reporter

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Letter to the Editor

15 November 1985

26 Ellena Street,
Paddington, Qld, 4064

Dear Editor,

I was astounded to read in *Reporter* 6, 4, June 1985, the interpretation of Aboriginal Courts on Queensland Reserves that a police officer from Cairns gave at your Aboriginal Criminal Justice Workshop.

Senior Sergeant Jock MacDonald, according to your report, said Aboriginals 'were gaining some control of their own destinies through community-run Aboriginal Courts'.[1] This is a serious distortion of the truth, as there is no mention of some very important facts about Aboriginal Courts.

The Courts are constituted under the Queensland Aboriginal and Torres Strait Islander Acts of 1971, which Aboriginal and Islander people have struggled to have abolished for years. *Beyond the Act*, a report of the Foundation for Aboriginal and Islander Research Action on the Acts, states 'provisions for Aboriginal Courts would not be accepted by white Australians'.[2] Most of the work of the Courts deals with offences under the by-laws of the Acts. The by-laws take a standard form on all Reserves, they are in fact made by the Department of Community Services (formerly the Department of Aboriginal and Islander Advancement) and cover such 'social behaviour' as:

> A person . . . shall not carry tales about any person so as to cause domestic trouble or annoyance to such person;
>
> A householder shall allow an authorised person to enter his house for the purpose of inspection; and
>
> A person swimming and bathing shall be dressed in a manner approved by the Manager.[3]

In fact, then, Aboriginal and Islander people living on Reserves may be punished for behaviour which is not punishable elsewhere in Queensland. The communities themselves do *not* set standards of behaviour on Reserves.

To say that 'misbehaviour' on Reserves is handled with a 'minimum of European intrusion',[4] denies the very existence of the Acts which establish the Courts; the oppressive effects these Acts have had, and continue to have, on the lives of all Aboriginal and Islander people in Queensland; and the authoritarian role the State Department, through white Reserve Managers, plays on Reserves.

The Australian Law Reform Commission investigated these Aboriginal Courts in its 1977 Inquiry into Aboriginal Customary Law, and concluded that although the Queensland system could represent an advance simply because the Courts were run by Aboriginals, it must be recognised as 'white' justice, in substance and form.[5]

I suggest that this is a more accurate interpretation of the role of Aboriginal Courts. Contrary to what was reported in your workshop, the Courts, the Acts, and the Queensland government are a very long way from addressing 'the difficulties (that) arise between Aboriginals and the European criminal justice system'.[6]

Yours faithfully,
Clare Tilbury

1 Senior Sergeant Jock MacDonald, quoted in Australian Institute of Criminology *Reporter*, 6, 4, June 1985, p. 9.
2 Foundation for Aboriginal and Islander Research Action Ltd. *Beyond the Act*, 1979, p. 34.
3 Foundation for Aboriginal and Islander Research Action Ltd. ibid., p. 35.
4 Senior Sergeant Jock MacDonald, loc. cit.
5 Australian Law Reform Commission, 'Aboriginal Customary Law — Recognition?', Discussion Paper 17, November 1980.
6 Senior Sergeant Jock MacDonald, loc. cit.

Domestic Violence Conference

Victims of domestic violence shared their experiences with more than 300 delegates who attended the Institute's National Conference on Domestic Violence, in Canberra, from 11 to 15 November 1985. The myths surrounding domestic violence were removed, and the criminal justice system was criticised for its inability to deal adequately with instances of domestic violence.

Ms Dawn Rowan, from the Christies Beach Women's Shelter, South Australia, denied any claims that victims of domestic violence are 'naggers' who deserve what they get, or that they provoke it to feed their adrenalin habit, or that they are crazy. She said that a victim of domestic violence is brainwashed by the man into believing that she is inadequate and responsible for the violence perpetrated on her, and that the most fundamental processes involved in keeping a woman in a violent relationship is to create in her a belief that she is the cause of the violence, that she has provoked it, and that she deserves to be treated abusively.

Ms Rowan said that the package of abuse — physical, sexual, psychological, social, and financial — is accompanied by daily threats to the woman of 'If you leave me you won't get a cent', 'You'll lose the kids', and 'I'll find you and kill you'. Women who leave a violent relationship also have to face a different set of problems, said Ms Rowan. The woman must face her own guilt because she feels she has failed as a wife and mother; she has a fear of being alone in a society which tells her that women cannot and should not survive alone; and that she has the expressed attitude from her family and friends that she has failed as a wife and mother because the family has been split up; the 'blame the victim' mentality quickly and easily develops.

Ms Rowan said that the police, lawyers, judges, laws, and the legal system fail to treat violent domestic crimes, and that the refuge workers see the consequences of that failure: the emotional trauma and devastating breakdown of family relationships; the chronic and acute health difficulties suffered both mentally and physically by women and children; and the further degradation of the victims financially, as they attempt to live on pensions 40 per cent below the poverty line.

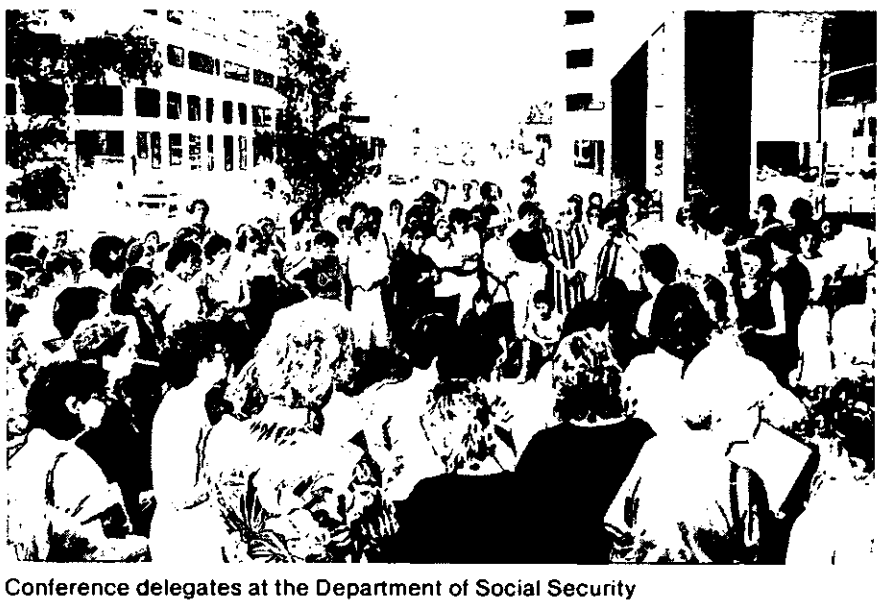
Ms Dawn Rowan
Christies Beach Women's Shelter, S.A.

The Conference delegates heard how many women were forced to stay in, or return to, violent relationships because the only alternative is below poverty line pensions and benefits. A survivor of domestic violence said that 'If you don't go out anywhere, if you don't need new undies or shoes or things, if you don't eat meat or decent food, if you don't have to pay rent, electricity, gas, or heating or telephone bills, you can live on the pension. I've seen a lot of women go through the refuge and not be able to cope financially, and go back to their violent men'.

And another victim said, '. . . I found it was possible to have plenty of food if I was prepared to put up with houses that were literally crumbling down, rat infested, easily accessible to intruders, and occupied by unreliable and sometimes lunatic flatmates. On the other hand, we could live in a beautiful two storey townhouse, if we were prepared to exist with an empty fridge and cupboards, and no money for clothing'.

The Conference heard from **Dr David Finkelhor**, from the Family Violence Research Program, University of New Hampshire, who rejected the view that marital rape was less serious than stranger rape. He said that 'rape is traumatic not because it is with someone you don't know, but because it is with someone you don't want, whether stranger, friend or husband. Marital rape is not just a bedroom squabble but is usually a savage attack that has the brutality, the terror, the violence, and the humiliation rivalling stranger rape'.

Dr Finkelhor said that men were often motivated by an intense desire to punish, humiliate, degrade, and retaliate against their wives, using rape as the vehicle. He said that rapes seemed to be less motivated by anger than by a desire to assert power, establish control, teach a lesson, and to show who was boss. He said that 'Rape is the intimate violation of a person's trust and autonomy. Prior intimate contact only makes the violation that much more so. The sense of betrayal and its consequences on a woman's



Conference delegates at the Department of Social Security

future ability to trust is a component to marital rape that has no parallel in stranger rape. The corrosive impact of marital rape could be summed up thus: when you are raped by a stranger you have to live with a frightening memory. When you are raped by your husband you have to live with your rapist', said Dr Finkelhor.

Dr David Finkelhor
University of New Hampshire

Ms Jude McCulloch, from the St Kilda Legal Service, Victoria, criticised the police response to domestic violence. She said that police not only have a right to intervene in 'domestics', but that they have a positive duty to protect life and limb. 'However, the police do not regard an assault by a husband upon his wife as a crime', she said. 'They regard the assailant not as a criminal, but as someone who "has gone a little too far with the missus".' She quoted a passage taken from the Association of Police Chief Officers, presented to a Parliamentary Select Committee on Domestic Violence in Britain, which said that 'While such problems take up considerable police time, in the majority of cases the role of the police is a negative one. We are, after all, dealing with persons bound in marriage . . . '.

Ms McCulloch said that police failed to treat domestic violence cases like other crimes. 'The police are unlikely to make an arrest when the offender has used violence against his wife. In other violent situations, officers typically arrest the attacker regardless of the characteristics surrounding the crime.'

She also rejected the rationales that were used by police to justify the non-attendance and/or intervention in domestic assaults. Ms McCulloch pointed out that the police do not usually allow the perpetrator of a crime and the victim to decide for themselves whether the criminal law is appropriate once the matter has been drawn to their attention, yet the police often say that the women do not want to take action, and so the charges are dropped.

The deficiencies in the police service delivery to female victims of domestic violence were identified at the Conference by **Dr Suzanne Hatty**, from the Australian Institute of Criminology, and **Dr Jeanna Sutton**, from the Macarthur Institute of Higher Education, Sydney. There was a lack of knowledge, quantitative and qualitative, on the phenomenon of violence against women within relationships; few systematic attempts had been made to gather data on the police response; ambiguities existed in the definition of the police role which have continued to be reproduced within training programs leading to different practical responses; and contradictions existed in the legislation and content of police policy directive and training modules.

Dr Hatty's and Dr Sutton's research findings, to date, on police officers' attitudes to policing domestic violence have shown that the majority of officers believed the legislation to be effective or very effective, although almost 24 per cent believed it to be ineffective. An overwhelming majority of officers claimed that there are serious problems with work in the area; in addition, over one-third stated that they do not like the work. The officers suggested that improvement to training modules was necessary; some also recommended the implementation of specialist 'domestic violence' squads.

Almost forty per cent of officers claimed that training was not effective. Sources of dissatisfaction with training in 'domestic violence' concerned the content of the training modules and the mode of their delivery, the time taken to present the information, and the difficulties of participating in subsequent in-service training. Many officers expressed feelings of inadequacy in the face of intervention in incidents which do not involve criminal acts. Also, there was a request for a more didactic approach to the presentation of the law relating to intervention in these situations; officers believed the training contained too many ambiguities regarding matters such as the nature of their powers, and the rights and obligations of the parties involved.

Dr Nicholas Seddon, from the Australian National University, and part time Commissioner of the Australian Law Reform Commission, said that the legal responses were relatively blunt instruments in dealing with domestic violence. He said that in cases of actual physical violence the perpetrator has committed a criminal offence, and it follows that they should be prosecuted and punished. 'This does not happen in many cases of domestic violence', said Dr Seddon. 'Where there is no prosecution, the law's role in providing protection and its symbolic role are both found wanting'.

Dr Seddon said that a person who seeks a protection order must show that she has already been the victim of violence in order to obtain the order. He asked, 'Why should a woman have to be bashed twice before the law steps in'. Dr Seddon also mentioned that an important factor which sets domestic violence crimes apart from other crimes is the problem of economic dependency of the victim on the offender. 'The punishing of the offender is made very much more difficult if the victim is directly affected by the punishment'.

Mr David Wehner, Clovelly Park Community Health Centre, S.A., said that 'By failing to systematically address the actions of abusing men, we as a community ignore the root of the problem. Failing to address the men has meant that women who stay in or return to abusive relationships are not being helped, nor are their children. Even if all women who wanted to leave abusive relationships were able to do so, the problem would not be solved, for nothing has been done to change the behaviour of the men. In many instances, they will pursue and continue to harass and abuse their partners. Even if the women are able to get completely away from their tormenters, the men are still free to go out and establish new relationships, and other women will become their victims'.

The UN and Crime Prevention

The Director of the Institute, Professor Richard Harding, attended the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, in Milan, Italy, from 26 August to 6 September 1985.

Before his departure, Professor Harding had encountered some scepticism about the value of such congresses, and the appropriateness of trying to deal with pressing domestic problems from an international perspective. Can international congresses be justified, then? What good do they do? What comes out of them?

'If one judges such a Congress in terms of its short-term operational impact, then it can hardly be disputed that it is not really cost-effective. However, the issue deserves a more subtle analysis than this,' said Professor Harding.

International Utility

Almost 1,500 delegates, from government and non-government organisations, representing 125 nations, attended the congress. Professor Harding was a member of Australia's twenty-five person delegation, along with other Institute personnel: the Chairman of the Board of Management, Mr Peter Loof; the Deputy Director of the Institute, Mr David Biles; and Board member, Dr Adam Sutton. The delegation was led by the Honourable Lionel Bowen, Deputy Prime Minister and Attorney General.

Professor Harding comments on three issues of concern for assessing the value of international congresses:

First, the very fact that certain topics had been selected for international discussion had caused many nations to do some criminological housekeeping *before* coming to the Congress. This had certainly been the case in Australia. We all know how the exigencies of criminal justice administration can trap authorities in a reactive mode; the Congress was to some extent a catalyst causing basic questions to be asked, and solutions to be explored on the home-fronts. That can only be to the good. Also, the criminological housekeeping may sometimes be translated into domestic legislation after testing hypotheses and values at the Congress — as has already happened in South Australia with recent victims' protection laws brought in by the Attorney-General.

Second, at the Congress itself, for all its cumbersome procedures, a forum existed within which it was possible to ascertain whether various concerns really *were* international. Drugs, it emerged, were; victims, less so. My own evaluation is that the victims' issue found its natural limit at the Congress. For the past two or three years, a movement had been gathering force which for all its laudable motives could too easily be turned. In the name of victims' rights, there had been worrying signs — longer sentences, reduction of sentencing discretion, revival of capital punishment, etc. — in various jurisdictions. In Milan the victims' movement ran into the healthy discipline of a slightly sceptical international community. The outcome was cathartic; the issue is now on the agenda everywhere, but top of the list nowhere. I doubt whether perspective would have been restored so thoroughly and quickly in any other forum.

Finally, one should take account of the possibility that resolutions of the Congress may, in future years, be seen as the groundwork for the consolidation of national standards or even of an international criminal justice jurisprudence. In 1948, it would have been relatively easy to characterise the Universal Declaration of Human Rights as nothing more than words. With hindsight, it can be seen to have formed the basis of a complex body of standards reaching into many areas of international and national life: racism, women's equality, torture, children's rights, and so on. Perhaps already, after 30 years, one can see that an early Congress resolution — that on Minimum Standard Rules for the Treatment of Prisoners — has, by a slow process of accretion, had some positive effect. The fact that these Rules are imperfectly observed, indeed positively breached, is arguably less important than the fact that progressively more of them are observed more of the time.

In much the same way, it is possible that some of the 1985 resolutions or instruments may become established as an international standard. If I could hazard a possible example, it would be that of the Beijing Rules. Recently, the State of Texas executed a 26 year old man who had been convicted, when a juvenile, of murder. The Beijing Rules provide: 'Capital punishment shall not be imposed for any crime committed by juveniles'. Although the Beijing Rules were supported by the United States, they are not, obviously, law. But they set a context in which it will be impossible for the Texas situation to remain unchanged indefinitely. That is the way in which other Rules may work, slowly, on other jurisdictions.

Judged in the foregoing ways, the Congress has an authentic though not a spectacular value. It epitomises efforts at international negotiation and co-operation in every other area of policy. Progress is halting and ambiguous, but the efforts *must* be continued.

Australia's Contribution

Professor Harding added that the value of such congresses was in any case likely to be enhanced for those nations who had really made a commitment to the proceedings. He believed Australia's input had been considerable, and the benefit derived from the Congress correspondingly greater.

'The Australian delegation contributed more than its share to the Congress deliberations. We sponsored three resolutions (Organised Crime, the Beijing Rules, and the Code of Conduct for Law Enforcement Officials), and co-sponsored four others. Our delegates were prominent behind-the-scenes, as well as up-front. We knew what was going on, and could contribute to it because we had been thoroughly briefed.

'Yet, in some ways, we could have been more effective. The value of such a Congress would be to feed the information straight back to all states, to all affected parts of the community, and to all criminal justice services. Yet our delegation had no representatives from Queensland, Western Australia, or Tasmania, only one woman, no judges, and was very light on representatives from youth welfare and corrections.

'This is because the Government exercises no control over the composition of the delegation. Anyone whom the states nominate and whose expenses they will pay will be accorded the status of an official delegate. Queensland decided to send no one; so no Queenslander was present. No state nominated a judge; so no judge was sent.

'Arguably, the time has come for the Federal Government to play a greater role in selecting the Australian delegation. It should be drawn from all states, all criminal justice services, and with greater concern for the distribution of criminal justice professionals. A delegation of about sixteen could probably could probably meet the criteria to which I am referring. There would be a greater sense than at present of each delegate representing some sort of constituency, with likely positive impact upon follow-up procedures.

Topics Discussed

The Congress, divided into three concurrent sessions, elected Professor Harding as Rapporteur for Committee Two, discussing youth, crime, and justice, and victims of crime, while the plenary session discussed new dimensions of criminality in the context of development, and another committee discussed UN standards in criminal justice, and criminal justice processes and perspectives in a changing world.

The Congress adopted thirty-two resolutions, including resolutions relating to the following matters:

- Guiding principles for crime prevention and criminal justice in the context of development and a new international economic order
- The Milan plan of action
- Organised crime
- Drug trafficking
- Terrorism
- Reduction of the prison population
- Model agreement for the transfer of foreign prisoners
- Code of conduct for law enforcement officials
- Standard minimum rules for the administration of juvenile justice (the Beijing Rules)
- Declaration of the rights of victims

As to the first five, Professor Harding pointed out that they were an inter-related package, concerned with identifying general principles and specific priorities of crime prevention. The Australian Attorney-General, the Honourable Lionel Bowen, initiated the resolution on organised crime. Mr Bowen urged, at an international level, the adoption of the sorts of policy recently agreed upon at the domestic level: modernising legal concepts, providing for the forfeiture of illegally acquired assets, modernising extradition laws, facilitating the admissibility of overseas-obtained evidence in domestic courts, facilitating mutual assistance in law enforcement, and so on. Countries from the African, Asian, European, Latin American and South Pacific Regions co-sponsored the resolution, which was adopted by consensus.

With regard to the other outcomes of the Congress, Professor Harding said that the resolution on the reduction of prison populations stressed the need for effective alternatives to imprisonment. It highlighted the problem of net-widening, and also the need to inform the general public realistically of the objectives and advantages of non-custodial dispositions. This item was given a continuing status by a requirement that the Committee on Crime Prevention and Control prepare a report for the 1990 Congress on progress made by member states.

The resolution concerning international transfer of prisoners espoused principles which are very familiar to those conversant with recent Australian discussions. The crucial principle to be followed is that any transfer should be dependent on the agreement of both the sentencing state and the receiving state, and should require the informed consent of the prisoner. All countries, not just Australia, seemed anxious to be able to deny the benefit of the scheme to their particular *betes noires*, be they drug traffickers, terrorists, or whatever. The resolution requested that the Secretary-General assist member states in entering into treaties along the lines of the model agreement.

The Australian delegation was particularly involved with the adoption of the Code of Conduct for Law Enforcement Officials by the Congress. Its thrust is very much to recognise the difficulties under which police etc. often labour, but also the tension which can and does arise between certain police practices and human rights.

In discussing the work of Committee Two, Professor Harding said that the two major instruments with which the Committee was involved were the Beijing Rules and the victims' charter. The Rules were at a well refined stage before the Congress, and consequently did not raise fundamental value problems. There was wide agreement that juveniles should be protected by a melange of provisions implementing the philosophy of their welfare, that nevertheless the interests of society in being protected could not be disregarded, and that proper procedural safeguards should in any case be guaranteed. Nevertheless, the matter was not entirely straightforward. Differences, for example, existed as to the meaning of 'juvenile', some delegations even wishing to specify an international uniform age. Some delegations considered privacy of proceedings sacrosanct, for others it was anathema. In addition, there were some apparently profound juristic and terminological differences between states. These, and other problems, could not be dealt with by a full committee of 125 nations, so a small working group was established to find a way through the thicket. The Rules were then adopted unanimously, and stand as a model of desirable values and procedures; it is by no means improbable that they may be transmitted to the General Assembly itself, possibly for eventual adoption as a convention.

The victims' charter had an even rougher passage; indeed, it spent almost as much time as a matter for behind-the-scenes negotiations as in open committee. The stumbling block was the question of victimisation by breach of international criminal law standards or as a consequence of abuse of economic power. There was a stage — possibly unique in international councils — when the U.S.A., the U.S.S.R., and Japan were united against the remaining delegations in their view that such matters should not and indeed could not be spelt out in an international document. That was when the negotiations began in earnest, with Australia, in the person of the Honourable Chris Sumner, playing an important role. Eventually, a formula was found which stressed the rights of 'traditional victims', whilst putting on the agenda for the future, and for the decisions of individual nations, the desirability of amending progressively national criminal laws so as to encompass the 'new' and thus far imprecise areas of victimisation: abuse of power.

Community-Based Corrections Meeting

The Institute held a Conference for the Heads of Community-Based Corrections in Australia and New Zealand, from 7 to 11 October 1985, at Bundanoon, N.S.W. The Assistant Director (Training) of the Institute, Mr Col Bevan, outlines the Conference:

This conference provided an opportunity for all persons in charge of probation and parole and other community based measures in Australia and New Zealand to inform one another of recent developments and directions in their services, to seek assessment from their experienced colleagues, to examine and evaluate reciprocal arrangements between them, and to discuss such matters as, and to share views on, the philosophy and policy matters pertinent to their professions and responsibilities.

The writer was himself a Chief Probation and Parole Officer in Queensland for 15 years between 1960 and 1975. Further, he actually inaugurated the probation and parole service in that state. While it is necessary to point out that his views are not necessarily, and probably not at all, shared by current heads of community-based correctional services in Australia and New Zealand, he has strong feelings still about the basic role of probation and parole officers, and a distinct objection to their being regarded as other than officers of courts. They are not welfare officers, they are not prison officers; they are unique and discrete criminal justice workers in their own right. Most community-based corrections services in this country today, however, come under the jurisdiction of heads of prisons. It is only in Western Australia and, in a sense, Queensland and Northern Territory, where this is not the case. While the chiefs of community-based corrections present at the meeting were apparently quite content with this arrangement, the writer is not.

At one stage in probation and parole history in this country, annual conferences for heads of those services were the order of the day, rotating between capital cities in Australia and New Zealand. At those conferences, the participants were able to compare notes, discuss policies and philosophies, determine priorities, and generally share valuable professional information. Later it transpired that a composite working party was established to meet three times a year to prepare agenda for annual conferences of ministers in charge of prisons and community-based corrections in Australia, New Zealand, Papua New Guinea, and Fiji. These working party meetings tend to be dominated by prison administrators, the available time being largely saturated with their discussions of pragmatic, day to day management problems. The agenda are organised so that matters to be discussed are divided into three parts: those pertaining to correctional matters that could remotely be dubbed common areas for consideration, those regarded as purely prison, and those purely community-based. The writer found the implication offensive that there were some prison matters to which community-based correctional heads were not qualified to contribute, or with whom it was not prudent to share information. Such an attitude he found denigratory. Probation officers are almost universally under-estimated, under-valued, and under-utilised. There is no correctional worker who, in the course of his or her everyday work, acquires as comprehensive a knowledge of prisons, prison administration, crime, criminality, corruption, and intrigue as the probation officer through his or her professional relationships with administrators, offenders and prisoners.

The meeting was deliberately not structured. All participants were advised beforehand of the likely agenda items, and were requested to come prepared to discuss them. Matters of particular interest proved to be discussions of future directions of community corrections in general, corporate planning processes (including statements of objectives and strategies thereof), selected supervision strategies, and discussions of the processes used in transferring offenders from one state or country to another. Minimum supervision standards were articulated as was the welcome good news relating to the increasing recognition and more sympathetic apportioning of resources they were enjoying from their administrations.

The Director of the Institute, Professor Richard Harding, newly returned from the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, in Milan, joined the group on the second day of its deliberations. The paper he delivered on those matters dealt with at the Congress that he judged would be of interest to those present was not only of great interest, but indicated how much time he had spent extracting such matters from the huge volume of material the Congress generated.

The discussions were so broad ranging and intense that it is difficult to crystallise salient features. It could be said, however, that it was obvious that the two or three decades or more of probation practice in Australia and New Zealand have resulted in similar lessons learnt. Gone are the days of the one-to-one professional over-the-table relationships between probation officer and client. Probation services now talk in terms of team approaches to supervision, categorisation of offenders into those requiring more supervision or less, the prescription of practical goals to be reached subject to the glare of ruthless evaluation, and the unequivocal accountability of probation officers to the courts and the community for the quality of their efforts and results. If, for instance, lack of social or employment skills, illiteracy, or language difficulties contributed to an offender's criminality, then programs must be designed, refined, and engineered to remedy the mischief. If drugs or alcohol are the problem, then rehabilitative programs must be firmly imposed and policed. These are the sorts of lessons learned in Australia and New Zealand over the years from the close daily contacts between probation officers and their charges. They are all healthy signs of progress in honing community-based penal measures to the legitimate expectations of the courts and the community.

A subsequent phone-around of all those involved in the Conference met with encouraging and flattering responses. All enthusiastically attested the beneficial effects of their attendance. Most judged it the most satisfying, uplifting and stimulating week of their professional careers, expressing the hope that such meetings would be repeated at regular biennial intervals at least. Since the writer retires in three working days from date of writing, he cannot guarantee their wish, but earnestly joins them in the hope.

Institute Library

The J.V. Barry Memorial Library houses and provides criminological information to serve the needs not only of the Institute but also of others interested in criminology. Ms Nikki Riszko, Librarian in charge, comments on developments within the Library.

For the J.V. Barry Memorial Library, 1985 has definitely been the year of information technology. Major developments have occurred in the field of information services supplied both to research staff at the Institute, and to criminal justice personnel throughout Australia. Within the Institute itself, the full benefits of online access to databases are now available, both from overseas and within Australia. Since November 1984, the Library has had dial-up access to the computerised information networks: ABN, AUSINET, and DIALOG.

For those who have used online access databases these information networks will need no introduction. But for those who are not yet aware of the benefits of online access a searcher can, at the touch of a few keystrokes, have at his or her fingertips, citations to all the relevant journal articles, conference papers, books, and book reviews on a particular subject that would have taken perhaps many hours with a manual search. All the equipment a user needs is a computer terminal and access to a telephone, either by means of an acoustic coupler or a modem. Allocation of a password by the database vendor is prompt following an application. By dialing the appropriate network number, the user can interrogate the entire database and extract any information needed.

L to R: Ms Judy Iltis, Ms Anna Davie, Ms Gael Parr, at the Library Card Catalogues

ABN and AUSINET are both Australian based databases, and DIALOG is a US based international computerised information network containing files of direct relevance to criminologists, such as: NCJRS (National Criminal Justice Reference Service), Legal Resource Index, Child Abuse and Neglect, Sociological Abstracts, and so on.

Initially, existing equipment was used to access these networks; a silent Texas Instrument print terminal with an acoustic coupler via the telephone line being available for use. Although this equipment did the job, it was very slow, and it was irritating to have to print everything retrieved. One disadvantage of using an acoustic coupler is that sometimes the answers one gets are 'scrambled' on the page.

L to R: Ms Nikki Riszko, Ms Wendy Read, Ms Kristina Klop, at the Library's IBM PC/XT microcomputer

In April 1985 the computer equipment was upgraded so that information could be put into the computer as well as received on line. For the information of those readers of the *Reporter* with some knowledge or interest in computer technology, an IBM PC/XT microcomputer with 256 Kb of user memory, one floppy disk drive, and 10 Mb internal hard disk drive, plus an autodial modem, and a Texas colour display screen have now been purchased. Software purchases included DOS 2.1, Crosstalk, Multimate, dBASE III, 3270 emulation software and hardware for ABN. The 3270 emulation function board and the colour display screen were purchased to provide for the Library's future needs as an ABN participant.

In September 1985 the J.V. Barry Memorial Library was accepted as a full participant of the Australian Bibliographic Network. By becoming a dial-up customer in November 1984, the Library had the advantages of being able to retrieve online citations and locations from any of the 95 contributing libraries. Now as a contributing member, the Library's catalogue will be available to other criminal justice libraries in a more positive way. It will have the added benefit of speeding up the cataloguing process and providing users with a better quality catalogue. By using a microprocessor for ABN record input, the Library also hopes to take advantage of downline loading, which will be available in the near future, and have the Library's own catalogue online as a by-product of its ABN contributed records.

In April 1985 CINCH (Computerised Information from National Criminological Holdings), the Institute's own online database, was launched as a publicly available file on AUSINET. Data is keyed in on the IBM PC using the Multimate word processing package, converted to ASCII format and sent to ACI for loading. CINCH is a computerised information system containing references to criminological material of Australian origin. Subject coverage includes all aspects of crime including: child abuse, computer crime, corporate crime, court procedure, corrections, criminal law, domestic violence, drug abuse, forensic medicine, law enforcement, legal aid, medicolegal matters, offences, parole, probation, police and policing, prison conditions, security, terrorism, victimology, violence, and so on.

As well as being available as an online database and available for public use on AUSINET, CINCH continues to be available in the hardcopy form that is more familiar to users as the 'Recent Publications' section of the *Information Bulletin of Australian Criminology.*

The Library also hopes to utilise the inter-library loans package QUAILLS, developed by the Department of Housing and Construction, for use on an IBM PC. This is a software package which uses dBASE III to manage the inter-library loans processing activities of a library. It keeps records of loans coming in and going out, maintains statistics, and prints requests on the appropriate forms.

At the moment the Library is learning to use the database management system dBASE III, and plans are made for its use, taking advantage of its flexibility in data manipulation and its relational capabilities in creating inhouse databases. The Library also has plans for putting a number of discrete files on it to help manage the Library's workflow.

The Library's statistics show that the staff have had to deal with more material to process, and with more requests for both reference and inter-library loans than in any previous years.

The Library staff includes:

Nikki Riszko	Librarian in Charge
Gael Parr	Acquisitions Librarian and Law Specialist
Kristina Klop	Reference Librarian and Indexer
Judy Iltis	Cataloguer
Anna Davie	Loans Officer
Kayelene Ryan	Serials Processor
Wendy Read	Part time wordprocessor operator and typist.

The J.V. Barry Memorial Library continues to provide the services that have always made it a valued focus of information. This year, however, staff resources have been devoted very much towards the aim of participating in networking. A great deal of effort is being put into making the holdings of the Library available to the outside world through shared networks such as ABN and AUSINET.

And, in brief ...

Drug Indicators Project

Following the special Premiers' Conference on Drugs in April 1985, the Premiers committed their governments to do everything possible to combat the growing problem of drug addiction and abuse in Australia, and agreed to mount a national campaign against drug abuse. The Commonwealth Government will fund national projects for the next three years by providing an extra $20 million a year for the education, treatment, rehabilitation, and research aspects of the campaign.

Dr Grant Wardlaw, Senior Criminologist with the Institute, has submitted a research proposal for a three year project to determine who uses drugs, what drugs are used, where drugs are obtained from, and how much is spent on drugs.

As part of the Institute's major research into drug law enforcement in Australia, Dr Wardlaw has been examining methods of measuring the effect of current strategies on drug markets and drug use. Unfortunately, the data currently available on the extent and characteristics of drug misuse in Australia are inadequate, both for guiding policy and for planning the provision of services. Any evaluation of drug enforcement strategies is therefore problematic, and, at the moment, the effectiveness of drug enforcement strategies can only be measured by increases in the rates of arrest and conviction. Dr Wardlaw says that this often bears no relationship to the number of drug users or the amount of drugs used. Dr Wardlaw's project will address this deficiency by developing a multi-source information base in the A.C.T. as a model for the development of local and national drug abuse monitoring systems. The project will test a number of methodologies not yet used in Australia, to assess their contribution towards the development of a local drug use problem index, and to estimate the size and nature of illicit drug markets in the A.C.T. The model can then be used as a basis for other cities to adopt effective methods of assessing their own drug problems by providing qualitative data on drug taking careers, patterns of help seeking, and the characteristics of local drug markets, so that drug enforcement strategies can be effectively targeted. The project's quarterly reports on drug trends will also contribute to accurate and reliable data to inform the public debate about drugs.

For his knowledge in this area of research, Dr Wardlaw has been appointed a member of the Research into Drug Abuse Advisory Committee, and the Research and Evaluation Working Group of the National Drug Education Committee.

Australian Bibliographic Network

The J.V. Barry Memorial Library has joined one of Australia's largest com puter networks to share library information. The Institute has been admitted as a member of the Australian Bibliographic Network (ABN), operated by the National Library on behalf of libraries across Australia. The network provides a shared computer system in which the 105 member libraries can contribute and retrieve cataloguing information over leased data-transmission lines. A further 270 dial-up subscribers to the network use their computer terminals for access to an online information service.

The ABN database will give the Australian Institute of Criminology access to almost four million citations for books, journals, films, maps, and other types of library material held in Australian libraries, and to the locations of three million entries of research material.

The J.V. Barry Memorial Library will be joining a number of other specialist libraries in providing cataloguing information to the network. A unique feature will be the inclusion of 'one-off' papers presented at conferences that do not form part of the Institute's Proceedings series.

Murder by Company

Dr Peter Grabosky, Senior Criminologist, presented a paper based on the Braithwaite/Grabosky publication *Occupational Health and Safety Enforcement in Australia* to the Australian and New Zealand Association for the Advancement of Science (ANZAAS) conference held in August 1985. He described the enforcement strategies in Australia as weak and unsophisticated; offences which might be prosecuted as industrial homicide are routinely subject to fines of a few hundred dollars.

Dr Grabosky highlighted a recent American case where an industrial company was convicted of murder for killing an employee through unsafe working conditions. What had originally looked like another industrial accident was not manslaughter, but murder. This has been the first company to be convicted of murder, and it indicates the efforts made by the legal system to fix corporate responsibility and individual accountability by means of criminal prosecution.

The worker had died from cyanide inhalation. Film Recovery Systems Inc. had used a process to recover the silver from used photographic films by dipping them into vats filled with cyanide solution. A by-product of that solution was the potentially fatal hydrogen cyanide gas, but the company had failed to adequately protect its workers against the gases, and had even failed to warn its workers of the dangers of the fumes.

Youth Violence 'Minuscule'

Dr Satyanshu Mukherjee, Senior Criminologist at the Institute, has rejected the claim that young offenders commit the most serious crimes. Speaking at the ANZAAS Symposium on Young Violent Offenders in August 1985, he suggested that 'each adult generation successfully managed to portray its younger generation as the destroyer of the moral fibre of society', and that 'violence perpetrated by youngsters is a minuscule part of the totality of violence in society'.

He said that the exaggerated accounts of youth violence were a deliberate ploy to mask serious misbehaviour by the powerful: white collar crime; crimes by drug companies, that is, drugs that are responsible for deaths and birth defects; and crimes by medical practictioners, such as deaths by unnecessary surgery, errors in prescribing drugs, and the spreading of diseases in hospitals.

Dr Mukherjee also presented the mounting evidence to disprove the claim that youngsters under the age of 18 commit a disproportionate number of serious crimes.

Aboriginals and the Law

Mrs Kayleen Hazlehurst, Senior Research Officer at the Institute, has prepared three papers on Aboriginals and the criminal justice system:

- Alcohol, Outstations and Autonomy, an Australian Aboriginal perspective
- Aboriginal Policing Principles and Practices
- Reflections on the Syddall/Hoddinott Western Australia Aboriginal Justice of the Peace Debate

These papers are available from Mrs Hazlehurst at the Institute, telephone (062) 83 3819.

Visiting Fellow

Mr Donald Yeomans, recipient of the 1985 Commonwealth Fellowship, from the Correctional Services Commission of New South Wales, visited the Institute in July 1985.

As the former Commissioner for Correctional Services in Canada, Mr Yeomans presented details of how the Canadian prison system places emphasis on the systematic case management of each prisoner through the system, and the ways in which it provides optimum conditions for prisoner rehabilitation: offender programs, inmate rights, conjugal visits, the needs of female offenders, and the education and training of prisoners.

Mr Yeomans said that the most important change in recent years was prison administration. There had been a move towards developing the Canadian Correctional Service into a career service for men and women. Mixed correctional staff are preferred in Canada, and now almost half the prison staff are female. Also, efforts have been made to provide greater promotional opportunities within the prison system. Most recruits are graduates from universities and colleges, and it is anticipated that promotions to future senior positions in prison, as well as specialist positions such as probation and parole officers, psychologists, and welfare officers, will be filled from the ranks.

Mr Yeomans also presented his profile of the ideal correctional officer's attributes:

COMMUNICATION SKILLS
- Listens well
- Uses appropriate vocabulary
- Describes/explains clearly
- Writes clear reports
- Comprehends instructions
- Responds directly

DECISION-MAKING AND INTELLIGENCE
- Solves problems
- Analyses decisions
- Grasps new concepts quickly
- Processes information
- Develops new ideas
- Organises information

RESPONSIBILITY AND MATURITY
- Does a thorough job
- Works within policies/guidelines
- Recognises problems/enlists assistance when necessary
- Maintains composure, flexibility
- Encourages information flow

INTERPERSONAL SKILLS
- Works co-operatively
- Effects interface
- Respects and is sensitive to feelings, rights of others
- Focuses on task, not personality
- Recognises strengths/limitations of others
- Gains confidence/trust

Overseas Invitation

The Assistant Director of the Institute, Mr David Biles, and Dr Satyanshu Mukherjee, Senior Criminologist, were invited to lead a round table discussion on criminology research in Australia at the Annual Meeting of the American Society of Criminology in San Diego from 13 to 17 November 1985. They also presented papers on their special fields of research: Mr Biles discussed 'Victimology' and Dr Mukherjee discussed 'Youth Violence'.

Citizen Ambassador Program

More than thirty delegates, comprised of law specialists, lawyers, district attorneys, academics, and judges from the U.S.A., visited the Institute on 26 November 1985 for the Citizen Ambassador Program. This program is organised to foster international relationships and professional understanding between associated groups in other countries. Institute staff talked on aspects of Australian crime.

The order of discussions was:

- Dr Satyanshu Mukherjee; Crime and Criminal Behaviour in Australia
- Dr Peter Grabosky; Business Regulation in Australia
- Mr Ron Snashall; Rehabilitation and Recidivism in Australia
- Mr David Biles; Imprisonment in Australia

Mr Ramsay Potts, Citizen Ambassador delegation leader, Mr David Biles, and Dr Peter Grabosky

Youth, Crime and Justice Conference

This conference, to be held at the Institute from 9 to 10 December 1985, will conduct a regional and international overview of youth crime, to coincide with the conclusion of IYY. It will examine the extent of youth crime from a balanced perspective; observe the diversity of community based programs in Australia; and suggest future directions for activities and research.

Participants will include youth representatives, welfare and drop-in centre workers, as well as speakers from government agencies.

Mr Keith Windschuttle, from the University of New South Wales, will present a paper on unemployed youth, crime, and preventative schemes; the Director of the Institute, Professor Richard Harding, will examine research needs and the dissemination of information; Dr Satyanshu Mukherjee, Senior Criminologist from the Institute, will discuss youth crime in Sydney; and Professor Frank Zimring, from the University of California, Berkley, will discuss youth crime trends in the U.S.A.

The conference will be featured in the March 1986 *Reporter*, and further information is available from Mr Ron Snashall, telephone (062) 833 850.

Child Abuse Conference

This conference continues from the Domestic Violence Conference held by the Institute in November 1985, and is scheduled for 3-7 February 1986. All forms of child abuse — physical, sexual, and emotional — will be examined, as well as the question of mandatory reporting of child abuse; the legal aspects of child abuse, especially child victims as witnesses; who 'owns' sexual abuse (the police, the family, the child abuse agencies); and the concept of parenting failure. Other topics to be discussed are: the history of child abuse in Australia; theoretical and statistical links between domestic violence and child abuse; and preventative work and what programs exist, for example, the N.S.W. Police Pilot Scheme.

For further information on the conference, contact Mr Ron Snashall, telephone (062) 833 850. It will also be featured in the March 1986 *Reporter*.

CINCH lives up to its name

Ms Nikki Riszko, Officer in Charge of the Institute's Library, spoke to the First Asian-Pacific Special and Law Librarians' Conference, held in Melbourne in September, on CINCH, Computerised Information from National Criminological Holdings.

Ms Riszko said that CINCH had proved to be a quick and reliable bibliographic tool by being publicly accessible, and providing online searches for published material, recently completed and current ongoing research, in all fields of criminology. She said that it was now time to develop CINCH further to include a co-operative indexing scheme. Police, Court, and Law libraries indexed their own collections, and it would be advantageous if an Australia-wide network could be organised to gather these indexes to record them on the CINCH database. Ms Riszko also said that libraries with criminological holdings could alert the Institute of Australian criminological material in overseas publications by sending a photocopy of the article, and details of the full citation, as they came into their collections.

The concept will be discussed during the Fifth Seminar for Librarians in the Criminal Justice System, to be held at the Institute in April 1986.

Toyo University Visitor

Hiroaki Iwai, Professor of Sociology from the Toyo University in Japan, visited the Institute in November 1985, to overview crime and delinquency in Australia. Professor Iwai's speciality is organised crime. He is an advisor to the Japanese National Institute of Police Science, Director of the Japanese Association of Crime, Director of the Japanese Sociological Society, a member of the Committee for the Prevention of Prostitution in Japan, and a former president of the Japanese Association of Sociological Criminology.

Sentencing by Just Deserts

Mr Ivan Potas, Criminologist with the Institute, spoke on the subject of sentencing at the First International Criminal Law Congress, held in Adelaide in October 1985.

In his paper 'Purpose, Discretion and Sentencing Reforms', Mr Potas commented on the problem of the disparities in sentencing patterns. These disparities occurred because judges exercised wide discretion in determining sentences, and were influenced by their personal assessment of the objects or purposes of sentencing, their evaluation of the seriousness of the offence, and on their understanding of the outcome of similar cases.

Mr Ivan Potas

He said that one of the problems in sentencing is that the sanctions imposed under the criminal law bear little or no relationship to the statutory penalties. In many instances, the prescribed penalties were overly high, and so provided little guidance to practitioners. He outlined the influences on prescribing sentence levels. At the political level, governments react to public opinion and advocate quite severe penalties that are seldom imposed, or are seldom likely to be imposed in practice. The public also knows that when the courts pronounce a sentence, prison remission rules, parole, etc. operate to reduce the term. What the legislature prescribes, by way of penalties, seems remote from the sentencing practices of the courts. Inevitably, courts look to prior similar situations, to principles enunciated in the decisions of appellate courts, and to official statistics to help them reach a just decision.

Mr Potas suggested that reduced statutory maximum penalties would provide a better guide to sentencers. For example, for break, enter and steal, the maximum penalty is 14 years penal servitude, but half of those convicted, for the period 1978-82, were given bonds or other alternatives to imprisonment, and of those sentenced to imprisonment, less than 10 per cent received a sentence of 4 years or more, and just over 3 per cent received a sentence of 5 years or more. He said that a legislatively prescribed maximum of 7 years would be more realistic, and provide a more reliable standard for determining the proper sentence for this offence.

Mr Potas pointed out that legislature must provide the broad guidelines for the judges by limiting or structuring their discretion. He said that changes were occurring that transformed sentencing systems from indeterminate systems, where the length of the sentence was fitted to the perceived needs of the offender and the community, to determinate systems, where the sentence was fitted primarily to the seriousness of the offence. Furthermore, the criminal law itself needed to be examined, continually monitored, and reviewed to ensure that only those forms of behaviour are criminalised that ought to be criminalised, and that the sanctions prescribed in respect of particular offences are appropriate and realistic, having regard to the objects sought to be achieved by them.

He said that the often stated objects of punishment are the forward looking utilitarian ones of rehabilitation (or reform), deterrence (both special and general), and incapacitation (or isolation). Their aim was to protect society by reducing crime. The alternative view focuses on a backward looking retributive model of sentencing, where the main concern is with the moral quality of the offender's act. Here the sentencer looks at the circumstances of the offence, the harm done, and the offender's motives and intention at the time of the act. The court then decides on the punishment that the offender 'deserves', an application of the 'just deserts' philosophy.

Mr Potas said that offences should be graded into levels of seriousness, and then penalties structured to correspond to the offences. This could be done, for example, with the 'fining' system. However, such a system should be flexible enough to take into account the offender's means and ability to pay the fine; a recent figure in N.S.W. indicated that fine defaults constituted 50 per cent of all prison admissions.

Mr Potas's concluding remarks are quoted below:

Just Deserts and Sentencing Discretion

In the literature, the objects of sentencing are sometimes reduced to three: punishment, deterrence, and rehabilitation. The first directs itself to the past; it is the modern version of the payback. Retribution, or just deserts, are often substituted for this term, although when viewed as such they are intended to be devoid of the more emotive or extreme forms of this concept such as revenge or vindictiveness.

Deterrence, in its two basic forms, general and special, is intended to prevent crime in the future. Rehabilitation, also, is aimed at altering the offender's future behaviour. The problem is that sentencing a person for what he or she may do in the future seems unjust, particularly if it means increasing the penalty. Fortunately, Australian courts have rejected imposing extra punishment on the basis that this will rehabilitate the prisoner. If anything, rehabilitation tends to be used as a means for providing a less severe sentence or indeed, for providing a justification for imposing a non-custodial rather than a custodial sanction. As the substantive criminal law is concerned with prohibited acts that have been committed, punishment is authorised on that basis, not on what an offender may or may not do some time in the future.

There is a further difficulty in that while criminal laws carry prescribed penalties, it is not offences that are punished but offenders. The way the system operates, however, is to limit the punishment that may be imposed by the state upon an offender, by reference to the appropriate penalty attached to that offence. Of course, the law normally allows other penalties, that is, penalties of a

different kind to be imposed, but it does not permit harsher penalties than prescribed, even if this means that the offender escapes with a lenient sentence. Once the seriousness of the offence is determined, and the pertinent aggravating and mitigating circumstances have been taken into account, the kind of penalty, whether custodial or non-custodial, and the range within the scale for that penalty, and finally, the actual penalty, are selected.

How, then, are the competing objects — just deserts, deterrence, rehabilitation — to be set out? The thesis presented below is simply that in serious cases the judge's duty is, or ought to be, to adopt a just deserts approach in order to determine the maximum penalty that is deemed appropriate having regard to all the relevant circumstances of the offence.

This determination should be based essentially upon the judge's assessment of the gravity of the offence. Utilitarian considerations should then and only then be introduced in order to determine whether there are grounds, be they humanitarian, economic, rehabilitative, or public interest considerations, that would invite a reduction in the deserved sentence.

The deserved sentence must be the paramount consideration because:

1. the hierarchical structure of penalties under the criminal law indicates that, in general, those convicted of the more serious offences should attract the heaviest penalties;
2. it would be morally wrong to impose greater punishment than that which is deserved, having regard to the penalties prescribed by law, and by the accepted practice of the courts;
3. the judge's role should be limited to sentencing the offender for proven offences, not offences he or she may or may not commit in the future;
4. the judge's role is neither that of the police, nor that of welfare officers. The judge's duty is not to prevent crime nor cure offenders. It is to administer justice having regard to the proven circumstances of the offence, the background of the offender, and the acceptable penalty levels reflected in a well-tuned contemporary system of statutory penalties; and
5. although the deserved penalty provides the ceiling for the appropriate penalty, the penalty may be reduced if there are good utilitarian reasons for doing so. Note, however, that even utilitarian principles may appear to be in conflict, as in the case where a rehabilitative approach calls for a reduced penalty while a deterrent approach calls for an enhanced penalty. In some circumstances utilitarian considerations may cancel out one another, leaving the sentencer with the just deserts equivalent of the sentence.

The just deserts theory suggests that courts can determine the precise penalty that is deserved in all circumstances of the case. However, it may be that courts may see just deserts in terms of an appropriate range outside of which (the court may conclude) a sentence would constitute unjust or undeserved punishment. In these circumstances, the trial judge could then apply the utilitarian concepts to fine tune the sentence.

Just Deserts as the Paramount Consideration

There is much to be said for a primarily just deserts model of sentencing in Australia. The model, however, should be based on a just deserts system that sets limits to the maximum penalties that may be imposed in respect of particular offences. In this regard, it is often referred to as a modified just deserts policy. The legislation should be constructed in such a way as to grade the seriousness of the crime. Modern examples of this approach can be found in jurisdictions which have replaced the single offence of rape with its accompanying high global penalty (usually life imprisonment) with a number of categories of sexual assault offences. This allows the penalties to be graded in accordance with the relative seriousness of each category. The just deserts approach also requires that the sentencer should be concerned with those circumstances that are consistent with the offence as proved. In this regard, the upper limit of the sentence must be determined by looking backwards, and then by placing the sentence within the appropriate range dictated by the deserved punishment.

Until there has been a thorough review of maximum penalties, any attempt at introducing an adequately structured system allowing for the application of a just deserts policy will be thwarted. At present the system could operate where the 'going rate' for particular offences are known, but even here, the presence of unduly high statutory maxima will not be conducive to a consistency of approach in sentencing.

Although it is suggested that the criminal laws need reviewing, there is no desire to substitute present with presumptive sentencing systems, or with mandatory systems of any kind. The value of judicial discretion in sentencing is recognised. One thing is certain, there must always be opportunities for those exercising these powers to provide for exceptional cases.

Magistrates and judges cannot be blamed for holding and applying different views. There is no training for sentencers, they learn on the job. It is perhaps for this reason, together with the private beliefs of individual sentencers concerning the effectiveness of sentencing generally, that the present system appears to be so directionless.

The criminal law in itself must be utilitarian in scope. Crime prevention must be foremost in the minds of the legislators when they create offences and when they decide to strike offences off the statute books. Unless punishment is seen to benefit the community, unless it is instrumental in this sense, it should be removed. Thus in legislating for crime and in fixing maximum penalties utilitarian considerations should be paramount.

However, this is not the same thing as saying the sentencing judge must apply utilitarian considerations in fixing a sentence. Once crimes are defined, and appropriate levels of penalties have been set, the sentencing judge's duty must surely be to determine the level based on a 'deserts' calculus using the utilitarian scale given to it by the legislature. In other words, when the sentencing judge imposes the 'deserved' penalty, the utilitarian objects implicit in the scale are also advanced. In short, if the deserved sentence is pursued, the sentence itself will be both utilitarian and fair.

National Survey on Domestic Violence

In preparation for the National Conference on Domestic Violence held in November, a survey was conducted through the *Australian Women's Weekly* on 'violence within relationships'. Several hundred people, mostly women, answered the questionnaire. Dr Suzanne Hatty, Senior Research Officer with the Institute, reports the preliminary results.

The results reported here refer only to women's experiences. One of the most striking features of the responses was the great courage of many of the women who answered the questionnaire. About one third were still in violent relationships, and feared retaliation should their identity be disclosed. Many of the women who had left (about two thirds) were very distressed by recalling the incidents. Several hundred letters outlining case histories accompanied the questionnaires.

Most of the women came from New South Wales (over one third), Victoria and Queensland, although all states were represented. The majority of women lived in large cities, but almost one third of women lived in rural areas. Many of the women were under 30 years (44 per cent), over half were now married or living in a de facto relationship, although approximately one third were separated or divorced.

When asked about the violent relationship, approximately 40 per cent of women reported that it had continued for five years or less. Most of the women had children living with them at the time, and over a third of women were occupied, full time, with home duties. However, a considerable number of women worked in the clerical/sales area (26.5 per cent) and the professional/technical area (14.2 per cent). Their partners were a little older, and were most likely to be employed in the area of trades/production/labour (41.6 per cent). Nevertheless, almost a third of the male partners were in traditional white-collar occupations.

Of the women who were currently in a violent relationship (about one third), about half wished to stay. About two thirds of the women endured physical and/or mental violence once a month or more; about one third once a week or more. Women who had left violent relationships, by contrast, reported experiencing violence once a month, or more often, in approximately 83 per cent of cases. Women's reasons for not leaving violent relationships included finances, love of partner, children, and a hope that things would improve. Women who did leave the relationship (about two thirds) cited the violence itself, the fact that they had had enough, were afraid of further attacks, and their children's safety as reasons. Acknowledging that it is extremely difficult for many women to terminate a relationship, one woman said: 'I then started to plan my escape. It took another year; it's not easy when you're hunted'.

For almost half of the women, the last incident was also the worst. In almost all cases, the women's cohabiting husband or de facto was the reported aggressor. The last incident occurred within the last six months for a quarter of the women, and within the last month for approximately 11 per cent of the women. A similar pattern was reported for the worst incident.

In confirmation of the experiences reported by women in other surveys, the great majority of women reported suffering both mental and physical violence (for example, last incident: 72 per cent approximately). The remainder of the women reported experiencing mental and physical violence in approximately equal proportions. The worst incident was twice as likely to have involved physical violence.

Injury was sustained during many of the reported incidents (last incident: 77 per cent; worst incident: 89 per cent). Injuries included bruises, lacerations, broken bones, internal injuries. This is consistent with the pattern of injuries reported by women in other surveys. One woman, in describing the last incident, said: 'I was repeatedly punched, mostly in the stomach and other places where the bruises would not be seen. I was stabbed, shot at, and my head was bashed against the floor'.

One of the most disturbing aspects of the survey related to the use of physical violence during pregnancy. One woman reported: 'Whilst pregnant, I was kicked and punched to the floor, punched in the face, throttled until I lapsed into unconsciousness'. Another woman wrote: 'I was twenty weeks pregnant when he came home drunk. He threw me to the ground and kicked me repeatedly in the face and stomach. He pulled out clumps of my hair. Blood was pouring in my eyes. I miscarried three days later'.

Many women reported that they left the house immediately after the attack. Many, however, were unable to do anything. This is a typical response. A small proportion contacted medical personnel or a community service. There was very strong support for the work of refuges.

After both the last and the worst incidents, women said that they felt angry, humiliated, depressed, and frustrated. Many women were also concerned about the effects of the violence upon their children, both in the short and the long term. One woman stated: 'My daughter has seen it all. She had a breakdown; she left home. She's still very withdrawn and unsure of herself'.

In over half the incidents, both last and worst, the police were not called. When they were called, women were satisfied with the police attitude about half the time. For the last incident, the woman wanted her partner arrested far more often than actually occurred. This effect was less pronounced for the worst incident; however, here, women were less likely to be satisfied with the police attitude.

In their letters, many women spoke of the difficulty of coping with their partner's unpredictability. Women said: 'There is no main reason for the violence. Anything could trigger him off'. Many women reported that their partners were always accusing them of sexual infidelity, of having imaginary affairs. In addition, women said that many men needed to be dominant in the relationship, to appear masculine to others.

Finally, many women expressed their gratitude to the *Women's Weekly* for running the poll: as one woman said: 'Violence is far too prevalent in our society and perhaps your survey will make more people realise this and start them thinking of ways to help'.

Farewell, Col Bevan

Mr Col Bevan retired from the Institute in November 1985 after serving a period of ten years as Assistant Director (Training).

Mr Bevan began his career as a teacher in North Queensland forty-seven years ago. He enjoyed teaching, and, after eighteen years, he was invited to accept a three-year secondment to the capital city to engage in educational research and clinical, educational, and vocational guidance.

This secondment, he believed, was gained by the particular avenues of university study he had pursued. He said that 'my area of study was unusual in those days, occasioned by my puzzlement as to why there were certain children I could not teach to read and write and spell, even though I was convinced from other avenues of observation that they were anything but unintelligent. My studies into dyslexia (called "mirror-reading" in those early days), and my subsequent and consequent concentration on the contribution to school failure made by emotional and neurophysical difficulties in youngsters were, I feel sure, considered odd.

Mr Bevan, therefore, left the teaching profession and said that after the hurly-burly of running schools, research was a delightful experience; fascinating, absorbing, self-indulgent, and safe from prying eyes and acid accountability.

Within the three years, Mr Bevan was transferred to the Justice Department to establish an adult probation and parole system in the state. Of the five years he committed to probation and parole, he said: 'I was deeply shocked. Having come from an obviously sheltered existence to that point, I had no idea how much of what might pass for my success was due to forces and influences for which I could take little or no credit. For a more adequately rounded education, I needed to be exposed to the spectacle of those whose accidents of birth and life circumstances had predetermined their ultimate appearance in a court of law almost from the moment they were conceived. I would, if now required, almost completely rewrite those many early papers on "nature vs nurture" that I wrote by the dozen during the balmy days of studies in psychology and education. I was aghast at the inevitability of some people's misfortunes, and daunted by the educational task confronting me as Chief Probation and Parole Officer of Queensland. I was treated to the usual barrage of people in important places assuring me that probation and parole were pieces of administration we could well have done without, that anything short of severe penalties was namby-pamby nonsense of a high order, that mealy-mouthed advocacy of offenders was a miscarriage of justice, and that the only language criminals understood was hanging, castration, and long periods of imprisonment. My short experience even to that point left me in no doubt how seriously such attitudes were astray'.

Mr Bevan became dedicated to using the knowledge he had acquired to assist criminal justice personnel to become more informed of the issues contributing to the ever increasing numbers coming before the courts and the repeated appearances of some specially damaged and disadvantaged individuals.

'I wished to show them how many people in prisons need not be there; how many lives were torn down by the system; how many wives and children, though innocent, shared the sentences of their husbands and fathers. I wanted to show how permanent was our punishment system. The sentence pronounced by the court was finite, but not so the sentence imposed by the community. I wanted to show how insidious was the damaged and depleted self image, and how unnecessarily it dogged the underachiever for life'.

In the early sixties, Mr Bevan was vice-president of the Australian Crime Prevention Council, and was party to the first discussions that took place between members of the Council and other criminal justice personnel, to examine the need for, and the feasibility of establishing, a national institute of criminology.

Mr Bevan said that those involved in these discussions deplored the lack of reliable crime statistics, the lack of viable alternatives to imprisonment, the adherence to punitive attitudes as an answer to crime proliferation, and the need for a consciousness-raising organisation in this country.

As such, the Commonwealth Attorney-General, Mr Nigel Bowen, initiated the *Criminology Research Act* 1971, and the Australian Institute of Criminology was born.

Mr Col Bevan, Assistant Director (Training)

Mr Bevan endeavoured to fulfil his appointment as Assistant Director (Training) with his dedication to, and considerable experience in, the criminal justice system.

The Director, Professor Richard Harding, said 'In his many years at the Institute, Mr Bevan has been a most enthusiastic and creative senior member of the Institute staff. He has organised over 100 national seminars which have been attended by many thousands of participants representing all aspects of criminal justice in all parts of Australia. He has earned the deep gratitude and respect of criminal justice practitioners and his colleagues. The Institute wishes Col and his family a long and happy retirement'.

At a farewell function at the Royal Canberra Golf Club the Deputy Director, Mr David Biles, referred to Col's many achievements, both within the Institute and in his earlier career. Mr Biles said 'Col has always been a most friendly and co-operative colleague. He has never missed an opportunity to express his personal views about the shortcomings of Australian criminal justice and in doing so he has made a unique contribution to Australian criminology'.

All Institute staff and his many friends throughout Australia pay tribute to Col at this milestone in his career.

New Publications

The Outcomes of Remand in Custody Orders, by Mr John Walker, Senior Research Officer with the Institute, aims at determining if, how, and where remand custody orders are being used improperly. This report is the result of a survey which examined the time spent on remand, and the punishments imposed upon conviction of over 1,000 persons whose period of remand terminated in October and November 1984.

The report reveals that many of those persons remanded in custody were, on conviction, released and sentenced with a bond, a fine, or some other non custodial sentence. Mr Walker suggests that these people were being unnecessarily deprived of their liberty for offences which did not warrant terms of imprisonment.

Mr Walker's study shows which jurisdictions are more likely to remand persons, and then release them upon sentence; and which jurisdictions use remand orders as alternatives to bail.

The Outcomes of Remand in Custody Orders is available from the Institute for $4, 30 pp., 1985.

Current Sources of Australian Criminal Justice Statistics, by Ms Debbie Neuhaus, an Australian Bureau of Statistics outposted officer based at the Institute, is published jointly by the Australian Institute of Criminology and the Australian Bureau of Statistics. This publication is a reference report which provides a detailed guide of what criminal justice statistics are available, and how these statistics can be located.

The report includes descriptions of published sources, and covers publications which have been produced on a regular basis. Publications are classified under six themes: police statistics, court statistics, prison statistics, non-custodial community based corrections, juveniles and victims. An extensive outline of the information included under each theme is given at the beginning of each chapter.

Each publication listed in the report is described under the following headings: frequency, reference period, data sources and collection, scope, coverage, tables/statistics, definitions of variables, and comments.

Current Sources of Australian Criminal Justice Statistics is available for $12, 417 pp., 1985.

Sentencing for Break, Enter and Steal in New South Wales by Mr Ivan Potas, Criminologist with the Institute, analyses the statistical data and higher court sentencing decisions for offenders who have pleaded guilty or otherwise, but have been convicted of break, enter and steal offences.

This publication will aid readers' understanding of the combination of factors that are involved in determining sentences. For example, a trial judge will take into account the time an offender has served in pre-sentence custody, and effectively 'back date' the sentence so that it runs from the time the offender was actually taken into custody. Alternatively, the judge may determine the length of sentence by assessing the proper sentence and non-parole period or non-probation period, and then subtract or 'discount' the period of pre-sentence custody, and thereby set a notionally shorter sentence and non-parole or non-probation period.

Mr Potas explains that the different methods of determining sentences often give the impression that two similar cases have attracted dissimilar sentences. Therefore sentences cannot be taken at face value without considering other factors. The appendixes provide a valuable research tool for determining these factors, and present, in annotated form, the complete range of unreported sentencing decisions referred to in the text (appendix I), and fuller descriptions of all the cases of break, enter and steal decided in the New South Wales Court of Criminal Appeal for a period of seven years (appendix II).

Sentencing for Break, Enter and Steal in New South Wales is available for $8, 206 pp., 1985.

SEMINAR PROGRAM 1986

The Board of Management has approved the Training and Information Division's seminar program for 1986. This program amounts to almost one seminar each month, and has been expanded considerably from previous years' activities to cover a broader range of topics. These will include:

- ☐ CHILD ABUSE
  Week commencing 3 February
- ☐ SENTENCING PROBLEMS AND PROSPECTS
  Week commencing 18 March
- ☐ LIBRARIANS IN THE CRIMINAL JUSTICE SYSTEM
  Late April
- ☐ THE JURY SYSTEM
  Week commencing 19 May
- ☐ DRUG MARKETS AND LAW ENFORCEMENT STRATEGIES
  June
- ☐ ALTERNATIVE DISPUTE RESOLUTION
  July
- ☐ 12TH INTERNATIONAL CONGRESS ON LAW AND PSYCHIATRY
  14-16 August
- ☐ GOVERNMENT ILLEGALITY
  Week commencing 29 September
- ☐ WOMEN AND CRIME
  October
- ☐ PRIVATISATION OF CORRECTIONS
  Week commencing 3 November

For further information, phone Jane Mugford (062) 833 833

Book Reviews

INTERNATIONAL HANDBOOK OF CONTEMPORARY DEVELOPMENTS IN CRIMINOLOGY
Vol. I, General Issues and the Americas;
Vol. II, Europe, Africa, The Middle East, and Asia.
By Elmer H. Johnson (ed.)
Greenwood Press, Westport, Connecticut, 1983,
319 pp. and 696 pp. $237.50 (the set)

Reviewer: Dr Satyanshu K. Mukherjee, Senior Criminologist, Australian Institute of Criminology

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The idea of this two volume set grew out of Professor Johnson's understanding and belief that the 'insularity of nations' has diminished substantially since the Second World War and has given 'researchers access to data controlling for different environments'. Since the Second World War, crime has increased side by side with socioeconomic development, and apparently these crime patterns extend beyond national boundaries. Professor Johnson finds support for this assertion through crime patterns such as a rise of crime among females, an over-representation of minority and underprivileged persons, and a growing involvement of the young. So far there is nothing new, any standard text tells the reader all these and more. Anyway, these considerations (rather, assumptions) convinced the editor that there is a unique need for a review of the various 'criminologies in societies'. In order to place the collection within a conceptual whole, the editor asked each contributor a number of general questions. If Professor Johnson found answers to these questions from each of the contributors, he must be congratulated, because it appeared to this reviewer that proper answers to these questions would entail a good size monograph.

These two volumes include seven contributors on general issues, seven on the Americas, twenty on European countries, six on Asia, four on Africa, and three on the Middle East. The volumes cannot adequately be reviewed in limited space; what is intended, therefore, is to briefly review the major sections of the volumes.

General issues: Professor Johnson's opening chapter traces the history of comparative criminology, and discusses the reasons why comparative research has not progressed fast enough. In the latter half of the chapter, the author attempts to explain the questions that he asked the contributors. Some of these questions were: What is criminology? What is the setting for the nation's criminology? What are the noteworthy patterns of crime? What are the characteristics of the nation's criminology as an occupation? How do criminologists associate with one another? Professor Johnson does not say whether the contributors answered these questions, nor does he present any summary of the responses.

This section includes a very well researched piece by Jean Pinatel on the International Society of Criminology. Not only does this chapter discuss the history and functions of the society, but Pinatel also shows the interdisciplinary nature of criminology by demonstrating the relationships which the society maintains with other bodies. The chapter concludes with a bibliography. Mueller and Clifford's chapters understandably present a global view of crime. The two former international civil servants are tight lipped about the lack of progress made by the United Nations in the area of crime prevention, and also about the government's role in criminal activity. Clifford's chapter cites some information from Uganda, and explains the problems of data collection in Africa, stating that 'Crime in Africa, therefore, is as related to the political events that provide opportunities for it, as crime is related to the state of economic and social under-development'. Again, any text book would write this.

In a chapter on women and criminology, Wilson challenges the explanations for 'rising' female crime. She claims that the factors which explain female criminality are the interaction patterns. Although women have entered the market place in large numbers in recent years, their responsibilities in the domestic work place have been changing very slowly. She predicts that as long as the interaction patterns do not show substantial change, violent crime patterns by women would not change. Wilson forecasts that 'in the twenty-first century we should see a convergence in crime rates by sex, to the extent that there is convergence of the sex roles in general, and especially in domestic and commercial work roles'.

The Americas: The chapters in this section include descriptions of 'criminology' in Argentina, Brazil, Canada, Chile, Costa Rica, Mexico, and the United States. The major emphasis in these chapters has been to trace the development of criminology as a discipline, and the universities and institutions where criminology is taught. Most of the chapters list the institutions and organisations engaged in promoting criminology. Some of the chapters elaborate the level of current research in the country. The Canadian article explains funding for criminological research. Only the chapters on Chile and Costa Rica respond to the question on noteworthy patterns of crime.

Europe: Of the 40 'country chapters', 20 relate to Europe. Irrespective of the political persuasion of different countries, the theme that emerges is that criminology as a discipline is eclectic. Criminality can be explained by studying the society. By and large, criminology is closer to law than to sociology, and almost every country included in the volumes has institutions where criminology is taught, and has associations to further the cause of the discipline. There are, however, differences between countries as well, and such differences may relate to theoretical and ideological approaches. There is another angle to the discipline as in France. Philippe Robert suggests that the use of the term 'criminology' is declining, and it is gradually being substituted by 'deviance and social control'.

Asia and the Pacific: The descriptions pertain to Australia, People's Republic of China, India, Japan, Republic of Korea, and New Zealand. Chappell presents an exhaustive and systematic account of the Australian situation. Brady explains that the term 'criminology' is non-existent in the People's Republic of China; actors working in the area of criminal justice are referred to as 'political legal'. This chapter presents an interesting analysis, although not new, of crime in a political context. It was no surprise to note Brady's comments on recent increases in serious crimes in China which were due mainly to post-Mao revisionist line policies. Brady describes the Chinese criminal justice

system as the largest and most active in the world. A major part of the chapter on India deals with the incidence of crime, and highlights its generally low rate. Tokoro explains the low crime rate of Japan as the result of affluence (90 per cent of the people see themselves as middle class), the value system based on group solidarity, and the 'high efficiency of criminal justice administration'. Kang cites the Dynamical Theory of Criminal Behaviour propounded by Professor Shin of Korea. According to this theory, the causes of crime are dependent on the relationship between tempting power of crime and deterring power against criminal action. Hopefully, this theory will be tested.

Africa and the Middle East: Ghana, Nigeria, South Africa, and Uganda constitute the African sample, and Egypt, Iran, and Israel make up the Middle East. Criminology in several of these countries was influenced by the North American tradition. Most of the scholars in these countries have had academic training in either the United States or Canada. Of all these countries, Israel and South Africa appeared to have made investment in research comparable to that in European countries.

What do these two volumes offer? Well, Professor Johnson has accomplished most of the tasks he set out to do. Those interested in comparative research will find these two volumes useful in that the descriptions provide a fairly good impression of the state of the art in 40 countries. The relationship between development and crime may not be settled in the near future, but that between development and criminology and criminological research appear obvious; the developing countries of Latin America, Asia, Africa, and the Middle East show the discipline of criminology still in infancy.

Most of the chapters have been written by scholars born, living, and working in their own countries. This has enhanced the quality of the chapters. One question, however, has practically been ignored by a majority of contributors, that is, what are the noteworthy patterns of crime? This lacuna, perhaps, has served well, because some of the responses to this question have been meaningless. The second missing issue in the volumes is the total lack of critical assessment, which gives the impression that all is well with criminology the way it is developing. These weaknesses aside, Professor Johnson has accomplished a valuable work.

WORLD CRIMINAL JUSTICE SYSTEMS: A SURVEY

By Richard J. Terrill
Anderson Publishing Co., Cincinnati, Ohio.
1984, 417 pp.

Reviewer: Dr Satyanshu K. Mukherjee, Senior Criminologist, Australian Institute of Criminology

The book has a very presumptuous title. The survey covers only five countries which together boast only one-eighth of the world's population; neither the People's Republic of China nor India, the two countries with the largest criminal justice systems, were included. The selection of England, France, Sweden, Japan, and the Soviet Union was based on the misplaced criterion of the level of industrialisation. The author goes through the usual justifications for his survey. The book was written primarily as a text for American college-level courses, and perhaps this would fulfil the needs of those students who would elect the course, not necessarily with an aim to prepare for their further education, but to satisfy course requirements for the degree.

The author states that 'Criminal justice educators, practitioners, and students [in the United States] have had a tendency to think that the concerns within our system are in some way indigenous to it. They were not considering the possibility that another country has confronted or may be confronting a similar concern and that their means of resolving the issue may be of assistance to us'. That may be so, but in order that the experiences of one country may be of use to another, those experiences need to be assessed systematically. A pure, descriptive essay, as the author has written, serves the purpose only a knowing a system. For example, the Japanese crime rate has declined substantially since the late 1960s, and Japanese authorities and scholars claim that this was achieved because of three factors: a high level of affluence, the value system, and the most efficient criminal justice administration. This does not necessarily help another country to reduce its crime rate. Again, England has a well organised police complaint system, but without a systematic evaluation of the system effectiveness, this information is of little use. The problem with the concept of 'learning from others' experiences' is that a part of a system cannot be transplanted in another system; criminal justice policies develop and function in relation to other systems within a nation, for example, education, welfare, health, etc.

In the absence of critical assessment of methods and results, the book serves no other purpose than college level teaching material.

CRITICAL ISSUES IN CRIMINAL INVESTIGATION

Michael Palmiotto (ed.)
Anderson Publishing Co., 1984, 99pp.

Reviewer: Mr Bruce Swanton, Senior Research Officer, Australian Institute of Criminology

Critical Issues in Criminal Investigation addresses six areas of relevance to criminal investigation: (1) investigative ethics; (2) crime pattern analysis; (3) confidential informants; (4) legal boundaries of crime scenes; (5) electronic surveillance; and (6) investigative models. This slim volume reads easily and may appeal to some for that reason alone, always allowing that it is written by American college and university instructors (most of whom possess previous law enforcement experience) for American readers.

Even so, the book has little to offer. The contributions are all excessively brief and, for the most part, insultingly superficial. For example, the section on crime pattern analysis — a complex and absorbing matter — is presented by the editor/author in four pages of lightweight description. How such materials can be thought-provoking as hoped by the editor is not clear. It is even less clear how a reputable publishing company undertook to produce such a low grade publication. This book possesses little or no value and its purchase is not recommended even for libraries.

JUVENILE DELINQUENCY IN AUSTRALIA

Allan Borowski and James M. Murray (eds)
Methuen Australia, North Ryde, 1985, 438 pp.

Reviewer: Dr Robert G. Cushing, Department of Sociology, Australian National University

The stated objectives of this volume are to provide undergraduate students with an up-to-date text on the main issues in the study of juvenile crime and justice, and to provide practitioners in the field with a ready reference to current research. To reach such a wide audience is an ambitious goal, but the volume is probably the most comprehensive summary of the state of the art in Australia, and the instructive cross-national comparison that surfaces in some of the presentations is to be applauded.

Twenty-five chapters have been specially prepared for this reader by 29 academics and professionals in the field. The chapters tend to be literature surveys and commentaries on specific issues. Hence, much of the material is old news and much has appeared elsewhere in part. The utility of the volume lies in the effort to draw together a diversity of material under one title.

The chapters are organised in five parts. Part One contains four chapters on the extent and causes of juvenile delinquency, plus an historical overview of policy reactions. Part Two presents a more specialised look at three types of juvenile offenders (status offenders, drug abusers, and serious offenders), and three types of juveniles who present particular issues in etiology and official responses to juvenile crime (Aboriginals, migrant youth, and the mentally retarded).

Part Three looks at some of the legal issues in processing juvenile offenders in Australia. In particular, it looks at the Children's Courts in dealing with serious offenders; the confusions and contradictions between juvenile corrections and child welfare mechanisms in dealing with status offenders, and children in need of care; the South Australian experience with children's aid panels; and the problem of gender discrimination. Part Four focuses on specific programs: the potential role of schools in delinquency prevention; the effectiveness of diversion programs; police cautioning programs; children's aid panels, probation, and community-based programs in preventing and treating delinquency. The section concludes with a comment on what seems to work in the United States in programs designed for serious offenders.

Part Five is an all too brief look to the future. No one has a definitive response for delinquency, but there appears to be consensus that things could be better, and changes of some sort are required. The major debate is how best to proceed: how to identify what needs to be changed and what changes to make. Two chapters attempt to map an agenda for future research on delinquency and delinquency prevention programs. The messages seem to be that our effectiveness in dealing with youth crime can be better enhanced by better data, better researchers, better research attempting to focus more on prevention than control, and a better effort to bridge the gap between the interests of the academic researcher and the needs of the practitioner. The faith of those authors in the ultimate vindication of an empirical approach is questioned in subsequent chapters where the solutions to such social problems are portrayed as normative and political rather than empirical. The emphasis is not on change to enhance effectiveness, but reform to minimise injustice. Indeed, one view is that current theories merely legitimise current practices, and that the welfare approach and community prevention programs merely serve to increase the coercive power of the state rather than provide mechanisms to deal with juvenile crime effectively. The final chapter advocates a national youth policy for institutional change to enhance the well-being of children rather than continue to focus on control mechanisms.

The text attempts to present a critical summary of what we think we know (and do not know) about delinquency, and how to deal with it from both a grounding in research and practical experience. In that effort, both the student and the practitioner will find different things to be of interest. Some of the chapters are too thin to be useful except as a foil for classroom discussion, and would have to be considerably enhanced to engage the interest of the professional. Those chapters that focus on the more controversial issues in the field, or which describe the outcomes of experiences of others in attempting to deal with juvenile offenders, may well challenge the professional to reflect on current practices. Parts of the volume do provide useful starting points for both the student and the professional, but the overall contribution could be improved greatly by a concluding chapter where the editors attempt to draw together the main themes that emerge from the contributions of the authors. As it stands, the synthesis is left to the reader.

Criminology Research Grants

The Criminology Research Council, at its quarterly meeting in Hobart, granted a total of $49,869 to research four areas of crime:

- A grant of $7,074 was made to Dr Christine Alder, from Melbourne University, to study the job retention patterns of youth released from Youth Training Centres in Victoria, to determine what policies could be developed to enhance their employment prospects, and alter the recurring life pattern for many adolescents in such centres of wardship, unemployment, offending, and institutionalisation.
- A grant of $16,000 was made to Mr Donald Porritt and Ms Christine Monk, from the New South Wales Department of Corrective Services, to examine the Special Care Unit at Long Bay Gaol. The Special Care Unit helps prison officers develop new skills in dealing with prisoners, and the project will evaluate how effective the Unit's training programs are in the management of prisoners.
- A grant of $13,795 was made to Professor W. Carson, from La Trobe University, and Dr W. Creighton, from Melbourne University, to study occupational health and safety legislation in Victoria, and examine why the legislation was ineffective in the past, and how the role of criminal law will alter under the legislation about to come into force.
- A further grant of $13,000 was made to Dr John Minnery, from the Queensland Institute of Technology, to continue his research into identifying the environmental factors that residents of the inner city area of Spring Hill, Brisbane, see as crime related. Further residential areas may then be designed to minimise crime.

Applications for Criminology Research Council 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

Statistics

Australian community-based corrections data

Compiled by Mr Ivan Potas, Criminologist
Assisted by Ms Diane Grant

The following table provides the number and rates of adult persons on probation and parole as at the first day of August 1985:

	General Pop.* '000	Probation Number	Probation Rates#	Parole Number	Parole Rates#
NSW	5448	9897	181.6	1942	35.6
VIC	4109	3723	90.6	935	23.0
QLD	2536	5211	205.4	533	21.0
WA	1398	2104	150.5	792	56.6
SA	1363	2320	170.2	408	30.0
TAS	444	1523	343.0	76	17.1
NT	143	341	239.0	81	56.6
ACT	256	243	95.0	68	26.5
AUST	15697	25362	161.7	4835	30.8

COMMUNITY SERVICE ORDERS

The following table shows the number and rates of persons who were subject to current community service or work orders (or their near equivalent) as at 1 August 1985:

	Number	Rates#
NSW	1665	30.5
VIC	724	17.6
QLD	1785	70.3
WA	779	55.7
SA	239	17.5
TAS	279	62.8
NT	60	41.0
ACT	Not applicable	Not applicable
AUST	5531	35.2

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

\# Rates are calculated per 100,000 of the general population. Only those under actual supervision are included in these data.

New South Wales

The probation figure includes 599 persons who were under the age of 18 years at the time of release to supervision and 717 persons who were released on probation after serving a short term of imprisonment. Some persons subject to community service orders are included in the probation figure. The parole figure includes 372 licencees. (Note: 'after care' probationers are now included in the probation statistics). The total number of persons under supervision of all types in N.S.W. was 12,696 ('multiple status' offenders are counted only once).

Victoria

The parole figure includes persons supervised from interstate. There were 278 persons subject to community service orders and 446 persons subject to attendance centre orders (total 724). A small proportion of these may also be on probation and are included in the probation figure. There were also 254 pre-releases from prison. Many of the latter persons will become parolees in the future.

Queensland

The probation figure includes: 576 persons released on probation after serving a short term of imprisonment, 258 interstate probationers and 31 persons subject to Commonwealth recognisances. The parole figure includes 135 interstate parolees and 30 Commonwealth licencees. Approximately one third of those subject to community services were also given probation and are included in the probation figure. The figure for community service orders also includes 784 persons who received 'fine option' orders.

Western Australia

Of those who were subject to community service orders 442 were also placed on probation and are included in the probation figure. Only 337 persons were subject to community service orders without probation and these are not included in the probation figure. There was a total of 838 pre-parolees in that state.

South Australia

The probation figure includes 239 persons who were subject to community service orders. With regard to parole it is advised that a further 11 persons received voluntary supervision in the community by the parole services. A further 17 prisoners were supervised in prison.

Tasmania

The probation figure includes 126 juveniles. It also includes 25 probationers from interstate. The parole figure includes 14 parolees from interstate. The number of persons having a legal obligation under the work order program — the Tasmanian equivalent of community service orders — was 420. This figure includes absconders so that in fact there were 279 currently available and discharging their orders. 207 of the latter figure were also subject to probation and are included in the probation figure.

Northern Territory

Some persons subject to community service orders were also placed on probation and are included in the probation figure. The parole figure includes those on licence.

Australian prison trends

Prepared by Mrs Marjorie Johnson on behalf of
David Biles, Deputy Director

During the period July 1985 to September 1985 the numbers of prisoners increased in all jurisdictions except New South Wales and South Australia. The numbers of prisoners in all states and territories for September 1985 with changes since June 1985 are shown in Table 1.

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

	Males	Females	Total	Changes since June 1985
NSW	3560	204	3764	− 80
VIC	1789	99	1888	+ 50
QLD	1978	74	2052	+ 40
WA	1441	74	1515	+ 1
SA	682	35	717	− 49
TAS	236	8	244	+ 18
NT	366	10	376	+ 34
ACT	81	2	83*	+ 17
AUST	10133	506	10639	+ 31

* 68 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 September 1985. The national rate of 67.7 compares with 67.6 found in June 1985.

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

	Sentenced Prisoners Received	Prisoners	General Pop.* '000	Imprisonment Rates
NSW	730 (364)	3764	5454	69.0
VIC	301 (155)	1888	4113	45.9
QLD	444	2052	2541	80.8
WA	328 (132)	1515	1401	108.1
SA	232 (141)	717	1365	52.5
TAS	63	244	445	54.8
NT	137 (38)	376	144	261.1
ACT	—	83	258	32.2
AUST	2235	10639	15721	67.7

* Projected Population end of September 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, figures shown in brackets represent numbers who were received into prison for fine default only.

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

	Total Prisoners	Prisoners on Remand	Percentage of Remandees	Remandees/ 100,000 of Gen. Pop.	Federal Prisoners
NSW	3772	822	21.8	15.1	123
VIC	1887	218	11.6	5.3	55
QLD	2036	153	7.5	6.0	36
WA	1497	159	10.6	11.4	45
SA	731	141	19.3	10.3	30*
TAS	242	29	12.0	6.5	—
NT	378	90	23.8	62.9	4
ACT	75	11	14.7	4.3	1
AUST	10618	1623	15.3	10.3	294

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

Asian and Pacific Series

Compiled by David Biles, Deputy Director
Assisted by Mrs Marjorie Johnson

Correctional administrators in the countries listed have supplied the basic information which is incorporated in the following tables. The footnotes contain a number of explanations that should be borne in mind when making comparisons between countries. For countries marked * the data refer to 1 April 1985.

Table 1 — Total Prisoners as at 1 July 1985

	Males	Females	Total	Population ('000)	Rate[1]
Australia[2]	10120	488	10608	15685	67.6
Fiji	742	21	763	677	112.7
Hong Kong	5801	158	5959	5398	110.4
Japan	53097	2381	55748	120700	46.0
Korea (Republic)	44980	2334	47314	41209	114.8
Malaysia	16422	440	16862	15300	110.2
New Zealand	2884	117	3001	3295	91.1
Papua New Guinea	4350	247	4597	3966	115.9
Phillipines	13892	192	14084	54668	25.8
*Sri Lanka	10990	307	11297	15189	74.4
Tonga	115	1	116	97	119.6
Western Samoa	141	7	148	159	93.1

Table 2 — Convicted and Remand Prisoners at 1 July 1985

	Convicted Prisoners	Remand Prisoners	Percent On Remand	Remand Rate[1]
Australia	9013	1500	14.3	9.6
Fiji	724	39	5.1	5.8
Hong Kong	5501	458	7.7	8.5
Japan	46033	9445	17.0	7.8
Korea (Republic)	26849	20465	43.3	49.7
Malaysia	8947	7915	46.9[3]	51.7
New Zealand	2713	288	9.6	8.7
Papua New Guinea	3858	739	16.1	18.6
*Sri Lanka	4246	7051	62.4	46.4
Tonga	115	1	0.9	1.0
Western Samoa	134	14	9.5	8.8

Table 3 — Offenders on Probation and Parole at 1 July 1985
(in those countries where these options apply)

	Probationers	Rate[1]	Parolees	Rate[1]
Australia	25378	161.7	4821	30.7
Fiji	—	—	245[4]	36.2
Hong Kong	3526	65.3	3631	67.3
Japan	21861	18.1	8049	6.7
Korea (Republic)	5518	13.4	2288	5.5
New Zealand	7186	218.1	2370	71.9
Papua New Guinea	269	6.8	—	—
*Sri Lanka	—	—	120[5]	0.8
Western Samoa	266	167.3	66	41.5

Footnotes:
1 Per 100,000 of population.
2 Australian statistics in this table are based on the daily average number of prisoners for the month of June 1985.
3 Includes inmates who are detailed on the basis of allegation of facts under Public Order for Prevention of Crime, 1969.
4 Released to serve Extramural Punishment (158) and Compulsory Supervision Orders (87).
5 Released on Licence.

Note: Returns for the Phillipines as at 1 January and 1 April 1985 have been received. The figures are as follows:
1 January 1985: 13907 male and 192 female prisoners. Of this total of 14099 prisoners, 176 were remandees.
1 April 1985: 13829 male and 194 female prisoners. Of this total of 14023 prisoners, 167 were remandees. There were also 18880 offenders under supervised probation.

Publications

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

BOOKS

C R BEVAN (Editor)		
Minimum Standard Guidelines for Australian Prisons	December 1984	
DAVID BILES (Editor)		
Crime and Justice in Australia	November 1977	$6
Crime in Papua New Guinea	October 1976	$4
JOHN BRAITHWAITE		
Prisons, Education and Work	January 1980	$6
To Punish or Persuade: Enforcement of Coal Mine Safety (SUNY Press)		$20
JOHN BRAITHWAITE and PETER GRABOSKY		
Occupational Health and Safety Enforcement in Australia		$10
W CLIFFORD		
Plotting and Planning	September 1980	$6
W CLIFFORD (Editor)		
Crime Prevention Planning: Proceedings of the United Nations Interregional Course	August 1977	
Human Rights in the Administration of Criminal Justice: Report on the United Nations Course	September 1978	
W CLIFFORD AND S D GOKHALE (Editors)		
Innovations in Criminal Justice In Asia and The Pacific	June 1979	$4
ANDREW HOPKINS		
Crime, Law and Business: The Sociological Sources of Australian Monopoly Law	May 1978	$4
SATYANSHU K MUKHERJEE		
Crime Trends in Twentieth Century Australia - (hardback)	October 1981	$30
Age and Crime	July 1983	$4
IVAN POTAS		
Just Deserts for the Mad	January 1982	$6
BRUCE SWANTON		
Police Institutions and Issues: American and Australian Perspectives	September 1979	$6
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