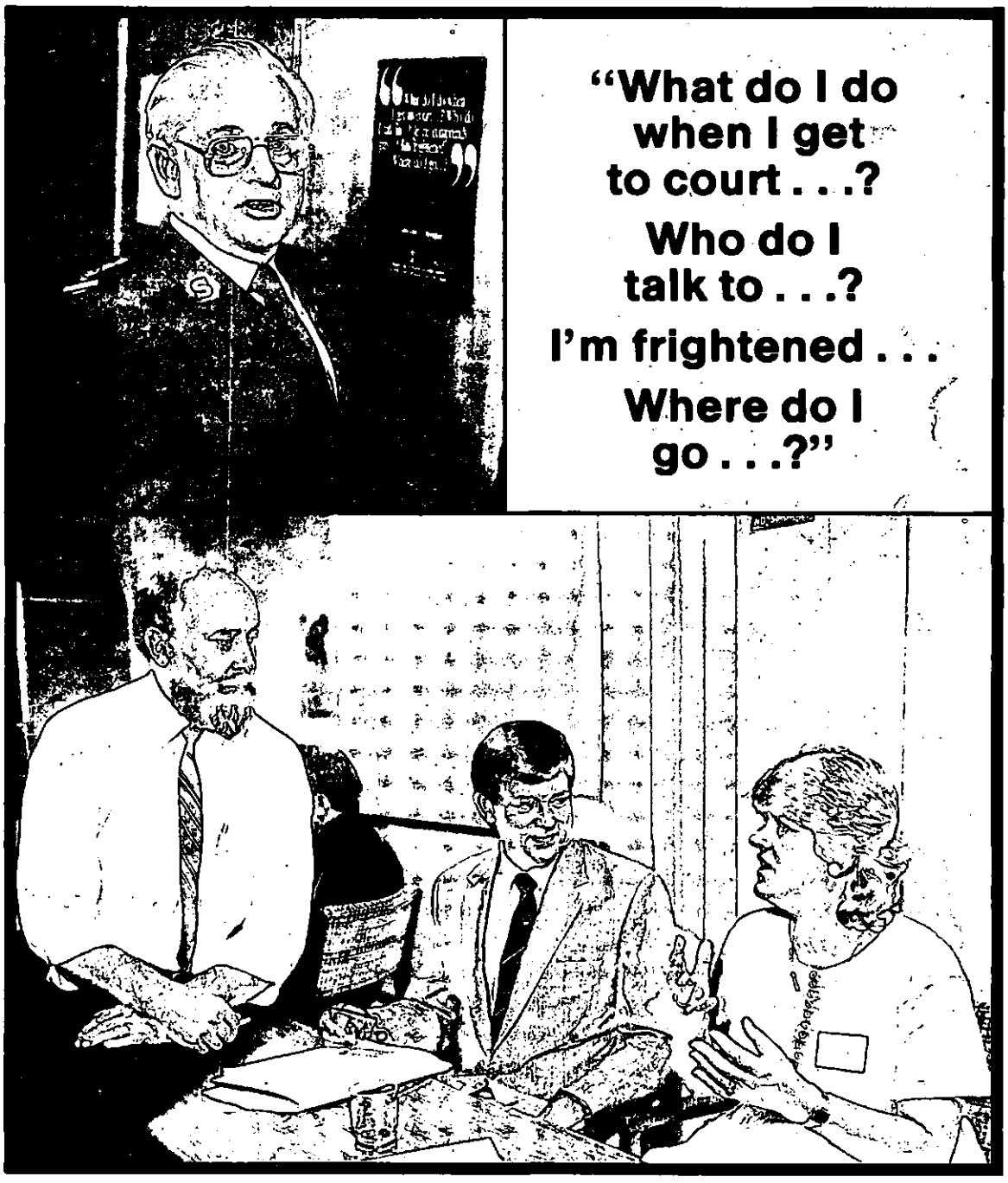
reporter



A future issue of Reporter will feature the results of the Institute's seminar on court support and advisory service.

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PROFESSOR RICHARD HARDING

THREE GOOD YEARS

Professionally, my years at the Institute were the most rewarding of my career so far. I learned a great deal from the experience, and I would like to think that I also scattered a few lessons around my as I went.

Let me list what I consider the best things that happened whilst I was Director and also the worst. The best were:

(a) the sharpening of research priorities;
(b) the greater sense of purpose which was brought to the formulation of conference programs;
(c) the immense improvement in the standard and timeliness of all types of Institute publications;
(d) the establishment of CINCH as a viable national data base;
(e) generally, as both a culmination and a symbol of the development of a clear future strategy for the Institute, the amendment of the Criminology Research Act; and
(f) the graduated restoration of the value of the Criminology Research Fund.

The worst features of my period as Director were:

(a) the fact that one was able to make so little impression upon some elements of government as to the intellectual and ethical necessity and also the potential cost-effectiveness of criminological research;
(b) the realisation that federal criminal justice policy is so fragmented and that so much of it is influenced by persons totally lacking in knowledge or expertise; and
(c) the fact that one was able to make no impact at all upon some terrible problems, most notably the Aboriginal imprisonment rate.

Research priorities were honed throughout the period 1984-87. The Institute is now prepared to move into an area, hit it hard, and *move out* again. Previously, one felt that an item, once on the agenda, would never be discarded.

Professor Richard Harding finished his three-year term as Director of the Australian Institute of Criminology in January 1987 and returned to the University of Western Australia as Head of the Law School.

In my time, we made an immense impact in the area of domestic violence and have moved out again; similarly, our immense amount of work in the area of Aboriginal justice has now given way to the broader question of crime in a multicultural society.

This sort of trend has been greatly assisted by contract research — i.e. accepting funds or other resources to do a quick research job on a discrete matter such as the profile of A.C.T. prisoners, the extent of graffiti and vandalism on railways, and the question of dealer and customer compliance with videoratings.

Conference programs now have a coherence which was previously somewhat lacking. In achieving this, we have perhaps sacrificed something of our capacity to respond quickly to issues and needs as they seem to arise. On balance, I believe that if the quality and representativeness of participants is to be such as to justify the considerable outlay, there must be a reasonable lead-time. This helps the Institute staff as well as participants.

The improved standards of Institute publications are there for all to see. Some of them are handsome, some functional — a case of horses for courses. The Oxford co-production arrangement, epitomised by the publication of Grabosky and Braithwaite, *Of Manners Gentle*, is the top of the Institute's range. The pro-

ductivity of the Publications Section has been a matter of great credit to the relevant staff.

As for CINCH, it is a delight. Even such Luddites as I can cope with it as users. Plans to make it a regional, not merely an Australian, data base are admirable in the spirit and intent. But its strength is its Australian-ness; that should never be forgotten.

The statutory amendment was a triumph of perseverance. In the end, after some fairly silly co-ordination comments had been circumvented, this delicate exercise went through Parliament triumphantly, with all political parties paying tributes to the Institute. That pleased me a lot; the Institute must never be seen to be more supportive of or supported by one political grouping than another. But it must achieve this acceptability without becoming a corporate and criminological eunuch. I think we have been successful so far in that regard.

The Criminology Research Fund had been neglected; to restore its value to a mere $250,000 p.a. ought to have been a formality. But in fact it was a delicate seven-party negotiation which, each year, one of the parties would try to renege upon. Holding them together for three consecutive financial years was a *tour de force*. The quantity and quality of applications to the Council is now starting to match the improvement in the fund's resources. Australian criminology generally — i.e. not simply criminology as practised at the Institute — is the beneficiary.

The Institute in my view does its assigned tasks extremely well. No one in the criminological trade who visited during my time ever failed to voice a similar opinion. But the faceless Canberra advisers were hard to convince, a point which brings me to the down-side of my experience.

A great deal of my time — in February/March 1985, September/December 1985, and July 1986 — was spent doing this. Clearly, those who looked at the issue properly — as the review team did late in 1985 — *were* convinced; their report shows this. But, in the Canberra way, they move on; and a few months later some fresh pubescent apparatchik, trying to prove his bureaucratic manhood, would have another go.

Did all this reflect governmental ambivalence about the Institute? Were the apparatchiks from Finance, Prime Minister and Cabinet, and so on, sniffing the political wind rather than simply manifesting their own tunnel vision? I was never one hundred per cent certain of the answer to this.

The other thing that frustrated me about Canberra was how many federal departments and agencies had their fingers in the criminal justice policy pie. Some did so legitimately — Attorney-General's, the D.P.P., the A.F.P. and so on. By and large those with a legitimate interest were also competent. But there were interlopers — empire-building, protecting captured territory. And there were also multi-purpose departments for whom criminal justice policy was something for the untrained, en route to more exalted clerical administrative tasks. Such departments were ignorant and obstructive, and almost inevitably will remain so.

Consequently, the greatest contrast which presented itself to me in much of my working life was the higher calibre of State public servants in relation to their federal counterparts. Not, as I say, with regard to the mainstream criminal justice policy departments — but in comparison to the peripheral ones and those who were still trying to capture their territory. There is no doubt that the Federal Government needs to bring its criminal justice policy development under some umbrella organisation, for at present it is unco-ordinated.

The Aboriginal imprisonment rate — something I characterised as a national scandal upon taking up the directorship — remains a national scandal. There are areas, I was forced to acknowledge, where the identification and constant exposure of a problem in no way affects what the criminal justice community does. On the other hand, the Institute has raised the level of public debate about crime in Australia. A great contribution to this has been the Trends and Issues Series.

I enjoyed my period as Director. I enjoyed my contacts with loyal and competent staff, I learned much from my dealings with operational personnel and administrators, I gained an international perspective about crime and justice, I even enjoyed most of the contacts with all manner of politicians which is an inevitable feature of the job. It would have been nice to stay on for a further seven years, as Mr Bowen invited me to, and see some of my work come to full fruition. But on balance a return to the West was preferable. So now I am enjoying myself in Perth, even more than I otherwise would have done because I know the Institute's continuing high-quality work will make my professional life *here* richer and more effective. The show goes on — and I am proud to have been a part of it.

CORRECT USE OF PRISON CENSUS

by David Biles

Following the release of the report of the fourth national prison census on 15 December by John Walker ('Australian Prisoners 1985' by John Walker and David Biles), the Institute compiled a file of press clippings on this subject. Unlike the release of the first three reports in this series, on this occasion the report resulted in a disturbingly high number of misreportings and misunderstandings.

In some cases it was clear that the errors were made by sub editors who wrote the headlines rather than the journalists who compiled the stories. In every case where serious mistakes were made the journalists failed to telephone the Institute to check if their interpretations of the statistics were correct.

The annual census of prisoners entails the collection of some twenty-five items of information about every one of the approximately 11,000 persons in Australian prisons on the day in question. The report of the census endeavours to present the most important results in an easily readable form, but with a vast collection of data it is understandable that some degree of misunderstanding may occur. This is particularly so as many journalists focus their attention on the data pertaining to their own jurisdictions and particularly want to see how their own State or Territory compares with the rest of Australia.

In view of the errors that have occurred, it is appropriate to highlight some of the uses to which a census of prisoners may and may not be put. In the first place, it is apparently necessary to make the obvious point that a census of prisoners provides information about persons in prison at a particular time and therefore cannot include details of those who have escaped or who are on parole (*Sydney Morning Herald* please note), even though a census may record details of the escape and parole histories of the prisoners inside. The first sentence of the foreword to the report makes this absolutely clear.

Secondly, a prison census is not the most appropriate basis for making assessments of the relative incidence of particular crimes such as murder (Melbourne *Sun* and Hobart *Mercury* please note) as there may be little or no relationship between the number of offences committed and the number of persons in custody.

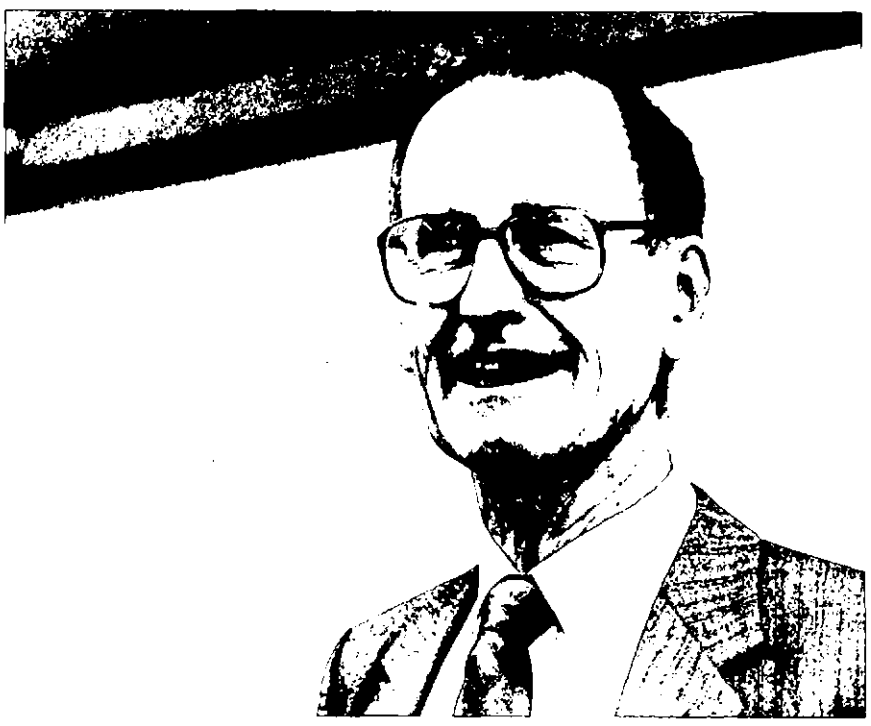
Furthermore, because of the very wide differences in the use of imprisonment between Australian jurisdictions, it is dangerous to draw inferences on the basis of comparative percentages. For example, Victoria and Tasmania have low imprisonment rates and both have percentages of persons sentenced for, or charged with, homicide that were higher than the national percentage, for the reason that in those States smaller numbers of other offenders were in prison. High imprisoning jurisdictions such as the Northern Territory, Western Australia and Queensland may well have lower percentages of homicide prisoners but their per capita figures would be considerably higher. This is due to the fact that in those jurisdictions there are higher proportions of less serious offenders in prison.

It is similar with unconvicted prisoners on remand. Because of the differences in imprisonment rates, percentages of remandees are less useful and less informative than are rates calculated on the basis of the total, or total adult, population in each jurisdiction.

Finally, a prison census is a very clumsy vehicle for assessing changes in the total size of prison populations (Brisbane *Courier Mail* please note). A much better source for this is the monthly publication of the Institute *Australian Prison Trends*. This is generally published in less than a month of the period under review and always includes details of long and short-term changes in the size of prison populations in each jurisdiction.

A census of prisoners is primarily a research and management device. It is the only mechanism we have for assessing changes in the structure of prison populations. In other words, a census tells us precisely who was in prison on a particular day: their sex, age, offence, legal status, security classification, country of birth, race, education and employment status and much more. Most Australian governments have used the results of the four censuses published by the Institute to plan new facilities and programs and to monitor the effectiveness of new initiatives.

The Institute welcomes the interest of the media in its work and in its publications, but makes a plea for more care with the interpretation of complex statistical data. All it takes is a phone call.



Professor David Corbett (pictured) was incorrectly identified in the December issue of *Reporter* as Mr Peter Lidbetter, for which we apologise. He was also named in the article 'Government Illegality' as a former Chairman of the South Australian Public Service Board, when in fact he is a former Commissioner of that body.

THE THAI PENAL SYSTEM AND DRUG OFFENDERS

Dr Paul R. Wilson is Assistant Director (Research and Statistics) at the Australian Institute of Criminology and recently spent time in Thailand examining the prison system. Here he presents some observations from his study with an emphasis on Australians imprisoned for drug trafficking.

Donald Tait shares a 9 metre by 2 metre cell with ten other Death Row inmates in Bangkok's Bang Kwang prison. Tait, the most well-known of all the 26 Australians incarcerated in Thai prisons, awaits execution. He shares this fate with 250 Thai and foreign prisoners, about 70 of whom have exhausted all avenues of appeal.

Tait recently won an appeal against his sentence of death but a prosecution counter appeal has subsequently been lodged. If this counter appeal fails he will be taken about 800 metres from Death Row to an execution range and shot in the back. Whether this is a more humane way to die than by hanging — the fate of Barlow and Chambers executed for drug offences in Malaysia — is a moot point.

South East Asian countries, including Thailand, currently use the threat of the death penalty and the lengthy sentences as a deterrent for drug offences. Three ASEAN members — Malaysia, Singapore and Brunei — have made the death penalty mandatory for trafficking in more than 15 grams of heroin or morphine, or 200 grams of cannabis. Indonesia, the Philippines and Thailand in particular, are relying more on extensive prison sentences, although in the case Thailand, the death penalty is still administered and consideration is being given to adopting its mandatory implementation in cases of drug trafficking.

These penalties can only be described as severe but at issue here is whether these penalties have any deterrent effect. I attempted to examine this question by looking at the way Thailand organises its penal system and experiencing the conditions inside Thai prisons. I was able to ascertain the views of incarcerated Australians concerning the deterrent value of heavy prison sentences and the threat of the death penalty through personal interviews with them. The observations I made are based on an analysis of official reports, interviews with prison officials and, most importantly, by speaking with Australians serving lengthy sentences in Thailand.

Thai Prison System

The Thailand Department of Corrections is mainly responsible for the administration of the Penitentiary Act of 1935 which includes care, custody and rehabilitation of more than 80,000 inmates, both youthful and adult persons, confined in a number of facilities throughout the country.

The goals of the Department are expressed in almost identical terms of those used by equivalent Australian departments. Thus the Department believes that one of its major goals is to 'increase the number of convicted offenders achieving a successful adjustment upon their return to the community' and, yet another to be 'to provide a wide variety of program alternatives for convicted offenders'. Most Thai prison policy statements also stress a desire to relieve overcrowding in Thai prisons by developing various program alternatives to imprisonment. However, it is generally conceded that the overcrowding, at least by western standards, is considerable and alternatives to imprisonment are at an embryonic stage. By Australian standards the ratio of staff to inmates is low: 1 to 9 in Thailand as against approximately 1 to 2.5 in Australia.

Prison sentences are hefty in Thailand with 16 per cent of all prisoners receiving sentences of 15 years or more and 28 per cent receiving sentences of 10 years or more — significantly longer sentences than in this country. After property offences, the second most common reasons for incarceration are narcotics charges, these accounting for 17 per cent of all admissions. As in Australia most prisoners are young. One third of all prisoners declare that they are unemployed, although this figure is in all probability grossly underestimated.

Physically, the main male and female prisons in Bangkok are well maintained and would be, in some cases, in better condition than large metropolitan Australian prisons. Spacious courtyards, well planted and decorative gardens, thatched roof work and recreational areas in keeping with the humid climate are striking in their appearance. On the surface at least, Thai prisons are nothing like the 'Midnight Express' vision conjured up by some of Australia's more lurid newspapers. In this respect it is interesting to note that while Australian journalists delight in describing prisons in this country as 'motel-like', negative, but equally distorted stereotypes are used to describe Asian jails.

However, Australian prisoners find prison conditions far more uncomfortable than do Australians incarcerated in their own country. For example, approximately 60 men are crammed into a relatively small area with bedding mats jammed side by side. The female sleeping quarters are larger but it is not unusual to have up to 100 prisoners in one room. None of the Australian prisoners I spoke to expressed much alarm over this situation pointing out that communal living was consistent with Asian culture and accepted this situation.

Three meals a day are provided, but Australian prisoners I spoke to said that the Thai diet was not sufficient for their needs and, to remain healthy, approximately $175 per month was required in order to buy western-style food. In nearly every case this money had been sent by relatives, some of whom suffered severe financial hardship in order to meet the cost of the additional food.

Work is an important ingredient of the Thai prison system and, with the exception of Europeans, all prisoners are required to spend a full working day weaving baskets, making furniture or engaging in similar activities. The Thai prison system prides itself on prisoner productivity. The 1984 total revenue from the sale of prison-made goods amounted to 369,097,397.82 Baht, over one third of the total annual correctional expenditure budget. Nearly all the Australians told me that, after the first year of imprisonment, they had decided to work in order to 'maintain their sanity' and to obtain a small amount of money to buy toiletries.

The Thai prison department admits in its annual report that most institutions lack full time physicians. In theory, medical and dental services are provided for inmates by mobile teams from

the central office who visit institutions regularly on a rotation basis. The Australian prisoners interviewed complained of the irregularity of these visits and the extreme difficulty of obtaining medication, such as antibiotics. One young male prisoner who required regular insulin injections for his diabetes was extremely critical of both the Thai government for failing to provide the insulin and the Australian Embassy who had refused to subsidise the considerable cost associated with regular supplies of the medication. As he put it, 'I would die if it wasn't for my parents who, though pretty poor, give up a lot to send me the money to buy insulin'.

None of the prisoners I spoke to complained of brutality on the part of the prison officers. As with Thai prisoners, officers insisted that the Australians should treat them with deference and respect. Officers are not armed in the inner perimeters of prisons but are heavily equipped with weapons when patrolling on the outside wals and in check points leading to the main gates. Prison riots or lesser disturbances appear to be uncommon although major riots have occurred in the past. The Department of Corrections reported that, in 1984, 135 prisoners escaped from prison while working outside the prison with a mere 18 (out of a prison population of 80,000) escaping from inside the prisons.

If all of this appears to paint a rosy, tranquil picture of the Thai prison system some sharp realities of the prison experience should be kept in mind. Australian prisoners find the cultural differences in language, day-to-day customs, food, hygiene and the humid, tropical conditions very difficult to adjust to. During the first year of incarceration, depression and anxiety are strong as the dual adjustment problems of imprisonment and foreign culture are faced. Physical ailments proliferate during this period and many prisoners speak of 'verging on madness'.

The reality of spending a substantial proportion of one's life in a strange country severed from contact with relatives and friends becomes a psychological weight that is considerable. Worse, the thought of 20 to 30 year sentences with only the chance of a 'royal pardon' to reduce the length adds to an already severely depressed frame of mind. Though the passing of the years dulls the sensitivities of the prisoners to some of these conditions, the protracted sentences destroy in all but the most resilient, any real interest in life. Though most prisoners I saw were physically in reasonable condition, their psychological state was poor.

Pre-Prison Experiences

It has been argued by some that Australian citizens should spare little sympathy for those travellers who peddle drugs in foreign lands. However, though figures are not available, it is apparent that many Australians incarcerated in South East Asia generally, and Thailand specifically, have dealt in drugs for their own use rather than for trafficking.

Regardless of whether it is for trafficking or personal use, a drug involvement by Australian tourists can lead to the following scenarios. Two young Australians arrive in Bangkok and stay in a cheap hotel centred on the Patpong area. They ask a taxi or minicab driver (or, commonly the driver suggests to them) where drugs can be obtained. A deal is made, the driver takes his percentage from the dealer and conveys the tourists back to their hotel. The driver, under the ubiquitous 'informer' system, quickly rides to the nearest police station where he tells the Thai police that a deal has been made with foreigners and where they are staying. The police, after paying the driver a reward, burst into the travellers' hotel and, to the astonishment of the young Australians, arrest them.

Then, the informer system moves through other parts of the criminal justice system. Not uncommonly the arresting police telephone a lawyer specialising in defending foreigners charged with narcotic offences. The lawyer pays a reward to the police for the contact, visits the grateful client in police custody and informs him or her that, although the situation is grim, something can be done. There are, the lawyer suggests, mitigating factors such as the health of the prisoners, the fact that it is a first offence, the possibility that a mistaken identity has been made, that one of a pair of accused persons is innocent or a number of other factors which can either save the accused or substantially reduce the sentence imposed.

However, substantial amounts of money will be needed for legal costs. In the words of one lawyer (as told to his client), large amounts of money are needed 'to grease the system' and the suggestion is usually made that relatives back in Australia should be contacted immediately for an advance fee — one which can range between $5,000 and $10,000. Of course, that is not the totality of legal costs and as the proceedings drag on, tens of thousands of dollars may be spent on representation.

The system though is not easily 'greased'. While there may be corruption in Thailand, foreigners charged with drug offences generally do not expurgate themselves from criminal proceedings. Further, and contrary to legal advice given to those charged, Thai courts are rarely sympathetic to arguments centred on 'mitigating circumstances'. Excuses and denials fall on deaf ears and, according to one Australian Federal policeman stationed in Bangkok, 'the tourist who offers excuses often obtains a heavier sentence than he would have if he had thrown himself on the mercy of the court'.

Eventually, after his/her family has paid out large amounts of money for the defence and after months of languishing in a prison waiting for the case to come to court, the accused is sentenced. Optimism generated within the client by a lawyer in the months preceding the trial quickly turns to despair as a sentence of 15, 20 or 30 years imprisonment is handed down by the court. Lawyers discuss the possibility of an appeal and, for some, the whole process begins again. Most, though, accept their conviction and prepare to adjust to living in close confinement, in a foreign country, for many years to come.

Retrospective Wisdom

Most Australians, especially after their first year in a Thai prison, will admit that they acted foolishly in attempting to procure or traffic in drugs. They will also admit that, at the time of their offence, they were unaware of the 'informer' system operating between small time street dealers, taxi-drivers and the police that substantially increased their chances of detection. However, all of the prisoners I spoke to were singularly aware of the penalties operating in Thailand for drug offences *at the time* they were contemplating their involvement with drugs.

To the question 'did you know that the death penalty and heavy jail sentences were frequently imposed in Thailand for drug offences prior to your offence', all but one of the seven prisoners replied 'yes'. The one young male who denied any knowledge of the tough penalties said 'I thought it would be much like Australia'. Though all prisoners were shocked by the execution of Barlow and Chambers and stated that they had become 'very depressed' about their own positions after hearing the news, not one prisoner said that, if the hangings had occurred *before* their trip

to South East Asia, they would have refrained from committing the offence that led to their imprisonment.

Their reasons for saying this were deceptively simple — they did not believe they would be caught. At least three of the seven prisoners had known other people who successfully negotiated the purchase of drugs in Thailand and returned, unimpeded, to Australia. Two others said they thought the chances of getting caught were 'very slim' and the remaining two believed there was 'no chance' of getting caught.

In their own naive and simplistic fashion all the prisoners interviewed unwittingly thrust a verbal dagger at the heart of the great criminological fallacy of deterrence. For, despite the rhetoric of politicians and the belief, as shown by surveys, that the public believe that the death penalty and heavy sentences 'work', potential drug offenders appear not to be deterred by the threat of legalised murder or of incarceration for life in a South East Asian prison.

Their observations appear to be congruent with the established facts. In Malaysia, for example, despite 38 executions for drug offences, registered drug addicts have, according to the government's own figures, grown from 711 in 1970 to 111,688 in April 1986. In Thailand, despite massive publicity given to heavy prison sentences and executions any visitor to Bangkok or Chiang Mai knows that a dizzying array of forbidden narcotics are offered to tourists as they step out of their hotel into the humid and teeming city streets. Though both the Thais and the Malaysians argue that the number of foreigners arrested for drug offences is decreasing — an argument, they say for the effectiveness of their policy — the multitude of Australians and Europeans openly buying off the street might suggest otherwise. Certainty of punishment, rather than severity, might well act as a deterrent, but that certainty, despite the informer system, is by no means assured.

In addition, Australian prisoners are bitterly aware that they are only symbolic sacrifices in the 'war' against drugs. hough they have not been able to buy their way out of drug charges, official corruption flourishes in the kingdom and major drug traffickers operate openly. Though a much vaunted $7 million Australian Government funded computer and personnel program keeps track of people and materials, especially at airports, harbours are wide-open havens for drug smuggling. Even honest Thai police despair at stopping the tide of drugs sweeping across the country. Colonel Viras, one of the country's top police drug officials told *Newsweek* recently that he only made $500 a month. As he said, 'when someone offers me 10 times my salary just to keep my eyes closed how am I supposed to stay honest?'

Honest or not Thai police still arrest relatively poor and young Australians for drug offences, Thai lawyers extract large amount of money from their families for often futile legal defences and Thai courts sentence them to massive periods of imprisonment and, in the case of Donald Tait, possibly death. It is very doubtful that any of this has any effect at all on the drug situation in either Thailand or Australia. Clearly, current policies emphasising well publicised punitive sentences are unlikely to deter Australians from foolishly engaging in illegal drug usage even if these policies satisfy both the Australian and Thai community that 'something is being done' about the drug problem.

BOOK REVIEW

SPIES, BOMBS AND THE PATH OF BLISS

by Tom Molomby
Potaroo Press, 1986, 433 pp., $14.95 pb, $24.95 hb

Reviewer: Dr Paul R. Wilson, Australian Institute of Criminology

Paul Alister, Tim Anderson and Ross Dunn were convicted in 1979 of conspiracy to murder. Their trial occurred in the shadow of the Hilton Hotel bombing which killed three people in February 1978. Unluckily for the three young men, the Indian Prime Minister, who was staying in the hotel, made accusations that the Ananda Marga organisation had carried out the bombing. To discover whether this was the case the NSW Police Special Branch infiltrated an informer named Richard Seary into the organisation.

Tom Molomby, a lawyer and producer of the ABC Radio's 'The Law Report' outlines in intricate detail the events which led to the arrest of Alister, Anderson and Dunn, not as it happens for the Hilton bombing, but with conspiracy to murder Robert Cameron, the leader of the right wing organisation, the National Front. The case against the three rested heavily on the evidence from Seary, who was finally proved at the inquiry which led to the men's release, to be an extravagant liar and fantasist.

Much pressure was placed on the government by members of the Ananda Marga Sect and others to hold an inquiry into the events that had occurred. The inquiry found that there was doubt about the guilt of Alister, Anderson and Dunn and they were pardoned and released in May 1985 after seven years in gaol.

Although the Attorney-General had originally stated that they would not be given compensation, they have now been granted $100,000 each. Molomby, in this book, makes a strong and, in my view, unarguable case that compensation was indeed justified.

Mr Molomby has written a superb book on one of the most notorious cases of miscarriages of justice in Australian history. Not only does the author demonstrate that the three men were 'legally' innocent but also that their innocence, in reality, was absolute. It is, however, very fortunate that their innocence was proved at all. The New South Wales Attorney-General of the day, Paul Landa, was enlightened enough to recommend an inqury under Section 475 of the Crimes Act, thus allowing an uninhibited though still formal investigation. It is disturbing to ponder on what would have happened to the three if their case had occurred in any other state where there is no equivalent to Section 475.

Tom Molomby is without a doubt one of the best legal-journalists in the country and writes with compassion and attention to detail. What he has been able to do — unlike many other case studies of this genera — is to illustrate the general processes inherent in miscarriages of justice. In particular, the book is a damning account of the procedures used by the NSW Police Special Branch and a classic illustration of the role that members of his own profession — journalists — can play in creating an atmosphere conducive to wrongful arrest and imprisonment.

Together with his two previous books, *Ratten, The Web of Circumstances* and *Who Killed Hannah Jane*, Mr Molomby has now completed three works on Australian miscarriages of justice. He is to be congratulated on writing such a fine book in an area — miscarriages of justice — that Australian criminologists have, with a few exceptions, almost ignored.

CAPITAL PUNISHMENT DEBATE

The Australian Institute of Criminology recognises that the community is still concerned about the issue of capital punishment. To encourage informed debate on the subject, the third issue of *Trends and Issues in Crime and Criminal Justice*, compiled and written by Ivan Potas and John Walker, examines the facts concerning the use of the death penalty in Australia and overseas.

Part of the text is reproduced below. A copy of *Trends and Issues in Crime and Criminal Justice*, No 3, 'Capital Punishment' can be obtained from the Institute.

CAPITAL PUNISHMENT: THE DEBATE

A substantial portion of all homicides in Australia are the results of domestic disputes. Research from New South Wales has shown that four out of five homicide victims knew their attacker, and often their relationship was an intimate one. Often they involve murder-suicides resulting from family breakdowns, or the tragic response of one family member to years of ill-treatment from another. The courts sometimes categorise homicide arising out of matrimonial discord as manslaughter, and take mitigating circumstances into account at the sentencing stage. Very short prison sentences, or even non-custodial sanctions, are occasionally handed down in such cases.

With the exclusion of deaths by driving, the balance of homicides in Australia are typically connected to criminal underworld in-fighting, or associated with other offences such as rape and robbery, terrorist attacks or hijackings. In such cases the offender is more clearly deserving of severe punishment — particularly, as in the latter cases, where the victim is often an innocent bystander.

Deterrence

Where offences are commited in the heat of passion, with no premeditated *intention* to kill, the offender often makes little attempt to avoid detection. In these circumstances it is clear that the deterrent effect is minimal. On the other hand where homicides are premeditated, the threat of capital punishment may be less of a deterrent than the risk of being caught. Further than this, *the death penalty may create a brutalising effect*, actually inspiring acts of violence, *and thereby diminish* rather than increase *the deterrent effect of capital punishment*. Certainly the evidence to date has failed to establish that the death penalty is any more effective than imprisonment in deterring crime.

Incapacitation and recidivism

There is grave public concern of convicted persons re-offending on release. There is no question that the death penalty provides the ultimate incapacitant. It removes the risk that the offender may escape or be released on licence or parole and kill again. It also removes the risk that the prisoner may kill a prison officer or another inmate while serving his or her sentence.

Yet the rate of recidivism for murder is amongst the lowest of all offences. Thus acting on information received from nearly all Commonwealth countries, including Australia, the 1953 British Royal Commission on Capital Punishment reported that the majority of released murderers behaved well after leaving prison and were not regarded as a type of prisoner that was particularly liable to misbehaviour upon release. If this is so, *life imprisonment would appear to be a sufficient incapacitant for murderers.*

Retribution

The concept of an 'eye for an eye, a tooth for a tooth' is said to be applicable to capital punishment. Under this theory, sometimes referred to as 'just deserts', it is not necessary to argue that the death penalty is instrumental in achieving some other purpose such as community protection or deterrence. *The person who murders,* it is said, *should be executed for the sake of justice alone.*

Against this moral argument is one which holds that the community itself has the power to determine what is a just and fair punishment. After all there is no law of nature indicating that the ultimate sanction should or should not be death. Some people may believe that the taking of a life, even if sanctioned by law, is a barbaric enterprise that serves only to brutalise the community. Furthermore it is possible to argue that *there is something illogical in the State employing execution to demonstrate its high regard for the sanctity of human life.*

Rehabilitation

By definition capital punishment does not rehabilitate offenders. In the case of serious crime rehabilitation assumes a secondary consideration to social defence and retributive notions of punishment. Nevertheless it is well recognised that people change over time and many murderers, sometimes through the ageing process itself, can and do change their attitudes towards crime. *This enables the majority of life sentenced prisoners to be released back into the community without significant risk to that community* after they have served a significant term of imprisonment.

When justice errs

It is too late to reverse the decision or compensate the prisoner for a miscarriage of justice after the death sentence has been carried out. No case better illustrates this point than that of Timothy Evans. Evans was hanged in 1950 in the United Kingdom for murders subsequently found to have been committed by the notorious John Christie and was pardoned posthumously in 1966. In Australia there have been cases where those wrongly convicted of murder have eventually been released and pardoned. The case of Edward Splatt is but one recent example. *In view of the severity and irreversibility of the death penalty there would need to be very compelling arguments to justify the reintroduction of capital punishment.*

Conclusion

While public opinion polls generally indicate that a majority of the community are in favour of capital punishment for certain offences, many people would currently argue that it has little real deterrent value over and above that of imprisonment. Those who argue for the death penalty on the ground that at least the killer is removed permanently from society, have also to keep in mind the fact that in practice the death penalty is often administered capriciously and that there is always a possibility that an innocent person may be executed.

AND, IN BRIEF...

STANDARDS IN AUSTRALIAN PRISON LIBRARIES: REPORT AND RECOMMENDATIONS

The National Corrective Services Librarians' Group, formed in April 1986, is comprised of librarians working for staff and/or inmates of correctional institutions throughout Australia. The aims of the group are broadly:

- to maximise inter-library co-operation in the field;
- to seek improvements nationwide in library provision for correctional staff, prisoners and persons under orders (probationers, etc.).

As a first step the group decided to conduct a survey of Australian prison libraries in order to establish an information base. The group has recently pubished a report *Standards in Australian Prison Libraries: Report and Recommendations* based on the survey. The report is confined to a consideration of library services for prisoners, and was compiled on behalf of the group by Philip Roberts, Library Adviser, Queensland Department of Family Services.

The main findings of the survey are:

1. Most Australian prisons have libraries for inmates, however conditions of access vary.
2. Accommodation of many prison libraries is inadequate.
3. There is a grave shortage of professional staffing available to prison libraries.
4. The professional staff that are available have insufficient control over library standards.
5. The staff and inmates working in prison libraries have, for the most part, insufficient library training.
6. Book, periodical and audiovisual resources are often inadequate, and while back-up resources in some States are very good, in others they are virtually non-existent.
7. Law library services, which are recognised in other countries as a basic entitlement for prisoners, are seriously lacking. There are also several other special needs to be addressed, e.g. community language materials, materials for Aborigines and homosexuals.
8. Organisation and presentation of collections in many cases leaves much to be desired, as does reference service. This is a direct result of the lack of trained staff.
9. Management structures as well as lack of resources are a significant problem in provision of prison library services.

The report has been submitted to the General Council of the Library Association of Australia with the recommendation (among others) that the L.A.A. accept responsibility for the setting of official Australian standards for prison libraries, in consultation and co-operation with prison authorities and the Australian Institute of Criminology.

The report concluded:

> Prison inmates are entitled to no less a library service than other members of the community. We hope therefore that the L.A.A. will set a lead in this area . . .

For further information contact: Philip Roberts, Library Adviser, Department of Family Services, PO Box 339, North Quay, Brisbane, Qld 4000. Phone (07) 227 7111.

BOOK LAUNCH

The Honourable Lionel Bowen, M.P., Deputy Prime Minister and Attorney-General of Australia, launched two important new books in February: *Of Manners Gentle: Enforcement Strategies of Australian Business Regulatory Agencies*, by Dr Peter Grabosky and Dr John Braithwaite, and *The Size of the Crime Problem in Australia*, by Dr Satyanshu K. Mukherjee, Mr John Walker, Ms Trish Psaila, Ms Anita Scandia and Ms Dianne Dagger.

Mr Bowen said: 'The Australian Institute of Criminology has established for itself an excellent record of high level reserch and seminars which are of practical relevance to criminal justice systems throughout Australia. This book launching illustrates the wide diversity of the research undertaken by the Institute as the two publications which are now to be released could hardly be more different in their style and content, and also in their mode of publication.'

Dealing with *Of Manners Gentle*, he said that the authors had provided an important foundation for future studies which would evaluate regulatory programs in even more detail. The research by Dr Grabosky and Dr Braithwaite had already been recognised by governments around Australia.

- The Department of the Special Minister of State obtained a pre-publication copy to assist in developing Federal law enforcement strategies;
- After reviewing an earlier stage of their research, the Victorian Department of Labour engaged Dr Braithwaite and Dr Grabosky as consultants to assist them in formulating enforcement guidelines for their occupational health and safety inspectorates; and
- Constructive use had been made of their research into nuclear regulation by the Government in preparing legislative changes to re-organise the Australian Atomic Energy Commission.

From left, Peter Grabosky and John Braithwaite authors of Of Manners Gentle, *and Sat Mukherjee, principal author of* The Size of the Crime Problem in Australia, *with the Attorney-General, Mr Lionel Bowen.*

WIDE RANGING RESEARCH SEMINAR

The biennial criminology research seminar was held at the Institute from 16 to 19 February, attracting a wide range of researchers from all aspects of criminology.

Essentially, it was not an occasion for results but for methods: people were there to talk about problems, short cuts, overlapping ideas and interim results.

As with earlier seminars in this series, the publication arising will contain the abstracts provided by the contributors. This article features a number of different projects selected to represent the wide scope of topics under study in Australia today.

In opening his address, Acting Director David Biles pointed out that, since the last research seminar in 1985, there had been a number of significant changes within the Institute.

'It must be said that the Institute is now in a stronger position than it has been for many years. In the immediate future I do not think that we can expect any significant increase in our staff of about forty or in our budget of a little over two million dollars.

'We may well be facing a period of consolidation, with perhaps even greater emphasis being placed on research projects and seminars that are seen as being of practical value to both Federal and State governments ... As far as the Criminology Research Council is concerned, its annual budget has now reached a level of $250,000 a year at the completion of a three year program of staged increases ...

'One final matter that I should mention is the fact that the Criminology Research Act of 1971, which established both the Institute and Council, was significantly amended by the Commonwealth Parliament last year. The amendments clarified the Institute's role in relation to the collection and dissemination of statistical material and also made provision for the Institute to contract in and contract out specific research projects ... In summary, the amendments have both consolidated and strengthened the position of the Institute and the Council, and I think this augurs well for the future.

The Assistant Director (Research and Statistics) Dr Paul Wilson stressed the need for the Institute to have obvious policy relevance and a non-partisan base. He went on to instance the many research subjects that reflect this orientation: drugs, organised crime, terrorism, graffiti and vandalism, missing persons, migrants and crime, and Aboriginal justice programs.

Dr Wilson foreshadowed his intention to include in future research conferences sessions on specific issues such as contract research, ethics for social scientists conducting research with particular populations and developments in qualitative methodologies.

The conference then continued with speakers each discussing his or her project. A number of abstracts of speakers' projects are set out below.

RAPE: A FOUR YEAR POLICE STUDY OF VICTIMS

Ms Kelly Weekly, South Australia Police Department

This presentation will describe a police research project on rape vicims, which was initiated in 1980 by the South Australia Police Department.

The project had the following aims:

- to test common perceptions about rape and rape victims,
- to examine the Police Department's operational handling of rape cases with a view to improving and streamlining procedures, and
- to describe the characteristics of rape in order to determine the feasibility of establishing a suitable rape prevention program.

I will concentrate on methodological issues, particularly the practical problems encountered in the research process. The following is a brief outline of the project methodology.

Data on rape was collected using a survey form designed for this project. The data were based solely on the victim's knowledge or perception of the rape attack. For every rape, attempted rape and assault with intent to rape reported to police, the survey form was completed and submitted with the relevant crime reporting document. In order to make the data collection process the least obtrusive to the victim, it was the police officer's responsibility, when taking the victim's statement, to complete the survey form. A monitoring system was implemented to ensure all rapes reported to police were included in the sample. For the purpose of this study, the counting of rape offences was victim-based. Therefore, in a case where there was one victim but more than one offender, only one count of rape was recorded.

The study examined rape statistics for a four year period between 1 July 1980 and 30 June 1984. During the survey period, 1096 people reported to police that they had been victims of rape or attempted rape.

Most of the offences reported during the four year survey were rapes (87.4 per cent), and there were 6.4 per cent attempted rapes and 6.2 per cent assaults with intent to rape. The vast majority (90.1 per cent) of these reported rapes were committed on females.

It cannot be determined if the rapes which were reported to police were representative of rape in the community, as other studies have shown an apparent high rate of underreporting of this crime.

The following is a brief selection of the results of this research project. The study targeted a number of commonly held perceptions about rape attacks in order to both furnish the community with relevant and accurate information about rape and alert people to potentially dangerous situations.

One of the most widespread assumptions of rape attacks is that the offender is usually a stranger. Previous studies utilising police statistics have shown that a large number of rape victims actually know their attackers. In keeping with the results of previous studies, this study found that rape victims were often acquainted with their attackers. In over half (57.8 per cent) of the cases the victims were acquainted with or related to their attackers. This occurrence of rape by acquaintances was even more pronounced for male victims than it was for female victims, with male victims knowing their attackers in 73.1 per cent of cases.

When child victims of rape (under 16 years) were considered, there was an increased probability that the child knew the attacker. For victims 10 years and under, 84.4 per cent of the victims knew their attackers and in fact 39.2 per cent were actually related to them.

See p12.

follows p 13

There also appears to be a relationship between gender and the classification of unexpected deaths. In Australia, between 1976 and 1981, the proportion of suicides (suicides as a percentage of all deaths registered as accidental, suicide and undetermined) was consistently higher amongst males than females. This trend was reasonably consistent in all States and Territories except Queensland and Tasmania. But between 1972 and 1975 the situation was just the reverse. In this period, for Australia as a whole, the proportion of suicides was consistently higher amongst females than males.

Between 1972 and 1975, unexpected male deaths were more likely to be classified as accidents than unexpected female deaths. Unexpected female deaths were more likely to be classified as suicides. But in 1976-81 the position was reversed with unexpected male deaths having a greater chance than female deaths of being classified as suicide.

From the variations which occur across States/Territories in Australia it can be argued that persons officially concerned with classifying unexpected deaths are influenced in their interpretations by the Classification Scheme available to them and by their 'common sense' assumptions regarding the relationship between cause (motive) and method of death. In general it appears than (1) certain methods of dying are associated with injuries officially classified as accidental or self-inflicted, and (2) gender sometimes plays a part in this association.

The examination of Australian coronial records also reveals that coronial staff and investigating police officers record highly selective personal data for scrutiny by the court. This includes information concerning possible motives such as personal and/or family problems, health or alcohol problems and financial worries. When such motives cannot be justified the information supplied by the investigating officer is usually very inconclusive and vague. The professional experience and training of the investigating police officers can have a significant effect on the nature and quality of information available to the Coroner's Court. In a minority of cases the coronial records examined by the researchers suggest that there may be a possibility of non-suicides (such as homicides, medical negligence) being classified as self-inflicted injury.

The methodological problems in suicide research indicate intriguing complexities associated with 'official' suicide data which makes the sociological analysis of suicide aetiology problematic. Since one cannot escape from investigating suicide without the aid of official data, it is imperative that one must proceed with caution when using such a resource.

CRIME PERCEPTION AND VICTIMISATION OF INNER CITY RESIDENTS

Dr John R. Minnery, Senior Lecturer, Queensland Institute of Technology

The study described here was of residents of two inner city suburbs as both potential and actual victims of crime.

It sought perceptions of crime amongst residents, in order to compare two inner city suburbs (Spring Hill and Paddington, in Brisbane) with each other and Spring Hill results with those of an earlier survey. Actual victimisation of household members over the last twelve months was also identified, as were the reasons for incidents not being reported to the police. Respondents were asked about their knowledge of, and possible use of, the Queensland Police Department's security advice service.

'There is a relationship between environment and crime' — Dr John Minnery.

Both are inner city suburbs undergoing 'gentrification', but only Spring Hill has been subject to major local authority town planning initiatives. The process in Paddington is much slower, much less concentrated and much less subject to local authority direction. Paddington has a more settled population with fewer people living in rented accommodation. But whilst too much can be made of the claim that Queensland is different from the rest of Australia, the findings of the survey did not appear to gel with those of surveys reported in the literature, although the population structures of the two suburbs are as would be expected of such transitional areas.

Although the survey results reported here will stand on their own, the intention is to expand the survey to include two other Brisbane suburbs, Highgate Hill (another inner city suburb which is subject to much less 'gentrification') and a control non-inner suburb.

The study used structured interviews with households in the two suburbs in mid-1986: 475 interviews in Paddington and 118 in Spring Hill, a sample of approximately 17 per cent of total dwellings. Private hotels and boarding houses were excluded. Results were analysed using the Statistical Package for the Social Sciences (SPSS).

Around one-third of the households thought that the level of crime had increased in the last five years, but as would be expected, only a small proportion felt their own suburbs had high crime rates. People in Spring Hill felt the crime rate there had dropped in the last five years. Few people had thought of moving because of the crime rates. Two hypotheses emerge.

Firstly, that settled populations tend to be defensive in their descriptions of local crime rates. And secondly, that there is support for theories of a relationship between environmental 'cues' and crime perception. In other words the tidier, upmarket, physically attractive environment of a 'gentrified' suburb is seen by residents as being less affected by crime. But respondents did feel the changing social status of the suburbs had had a direct effect on crime rates. This influence was reported both by those who felt the rate had increased and those who felt it had decreased.

Direct action by police and the local authority were, however, not felt to have greatly influenced the level of crime, although individual household security was thought to have done so.

More residents in the more 'gentrified' suburb (Spring Hill) felt there had been a change in the type of crime in the last five years, particularly an increase in crime against property. Longer term residents were more likely to feel there had been a change in the type of crime. It was not possible to compare actual with perceived rates there, but in Paddington the actual crime rates were somewhat ambivalent: rates had fluctuated more from year to year than from the start to the end of the five-year period. Sources of options of crime were varied. Actual experience of crime did not appear to have strong influence on attitude towards crime in the suburb as a whole.

Around a half of households felt there was a need to special police action. Police actions with high visibility (car and foot patrols particularly) and the neighbourhood watch schemes were the most widely supported.

About 35 per cent were aware of the Queensland Police Department's security inspection service, and about 30 per cent were interested in having an inspection of their dwelling carried out. Those who did not want one, felt the current level of security of their dwelling was adequate (around 50 per cent of those not wanting an inspection, compared with 4 per cent who had already had one), but there was also a fatalistic acceptance that break-ins would occur no matter what was done. The dilemma for crime prevention agencies is how far to emphasise the possibility of break-ins and so reduce people's feeling of security about their homes.

In suggesting actions which could be taken to reduce crime, there was general concern about the involvement of children in crime and the need for greater community and parent action. Commonly a relationship between (particularly youth) unemployment and crime was identified as something needing action by the authorities.

Just over one third of the households had been victims of crime in the twelve months preceding the survey. The most common crimes were nuisance calls, theft, and breaking and entering. The average reporting rate was 25 per cent, but the rate fluctuated considerably according to the type of incident: motor vehicle theft, and breaking and entering were most often reported, nuisance calls the least. The main reasons given for non-reporting were that the matter was too trivial, that the value of the goods or the hope of recovery was too small, that punishment of the offenders was not appropriate given the nature of the offence or the youth of the (suspected) offenders, or that the police were already busy enough. Some respondents had had discouraging previous experience with the police. Some matters of concern appeared in response to these questions on actual victimisation: the appearance of a psychological barrier between victims and the police; the incidence of unhelpful responses from the police; the feeling that current police methods of dealing with young offenders were inappropriate; the proportion of households who dealt with crimes themselves; and the (luckily small) number of households who had bad memories of police methods. Of concern, but unable to be verified in the survey, were the number who claimed the crimes (particularly assault) were the actions of police officers. Of course, in a survey such as this there is no way of knowing the nature of the individual respondents.

A question which arises and needs answering through other channels, is the desired relationship between the police and crime victims. Many incidents are not reported because they are felt to be too trivial, or because victims feel that the police are already working hard enough (that in some way their problems are not worthy of official attention). Encouragement of victims to report more smaller crimes would lead to better police/public relations, but could conceivably lead to a serious work overload. And perhaps a more realistic expectation of the recovery of small items, or of the apprehension of offenders involved in 'small' crimes, is better in the long run.

Some correlations between crime and other factors were suggestive: more rented households were crime victims, and more recent arrivals were victims, for example. Differences amongst the characteristics of the victims of the various types of crime were reported, but no clear overall pattern emerged.

Overall, the study revealed two inner city suburbs without overwhelming crime problems but nonetheless still affected and still concerned. There were a number of useful pointers to actions by police, other public authorities and the community in general in reducing crime. The relationship between perception of crime and environmental 'cues' was supported, but indirectly.

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ARE ABORIGINES DISCRIMINATED AGAINST OR MERELY DISADVANTAGED BY THE JUVENILE JUSTICE SYSTEM?

Professor Fay Gale and Ms Joy Wundersitz, Department of Geography, University of Adelaide

Our current project attempts to describe and explain the over-representation of Aboriginal youth at the point of entry into the juvenile justice system and why, at each discretionary stage within the system, they seem to be treated more harshly than their non-Aboriginal counterparts. To do this, we have used South Australia as a case study because of the availability of a unique information base compiled by the Department of Geography, University of Adelaide Department of Community Welfare, which details all appearances before the Children's Court and Children's Aid Panels since 1972. This has provided a useful 'laboratory' in which to examine the issues of minority group status and the operation of juvenile justice.

The inadequacies of official crime statistics have been well-documented. For example, they tell us very little about the extent and distribution of actual crime. What crime is reported and solved, and who is apprehended is as much a

Sep 14.

Should follow p9

Contrary to the belief that children are usually sexually molested in parks, playgrounds or other public places, this study found that the younger children, aged 10 years and under, were most likely to be raped in their own home or in the home of the offender.

When statistics on the location of rape attacks in general were examined, the commonly held perception that rapes occur in a dark alley (or similar lonely place) was found to be a distortion of the truth. In fact, in over half (52.4 per cent) of the rapes recorded in this survey, the attack occurred indoors, in either the victim's home or the offender's home.

Another perception which the study examined was the assumption that rape is a hasty,non-verbal event. this is a logical adjunct to the idea of a surprise attack by a stranger. It was found that only 27.6 per cent of the attacks occurred immediately after initial contact between victim and offender.

The study also aimed to find out whether physical brutality by the offender was required in order to subdue the victim. In the majority (74.1 per cent) of the reported rape attacks the victim was forced to submit by verbal intimidation or roughness.

It was found that when the offender subjected the victim to verbal intimidation only and the victim submitted, it was most often through fear of being injured. If the victim resisted, however, it was to prevent any physical injury or in an effort to avert the rape. If the offender resorted to roughness, and the victim submitted, it was because the victim could not physically resist, or submitted through fear of being killed. The study found that when the offender resorted to increased violence, the victim was more inclined to resist in a desperate attempt to avert the rape or to prevent being killed.

CLASS, CULTURE AND CRIME AND THE NEW SOCIAL STATE OF AUSTRALIAN YOUTH

Mr Mike Presdee, Lecturer, South Australian Centre for Youth Studies

> Imprisonment . . . is an evil which falls only on the sons of the working classes. The sons of other classes may commit many of the same kind of offences and in boisterous and exuberant moments, whether at Oxford or anywhere else, many do things for which the working classes are committed to prison . . .
> *Winston Churchill, 20 July 1910.*

It is now accepted that structural changes to the Australian economy in the late 1970s and 1980s has produced a profound restructuring of the material conditions of young people's lives with the transition from school to work, accepted so long by so many, being now radically changed for a large number of young people, and non-existent for many.

This particular transition, entry into the workforce, brings to us all firstly the means of subsistence, that is the wage itself, which has become the cornerstone for our social plans for the future, for whilst it is not a pre-condition for leaving home, getting married or becoming a parent, it is nevertheless, a cultural given. For young people the wage is the key to both dreams of the future and a life as a consumer with the possibility of heightened pleasure and the fulfilment of desires. So that even in times of high youth unemployment there is still expectation that work will follow school. For young people it is difficult to contemplate a future without work, for without work there is no future. Entry into waged labour brings young people fully into the structure of the labour process with its limited rights and freedoms and with its accompanying struggles. It is at this time that the economic world takes on a new sharpness as new tensions present themselves to the young as they become producers of commodities, pay taxes, join unions and as a result, class positions take on more specified meanings.

Youth cultures in the 1960s showed us how young people were handling these material conditions of their lives. From the material conditions of low wages, unskilled work and dead-end jobs came cultural responses that showed that young people in powerless situations could find ways of expressing and realising, in their cultural activities and artefacts, their subordinate positions and their negotiated solutions.

Young people, now faced with unemployment, training, or part-time work, after 11 or 12 years of education, are creating new cultural responses that reflect the considerable change and crisis undergone by the Australian economy. Central to this response is the question of space, its regulation and use, and the way that the new economic tensions felt by young people have brought into sharper focus the question of their visibility and the way this is policed. With some 25 per cent of young people under the age of 24 unable to find full-time paid work, the quest to find a space of your own, a place to gather, to do nothing, to spend one's unlimited free time, has taken on an even greater significance. Yet young people need a space in which to explore, to create an identity which is separate from the roles and expectations imposed by family, school, and work.

Young people have become more visible in the wrong places, more of a problem, and as such greater attention is now being directed at developing ways to further regulate the 'free' space that young people currently occupy. If the issue of space and young people becomes more critical the answer will not lie in further policing, regulation and control but in a greater understanding of how and why young people use space and to allow an element of autonomy and power that will enable young people to develop and be creative and indeed to enable them to 'work it out'.

The response of the political parties in South Australia to what is perceived as a crisis in law and order has been an undignified scramble to out-Rambo each other with promises of even tougher sentences; more regulations concerning the behaviour of young people in public spaces, shopping centres and on public transport; and promises of more and more policing. There is little doubt that the culture of working class young people has become, in effect, a crime.

The present study

In this study we surveyed with a multi-faceted questionnaire 165 young people from the Elizabeth area who were interviewed in the following locations:

1. Disco clubs in Elizabeth,
2. further education and high schools in Elizabeth, and
3. government offices complex and the city centre.

The questionnaires were compiled in an interview situation with an overall total of 165 interviews being completed over a period of 6 weeks. Field trips were then made to the Town Centre shopping complex where extensive notes were taken.

The second part of the study involved an ongoing ethnographic study of a group of young unemployed men from

the area of Elizabeth Downs that existed socially as a group, meeting together for at least 5 days of the week. The final part of the study was to make some observations concerning the methods of policing that were used in Elizabeth. This was achieved by being part of the police patrols in Elizabeth over a weekend and ascertaining where patrols were sent and how they operated as well as examining the charge-book for that area for a full week.

The results show how young people are using the new spaces of enclosed shopping centres, now available to them, and how groups of young unemployed men are more susceptible to increased policing. There are real indications of a serious deterioration, in general, in the relationships between the police and the young unemployed as governments attempt to police the economic crisis that now confronts Australia.

JUVENILE JUSTICE AND FEMALE STATUS OFFENDER: A SOUTH AUSTRALIAN STUDY

Dr Ngaire Naffine, National Research Fellow, University of Adelaide.

Paternalism, in the form of a desire to curb sexual precocity, is the hallmark of the treatment of young females by the justice system. This is the central proposition advanced in the bulk of the literature on the response of the agents of the law to offending girls. The leading exponent of the view is the American criminologist, Meda Chesney Lind, who published her findings on the prosecution of young American women in the early 1970s. The thrust of Chesney Lind's argument is that girls who are perceived to be sexually promiscuous are punished for their activities while boys, on the whole, are not. The means by which girls are admonished is the status offence; thus the 'uncontrolled' or 'incorrigible' youth can be charged with breaching the standards of conduct required of juveniles. As status offenders, girls tend to be dealt the law's harshest penalty: detention in a secure institution. The sexually active boy, by contrast, receives tacit social approval, while the boy whose behaviour goes beyond the wayward, who is deemed to be positively criminal, is likely to evoke a relatively mild response from the forces of the law. The promiscuous girl goes to prison while the criminal boy is fined.

Chesney Lind's research into the use of the status offence to control the sexuality of girls has been replicated in a number of jurisdictions and generally confirmed. When a girl is judged to be sexually delinquent, the law is likely to respond with a firm hand. Though the more recent inquiries into the treatment of the sexes by the juvenile justice system have begun to suggest greater equity, there still appears to persist at least the vestiges of a double standard.

The intention of the current study is to compare the use of the status offence with boys and girls in South Australia over a 25 year period. From 1962 to 1986, this state has witnessed three major phases of legislative development in the juvenile sphere. Each has reflected a shift of attitude towards the status offender. In the recent history of juvenile law in South Australia, one finds examples of both a full-blown welfare approach, which sanctions the secure detention of wayward children, and a 'due process' model of justice, which stresses the civil rights of the child before the courts.

The present investigation traces the lines of connection

Dr Naffine, examining whether the double standard operates in the criminal justice system.

between changing legislation and policy in South Australia and the use of the status offence to control the non-criminal activities of boys and girls. It poses two fundamental questions about the treatment of the sexes in this jurisdiction. It asks whether the sexual double standard observed in other places has operated in South Australia at any time during the study period. It inquires also into the effects on young females of the various efforts at law reform: whether they have improved or impaired the position of the 'uncontrolled' girl before the courts.

SUICIDE RESEARCH IN AUSTRALIA

Dr Riaz Hassan, Reader in Sociology, Flinders University

The problem of defining suicide raises some important legal and sociological issues. Although the literature on the subject indicates that there is a lack of consensus on the definition of suicide among experts, we still continue to use suicide statistics for a whole range of social analysis.

In Australia the verdict of suicide is determined through a coronial court inquest into unexpected deaths. An examination of the classification of unexpected deaths between 1972 and 1981 reveals interesting and important variations between the States/Territories. The South Australian Coroner was more likely than most other coroners in Australia to categorise an unexpected death as suicide. The New South Wales Coroner, especially during 1972-76, was more likely than other coroners to categorise an unexpected death as 'undetermined' or suicide rather than as an accident. The Northern Territory Coroner was more likely than other coroners to categorise an unexpected death as an accident and most unlikely to regard it as suicide.

See p 10 .

Ms Joy Wundersitz discussing whether the justice system discriminates against Aborigines.

reflection of the operation of the judicial system as of actual levels and patterns of offending behaviour. Thus, by relying on official data, we were not able to determine whether Aboriginal over-representation at the point of entry was due to the fact that Aboriginal youths actually commit more crime or whether other factors, such as their visibility, result in their higher rates of apprehension. Also problematic is the fact that the type of data officially collected is that which the administrators of the juvenile justice system deem to be relevant. As a result, official data focus almost entirely on the individual offender and the offending behaviour while virtually no information is collected on how the system operates. Hence, only information relating to outcomes are recorded, rather than the processes leading to those outcomes. This makes it extremely difficult to identify why the system operates in a particular way. The only alterntive is to extrapolate indirectly from that information which is available. This is what we have tried to do and in our paper we will give examples of some of the methodological issues involved in such an analysis.

That Aborigines were treated differently at each stage in the system was readily determined. Yet we also found that Aborigines tended to be charged with different offences, had more charges laid against them, were more likely to have prior appearances records, to be unemployed, and to come from different family backgrounds than were non-Aboriginal young offenders. This introduced the possibility that the observed differential treatment of Aboriginal youths could be due to any one or any combination of these variables rather than to racial factors. A statistical technique was therefore required which would allow us to assess the relevance of identity to, for example, the arrest decision while simultaneously taking into account the effects exerted by these other associated factors. Discriminant analysis and logistic regression analysis were employed but both procedures proved unsuitable, the latter because of the computer's inability to handle the large number of independent variables used. Finally a combined procedure, using a preliminary matching process and an abbreviated logistic regression run, proved successful.

The results obtained from our analysis indicate that Aborigines are not only over-represented at every decision-making level in the South Australian juvenile justice system but more importantly, the extent of this over-representation increases at each level as they move though the system.

In trying to explain the observed differential treatment of Aboriginal youths, we focused on two decision-making stages: (1) the police decision to arrest or summons a youth and (2) the Screening Panel's decision to direct the youth to the Children's Court or to a Children's Aid Panel. We have been able to demonstrate that the disproportionate rate of arrest experienced by Aboriginal youths can be explained by both their different charge patterns and their different socio-economic background rather than by overt discrimination on the part of police. Yet this apparent explanation raises two additional questions which we were unable to answer from the data available to us. Firstly, why should social factors, such as employment status, be given independent weighting by police when deciding whether to arrest or not and secondly, why are the charge patterns imposed on Aboriginal youths so different from those laid against non-Aboriginal youths, even when the two groups are matched according to residential and socio-economic criteria?

The Screening Panel's decision to direct proportionately more Aboriginal than non-Aboriginal youths to the Children's Court rather than diverting them to aid panels was also satisfactorily explained in terms of inter-group differences in charge patterns and socio-economic status, rather than in terms of racial identity or discrimination. The key finding was that virtually all youths who appeared by way of arrest were directed to the Children's Court while those who were summonsed were more likely to be diverted to a Children's Aid Panel. Hence, the disproportionately high arrest rate observed amongst Aboriginal youths was an important contributor to their subsequently high rate of court appearances. Thus, the decisions made by police at the point of apprehension exerted a strong and independent effect on the processing of Aboriginal youths at further stages in the system.

This interdependence between these two levels of decision-making was unexpected. In fact, Screening Panels were specifically introduced in 1979 to ensure that a range of factors (of which arrest was not one) could be taken into account when deciding on the appropriateness of a Court referral. The fact that the mode of apprehension (i.e. arrest or summons) continues to dominate Screening Panel decisions not only undermines the panel's reason for existence but highlights the crucial role played by police in influencing the progressively disadvantaged situation of Aboriginal youth at each stage of the South Australian juvenile justice system.

PUBLIC PERCEPTION OF SENTENCING IN PERTH, WESTERN AUSTRALIA

Mr David Indermaur, Acting Senior Clinical Psychologist, Western Australian Prisons Department

The general view of public attitude toward the punishment of offenders is that it is punitive and opposed to alternatives to imprisonment. As Riley and Rose (1980) argue, public policy makers have largely accepted the view of a punitive public and are hesitant to introduce reform for fear of politi-

Public attitudes towards punishment were discussed by Mr David Indermaur at the seminar.

cal consequences. However, a number of studies (e.g. Riley and Rose, 1980; Doob and Roberts, 1982; 1983) have questioned the conclusion that the public is generally punitive and opposed to alternatives to imprisonment.

The present study critically reviews the issue of public attitude toward the punishment of offenders. Specifically the utility of general survey questions is examined. It is suggested that 'general' questions about 'general' crime may simply tap respondents' anxiety about violence. The results of the present study supports earlier work which indicates that the public is concerned about violent crime and this concern dominates their responses. If more specific questions are asked, and if more detail is given, respondents give more specific, often less punitive, responses.

The present study replicates some of the key findings of the Doob and Roberts (1983) study. Five hundred and fifty-four Perth residents were interviewed from a sample frame of 800. Firstly, perception of crime was probed. Most respondents over-estimated the amount of crime which involves violence and tended to see the murder rate as increasing when it is not. Most (76 per cent) said that sentences 'are not severe enough'. However, 80 per cent of these were thinking of a violent criminal when answering that question.

The second part of the interview involved a split sample design to test differences in responses to two types of item presentation. Approximately half the sample (288) were simply asked to nominate a penalty considered appropriate for three offences and the other half were given brief descriptions of the offence and offender and then asked to nominate an appropriate penalty. To overcome the confounding effect of possible mitigating factors, respondents were asked to specify average, maximum and minimum penalties, and then only the nominated minimum penalties were compared. The minimum sentences were considerably lower for the half given the case description (x^2=480, p <0.001). To further test the malleability of the nominated sentences, a subsample of 118 respondents in the 'offence only' condition were read a case of a drunk driver containing aggravating conditions. Maximum nominated penalties were compared and a significant difference was found (x^2=38, p <0.001). A significant difference was found even comparing maximum sentences within individuals. These results suggest that public responses to questions of punishment are largely influenced by stereotypes. For general questions about crime, the stereotype is that crime is violent.

A good deal of acceptance was found for proposed alternatives to imprisonment and sentencing reforms. The most popular (75 per cent said yes, in all or most cases) was the use of attendance centres for those sentenced to less than 3 months in prison (this group makes up 60 per cent of all prisoners received in Western Australia). Most respondents also favoured programs for fine defaulters, on the spot fines for petty offences and a day-fine system 'in all or most cases'.

Respondents who expressed greater fear of crimes were more likely to overestimate the amount of crime which is violent and to favour harsher sentences. Respondents' estiion of their risk of victimisation largely exceeded the risks suggested by victimisation survey data. Women tended to be more afraid and to be more likely to overestimate the amount of violent crime.

The implications of the results are discussed in terms of survey methodology and sentencing reform. It is argued that surveys need to be more specific and precise in posing questions. More importantly, caution needs to be exercised in interpreting poll results, especially when they are used to guide policy formulation and judicial practice. Extrapolations of public reactions on general questions about crime to specific proposals in the criminal justice system are likely to be invalid.

Public concern is largely in the area of violent crime. However, violent criminals account for only abut 4 per cent of all reported crime and 13 per cent of all prisoners (Western Australian figures). It is argued that distinctions need to be made in translating survey results for practical purposes. Heavier sentences, for the purpose of incapacitation, may be justified for violent offenders, on the basis of public opinion, as may alternatives to imprisonment for petty non-violent offenders.

It is suggested that a proper authority is needed to guide judicial policy and practice, particularly on the subject of public attitude. The concept of a Sentencing Council suggested by the Australian Law Reform Commission is therefore supported as this would allow the provision of advice to the judiciary and public policy makers. Such reforms may assist the courts to accurately understand public attitude on specific issues, and for the criminal justice system to generate innovative ways to deal more effectively with the majority of offenders, who are non-violent.

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THE LONGITUDINAL STUDY OF (QLD) POLICE HEALTH AND QUALITY OF WORK LIFE: WHY LONGITUDINAL?

Senior Constable Christine F. Lidgard, Social Research Officer, Queensland Police Department, and *Inspector of Police Noel W. Bates, Queensland Police Academy*

This paper outlines a longitudinal prospective study of police health and quality of work life which is presently being conducted by the Queensland Police Department. A small section of data from the ongoing baseline or Stage I of this longitudinal study is reported. It is necessary to use a longitudinal methodology as means of addressing some of the conflicting hypotheses raised by previous research. Using a multifaceted model, this study focuses on such issues as coping and social support. Included in this paper is an early conceptual model as well as a brief discussion on the importance and relevance of examining coping and social support. In addition within the framework of this paper, a number of methodological issues are addressed. These issues include: informed consent, response rates, the assumption of homogeneity common to much police research and the problems of interpretation of previous research data on police divorce patterns and police personality hypotheses due to use of cross-sectional methodologies.

Following a brief description outlining the staging of this study, some logistical difficulties and advantages are discussed. For example, use of a group administration procedure has been advantageous in at least two ways: (1) handling the ethical concern of informed consent and (2) maintaining the present 100 per cent response rate for Stage I. One of the common concerns of longitudinal researchers, sample loss is discussed as it may apply to Stage 2 and 3 data collections.

The research issues of (1) police personality, (2) coping, and (3) police divorce patterns are used to illustrate the need for a longitudinal methodology. The police personality hypotheses will be discussed in some detail. Much of the supportive literature has resulted from cross-sectional methodologies which 'do not allow the researcher to investigate changeover time without assuming that the cross-sectional samples are equal in all respects except the variable under question' (p. 47).[1] In this study, the issues of police personality is addressed using the Myers Briggs Type Indicator (MBTI) in conjunction with a longitudinal design. Early data from Stage 1 is compared with two samples of senior Australian serving police.

Police health and quality of life were discussed by Christine Lidgard at the seminar.

The multifaceted conceptual model is presented leading into a discussion on the issues of coping and social support and how these may relate to the survivability of police recruits. Brief remarks are made on the stress process. For a lengthier discussion on this topic, reference can be made to an earlier paper.[2] However, in this paper, the focus is largely on two of the neglected elements in this stress process, namely coping and actual experienced police stressors. Following are some remarks and data on the issue of social support and its possible relevance and importance to the career outcome (or survivability) of police recruits. Particular reference is made to police divorce patterns and how a longitudinal methodology may best address this issue. Reference can also be made to another paper for a more detailed discussion on the police divorce literature.[3]

Concluding remarks focus on the necessity for a longitudinal study to address the increasingly problematic issue of police health. Longitudinal research can allow causal inferences to be made and increase our understanding of police health and qualities of their work life. Addition-ally, this study has the potential to also extend our know-ledge of a number of other related police research issues.

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VICTORIAN OCCUPATIONAL HEALTH AND SAFETY LEGISLATION: AN EXAMINATION OF LAW IN TRANSITION

Professor W.G. Carson, Dean of Social Sciences, La Trobe University

This project seeks to build on the earlier work of the two principal investigators, Kit Carson and Breen Creighton, in the field of occupational health and safety legislation. In empirical terms, the project is designed to map out the operation of the old Victorian occupational health and safety regime prior to enactment of the Occupational Health and Safety Act of 1985, and to examine the early operation of the new system introduced by that Act. More ambitiously, we hope to locate our findings and analysis within a broad framework of the political economy of regulation. Funding for the project has been provided by the Victoria Law Foundation, the Government of Victoria and the Criminology Research Council.

With reference to the operation of the old system, one very

much in the traditional mould of prolific regulations with prosecutions as a principal but not necessarily very frequent sanction, a stratified and random sample of some 3,000 factory premises has been selected. This sample has yielded some 300 premises for which the Victorian Work-place Inspection Division hold registered files recording 'contacts' beyond those recorded in the day-work diaries of inspectors. These files are being scrutinised with a view to extracting data relating to detected contraventions, enforcement decisions and communications between controlling agency and its clientele. We hope to use these data to build up a picture of enforcement activivity over a five-year period from 1980 to 1985. In part, the findings here will be drawn from computer analysis of data, and in part from a more interpretive 'softer' methodology which attempts to unpack the 'logic-in-use' of Inspectors as expressed in internal communications.

A similar but rather more complex exercise will be carried out in relation to the new Act of 1985 which, among other things, establishes an Occupational Health and Safety Commission, provides for safety representatives and committees, and gives the former powers to issue provisional improvement notices. Focusing on the period from inception of the legislation to the end of 1987, this stage of the research will involve a second sample of similar size, and including all members of the first sample who have contact with the enforcement authority during the relevant period. Data obtained from the files on these contacts will be augmented by extensive interviewing of management, trades union officials, inspectors and other departmental officials. Research staff are also engaging in some participant observation with inspectors. It is also hoped that a third small sample of 10-20 employers will agree to co-operate in a more detailed case-study analysis of the operation of the new regime, involving both management and worker representatives.

Collection of data on the pre-reform sample is now nearing completion (February, 1987) and it is hoped that preliminary results of statistical analysis will soon be available. On a purely impressionistic basis, however, the picture that seems to be emerging, predictably enough, is one of pretty extensive regulatory intertia. If this impression is borne out, the problem is how it is to be explained, and it is here that the analysis will start to draw on or pull together a political economy of regulation. The 'bad faith, ruling class conspiracy' theories advanced by *some* versions of Marxism seem un-likely to be helpful here, not least because one of us (Carson) has previously shown the historical genesis of such inertia to lie in a much more complex and contradictory process involving the internal logic of early industrial capitalism, on the one hand, and the cost of criminalising an entire manufacturing class on the other.

Drawing on the work of such writers as Habermas and Hirsch, however, the capacity of capital or parts of capital to colonise, capture or 'privatise' parts of the complex entity comprising the state will be analysed, as will a number of promising theoretical leads derived from the extensive body of work on combined and uneven development. Thus, the position of Australia and of Australian states within an overarching world economic system, as well as specific features of the Australian situation itself, will be taken into account in considering the emergence and perpetuation of the pattern of enforcement which is predicted to emerge. Not least, the implications of the observed enforcement pattern for E.P. Thompson's view of the rule of law as a 'positive good' which ultimately came to bind even the powerful will be considered. Perhaps law *can* very substantially be a 'sham' unless authority is constantly reminded of the fact that legitimacy is contingent. Equally, the material practices of enforcement agencies as contributors to the construction of a hegemonic ideology of occupational health and safety will be examined.

Turning to the new regime, the first question to be asked pertains, of course, to its genesis. Here, the theoretical issue of human agency will have to be confronted, but the emphasis will be upon the historically received circumstances and conditions under which that agency is exercised. In this context, the broad sweep of development in the contemporary arena of social control and the political economy of regulation will be convassed. The growth of the informalism, of corporatism and of the 'hybridisation' of criminal and civil offences will be taken into account, along with their social concomitants. Once again, the role of global changes and their intersection with the specific exigencies of local conditions such as the fiscal crisis confronting advanced capitalist societies, in terms of both capital and the state, will be examined as part of the backdrop to the emergence of this progressive legislation.

Finally, and apart from offering a description of any changes in enforcement pattern which may have become evident by late 1987, the project will attempt to chart and predict the fate of this legislation in terms of some key theoretical issues and of developments in the political economy arena. Against the background of economic recession, the future of this enactment can be seen as something of an acid test for the doctrine of the relative autonomy of law; demands for the reassertion of managerial prerogatives and for the minimisation of the costs of social legislation can be expected to put the new system under pressure; capital may prefer a retreat from the information which puts it eyeball to eyeball with unions over occupational health and safety at the actual point of production, to a formal system with a more easily controlled state agency and its infrequent recourse to the courts; opposed to the conceptual and practical conflation of industrial relations and occupational health and safety, employers may push for a renewed separation of these categories, putting occupational health and safety back 'where it belongs'.

EVALUATION OF THE SPECIAL CARE UNIT

Dr D. Porritt, Chief Research Officer,
NSW Department of Corrective Services

Evaluation of the outcomes of special interventions is often difficult. Evaluation of the Special Care Unit is described, and the 'ideal' approach of a randomised, longitudinal experiment is compared to the quasi-experimental design actually achieved. It is important to consider the reason-ably feasible threats to the validity of the conclusions reached and if possible to rule these out. Comparisons within the treated group; the collection of some repeated measure and some non-repeated data; and qualitative interview data were all useful in dealing with threats to validity.

Results suggest that improved management of anger and aggression and reducing hostility to prison officers are the major effects of the Special Care Unit, and that it is more successful with prisoners who are anxious or depressed as well as aggressive. Some practical problems in project management are discussed, and suggestions made for procedures that could further enhance conclusion validity.

NEW PUBLICATIONS

THE SIZE OF THE CRIME PROBLEM IN AUSTRALIA

Satyanshu K. Mukherjee, John Walker, Trish Psaila, Anita Scandia and Dianne Dagger

All of the basic facts about the nature of crime in Australia are given in this report in the form of tables and diagrams with a brief, readable commentary.

The publication has two parts. Part One covers such topics as

- How much crime is known?
- International comparison of crime rates
- How much crime is solved?
- Who gets caught?
- Police resources and workloads.

Part Two presents Selected Crime Statistics Australia, a new series released by the Police Commissioners' Australian Crime Statistics Sub-Committee. Offences studied comprise homicide; serious assault; rape; robbery; breaking and entering; motor vehicle theft; and fraud, forgery and false pretenses.

Satyanshu K. Mukherjee is Principal Criminologist with the Institute.

John Walker is a Criminologist with the Institute.

Trish Psaila is a Word Processing Operator; **Anita Scandia** is an Assistant Research Officer; and **Dianne Dagger** is a Steno-secretary.

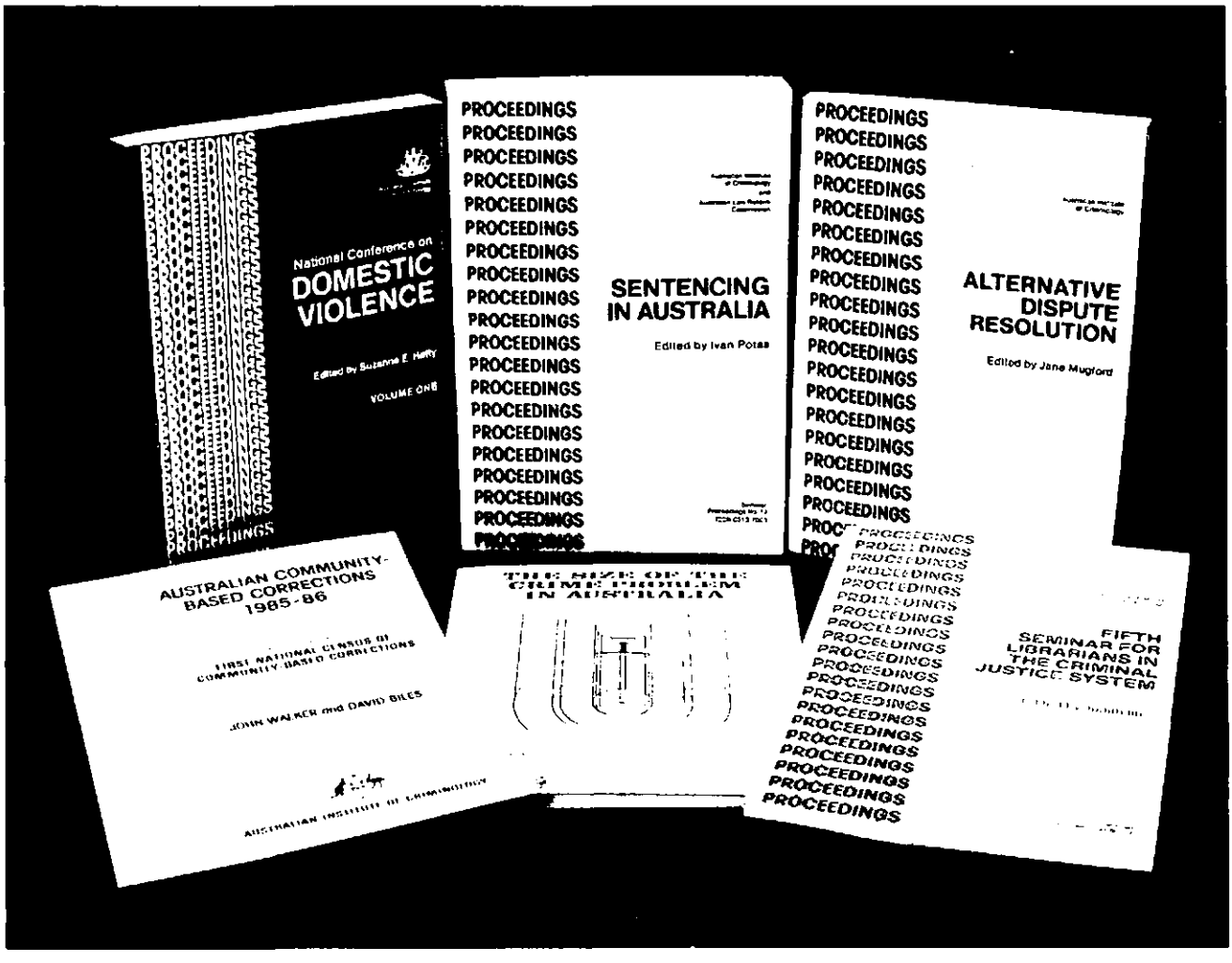
Research Report, 1986, 111 pages, $12.

AUSTRALIAN COMMUNITY-BASED CORRECTIONS 1985-86

John Walker and David Biles

At the request of the annual conference of ministers responsible for corrective services, the Institute has prepared a report of the first national census of community-based corrections which took place during 1985-86.

The success of the national prisons censuses conducted by the Institute for the past five years and had led to a demand for similar information about those methods of correction in which the offender is under supervision in the community.



Copies of these publications can be obtained from the publications section of the Institute (062)833833.

The statistics contained in the report relate to all persons serving court-imposed supervised orders such as probation and community service orders or post-prison orders such as parole in all Australian jurisdictions. The total number of persons covered in the tabulations was 31,403, about three times the size of the Australian prison population.

John Walker is a Criminologist with the Institute.

David Biles is Acting Director.

Research Report, 1986, 50 pages, $12.

NATIONAL CONFERENCE ON CHILD ABUSE

Ron Snashall (ed.)

A conference on child abuse held by the Institute last year was the second of two national conferences on violence in the family. The first was the national conference on domestic violence, the proceedings of which have already been published. Twenty-four papers were delivered at the conference, ranging from those prepared by senior, mainstream professionals to those representing the views of workers in women's shelters.

Included in this volume are thirty-five resolutions passed by the conference under the group headings of family court matters; police; media; feminist perspectives; education; formation of a national body on child abuse; national data collection; and miscellaneous.

Ron Snashall is Senior Programs Officer at the Insitute.

Proceedings, 1986, 291 pages, $12.

SENTENCING IN AUSTRALIA: ISSUES, POLICY AND REFORM

Ivan Potas (ed.)

The March 1986 seminar on 'Sentencing: Problems and Prospects' is described by the editor of these proceedings as

> unique in that it was constituted by a carefully balanced selection of well-informed persons from varying disciplines including judges and magistrates, legal practitioners, academics, law reformers, police, probation and parole officers and prison administrators.

Two overseas guest speakers, Dr Andrew Ashworth, from the Centre for Criminological Research, University of Oxford, and Dr Kay Knapp, Staff Director of the United States Sentencing Commission, Washington, D.C., served to broaden the debate and open up new directions for reform.

Ivan Potas is a Criminologist with the Institute.

Proceedings,1986, 554 pages, $15.

ALTERNATIVE DISPUTE RESOLUTION

Jane Mugford (ed.)

A seminar held at the Institute in July 1986 looked at three systems of dispute resolution that could be regarded as alternative to adjudication by the courts: conciliation, arbitration and mediation.

Conciliation and arbitration are relatively familiar terms, particularly in the context of industrial disputes. They also have a long-standing association with resolving individual disputes in small claims courts and, more recently, in equal opportunity and human rights cases. Mediation is a less familiar term but speakers at the seminar drew on many years of experience of mediation in both China and the United States to examine it as a way to resolve a dispute while maintaining interpersonal harmony.

Twenty-four papers are included in the proceedings.

Jane Mugford is Principal Programs Officer with the Institute.

Proceedings, 1986, 350 pages, $12.

FIFTH SEMINAR FOR LIBRARIANS IN THE CRIMINAL JUSTICE SYSTEM

Judith Iltis (ed.)

The Australian Institute of Criminology, through its J.V. Barry Memorial Library, has fostered the expansion of information sources for people working in the criminal justice field through five seminars since 1977 for professional librarians.

The fifth seminar, held in March 1986, was the first since the amalgamation of the Institute's library, training division and publications section and the first since the introduction of CINCH on AUSINET.

The proceedings include sixteen papers and reports of demonstrations and workshops.

Judith Iltis is a Library Officer with the Institute.

Proceedings, 1987, 138 pages, $12

STATISTICS

Australian Prison Trends

by David Biles, Deputy Director

During the period July 1986 to January 1987 the numbers of prisoners decreased slightly for Australia as a whole, with the largest falls occurring in Western Australia, Victoria and Queensland. The numbers of prisoners in all States and Territories for January 1987 with changes since June 1986 are shown in Table 1.

Table 1: Daily Average Australian Prison Populations January 1987 with changes since June 1986

	Males	Females	Total	Changes since March 1986
NSW	3722	180	3902	+ 43
VIC	1819	109	1928	— 25
QLD	2112	88	2200	— 20
WA	1524	83	1607	— 52
SA	789	40	829	+ 29
TAS	235	9	244	— 18
NT	404	11	415	+ 4
ACT	67	4	72*	— 7
AUST	10672	524	11197	— 46

* 58 Prisoners (including 1 female) in this total were serving sentences in NSW prisons.

Table 2 shows the imprisonment rates (daily average prisoners per 100,000 population), for January 1987. The national rate of 69.6 compares with 70.4 found in March 1986.

Table 2: Sentenced prisoners received, daily average prison populations and imprisonment rates by jurisdiction January 1987

	Sentenced Prisoners Received	Prisoners	General Pop.* '000	Imprisonment Rates
NSW	556 (309)	3902	5574	70.0
VIC	251 (102)	1928	4186	46.1
QLD	369 (151)	2200	2618	84.0
WA	342 (150)	1607	1459	110.1
SA	247 (163)	829	1378	60.2
TAS	28 (2)	244	449	54.3
NT	136 (39)	415	149	278.5
ACT	—	72	265	27.2
AUST	1929 (916)	11197	16083	69.6

* Projected Population end of January 1987 derived from *Australian Demographic Statistics* June Quarter 1986 (Catalogue No. 3101.0).

Note: The figures shown in brackets represent the numbers who were received into prison for fine default only.

Table 3: Total prisoners, remandees and federal prisoners as at 1 January 1987

	Total Prisoners	Prisoners on Remand	Percentage of Remandees	Remandees 100,000 Gen. Pop.	Federal Prisoners
NSW	3892	879	22.6	15.8	176
VIC	1944	243	12.5	5.8	66
QLD	2200	161	7.3	6.2	60
WA	1597	163	10.2	11.2	66
SA	824	170	20.6	12.3	31*
TAS	257	35	13.6	7.8	4
NT	438	59	13.5	39.6	6
ACT	73	13	17.8	4.9	1
AUST	11225	1723	15.3	10.7	410

* 1 Federal prisoner in New South Wales and 3 Federal prisoners in South Australia were transferred from Northern Territory.

Juveniles under detention

Compiled by Anita Scandia

Statistics on persons in juvenile corrective institutions for the quarter ended 31 March 1986 and 30 June 1986 are shown below. Definitions of terms used in the tables can be found in the September 1985 issue of the *Reporter*. Rates are calculated using estimated June 1983 population figures supplied by the Australian Bureau of Statistics.

Persons aged 10-17 in Juvenile Corrective Institutions as at 31 March 1986

		Total		Detention Status		Reason for Detention	
		Male	Female	Not Awaiting	Awaiting	Offender /Alleged Offender	Non Offender
NSW	n	309	28	249	88	330	7
	r	84.6	8.0				
VIC	n	192	55	214	33	120	127
	r	66.5	19.8				
QLD	n	103	20	64	59	113	10
	r	56.7	11.4				
WA	n	124	10	110	24	134	0
	r	123.5	10.5				
SA	n	61	7	49	19	67	1
	r	65.5	7.9				
TAS	n	17	2	18	1	17	2
	r	54.1	6.5				
NT	n	29	2	17	14	31	0
	r	272.4	19.8				
ACT	n	18	3	6	15	16	5
	r	98.7	17.2				
AUST	n	853	127	727	253	828	152
	r	78.3	12.2				

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

Persons aged 10-17 in Juvenile Corrective Institutions as at 30 June 1986

		Total		Detention Status		Reason for Detention	
		Male	Female	Not Awaiting	Awaiting	Offender /Alleged Offender	Non Offender
NSW	n	257	33	204	86	278	12
	r	70.4	9.5				
VIC	n	204	56	226	34	115	145
	r	70.7	20.2				
QLD	n	78	17	65	30	92	3
	r	42.9	9.7				
WA	n	93	5	75	23	98	0
	r	92.6	5.3				
SA	n	38	4	34	8	41	1
	r	40.8	4.5				
TAS	n	20	2	15	7	22	0
	r	63.6	6.5				
NT	n	26	4	26	4	30	0
	r	244.2	39.6				
ACT	n	17	1	15	3	15	3
	r	93.2	5.7				
AUST	n	733	122	660	195	691	164
	r	67.3	11.7				

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

reporter