QUARTERLY JOURNAL OF THE AUSTRALIAN INSTITUTE OF CRIMINOLOGY

CA CRIMINOLOGY AUSTRALIA

Heroin the man behind the Trial

GUNS AND death

Kirby on the law

THE RIGHT DATA

VOL 7 No. 1 SPRING 1995

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EDITORIAL

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"Crime", "Horror", "Violence" - the headlines scream that we are in a new era with the streets awash with social misfits and it is not safe for common folk to walk the avenues. On the other hand, the experts are telling us that, in some areas of crime at least, we are less vulnerable than we were one hundred years ago. In this climate, the debate is fierce, the invective sometimes strong. There seems little space for the uncommitted.

In media, the lines between information and entertainment become blurred as the race is on for ratings. In academic institutions, the name of the game is cost-effectiveness.

At the Australian Institute of Criminology, the times are changing too, and at *Criminology Australia*, we want to reflect those changes.

First we're changing the look of *Criminology Australia*, the AIC's quarterly magazine. It will be more attuned to the times and those changes. But that's only the context. The content, we hope, will be the major reflector of the new age. *Criminology Australia* has always drawn on the Australian criminological community for its published work. But now CA will broaden that base, look for resonances in as wide a constituency as possible. Our credibility will stay but our base will grow.

In this, the first of the new approach, Justice Michael Kirby talks of the law and its changes in the past 20 years. We have an interview which looks closely at Michael Moore, the ACT politician behind the proposed heroin trial in the national capital. And we have an intriguing look at gun control around Australia.

Times change - and *Criminology Australia* changes. *CA* proposes to offer challenging views on the world of crime prevention, criminal justice and crime in general. In addition we will publish The Data Bank, a feature with accessible and meaningful statistics on crime both here and throughout the world.

CA will also look at the people and the programs of crime prevention. Special reports on the work of the Criminology Research Council will continue.

CA will be inclusive as well as accessible - areas which are now understood to bear on the understanding of crime will feature here.

Why? Because the more we understand the problems of crime, the better we can come to grips with its real menace rather than its shadows. The more debate and knowledge flowing from the areas of concern, the better we should be able to deal with the issues.

Welcome to *CA*.

GARRY RAFFAELE EDITOR

Michael Moore has an Irish face. It is the face of the Eureka Stockade, of the potato famines. It is a soothsayer's face. It is fringed by a beard that is almost biblical and his eyes are piercing.

Heroin Trial *Yes or No!*

GARRY RAFFAELE

And there is an honesty and a simplicity which could be seen as naivete - except that he has survived as an Independent in the ACT House of Assembly for six and a half years.

Elected as an Independent, Moore has now become arguably the most accomplished politician in his Assembly - his wheeling and dealing over past months on the most contentious of issues has proved that.

Moore now champions the right to euthanasia in Canberra - he watched the Northern Territory debate with interest and is still massaging a similar Bill through the ACT Assembly.

Moore is also father to proposed legislation of an equally contentious variety. His proposal is a trial to test the supply of heroin - legally - to registered addicts. The proposal has been put to the ACT House of Assembly and will be voted on some time early next year.

This proposal, a four-stage scheme, is partly a response to the general problem of drugs in society, partly an attempt to address the problems of current treatment programs.

But there is something more - this man carries with him, like a banner, the committed view that the indiscriminate banning of drugs runs against commonsense.

Moore believes that, rather than a "sin", the taking of an illicit drug is an illness and it needs to be treated as a health issue; another of his "children" was the successful attempt to decriminalise marijuana in the ACT. Canberra is now one of two areas in Australia where the possession for personal use of that drug attracts a small and non-criminal penalty (the other area is South Australia). Recent research has shown that this move has not led to increases in usage of the drug.

It all began for Michael Moore, it seems, in an almost peripheral way.

Moore was chairing an ACT House of Assembly committee dealing with HIV and prostitution. On heroin, he had felt that a coordinated approach between police and Customs would deal with the problem. But the more he got into the work, his opinions changed.

"I felt that the nature of prohibition would actually dictate the opposite".

"The more efficient our police, the more effective they are, the greater the profits associated with the drugs. The demand seems to remain the same but, if we don't address the demand, you are likely to have more and more people trying to enter the market.

[I interviewed Michael Moore before research findings on marijuana use were made public and before the Ministerial Council on Drug Strategy met in Alice Springs to consider both the heroin proposal and the marijuana research. The ACT Chief Minister, Kate Carnell, has received the heroin report and it is now under discussion both inside Canberra and in other places. The debate is canvassing all sides of the argument strongly.]

"The higher the price the better the profits, the more inclination to get in."

"And of course we now know the illicit drug industry is the second most lucrative in the world."

The Canberra politician was not prepared at that time, to call for a free-for-all, although there were people around pushing that line.

"Dr John Ellard, for example, was one who was in Sydney saying, just let people decide for themselves."

Moore felt society was busily winding back the way it dealt with this issue, "Prohibition wasn't working, we had to move away from it in sensible steps."

This was the time when the controversial project began to take real shape. Moore said it was time to assess the effect of providing heroin to users, especially if that meant that more dependent heroin users could be brought into treatment.

After going back through submissions to the ACT Select Committee and looking at an article on HIV and drug use in prisons in South Australia, Moore recalled that one of the contributors was Professor Bob Douglas, of the ANU's Centre for Epidemiology and Population Health (NCEPH).

"So I asked him could we determine whether or not providing heroin for dependent users would in fact reduce the harm associated, not just in health but in terms of the criminal issues."

Douglas replied that NCEPH could probably answer the first questions about health but couldn't answer the questions about criminology; he would need to ask the Australian Institute of Criminology.

"I expected that we would have the answer in three or four months and that we would be providing heroin probably a couple of months after that." Moore says now that was naive.

But he was encouraged by two aspects. He felt enthused that both academic bodies had to some extent shared his view on the need for a trial; just as importantly, he felt that there was a swell of public opinion which, to some degree, also supported change.

"Travelling with my family in caravan parks out bush or wherever, people were generally saying that they recognised prohibition didn't work, that we really do have to find some sensible alternatives."

"But it is difficult to take the next step."

So what would the way ahead be? Even though Moore felt support in both the academic field and out in the community, that largely unstructured feeling might not go so far as to range behind a concrete plan, particularly one which went against the accepted social norms. The suggestion of a legal trial, to some, implied lines of addicts in Canberra streets with needles in hand waiting for a fix.

So NCEPH and the AIC set out to organise a program leading to a trial. Moore looks to this four-stage program as vital to the whole initiative.

For him this will move towards resolving the practical problems of ethical questions - where you provide heroin, how do you police the people who have used heroin to make sure it doesn't become a black market of its own, how many times should people inject, where do you get the heroin, how expensive is it, what laws need

PHOTO: FAIRFAX PHOTO LIBRARY

changing - among other matters. But there is an overriding issue that concerns both Moore and all the researchers involved in the program.

"All those issues had to be dealt with first but the most important of these (where the researchers have taken three and half, four years to put together) is how do you actually evaluate. Because if you start your trial and then say now we'll work out how we are going to evaluate it, then you're not going to get a gold standard to study."

Should the ACT opt to take up the current proposal, the first stage would be a pilot program, closely controlled.

"We need to know if it is effective to allow people to inject on three days - three times a day. It seems to be appropriate to set it well apart from the methadone program. It seems to be appropriate to have police involvement in some way so that they can see that this is not getting out of hand. But we don't know."

Here another vital point emerged. The critics of the program assume that its supporters have already reached the view that the introduction of a full-blown supply program is the answer to the heroin problem.

"We must make sure that we haven't aimed a trial to get predetermined answers. And to me that is the most critical I am after genuine answers - I am not just trying to push through a particular perspective."

So the critical part now is the pilot trial to get those answers.

But Moore is fully aware of the battles he and the program have ahead. "I am not so naive though that I don't recognise the undercurrents in terms of policy change. That would be simplistic."

He recognises that there is a mystique about heroin. This program would be the first time that heroin would be actually provided to a user in Australia for the last 40 years ("1953 I think was the last time"); that is in itself a major step in terms of having heroin demystified and recognised as a drug. He points to the United Kingdom where heroin is used like Australia uses morphine - e.g. a medical treatment for pain.

There's that twofold challenge of getting people into treatment - the health issues on one hand, the criminological issues on the other hand.

"Although I must say for myself I tie the two together because a healthier society is about a society with less crime," Moore said.

"It's about a society where individuals make choices about their own lives and they make healthy choices that don't disadvantage or hurt other people and I guess that's the role of legislatures and parliaments, not just to try to resolve problems by making yet a harsher law which has no effect.

"The long-term goals to me fit into two categories. First we need to see if in fact that is a better form of treatment and can offer more than methadone does."

"But also from a criminological point of view, can we actually undermine the black market. If you can do that then the whole criminal element comes out of the whole drugs issue and, after all, that's what drives it. We're talking about the second most lucrative industry in the world and yet the drugs themselves are worth a piddling amount of money."

Critics of the scheme have painted pictures of Canberra as the heroin capital of Australia, with registered addicts lining up for their government-funded fix.

"Nobody wants Canberra or their city to become a drug capital and so one of the major challenges of a trial is to ensure that that actually wouldn't happen."

"There's no doubt in my mind that if we had a fairly free availability of heroin in the ACT and nowhere else and you were a user, wouldn't you be a mug not to come to Canberra?"

"So restrictions are certainly being considered; to be a part of the trial, you needed to have been registered on the methadone program in, I think, 1993."

"The difficulty of that of course is that you are then dealing with people who have already come into treatment. So one of the questions you really wanted to ask was by providing heroin will we actually bring new people into treatment? I guess we don't get to answer that question."

"We will be able to draw some conclusions about the fact that people who were on methadone and were willing to move across to heroin would have been much more attracted to coming to a heroin program than they would be to a methadone program. To a certain extent, questions are answered but not to the standard that I would have hoped."

Moore is strongly aware that politicians generally work in black and white values, at least in public, and this proposal is far from black and white. This in itself will raise issues.

"Look at Bob Carr and John Fahey, and the debate on who can be harder on crime. They don't ask whether putting more people in gaol would achieve anything."

Were there a lot of people openly against the program, a lot of lobby groups with drawn swords, a lot of social groups with similar views?

Even in the visionary, there is pragmatism. Should the heroin trial not proceed, the questions have been asked, the study has gone this far and this has been a huge advance in thinking in this issue throughout Australia.

He agreed that the first half step in Canberra was basically philosophic but that policy and attitudes had changed already at the grass roots, for instance on needle exchange.

"But, by and large, there's a fairly intense debate and a change of community attitude that goes on first. The politicians who actually pretend they're leading are actually following - the debate is going on in this community."

"We now have over 75 members of Parliament across Australia who have signed the charter for drug law reform which includes support for such trials as this heroin trial; that is a good indication that community attitudes are changing."

"When I originally stood up and started speaking for drug law reform people like Peter Baume said, 'Look, although I agree with you, this is bloody stupid because you can never be re-elected and, if you are not re-elected, you can't do anything'. He termed it very brave in the 'Yes Minister' sense."

"But, in fact, I had the advantage being elected under a proportional representation system first. Now we have many people who are prepared to stand up and say, 'Even if there is risk, real political risk, I'm still prepared to put up my hand and be counted', to say 'this has gone too far, it's changed'."

He felt perhaps the move forward had come partly from a series of heroin deaths in Canberra, South Australia and Western Australia.

"Maybe out of these tragedies will come something good."

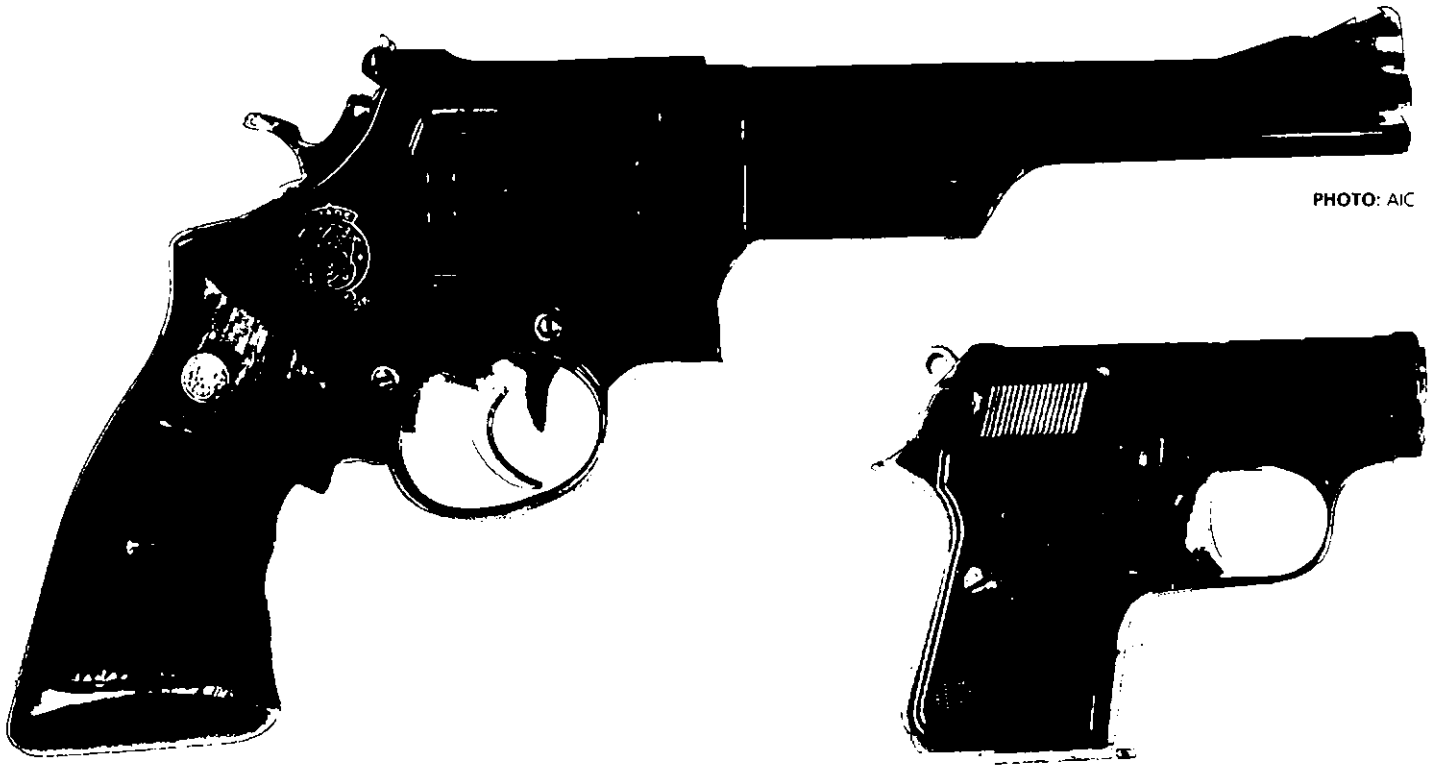
The heroin trial raises all sorts of profound philosophic, moral and health problems. Michael Moore is - more than most - aware of these and is working in and around them to ensure that his vision gets a fair go

For some four years a research team from the National Centre for Epidemiology and Population Health at the Australian National University and the Australian Institute of Criminology, led by Dr Gabrielle Bammer at NCEPH, have been conducting research into the feasibility of conducting a trial of the controlled availability of heroin for heroin-dependent people.

On 27 June 1995, the report on the study was presented to the Australian Capital Territory Government. It recommends that:

- the Government conduct a three month public consultation around the study's findings and recommendations;
- two pilots of prescribed heroin be conducted in the ACT. These will establish procedures, including those for randomising people to treatment and comparison groups, and will include the development of the evaluation aspects;
- if the pilots are successful, a two-year randomised controlled trial be conducted. The treatment group will have the choice of methadone, heroin or both. The comparison group will receive methadone (the current gold standard for the management of heroin dependence) only;
- the trial proper will be conducted in Canberra and two other Australian cities.

The report is available from Gabrielle Bammer at NCEPH, Australian National University, Canberra and the AIC: *Report and Recommendations of Stage 2, Feasibility Research into the Controlled Availability of Heroin*, NCEPH and AIC, Canberra, 1995. ISBN 07315 2159 5, ISSN 1039 088X.



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Firearms

In the early hours of 9 July two New South Wales police officers were shot dead while attending a call to a private residence. A few hours later the body of a man was found nearby with an (apparently) self-inflicted fatal gunshot wound.

The incident, like many before it, brought calls for more effective controls on guns, while organisations representing gun owners and users claimed that more effective controls would not have prevented this incident, or those in Hoddle Street and Queen Street, Melbourne in 1987, and in Strathfield in 1991. These three events, did, however lead to the National Committee on Violence and the National Violence Prevention Awards, the outcomes of which have been programs to reduce violence in our community.

The gun control debate has been characterised by broad-ranging pendulum swings in political and public opinion, but relatively slow progress. Some difficulties derive from the lack of national control, the differences between the States and Territories in their cultures, firearms usage patterns and legislation, and the ease of movement between jurisdictions.

Writing in the *Australian* on 11 July, Adrian Bradley estimates that nationally there are 1 015 000 gun licences issued by State Governments. The actual number of guns is not known, as some licensees have more than one gun, while some guns are not registered.

Firearms

The greater the number of guns in a community, and the greater their availability, the more likely, it is often argued, that a tragic misuse might occur. Over the past decade the actual number of deaths (and the rate per 100 000 population) from accidents, suicide, and assault has decreased, though there have been fluctuations over the years. For every female death as a result of firearms, there are eight male deaths. Self-inflicted death (accident and suicide) are rare for females, and of the 5612 gun caused suicides over the past decade, 365, or 6.5% were female.

While suicide is the major cause of firearm death, men in older age groups have a disproportionate rate of suicide by firearm. Men over the age of 60 comprise 14% of the male population and account for 25% of the suicides by firearms, 6% of the male population is 70 years and over and 13% of the suicides caused by firearms are attributed to them (1993 ABS data).

Public policy on firearms is a classic area of interest group claims and counter-claims, with very little policy relevant data. The Australian Institute of Criminology will be preparing a paper in the Trends & Issues series to explore the matter further

Main causes of firearms deaths, Australia 1983 - 1993

Number and Rate per 100 000 population

Year	Accident Number	Accident Rate per 100 000	Suicide Number	Suicide Rate per 100 000	Assault Number	Assault Rate per 100 000
1983	40	0.26	520	3.38	93	0.60
1984	32	0.21	524	3.36	121	0.78
1985	35	0.22	552	3.50	99	0.63
1986	28	0.17	549	3.43	101	0.63
1987	27	0.17	572	3.52	97	0.60
1988	30	0.18	521	3.15	124	0.75
1989	19	0.11	451	2.68	80	0.48
1990	30	0.18	488	2.86	79	0.46
1991	29	0.17	510	2.95	84	0.49
1992	24	0.14	490	2.80	96	0.55
1993	18	0.10	435	2.46	64	0.36

Source: Mukherjee, S. & D. Dagger, 1995, Crime in Australia: the First National Outlook Symposium on Crime in Australia Data Booklet, Australian Institute of Criminology, Canberra.

Turning the Page

ADAM GRAYCAR

"Crime" is a complex phenomenon. The term covers a range of activities from vicious personal attack, to taking things that aren't yours to take, to puffing on a joint or exceeding the speed limit. Many generalisations on crime as a whole are inaccurate because the term 'crime' denotes too wide a variety of events to be described by a single label. While many people live in real fear of unanticipated violent crime, violent crime accounts for 1.3 per cent of all reported crimes, compared with property crime which accounts for 39.5 per cent, and "other crime" which accounts for 59.2 per cent. If we take out the "other" category, and stick to "major" crimes, violent crime accounts for about 3 per cent of all major crimes reported. About two thirds of the violent crimes are assaults, about one-third robberies, and there are a very small number of homicides.

There seems to be a feeling surfacing in this country that we are in the grip of a crime wave, but the data tell another story. Notwithstanding the small proportion of crimes which are violent, there are still somewhere in excess of 20 000 violent crimes reported to police each year, and every one of these is a terrifying event for the victim.

Some crime figures can easily become distorted. And, while crime hurts, offends and costs - and has certainly increased - it would be incorrect to suggest that it is out of control. While the total number of crimes reported has almost doubled since 1980 (and, the rate has gone up by about 65 per cent - taking into account population increase), the progression has by no means been onwards and forever upwards. When comparing 1994 rates with 1993, homicide has gone down in all States; sexual assault is up on 1993, but has gone down in some States; armed robbery is down nationally, and down in all States except Western Australia and Tasmania, while unarmed robbery is up significantly but down in Victoria and South Australia. Burglary is down nationally, but up in a couple of States; while motor vehicle theft, which has been falling in recent years, took a slight upturn (but there were fewer cars stolen than for any year from 1985 to 1992).

Some parts of the media hammer the message relentlessly that crime is out of control, and worse than at any previous point in our history. So, while it would be hard, on the evidence, to sustain that argument, survey findings consistently indicate that the fear of crime is a very serious matter. Add to this the very real experiences of people who have suffered hurt and outrage at the hands of unknown assailants, and we have a climate of apprehension built onto a knowledge void.

As the Minister for Justice, Duncan Kerr, told the **First National Outlook Symposium on Crime in Australia**, "obvious populist posturing is not sensible policy making. Crime policy has to be developed sensibly and rationally, not through a series of knee jerk reactions to outrageous criminal acts, the stimulus of an imminent election, or perceived voter pressure".

There are crimes that harm people, e.g. homicide, assault, theft, rape, robbery, burglary, etc. These are usually the crimes that citizens fear most, and often associate with an increase in crime. These are also the ones which receive significant media attention. There are activities

that frighten, annoy or offend people. Many of these are the victimless crimes or perceptions of dangerous or unsafe behaviour that could affect a bystander.

Then there are the 'new' crimes, those which have surfaced in recent years, associated particularly with organised crime, drugs trafficking, money laundering, computer crime, crime against the environment.

" ...Pinnacle of policy analysis and intellectual value-adding"

Ideologically polar positions produce their own explanations for increases in crime. Those on the right blame permissiveness, bankrupt moral values, contempt for authority, inadequate penalties, while those on the left blame poor social conditions, unemployment, lack of life chances, poverty traps, deprivation, limited educational opportunities and so on.

Viewed from a different perspective, there are probably many more opportunities than ever before for criminal behaviour, and much crime may be the price we pay for living in a world which offers high material benefits and a very mobile lifestyle. Put that against a context of tremendous social and technological change and we have a complex world in which paradox continually stares us in the face as we weigh up the costs and benefits of freedom, constraint, mobility, technology, productivity, communication, justice and so on.

As part of its refocussing, the Australian Institute of Criminology is taking a leadership role in blending theory, data, past experiences (call it history, or program evaluation!) into advice on policies that further strategic objectives that make our society (in broad terms) and our neighbourhoods (closer to home) places in which we feel comfortable in pursuing our lives and aspirations. Our leadership role is important, because everybody has an opinion on crime, because facts are often disputed, and because we are constrained methodologically in that in criminal justice, cause and effect are never unequivocally demonstrable. The Australian Institute of Criminology can advance knowledge. It certainly cannot do it all, but in its leadership role it can make sure that it all gets done.

On 5 and 6 June this year, 500 people gathered in Canberra for the Institute's **First National Outlook Symposium on Crime in Australia** to hear papers which focussed on what we know and don't know about crime in this country.

And now the Institute launches this magazine, CA - less an academic journal, and more an informative, thinking person's magazine.

These two activities, a national outlook symposium and a magazine directed to our stakeholders, signify some of the Institute's new direction.

The new mission of the Institute is

to provide quality information and conduct objective policy-oriented research, so as to inform government decisions that will contribute to the promotion of justice and the prevention of crime.

This signals the transformation of the Institute from an essentially academic organisation to one whose focus is policy. Policy issues in the ever-changing world of criminal justice and the policy spheres which impact upon it are complex and difficult, and require the contribution of rigorous, well-informed, and relevant analytical work. While no longer seeing itself primarily as an academic institution, the Institute will not resile from conceptual analysis, from the rigorous analysis of data, from applying theory to real-life situations - in fact it relishes these tasks. However, these are means to ends, not ends in themselves, and our whole future role is one of exploring issues, describing criminological phenomena and explaining crime in society in a way that provides better underpinning for the development of policy options.

A common cliche says that the only constant in this world is change. Many people associated with the Institute have found the changes stressful. It is not the organisation that it was a few years ago, and our vision is future-oriented. Our staff is changing, our stakeholders are more demanding, our products are changing, our physical environment is changing (we are moving buildings soon!), our working arrangements are changing.

PHOTO: FAIRFAX PHOTO LIBRARY

All of this is oriented to making the Institute perform at the pinnacle of policy analysis and intellectual value-adding. We are also focussing a component of our work on practical, down to earth products. In short, we are focussing on what we know, what we don't know but need to know, how we find out, and how we identify what works, and replicate and communicate it to government.

The First National Outlook Symposium on Crime in Australia gave us a set of directions to follow. The range of papers covered topics as diverse as violent crime, violence in families, social justice and Aboriginal justice issues, white collar crime, consumer crime, fraud against government, socio-economic determinants of crime and policing multicultural Australia. With this wide range of topics a few not-terribly-surprising themes came through. The most persistent theme is that prevention is a highly desirable policy goal, and good research, good knowledge, and good translation of these into policy can pave the way for a safer and more secure Australia.

We live in a world of rapid and sometimes unfathomable change. It would be trite for me to list the technological developments that have changed our lives, and criminal activities. What is obvious is that our ability to deal with social change lags badly behind our ability to deal with technological change. It is 25 years since we sent somebody to the moon, but we still have a lot to learn about our changing demography - changing ethnicity, changing family structure, changing education and employment patterns.

All of these things affect our formulation and implementation of public policy, and our practice of criminal justice. If we consider changes in dependency in our society - changing dependency of young and old, changing dependency of men and women, changing dependency resulting from

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labour market changes - we can see that all of these have a major impact on practices in criminal justice.

Anticipating crime of the future and dealing with it is no easy feat. It wasn't very long ago that we could not have imagined crimes like credit card fraud, Medicare fraud, superannuation fraud, and computer hacking, nor have we had the haunting spectre of the possibility of having genetic predictions prior to birth, of an individual's likelihood of growing up to be violent.

Furthermore, globalisation provides many opportunities, and is changing the way we go about our lives. The years ahead will see a continuation in the international movement of products, finance, people, plants and animals, and information. Add to that the telecommunications revolution, and the way in which telecommunications systems will continue to be at risk of becoming the targets and the tools of criminal activity. Developments in communications will be exploited for fun or for profit, by those with a variety of illicit objectives from fraud, to money laundering, to the marketing of illicit goods and services.

This all seems a long way from the public opinion polls which show violence and crime to be one of the major concerns of Australians, and the fear that people have of returning home to find their house has been broken into. Although property crime has increased, Australia is a considerably less violent society than it was 100 years ago. We need to know about prevention and about theory and practice. We need also to know about the criminal consequences of public policies and the unintended consequences of interventions. The fragmented nature of contemporary public policy means that decisions taken in one policy sphere often have impacts in others. The greatest impacts on our criminal justice system may well come from the education system, from practices in primary health care, from policies of the Department of Communication and the Arts, and from Government white papers, such as *Working Nation* released a year ago.

Action and research interact. While policy research is the Institute's business, many who attended the re-launching symposium were practitioners - the doers. Determining suitable practice standards is an important part of understanding the state of the nation. There is often a gulf between the planners and the practitioners - those who deliver (for example, police officers, court workers, domestic violence workers, youth advocates and corrections officers) often do not understand the planning process. This can result in poor implementation of good policy because there is no sense of ownership, and because many apparent inconsistencies and practices are inexplicable. Poor communication and poor training can lead to indifference, or burnout, and one way of pre-empting burnout is through the development of quality assurance programs, and thoughtful and sensitive staff appraisal. It is essential to harness our activities to ensure that favourable outcomes are occurring.

While we at the Australian Institute of Criminology are not operational practitioners, we are interested in practice, and in working collaboratively to improve the quality of practice, and in limiting the gulf between policy and practice. As researchers, we need to know which variables are subject to policy manipulation, and which situational variables are not. Importantly, we have to have a fair idea about why we want to know what there is to know and how, methodologically, we get there.

Taking on board this general framework the Institute has been restructured into three work groups - an information services group, an administrative services group and a research group. The research group has been re-organised into four programs: violent and property crime; sophisticated crime; the criminal justice system; and data support and development.

This lays out a structure for the re-launched Australian Institute of Criminology, an organisation whose focus is policy, and whose product is information and research which informs government policy in the promotion of justice and the prevention of crime CA

News

Award for Professor Ross Homel

Head of Griffith University's School of Justice Administration, Professor Ross Homel, has won the New South Wales Division of the 1995 National Road Safety Award for his random breath testing (RBT) initiatives. Professor Homel's work involved the translation of results of criminological research into terms which could be understood and implemented by policy makers. Professor Homel advocated RBT programs that are intensively enforced, of high visibility, and combined with massive media publicity. RBT has had a significant impact throughout Australia in changing behaviour and reducing social pressures to drink more than a safe quantity of alcohol. Professor Homel's work has also received wide overseas recognition.

Appointment of Director, Institute for Forensic Psychiatry, Victoria

Monash University forensic psychiatrist, Professor Paul Mullen has been appointed to run Victoria's new Institute for Forensic Psychiatry. The Institute, to be built in the grounds of Melbourne's Fairfield Hospital and Fairlea Women's Prison, will contain a security hospital and state-of-the-art training and research facilities. The Victorian Government released preliminary plans for the development in April and expect the Institute to be operating by late 1997.

Researchers at the Institute for Forensic Psychiatry will investigate the contribution of certain mental disorders towards violent behaviour, and whether it is possible to predict which people might become dangerous.

New Director, UNAFRI

On 24 May 1995, Mr Isam E. Abugideri took up his appointment as Director of the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders.

New Prisons Project, Victoria: Prison Development Plan

The New Prisons Project has recently produced a new brochure headed "Prison Development Plan". The brochure is designed to provide interested parties with basic information regarding the proposed Metropolitan Women's Prison, which is to be located on Riding Boundary Road, Deer Park, Victoria. Copies can be obtained by writing to:

The Planning Officer
New Prisons Project
Level 20, 200 Queen Street
Melbourne Vic. 3000

Gender Issues and the Law - a multimedia package

A multi-media package dealing with gender issues and the law is being developed at the University of Canberra for the World Wide Web with funding under a Higher Education Equity Grant. The program, being developed by Professor Eugene Clark and Keturah Whitford from the School of Law together with Barney Dalgarno from the Computer Services Centre, will focus on explicit and implicit gender bias, showing how the law affects women in a variety of roles. The program will incorporate a new teaching video and supporting materials for use across the law curriculum.

News

For more information about the project, contact Keturah Whitford in the Faculty of Management at the University of Canberra, on 06 201 5169.

Police Officers Graduate at Wollongong

The first group of police officers to complete the Graduate Certificate program conducted jointly by the NSW Police Academy and the Faculty of Commerce at the University of Wollongong graduated in May 1995. This initial graduate qualification is now a prerequisition for selection to commissioned rank in the NSW Police Service. The program is administered by a Board, constituted from the University and the NSW Police Service, and the Academic Co-Director is Professor Michael Hough.

AIC Associates

The Board of the Australian Institute of Criminology decided at a recent meeting to introduce a new concept at the AIC - Associates of the Institute.

Associates, who will be appointed by the Board, will represent the interests of the AIC in their home cities and, where appropriate, work jointly with the Institute to further the AIC's activities in that area. They will have access to certain AIC resources and will have already (or have the potential to make) innovative, significant contributions in areas relevant to the work of the Institute.

The appointments will be made for two years and the Institute expects that the Associates will contribute tangibly to its work.

The Director of the AIC, Dr Adam Graycar, said that the first Associates were expected to be appointed before the end of this year.

PHOTO: AIC

Dr Mukherjee

AIC Criminologist is Guest Editor

Principal criminologist with the Australian Institute of Criminology, Dr Satyanshu Mukherjee, has just finished a stint as guest editor of the New York - published *Journal of Qualitative Criminology*. The special edition which Dr Mukherjee edited was entitled "Quantitative Research and Criminal Policy in Australia". This issue contains articles on economy and crime, the nature of the crime problem, fear of crime, policing offences and offenders, and prison populations. The Australian criminologist has been a member of the editorial board of the magazine since its inception in 1985.

If you have news that you think CA and its readers would be interested in, please tell us. Fax it to The Editor, CA, 06 274 0201, or write to

The Editor
CA
Australian Institute of Criminology
GPO Box 2944
Canberra ACT 2601

dbank

Crime in International Cities

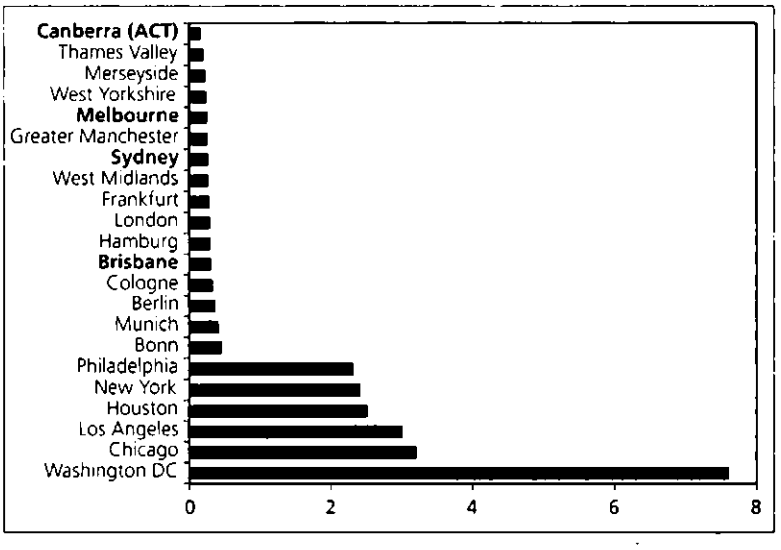
Reported incidents of crime in Australia have been increasing for the last several years. Surveys and opinions demonstrate a high degree of concern among the population. Is the escalating crime rate a feature of Australia, or is it common to other countries? This item looks at levels of three serious crimes in about two dozen cities. The crimes selected are homicide, robbery and motor vehicle theft.

Note: Readers are cautioned that there may be differences in definition, classification and processing of crime between cities. Data presented are indicative of the levels only and they show volume of crimes reported to the police per 100 000 population.

Reported Crime Rate per 100 000 Population International Cities, 1992

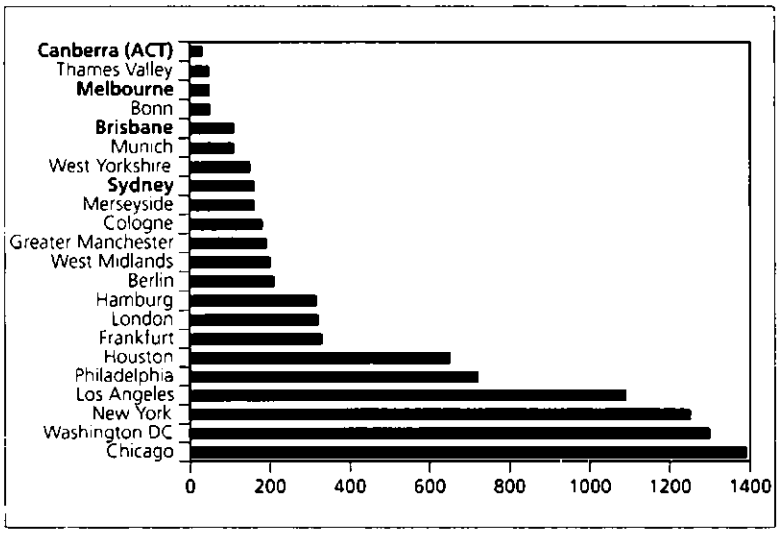
Homicide

Compared to cities in Germany and the USA, cities in Australia and the UK show a low homicide rate. Canberra stands out as the least violent of all cities. The homicide rate in all the six cities of the USA is several times that of cities in Australia, Germany and the UK. In 1992, Washington DC had the highest homicide rate among the cities selected



Robbery

Robbery is one of the most feared street crimes. The robbery rate in the four Australian cities is among eight cities with lowest rates; Canberra remains the city with the lowest robbery rate. All the six US cities have higher robbery rates than cities in the other three countries.



The DataBank will be a regular feature of CA.

Drawn from the statistics collected by the Australian Institute of Criminology and others, this section will select data that reflects some of the social conditions in which we live.

Each edition, the DataBank will point to figures that define areas of investigation in the fields of crime, crime prevention and criminal justice. These figures will be communicated through graphs and charts. With each graphic will be a short analysis and a pointer to the source of the information.

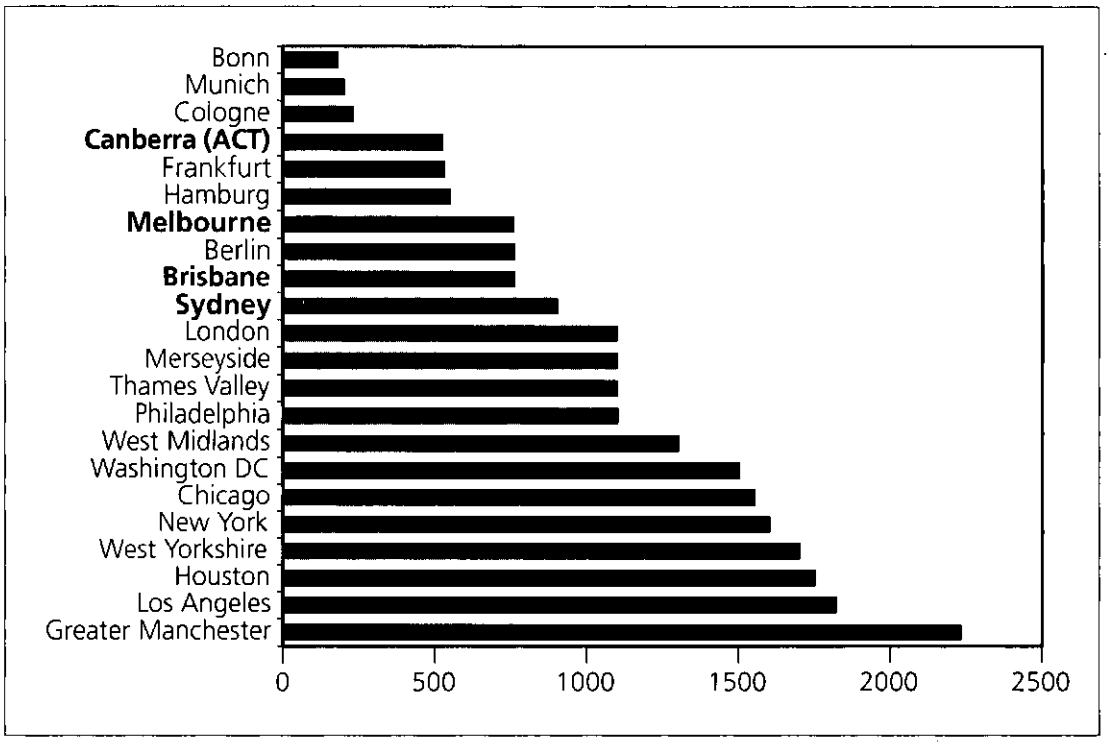
Look to the DataBank for a social pulse point, an indicator of the way we are.

Reported Crime Rate per 100 000 Population International Cities, 1992

Motor Vehicle Theft

Among the cities with the lowest rates are all the six German cities, Canberra and Melbourne. Bonn, Munich and Cologne had much lower motor vehicle theft rates than any other city. Canberra's rank was fourth lowest. Cities of the UK have relatively high motor vehicle theft rate. Greater Manchester had the highest rate among all the cities.

Sources: Australia: Police Commissioners' *Annual Reports. Germany: Polizeiliche Kriminalstatistik. UK: Crime Statistics England & Wales. USA: Crime in the United States.*

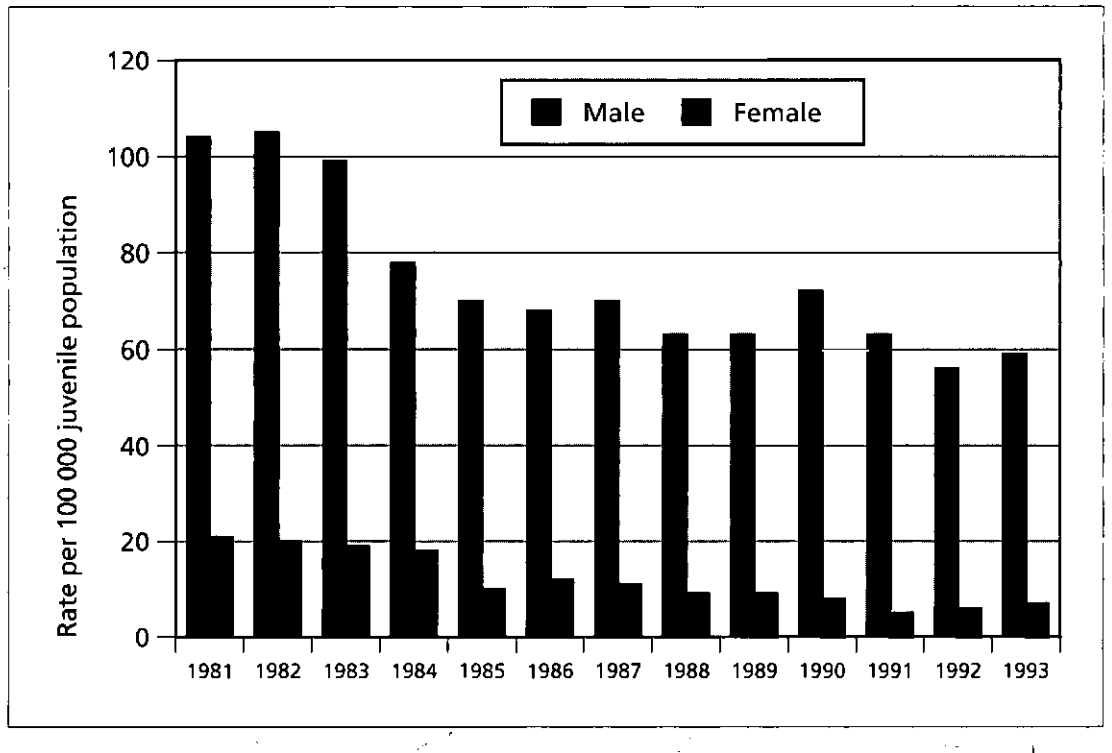


Australia persons aged 10–17 years in Juvenile Corrective Institutions by Sex, Rate per 100 000 population as at June 1981 to 1993

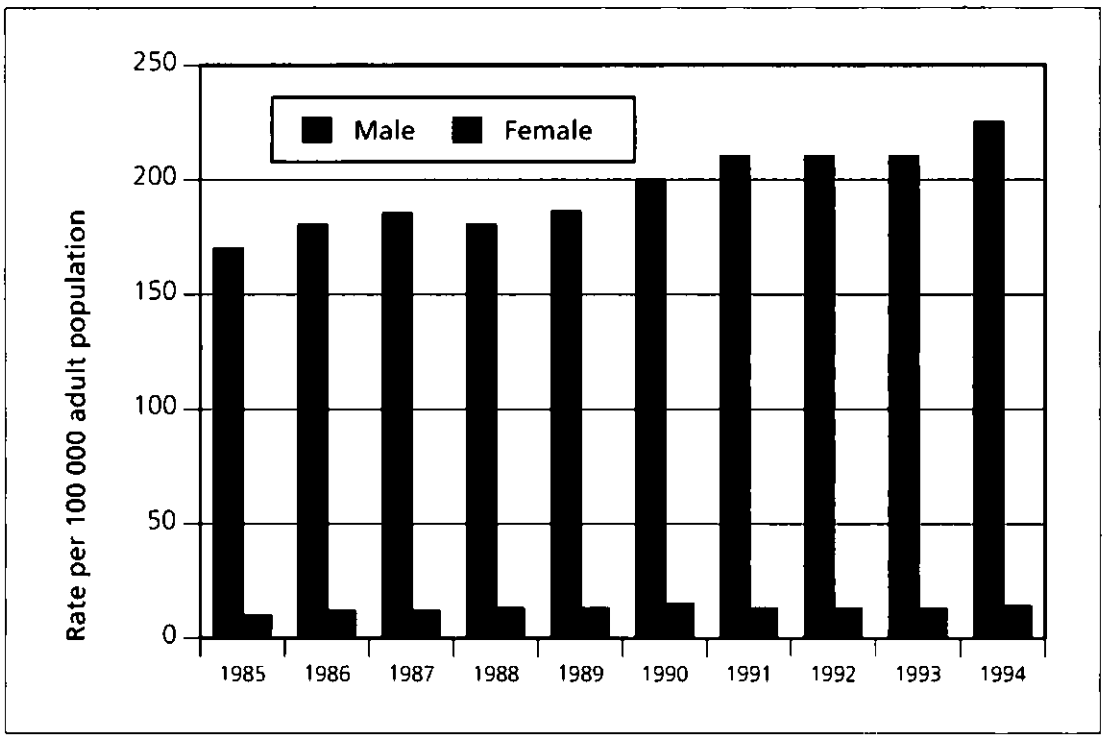
Juveniles in corrective institutions

The Institute's data series on juveniles under detention show that on a population basis the number of juveniles sent to institutions has been declining since 1981. In particular, the numbers of girls sent to institutions shows a dramatic decline.

Source: *Juveniles in Corrective Institutions*, Australian Institute of Criminology, Canberra.



Australia Prisoners as at June 1985 to 1994
Rate per 100 000 population



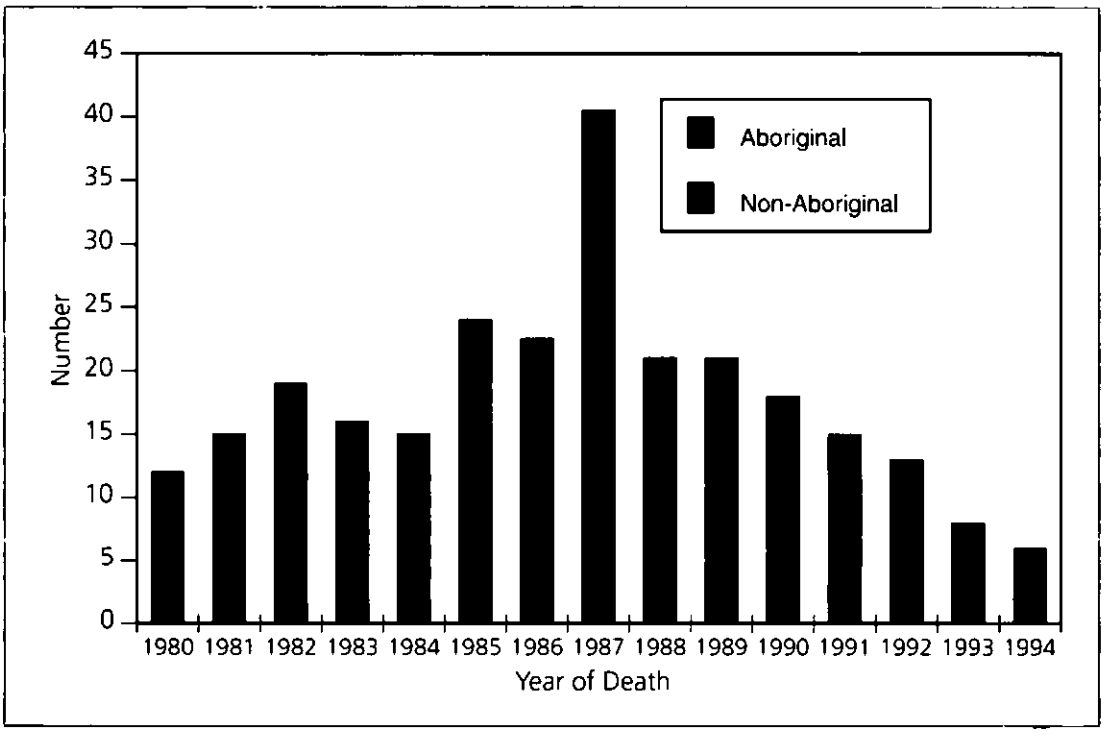
Prisoners in Australia

The imprisonment rate in Australia has been increasing gradually since 1985. Between June 1985 and 1994 the number of male prisoners aged 17 years and above has, on a population basis, increased by over 25 per cent.

Source: *Australian Prison Trends*, Australian Institute of Criminology, Canberra.

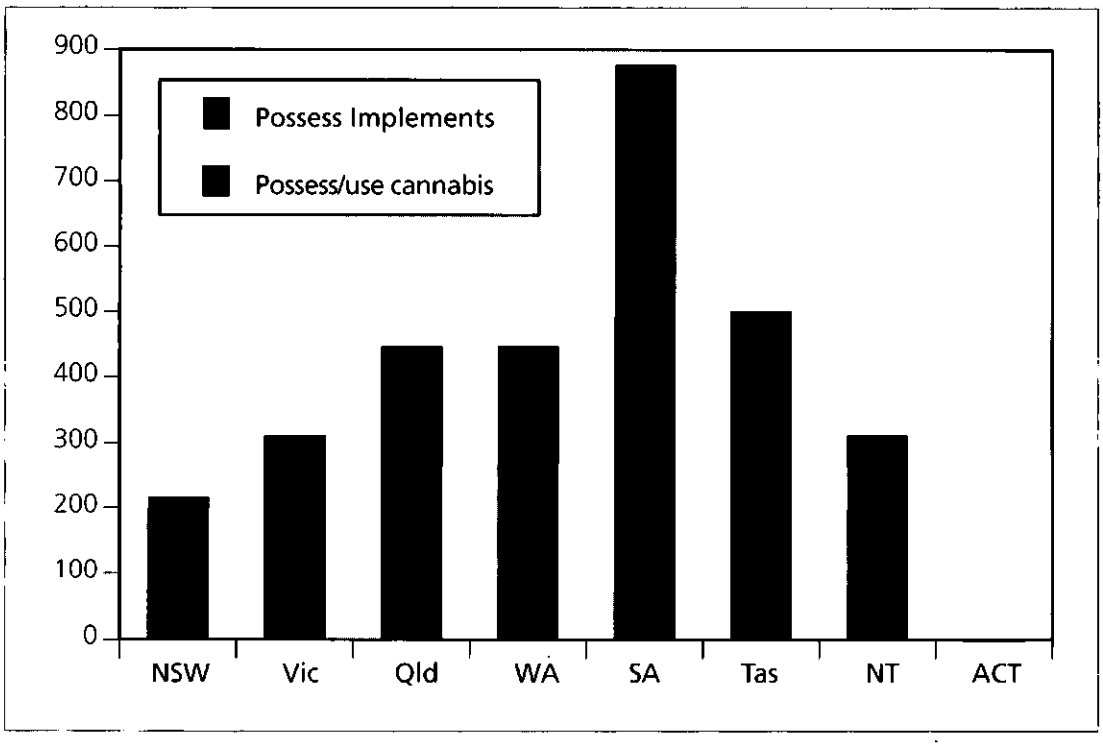
Deaths in Institutional Forms of Police Custody Australia, 1980 to 1994*

* Deaths in prisons, police lock ups or juvenile detention facilities, during transfer to or from them or in medical facilities following transfer from detention facilities.



The increase in Aboriginal deaths in custody which occurred in 1987 was one of the factors leading to the establishment of the Royal Commission into Aboriginal Deaths in Custody. The Royal Commission's final *National Report* was presented to governments in April 1991. Since then, the number of deaths in police lockups and related facilities has fallen (although the number of deaths in police operations in the community, not shown here, have not fallen). This reflects the effective implementation of certain key recommendations of the Royal Commission, such as the identification and appropriate care of people at risk. This graph is taken from a paper on Australian deaths in police custody, prepared by David McDonald, to be published in early 1996.

Minor cannabis offence rates



Notes:

1. Rates per 100,000 total state/territory population
2. The data sources are not uniform but all refer to either reported offences, cleared offences or charges, and relate to the most recent year for which data are available, ranging from 1991 to 1993.
3. Victoria and the ACT do not have an offence of possessing implements used for cannabis consumption. No information on implements offences is available from the NT and Tasmania and no police data are available from the ACT.

Source: D. McDonald & L. Atkinson (eds), *Social Impact of Legislative Options for Cannabis in Australia: Phase 1 Research. Report to the National Drug Strategy Committee*, Australian Institute of Criminology, 1995..

Most drug offences are minor cannabis offences. The graph shows offence rates for possession and use of cannabis, and for implements offences; that is, for offences associated with possessing implements (such as bongs) associated with using cannnabis. Personal-scale cultivation offences are not shown, since these data are not widely available. In those jurisdictions where data are available it is estimated that minor cannabis offences comprise between about 3% (NSW) and 10% (SA) of all (drug and non-drug) offences.

The graph shows wide variations across the jurisdictions in the rate of apprehensions for minor cannabis offences. Different policing priorities and practices, and different legislative provisions defining particular offences and how they are dealt with, impact on the statistics. It is clear that the nature of cannabis legislation in a particular state or territory does not have a simple and direct relationship to offence rates. For example, Victoria has no implements offence in its illegal drugs legislation, yet it has a higher offence rate for the combined minor cannabis offences shown in the graph than NSW, which does include implements offences in its legislation. In South Australia, where civil penalties for minor cannabis offences apply, there has been an increase in police apprehensions. This is reflected in the high rates of possess/use cannabis and, particularly, implements offences in this state. The most populous state, NSW, has the lowest rate of implements offences and the lowest rate of aggregated minor cannabis offences.

PHOTO: FAIRFAX PHOTO LIBRARY

Crime in Australia – Change and Continuity

THE HON JUSTICE M D KIRBY AC CMG

Justice Michael Kirby, one of Australia's most respected members of the judiciary, gave this address to the First National Symposium of Crime in Australia, convened by the Australian Institute of Criminology.

A Twenty-Year Perspective

Exactly 20 years ago, crime in Australia was the focus of every waking hour of my life. I was newly in office as the first Chairman of the Australian Law Reform Commission. The Whitlam Government had decided to establish a single national law enforcement agency to be known by the engaging title of the Australia Police. The Government desired to introduce legislation to regulate this new national police service during the fateful Budget sittings of the Federal Parliament which ended abruptly on 11 November 1975. Accordingly, the Federal Attorney-General, Mr Kep Enderby QC, assigned to the Commission the task of producing a report upon the system of criminal investigation which would be observed by the new force and the procedures for investigating and determining justly and effectively complaints against its members.

We were required to report to the Government by August, 1975. The Commission, still acquiring premises and staff, assembled a remarkable team of consultants and official assistants. Not that the Commissioners, themselves, were lacking in talent. They included Mr F.G. Brennan QC (now Chief Justice of Australia), Mr John Cain (later Premier of Victoria), Professor Alex Castles (of the Adelaide Law School), Mr G J Evans (later Federal Attorney-General and now Minister for Foreign Affairs and Trade) and Professor Gordon Hawkins (who taught me, and many of us, criminology long before this Institute was founded).

Our work was divided into two projects. The report, *Complaints Against Police* (ALRC 1975a), proposed a system which has basically become the model throughout Australia and elsewhere. It involved reaffirmation of the Police Commissioner's primary powers, the provision of access to the Ombudsman and a facility for a tribunal hearing in certain cases. The report, *Criminal Investigation* (ALRC 1975b), covered the gamut of legal regulation of investigations by police. It dealt with arrests, custodial investigation, the right to silence, release and bail, search and entrapment, the special problems of various minority groups and the sanctions necessary to enforce the rules laid down.

I wrote the first draft of the *Complaints* report. Gareth Evans, in a bravura performance, wrote within 15 weeks what is still a truly brilliant text on the basic laws of criminal investigation. Sadly, despite two parliamentary efforts and notwithstanding Gareth Evans' unique later position in Government, the *Criminal Investigation* report has never been translated into national law. But, in the way of these things, it has certainly influenced the development of the common law in Australia. It has also been picked up in various statutory provisions.

Returning to Canberra for this symposium, which is designed to look to the future, you will forgive me if I cast a hurried glance at the past. Vivid in my memory are the remarkable sessions in which the Commissioners and the consultants - and then alone - sought to hammer out a modern law of criminal investigation for Australia. I trust that you can imagine the sparks which occasionally flew as Gareth Evans, a brilliant young academic, was forced to justify his propositions to Gerard Brennan who had trod the boards of the criminal courts for years and never exhibited an instinctive knowledge of the principles of criminal law and procedure with which the new reformers had to come to grips.

An interesting feature of the work of the Commission, specially referred to in the statute under which we laboured twenty years ago, was the command by Parliament to bring Australian law and practice into conformity with the standards laid down in the International Covenant on Civil and Political Rights. At that time, Australia had not yet ratified the Covenant, still less the First Optional Protocol which Senator Evans was later to procure. The Attorney-General's reference to the Commission required it to:

> ***Provide for human rights and civil liberties and the need to maintain a proper balance between protection for individual rights and liberties on the one hand and the community's need for practical and effective law enforcement on the other***
>
> (ALRC 1975a, p. v).

Finding that balance is still the controversial and elusive task of all who are involved in the criminal justice system. As I shall demonstrate, the controversy has not diminished at all in the 20 years since that energetic team gathered at University House, Canberra, and worked upon the first proposals for a national criminal procedure statute.

As I glance at the program of this symposium, I can see many of the same themes as were the subject of our attention 20 years ago. The problem of policing multicultural Australia was then already apparent. The Commission examined the special problems of non-English speaking accused and made recommendations to achieve a more relevant and just legal regime which took into account their linguistic and other disadvantages. The particular disadvantages of Aboriginal Australians, when accused of criminal offences, cried out for particular protections to prevent wrongful convictions and injustice. Here, too, the Commission made special recommendations, many of which have become part of our judge-made law. Some of the special problems of juvenile justice were addressed in the needs of children, faced with a criminal accusation, to have the reality and not simply the theory of proper protection.

Yet some of the subjects tackled at this symposium demonstrate the shifts which have occurred in public perceptions of what is crime and what steps a community may properly take to protect itself from those who wilfully challenge its peace and sense of order. Thus, although one

obviously projected task for the new national police service was to be organised crime, there was little attention to the special needs of tackling that very modern challenge to the peace of society. Nor did child abuse and family violence figure large in the discussions of 1975 despite the great reforms to family law then being achieved. Even in the decade during which I have served in the NSW Court of Criminal Appeal, I have noticed a remarkable increase in cases of family abuse against children, particularly of incest type offences involving fathers and stepfathers. The previous unwillingness to mention offences of this kind has been replaced by new procedures of policing and changed community attitudes that now bring many such cases to the courts. Similarly with violence against women. Where once such violence was accepted by some of its victims, as their lot in life against which the criminal justice system gave scant protection, now women, in increasing numbers, will not tolerate violence. Rightly, they look to the courts and to the criminal law to offer them protection and redress.

Clearly, it was intended that the Australia Police would busy itself in the cases of fraud against Government and consumer crime. The latter had been brought within Federal regulation by such measures as the *Trace Practices Act 1974*. But we gave precious little thought to these growing areas of federal policing and responsibility. I am afraid we simply assumed that the general rules of criminal investigation would apply to them all.

Redefining Crime

It is, therefore, as well, at intervals of a decade or so, to reflect upon the purposes of the criminal law and of the procedures which are so intertwined with that law's operation and which affect its definition. Violent crime, with physical cruelty by one person to another, will always hold its place in any society's lexicon of crime. So will robbery, theft, fraud and other forms of cheating designed to separate one person from that person's property. But other activities are not so certain of their place.

It is exactly 100 years ago that Oscar Wilde had his unfortunate encounter with the criminal law. On 25 May 1895 he was found guilty, on a second trial, of homosexual offences in private involving adult males. He was sentenced to two years hard labour. The only good that came of it was that he wrote the hauntingly beautiful *Ballad of Reading Gaol* and completed *De Profundis*. But Wilde, the human being, was destroyed and driven into exile. Nowadays, most of us look with pain and discomfort at the way in which the great power of the state was brought to bear upon Oscar Wilde for acts which most, if not all, intelligent observers would now regard as outside the proper realm of criminal law enforcement. Protecting minors is a proper role of the state. Preventing unwilling inflection of violence, injury and loss is a proper role of the state. Protecting the community from gross indecencies in public, before unwilling observers, is part of the function of the state, derived from the sovereign's role as keeper of the peace. But intruding into the bedrooms of adults is now considered to be an excess of state power. Yet let me remind you that 20 years ago, in most parts of Australia, the criminal law in this regard had not changed since Oscar Wilde's day. Even today, the Tasmanian Criminal Code remains resolutely unreformed. True, it may not be enforced. Since the passage of Federal legislation it may not even be enforceable. But the crimes remain on the books 40 years after Wolfenden.

I do not imagine that, 20 years from now, our generation will be honoured as having such enlightenment that a like review of our collection of crimes will be seen, with the wisdom of future times, to have required no reform. For example, there are many who question the current approach of the criminal law to the use of recreational drugs of addiction and drugs having damaging physical and psychological effects on their users. Many observers are now challenging the prohibition model. They call for a different strategy of harm minimisation. In some parts of Australia reform has already been introduced in respect of the possession of small quantities of cannabis. In most other jurisdictions minor offences of this kind - like nude bathing with discretion - are not always prosecuted. In this Territory [the ACT], a more radical measure is now under contemplation to consider the feasibility of a controlled provision of heroin, under legal warrant, to established addicts.

I predict that, in 20 years, many of our drug laws will have been radically changed. There will be an increasing emphasis upon looking at adult drug use as an issue of public health rather than one of law and order. Self-evidently, this change would have enormous implications for crime in Australia as it stands today. The public investment in policing and investigating drug offences, the cost in court time, the toll of corruption and the price in terms of civil liberties - as the network of telephonic interception and exceptional powers attests - all show the urgent need to rethink this form of state intrusion into the personal conduct of

adults. Whenever I hear of a big police drug "bust" - or see in my court a criminal apprehended with huge quantities of prohibited drugs - I ask the question that every intelligent person must ask: Who are the apparently law abiding citizens: plumbers and merchant bankers, therapists and greengrocers who are using these drugs? The law falls upon them, and on those who supply their market, with intermittent effect but ferocious energy. The potential for official corruption and for ever-expanding powers of law enforcement, not to say the fundamental principle involved, are increasingly directing the attention of reformers to the question of an alternative strategy.

In matters of acute pleasure seeking, whether in sexual conduct or drug use, pornography, prostitution or gambling, the criminal law is only ever partially successful. Our recent experience should teach us the wisdom of limiting the function of the state and its criminal law in such matters to the state's proper province: I suggest that this is protecting citizens, their corporations and community from unconsensual wrongs deliberately inflicted; protecting the young and otherwise vulnerable; and upholding public peace from affront causing disturbance.

Crime is in a constant state of redefinition. It reflects, with a time delay, the changing values of society and its changing needs. Twenty years ago, before the scourge of HIV/AIDS, there were no specific offences relevant to the wilful infection of others. Twenty years ago, in most parts of Australia, attempting suicide was a crime. Now, we are told voluntary euthanasia is probably a human right. Reflection on these changes makes it important to meet in an outlook symposium such as this. It turns our attention to the age-old questions: What is crime? How should it be proved?

The Accusatory Trial

One of the subject matters of the 1975 report on *Criminal Investigation* which caused the sharpest debates within the Commission concerned the measures which should be adapted to enforce the rules which the Commission proposed. The provision of an effective disciplinary code and a truly independent procedure for handling complaints against police was comparatively uncontroversial. Similarly, the introduction of reforms to facilitate civil action against the State, as representing police, were also agreed and carried into force by statute. But the question of the exclusion of evidence obtained in breach of the proposed code raised fundamental questions concerning the purpose and methodology of the criminal trial. If evidence was reliable, should it not always be admitted? If it were excluded, would that not deprive the decision-maker of the truth and require that a thing so serious as a criminal charge be decided on part only of the facts?

In the United States of America, the Supreme Court had laid down a strict rule for the exclusion of evidence unlawfully obtained. It did so both to discourage the misuse of power and, as it was sometimes put, to keep the temples of justice protected from the corroding influence of evidence, however reliable, which was improperly obtained by the agents of the state.

In the end, the Law Reform Commission favoured a statutory improvement of what was then the Australian common law position. It saw its reform as a solution "occupying the middle ground between the *Kuruma* decision and the United States 'extremes'". Although its statutory formulation was not enacted by Parliament, it has largely been brought about by judicial decisions (*see*, for example, *Bunning v. Cross* (1978) 141 CLR 54; *Cleland v. The Queen* (1982) 152 CLR 1; *Pollard v. The Queen* (1991) 171 CLR 177). Indeed, when the new "rule of practice" was adopted in *McKinney and Judge v. The Queen* (1991) 171 CLR 468, the position arguably tilted even further in favour of the accused than the Commission had proposed.

The debates about the nature and purpose of the criminal trial are just as energetic today as they were when we were working on the Commission's report. Indeed, in some ways, they seem to be hotting up. Because of the inexorable intermingling of criminal law and criminal procedure, it is important that this symposium should take these debates into account. They are relevant to the way in which the state exercises its power against those accused of offending against the community, protected by the state.

In the United States, some of the more apparently offensive results of the exclusionary rule have led to a movement which hopes, by legislation, to overcome or modify it. This is known as the "truth school". Amongst its staunchest adherents are Justice Stephen Breyer, President Clinton's second appointee to the Supreme Court. Its intellectual forebears include the late Judge Henry Friendly of the Second Circuit Court of Appeals in New York and Professor Akhil Reed Amar, of the Yale Law School. Amar is no encrusted conservative. He took part in the presidential campaign of Robert Kennedy and George McGovern. His is the intellect behind a Bill recently examined by the Judiciary Committee of the United States' Senate, sponsored by Senator Orrin Hatch of Utah. It purports to end the exclusionary rule altogether. But it also contains provisions to allow victims of illegal searches to sue for damages and to have other remedies. Amar considers that this is a better way to go because, in his opinion, United States judges are increasingly finding "unacceptable" official behaviour to be "appropriate" in order to evade the harsh application of the exclusionary rule:

Brennan has a sportsman's model of criminal procedure, and its said that since defendants tend to be poor and black we want to even out the odds a little and let them try to exclude evidence ... But a lot of feminists have pointed out in recent years that the victims of crime also tend to be poor and black, and often women. Excluding evidence does not help the victims - it hurts them. So if police violate someone's rights then maybe the person should sue the police in a civil law suit ...

(Toobin 1995, p. 46).

The now famous Judge Lance Ito, presiding at the O. J. Simpson trial (possibly, after the trial of Jesus Christ, the most internationally recognised trial of all time) is reported to be a member of the truth school. He is, after all, a former prosecutor. He must have felt the sting on many occasions of the exclusion of evidence which would have clinched the prosecution case (Toobin 1995, p. 46). A question arose during the Simpson trial as to whether the prosecution should be allowed to introduce evidence of O. J. Simpson's history of domestic violence against his deceased wife. The defence objected, contending that it was unduly inflammatory and essentially irrelevant to the murder trial. Judge Ito allowed some only of the evidence to be proved. According to Professor Amar:

... It would have been wrong - it would have violated commonsense - to deprive the jury of the history of this relationship before the murders

(Toobin 1995, p. 46).

The Simpson case daily illustrates to millions the importance of criminal procedure for effective enforcement of the criminal law. Feminist and minority scholars have commented on the impediment which evidentiary rules and criminal procedure have sometimes presented, particularly to the successful prosecution of offence against women and disadvantaged minorities.

In Australia, two recent events have enlivened this debate. One is the publication of Evan Whitton's book *Trial by Voodoo* (1994). This is a book by an experienced and distinguished journalist who takes to task the mode of trial which we have accepted for the proof of criminal accusations. Drawing upon decades of observing criminal trials and Royal Commissions, Mr Whitton is clearly unimpressed by many of our legal rules. Amongst his special targets are the right to silence, the accusatory and adversarial trial system, the hearsay rule and the limitation on the proof of similar facts. He does not much like the judicial discretion to exclude unduly prejudicial evidence. Generally speaking, he thinks that a better way of dealing with corruption allegations would be to take them from the general criminal courts and to put them into special tribunals:

Given the effect of corruption on democracy, in my view charges laid as a result of corruption inquiries should be heard by special tribunals which hear the same evidence as the inquiry. A shorter and cheaper way would be simply to empanel a jury with the Commissioner. If that increased the velocity of a move to the European criminal justice system, so much the better

(Whitton 1994).

The second event was the publication by the High Court of its judgment in *Ridgeway v. The Queen* (1995) 129 ALR 41 (HC) 98. There, the Court by majority (Mason CJ, Brennan, Deane, Dawson, Toohey and Gaudron JJ, McHugh J dissenting) upheld an appeal and entered an acquittal in a case where the accused had been convicted of obtaining prohibited imported drugs which had been imported into Australia in

contravention of the *Customs Act 1901* (Cwlth). In fact, the drugs (140.4 grams of heroin) were imported into this country pursuant to a scheme originally devised by the accused. But, as the evidence showed, they were actually imported in a "controlled importation" by police officers acting in cooperation with the police in Malaysia and Singapore.

The High Court of Australia unanimously rejected a defence of entrapment which Mr Ridgeway had propounded. But the majority set aside his conviction upon the ground that the illegal importation of heroin, which was one of the essential ingredients of the offence charged, had actually been carried out by police officers in clear contravention of the legislative provisions creating the very offence of which the appellant was convicted. To the plea that this was the only way that the propounded offence could have been committed in a "controlled" situation, Mason CJ, Deane and Dawson JJ said:

Such an argument must ... be addressed to the Legislature and not to the Courts. If it be desired that those responsible for the investigation of crime should be freed from the restraints of some provisions of the criminal law, a legislative regime should be introduced exempting them from those requirements. In the absence of such a legislative regime, the courts have no choice but to set their face firmly against grave criminality on the part of anyone, regardless of whether he or she be government officer or ordinary citizen. To do otherwise would be to undermine the rule of law itself (Ridgeway v. The Queen

(1995) 129 ALR 41 (HC) 58).

To like effect was the judgment of Brennan J:

This result is manifestly unsatisfactory from the viewpoint of law enforcement. As a technique of law enforcement, the so-called 'controlled' importation ... may be an acceptable technique for the detection and breaking up of drug rings but, if that be so, the law enforcement agencies must address their concerns to the Parliament. So long as the unqualified terms of [the Act] reveal the Parliament's intention to prohibit all persons, including the law enforcement agencies, from importing heroin, it is not for the courts to encourage the Executive branch of Government to sanction a deliberate course of contravention. The Executive branch of Government cannot dispense its officers from the binding effect of the laws prescribed by the Parliament. If law enforcement agencies apply for an amendment of the laws to permit the employment of detection methods such as those used in this case it will be for the Parliament to consider whether control should be legislatively prescribed. The Parliament might impose conditions upon the employment of those methods. The Parliament might place responsibilities for authorising the importation of prohibited imports for detection purposes upon specified officers who will be liable if they fail to exercise supervision over the operations of the law enforcement agencies. It is manifest that there will be anomalies, if not corruption, in the conduct of such operations in the absence of adequate supervision. But provisions of that kind cannot be prescribed by the courts; they are appropriate matters for consideration by the Parliament (Ridgeway v. The Queen

(1995) 129 ALR 41 (HC) 67f).

In his dissent, McHugh J appealed to what he saw as commonsense:

It seems likely that the members of the Australian Police Force who facilitated the importation of heroin into Australia have committed offences against the Customs Act. But they acted with the best of motives. Moreover, it seems clear that they thought they were acting lawfully in accordance with Ministerial agreement. In those circumstances I would find it unsurprising that, in the exercise of his discretion, the Director of Public Prosecutions would not prosecute the police officers involved. ... As a result of his own plan ...

the appellant without reasonable excuse had possession of heroin which had been imported into Australia in contravention of the Customs Act. That constituted the offence for which he was convicted. He had even obtained that heroin from the person whom he had asked to import it. The fact that unlawful conduct of Australian Federal Police officers may have assisted that person to carry out the appellant's instructions does not mean that they have created the offence for which he was convicted. Possession of the heroin without lawful excuse was the essence of the offence. The appellant's possession of the heroin was the result of his own initiatives, formed without any inducement from the police officers (Ridgeway v. The Queen

(1995) 129 ALR 41 (HC) 57).

Ridgeway is the type of case that causes Mr Whitton to reach for his bottle of vitriol. And he is not alone.

Behind the majority and minority opinions in Ridgeway lies an important difference about the basic purpose of a criminal trial which it is appropriate for us to reflect upon. In requiring the weighing up of the public interests involved, the majority made it clear that the question of unfairness to a particular accused was only of peripheral importance in deciding whether evidence of an illegally procured offence should be excluded on public policy grounds:

The critical question was whether in all the circumstances of the case, the considerations of public policy favouring exclusion of the evidence of the appellant's offence, namely the public interest in maintaining the integrity of the courts and of ensuring the observance of the law and minimum standards of propriety by those entrusted with powers of law enforcement, outweighed the obvious public interest in the conviction and punishment of the appellant ... (Ridgeway v. The Queen

(1995) 129 ALR 41 (HC) 57).

Here, I believe, is the essence of the difference between the thesis advanced by Mr Whitton's book and the thesis which our courts have traditionally upheld. This is often expressed in terms of the multiples of guilty accused who must go free in order that no innocent person should ever be convicted of a crime. But Mr Ridgeway's "innocence" was purely technical. Therefore, there was a further and more fundamental principle which was at stake here. It was that the great power of the state in the prosecution of criminal offences must, in the defence of the freedom of all, be kept under strict check. In a sense, the courts are saying that it is more important that such a check should be enforced even than that an offender, (including one such as Mr Ridgeway), should be convicted.

Professor Charles Nesson in the Harvard Law Review explained:

Our belief in the legitimacy of the legal system is a function of the extent to which we feel it reflects our values, and to a considerable extent our values are influenced by the effect the legal system has upon us. The judicial system is in conversation with society, a conversation whose volume and intensity depends on the system's ability to generate acceptable verdicts. ... One who is absolutely committed to the process of ascertaining and testing the truth, and who would thus shun any concessions of the search for truth to the production of acceptable verdicts, may find the he does so at the expense of other important values. He may discover that extremes in the pursuit of truth can impair the system's capacity to generate acceptable verdicts and thus undercut its ability to project the norms embodied in the substantive law. The discomforting thought that our quest for truth must not weaken our drive towards acceptable verdicts undermines the comfortable position that our drive towards acceptable verdicts should not compromise our quest for the truth.

However, with respect to Mr Whitton, the European systems of inquisitorial trial which he so clearly prefers, are by no means perfect. I see this on my visits to the courts in Cambodia for the

United Nations. Inherited from the French colonial tradition, the prosecutor sits not at the Bar table but in a special bench closer to the judge and not much lower than the judicial bench. The geography of the courtroom is highly symbolic. The prosecutor is in a closer relationship to the career judge - indeed they are, in a sense, members of a like career service. Under prompting of the European Commission and Court of Human Rights, established civil law countries such as France and Italy are now modifying their penal procedure to approximate more closely to that of common law trial, with its more tender attention to the rights of the accused. Foremost amongst these common law rights is the right to silence and not to be forced to incriminate one's self. Self-accusation is a modern form of torture. It can be extracted by procedural means just as effectively as by the barbarities of the Star Chamber. The important stand which our criminal justice system has taken, until now, is that the search of the criminal trial is not, as such, for the truth. It is not, as such, to determine between guilt and innocence. It is instead, statutory exceptions apart, to consider whether the state has proved its case against the accused beyond reasonable doubt.

Those who become impatient with the rules which our criminal justice system has established have their reasons of course. They must be listened to with care, especially if they have the experience in our courts as Mr Whitton does. Outsiders often see error more quickly because they are without preconceptions. But we who know what the criminal justice system is really about must try to explain its ultimate justification. It is to strike the balance between individual rights and criminal law enforcement in a way that keeps the great power of the state and its agencies under check. That check protects the innocent as much as the guilty. It sets the standard for human rights observance. It protects the rule of law.

Doubtless refinements and reforms in criminal procedure can be adopted which remove or minimise results which seem to offend commonsense. This is what the High Court said in *Ridgeway*. Controlled importations may indeed be needed. But they require legislative sanction. It is essential that the naive view that the criminal trial has one purpose alone, namely to ascertain the truth, should be answered. Our accusatory criminal procedure has, it is true, weaknesses and faults. But its great strength is that it has defended us from the oppressive state. Other countries, with civilisations older than ours, have not been so fortunate. The controls imposed by the mode of trial are an ingredient in our liberties. They lie at the very core of our system of criminal justice. That core should not be readily surrendered to inquisitions, special tribunals, enforced self-incrimination, the reversed onus, obligatory pre-trial discovery and the many other means that might secure the truth. They may do so at too high a price. That is why in criminal law and procedure there must be continuity and respect for fundamentals as well as vigilant attention to reform.

I hope that this 20-year reflection will encourage the participants in this symposium to remember the importance of criminal procedure to the substantive criminal law. The lesson of our legal system is always to remember procedure. And nowhere more than in the criminal law. In the lively reflection on crime in Australia which it is the purpose of this symposium to offer, my advice is this: remember procedure. In procedure may be found many of our liberties.

Neither concern for victims of crime, nor anxiety that the right to silence is sometimes used by the guilty is enough to alter the fundamental rule that the state must prove its accusation and do so very clearly. Neither the rejection of some probative evidence nor the occasionally controversial exercise of a judicial discretion to exclude relevant evidence warrant a change in the very nature of our criminal trial. For that mode of trial has much important work to do for our society. And the need for it increases, and does not diminish, as the power of the state is enhanced by its modern organisation and enlarged by new technology.

Those who would erode the accusatory trial need to be reminded in each new decade and generation that it is the centrepiece of something which, in a way, defines the very nature of our society living under the law. It is part of our civilisation. In truth, it is constitutional in its character. I, for one, would defend it from further erosion. Yet drip by well-meaning drip, it is eroded by legislators and sometimes by judges - in the name of truth or efficiency or public policy. The time has come to cry halt CA

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Nesson, C. 1985, "The evidence or the event? On judicial proof and the acceptability of verdicts", *Harvard Law Review*, no. 1357, p. 1391f.

Conferences

5TH AUSTRALASIAN CONFERENCE ON CHILD ABUSE AND NEGLECT

TAKING RESPONSIBILITY: SHARING SOLUTIONS

16–19 October 1995, Melbourne

This conference is hosted by the Victorian Department of Health and Community Services. Main themes are: to promote the development of an integrated multi-disciplinary approach to the protection of children from child abuse and neglect; to advocate for the rights of children and young people in Australasia; to strengthen the commitment to the prevention of child abuse and neglect; and to provide professionals with current research and information on child abuse and neglect programs and services.

For further information, contact:

5th Australasian Conference on Child Abuse and Neglect
ICMS Pty Ltd
84 Queensbridge Street
South Melbourne Vic 3205
Tel: 61 3 682 0244

QUEENSLAND UNIVERSITY OF TECHNOLOGY, TEEX AND THE SOUTH PACIFIC ASSOCIATION OF COLLISION INVESTIGATORS

THE INAUGURAL INTERNATIONAL CONFERENCE ON ACCIDENT INVESTIGATION AND THE LAW

15–19 October 1995, ANA Hotel, Gold Coast, Queensland

This conference aims to promote understanding and cooperation among engineers, accident investigators, lawyers, police services, and related groups at both the investigation stage and in subsequent legal proceedings.

For further information, contact:
Tel: 61 7 864 1538/2544
Fax: 61 7 864 1515

THE AUSTRALIAN DEFENCE FORCE ACADEMY, CANBERRA, ONE-DAY CONFERENCE,

"CRIME AND SECURITY",

17 October. Although the site for the conference has not yet been decided, it is likely to be the ADFA campus in Canberra.

The conference plans to discuss the emergence of criminality as a national and international security issue; to identify issues of importance in crime that will be of significance to Australia and to the region; and to promote a broader understanding of the linkages between crime and security and the international and multi-dimensional nature of the threat. Subject areas include: crime as a security issue; integration of national intelligence assets for law enforcement needs; illegal immigration; organised crime; narcotics trafficking; organised crime; spreading capabilities for mass destruction; financial crime; corruption.

For more information contact Captain John Ciccarelli, ADFA, 61 6 268 6252.

THE AUSTRALIAN INSTITUTE OF PROFESSIONAL INTELLIGENCE OFFICERS (AIPIO) 1995 ANNUAL CONFERENCE AND EXHIBITION

INTEL '95: TRANS-NATIONAL ISSUES: THE CHALLENGE FOR INTELLIGENCE AND SECURITY

19–20 October 1995, Sydney

For further information, contact:
Ian Ferguson & Associates
PO Box 239
Ashgrove Qld 4060
Tel/Fax: 61 7 366 7748

AUSTRALIAN INSTITUTE OF CRIMINOLOGY THE FIRST NATIONAL CONFERENCE ON VIOLENCE AGAINST GAYS AND LESBIANS

INCIDENCE, EDUCATION, PREVENTION AND CONTROL

27–28 October 1995, Holme Building, University of Sydney

Topics to be discussed include: heterosexism, sexism and racism; schools-based violence; anti-vilification legislation; reducing homophobia; response to hate crimes; levels of violence; human rights; media attitudes; and future policy directions.

For further information, contact:
Ms Marianne James 61 6 274 0242.

Enquiries about registration, venue, accommodation or travel should be directed to Ms Glenys Rousell 61 6 274 0224 or Ms Sylvia MacKellar 61 6 274 0228.

AUSTRALIAN INSTITUTE OF FAMILY LAW ARBITRATORS AND MEDIATORS

FAMILY LAW MEDIATION WORKSHOP

3–5 November 1995, Gold Coast

For further information, contact:
Ms Julie O'Donnell
Australian Institute of Family Law Arbitrators and Mediators
GPO Box 1989
Canberra ACT 2601
Tel: 61 6 247 3788
Fax: 61 6 248 0639.

LEGAL WORKSHOP AUSTRALIAN NATIONAL UNIVERSITY

CHALLENGES: CONTROVERSIAL ISSUES IN OUR LEGAL SYSTEM

11 November 1995, Canberra

For further information, contact:
Legal Workshop
ANU
Canberra ACT 2600
Tel: 61 6 249 4454
Fax: 61 6 249 3518

CORRECTIVE SERVICES DIVISION, TASMANIAN DEPARTMENT OF JUSTICE AND THE HOBART INSTITUTE OF TAFE

INTERNATIONAL FORUM ON EDUCATION IN PENAL SYSTEMS: WHAT WORKS FOR WHOM IN CORRECTIONS? POLICIES, PRACTICES AND PRACTICALITIES

12–15 November 1995, Wrest Point Hotel Casino, Hobart, Tasmania

Conference speakers include: Professor Ray Pawson, University of Leeds, UK. Professor Pawson is a specialist in social science methodology and is currently President of the research committee on methodology of the International Sociological Association; Professor John W. Ekstedt, Director of the Institute for Studies in Criminal Justice Policy, Simon Fraser University, British Columbia, Canada.

For further information, contact:
Sally Dabner Coordinator
Tel: 61 02 33 8050
Fax: 61 02 43 8997.

THE NATIONAL INJURY SURVEILLANCE UNIT AND THE DEPARTMENT OF HEALTH, HOUSING AND COMMUNITY SERVICES

3RD INTERNATIONAL CONFERENCE ON INJURY PREVENTION AND CONTROL

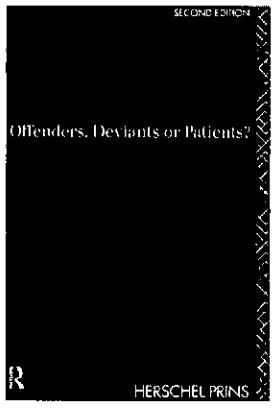
18–21 February 1996, Melbourne

For further information, contact:

3rd International Conference on Injury Prevention and Control

National Injury Surveillance Unit
Mark Oliphant Building
Laffer Drive
Bedford Park SA 5042
Tel: 61 8 374 0970
Fax: 61 8 201 7602

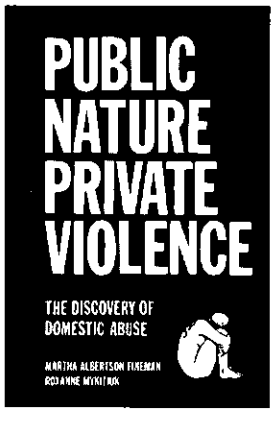
Books...



THE PROMISE OF CRIME PREVENTION: LEADING CRIME PREVENTION PROGRAMS.

EDITED BY PETER GRABOSKY AND MARIANNE JAMES.

JUNE 1995. ISBN 0 642 22768 3. AUSTRALIAN INSTITUTE OF CRIMINOLOGY. 62 PP. A$20.00.
This booklet, launched at the Australian Institute of Criminology conference, Crime in Australia: First National Outlook Symposium held in Canberra on 5 and 6 June 1995, is the first collection to be published by the AIC describing successful crime prevention programs from around the world. The case studies included in *The Promise of Crime Prevention* have all had some measure of success, and provide innovative examples of crime prevention in practice. They demonstrate that criminological theories can translate into effective crime prevention programs.



PARADISE LOST? A STUDY OF INTERIOR DESIGN, CROWDING AND AGGRESSION IN NIGHTCLUBS.

RESEARCH AND POLICY PAPER NO. 6.
PUBLISHED BY THE CENTRE FOR CRIME POLICY AND PUBLIC SAFETY, SCHOOL OF JUSTICE ADMINISTRATION, GRIFFITH UNIVERSITY AND AVAILABLE FROM THE AUSTRALIAN INSTITUTE OF CRIMINOLOGY:

STUART MACINTYRE & ROSS HOMEL.
1994. ISBN 0 86857-574-7. 72 PP. $7.50.
The Surfers Safety Action Project was developed in 1993 to reduce the level of alcohol related violence in and around licensed premises. As part of the evaluation of the project undertaken by the Centre for Crime Policy and Public Safety, an extensive range of data were established to measure longitudinal changes. These data provided the opportunity for extension studies that would examine areas of critical concern. *Paradise Lost?* examines interior design, crowding and violence in nightclubs.

PUNISHING VIOLENCE.

ANTONIA CRETNEY AND GWYNN DAVIS.

1995. ISBN 0 415 09839 4 (HBK). 0 415 09840 8 (PBK). ROUTLEDGE. 224 PP. A$104.95 (HBK). A$36.95 (PBK).
Punishing Violence, a study by two researchers at the Law Faculty of Bristol University, UK, examines a series of decisions - by victims of violence, police officers, prosecutors and courts - which determine whether or not violent behaviour was treated as a criminal matter.

Cretney and Davis examine the relationships underpinning violence, the reasons for violent acts and the factors militating against successful prosecution. They provide a real and thought-provoking account of the reality of assault and identify a serious gap between the purposes of victims and the purposes of the justice system in responding to violent crime.

THE TWO LATEST PAPERS IN THE AUSTRALIAN INSTITUTE OF CRIMINOLOGY'S TRENDS AND ISSUES SERIES ARE:

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OFFENDERS, DEVIANTS OR PATIENTS.

HERSCHEL PRINS.

1995. ISBN 0 415 10220 0 (HBK). 0 415 10221 9 (PBK). ROUTLEDGE. 278 PP. A$112 (HBK). A$39.95 (PBK).
How responsible are mentally disordered offenders for their crimes?

Aimed specifically at understanding the social context of the serious criminal offender who is deemed to be mentally aberrant, this new edition of *Offenders, Deviants or Patients?* takes into account the many changes in legal practice, methods of treatment and attitudes since the first edition was published in 1980.

Herschel Prins examines the relationship between mental abnormality and criminal behaviour, the extent to which this relationship is used (or misused) in the criminal courts, and the various facilities that are currently available for treatment.

THE PUBLIC NATURE OF PRIVATE VIOLENCE; THE DISCOVERY OF DOMESTIC ABUSE.

MARTHA ALBERTSON FINEMAN AND ROXANNE MYKITIUK.

1994. ISBN 0 415 90844 2 (HBK). 0 415 90845 0 (PBK). ROUTLEDGE. 416 PP. A$117.95 (HBK) A$32.95 (PBK).
A collection of essays from eighteen contributors, *The Public Nature of Private Violence* argues that domestic violence must be viewed in its social and cultural context in which the State is complicit, and not simply within the private, psychological domain of the family.

The introduction suggests that the chapters here reflect some of the tensions within feminist legal theory over the

appropriateness of tactics and strategies in dealing with this private violence. It also argues that there is a strong question over how realistically the law can carry the burden of reform in this area.

ALCOHOL MISUSE AND VIOLENCE; LEGAL APPROACHES TO ALCOHOL-RELATED VIOLENCE: THE REPORTS.

REPORT 6B IN A SERIES OF REPORTS PREPARED FOR THE NATIONAL SYMPOSIUM ON ALCOHOL MISUSE AND VIOLENCE.

1994 ISBN 0 644 34983 2. CAT NO. 94 25030 AGPS. GRATIS.
This report is one of a series commissioned by the Commonwealth Department of Human Services and Health concerned with alcohol and violence.

This report looks at the procedures, practices and attitudes of police; intoxication and criminal responsibility: law and law reform; alcohol and sentencing of violent offenders; and a study of community perceptions of legal principles and policies to alcohol-related violence.

Federation Press new series:

Federation Press has reached agreement with the Crime Research Centre at the University of Western Australia, the Institute of Criminology at the University of Sydney and the Institute of Criminology at the Victoria University of Wellington to market and distribute all of their books, reports and seminar papers. A new series of books is also to be produced entitled **Australasian Studies in Criminology**. The first title in the series is:

VIOLENT PROPERTY CRIME

DAVID INDERMAUR

MAY 1995. ISBN 1862871736. 240 PP. A$45.00. CHEQUE WITH ORDER PRICE A$40.00. (HBK).
Violent Property Crime contains the results of a detailed investigation into the nature of violence associated with property crime. Reasons for violence are explored through an analysis of 123 accounts of violent property crime. The book puts property crime into a social context and asks questions about the needs of young males in Australian society. It also contains an analysis of approaches to crime prevention.

ABORIGINAL DISPUTE RESOLUTION

LARISSA BEHRENDT.

AUGUST 1995. ISBN 1862871787. 150 PP. FEDERATION PRESS. A$16.95. CHEQUE WITH ORDER PRICE A$16.00. (PBK).
Writing from an Aboriginal perspective, Larissa Behrendt argues that land disputes involving Aboriginal Australians should be resolved by elders on Aboriginal land using traditional Aboriginal methods. She gives worked examples of the system in operation.

POLICE INFORMERS: NEGOTIATION AND POWER.

SETTLE, ROD.

MAY 1995. ISBN 1862871485. FEDERATION PRESS. 288 PP. A$35.00. CHEQUE WITH ORDER PRICE A$32.50. (PBK).
The use of informers is a routine part of much criminal investigation work and this book is an analysis of the informer's role. It is based on extensive Australian field research, including a wide range of interviews. Focussing around a detailed case study of the investigation into the Walsh Street murders, Settle argues that most "gigs" are recruited by police use of "selective prosecution" rather than by the inducement of money.

PSYCHOLOGY AND POLICING.

EDS NEIL BREWER & CARLENE WILSON.

AUGUST 1995. ISBN 0 8058 1418 3. ASTAM BOOKS. 456 PP. A$99.00. CLOTH COVER.
Psychology and Policing is a collection of chapters by leading psychologists whose work has relevance to the everyday activities of virtually every police force. Individual chapters address such topics as conflict resolution, the determinants and prevention of criminal behaviour, interviewing witnesses, the use of identikits and lie detectors, and personnel issues such as leadership, integrity testing, performance appraisal and the effects of shiftwork. The 17 authors are drawn from Australia, the United States and Britain, and most have worked with police organisations.

Dr Brewer is a Senior Lecturer in Psychology at Flinders University, and Dr Carlene Wilson is with the National Police Research Unit.

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CRC REPORTS 1994/95

The Criminology Research Council (CRC) offers grants for research which contributes to criminological knowledge. Grant recipients are asked to lodge with the Australian Institute of Criminology copies of reports which have been funded, in whole or in part, by the CRC (the AIC is the administrative base for the work of the CRC).

Copies of the reports listed in this Appendix may be borrowed from the J.V. Barry Library of the Australian Institute of Criminology through inter-library loan. Where a specific title is not given to a report, that report's title is the same as the project title. The details in brackets at the end of a title or an entry are the Dewey decimal classification within the collection of the J.V. Barry Library.

1. CHILDREN AS WITNESSES

Dr Judith Cashmore and Dr Kay Bussey. Report entitled The Credibility of Child Witnesses: Judicial Views by Judy Cashmore and Kay Bussey (1994) (345.06608805409944 f CAS).

2. ABORIGINES: THE RELATIONSHIP BETWEEN SPORT AND DELINQUENCY

Professor Colin Tatz. Report entitled Aborigines: Sport, Violence and Survival by Colin Tatz (1994) (364.440994 f TAT).

3. ABORIGINAL OVER-REPRESENTATION AND DISCRETIONARY DECISIONS IN THE NSW JUVENILE JUSTICE SYSTEM

Garth Luke and Chris Cunneen (1995) (364.3609944 LUK and 364.3609944 f LUK).

4. DETECTION AND PREVENTION OF DOMESTIC VIOLENCE

Professor Beverley Raphael and Assoc. Professor Joan Lawrence. Domestic Violence Victims in a Hospital Emergency Department, *Medical Journal of Australia*, vol. 159, 6 Sept. 1993, pp. 307-10, by Gwenneth L. Roberts, Brian I. O'Toole, Joan M. Lawrence and Beverley Raphael (362.829209943 f ROB). The following three papers have been bound in one volume. Domestic violence and health professionals, Letter to Editor, *Medical Journal of Australia*, vol. 158 21 June 1993, p. 861, by Gwenneth L. Roberts, Joan M. Lawrence, Beverley Raphael, Brian I O'Toole and Therea Stolz. Report: Domestic Violence Victims in a Hospital Emergency Department by Gwenneth L. Roberts, March 1994. Domestic Violence Victims in a Hospital Emergency: Summary (362.829209943 f ROB).

5. EVALUATING PROSTITUTION LAW REFORM IN VICTORIA: YOUNG PEOPLE AND PROSTITUTION

Dr Linda Hancock. Report entitled Young People Involved in Prostitution in Victoria by Linda Hancock (306.74509945 f HAN).

6. THE REGULATORY RESPONSE TO INDUSTRIAL FATALITIES

Dr Andrew Hopkins. The following three papers have been bound together in one volume. Truck Deaths: A Suggestion, *Journal of Occupational Health and Safety - Australia and New Zealand*, vol. 8, no. 3, pp. 243-49. The Legal Response to Work-Related Fatalities in NSW in 1984 by A. Hopkins, Helen Easson and James Harrison, *ANZ Journal of Criminology*. Prosecuting for Workplace Death and Injury by Andrew Hopkins [Paper for Crime in the Workplace Conference] (363.110994 fp HOP).

7. AGE-APPROPRIATE INTERVIEWING CONDITIONS FOR PRE-SCHOOL WITNESSES

Gemma O'Callaghan 1995. Report entitled Effects of props and caregiver on reliability of report by young witnesses by Gemma O'Callaghan and Rita Sosich (1993) (345.066083 fp OCA).

8. RESPONSIBLE SERVING OF ALCOHOL PILOT PROJECT

Waverley Municipal Council. Report entitled Responsible Serving of Alcohol Project (1995) (363.4109944 f WAV).

9. VICTIM PARTICIPATION, SENTENCE OUTCOME AND VICTIM SATISFACTION WITH JUSTICE: EVALUATION OF THE SA EXPERIENCE WITH VICTIM IMPACT STATEMENTS

Professor Edna Erez and the Office of Crime Statistics, South Australia. Report entitled Victim Impact Statements in South Australia: An Evaluation, Research Report Series C No. 6 by Edna Erez, Leigh Roeger and Frank Morgan, Office of Crime Statistics, South Australia, Attorney-General's Department, Adelaide (1994) (362.88099423 ERE).

10. ON THE SPOT FINES IN VICTORIA

Professor Richard Fox. Report entitled Criminal Justice on the Spot in Victoria (1995) (364.14709945 f FOX).

11. BLOOD PRESSURE: THE ABILITY OF AUSTRALIAN REGULATORS TO RESPOND TO A WORLDWIDE TREND TOWARD CRIMINAL TRANSACTIONS IN BLOOD

Katherine Beauchamp. Report entitled Red Alert! Is Regulation Working for Imported and CSL Blood Products? (1994) (344.041940994 f BEA).

12. POLICING POLLUTION: REGULATING THE CHEMICAL INDUSTRY

Professor Neil Gunningham (1994) (363.7280994 f GUN).

13. EVALUATING A NEW INITIATIVE IN JUVENILE JUSTICE

Terrence O'Donnell and David Moore. Report entitled A New Approach to Juvenile Justice: An Evaluation of Family Conferencing in Wagga Wagga (1995) (364.3609948 f MOO).

14. AN EVALUATION OF ATTITUDE BEHAVIOUR CHANGE PROGRAMS FOR MALE PERPETRATORS OF FAMILY VIOLENCE

Dr Christine Alder and Ms Ruth Francis. Report entitled Programs for Men who are Violent in the Home (1995) (362.82928609945 f FRA).

15. SYSTEMATISING POLICE SUMMARIES IN THE MENTION COURT: VICTIM IMPACT STATEMENTS THROUGH THE BACK DOOR

Dr Roger Douglas and Ms Kathy Laster. Report entitled Victim Information and the Criminal Justice System: Adversarial or Technocratic Reform? (1994) (362.880994 f DOU).

16. THE COMMUNICATIVE NEEDS OF INTELLECTUALLY DISABLED PEOPLE - A PROTOCOL FOR POLICE OFFICERS

Dr Mark Brennan. Report entitled Cleartalk: Police Responding to Intellectual Disability by Mark Brennan and Roslin Brennan (1994) (364.3809944 f BRE).

17. A COMPARISON OF THE EARLY CHILDHOOD EXPERIENCES OF (A) CONVICTED CHILD MOLESTERS AND (B) MALE SURVIVORS OF SEXUAL ABUSE WHO ARE NOT OFFENDERS

Associate Professor Freda Briggs. Report entitled A Comparison of the Early Childhood and Family Experiences of Incarcerated, Convicted Male Child Molesters and Men who were Sexually Abused in Childhood and have no convictions for Sexual Offences against Children by Freda Briggs, M.F. Hawkins and Mary Williams (1994) (362.760994 f BRI); From Victim to Offender by Freda Briggs (362.760994 BRI).

18. POST-RELEASE EXPERIENCE OF IMPRISONED MOTHERS

Children of Prisoners Support Group Co-op Ltd. Report entitled Mending the Broken Bond: The post-release experience of imprisoned mothers - A case-study report by Jude Butler (1994) (362.829509944 f BUT).

19. SEE YOU ON THE FLIP SIDE: AN INVESTIGATIVE AND EDUCATIONAL TV DOCUMENTARY ON ISSUES FACED BY INCARCERATED MALE AND FEMALE OFFENDERS WHO ARE RELEASED INTO THE COMMUNITY IN NSW

Astrid Birgden and Sally Browning. Report entitled See You on the Flip Side: A research project for a documentary film investigating recidivism of NSW inmates once they are released into the community by Astrid Birgden and Sally Browning (1994) (364.309944 fp BIR).

20. THE RELATIONSHIP BETWEEN CRITICAL DEVELOPMENT EXPERIENCES DURING CHILDHOOD AND PUBESCENCE, HOSTILITY AND NEGATIVE EVALUATION AND ADULT SEXUAL INTEREST IN AND ABUSE OF CHILDREN.

Susan McCulloch. Report entitled The Relationship Between Sexual Experiences Before The Age of 12, and Severity of Impact by Sue McCulloch and John Price (1994) (362.7640994 fp McC).

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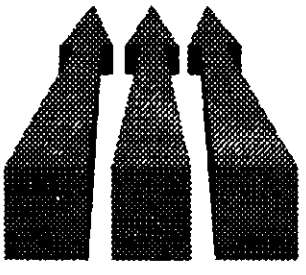

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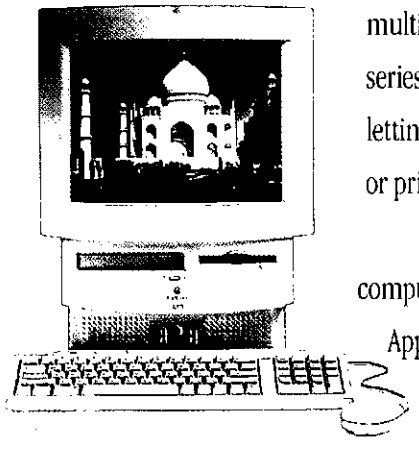

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