reporter

AUSTRALIAN INSTITUTE OF CRIMINOLOGY QUARTERLY
VOLUME 1 NUMBER 3 MARCH 1980

PUBLICATIONS

The Institute's *Reporter, Information Bulletin of Australian Criminology*, and *Annual Report* are free. All publications are free to organisations with which reciprocal information exchange arrangements have been made. Publications are available from the Publications Section,
Australian Institute of Criminology,
P.O. Box 28,
Woden. A.C.T. Australia. 2606.
Postage within Australia is shown in brackets.

BOOKS

C.R. Bevan (Editor)
Minimum Standard Guidelines for Australian Prisons – $2.00 (35c)

David Biles (Editor),
Crime and Justice in Australia – $4.95 (80c)
Crime in Papua New Guinea – $2.25 (80c)

J. Braithwaite
Prisons, Education and Work – $8.95 (80c)

W. Clifford (Editor)
Crime Prevention Planning: Proceedings of the United Nations Interregional Course – $2.95 (45c)
Human Rights in the Administration of Criminal Justice: Report on the United Nations Course – $1.50 (35c)

W. Clifford and S.D. Gokhale (Editors)
Innovations in Criminal Justice in Asia and the Pacific – $5.00 (80c)

Andrew Hopkins
Crime, Law and Business: The Sociological Sources of Australian Monopoly Law – $3.00 (45c)

J. Newton
Cases and Materials on Sentencing in Queensland – $4.95 (80c)

B. Swanton
Police Institutions and Issues: American and Australian Perspectives – $5.00 ($2.50)

J. Whelan, E. Seaton, E. Cunningham Dax
Aftermath: The Tasman Bridge Collapse Criminological and Sociological Observations – $1.98 (45c)

RESEARCH REPORTS

W. Clifford
Echoes and Hopes –$2.00 (80c)

W. Clifford and J. Marjoram
Suicide in South Australia – $3.00 ($2.50)
Road Safety and Crime – $2.00 (80c)
Suicide in Western Australia – $2.00 (80c)

Richard G. Fox
Research Guide to Criminology Material – $1.00 (80c)

Andrew Hopkins
The Impact of Prosecutions Under the Trade Practices Act – $1.00 (80c)

J. Newton
Factors Affecting Sentencing Decisions in Rape Cases – 60c (45c)

D. St L. Kelly and Mary W. Daunton Fear
Probation and Parole: Interstate Supervision and Enforcement – $1.40 (45c)

I. Potas
Sentencing Sex Offenders in New South Wales: An Interim Report – $1.00 ($2.50)
The Legal Basis of Probation – 60c (45c)

J. Seymour
Committal for Trial – $2.00 (80c)

B. Swanton
The Nature and Scope of Police and Police Related Research – $1.00 (80c)
Australia's External Territory Police Forces – $1.00 (45c)
Checklist/guide to Materials and Information for Police Researchers – $2.00 ($2.60)

G. Wardlaw and D. Biles
The Management of Long-term Prisoners in Australia – $2.00 ($2.50)

Grant Wardlaw
Drug Use and Crime – $2.00 (80c)

PROCEEDINGS OF TRAINING PROJECTS

Aborigines and the Law – $1.00 (45c)
The Conflict of Security and Rehabilitation in the 1970s – $1.70 (45c)
Crime Prevention and the Community – Whose Responsibility? – $1.80 (45c)
The Magistrates' Court 1976: What Progress? – $2.50 (80c)
Penal Philosophies and Practice in the 1970s – $2.65 (80c)
Planning and Policy for Crime Control Personnel – $2.45 (80c)
The Police Role in Juvenile Delinquency – $2.10 (45c)

REPORTS ON TRAINING PROJECTS

(No Charge)

Alternatives to Imprisonment
Criminal Justice Research Methodology
Police Training in Australia
The Psychologist in Criminal Justice – An Australian Perspective
Western Australian Government Symposium on Criminal Justice Policy

OTHER PUBLICATIONS

David Biles
Journal of Drug Issues, vol.7 no.4, Fall 1977, Drug Issues: An Australian Perspective – $5.00 (80c)

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: The Governor of Hong Kong, Sir Murray MacLehose talks with the Institute's Director, Mr William Clifford, (left) at a reception at the Hong Kong Prison Officers' Club which followed an annual inspection by the Governor of the Territory's prison department. The inspection was part of the program of the First Asian and Pacific Conference for Correctional Administrators which opened in Hong Kong on 25 February. Story on the conference – Page 15.

reporter

Special session for diplomats

A Special Session for Heads of Missions and Charges d' Affaires was held at the Institute on March 12 to discuss the forthcoming Sixth United Nations Congress, the economic costs of crime and Islamic penal law.

Representatives from 23 nations attended the Session, which was addressed by the Chairman of the Institute's Board of Management, Mr Peter Loof, and the Institute's Director, Mr William Clifford.

Research grants

The Criminology Research Council, at its meeting in Canberra on 11 March, made research grants totalling $23,618.

The major grant made by the Council, $7,870, was to Mr Tony Roux to enable him to study the experiences of ex-prisoners in their first three months of freedom. The study will be conducted at Glebe House, a hostel for ex-prisoners in Sydney.

Other grants were: $1,532 to Dr John Court of Adelaide; $4,800 to the Y.M.C.A. of Darwin; $5,536 to Dr Rodney Morice of Tasmania; $1,774 to Dr Merrill Jackson and Mr Allan Haines of Tasmania; $846 to Mr Keith Maine of Western Australia; $1,260 to Mr Stuart Cole of South Australia.

Study of costs of crime

The Director of the Institute, Mr William Clifford, and his Research Assistant Mr Jeff Marjoram, began work last November on the updating of a study of the costs of crime in Australia between 1963-64 and 1973-74 by a former Institute researcher, Mr Anatole Kononewsky.

'It is intended that the first report on the study will be available for the Australian and New Zealand Academy of Science meeting to be held in Adelaide in May 1980', Mr Clifford said recently.

Training activities surveyed

A recent survey of 1,089 participants in seminars, conferences and programs organised by the Training Division had shown that 94 per cent of survey respondents had benefitted from their involvement, according to a report on the survey by Senior Training Officer, Mr Paul Winch.

'That the benefit has been relevant to respondents' professional lives is also overwhelmingly indicated by a 95 per cent "Yes" response to the question ". . . did this benefit relate to your professional life",' the report stated.

Eighty one per cent of respondents had indicated that the seminars and training courses had practical application in their work.

Asked to suggest future training exercises and seminars, a common request by respondents was for a course, to be conducted by correspondence, in criminology and criminal justice administration for criminal justice personnel, particularly those stationed in remote areas.

Prepared and published by the Australian Institute of Criminology, 10-18 Colbee Court, Phillip, A.C.T., 2606. Printed by Union Offset, Canberra, A.C.T.

ISSN 0157–7921

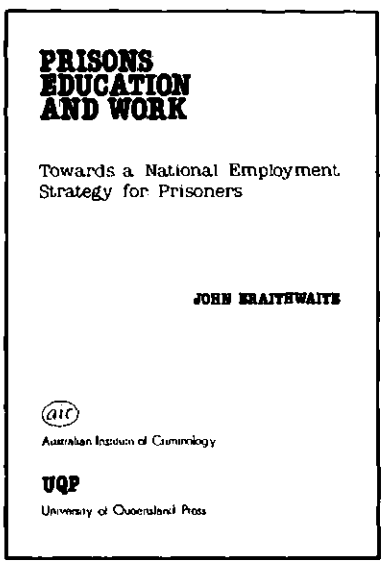
Editor: Tim Isles
Typesetting and Layout: Chris Grant

The Australian Institute of Criminology conducts criminological research, training courses and seminars, provides library and information services, publishes results of research and other materials, and services the Criminology Research Council.

Further information may be obtained from:

**The Assistant Secretary,
Australian Institute of Criminology,
P.O. Box 28,
WODEN, A.C.T. Australia 2606**

New Institute publications



Prisons Education and Work: Towards a National Employment Strategy for Prisoners, by Institute Criminologist, Mr John Braithwaite, was published jointly by the Institute in association with University of Queensland Press in January.

The book gives a critical evaluation of, and recommends changes in, work and education in Australian prisons. It examines the effect of imprisonment on the working lives of men and women after their release from prison.

In researching the work, Mr 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 Federal Department of Employment and Youth Affairs of the work histories of 303 prisoners after their release.

Forty five specific policy proposals are developed in the book relating to prison industries in Australia, work release, trade training and education, and job placement services for prisoners.

A final chapter considers the special employment problems of the two groups of prisoners described by the author as the most neglected – Aborigines and women.

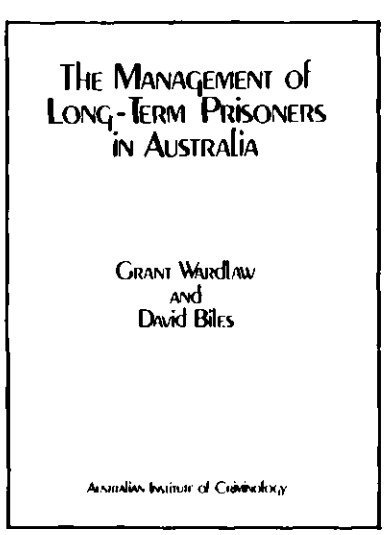
The policy proposals will form the focus of a seminar on 'Towards a National Employment Strategy for Prisoners' to be held at the Institute in April.

Senior representatives of corrective services departments and senior prison administrators, with responsibility for prison industry, education and vocational training have been invited to attend.

The purpose of the seminar is to consider what types of public policies are likely to be effective in Australia for improving the job prospects of prisoners about to be released.

'We want to find out which of the kinds of proposals discussed in the book, prison administrators are prepared to support. The proposals put forward in the book will undoubtedly be modified in the light of the vast experience which the participants will bring to the seminar', Mr Braithwaite said recently.

Copies of Prisons Education and Work may be obtained from the University of Queensland Press, P.O. Box 42, St Lucia, Queensland, 4067. Recommended retail price is $8.95.



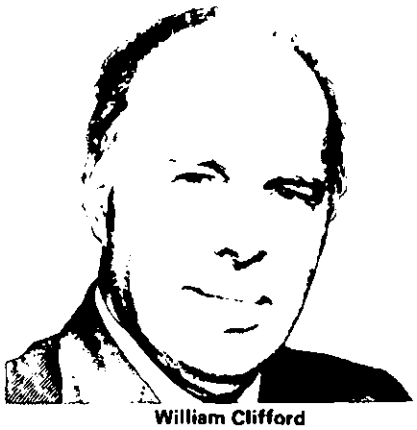
The Management of Long-Term Prisoners in Australia, published by the Institute in January, by Institute researchers Dr Grant Wardlaw and Mr David Biles, aims at providing a practical aid to prison administrators in the managing and classification of long-term prisoners.

The book examines:

- **Problems of Inmate management: results of a survey of officers-in-charge of Australian correctional institutions.**
- **The effects of long-term imprisonment: a summary of major research findings.**
- **A national survey of long-term prisoners in Australia, conducted by the two researchers, and other relevant information obtained from prison administrators and long-term prisoners.**
- **Systems of classification of prisoners, particularly long-term prisoners in all Australian States and the Northern Territory.**

More on the study – Page 4.

Copies are available from the Publications branch of the Institute at $2.00 each, plus $2.50 postage.



William Clifford

DIRECTOR'S DIGEST

This is election year and the signs are that law and order will become attractive as an election issue. This is a political path which a number of other countries have trod and it is to be hoped that Australia will benefit from their mistakes rather than repeating them.

It is the task of an Institute such as this to provide the guidance which might be required. Often this is information on failures rather than successes; but it is as important to know what not to do as it is to know what measures will work. For example, the trials and tribulations of the United States' attempts to control crime since its Presidential Commission on Crime more than 12 years ago is very relevant to any new initiatives.

First of all, quality must supercede quantity and there should be grave suspicion of government action which seeks to solve the crime problem simply by pouring money into 'more of the same'. More courts, more police, more laws have too often correlated with increases in crime – just as more education for its own sake has sometimes meant more unemployment and disillusionment. Similarly, pouring money into research or technical assistance is of no avail if the quantity rather than the quality is intended to impress the electorate.

The peculiar Federal-State relationships in Australia make a national program difficult to achieve. Yet the pattern of administration which was used to set up this Institute has already proved its worth.

Even at a time when resources have been progressively reduced, Australian research on crime has achieved national and international status.

What is needed now is a new thrust and imaginative development other than radical structural changes for their own sake. We need a vigorous drive to put into practice the knowledge already gained.

First, a national program to improve criminal justice services must provide for coordination of police, prison and court services in each State and at the Federal level with provision for future policy planning and machinery for investigating abuses. There is danger in setting up new agencies at a Federal level with so much effective action needing to be taken at State level. However, in previous Digests I have described a pattern of Crime Commissions (short for Crime Prevention Planning and Development Commissions) at State and Federal levels which would provide machinery appropriate for the Australian structure and its political realities.

Second, the decrepit nature of our criminal justice services (when compared with future needs to deal with corporate crime, technological crime, the massive transnational operations of drug traffickers, the new realities of an oil crisis, and sophisticated international financial manoeuvres) has to be faced and a major task of the Crime Commissions would be to address this problem.

Third, streets have to be made safe, but since it is already known that this cannot be done by the police alone, attention needs to be given not just to mopping up crime in the streets but preventing it by more enlightened economic, social, regional and physical planning. This Institute has developed the expertise needed in this area and has provided all the necessary publications for effective crime prevention planning to be put into practice on a nationwide scale. This means much more than simply community cooperation and more than locking doors or cars or using sophisticated alarms: it means appreciating the need for 'crime-impact' studies to accompany most of the Federal and State decisions on major economic and social projects.

Fourth, community involvement in crime prevention has to be strengthened. It is well established that without adequate community backing the police, courts and prisons are in great difficulty. They cannot keep the towns safe and they cannot protect a community against the worst forms of terrorism, kidnapping or hostage-taking unless police intelligence is soundly based within the community. There is real danger in a reliance on forensic sciences, professional techniques and sophisticated hardware to the disregard of the community backing of the official services – which is the real shield.

There needs to be a national campaign to deal with crime and to bring communities to understand the issues and the planning of their own protection. The Australian Crime Prevention Council would be a useful umbrella for this widening of community concern, though there need not be any over-emphasis on coordination since the drive to obtain community backing would be diffuse and widespread. There are a number of specialist organisations which could be funded to expand and coordinate their activities.

Crime is not a specialist concern. It is always a community problem. It is always a power problem. Government decisions on a large

Continued on Page 4

Study finds rise in imprisonment rate

The Management of Long-Term Prisoners in Australia by Institute researchers Dr Grant Wardlaw and Mr David Biles contains the results of two separate but related research projects – a study of management problems of long-term inmates and a national study of prisoner classification procedures which also focusses on long-termers.

The two projects had their beginnings in earlier research conducted by the two authors on behalf of an Annual Conference of Ministers Responsible for Correctional Services in Australia and the Victorian Department of Community Welfare.

The joint study found that a sharp increase has occurred in the national imprisonment rate since 1977 and has resulted in severe overcrowding in some prison systems, particularly in Western Australia and New South Wales.

The proportion of long-term prisoners, defined by the authors as prisoners sentenced to five years or more regardless of minimum or non-parole periods, had also increased significantly over the past decade and had become a source of concern for prison administrators.

A survey by Dr Wardlaw, of long-term prisoners in Australia which was based on a sample study of 510 long-termers in the six Australian States, showed that the majority of such prisoners had been convicted of homicides, robberies or rapes.

Juvenile custodial sentences had been served by 36.3 per cent of the sample and 62 per cent had previously served adult custodial sentences.

Of the total sample 22.9 per cent had committed offences while in previous custody, and 49.6 per cent had been found guilty of offences against prison regulations during their present sentence.

Maximum security was used for 54.5 per cent of the sample and long-termers appeared to have a 'fairly high' escape rate, with 17.1 per cent having escaped from juvenile detention and 12.7 per cent from adult detention.

In their study of Australian classification procedures, it was shown that although the States and the Northern Territory had all developed formal classification systems, they varied greatly in procedures, style, and legislative or administrative authority and in the structure and size of decision-making bodies.

They also differed in the extent to which they used the services of professional staff such as psychologists, social workers and psychiatrists.

The authors said that as prison populations increased, the proportion of prisoners receiving classification decreased even though staff-prisoner ratios were equal to smaller systems.

On the subject of medical and psychological reports used in classification, the authors took the view that long-term prisoners should be subject to regular medical check-ups, particularly if physical deterioration as a result of prolonged imprisonment was suspected.

They were sceptical about the relevance to classification of personality tests in a prison environment but supported the use of vocational aptitude tests for all prisoners serving relatively long-terms of two years or more.

They said current classification systems were not related to correctional planning and argued that classification could provide a range of information to enable planning to be more systematic and purposeful.

In examining the problem of long-term prisoner management the authors documented the results of a nationwide survey of prison administrators conducted by the Institute to ascertain whether such officers perceived long-termers as presenting outstanding management problems.

The survey found that in no cases were long-termers seen as a cause of day-to-day management problems.

'By way of contrast, young prisoners (particularly those serving short sentences) were often singled out as frequent causes of management problems'.

In a discussion of the effects of long-term imprisonment the authors said that whereas some studies of the views of long-term prisoners had provided considerable evidence of subjective experiences of, or about, deterioration, other studies using psychological measures found that no significant deterioration occurred.

Decisions about the desirability, practicality, or ethical status of long-term imprisonment were, they said, better based on moral and human grounds than on research findings of doubtful applicability.

They concluded that: 'Perhaps in the final analysis, though, the most powerful arguments against the widespread use of long-term imprisonment rest not on the danger to the individual prisoners but on its sheer economic cost and ineffectiveness'. ®

Continued from Page 3

number of subjects are criminogenic in that they create the opportunities for crime; community negligence or apathy contributes to the development of crime. The prevention of crime is not therefore something which fits neatly into any bureaucratic slot at either State or Federal level. There is no level of government too high for there to be a place for a crime prevention planner, that is, a person with experience of both criminology and planning. There is no place too low for the crime prevention interest to be excluded.

It is therefore to be hoped that in the new approaches to crime prevention, the tried and failed initiatives of other countries will be avoided, that attention will be paid to the benefits of building on what is known in Australia about local conditions. It is to be hoped that resources will be applied to developing the schemes that have already proved effective but have languished for want of proper support during a period of financial constraint. ®

FOUR-DAY SEMINAR

Children's rights and justice for juveniles

The needs of children were not limited to human rights or formal legal claims, the Director of the Institute, Mr William Clifford, said in welcoming participants to a four-day seminar on 'Children's Rights and Justice for Juveniles' which opened at the Institute on 29 January.

Justice sought for children, he said, was not simply obtainable from courts of justice, and basic rights were no substitute for love '. . . which is at least a prime need — and some would say a total need'.

'When, therefore, we are thinking of children's rights, we have to be as much concerned with the way we can ensure that other people can be brought not only to do their duty but to provide the necessary affection and care', Mr Clifford said.

'Moreover, real affection includes firm guidance and even discipline when this is necessary — an area of judgment which is full of diversity and emotionalism in these days of value conflict in our plural society'.

Mr Clifford said there was a need for a balance between the interests of the individual child and those of the family, so that the rights and duties of both were kept in clear perspective.

Officially opening the seminar, a Canberra stipendiary magistrate, Mr Warren Nicholl told the seminar that: 'The circumstances that give rise to children and young people coming before the courts cannot be cured by the courts'.

Mr Nicholl said it was particularly evident in many of the cases which came before him that, without the benefit of a meaningful and loving relationship, there were many problems associated with juveniles which the courts, police and welfare officers could not solve.

Many young people, he said, who were charged with being uncontrollable or neglected, had been physically and emotionally abused.

'And we, by and large, don't have the means in our communities to provide as well as I think we should for young people who are disturbed, whether it be by reason of physical violence or otherwise, and we finish up falling short of a desirable response by putting them in an institutional situation'; he said. 'I, like most people who have something to do with institutions, see them as a last resort and frequently as a most inadequate last resort'.

Mr Nicholl said there was a need to balance the rights and responsibilities of parents, children and the community.

In delivering an overview of children's rights, a Senior Lecturer in Law at the University of New South Wales, Mr Richard Chisholm said that children's rights were a politically divisive issue.

'So my first and major proposition is that you can't have a notion of children's rights that amounts to anything without embodying in that all your values about how society ought to work and how it should be organised. In other words, children's rights is and ought to be as politically divisive as any other issue'.

He said that statements of children's rights, including the United Nations Declaration of the Rights of the Child, were written in general terms which made them trivial.

He said that under law, children were in a state of 'powerlessness'.

'. . . they can't drink, they can't vote, they can't make contracts and so on, and in compensation for this other people, such as parents or guardians, can do things for them. They can also do things to them by way of punishment and confining them, which, if done to an adult, would amount to the tort of false imprisonment or the crime of assault and so on', he said.

The provision in the Family Law Act which directed that, in custody cases, the court must regard the child's welfare as the paramount consideration was, in reality, a welfare provision, he said, and did not relate to children's rights.

Mr Warren Nicholl, SM.
Photo: Courtesy of *The Canberra Times*

He said that the law allocated power over children's lives among parents, schools, welfare bodies, police, doctors, courts and educational authorities.

The distribution of this power was complex and any changes to it had far-reaching consequences.

He concluded that in allocating power over children there was a need to avoid being too 'parental' and, as far as possible, to give children power to regulate their lives.

There was also a need to frame laws in a manner which gave children the power to be consulted and participate in decisions regarding them.

The report of the Australian Law Reform Commission, in its Reference on Child Welfare in the A.C.T., would focus on the need to make a clear distinction between offenders and non-offenders, the Commissioner in Charge of the Reference, Dr John Seymour, told the seminar.

'The A.C.T. as you probably know is still procedurally in the dark ages in regard to non-offenders', he told the seminar. 'You may not believe this, those of you from interstate, but children in this Territory are charged with being neglected in absurd situations.

'If, for example, a child is assaulted by the father, the child ends up in court charged with being a neglected child. This is just an absurd mechanism, quite absurd. It must end and I am sure it will'.

'I think that if we don't try to disentangle these two groups, the objectives which we pursue with regard to each will be ambiguous and we are likely to satisfy neither the lawyer nor the welfare worker', Dr Seymour said.

The Commission's report, due on 30 June, would also stress that a criminal prosecution should not be seen as an opportunity to attempt to meet juvenile needs and that criminal proceedings were the wrong setting in which to pursue benevolent purposes.

He said that pathological explanations of offences had been brought into doubt and, given the limited efficacy of treatment programs, it was more realistic and honest to face limitations and not to impose on the criminal process a burden, in the form of commitment to therapeutic programs, which it could not bear.

Dr Seymour said the non-offender, the neglected and uncontrollable child, should be separated from the offender and not subjected to criminal procedures or procedures which appeared criminal in nature.

Court proceedings, for neglected and uncontrollable children, should be used only as a last resort.

Juvenile offenders, he believed, should continue to be dealt with in a special court.

'The Commission does believe that a distinctive court should be retained for the young offender, and looking at this court I don't believe that it is necessary to make a simple choice between the punitive approach and the therapeutic approach; I think both must be accommodated', he said.

'On the one hand, we must accommodate the lawyers' demand for fair procedures and the law enforcement officers' concern with the prevention of crime; on the other we must respect the welfare workers' desire to respond in a humane understanding manner to the very special needs of the young'.

The need to strike a balance between the two interests was, he said, the Commission's guiding principle in drawing up its 'blueprint' relating to offenders in the A.C.T.

'In the A.C.T. the Commission is of the view that this balance can probably best be achieved within the framework of the Court of Petty Sessions, but we are considering changes to this court and its framework'.

'. . . . . CHILDREN IN THIS TERRITORY ARE CHARGED WITH BEING NEGLECTED IN ABSURD SITUATIONS'

A major change under consideration by the Commission was the possibility of appointing a specialist magistrate to preside over a court for children.

A broad role of liaison with welfare agencies and children's institutions was envisaged for such a magistrate presiding over an important specialist jurisdiction.

The Commission was also considering the creation of a new official – a Court Counsellor.

Such a Counsellor, trained in social work or behavioural science, would collect background information on offenders, and would have a special responsibility to ensure that, where a court decided background information on an offender was necessary, such reports were prepared and available for the next hearing.

'Equally the Court Counsellor will be able to go out, and with the consent of the parents and child, make available other information to the court', he said.

A Court Counsellor could also lend assistance to the magistrate at the dispositional stage, in an advisory capacity, acquainting the magistrate, for example, with the current level of all welfare services available.

'The Counsellor is going to be the executive arm of the court, to go out and make the enquiries, do the homework for the magistrate and make available to the magistrate independent expertise which he has not in the past had open to him', Dr Seymour said.

A Counsellor would also strengthen a court's legal role by providing feedback to the court on whether orders of the court were properly carried out, making those who administered the order more accountable to the court.

The Counsellor would also monitor the progress of a child placed under one of the general orders such as a supervision order, a placement order or an institutional order.

Dr Seymour said the Commission also recognised and emphasised a need to divert young offenders from court.

The Commission had reached a tentative view that the best method for diverting such offenders from the courts in the A.C.T. was to maintain the present system whereby the police had discretion in whether to prosecute a young offender or merely caution the offender.

'It just seems to the Commission that, at the present stage of thinking, it is rather too complex to introduce into a small Territory like the A.C.T. a warning group, a panel group, and a court group when it is not apparent what deficiency the introduction of a panel would meet'.

There was, however, a need for a clear statement of policy with regard to police warnings making the criteria for such warnings public knowledge.

Dr Seymour said that in examining the need to make a distinction between offenders and non-offenders the Commission was examining a procedural reform whereby an application for a declaration that a child is in need of care would replace a charge.

He recommended that such care proceedings should be initiated only by a Court Counsellor.

'We want the Counsellor to be a human barrier to the court process. We want to make it impossible for the police to take a child in need of care to court. We want to make it impossible for the Welfare Branch to take a child in need of care to court. We want this decision to be made solely by the Counsellor'.

The Counsellor would be required to screen cases, and, if all other alternatives failed, to initiate court proceedings. The Counsellor would then be required to establish before a court that a child came within definitions of a child in need of care and establish, to the magistrate's satisfaction, that each case was one which could be met only by way of court order.

Describing the definitions of neglected children in the relevant A.C.T. Ordinance as 'abysmal', Dr Seymour said the Commission was in the process of preparing new definitions, which, although more specific, would also remain wide enough so as not to exclude any categories of children in genuine need of care.

In ensuring that care proceedings were kept separate from the 'taint' of a criminal jurisdiction, the Commission was examining the possibility of transferring care proceedings to the Family Court in the A.C.T., or, alternatively, having them go before the proposed specialist magistrate who would normally deal with juvenile offenders.

In concluding, Dr Seymour said he was doubtful whether the A.C.T., which currently relied on N.S.W. corrective institutions, should build an institution of its own — a key issue before the Commission.

He said he did not believe, owing to the small number and great range in ages of the juveniles sent, each year to N.S.W. facilities, that such an institution was practical for the A.C.T.

'Institutions as you well know, are expensive, one for a small number of juveniles might be prohibitively expensive'.

'Also you are all aware that our criticisms of all institutions, particularly institutions for juveniles are mounting, and I think there are strong arguments for not swimming against the tide and opening a brand new institution at a time when a lot of people are criticising institutions and indeed one State in the United States, Massachusetts, has endeavoured to close them', he said.

In a paper titled 'A Child's Eye View of the Family Law Act', Darwin barrister and solicitor Mr William Prendergast said there were significant areas under the Act in which children were completely or partially without rights and protection.

He pointed to the class of children who did not fall within the category of 'child of the marriage' under the Act and said that in Australian society, with its high incidence of divorce and remarriage, the result was a large and growing number of children excluded from its protection.

Such children were protected by State maintenance legislation which differed substantially in its treatment of children from the Family Law Act.

'Only by a grant of power from the States to the Commonwealth can these children be treated as they deserve, namely as a member of a family', he said.

In reviewing current criticisms of the Family Law Act, Mr Prendergast recommended that an extension be made to the right conferred by the Act on a child of 14 years or over to express a wish in proceedings with respect to custody, guardianship or access and to have the court make an order in accordance with that wish (unless there existed special circumstances which made it necessary for the court to make a contrary order).

'I would like to see the right extended to allow a child of that age the same right whether proceedings had been issued or not', he said.

The right of a child to initiate proceedings relating to custody, guardianship, or access would give the provision a fullness it presently lacked.

He also recommended that the section of the Act dealing with the right of a child to seek separate legal representation, subject to the discretion of the court and only available in proceedings of a certain type, be expanded to include any proceedings before the court.

A separate representative could then become involved in proceedings between the parents over property matters or in proceedings in relation to the ownership or occupation of a home which, of course, could involve questions of a child's interest in property or right to accommodation.

He pointed out also, that under the Family Law Act, children were not given a right to make use of the counselling services attached to the court.

'A LARGE AND GROWING NUMBER OF CHILDREN EXCLUDED FROM THE PROTECTION OF THE FAMILY LAW ACT'. — MR WILLIAM PRENDERGAST

Similarly, the court could appoint a welfare officer to supervise an order which it made in relation to custody, guardianship of, or access to a child, but no right was conferred on the supervising welfare officer to take the proceedings back to court in the event of further difficulties.

'Under normal circumstances one of the parents will arrange for the matter to be relisted for further hearing if he (the supervising officer) becomes aware that difficulties have arisen. But cases do arise not infrequently where the parent who is unsuccessful in proceedings relating to the child will take no further interest in the child and consequently the court may be unaware if its order has

not been successful or is not being complied with and that the child is thereby suffering'.

Mr Victor Shervashidze, a House Parent of the Young Peoples' Refuge at Annandale in Sydney, told the seminar that the process by which children were charged with neglect and committed to care by a Children's Court often led to their being stigmatised and discriminated against.

'The effect that this is having in schools is that kids from the refuge who go to the local school and say that they live at a young people's refuge suddenly find that their choice of friends becomes very restricted', he said. 'Parents, seemingly caring parents have rung me up and said "I don't want my child to come to the refuge because he is going to be badly influenced, or she is going to be badly influenced; you have kids there who have been to court".'

He said there was a need for a more humane process whereby children and young people were encouraged to talk about the issues facing them.

'A LOT OF THE 14 YEAR OLDS I HAVE MET DON'T KNOW THAT THERE ARE OTHER WAYS TO LIVE APART FROM THE ONES THAT THEY USE FOR SURVIVAL'

He supported a proposal made by Dr Seymour that a Court Counsellor be appointed to assist the court and pointed out that there was also a need to train 'legal psychologists', who understood the mechanisms and dynamics of human beings as well as those of the law.

Mr Shervashidze said that institutionalisation of juvenile offenders would continue to be unsuccessful in preventing recidivism and it was the 'cause' not the 'symptom' of juvenile problems which should be treated.

'A lot of the 14 year olds that I have met don't know that there are other ways to live apart from the ones that they use for survival. Perhaps they ought to be introduced to some other ways and they certainly won't learn alternative ways in any institution that I have seen', he said.

SEMINAR RESOLUTIONS . . .

The seminar resolved that:

- The form of care proceedings should be altered so that there is as little similarity with criminal proceedings as possible.
- Magistrates concerned with children should be specially qualified and trained in the needs of children and the best means of assisting children.
- Magistrates should at all times when dealing with children before them have available counsellors and welfare officers of experience.
- The use of detention in an institution and all wardship proceedings should be used only as a last resort.
- At all stages of any court process concerning children it should be considered of major importance that the child and his or her parents or guardian should understand that process.
- The seminar supports police cautioning systems and procedures. But that in relation to police cautioning systems, statements of policy, particularly in relation to criteria used with regard to warnings and procedures used, should be publicised by police departments.
- The States should give to the Commonwealth power over all children who are members of the family for the purposes of s.63 of the *Family Law Act* 1975 to enable the Family Law Court to make orders in respect of custody, access and maintenance for the benefit of such children.
- The Family Law Act should be amended to grant power to children to institute proceedings in matrimonial matters involving their own welfare and that the right to be legally represented should be extended to cover all proceedings before the Court.
- Counselling facilities of the Family Court should be made available to children as of right.
- The seminar in general terms endorses the principles which should govern the delivery of legal services to children embodied in the submission to the Child Welfare Committee of the Legal Services Commission of N.S.W. by the 'Ad Hoc Working Group on Children's Legal Services'.

Due to limited space in the Reporter it is not possible to report on each speaker at the seminar, however, other speakers were:

- *Ms Jenny Rigg, a high school student and committee member of the N.S.W. Youth Forum, an on-going public forum for youth.*
- *Ms Julia Young, a Project Officer with the Law Foundation of N.S.W., who spoke about the Forum.*
- *Mr Peter Sharkey, the Director of the Legal Aid Commission in the A.C.T., who spoke on 'Legal Aid and Representation of Children'.*
- *Mr Simon Moncrieff, a South Australian Barrister who spoke on 'The Rights of Children in Custody Disputes'.*
- *Mr Michael Morriss, Director of the Welfare Policy Section of the Department of Aboriginal Affairs, who spoke on 'Aboriginal Juveniles and Justice'.*
- *Mr Roger West, a solicitor with the Redfern Legal Centre in Sydney, who presented a submission prepared by the 'Ad Hoc Working Group on Children's Legal Services' in N.S.W.*

Copies of papers and transcripts of speeches delivered at the seminar are available from the Institute's Training Division. ®

Quamby: the reality of the law

By Tim Isles

The International Year of the Child is over. In the Australian Capital Territory, an Ordinance under which children are charged, detained and brought before a Children's Court for being 'neglected' or 'uncontrollable' remains unchanged.

The *Child Welfare Ordinance* 1957, in sections 49 and 53, vests power in police or an officer authorised by the Minister of the Capital Territory to apprehend without warrant a child or young person who, on reasonable grounds, is believed to be neglected or uncontrollable.

According to the Ordinance, such a child or young person may then be detained in a shelter pending determination of the charge by a Children's Court.

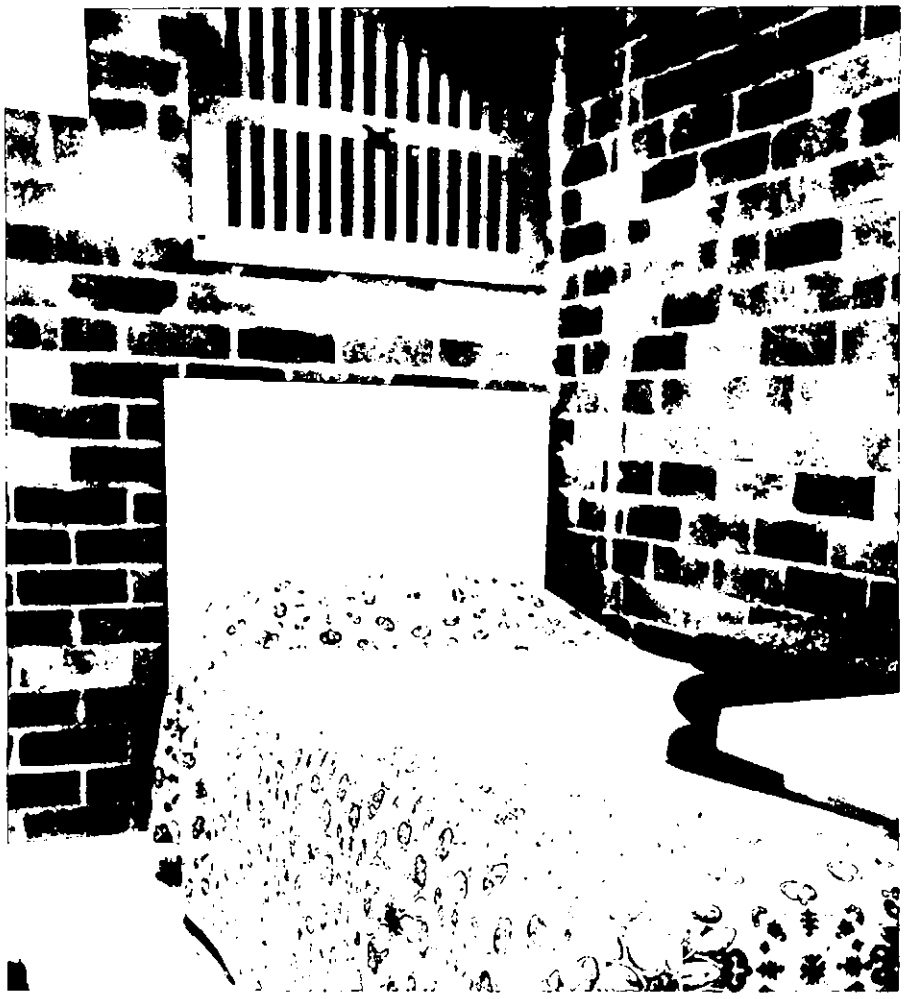
A child in the A.C.T. is anyone between the ages of eight years and 16, and the Ordinance defines a young person as anyone who has reached the age of 16 but not the age of 18.

What does neglected or uncontrollable mean? Fourteen subsections define 'neglected' and include any child or young person 'who is in a place where opium or a preparation of opium is smoked' or 'who is in a brothel or lodges, lives or resides or wanders about, with reputed thieves, persons who have no visible lawful means of support or common prostitutes, whether or not the reputed thieves, the persons or the common prostitutes include a parent or child'.

The two sub-sections most applicable refer to any child or young person 'who is falling into bad associations or is exposed to moral danger' or 'who is under incompetent or improper guardianship'.

'Uncontrollable' is defined by the Ordinance as a child or young person 'who is not controllable, or not in fact controlled for the time, by a parent or by the person in whose care he is'.

Section 52 adds: 'A child or young person who solicits a person for immoral purposes or otherwise behaves in an indecent manner is to be deemed an uncontrollable child or young person'.



The interior of one of the cabins.

What constitutes 'moral danger' in 1980 and the application of such definitions to modern social trends such as partners living together, raising families and not marrying, group housing and alternative lifestyles, seems uncertain.

What is certain, however, is that a parent or guardian does not incur any liability for a child being neglected or uncontrollable.

The reality behind the Ordinance in Canberra is Quamby Children's Shelter.

Although younger children are often placed in Canberra's two open and privately operated shelters, Dr Barnardo's and Marymead, Quamby is the only secured juvenile institution and is operated by the Department of Capital Territory.

The Shelter, situated in bushland on the fringes of the Canberra suburb of Red Hill, received its first detainee on 30 April 1963. As of 31 December 1979, 3,059 children and young persons had been detained there.

In a minimum security setting, the Shelter has accommodation for 14 detainees. There are 10 cabins which are locked each night. Each has a bed, toilet pedestal, light operated from outside, and an alarm button in case of sickness or other emergency. Window glass in the cabins is opaque, heating is provided by means of electrical wires within the ceiling, and two sliding metal grills provide fresh air. There is no reticulated water in the cabins. Male and female detainees occupy cabins in separate wings of the Shelter. The remaining accommodation consists of four single beds in two rooms for use by younger children and

others at the discretion of the Superintendent.

Not only neglected or uncontrollable children are detained at the Shelter. Under the Ordinance the Quamby Shelter is also used to detain children or young persons who are: awaiting trial for a summary or indictable offence; ordered to serve a period of detention in default of any payment, damages or compensation of costs; or are awaiting transportion to another institution.

The number of detainees admitted to the Shelter during any one month varies from 17 to 31 and the average time spent at Quamby by detainees is 5.5 days. Some children stay less than 24 hours while some others are detained for more than 20 days.

'THE A.C.T. AS YOU PROBABLY KNOW IS STILL PROCEDURALLY IN THE DARK AGES IN REGARD TO (JUVENILE) NON-OFFENDERS'. – A.L.R.C. COMMISSIONER, DR JOHN SEYMOUR, SPEAKING AT THE INSTITUTE SEMINAR ON CHILDREN'S RIGHTS

During detention, detainees have free use of the Shelter's recreation room where they can watch television, play games, read or involve themselves in arts and craft activities. Outside there are two secured exercise areas and facilities for barbecues.

A staff of 12 Custodial Officers and five Chief Custodial Officers under the direction of the Shelter's Superintendent, man the Shelter 24 hours a day every day of the year.

A new Superintendent, Mr Douglas Kerr was promoted to the position in November last year. With 24 years in the correctional field, Mr Kerr's most recent positions were Projects Officer at the Institute of Criminology and Chief Custodial Officer at the Belconnen Remand Centre in Canberra.

The superintendent of Quamby, Mr Douglas Kerr, outside one of the 10 cabins.

Of the Shelter and its staff, Mr Kerr said recently that while knowledge of security and safety factors were necessarily of prime importance, staff had also been selected on their sensitivity and skills in caring for and controlling the activities of children and young people.

An important question asked during selection was: 'What contribution can you see yourself making to future programs and activities at Quamby?'

He said the Department was planning to upgrade the Shelter, improving the current accommodation and possibly altering or extending current facilities for indoor recreation and visiting. Final decisions in this regard would await the findings of the Australian Law Reform Commission which is currently examining the issue of Child Welfare in the A.C.T.

In the immediate future, he said, it was intended to adapt current facilities to try activities which could stimulate and interest children during their period of detention.

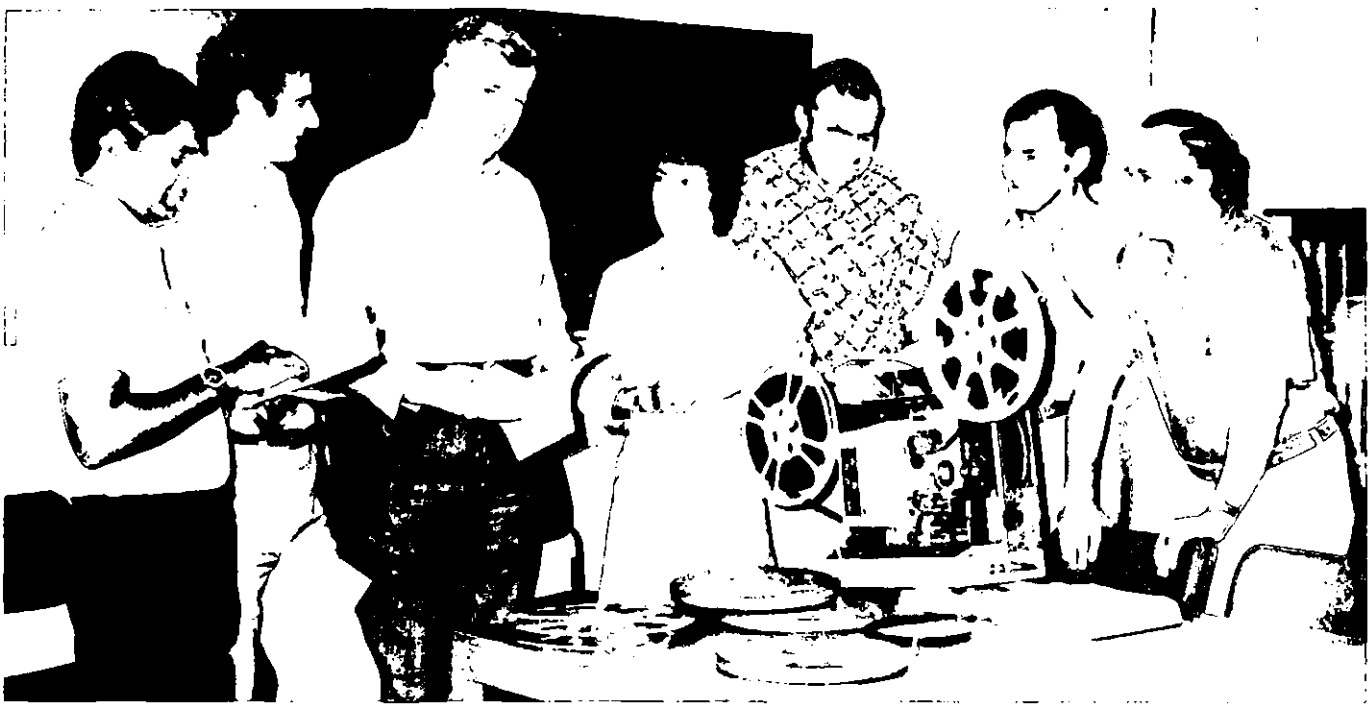
Through contact with parents and the Department's Child Welfare Officers it was hoped that, where possible, the activities could meet individual needs.

Possible examples included introducing a child to members of community groups or a new hobby, or offering activities to promote self confidence or the opportunity to share activities with parents whereby strained relationships might be positively modified.

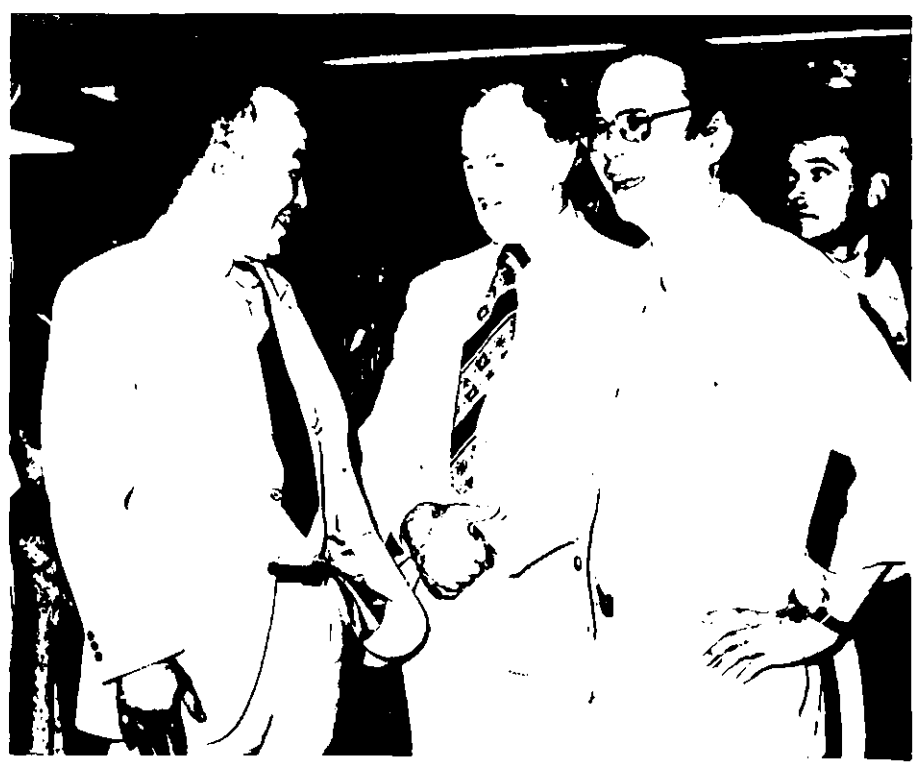
Meanwhile, the Child Welfare Ordinance and the whole issue of children in conflict with the law in the A.C.T. remains under the focus of the Law Reform Commission.

The Commission's report, due on 30 June, may result in a new definition of neglected and uncontrollable children and new ways of helping them. ®

Prison Officers' course



Participants in a one-month residential training course for executive-rank prison officers conducted by the Institute's Training Division in February were: *(from left)* **Mr Upali Dharmabandu**, a visiting Chief Jailor in the Sri Lanka Prison Service; **Mr Bob Hassan**, Establishments Officer in the N.S.W. Department of Corrective Services; **Mr John Gannon**, Governor of the Beechworth Training Prison in Victoria; **Ms Maureen Kingshott**, course director and Senior Training Officer at the Institute; **Mr Peter Molloy**, Field Supervisor of the Periodic Detention Centre at Long Bay complex of prisons in N.S.W.; **Mr Nelson Glindermann**, Superintendent of the Security Patients' Hospital at Wacol in Queensland, and **Mr Frank Boardman**, Superintendent of the Belconnen Remand Centre in the A.C.T. A course director, Mr Col Bevan, said the course was the first of its kind for prison officers in Australia. 'It was designed to encourage executive-rank prison officers to discover and articulate their real problems in prison management, with the help of the two course directors, and to seek reasons for the problems and the means of their resolution', he said.



Japanese National Police Research Foundation research officers, Professor Kanehiro Hoshino, left, and Dr Masayuki Tamura, are welcomed by the Assistant Director (Training) Mr Col Bevan on their recent arrival in Canberra to visit the Institute.

The two researchers were in Australia to apply for research grants from the South Australian and Queensland governments for a proposed cross-cultural comparison of fear of crime in Australia and Japan.

Professor Hoshino said they were in the process of completing a study of the levels of fear of crime, financed by the Toyota Foundation, in eight Japanese cities.

The purpose of the Japanese study, he said, was to determine specific areas in cities which had high levels of fear of crime so that police surveillance could be directed accordingly.

The proposed Australian study would allow for cross cultural comparisons taking into account the differing social and physical structures of the two countries.

He said the Japanese study had been greatly assisted by the work of local crime prevention committees whose trained interviewers had conducted random surveys which formed the basis of the research project. ®

FIVE-DAY SEMINAR

Violence by and against children

BY . . .

'This victim (Allen, 6), who was old enough and intelligent enough to have a vivid but imperfect comprehension that he was in danger, conveyed a strong sense of his nightmarish inability to convince anyone of the reality of the danger . . . The mother, Mrs J., recounted without much evident concern that over a period of a year the older boy had: tried to drown Allen in the bathtub; pushed him down the stairs; cut his head to the degree that he required a dozen stitches to close the wound; and had set fire to the family home. . . Mrs J. further reported that she was often tired and left the three younger children in the older boy's care'.

'A 12-year-old boy had been having difficulties with his family. When his friend was humiliated by his older brother, he ran into the house, grabbed his father's pistol, loaded it, came out, and threatened his 26-year-old brother. "For no reason at all", he shot and killed him. He then ran away and was finally apprehended several days later. He was without remorse and felt justified in what he had done'.

. . . AND AGAINST

A survey by the Western Australian Department for Community Welfare of cases of child sexual abuse coming to criminal justice or professional attention in the Perth metropolitan area between October-December, 1978, revealed 127 cases.

'The unpalatable but not unexpected truth is that no-one has any idea of the incidence of child abuse in Australia. . . The only statistics in Australia come from hospitals and child protection services; the risk of sample bias and duplication is great, and the range and definition vary from State to State'.

These cases and comments were cited during a five-day seminar on 'Violence by and against Children' which was held at the Institute in late November with funding from the Office of Child Care, Department of Social Security.

It was attended by 68 representatives from child welfare departments and agencies, police, the medical and legal professions, refuges and rape crisis centres, researchers and Institute staff.

The seminar was held at a time, which an opening speaker, Dr Lincoln Day, an Australian National University lecturer, described as a period of rapid change to the family unit in Australia.

Dr Day told the conference that the composition of the family, the timing of certain events associated with it, its functions and durability, were undergoing change at a faster rate than ever before in Australia's history.

He said Australians were marrying later in life, there had been a 37 per cent decline in the male marriage rate at ages 15-19 years between 1971—1976 and a 30 per cent drop in the corresponding female rate. It was a trend, he said, which could lead to a smaller proportion of the population marrying.

A 17 per cent decline had occurred in ex-nuptial births by 15-19 year-old girls between 1972-77, and births to married women in the same age bracket had declined by 42 per cent.

Dr Day said such trends caused by more efficient use of birth control and increasing access to abortion, had been beneficial in that fewer people were now being forced into early marriage, unwanted childbirth, and unwanted children.

An undertermined increase had occurred in consensual unions instead of marriage and a recent study in Denmark had shown approximately 90 per cent of Danes unmarried at the age of 25 were living in some kind of consensual union.

Divorce was also increasing and Dr Day estimated that it would remain constant at betwen 20-25 per cent of Australian marriages.

Fertility rates had dropped and Australia was moving toward zero population growth — a trend reinforced by a declining size in the average family.

Dr Day concluded that, although the functions of the family were narrowing, its role had become more important through its unique ability to satisfy fundamental human needs made more acute by the stresses and economic realities of the modern world.

In a paper titled 'Reporting Child Abuse', post-graduate law student, Ms Jane Connors, described child abuse as a social problem which had only been recognised in the past 20 years.

Parental neglect or abuse was first suspected, she said, as a cause of spontaneous trauma in children by an American paediatric radiologist Dr John Caffey, in 1956.

A paper published in the Journal of the American Medical Association in 1962, titled 'The Battered Child Syndrome', had given the yet untitled condition of parentally induced trauma a name.

Clinical manifestations ranged from mild injuries such as bruising to severe injuries including ruptured organs and fractured bones.

Ms Connors described child abuse as a problem society was reluctant to recognise because many found it impossible to believe that parents could be responsibile for injuring their own children.

It was a community responsibility, however, to act where a child was at risk by identifying and referring the child and its family to a helping agency.

However, paradoxically society's attitude to the family — protecting its autonomy and privacy and the use of physical discipline of children — was a hindrance to the reporting of child abuse.

Other hindrances to reporting were the difficulty of discerning regular and serious maltreatment, the tendency of abusive parents to move their child from hospital to hospital to elude detection, and a

fear that potential reporters had of incurring legal liability by notifying cases of suspected abuse.

To encourage reporting in the United States, legislation dealing with the reporting of child maltreatment had been enacted in all 50 States providing immunity from legal action against a person making a report.

Forty six of the States had enacted legislation which specifically provided that medical practitioners had a mandatory duty to report maltreatment which became evident to them in the course of their duties. This mandate, in 22 States, had been extended to include any person who had reasonable cause to suspect child abuse. Penal sanctions for failure to report had been enacted in 40 States.

Ms Connors said that it was not until the mid-seventies that 'real interest in the maltreatment syndrome became apparent in Australia'.

South Australia, in 1969, had been the first Australian State to introduce reporting legislation and had been followed by Tasmania, in 1974, New South Wales in 1977, Queensland in 1978, and Victoria in 1979.

Although there was no uniform definition in the Australian legislation of reportable child maltreatment, physical abuse and neglect leading to physical manifestations was common to all.

A mandatory duty to report had been imposed on medical practitioners in South Australia, Tasmania, New South Wales, and Queensland. This duty had been extended in South Australia and Tasmania to include dentists, social workers, teachers, police and nurses.

In Western Australia, the Department of Child Welfare maintained a register to which voluntary reports of child maltreatment were added.

Ms Connors said that underreporting continued to be a problem despite the introduction of compulsory reporting legislation. However, she concluded that an effective reporting service, coupled with appropriate child protective agencies was the most effective way to deal with abuse.

'EXTEND COMPENSATION'

Compensation for victims of domestic violence should be extended a lecturer in legal studies at La Trobe University, Mr John Willis, told the seminar.

In outlining the court-based and tribunal-based schemes for compensating victims of crime operating in all Australian jurisdictions except the Commonwealth and A.C.T., Mr Willis said the maximum amount of compensation payable had gradually increased as the schemes had gained acceptance.

He pointed out, however, that compensation payments were far below those awarded for damages for equivalent injuries in civil actions for negligence.

'The present low maxima can be attributed to government concern at the possible costs of the schemes, their comparative novelty and general uncertainty as to the role the government should play in the compensation of victims of crime', he said.

Mr Willis said most of the Australian compensation legislation contained special provisions relating to cases where offender and victim were related or were at the time of the injury living in the same household.

A tribunal-based scheme in Victoria, for example, expressly excluded compensation for domestic violence in order to guard against fraudulent or undeserving claims arising from domestic situations.

In Queensland, the courts had a discretion to reduce the amount of compensation because of the victim's conduct or relation to the offender, while in New South Wales and Western Australia, the ambiguous wording of relevant provisions had caused difficulties of interpretation and it was not clear whether such discretion had been conferred on the courts.

Mr Willis said that while there was a need to safeguard against an offender benefitting from compensation made to a victim with whom the offender was related or living with, the exclusion of a large class of victims of domestic violence could not be justified.

He concluded that: 'The exclusion of domestic violence is clearly anachronistic and seems likely to be changed, especially in the light of growing community and government concern over "battered wives" and "battered children".'

CRISIS CARE UNIT

The problem of domestic conflict in Adelaide had, in many cases, been successfully countered by a mobile Crisis Care Unit which operated a 24-hour welfare service in close liaison with the police, the Unit's Supervisor Mr Andrew Paterson, told the seminar.

Mr Paterson said the Unit, established by the South Australian Department for Community Welfare on 16 February 1976, was designed to provide immediate aid to people in crisis situations.

The Unit, staffed by social workers assisted by voluntary workers, used vehicles equipped with two-way and hand-held radios to maximise its efficiency and liaise closely with police.

'Because of the occasional hazardous nature of the counselling situations the radio equipment is considered a necessity from the point of view of security', he said.

Since its inception the Unit had attended more than 7,000 family conflicts, on request from either police or someone involved in the dispute.

Child abuse cases encountered by the Unit were often referred to Child Protection Panels which would arrange for support and treatment of the abused child.

Mr Paterson said the Unit had achieved an outstanding level of cooperation with the police, who summoned the Unit when they were unable to resolve a domestic dispute and were reluctant to leave because of a fear of renewed violence.

'Crisis Care also has a great deal of contact with children who are abandoned, or about whom neglect allegations are made. On some such occasions, the police are called because neighbours suspect that children have been left alone in premises for long periods of time. At such times, Crisis Care normally enters the premises with the police and if it is considered necessary children are temporarily taken into care whilst the situation is evaluated', he said.

AUSTRALIAN MEN 'ENCOURAGED' TO BE AGGRESSIVE AND WOMEN TO BE PASSIVE – MS PAM RUTLEDGE

The nature of Australian society provided a climate for family violence, according to Ms Pam Rutledge, a social worker with the Health Commission of New South Wales.

She said men in Australian society were encouraged to be aggressive and women to be passive. 'The male acts upon the world and the woman is acted upon', she said. 'This is why it is important to support women and children who are victims of violence in order to prevent some tragedy perpetuating'.

She said each case of marital conflict was different with unique causes including unemployment, poverty, inadequate housing, excessive drinking and job conflicts.

She questioned the effectiveness of formal services provided by helping agencies in society affecting the real underlying causes of conflict.

'DECADE OF DENIAL'

There had been a 'decade of denial' that a serious physical child abuse problem existed in N.S.W. between 1966–1975, a social worker in charge of the Child Life Protection Unit within the N.S.W. Department of Youth and Community Services, Mr Darryl Lightfoot told the conference.

A 'grudging' acceptance of the 'battered child syndrome' had led to a statistical record of battered children being kept in N.S.W. from 1968 and this had revealed 645 cases during the 8½ year period to June 1977.

It was not until 1975 that the Department had created a specialised child abuse team, and gradually child abuse had become recognised as a social problem.

The child abuse team was replaced by a specialised Child Life Protection Unit, which, combined with the effect of reporting legislation and a limited program of professional and community education, tapped '. . . a far greater number of abuse and at risk situations'.

He said research evidence compiled by the department showed that external stress factors operating on more vulnerable families in the community were a major cause of child abuse.

Such factors, combined with the fact that the majority of harm to abused children was not intended, detracted from the commonly accepted concept of abuse as 'non-accidental physical injury' as an appropriate definition.

'Taken together, these several considerations and the conferring of statutory responsibility for child abuse on the welfare authority rather than on the criminal justice system make a compelling case for accelerating moves to decriminalise child abuse as a social problem and avoiding recourse to the criminal justice system as far as possible', he said.

There was also a concern among health and welfare professionals, for the development of a 'formal mandate' to intervene in a situation before harm occurred to a child.

Mr Lightfoot said a working philosophy recognising child abuse in its broadest sense had been developed by health and welfare agencies which defined abuse as 'those acts of ommission or commission which deprive a child of the opportunity to fully develop his unique potential as a person either physically, socially or emotionally'.

Other speakers were:

- *Ms Maureen Kingshott, Senior Training Officer at the Institute, delivered an 'Overview of Research on Sibling Aggression and Violence within the Family'.*
- *Mrs Tess Rodd, social anthropologist, spoke on 'Marital Murder'.*
- *Ms Vivien Johnson, refuge representative, spoke on 'Children and Family Violence: Refuges'.*
- *Ms Jean Hamory, supervisor of the Child Life Protection Unit in the Western Australian Department of Community Welfare, spoke on 'Child Abuse: An Overview of Recent Developments'.*
- *Ms Anna Yeatman, a sociology lecturer, delivered two papers titled 'Where are Children Today? – A Sociology of Child-Parent Relationships and 'Children and Coercive Parental Authority: Towards a Sociological Perspective'.*
- *A paper on 'Marital Murder, the Police and the Courts' by sociology lecturer Ms Frances Lovejoy was circulated at the seminar.*
- *Ms Penelope Stratman, a solicitor with the Women's Advisory Unit of the South Australian Premier's Department, spoke on 'Law Reform and the U.K. Domestic Violence and Matrimonial Proceedings Act, 1976'.*
- *Ms Carol O'Donnell and Ms Heather Saville, university lecturers, delivered a joint paper titled 'Sex and Class Inequality and Domestic Violence'.*
- *Ms Biff Ward and Ms Robin Batterham, representing an A.C.T. women's refuge, delivered a joint paper titled 'Child Sexual Abuse and Self Knowledge'.*

Copies of the seminar papers and transcripts are available from the Training Division of the Institute. ®

Hong Kong corrections meeting a 'first'

The First Asian and Pacific Conference of Correctional Administrators opened in Hong Kong on Monday 25 February.

Aimed at providing a venue for correctional administrators in the Asian and Pacific region to meet in preparation for the Sixth United Nations Congress on the Prevention of Crime and Treatment of Offenders, the conference was organised by the Institute in collaboration with the Hong Kong Prisons Department.

Representatives from Australia, Canada, Indonesia, Japan, Macao, Malaysia, Papua New Guinea, Philippines, Sri Lanka, Thailand, Tonga, Western Samoa, and the host territory, Hong Kong, attended the conference which was formally opened by the Chief Justice of Hong Kong, Sir Denys Roberts.

In an opening address, the Director of the Institute, Mr William Clifford, told the conference that with the increasing contact between different cultures brought about by modern communications and tranpsort, cultural differences in treating crime had become more important.

'It is quite evident that the crises in the prison systems in America, Europe and Australia are not repeated in quite the same way in the prison systems of Japan, Hong Kong or Thailand', he said. 'It is increasingly evident that attitudes of the public to imprisonment differ in these various countries and that the prisoners themselves have different views of their roles within these institutions'.

Such cultural differences became particularly acute, he said, when people from one culture were confined under the conditions of another.

There was a need for different cultures to learn from each other.

He said that every country had a unique contribution to make in the treatment of crime, and that this was particularly the case with Asian and Pacific countries which had long traditions of civilisation and different approaches to crime which were crucial to the development of better human and social systems.

He said there was also a need for a 'fusion' of both the Western and Eastern methods of crime treatment whereby the West could learn from the Eastern concept of an individual's obligations to society and the latter from the Western concern with human rights.

A Senior Legal Researcher at the Institute, Mr Ivan Potas, told the conference that alternative measures to imprisonment would continue to be tried in Australia, in an attempt to reduce or maintain current levels of prison populations.

'They said it could not be done. Never before had it been possible for there to be an international gathering of the Asian and Pacific Administrators of Corrections. Never before had the Hong Kong Prisons Department had the opportunity to have such a distinguished international gathering. Never before had Australia been able to share its substantive expertise in crime prevention on such a wide regional scale.

The Australian Institute of Criminology convened the meeting, prepared all substantive papers, provided the secretariat and wrote the report. Each country sent its delegates at its own expense — a tribute to their evaluation of the significance of such a meeting.

— William Clifford

'The reasons for this development are well known', Mr Potas told the conference. 'They include economic considerations, humanitarian considerations and a growing recognition that rehabilitation in prison is not a realistic proposition'.

He also predicted that, in the area of prison reform, prison officers would gain increased influence in deciding the needs and requirements of penal institutions.

Prison officers and prisoners themselves were beginning to have a 'voice' in structuring the system of the future, he said.

He said it was hoped to replace many of the nineteenth century buildings used to house prisoners in Australia with more humane facilities.

Many of these prisons, he said, were overcrowded and were being extended or renovated.

'However it is generally acknowledged that there is an optimum size for a prison and it is probably true to say that in the larger jurisdictions there has been a conscious attempt to decentralise and build smaller prisons with varying degrees of security ratings'.

Control and security were more manageable in smaller institutions, he said, and warned that large prisons '. . . if allowed to get out of control provide the potential for prison riots'.

Mr Potas predicted that prisoner health would become a major issue in corrections in the 1980s and would focus on the necessity for proper medical and psychiatric facilities in prisons and specialised training of prison officers to deal with forensic patients.

He said the majority of Australian sentencers viewed imprisonment as a last resort punishment.

This had led, during the past two decades, to an increasing use of community-based corrections such as probation and parole as alternatives to imprisonment.

There was also a trend towards deinstitutionalisation of corrections in Australia.

'Indeed criminologists have argued for the further reduction of the present levels of imprisonment by up to 70 per cent, by decriminalisation or redefinition of certain offences, and reducing the severity of sentences, as well as by increasing the use of non-custodial sanctions'.

Australia was moving towards limiting imprisonment to the hard-core and long-term prisoner.

'Imprisonment it is argued should be reserved for those who represent a real threat to the lives and personal security of others, for those whose conduct is so repre-

Continued on Page 16

More police training needed in 'domestics'

Although domestic disputes accounted for between 60 and 80 per cent of police working time, only minimal training was provided to police on how to deal with them, Institute criminologist Dr Jocelynne Scutt said in a recent paper titled 'Domestic Violence: The Police Response'.

Dr Scutt said there was an urgent need for police officers to be trained to fulfill their duty of arrest where a crime had occurred or where there was a reasonable suspicion of a crime occurring in a domestic dispute.

'Police must be trained not to treat the assailant as a "chum" or "mate" who has (sometimes) "gone a little too far with the missus",' she said.

Dr Scutt said the duty of police in Australia, at both common law and under statute, to protect life and property clearly included the duty to protect persons married to their assailants or persons cohabitating with their attackers.

However, police officers were often reluctant to proceed against an assailant in a domestic dispute because of a reluctance to intrude into the private lives of individuals or because the victim was reluctant to make a complaint.

'Police frequently inform battered women that nothing can be done unless the women themselves approach the court', she said. 'Yet the criminal law does not require the consent of the victim in order that a prosecution may be launched'.

She said that, in some cases, women who had clearly been the victims of violent assaults were required by the police to take action without police help.

'Where this is the case, there is clear dereliction of duty', she said.

The majority of Australian police training programs included one week's intensive in-service training on the law applicable to domestic intervention; the sociology of crisis intervention and their role in such crises.

Special provision was made for the study of alcohol and its relationship to family disputes, as well as the part played by the mentally abnormal offender.

Police were also acquainted during such courses with the functions of the Family Court, marriage guidance and youth counselling services, women's refuges, child abuse prevention-protection units, and other social agencies.

'However the most compelling features of police training courses in domestic disputes remain first, an adherence to myth in the explanation for and dissection of family violence; and second, the firm belief that family violence must be dealt with quite differently from other types of violence: the clearest message to police is "tread softly"; mediate; escape as soon as things have quietened down', Dr Scutt said.

She said that police were often wrongly instructed to use their power of arrest only as a last resort.

There was a need for all personnel involved in the legal process, including ombudsmen, prosecutors, magistrates, judges, lawyers and court personnel to acquaint themselves with the realities of domestic violence.

'Justice personnel must be required to come to terms with the myths surrounding the family and the occasioning of crime within it, so that these crimes may be fairly dealt with by the legal system'. ®

Continued from Page 15

hensible that a singular salutary penalty must be imposed, or for those who have on one or more occasion failed to take advantage of less punitive sanctions and who have otherwise shown a wilful disregard or contempt for authority'.

In a statement of five main conclusions and resolutions, the conference declared that Asian and Pacific countries were generally committed to the ideal of rehabilitation.

'The conference believes that most problems in prisons arise not from the implementation of a rehabilitation policy but from the lack of it, caused by the lack of resources or the lack of attention to staff training and improvement needs', the statement said.

It added that rehabilitation which meant providing resources for training, industry, education and improvement programs, should be consistent with security and the protection of the public.

It also said that prison discipline, based on mutual respect was an essential feature of work within prison services.

'This is necessary to keep morale high and personal inter-relationships amenable and harmonious between the prison officers and the prisoners'.

The statement proposed that an Asian and Pacific Correctional Conference Secretariat be established, serviced by the Australian Institute of Criminology, and that the conference be held annually with participating countries acting as hosts and each country paying its own expenses. ®

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.

STATISTICS

Australian prison trends

by David Biles
Assistant Director (Research)

During the period November 1979 to January 1980 there has been a marked decrease in the daily average number of prisoners in Australia. The total has fallen from 9,915 to 9,577, a figure still higher than the national total found in December 1976. The numbers of prisoners in all States and Territories for January 1980 are shown in Table 1.

Table 1

Daily Average Australian Prison Populations January 1980 with Changes since October 1979

	Males	*Females*	*Total*	*Changes since Oct. 1979*
N.S.W.	3,397	130	3,527	− 155
Vic.	1,635	45	1,680	− 29
Qld.	1,523	43	1,566	− 39
S.A.	747	25	772	− 64
W.A.	1,367	67	1,434	− 53
Tas.	278	5	283	+ 4
N.T.	245	9	254*	− 20
A.C.T.	59	2	61**	+ 18
Australia	9,251	326	9,577	− 388

* 14 prisoners in this total were serving sentences in S.A. prisons and 4 (including 1 female) in N.S.W. prisons.
** 53 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 January 1980. The national rate of 66.0 compares with 68.6 found in October 1979.

The proportion of prisoners who were on remand at 1 January 1980 for each jurisdiction is shown in Table 3. As this table shows, over 10 per cent of all Australian prisoners are on remand either awaiting trial or awaiting sentence.

Table 2

Daily Average Prison Populations and Imprisonment Rates by Jurisdiction – January 1980

	Prisoners	*General Pop.* '000*	*Imprisonment Rates*
N.S.W.	3,527	5,114	69.0
Vic.	1,680	3,877	43.3
Qld.	1,566	2,206	71.0
S.A.	772	1,297	59.5
W.A.	1,434	1,255	114.3
Tas.	283	419	67.5
N.T.	254	118	215.3
A.C.T.	61	226	27.0
Australia	9,577	14,512	66.0

* Estimated Population as at 31 December 1979 (subject to revision).

Table 3

Total Prisoners and Remandees as at 1 January 1980

	Total Prisoners	*Prisoners on Remand*	*Percentage of Remandees*	*Remandees per '000 of Gen. Pop.*
N.S.W.	3,441	510	14.8	10.0
Vic.	1,667	156	9.4	4.0
Qld.	1,547	95	6.1	4.3
S.A.	765	119	15.6	9.2
W.A.	1,412	67	4.7	5.3
Tas.	289	23	8.0	5.5
N.T.	263	33	12.5	28.0
A.C.T.	57	5	8.8	2.2
Australia	9,441	1,008	10.7	6.9

Juveniles under detention

by Satyanshu Mukherjee
Senior Criminologist

The number of children and young persons in residential care and remand centres as at the first day of each month, May to October 1979, are presented in the following two tables.

While the figures do not show a systematic decline in the number of juveniles under detention from May to October, there were fewer juveniles in institutions in these months as compared to April 1979. The fall and rise in the numbers do not occur simultaneously in each of the jurisdictions. There were only 966 juveniles aged 13-16 years under detention in Australia in October, the lowest number in the six-month period; however only two States, Victoria and Western Australia, institutionalised fewer juveniles in this month.

In terms of juvenile detention rate for 13-16 age group, except for January 1979, the rates for every month, February to October 1979, were lower than the rates for the corresponding months of 1978.

Table 1

Juveniles (13-16 year old) Under Detention, May to October 1979

	May	*June*	*July*	*Aug.*	*Sept.*	*Oct.*
N.S.W.*	476	441	452	448	423	452
Vic.	248	208	196	204	219	189
Qld.	168	162	174	136	140	151
S.A.	54	47	47	51	38	41
W.A.	112	110	128	104	114	83
Tas.	22	25	30	30	22	31
A.C.T.	11	15	16	15	16	19
Australia	1,091	1,008	1,043	988	972	966

*A.C.T. figures have been subtracted.

Table 2

Juvenile Detention Rate (13 to 16 year old), May to October 1979

	May	*June*	*July*	*Aug.*	*Sept.*	*Oct.*
N.S.W.*	136.0	126.8	131.9	130.7	123.5	131.9
Vic.	90.4	75.8	72.2	75.2	80.7	69.7
Qld.	105.6	101.9	111.5	87.2	89.7	96.8
S.A.	56.9	49.5	50.6	54.9	40.9	44.2
W.A.	124.3	122.1	142.8	116.0	127.2	92.6
Tas.	67.5	76.7	94.8	94.8	69.5	98.0
A.C.T.	71.3	97.2	100.8	94.5	100.8	119.7
Australia	107.6	99.4	104.3	98.8	97.2	96.6

*A.C.T. figures have been subtracted.

BOOK REVIEWS

CRIME AND PENAL POLICY
By Barbara Wootton
George Allen & Unwin. 261 pp.
$19.50, Hard Cover
Reviewer: DAVID BILES, Assistant Director (Research), Australian Institute of Criminology

Barbara Wootton is justifiably regarded as one of the leading commentators on criminological matters in the English-speaking world. She has been a lay magistrate in England for more than 50 years, is an active member of the House of Lords, has written a number of very influential books, and has been a member, often chairman, of many high-level government committees. Of even more importance in the context of a review of her latest book is the fact that she writes with such clarity that her views can be readily appreciated by both the layman and the academic criminologist.

Sub-titled 'Reflections on Fifty Years' Experience' this book contains numerous proposals for reform of the British criminal justice system. The first half of the book would be especially useful for newly appointed magistrates as it deals with the function of the court, sentencing, court personnel and custodial and non-custodial sentences. Even in these chapters, which one might expect to be largely instructive, Baroness Wootton inserts trenchant criticisms of what she sees as deficiencies in current practices.

The second half of the book, however, dealing with the special problems of murder, young offenders, drugs and drunks, motorists and mentally abnormal offenders, constitutes a vigorously and systematically argued case for (sometimes radical) reform. On the controversial subject of capital punishment she outlines the slow and sometimes illogical movement towards abolition in Britain but concludes with the reminder that there is still a substantial body of public and parliamentary opinion demanding the reintroduction of the death penalty for terrorism causing death. Baroness Wootton strongly resists this movement.

Her chapter on young offenders is probably the highlight of the book. From her vast experience in juvenile courts she is able to comment with authority on the numerous legislative and administrative changes that have been made in England over the past half century in dealing with delinquents, and she concludes this detailed analysis with the proposal that all juvenile misbehaviour should be dealt with in the context of the education system. She recognises that many will oppose this suggestion and that there would be considerable organisational difficulties. In the conclusion to the book she says:

> Nevertheless I am confident that by, say, the middle of the next century we shall be appalled by labelling children of ten years old as criminal, and that the present style of juvenile courts will be as much of a museum piece as many of our prisons.

On the subject of motoring offenders she ridicules the suggestion that they are somehow less harmful than the real criminals who steal, rob and maim, and she displays a similar compassionate realism in her discussion of alcohol and drugs. But more controversially her views on criminal responsibility and mental abnormality are far ahead of those of the traditional legal fraternity. She argues, as she did originally in her classic *Social Science and Social Pathology* of 1959 and on many occasions since then, that *mens rea* should no longer be required or assumed as an element of a crime and that questions of intent or motivation should be considered only at the sentencing stage of the trial. This line of reasoning leads inevitably to a radical view of the relevance of mental illness or diminished responsibility to criminal accountability.

In all that she writes Barbara Wootton is guided by a 'reductivist', as opposed to moralistic, view of the function of the criminal law. She wants the law and its agents to reduce the incidence of harmful behaviour in the future rather than to aim at punishment or atonement of events in the past. Furthermore, she aruges that these two approaches to the law are mutually incompatible and often demonstrably contradictory.

This provocative book deserves to be studied by all concerned with the quality of justice and the incidence of crime. Even though the examples and illustrations are English, its message can be readily adapted to Australia. Students, professionals and the general public will all benefit from reading the reflections of this most gifted, compassionate and insightful lady.

TWO FACES OF DEVIANCE: CRIMES OF THE POWERLESS AND THE POWERFUL
Edited by Paul R. Wilson and John Braithwaite
Queensland University Press.
309 pp.
$10.95
Reviewer: GILBERT GEIS, Professor of Social Ecology, University of California, Irvine, California.

The overarching theme of *Two Faces of Deviance* is preeminently clear. There are, the editors want us to appreciate thoroughly, two major kinds of crime. There is first, the garden variety that attracts prominent and often prurient attention. In this group are such things as muggings, burglaries, marijuana use and similar acts largely carried out by persons in the working class. Then there are the so-called 'white-collar crimes'. These are ignored, camouflaged, redefined, and otherwise downplayed, in large part because the persons who declare what kinds of crime are noteworthy are those who commit white-collar crimes themselves or who, because of class congruence, are sympathetic

to the perpetrators of such crimes. In this volume, the white-collar crimes considered include antitrust violations, occupational health and safety offences, fiddling with odometer readings, and environmental pollution.

There is a fine essay by John Braithwaite and Barry Condon which, aside from its occasional lapses into pop-Left jargon, effectively provides the moral underpinning for the volume's major theme by illustrating carefully the fact that the white-collar crimes are likely to be more harmful to the society than those acts which so outrage the citizens and authorities whose views prevail.

Individually, the contributions run a gamut in terms of their quality. The very best essays, in my view, are a trio toward the back of the book, following one upon the other. I thought well of them, in large measure, because they are written with a certain analytical intelligence, and because they strive in a serious manner to make sense out of their material, rather than to offer it, as some essays in the book do, in an expository tone of self-righteousness, with simplistic good-guy bad-guy stereotypes.

The first of the three is by Ronald Wild and Adam Sutton. The authors argue, using Max Weber as their theoretical guide, that the more formalised the law controlling corporate violations, the more difficult it becomes to convict, because the corporation has the skill and resources to calculate with better precision the cost-benefit ratio of its behaviour. The authors argue for what Weber called *Cadi* justice, in which the rights of each situation are analyzed individually and *de novo* each time. I thought the formulation by Wild and Sutton more interesting than convincing. For me, it ignores the nature of accretional supplements to law (some of which probably can empirically be shown to be very effective in controlling corporate actions), and because, reduced to its lowest level, the position would presumably be that no law is better than some law in dealing with corporate exploitative tactics.

Edward Gross' following article takes the position that the goals of organisations in both capitalist and socialist societies demand that they engage in law-breaking. Such goals posit organisational achievement, and such achievement can under certain conditions only be realised by means of violation of criminal statutes. It is a fine general formulation that now requires more precise refinement and testing. Indeed, a particular question that arises is why corporate entities, given their lust for profit, abide at all by the law, as I presume they sometimes do.

Andrew Hopkins, in the last of the triumvirate, addresses the question of determination of responsibility for wrongdoing within an organisational structure. He shows that inadvertent gaps in responsibility rather than malevolence often appear to be behind white-collar crimes. Australian cases are brought to bear upon his formulation. The fewer cases of white-collar crime in Australia, compared to jurisdictions such as the United States, seems to allow many of the writers in this volume to get a grip on issues by means of the scrutiny of particular violations. In America, the case material seems overwhelming, and tends to be bypassed in favour of pure theorising.

There also were, alas, a number of essays in the book that I found less appealing, largely because they seemed to me to represent polemics rather than more reasoned inquiries into problematic issues. Writers should know, or be told, that unpersuaded readers are not apt to be much moved by overstatements (or at least so I think) that make complicated issues out to be awful conspiracies on the part of the forces of evil against those of us on the side of the angels. In particular, suggestions that working class criminal behaviour is nothing except the product of power structure tyranny seems to me simplistic. Hooligans really do out of nastiness sometimes hurt people who deserve better, and persons in conflict with environmentalists presumably have a point of view about the value of what they propose, however misguided it may be. Perhaps it is necessary in a pioneering volume such as this to caricature some issues in order to arouse people out of complacency, but I imagine that in the long run such an approach becomes self-defeating.

I found the title of the book a bit puzzling, given the editors' annoyance, expressed in their introduction, with the concept of deviance, which they find an imprecise and perjorative term. Nonetheless, *Two Faces of Deviance* stands as one of the pioneering contributions to the Australian literature on white-collar crime, a subject that today is becoming the most important in criminology.

CHILDREN AND FAMILIES IN AUSTRALIA (Studies in Society, No. 5)
By A. Burns and J. Goodnow
Allen and Unwin. 222 pp.
Reviewer: PAUL WINCH, Senior Training Officer, Australian Institute of Criminology.

An indication of the worth of this book, number five in the Studies in Society Series, may be the fact that it was frequently referred to and quoted at the seminar 'Violence By and Against Children' held at the Institute in November 1979.

Children and Families in Australia covers nine specific social issues and places them in a historical perspective in the introduction, which is itself of particular interest as it questions some of the frequently heard assumptions about 'the good old days' in Australian family life. The authors suggest that the idealised model family which involves a relatively high standard of living, a major invest-

ment in the family home, small family size, few servants, a belief in the centrality of children to marriage and a marked sexual division of labour, with the women engaging predominantly in domestic activities was fixed in legislation in 1907. And that, although a myth for many Australian families, it is regarded as the norm, and has dominated the thinking about families in the twentieth century in this country. Other myths, such as that relating to the demise of extended families in Australia, are debunked and the publicity frequently given to the breakdown of family life is seriously questioned.

In following chapters, family arrangements that differ from the idealised two parent home-owning model, which have become social issues, are examined. Working mothers, unemployed fathers and single parenthood are discussed from the child's point of view, focussing on the quality of care. Evidence from overseas as well as local research is reviewed and it is argued that the quality of the relationship between parent and child seems likely to be more critical than its quantity: that a parent-child bond can withstand extended absences so long as the relationship is a good one. The authors suggest that the need, expressed over recent years, for child care facilities is only part of a larger need for community centres to cater for a wide variety of emotional and social needs.

Another area of concern, the effect of television violence on children, is examined in a chapter by John Murray. He claims, after reviewing the evidence, that most researchers, citizens groups, parents and legislators agree that televised violence is demonstrably harmful to some children and that it is unlikely to be beneficial to any child. Television is portrayed as an intruder with the capacity to influence behaviour for better or worse: an intruder over whom the family has little control and for whom no-one seems prepared to take responsibility. Television stations disclaim responsibility for the effect of programs, stating that parents must take responsibility for what their children watch; while parents are often powerless to prevent their children seeing particular things. This social issue will not be easily solved in a country such as Australia where most programming decisions are made by competing commercial organisations on the basis of profit.

The book presents a detailed examination of the problem of violence against children and it is noted that this has become elevated to the status of a social issue only recently, although it has undoubtedly been going on for many decades, if not since time immemorial. The change in perception which has allowed this, and the emergence of the view that children are people rather than chattels or slaves is discussed. The authors attempt to isolate which parents are most likely to physically abuse their children, which children are most likely to be victims and they survey some theories of causation. They conclude that the answer probably lies with individual parents and individual children and they state that the 'baby bashers', like 'the unemployed' do not present a single easily identifiable profile. This segment, while informative, was frustratingly inconclusive. The absence of data was continually referred to and possible solutions to the problem were not debated partly because of the lack of evidence and partly, it seemed, because of a stated belief that physical punishment is widely condoned as a method of child rearing in Australia.

In the final segment Richard Chisholm examines, from a legal perspective, the child welfare system and legal and moral questions raised by adoption and custody matters. Once again the emphasis is on social issues and problems occurring outside the idealised family model. The chapter is, thankfully, not written in 'legalese' and is directed at social scientists rather than lawyers. It discusses the issues in a clear and illuminating way and may well be of interest to those examining the legal system as it relates to children either with a view to working within the system, or to changing it.

The book's strength is that it makes accessible research data, historical information, views and opinions about selected social issues relating to families and children, which would otherwise be unavailable to the general public. Social scientists, lawyers, teachers, parents and others with an interest in families and children in Australia will find this book a useful addition to the literature.

Sentencing study published

A new Institute publication, *Sentencing Violent Offenders in New South Wales* by Senior Legal Research Officer, Mr Ivan Potas was published recently by the Law Book Company Ltd. in association with the Institute.

The book contains a legal analysis of the principles of sentencing as enunciated by the New South Wales appeal courts (usually the Court of Criminal Appeal) with regard to offences involving violence.

Mr Potas said recently 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.

Copies of the book are available from the Law Book Company Ltd., 31 Market Street, Sydney, 2000. ®

reporter