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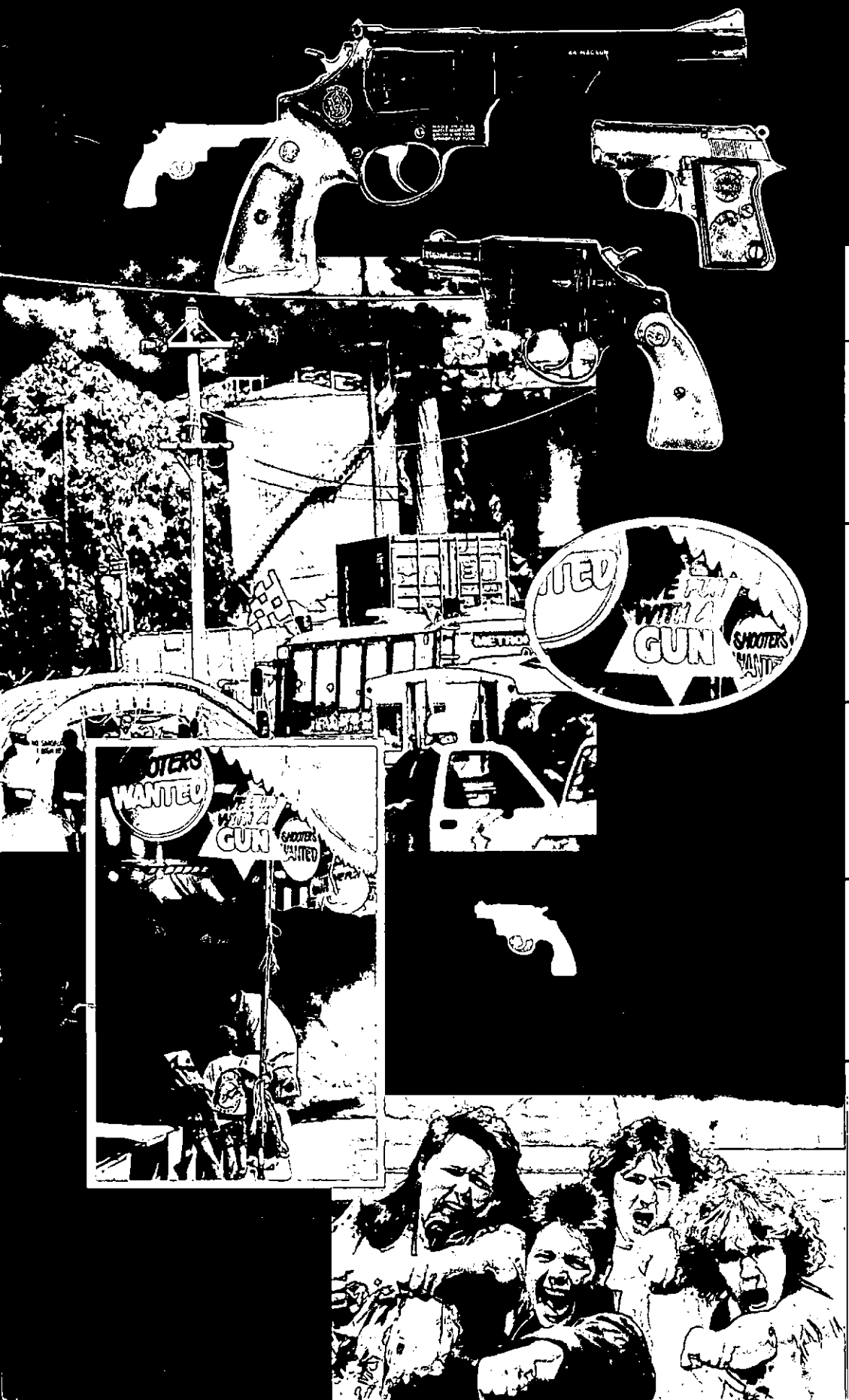

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Victims of Crime and the Mass Media

A National Gun Control Strategy

Violence against Women

Homicides and the Death Penalty

Cover pictures by George Sal, The Herald and Weekly Times Limited (for Coode Island pollution); the Adelaide News (for women's self-defence) and Garry Raffaele (for shooting gallery).

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contents

Victims of Violence and the Mass Media 2
Chris Sumner and Adam Sutton

A National Gun Control Strategy 5
Duncan Chappell

Violence against Women 10
Wendy Fatin, MP

The Land and Environment Court 13
Paul Stein

Corporate Crime Group 16
Allen Bowles

Homicides and the Death Penalty 19
John Walker

Service Pages 26

C J Sumner* and A C Sutton+

Victims of Crime and the Mass Media[1]

This is an edited version of a paper presented at the Seventh International Symposium on Victimology, Rio De Janiero 25-30 August 1991. It will be published in full in the conference proceedings to be published by the World Society of Victimology in early 1993.

The concept of 'secondary victimisation'—negative effects from actions and events which follow the crime itself—now is well entrenched in criminology (Whitrod 1980; Shapland et al. 1985; Fattah 1986). Research has concentrated particularly on trauma which can be caused by police interrogation and other criminal justice procedures (Coats et al. 1979, Skogan & Wycoff 1985). Following these studies, many jurisdictions have made significant changes to the ways agencies interact with victims. But what of the problems caused by the mass media?

Mass Media and Crime

Most research on mass media's role in shaping perceptions of, and reactions to, crime and deviance has concentrated on offences and offenders, and on structures and procedures which tend to bias the presentation of crime stories and news.

There are several reasons for this bias. The most obvious is that the mass media aim not merely to inform but to generate profits by attracting attention.

Stories which will titillate (such as sex crimes) or excite morbid curiosity (such as serial or gruesome murders) also are seen as more likely to generate an audience. So too are cases which have a 'morality play' aspect or potential to outrage or threaten society (Grabosky & Wilson 1989, p. 14).

The imperative of attracting and retaining an audience leads mass media to adopt editorial strategies which involve pursuit of particular crime-related 'themes'.

It should be emphasised that the above findings apply more to some areas of the media than others. Newspapers, television and radio in Australia and other countries can provide examples of crime reporting that is accurate and constructive[2], and publicity on crime and its effects on victims often is of benefit to the community. Nonetheless, at times, offenders and their victims are made to seem familiar enough for the reader to be shocked or titillated but still sufficiently different (perhaps because the victim is portrayed as in some way precipitating the offence) for us to retain a degree of remoteness and safety[3]. In practical terms, all such techniques involve a production process that both simplifies crime stories and forces them into familiar frameworks and stereotypes. Victims of crime and their families are important for this system of packaging and commodifying news and constructing social reactions. The danger is that once caught up in the news process, they can be stripped of autonomy and rights and themselves be treated as mere objects.

Victims of Crime and the Media

In South Australia, at least one group of victims has been aware of this problem and worked hard to draw public and government attention to it. The people concerned include parents and relatives of several teenage boys murdered in Adelaide between 1979 and 1983.

The crimes are particularly horrific in that each of these young people was taken by force from a city or suburban street and subjected to various outrages and homosexual attacks before being murdered. They caused abhorrence and alarm in a city whose homicide rates generally have been low by national standards (Office of Crime Statistics 1986), and because they occurred over

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1. The authors wish to thank victims of crime for their assistance in granting interviews and providing insights for this paper, and for giving permission for their cases to be described. Also acknowledged is support given by Dr G McGrath and the National Police Research Unit, Adelaide, South Australia. Dr Matthew Goode, from the Attorney-General's Department Policy and Research Division provided invaluable comment on an earlier draft.

2. Anne-Marie Mykyta's moving account (1981) of the experiences of the family of a victim in a group of serial killings provides examples both of positive and negative experiences with mass media.

3. A persistent theme in discussions with victims is their feeling that in subtle ways some media accounts have suggested that the victim's behaviour contributed to the crime—and, therefore, that ordinary readers can 'feel safe' because they would not engage in such conduct. For example: it may be insinuated that a young person has been abducted as a result of 'reckless' behaviour by himself (such as hitch-hiking) or that parental supervision was inadequate; that people subjected to homosexual attacks may have had homosexual inclinations, and so on.

an extended period, the offences attracted constant attention from electronic and print media. Unfortunately, such scrutiny also has fallen on victims' immediate families resulting in intrusions into family homes, harassment and rudeness from reporters whose work or attentions were found objectionable, and continued publication of stories falsely insinuated unsavoury or improper conduct by the victim.

Reviewing these experiences, it would be an understatement to point out that, in its eagerness to exploit what one respected journalist has termed 'the story which certainly sells', mass media all too often ignored the sensitivities and basic human rights of individuals affected. As McGrath (1989) points out in his wide-ranging analysis of post-traumatic experience, these families have found themselves transformed into public property—media commodities—and been required to cope with this burden on top of the trauma of sudden and horrific bereavement.

In a videotape recently made by the victim movement and the South Australian Government (Filmhouse 1991), the mother of a teenage girl murdered in another episode of serial killings makes specific reference to this issue.

> *One newspaper phoned us on the morning that [J.] was found and said 'we're sending out a photographer to take a photograph of you in your anguish', and my husband said 'well don't bother because we're not opening the door'(Filmhouse 1991, p.30).*

A strong theme in this film is the extent to which all victims can feel exploited, and have their privacy invaded, by mass media—and that all experiences hurt when they see other victims used in these ways.

At their worst extremes, such media pressures can amount not merely to harassment but to blaming victims. It is not surprising that some now suggest that 'media coverage and behaviour is so bad that, in some cases, in a victim's eyes they become as much the enemy as the murderer'[4]. Clearly, these people feel the need for greater protection.

Protecting Victim's Rights in the Media

Before assessing options to ensure greater sensitivity by print and electronic media to the rights and needs of victims of crime, it is important to give consideration to the role of the press in helping preserve a free and democratic society. As Sackett (1982) has pointed out, the press provide the only adequate avenue for people of a nation 'to have published for their information what their rulers—their public officials—are doing, whether in their legislatures, in their courts or while acting in any other public and official capacity' (p. 9). Without freedom of the press, there could be none of the investigatory journalism which produced the Watergate revelations in the United States and numerous Royal Commissions in Australia (*see* Grabosky & Wilson 1989, pp. 129-30). In the light of this history, it is perhaps not surprising that the media often tend to portray freedom of expression and freedom of the press as the only valid human rights.

In reality, however, no person or group would claim an absolute right to freedom of speech.

International conventions reveal an inherent tension between the rights of individuals to be protected from invasions of privacy and the broader right of society to freedom of expression and information.

The Universal Declaration of Human Rights, for example, affirms the right to freedom of opinion and expression (Article 19) but also upholds human dignity and prohibits arbitrary interference with a person's privacy, family home or correspondence, or attacks on honour or reputation (Article 12). Similarly, the International Covenant on Civil and Political Rights asserts the right to freedom of expression (Article 19) but proscribes arbitrary or unlawful interference with privacy, the family home, or correspondence. Article 19 goes on to say that the right of freedom of expression may be subject to certain restrictions, so long as these are provided by law and are necessary to protect the rights or reputations of others.

Even in the United States of America, where the Constitution has a specific provision (the First Amendment) supporting freedom of expression and freedom of the press, the Supreme Court has articulated a right of privacy, drawing on other provisions in its Bill of Rights to do so.

Clearly then, whenever particular countries embrace notions such as

I shall:

Provide the public with factual, objective information about crime stories concerning:

the type of crime that has occurred;

the community where the crime occurred;

the name or description of the alleged offender if appropriate under existing state law;

significant facts that may prevent other crimes.

Present a balanced view of crime by ensuring that the victim and the criminal perspective are given equal coverage when possible.

When requesting to speak with victims, advise them that they may be interviewed 'off the record' or 'on the record', if they desire such an interview; and advise them that they have a right not to be interviewed at all.

When reporting conversations with victims, quote victims, families and friends fairly and in context.

Avoid photographing or filming crime scene details or follow-up activities such as remains of bodies or brutality; instruments of torture; disposal of bodies.

Notify and ask permission of victims and their families before using pictures or photographs for documentaries or other news features.

I shall not:

Photograph, film, or print for publication photographs of victims, graphic crime scenes, or victims in the courtroom without permission.

Print or broadcast unverified or ambiguous facts about the victim, his/her demeanour, background or relationship to the offender.

Print or broadcast facts about the crime, the victim, or the criminal act that might embarrass, humiliate, hurt or upset the victim unless there is a need to publish such details for public safety reasons.

Print, broadcast, photograph or film lurid or graphic details of the crime.

Promote sensationalism in reporting crime or criminal court cases in any way.

4. Extract from a submission, dated 15/2/91, to the South Australian Attorney-General by Mrs B and six other victims.

freedom of expression and rights of privacy, they also must commit themselves to searching for an appropriate balance between these principles. This suggests that, rather than treating victim's privacy or freedom of speech as absolute rights which cannot be tampered with, it makes more sense to review the existing situation and assess whether a better balance can be achieved. Such a review would indicate that some procedures already exist within Australia for providing crime victims with some protection from media intrusion. They include:

- ☐ powers vested in courts to order non-publication of aspects of proceedings;
- ☐ codes of practice developed by the Australian Journalists' Association;
- ☐ self-regulation of the printed media by the Australian Press Council; and
- ☐ policing of commercial broadcasters by the Australian Broadcasting Tribunal.

The question is whether such protection is sufficient.

Although often resented by the media, laws providing courts with powers to suppress aspects of hearings generally have had positive outcomes for victims. They have ensured, for example, that throughout Australia there now exists a ban on publicising the names of alleged victims in prosecutions for sexual assault. Few would argue that the quality of Australian mass media has suffered as a result of these provisions. However, a major weakness in reliance on courts is that orders can be sought only after proceedings against an alleged offender have commenced. At times, this can lead newspapers and other media to devote even greater attention to matters where an arrest is pending (Grabosky & Wilson 1989). Of course, there can be no suppression order if an offender has not been located, and publicity and speculation concerning 'unsolved' cases can be particularly distressing.

Application of more wide-ranging provisions is a matter of considerable sensitivity. Opponents quite rightly point out that freedom of the press is a cornerstone of democracy, and that establishment of extensive regulatory provisions backed directly or indirectly by the government may put at risk the media's ability to expose government, business or other wrongdoing. In an ideal world, it would be preferable to rely on the industry to supervise itself. However, the record in this respect is not impressive.

For example, most working journalists in Australia are members of the Australian Journalists' Association (AJA) which attempts to exercise control over the professional activities of its members. The AJA has an explicit ten point code of ethics, and each of its branches is required to elect a five-member judiciary committee to maintain observance. Point 9 of the code states that journalists 'shall respect private grief and personal privacy and shall have the right to resist compulsion to intrude on them'. However, despite this provision, and despite the Association's power to admonish, discipline, impose fines (up to $1,000) or expel members for breaches, the practice continues.

Similar concerns have been expressed about the other major source of media self-regulation, the Australian Press Council. The Council's complaints committee comprises five members, the majority being independent from the media. Any person may approach the Council about articles published in a newspaper or magazine, and in the year ended 30 June 1989, 205 complaints were received.

Although the Council's complaints committee operates with very broad guidelines, it rarely censures the press and prefers matters to be resolved by mediation. It is not able to ascertain whether newspaper reports are factually incorrect and does not have legal or consensual powers to discipline individuals or organisations. In fact, the only sanction available to the Council is publication of its adjudications on complaints made. While existence of the Press Council may have helped improve journalistic standards, there is a real question whether its powers and procedures allow adequate remedies for people who feel they have been unfairly treated. Generally, victims of crime do not consider that a complaint to the Press Council will help them obtain relief from newspapers or other print media.

Victims also lack confidence in the Australian Broadcasting Tribunal. Like the Press Council, the Tribunal receives and adjudicates a wide range of complaints: about 2,000 were received in the 1986-87 financial year. However, while the Tribunal can issue and ensure publication of reprimands and can restrict transmissions, it has limited ability to take action against invasions of victims' privacy. The main penalty is to 'name' organisations responsible for gross trespass: a sanction which seems to have limited effectiveness.

Because of concerns about self-regulation, governments in Australia recently have been examining other approaches. Two possibilities canvassed are establishment of a national media tribunal and enactment of a general law of privacy which would incorporate the Journalists' Association's code of ethics.

In August 1991, a Select Committee on Privacy of the South Australian Parliament put forward a proposal, novel in the Australian context at least. Following testimony from and on behalf of victims, it suggested enactment of legislation to create a general right of privacy. To ensure that its legislation could guarantee media respect for personal grief and privacy, the Select Committee suggested that standards similar to the Journalists' Association's code of ethics be incorporated as regulations under the Act. This would enable victims of crime to seek injunctions and other remedies and to be awarded damages if the code was breached.

Undoubtedly, media in a free enterprise society compete for an audience, but part of this competition is to satisfy selfish interests: to be entertained; to be titillated; to be able to moralise about others' misfortunes. All too often, victims of crime have paid a high price for their role in making the news. There is growing recognition, both nationally and internationally, of victims' rights to privacy and to be treated with respect. The challenge now is for the victim movement to find ways to ensure that this recognition can be translated into effective conventions and provisions.

Already, organisations such as the United States' National Association for Victim Assistance (NOVA) provide a model of ways we can proceed.

In 1988, NOVA published a comprehensive code of ethics for the media (*see* Box) and over the last four years NOVA has recorded some notable successes in persuading progressive media outlets to adopt the code (NOVA 1991). Although there have been setbacks[5] there is no gainsaying advances achieved. If a society such as Australia's can reach the stage where racist and sexist comment in media is no longer acceptable, there is no reason to believe it cannot be made more sensitive to the rights and feelings of people affected by criminal offences.

None would want gains for victims to be at the expense of legitimate rights of free speech and a free press—rights which are fundamental to a democracy. A way out of this dilemma would be for the mass media to adopt more thorough and effective methods of self-regulation which ensures proper treatment of bereavement and respect for victims' privacy.

References continued on page 12

5. The most notable setback was a decision by *NBC Nightly News* on 16 April 1991 to publish the name of a complainant in a sensational Palm Beach, Florida, case of alleged sexual assault involving a member of the Kennedy family (*see* NOVA 1991).

Duncan Chappell*

A National Gun Control Strategy: The Recommendations of the National Committee on Violence

Media headlines reflected the national outrage that flowed from the events which took place at the Strathfield Shopping Plaza in Sydney early on the afternoon of Saturday, 19 August 1991. At some time between 2.20 pm and 3 pm on that day Wade Frankum, a 33-year-old part-time taxi driver, went on a shooting and stabbing spree in this crowded suburban shopping centre.

Eight people died, including Frankum, and six were wounded in the ensuing massacre. Frankum, a licensed New South Wales shooter, was armed with a 30 cm long hunting knife and a Chinese made SKS 7.62 mm self-loading rifle. More than fifty rounds were fired from this weapon before Frankum ended the carnage by shooting himself in the head.

The Aftermath of Hoddle and Queen Street

In August and December 1987, similar outrage swept the nation when, in two separate incidents in Melbourne, sixteen people died and twenty-two were wounded by lone gunmen wielding semi-automatic weapons (Chappell 1989). These incidents, now known as the Hoddle and Queen Street massacres, led to the Prime Minister convening a Gun Control Summit in Canberra on 19 December 1987, at which the nation's leaders reviewed the need for uniform gun laws. The summit failed to reach a consensus on a national gun control strategy but the Commonwealth, all states and the Northern Territory, did agree to establish a National Committee on Violence (NCV) with a broad ranging mandate to study the state of violence in the nation; to examine the causes of this violence; and to propose ways of combating this pervasive problem in the future (NCV 1989).

The NCV was in fact established on 16 October 1988. With limited resources, and a requirement to produce a final report by the end of 1989, the NCV conducted nationwide public hearings; sponsored research and published a wide range of materials on different aspects of violence; held a National Conference on Violence; and submitted its findings to all governments on schedule. These findings were subsequently published in February 1990 in a report entitled *Violence: Directions for Australia* (NCV 1990).

The Premiers and Chief Ministers decided that the recommendations of the Police Ministers would be implemented and that all necessary legislative and administrative changes would be put in place by 1 July, 1992.

In particular, they agreed to the following measures:

to confirm the existing prohibitions on the importation and possession of automatic firearms and hand guns;

to prohibit subject to carefully defined exemptions, the sales of military style semi-automatic firearms and non-military self loading firearms;

consistent minimum licensing procedures;

to place restrictions on the sale of ammunition as a means of limiting unlicensed shooting;

to require the secure storage of firearms;

the introduction of obligations on both sellers and purchasers to ensure that the purchaser is appropriately licensed;

relevant legislation in all jurisdictions to set out circumstances in which licenses are to be cancelled and all relevant firearms seized;

all jurisdictions to participate in amnesty arrangements to promote the surrender of firearms;

where a protection order is made against a violent offender, all firearms and other dangerous weapons in the possession of that person are to be confiscated automatically during the currency of the order.

Extract from the communique issued following the 21-22 November 1991 Special Premiers' Conference held in Adelaide.

* Director, Australian Institute of Criminology and former Chair, National Committee on Violence.

Reducing the Firearms Arsenal

The first broad component of the national gun control strategy proposed by the NCV is that of reducing the number of weapons contained in Australia's firearms arsenal. The achievement of this goal requires detailed information about the nature and size of this arsenal. Unfortunately, at present only very sketchy information is available on this subject. In 1987 the Australian Institute of Criminology reported to the Prime Minister's Gun Summit that:

- There are **at least** 3.5 million guns of all types — registered, unregistered, licensed and unlicensed — in the hands of private citizens in Australia. In 1979 there was one gun to every five or six people in the nation. Today there is one gun to every four people...
- More than one-quarter of all Australian households possess a gun. Queensland and Tasmania have the highest percentage of armed households (Chappell et al. 1988).

International Crime Victim Survey (ICVS)

These 1987 figures were estimates based on what was then the best available evidence (*see* Harding 1981). More recent information from the 1989 International Crime Victims Survey conducted simultaneously in 14 nations around the globe, including Australia, suggests that about one Australian household in five owns a gun.

In the survey, respondents were asked:

Do you, or someone else in your household, own a gun? By gun I do not mean an air rifle.

Of the 2,012 respondents aged sixteen and over in Australia, selected at random from the telephone books, 19.4 per cent answered yes to this question. When minor adjustments are made to align the characteristics of the sample to reflect the actual age, sex and regional distribution of the Australian population, this figure results in an estimate that 20.7 per cent of Australian households own a gun, other than an air rifle.

There were an estimated 5,263,923 households in Australia in 1988. Therefore, there is a 95 per cent probability that between 994,881 and 1,184,383 households own guns. The best single estimate is 1,089,632 households. These figures are considerably less than previous estimates which have been used widely in the absence of any recent data (Van Dijk et al. 1990). Regrettably, no estimate can be made of the number of weapons this represents.

A follow-up question to the 391 respondents who said they owned guns was:

Is this a handgun, or is it a rifle or shotgun?

Of the 391 respondents, 88.0 per cent said a rifle or shotgun; 4.3 per cent said it was a handgun and 3.1 per cent said they had both types of gun. The other 4.6 per cent said they were not sure what sort of weapon it was.

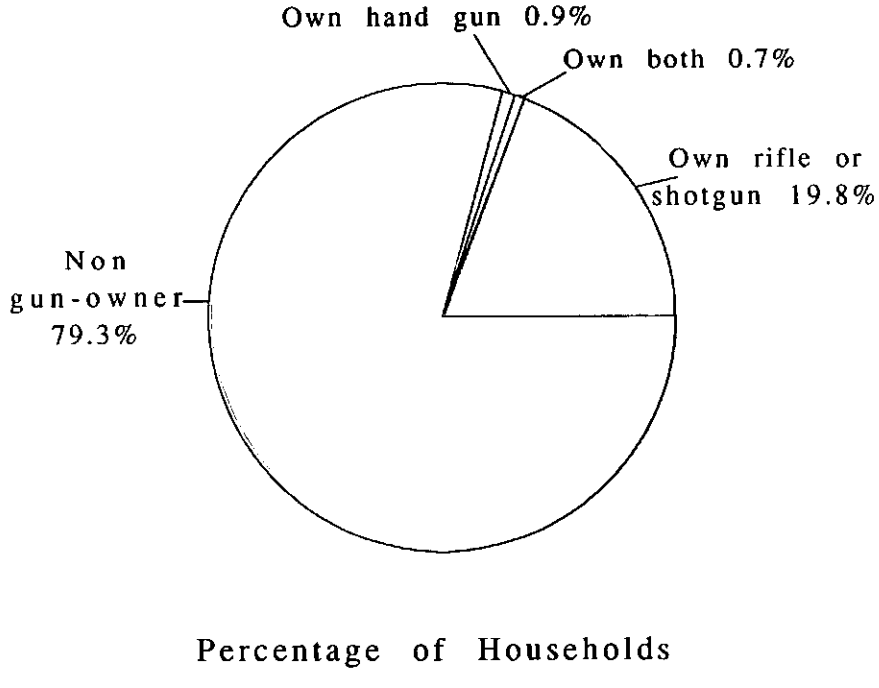
Assuming that those who were unsure of the type of weapon were not significantly different in their ownership patterns from those who specified the type(s), this would suggest that, of the estimated total of 1,089,632 households which own a gun of some sort, 1,004,915 households own a rifle or shotgun (19.1 per cent of all households), 49,662 households own a handgun (0.9 per cent), and 35,055 households own both types of weapon (0.7 per cent). (*See* Figure 1). This information provides no indication, unfortunately, of the calibre, self-loading and other qualities of the weapons involved.

The Demographics of Gun Ownership

Where are the households located which own guns around the nation? The most current licensed shooter figures available indicate that there are about 809,000 Australians who presently hold a shooter's licence. Figure 2 shows the jurisdictional spread of these shooters. It will be noted that the figures include only licensed pistol shooters in Tasmania and Queensland. At the time of writing, both these states have not required licences to use other categories of weapon, although Queensland has required a licence from 1 January 1992. Figure 3 shows the rate of licensed shooters per 100 adults of the population. Omitting Tasmania and Queensland from the equation, Figure 3 shows that the Northern Territory has the highest per capita rate of licensed shooters in the country.

Some inter-jurisdictional statistics are also available regarding the number of registered weapons. At present five

Figure 1
Extent of Gun Ownership in Australia



Source: Van Dijk 1990

jurisdictions require all firearms to be registered while three — New South Wales, Queensland and Tasmania — only register pistols. Figures 4 and 5 show, respectively, the number and rate of weapons registration in each Australian jurisdiction.

Apart from these official statistics, the ICVS data also provides some interesting information about gun ownership. Much of the contemporary debate about gun ownership is focused upon the nation's cities where it is often suggested that there is no need for citizens to possess firearms of any type. It is generally accepted, however, that people who live in rural areas may need a weapon for agricultural purposes.

The ICVS statistics bear out this tendency, with respondents to the survey almost four times more likely to own a gun if they lived in areas of under 10,000 population than if they lived in the large cities. Based on the survey, the best estimate of gun ownership in rural areas is 41.1 per cent of households, while the best estimate for cities of one million or more, which includes Sydney, Melbourne, Brisbane, Perth and Adelaide, is only 11.7 per cent. Intermediate sized communities have intermediate gun-ownership figures. (*See* Figure 6).

In terms of specific regions of Australia, there is again a clear distinction between the capital cities and the non-metropolitan areas of the states. Sydney emerges as having the lowest rate of gun ownership at only 7.5 per cent of households, with Melbourne having one of the higher capital city figures at 14.4 per cent. Other figures tend to confirm the expected relationship between country and outback life and gun ownership. (*See* Figure 7).

A Gun-Free Society?

Given this information about the nature and size of the nation's firearms arsenal, what specific recommendations have been made by the NCV which are designed to reduce the number and types of weapon held by Australians?

It should be stressed that the NCV did not opt for a firearms-free society. A consensus view was reached by the Committee that if its recommendations were to be both credible and acceptable politically, they would have to take account of the legitimate interests and needs of many Australian firearms owners. For example, it was acknowledged that farmers might require weapons to eliminate vermin or put down animals, while other citizens enjoy target shooting as part of an internationally recognised and controlled sport.

(It should be noted that the detailed recommendations from the National Committee on Violence were far more extensive than those agreed to by the states at the Special Premiers'

Figure 2
Number of Licensed Shooters

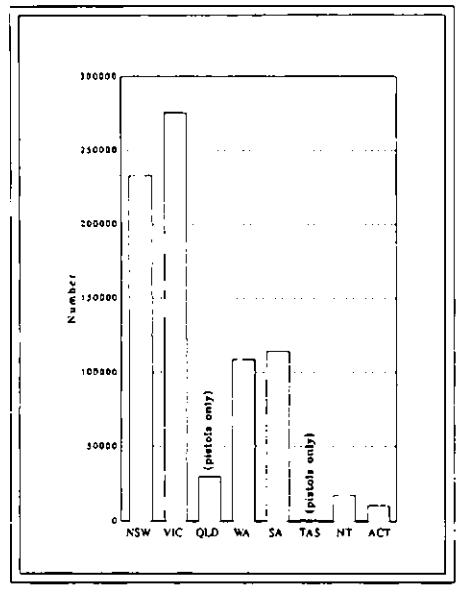
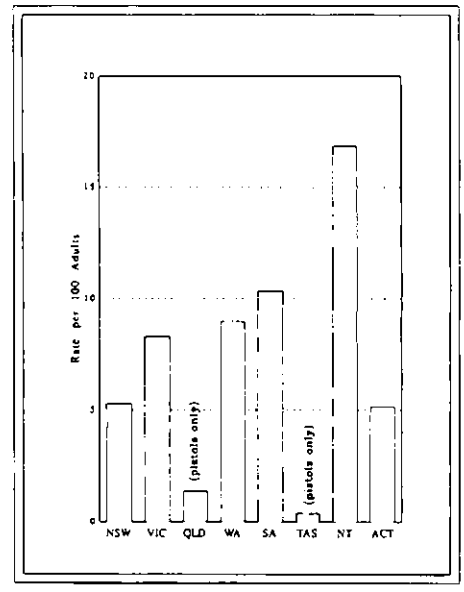


Figure 3
Licensed Shooters
Rate per 100 Adults



Source: Data supplied by gun licensing agencies in each state/territory

Note: ACT — estimates only (based on average number of guns per shooter)

Figure 4
Number of Licensed Weapons

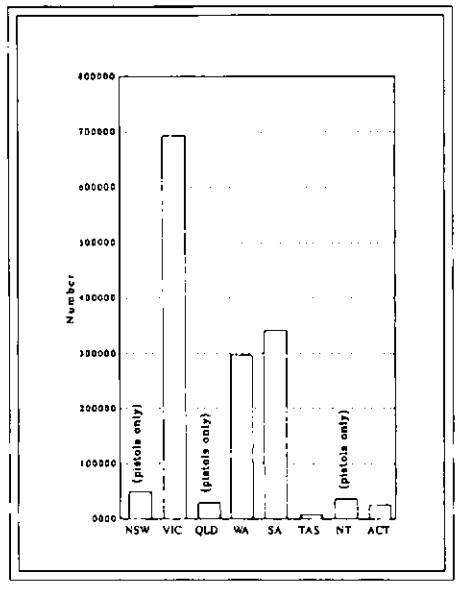
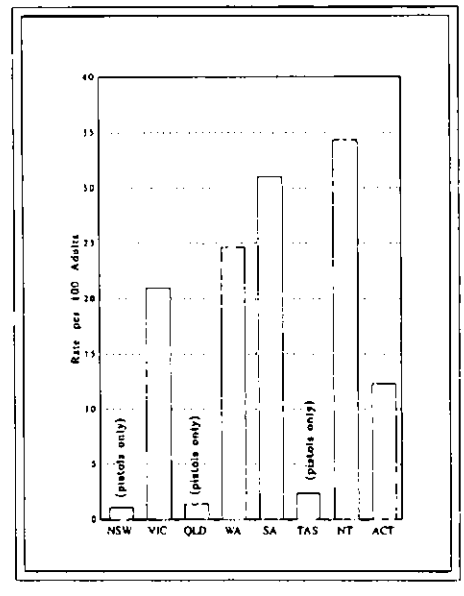
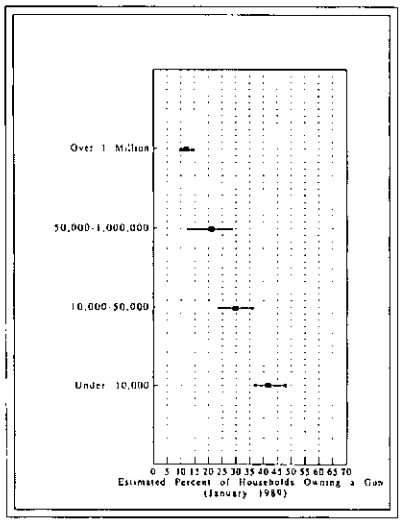


Figure 5
Licensed Weapons
Rate per 100 Adults



Source: Data supplied by gun licensing agencies in each state/territory

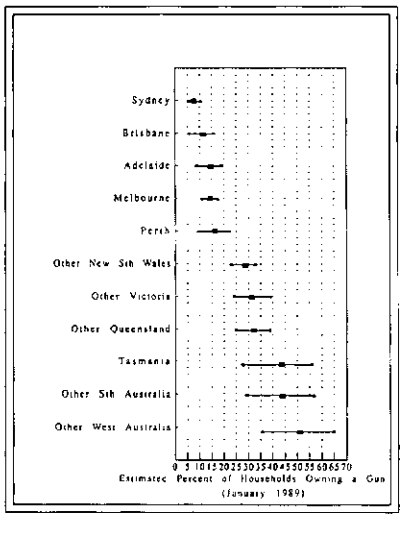
Figure 6
Gun Ownership by City Size in Australia



Source: Van Dijk 1990

Note: The estimates show the 95% confidence ranges for gun ownership in each location. This means that, for example, we can be 95% confident that the true figure for gun ownership in towns less than 10,000 is between 35.8% and 46.4%. The best estimate is the centre of this range, 41.1%

Figure 7
Gun Ownership in Regions of Australia



Source: Van Dijk 1990

Note: The estimates show the 95% confidence ranges for gun ownership in each location. This means that, for example, we can be 95% confident that the true figure for gun ownership in Sydney lies between 5 and 10%. The best estimate is the centre of this range, i.e. 7.5%.

Conference [*see* box]). The full text of the NCV recommendations (recommendations 55-57) are published in the final report of the National Committee on Violence (1990), and Peters and Egger discuss these recommendations in 'National gun laws fall short of the mark' (1991).

Licensing and Security

The second principal component of the NCV's national gun control strategy involves the introduction of stringent and uniform procedures for the licensing and control of shooters, and for the security of their weapons.

As might be anticipated, there are very significant disparities among the eight state and territorial jurisdictions in regard to existing licensing and security arrangements. Some indication of these disparities can be obtained from Table 1. The level of rigour in licensing provisions would seem to range at present from a minimal requirement in Tasmania to have reached the age of sixteen, to Victoria where a firearms instruction and safety program is mandated as part of the licensing process. Licences, where required, also vary widely in the period for which they are valid, with New South Wales providing them for life while in most other jurisdictions the requirement is that these licences be renewed every few years.

The Hoddle Street, Queen Street and Strathfield massacres have each emphasised the serious deficiencies which exist in gun licensing and security procedures. Quite apart from the type of weapons obtained lawfully by the killers involved in each of these massacres, each killer also displayed a propensity for violence prior to the commission of his crime. In theory, the disturbed condition of these killers should have precipitated the mandatory seizure of all firearms in their possession. In reality, each was allowed to pursue their 'normal' lives until the tragedies occurred.

Gun owner groups have now begun to lobby governments to establish a national register of individuals who are not 'fit and proper persons' to possess firearms. This register would, it seems, include individuals under various forms of medical and psychiatric treatment as well as those convicted of criminal offences. This proposal obviously raises many difficult privacy and related issues, including those concerned with the confidentiality of doctor and patient relationships, and the acknowledged poor record of prediction, even by experts, of future acts of violence.

A much more appropriate way of seeking to monitor the mental and allied stability of licensed shooters might be a self-regulatory scheme maintained by members of the 'shooting community'. The scheme would link the granting of a licence to a requirement that the shooter be a member of an approved recreational shooter's club. Such membership would require the regular attendance of the shooter at the club and compliance with the safety and training regulations set by the club according to agreed and uniform criteria. A failure to meet these standards would lead to the automatic forfeiture of the licence. Further, if a club believed that one of its members was displaying disturbed patterns of behaviour it could initiate a review, through the licensing authorities, of a 'show cause' application why the licensed shooter should not have his weapons removed. An appeal mechanism could be provided through an established review body like the Administrative Appeals Tribunal. All clubs would themselves be subject to monitoring by the regulatory body nominated by each jurisdiction to administer the uniform gun control laws. In most cases this would probably be law enforcement agencies.

A further component of this proposed regulatory scheme, and one which might provide a strong incentive to maintain high standards of weapons training and care, should be the introduction of a compulsory third party insurance program for shooters. Just as motor vehicle owners take out such insurance because of the established risks of causing death and injury on the road, so too should persons owning weapons insure against the risks they create for others through the use of firearms. Compulsory insurance of this type would provide a means of redress for those suffering the trauma associated with tragedies like Strathfield, and the other 700 or so gun-deaths, and countless injuries, which occur each year in Australia.

In addition to these requirements, weapons would in all circumstances also be required to be kept at a shooter's club, or at an established and secure armory, rather than in an individual's own place of residence. In situations where, because of isolation or distance, as in rural areas, club membership would not be practicable the licensing of shooters and the storage of their weapons would require more flexible arrangements, monitored by the appropriate regulatory body nominated for the oversight of the gun laws.

Table 1
Weapons Access and Deaths

	NSW	Victoria	Queensland	Sth Australia	Wst Australia	Tasmania	NT	ACT
Registration	Handguns only	All guns	Handguns only	All guns	All guns	Handguns only	All guns	All guns
Minimum age	Minors 10, Full licence 18	Junior permit 12, Full licence 18	Minors 11, Full licence 17	15 with parental app.	16 with parental app.	16	16 except in special cases	18, junior licences available
Cooling-off period	28 days	Licence takes 2 weeks	Licence takes 4 weeks min.	Licence takes 2-3weeks	None	None	None	Licence takes one week
Testing and instruction	Rules and safety test	1 day safety course, test	None	Multiple-choice test	None	None	None	None
Availability of semi-automatics	SKS & SKK banned, others available	Special need required	Military semis banned	No restrictions	Totally banned	No restrictions	Only for certain rural programs	Totally banned
Availability of handguns	Must show good reason	Special need required	Must show good reason	Club members, security guards, vets, land owners	Must join a club	No restrictions	Must have good reason	Must prove special need
Storage	Longarms must be secured, handguns in security container	Ammunition must be secure, sep. from gun	Must be kept in locked receptacle	Longarms must be secure, handguns kept in safe	None	No restrictions	Must be secure	Must be kept in a secure place
Gun suicides per 100,000 pop., 1989	2.1	2	4.1	3	2	5.5	5.05	3.5
Gun murders per 100,000 pop., 1989	0.4	0.6	0.5	0.3	0.2	1.1	2.5	1

Source: *The Weekend Australian*, 31 August-1 September 1991

Future Directions

Following Hoddle Street, Queen Street and the Strathfield massacres, we now do seem at long last to be on the brink of a major breakthrough on the national gun control front in Australia.

When the NCV took up the issue of settling upon a national gun control strategy its members recognised that it would not be an easy task to convince governments of the need to implement its proposals. The massive outpouring of public discontent and rage following the Strathfield massacre has almost certainly achieved the task begun by the NCV. Now all of us who are committed to seeing the rapid implementation of uniform gun control laws must make sure that the political will for change is maintained. We must also make sure that any uniform gun control laws do not simply reflect the 'lowest common denominator' model of the measures acceptable to all jurisdictions. The opportunity must not now be lost to secure national gun control laws which have the strength and rigour required to reduce the number of gun-related deaths and injuries in Australian society.

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Hon Wendy Fatin MP

Violence Against Women: The Challenge to Change Society

This is an edited version of a speech given at National Press Club, Canberra on 20 November 1991.

Hon Wendy Fatin MP Minister for the Arts and Territories, Minister Assisting the Prime Minister for the Status of Women.

Violence against women is one of society's most serious problems. It is so widespread and pervasive that it colours our very language. The origins of the phrase 'rule of thumb', for example, comes from a court ruling of the early 1800s that a husband could beat his wife with a 'rod not thicker than his thumb'.

Cross-culturally and throughout history, the vast majority of women have suffered from, and disagreed with, the use of violence. Women all over the world are used to having to work for non-violent change. This is typified by the 17,000 women who assembled at the 1985 third United Nations World Conference on Women in Nairobi (Morgan 1989).

The fact that violence and firearms legislation was on the agenda for the special Premiers' meeting in Adelaide in November 1991 is evidence of the success of women working together for change.

One impetus for these inclusions on the Premiers' agenda came from the National Committee on Violence Against Women (NCVAW). This committee comprises 19 members from the community, all states and territories, the police force, and the Commonwealth. After a spate of family killings in 1991, the NCVAW, through the Commonwealth/state Ministers for the Status of Women, called for urgent reforms to be considered by the Police Ministers and Attorneys-General.

The current public focus on violence against women is a recent phenomenon. Not many years ago, one would have been surprised to read or see in the media a story about incest, child abuse or domestic violence. Now 'the silence has been broken' on previously private areas and change is irreversibly underway.

But how do we actually change society and ultimately stop the horror of violence against women? In the longer term, we must face up to the formidable challenge of changing society. If the answers on how this can be achieved are not known, at least the direction we must take if violence against women is to cease has been identified.

Violence against women is a widespread and complex issue and it can only be adequately addressed by the coordinated application of the resources of all levels of government and the community (NCVAW Position Paper). The NCVAW is currently developing a national strategy on violence against women which will provide the basis for this approach.

Statistics on incidence are difficult to obtain because of the shame and secrecy which still surrounds violence against women. As well, not all police statistics on violent assault are collected by gender. Police and court statistics will not tell us about incidence, they only reflect reporting. However, the Committee is working on the issue of data collection with a hope that it may be possible to provide state and national data sets.

From the Domestic Violence Crisis Service in Canberra, a fuller picture can be obtained.

Canberra has a population of about 100,000 adult women. Yearly, the crisis service receives at least one call from about 3,000 of them, who report beatings by their male partners or another household member. However, this number is likely to be a gross understatement of incidence.

The crisis service and police attend about 800 incidents per year, only a small proportion of which result in arrest. About 500 women take out a protection order each year.

There are some significant factors here. The proportion of women who

speak out about violence is very low, and the incidence of violence against women is higher than many would like to believe. Arrests are rare, although applications for protection orders are more common.

Another problem in collecting uniform data on violence against women is reaching agreement on what is encompassed by that term. Women can suffer physical, sexual, psychological, social and economic abuse or violence. The definition used by the National Committee on Violence Against Women acknowledges the power inequality and daily fear with which the victim lives. It reads as follows:

> *Male violence against women is behaviour by the man, adopted to control his victim, which results in physical, sexual and/or psychological damage, forced social isolation, or economic deprivation, or behaviour which leaves a woman living in fear (NCVAW Position Paper).*

We should not overlook the fact that violence can mean death. In the year 1989-90 in Australia, 114 females were killed — over two every week (Strang 1991).

The NCVAW's recommendation for the automatic confiscation of firearms at the time of service of a domestic violence protection order has been adopted by the states (*see* p.xx) and has been given, in principle, support by the Commonwealth. There is little justification for people to possess a firearm — especially a man who has a history of beating his wife.

Gun laws are one area of legislative reform. Another is in the area of sexual violence — a term which covers all sexual acts which are imposed or forced upon a woman without her freely given consent.

Rape in marriage is too prevalent. Legislative change in all Australian states at last acknowledges that such rape is a crime. However, the High Court of Australia has yet to decide whether laws passed in all states acknowledging rape in marriage are inconsistent with Commonwealth laws such as the *Family Law Act 1975*.

Sexual harassment in the workplace, too, is a feature of Australian life. Such harassment of working women has been defined as 'economically enforced sexual exploitation'. Sexual harassment can take many forms, ranging from persistent sexual innuendo to attempted rape, and is an enormously pervasive form of violence against women.

Women's occupational segregation, employment disadvantage and resulting low economic status unquestionably promote sexual exploitation in the workplace. In turn, this exploitation reinforces women's overall socioeconomic subordination.

Everybody has an explanation about what causes violence against women: alcohol, stress, unemployment, poverty, it runs in families, women provoke it, or women ask for it. There are endless theories and beliefs on this subject, but using them as explanations or, more likely, excuses inhibits the fundamental changes which need to be made (McGregor 1990).

To bring about change, there must be an understanding of male violence in its entire social context, as a product of the social construction of masculinity, the set of traditions, habits and beliefs which permit some men to assume dominance and control over women and use violence to exercise that dominance and control (Jenkins 1990).

A recent study on intimate homicides by Kenneth Polk and David Ranson (1991) concludes that the central theme was that of masculine 'possessiveness'. When men kill their women partners, it can mostly be seen as an act of ultimate control over the woman. When women kill, on the other hand, they are usually attempting to protect themselves from the violence that such control involves.

The major problem with popular explanations of violence is that the excuses rarely encourage responses that rate the safety of victims of violence as the primary and urgent concern. Further, such excuses encourage individualistic responses, that is, one responds to individuals out of context and this does not promote social or 'real' change (McGregor 1990).

There have been, and still are, too many instances where violence against women has not been regarded as the serious crime it is. Violence against women is a crime. Assault has always been a crime. So why has the criminal justice system not treated violence against women in the same way it does violence against men?

I referred earlier to the origins of the expression 'rule of thumb', just one example in a long historical tradition of the patriarchal right to use force against women and children.

The old testament explained and condoned such violence on the basis of women being the 'source of evil'. These sentiments infiltrated English common law where well-recognised custom dictated that husbands 'dominate' wives using violence 'with restraint', for example, the theory of 'moderate chastisement'. One eighteenth-century law 'limited' the husband's rights to punish his wife 'blows, thumps, kicks or punches in the back which did not leave marks'.

The first documented laws to restrict unnecessary violence towards women and children were introduced in several Puritan settlements in the United States. But even they did not object to moderate violence, as the family patriarch had not only the right but also the duty to enforce the rules of conduct.

During the period from the late 1700s to the 1850s, there were virtually no initiatives by the criminal justice system to control domestic violence. Judges commonly dismissed those infrequent charges in court decisions because a 'husband was legally permitted to chastise his wife without subjecting himself to vexatious prosecutions for assault and battery' (Buzawa & Buzawa 1990).

For a long time, the enforcement of community moral standards in private conduct was actually considered improper.

Also, 'chastisement' was no longer accepted as a defence; by the end of the nineteenth century, social practices were virtually unaffected and domestic violence as a legally sanctioned crime virtually disappeared (Buzawa & Buzawa 1990).

Judith Allen, the first Professor of Women's Studies in Australia, points out that it was during this period that the notion of the 'pathological' or 'dysfunctional' family emerged; violence in families was construed as a psychological problem, rather than criminal behaviour, and thus domestic violence was taken out of the ambit of crime and handed to the medical/psychiatric professionals to deal with (Allen 1982).

During this time, women's implication in the violence being perpetrated against them was continually reinforced. Theories emerged which explained violence in terms of a sickness, stress, alcohol (either on the part of the victim or the perpetrator), or female provocation. Even a theory about female masochism became popular. In any event, it was the woman who was seen to have failed as it was the woman's role to take responsibility for what happened in a family's domestic life. Along with the responsibility for success went the shame of failure. Thus it was women who were made to feel ashamed of, and responsible for, their male partner's violence.

Influenced by the ideology and the politics of the medical model, and of course the assumptions that women provoke violence and get what they deserve, police and court practices were based on a belief that to intervene or prosecute in domestic violence matters was an inappropriate invasion of the man's privacy. It was unprofessional.

Slowly, all of this has been changing.

There is greater acceptance now that what is needed is value and attitude changes in the dynamics of personal relationships. This involves challenging the very essence of patriarchy, and not just the modification of some of its more peripheral manifestations (Williams & Gardener 1989). Such change cannot be readily brought about by legislation alone, although legislation has an important part to play in social change.

Patriarchy expresses itself most fundamentally in the home and it is here that the struggle for the liberation of women must ultimately take place.

What steps, then, can we take to address violence against women?

The safety of victims of violence must come first, ahead of any concerns about relationships or keeping families intact. Thus, the funding of refuges is a direct contribution to women's safety.

We also need to know how effective protection orders are in achieving safety for women, an issue the NCVAW is examining now.

Clearly, violence against women must attract criminal status in our society, regardless of where it happens. But the law cannot do everything. What we need is a mechanism for producing profound attitudinal change.

Perpetrators often feel justified in what they do, and believe in the legitimacy of their violence and their right to use violence (McGregor & Hopkins 1991). Why should it be the women survivors of violence who feel the shame, not the male perpetrators?

Australian criminologist, Professor John Braithwaite, argues that the effectiveness of the legal system will be maximised if the offender is made to feel ashamed of this behaviour (Braithwaite 1989). Shaming in these circumstances is morally educative; it promotes the internalisation of society's codes in the same way that children internalise the moral values of their parents. It is also a deterrent to further offending since the feeling of shame is very much an experience to be avoided.

Braithwaite warns, however, that shaming must not ostracise offenders irrevocably. Offenders must be reintegrated into the community having developed the belief that nothing justifies violence.

In essence, after we ensure the safety of women, we need to change the popular concept of manliness. Here we must engage the preventative potential of the education system.

Most children know, from a very early age, that it is a crime to steal and most children would feel ashamed if caught. What needs to happen, then, is for similar educational processes to lead children to the conclusion that violence is against the law, and to feel ashamed if they behave violently. They also need to develop pride in behaviour which provides alternatives to violence.

Two important initiatives will go a long way to achieving this sort of change.

- ☐ A national community education program which is aimed at eliminating violence against women. The Federal Government will commit $3 million to this program over the next three years. It involves the production of education and information materials for a program which will operate at many levels of the community.
- ☐ Cabinet has also agreed that, from 1992 to 1994, the link between gender inequality and the use of violence against women will be addressed directly in the school curriculum, with appropriate provision made for teacher training. $1 million has been committed to the project which will be developed by the Curriculum Corporation.

These campaigns represent the next phase in addressing the issue — consolidation and action to change attitudes and behaviours.

We must ensure the safety of the victim of violence and educate the community in general, and school children in particular, that violence against women is both criminal and unacceptable.

Ultimately, we need to gain the support and involvement of the men who are as shocked as we are at violence against women.

Men have to speak out against the violence of other men. Men have to tell each other that violence against women is against the law; that they disapprove of and will no longer tolerate the bashings, rapes, murders and harassment, wherever it occurs and whoever the offender happens to be.

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Victims of Crime and the Mass Media

(continued from page 4)

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The Hon. Justice Paul Stein*

A Possible Way Forward? The Experiences of the Land and Environment Court of New South Wales in Pollution Control

Debate has recently hotted up over the most appropriate and effective compliance and sanctioning strategies for polluters. Two contrasting approaches immediately suggest themselves. Should it be 'Gentle Persuasion' — the softly, softly educative approach, or does that lead to the 'capture' of the regulator? Should enforcement stress deterrence and punishment via traditional criminal law? Should pollution be a 'real crime'? What of the notions of corporate compliance and enforced self-regulation? Is there a middle line whereby the use of the civil law can be effective in pollution control?

This short address will not be an academic treatise of the issues and competing claims. Nor will it attempt to philosophise. Rather, I will attempt to relate the practical experience of the NSW Land and Environment Court in pollution control and perhaps offer a few suggestions for the future.

The first thing that may be said about the jurisdiction of the Land and Environment Court in the regulation of pollutants in the environment and the enforcement of controls is that it is an emerging and developing one. Static it is not!

The Land and Environment Court, which is partly an administrative appeals tribunal, has jurisdiction in three areas of pollution control.

Firstly, in pollution licence appeals: these arise under the *Clean Air Act 1961*, the *Clean Waters Act 1970*, the *State Pollution Control Commission Act 1970*, the *Noise Control Act 1975*, the *Biological Control Act 1985* and the *Environmentally Hazardous Chemicals Act 1985*. These are merit or administrative appeals in the nature of appeals de novo and are heard in Class 1 of the Court's jurisdiction. Their numbers are not great, although increasing. However, it may be anticipated that appeals against the refusal of, or conditions attached to, pollution control licences will become more frequent in the 1990s.

The second area of relevant jurisdiction is that of civil enforcement and judicial review. In this area, the Court has the same civil jurisdiction as the NSW Supreme Court would have, but for s.71 of the *Land and Environment Court Act 1979*, to hear and dispose of proceedings to enforce any right, obligation or duty conferred or imposed by a planning or environmental law; to review or command the exercise of a function under such a law; and to make declarations of right in relation to any such right, obligation or duty.

'Planning and environmental laws' are defined to include the *Clean Air Act*, the *Clean Waters Act*, the *Biological Control Act*, the *Coastal Protection Act 1979*, the *Environmental Planning and Assessment Act 1979* (including environmental planning instruments made thereunder), the *Environmentally Hazardous Chemicals Act*, the *Heritage Act, 1977*, most of the *Local Government Act 1919*, the *National Parks and Wildlife Act 1974*, the *Noise Control Act*, the *State Pollution*

* Judge of the NSW Land and Environment Court.

Control Commission Act 1970, and the *Waste Disposal Act 1970*. The jurisdiction in Class 4 also includes specific matters arising out of a host of statutes including the *Wilderness Act 1987* and the *Environmental Offences and Penalties Act 1989*.

The third area is summary criminal enforcement. In Class 5 the Court has jurisdiction to hear and dispose summarily of prosecutions under a large range of Acts of Parliament.

Principally, these are statutes relating to pollution control of the environment, its air, water and land. The prosecutions include alleged breaches of the *Clean Air Act*, *Clean Waters Act*, *State Pollution Control Commission Act*, *Waste Disposal Act*, *Heritage Act*, *Environment Planning and Assessment Act*, *Local Government Act*, *National Parks and Wildlife Act* and the *Marine Pollution Act* as well as a large number of other statutes. The principal prosecutor is the State Pollution Control Commission (SPCC). However, other prosecutors include the Maritime Services Board, the Waste Management Authority, the Water Board, the Department of Water Resources and local government councils. It is expected that the Environmental Protection Authority (EPA) will soon take over the prosecutorial role from the SPCC and the Waste Management Authority. By virtue of the *Protection of the Environment Administration Act 1991*, the Environment Protection Authority (EPA) took over the prosecutorial role from 1 March 1992.

Under amendments to the *Environmental Offences and Penalties Act* (assented to on 7 December 1990) three tiers of offences are now in place. Tier one relates to offences under the Environmental Offences and Penalties Act which render corporations liable to a penalty not exceeding $1,000,000 or, for an individual, $250,000 or 7 years imprisonment or both. If proceedings are brought summarily in the Land and Environment Court the maximum penalty which may be imposed is $1,000,000 for a corporation and $250,000 and/or 2 years imprisonment for an individual. Only the Supreme Court, on trial by indictment, may impose a sentence of between 2 and 7 years imprisonment.

Tier Two relates to offences under the *Clean Air Act*, *Clean Waters Act*, *Noise Control Act*, the *State Pollution Control Commission Act*, and certain littering offences. The maximum penalties vary but for the principal statutes (not noise or littering) they are $125,000 for a corporation (and up to $60,000 per day for continuing offences) and $60,000 for an individual and half that amount for a daily continuing offence. Generally these offences attract strict liability although the *Proudman* defence — honest and reasonable mistake — appears to be available in most instances. If second tier offences are prosecuted in Local Courts the maximum penalty is $10,000.

Tier Three provides for penalty notices to be served for a variety of minor pollution offences. The 'fine' specified in a penalty notice varies, with a maximum of $600 set.

1990 amendments to the *Environmental Offences and Penalties Act* also redirects all appeals from convictions of environmental offences, or sentences imposed by Magistrates, to the Land and Environment Court. The Crown (by the Director of Public Prosecutions) may also appeal to the Court against any sentence imposed by a Magistrate. This new class of appellate jurisdiction (Class 6) has yet to be proclaimed to commence.

The numbers of prosecutions in Class 5 since 1987 provide an indication of the change in state government policy towards polluters. The statistics (which exclude prosecutions in Local or Magistrate's Courts) are:

1987	23
1988	40
1989	193
1990	317
1991 to June 30	133

To give a slightly more historical perspective, the annual number of prosecutions between 1981 and 1986 ranged from 11 to 35. Certainly the recent experience has departed from the 'educative' policy disclosed by Grabosky and Braithwaite in *Of Manners Gentle* (1986). But has the 'gloves-off' approach succeeded? Or is the rhetoric running ahead of reality?

The imposition of higher penalties had lead to pleas of guilty being the exception rather than the rule. Lawyers are having a field day. Prosecutions are sometimes inept — and there are a number of reasons for this, none the least being the difficulty of changing culture in mid stream. Pollution statutes are often complex and largely untried. Proof beyond reasonable doubt is often onerous. The protections of the criminal law sometimes make proof more difficult. Attempts at short cuts in legislation sometimes fail.

Having said this, it should be noted that prosecutions have been successful against a large number of defendants, including a role-call of Australia's biggest corporations — and fines imposed have not been insignificant.

However, one may ask how effective the preference for criminal prosecutions has been. Certainly, it has helped raise public awareness and heightened a belief that pollution can be perceived as a crime. It has also goaded industry into taking their responsibilities more seriously — cleaning-up their act; spending money on pollution control equipment and systems; on pollution and environmental management plans and on staff training. But has it prevented pollution? This is hard to say, partly because the criminal law usually swings into action after — often well after — the pollution event.

For some years now the Judges of the Court have drawn attention to the Court's civil enforcement jurisdiction to restrain a breach (sometimes a continuing breach), or an apprehended breach, of pollution laws. Some legislation has open standing provisions, for example the *Environmental Planning and Assessment Act*, *Heritage Act*, *Environmentally Hazardous Chemicals Act*, *National Parks and Wildlife Act* and the *Wilderness Act*.

Further, any person may be given consent by the SPCC to proceed with action to remedy or restrain a breach of a pollution law (or indeed any law) in the event of likely harm to the environment, s.25 *Environmental Offences and Penalties Act*. Amendments to the *Environment Offences and Penalties Act 1989* in December 1991 liberalised S.25 requiring only the leave of the Court to bring proceedings. Additionally, the amendments have given 'any person' the right to bring proceedings for a criminal offence in certain limited circumstances and with leave. Instances of such proceedings are starting to occur. Further, it is clear that regulatory authorities have the power to restrain civilly a breach of a 'planning and environmental law' which include all pollution statutes, *see Farrell v. Dayban Pty Ltd* ((1990) 69 LGRA 415).

Some local government councils have started to utilise this remedy, especially when a continuing breach is sought to be averted. But strangely enough, the principle regulator, the SPCC, has not commenced one civil enforcement application.

Since 1980 breaches of the Environmental Planning and Assessment Act have been almost entirely enforced by the civil process. Most of the breaches could have been the subject of criminal prosecution. Before 1980 many of them were so prosecuted — usually resulting in a small fine by a magistrate — if not an acquittal — and no proper remedy to adjust the breach. Civil enforcement of planning laws was the quiet, unheralded, revolution of the 1980s. The regulators have been local government, resident groups and individuals — the latter because of the open standing provision in s.123 of the *Environmental Planning Assessment Act*.

Enforcement has extended to the obligations imposed on government departments and agencies to prepare, exhibit and consider environmental impact statements with respect to their activities which are likely to affect the environment significantly.

The wide discretion reposed in the court to make orders to remedy or restrain breaches of the law has been confirmed by the NSW Court of Appeal in *Hannan v. Elcom* ((1988) 66 LGRA 306). In referring to s.123 Chief Justice Street said:

> *This provision [s.123] read in the context of the objects of the Act as set down in s.5 makes it apparent that the task of the Court is to administer social justice in the enforcement of the legislative scheme of the Act. It is a task that travels far beyond administering justice inter parties. Section 123 totally removes the conventional requirement that relief is normally only granted at the wish of a person having a sufficient interest in the matters sought to be litigated. It is open to any person to bring proceedings to remedy or restrain a breach of the Act. There could hardly be a clearer indication of the width of the adjudicative responsibilities of the Court. The precise manner in which the Court will frame its orders in the context of particular disputes is ultimately the discretionary province of the Court to determine in the light of all the factors falling within the purview of dispute.*

A recent publication *Pollution in NSW 1991* (Mobbs 1991) includes a section comparing the features of criminal sanctions and civil enforcement.

The authors conclude that reliance on criminal enforcement alone may tend to undermine laws purporting to protect the environment.

I generally agree — although I believe that the criminal law has its place in pollution control. Civil enforcement is undoubtedly much more flexible than criminal proceedings. Applications for declaratory relief or prohibitory or mandatory injunctions to restrain or remedy an actual or threatened breach can be dealt with expeditiously and determined on the balance of probabilities. With civil enforcement — in contrast to the criminal law — the emphasis is on the prevention or cessation of the unlawful activity rather than punishment. If injunctions are disobeyed further proceedings may be instituted for contempt of the Court's orders. Proven contempt may result in a fine, imprisonment or sequestration. Theoretically, fines for contempt are unlimited and could exceed the maximum penalties for the criminal breach of pollution statutes.

Recently the Court has noted a greater willingness of Councils to enforce pollution laws civilly within their local government areas. It should be pointed out that fines imposed at the behest of a Council as prosecutor are paid to the Council, unlike state government prosecutions where the penalties are paid into consolidated revenue. May I give one example.

A large developer was building a shopping complex. It repeatedly pumped polluted waste waters into the stormwater drain despite warnings by the Council. The 'offence' continued. Council filed a Class 4 application in the Court for restraining and mandatory injunctions. The Court gave leave to serve short-notice of the application for interlocutory relief returnable in 24 hours The developer appeared and consented to final orders being made. The matter was in and out of the Court within 48 hours! But most importantly, the pollution was stopped in its tracks.

But is civil enforcement — as it now stands — enough? Can it be supplemented to increase its effectiveness? The following are possibilities:

- Allow for the imposition of civil penalties
- Allow for civil enforcement of pollution controls by all private individuals and citizens groups — without the need for any government consent.
- Allow for the possibility of aggravated or exemplary damages to reflect the community sense of outrage in an appropriate case. After all, the law has long recognised the award of exemplary or aggravated damages in some tort actions for example, in trespass. Such damages could be paid over to the state to be used in the furtherance of the objectives of environmental laws.
- Leave criminal prosecution for the worst cases and widen the Court's discretion to include as full a range of 'penalties' as possible. Presently, fines and imprisonment for individuals are the only options. This is to be compared with the powers of the Court to punish for proven civil contempt — these may include daily penalties and sequestration. Again, civil contempt in the Court has been largely successful in stopping deliberate breaches of the law by developers who may see fines as more taxes to be passed onto the consumer.

The last five years have seen significant changes in public attitudes towards the despoilation of the environment. The public have wanted action. Governments have tried to react. But have they reacted in the most appropriate way? It is not for me to say. However, one can be confident that the next five years will be even more interesting than the last. One of the challenges will undoubtedly be — can we get the mix of pollution enforcement measures right?

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Commander Allen Bowles*

New Organisational Approaches in the Investigation of Fraud

This is an edited version of a paper given at the Australian Institute of Criminology Fraud Conference, 20-23 August 1991, Gold Coast.

Victoria has entered a new era in the investigation of large-scale frauds through the establishment of the Corporate Crime Group which will focus on the more serious and complex fraud cases which could include, but not be limited to:

- ☐ cases involving more than one offender and substantial planning and organisation;
- ☐ substantial loss either directly or indirectly to members of the community; and
- ☐ a multi-jurisdictional dimension.

Examples of the types of fraudulent activity to be investigated would include: investment scams; assets stripping, and round robin share trading.

The main features of the Corporate Crime Group as agreed to by both the Government and the Victoria Police are:

- ☐ The Corporate Crime Group is located within the Victoria Police Force directly under police operational control and command. However, in recognition of the multi-skilled makeup and importance of its task it has a clearly separate identity and appropriate degree of independence from the Fraud Squad and other police operations.
- ☐ The Corporate Crime Group consists of several teams which can work independently, or could combine into fewer teams to deal with particularly complex cases. Team composition is flexible depending on the complexity and nature of the investigation, and the particular skills required.
- ☐ Targets will be selected by a committee (the Target Selection Committee) comprising the Chief Commissioner of Police, the Chairman of the National Crime Authority, and the regional head of the Australian Securities Commission. There is no involvement of the government or ministers in the selection of specific targets.

Planning a White-collar Crime Investigation

A complaint can reach the Corporate Crime Group by direct contact or by referral from the Fraud Squad, Australian Securities Commission, or the National Crime Authority.

On receipt of a complaint, a detailed assessment determines whether or not it is an appropriate investigation for the Group to undertake. This initial assessment must be based on sufficient credible information to make a realistic assessment. Complaints must be supported by documentation. The next task is to determine what is the actual criminality involved and to identify the alleged offender/s and their whereabouts, how the crime was committed and why it was allowed to happen.

When all the relevant information has been assessed, a brief is prepared for the Target Selection Committee to enable the Committee to make an informed decision.

Once the target has been approved by the Committee, a detailed analysis of what resources should be made available from the Group is made. Such an analysis will include:

- ☐ team composition;
- ☐ resources required;
- ☐ budget;
- ☐ investigation planning, time frames and allocation of responsibility; and
- ☐ target profile.

Team composition

Teams consist of police, lawyers, accountants, information technology

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personnel and clerical support staff, the actual composition depending on the complexity of the proposed investigation. It could be that two teams are used, or there may be a need for additional lawyers or accountants above the normal team composition.

When team composition is being assessed, attention will be paid to the use of the Assets Recovery Unit. When should they be briefed and how many of their personnel are currently required? Their particular charter is to identify potential assets of the intended targets which could form the basis of an action to recover under the relevant legislation.

The projected length of the investigation must be considered as this could impact on the team allocation of resources. Fraud investigations are time and resource intensive and the difficulty in setting time frames with any degree of certainty is readily acknowledged. Nevertheless, it is an exercise that must be undertaken. The group will not pursue open-ended investigations or continue an investigation once it is established that serious criminal matters no longer exist.

Resources required

An initial assessment must be undertaken to ascertain what resources, both immediate and potential, are required. Resources relate to those needs that may not be readily available, such as:

- secure document storage facilities;
- need for surveillance, both physical and electronic;
- the ability to assimilate and assess documents quickly by the use of consultants in the field of forensic science, law or accounting; and
- manpower resources needed from other agencies in this area.

Once resource assessments are made then the budget must be considered.

Budget

What costs are going to be incurred? Are funds available to investigate the proposed target effectively, or does the investigation need to be supplemented? The budget officer is provided with information on resources, travel and the anticipated duration of the investigation. He informs the team leader and the officer in charge of the Group on a weekly basis as to the current status of the budget compared with the projected budget. This will have an influence as to developing priorities in the investigation. This is not to say that the investigation will be budget driven, but consideration must be given, and priorities developed, to ensure the most efficient use of allocated budget.

Investigation Plan

A detailed investigation plan should include a briefing paper to ensure that each and every member understands what the objective of the investigation is, and how it is to be achieved. It will also provide any future members of the team with a means to understand the objectives of this investigation.

The team leader apportions various areas of the investigating to particular investigators. This will be in writing to avoid any possible misunderstanding. These instructions will be filed by the team leader and any amendments included at relevant times. Such a procedure enables the team leader to monitor the progress of the inquiry.

Each team holds daily meetings to acquaint and advise its members on the status of the investigation. Such meetings ensure that the team as a whole, and the leader in particular, knows what the current position is with their investigation. In addition to these daily meetings, each team has formal weekly meetings with an agenda and minutes prepared to report on the investigation.

Target profile

A detailed personal profile is developed for the proposed target including family, friends, acquaintances, business interests and associates. The profile also includes relevant financial information available on the target.

The Multi-Disciplinary Concept

Multi-disciplinary teams are necessary because the police, using traditional investigative resources, are no longer equipped to handle the complexity of the specialist disciplines in this area. It has become apparent that fraud investigations require the assistance of other disciplines, for example solicitors, accountants and information technology personnel. There are also instances whereby personnel from other agencies and consultants in the field are required to supplement the core unit of investigators.

Multi-disciplinary teams are just that, teams, and specialists are co-located within their own team area. Each specialist has a responsibility to their own discipline, but for a multi-disciplinary approach their physical location within the team is essential. This intimate and continual involvement by all the professionals should reduce time involved in investigating, time to committal hearing after arrest, and facilitate better liaison and standard of brief with the Director of Public Prosecutions.

Solicitors

The Corporate Crime Group employs four solicitors under the direction and control of the Legal Manager, Investigations. The solicitors within each team are detailed their particular area of responsibility at the outset of the investigation. Normally, they will be tasked along the following lines:

- establish that a crime has been committed;
- identify the offender/s;
- establish present whereabouts of the offender/s;
- identify the elements of possible offence;
- advise on the relevancy/sufficiency of evidence as it is gathered;
- advise on the admissibility of evidence and its presentation;
- advise on contents of affidavit material for search warrants, telephone intercepts and listening devices and advise on particular legal issues such as indemnities and alibi evidence;
- advise on assets recovery;
- provide an on-going training facility in topical areas of law;
- attend with investigators in field if necessary;
- attend hearings if necessary — chambers and in court;
- assist in the presentation final brief of evidence;
- provide a review of the enquiry from the legal perspective;
- consider any legislative reforms that may be necessary.

Weekly meetings with prepared agendas and minutes will be conducted by the Legal Manager. These will then be reported to the officer in charge of the Group.

Accountants

The Corporate Crime Group has five accountants under the direction and control of the Financial Manager, Investigations, who ensures that each accountant is on top of his/her particular allocated task. Professional development will also be the responsibility of the Financial Manager. Each accountant will be tasked along the following lines.

The accountants must make themselves thoroughly conversant with the original documentation and accounting practices used by the target. This will include, but not be restricted to:

- what should be disclosed;
- the format of the financial standards;

- the rules of measurement and valuation;
- adequacy or otherwise of relevant accounting standards;
- have these standards been breached?;
- advise the team what happened and what original documentation is missing;
- explain the meaning and effect or inadequacies of the accounts to investigators;
- prepare an assets betterment/fund statement;
- provide expert evidence of accountancy practices in courts as required.

Weekly meetings with prepared agendas and minutes will be conducted by the Financial Manager. This will be followed by a report to the officer in charge of the Group.

Information Technology

Major fraud, by its very nature, will generate a vast amount of documentation. One of the first tasks associated with any investigation is ho to record, store, retrieve and analyse tl documentation. This whole process frc the initial bar coding state to the total management of the investigation relies heavily on information technology. Computers enable this to be achieved more quickly and more accurately thar manual methods. It, therefore, begs th question that investigators must be proficient in the use and application of information technology. Computers are used for:

- the establishment of a database to receive, register, collate and analys documents pertaining to the investigation;
- the production of spreadsheets of financial information;
- analysis of textual information;
- graphical representations of the investigation as an aid to the investigator and for the assistance of the court at a later stage;
- information in a computerised environment by the use of various interrogation products.

Laptop computers are provided to the investigators to enable them to conduct more of the investigation away from the office. Witnesses are attended to wherever they may be located, without the time-consuming logistics of having them attend the Corporate Crime Group's office. This facility enables data to be accessed from other investigators without the time-consuming return to the office.

Internal security is provided by the use of multi-level access identification and passwords. Each team or functional area has their own group level security which can be configured to satisfy varying requirements. Data communication lines between the police mainframe computer and other relevant agencies are encrypted and the use of dial-up technology by Corporate Crime Group members will be controlled by a dial-back system. Links to other agencies allowing uncontrolled dial-up to their systems will only be connected to a stand-alone device at Corporate Crime Group.

Any software introduced into the Corporate Crime Group environment will be rigourously tested by anti-virus control systems to ensure existing systems are not contaminated.

The use of computers in investigations is only limited by the skills possessed by the investigator. It then becomes readily apparent that training in the use of computers is a necessary skill. To coordinate this activity, a training database and skills inventory has been established for all personnel.

The information technology personnel perform the following functions:

- ensure that each team member receives the technical support they require;
- provide assistance in the use of various software packages relative to the investigation;
- attend, with investigators, where computers are used to ensure that information is not accidentally/deliberately destroyed;
- arrange the safe removal of computers and software as required;
- advise on various software packages that may assist investigators.
- provide an ongoing training facility to the Group;
- keep abreast of the latest developments in this area;
- liaise with other agencies on information technology;
- appear in court as an expert in this area.

Administration

The administrative needs of the Group should never be neglected. To achieve a successful result, administrative procedures must be finely tuned to support the investigators. To enable any group of people to function at their optimum, it is vital that attention be paid to the welfare of the groups as an entity and as individuals.

The ability to foster a cohesive professional unit is an extremely important part of maintaining enthusiasm throughout a protracted and complex investigation. The administration function is essential to promoting team unity through the provision of professional administrative support to the operational teams.

Assets Recovery Team

The Corporate Crime Group will have a small assets recovery team consisting of four police, two accountants and a solicitor. They will be tasked with the responsibility of providing support to the investigative teams on the vexed question of assets recovery. Their function will be to identify at an early stage exactly what assets can be identified as belonging to the target, what encumbrances exist, and how best to use the relevant legislation to seize identifiable assets.

Victoria will be relying on the *Crimes (Confiscation of Profits) Act* although there are potential problems with the legislation as it now stands. This Unit is at present undertaking a comprehensive review of the Victorian and other legislation in order to provide the legislators with an alternative viewpoint for their consideration.

Conclusion

The Corporate Crime Group is evidence of the new direction Victoria is embarking upon in combating the excesses of the 1980s in the area of corporate crime. The multi-disciplinary approach under police operational control will overcome those areas where traditional police investigative resources were seen to suffer a shortfall. This, combined with a close liaison with other agencies in allied fields, ensures the best possible approach to investigating large-scale fraud. This avoids the potential for a duplication of investigative resources and facilitates a full and frank exchange of information.

Perhaps the most important attribute possessed by the Group is the ability to foster a tight-knit team of professionals to investigate and prosecute successfully those who, in the past, may have escaped. This will restore public confidence in both the financial institutions and the criminal justice system.

John Walker*

Homicides and the Death Penalty in Australia — 1915-1975

Support for capital punishment usually rests, in large part, on its supposed general deterrent effect—that is, the use of the death penalty is supposed to reduce the levels of 'capital' crimes such as murder, manslaughter and rape by dissuading other potential offenders. This theory suggests that rates of such offences should fall, or at least rise less steeply, in the years while an execution is fresh in the memory. Conversely, it suggests that when the death penalty is neglected the rate of capital offences will tend to increase.

General deterrence is not the only hypothesis put forward by proponents of the reintroduction of capital punishment—retribution (or 'just deserts') and incapacitation (preventing the offender from reoffending) are the other key elements of their argument. But incapacitation is generally believed to be achieved perfectly well by other sentences, such as life imprisonment, and the just deserts concept is arguably too subjective to form any basis for sentencing. The claimed deterrence effect is therefore an important part of the argument for capital punishment.

The Data Problems

Statistics querying the effectiveness of the death penalty inevitably stir up a hornet's nest of criticism. This is amongst other things because appropriate statistics are notoriously difficult to compile, despite the obvious seriousness of the crimes for which capital punishment is usually advocated.

To examine the deterrence theory, or at least its applicability to Australia, it is necessary to find a sequence of data on rates of capital crimes in Australia, covering the period when capital punishment was being used, and uncontaminated by possible changes in the way the data have been defined or compiled. Surprisingly, no such consistent series of data has been maintained in Australia for any great length of time. The reasons for this are numerous. The Federal nature of Australia's criminal justice results in data from the individual jurisdictions being compiled on different bases—they can rarely be added together to give a true Australian figure. Furthermore, even within jurisdictions, data compilation has been changed over the years, so that later data are not comparable with earlier.

There are also real dilemmas inherent in counting serious crimes, which the uninitiated would never imagine. For example, police rely on crimes being reported to them or discovered by them, but many actual homicides are initially recorded as missing persons, only to be revealed as crimes months or even years later when human remains are found and foul play is confirmed. Recorded figures do not therefore necessarily reflect the true crime rate at the time of the offence. There is also the confusion between 'incidents' of crime and 'offences'—one incident can give rise to several crimes, particularly where more than one offender is involved.

As an illustration, consider the changes in Western Australia between 1968 and 1969. Prior to 1969 the numbers of murders (including attempts) reported to the police translated into charges at the magistrates courts on virtually a one-to-one basis. The resulting numbers of charges heard at the higher courts were also highly commensurate with reported crime figures for that year, although it is common for murder cases to 'spill over' into the next statistical year. In 1968 for example, six murders and five attempted murders were reported and recorded by WA police, resulting in five charges laid at magistrates courts for murder and four for attempts. The same year three charges were laid at the higher courts for murder and three for attempts. By contrast, in 1969 seven reported murders and one attempt

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resulted in 25 lower court charges of murder and 13 of attempted murder. High courts that year heard ten charges of murder and five of attempted murder. The pattern of laying multiple charges appears to have continued post 1969, making time series analysis over this period in Western Australia, which is crucial to the debate in that state, extremely difficult.

Changes such as these in recording practices, and differences between the states in the ways in which they record such incidents, mean that the use of police or court statistics is therefore highly problematic, although they are often the only choice.

It is difficult to decide which of the several different counts associated with a criminal incident is the best measure of the level of crime, and therefore of the degree of deterrence provided by the use of capital punishment. For every incident there may be one or more crime reports recorded by police; but there may in fact be no crime at all reported at the time of the offence. For every incident there may be one or more offenders involved, each of whom may be charged with one or more counts of one or more different types of offences. And it is a characteristic of the Australian criminal justice 'system' that no two jurisdictions will have published data on the same bases.

Perhaps the only consistent data series on homicides in Australia is the Australian Bureau of Statistics' annual compilation of Causes of Death (*Causes of Death; Australia*, Cat. No 3303.0, Australian Bureau of Statistics, Canberra.). These data show numbers of persons who died as a result of murder or manslaughter (*excluding* driving causing death), and are reproduced in Table 1 along with the calculated annual rate per 100,000 total population. The period covered by the table is 1915 to 1975, eight years after the last execution. Table 1 also shows the numbers of executions which took place in each of those years—a total of 57 executions.

The causes of death data are drawn in Figure 1, extended to 1989 to allow for comparison with two sets of police data on reported crimes of homicide and specifically of murder for the years 1973-74 to 1988-89. As far as it is possible to say, it appears that the Causes of Death figures are commensurate with the police data. There will of course be differences: for example, two crimes of murder may be recorded by police if two offenders are reported to have together murdered a third person. Causes of Death statistics will record just the one death for this event. Also, Causes of Death statistics are compiled from Coroners' reports, which relate to the finding of a body; the date at which the body is found may be some time before or after the determination that an offence has taken place, so the statistics may relate to different years. In the absence of better data, however, it may be reasonable to hope that these figures at least bear some resemblance to the 'real' underlying trends in capital crimes.

Measuring the Deterrent Effect

If we can accept that the Causes of Death figures are appropriate measures of trends in homicide, then the next step is to decide on a means of analysis. Unless the mere existence of the death penalty is supposed to be a deterrent, we must assume that it is the actual carrying out of the sentence that is the key deterrent. Therefore the deterrent effect must fade as time increases since the most recent execution. There is also the question of whether an execution in one

Table 1. Deaths by Homicide and Executions in Australia, 1915-1975

Year by	Deaths per Homicide	Rate 100000	Executions	Year by	Deaths per Homicide	Rate 100000	Executions
1915	91	1.83	1	1945	77	1.04	0
1916	91	1.84	4	1946	90	1.21	2
1917	73	1.48	2	1947	91	1.20	0
1918	90	1.79	2	1948	88	1.14	0
1919	111	2.14	1	1949	72	0.91	0
1920	113	2.11	1	1950	85	1.04	1
1921	76	1.39	0	1951	114	1.35	3
1922	80	1.44	3	1952	127	1.47	3
1923	92	1.65	0	1953	115	1.30	1
1924	108	1.86	3	1954	117	1.30	0
1925	83	1.43	0	1955	129	1.40	0
1926	103	1.63	3	1956	125	1.33	1
1927	110	1.78	3	1957	127	1.32	0
1928	111	1.76	0	1958	150	1.52	1
1929	118	1.85	1	1959	149	1.48	0
1930	103	1.59	1	1960	151	1.47	1
1931	128	1.96	1	1961	142	1.35	1
1932	91	1.38	3	1962	165	1.54	0
1933	97	1.46	2	1963	148	1.36	1
1934	108	1.62	0	1964	168	1.51	2
1935	106	1.58	0	1965	162	1.43	0
1936	97	1.43	2	1966	154	1.33	0
1937	107	1.57	0	1967	163	1.38	1
1938	81	1.17	1	1968	190	1.58	0
1939	75	1.08	2	1969	153	1.25	0
1940	96	1.36	1	1970	190	1.52	0
1941	60	0.84	1	1971	228	1.76	0
1942	95	1.32	0	1972	219	1.66	0
1943	75	1.04	0	1973	253	1.89	0
1944	106	1.45	1	1974	242	1.78	0
				1975	224	1.63	0

Sources: Australian Bureau of Statistics, *Causes of Death*; Mukherjee et al. 1989, *Source Book of Australian Criminal and Social Statistics 1804-1988.*

Figure 1
Reported Homicide and Murder Cases, Australia 1915-89

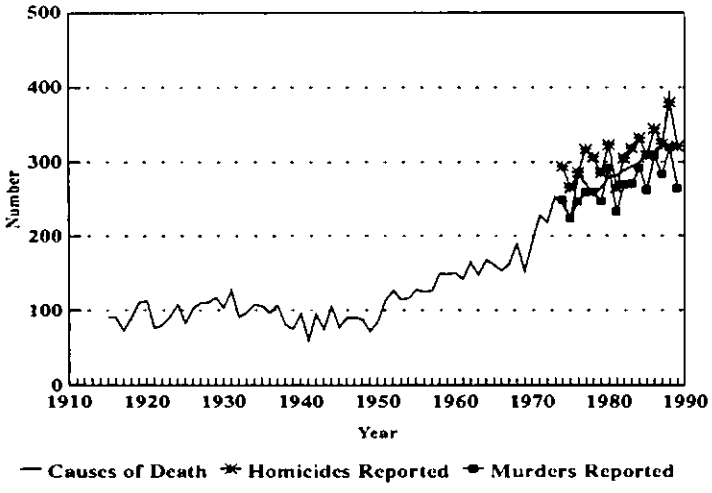


Figure 2
Reported Homicide and Murder Rates per 100,000 population, Australia 1915-89

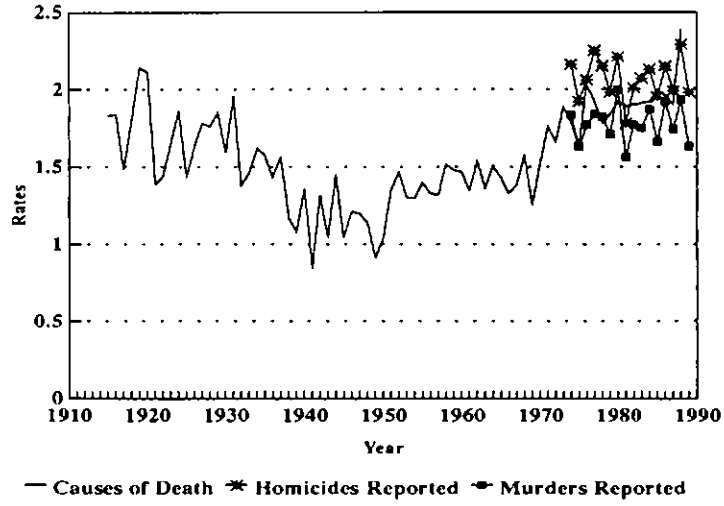


Figure 3
Homicide Rates per 100,000 population and Executions, Australia 1915-89

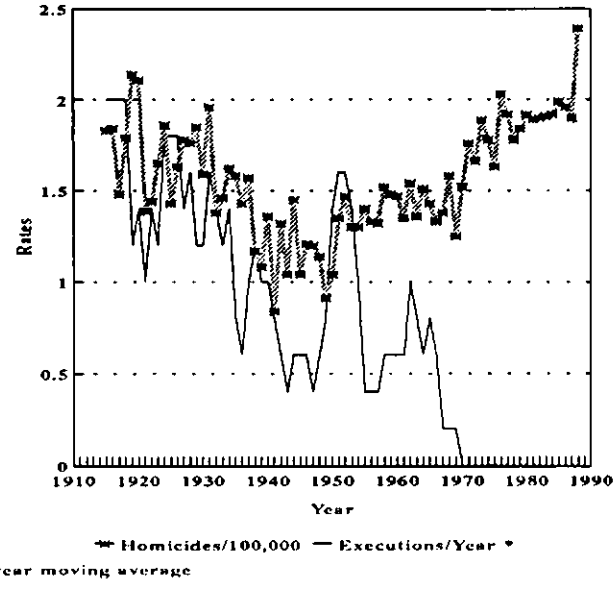
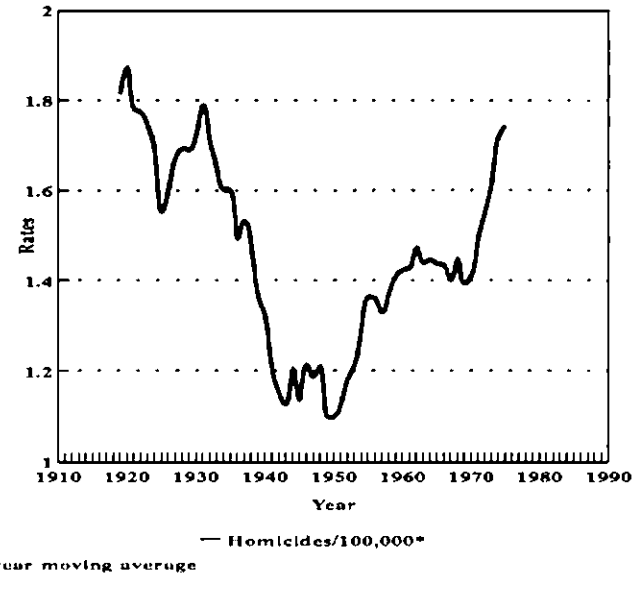


Figure 4
Smoothed Trend in Homicide Rates per 100,000 population, Australia, 1919-75



Sources: Australian Bureau of Statistics, *Causes of Death*, Canberra. Reported Crime figures are aggregated from Annual Reports of the Police Forces of Australia. Numbers of executions were taken from Mukherjee et al. 1990, *Source Book of Australian Criminal and Social Statistics 1804-1988*, Australian Institute of Criminology, Canberra.

jurisdiction can deter crimes in another in which capital punishment may have been abolished—if hanging only deters in the jurisdiction in which it takes place, then an Australia-wide analysis is an unfair test of deterrence. We will tackle these two questions separately.

Firstly, the question of how long the deterrence effect of capital punishment lasts, if indeed there is an effect. How much time elapses before the average potential homicide offender needs to be reminded that death is a possible penalty for his crime? As little as one month? One year? As much as five years? Criminal executions are accompanied by much and lengthy public debate, so it is unlikely that the effects on the criminal mind should fade in as little as a month; if the deterrent effect is so short-lived then it can hardly be very effective. Much more likely is that it should linger in the psyche for a year or more as a deterrent, if deter it does.

If an execution does deter, for a period of a year or more, how will that affect trends in homicide? If homicides were previously on the increase for some reason, then an execution would be expected to either slow the rate of

increase or actually turn the trend around, in the absence of some countervailing non-deterrent influence. If homicide statistics were actually *falling* prior to the execution of an offender, then acceleration, or at least continuity, of that trend would be expected over the next year or so, if executions are an effective deterrent.

Figures 2 and 3 show the homicide rates per 100,000 total population, and a comparison of these rates with the average numbers of executions taking place in each year. The trend in executions (which has been smoothed using a five-year moving average technique to remove random fluctuations in the annual figures[1]) is basically downward since the mid 1920s, with the exception of the early 1950s and early 1960s, when the use of the death penalty was briefly revived. The trend in homicides appears to *follow* the execution trend downwards through the 1930s and 1940s, only to climb again thereafter. The sharp peaks in executions in the 1950s and 1960s do not appear to have had any restraining influence on the homicide rates in the years following. The cessation of executions in 1967 coincides with the beginning of a new upward shift in the homicide curve. It can be seen, however, that homicide rates in the 1970s and 1980s, when capital punishment had been taken off the statute books in all jurisdictions in Australia, were very similar to rates in the first two decades of the century, when an average of around one execution every eight months took place. At first sight, this suggests that, whatever is the cause of high rates of homicide, it is not necessarily affected by the existence, use or otherwise of the death penalty.

We need to be a little more systematic than this, however, to measure the deterrence effect of judicial death. Firstly, we need to take away some of the randomness of the homicide statistics, as we did in Figure 3 when a five-year moving average was used to smooth out the trends in numbers of persons executed. Figure 4 shows the results of applying the same five-year smoothing technique to the homicide data; the key turning points in the trend are revealed much more clearly, without the 'zigzag' effect of the raw data.

The year 1931 is an interesting example to illustrate the technique we are going to use. In the years leading up to 1931 the trend in homicides had been steeply upwards; immediately afterwards the trend fell sharply, and continued to fall until about 1943. The year 1931, by any standards, was a turning point. Intuitively one measures the significance of the change at that point in time by the change in the slope of the curve. Prior to 1931 it slopes steeply upward (mathematically speaking it has a large *positive* slope), while after 1931 it has a steep downward slope (mathematically, a large *negative* slope). The change in slope is therefore, in mathematical terms, from a positive to a negative slope. Most years do not show such a clear change of direction as 1931 does, but if deterrence works, those years following the use of capital punishment should generally be characterised by a more negative, or less positive slope than the preceding years.

It is simple to measure the mathematical slope of the curve. We merely have to subtract one year's homicide figure from the next to get the slope over a single year period. A valid measure of the slope over a five-year period is obtained by subtracting each year's homicide figure from the figure *five* years later, and dividing the result by five; e.g. the slope between 1931 and 1936 is the 1936 homicide rate minus the 1931 homicide rate, divided by five. Measuring the *change* in slope, say between the five years prior to 1931 and the five years after 1931, is achieved simply by subtracting the 1926-31 slope from the 1931-36 slope. A negative result may indicate deterrence, a positive result casts doubt on the deterrence theory. If we were to find that, generally speaking, years in which executions took place gave negative results while those in which no executions took place gave positive or near-zero results, this would be quite powerful evidence in favour of the deterrence effect of capital punishment.

Results of this Analysis

The results of such an analysis are shown in Table 2. They offer little support for the deterrence theory, either for an effect lasting one year or for an effect lasting five years. In fact, the summary of Table 2 shows that, out of the six years in which the executioner was most active, five showed a *worsened* homicide rate within five years. Broadly speaking, however, it does not seem to matter whether executions took place in a given year or not: - the homicide rate was just as likely to get better as it was to get worse, over the next one or five years.

The most significant turning points (as measured by the numerical value of the effect) appear to be the peak years 1920 and 1931, and the low point in 1925. Only one execution took place in 1920 and 1931, none at all were carried out in 1925. Years in which more than one execution took place were generally of very little significance, either at the one-year level or the five-year level.

The hanging in 1920 took place in South Australia in a year when a total of 13 persons were tried for homicide in that state. Numbers of persons tried for homicide in South Australia, where any deterrent effect is presumably most likely to have been felt, were markedly lower the following year (4 persons tried), which may suggest some deterrent value, but subsequent years figures were back around the 10-15 range. The hanging in 1931, which appears to have been the most significant turning point in this data series, took place in Western Australia. Eleven people were tried for homicide in Western Australia that year, and within three years the figure had doubled, firmly against the trend in the rest of Australia.

Clearly, the Western Australian execution had no deterrent effect in its home state, so it is difficult to imagine how it could have been responsible for the dramatic fall in overall Australian homicide rates in the years that followed. If the South Australian execution had a deterrent effect, it appears to have lasted only one year, and appears also to be virtually unique in this respect.

An Analysis of State Data

This brings us neatly to the question of whether the different dates at which the states ceased using, and then abolished, the death penalty could affect this analysis of homicide trends in Australia. For example, the lack of deterrent effect found at the national level could indeed be caused by incidents occurring mainly in abolitionist jurisdictions. What happened when, say, Queensland abolished hanging—were potential murderers in that state freed from fear of the noose while potential murderers elsewhere continued to behave with circumspection? Four jurisdictions have published continuous data on charges laid at lower courts for murder and attempted murder for periods commencing at least ten years prior to their last execution and ending after the abolition of capital punishment in their state. Bearing in mind the example of Western Australia, given earlier, which shows how the relationship between incidents and charges can go out of kilter, we can observe recorded trends in these jurisdictions to see if any pattern emerges. Table 3 and Figure 5 show the results of such an analysis (Figure 5 incidentally highlights the effects of that Western Australian change in charging practices in 1969).

If it is possible to summarise such a disparate set of data, the most reasonable conclusion is to find that Queensland, which abolished capital punishment in 1922 when national homicide rates appear to have been falling, experienced generally lower rates of charges for murder after abolition. In contrast, New South Wales, Western and South Australia, which all abolished hanging when homicide rates were increasing nationally, experienced generally higher trends post-abolition. In all four jurisdictions, however, there were

1. Readers who may be suspicious of the smoothing technique applied here can read Wonnacott, T.H. and Wonnacott, R.J., *Introductory Statistics for Business and Economics*, pages 467-469, John Wiley and Sons, New York, 1972.

Table 2. Number of Executions by Effect on Homicide Rates[2]

YEARS IN WHICH NO EXECUTIONS TOOK PLACE

Year	*1 year Effect*	*5 year Effect*
1921	0.082	*
1923	-0.028	*
1925	0.184	0.097
1928	-0.024	0.002
1934	0.044	-0.030
1935	-0.104	-0.031
1937	-0.096	-0.040
1942	0.024	0.082
1943	0.100	0.085
1945	0.138	0.029
1947	0.044	-0.008
1948	-0.128	-0.015
1949	0.108	0.059
1954	-0.006	-0.015
1955	-0.076	-0.041
1957	0.074	-0.001
1959	-0.022	-0.016
1962	-0.076	-0.042
1965	0.004	-0.008
1966	-0.028	0.012
1968	-0.096	0.033
1969	0.070	0.076
1970	0.068	0.072
1971	-0.030	*
1972	0.006	*
1973	0.044	*
1974	-0.084	*

YEARS IN WHICH ONE EXECUTION TOOK PLACE

Year	*1 year Effect*	*5 year Effect*
1920	-0.146	*
1929	0.034	-0.018
1930	0.034	-0.058
1931	-0.146	-0.096
1938	-0.050	-0.034
1940	-0.074	0.019
1941	0.068	0.060
1944	-0.138	0.012
1950	0.028	0.060
1953	0.046	0.031
1956	-0.026	-0.033
1958	-0.008	-0.019
1960	-0.010	-0.009
1961	0.040	-0.012
1963	0.038	-0.012
1967	0.076	0.044

YEARS IN WHICH TWO EXECUTIONS TOOK PLACE

Year	*1 year Effect*	*5 year Effect*
1933	0.014	-0.026
1936	0.144	0.001
1939	0.064	0.014
1946	-0.098	-0.018
1964	-0.014	-0.018

YEARS IN WHICH THREE EXECUTIONS TOOK PLACE

Year	*1 year Effect*	*5 year Effect*
1922	-0.020	*
1924	-0.080	0.025
1926	0.020	0.073
1927	-0.046	0.028
1932	0.020	-0.043
1951	0.026	0.063
1952	-0.022	0.031

* Cannot be calculated owing to insufficient data points.

SUMMARY

At the 1 year level:

Number of Executions	Number of Years	Negative Effects	Positive Effects
None	27	13	14
One	16	8	8
Two	5	2	3
Three	7	4	3

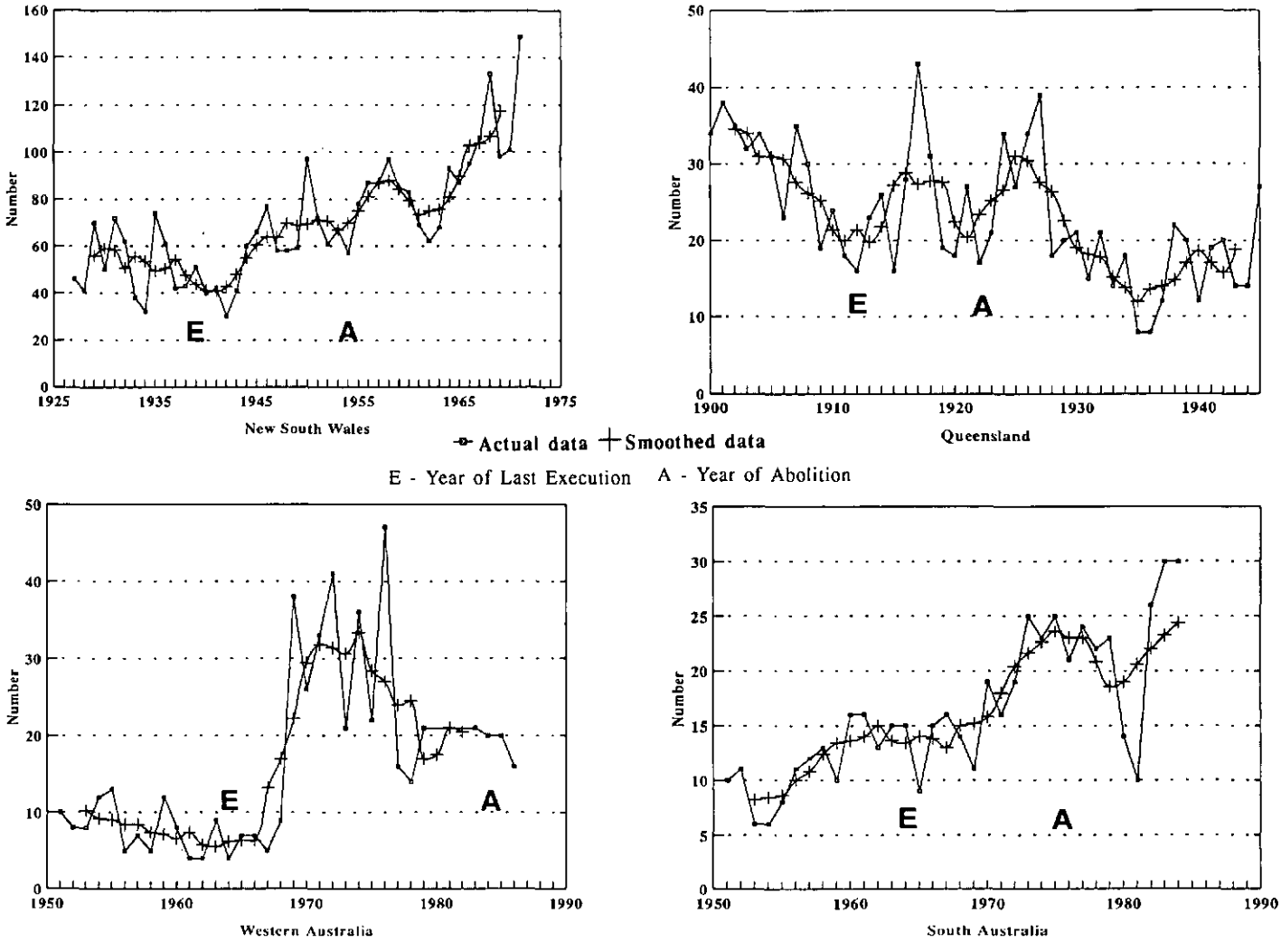
At the 5 year level:

Number of Executions	Number of Years	Negative Effects	Positive Effects
None	21	11	10
One	15	9	6
Two	5	3	2
Three	6	1	5

Sources: Australian Bureau of Statistics, *Causes of Death*, Canberra. Reported Crime figures are aggregated from Annual Reports of the Police Forces of Australia. Numbers of executions were taken from Mukherjee et al. 1990, *Source Book of Australian Criminal and Social Statistics 1804-1988*, Australian Institute of Criminology, Canberra.

2 Negative numbers in this Table show an easing of the homicide rate in the period after the given year, relative to the trend prior to the given year. Positive numbers show that the homicide rate worsened by comparison with the previous trend. Negative effects tend to support the deterrence theory; positive effects tend to suggest that capital punishment did not deter other offenders.

Figure 5
Homicide Charges at Lower Courts — Various States before and After Abolition of Capital Punishment



Source: Mukherjee et al. 1989, *Source Book of Australian Criminal and Social Statistics 1804-1988.*

significant peaks and troughs in the data, both during and after the use of capital punishment, that suggest, again, that the rates of capital crimes in these jurisdictions were **not affected one way or the other** by the use, existence or otherwise of capital punishment.

Summary

Analysis of sentencing policies is never easy, because of data and methodological difficulties, but this attempt to identify the claimed deterrent effects of capital punishment has failed to find any convincing deterrent effects in Australian homicide data. While it is not claimed that either the data or the methodology used in this article are perfect, it would appear to cast considerable doubt upon a major plank in the pro-hanging argument.

Table 3. Trends in Charges for Murder (including Attempts) before and after Abolition of Capital Punishment: New South Wales, Queensland, Western Australia and South Australia

Jurisdiction	*Year*	*Average No. of Charges*	*Rate per 100,000 Population*
New South Wales			
10 years prior to last execution	1930	59.0	2.33
Year of last execution	1940	41.2	1.48
Year of Abolition	1955	75.2	2.15
Subsequent trends:			
Increased over next three years to peak at		87.8	2.38
Then declined over next three years to low at		73.4	1.87
Then increased steadily over next eight years to		117.4	2.64
Queensland			
10 years prior to last execution	1903	34.0	6.61
Year of last execution	1913	19.8	3.00
Year of Abolition	1922	23.4	3.00
Subsequent trends:			
Increased over next four years to peak at		31.0	3.60
Then declined over next ten years to low at		12.0	1.21
Then increased steadily over next eight years to		18.8	1.74
Western Australia			
10 years prior to last execution	1954	9.2	1.44
Year of last execution	1964	6.2	0.78
Year of Abolition	1984	20.5	1.48
Subsequent trends:			
No equivalent data since 1984. Police data for subsequent years show crimes reported as follows:			
1983-84	37		
1984-85	36		
1985-86 and 1986-87	no data		
1987-88	35		
1988-89	40		
South Australia			
10 years prior to last execution	1954	8.4	1.05
Year of last execution	1964	13.4	1.29
Year of Abolition	1976	23.0	1.82
Subsequent trends:			
Declined over next three years to low at		18.6	1.44
Then increased steadily over next five years to		24.4	1.80

Source: Mukherjee et al. 1989, *Source Book of Australian Criminal and Social Statistics 1804-1988*.

Australian Institute of Criminology

GPO Box 2944
Canberra ACT 2601

Conference Proceedings Series
Grabosky, Peter (ed.). 1992.
Conference Proceedings No. 10
Complex Commercial Fraud
ISBN 0 642 16992 6. 224 pp. A$20.00.

The essays in this volume were originally presented at a conference convened by the Institute in August 1991. A number of agencies, including the Australian Securities Commission and the National Crime Authority, discuss the directions which they are taking to combat complex commercial fraud. Other topics include penalties appropriate to fraud offenders, and the responsibility of professional advisers for the prevention, detection and rectification of client fraud.

McKillop, Sandra (ed.). 1992.
Conference Proceedings No. 11
Keeping People out of Prison
ISBN 0 642 17073 8. 320 pp. A$25.00.

Prison overcrowding, the scarcity of resources within prisons for rehabilitation programs, and the damaging effect that prison can have on some offenders, are just some of the reasons for keeping people out of prison. The high rate of Aboriginal imprisonment is another major cause of concern. What are the alternatives to imprisonment, and are they effective?

Keeping People out of Prison details the many innovative and successful community based programs under way in all Australian jurisdictions. As well as providing a constructive, rehabilitative focus, it is argued that community based programs are less of a charge on the taxpayer than the costs associated with imprisonment. Programs discussed include home detention, fine options, juvenile offender diversionary programs, youth training centres, and the Aboriginal Driver Training Program.

Crime Prevention Series
ISSN 1031-5330
Geason, Susan & Wilson, Paul. 1992.
Preventing Retail Crime
ISBN 0 642 170 47 9. 96 pp. A$15.00.

Shopping malls — which have proliferated over the last two decades — have unique needs in crime prevention. Retail crime includes shoplifting, employee theft, fraud, robbery and violence to staff. The costs of retail crime include loss of profitability, low staff morale, loss of work due to physical and psychological damage, and even loss of life. *Preventing Retail Crime* deals with all these areas in a constructive and practical manner.

19th Annual Report 1991 Australian Institute of Criminology
A$15.00.

19th Annual Report 1991 Criminology Research Council
A$10.00.

Australian Criminology Information Bulletin
ISSN 1034-6627
Vol 3. No. 1, February 1992
Subscription A$20.00 p.a. (6 issues per annum)

Trends and Issues in Crime and Criminal Justice
General Editor, Peter Grabosky
ISSN 0817-8542
Subscription A$30.00 per annum (minimum of 6 six issues per annum)

No. 34, Halstead, Boronia
Entrepreneurial Crime: Impact, Detection and Regulation
ISBN 0 642 17279 X.

Cambridge University Press

10 Stamford Road, Oakleigh, Vic. 3166

Neal, David. 1992.
The Rule of Law in a Penal Colony
ISBN 0521 37264 X. A$39.95.

The Rule of Law in a Penal Colony examines the development of legal systems in New South Wales during the late 18th and 19th centuries. It is a history of ideas, analysing the development in New South Wales of legal institutions — such as trial by jury — not in isolation but in the wider context of the social and political ideas of the time.

The Law Book Company Ltd

44-50 Waterloo Road
North Ryde NSW 2113

McRae, Heather, Nettheim, Garth, & Beacroft, Laura. 1992.
Aboriginal Legal Issues
ISBN 0455 210 179. $A69.00.

This new casebook concentrates on fundamental Aboriginal legal issues. It develops a detailed view of Aboriginal relations to land and discusses such questions as: Can the indigenous peoples' own law survive the infusion of English Law? Are Aboriginals properly amenable to the law of the invaders and to their courts? The authors also look at Aboriginal forms of dispute resolution and the question of recognition of Aboriginal Law.

Hughes, Gordon. 1992.
Data Protection in Australia
ISBN 9455 219 438, $79.50.

Data Protection in Australia is concerned with the implications of computerisation. It commences with an examination of the right to privacy at common law, proceeds to an examination of federal and state legislation relevant to the rights of data subjects, and then considers the extent to which common law supplements the legislative deficiencies.

Venture Press

16 Kent Street
Birmingham B5 6RD, England

Williams, Brian
Work with Prisoners
ISBN 0900 102 942. 50 pp.

Work with Prisoners is an authoritative guide for anyone working with people in prison. Using prisoners' own words, it describes how it feels to be in prison and what happens to people whilst they are inside. This book brings together information about the responsibilities of the various caring professions in working with prisoners and the roles of others such as chaplains, psychologists and uniformed staff.

Australian Institute of Criminology

1992

12-14 May	Homicide: Patterns, Prevention and Control, Melbourne
23-25 June	Aboriginal Justice Issues, Cairns
3-5 August	Evaluation and Measurement in Criminal Justice (in conjunction with the School of Justice Administration and the Centre for Public Safety and Security, Griffith University), Brisbane
22-24 September	National Conference on Juvenile Justice, Adelaide

The Conference Program of the Institute is always keen to hear from people interested in participating in, or speaking at, Institute Conferences. If you would like to be involved in any of the above events, kept informed of planning for them, or have any suggestions for Institute Conferences that would address issues of national importance in the criminal justice or related areas, please contact the:

Conference Program
The Australian Institute of Criminology
GPO Box 2944
Canberra ACT 2601
Tel: (06) 274 0226/0223
Fax: (06) 274 0225

Australian and New Zealand Society of Criminology

8th Annual Conference
30 September — 2 October 1992, Melbourne

The conference theme will be 'The Cultures of Crime', and the keynote speaker will be Professor Stan Cohen, University of Jerusalem. For further information, please contact:

Kathy Laster
Convenor
Department of Criminology
University of Melbourne
Parkville Vic 3052
tel: 03 344 6801
fax: 03 344 6802

Overseas

Social Changes, Crime and Police
1-4 June 1992, Hungary

This international meeting is supported by the Hungarian Academy of Sciences and is organised in professional cooperation with the Ministry of the Interior, the Police Officers' College, and the National Institute for Criminology and Criminalistics.

Themes will include the effect of social changes on crime and criminal policy; influences of changes in society and in crime on the structure and staff/numbers of the police; relationship between the police and the population; the place and role of the police within the new system of social institutions; and the attitude of the police to social changes and to professional reliability.

For further information, please contact:

Professor Jozsef Vigh
Crimjnological Department
Eotvos Lorand University
1364 Budapest
Egyetem ter 1-3
HUNGARY

Office of International Criminal Justice

OICJ VII Annual International Symposium
17-20 August 1992, Chicago

OICJ's VII Annual International Symposium on Criminal Justice Issues, to be held at the University of Illinois at Chicago, will address topics such as enterprise crime, drug trafficking, terrorism, political violence, and industrial sabotage. For further information contact:

OICJ
1333S Wabash
Box 53
Chicago IL 60605 USA
tel: (312) 996-0159
fax: (312) 413-2713

Cuban Society of Penal Sciences
Penal Sciences '92
1st International Meeting on Penal Sciences
2nd Cuban Meeting on Criminology
13-15 October 1992
Havana International Conference Center

The Attorney General's Office and the Cuban Society of Penal Sciences (National Union of Lawyers of Cuba) are hosting this meeting, aimed at promoting a scientific exchange of experiences and extensive discussions on current problems. Topics to be discussed include: decriminalisation; non-conventional crime; resocialisation of offenders; punishment and its objectives in criminal law.

Registration fee US$155.00

For further information please contact:

Ramon de la Cruz Ochoa
Chairman
Organising Committee
Palacio de las Convenciones\Apartado 16046
La Habana, CUBA
Fax: 22-8382

NEWS

Corporate Law Reform

The Attorney General, Mr Michael Duffy, has released a corporate law reform bill for three months' public exposure. This bill implements the recommendations of a number of major corporate law reform reports. Copies are available from Commonwealth Government Bookshops. The closing date for comments is 15 May 1992.

Police Studies — cooperation with South East Asia

Recently a delegation of senior Western Australian Police and senior academics from Edith Cowan University travelled to Asia to consult with senior police in Indonesia, Malaysia and Singapore, with a view to cooperation in training, education and research activities.

New programs under way at Edith Cowan include an Associate Diploma of Social Science (Police Studies), and the Bachelor of Social Science (Police Studies). A Bachelor of Arts (Justice Studies) is also available. In addition, a Senior Police Training Centre and a Centre of Applied Police Research is being established on campus.

First graduates — Advanced Certificate in Policing

Griffith University has presented 190 graduates of their Advanced Certificate in Policing Program with their certificates. The one-year pre-service program was developed in response to the *Fitzgerald Report* recommendation on police education and training. Graduates are appointed as constables in the Police Service and receive up to one year of credit towards the Bachelor of Arts in Justice Administration offered at Griffith University.

Flinders University — new Law/Business building

Work has commenced on a new building at Flinders University to house its Law, Legal Studies and Business disciplines. The new building will contain a moot court, where law students will conduct hypothetical legal cases, and two lecture theatres.

Visitors to the Institute

Dr Anna Alvazze del Frate, United Nations Interregional Crime and Justice Research Institute (UNICRI), visited the Institute from 28 January to 21 February 1992. Whilst at the Institute, Dr Alvazze was working on a UNICRI project entitled 'Environmental Crime, Sanctioning Strategies and Sustainable Development'.

Dr Anna Alvazze del Frate

The Australian Institute of Criminology coordinated the visit to Australia of two senior officers from the Correctional Services Department of Hong Kong from mid-February to mid-March 1992: **Mr Khalid Mahmood Khan**, deputy to the Superintendent, a Vietnamese migrants centre, and **Mr Yung Kwok-leung**, Staff Officer to the Commissioner.

Senior Sergeant Errol Mason, Victoria Police, is currently undertaking a five-month scholarship at the Institute as a Visiting Senior Criminal Justice Practitioner.

Occasional Seminars

The first 1992 Occasional Seminar at the Australian Institute of Criminology was given by **Dr Anna Alvazze del Frate**, who spoke about the work of United Nations Interregional Crime and Justice Research Institute.

The second Occasional Seminar was given in February by David Kirkland, author of *Impressions of Papua New Guinea* (published by Robert Brown & Associates (Qld) Pty Ltd). He spoke of a social campaign designed to reduce crime in Papua New Guinea.


VIOLENCE

Do you

work for a community or regional organisation, local council, private company or government department?

O

deal with situations which may involve violence?

O

need to develop a project to reduce violence?

O

need to evaluate a project dealing with violence?

O

want to know more about violence and violence prevention?

O

want to know what other people are doing about violence?

O

have any other problem involving violence?

YOU MAY NEED TO CONTACT THE VIOLENCE PREVENTION UNIT

WHAT IS THE VIOLENCE PREVENTION UNIT?

The Violence Prevention Unit (VPU) is a service for anyone who needs help in working on matters relating to violence. It was established in early 1991 in response to the recommendations of the National Committee on Violence, and forms part of a national violence prevention strategy announced following the Premiers' Conference of November 1991. It is located in the Australian Institute of Criminology in Canberra.

The VPU is funded from Commonwealth, state, territory and consultancy resources and provides non-government organisations and all levels of government with information, training, project evaluation and 'hands-on' assistance with projects dealing with violence in the community.

Services that the VPU provides include:

- a clearing house or 'one-stop shop' for information about violence and projects dealing with violence;
- a staff rotation scheme to assist all levels of government and non-government personnel wishing to develop particular skills or to work on particular projects to do with violence;
- 'hands-on' training programs, workshops, seminars and in-service training in areas of violence and crime prevention that government and non-government organisations would like addressed;
- assistance with monitoring and evaluation of violence prevention projects;
- national monitoring of trends, levels of violence and action taken to reduce violence in the community; and

- specialised consultancy services covering a wide range of skills and most aspects of violence

The VPU also administers the prestigious Australian Heads of Government Violence Prevention Award.

WHAT SORT OF INFORMATION?

The VPU maintains the wide-ranging database on violence which was used and developed by the National Committee on Violence.

This deals with:

- the contemporary state of violent crime in Australia;
- related social, economic, psychological and environmental aspects of violence;
- gender issues in violence;
- violence prevention for local government;
- the impact of the mass media, including motion pictures and video tape recordings, on the incidence of violent behaviour;
- the association of violence with the use of alcohol and other drugs;
- factors instilling attitudes to violence among children and adolescents;
- the vulnerability to violence of particular groups;
- the development of specific strategies to prevent violence, including strategies to propagate anti-violence values throughout Australia, reduce violence involving young people, and promote community education programs;

- the need for support and assistance to victims of violence; and
- the need for special measures in the treatment of violent offenders.

Other aspects of violent behaviour with which the Violence Prevention Unit is involved include self-inflicted violence, motor vehicle deaths and injury.

WHY WASTE SCARCE RESOURCES ON REINVENTING THE WHEEL?

Violence clearing house

Access to information and assistance is central to the ability of government and non-government agencies to implement violence prevention projects in the most resource-efficient way. The VPU

- coordinates information from government agencies and from non-government organisations about projects dealing with violence prevention;
- provides information about the requirements and the effectiveness of individual projects or types of project;
- acts as a reference service for people needing information or assistance from other organisations dealing with violence.

WANT TO FIND OUT FOR YOURSELF?

The staff rotation scheme

You can tap into the most comprehensive, up-to-date databases on violence in Australia, and have access to information from all parts of Australia and from many overseas countries. Under the staff rotation

scheme regional government and non-government personnel can work with other experts on short-term secondments sponsored by their own organisations and governments, on violence projects of their choice.

This is a joint Commonwealth/state/territory program but applications need to be approved by your home organisation. Your work program and the amount of time you spend with the VPU will be decided by mutual agreement between the Australian Institute of Criminology, your home organisation and you.

WANT A TRAINING PROGRAM DESIGNED ESPECIALLY FOR YOU?

The VPU and the Institute's Conferences Program assist with seminars and conferences about violence and methods used to deal with it. Recent seminars have included seminars dealing with violence and crime prevention in Aboriginal communities; the role of education, employment and training; drug related problems and the role of local government.

It will also design hands-on training workshops or in-service training programs specifically for your organisation, for any number you wish, on any aspect of violence prevention you choose.

Discuss your needs with the VPU and check its program for future workshops on crime and violence prevention.

NEED HELP WITH PROJECT EVALUATION?

Monitoring and evaluation of projects

Monitoring and evaluation is vital in avoiding waste, keeping costs down and making best use of resources. If you are too busy to do this or are not

sure how to, the VPU will help you. VPU staff have multi-disciplinary expertise in a wide range of project development and evaluation skills. They will help with baseline questionnaires, social surveys and other quantitative and qualitative measures. They will also help with independent monitoring and evaluation of projects to determine how cost-effectively a project meets your needs.

NEED MORE DATA?

National monitoring of trends in levels of violence in the community

The VPU maintains several databases containing the statistical data you may need about different types of violence or specific problems such as violence in prisons and violence against children.

VPU resources include the Institute's National Homicide Monitoring Program, which provides the first and only standardised Australia-wide program for collection and compilation of information about homicide cases. The Institute maintains similar national databases dealing with prison trends. It is currently expanding these programs to include comparative data on deaths in custody, serious assaults and other aspects of violence.

THE AUSTRALIAN HEADS OF GOVERNMENT VIOLENCE PREVENTION AWARD

The prestigious Australian Heads of Government Violence Prevention Award is an award of $100 000 given annually for the most outstanding proposal, in terms of feasibility and impact, for the prevention of violence in the Australian community. It is a joint Commonwealth/state/territory initiative, which was

announced following the Strathfield massacre in late 1991.

The award is administered by the Violence Prevention Unit. Nominations for the award are assessed by a Selection Board appointed by the Prime Minister, Premiers and Chief Ministers. Selection criteria for each year are set by the Board.

While new ideas for projects are not excluded, most applications are expected to be operating projects which have been running for at least one year and have had an independent evaluation. The VPU assists with this where necessary. The winning proposal will be available if appropriate for implementation in other jurisdiction .

NEED SOMETHING SPECIAL?

The VPU will help you use other services from the Australian Institute of Criminology

- The Australian Institute of Criminology is an independent statutory body established by the Criminology Research Act 1971. It is mainly funded by the Commonwealth but also receives special purpose funding from state and territory governments and some resources from its consultancy services.
  It is managed by a joint state/Commonwealth Board. The Institute provides services to all levels of government as well as to non-government organisations, and its consultancy services cover a wide range of social problems including health, education, employment, family services and business regulation.
- The Institute is a multi-disciplinary organisation.

Its staff qualifications and interests are diverse and enable it to maintain a high standard across a broad spectrum of areas in criminal justice and public policy, from the academic level to grassroots service delivery.

- The Institute provides research and consultancy services in many specialised fields, such as:

  . Aboriginal affairs

  . alcohol and substance abuse

  . corrections

  . environmental protection

  . migration and migrant problems

  . police and public security

  . strategic crime assessment

  . women's issues and domestic violence

  . youth crime prevention

- The Institute's Conferences Program conducts seminars, workshops, conferences and training programs around Australia dealing with crime prevention generally. It invites expressions of interest or suggestions for particular topics that organisations may wish to see incorporated in the program. The Institute's expert staff are available to organisations which need assistance in the management of a conference.

- The Institute is multicultural and has regular access to recent overseas material through its international linkages. It is formally affiliated with the United Nations and is actively involved in crime prevention in the Asia Pacific region. It cooperates with the United Nations Asian and Far East Institute for the Prevention of Crime

and the Treatment of Offenders (UNAFEI) in Tokyo, the United Nations Inter-regional Crime Research Institute in Rome (UNICRI) and other United Nations centres in Europe, North America, Central America and Africa.

- The Institute's J.V. Barry Library is the foremost collection of criminological material in Australia. In addition to its holdings of about 22 000 indexed references, it maintains CINCH, the Australian Criminology Database, and has on-line access to various social science, legal and medical databases in Australia and overseas.
- The Institute's Publications Program publishes on a considerable number of topics relevant to violence in Australia today.

How do you obtain more information?

You can obtain more information about any of these programs by letter, telephone or fax, to:

Violence Prevention Unit
Australian Institute of Criminology
4 Marcus Clarke Street
Canberra ACT 2601

Phone:
(06) 274 0218
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