reporter

REDFERN 1983

. . . how many more young Aboriginal people will die in outbursts of violence before this country. . .does enter the arena of race reprisals on the scale of Soweto, Watts or Brixton. . .

Christine McIlvanie

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reporter

COVER PHOTOGRAPH: Aborigines and the Criminal Justice System are featured in this issue. Cover photographs compliments of the *Sydney Morning Herald* and the *Canberra Times*.

New Institute Director sets research priorities

The Dean of the Faculty of Law at the University of Western Australia, Professor Richard Harding, is the new Director of the Australian Institute of Criminology.

He replaces the Institute's first Director Mr William Clifford.

Professor Harding, who has accepted the position for three years, taught law at University College, London. He was a member of the Law Reform Commission of Western Australia from 1974-77 and its Chairman from 1975-76.

He was Foundation Chairman of the Western Australian Branch of Amnesty International from 1968-70.

His publications include *Firearms and Violence in Australian Life*, and *Outside Interference: The Policies of Australian Broadcasting*.

Commenting on future Institute projects, Professor Harding said that high priority would be given to the completion of a national system for the collection and publication of crime and criminal justice statistics, and the Sentencing Reference carried out jointly in 1979-80 by the Institute and the Australian Law Reform Commission.

On Aborigines and the criminal justice system, Professor Harding said that the high Aboriginal imprisonment rate was a national scandal and that the Institute was well placed to lead research into the problem which would be discussed at next year's United Nations Conference.

Referring to what he termed the paucity of funds expended on criminal justice research, Professor Harding said that the time had come for the Commonwealth and the State Governments to make a national commitment towards a national problem.

'Good quality criminological research is very cost-effective; it could save the community ten or twenty or perhaps a hundred times the original outlay', he said.

In announcing the appointment, the Attorney-General Senator Gareth Evans said that Professor Harding would bring great capacity and skills to the Institute.

'The Australian Institute of Criminology has a very important role in initiating projects designed to improve and strengthen the disciplines related to law enforcement and even small improvements to the law enforcement system can result in very substantial savings to all Governments', Senator Evans said. ®

Professor Richard Harding

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Conference stresses understanding

Judges, magistrates and the police should attend compulsory lectures to learn about the culture and customs of Aborigines, a conference on Aborigines and criminal justice recommended in September.

The conference held at the Australian Institute of Criminology from September 12-16, also recommended that school children receive comprehensive tuition on the culture and customs of Aborigines because the community at all levels 'lacked a knowledge' of Aboriginal culture and customs.

The conference which aimed to try to find out why Aborigines had so much trouble with the criminal justice system was told that statistics proved that an 'outrageously greater disproportion' of Aborigines were dealt with and imprisoned by the Courts.

It recommended that Aboriginal communities be given educational aids with material printed in their own language explaining their legal rights before, during, and after arrest.

A magistrate should be required, if requested by the defendants, to have an Aboriginal sit with him during Court hearings to observe proceedings and offer assistance to the person exercising judicial functions.

Where a magistrate made an order for the imprisonment of an Aboriginal he should give reasons in writing.

Magistrates exercising summary jurisdiction should be given wide statutory discretion to order various community work orders in lieu of a fine or imprisonment. The seminar recommended the adoption of a standard approach to Aboriginal/police relationships through the establishment of Aboriginal Liaison Units. Special attention should be given to ensure the suitability of police officers appointed to Aboriginal reserves and other places where there was a high Aboriginal population.

It was thought necessary that, before commencing duties in such areas, policemen should undergo suitable induction training.

Delegates to the conference also recommended the setting up of an informational counselling service for the wives and families of police stationed in 'Aboriginal towns' and settlements.

Specialist Aboriginal affairs policemen needed to appreciate Aboriginal lifestyle, culture, history and legal systems.

Explaining ways of improving the fit between Aborigines and the criminal justice system, Chief Inspector O. Bevan, Officer-in-Charge of Community Affairs, South Australian Police Department, told the seminar that community involvement programs designed to have police gain deep insights, understandings and

Participants at the Seminar 'Aborigines and Criminal Justice' held at the Institute from 12-16 September.

# of Aboriginal culture and customs

perspectives of particular communities brought police and society generally into closer co-operation.

'Where there are large populations of Aborigines living in tribal or semi tribal circumstances police specialists could live among these people for a time in an attachment type role'.

This would result in at least two benefits.

It might lead to an improved policing system in areas where two cultures are trying to ride in tandem.

Secondly, it would enhance an officer's comprehension of the entire Aboriginal scene.

Chief Inspector Bevan said that despite existing racial tensions there had been encouraging examples of harmony and the situation was not hopeless.

Police needed the good-will and understanding of both Aboriginal people and the community at large.

Aborigines and their sympathisers also needed to understand and accept that police performance could not be improved by pruning their power and authority.

'Australian society, Aboriginals included, needs to make sure the police have adequate powers of authority and practical support.

That will not be achieved by unjust or ill-founded criticism, anonymous innuendos or the undermining of confidence and esteem', Chief Inspector Bevan said.

The conference adopted the statement that 'this seminar, while recognising the difficulties inherent in any proposal requiring Commonwealth-State co-operation, nevertheless believes that the overriding responsibility for the administration of a system of justice providing genuine equality before the law for black Australians is squarely that of the national government'.

It therefore calls upon that (the Federal) Government to manifest its concern for the welfare of its most demonstrably disadvantaged citizens by acceptance and implementation of the recommendations.

The conference called on the Federal Government to fund on a national basis the computerisation of reasons for judgement of matters heard initially in the Supreme Courts and eventually in District or Country Courts.

POLICE 'ATTITUDES' UNSATISFACTORY

Police had an important role to play in reordering and rearranging the lives of Aboriginal people living under an unjust and harsh legal system, Mr M. Mansell told the conference.

Mr Mansell, of the Tasmanian Aboriginal Centre, said that current police attitudes and practices towards Aborigines were unsatisfactory.

'Aborigines still remain overrepresented within the criminal justice system and police continue to over-arrest them', he said.

Negative and unimaginative responses from some states to reforms intended to improve Aboriginal/police contact must not be used as a yardstick for reform of Aboriginal/police relations.

Better Aboriginal/police relations meant establishing a fairer legal system generally.

Mr Mansell said that the harsher elements of the legal system which affected Aboriginal people needed to be balanced out so that the net effect of the system to Aborigines was no worse than it was for whites.

'Existing laws which had a harsh effect on Aborigines must be changed', Mr Mansell said.

ALCOHOLISM – MAJOR PROBLEM AMONG ABORIGINALS

Aborigines had a major alcoholism problem which was possibly unparallelled in industrialised countries.

It was a social problem which often brought them directly into conflict with the law.

In a joint paper which addressed the problem of alcohol abuse among Aboriginals and explored the link between alcohol and crime, Mr Cliff Fua and Mr Laurie Lumsden said that research had shown that intoxication and violence was an outstanding feature of Aboriginal 'criminality'.

Mr Fua and Mr Lumsden – programs officers with the Alcohol and Drug Dependence Service of the Queensland Health Department – said that studies had shown a strong connection between high alcohol consumption and violent crime among Aborigines.

But the problem was not unique to Aborigines.

Much Aboriginal drinking was public, on the streets or in parks and was more likely to attract police attention.

Alcohol abuse was also a serious problem among Aborigines living in outback Australian communities which were served by beer canteens many of which did not limit the quantity of beer per customer.

Figures obtained from a study of one community in 1981 show that each drinker consumed an average of seven jugs or 27 seven ounce glasses of beer per night.

Violence in the form of brawling, destruction of property, wife bashing etc, occurred mainly during and immediately after canteen hours.

Court records from one provincial city in 1976 show that 49 per cent of indictments that year were Aboriginals and Islanders.

Alcohol was mentioned in almost every case.

The seminar was told that a 1981 study had found that 14 per cent of males in Queensland prisons were Aboriginals and Torres Strait Islanders, while their proportion in Queensland was only 2 per cent.

This represented an imprisonment rate 7 times that for whites.

Aboriginals and Torres Strait Islanders represented almost 30

Mr Cliff Fua

per cent of female prisoners, 15 times greater than for their white counterparts.

The survey revealed that 81 per cent of prisoners interviewed had been drinking at the time of the offence.

A 1978 study of imprisonment rates of Aborigines in New South Wales showed that about 50 per cent of Aboriginal males 15 years and over had come into conflict with the law and all but one were related to alcohol.

Mr Fua and Mr Lumsden said that Aboriginal health, welfare and legal issues could not be divorced from treatment and prevention programs for alcohol dependence.

They said that a network of community-based Aboriginal Alcohol Programs managed by the communities themselves and assisted by trained Aboriginal counsellors were beginning to show positive results.

'We believe we have developed a program that will bring about a change.

'It is reducing alcohol abuse and is helping to restore some dignity and hope to the Aboriginal people', they said.

The authors called on the Federal Government to accept responsibility for an increased funding of the program.

PRISON OFFICERS SHOULD STUDY CUSTOMS/CULTURE

Prison staff should be taught by anthropologists to recognise the relevant aspects of Aboriginal culture, a prison psychologist told the conference.

Ms Patricia Lowe of the Broome Prison in the North West of Western Australia, presented a paper which explained how the cultures and customs of tribal Aborigines made it difficult for them to understand how the criminal justice system worked.

For example, Aborigines were sometimes known by several names which may cause embarrassment and confusion in interactions with the police and prison officers.

Interaction between black and white was often rendered awkward because of the exclusion of most Europeans from the kinship system which is the single most important factor in Aboriginal society.

Ms Lowe explained that it was often assumed that all Aboriginal people spoke English and a failure by Aboriginals to fundamentally understand English could make an important difference to the meaning of statements given to the police, of interviews with lawyers, and of answers to cross-examination in Court.

Aborigines perceived prison as irrelevant and tribal Aborigines often recognised as valid only their own system of crime and punishment.

'Either a person facing the white law is not considered to have committed a crime, in which case his punishment is seen as irrelevant or unjust, or if he is deemed guilty of a serious offence against tribal law imprisonment is not regarded as an appropriate or real punishment', Ms Lowe said.

Ms Lowe said the first priority for legislators and planners must be to reduce dramatically the number of Aborigines who proceed through the criminal justice system.

'No amount of amelioration of prison conditions can make the present gross overrepresentation of Aboriginals in prison less than a scandal', she said.

Ms Lowe listed improved social conditions and an attendant reduction in alcohol abuse, a greater respect for, and recognition of, Aboriginal customary law, increased autonomy for Aboriginal communities, and improved training for white people working with Aboriginals, as measures which should result in a more flexible prison system which took account of Aboriginal culture and customs from the policy and planning level to the face-to-face interactions between prison officers and prisoners.

Mrs Pat O'Shane, Ministry of Aboriginal Affairs, New South Wales

HIGH ARREST RATE

Aboriginals were arrested more often than other groups and were less likely to be let off with a warning by police.

They were also far more likely to be arrested than summonsed, were less likely to obtain bail, and were less likely to be legally represented.

Figures presented by Mr Adam Sutton, Director of the South Australian Office of Crime Statistics from a 1976 survey of 10 towns in three states, showed that those cases which did result in acquittals or dismissals far less frequently involved Aboriginal people.

The survey showed that during the 80s Aboriginal people were still far more likely to be apprehended, particularly for minor offences, than other members of the community.

Mr Adam Sutton

For example the rate of court appearances of Aboriginals in South Australia for the first six months of 1982 was 385 per cent per 1000 population, compared with a rate of 11 per cent per 1000 for other Australians.

Over the same period, more than 90 per cent of Aboriginals appearing in court had been arrested compared with only 60 per cent of non-Aboriginal defendants.

Aboriginals were also 9 times more likely to be denied bail.

During the survey period more than 80 per cent of Aboriginal defendants facing charges requiring more than one hearing and 34 per cent of those with a single appearance had a lawyer, compared with 77.5 per cent and 26.3 per cent for all other defendants.

Commenting on the figures, Mr Sutton said that statisticians had reached a 'crisis point' in their work.

'We seem to have been collecting and disseminating data on Aborigines for a long time but not enough is happening. The question of equal rights for a minority is no longer news among the media and with each successive six-monthly report there seems to be less of a reaction.

'By helping to stage manage twice-yearly demonstrations of how little the public cares about these issues we might be making it more difficult for the champions of reform'.

'Researchers need to grasp the historical aspects of their work and find ways of communicating more forcefully to their audience.

'Once they achieve this sort of historical perspective, it should be far easier for them to avoid presenting statistics as a series of injustices and tie them to a far more forceful account of the role that Western law has played in the despoliation of an economy and a culture', Mr Sutton said.

YOUNG ABORIGINALS OVERREPRESENTED

Young Aboriginals in South Australia are grossly overrepresented in the criminal justice system and proportionately more appear before the Children's Court than appear before children's aid-panels set up in 1979.

Aboriginals were also more likely to be arrested than summonsed.

These are some of the findings from an analysis of statistics from the first six months operation of the South Australian Children's Protection and Young Offenders Act 1979. The survey showed that 1692 children appeared in Court while 2063 appeared before aid-panels.

Aborigines made up 10.6 per cent of court appearances and 4.1 per cent of aid-panel appearances respectively.

The total number of court and aid-panel appearances for the period was 3755 of which 264, or 7.0 per cent, were Aborigines.

The analyses was compiled by Rebecca Bailey, Senior Lecturer in Law, University of Adelaide.

The study showed that 55.9 per cent of all court appearances by Aboriginals were by way of arrest compared to only 36.5 per cent of all court appearances by non-Aboriginals.

The position is reversed in relation to summons and 41.9 per cent of all court appearances by Aboriginals were by way of summons compared with 59.6 per cent of all court appearances by non-Aboriginals.

The analysis showed that the categories of break, enter and steal, (32.4 per cent for Aboriginals compared with 17.6 per cent for non-Aboriginals), illegal use, interference, (19.6 per cent compared with 11.8 per cent) and common assault, (11.2 per cent compared with 5.8 per cent) were the most common charges brought against Aboriginals.

Larceny was the major charge among non-Aboriginals (17.6 per cent compared with 8.4 per cent for Aboriginals.)

The sample taken is that of appearances in South Australia before the Children's Court and children's aid-panels from 1 July to 31 December 1979.

CUSTOMARY LAW DEFENCE

A paper by Mr P. Hennessy of the Australian Law Reform Commission looked at the question of whether there should be a defence available to Aborigines charged with criminal offences based on their customary law and practices.

Mr Hennessy said that the resolution of conflict between Aboriginal customary law and the Australian criminal law is one of the central questions confronting the Australian Law Reform Commission in its reference on Aboriginal customary law.

Mr Hennessy told the seminar that it had often been suggested that the recognition of Aboriginal customary law would resolve many of the problems facing Aboriginals in their contact with the criminal justice system.

'The solution to the problem of the numbers of Aboriginals in the Courts does not lie in the recognition of Aboriginal customary law because the vast majority of offences committed by Aboriginals and the reasons they are coming before the

Courts do not relate to Aboriginal customary law', Mr Hennessy said.

'Tribal fighting involving payback spearings is not the type of case that is filling the prisons with Aborigines nor is it the typical case of Aborigines in the Courts, yet it is the kind of case where direct conflicts arise between Aboriginal customary law and the Australian criminal law', he said.

He said that particular conflicts and problems of interaction of the two systems are often resolved at sentencing level but the important question was whether or not a new defence based on Aboriginal customary law should be created.

'In many respects a customary law defence would be the clearest as well as the most direct way of linking criminal responsibility under the general law with Aboriginal customary law', he said.

It was argued that such a defence was the most honest and direct way of taking Aboriginal customary law into account and of acknowledging the conflict of obligations.

The creation of such a defence had received little consideration in Australia.

The question was whether the creation of a defence based on Aboriginal customary law should be complete or partial.

'Complete customary law defence should not be available in cases such as tribal killings or executions because this would involve an endorsement by the general law of actions such as payback killings.

'A partial customary law defence would acknowledge the direct conflict of laws and allegiances and would be an adjunct to the sentencing discretion now exercised by judges', he told the seminar.

Mr Hennessy said that such a defence would be relevant in cases such as deliberate homicide and in all other cases involving less serious offences.

'While it is argued that a partial customary law defence combined with sentencing discretions is preferable to a complete customary law defence, the further development of existing procedural alterations in addition to a partial or complete defence is a possible option for the recognition of Aboriginal customary law', Mr Hennessy said. ®

Wee Waa death cell

The following article is based on a paper which focusses on Aboriginal/Police relations in the North West of New South Wales.

It was written by Christine McIlvanie of the Department of Anthropology and Sociology, University of Queensland.

The paper was delivered to the Aborigines and Criminal Justice seminar held at the Australian Institute of Criminology from 12-16 September 1983.

One wonders how many more young Aboriginal people will die in outbursts of violence before this country – viewed by the majority as an egalitarian, liberal, democratic society – does enter the arena of race reprisals on the scale of Soweto, Watts or Brixton. The guilt, then, may be equally enormous and diffuse. The actors and factors are, now, readily indentifiable, answerable, accountable and responsible.

Christine McIlvanie

On 12 June 1981 Edward Murray, a 21 year old Aboriginal man, was found hanged in a Wee Waa police station cell. A five inch wide strip, torn from his cell blanket, had been deftly folded and threaded through the bars of the ventilation window above his cell door. The blanket had been knotted twice: once in order to secure it to the bars, and again to fashion the noose around his neck. His knees were bent, his feet were on the floor.

Barely over an hour before his body was discovered, Murray had been detained as an intoxicated person. He had been searched and placed in the cells to 'sleep it off'. Under the provisions of the NSW *Intoxicated Persons Act* (1979) he could be detained for a period of up to eight hours and then released without charge. In contravention of those provisions he was detained in a police cell under lock and key.

This was the seventeenth occasion on which he had been either arrested or detained. All of his charges were connected with drunkenness, street fighting or abusive language and he was known to Wee Waa police as a 'multiple offender'.

There is no doubt that on the particular occasion Eddie Murray was extremely drunk. The full extent of his intoxication was established by a post-mortem conducted the following morning. Murray had a blood alcohol level of 0.3g/100ml, or 0.3 per cent – six times greater than the level at which the law permits drinkers to drive.

In evidence to a coronial inquiry which began in the Narrabri Court of Petty Sessions on 9 November 1981 before L.R. McDermid SM, Professor D.I. McCloskey of the Physiology Department at the University of New South Wales submitted that Murray's blood alcohol level was such that:

> simple motor acts such as fastening buttons, threading a belt, or locating a key on a ring and using it in a lock would be grossly impaired or impossible.[1]

He added:

> it is unlikely that an individual with a blood alcohol level of 0.3g/100ml could tear a strip from a blanket and/or devise and fashion a noose with a running or slip knot and attach same to a bar.[2]

Regarding Murray's ability to perform the functions necessary to contrive the conditions by which to hang himself, opinions were conflicting. Other medical and forensic experts were of the view that while a blood alcohol level of 0.3g/100ml would render a 'normal' person comatose, it was possible that someone with established hard-drinking habits would, over time, develop an increased level of tolerance.[3] Murray had drunk to excess, but he was 21 years old – hardly of age to have established the increased tolerance level indicated by one particular pharmacologist.

On 18 December 1981 the Inquest Touching The Death of Edward James Murray ended in the City Coroner's Court. Mr McDermid concluded that:

> . . . I can find no evidence on which I could be satisfied that the deceased committed suicide. It is the opinion of the police officers that the deceased took his own life. I am satisfied that the deceased was detained in police cells . . . if he did it himself or if some other person did so . . . that other person would have to have been a police officer . . .
> There has been no evidence put before me as to a motive for one or all of the police called to enter into collusion with civilian witnesses to depose to such a monstrous lie . . . On the evidence before me I feel that I must bring in an open verdict . . .[4]

And so an 'official seal' was placed on the life – and death – of Edward James Murray. For 21 years he had known what it was to be an Aborigine in a country town. For ten of those years he had lived in a tent on an Aboriginal reserve devoid of the most basic of human requirements. He was a 'problem student', as happy to leave school as was the school to see him go. It was said that he drank too much, used abusive language, fought with others and that he fought with himself. Eddie Murray had been reduced and rendered dependent long before a five inch wide strip of cell blanket went around his neck.

We do not know who killed Eddie Murray. The coroner does not know who killed him. What killed Eddie Murray is perhaps an easier question to answer – bearing in mind that 'who' involves, in this instance, only two possibilities. 'What' embraces a great many factors and variables. Murray's case must be seen as one of doubtless many of this kind, namely, that the 'system' was responsible. His death is not simply another curious Aboriginal 'horror story'. What killed him was an elaborate equation, one with factors which have no place in a modern democratic society that either boasts of, or pledges itself to, a scale of human rights enshrined in liberal democratic theory.

'We do not know who killed Eddie Murray. The coroner does not know who killed him. *What* killed Eddie Murray is perhaps an easier question to answer'

The coronial inquest into the death of Murray failed to establish the manner and cause of his death. It failed not because the two barristers – instructed by ALS solicitors – were either personally deficient or professionally negligent. It failed because of the inadequacies inherent in a criminal justice system; one which does not represent the expression of society's common interests and needs.

When the inquest convened it required the services of a magistrate and coroner, a police prosecutor, legal counsel representing the family of the deceased, police and civilian witnesses, and expert medical and scientific opinion. Some would argue that such apparatus is indicative of an efficient, fair, unbiased legal system: that Murray's hearing was a triumph of an open, honest, democratically based criminal justice system. While it is true to say that a grossly deficient system would have literally buried Murray without care or caution, it is equally true that by virtue of its composition the same legal apparatus reinforces the remote, hierarchical, bureaucratic nature of the law as it affects the powerless.

Four main facets of this powerful/powerless dichotomy are both readily identifiable and indeed questionable. They are: the suitability of an inquest as a means of establishing the conduct of various actors; the position of the police prosecutor (and person assisting the coroner) in assembling the evidence for presentation at the inquest; the role of the magistrate in determining the outcome of such an inquiry; and the nature and function of those most closely associated with inquisitorial proceedings – the police as an occupational group.

The Inquest

Inquest procedure is the primary device for testing conduct and establishing the manner and cause of death. But its numerous defects can be – as indeed they have been – abundantly illustrated. In 1970, criminologist R.W. Harding saw the major defect as that 'the police themselves gather and sift the information that eventually goes into the Inquest Brief'. This procedure 'provides an opportunity for information to be censored or re-arranged at source, before even the Coroner or the person assisting the Coroner gets to it'.[5] Applied to Murray's death, Harding's criticism finds a secure base.

Records of telexes, telephone calls and correspondence reveal that the police assembled – and sifted – opinion on whether a person could, in fact, hang while their feet were still on the ground. They also sought proof that an individual with a blood alcohol level of 0.3 per cent would be capable of performing other than basic motor functions. The coroner was even presented with an injudiciously

prepared and sloppily produced document which indicated that Aborigines in custody had a propensity to commit suicide. We may never know whether the positive responses gathered by police and presented to the Coroner were the only ones received. As Harding says, 'when the Inquest Brief has been prepared, not all that appears in it necessarily comes out at the Inquest. The Coroner himself, or more realistically, the person assisting him, decides what part of it shall be publicly revealed, and counsel for the relatives is steadfastly denied access to the rest of the brief'.[6] Perhaps an open trial in the matter, in the true sense of an adversary proceeding, can produce a better balance of fact and opinion.

The Prosecutor

In most cases, the 'person assisting the coroner' is a policeman. One might reflect for a moment on the logic and the need for impartiality in appointing a police prosecutor, for there is strong evidence to suggest that the 'brotherhood syndrome' among police is not confined to one town, region or state. It is not, therefore, unfair to suggest that the findings of Mr Barry Beach QC, during his investigations into allegations of misconduct by members of the Victoria Police Department, have relevance and applicability here. Beach recorded adverse findings against 55 officers. By the time police prosecutors had done their job, not one police officer had been convicted.[7] It matters not that these 55 officers are considered 'rotten apples', to use the common apologetic parlance of departmental officials. It matters much that the person assisting the Coroner belongs to the same occupational group. The entire system of police investigating police, of police assisting police, and police disciplining themselves – to the exclusion of the world – is under severe attack and the appointment of Ombudsmen in each state can be seen as an attempt to at east partly overcome some of these problems.

The Magistrate

Contrary to the normal procedure in country towns, the inquiry into Murray's death was not heard before a travelling circuit magestrate. This fact alone should have assured counsel representing the Murray family of at least a modicum of impartiality. A circuit magistrate is, after all, part of the very society upon whom he dispenses the criminal justice system. He is usually resident in one of the larger towns covered by his area and he is, by virtue of his position, in constant contact with the police in that area. Given the dominant social ideology in towns throughout the north west of NSW it would be most unlikely that he would escape the pressures applied to other professional white residents by the permanent white populations. The implied threat of social ostracism was seen, by Anti-Discrimination Board researchers in 1982, to influence the decisions made in court.[8] Harding has launched a vitriolic attack on the suitability of coroners as a group to hear inquests which involve, in particular, the suggestion of police misconduct:

> The failure of many Coroners to perceive their proper role (is) their spinelessness . . . this is probably because their normal daily work brings them into such close contact with the police that they are bound to share, more readily than they should, many police standards and to resolve doubts in favour of the police. Except with the most unusual Coroner, the mentally tough spirit of inquiry which should be a primary quality for his job inevitably softens when he is investigating a killing by a policeman.[9]

'It matters much that the person assisting the Coroner belongs to the same occupational group'

It is true that Mr L.R. McDermid SM and Coroner, who travelled to Narrabri Court of Petty Sessions from the City Coroner's Court at Glebe, was not commissioned to investigate a killing by a policeman. But as the inquiry progressed he was faced with a barrage of conflicting scientific, medical opinion. He was forced to discredit the self-contradictory perjured testimony of one particular police officer. Yet his verdict was an 'open' one and only that by dint of his extraordinary ability to withstand societal pressures and to escape in part the relationship and ethos inherent in his position. This hearing, and an open finding, cannot be considered a plus for the legal system. Nevertheless, Mr McDermid was, as Harding described, a most 'unusual' coroner.

The Police

Because Murray died in 'protective' custody and because he may well not be the last to do so, there appears a need to address the effects which stem from the organisational structure and social role of the police force itself. In doing so we find an occupational group – which has been invested with the institutionalised use of society's discretionary powers – eminently capable of effecting what the political philosopher Rousseau has termed the transformation of 'strength' into 'right' and 'obedience' into 'duty'.[10]

There are many operative factors which consistently impinge upon the working lives and social relationships of policemen in country towns. The appointment of police to 'Aboriginal' towns further complicates their occupational status and reinforces the 'group' tendency to represent the desires of an hypothesised 'normal' decent citizen.[11] The genesis and function of institutionalised power by the police is predicated on three main principles of 'group' conduct. The first concerns the fact that police accept and morally justify their use of power, force

and at times both psychological and physical violence. Secondly, their predisposition to do so arises out of their occupational experience. Thirdly, employment of 'para-military' style tactics is functionally related to the collective occupational, as well as to the legal ends, of the police.[12]

In country towns policemen do not form part of the local core status system and a consequence of their status marginality is that they turn 'inwards' for emotional and social support. Throughout the inquiry into Murray's death the police exemplified this 'group' support. Tacit obstructionism went further than the boundaries of local police officers as district and regional officers reinforced the accepted – and acceptable – notion that police see themselves as the 'official pariahs' of small, insular and parochial country communities.

'In country towns policemen do not form part of the local core status system and a consequence of their status marginality is that they turn 'inwards' for emotional and social support'

A level of frustration accompanies the position of a policeman in a town with a significantly high Aboriginal population. There are repeated confrontations with the 'too-smart' characters, the drunk and disorderly, the multiple offenders who, it appears, have little or no respect for the law or its enforcement officers. Eddie Murray was but one example of the 'provocation' given to country policemen.

> Inevitably, if one of their members assaults a prisoner, the greater majority of police can well imagine how they themselves might have been tempted to have done the same . . . Why, therefore, should one of their members be offered as a scapegoat to the rest of society. . .[13]

The solution is to engage in group solidarity, to simply – and swiftly – close ranks.

Conclusion

The inquiry into Murray's death raised many, if not more issues than were resolved. The contested facts remain: could a man who weighed only eight stone and stood five feet four inches tall, with a blood alcohol level of 0.3 per cent tear a strip of cell blanket, fashion it into a noose, thread it between the bars above his cell door (at a height of six feet six inches) and hang himself within the space of fifty minutes? The Murray family remain committed to agitating for a police inquiry into Eddie's death. But, irrespective of the fact that the subject of a departmental inquiry was one of the first items on the agenda when Police Minister, Peter Anderson, assumed his new portfolio in February 1982, sources in the NSW Premier's Department say it has been permanently – one might add conveniently – 'shelved'.

Even if it is determined to conduct a police inquiry, what likelihood is there that it will reach an unbiased conclusion? A criminal trial decides whether the standards of society have been transgressed. A policeman who faces only a departmental inquiry – implemented and conducted by his peers who share the same idiosyncratic 'group' values – is not judged in the same way as the other members of society 'who seem *prima facie* to have transgressed society's standards'.[14]

1. Coronial Inquiry Transcript (Depositions) (CIT(D))
2. loc.cit.
3. CIT (11-11-81) p.48.
4. Coronial Inquiry Transcript (Coroners Summary). (CIT(S))
5. R.W. Harding, *Police Killings in Australia*, Ringwood, 1970, p.220.
6. loc.cit.
7. See Peter Sallmann, 'The Beach Report resurrected: reason for hope or despair', in J. Basten et al. (eds) The Criminal Injustice System, op.cit., pp.249-271.
8. *Anti-Discrimination Board Study of Street Offences by Aborigines*, (ADB Study), Sydney, 1982.
9. Harding, op.cit., p.221.
10. J.J. Rousseau, cited in S.P. Huntington, *Political Order in Changing Societies*, USA, 1971, p.9.
11. Stuart Hall, Chas. Critcher, Tony Jefferson, John Clarke & Brian Roberts (eds), *Policing the Crisis: Mugging, The State and Law and Order*, London, 1978, p.38.
12. Wm A. Westley, 'Violence and the Police', in S. Endleman (ed) *Violence and the Police'*, in S. Endleman (ed) *Violence in the Streets*, USA, 1968, p.452.
13. Harding, op.cit., pp.227-228.
14. ibid. ®

Senior Criminologist attends U.N. meeting of experts

At the invitation of the United Nations, Dr. Satyanshu Mukherjee attended two expert group meetings held at the Sam Houston State University's Criminal Justice Center, Huntsville, Texas, from 24 October to 4 November 1983. Other participants to the meetings came from Canada, Costa Rica, Finland, Italy, Japan, Poland, Sudan, the United Kingdom and the United States, and from various United Nations offices.

The first week-long meeting was convened to discuss the Second United Nations Survey of Crime Trends: The Analysis of the Results. (The first such survey was carried out in 1975.) Toward the end of 1982 the Crime Prevention and Criminal Justice Branch of the United Nations sent out a very exhaustive ques-

Dr. Satyanshu Mukherjee

tionnaire on 'Crime Trends, Operations of Criminal Justice Systems and Crime Prevention Strategies' to all the 156 Member States. At the time of the meeting responses from only 29 countries had been received and processed. The meeting offered advice to the United Nations on a number of issues relating to credibility checks of responses, data refinement, methods of analysis and future data collection efforts. In this regard the meeting recommended that the United Nations: (a) create a repository of national published statistics in the area of crime prevention and criminal justice; (b) maintain links between earlier surveys; and (c) make use of the services of regional and national criminological institutes in checking data credibility and advising on data interpretation.

The second meeting was concerned with the Formulation of Guidelines for Data Base Development. Dr. Mukherjee was elected rapporteur of this meeting. Some of the items discussed by the meeting were: (a) the implications of a survey of crime trends; (b) principles and logic of collection of crime-related data; and (c) the techniques and practicalities of data collection analysis. One of the major emphases in this meeting was to advise the United Nations on developing a manual for criminal justice data bases. The meeting made detailed recommendations on the contents of such a manual.

A report based on the analysis of the Second Survey on Crime Trends and a draft of the manual are expected to be ready by the end of 1984. These documents, it is hoped, will be presented to the Seventh United Nations Congress on the Prevention of Crime and Treatment of Offenders to be held in August-September 1985. Dr. Mukherjee has been asked to assist in some of the tasks leading up to the production of final documents. ®

Criminal code unjust toward Aboriginals

A new Criminal Code which has been described as the toughest in Australia has been passed by the Northern Territory Legislative Assembly.

It is feared that the controversial legislation which became law on 1 September 1983 will incarcerate more Aboriginal people for longer periods and aggravate an imprisonment rate in the Northern Territory which already is the highest in Australia.

Criminal justice professionals attending a recent Institute-sponsored seminar on Aboriginals and Criminal Justice adopted a statement which condemned the legislation and called on the Federal Minister for Aboriginal Affairs Mr Clyde Holding to investigate its provisions with a view to Commonwealth action.

The Code, among other things, abolished the right of a person on trial to make an unsworn statement to the jury.

This disadvantaged in a Court those who did not speak fluent English, the intellectually handicapped and children. Aborigines would be particularly disadvantaged.

The Code also dramatically changes the way the criminal law views offences committed while drunk.

In one instance, an extra four years imprisonment can be imposed for an offence committed while drunk.

The Code introduces a terrorism law which allows it to proscribe or outlaw organisations on a simple majority vote in the Northern Territory Legislative Assembly.

Anyone belonging to, or who showed support for, such an organisation would be liable to imprisonment under the new Code.

The Code also makes life imprisonment compulsory for any person convicted of murder, including Aborigines and children.

The new legislation was brought to the attention of the seminar by the Central Australian Aboriginal Legal Aid Service, represented by legal practitioner Jon Tippett.

Mr Tippet brought a statement from Pat Miller, Director, CAALAS. Mrs Miller said that the liberty of the Aboriginal people continued to be the most violated in Australian history.

'If the government wishes to try to stifle our rightful struggle for self determination this Code gives it the legal weapons with which to do so', she said.

'Liberty is denied more often in the Northern Territory in relative terms than anywhere else in Australia.

'Tragically the Northern Territory has decided to take a step backwards while states like New South Wales move forward', Mrs Miller said.

The statement called on all Aboriginal Legal Services, the Commonwealth Government and concerned groups in the community to oppose the legislation. ®

Mr Jon Tippett

Institute 'trouble shooter'

Recently Mr David Biles, Acting Director of the Institute, visited Northern Australia for several days to learn more about Groote Eylandt prisoners.

(A page one item in September's *Reporter* about his visit has provoked a letter to the editor, from David Brown and others from the UNSW and NSWIT Law Schools, which arrived too late to be included in this issue. It, and Mr Biles's reply, will appear next issue).

The following abbreviated field notes together with extensive statistical material form the basis of a report recently published by the Institute (see New Publications and page 12) for the Northern Territory correctional authorities.

Sunday, 11 September 1983

As a preliminary to the visit to Groote Eylandt I had discussions with Mr Daryl Kidd and Mr Kevin Hedge. Daryl is the principal field officer for the Northern Territory Correctional Services Division and Kevin is the regional field officer stationed at Nhulunbuy.

Daryl and Kevin explained that the main white settlement, on Groote Eylandt, Alyangula, was established by the Gemco Mining Company and has a population of approximately 1000. The two Aboriginal settlements are Angurugu (population 650) and Umbakumba (population 350). There are also a few small outstations for Aborigines and a prawning centre, Bartalumba Bay, which is settled by white people. Of the two major Aboriginal settlements Angurugu, which was until recent years a mission station, does not allow liquor, but Umbakumba has beer six nights a week, with a limit of eight cans per person.

Monday, 12 September

Before flying to Groote Eylandt I visited the Yirrkala Aboriginal settlement and met the Aboriginal leaders.

It was explained to me at Yirrkala that the outstation movement was very strong in Arnhem Land and that in many cases offenders were ordered to reside at outstations. It was claimed that this was a very effective measure. In contrast to Arnhem Land there are only three or four permanent outstations on Groote Eylandt.

Tuesday, 13 September

Most of the morning was spent in the Groote Eylandt police station in discussion with Senior Sergeant John Hancock and other police officers. I particularly sought Sergeant Hancock's view on why the Groote Eylandt imprisonment rate was so high and he argued that this was the result of the police working extremely hard in response to the high crime rate. He claimed that many offenders had admitted to him that they had committed more offences so that they would be sentenced to sufficient terms which would necessitate their transfer to the Darwin prison at Berrimah. He also explained that offenders disliked serving sentences in the cells on Groote Eylandt where a maximum of 28 days was allowed. He suggested that in the eyes of the offenders 28 days in the Groote Eylandt cells was equivalent to three months at Berrimah.

Sergeant Hancock expressed the view that punishment had no deterrent for Groote Eylandt offenders. If they were transferred to Darwin they enjoyed what they saw as an easy life, even more so at Gunn Point, and they always had plenty of friends and relatives as well as good food.

Sergeant Hancock said that 98 per cent of offences on Groote Eylandt were related to alcohol. Most frequently the offences by Aborigines were against property owned by Europeans and included illegal use of motor vehicles and breaking and entering with a view to stealing or transporting beer. He suggested that when Aborigines committed offences against other Aborigines the matter was likely to be settled by traditional or private justice procedures. There were very few interpersonal offences against the European population of Groote Eylandt. He also explained that nearly all offenders pleaded guilty.

Sergeant Hancock favours the suggestion of a prison being built on Groote Eylandt, but he says that it would only need to be a temporary structure with limited life because it would have a significant deterrent effect. He said that there had been plans for an extention to the cells at the Groote Eylandt police station, but these plans had lapsed.

I later met the Angurugu Council President, Jambana Lalara, who agreed that a local prison might be necessary, but argued that discussions would be needed, particularly in relation to the siting. He obviously foresaw some difficulties in having the prison located on the land belonging to a particular clan group.

Wednesday, 14 September

In the morning Daryl, Kevin and I travelled to Umbakumba and held a very fruitful meeting with the President, Claude Mamarika, and about 12 of the senior men of the settlement. The group were strongly in support of the idea of a local prison and suggested that it 'should be in the middle of the island'. They all agreed that a local prison would have a much greater deterrent effect than sending offenders away to Darwin.

Before leaving Groote Eylandt I interviewed two prisoners who were serving short sentences in the cells. They both expressed the view that Berrimah was more pleasant than being in the police cells where they had nothing to do. They were both most anxious to get through their time in the cells as quickly as possible. ®

Groote Eylandt

The summary and recommendations of the Groote Eylandt Report are here given in full.

Groote Eylandt has a population of approximately 2,200 people of whom almost exactly half are Aboriginal. This relatively small community produces as many prisoners as do other communities many times larger. The Groote Eylandt imprisonment rate is from seven to eight times higher than the Northern Territory rate, which itself is more than three times the national rate. These data and the observations of many informed persons suggest that the practice of sending offenders to prison in Darwin is counter productive in that it encourages further criminal behaviour. An analysis of the characteristics of Groote Eylandt offenders for 1982 and 1983 indicates that they are predominantly young, unmarried, Aboriginal males who are highly likely to be unemployed, have low levels of educational achievement, are highly likely to have been in prison previously, are dealt with by the Magistrates Court for offences involving property or alcohol and are likely to serve actual prison terms of under one year. This analysis suggests that there may be scope for improving the efficiency of the system and reducing the number of prisoners by establishing a prison on Groote Eylandt which would house the majority of local offenders sentenced to prison.

The specific recommendations made in this report are:

1. that consideration be given to the establishment of a prison for up to 25 prisoners on Groote Eylandt;
2. that such a prison be the responsibility of the Correctional Services Division of the Department of Community Development and not a police responsibility, but that the co-operation of the police in providing night security be sought;
3. that the location of a prison on Groote Eylandt be negotiated with Aboriginal leaders;
4. that such a prison provide medium security, but that most of the work of the prisoners be undertaken outside the prison and be of value to the general community;
5. that the work and recreational programs of the prison be the subject of advice to the superintendent from a Groote Eylandt prison advisory committee;
6. that every effort be made to recruit and train some Groote Eylandters as prison officers;
7. that a resident correctional field services officer be appointed to Groote Eylandt; and
8. that this officer be responsible for the establishment of a community service order program as well as the supervision of probationers and parolees. ®

New Criminologist

Dr Peter Grabosky has accepted a position as senior criminologist with the Institute's research division.

Dr Grabosky was formerly Head of Research and Projects of the Law Foundation of New South Wales.

Prior to that he was the Director of the Office of Crime Statistics, Attorney-General's Department, South Australia.

In this capacity Dr Grabosky took charge of the collation and publication of official criminal justice statistics and designed and implemented statistical systems from Supreme and District Criminal Courts and from Courts of Summary Jurisdiction.

A native of New York, Dr Grabosky attended Northwestern University where he attained an MA and a PhD in Political Science.

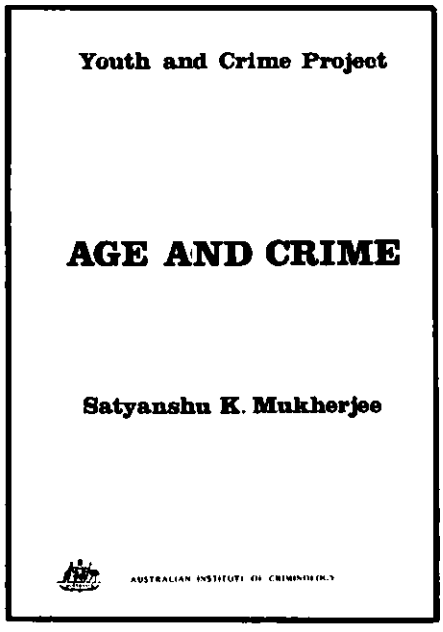
In the United States he held the positions of Associate Professor of Political Science at the University of Vermont, and was a Russell Sage Fellow in Law and Social Science, Yale Law School.

Dr Grabosky has represented South Australia on the Criminology Research Council and on the Board of Management of the Australian Institute of Criminology.

He has had published two books, 21 reports and 10 articles in professional journals. ®

Peter Grabosky

New publications



Is serious criminal behaviour among juveniles increasing?

In this significant study, Dr Satyanshu K. Mukherjee of the Australian Institute of Criminology presents some convincing evidence on the criminality of various segments of population in three countries as part of a comprehensive examination of trends in juvenile and adult criminal behaviour.

This report is an attempt by Dr Mukherjee to establish the validity or otherwise of the claim that juveniles have been committing more and more serious violent and property crimes.

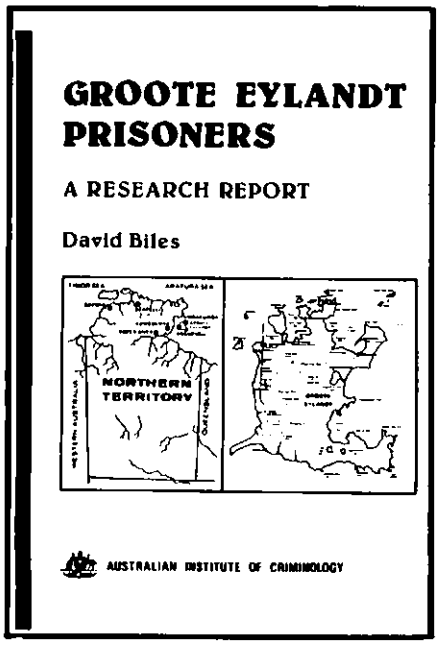
The increase in female crime has been much discussed of late. This book shows just what crimes women and girls are committing and discusses the implications.

Data from the UK the USA and the eight jurisdictions of Australia were collected over several years and the claim examined with the help of arrest proportions and arrest rates.

Offences selected for analysis are: Homicide; Serious/Aggravated Assault; Robbery; Burglary; Larceny; Motor Vehicle Theft; Fraud and Forgery.

Age and Crime is Part 1 of a three part project by the author on *Youth and Crime*.

Copies of *Age and Crime* are available from the Publications Section of the Institute at $3.60 per copy plus postage.



What is the present rate of imprisonment on Groote Eylandt?

Would the construction of a local prison deter Aborigines living on the island from committing more crime?

Recently Mr David Biles, Acting Director of the Australian Institute of Criminology visited Northern Australia for several days to learn more about Groote Eylandt prisoners.

This research report by Mr Biles puts to the test the hypothesis that: the operation of criminal justice services on Groote Eylandt, not only fails to deter criminal behaviour, but actively reinforces and rewards such behaviour.

The publication reveals that the Groote Eylandt imprisonment rate is from seven to eight times higher than the Northern Territory rate, which itself is more than three times the national rate.

The author states why he believes the practice of sending offenders to prison in Darwin is counter productive and suggests that there may be scope for improving the efficiency of the system and reducing the number of prisoners by building a prison on Groote Eylandt.

Informal field notes and extensive statistical material form the basis of the report for the Northern Territory correctional authorities.

Copies of *Groote Eylandt Prisoners* are available free of charge from the Publications Section of the Institute.

BOOK REVIEWS

TOO MUCH ORDER WITH TOO LITTLE LAW
By Frank Brennan SJ
University of Queensland Press, St. Lucia, 1983: 303pp. – $24.95 (hardback); $12.95 (paperback).
Reviewer: T.J. HIGGINS, Barrister, Canberra.

The right of peaceful assembly to discuss and demonstrate a point of view, whether secular or religious, is one of those rights deemed by the founding fathers of the United States of America to be 'self-evident'. And yet, those rights, it was felt, might not be so self-evident. It was, accordingly, deemed necessary to write them down and enshrine them with the first ten amendments to the Constitution of the United States of America. The equal right of all to life, liberty and the pursuit of happiness is very frequently today deemed inconvenient by those who are in power, and see dissent as challenging that power. It is easy for rationalisations to be formulated, with varying degrees of inherent persuasiveness, showing how desirable it is, and in the public interest, that the right of assembly to dissent from government or the majority ethic, religious or otherwise, should be curtailed.

No freedom is, of course, absolute, the brave words of Section 92 of our Constitution notwithstanding. Yet the degree of respect accorded to such civil liberties as the exercise of a right of public assembly may well be a touchstone or hallmark of the respect accorded other freedoms in our society.

In his book *Too Much Order With Too Little Law*, author, lawyer, Jesuit, Frank Brennan masterfully explores and systematically reviews, not only the history of the controls exercised under English law over public assemblies but more particularly the attempt by the Premier of Queensland, Mr Bjelke-Petersen, and his Government to ban public assemblies for purposes other than those approved of and favourable to his Government.

The book and its theme was also a topic of a recent address by the author to the 5th Annual Conference of Labor Lawyers in Brisbane.

It is, of course, common knowledge that for ten years between 1969 and 1979 a vigorous policy of banning all political street marches was followed by the Queensland Government. This culminated in a legislative change in 1977 abolishing the right of appeal to a Court against refusal of police to grant a permit. That policy was attacked, opposed and disobeyed to such an extent that it was ultimately changed in 1979.

It is, of course, incorrect to suppose that the common law of England or the statutes of successive English Governments saw a right of peaceful assembly as either 'inalienable' or 'self-evident'. The duty to maintain public order was seen as both, but gradually was forced to yield to the demand of citizens to exercise the right of peaceful assembly.

Queensland, the inheritor of that tradition, had, since 1897, prohibited marches in public but allowed a reasonably independent appeal to a magistrate against a refusal of a permit to march. The change in 1977 to abolish that appeal meant that permits became, as Brennan adequately demonstrates, granted or withheld strictly in accordance with Government policy.

Brennan is not a starry-eyed radical who asserts the right of the people to overthrow with violence their governments, even those only vicariously elected. Nor does he advocate anarchy and disorder in the streets. Neither does he ignore the rights of those citizens who disagree with protesters or those who, while neutral, have rights which deserve protection from interference by the exercise of the right to protest in public.

What system then will accommodate not only the protesters but also the 'silent majority'?

Brennan's basic premise is that respecting the rights of a minority of citizens to 'self-evident' and 'inalienable' rights is necessary for Governments to avoid being merely elected dictatorships and incidentally, to avoid the public disorder that will result from a significant minority considering that an inalienable right has been unreasonably curtailed. His next proposition is that assuming such respect is desirable, how should Governments approach the task of putting that respect into practice.

Brennan points out that, in Tasmania, the police may regulate merely the time and route of a procession in major towns (Traffic Regulation 99). Not whether it shall take place.

South Australia has adopted a system of notification with a provision for objections to be determined judicially. A similar provision was adopted in 1982 in the ACT. (It has now been repealed by the Labor Government). Victoria, though having restrictive legislation, had, and continues to have, a policy of consultation and self-regulation and non-enforcement of that legislation. Police act merely to curtail any threat of injury to persons or damage to property. Western Australia had been in a similar position to Queensland but its policy, up to 1979. had treated it as a 'dead letter'. New South Wales has adopted a system similar to South Australia.

What should be the system then, regulation by specific legislation with judicial arbitration or a conference between the parties with reasonable mutual agreement as the goal?

Two examples are cited by Brennan in support of his obvious preference for mutual tolerance.

They deserve quotation. The first demonstrates the futility of unreasonable prohibition.

> After his arrival in Melbourne, the late Archbishop Mannix attended his first St Patrick's Day procession in March 1914. Following the Irish 'troubles' these annual processions on the other side of the world became more significant as political events while hopefully maintaining something of their religious fervour. At the 1918 procession Protestant onlookers with watchful eyes noted that Mannix did not doff his biretta to 'God Save the King'. Four days later a loyalist protest demonstration was held calling for the deportation of Mannix. Each year agitation increased and the Melbourne City Council which was empowered to regulate processions imposed conditions on the St Patrick's Day procession in the hope that the requisite loyalty to the crown might be shown.
>
> The 1920 procession occurred shortly before Mannix departed Australia intending to visit Ireland only to be intercepted by the British Navy and placed under arrest and prohibition from proceeding to his homeland. As Mannix said, 'Since the Jutland battle, the British Navy has not scored a success comparable to the capture of the Archbishop of Melbourne, without the loss of a single British soldier.' In issuing the permit for the 1920 proceedings, the Melbourne City Council stipulated a condition that the Union Jack be displayed in the procession. And so it was – a handkerchief sized ensign was carried by one participant. However the procession organisers did use another symbol of patriotism. With the compliments of John Wren and at a cost of $3,000, the Archbishop's car was escorted in the procession by 14 Victoria Cross winners mounted on grey chargers. Not to be outdone by strict legalism, next year the Council stipulated that a full-size Union Jack be carried. And so it was – only to be knocked down by two Sinn Fein sympathisers who then attempted to burn it. This conduct labelled as 'the rape of the Union Jack' led the Melbourne City Council to consider a new course of action.
>
> On 30 October 1921 the Council passed a new by-law which provided that 'No processions of persons or of vehicles . . . . shall except for military or funeral purposes parade or pass through any street unless with the previous consent in writing of the Council.'
>
> On 9 November the by-law was confirmed by the City Council, the same day on which the city was host to the Inaugural Australian Masonic Conference. The organisers of the 1922 procession were not surprised to find that the Council refused them a permit. Nonetheless they decided to proceed. On Friday night the St Patrick's concert took place in the Town Hall. According to the *Age*, the Archbishop was given an enthusiastic welcome, 'the audience rose, cheered and waved Irish flags.' In his speech Archbishop Mannix said,
>
> > As he was thanking everyone, he must not forget to thank the City Council. The Council had given them an advertisement that was worth untold gold. Many had tried to bring the Council to sanity. Some had tried to bring them to reason, and some had cajoled them, but they were safe against all blandishments.
>
> Next day the procession set off, no permit having been issued. The procession was led by a mounted returned soldier in mufti carrying the Australian flag, not the Union Jack. In his address following the march, the Archbishop claimed that 10000 returned soldiers had marched. As well as the many Catholic and Irish groups who participated, there was a body of men marching under a placard 'Members of Other Creeds Desirous of recording their protest' against the action of the City Council. At the end Mannix said
>
> > . . . he was satisfied, and the people were satisfied, but he did not know whether the City Council was satisfied. If they had not held the procession they would have been told of the trouble that would follow, and of the blood which would have been shed if it were held. The fact was that there was no offence given to anybody, unless it were the procession itself, and that was a big offence to some people. It was a great pity that Melbourne and the name of Melbourne, should have been, as it were, dragged in the mire by the City Council. Melbourne was the only city in the whole Commonwealth in which permission to hold the procession would have been refused.
>
> The *Age* described the procession as orderly saying: 'It was a long procession and a somewhat drab one . . . It was just simply an ordinary procession, with much of the customary enthusiasm lacking.' Police took names of the organisers some of whom voluntarily came forward to provide the requisite information, having indicated their intention to take the cause through to the highest available court. In time this was done; in *Melbourne Corporation v Barry*, 37 the High Court unanimously struck down the Melbourne City by-law for reasons which need not concern us. Justices Isaacs and Higgins made significant remarks about the common law right to process. The respondent Barry was not only a 'ratepayer of the City of Melbourne' as he is austerely described by the CLRs but also a Catholic priest who had been one of the organisers prosecuted for organising the procession.
>
> The next year's procession, like those that came after until eight years after the death of Mannix, passed without incident or objection by the Melbourne City Council. So it might be for Anzac Day 1984. If the law maintains the peace and a balancing of rights, people in communication can come to accommodate each other and the community can manifest those virtues which thrive and are at risk in an atmosphere of freedom.'

The second example illustrates that it is not merely protest organisers who must be restrained but also those in authority. Exaggeration of the menace of protest may be politically satisfying but does not help to obtain co-operation from protesters. Brennan says

> If public protest is to be controlled in the streets, it is essential that politicians and senior police officers do not contribute to the possibility of conflict by what I understand is now called disinformation. I shall describe only one, though admittedly a very sinister, example.
>
> In reply to the second reading debate on the Commonwealth Games Bill last year, Mr Hinze who was then Queensland Minister for Police thought it necessary to retrace certain events that had occurred since the legislation was introduced. He referred to recent events including 'allegations that a secret black army has been in training specifically to provoke violence in Brisbane during the Games.' Next day the Premier

made a statement reported in the Australian alleging 'that six Aborigines are presently in Libya undergoing guerilla and terrorist training.' Next day, the Leader of the Opposition asked Mr Hinze if he would table in Parliament the information received regarding the supposed training of Aborigines in terrorism in Libya. Mr Hinze declined but indicated that he had been presented with a document by the Police Commissioner. Being a responsible minister he conveyed the information to the Premier. He added: 'It is his duty as Premier to convey the information which has international overtones, to the Prime Minister. That was done. As to tabling the document – if the Premier wished to do that, he may do so; it is entirely up to him.' The document was never tabled.

A question was placed on notice about the matter in the Senate. No answer was received for 6 weeks. The Minister for Foreign Affairs provided the answer: 'I am advised that inquiries conducted by my Department and other relevant authorities have produced no evidence to verify that Aboriginals are currently undergoing guerilla or terrorist training in Libya.' Next day Senator Baume, the Minister for Aboriginal Affairs, told the Senate: 'I know of no evidence to support the assertions that Aboriginals are training in Libya. That whole story is quite fanciful. I must say that those kind of statements will occur; people will say these kind of things from time to time. It may be that a Premier received from one source or another information that may eventually prove to be false.

Meanwhile six weeks of disinformation by the highest level of Government had occurred. The information was seen to be a partial justification for the Commonwealth Games Act. This exercise by Government, assisted by a report from the Police Commissioner did nothing to guarantee preservation of the peace or the peaceful conduct of the Commonwealth Games. The price of such smear campaigns is too high for the state to pay. They place at risk not only the reputations of those who are smeared but also the fragile balance which can truly be called 'law and order' i.e. social order under the rule of law.

The nett result is a balance of rights. Brennan cites Lord Scarman –

A balance has to be struck, a compromise found that will accommodate the exercise of the right to protest within a framework of public order which enables ordinary citizens, who are not protesting, to go about their business and pleasure without obstruction or inconvenience.

A point which may well require more emphasis than Brennan gives to it is the fact that a balance requires a recognition of both sides of the scale. It requires the Executive to accept that the protester has a *right* to protest, a right not just for his or her benefit but for the benefit of all, that each person might be free to register dissent. For the executive a recognition of such a right is often reluctant and in some cases non-existent. At times it is a privilege or indulgence granted by a benevolent government to its more wayward citizens. If the rule of law is to prevail so as to offer a fair balance, then, it may be argued, law should bind the executive to acknowledge the prior right of protest, to accept that it has merely the right to regulate the manner of exercise of the right in the interests of those who may be adversely affected by its exercise rather than whether it is to be exercised at all.

Recent events, including the Combe/Ivanov affair and the Federal Labor Government's reaction to it, plainly indicate that all Governments, Labor, Liberal or National, will always put first the interests they perceive to be that of the public to the detriment of individual rights. It is indeed unfair to ask Governments to abandon their perceptions of public interest and national good, of self-interest and political expendiency in favour of the rights of individuals with whose opinions or activities, albeit lawful, those Governments disagree.

In a dispute between the citizen and the State as to what the citizen shall be permitted to do, whilst the State may have general rules about the matter, to make the State the final arbiter of what the citizen shall in a particular case do, is a wholly dangerous doctrine.

Accordingly, what Brennan's work highlights, although he does not expressly advocate this, is the need for a Bill of Rights, binding each Government to respect the fundamental liberties of citizens who peacefully and non-violently seek to exercise those liberties without unduly infringing the rights of others.

As the United States experience of the McCarthyist era discloses, a Bill of Rights may not always prevent a Government from harming a citizen in derogation of his civil rights but, at least, in either the short term or the longer term, he has the right to call the judicial power in aid to redress his grievance and ultimately the force of the rule of law expressing the right of the citizen will, in a fundamentally democratic system, prevail.

Brennan's work is accordingly a most valuable contribution in aid of the civil liberties debate which, in the aftermath of the Combe/Ivanov affair will now undoubtedly be perceived as having significantly increased relevance not only in relation to that particular matter but also the on-going concern about the trend towards establishing commissions of enquiry into various areas of activity in the community with the attendant risk of damage to the civil rights of citizens of this country.

POLITICS OF LAW REFORM
By Stan Ross
Penguin Books, Australia, 1983: 295 pp. – $9.95 (paperback).
Reviewer: VERGE BLUNDEN, Sydney Morning Herald.

At the time of reviewing Stan Ross' *Politics of Law Reform*, a tent 'city' (containing large numbers of people protesting over the uranium mining issue) had sprung up on the lawns opposite

the entrance to the Federal Parliament House.

The protesters have had to endure some of the worst weather conditions Canberra is able to dish out including fierce wind and continual rain which, wouldn't have made their task very pleasant but it doesn't appear to have broken their spirit.

I don't know whether Mr Ross would approve of this tent city style of protest but it is one more example of the many he gives in his book of how various groups go about seeking reform or changes to our laws.

Mr Ross has presented us with a well researched overview of the struggle for law reform in this country. 'We all have specific issues to rally around,' he says in his conclusion. 'The number of problems that have to be tackled is endless.'

He takes us on a journey through case studies and an examination of interest groups, law reform bodies, the bureaucracy, politicians as they behave in parliament and the executive, the judiciary and the High Court.

The case histories are on such subjects as the 1980 National Conference on Rape held in Hobart under the auspicies of, among others, the Australian Institute of Criminology.

Some of the debate was tense, even heated. And on the question of whether an accused person should or should not have the right to make an unsworn statement from the dock the majority of the delegates were willing to compromise.

'Whether or not these people were convinced of the others' views or were intimidated by the situation will only be reflected in the future changes to the law of this area,' Mr Ross says and then goes on to observe: 'Sometimes powerful people who lose battles at a conference can become effective obstructionists in the real war to introduce reforms.'

However, Mr Ross points out that the National Conference on Rape played an important part in the process of achieving far better sexual offences laws in NSW and it may well have a similar effect elsewhere.

In his examination of the judiciary, Mr Ross says once legislative reforms are achieved the courts may play a supportive role by upholding the reforms against challenge from 'reactionary forces'.

One of the major problems in this area, of course, is cost. Here Mr Ross cites an example of action taken by the Queensland Convenor of the Uranium Moratorium Organisation against the Uranium Producers' Forum – six large corporations – claiming breaches of the Trade Practices Act through allegedly misleading advertisements.

'The case lasted 12 months,' Mr Ross says, 'and pitted an organisation with hardly any funds against a group of corporations with almost unlimited funds'. The plaintiffs were eventually granted a limited amount of legal aid but they had to discontinue the proceedings. As it turned out the Uranium Producers' Forum withdrew the advertisements for unknown reasons. So that insofar as that had been the goal of the plaintiff the effort could be deemed successful.

Mr Ross says there is a lesson here for interest groups with inadequate funds: that limited financial resources are probably better employed outside the court system.

Turning his attention to the High Court, Mr Ross doubts whether we will ever see published in Australia a book similar to Woodward and Armstrong's best-seller in the United States: *The Brethren: Inside the Supreme Court*. That book was based on interviews with several justices of the court and former law clerks and former employees.

Mr Ross, probably correctly, doubts that similar interviews would be granted in Australia by the judges of the High Court but he sees a need for far more information on the deliberations of the High Court and the values of its judges.

The Constitution, he says, is a document always in flux. Sometimes it has been interpreted by the High Court in a way that is in tune with contemporary developments while at other times the court has obviously been out of step.

Most commentators would probably agree with his finding that the High Court often ignores the social, economic and political setting of cases and espouses the doctrine of strict legalism – and then it can be far from clear just what it has decided.

The profiles of various interest groups and the bureaucracy make interesting reading.

He recalls to mind for instance how interest groups can bring pressure to bear on government by describing the efforts of the Australian Council of Social Services (ACOSS) during the clamp down on invalid pensions in 1980-81.

The Department of Social Security had adopted strict new medical guidelines which denied hundreds and possibly thousands of people the invalid pension. ACOSS carried on negotiations with the Government and took other measures which must have played a major part in the eventual relaxation of the guidelines.

Mr Ross says the bureaucracy is in a position to block legislative change and often uses its influence to impede the process of law reform. Most would agree with his view that until strong freedom of information legislation is adopted and operating the power of the bureaucracy will remain largely unchecked and unaccountable to the public.

He sees the law reform struggle as only part of the struggle for reform – and the achievement of significant reform requires struggle. The process of changing the law

is influenced by many different forces in our society.

Mr Ross says that more and more changes to the law are only another stage in the struggle. The battles are then fought with the administrators, the judges and finally again with the politicians.

Politics of Law Reform is recommended reading to all those interested in reform in Australia. Stan Ross has, I think, achieved what he says is his primary objective: to convey to a broad audience the processes that take place in order to achieve law reform.

AN AUSTRALIAN LEGAL HISTORY
By Professor Alex Castles
Law Book Co, 1983: 553pp. – $27.50 (soft cover).
Reviewer: BRUCE SWANTON, Senior Research Officer, Australian Institute of Criminology.

An Australian Legal History is a welcome addition to the legal history literature. This volume builds in part upon the author's earlier *Introduction To Australian Legal History* and primarily concentrates on the years prior to 1850. However, numerous other matters are also addressed, thereby providing the book great temporal scope.

Placing the development of the law of the various colonies and states in a sound framework is no easy matter; for there is no essential commonality between them and, more particularly, between east coast development and, South and Western Australia development. Social and political historians have felt obliged to attempt holistic continental or 'Australian' treatments that grossly distort reality. Even modern Australia is a fairly loose federation – despite the sustained efforts of federal politicians and bureaucrats to create a national framework of analysis. In the nineteenth century, public affairs and institutions were even more fragmented.

To his credit Professor Castles largely (although not entirely) declines for the most part to fall into the holistic trap. The various chapter headings provide a clear account of the conceptual framework and structure of his coverage. The chapters include: (1) The Laws Of Empire, (2) The Australian Settlements, (3) the Convict Colony of New South Wales 1799-1823, (4) The Court of Criminal Jurisdiction, 1788-1823, (5) The Magistracy of New South Wales, 1788-1823, (6) The Civil Courts & Vice-Admiralty 1788-1823, (7) The Reforms of 1823, (8) The End of the Beginning in New South Wales, 1824-1850, (9) The Courts in New South Wales, 1824-1850, (10) Moreton Bay and Port Phillip, (11) Van Diemen's Land 1824-1850, (12) The Legal Beginnings of the Western Colonies, (13) Australia's Colonial Courts After 1850, (14) The Laws of New South Wales and Van Diemen's Land, 1788-1828, (15) British Statutes in Australia After 1828, (16) Australian Statute Law-Making, (17) Unenacted English Law in Australian Courts, and (18) The Aborigine and European Law.

Inevitably, the book deals at length with the New South Wales situation and, with the bicentenary approaching, its contents will be of interest to researchers and lay public alike.

The only disappointment this reviewer experienced with the author's treatment is that it deals rather superficially with magistrate's courts prior to 1823. Some original research into still available court records would have provided a most welcome addition to our knowledge of the practice of criminal justice in the early part of the nineteenth century.

All legalists and criminal justice historians will find *An Australian Legal History* mandatory reading and a continuing and useful reference tool.

CRIMINOLOGY RESEARCH GRANTS

The Criminology Research Council at its meeting in Canberra in November, made three grants totalling $36,658 for research projects in the areas of domestic violence, robbery and the operation of police juvenile aid bureaux.

- $14,000 was granted to Mr Terry Lewis, Commissioner of Police in Queensland for an evaluation of police involvement with juvenile offenders and child abuse cases. This research is to be conducted by Dr Sally Leivesley in conjunction with members of the Queensland Juvenile Aid Bureau
- $12,658 was granted to Professor Tony Vinson of the University of New South Wales for a study of the factors underlying robbery offences. This study will be conducted in conjunction with the New South Wales Bureau of Crime Statistics and Research.
- A grant of $10,000 was made to the Women's Adviser's Office of the South Australian Department of the Premier and Cabinet for an evaluation of the operation of new legislation dealing with domestic violence.

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

Compiled by David Biles,
Acting Director

Table 1 – Daily Average Australian Prison Populations October 1983 with Changes since July 1983

	Males	*Females*	*Total*	*Changes since July 1983*
N.S.W.	3541	154	3695	+ 216
VIC.	1891	71	1962	- 42
QLD	1683	41	1724	+ 4
W.A.	1372	57	1429	- 46
S.A.	758	26	784	+ 1
TAS.	225	9	234	+ 13
N.T.	265	14	279*	+ 25
A.C.T.	59	4	63**	No change
AUST.	9794	376	10170	+ 171

* 3 prisoners in this total were serving sentences in S.A. prisons.
** 49 prisoners (including 2 females) in this total were serving sentences in N.S.W. prisons.

Table 2 shows the imprisonment rates (daily average prisoners per 100,000 population), for October 1983. The national rate of 65.5 compares with 64.7 found in July 1983.

Table 2 – Sentenced Prisoners Received, Daily Average Prison Populations and Imprisonment Rates by Jurisdiction – October 1983

	Sentenced Prisoners Received	*Prisoners*	*General Pop.* '000*	*Imprisonment Rates*
N.S.W.	738**	3695	5575	66.3
VIC.	319	1962	4001	49.0
QLD	375	1724	2461	70.1
W.A.	310	1429	1341	106.6
S.A.	Not avail.	784	1356	57.8
TAS.	52	234	431	54.3
N.T.	122	279	132	211.4
A.C.T.	–	63	234	26.9
AUST.	–	10170	15531	65.5

* Projected Population end of October 1983 derived from *Australian Demographic Statistics Quarterly* (Catalogue No. 3101.0).
** Comprising 362 Fine Defaulters and 376 Sentenced Prisoners.

Table 3 – Total Prisoners and Remandees as at 1 October 1983

	Total Prisoners	*Prisoners on Remand*	*Percentage of Remandees*	*Remandees per '000 of Gen. Pop.*
N.S.W.	3716	643	17.3	11.6
VIC.	1954	199	10.2	5.0
QLD	1730	147	8.5	6.0
W.A.	1384	142	10.3	10.5
S.A.	789	144	18.3	10.7
TAS.	237	21	8.9	4.9
N.T.	264	49	18.6	37.1
A.C.T.	58	11	19.0	4.7
AUST.	10132	1356	13.4	8.7

Probation and parole

Compiled by Ivan Potas,
Senior Research Officer

The following table provides the number and rates of adult persons on probation and parole as at 1 July 1983:

TABLE 1

	General Pop.[1] *'000*	*Probation*[2] *Number*	*Rates*[4]	*Parole*[3] *Number*	*Rates*[4]
N.S.W.	5513	9033	163.8	2478	44.9
VIC.	3996	3045	76.2	873	21.8
QLD	2437	4413	181.1	454	18.6
W.A.	1347	1699	126.1	652	48.4
S.A.	1337	2356	176.2	267	20.0
TAS.	429	1434	334.3	73	17.0
N.T.	131	305	232.8	91	69.5
A.C.T.	232	142	61.2	39	16.8
AUST.	15422	22427	145.4	4927	31.9

1 Projected population end of June 1983 derived from *Australian Demographic Statistics Quarterly* (Catalogue No. 3101.0).
2 Only those under actual supervision are included in these data.
3 As a general rule licensees – other than Governor's Pleasure licensees – are counted as parolees if supervised.
4 Rates are calculated per 100,000 of the general population.

NEW SOUTH WALES

The probation figure *includes* 607 persons who were under the age of 18 years at the time of release to supervison. A further 1040 persons were subject to *Community Service Orders*, and some of these *are included* in the probation figure.

The parole figure *includes* 798 licensees, of whom 372 were short-term licence-holders. In general, short-term licences are issued if the prisoner is considered suitable for such release and is subject to either a head-sentence of 12 months or less or a non-parole period of 12 months or less.

VICTORIA

Probation data are now only collected quarterly, and figures for the intervening months are obtained by interpolation. The parole figure does *not include* persons supervised from interstate. As at 1 July there were 25 persons subject to *Community Service Orders*.

QUEENSLAND

The number of persons subject to *Community Service Orders* as at 1 July 1983 was 859. Of these 356 were also given probation and *are included* in the probation figure.

WESTERN AUSTRALIA

There was a total of 318 persons subject to *Community Service Orders*. 177 of these were also placed on probation and *are included* in the probation figure. Only 141 persons were subject to *Community Service Orders* without probation and these are not included in the probation figure.

There was a total of 709 pre-parolees in that State.

SOUTH AUSTRALIA

The probation figure *includes* 67 persons who were subject to *Community Service Orders*.

With regard to parole it is advised that a further 28 persons received voluntary supervision in the community by the Parole Services. A further 181 prisoners were supervised in prison.

TASMANIA

The probation figure includes 113 juveniles. It also *includes* 20 probationers from interstate. The parole figure *includes* 15 parolees from interstate. There was a total of 398 persons subject to Work Orders.

NORTHERN TERRITORY

The probation figure *includes* three out of a total number of 31 persons subject to *Community Service Orders*. The parole figure *includes* those on licence.

COMMUNITY SERVICE ORDERS

The following table shows the number of persons and rates per 100,000 of the general population who were subject to *Community Service Orders* (Work Orders in Tasmania) as at 1 July 1983:

	Number	Rates
N.S.W.	1040	18.9
VIC.	25	0.6
QLD	859	35.2
W.A.	318	23.6
S.A.	67	5.0
TAS.	398	92.8
N.T.	31	23.7
A.C.T.	Not Applicable	Not Applicable
AUST.	2738	17.8

Training Division's Activities

In response to a number of requests the Training Division of the Institute held an intensive workshop on the subject of Community Service Orders from 21-24 November.

The workshop provided an opportunity, for those people responsible for the scheme's implementation in Australia 10 years ago, to evaluate current position and assess and choose future directions.

Top administrators of probation and parole, community service order co-ordinators, and members of voluntary agencies involved with various state and territorial schemes attended the workshop which will be reported in greater depth in the next issue of this journal. ®

Chinese Law Delegation

Senior judicial representative from the People's Republic of China visited the Institute in October.

The law delegation of six senior judges and lawyers was in Australia for two weeks at the invitation of the Federal Attorney-General.

On their arrival at the Institue, the members of the delegation were met by the Institute's Acting Director David Biles and were served tea in Chinese tradition before meeting with senior Institute staff and researchers.

The visitors spent approximately an hour at the Institute during which time they questioned senior staff about research and training activities.

During their short stay in the ACT the members of the group also inspected the High Court.

The visitors arrived in Canberra from Melbourne where they attended a criminal trial in the Supreme Court and met the Secretary-General and representatives of the Law Council of Australia, the Law Institute of Victoria and the Victorian Bar.

While in Melbourne the delegation sat in on a seminar on domestic violence organised by the Monash Law School and discussed company and family law at Monash University.

They also spent some time at the Children's Court and Melbourne Grammar School.

In Central Victoria, the delegation visited the Malmsbury Youth Training Centre and the Castlemaine Jail.

The delegation left Australia on 25 October. ®

The Acting Director at the Institute David Biles flanked at right of picture by the leader of the Chinese Law Delegation Mr Wang Zhanping, and at left by the deputy leader Mr Zheng.

PUBLICATIONS

RESEARCH REPORTS

David Biles
Car Stealing in Australia: Facts and Figures – $1.40 (150g)
Remand in Victoria: A Review of the Nature and Size of Facilities Needed – $4.50 (550g)
Women Prisoners in Victoria: A Review of the Nature and Size of Facilities Needed – $4.50 (400g)

W. Clifford
Echoes and Hopes – $2.00 (300g)
Why is it Safer to Live in Tokyo? – $2.00 (550g)
Aboriginal Criminological Research – $2.85 (300g)
Cost of Imprisonment in Australia – $3.00 (350g)
Rights and Obligations in a Prison – $4.50 (350g)

William Clifford and John Braithwaite
Cost-Effective Business Regulation – $4.00 (250g)

W. Clifford and J. Marjoram
Road Safety and Crime – $2.00 (400g)
Suicide in Western Australia – $2.00 (500g)
Suicide in South Australia – $3.00 (850g)
The Cost of Criminal Justice: A Preliminary International Survey – $2.00 (250g)

Richard G. Fox
Research Guide to Criminology Material – $1.00 (400g)

Andrew Hopkins
The Impact of Prosecutions Under the Trade Practices Act – $2.00 (300g)

Anatole Kononewsky
The Cost of Criminal Justice: An Analysis – $2.30 (500g)

Jeff Marjoram
Crime in a New Community: The Case of Tuggeranong – $1.50 (350g)

Satyanshu K. Mukherjee
Profile of Federal Prisoners – $1.95 (300g)

J.E. Newton
Factors Affecting Sentencing Decisions in Rape Cases – 60c (150g)

D. St. L. Kelly and Mary W. Daunton-Fear
Probation and Parole: Interstate Supervision and Enforcement – $1.40 (200g)

Ivan Potas
Sentencing Sex Offenders in New South Wales: An Interim Report – $1.00 (600g)
The Legal Basis of Probation – 60c (250g)
Sentencing Drug Offenders in New South Wales – $4.50 (300g)

Ivan Potas and John Walker
Sentencing the Federal Drug Offender – $4.50 (800g)

Bruce Swanton
The Nature and Scope of Police and Police Related Research – $1.00 (300g)
Australia's External Territory Police Forces – $1.00 (150g)

Bruce Swanton, Garry Hannigan, David Biles
Police Source Book – $8.00 (600g)

John Walker
Physical Planning and Crime in Canberra – $1.50 (200g)

John Walker and David Biles
Australian Prisoners 1982 – $3.00 (400g)

Grant Wardlaw (Editor)
The Role of Psychologists in the Criminal Justice System – $4.00 (500g)

REPORTS ON TRAINING PROJECTS (No Charge)

C.R. Bevan
Progress in Crime Prevention in Papua New Guinea

David Biles
Crime Prevention in Developing Areas

Philippa Chapman
Youth and Social Control

William Clifford
An Approach to Aboriginal Criminology
Evaluation in the Criminal Justice Services
Legal Control of Casinos
Race Problems in ESCAP

Mary Daunton-Fear
Women as Participants in the Criminal Justice System

Col. G. Draper
Crime and Delinquency in Urban Areas

Mark Filan
Police Training in Australia

M.A. Kingshott
Juvenile Residential Care
Alternatives to Imprisonment

John P. Noble
Women as Victims of Crime

Denbigh Richards
Crime Prevention: Planning and Participation in Geelong

Bruce Swanton
Criminal Justice Research Methodology

Arthur Veno
The Psychologist in Criminal Justice: An Australian Perspective

Allan Woodward (Editor)
Forensic Psychologists

OTHER PUBLICATIONS

David Biles (Guest Editor)
Journal of Drug Issues, Vol. 7, No. 4, Fall 1977, Drug Issues: An Australian Perspective – $5.00 (350g)

David Biles
The Size of the Crime Problem in Australia – No Charge
The Size of the Crime Problem in Australia (2nd edition) – No Charge
Criminal Justice Research in California – $2.00 (300g)

W. Clifford
How to Combat Hijacking – No Charge
Policing a Democracy – No Charge
Crime Control in Japan – $21.95 (600g)
Planning Crime Prevention – $18.95 (450g)

W. Clifford and L.T. Wilkins
Bail: Issues and Prospects – $2.20 (250g)

Human Rights Guarantees in the Administration of Criminal Justice – $2.00 (200g)

Bruce Swanton
A Chronological Account of Crime, Public Order and Police in Sydney 1788-1810 – No Charge

reporter