reporter

Why they live in fear and hiding

husband five months ago pulled out large clumps

Maree is permanently physically scarred.

thick red welts s, a crooked though she is ve, lines of worry ke her seem old

her.

Maree, who is still wary of revealing her ide

while dragging her down the hallway.

NATIONAL CONFERENCE ON DOMESTIC VIOLENCE 11 TO 15 NOVEMBER 1985

lieve it.

"He wasn't drunk when he bashed me or raped me. It might be was stirring

marriage might "make men stop and look at what they're doing."

You've

her husband six months ago after he slit her wrists in an attempt to kill her.

Violence against wives is often ignored by police

Rape hides in wedlock

od her two

three a

ive

g him up

meal twice in a

"If I said no to

up forcing himself

he didn't

ape be-

was

was meant to be.

"There was always this mental and emotional torture which would start with being told I was worthless," Maree

make her seem older years.

your pa

afraid – y

what's going to ha

you don't."

When she did fight against it her husband twice broke her nose and she was beaten, she said, always in front of her children.

"There

Battered wives to tell their tales

cause he

his possession.

"It's th thing about being married and a man thinking that his wife is his possession and that he can do anything he wants whenever he

wo chil-

aged three and 18 months, now live in a western suburbs women's refuge.

"You just feel powerless

What's it all about? ... How can we stop it?

See story - inside cover

AUSTRALIAN INSTITUTE OF CRIMINOLOGY QUARTERLY

VOLUME 6 NUMBER 5 SEPTEMBER 1985

reporter

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Forthcoming National Conference on Domestic Violence

Following a resolution of the Australian Labor Party National Conference in July 1984, the Federal Government asked the Australian Institute of Criminology to host a national conference on all aspects of domestic violence. Issues relating to spouse abuse will be the focus of this Conference, to be held at the Canberra Rex Hotel, from 11 to 15 November 1985. A second conference, on all aspects of child abuse, will be held at the Australian Institute of Criminology, Canberra, from 3 to 7 February 1986.

The National Conference on Domestic Violence will attempt to accomplish several goals:

- to examine the ideological basis of domestic violence;
- to share information;
- to evaluate the effectiveness of existing systems which impact upon domestic violence; and
- to identify and formulate relevant policy objectives, service delivery needs and future research priorities.

The Conference will seek to disseminate information, provoke an evaluation of existing systems, and effect change, where necessary, in attitudes and beliefs regarding domestic violence. It is envisaged that these objectives will be translated into a real commitment to improve the situation, particularly as this relates to the deployment of financial resources, policy formulation, service delivery for victims, and the identification of future research priorities.

Conference sessions will include plenary sessions, panels and small group workshops which will explore issues raised in plenary papers. Workshop topics will be:

- legal responses;
- service provision and the needs of the service providers; and
- training for intervention.

A broad range of people will be involved in the Conference, both as speakers and participants. This will include those with a professional concern (for example, social workers, refuge workers, police, legal practitioners, medical personnel, educators, researchers and policy makers) and those with a personal concern (victims, offenders, and their relatives). Overseas speakers will be:

- Linda MacLeod, researcher and policy maker with the Canadian Government, whose work focuses on the special problems of assaulted wives as victims of crime.
- David Finkelhor, Associate Director of the Family Research Laboratory at the University of New Hampshire, whose particular interest is in family sexual abuse.
- Lawrence Sherman, Director, Centre for Crime Control, University of Maryland, whose more recent work examines the deterrent effect of arrest in cases of domestic assault.
- Duncan Chappell, Professor of Criminology at Simon Fraser University, who will examine crimes of violence.

Further details of the first Conference can be obtained from Jane Mugford, Information and Training Division, (062) 83 3833. Opportunities to present papers for the second Conference are still open, and inquiries should be made to Ron Snashall, on the above telephone number.

Pre-Trial Diversion Conference

The Institute's Conference on Pre-Trial Diversion for Adult Offenders, from 20 to 22 August 1985, examined schemes that were designed to divert offenders away from the traditional criminal justice system.

Five conditions have contributed to the rationale and growth of modern diversion:

- a recognition of the evils of the system;
- overloads in the system;
- the possible negative effects of labels and stigmatisation;
- the recognition of the ineffectiveness of the system in controlling crime; and
- the recognition of the responsibility of the community for its crime.

Diversion schemes are possible when the public prosecutor has the power to abstain from prosecution. It is therefore of essential importance whether a given legal system is governed by either the principle of legality, in which the public prosecutor has a duty to prosecute if there is a probability of conviction; or the principle of opportunity, in which the public prosecutor has the power to decide whether it is in the interest of the administration of justice to institute a penal action before the court or not to do so. Generally, the common law type systems follow the opportunity principle, under which diversion schemes can be implemented.

Pre-trial diversion 'allows the crown or police prosecutor to suspend prosecution before a trial but after a charge is made. It requires the offender to consult with some other agency in the community and to successfully complete an arranged program of counselling, instruction, the acquisition of a skill, or the payment of restitution or compensation to the victim. Failure to complete the "diversion" arrangement would result in prosecution on the original charge' (Mr Col Bevan, Australian Institute of Criminology).

This system shares with the other varieties of diversion — community absorption, screening by police, and alternatives to imprisonment — in an attempt to minimise contact with, and to intervene in, criminal proceedings before the offender becomes caught up in the justice system.

Mr Terry Syddall, Stipendiary Magistrate from Perth, Western Australia, opened the Conference, and an edited version of his address follows:

Pre-trial diversion has not yet received the support it deserves from our legislators who seem, in my experience, to be more afraid of the possible electoral contempt which might result from its introduction rather than of any benefit which will accrue to society as a whole by making available to those responsible for the administration of the criminal justice system another useful tool.

Pre-trial diversion, in one form or another, has been operating in many countries for quite some time. These countries, especially the United States, have achieved some interesting results which should not be ignored, particularly when they have proved to be effective in the reformation of offenders.

My main argument for the adoption of pre-trial diversion rests upon a belief that many people are unjustly brought before the courts, and the majority of these are the social inadequates, the victims of the excesses of commercial free enterprise, and unbridled exaggerated individualism.

DRUG OFFENCES

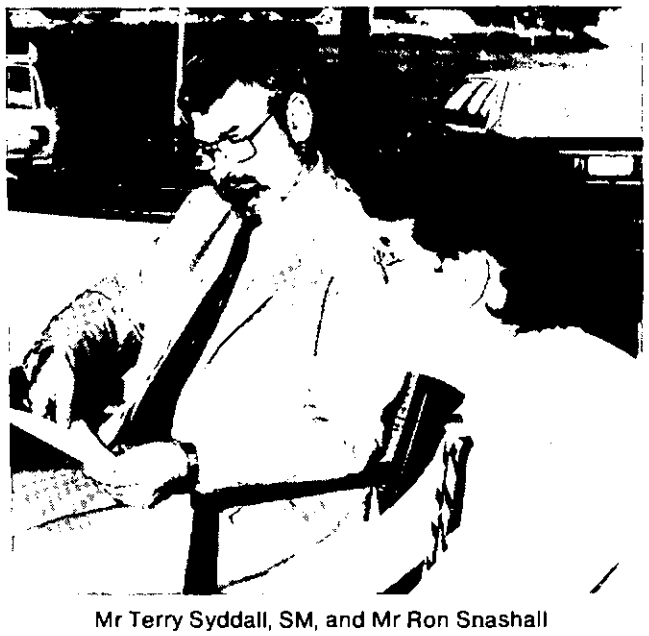
The indiscriminate and irresponsible prescription of drugs by some members of the medical profession has helped to create this great 'stoned-age'. A large proportion of our population has come to accept that drugs, legal or illegal, ought to be used hedonistically and not simply for medicinal purposes. Drug companies make huge profits from the sale of such drugs as valium, serapax and mogadon and use unscrupulous marketing methods to push their products.

ALCOHOL OFFENCES

We are all aware of the connection between alcohol abuse and road deaths, industrial accidents, domestic and other violence, criminal and anti-social activities, to say nothing of disease, and yet we support the easing of restrictions on its sale and use. We rely heavily on the criminal law to deter and punish the excessive use of alcohol knowing that the consequences of drunken comportment are usually not intended. Courts cannot be expected to provide just solutions to problems which are largely preventable through the exercise of restraint by the alcohol industry and by government control.

OFFENCES BY ABORIGINALS

Aboriginals have been dispossessed of their traditional home and hunting lands for pastoral farming and mining purposes. We have taught them to prize individual rights above all else and, in so doing, eroded Aboriginal law. On the one hand, law enforcement authorities are charged with a duty to enforce a single system of inflexible rules on two differing cultures, without a concomitant discretionary power to mitigate that law's application whenever justice or equity so demands. On the other hand, you have a people who can feel no respect for a law which they cannot understand; had no voice in making; no prospect of



Mr Terry Syddall, SM, and Mr Ron Snashall

administering and no choice of obeying their own ancient laws where conflict with the wider law exists. Many of these problems would disappear if a system of pre-trial diversion were to be introduced. Counselling would create greater understanding between cultures and many of the difficulties involved in legislative recognition of Aboriginal customary law would dissolve.

SHOPLIFTING OFFENCES

Thefts from supermarkets and self-service stores occupy a great deal of the time of courts. Many of the offenders are elderly and a disproportionately large number of middle-aged women are represented, almost all of whom are first offenders. Through the media, retail traders frequently call for increased penalties to act as a deterrent to shoplifters. Yet these same people continue to spend huge sums persuading people to patronise their establishments and engage psychologists to advise them on packaging and selling techniques in order to render goods irresistable to patrons.

If supermarkets and the like are to be permitted to continue using this method of retailing goods then it must be done with responsibility in the knowledge that their stores are open to children, weak-willed, and hungry people as well as to thieves, and it is unjust to lump all who take without paying into one criminal category.

DOMESTIC ASSAULTS

Criminal courts are not properly equipped to deal with many matters of domestic violence. Marriage guidance, alcohol and drug counsellors, together with the expertise available from women's refuges, are better able to cope with domestic problems than is the criminal justice system.

We cannot continue to rely on the criminal law as a means of dealing with social problems because it is wasteful, ineffective and brings the law into disrepute.

One of the reasons pre-trial diversion has become a necessity is the failure of the legal profession to provide a service which the community has a right to expect. It has been suggested that pre-trial diversion is unnecessary and undesirable, and that it would be better to put trust in me and my colleagues. With respect, I have found very few judicial officers who are interested in social problems let alone in extending themselves to deal with deprived and under-privileged people. I have judicial friends who are exceptions to the rule, but it will take a lot of time and training to change the attitude of the majority of judicial officers and lawyers.

Another important matter which is relevant to the introduction of a pre-trial diversion system is the cost of maintaining prisons and their inmates. The purpose of imprisonment is punishment and to keep dangerous people out of circulation. If I am right concerning the comparative lack of culpability of socially inadequate offenders, and if their offences do not involve danger, then imprisonment cannot be justified either on the ground of punishment or the safety of the public.

Clearly, the public is being made to foot the bill for the imprisonment of people who should not be in custody at all, and if pre-trial diversion were to be introduced many of these people would not have to go to court, never mind prison.

Mr Col Bevan, Assistant Director, Information and Training Division, in his address to the Conference said that two points need to be emphasised when considering diversion: firstly, that research had shown that there was a need to avoid the stigma of a conviction; and secondly, that when new penal measures were introduced, they would fit a particular segment of the offending population.

He said it was possible to identify those offenders who could be safely and successfully diverted. For instance, studies had shown that reconviction rates for crimes involving property, driving, and fraud were lower than those for robbery, assault and sexual offenders; and also, that reconviction rates were substantially lower for those who had received non-custodial sentences. Further research needed to be done in Australia to survey those offenders who need not have gone to prison. A study in the United Kingdom had shown that 266 of 771 male prisoners were divertable on the following criteria:

- no serious offence against the person;
- no crime ever for considerable gain;
- no large sum ever earned from crime;
- no obvious competence in planning the crime.

Mr Col Bevan

Mr Bevan said that prosecutors expressed the natural aversion of lawyers to intervening in people's lives without formal findings of guilt, and to what they perceived as decisions behind closed doors. He said that they preferred to extend the opportunities for sentencing without recording a conviction. Legally, though, diversion could be introduced as the various state legislatures did not present any insurmountable obstacles to such schemes. Diversion had been around in different forms and had been experimented with in respect of juveniles, drug and alcohol addicts and the mentally ill.

Mr Bevan suggested diversion should be established:

- to rid the criminal justice system of marginally criminal cases;
- to accommodate victims', defendants' and community interests;
- to give the defendant the opportunity to avoid a criminal record and thus to reduce the likelihood of later criminality.

The success of any diversion scheme would be severely jeopardised if it were regarded as a panacea. A diversion program is one more way which, if used selectively with intelligence and after careful preparation, could provide a useful means of effectively preventing alienation and recidivism in some offenders, of relieving some of

the pressures from courts, prisons, probation authorities and the like, and of encouraging the community to look more keenly at the extent of its direct responsibility for the quality of the criminal justice system it calls its own.

Mr Ron Snashall, Information and Training Division, presented a review of international pre-trial diversion for adult offenders at the Conference. A selected review follows:

Canada. The Government of British Columbia first considered diversion in 1974 and it is now widely used, with more than 35 projects in operation and another 70 programs operating with diversion as a major component.

England. There is little evidence of 'true' diversion, but the long established English experience of cautioning is relevant as is the change in philosophy involved in true proactive community policing.

Federal Republic of Germany. The principle of compulsory prosecution is in force and diversion is an exception to the fundamental duty of police and prosecutors to enforce the law by investigating all crimes which come to their notice. Diversion is used: in the field of juvenile delinquency; in the area of petty crimes committed by adults; and in the area of drug offences (only for consumers and not dealers). Fourteen per cent of all juvenile cases are disposed of after a warning by a public prosecutor and extensive use of programs involving the defendant in: the performance of a task for the purpose of making good the harm caused; a community service order; or repayment of monies to the Treasury or fulfilling an obligation of maintenance.

Mediation is widely used as are de facto methods that are similar to diversion. Some big companies have their own 'courts' which are able to issue a warning or exclude a worker from the social benefits of the company, reduce wages or even order dismissal.

German Democratic Republic. This nation has a general and fundamental principle of a specific non-judicial (though carefully regulated by law) intervention serving the successful settlement of a limited individual-social conflict between the offender and society. As a result of such a stance plus the establishment of conflict and dispute commissions they have a widespread and effective use of the concept of diversion. Some 20-30 per cent of all actual criminal matters are successfully dealt with by the commissions, In addition, 90 per cent of labour law disputes are finally settled by such commissions.

Japan. Japan is the stronghold of diversion. The public prosecutors make a careful selection to divert those who are unlikely to repeat a crime unless the seriousness of the offence committed requires actual punishment. Additionally, trial judges also exercise their discretion.

Union of Soviet Socialist Republics. In the USSR Comrades Courts are one of the forms of public participation in combating breaches of law and rules of socialist community. They are agencies of public social activity and they deal with such matters as: violation of work discipline; administrative offences; offences of no great social danger; property and other civil law disputes; and amoral acts and violations of the rules of socialist community.

United States of America. Screening by police officers and prosecutorial discretion are well established and resultant diversion schemes are widely spread across the country. The type of cases especially appropriate are: cases of chronic substance abuse; spouse abuse cases; mentally ill minor offenders; fraud cases where restitution is likely and they are first offenders; some mentally ill serious offenders; young offenders; and unemployed offenders.

Criminology Research Grants

The Criminology Research Council recently approved grants totalling $53,602 to research six areas of crime.

A grant of $13,500 was made to Dr Michael O'Connor and Dr David Gray from the University of New England to study the rural community of Walcha and its understanding of crime, criminals and criminality. In particular, the research will address the community's concern about crime, fear of crime, and crime avoidance behaviour.

Professor Robert Sanson-Fisher and Dr Selina Redman, from the University of Newcastle, were granted $15,471 to investigate if intervention by teachers would change or decrease the frequency of disruptive behaviour amongst adolescents in the school environment.

Mr Jay Fine from Macquarie University was granted $5,000 to research into firearm laws in Australia, by examining law enforcement and the public's compliance with firearm control, and discretion in firearm licensing.

An additional grant of $12,544 was made to Dr Robert Lynch, Dr Jeff Sutton, Dr Arthur Veno, Mr Mark Findlay and Mr Vern Tupper, to continue a study of crowd behaviour and policing strategies of the Bathurst motor cycle races.

Professor Tony Vinson from the University of New South Wales was granted a further $5,087 to continue his research on the factors that underlie robberies in New South Wales.

An additional grant of $2,000 was made to Dr Virginia Holme and Ms Patricia Brown from the University of Melbourne, to continue research into whether the attitudes of delinquent youths towards language use affects their actions and planning skills.

Applications for Criminology Research Grants can be obtained from the Registrars of all Australian universities, or from the Assistant Secretary, Australian Institute of Criminology, P.O. Box 28, Woden A.C.T. 2606

Burglary Seminar

The Institute's Burglary Seminar, held in Brisbane from 24 to 27 June 1985, examined the extent and nature of burglary in Australia and discussed current practices and strategies to curb the problem.

Burglary/break, enter and steal has become the sharpest growing serious crime since the post second world war economic development began. The reported rate of burglary per 100,000 population in Australia reached a new high in 1982-83; this was approximately five times the rate in 1964-65. Even the occasional change in counting rules across jurisdictions do not dampen the growth in reported burglaries. The gravity of the situation can be viewed in another way. When examined in relation to other serious offences, that is, homicide, serious assault, robbery, rape, and motor vehicle theft, it emerges that the reported rate of burglary has not only been much higher than the combined rate of all the above offences, it is also increasing at a much faster rate, as seen in the figure on page 5.

The Honourable Mr Neville Harper, Attorney-General and Minister for Justice in Queensland, opened the seminar. He said that 'our criminal justice system developed from a natural desire to provide protection to both the individual safety of a person and their property. Just as the law has created offences in relation to the protection of a person's physical safety, ranging from common assault to murder, offences have also been created to protect a person from damage to their property or deprivation of it.

The Hon Mr N.J. Harper

'Within that framework of the law, which protects the right of a person to security of their property, there have evolved laws specifically directed towards protection of the home; the most important of a person's possessions. The desire of society to give the greatest possible protection to a person's dwelling house is reflected by the extent of punishment which may be imposed on a person who violates the privacy and security of that house. Under section 419 of the *Queensland Criminal Code*, housebreaking, without aggravating circumstances, may be punished by imprisonment with hard labour for 14 years. The seriousness with which the community regards burglary is reflected by these potential sentences.

'It is a fundamental desire of society and its instruments to protect the security and well-being of a person's home. However, it is a sad fact that there is always a class of professional criminals which makes its livelihood by practising housebreaking: crime against the home of another.

'Unfortunately the problem of housebreaking and burglary appears to be increasing rather than decreasing. In Queensland, for example, between 1981-82 and 1983-84, the number of appearances in the district and supreme courts of Queensland for burglary and housebreaking offences increased by 131 per cent, whilst the number of charges in these courts increased by only 43 per cent. In the same period, the number of convictions in the superior courts increased by 29 per cent.

'Apart from the financial loss, there is an equally important cost; the psychological and emotional upset suffered by the victim of housebreaking. To find your home ransacked and your most intimate and private possessions strewn across the house, or missing, creates in people a feeling of outrage, frustration and exposure, which often has long lasting effects on health and mental attitudes. Often the damage, emotional and psychological, is never repaired.'

VICTIMS OF BURGLARY

Burglary, while primarily a crime against property, creates a significant amount of fear among members of the community, yet little attention has been given to the plight of victims in Australia. An increase in residential burglary has led to an increase in the number of victims. The harm done to the victim and the fear or trauma of being a victim, must be understood by society. How the police, community agencies, family and friends respond to the crisis are crucial to the ability of the victim to recover from the experience. While the police are not apathetic to victims, time and resource constraints limit the level of assistance available, but from training and operational guidelines, police officers could respond more effectively to the needs of victims. The South Australian Police Academy has developed training techniques for officers to react sympathetically with the victim, when an incident of burglary is reported, such as, 'sorry it happened to you', 'you are safe now', 'you have done nothing wrong'.

Professor Irvin Waller, from the Department of Criminology, University of Ottawa, Canada, identified six problems resulting from the fear, anger, revulsion, and immobility which consumes a victim after a sudden, arbitrary attack:

- loss of property and money;
- injury;
- feelings and behaviour that occur because of the shock;
- effects on family and friends;
- inconveniences caused by the state's actions of trying to identify, convict, and hold an offender accountable;
- lack of access to specialised services like victim support schemes, and problems with hospitals, insurance companies, and welfare agencies.

Professor Waller told the Seminar of the Victim's Services Unit in the Edmonton Police Department which performs the following services:

- referring victims to community resources that might provide additional assistance;
- providing information on the status of the investigation;
- providing information regarding the criminal justice system and police procedures;
- submitting supplementary reports on additional information reported;
- assisting in the return of property;

- acting as a liaison between the victim and the investigating officer;
- being victim advocates (trained volunteers provide counselling and moral support to victims in crisis situation).

The work is facilitated by providing the victim with his or her case file number, so that given that number, a duty officer can extract the file and inform the victim about the status of the case.

It was suggested to the seminar that the establishment of such units at the police department or some other appropriate community agency would be of significant support to victims. At present burglary victims represent the largest group of victims of any serious crime, yet official or community concern seems negligible.

Professor Irvin Waller, from the University of Ottawa, Canada

PREVENTION OF BURGLARY

The dramatic rise in burglaries is not a peculiarly Australian phenomenon. In fact, increases of even greater magnitudes than in Australia are often the norm in other industrialised nations. In the last two to three years countries like Canada, the United Kingdom, and the United States have initiated neighbourhood watch programs. Each jurisdiction in Australia, except Tasmania, has developed mechanisms similar to neighbourhood watch. As in the countries listed above, burglaries in the first six months after the initiation of the program in Victoria have declined significantly.

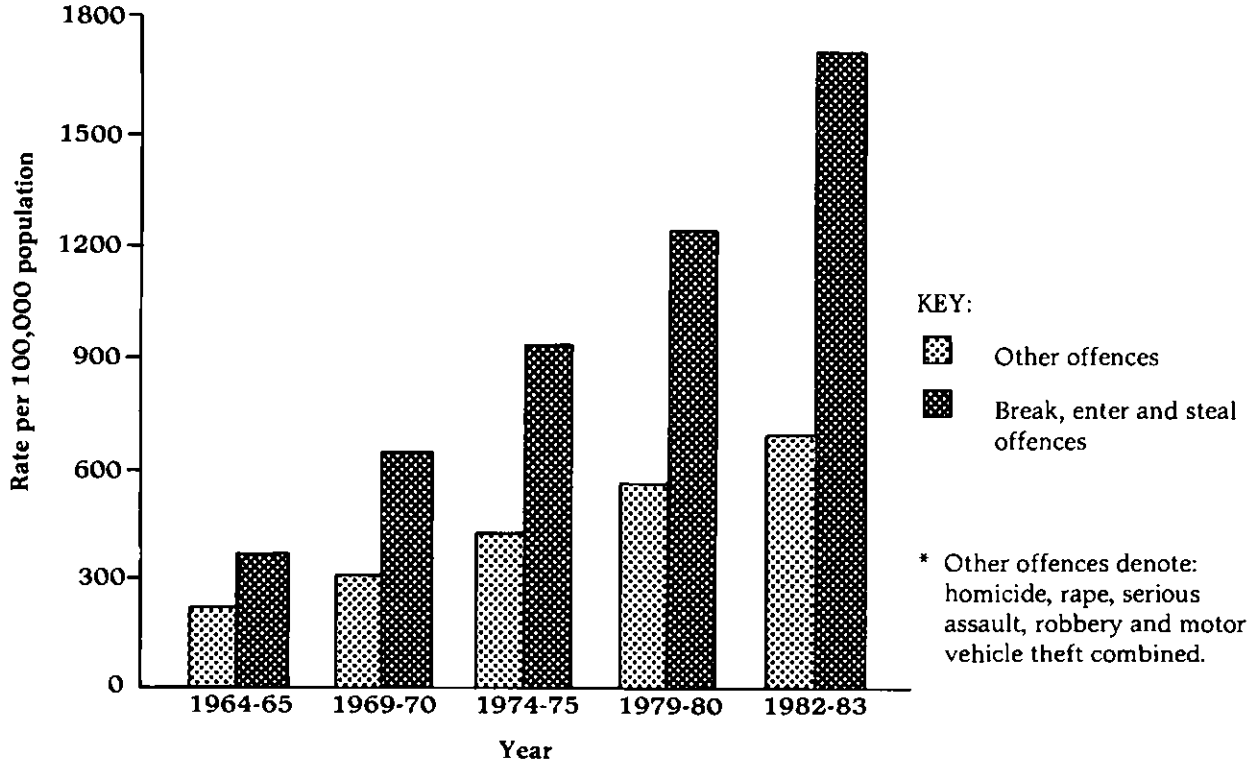
The neighbourhood watch programs in Australia propose several preventive measures: recording serial numbers of equipment and appliances; making the residence look lived-in when the occupants are away, for example, by having mail collected and newspapers stopped; and increasing the locks on doors and windows. Research and statistics in Australia show that large numbers of dwellings, when broken into, are either unlocked or secured with an inferior quality lock. Police recommend that the premises should not only be locked, but that dead-locks are also installed to make entry more difficult.

PROCEEDINGS OF CONFERENCE

The proceedings of the seminar will be published by the Institute later in 1985. The articles will be grouped under the following themes:

1. The nature and extent of burglaries;
2. Victims of burglary;
3. Neighbourhood Watch and other strategies;
4. Sentencing for break, enter and steal;
5. The insurance companies, and further research.

NUMBER OF BREAK, ENTER AND STEAL OFFENCES AND OTHER* SERIOUS OFFENCES REPORTED TO POLICE PER 100,000 POPULATION, AUSTRALIA, 1964-65 TO 1982-83



Book Reviews

INSIDE THE BRITISH POLICE: A FORCE AT WORK
by Simon Holdaway
Oxford, Basil Blackwood, 1983, vi + 186pp.
Reviewer: Dr Grant Wardlaw, Senior Criminologist, Australian Institute of Criminology

For those readers who still view the British bobby as polite and friendly, fairminded and hard working and, above all, an efficient crimefighter, this book will come as something of a shock. This is not an expose by some trendy leftwing critic which can be dismissed as yet another attack on the police establishment. It is an observational study by a conservative sociology lecturer who, at the time of the research, was a station sergeant in the area reported on.

As an empirical statement of the day-to-day activities of a police subdivision close to the centre of one of Britain's major cities, this book has much to recommend it. Providing insights into the working day of beat constables and CID personnel, the study examines the attitudes and assumptions that guide police work at its most critical point, that of everyday encounters with the public. The book fails, though, at the theoretical level. There is only a superficial attempt to describe the literature on the sociology of policing, using limited and often dated material. Further there is no real attempt to develop theoretical ideas out of the wealth of information gained by an intimate personal knowledge of policing and detailed observation and recording of police activities.

In spite of its drawbacks, Holdaway has produced an interesting book. The method used to pursue the study is termed by the author as covert participant-observation. Particular aspects of police work were targeted for observation and the author attempted to make verbatim notes of incidents he observed or participated in as soon after the event as possible. The result is a plethora of quotes of working police officers or contemporaneous descriptions of incidents which form the major raw material of the book, and are linked together by Holdaway's analysis of them to form a reasonably coherent whole. There is internal evidence to suggest that Holdaway's colleagues were not as unaware as he imagines of his 'covert' observations and at least some of their comments were aimed at getting a negative reaction from him. While this may imply that some of the observations or comments might be somewhat exaggerated, the sheer bulk of consistent material indicates that the scene Holdaway paints is a fairly realistic one.

Most attention in the book is devoted to the beat work of ordinary constables. Little or no mention is made of specialist policing, CID work, traffic, public order control or issues in policing. The description of patrol work confirms that of previous studies, indicating that it is basically boring and unproductive, with criminal episodes being a welcome, indeed sought after, relief. One chapter, 'The Manipulation of Time', is particularly good as it tries to show how the boredom of beat work can be mitigated to some extent by practices such as 'easing' (having extended breaks whilst officially on duty), structuring the shift timetable to maximise what the constables define as 'real police work' (i.e. action, rather than assisting the public), and emphasising conversations which concentrate on chases and arrests (often with rather outlandishly embellished stories).

Other aspects of police work considered in detail are the organisation of the police station, the importance of maintaining control over one's beat area, interactions between police and the community, dealing with suspects, and the use of force. The conversations and actions reported by Holdaway clearly illustrate how misleading descriptions of police work based on official statements or on written procedure are. In fact, much of the effort of ordinary constables seems to be devoted to organising the work in terms of *their* perceptions of crime and criminals, and in keeping knowledge of their actual practices from their senior officers. In doing this, there is an interesting contradiction, however. Senior officers, by the nature of promotion in the police, were all once beat constables. They therefore all know the reality of street work. They know about or have been active participants in the illegal or borderline practices which occur in charge rooms, interrogation rooms and police cells. Yet they generally ensure that they avoid seeing any of these practices upon reaching senior rank and thus avoid having to take any explicit action to control them. Control in a police station effectively rests at the level of constables and sergeants.

Holdaway obviously disapproves of many police practices but he also evidences very conservative and traditional ideas about policing. The result is an unusual amalgam of angry criticism of the way many police habitually behave, and an uncritical acceptance of the traditional notions of British policing. This lack of critical analysis of concepts undermines the impact that would otherwise be made by his revelations of malpractice (or, in many cases, lack of police practice). Despite this, Holdaway has provided some important information on the nature of contemporary policing. Given the entrenched nature of the behaviour he reports and the set attitudes they are based on, one cannot help but wonder, however, if policing is not somehow inevitably something akin to what he describes.

MENTAL ILLNESS AND THE LAW
By Tony Whitehead
Basil Blackwell, Oxford, England, 2nd edition, 1983. 134pp. + (64pp. of appendices, glossary and index)
Reviewer: Mr Ivan Potas, Criminologist, Australian Institute of Criminology

The first edition of this book was published in 1982, but the present revised edition was found necessary as a consequence of the passing of the *Mental Health Act* 1983, replacing the earlier one of 1959. The greater part of the book is concerned with the elucidation of the mental health legislation in England and Wales but references are also made to mental health laws of Scotland and Northern Ireland.

In view of the lead and influence that English mental health law has had upon Australia, the present work will be of interest to Australian legislators. The author, who is a consultant psychiatrist at Bevendean Hospital in Brighton, does not provide a detailed analysis of the legislation, the kind that might be expected of a lawyer. Nor is the work likely to appeal to those seeking a theoretical, philosophical or sociological analysis of the subject matter. Rather his approach is to identify key areas in the legislation and

provide practical examples as to how the legislation works. The result is an eminently readable book that is likely to appeal to a wide audience of interested inquirers. Indeed in the opening chapter, readers are reminded that one in ten of the population at some stage during their life is affected by mental illness and that involvement with the law relating to mental illness is not the concern only of the criminal classes. It concerns us all.

In addition to a discussion of the legislation, there is also a useful review of the categories of mental abnormality. In particular the various categories of psychoses and neuroses, their symptoms and their treatments are discussed. Technical clinical terms are explained in concise, easy to follow language and, if this should not be sufficient, the excellent glossary at the end of the book is a valuable resource that can itself be read with profit. For example, in the glossary 'Korsakoff's psychosis' is described as 'one consequence of chronic alcoholism in which multiple neuritis, memory loss and confabulation occur'. In turn 'neuritis' is defined as 'pain in the distribution of a nerve; inflammation of a nerve' and 'confabulation' is described as 'fabrications to fill in memory gaps'. If you knew this already, try 'dysarthria', 'echolalia', or 'logorrhoea'. The book will prove educative to those who seek an introduction to the world of mental ill health, and should find its appeal amongst those who seek an introduction to both mental health law and aspects of mainstream psychiatry.

There is a chapter devoted exclusively to facilities, treatment and services. Here the importance of treating disordered persons in the community is emphasised and a description of the special hospitals and other facilities for the treatment and care of mentally disordered forensic patients is set out.

The book is largely descriptive rather than critical. It is only in the last chapter that the author offers some constructive criticisms concerning the present legislation. Amongst other things he makes the salient point that well developed psychiatric services, offering twenty-four hours a day service in the community, would effectively reduce the need for many of the compulsory powers contained in mental health legislation. Poor service entails more extensive use of coercive powers. He laments the fact that there is no clear statement concerning society's obligation to provide proper psychiatric facilities for the needy. The answer will not be found, he says, in the 'use of prohibitions and institutions to isolate people where society can conveniently forget about them'.

While the law on mental illness, and the facilities for treating the mentally disordered offender, is more sophisticated and developed in England than in Australia, the problems are the same. Accordingly the book has a great deal to offer Australian criminal justice and mental health systems. In particular, those concerned with the power of authorities (courts) to remand mentally disordered offenders to hospital for reports, or for treatment, to permit the making of interim hospital orders, to empower the making of guardianship orders or hospital orders (with or without restrictions on or when the patient may be released from detention), and the power to transfer a mentally disordered person from prison to hospital, should benefit from this publication.

EVA

By Robyn Friend

McPhee Gribble/Penguin Books, Victoria, 1985. 193pp. $6.95 paperback.

Reviewer: Suzanne Hatty, Senior Research Officer, Australian Institute of Criminology

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Violence between spouses is an issue which has, in the last ten years, received a good deal of attention in the social science literature. Typically, research has utilised quantitative methodology, focusing on the development of statistical databases. There is a dearth of work undertaken from the perspective of phenomenology. Aside from the accounts provided by women who have extricated themselves from the violent relationship and are now residing in refuges, there are surprisingly few accounts of the lives of women who have responded to the violent situation in a different manner.

Eva is the biography, related by Robyn Friend, of a woman who has endured thirty years of sustained physical and psychological abuse. It is also the story of one human being's systematic attempt to destroy another, an attempt which finally culminates in an act of murderous intent.

Eva recreates her life's story for the reader in a process she likens to the knitting of a complex garment. However, the telling of her story is more difficult than the deciphering of the garment's pattern: 'If only it was as easy to pattern the colour of my life, to understand it as I understand the stitches' (p. 2). She begins by telling the reader of the oppressive events of her childhood: her father's violence towards her mother; the terror and violence of the German occupation during the war; the acts of sadism towards women during war-time; and, most significantly, her rape at eleven years by German soldiers. She learns powerful lessons here: that it is 'women's job to clear the horror away' (p. 9) and, also, that women's lives are both exploited and yet submerged in the transactions between men. In telling of the mutual support extended by the women in the prisoner-of-war camps, she says 'and I often wonder if men have any idea of what goes on behind the scenes that they so often cause, in the real place where life is, the place where women are' (p. 25).

Her childhood is characterised by fear, violence and mobility; her ambitions are simple: to be a nurse or a pianist. But, most of all, she desires marriage to a wonderful man, to settle, to have children and, of course, to be happy. Tragically, most of these aspirations are denied her.

By the time of her marriage, Eva has been well-schooled in the ways of feminine behaviour: to be submissive, acquiescent, nurturant; to seek a man who would protect, dominate, and provide. In Andre Knack, she discovers these qualities. The relationship between Eva and Andre is enacted within the framework of these stereotypical expectations.

It is with the advent of pregnancy that the violence within their relationship explodes; Andre Knack struggles in his attempt to reconcile his needs with his emotions. His conflicted interaction with his mother echoes in his relationship with his wife. Like her father, Eva's husband is extremely dependent upon his wife. Of the former

relationship, it is said 'she was the centre he returned to' (p. 12); of the later, it is said that he could do nothing without her.

Nevertheless, Andre exhibits extreme aggression at the announcement of each pregnancy. Sometimes, he insists on an abortion; sometimes, she complies. On other occasions, she is intransigent. He experiences awe and fear in the face of her fecundity; he is further displaced with each child. 'And there I was, pregnant and frightening. I think the fact that I bled and bore children frightened and disgusted him' (p. 89). In physically attacking her breasts and belly, he attempts to defeat the powerful, maternal figure: 'I think Andre's violence was necessary to him, he was afraid of so many things' (p. 137). And finally, he doubts the fact of the children's paternity.

Eva, for her part, relishes the role of mother-substitute: 'I nursed and mothered him'. She defines herself as both wife and mother; she loves Andre as her mother had loved her father. She also relates to him as a father ('Popsy'). Her response to the violence is, firstly, rationalisation and, later, denial. She describes the process of accommodating to the violence, of assuming responsibility for its occurrence. However, the psychological costs of this attempted adaption are high: Eva's self-esteem begins to disintegrate. 'I counted myself worth nothing. Nothing at all' (p. 123). Finally, her identity is almost erased: 'I am nothing . . . I don't exist' (p. 182).

Andre Knack's violent impulses are alternately directed outward at Eva, their children or their animals, or inward, at himself. Eventually the concerted efforts to rid himself of Eva come to fruition in the bathtub sequence in which he announces 'This is it!'. In defending herself, Eva finds herself accused of murder.

The description of the trial process which follows is stark and terrible. Eva's concern with cleanliness, with ordering the chaos, have exacerbated her difficulties. She feels disassociated from her life: 'I listened to the voices of the men as they talked about me, about my life as if it wasn't mine; it was not my business, it was theirs' (p. 179). In alluding to the consistency between the social and legal systems which disarm women, Eva states: 'Behave. Obey. That is the message I have been given all my life. Be passive. Do nothing' (p. 187). She is unable to assert control over her life or her case.

Eva is replete with contradictions: between ambivalence, violence and dependence; between female solidarity and female rivalry; and between aspirations and reality. It is also replete with similarities: between her parents' marriage and Eva's own; between her mother's psychological fragility and Eva's own; and between the lifestyle of Eva as child and as adult. *Eva* is written with an emotional honesty and directness which confronts the reader. It is both a poignant statement about being a women in a misogynist society, and a convincing indictment of that society's response to the plight of an individual woman.

NATURAL JUSTICE
By Geoffrey A. Flick.
Butterworths, 1984, 2nd edition, xliv + 212pp.
Reviewer: Dr Des O'Connor, Faculty of Law, Australian National University

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The need for a clear textbook on the principles of natural justice and the practice before tribunals and the courts has no longer to be stressed. The range of administrative law materials is now large and increasing as the exercise of jurisdiction by the proliferating tribunals, boards and other administrative bodies.

The first edition of this text was well received and there is no doubt this revised edition will have an equally favourable reception.

The plan of the book is convenient for both the student who needs to get a comprehensive view of the range of implications of the idea of natural justice, and for the practitioner concerned with specific instances. The growth of precedent in the area of administrative law reflects the increasing use of such tribunals and the increasing 'legalisation' of the rules and practices before them.

The book is the author's academic thesis in an expanded form and, unfortunately, suffers somewhat from its origins. It was obviously written originally with the English and American jurisdictions most in mind and the Australian material is uncomfortably engrafted onto the foreign. This presents a real problem for local practitioners since the law applied here will now most commonly be found in the decisions of the federal court rather than in English or American decisions, and the federal court cases are often given only as footnotes to the overseas cases.

Of special interest to this reviewer is the treatment of the rules of evidence (especially the hearsay rule), pleadings, cross-examination and so on, in administrative hearings. The conflict between the need for expedition and the demands of procedural justice raises questions equally relevant in the general law as in administrative tribunals. Similarly the vexed question of judicial notice and extra record facts in the context of tribunals consisting of experts raises some difficult and complex questions. The author's treatment of these areas is clear and helpful with obvious implications for the general law although most clearly raised in these administrative bodies.

The book can generally be recommended for both students and practitioners, with the reservation that it ought to be used in conjunction with one of the administrative law services that will fill out the narrow treatment of Australian decisions.

Forthcoming Conferences

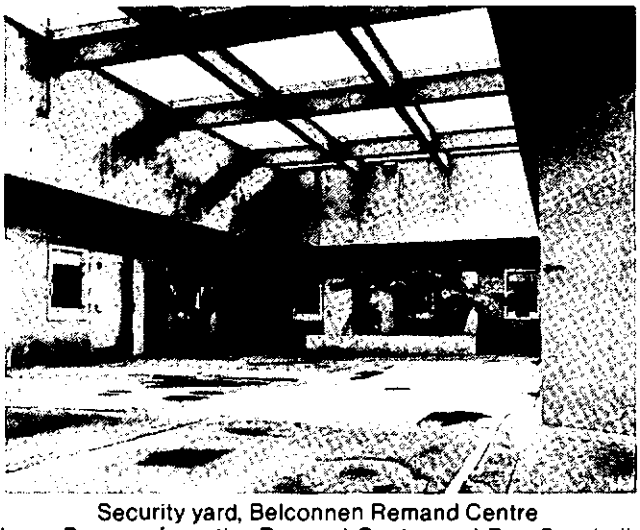
CITIZENS AMBASSADOR PROGRAM, 26 NOVEMBER 1985

DOMESTIC VIOLENCE, 11 TO 15 NOVEMBER 1985

YOUTH CRIME IN PERSPECTIVE AT THE END OF I.Y.Y., 9 TO 10 DECEMBER 1985

Criminal Justice Centres

Government-run centres in the criminal justice field vary in kind: prisons, in their many grades; remand centres; and children's centres, with different degrees of security. On a familiarisation tour of the services available in the Australian Capital Territory and New South Wales, and to involve the Institute at all levels of the criminal justice system, Ron Snashall, from the Information and Training Division, visited the Quamby Children's Shelter and the Belconnen Remand Centre. Details of Canberra's two facilities are given below and future issues of *Reporter* will have information on other Australian criminal justice centres.



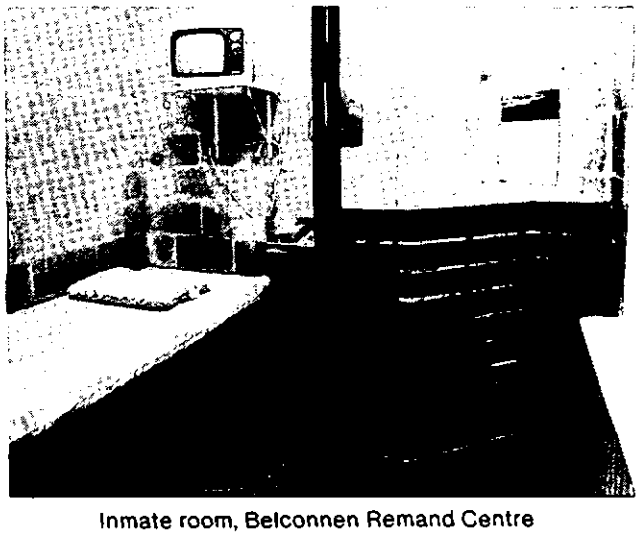
Security yard, Belconnen Remand Centre
Leon Benson, from the Remand Centre and Ron Snashall, Training Division, Institute of Criminology

BELCONNEN REMAND CENTRE

Type of Centre:	Adult remand centre for persons held in custody. Sentenced persons only if awaiting transportation to another institution, or if the person is required to appear as a witness in an ACT court.
Established:	17 September 1976
Location:	Gillot Street, Belconnen, ACT
Governing Body:	Welfare Branch, Department of Territories
Person in Charge and Designation:	Director of Corrective Services, Ms Helen Bayes; Acting Superintendent, Mr Richard Young
Legislation:	*Remand Centre Ordinance*, 1976, *Remand Centre Regulations*, 1976
Staff:	8 male chiefs, 20 male officers, 8 female officers
Accommodation:	Single units: bed, seat, table, bench, toilet, wash basin, heater, radio, television
Recreation:	The dining room has television, library facilities, table-type games, tea/coffee making facilities; the games room has table tennis, darts, snooker, quoits; the hobby room has gymnasium equipment; and the security yard has a volley ball court.

Hobby room, Belconnen Remand Centre

Capacity:	18 persons, one family unit (two persons or a parent and a child under 2 years)
Visits:	Daily: 9.30 am - 12 Noon, 1.30 pm - 5.00 pm, 7.00 pm - 9.00 pm
Legal Visits:	Daily from 8.30 am to 10.30 pm
Visiting Facilities:	Security room, contact room, professional room, barbecue facility
Inmates Secured in Cells:	From 10.30 pm to 7.00 am
Telephone Calls:	Can be made/received during visiting hours and are limited to three minutes
Mail:	Unlimited and not censored, but incoming mail is opened in the presence of an officer
Religious Services:	As requested by detainees
Features:	It is the only remand centre outside the normal prison type environment
Future Plans and Changes:	Mr Col Bevan, from the Australian Institute of Criminology, is chairing a committee formed to review 'complaints' procedures within the centre



Inmate room, Belconnen Remand Centre

QUAMBY CHILDREN'S SHELTER

Type of Centre:	Children's welfare centre
Established:	30 April 1963
Location:	Mugga Lane, Red Hill, ACT
Governing Body:	Welfare Branch, Department of Territories
Person in Charge and Designation:	Director of Corrective Services, Ms Helen Bayes; Superintendent, Mr Douglas Kerr
Legislation:	*Child Welfare Ordinance*, 1957
Staff:	5 chief officers, 17 custodial officers, professional cook, school teacher
Accommodation:	Single cabins: bed, table, basin, toilet
Recreation:	The recreation and hobby room has snooker, television, table tennis, woodwork, art, etc. There is a school room with teaching equipment, and books from the mobile library service; the outside area has gymnasium equipment, e.g. monkey bar
Visiting Facilities:	Barbecue area, visitors/professional room, physician's room
Capacity:	10 cabins
Visits:	Daily: 9.30 am - 11.30 am, 2.00 pm - 5.00 pm, 7.00 pm - 9.00 pm
Legal Visits:	As required
Inmates Secured in Cells:	From 10.00 pm to 7.30 am
Telephone Calls:	Unlimited
Mail:	Unlimited and not censored, but incoming mail is opened by staff
Religious Services:	Salvation Army representative gives services once a week, and other religious services are given as requested
Features:	The shelter has a full time school teacher, and outside instructors from the TAFE colleges go to Quamby to teach motor maintenance, sewing, music, carpentry, etc. Professional visits are arranged for health community workers, police public relations officers, etc. to talk to the children
Future Plans	Extensions are planned for five self-contained rooms.

Retailers and Crime Today

The National Retail Crime Prevention Council's conference on retail crime, held at the Institute from 25 to 26 July 1985, aimed at providing a forum where retailers could identify crime trends and suggest possible solutions for reducing the estimated $480-600 million lost annually through retail theft.

While this loss is substantial, there is no immunity from theft for retailers, said Dr Stephen Mugford from the Australian National University, who outlined how crime is linked to the success of society. Economic success, productivity, and the Australian standard of living, had established an acquisitive society where people want more than they have, and more than they can afford. This was often achieved through illegal means, and property theft had become a national sport.

It was abnormal *not* to steal, said Dr Bill Cherry, from the Phillip Institute of Technology. Rather than repeating preconceived ideas and opinions of what was right and wrong, we should look at what is actually happening. For example, for inhouse theft, employees did not regard fiddling, 'reasonable' thieving, or perks, as crimes but as their 'moral' entitlement. He said that this type of theft was endemic and, while it could not be abolished, it can be reduced.

Mr Ray Brown, Myer, Victoria, and Chairman of NRCP Council (left) and Mr Doug Sinclair, at the Conference

Mr John Tomko, from Subliminal Security Systems, detailed the technique of subliminal devices to reduce retail crime. The technique is based on the notion that humans respond to messages that do not register in the consciousness. The transmission of inaudible messages throughout the store, such as 'remain honest' and 'stealing is not worth the risk', would register on the subconsciousness and deter an employee or customer about to steal.

The conference also examined the areas of police initiatives tackling retail theft, such as: warning notices; procedure, standards, and ethics of bag searches; purse snatch; assault on staff; cash robberies; and vendor thefts.

The proceedings of the conference will be published by the National Retail Crime Prevention Council later in 1985.

And, in brief ...

Enforcing Safety and Health in Industry

From left: John Braithwaite (author), Senator Gareth Evans and Mr David Biles, at the launching

The Minister for Resources and Energy, Senator Gareth Evans, QC, addressed more than fifty people at the launch of *Occupational Health and Safety Enforcement in Australia* by John Braithwaite and Peter Grabosky, and *To Punish or Persuade* by John Braithwaite, at the Institute on 17 July 1985.

Senator Evans commented on the Braithwaite-Grabosky theme of examning the regulations for protecting workers and the public from exposure to ionising radiation, and said that 'many applications of nuclear technology are becoming common place. The task of state regulatory bodies responsible for protective measures has widened to include industries other than mining, such as transport, commerce, medicine, science, and waste disposal. However, in all those areas there is a common approach to radiation protection, based on national and international limits to permissible exposure, but with the objective of keeping actual exposures as far as practicable below those limits.

'The Commonwealth promotes radiation safety essentially by acting as an information channel: by keeping abreast of international developments, by making technical advice available to the states, and by publishing national codes of practice. Although the Commonwealth plays no direct regulatory role, except in the context of the AAEC, there is a high level of co-operation with the states. The safety record in radiation protection in Australia is excellent and the overall regime is something of a pathfinder for national occupational health and safety management.'

On the second book, Senator Evans outlined how Dr Braithwaite used coal mining safety as a concrete example to address and consider the compatibility of two policy questions: punishment, as a regulatory mechanism; and persuasion, as an attempt to change safety practices.

He concluded that both books made some provocative suggestions for improving procedures, and were important contributions to policy making in the area of safety enforcement.

Visit by Prison Educator

Part of France's history lies in its prison buildings for they are mostly historic monuments. Without future direction though, the French prison system may also become historic.

Mr Chris Blandin, from the National School of Penitentiary Administration, and a Prison Educator in Lyon, France, visited the Institute in July and August. He described the French gaols: the shortage of accommodation had led to an overcrowded environment; they had poor conditions because the buildings were old; and there was a reluctance to improve facilities for inmates. He also described the penal bureaucracy: the administrative structure was too rigid; the rules and regulations were old fashioned; and there was insufficient supervision for France's 45,000 prisoners.

Mr Blandin was in Australia to observe the criminal justice and prison system, and noted those parts of it which could be of relevance in improving French prisons.

With so many French prisoners, of which over half are remandees, the lack of adequate supervision has caused prisoners without work or leisure activities to be confined to their cells for 23 hours per day. Mr Blandin was impressed with the diversionary systems in Australia that reduce inmate numbers, such as the community service orders and the attendance centre schemes.

The French system must cater for all social groups within its community, but the children of migrants from North Africa are disconnected from the dominant social system and are overrepresented in prisons. Mr Blandin observed how the Australian criminal justice personnel are aware of the need to recognise Aboriginal customs and laws when considering Aboriginals within the wider criminal justice system, and hopes that some of these ideas can be applied in France.

Mr Blandin was particularly interested in the ways in which the Victorian Corrections Master Plan has overcome prisoner accommodation shortages, and the methods it used to determine future prisoner requirements and future prisoner population rates.

Mr Blandin's report of his observations of the Australian criminal justice system will fulfil part of his professional training course as a French prison officer.

Mr Chris Blandin, a recent visitor to the Institute

Drug Research Proposals

Dr Grant Wardlaw, senior criminologist, will submit two research proposals on drug research methods and data to the Commonwealth Department of Health, following his overseas study trip in June.

The first proposal is to be an evaluation of the crime impacts of the forthcoming National Drug Campaign. The second proposal is to be a model project on the estimation of drug patterns in the Australian Capital Territory.

The research methods for the latter project will be based on information Dr Wardlaw obtained on his visit to the London Drug Indicators Project, which tests methodologies in assessing the extent and nature of drug problems in particular localities. Questions the resultant data are aimed at answering include:

- are there serious drug problems in Canberra?
- what sort of problems exist and how extensive are they?
- what drugs are involved and how are they obtained?
- what are the characteristics of the individuals and the communities most affected, and what are the major difficulties that result?
- how rapidly and in what way is the situation changing?
- what services exist and to what extent do they come into contact with drug problems?

From left; Mr David Biles, Professor Richard Harding, Professor Elmer Johnson and Dr Jeff Sutton

ASCPRI Summer Program

The second ACSPRI summer program in Quantitative Social Science Methods will be held in association with the School of Sociology at the University of New South Wales from 1 to 14 February 1986.

There will be three course streams: an introductory course in social science data analysis using SPSS-X (1-14 February), and two shorter streams (3-7 February, 10-14 February) covering specific and more advanced data analysis techniques. Special emphasis will be given to practical applications of the techniques with participants learning through a combination of lectures and computing laboratory sessions or tutorials. Full supporting and interactive computing facilities will be available.

Applications close 15 November 1985. For further information and enrolment fees, contact Robert Jones, Social Science Data Archives, Australian National University, tel. (062) 494400.

Visiting Professor

Professor Elmer Johnson, a comparative criminologist, from the University of Southern Illinois, visited the Institute in August 1985 and held informal discussions with senior staff. Professor Johnson is a consultant to the New South Wales Bureau of Crime Statistics and Research, and was accompanied to Canberra by the Bureau's Director, Dr Jeff Sutton.

Justice Programs for Aboriginals

Justice Programs for Aboriginals and Other Indigenous Communities, edited by Kayleen Hazlehurst, senior research officer with the Institute, draws together the papers and discussions from the Aboriginal Criminal Justice Workshop held at the Institute from 29 April to 2 May 1985.

The publication covers:

- the effects of the Australian criminal justice system upon the life style and psychology of Aboriginal individuals and communities;
- the relevance of imprisonment and fines;
- Aboriginal and police relations and the establishment of special policing, police aide and liaison initiatives;
- the participation of indigenous peoples in criminal justice administration, community courts and other community regulation programs in various regions throughout Australia, as well as in Fiji, Papua New Guinea, New Zealand and Canada; and
- future directions: a summary of the debate and suggested priorities for research and action.

The workshop emphasised that community-based initiatives should take account of regional diversity and the special needs of individual communities, and concluded that finding solutions to the problems must be shared between the indigenous and the criminal justice administrators.

Copies of *Justice Programs for Aboriginals and Other Indigenous Communities* are available from the Institute for $6, 328 pp.

Statistics

Australian community-based corrections data

Compiled by Ivan Potas, Criminologist
Assisted by Diane Grant

The following table provides the number and rates of adult persons on probation and parole as at 1 May 1985:

	General Pop.[1] '000	Probation[2] Number	Probation[2] Rates	Parole[3] Number	Parole[3] Rates
NSW	5438	9367	172.2	2609	47.9
VIC	4101	3686	89.8	948	23.1
QLD	2529	5028	198.8	544	21.5
WA	1395	2068	148.2	788	56.4
SA	1361	2334	171.4	406	29.8
TAS	442	1550	350.6	74	16.7
NT	142	322	226.7	79	55.6
ACT	254	220	86.6	52	20.4
AUST	15662	24575	156.9	5500	35.1

1. Projected population end of April 1985 derived from *Australian Demographic Statistics* June Quarter (Catalogue No. 3101.0).
2. Only those under actual supervision are included in these data.
3. Rates are calculated per 100,000 of the general population.

New South Wales

The probation figure *includes* 655 persons who were under the age of 18 years at the time of release to supervision. 1787 persons were subject to community service orders, and some of these *are included* in the probation figure.

The parole figure *includes* 415 licencees and 585 'after care probationers'.

The total number of persons under supervision of all types in N.S.W. was 12,898. In this figure, 'multiple status' offenders are counted only once.

Victoria

The parole figure *includes* persons supervised from interstate. There were 130 persons subject to community service orders and 329 persons subject to attendance centre orders (total 459). A small proportion of these may also be on probation and are included in the probation figure. There were also 274 pre-releases from prison. Many of the latter persons will become parolees in the future.

Queensland

The probation figure includes: 4,226 persons released on probation after serving a short term of imprisonment, 254 interstate probationers and 32 persons subject to Commonwealth recognisances. The parole figure includes 128 interstate parolees and 26 Commonwealth licensees. The number of persons subject to community service orders was 1746. Approximately one third of these were also given probation and *are included* in the probation figure. The figure for community service orders also includes 787 persons who received 'fine option' orders.

Western Australia

There was a total of 731 persons subject to community service orders. 416 of these were also placed on probation and *are included* in the probation figure. Only 315 persons were subject to community service orders without probation and these are not included in the probation figure.

There was a total of 788 pre-parolees in that state.

South Australia

The probation figure *includes* 205 persons who were subject to community service orders.

With regard to parole it is advised that a further 9 persons received voluntary supervision in the community by the parole services. A further 23 prisoners were supervised in prison.

Tasmania

The probation figure includes 141 juveniles. It also includes 27 probationers from interstate. The parole figure *includes* 14 parolees from interstate. The number of persons having a legal obligation under the work order program (including absconders) was 430 of whom 287 were currently available and discharging their own orders. 215 of the latter figure were also subject to probation and are included in the probation figure.

Northern Territory

There were 42 persons subject to community service orders. Some of those were also placed on probation and are included in the probation figure. 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 or work orders (excluding absconders) and including attendance centre orders for Victoria, as at 1 May 1985:

	Number	Rates
NSW	1787	32.8
VIC	459	11.1
QLD	1746	69.0
WA	731	52.4
SA	205	15.0
TAS	287	64.9
NT	42	29.5
ACT	Not applicable	Not applicable
AUST	5257	33.5

Juveniles under detention

Compiled by Anita Scandia

Statistics on Persons in Juvenile Corrective Institutions for the quarter ended 30 December 1984 are shown below. Definitions of terms used in the tables are also listed. Rates are calculated using estimated June 1983 population figures supplied by the Australian Bureau of Statistics.

Persons aged 10-17 in Juvenile Corrective Institutions as at 30 December 1984

		Total Male	Total Female	Detention Status: Not Awaiting	Detention Status: Awaiting	Reason for Detention: Offender /Alleged Offender	Reason for Detention: Non Offender
NSW	n	282	61	199	144	322	21
	r	77.2	17.5				
VIC	n	229	56	263	22	127	158
	r	83.3	20.2				
QLD	n	115	13	95	33	115	13
	r	63.3	7.4				
WA	n	31	2	28	5	33	0
	r	30.9	2.1				
SA	n	45	1	36	10	46	0
	r	48.4	1.1				
TAS	n	12	10	18	4	16	6
	r	38.2	32.7				
NT	n	14	0	11	3	14	0
	r	28.2	0.0				
AUST	n	728	143	650	221	673	198
	r	68.8	13.9				

Note: n = number, r = rate per 100,000 relevant population.

DEFINITIONS

Child/Juvenile — a person who is under 18 years of age.

Age (Years) — age at last birthday.

Juvenile Corrective Institution — a residential child care establishment that is mainly for child offenders or children on remand for alleged offences and that has, as one of its major aims, the secure detention of the majority of its residents through active measures designed to prevent them from leaving the grounds of the establishment at all, or for reasons other than school attendance, work, participation in activities supervised by the establishment or authorised home leave. Excludes establishments mainly for the detention of persons aged 18 or over (these are classified as prisons), even though such establishments may be called 'youth training centres' or similar names more usually applied to establishments for the detention of children.

Detention Status — Awaiting Court Hearing, Outcome or Penalty. This category covers persons who, at the counting date, are awaiting the start, final outcome or penalty of a hearing or trial before a court or children's panel, whether for a criminal matter (i.e. an offence) or for another type of matter (e.g. child welfare matter). For practical reasons, indefinite adjournment of a hearing or trial is considered to be the final outcome of the hearing or trial. All persons who fit the definition are included, whether or not they are already under a detention, guardianship or other control order imposed as the penalty for another matter. The category includes:

- persons remanded for further 'observation' or 'assessment' before the court or children's panel decides on a final outcome or penalty.
- persons awaiting the hearing or outcome of an appeal, if they are not already under a detention, guardianship or other control order imposed by a court or children's panel as the penalty for a matter other than the one that is the subject of the appeal.

The category excludes:

- persons awaiting only a decision by the state or territory welfare or corrections department as to their placement.
- persons awaiting the hearing or outcome of an appeal, if they are already under a detention, guardianship or other control order imposed by a court as the penalty for a matter other than the one that is the subject of their appeal.

Not Awaiting Court Hearing, Outcome or Penalty. This category covers persons who, at the counting date, are not awaiting the start, final outcome, or penalty of any hearing or trial before a court or children's panel. This category includes:

- persons awaiting only a decision by the state or territory welfare or corrections department as to their placement.
- persons awaiting the hearing or outcome of an appeal, if they are already under a detention, guardianship or other control order imposed by a court or children's panel as the penalty for a matter other than the one that is the subject of their appeal.
- persons not awaiting court hearing, outcome or penalty who have never appeared before a court at all, e.g. children placed under the guardianship of the state or territory welfare department by departmental decision rather than by court order.
- persons not awaiting court hearing, outcome or penalty who are not under any court order or under the guardianship of the state or territory welfare department, e.g. children placed in a juvenile corrective institution at the request of their parents.

Counting Rules — the statistics cover all persons in juvenile corrective institutions on the night of the last day of each month. As a general rule, persons should be counted if they are actually in a juvenile corrective institution on the night of the last day of the month, whether their placement is long-term or short-term and regardless of their 'usual' residence. Hence persons absent from a juvenile corrective institution on the counting night should generally not be counted as still in that institution. However, the following two cases are exceptions to the general rule.

- when the last day of the month falls on a Friday, Saturday or Sunday, persons on an authorised absence from a juvenile corrective institution for the weekend only should be counted as still resident.
- persons absent from a juvenile corrective institution on a group outing (e.g. a camp) organised and supervised by the authorities of the institution should be counted as still resident.

Australian prison trends

By Marjorie Johnson on behalf of
David Biles, Deputy Director

During the period May 1985 to June 1985 the number of prisoners increased in all jurisdictions except Western Australia and Victoria. The numbers of prisoners for June 1985 with changes since April 1985 are shown in Table 1.

Table 1 — Daily Average Australian Prison Populations June 1985 with changes since April 1985

	Males	Females	Total	Changes since January 1985
NSW	3640	204	3844	+ 31
VIC	1748	90	1838	− 55
QLD	1945	67	2012	+ 40
WA	1442	72	1514	− 67
SA	727	39	766	+ 8
TAS	220	6	226	+ 6
NT	333	9	342	+ 31
ACT	65	1	66*	No change
AUST	10120	488	10608	− 6

* 56 prisoners (including 1 female) 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 June 1985. The national rate of 67.6 compares with 67.8 found in April 1985.

Table 2 — Sentenced Prisoners Received, Daily Average Prison Populations and Imprisonment Rates by Jurisdiction — June 1985

	Sentenced Prisoners Received	Prisoners	General Pop.* '000	Imprisonment Rates
NSW	679 (306)	3844	5444	70.6
VIC	410	1838	4106	44.8
QLD	304	2012	2534	79.4
WA	319 (146)	1514	1397	108.4
SA	235 (145)	766	1363	56.2
TAS	46	226	443	51.0
NT	80	342	143	239.2
ACT	—	66	255	25.9
AUST	2073	10608	15685	67.6

* Projected Population end of June 1985 derived from *Australian Demographic Statistics* June Quarter 1984 (Catalogue No. 3101.0).

Note: For those jurisdictions which have been able to supply this information, the figures shown in brackets represent the numbers who were received into prison for fine default only.

Table 3 — Total prisoners and remandees and federal prisoners as at 1 June 1985

	Total Prisoners	Prisoners on Remand	Percentage of Remandees	Remandees/ 100,000 of Gen. Pop.	Federal Prisoners
NSW	3848	756	19.6	13.9	114
VIC	1820	173	9.5	4.2	48
QLD	2022	176	8.7	7.0	30
WA	1544	154	10.0	11.0	42
SA	768	171	22.3	12.5	22*
TAS	224	21	9.4	4.7	1
NT	348	57	16.4	40.1	6
ACT	66	9	13.6	3.5	—
AUST	10640	1517	14.2	9.7	263

* 3 of the federal prisoners in South Australia were transferred from the Northern Territory.

Young persons in corrective institutions

Compiled by S.K. Mukherjee
and Anita Scandia

Each jurisdiction in Australia has two separate systems for coping with criminal misconduct: one for young persons, and one for adults. The systems are different in their philosophy, their law, their procedures and their operations. The only factor which places an individual in either of the systems is age, and this age varies between jurisdictions. Alleged offenders under the age of 17 or 18 are dealt with by the juvenile justice system, and those older are processed by the adult system.

This dichotomy is not as simple as it appears, for it is not at all certain that the entire range of services within each system will be applicable to all clients in a uniform manner.

Several grey areas in the definition of a juvenile or young person can be identified. For example, 17 year olds, in several Australian jurisdictions, are not considered as juveniles, and at the same time are not considered as adults; in terms of criminal law, however, most of these individuals will be dealt with as adults. Also, even if a person is defined as a juvenile because of his or her age, the type of offence the person is accused of often determines how he or she will be dealt with. For example, if a 16 year old is charged with murder, should the juvenile court retain jurisdiction over such a person? Where the law provides for a concurrent jurisdiction, it becomes a matter for an individual juvenile court magistrate to assess whether the young person is mature enough; and if he or she is thus found to be mature, the trial may be shifted to the adult criminal court.

The dichotomy described above also appears to give the impression that, should institutional treatment be desirable, all children/young persons *are* routinely sent to juvenile corrective institutions. This, though, is not true. A substantial number of children in Australia each year undergo corrective treatment in *prisons*. The following Table is intended to present the extent to which juveniles and young adults are institutionalised in Australia. The comparative figures for females and males are offered for 16 and 17 year olds in both juvenile corrective institutions and prisons, and for 18 and 19 year olds in prisons, as at 30 June 1984. These statistics have been collected from two series published by this Institute: *Juveniles Under Detention* and *Australian Prisoners*. The Tables will be interpreted as the series is expanded. It is, however, appropriate to indicate that the differences in rates of institutionalisation for children and young adults, especially in some jurisdictions, is not significant. The second point is that the institutionalisation rate of 16 year old girls is significantly higher than girls/women of any other age.

			NSW	VIC	QLD	WA	SA	TAS	NT	ACT	TOTAL
						CHILDREN					
16 years	Males	N	84	55	36	35	12	9	5	2	238
		R	192.7	156.6	168.9	293	107.4	237.2	431.4	100.4	182.9
	Females	N	9	16	4	1	—	1	—	2	33
		R	21.8	47.7	19.6	8.8	—	28.1	—	101.2	26.6
17 Years	Males	N	114	79	36	30	15	15	14	5	308
		R	260.9	230.4	173.1	254.8	130.0	424.5	1250.0	242.0	239.1
	Females	N	4	4	1	1	1	1	1	1	14
		R	9.7	12.0	4.9	8.8	9.0	27.6	94.6	51.7	11.3
						YOUNG ADULTS					
18 Years	Males	N	103	55	71	66	25	18	22	1	361
		R	232.7	154.5	338.6	557.8	213.2	467.3	2063.8	44.1	274.0
	Females	N	3	1	3	2	1	—	—	—	10
		R	7.2	3.0	14.6	17.5	8.9	—	—	—	8.0
19 Years	Males	N	154	68	99	102	30	14	16	1	484
		R	330.6	186.3	457.7	850.6	252.7	357.6	1409.7	49.9	356.9
	Females	N	5	3	—	4	1	—	1	1	15
		R	11.4	8.7	—	34.3	8.7	—	94.3	47.6	11.5

Note: N = number, R = rate per 100,000 relevant population.

ALCOHOLICS AND DRUG DEPENDENT PERSONS ACT 1968

At the request of the Victorian Minister for Health, an interdepartmental working party has been established to review the provisions of the above Act using the following terms of reference.

To review the *Alcoholics and Drug-Dependent Persons Act* 1968 with the view to enacting new legislation relating to the care and treatment of alcoholics and drug dependent persons in Victoria, and in particular, to advise and report on:

(i) deficiencies and redundancies in the existing law;

(ii) the operation of section 13; what, if any, alternative or improved mechanisms should be established with respect to the provision of services to alcoholic and drug dependent persons appearing before the courts; and the role which should be played by non-government alcohol and drug services;

(iii) whether non-government alcohol and drug services should be regulated and, if so, in what manner;

(iv) generally, the nature of legislation which needs to be enacted in connection with the care, treatment, and rehabilitation of persons suffering from the consequences of substance abuse.

This working party is operating in close cooperation with the VAADA working party on section 13 of the same Act. It would be pleased to receive written submissions relevant to the terms of reference, from interested persons or organisations. If applicable, submissions should be organised under the following headings:

- administration of system
- to whom the Act is applicable
- entry into the system
- oversight of the system
- transfer procedures
- discharge procedures

The final date for receipt of submissions is 27 September 1985. Communications are to be addressed to:
Mr P. Thwaites,
Working Party to Review the Alcoholics and Drug Dependent Persons Act,
Health Commission of Victoria,
555 Collins Street,
Melbourne, Vic, 3000.

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A new pricing system has been introduced. Many publications formerly charged for have been made free. Where prices are shown they include postage.

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