

# *Practical and Policy Related Research*

*Conducted by the  
Australian  
Institute of  
Criminology  
1974-87*

Compiled by Dr Paul R. Wilson, Assistant Director (Research and Statistics)  
and Christine Nixon, Research Officer

**PRACTICAL AND POLICY RELATED RESEARCH CONDUCTED BY THE  
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PURPOSE OF THIS DOCUMENT

This document has been compiled to acquaint government authorities, interested organisations and individuals with the practical and policy work conducted by the Research Division of the Australian Institute of Criminology. It outlines, in summary form, major work in criminal justice areas together with examples of findings in each area. The document does not attempt to detail all major publications and research by the Division. Additional information is available in Research Programs (AIC, 1986) and in the Annual Reports of the Institute. Nor does it attempt to detail the multitude of ongoing requests for advice and information, the conferences and seminars organised by the Institute and other tasks which constitute much of the Division staff's time. Rather, it describes aspects of those programs which are practically orientated and aimed directly at policy issues.

Detailed information on any of the areas mentioned in this document can be obtained by writing to Dr Paul Wilson, Assistant Director (Research and Statistics), or telephoning him on 062-833840.

## INTRODUCTION

The Criminology Research Bill was introduced into the Federal Parliament in February 1971. This followed an extensive series of discussions, studies, seminars and conferences involving the Commonwealth, the States and New Zealand. Overseas developments were carefully studied, particularly the work of the United Nations which, at the Fourth Congress on the Prevention of Crime and Treatment of Offenders, had undertaken a specific study of the organisation of research and policy developments in social defence.

The basic rationale underlying the preparation of the Criminology Research Bill was:

- (1) the need for a systematic and rational approach to the organisation of research: the need for a practical orientation in the conduct of research with emphasis on applied research and the need for links to be forged between those engaged in research and those responsible for policy formulation
- (ii) the need for a government institute which would have a national approach to supplement action taken at the State level; the need for a government institute to assist government departments rather than a university institute; the need for State co-operation and involvement in the scheme; and the need for a State voice in the administration of the affairs of the bodies proposed to be established.

The Australian Institute of Criminology and the Criminology Research Council were established by the Criminology Research Act of 1971. Following an amendment to the Act in 1986 the Board of Management consists of three members appointed by the Attorney-General, four members representing the States who are appointed by the Criminology Research Council, and the Director. The Institute is structured into two divisions, Research and Statistics, and Information and Training, which are supported by a small administrative unit.

The Criminology Research Council consists of representatives of Commonwealth and State and Northern Territory Governments and administers the Criminology Research Fund. Research funded by the Council is separate to that conducted by the Research and Statistics Division of the Institute. Council funding is generally localised on State rather than national matters, however, the Institute advises the Council in relation to needs for and programs of criminology research.

The administrative arrangements at the Institute, whereby the terms and conditions of employment of researchers are similar to those in academic institutions, have attracted high calibre staff.

The following is a list of current senior staff attached to the Research and Statistics Division:

Peter Grabosky B.A., M.A., Ph.D.(Northwestern)  
 Suzanne Hatty B.A.(Macq.), Ph.D.(Syd.), M.A.Ps.S.  
 Kayleen Hazlehurst B.A.(McGill), M.A.(Toronto)  
 Satyanshu Mukherjee A.M., Ph.D.(Penn.), Ph.D.(Delhi)  
 Ivan Potas B.A., LL.B., LL.M. (A.N.U.)  
 Anita Scandia  
 Bruce Swanton B.A. (Q'ld)  
 John Walker B.Sc.(Econ.)(Lond.)  
 Grant Wardlaw B.A., M.A., Ph.D.(Auck.), B.A.(Deakin), Grad. Dip.  
 Int. Law (A.N.U.)  
 Paul Wilson B.A., M.A.(Canterbury), Ph.D.(Q'ld)

In most instances research conducted by the Institute is of an applied nature, though, in special circumstances, basic research is conducted when it has the potential for policy application and when no other scientific body is available to undertake that research. The Institute generally encourages research that is of national significance, though, where a demand exists, work is conducted for State bodies. Projects are both of a short term and long term duration depending on the problem or policy issue analysed. Though Institute staff have developed expertise in specific areas of crime and criminal justice, the ever-changing needs of organisations and governments has dictated that staff adopt a flexible approach to research priorities. However, despite the strong emphasis on practical and policy matters the Institute strongly upholds its charter to provide independent advice and policy analysis. Finally, the Research Division is currently engaging in 'contract' research as part of the Institute's 'cost-recovery' program, though such research is only undertaken if it meets the criteria underlying the preparation of the Criminology Research Bill described on page (iii).

The following review is organised around four headings. First, major completed research between 1974 and 1987 which has made, or is expected to make, a major contribution to criminal justice policy is presented. Second, ongoing statistical collections which provide a data source for policy makers are described. Third, significant ongoing research which has the potential to affect criminal justice policy is depicted. The fourth and final category outlines consultations, seminars and committee memberships of a practical or policy nature for the years 1982-87.

April 1987

Paul Wilson  
 Christine Nixon

I

**MAJOR COMPLETED RESEARCH 1974-87**

(Work which has made or is expected to make a major contribution to criminal justice policy)

## CORPORATE CRIME

### Case Studies and Government Response

Dr Grabosky, in collaboration with Dr Sutton of the South Australian Attorney-General's Department, has compiled a set of case studies on Australian corporate misconduct. The cases illustrate how corporate organisational defects, and shortcomings in the law and in regulatory practice, contributed to the conduct in question. The conclusion suggests organisational strategies for the prevention of corporate crime, and recommends a variety of regulatory reforms.

### Enforcement Strategies

A significant outcome of Drs Braithwaite and Grabosky's work in corporate crime was their book Of Manners Gentle: Enforcement Strategies of Australian Business Regulatory Agencies (Oxford University Press and AIC, 1986). Their research found that despite the availability of severe penal clauses, most senior regulatory officials prefer informal means of persuasion, negotiation and compromise to that of criminal prosecution. The research has catalysed thinking by Commonwealth and State Attorneys General about more cost effective enforcement of companies and securities laws through joint Commonwealth and State arrangements.

### Publicity - Impact on Offenders

The Impact of Publicity on Corporate Offenders (State University of New York Press, 1983) by Dr Braithwaite and Professor Fisse, examined the use of publicity as a means of controlling corporate crime. The authors studied seventeen transnational companies which suffered adverse publicity crises. The research found that financial impacts were not a strong deterrent while non-financial impacts such as loss of corporate and individual prestige, decline in morale, humiliation in the witness box, were acutely felt.

### Self Regulation - Enforced

The criminal justice system's failure to control corporations has been well documented. Dr Braithwaite, in his article Enforced Self-Regulation: A New Strategy for Corporate Crime Control (Michigan Law Review, June, 1982, Vol. 80, No. 7) proposed that enforced self regulation could play an important role in a fundamental redeployment of governmental expenditures in regulating business. Under enforced self regulation, each company would write its own rules to be monitored and observed by an internal compliance group. The director of the compliance group would be responsible to a government regulatory agency.



## CRIME TRENDS

One of the highest priorities of the Australian Institute of Criminology, since its inception in 1973, has been the provision of accurate and comprehensive statistics concerning the size of the crime problem in Australia. It would not be overstating the case to say that this task has also been one of the most difficult which the Institute has set itself.

### Criminal and Social Trends

Dr Mukherjee, Ms Jacobsen and Mr Walker produced a compilation of criminal justice, demographic and social/economic statistics, published and unpublished, for Australia since the beginning of the century. Originally entitled Source Book of Australian Criminal and Social Statistics 1900-1980 (AIC, 1981), the book is currently being updated and a bicentennial edition will be published in 1988. The work describes the nature and distribution of known offences, the characteristics and distribution of persons arrested and persons under correctional supervision. It provides reference material not only for researchers, but for elected officials and policy makers, in the development of strategies for crime prevention and control and the treatment of offenders. The data set in this book has been deposited at the Social Science Data Archives, the Australian National University and at the Criminal Justice Archive and Information Network, Ann Arbor, Michigan.

Crime Trends in Twentieth Century Australia (AIC in association with George Allen and Unwin, 1981) by Dr Mukherjee, provides a historico-statistical profile of patterns of crime in Australia during the first seventy-seven years of this century.

The report is divided into three parts. Starting with the description of the general socio-economic developments in Australia, the United States and the United Kingdom, Part I deals with sources and limitations of crime statistics, summarises research studies carried out elsewhere, and elaborates the origin and objectives of the research project. Part II examines patterns of crime dealt with by the police and the magistrates' courts, offenders tried at the higher courts and imprisonment trends. This part also describes the size of the police force and expenditure at the police and prison levels. Part III looks into the long term and short term correlates of crime, defines and delineates the concept of environmental sets and examines crime in relation to each set.

The research carried out by Dr Mukherjee demonstrates the limitations of trend studies based on short term data and highlights the difficulties in forecasting crime patterns. The enormous amount of data collected, only a part of which was utilised in the research project, will be extremely valuable to researchers.

### Dimensions

Dr Mukherjee, Mr Walker et al. produced a major report The Size of the Crime Problem in Australia (AIC, 1987) which contains comprehensive data relating to important categories of reported crime, their solution rate and those involved in arrest. The study is based on data for the years 1973-74 to 1984-85 compiled from annual reports of police departments and from reports of the Police Commissioners' Australian Crime Statistics Sub-Committee. This study is the most comprehensive account of crime in Australia yet published. Major findings include: (i) murder rates are no more prevalent in 1985-86 than in 1973-74; (ii) although the rate of burglary increased steadily in the decade 1973-83, there has been a slight but encouraging decline since then; (iii) the rate of serious assault (which ranges from minor bruising to grievous bodily injury) has increased since 1973-74; and (iv) the rate of robbery since 1975-76 has been increasing steadily.

The work will enable the identification of specific areas where criminal justice resources are needed, and allow for a more effective allocation of personnel concerned with crime issues. Also, this offers the Australian community the resource material which enables debate about crime to be conducted at a much enhanced level.

### DRUGS

#### Sentencing of Commonwealth Drug Offenders

In this computerised study conducted during 1981-82 Mr Potas and Mr Walker evaluated and described the sentencing patterns for offenders convicted of serious Commonwealth drug offences. They examined three hundred sentencing decisions between 1976 and 1980, and found that when drug type and quantity of drug were taken into account, together with a number of other factors, differences between sentences were very slight. In their publication Sentencing the Federal Drug Offender (AIC, 1983), Messrs Potas and Walker present a model for producing guidelines for sentencing by judges. These guidelines are of direct relevance to current law reform commissions' considerations of sentencing practices.

Following this research, Mr Potas made oral and written submissions to the Victorian Sentencing Committee, chaired by Sir John Starke, in response to the Committee's request. Also, the Department of Foreign Affairs and the Attorney-General's Department followed advice given by Mr Potas and Mr Walker in the determination of a fair parole date in the controversial Besser and Hayes drug smuggling case (dubbed by the media as the case of the two grannies).

## JURIES

### Testing Standard Jury Instructions

During 1983 Mr Potas conducted a study which aimed to gauge the degree of understanding which laypeople have of legal instructions given by the trial judge. His report, with Ms Rickwood, Do Juries Understand? (AIC, 1984) demonstrated that some instructions were better understood and therefore applied more appropriately than others. Of the nine instructions examined, the 'alibi' instruction was found to be best understood, while the 'common purpose' and 'self defence' instructions were least well understood. This research indicates the desirability of developing strategies to simplify the jury's task - a topic which most States are now considering.

## JUVENILE JUSTICE

### Child Welfare

Dr Seymour's work in the child welfare area has been of relevance to policy matters relating to juvenile justice. From May 1979 to March 1981 he was a Commissioner of the Australian Law Reform Commission with reference to Child Welfare law in the Australian Capital Territory. His work was published in a comprehensive report by the Australian Law Reform Commission tabled in the Federal Parliament in 1981, entitled Child Welfare Report No. 18. Dr Seymour was consultant to the South Australian Inquiry into Juvenile Justice, and this resulted in the Report of the Royal Commission into the Administration of the Juvenile Courts Act and Other Associated Matters, Part 2 (Government Printer, Adelaide, 1977). Through these two undertakings, Dr Seymour has been responsible for the introduction of new legislation relating to juvenile justice in South Australia and the Australian Capital Territory in particular.

His major research project on methods of dealing with young offenders in Australia produced a comprehensive monograph Juvenile Justice in South Australia (Law book Company, Sydney, 1983). The work is descriptive, and is designed as a handbook for police, magistrates, judges, social workers and others who work with and for young offenders in South Australia.

## MENTALLY DISTURBED OFFENDERS

### Mental Illness and Criminal Responsibility

Mr Potas' research in this area resulted in the publication of a book Just Deserts for the Mad (AIC, 1982). Mr Potas' findings include the fact that confusion exists in criminal justice processes between treatment and punishment of mentally disturbed offenders. He proposes the use of sentencing principles where punishment is limited to the culpability of the offender. Mr Potas recommends that special facilities in ordinary prisons and

ordinary hospitals should be provided for detaining and treating the mentally ill. This work has been frequently referred to by the Attorney-General's Department and Health Departments throughout Australia in connection with revising the laws on the treatment of mentally disturbed offenders.

## OCCUPATIONAL HEALTH AND SAFETY

### Occupational Health and Safety Enforcement

Drs Grabosky and Braithwaite, through their work in the corporate crime area, produced 'Occupational Health and Safety Enforcement in Australia. A Report to the National Occupational Health and Safety Commission' (AIC, 1985). Subsequently, at the invitation of the Victorian Department of Employment and Industrial Affairs, they drafted a set of compliance guidelines for Victoria, Occupational Health and Safety Enforcement Guidelines. A Report to the Victorian Department of Labour (1986). Included in these guidelines was a recommendation that the Victorian government should communicate to the community that it has a clear hierarchy of regulatory responses for dealing with occupational health and safety problems. In the absence of industry co-operation it should escalate regulatory responses through three levels of increased intervention. In addition, the Commonwealth Minister for Resources and Energy made constructive use of their regulatory research in drafting the Australian Nuclear Science and Technology Organisation Bill, the purpose of which is to establish a successor organisation to the existing Australian Atomic Energy Commission. The clause relating to Nuclear Safety gives statutory recognition to the Regulatory Bureau established by the Atomic Energy Commission, and will now be known as the Nuclear Safety Bureau. The legislation is expected to be proclaimed in April.

## POLICE, POLICING

### Murder and Wounding of Police Officers

Mr Swanton produced a publication Police Officers Murdered and Wounded in the Course of Duty 1964-1983 (AIC, 1985). This study found that a total of twenty-one police officers were murdered, seventy-four wounded and ninety-three shot and bombed/mined in Australia from 1964 to 1983. There are distinct differences between jurisdictions. No evidence was found to indicate that murders and shootings of police officers are increasing in any jurisdiction, but this conclusion cannot be generalised to other forms of violence employed against police officers.

### Police Unions

This study by Mr Swanton involved a comprehensive examination of the major organisational and industrial facets of police unions and police unionism. An outcome of this work was Protecting the Protectors (AIC, 1983) which included analysis and discussion, in

case study form, of major reactions by police unions in respect of various grievances of the previous decade. It also examines the relationship between police performance and occupational development. The conflict between industrial and professional needs is identified as the greatest threat to sound police employee protection in the future. The study, together with subsequent research, has been of use to police administrators in understanding the nature of police employee grievances and their principal areas of occurrence. Mr Swanton's membership on the 1986 South Australian Government's Police Management Practices Review Committee is a visible recognition of his expertise in this area.

### Public Order Policing

This project, by Dr Wardlaw, surveys the major problems Western democracies face in controlling riots and civil disorders, and suggests principles applicable to these problems in countries with British-model police systems. It suggests the types of agencies or organisations most appropriate for dealing with public order problems such as riots, large demonstrations, major industrial disputes and terrorist incidents. The research has produced a major textbook on public order policing, which will be published by Cambridge University Press. Chapters include: The law on public disorder; The politics of public order policing; Research into urban disorder; Concepts of public order policing; Military force and public order keeping; Principles for public order policing; and Organisational structures for public order keeping. Dr Wardlaw's knowledge in this area has led to requests for his services in designing and implementing training courses for police and others involved in public order policing.

## PRISONERS, PRISONS

### Accommodation and Occupancy Survey

In June 1986 Mr Biles conducted a survey of all prison accommodation available in Australian jurisdictions and collected data on the maximum number of prisoners held in each jurisdiction on any day during April to June 1986. This study, reported in Prison Accommodation and Occupancy Survey (AIC, 1986), demonstrates that Australian prisons are holding more prisoners than they can safely accommodate. In all jurisdictions except Tasmania, the occupancy rates are above the desirable level of 85 per cent. In most jurisdictions the occupancy level is over 100 per cent. Policies, such as the proposed development of a National Strategy to reduce prison overcrowding are being developed to deal with the problem.

### ACT Prisoners in NSW Prisons

At the request of a committee for The Review of Welfare Services and Policies in the ACT, Mr Biles and the former Chief Probation and Parole Officer of Victoria conducted a study during 1985 to ascertain whether ACT prisoners and their families experience

particular difficulties in relation to family ties and welfare support. The study revealed that fewer than 40 per cent of these prisoners received visits monthly or more frequently. Over half of the prisoners said that the problems of cost and distance limited the frequency of visits. The report on the study by Mr Biles and Mr Cuddihy, Survey of ACT Prisoners in NSW (AIC, 1985), is still under consideration and provides essential background information for the planning of an ACT Prison.

#### Classification of Offenders

At the request of the Victorian Director General for Community Welfare Services in 1978 Mr Biles prepared a report Classification of Convicted Offenders in Victoria. Among his recommendations Mr Biles proposed that the 'two track' (prison and youth training centre) system operating for offenders in the age range 17 to 20 years be reviewed. He also recommended a re-designing of the social history questionnaire used in the Pentridge Classification Centre, and that a psychological testing program be re-established in the Pentridge Centre.

#### Deaths in Corrections

At the request of the 1984 Conference of Correctional Ministers, Dr Hatty and Mr Walker collaborated in a study of inmate deaths, particularly suicide, in Australian prisons. The final report Deaths in Australian Prisons (AIC, 1986) made a series of specific recommendations to reduce the incidence of suicide in Australian prisons. The study showed that the period following induction into prison was the most critical, and recommended a review of the methods of reception of prisoners in order to minimise the shock of incarceration. The authors also recommended a prison suicide component be contained in prison officers' courses, and that a crisis intervention service should be provided for all inmates.

#### Employment Strategy

From 1978 to 1983 Dr Braithwaite, in co-operation with the then Commonwealth Department of Employment and Youth Affairs and State Corrections Departments, was engaged on the development of a national employment strategy for prisoners. He published Prisons, Education and Work: Towards a National Employment Strategy for Prisoners (AIC and University of Queensland Press, 1980) and the recommendations in this work had an effect on prison policy. The proposal for the establishment of a Prison Industries Commission in each State had some influence in the establishment of the Victorian Commission. In four States there was a reform of classification procedures to improve the extent to which the long-term vocational and educational aspirations of prisoners are elicited as well as heightening the awareness of new admissions concerning the work and educational options available in the system. Dr Braithwaite recommended that all States reorganise their prisons bureaucracy to ensure co-operative planning between training-education and industry. Subsequently, South Australian and Victorian prison authorities improved the interfacing of industry and training.

### Groote Eylandt Prisoners

In 1983 Mr Biles presented a report on the use of imprisonment on Groote Eylandt in the Gulf of Carpentaria. The Northern Territory Director of Corrective Services requested the study in view of the high rate of imprisonment of the islanders. The implications of Mr Biles' report Groote Eylandt Prisoners (AIC, 1983) have been widely debated by government officials in Canberra and the Northern Territory. The major recommendation for the establishment of a prison on Groote Eylandt was not accepted. The recommendation for a resident correctional services field officer, responsible for developing probation and parole support and court advisory services, was accepted and implemented. Community development officers have been appointed as a crime prevention measure.

### Justice System Planning Model

Mr Walker in 1982 produced a computer-based model for prison population forecasting. This was reported in Forecasting Prisoner Numbers: A Computer Model for Correctional Administrators (AIC, 1984) which was updated in 1986. The model incorporates a wide range of assumptions about future developments in criminal activity, sentencing and parole practices and therefore can be used to evaluate the effects of proposed changes in the correctional system. The research model was used as a planning tool by the then Victorian Department of Community Welfare Services and they contracted Neilson Associates, Canberra, to design the Victorian Corrections Master Plan, using this model. The Queensland Corrections Department is now examining the model for its own use, and the Queensland Welfare Department is using the model to forecast correctional numbers relating to child welfare cases. New Zealand is also considering using the model for the assessment of policy options for its own prison system.

### Long Term Prisoners

At the instigation of the Ministers responsible for Correctional Departments in all States, from 1978 to 1980 Dr Wardlaw and Mr Biles conducted a project which addressed the management of long term prisoners in Australia. They found that the proportion and number of long term prisoners in the system is increasing and comprises over 40 per cent of prisoners in a number of jurisdictions. They made recommendations for streamlining statistical procedures relating to long term prisoners including more comprehensive information on social and psychological aspects of these prisoners. The study also found that long term prisoners are not a subject of major administrative difficulty in Australian prisons.

Their report The Management of Long Term Prisoners in Australia (AIC, 1980) was considered by the Conference of Ministers in charge of Prisons, Probation and Parole in May 1980.

### Overcrowding - Tasmania

During 1984 Mr Biles conducted an analysis of the techniques used in Tasmanian prisons to cope with the doubling of prisoner numbers during the Franklin Dam disputes. The resulting publication, with Mr Howe, 'Tasmania and the "Greenies": Research Note on Prison Crowding', The Australian and New Zealand Journal of Criminology Vol. 17, March 1984 pp 41-48 provides practical advice to other administrators should they be involved in similar problems of unanticipated prison overcrowding as a result of riots or disturbances.

### Remand in Custody

The 1984 Annual Conference of Corrections Ministers requested a study of the use of remand in custody orders. Mr Walker produced a report The Outcomes of Remand in Custody Orders (AIC September, 1985) which showed that a high percentage of people remanded in custody are eventually released without sentence. The report indicated that unnecessary expense and infringement of liberty often occurred and recommended to magistrates that they should be more selective in remand in custody orders.

### Unconvicted Prisoners in Australia

At the request of the Conference of Ministers for Corrective Services, Mr Biles conducted during 1984 a study on remand populations in eight jurisdictions. The resulting report Unconvicted Prisoners in Australia: A Study of the Structure of Remand Populations in Eight Jurisdictions (AIC, 1984) provided a method of analysing the structure of remand populations, thus facilitating an appropriate response to the need to reduce the remand population. In New South Wales, Victoria and Western Australia, the evidence suggests that greater efforts are required to reduce the average time of remandees in custody by increasing efficiency of the judicial process. In South Australia and the Northern Territory, the problem is a high intake figure which may be controlled by focussing on non custodial controls such as streamlined bail procedures.

### Victorian Facilities

In 1982 the Victorian Minister for Community Welfare Services requested a study on the size and nature of facilities needed for prisoners in Victoria.

Mr Biles prepared a report Remand in Victoria: A Review of the Nature and Size of Facilities Needed (AIC, 1982). The basic recommendations for construction of a 240 person capacity prison with bail hostels, a court and provision for the recognition of the unconvicted status of remandees have been accepted and are being implemented by the Victorian government.



### Women Prisoners in Victoria

Prompted by a serious fire at Fairlea Women's Prison in 1982, the Victorian Minister for Community and Welfare Services requested a study of remand facilities for women. Mr Biles conducted the study and produced a report Women Prisoners in Victoria: A Review of the Nature and Size of Facilities Needed (AIC, 1982) which was influential in planning the redevelopment of Fairlea. Proposals relating to medical and psychiatric care, with emphasis on drug withdrawal treatment, have been implemented at the prison.

### SENTENCING

#### Life Sentences

Research by Mr Freiberg and Mr Biles into the time served by persons sentenced to 'life' imprisonment in Australia, resulted in their publication The Meaning of 'Life': A Study of Life Sentences in Australia (AIC, 1975). This study showed the existence of obsolete penalties which tend to bring the law into disrepute, and recommended that the law should be cleared of anachronistic enactments so that penalties accord with current correctional practice. Other recommendations related to increased sentencing powers of the courts, a provision for genuine 'life' sentences to be granted and for increased services to long term prisoners. The report has been influential in parliamentary debates on the abolition of capital punishment in Victoria and Western Australia. It has been used in parole board hearings in all jurisdictions in the determination of appropriate release dates for those serving life sentences and has influenced the determination of penalties in Commonwealth drug legislation.

#### Options for Sentencing

Dr Scutt, in collaboration with the Australian Law Reform Commission's reference on sentencing, produced in 1979 three research papers on options for sentencing, such as fines and community work orders. Increasingly, these options are being used by all Australian jurisdictions.

#### Principles of Sentencing

In 1974 Miss Daunton-Fear initiated a major research project, which essentially was a detailed analysis of the reasons enunciated by appellate courts in deciding matters of sentencing. She produced two publications, Sentencing in Western Australia (University of Queensland Press, St Lucia, 1977) and Sentencing in South Australia (Law Book Company, Sydney, 1980). Mr Newton and Mr Potas produced similar studies for Queensland and New South Wales respectively. A study for Tasmania was conducted under contract to the AIC and a Melbourne study done in consultation with the AIC.

Mr Potas further developed this work with his loose-leaf publication Sentencing Violent Offenders In New South Wales (Law

Book Company, Sydney, 1980) and the third part of this publication Sentencing for Armed Robbery will be added in 1987. He also produced Sentencing for Break, Enter and Steal in New South Wales (AIC, 1985). This work provides a useful guide for magistrates and judges in maintaining consistency of approach in sentencing practices within the court system.

## SEXUAL OFFENCES

### Rape

Dr Scutt's copious work on rape law reform has been widely published in Australian and international legal journals. Her articles include 'Rape Law Reform: Who Chooses the Director?' (Legal Services Bulletin, Vol. 6, pp. 10-12, 1981) and 'To Love, Honour and Rape with Impunity: Wife as Victim of Rape and the Criminal Law', (The Victim in International Perspective, Hans Joachim Schneider (ed.), Walter de Gruyter, Berlin, p. 423, 1982). She has also produced many papers on the subject for conferences and seminars and edited Rape Law Reform (AIC, 1980), the publication resulting from an AIC seminar on the topic. Her work in this field has significantly affected knowledge and attitudes in the area of rape. Her research has been widely cited by governments introducing such legislative changes as the recognition of the concept of rape within marriage in the revised New South Wales legislation on rape. The body of her works has also contributed to the impetus for law reform in this area in South Australia and Victoria.

## TERRORISM

### Response to Political Terrorism

Dr Wardlaw's research into political terrorism culminated in the publishing of his book Political Terrorism: Theory, Tactics and Countermeasures (Cambridge University Press, 1982). Chapters include: Terrorism and the media: a symbiotic relationship?; The role of the army in counter-terrorist operations; The legal regulation of terrorism: international and national measures; Counter measures against terrorism: the intelligence function; Handling hostage situations; Counter measures against terrorism: the role of behavioural science research. This work provides a link between terrorist theory and the practical development of counter-terrorist policies.

A second, expanded edition of the book is now being produced following its adoption as a standard text in universities and police and military academies in a number of countries. A Spanish edition of the book was published in 1986.

VANDALISMGraffiti and Vandalism - Railways

The New South Wales State Rail Authority commissioned this project in order to identify and control the incidence and effects of vandalism and graffiti on State Rail. Vandalism and Graffiti on State Rail (AIC, 1986) by Dr Wilson and Ms Healy contains proposals for the formulation of a comprehensive State Rail policy on vandalism and graffiti and a reliable system for the collection, analysis and dissemination of information on vandalism and graffiti. The authors also make specific and practical recommendations for the use of anti-graffiti materials, law enforcement measures and media publicity to control graffiti and vandalism - currently costing the New South Wales State Rail Authority over \$5 million per year.

VICTIMS

(See also PREVENTION OF CRIME, page 30.)

Restitution

Following a Western Australian conference in 1979 of the Ministers in Charge of Prisons, Probation and Parole, the Ministers requested advice on restitution for consideration at their 1980 conference. Dr Scutt researched recent developments in three countries and formulated proposals for the reintroduction of restitution into the Australian criminal justice system. She made six major recommendations for establishing the programs, including the introduction of a pilot scheme for testing the potential of restitution, and the establishment of a special office of 'restitution program negotiators'. The study is reported in Restoring Victims of Crime: A Basis for the Reintroduction of Restitution into the Australian Criminal Justice System (AIC, 1980) which was referred by the 1980 Ministers Conference to State and Commonwealth Attorneys-General for consideration.

VIOLENCEDomestic Violence

The work of Dr Scutt has had an impact on policy development in this area. Her research project 'Crime in the Family' commenced in 1979, produced original information relating to the incidence, nature and causes of intra-family violence. The study found that domestic violence is not confined to any one socio-economic level but is distributed through society. A substantial number of publications has resulted from the study, including papers on the theoretical and legal aspects of domestic violence, spouse assault, rape in marriage, child abuse, the relationship between

alcohol, domestic violence and rape, aspects of legislative reforms in the area of domestic violence including rape in marriage and the problems of victims of violence vis a vis police and courts.

In conjunction with the Capital Territory Health Authority Dr Hatty conducted research during 1985 on the nature of domestic violence in the Australian Capital Territory. This was requested by the Australian Law Reform Commission (Domestic Violence Reference) who utilised the information as a basis for a report to the Attorney-General. The study, incorporating analysis of a detailed questionnaire, indicated that the probability of violence occurring within a recent time frame was a function of victim's marital status, type of violence inflicted and the degree to which the victim sought police intervention and medical treatment.

#### Intimate Violence

This study, by Dr Mukherjee examines the issue of wilful killing of one spouse by another. Dr Mukherjee's joint publication 'Intimate Violence: A study of Intersexual Homicide in Chicago', The University of Chicago Law Review (Vol. 50, No. 2, Spring 1983 pp. 910-930) indicates that intimate violence occurs at a much lower rate than popularly believed. This, and further research by Dr Mukherjee identifies specific factors relating to intersexual killings, providing information for preventative policy action in areas such as divorce legislation.

#### Video Viewing - R and X-Rated Material

This project, by Dr Wilson and Ms Pope in co-operation with the Attorney-General's Department, researched video hiring patterns in a local community. The results are reported in Video Viewing Patterns: A Preliminary Investigation (AIC, 1986). Two important implications arose from this report. Firstly, the proportion of video hirers who hired X-rated videos during the months included in the study was 8 per cent. This is not nearly as substantial as popular opinion and some media speculation would suggest. Secondly, it is apparent that X-rated videos are rarely hired (6.64 per cent of total hires). In fact, 91.3 per cent of those who hired X-rated videos, hired them only once during the time period of the study. As well as these studies, a socio-demographic usage survey has just been completed. This will be followed by a content analysis of preferred movies with particular attention being paid to the nature of controversial sex and violent material (see also page 23).

The information yielded from the completed studies has provided useful policy information for a number of organisations including the Joint Senate Select Committee on Video Material, and the Attorney-General's Department. The project will assist both these bodies in formulating policies in regard to 'R' and 'X' video material.

WOMEN AND CRIMEFemale Criminality

Dr Mukherjee and Mr Fitzgerald produced In Search of Female Criminality (AIC, 1978); Dr Mukherjee and Ms Scutt edited Women and Crime (AIC and George Allen and Unwin, 1981). These studies, covering a 75 year period, arose from the need for a systematic analysis of the involvement of women in crime, that could reasonably be accepted for trend analysis. No previous studies met that need.

The authors found that the volume of crime in all States for both sexes declined sharply during the first two decades of this century. Thereafter the volume of crime has increased. The rate of increase for offences against the person increased at a higher rate for males than females. The rate of increase for offences against property has increased since the early 1950s. Except for Western Australia, the rate of increase for females has been faster than that of males only since the mid 1960s. In Western Australia the female rate of increase has always been faster than that of males.

II

**ONGOING STATISTICAL COLLECTIONS**

(Continuous statistical compilations which provide  
data sources for policy decisions)

## ABORIGINAL JUSTICE

### Legal Aid Census

Dr Mukherjee, Dr Wilson and Mr Walker are currently devising procedures for a possible statistical series on National Aboriginal Legal Aid. It is hoped that the collection will lead to an annual census. No national, systematic information on the work carried out by these services is currently available. The information provided by the census will allow relevant authorities to assess the effectiveness of services provided and to suggest appropriate changes to policies. The Legal Aid Census will also allow Aboriginal Legal Aid organisations to plan crime-prevention programs based on relevant statistical information.

## CRIME TRENDS

### Dimensions

Dr Mukherjee, Mr Walker et al. produced The Size of the Crime Problem in Australia (AIC, 1987) containing data relating to major categories of reported crime. The information in this report will be updated and developed on an ongoing basis, with a new edition to be published every two years.

In 1988, to mark the Australian Bicentennial, Dr Mukherjee, Mr Walker and Ms Scandia will be publishing, in conjunction with the Australian Bureau of Statistics, a Report to the Nation on Crime and Justice in Australia. This will be a compendium of all available statistics relating to the nature, scope, prevention and control of crime in Australia.

## JUVENILE JUSTICE

### Detention of Juveniles

Dr Mukherjee and Ms Scandia produce a quarterly series Juveniles Under Detention which provides information on the number of juveniles in juvenile corrective institutions on the first day of each quarter. This information is used by State corrections departments in planning facilities for juvenile offenders and assessing the adequacy of their current facilities.

## PRISONERS, PRISONS

### Asia and the Pacific - Prison Trends

This quarterly series, produced by Mr Biles, commenced in May 1980 and includes data on the numbers of convicted and unconvicted prisoners in each of fifteen nations in the Asian and the Pacific region. Imprisonment and remand rates are included. The series also includes data on the numbers of offenders in each country undergoing probation or parole supervision.

### Australian Prison Trends

This monthly series has been compiled since May 1976 by Mr Biles. It includes data for all Australian jurisdictions on the daily average number of persons in custody for the relevant month by sex and indicates changes in these averages that have occurred in the preceding one month and twelve months. Imprisonment rates (prisoners per 100,000 population) are included as are data showing the actual number of prisoners held on the first day of each month and the proportion of those who are unconvicted prisoners on remand. Remand rates (remandees per 100,000 population) are also included and, when available, data on the number of federal prisoners in each jurisdiction. Each issue contains comments on changes and trends.

### National Prison Census

Under the general guidance of the National Correctional Statistics Committee and with the approval of the Conference of Ministers of Corrections, Mr Biles and Mr Walker have conducted an annual census of all persons in Australian prisons since 1982.

The data collected has widespread applications. It assists State Corrections Departments in forward planning policies, Federal and State Attorneys-General in identifying the results and costs of sentencing policies, and the Commonwealth Grants Commission in identifying individual State policies which may contribute to interstate differences in costs.

The census results are also used as a basis for further practical research on prison issues by Institute researchers and State correctional authorities.

### PROBATION, PAROLE

#### Australian Community Corrections Data

Mr Potas produces this monthly series which began in 1979 under the title National Probation and Parole Statistics. The series provides data on the number of persons on probation, parole, released on licence and subject to Community Service Orders in all Australian jurisdictions. Such information is used by each State to evaluate their sentencing policies relative to other jurisdictions, thus enabling them to assess whether they are using these sanctions efficiently. It also encourages jurisdictions to adopt new sanctions through awareness of the activities of other States.

#### Community-based Corrections Census

Under the auspices of the National Correctional Statistics Committee, Mr Biles and Mr Walker on 30 June 1985 conducted the first national census of persons undergoing community-based



corrections. The census followed the pattern of practice established for the national prison census (see page 17), and encompassed some 32,000 offenders. It is expected that this census will be conducted bi-ennially.

III

MAJOR ONGOING RESEARCH

(Current projects which have significant  
policy implications)

DRUGSDrug Indicators

Dr Wardlaw has commenced work on a project designed to develop and test methodologies to monitor illicit drug use in the community. This major work will provide information of direct policy reference to health services' planning and drug control strategies.

The research, financed by the National Campaign Against Drug Abuse, will provide the first major monitoring system for determining the extent of illicit drug use in Australia.

Drug Law Enforcement Policies and Strategies

Dr Wardlaw is engaged in a major study to state formally the rationales of the strategies used by drug law enforcement agencies in Australia, to describe those strategies and to set up data systems which will allow a preliminary evaluation of their impact. In addition, information is being collected from a number of sources to enable a more comprehensive and accurate picture to be built up of the nature and dynamics of markets for illegal drugs in Australia.

The output of this project will be a major book, tentatively entitled Drug Law Enforcement: The Policy Choices, which will recommend the role drug enforcement should play in a national drug strategy and suggest the best mix of enforcement strategies for the characteristics of local drug markets.

GOVERNMENT ILLEGALITY AND OFFICIAL MISCONDUCTCase Studies

Dr Grabosky is compiling a set of case studies of criminal misconduct and maladministration in the Australian public sector. He will identify defects in management which gave rise to the illegalities in question, and compare remedial measures taken in the aftermath of various incidents. The volume will conclude with a set of recommendations for the prevention and control of government illegality, maladministration and official misconduct in Australia.

JUVENILE JUSTICEYouth and Crime

This project, commenced in 1982 by Dr Mukherjee is divided into three parts:

1. Age and crime, which describes and analyses the extent and nature of juvenile/adult crime and was reported in the

publication Age and Crime (AIC, 1983). The study produced two significant findings. Firstly, that there was absolutely no evidence to indicate that juveniles are overrepresented in the total arrest for violent offences. Secondly, if statistics from all sources are added together perhaps there will hardly be a juvenile without an arrest record.

2. A study of the juvenile-dominated offence of burglary. This examines the relationship between age-sex of the offender and a range of offence characteristics, and was reported by Dr Mukherjee in 'Nature and Extent of Burglary in Australia', Burglary: A Social Reality (AIC, 1986). This research found that juveniles tend to commit burglaries involving relatively small amounts of property loss or damage; they choose to operate in less dense areas of the city; boys outnumber girls by ten to one and in most offences juveniles act in groups of two or more.
3. Age and sanction. This research is in progress, and will examine disparities in court disposition of arrestees.

These studies, and their findings, have policy implications in regard to the need to restructure resources to enable targetting on particular age groups and types of crime. For example, the New South Wales Police Department has established a new Anti-Theft Branch with the objective of containing motor vehicle theft, armed robbery and burglary. Dr Mukherjee is a member of the Anti-Theft Advisory Committee of the New South Wales Police Department. Recently, Dr Mukherjee was invited to submit a proposal to examine the changing nature of property crimes in New South Wales. His proposal was accepted and soon the revamped Research and Statistics Unit of the New South Police Department will undertake the work. The proposal includes an evaluation of the Neighbourhood Watch Program. Since then, other jurisdictions have expressed interest in the proposal.

## MEDIA AND CRIME

### Reporting of Crime

Drs Wilson and Grabosky are conducting a critical analysis of key issues in media coverage of crime and criminal justice. Prison administrators and police often complain that they are misrepresented by media accounts of their departments. The aim of this research is to contribute to improving the quality of reporting on crime and criminal justice in both the print and electronic media in Australia.

## MIGRANTS AND CRIME

### Roles, Treatment and Needs of Migrants

There is much current concern on the role that migrants play in crime. Mrs Hazlehurst is reviewing the activities of migrants in

relation to crime and the initiatives taken by police forces to deal with specific problem areas. In addition, the current needs of migrants subject to criminal justice processing will be assessed.

## MISSING PERSONS

### Procedures and Policies

With the co-operation of the National Police Liaison Committee, Dr Wilson and Mr Swanton are assessing procedures and policies related to missing persons. The project will continue into 1988 and is designed to suggest practical procedures for police forces and voluntary agencies in tracing missing persons.

## MURDER

### Sex and Violence

Dr Wilson is investigating characteristics of both offenders and offences in major homicide cases where elements of sex and violence intertwine as in 'lust' or 'serial' murder. It is expected that this project will encourage the development of pilot schemes in police forces. These schemes would include the establishment of computer analysis of violent crime patterns and the development of techniques such as 'profiling' for the prevention and detection of these crimes.

## PREVENTION OF CRIME

### General Research

The Research Division is formalising its work in this area. Past projects include the Graffiti and Vandalism research described on page 13. Currently the Division is planning an evaluation of the Neighbourhood Watch schemes by Dr Mukherjee, and is collaborating closely with the NRMA in the planning of a national seminar on car theft.

The Division believes that an investment of resources in crime prevention projects may reduce the degree of criminal activity and the corresponding high costs.

## TRAFFIC OFFENCES

### Enforcement Procedures

Under a contract with the Federal Office of Road Safety, Dr Homel (a consultant for the project) and Dr Wilson are evaluating the cost-effectiveness of traffic enforcement measures.

Particular attention is being paid to the effectiveness of random breath testing, drink-driving legislation, speed detection methods and other procedures used by the States in attempting to reduce the fiscal and human costs associated with the road toll.

This study is expected to play a major part in Federal road enforcement policies in the coming years.

VIOLENT OFFENDERS

Video Viewing, R and X Rated Material

The Institute, in conjunction with the Attorney-General's Department, is currently assessing the use of controversial R and X rated video material and the specific content of such material. The information being obtained from the research was requested by both the Senate Select Committee on Video Material and the Attorney-General's Department to assist in policy formulation. Completed research in this area is described on page 14.

\* \* \* \*

Further ongoing research by the Institute is included in Section II, containing Statistical Collections and Section III describing Practical or Policy Consultations.

IV

**PRACTICAL OR POLICY CONSULTATION 1982-87**

(Consultancies, seminars, committee membership  
of a practical and/or policy nature)

## ABORIGINAL JUSTICE

### Crime Trends

Mr Walker provides considerable ongoing advice and information to the Department of Aboriginal Affairs. The Institute is the only source of statistical information on Aboriginal treatment by the criminal justice system. This advice is based on data from the National Prison Census and other statistics on crime trends collected by the Institute. It provides a basis for policy decisions in such areas as legal aid services for Aboriginals and Department of Aboriginal Affairs educational schemes.

### Fine Default

Fine default is a major problem in the administration of justice to Aborigines. During 1985 the South Australian government requested from Mrs Hazlehurst, information on this subject for the South Australian Task Force on Aboriginal Criminal Justice. At his request, Mrs Hazlehurst made a formal submission in November 1986 to the South Australian Attorney-General to assist in the review of the Criminal Courts (Sentencing) Bill being undertaken by his office at that time.

### Justice Programs

Mrs Hazlehurst edited the publication Justice programs for Aboriginal and other Indigenous Communities (AIC, 1985) which resulted from a workshop conducted by the Institute in 1985.

This publication was used extensively in the Australian Law Reform Commission Report No. 31, 1986 'The Recognition of Aboriginal Customary Laws', and was referred to by the Special Cabinet Committee on Aboriginal/Police and Community Relations in preparing their report Aboriginal/Police Relations in the Pilbara (Perth, 1986).

### J.P. Schemes in Western Australia

At the request of the Australian Law Reform Commission in 1985, Mrs Hazlehurst commented, in a formal submission, on the Hoddinott Report on Aboriginal J.P. Schemes in Western Australia. These comments were also requested by the Deputy Commissioner for the Aboriginal Affairs Planning Authority in Perth, to assist them with current problems on the issue.

## COMMUNITY SERVICES

### Mediation Service

Mrs Hazlehurst is a member of the Committee for Alternative Dispute Settlement in the ACT which was established following a public meeting in Canberra in July 1986. A report with recommendations on a proposed community mediation service for ACT was sent to the Commonwealth Attorney-General in November 1986.



CONSUMERS RIGHTSProduct Recall

The Department of Business and Consumer Affairs established a Product Recall Committee in operation from 1982-84, to discuss and negotiate regulatory arrangements for consumer product recalls. Dr Braithwaite was a member of this Committee which assisted in formulation of Commonwealth recall legislation.

CORPORATE CRIMEStatistics Data Base

An inter-departmental working group to examine the possibility of establishing a data base for white collar crime statistics was set up in 1982 at the instigation of the then Minister for Administrative Services. The group consisted of representatives from the Attorney-General's Department, the Federal Police, the Department of Administrative Services, the Australian Bureau of Statistics and the Institute of Criminology - namely Dr Braithwaite and the Chairman of the Board, Mr Loof. Tentative recommendations were made by the Committee as to how the statistical reporting may be achieved.

CRIME TRENDSPapua New Guinea - Crime Statistics

In 1985 Mr Walker visited the Papua New Guinean National Statistical Office to advise on their collection and preparation of crime and justice statistics. This information is required as a basis for correctional policy determination in Papua New Guinea.

DRUGSEducation: National Drug Campaign

During 1985 Dr Wardlaw was a member of the Research and Evaluation Group of the National Drug Education Committee. The Committee designed a major survey of community attitudes to drugs and drug control, and this information is now being used to direct the National Campaign Against Drug Abuse.

Enforcement

Dr Wardlaw produced a major submission for the Commonwealth Attorney-General, The Role of Enforcement Policies in a Strategy

to Control Illicit Drug Use (February, 1985) for the 1985 Drug Summit.

The paper was widely circulated and contained recommendations for drug enforcement which contributed to policy change and development.

#### Hypodermic Supplies

The Australian Pharmaceutical Society requested information from Dr Wardlaw in 1986, on the policy of supplying sterile hypodermics to drug users. Following a number of similar submissions to the Society, policy regarding the supply of hypodermics was changed.

#### Prostitution and Drug Use

Dr Wardlaw was a consultant in regard to the relationship between drug use and prostitution to the Victorian Inquiry into Prostitution. The resulting report Inquiry into Prostitution (October 1985, Victorian Government) led to substantial legislative changes in the area of prostitution.

#### Research into Drug Abuse

As part of the National Campaign Against Drug Abuse, the Commonwealth Government has committed \$1 million per annum for research into drug abuse. Dr Wardlaw was appointed as an inaugural member of (and continues to serve on) the Research Into Drug Abuse Advisory Committee which advises the Commonwealth Minister for Health on the disbursement of these research funds.

#### United Nations 4 Nation Seminar on Drug Problems in the Pacific, August 1985

Mr Biles was a rapporteur at this seminar which is expected to lead to the development of greater harmonisation in policies in 17 countries of the Asia and the Pacific region.

### FRAUD

#### Commonwealth Fraud

At the request of DOSMOS, Drs Wilson and Grabosky assessed policies devised by DOSMOS to reduce fraud committed against the Commonwealth during 1986 and early 1987. All Departments where fraud was a potential issue were considered, but special attention was given to Taxation, Social Security and Health. DOSMOS has acknowledged the value of the assessment provided by these submissions.

JURIESJury Handbook

During 1983 Mr Potas was requested by members of a jury sub-committee consisting of New South Wales Supreme Court and District Court judges, to provide information for a jury handbook. This will be used by potential jurors to explain procedures.

JUVENILE PROGRAMSWilderness Program

In 1985 Professor Harding was requested by the NSW Department of Youth and Community Services to review the Sydney City Mission Wilderness Program - a rehabilitation program designed for juveniles at risk, a large proportion being on probation from the courts. Following Professor Harding's report, changes are being made to the structure of the Wilderness Program.

MENTALLY DISTURBED OFFENDERSPsychiatric Services, Western Australia

The Western Australian Health and Prisons Department requested Professor Harding to conduct an Inquiry into the Delivery of Psychiatric Services to Prisoners and generally examine the operation of the trial system in relation to mentally disturbed people.

Professor Harding made recommendations, in his report with Professor Cramond, in the publication Inquiry into the Appropriate Treatment of the Mentally Ill and Intellectually Handicapped Offenders (February 1985, not publicly available). The report proposed changes in building design as well as in facilities, services and rostering in Western Australian prisons. At the Magistrates Court level, experiments with a court psychiatrist system were conducted.

MURDERMurder by Armed Forces Personnel

During 1985 Dr Wardlaw was consultant to the Defence Department in connection with their examination of claims that murders by serving armed forces personnel had dramatically increased. Dr Wardlaw's work indicated that the claims were unjustified and therefore no policy change was required.

ORGANISED CRIMENational Crime Authority

Dr Braithwaite contributed to a 1982 cabinet submission by the Attorney-General's Department on procedures for the establishing of the National Crime Authority to deal with major organised crime in Australia. This involved formal consultations and involvement in inter-departmental committee meetings.

POLICE AND POLICINGCrime Statistics Task Force

Professor Harding and Dr Mukherjee participated in this Task Force which was established by the NSW Minister for Police and Emergency Services. In its Report of the Task Force on Crime Statistics Collected by NSW Police Department (AIC, December 1985), the Task Force recommended the establishment within the Police Department of a professional Statistical Unit and this has been approved by the Public Service Board.

Police Management

Mr Swanton was assigned as ministerial representative over a three month period during 1986 to the Steering Committee of Review of Police Management Practices in South Australia. An analysis of management practices in the South Australian Police was presented in a Report of the Management Practices Review Steering Committee (1986) which is presently being examined by the South Australian Government.

Victorian Police Inquiry

Mr Biles was a member of the Victorian Government Committee of Inquiry into the Police, completed in 1985. The report, Committee of Inquiry - Victoria Police (Victorian Government Printer, 1985) to the Victorian Minister of Police and Emergency made recommendations for restructuring in several areas. These are being considered by the Victorian Government and policy changes are being implemented. For example, the recommendation that the police force should be increased by 900 officers has now been approved by the Minister.

PREVENTION OF CRIMESeventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, 1985

Professor Harding was elected rapporteur of Committee 2 concerned with the subjects of 'Victims of Crime and Youth' and 'Crime and Justice'. He also convened and chaired a small working group to deal with the proposed Beijing Rules for the Administration of Juvenile Justice which have now been endorsed by the United Nations' General Assembly.

Several members of the AIC produced discussion papers for the Congress. Dr Mukherjee's paper 'Development and Crime' examines the relationship between economic development and crime rates. Mr Clifford and Professor Harding submitted a paper 'Criminal Justice Processes and Perspectives in a Changing World'. The topic of 'Crime Victims in Australia', including an examination of services to crime victims was prepared by Dr Grabosky. This paper was used as source material in the Report and Recommendations of the NSW Task Force on Services for Victims of Crime (AIC, 1987).

Professor Harding discussed Australian juvenile crime in 'Youth Crime and Justice', and Mr Biles and Mr Loof produced 'Formulation and Application of United Nations Standards and Norms in Criminal Justice'.

## PRISONERS, PRISONS

### Facilities - Planning

Rapidly developing regions attract a lopsided demographic group - predominantly single males in the 18 to 25 year age group, that is, a high crime prone group.

The Victorian Community Welfare Services Department requested information, provided by Mr Walker, in order to plan for corrections facilities in the La Trobe Valley of Victoria. This forecasting model provides a format for future planning in similar regions.

### Overcrowding

Professor Harding delivered the third Whatmore Oration Prison Overcrowding: Correctional Policies and Political Constraints in Melbourne in October 1986. The proposed National Strategy on overcrowding drew greatly upon this information which will be published early in 1987.

### Prison Industry

The South Australian Government approached Dr Braithwaite for assistance in the planning of a new prison industry complex at Yatala Prison in early 1982. This involved Dr Braithwaite in visits to State prison departments and meeting with a delegation from the SA Corrections Department.

### Training of Corrections Officers

The office of Corrections, Victoria, requested an inquiry into the training of corrections officers at staff training colleges. The recommendations made by Professor Harding in 1986 generated legal changes in staff recruitment in order to eliminate union resistance, upgrading and diversification of training - especially in the area of human behaviour.

PROPERTY CRIMEAnti-Theft Advisory Committee

In 1986 the New South Wales Police Anti-Theft Advisory Committee requested a proposal to assess the changing nature of property crimes in New South Wales. Dr Mukherjee outlined a proposal which was accepted by the Committee and the Research and Development Branch of the New South Wales Police Department. The project has now been taken over by the new statistical unit of the New South Wales Police Department. Dr Mukherjee will assess data collected by the unit.

RECORDS - CRIMINALExpungement of Criminal Records

Mr Biles was appointed in 1985 as consultant to the Australian Law Reform Commission with the reference on the expungement of criminal records. Professor Harding and Mr Potas have both prepared submissions on expungement for other government inquiries.

SENTENCING, COURTSAustralian Law Reform Commission

Professor Harding is a member, and Mr Potas a consultant, to the Law Reform Commission, with regard to the sentencing reference. This has involved significant ongoing work, including the preparation of a major seminar in 1986 arranged jointly between the AIC and the Law Reform Commission. The seminar identified key problem areas in sentencing practice and procedure and suggested future direction for reform.

Court Statistics Program

During 1983 the Australian Bureau of Statistics requested Dr Grabosky to act as consultant for their National Uniform Court Statistics Program.

Data Collection by Department of Public Prosecutions

During 1984 Mr Potas provided assistance to the Department of Public Prosecutions in the development of their data collection system. This work has had an influence in highlighting the importance of prosecutorial guidelines.

SEXUAL OFFENCESChild Molestation

During 1986 Dr Wilson was requested to provide a submission to the Family Law Council in regard to their investigation into

false allegations of sexual abuse in Family Court matters.

### General Offences

During 1986 Dr Wilson was requested to provide a submission to the Law Reform Commission of Victoria in regard to laws relating to sexual offences in that State.

### Legislation

Dr Hatty was requested by the House of Assembly in April 1985 to assess the proposed Australian Capital Territory legislation on sexual offences.

## STATISTICS - CRIME

### International

Dr Mukherjee continues to work in international crime statistics. He is regularly invited to attend expert group meetings on World Crime Survey, Crime Trends and Crime Prevention Strategies. The United Nations, on the basis of advice from these meetings, has been engaged in collecting valuable statistical and other information on crime and criminal justice from member countries. Dr Mukherjee also publishes crime statistics from selected countries.

### National Crime Statistics

In October 1984 the Police Commissioners' Conference approved and constituted a sub-committee consisting of the Police Statisticians from New South Wales, Victoria and South Australia and the Director of Statistical Services, Australian Federal Police. The sub-committee designed a new six-monthly series 'Selected Crime Statistics Australia'. Dr Mukherjee represents the Institute in an observer capacity on the sub-committee. The new series began on 1 January 1985 and so far three six-monthly reports have been issued.

## TERRORISM

### Training

Dr Wardlaw's expertise in the field of terrorism has led to ongoing requests by government departments for assistance with courses in coping with acts of terrorism. For example since 1985 he has designed, prepared and taught courses for diplomats from Foreign Affairs on coping with acts of terrorism.

## VICTIMS

### National Survey

The Australian Bureau of Statistics requested guidance from several members of the Institute on the design of the National

Victims Survey. The results of this survey appeared in a publication Victims of Crime, Australia 1983 (Australian Bureau of Statistics, 1983), and have been of use for criminal justice agencies in policy decisions.

#### Task Force

Mr Biles is a member of the New South Wales Task Force on Services for Victims of Crime. The report of the Task Force has been submitted to the New South Wales Attorney-General and is expected to lead to improved services for victims of crime.

### VIOLENCE

#### Domestic Violence

A National Conference on Domestic Violence was held by the Institute in November 1985 following a resolution of the A.L.P. National Conference. Dr Hatty edited the proceedings of the Conference which appeared in Seminar Proceedings No.12 National Conference on Domestic Violence (AIC, 1986). The Conference made practical and policy recommendations relating to funding, research, housing, community education, police and legislation; and led to the Commonwealth and Tasmanian Departments of Community Welfare seeking advice from Dr Hatty concerning legal intervention policy with regard to domestic violence.

Dr Hatty is a member of the Domestic Violence Committee established in 1983 by the New South Wales Premier's Department Task Force on Domestic Violence. The Committee is effective in monitoring the implementation of the New South Wales Government's legislative reforms and instigating practical and policy changes e.g. in the area of police training.

### WEAPONS

#### Gun Law Reform

During 1985 Professor Harding, at the request of the New South Wales Minister for Police, gave extensive advice on reform of firearms laws. This resulted in the formulation of new legislation.



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