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Mick Palmer and Barbara Murphy[*]

Violence in the Northern Territory

The Northern Territory has all too often been branded the 'crime centre' of Australia. Admittedly it does too frequently top the list in relation to crimes of violence—particularly crimes such as homicide and serious assault. But, as is frequently the case, the statistics present an incomplete and misleading picture.

With regard to the rest of Australia, NT crime statistics for homicide and serious assault are quite anomalous. While the homicide rate for other jurisdictions, and the nation as a whole, remains low and relatively constant, the NT rate fluctuates widely and is consistently more than five times greater than the comparable rates for other jurisdictions. The rates for serious assault are also alarmingly high.

So what is so unique about the

Mick Palmer

Territory that its crime rates for certain offences eclipse those of other jurisdictions? What factors are operating to 'promote' the commission of criminal offences in the NT?

For those unfamiliar with the NT, the jurisdiction covers an area of 1 346 200 km². It has a population base of 156 100 which is distributed between a small number of main centres: Darwin (73 000), Alice Springs (23 600), Katherine (7400), Tennant Creek (3000) and Nhulunbuy (3500). Racially, it is a very mixed society and almost a quarter of the population is made up of Aboriginals or Torres Strait Islanders.

The NT is policed by a force of 704 sworn officers (or approximately 450 police officers per 100 000 population). On a per capita basis, the NT is thus the most policed jurisdiction in Australia. Even this higher than normal police presence has, it would seem, failed to suppress the commission of violent crime.

As we all know, crime is a very complex social phenomenon and many of its causal factors are still beyond our understanding. Although a great deal of research has been undertaken in this area, we are still unable to say with any great authority what factors are directly linked to crime.

Having said that, however, the following conditions which prevail in the NT clearly contribute to our higher crime rates:

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- □ the high rate of alcohol consumption (the mean consumption of absolute alcohol by persons aged 15 and over in the NT for the year 1986–87 was 20.3 *l* compared to a national figure of 11.1 *l*);
- □ an over-representation of males in the NT population (52.8 per cent as opposed to 47.2 per cent females—as at 30 June 1986);
- □ the low median age in the NT (25.1 as opposed to the national median of 30.3—as at 30 June 1986);
- □ the transient nature of the NT population and the absence of 'extended' families;
- □ the style of architecture prevalent in the Territory (e.g. louver windows) which means reduced security and increased opportunity for criminals;
- □ the climate, which means people are active and outdoors and often leave windows and doors open for the cooling effect;
- □ the lack of employment and leisure opportunities, particularly for Aboriginals in certain communities;
- □ the 'last frontier' mentality of many young males; and
- □ the cultural disintegration obvious among many Aboriginals.

With regard to the last factor, the effect of Aboriginality on crime rates has been examined in some depth. Indeed, research has shown that homicide rates for Aboriginals appear to be as much as 10 times that experienced by the general population (National Committee on

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SHOCK OVER NT CRIME FIGURES!
The Territory was branded today as the crime centre of Australia. The latest figures show that we live in the most violent and crime-prone area in the country . . .

NT News, Monday 26 December 1988

Violence 1990, p. 36). In addition, Aboriginals, in proportion to their population, are 10 times over-represented in the Australian prison population (Wilson 1988).

A study undertaken by Cox (1989) into homicides in the NT for 1988 casts some light on the situation with regard to violent crime. The major findings of that study, which comprised a sample of 28 homicides, were:

☐ male homicide suspects outnumbered female homicide suspects (19:3);

☐ whilst women constituted only a minority of homicide suspects (13.1 per cent), 32.1 per cent of victims were female;

☐ the majority of suspects and victims were from the 20–39 years age group;

☐ the majority (69.6 per cent) of suspects were of Aboriginal descent, with 21.7 per cent being of non-Aboriginal origin;

☐ 82.1 per cent of victims were of Aboriginal descent;

☐ 25 per cent of offences occurred in urban areas whilst the remaining 75 per cent occurred in the rural area;

☐ a firearm was the most popular weapon (35.7 per cent);

☐ 78.3 per cent of suspects were considered to be affected by alcohol at the time of committing the crime;

☐ 60.7 per cent of victims were affected by alcohol at the time of the offence; and

☐ 86.7 per cent of suspects and victims were either related or acquainted with each other.

The study concluded that alcohol appeared to be a significant contributory factor in relation to homicide offences. It also noted that, given their population in the NT, Aboriginals were over-represented both as victims and offenders.

Although the rates of violent crime in the NT are high, the reality is that residents of Darwin, for instance, see their environment as safe and relatively free of violent crime. They are not prisoners in their own homes, too terrified to venture out into the night or to walk the streets.

The homicide statistics referred to above show that homicides are occurring in the rural area, largely amongst Aboriginals and do not often involve 'stranger' killings. Thus, the typical Darwin resident is generally not a victim of this type of violent crime.

Although the NT crime statistics appear at first sight to portray the Territory as a highly violent and crime prone area, several factors should be taken into consideration.

First, there are problems with data comparability for offence data from different jurisdictions. Thus, any comparison between jurisdictions should be undertaken with caution.

Second, the current statistical system used by Australian police forces is offence-based and not incident-based. This means that one incident, which could involve the murder/manslaughter of multiple victims, would be recorded in a statistical table as the number of victims, distorting the actual probability of such a violent *event* or *incident* occurring. For example, although there were 28 homicides in the NT in 1988, there were only 23 'incidents' of homicide. In one case, there were five victims and, in the other, two.

Third, the actual extent of reported crime, as reflected by the statistics, may not be a good indication of the actual incidence of crime. It should also be recognised that, as the public's confidence in police increases, so too does the frequency of reporting.

Rather than a fear of becoming a victim of violent crime, perhaps the most highly visible and worrying aspect of life in the NT is the incidence of public drunkenness and the crime which accompanies it.

In the period 1988–89, some 25 665 persons were taken into protective custody. When one considers the total NT population base, this figure is indeed high. A study by Brewer (1988) showed that the NT rate per 1000 population for 'official interventions in drunkenness' was often 10 times higher than those of other Australian jurisdictions.

Whilst drunkenness invariably contributes to overall crime rates, this high level of *public* drunkenness may in fact be contributing to an increased level of 'fear of crime' in the community.

Of course, much more needs to be done to measure 'fear of crime' levels in the community and to determine which crimes must be targeted as a priority by police. In this respect, 'Fight Crime Committees', which have recently been established in some of the major NT centres, will be of value in setting an agenda for police which meets community needs and expectations.

Community surveys will also be essential. Crime statistics only indicate the

incidence of crime reported to or becoming known to police and do not quantify the 'dark figure' of unreported crime. Domestic violence, in particular, is an area where the extent of the problem in the NT is simply unknown.

And what is the NT Police doing to lessen the incidence of violent crime?

While law enforcement agencies have a critical and central role to play in the prevention and suppression of violent crime, it must be stressed from the outset that law enforcement agencies are not the panacea for crime. Far from it.

Figure 1
Reported crimes against the person—Northern Territory, 1988-89

Type of offence
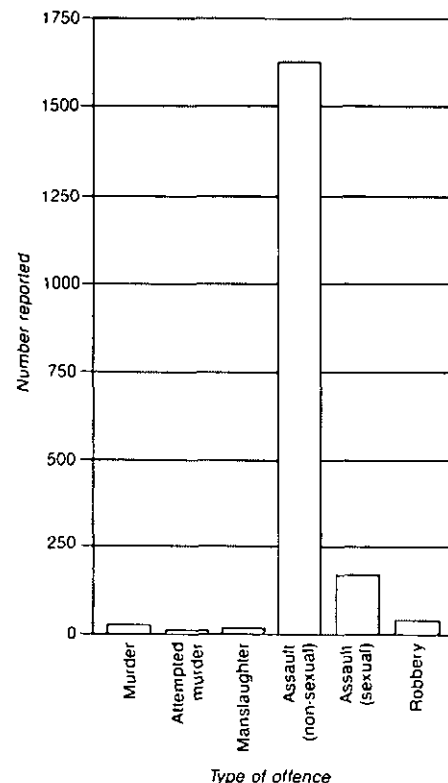
Barbara Murphy

NT TOPS CRIME, VIOLENCE LISTS

At least 10 alleged murders, several attempted murders, rapes and countless assaults—the statistics tell us the Territory's crime rate is the highest in the country . . .

NT News, Saturday 31 December 1988

Violent crime is a problem for which the community must accept primary responsibility. It has become abundantly clear that in order to be effective, society must attack the root cause of crime rather than just the symptoms. In the fight against violence, a fundamental re-orientation of policing is needed if a significant impact is to be made on the incidence or prevalence of crime.

In the Northern Territory, the police response to these challenges has been a move towards 'professional partnership policing'—a style of policing which will essentially involve:

☐ **Strategic policing** which would emphasise increased capacity to deal with those crimes (including organised crime) that are not well controlled by traditional methods and which require the police response to be broader, more sophisticated and more pro-active.

Such policing would be supported by a range of investigative and patrol methods which would include intelligence operations, video recording of suspect interviews, undercover 'stings', electronic surveillance and sophisticated forensic technology (including DNA profiling), and require specialist investigative capabilities (perhaps in the form of multi-disciplinary task forces).

☐ **Problem solving policing** which requires police to widen their repertoire of response to crime (beyond patrol investigations and arrest) by expanding their involvement into negotiation and conflict resolution. This aspect will also involve a 'multi-agency' and hence a multi-disciplinary approach to crime.

☐ **Community policing** which would go even further in its efforts to improve crime control and the success rate of crime prevention. Such an approach requires the creation of an effective working partnership between the community and police, such as already exists in many small communities on an ad hoc basis. This particular aspect of professional partnership policing recognises the fact that police cannot succeed in achieving their basic goals without both the operational assistance and political support of the community.

Other aspects to the re-orientation of policing will be the marked growth of crime prevention strategies; enhanced training for police with greater emphasis placed on conflict resolution and liaison skills; research into the causes of crime and the most effective intervention strategies; the use of community surveys; the formation and expansion of 'Fight Crime Committees' or community consultative groups; and increased attention being given to the welfare of victims of crime.

Table 1
Reported crimes against the person—Australia, 1 January to 30 June 1989

Level/Offence	Rates per 100 000 population[a]								
	NSW	VIC	QLD	WA	SA	TAS	NT	ACT	AUST
Homicide									
* Murder	0.71	0.72	1.00	1.14	0.28	0.22	2.56	1.44	0.78
* Attempt murder	0.71	1.49	1.96	0.51	1.55	2.00	3.20	0.36	1.22
* Conspiracy to murder	0.02	0.00	0.07	0.00	0.00	0.00	0.64	0.00	0.02
* Manslaughter (excl. by driving)	0.26	0.23	0.21	0.06	0.00	0.00	2.56	0.00	0.21
Assault									
** Assault occasioning grievous bodily harm	6.47	50.75[b]	6.69	9.37	4.44	3.11	8.95	3.97	
** Other non-sexual assault	203.85	109.57	155.51	229.59	315.83	157.59	490.41	105.74	
** Sexual assault	19.33[c]	25.07	37.96	44.12	35.06	21.12	36.45	7.94	
* Kidnapping for ransom	1.93[d]	0.00	0.07	0.00	0.35	0.00	0.00	0.00	2.62[d]
** Abduction/ deprivation		2.72	3.81	4.56	1.48	0.44	1.28	0.00	
Population estimates ('000)	5 752.8	4 303.1	2 808.1	1 579.8	1 420.4	449.9	156.4	277.1	16 747.6

Notes:

The number of asterisks in the 'level' column denotes the interstate comparability level: * comparability acceptable; ** danger in comparison.

(a) Based on Australian Bureau of Statistics estimates as at 31.3.89 (obtained on 10.8.89). Rates quoted for each state/territory (excluding the ACT) include offences reported or becoming known to the Australian Federal Police.
(b) Includes the offence category 'serious injury'.
(c) Includes the offence category 'incest'.
(d) Jurisdiction cannot separate between specified offence categories.

To meet this challenge the organisation of the Northern Territory Police has been restructured. The commissioned officer ranks have been flattened and broadbanded to create two ranks from what were previously four. This will allow more meaningful authority levels, greatly enhanced potential for development, simplified and more efficient lines of communication, enhanced autonomy and delegatory ability, and
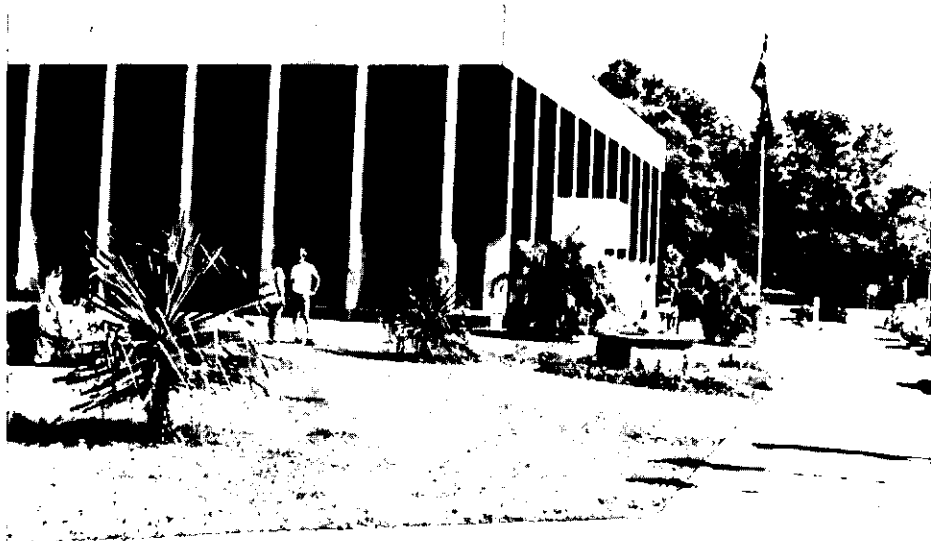
Darwin is a modern, attractive city. It shows very little of the violence the statistics attributed to the Top End.

Photo courtesy The Canberra Times

significantly improved organisational flexibility.

As has been pointed out:

The traditional police agency, by its very design, function and structure, has had little impact on those factors that seemingly contribute to crime. In fact, it could be argued that the reactionary nature of the Police, i.e., involvement after a crime has been committed, has prevented them from assuming the proactive posture necessary to control a phenomenon that they have little power or authority to design, reshape or change. (Brown 1989, p. 32)

The failure of traditional policing strategies to impact significantly on crime has been well documented.

There is also a recognition that a number of factors have operated to impede police effectiveness in this area. These include a lack of appropriate police powers and a legal system wherein evidentiary rules militate against the search for truth and too often result in the guilty offender walking free.

To this end, the Australian Police Commissioners have given the National Police Working Party on Law Reform (NPWPLR) the task of looking at issues such as roadblocks, evacuations and ID parades. The NPWPLR is to undertake a project entitled 'Reality over Legality' whereby arbitrary obstructions to criminal investigation and prosecution will be identified and a submission prepared advocating reform of the law in such areas. Moreover, the NPWPLR has been requested to review the recommendations of the National Committee on Violence report (1990), to establish each jurisdiction's position in relation to relevant recommendations and to develop 'model' legislation, practice and procedure for domestic violence, firearms, child sexual abuse, police/Aboriginal relations and violence by and against police.

Figure 2
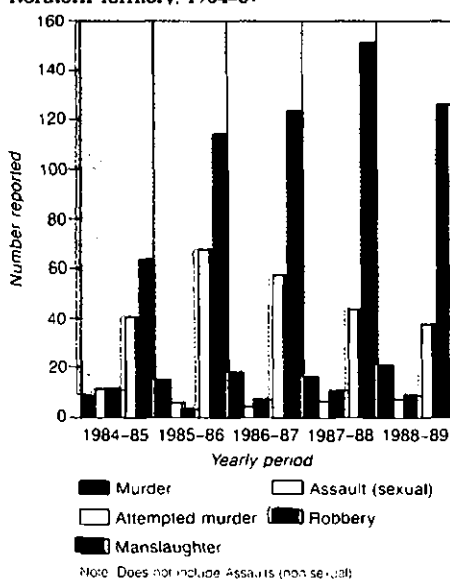**Reported crimes against the person—Northern Territory, 1984-89**

Note: Does not include Assaults (non-sexual)

Table 2
Reported crimes against the person—Northern Territory, 1979-89

Offence	Number of offences reported each year									
	79-80	80-81	81-82	82-83	83-84	84-85	85-86	86-87	87-88	88-89
Murder	17	14	14	22	15	8	14	18	15	19
Attempted murder	4	7	7	0	1	11	6	3	5	6
Manslaughter	6	1	2	5	5	10	4	7	10	9
Serious assault	496	753	1114	1085	1048	—	—	—	—	—
Assault (non-sexual)[a]	—	—	—	—	—	1138*	1375	1432	1513	1635
Rape and attempted rape	24	38	38	36	37	—	—	—	—	—
Assault (sexual)[b]	—	—	—	—	—	62*	114	124	152	127
Robbery	19	32	39	28	17	40	67	58	43	38

(a) Includes grievous harm, bodily harm, aggravated assault, common assault and assault police.
(b) Includes sexual assault, indecent assault and indecent assault on a child
* Introduction of Criminal Code 1 January 1984.

Figure 3
Reported assault (non-sexual)—Northern Territory, 1984-89
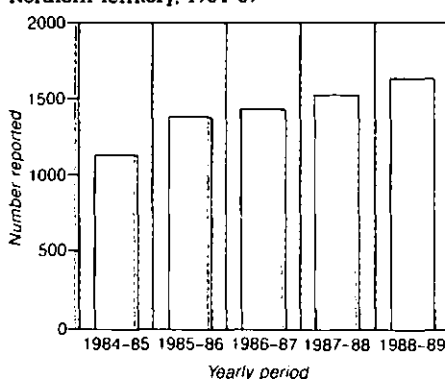
The NT Police are also involved in an Inter-Departmental Committee which has been established to review the recommendations of the NCV report and to oversight the implementation of relevant recommendations.

Within the Northern Territory Police, both attitudes and practice and procedure have dramatically changed, and are about to undergo even further change. We have recognised that the time has

Table 3
Police initiatives—Northern Territory 1980-89

Program	Date introduced
Junior Police Rangers	June 1985
School Based Police	September 1984
Neighbourhood Watch	July 1988
Safety House	June 1985
Blue Light Discos	1981
DARE	July 1988
Youth Diversion	July 1987
Electronic Recording of Interviews	August 1988
Conflict Resolution Training*	May 1987
Domestic Violence Training*	May 1987
DNA Profiling	(Proposed)
Automated Fingerprint Identification System	February 1987
Australian Drug Data Base	(Proposed)
Violent Criminal Apprehension Program	(Proposed)
Domestic Violence Legislation	October 1989
Post Arrest Detention Power	March 1988

* Currently four days of recruit curriculum.

come to be innovative, enlist the support and assistance of the community, and to refocus the energies of the organisation. There is a need to develop local strategies and to create an environment in which delegation and local autonomy can be maximised and centralisation and duplication minimised.

Critical and fundamental changes have already been made which will change forever the face of policing within the Northern Territory and which will, in the next five years, make the Northern Territory Police Service a field leader in the area of effective, personalised, interactive policing. As a direct result of this new strategy, it is hoped that the NT Police can reduce the incidence of violent crime, minimise levels of 'fear of crime' in the community and enhance the quality of life for Territorians.

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Roberta Perkins, Frances Lovejoy
and Marina*

'PROTECTING THE COMMUNITY'

Prostitutes and public health legislation in the age of AIDS

When Kings Cross prostitute Sharleen was incarcerated in a public hospital against her will for the 'protection of the community' this action had serious implications for prostitute women across the country. The New South Wales Government applied an almost obsolete law from the *Public Health Act 1903* to arrest Sharleen and place her in medical custody in August 1989 which states under Section 32A(1):

A medical officer of health or a legally qualified medical practitioner authorised in any particular case in that behalf by the Secretary made by order in writing direct that the person therein (being a person suffering from an infectious disease) be removed to the hospital named in the order (being a hospital available for the reception and treatment of persons suffering from the infectious disease) . . .

Health laws in other states

Similar laws exist in other states, for example, in Victoria's *Health Act 1958*, S. 128.1, Queensland's *Health Act 1937*, S. 36, South Australia's *Health Act 1935*, S. 143, Western Australia's *Health Act 1911*, S. 263, and Tasmania's *Public Health Act 1962*, S. 28. To date these laws have not been used to stop a prostitute's operations as in New South Wales. And there is probably no reason to do so in the event of an anti-body positive prostitute because, unlike New South Wales, criminal laws prohibiting prostitution activities exist in these states which would enable police to harass an

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infected prostitute out of business and even eventually have her gaoled, where medical officials in the corrective services could isolate her, treat and counsel her. But in any case she would be out of 'harm's way', no longer a potential threat to men and their families, which are the real concern of the health authorities.

What is significant here is the different application of laws for the same purpose. In all states but New South Wales prostitution activities are illegal in one sense or another, and this provides police with enormous powers of control over prostitutes without having to appear to be discriminatory towards an individual or incurring reactions from civil libertarians over the rights of the individual as occurred in New South Wales. Even civil libertarians in these states have become so accustomed to the criminalising of prostitutes that the commonplace arrest and imprisonment of these women hardly raises an eyebrow. In Victoria, where a system of legal brothels exists and all other forms of prostitution are subject to criminalising laws, police may be assured that a brothel manager would quickly eject an anti-body positive prostitute in order to avoid cancellation of licence and she could then be dealt with by the police if and when she attempted to do sex work elsewhere. Decriminalisation of prostitution through the repeal of criminal laws pertaining to prostitutes is no guarantee of the removal of legal discrimination of prostitutes, as the Sharleen incident in New South Wales clearly indicates. The problem here is not one of law so much as it is one of popular misconception.

'She was a prostitute and was therefore a danger to the community at large, so the popular rationale went . . . she was, in fact, being punished for being a prostitute, not for being an AIDS carrier.'

Photo courtesy The Canberra Times

The Contagious Diseases Acts

One of the most persistent misconceptions visualises prostitutes as major vectors of disease in the community. Such attitudes led to nineteenth century colonial authorities in Australia introducing versions of the English *Contagious Diseases Acts* to Victoria, Tasmania and Queensland. The latter was a particularly nasty piece of legislation for prostitutes in Brisbane and varied significantly from the English original, which was applicable only for the protection of army and naval personnel. The Queensland legislation, *Prevention of Contagious Diseases Act 1868,*

In which provision was made for the examination of prostitutes at regular periods; for the establishment of Lock Hospitals within the colony, to which the diseased were to be sent and detained until cured. (Cumpston 1989)

was designed to protect the entire civil community. In other words, the Brisbane

prostitutes were held responsible for everyone's sexual health, not just service men stationed in the colonial barracks. Much the same attitude continues in the arrest and incarceration of Sharleen. No one listened to her when she said she probably got infected through needle sharing, not commercial sex, and nor did they listen when she insisted she used condoms with every client. She was a prostitute and was therefore a danger to the community at large, so the popular rationale went. 'The full weight of the law must be used to stop her', thundered the Minister for Corrective Services, Michael Yabsley (*Daily Telegraph* 8 July 1987). No one listened to Sharleen because of the long association of morality with the law; she was, in fact, being punished for being a prostitute, not for being an AIDS carrier.

HIV/AIDS in prostitutes

In a recent study carried out for the American Social Health Association the conclusion made was that, whilst prostitutes have long been regarded as a

'reservoir' for transmitting STDs, their situation in the AIDS epidemic follows a different pattern: non-drug using prostitutes bear a low risk factor for infection with human immunodeficiency virus (HIV), while the drug-users are at a much higher risk through sharing needles (Rosenberg & Weiner 1988). This scenario concurs with Sharleen's story. But, regardless of the initial cause of the infection, even with Sharleen not using condoms, how much of a risk is she?

In one East African study 8.2 per cent of 293 seronegative men visiting mostly HIV infected prostitutes without prophylaxis were converted to seropositivity. These men were found to be frequent visitors of prostitutes, were uncircumcised and infected with genital ulcer disease. The authors concluded that female to male transmission of HIV is most likely associated with these independent factors (Cameron 1989). American studies in 1986 found that only about 2 per cent of male AIDS cases acquired HIV through heterosexual transmission compared to 27 per cent of

female AIDS cases being infected in the same way (Richardson 1987, p. 31). Clearly, women are much less a potential threat to men than vice versa in the transmission of HIV. Where women are most likely to be a danger is in the case of independent other factors associated with men or in association with a coinciding STD infection in the woman. In other words, the risk factor of female to male transmission is very low even without prophylaxis, and virtually impossible with it. Sharleen was hardly a risk at all, which makes it socially significant that the legal action against her in the name of 'protecting the community' focussed on her role as a prostitute, rather than as a drug-user.

The same public attention was not given to Sharleen's practice of sharing needles because the government and the community consider addicts and their partners more expendable lives than clients and their families, the 'innocent' victims of the AIDS epidemic.

The authors of this article have been conducting research into prostitution and AIDS risk. Part of our study lends support to the mounting evidence in favour of prostitutes per se as a low, rather than high, risk group. Moreover, it also found that if these women are at risk of contracting HIV at all it is more likely to be in their private sex relations than in their commercial sexual practices.

Prostitute sample of Sydney and Canberra

Our survey of parlours (brothels) in Sydney, Canberra and the NSW north coast conducted between March and August 1990 resulted in a random distribution sample of 153 prostitutes. Over a third of them had also worked in private ('call girl') businesses, nearly half had done escort work, 19 per cent had worked in bars or clubs, and 13 per cent had worked on the streets. Thus, these women had wide experiences in the sex industry. Over 70 per cent of them were aged 19 to 30, a quarter were over 30, and 3 per cent under 19 years of age. 63 per cent of them had commenced their careers as prostitutes between the ages of 19 and 30, 20 per cent had done so between 16 and 18, 12 per cent over the age of 30, and 5 per cent under 16.

The prostitutes had quite diverse social backgrounds. The fathers of 40 per cent of the sample were professionals or executives, the fathers of a third were tradesmen, transport drivers or factory workers, while the rest were divided

'Over two-thirds of the women saw between 16 and 40 clients in a "good" week, while in a "bad" week over three-quarters saw 20 or less clients.'

between farmers, clerks, servicemen, the unemployed and others. Over 13 per cent of the women were married for the first time, 17 per cent remarried, divorced or separated, a quarter living in de facto relationships, and 44 per cent were single (never married). 40 per cent of the women have children.

Over two-thirds of the women saw between 16 and 40 clients in a 'good' week, while, in a 'bad' week over three-quarters saw 20 or less clients. Nearly two-thirds of them claimed to have a 'bad' week every second week. Most of the women, therefore, saw an average of 25 clients a week.

In their private (non-prostitution) lives the sexual pattern for these women was very different. Nearly a quarter were in monogamous relationships, and 12 per cent had no sexual partners whatsoever. The rest had varying degrees of promiscuous sex lives, ranging from many brief encounters to casual lovers. Nearly 5 per cent of the women said they were exclusively lesbians in their private lives and 13 per cent were bisexual.

Although the risk of infection exists in both private and commercial sexual activities, avoiding pregnancy seems to have a higher priority in private sexual relations, except among the 16 per cent who said they were trying to fall pregnant. The use of condoms as a prophylaxis has an uneven distribution in both lifestyles. While over 97 per cent of the women used condoms at work, less than 47 per cent do so in private sexual relations. While over 97 per cent used protection always or almost always (1.3 per cent) at work, only 60 per cent always used protection in private sex, 11 per cent did so almost always, and 12 per cent never did.

Sex in private, STDs and drugs

Three reasons most often given by the women for having unprotected sex in their private lives are:

☐ protected sex reminds them too much of work (20 per cent);

☐ sex is enjoyed more without condoms (16 per cent);

☐ condoms are unnecessary in a monogamous relationship (22 per cent).

Clearly, the first two reasons are attempts to distinguish between work-related activities and the emotional sex enjoyed in private relations, whilst the last reason reflects the women's trust in their husbands and lovers to be faithful. But, it is this distinction between work and love that makes the women vulnerable.

This situation is reflected in women's record of STD infection. Over 50 per cent said they contracted a disease in their private sex lives, compared to less than 40 per cent who did so at work. Thus, in

'In their private (non-prostitution) lives the sexual pattern for these women was very different. Nearly a quarter were in monogamous relationships, and 12 per cent had no sexual partners whatsoever.'

spite of extremely high ratios of sexual partners at work, the women were infected much more often in private relations. In other words, their highest vulnerability to infection is in the same sexual situations as other women, rather than in prostitution, as is often assumed. Incidently, the occurrence of thrush, an infection not necessarily contracted in sexual relations, was almost three times as high as chlamydia, the next most frequent disease. None of the women had HIV or AIDS.

13 per cent of the women used intravenous drugs, but only 6 per cent did so once or more often a day. 7 per cent had shared a needle up to four years ago. Although this risky behaviour may be more potentially dangerous for AIDS infection than unprotected sex, needle sharing is not commonly practised by these prostitutes.

Conclusion

This study clearly indicates that prostitution, as practised by this representative sample of prostitutes, is a low risk activity for HIV/AIDS infection. However, their vulnerability to infection is much higher in their private lives, which, like many non-prostitute women, is due to the extent of trust in the fidelity of their menfolk in monogamous relationships. On the basis of these findings and recent medical evidence indicating a low or negligible incidence of HIV/AIDS in heterosexual prostitution in Australia (Philpot 1988), we urge the state governments of this country to review their health legislation so as to avoid perpetuating the legal discrimination of prostitutes when, as in the case of New South Wales, decriminalisation of the prostitution laws takes place.

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Michael Bersten*

Why the relationship between police and politics should be codified in Australia

After the release of the *Fitzgerald Report* into allegations relating to the Queensland Police and Government on 3 July 1989, there can be no reasonable doubt that the relationship between the police and the political process is a major problem. Public inquiries touching on other police forces in Australia confirm this. This article puts 10 reasons why this relationship should be codified. As background, some general comments about police reform in Australia are in order.

Michael Bersten

Police reform in Australia

The last two decades have been times of trouble for the police in Australia, highlighted by public inquiries and the media: police involvement in corruption and organised crime; inter-force rivalry and internal factionalism; police defiance of democratic institutions; and the politicisation of policing.

This period has also been a time of change for the police in Australia and most police forces have developed significant internal security units. Throughout Australia complaints against police may be investigated by external systems such as Ombudsmen or Police Tribunals. In NSW there is the Independent Commission Against Corruption and the Police Board. In Queensland there is the Criminal Justice Commission. New law enforcement

agencies, such as the National Crime Authority and the NSW State Drug Crime Commission, have developed.

For all that, systems have not been put in place to determine the effectiveness of the police nor of the reforms relating to them. Criteria for evaluation have not been established, relevant data has not been collected and the required analysis has not occurred.

Accordingly, there is no rational basis for making sense of what impact the reforms have had on the troubled times besetting the police in Australia.

The only certainty is the experience of a lot of problems and a lot of solutions. A case by case approach has been taken. Reforms appear to have meandered with the prevailing political moods. Looking at this experience in its totality it is hard to see coherence or progress.

As policing policy in Australia appears to be adrift, it is desirable that reforms be consciously anchored to a specific reform program with clear criteria for success.

Where should such a reform program begin? By what process should reform be pursued?

Answering the second question first, as police reform is foremost a matter of legislation, only the parliaments of Australia can ultimately produce the changes. To ensure that they are properly advised and that a uniform approach is taken, the reform process should be

co-ordinated by a structure such as the Australian Police Ministers Council or the Standing Committee of Attorneys-General.

As to devising a specific program for reform, an inquiry independent from those interested in the reform process should be undertaken. A Royal Commission constituted by identical references from all governments may well be the ideal vehicle to meet this requirement. Also, such a Commission would be well equipped to receive and consider evidence and arguments so as to ensure that the community and interested parties are given a proper chance to be consulted. The outcome of such a Commission would hopefully be recommendations for a model code of police legislation, ancillary administrative and legislative reforms and a system to evaluate the effectiveness of the police or of the reforms relating to them.

I return to the first question—where should reforms to the police begin? Police structures need to be modernised, simplified and clarified. In a word—reconstruction.

Granted some police forces have undergone change to contract policing, some police forces have revised their management and ranking systems, while others have revised their internal divisional arrangements. Such changes do not, however, address the most fundamental structural aspect of the police in

> 'There was little evidence that conventional restraints inhibited the involvement of (former Queensland Police Commissioner) Lewis in political matters, the exclusion of political considerations from his superintendence and control of the Police Force, or the involvement of (former Queensland Premier) Bjelke-Petersen and other influential members of the Government in police matters with which they had no legitimate concern.'
>
> Fitzgerald Report, p. 82

Australia—that between the police and politics.

To justify such reform ten reasons are suggested.

1. The present legal position is unclear

Underlying all other aspects of the relationship between the police and politics is the legal basis. It is unclear.

The legal position creates confusion as to police independence and accountability and does not provide for when the police as a force, or an officer as an individual, is independent from external direction.

On the one hand there is legal provision for a chain of command from the minister down to the most junior ranks in the force. Legislation establishes a police hierarchy of authority along military lines. Generally such legislation provides that the commissioner of police is given general control of administration. This may be supplemented by a power for the commissioner to issue rules or orders governing specific policing matters. In some cases such a rule-making power is vested in a person external to the police, such as the governor or the minister for police.

On the other hand, the common law confers on each individual police officer independence as an incident of the office of being a constable. This independence generally involves a discretion to make certain decisions without direction from other police officers or from external authorities (such as the minister for

Mr Peter McAuley, Commissioner Australian Federal Police (left) with Senator, The Honourable Mr Michael Tate, Minister for Justice.

police). These decisions are ones which generally depend upon a judgement being made in the particular circumstances of a case, such as to arrest, to deploy resources under an officers' command, or to refuse to obey manifestly unlawful orders.

Also, ministerial responsibility for the police is not clearly defined in respect of when that minister has a power of direction over the police, when the minister may require information, and what the police should do if responsible to him.

2. The present position is unduly complex

Each police force in Australia has been established under separate state or commonwealth legislation and the legislation varies between jurisdictions. There is a body of internal police rules and orders made under this legislation which also varies between jurisdictions. Overlaying this legislation is the common law independence of the constable, noted earlier. In addition, there is a further overlay of political conventions or usages surrounding ministerial responsibility and the relationship between the various elements of the state (such as the minister responsible for the police and the parliament) and the police.

No Australian text comprehensively deals with the legal position. If it did it would be voluminous and often arcane.

3. An important aspect of the present legal position lacks a sound basis

The common law independence of the constable is said to be based on the type of relationship between the constable and

the Crown. The constable is said to be an officer and not a servant of the Crown. So, the doctrine goes, certain independent discretions are vested in that office.

This doctrine is out of step with the reality that, in many respects, police are employees in positions analogous to other public sector employees in respect of conditions of service and industrial relations. Indeed, some police legislation purports to establish the police along 'contract' lines (as applies to the Australian Federal Police).

Nevertheless, most police legislation attempts to preserve the common law independence of the constable in some way, resulting in a contradiction between the legislation in its terms. On the one hand, in many respects it establishes police as employees of the Crown, yet on the other preserves the common law incidents of being officers and not servants of the Crown.

Also unsound is the proposition that, where a police officer exercises an independent discretion, the Crown is not generally vicariously liable for the civil liability such exercise causes. This rule is of course subject to statute. Given that the exercise of discretion will usually be in the course of duty, it is against reason that the Crown should not be legally liable for its consequences. As a matter of policy it is a harsh position as it is a burden on the individual officer who is subject to civil action without recourse to his employer for acts done in the course of duty. Also, it may leave a possible plaintiff with only an impecunious police officer, rather than the Crown, as a defendant to sue for damages arising out of the exercise of such a discretion.

4. Present legal arrangements are archaic in several respects

First, the doctrine of the common law independence of the constable pre-dates Sir Robert Peel's concepts of the 'modern' police force, established in the early nineteenth century. As noted earlier, it is a doctrine which is inconsistent with the principles under which police are presently employed.

Second, most police legislation in Australia has not been substantially revised with respect to the relationship between police and politics for many years. By comparison to contemporary legislation establishing new law enforcement and prosecutorial agencies in the last decade, police legislation is surprisingly imprecise in definition of responsibilities and the circumstances in

Note: Readers interested in a more detailed exposition of the legal aspects of the argument in this article are referred to the author's article in the October 1990 issue of the *Criminal Law Journal* entitled 'Police and Politics in Australia: the separation of powers and the case for statutory codification'.

Photo courtesy The Canberra Times

which the police are subject to external direction.

5. The present relationship between the police and politics is often misunderstood in Australia

In the circumstances this is not surprising. The problem however is that misunderstandings, once acted upon, are generally perpetuated and may produce unjustified consequences and expectations.

Amongst the most prevalent of the misunderstandings is that the doctrine of the separation of powers describes and prescribes the relationship between the police and politics in Australia. This gained currency after the questioning of former Queensland Premier Sir Johannes Bjelke-Petersen before the Fitzgerald Inquiry about his understanding of that doctrine. It was further perpetuated by journalist Quentin Dempster asking a similar question of former Queensland Premier, Russell Cooper and the current Queensland Premier, Wayne Goss. There is nothing wrong with the question—the problem is the significance given to the answer in the present context.

Normally the separation of powers is taken to mean the independence of the three arms of government—the judiciary, the executive and the legislature—from one another.

There are problems in applying the doctrine to the police: the police are not easily assimilated into any one of the three arms.

In Australia the doctrine of the separation of powers—which emphasises independence—is qualified by notions emphasising, in relation to the executive, accountability to and superintendence by the parliament. These doctrines are called responsible government and ministerial government and are established in the constitutional law of the states and the commonwealth to a far greater extent than the doctrine of the separation of powers.

Illustrative of this lack of a doctrine is the recognition by the courts that state legislatures have the power to abolish other arms of the state such as the judiciary and, presumably, the police.

The best that can be said of this doctrine in the context of the police is that if existing legal arrangements are intended to reflect the doctrine, they fail in so far as provision is made for external direction of the police, ministerial responsibility and parliamentary action is concerned. Political practice has not observed the doctrine strictly as, despite a general tendency for the minister responsible for police trying to avoid involvement in operational matters, there are exceptions. Also, the parliament has not altogether abandoned its role as a body to whom the police are ultimately accountable.

Reference to the doctrine of the

separation of powers tends to overshadow a sympathetic but far narrower doctrine, that of the independence of the constable. It should be noted however that each doctrine has a separate history and basis, the former in political thought and experience, the latter in a technical, legal distinction between an officer and servant of the crown.

6. Present arrangements are difficult to apply in particular cases

Each case is unique and it is not easy to decide when a police officer is entitled to ignore an order or what constitutes a lawful order or direction, bearing in mind the common law independence of the constable and when the police commissioner is entitled to ignore a request or direction from the minister responsible for police.

Difficulties in applying the present arrangements are indicated by well-known incidents involving disputation between the police and the government and court cases over whether an officer was entitled to refuse to follow an order.

7. Present arrangements frustrate a democratic approach to policing

As, in practice, it can be unclear who is responsible for what in police matters, the chain of responsibility through the police hierarchy to the commissioner, to the minister responsible for the police, to the parliament may be broken. Once broken, democratic accountability of the police to the parliament may be lost in a particular case.

8. Present arrangements are vulnerable to abuse

One of the fundamental problems with the present arrangements is that it is unclear who is ultimately responsible for what in police matters. Such ambiguity leads to the practical problem of a vacuum in accountability, it is nobody's responsibility and hence nobody can be accountable.

A breakdown in lines of responsibility will usually mean a breakdown in lines of authority. This can be expected to produce poor performance.

9. There is no uniform approach in Australia

This entails a lack of nationally applicable case law on police legislation and political conventions, usage and practice. This diversity gives rise to inconsistency and an ability to learn from the experience of those in otherwise similar jurisdictions.

Uniformity of police law is desirable as the development of a nationally applicable body of case law and political experience will promote a superior, richer body of knowledge to guide decision-making.

10. Present arrangements have contributed significantly to the chaotic history of policing in Australia

Many of the problems of the last two decades of Australian policing have been contributed to either by, individually or together, breakdowns in police independence and police accountability. If the present legal relationship between the police and politics remains unchanged, this trend can be expected to continue.

Reconstruction of Australian policing should develop a code, identical in material respects in each jurisdiction. Its most significant elements would be:

☐ abolition of the common law independence of the constable;

☐ entrench police independence from external direction in operational matters, e.g., arrest, deployment of forces;

☐ detailed provision for police responsibility and police accountability;

☐ provision for the making of detailed rules/directions on all police matters by a democratically-accountable authority;

☐ codify police civil liability so that the Crown does not avoid liability simply because the police officer exercised an independent discretion incidental to the office of constable.

'The administration of criminal justice should be independent of Executive controls. Such administration must be accountable for its activities and should be open to public review and accountable to the Parliament . . . Independence and impartiality are essential characteristics of an effective criminal justice system. Responsibility and authority for law enforcement should not be totally vested in the Police Force or in any other single faceted, self-regulatory and self-assessing body.' *Fitzgerald Report*, p. 307

Lorraine R. Beyer[*]

The community solves its own crime problem

n the early 1980s the Victoria
Police established a Police
Community Involvement Program
of 12 police officers in the
Melbourne suburb of Frankston.
The objectives of the Police
Community Involvement Program was
to develop and establish crime
prevention and public order programs
with the active involvement of the
community.

One of the first projects undertaken by
the Police Community Involvement
Program was the Safety House scheme,
a project which proved valuable for
subsequent projects such as
Neighbourhood Watch.

The passage of the project from 'a
good idea' to a fully-fledged community
organisation was not an easy one.

Lorraine Beyer

Development of the Safety House project

However, by developing the project
through community consultation and
participation, a viable project was
established.

Early beginnings

In 1981 a private citizen from Seaford
approached the Frankston Council with
the idea of setting up a Safe House
Scheme in his children's school. The local
council passed the proposal on the Police
Community Involvement Program.

From the experience of other schemes
in Victoria, it was apparent that
endorsement from police headquarters
was necessary to ensure support from all
police districts for the scheme.

Police Community Involvement
Program staff's first action was to look at
local crime statistics to see whether there
was in fact a need for such a project. On
the basis of the statistics, and the results
of enquiries made among local police,
Police Community Involvement Program
staff came to the conclusion that there
were no child safety problems with
strangers in the Seaford area.

A meeting was arranged at which
Police Community Involvement Program
staff, the original proposer of the scheme
and interested members of the community
discussed the issue of child safety and
the Safe House scheme. At this meeting
staff intended to assure concerned
members of the public that, based on
police information, there was no problem.

However, it was members of the public
who assured police that there was a

problem. Incidents of children being
frightened and assaulted by strangers
had apparently been occurring over an
extended period, but had not been
reported to Police. Parents expressed a
high level of fear for the safety of their
children, particularly when travelling to
and from school.

Police then met and talked with local
residents with immediate beneficial
results. Police Community Staff
Involvement staff recognised that their
new approach in accepting public input
into crime and crime-related problems
was as beneficial as the traditional
response role of police.

Description of the Safety House project

The Safety House project involved the
identification of houses (by a Safety
House label on the letterbox) where an
adult of good repute is normally home at
times when children are in transit to and
from school. At school children are taught
that they may seek help at one of these
houses if they feel unsafe or encounter
any difficulties. In the event of a child
using a Safety House, the householder is
instructed to comfort the child and ring
the police.

Organisational development

From the beginning, parents and teachers
showed great interest in the Safety House
project. From the level of interest shown it
was obvious that more schools would
want the program. Initially, a central
committee, the Safety House Committee
(of Victoria) was established to co-ordinate
the various individual Safety House
programs. Police representation consisted

of police from the Public Relations Section, Crime Prevention Bureau and Police Community Involvement Program. The police role was that of advisers and observers, the residents themselves ran the committee.

The main committee, set up specifically to initiate Safety House, consisted of all members of all school safety committees. From this pool, a general committee of 12 was elected. In addition, a sub-committee was formed to draft a constitution for the Safety House Committee (of Victoria). Police Community Involvement Program participated in drafting the constitution.

Various committee structures were tried and eventually it became apparent that committees had to be as local as possible and that the one committee, one school system was the most effective way to run the project. This approach to Safety House made the project locally meaningful to all committee members as members shared common goals.

By June 1982, 69 Safety House committees and 69 schools (in eight police districts) were operating. By September 1983 350 school were affiliated with the Safety House Committee (of Victoria) and 21 000 'safe house' residents were participating.

Police involvement

Safety House was the first experience Victoria Police had of the community organising crime prevention. A specific problem had been identified by the community and groups of individuals formed to work out possible solutions. Police acted in the role of facilitator to committees and assisted by modifying the behaviour of extremists, solving otherwise unsolvable problems and offering guidance when necessary.

Police from Police Community Involvement Program made the decision to keep a low profile on committees because they were conscious of observing a new process and were anxious not to interfere in the dynamics of community development and initiatives.

The community processes which evolved as a result of the Safety House project took other sections of the Police Force by surprise. After the establishment of Safety House the question arose as to just which sections of the Force should be involved. Whilst members of the Public Relations Section were originally on the Safety House committee, the Crime Prevention Bureau and the Police Community Involvement Project continued on the State committee.

When the Safety House committees (of Victoria) were first established, the Victoria Police Crime Prevention Bureau supervised its funding and auditing. In conjunction with an insurance firm, they developed the educational material relating to stranger awareness. The Crime
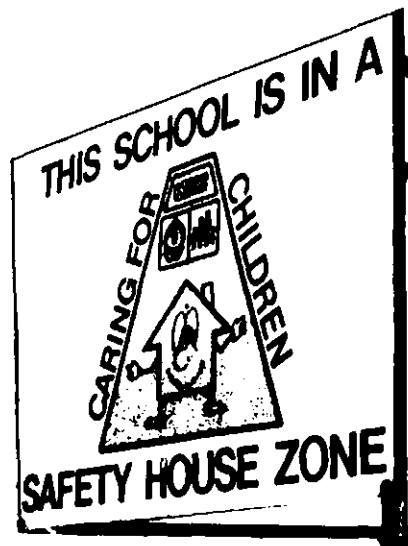
The Safety House Zone logo.

Prevention Bureau designed the 'police and community working together' logo and authorised its use with the smiling house symbol which had been designed by Wooranna Park Primary school of Seaford, who had made the original request for a Safety House project. This 'smiling house' became the official Safety House logo in Victoria. (Interstate Safety House projects initially used their own logo. However, in 1990 the Victorian logo was made standard for all states thus eliminating any confusion for children moving interstate). The logo is used on

Sgt Dave Blizzard of the Frankston Police Community Involvement Program shows a primary school student the Safe Houses in her area.

Photo courtesy The Age

The original Victorian Safety House Zone logo.

householders' letterboxes, school signs, reader stickers, street signs and on committee letterhead.

The Police Community Involvement Program and Safety House committee produced a comprehensive manual for use by schools in setting up and maintaining the Safety House project.

Other issues

Sponsorship from various companies was secured through committee members' own networks. Insurance for participating householders, teachers, parents and children was originally $50. However, as parents who worked in the insurance industry became members of Safety House committees, a much cheaper, Australia-wide, policy was obtained for all Safety House participants.

In the early stages, many committee members were concerned about the Safety House requirement for police to carry out criminal record checks on householders participating. It was decided that police checks might give a false sense of security to participants in the program as persons who abuse children usually have no convictions. In Victoria, householders must now sign a form saying they do not object to a police check—but such checks are only done on rare occasions when members of a school committee believe it is warranted.

Further developments

As the Safety House concept grew and management of it became more complicated, a number of further issues had to be resolved. One of the most pressing was the burden on volunteer committee members who were trying to co-ordinate hundreds of Safety House programs in Victoria, and who were facing the possibility of Safety House spreading interstate as well. By mid-1982, the Safety House program was too large and unwieldy for the Safety House committee (of Victoria) to effectively manage in its original form. To overcome this problem, school Safety House

Inspector Barbara Oldfield, then Officer in Charge of Frankston Police Community Involvement Program, shows a pupil the Safety House sign.

committees were divided into regions whose boundaries corresponded to existing police districts. Each school Safety House committee in a region had a representative on the regional committee. Delegates from each regional committee made up the Safety House committee (of Victoria).

From June 1982, Safety House committee members were able to liaise with this own local police, rather than rely on police from the Crime Prevention Bureau or Police Community Involvement Program. In each region a police officer was delegated to act as the formal link between Safety House members and police. Police from each region's Community Policing Squad co-ordinated the lectures by police to Safety House school pupils, and ensured that each police officer in the district was familiar with the Safety House project.

In June 1982, the Safety House committee (of Victoria) became a national body in response to the many Safety House committees establishing themselves interstate. The constitution was re-drafted for a national body, and the Safety House committee (of Victoria) became Safety House Committees Australia Incorporated.

At present there are Safety House projects in every Australian state. Whilst the Safety House Committees Australia

Incorporated is the umbrella committee for all Safety House projects in Australia, there are significant differences in the way the project is run within each state. For example, in NSW the project is run by police, whilst in Victoria it is a community-based and controlled project.

At present in Victoria there are 660 Safety House school committees operating, with a total of approximately 42,045 households participating as 'safe houses'. In the period June 1988 to December 1989 in Victoria, 240 incidents involved the use of Safety Houses. 65 per cent of these involved some type of approach which the child perceived as threatening, 23 per cent were because the child was being bullied and 12 per cent were for miscellaneous and unspecified reasons—including illness of the child, lost child and child scared by an animal (In-House 1990).

An example of community psychology in practice

During the development of its projects, Police Community Involvement Program staff successfully (and unwittingly) practised the principles of community psychology. It was only realised later, when the present writer made a study of community psychology literature, that existing community psychology theory fitted the Police Community Involvement Program experience extremely well.

Whilst the processes involved were not modelled on community psychology

Police go into schools to explain the concept of Safety Houses to students.

theory they nevertheless followed Gardener's definition of community psychology with surprising, and unforeseen, exactness:

the profession and science of behaviour which seeks to facilitate the abilities of available personnel and resources, to observe and describe their relevant eco-system, to establish short and long-term goals, to develop appropriate, efficient and effective strategies of intervention which foster a psychological sense of community, and to systematically evaluate the effects of this entire process on the eco-system. (Gardner & Veno 1979)

The role police tried to take was that of facilitator. Police were able to identify and utilise the abilities of available personnel and resources, and observe and record

Neighbourhood watch logo. This program was developed out of aspects of the Safety House project.

the interaction of people in the development of the Safety House project. Together Police Community Involvement Program staff and members of the community established long and short-term goals and developed appropriate and efficient strategies of intervention, which as a by-product, produced a psychological sense of community in the participants.

The Safety House project allowed members of the community to actively participate in a part of community life, and introduced an element of control in at least one aspect of their lives. As a result, Safety House has helped to reduce the sense of helplessness often found in the community when faced with crime.

The Safety House project has remained local, even though under the auspices of a national body, therefore each participant can strongly identify with the objectives of the project and with other individuals in the project. Personnel contributions by individuals are meaningful to the individual and to their group, increasing the personal satisfaction felt by participants.

Conclusion

From the point of view of the Police Community Involvement Program, the Safety House project was a success because it demonstrated that it was possible to allow the public to be involved in the decision-making process. Not only did this make participation more

meaningful for community members, it also encouraged long-term support and commitment because the project was 'owned' by the community.

This community involvement showed that there was an alternative to the more traditional approach of merely introducing complete crime prevention packages into the community.

Gradually, as the running of Safety House became stable and more routine, the confidence of the national committee increased to the extent where it no longer felt it had to rely on police support. Coping on their own was a recognition and understanding by committee members of the fact that police were necessarily busy with other concerns.

An old problem, and seemingly new set of methods to overcome it, resulted in a new, but traditionally organised institution. By 1985 the Safety House Committees of Australia Incorporated had all the trappings of a traditional institution—permanent premises, paid and voluntary staff, life memberships, newsletters, awards and a strong organisational network.

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Rolade Berthier*

Nature of illegal offences committed by Asians and Pacific Islanders in Brisbane

This is an extract from a Doctor of Philosophy (Sociology) thesis enrolled at the University of Queensland.

Crime has implications not only for the victims and perpetrators, but society as a whole. Crime is an expensive social problem in terms of injuries and distress to victims, the monetary costs incurred in the administration of the legal and justice systems, and the negative consequences on offenders. Often convicted offenders are shunned by the community, which leads to other forms of social disorder: further criminal behaviour, unemployment, psychiatric and welfare problems. Bowen (1987–88, p.1) has noted that:

Australia is faced with a rising tide of criminality, which, if unchecked, threatens to undermine dramatically the quality of life of most urban dwellers before the end of the present decade.

Considering that 21 per cent of Australia's population was born overseas, immigrants are not excluded from this scenario. *Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct in Queensland* specifically mentions that 'various ethnic communities became involved through the misconduct of some of their members' (Fitzgerald et al. 1989, p.63).

Nothing was known of migrant crime in Australia until the *Dovey Reports* of 1952, 1955 and 1957 (Commonwealth Immigration Advisory Council) which revealed that Asian and African-born residents of Australia had low rates of crime while Canadians and New Zealanders had higher crime rates than Australian-born criminals. Francis's book

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Migrant Crime in Australia (1981) was a pioneer work on issues of migrant crime in the 1970s and 80s. He claims that Chinese and Jews are under-represented in the criminal system, and suggests that this may be due to their social mores and attitudes.
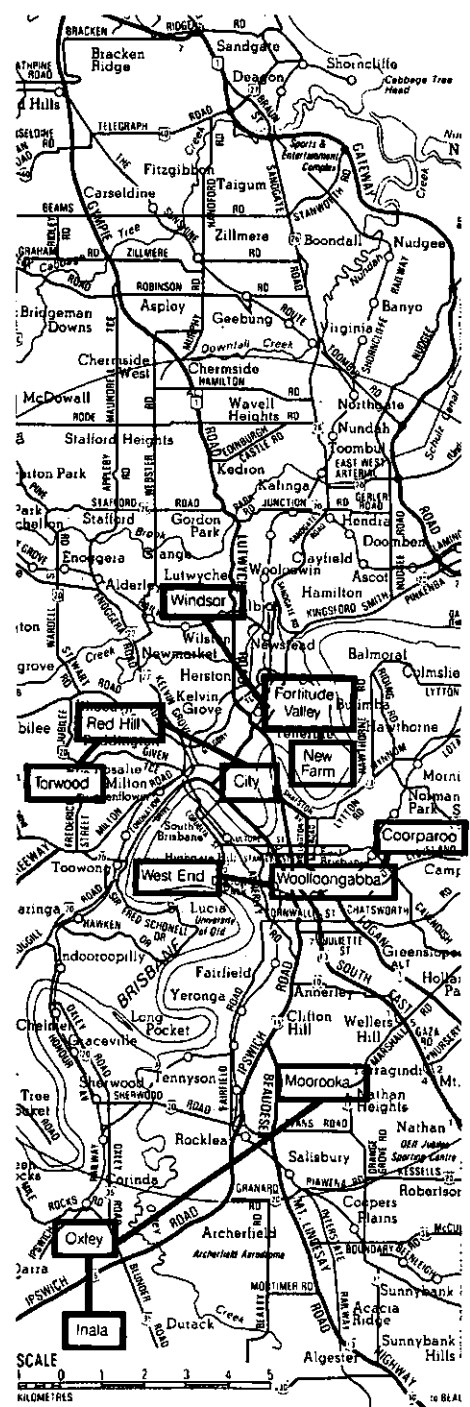
Easteal's *Vietnamese Refugees: Crime Rates of Minors and Youths in New South Wales* (1989) discloses that Vietnamese aged 10 to 24, living in New South Wales, have a significantly lower conviction rate than their non-Vietnamese counterparts. She identified the Vietnamese cultural values—identity and loyalty to family, and 'loss of face' caused by anti-social behaviour—as reasons for their low conviction rate. Aside from Chinese and Vietnamese, little has been written about the nature and extent of crimes alleged to have been committed by other Asian migrants.

Apart for New Zealanders, nothing is known about the criminal behaviours of Pacific Islanders, which might be because the number of offenders from these groups is very small. However, even if this is the case, it is still vital to know the levels of crime, or lack of it, of this group in order to sustain a successful multicultural Australia.

Methodology

Information on illegal offences committed by Asians and Pacific Islanders in Brisbane comes from the arrest files of the Information Bureau of the Queensland Police Department. The data gathered covers the period 1980 to 1987. Arrest data from four metropolitan police districts (each district consisting of three areas) were looked at, namely:
- **Brisbane**—
  City, Red Hill, Torwood;
- **Fortitude Valley**—
  Fortitude Valley, New Farm and Windsor;
- **Oxley**—
  Oxley, Inala, Moorooka; and
- **South Brisbane**—
  Woolloongabba, West End, Coorparoo.

For the purpose of this study Asians were those who originally came from East and Southeast Asia: Bhutan, Brunei, Burma, Cambodia, China, Hong Kong, India, Indonesia, Japan, Korea, Laos, Malaysia, Mongolia, Nepal, Pakistan, Philippines, Singapore, Sri Lanka, Taiwan, Thailand and Vietnam. Pacific Islanders included those born in Fiji, Papua New Guinea, Solomon Islands, Samoa and other island states excluding New Zealand.

Findings

From 1 July 1980 to 30 June 1987, a total of 73 311 people were arrested in the four police districts investigated. Asians and Pacific Islanders represented 2.25 per cent (1647) of total arrests. Comparison of the population and arrest figures shows that the percentage of Asians and Pacific Islanders arrested for alleged illegal offences was less than the percentage living in the same areas. In Brisbane city 3.03 per cent of those arrested from 1980 to 1987 were of Asian and Pacific Islander descents, whereas 3.28 per cent of those living in the area were from these two groups (Australian Bureau of Statistics 1987). Likewise, Coorparoo had 2.22 per cent Asian and Pacific Islander inhabitants while the arrest figure of these groups was only 1.8 per cent. Fortitude Valley with 7.16 per cent Asians and Pacific Islanders living in the area had only 3.12 per cent arrested. The other police districts have similar data.

The number of Asians and Pacific Islanders arrested in the four districts ebbed and flowed with the year 1983-84 having the most number of arrests and 1981-82 the least. There were more Asians and Pacific Islanders arrested in 1984-85 and 1985-86 than in 1986-87, in spite of the fact that immigrants from these ethnic groups increased markedly after 1985.

Nature of offences

There were 1647 Asians and Pacific Islanders arrested from 1 July 1980 to 30 June 1987 and their offences are listed in Table 1.

Drink driving was the most common offence of those born in Bangladesh, China, Hong Kong, Sri Lanka, Vietnam, Fiji, Papua New Guinea, Samoa, Tonga and other Oceania except the Solomon Islands. Stealing was the most common offence of those from Indonesia, Japan, Kampuchea, South Korea, Laos, Malaysia, Pakistan, Philippines, Singapore, Taiwan, Thailand and Solomon Islands.

'Personal accessories, such as ear-rings, hairclips, watches and sun-glasses were the common items stolen.'

Table 1

Offence categories that Asians and Pacific Islanders were arrested in for the years 1980 to 1987

Nature of offence	Arrested	
	No.	Per cent
Drink driving	779	43.7
Stealing and false pretences	420	25.5
Good order offences	203	12.3
Possession of prohibited plants/equipment	58	3.5
Assault and serious assault	47	2.9
Malicious damage	28	1.7
Breaking and entering	22	1.3
Rape and other sexual offences	3	0.2
Homicide	1	0.1
Other offences	86	5.3
Total	1647	100.0

As can be seen from Table 1, Asians and Pacific Islanders were mainly arrested for drink driving, stealing and false pretences, and good order offences, which differs slightly from the general arrest figures for the same years which revealed that stealing and false pretences were the most commonly committed offences followed by breaking and entering, and drink driving.

Three most common offences committed by Asians and Pacific Islanders from 1 July 1986 to 30 June 1987

Drink driving

110 Asians and Pacific Islanders were arrested for drink driving offences in the four districts. Of those arrested, 7.3 per cent had an alcohol concentration level of .05 per cent or less; 67.3 per cent had between .06 and 0.15 per cent; and only 25 per cent had more than 0.15 per cent. In other words, the majority of those arrested had only low blood alcohol levels. However, no offence was recorded

for speeding, illegal overtaking and failure to wear seat-belts.

These findings are consistent with earlier findings.

Studies made have indicated that traffic breach reports for migrants are no higher than those against native-born Australians. One could conclude that migrants are generally complying with traffic regulations (Donoghue 1982, p.9).

Stealing

Of the 59 Asians and Pacific Islanders arrested for theft or taking away goods without permission, nothing was valued at more than $1000. Seven people were arrested for stealing goods to the value of $5 or less, while 40 people stole goods valued at more than $5 but less than $50. 10 people were arrested for stealing between $50 to $500 worth of goods, and only two individuals took more than $500.

Personal accessories, such as ear-rings, hairclips, watches and sun-glasses were the common items stolen (Table 3). Clothing was the second most common item stolen with cosmetics third. Cash stolen was of greater value than goods, but the majority of the thefts involved women's goods and were inexpensive items.

Table 2

Alcohol concentration level of Asians and Pacific Islanders arrested for drink driving from 1 July 1986 to 30 June 1987

Alcohol concentration level (per cent)	Arrested	
	No.	Per cent
.05 and less	8	7.3
.06-.10	39	35.5
.10-.15	35	31.8
.16-.20	18	16.4
.21-.25	5	4.5
.26-.30	0	0.0
over .30	5	4.5
Total	110	100.0

Rolade Berthier

Table 3
Items alleged stolen by Asians and Pacific Islanders from 1 July 1986 to 30 June 1987

	Arrested	
Items alleged stolen	No.	Per cent
Personal accessories (ear-rings, sun-glasses, hairclips, watches)	21	27.3
Clothes (skirts, underwear, socks)	17	22.1
Cosmetics (eyebrow pencils, deodorant, nail polish)	14	18.2
Equipment (razor blade, fan, pliers, scrap metal, toys, etc.)	12	15.6
Food	6	7.8
Cash	4	5.2
Stationery	3	3.9
Total	77	100.0

During all arrests of the alleged thieves, there was no testimony or record of violent confrontation, nor any show of aggression either verbally or physically. Usually the store detective or shop assistant asked the suspect to return if he/she has left the shop and requested him/her to wait for a police officer to arrive. The police officer conducted the investigation and a formal charge was laid against the alleged thief.

Some of those arrested were alleged to have taken more than one item per arrest. Items were mainly stolen from large department stores.

Good order offences

The third most common offences alleged to have been committed by the same group of people were use of obscene language and disorderly conduct. 11 of the 20 offenders used obscene language

Table 4
Asians and Pacific Islanders arrested for good order offences from 1 July 1986 to 30 June 1987

	Arrested	
Good order offences	No.	Per cent
Use of obscene language when arrested/questioned	11	55
Argument/brawl with other people in public places	4	20
Urinating on footpath/tree	3	15
Use of obscene language to other people	1	5
Making loud noise/disobeying police warning	1	5
Total	20	100

'During all arrests of the alleged thieves, there was no testimony or record of violent confrontation . . .'

when arrested or questioned by police officers. 20 per cent were arrested for having an argument or brawl with another person in a public place, while 15 per cent were picked up for urinating in public. One individual was arrested for using obscene language to another person, and one for unnecessarily making loud noise even after police warning.

A number of people arrested gave reasons for their misbehaviour. A majority of those who used obscene language towards the police officers resisted arrest and became verbally abusive. This was also the case when police officers questioned them on illegal parking and suspicious behaviour. Those charged with disorderly conduct claimed that their behaviour was due to jealousy, misunderstandings or drunkenness. 'Could not hold it any more' was the only reason given for urinating in prohibited areas.

More than 50 per cent of the alleged offenders used obscene language towards arresting officers. It is not surprising for Asians and Pacific Islanders to be wary and distrustful of police as in some home countries the military and police officers are known for their brutality.

Police attitudes should not also be neglected in this regard:

. . . quite a number of police officers are openly aggressive and rude towards migrants, calling them 'wogs', 'dagos', and 'gypos'. This type of conduct has a marked effect on the migrant and he tends to regard all police and other authority figures as enemies and begins to treat them as such. (Donoghue 1982, p. 13)

Overall, the nature and extent of Asians' and Pacific Islanders' involvement in illegal offences is lower than that of native-born Australians living in Brisbane. The present findings are consistent with European studies (Stevens & Willis 1979; Mair 1986) and American studies (Hindelang 1981; Hawkins 1985; Joe 1987; Huizinga et at. 1987) which find that delinquency and criminality among Asians and Pacific Islanders is lower than that of the native-born inhabitants.

Due to economic, social and political instability, migrants may be used as scapegoats and prejudged as having a high crime rate. The media may play a role in these perceptions and attitudes towards migrants, and in the criminal labelling process. Should the media give a false impression about migrants being criminals, or of being more criminal than the native-born, resentment is created and community relations are adversely effected. Discrimination can lead to further disadvantage and stereotypes, which may drive migrants to deviant

'Due to economic, social and political instability, migrants may be used as scapegoats and prejudged as having a high crime rate. The media may play a role in these perceptions . . .'

behaviours. Likewise, any discussion of migrant crime should not exclude police attitudes and behaviours towards migrants because the official labelling of criminals commences during arrest.

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Ray Kidney*

Corrections in the nineties

n the 1980s statements from prison administrators revealed something which some of us had long known: prisons, of themselves, do not rehabilitate. In the 1970s one of the stated aims of imprisonment was rehabilitation, but now we hear more about secure humane containment.

At the Prisons: The Last Resort seminar, John Dawes, Executive Director of the Department of Correctional Services in South Australia, said in his keynote address:

the notion of correctional services is a romantic descriptive term that appeases those who believe that prisons in the twentieth century reform lives . . . The Departmental Role Statement does not refer to rehabilitation of offenders, rather it states that the Department will assist offenders to become law abiding members of the community. Such changes in lifestyle occur essentially as a choice of active will, such cannot be imposed. The concept of sending persons to prison for treatment which will somehow impose change upon them is a goal which is fanciful.

Dr Tony Vinson, at the same conference, compared Australia's para-military style prisons with those of Holland and Sweden where there is a high degree of officer involvement with

Ray Kidney

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prisoners and their daily lives. The prison officer's role is pivotal; and productive work by prisoners is required as a way of keeping in touch with, and preparing for return to, the community.

The prison officer's work is interesting and not dehumanising, and the kinds of aggression, both self-directed and towards other, which are commonplace in Australian prisons, occupy a minor place in Dutch and Swedish prisons.

Such comments are at first discouraging for one working for a non-government agency that bears the name Offenders Aid and Rehabilitations Services. But OARS has worked for years, and continues to work at, building relationships with inmates.

Behind every successfully rehabilitated prisoner there has been a personal relationship between a community volunteer and that ex-offender. Certainly in

Courtesy Sun Newspapers, Queensland

South Australia the SA Department of Correctional Services is providing increasing opportunities for inmates in education, work, recreation, sports, arts and crafts, entertainments and other amenities, in the hope that each prisoner might find an interest and a sense of achievement and thus turn from crime.

Personal relationships must play an important part if these processes are to succeed. New interests are important, but encouragement is vital to strengthen that resolution to change made by those when on the 'inside'. Love, the 'expulsive power of a new affection' is fundamental to positive change in attitudes, direction and behaviour.

If the correctional process is not intervening in the lives of inmates to change their behaviour, it is not living up to community expectations. If the corrections process is not intervening in

the lives of inmates, perhaps it is because of problems in the relationship-building process mentioned by Dr Vinson.

As the Prison: The Last Resort seminar highlighted, another problem is the negative influence upon less-hardened prisoners by those hardened by the system. The question has to be asked: why imprison those who are not violent with the same degree of security as those who are?

The system works against common sense solutions. During imprisonment the prisoner is housed at the tax payers' expense and can do little to make recompense for his crime. He does not face the community, his neighbours, friends nor his victims. He is relieved of the responsibility of earning his living, relating to his wife and caring for his family, and does not have to make any life decisions whilst on the inside.

On release into the community the prisoner is expected to take on all the responsibilities he was denied in prison. Little wonder so many go back to prison, either by choice or, more often, because of total inability to cope.

This is why relationships that OARS workers and volunteers build on the inside can assist ex-inmates through the difficult period following release. Like John Dawes, OARS believes that the community must accept more responsibility for the re-settlement of offenders.

Only those from whom we need protection or those whose records show that they are a danger to the community should be imprisoned. Those offenders who do not need secure custody should be housed in 'half way' houses or live under under security supervision home detention with electronic devices, doing

OARS—the network of care

What is OARS?

OARS is a non-government welfare agency rehabilitating offenders and caring for their dependants. OARS staff is supported by many community volunteers.

■ Prison services

Regular visits are made by welfare officers to Adelaide Remand Centre, Yatala Labour Prison, James Nash House, Mobilong Prison, Mount Gambier Gaol, Port Augusta Gaol, Port Lincoln Prison, Cadell Training Centre and the Northfield Prison Complex. Practical help is given to prisoners including storage of property and advice with business and family affairs. A counsellor assists those with drug problems, and OARS staff are involved in prisoner program committees and activities at various institutions.

■ Community houses

The association operates houses in the community either offering full board or facilities for residents to care for themselves.
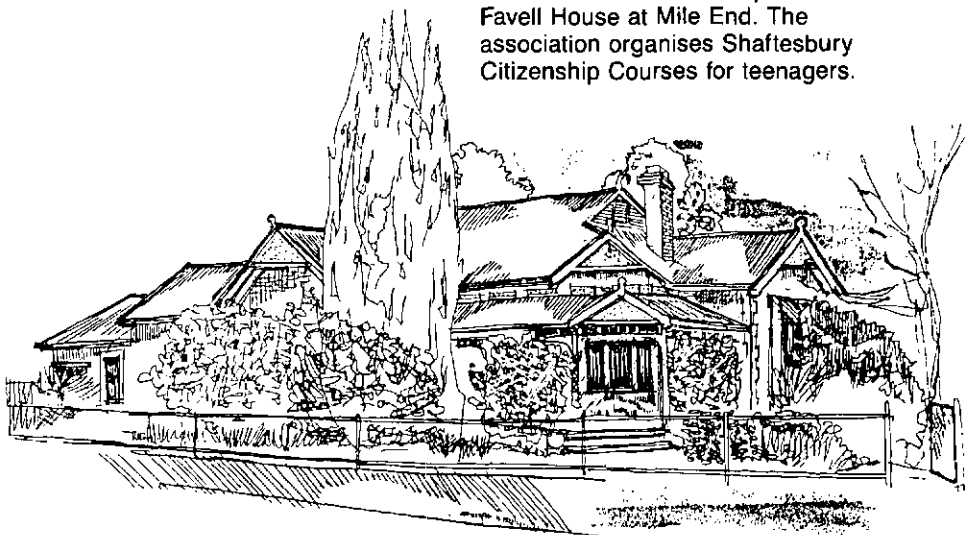
■ Community relations

On-going news of OARS is reported in the associations' quarterly publication *Release*. Speakers are available to address meetings. OARS operates thrift shops.

■ Family centre

OARS conducts parenting, and citizenship courses from its Noarlunga Centre

Les Favell House, OARS Youth Home in Mile End, a suburb of Adelaide.

Shaftesbury Citizenship Centre, Noarlunga.

□ Youth division

Youth accommodation is provided at Les Favell House at Mile End. The association organises Shaftesbury Citizenship Courses for teenagers.

□ Country branches

Welfare officers, committees and OARS representatives are in many SA country towns.
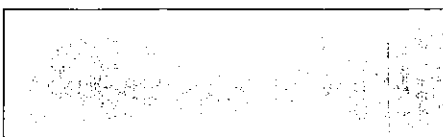
□ Karingal Centre

OARS operates a 100 acre farm/Conference Centre at Wrattonbully near Naracoorte.

□ Someone Cares Housing Association

This housing co-operative provides 35 homes for ex-offenders and their families at reasonable rental.

□ Someone Cares Radio

OARS is involved in this weekly radio program.

public work in the community—a much cheaper and more productive option.

With all Community Service and similar orders it is important to build into the sentence an educational component which confronts the offender's lifestyle by teaching living skills.

In South Australia, as Community Service Orders increase, the use of probation orders decreases. We need a combination of community work and intervention by probation officers and volunteers who can direct offenders to living skill courses.

Somehow we have to mobilise community action for rehabilitation—can Neighbourhood Watch become Neighbourhood Care with the community working together to re-establish offenders? OARS finds people who are interested in the resettlement of a particular offenders, but this work needs

widening to reach everyone released from prison.

It has been demonstrated that where community volunteers are involved the crime rate drops. This is good news for everyone: the offender becomes a productive member of society, there are no victims and no further correctional costs for the community.

The challenge of the nineties will be to rely less on prisons and more on community based alternatives, but these will need to be developed. At the end of the eighties South Australia has four times more people under community corrections than in prison, a hopeful start in 'prisons' being displaced as the main stay of the correctional system. However, there is a need to spend more money both on community correction, and particularly, aftercare.

Illustration by Peter Hollart.

■ Post release help

Ex-offenders are given counselling, clothing and help in obtaining Social Security benefits, employment and accommodation.

■ Aboriginal program

Welfare officer are employed to deal with problems of Aboriginal offenders and their families. Field officers are based in Port Augusta and Port Lincoln and a welfare officer visits prisons and juvenile reformative institutions in the Adelaide suburban areas. The association also operates Banjora House at Prospect for Aboriginal teenage girls.

☐ Family welfare

Prisoners wives receive emotional and material support from welfare staff. Prisoner's children are involved in outings, camping and holidays through 'Clancy's Club'. Wives and children are remembered at Christmas.

OARS organises activities for prisoners' children; counselling and housing for ex-offenders; and has specific Aboriginal programs. Richard, Kym, Keith, Ernie, Jason and Alffie visited Coober Pedy.

FAMILIES DO - DO THE HARDEST TIME

AIC activities

The range of activities undertaken by the Australian Institute of Criminology is extremely broad for its relatively small staff.

Following are two short reports from Institute staff, one on a UN Congress and the second, closer to home, on a policy forum run in conjunction with the federal Department of Employment, Education and Training

Havana assignment

John Myrtle, Librarian

The Eighth United Nations Congress on the Prevention of Crime and Treatment of Offenders was held this year in Havana, Cuba from 27 August to 7 September 1990. UN Congresses are held every five years and provide an opportunity for involvement of national and international representatives, individuals, and non-government organisations.

Working within the framework of pre-determined topics, participants involved in criminal justice work are able to compare and consider the philosophy that informs, and principles that govern, the criminal justice system of other nations, and generally see how effective they have been in achieving certain accepted ends.

I was invited by the United Nations Crime Prevention and Criminal Justice Branch, based in Vienna, to attend the Congress to demonstrate and speak about the United Nations Criminal Justice Information Network (UNCJIN).

As the Institute's Librarian I have been involved in promoting and assisting in the development of UNCJIN. UNCJIN is an information network which offers both electronic mail communication and access to a wide range of criminal justice information. The system is based in New York and currently has more than 30 members based in 20 countries.

UNCJIN is only 18 months old and as each United Nations Congress attracts such a wide range of participants, this event in Havana would provide a valuable opportunity to promote the Network.

Individuals or organisations at the Eighth Congress who wished to demonstrate information systems were able to do so within the context of the United Nations Workshop on Computerization of Criminal Justice Information. The Workshop was an important part of the program of the Congress and ran in parallel with other parts of the program. It was the first time that such an opportunity had been provided at a UN Crime Congress for such demonstrations. Judging by the wide range of systems demonstrated, from very sophisticated expert systems to simple applications developed by individuals, this part of the program will be an important feature of future Congresses.

My work in Havana involved demonstrating and speaking about the Sentencing Information System developed by the Judicial Commission of New South Wales. The SIS has been developed over the past two years and is currently being brought on stream. The Congress provided an excellent opportunity for advising the international community of progress with the System.

My work with demonstrations was enhanced by access to an NEC ProSpeed CSX portable computer, made available for the period of the Congress by NEC Information Systems Australia Pty Ltd. I also used the ProSpeed PC to undertake demonstration literature searches from a PC version of CINCH, the Australian Criminology Database. In this way, Congress participants were also made aware of work of staff of the Australian Institute of Criminology's J.V. Barry Library in indexing Australian criminal justice subject matter for this bibliographic database.

Essentially, activities of the Workshop on Computerization of Criminal Justice Information at the Congress could be divided into three categories:

☐ **Plenary session.** This one-day session involved presentation of papers on general or conceptual issues and included my presentation of a paper on the United Nations Criminal Justice Information Network.

☐ **Other workshop sessions.** Papers on individual specialised or expert systems were presented in a more informal committee room environment, and involved an audience of from 50 to 100 participants who were mostly information specialists. These papers were presented over three days.

☐ **Demonstrations.** Demonstrations of criminal justice computer applications were made possible in the Grand Foyer of the Congress's Palacio De Las Convenciones. During the first

Michael Platzer of the United Nations Crime Prevention and Criminal Justice Branch, Vienna (left), Margaret Anstee, Secretary-General of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, 1990 and Under-Secretary-General and Director-General, United Nations Office at Vienna and Head of the Centre for Social Development and Humanitarian Affairs and John Myrtle, Librarian, Australian Institute of Criminology, photographed following a demonstration of UNCJIN.

week of the Congress I spoke about and demonstrated both UNCJIN and the Judicial Commission's SIS.

A final note: I wish to acknowledge the contribution of NEC Information Systems Australia Pty Ltd for providing the NEC ProSpeed CSX portable computer for my use in Havana. The PC proved to be a valuable support for my work at the Congress.

Youth crime policy forum

Boronia Halstead,
Research Officer

A Youth Crime Prevention Policy Forum sponsored by the Youth Bureau, Department of Employment, Education and Training (DEET), and convened by the Australian Institute of Criminology (AIC), was held in late August. Participants were invited from a wide variety of agencies from all states—Aboriginal Children's Services, The Australian Institute of Sport, the Victorian Good Neighbourhood Program, South Australian Crime Prevention Strategy, Education, Police, Corrections and so on.

The forum followed the completion of *Young People and Crime: Costs and Prevention*, a report by Ivan Potas, Aidan Vining and Paul Wilson. This report, the first part of the Youth Bureau project, was officially launched at the forum. The AIC has had an ongoing concern with juvenile justice issues and convened a previous open conference in 1989 on this topic.

The aim of the forum was to examine and assess youth crime prevention policy models in federal, state, local and non-government contexts. Prior to the forum, state position papers on youth crime prevention were prepared and circulated to all participants. In many ways, this exercise itself revealed the need for increased co-ordination of programs for youth, and improved communication between service providers.

On the first day, papers were presented from a range of perspectives including the Bonnemaison Model, family support models, wilderness programs, police and corrections models. Papers addressing broader issues of evaluation, inter-agency and inter-departmental

integration and co-ordination of services were also presented. The second day was taken up in workshops for special interest groups and state-based task groups.

Dr Paul Wilson, in his opening address to the forum, stressed the need for creative solutions to youth crime problems outside of the expensive criminal justice system, as discussed in the report mentioned above, of which he was co-author. He emphasised that most young people 'grow out' of crime, and that incarceration of offenders may obstruct this maturation process.

The release of the NSW *Kids in Justice Report* a few months prior to the forum provided a central reference point for discussion, particularly relating to the need for the development of national standards in Australia, taking into account the UN Convention on the Rights of the Child, the UN Standard Minimum Rules for the Administration of Juvenile Justice, and the UN (Draft) Rules for the Protection of Juveniles Deprived of Their Liberty.

A paper given by John McDonald, Client Consultant for Youth in the NSW Police Service, described the New South Wales Police Service's draft Youth Policy. This document seeks to incorporate recommendations from the *Kids in Justice Report*, and highlights a shift in emphasis in police-youth relations, with the intention that police 'be identified by young people as agents of protection and advocates of young people's issues, in particular the needs and rights of young people as both victims and offenders and their access to the use of public space.'

General themes raised at the primary prevention level included the need for a realistic level of income support for young

people, along with the attendant problems of youth homelessness; recognition of the special educational/employment needs of minority disadvantaged groups, including Aboriginal and non-English speaking background youth; and the need for realistic allocation of funds to permit evaluation of programs.

Particular interest centred on some of the programs operated by the Croydon City Council in Melbourne, as part of the Good Neighbourhood Program, such as 'the Safe Train'. On some suburban routes in Melbourne on Saturday nights, juke boxes and local bands play in train carriages. This program was developed to encourage more people to use trains, and hence minimise the opportunities for assault and vandalism. Other initiatives include a shuttle bus, which transports young people home from Council-run activities, a no-wine bar with gourmet non-alcoholic cocktails; support for garage bands; and an arrangement with the local cinema to provide discount tickets for students and recipients of Social Security benefits.

There was considerable discussion about the possibility of modifying the Bonnemaison model as a national crime prevention strategy. Many state groups recommended the establishment of state-based youth crime prevention strategies.

The forum was particularly inspired by the after-dinner address given by Ms Faith Denny, Senior Program Adviser Youth, from the New Zealand Department of Social Welfare. She described some of the far-reaching changes in Juvenile Justice in New Zealand, developed though the *Children and Young Persons and their Families Act 1989*. These changes particularly relate to the care of Maori young offenders as the Act itself is consistent with the principles of the Treaty of Waitangi. She highlighted the shift away from the use of welfare services, to family

responsibility for young offenders, through the use of Family Group Conferences which recognise the special concept of extended family in Maori society. (*See also* Doolan, *Criminology Australia* Vol.1, No. 3)

The ideological shift from the 'welfare model' to the 'justice model' in New Zealand has not meant support for the 'just deserts' aspects of this model, but has involved efforts to 'avoid adding further injustice to existing social and economic injustice' for the offender.

The Australian Institute of Criminology and the Youth Bureau are examining the recommendations arising from the forum, and hope to be able to incorporate them into future policy in this area.

Legal textbases on CD-ROM

R. Missingham

Publisher: DISKROM Australia

In late 1989 DISKROM AUSTRALIA published the Commonwealth Corporation Disk as their first product. This was built using TMS Inc's Innerview/W which supports the four modes of browsing, sequential, structural, keyed access and linked (Hypertext).

Innerview also provides many other functions to supplement browsing, including searching, printing, text annotation, bookmarks and export of text to word processing.

Innerview's search facilities are particularly powerful, with numerous aids to help the user formulate search expressions. These include a full suite of Boolean, proximity and ordered proximity functions, truncations and a list of all available terms in the database

Innerview allows the user to open, close, save and restore investigations. A user may thus keep in one file all the research done in a particular topic including all searches, annotations, bookmarks etc. easily recalling them for later reference.

Innerview/W operates on the windows environment. Although a powerful and sophisticated product, it is particularly easy to use. Most actions can be performed by pointing the mouse. It is thus ideal for both the novice and the power PC user and does not require keyboard skills to operate.

The Corporations Disk contains the new Commonwealth Corporations Legislation, comprising:

- *The Corporations Act*
- *Close Corporations Act*
- *Australian Securities Commission Act*
- and thirteen associated Acts

All associated extrinsic Aids
- Bills as introduced
- Second reading speeches
- *Hansard* extracts for the House and Senate
- Explanatory Memoranda
- Supplementary explanatory Memoranda
- House and Senate Amendments
- Joint Select Committee (*Edwards Report*)

Pre-existing (old) Companies Legislation (Consolidated) including:
- *Companies Act* and Regulations
- *NCSC Act*
- *Securities Industry Act*
- *Foreign Acquisitions and Takeovers Act*
- *Finance Industries Act*
- *Companies Acquisitions of Shares Act*
- *The Consolidated Acts Interpretations Act*

The Contents are structured in an hierarchical table of contents, taking the user down to the document level. On the disk a document is either:

- a speech within *Hansard*
- a clause within the explanatory Memoranda
- an amendment
- a section
- a clause
- or a paragraph

There are four types of cross references on the disk:

- Defined Terms. In the acts and bills on the disk any term that is defined elsewhere is marked as a cross-reference. Clicking on a defined term cross-reference moves to the place in the database where the term is defined.
- Section References are to another section or sub-section of an act or bill that are marked as cross-references. Clicking on section references instantly moves the user to the section or sub-section referred to.
- Table of Provisions is similar to a table of contents. Most of the legislation on the disk has a table of provisions, each entry on the table is treated as a cross reference. Clicking on an entry in the table of provisions instantly moves the user to that section.
- The Actrix is a cross-reference table that contains a comprehensive list of cross-references between the following
  —sections of new legislation
  —clauses of the supply Bills

  —explanatory memorandum clauses
  —House of Representatives Explanatory Memorandum
  —House of Representatives Amendments
  —Senate Explanatory Memorandum
  —Senate Amendments
  —Hansard page numbers, including second reading speeches
  —Joint Select (Edwards) Committee paragraphs
  —Equivalent of comparable provisions, or basis in existing law.

The Actrix is in many ways revolutionary. It overcomes, albeit indirectly, the limitations of having only one target for a cross-reference. It also provides a framework for additional cross-references in subsequent editions of the disk.

Browse Topic Lists are keyed access points allowing quick access to specific topics within the disk. Browse Topic Lists represent the logical structure of the disk and are similar to indexes in a book.

Nine Browse Topic Lists are provided

- Acts Interpretations Act definitions
- Acts Interpretations Act subject Bills
- Defined terms in all Acts and Bills
- Act sections and Bill Clauses
- Act and Bill names
- Explanatory Memorandum Clauses
- Joint Committee Report Paragraphs
- Hansard page numbers
- Actrix sections

DiskRom Australia has released a further three products

- *Commonwealth Numbered Acts*—an archive disk containing the 1973 reprint and subsequent numbered Acts 1973–1989.
- *Commonwealth Statutes*—a serial publication encompassing current Statutes law including Act reprints, Tables, proclamation and information.
- *Commonwealth Taxation Disk*—a serial publication building towards a complete source for taxation law.

In these service pages, *Criminology Australia* intends to present as much news as possible on new publications, conferences and appointments. To do this we will need to receive the notification as early as possible, preferably over six months ahead in the case of conferences, seminars and courses. News about events in South East Asia and the Pacific are particularly welcome. Please address copy to Jack Sandry, Editor *Criminology Australia*, GPO Box 2944, Canberra, ACT 2601.

Publisher: Australian Institute of Criminology

GPO Box 2944, Canberra ACT 2601

Mukherjee, S., Neuhaus, D. and Walker, J.
Crime and Justice in Australia
ISBN 0 642 14938 0. 76 pp. $30.00.

Many of the questions that you have wanted to ask about the criminal justice system are answered in *Crime and Justice in Australia*. This single volume report on crime and justice in Australia contains information and statistics concerning the criminal event, victim, offender, arrest and court procedures, sentencing, and the cost of criminal justice. Emphasis is on the national picture, but some state and territory details are also included. *Crime and Justice in Australia* will be of interest to the general public as well as criminal justice practitioners. It will be particularly useful for secondary school students.

Three new books in the Crime Prevention series:
General Editor, Dr Paul R. Wilson

Geason, Susan and Wilson Paul
Preventing Graffiti and Vandalism
ISBN 0 642 14936 4. 92 pp. $15.00.

Vandalism and graffiti can endanger lives through loss of services. It increases fear of crime among the old and the underprivileged, and can lower the quality of life in our communities. It is also costly to eradicate.

Preventing Graffiti and Vandalism discusses criminological theories on vandalism, describes planning, management, architectural and design strategies for minimising vandalism and graffiti on public transport, in public places, in and around public telephones, in schools, and in public housing. It will

be of interest to town planners, architects, public transport organisations, school administrations, Telecom, and local and municipal councils.

Hazlehurst, Kayleen
Crime prevention for migrant communities
0 642 15214 3. 60 pp. $15.00.

The community-based approach to crime prevention is the basis of this useful handbook. It has been written to provide general information to ethnic and other groups on community-based crime prevention.

Crime prevention for migrant communities takes into account specific problems and anxieties experienced by ethnic minorities. It offers helpful suggestions for communities to overcome these difficulties through designing safer and more friendly environments.

Many of the principles for crime prevention discussed in this handbook have been used widely in Australia and overseas, and will be useful for any community groups or agency wishing to consider these techniques.

Swanton, Bruce and Webber, Daryl
Protecting counter and interviewing staff from client aggression
0 642 14974 7. 74 pp. $15.00.

Protecting counter and interviewing staff from client aggression is a valuable contribution to the reduction of workplace violence. The authors discuss various forms of workplace aggression, the public contact environment, personal contact skills, terminating client contact and post incident administration. The approach adopted is prevention oriented and is directed at personnel and office managers concerned to protect their staff from client imposed aggression.

Conference Proceedings No. 2
Vernon, Julia and Selinger, Ben (eds). 1990
DNA and Criminal Justice
ISBN 0 642 15367 1. 138 pp. $15.00.

DNA Profiling is the latest in high technology to impinge on the criminal justice system. At this Conference, scientists, lawyers and police met to explain how the new expert evidence affected their areas of work. Ken Nimmich from the FBI in Washington provided an international input. Developments in new areas such as Polymerase Chain Reaction (PCR) were presented, and problems of quality control were revealed in detail, which are of great importance when treating evidence in court.

This work will be of great interest to scientists, lawyers and all involved in the criminal justice system.

Walker, J.
Australian Prisoners 1989
ISSN 0813–2364. 132 pp. $15.00.

The eighth annual volume of Australian Prisoners contains the results of the

National Prison Census held on 30 June 1989. This volume is a vital tool for all working in the fields of criminology, corrections, probation and parole, and indeed the social sciences generally. The National Prison Census is conducted on the night of 30 June each year and includes all persons, convicted and unconvicted, held in adult correctional institutions in all Australian jurisdictions.

Potas, I., Vining, A. and Wilson, P.
Young People and Crime:
Costs and Prevention
ISBN 0 642 15538 0. 116 pp. $15.00.

The lack of Australian and overseas data makes the evaluation of the cost-effectiveness of various government strategies a difficult task. This report, commissioned by the Youth Bureau of the Department of Employment, Education and Training will be used to create a policy framework for action to facilitate Commonwealth/state/territory and community co-operation in improving the juvenile justice system. Divided into four sections, the report covers: a conceptual framework for the costing of juvenile justice; some direct costs of crime; crime prevention costs; juvenile crime prevention programs.

Trends and Issues in Crime and Criminal Justice series
General Editor, Dr Paul Wilson
ISSN 0817–8542
(Subscription $20.00 per annum)
No. 24, Pinto, S. and Wilson, P.
August 1990
Gambling in Australia
ISBN 0 642 15456 2.
No. 25, Pinto, S. and Wilson, P.
September 1990
Serial Murder
ISBN 0 642 15552 6.

Publisher: CCH Australia Ltd

PO Box 230, North Ryde, NSW 2113

Workplace Rehabilitation Manual
CCH No. 3419. ISBN 186 264 225 7.
$42.00 (payment with order) or $48.00 (payment on invoice)

New workers compensation legislation provides for the effective rehabilitation of those injured in the workplace. This practical publication describes the legal requirements and offers practical guidelines for structuring rehabilitation programs. Contents include: legislation; programs and policies; rehabilitation providers; retraining; monitoring health and safety; case studies.

Tillett, Gregory
AIDS and the Workplace:
A Practical Approach
CCH No. 3390. ISBN 186 284 224 9.
$39.00 (payment with order) or $45 (payment on invoice)

This book provides detailed information and guidelines on all employment issues raised by AIDS. These issues include:

recruitment; discrimination; testing of employees; occupational health and safety; the rights of AIDS-affected employees; the rights of other employees; confidentiality; educating employees; developing a policy; superannuation; insurance; workers' compensation.

Publisher: Cambridge University Press

PO Box 85, Oakleigh, Victoria 3166

Gale, F., Bailey-Harris, R. and Wundersitz, J.
Aboriginal Youth and the Criminal Justice System
ISBN 0 521 374 642. $35.00.

This book examines and illustrates the processes of the South Australian juvenile system, from police apprehension, through screening panel or Childrens' Court to the sentencing process. The book initially focuses on the Aboriginal young offender, and then examines the way in which the processes of the juvenile justice system, and in particular the discretionary elements, seem to work against Aboriginal youths.

Publisher: Harcourt Brace Jovanovich Group (Australia) Pty Ltd

30–52 Smidmore Street, Marrickville, NSW 2204

Oates, Professor Kim (ed.)
Understanding and Managing Child Sexual Abuse
ISBN 072 950 322 4. 412 pp. $75.95.

In the preface to this book, Professor Oates says that it is intended 'for people who want to learn about or increase their knowledge of child sexual abuse, partly from a theoretical perspective, but more particularly from a practical, management view point'. Articles included in the book have been provided by scholars and clinicians from overseas as well as Australia.

Publisher: University of Queensland Press

PO Box 42, St Lucia, Qld 4067

Prasser, S., Wear, R. and Nethercote, J.R.
Corruption and Reform: the Fitzgerald Vision
ISBN 0 702 222 348. 267 pp. $29.95.

Designed to be both an analysis of the *Fitzgerald Report* and a continuing reference point for the many areas of government it touched, *Corruption and Reform* discusses the establishment of the Fitzgerald Inquiry and the role of the media; outlines the process of the Inquiry, comparing it to previous inquiries; analyses the problems of implementing reforms; discusses conflict of interests in local government, and much more. Contributors include: Evan Whitton, Chris

Masters, Phil Dickie, and Malcolm Mackerras.

Lumb, R.D.
The Constitutions of the Australian States, 5th edn
ISBN 0 7022 2218 6. 192 pp. $29.95 (paperback).

This book outlines the major steps which led to the attainment of responsible government by New South Wales and other colonies. The author traces the changing pattern of government which slowly evolved in response to the demands of the inhabitants of the colonies. The author also explains the more important features of the constitutions in their present form. Particular attention is given to the provisions relating to the resolution of deadlocks between lower and upper houses.

Publisher: Oxford University Press

253 Normanby Road, South Melbourne, Vic 3205

Allen, Judith
Sex and secrets: crime involving Australian women since 1880
ISBN 0 195 548 396. 290 pp. $22.50.

An historical analysis of the extent of crimes committed by, and against, women and girls. In compiling this book, Dr Allen made use of the New South Wales archives and records of criminal and divorce courts, coroners' offices, prisons and child welfare institutions.

Publisher: The Law Book Company Ltd

44–50 Waterloo Road, North Ryde, NSW 2113

Creech, H.
A Guide to Legal Research in Papua New Guinea
ISBN 0 455 209 227. 233 pp. $35.00 (softcover).

This is a practical guide to finding Papua New Guinea law for law students, legal practitioners and government officials.

Scutt, Dr. J.A.
Women and the Law
ISBN 0 455 209 839. 450 pp. $49.00.

This new casebook analyses the position of women and the law through the use of case extracts and extensive commentary. Chapters include: equal opportunity and sex discrimination; affirmative action and equal pay; women, children and family relations; women and crime; law reform.

Yeo, S.
Compulsion in the Criminal Law
ISBN 0 455 209 944 256 pp. $69.50.

This book details the theory of justification and excuse as applied to the relevant defences of self-defence, duress and necessity.

Publisher: Victorian Office of Corrections

20 Albert Road, South Melbourne, Vic 3205

Proceedings of the International Conference on Sex Offenders
$20.00.

The conference, Management Strategies for the Treatment of Sex Offenders in the 1990s, was held in April 1990 in Melbourne, sponsored by the Victorian Office of Corrections and the Victorian Department of Health. The Proceedings comprise a collection of papers by leading American and Australian experts, and are essential reading for anyone with an interest in the management and treatment of sex offenders.

Keypoints
Quarterly Magazine. Gratis.

The official magazine of The Office of Corrections, Victoria, it is available free of charge to interested people or organisations.

Australian Institute of Criminology

1991 PROGRAM OUTLINE

Computer Fraud
19-21 February, Canberra

Aboriginal Law Conference
22-27 March, Alice Springs

Sex Industry and Public Policy
6-8 May, Canberra

Environment '91 Conference
16-19 May, Darling Harbour, Sydney

National Overview on Crime Prevention
4-6 June, Adelaide

Minimising the Consequences of Illicit Drug Use
24-26 June, various locations to be advised

Courtroom Innovations
29-31 July, Sydney

Fraud Conference
13-15 August, Gold Coast

Researchers Conference
23-25 September, Canberra

Asia Pacific Police Technology Exhibition and Conference (APPTEC '91)
12-14 November, National Convention Centre, Canberra

Role of Education, Training and Employment in the Criminal Justice System
25-28 November, Perth

For further information about any of these conferences, please contact:

Conferences Section
The Australian Institute of Criminology
GPO Box 2944, Canberra ACT 2601.
Tel: (06) 274 0226 or (06) 274 0223

Australian Consortium for Social and Political Research Incorporated (ACSPRI)

Summer Program in Social Research Methods and Research Technology
3-15 February 1991, La Trobe University, Melbourne

The ACSPRI Summer Program will be held in association with the School of

Social Sciences at La Trobe University, Melbourne. It comprises two sets of week-long courses which run from Monday to Friday, starting at 9.00 am and finishing at 5.30 pm. Courses are available at all levels, from introductory courses in social research methods and analysis to those covering specific advanced data analysis techniques.

Week 1 (4-8 February):
Introduction to statistics
☐ Principles of qualitative research
☐ Introduction to multiple regression
☐ Factor analysis
☐ Models for analysing change
☐ LISREL
☐ Data graphics and report writing

Week 2 (11-15 February):
Data analysis in SPSS-X
☐ Data analysis in SAS
☐ Data analysis on the Macintosh
☐ Analysis of qualitative data
☐ Regression techniques
☐ Long-linear modelling
☐ Rank image analysis

A booklet containing descriptions of the courses and application details is available from:

Social Science Data Archives
The Australian National University
GPO Box 4
Canberra ACT 2601
Tel: (06) 249 4400.

OVERSEAS

American Society of Law Enforcement Trainers

Fourth ASLET International Training Seminar
1-12 January 1991, West Palm Beach, Florida, USA

The Palm Beach County Sheriff's Office, in cooperation with the American Society of Law Enforcement Trainers (ASLET), a non-profit educational organisation, will host this seminar. The course will include: management/supervision of training; general training; firearms training; motor skills training; and specialised training. Those involved in law enforcement training, including training directors, firearms instructors, academic instructors, and others, will benefit from this comprehensive seminar.

Seminar fee for ASLET members is US$235.00 and US$285.00 for non-members.

For further information please contact:
ASLET
9611-400th Avenue
PO Box 1003
Twin Lakes, WI 5318-1003.
Tel: (414) 279 5700 Fax: (414) 279 5758.

RESTTA (Restitution Education, Specialised Training and Technical Assistance) Program and the American Restitution Association

Fourth Annual Conference on Juvenile Restitution
13-16 January 1991, Orlando, Florida, USA

For more information, please contact:
Peter R. Schneider
Project Director
Pacific Institution for Research and Evaluation
Suite 900 East, 7315
Wisconsin Avenue, Bethesda,
Maryland 20814, USA.
Tel (301) 951 4233

The Institute for the Study and Treatment of Delinquency

Deaths in Custody
25-28 March 1991, Canterbury, England

Growing world-wide concern at the increasing number of deaths which take place in custody determined the ISTD to choose the theme 'Deaths in Custody' for the International Conference to be held to mark the 60th anniversary of its foundation in 1931. It is expected that several leading international organisations will be giving this interdisciplinary event their support.

Plenary sessions will include: deaths in police custody; deaths in prison. *Parallel seminars will include*: the plight of minorities; the relevance of alcohol and other drugs; juveniles and young persons; *Solutions workshops will include*: improved screening of admissions; enhanced staff training; equipment and surveillance.

For further information please contact:
Martin Farrell
Director, ISTD
King's College London
Chelsea Campus
Manresa Road, London SW3 6LX, UK.

World Society of Victimology

Seventh International Symposium on Victimology
25-31 August 1991, Rio de Janeiro, Brazil

Please submit papers or expressions of interest to:
Ester Kosovski
Vice-President
World Society of Victimology
Department of Criminology
University of Westfalia
24/25 Bispinghof
4400 Munster, Federal Republic of Germany.

Attention, researchers of crime and criminal justice issues

In the last issue of *Criminology Australia* we drew your attention to the directory of researchers working in the area of crime and criminal justice, which the Australian Institute of Criminology and the Queensland Criminal Justice Commission are jointly compiling. The purpose of this initiative is to find out WHO is doing WHAT and WHERE! The aim is to provide a resource for the crime and criminal justice community, by bringing together this information into one, comprehensive, readily accessible database. During the past couple of months we have been actively networking in order to locate these researchers, but we do not have much time left, and would like to ensure we reach all who should be included. If we have not yet reached you, we would like to. Please call Heidi James at the Institute (Tel: (06) 274 0241).

Institute occasional seminars

Three seminars were held at the Australian Institute of Criminology during August and September:

☐ On 3 August, Professor Daniel Curran of the Department of Sociology/Criminal Justice at Saint Joseph's University in Philadelphia, spoke about 'The Promise and the Reality of Legalised Gambling in the United States: the Case of Atlantic City, New Jersey'.

☐ On 6 August, Dr Claire Renzetti, Associate Professor in the Department of Sociology/Criminal Justice at Saint Joseph's University in Philadelphia spoke about 'Violent Betrayal: Partner Abuse in Lesbian Relationships'.

☐ On 18 September, Dr Peter Reuter, Senior Economist in the Washington office of the RAND Corporation, and co-director of RAND's Drug Policy Research Center, spoke about 'Money from Crime—the Economics of Drug Dealing in Washington, DC'.

Crime survey in Papua New Guinea

In order to improve the law and order problem in Papua New Guinea, there has been a strong demand for accurate crime statistics. The Australian Institute of

Criminology is assisting the PNG authorities to correct this situation. A three-pronged approach has been devised to obtain and present three types of statistics: crime victim surveys to be conducted in Port Moresby and Lae; reports and data to be collected from police and village court administrations; and crime related data to be collected from other community organisations. John Walker, Senior Criminologist with the Australian Institute of Criminology will provide technical support for the survey, including analysis of the data, and will assist in monitoring progress. The proposed survey is generally considered by the law and order sector to be a vital initiative in a co-ordinated approach to reducing the level of crime in Papua New Guinea. Preparation for the survey is underway and will commence in January 1991.

New School of Justice Administration

From the beginning of 1991, Griffith University will offer a Bachelor of Arts in Justice Administration. The degree program will be offered through a new School of Justice Administration located in the University's Division of Education. The Queensland Police Service supports this new program and approximately 15 students will be sponsored by the Australian Federal Police to undertake the course. The content and structure of the program responds directly to recommendations in the *Fitzgerald Report* (1989) and the *Kennedy Report* for the State Corrective Services Commission (1988). For further information please contact Professor Meade, Dean of the Division of Education.

Legal expert to join UNESCO

Dr Lyndell Prott, Reader in Jurisprudence, University of Sydney, has been appointed Head of the International Standards Section of the Cultural Heritage Division of UNESCO for two years. This position will involve administering UNESCO's cultural heritage conventions, including the 1970 convention on illicit traffic in cultural property and the 1972 World Heritage Convention.

Centre for Plain Legal Language

The Law Foundation of New South Wales has established a Centre for Plain Legal Language within Sydney University. It is part of the Foundation's goal 'to improve the community's access to the law'. Among the new Centre's practical aims it will: rewrite in plain English commonly used legal forms and precedents so that they can be understood by everyone; develop training programs in plain legal writing; compile guidelines for clear legal writing; provide advice and guidance for

the profession; and conduct tests and surveys to change attitudes in favour of clear legal language. For further information please contact the Co-directors of the Centre: Mr Terry Purcell, Director of the Law Foundation of New South Wales, and Associate Professor Robert Eagleson of the Department of English.

Environmental pollution

Jennifer Norberry, Criminologist at the Australian Institute of Criminology, is conducting research into effective sanctioning strategies for environmental polluters—including the use of the criminal law. People conducting similar research or who are aware of incidents of environmental pollution are invited to contact Jennifer Norberry at the Institute on (06) 274 0242.