Contents

Limited by guarantee:
Limited to what?
Guaranteed by whom? 2
Myles McGregor-Lowndes

Evaluating the committal 5
David Brereton and John Willis

Counting rapes:
Reporting and recording practices in Western Australia 8
Rod Broadhurst

Can paralegals improve access to justice? 10
John Goldring

Infanticide and feminist criminology 14
Kathy Laster

The NSW view of committals 16
Peter Berman

Neglected to death 19
Ian Temby, QC

Lives unlived:
Youth suicide in Australia 21
Riaz Hassan

Criminology courses in NSW 23
Mark Findlay

Crime prevention in Telecom 24

Queensland Criminal Justice Commission—Research 25

Service pages 26
A public company that did not have to lodge any financial returns, annual reports or notice of change of directors, that had its member’s liability limited to one pound and one shilling for each member and did not use the warning tag ‘limited’ in its name, would be an attractive vehicle for any entrepreneur, let alone someone contemplating a fraud. Such companies do exist and are known as companies limited by guarantee. The recently collapsed National Safety Council of Australia, Victorian Division, is just one of some 2000 such companies in Australia. Companies limited by guarantee were little known publicly until the collapse of the National Safety Council, are still barely mentioned in any of the legal texts and are largely ignored by regulators as merely harmless non-profit organisations.

Although the investigations into the National Safety Council are far from over, the liquidation of the company is still progressing and legal actions look like taking years to finalise, this article ventures some insights into the regulation of companies limited by guarantee.

On 21 December 1988 the auditors of the National Safety Council of Australia Victorian Division informed the directors that they had qualified the audit reports for the company for the financial years 1986 and 1987 and were unable to complete the audit of the financial year 1988. One director has been reported as saying that the auditor’s qualification had been removed from a loose leaf audit report; a lending bank claims that the qualification was erased by use of scissors and photocopier. The board moved to engage a firm of chartered accountants to investigate and report on the accounting procedures, controls and records of the company.

The firm of investigating accountants soon became concerned about the validity of financial records, particularly for major trade debtors and a category of non-current assets known as ‘containerised safety equipment’. The chief executive of the company, known as John Friedrich, was stood down on the 14 March 1989 and the accountants were authorised to approach clients, debtors and creditors of the company to ascertain the true financial standing of the company. It was discovered that the company was hopelessly insolvent, the executive director had fled across Australia and banks were unlikely to recover much of the $200 million loaned to the company. The principal executive officer now faces 91 fraud charges involving $244 million.

How could this have happened in a non-profit company whose board was filled with high profile directors, being lent money from commercially astute banking institutions and regulated not only by a companies code but also by a comprehensive policy manual? The answer to this question, if it ever can be authoritatively answered, will perhaps emerge as investigations and legal proceedings end.

However, there are some issues that need to be addressed as a matter of urgency.

Systemic policy deficiency

The English Parliament first created the corporate entity known as a company limited by guarantee in an amending Act passed in the same year the English Parliament permitted the Board of Trade, which supervised the administration of the Act, to license limited companies to be incorporated without the word “limited” as part of their name. A licence would also exempt the company from supplying a list of its members, directors and managers. When company accounts were required in later acts, these too could be waived for companies limited by guarantee.

This was not the only regulation of such companies, as charities were required to lodge accounts and be scrutinised long before the same requirement was imposed on companies. It could be argued that the exemption was granted to companies limited by guarantee not because they need not be regulated, but because they were already regulated by other authorities in England.

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Even today an English company limited by guarantee cannot obtain exemptions unless it is a registered or exempted charity. This is not the state of affairs in Australia.

The states of Australia adopted the English Companies Acts with slavish devotion. The provisions relating to companies limited by guarantee were copied almost word for word for a century. The regulation of English charities outside the Companies Act was not replicated and not until the sixties was there the beginning of substantive state regulation of charities. The regulatory policy allowed companies such as the National Safety Council to operate in a regulatory vacuum. Even when the states began to regulate charities under other Acts, there was gross regulatory failure. A study by Williams and Warfe of the Victorian charities register in 1978 found that only 50.1 per cent of the charities required to lodge annual reports and financial information had done so. When McCallum, Romano and Williams did a repeat study five years later the percentage was only 56.4 per cent. The author's studies of the Queensland register for 1988 indicate that less than 40 per cent of charities had lodged returns for that year.

The exemptions which can apply to companies limited by guarantee in Australia were taken out of context and there was no other effective regulator of their activities. The introduction of charity legislation that has occurred since then does not ensure any real supervision of the activities of companies limited by guarantee. The regulation of companies limited by guarantee was systemically defective from its transplantation into the Australian environment.

The proposed Commonwealth Corporations Act Section 383 appears to finally alter the thrust of the regulation of companies limited by guarantee. It allows only a licence for the omission of the word 'limited' from the corporate name. There is no provision for the exempting of returns of directors or annual financial reports. Sub-section 11 of Section 383 purports to continue only those previous licences for omission of the tag 'limited' and will not save dispensations under previous Acts from annual reports and returns. If this Act withstands constitutional challenges and the negotiations of state, territorial and federal politicians the regulatory framework will be in place, but will the regulators take a pro-active role? The present state of their records does not permit a confident reply.

**The state of the regulator's records**

After the media headlines of the National Safety Council collapse, the Victorian Attorney General placated a noisy media by ordering the Victorian Commissioner for Corporate Affairs to undertake a review of all companies holding a Section 66 licence. The results of this review have not been made public, but the author submitted a request under the Victorian Freedom of Information Act, which yielded a summary of the review which was presented to the September 1989 National Ministerial Council Meeting of the Ministerial Council on the National Companies and Securities Legislation.

There were at the time 710 companies limited by guarantee with exemptions from lodging accounts. These companies were sent letters by the Victorian Commissioner requesting a copy of their last audited financial accounts which they are required to prepare but not lodge with the Commission. Sixty-two per cent were able to send back financial statements. The scrutiny of these accounts by appointed accountants Deloitte, Haskins and Sells revealed that 20 per cent had accounts which did not include an audit report, nine per cent had a qualified audit report and 35 per cent showed evidence of non-compliance with the Companies Code's accounting requirements.

Perhaps the most worrying statistic is the 28 per cent of companies limited by guarantee that did not supply their financial returns. Nineteen per cent of companies could not be contacted at the last address given as their registered office. This is a serious regulatory failure when the Commission and the public cannot even find the location of the company and its records. If there are no annual returns to be lodged there are no warning signs readily visible to the Commission that the company has disappeared. These statistics do not paint a rosy picture of the regulation of companies limited by guarantee. Even if you can find the company records, the chances are that they do not accurately record the company's financial affairs and have not been independently verified.

The new Corporations Act requires these companies to lodge annual returns, it will provide the corporate regulators with an ideal opportunity to clean up their registers and signal to the controllers of companies limited by guarantee that they are persons with responsibilities under the Act. Whether the Australian Security Commission has the resources or the will to attend to this task is yet to be seen.

**Specific regulation of the National Safety Council of Australia, Victorian Division**

An examination of the Commission's public record of documents relating to the National Safety Council of Australia, Victorian Division, supplemented by those obtained by the author by a freedom of information request, raises some...
interesting questions. The National Companies and Securities Commission issued a comprehensive procedures handbook for dealing with Section 66 licences in 1982. This document sets out detailed procedures and policy extending to more than 100 hundred pages. These procedures do not appear to have been complied with. While clarity of vision that hindsight brings must be borne in mind, regulators lost valuable opportunities to regularise the affairs of the company.

The company was registered in 1928 under the name ‘National Safety Council of Australia’ with a licence allowing the exemption from financial reporting, directors’ returns and having to use the tag ‘limited’. The memorandum of the company in most clauses equates with that of the model set down in the procedures handbook. However, there are some crucial differences.

The objects permit the company to seek financial support from state and federal governments and to foster public appeals for donations and to raise credit from external sources. These objects did not contravene the policy of the administration of Section 66 licences in 1928 when approval was given, but are not normally permitted under present policy.

The Articles of Association have been entirely replaced twice in the history of the National Safety Council. There are instances where the articles have deviated from those proposed by the procedures handbook.

An example is the election of members of the governing body. The NCSC procedures handbook states at page 808509.

In order to ensure some measure of freedom of control by any outside body, the articles of association must provide for the members of the governing body to be elected by the general body of members of the company. Likewise, measures that may be interpreted as enabling a ‘power group’ within the organisation to be self-perpetuating, such as the election of the governing body by an electoral college will be objected to. All directors must be members of the company.

The membership of the National Safety Council consists of different classes of members from individuals, corporate members, associates and nominees. A State Council was formed from these members. It consists of a representative from each of eight government departments and other organisations such as the Trades Hall Council and the National Council of Women of Victoria and such other members as the State Council decides. Such persons’ term was only one year, a relatively short term given it only involved two meetings. The State Council has the responsibility of electing not more than nine members of the State Council to the board of directors. It is the board which then elects office bearers such as the president, vice presidents and treasurer.

To further assist member control of a company limited by guarantee with a licence, the procedures manual entrenches the right of members to inspect the accounting records of their company at any reasonable time. There was no such right entrenched in the articles of the National Safety Council. It is not on the public record yet whether increased company member involvement would have prevented or curtailed the collapse of the company.

While it is understandable that the licence was not revoked when the new policy came into force in 1982, it is not understandable when the company tried to alter its memorandum and articles that the Commission did not take the opportunity to bring the company into line with NCSC policy. Such an opportunity was given to the Victorian Commission in 1986 to ensure that the company fell into line with the restrictions imposed on Section 66 companies.

On 5 November 1986 it appears that an extraordinary meeting of the company was held to amend the memorandum without the mandatory prior approval of the Commission. The Victorian Commission in giving consent to the alteration of the objects appears to have not followed the procedures handbook. It states at page 808515 that,

Where an application is received for approval to the alteration of the company’s articles by the substitution of a new set of articles or the alteration of the company’s objects by substitution of a new objects clause, the new articles or objects as a whole are required to conform to Section 66 policies and standards.

It is a clear from documents provided under the Freedom of Information request that the Victorian Commission did not seek the proposed alterations to the memorandum and articles of the company. The Commission does not appear to have taken the opportunity to require the other unamended provisions to comply with their policy. The National Companies and Securities Commission (NCSC) was distinct from the Victorian Commission was approached to approve one amendment which departed from the procedures handbook. Although no reply from the NCSC was discovered from the Freedom of Information Documents, the NCSC agreed to the amendment as the request was in the following terms:

Vic SAC does not object to proposed amendment and will grant approval unless instructions to the contrary are received within 14 days.

In the world of ‘ifs’ and ‘but for’ perhaps the review of the memorandum and articles may have resulted in greater membership scrutiny of the financial affairs of the company or revocation of the licence and compliance with lodging audited accounts which could have been scrutinised by the public and the Commission.

Conclusion

There is still a long way to go in the legal investigation surrounding the affairs of the National Safety Council, Victorian Division, and until all the facts are established final conclusions are a risky undertaking. There are, however, some points which need to be headed before there are more regulatory defaults.

The regulation of non-profit enterprise whether structured under the Companies Acts or other Acts requires serious examination. There is gross regulatory default in the area and confidence in the veracity of non-profits is crucial to their performance of a beneficial role in our society. Non-profit organisations last only as long as the public and state have confidence in their pledge to return all profits to the aims of the organisation or the public remains in ignorance of the true state of affairs. The soft treatment of charities because of their voluntary and laudable activities should not mask the fact that many are substantial businesses...

4 Criminology Australia, July/August 1990
In the more serious criminal cases, it has long been standard practice in Australia for a committal, or preliminary hearing, to be held before a magistrate. These hearings were initially designed to ensure that cases did not proceed to trial unless there was a substantial case against the defendant. Although this is still seen by many as their primary role, committals have also been credited with performing a variety of other functions, such as serving as a mechanism for the early identification of guilty pleas, and providing a forum in which accused persons can ascertain the case against them and test the evidence of prosecution witnesses.

There is still a substantial body of opinion which favours the retention of committals, but in some quarters they are now regarded as an ineffective means of filtering out weak prosecution cases and as a significant cause of unnecessary delay and expense in the criminal justice system. These criticisms have received their strongest expression in New South Wales, where the Government is now moving to abolish committals in their present form. Elsewhere in Australia, the emphasis to date has been more on streamlining committal hearings than on replacing them altogether, but here also, a growing number of interested parties are asking whether committals still serve any worthwhile purpose.

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Details on data sources and other relevant information can be obtained from the paper 'Evaluating the Committal', presented to the Australian Institute of Criminology Conference on the Future of Committals, Canberra May 1990. Copies of this paper are obtainable from the authors on request.

In late 1988, in response to the increasing attention being paid to this issue, the Australian Institute of Judicial Administration (AIJA) commissioned us to undertake an Australia-wide evaluation of committal proceedings. As part of this project, we visited all jurisdictions except the Northern Territory, conducted a large number of interviews with relevant personnel, and accumulated a range of comparative data.

This article summarises the main findings of this study, focussing specifically on the effectiveness, or otherwise, with which committals perform the following functions: the screening-out of weak cases, the early identification of guilty pleas, and the disclosure of the prosecution's case to the accused. It also assesses the major costs attributed to committals, in particular the amount of court time and resources which they require and the contribution which they make to overall delay.

In New South Wales, it is true, committals appear to be fairly ineffective filters . . .

The filter function of committals

A common criticism of committals is that magistrates discharge very few defendants at the committal stage, particularly when compared to the frequency with which indicting authorities later drop, or no bill, charges. In contrast to this view, our research has established that in some jurisdictions a good deal of filtering takes place at this stage.

As shown in Figure 1, on the most recently available evidence, more than 8 per cent of defendants at the committal stage, particularly when compared to the frequency with which indicting authorities later drop, or no bill, charges. In contrast to this view, our research has established that in some jurisdictions a good deal of filtering takes place at this stage.

John Willis, David Breiten, Don Weatherburn (Director, NSW Bureau of Crime Statistics and Research) and Peter Berman at the Australian Institute of Criminology's conference on the future of committals.
It should also be kept in mind that committals can act as filters in less direct ways. Thus in a significant number of cases the evidence that comes out at the committal makes it clear to the relevant prosecuting authority that the case has little chance of success and a no bill is filed as a consequence. In addition, the anticipation that a matter will be discharged by the magistrate may be sufficient to prompt the prosecution to withdraw some or all charges prior to committal, as appears particularly to be the case in Victoria and for matters prosecuted by the Commonwealth DPP.

Early identification of guilty pleas

Given that the great majority of defendants dealt with by Australian higher courts ultimately plead guilty to one or more charges, there are obvious advantages in being able to identify pleas of guilty at the committal stage. However, in most jurisdictions, as Figure 2 indicates, only a small minority of defendants exercise this option. The reluctance of most defendants to plead guilty at the committal is understandable. For the most part, charge negotiations, if any occur, do not take place until after a matter has been taken over by the indicting authority. Moreover, in many cases defendants are simply not in a position to make an informed decision about plea at the committal hearing, especially as rules governing the granting of legal aid mean that a substantial number of defendants are unrepresented, or are represented for the day only through a duty solicitor.

Not only are there few incentives to plead guilty at the committal hearing, but in some states a defendant who does so is placed at a significant procedural disadvantage. For instance, in Western Australia a presumption against the granting of bail is created once a defendant has been committed for sentence, and in Queensland and Western Australia defendants who have pleaded guilty at the committal cannot subsequently change their plea without the approval of the presiding judge. Although committals in most jurisdictions, do little to aid the early identification of guilty pleas, there are some fairly obvious ways in which this shortcoming can be addressed. One simple measure would be to remove the above-mentioned legal barriers. Thus in New South Wales and the ACT, where the guilty plea rate at committal is comparatively high, there is no obstacle to defendants later changing their plea to one of not guilty. Moreover, if there were greater involvement by the Crown and legal aid at the committal stage, both sides would be in a much better position to engage in serious negotiation over charges.

There are also incentives that can be used to promote early guilty pleas. In all jurisdictions, a guilty plea can be a mitigating factor in sentencing. However, in Victoria an amendment to s.4 (1) of the Penalties and Sentences Act 1985 has provided that a court, in passing sentence, can also take into account 'the stage in the proceedings at which the person pleaded guilty or indicated an intention to plead guilty'. Since this amendment came into force in mid-1989, the guilty plea rate in Victoria has increased significantly from 12 per cent to 20 per cent. This is a strong indication that the guilty plea rate at committal in other jurisdictions could also be lifted substantially if a reward for an early plea was institutionalised and made explicit.

**Committals as a disclosure mechanism**

Proper and early disclosure of the prosecution's case against the accused is desirable not only to ensure fairness to the accused, but also because it contributes to the efficient operation of the criminal justice system. In the past, the effectiveness of the committal as a disclosure mechanism was certainly open to question, as the police often took the view that they need call only enough witnesses at the committal to establish
that there was a prima facie case against the accused. More recently, through several decisions by higher courts supportive of the principle of full disclosure, and changes in the attitudes and practices of the police and prosecuting authorities, have meant that the position has improved considerably—an assessment supported by most of the defence counsel interviewed as part of our project.

In addition, whatever the past and present shortcomings of committals as a disclosure mechanism, one very important role which they perform is to provide a date, well in advance of the trial itself, by which a substantial part of the prosecution’s evidence must be made available to the defence. The same result can probably be achieved without a committal if prosecution authorities set and adhered to their own disclosure dates, but arguably, externally enforced deadlines will be complied with more consistently.

** Committals and court time 

Every jurisdiction has its horror stories of committal hearings which have run for months or even years, but it is important not to treat these cases as typical. The widespread adoption of ‘paper committal’ procedures means that in most jurisdictions the majority of cases are now dealt with as full hand-up briefs in which no oral evidence is given and the prosecution case is based solely on the written statements of witnesses (see Figure 3). Even where witnesses are called most hearings are relatively short. For instance, only 4 per cent of the oral committals conducted in South Australia in 1987, and 5 per cent of those held in Victoria in the same period, ran for five days or more. Overall, we estimated that in most jurisdictions committals probably accounted for 10 per cent or less of all lower court sitting time.

It also should not be assumed that lengthy committals are invariably a waste of time. While some hearings may be needlessly drawn out by repetitive cross-examination of large numbers of witnesses, others take a long time to complete primarily because the issues involved are complex. In addition, the time spent on a committal may well be recouped if it leads to the subsequent trial being run on tighter lines, or to a trial being avoided altogether because material produced at the hearing prompts a discharge, or the later entry of a no bill or guilty plea.

** Committals and delay 

Delay at the committal stage is a problem in some jurisdictions, but the situation must be kept in perspective. In Victoria and New South Wales—the two states where delay is of most concern—delays pre-committal are clearly less substantial than those which occur post-committal. Thus in Victoria, the period from charge to committal accounts for less than one-third of total elapsed time between charge and trial; in New South Wales, the equivalent proportion is only 21 per cent.

It is also a mistake to assume that all, or even most, of the time between arrest and committal could be saved if only committals were abolished. Rather, a substantial part of this time is used to carry out tasks, such as the preparation of police briefs, which would have to be performed regardless of whether a committal was required or not. Certainly, committals often take longer to finalise than they should, due to inefficient scheduling, practices, inadequate resourcing of police and the courts, and a failure to take time standards more seriously. But in most jurisdictions it is difficult to see how the abolition of committals could reduce the average time between charge and listing for trial or sentence by much more than two or three months, even assuming that the

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"This is a strong indication that the guilty plea rate at committal in other jurisdictions could also be lifted substantially if a reward for an early plea was institutionalised and made explicit."

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**Conclusion 

In short, claims that committals are clogging-up the lower courts, and that their abolition would lead to substantial time and money savings do not, in their present form, withstand close empirical scrutiny. Certainly, there are unnecessary delays in the pre-committal period in some jurisdictions, but the reductions in overall case processing time which might result from the abolition of committals are likely to be modest, especially if nothing is done about delays elsewhere in the system. More importantly, the evidence indicates that committals continue to perform worthwhile functions in the criminal justice system. In particular, they are more effective at filtering-out weak cases than their critics claim, are a potentially useful forum for the early identification of guilty pleas and provide a reasonably effective mechanism for disclosing the Crown’s case to the accused. On the basis of these findings it can be said that the case for the retention and improvement of committals is much stronger than the case for their abandonment.
Measuring the prevalence and incidence of crimes has proved an intractable problem in criminology. Indeed the problem of what measures can be relied on is a familiar one. The difficulties (albeit often ignored) impose severe limitations on the evaluation of criminal justice policies. Conventionally crime is monitored and policies evaluated by relying on the official records of police forces, courts and correctional services. The nature of these records makes them, by themselves, unsuitable for even simple tasks such as monitoring increases or decreases in particular behaviours.

Despite the development of crime victim surveys in the late 1960s as an alternative measure of the quantum of crime, many problems remain in reconciling such data to the demands of evaluation. In Australia, the data from victim surveys is sparse (only two national surveys have been conducted, one in 1975 and the other in 1983), plagued by technical problems and limiting their utility to policy makers. Moreover useful information on victims, collected by hospitals and victim services, which may corroborate trends for certain serious offences has been neglected.

Given these difficulties in measuring crime there has been revived interest in the use of self-report crime surveys as yet another method of measuring the quantum of crime. In the 1950s this technique was employed to measure the ‘dark’ figure of hidden crime and considerable technical development has occurred since. Comprehensive and properly constructed random surveys of self-reported crime have not been attempted in Australia, no doubt because decision makers have been skeptical about whether such surveys can generate reliable estimates of the prevalence and frequency of offending in the adult population. Co-ordinated data bases and self-report estimates are necessary for the evaluation of crime policies.

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Victim surveys
The incidence of sex offences has been estimated by victim surveys which attempt to measure the ‘true’ extent of crime by interviewing random samples of the population. In Western Australia such estimates can be derived from a crime victim survey undertaken throughout Australia in 1983 by the Australian Bureau of Statistics (ABS 1986). Sexual assault was defined in this survey as ‘any incident of a sexual nature considered by the respondent to be forced upon her’. National victimisation rates based on this definition are in the order of five per 1000 persons per annum with an estimated 26700 victims per annum nationally or 3100 victims per annum in Western Australia.

Based on raw data provided by the Australian Bureau of Statistics, 30 per cent of these reports related to rape or attempted rape and 29 per cent of all reports related to verbal threats only, but as few as 28 per cent of these offences were reported or became known to police. A factor in this may have been that in 42 per cent of the sex incidents, the offender was known to the victim and of these most (80 per cent) were related in some way.

Fear of reprisal and the belief that police ‘could do little’ were the main reasons given by respondents for not reporting offences to police.

Experience of victimisation was also sensitive to age (ages 20-29 were most at risk), to place of residence, (more prevalent in large cities), to socio-economic status (higher educated more at risk), and to marital status (single/separated more at risk). These are findings common to victim studies in many jurisdictions. They reflect the characteristics of the respondents to the survey.
Thus about one in four of these incidents were said to be reported to police authorities. We may assume this estimate to be conservative. In the two sweeps of the British crime surveys for example, very large differences in estimates of the proportion of victims reporting incidents were noted. Proportions varied from one in four to one in ten, suggesting significant sensitivity to definitions and survey protocols.

Police records and victimisation rates

Victim estimates are subject to substantial standard error and to possible biases due to sampling and reporting inconsistencies. Nevertheless we may use these proportions to calculate the annual number of rape offences occurring in Western Australia during the early 1980s and thus 'guessestimate' the 'hidden' or unreported extent of crime. Discounting verbal threats and sexual assaults not regarded as rape or attempted rape by respondents, approximately 513-853 victims per annum are estimated by these means. Of these, approximately 143-238 are expected to report to police. Reports to police in 1983-84 are lower than this although by 1984-85 the reported number closely matches the expected number.

Converting these figures to a per capita estimate the rate of victimisation is 60-133/100,000 incidents per year of which 22-37/100,000 should be reported to police. Given the crudity of the calculations this estimate accords with the 30.6/100,000 estimated for 1986 from official records suggesting that in conjunction the available data are better measures than expected. Only repeated and regular victimisation surveys will permit improved cross-validation with police records. The estimates may be further refined by hospital records as well as estimates derived from offender self-report studies.

There have been increases in reports and increases in offenders over the period 1966-86. Controlling for population we observe these increases in reports.

Police records

Table 2 summarises rape cases reported to Western Australian police since 1963, adjusted by removal of 'unfounded' reports, or those 'not confirmed' by police, to ensure comparable counting rules. The discretion to record a report as unfounded rests with the investigating officer and his assessment of the complaint. However a few complaints, never more than a handful each year, deemed unfounded result in charges for false complaint.

Table 2 shows that the numbers of reports confirmed in 1982-83/1983-84

<table>
<thead>
<tr>
<th>Year</th>
<th>Reports Adjusted</th>
<th>Cleared by charge</th>
<th>% of Offenders charged</th>
<th>Under 16 imprisoned</th>
<th>Adults imprisoned</th>
<th>% of Offenders</th>
</tr>
</thead>
<tbody>
<tr>
<td>1966-67</td>
<td>358</td>
<td>215</td>
<td>60</td>
<td>154 (21)</td>
<td></td>
<td>53</td>
</tr>
<tr>
<td>1967-68</td>
<td>274</td>
<td>164</td>
<td>58</td>
<td>154 (16)</td>
<td></td>
<td>36</td>
</tr>
<tr>
<td>1968-69</td>
<td>221</td>
<td>121</td>
<td>55</td>
<td>109 (17)</td>
<td></td>
<td>30</td>
</tr>
<tr>
<td>1969-70</td>
<td>163</td>
<td>88</td>
<td>54</td>
<td>78 (10)</td>
<td></td>
<td>26</td>
</tr>
<tr>
<td>1970-71</td>
<td>163</td>
<td>75</td>
<td>47</td>
<td>90 (18)</td>
<td></td>
<td>26</td>
</tr>
<tr>
<td>1971-72</td>
<td>73</td>
<td>39</td>
<td>53</td>
<td>44 (6)</td>
<td></td>
<td>35</td>
</tr>
<tr>
<td>1972-73</td>
<td>87</td>
<td>59</td>
<td>68</td>
<td>71 (5)</td>
<td></td>
<td>35</td>
</tr>
<tr>
<td>1973-74</td>
<td>82</td>
<td>32</td>
<td>39</td>
<td>35 (7)</td>
<td></td>
<td>27</td>
</tr>
<tr>
<td>1974-75</td>
<td>98</td>
<td>54</td>
<td>55</td>
<td>50 (9)</td>
<td></td>
<td>19</td>
</tr>
<tr>
<td>1975-76</td>
<td>84</td>
<td>40</td>
<td>48</td>
<td>62 (12)</td>
<td></td>
<td>19</td>
</tr>
<tr>
<td>1976-77</td>
<td>62</td>
<td>40</td>
<td>64</td>
<td>77 (13)</td>
<td></td>
<td>19</td>
</tr>
<tr>
<td>1977-78</td>
<td>58</td>
<td>40</td>
<td>71</td>
<td>57 (9)</td>
<td></td>
<td>19</td>
</tr>
<tr>
<td>1978-79</td>
<td>44</td>
<td>34</td>
<td>77</td>
<td>48 (14)</td>
<td></td>
<td>19</td>
</tr>
<tr>
<td>1979-80</td>
<td>40</td>
<td>31</td>
<td>77</td>
<td>38 (1)</td>
<td></td>
<td>19</td>
</tr>
</tbody>
</table>

Notes: (a) 'Unfounded' reports are removed. (b) The number of reports leading to the offender(s) being charged. (c) The percentage of reports cleared by charge. (d) The number of offenders charged under 16 years of age. (e) The number of adult offenders imprisoned—data prior to 1980 not available. (f) The percentage of those charged who were incarcerated after removing juveniles (under 16) from the count.

Table 1 Incidence of rape from police records

<table>
<thead>
<tr>
<th>Year</th>
<th>Rapes per 100,000 females</th>
<th>Offenders charged per 100,000 males</th>
</tr>
</thead>
<tbody>
<tr>
<td>1966</td>
<td>2.2</td>
<td>4.2</td>
</tr>
<tr>
<td>1971</td>
<td>6.6</td>
<td>5.7</td>
</tr>
<tr>
<td>1976</td>
<td>9.9</td>
<td>8.2</td>
</tr>
<tr>
<td>1981</td>
<td>15.5</td>
<td>5.4</td>
</tr>
<tr>
<td>1986</td>
<td>30.6</td>
<td>14.8</td>
</tr>
</tbody>
</table>

were 87 and 73, considerably lower than estimated by the victim survey, although much closer when unconfirmed reports are added. However by 1984-85 the reported confirmed number of 163 is closer to the expected figure. This suggests that the increases recorded by police could reflect a greater willingness to report by victims and police to formally record. Furthermore it indicates that the reporting rate, one in four, roughly tallies with official records.

Table 2 also includes the number of reports 'solved' by charge (plus percentage cleared by charge), the number of offenders involved in the clearance of a reported case by charge, and the number of adult offenders eventually incarcerated. In the absence of individual level data, a crude average attrition rate of 44 per cent from charge to incarceration can be calculated from these records.

The proportion of reports 'unfounded' by police has decreased over the last decade from as much as 53 per cent of all reports in 1976-77 to 8 per cent of reports in 1977-86, suggesting considerable sensitivity to attitudinal and policy changes in the reporting of this offence over time. It is worth noting that the recording of 'unfounded' complaints did not occur until 1974-75 and coincides with increased demands for improved enforcement and the establishment of dedicated services for victims.

As can be seen below the proportion of reports recorded as 'unfounded' has been halved every subsequent five years. It is probable that the victim service also acts to screen cases that do not 'fit' the precise (or misogynist) legal criteria required to punish transgressors.

Average percentage of reports unfounded: 1975-80 39.9 1980-85 20.4 1985-89 11.8

While there has been a very substantial increase in the number of rape/sexual assaults reported to police, we cannot assume this necessarily reflects a real or actual increase in the offence rate. The willingness of victims to report and of police to record has from all accounts greatly increased, but the evidence for this is poorly documented.

The treatment of 'unfounded' reports

Criminology Australia, July/August 1990
in Western Australia demonstrates these sorts of changes.

Police recording practices have been shown to vary widely between and even within police forces, and can contribute in themselves to apparent increases in crime rates. Thus there has been a tendency to discount increases based on official statistics. Certainly even small shifts in the willingness of victims to report, and/or improved or less discretionary recording practices by police would contribute significantly to official increases. Possibly the charge rate (see Table 1), which shows a less clear but nevertheless steep increase better reflects behaviour, but we have no way of confirming this. There is no compelling reason however to discount these official figures so completely as to negate an increase in prevalence or incidence.

It is worth noting that the population of Perth has grown very substantially since 1963 and it can no longer be regarded as a large provincial town. Increases in crimes of violence or against the person are more readily associated in the literature with the ecology of the large city. Attitudes to gender and sexual relationships have also changed over the ensuing years and may have significantly increased both the opportunity and risks of sexual assault. In any event these changes in attitude and approach are reflected in the recording of the offence irrespective of how this may reflect the 'true' or hidden prevalence of the offence. The reliance on official records as an index and sample of offending assumes reporting and recording practices are constant.

Other data sources

Data provided by a service for rape victims records that a third of its 1987–88 clients were referred by police, but as this service is metropolitan based, has low utilisation rates by Aboriginal women, and all referrals are not officially reported, this figure overstates police reporting. Adjusting for this provides further corroboration that the reporting rate estimated by the victim survey approximates reality.

One further source of information is offenders themselves but as yet no Australian study has attempted to derive estimates of incidence from this source. Yet medical authorities report that incarcerated offenders attending treatment frequently report many more offences than known to authorities, confirming a long standing picture that known offenders account for a considerable proportion of reported and unreported offences.

Conclusion

Thus while the gap between the number of recorded offences and known offenders on face value appears substantial and even immense when the 'dark' figure of offences is included this assumes known offenders account only for the number of offences for which they are charged. The data from sex offender self-report studies and common sense suggest otherwise and the size of the gap between the known and the unknown is substantially less than often supposed.

In the example of rape in Western Australia, reliance on one or even two of the traditional measures of crime does little to help answer basic questions, such as, 'is the offence increasing or have our policies increased reporting by victims, etc?'. However, if information from these and other sources such as self report studies and hospital records (even if incomplete and fragmentary) are included our picture of the offence improves.

It is possible to conceive that a combination of such information (official records, victim and self report data) would permit estimates of the prevalence and incidence of offending (for some if not most crimes) vastly superior to those currently available. In effect a 'triangulation' of the possible sources of information would enable a reliable estimate to be calculated of the basic measure of any inquiry—the quantity. Nevertheless no such estimate could be reliably turned to practical use unless consistency and constancy of recording practices was achieved, a fact as shown by the above example, yet to be accomplished even by traditional sources of information—police records.

It seems that, without the essentials of measurement, criminology is incapable of developing beyond a chaotic and contradictory catalogue of facts upon which competing suppositions and speculations can only thrive.

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2. Australian Bureau of Statistics, 1983, Victims of Crime: Australia 1983, Canberra. Some 18,000 households were interviewed by the ABS and only 84 respondents reported a sexual assault. In a similar sized survey population of 16,000 households in Britain only one incident was reported to interviewers in the first sweep and 19 in the second.


4. The Sexual Assault Referral Centre (SARC), Kind Edward Memorial Hospital for Women, Perth.

Can paralegals improve access to justice?

The concept of a ‘profession’ is not easy, but sociologists agree that some community of purpose, personnel and knowledge distinguishes a ‘profession’ from other associations. Members of a profession share language, values, and roles, and they influence selection of future members. At least a working definition of a profession is necessary to make sense of talk about ‘paralegal professionals’.

However, legal professionalism is defined predominantly by lawyers, who present it as necessary in the public interest, thereby justifying elaborate training and constant monitoring to ensure competence and the preservation of public standards. They claim to possess discrete, technical knowledge, rendered in a non-partisan manner within an overall commitment to justice according to the rule of law (Dhavan, 1989:276).

Members of professions may not be concerned so much with knowledge or the provision of services as much as with enhancing or maintaining their own power. As one commentator put it, ‘the professionals are entrepreneurs and self-serving agents like everyone else, presumably including their radical political critics who are more often than not academic professionals themselves’ (Halmos 1973:6). To say this is not necessarily to be ‘anti-professional’. I am proud to be a lawyer, and I believe in law. Good professionals will, however, be self-critical. Members of the legal profession probably have not been sufficiently critical of themselves or their profession.

The legal profession, with the clergy and the medical profession, was traditionally regarded as a learned profession, but the concept of a profession has changed. Many people are concerned with lack of access to legal services, but is the answer to establish another ‘profession’? Consider what is required of a legal professional:

- Lawyers must be qualified by completing prescribed academic and practical courses.
- Lawyers enjoy a special market position; as officers of the court, lawyers are subject to certain legal and ethical duties, in return for which they are given a monopoly of specified types of paid legal work (called ‘legal practice’) and no one else may carry out such work for reward.
- The market position is related to lawyers’ functions: virtually all advocacy before courts and many tribunals; a great deal of the preparation of documents used in the courts and for the sale or lease of land; the preparation of wills and most documents required for the formation and registration of companies; preparation of contracts and other commercial documents; and general counselling, advice and negotiation.

An important element of the concept of a profession is the idea of the independent expert who provides a service, including professional skill and judgment. This may mean that professionals exercise power over the clients; they not only satisfy, but also define, clients’ needs. However, most clients know fairly clearly what they want when they seek legal services from solicitors in ‘general’ practices.

There are several different sources of legal services in Australia. Barristers do not provide services directly to the public. Private solicitors tend to be either

- sole practitioners or in small firms, providing a wide range of general services to individual clients and small businesses, or
- in the larger firms catering to the legal needs of companies, public sector departments and agencies and trade unions, which have been described as ‘mega-lawyers’.

Community based and publicly funded legal services in some respects are more like the ‘mega-law’ offices than solo practitioners or small firms: they work in teams of relatively specialised workers.

What is a paralegal professional?

A ‘paralegal professional’ may be any person who does ‘legal’ work, under the supervision of a qualified professional, but who lacks the formal qualifications which a lawyer must have. Traditional paralegals included managing law clerks, police prosecutors, some court clerks, and articled law clerks, or legal apprentices, who performed a wide range of tasks while learning to be ‘real’ lawyers. Today, the description might include people who would formerly have been described as legal secretaries, library assistants and clerks. The introduction of electronic data processing and information retrieval systems to legal environments has led to a new class of professionally qualified personnel—specialists in data processing and information systems—working in legal environments, doing the job for which
their occupational and professional qualifications fit them, yet who are not regarded as autonomous professionals. Their work is subsidiary to, and controlled by, members of the legal profession. It is difficult to identify what work is specifically 'legal' unless lawyers have defined it as such. A wide range of workers, ranging from the unskilled to the highly skilled, may be involved in the delivery of legal services. Any who lack the formal qualifications for legal practice might be regarded as 'paralegal professionals'. The idea of paralegal is not new, and their employment on a wide scale was advocated in the early 1970s as one way of satisfying the 'unmet need' for legal services.

The most obvious analogy is with the health care professions, where highly qualified persons—pharmacists, nurses, physiotherapists, dieticians and social workers—work as part of a team delivering health care. Each member of the team has a skilled and specialised function. A question now being raised in health care systems is whether the doctors should retain their position at the apex of the hierarchy: indeed, whether there should be a hierarchy. Similarly, in the construction industry, the role once played by the engineer or architect is now filled by a team of specialist professionals, each with a special skill. In this team the organisation tends to be far less hierarchical.

The mega-lawyers tend to supply teams of expert providers of corporate services, or to form such teams themselves. Suggestions for 'multi-disciplinary' partnerships of lawyers, accountants, and bankers are part of this development. The legal services they provide are only part of a wider package of specialised corporate services. This is not unique to the large firms of 'corporate' lawyers. Lawyers in government departments have been doing this sort of teamwork for years. This raises questions about their professional identity and loyalties.

What functions are currently performed by paralegals?

The work being done in legal offices has changed. Much of it is not done by fully qualified lawyers. Some—for instance, information retrieval or forensic biology—is carried out by professional specialists in those disciplines, who are not paralegals; but other work is clearly ancillary to professional lawyers' work so that those without formal qualifications who do it can be described as 'paraprofessionals'. They are, with few exceptions, employees of large institutions or qualified legal practitioners. Studies of Australian lawyers' work have largely ignored the other types of work that is done in legal offices, who does it, and how it is done, except for the limited study by Abbott (1978). However, unless accurate information is available about what 'paralegals' are, or should be doing, it is difficult to suggest what sort of training they require, and other ways in which they could be useful.

Before too many plans are made for future deployment and training of paralegal professionals, further enquiries need to be made as to what the functions currently performed by paralegal workers are different from those performed by fully-trained lawyers. If there is little or no difference, it would seem either that lawyers are overtrained, or the public is not getting the services it is charged for.

**Can paralegal professionals affect access to justice?**

If there is an 'unmet need' for legal services a number of different ways of meeting this need should be explored. Those include:

- allocating greater resources to the provision of legal services
- reallocating resources available for the provision of legal services
- changing the nature of the legal services provided
- changing the way in which the legal services are provided
- educating the users of legal services to do without lawyers.

Though there is not time to do so here, the assumptions on which this is based need to be examined. They include:

- there is a need for legal services
- that it is not met
- access to justice requires those legal services
- the legal system provides justice.

Many legal problems are problems because lawyers insist that the law be applied to certain facts in certain ways. If ordinary people can be enabled to develop and protect their own interests without lawyers' intervention, this is probably the most desirable way of removing any 'unmet need', it is cheaper, and gives the people affected a greater sense of control over their lives. However, the law is likely to remain relatively complex and mysterious, and only rarely will people have sufficient skills and information to find their way through the legal maze. They will need legal services. Employment of paralegals may make more economic sense than employment of salaried junior lawyers or keyboard operators. Institutional legal offices which have rigid budgetary constraints may reach the same conclusions, or will not be able to employ salaried lawyers even when they wish to.

The client's perspective is more important. Clients may see services provided by paralegal professionals in different ways. Some want to be served only by a lawyer and feel that attendance by a paralegal is somehow inferior. The entrepreneurially skilled lawyer will think first of the bottom line, even if she or he is also concerned with the quality of services. Employment of paralegals may make more economic sense than employment of salaried junior lawyers or keyboard operators. Institutional legal offices which have rigid budgetary constraints may reach the same conclusions, or will not be able to employ salaried lawyers even when they wish to.

**How should changes be evaluated?**

The effect of paralegal professionals on access to legal services should not be evaluated simply in terms of their effect on the volume of services provided. Meeting unmet demand may significantly improve overall the level of services available to the community. However, the effect on the quality of services provided is also important. It may be more or less important that legal services includes the 'overview' element: the experience, skill and judgment that only a properly trained and experienced professional can offer. In cases of routine conveyancing or debt collection, it probably is not. Formal qualifications are not the sole test of whether people can provide such an overview, and some clients may choose not to have this service. Although the full professional service is the ideal, people in desperate need should not be denied the services of a 'barefoot doctor', just because they cannot afford a neurosurgeon. Similarly, if legal services can only be provided because paraprofessionals are employed, they may be better than none, but might in some cases be worse.

From whose perspective should any changes be evaluated? The entrepreneurial lawyer will think first of the bottom line, even if she or he is also concerned with the quality of services. Employment of paralegals may make more economic sense than employment of salaried junior lawyers or keyboard operators. Institutional legal offices which have rigid budgetary constraints may reach the same conclusions, or will not be able to employ salaried lawyers even when they wish to.

The client's perspective is more important. Clients may view services provided by paralegal professionals in different ways. Some want to be served only by a lawyer and feel that attendance by a paralegal is somehow inferior. The analogy with medical services is obvious. Ultimately clients determine what services are required, and a few may appreciate that some services performed by paralegals represent better value for money than the same service provided by a fully qualified professional. Appearances are important. A professional may insist on personal contact with clients, even though the routine aspects of the work are performed by an unqualified paralegal worker.

People are now more aware of legal rights, and demand legal services, but their income may not have kept pace with the current costs. Provision of those services at lower cost may be the only way ahead. The legal system as a whole must balance the interests of quality and quantity. The survival of social ordering in Australia may depend on ensuring that the legal system can provide the legal services a community is entitled to.
Training paralegal professionals

What sort of education and training is required?

It has been suggested that employers have a vested interest in breaking down work into simple, mechanical tasks, so that no single worker becomes indispensable, and any is easily replaced. The law is not yet the sort of process that no single worker becomes indispensable, and any is easily replaced. The assignment of certain work into simple, mechanical tasks, so that no single worker becomes indispensable, and any is easily replaced. Some paralegal work, and some of the main areas of law to found an ability to recognise where specific rules may apply. It could be argued that, based on the work most lawyers do, most law students are overtrained, so it may be even less desirable to copy the broader aspects of university legal education in the training of every paralegal. What paralegals need depends on the sorts of tasks they will have to perform. For example, those engaged in land transactions need basic knowledge of land law and the law of contracts, those engaged in probate work need some knowledge of the law of trusts and succession, and those engaged in litigation support need knowledge of the rules of evidence and procedure. But how much and in what context?

Secondary school courses now include legal studies at all levels and accept that they provide a valuable road to a wider understanding of society and culture. They would help paralegals, but not all paralegals will opt for these courses. There may be no need for formal prerequisites. Both written and spoken English are fundamental in the operation of the law. Language skills should be the main requirement for formal training of paralegals. The remainder depends very much on what the students might want.

Who can provide it?

Again, the answer depends on the background of the paralegals and what they are to do: some may need to have tertiary qualifications in some other area. For them, the post-graduate diploma stage would be appropriate. For other paralegals, whose work will be of a more traditionally clerical kind, tertiary studies are probably not indicated. For fieldworkers drawn from, and working with particular minority groups, tertiary studies are not necessary. The TAFE system may be able to provide some courses, but in some jurisdictions, at least, TAFE is suffering from acute shortages of resources. In-house training is also a possibility, especially as government law offices and larger law firms are now employing educational specialists to prepare and coordinate training and continuing legal education.

Training of paralegal professionals will almost certainly need to be mainly on a part-time and cooperative basis: study will have to be through evening or distance teaching, possibly combined with intensive sessions at the relevant institution or in selected local centres. Co-operative and distance education is not a cheap alternative, it may not necessarily be the ideal solution, but offers some educational advantages. Paralegals will mostly be unable to afford full-time study, or will undertake it at the request of their employers.

One difficulty that has faced the health care professions is the lack of mobility between the various branches. It is unusual, say, for a physiotherapist to become a doctor, or a nurse to become a social worker. It is even more unusual for a surgeon to become a ward attendant. There is certainly no encouragement of such movement. A nurse studying to be a social worker is unlikely to receive any academic credit, whether for or academic work completed as part of nursing training. This leads to frustration, and a relatively high turnover. In the legal profession, paralegal work has traditionally been an avenue of upward professional mobility. Avenues for professional advancement and development should be available to paralegal workers who have demonstrated intellectual ability, and capacity in other respects to do legal work, provided that the additional studies they are required to undertake are of a sufficiently broad nature to give them the breadth of perspective which is so important in providing proper professional services.

A problem facing legal education at all levels is the lack of adequate teaching staff. Teaching law at any level requires a broad perspective and most teaching positions require a law degree, and often a higher degree in law. Secondary teachers of legal studies must complete some tertiary studies in law, and this is probably also necessary for anyone attempting to teach paralegals. At all levels of legal education, practical experience of a relevant kind is highly desirable; as paralegals, at least at first, will need a decidedly practical kind of training, some, at least, of the teachers will need to be experienced legal or paralegal professionals.

Who pays?

These days governments espouse the philosophy of ‘user pays’. But which user? The employer or the client? If the public sector is to provide the courses, through the TAFE or tertiary sectors, can the need for training of paralegal professionals deserve priority over other social needs? If the model of co-operative education is adopted, how is it to be funded by a levy on potential employers? Would such a levy be a disincentive for those employers to employ paralegal professionals at all? Those who want to employ trained paralegals should pay; but these costs will in some way be passed on to the ultimate users of legal services in the long run.

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Infanticide and feminist crimes: ‘Strong’ or ‘weak’ women?

The callous matter-of-fact way in which Lady Macbeth reveals her readiness to commit infanticide is, in Shakespeare’s play, testimony of her strength and ambition. The early part of the play portrays a competent and capable woman. Yet, traditionally, mothers who kill their babies have been pitied rather than admired. In both folklore and the law itself, competent and capable women do not commit this offence; conversely, when it occurs there must be some obvious ‘weakness’ in the mother to account for it.

The existence of this ‘female-only’ (gender-specific) offence continues to pose significant problems for criminology and for feminist criminology in particular. On the one hand, there are those who would argue that in a male-centred world, any piece of legislation which gives some advantage (however small) to women in the criminal justice system, is worthwhile preserving. On the other hand, others have expressed serious doubts about the political and social consequences of retaining the offence, which continues to focus attention on some alleged specific vulnerabilities of female offenders.

Since the 1920s most Australian jurisdictions have followed the English example and recognised infanticide as a distinct crime. The elements of the crime are the killing of a child most often aged less than twelve months, by its mother, while the balance of her mind is disturbed, due to the effect of giving birth or lactation. Infanticide is both a defence to a charge and an offence: mothers may be charged with murder and plead infanticide as a partial defence, reducing the crime to manslaughter, or they may be charged with infanticide as an offence in its own right.

The numbers of mothers who kill their babies are not large, probably no more than one or two each year in any single jurisdiction with only some of these being proceeded against by the Crown. In Victoria, for example, five women were responsible for the death of their babies between 1981 and 1987. In one case the Director of Public Prosecutions entered a nolle prosequi, in another case the woman pleaded not guilty to murder and was acquitted and in the remaining three cases the women pleaded guilty to infanticide. New South Wales figures for the incidence of the crime are somewhat higher.

Despite the relatively minor incidence of the crime it has been the subject of extensive legislative revision and law reform activity in a number of Australian and overseas jurisdictions. Almost universally there has been a recognition that this gender-specific crime presents many evidentiary and jurisprudential problems. Both the Law Reform Commission of Canada and the UK Butter Committee Inquiry into Abnormal Offenders recommended its abolition with the crime being subsumed under a general defence of diminished responsibility.

Although feminist theorists are divided as to whether infanticide should be abolished (and in those Australian jurisdictions which have it, it has been retained) they are all far from happy with the terms in which the specific offence is currently framed. In its current form the crime assumes a biological explanation of conduct – how the mother’s mind was disturbed. In many cases this reductive reasoning is clearly inadequate. The body of the baby is found in or near a toilet with the mother continuing to deny any knowledge of this episode of her life.

For this small group of women who can be shown to have a genuine psychiatric disturbance, the current provisions for insanity or an extension of...
the defence of diminished responsibility would probably be more appropriate than infanticide. In the remaining cases, it does women a disservice to conceive of their behaviour in medical terms. Such inappropriate biological explanations have traditionally been the basis for denying women's right to equal participation in the social and political life of the community, for example, the alleged physical and emotional weakness of women was used for a long time to exclude them from professions such as medicine.

Nevertheless, some feminists have been keen to preserve special legislative provisions which ameliorate the harshness of the label of 'murderess' and the severe penalties which this may entail. A special crime of infanticide, they argue, allows due recognition to be given to the problems of poverty, lack of social support and the isolation of women in their role as mothers. The issues are clearly illustrated in the very recent Victorian case of Sharon Stone who killed her eight month old son and twenty-two month old daughter in 1989.

Stone lived in the country, married at seventeen and at twenty-two was the mother of three children, all born within the space of twenty-seven months. Her husband had left her after the birth of their third child. The baby had been diagnosed as a diabetic and the inexperienced mother had to perform daily blood tests and look after, at times, a very sick child. She suffocated the baby, voluntarily giving herself up to the police. She allegedly told the police that she feared she might hurt her other children but her call for help seems to have been ignored. Three weeks later she suffocated the older child after learning that it, too, was probably a diabetic. The mother's own childhood had been chaotic and dominated by violence.

Yet, however appealing, the social explanations for infanticide like the biological, characterise women as victims who are not entirely responsible for their actions. It would be hazardous to allow social determinism to gain currency in the place of discredited biological determinism. For one thing, this kind of reasoning distorts the complexity of motives for offending which characterise the variety of women's experiences. By focussing on the more pathetic offenders who are caught, the analysis sidesteps the recurring pattern of 'strong' women in other times and in other cultures who, for rational reasons, take it upon themselves to determine their own fertility and play an important role in their society's social organisation. It is important to remember that ordinary women less than a hundred years ago, for a variety of reasons, regularly abandoned, neglected or killed their children themselves or through third parties such as midwives and baby farmers. It was merely the inept and vulnerable (for example unmarried servant girls) who were caught.

Given the problems of trying to provide automatic defences within the legislative provision, is the solution to create an offence which is gender-specific but which is silent as to cause? In the 1950s the Canachans tried this approach in a separate provision which recognised as infanticide the killing by a mother of her newly-born child even where her mind is not disturbed as a result of childbirth. There are two political dangers in this type of approach. Firstly, it creates a status offence of 'motherhood' which implicitly asserts the frailty of women once they become mothers. There might be some point in this if it led to greater community support for the difficult job of mothering. As it stands however, this type of approach reinforces for the community the image of the good mother who 'copes' and the inadequate mother who is, at best, to be pitied.

Secondly, mothers who do not fit the stereotypes may receive harsher treatment. Lindy Chamberlain was probably damned at her trial because she had no 'excuses'. She was a seemingly happily married, and apparently experienced, mother who was not toiling in the kitchen with her children but rather on 'holiday' at Ayers Rock. More importantly, she did not throw herself on the mercy of the community as a grieving mother who had temporarily lost her balance. Instead, she projected the image of the 'strong' Lady Macbeth. She remained calm, emotionless and articulate throughout the proceedings. Her appearance did not fit into preconceived notions of a tired mother overcome by the responsibilities of her children. Despite her subsequent advanced state of pregnancy, she was well-dressed and groomed. Her seemingly fantastic story

Continued on page 18

Lindy Chamberlain, calm . . articulate.

Lady Macbeth, strong and capable stereotype. A National Library of Australia photograph of Lewis Casson and Dame Sybil Thorndyke as the Macbeths. From a 1932 Sydney Mail, reproduced with permission.
The NSW view of committals

The proposals discussed in this paper were among many changes to criminal procedure contained in the The Criminal Procedure (Committal Proceedings) Amendment Bill 1990 and the Miscellaneous Acts (Committal Proceedings) Amendment Bill 1990. Both Bills were defeated in the NSW Legislative Council on 13 June 1990.
committal for trial and the local court will then transfer jurisdiction in the matter to the higher court. A bill must be found, if practicable, within thirty days of the completion of the pre-committal hearing although often it will be found as soon as the pre-committal hearing is completed. From the moment of transfer, the higher court will have jurisdiction in the matter and the trial will take place in the usual way.

If the Director of Public Prosecutions decides not to find a bill after a person has been charged with an offence, the legislation will specifically require that reasons for this decision must be given on request.

Where the Director of Public Prosecutions decides not to find a bill, an order from the Director of Public Prosecutions will release a defendant in custody immediately without the need for the intervention of a court. This will ensure that people are not kept in custody after a decision has been made that they will not be put on trial.

I will now discuss the two most important changes which will be brought about by the legislation.

Perhaps the most important aspect of the new scheme is that a Magistrate will no longer decide whether or not to commit a person to trial. That decision will now be made by the Director of Public Prosecutions when a bill of indictment is found. It is this aspect that has received most criticism since the public announcement of the proposal.

These criticisms proceed along the lines that it is inappropriate for a party to criminal proceedings, in this case the Crown, to decide whether a person should be put on trial.

What these criticisms fail to address is the correct role of the Director of Public Prosecutions. The Director of Public Prosecutions, together with the Crown Prosecutor, has been making the decision as to whether a person should go to trial since the Director of Public Prosecutions Act came into operation on 13 July 1987. Before then, where there was a no bill application, a similar decision was made by the Attorney-General. The day has been the case since soon after the colony of New South Wales was established.

At present, simply because a magistrate has committed a person for trial, does not mean that the person will stand his or her trial. Before a case can proceed to trial after committal, a Crown Prosecutor must consider the matter and, if appropriate, find a bill of indictment. The Crown Prosecutor does not have to find a bill simply because the person was committed for trial. He or she can recommend to the Director of Public Prosecutions that no bill be found. Similarly, even after a bill has been found, a Crown Prosecutor can recommend that there be no further proceedings although the final decision will be that of the Director of Public Prosecutions.

It must be remembered also that the charge for which a bill is found by a Crown Prosecutor is often different to the charge on which a person was committed for trial.

Similarly, just because a person has not been committed for trial by a magistrate, does not mean the person will not stand his or her trial. The Director of Public Prosecutions has the power to file an ex-officio indictment, as does the Attorney-General. We have seen a recent example of this in Victoria where an ex-officio indictment was filed before the completion of committal proceedings.

So whether a person is committed for trial or not by a magistrate, the Director of Public Prosecutions has the power to ‘overrule’ the magistrate’s decision. Thus criticisms of the proposal which suggest that the Director of Public Prosecutions, as a party to proceedings, should not have the power to put someone on his or her trial, fail to recognise that the Director of Public Prosecutions has had this power since the creation of the office.

This power to terminate criminal proceedings even where the person has been committed for trial is vested in the Director of Public Prosecutions as a natural consequence of that person being given the responsibility to prosecute. Prosecutions in New South Wales are brought in the name of the Director of Public Prosecutions on behalf of the Crown.

Of course the Director of Public Prosecutions is responsible to Parliament for the exercise of those powers (he must file an Annual Report which is subject to debate in the Parliament) and the Attorney-General retains the power to file ex-officio indictments or no bill a matter despite the Director of Public Prosecution’s decision. This will not change under the new scheme.

It is interesting to note that the Law Society of New South Wales issued a press release containing this statement: ‘the matter of greatest concern is the proposal to have the prosecutor, a Government employee, decide whether or not an accused person goes to trial’. As the Director of Public Prosecutions Act makes clear, the Director is an independent statutory appointee and is no more a ‘Government employee’ than Magistrates are under the Local Courts Act. The press release also fails to recognise that the Director of Public Prosecutions already decides ‘whether or not a person goes to trial’.

One result of the removal of the need for a magistrate to make a decision will be that it will no longer be necessary for the same magistrate to hear the cross-examination of all the witnesses. This will allow improvements to the listing arrangements in the Local Court.

The second important aspect of the new scheme concerns the restrictions on cross-examination of prosecution witnesses.

The draft bill gives the defendant the right to cross-examine witnesses who fall into the following categories.

(a) a witness who gives evidence as to the identity of the defendant may be cross-examined concerning that identification;
(b) a witness who is alleged to have been an accomplice of the defendant or has received an indemnity from prosecution may be cross-examined in respect of any matter;
(c) a witness who gives evidence of an opinion based on scientific or medical examination may be cross-examined on that opinion and the methods used to reach that opinion;
(d) a witness who is examined in chief by the prosecution may be cross-examined in respect of any matter;
(e) a witness whose cross-examination is likely to adversely affect the assessment of the witness’ reliability or likely to adduce further material to support a defence may be cross-examined in respect of reliability or the further material; and
(f) a witness to whose cross-examination the prosecution consents may be cross-examined about the matters to which the consent relates.

A comparison of what might be called the general category proposed in the Discussion Paper, with the general category in the bill, will reveal just how much the right of cross-examination was widened. No longer will there need to be special or exceptional circumstances before cross-examination is allowed.

Of course, I recognise that the categories of witnesses who may be cross-examined are now quite wide, however as I have argued before, this is necessary to ensure that the efficiency gains which will be brought by the scheme are not swept away by having longer trials and more trials.

You may then ask: ‘if the categories are so wide why bother having categories at all?’ Well one reason, and an important reason, is that this will require defence counsel and solicitors to at least give some thought to exactly why a witness is required for cross-examination.

A second reason to limit the circumstances in which a witness may be cross-examined is that this will prevent the wide-ranging ‘fishing expeditions’ which are too common under present committals. Under the new scheme we should see pre-committal proceedings being conducted on reasonably clearly defined issues. The restrictions will mean that fewer witnesses will be called for cross-examination, and for those that are, the cross-examination itself will be shorter.
These two factors, the reduction in the number of witnesses cross-examined and the narrowing of issues, should lead to significant reductions in Local Court time. The restrictions on cross-examination are such that these savings will be achieved without any subsequent increase in the length of any actual trial. Having outlined the nature of the scheme, may I turn to an explanation of the benefits which can be expected from its implementation?

The Discussion Paper noted that the Local Court appeared to be an inefficient filter in taking out from the prosecution the benefits which can be expected from achieved without any subsequent narrowing of issues, should lead to a small, but significant lead to a small, but significant.

As a result of these findings, the Bill to go before Parliament provides that the decision as to jurisdiction will be made by the Director of Public Prosecutions with the consent of the defendant where appropriate. This will further reduce the number of committals to the higher courts.

**INFanticide And Feminist CRIMINOLOGY**

continued from page 15

about a dingo having taken her baby was seen to be evidence of her dissembling to hide her own guilt.

Lindy Chamberlain has now been released from prison, pardoned, and had her conviction quashed, but her treatment at her trial was significant. She had been charged with murder because the offence of infanticide was not available under Northern Territory law. If it had been, however, her situation might have been even worse. If her defence counsel had tried to prove that 'the balance of her mind was disturbed' the onus would have been on the prosecution to prove that she acted ‘rationally’. The ‘Lady Macbeth’ qualities which she exhibited would have been made directly relevant to the issues on trial thereby legitimising discussion of popular prejudices. Nor would she necessarily have fared any better with an infanticide provision which would have allowed her to be convicted even where the balance of her mind was not disturbed. At least pleading ‘not guilty’ to a charge of murder gave her a fair fighting chance of an acquittal. The alternative legislative formulation would have left her totally defenceless with the same prejudices being put validly in issue. Contrary to the arguments of some feminists, a specific offence of infanticide may expose some women more to public bias in the operation of the criminal justice system.

A specific offence of infanticide also changes the nature of feminist discourse on patriarchy. In the nineteenth century many women were saved from the noose on the mother and the mother-child relationship instead of the broader issues of women's inequality. It is timely to remember the historical rationale for the introduction of a separate crime of infanticide. Throughout the nineteenth century, judges and juries became increasingly reluctant to convict mothers who killed their children of murder, however conclusive the evidence against them. Infanticide legislation was introduced, not to assist the offenders but to make sure that the rule of law was not compromised by the refusal of judges and juries to convict. The legislation was, in fact, a way of ensuring that the offenders took more responsibility for their crimes, not less.

It is, of course, impossible to know whether all women who kill their children would be dealt with more or less leniently under a specific crime of infanticide. Feminists, however, need to be wary of assuming that a specific law of infanticide will always help individual women or the cause of women in general. Advocacy of a specific offence may well reinforce unacceptable stereotypes of women as ‘mad’ or ‘weak’. It may be convenient for Shakespeare to let Lady Macbeth redeem her callousness by going mad, but for mothers who kill their babies this characterisation may be too great a price to pay for special consideration in the criminal justice system.
Deaths in custody are distressing, not least to those who run the systems. There are two relevant systems in any place. One is government, and the other comprises the prisons and lock-ups in a given jurisdiction. From the former we have seen much wringing of hands, the setting up of various inquiries, but generally not much real action. Those responsible for the latter have protested that everything possible is being done, given limited resources and the number of people who must be detained.

'It is wonderful to observe how an impending Court hearing sharpens the mind of people such as this.'

Ian Temby, QC

It should be stressed that the topic addressed is not that of black deaths in custody. Many believe that white prisoners are not at risk. The facts give the lie to that. A recently published study by Dr Hurley of Queensland relates to the forty-four male prisoners who died in a fifteen year period to 1987 in Brisbane Prisons. Twenty deaths were the result of suicide, twenty-two deaths were of natural causes, one was accidental and one resulted from a homicidal attack. Thus suicide was a leading cause of death. The rate was 266 suicides per 100,000 prisoners per year, about fifteen times the suicide rate in the general male population in Australia over the period 1973 to 1981. There were three instances of clustering of the dates of suicides. Only one of those who died was an Aborigine. The common impressions that blacks make up most of those who die in custody, that only they kill themselves, and that the copy-cat syndrome is unique to them, are clearly wrong. The figures show that from January 1980 to the end of 1988, 462 deaths in prison and police custody occurred throughout Australia, of which ninety-four, about 20 per cent, were of Aboriginal people.

An equally important reason for pursuing the larger topic is that the smaller is being tackled by a Royal Commission. Certain suggestions for change have already been made by that body, in its interim report of December 1988. Many of the suggestions made are worthy of implementation. The approach taken here is different to urge that there are means available, by use of the law and its processes, which are apt to achieve necessary systemic change, in such manner and detail as may from time to time be appropriate. The law can and should be used as an instrument to compel change and improvement in a system for which lawyers ought to recognise a special responsibility, as they are chief operators of the system which fills the prisons.

It is clear that an apprehending constable has a duty to exercise reasonable care for the safety of his prisoner during a period of detention. The High Court said so in Howard v Jarvis (1958) 98 CLR; see also Dixon v Western Australia & Lees (1974) WAR 64. In the former it was said that the constable 'had deprived Jarvis of his personal liberty, and assumed control of his person. In arresting and detaining Jarvis he was no doubt acting lawfully and properly and in the due execution of his duty, but he was depriving Jarvis of his liberty, and he was assuming control for the time being of his person, and it necessarily followed... that he came under a duty to exercise reasonable care for the safety of his person during the detention.'

How well does the legal rule work in practice? Consider the case of Stephen Wardle, a white youth who was picked up by police after having ingested doloxene and alcohol. He was taken to the East Perth lock-up, where his appearance was described as both 'drugged and drunk'. Various tablets were taken from him, but not recorded in the property book, and apparently not mentioned to the incoming shift of police officers at the lock-up. Unsuccessful attempts to wake him were made at 2.00 am and 4.00 am, and he was found dead at about 5.00 am.

The inquest into Wardle's death, conducted by the Perth Coroner, was very thorough. The finding was that death was due to the toxic affect of drugs and alcohol, and that it arose from non-dependent use of drugs aggravated.

* Commissioner, Independent Commission Against Corruption, NSW
... what is said by the Coroner will almost always be seen as mealy-mouthed.' by lack of care, lengthy reasons for the finding were delivered. None of the seventeen custodial police officers on the night in question gave evidence at the inquest. Each refused on legal advice, so the Coroner only had their statements to work from. He was trenchantly critical of those refusals. The reasons contained no findings against any individual, and only passing criticism of the lock-up system as it operated on the night in question.

As it seems to me, Wardle died because of a failure on the part of the proper authorities to set up and enforce a satisfactory system for his safe custody. That is close to a classic species of negligence: Hamilton v Nuroof (1956) 96 CLR 19. Surely it would have been infinitely preferable had the inquest into his death been able to look at that issue. Either the system was faulty in failing to ensure that medical attention was called for prisoners in stuporous state, and that they were watched constantly, or frequently and regularly, until their condition is assessed by experts. Or it may be that the system was perfect, and it failed on the night in question. Either way there was negligence and it is useful to be served by preventing a Coroner from stating his views as to that question.

But the Coroner could not say any of this. In Western Australia (and also in Queensland and South Australia) Coroners are expressly precluded from making a finding which suggests civil liability made up as an individual. In all States the range of verdicts and findings which in this latter respect approaches the family to be told that the Coroner's report upon deaths. There should be no restrictions as to how far the Coroner can go in that inquiry, or what he can say in the end of it. What I propose could be described as a poor man's Royal Commission. It would lead to a sharply reduced likelihood that at the end of an inquest there would be an outcry for a judicial inquiry.

Legislative provisions are of fundamental importance. To the extent they preclude a desirable course of action being followed, they must be changed. However, mere legal change will rarely suffice to achieve all desirable reform objectives. Administrative change is almost always required. In each Australian jurisdiction there should be a State or Territorial Coroner:

- who is entitled to inquire into and report upon deaths
- who has overall executive responsibility for the investigation of deaths in the State or Territory concerned
- who is entitled to requisition assistance from elsewhere, in particular police who work under the command of the Coroner
- and who is backed by appropriate medical, pathological and forensic services which can be made available in a timely manner.

The next reform urged is that the Coroners to identify the particular individuals who have failed in their duty, and specify just how they have done so. Doubtless in many cases they would go on to make suggestions for systemic changes themselves, but the key notion must be that of individual accountability. Within institutions it is individuals who get things done. They can be encouraged so to do by rewards, or by threat of consequence. The former is preferable if only because more pleasant, but the latter can be made to work.
Suicide among young Australians has been gradually increasing over the past twenty years. One in seven deaths of males aged 15 to 19 years is now caused by suicide. In 1966 the corresponding figure was only one in twenty. In 1988 there was one teenage suicide every forty-six hours. An estimated 9000 years of life are lost every year due to teenage suicides. In economic terms adolescent suicides cost millions of dollars every year to the Australian economy. The loss, pain and grief suffered by the family and the community is even far greater and more profound than the economic loss.

Youth suicide trends in Australia

The analysis of suicide trends shows that among 15 to 19 year old boys the suicide rate has increased from six per 100,000 population in 1966 to twenty-one in 1988. The suicide rate among adolescent girls in the same period has increased from four to five per 100,000 population. Why are young people in Australia who have everything to live for resorting increasingly to suicide? There are several reasons. Some of the increase in the youth suicide rate is due to the sophistication of data collection. Suicides are determined by coronial inquests. Evidence suggests that in recent years Australian coroners have categorised more unexpected deaths as suicide than before. In 1972, for example, 19.2 per cent of all unexpected deaths in Australia were classified as suicides. In 1981 the proportion had increased to 22 per cent. There has also been a tendency on the part of the coroners to categorise fewer female unexpected deaths as suicide.

This change in coronial classification was not uniformly applicable to all Australian states and territories. The New South Wales coroners in fact went against the national trend and classified fewer unexpected deaths in 1981 as suicide.

A significant feature of youth unemployment was that whereas the average unemployment period in 1970 for young males was 3.9 weeks, in 1986 it had increased to 30.6 weeks. The corresponding period for young women in the same period increased from 6.4 to 29.0 weeks. Unemployment in general and prolonged unemployment in particular is associated with low self-esteem and with emotional, economic and psychological insecurity. Because of the social roles which are emphasised in male socialisation processes, low self-esteem and continuous insecurity exposes them to a high degree of stress which requires skilled management. Those who cannot cope with it become more susceptible to self-destructive behaviour. A number of studies in Australia and overseas have confirmed the association between suicide and unemployment.

Unemployment appears to have different effects on men and women. Notwithstanding the high unemployment rates and increasing length in the period of unemployment between 1970 and 1986, the suicide rate of adolescent women did not increase as did that of adolescent men. One possible explanation is the different socialisation patterns of women and men. Women are socialised into domestic roles which enable them to find meaningful activities in the domestic domain which reduces the sense of loss, loss of status, loss of self-esteem and loss of social contacts which is experienced by the unemployed, particularly men who are predominantly socialised into instrumental social roles.

Another possible reason may be that since most frequently men use guns and women use poison to suicide, the chances of women surviving serious suicide attempts are now greater than men because of advances in medical technology. Again, it may still be possible for the family to conceal female suicide more frequently than male suicide.

An interesting difference in the way young men and women cope with the insecurity of unemployment can be
The family organisation

There is now considerable clinical evidence which points to a close link between suicidal behaviour and parent-child relationships. According to recent research findings, background of suicidal young persons repeatedly involves parental figures who were frustrating, rejecting and unkind. The parents seem to want the child’s presence, but without emotional involvement. They want him or her to fulfill parental expectations, although as parents they have given the child little support and incentive to do so. The young person may accept parental expectations in a mechanical manner without deriving much pleasure or satisfaction from fulfilling them. At the same time, they do not feel free to act in ways that would separate them from their parents. Adolescents in such circumstances may make few emotional demands but become instead withdrawn, depressed, quietly occupied with death and suicide.

The changes in the Australian family and its organisation and structure may have significantly influenced the youth suicide rates in Australia. The size of the Australian family has declined by 15 per cent between 1976 and 1981 from 3.53 to 3.1 persons. A family type consisting of wife, husband and dependent children accounts for little over one-quarter of the Australian families. The fastest growing family type over the past 20 years was the single parent family. In 1981 there were a quarter of a million single parent families and their numbers are expected to grow in the future.

A substantial proportion of Australian children now spend part of their childhood living with one of their parents. In 1981, 13 per cent of children less than 15 years of age and 11 per cent of children aged 15 to 19 years lived in single parent households. As these figures only relate to one point in time the actual number of children who have spent or will spend part of their childhood in a single-parent family situation is likely to be significantly higher.

There has been a simultaneous increase in couples living in de facto relationships, and in the divorce rate. In 1981, there were 2.8 divorces per 1000 married women and in 1981 the rate was 12.7. These trends clearly suggest that the Australian family is undergoing a significant change in its organisation, composition and structure. These changes highlight the new emerging patterns of social organisation. How these changes affect the patterns of social behaviour is not yet totally clear. But as an indication of the implication of these changes for suicidal behaviour we can refer to a recent American study which shows that in the United States a one per cent increase in divorce is associated with an 0.54 per cent increase in the suicide rate.

In Australia a dramatic change has also occurred not only in social demography of the family but also in the qualitative attributes of the population involved in or likely to be involved in parenting. Women and men are now marrying later than before and there is now a longer gap between the time of marriage and the birth of the first child. This is primarily due to the increasing educational attainment of men and women. For men born in 1915-24, 43.5 per cent had post school qualifications; for men born in 1945-49, 57 per cent had post school qualifications. Among women born in 1915-24, only 21 per cent had post school qualifications whereas the women born between 1945-49, 38 per cent had post school qualifications.

In other words, young adolescents today are living with parents who are more educated than ever before. They are also living in families and households in which both parents are likely to be working more frequently than before. These qualitative changes in social, educational and economic status together with the fact that families now have fewer children than before, have created circumstances of more intensive emotional, economic and social investments in children. Parents under these circumstances generally expect more from their children in terms of academic achievements and success. Those who find it difficult to reach the academic expectations of their parents may experience a sense of failure and depression which under certain circumstances may have serious implications for their social-psychological well-being. Those who are unable to make the grade are also those who need more parental and social support. The clinical studies of suicidal young persons have found that they usually have a profound need to see someone who can change their past frustrations of life. American psychiatrist Hendin has suggested that if at the heart of young suicide one invariably learns of profound difficulties in the parent-child relationship and if we are seeing unhappier families, absent parents and unwanted children increasing in numbers, a case can be made for the pessimistic prediction that the suicide rate among youth will continue to rise.

Suicide and other forms of violence

The marked increase in suicide among the young has been accompanied by a rise in the other serious problems such as homicide, drug abuse, alcohol abuse, delinquency and crime—all of which are a barometer of social stress. Suicide methods over time have also become more violent. In 1966, 32 per cent of males and 6 per cent of females used guns and other violent methods of suicide. These figures had increased to 38 per cent and 13 per cent respectively in 1981. They are also exposed to more violence through the print and electronic media. According to a recent American study, under certain conditions celebrity suicide stories influence violent, suicidal behaviour and increase imitative suicides. For example, the suicide of Freddie Prinze who, at age 22, had risen from a humble Puerto Rican family to become the star of the popular television series ‘Chico and the Man’ was significantly associated with a rise in youth suicide in the United States. While fictional violence usually has no imperative effect on actual violence, the accounts of real violence however are found to be associated with real world aggression.

Substance abuse is also a significant factor in youth suicide. In the United States increase in youth suicides in the 1970s and 1980s closely paralleled the increase in use and substance abuse among young persons and is now regarded by the American researchers as the single most common denominator of those at high risk. One can argue that those children with the greatest access to drugs will come from relatively well to do families. The youth suicide rates for various suburbs of Melbourne show that between 1970 and 1980 the affluent suburbs had the highest suicide rate for 15 to 19 year old males and the second highest for the females in the corresponding age group. The inner suburbs had the highest female rates and second highest for males.

The citizenship rights for the young and experiential autonomy

The civil, economic, welfare and legal rights are being gradually extended to adolescents by the State. The extension of these rights does not automatically lead to the actual experience of them. The young have the formal rights but the autonomy to exercise them is mediated by parental and societal approval and in some instances such approval may not be granted either by parents and/or society.
When I was invited to reproduce for New South Wales what was done so ably by Peter Ling for Victoria (Criminology Australia September/October 1989), that is to overview higher education offerings in criminology and criminal justice, I expected it would be plain sailing. Not so. What with the scramble to upgrade and diversify courses in the area, and the added confusion caused through institutional mergers, I now find it difficult to guarantee that what follows is an accurate or complete guide to the area. Even if it were, I would suspect that its utility would be short lived. Despite the constraints which oppress curriculum planning in this country, the schemes for development in criminal justice courses seem indefatigable.

In order to make my task a manageable one I have imposed certain constraints on its scope. The resultant discussion will deal with those courses available at present in NSW universities, which are either primarily focused on criminology and criminal justice, or those wherein one might discover a significant commitment to such fields of study. I have mentioned future developments only selectively, where they seem to represent some significant addition to the shopping list.

Growth of teaching in criminology

Recently Gordon Hawkins observed of the origins of criminology teaching in NSW that while finding shelter in law schools, criminology was viewed by most members of the legal profession as a 'dilettante and useless pursuit rather than a serious subject of study' (Hawkins, G., (1990) Present at the Creation. The Inception and Development of the Institute of Criminology, in Current Issues in Criminal Justice, Vol. 2, No. 1). The social scientists who were then the Institute of Criminology at Sydney University Law School, commenced teaching Post Graduate Diploma, and Masters Courses in Criminology, in 1965. Currently the Institute offers a Diploma in Criminology, and units which combine to form a Master of Law Degree. In 1991 a Masters in Criminology program will be available to qualified graduates from any appropriate degree program.

Up until the mid-1970s the only other courses in criminology, or the sociology of deviance, were those included in the LLBs at the University of NSW and the University of Sydney, or sociology, history and psychology schools within other degree programs.

The push towards an upgrading of professional training for police and prison officers saw the establishment of an Associate Diploma in Justice Administration at Mitchell College of Advanced Education in 1975. This course was originally part of the Department of Accountancy and Law, but was transferred to the School of Social Sciences and Welfare Studies in 1983.

Newcastle College of Advanced Education commenced an Associate Diploma in Police Studies a short time later, and the Macquarrie Institute of Advanced Education took its first intake for an Associate Diploma in Community Studies: Police and Corrections in 1983.

The Mitchell course was based on external studies, and attracted police, correctional services officers, and other related justice personnel from throughout NSW, and other Australian states as far flung as Tasmania and the Northern Territory. The Newcastle and Macquarrie courses were part-time and drew substantially on a local catchment.

In 1985, Mitchell CAE gained permission from the Higher Education Board to offer a Post-graduate Diploma in Sentencing Studies. To date no intake of students for this course has been made.

Criminology in the law schools

There is no doubt that an important tertiary provider of criminology and criminal justice courses in NSW is the law school. Macquarie University (full-time and external), University of Technology (full-time and part-time), University of NSW (full-time and part-time), and the University of Sydney (full-time), each offer a version of study in the areas of criminology, criminal justice and/or criminal law at LLB level. The Departments of Legal Studies at Newcastle and Wollongong Universities are offering similar degree level courses.

The course consists of six compulsory modules, and two electornics units and normally is completed in two years (four hours per week).

The Universities of Sydney and NSW present a variety of criminal justice and criminology units in their LLM programs. The scope of these offerings is broad, and covers such topics as crime prevention, sentencing and punishment, juvenile justice, criminal justice process, crime control, contemporary crime issues etc. Obviously these Masters programs are limited to law graduates. However, Sydney University also intends to offer a Masters in Criminal Justice in 1991. The study format for these Masters Degrees is part-time course work, in a seminar environment. Both courses adopt a significant component of intermittent assessment.

The advance from liberal studies

By far the most significant tertiary provider of criminal justice related courses in NSW is Charles Sturt University (CSU). At its Mitchell Campus, the criminal justice courses have developed into a wide progression of educational opportunity. The core still remains as the Associate Diploma in Criminal Justice. This is an undergraduate course of sixteen units, normally undertaken by justice professionals in the external studies mode, and requires four years to complete. Built onto this course is the
The standing of the Australian Institute of Criminology is reflected by the number of senior staff who have been sought for major appointments within the criminal justice system. Angela Grant, Book Editor of the Institute, here outlines two such appointments.

Crime prevention in Telecom

In his new role with Telecom as Head of their new Crime Prevention Unit, Dennis Challinger has been asked to investigate, among many things, public telephone attacks and offences relating to motor vehicles.

Mr Challinger was with the Australian Institute of Criminology for nearly four years and resigned the post of Assistant Director (Information and Training) to join Telecom. Earlier, he had been a Senior Lecturer in Criminology at the University of Melbourne. Mr Challinger holds a Bachelor of Science degree, and has a Master of Arts degree, with a specialisation in Criminology and Philosophy in Criminology.

Telecom is one of Australia’s largest national organisations, with a staff of over 85 000. The new Crime Prevention Unit is housed within the Telecom Protective Services Directorate and is responsible for various matters relating to security, including developing expertise in fraud prevention, and delivering crime prevention training. Situational crime prevention will be the basis of the Unit’s approach. In adopting a pro-active strategy which reduces the opportunity for crime to occur, Telecom aims to reduce its vulnerability to crime. The Unit could well become a model for security programs for many other large organisations.

There are four major topics which Mr Challinger has been asked to investigate at Telecom:

Public telephone attacks
Such attacks have been the most public of Telecom’s crime problems for some time and are usually referred to as vandalism, as the damage done to public telephones renders them inoperative. However, the damage is often caused through other motives. In particular, because payphones (as they are now called) hold cash, they are often targeted by thieves who cause damage during the course of theft. Further, damage can also result from attempts to gain free access to the telephone network. Preventive approaches to combat these crimes include the introduction of debit cards for payphones and upgrading electronic and physical equipment in payphones. Both of these approaches (and others) are under way, and will be monitored.

Fraud control plan
Mr Challinger organised an Institute Conference in 1988 on fraud against government; he is now responsible for developing Telecom’s fraud control plan. Telecommunications frauds constitute a major issue. These frauds relate to abuses of the telecommunications network, which have been major problems overseas (especially in the United States with its many telephone companies).

Offences relating to motor vehicles
These offences are of particular concern to Telecom, which has a fleet of 30 000 motor vehicles. Although many of Telecom’s vehicles are garaged in secure sites, the fleet provides a real opportunity for crime, especially if factors such as misuse of fuel cards and breach of take-home privileges are considered. Furthermore, those privileges have been broadened since Telecom’s government-body status has been removed. That change also led to private registration of all Telecom vehicles which were previously Z-plated. Mr Challinger comments that the incidence of theft of Telecom vehicles has escalated since removal of their Z-registration plates, which may have acted as a deterrent in the past.

Crime experiences of overseas telecommunications companies
The differences between crimes in the telecommunications industry in various countries of the world provides the focus for the last area of Mr Challinger’s current research. Notwithstanding the difficulties of comparing international crime statistics, a comparison of the crime experiences of overseas telecommunications companies is being done. While cultural differences will explain some variation of victimisation rates, the action taken by individual telephone companies to protect their assets and prevent offending may be very useful for other companies to note.

Apart from these four formal studies, Mr Challinger has become involved in some of the day-to-day activities of Telecom’s Protective Services Directorate with its staff of 240, comprising investigators, security consultants and support staff.
would present sociology as the only appropriate base for criminology.

Whatever one's view about the state of criminology in law schools, this relationship is fast being challenged by the criminal justice courses which have emerged as a response to the vocational needs of justice professionals.

Peter Ling identified the traditional distinctions between university and institute motivations for the teaching of criminal justice. He invited speculation on what might be the effect of recent mergers on such distinctions.

I would ask, in addition, that criminal justice educators and students alike should endeavour to assess their efforts outside disciplinary and institutional rivalry and other such troth which surrounds this emergent field of tertiary study. As we experience the adolescence of criminology and criminal justice instruction in Australia, it seems appropriate to set realistic aspirations for its development in the light of the perhaps inappropriate secularisation and unrealistic expectations of the past.

LIVES UNLIVED

continued from page 22

The absence of experiential autonomy on the one hand and the presence and promotion of civil rights on the other, may create a social disjunction which both creates as well as heightens the intergenerational conflict, one extreme consequence of which is suicide.

Conversely, it is plausible that the extension of legal, welfare and other rights to adolescents may have resulted in their exercising such rights but are having difficulties in coping with the repercussions.

Taken together these factors may constitute one possible explanation why suicide among the young and especially the adolescents, has increased in recent years in Australia.

Every year about 9000 years of life are lost through youth suicides which cost the Australian economy over one hundred million dollars a year. It is not beyond our collective abilities and capabilities to institute a suicide prevention program which can reduce this loss of un-lived lives of young Australians by at least 20 per cent. To do so we need to recognise the magnitude of the problem and be willing to invest resources to develop suicide prevention programs and train people who can implement them. We need to integrate suicide prevention activities into our existing programs which focus on a whole range of self-destructive or problem behaviours among our youth such as drug abuse, interpersonal violence, school drop-out, runaway and homeless youth. We need to inform and educate the public, the media, the entertainment industry and health services about our current knowledge in diagnosis, treatment and prevention of suicide among youth. Public education should not focus only on youth suicide but should also address the issue of removing the stigma associated with alcohol, drug abuse and mental health treatment in order to enable young persons facing these problems to seek treatment freely.

Queensland Criminal Justice Commission—Research

Dr. Salyanshu Mukherjee, Director of the Research and Co-ordination Division of the new Criminal Justice Commission in Queensland and formerly Principal Criminologist with the Australian Institute of Criminology, realises that the tasks facing the Division are numerous, but has already started work on a number of projects.

An important recommendation of the Commission of Inquiry (Fitzgerald Commission) in Queensland was the establishment of a Criminal Justice Commission, and the Criminal Justice Act (Queensland) became fully operational on 22 April 1990. The new Criminal Justice Commission consists of a Chairman, S. Max Bingham, QC, and four members. In addition to its advisory role and continuing the investigations commenced by the Fitzgerald Commission, the Criminal Justice Commission will investigate and take measures to combat organised and major crime; investigate and determine disciplinary charges in certain circumstances relating to complaints of official misconduct which are referred to the body; and inform the Legislative Assembly on these activities.

The many functions of the Research and Co-ordination Division include research into problems experienced in the administration of criminal justice, as well as research into law reform and the processes of enforcement of the criminal law; co-ordination of the activities of the Commission and other related agencies in the State concerned with criminal justice; and review of the effectiveness of programs and methods of the Police Department.

Dr. Mukherjee has wide experience both within Australia and overseas compiling and analysing crime statistics, studying crime trends and in working with the police. The new Research and Co-ordination Division will operate with the help of a small group of lawyers and social scientists. When fully functional, the Division will have no more than a dozen researchers.

Dr. Mukherjee notes that it is neither possible nor desirable to attempt immediately to address every problem facing the State's legal and criminal justice systems. However, in deciding on areas of priority for research, the Division considered the following:

- the findings and recommendations of the Fitzgerald Commission;
- the provisions of the Criminal Justice Act 1989-90;
- debates in Parliament;
- public hearings of the Parliamentary Criminal Justice Committee; and

- discussions with some members of the Criminal Justice Commission and academics.

Accordingly, a list of issues to be dealt with in the next 12 months were identified. The Division has begun work and Dr. Mukherjee has advised the following projects which are under way:

Prostitution and SP bookmaking

These two issues and their links with organised crime were in part responsible for the setting up of the Fitzgerald Inquiry. Prostitution and SP bookmaking will be researched as thoroughly as possible.

Homosexual law reform

Among one of the immediate concerns in the area of law reform is the issue of homosexual acts. Research will involve:

- the examination of social, moral and ethical issues concerning homosexuality;
- the AIDS threat;
- a review of expert and public opinion on the subject;
- a review of legislation in other Australian jurisdictions and in selected countries;
- the first report on this topic will be in the form of an information paper.

The state of crime and justice in Queensland

The lack of a co-ordinated criminal justice information system makes it difficult to describe and project the nature, pattern and level of criminality in the State. Also, citizens do not appear to have a clear understanding of the justice system and its operation. Dr. Mukherjee states that this...
research will offer a factual and descriptive picture of crime and the operation of the criminal justice system.

Community policing and crime prevention
On the basis of statistical data, this project will describe and assess the crime prevention programs in various States. It will also examine the community policing thrust and attempt to develop and define the concept. Simultaneously, two other activities will proceed: a survey of community attitudes and, if possible, an evaluation of new crime prevention strategies in Queensland. This research project will be an ongoing activity.

Police education and training
Any tertiary course needs to link the range of training programs in police academies, from pre-service to in-service, with a degree or diploma course. The aim of this task is to assist tertiary institutions in developing a course of study which prepares police personnel to face the demands of modern policing and at the same time equip them with training in management. Dr Mukherjee advises that the Division will assist the Police Education Advisory Council so that it can make considered judgment on the most appropriate program.

Development of an integrated criminal justice data base
This long-term and ongoing project will be developed and conducted in association with the various criminal justice agencies in Queensland and the Government Statistician's office. At least three States—New South Wales, South Australia and Western Australia—currently have special offices to produce criminal justice statistics, and one is being considered for Victoria. Dr Mukherjee notes that none of these have yet been able to produce the type of data base that would facilitate systematic response. A substantial amount of preparatory work will be necessary before an integrated data base is established.

Surveys on criminal victimisation
As part of the task to develop an integrated criminal justice data base, it is planned to initiate on a regular basis, a crime victims survey in Queensland. Although the community policing and crime prevention project, and the surveys on criminal victimisation, will be continuing projects, Dr Mukherjee advises that major reports on these topics will be prepared in the next 12 months. Furthermore, there are numerous other issues to be dealt with. Indeed, the task facing the Criminal Justice Commission is formidable, and Dr Mukherjee's research team has major work ahead.

Publisher: Australian Institute of Criminology
GPO Box 2944, Canberra, ACT 2601
Criminology Australia, July/August 1990

Preventing Car Theft and Crime in Car Parks
Geason, Susan and Wilson, Paul R. 1990.
ISBN 0 642 14939 9. $10.00.

Should the lawful age for consumption of alcohol be increased to 20 years? Should there be a zero blood alcohol limit for all drivers? Is alcohol really a major cause of domestic violence? These questions and many other important issues concerning the use of alcohol were discussed at the Australian Institute of Criminology Conference, Alcohol and Crime. This Conference Proceedings is a major contribution to the debate concerning the relationship between alcohol use and criminal behaviour. The papers from this Conference discuss the links between alcohol use and crime, drink driving; policing problems; under-age drinking, alcohol and domestic violence; Aboriginal drinking; corrective programs and legislative issues.

CINCH on CD-ROM
CINCH, the Australian Criminology Database will soon be available on CD-ROM. CINCH is already available online, through the National Library's OZLINE service, and is also available in print form. Now CINCH is available with 9 other Australian databases on AUSTROM: Australian Social Science and Education Information on CD-ROM. The other databases include APAIS, FAMILY and AEI (Australian Education Index).

CD-ROM (compact disc-read only memory) enables a large amount of information (up to 550 megabytes of digital data) to be stored on a single disc. Any CD-ROM disc requires an IBM-compatible PC and a CD-ROM disc drive.

Any person using AUSTROM, which will retail for approximately $1000, will have ready access to ten major Australian bibliographic and reference databases. For further information, please contact John Myrtle, Librarian, J.V. Barry Library, Australian Institute of Criminology, GPO Box 2944, Canberra, ACT 2601; ph. (06) 274 0264.

Trends and Issues in Criminal Justice series
General Editor, Dr Paul Wilson
ISSN 0817-8542
(Subscription $20.00 per annum)
A Comparison of Crime in Australia and other Countries.
0 642 15435 X.

Publisher: Butterworths Ltd
271-273 Lane Cove Road, North Ryde, NSW 2113

Bailey, Peter
$55.00. (paperback)
In this book Peter Bailey reviews in detail the appropriate provisions of the Australian Constitution, describes the debate over a Bill of Rights, and outlines the emergence of major items of domestic legislation dealing with race and sex discrimination and affirmative action. The status of certain other rights recognised in international instruments are also reviewed by the author, who was Deputy Chairman and full-time executive officer of Australia's first Human Rights Commission from 1981 to 1996.

Publisher: Penguin Books
Ringwood, Victoria.

Bedford, Sybille
The Best We Can Do.
The Best We Can Do is a detailed account of a highly-publicised murder trial in England in the 1950s, when capital punishment had not yet been abolished. Dr Adams stood trial at the Old Bailey in 1957 after administering quantities of heroin and morphine to an elderly patient whose will had recently been altered in his favour. This book describes the proceedings in the courtroom and how conflicting expert evidence finally led to the acquittal of Dr Adams.
Disciplinary Tribunals

Forbes, Dr John. 1990. *Disciplinary Tribunals* (hardcover)

The Australian Institute of Criminology

The Police and the Community

Post-Fitzgerald

23–25 October 1990, Brisbane

DNA Profiling in Court

27–28 October 1990

10–11 November 1990

Canberra

HIV/AIDS and Prisons

19–21 November 1990, Melbourne

Over-representation of Aborigines in the Criminal Justice System

March 1991, Alice Springs

For further information on any of these Conferences, please contact Julia Vernon:

Conference Section

The Australian Institute of Criminology

GPO Box 2944, Canberra ACT 2601

Ph: (06) 274 0224

Australian Institute of Judicial Administration Incorporated

AIJA Annual Conference

18–19 August 1990, Melbourne

The Annual Conference of the Australian Institute of Judicial Administration is to be held on Saturday and Sunday, 18 and 19 August 1990. The Conference will be held in Melbourne at The Graduate School of Management, 200 Leicester Street, Carlton South.

Details of the program available from the AIJA office at 103–105 Barry Street, Carlton South (Tel: (03) 347 6815).

Law and Society Conference

7–10 December 1990, Griffith University (Nathan, Queensland)

For further information please contact:

Mr Myles McGregor-Lowndes
Senior Lecturer, School of Accountancy
Faculty of Business
Griffith University
Queensland University of Technology
GPO Box 2434, Brisbane, Queensland 4001

or

Mr Rob McQueen
Division of Commerce and Administration
Griffith University
Nathan, Queensland 4111.

Overseas

Office of International Criminal Justice

Fifth Annual International Symposium on Criminal Justice Issues

16–20 July 1990, Barcelona, Spain

The focus of this Conference will be on the international aspects of organised crime and illicit drugs. An internationally recognised panel of experts, drawn from around the world, will examine the issues surrounding the complex policies and operational matters concerning investigation and law enforcement in the areas of illicit drugs and organised crime.

Advance registration fee is £206

On-site registration fee is £235

6 nights at the Hotel Majestic is £419

For further information contact:

Dens Ranger
Office of International Criminal Justice, Europe
Ph: 0734-314250

or

OIJC—Europe
Ph: 0734-314250

or

OIJC—US
Ph: (312) 996-8420

Crime Congress: 1990


27 August–7 September 1990, Havana, Cuba

The objective of the United Nations Crime Congress is to promote international co-operation in the field of crime prevention and control. The Congress is also expected to finalise and recommend for adoption by the legislative bodies of the United Nations a number of draft model treaties, standards, norms and guidelines. The theme of the Congress is "International Co-operation in Crime Prevention and the Criminal Justice for the Twenty-First Century".

Of special interest is the Research Workshop on Alternatives to Imprisonment to be held on 31 August, which will be organised by UNICRI (United Nations Interregional Crime and Justice Research Institute). The workshop will provide a forum for the exchange of experiences among policy makers, administrators and researchers aimed at a more informed evaluation of the functions, requisites for implementation and the achievement of goals and expectations of the criminal justice systems and community at large.

For further information please contact:

Eduard Vetere
Executive Secretary

United Nations
PO Box 500, A-1400 Vienna, Austria.

Tel: 21131 4272 or 21131 5278

Telex: 135612

Fax: 232156

Publisher: The Law Book Company Ltd
44–50 Waterloo Road, North Ryde, NSW 2113

Dewdney, Micheline and Charlton, Ruth (eds). 1990. *Australian Dispute Resolution Journal* 4 parts per annum

ISBN 1034-3059. $75.00.

The Australian Dispute Resolution Journal is a quarterly journal devoted to the theory, analysis and practice of dispute resolution in Australia, New Zealand and overseas. Articles cover the wide range of processes applied and the legal, social and economic factors relating to the current and potential use of dispute resolution. Where possible, illustrations are included by way of actual case reports.

Forbes, Dr John. 1990. *Disciplinary Tribunals* (hardcover)


An original collection of critical essays on issues concerning social justice in Australia

includes papers on ‘Women and Gender Justice’ by Lois Bryson, ‘Prisons’ by John Passant (Faculty of Law, Australian National University), John Passant (Faculty of Law, Australian National University) and others, and includes review articles and book reviews.

Publisher: La Trobe University Press

La Trobe University, Bundoora, Vic. 3083

Law in Context.

A socio-legal journal (two issues per annum).

Subscription (inc. postage):
individual—$22.00; institutional—$36.50; special student rate—$20.00.

Volume 7(2) 1989 contains articles by Jeremy Webber (Faculty of Law, McGill University at Montreal), John Passant (Faculty of Law, Australian National University) and others, and includes review articles and book reviews.

Publisher: National Centre for Socio-Legal Studies

La Trobe University, Bundoora, Vic. 3083

The Politics of Empowerment in Australia

An original collection of critical essays on issues concerning social justice in Australia.

$12.50 (inc. postage).

This special issue of Social Justice includes papers on ‘Women and Gender Justice’ by Lois Bryson, ‘Prisons’ by John Passant (Faculty of Law, Australian National University), John Passant (Faculty of Law, Australian National University) and others.

Publisher: The Law Book Company Ltd
44–50 Waterloo Road, North Ryde, NSW 2113

Dewdney, Micheline and Charlton, Ruth (eds). 1990. *Australian Dispute Resolution Journal* 4 parts per annum

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East meets West
First Annual Conference of the Indonesian Society of Criminology
10-13 December 1990, Putri Bali Hotel, Nusa Dua, Bali, Indonesia
The speakers at this major conference in the Asia-Pacific region will include leading criminologists from Indonesia, Australia, Japan, Europe and the United States. Topics covered will include:

- Victims and Compensation in East and West;
- Legal Consciousness in Asia;
- Corruption and Corporate Crimes;
- A Comparison of Narcotics Drugs Policies;
- Police/Citizen Relationships

Registration fee: US$200 if received before 30 September 1990 or US$250 after 30 September 1990.

As the Conference will be held during peak season in Bali, intending registrants should register and make all bookings immediately.

For further information contact:
Conference Section
Australian Institute of Criminology
GPO Box 2944
Canberra ACT 2601, Australia
Ph: (06) 274 0224. Fax: (06) 274 0225
or
Indonesian Society of Criminology
Mr Mardjono Reksodiputro
Institute of Criminology
University of Indonesia
Salemba Raya No. 4
Jakarta 10403, Indonesia
Ph: 021 330292

Attention researchers of crime and criminal justice issues!
The Australian Institute of Criminology and the Queensland Criminal Justice Commission are jointly compiling a directory of researchers working in the area of crime and criminal justice. The purpose of this initiative is to find out who is doing what and where. The reason for doing this is to provide a resource for the crime and criminal justice community, by bringing together this information into one, comprehensive, readily accessible database. We are now in the process of locating these researchers and would like to ensure we reach all who should be included. If we have not yet reached you, we would like to. Please call Heidi James, at the Institute—ph: (06) 274 0241.

Overseas visitors to Australian University Law Faculties
Visitors to the University of Queensland include Professor M. Kremlin from Michigan (25 July–15 September 1990); and Professor R.R. Pennington from Birmingham, UK (July–August 1990). Visitors to the University of Western Australia include Professor P. Birks from All Souls College, Oxford (5–31 August 1990), and Professor A. Hutchinson from Toronto (16 July–17 August 1990).

Women in Prison and Juvenile Justice—a seminar
The Australian Institute of Criminology’s Occasional Seminar No. 4 was given by Ms Francine Pope on 22 May 1990. Ms Pope, who spoke on ‘Women in Prison and Juvenile Justice’, has worked in the Commissioner’s Office at the Department of Youth Services, Massachusetts, and as a Probation Officer at Boston Juvenile Court. She has specialised in the development of treatment programs for young women and women with lengthy prison sentences.

Intelligence Analysts Course
The Intelligence Systems Division of ICL Australia Pty Ltd has been established to assist organisations in adopting a proactive, rather than reactive approach towards organised crime. One of its services is to provide intelligence training, and in June and July 1990, the Division conducted one-week Intelligence Analysts Courses in various states. The course contents included: the intelligence process; information appraisal; risk and threat assessment; and practical exercises.

New teaching method for Sydney University Law School
The Law Foundation of New South Wales has granted $24 000 to Professor Alan Tyree and Senior Lecturer Mrs Shirley Rawson of Sydney University to adapt a well-known modular teaching method to the study of law. The Keller Plan system of personalised instruction allows students to study alone at their own pace, and then to be tested on a section of the course they are following before moving on to the next level. This is the first time in Australia that the Keller system will be used for a law course. It is acknowledged that not every law course can or should be taught in this way, and maybe only certain parts of course will be adapted to this form. It is hoped that eventually the results of the research project will help reduce the current strain on the School’s resources.

Director for PNG Foundation
The Foundation for Law, Order and Justice is a non-government body established to work with national and provincial law and order agencies to improve Papua New Guinea’s law and order situation.

It is seeking to appoint a Director to manage its Port Moresby based office of ten staff and assist in the design and implementation of a national law and order program. The Director will be expected to have considerable experience in administration and program development, preferably in a law and order related field. He or she will have developed interpersonal skills and be able to communicate effectively at the highest level of government and private enterprise. A high degree of motivation and a strong personal commitment to reducing the level of crime in PNG is required.

An attractive salary package will be offered, including accommodation and a car.

Those interested in applying for the position are asked to write to the following address before 15 August 1990. All applications will be treated with strict confidentiality.

The Chief executive
Foundation for Law, Order and Justice
PO Box 4205 BOROKO
Papua New Guinea