

Trends in the reporting of minor sexual
offences in Australia and overseas

John H. Court.

Associate Professor of Psychology

Flinders University of Australia

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TRENDS IN THE REPORTING OF MINOR SEXUAL
OFFENCES IN AUSTRALIA AND OVERSEAS

This report represents a response to the questions raised in a preliminary way by David Biles in his research note Minor Sexual Offences in Australia (1979). He addressed the question of a possible relationship between the incidence of sexual offences and the availability of pornography. Evidence advanced following attempts to obtain satisfactory data from police and the Australian Bureau of Statistics led Biles to conclude that

as far as Australia is concerned, the question remains open: there is no empirical evidence on the incidence of minor sexual offences which lends support to either the permissive or restrictive attitudes to the availability of sexually explicit or pornographic material. (p.39)

This scientifically unsatisfying conclusion naturally leads one to question whether more satisfactory conclusions could have been or can now be reached. Biles expresses the hope that his preliminary enquiry might lead to valid answers, and it certainly says little for the current status of the available data if even crude indications cannot be obtained.

Biles exploration of this topic was triggered by the presentation in the early 1970s of evidence from Denmark, and especially Copenhagen suggesting that minor sex crimes had declined following the increased availability of pornography

there (Kutchinsky, 1970, 1971, 1973). This evidence has been widely cited in favour of arguments for liberalised policies relating to pornography. Although his findings have often been cited as if referring to all sex offences, in reality the declines in reports related to specific categories of minor sex offences, and it is to these that Biles addressed his question.

There is little value in pursuing research questions relating to 'sex-crimes' in such a way that no distinction is drawn between the very wide range of activities subsumed under this title. No conceptual model or theoretical framework is likely to generate useful hypotheses or data to explain phenomena as disparate as, for example, the knifepoint rape of a stranger, urinating in a public place and nude sunbathing. The collection of undifferentiated data on such offences would be of little value for any one year, but become totally meaningless if compared on a longitudinal basis.

Hence, before proceeding to ask whether sexual offence reports demonstrate any trend in Australia, one must first clarify what offences are included. Attention must be given to the criteria applying at the time when offences are recorded. Only then can one meaningfully ask whether the observed trends bear any relationship to other factors co-existing in society, e.g. the presence or absence of pornographic materials.

In an attempt to clarify the situation, this research

has found that the ambiguity reported by Biles arises from a number of factors, of which unreliable primary data is only one. These factors will be examined first, before proceeding to look at related data which may cast a little more light into a very shady corner.

Factor 1: A False Premise

Biles study seeks to shift the emphasis away from the very serious offence of rape to the more minor offences of greater frequency. While there is merit in doing this, it has led to the presentation of a false antithesis. It was proposed that there are two sides to the argument. Kutchinsky, on the one hand, has argued that the availability of pornography has been associated with a significant decrease in sex offences in Copenhagen, and his paper of 1973 is quoted in support of this position.

My own work is placed over against this with the statement that

Dr. John Court of South Australia has claimed that pornography has the opposite effect and is, in fact, associated with increases in sexual offences.

Dr. Court has expressed this view in the London Times and has written a more detailed review which was recently published. (Biles, 1979, p.33.)

One should note, however, that no direct citation has been offered to support this claim. This arises because such a claim was not only not made, but actually carefully avoided. In the London Times I addressed the issue of

sex-crime data in general and gave reasons why the Danish findings were questionable. Having done so, I continued by saying

The statistical evidence is of an increase in serious sexual offences which is greater than the general rise in crime for countries like the U.S.A. and Australia. (Court, 1976, p.12.)

The use of the word 'serious' was deliberately incorporated to counter the looseness of the Danish argument and then lead on to the presentation of rape report data.

The other source referred to by Biles, was my paper published in the International Journal of Criminology and Penology of 1977. The suggestion that my evidence relates to undifferentiated sex crime data is erroneous. The same error was propagated in Williams (1979- and has been rebutted at length (Court, 1980), where I said, inter alia,

I have repeatedly challenged the assumption that one can comment meaningfully about sex-crime data in an undifferentiated way. While I have started from the concept of pornography and sex-crimes as being related, because that was the claim of the [American Commission on Obscenity and Pornography] based on Kutchinsky's work, my own work has involved, as a first step, making discriminations within that too broad category (see e.g., Court, 1974, 1975(a), 1975(b)). In the above mentioned paper in the International Journal of Criminology

and Penology, a paragraph on p.140 is headed 'Sex crimes represent too vague a category'. On p.141 a graph is presented to show how diverse are the trends for official statistics for the offences. This has been my position throughout. More recent material presented below will confirm the wisdom of this case to avoid unwarranted generalisation. (pp. 74-75)

The same failure to recognise a differentiation between sex-crimes and serious sex-crimes occurs in Cochrane (1978), as a result of which a false dichotomy was once again presented, and corrected (Court, 1980, Appendix 6.)

Hence, my own work cannot properly be represented as providing a contrast to the conclusions of Kutchinsky. Kutchinsky specifically noted that the decline to which he referred did not apply to the offence of rape. In my work, on the other hand, I have emphasised the offence of rape as the one worth studying because of its seriousness. Moreover, while the names given to categories of offences vary widely from place to place, the offence of rape appears uniformly in the various statistical records. This is not to say the term is always used in the same way (the U.S. definition is especially broad) but it does provide an offence category identifying a particularly serious group of offences which are universally deemed worth recording. This argument is indeed recognised by Biles who in writing to police commissioners noted that

apart from rape, there is no comparability for minor sexual offences. (Biles, 1979, p.34)

In summary, then, the question of a relationship between pornography and minor sexual offences may well be worth pursuing, but the initial presentation of a conflict in research evidence is unwarranted, at least as presented. It would have been nearer to the truth to say that any dispute about trends in minor sexual offences arises from the doubts which have repeatedly been expressed regarding the validity of Kutchinsky's data (Cline, 1970; Bachy, 1975; Court, 1977; Bart and Jozsa, 1980).

Hence, the extent to which minor sexual offences may be affected in Australia by changed censorship laws deserves exploration as an open question.

Biles does refer to a further case study by Kutchinsky which "aids (sic - adds?) supporting evidence for his general findings" but that study is also subject to very serious limitations when it comes to generalisation. In describing an apparent decline in the incidence of peeping in Copenhagen (judged by reports to the police) Kutchinsky's single case really offers no proof of anything, as he himself acknowledges - "one single case history of a Peeping Tom which is indeed a very small sample upon which to prove something. However, there is no intention of proving anything: only...to illustrate a few points of interest". (Kutchinsky, 1976, p.146). Ward and Woods argue cogently against such 'single instance' reasoning, saying that

The point we are making in relation to pornography (and indeed in relation to all criminological investigation) is that arguments based on single instances can be quite misleading. It is for this reason that we believe it is fallacious to suggest that the question of ill-effects or benefits of pornography can be decided by relevance to any number of single cases. (Ward and Woods, 1972, p. 119.)

Factor 2: A Methodological Problem

The primary object of Biles' study was to determine whether availability of sexually explicit or pornographic publications could be related to the incidence of four categories of sexual offence (those used by Kutchinsky in Copenhagen).

Two major difficulties are acknowledged in Biles study but a third remains unacknowledged. It is firstly very difficult to determine a permissive-restrictive scale of availability across the states of Australia. At the extreme ends, one may well speculate that in 1976 Queensland and South Australia represented opposite ends of the spectrum. Beyond this, the variable is highly uncertain. There is no information available regarding the transportation of materials across State boundaries after purchase. Nor is there necessarily a close correspondence between the precise words of current legislation and its implementation in practice.

Secondly, it is clear from Biles' report that efforts to obtain comparable data across jurisdictions were hampered by differences of definition and practice. One cannot be at all sure that there is close correspondence to the categories reported by Kutchinsky. If broad trends had emerged, as Biles had hoped, the exercise would have been more valuable than it has proved in fact to be with its highly uncertain conclusions.

The third problem of methodology is not just a matter of uncertain variables. Rather it represents a serious flaw in the whole approach. Information was sought regarding four offence categories for a single year (1975). From these data, an attempt was made to rank the various jurisdictions and from these rankings draw conclusions about the influence of pornographic materials.

Such an inference cannot be drawn even from data which do not suffer from "differences in police practices, public attitudes, statistical systems and definitions". (Biles, *op.cit.* p.39). Collection of data for a single year in this manner makes two unjustified assumptions:

(a) The assumption that evidence for a single year provides a reliable indicator. Yet in reality figures can vary enormously from year to year so that any relationship emerging from one year's figures may be radically altered in the following year. Hence the data for 1975 are little better than arbitrary. It is generally considered unwise

to rely on criminological data of less than five years duration. (Ward and Woods, 1972, p.122.)

(b) Any ranking in 1975 (after pornographic materials had been circulating for some years) must be compared with a base-line prior to their availability. It should not be assumed that, prior to censorship changes, there were no differences between States, yet that assumption is essential to the case presented by Biles.

Factor 3: The Actual Data

It is central to Biles' general case that the evidence he was able to derive after combining publicly available figures with those specially requested is most unsatisfactory. There are quite fundamental problems in defining what categories should be compared between States, and evident differences in recording practices.

In this response to the problems it was hoped that some more satisfactory resolutions might now be possible. In order to overcome the problems noted above, a first necessary step would be to compare the data from 1975 with the relevant figures from an earlier year. Or, more satisfactorily, to compare data for several years in the 1970s with a corresponding period from a decade before (e.g., 1974-76 with 1964-66). Or, still better, to collate data for an entire time series to determine the trends occurring over an extended period of time.

In practice, after many attempts, the venture has proved

unsuccessful at all three levels. Comparable data across States are just not available in a complete form for any single year. Even attempts to replicate the figures reported by Biles resulted in uncertainties and discrepancies, presumably arising from decisions one must make about what to include or exclude.

In pursuing figures for the various offences as fully as possible for the period 1960-78, the actual gaps in data were too numerous to make realistic comparisons possible across States. Where figures could be obtained, there was a danger of giving them spurious credence since definitions and practices were found to change on many occasions. Changes in the legal definition of offences have occurred frequently over the period. Although the data proved too fragmentary to be useable, they are recorded for information in Appendix 3, together with basic annotations to indicate problems within series.

Taken together, these difficulties confirm the problems identified by Biles. They make conclusions about minor sex offences hazardous, and valid comparisons between States impossible. Hence the pessimism of Geis remains true for Australia -

The most basic shortcoming in criminal statistics is that they can never hope to represent with accuracy the behaviour that we are really interested in. That is, they cannot tell us the amount of criminal behaviour taking place within a

given jurisdiction. This point can hardly be sufficiently emphasised. We do not know the real extent of crime and there is little chance that we will soon come to know it. The various indexes of criminal activity relied upon in statistical reports need not and do not bear any discernable relationship to this most basic item, the volume of committed behaviour itself. (Geis, 1965)

From an Australian perspective, the same caution flows from the following comment:

The production of comprehensive uniform police statistics of serious crime would be a more reliable indicator of the growth of crime in this country. But the uniform statistics refer only to seven offence groups. And, as the Australian Statistician indicated recently, when these statistics show different rates between States it is not safe to conclude that they reveal underlying differences in social behaviour. They are likely to be caused by differences in the basis of the statistics stemming from different reporting and recording procedures in the States. (Wilson, 1977, pp.1-2)

Is there any way forward?

It appears that comparisons of minor sexual offences across Australian States are meaningless until there has been a striking advance in standardisation of laws, reporting

procedures and conventions for long enough to allow reliable trends to emerge.

In the meantime, it is necessary to approach the question as best one can in an indirect manner. Four alternative strategies overcome many (though not all) of the problems noted above.

(i) One may examine the trends for single States where data are relatively complete.

(ii) Make limited comparisons between States where data are available.

(iii) One may examine the trends for legislatures outside Australia, where the complexities of a Federal system do not apply, to see whether there is any consistency between them and with Australian data.

(iv) The same approach can be adopted in relation both to minor and to major offences to determine what relationships exist between the two. This strategy is particularly relevant to the conflicting hypotheses proposed by Biles (1979) since Kutchinsky remarked on differences between major and minor offences and Court (1977) emphasised the major offences of rape and attempted rape.

(i) The evidence from a single State - South Australia.

While the presentation of data from a single State

overcomes the problem of comparability between agencies, it cannot be assumed that figures are entirely comparable from year to year. Certainly, within particular categories of minor offences, changes can occur arising from shifts in policy or priority in police activities, changes in legislation, and methods of data collection.

The most one may modestly hope for here is that some broad trends will emerge great enough to be compared reliably with similar trends elsewhere, and with features permitting an interpretation of their meaning.

To these ends data for South Australia are considered here, for the period 1960-78. Those categories of offence included in 'offences against morality' are presented here except that offences associated with prostitution are omitted. This has been done for two reasons.

(i) Offences in these categories are typically a result of police action rather than report from a victim. Hence they are qualitatively rather different from the other offences recorded. Numbers from year to year are probably influenced by police priorities and directives than those arising from complaints to the police.

(ii) Data for those categories were incomplete for the period in question. Hence in order to make fair comparisons from year to year they are better omitted altogether.

With those provisos, the raw data for offences against

morality are presented in Table 1, together with population figures for the period 1960-78. These crime figures are derived from successive reports of the S.A. Police Commissioner. Over that period of time, some legislative changes have occurred producing minor changes of definition within some categories. However, provided one does not over-emphasise any single category, the effects of these changes are minimised since they often involve redistribution from one category to another.

As a background to these figures, the various legislative changes relating to these figures are contained in Appendix 1. The most important change over the period in question was in 1975 when certain paragraphs were related not only to women but also to men by amendments involving the use of the term 'persons'. The likely implications on numbers of reports of these changes are indicated in that Appendix.

Avoiding the movements between categories as far as possible, the data from Table 1 have been rearranged in Table 2. By treating rape as the most serious sexual offence, it can be deleted from the overall total to give a composite figure for "minor sexual offences". It is at the same time instructive to consider the offence of carnal knowledge separately from the other minor offences, so a separate calculation is incorporated. All figures in Table 2 have been converted to rates/100,000 population in order to control for changes in population size.

The category of carnal knowledge has been given special

*
TABLE 1 - SOUTH AUSTRALIA: OFFENCES AGAINST MORALITY: POLICE REPORT DATA

Year:	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77
	-61	-62	-63	-64	-65	-66	-67	-68	-69	-70	-71	-72	-73	-74	-75	-76	-77	-78
Indecent assault on a female	178	134	181	220	147	157	164	156	148	160	198	160	167	154	151	125	128	176
Carnal Knowledge	120	218	303	307	192	324	258	374	331	356	395	397	508	375	251	132	134	104
Exhibiting indecent matter	1	4	5	5	4	-	4	4	10	-	7	16	15	20	22	8	12	3
Gross Indecency	26	39	79	65	79	32	31	34	32	29	31	32	35	21	15	29	15	20
Incest	8	12	17	12	17	13	13	6	22	10	20	23	13	14	17	5	6	2
Indecent interference with a female	95	89	129	96	109	91	105	104	126	89	145	116	145	107	106	81	83	47
Lewdness and indecent behaviour	199	215	284	354	304	433	375	323	427	452	552	492	563	593	621	618	528	531
Rape and attempted rape	23	20	30	24	20	25	24	49	36	24	31	60	52	100	91	131	149	172
Unnatural offences	5	18	44	66	93	49	28	60	69	52	68	63	71	61	71	64	42	27
Total:	655	749	1072	1149	965	1124	1002	1110	1201	1172	1447	1359	1569	1445	1345	1193	1097	1082
Total - Rape:	632	729	1042	1125	945	1099	978	1061	1165	1148	1416	1299	1517	1345	1254	1062	948	910
Population (100,000)	9.569	9.807	9.996	10.201	10.44610646	11.014	11.184	11.363	11.487	11.693	11.854	12.024	12.179	12.362	12.521	12.616	12.772	

* Excluding offences involving prostitution

TABLE 2 - MAJOR AND MINOR SEXUAL OFFENCE RATES: SOUTH AUSTRALIA: 1960-79

Year:	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77
	-61	-62	-63	-64	-65	-66	-67	-68	-69	-70	-71	-72	-73	-74	-75	-76	-77	-78
Total offences (See Table 1)	68.4	76.4	107.2	112.6	92.4	105.6	91.0	99.2	105.7	102.0	123.7	114.6	130.5	118.6	108.8	95.3	87.0	84.7
All offences less rape - i.e. minor offences	66.0	74.3	104.2	110.3	90.5	103.2	88.8	94.9	102.5	99.9	121.0	109.6	126.2	110.4	101.4	84.8	75.1	71.2
Minor offences less carnal knowledge	53.5	52.1	73.9	80.2	72.1	72.8	65.4	61.4	73.4	68.9	87.3	76.1	83.9	79.6	81.1	74.3	64.5	63.1
Rape	2.4	2.0	3.0	2.4	1.9	2.3	2.2	4.4	3.2	2.1	2.7	5.1	4.3	8.2	7.4	10.5	11.8	13.5

consideration. It is among the largest sub-groups and hence can be taken as relatively stable through time. It is a category readily compared with other places. It is also a category which has shown particularly striking changes over the period of study, and hence lends itself to special interpretation among the minor offences, just as rape does at the serious end of the spectrum.

Figure 1 represents the trend for minor sexual offences, as well as for the same offences save for the deletion of the carnal knowledge category. If one seeks to relate these offence categories to the change of pornography legislation, it might well appear from the whole minor offence trend that a steep decline in reports has occurred, and particularly since 1972. The steep downward trend is not unlike that claimed by Kutchinsky (1971) to have occurred in Denmark. If, however, the single category of carnal knowledge is deleted, the remaining offences do not show so convincing a downward trend at all.

(ii) Some limited comparisons between Australian States.

A comparison of the type provided by Biles (1979) can be made across States provided reliance is not placed on a single year's data and comparison is made between two periods. Two constraints have been placed on data in order to achieve valid comparisons. Firstly it has unfortunately been necessary to exclude Queensland, because early figures include only those cases coming before the courts, rather

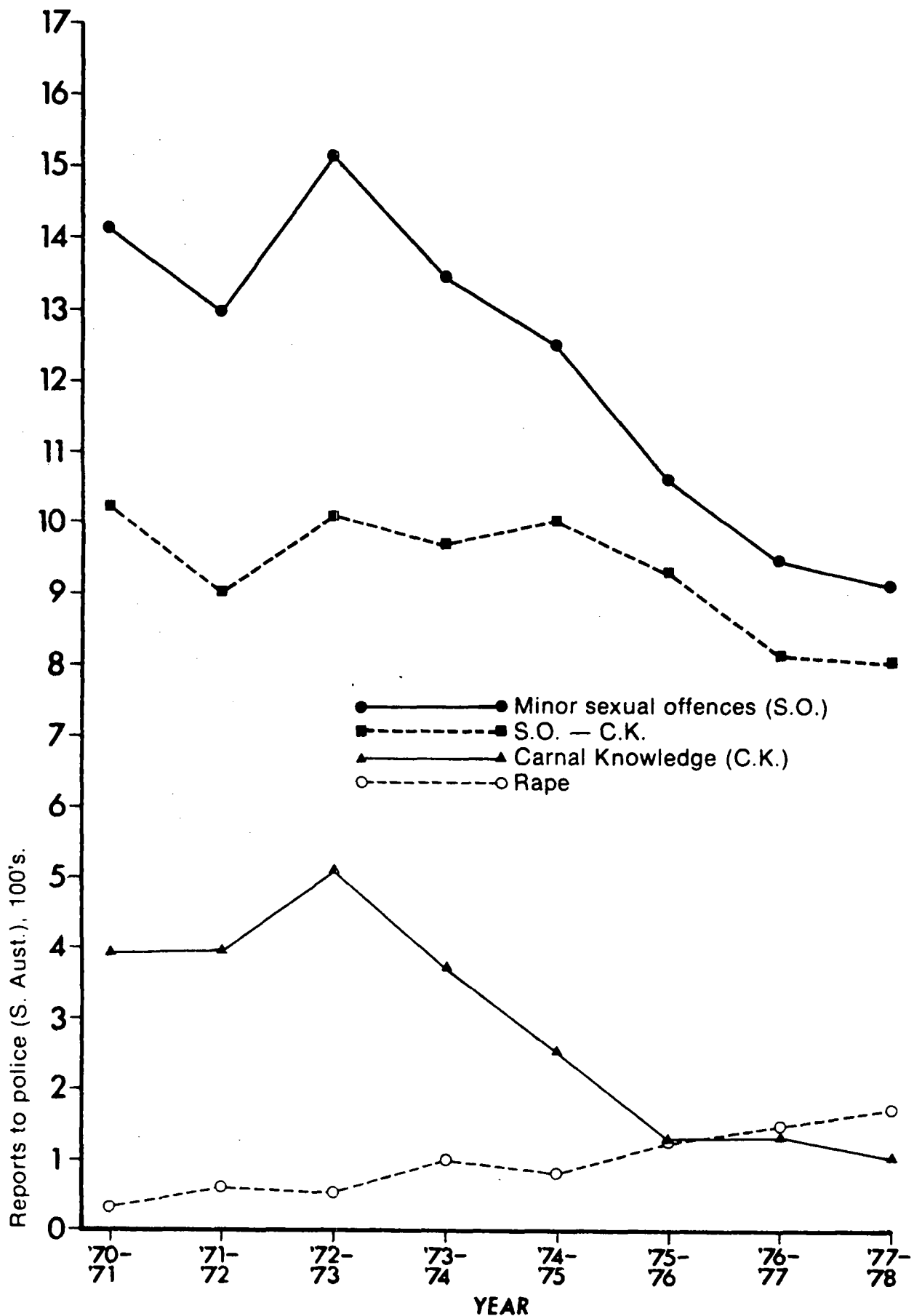


FIGURE 1. RELATIONSHIPS BETWEEN MAJOR AND MINOR SEX OFFENCE REPORTS
IN SOUTH AUSTRALIA 1970-78.

than offences reported to the police. Secondly, the minor sexual offences have been grouped together excluding the offence of carnal knowledge since, while trends for that offence were consistent across States, they were discordant with other offence categories. That is, the figures below refer to the category of sexual crimes in each State (except Queensland) with the deletion of carnal knowledge and rape (and attempted rape).

With those reservations, Table 3 represents the data for two five-year periods (1960-65 and 1970-75), converted to reporting rates in order to allow for population differences.

Table 3

State	1960-65	Rank	1970-75	Rank
VIC	68.79	1	115.90	1
SA	67.13	2	79.15	2
WA	59.28	3	64.42	3
NSW	23.20	4	22.31	4
TAS	13.20	5	18.70	5

Table 3. Rates of reported minor sexual offences for each States except Queensland (excluding carnal knowledge) for two five-year periods.*

It is evident from Table 3 that there has been an increase in reports across all States except N.S.W. which shows a non-significant decrease. In commentary on these data, Andrew has observed that

The most significant fact to emerge from these figures is the consistency in the rank order in the two periods, suggesting a lack of significant change during that period. South Australia, which is considered to be one of the more liberal States

in its legislation toward pornography, is not significantly different from the other States in its rate of reported sexual offences. The inference may be drawn from this that differences in policy toward availability of pornographic material do not affect the rate of reported minor sexual offences. This is in contrast to Kutchinsky (1973) who reported a decline in reported minor sexual offences with the introduction of a lenient policy on pornographic material. It may also be the case, however, that the differences between the States in regard to pornography are not of sufficient degree for it to be reflected in crime rates. Despite whatever changes may have occurred between the States in regard to availability of pornographic material during the decade period, the major point emerging from this analysis is that the majority show an increase in reported minor sexual offences, and the rank order on that dimension does not change. (Andrew, 1979, p.5)

The possibility that differences between States in the availability of pornography are insufficient is mentioned by Andrew as a factor in explaining the absence of differences. This possibility has special relevance in the absence of data from Queensland, which might have provided the best contrast to the situation in South Australia. (Biles, 1979)

(iii) Comparisons for legislatures outside Australia.

(a) New Zealand.

The Crime and Offences Statistics recorded annually in the Report on the New Zealand Police Force include a section "Offences against Morality and Public Welfare". The categories have remained fairly stable since the 1960s though changes in the laws have meant some redistribution across categories. This effect is negligible if one combines the minor offences together. Against the general trend of minor offences, two categories emerge as large enough to deserve separate attention.

The complete record of individual offences reported to police for years (1964-77) is contained in Table 4. For comparative purposes there is little value in examining offences of low frequency. In addition, for comparisons through time, it is necessary to control for population size. Table 5 therefore presents data for various main categories and the total transformed to rate/100,000 population for each year. To correspond with the practice elsewhere of combining rape with attempted rape, the figures are here combined for 'rape' and 'assault with intent to commit rape'. Among the minor offences the category "indecent language on telephone" is combined with "obscene language" since these two offences contribute an unusually large proportion of the total.

The category 'indecent assault and acts with females' represents the combination of three offences for the period 1964-73 (sexual intercourse with girl; indecency with girl (under 16); indecent assault on woman or girl). From 1974

TABLE 4 - NEW ZEALAND: SEXUAL OFFENCES

Population x 100,000	26.30	26.50	26.70	27.45	27.73	28.04	28.52	28.99	29.10	29.80	30.48	31.05	31.29	31.21
Offences against welfare & Morality	1964	65	66	67	68	69	70	71	72	73	74	75	76	77
Distribution or exhibition of indecent matter	75	60	70	52	70	17	25	29	57	24	DNA	DNA	DNA	DNA
Indecent acts in public place	100	118	95	84	51	44	90	88	66	58	60	60	65	52
Indecent acts with intent to insult	29	55	42	53	54	71	43	45	80	41	51	72	57	84
Incest	72	44	48	60	67	57	61	57	74	59	175	59	73	74
S.I. with girl	649	849	768	579	587	576	527	643	587	677	248	326	281	323
Indecency with girl (u/16)	322	299	339	66	55	45	33	.17	32	265	714	576	558	522
Indecent assault on woman or girl	269	293	290	504	552	666	617	607	642	427	222	201	194	202
Indecent act between woman & girl	-	-	2	2	-	-	-	2	32	4	-	1	-	1
Indecency between males	258	326	297	264	49	80	5	81	108	99	130	75	91	80
Sodomy	18	33	15	19	12	8	5	10	9	38	25	9	26	8
Bestiality & indecency with animal	3	4	4	4	8	2	5	4	3	1	6	4	4	3
Keeping places of resort for homo- sexual acts	1	1	-	-	-	-	-	-	1	-	7	4	2	1
Brothel keeping & prostitution	15	19	9	18	4	2	-	4	34	27	14	27	29	37
Obscene language	1213	1526	1602	1572	1489	1880	2340	2359	1925	1818	2282	2592	2395	2342
Indecent language on telephone	491	393	433	419	404	546	632	716	935	676	165	235	221	150
Obscene exposure	333	294	340	323	360	362	416	449	454	511	520	562	525	577
Sale of con- traceptives to children	3	8	3	1	8	3	-	1	3	2	DNA	DNA	DNA	DNA
Indecent assault on male	-	-	-	-	-	199	180	203	229	265	208	211	210	219
Total Minor:	3851	4322	4257	4020	3770	4558	4979	5315	5271	4992	4827	5014	4731	4675
Rape	108	125	130	131	129	133	170	160	210	251	278	258	263	228
Assault with intent to commit rape	7	12	9	7	9	8	2	5	8	8	10	10	8	15
Total Rape Att.	115	137	139	138	138	141	172	165	218	259	288	268	271	243
Total offences against welfare/morality	3966	4459	4396	4158	3908	4699	5151	5480	5489	5251	5115	5282	5002	4918

these offences are slightly re-arranged due to legislative changes to relate by ages to offences against females under 12, under 16 and over 16.

Total sexual offences show a steep rise from 1968 to a peak in 1971-72 followed by a steady decline thereafter, though since 1968 was an exceptional year, one may better interpret the trend as cyclical with a lower peak at 1965-66.

For the major offences of rape and attempted rape the picture is a little different, with a stable frequency to 1969, followed by a steep rise peaking at 1974 before dropping a little. The pattern is therefore similar but with changes occurring somewhat later than with the overall trend.

The categories of indecency follow a quite different pattern with a peak in 1965, a plateau from 1967-73 followed by a steep decline in reports. There is, in other words, an inverse relationship between rape reports and those of indecent assault ($r = -0.65$: $p = .012$).

Over the same period, a very high frequency of reports is associated with the categories of 'indecent language on telephone' and 'obscene language'. Combining these two categories together as verbal indecencies one finds that they represent a very large percentage of total offences, in some years exceeding 50 percent. Clearly trends within this category make a major impact on total offences reported. Consultation with the N.Z. Chief Statistician has not produced any satisfactory explanation for these high frequencies.

TABLE 5 - COMBINED OFFENCE CATEGORIES EXPRESSED
AS RATE/100,000 OF THE NEW ZEALAND POPULATION
(for explanation, see text)

	1964	65	66	67	68	69	70	71	72	73	74	75	76	77
Population x 100,000	26.30	26.50	26.70	27.45	27.73	28.04	28.52	28.99	29.10	29.80	30.48	31.05	31.29	31.21
Total offences against welfare & morality	150.80	168.26	164.64	151.47	140.93	167.58	180.61	189.03	188.62	176.21	167.81	170.11	159.86	157.58
Rape	4.11	4.72	4.89	4.77	4.65	4.74	5.96	5.52	7.22	8.42	9.12	8.31	8.40	7.30
Indecent Assault & Acts with a female	47.15	54.38	52.32	41.86	43.06	45.90	41.27	43.70	43.33	45.94	38.84	35.52	33.01	33.55
Verbal Indecency	64.80	72.41	76.22	72.53	68.26	86.52	104.21	106.07	98.28	83.69	80.28	91.05	83.60	79.85
Minor offences (Total less verbal indecency and rape)	81.89	91.13	83.53	74.17	68.02	76.32	70.44	77.44	83.12	84.1	78.41	70.75	67.86	70.43
Minor offences less Unlawful Sexual inter- course	34.74	36.75	31.21	32.31	24.96	30.42	29.17	33.74	39.79	38.16	39.57	35.23	34.85	36.88

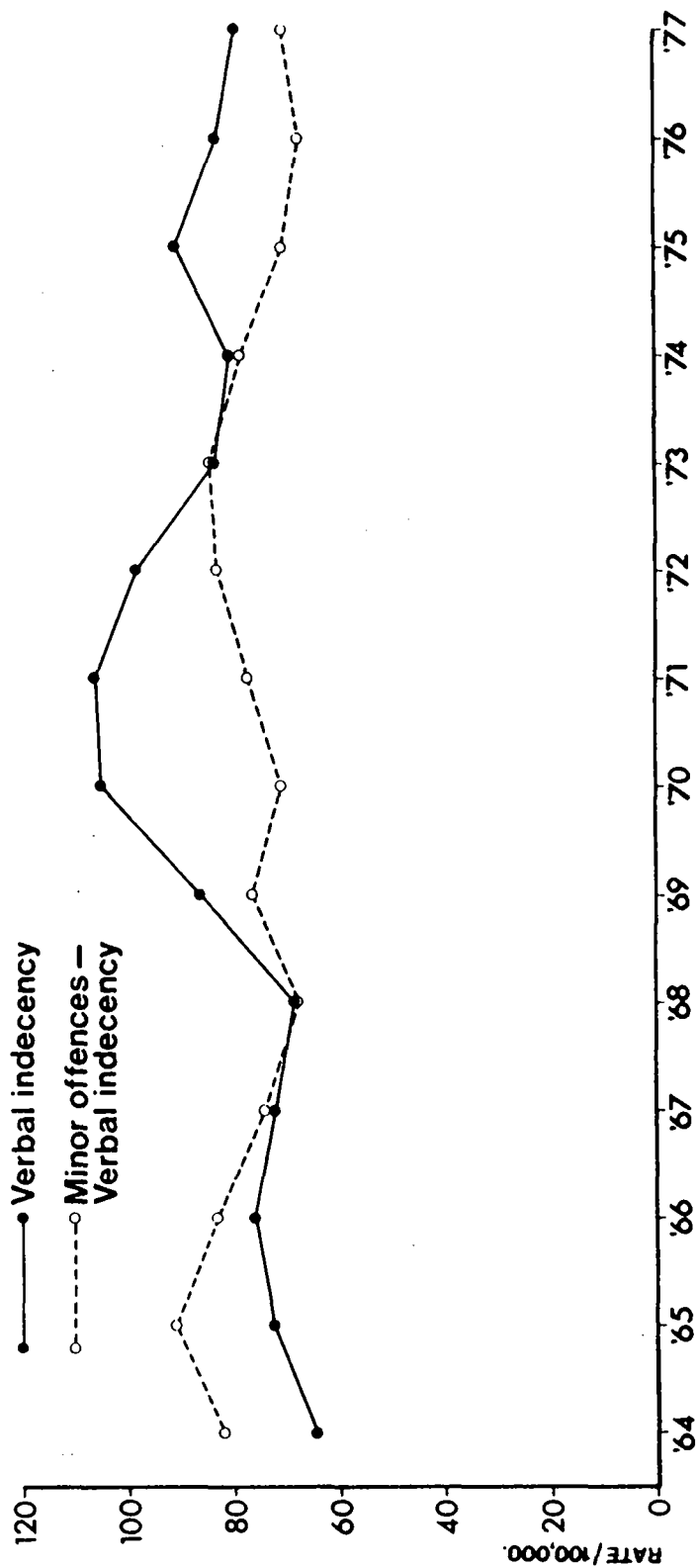


FIGURE 2. NEW ZEALAND: TRENDS FOR VERBAL INDECENCY REPORTS TOGETHER WITH TOTAL MINOR OFFENCES LESS VERBAL INDECENCY.

Figure 2 therefore represents the rate corrected trends for all offences against welfare and morality together with the same data less these two major categories of minor offences. The deletion of verbal indecencies brings the data in line with other places where such offences are typically categorised elsewhere.

A deletion of the category of verbal indecencies clearly makes a great deal of difference to the trends, such that the sharp rise and decline is greatly reduced. A cyclical pattern emerges with peaks in 1965 and 1973 but without great differences between years. A downward trend in 1965-68 is repeated in the period 1973-76.

Together, these results indicate a fluctuating level for most minor sex offences over the period 1964-77, a very large contribution to the figures being made by offences of a verbal type. While the lesser physical sex offences went steeply down throughout the period, the most serious category of rape climbed to a peak in 1974, followed by a slight decline. The inverse relationship between major and minor offences is worth noting.

Over the same period there has been a steep increase of other types of offence, including non-sexual violence against the person. Figure 3 shows the rates for the combined categories of offences against the person. A comparison of this trend with the trend for the offence of rape indicates a very close similarity for the two ($r = 0.94$, $p < .001$).

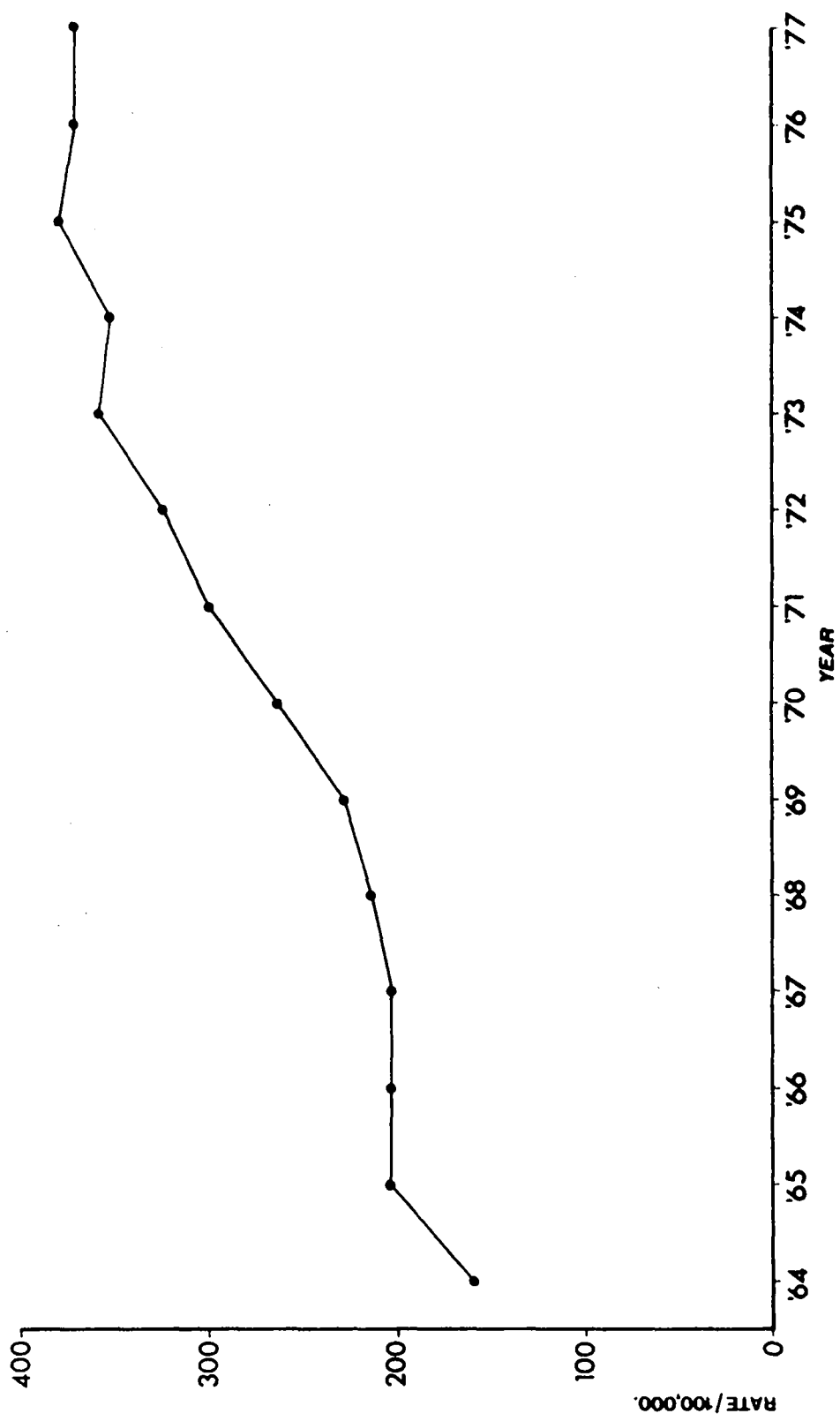


FIGURE 3. NEW ZEALAND: OFFENCES OF NON-SEXUAL VIOLENCE.

(b) England and Wales

As with New Zealand, it is possible to collate total sex offences and subdivide these into various major categories. For the present purposes, as above, rape and attempted rape reports are separated from the rest, to be treated as major offences. Among the remaining 'minor' offences, one may consider them first as an undifferentiated group, and then with the exception of the categories used for carnal knowledge (unlawful sexual intercourse). The two categories of under 13 and under 16 have been combined to form a category of unlawful sexual intercourse (U.S.I.). The current classification of sexual offences is contained in Appendix 2.

It is also possible to identify within the England and Wales data (based on Volumes of Criminal Statistics, England and Wales) offences involving non-sexual violence, with subdivisions into major and minor categories.

In the area of major sexual offences, reports of rape and attempted rape have increased over the period 1964-78. From a very low level of reports in the mid-sixties (if one compares the rate with other places, which can only be done with great caution), there was an increase by 1977 of 90 percent. A further steep rise in 1978 is contaminated by legislative change. The Home Office suggests " a growing willingness of victims to report offences of rape now that because of the Sexual Offences (Amendment) Act 1976, they can remain anonymous in court, may have contributed to the 22

TABLE 6. SEXUAL OFFENCES: ENGLAND AND WALES 1964-78

	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978
Total Sex Offences	19,903	20,155	21,308	22,501	23,391	23,526	24,163	23,621	23,505	25,736	24,698	23,731	22,203	21,313	22,367
Total Rate	92.2	42.4	44.6	46.8	48.4	48.5	49.6	48.4	47.9	52.3	50.2	48.3	45.2	43.4	45.5
Rape and Attempted Rape	517	618	644	702	829	869	884	784	893	998	1052	1040	1094	1015	1243
Rape Rate (Total - Rape)	1.09	1.30	1.35	1.46	1.71	1.79	1.82	1.60	1.82	2.03	2.14	2.11	2.23	2.07	2.53
Minor Rate	41.1	41.1	43.2	45.3	46.7	44.6	47.8	46.8	46.1	50.3	48.1	46.2	43.0	41.3	43.0
Unlawful S.I.	3975	4215	4457	4812	5645	5158	5216	5282	5385	5503	5050	4860	4608	3924	3705
U.S.I. Rate	8.42	8.87	9.32	10.00	11.68	10.62	10.71	10.81	10.98	11.19	10.27	9.89	9.38	7.99	7.54
Minor - U.S.I. Rate	32.6	32.2	33.9	35.3	35.0	34.0	37.1	35.9	35.1	39.1	37.8	36.3	33.6	33.3	35.5
Population (1,000,000)	472.2	475.4	478.2	481.1	483.5	485.4	486.8	488.5	490.4	491.8	492	492.6	491.4	491.2	491.2

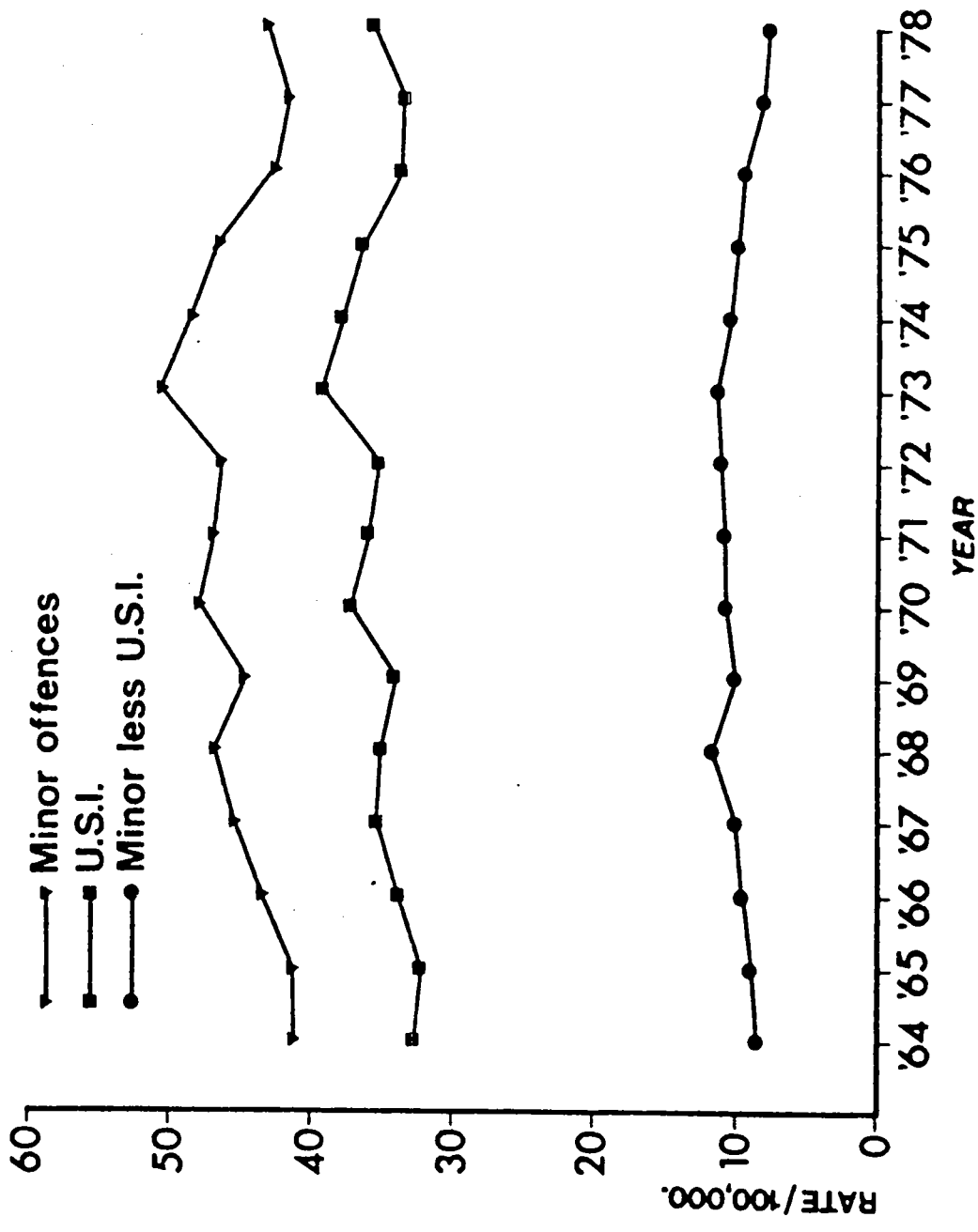


FIGURE 4. REPORTS OF MINOR SEXUAL OFFENCES - ENGLAND AND WALES, 1964-78.

percent increase from 1977 to 1978". (Criminal Statistics, England and Wales, 1978)

The trend for all minor sexual offences is, like New Zealand, for an upturn until the early seventies followed by a decline again to a level only slightly above 1964. (Difference 1964-78 is +4.6 percent)(See Table 6 and Figure 4)

The changes within the category of U.S.I. are proportionately rather greater so that once again there is a steep decline in reports from 1973-78, from a rate of 11.19 to 7.54. Consequently when minor offences are considered with that category excluded (Minor - U.S.I.) the trend from 1964 is flattened with a rise and fall to a final level very close to that in 1964.

These trends in sexual offences may be compared with those obtained for non sexual violence against the person over the same period. Table 7 records the trends for serious and minor violence. They present something of a contrast with major and minor sexual offences in that whereas major sexual offences have risen more sharply than minor sexual offences, reports for serious non-sexual violence against persons have risen only 54 percent over the period 1966-78, whereas the less serious offences have risen by 243 percent. These distinctions make a quite different analysis from that offered by Williams (1979) who preferred to make the crude comparison of sexual offences with offences against the person (p.73) He purports to show a steep increase in offences against the person in England and Wales with little

TABLE 7. MAJOR AND MINOR CRIMES OF VIOLENCE AGAINST THE PERSON:
ENGLAND AND WALES 1967-78

	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978
Total Violence	23,470	25,549	26,716	29,048	31,850	37,818	41,088	47,036	52,432	61,299	63,781	71,002	77,748	82,190	87,073
Rate	49.70	53.74	55.87	60.38	65.87	77.91	84.40	96.29	106.92	124.64	129.64	144.14	158.22	167.32	177.27
Total			3668	4177	3808	4256	4495	5004	5181	5741	6038	6238	5719	5852	5821
Serious Violence Rate	7.67	8.68		8.68	7.88	8.77	9.23	10.24	10.56	11.67	12.27	12.66	11.64	11.91	11.85
Minor Violence Rate	48.2	51.7		51.7	57.99	69.14	75.17	86.05	96.36	112.97	117.37	131.48	146.58	155.41	165.42
Population (1,000,000)	47.2	475.4	478.2	481.1	483.5	485.4	486.8	488.5	490.4	491.8	492.0	492.6	491.4	491.2	491.2

[Division of serious and minor derived from Criminal Statistics: not available for 1964 or 1965]

change in sex offences over the period in question. The above distinctions between major and minor offences indicate that a serious upward rate of rape reports is contained within the total sexual offence categories, while the steep upsurge in non-sexual offences is largely within the less serious categories.

Similarly, Walmsley (1980) has compared rape report trends for England and Wales with all non-sexual violence against the person in order to show that the latter has increased more rapidly. However, he does acknowledge that rape figures have risen twice as fast as for other sexual offences.

(c) Metropolitan London

While the data for London represents a sub-set of those for England and Wales, there is value in comparing them separately. Since these are derived from a single police force, they can be expected to suffer less from the problems of multiple policies and administrative arrangements. While many single authorities are too small to generate enough cases to provide reliable comparisons either through time or with other places, London, with its population of 7-8 million, provides a substantial base.

Data regarding crimes of sex and violence are contained in the Annual Abstracts of Greater London Statistics, and the relevant material is summarised in Table 8.

There are two limitations in these figures when seeking to compare them with those from England and Wales or

elsewhere. Firstly, the category dealing with carnal knowledge is not separately recorded, so one has only measures of major (rape and attempted rape) and minor (other sexual) offences. The recording of non-sexual violence against the person provides five categories without explicitly distinguishing major and minor offences, as noted above for England and Wales. The category of non-sexual violence includes a wide array of offences without necessarily being conceptually related. However, to delete one or another category in the present context would be to make arbitrary decisions without justification. It has therefore been decided for the present purposes simply to divide major and minor offences such that major offences includes four categories (murder; attempts, threats, etc. to murder; manslaughter and infanticide: causing death by dangerous or reckless driving) and the single category of 'wounding and assault' as minor offences. (See Table 8)

A minor problem also arose in converting raw data to rates/100,000 population since estimates of the Greater London population vary widely between supposedly authoritative sources. The most satisfactory series would be that obtained from the Metropolitan Police itself, relating to its own administrative boundaries, and these data have been obtained for 1967-74, but leave a gap for 1975-77. A comparison with The Statesman's Yearbook indicates a constant discrepancy of 6-7 percent, such that the police figures are consistently slightly greater. In view of the consistent

TABLE 8 - SEXUAL AND VIOLENT OFFENCES KNOWN TO POLICE:
CITY OF LONDON (1964-72) AND GREATER LONDON (1973-78)

	1964	65	66	67	68	69	70	71	72	73	74	75	76	77
Total sex offences	1927	2111	2444	2462	2427	2628	3085	2689	2749	2969	2891	2470	2465	2426
Rate	23.5	25.1	29.1	29.5	29.4	32.1	38.1	34.0	35.1	38.3	37.8	32.5	32.8	32.5
Rape/Att.Rape	57	83	88	107	115	103	134	105	135	128	154	164	179	180
Rate	0.7	1.0	1.0	1.3	1.4	1.3	1.7	1.3	1.7	1.6	2.0	2.2	2.4	2.4
Other offences against females	1200	1376	1625	1639	1642	1841	2058	1783	1841	18.33	1687	1557	1515	1504
Unnatural offences	598	583	657	648	604	631	822	752	709	945	1010	697	717	684
Bigamy and others	72	69	74	68	66	53	71	49	64	63	40	52	54	58
Minor sex offences: Rate	22.8	24.1	28.1	28.2	28.0	30.8	36.4	32.7	33.3	36.6	35.8	30.3	30.4	30.1
Major Violence	205	238	278	298	285	232	297	373	373	321	373	392	339	331
Rate	2.5	2.8	3.3	3.6	3.5	2.8	3.7	4.7	4.8	4.1	4.9	5.2	4.5	4.4
Minor violence	3740	4022	4487	5129	5243	6722	6794	7310	7964	8848	9080	10,543	11,864	12,555
Rate	45.7	47.8	53.5	61.4	63.6	82.1	83.9	92.5	101.6	114.0	118.7	138.7	157.8	168.2
Population (1000,000)	81.9	84.2	83.9	83.6	82.5	81.9	81.0	79.0	78.4	77.6	76.5	76.0	75.2	74.6

relationship, calculations have been based here on police figures, with extrapolations for 1975-77 based on adjusted Statesman figures.

The trends recorded in Table 8 are consistent with those for England and Wales generally, though perhaps more sharply distinguished. The serious sexual offence of rape shows a steep rise of 243 percent over the period 1964-77 (in the period before changed legislation might artificially inflate the figures). The minor sexual offences show a rise to 1973 and then fall away again, but to a residual figure higher than in 1964.

A comparison of major and minor violence for London reveals similar trends to those for England and Wales, though the classifications of what constitutes 'major' violence for London are probably more rigorous than those relating to 'serious' violence for England and Wales. This one concludes from the relative levels of the rates. Nonetheless, while for both sets of data there is a rise in the more serious areas, the increase in minor offences is very much more striking.

A comparison across sexual and non-sexual violence of a serious type shows that while rape reports increased by 243 percent, major violence reports rose only 76 percent over the period 1964-77. Among the minor offences, sexual crime reports increased 32 percent, while minor crimes of violence increased by 268 percent. It should however be noted that comparisons of this type take into account only the levels of

reporting at the beginning and end of the period (in this case, 1964 and 1977). Over that period the data for minor sexual offences follow a curvilinear trend with a peak at 1973, whereas all the other three categories considered have risen linearly. Possible reasons why these relationships exist will be considered in general discussion below.

(d) Denmark

Since the original data around which debate on changed sex crime rates revolve were derived in Denmark, it would be satisfying to make an updated comparison of the situation there, using similar distinctions to those made above. This has regrettably not proved possible. It has already been noted elsewhere (Court, 1977; Williams, 1979) that disagreements have arisen over the figures as well as the interpretations offered by Kutchinsky (1971). Any recent evidence must therefore also be approached with caution.

One set of data recently presented in a lecture comes from Laurson* (1979). He presented a table which purports to show sexual crimes in Denmark categorised as reported, cleared up and convictions. These data are presented in Table 9, with additional columns to indicate the percentage relation between reports and convictions.

Clearly these figures give support to the position proposed by Kutchinsky (1971) viz., that total sex crime reports are declining steeply. They do not provide good support for Kutchinsky's explanation that this decline arises from the freedom granted to pornography by legislative

<u>Year</u>	<u>Reported</u>	<u>Cleared up</u>	<u>Convictions</u>	<u>Convictions as a Percentage of Reports</u>
1960	4157	2436	523	12.6
1961	4674	3572	589	12.6
1962	3752	2428	491	13.1
1963	4364	3106	548	12.6
1964	3968	2835	538	13.6
1965	4316	2878	458	10.6
1966	4210	2788	449	10.7
1967	3275	2505	340	10.4
1968	3060	2034	327	10.7
1969	2819	1879	271	9.6
1970	2461	1518	285	11.6
1971	2702	1860	237	8.8
1972	2201	1222	218	9.9
1973	2035	1248	241	11.8
1974	2068	1225	244	11.8
1975	2258	1368	230	10.2
1976	2402	1589	284	11.2

TABLE 9. Sex Crimes - Danish data (after Laursen, 1979)

changes in 1967 and 1969 since some decline was occurring long before those changes, but it does appear that the decline was more pronounced from 1967.

If some other factor was also influencing the data, this too deserves consideration. Laurson (1979) comments on the data in Table 9, saying

Modern Danish writers have in their production made it old-fashioned to harbour the feeling of decency, which in turn prevents people reporting minor offences to the police.

The Danes know that the police is understaffed and that they can consequently not make any serious efforts to clear up such offences...The small number of convictions as compared with the number of cleared up cases probably explains why people abstain from reporting to the police. (pp.7-8)

Undoubtedly, considerations in the minds of victims regarding the likely outcome of going to the police will influence decisions about coming forward or remaining silent (cf. Court, 1977(b)).

Discussion

The initial question raised was whether there has been a change in the incidence of minor sexual offences as reported by Kutchinsky (1971, 1973) for Denmark. It was at that time argued that the decline reported was the result of liberalised laws on pornography.

It was not possible to determine whether there have been changes in the particular offences reported by Kutchinsky, since in Australia there still exist serious inadequacies in the classification of offences between States, and, while the situation has improved in the recent past, figures for the sixties and seventies are incomplete. Hence, the central question cannot be addressed directly.

An attempt was made to provide more rigorous evidence to pursue Biles' (1979) hypothesis that the rank-order of offence rates might have been affected by differential exposure to pornography. No such change was detected with the data available, so the null hypothesis cannot be rejected. It is possible that this failure arises from unsatisfactory evidence, and from the absence of Queensland data. It is also possible that wide distribution of pornography has not affected the minor sex crime rate directly. A further hypothesis, to be considered below, is that an indirect effect on reporting of minor sex offences arises such that a reduced likelihood of reporting occurs in a context of a generally permissive sexual climate. Kutchinsky (1971) provided some support for this view in his attempts to determine changed reporting rates over a ten year period.

Because of the difficulties encountered in obtaining reliable data, alternative strategies have been adopted in the hope of finding a convergence of evidence in different places. To this end, data for South Australia have been

provided in some detail, together with legislative changes which might affect reporting rates. Then evidence has been collated from several other sources outside Australia - places with a similar Anglo-Saxon culture and legislative system, and where pornography has also been introduced over a similar period of time. The data from New Zealand, England and Wales and London have the advantage over South Australia in having a larger population base. This appears to be reflected in rather more stable year-to-year figures. South Australian data fluctuates more and show more extreme changes. Nonetheless, the trends for both minor sexual offences and for rape show strong similarities in each place.

Figure 5 brings together the minor offence trends for each of the four sources. They provide no support for the case argued by Kutchinsky (1971) that a steep decline in sex offences other than rape could be expected from liberalisation of pornography legislation. Even with the inclusion of carnal knowledge in these totals, the indications are of a rise to the early seventies followed by a decline, but to a slightly higher level than in the sixties.

However, very substantial differences exist even between minor offence categories, as has been shown in relation to Denmark (Court, 1975(a)). In New Zealand and South Australia especially there has been a striking decline in carnal knowledge reports. In view of their great frequency earlier, they contribute substantially to the overall totals. When

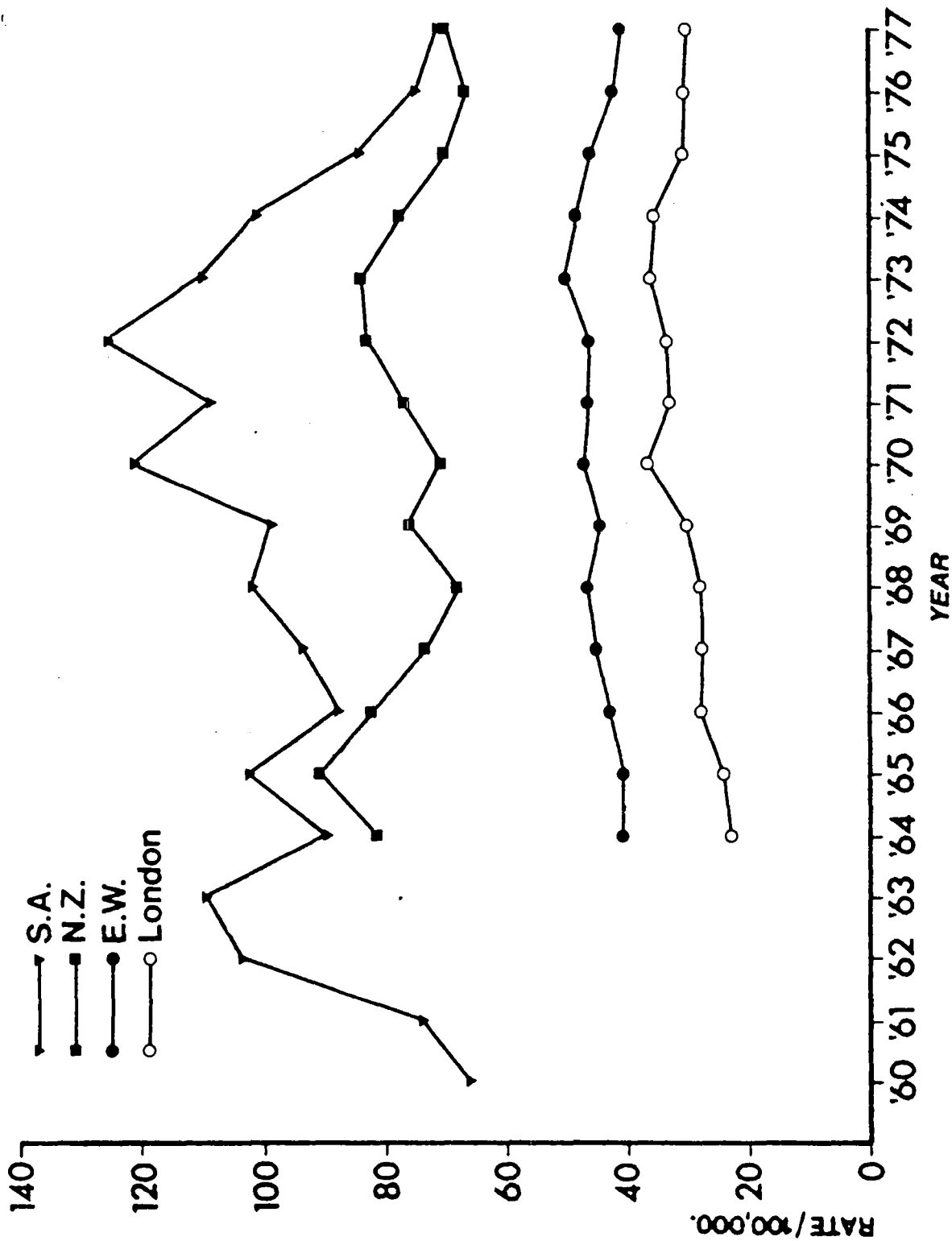


FIGURE 5. MINOR OFFENCES COMING TO POLICE ATTENTION.

this category is removed from consideration, the evidence against a decline is still more obvious.

It might, of course, be argued that the decline in reports of carnal knowledge results in a real decline in the frequency of such events and hence should be the best evidence in support of Kutchinsky. Such a view is in conflict with the more probable explanation that such activities have now moved into the area of everyday behaviour (Wilson and Brown, 1973) and hence no longer reported.

Such a view receives some support in the South Australian Police Commissioner's Report (1973-74). In commentary on the offences against morality figures for the year, it is stated that

There was a decrease of 68 (4.75 percent) compared with figures for the previous year. This arose mainly from a decrease of 124 in carnal knowledge offences. It does not represent any improvement in moral standards in the community but is due in some part to a growing disinclination to bring such offences to official notice. (op.cit., pp.13-14)

That comment was made at the beginning of a trend which was to continue rapidly over the next few years. The same report also noted, without commentary, that

reported rape offences rose from 52 to 91, a 92.31 percent increase over the previous year. (op.cit., p.14)

This trend was also to continue over the next few years

until eventually a quite remarkable situation has arisen whereby rape reports actually exceed carnal knowledge reports (see Figure 1).

While one may relate declining carnal knowledge reports to changed attitudes, it does not follow that this is a sufficient description of the situation. While reports have decreased, it appears that actual events have neither decreased nor remained stable. Few would dispute that adolescent sexual activity has significantly increased over the last decade.

The importance of considering both actual frequency and reporting attitudes is seen also in relation to rape data. Certainly there are arguments to be advanced for the view that recent increases arise from greater willingness to report, at least in the latter part of the period studied here. Legislative and other social changes may well have had an impact. These cannot explain the increase occurring in South Australia from as early as 1970, but from the mid seventies an incremental effect may be attributable to changed police and medicinal procedures, together with improved legal arrangements enabling victims to come forward with greater confidence. On the other hand, there have also been factors leading women to become less likely to come forward to the police (Court, 1980). While the advent of facilities such as the Rape Crisis Centre has made it easier for women to come for support (since December 1976 in Adelaide), it does not mean that such women then go forward

to the police. Due to the circumstances surrounding many rapes it has been reported that

the counsellors say most women coming to the centre do not want to contact the police. (Kennedy, 1978)

Similarly, at a Women's Seminar in Canberra (April 1975) it was stated that

of 45 cases in contact with a Rape Crisis Centre, only five reported the offence to the police and none of these were successfully pursued. (Quoted in Bush, 1977, p.154)

Moreover, it does appear that the increased attention which has been paid to rape arises from a response to a pre-existing increase already occurring and not simply sensitivity to an unchanging problem. So Chappell has written that

Quite apart from the influence of the debates about women's rights, race and death penalty upon the contemporary response of the criminal justice system to forcible rape, concern about this crime has been further stimulated by the apparent startling increase in the incidence of this type of sexual assault [rape]. During the past decade, rates of forcible rape have more than doubled. The pace of increasing rates has become more rapid since 1967 and in the early 1970s reached a speed outstripping all other major categories of violent crime. (Chappell, 1976, p.10)

In view of the possibility of links between rape and pornography, it is noteworthy that Chappell is here writing in relation to the situation in the United States, where concern over the effects of pornography led to the U.S. Commission on Obscenity and Pornography being established in 1967 and where its Report was presented in 1970. By 1977 Robin Morgan had coined the phrase "Theory and Practice: Pornography and Rape" (Morgan, 1977, 1980).

It is therefore being argued here that there have been changes in the actual incidence of both rape and carnal knowledge, both in the direction of increased frequency, but when it comes to reporting such activity to the police, there has been encouragement to report the former while the latter now appears less frequently as an offence.

Such a view is consistent with widely held values in contemporary society in favour of consensual sexual activity, but against coercion and violence (Wilson and Brown, 1973). It requires one to consider the possibility that the major offences of sexual violence have more to do with violence and the power relationships existing between men and women than with their sexual connotations. The view that rape is in reality an act of violence is one increasingly commonly advanced (e.g., Bart, 1979; Groth, Burgess and Holmstrom, 1977; Lederer, 1980). That rape reports rise at the same time as non-sexual crimes of violence rise, but other sexual offences fall, provides preliminary support for that view, although evidence for a distinctively sexual component in

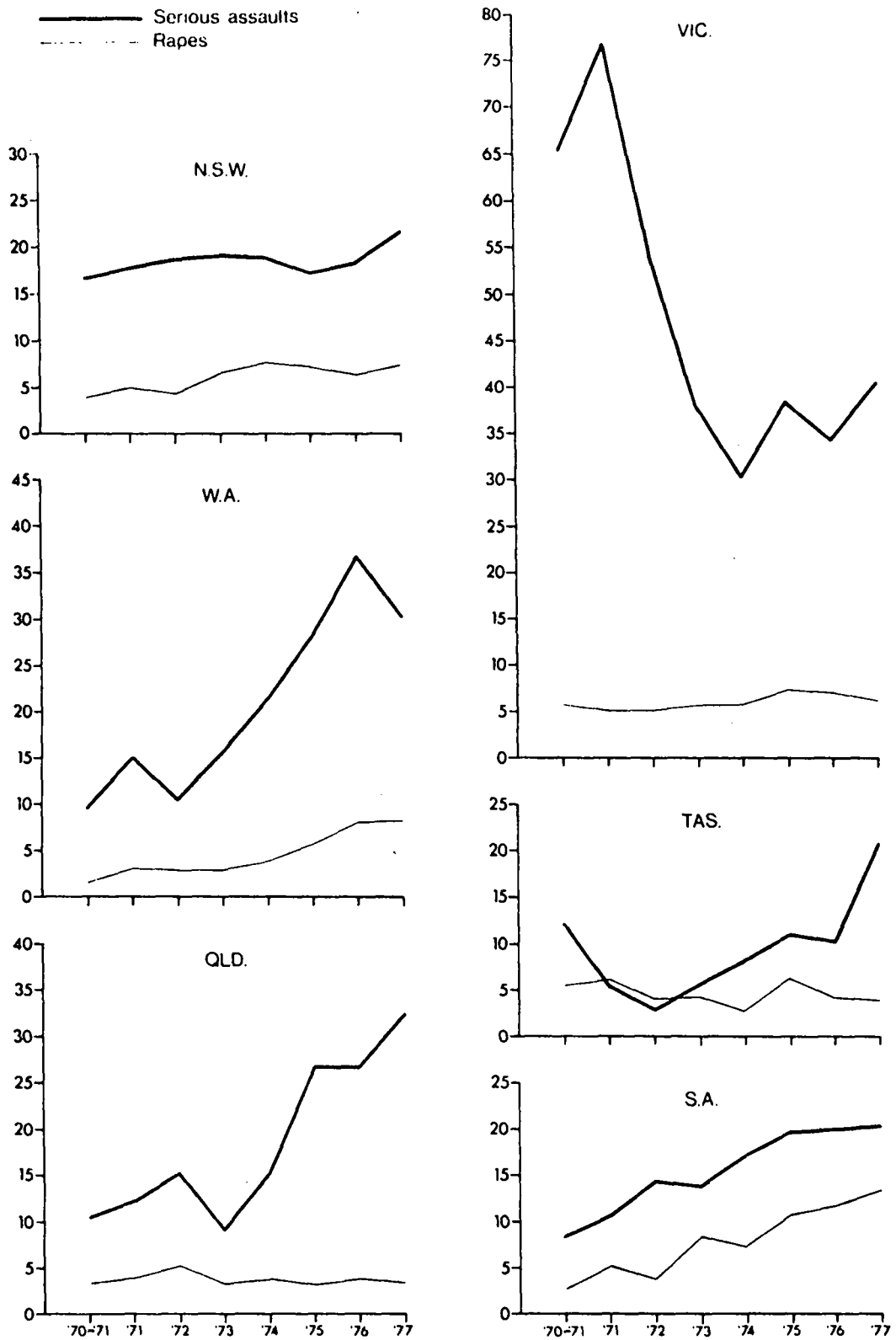


Figure 2. Trends for serious assault and rape in the six states of Australia from 1970 (expressed in rate/100,000 population).

FIGURE 6. TRENDS FOR SERIOUS ASSAULT AND RAPE IN THE SIX STATES OF AUSTRALIA FROM 1970 (EXPRESSED IN RATE/100,000 POPULATION).

rape, which is not triggered by violent images alone, has been advanced by Quinsey et. al. (1981).

While this is not a central consideration in the present study, since it relates primarily to minor sexual offences, the issue has been explored a little since it has relevance to a general consideration of the relationship between major and minor offences. If a relationship can be positively established between sexual and non-sexual violence or aggression, this does not necessarily negate the possibility that pornography can still play a part in facilitating the offence of rape (Stohl, 1979-80), but clearly if the incidence of rape does closely parallel general changes in the violent crime rate, any relationships with specific influences like pornography lose their predictive value. If, on the other hand, correlations between trends for the two types are low, then one can with greater confidence refer to an influence which contributes to one set of data but not the other.

In order to explore this hypothesis, a comparison has been made of the relation between trends for serious assaults and for rapes reported to police in the six states of Australia, relying on the data reported by Biles (1979).

Figure 6 represents trends based on that material. Biles urges caution in comparing absolute levels between States, over the years 1964-78, favouring the latter part of the period as the more reliable. Data from 1970-78 have been taken for the present purpose as this date also coincides

with changes in legislation, providing freer access to pornography, so if a relationship exists between such material and rape rates, it should become apparent after 1970.

The data have been analysed in several ways, and the results are summarised in Tables 10 and 11.

Table 10

	<u>Serious Assault</u>			<u>Rape</u>		
	Estimate of slope	S.E.	Significance	Estimate of slope	S.E.	Significance
NSW	0.398	0.188	N.S.	0.538	0.140	.01
VIC	-5.267	1.726	.05	0.234	0.103	N.S.
QLD	3.346	0.715	.01	-0.595	0.072	N.S.
SA	1.788	0.185	.001	1.530	0.175	.001
WA	3.723	0.661	.01	0.970	0.142	.001
TAS	1.324	0.744	N.S.	-0.188	0.183	N.S.

Correlation

S.A./Rape Significance

NSW	0.643	N.S.
VIC	-0.627	N.S.
QLD	-0.309	N.S.
SA	0.881	.004
WA	0.934	.001
TAS	-0.048	N.S.

Table 10. Slopes for serious assault and rape reports by States, with correlations between the two sets of data.

From Table 10 it transpires that there is great variability of slope between States for both serious assault and rape reports, while it is also evident from Figure 2 that there is

great variability between States in relationship to the level of offences reported, especially with serious assaults. Three States show a significant rise in serious assaults over the period, while two of these (S.A. and W.A.) also show a significant rise in rape reports.

The Victorian trend for serious assault was downward, but the trend for that State is misleading due to a revision of recording procedures undertaken in 1973 in order to bring them into conformity with other States (Victoria Police, 1973).

For rape reports, three States failed to show a significant trend either up or down.

Testing these slopes for linearity indicates that apart from Tasmania, with the suggestion of a quadratic function, the trends for all the data in Table 10 can be assumed to be linear. The correlation coefficients (Spearman) for relationships between the two sets of data for each State are also shown in Table 10. These confirm that there is no significant relationship between the two sets of data for four States, but a significant positive relationship exists for S.A. and W.A.

In Table 11, the same trends have been compared across States, and are presented in decreasing order of magnitude.

Table 11

Serious Assault			Rape		
WA	3.723	a	SA	1.530	
QLD	3.345	ab	WA	0.970	a
SA	1.788	b	NSW	0.538	ab
TAS	1.324	bc	VIC	0.234	b
NSW	0.398	c	TAS	-0.188	b
VIC	-5.267		QLD	-0.595	

Table 11. Relationships between States for trends in serious assault and rape reports.

The relationships between States have been represented by the letters a, b and c. Those labelled 'a' cannot be differentiated from one another; similarly for 'b' and 'c'. That is, for serious assault data, W.A. and Queensland have the steepest increase, and Victoria is different from all the other states.

With the rape data, S.A. stands out as having the steepest upward trend and distinguishable from all other States, while Queensland stands at the opposite pole also unrelated to the other States.

[It should be noted that for the data in Tables 10 and 11, the variances differ from State to State, so a straightforward analysis is not strictly valid. Hence separate estimates of the variance were used to come to the above conclusions.]

It is clear from these trends that no consistent relationship emerges between the rates of serious assaults reported and those of rape.

These results lead one either to conclude that the hypothesised link between the two sets of data is not supported, or to dismiss the incongruence as arising from artefacts such as changing policies and reporting rates. The latter explanation is unattractive unless specifically indicated, as it would appear to require the rejection of all such data as intrinsically meaningless.

What does emerge as relevant to the issues raised by Biles (1979) and considered above, is that the rape data for Queensland and South Australia are very different. The State with ready access to pornography shows a steep increase in reports, while the other does not. There is moreover no indication of a quadratic function after 1970 which might have been expected if changed reporting rates in the latter part of the period were the basis for the South Australian increase. The linear increase from 1970 is consistent with that reported elsewhere (Court, 1980(b)).

Rather than suggesting a close link between rape and non-sexual assault, the above data are more consistent with the view that there are important sexual implications in rape offences. On the basis of data from Sweden, together with prior studies in the U.S.A., Geis and Geis (1979) relate increased rape reports to social attitudes to sexuality and increasingly 'permissive' expectations by men regarding what they can do.

In short, socially conditioned to believe that sexual encounters ending in intercourse are an

important index of their worth, some men would find it particularly unnerving to be rejected when they regard rejection as uncommon and personal. Their sexual aggression could express their anger. (Geis, 1979, p.316)

Where does such social conditioning come from? At least in part this can be related back to the messages contained in contemporary pornography. For example, Malamuth, Heim and Feshbach (1980) in a study in which normal males became sexually disinhibited by listening to tapes of rape victims experiencing both orgasm and pain, they state that

within pornographic depictions of rape the victims's arousal constitutes an important component of these stimuli's appeal. (p.406)

and specifically invoking conditioning principles,

The elicitation of sexual arousal within a violent context may result in a conditioning process whereby violent acts become associated with sexual pleasure, a highly powerful unconditioned stimulus and reinforcer. (p.407)

There is increasing reason, on the basis of experimental studies of erotica and aggression, to believe that behaviour cannot be conveniently pigeon-holed as either sexual or aggressive. Rape is an offence which most obviously combines both elements and it appears that this fusing of aggression and sexuality represents for some offenders an essential mode of obtaining gratification.

Preselnik, a forensic psychologist involved in the treatment of sex offenders, was recently reported as follows

But for sex offenders in general, Preselnik said, "Violence and sex are one feeling. He can't differentiate between the two. We had a guy in here who stabbed a woman 23 times. I asked him why he stabbed her so often, more than was needed to kill her, and he told me 'That's the number of times I need to get an erection'. They may sometimes have an orgasm during a violent act."

"If you are hostile or mentally unstable, pornography would definitely kick you off", he said, "although it's not a simple cause and effect. Sex offenders are very complex people. They're attracted to pornography. They may have committed the crime anyway, but pornography lowers controls, and away they go. They're fighting to control their impulses all the time - it takes an inordinate amount of energy. Pornography also reconfirms in their own minds their bizarre thinking."

"Sex offenders' is really a misnomer." Preselnik added, "It's not a sexual problem, it's a personality problem, a personality defect that affects them. It goes much deeper than sex."

(Preselnik, 1980)

It is possible to suggest that such changes in attitudes

as those noted by Geis and Geis (1979) arise without any reference to the impact of pornography. However, the recent studies of Malamuth (Malamuth, Feshbach and Jaffe, 1977; Malamuth, Heim and Feshbach, 1980; Malamuth and Check, 1980) and Donnerstein (1980) on the relationships between sexual arousal and aggression do point to important interactions. Indeed, one may eventually go as far as to relate some of the rise in non-sexual aggression to the increased availability of certain types of sexual stimuli, since Donnerstein reports that

The purpose of the present study was to determine whether aggressive-erotic stimuli are, at least in part, responsible for aggressive responses against women. The results of the first experiment suggest that such stimuli can lead to increased aggressive behaviours towards women...highly arousing non-aggressive-erotic stimuli can be a mediator of aggressive behaviour by males toward other males under certain conditions. (Donnerstein, 1980, p.275)

If this is so, then one should not be surprised at a positive association between increased non-sexual aggression occurring concurrently with rising rape reports. While many other societal factors may also be implicated, a link with sexually arousing materials cannot be discarded at this stage.

A possible model

What is to be defined as a sex-crime varies from time to time according to changing social norms. In recent years many changes have been made to the categories (e.g., changes in laws relating to homosexual behaviour, age of consent, prostitution, and rape in marriage). Most of these have the effect of removing offences from the statute book and thereby bringing about a reduction in reportable offences.

This change has occurred in the context of, and perhaps partly in response to, increased sexual activity flowing on from social and moral changes, together with the advent of contraceptives and extensive sex-education programmes. Young people are becoming sexually active at an earlier age, (Collins, 1974) and premarital sex is becoming more prevalent (Blizard and Smith, 1973).

It follows that even for those minor offences which remain, a lower rate of reporting to police could be expected. This trend was documented in Denmark by Kutchinsky (1970(b)). Wilson and Brown (1973) in an Australian survey found that there was increasing tolerance of homosexuality and carnal knowledge, but there remains a strong rejection of non-consensual sex, such as rape.

Putting these inferences together, one may propose the model represented in Figure 7. Two equilateral triangles (A and B) are used to represent the situations in the past (crime trends suggest that one might identify the 1950s for this purpose) and the present respectively.

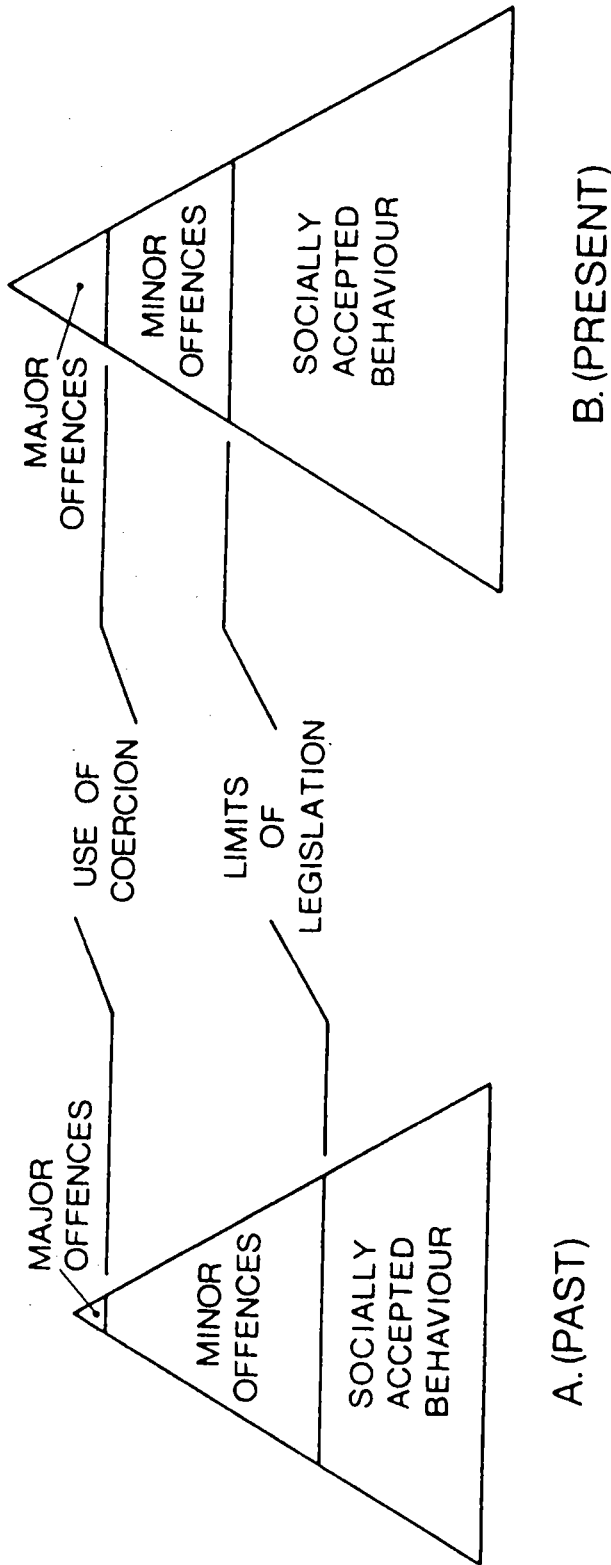


FIGURE 7. A MODEL TO RELATE INCREASING MAJOR SEX OFFENCE REPORTS TO A DECREASING NUMBER OF MINOR SEX OFFENCE REPORTS.

Triangle A is divided by two lines - the lower line bounding that behaviour which was deemed socially acceptable (both legal and/or moral). One might for some purposes sub-divide this category into those acts deemed both legal and moral and those deemed legal but immoral, but this sub-division is not relevant to a consideration of offence report rates. Beyond this region lies behaviour identified as contravening the law, including proscribed acts of consensual sexual behaviour and offences such as voyeurism and exhibiting. A further delimitation identifies major sexual offences as those involving some degree of coercion (i.e., non-consensual acts involving force, such as rape and indecent assault). The relative proportions of the triangle are intended to represent socially accepted behaviour as the largest category, with major offences as a relatively tiny category.

Triangle B represents several hypothesised changes. The larger base represents an absolute increase in sexual activity arising from changed attitudes, early involvement, and greater opportunity (Geis and Geis, 1979). Over the past twenty years one may postulate further that the limits of cultural acceptance of normality have, at least in Western countries, shifted significantly. The most obvious changes appear in relation to masturbation, oral sex, and homosexual activity. Such changes have been accompanied by changes in the laws governing sexual behaviour, especially over the last fifteen years, in such areas as age of consent, prostitution

and homosexuality. Hence the legislative boundary line is represented as having moved upward, so that the total domain of sexual offences relative to sexual behaviour generally is reduced. This might lead to a decrease in the total number of sexual offences being reported, especially in those offences remaining on the books but having increased acceptance (e.g., carnal knowledge). However, one could equally postulate a no-change or slight growth trend as the larger base of sexual activity leads to changed expectations among potential offenders. That is, a threshold shift could occur making a potential offender more likely to act than inhibit his actions in a society which appears less condemnatory if he does offend. In this connection, more studies are needed of the relationship between reported offence rates and conviction rates.

A marked upward shift in the lower line does not have to be matched by a corresponding upward shift in the delimitation of the more serious offences. In line with Wilson and Brown's (1973) findings, it appears that offences like rape and sexual assault are still unacceptable. The line is here represented as showing a slight upward shift which may be occurring through extensive media treatment of offences with consequent desensitisation. Support for this different attitude to the major and minor offences comes from Kutchinsky's (1971) examination of postulated reporting rates which declined strikingly for minor offences but very much less for major offences.

The combined implication of the components is that a real increase in major sexual offences can occur in a context where minor offences are reducing in number. Since minor offences have always been numerically greater than major offences, then a simple aggregate of the two categories could give the picture of no change or overall decline in total sex offences. While factually correct, it would fail to do justice to the growth of serious offences by masking their appearance in the gross data (cf. Williams, 1979).

The effect of such altered relationships can be observed by reference back to Figure 1. In South Australia, reports of carnal knowledge have declined so much, and rape reports concurrently increased, that rape has become the more frequently reported offence since 1976-77.

This model goes some way to reconciling differences in the literature regarding trends in sex offence data in recent years. As it stands it does not require any consideration of the dissemination of pornography, since these social, moral and legal changes could occur regardless of the presence of pornography. However, in the light of the findings presented above, it is a serious hypothesis that the messages of pornography have at least facilitated the growth of serious sex offences. These have become increasingly prevalent at a time when the mass media have also given increased attention to crimes of both sex and violence in graphic ways. There are indications that even such reporting of offences can of itself lead to imitative responses among a large enough group

of individuals to generate identifiable upward shifts in the crime statistics, (Berkowitz and Macaulay, 1971), even though others (e.g., Lang and Lang, 1972) argue for a deterrent effect. If pornography, together with the media generally, fosters increasing acceptance of assault on women by presenting it as highly arousing and rewarding then it may contribute to an upward shift in the limits of acceptance so that serious sexual assault could become treated less seriously. There are indications that such insensitivity can develop (Malamuth, Haber and Feshbach, 1980) and in that context the effect would be for the level of reporting relative to actual offences committed to go down.

The importance of this model is in indicating that there is little comfort to be derived from reduction in total sex crime figures when the more serious offences are increasing.

Relating this model to Biles' (1979) commentary on minor sexual offences in Australia, one notes that evidence relating to rape reports (Court, 1977) has relevance to the top of the triangles, while that concerned with minor offences (Kutchinsky, 1971) relates to the mid-section. Apparent conflicts arise from treating the two sets of data as comparable. Neither set can be fully understood without reference to the other, while the base of the triangles must also be considered if the diverging trends in minor and major offences are to be understood.

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APPENDIX 1Criminal Law Consolidation Act (1935-1975) & Police
Offences Act (1853-1975) of South Australia.Relevant changes in the law with regard to offences
against Morality.

<u>Section</u>	<u>Nature of Change</u>
48	<p>Rape, Defilement and Abduction Act No.66, 1975</p> <p>- In 1975 the heading of this section was changed to the above 'Rape, Defilement & Abduction' striking out 'of Women & Girls', and therefore making it clear that the offence could also be committed against males.</p> <p>- The new act further defines the act of rape by making it clear that the victim does not consent to the sexual intercourse.</p>
48	<p>Act No. 86, 1976. Prior to this act rape was defined as penetration per anum of a male or female. Following the Act rape referred to having sexual intercourse with another person without that person's consent. Sexual intercourse including the introduction of the penis into the anus or mouth of another person (as well as the vagina).</p> <p>- Two other important changes also took place as a result of the 1976 Act.</p> <p>1) Firstly in relation to rape in marriage - Prior to the 1976 Act a husband could not be found guilty of the rape of his wife. However</p>

following the 1976 Act (Section 73) this is now an offence.

ii) Secondly in relation to boys under 14 years - Before the 1976 Act it was believed that boys under 14 years were not capable of sexual intercourse - the 1976 Act now abolishes all age limits (Section 73(2)).

50 - Prior to the 1975 Act (No.66) the principal act referred to carnally knowing a girl under 12 years. Following the 1975 Act this was changed to carnally knowing a person under 12 years.

In repealing Section 48-55 of the principal act the 1976 Amendment (No.86) made a number of changes to the offence of carnally knowing. Once consent of the victim is obtained the offence is referred to as carnal knowledge or sexual intercourse.

Following the 1976 amendment the sections relating to carnal knowledge were placed under the section of Unlawful Sexual Intercourse.

56 - Following the 1975 Act (No.66) indecent assault changed from being on the female to being on the person.

- As a result of the 1976 Act (No. 86) it would now appear that husbands can be charged with indecent assault on their wives.

57b - Prior to the 1975 Act it was acknowledged that indecent interference could be committed on a boy

or girl under 17 years, but in 1975 the words boy and girl were changed to person.

- With regard to persons over 17 years before 1975 it was assumed that only females were indecently interfered with. After the 1975 Act the word female was changed to person.

- In the 1976 Act the section relating to indecent interference is repealed - (and nothing appears to replace it).

58 - Before 1975 the Act assumes that only males committed acts of gross indecency, in 1975 this was changed to person.

- Also prior to the 1975 Act, gross indecency was only committed against a female, after the Act the wording was changed to person.

- This section relating to offences of gross indecency was expanded by the 1978 Act (No. 92).

Unnatural Offences

69-71 - Prior to 1972 and based on the original Act (1935) Unnatural Offences included:

- a) buggery on an animal or person
- b) attempt and indecent assault on males
- c) gross indecency (which relates to a male procuring another male for sex) and to be distinguished from the other category of gross indecency.

- The 1972 Act made a number of changes relating

to a) and c). Following 1972 a male person could commit buggery with another male and gross indecency, and not be charged with an offence if

(i) The act was committed in private

(ii) both had consented to the act and

(iii) both participants were over 21 years.

- In 1975 all amendments were repealed and following 1975 'unnatural offences' relates only to the offence of committing buggery with an animal, and incest.

72 No relevant changes to incest.

73 Defines Carnal Knowledge.

Offences against Morality, Public Health etc.

55 No changes to Lewdness.

Summary of the relevant changes to the laws
governing offences against Morality.

<u>Offence</u>	<u>Year</u>	<u>Nature of Change</u>	<u>Effect on Statistics</u>
Rape	1975	To broaden category to include offences on males	Increase
"	1976	Rape now includes oral and anal rape	"
"	1976	Rape in marriage is now an offence	"
"	1976	It is now recognized that boys under 14 years are capable of sexual intercourse	"
Carnally knowing	1975	Change from offence on the female to offence on the person	"
"	1976	Carnally knowing now becomes Unlawful Sexual Intercourse	"
Indecent Assault	1975	Changed from offence on the female to offence on the Person	"
"	1976	A husband can now conceivably indecently assault his wife	"
Indecent Interference	1975	The offence changed from being on the female to on the person	"
"	1976	This category repealed and not replaced	Decrease
Gross Indecency	1975	The offence was changed from being committed by a male to being committed by a person	Increase
"	1975	The offence changed from being committed on the male to on the person	"
Unnatural Offences (not incl.)	1972	Certain acts of homosexuality are allowed under certain conditions	Decrease

incest)

"

1975 All laws relating to consent-
ing adult homosexuality re-
pealed. The category now
includes only offences
involving animals.

"

APPENDIX 2

Indictable sexual offences with their classification numbers in England and Wales.

16. Buggery:

1. With a boy under the age of 16 or with a woman or an animal.
2. By a man with a male person of the age of 16 or over without consent.
3. by a man of the age of 21 or over with another male person under the age of 21 with consent.
4. By a man with another male person other than as in 1, 2 or 3 above.
5. Male member of staff of hospital or mental nursing home committing buggery or an act of gross indecency with a male patient.
6. Man committing buggery or and act of gross indecency with mentally disordered male patient who is subject to his care.
7. Attempt to commit buggery with a boy under the age of 16 or with a women or an animal.
8. Attempt by a man to commit buggery with a male person of the age of 16 or over without consent.
9. Attempt by a man of the age 21 or over to commit buggery with another male person under the age of 21 with consent.
10. Attempt by a man to commit buggery with another male person other than as in 7, 8 or 9 above.
11. Assault with intent to commit buggery.

17. Indecent assault on a male:

11. Indecent assault on male person under 16 years.
12. Indecent assault on male person 16 years or over.

18. Indecency between males:

1. By a man of the age 21 or over with another male person under the age of 21.
2. By a man with another male person other than in 1 above.

19. Rape:

2. Man having unlawful sexual intercourse with a woman who is a defective.
3. Male member of staff of hospital or mental nursing home having unlawful sexual intercourse

with female patient.

4. Man having unlawful sexual intercourse with mentally disordered female patient who is subject to his care.

5. Rape.

6. Attempted rape.

20. Indecent assault on a female:

1. On female under 16 years of age.

2. On female aged 16 years and over.

21. Unlawful sexual intercourse with girl under 13.

22. Unlawful sexual intercourse with girl under 16.

23. Incest.

24. Procuration:

1. Procuring female for immoral purpose, or using drug to obtain or facilitate sexual intercourse.

2. Householder permitting unlawful sexual intercourse with girl under 16.

3. Detention of female in brothel or other premises.

4. Conspiracy to defile a female.

5. Person responsible for girl under 16 causing, or encouraging her prostitution, etc.

6. Living on earnings of prostitution or exercising control over prostitution.

7. Procuring, permitting or causing the prostitution, etc., of female defective.

8. Man of or over age of 21 procuring or attempting to procure or being party to the commission by a man under 21 of an act of gross indecency with another man.

9. Man procuring or attempting to procure or being party to the commission by a man not under 21 of an act of gross indecency with another man (other than as in 10 below).

10. Man procuring an act of buggery between two other men which by reasons of s.1(1) of the Sexual Offences Act 1967, is not an offence.

11.1 Man or woman living, wholly or in part, on the earnings of male prostitution.

25. Abduction:

1. Abduction of female having interest in property.

2. Abduction of female by force.

3. Abduction of unmarried girl under 16.
 4. Abduction of unmarried girl under 18.
 5. Abduction of female defective.
-
26. Bigamy.
 27. Soliciting by a man.
 74. Gross indecency with a child.

APPENDIX 3. Raw data from each State (Police Reports)

RAPE AND ATTEMPTED RAPE

	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979
Reported S.A.	23	20	30	24	20	25	24	49	36	24	31	60	52	100	91	131	(a) 149	172		
Cases before the courts QLD.	37	31	51	37	68	47				(b) 39	74	84	94	98	(c) 69	60	70	69	59	
Reported Vic.	97	114	155		133	136			158	146	172	216	237				328	310		
Number dealt with by courts N.S.W.	123	137	79	124	184	116	102	179	139	171	125	203	174	187	219	204	186	201		
Number charged against persons W.A.	10	4	13	(d) 4	(e) 10	9	9	3	5	9	15	33	31	31	43	71	93			
Reported Tas.	11	16	8	13	4	17	19	17	12	21	21	24	16	17	11	25				

(a) Includes male victims from 1976.

(b) Change to 'number reported'.

(c) Change in recording procedures to conform to ABS requirements.

(d) 1963-4.

(e) 1964-5.

CARNAL KNOWLEDGE

	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	
S.A.	120	218	303	307	192	324	258	374	331	356	395	397	508	375	251	132	134	104			
QLD.		125	91	97	97	118	92	103	121	123			138	153							
VIC.	687	1150	2701		2389	1365			442	704	1012	758	954	830	811	700	678	549			
N.S.W.	828	785	796	858	844	976	965	1005	957	937	955	1125	996	918	526	492	413	248			
W.A.	57	40	96		131	124	111	128	109	95	110	131	128	109	149	158	124				
TAS.																					

(a) Changed procedures to conform to Uniform Crime Statistics.

UNNATURAL OFFENCES

	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979
S.A.	5	18	44	66	93	49	28	60	69	52	68	63	71	61	71	64	42	27		
QLD.		30	4	12	17	24	23	8	21	15	20	30								
VIC.																				
N.S.W.																				
W.A.																				
TAS.																				

BUGGERY

	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979
S.A.																			4	5
QLD.																				
VIC.									88	171	151	122	215	(a) 177	82	95	94	69		
N.S.W.	74	62	106	117	64	37	68	42	101	58	52	43								
W.A.																				
TAS.																				

(a) Changed procedures to conform to Uniform Crime Statistics.

INCEST

	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979
S.A.	8	12	17	12	17	13	13	6	22	10	20	23	13	14	17	5	6	2		
QLD.		5	9	6	8	7	11	9	3	13	13	13	20	11						
VIC.									144	113	110	347	164	(a) 143	86	117	98	44		
N.S.W.													3	3	4	1	0	4		
W.A.																				
TAS.																				

(a) Changed procedures to conform to Uniform Crime Statistics.

EXPOSURE

	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979
(a)	199	215	284	354	304	433	375	323	427	452	552	492	563	593	621	618	528	531	496	
QLD.										279	312	317	363	396						
VIC.									1300	1578	1659	1830	1909	1956	1756	1911	1862	1709		
N.S.W.																				
W.A.					182	204	172	238	249	284	327	300	261	287	388	424	443			
TAS.																				

(a) Lewdness and indecent behaviour, 1959-60, 60-1 etc.

(b) Changed procedures to conform to Uniform Crime Statistics.

INDECENT ASSAULT (FEMALE)

	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979
	178	134	181	220	147	157	164	156	148	160	198	160	167	154	151	125	128	176		
S.A.										395	407	461	454		(a) 514					
QLD.														(b) 1326	1238	995	1153	1099		
VIC.	317	565	750		1033	905			944	1529	1351	1429	1513	558	501	464	480			
N.S.W.	484	407	377	479	370	344	344	375	432	429	432	485	517	195	138	66	30			
W.A.					87	55	53	43	65	128	155	118	206		(c) 66					
TAS.	24	37	43	54	65	59	43	40	49		79	75	22	76	51	61				

(a) Includes child molesting - see Biles (1979).

(b) Changed procedures to conform to Uniform Crime Statistics.

(c) Females over 15 years from 1975.