reporter

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PUBLICATIONS

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The Size of the Crime Problem in Australia – no charge

W. Clifford
How to Combat Hijacking – no charge

W. Clifford and L.T. Wilkins
Bail: Issues and Prospects – $2.20 (45c)

COVER PHOTOGRAPH: Mrs Marie Coleman, Director of the Department of Social Security's Office of Child Care, opens a seminar on 'Violence by and against Children' at the Institute on 26 November. A report on the seminar will appear in the March issue.

reporter

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Congress venue announced

The Sixth United Nations Congress on the Prevention of Crime and Treatment of Offenders will be held in Caracas, Venezuela, from 25 August – 5 September next year, according to an announcement on 8 November by the United Nations Economic and Social Council.

Research projects funded

The Criminology Research Council, at its meeting in Hobart in November, made the following grants:

. $3,800 to Mr Stuart Cole, of the South Australian Institute of Technology, to study remands in South Australian courts.

. $4,285 to Dr Graeme de Gruchy, Reader in Architecture, University of Queensland, to continue his studies of the relationship between crime and architectural design.

The Council also received a report by Mrs Catherine Warner of the University of Tasmania on the use of presentence psychiatric reports in that State. The report contains a number of recommendations for improving the quality and use of these reports in Tasmania.

Students visit Institute

Students from four A.C.T. colleges and one high school have visited the Training Division of the Institute since March.

Training officers and Institute researchers addressed the students on topical aspects of crime and the students were also introduced to the facilities of the J.V. Barry Memorial Library.

'Barlinnie' move in N.S.W.

An ABC news broadcast on Monday November 19 reported that Dr Tony Vinson, Commissioner for Corrective Services in New South Wales, anticipated the establishment of special units for violent prisoners in N.S.W. prisons, similar to the Barlinnie special unit in Scotland. Report on Barlinnie – Page 8.

New head of A.N.Z. society

The Institute's Assistant Director (Research), Mr David Biles, was elected President of the Australian and New Zealand Society of Criminology at the Biennial General Meeting of the Society held in Melbourne on Friday 23 November. He will hold this office for two years.

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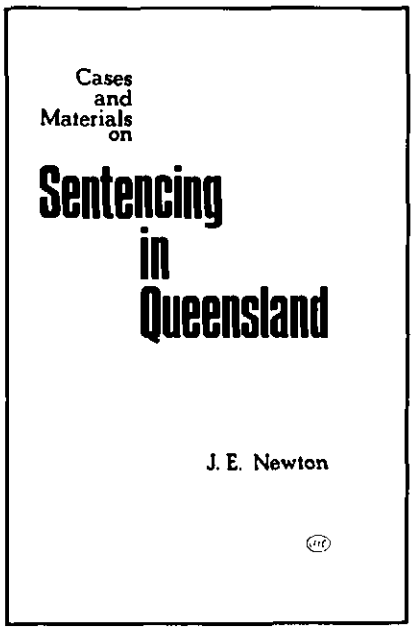
New Institute publications



Cases and Materials on Sentencing in Queensland by Mr John Newton, published by the Institute in November, aims at providing a legal resource in its collection of materials on the practice of sentencing in Queensland.

The book sets out legislative provisions relating directly to the sentencing process, collects cases from the Queensland Court of Criminal Appeal and proposes legislative reforms in sentencing.

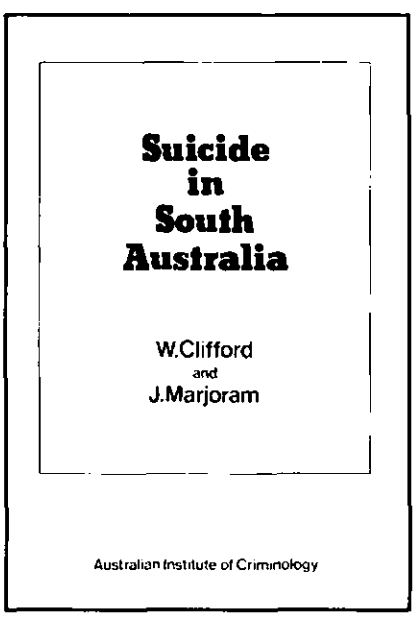
Mr Newton criticises the lack of provision in the Queensland Criminal Code or other legislation enforced in that State '. . . which, in relation to the compiling of a pre-sentence report by a probation officer, confers upon the subject of such a report the right to an open hearing, confrontation by and cross-examination of witnesses, exclusion of hearsay or the right to the benefit of any reasonable doubt in the case of the prosecution'.

He submits that the Criminal Code should be amended to contain procedural requirements similar to those proposed by the United States National Advisory Commission on Criminal Justice Standards and Goals in 1973.

These recommendations included a proposal that defendants would be entitled, in pre-sentence hearings, to be represented by counsel, to present evidence on their own behalf, to subpoena witnesses, to call or cross-examine the person or persons who prepared the pre-sentence report, and to present arguments as to sentencing alternatives.

He also focusses on the problem of the habitual offender and poses the question whether, in view of the rare and inconsistent application of the habitual offender legislation in the Queensland Criminal Code, there is any purpose in allowing the provisions to remain in the Code.

The book is the second in a series of studies on sentencing in Australian jurisdictions being conducted by the Institute and follows the publication in 1977 of *Sentencing in Western Australia* by Miss Mary Daunton-Fear.



A study titled *Suicide in South Australia* by the Institute's Director, Mr William Clifford, and Senior Research Officer Mr Jeff Marjoram, supports a tentative theory posed by its authors in their earlier study of suicide in Western Australia, that the failure to attain levels of expectations of status and achievement is a probable cause of suicide.

Published by the Institute in November, the study covers suicide in South Australia from 1836 and gives an in-depth analysis of 140 suicides in that State in 1978.

The study shows that the suicide rate in South Australia has generally been lower than the national average since the 1960s and that during the period 1963-77 its average annual rate was fourth highest among all the Australian States.

Queensland recorded the highest level during this period followed by New South Wales and Western Australia respectively.

In the same period the proportion of suicides by firearms almost doubled in South Australia, and those involving non-domestic gas (mainly carbon-monoxide) almost trebled.

Male suicides in 1978 were most numerous among the 25-34 age group and female suicides most common in the 35-44 age group. However, in a rate per 100,000 population analysis, the highest male rate in that year was among males 65 years or older.

It was also found that the suicide rate among the unemployed was much higher than that for the employed.

Unemployed males in particular had an extremely high rate of suicide per 100,000 of the total males employed. Unemployment was a more probable cause of suicide among those above 25 years of age, according to the authors.

William Clifford

DIRECTOR'S DIGEST

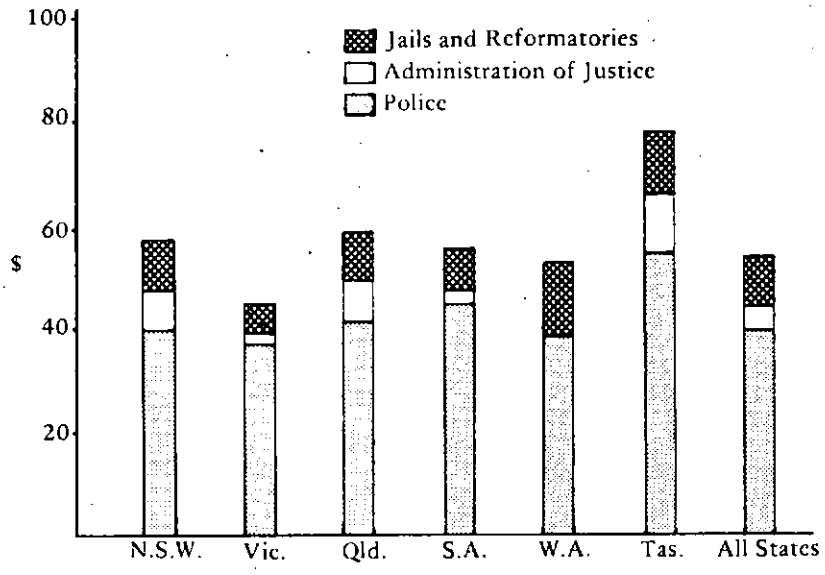
The cost of crime

Crime is the hole in the proverbial economic bucket. It is draining off more of our national resources than we ever realise. It has been the task of this Institute to monitor such expenditure over the years. In 1976 the Institute published its first study of national costs and these are being regularly monitored.

The combined expenditure by Commonwealth and State Governments under the general heading of 'law, order and public safety'[1] during the financial year 1976-77 was $983 million, or about $95 per head of population aged 15 years or more. During 1977-78 the combined expenditure was $1,111 million or about $105 for each person capable of working or contributing to the exchequer.[2] These per capita costs constitute hefty sums when they fall on a household with several wage earners or on those who suffer from the inevitability of unequal tax collection.

But this is not all. There are enormous sums being syphoned off in corporate crime, drug trafficking, white collar crime and in that very large, dark area of crime which is never reported. Senator Guilfoyle, the Minister for Social Security, has given the value of fraudulently negotiated welfare cheques as $746,000 during 1976-77 and $919,000 in 1977-78.[3] And there are other losses to the public purse from vandalism, theft, and the loss of man-hours from people victimised, held in prison, called to give evidence, etc. Taxpayers are also paying extra for private security, alarms, guard dogs, insurance and lawyers to protect their interests. However, as I have indicated in earlier publications, not all of the expenditure on crime is a loss: much of it generates incomes and profits even if these do not always benefit the taxpayer.

Net Expenditure on Criminal Justice Services
Per Head of Population Aged 15 Years and Over
Australian States – 1976-77



How much you will pay for crime depends very much on where you live. During 1976-77 the expenditure by the Victorian government on law, order and public safety was only $70.15 per head of the population aged 15 years and over, while in Tasmania the per capita expenditure was much higher, $122.30. Between these two extremes were the per capita expenditure for New South Wales ($80.47), South Australia ($88.91), Queensland ($99.61), and Western Australia ($107.86). A similar though somewhat less expensive pattern emerges if one takes the net expenditure per head of population 15 years and over on the administration of justice, police and jails and reformatories for each State; Victoria: $44.71; Western Australia: $53.01; South Australia: $55.87; New South Wales: $56.94; Queensland: $58.41 and Tasmania; $78.04.

The proportion of total outlay devoted to law and order by State Governments was, on average, about 5 per cent in 1976-77. This excludes Commonwealth expenditure which was proportionately less because the Commonwealth Government carries rather less responsibility for total law and order. However, the Commonwealth Government spent $125 million on law, order and public safety. It is quite difficult to present all this in any valid world perspective because it depends so much on what is counted and what is not counted: but a United Nations publication for which I was responsible in the early 1970s showed that on the basis of their published budgets, member states were spending from 3 per cent to 10 per cent on 'social defense' (which is roughly what is covered by our 'criminal justice'). Some of the Third World countries were the biggest budget spenders on this item; the United States and the European countries were each devoting a little over 3 per cent of their total budgets to crime control. On this rough basis, Australia

cannot be considered a low spender but there can be no confirmation for this statement without a much more detailed comparison of chosen budgets corrected for significance.

In a 1976 publication, by Institute researcher Anatole Kononewsky,[4] it was tentatively forecast that the total expenditure by State and local authorities on law, order and public safety would reach $740 million by 1977-78. In fact the cost of law and order for State and local authorities in 1977-78 was $958 million. It was also suggested in 1976 that the immediate cost of all crime in Australia that year would exceed $1,200 million. Already this has become a dated estimate. Although a determination of the immediate cost of crime during 1977-78 is yet to be made, it is already clear that a figure of $1,200 million for all crime has been overtaken by events. I have hazarded a calculation closer to the national deficit in several statements which I have made recently. There is a certain cavalier quality about the figures usually bandied around when real costs are not known: but based on total government expenditure and just adding proportions for private security and all the other areas of crime mentioned above there is no lack of conservatism in a figure of well over $2,000 million.

How does expenditure on the criminal justice system compare with that for other social services? For 1973-74 Kononewsky showed that expenditure by all State and local authorities on law, order and public safety was $436.4 million while for education and health it was $2,124.9 million and $944.4 million respectively. Updating these figures for 1976-77 and adjusting for the population aged 15 years and over gives an average per capita expenditure on law, order and public safety of $85.03. The per head expenditure among all States for education that year was $434.95 and for health it was $255.08. That is, the average per capita expendiute on law, order and public safety among all States was about 20 per cent of that for education and about 33 per cent of that for health. Law, order and public safety accounted for about 5 per cent of the total outlay by State and local authorities, education comprised 27 per cent and health 16 per cent. However, it has to be remembered when looking at such broad expenditure figures that neither health nor education are free of crime and that the treatment of offenders includes some education and health costs.

During 1980 the Commonwealth Government will spend approximately $1,300 million on tertiary education, this comprising the full funding for both universities and colleges of advanced education and about one quarter of the cost of technical and further education in Australia.[5] On the basis of recent trends it appears quite likely that next year the bill for crime control, to be met by State and Commonwealth authorities, will be of a similar order. ■

The case of 'George'

'George' was released from Long Bay prison in November 1978. An unskilled worker, he was unable to find a job. One prospective employer refused to employ him when George admitted his criminal record, another lost interest when he concealed his criminal record but could not explain the long gap in his employment history.

He received a $51 special welfare benefit on his release to cover his first week outside prison after which he was eligible for unemployment benefits. Without enough money to pay rent in advance, or substantial bond money required to rent accommodation, George found shelter with some ex-prisoner friends.

Sixteen days after release, without a job, permanent accommodation or his first unemployment benefit cheque, George reoffended, was caught and sentenced to a further 12 months jail.

This is one of two stories which opens an enquiry into the connection between work and imprisonment in a forthcoming book titled Prisons, Education and Work: Towards a National Employment Strategy for Prisoners, by a Research Criminologist at the Institute, Dr John Braithwaite.

The book gives a critical evaluation of, and recommends changes in, work and education in Australian prisons.

In researching the book Dr Braithwaite inspected the prison systems in all Australian States and the Northern Territory. He interviewed industry and educational personnel in 30 jails, including the major maximum security institution in each jurisdiction, and conducted a survey in cooperation with the Department of Employment and Youth Affairs of the work histories of 303 prisoners after their release.

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1. This major heading includes the following services/facilities:
(a) law courts and legal;
(b) correctional and custodial;
(c) police;
(d) fire protection;
(e) road safety.

2. The figures for this Digest were collected by Mr J. Marjoram under Mr Clifford's direction. Sources are Australian Bureau of Statistics (various publications) and Commonwealth Grants Commission, *45th Report, 1978, Special Financial Assistance for States*, A.G.P.S. Canberra, 1978.

3. *The Sunday Telegraph*, 13 May, 1979.

4. *The Costs of Criminal Justice: An Analysis*, Australian Institute of Criminology, Canberra, 1976.

5. *National Times*, 3 November 1979. Figure taken from Tertiary Education Commission, *Report for the Triennium 1979-81*, (Vol. 3).

Unemployed: an 'underclass'

The unemployed in Australia are an 'underclass' whose level of criminal victimisation is far higher than that of the wealthy or the employed manual worker, according to a paper published recently in the *Australian Journal of Social Issues*.

The paper, 'On being unemployed and being a victim of crime', was co-authored by Institute researchers Dr John Braithwaite and Mr David Biles.

Based on the first Australian National Crime Victims Survey conducted in 1975 by the Australian Bureau of Statistics, the paper is one of nine prepared for submission to academic journals by the two researchers in their analysis of the survey's results which were made public by the Commonwealth Statistician in June.

The paper aimed specifically at comparing the extent to which the unemployed became victims of crime with the victimisation rate for people with jobs.

The paper submitted that the unemployed were 'unique' in relation to criminal victimisation.

It stated that the unemployed had a much higher rate of theft victimisation than both the employed generally and those outside the workforce.

'The unemployed also show higher rates of criminal victimisation than the employed for breaking and entering, peeping and assault. The assault victimisation rate is staggeringly high among the unemployed', it stated.

'They are more than twice as likely to report victimisation for this offence than those in full-time jobs, and six times as likely to have been assaulted compared with respondents not in the workforce or in part-time jobs'.

The United States National Victims Survey of 1975 had revealed comparable data to the Australian survey.

'Among the unemployed in the United States, victim reported crime rates were higher for rape, robbery with violence, assault and theft', the paper stated.

In conclusion the paper submitted that the excessive victimisation of the unemployed could be due to 'the fact that the unemployed spend so much of their time in public space — in trains rather than cars, streets and parks rather than factories and offices, public bars rather than private clubs'.

It also said that, ironically, these conditions also made the unemployed more susceptible to accusations by the police. ■

Community policing is 'best' defence

Community cooperation is the most effective method of preventing crime, the Director of the Institute, Mr William Clifford, said in an article on the costs of crime published in *The Canberra Times*, on 6 November.

'Criminals do not have to divide and conquer in modern towns. It seems that they merely have to become a threat for the dividing process to begin. Already they operate boldly in some open circumstances where crime could not easily be committed before and they often do so with full confidence that onlookers will at least hesitate to intervene for fear of becoming "involved"', he said.

'Neighbours questioned in New York after the "mugging" and slaying of a well-known and elderly law professor on his way to Columbia University in broad daylight did not seem unduly disturbed by the event. Since it happened to them all the time, they felt no need to get excited because of the status of this particular victim'.

He pointed to a danger, however, of community participation in crime prevention 'getting out of hand' and said a balance would be needed between the official roles and the volunteers' position and status.

In a recent Australian Discussion Paper prepared jointly by Mr Clifford and Institute Researcher Dr Satyanshu Mukherjee for the 1980 United Nations Congress on the Prevention of Crime and the Treatment of Offenders, the authors stated that crime could not be controlled if it was considered a problem for the criminal justice sector alone.

Restricting crime prevention to specialists of the criminal justice system was '. . . like dealing with malnutrition or obesity as if it were a problem that only doctors knew how to handle'.

'Crime is therefore no more a specialist question only for the police, courts and prisons than health is a specialist subject for hospitals', the paper said.

Health and education had attracted large-scale community involvement and health, in particular, had improved through better education as much as it had from professional medical services.

The authors said as many offenders as possible should be treated within the community through parole, probation, weekend imprisonment, half-way houses and community orders as it had been shown that prisons did not rehabilitate offenders.

'They should be treated in this way because these measures have been shown to be just as effective as imprisonment — and they are cheaper', the authors said.

They said close police-community relations offered the 'best hope' of crime control.

Police initiatives in such areas as police-organised youth clubs, involvement in community affairs and neighbourhood policing were valuable because they gave the police a community identity. ■

'Children of parents in conflict'

By Maureen Kingshott

During August the South Australian Department for Community Welfare and the Family Law Council of Australia hosted a national conference in Adelaide about 'Children of Parents in Conflict'.

The Conference tapped research and practical expertise in fields generally related to family law, and delegates were given the opportunity to discuss the effects of parental conflict on children with overseas experts such as Mr William Dyson, Executive Director of the Vanier Institute of Family Law in Canada; Mr Beresford Hayward, Counsellor for the O.E.C.D.'s Education Research and Innovation Organisation in France; Ms Lynn Hoffman, a senior staff member of the Ackerman Institute of Family Therapy in the U.S.A.

The most interesting aspect of this national conference from my perspective was not so much the content of the various lecture and workshop sessions I attended, but the host of issues relating to children's rights that were mentioned but deferred during the discussions. In saying this, I do not mean to impute any irrelevance to those issues that were considered more thoroughly.

On the contrary, I found that the conference provided valuable and extremely relevant information about the needs and experiences of children whose parents had decided to separate; divorce; contest custody, access to or maintenance of their families; assault each other or their children; adopt alternative lifestyles; or desert their families.

Issues discussed in relation to the operation of the Family Law Act 1975 included children's rights or non-rights to separate representation in matters involving custody; access and property disputes between their parents; ex-nuptial children's lack of rights in similar disputes; all children's lack of rights to separate representation in matters involving neglect or abuse, adoption, name change proceedings, use of the Family Court's counselling facilities and initiation of custody or access proceedings.

Related issues that were seen to require further exploration involved children's lack of rights regarding consent to medical procedures, negotiating with educational authorities, and representation in criminal (juvenile court) matters.

Underlying the discussions and formal papers presented at the conference was a growing realisation that children have very limited 'rights' in our society and that any real change to that situation would involve a complete re-orientation of our thinking about 'our' children.

An example of this occurred in the discussion of access disputes in divorce proceedings. Traditionally, access is viewed as the right of the non-custodial parent to see his or her child at regular or determined times. The question posed to conference delegates was whether this view should be maintained or whether access should be seen as the child's right to see the non-custodial parent. If the latter view is taken, children can no longer be accepted merely as appendages to the institution of marriage – as chattels or possessions or part of the jointly 'owned' property to be divided up and allocated in divorce, or as mindless pawns to be moved at whim within the psychodynamics of the family unit by one parent or the other.

Numerous questions require resolution if children are to have an independent status. If children have rights, how can they be defined, and who, in fact, should be involved in their definition? Would a Bill of Rights for Children ease or exacerbate the differences inherent in our multicultural society's differing views about the status of children? Should such a Bill be drafted solely by children – or in consultation with children? Would it be feasible to conduct a national survey of community attitudes to ascertain adult opinion about children's needs, rights and 'best interests', compared with parental needs and rights?

Can juvenile offences be thought of as indicators of a struggle for independence or a rejection of the traditional model of despotic, authoritarian and patriarchal power asserted over children by parents, teachers and other adults in general? If so, would a Bill of Rights or some other redefinition of children's status have any effect on the incidence of juvenile offences?

Two forthcoming seminars to be conducted by the Training Division of this Institute will attempt to resolve some of the issues raised at Adelaide. From 26-30 November 1979, in conjunction with the Australian Department of Social Security's Office of Child Care, we have planned a seminar to consider 'Children and Family Violence'. In February 1980, at a further meeting, we hope to consider 'Children's Rights and Justice for Juveniles'.

The place of children in modern Australian society – according to adults and children themselves – will be considered at each of these seminars, and we anticipate that recommendations for resolving the issues specified will be made. ■

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.

Crime in a new community

Reported crime in the new Canberra satellite town of Tuggeranong increased by 33 per cent between 1976 and 1978, according to a recent study by a Senior Research Officer at the Institute Mr Jeff Marjoram.

The crime rate, however, when viewed against a rapid population expansion in the town, declined and compared favourably with the rate for the whole of the A.C.T.

This was the case for both major and minor types of crime although the number of major offences had increased by 53.7 per cent during the two year period.

The study — *Crime in a new community: the case of Tuggeranong* — describes crime patterns in Tuggeranong, the third new township developed in Canberra during the past 15 years.

It was based on an analysis of data drawn from the Commonwealth Census of population and housing undertaken during June 1976 which was then compared with data for the A.C.T. for 1978 compiled from quarterly estimates prepared by the National Capital Development Commission.

Data relating to offences committed in the township were drawn from police records and compared against those for the A.C.T. as a whole.

Mr Marjoram described Tuggeranong as an exceptionally youthful population, compared with the A.C.T., with the majority of households consisting of young families comprising two parents and children, if any, of school age or younger.

He said Tuggeranong residents, on average, were less educated than the A.C.T. population generally with fewer residents holding post-school qualifications.

Fewer Tuggeranong residents earned more than $15,000 per annum compared with the A.C.T. population, however, there were also fewer residents in the township with incomes of less than $5,000 per annum.

This was attributed to comparitively smaller numbers of aged persons receiving pension benefits or people aged 15 years or more receiving social security benefits or pensions.

Mr Jeff Marjoram

Mr Marjoram said recently that the study had afforded the Institute the opportunity to monitor crime trends in a modern planned community from the beginning of its development.

The data analysed crime patterns in the second and fourth years of the town's development.

He said it was hoped that the Institute would be able to continue monitoring crime in Tuggeranong as part of a possible larger study of crime in the A.C.T. by the Institute.

The township also had a higher proportion of married women in the workforce and more workers employed in clerical and process-labouring occupations than the A.C.T. generally.

The most important aspect of the town noted by the author was its rapid population expanison. In 1975 the population was approximately 3,550 but this total rose to more than 19,000 in 1977-78. This rate of growth far exceeded the overall rate for the A.C.T.

The author stressed that the study was limited to reported offences or offences becoming known to police.

'Undoubtedly there was more crime committed in Tuggeranong, and indeed the A.C.T., than the data on offences reported or becoming known indicates, but the extent of unreported crime remains unknown', he said.

Major offences examined by the study were homicide, serious assault, robbery, rape, breaking and entering, larceny, motor vehicle theft, and fraud, forgery and false pretences.

Mr Marjoram said that during 1976 major offences had accounted for 68.1 per cent of all offences committed in the town but that by 1978 they had risen to 78.4 per cent.

This was more than double the increase for the A.C.T. generally, he said.

The study found that larceny was the most frequently committed offence in Tuggeranong during both years with 129 offences of this type recorded in 1976 and 174 in 1978.

The second most common offence was breaking and entering with 59 offences recorded in 1976 and 110 in 1978.

A major finding in the study was the disporportionate amount of crime committed in Wanniassa, the newest suburb in the town.

Containing approximately 10 per cent of the population in 1976, this suburb was the target of 32.6 per cent of Tuggeranong's crime.

This percentage declined to 28.6 per cent in 1978 when 25 per cent of the town's population resided in the suburb.

'It seems reasonable to suggest that low levels of vehicular and pedestrian traffic, inadequate street lighting and the high ratio of unoccupied to occupied dwellings influenced Wannisassa's comparitively high total offence rate in 1976', he said.

The police cleared 12.1 per cent of offences committed in Tuggeranong in 1976 and 12.6 per cent in 1978.

Comparable figures for the A.C.T. were 29.3 per cent and 24.5 per cent for 1976 and 1978 respectively.

An analysis of offenders showed

Continued on Page 9

Scottish prison experiment 'successful'

An experiment in the treatment of long-term prisoners in a special security unit of the Barlinnie prison in Glasgow had proved successful, a Principal Prison Officer at the prison, Mr Ken Murray, said during a recent visit to New South Wales prisons. The visit included an inspection of four corrective services institutions.

Sponsored by the New South Wales Council for Civil Liberties, Mr Murray met with representatives of the Department of Corrective Services, the Management Committee of the Prison Officers' Group of the N.S.W. Public Service Association, senior stipendiary magistrates and the N.S.W. president of Amnesty International.

A spokesman for the Council, Sydney solicitor Mr Tom Kelly, said Mr Murray's tour had been sponsored 'to promote the rational and unhysterical debate about what can be done with difficult and violent prisoners'.

His visit received wide media coverage, particularly after he appeared on the A.B.C. TV's national public affairs program 'Nationwide' and, while praising some of the institutions he visited, he was highly critical of the maximum security jails at Goulburn and Long Bay.

Addressing a public meeting in Sydney on 3 October, Mr Murray said the Barlinnie experiment was the result of a working party of prison officers, civil servants and psychiatrists set up within the Scottish Home and Health Department in 1969 which concerned itself with a sharp rise in the number of long-term prisoners in Scotland at the time and the effectiveness of traditional methods of dealing with these prisoners.

Twenty prison officers were selected from 45 voluntary applicants to staff the new unit and those selected then took part in a 12-week training program involving long discussion periods on terms and conditions of service, policies to be applied within the unit, and practical details of operation. The group also toured prisons in the United Kingdom and this, said Mr Murray, showed the prison officers 'what not to do'.

Mr Ken Murray
Photo: Sydney Morning Herald

An open democratic system was adopted in the unit based on rational and humane treatment of the prisoners in an attempt to encourage them to become model citizens rather than model prisoners.

Against departmental advice, the prison officers staffing the unit selected the 10 most dangerous prisoners in Scotland.

Mr Murray said one major rule had been adopted in the unit – that, under no circumstances, would any violence be tolerated – and this rule had only been broken once (when one prisoner assaulted another) in the history of the unit.

Prisoners and prison officers were on a first name basis in the unit and weekly community meetings, in which prisoners were given equal votes with prison officers, resolved disputes between all members of the community.

He said that the first eight to 10 months of the experiment were the hardest on the staff because 'we were faced with a wide open democratic system in which anyone could say what they wanted, even though it was vicious, even though it was angry, even though it was wrong'.

He said that in the beginning many threats and counter threats had been made between the two groups and that it was to the credit of everyone involved in the unit that such early problems had been withstood.

Traditional loyalties among prison officers and prisoners had broken down and the situation had arisen where prisoners had been voted heavier punishments by their own peers than by prison officers.

'The technique is so simple, it frightens you', he said. 'It simply means treating prisoners as people'.

He said the approach was based on the premise that prison officers and prisoners could coexist peacefully and this moral principle had been accepted by the prisoners.

It also recognised the danger of physical violence between the two groups and, in particular, sought to discourage the use of violence by prisoners in an attempt to gain status among their own group.

Of 15 prisoners who had passed through the unit, three had been released and none had recidivated.

Mr Murray said a major fault in present prison systems was the 'labelling' of prisoners through the preparation of reports on prisoners which were often based on a lack of understanding of the subject.

He said he had seen hundreds of reports on prisoners by psychiatrists, psychologists, social workers and others which bore no resemblance to the prisoner with whom he had to work as a prison officer.

'For far too long, in my view, we attach a role to somebody and they accept that role. If you tell someone, for long enough, that he is an aggressive psychopath he'll prove to you that you could possibly be right'.

The same prisoner, however, if treated as though he had a level of intelligence and a level of civilised behaviour, would accept that role.

The accent on creating model

prisoners had not succeeded because the majority of such prisoners reoffended within a year of their exit from prison. The atmosphere created within the Barlinnie special unit had benefitted prisoners, prison officers and society and could be applied within other prison systems, such as New South Wales.

He said the majority of prisoners in N.S.W. could be classified as model prisoners.

In a discussion period which followed Mr Murray said there was a need for more rigorous selection of prison officers and improved training in the skills required at all levels.

He said there was a need for change in community attitudes. In saying this he stressed the need to begin such procedures at school as part of the ordinary curriculum. Mr Murray criticised the Katingal and Goulburn maximum security centres and the Observation Section of the Central Industrial Prison at Long Bay. However he said the Parramatta Linen Service (a laundry operated by the N.S.W. Department of Corrective Services and staffed by prisoners) was the best of its kind he had seen.

He warned of the danger of potential violence at Katingal and described the Goulburn prison as 'a look back into the Dark Ages'.

The Assistant Director (Training) at the Institute, Mr Col Bevan, said he believed the Barlinnie experiment, if applied within the Australian prison system, would lead to less aggression and a general 'calming down' of tensions which could lead to prison rioting in the near future.

He said it would increase the personal safety of both prisoners and prison officers.

'A good deal of the trouble in prisons stems from the fact that the man in the street regards offenders and prisoners in particular as a sub-species of human being', he said.

'In the management of prisoners there is no substitute for treating them like human beings. There is no need to be condescending, contemptuous or patronising with them'.

'This is all that Barlinnie has done and Ken Murray is the first to say so. He has done no more than to inculcate in Barlinnie a tone of interpersonal relationships that could be best described as staff and prisoners each perceiving the other as no more or less than another human being'.

A Senior Training Officer at the Institute, Ms Maureen Kingshott, said that 'Mr Murray's contribution to the worldwide debate on penal reform was of particular interest to members of the Training Division at the Institute who are currently developing a course for executive ranked prison officers in which the ideals espoused by Mr Murray are central'.

Officers' course

A four-week residential course in criminology for executive rank prison officers has been planned by the Training Division of the Institute for January-February.

The division is attempting to find a suitable venue in Sydney – the most central location for most course participants. ■

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that the majority of offenders during both years were males aged between 15 and 19 years.

'The proportion of offenders in the 15 to 19 year group more than doubled from 24.4 per cent in 1976 to 55.4 per cent in 1978', Mr Marjoram said.

Age distribution of offenders also showed that those committing offences in the town in 1978 tended to be younger than offenders in 1976.

The average age of offenders involved in breaking and entering, for example, declined from 19.5 years in 1976 to 16.9 years in 1978.

The average age of major offenders also decreased from 22.4 years to 18.4 years.

Tuggeranong residents, the study found, committed almost 50 per cent of offences in Tuggeranong in 1976 and this increased to nearly 75 per cent in 1978.

A monitoring survey conducted by the National Capital Development Commission had indicated that Tuggeranong residents did not perceive crime as an issue of concern.

'However, my analysis despite its considerable limitations, reveals that Tuggeranong does not have a negligible level of crime', Mr Marjoram said.

He said that during the two-year period there was no police station in the town, which was patrolled by mobile police units.

He suggested that this could have contributed to a lesser amount of crime being reported to police than would have occurred if a police station had been established within the town.

A large proportion of the crime, such as larceny from building sites, breaking and entering and being unlawfully in buildings or on lands was typical of new residential areas with much building activity and a fragmentary pattern of occupied housing.

He said that as Tuggeranong's youthful population matured there would be a dramatic increase in the number of teenagers in the town in the next decade.

'Whether such demographic changes will drastically alter existing patterns of crime remains to be seen, but increasing leisure opportunities will be needed for the young as their numbers will undoubtedly grow significantly', he said.

Future geographical patterns of housing development, residential occupancy, landscaping and the like could influence the level of offences which were prevalent during the study period.

The cost to the community of offences in Tuggeranong during the two year period was about $52,000 worth of property in 1976 and more than $117,000 in 1978. ■

Size of the crime problem

The crime rate in Australia more than trebled between 1964-65 and 1977-78, however, the homicide rate remained relatively stable during that period, according to a recent report, *The Size of the Crime Problem in Australia*, by the Institute's Assistant Director (Research) Mr David Biles.

The increase of 158.1 per cent in the crime rate had occurred above a population growth of 25.5 per cent according to the report which was based on data, published annually in editions of the *Year Book Australia*, on seven major categories of crime.

The report was prepared partly in response to questions on the level of crime raised at the national conference of the Australian Crime Prevention Council held in Hobart in August. It also updates the data in Chapter 2 of *Crime and Justice in Australia*.[1]

Crime categories examined were homicide, serious assault, robbery, rape, breaking and entering, motor vehicle theft, and fraud, forgery and false pretences.

The report found that although homicide rates had remained stable there were significant differences between jurisdictions with the Northern Territory recording the highest average rate of 17.02 homicides per 100,000 of the population during the 14-year period.

Queensland had the second highest (4.16), followed by New South Wales (3.92), and Victoria (3.03).

A sharp increase in the rate of robberies had occurred during the sixties but had since levelled off. New South Wales, the Northern Territory and Victoria respectively had significantly higher rates of this offence than the other jurisdictions.

The incidence of rape had trebled according to data in the report but Mr Biles suggested that the increase could have been due to more victims reporting the offence.

'The influence of rape crisis centres, the feminist movement and changed court procedures which reduce the trauma for rape victims may have contributed to increased reportability, but without repeated victimisation surveys, this is no more than speculation', he said.

Data indicated that the rate of increase of rape had been relatively lower in Queensland, Victoria and the Australian Capital Territory than in the other jurisdictions.

The Northern Territory again recorded the highest average rate for this offence with 16.37 per 100,000 population. The report also found that the Territory had the highest rates for motor vehicle theft and fraud, forgery and false pretences offences.

Vehicle theft in the Territory, according to the report, rose from 68 thefts in 1964-65 to 645 by 1977-78.

Commenting on the report Mr Biles said recently that the Northern Territory was Australia's major crime problem.

"The Northern Territory is Australia's "Wild West", it is a place of rapid development, it has a relatively young population, a high masculinity rate, alcohol consumption is very high and it should be remembered that young single males are the high risk people in crime', he said.

There was also a problem of 'cultural clash' with the Aboriginal population in the Territory.

He said the actual numbers of major offences such as murder in the Territory were few but high patterns of crime were shown when such offences were seen against a background of the relatively small population in the Territory (about 100,000).

The national rate of vehicle theft per 100,000 of population had doubled during the 14-year period. However, when related to the increase in registered vehicles, the rate per 1,000 vehicles had only increased from 6.42 in 1964-65 to 8.95 in 1977-78.

Mr Biles said large variations in the rates of vehicle theft between jurisdictions could possibly be explained by police and media campaigns aimed at reducing the offence.

Breaking and entering had the highest incidence of the seven categories of offences, occuring more often than any of the interpersonal offences.

South Australia recorded the highest rate, with 15,273 break and enters in 1977-78.

Tasmania had the lowest rate of offences in the fraud, forgery and false pretences category, recording 1,298 offences in 1977-78 compared with 16,578 in New South Wales in the same year.

Mr Biles said it was clear that there had been a 'significant' increase in most categories of crime in Australia.

He said variations in crime patterns reflected by the data could be used to identify legislative provisions, police policies and sentencing and correctional practices which were most effective in combatting crime.

'The effects of social, economic and educational policies should also be examined', he said.

He pointed to the problem of the 'dark figure' of unreported crime and said official statistics, particularly for such offences as rape, represented only a minority of the offences which occurred.

The publication in June of the first national crime victims survey conducted in Australia by the Australian Bureau of Statistics had shown an average reportability rate for all types of crime of 42 per cent.

He said crime levels indicated in the report, however, did not justify harsher penalties being imposed on the small proportion of offenders who were caught and convicted.

Although some crime rates had increased dramatically in the 1960s, the rates for most serious offences had been relatively stable for most of the 1970s.

'It should also be borne in mind that violent crime rates in Australia are generally low by international standards', he said. ■

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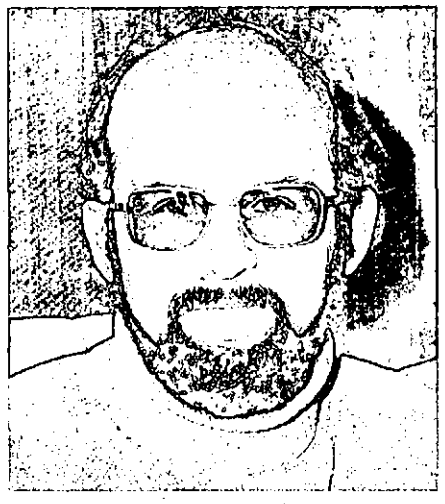
1. D. Biles (ed.), *Crime and Justice in Australia*, Australian Institute of Criminology & Sun Books, Canberra, 1977.

Sentencing reforms proposed

- A system of collegiate sentencing should be instituted in the A.C.T. on a trial basis.
- Judicial guidelines should be developed from an analysis of actual sentencing decisions to act as an aid to the judiciary by providing an indicator of the proper sentence to be applied in a particular case.
- A specialised body should be established with the aim of placing sentencing on a more rational and scientific basis.
- A model sentencing code should be developed and applied in the A.C.T. which, if successful, could be adopted in other jurisdictions. The code would provide for a structured system of offences and corresponding penalties, which would be graded in accordance with their seriousness.
- Appeal courts should be empowered to interfere with sentence whether or not the appellant can show that the trial judge acted on a wrong principle or erred in the exercise of his discretion.
- Statutory maximum penalties should be reviewed, where they fail to provide adequate guidelines to sentencers, so that they accord more realistically to judicial practice.
- Probation should be a sanction in its own right and not imposed in lieu of sentence.
- The parole system should be altered to a system permitting automatic release after the offender has served a fixed proportion of the sentence (two thirds). The last one third would involve conditional release. Remissions would no longer be necessary and to compensate for their abandonment substantially shorter sentences than at present should be imposed.

These were among 30 major recommendations contained in a discussion paper prepared for the Australian Law Reform Commission by a Senior Legal Researcher at the Institute, Mr Ivan Potas.



Mr Ivan Potas

A 1961 New South Wales case (R. v. Aitken N.S.W.R. 914) in which a young first offender was sentenced to 18 months hard labour for the larceny of a motor vehicle was an example of a case in which one of the aims of punishment, general deterrence, was given predominance over the principle of commensurate deserts. According to Mr Potas '. . . if a less severe sentence is justified on retributive grounds it would seem unjust to impose a heavier penalty on account of the prevalence of the offence and because it is hoped to deter others from similar conduct. These objects ought to be achieved within the limits permitted by the retributive principle'. He added that '. . . if the concept of imprisonment as a last resort and the offender's otherwise good character are to be given weight, the proper sentence in circumstances such as these ought to attract non-custodial sanctions in the first place'.

The paper examines the issue of uniform treatment for offenders against Commonwealth laws throughout Australia and the nature and extent of sentencing discretion. It considers ways of limiting judical discretion to what it terms 'an acceptable degree'.

Mr Potas submitted that the issue of uniformity for Commonwealth offenders is complicated by the competing need for offenders to be treated uniformly within the boundaries of each State.

He said the establishment of a federal system of courts to hear sentencing appeals from State Supreme Courts and a Commonwealth Parole Board to deal with Commonwealth offenders would only add to the disparate treatment of State and Commonwealth offenders within States.

He recommended that 'the best solution in the quest for uniformity is to maintain the status quo, to let the States go their own way, and to rely on the occasional High Court decision to provide such unifying effect as the present system allows'.

In an examination of statutory-based sentencing, Mr Potas discussed proposed criminal codes in the United States and the use of statutory guidelines proposed in Canada.

He said such structured systems of penalties had the advantage of controlling discretion by limiting 'the quantum of the disposition' which can be applied in particular cases by reference to their specified offence categories.

He proposed that a model sentencing code should be developed and applied in the A.C.T.

The code would contain a structured system of offences and corresponding penalties, which would be graded in accordance with their seriousness.

It would be similar to that proposed by the Report of the Working Party on Territorial Criminal Law in 1975 and, if successful, could be adopted in other jurisdictions.

Such a code would promote the establishment of a rational and uniform approach to sentencing throughout Australia.

Judicial discretion could also be restricted effectively by reducing, to realistic levels, many statutory maximum penalties which were rarely imposed.

'The promotion of an ordered judicial discretion demands the removal from the statute books of those maximum and sometimes minimum penalties which are out of step with present day values', he said.

Maximum panalties, he said, should relate not only to judicial practice but also reflect community attitudes and values.

Probation, he said, should be seen as a punishment in its own right and not imposed 'in lieu of sentence'.

He proposed that the maximum penalty for breach of probation should be set by legislation and not be tied to the original offence.

Parole, he said, should only be retained if the system incorporated principles of natural justice.

'In particular, parole hearings should not be made in camera. At the very least the prisoner should have adequate notice of a pending parole board hearing appertaining to the release decision, should be supplied with information relevant to that hearing, and should have the opportunity of making representations either personally or through a legal representative at that hearing'.

He said prisoners should be advised of any adverse decision on their parole, be given the reasons for it and should have a limited right of appeal against that decision.

'In order that a sentence should more realistically mean what it says, the prisoners as a general rule should be released, on conditions, into the community after serving two-thirds of the sentence set by the court. Remissions would be abandoned and release would be automatic'.

Shorter sentences would need to be prescribed in order to compensate for the loss of remissions.

Commenting on appellate review of sentence, Mr Potas said it was desirable, to promote the role of appeal courts as policy-setting tribunals, to extend their jurisdiction by enabling them to interfere with sentence, not only where error had been shown but also where 'the sentence failed to reflect a proper standard in all the circumstances of the case'.

In these circumstances the appeal court's attention 'could be immediately focussed on whether the sentence imposed by the trial judge was a proper sentence upon the merits of each case'.

In an evaluation of sentencing principles enunciated in several Australian court decisions, Mr Potas concluded that such principles shared a 'remarkable parallel' with those contained in the proposed statutory codes in the United States.

He submitted that such principles should be reduced to broad statutory guidelines to promote a consistency of approach by sentencers.

There was a need for a broad statement of purpose which set out the principles to be applied in sentencing.

'One advantage would be that guidelines would have a general educative effect not only on those with the task of sentencing but also those sentenced, their counsel, and the community at large', he said.

A useful collateral aid to such general guidelines would be another system of guidelines based on an analysis of judicial sentencing practice which would act as an aid to the judiciary by reflecting current developments in sentencing practices.

These judicial guidelines would be descriptive in nature, summarising the sentences and the factors relevant to the sentences being applied by courts for particular offences.

Mr Potas said that with such guidelines acting as an aid to the judiciary, 'the predictability or certainty of sentence would be expected to increase. The offender, counsel for the defence and the Crown, as well as the sentencer, would have a better idea of what the sentence is likely to be. Further, the decision whether or not to initiate an appeal against sentence could be assessed against the anticipated or guideline sentence'.

'Appeal courts could also consider the adequacy of sentences measured against the guidelines. In addition, where guidelines were considered inappropriate for a particular category or class of offence, the appeal court could declare what the policy ought to be, and thereby impose directly a modification of them', he said.

Such guidelines would remain flexible, and would be altered whenever a significant proportion of decisions fell outside them.

Guidelines, he said, would enable the legislature to assess its relationship to judicial policy and vice versa.

Mr Potas recommended that a feasibility study for the implementation of such judicial guidelines be undertaken in the A.C.T. which, because of its size, would provide an ideal location in which to test and evaluate such a model.

Depending on its success, consideration could be given to recommending its extension to other jurisdictions.

The provision of reliable statistics could also act as an additional sentencing aid by giving the sentencer a broad picture of the levels of recorded crime of particular categories and the types and extent of sentences imposed.

Sentencing councils, involving a collegiate system of sentencing 'in which the trial judge, or magistrate meets with (usually) two of his colleagues to discuss an individual sentencing case prior to the actual imposition of sentence', should be instituted on a trial basis in the A.C.T.

Mr Potas said such a scheme would be simple to implement in the Territory because of its small population, its geographic size and its small number of judicial officers.

In submitting that the scheme should apply to both magistrates and judges he said such councils should only operate where a determination involved deprivation of a person's liberty, where unusual factors were involved in a case or where matters of sentencing policy were involved.

The sole responsibility for sentence would however rest with the judge or magistrate ordinarily charged with determining the case.

If successful, collegiate sent-

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Media and fear of crime

The media as a form of social control and its effect on fear of crime in the community is the subject of a current research project by a Visiting Fellow at the Institute, Dr Stephen Mugford.

He said recently that the research project had enabled him to further develop his interest in agencies of social control which included the media.

He had begun research into such controls as a postgraduate student of sociology in 1968 when he wrote a doctoral thesis on the medical profession.

The thesis – The Preregistration Year: A Sociological Study of one Hospital – involved 15 months of field work during which its author observed, at first hand, the transition of medical students to doctors in their first year of residency, at a major general hospital in Bristol, England.

It reflected Dr Mugford's belief in the importance of field work and the current project has a similar emphasis. It will involve a survey to be conducted in 1980 of Canberra households by sociology students at the Australian National University.

Dr Mugford said the survey would aim at determining its respondents' use of the media in relation to their interaction with the community and the social support afforded by such interaction.

Dr Mugford said he suspected that the greatest users of the media were the more lonely and isolated members of the community who were lacking in social networks formed through friendships, recreation or community involvement which could act as a safeguard against media-induced neurosis.

'People will be asked how much television they watch each day and what stations, how much radio they listen to and again what stations', Dr Mugford said.

He said studies had shown that the media exacerbated fear of crime and violence in the community.

Dr Stephen Mugford

It produced a distorted picture of the world, 'it is full of crime shows, violence, rape and murder. It doesn't tell us what it's really like. The media is obsessed with the petty bourgeoisie – with stories about cops and robbers, doctors, journalists and lawyers'.

'But in real life how often is a policeman, for example, ever involved in a murder investigation? The average policeman spends most of his time in routine investigations such as theft and breaking and enterings'.

'Television produces a climate of violence which makes people more nervous and more anxious'.

He said the study would conclude with certain recommendations designed to reduce the harmful effects of the media.

They could include, he said, a recommendation that local content programs be increased. This would limit the amount of cheap, foreign-made crime programs purchased from overseas.

'The significance of the project is that if it demonstrates connections between media consumption, social networks and mental well being, then it will provide the basis for the formulation of social policy in two separate areas', Dr Mugford said.

'On the one hand it should provide the relevant basis for governments and other interested parties to criticise the content of the media output. Whilst not favouring direct censorship of the media, I would suggest that such results, if obtained, would give grounds for further limiting the amount of violence and crime-oriented programs.

'On the other hand if it demonstrates that social networks are also important factors, then such results would provide the basis for voluntary and welfare agencies to do something constructive towards improving the quality of life by strengthening those networks'. ■

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encing could be extended to Federal and State jurisdictions.

To place sentencing on a more rational and scientific basis, Mr Potas also called for the creation of a separate sentencing Institute.

He suggested that such a body would be similar in structure to the Australian Institute of Criminology '. . . and indeed could be an arm or department with the Institute provided that it had a guaranteed independence of staffing, funding and operation'.

Similar to a proposed United States Sentencing Commission, the new Institute would be required to establish sentencing policies and practices for the Commonwealth law and monitor the effectiveness of sentencing, penal and corrective practices in meeting the purposes of sentencing.

With State cooperation and involvement, the Institute could provide a similar service for the States.

Concluding the paper he said that: 'So long as governments and the people are unwilling to invest sufficient resources into research and evaluation, sentencing will remain an art rather than a science, and continue to operate in the twilight zone of uncertainty'.

BOOK REVIEWS

THE KELLY OUTBREAK
By J. McQuilton
Melbourne University Press. 195pp. $17.60.
Reviewer: PAUL WINCH, Senior Training Officer, Australian Institute of Criminology.

John McQuilton has taken the adventures of Ned Kelly and his gang, subjected them to wide ranging analysis, fitted to them Hobsbawm's theory of social banditry and produced an authoritative, detailed and definitive work.

The fly sheet's claim that this is likely to be the last word on Ned Kelly for many a long year is not illfounded as McQuilton attempts to sift the myths and folklore from the facts. In appendices he provides a review of the Kelly literature, details of arrests and convictions of members of the Quinn clan of which Ned Kelly was the most prominent member, a description of the Land Acts and a survey of police strength in North Eastern Victoria between 1878-1880. This appears to be a most complete study of the Kelly gang.

McQuilton's thesis is that Ned Kelly was a product of the profound rural discontent caused by squatter/settler feuds and the unsatisfactory distribution of land under the Land Acts. Kelly's support came almost exclusively from the settler class and it is argued that the outbreak, when the gang was hunted by the police and culminating in 'the stand' at Glenrowan, was the most dramatic expression of the regional conflict in North Eastern Victoria. Ned Kelly is said to mirror in extreme form the values of his settler supporters, and that not only did he share a turbulent background with them and by his actions contribute to the turbulence, but that finally between 1878 and 1880 he came to represent settlers in their struggles. McQuilton argues persuasively that Ned Kelly was a social bandit representing his large number of supporters with courage and charisma in an unwinnable battle with the authorities. Kelly's actions in destroying mortgage papers when he held up banks have clear symbolic significance in this political struggle.

A political and social banditry perspective is used by McQuilton to explain the enigma of Ned's stand in his famous armour at Glenrowan. It is suggested that Glenrowan was planned to be the beginning of an escalated conflict rather than a final gesture. The establishment of a republic was the aim, though the author is careful to argue that Ned Kelly was not in a position to formulate plans for an alternative political system but that he was hinting at republicanism and using the concept as a symbol for the overthrow of the status quo.

The elaborate preparations made for the stand, including the fashioning of armour, the orchestrated derailment of the train, rockets fired at particular times, and the gathering of a number of armed supporters who lingered in the half light of the fired hotel, are all seen as pointers to the true nature of the battle at Glenrowan.

The geography of the region is discussed as being instrumental in the development of the conflict between squatters and settlers in that the squatters, having had first choice of land, naturally chose the better portions. They then resorted to a variety of illegal practices to maintain their position of advantage against any encroachment by settlers under the Land Acts. In return the settlers helped themselves to cattle for food to help alleviate their poverty. The bitterness was exacerbated by police being seen as representatives of squatters and by the fact that magistrates were drawn from the squatters' ranks and represented their interests. The geography of the region made capture of the Kellys by police unskilled in bushcraft an almost impossible task and was clearly a factor enabling the gang to remain at large for such an extended time.

The author traces the Quinn family's history with care and examines the claims of oral tradition that the police persecuted them.

Indeed it does seem that a large number of serious charges were brought against clan members which were later dismissed when they came to court. Ned's first such conflict with the police was when he was remanded in custody at the age of 15 having been charged with the assault and robbery of a Chinese with the unlikely sounding name of Ah Fook. It was claimed that he beat Ah Fook with a stick and robbed him of 10 shillings. Bail was set at the very high figure of 100 pounds and so Ned remained in custody until the matter went before a court. The court dismissed the charges. Mrs Kelly, Ned's mother, and his younger brother Dan were not free from police attention either and it is noted in passing that Mrs Kelly's notoriety was substantially increased when she won an action to force William Frost to pay maintenance for the child born to her during their two year de facto relationship. Dan Kelly was gazetted as a suspected horse thief when he was only five years of age and the point is made that an escalating conflict between the family and the police characterised Ned's upbringing.

It is not only for detailed factual information about the Kelly gang that McQuilton's work is noteworthy, but more particularly for the new light which application of Hobsbawm's theory of social banditry to Ned Kelly throws on his actions. Ned Kelly is argued to have been a symbol of resistance to the authorities for large numbers of settlers in the region. He is seen as a symptom of deep discontent and division within the region's rural community and his leadership is persuasively argued to have been an expression of this discontent. McQuilton's book makes sense of Ned Kelly's actions and clears up myths which have grown up around Australia's most popular and famous folk hero.

WHO SHOULD KNOW WHAT?
By J.A. Barnes
Penguin. 232 pp. $5.95
Reviewer: ROBERT C. HOLLAND
Ph.D. Student, University of Queensland.

A great deal of social science has been conducted within the spirit, if not fully within the letter, of the natural science paradigm. Although this paradigm still permeates much recent social science, increasingly there has been a questioning of positivism, which has in turn resulted in a partial abandonment of the natural science paradigm. The effects of this shift in direction and the resulting problems impinging on the activities of the individual scientist is what occupies the attention of Professor Barnes in his book *Who Should Know What?*

During the nineteenth century, the author tells us, knowledge gained by social inquiry was typically perceived as a source of enlightenment (p.64). While during the twentieth century this knowledge has often been seen as a source of power to be used by those who control it for their own advantage, rather than for the enlightenment and benefit of all mankind. But now the author tells us, a third and most disturbing perception of knowledge has emerged. Increasingly he says, some social groups and agencies are coming to view the findings of social inquiry as a form of property (p.64).

This notion of knowledge as property has appeared in two contexts; both in the Third World, and among minority groups in industrialised societies. The conflict presented by this belief is that since power can be thought of as a kind of property, it can follow that a government department may well regard the findings of a social survey that it has sponsored as both a source of power, the blueprint for an exercise in social engineering, and as a form of property that it must not give away to a rival department or to the general public.

Further, the author contends, knowledge in the form of social data has come to be regarded as a kind of private property, an asset possessed by an individual or a group which may be treasured but is not intended for use and which is available for sale or gift only under restrictive conditions, if at all (p.64). Even though we 'may regret the prevalence of this view', the author tells us, 'particularly when it leads to export taxes on knowledge . . . we cannot dismiss this attitude, . . . as merely an irrational and short-sighted response either to the failure of social science to offer much enlightenment or power, or to the fear that any enlightenment or power would accrue only to scientists and sponsors to the detriment of the interests of citizens and their governments' (pp. 64-65).

Because this situation now pervades society, increasingly the social scientist, whether he likes it or not, according to the author, is obliged to take account of the power that can be exercised by other parties involved in the research process to prevent, modify or hinder his inquiries (p.72). If the scientist does not, 'there is a danger that empirical research becomes restricted to innocuous topics that challenge nobody, or that whatever research is done serves to reinforce the position of those already in power, whether they be sponsors or citizens, and hence to be relatively disadvantageous to powerless groups' (p.178).

The problem therefore, is that 'political constraints on research become intertwined with ethical constraints, and there is no hard and fast dividing line between the rights of the individual citizen and the rights of the regime' (p.178). The social scientist must therefore allow for the ways in which these other parties — sponsors, gatekeepers, and individual citizens and interested groups — perceive his inquiry conceptually, and what they hope or fear about its likely outcome, when he designs his course of research (p.72).

These then are some of the issues Professor Barnes considers during his analysis of the ethical and political obligations binding social scientists together with regard to the collection of data and the publication of their findings. For example, some of the questions he deals with are: Should people have to answer questions about their private lives? What happens to the information they give? Who has access to it? How is it used, and abused?

Overall the scholarship throughout the book is enlightening, and the author's argument is well balanced for and against a policy of inquiry by negotiation, in which he develops the point that citizens should have a greater say in deciding what questions are asked and what appears in print, especially in respect of studies pursued by means of surveying techniques.

On the other hand, while the author contends that the scientist has an 'obligation to take full account of the interests of the citizens', he should not forget that 'the codes of professional ethics encourage him not to confine his attention merely to what if anything, the citizens say they want' (p.173). Social inquiry, no matter what the aims of the scientist, must always mean that the 'scientist has a commitment to the pursuit of knowledge', (p.104) and further: 'To do nothing about the use of his knowledge is to support silently a social order his knowledge should transform' (p.174). For Professor Barnes, how this knowledge is used and abused is what presents the important questions for further consideration by the social scientists and also for the agencies sponsoring social research.

In summary, it can be said that *Who Should Know What?* is a book well worth buying and perhaps should also be read by those social scientists who have not given any consideration to the effects an overreliance on research sponsorship can have on their results.

DIRECTORY OF CRIMINAL JUSTICE INFORMATION SOURCES. 3rd Edition
Compiled by Thomas Ketterman
National Criminal Justice Reference Service, May 1979.
Free. 161 pp.

DIRECTORY OF COMMUNITY CRIME PREVENTION PROGRAMS: National and State Levels.
Compiled by James L. Lockard, J.T. Skip Duncan and Robert N. Brenner. National Criminal Justice Reference Service, December 1978.
Free. 129 pp.
Reviewer: MARY GOSLING, Librarian, Australian Institute of Criminology.

These directories were published by the National Criminal Justice Reference Service in order to assist researchers in identifying other groups with similar interests and to facilitate the exchange of information relating to criminal justice.

The third edition of the *Directory of Criminal Justice Information Sources*, which updates the previous issues published in 1977 and 1978, is based on a survey of approximately 200 criminal justice agencies conducted in 1978-79. The 149 agencies listed provide such information services as computerised literature searches, interlibrary loans, reference services and technical assistance to interested researchers. The agencies are listed alphabetically and indexed by subject specialty.

Each entry gives details of the name of the agency, address, date of establishment, sponsoring agency and the size of the staff. In addition to describing the objectives and activities of each agency, the name of a person to contact and a list of publications are provided.

The *Directory of Community Crime Prevention Programs: National and State Levels* describes the goals, services, resources and publications of approximately 60 agencies which operate community crime prevention programs. The directory also includes an introductory essay about community crime prevention, a listing of Law Enforcement Assistance Administration community crime prevention programs and grants and an annotated bibliography of crime prevention materials listed in the NCJRS data base.

Both of these directories would be useful additions to the reference collections of libraries in the criminal justice system. Copies are available free of charge from the NCJRS.

STATISTICS
Australian prison trends

by David Biles
Assistant Director (Research)

During the period August to October 1979 there has been a significant decrease in the daily average number of prisoners in Australia. The total has fallen from 10,092 to 9,915, a figure still higher than the national total found in December 1976. The numbers of prisoners in all States and Territories for October 1979 are shown in Table 1.

Table 1

Daily Average Australian Prison Populations October 1979 with Changes since July 1979

	Males	*Females*	*Total*	*Changes since July 1979*
N.S.W.	3,558	124	3,682	−144
VIC.	1,657	52	1,709	+ 28
QLD.	1,562	43	1,605	− 73
S.A.	810	26	836	+ 27
W.A.	1,406	81	1,487	− 7
TAS.	272	7	279	− 15
N.T.	261	13	274*	+ 15
A.C.T.	41	2	43**	− 18
Australia	9,567	348	9,915	−177

* 15 prisoners in this total were serving sentences in S.A. prisons and 4 (including 1 female) in N.S.W. prisons.
** 35 prisoners (including 2 females) in this total were serving sentences in N.S.W. prisons.

Table 2 shows the imprisonment rates (daily average prisoners per 100,000 population) for October 1979. The national rate of 68.6 compares with 70.0 found in July 1979.

The statistics on juvenile offenders were unavailable for this issue. They will be continued next issue.

Table 2

Daily Average Prison Populations and Imprisonment Rates by Jurisdiction October 1979

	Prisoners	*General Pop.* '000*	*Imprisonment Rates*
N.S.W.	3,682	5,092	72.3
VIC.	1,709	3,866	44.2
QLD.	1,605	2,199	73.0
S.A.	836	1,294	64.6
W.A.	1,487	1,248	119.2
TAS.	279	418	66.7
N.T.	274	117	234.2
A.C.T.	43	224	19.2
Australia	9,915	14,458	68.6

* Estimated Population as at 30 September 1979 (subject to revision).

The proportion of prisoners who were on remand at 1 October 1979 for each jurisdiction is shown in Table 3. These figures have remained virtually unchanged over the past three months.

Table 3

Total prisoners and remandees as at 1 October 1979

	Total Prisoners	*Prisoners on Remand*	*Percentage of Remandees*	*Remandees per '000 of Gen. Pop.*
N.S.W.	3,676	532	14.5	10.4
VIC.	1,702	100	5.9	2.6
QLD.	1,618	101	6.2	4.6
S.A.	840	145	17.3	11.2
W.A.	1,497	123	8.2	9.9
TAS.	274	20	7.3	4.8
N.T.	271	37	13.7	31.6
A.C.T.	39	7	17.9	3.1
Australia	9,917	1,065	10.7	7.4

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