reporter

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Editorial

This is the first issue of the *Reporter*, the quarterly news magazine of the Australian Institute of Criminology, which replaces the Institute's *Newsletter*.

As the *Newsletter* has continued to grow and with it the need for more detailed coverage of the Institute's activities, a new approach has been felt desirable. This was confirmed by a recently conducted readership survey.

The survey showed that readers understood the main aim of the *Newsletter* was to record Institute activities and this will, of course, remain the basis of editorial policy.

The *Reporter* aims to meet requests by readers for more comprehensive and better balanced reporting of the Institute's research, training and publishing activities. It was felt that these aims could be best achieved by a change to a larger format and a title which reflects this change.

The Institute hopes that readers will continue to provide critical evaluations of the *Reporter* as they did with the *Newsletter*.

COVER PHOTOGRAPH:

The Assistant Secretary General of the International Council on Social Welfare, Mr S.D. Gokhale, left, autographs a copy of *Innovations in Criminal Justice in Asia and the Pacific*, for Mr B. Bodna, Director General of the Social Welfare Department in Victoria, at the book's launching in Melbourne on 28 August. Mr. Gokhale assisted the Institute's Director, Mr W. Clifford, in the editing of the book.

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The opinions expressed in this Newsletter are not necessarily endorsed by the Institute.

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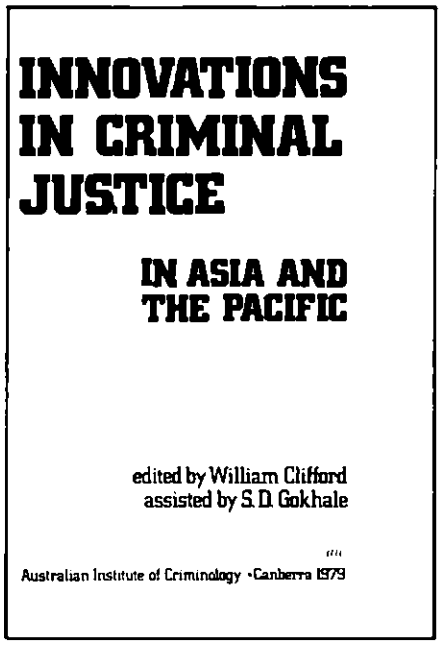


A book titled *Innovations in Criminal Justice in Asia and the Pacific*, comprising a collection of papers by selected authors edited by the Institute's Director, Mr W. Clifford and the Assistant Secretary General of the International Council on Social Welfare, Mr S.D. Gokhale, was published by the Institute in June.

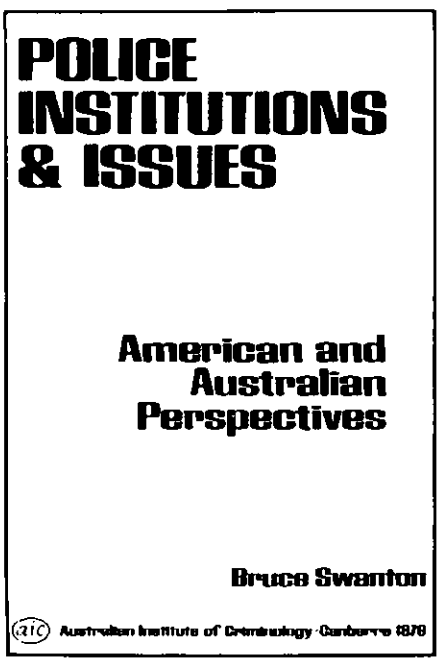
The book has its origins in an Institute seminar in January 1975 at which its editors decided there was a need to bring together writers from the various parts of Asia and the Pacific to explain their own systems and provide an insight to readers on current developments in their criminal justice systems.

Papers were submitted and the 11 contributors met in Singapore in 1976 to plan the format of the book.

It was decided at that meeting that the book's editors should each write an introductory chapter from their own points of view – one Western and one Asian.

The remaining chapters of the book focus on innovations in criminal justice in Sri Lanka, Papua New Guinea, Thailand, Indonesia, India, Singapore, Pakistan, the Philippines, Japan and Australasia.

At its launching in Melbourne recently the Director General of the Social Welfare Department in Victoria, Mr B. Bodna, said: 'In my view this book does two things. It reinforces the idea that crime is a social and not simply a criminal justice problem. Secondly it helps us to see the Australian situation in a wider regional perspective. We will need many more books of this type but it is fitting that the Australian Institute of Criminology should be publishing it and therefore encouraging more work of this type in this region'.



Police Institutions and Issues is a recent publication by the Institute aimed at police administrators and the police community generally.

Its author, Mr Bruce Swanton, is a Senior Research Officer at the Institute specialising in police research. Mr Swanton has formerly held positions in the police forces of New South Wales, the United Kingdom, New Zealand and Papua New Guinea.

The book examines four police institutions in the United States. They are:

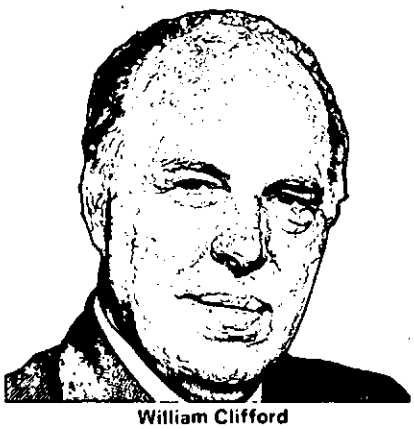
1. The Police Foundation
2. The International Association of Chiefs of Police
3. Police Boards and Commissions and
4. The School of Police Administration, Louisville.

In each case, a brief consideration of the implications of these institutions for the Australian police community is provided.

Issues considered include: police labour relations; police health maintenance; and police occupation.

In researching the book the author visited Washington, Boston, Albany, Detroit, Milwaukee, Chicago, Louisville, St Louis, Los Angeles, and San Francisco during May and June of 1978.

He said recently that he intended the book as an examination of police institutions and issues which have not been dealt with in depth in the United States police literature.



William Clifford

DIRECTOR'S DIGEST

I have been asked in this issue of the *Reporter* to provide some background to the Australian offer to host the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and to comment on the implications of the Government's recent decision to cancel the hosting. What follows should be prefaced by an explanation that I have no more knowledge of the reasons for that decision than is contained in the official press release. At no time was I consulted as to the possible effects of a cancellation or on the most effective way for Australia to withdraw. I can, therefore, only deal with the situation as it appears to me and without any 'inside' information.

The United Nations Congresses on Crime are a continuation of the Congresses held every 5 years from 1870 by the International Penal and Penitentiary Commission (I.P.P.C.). The League of Nations did not deal with crime as such, because its member states did not wish to have any international body looking over their shoulders at their problems of crime or law and order. These were regarded as matters reserved for their sovereign concern. However, the Child Welfare Section of the League of Nations could not avoid problems of neglected or delinquent children and when these issues arose, they were inclined to contract out any studies to the I.P.P.C., since this organisation (largely a European body at the time) had a jurisdiction which covered juvenile institutions.

After the Second World War, the I.P.P.C. asked the United Nations to take over its work. This was in accordance with a general movement at that time for all kinds of international bodies to hand over to the United Nations. This happened with educational organisations, health organisations, labour organisations, etc. These became separate agencies of the U.N. operating relatively independently.

The U.N. Secretariat was rather reluctant to assume full responsibility for I.P.P.C.'s work, because, as before, the member states were not particularly enthusiastic about crime and law and order becoming one of the functions of an international body. However, the 'welfare' interest in crime and criminals was growing at that time and agreement was eventually reached for a new section of 'Social Defence' to be set up within the United Nations Bureau of Social Affairs and this was to become responsible for the work of the I.P.P.C. In other words, crime prevention was partly disguised as a social function and, in the event, the new section dealt more with juvenile delinquency, probation, rehabilitation and other socially oriented approaches to crime than it did with law, the police or the major problems of crime.

The agreement included an undertaking by the United Nations to continue the I.P.P.C. Congresses every 5 years and there were other interesting implications which space precludes mentioning here but which I have fully outlined in a publication of this Institute partly reproduced in the International Review of Criminal Policy No.34.* However it should be noted that within the family of United Nations organisations, this Congress is the only opportunity provided for Ministers of Justice, Chief Justices and similar officials to meet under the aegis of the United Nations. Their ministerial colleagues in health, education, industry, labour, child welfare, science and technology, economic development and planning, agriculture, trade and even tourism have their own regular U.N. agencies, usually with independent fund raising powers and an annual governing council. By contrast the crime prevention and criminal justice considerations, though not entirely ignored, are relegated to relative insignificance. Only the U.N. contract with the I.P.P.C. to hold these congresses keeps them internationally prominent. For this reason the United Nations Congresses on Crime every 5 years are particularly important: and the host country has usually used the occasion to demonstrate internationally its advancement in criminal justice.

The First Congress was held in 1955 in Geneva, when, *inter alia*, the U.N. Standard Minimum Rules for the Treatment of Prisoners (which had been drawn up in 1929 by the I.P.P.C.) were adopted. The Second Congress was held in London in 1960, when the emphasis was on juvenile delinquency and the problems of crime in developing countries. The Third Congress was in Stockholm in 1965, when there was an increasing acknowledgement of criminological development and more emphasis on research. I was a consultant for research at the Third Congress and was appointed the U.N. Executive Secretary for the Fourth Congress which was held in Kyoto, Japan in 1970. Representing the Secretary-

General, in this capacity I had already in 1969 negotiated with the Canadian Government for the holding of the Fifth Congress in Toronto. Usually between Congresses a number of countries make approaches to the U.N. Secretariat on the costs and implications of holding the next one. Negotiations proceed, but agreement must be reached and the venue for the next Congress announced by the representatives of the new host country at the final plenary session of each Congress.

When the Canadian proposal to host the 1975 Congress was known, I was approached in Japan by Mr John Maddison, who was then Attorney-General of N.S.W. and the Leader of the Australian Delegation to the Fourth Congress. He asked me if there was any chance of Australia being the host country for the 1980 Congress. At that time I could not be sure, but I encouraged him to explore with his Government and with the Federal Government the extent to which Australia might wish to go. I have since seen copies of a subsequent confirmatory correspondence with Mr Maddison sent via the N.S.W. Premier to the Federal Prime Minister, who later consulted other Premiers.

These Australian internal consultations were being matched by Secretariat/Delegation consultations in New York. Several member states were interested in having the Congress held in their countries. Since Canada was already selected for the 1975 Congress, there were some complications about another Commonwealth country being selected and in any event, there was the possibility of an approach from some of the communist block countries to host the Sixth Congress – so Australia's prospects were minimal at that time.

During the next three years I was approached by a number of other governments. Various officials came from the Australian Mission in New York seeking full details of costs and other implications. To each one full details were provided of the implications of holding the Congress, the costs involved, the problems of the United Nations reserving the right to be solely responsible for the registration of those who would attend and, of course, the difficulties of timing. Since this Congress is so large that it takes practically the whole resources of the General Assembly in terms of interpretation and conference services, it must be held before the General Assembly opens in September and after the major U.N. meetings which are usually held in Geneva each year.

Finally, with the admission to the United Nations of West and East Germany, there was an approach to the Secretariat by the East German Government for the Congress to be held in East Berlin. This originally came at a meeting of delegates of European countries held in Budapest in 1974. Late in 1974, at the request of the East German Government, I flew to East Berlin for discussions on the subject and, while that Government was enthusiastic, it was dismayed to learn that the Congress must be held at a fixed time. This apparently coincided with the celebration in 1980 of the 30th anniversary of the foundation of the East German Republic and it appeared that it would be impossible for that Government to handle both events at the same time. I was asked to change the time to earlier or later in 1980 but this could not be done for the reasons already given.

The pendulum therefore swung back to a number of other countries, including Australia, which had offered to host the Congress, and I advised the Australian Government that a decision would have to be made very soon. Up to that time many approaches had been made, but no formal offer had been received. In 1974 I visited Australia in connection with the work of this Institute and before I had accepted my present appointment. I then advised the Federal Attorney-General (then Senator Murphy) that if the Congress was to be held and inflation was to be considered, the Government might have to envisage a cost of approximately $5 million for hosting. This was taking all costs into consideration, including those that might be hidden by regular departmental services being available for some parts of the hosting. My purpose was to avoid any later allegation that costs had escalated beyond those envisaged by the U.N. When I returned to New York, I had a further offer from the Mexican Government, but this still had to be ratified by parliament and, while consideration was being given to it by the Mexican authorities, the formal offer arrived from the Australian Government – and was accepted.

I would stress that during this period all possible difficulties and problems connected with the hosting of the Congress were fully discussed – except one. In 1974 the United Nations changed its rules for participation in U.N. Congresses. Formerly only members of the United Nations or its specialised agencies were eligible for an invitation to send a delegation, but in 1974 the General Assembly resolved that, under certain conditions, 'freedom fighters' could be invited to meetings and, from memory, I think the first meeting under these new rules was that concerned with the Law of the Sea which was held in Caracas, Venezuela, in 1974.

There was still no sign of this fundamentally changing the problems of a host government and, in particular the Crime Congress had been unusual in that, in accordance with I.P.P.C. precedents, not only official delegations were invited. Non-governmental organisations and individuals with a professional interest in this field could apply for registration and could take the floor with the chairman's permission. Thus the U.N. Crime Congress had always presented host governments with some complications, since they did not have the final word on

participation and the U.N. could not relinquish its control of admission. Any such meeting had to be held in the host country as if it were being held in New York and invitations or registrations were the exclusive prerogative of the United Nations.

However, in 1975 there was opposition in Toronto to the United Nations invitation being extended to the P.L.O. and, as a result of this, the Canadian Government asked the United Nations for a postponement of the Fifth Congress. The United Nations refused and the Fifth Congress was eventually held in Geneva. It was at the Geneva Congress, with full knowledge of this and all the other problems involved, that the Attorney-General of the Federal Government (then Mr Enderby) and the Attorney-General of N.S.W. (then Mr Maddison) rose to publicly invite the delegates to Sydney for the Sixth Congress. They were given an ovation. Australia was riding high. The Attorney-General was elected a Vice President of the Fifth Congress and other State Attorneys in the delegation were accorded privileges.

This is the history.* In itself it will perhaps convey all the international implications of the recent Government decision. The Canadian reluctance was almost unprecedented in United Nations history. A host nation usually considers it a matter of prestige to have a United Nations meeting – and there are certain economic advantages from the spending of the delegations in the country chosen for the meeting. For a second Commonwealth country to baulk at the last moment is certainly without precedent and, in Secretariat terms, will undoubtedly have long term consequences. As I have already stated elsewhere, I regard it as a very regressive move. In terms of finance, the costs were containable to about $3 million – well within the figure I had given in 1974. In terms of savings, the opportunity costs of an aborted operation will probably approach any possible economies. So there is reason to suppose that eventually, if not immediately, the costs of the decision will outweigh the benefits.

At the same time there has, I think, been a misunderstanding of the role of this Institute in relation to the Congress. Because of my previous position in the United Nations, I have taken great care to avoid this Institute being directly concerned with the hosting of the U.N. Congress. Instead, the Government set up an inter-State Consultative Committee and a Coordinator was specially appointed to direct the work for the hosting of the Congress. My own role remained purely advisory and the Institute's main contribution has been to the substantive work of the Congress. As Chairman of the Criminal Sciences Committee for the Congress, I have been responsible, with my committee members, for the production of substantive papers on each of the five items of the Congress agenda. In this we have had the assistance of State officials and academics for several of the papers which are now in print. This work will continue. In fact, the Australian substantive contribution to the Congress becomes far more important and in the light of the withdrawal from hosting, it is vital that the Australian substantive contribution should be of the highest order. This Institute has also provided the United Nations with four consultants in connection with the preparatory meetings for the Congress, and it will provide any assistance required to prepare the brief for the Australian delegation.

So, wherever the Congress is held, the Institute's work for the Congress will continue and we look forward to being more closely associated with the United Nations in developing the Congress work. Mr F.J. Mahony, previously Chairman of the Institute's Board of Management, has been nominated for a period of four years to the United Nations Committee on Crime Prevention and Control.

In this sense the Institute was not affected at all by the decision about the hosting. It does not really matter whether the Congress is held here or anywhere else for the contribution of this Institute to be significant.

It is Australia itself which is most greatly and gravely affected by this decision. ■

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* W. Clifford, 'The Committee on Crime Prevention and Control', *International Review of Criminal Policy*, no.34, 1978, pp.11–18.

Collegiate sentencing proposed

A system of collegiate sentencing should be instituted on a trial basis in the A.C.T., according to a discussion paper submitted to the Australian Law Reform Commission by a Senior Legal Researcher at the Institute, Mr Ivan Potas.

In the proposed system, judges and magistrates would be required, in difficult or important sentencing decisions, to consult with two of their colleagues after the sentencing hearing, but before sentence was imposed.

'The ultimate sentence, however, would rest with the judge or magistrate who was ordinarily charged with determining the matter', the paper stated.

Among other proposals contained in the paper was a recommendation that a system of guide-lines be developed from an analysis of actual sentencing decisions 'to provide the best indicator of the proper sentence to be applied in a particular case'.

For more on the paper see the December issue of the *Reporter*. ■

Parole on trial at seminar

In an opening address, the Chief Justice of the A.C.T. Supreme Court, Mr Justice Blackburn, opposed the proposal to abolish parole.

Mr Justice Blackburn said he supported the parole system in as much as it allowed an element of flexibility in the sentencing process by the reconsideration, at a later stage, of the original sentence.

However, he was opposed to the determination of parole by parole boards and said parole should be part of the judicial process.

'If you have laymen on the parole board, why not have them on the bench in the first place?', he said.

He stressed that he was not criticising lay members of parole boards, who, in his experience, had always been hard working, helpful and judicious.

Mr Justice Blackburn said he found the arguments of the Mitchell Report (First Report of the Criminal Law and Penal Methods Reform Committee of South Australia, Sentencing and Corrections, 1973) which recommended that parole be part of the judicial process, irresistible.

He also opposed opinions expressed in the discussion paper which favoured inflexible fixed sentences which were, in his opinion, undesirable and inhumane.

He said that at the time of sentencing a judge had only a limited amount of material on which to decide a proper sentence and warned that the prisoner's circumstances with regard to employment or his family could substantially change after the sentence was passed.

In this aspect the sentencing process was incomplete at the time the sentence was passed.

He criticised 'the excessive concern' of the Commission's discussion paper with disparity of sentences and said extreme disparity could be corrected by appeal courts.

Every sentence was an individual problem involving human judgment which, when approached by different judges, could lead to feelings of resentment and injustice among prisoners about their treatment. But, he warned, efforts to reduce disparity 'could go too far'.

In conclusion, Mr Justice Blackburn said some form of reorganised system of parole would have to remain to return prisoners to the community under control.

He said the opinions he had expressed were his own and not those of the Bench.

A joint paper was delivered to the seminar by the Australian Law Reform Commissioner in Charge of Sentencing, Professor Duncan Chappell, which he prepared in collaboration with Mr Peter Cashman, a Research Officer with the Law Foundation of N.S.W., and Dr Gerry McGrath, a Lecturer at the Centre for Eduational Studies, University of New England.

The paper examined, on the basis of surveys conducted by the Australian Law Reform Commission in its Reference on Sentencing, the views of three groups involved in the debate about parole in Australia.

These were the community, prisoners and judicial officers. The paper maintained that the surveys were the first systematic review of the opinions of these groups.

It stated that it was hoped the publication of the opinions of such groups would assist in the formulation of new policies for parole, if such policies were desirable.

It said that, according to recently published Australian Institute of Criminology statistics, there existed wide variations both in the use of parole by different jurisdictions in Australia and in parole eligibility requirements prescribed by legislation.

A three-day seminar on 'The Prospects for Parole' opened at the Institute on 7 August. It was attended by 34 participants from each State, the A.C.T. and the Northern Territory, representing the legal profession, police, corrective services, probation and parole services and the N.S.W. Prisoners' Action Group.

The seminar focused on a proposal to abolish the Commonwealth parole system contained in an Australian Law Reform Commission discussion paper prepared by Commission Research Officer Mr Mark Richardson.

The discussion paper was prepared as part of the Commission's Reference on Sentencing, however, its proposals were those of the author only, not the Commission.

It argued that provisions in the Commonwealth Prisoners Act (1967), which provides for a system of parole for offenders against Commonwealth law, by reflecting varying State laws on the fixing of minimum sentences, resulted in disparity of treatment of offenders against Commonwealth laws in different parts of Australia.

The Act, it said, was also defective in that it did not apply to two States — Queensland and Tasmania — where minimum sentences were determined by statute and not by courts.

The paper proposed that

. The Commonwealth Prisoners Act (1967), in so far as it deals with parole, and the A.C.T. Parole Ordinance (1976) be repealed and replaced by statutory provisions in each jurisdiction which would prescribe a standard rate of general remissions for Commonwealth and Territory prisoners, of one third of the length of sentences, and standard rates of special remissions for good behaviour and industry.

. Commonwealth and Territory prisoners be released automatically on completion of their sentences of imprisonment less remissions.

There were also variations in practices and procedures adopted by individual parole boards.

It said no objective documentation of these practices and produres had taken place in Australia.

A question on parole was one of four on aspects of punishment included in a national opinion poll conducted by the *Age* newspaper in April at the request of the A.L.R.C.

Fifty-seven per cent of respondents in the poll were in favour of making parole harder to get.

Another national poll, conducted in June by the Morgan Gallup Poll, had revealed that 85 per cent of its respondents believed jail sentences should be lengthened for crimes which caused other people serious bodily harm.

Overall the figures had shown that the public mood favoured a strong retributive component in punishment. 'The majority community view obviously favours making parole harder to get', the paper said.

In a current national survey on prisoners' attitudes to parole, being conducted by Dr G. McGrath for the Australian Law Reform Commission, prisoners in two maximum security institutions, one in N.S.W. and the other in Victoria, were asked to respond to the statement that 'parole procedures are really pretty fair'.

The majority of prisoners either disagreed or strongly disagreed with the statement. The paper stated that the survey had revealed a basic complaint that current parole practices and procedures were unfair.

This complaint, the paper stated, was confirmed by the findings of the Report of the Royal Commission into N.S.W. Prisons (the Nagle report) in 1978 and in the summary of prisoner complaints in the report on parole by the Parole Review Committee in N.S.W. (the Muir Report) in 1979.

Counselling and assistance be given by parole officers to Commonwealth and Territory prisoners and ex-prisoners on their request.

Courts be given discretion, within the limits of the Commonwealth's constitutional power, to make Commonwealth sentences of imprisonment cumulative upon or concurrent with State sentences of imprisonment.

If the Commonwealth and Territory systems of parole were retained, Mr Richardson proposed the following changes which would, in his opinion, remove injustices associated with those systems. They were:

Commonwealth and Territory prisoners should be notified, on conviction, of their rights concerning parole.

Commonwealth prisoners otherwise eligible should be given full reasons where they are refused parole.

Access to documents considered in relation to parole release decisions be given to Commonwealth and Territory prisoners.

Provisions concerning minimum terms of imprisonment contained in the Commonwealth Prisoners Act should be amended so they applied uniformly throughout Australia. They should also be made more flexible to overcome those problems which arise when courts sentence offenders who have offended against laws of both the States and Commonwealth.

A court should give reasons where it declines to set a minimum term of imprisonment.

A Commonwealth officer be designated in each State to assist Commonwealth and Territory prisoners with any matters related to parole.

Review of parole decisions affecting Commonwealth or Territory prisoners be vested in a single Commonwealth Court such as the Federal Court.

A standard minimum term be prescribed for all Commonwealth and Territory offenders.

The paper stated that public demand for more severe sentences had led to some judicial officers making parole 'harder to get' by refusing to set a non-parole period or by increasing the minimum term before a prisoner was eligible for parole. The result, it said, would be to swell the numbers of offenders in custody.

A recently completed national survey of judges and magistrates conducted by the Australian Law Reform Commission in conjunction with the Law Foundation of New South Wales had also included a question on parole.

The majority of the 75 per cent of judicial officers who responded to the survey favoured retention of the existing parole system in their State or Territory. Almost a third said that the system should be modified in some form.

More than two-thirds of the respondent judges in N.S.W. felt the parole system in that State should be modified.

In conclusion the paper stated that these significant groups examined had confirmed that dissatisfaction with existing parole practices was widespread. The opinion of each of the paper's authors was that the status quo with regard to parole should not be maintained.

It said that legislators and administrators should not be deterred from effecting improvements to parole by public opinion which, it said, in regard to crime, was unreliable, inconsistent and based on a lack of awareness and understanding of many of the underlying issues involved.

In a paper titled 'Defence of Parole', the Australian Institute of Criminology's Assistant Director (Training), Mr Col Bevan, told the seminar that most crime was due to 'intolerable life circumstances visited upon the offender and largely beyond his individual control'.

Mr Bevan, a former chief probation and parole officer in Queensland, said that although he agreed with the pronouncement of the length of sentences remaining a judicial decision, he opposed the setting of non-parole periods of judges.

It was doubtful, he said, that judges came from a socio-economic level and educational background which fitted them to understand how unlikely it was that offenders, given the nature of their life's circumstances, could be more law abiding than they were.

'The evidence pertinent to how long the offender should actually spend in prison is of an entirely different nature from that relating to his guilt or innocence', he said.

Judges should impose sentences without reference to parole which should be decided by parole boards.

This would avoid the situation where prisoners believed that the expiration of their non-parole period, determined by a judge, was their release date. It would avoid resentment by prisoners caused by a situation where parole was considered a right.

He said parole was not a right and should not be regarded as such by prisoners. As part of the penalty system only, parole should not be seen as a means of reducing prison populations.

'The actual incidence of crime and measurable rates are due to factors quite distinct from the penalty system itself. It is high time that the doubtful capacity of our penalty and criminal justice systems to control rates of crime was courageously and ruthlessly exposed', he said.

Mr Bevan said it was significant that the only two States which seemed to be experiencing no difficulty with the practice of parole were those States whose legislation did not include minimum-maximum systems of sentencing.

Responsibility for release of Commonwealth prisoners be transferred to State parole boards.

The paper also argued that provisions in the Act directing the order in which sentences of imprisonment for mixed State and Commonwealth offences were to run were inadequate.

In such situations there was a problem deciding when a prisoner was to be released and whether his release should be authorised by State or Commonwealth author-

This was endorsed by Mr John Mackay and Mr Graham Zerk, chief probation and parole officers in Tasmania and Queensland respectively.

The Director of the Department of Correctional Services in South Australia, Mr Lloyd Gard, presented a review of proposed legislative provisions on parole in that State.

These were for a new parole scheme based on tripartite sentencing which consists of three, approximately equal parts: a non-parole period, determined by a judge, a supervised parole period, and then a conditional liberty which is virtually an unsupervised recognizance.

Remissions would be dispensed with under this system which would also allow prisoners who were denied parole to be freed after serving two-thirds of their sentence.

Mr Ivan Potas, a Senior Legal Researcher at the Institute, said that in principle, parole was more humanitarian and cheaper than imprisonment. However, in practice it was discriminatory, often cruel, and, in most jurisdictions, lacking in natural justice.

He proposed a 'just desserts model' of sentencing with parole retained as a form of rehabilitation which was collateral to the purposes of imprisonment.

The parole release date of the offender should be fixed by the courts and parole boards should be limited to setting the terms of the release and excluded from fixing the release date.

The present system of remissions should be abandoned, he said, and be replaced by a system in which parole was calculated as a proportion of the overall sentence by the judge taking into account any prior criminal record at the sentencing stage.

Two-thirds of the sentence fixed should be served in custody and the date of release could only be changed by a parole board, with judicial sanction, if the offender breached prison regulations.

The head sentence and the non-parole period would remain fixed and immutable, although minor adjustments, where the prisoner's conduct had been excellent, could be allowed to shorten the non-parole period.

Where the offender breached the terms of parole by committing a new offence, the prisoner should be made to serve the balance of the original sentence, but the balance should be dated from the commission of the new offence.

Sentences imposed for additional offences would be ordered to run at the expiration of the original sentence and subsequent release on parole would be calculated at two-thirds of the aggregate sentence.

However, this two-thirds formula would not apply to life sentences where the recommendations of the Nagle Report that judges should be empowered to set non-parole periods and that parole boards should have power to release offenders on parole should be adopted. The recommendation of the N.S.W. Parole Review Committee that, at some future date after sentencing, a life sentence should be converted into a determinate sentence with a specified non-parole period should also be considered.

In the case of life sentences the Parole Board should retain its

traditional role of determining whether, at the time of expiration of the non-parole period, parole should be granted.

However the presumption that the offender is entitled to be released at the expiration of the non-parole period should remain unless the Board had good reasons for withholding parole.

To compensate for the abandonment of the present system of remissions there would need to be a substantial reduction, by one-third, of the overall length of sentences.

Mr Nigel Stoneman, Vice-president of the Probation and Parole Officers' Association of N.S.W. told the seminar that his association endorsed the recommendation in the A.L.R.C. discussion paper that the Commonwealth parole system be abolished and replaced by a determinate sentencing system with prescribed rates of remission.

Mr Stoneman said that parole should be seen as part of a series of systems attempting to express an enlightened policy of individualising the treatment of offenders.

However the uncertainty of release caused by parole assessment procedures had produced considerable prisoner anxieties, and this adverse effect on prisoner attitudes appeared to be generally underestimated.

'Whatever the intention of the parole authorities the overwhelming psychological fact of the system is that the expiration of the non-parole period is firmly fixed in the prisoner's mind as his release date, unless a remission release occurs earlier', he said.

Parole weakened the remission system which was designed as an incentive to training programs and good behaviour. Parole release made the earnings of remissions meaningless.

The Association recommended a shortening of the parole supervision period and an emphasis on supervision which aimed at more positive counselling and resettlement planning.

Mr Tony Green, an honorary consultant to the A.L.R.C. and a member of the N.S.W. Prisoners' Action Group, said parole should be abolished.

If it was to continue, however, provision should at least be made for automatic release at the end of the non-parole period.

Any authority which opposed the release of a prisoner on parole should be required to prove its case in court and similarly any revocation of parole should be subject to a court hearing.

He said Australia's parole system created hope in the prisoner's mind which became a firm belief that release would occur at a certain date.

It was a form of psychological torture on a prisoner which was handed down to the prisoner's family outside the jail.

He said there was also an added punishment of many relationships breaking up when a prisoner was refused parole. He described the present system of indeterminate sentencing as 'barbaric'.

Sentences should be reduced across the board, he said, and pointed to recent developments in Holland where, over the last decade, there had been a reduction of 50 per cent in the length of prison terms and a 60 per cent reduction in the prison population with no rise in the crime rate.

In a discussion which followed, the Director of Western Australian prisons Mr Bill Kidston supported the statement that many prisoners' relationships with their wives and families broke up as a result of parole being refused.

'I've lost count of the number of times a prisoner receives a "Dear John" letter after being knocked back for parole', he said.

Mr Kidston said there was also a need for some provision for releasing prisoners who were often held in prison long after any useful purpose of imprisonment ceased to exist.

'There comes a time when enough is enough, and I've got many prisoners inside who just shouldn't be there any more', he said.

Outside the seminar he said that there was widespread confusion and anxiety among prisoners in Western Australia over parole and that it was often a major cause of prisoner unrest.

The suffering caused to the family of a prisoner was particularly hard. 'The wife, for example, may adjust herself to waiting to a certain time but if he doesn't come out then she can't go on waiting', he said.

Regular family visits often ended and prisoners were sometimes broken by the experience.

He said that, in the main, prisoners would accept situations provided they were fair and reasonable. However they often received parole refusal as not being fair. The cumulative result was often a threat to prison discipline.

Mr Fiori Rinaldi, of the law school at the Australian National University, pointed to the situation in N.S.W. where, he said, equally placed parolees might attract very disparate punishment for comparable offences during their parole period.

Mr Rinaldi proposed that the N.S.W. legislature amend present legislation to provide that release on parole be treated in much the same way as release by remissions, thereby extinguishing the sentence.

He proposed that, in appropriate cases, the release could be made conditional upon entry into a recognizance requiring the prisoner to obtain help from the parole service in his adjustment to life in society and also requiring him to comply with certain norms of conduct.

Breach of such a recognizance would be a criminal offence attracting a term of imprisonment of 12 months.

The conference failed to reach a consensus on the parole issue and did not pass any resolutions on the subject. ■

'Double standards' in crime laws

Australian criminal law applied double standards to women and perpetuated their inequality, Research Criminologist Ms Jocelynne Scutt told a seminar on 'Women and Crime' held at the Institute between 20 and 22 June.

Ms Scutt told the seminar that Australian legislation, excepting that in South Australia, treated women as sex objects, and while recognising their ability to commit criminal acts, denied them protection against the crime of marital rape.

'Although the law is prepared to find a wife responsible for forming an evil intention, it refuses to recognise her simple ability to consent or refuse to consent to sexual intercourse', she said.

Legislation against prostitution, in some Australian jurisdictions, also applied double standards to women, in so far as women, and not men, were penalised for soliciting to engage in sexual intercourse for money.

New South Wales was a jurisdiction where the prostitute's 'client' was not held liable. 'In N.S.W. in 1978, no man was arrested or prosecuted for approaching a woman and suggesting that she engage in sexual intercourse with him for payment of a fee', Ms Scutt said.

Infanticide legislation in N.S.W., which, in certain circumstances, mitigated the killing of a child under 12 months of age by its mother, reflected the 'token response' of the criminal law to major socio-political problems.

In relation to other mitigating defences in criminal law such as provocation, the social conditioning and physical capabilities of women often meant that their reaction to extreme provocation was not immediate, and this put them out of the bounds of this defence.

Self defence, particularly in relation to spouse assault, was another example: 'If it is accepted today that a woman may be raped, with impunity, by her husband, then the woman has no right to defend herself against acts of intercourse where she does not consent', Ms Scutt said.

Institute researchers Dr Satyanshu Mukherjee and Mr Bill Fitzgerald presented a statistical study from their joint project on patterns and trends in Australian crime since 1900.

The study, based on New South Wales, Queensland, Western Australia and South Australia, showed that men were committing crime at a faster rate than women except in the case of property offences where women had been closing the gap during the last decade. Western Australia was unique in that women had always committed property offences at a faster rate than men in that State.

Attended by more than 30 women, participants in the seminar included historians, psychologists, sociologists, lawyers, correctional officers and an ex-prisoner.

Ms Ngaire Naffin, a Research Officer with the South Australian Police Department, delivered a theoretical paper which presented her views on the different ways in which male and female offenders reacted to the law and punishment.

'Police, probation and prison officers alike have noted the differential reaction of the female and male offender to the legal process. The female delinquent appears to be more emotional and more dependent on authority figures than her male counterpart. As a rule she seems less able to cope with her officially recognised criminality', Ms Naffin said.

Ms Jeanette Hartz-Karp, Research Officer, Western Australian Department of Corrections, presented evidence which strongly suggested that the high imprisonment rate of women in Western Australia could be explained by both the continuing practice of imprisoning disproportionately large numbers of Aboriginal women for petty offences together with increases in the length of sentences for white women involved in property offences.

Ms Frances Lovejoy, a lecturer in the Department of Sociology, University of New South Wales, in her paper on 'Marital Murder' said that killing spouses comprised a significant proportion of Australian homicides. Reports of spouse murder emphasised the dangers of ending unsatisfactory marital relationships. She said that: 'both men and women have much to gain from a society in which intimacy is not seen as a justification for killing and where marital relationships are not regarded as inherently coercive'.

Ms Jane Matthews, Crown Prosecutor, New South Wales, who worked for the Royal Commission into N.S.W. Prisons (the Nagle Commission), presented an overview of the 'Kafkerian plight' of women prisoners held at Governor's Pleasure in prisons and mental institutions in N.S.W.

She pointed out the 'extraordinary nature' of the State's appeal and review system which was controlled by men.

Ex-prisoner Ms Sandra Willson told of her 12 years in a mental hospital, followed by, when pronounced sane, five years in prison. Ms Willson was currently attempting to set up a half-way house for female prisoners in Sydney.

Ms Daphne Kok, a Sydney barrister, suggested that women in legal professions were not mobile enough because of family commitments. However, women as barristers and magistrates had not faced any problems because they were women. At present in N.S.W. there are 30 women barristers and three women magistrates, she said.

Among other papers, Ms Anne Summers, a journalist, talked about the position of women convicts, whose crimes were more trivial than those of most male convicts and who appeared to have been brought to Australia to service the sexual needs of early settlers.

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Institute chairman retires

'Criminology is an essential part of the social science world and, if properly understood and applied, it should make a continuous and significant contribution in relation to the administration of the criminal law in its application and operation to such areas as police, sentencing, criminal trials, treatment of prisoners, management of prisoners and parole', Mr Frank Mahony, LLB., O.B.E., said on his retirement as Chairman of the Board of Management and Chairman of the Criminology Research Council.

His retirement, on 11 July, ended his association with the Institute.

Mr Mahony said he and the Board of Management had striven from its beginning to set and maintain the highest standards in the work of the Institute.

To this end the Board had attempted to recruit the most highly qualified experts on criminology and related subjects in the world to staff and to work at the Institute.

He said the Institute had faced many difficulties immediately following its official opening on 16 October 1973. These included practical problems in gaining the highly qualified staff required.

There was also an important need to make the public aware of the Institute.

'It was important for the Institute to see and be seen and we were keen to flex the muscles in training and research early and to involve as many people as possible in the Institute', he said.

'For example, we ran one seminar for the media (The Role of the Media in Crime Prevention) in 1975 which aimed at considering ways in which the media could help in crime prevention and this was quite successful'.

The Board had also been determined to establish the Institute as an internationally recognised authority.

'We never backed away from any controversial problem, because that's not the way to build a first class organisation', he said. 'And I can say that the Government never interfered with the work of the Institute in any way'.

He said the Institute had succeeded early in establishing such a reputation and this had been reflected by the international participation of the Institute in training and research projects.

'For example, the United Nations proposed a seminar to be run on human rights [Fourth United Nations course on Human Rights in the Administration of Criminal Justice, November to December 1976] in South East Asia and the quality of people who attended was quite remarkable and included judges from senior courts, police commissioners and the like. This was very much a reflection of the prestige of the Institute.

'I always believed in developing the international role of the Institute; there is always a need for fresh ideas or otherwise the place would just simply wither on the vine', he said.

He said he had benefitted from a visit to the United Nations Asia and Far East Institute for the Prevention of Crime and Treatment of Offenders (U.N.A.F.E.I.) in Japan in 1967 and later, to the United Nations Social Defence Institute, Rome, and the National Centre for Social and Criminological Research, in Cairo.

'My visit to U.N.A.F.E.I. made me aware of the problems of Asia, particularly with regard to the criminal law'.

'It is contact with outside systems which makes you think more critically about your own'.

He said the Institute had recognised early the importance of its international role, particularly with regard to South East Asia and the South Pacific region.

'The Institute can contribute a tremendous amount of criminological material to South East Asian countries even on a shoestring budget, and similarly the Institute can learn from many ideas put forward by South East Asian countries'.

Mr Mahony

The importance of this international role had also been reflected in the appointment of Mr William Clifford, a criminologist with international experience, as the Institute's first Director.

Mr Mahony said the structure of the Institute complemented by the Criminology Research Council, had been a most successful example of cooperative federalism.

'After all it is the States which really own the criminal law in Australia', he said.

Mr Mahony said the Institute had been a success not only in terms of meeting its statutory requirements but in the practical use to which much of its work had been put by the Australian States and this was starting to be reflected in some of their current legislation.

He described his work with the Institute as 'an interesting experience which developed my own interest in the administration of the criminal law'. ■

New chairman appointed

The new Chairman of the Institute's Board of Management, Mr Peter Loof, was appointed on 20 July.

He has also been appointed as the Commonwealth representative on the Criminology Research Council and was elected as Chairman of the Council at its meeting on 21 August 1979.

Mr Loof, a First Assistant Secretary of the Commonwealth Attorney-General's Department, is a law graduate of Melbourne University and a barrister and solicitor of the Supreme Court of Victoria.

He had been Deputy to the Chairman of the Board of Management since 1973 and acted as Chairman of both the Board and Criminology Research Council on numerous occasions.

He has held several senior appointments within the Attorney-General's Department in the areas of criminal law, federal courts and human rights.

He was responsible for the development of the policy that resulted in the enactment of the *Criminology Research Act*, 1971 which established the Australian Institute of Criminology and the Criminology Research Council. In the development of this policy, account was taken of the need for a systematic and rational approach to the organisation of research and the need to forge links between those engaged in academic research and those responsible for administration.

Account was also taken of the need for both Commonwealth and State cooperation and involvement, and negotiations with the States for the establishment of the Institute and the Council extended over a period of three years.

Commenting on his appointment as Chairman, Mr Loof said he would attempt to assist the Institute in its task of bringing its work more to the attention of relevant Government departments.

Mr Loof

He said there was a need for more systematic analysis of the work being conducted by the Institute.

Mr Loof is also the Australian Coordinator for the Sixth United Nations Congress on the Prevention of Crime and Treatment of Offenders to be held in 1980. ■

Centralised prison proposed

Maximum and minimum security centres proposed for the Australian Capital Territory by the Australian Law Reform Commission should, if established, be located in a central part of Canberra and be made as humane as possible, the Institute's Assistant Director (Training), Mr Col Bevan said recently.

He said any such centres established in the Territory should be located at a site easily accessible to prisoners' families and encourage community involvement in the prisons.

'We have to get away from the traditional practice of removing prisons from the community', he said.

Enlightened planning and improved community attitudes were needed to ensure that prisons could be sited within city limits and accepted like any other institution without affecting property values and being treated as an eyesore.

High security standards would ensure that there was no danger to the community.

He said the design of new corrective institutions such as those proposed for the Territory should incorporate certain minimum standards such as those recommended in his discussion paper *Minimum Standard Guidelines for Australian Prisons* published by the Institute in 1978.

Minimum standards included the opportunity to develop viable job skills; civilised living conditions, including access to natural light and reticulated water in cells; acceptable standards of personal hygiene; proper exercise; physical contact with visitors; library facilities; and access to public telephones.

He said it was essential that prisoners' rights as human beings be maintained.

Mr Bevan also recommended that in maximum security centres prison officers and prisoners should be kept separate as far as possible.

'It is important for the quality of interaction between prisoners and prison officers that both groups feel physically safe from the other', he said.

This would lead to a significant decrease in the tensions often associated with maximum security centres.

It was time governments recognised that the deprivation of a person's liberty was sufficient punishment and there was no need to inflict any further hardships on prisoners. 'This compels us to make them as humane as possible', he said. ■

Call for State crime committees

In an opening address to the Tenth National Conference of the Australian Crime Prevention Council, held in Hobart from 13 to 17 August, the Chairman of the Institute's Board of Management, Mr Peter Loof, suggested that State criminal justice planning committees should be established to coordinate rational and systematic planning against crime.

Mr Loof said planning was required to assist in the proper management of expenditure, avoid duplication and waste, and ensure that available resources were used to maximum advantage.

He said that, even within the context of current financial restraint, such a start in criminal justice planning could be made using existing resources at the State and national level.

These included the resources of relevant departments and planning and coordinating bodies.

'The resources of the Australian Institute of Criminology and the Criminology Research Council could be utilised and developments in the United Kingdom and Sweden, in particular, could be taken into account', he said.

He said such Committees would consist of representatives from departments concerned with criminal justice, urban development, education, social welfare and related areas and representatives from the community.

If this was considered unwieldy, representatives from non-criminal justice sectors could be coopted for specific purposes.

Alternatively, existing State planning committees could be used more intensively by forming sub-committees to be concerned with criminal justice planning.

He said a national criminal justice planning committee could also be considered, using existing resources, to enable consultation on the promotion of rational and systematic planning in this field.

Such planning committees should be serviced by bodies at the national and State levels, which would prepare background papers and proposals.

He said an impetus towards such committees had started at the Fourth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1970.

The Australian delegation to the Congress had recommended in a report on the Congress that the establishment of consultative committees be considered to advise on crime prevention aspects of economic, social and developmental planning.

A State Consultative Council had been established in Western Australia in 1972 consisting of representatives from such areas as criminal justice, education, health, welfare, housing and town planning, industrial development, environmental protection, community recreation, decentralisation and voluntary agencies.

Although a number of initiatives of social welfare and educational interest, involving participation by the local community had resulted, the Council later became defunct because it lacked sufficient guidelines in establishing links in crime prevention in relevant areas.

In 1974 he had proposed the establishment of a national commission to stimulate activity in crime prevention. This proposal was followed in 1978 by another, from the Institute's Director Mr William Clifford, to establish in each State a crime commission to be concerned with crime prevention and criminal justice planning.

Mr Loof said that at the international level Australia had been pressing strongly for the development of practical guidelines and administrative machinery to assist in the development of rational and comprehensive planning for the prevention of crime.

'At the preparatory meetings for the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and at meetings of the United Nations Committee on Crime Prevention and Control, Australia has suggested that statements of principles and guidelines should be formulated on these matters for the assistance of administrators and policy makers', he said.

He said such statements would deal with practical rather than theoretical planning concepts and techniques.

'They would also encompass programs designed to reduce the opportunities for crime and to make its commission more conspicuous'.

The Director of the Institute, Mr William Clifford, addressed the conference on influencing bureaucracies for better planning. He concluded his address by making a number of specific recommendations for action across the broad field of crime prevention.

In particular, he proposed the establishment of national and State crime prevention commissions which would have coordinating, planning and monitoring roles.

In a report on the conference, the Institute's Assistant Director (Research), Mr David Biles, who acted as rapporteur said: 'What has been achieved in this conference is that for the first time in Australia's history urban planners and educationists have joined with the more traditional criminal justice professionals and voluntary workers to add their voice to the ongoing debate on crime prevention'.

He said the conference marked a turning point for the Australian Crime Prevention Council because: '. . . the concept of crime prevention is now seen as embracing a much wider spectrum of professional interest than would have been possible a few years ago'. ■

Call for crime factor in planning

Planning of crime prevention policy should be part of national development planning, a former police commissioner, Mr Ray Whitrod, told the international training course in crime prevention planning conducted by the Institute on behalf of the Australian Development Assistance Bureau in May.

Mr Whitrod said there was a need for countries to either establish organisations in charge of criminal policy planning or appoint criminologists to national development agencies.

He told the 18 course members that Australia had been slow in recognising the need to involve police agencies in community planning.

This had been caused by a failure to provide for planning operations within Australian police forces, which were fully committed to the control of daily crime.

Although each force had established a planning and research section and a small crime prevention bureau, their operation was very limited.

There was no assessment of overall police objectives and much of the resources of present research facilities were devoted to restructuring administrative arrangements and developing better supervisory techniques.

He said crime prevention bureaux were limited to providing a 'customer service', responding to requests to address community groups, schools, and business organisations on better ways of protecting lives and properties.

'In short, they seek to make crime more difficult to commit, but their concentration is on the traditional offences of robbery, burglary and assault', he said.

Crime prevention bureaux had overlooked or ignored the need to prepare data on the usefulness of laws designed to assist in the prevention of crime, such as consorting with criminals, loitering with intent, possession of housebreaking implements and being found on premises without lawful excuse.

He said such preventive laws often intruded into the private lives of individuals and police forces had not conducted proper studies of their usefulness necessary to ensure their continued existence against increasing opposition by civil liberties groups.

He said there were several other factors which had hindered planning within the Australian criminal justice system.

These included the fragmentation of responsibility for law enforcement among the States and Territories of Australia, different policies of State governments, annual budgetting procedures used by police forces resulting in limited scope for long term planning, and a wariness of innovation especially in the crime prevention area.

Mr Whitrod said there was also a lack of joint planning between the police, courts and corrections.

'In 25 years experience as the departmental head of a law enforcement body at State, Territorial and Commonwealth level, I have never participated in any joint planning of these three bodies, nor have I heard of it occurring'.

Mr Whitrod said conventional measures of crime prevention had failed to solve the problem of criminality in modern societies and new forms of criminality were causing concern to both governments and individuals.

There were good reasons he said to reappraise existing laws and reassess the effectiveness of methods of dealing with crime. ■

Mr Suzuki

Japan enjoyed a very stable crime situation and traditional types of crime such as murder, rape and property offences were decreasing, according to the Japanese participant in the course, Mr Kazuhisa Suzuki.

In contrast, however, to this decrease there had been a rise in other types of crime, particularly traffic offences.

Mr Suzuki said a reason for Japan's generally stable crime situation was that community and family ties were very strong and in crime detection work the police received a great deal of assistance from the public.

This voluntary community assistance extended to the prison system in Japan, which differed substantially from Australia. He said Japanese prisons had a very high standard of security and discipline.

This was aided by what he described as a tradition of discipline in his country. There was also an accent on training of prison personnel, who from the lowest rank up received comprehensive training and were taught the importance of human relationships.

Japanese prisons also operated very comprehensive industries which competed in the open market.

Mr Suzuki is Assistant Director of the Division of Supervisions in the Ministry of Justice and was a faculty member of U.N.A.F.E.I. between 1976 and 1979. ■

Survey is information 'gold mine'

A Bureau of Statistics survey, which showed that more than a million Australians were directly affected by crime in the 12 months to 1975 had provided the most comprehensive and detailed analysis yet compiled of crime in Australia, the Institute's Assistant Director (Research), Mr David Biles said recently.

Commenting on the results of the study, which were released by the Commonwealth Statistician in June, Mr Biles said the survey had resulted in a 'gold mine of information'.

He also said that, according to current, official crime data, the level of crime in the community had risen substantially above the official level recorded at the time of the survey.

A spokesman for the Bureau of Statistics said the crime survey based on the 12 months to May 1975 was part of a larger survey, Families in Australia, which the Bureau had undertaken on behalf of the Family Research Unit of the University of New South Wales.

The spokesman said the Institute had worked closely with the Bureau throughout the survey which covered 18,694 people above the age of 15 years in all States and the A.C.T.

The Northern Territory had been excluded because of the effects of Cyclone Tracy in December 1974.

He said personal interviews by trained interviewers had been used to collect the information and that these had taken place over a three-month period from March to May 1975.

The selected crimes which formed the basis of the survey were breaking and entering, car theft, theft, fraud, forgery and false pretences, rape and attempted rape, nuisance calls, robbery, assault, and indecent exposure.

Mr Biles said he and another member of the Institute's research staff, Dr John Braithwaite, Research Criminologist, had prepared nine papers on the basis of the survey results for submission to various academic journals.

These focused on the issues of women as victims of crime, crime victimisation rates in Australian cities, crime victims and reportability rates, crime victims and the police, the unemployed as victims of crime, mental health, and fear of crime.

Mr Biles said the survey had produced some surprising results, such as the evidence that unemployed people had the highest rates of victimisation.

They accounted for almost 200 victims in every 1,000 people – a far higher number than the 139 per 1,000 ratio for full time workers.

Mr Biles attributed this largely to their, often of necessity, being in public places often and for generally longer periods. The survey showed that most incidents of assault and robbery occurred in outside public areas such as carparks, streets and playgrounds. It also showed that in break and enter offences, households where the head of the household was unemployed were 2.6 times as likely to be broken into and entered as the average of all households.

He said the survey had also reflected a difference in the attitudes of men and women towards reporting crime to the police.

It found that men were 1.4 times as likely to report an incident to the police as were women.

Mr Biles said common reasons given by women in the survey for not reporting offences, particularly assault, were that they had been too confused or upset to notify the police or that it had been a private matter and not of a criminal nature.

Other important aspects contained in the summary of findings in the survey were

. The most common offence was nuisance calls – the only offence (excluding sex offences) where the number of female victims exceeded the male victims – it was also the least reported to police.

. Almost half (49.3 per cent) of all victims were victims of theft. This represented 5.8 per cent of the population.

. Sex offences accounted for 102,500 of the total of 518,900 offences against females.

. Separated or divorced persons were almost twice as likely to be victims as persons who were married. Although separated or divorced persons accounted for 12.5 per cent of all incidents, they made up only 3.6 per cent of the population.

Persons with post-school qualifications were more likely to be victims of fraud, forgery and false pretences and theft. Those who left school aged 15 years and over but had no post-school qualifications were more likely to be victims of assault.

The likelihood of a break and enter generally decreased as the age of the household head increased. ■

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Ms Liz Windschuttle, from the School of History in the University of N.S.W., outlined nineteenth century ideologies of crime and penology and the way these ideologies found practical application in the charitable work in prisons undertaken by two early Governors' wifes.

In two different papers Ms Ros Omodei, a tutor in the Department of Social Work, University of Sydney, and Ms Anne Hiller, a lecturer in the Department of Anthropology and Sociology, Monash University, described the processing of juvenile delinquents in their States and the way statistics regarding female delinquency reflected changing patterns of processing rather than changing patterns of female behaviour. ■

Australian criminologist's overseas post

By Tim Isles

The Commissioner in Charge of the Australian Law Reform Commission's Reference on Sentencing, Professor Duncan Chappell, is to leave Australia at the end of this year to take up a chair in criminology at the Simon Fraser University in Vancouver, British Columbia.

In the course of the sentencing reference he has become one of the Commission's most public figures, both on the television screen and within the criminal justice community in Australia.

His career has spanned 17 years of teaching and researching within law, mainly criminal, sociology and criminology.

He is an unusual man.

I interviewed the Professor by dogging his heels during a lunch break at a recent seminar and monopolising as much of his free time during tea breaks as I could.

He says he is not a lawyer's lawyer. 'I'm certainly not a black letter lawyer nor an academic in the true sense of the word. I have a genuine interest in the way in which the law is administered and in changing it where I believe it needs to be changed'.

His interest in criminology sprang from his early days as a law student at the University of Tasmania particularly after he attended a seminar on criminology which had included an address on the social aspects of law by the late Sir John Barry.

He left the university in 1961 with an arts degree and a first class honours degree in law. He then continued postgraduate study in law at the University of Cambridge.

His doctoral thesis, on the criminal law of burglary and its administration in Britain reflected a developing interest in criminology.

In 1965 he returned to Australia to teach criminology, criminal law and constitutional law at the University of Sydney.

Professor Chappell

'They were days of pioneering in criminology which was then rather looked down on by lawyers as not being the sort of subject that should be taught in law schools because, they said, it was not relevant to law study'.

At the university, he participated in several grant funded studies which included a study of relations between police and public in Australia and New Zealand and a study of Australian attitudes towards crime and punishment.

He also acted as a visiting lecturer to the Australian Police College in Manly, Sydney and the N.S.W. Prison Department Officer Training School.

In 1969 he produced, in association with Queensland criminologist Dr Paul Wilson, a book titled *The Police and the Public in Australia and New Zealand*.

Later, in 1972, the two co-authors also produced jointly a collection of readings in criminology titled *The Australian Criminal Justice System*.

A concern with police issues continued in his work both in Australia and overseas.

'I am in general sympathetic about the plight of police and have tried to write about them in positive terms. I have worked extensively with the police in three countries and feel I have achieved a relatively good understanding of their problems'.

In 1969 he travelled to the United States, as a visiting Harkness Fellow to the School of Criminal Justice, State University of New York at Albany, where he was able to observe aspects of the United States criminal justice system in operation.

He returned to the United States in 1971 to play a part in the then very rapid development of criminology as a social science in the States.

BOOK REVIEWS

SECURITY FOR BUSINESS AND INDUSTRY
by A. James Fisher
Prentice-Hall. $22.95. 374pp.

MODERN SECURITY METHODS
By Charles F. Hemphill, Jr
Prentice-Hall. 300pp.
Reviewer: GRANT WARDLAW, Criminologist, Australian Institute of Criminology.

The rapid increase in the size and scope of the private security industry in the U.S. in the last 20 years has spawned, among other things, a large number of tertiary courses in such topics as security methods, law enforcement, and police science. There has been a corresponding increase in the number of textbooks to cater for these courses, particularly those which purport to offer a broad introduction to private security functions and methods. Two of the latest additions to this collection are the subject of the present review.

Many of the courses on security offered by colleges in the U.S. have been severely criticised for their superficiality, and because authors of textbooks on security sometimes appear to be rushing to publication to cash in on a growth market, they are frequently subjected to the same charges. The problem is that most introductory texts try to summarise in two or three hundred pages a mass of technical and procedural information which is expected to be covered in poorly designed courses. Inevitably, the attempt to say something about almost anything related to security fails to do justice to any individual topic.

To a certain extent these problems are evident in both of the books under review. In *Security for Business and Industry*, Fisher has moved away from the traditional procedural and hardware approach to explaining security. Instead he first focuses on characteristics of offences and offenders in four major problem areas (unlawful intrusion, retail theft, internal theft, and other offences against businesses such as fraud, kidnapping, robbery, and bombings). Having examined these characteristics, Fisher then discusses specific methods used to counter each threat.

Unfortunately the treatment of offender characteristics and the nature of crime is extremely scanty and leads to numerous generalisations and composite descriptions which add absolutely nothing to the reader's knowledge. Certainly they provide no real link to the prescriptions for action that follow and therefore amount only to wasted effort. Furthermore the space taken up in the effort to examine the nature of crime and criminals severely limits the space devoted to the substantive subject matter and makes its treatment unhelpfully brief in some places.

In *Modern Security Methods*, Hemphill has opted for the approach of outlining basic security technology and methods and then moving on to specific applications. This appears to be a much more satisfactory way of conveying the type of information which is covered in such a volume. Thus we are initially introduced to general problems of securing buildings, to locks and keys, alarms and sensors, and access controls. Following the description of methods specific problem areas such as thefts, shoplifting, armed robbery, and burglary are discussed. Other topics covered by Hemphill which are omitted or only very briefly covered in Fisher's book include personnel security, protection of confidential information, computer security, security management and special security areas (such as hospitals, schools, etc.).

In view of the breadth of coverage attempted by both volumes it is significant that there is no real discussion of three of the most contentious and vital matters concerned with private security. I refer to licensing of private security operatives, and to their selection and training. By concentrating only on hardware, both authors have avoided any critical analysis of private security roles and their execution. This is a serious deficiency.

In summary, *Security for Business and Industry*, while containing some useful information, does not provide an adequate introduction to the area of private security. Important topics are omitted or treated too briefly. *Modern Security Methods*, on the other hand, fulfills a useful role as an introductory text. However, significant subject area deficits will need to be made up by reference to other works if a comprehensive coverage of the subject is desired.

SPOUSE ABUSE: A Selected Bibliography
Compiled by Carolyn Johnson, John Ferry and Marjorie Kravitz, National Criminal Justice Reference Service. Free. 61 pp.
Reviewer: JOCELYNNE SCUTT, Research Criminologist, Australian Institute of Criminology.

From March 1974 to June 1976, some 25 refuges in Australia were estimated to have sheltered more than 5,000 women and nearly 7,000 children. Today there are some 90 refuges operating throughout Australia, most of them suffering from severe budgetry restrictions due to the failure of governments to allot them adequate funding.

Between January and April 1979, for example, as a consequence of inadequate funding to refuges in Western Australia, the eight refuges operating there gave shelter to 1,163 women and children while 1,383 women and children were turned away. Thus despite the prevalence of spouse abuse in Australia, more needs to be done to galvinate officialdom into taking action.

In the United States, as the publication of this *Annotated Bibliography on Spouse Abuse* shows, spouse abuse involving

both wives and husbands as victims is recognised as a serious problem. Ninety-one articles and monographs dealing with the etiology of domestic violence, social structure and domestic violence, and intervention techniques are listed, together with a note on 'how to obtain these documents'. All items have been published since 1970.

As an introduction to intraspousal violence, the bibliography is a must. A quick look through the first Part, 'Nature of the Problem', reveals that at last we have begun to move away from traditional ways of regarding spouse abuse. No longer do articles and monographs concentrate upon the wife who 'wants to be hit'; who 'loves being abused'; who 'puts up with it because she likes it'. No longer do writings condone the abuser on grounds that he (or she) 'was provoked'; 'responded naturally to nagging'; or is dismissed as 'simply psychopathic'. Rather, they are more likely to analyse the social setting in which spouse abuse occurs.

Thus, many of the studies look at the family as a 'cradle of violence', pointing out that family violence is the major cause of calls for police assistance. It is acknowledged that family violence almost inevitably arises out of abusive responses to stresses of everyday domestic life, taught during childhood. One article points out that English and United States' studies show between 84 and 97 per cent of all parents using physical punishment at some point during the lives of their children.

The section headed 'Intervention' outlines experimental police family crisis intervention programs, crisis intervention training programs, counsellor training, conciliation counselling, working together of police and social workers, and diversion of family violence from the criminal justice system. Other articles and monographs in this part deal with efforts of various legislatures to design effective laws for dealing with the problem.

A disappointment in the layout is, however, the failure to distinguish more clearly between the various articles and books included. It would have been helpful to the serious student of domestic violence for the items to be further subdivided into, for example, 'studies dealing with husband abuse'; 'studies dealing with family violence in general'; 'empirical studies'; 'theoretical studies' and the like. This would have meant a saving of time for the person seeking information on writings dealing with specific issues of abuse.

Nonetheless, on the whole the bibliography is worth sending for — and prompts the thought that it is high time an effort was made to collect and annotate Australian studies and articles, few as they may be, into a similar handy reference volume. ■

Study of sentencing

A forthcoming publication, expected to be issued by the end of the year, is Sentencing Violent Offenders in New South Wales by Senior Legal Research Officer at the Institute Mr Ivan Potas.

To be produced by the Law Book Company, in association with the Institute, the book will provide a legal analysis of the principles of sentencing as enunciated by the N.S.W. appeal courts (usually the Court of Criminal Appeal) with regard to offences involving violence.

Mr Potas told a research seminar at the Institute in February that the book aimed at providing the courts, when dealing with the problem of sentencing offenders who had committed violent offences, with a more reliable basis for determining the appropriate sentence to be imposed in a particular case. The book would also provide the offender, his or her legal representative and indeed, the public at large with a better understanding of the sentencing process while, at the same time, provide a yardstick against which other sentences could be measured.

'The method of the book involves a detailed analysis of appeal cases in which either the severity or leniency of sentence imposed at the trial level is challenged'.

He said that, by arrangement with the Chief Justice of N.S.W. and with the assistance of the Registrar of the Court of Criminal Appeal, he had been given access to the unreported judgments of the Court which form the basis of the book.

Research Grants

The Criminology Research Council is seeking applications for research grants from individuals and organisations for projects likely to produce results of relevance for the prevention and control of crime throughout Australia. Projects designed to evaluate currently effective measures are particularly invited.

Application forms are available from Registrars of all Australian Universities or from the Assistant Secretary, Australian Institute of Criminology, P.O. Box 28, Woden. A.C.T. 2606. ■

reporter