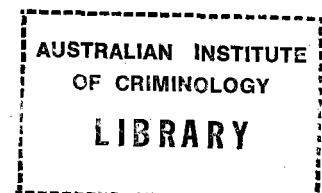


**MODERN TRENDS IN THE
TREATMENT OF SEX OFFENDERS**

**Report by
C. R. BEVAN**

Canberra 27 November 1975

**Australian Institute of Criminology
Canberra 1976**



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INTRODUCTION

On 27 November 1975 advantage was taken of a visit to Australia by Dr Georg Stürup, a world famous criminologist previously Director of the Institution for Psychopathic Criminals at Herstedvester, Denmark.

Dr Stürup is internationally renowned for his experimental work among sex offenders in that country. Consultants invited to assist Dr Stürup during this seminar were: Dr Eric Cunningham Dax, Coordinator in Community Health, Mental Health Services Commission in Tasmania; Miss Nancy Peck, Convenor, Rape Crisis Centre, Women's Community Aid Association in Brisbane; and Mrs Cirrel Greet, Feature Writer for the *Sydney Daily Mirror*.

The seminar was hastily convened to take advantage of Dr Stürup's visit, and was attended by practising psychiatrists, general practitioners, educationists, social workers, police officers, probation and parole officers, social workers, lecturers in law, a Chief Stipendiary Magistrate, representatives of women's organisations, youth welfare officers and members of the Institute of Criminology staff. In addition there was a representative from the Law Foundation and from the Men's (Consciousness Raising) Movement of New South Wales.

It is difficult, in organising any seminar, to avoid a congregation of really diverse groups of people from some of whom one hears little. At the end of this seminar, for instance, there spoke a policeman who had really a very valuable contribution to make. It would have been worthwhile to have heard from other members of his profession. Professional people, such as psychiatrists, practising psychologists, general practitioners, and academics tend to inhibit really free speech in such groups. The mystification of the subject by professionals well versed in the use of labels, such as psychopath, schizophrenic etc., tend to inhibit some who are tentative, but want to learn, from speaking and presenting a different point of view. Some of the women present put forth views essentially in experiential terms, and, as such, some of these views expressed were denied validity by those who operate in an intellectual framework. The feminist viewpoint is unfortunately often labelled neurotic.

Feminists usually are not surprised by such reactions, but they are so committed to presenting their thoughts in public and exchanging ideas with other people, that they consider this reaction a small price if, as a result, attitudes are broadened. It remains difficult for males, even professional males, to personalise issues such as rape and sexuality. It remains difficult for many males to understand female sexual psychology and female feelings about sexual aggression by men in our culture. The women had a staunch ally in Dr Stürup, but it was noticed that he was out of it when people became involved in discussion on local issues, because the Scandinavian experience is obviously so different. The heavy air of 'expert' from some professionals is indeed unfortunate. Professionals are articulate, confident and often patronising. In such situations women with a great deal to contribute will not be understood. The incident which led to the two young women from Sydney walking out of the meeting was unfortunate, as they little realised the valuable contribution they

were making. The walking out, however, seemed the only thing for the young ladies to do at the time.

SUMMARIES OF PAPERS

Dr Stürup

Dr Stürup read a most interesting paper on his experience as Director of the Herstedvester Institution. The main characteristic exhibited was his gentleness where human beings are concerned. He in no way claimed that the relative paucity of sex offences in Denmark was due to the treatment program at his institution. He laid great stress on the generations of intelligent education in man/woman relations that have taken place in his country over the last 75 years. Listeners were left to freely understand that a decision to execute a castration on a sex offender in Denmark was undertaken only after whatever period was necessary for a careful, sympathetic, informed and confident exchange of views between patient and doctor. One was left with the feeling that when it was decided that a castration should take place the result was a major lessening of the offender's fears of continuing to commit sexual offences in all but a minute 1.4 or 1.5 per cent of cases.

Dr Stürup seemed to make it abundantly clear that laws concerning pornography, contraception and sex education in a culture are what lead to a diminution of offences against the opposite sex. He had a lot of very valuable things to say about the treatment of sex offenders and about the broader social issues of sex education, pornography, abortion and rape.

Dr Stürup took pains to describe the intellectual and sociological climates regarding sex in his home country. In spite of almost no proscription of the publication and free availability of pornographic literature, of sex education being a compulsory part of the curricula of all schools, of free abortion on demand for any woman less than 12 weeks pregnant, of the decriminalisation of homosexual acts between consenting adults, of the unhibited use of 'taboo' words in the daily press and of what would be regarded as pornographic pictures in our culture, he claimed that there was no evidence in his country of greater sexual promiscuity; that there has been for 130 years a gradual elimination of the number of children born out of wedlock in circumstances that result in application to the state welfare resources for assistance; and a lessening (well graphically illustrated) of offences against children and women.

Apparently sex education in all Danish schools begins with nine and ten year old children, where the syllabus consists of the anatomy of male and female sexual organs, the process of conception and pregnancy, and the details of venereal diseases. The subject is continued to ninth grade, when the students are most commonly fourteen years of age, by which stage general surveys of the essentials of sexual and interpersonal relations have been presented. Teachers are allowed, if they choose, to present pictures of sexual intercourse and photographic reproductions of erotic situations.

Some suspicions were expressed by participants that the shrinking of the incidence of sex offences in Denmark may be due largely to two factors, both born of the attitudinal climates there, namely

- (a) the possible lack of enthusiasm on the part of the police to investigate and prosecute sexual complaints because of the generally permissive atmosphere; and
- (b) the probability that the victims are not sufficiently disturbed by the incident to report it.

Dr Stürup was not bothered by the suggestions, and freely acknowledged the possible operation of such factors. He felt sure, nonetheless, that there was an actual fall-off in sex crimes over recent generations. There was still strongly reflected a condemnatory community reaction against offences involving children and serious assaults on women. Although the traditional shyness against mentioning the erotic both in public and private has disappeared, there remains the disinclination to express in public personal feelings of tenderness and love towards a particular person.

There is, Dr Stürup stoutly repeats, no more evidence of promiscuous attitudes in his country than elsewhere, only evidence of

- (a) more stable extra-marital situations;
- (b) young people being less obsessed with 'pieces of paper' licensing them to give birth to children with qualitative mother-father situations leading to greater developmental advantages to children born into such unions; and
- (c) a good deal more staying together for life because they want to.

The fact also that, if both parents wish to continue working, their taxation arrangements favour remaining unmarried, is an interesting comment on total cultural and legislative attitudes towards marriage as not as essential an institution as it is regarded in other cultures, where it is claimed to be necessary to society's very existence.

In 1974, of 72,000 babies born in Denmark, 9,000 (12½ per cent) were born out of wedlock. Only one-third of the mothers applied for unmarried "mothers' assistance. Hence the valid assumption on the part of Dr Stürup that only 4 per cent of babies born out of wedlock are born outside of what is in fact a normal family setting, consisting of a mother and a father, living together and caring for their children - with or without 'paper'.

These states of affairs have been brought about gradually through progressively altered legislation, caused by such circumstances as

- (a) courts applying more and more enlightened interpretations to what is literary, artistic, cultural or pornographic;
- (b) juries becoming more and more reluctant to find women guilty who were being tried for undergoing illegal abortions; and

- (c) the practical as opposed to the legal decriminalisation of certain forms of sexual behaviour still elsewhere strictly proscribed.

In spite of all this, the number of sex offences in Denmark had fallen by one-third, and 'lesser' sex offences had virtually disappeared.

It is regarded as never having been proved in Denmark that anyone had suffered from viewing pornographic pictures or listening to pornographic recordings or reading pornographic literature. The questions remained, 'What right had any person to set himself up as his brother's keeper?' and also 'How does a culture provide for the liberty of that person who wishes to obtain sexual pleasure or stimulation from viewing pornographic material?'

It apparently proved to be quite wrong that free access to pornographic literature and pictures leads to serious sexual crime. Dr Stürup showed graphs which indicated that by 1969 the sale of pornographic literature publicly in shops in Denmark had dropped to almost nothing. He maintained that most pornographic books that were sold were to foreign tourists. After he wrote his book *Treating the Untreatable* in 1968, and as he had been part of the committee investigating the likelihood of serious sexual crime following upon free availability of pornographic material, Dr Stürup decided to allow into his Institution at Herstedvester an unlimited quantity of uncensored pornographic matter. In his own words the pornographic pictures and literature left nothing to the imagination, and yet nothing serious happened within his Institution, despite the possible belief on the part of many that access to pornography would unduly stimulate people already subject to abnormal sexual behaviour. He reported, in fact, that there were fewer sexual tangles and incidents of homosexual behaviour than before.

The graphs shown by Dr Stürup relating to offences against children and sexual offences against women, taken from police statistics in the Copenhagen area, indicated a steady decline in such offences between 1966 and 1970. In some instances the decline in offences was as high as 33¹/₃ per cent.

In describing the sex offenders he met in his experience at his Institution, and beginning with the first offenders, he indicated that the chief characteristic of such people was their fear of continuing to commit sexual offences gradually increasing in severity. He made it clear that the staff felt it one of their first responsibilities to allay the offenders' fears in this direction by pointing out that the probability of a first offender in the sexual area repeating his offence was as low as 10 per cent.

In case it should be felt that Danish society takes a lenient view of offences against women, Dr Stürup advised that penalties for offences against girls under the age of 12 are double those for other sex offences, (such as seduction of girls between 15 and 17 years of age), and also, in some instances, the age of consent, depending on particular circumstances of aggravation, might be as high as 21 years of age. Although curves indicated that there might have been some diminution in the fre-

quency with which women report minor sexual offences against them, the figures and curves shown demonstrated that, between 1959 and 1969, there was by no means any depreciation in the determination of people in Denmark to report offences committed against children and in the tendency on the part of courts to deal with them severely. Curves showed that coitus with minors fell steeply from 1963 to 1970, and data also indicated that incest was a highly infrequent offence in his country. Figures for exhibitionism and voyeurism fell sharply during the 1960's, and, in Dr Stürup's opinion, are no longer serious offences.

When talking of recidivism rates of sexual offenders, particularly rapists, and mentioning or repeating that the first offender was less than 10 per cent likely to recidivate Dr Stürup went on to say that a person who repeats rape, however, up to two and three times, is about 40 per cent likely to return.

In Denmark this was the group that was considered for castration as a therapeutic measure. All told, Dr Stürup had been responsible for 250 to 300 cases of castration during his 30 years experience at Herstedvester. It appears that now in Denmark, after all those years of experience with voluntary castration of sex offenders, castration is out and hormone treatment is in. Dr Stürup was not expressly enthusiastic about this change. A German drug, Cyproterone Acetate, is used which produces the desired effect without the previously undesirable side effects from treatment with female hormones.

One of Dr Stürup's acquaintances, a court psychiatrist in charge of an institution similar to his, tried to conduct research into the follow-up of victims of rape. Of 36 people contacted by this lady psychiatrist, only twelve agreed to talk about the experience and discuss their current feelings. All indicated quite unfortunate and serious emotional, and even some psychological damage as a result of the experience. Physical damage was by far the lesser consideration. Dr Stürup advised that it was obvious that unless women, the victims of rape, are actually asked how they feel they will never volunteer the information. He fears that few psychiatrists are aware of this, and also that courts are unable to understand the emotional trauma experienced by women who have to appear as part of the evidentiary process.

There was no chance of solving the problem of sexual crimes through castration, but it is, in Dr Stürup's opinion, useful for solving individual personal problems. Dr Stürup reported that in Denmark there seems to be little relation, if any, between the number of known rapes committed and the pornographic laws and the sex education in the country. The number of reported rapes is extremely small - around 230 per year in a population of some 32,000,000. Of the 230 reported, around 30 to 40 are brought to court. He claimed, nonetheless, that in this regard there is little difference from the situation obtaining in respect of other offences. It is quite common in all jurisdictions that the number of offences reported are significantly higher than the number of cases eventually cleared. He maintained that almost the same number of rapes have been reported each year over the last 20 years.

In a Danish society, where they have such a developed sex education, there is little reason to suspect that a woman would be reluctant to report a rape. Dr Sturup maintained that the kind of behaviour complained of by younger Australian women among the participants, such as ogling and whistling and being mauled by males in crowds, is unusual and probably quite unknown in his country. He kept repeating that it is nonsense to talk in terms of psychotherapy or hormonal or castration treatment diminishing the number of sex offenders in the community. Physical treatment of the sex offender may be of benefit, but only to a few, and an exceptionally few, terrified men - men terrified that they will continue to commit serious sexual attacks on women and children.

Mrs Cirrel Greet

Mrs Greet had gone to a great deal of trouble to research the topic as she perceived it, and it was unfortunate that discussion on her paper became somewhat bogged down in a debate on the relative merits of one professional approach to another. The media have such an important role in shaping the image that the general public have of sex offenders.

Discussion on her paper suffered the usual disability during this kind of seminar, namely, the difficulty involved in keeping to the particular topic. So many participants there had a lot to say about victims rather than offenders. This is a point Mrs Greet made in her paper, although she admitted to the horror she felt at the prospect of her own daughter ever being raped. She nonetheless exhibited a commendably responsible attitude to the kind of treatment that should be meted out to the perpetrators of sexually violent offences. She declared herself in no uncertain manner completely out of sympathy with the extremist views offered too often, even by some of our legislators, on the kind of attitudes and sentiments that should be expressed and treatment that should be implemented towards those victims of our culture who resort to violent sexual crime. She appeared influenced by something she had read, written by the Director of the Australian Institute of Criminology, Mr William Clifford, that there exists a delicate balance between the human rights of the offender and the rights of the victims. She emphasised that both victims and offenders are people.

She had gone to some trouble to research numbers of sex offender recidivists in Australia, but was sufficiently impressed by figures she was able to ascertain in respect of Denmark and the United States to express responsible views regarding her refusal to condone drastic treatment such as chemical or surgical castration. She expressed herself as unable to tolerate the mental anguish and physical discomfort of aversion therapy, flogging, or birching or any other form of medieval torture which the extremists recommend. She could hardly be blamed, however, for finally asking, 'But what do we do?'

The alternatives she researched and examined were not to her liking, and her major concern remained for the rights of the offending individual stacked against highly intelligent, high-status figures of authority such

doctors, psychologists and psychiatrists. It was with some relief that she announced it was not her responsibility to look for alternatives, but one was left with the impression that, as a journalist, criminologists could look to her for sympathetic and intelligent expression of their views in the public media. She left us in no doubt that whatever treatment was applied to an offender, it must be voluntary. For the purpose of bringing to public notice the deep, problematic issues involved in criminality in our time, the attendance of Mrs Greet at this seminar demonstrated the desirability of inviting on every possible occasion some senior, experienced, and high-ranking member of the journalistic profession.

Dr Cunningham Dax

The paper presented by Dr Dax expressed obvious admiration of Dr Stürup's work, some of which admiration was based on a personal visit to Herstedvester. He made the point that Dr Stürup remains one of the few people with a real understanding of the psychopathic personality and its treatment. Dr Dax was careful to contradict a commonly held notion that Herstedvester was an institution or a prison for sexual psychopaths, where they remained under indefinite detention until they were prepared to be castrated. He emphasised that the sexual offender was no different in essence from the alcoholic, in that for treatment to be effective they must reach a stage of submission from which they can rebuild a new life pattern. In other words, they must touch rock bottom before being rehabilitated.

He drew on his long experience dealing with sex offenders in his own practice to attempt to identify and describe them. He mentioned the Scala Clinic in Prague as a further example of the need for that very important element in all treatment of persons subject to deviant behaviour, namely, voluntary acceptance of the need for and the undertaking of the treatment. At the Scala Clinic, alcoholics are allowed to undergo a very unpleasant conditioning experience by aversion therapy, but only after they themselves feel they have deserved it.

Dr Dax seemed to indicate that far too much is made of certain behaviour regarded in our culture as abnormal, deviant and criminal. From his remarks it appeared that he had reservations about the making of pornographic material freely available to the public. He seemed to indicate that it was likely that the offence of voyeurism would diminish, but seemed troubled by the possibility of pornography developing in our culture notions of normality of certain sexual behaviour that he regarded as abnormal. He did admit, nonetheless, that in our culture today transvestitism is almost normal, and that a degree of fetishism, masochism or sadism is a common part of much sex play and of intercourse. To him indecent exposure was a danger only in respect of the harm done to children if they have to be cross-questioned for legal purposes.

Dr Dax's difficulty was the common one of trying to decide what is normal and what is abnormal. Is any practice normal which takes place in private

by mutual consent, and is any practice abnormal which is public enough to offend against society? Although those who seek help may benefit from various forms of psychotherapy, he is unable, as is everyone, to set down rules for treatment. As a doctor he is able to detail that small number of illnesses, the sufferers from which may be involved in violence but are amenable to and can be successfully treated. Naturally concerned by the assault and murder of children, he proffered the opinion that, where the perpetrators of such offences have a history of brain injury or infection or cerebral tumours, great care is needed to fully examine these people, and it could well mean that they need protection in prison, and grave doubts should be held about their release. On the question of rapists, he emphasised the impossibility of generalising on treatment which in Australia in any case, he maintains, is not all that adequate.

Miss Nancy Peck

Miss Peck's approach was unequivocally and expressly feminist. To her, the convicted sex offender is the one projected on to the criminal justice screen by a moralistic, retributive society, as abnormal and mentally sick. Miss Peck asserts that, in fact, the sex offender is merely one who happens to be caught acting out the sexual myths bandied about in bars and at every level of male culture.

The second kind is the undetected sex offender - undetected because unreported by the victim for the following reasons

- (a) the woman is feeling guilty, dirty and ashamed, beset with fear and ignorance in relation to the certain publicity, the medical examination, the police questioning and the court proceedings;
- (b) police are not trained to deal with women victims of sexual attacks. Most police are men and as such reflect the stereotypically socialised myths about women and women's sexuality. Although the vast majority of police are sincere and decent, some need a long, detailed lesson in public realtions; and
- (c) many women are aware of the degree of probability that incarceration of the offender will achieve only that he emerges after years of no treatment even more socially inadequate than he was.

In Miss Peck's view the third and by far the most numerous group of sex offenders is the general male population itself. To her, the sex offender is the ordinary man, socialised to be sexually dominant, aggressive and violent, (even if only verbally), especially when the expected response from the woman to his sexual attention and advances, his whistles, his ogling and his unsolicited comment is not forthcoming.

Miss Peck was most explicit in her view that the broadest and most general step towards the treatment of sex offenders and the prevention of their

crimes lay in the continued call for good human relationships courses in schools and for the general public. In addition she seemed to be advocating the decriminalisation of some sexual behaviour now designated 'deviant'. Suppression of overt unacceptable social behaviour might well be more successful, she stated, if socially acceptable alternatives were more freely available.

SUMMARY OF DISCUSSION

In response to questions from the participants, Dr Stürup was able to offer interesting information about the criminal justice and sociological climates of Denmark.

In reply to a question from Professor Gordon Hawkins of the University Law School, Sydney, he informed the seminar that Denmark has not, as yet, adjusted processes in law in the conduct of rape cases. There has been no amelioration of the usually unfortunate experiences undergone by women victims giving evidence. He was not aware of any continuing research in Denmark into methods of sex education, but was able to affirm that teachers' colleges include in their syllabuses training in education in sexual matters. He informed the meeting that there was a case brought to the High Court against the Danish Government by the parents of a girl who objected to being given sex education at school. The action was lost.

It is apparently not the practice in Denmark for the offender and the victim to be brought face to face as has been suggested might be desirable to emphasise the reality consequences to the offender. The questioner gave as an example that of a Western Australian offender wanting to meet the victim so as to assuage his own guilt. It was generally felt that victims prefer never to have to face their attacker. Such a practice has been tried in Holland but was not regarded with favour.

Dr Stürup did not regard the pornography laws in Denmark as the only explanation for the relative scarcity of sexual offences in his country. He made the observation that studies in Denmark had pointed to sex offenders having less contact with pornography than non-offenders. He pointed rather to the generations of sex education in human relations as the source of the elimination of chauvinistic and mid-Victorian attitudes and sentiments from the Danish socialisation processes. In Denmark a woman is regarded as having a right to a sex life of her own within a more pronounced climate of permissiveness than is apparent in most other countries.

Dr Stürup indicated that he had not seen many exposeurs in his institution at Herstedvester, reasoning that it is not usual for women in Denmark to report the offence.

Dr Dax felt that benefit would accrue from causing counsel for the offender to confront the victim to see what harm they sometimes do by their course of cross-examination. He also felt that often, subsequently to the event, victims were in need of skilled and sympathetic treatment.

Some discussion ensued on the question of rape as a socio-political phenomenon, being possibly interpreted as an assault on property rights. Dr Stürup considered rape to be a harmful act to a woman, an assault on her freedom to decide with whom she will have sexual intercourse. He indicated that the property factor was of little import in Danish society.

What was most noticeable throughout the discussion periods was the vast difference in attitudes between the men and the women present, although some women joined some of the men in pre-occupation with the intellectual element in discussion of sex offenders and their offences. Many of the women who have close contact with the victims of sexual crime speak and feel from the experiential, grass-roots level. Naturally, therefore, irritation was engendered on both sides. Most men, including some professionals, appear unable to really empathise with the female in these areas, seeming unable to understand the feelings of denigration, of the assault upon their individuality and worth as a person, even to being whistled at and ogled by men. These are the very states of affairs that Dr Stürup indicated no longer existed in Denmark. In his country, he said, women feel like people where men were concerned, and the regarding by men of women as sexual objects only, had long since disappeared from their patterns of relationship.

A statement by a police officer pointed to deficiencies in our Australian methods of management of sex offenders and their victims. He was a policeman of wide experience in other countries as well as Australia. He made the points that the only sex offenders who receive treatment at all are recidivists; and that mostly the reason police adopt the attitude normally complained of towards the women victims of the sexual offences is born of their feeling that, no matter how much work they put into the ascertainment of the facts of the offence, the court will deal with the offender in a manner which appears to the policeman to be too lenient. For the same reason, the policeman is reluctant to spend time delving into the background either of the offender or the victim. Although not quite accurate (since Queensland, at least, has a special rape squad managed by women police officers) he pointed out that there was no specially trained division for this purpose in a police force in Australia. Not enough use is made of the policewoman in respect of these offences, he said.

He felt that there was considerable room for greater training of both policemen and policewomen in the handling of sex offences. He referred to the circumstances that most detectives spend the major part of their time investigating robberies, breakings, illegal use of motor vehicles, etc. They deal mainly with male offenders, thereby remaining not very adept at dealing with female victims of crime when the situation demands. He also deplored the circumstance that there are few places, if any, where a person with sexual problems can go for counselling and assistance. They are reluctant to go to government agencies because they know that, should they do so, they are very likely to find themselves under some form of statutory attention and liable to a prison sentence.

CONCLUSION

No doubt the title 'Modern Trends in the Treatment of Sex Offenders' might lead one to expect that this seminar would introduce participants to specific treatment programs. What came out of the meeting, however, were clear indications that those sex offenders who are in need of detention and intensive or non-intensive psychotherapeutic treatment are greatly in the minority. The majority of sex offenders, including the great proportion whose offences are not reported, and therefore not detected and dealt with, are normal males in our culture, who are conditioned to quite erroneous notions about the nature of female sexual psychology, and the need of women to be regarded by men as human beings with their own rights to their own feelings about themselves, their sexuality and their rights to expression.

It should have been obvious to all that trends in the treatment of sex offenders ought to be based on efforts to devise and implement a viable, intelligent system of sex education for our children, and a similarly carefully planned program of education in human relations. Only by these means can first steps be taken to reduce the number of unacceptable acts committed upon men, women and children, that, in our culture, are termed sexual offences.

LIST OF PARTICIPANTS

APPENDIX

VISITING EXPERT

Dr Georg Stürup Former Director, Institution for Psychopathic
Criminals, Herstedvester, Denmark

CONSULTANTS

Dr E. Cunningham Dax Co-ordinator in Community Health, Mental Health
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