WHY TAKE THE BLAME

COMMUNITY POLICING IN PNG

LAW AND ENVIRONMENT

INSURANCE AND ABORIGINAL COMMUNITIES

CRIME AGAINST BUSINESS
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Community Policing in Papua New Guinea

Sinclair Dinnen*

Over the last thirty years the character and pace of socioeconomic change have generated acute social stresses which have manifested themselves, at one level, in escalating lawlessness throughout much of the country. More recently, open hostility between police and an expanding constituency of marginalised male youth has fed into an escalation of street violence, particularly in the urban centres. Whilst lip service is regularly paid to the need to develop a more consensual form of policing, the scale and immediacy of post-independence "law and order" problems, in combination with an understaffed, under-trained and inadequately resourced force, have led to a pragmatic reliance upon reactive and militarised policing with all its attendant social and economic costs.

Set against this background, recent initiatives by the Community Relations Directorate of the RPNGC, aimed at developing a closer and more harmonious relationship between police and policed, are to be welcomed. Whilst the Directorate remains a small unit within a much larger force, it comprises an energetic and innovative team with ambitious ideas. Moreover, although there have been failures, and serious problems remain, the work of the Directorate provides an important first step in the vital task of developing a more consensual form of policing in Papua New Guinea. A brief description of the main projects undertaken by the Directorate follows.

Neighbourhood Watch and Crime Lookout

The Directorate was established in 1985 with a broad mandate to improve the level of positive interaction between police and community. Early attempts to introduce Neighbourhood Watch programs in selected urban areas proved unsuccessful owing to their premature expansion without adequate resourcing or sufficient trained personnel, and because of opposition from many within the police opposed to any outside incursion into areas of traditional police work.

Having learnt from this earlier experience, the Directorate revived the scheme in 1989 under the title "Crime Lookout", proceeding at a much slower and deliberate pace. The first program covering 200 homes was launched in East Boroko in the National Capital District (NCD) in January 1990. Another 200 homes were added in September 1990 and a further 200 in another part of the NCD in February 1991. Monitoring by the police revealed a significant drop in housebreaking and street offences in the relevant areas. Coverage was again extended in May 1992 to another 400 homes in two NCD suburbs. The current objective is to develop at least ten programs in the NCD and use these as a training base for Crime Prevention Officers from outlying provinces. In addition, it is hoped that by the end of 1992 this program will have reduced the incidence of housebreaking—the most prevalent offence in the NCD—by at least 15 per cent.

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**Koban policing**

In 1986 the Directorate initiated a community policing project, based on the Japanese koban system, involving regular policemen living in communities. With the support of a private sector funded trust—the Community Crime Prevention Trust—eight low-cost police houses were erected in three Port Moresby settlements. After a quiet first year, the relationship between the settlement communities and their resident police deteriorated rapidly. Police houses became regular targets for stone throwing youths, policemen's families were threatened and private property was stolen. Settlement youths whose sole experience of policing was of the distinctly reactive kind showed no propensity towards accommodating any police—no matter what kind—within their own communities.

This situation continued until 1990 with police families in settlements residing under virtual siege. Towards the end of that year a series of skirmishes between different groups of Port Moresby settlement residents generated considerable ethnic tension. One such incident resulted in the accidental killing of an elderly woman and a potentially explosive situation was defused only after extensive mediation by a number of national politicians, the Governor-General, community leaders and the community-based police.

The positive role of the latter was subsequently eclipsed following a punitive raid against Sabama settlement by a police task force in early 1991. The raid was in response to the destruction of an unmarked police car and assault of its driver after it had been involved in a non-fatal accident near Sabama. Numerous complaints were subsequently made by witnesses to the raid about the indiscriminate use of tear gas, police assaults and sexual harassment of women.

A meeting was later held between the police and Sabama residents attended by all Community Relations Officers, as well as the NCD Metropolitan Superintendent. Several of the policemen involved in the raid were later disciplined and the Task Force was disbanded. The issue of lack of community support for the community-based police was also raised and it was resolved that the police and Sabama community would investigate new ways of working together.

The Directorate also reviewed the workings of the koban system and concluded that certain modifications were necessary before further development took place in the Papua New Guinean context. These included the need for better siting of police houses in the settlement (that is, closer together and not on the low side of a hillside settlement), selection of officers from the same ethnic groups as community residents, and more reliable backup from regular units. In addition, the former practice by community-based officers of not making arrests for minor offences or becoming involved in disputes was considered to have contributed to the lack of support from law-abiding settlement residents concerned about crime in the community.

**Community auxiliary police**

During the period of ethnic unrest, community leaders in the Kaugere settlement (adjoining Sabama) held a number of meetings and decided to establish a committee to deal with some of their outstanding problems. Concern with youth crime in the community led to the initial selection of a group of men in their late twenties and early thirties whom it was believed would have the required authority to deal with troublesome elements with little respect for the older and more established community leadership. The names of these men were then forwarded to the local police station with a request that they be sworn in as special constables. The Community Relations Directorate enthusiastically embraced this community initiative and by April 1991 there were twenty-six special constables operating in the Sabama and Kaugere settlements, each of whom had been issued with modified police uniform. These special constables are supervised by regular community relations officers and in the Kaugere/Sabama area operate out of the Kaugere Community Police Station adjacent to the Village Court. Each Thursday they assist the latter by serving and executing summonses and warrants, and transferring prisoners to the nearest regular police station.

According to Chief Superintendent Denis Samin, head of the Directorate, the special constables have been particularly effective in terms of both crime prevention and crime control in the settlements. This is primarily because of their detailed knowledge of the community and its criminal gangs. Evidence from the relevant communi-
ties also conveys an impression that crime within the settlement has been reduced as a result of this new scheme. Between March and July 1991 the first batch of special constables also made thirty-eight arrests for offences including armed robbery, rape, theft and assaults. The National Capital District Interim Commission has since donated a vehicle for the supervision, deployment and support of community-based police and the special constable. Individuals selected as special constables are typically unemployed, have standing in their community and, in some cases, have criminal pasts. My own inquiries in Kaugere settlement indicate that a significant part of the project's initial success, particularly amongst settlement youth, is related to the gang backgrounds of several of its leading members.

Chief Superintendent Denis Samin, Director, Community Relations Directorate, RPNGC.

The special constable scheme has now been extended to several other settlements, suburbs, urban and rural villages principally in the Port Moresby area, but also further afield. Thus, two special constables were appointed in each of five rural villages near Bereina in the NCD in April 1992, while ninety-six more were sworn in on Buku Island in the North Solomon's Province in May; eighty-three are now working in Lae City in the Morobe Province and, more recently, thirty have been appointed in Kavieng in New Ireland Province. The scheme has not yet been taken to the Highlands largely because of lack of funds but also owing to lack of enthusiasm amongst senior police commanders. The particular social and cultural circumstances of the Highlands region would also require appropriate adaptation of the model currently employed in the coastal and island areas.

According to Mr Samin, community policing posts will eventually be built for all areas serviced by the scheme. These will provide a local reporting centre and be staffed by regular police and special constables to be known in the future as "community auxiliary police". Each post will be equipped with a police radio and telephone and a number of bicycles for local patrol and transport. The senior community relations police officer living at the centre will be the commander of the police post and will work there full time. The other regulars will work at the nearest police station and at least one of these will be a community relations officer. Ideally, the community police post will be large enough to be used for meetings by other community-oriented groups and agencies. Construction is about to commence on the first purpose-built post at Vadavada settlement in the National Capital District and others will follow later. Mr Samin sees the community police post as providing "a secure environment in crime affected areas for long-term crime prevention, community and human development programs, and close and meaningful partnership between police and the community".

Probably the most notable success of the Community Relations Directorate to date has been the recent surrender, in October 1992, of seventy members of the Badili-Kaugere branch of the "GGB Mafia" gang and their transformation, with police assistance, into the Metropolitan Youth League. Gang leaders said they were tired of being hunted by the police and wished to give up criminal activities. Community auxiliary police were a principal driving force behind the surrender, persuading the gang members that there were more positive and legitimate options available. The community police, in fact, oversaw the surrender and drafted a memorandum of understanding guaranteeing, amongst other things, the safety of those involved, prompt court hearings, and that their voluntary surrender would be taken into account. Since the surrender, community relations officers have been active in assisting former gang members find employment and apply to government agencies and overseas missions for small development grants.
Problems and prospects
A major problem facing the development of more community-oriented policing in Papua New Guinea is the deeply entrenched suspicion between significant elements within the police and communities respectively. As mentioned earlier, this antagonism has a lengthy history and will require a radical transformation of regular policing practice and attitudes to overcome. Whatever progress may be made by the Community Relations Directorate may be instantly undone by a single police raid, such as the one against Sabama in 1991, or other acts of illegal police violence. A recurring theme in discussion with youths around the Port Moresby area is the routine nature of police (and Corrective Institutions Service) violence against suspects, prisoners and escapees. Whether these allegations are true or false, the fact remains that suspicion and fear of the police in general is widespread amongst a significant proportion of urban youth. Such attitudes are unlikely to change merely as a result of the advent of the auxiliary community police.

The main strength of the community auxiliary police lies in their close identification with the members' communities. This identity is likely to suffer, however, if members are regularly removed from their community and used in general policing duties elsewhere. Whilst it is intended that they serve as a manpower reserve for the Provincial Police Commander during times of emergency or social disorder, it is not envisaged that they would normally serve beyond their community jurisdiction. The temptation to draw on such reserves, however, remains great in view of the shortage of regular police and the serious nature of the law and order situation. One member of the auxiliaries has told me of his deployment on regular sector patrols and the conflict of roles he and fellow auxiliaries have experienced when participating in outside reactive policing operations. The danger here is that this new initiative is reduced to an inexpensive means of supplementing an understaffed regular police rather than as a genuine attempt to reduce the gap between police and policed.

At present community auxiliary police are paid an allowance of K690 per fortnight (approx A$450). This is considerably more than that paid to equivalent community or village officials such as Village Court Magistrates. Some kind of standardization of allowance rates is clearly desirable to ensure a harmonious working relationship between such officials. The whole issue of funding this expanding program is one that causes persistent concern to the Community Relations Directorate. Up until now the program has been run on a shoestring budget by the resourceful Mr Samin and his colleagues. Further expansion in areas like the Highlands depends on the Directorate securing more substantial and long-term funding. In this respect aid donors could play a significant role. The Australian International Development Assistance Bureau (AIDAB) has been involved since 1986 in a major development project with the Royal Papua New Guinea Constabulary aimed at building up its institutional capacity. With its knowledge and experience of the PNG police AIDAB could make a major contribution in promoting community-oriented policing.

One way of enhancing community confidence is to increase community involvement in the direction of the program. At present, control of the community auxiliaries resides exclusively in the police who are responsible for appointment, pay, discipline and operations. There appear to be no formal mechanisms for consulting community leaders over the workings of the scheme in their area. Redressing this situation appears to be a matter of some urgency.

The newly elected government of Prime Minister Wingti has recently affirmed its commitment to improving the delivery of all government services to local communities through the establishment of a National Village Services Scheme. This scheme aims to enhance state responsiveness to community needs whilst simultaneously encouraging greater self-reliance at community level. With necessary adjustments, the community auxiliary police initiative could play a significant role in this overall scheme as part of an integrated community crime prevention program.

The need for comprehensive reform of Papua New Guinea's police force is not in contention. Reactive policing has not only failed to control lawlessness in PNG; it has in many ways positively contributed to the deterioration of law and order in recent years. Senior police management, policy makers and aid donors would do well to begin with a detailed study of the achievements, as well as the failures, of the Community Relations Directorate.
The problem uncovered

Insurance policies are complex products that even the best educated people in the community find difficult to comprehend. Life insurance companies offer a bewildering range of life insurance cover: disability insurance, savings plans and investment packages. The average person relies totally on agents to assess their individual needs, offer a choice of appropriate products and to provide a clear and accurate explanation of how the product works. The competence, honesty and integrity of the agent is all-important.

If an agent fails to perform his duty properly, the result can be devastating for a consumer and create an astounding array of legal barriers and problems for the consumer and law enforcement agencies. For an Aboriginal person living in an extremely remote community, with little or no education, no concept of insurance, little commercial experience and no access to independent advice, the results can be very ugly commercial exploitation.

The Trade Practices Commission (TPC) recently took Court action against two large insurance companies over the sale of insurance products to Aboriginal people in remote north Queensland communities, and further investigations involving other companies are continuing. These sales were conducted by a number of agents working for a number of life insurance companies. They were not restricted to just one problem agent.

Because of the number of agents and consumers involved, and the range of products sold, it is difficult to generalise about the conduct. But there are some common threads.

"The agents visited these communities and signed up many policies in a short time. The sales method involved minimal explanation of the policies, no exploration of the consumer's needs, no apparent consideration of the financial position of the consumer nor any consideration of the most appropriate product."

The Aboriginal communities

The Aboriginal communities are very remote. While some of them are within driving distance of major cities, the time taken to drive is measured in days rather than hours. Many of these people, especially the older people, have no formal education at all. The younger and middle-aged have education up to about grade 7. Some cannot read or write at all, some can read and write a little, but none had sufficient literacy skills to cope with insurance company documentation.

On the whole these people are commercially naive and trusting, and uncomfortable saying no to salespeople. Few of those interviewed by TPC staff were able to demonstrate any real understanding of what life insurance was. Never in their lives had they purchased a product as complex as insurance. In most cases numeracy skills were as low as literacy skills.

In the vast majority of cases the people were technically unemployed. The Aboriginal Community Councils operate a "work for the dole" scheme called the "Community Development Employment Program" (CDEP) which pays people their unemployment benefits if, and only if, they work a certain number of hours for the Council. If the person leaves the community for a period, which is a common occurrence, they do not get paid. The payment system under CDEP allows the Council to deduct money from CDEP workers' wages and pay that money to third parties. This is done only if the worker signs a payroll deduction form. The insurance agents sold policies only on the communities where payroll deduction was available. Most of the policies were sold to people on CDEP.

The agents visited these communities and signed up many policies in a short time. The sales method involved minimal explanation of the policies, no exploration of the consumer's needs, no apparent consideration of the financial position of the consumer nor any consideration of the most appropriate product. To the degree that any explanation was given, the TPC later alleged that the explanations were inadequate and often contained false representations. One common theme was that people were told that they: * Acting Regional Coordinator, Trade Practices Commission, Brisbane
fails to make payments, these policies death cover attached. If a consumer were savings plans with accidental after two years. would start to accumulate value only at the end of two years the consumer agents and fees to the companies, so dissipated in commissions to the 2. could buy a car after two years. who died had missed some payments officer who discovered that an accidents approximately 80 per cent was drawn to the TPC’s attention by a 1. could have their money back after two years if they were not happy; and 2. could buy a car after two years.

In fact of the first two years’ premiums approximately 80 per cent was dissipated in commissions to the agents and fees to the companies, so at the end of two years the consumer had an insignificant sum. The policies would start to accumulate value only after two years.

In most cases the products sold were savings plans with accidental death cover attached. If a consumer failed to make payments, these policies lapse. The whole matter was originally drawn to the TPC’s attention by a Department of Social Security (DSS) officer who discovered that an accidental death benefit had been refused because the Aboriginal policyholder who died had missed some payments early in the term of the policy. It seems that he had recommenced payments and had continued to pay for some time even though the policy had lapsed. The insurance company accepted the payments but did not tell him or his family that the policy had lapsed until a claim was submitted.

In most cases poor decisions like this are chased up by consumers and, if necessary, pursued through industry self-regulation schemes or Courts. Aboriginal people in remote communities feel helpless in such situations.

The application of the Trade Practices Act
The gathering of evidence was made very difficult by a number of factors. These included the remoteness of the communities, the lack of ordinary commercial facilities (such as a reliable electrical supply for laptop computers which are these days indispensable in the field), and the fact that the consumers faced language difficulties and in many cases found the investigation quite threatening.

Ultimately affidavits were obtained from approximately 150 people, spread across five north Queensland communities. The TPC also served notices under s.155 of the Trade Practices Act 1974 (Cwlth) on the companies and agents involved, requiring the companies and individuals to provide documents and information.

In the Commission’s view, the evidence indicated breaches of sections 52 and 52A of the Trade Practices Act, and possible breaches of s.53(aa), (f) and (g). Section 52 prohibits corporations from engaging in conduct which is misleading or deceptive, or likely to mislead or deceive, while s.52A prohibits corporations from engaging in conduct which, in all the circumstances, is unconscionable. Sections 53 (aa), (f) and (g) prohibit corporations from falsely representing that services are of a particular standard, quality, value or grade, making a false or misleading representation concerning the need for any goods or services, and making a false or misleading statement concerning the existence, exclusion or effect of any condition, warranty, guarantee, right or remedy.

It has often been asked why the Commission did not commence criminal proceedings against the companies and agents instead of civil proceedings. There are a number of reasons for that, the main ones being:

1. criminal proceedings cannot be instituted for breaches of s.52 and 52A, which were the sections for which there was clearest evidence of breach;

2. criminal proceedings could be instituted for breaches of s.53(aa), (f) and (g), but those provisions require conclusive proof that particular representations were made. Having regard to the likely inability of the witnesses to recall and specify conclusively the representations made to them, (many of the representations had been made a number of years earlier) it was felt that the criminal onus of proof could not be met;

3. the results which needed to be achieved, namely stopping the conduct, returning the money to the Aboriginal consumers and ensuring appropriate future behaviour by all company agents, could best be achieved by civil action.

There were two main prongs to the legal action undertaken by the Commission—injunction and a representative action for compensation. It is worth looking at each of these separately.

Injunction
The Commission wanted to stop insurance agents preying on the Aboriginal people. It felt that the people on CDEP were susceptible to sharp salespeople and something had to be done to pro-
provide them with some protection. However, an injunction completely restraining the companies and their agents from selling to people on the communities would have been both draconian and overly paternalistic. The Commission consulted with many of the Community Councils and came up with a formula for appropriate behaviour by insurance agents. This involved providing the Community Councils with notice of intention to visit the community, allowing the councils to obtain independent advice before the visit so they could advise their people, and requiring a proper needs assessment for individual consumers before any policies were sold.

The injunction was sought under s.80 of the Trade Practices Act. It should be stressed that the Commission's application for injunction contained one formula for appropriate behaviour. The Commission realised that suitable alternatives might be available, and was not particularly wedded to this formula.

"The Commission wanted to stop insurance agents preying on the Aboriginal people."

Compensation

The most difficult legal hurdle for the Commission involved orders to compensate the Aboriginal consumers. Most had no real understanding of what they had purchased, what obligations it imposed (for example the need to make long-term contributions) or what actual benefits they could expect to gain from the policies. The Commission wanted to order refunds for the refund of premiums plus interest for all who wanted refunds. Section 87(1B) of the Trade Practices Act allows the Commission to take a representative action on behalf of a person who has suffered loss or damage due to a breach of the Act. Such an action can be commenced only with the written consent of the person.

Normally the Commission can pursue a representative action where people have suffered loss or damage as a result of misleading, deceptive or unconscionable conduct. However, with the insurance industry there was another legal hurdle. Section 15 of the Insurance Contracts Act 1984 (Cwlth) states:

15. (1) A contract of insurance is not capable of being made the subject of relief under -
(a) any other Act;
(b) a State Act; or
(c) an Act or Ordinance of a Territory, being an Act or Ordinance that provides for relief -
(d) in respect of harsh, oppressive, unconscionable, unjust, unfair or inequitable contracts; or
(e) from the consequences in law of making a misrepresentation.

(2) Without limiting the generality of paragraph (1)(d), the nature of the relief to which that paragraph applies includes relief by way of variation, avoidance or termination of a contract.

In addition to s.15 of the Insurance Contracts Act, s.87(1E) of the Trade Practices Act states:

The Court shall not make an order under this section in relation to a contravention of section 52A in relation to, a contract of insurance to which the Insurance Contracts Act 1984 applies.

S.87 of the Trade Practices Act is the only section providing for relief in respect of unconscionable conduct but the Commission was unable to use it. In addition, to the extent that misleading or deceptive conduct involved misrepresentations, s.15 of the Insurance Contracts Act blocked any TPC action for relief.

S.15 of the Insurance Contracts Act did not hinder injunctions, only actions for relief. It is fair to say that this conduct has sharply focused attention on the question of just why the insurance industry should enjoy such protection from the consequences of misrepresentation and unconscionable conduct.

S.15 however, provides protection from misleading or deceptive conduct proceedings only where the conduct involves misrepresentation. The evidence obtained by the Commission indicated that much of the misleading conduct involved the failure of the salespeople to provide adequate information. For example, while the salespeople may have represented that the consumer could get all of his/her money back after two years, the failure to state that commissions and fees would be deducted from that was misleading. In other words, what was left unsaid by the agents also misled consumers.

The Commission undertook representative actions under s.87(1B) of the Trade Practices Act on the basis that the Aboriginal consumers had been misled by a lack of information rather than specific misrepresentations. Such a case would not be blocked by the Insurance Contracts Act.

The result

In the end both of the companies taken to Court settled the matter by way of a Deed of Settlement with the TPC. Findings of fact were made by the Federal Court. The companies were willing to settle the litigation on terms which go beyond the statutory remedies available under the legislation.

The settlements include provisions for:

- Future conduct. This includes a system for ensuring that similar sales do not happen again. Importantly this was extended to sales to disadvantaged consumers generally, not just Aboriginal people in remote communities.
- A compliance program to ensure all agents and staff understand their responsibilities under the Trade Practices Act.
- Refunds of premiums plus interest to all the people who had been misled.
- Financial assistance to Aboriginal people. In one case this was a donation of $715,000 to a trust fund to assist with Aboriginal education, and in another it was the funding of the employment of a Community Consumer Adviser on a particular community for five years.

The purpose of the settlement was not only to overcome the problems caused by the selling practices, but to try to stop similar problems arising again.
Understanding Aboriginal Voices

One response to the Report of the Royal Commission into Aboriginal Deaths in Custody

Of the four language functions—speaking, writing, reading and listening—the art of listening is the most neglected and the least appreciated. Everyone knows the value of clear speech which is able to articulate complex or abstract issues. Furthermore, the necessity to be able to both read and write at a functional level receives frequent media attention and is at the forefront of literacy campaigns and efforts of education departments, schools and teachers. Yet the skill of effective listening is rarely, if ever, afforded any attention by educators in spite of the fact that this function is as vital to the communicative process as the other three areas. Indeed, if listening skills are defective, the most lucid of speakers will not be able to communicate effectively.

On the other hand, a person with finely tuned listening skills is able to understand correctly messages whose interpretation depend upon a greater degree of understanding than the ability to decode verbal signals. It is for this reason, and because of the comparative lack of emphasis on the development of effective listening skills, that this area needs urgent attention. It is not implied that no further efforts need to be made in the other areas.

Effective listening depends entirely on an interest in, and awareness and understanding of, the person listened to. Within one’s own culture, social, educational and religious barriers can all be impediments to meaningful communication between individuals or groups. Nevertheless, with effort and tolerance, it is possible to overcome such barriers, largely because such barriers are embedded within common cultural values. However, when there are significant and deep-rooted differences in these values it is incumbent on members of the dominant culture who are dealing on a professional basis with Aboriginal people and other members of non-Anglo cultures, to gain an understanding of both the background and nature of these differences. It is only then that equitable decisions can be made and justice can be meted out on the basis of circumstances that have been clearly understood and evaluated by the person in authority.

These sentiments are echoed in the report of the Royal Commission into Aboriginal Deaths in Custody, which states that a major problem in present justice administration is that of paternalistic attitudes and derogatory comments by justices. Such reactions towards Aboriginal people “are indicative of deep-seated ignorance and a lack of understanding about contemporary Aboriginal concerns” (Muirhead & O’Daa 1991, p.116). This ignorance can only be remedied by increased understanding of significant features of the other culture, and on this basis, listening effectively to the concerns of the offenders. Only then is it possible to transcend from the premise that because the rate of incarceration of Aboriginal people is unacceptably high (2.7 per cent of WA’s population make up 30 per cent of prisoners), they are naturally inclined to offend. Blaming the victim provides easy but short-term solutions based on expediency. If professionals wish to come to grips with problems caused by cross-cultural barriers, they need to recognise these problems as theirs and reduce these barriers through greater understanding of the values and structures of the cultures of those individuals with whom they are dealing.

It is not the intention of this paper to be exhaustive on the topic of cultural differences (no paper can) but to cite a few examples which will hopefully act as a stimulus towards the recognition that further understanding and tolerance are needed. More effective listening will then be the result.

Many people have at some stage in their lives experienced “culture shock”—those feelings of anxiety one feels when having to adjust to the behaviour and lifestyle of another group. There is

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no doubt that Aboriginal people suffered from a deep sense of culture shock when Australia was first invaded by the British. Such shock, at different levels of intensity, is still felt by many Aboriginal people today when they come in contact with white society.

"In the light of the unacceptable number of Aboriginal deaths in custody, society needs to carefully re-evaluate its own Western ideals, especially in terms of imposing these on Aboriginal people."

The following account, cited by Forrest and Sherwood, is a pertinent example taken from the education system:

The five year old boy admitted to Grade One, at a remote area school, finds himself cast into a totally foreign environment. Nothing in his years of socialisation has prepared him for school. For the first time he finds himself trapped under the roof of a building without the comforting and reassuring contact with his family. He is now neatly dressed in a new grey shirt and smart grey pants with the shop creases intact, while only the previous day he was free to run without pants if he wanted to. He would be expected to sit at a school desk, having never before sat formally in a chair, be addressed in English, while at home his family only speaks the vernacular. Within the classroom he may find people he had been taught to avoid, because of kinship customs. He may be seated alongside a girl of an incompatible grouping, a situation that his family may find disquieting, but they would lack the awareness of how to overcome the problem. (Forrest & Sherwood 1988, p.3)

In the above example one can clearly recognise a clash of ideals—the materialistic and futuristic ideals of a Western classroom versus the social and environmental ideals of traditional Aboriginal society where learning satisfies immediate needs.

A similar clash of ideals occurs when, under Australian law, Aboriginal people are imprisoned for various offences. Under Aboriginal law, there is a large variety of offences against accepted codes which attract various types of punishment including verbal admonishment, refusal to share knowledge and ritual, physical punishment, death, sorcery and banishment. However, imprisonment has never been a punishment in traditional Aboriginal society. Roles of judges, police and gaolers were unknown; judgment was executed by the group.

When considering the traditional Aboriginal forms of punishment, the question of violence comes into consideration. To many committed to progressive Western ideals, physical punishment such as flogging or mutilation, as well as corporal punishment, is anathema. When dealing with Aboriginal offenders, however, it is useful to keep in mind that the concept of violence in punishment is very much a culturally conditioned perspective, as is the interpretation of cruelty. Who is to judge what would cause greater and longer lasting suffering: pain, inflicted by a spearing wound, that lasts for weeks or even months; or imprisonment which removes a person from his/her community for years?

In the light of the unacceptable number of Aboriginal deaths in custody, society needs to carefully re-evaluate its own Western ideals, especially in terms of imposing these on Aboriginal people. Rather than deciding on solutions for others, we need to listen carefully and base our decisions on a clear understanding of the situation. Once again, an account cited by Forrest and Sherwood serves to illustrate this point.

Patient: Yes.
Nurse: Long time ago.
Nurse: Can you tell me when it was? Was it more than six months ago?
Patient: Yes, a long time ago.
Nurse: Was it perhaps more than ten years ago?
Patient: Yes, long time ago.
(Forrest & Sherwood 1988, p.65)

The patient in this case was neither dimwitted nor uncooperative; to him/her time simply had a different meaning. The words were understood by the nurse, but the concepts they stood for were not. To many Aboriginal people, time is identified by stages of life or historical events, not by dates.

Table 1
Contrasting Values, Whites and Aborigines

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<td>Future</td>
<td>Status quo</td>
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<tr>
<td>Interaction</td>
<td>Competition</td>
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<td>Rights &amp; Obligations</td>
<td>Individual Rights</td>
<td>Past</td>
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<tr>
<td>Relationships</td>
<td>Limited</td>
<td>Cooperation</td>
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<tr>
<td>Basic Unit</td>
<td>Individual</td>
<td>Kin Obligations</td>
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<td>Society</td>
<td>Diverse</td>
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<td>Status</td>
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|      |      | Egalitarian |

(Edwards 1988, p.109)
The importance of kinship obligations is another area that is often misunderstood by whites. Sharing has always been a part of life in Aboriginal society, as much today as it has always been. For example, it would be unthinkable for Aboriginal people living in a town to turn away relations from the bush. However, problems with landlords and neighbours could result, leading to eviction of the Aboriginal people.

Similarly, payments for rent or goods may not be met because a relative needs the money. Fulfilling these obligations can easily lead to the imposition of penalties which were originally formulated to discourage acts of greed and dishonesty. Should they be applied when kinship obligations and acts of kindness were involved? Once again, one needs to look thoughtfully below the surface of the “offending” act the non-payment of money, the overcrowded flat, etc. and learn to understand the Aboriginal values which lie at the root of such actions. Table 1 is a generalised list (there are exceptions depending on individual personalities) of contrasting values related to various concepts.

While it is not the intention of this paper to provide an analysis of each of the areas tabulated above, the point nevertheless needs to be made that these areas must be understood by whites who have dealings with Aboriginal people. Because one’s values determine one’s actions, “a more informed understanding of the values and structures of traditional Aboriginal societies and of contact history in Australia will enable other Australians to live together with Aboriginal people without imposing the kinds of judgements and oppression which have contributed to racism in Australia in the past.” (Edwards 1988, p.113)

However, this can only be done by understanding, and listening to “the Aboriginal viewpoint”.

A largely untapped source of wisdom is that of Aboriginal elders. Older people played a major role in the process of living, including guarding and enforcing traditional laws, although simply to become older did not mean that one was an elder. That position was attained gradually. As a person’s philosophy of life and wisdom grew and were deemed of special value to the community, that person was spoken of as an elder. It was an acknowledgment of special qualifications that were attained without specific action, ceremony or declaration. As with many other Aboriginal traditions, recognition as an elder simply developed. When the status was attained through silent, gradual assent, the advice of the man or woman in question would be sought on significant matters such as the law. In this sense, the wisdom of the elders guided the people.

Today, there is a confusion in the minds of many young Aboriginal people about the proper functioning of their elders. The custodians of Aboriginal law have to compete with the custodians of “white man’s” law.

“Today, there is a confusion in the minds of many young Aboriginal people about the functioning of their elders. The custodians of Aboriginal law have to compete with the custodians of “white man’s” law.”

This approach, used by government in the 1950s and 1960s, ignored the underlying values that supported the Aboriginal lifestyle. Slowly it was understood that traditional Aboriginal cultural structures could change without destroying their essential features. The “Aboriginal way” persisted. Consequently, new policy directions were needed to incorporate the differences between Aboriginal and non-Aboriginal ways of thinking. Aboriginal people would be less frustrated as a result. After all, what people were being taught in schools, told in government offices or convicted for in courts, clashed with what they were experiencing at home. The result was often academic failure, a lack of access to services and inappropriate sentences. A variety of solutions was proposed. One of the more recent changes was the concept of bicultural-
This idea implies that an individual can function effectively in two different worlds having been taught to understand the complexities of each. According to Johnston:

"A bicultural person has the ability to shift into and operate in two cultures with relative ease and comfort. Such a person has access to, and is able to empathise with, the points of view of both cultures, without losing identity with the primary reference group" (Johnston 1990, p.1).

Bi- and multiculturalism has been incorporated into the current social environment despite significant shortcomings in their application. Questions need to be raised about the notion that an individual can become thoroughly familiar with the beliefs and workings of two very different lifestyles. Generally there are enough demands on an individual within one culture without expecting that he/she assimilate a second culture. Nevertheless, the emphasis in Harris’ quotation is on the maintenance of one’s own cultural identity, while at the same time attaining a sufficient grasp of language and customs, as well as an appreciation of the nuances and workings of a second cultural environment. A pride in one’s origins as the basis of understanding an increasingly complex and multi-cultural society could, therefore, be a real aid in coping with a rapidly changing world. At the very least, it should play a part in eliminating a variety of anti-social behaviours indicative of what has been called “cultural marginality”—a state in which one is a part of two different cultures but truly at home in neither. When the stress of the situation is highlighted to make things uncomfortable for the individual, he/she may react by withdrawal, denial of cultural roots, attacking of cultural origins, breaking the law, and so on. These reactions indicate a failure to cope with one's situation, and thus emphasise the necessity for finding effective ways of dealing appropriately within cross-cultural areas. As Elliot Johnston OC, formerly Chief Commissioner of the Inquiry into Aboriginal Deaths in Custody, succinctly states:

This will require thought, goodwill and effort on both sides; but the overwhelming responsibility lies with the non-Aboriginal side; because we are the holders of power, it is the white society that has created the situation; it is of our making; we have the responsibility and a large share of the resources that are required to effect a fundamental change in relations (Johnston 1990, p.51).

Within this situation “of our making” there are many examples of the outsiders’ failure to understand Aboriginal ways. It is natural that the perceived shortcomings within a community other than one’s own should want to be corrected by those who seek “justice for all”. The difficulty is that justice and need, like all other human concepts and processes, is subject to cultural interpretation:

Architects and housing authorities design houses for Aborigines that are not suitable to their needs, the self-discharge role of Aborigines from hospitals is very high and is related, in part at least, to cultural problems—some Aboriginal people do not like being handled when naked or nearly so by those of the opposite sex. Viomen in child-birth wards want women doctors. Wards are closed from sky and trees and views of the land; there are few black faces around, if any, amongst the general staff. In urban and country schools Aboriginal children find difficulty in keeping pace beyond a certain point for reasons which are social and cultural and not related to intelligence; bush communities are provided with equipment and gear which they cannot repair and which fall into rack and ruin; people move into houses without being trained to live in houses and without on-going home-maker services (Johnston 1990, p.50).

Regardless of how “wrong” a particular attitude or practice may appear to be, or how “clearly” we have identified a need, it is always wise to go slowly when attempting to make decisions which affect people in a social system with which one is not familiar. There are too many examples of undue interference in the life and aspirations of Aboriginal people as it is, and whether one works in the administration of justice, education, social welfare, or in any area of cross-cultural influence, one can do no better than to act upon Johnston’s timely advice:

The question of cross-cultural communication, consultation and understanding is urgent. And I come back to the question of respect, to the acceptance of the fact that Aboriginal people will best understand what is culturally most acceptable and comfortable for them (Johnston 1990, p.51).

References
Harris, S 1978, "Traditional Aboriginal education strategies and their possible place in a modern bi-cultural school", Plenary address, National Aboriginal Education Conference, Darwin.
The Environmental Defender's Offices ("EDOs") of Sydney, Brisbane and Melbourne are independent community legal centres specialising in public interest environmental law.

The role of EDOs
EDOs protect the commons: the rivers, seas, air, national parks, urban and cultural heritage. They exist to offer advice where private rights and interests are not affected.

The public interest in, for example, protecting a national park from development is uncontroversial. However, the boundary between public and private interests is often less clear. The characteristics of public interest environmental cases include the following:

- the relief sought (for example an injunction to restrain development) will not benefit the applicant financially;
- the quality and extent of the affected environment is substantial;
- the legal issues raised could clarify the law and add to precedent; and
- courts are tending to apply more liberal locus standi tests to enable public interest applicants to bring proceedings, but the absence of an open standing provision in the planning and pollution laws of many states remains an obstacle to much public interest litigation.

**EDO (NSW)**
The Environmental Planning and Assessment Act 1979 (NSW) and the Land and Environment Court Act 1979 (NSW) created new opportunities for the use of law to protect the environment. An objective of the Acts was to enable community participation in planning matters. In some cases citizens could appeal on the merits of a particular development consent to the Land and Environment Court for a complete re-hearing.

Although legal representation was not required in any such appeal and the laws of evidence did not apply, citizens still required legal assistance in expressing their environmental concerns. A number of lawyers from the Environmental Law Association therefore set about establishing a legal centre to give advice to public interest applicants.

The EDO was eventually established in 1984. It is a company limited by guarantee, governed by a board of directors. The office currently employs four solicitors, a conference and project officer, administrator and secretarial assistance. The office enjoys the support of a large number of volunteer students and solicitors.

The office, as a community legal centre, runs cases because many members of the professional, both barristers and solicitors, provide pro bono support to the EDO, both in administrative and legal advice capacities. Typically, a barrister will accept a brief on the basis that if legal aid is eventually approved then the barrister may be paid, but otherwise only a nominal or no fee will apply.

Like many community legal centres the EDO has three core activities in the provision of legal assistance, which includes in appropriate cases:

- undertaking litigation;
- law reform; and
- community legal education.

**Legal Advice and Representation**
The office provides a telephone advice service to any member of the public concerning all aspects of the environmental, planning and development laws in NSW and at the federal level.

As noted earlier, the office receives more than 100 enquiries a month from members of the public. They are referred by environmental groups, by the Land and Environment Court, by government departments, by professional people working in the pollution and development fields and by local councils. Perhaps 10 per cent of all our enquiries require follow-up, presenting public interest questions which ultimately become part of the EDO's casework. Because of the public interest focus, the office consequently tends to do most of its ongoing work for resident action groups and conservation groups.

Cases run by the office have covered a range of issues.

* Both authors are currently senior solicitors with the Environmental Defenders' Office Ltd, Sydney.
Predominantly, cases that have been run, have fallen within the Class 4 jurisdiction of the Land and Environment Court. Actions brought in that class are concerned with civil enforcement. "The Court has jurisdiction to enforce rights, obligations and duties, or to review or command the exercise of the function conferred or imposed under specified environmental laws." (Stein 1992, p.3).

The office has been active in a number of heritage cases, for example concerning the demolition of the Regent Theatre and the Rose Bay Wintergarden Theatre, and in a number of cases regarding the protection of the south east forests.

Particular cases run in the last year have included representing a North Coast environmental group in a case which saw the Land and Environment Court reject a local council's approval for its own development application which sought to locate a boat ramp and car park over a designated wetland in the Myall Lakes region, where numerous other boating facilities already existed.

The office acted on behalf of the Canterbury District Residents & Ratepayers Association Inc in proceedings relating to Wiley Park Reserve. The Court held that a local environmental plan which sought to suspend the operation of a Deed of Trust restricting the use of Wiley Park to public recreation and public reserve was invalid because of the misleading nature of the newspaper notices and the exhibition of the draft plan.

The office also acted for the Maryland Residents Group, which challenged the decision by the Newcastle City Council to grant development consent to a waste management facility intended to operate over a period of forty years, without first requiring preparation of an Environmental Impact Statement. The group was successful in its challenge, and the Council is presently preparing the required Environmental Impact Statement (EIS).

Implications of the case of Vaughan-Taylor v. David Mitchell-Melcann Pty Ltd & The Minister for Minerals & Energy run over a period of eighteen months are still being understood.

The case was brought by an individual speleologist concerned about the effects of limestone mining at Yessabah caves near Kempsey. It involved interpretation of the existing use and environmental assessment provisions of the Environmental Planning and Assessment Act 1979.

The net effect of the decision is that there needs to be consideration of the environmental impact of mining operations, either by the Council at the time application is made for development consent, or when the Minister grants a mining lease or...
renewal of a lease. Whenever a mine, which has never been the subject of an environmental assessment for the purpose of obtaining development consent, requires a renewal of its mining lease, it will be faced with the choice of applying for development consent and thereby coming within mainstream planning controls or complying with Part 5.

The decision attracted reactionary comment from the Minister for Natural Resources about the effects of the decision. The Minister stated that "technically the Court's Yessahab cave decision could temporarily close the 1,800 sand and gravel quarries in NSW and 'bring the state to a grinding halt'" (Sydney Morning Herald 17 March 1992).

As a result of the Minister's statements, the Minister for Planning has decided to prepare a State Environmental Planning Policy to "validate" quarrying and mining operations and provide for their continued operation for a specific period, during which time affected operators should seek to prepare an EIS and lodge a development application.

The office has also been involved in the conduct of mediation under the procedures established in the Land and Environment Court.

**Law Reform**

Environmental litigation often precipitates important law reform issues, as seen in the fallout from the Vaughan-Taylor case.

Another example is seen in the fallout to the Chaelundu litigation, which clarified the requirement that the Forestry Commission had to comply with provisions of the National Parks & Wildlife Act prior to carrying out its logging operations. That meant obtaining the requisite licence from the National Parks & Wildlife Service, if in the course of carrying out their activities, endangered fauna would be disturbed.

In response to the decision the government made a regulation exempting certain classes of developments and activities from the operation of the legislation. As a response to that action, the Independents and the Opposition passed the Endangered Fauna (Interim Protection) Act 1991 (NSW) to ensure the protection of endangered fauna.

"The office conducts seminars for a wide section of the public on various environmental law issues. The most recent seminars conducted were in the area of forestry legislation reform, alternative dispute resolution, total catchment management protection, endangered species legislation and the Environment Protection Authority."

The office assisted in the drafting of the legislation.

The office makes many submissions on draft legislation and law reforms. For example, submissions were made on the proposals for the New South Wales EPA now established under the Protection of the Environment Administration Act 1991, amendments to the Environmental Offences and Penalties Act 1989, and on vehicle emission standards and air quality in western Sydney. The office has also prepared a study for the Resource Assessment Commission as part of its inquiry into forestry on state and Commonwealth laws relating to eucalypt forest protection on private land.

Also, each week EDO solicitors meet with the environmental groups and their parliamentary liaison officer to discuss legislative proposals before the New South Wales parliament. This activity is particularly important given the large number of legislative changes to NSW pollution, endangered fauna and forestry laws in recent months.

**Community Legal Education**

Discussion of law reform issues inevitably involves education about the law.

The office conducts seminars for a wide section of the public on various environmental law issues. The most recent seminars conducted were in the area of forestry legislation reform, alternative dispute resolution, total catchment management protection, endangered species legislation and the Environment Protection Authority.

Demand for public interest environmental law and policy training services for government and industry has also increased. Seminars have been held on environmental laws for the executive of the State Rail Authority and the Chemical Institute of Australia and the EDO is working with the Water Board on a number of projects aimed at education of staff on pollution, environment and development control laws, and the role of public participation in the decision-making process.

The office also publishes materials to assist in educating the community about public interest environmental law: a quarterly newsletter Impact, and a text book for the environmental law option in the Legal Studies Syllabus for Year 11 and 12 high school students in NSW.

As part of its educative role, the office also keeps in touch with developments at the international level. The principal solicitor spent six months in 1990-1991 assisting the Centre for International Environmental Law in Washington DC.

Environmental protection issues in the Pacific Region and South East Asia, are an area of increasing activity. The issues are of importance in the context of public interest advocacy as part of the broader questions of North-South relations and human rights.

The EDO has been involved in an environmental law and policy training project for non-government organisations in the Solomon Islands funded by the Australian International Development Aid Bureau. The project is being undertaken in three stages. The first part involves an investigation of the law and policies of the particular country or region of the trainee or of greatest concern for the trainee. For this purpose a workshop on forestry agreements was conducted last year in Honiara.

The second stage of the project was held in Sydney. Two members of the Solomon Islands Development Trust (SIDT) spent six weeks in Sydney discussing environmental management issues, the elements of environmental laws, environmental decision-making, case studies and practical skills development.

The next stage consists of implementation of ideas and the education of colleagues in the country.
of origin. It will involve the two Solomon Islanders leading more workshops on environmental protection issues, particularly forestry, for mobile team members of SIDT.

**Environmental Defender’s Offices in other states**

**EDO (Queensland)**
The impetus for the establishment of the EDO in Queensland came from the Community Legal Centre movement. A steering committee was established in 1987 and in 1988 the Environmental Defender’s Office (Queensland) Inc., a non-profit legal advice centre incorporated under the Associations Incorporation Act 1981 (Old) was established. In 1990 the EDO received funding from the Grants committee of the Law Society. The Queensland EDO employed a solicitor for four months to undertake research and make recommendations for reform of Queensland’s environmental laws.

The office recently received funding from the Legal Aid Commission of Queensland and the Queensland Environmental Law Association which has enabled it to employ a solicitor for four days a week. With major environmental law proposals being prepared by the government, the office has found its time being spent predominantly on law reform issues.

**EDO (Victoria)**
The Victorian Environmental Defender’s Office opened in Melbourne early in 1991. Similar to the Sydney EDO, it represents residents and conservation groups in courts and tribunals and provides free initial advice to all inquirers on issues ranging from urban pollution to preserving habitat. The EDO was established with a grant of $140,000 from the Victorian Law Foundation. However, the office has not received any future sure source of funding and in its second year has had to cut back to employment of a solicitor two days a week, an information officer and administrative officer.

The EDO in Victoria has sought to use its initial funding to establish close links with the legal profession. Volunteer lawyers have formed five groups focusing on nature conservation, urban pollution, access to justice, advertising of green products and compliance. The groups include lawyers, planners, scientists and other experts as well as representatives of community organisations.

**E-LAW**
The increasing number of lawyers interested in public interest environmental law has resulted in the expansion of existing, and the establishment of new offices specialising in the area around the world.

The growing network of lawyers is part of a worldwide trend, seen in attempts to establish similar types of public interest environmental law centres in other countries. Offices have been set up in the United States, Sri Lanka, the Philippines, Peru, Malaysia, Indonesia, Ecuador, Chile and Canada. The need for an international network reflects the trans boundary nature of so many environmental problems. Lawyers in the different offices have sought to formalise the network by the creation of “The Environmental Law Alliance Worldwide” (E-LAW).

The aims of E-LAW are to help develop and provide support for public interest environmental law and dispute resolution around the world. Achievement of this aim can only result in greater protection of the environment.

**Conclusion**
Overall, it can be seen that the work of Environmental Defender’s Offices is extremely varied, reflecting no doubt the broad character of public interest environmental law.

**References**
Stein, Paul, 1992, “The Role of the Land and Environment Court in Pollution Control in New South Wales” paper given at the Conference on Land and Waste Management in NSW.
Law and the Environment Tasmania

Tasmania follows the general pattern of the law in other states by adopting a regulatory/fine approach to issues concerning environmental protection; though neither the law nor policy responses are as sophisticated or well developed as they are in other jurisdictions.

The central piece of legislation is the Environment Protection Act 1973 (Tas.). This is, in effect, a pollution control statute, despite the working of S.5 which gives the Director of Environmental Control wide powers and responsibilities with respect to environmental protection and long and short-term planning. The Act, like the Victorian EPA, deals with all facets of environmental pollution.

"scheduled premises"—by requiring that "scheduled premises" obtain a licence to operate. Applications must be advertised, and public representations may be made and the Department's decision, including conditions of operation, appealed by both the applicant and the objectors to the Environment Protection Appeal Board.

The Act provides the usual range of offences, including operating without a licence or in breach of the conditions of a licence; or "causing or knowingly permitting" pollution, terms which have been interpreted on a number of occasions by both Australian and British courts (see Bates 1992).

The most controversial aspect of this legislation over the years has arisen from the existence of various forms of exemption from the operation of the Act. Firstly, there are "ministerial" exemptions. Most major industries in Tasmania have, at one time or another, been granted exemptions from the usual pollution control standards, for some parts of their operation. Many of these were not even given a time limit; they were simply stamped "indefinite". Only recently has this culture begun to change. All Ministerial exemptions are now destined to be repealed by 1994—over twenty years since the Act was first passed. The other form of exemption—known as a S.35 exemption—relieves a "scheduled premise" which would otherwise require a licence, from the necessity to hold one, on the basis that those premises (several hundred of them) posed no real pollution problem, and therefore did not require any regulatory effort.

Unfortunately, with the discipline of a formal licensing procedure removed, a significant number of these exempted premises started to pose problems, and the Department has now begun to draw them back within the formal licensing system, either by regulation (merely noting their existence) or by stricter licence conditions. In the mid-1980s a third de facto form of exemption was also introduced by amending the list of scheduled premises so as to effectively exclude several hundred smaller operations. Once again, a significant number of these started to pose problems and the legislation has recently been amended so as to once again widen the classes of "scheduled premises".

The resources, both human and financial, allocated to the Department of Environment and Planning to administer this legislation have been, and remain, poor. Administrative overload is the main reason behind the fact that many hundreds of premises have been exempted over the years; Nevertheless the structure of the Act is basically sound and provides adequate means, if not resources, for effective enforcement. On the other hand, there are many ways in which the Act can be made to operate better; more efficiently and more effectively, and some suggestions for reform have been released in a public discussion paper entitled A Review of the Environment Protection Act (1991).

The Department has also been active in progressing new initiatives already being developed in other jurisdictions, such as the gradual introduction of ambient monitoring programs, and standards in place of simple point source monitoring; state of the environment reporting; and environmental assessment procedure reforms. Discussion papers are available on a Study of Environment Reporting in Tasmania and Environmental Management and Planning: An Overview.

Information on existing ministerial environmental exemptions (of which there are still over forty) is also now publicly available for the first time. Half of these exemptions cover industrial premises and half municipal sewage works.
Penalties under the Act have, until recently, been generally low particularly compared to the heavily increased penalties and expanded liabilities now in place in Victoria and New South Wales. However, a maximum penalty of $100,000 for corporations, and $50,000 for natural persons now applies, though traditionally fines imposed by magistrates have averaged only a few hundred dollars. Legal enforcement, however, has been discouraged by the frequent breakdown of legal proceedings because of technical faults in the gathering and presentation of evidence. The Department has never had in-house staff lawyers, and this has been a decided disadvantage to realistic enforcement options. The Department has therefore been very reluctant to initiate prosecutions, preferring, as most do, to operate by way of persuasion; but not receiving adequate professional support for prosecution when it has become necessary. The Department would probably average less than a dozen prosecutions per annum. The Annual Report for 1990-1991 indicated just seventeen prosecutions arising from the administration of all legislation under its control (not just the EPA). This may be contrasted with the fact that the same Report records nearly 1,000 public complaints during that period, plus reports of 112 "incidents".

Because departmental presence is located mainly in Hobart (plus one officer in Launceston and one in Devonport), the Department obviously relies heavily on public information for detecting incidents of pollution. The Department is also responsible for the operation of the Litter Act 1973, Pollution of Waters by Oil and Noxious Substances Act 1987, Environment Protection (Sea Dumping) Act 1987, and Chlorofluorocarbons and Other Ozone Depleting Substances Control Act 1988. Controls under these Acts largely mirror Commonwealth and other state legislation, although Tasmania is as yet the only state to have HCFC22 and Methyl Chloroform as prescribed substances under the last-named Act.

Environmental protection functions are also undertaken by other government agencies. The Department of Parks, Wildlife and Heritage administers the National Parks and Wildlife Act 1970, and polices the Wildlife Regulations, under which fauna and flora may be classified as wholly or partly protected, and the Reserves Regulations, under which conduct and behaviour in reserves is regulated. A wide range of offences under these Regulations may be prosecuted, though penalties are not very high. During the year 1990-91 a total of 424 charges were laid by the Department resulting in just over $24,000 being collected by way of penalties including costs—an average fine of less than $60 per charge.

Responsibility for fisheries is split between the Inland Fisheries Commission and the Department of Sea Fisheries. Poaching in both fisheries is rampant. During 1989 (the last year for which I have records) the Inland Fisheries Commission prosecuted 140 offences for a total of around $9,000 in fines. Tasmania's lucrative commercial fisheries, especially abalone, crayfish and scallops are, however, being hit by large-scale organised poaching, as well as unlicensed individuals and even licensed fishermen who cheat on quotas and size limits. The ability to enforce the law is badly affected by lack of resources to catch offenders and by inadequate penalties. With respect to abalone in particular, the potential rewards are much greater than the penalties imposed. Neither does it help when, as occurred recently, an error in drafting leads the Supreme Court to throw out regulations imposing a special mandatory penalty of $20 per crayfish and $10 per abalone in addition to any other fines imposed. Magistrates now have merely a discretion, not an obligation, to impose penalties up to those maxima — and experience shows that maximum penalties are rarely if ever imposed for fisheries offences. The whole question of penalties for fisheries offences is thankfully now being reviewed by government.

The toughest penalties are, however, only as effective as the means of enforcing them. It is widely acknowledged that enforcement agencies are under-resourced and understaffed. Poaching on a commercial scale is an organised affair, using aircraft and interstate boats for transfer of catches. Lack of uniform laws and regulations between the states also does nothing to assist the situation. Crayfish which are under size in Tasmania may be of legal size in South Australia; and the apprehension recently of large quantities of undersized fish on board a South Australian boat simply underscores the problem.

Because of the limited resources available to undertake enforcement activities, I have suggested the creation of an Environment Enforcement Agency to coordinate the policing of environmental regulations. This would bring together the enforcement responsibilities of the Department of Environment Officers, wildlife officers, parks and lands rangers and fisheries inspectors, into a new, coordinated comprehensive, state-wide properly career structured enforcement agency, replacing the ad hoc, fragmented approach which currently applies. In this way institutional and legal reform may be backed at last by adequate enforcement capability.

References

Facing page
Cradle Mountain
(Courtesy Tourism Tasmania)
At a recent conference in Rome, organised by the United Nations Inter-regional Crime Research Institute (UNICRI) to discuss the conduct and findings of the first (1989) and second (1992) International Crime Victimisation Surveys, I indicated that, although those two surveys gave much valuable insight into the nature of the crime problems in the thirty participating countries (including Australia), the surveys covered only crimes against individuals and households. Available estimates suggest that crimes against businesses may be at least as serious a problem as crimes against individuals and households, in terms of both costs to the community and resource implications for criminal justice agencies.

John Walker*

Isn’t it time we knew more about crimes against businesses?

and cultural systems apply. Where more detailed information is available on the comparative incidence and nature of crime in these reference countries, however, it is clear that much more specific policy evaluation is necessary to determine the true transportability of policies from other countries.

The setting up of the International Crime Victimisation Surveys of 1989 and 1992 provided data on comparative incidence and nature of crimes that affect individuals and households, and therefore provided a firm basis for policy evaluations in respect of those types of crimes. In addition, in recent years Australia has conducted numerous more detailed surveys of crime against individuals and households. These have all undoubtedly contributed, amongst other major policy issues, to the profound changes which have taken place in the 1980s and 1990s in the outlook and operations of our police services, in their dealings with individual and householder members of society. Yet, in spite of indications that around half of all crimes are committed against businesses, no comprehensive data on this phenomenon have yet been collected in Australia.

As a result little is known about the real extent or the risks of crimes against businesses, or the attitudes of business people to the services provided by the police, or the costs of crimes against businesses, or the effectiveness of various crime prevention strategies which can be adopted by businesses. In consequence, we know equally little about how appropriate or effective are the services provided by the criminal justice system to businesses. Crime can be the difference between a business succeeding or going broke, and it is quite possible that the services provided by the criminal justice system could be improved to the extent that they reduce bankruptcies and business failures.

"The Australian Institute of Criminology has always played a leading role in establishing the use of survey techniques to obtain internationally comparable crime victimisation data."

An impromptu meeting, held to discuss the issue during the Rome conference, was attended by over forty delegates from twenty-seven countries, and agreed to set up a working party to devise appropriate methodologies and conduct pilot surveys to establish the technique. The attendance at this meeting showed that Australia is not alone in its neglect of these issues and also showed the widespread belief amongst experts that properly conducted surveys could be of considerable use in crime prevention and law enforcement assistance to the business community.

The objectives of the survey would include:
- to provide estimates for each country of the frequency of victimisation of businesses in a range of categories of crime including vandalism, burglary, theft, fraud, robbery and assault;

*Senior Criminologist, Australian Institute of Criminology
• to provide estimates of the costs of incidents of crime to business and to the community;
• to provide indications of risk factors and factors which tend to have preventative value in respect of criminal victimisation, and
• to assist in the identification of appropriate crime prevention and criminal justice policies targeting crimes against business.

The Australian Institute of Criminology has always played a leading role in establishing the use of survey techniques to obtain internationally comparable crime victimisation data, and in using the results to assist criminal justice agencies evaluate policy proposals. An advantage of participating in the proposed International Survey of Crimes against Businesses (ISCB) is that it brings together many of the world’s leading government and academic criminologists and crime victim survey statisticians, ensuring that the objectives and the methodologies are in tune not only with policy makers’ needs but also their budgets. The concept of a sample survey of businesses raises many very complex methodological issues, and major compromises will inevitably need to be made between methodological ideals and budgetary constraints. The ISCB presents a timely and effective means of achieving the best possible compromise solutions.

In the current economic climate, it seems particularly appropriate to turn the attention of the criminal justice system towards minimising the costs of crime to business.

With the assistance of Professor Jan van Dijk, of the Dutch Ministry of Justice, Dr Joanna Shapland from the University of Sheffield (UK) and Dr Ugi Zvekic of UNICRI I am now preparing submissions for funding such a survey, which we would hope to conduct during calendar year 1993. The possibility exists for business sponsorship of the survey, and the Institute would be very pleased to hear from any businesses or business associations prepared to support the idea.

References

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The following appeared in the October/November 1992 issue of Keypoints, the journal of the Victorian Office of Corrections, and is reproduced with that office’s permission and assistance.

Guide Dogs have been involved with the Tarrengower Prison since late 1990, and at present there are two dogs being handled for early training. They are usually managed by one handler to one dog while at the prison, and are taught obedience, patience and how to keep fit.

Freda, a female labrador, is just over twelve months old and has been with me since January 1992. She is due to go down to Kew, Melbourne, to the Guide Dog Headquarters, to do her hard training in the very near future.

The Guide Dogs who are at Tarrengower have special diets. They must be obedient when on the lead, and are also allowed to come into our units. They are with their handlers for nearly twenty-four hours each day.

It is very important that they are walked every day, and we are able to walk them into the township of Maldon so that they can become used to traffic and crowds. We perform this duty, just handler and dog, as it is a position of trust on all sides.

Tarrengower is the only female prison in Victoria that manages the basic training of the Guide Dogs, and I am pleased to say that we have had three successes so far and it is hoped that Bridie, who is still in training at Kew, will be number four!

As an example of how the program is developing, I recently started a pet therapy program at the Maldon Hospital. This is proving to be a great success, and the elderly patients thoroughly enjoy meeting Freda while she responds to them in turn. Many benefits flow from this program—patients become more relaxed, socialisation is encouraged with an accompanying sense of well-being (I have been told that pet therapy even has a beneficial effect on a patient’s blood pressure), and I feel the patients have a little more love as well as normality in their lives. So, even while in basic training, these Guide Dogs can be quite useful for the pet therapy program.

Bandyup Women’s Prison in Western Australia has expressed an interest in the Guide Dog Program. I have been involved in this program since September 1991, and intend to continue to participate in Guide Dog training when I am released from prison because I love taking part in this activity.

Robyn Bennison Wooley
Tarrengower Prison
Innocent or guilty: the double bind

Visibility and credibility have always been problematic for the voiceless in our society, and women often suffer taken-for-granted invisibility and incredibility before a male-dominated and defined legal system. This system is currently being challenged by feminists (Scutt 1992, 1990; Rothfield 1990; Naffine 1987). Where women have been visible before the law, they have been seen traditionally in relation to violent crime either as hapless victims needing men to rescue them (Soothill & Walby 191; Scutt 1990; Maher 1989), or as deadly perpetrators, guilty of unspeakable crimes usually against men (Doane 1991; Higgins 1991). At both extremes, innocent or guilty, women are often inscribed in our cultural texts as hysterical and unreliable. Hysteria and unreliability are two attributes used to define and control women. The media plays a significant role in constructing such essential myths about gender and crime and where women stand on the credibility spectrum.

I do not aim to “set the record straight” on Lindy Chamberlain and Fairlie Arrow, two women who have both reached a level of media saturation because of their alleged involvement in criminal activity. Through a feminist interrogation of the discourses constructed around Chamberlain and Arrow by the mainstream media, I will attempt to throw some light on the deep ambivalence in the media generally in relation to gender and crime.

“Hysteria and unreliability are two attributes used to define and control women. The media plays a significant role in constructing such essential myths about gender and crime and where women stand on the credibility spectrum.”

Fairlie Arrow: a flight from reality

When the spotlight focussed on nightclub singer Fairlie Arrow in December 1992 this crucial issue of the vexed relationship between women, crime, the legal system and the media was glaringly raised. Arrow was convicted of making a false complaint to police in relation to a faked abduction (Courier-Mail 2 May 1992). All along she claimed she only wanted to alert the police to her plight as a potential victim, having been hounded by a “demented and infatuated fan” for some time (Courier-Mail 19 December 1991). While she perpetrated a “victimless crime”, it could be argued that the duped public did in a sense become the victim as well as possible real crime victims who may have suffered while her hoax wasted the time and resources of the police (Courier-Mail 21 January 1992). Arrow has paid a $5000 fine for her actions. She has also been fined $600 as a result of striking a lawyer, allegedly because he called her a “femme fatale” and “a slut” (Courier-Mail 17 June 1992). She continues to gain front page coverage, for example, “Arrow could face prison” (Courier-Mail 25 August 1992). For a time her repayment of police expenses (about $18,500) was overdue because, she claimed, she had to outfit herself expensively for a series of Penthouse photographs in various stages of undress, a claim viewed by some as rather dubious under the circumstances (Courier-Mail 25 & 26 August 1992). However the fine has since been paid by her family, the cheque rescuing her from a six month gaol term (Courier-Mail 23 September 1992).

At first glance it would seem that Arrow has profited both personally and professionally through her self-abduction hoax, namely by posing for the Penthouse photographs (August 1992), and by signing a record contract in America: “The notoriety will certainly help sell albums in Australia if she gets big in America...the stuff from Australia will obviously leak out” (New Idea 9 May 1992). On the other hand, a recent report claims that “she’s had her singing career in this country destroyed by the media”, and that a Fairlie Arrow tour of Queensland was scheduled for late 1992, called “Take ‘n’ for ransom”, presumably to compensate for this (Courier-Mail 23 September 1992).

“The Hard Copy” report (25 June 1992) shows Arrow singing very adult music...
songs with her toddler son present; the show then intercuts from the (then) forthcoming Penthouse where she is posing in a most unmotherly fashion. Thus Arrow’s maternity and sexuality sit in unresolved conflict with each other. While the media’s framing of Arrow remains resistant to traditional ideals of selfless, reliable motherhood, and this could be read as “liberating” for women, her construction also upholds sexist notions of female sexuality and the woman’s body for exploitative display. Therefore, it could be argued that this particular discursive articulation in the media both undercut the relaxed and “free” mother image, and flagrantly breaks a significant feminist taboo regarding the credibility dilemma for women in relation to crime. The two, resistant mother and unliberated hoaxer, sit uneasily together in the frame.

Arrow’s Penthouse spread is entitled “Fairlie Nude! The naked truth about Fairlie Arrow!” The photographs depict her as a cavorting bondage slave, boldly displaying both herself and media references to her kidnap hoax. Such soft porn erotica cynically perpetuates the “beauty myth” and reveals in such stereotypes as woman as temptress and trickster, as well as mere body and object of male gaze. The conflation of sex and violence is also paramount in the Penthouse spread. This upholding of values related to coercion and dominance is anti-feminist, according to Sperber.

Feminism is based on values...of self-identity, responsibility, autonomy, equality and the absence of dominance, coercion and oppression. Understandings which do not respect these values, no matter from whom they emanate, are not tolerated (cited in Scott 1990, p.530).

Therefore Arrow’s media masquerade is not emancipatory, as unruly women may be in a carnivalesque sense (Russo 1986). Her images do not shift the traditional paradigm, playfully revealing the male sham. Instead, the media exposure of Arrow merely displays her exploits as pretence, at the same time reinforcing traditional masculinist values about women and society.

From another standpoint, some critics may say that the media have exploited her, treating her as a bizarre eccentric and a “problem” mother. If the reports are accurate, she exploited the media in the first instance to gain attention. However, once she was exposed and punished, the media adopted her. Several satirical send-ups have occurred, for instance, on “Brisbane Extra” the staging of the kidnap and bondage of the Fairlie “garden gnome”. “Fast Forward” featured a sketch about her escape, while the national radio station Triple J “sent up” Arrow’s assault of the lawyer by having

“As mothers and as sexual beings, both Lindy Chamberlain and Fairlie Arrow tend to be caricatured in the media, given the challenge posed by unconventional maternity. While the Chamberlain case is obviously more weighty and resonant in the Australian “collective imaginary” than the Arrow “fly by night” case, both illustrate in different ways the deep-seated, ambivalent problems for women in relation to crime, and the inverse relationship between excessive media exposure and fragile authenticity.”

a National Slap-a-Lawyer Day. She also gained publicity through a Fairlie Arrow self-abduction phone-in tape called “Fairlie urgent”, where people could hear her justification of what happened (Courier-Mail 8 May 1992). On the tape she claimed this was a bid for credibility: “Over the past six months my life has been made public issue. It’s about time the public had a chance to hear the facts without the fiction”. For unexplained reasons, this authenticity bid was discontinued almost immediately it began. Nevertheless, the old adage that “any publicity is good publicity” certainly seems to be true for Fairlie Arrow. From one feminist perspective of Arrow and the media, her self-abduction hoax involved serious regressive behaviour. She had set herself up as a victim of an abhorrent crime, one which has multiple resonances for women everywhere, and in her own state, Queensland in particular. There have been a number of unsolved female kidnap-murder crimes in the past decade, for example Sharron Phillips. Like the boy who cried wolf, the Arrow hoax rebounds on itself in many ways, as women kidnapped from now on will have to reclaim the credibility ground lost because of this case. As Scott (1990,p.469) says, women have always had to substantiate their claims regarding violent crime such as rape, which has often been seen by police and the wider society as either the woman’s fault—she “asked for it”, or as a “figment of her imagination”. Therefore, the media’s construction of Arrow’s own irresponsible “flight” of imagination may rebound against herself and against other women. Although Arrow has not spent time in prison, her hoax and its subsequent media coverage has in a sense helped condemn future women victims to another heinous form of cultural prison—that of further doubt, suspicion, and questionable credibility.

An alternative, more sympathetic feminist reading of the way discourses surrounding the Arrow case have been articulated by the media raises interesting questions. While the extensive media exposure appeared to increase her earning capacity, her image was appropriated and exploited by the media because of its commodity value. Thus the creator turned into the creatures, and she became the fantasy victim of countless voyeurs. The entertainment industry may well have been a jungle for her. To increase her value, she thought she had to go through this charade. However, it could be argued that a certain kind of counter-appropriation has occurred. After all, who defines the charade? It could be argued that the Penthouse photographs remain male trophies rather than her shallow triumph, as the pictures merely affirm both the dominance of the male gaze and, in a sense, the narrow “correctness” of certain male attitudes to women. The “Hard Copy” report on television is a

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tabloid style sensationalist production with strong masculine style, ironically reinforced by the female interviewer arching her eyebrows in the Arrow episode. As Arrow's particular form of self-parody does not fit comfortably into the narrow "Hard Copy" paradigm, she keeps surprising the audience by breaking out of that paradigm. Consequently, she pays the media price with regard to the treatment of her credibility and the reliability of her style of maternity.

Despite the fact that the media generally gives the impression that Arrow "sold out", the hidden question is about the quality of choices facing many women, and furthermore, the masculinist definition of those choices. Even though the images of her represent a blatant and bizarre affirmation of masculine values, they may actually be less "harmful" for women than more subtle, less obvious affirmations. The very showiness of the media's construction of Arrow reveals and underlines the inherent power relationships within the male spectator's gaze. In a telling way, therefore, the Arrow case shows us the spurious kinds of authenticity.

Lindy Chamberlain: a fight for authenticity

Lindy Chamberlain represents a different kind of challenge for any analyst of the "slippery" category of the person-as-text. For years, Lindy Chamberlain has endured, and more recently, courted, the media spotlight. She has achieved far-reaching if ambiguous visibility in a culture seemingly starved of icons. In contrast to Arrow, Chamberlain was accused of the crime of infanticide, found guilty, sent to prison and then acquitted. A strong reading of her case today (for example Bryson's Evil Angels (Fred Schepisi 1988), based on a book of the same name by Bryson (1988). Lindy Chamberlain has written her autobiography, and she is creating art works for an exhibition, according to a recent "Sixty Minutes" interview. Apparently there is even an opera being penned about the Chamberlain case (The Bulletin 19 May 1992). In a "World Exclusive" story, Women's Day reports that Lindy, "Australia's most notorious woman" is to marry again (15 June 1992). Thus she is still "hot" media property.

With the tenth anniversary of the Chamberlain case, the media had a field day of reminiscences and justification. Even more recently, the media has been churning out gossip stories of her glamorous, newly-reconstructed self, divorcing her husband, and finding a new love. Dredging up an old myth about her toughness, the "Sixty Minutes" reporter in the segment "The Pay-Off", coolly asked her how hard she is (the imputation is that she is "cast iron"), and further, how she feels about the supposed "fact" that one-third of the Australian public today think that she did the murder (31 May 1992). Although she has been acquitted and paid about a million dollars in compensation, apparently the shadow of doubt will never be lifted by the media.

In the film Evil Angels the construction of Lindy is beset by ambiguity and complexity (Yeates 1991). On the one hand we find the endorsement of a different, yet ironically conventional "motherliness" through the construction of the private world (Kaplan 1989). On the other hand, we see this sanctioned credibility undercut by the apparent contradiction between sexuality and maternity (Goldsworthy 1986). Lindy Chamberlain emerges from the film as a believable crimeless victim, yet the dark side remains. She remains an "incredible" woman because of the unresolved dissonance between her sexuality and maternity. Similarly, Arrow is constructed by the media as a transgressive mother, whose sexuality is also contentious in the sense that it appears contradictory—both contained and untameable.

Women, crime and popular culture

To some observers, the Fairlie Arrow case may seem a little trivial and unworthy of critical analysis, a kind of "low culture" embarrassment best forgotten. There are no films, books or operas on the Fairlie Arrow saga, a minor, rather hysterical ripple in Australia's popular culture landscape. The case does, however raise questions about the nature and status of the "texts of everyday life" (de Certeau 1986), and points to the paradox of the new kind of "high" status within popular culture that Chamberlain has ironically attained by being enshrined in films, books, etc. There is little point in splitting hairs about the relative cultural significance of the two "cases". I do not want to fall into yet another dualistic fallacy around the notion of "high" and "low" texts within popular culture. Chamberlain and Arrow are in a sense self-constructed texts, blurring the distinction between "reality" and "fiction". From a more serious viewpoint, it has been argued here that both the Arrow case and the Chamberlain case show how women are positioned within the mainstream media. They also show how female "reliability" is a disputed terrain in relation to fundamental issues in our culture, specifically motherhood, sexuality, and crime.

The politics of female representation in the media has been significant in feminist cultural studies work since the sixties, and still needs to be addressed and reworked (Rakow 1986). The media's recent celebration of the minute details of Lindy Chamberlain's latest love affair underscores the spectacle of a strong woman wronged. The trivialisation of Lindy Chamberlain continues, and her visibility and credibility are still problematic, at least as far as the Australian media are concerned. As mothers and as sexual beings, both Lindy Chamberlain and Fairlie Arrow tend to be caricatured in the media, given the challenge posed by unconventional maternity. While the Chamberlain case is obviously more weighty and resonant in the Australian "collective imaginary" than the Arrow "fly by night" case, both illustrate in different ways the deep-seated, ambivalent problems for
women in relation to crime, and the inverse relationship between excessive media exposure and fragile authenticity. Such women are placed in a state of siege with regard to the media. The significant question that needs to be addressed is how women in general may articulate their own cultures, and at the same time control the redefining of themselves through the media.

(A longer version of this paper was presented at the National Media Conference, Perth, 1-4 October, 1992)

References

Dianne Roughley*

Queensland Prisons and the Transmission of HIV Infection

The Human Immunodeficiency Virus (HIV) is a major challenge to public health. The World Health Organization (WHO) estimates globally 9 to 11 million people are infected with HIV (National Centre in HIV Epidemiology and Clinical Research, July 1991).

Because there is no known cure and advances in treatment are on a small scale, prevention strategies become of paramount importance. Crucial in determining these strategies is an understanding of the epidemiology of HIV, particularly in relation to behaviours that put a person at risk of infection. There are only three known major routes of HIV transmission:

1. mother to baby;
2. blood to blood; and
3. sexual.

Behaviours posing the greatest risk have altered dramatically in their terms of risk. Understanding these changes gives rise to effective, appropriate preventative strategies. The major sexual risk behaviour was once homosexual male activities. In the United States of America in 1981, Acquired Immunodeficiency Syndrome (AIDS), which is the last stage before death from HIV infection, was called Gay Related Immunodeficiency Syndrome (GRIDS) because it was young male homosexuals who presented suffering from AIDS (National Prison HIV Peer Education Program [NAT.PPEP] 1991). WHO now believe that, globally, of all the adult cases of AIDS, 70 to 80 per cent have been acquired through heterosexual contact (National Centre in HIV Epidemiology and Clinical Research, July 1991). The major concern in blood to blood contact is sharing practices among intravenous (IV) drug users. Strategies in relation to IV drug use have a major influence on numbers infected. In Edinburgh, figures of IV drug users infected with the virus went from 0 to 50 per cent in two years (NAT.PPEP 1991).

Examining changes in relation to sexual and blood transmission practices have particular relevance to examining prisons and HIV incidence because these two transmission routes have a perceived higher incidence in prisons than in the wider community. Many references are made to prisons as incubators of the disease.

In most Australian prisons, life is harsh with much overcrowding and a staff to prisoner ratio which makes it impossible to develop surveillance mechanisms within the goal that would prevent high risk behaviours from occurring, prisons, therefore, must be seen as potential incubators for the spread of HIV (Dwyer 1990).

* HIV/AIDS Project Officer, Queensland Corrective Services Commission

In most Australian prisons, life is harsh with much overcrowding and a staff to prisoner ratio which makes it impossible to develop surveillance mechanisms within the goal that would prevent high risk behaviours from occurring, prisons, therefore, must be seen as potential incubators for the spread of HIV (Dwyer 1990).
HIV Incidence in Prison

It is important to look at the blood screening process that gives rise to statistics on HIV infected prisoners. Each Australian state varies in its approach to blood screening. Testing is done on a voluntary basis in the Australian Capital Territory and in Victoria. In the Northern Territory, South Australia and Tasmania there is compulsory testing of all admission with retesting after three months. Since 1990, New South Wales has compulsory testing upon entry and exit. Western Australia only compulsorily tests those identified as high risk for HIV transmission group (see Table 1).

Because Queensland has the most stringent testing procedures — all prisoners are compulsorily tested on reception, after three months, every year and prior to discharge — Queensland figures reflect greater accuracy. The Queensland prison population was 2,205 and only two tested positive, representing 0.09 per cent of the total prison population. At 30 June 1991, Queensland had a population of 2,972,000 (Australian Bureau of Statistics 1991) with the number of people registered HIV positive as 1,217.

Table 1

<table>
<thead>
<tr>
<th>State</th>
<th>Number</th>
<th>Prison Population for June 1990</th>
</tr>
</thead>
<tbody>
<tr>
<td>NT</td>
<td>0</td>
<td>405</td>
</tr>
<tr>
<td>WA</td>
<td>1</td>
<td>1,807</td>
</tr>
<tr>
<td>SA</td>
<td>11</td>
<td>930</td>
</tr>
<tr>
<td>Vic.</td>
<td>8</td>
<td>2,312</td>
</tr>
<tr>
<td>NSW</td>
<td>16</td>
<td>5,321</td>
</tr>
<tr>
<td>Qld</td>
<td>2</td>
<td>2,205</td>
</tr>
<tr>
<td>Tas.</td>
<td>1</td>
<td>226</td>
</tr>
<tr>
<td>Total</td>
<td>39</td>
<td>13,206</td>
</tr>
</tbody>
</table>

* Australian Institute of Criminology, Australian Prison Trends No. 169, June 1990.

at July 1991 (National Centre in HIV Epidemiology and Clinical Research 1991) representing 0.04 per cent of the Queensland population. It must be noted that there is no such mass screening procedure with the general population, even among those of high risk behaviour for HIV transmission. A Queensland survey in September 1991 revealed that 29.8 per cent of 17 to 20-year-old males frequenting gay bars and saunas in Brisbane had not had an HIV test (Health Department 1991) and this group represents those at highest risk. Given this gap in testing for the general population, it is clear there is a close correlation between HIV incidence in prison and in the general community.

Risk Behaviour

IV Drug Use

It is important to look at IV drug use as a risk behaviour. Conolly and Potter (1990) in a New South Wales prisons study revealed 32 per cent of prisoners surveyed on release had been using IV drugs in prison, while 46 per cent of these surveyed had been using IV drugs prior to imprisonment.

It is reasonable to assume that prisoners in South East Queensland Prisons identify closely with New South Wales prisoners in relation to their IV drug using practices (personal communication, Ms Jo Ryan, Evaluation Officer, Drug and Alcohol Programs, QCSC).

It is difficult to arrive at accurate figures of IV drug users in the general population and it seems unreasonable to predict rates above 1 per cent. It is clear that there is a higher incidence of IV drug use in Queensland prisons than in Queensland itself. It is also clear that prisoners use less in prison than they would in the general community: "32 per cent compared to 46 per cent before prison" (Conolly & Potter 1990). Conolly and Potter (1990) also found that safer sharing practices existed in prison than outside. Outside, 90 per cent were sharing but 30 per cent were cleaning equipment effectively, while inside, 94 per cent were sharing but 30 per cent were cleaning effectively. This relates to the fact that New South Wales prisons policy allows a free and anonymous supply of bleach. Queensland prisons policy does not. This is depicted in Table 2.

Table 2

<table>
<thead>
<tr>
<th>NSP</th>
<th>Vic.</th>
<th>Qld</th>
<th>State</th>
</tr>
</thead>
<tbody>
<tr>
<td>NSW</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Vic.</td>
<td>Y</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Qld</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>State</td>
<td>SA</td>
<td>NT</td>
<td>WA</td>
</tr>
<tr>
<td>-----</td>
<td>----</td>
<td>----</td>
<td>----</td>
</tr>
<tr>
<td>Condoms</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Sterile Needles</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Bleach</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>Education</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Gaolwise Comic</td>
<td>Y</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Methadone</td>
<td>Y</td>
<td>YR</td>
<td>YR</td>
</tr>
</tbody>
</table>

Y = Yes; N = No; YR = Yes, but significantly restricted

Source: Gaughwin 1990.
Women comprise only 3 per cent of the general population of Queensland and not therefore be anticipated. Deterrents to bring about reduced IV drug use in prison include random and specific drug screening policies, access to medical care, surveillance procedures of prisoners' interactions, and body and cell searching. Although there is a higher incidence of IV drug use in prisons than in the general population, for the IV drug user, this represents less usage. Prisoners are not likely to commence IV using practices in prisons (Conolly & Potter 1990). In summary, IV drug use behaviours are more likely in prison than in the general community but not more so than in the drug using population generally, and, as the general population is not likely to commence IV using practices, the fear of prisons in relation to increased HIV spread from risk behaviour is also questionable.

Sexual
Of greater concern are male homosexual activities with 87 per cent of HIV transmission occurring through such activity. Research identified homosexuality prior to prison at 10 per cent (Conolly & Potter 1989), whereas in prison, anal intercourse is listed as 12 per cent (Gaughwin et al. 1990) and at 2 per cent (Conolly & Potter 1990). Once again, prisons compare closely with the general population for homosexuality and if there is limited opportunity this is balanced with the existence of institutionalised sex. Wodak's 1990 study (Wodak 1991) shows that 12 per cent of prisoners reported having sex with other men outside prison whereas 13 per cent reported having sex with a man while in prison, 5 per cent of whom had been anally raped. It would seem therefore that homosexual activity does not significantly increase in prison. Concerns are highlighted again for policy (see Table 2) that does not address the risk of females in prison report having lesbian sex.

Table 3
Daily Average Numbers of Persons held in Custody during December 1991

<table>
<thead>
<tr>
<th>State</th>
<th>Males</th>
<th>Females</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>NSW</td>
<td>5,600</td>
<td>322</td>
<td>5,922</td>
</tr>
<tr>
<td>Vic.</td>
<td>2,175</td>
<td>113</td>
<td>2,288</td>
</tr>
<tr>
<td>Qld</td>
<td>2,019</td>
<td>64</td>
<td>2,083</td>
</tr>
<tr>
<td>WA</td>
<td>1,840</td>
<td>102</td>
<td>1,942</td>
</tr>
<tr>
<td>SA</td>
<td>1,012</td>
<td>51</td>
<td>1,063</td>
</tr>
<tr>
<td>Tas.</td>
<td>264</td>
<td>9</td>
<td>273</td>
</tr>
<tr>
<td>NT</td>
<td>445</td>
<td>11</td>
<td>456</td>
</tr>
<tr>
<td>ACT</td>
<td>98</td>
<td>6</td>
<td>104</td>
</tr>
<tr>
<td>Aust.</td>
<td>13,463</td>
<td>678</td>
<td>14,131</td>
</tr>
</tbody>
</table>


Other Behaviours
There are other risk behaviours that occur in prisons, namely, blood to blood transmission through fighting, workplace injury, tattooing and skin piercing practices. Assault, breaking up fights, biting and spitting have not resulted in any transmission to date for officers in USA correctional settings (Blumberg & Langston 1991). Tattooing and skin piercing are a risk but represent minimal risk only. Prevention strategies, such as effective cleaning, need addressing continuously.

Incidence of HIV
Transmission in Prison
Since 1987, Queensland has carried out testing on admission, after three months and prior to discharge and every prisoner identified as HIV positive did so on admission (Health and Medical Services, QCSC). There were 25 male prisoners who tested HIV positive in the period January 1985 to December 1990. Mainly because of a lack of screening procedures in the corrections system generally, there is a lack of information on the transmission of HIV in prisons. One of the few studies into blood screening for HIV compares 442 inmates in Maryland State Prison system at reception and then one year later (Brewer et al. 1988). Only two were found to have tested positive after first testing negative. The results of the initial negative results of these two could have been accounted for by the fact that they were in the incubation period. They were tested at 69 and 146 days following entry into prison and, although 90 per cent of people will convert in three months, it could take up to six months (personal communication, Dr Hugo Ree, HIV/AIDS Medical Director, Qld).

Strategies to Address HIV/AIDS in Prisons
All staff and prisoners at all Queensland prisons are educated on:
• the facts about HIV transmission;
• assessment of their own risk;
• prevention strategies and dispelling of myths. Safer sex and safer drug use are components of programs for prisoners, and infection control by universal precaution a major component for staff.

In June 1991, an HIV/AIDS Project Officer was appointed to assist the Medical Director to plan strategies to prevent transmission of HIV/AIDS in Queensland Corrective Services Commission Centres. In the first year, 135 inmates were trained as prisoner peer educators and were located at every Correctional Centre. Procedures were put in place for HIV education by nursing staff for every prisoner undergoing blood screening. Seminars and lectures were conducted for over 400
Table 4
Numbers of Prisoners by Jurisdiction, Sex and Known Prior Adult Imprisonment
Under Sentence

<table>
<thead>
<tr>
<th>Prior Imprisonment</th>
<th>NSW</th>
<th>Vic.</th>
<th>Qld</th>
<th>WA</th>
<th>SA</th>
<th>Tas.</th>
<th>NT</th>
<th>ACT</th>
<th>Total</th>
</tr>
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<tbody>
<tr>
<td><strong>Males</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>2,939</td>
<td>1,754</td>
<td>1,090</td>
<td>1,149</td>
<td>622</td>
<td>150</td>
<td>316</td>
<td>11</td>
<td>7,851</td>
</tr>
<tr>
<td>No</td>
<td>2,933</td>
<td>617</td>
<td>956</td>
<td>472</td>
<td>252</td>
<td>57</td>
<td>88</td>
<td>8</td>
<td>5,383</td>
</tr>
<tr>
<td>Unknown</td>
<td>109</td>
<td>0</td>
<td>149</td>
<td>0</td>
<td>9</td>
<td>20</td>
<td>6</td>
<td>0</td>
<td>293</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>5,981</td>
<td>2,191</td>
<td>2,195</td>
<td>1,621</td>
<td>883</td>
<td>227</td>
<td>410</td>
<td>19</td>
<td>13,527</td>
</tr>
<tr>
<td><strong>Females</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>170</td>
<td>82</td>
<td>31</td>
<td>56</td>
<td>33</td>
<td>6</td>
<td>0</td>
<td>22</td>
<td>380</td>
</tr>
<tr>
<td>No</td>
<td>210</td>
<td>43</td>
<td>50</td>
<td>43</td>
<td>14</td>
<td>4</td>
<td>5</td>
<td>3</td>
<td>372</td>
</tr>
<tr>
<td>Unknown</td>
<td>5</td>
<td>0</td>
<td>20</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>26</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>385</td>
<td>125</td>
<td>101</td>
<td>99</td>
<td>48</td>
<td>10</td>
<td>5</td>
<td>5</td>
<td>778</td>
</tr>
</tbody>
</table>

**Total Persons**

| Yes | 3,109 | 1,656 | 1,121 | 1,205 | 655 | 156 | 316 | 13 | 8,231 |
| No  | 3,143 | 660   | 1,006 | 515  | 266 | 61  | 93  | 11 | 5,755 |
| Unknown | 114 | 0     | 169  | 0   | 10 | 20  | 6   | 0  | 319 |
| **Total** | 6,366 | 2,316 | 2,296 | 1,720 | 931 | 237 | 415 | 24 | 14,305 |


Table 4 displays data of the high numbers of prisoners by jurisdiction, sex and known prior adult imprisonment under sentence. It is essential to look at what behaviours put these people at risk — namely unsafe sexual and IV drug usage behaviour. Education, promoting self-responsibility for harm minimisation practices, coupled with more research into behaviours within the prison culture would be recommended.

**Conclusion**

When statements are made depicting prison as fearful places for HIV transmission ("AIDS Infection Rife in Prisons", New Zealand Herald, 10 August 1991), it is appropriate that unemotional, objective and critical reflection of data supporting such statements follows. This is just as true of the importance of not assessing groups of people such as prostitutes, gays and IV drug users as being at high risk of HIV transmission rather it is necessary to look at what behaviours put these people at risk — namely unsafe sexual and IV drug usage behaviour. Table 4 displays data of the high number of prisoners who have been in prison more than once. Prisons should not be the focus of fear but behaviours that lead to HIV transmission should be.

Prisons appear to have a curtailment effect on risk behaviours. Focus is placed on education of risk assessment and policies to allow access to equipment needed to bring about safer behaviours relating to HIV/AIDS transmission is under constant review. Points worth considering when looking at existing policies within Queensland Corrective Services Commission facilities are:

- Would someone perpetrating rape or non consensual sex use a condom?
- bleach is not 100 per cent effective and the next best option for prisoners, put forward by Vivian Bischof, Coordinator of QUIVAA (Queensland Intravenous AIDS Association), is rinsing many times in cold running water; and
- many in the community with access to bleach/sterile needles, and especially condoms, do not use them.

Education, promoting self-responsibility for harm minimisation practices, coupled with more research into behaviours within the prison culture would be recommended.

**References**


National Prisons HIV Peer Education Program 1991, Centre for Education and Information on Drugs and Alcohol, Rozelle Hospital, Baillieu, New South Wales.


New Publications

Australian Institute of Criminology
GPO Box 2944
Canberra ACT 2601

Tel: (06) 274 0256
Fax: (06) 274 0260

Issues in HIV/AIDS in the Australian Prison System
edited by Judi Fortuin
1992. ISBN 0 642 18311 2. 120 pp. AS18.00. (soft cover)

Education and training; policy trends; management; occupational health and safety; the law; and research findings are all canvassed in this collection. The authors worked together under the umbrella of the National AIDS In Prisons Information Clearing House to gather relevant information on this important health issue. This book provides a most useful guide and source of information for Corrections Administrators and all those concerned with limiting the spread of infection of HIV/AIDS.

Conference Proceedings No. 15
National Overview on Crime Prevention
eds Sandra McIlknap & Julia Vernon
1992. ISBN 0 642 18311 2. 120 pp. AS18.00. (soft cover)

Crime prevention in Australia, and throughout the world, is undergoing a transition, and in order to combat increasing crime levels, changes are required in crime prevention practices. The conference National Overview on Crime Prevention presented both international and national crime prevention perspectives from private industry and government.

Directory of Criminal Justice Courses in Australian Tertiary Institutions
compiled by Caroline Burn.
1992. ISSN 1037-5821. 26 pp. A$10.00. 3rd edn. (soft cover)

This directory provides information about criminal justice courses available at Australian tertiary institutions. Courses are listed by subject; addresses of higher education institutions are listed alphabetically; a list of courses available at each institution is included; and institutions are listed by state.

Trends and Issues in Crime and Criminal Justice
General Editor: Peter Grabosky
ISSN 0817-8542
Subscription AS30.00 p.a.
(minimum 6 issues per annum)

No. 41 Traffic in Flora and Fauna
Boronia Halstead

Facts and Figures in Crime and Criminal Justice
General Editor, John Walker
(Subscription A$30.00 per annum)

Australian Prison Trends
ISSN 1037-6925
revised January, February, March 1992
May and June 1992

Australian Criminology Information Bulletin
Vol. 3, No. 5, October 1992
Subscription A$20.00 p.a. (6 issues per annum)

Violence Prevention Today
ISSN 1029-074X
General Editor: Duncan Chappell
Contact Violence Prevention Unit, Australian Institute of Criminology

No. 1 Rape
Patricia Weiser Eastall

Deaths in Custody, Australia
ISSN 1038-667X
General Editor: David McDonald
Contact Deaths in Custody Monitoring and Research Program, Australian Institute of Criminology
No. 1 Australian Deaths in Custody 1990 & 1991
David McDonald & Christine Howlett
October 1992. ISBN 0 642 18447 X.

Australian Institute of Criminology
Annual Report 1991-92
December 1992. ISSN 0311 449X.
A$20.00.

Criminology Research Council
Annual Report 1991-92
December 1992. ISSN 0311-4481.
A$12.00.

The Centre for Independent Studies
PO Box 92
St Leonards NSW 2065

The Economic Theory of Crime and its implications for Crime Control
Cathy Buchanan & Peter R. Hartley

This theory, unlike many others, maintains that criminals are rational beings who make calculations based on the likely returns from crime, the likelihood of conviction, and the severity of punishment. It is argued that the economic theory of crime can explain trends in crimes committed by such individuals.

The Law Book Company Ltd
44-50 Waterloo Road
North Ryde NSW 2113

The Money Trail: confiscation of proceeds of crime, money laundering and cash transaction reporting
eds B. Fisse, D. Fraser & G. Coss
1992. ISBN 0 455 21064 0. 490 pp. A$90.00. (soft cover)

Few areas of law have developed as rapidly or with such fleeting attention to principle and policy as Australian money trail legislation. This work provides a starting point for anyone wanting to discover what the money trail laws mean.

The Federation Press
PO Box 45
Annandale NSW 2038

Environmental Protection and Legal Change
ed. Tim Bonyhady

Environmental Protection and Legal Change provides the first systematic study of the way in which general categories of law apply to environmental...
issues. It is also one of the few Australian books to explore the law's ability to respond to profound changes in social values such as the emergency of environmentalism. The contributors include: Justice Cripps of the NSW Court of Appeal who writes on administrative law; Professors Crawford and Farrier who write on the Constitution and criminal law respectively; and Justice Murray Wilcox of the Federal Court of Australia who provides a controversial summary.

Drugs Policy—Fact, Fiction and the Future
Russell Fox and Ian Matthews
This book provides a comprehensive coverage of the range of drug problems in Australia. It deals with definitions, treatments, popular misconceptions, the role of the media, the history of Australian law and the development of legislative policy.

Taken on Oath
Jon Faine
Taken on Oath started life as a series of ABC Radio interviews on 'The Law Report' on Radio National during January/February 1991. It covers 30 interviews which span a generation of lawyers, many of whom are retired and have experience and wisdom to pass on. The lawyers interviewed include: Roma Mitchell; John Starke; Mary Whitehouse; Tom Molomby; Hal Wootten and Reginald Withers.

Drug and Alcohol Review
Vol. 11, No. 3.
1992. ISSN 0959-5236. Published four times a year.
Drug and Alcohol Review is the official journal of the Australian Medical and Professional Society on Alcohol and Other Drugs. This issue includes articles on "The Adolescent Alcohol Involvement Scale: some findings with young offenders'"; Structure and Measurement of Dimensions of Risk for HIV transmission in injecting Drug Users".

Creating a Safer Community: Crime Prevention and Community Safety into the 21st Century
A picture of the current national crime situation in Australia, this booklet describes current law enforcement agencies involved in preventing and investigating crime and questions the role of the community in the criminal justice process. The possibility of a national crime prevention and community safety policy is debated.

The Australian Government Publishing Service
GPO Box 84
Canberra, ACT 2601

Australian Institute of Criminology

(Please note that Conference information is subject to change. Check conference details with the Conference Program at the address below)

1993
23-25 February
Crime and the Elderly, Adelaide

19-21 April
Criminal Justice Planning and Coordination, Canberra

1994
4-6 May
Migrants and the Criminal Justice System, Melbourne

15-18 June
Second National Conference on Violence, Canberra

6-8 July
Law, Medicine and Criminal Justice, Queensland

9-13 August
National Conference on Juvenile Detention, Darwin

1995
31 August-2 September
Environmental Crime, Hobart

19-21 October
The Way Out - Designing the Way: Education & Training for Offenders, Perth

23-25 November
Crime in the Workplace

The Australian Institute of Criminology is a co-sponsor of the 8th International Symposium on Victimology, Adelaide

The Conference Program of the Institute is always keen to hear from people interested in participating in, or speaking at, Institute Conferences. If you would like to be involved in any of the above events, kept informed of planning for them, or have any suggestions for Institute Conferences that would address issues of national importance in the criminal justice or related areas, please contact the:

Conference Program
The Australian Institute of Criminology
GPO Box 2944
Canberra ACT 2601
Tel. (06) 274 0223/0230
Fax: (06) 274 0225

Fourth Australasian Conference on Child Abuse and Neglect
Griffith University, Brisbane
11-15 July 1993
The aim of this conference is to develop a shared vision for the future by focusing attention on current practice and research in the area of child abuse and neglect. Further details may be obtained from:
Organisers Australia
PO Box 1237 Milton QLD 4064
Tel (07) 365 7866 Fax (07) 367 1471
Australasian Society of Victimology
Biennial Conference of the International Association of Crime Victim Compensation Boards
17-19 August 1994
Adelaide, Australia

World Society of Victimology in association with the Australasian Society of Victimology
8th International Symposium on Victimology
21-26 August 1994
Adelaide, Australia

For further information about presenting a paper at, or attending either conference, please contact:
Director
Conference Secretariat
GPO Box 2296
Adelaide SA 5001

Overseas
Alcohol and Drug Foundation
(co-organiser)
4th International Conference on the Reduction of Drug Related Harm
14-18 March 1993
Rotterdam, The Netherlands
Conference themes include: HIV/AIDS; ethnic minorities; international law; media; prostitution; legal drugs.

The Alcohol and Drug Foundation has negotiated a 25% discount on the registration fee for each delegate registering their name with the Foundation.

For a copy of the conference information booklet contact:
Alcohol and Drug Foundation
PO Box 529
South Melbourne Vic. 3205
Tel: (03) 690 6000

National Injury Prevention
2nd World Conference on Injury Control
Injury Control — What Works?
May 1993
Atlanta, USA
Within the framework of the theme "Injury Control — What Works?" five areas of injury control will be highlighted: Transport, Occupational, Home and Leisure, Intentional Injuries and Acute Care/Emergency Medical Services/Rehabilitation.

Calls for Abstracts for the 2nd World Conference are available through the National Injury Surveillance Unit, Adelaide—tel: (08) 374 0970.

International Society of Criminology
11th International Congress on Criminology
Socio-Political Change and Crime — a Challenge of the 21st Century
22-27 August 1993, Budapest, Hungary
Main panel sessions will include: 'Critics of Criminological Theories on the Basis of the Nowadays Knowledge on Dark Figures'; 'Social Transformation Macrostructural Considerations about Crime Development'; 'Issues in Feminist Criminology'; and 'Victimology: New Tendencies in Research and Victim Policy'.

Further information is available from: Intercongress Ltd
Dosza Gyorgy ut 84/a
H-1068 Budapest
Hungary
Tel: /36-1/ 1428-711, 1222-203
Fax: /36-1/1424-118

New collaborative centre in environmental law
Three of Australia's leading universities have joined forces to establish the Australian Centre for Environmental Law (ACEL), bringing together a body of expertise in a growing area of the law. ACEL is a cooperative venture of the Law Faculties of the University of Sydney, the Australian National University and the University of Adelaide, and will promote teaching and research in environmental law on a national basis.

In 1993 Sydney University will offer the degree of Master of Environmental Law. Ben Boer, Corrs Chambers Westgarth Professor of Environmental Law is the Director of ACEL-Sydney; Associate Professor Rob Fowler will head ACEL-Adelaide, and Mr Neil Gunningham, Professor of Law, Centre for Environment Law and Policy at ANU, will head ACEL-ANU.

Graduate courses for the policing profession
The Australian Graduate School of Police Management, established in April 1992 within the Australian Police Staff College at Manly, NSW, is offering the following courses: Graduate Certificate in Police Management - commencing February 1993, Graduate Diploma in Public Administration (Policing) - commencing in February 1994, and Master of Public Policy and Administration - commencing in February 1995. All courses will be offered by Distance Education and there will be no compulsory residential requirements. For further information contact: Mr Dale Mason/ Mrs Tracy Hofman
Australian Police Staff College
Tel: (02) 977 5800
Fax: (02) 977 2531
Changes to Victorian Bureau of Crime Statistics and Research

Due to severe budgetary pressures, it has not been possible to obtain separate funding for the Bureau for the remainder of this financial year. As an interim measure, the Bureau will be re-constituted as the Criminal Justice Statistics Planning Unit and staffed from within the Department of Justice. The present Board will continue to operate as a steering committee for the unit. These arrangements will be reviewed in May 1993. The Acting Director of the Planning Unit will be Stuart Ross.

New appointment for Institute Director

Dr Peter Grabosky, who has been Director of Research at the Australian Institute of Criminology since July 1992, has been seconded to the Compliance and Governability Program of the Division of Politics and Economics, Research School of Social Sciences, Australian National University. Dr Grabosky's appointment will be for two years.

At its November meeting, the Criminology Research Council approved the following applications for funding from the Criminology Research Fund.

- A Comparison of the Early Childhood Experiences of Convicted Child Molesters and Male Survivors of Sexual Abuse who are Not Offenders - Professor Freda Briggs, University of South Australia, Adelaide.
- An action-research of a pilot domestic violence community intervention project, Stage One: A case study. Associate Professor Denis Ladbrook, Curtin University of Technology, Perth.
- Statistical Models for Adult Offender Populations. Roderic Broadhurst and Associate Professor Ross Mailer, University of Western Australia.

At the same meeting the following reports on completed projects were tabled. All Criminology Research Council reports are lodged with the J.V. Barry Library of the Australian Institute of Criminology where they can be studied or borrowed through inter-library loan.

- "Pathological Gambling and Criminal Behaviour", N. McConaghy & A. Blaszczynski (CRC 1/87).
National Clearinghouse on Violence against Women

The National Committee on Violence against Women (NCVAW) has taken the first steps to establish a national clearinghouse on violence against women, and has appointed Ingrid Wilson who will focus on the establishment of a database. Ms Wilson will be based in the Violence Prevention Unit at the Australian Institute of Criminology, and will provide a specific 'violence against women' framework to enhance the existing work of the Unit.

The main foci of the NCVAW clearinghouse range from the needs of Aboriginal and Torres Strait Islander Women, rural and isolated women, women with disabilities, young and older women to workers with women who have experienced violence.

Those people who are currently engaged in research or community programs relating to violence against women are invited to contact Ms Wilson at:

The Australian Institute of Criminology
GPO Box 2944
Canberra ACT 2601
tel: 06 274 0246
fax: 06 274 0201
WHY TAKE THE GAMBLE!

H.I.V. AIDS
IT COULD BE A FATAL