	.3	-	1.1
TOTAL PERSONS	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

¹ For number of prisoners by sex see table 4, Walker and Biles (1986)Source: Walker and Biles, Australian Prisoners 1985 (1986), National Prison Census 30 June 1985 table 4 and 4A.Table 19: Percentage of Prisoners by Jurisdiction, Sex and State/Country of Birth - 30 June 1985¹

Birthplace	NSW	Vic	Qld	WA	SA	Tas	NT	ACT	Total
FEMALES (per cent)									
Australia									
NSW	69.7	6.8	12.8	1.4	5.0	-	-	100.0	32.9
Vic	4.3	67.0	10.3	5.6	5.0	-	11.1	-	16.5
Qld	3.4	-	64.1	-	2.5	-	11.1	-	11.8
WA	.5	-	1.3	71.8	2.5	-	-	-	10.8
SA	-	-	1.3	1.4	65.0	-	-	-	5.6
Tas	-	2.3	-	-	2.5	-	-	-	.6
NT	.5	-	-	-	-	-	66.7	-	1.4
ACT	1.0	-	-	-	5.0	-	-	-	.8
Australia Unspecified	1.0	-	-	-	-	71.4	-	-	1.4
Total Australia	80.3	76.1	89.7	80.3	87.5	71.4	88.9	100.0	81.7
New Zealand	2.9	-	3.8	2.8	2.5	-	11.1	-	2.6
Other Oceania	-	-	1.3	-	-	-	-	-	.2
Vietnam	-	-	1.3	-	-	-	-	-	.2
Asia	2.4	2.3	-	1.4	2.5	-	-	-	1.8
UK, Eire	4.8	6.8	1.3	11.3	7.5	-	-	-	5.6
Greece	-	1.1	-	-	-	-	-	-	.2
Italy	.5	2.3	-	-	-	-	-	-	.6
Other West Europe	2.9	5.7	-	2.8	-	-	-	-	2.6
East Europe	-	2.3	-	-	-	-	-	-	.4
USA	1.0	-	-	-	-	-	-	-	.4
Other America	1.0	2.3	-	-	-	14.3	-	-	1.0
Africa	-	1.1	-	1.4	-	-	-	-	.4
Lebanon	2.9	-	1.3	-	-	-	-	-	1.4
Turkey	1.0	-	-	-	-	-	-	-	.4
Other Middle East	.5	-	-	-	-	-	-	-	.2
Unknown	-	-	1.3	-	-	14.3	-	-	.4
TOTAL PERSONS	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

¹ For number of prisoners by sex see table 4, Walker and Biles (1986)Source: Walker and Biles, Australian Prisoners 1985 (1986), National Prison Census 30 June 1985 table 4 and 4A.

Figure 8: All Prisoners by Country of Birth
Rates per 100,000 1982-1985 (general categories)¹

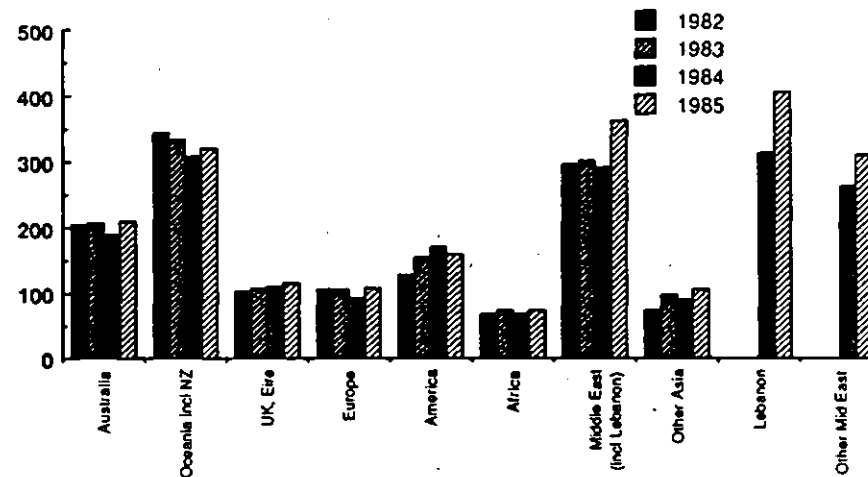


	1982	1983	1984	1985
Australia	102.0159	104.8844	95.6150	107.5360
Oceania incl NZ	190.1425	182.1424	166.6686	171.4229
UK, Eire	54.8747	56.9197	59.0108	61.1934
Europe	58.6818	58.3513	51.1802	59.9362
America	76.0998	84.6716	94.6145	91.2183
Africa	34.7270	38.0264	35.9020	40.5196
Middle East	162.5940	162.2659	160.7899	199.3017
Other Asia	37.4875	50.6541	46.7338	55.2827
Lebanon			181.9726	231.2196
Other Mid East			139.6562	166.7518

¹ A large number of 'Middle East' offenders come from Lebanon. We have, however, only 1984 and 1985 collections for Lebanon. The general 'Middle East' category is repeated on the far right side under the divisions of 'Lebanon' and 'Other Middle East' to indicate this.

Source: National Prison Census - 30 June 1982-1985, Australian Institute of Criminology; 1981 Population and Housing Census (adjusted by proportion 18 years and over and population estimates by year) Australian Bureau of Statistics.

Figure 9: Male Prisoners by Country of Birth
Rates per 100,000 1982-1985 (general categories)¹



	1982	1983	1984	1985
Australia	204.3100	208.4575	189.9692	211.8334
Oceania incl NZ	344.8739	334.7822	307.2494	320.2928
UK, Eire	103.1558	108.7169	111.4513	115.2765
Europe	106.2637	104.4754	92.4301	109.0352
America	128.7754	155.9818	170.7575	160.0494
Africa	67.6272	74.0621	67.6656	74.6232
Middle East	297.1080	303.6031	291.3576	362.3727
Other Asia	74.7433	98.0361	90.5774	104.9523
Lebanon			314.3780	404.3481
Other Mid East			262.4922	311.7620

¹ A large number of 'Middle East' offenders come from Lebanon. We have, however, only 1984 and 1985 collections for Lebanon. The general 'Middle East' category is repeated on the far right side under the divisions of 'Lebanon' and 'Other Middle East' to indicate this.

Source: National Prison Census - 30 June 1982-1985, Australian Institute of Criminology; 1981 Population and Housing Census (adjusted by proportion 18 years and over and population estimates by year) Australian Bureau of Statistics.

All Prisoners

30 June	Australian-born		Overseas-born		Total	
	no.	%	no.	%	no.	%
1982	7,893		1,933		9,826	
		80.8		19.2		100
1983	8,216		1,980		10,196	
		80.6		19.4		100
1984	7,584		2,110		9,694	
		78.2		21.8		100
1985	8,634		2,210		10,844	
		79.6		20.4		100
All prisoners	8,082		2,058		10,140	
Average total		79.8		20.2		100

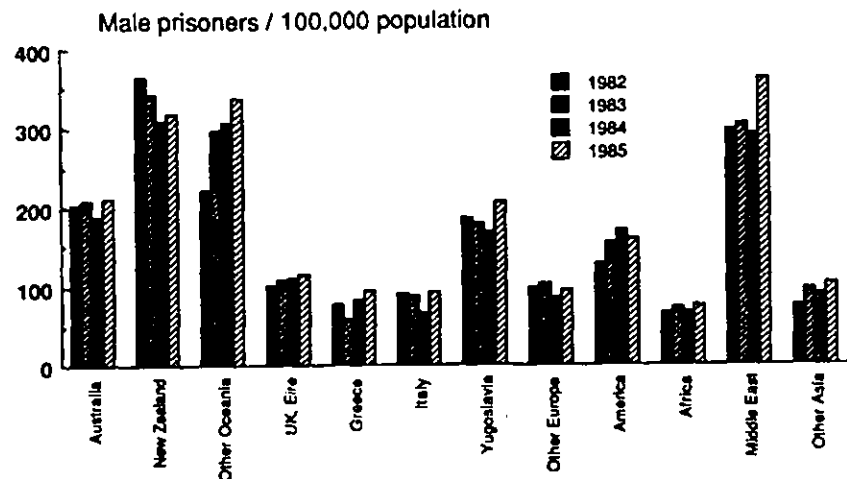
Between these years a slight increase in migrant prisoners, both in numbers and in percentage of prison population, can be seen. This factor, however, needs to be weighed against the increased migrant population in Australia through immigration (1.3 per cent between 1981-1985). The migrant prison population, ranges from a low 9.3 per cent in the Northern Territory and 15 per cent in Queensland, to a high 21.7 per cent in Victoria, 22.3 per cent in New South Wales, and 25.9 per cent in South Australia where greater numbers of migrants reside (tables 16, 17, 18 and 19).

Foreign-born males registered significantly higher numbers in prison than foreign-born females:

Male Prisoners

30 June	Australian-born		Overseas-born		Total	
	no.	%	no.	%	no.	%
1982	7,641		1,850		9,491	
		80.5		19.5		100
1983	7,894		1,903		9,797	
		80.6		19.4		100
1984	7,285		2,029		9,314	
		78.2		21.8		100
1985	8,224		2,118		10,342	
		79.5		20.5		100
Males	7,761		1,975		9,736	
Average total		79.7		20.3		100

Figure 10: Male Prisoners by Country of Birth
Rates per 100,000 1982-1985 (specific countries)¹

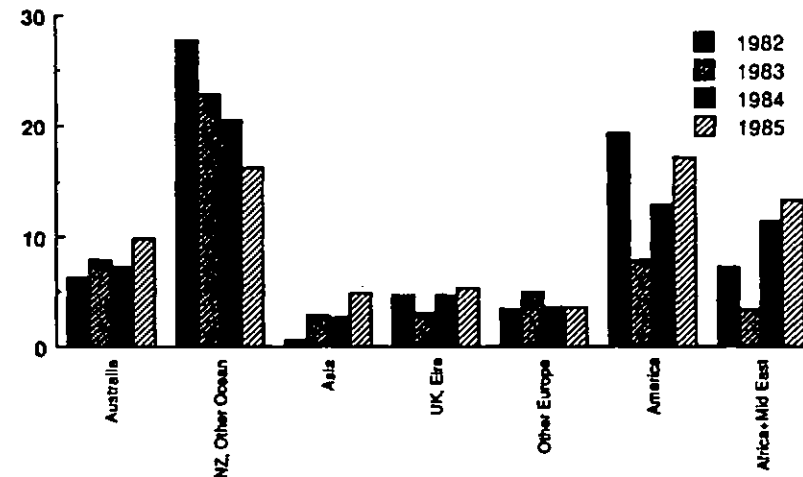


	1982	1983	1984	1985
Australia	204.3100	208.4575	189.9692	211.8334
Oceania incl NZ	344.8739	334.7822	307.2494	320.2928
UK, Eire	103.1558	108.7169	111.4513	115.2765
Greece	78.4040	59.8756	85.1564	95.8009
Italy	91.5862	88.2023	67.1375	92.8994
Yugoslavia	186.0073	179.6372	169.2489	205.6767
Other Europe	99.4491	104.0597	86.4285	98.4705
America	128.7754	155.9818	170.7575	160.0494
Africa	67.6272	74.0621	67.6656	74.6232
Middle East	297.1080	303.6031	291.3576	362.3727
Other Asia	74.7433	98.0361	90.5774	104.9523

¹ Due to space limitations the 'Middle East' category is not broken down in this figure, but a breakdown for males can be seen in Figure 9.

Source: National Prison Census - 30 June 1982-1985, Australian Institute of Criminology; 1981 Population and Housing Census (adjusted by proportion 18 years and over and population estimates by year) Australian Bureau of Statistics.

Figure 11: Female Prisoners by Country of Birth
Rates per 100,000 1982-1985 (general categories)¹



	1982	1983	1984	1985
Australia	6.3045	7.9574	7.2981	9.8875
NZ, Oceania	27.8287	22.8849	20.4945	16.2310
Asia	0.6022	2.8131	2.6264	4.8834
UK, Eire	4.7551	3.2203	4.7713	5.3732
Other Europe	3.5303	5.0544	3.6895	3.6801
America	19.4044	7.9875	12.9044	17.2090
Africa	0.0000	0.0000	2.3085	4.5033
Afr + Middle East	7.2271	3.5253	10.3078	13.3562

¹ As female prisoner rates are so low only general categories are shown here. Caution should be used in the 'America' sample particularly as low figures cannot give a true depiction of trends.

Source: National Prison Census - 30 June 1982-1985, Australian Institute of Criminology; 1981 Population and Housing Census (adjusted by proportion 18 years and over and population estimates by year) Australian Bureau of Statistics.

Female Prisoners

30 June	Australian-born		Overseas-born		Total	
	no.	%	no.	%	no.	%
1982	252		83		335	
		75.2		24.8		100
1983	322		77		399	
		80.7		19.3		100
1984	299		81		380	
		78.7		21.3		100
1985	410		92		502	
		81.7		18.3		100
<hr/>						
Females	321		83		404	
Average total		79.1		20.9		100
<hr/>						

As foreign-born female prisoner numbers are so low (a national total of 502 for the year 1985) the potential for analysis is limited. For this reason, much of the discussion will focus upon either male prisoner statistics or figures for total persons.

Figures 8, 9 and 10 give a clear indication of national incarceration rates by country of birth. National Prison Census statistics, compiled here by rates per 1,000, show a consistency of trends over the four year period. Figure 11 for female prisoners is not so reliable. The seemingly high American sample should be treated with caution for this reason (Figure 11).

Apart from 1984, when prison figures dipped in the general population, rates for 100,000 for the Australian-born have seen a steady rise from 102.01 in 1982 to 107.53 in 1985. Although we have only the last two years of figures for prisoners born in Lebanon, in those years they had the highest foreign-born prisoner rates (181.97 in 1984 and 231.21 in 1985), thus, bringing other Middle East rates up. General Middle East rates declined slightly from 162.59 in 1982 to 160.78 in 1984 but took a sharp rise to 199.30 in 1985.

As earlier studies have suggested, there are two other prominent groups - Yugoslavia and New Zealand/Oceania. While showing a dip in 1984 to 94.48, Yugoslavia progressed from 102.63 in 1982 to 112.88

in 1985. The New Zealand/Oceania figures have remained high, ranking highest in incarceration rates in 1982 (190.14) and 1983 (182.14). A simultaneous decline in New Zealand/Oceania figures (166.66 in 1984 and 171.42 in 1985) with a rise in Lebanese rates (181.77 in 1984 and 231.21 in 1985) led New Zealand/Oceania to drop to second rank.

Clearly, Lebanon, and the Middle East in general, and New Zealand/Oceania have consistently surpassed Australian-born rates for some years. Yugoslavia has either equalled or just surpassed Australian rates, with America coming close to doing this.

Africa, Greece and Italy, and to a lesser extent Asia and UK/Eire, rates have remained relatively low. A general rise has been noted in all these rates over time. The lowest of these, Africa, increased from 34.72 in 1982 to 40.51 in 1985; Greece increased from 40.11 in 1982 to 49.62 in 1985; Italy from 49.80 in 1982 to 51.45 in 1985; Asia from 37.48 in 1982 to 55.28 in 1985 and UK/Eire from 54.87 in 1982 to 61.19 in 1985 (figures 8, 9 and 10).

Perhaps the most interesting of these figures are those of New Zealand and Lebanon. Why are these rates so high? Also why have Yugoslavian-born persons reached those of the Australian-born, while other migrant groups have shown a tendency, since the 1950s, to be significantly under-represented?

Like the Greek community, immigration from Yugoslavia began to occur in larger numbers after World War II, and is one of Australia's older migrant communities. Lebanese migration, however, is a more recent phenomenon. The Lebanese would be a much younger community, with a larger percentage of its members falling into high risk age categories, often competing in the same residential and economic environments as older established settler communities. Lebanese youth are prone to cultural clashes and street offences. In addition, figure 6 indicates that Lebanese,

Yugoslavian and New Zealand persons suffered the highest unemployment rates (with the exception of the Vietnamese). In contrast, persons from Greece and Italy showed lowest unemployment (see figure 6 on page 22).

The picture of New Zealand rates, Francis pointed out, is affected by burgeoning crime among New Zealand-born Maoris and Polynesians who migrate to Australia. Like the Australian Aborigines, New Zealand Maoris in their own country are 'about eleven times higher risk for assault' than the total population (1976, pp. 14-15).

A full analysis of social factors within the National Prison Census would be beyond the scope of this report. But a view of a number of variables for the year 1985 is possible. As prisoner rates discussed above already indicate, we would not expect a great deal of variation in these factors over this four year period.

Prison Statistics: social variables

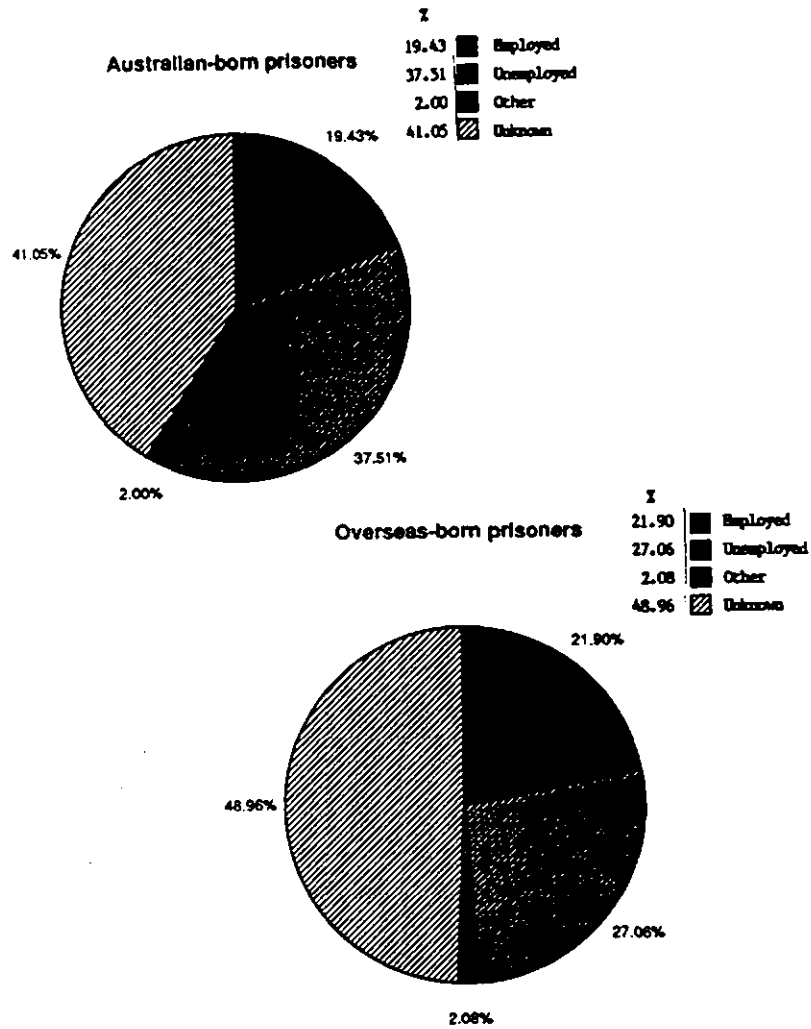
Data collected on employment status was not very satisfactory as 42.7 per cent of the respondents on the 1985 National Prison Census did not complete this section. It is probably reasonable to assume that a large number of these would fall into the unemployed, or the underemployed categories at time of arrest. Among prisoners who claimed to have been in employment, groups which scored low in this section were Lebanon (10.1 per cent), Other Middle East (13.8 per cent), Oceania (13.3 per cent), New Zealand (21.0 per cent), Yugoslavia (22.2 per cent) and to a lesser extent UK/Eire (24.1 per cent). Australian-born prisoners also scored a low employment rate (19.4 per cent). North Americans (Canada 33.3 per cent, U.S.A. 30.0 per cent), Italians (32.4 per cent) and Greeks (26.0 per cent) showed the highest rates of employment at time of arrest. This correlates closely with national incarceration rates (table 20 and figures 12 also figure 6).

Table 20: Number and Percentage of Prisoners by Country of Birth and Employment Status 30 June 1985

Employment Status	Australia		Europe										America		Africa and Mid-East		Asia		Total
	Unemployed	Other	UK	FRG	France	Italy	Spain	West Germany	East Germany	USA	Canada	Other	Africa non	Turkey	East	Other	Asia/	Other	
No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.
1078	54	6	156	19	45	36	54	17	12	3	4	9	11	10	4	12	10.1	19.6	12.8
19.4	21.0	13.3	26.1	26.0	22.4	22.2	26.9	23.3	20.0	33.3	16.3	26.3	10.1	19.6	13.8	18.3	10.1	21.0	19.0
229	9	29	23	31	41	52	17	11	2	2	3	6	13	13	4	34	16	13.5	20.7
37.5	32.7	20.0	36.9	31.5	22.3	25.3	24.0	23.3	27.5	22.2	10.7	16.2	11.9	25.5	13.8	19.4	13.5	20.7	35.4
28	-	-	2	-	1	-	3	-	-	-	2	-	-	-	-	-	-	-	-
Student	13	-	2	-	1	-	1.4	-	-	-	-	7.1	-	-	-	-	-	-	37
Other	132	1	-	10	3	7	3	3	3	1	-	-	-	-	-	2.0	-	-	17
1.5	1.4	-	1.5	4.1	5.0	1.9	1.4	4.1	2.5	-	-	-	-	-	-	-	-	-	1.5
3544	118	30	239	28	54	82	105	36	16	4	19	21	85	27	21	107	90	-	165
41.0	45.9	66.7	36.9	38.4	30.6	50.6	48.3	49.3	40.0	66.4	67.9	56.8	78.0	52.9	72.4	61.1	78.2	-	46.8
Total Prisoners	8634	237	45	648	73	139	162	217	73	40	9	28	37	109	51	29	175	118	1064
Total Percent	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
Percentage of Prisoner Population	79.6	2.4	.4	5.9	.7	1.3	1.5	2.0	.7	.4	.1	.3	.3	1.0	.5	.3	1.6	1.0	100

Source: National Prison Census - 30 June 1985, Australian Institute of Criminology.

Figure 12: Employment by Country of Birth - 30 June 1985

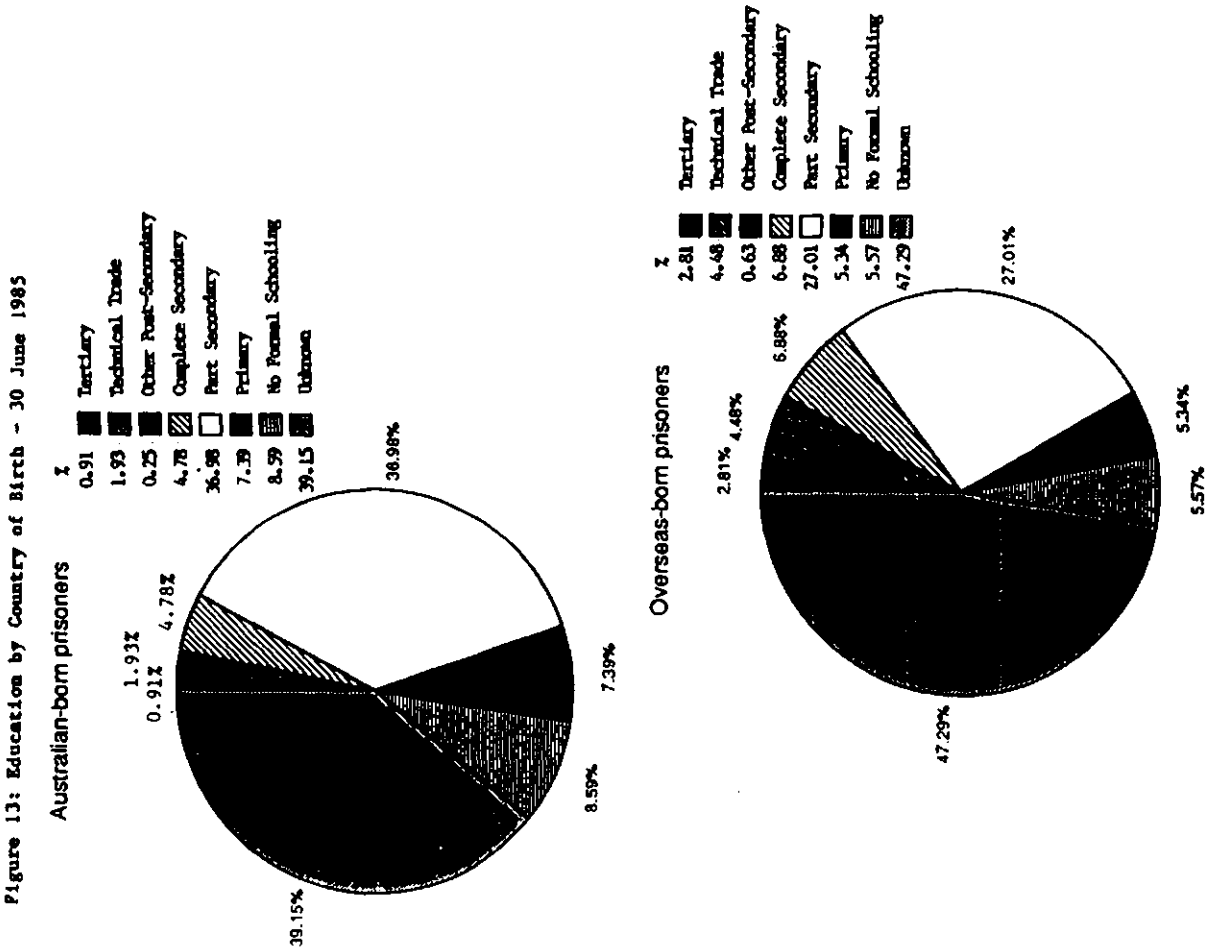


Source: National Prison Census - 30 June 1985, Australian Institute of Criminology.

Table 21: Number and Percentage of Prisoners by Country of Birth, and known Highest Level of Education 30 June 1985

Education Level	Australasia			Europe								America			Africa and Mid-East				Asia	Not Stated	Total Education Level	
	Aust unspecified	NZ	Oceania	UK EIRE	Greece	Italy	Yugo-slavia	West Europe	Other East-ern Europe	USA	Canada	Other Amer-ica	Africa non	Turkey	Other Mid-East	Asia/ Indo-China	No.	%				
	No.	%	No.	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.			%			
Tertiary	79	9	1	11	1	-	5	8	2	7	1	-	1	1	2	-	10	3	-	141	1.3	
Technical Trade	167	8	1	44	1	7	6	19	5	-	-	1	1	-	-	1	3	2	-	266	2.5	
Other Post-Secondary	22	2	-	4	-	1	2	1	-	2	-	-	-	-	-	-	-	-	-	36	.3	
Complete Secondary	413	28	1	52	4	10	10	11	7	7	1	3	4	3	1	-	7	3	-	565	5.2	
Part Secondary	3193	76	10	230	22	42	35	62	18	7	4	6	7	14	10	5	32	19	-	3790	35.0	
Primary	638	6	3	20	12	22	13	8	5	2	-	1	1	5	7	2	7	2	-	756	7.0	
No formal schooling	742	13	-	59	3	9	8	8	4	2	-	-	2	-	5	-	8	2	-	865	8.0	
Unknown	3380	111	30	228	30	48	83	100	32	13	3	18	21	86	26	21	108	87	-	4425	40.8	
	39.1	43.2	66.7	35.2	41.1	34.5	51.2	46.1	43.8	12.5	33.3	64.3	56.8	78.9	51.0	72.4	61.7	73.7	-			
Total Persons	8634	257	45	648	73	139	162	217	73	40	9	28	37	109	51	29	175	118	-	10844		
Total Percent	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	-	100		
Percentage of Prisoner Population	79.6	2.4	.4	5.9	.7	1.3	1.5	2.0	.7	.4	.1	.3	.3	1.0	.5	.3	1.6	1.0	-	100		

Source: National Prison Census - 30 June 1985, Australian Institute of Criminology.



Source: National Prison Census - 30 June 1985, Australian Institute of Criminology.

Table 22: Number and Percentage of Prisoners by Country of Birth, Sex and Age Group 30 June 1985

MALES

Age Group	Australasia			Europe								America			Africa and Mid-East				Asia		Total Age Group
	Aust unspecified	NZ	Oceania	UK	Greece	Italy	Yugo-slovia	Other West Europe	East Europe	USA	Canada	Other America	Africa non	Lebanon	Turkey	Other Mid-East	Asia/Indo-China	Not Stated			
No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%		
Under 20	1014	16	2	47	1	4	15	7	1	-	-	1	-	9	3	1	4	16			
	12.3	6.6	4.5	7.6	1.4	2.9	9.3	3.4	1.4			4.3	-	8.8	6.1	3.6	2.4	13.7	1141	11.0	
20 - 24	2445	53	12	167	10	17	40	38	6	7	1	3	8	30	17	5	22				
	29.7	21.7	27.3	26.9	13.9	12.5	24.7	18.6	8.6	18.4	11.1	13.0	22.9	29.4	34.7	17.9	13.3	18.9	2903	28.1	
25 - 29	1969	52	11	152	17	18	21	35	16	5	3	7	6	24	5	6	42	22			
	23.9	21.3	25.0	24.5	23.6	13.2	13.0	17.2	22.5	13.2	33.3	30.4	17.1	23.5	10.2	21.4	25.5	18.9	2411	23.3	
30 - 34	1227	55	7	88	14	16	19	39	12	8	2	2	7	18	6	8	31	18			
	14.9	22.5	15.9	14.2	19.4	11.8	11.7	19.1	16.9	21.1	22.2	8.7	20.0	17.6	12.2	28.6	18.8	15.5	1577	15.2	
35 - 39	694	34	6	73	12	30	19	31	11	7	1	5	9	9	5	2	26	16			
	8.4	13.9	13.6	11.8	16.7	22.1	11.7	15.2	15.5	18.4	11.1	21.7	25.7	8.8	10.2	7.1	15.7	13.7	980	9.6	
40 - 44	398	15	4	46	8	16	20	24	7	5	-	1	2	5	5	2	23	4			
	4.8	6.1	9.1	7.4	11.1	13.2	12.3	11.8	9.9	13.2	-	4.3	5.7	4.9	10.2	7.1	13.9	3.4	587	5.7	
45 - 49	211	8	1	26	5	18	16	14	5	2	-	3	2	4	4	3	7	5			
	2.6	3.3	2.3	4.2	6.9	13.2	9.9	6.9	7.0	5.3	-	13.0	5.7	3.9	8.2	10.7	4.2	4.3	334	3.2	
50 +	259	11	1	21	5	15	12	14	13	4	2	1	1	3	4	1	10	13			
	3.1	4.5	2.3	3.4	6.9	11.0	7.4	6.9	18.3	10.5	22.2	4.3	2.9	2.9	8.2	3.6	6.0	11.2	790	3.8	
Unknown	7	-	-	-	-	-	-	2	-	-	-	-	-	-	-	-	-	-	9	.1	
	.1	-	-	-	-	-	-	1.0	-	-	-	-	-	-	-	-	-	-			
Total Persons	8224	244	44	620	72	136	162	204	71	38	9	23	35	102	49	28	165	116	10342		
Total Percent	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100			100	
Percentage of Prisoner Population	79.5	2.4	.4	8.0	.7	1.3	1.5	2.0	.7	.4	.1	.2	.3	1.0	.5	.3	1.6	1.1	100		

Source: National Prison Census - 30 June 1985, Australian Institute of Criminology.

Table 23: Number and Percentage of Prisoners by Country of Birth, Sex and Age Group 30 June 1985

FEMALES

Age Group	Australasia		Europe							America			Africa and Mid-East				Asia		Not Stated	Total Age Group													
	Aust unspecified	NZ	Oceania	UK	Greece	Italy	Yugo-slovia	Other West Europe	East Europe	USA	Canada	Other America	Africa non	Lebanon	Turkey	Other Mid-East	Asia/Indo-China																
																		No.			%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
																		No.			%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Under 20	27	-	-	1	-	-	-	-	-	-	-	-	1	1	-	-	-	-	-	-	30	6.0											
	6.6	-	-	3.6	-	-	-	-	-	-	-	-	50.0	14.3	-	-	-	-	-	-													
20 - 24	138	4	-	12	-	-	-	3	-	-	-	1	1	1	-	-	-	-	-	-	160	31.9											
	33.7	30.8	-	42.9	-	-	-	23.1	-	-	-	20.0	50.0	14.3	-	-	-	-	-	-													
25 - 29	117	4	1	7	-	2	-	5	-	2	-	-	-	1	-	-	-	4	1	-	144	28.7											
	28.5	30.8	100.0	25.0	-	66.7	-	38.5	-	100.0	-	-	-	14.3	-	-	-	40.0	50.0	-													
30 - 34	81	4	-	1	-	1	-	3	2	-	-	-	-	2	1	-	-	1	-	-	76	15.1											
	14.9	30.8	-	3.6	-	33.3	-	23.1	100.0	-	-	-	-	28.6	50.0	-	-	10.0	-	-													
35 - 39	23	1	-	5	-	-	-	1	-	-	-	2	-	-	-	1	-	1	-	-	34	6.8											
	5.6	7.7	-	17.9	-	-	-	7.7	-	-	-	40.0	-	-	-	100.0	-	10.0	-	-													
40 - 44	23	-	-	-	1	-	-	-	-	-	-	2	-	-	-	-	-	2	1	-	29	3.8											
	5.6	-	-	-	100.0	-	-	-	-	-	-	40.0	-	-	-	-	-	20.0	50.0	-													
45 - 49	6	-	-	2	-	-	-	-	-	-	-	-	-	1	1	-	-	1	-	-	13	2.6											
	2.0	-	-	7.1	-	-	-	-	-	-	-	-	-	14.3	50.0	-	-	10.0	-	-													
50 +	13	-	-	-	-	-	-	1	-	-	-	-	-	1	-	-	-	1	-	-	16	3.2											
	3.2	-	-	-	-	-	-	7.7	-	-	-	-	-	14.3	-	-	-	10.0	-	-													
Unknown	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-											
	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-											
Total Persons	410	13	1	28	1	3	-	13	2	2	-	5	2	7	2	1	10	2	502														
Total Percent	100	100	100	100	100	100	-	100	100	100	-	100	100	100	100	100	100	100	100	100													
Percentage of Prisoner Population	81.7	2.6	.2	5.6	.2	.6	-	2.6	.4	.4	-	1.0	.4	1.4	.4	.2	2.0	.4	100														

Source: National Prison Census - 30 June 1985, Australian Institute of Criminology.

Australian, Greek, Turkish, Lebanese and African-born prisoners scored low in trade skills and tertiary education, and Australian, Turkish and UK/Eire born prisoners were least likely to have had formal schooling. As a whole, more overseas-born prisoners respondents claimed completed secondary or post secondary education than Australian-born respondents (figure 13). Unfortunately, 40.8 per cent of all respondents did not complete this section (table 21).

The twenty to twenty-four age group, followed closely by the twenty-five to twenty-nine age group, appeared the population most at risk for imprisonment. While Australian-born teenagers are more likely to be imprisoned than foreign-born teenagers, the Australian-born prison population peaked in the twenty to twenty-four age bracket. The likelihood of imprisonment in the twenty to twenty-four age bracket was highest for Australian, New Zealand/Oceania, UK/Eire, Yugoslavian, African, Lebanese and Turkish groups; but in the older twenty-five to twenty-nine age bracket Asian, Eastern European, Canadian, Italian, and Greek prisoners were more heavily represented. The majority of offenders from regions in which prisoner rates were high - notably New Zealand/Oceania, Yugoslavia, Lebanon, and Turkey - were between the ages of twenty and thirty-five (tables 22, 23, 24 and figure 14).

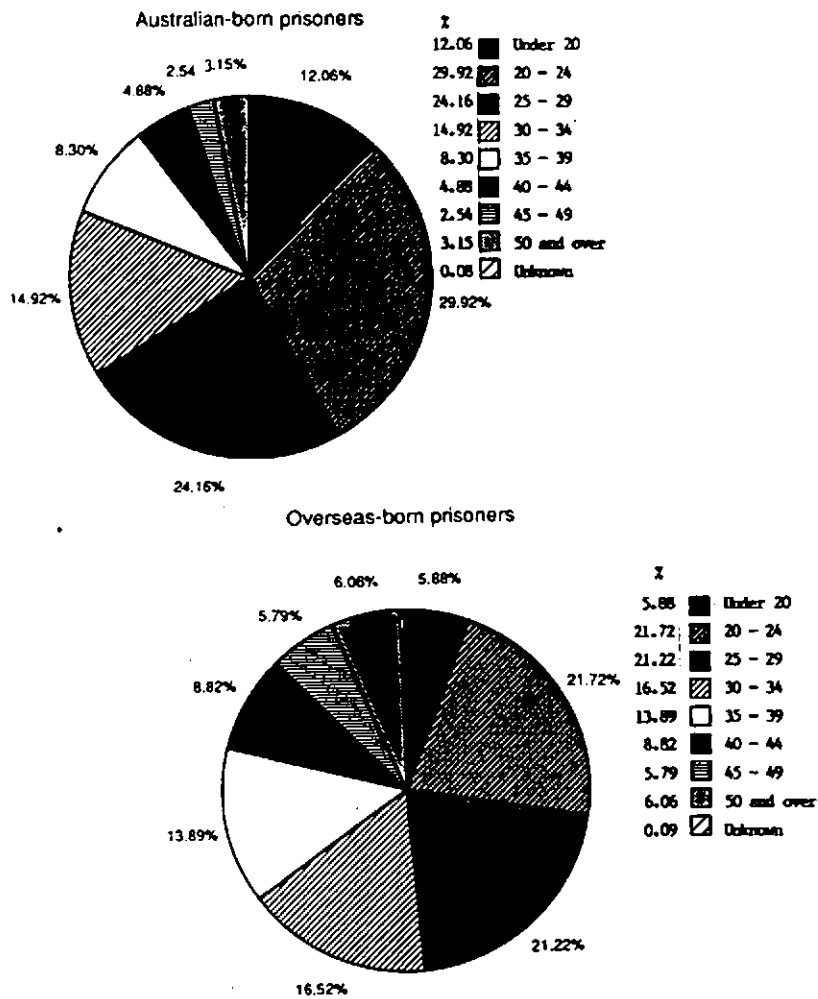
Of Australian prisoners, 71.1 per cent were single, either having been never married (60.4 per cent), or separated, divorced, or widowed (10.7 per cent), compared to 60.30 per cent (47.38 per cent never married and 12.92 separated, divorced or widowed) of overseas-born prisoners. This would be partly attributable to the youthfulness of this prison population. New Zealand, North American, United Kingdom and Yugoslavian groups came nearest to Australian marital status patterns. Asian, Greek and Italian groups were least likely to be single although, with the exception of Asians, over fifty per cent of all prisoner groups were single. Lebanese prisoners tended to straddle the high and low single marital categories (table 25, figure 15).

Table 24: Number and Percentage of Prisoners by Country of Birth and Age Group 30 June 1985

[illegible][illegible]

Sources: National Police Census - 30 June 1985, Australian Institute of Criminology.

Figure 14: Age Group by Country of Birth - 30 June 1985



Source: National Prison Census - 30 June 1985, Australian Institute of Criminology.

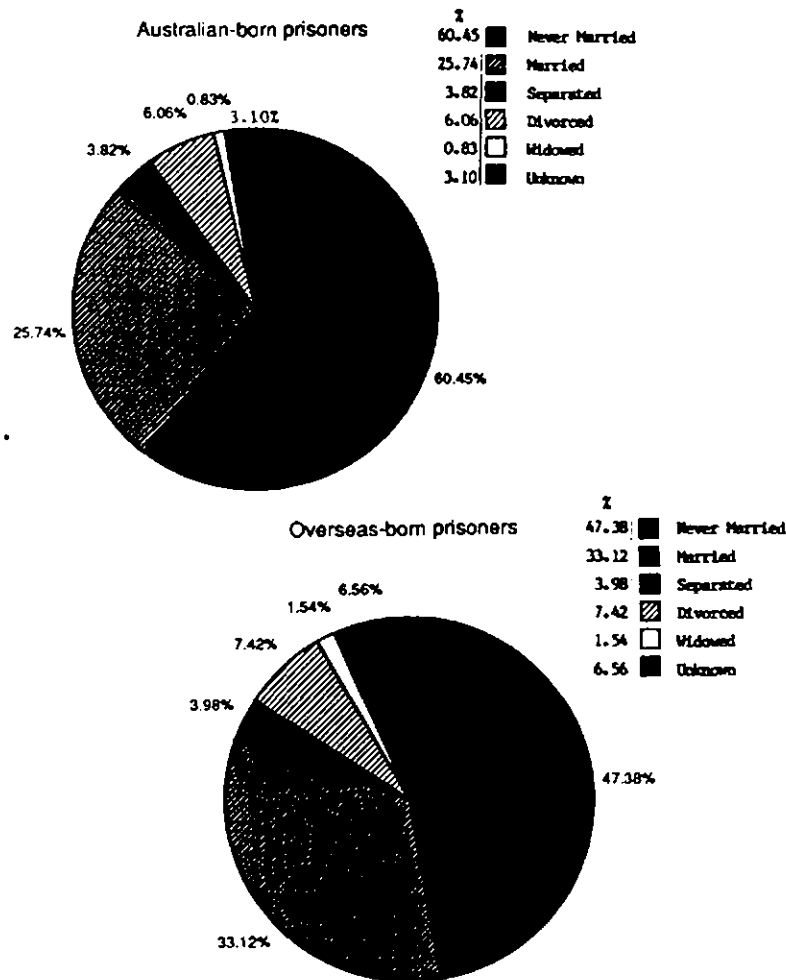
Table 25: Number and Percentage of Prisoners by Country of Birth and Marital Status 30 June 1985

[illegible]

Total Persons	80.5	237	45	648	73	139	152	217	73	49	9	28	37	109	51	29	175	182	1084
Total Percent	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
Percentage of Prisoner Population	79.6	2.4	.4	5.9	.7	1.3	1.5	2.0	.7	.4	.1	.3	.3	1.0	.5	.3	1.6	1.0	100

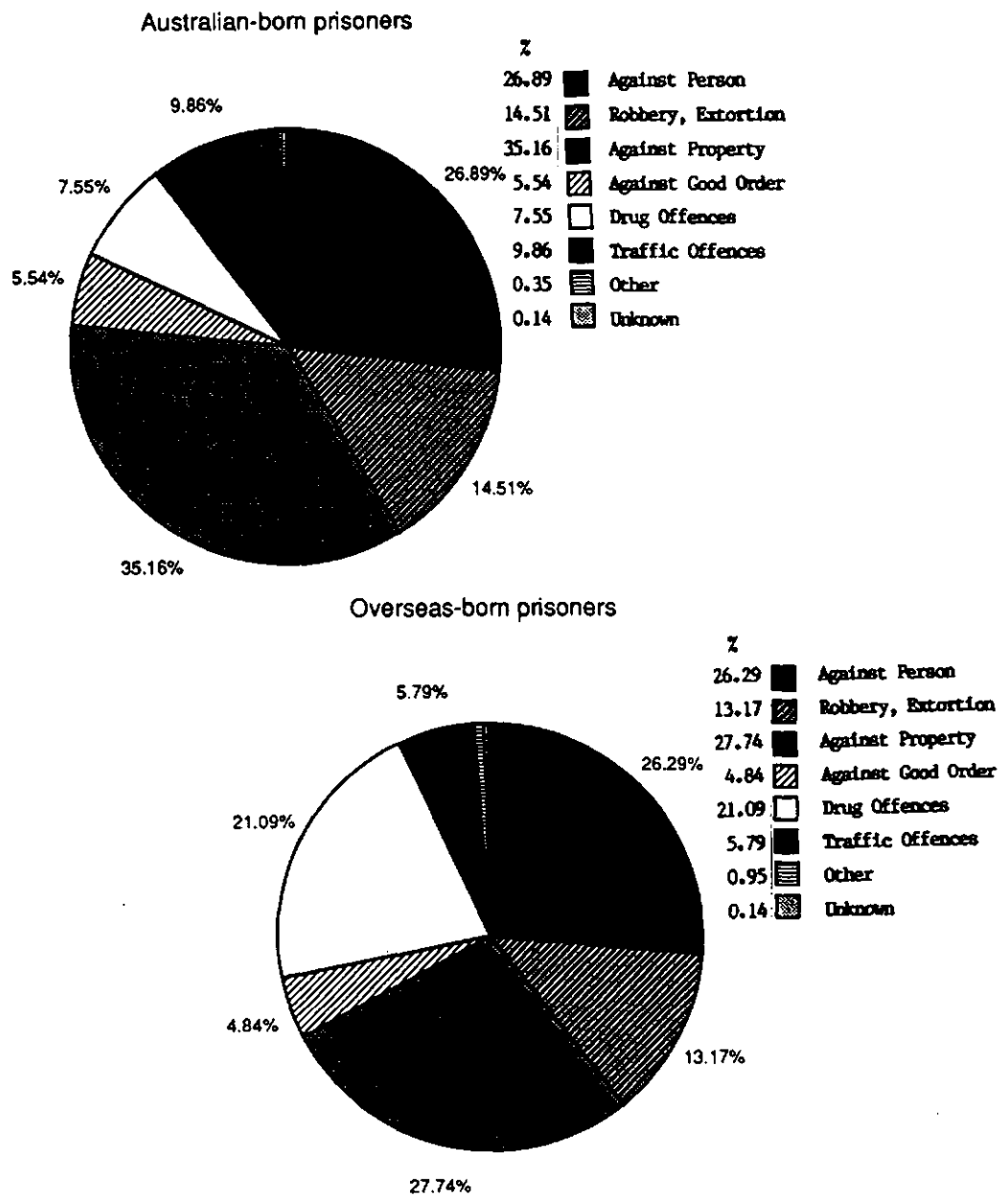
Source: National Prison Census - 20 June 1995, Australian Institute of Criminology.

Figure 15: Marital Status by Country of Birth - 30 June 1985



Source: National Prison Census - 30 June 1985, Australian Institute of Criminology.

Figure 16: Most Serious Offence by Country of Birth - 30 June 1985



Source: National Prison Census - 30 June 1985, Australian Institute of Criminology.

In summary then, the 1985 National Prison Census indicated that Asians, Greeks and Italians - as low prisoner groups - tended to be older and were more likely to be married than other prisoners. Yugoslavian, Turkish, Lebanese and New Zealand prisoners tended to be slightly younger, with Australian-born prisoners representing the youngest group. Yugoslavian and New Zealand prisoners were also likely to be single, slightly less so being the case for Lebanese and Turkish prisoners. In the case of most prisoner groups, at least 50 per cent or more were single. Imprisoned persons, on the whole, were not a well-educated population. Over half of all those who responded to the question on education claimed only part secondary education but higher education was less frequently claimed by Australian-born respondents. There was a clear correlation between low employment rates and high rates of incarceration in these statistics.

Prison Statistics: sentencing and offending

The 1985 National Prison Census throws some light on the distribution of apprehension and conviction by broad categories of offence. Significant differences can be seen between Australian-born prisoners and those born overseas. Australian-born prisoners, whom we have already identified as a poorly educated and frequently unemployed sector, are predominantly imprisoned for offences against property (35.16 per cent), offences against the person (26.89 per cent), and robbery/extortion (14.51 per cent).

Overseas-born prisoners, on the other hand, were slightly older and better educated, and were also marginally more likely to be employed and married than their Australian counterparts. Like Australian-born prisoners, over one quarter were serving sentences for crimes against the person (26.29 per cent). Another quarter (27.74 per cent) were imprisoned for crimes against property - notably less than Australian-born prisoners in this category.

Table 26: Number and Percentage of Prisoners by Country of Birth and Most Serious Offence/Charge - 30 June 1985

Offence/ Charge	Australia			Europe							America			Africa and Mid-East				Asia/ Indo- China	Not Stated	Total Offences	
	Aust unspeci- fied		Oce- ania	UK EIRE	Greece	Italy	Yugo- slavia	West Europe	East- ern Europe		USA	Car- ada	Other Amer- ica	Africa non	Leba- non	Turkey	Mid- East				
	No.	%																			
Homicide	893	30	3	64	10	26	38	22	9		3	3	2	2	4	7	3	23	17		
	10.3	11.7	6.7	9.9	13.7	18.7	23.5	10.1	12.3		7.5	33.3	7.1	5.4	3.7	13.7	10.3	13.1	14.4	1199	10.7
Assault	551	15	5	38	2	11	14	12	7		1	-	2	-	14	3	1	11	5		
	6.4	5.8	11.1	5.9	2.7	7.9	8.6	5.5	9.6		2.5	-	7.1	-	12.8	5.9	3.4	6.2	4.2	692	6.4
Sexual Offences	799	14	5	57	4	5	9	16	7		5	1	1	-	2	2	-	7	12		
	9.3	5.4	11.1	8.8	5.5	3.6	3.6	7.4	9.6		12.5	11.1	3.6	-	1.8	3.9	-	4.0	10.2	946	8.7
Other Against Person	79	3	-	7	1	-	3	-	2		1	-	-	2	2	1	-	4	1		
	.9	1.2	-	1.1	1.4	-	1.9	-	2.7		2.5	-	-	5.4	1.8	2.0	-	2.2	.8	106	1.0
Robbery	1226	39	9	111	11	14	13	26	10		-	1	4	2	12	10	4	6	12		
	14.2	15.2	20.0	17.1	15.1	10.1	8.0	12.0	13.7		-	11.1	14.3	5.4	11.0	19.6	13.8	3.4	10.2	1510	13.9
Extortion	27	1	-	-	1	-	2	1	-		1	-	-	1	-	-	-	-	-	34	.3
	.3	.4	-	-	1.4	-	1.2	.5	-		2.5	-	-	2.7	-	-	-	-	-	-	
Break and Enter	1687	27	4	115	12	12	29	29	4		6	-	2	4	13	2	3	7	15		
	19.5	10.5	8.9	17.7	16.4	8.6	17.9	13.4	5.5		15.0	-	7.1	10.8	11.9	3.9	10.3	4.0	12.7	1971	18.2
Fraud and Misapprop'n Receiving	308	12	3	37	2	6	9	13	4		4	-	2	5	3	-	1	12	3		
	3.6	4.7	6.7	5.7	2.7	4.3	5.6	6.0	5.5		10.0	-	7.1	13.5	2.8	-	3.4	6.8	2.5	424	3.9
Other Theft	113	3	1	10	1	5	1	2	4		1	-	-	-	2	-	-	2	1		
	1.3	1.2	2.2	1.5	1.4	3.6	.6	.9	3.5		2.5	-	-	-	1.8	-	-	1.1	.8	146	1.3
Property Damage	778	25	2	56	3	3	9	21	5		1	-	1	1	4	4	-	2	11		
	9.0	9.7	4.4	8.6	4.1	2.2	5.6	9.7	6.8		2.5	-	3.6	2.7	3.7	7.8	-	1.1	9.3	926	8.5
Environmental Offences	150	5	-	9	1	4	-	2	-		-	-	-	1	-	-	-	4	4		
	1.7	1.9	-	1.4	1.4	2.9	-	.9	-		-	-	-	2.7	-	-	-	2.2	3.4	180	1.7
Against Govt Security	5	-	-	1	-	-	-	-	-		-	-	-	1	-	-	-	-	-	7	.1
	.1	-	-	.2	-	-	-	-	-		-	-	-	2.7	-	-	-	-	-	-	
Against Justice Procedures	315	7	1	17	1	3	4	6	-		-	1	-	2	1	-	-	2	8		
	3.6	2.7	2.2	2.6	1.4	2.2	2.5	2.8	-		-	11.1	-	5.4	.9	-	-	1.1	6.7	366	3.4
Prostitution	3	-	-	1	-	-	-	3	-		-	-	-	-	-	-	-	-	1		
	.0	-	-	.2	-	-	-	1.4	-		-	-	-	-	-	-	-	-	.8	8	.1
Offensive Behaviour	35	1	-	-	-	-	-	1	1		-	-	-	-	-	-	1	-	-	39	.4
	.4	.4	-	-	-	-	-	.5	1.4		-	-	-	-	-	-	3.4	-	-	-	
Unlawful Poss. Weapon	28	1	-	2	-	-	2	-	1		1	-	-	-	-	-	1	-	2		
	.3	.4	-	.3	-	-	1.2	-	1.4		2.5	-	-	-	-	-	3.4	-	1.6	38	.4
Other Offences Against Good Order	94	4	-	7	2	1	-	2	-		-	-	4	-	1	-	-	10	2		
	1.1	1.6	-	1.1	2.7	.7	-	.9	-		-	-	14.3	-	.9	-	-	5.7	1.6	127	1.2
Possession, Use-Drugs	184	11	-	12	3	3	5	9	1		4	-	2	5	14	4	5	18	3		
	2.1	4.3	-	1.9	4.1	2.2	3.1	4.1	1.4		10.0	-	7.1	13.5	12.8	7.8	17.2	10.2	2.5	283	2.6
Trafficking Drugs	408	32	6	52	11	25	9	33	12		9	3	8	7	36	15	8	57	4		
	4.7	12.5	13.3	8.0	15.1	18.0	5.6	15.2	16.4		22.5	33.3	28.6	18.9	33.0	29.4	27.6	32.5	3.4	735	6.8
Manufacturing Drugs	60	1	-	9	8	11	2	5	1		-	-	-	-	-	2	-	1	-		
	.7	.4	-	1.4	11.0	7.9	1.2	2.3	1.4		-	-	-	-	-	3.9	-	.5	-	100	.9
Driving Offences	472	13	1	8	-	7	5	5	2		-	-	-	1	-	1	1	3	10		
	5.5	5.1	2.2	1.2	-	5.0	3.1	2.3	2.7		-	-	-	2.7	-	2.0	3.4	1.7	8.4	529	4.9
Licence, Registration	341	11	2	28	-	2	6	4	3		-	-	-	1	-	-	1	1	5		
	3.9	4.3	4.4	4.3	-	1.4	3.7	1.8	4.1		-	-	-	2.7	-	-	3.4	.5	4.2	405	3.7
Other Traffic Offences	38	-	1	3	-	-	-	2	-		-	-	-	-	-	-	-	1	-		
	.4	-	2.2	.5	-	-	-	.9	-		-	-	-	-	-	-	-	.5	-	45	.4
Other Offences	30	2	1	3	-	1	1	3	-		2	-	-	2	1	-	-	4	1		
	.3	.8	2.2	.5	-	.7	.6	1.4	-		5.0	-	-	5.4	.9	-	-	2.2	.8	51	.5
Unknown	12	-	-	1	-	-	1	-	-		-	-	-	-	-	-	-	-	1		
	.1	-	-	.2	-	-	.6	-	-		-	-	-	-	-	-	-	-	.8	15	.1
Total No.	8634	257	45	648	73	139	162	217	73		40	9	28	37	109	51	29	175	118	10844	
Total Percent	100	100	100	100	100	100	100	100	100		100	100	100	100	100	100	100	100	100	100	
Percentage of Prisoner Population	79.6	2.4	.4	5.9	.7	1.3	1.5	2.0	.7		.4	.1	.3	.3	1.0	.5	.3	1.6		100	

Source: National Prison Census - 30 June 1985, Australian Institute of Criminology.

However, it emerged from this analysis that a significantly higher percentage of migrants were serving time for drug related charges (21.0 per cent), than Australian prisoners (7.55 per cent).

Unlike earlier observations, there was not a lot of difference seen between the two general populations on 'against good order' convictions, although migrants were still convicted less often for traffic offences (figure 16).

As homicide carries one of the longest sentences the number of prisoners serving terms for homicide will give an inflated impression of the actual number of convictions. In any given year, some of these prisoners would be in the early or middle stage of their sentence, others in the latter stage and nearing their release. A head count of this sector - and of other groups such as drug traffickers serving long sentences - would include many of the same persons of earlier years, unlike the case with shorter term sentences. Thus, when we compare the percentages by most serious offence homicide rates will appear to be high. On the other hand, there is a high turnover of prisoners serving for offences against property which occur at a higher frequency than homicide. It is important to remember that prison census data are an imperfect indicator of actual rates of offending. We are only comparing the composition of prison populations at the time of the collection.

Having established this we can usefully proceed to look at the data on most serious offence/charge from two angles (table 26). First, we can make a comparison of the most frequently committed offences and the national origins, and other recorded characteristics of those convicted of them. Secondly, we can create a simple profile of prisoner groups and view trends of offending where they are distinctive.

The greatest number of prisoners at the time of the 1985 prison census were Australian-born (8634). In sheer numbers also, as one would expect in relation to their higher immigration into the

country, prisoners born in UK/Eire far out-stripped those of other nationalities. They were followed by New Zealand (257), Other Western Europe (217), Asia (175), Yugoslavia (162), Italy (139) and Lebanon (109) as the most represented groups in prison populations (table 26).

The eight offences most likely to have been committed by the Australian-born prisoners were, in order of magnitude:

1. break and enter (19.5 per cent)
2. robbery (14.2 per cent)
3. homicide (10.3 per cent)
4. sex offences (9.3 per cent)
5. other theft (9.0 per cent)
6. assault (6.4 per cent)
7. driving offences (5.5 per cent)
8. trafficking drugs (4.7 per cent)

UK/Eire offending followed closest to that of the Australian patterns in the first five categories: break and enter (17.1 per cent), robbery (17.1 per cent), homicide (9.9 per cent), sex offences (8.8 per cent) other theft (8.6 per cent). However, the trafficking of drugs (8.0 per cent) clearly appeared more frequently in this group and also stood out among the other major prisoner groups. Among New Zealand prisoners, robbery (15.2 per cent) and trafficking of drugs (12.5 per cent) were the primary categories of offending, following by homicide (11.7 per cent) and break and enter (10.5 per cent). Similarly, Oceania provided a profile of high offending in robbery (20.0 per cent), trafficking (13.3 per cent) and sex offences (11.1 per cent) and other assault (11.1 per cent); and Yugoslavia in homicide (23.5 per cent), and break and enter (17.9 per cent).

The third major foreign prisoner group, Other Western Europe, showed a pattern of high rates of offending in drug trafficking (15.2 per cent), break and enter (13.4 per cent) and robbery (12.0

per cent) categories. Asia/Indo-china showed a heavy involvement in the drug trade: trafficking (32.5 per cent), and possession (10.2 per cent) and a high rate of homicide (13.1 per cent). Trafficking and possession of drug rates were high among prisoners born in Lebanon (33.0 per cent and 12.8 per cent respectively), Turkey (29.4 per cent and 7.8 per cent), Africa (18.9 per cent and 13.5 per cent). The trafficking and the manufacture of drugs appeared significantly in Greek (15.1 per cent and 11.0 per cent) and Italian (18.0 per cent and 7.9 per cent) figures and a high rate of trafficking was observable among those from the United States, Canada and other American regions (an average of 28.13 per cent).

There seemed to be two predominant patterns of offending - those who commit crimes of break and enter, robbery, physical assault, and other theft and those who were actively involved in the drug trade. It is likely that a larger proportion of those in the drug trade are foreign transient persons than those in the first category - some of whom would be settled residents committing crime against property and person under economic duress.

If this analysis were applied to several years of prison census data it should be possible to create a more reliable profile of offending among migrant prisoner groups. However, for the purposes of this preliminary survey I have confined my analysis to one census, seeking indicative rather than definitive findings in the first instance.

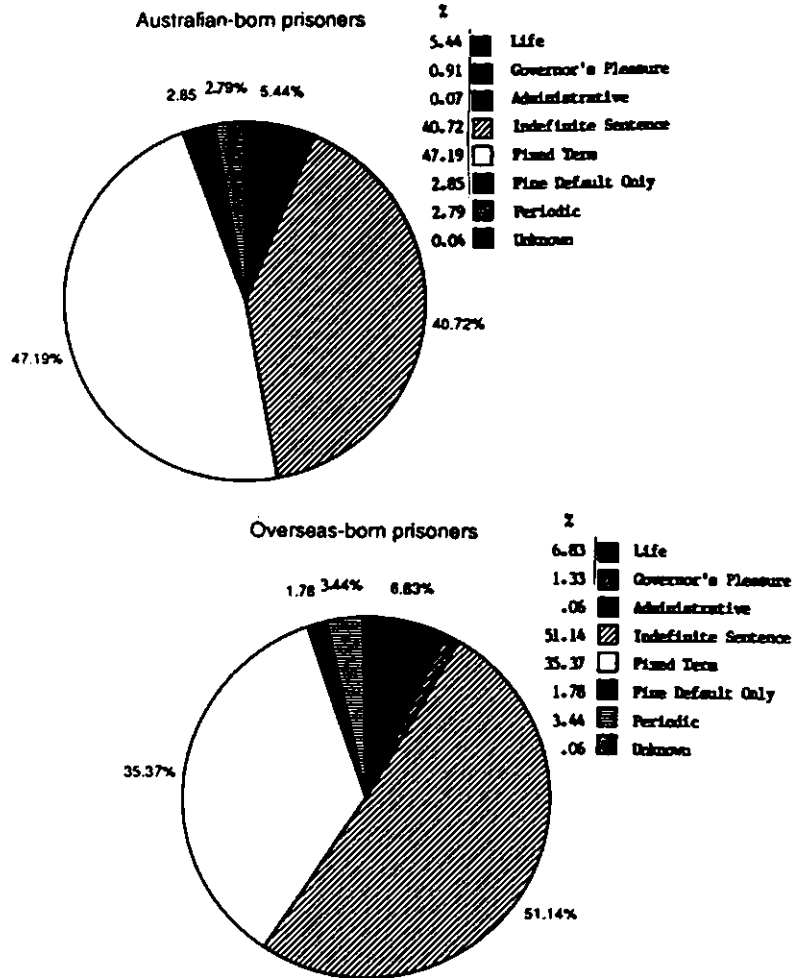
According to the 1985 prison census, Australian-born prisoners were serving more fixed term sentences (47.19 per cent) than overseas-born prisoners (35.37 per cent) (table 27, figure 17). This would be attributable in part to the fact that a larger proportion of Australian prisoners were serving shorter sentences for one year or less (24.16 per cent) compared to foreign-born prisoners (18.88 per cent). Migrants were also less likely to be

Table 27: Number and Percentage of Prisoners by Country of Birth and Sentence Type 30 June 1983

[illegible]

Source: National Pylori Census - 20 June 1985, Australian Institute of Criminology.

Figure 17: Sentence Type by Country of Birth - 30 June 1985¹



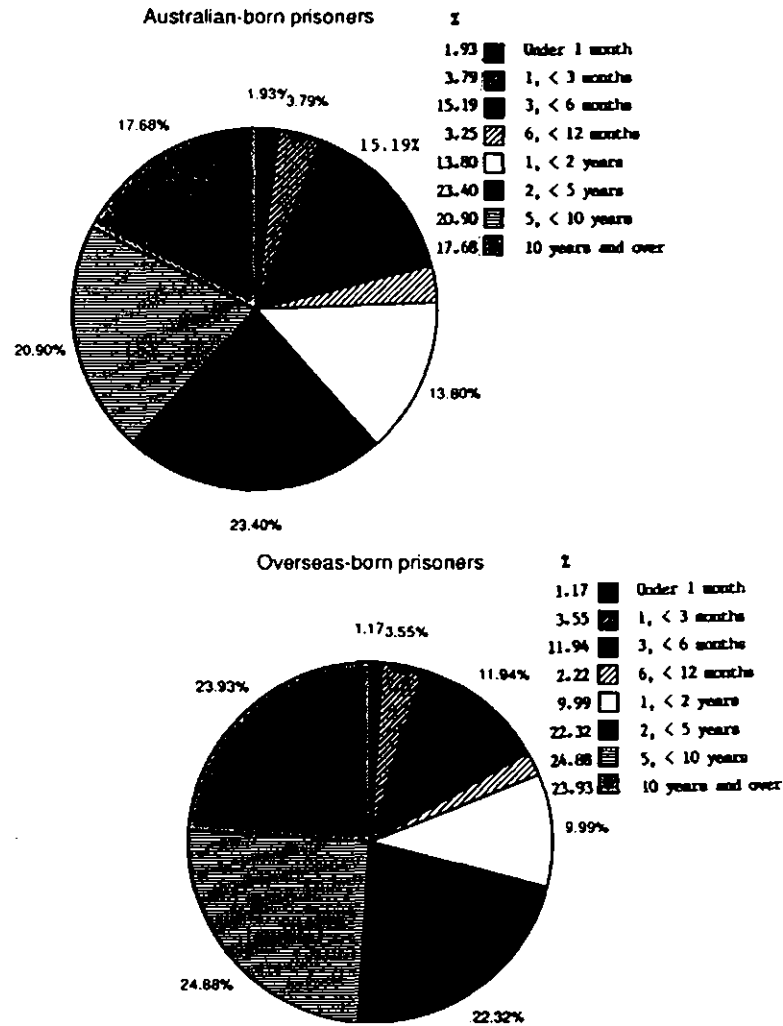
¹The actual term served under an 'indefinite sentence' lies between two limits at which a minimum term (or non-parol period) and a maximum term is set.

Source: National Prison Census - 30 June 1985, Australian Institute of Criminology.

Table 28: Number and Percentage of Prisoners by Country of Birth and Aggregate Sentence - 30 June 1985

Aggregate Sentence	Australia		Europe										America		Africa and Middle-East				Total
	Unsentenced	Over 12 months	UK	France	Italy	Spain	West Germany	East Germany	USSR	USA	Canada	Other	Africa	Asia	Other	Latin America	Turkey	Other	
No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.
%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%
Under 1 month	146	3	-	7	-	2	1	1	-	1	-	-	-	-	-	-	2	-	3
1 and under 3 months	1,9	1,4	-	1,2	-	1,7	1,7	1,6	-	3,0	-	-	-	-	-	-	4,4	-	2,7
3 months and under 6 months	287	12	1	16	1	5	7	7	-	1	-	-	2	4	2	2	4	-	4
6 months and under 12 months	3,8	5,6	2,6	2,6	1,7	4,1	5,2	1,1	-	3,0	14,3	-	7,4	4,5	4,4	11,8	3,6	-	3,7
12 months and under 2 years	1149	31	6	60	3	6	16	31	11	3	1	5	6	6	4,4	2	8	-	18
2 years and under 5 years	15,2	14,4	16,7	10,3	5,1	3,3	11,9	18,4	19,0	9,1	14,3	4,5	18,5	9,1	13,3	11,8	7,2	-	21,9
5 years and under 10 years	246	6	1	16	-	2	3	2	1	1	-	-	1	-	-	-	-	-	1
10 years and over	3,3	2,8	2,8	2,8	-	1,7	2,2	1,1	1,7	3,0	-	-	3,7	2,3	-	-	-	-	9,9
Overseas born prisoners	1044	26	2	71	5	9	11	15	6	3	-	1	3	9	4	2	7	-	6
Under 1 month	13,8	12,0	5,6	12,4	8,5	7,4	8,2	8,6	10,3	9,5	-	4,5	6	17	7	2	15	-	7
1 and under 3 months	1770	41	9	132	17	29	38	36	11	8	1	6	6	17	7	2	13,6	-	15
3 months and under 6 months	23,4	19,0	23,0	26,6	20,8	24,0	28,4	20,7	19,0	24,2	14,3	27,3	22,2	19,3	15,6	11,8	13,6	-	8,5
6 months and under 12 months	1581	50	13	141	17	36	21	48	17	10	1	7	4	31	11	3	21	-	21
12 months and under 2 years	20,9	23,1	26,1	24,7	28,8	29,6	15,7	27,6	29,3	20,3	14,3	31,8	14,8	35,2	24,4	17,6	19,0	-	23,6
2 years and under 5 years	1337	47	4	109	16	34	37	36	12	6	3	7	6	17	13	6	51	-	23
5 years and under 10 years	17,7	21,8	11,1	19,1	27,1	28,1	27,6	21,8	20,7	18,2	42,9	31,8	22,2	19,3	28,9	35,3	30,4	-	1768
10 years and over	3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3
Overseas born prisoners	7563	216	36	572	94	121	134	174	94	33	7	22	27	88	45	17	110	-	42
Total Prisoners	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
Percentage of Prisoner Population	80,8	2,3	.4	6,1	.6	1,3	1,4	1,9	.6	.4	.1	.2	.3	.9	.5	.2	1,2	-	100

Source: National Prison Census - 30 June 1985, Australian Institute of Criminology.

Figure 18: Aggregate Sentence by Country of Birth - 30 June 1985¹

¹ 'Aggregate Sentence' refers to the longest period a person can be detained under this current term in prison. Charges pending, which might extend this term, are not included.

Source: National Prison Census - 30 June 1985, Australian Institute of Criminology.

[illegible]

Sources: National Film Census - 20 June 1983, Australian Institute of Cinemaology

Includes prisoners not guilty but detained on grounds of insanity.

Australian-born prisoners

Legal Status	Percentage
Under Sentence	85.40%
Appealing Appeal	1.73%
Unfit to Plead	0.47%
Unconvicted	10.45%
Appealing Sentence	1.64%

Overseas-born prisoners

Legal Status	Percentage
Under Sentence	78.95%
Appealing Appeal	1.77%
Unfit to Plead	0.81%
Unconvicted	14.31%
Appealing Sentence	3.53%

Source: National Prison Census - 30 June 1985, Australian Institute of Criminology.

serving sentences between one to two years (9.99 per cent) than native-born prisoners (13.80 per cent); but more migrant prisoners were serving terms of five to ten years (24.88 per cent) and ten years and over (23.95 per cent) compared to Australian prisoners (20.90 per cent and 17.68 per cent respectively) (table 28, figure 18).

This could be partially explained by the earlier observation that a larger volume of younger offenders were admitted from the Australian group - or, conversely, that the older migrant offender tended to be admitted for more serious crimes. It could be argued that the younger first offender tended to commit crimes which warranted shorter sentences. Reviewing table 26 once more this argument is to some extent substantiated. For example, migrant groups were serving terms for the serious crime of homicide (12.5 per cent) and drug trafficking (20.6 per cent) more frequently than Australian-born (10.3 per cent and 4.7 per cent respectively). On the other hand, break and enter crimes, for which juveniles and younger persons are most well-known, appeared to have been committed almost twice as frequently by Australian-born prisoners (19.5 per cent) than by overseas-born prisoners (10.7 per cent). A closer cross analysis of age and sentence duration with the nature of offence could prove fruitful in explaining sentencing differences like those apparent in figure 18. Where they can not explain these differences such an analysis should alert us to areas which may need examination such as at the court level, where sentencing decisions are being taken; or in the area of remission, parole, and early release (and the corrupt operation of some of these schemes).

At the time of the 1985 study a larger number of migrants were being detained as unconvicted persons (table 29, figure 19). If, as suggested above, offences committed by older migrants tended to be of a more serious nature, this might be explained by a likelihood to apprehend rather than summons the migrant offender. However, there would be also the question of the relative

Table 30: Courts of Summary Jurisdiction - South Australia, 1 January - 31 December 1982,
State or Country of Birth and Offence Type of Defendant

Major Charge (Grouped)	State or Country of Birth												Total with Info Available		Information not Available	
	Australasia					Europe						Asia	Other	Number		%
	Aborigi- nal	Sth Aust	Inter State	Aust U/Spcl'd	NZ	UK	Ger'y	Greece	Italy	Yugo- slavia	Other Europe					
Offences Against the Person	335	861	245	14	19	217	24	21	39	32	92	32	20	1951	8.0	94
Robbery and Extortion	9	38	13	-	4	7	3	-	-	-	3	-	-	77	0.3	1
Sexual Offences	14	81	25	-	2	16	2	1	-	2	3	-	4	150	0.6	2
Drug Offences	25	1117	239	6	27	251	15	21	41	10	49	15	30	1846	7.6	46
Fraud and Deception	27	515	135	19	16	131	21	13	23	10	42	9	14	975	4.0	73
Break and Enter	111	341	150	3	8	56	6	7	6	5	7	3	1	704	2.9	20
Unlawful Use, Theft of Vehicle	143	253	69	-	4	41	3	1	3	1	19	2	2	541	2.2	6
Shop Theft	41	1342	332	12	31	341	69	66	126	71	271	57	27	2786	11.4	81
Other Larceny	90	433	122	4	7	87	10	3	14	4	28	3	5	810	3.3	28
Unlawful Possession of Property	35	244	102	-	10	37	4	3	13	3	24	4	2	461	1.9	18
Driving Offences	178	2817	695	23	41	495	67	24	46	41	235	29	47	4738	19.4	364
Unlawful Use or Possession of Guns or Explosives	14	171	44	-	1	34	5	5	9	5	16	6	3	313	1.3	19
Damage Property	106	380	109	1	10	77	8	8	6	4	21	11	6	747	3.1	30
Minor Street Offences ²	2520	2139	589	31	31	511	36	17	38	58	198	34	31	6233	25.5	275
Offences Against Order	228	795	201	5	11	167	17	23	21	22	60	7	14	1571	6.4	80
Restraint Orders Breaches	42	139	49	6	5	30	11	5	7	7	31	7	4	343	1.4	81
Other Offences ⁴	7	53	20	5	4	18	-	25	28	6	5	5	2	178	0.7	57
TOTAL	3925	11699	3139	129	231	2516	301	243	420	281	1104	224	212	24424		1275
Percentage	16.1	47.9	12.9	0.5	0.9	10.3	1.2	1.0	1.7	1.2	4.5	0.9	0.9		100.0	

Rate Per 1,000 of Adult Population⁵ 774.3 23.7 46.4 18.8 21.3 13.8 13.8 33.2 30.0 17.3 24.3 27.1

¹ Includes found with intent, from first half of 1982 (where it was listed separately).

² Including offensive behaviour, vagrancy, drunkenness and liquor offences (as drunkenness was not listed separately in first half of 1982).

³ Statistics were not collected for restraint orders or breaches of them, in first half of 1982 so these figures represent only the second 6 months of 1982.

⁴ Includes betting and gaming, environmental offences, and prostitution, from first half of 1982 (where they were listed as separate categories).

⁵ Adult population from Australian Bureau of Statistics 1981 census.

Source: South Australian Office of Crime Statistics, 1982, table 2.43.

Table 31: Courts of Summary Jurisdiction - South Australia, 1 January - 31 December 1985
State or Country of Birth and Offence Type of Defendant

Major Charge (Grouped)	State or Country of Birth													Total with Info Available		Information not Available
	Australasia					Europe						Asia	Other	Number	%	
	Aborigi- nal	Sch Aust	Inter State	Aust U/Spc'd	NZ	UK	Ger'y	Greece	Italy	Yugo- slavia	Other Europe					
Offences Against the Person	343	907	238	12	15	196	19	27	29	31	131	49	10	2007	8.9	156
Robbery and Extortion	12	44	24	-	1	12	-	1	1	-	5	3	2	105	0.5	6
Sexual Offences	13	70	23	-	1	13	3	3	2	-	7	4	-	139	0.6	13
Drug Offences	74	2096	442	40	26	400	30	40	59	24	119	33	14	3397	15.0	124
Fraud and Deception	23	484	138	21	12	97	14	17	24	13	63	17	5	928	4.1	136
Break and Enter	133	399	127	3	7	67	2	2	12	8	21	5	2	788	3.5	29
Unlawful Use, Theft of Vehicle	109	219	61	1	9	40	1	4	2	3	14	3	3	469	2.1	36
Shop Theft	41	1125	295	37	14	267	79	72	84	50	315	94	25	2498	11.0	77
Other Larceny	78	707	204	10	14	139	23	7	13	10	56	15	6	1282	5.7	54
Unlawful Possession of Property	43	332	109	6	6	58	4	10	21	11	33	16	7	656	2.9	39
Driving Offences	237	2909	610	65	56	520	59	19	60	68	295	59	31	4988	22.0	1503
Unlawful Use or Possession of Guns or Explosives	21	178	42	6	5	30	1	2	6	6	16	9	1	323	1.4	20
Damage Property	136	456	126	5	8	87	4	5	7	13	36	10	5	898	4.0	62
Minor Street Offences	578	1308	266	21	20	215	18	14	25	12	90	21	13	2601	11.5	183
Offences Against Order	177	608	180	19	13	144	3	8	14	9	51	19	6	1251	5.5	115
Restraint Orders Breaches	9	81	23	-	4	14	1	3	3	1	9	1	1	149	0.7	1756
Other Offences	5	61	31	-	1	10	2	4	4	-	17	10	-	146	0.6	62
TOTAL	2032	11984	2939	246	212	2309	263	238	366	259	1278	368	131	22625		4371
Percentage	9.0	53.0	13.0	1.1	0.9	10.2	1.2	1.1	1.6	1.1	5.6	1.6	0.6		100.0	
Rate Per 1,000 of Adult Population ¹	400.9		24.0		42.6	17.2	18.6	17.3	12.0	30.6	34.7	28.4	15.0	25.1		

Rate Per 1,000 of Adult Population¹ 400.9 24.0 42.6 17.2 18.6 17.3 12.0 30.6 34.7 28.4 15.0 25.1

¹ adult population from Australian Bureau of Statistics 1981 census.

Source: South Australian Office of Crime Statistics, 1985, table 2.41.

accessibility of bail to apprehended persons of foreign origin. This would seem to indicate that bail was not being given as readily to these persons.

State Court Figures

The South Australian Office of Crime Statistics, Adelaide, provides consistent and accessible state-based statistics, which are published bi-annually in their Crime and Justice Series. Court of Summary Jurisdiction figures for two years, 1982 and 1985, make some interesting comparisons (table 30 and 31).

It is, perhaps, incidental to this study but not without significance, that among the defendants in South Australian Courts of Summary Jurisdiction, the Aboriginal rates declined from 774.3 to 400.9 per 100,000. Aboriginals comprised 16.1 per cent of defendants in 1982, but in 1985 this representation had dropped to 9.0 per cent - still high when one considers that Aboriginals comprised 0.75 per cent of the South Australian population at the 1981 population census. Aboriginal defendants appeared predominantly on minor street charges in both years.

On the whole, ethnic representation between the two years changed very little, with the exception of a noticeable increase in Asian representation from 17.3 per 100,000 in 1982 to 28.4 in 1985. Defendant rates were highest for persons of New Zealand (16.4 per 100,000 for 1982 and 42.6 for 1985) and Yugoslavian (33.2 and 30.6 respectively) origins. But, next to Australian-born persons, the largest actual numbers of persons under charge were from the United Kingdom.

In 1982 minor street offences (25.5 per cent), driving offences (19.4 per cent) and shop theft (11.4 per cent) stood out as the most frequent charges for the overall population. In 1982 this had changed to driving offences (22.0 per cent), drug offences (15.0 per cent), shop theft (11.0 per cent), with street offences

Table 32: South Australian Supreme and District Criminal Court Appearances, 1 January - 31 December 1982
State or Country of Birth of Accused and Offence Type

Major Charge (Grouped)	State or Country of Birth												Total with Info Available		Information not Available
	Australasia				Europe								Number	%	
	Sch Aust	Inter State	Aust U/Spc'd	NZ	UK	Ger'y	Greece	Italy	slavia	Yugo- Other Europe	Asia	Other			
Offences Against the Person	30	10	101	2	14	2	3	7	3	6	7	1	186	16.4	53
Robbery and Extortion	14	14	28	2	8	2	-	-	-	-	1	-	69	6.1	2
Sexual Offences	40	7	46	-	10	1	-	1	3	3	-	-	111	9.8	24
Drug Offences	59	24	83	6	25	5	12	9	3	9	3	3	241	21.2	18
Fraud and Deception	25	10	39	4	9	1	-	2	-	3	2	1	96	8.4	18
Break and Enter	76	28	136	1	35	-	-	2	4	4	-	1	287	25.2	34
Other Offences	32	14	62	-	16	3	2	7	2	6	2	1	147	12.9	35
TOTAL	276	107	495	15	117	14	17	28	15	31	15	7	1137		184
Percentage	24.3	9.4	43.5	1.3	10.3	1.2	1.5	2.5	1.3	2.7	1.3	0.6		100.0	
Rate Per 1,000 of Adult Population in South Australia		1.3		3.0	.8	.9	1.2	.9	1.7	.8	1.1	.8	1.2		

¹ adult population from Australian Bureau of Statistics 1981 Census.

Source: South Australian Office of Crime Statistics, 1982, table 3.22.

Table 33: South Australian Supreme and District Criminal Court Appearances, 1 January - 31 December 1985
State or Country of Birth of Accused and Offence Type

Major Charge (Grouped)	State or Country of Birth												Total with Info Available		Information not Available
	Australasia				Europe						Asia	Other	Number	%	
	Sch Aust	Inter State	Aust U/Spc'd	NZ	UK	Ger'y	Greece	Italy	slavia	Other Europe					
Offences Against the Person	25	9	96	2	23	2	-	5	-	3	9	2	176	15.1	31
Robbery and Extortion	19	7	34	-	8	-	-	-	3	1	4	1	74	6.4	8
Sexual Offences	27	13	78	-	16	2	-	3	2	4	3	1	149	12.8	16
Drug Offences	85	21	186	7	50	4	14	27	3	10	1	5	413	35.5	36
Fraud and Deception	24	9	35	2	12	1	1	2	2	4	1	1	94	8.1	51
Break and Enter	27	9	66	2	5	1	-	2	2	3	-	1	118	10.1	11
Other Offences	46	11	52	3	14	1	-	3	1	2	3	3	139	12.0	17
TOTAL	253	79	547	16	128	11	15	42	13	27	18	14	1163		170
Percentage	21.8	6.8	47.0	1.4	11.0	0.9	1.3	3.6	1.1	2.3	1.5	1.2		100.0	
Rate Per 1,000	(1.4)	3.2	1.0	0.8	1.1	1.4	1.5	0.7	1.4	1.6	1.3		

Source: South Australian Office of Crime Statistics, 1985.

having dropped significantly (11.5 per cent). The reduction in street offences reflected a dramatic drop in appearances by Aboriginal persons (from 2520 to 578 cases). This drop for both Aboriginal and other persons was largely induced by the decriminalisation of drunkenness under South Australian legislation.

What cannot be overlooked in the other categories, however, is the increase in drug offences from 7.6 per cent in 1982 to 15.0 per cent in 1985. This increase can be seen to have occurred most in the South Australian and interstate defendant population and among those from the United Kingdom, Asia, Greece, Germany, Yugoslavia and other European countries. In fact, with the exception of New Zealand and Italy, drug charges have almost doubled in each of these ethnic categories. These and earlier figures suggest a disturbing escalation of the drug trade with the mobility and residence of foreign-born persons throughout Australia.

In Tasmanian Lower Court figures, driving offences (48.0 per cent for 1982 and 49.9 per cent for 1985) and offences against good order (21.0 per cent for 1982 and 23.3 per cent for 1985) were consistently higher, followed by shop theft. It is interesting to note that drug related rates did not increase significantly - Tasmania being, perhaps, marginal to drug trafficking interests (table 32 and 33).

Supreme Court figures for South Australia showed a change in trends from the emphasis on break and enter charges (25.2 per cent) and drug charges (21.2 per cent) in 1982 to an increased emphasis upon drug charges (35.5 per cent in 1985) and a more even spread of charges in the sex (12.8 per cent) and break and enter (10.1 per cent) offence categories. In both years offences against the person remained fairly stable (16.4 per cent in 1982 and 15.1 per cent in 1985). There were no significant changes by ethnic origin (tables 34 and 35). Cases in Tasmanian higher courts were too small in numbers to provide any meaningful analysis and have not been included here.

Table 34: Lower Courts - Tasmania, 1 January - 31 December 1982, Country of Birth by Offence Type Proven

Type of Offence	Country of Birth										Total with Info Available		Information not Available
	Australasia		Europe								Number	%	
	Australia Unspecified	NZ	UK	Ger'y	Greece	Italy	Yugo-slavia	Other Europe	Asia	Other			
Offences Against the Person (a)	243	2	6		1	-	1	3	-	-	157	3.7	80
Robbery and Extortion	-	-		n	-	-	-	-	-	-	-	-	1
Sexual Offences (a)	38	-	1	o	-	-	-	-	-	-	39	0.6	8
Drug Offences	294	4	27	t	-	-	1	9	-	5	338	4.9	94
Fraud and Deception (b)	77	-	2		-	1	-	3	-	-	83	1.2	20
Break and Enter (b)	185	1	2	a	-	-	-	1	-	-	189	2.7	41
Unlawful Use, Theft of Vehicle(b))				v									
Shop Theft (b))	907	5	32	a	1	3	-	27	1	9	985	14.2	85
Other Larceny (b))				1									
Unlawful Possession of Property (b)	53	2	2	b	-	-	-	-	-	-	57	0.8	4
Driving Offences	3077	39	117	1	7	4	11	49	4	12	3320	48.0	659
Unlawful Use or Possession of Guns or Explosives (c)	25	-	2	e	1	-	-	-	-	-	28	0.4	30
Damage Property	162	-	6		-	1	-	2	-	2	173	2.5	243
Offences Against Order(c)	1366	11	40		1	1	1	24	-	7	1458	21.0	1031
Other Offences	3	-	-		-	-	-	-	-	-	3	-	26
TOTAL	6430	64	237		11	10	14	117	5	35	6923	-	2322
Percentage	92.9	0.9	3.4		0.2	0.1	0.2	1.7	0.1	0.5		100.0	
Rate Per 1,000 of Adult Population	19.9	0.2	0.7		-	-	-	0.4	-	0.1	21.4		

Source: Australian Bureau of Statistics, Hobart 1982

Table 35: Lower Courts - Tasmania, 1 January - 31 December 1985, Country of Birth by Offence Type Proven

Type of Offence	State or Country of Birth										Total with		Information not Available
	Australasia		Europe								Number	%	
	Australia Unspecified	NZ	UK	Ger'y	Greece	Italy	Yugo-slavia	Other Europe	Asia	Other			
Offences Against the Person (a)	288	1	9		1	-	3	6	-	-	308	3.1	27
Robbery and Extortion	-	-	-	n	-	-	-	-	-	-	-	-	-
Sexual Offences (a)	17	-	1	o	-	-	-	-	-	-	18	0.2	-
Drug Offences	459	8	15	t	-	-	1	10	2	12	509	5.1	18
Fraud and Deception (b)	127	1	3		-	-	-	2	-	1	134	1.4	49
Break and Enter (b)	332	1	2	a	-	1	-	2	-	2	340	3.4	23
Unlawful Use, Theft of Vehicle(b)				v									
Shop Theft (b)	885	7	27	1	1	4	1	14	4	4	947	9.6	31
Other Larceny (b)				1									
Unlawful Possession of Property (b)	57	-	1	a	-	-	-	1	-	-	59	0.6	12
Driving Offences	4579	58	151	b	3	9	18	74	2	43	4937	49.9	552
Unlawful Use or Possession of Guns or Explosives (c)	27	1	2	e	-	-	-	1	-	-	31	0.3	22
Damage Property	298	1	4		-	-	1	2	1	1	308	3.1	342
Offences Against Order(c)	2213	13	41		-	2	4	24	1	9	2307	23.3	877
Other Offences	5	-	-		-	-	-	-	-	-	5	0.1	22
TOTAL	9287	91	256		5	16	28	136	10	72	9901		1975
Percentage	93.8	0.9	2.6		0.1	0.2	0.3	1.4	0.1	0.7			
Rate Per 1,000 of Adult Population	27.8	0.3	0.8		-	-	0.1	0.4	-	0.2	29.6		

(a) included together in DANCO

(b) included together in DANCO

(c) included together in DANCO

1 adult population from Australian Bureau of Statistics 1981 census.

Source: Australian Bureau of Statistics, Hobart 1985

A study of New South Wales higher courts conducted by the New South Wales Office of the Australian Bureau of Statistics in 1983 (Australian Bureau of Statistics 1983) registered the highest offending to be occurring against property (43.6 per cent), against the person (11.6 per cent) and robbery and extortion (11.5 per cent).

The proportional representation of persons with overseas origins in these figures was slight. Australian-born persons represented 83.0 per cent of all offenders convicted by higher criminal courts in New South Wales that year. The highest convictions of distinct persons from UK/Eire represented 4.2 per cent, from New Zealand 2.2 per cent, Lebanon 1.7 per cent, Yugoslavia 1.3 per cent, and Italy 1.0 per cent. (The total European representation, including UK/Eire, was 9.5 per cent)(table 36).

The A.B.S. dissection of period of residence in Australia of convicted persons shows that the first one to five years of residence for overseas-born persons was not a high risk period for serious offending. However, a sudden escalation of offending was noticed in the five to ten year period. For persons born in Europe, in particular, this trend doubled in the ten to fifteen year period and more than doubled for residence fifteen years and over. This would seem to confirm earlier observations that there was a distinct correlation between length of residence and the propensity to offend (table 37).

Statistics of lower and higher courts in South Australia, New South Wales and Tasmania between 1982 and 1985 show that, while we can distinguish and discuss patterns of offending by country of birth, the most salient fact is one of relativity. Between 75 and 90 per cent of all cases handled by these courts concerned Australian-born persons. The immigrant offender remains relatively under-represented in court appearances and convictions.

Table 36: Distinct Persons convicted by Higher Criminal Courts, NSW, 1983, Country of Birth and Offence Group

Offence Group	Australia	NZ	UK/ Ger'y Eire	Greece	Italy	Yugo- slavia	Other Europe	America	Africa	Leba- non	Asia	Not Stated	Total Offences	Percent Offences	
	no.	no.	no.	no.	no.	no.	no.	no.	no.	no.	no.	no.			
Homicides, Assaults	419	14	20	-	4	4	12	7	3	-	15	16	5	519	11.6
Sexual and related Offences	199	1	9	2	1	-	1	4	-	2	3	4	4	230	5.2
Robbery and extortion	444	5	24	1	1	4	4	7	-	1	7	12	3	513	11.5
Fraud	315	11	15	2	6	8	5	10	5	4	5	11	-	397	8.9
Offences against Property	1,678	39	78	13	7	9	20	38	9	6	20	30	1	1,948	43.6
Driving, traffic offences	211	2	20	-	-	1	6	8	-	1	4	6	4	263	5.9
Other offences	439	24	20	8	6	19	12	6	3	2	22	29	3	593	13.3
Total persons	3,705	96	186	26	25	45	60	80	20	16	76	108	20	4,463	100.0
Percentage	83.0	2.2	4.2	0.6	0.6	1.0	1.3	1.8	0.5	0.4	1.7	2.5	0.5	100.0	

Source: Australian Bureau of Statistics, NSW, (1983)

Table 37: Distinct Persons convicted by Higher Criminal Courts, NSW, 1983, by Country of Birth and Period of Residence in Australia

Period of residence in Australia at time of arrest	New Zealand	UK/ Ger'y Eire	Greece	Italy	Yugo- slavia	Other Europe	America	Africa	Leba- non	Asia	Not Stated	Total residence	Percent residence	
Under 1 year	4	1	2	-	3	-	1	4	-	5	15	2	37	4.9
1 and under 2 years	8	2	-	-	-	-	4	-	-	-	4	1	19	2.5
2 and under 3 years	8	1	2	1	-	-	7	1	-	1	15	1	37	4.9
3 and under 4 years	11	1	-	-	-	2	2	1	-	3	4	1	25	3.3
4 and under 5 years	11	3	-	1	-	-	-	1	-	4	6	1	27	3.6
5 and under 10 years	23	23	-	2	3	11	8	2	1	20	22	7	122	16.1
10 and under 15 years	16	50	2	4	10	20	13	6	7	27	25	3	183	24.1
15 years or more	11	100	19	16	27	26	43	6	4	15	14	2	283	37.3
Unknown	4	5	1	1	2	1	2	-	3	1	3	2	25	3.3
Total persons born overseas	96	186	26	25	45	60	80	20	16	76	108	20	758	100.0
Total percent of persons	12.7	24.6	3.4	3.3	6.0	8.0	10.5	2.6	2.1	10.0	14.2	2.6	100.0	
Australian-born persons	-	-	-	-	-	-	-	-	-	-	-	-	3,705	
Total all countries													4,463	

Source: Australian Bureau of Statistics, NSW, (1983)

Policing

For people of other backgrounds, an insensitive or inflexible application of the traditional Anglo-Australian legal system can lead to injustices. In certain situations it is difficult for police to apply the principles of equal treatment before the law irrespective of race, colour or creed. Agents of the law are not always the most well intentioned, nor the best equipped, to ensure that foreign born citizens understand the criminal justice system; or to ensure that they are protected by its safeguards where they exist. Unfamiliarity with police procedures, and their rights under those procedures; inability to communicate due to language or other difficulties; and misinterpretation of police action, can significantly impair police relations with the migrant populations. Brouwer has noted that since World War II police in Australia have had to cope not only with evolving social values and increasing complexity of the law but also with the increasing diversity of society itself. Customs and expectations vary widely between ethnic groups and between these groups and the general population:

For instance, a particular difficulty in police-migrant relations is the unfamiliarity of migrants with some police procedures. By way of example, fingerprinting in Italy is used only for the most serious cases. In Australia, it is a routine practice to fingerprint those charged with offences. For an Italian, the experience can be traumatic (1984 p. 21 see also Buckley, Evans and Levin 1986).

Francis pointed out that migrants' perceptions of police jurisdictions and procedures will vary according to their country of origin. In some countries policing is significantly more involved in politics as a major instrument of State power. Elsewhere, police might be expected to act in a more social welfare role as arbitrators in community or domestic disputes (1981 p. 157). Donoghue has stressed how memories of brutal or

corrupt police forces in some countries can lead to a continued expression of fear and distrust of police in Australia. This might be exaggerated, he said, by the 'drama of the moment' both during police apprehension or even during routine enquiries (1982 pp. 10-11).

Australian police have considerable discretion when choosing to charge or not charge a person and they do not, as in some European countries, act under the supervision of a judicial officer in this decision. Police generally expect individuals to know their rights under the law, particularly in regard to being questioned. There may be difficulty in finding suitable interpreters. A fellow countryman may be loathe to act as an interpreter in case he is seen by his compatriots as an agent of the police (ibid 1982 p. 11). Francis has given a classic example of how language and gestures can lead to misunderstandings with police:

An example was drawn to my attention in which an Italian, with no English, was approached by a policeman who asked questions which in themselves were quite reasonable. Because the questions were put rapidly and persistently, the Italian could not understand and said, 'basta, basta!' (enough, enough!). This was construed by the policeman as 'bastard' and the Italian was arrested for offensive behaviour (Francis 1981 p. 15).

After arrest, persons are taken to the police station and a formal charge is made out against them. While police are entitled to search and to question suspects and to take fingerprints and photographs, suspects are entitled to know the reason why they have been arrested and to maintain silence in the face of questioning. While the police may make out a statement for the signature of the accused, the latter are not obliged to sign it and may ask for the assistance of a solicitor. Police may not always remind their suspects of these rights, particularly in the case of non-English speaking detainees as the following example demonstrates:

Many instances such as the following example have been reported where the excitability of a migrant has led to a charge of resisting arrest or offensive behaviour. A young Italian, Mr R who could speak no English, arrived in Australia in late May 1973. Two weeks later he was in a crowd watching an altercation at Kings Cross when plain clothes police started to pull him away. He didn't know they were police, so became agitated and he was then charged with resisting arrest. Over and above this initial misunderstanding, when Mr R arrived at Central Police Station, he opened his passport at the appropriate page and presented this to the police, as the only way he knew to indicate that he had only been in Australia for two weeks and could not speak English. However, no attempt was made to obtain an interpreter or get help for him and he remained in confinement over the weekend, not knowing why he was held, until he was brought to Court on the Monday morning (Kiosoglous 1983, p.6).

For entry on to premises in the search or seizure of goods police are also obliged to justify their behaviour. Usually they must provide a warrant from a magistrate unless they have reasonable grounds to think that a criminal offence is being conducted on the premises. An individual may ask to see the police search warrant. An apprehended person should be brought before the courts within a reasonable period at which time the case is either heard or adjourned. With the exception of serious offences, the accused is not usually kept in police custody but is set free on bail. Bail can be granted by the police themselves or, in the case of more serious offences, on application to the court.

Migrants sometimes confuse bail with a fine, as in the following case cited by Jakubowicz and Buckley:

Mr A. was working at the Sydney Motor Show...He went to the lavatory...and emerged while still in the process of zipping up his trousers. Police arrested him for indecent exposure. At the station police took the \$40 that was in his wallet (which he thought was the fine) and gave him a slip of paper (which he thought was the receipt). Next day, at morning tea break, he went to see a member

of the personnel Department ... who could speak his language, who found that the slip of paper instructed Mr A. to appear in Court at 9 am that morning. A call to the court revealed that the case had come on and his \$40 had been forfeited.

In examining this case Jakubowicz and Buckley explain that a man, who was of good character with a good job, was charged with indecent exposure 'apparently because he left the lavatory in too much of a hurry'. While it was 'highly unlikely that he was in fact exposing himself', the authors point out that no interpreter was used at the police station to explain the situation to the man, no evidence was given at the court supporting this case against him, and the case was never proven. The man did not understand he was to appear in the court and as a result he could have had a summons taken out against him, although the authors considered it unlikely that it would (1975, p. 25).

Cases of illegal immigrants, and possible deportation, to be discussed later in this paper, might arise which complicate and infringe upon the normal application of safeguards under Australian law. Donoghue has stressed how the influx of migrants into Australian society has created new problems in policing in Australia. Poor understanding of the Australian legal system and their rights under that system; language and cultural variations; the baggage of attitudes and fears which some migrants bring with them; coupled with the antagonisms and prejudices expressed by some members of the local population and by some sectors of the police force towards migrants; inadequate social, educational, and linguistic services for ethnic groups; and the perceived threats of ethnic nationalism within the Australian patriotic milieu, load upon the police tasks and responsibilities formerly not required of them (1982 pp 12-15).

It is the police function to keep the peace and to maintain law and order. But in dealing with ethnic groups it is reasonable to question whether their role ought to encompass interpreting the law and helping to mediate in disputes which arise in the context of different socio-cultural settings. High concentrations of

migrants in metropolitan areas of Australia create a situation where policing strengths must be built up in these areas. The socio-cultural conflicts which arise as a result of ethnic clustering in neighbourhoods place an unsought mantle of responsibility for peaceful cohabitation on the shoulders of the police.

A Yugoslav welfare worker explained to me how, in the absence of proper communications, police could gain quite awesome powers in their dealings with migrants. A Macedonian lady in her mid forties who had no English and was almost illiterate in her own language, had been living alone for some years in a block of flats. Also living in that block of flats was a lady with a well known history of mental illness who was extremely hostile towards foreigners. One day in the stairwell this lady attacked the Macedonian woman kicking and scratching her. The victim screamed for help in her own language creating a disturbance which led neighbours to call in the police. When the police arrived the Macedonian woman, who was very distressed and thus making an unintelligible volume of noise, was taken to the police station while the attacker was left to go free.

The police did not call for an interpreter but rather the woman was seen by the police medical officer and at 6.00 pm that evening she was taken to the Kenmore Psychiatric Hospital at Goulburn. She was held there for three days at the top security section of the hospital under heavy sedation but had not been seen by the hospital doctor in that time. One of her daughters, who had just come out of wardship, found out what had happened to her mother and traced her to the hospital. Finally the Immigration Department and the Health Commission took up the matter with the police and the hospital but it was a week before she could be released from the hospital. Despite her trauma the Macedonian woman was reluctant to take action against her attacker. Her counsellor explained that she felt a second rate citizen as a migrant and that court frightened her. 'In her own

country only very hardened criminals deal with courts. Decent citizens avoid the courts' she said. Like many migrants this woman lived in almost total isolation unable to speak to anyone but her counsellor from the local Migrant Resource Centre. She was totally dependent upon her counsellor for advice and assistance in filling in forms and in dealing with authorities.

Special governmental immigrant liaison and interpreter services can help to break down tensions and hostilities between minority groups and the wider society. Child welfare and day care services offered in localities most likely to house families where both parents work, and more enlightened policing practices, can help ease the adjustment between immigrant and Australian-born communities.

In New South Wales and more recently in Victoria and South Australia, pioneering work in the area of community dispute resolution and the setting up of dispute mediation centres has found a substantial clientele among ethnic groups. NSW community justice centres distributed in 1985 information about their service in English and 23 community languages. Over one third of their staff of active mediators were of a non-English speaking background. With a total of 150 mediators for the year 1984-85, 24 community languages were available for mediation in disputes (Community Justice Centres Second Annual Report 1984-1985, NSW Attorney-General's Department 1985). This approach to preserving the peace would seem to be better suited to the complex urban neighbourhood than regular policing would be (Faulkes 1985; Hazlehurst 1986; United States Department of Justice 1984). This is particularly so in areas where the police are already over-extended in inhibiting more serious crime.

In the Criminal Law and Penal Methods Reform Committee of South Australia, Second Report on Criminal Investigation, July 1974, the Committee emphasised in its recommendations that whenever a person whose native tongue was not English was being interrogated

by the police it was 'essential that the person interrogating him ensures that he understands the precise meaning of the questions that are put to him'. In reference to Aborigines, naturalised Australians, illiterate persons whose vocabulary was very limited, or any other persons who 'do not always understand shades of meaning of English words' it was recommended that the police provide interpreters during interrogation:

Wherever there is any doubt as to whether the person to be interviewed has a complete comprehension of the English language, an interpreter must be present at the interview. If the person to be interrogated wishes to have a second interpreter selected by him, present to check the interpretation they should be permitted to do so (1974 p. 95-6).

The Law Reform Commission, interim report number 2, on Criminal Investigation (1975b) reiterated this point in reference to three special groups 1. non-English speakers including Aborigines 2. children 3. the handicapped. In their chapter on 'special problems of minority groups' the Commission stated that they saw 'no difficulty in principle in singling out such groups for special protection in this way'. When under cross-examination, in fear of authority and unable to comprehend what is happening and being said, a suspect can be easily intimidated. The Commission supported the view that the disadvantages were so great for such people that they should be shielded from the weight of the law and from their own anxiety. The Commission recommended that Aborigines and non-English speaking persons, when they are held in custody for questioning for serious offences or for any offences against personal property, should be entitled to the assistance of a 'prisoner's friend'. Protection should also be provided for such persons in pre-custodial investigative situations:

The prisoner's friend will be a lawyer, welfare officer, relative or other person ... who is able to interpret if necessary, and who is chosen by the person in custody of his own volition. The Aboriginal [or non-English speaking person] should be entitled to nominate anyone at all for this role. But if the person nominated is not available, or if the person is unable to nominate anyone who may be reasonably available, then he should be given a list of persons, who have indicated their willingness to act as prisoner's friends in such situations, from whom the person in custody can then choose a name. The right to have a prisoner's friend present is not intended to be a substitution of any other right previously recommended, but in addition to them (1975b pp. 117-21).

Proposals made by the Australian Law Reform Commission for the provision of safeguards in the criminal investigation process for non-English speaking persons were adopted by the federal government and included in the Criminal Investigation Bill (1977). The bill lapsed and a new bill under this title was introduced to the Senate on 18 November 1981. This bill was not passed by the Senate and lapsed again at the end of 1982. After the election of a new government in March 1983 it was never reintroduced. At present there are no federal legislative safeguards ensuring that interpreter services are provided by police. Nevertheless, police initiatives to overcome some of these difficulties have included the establishment of police/community liaison units in efforts to educate and to remove negative attitudes in the police force towards migrant groups and to develop styles of policing which respond to the realities of multi-racial and multi-cultural life.

Other developments such as the recruitment of more migrants into the police force, in-service training of police officers in foreign languages and cultures, and the production of various booklets to help migrants understand their rights under the criminal investigation process were also recommended by the Australian Law Reform Commission (1975b, 1975c, 1978).

Justice and Due Process

In their report on 'Migrants and the Legal System' for the Commission of Inquiry into Poverty, Jakubowicz and Buckley (1975), found that the degree of knowledge migrants had of legal aid resources 'was abysmal'. The high cost of legal representation, the difficulties in language, and migrants' general distrust of lawyers rendered this profession almost 'irrelevant' to the foreign-born with the exception of the British. Migrants were said to find lawyers unhelpful in criminal cases. In their survey of attitudes towards lawyers and the law, the authors found that while 13 per cent of the Australian-born considered lawyers to be dishonest 22 per cent of British immigrants and 25 per cent of other immigrants expressed similar feelings of distrust. Few agreed that lawyers were 'champions of the poor', and only about 'half agreed that the law favours the rich over the poor'. About the same proportion agreed that 'judges give the same sentences to the poor as to the rich'. The authors concluded that:

Migrants show an even greater sense of disillusionment with the law and with the legal profession than either the Australians or British (1975 pp. 15-16).

One of the reasons for this disillusionment, put forward by Jakubowicz and Buckley, was the fact that non-English speaking persons could not readily communicate with and seek advice from law enforcement agencies or the legal profession without interpreters. Attorneys-General, police and solicitors reported that they had difficulty between 60 per cent and 70 per cent of the time in arranging for interpreters and had difficulty in meeting the needs of these clients (ibid pp. 21-22). A recent British case illustrated the perils inherent in courtroom misunderstandings. When a magistrate asked a 22 year old foreign student, accused of drink-driving, 'to go home and fetch his driving license' the unfortunate fellow did so, making a month-long round trip to Istanbul (Canberra Times 8 January 1987).

The quality of interpreting services, when they were provided, was also questioned in this report. Competent interpreting, it was pointed out, entailed more than an ability to speak the language adequately. Unless specially trained it was unlikely that the persons used would be sufficiently fluent in the two languages of communication; and unless specially qualified they might have difficulty in negotiating complicated legal matters and procedures without unintended bias. The Commission recommended that statewide interpreting training courses, in which persons could gain recognised qualifications through tertiary institutions, be set up with some urgency wherever they were not available. These courses should incorporate into their curriculum a strict code of ethics as a mandatory part of the professional training. National guidelines on ethical behaviour and professional skills in the fields of legal translation, police interrogation, and court translation should be standardised. Other recommendations of the Commission included suggestions for the restructuring of government interpreter services, the improvement of emergency telephone interpreting services, and the involvement of the Australian Broadcasting Commission and other media in the dissemination of information on specific aspects of the legal system (ibid pp. 21-23). (This would be an obvious role which ethnic television, the Special Broadcasting Service, could play.)

The perils of the criminal justice system to any uninformed foreigner increase as the individual moves through that system. It was observed in 1972 by the NSW Bureau of Crime Statistics and Research, in a study of the Central Court of Petty Sessions in Sydney, that all migrant groups (with the exception of Greeks) were less likely to have legal representation during their hearings. Those who were represented were six and a half times more likely to receive a judgement in their favour, while individuals who were not represented appeared to be three times more likely to be sent to prison (NSW Bureau of Crime Statistics and Research 1972; Vinson 1973; Jakubowicz and Buckley 1975, p. 31).

While it should be clear that the right to justice cannot be separated from the right to be understood in a court hearing, non-English speaking defendants are not always extended interpreter services in Australian courts. Where persons of non-English speaking background are not represented by legal counsel a number of disadvantages are likely to ensue. There is, in the first place no guarantee that the magistrate or judge will be of the opinion that their language difficulties or limited comprehension of court proceedings should necessarily hinder the process of justice. It is probable therefore that the evidence, and perhaps even the charge against such persons, will be inadequately understood by the accused.

The lack of adequate interpreter services may also hinder witnesses in proffering evidence in their native tongue. Although many courts these days will make an effort to provide interpreters to assist the court to understand the cases before them, there are surely instances where the subtleties of evidence are lost. During complicated criminal or civil cases this may lead to inequities or even miscarriage of justice. While the attitude persists that community languages will 'go away', or that fluency in English should be a prerequisite for equality under the law, it is doubtful whether migrants will receive a 'fair hearing' in Anglo-Australian courts.

A Yugoslavian social welfare worker with a Migrant Resource Centre explained that problems of communication even through an interpreter can be quite profound. Solicitors tended to use family members, or friends of the client in their interviews. This caused 'tremendous problems', she said. It is only common sense, that when a family member is used in these communications, the emotions of the interpreter will become involved. As migrant children frequently act as interpreters for their parents it is usually the child who interprets for the parent in these cases. When a solicitor is interviewing the parent the child often communicates an interpretation of the story, rather than an unembellished translation of the parent's statements. 'The message is not passed on properly or it is distorted.'

An adversary system in which one party is handicapped by a lack of adequate legal counsel or interpreter services, is a seriously flawed system of justice. The successful presentation of evidence in court rests so weightily upon the clear use of language that, even with the services of a solicitor and an interpreter, a non-English speaker may be disadvantaged during the process of a trial.

Alan Crouch, then co-ordinator of the Interpreting Services and Migrant Advisory Bureau, Melbourne, concluded in an article on translators and the legal system that a better method of determining whether non-English speaking clients in a courtroom require the services of an interpreter must be established. 'At present magistrates, solicitors and police - particularly police - are all put in the unenviable position of having to make a decision on this matter.' Crouch proposes:

...that consideration should be given to developing a pool of accredited interpreters, who would specialise in the legal area and be financed by the government. However, the introduction of an adequate number of trained interpreters into the legal field would not, in itself, wholly resolve the problem of communication between solicitors and their clients, nor would it ensure a fair trial for non-English speakers though in both instances it would certainly help. In order to bring about a real improvement in solicitor-client communication, solicitors should be provided with training in inter-personal relationship skills and interviewing techniques. They should also be trained to use interpreters and be given the opportunity to develop good working relationships with them. Now that there are so many young solicitors seeking to make their way in the legal profession, some of them may be interested in acquiring skills which would allow them to specialise in providing services for non-English speaking clients (1981 pp. 5-6; see also Crouch 1979 and 1985).

In discussing the role of judges or magistrates in this process, Crouch, in a more recent article written during his capacity as the President of the Victorian Committee on Interpreting, Translating and Training, suggests that the inquisitorial system - in which the judge is directly participating in the eliciting of evidence from witnesses - avoids the imbalance which the contending forces of the adversarial system produces when one party is not on an equal footing linguistically with the other. The cut and thrust of the argument/counter argument structure of the adversarial system, and the dominant role which language plays in that courtroom drama, inevitably leaves the non-English speaker as a 'uncomprehending spectator at his own trial' (1985, p. 687). The monolingual and monocultural traditions of the Australian judiciary persist despite the fact that Australia became a signatory to the 1966 International Convention on Civil and Political Rights, which stipulates that in criminal cases persons who cannot speak the language of the court should have the free assistance of an interpreter. Interpreters throughout the states and territories of Australia are available, wrote Crouch:

... only at the trial judge's discretion as has been clearly stated by the High Court of Australia: "There is no rule that a witness is entitled as of right to give evidence in his native tongue through an interpreter ... it is a matter in exercise of the discretion of the trial judge to determine on the material which is put before him whether to allow the use of an interpreter and the exercise of this discretion should not be interfered with on an appeal except for extremely cogent reasons" (*Dairy Farmers' Co-operative Milk Co. Ltd. v. Aqualina* (1963) 109 C.L.R. 458 at 464 in Crouch 1985, p. 687).

Crouch points out rather acidly that the need for witnesses to be able to adequately explain their case to a judge and jury, to be understood and to understand seemed 'so patently self-evident in a process that reputedly has to do with the facts' that it should be cogent reason enough for the right to an interpreter in court (ibid 1985 p. 688).

Even in the provision of interpreters the actual degree of skill and professional ability of these people to translate and interpret vary widely. It has been proposed that the skills of interpreters be graded and that these graduated levels of ability be made known to the court. Furthermore, in the interrogation of suspects, the employment of bilingual police officers - where they are available - does not guarantee the training or ability of these officers in interpretation skills, let alone the desirability of police to act as intermediaries during interrogation. 'There is also something questionable about a situation', Jakubowicz and Buckley wrote, 'in which police both investigate an offence and provide the means by which the suspect must communicate' (1974 p. 50).

Any coherent legal system is founded upon a large number of unstated socio-cultural expectations and assumptions. Jakubowicz and Buckley pointed out that the social values and assumptions built into the power structure of the Australian legal system uphold legal confrontation under the adversial system. With many migrants this creates a situation of conflicting expectations:

For those used to European codes of Law, the Code Napoleon, with its emphasis on inquisitorial investigation, the adversary system can cause substantial misunderstandings. Most appearances before courts of Petty Sessions are unrepresented; most migrant defendants are also unrepresented. The expectation that the role of the magistrate for instance, is to uncover "truth", and that he will act to protect the interests of the defendant simply does not fit the behaviour of magistrates in British law, where the magistrates' role is that of arbitrator (ibid pp. 50-51).

The traditional British presumption that all persons should be aware of the law conveniently disposes of the responsibilities of governments and authorities to ensure that newcomers to Australia have at least a working knowledge of the Australian legal system.

Other concepts, in the area of sentencing and internment, may be wholly foreign to the experience of the migrant offender. In the issuing of bail for instance by police or courts, the recently arrived immigrant with either poor family connections or with little available surety may not be able to satisfy the conditions for bail. Likewise conditions for bonds or probation may also prove confusing.

A welfare worker in a migrant resource centre in Perth explained to the author that one of the main problems she had encountered with the Vietnamese community was a misunderstanding of the law. They did not understand the seriousness of driving without a licence, nor the implications of the illegal use of a car in the case of accident. She had wanted a seminar organised to explain to the Vietnamese community the dangers of driving without a licence and the issues of insurance and third party compensation. Many of her Vietnamese clients she said 'didn't understand the law, no-one explains it to them. They are very scared when they receive a letter from the law courts.' She felt sure that most of her clients did not understand the repercussions of their actions and illustrated the point with a story about a middle aged Vietnamese man who went to a beach to catch abalone with a friend.

The fisheries inspector was passing and decided to check how many abalone the two men had caught. Under the law they were only allowed ten per person without a licence. The inspector asked the men if they had a licence to catch abalone, which they did not. In searching the catch of the friend he found he had more than his limit. He told him that he was breaking the law and that he would have to take his name and take away the abalone. The friend allowed the search and the confiscation of the abalone to take place. But the first man resisted the inspector's confiscation of his catch and a struggle resulted. He was told that he would have to be taken to the police station if he did not co-operate, so he finally agreed.

The next day the two men received notices from the court. The man who co-operated with the fisheries inspector was given the single charge of 'excessive catch'. The other man was charged with 'excessive catch' and 'obstructing a fisheries inspector'. The men were informed by the police that if they wanted to go to court to defend their cases they would have to arrange for their own interpreter, otherwise they could simply sign the papers saying that they were guilty and they would not have to go to the court. Both men pleaded guilty. The man with two charges was fined \$300, but his friend with the single charge was fined only \$200. This story was related to a Vietnamese welfare worker at the Migrant Centre. The men explained that they did not understand they were breaking the law and could not understand why their abalone were being taken from them.

In the event of incarceration the non-English speaking migrant again encounters problems of communication. Conversation conducted during the course of visits to prisoners is generally expected to be done in English. Jakubowicz and Buckley (1975) noted that as all prisoners' outgoing and incoming mail is censored, correspondence not written in English may be held up for six weeks or more each direction, or even banned entirely due to translation difficulties. A prisoner may wait up to three months before receiving a reply to his or her letter. Resulting feelings of isolation in migrant prisoners are exacerbated by their own linguistic segregation from fellow prisoners. Additional differences of religion and dietary requirements, for instance, may further alienate migrant prisoners from their fellow inmates and prison authorities. The prison rule book placed in each cell was usually in English. The failure of non-English speaking prisoners to understand prison discipline could lead to the diminishing of such prisoners opportunities for remission or parole.

Areas in which migrants experience or, feel a sense of, unfair treatment may be summarised as follows:

1. where communications with police have been difficult;
2. where culturally and linguistically diverse community environments either complicate or compromise policing standards;
3. where there are varying attitudes among foreign nationals towards authority;
4. where a breakdown in communication between migrants and their legal counsel, magistrates and other members of the judiciary occurs;
5. where there is an inadequate understanding of Australian legal and criminal process and the rights and obligations of citizens under those systems;
6. where practices of culture and/or religion conflict with Australian customs and law;
7. where offences under Australian law are not considered offences under the laws of the native country of the migrant (provocation or cultural norms that family honour be avenged or protected are no defence in the case of murder or violent assault);
8. where matters of legal procedure and values substantially reflect the values of the host country, but not those of the migrant;
9. where migrants experience feelings of geographical, linguistic and cultural isolation.
10. when migrants become anxious or feel victimised when they encounter antagonistic or unhelpful responses from authorities and are unable to ease this anxiety through access to information and assurances about their rights and obligations.

Where 41 per cent of the country's population has foreign origins, we no longer face problems which can be solved merely by amiable tolerance. We have, rather, a new society which must adjust both socially and structurally to its multi-cultural composition.

In his book Reform the Law the then chairman of the Australian Law Reform Commission, Justice Michael Kirby, asserted that the provision of interpreter and translation services, though important, was not going to be enough:

Especially as more migrants come from the Middle East and Asia, the needs for adjustment of substantive and procedural laws are much more sophisticated. Literal translation of what is happening is merely the first step in communication. A range of measures is required to ensure that migrants understand at least the rudiments of the Australian legal system and that those involved, whether judges, police, lawyers, court clerks, social workers and others, are made sensitive by their training to the cultural characteristics and differences of a very large minority of the population of this country (1983, p. 88).

To help overcome the difficulties migrants were having with the Australian law, problems which were fundamentally cultural, educational and administrative were also going to have to be addressed by the Australian legal system itself.

Domestic Violence

At a five day National Conference on Domestic Violence held in Canberra in November 1985 a session highlighting the views and special problems of migrant women in situations of domestic violence was particularly revealing. Domestic violence among migrant communities was said to be as widespread as in the general community.

Like many other women they are confronted with problems relating to their economic dependence upon the abuser, poor employment and training opportunities, and fears of losing custody of their children should they decide to leave the marital home.

But migrant women are further disadvantaged by language barriers, and their unfamiliarity with special services, women's refuges and government assistance which are available to them in times of marital crisis. As a consequent, wrote Moo, 'migrant women are discriminated against by a legal system which does not cater for their needs, by a police force which is too busy to care, by a social security system which does not provide for the needs of a multicultural society' (1985, p. 32).

There are many pressures upon a migrant woman to remain in her marriage. Her upbringing, and pressure upon her from within her extended family and community, makes her feel that she should continue to uphold the traditional role of wife and mother:

Most migrant women have grown up with this tradition put into songs, poems, stories and community beliefs that to be a good mother is to totally disregard her own needs for those of her husband and children. She is the pivot of the family, so no matter whether she is subjected to physical or verbal violence, the responsibility to safeguard her family is totally accepted by her (Maglizza 1985, p. 35).

The aspect of social marginality experienced by all minority groups is magnified in the situation of the battered migrant wife. She will feel extremely isolated. She cannot even depend upon the support or comfort of her extended family. Her efforts to seek help from a priest or some other member of her community will often be met with the admonition that she 'try harder'. She is either unaware of outside support systems, or may feel extremely isolated from them. To approach a women's shelter is perceived as the 'point of no return'. Once she has entered into a refuge her marginality is again emphasised by her inability to

communicate with social workers and other women, her outward appearance, dress and eating customs, and her way of spending leisure time.

Her feelings of shame, failure, and fear are as intense as any woman's in this situation, yet the communication of these feelings through counselling or group sessions may not be available. When an interpreter is found the process of addressing her emotional and legal needs may be particularly painful. Divorce is often contrary to her religious beliefs, and she may be unaware of her legal rights to property and children. Without the family unit her primary source of support and personal identity is cut off. Moreover, domestic violence 'often highlights the unresolved grief of migration', wrote Maglizza, where grief for lost families and friends from the homeland can be particularly acute in the early years of migration (ibid, p. 39).

A further complication of domestic disputes arises in relation to the custody of children. There are numerous unresolved cases where a spouse absconds with children to the natal country in order to avoid the jurisdiction of the Family Court. Consider the case of Mrs M. After eleven years of being brutalised by her husband she finally faked her own death. She had run away on many occasions, pleading with police and her family for protection to little avail. Each time she had been hunted down by her husband, brought home, and beaten. When she finally came out of hiding a few weeks later to reclaim her four children she was told her husband had left the country and that there was a warrant for her arrest. Mrs M was charged with creating a false belief that she had been murdered and fined \$4000 for the cost of the police search.

For the next eight years her custody attempts failed and she was denied contact with her children in Italy. Finally an Italian court found her ex-husband and his de facto wife guilty of child

abuse and neglect. The children had been horribly tortured, beaten, and nearly starved to death. The children were reunited with their mother but Mrs M's boys were very bitter, believing that their mother had abandoned them. The lives of five people had been severely damaged because of insufficient police and legal intervention in the early years of the problem (New Idea 7 February 1987).

Some cases of domestic violence end in fatalities - the murder of the abused spouse or child, or the retaliatory killing of the abusing partner (who is not always the husband). Strong recommendations came from the National Conference on Domestic Violence that domestic violence be criminalised; that police training stress the inherent criminality of domestic assault and the importance of arrest in these situations; that legislative reform maximise the effectiveness of peace orders; that crisis intervention schemes be equipped with adequate interpreter services; and that a state-wide multilingual information service be established which will provide information on laws regarding assault, child abuse, divorce and available professional services in community languages (Hatty 1986, vols 1 and 2).

Children, Culture and the Community

Migrant children and children born of migrant parents in Australia have their own difficulties in both accommodating the expectations and demands of their parents and in adjusting to the linguistic and educational requirements of the general community. Some young migrants are required to attend their own ethnic schools after ordinary classes, where they are taught their language and given instruction on the native culture. It is also not uncommon to see migrant children helping their parents in family business, which they must do in addition to their homework and other domestic duties (Donoghue 1982 page 7).

Children are legally responsible for criminal acts from between the age of seven to ten years (depending on the state), yet despite this fact only a limited number of children receive instruction in the law. It was noted by the Victorian Social Welfare Department in 1976 that most prisoners had a poor formal education - only 10 per cent of them having achieved education beyond the 4th Form in secondary school. In Victorian schools students are not introduced to legal studies until the 4th or 5th Form, and it is offered only as an elective. It would therefore not be unreasonable to assume, Chief Inspector Blogg wrote, that 'apart from any parental instruction, 90 per cent or more of prisoners were never formally introduced to the very important subjects of law, law enforcement and community responsibility relevant to the law' (1982 p. 5).

Young people today, even after eleven or twelve years of education, are faced with new economic and social tensions - unemployment and underemployment - which bring into sharper focus questions of their use of space, their visibility, and their susceptibility to increased policing. Ethnic minorities, whose racial features are different from those of the dominant community, are particularly visible. In a situation where some 25 per cent of young people under the age of 24 are unable to find full time employment, how they spend their time and where they gather to spend it takes on greater significance.

Of the 2.65 million 15 - 24 year olds in Australia in 1985, approximately 1/6 or 520,000, were either born overseas or were children of migrants born in non-English speaking countries.

Of the 133,000 refugees or entrants under the Special Humanitarian Program who arrived in Australia between 1977 and 1985, more than 38,000 were aged 15 - 24 years. Many came alone or in fragmented family groups. An estimated 10 per cent of all Indo-Chinese refugee arrivals were minors (those under 18 years) travelling without their parents (Department of Immigration and Ethnic Affairs 1986 page 94).

A major finding to emerge from the study of Cahill and Ewen, Ethnic Youth: their Assets and Aspirations, was that 'employment and accompanying job satisfaction is seen as the key issue by young persons from non-English-speaking backgrounds'.

Unemployment among ethnic youth was 'unacceptably high though the rate is differentiated quite sharply across the different ethnic groups'. Cahill and Ewen attributed this to what they felt were 'serious inadequacies of the Commonwealth Employment Service', to other 'labour market programs' and to the 'quality of career education' for these youth (1987, p. 90; see also Alcorso 1984; Humphrey 1984; Young, Cox and Daly 1983).

The Australian Institute of Multicultural Affairs published the results of a study on unemployment and migrant youth in March 1985 entitled Reducing the Risk. It was found in this study that although they comprised 32 per cent of all unemployed youth in this country, only 16 per cent of unemployed overseas-born youth were participating in youth-oriented labour market programs.

On the other hand, a pattern of upward mobility was emerging in second generation migrants. 'Australian-born children of migrants from non-English-speaking countries tend to stay at school longer than other children and have a high rate of participation in higher education, although the figures vary considerably between ethnic groups' (Department of Immigration and Ethnic Affairs 1986b, p. 94; Australian Institute of Multicultural Affairs 1985b, pp. 104-111).

In its pilot study in the Sydney Central Court of Petty Sessions, the NSW Bureau of Crime Statistics noted that the immigrants in their sample (with the exception of the Greek and Maltese) were more likely to have committed 'street offences' than the Australian groups surveyed in 1973:

This is particularly true of the British, the eastern Europeans and the Yugoslavs on vagrancy charges, whereas the Italians and northern Europeans have higher rates than

Australians for 'behaviour' charges. It is also of interest to note that Greeks are almost the only nationality charged with betting offenses: this is a result of their practice of playing minor gambling games in coffee bars, as they are accustomed to do in their native Greece (Jakubowicz and Buckley 1975 pp 25-26).

Juveniles are as vulnerable as their parents in making the kinds of social faux pas or emotional responses which might lead to minor charges under the street offences category. But not so secure in their identity as their parents, migrant youth cannot always fall back upon traditional values in their attempt to justify their behaviour. News reports of racial tensions and the recruitment of juveniles into gangs in order to protect themselves or their particular 'turf' from others, relate sad stories of Vietnamese, Chinese, Lebanese, Italian and other juvenile gangs waging 'war upon each other' in the suburbs of Sydney and Melbourne (Sun-Herald 13 July 1986; Sun, 23 July 1986; Australian Institute of Multicultural Affairs, Draft Report of the Preliminary Findings of the Broadmeadows Local Area Feasibility Study 1986 p. 31; see also Cahill and Ewen 1987).

The image of rowdy youth gangs vandalising trains, terrorising passengers and hanging around shopping centres, bars and coffee shops has to some extent been promoted by the media in the context of issues of unemployment, alcohol abuse, drug taking and other forms of anti-social behaviour feared by the wider community. 1985 was the world-wide recognised International Year of Youth. The Federal Government, especially through the Departments of Employment and Industrial Relations and Immigration and Ethnic Affairs made efforts to concentrate some of its programs specifically upon the needs of migrant youth. These programs addressed problems of poor self esteem, educational and training needs, and the special problems which have arisen from a clash of parental values and those of the contemporary youth subculture, particularly in the urban setting.

In an article entitled 'Race Hate Grips Bankstown' the Sun Herald reported conflicts between Vietnamese, Chinese, and Lebanese youths. Some gangs could call upon the loyalties of over 60 individuals it asserted. Youth of older resident Lebanese families were constantly fighting with Chinese and Vietnamese youth gangs:

One of the participants of Monday night's fight, a seventeen year old boy who left Vietnam in 1982, wouldn't give his name for fear of embarrassing his parents, but agreed to talk, "I was going out with a Lebanese girl," he said. "The Lebbos hit her, blood was coming from her nose. I had to do something, it was because of me ... asked directly about the Lebanese boys, he replied: "I just don't like them. Everywhere we go they heckle us." The youth said he went to the CES every day looking for a job. "I try all the time for jobs, but they don't want me. It's hard because our families want us to do well." ... one young Lebanese girl in the plaza who left school last year summed up the street feeling: "the Nippers hate the Wogs. They are trying to take over Bankstown. This year it has got worse because they started to hang around here. This has been our place for a long time, since 1980." A sixteen year old Lebanese boy said: "After work and school everyone is here. It's my second home. My friends are all here. A lot of people go to the pub to see their friends. We come here and sit around and talk. But it's all getting wrecked because we can't hang around anymore. The cops tell us they'll have us up for loitering and say they will make up any excuse to take us in" (Sun Herald 13 July 1986).

In a report of a stabbing which resulted from a gang confrontation, Bankstown store owners described the clash as territorial. 'The Lebanese see the Vietnamese as muscleing in on their territory. The Lebanese see themselves as the established "old Australians" of Bankstown and the Vietnamese as newcomers' (Sun 23 July 1986). Competition for housing, jobs, recreational

areas, places in schools, and even parking spots were listed as the source of tensions between all cultural groups in Sydney's western suburbs. But boredom and disputes over girls were listed as the main triggers to street violence. In the whole Bankstown municipality there was no youth centre. In a situation such as this which remains unresolved, police commitments to 'clean up the streets' - and thus move young people away from their normal meeting places - can only fan the fire.

If Australia wishes to avoid inter-gang warfare on the scale common in the backstreets of New York and Detroit, the problem in all its dimensions, will need to be addressed. Specialised, empirical research on juvenile delinquency among immigrants, particularly in relation to cultural conflict and need for space, would add much to our understanding of street offences and crime which arise out of inter-group cohabitation. It would also help legislators and policy makers, as well as criminologists, understand and work to avoid the environmental conditions under which these hostilities might breed.

Juveniles may not be following the patterns of their parents by investing their loyalties solely in the family network of traditional communities. But some are in fact investing their loyalties in a similar way in ethnically and territorially focused street gangs. Few of these are likely to graduate into more serious criminal syndicates. In the process of growing up most young people will change their loyalties through marriage and the establishment of their own families. But the problem remains that during their youth migrants may be more vulnerable not only to unemployment and social alienation, but to arrest and imprisonment. There is also the danger that delinquency will be handed on to the next generation particularly if unemployment opportunities remain strictly limited. If we have in fact a situation where crime rates increase with the duration of residence in Australia can we attribute this, in part, to the changing values of the sub-culture generations?

The Mafia, the Media and Migrants

The available statistics indicate that most migrant groups are as law abiding or even more so than the general Australian population. When given the opportunity, they are hard working people who have made a major contribution to the economy of the country. Like other Australians most migrants abhor organised crime, the standover tactics employed to extract revenue from honest businessmen and the illegal gambling, prostitution, pornography, and drug rackets for which organised criminals are infamous.

The loose-knit but identity enhancing juvenile street gang is one thing, the hierarchical and disciplined phenomenon of the crime syndicate is quite another. While the name of 'gang' has been attributed to both, we are talking here of two very different entities. Juvenile street gangs may be established primarily for social and recreational purposes - coming in contact with the fringes of the law on vandalism or loitering charges. Some may defiantly challenge the law and society through harassment, petty theft, and even serious assault. Some may even become involved in small-scale drug dealing. But the general minor offences of juvenile gangs are not comparable with the activities of the 'Big Boys' of crime, the systematic, long-term and ruthless business of organised crime.

In his book The Godfather in Australia, Bottom (1979) asserted that Australian cities had become the location of illegal activities in 'enormous proportions'. 'Some of the big names in organised crime in Australia appear proud of their criminal reputations. Others, businessmen (some knighted) and politicians, prefer to hide behind the general air of respectability afforded such people. Some even hide behind a police badge' (ibid, p. 11). Despite the apparent indifference of the public, governments and police Bottom was convinced that the criminal network had spread its tentacles across Australia as it had in America and Europe and was corrupting the political and legal institutions of the country with the big money which it generates.

Table 38: Criminal Deportations and Departure of Non-Citizens - 1975-1987

Financial Year	Criminal Deportations ¹		Prohibited Non-citizens ²			Total departure of prohibited non-citizens
	Ordered	Total carried out	Deported ³	Deported under supervision ⁴	Departed voluntarily ⁵	
1975-76	128	118	291	94	NA	NA
1976-77	205	144	660	73	NA	NA
1977-78	137	87	695	91	NA	NA
1978-79	121	87	1,015	191	NA	NA
1979-80	128	95	657	189	NA	NA
1980-81	99	70	287	67	NA	NA
1981-82	109	62	548	467	NA	NA
1982-83	95	82	741	960	939	2,640
1983-84	41	24	683	864	1,007	2,554
1984-85	36	23	457	580	1,057	2,094
1985-86	52	23	872	762	1,772	3,406
1986-87	NA	39	677	806	2,186	3,669

NA Not Available

¹ Deportation of non-citizen permanent residents convicted of serious crimes under section 12, Migration Act.² Prohibited non-citizens in terms of the Migration Act.³ Removed from Australia on the basis of deportation orders under sections 6, 7, 8 or 16 of the Migration Act.⁴ Departed under supervision after contact with the Department of Immigration and Ethnic Affairs.⁵ Departed of own volition.

In 1980 an amnesty to overstaying visitors was declared, accounting for low deportation figure in 1980-81.

Source: Department of Immigration and Ethnic Affairs, Statistics, 1975-1987.

Table 39: Population and Prisoner rates per 100,000 for the Adult Population - 1982-1986¹

Year	AUSTRALIAN-BORN						
	Total Adult Population '000	Total Prisoner Population	Rates per 100,000 for total	Male Prisoner Population	Rates per 100,000 for males	Female Prisoner Population	Rates per 100,000 for females
1982	7,737.3	7,893	102.01	7,641	204.31	252	6.30
1983	7,833.7	8,216	104.88	7,894	208.46	322	7.96
1984	7,932.1	7,584	95.61	7,285	189.97	299	7.30
1985	8,029.3	8,634	107.53	8,224	211.83	410	9.89
1986	8,077.9	9,121	112.91	8,679	221.81	442	10.61
Year	OVERSEAS-BORN						
	Total Adult Population '000	Total Prisoner Population	Rates per 100,000 for total	Male Prisoner Population	Rates per 100,000 for males	Female Prisoner Population	Rates per 100,000 for females
1982	2,822.0	1,933	68.50	1,850	126.00	83	6.13
1983	2,866.8	1,980	69.07	1,903	127.71	77	5.39
1984	2,888.8	2,110	73.04	2,029	135.36	81	5.83
1985	2,928.7	2,210	75.46	2,118	139.59	92	6.52
1986	3,107.8	2,376	76.45	2,264	141.95	112	7.40

¹ Adult (18 years and over) population estimates have been calculated from ABS 1986 and 1981 population census data and increased over time. These estimates may be slightly under, for 1985 especially. This would lead to a slight upward bias in the prisoners/100,000 population figures for the latter years.

Source: Walker and Biles, Australian Prisoners (1982-1986), National Prison Census 30 June table 4; 1986 and 1981 Population and Housing Census (adjusted proportionately by age and year), Australian Bureau of Statistics.

Bottom lists local and imported criminal elements with connections in Las Vegas, San Francisco, Los Angeles, Thailand, New York, Hong Kong, Chicago, and Rome. The Mafia linked rackets which bedevilled immigrant Italians and Sicilians in the cane fields of Northern Queensland in the 1920s had, he contended, evolved into sophisticated criminal brotherhoods which have infiltrated and carved up between them massive criminal operations throughout Australia. Bottom claimed that there was evidence of links between organised crime syndicates of Sydney, Melbourne and drug growing rural townships like Griffith, NSW, with Mafia-like organisations of Europe, Asia, and the United States. What has made it particularly difficult for honest Australian police to break extortion and drug operations and other organised crime, or to solve murder cases resulting from these, is the 'code of silence' and fear which the ruthless tactics of these organisations inspire in both their membership and their victims.

Where organisations are ethnically based, it is particularly difficult if not impossible for police other than those of that ethnic group to infiltrate. While the Department of Immigration attempts to screen out persons with criminal records in their immigration programs, their efforts are undermined through the determined forging of documents and illegal immigration rackets of those groups who wish to bolster their membership with persons of their own persuasion. Since World War II, therefore, increasing numbers of criminals of foreign extraction, have slipped through the screening net of the Immigration Department. (The practice in some countries of routinely 'wiping' criminal records after a specified period without reconviction exacerbated this problem.) While criminal deportation has declined, the deportation of illegal immigrants has gone up (table 38).

On 27 May 1980 the Bulletin reported an alarming increase of crime in Asian communities in Australia in the previous two years with the influx of the Asian boat people and other immigrants from Asian countries to Australia:

Members of the highly-secret Asian Mafia-style groups known as Triads and Tongs have established themselves in Australian society and are organising criminal activities among Australia's growing Asian communities. Groups of Asian criminals are running blackmail and protection rackets in our capital cities and major country towns (Bulletin 27 May 1980).

The article said that the Departments of Immigration and Foreign Affairs were also probing a large immigration racket thought to be connected with organised crime groups in the Asian community. The Triads were reputed to be operating lucrative illegal activities such as prostitution, drugs, gambling and armed robberies in several Australian capital cities. Asians with criminal records in Timor and Vietnam had managed to penetrate the Australian immigration system and had gained status in this country. A visit to Melbourne by a Hong Kong Anti-Corruption Squad revealed that Melbourne's Chinese community was being terrorised by Vietnamese and Timorese gangs using standover tactics against Chinese restaurant owners. They were also said to have close drug links with established Asian and Australian criminal groups. The visiting Hong Kong police alerted Melbourne police to the fact that there had already been several unreported crimes among the Chinese community in Melbourne (ibid).

The Sydney Morning Herald (5, 7 and 8 January 1985) and the Melbourne Sun (26 and 28 August 1985) both ran a series of articles on Asian Secret Societies and crime Triads in Australia. The Sun asserted:

A dramatic change in International heroin trafficking has opened the door to major Chinese-dominated crime syndicates in Australia, according to Asian police ... this now means Chinese syndicates have established a domination of the Australian wholesale heroin market (Sun [Melbourne] 28 August 1985).

Thailand's Office of Narcotics Control Board warned Australian officials that 'Asian syndicates are now connecting with Caucasians in the country of delivery.' Europeans no longer had to risk arrest and heavy penalties of Asian authorities for the transport of narcotics as Asian syndicates supplied their own couriers. In the drug world people now tended to deal almost exclusively with people of their own race connecting only at the point of exchange.

Senior police in Singapore, Malaysia, Thailand, Hong Kong, and the Philippines have expressed concern that the Australian authorities would not be able to understand, investigate or control Asian syndicates without their help. They told the Sun that these gangs would grow in power in Australia unless Australian authorities were prepared to recruit more resources to this area and to invite Asian detectives to Australia to assist them in criminal investigations (Sun [Melbourne] 26 and 28 August 1985; Sydney Morning Herald 5, 7 and 8, January 1985, 29 September 1986; The Advertiser 11 October 1986; Sun-Herald 19 April 1987; Commonwealth, NSW Joint Task Force on Drug Trafficking Report vol 4: Nugan Hand (part 2) 1983).

Press coverage of violence, shootings, murders and subsequent police investigations frequently makes mileage of the ethnicity of the persons involved. In her book entitled Immigrants and the Media Naomi White reported a case in which the media exaggerated the involvement of the Mafia:

On 4 April 1963, Vincenzo Angilletta, a factory cleaner and one-time market gardener was shot dead when he returned home from work. Seven months later Domenico Demarte, a stall holder at the Victoria market, was shot and injured. Nearly seven weeks later, on 16 January 1964, Vincent Muratore was shot dead as he was leaving home for work at the Victoria market where he owned a stall. And two days later Antonio Monaco, a market gardener, was shot and injured as he prepared to leave his home for the Victoria market.

All four victims had links with the town of Reggio in Calabria. They had been, or were still, involved in the Victoria market, a large wholesale and retail fruit and vegetable market in Melbourne. All were the victims of shot gun attacks. The police, politicians and the press came to describe these attacks as "the Victoria Market Shootings" (White 1983, p. 79).

A massive police investigation was mounted, involving Interpol and other experts on organised crime brought in from Italy and the United States. One of the victims it was found had a criminal record in Italy and police were reported as saying that the shootings had the 'earmarks of the professional killings' employed by the Sicilian Secret Society. There were calls on the Department of Immigration to tighten up their controls in the screening of new migrants. Headlines and newspaper reports used catchwords such as 'Mafia', 'Italian', 'Calabrian', 'Sicilian', 'migrant', 'extortion', 'terror', 'cold blood', and 'sinister crimes'. For those Italian families in Melbourne not involved in the shootings it was a time of embarrassment and shame.

By the time the investigations and trials came to an end there were grounds for questioning the media accounts. They had been right in identifying the suspects as being of Italian origin, wrote White. However, White argued, there was no evidence that organised crime had been involved in the shootings. Three of the killings had been the result of a family feud which had arisen in Australia:

According to the press reports, Monaco had slept with his sister-in-law and his mother-in-law and had precipitated mental illness in his sister-in-law because of his behaviour. His brother-in-law had supposedly intended to avenge his wife's honour by arranging to have Monaco shot.

Monaco's shooting was unrelated to the shooting of the other three victims. Subsequently investigation showed that the shootings of Angilletta, Muratore and Demarte were in fact connected. Although in reporting the trials the papers made much of Angilletta's alleged connection with the Mafia in Italy, it was never shown that this connection could explain the shootings. It had been alleged that Angilletta had been killed on Mafia orders for trying to dodge a Mafia tax on produce being bought for sale at the Victoria markets. It was also alleged that Muratore and Demarte were heads of two branches of the Mafia operating in Melbourne. However, other investigations uncovered the fact that the families of these three men and one of the men charged with the shooting were related (by marriage, and through an illegitimate son). The shooting of Muratore and Demarte had been to avenge the death of Angilletta. It was unclear from the press reports why these related families should be feuding, and how an alleged Mafia organisation could precipitate or be related to such a feud. Our analysis suggests that the newspapers created a framework for interpreting the shootings which was not substantiated by later events. The link between Italian criminals and a mafia-style organisation appeared to be unwarranted (White 1983, p. 94).

The so-called 'Greek conspiracy case' is perhaps the best known large scale alleged criminal operation centred on a particular ethnic community. The hysteria surrounding the arrest and prosecution of persons implicated in the 'Greek conspiracy case' in 1978 was largely generated by the press. Between March and May 1978 181 people, mainly from the Greek community, were charged with conspiracy to defraud the Commonwealth. Those charges were related to allegations that they were involved in a widespread conspiracy to lodge fraudulent claims for Social Security benefits. The event, and the three and a half years of proceedings which followed, was given considerable media attention. Intermittently over this period the Commonwealth withdrew the conspiracy proceedings against all but a handful of those charged. But the publicity the case received caused considerable injury to those who were charged and their families.

The police handling of the whole episode was labelled 'a witchhunt which went wrong'. In January 1984 the federal government set up a Royal Commission to inquire into the question of compensation for the former defendants in the case. At the end of the inquiry in June 1986 the Royal Commission recommended the government pay out in the order of \$6 million in compensation (Attorney-General's Department 1986; Rosyth 1986).

Notwithstanding doubts there may be about particular cases, there is sufficient cause for concern that Australia has become a new breeding ground for ethnically based organised crime. Governments will need to allocate more resources to the control of this aspect of the changing composition of Australian society. Nonetheless we cannot lose sight of the fact that this will surely complicate the lives of settler migrants who wish only to become honest and hard working citizens. Proportionately, migrants are still under-represented in our prisons although they are more likely to come from slightly lower socio-economic status groups than native born Australians. When the media places special emphasis upon the ethnic background of an offender or of a victim, there is the danger that facts will be distorted to suit the perceived 'story of the moment' leading to further disadvantage in the criminal courts.

Issues Unresolved

Migrant problems with the Australian legal system might be attributed as much to poverty and lack of education - disadvantages they share with many native Australians - as to their immigrant status. But the cultural aspect of their difficulties and the way in which the customs, assumptions, and laws of the dominant group infringe upon every aspect of the daily life of minorities also cannot be ignored. In addition to problems with courts, lawyers, police and correctional personnel, non-English speaking persons will encounter numerous difficulties

when dealing with employers, family welfare agencies, the medical profession, government agencies in general, and even their neighbours. It might be considered an unfair expectation that a citizen should have no excuse for ignorance of the law when the Australian legal system seems itself unstructured to serve and inform so large a sector of the population.

A number of authors who have written on the subject of migrants and crime in Australia have emphasised the behavioural differences and social values which separate migrant groups from the wider Australian community. Apparent displays of 'insolence', 'lack of cooperation', or 'excitability' frequently anger those in authority and lead them to misjudge a situation. A 'hysterical' response from an Italian mother when her teenage son who has committed a minor offence, is being routinely fingerprinted will not be understood except in the context that in Italy fingerprinting is only done in the case of serious offenders. An inability to answer a question put to a non-English speaking person might elicit a smile or a one or two syllable response. Such a response might be construed as a display of arrogance or hostility towards the questioner rather than a genuine effort to give an answer even when the question is not understood. In some Asian cultures direct eye contact, to ask a direct question, or to give a negative response is impolite. To a Euro-Australian such evasiveness might be well interpreted as a sign of guilt or at least a lack of truthfulness.

Customary behaviour may also result in offence. Spitting on sidewalks and urinating in the street might be acceptable in some European countries but are offences under Australian law. The philosophy of sharing may be extended by Vietnamese to the licence to drive the family car. When this licence is passed around between family and friends much as if it were a registration certificate, this invites prosecution in Australia. Health authorities take a dim view when Turkish Moslems have attempted to slaughter their own meat, according to their religious rites, in their back yards. The payment of bail may

be confused by a migrant offender with the payment of a fine, resulting in the offender failing to appear in court (Jakubowicz and Buckley 1975; Francis 1981; Bowen 1981; Bulgin, White, Taylor, and Fleming 1981; Kiosoglous 1983).

Amusing or apparently harmless differences such as these, can result in serious encounters with the law. Jakubowicz and Buckley gave a vivid example of official misinterpretation of a situation and the impotence of a migrant to remedy his plight:

Mr C was going home by train one evening. At a suburban stop he leaned out of the door to see the name of the station and a group of young men pushed him out of the train onto the platform and would not let him re-enter the carriage. As a result of this scuffle ... Mr C was arrested and charged with (i) assault and (ii) assaulting an officer of the Commissioner of Railways. When he came before the magistrate and was asked for his plea, Mr C said he didn't understand why he was there: the magistrate thereupon remanded him in custody for 14 days for a psychiatric report. The report produced stated that it was not possible to communicate with Mr C but it was thought he might be schizophrenic and it was recommended that he should be referred to a psychiatric hospital. The magistrate then remanded the defendant to Long Bay gaol for a further 14 days in order for medical and psychiatric reports to be obtained with the assistance of an interpreter. Finally a neighbour who had noticed that Mr C was absent managed to trace his friend and with the assistance of the Council for Civil Liberties arranged for the man to be released on bail. Legal defence was subsequently arranged and the charges were dismissed (Jakubowicz and Buckley 1975 p. 37).

'One can only wonder', stated the authors, 'what might have been the eventual fate of Mr C had not the Council for Civil Liberties been approached' (ibid). One also wonders about what has been the fate of many people like Mr C. The literature reiterates several

cases (which are surely only drops in the bucket) in which apprehension by the police has led to a frightened and dismayed reaction in migrants, confusion and anxiety when communication cannot be established, and unnecessarily long confinement without explanation of the charge or without the option of bail, while an interpreter is found. One illustration which is surely not uncommon, concerned a young Spaniard who pleaded guilty to the charge of driving through a red light, when four independent witnesses asserted that it was green. 'He only knew of the police in Spain, and attempted to liken them to our force. He said that in Spain there are two kinds of police, "those with guns and those with machine guns"'. He thought it better to admit guilt rather than argue with the police (Kiosoglous 1983 p. 5).

The distress which members of certain cultures feel, and in some cases their violent and tragic reaction to this distress, in the case for instance of the loss of a daughter's virginity or even when a daughter goes out unchaperoned on a date, is not understood by the average Australian. Fathers, or other near relatives of the girl, have been known to take retributive action. In some Muslem cultures the taking of the girl's life after loss of virginity, or even after suspected loss of virginity, is not unknown even in Australia. Such reactions are considered barbaric by western standards but give an indication of the depth with which certain cultures regard the importance of maintaining family honour.

How do we apply principles of 'the reasonable man' in western law in situations of provocation? How much should a magistrate be prepared to make an appraisal of the individual circumstances, including the linguistic and cultural influences, which affect the choices of the person before him? In the criminal case *Moffa v. the Queen* (1977) 13 ALR 225, Kirby wrote, the High Court of Australia:

... quashed the appellant's conviction for the murder of his wife, substituting a conviction for manslaughter. Moffa's defence was that he was so greatly provoked that he killed in response to his wife's words and actions. In reaching its decision, the High Court recognised that important differences may arise from the national and cultural origins of individual Australians. Chief Justice Barwick said: "That he [Moffa] was emotionally disturbed by his wife's disclosed attitude to him did not make him, in my view, other than an ordinary man; and in particular, other than an ordinary man of his ethnic derivation." In the same case Mr Justice Murphy ... considered that the "objective" test "cannot withstand critical examination". He said: "the objective test is not suitable even for a superficially homogeneous society, and the more heterogeneous our society becomes, the more inappropriate the test is. Behaviour is influenced by age, sex, ethnic origin, climate and other living conditions, bio-rhythms, education, occupation and, above all, individual differences. It is impossible to construct a model of a reasonable or ordinary South Australian for the purpose of assessing emotional flash point ... In the Northern Territory Supreme Court, Kriewald J refused to apply the test to a tribal aborigine and used the standard of the accused's tribe ... The same conditions apply to cultural-subgroups such as migrants. The objective test should not be modified by establishing different standards for different groups in society. This would result in unequal treatment. The objective test should be discarded" (1983 p. 92).

While there is no consensus in the judiciary on this issue, there is no doubt that some aspects of cultural origin and makeup may form part of an offender's defence. Mr Justice Kirby, then Chairman of the Australian Law Reform Commission, stood out on this issue by saying that fair administration of justice requires the consideration of migrants' linguistic and cultural background when assessing their conduct. 'The time is fast approaching', wrote Kirby, 'when it is quite unsafe in Australia to judge the "ordinary man" by the characteristics of the "ordinary English man"' (ibid p. 12).

The Australian Law Reform Commission was concerned that many judges and magistrates were unduly reluctant to permit the use of interpreters in courts, apparently because they feared that a person giving evidence through an interpreter would gain an advantage over other people. Justice Kirby, at the Annual General Meeting of the Association of Translators and Interpreters of Australia in November 1982, stressed that 'even a good interpreter ... and they are few and far between, can only give an approximate meaning, without the nuances and without the stress contained in the original. In reality, a person who has to use an interpreter is extremely handicapped' (in Kiosoglous p. 12).

Crouch discusses the merits of the 'demeanour argument', the principles of which were put forward by Mr Justice O'Brien in Burke's case:

"... it is especially important with reference to cross-examination, the great value of which arises from the demeanour of the witness, and the hesitation or fairness with which he answers questions unexpected by him and put suddenly to him, and his demeanour while being so cross-examined is powerful with the jury to judge of the credit which they ought to give to his testimony; and it is plain that the value of this test is very much lessened in the case of a witness having a sufficient knowledge of the English language to understand the questions put by the counsel, pretending ignorance of it, and gaining time to consider his answer while the interpreter is going through the useless task of interpreting a question which the witness already perfectly understands. To anyone who has been conversant with trials, whether criminal or civil, the importance of this, and the materiality of the facts as to the language in which the witness is to be examined, is so well known that it is unnecessary for us to make any further observation of it" (R. McQueen v. Burke (1958) 8 Cox CC44 in Crouch 1985, p. 688).

Crouch points out that a number of assumptions were made in this statement by Mr Justice O'Brien:

... firstly, it implies dishonesty on the part of the witness; secondly, that it is unnatural for a person to pause or hesitate in answering questions; thirdly, that simultaneous interpreting will not be used; fourthly, and perhaps most importantly, that a person's demeanour is a powerful indicator of the truth or falsity of his evidence.

As it is clear that human beings react differently the evaluation of a person's demeanour as a test of their honesty is something which Crouch and other authorities claim should be used with considerable caution in itself. But he asserts it is 'certainly not one that should be used to deny the non-English speaking witness the right to an interpreter', because the use of an interpreter merely ensures that a witness or defendant fully understands the process of the trial (Crouch 1985 p. 688). As many of our examples have already shown, behaviour can be misinterpreted in the cross-cultural context. The judicial assessment of demeanour involves cultural evaluations and norms which would be, in some circumstances, quite inappropriate in determining guilt or innocence.

There has been a wide spectrum of response in the Anglo-Australian community towards the establishment of ethnically dominated neighbourhoods. Those who have embraced the multiculturalist approach have seen the industrial and business advantages in an increase of the Australian population by way of immigration, and on the whole have assumed that immigrant communities will eventually be assimilated into the 'Australian' society. This view perceives migrant community groups as being, on the whole, 'good citizens' who try to establish themselves by buying homes and cars, setting up small businesses, or becoming members of the workforce. The idea of ethnic community groups maintaining a degree of independence and cultural discretion is not a popular view even among the more tolerant sections of the Australian population.

At the other extreme of this spectrum racial and cultural differences are feared as 'foreigners' are perceived to compete with the livelihood and lifestyles of 'ordinary decent Australians'. In the context of recent decades of unemployment and government cutbacks migrants, foreign students and particularly refugees, are seen to be a drain on the country's economy and resources. Such fears breed a range of negative stereotypes which classify Asians, Indo-Chinese, Turks and Europeans as parasites who endanger the health, well-being and racial integrity of a dominant group. In addition to their many difficulties as new settlers, there would be few migrants who have not experienced the sting of prejudice.

In their pilot study of community relations in a local area of high migration density, the Australian Institute of Multicultural Affairs undertook research in the Melbourne suburb of Springvale. In addition to misinformation and misunderstandings between cultural groups, they also observed that there was a dimension of class in the reactions of local residents to the new arrivals. The visible prosperity of some refugees, and their ability to purchase homes and establish businesses in a seemingly short time caused some resentment.

Among the Springvale residents strong resentment was expressed against Indo-Chinese refugees. World War II veterans, who had experienced the Japanese at war and in prison camps in Southeast Asia, expressed what the researchers term an 'explicable' dislike of 'Asians'. This group, however, believed that the objective of Australia's involvement in Vietnam was to fight the 'Vietnamese', and could not understand why the government accepted so many Indo-Chinese refugees. Antagonisms expressed towards all national groups from East and Southeast Asia, were based upon historical ignorance and poor ethnographic understanding, the authors explained. Nevertheless these views were understandable, if misguided. Expressions of 'irrational'

dislike of refugees, however, included a resentment of Indo-Chinese shopkeepers who traded after hours (even though other shopkeepers of different ethnic backgrounds did so) and the misinformed belief that refugees got ahead in business because of special government aid (Petyanszki and Chauvel 1986, p. 43).

Recent government policies and programs have lent emphasis to skilled and business migration and to family reunion, particularly of Vietnamese and Indo-Chinese refugees (Senate Standing Committee on Foreign Affairs and Defence 1982; Department of Immigration and Ethnic Affairs 1982; Department of Immigration and Ethnic Affairs 1986b). Since their arrival in Australia Asian communities have expanded. The extended family, as the basic social unit, ensures the survival of the nuclear family and the community group. It provides support, as much as it is able, within the new setting. Thus family businesses flourish by the pooling of resources, labour and domestic aid.

It emerged from a recent study of attitudes and stereotypes relating to migrants, undertaken by the Department of Immigration and Ethnic Affairs, that not all Asian respondents were motivated to 'develope ethnic enclaves but were clearly wanting to establish and integrate themselves in Australian society'. A large number said they would be pleased to have Australians as neighbours and 60 per cent said they would be 'pleased if one of their children married an Australian' (1986c, vol. 1, p. 18).

Nonetheless, racial tensions have in some cases mounted to savage attacks upon Asian families, students and businessmen. Even government personnel have not been exempt from this hostility. In April 1986 the home and family of the Minister for Immigration and Ethnic Affairs, Mr Chris Hurford, came under attack. Bricks were thrown through the window of his home, his family received death threats by telephone in the night and graffiti reading 'Death to Asianers' was scrawled on his front fence (Mercury 15 April 1986).

As well as being the occasional perpetrators of crime migrants are frequently its victims. Little is actually known of the degree to which migrants are victims of crime and racist attacks in Australia. But there are certainly cases in which they can become victims of criminal justice itself, when they are either unable to communicate with the authorities or are unknowing of their rights.

Recently seven South Koreans, allegedly duped in an immigration racket, agreed to stay in Australia as prosecution witnesses. Because of the slowness of the criminal justice system, however, they were locked up for four months before a trial was heard. Repeated appeals by the Koreans during their confinement for their position to be resolved were ignored until they wrote to the Commonwealth Ombudsman. At this point the Department of Immigration and Ethnic Affairs decided to exercise deportation orders barring the seven men from re-entering Australia for five years.

The Koreans' difficulties had begun when they responded to a newspaper advertisement placed by an immigration 'consultant' who promised to undertake and handle their necessary documents for immigration. Having paid this 'consultant' US\$5,000 these men left behind their families in search of jobs and accommodation in Australia. During the time of their detainment they were unable to work or to provide for their families back in Korea and suffered considerable discomfort, anxiety and shame for being in prison for such a long period of time. As the result of legal intervention the deportation order was stayed. The Koreans were released but they were denied work permits.

This issue raised considerable questions over the rights of public servants to apparently detain people indefinitely through the use of deportation orders. Following the failure of the Koreans to obtain work permits, they were advised by their legal counsel to lodge claims for damages against the Department for

their months of discomfort and lost wages during the term of their imprisonment (Canberra Times 17 January 1987).

In maintaining a democratic system there is an obvious delicate balance between community protection and protection of the rights of the individual. Inevitably, in the operation of immigration and criminal justice laws there will be those who violate the system and those who are haphazardly violated by it.

This occurs when the usual safeguards to prevent such accidents are not activated or are activated too late. Problems of migrants and the law, therefore, are not solely the domain of police, courts and correctional institutions but also arise in their relations with other authorities and government agencies. They are problems which raise a number of unresolved issues stemming from ignorance and indifference to fundamental principles of civil rights, cultural integrity, and equality before the law.

Culture and Reform

If we view criminal behaviour as a response to poverty or disadvantage, the solution to crime would be mainly a matter of economics and equity. But poverty theories do not account for the lower incidence of crime among first generation migrant populations. If we assume that criminal behaviour is merely the result of personality traits in the individual offender, we could not explain why crime is uniformly lower among certain ethnic or cultural groups, or why it is uniformly higher among certain age-groups across all cultures.

We may be tempted by opportunity or decision theory models - where criminal behaviour is seen to result from the individual's evaluation of the opportunities to commit crime, or their assessment of the potential gain (reward) as opposed to the potential loss (punishment). There are strong arguments that

it has been precisely the design and planning of our urban environment - buildings, parks and suburbs - which has created social isolation and deviance. If we were persuaded of the validity of such models would we condone a 'Big Brother' form of society which manufactures an environment in which crime is both difficult and expensive to commit, and in which social control agencies perform primarily in the area of prevention?

In the literature on migrants and crime in Australia, and overseas, it is apparent that our theories of criminality grossly outstrip our empirical data (Jeffery 1970; Bottoms 1967; Francis [1987]). The impulse towards crime, and the means by which crime might be discouraged, are no doubt a combination of many considerations and forces. No one explanation, and certainly no one approach to its control, is fully satisfactory. 'The weakness of criminal law as a means of social control', wrote Jeffery, 'is a reflection of the deterioration of the informal controls and the inability of the criminal law to operate effectively in a complex urban setting' (1970, p. 45).

The protection and promotion of community life may retard the process of deviance - even in situations of poverty and underprivilege. The criminal justice system cannot substitute for the functions of the community in the imparting of informal sanctions and in the transmission of social responsibility to its members. The fact that it cannot, single-handedly, prevent crime has significant implications for educators, practitioners, and policy makers.

It is clear that there is some recognition by Australian governments of the need to nourish migrant community identity as an integrative source of values and authority. The central principles of the federal government's programs and services relating to settlement and multiculturalism have been developed over several decades. These were encapsulated in the Galbally report in 1978 and were affirmed by the Fraser government and

subsequently by the Hawke government. They were summarised in the Department of Immigration and Ethnic Affairs' report, Don't Settle for Less in August 1986:

1. All members of the Australian community should have an equitable opportunity to participate in the economic, social, cultural and political life of the nation.
2. All members of the Australian community should have equitable access to and an equitable share of the resources which governments manage on behalf of the community.
3. All members of the Australian community should have the opportunity to participate in and influence the design and operation of government policies, programs and services.
4. All members of the Australian community should have the right, within the law, to enjoy their own culture, to practise their own religion, and to use their own language, and should respect the rights of others to their own culture, religion and language (Department of Immigration and Ethnic Affairs 1986a).

What can be done about the problems of migrants and the Australian criminal justice system? Recommendations which have emerged from the literature cover broadly the following themes:

1. Policing: Frequent regional evaluations of police/migrant relations should be undertaken in order to keep abreast of the special difficulties of migrant policing; the deficiencies in policing expertise, training and ethnic recruitment; and the nature of complaints against policing practices from migrant sectors which might identify areas of cultural conflict. These evaluations could provide useful indicators of areas in which simple adjustments in police training, attitudes and practice could lead to an avoidance of these problems. Training of police recruits in community relations particularly in districts which deal constantly with ethnically mixed populations, should extend well beyond a few hours of lectures during apprenticeship. It should be incorporated into an ongoing training program and become an integral part of law enforcement policy and practice.

2. Courts: In a summary of their recommendations the Commission of Inquiry into Poverty strongly urged that 'legal aid be extended to Courts of Summary Jurisdiction for all cases in which migrants are charged with criminal offences'. Funding for this legal aid should be provided jointly by the Commonwealth and states. The funding for the provision of interpreters for all Courts of Civil, Industrial, Criminal and Summary Jurisdiction should be provided by the Crown, and no person should be held in custody, the Commission asserted, 'because of his inability to raise bail due to economic, ethnic or social situations, unless the offence is one where he is likely to be a danger to himself or others or there are established grounds for anticipating that he might abscond' (Jakubowicz and Buckley 1975 pp. 25-39). The recruitment of persons of different ethnic backgrounds into the judiciary and legal professions, and the provision of training and seminars for magistrates, judges and lawyers on pertinent issues relating to migrants and the law would do much to facilitate communication and mutual comprehension between these sectors.

3. Prison: A migrant prisoner is particularly disadvantaged inasmuch as the normal information, provided by way of prison rule book or personal communication between inmates and administrators, may be significantly impeded where English is primarily used. While prisoners may 'learn the ropes' from other prisoners in the exercise yards, at workshops and in cells, they might also be purposefully misinformed and not be able to take advantage of available prison programs, work release schemes, and other activities which might lead to their being granted parole. Corrective institutions, like all other sectors of the legal and criminal justice system, are not exempt from ensuring that equity under the law between prisoners is maintained and from ensuring that prisoners' rights to communicate and to be communicated with are respected. This will require the introduction of translated versions of prison rule books and other basic instructions, and some employment of bilingual prison and welfare officers.

4. Communications: The employment of interpreters in legal consultations, police interrogation, court hearings and prisons should not be a discretionary option exercised by the legal profession, law enforcement or correctional authorities, or the judiciary. It should be provided, as a right, for persons who are not fluent in the English language. The delivery of legal services would be enhanced in meeting the needs of non-English speaking clients were they to have a professional association with official interpreter services and community migrant centres in their area. State-wide graded tertiary interpreter training courses are needed to provide a pool of competent professionals to draw into the Australian justice system at all levels. (This, incidentally, would enhance the status of community languages and bilingualism, and would increase avenues for professional employment for migrants). The Criminal Investigation Bill (1977) should be reintroduced into Commonwealth Parliament so that safeguards relating to records of interview, interrogation and other criminal investigation procedures may be put firmly in place.

5. Liaison and community participation: One of the most promising developments in state policing is the establishment of ethnic liaison schemes or special liaison units, as experimented with in New South Wales, South Australia and Victoria. Their work in addressing issues of migrant policing, in developing practical approaches, and in initiating direct communication with community groups has been encouraging. In addition to improving police relations with migrants such liaison also helps to instill a sense of well-being in the community in their attitudes towards the police. People who are well informed of their rights under the law recognise the police as a protective agency rather than as a threat and will be less likely to respond in fear or trauma when they encounter members of the police force. Benefits can be reaped, and substantial effort saved, from a combined educative and liaison approach.

The community itself should also be seeking ways in which it might be able to help itself by supporting community-based programs such as Neighbourhood Watch, Neighbourhood Dispute Resolution Centres, day-care and parent-teacher groups, women's refuges, and other community support groups. Many of the problems which police encounter could be mitigated or even handled entirely by community help networks and should not intrude upon police work at all.

The utilisation of the community as its own resource, as recommended in the Galbally report in 1978, is still a strong and persuasive argument. The establishment of multi-cultural resource centres would encourage the pooling of scarce intellectual, professional and voluntary resources of the community. In addition to providing assistance in health, housing and child welfare, for instance, such centres can also provide legal advice and interpreter services to migrants who feel they have nowhere else to go.

6. Education and policy: There is a need for a variety of information and education programs, on rights and obligations under the Australian law, to be made available to newly arrived and already established migrants. State governments already collaborating with ethnic groups in the provision of teaching in community languages, could expand their roles to encompass information programs in areas of criminal, civil, industrial and family law. Migrant workers need to know how they can lodge complaints against, and protect themselves from, the exploitation of employers. While recognising the heavy demands to include new subjects in school curricula, there is a good case for making some basic instruction on law and legal processes part of the education of all children in Australian schools. Adults should be informed of Australian law relating to such matters as protection from enforced marriage, domestic violence, child abuse and the distribution of marital property and access to children in the event of marital breakdown. Simple and short leaflets could also be produced on bail procedures, information on legal aid and so forth, in several community languages.

Information needs to be provided on formal procedures for obtaining legal assistance and other professional advice, and on how to complain against unfair treatment by police, government administrations or service agencies. There are also clear needs for greater efforts in public education, to break down social stereotypes and misunderstandings, and in the other areas of youth and community development. All of these issues have a bearing upon inter-group relations and social order. Multicultural and educational media communications provide a powerful means to this end.

While migrants themselves remain in need of programs and policy which will inform them of their legal rights and obligations, governments are not absolved from scrutinising legislation to assure foreign-born citizens and their offspring equality under Australian law. Nor are law enforcement authorities absolved from the responsibility of addressing critical issues of policy and practice in the fair application of the law.

Areas for Future Research

Consistent throughout the figures since 1982, overseas-born prisoner rates (75.46 per 100,000 for 1985) have been significantly lower than those for Australian-born prisoners (107.53 for 1985). However, there has been a steady rise in migrant prisoner numbers. The national prison collections between 30 June 1982 and 30 June 1985, show a 1.2 per cent increase in overseas-born prisoner figures. However, in the years between 30 June 1981 and 30 June 1985 the total Australian population increased by 5.2 per cent, of which an estimated 1.3 per cent was by immigration (Department of Immigration, Local Government and Ethnic Affairs estimates, 1987).

Although a sharp rise was seen in prisoner figures among the Australian-born between 1984 and 1985, reversing an unusual dip in these figures in 1984 for both males and females, there was no such fluctuation in the migrant figures.

Between 1984 and 1985 Australian-born prisoner figures jumped by 12.8 per cent (939 persons) for males and 37.1 per cent (111 persons) for females. This, compared to 1982-1983 increases, 3.3 per cent (253 persons) for males and 27.7 per cent (70 persons) for females, shows an unusual escalation. Female prisoner rates among migrants also increased at a greater rate (13.2 per cent, 11 persons between 1984 and 1985) than migrant males (4.3 per cent, 89 persons).

In both populations higher rates among female prisoners must be attributed to the comparatively low numbers of female incarcerations. Female prisoner rates in both populations only marginally affected the overall rates. Male prisoner rates for both Australian-born and overseas-born persons clearly dominated these statistics (table 39).

Next to the Australian-born, persons from the United Kingdom and New Zealand comprised the largest numbers in prison. But analysis of prisoner rates by resident population revealed that a disproportionate representation was most noticeable among New Zealand and Middle East, particularly Lebanese, migrant groups.

It has been emphasised that this employment of the National Prison Census in the analysis of migrant prisoner rates, and of the nature and social background to migrant crime, should be seen as indicative rather than definitive. Much more work, comparing in more depth these factors over several years of collections, needs to be undertaken.

Further, the coincidence of a National Prison Census and a National Population Census in 1986 should make it possible to develop more precise analysis of offending patterns of migrant groups by state jurisdiction.

The kinds of questions one would like to ask of the existing literature on migrants and crime unfortunately either cannot be answered, or can only be answered in a very tentative fashion from

isolated and rather dated studies. As no consistent patterns emerge from state to state, it would probably be unwise to attempt to establish a classification of criminality by nationality on the basis of currently available evidence.

Well kept collections where they exist, such as South Australia, would provide some sound state-based analysis of migrant offending patterns and deserve systematic analysis.

In recent years the highest proportion of crimes committed by migrants appear to be crimes against the person and property and drug offences. Single, divorced or widowed persons, and persons between the age of twenty and thirty-four were the categories most likely to be convicted for offending among migrants. For Australian-born persons the highest proportion of crimes were against the person and property and against good order, and the most likely offenders were between the ages of twenty and twenty-nine.

There are many questions that might be asked for which as yet we have insufficient data. Why do longer term residents appear to commit more crime? Are second and third generation migrants more or less prone to offending? Are there detectable differences in offending rates between different cultural groups, or is offending more pronounced along age lines cross-culturally? Are migrants more prone to mental disorders, stress, suicide and domestic tension than the general population, or does the community-group buffer them more from the demands of wider society? Is there any clear connection between ethnic group solidarity and the control of crime? To what extent do domestic disputes add to the statistics of crimes committed by migrants against the person? Is sentencing discretion working in favour or against distinct racial or cultural groups? Why does group 'A' appear to commit more robbery and housebreaking offences while group 'B' is apparently free of them?

We cannot answer these questions with any degree of certainty. Some problems are not amenable to purely statistical analysis; and are very difficult to study particularly in closed communities, where a knowledge of language and culture may be necessary to successful research. Where low conviction rates coincide with a high degree of racial, social and linguistic insulation, for example, is this the result of a high degree of conformity to Australian law, or could it be that offences are not being reported but are being dealt with according to the group's own codes?

Finding answers to some of these questions will require the use of different methods of research - questionnaire surveys, the analysis of police, court and prison records, the establishment of independent data collections, the anthropological study of selected community groups, cross-cultural sampling, longitudinal cohort studies, or the analysis of the National Prisons Census over several years, for instance.

The suggestions for future research which follow have been clustered into fourteen broad categories:

1. Crime and culture

Our understanding of the cultural component of migrant crime, or the power of cultural norms and values in the deterrence of crime, is very limited. In his earlier analysis Francis asserted that neither language, age, nor marital status appeared to provide adequate explanation of crime rates among particular ethnic groups. There is a need to establish whether this is still the case. There is also a need to investigate the influence upon crime and deterrence of social organisation; cultural values - such as duty, honour and shame; and traditional sanctions - such as rumour, gossip and ostracism.

There would be value in a study of selected cultural groups, in which the incidence of crime or the reporting of crime was high, compared to groups in which it was relatively low. For comparative purposes it may be possible to establish an index of social factors, such as race, language, kinship, custom, religion and dress, which support group boundaries and which insulate and consolidate community affiliations.

In the light of social and cultural variations, the correlation between the degree of social insulation of the selected groups and their effectiveness in exercising social control and social sanction over their membership, could be explored.

2. Social encounters

Offending which has its roots in social hostilities can take many forms - juvenile street offences, violence, vandalism, theft, extortion and so forth. There is a need to consider the relationship between community infrastructure, inter-group relations, and crime. Cultural encounters and inter-group relations frequently precipitate incidents of conflict. Migrant groups are sometimes victims and sometimes perpetrators of crime. Inter-group hostilities, racist attacks, and on-going prejudice and persecution can often result from rigid group boundary keeping, boundary testing, and retaliation as a result of the breach of boundaries. A study of this would include the examination of social organisation, leadership, the mechanisms for social exchange, inter-marriage, conflict regulation, and the negotiation of arrangements which enable existing and incoming groups to share common residential environments.

3. Inter-group feuding

This would be a case study project examining inter-group feuding along ethnic, religious, or ideological lines. How feuding develops and the form which hostilities take - such as racial

slurs and mischief, discrimination and physical attacks, or stand-over tactics - need to be addressed. Where educational or conciliatory approaches have failed what civil or criminal justice options are there available to terminate hostilities? Would defamation or harassment charges hold prospects for the settlement of disputes of this nature or, indeed, even for protection from future attacks? To what extent do law enforcement and outside government agencies become involved in dealing with, or attempt to settle, feuds; and how effective are they in doing so?

4. Deprivation, crime, and migration

The original motives and socio-economic conditions under which decisions to migrate were taken and the subsequent conditions following settlement form part of the mental context of migrant criminality. To what extent are pre-migration expectations, experiences of settlement, employment hardships or exploitation, opportunities for self-help or lack of these, and personal ambitions, adduced by migrants themselves to explain criminal behaviour? What is the explanatory power of these observations to account for trends in migrant offending?

5. Domestic violence

Little is actually known of the impact of child, spouse or partner abuse upon migrant crime rates. A long-term survey of court and prison records of convictions of overseas-born persons for crimes emerging from the domestic environment, compared to those in the general population, would throw some light on this question. However, the extent to which domestic assaults are actually reported would seriously affect these statistics. The following would also need to be considered:

- the role of cultural values and domestic arrangements in the moderation or aggravation of family disputes;

- the role of the extended family in the support or the denial of the needs of its members suffering from domestic abuse;
- the manner in which ethnic group attitudes towards antisocial behaviour and family hierarchy dissuade or condone domestic tensions and abuse;
- the incidence of mental ill-health and stress among migrant families and their manifestation in domestic distress;
- the conditions under which these lead to more serious offending.

6. Generation, economic climate, and crime

Between 1971 and 1986 unemployment among teenagers increased six fold. What is the relationship between unemployment rates and juvenile crime? Are youth, generally, more prone to committing offences or is offending more pronounced along cultural-group lines? Are migrant youth more likely to commit offences than their parents were of the same age and sex? While unemployment has increased, clear trends of upward mobility have been noted among first and second generation migrant youth, in comparison to their migrant parents and grandparents.

There is a need to study how the economic climate impacts on migrant unemployment and offending patterns. This study could compare educational and employment status and age and sex distribution in a cross-cultural sample of the offending population. In the first instance, these factors could be explored using data already available in the National Prison Census. State correctional data may, in some cases, allow for more comprehensive study.

7. Generations of deviance

Are patterns of offending transferred from one generation to the next?

A controlled study of delinquent children, their parents and grandparents, may provide insight into the generational transfer of values and attitudes which lead to crime, or which must be rejected in order to commit crime by juveniles. Research could include a study of the effects of parental expectations and child raising patterns in inducing conformity, or in generating rebellion and delinquency in children, compared to those learned in the Australian milieu.

A comparison of older settled ethnic community groups, such as Italians and Greeks, and smaller, more recently arrived groups, such as Turks and Lebanese, with Australian-born families could be made in an exploration of cultural pressures upon juvenile offenders.

8. 'Street-wise' sub-culture

Does juvenile 'street-wise' activity represent freedom from the sanctions of the community group and an escape from conflicting values and expectations at home? Is juvenile street offending the beginning of learned criminal behaviour, or a brief diversion from norms which, in the majority of cases, will re-emerge in adult life-styles? Are minority group juveniles more likely to be arrested as a result of the higher profile they assume when they 'hang out' on the streets? Does the urban youth street-gang have a social boundary-keeping function, or is it primarily a response to boredom and a need for space and recreation?

An understanding is needed of the nature and extent of inter-group tensions in selected residential areas - such as Sydney's western suburbs, for instance - and how this environment can lead to juvenile offending.

The 'street-wise subculture' of migrant youth or children of migrants has been attributed to the breakdown of shared values, culture, and language between the generations. It would therefore be instructive to survey:

- juvenile attitudes toward the cultural values of their parents, and those of wider society;
- problems of migrant youth growing up in Australian society;
- attitudes towards cross-cultural friendship, dating, marriage and other forms of inter-group exchange.

9. Street offending

A pilot study carried out by the NSW Bureau of Crime Statistics and Research over a three month period in 1973 indicated that some migrant groups were disproportionately represented among those convicted of street offences.

Many ethnic groups bring with them traditions of street-located social activity. Some activities, such as congregating in the streets, cafe gambling, public shaming and intimidation, or the extraction of revenge and compensation, offend against Euro-Australian sensibilities.

Over a decade later, it would be important to ascertain whether street offences still comprise a substantial proportion of migrant convictions through a broader based analysis of convictions in a selection of metropolitan lower courts. In addition to the nature and frequency of migrant street offending the circumstances under which crimes against the person and property and against good order are committed, and the cultural component of street activity which clashes with Euro-Australian customs and laws could also be examined by a closer study of particular cases.

10. Length of residence and crime

Earlier studies indicate that there is a positive correlation between length of residence in Australia and crime among migrants. Further research is needed to test this finding, with regard to other factors such as unemployment, age, sex and degree of integration.

Higher unemployment, for instance, has been noted among more recent arrivals. However, it appears that offence rates among migrants tend to increase with duration of residence. That is to say, longer term migrant settlers are more likely to be employed but are also more likely to be convicted of offences than more recent arrivals. Like other apparent anomalies in migrant offending patterns, future research will need to ascertain whether this is still, or is in fact, the case and to seek explanation.

For instance, factors of acculturation may account for a creeping alignment of migrant rates of offending with those of the Australian-born, particularly as traditional deterrents and sanctions of the group give way to individualistic values. On the other hand, a large proportion of offenders might actually emerge from that sector of the migrant population which has experienced hardship or unemployment over a longer period of time. As dreams for a better life fade, frustrations in employment increase, and material inequities become more apparent, the unsuccessful older settler may either succumb to illicit means of making a livelihood or may be found to commit the kinds of offences characteristic of the desperate and despairing (offences against the person, alcohol related offences, street offences and so forth).

11. Organised crime

Has there been a systematic importation of criminal elements into Australia? Rising figures on drug offending are of particular concern. Reports of ethnically-based crime syndicates are difficult

to substantiate without the collection and analysis of cases known to be most commonly associated with organised crime. In addition to a review of cases involving large scale immigration, prostitution, extortion and drug racketeering this analysis might include tax evasion, fraud, and other business or white-collar crime.

It is likely that only major crime commissions or investigating authorities would have the resources to adequately trace:

- patterns of racketeering among a selected sample of migrants;
- the subject's history of offending in their natal country;
- the extent to which these patterns are similar to offending patterns in Australia;
- the extent to which inter-group hostilities, feuds, and criminal organisation are also being imported.

12. Policing migrant communities

There is widespread interest in the general issues of police practice and accountability, and preventative policing. A frank and informed analysis of the police persona in the world of the migrant is well overdue. A study of broadly-based issues of police/race relations, policy-making at the managerial level, and policy implementation in the lower ranks, and the identification of likely and needed change should provide the background to more immediate questions of policing practice.

Policing methods of apprehension, interrogation, and detention represent the most prominent source of concern to migrant communities, particularly those of non-English origin. Less

obvious, however, is the loss of status and co-operation which the police force suffers when police/public relations are poor. Developments in community policing may overcome some of these problems.

The greatest potential for misunderstanding and misjudgement of a situation occurs in the cross-cultural context. Migrants are frequently ignorant of their rights and obligations under Australian law. It must equally be asked whether police recruits and street officers are sufficiently prepared for, and supported in, performing their duties among migrant communities. A review of legislation which affects police policy making and implementation, and the scope of this legislation in inhibiting racial and cultural misunderstanding, should be included. Are police forces with ethnic recruitment and community liaison units actually having an impact on police/community relations?

13. 'Foreignness' and 'Fairness' in sentencing discretion

There is considerable concern about racial discrimination in the criminal justice system. However, little is actually known about racial and cultural difference and the sentencing of offenders; or indeed of those who are not received into custody. In her recent study of the ethnicity of prisoners in Britain, Monica Walker pointed out that none of the studies in the past have made any clear inferences that there are differences in sentencing of different ethnic, or linguistic groups, nor have they soundly disqualified this possibility. As in Britain, there is little actually known about the exercise of sentencing discretion and ethnicity. Variations between jurisdiction, ethnicity, court level, and length of sentence are complex influences requiring study (Walker 1987).

There is a need to explore the relationship between legal and judicial perceptions of 'foreignness', witness reliability, and rates of conviction. In evaluating the evidence and honesty of a

defendant do aspects of race and class influence judicial decisions, such as the issuing or withholding of bail and the length of sentence? Do conviction rates differ where interpreters and legal representation are present?

A comparative study of sentencing practices, in a range of cases concerning English and non-English speaking defendants, could be conducted in several courts.

14. Community and Reform

Underlying every preventative policing and community development program is the theme that the 'community is one of our largest untapped resources'.

Post World War II western society has been characterised by trends of urbanisation, deculturalisation, individualisation and social alienation. In many spheres of government action, designed to remedy the consequences of these trends, the 1970s began a phase of rediscovering the community.

The overstretching of the criminal justice system, particularly prison and detention facilities, has led in the 1980s to the development of alternative, community-based correction schemes. As these programs are still relatively new this area would lend itself to action-oriented research. A study of minor offending among migrant groups and their need for, or participation in, community-based treatment, rehabilitation and community correction programs would be most constructive. Recommendations on the extent, and manner in which community groups could become involved in community service order programs and post-release schemes, for instance, could be made following a detailed analysis of community infrastructure, leadership, and willingness to become involved.

Concluding Comments

One of the uncontested lessons of the recent history of multicultural societies is the need for a healthy community base. We need to consciously, and without apology, establish mechanisms for inter-group cohabitation. We need to implant in early childhood a tolerance and an appreciation of difference. We need to teach adults and children alike, skills of communication, mediation, negotiation and other forms of non-adversarial exchange. We also need to teach an understanding of the law.

Recognising the necessity to respond to the realities of multiculturalism is not an argument for the diversification of the Australian legal system. In an environment of competing cultural and social values one can recognise the stabilising and integrative influence of a single system of law. The question is not so much whether there should be one or several systems of law, but whether the predominant system is sufficiently attuned to the diversity of the society it serves. There are large areas of discretion, particularly in policing and sentencing, where migrant customs can be considered and taken in account (The Australian Law Reform Commission 1986, pp. 120-21).

Traditional definitions characterise deviance as a manifestation of individual pathology, or of certain types of behaviour which are an affront to the beliefs, practices, and values of the social group. Law and morality are intrinsically entwined in society's definitions of crime. In reality, there is significant overlap and agreement between different cultures on what constitutes immorality and criminal offence.

But where social norms and customs are different what is perceived to be 'deviation' from these norms will also differ. It is those areas where there is no consensus which can so easily ensnare an uninformed citizen. On the whole these areas of uncertainty tend to involve less harmful offences. Most societies are intolerant of violent assault, whereas there would doubtless be less consensus

upon the antisocial or harmful nature of a quiet gambling game at the local cafe, or the acquisition of more than ten abalone in a day's fishing.

But a society which depends solely upon the constructs of its criminal justice system as a means of maintaining social order will be a society riddled with crime. Unwieldy administrations have never been, nor should they become, substitutes for the pervasive socialising influences of family, religion, and community group. Wherever the social and moral foundation of a community group has been rent - as in the case of Australian Aboriginal people - this foundation has been almost impossible to reconstruct.

Australian law has been described as the last bastion of policy and practice to accommodate the new realities of multicultural Australia. There are areas in which the operation of the criminal law are dysfunctional. Through ignorance or inability, non-English speaking persons are frequently not protected by the very principles which that criminal law espouses. The most obvious of these, of course, is when a non-English speaking suspect is undergoing questioning by police or is unable to communicate his or her case adequately in a court of law. Any adjustments to policy and practice which are made to adapt our legal system to the new demands of multiculturalism would seem a small price to pay, if they could assure that standards of efficiency, impartiality, and 'equality before the law' are maintained.

In Australia, as in many other western countries, a common source of irritation is the point of disjunction between the cultural norms and aspirations of one group and another. In an age of increasing universality, multiculturalism will not go away. Nations will have to contend with intergroup hostilities, cultural shock, conflict of values and normlessness as indigenous and immigrant communities are successively invaded by the mass media, education, and the general lifestyles of dominant populations.

Dominant society is not itself unaffected by this interaction. Crime is only one form of response. Racial tensions, marital breakdown, mental illness, or the emergence of juvenile subcultures are other forms. On the other hand, the emphasis upon self-help, cultural exchange, and upward mobility may have more integrative consequences. It is certainly clear that better communication and more effective mechanisms of intergroup liaison, conciliation, and contract will need to supplant present day experiences of prejudice, fear, and incomprehensibility. It may well be that as we better understand the factors that promote or inhibit criminality among the most recent Australians we will also better understand the criminal behaviour of established Australian society.

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