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Violence in South Africa is deeply rooted in the apartheid system and the continued uncertainty which plagues the country despite the reforms announced by President de Klerk in February 1990. The role of the Commonwealth Observer Mission (COMSA) was (and still is) to provide practical assistance to arrest the ongoing violence which has emerged as the key impediment to negotiations between the various groups in South Africa. COMSA sought to place the violence in the broader context of the urgent need for a negotiated political settlement. In accordance with United Nations Resolution 772 of 17 August 1992, it was envisaged that the Commonwealth group would collaborate with the United Nations Observer Mission to South Africa and other international observers, and would coordinate closely with the National Peace Secretariat and other structures established under the National Peace Accord.

Due to the relatively small size of the COMSA group (twelve observers and six Secretariat staff), COMSA concentrated its activities on the two regions of South Africa worst affected by the violence: the Pretoria-Witwatersrand-Vaal (PWV) area and Natal.

**COMSA Activities**

COMSA met with and sought the views of a wide variety of political parties, organisations and interest groups, including State President F. W. de Klerk, African National Congress (ANC) leader Nelson Mandela and Pan-Africanist Congress (PAC) leader Clarence Makwetu. The mission attended and observed proceedings at political rallies and other public gatherings, and maintained regular contact with those working within the structures established under the National Peace Accord, providing expertise and, where appropriate, playing a facilitative role. The mission also attended several hostels and squatter camps, holding discussions with officials and community leaders on the socioeconomic causes of violence. The state of violence in South Africa and ways of bringing this violence to an end were discussed with a wide range of experts at the universities and the Human Sciences Research Council.

COMSA made contact with the South African Defence Force (SADF) and the South African Police (SAP), and responded to a huge demand for expert advice in the field of police/community relations through regular contact with senior officials, attendance and presentations at training seminars and contacts with the newly established Police Board.

Throughout this process COMSA liaised with the United Nations and other international observers, with a view to maximising the impact of the limited resources available in helping to arrest the violence.

**Perceptions**

COMSA feels that there are grounds for cautious optimism in South Africa in 1993, although there were many disturbing developments in the last quarter of 1992 (see Report of the Commonwealth Observer Mission 1993, p.7), and has gained the impression, through its many contacts, that a consensus is slowly emerging on an agenda for progress. This includes:

- the resumption of multi-party negotiations, hopefully by March 1993;
- the setting up of a Transitional Executive Council (TEC) that would allow all parties contesting the election to have a say in the running of key institutions of government in the run-up to the election;
- preparations for the election, including voter-registration and the appointment of an independent Electoral Commission;
- the holding of South Africa's first one-person, one-vote election (although the timing of this has not yet been agreed);
- this election for a Constituent Assembly to draw up a new constitution while also serving as the legislature. It will then be decided whether another election is held for the first post-apartheid parliament, or whether the Constituent Assembly is to draw up a new constitution while also serving as the legislature.

**Duncan Chappell**

**Violence in South Africa**

Professor Duncan Chappell, Director of the Australian Institute of Criminology, has recently returned to South Africa, as Chairperson of the Commonwealth Observer Mission to South Africa. From October 1992 until February 1993 he was Co-Chairperson of this Mission. Other members of the Mission included Mr Justice Austin Amissah (Co-Chairperson), former Attorney-General and Justice of Appeal, Ghana; and representatives from Zimbabwe, Canada, New Zealand, Great Britain, Malaysia, the Bahamas, India, Nigeria, and Botswana.

During this period Professor Chappell gained a rare insight into the problems facing South Africa as it moves towards its first democratically elected government. The following is an abbreviated version of the Report of the Commonwealth Observer Mission to South Africa, Phase 1: October 1992-January 1993, *Violence in South Africa*. A copy of the full report is held in the J.V. Barry Library at the Australian Institute of Criminology.

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2 *Criminology Australia, April/May 1993*
Assembly will simply become the new parliament.

The issue likely to become most contentious once this process is under way is that of the extent of devolution of power to the regions. A major concern in some of these regions is the continued existence of legislation adopted during the apartheid era which prohibits free political activity. COMSA is of the view that the South African Government, which heavily subsidises the administrations of these territories, bears the primary responsibility for ensuring free and fair political activity. COMSA urges that every effort be made to involve all players in the process in order to achieve a successful outcome. Furthermore, negotiations must take place in spite of the violence—any delay may result in the moderates losing the initiative to the forces of political extremism waiting to seize such an opportunity.

Causes of Violence

Through its contact with a wide variety of groups in various settings it became evident to COMSA that the causes of violence in South Africa are complex and multi-faceted. At the risk of being superficial only very brief views are presented here:

South Africa has a long history of violence and much of the present conflict must be viewed within this historical context, including the legacy of the apartheid system.

Violence in South Africa is supported by a deeply-rooted culture—both white and black—which uses it to resolve conflicts in the family and between and across different groups in society.

Its causes, other than in the family conflict resolution area, are largely structural, and are to be found in particular in the gross imbalances in the distribution of wealth in South African society. Violence is likely to be most extreme in societies where the gap between rich and poor is great. That violence is also likely to be inflamed when rising expectations of a redistribution of wealth are not seen to be met.

The problem of crime committed by youth and youth gangs is becoming especially acute. With unemployment rates reaching 90 per cent or higher among black youths, the temptation to turn to crime as a means of survival or gaining self-respect becomes intense.

The easy access to high-powered firearms provides the ammunition for and raises the tempo of violence.

The present criminal justice system fails to protect members of society against criminal activities, especially violent crime, and so exacerbates the problem. The SAP, prosecution, court and correctional agencies remain irrevocably tainted by apartheid. Informal justice systems, including people’s courts, are widely utilised in many black communities across South Africa in preference to the formal justice system.

Organised criminal activity is growing in areas like drugs, gambling, prostitution and weapon procurement. Some of the taxi wars also show signs of organised crime.

Political rivalry and, of late, electioneering, have fed on the underlying discontent, breeding an atmosphere of intolerance and one to which violence is seen as a legitimate way of resolving problems.

State-sponsored violence remains a very significant and serious component of the problem. Allegations of a ‘Third Force’ operating as a destabilising element are supported by the recent revelations of the Goldstone Commission that the SADF’s Military Intelligence continued to wage a ‘dirty tricks’ campaign against the ANC long after the Convention for a Democratic South Africa began.

For the foreseeable future, crime in general, and violent crime in particular, will be a major problem in South African society. The rate of crime has escalated dramatically since the reforms announced by President de Klerk in February 1990. Most crime in black communities remains unreported. Thus crime statistics based on police reports are largely meaningless.

Mr Justice Richard Goldstone, a Judge of the Appellate Division of the Supreme Court of South Africa, chairs the Commission of Inquiry regarding the Prevention of Public Violence and Intimidation.
Many South African groups and individuals, including the Human Rights Commission, believe that the presence of international observers, may well have contributed to a reduction of violence in the country. However, many acute problems remain.

**Main Areas of Violence**

Violence touches the daily lives of South Africans in many different ways, and the extent of violence in South Africa is only examined briefly in this summary (see further Chapter 3, Report of the Commonwealth Observer Mission 1993, pp. 12-23).

**Racially inspired killings** continue to be a major problem, particularly in the Eastern Cape Region, and a contributing factor concerns the availability of weapons, despite government support for the prohibition of dangerous weapons at all public occasions. COMSA believes that there is an urgent need for a comprehensive policy to address the issue of access to illegal weapons which will otherwise be a destabilising influence well into the future.

The issue of senseless violence on **commuter trains** has become so serious, that COMSA initiated the introduction of a Train Accord, which comprised members of the ANC, COSATU (Congress of South African Trade Unions), South African Communist Party (SACP) and Civic Association. Train Accord meetings were attended by COMSA and the SAP. Encouraging steps are now being taken by the South African Rail Commuter Corporation to secure trains physically by introducing a video surveillance system. COMSA endorsed the proposal of the Goldstein Commission for a national strategy to deal with the problem in a proactive way.

**Violence in Natal** has increased in recent years and the devastating effects of the violence are obvious. Many buildings have been destroyed, power lines pulled down and some churches closed. Public transport off the main roads was severely disrupted. COMSA identified the following factors which needed to be examined and remedial measures taken:

- the clash between traditional authority, fearful and uncertain of its future role, and opposing groups demanding change;
- intolerance and rivalry between political parties, that is, the ANC and the Inkatha Freedom Party (IFP), which are aimed at establishing territorial control;
- the easy availability of firearms including hand grenades;
- the question of the so-called 'cultural weapons' (spears, shields, knobkerries, sticks), which remains confusing and uncertain in law;
- from the backlog of serious cases pending investigation and their performance in the past, it is clear that the investigative capacity of the police, both the SAP and KZP (KwaZulu Police), requires a great deal of improvement;
- in order to create an atmosphere of peace it is important that all practices and policies which cause friction and irritation between parties be removed.
National Peace Accord

The National Peace Accord, signed by a broad spectrum of political parties and other interest groups on 14 September 1991, is one of the few truly consensual documents to have emerged in South Africa over the past two years. COMSA is proud to have been associated with the Accord, and is firmly of the view that without it, the levels of violence in South Africa would have been considerably higher.

COMSA felt that some areas of the Accord could be strengthened, however, and some of the initiatives which COMSA undertook are mentioned here.

The National Peace Committee is at the apex of the National Peace Accord structure and chaired by a South African businessman, John Hall. In light of the growing public disillusionment over the lack of commitment by politicians to the Peace Accord, COMSA strongly endorses the call by the National Peace Committee for a summit of leaders of all signatories to the Accord at the earliest possible date, thereby encouraging the resumption of multiparty constitutional negotiations.

The National Peace Secretariat (NPS) sees to the day-to-day functioning of the Accord. COMSA held regular meetings with the NPS and other international observer groups to coordinate activities and to exchange ideas.

At the time of COMSA's arrival, the general perception was that Natal was sliding towards an 'all-out civil war', and that the violence was reaching a peak. The COMSA team based in Durban therefore concentrated its efforts on helping to form peace committees and to strengthen them where they already existed. For example, at the request of the Amanzimtoti Crisis Centre, a non-government organisation catering for the needs of victims of violence, and in consultation with the political parties and the amakhosi, COMSA was successful in helping to establish a Local Dispute Resolution Committee (LDRC) in the Umbumbulu district. This achievement was described by the New Nation newspaper as an 'unsurpassed feat in the strife-torn Natal Upper South Coast'.

Another community assisted by COMSA was in the Port Shepstone area. Violence in KwaNdwalane and KwaMavundla in the Ensimbini Valley of the Port Shepstone area had been endemic since the beginning of 1990, resulting in the flight of many refugees. When the COMSA team first announced to a full meeting of the Port Shepstone LDRC that Inkosi Ndwalane wanted Commonwealth assistance to bring peace back to his locality, hardly anyone would believe this. However, a peace rally was held where the Inkosi and representatives of the ANC and the refugees made public their pledges. As part of the agreement, a Resettlement and Development Committee was formed to supervise the orderly return and resettlement of the refugees, and to promote the long-term socioeconomic development of the area. In the other locality, KwaMavundla, COMSA broadly followed the same strategy, with the result that 350-400 refugees finally returned to their homes in the Ensimbini Valley after a three-year absence. This COMSA initiative was described by the South Coast Herald, as a 'major breakthrough' which brought 'new hope to the people of KwaZulu and southern Natal'. At the height of the troubles in the Port Shepstone area, the monthly death rate due to the violence averaged between 25 and 40. Since the beginning of December 1992, there have only been two confirmed fatalities.

In the Pretoria/Witwatersrand area COMSA attended meetings and seminars, feeding back discreet advice to the Wits/Vaal and Northern Transvaal Regional Dispute Resolution Committees (RDRCs), and their associated LDRCs. In addition, COMSA's policing and diplomatic skills were frequently called on to avert what would otherwise have been sure incidents of violence. COMSA also frequently interacted with the Interim Crisis Committee of Alexandra, where there were enormous problems of violence, and there are now visible signs of progress under the Peace Accord.

Efforts were also made by COMSA to resuscitate the Peace Accord in the Border/Ciskei area and supported the work of the National Peace Secretariat in trying to bring this about. An underlying cause of the conflict in this area is the lack of free political activity in Ciskei. This is closely linked to the broader issue of the reintegration of the 'homelands' into a new South Africa which is crucial to any lasting solution to the current problems afflicting the region. At this stage Ciskei has rejected the compromise formula put forward by the NPS, and COMSA strongly urges the Ciskei to reconsider this position.

Another key structure provided for in the National Peace Accord is the Commission of Inquiry regarding the Prevention of Public Violence and Intimidation. Known as the Goldstone Commission this body has gained a reputation for its impartiality and independence. The Commission's role is to 'be used as an instrument; to
investigate and expose the background and reasons for violence, thereby reducing the incidence of violence and intimidation. The Commission has held a substantial number of inquiries and has launched investigations into many sensitive and controversial issues. COMSA observed Commission hearings and followed the public aspects of the Commission's investigatory work, and as a result of these observations and interactions, believes that the Goldstone Commission represents one of the linchpins of the National Peace Accord and is deserving of the fullest support. COMSA fully supports the recent shift in focus of the Peace Accord structures from dispute resolution to socioeconomic reconstruction, encapsulated in the proposed name change of the Regional Dispute Resolution Committees and Local Dispute Resolution Committees to local and regional Peace and Development Committees.

However, despite these positive signs, there are some weaknesses in the National Peace Accord; for example the extent and nature of participation is limited. Not all parties and interest groups are signatories, and there are very few black leaders of the structures under the Accord. COMSA believes that a conscious effort needs to be made to make the leadership of the structures more racially balanced. Also there needs to be greater political commitment by those who are signatories to the Accord, as well as court proceedings for dealing with breaches of its provisions. More publicity needs to be given to make the Peace Accord structures better known to the community it serves. Furthermore, key sections of the Accord have yet to be implemented. For example, despite provisions for the appointment of Justices of the Peace to promote peace at the grassroots level, and to assist dispute resolution committees in their activities, none have yet been appointed.

Administration of Justice
COMSA observed at first hand the disarray in the criminal justice system in South Africa. Based on extensive sources of information, and on their comprehensive background reading of official reports and documentation on aspects of criminal justice in South Africa, COMSA formed the following views:

The criminal justice system, already discredited by decades of association with the structures of apartheid has now lost the confidence and respect of most South Africans. In the nation's towns, the formal justice system is often ignored in favour of an informal system administered by members of the local community. The informal system has sometimes been arbitrary and brutal, although in some communities, such as in the Western Cape Province, for example, a more organised and fair, but still informal, justice system has been developed.

As a result of the public mistrust of the criminal justice system, few crimes are reported to the police, fewer still are detected, and an even smaller number are prosecuted successfully.

Bail, sometimes on small sureties or bonds, is often granted to persons charged with murder or very serious crimes, thereby conveying the message that the courts are not interested in the protection of human life or limb.

The courts are seen by the public as elitist and ill-equipped to dispose quickly of the volume of criminal cases which come before them. Despite the reluctance to report crime, there is an estimated backlog of 20,000 persons in custody awaiting trial. Prisons are extremely overcrowded, resulting in a decision to release 7,500 convicted criminals this year in order to relieve the pressure.

South African courts have been able to dispense capital punishment for murder and like crimes, as well as corporal punishment, although there is an at present (and COMSA hopes will continue to be) a moratorium on executions. COMSA also believes that corporal punishment should have no place in the new South Africa.

COMSA noticed that the level of sentences sometimes provided for after conviction tends to convey the impression that violent crime is treated with less gravity than minor property offences.

Legislation came into operation in October 1992 to permit the courts to identify particular cases involving politically motivated violence so that they can be handled expeditiously. Its effect and impact on the processing of criminal cases have yet to be determined.

Defendants often lack the benefit of legal representation. However, a pilot public defender scheme has now been initiated in Johannesburg which may well become a model for a national program of legal aid.

Redressing the racial and gender balance of South African courts, and of the legal profession at large, will be just one of the challenging and time-consuming tasks which must be confronted by those committed to the process of democratic reform.

COMSA met with the Director-General and other senior members of the Department of Justice to exchange views about the justice system, and as a result, COMSA hopes to hold a series of discussions with judicial officers, and others involved in the administration of justice during the next phase of its mission. COMSA also intends to observe courts at work and to visit a number of correctional institutions. From such discussions and observations may well flow proposals for ways in which practical advice and assistance can be provided by Commonwealth countries to those engaged in the daunting process of reform.

Policing in South Africa
The South African Police (SAP) force is, for the size of the nation it serves, a relatively small force of some 85,000 police personnel, plus 11,000 police assistants. This force performs all police duties, including the investigation of crime and the enforcement of law and order.

For the purpose of crowd control the SAP is supported by the Internal
Stability Unit and South African Defence Force (SADF). Homelands police forces such as the KwaZulu Police (KZP) are also involved in control of violence. In addition, the ANC, PAC and AWB have military wings purportedly engaged in protecting their communities, and armed private security agencies work in white middle-class areas.

COMSA teams made contact with the appropriate police authorities immediately after arrival in both the Johannesburg and Durban areas and were made most welcome. The group endeavoured to give technical assistance where requested, and to offer what advice and support it could to those officers most concerned with reform of police structures, and armed private security agencies work in white middle-class areas.

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Morale in the police force is low. The SAP operates in a violent environment and many policemen have been killed. It is the general view of COMSA that South Africa is under-policed. In Natal in particular the police were found to be under heavy pressure. However, the SAP in Natal, while commended in several quarters—particularly when contrasted with the KZP—has also come under criticism for its behaviour.

The vast majority of black South Africans have little confidence in the police. COMSA observers were often told by members of the black community, notably the refugees, that they would never report any criminal incident to the police. If they did, they believed they would not get justice but merely become involved in a police exercise which could expose them to reprisals. Black South Africans fail to understand how a police force once so efficient in maintaining apartheid laws now appears so helpless in securing convictions in cases involving blacks.

The police, after years of enforcing unpopular laws, have found it difficult to accept that the enforcement of the law is secondary to public peace and well-being. The absence of a tradition of community-oriented policing and policing by consent poses a considerable challenge to those seeking to reform the present arrangements.

The first step, the creation of a Community Relations Department on 1 December 1992 is to be commended, and during its term in South Africa COMSA members addressed several courses on community-police relations. However, community relations must be seen as central to the duty of all officers, not just those being trained as Community Relations Officers. The concept of community-oriented policing has to permeate the entire police organisation.

The public needs to be involved in the police decision-making process. At present the police frequently present their communities with final decisions leaving no opportunity for comment or discussion. However, it is encouraging that COMSA members in Durban observed a quite well-developed community-based policing program in several communities.

Another area of concern is the tendency for the police to rely on confessions as the primary source of evidence for prosecution. The lack of trust in police handling of prosecutions and the widespread belief that persons arrested are ill-treated has led to the refusal of sections of the public to be party to the prosecution of offenders. The SAP has also been frequently criticised for the apparent inability of its officers to communicate with the public. In addition, the militarist appearance and approach of the police at political events only exacerbates tensions. The treatment of prisoners has also been an issue. To ensure that regulations concerning the correct treatment of prisoners are properly applied, a system of magisterial visits by recently retired magistrates to police stations has been introduced. However, this reform may not be regarded as sufficiently independent, and COMSA observers have discussed with senior Community Relations Officers the concept of lay visits by members of local communities to police stations. This approach has been successful in Britain and elsewhere, and is a straightforward solution to a serious question of public mistrust, and one that is not resource-intensive.
Juvenile Justice
Quentin Beresford*

Police Practices and Juvenile Crime: The case of Western Australia

Since the mid-1980s, the juvenile justice system in Western Australia has been modelled on a 'justice' approach; that is, the overwhelming majority of young offenders have been dealt with by the due processes of the Children's Court and Children's Panel.

Western Australia was among the last of the states to adopt diversionary schemes such as police cautioning (1990) even though it had been acknowledged for some years that 'involvement in the juvenile justice system can serve to perpetuate offending rather than reduce it' (Seymor 1979, p. 1). While such diversionary schemes are beginning to reduce the number of juveniles who appear before the Court and Panel, little attention has been paid to the role and impact that police practices play in increasing the likelihood of young people's involvement in the justice system.

Recent official reports have been extremely critical of the poor state of police-youth relations in Western Australia. The 1992 Parliamentary Select Committee on Youth Affairs expressed 'concern about the state of police youth relations in some parts of the state'. The Legislative Council Standing Committee on Legislation, reporting on the state Government's controversial Crime (Serious and Repeat Offenders) Sentencing Act 1992, noted the 'deteriorating relationships between some police and young people' (Standing Committee on Legislation 1992, p. 24). The 1993 Ministerial Task Force into Police Youth

Conclusion
Progress towards a political settlement, which it is hoped, would also bring with it fundamental socio-economic reforms, is crucial to providing a long-term solution to the problem of violence in South Africa. A government which is accepted by all peoples of South Africa, would be in a better position to deal effectively with the violence than a government which is not.

This report has outlined some of the progress which is being made towards a less violent and more democratic South Africa, as well as highlighting areas of continuing concern in the way ahead. COMSA recommends that an international presence of some form be maintained in South Africa up to and including the first democratic elections. As time goes on, and greater confidence is built between the observers and the people they are serving, it is hoped that observers are able to play a more proactive role, while maintaining the neutrality crucial to their efforts.

Currently Lecturer, Government Studies, Edith Cowan University, Dr Beresford was a senior policy officer in the Western Australia Department of Community Development who, for two years, was seconded to work on the Parliamentary Select Committee on Youth Affairs as its Research/Executive Officer. As a result of this Committee work, this is, this is the first of three which will appear in Criminology Australia over the next few issues. The second will look at repeat offenders and the final article will be on Western Australia's controversial Serious and Repeat Offenders Act.
Relations was more blunt in its assessment: relationships, it said, were 'simply, not good' (West Australian, 1 February 1993).

This article examines some of the background causes of the poor state of police-youth relations and the impact which this can have on young people's involvement in the juvenile justice system. An examination of this issue has some important limitations. Information on police practices, and their impact, is not always obtainable from empirical data; the actions of police officers are rarely open to public scrutiny and official documentation is limited. However, qualitative data is available from the official reports mentioned above, and this information is invaluable in better understanding the inter-relationships between young people and police and some of the forces at work in determining these relationships.

The Impact of Police Practices

Police are the first point of contact juveniles have with the justice system. In their interactions with young people, police have a large measure of discretionary power, argued to be greater than that exercised over adults (Stephen & Polk 1989, p. 43). Decisions such as which groups of young people are targeted for police activity, the degree and frequency with which contact is made, and the number and types of charges which are laid all have an important bearing on the degree of involvement and the outcomes for juveniles brought before the justice system.

The Select Committee on Youth Affairs noted that, in situations where police adopt a community policing model, positive relations with young people are likely to be established (Select Committee on Youth Affairs 1992b, p. 28). In fact, there are isolated examples of community policing contributing to a decline in local crime rates committed by juveniles (State Government Advisory Committee on Young Offenders 1991, pp. 2-4).

However, a style of policing characterised by an excessive emphasis on a law enforcement approach and/or one which pays little attention to the basic rights of young people has been entrenched in sections of the police force in Western Australia. The coordinator of the Youth Legal Service explained in evidence to the Select Committee:

If you have a police sergeant who does not really care about what the Standing Orders say, you will find his officers follow suit.

This pattern of excessive law enforcement has been characterised by:

- over-policing or harassment of some groups of juveniles;
- an over-emphasis on the use of arrest rather than summons; and
- involvement in reactive policing of socio-economically disadvantaged youth.

Harassment of Juveniles

Available figures show that young people in Western Australia are more than twice as likely to come into contact with the police than are juveniles in other states: 94.6 official contacts per 1,000 juveniles are made in Western Australia, as opposed to a national average of 38.8 (Select Committee on Youth Affairs 1992b, p. 29).

In part, the high rate of police-youth contact in Western Australia can be explained by the correspondingly high ratio of police to citizens; the highest such ratio in Australia. While young people are, therefore, more likely to come into contact with the police, the degree of frequency is also explained by a pattern of over-policing which impacts on some groups of young people as harassment.

A Youth Worker giving evidence to the Legislative Council Standing Committee on Legislation Crime (Serious and Repeat Offenders) Sentencing Act 1992 outlined common complaints young people have identified about police in Western Australia:

They state that the number of assaults by police officers on young people is overwhelming; verbal abuse by police officers is prolific; harassment by officers, which includes provocative attitudes, detention without arrest, failure to notify parents or guardians on arrest, failure to adhere to routine orders when dealing with youth, the compounding of minor charges, and a preponderance to charge young people without cautioning; young people who are known offenders are more likely to be harassed, little acknowledgment of complaints by senior police (Standing Committee on Legislation 1992, p. 26).

In 1991, police practices in relation to juveniles was severely criticised by Human Rights and Equal Opportunity Commissioner, Mr Brian Burdekin. He produced a minute, signed by the Deputy Commissioner of Police, outlining a directive to police 'to harass potential offenders' (West Australian, 7 March 1992). It was claimed that a meeting of an elite group of police officers was involved in coordinating patrols under the banner of the 'special anti-hooligan patrol' in a bid to curb juvenile crime. Mr Burdekin later submitted this information in evidence to the Legislative Council's Standing Committee on Legislation:

I find it impossible to understand how you identify a potential offender. They don't wear a sign around their neck saying 'I'm going to break the law in the next 24-hours' (West Australian, 6 March 1992).

Theorists, especially in the USA, have attempted to explain the tendency among police forces to stereotype certain groups who are then subject to aggressive forms of policing. One current school of thought is that police are likely to stereotype 'violent' groups on the basis that their disorderly behaviour cannot be safely predicted.

These groups are not only more likely to offer violence to police, they are also more likely to deny police their status as holders of authority. Youth, and especially 'troublesome' youth, are perceived by police to be among the list of typically defiant groups because they are seen to be relatively fearless and show an inability to share the
same sense of consequences of their actions as do adults (Stephen & Polk 1989, p. 49).

The tendency of the Western Australian police force to engage in such stereotyping is manifest in the way police exercise several of their discretionary powers, including the frequent use of name checking. Police in Western Australia retain unrestricted powers to name check citizens wherever, as in other states, there must be grounds of suspicion before a police officer is lawfully able to ask for a name and address.

In Western Australia, name checking has been widely used as a form of control on young people’s movements, especially those congregating in the inner city, around commercial premises, and those who are Aboriginal.

The experience of continual name checking can incite young people into conflict with the police. Such incidents have been brought to the attention of the Youth Legal Service whose coordinator explained to the Parliamentary Select Committee the manner in which an otherwise uneventful incident can easily escalate into the arrest of a young person. In Perth city centre, or around the inner city, young people are frequently approached by police for a name check:

If that happens to the same young person by the same police officers two, three or five times in the space of a couple of hours — which is quite a common occurrence — by the end of that time the young person will lose his temper and refuse to give his name.

From this point, the potential consequences can escalate rapidly; the young person starts swearing at the police officers and is then usually charged with disorderly conduct. If the young person pulls an arm away from the police officer or makes bodily contact with one of the police officers, he or she may face more serious charges of resisting arrest or assault. Evidence presented to the Parliamentary Select Committee indicated that this sequence of events has been ‘very common’ (Select Committee on Youth Affairs 1992b, pp. 29–30).

Concern was also expressed to the Select Committee about the disproportionate number of name checks being made on Aboriginal youth. The Committee was told that Aboriginal youth are frequently name checked for nothing other than standing on the street and that this situation has become problematic in the eyes of the Aboriginal community, who regard it as an insidious way of keeping Aboriginal youth under control. Some Aboriginal youth have taken to retaining on their persons dockets for the purchase of electrical equipment and gym shoes as a safeguard against unwanted police questioning and name checks.

Physical Harassment

Harassment of juveniles extends to physical harm, according to evidence presented to the Select Committee on Youth Affairs and the Standing Committee on Legislation. However, such claims have been especially difficult to verify. Until the decision was taken to appoint an independent police complaints tribunal in mid-1992, juveniles were rarely prepared to make a verbal complaint at a police station because of the intimidatory environment. Moreover, written complaints require levels of literacy which are frequently beyond the capacity of young people and/or their parents.

Notwithstanding these difficulties, there is a widespread perception among youth workers of entrenched police brutality towards some young people; socio-economically disadvantaged youth, repeat offenders, and Aboriginal youth being the most frequently targeted for physical intimidation. The following comments from a worker with marginalised youth in evidence to the Select Committee is typical of the concern expressed. The youth worker’s evidence gives insight into the ways in which young people can be treated in police custody and the psychological impact of this treatment:

There are some facts you cannot deny. If you see a young person who is physically whole being taken by the police and come back with bruises, you know what has happened. They may make allegations, but there are also definite realities. I see those realities all the time. I have to look at the bruises. I have also sat down with those kids and counselled them because they have been embarrassed by what the police have done to them. That is very common . . . . Kids have to be searched and the police have very embarrassing ways of making that a painful experience for the young person. The impact of that on many young people who have low self-esteem and little confidence in their body images is dramatic (Select Committee on Youth Affairs 1992c).

The issue of the physical harassment of young people became an open public issue in late-1992 with the widespread publicity given to a police video of a 17-year-old Fremantle youth suffering a broken jaw inflicted on him while in police custody. Among the disturbing features of this incident, captured on a video camera installed in the lockup, are that:

- the youth was brought in for questioning without having committed an actual offence;
- he was denied a telephone call to his parents;
- no independent witness was present for his questioning; and
- the video record of the incident showed that none of the officers present expressed surprise or concern at the bashing, heightening suggestion that such incidents are not uncommon.

The 1993 Ministerial Task Force acknowledged the problem of physical harassment and explained its incidence in terms of the uncertainty with which inexperienced police officers deal with juveniles. There is a tendency among such officers to ‘mask their apprehension behind aggression’.

The effect of such an explanation is to minimise the existence of an entrenched culture of physical harassment towards some groups of juveniles in the police force, and there is no independent means to confirm or challenge such an assessment. Nevertheless, the physical intimidation of some groups of young people is an important cause of their hostility towards authority. Such hostility perpetuates the marginalisation of youth ‘at risk’ of offending. The Standing Committee on Legislation
noted that:

There is an anticipation by certain juveniles in their confrontation with police of harassment and abuse. This by necessity leads to an aggressive belligerent attitude which provides the police with an excuse to intervene (Standing Committee on Legislation 1992, p. 27).

Arrest versus Summons

Risk of involvement in the juvenile justice system is also heightened by the propensity of the Western Australian Police Force to arrest juveniles rather than summons them.

In 1987, a joint Report to the Commissioner of Police and the Director General of the Department for Community Services noted that, of juveniles coming before the Children's Court, 74 per cent had been arrested and only 24 per cent summoned. The Report highlighted that the use of arrest has far-reaching implications in that it automatically locks a young person into a system which demands bail, and only 24 per cent were sentenced. The process, the Report noted, can have a significant bearing on the young person's subsequent offending patterns. It is widely agreed that the heavier or harsher a young person's entry into the juvenile justice system, the more likely he or she is to continue offending. Experiences of this sort can result in destructive self-labelling with children viewing themselves as 'serious' criminals and behaving accordingly. Moreover, placing a child with minimal offending history in custody with those whose offending behaviour is more entrenched exposes that child to destructive peer influences.

The high rates of remand also weaken the deterrent effect of detention, whatever that may be. A study conducted in the late-1980s by the Department for Community Services revealed that one-quarter of the boys in Years 9 and 10 and a high school in a low socioeconomic area of Perth had had the experience of being detained in remand. Commenting on the implications of this study to the Parliamentary Select Committee on Youth Affairs, the then Director for Community Services commented:

It may have been only for six hours or so, but when up to 20 per cent... of kids in a particular area have been there [remand], the bravado is enormous and the fear of the unknown is gone. The kids will say that it is nothing and no problem at all (Select Committee on Youth Affairs 1992b, p. 48).

The 1987 Report included data showing that only 12 to 15 per cent of youth detained in maximum security remand actually received maximum security recommendations post-court. Thus, 75 per cent of those remanded received community-based dispositions 'which indicates that their offending behaviour did not pose a significant threat to the community'. The over-reliance on remand remains substantially unchanged. Figures for 1990–91 show that, of the 2,354 admissions to the remand centre in Perth, 68 per cent were arrested awaiting a court appearance, with only 13 per cent remanded in custody by the court. Of the total number of admissions, only 20 per cent were sentenced by the court to a detention centre.

Reactive Policing of Socially-Disadvantaged Youth

Criminological theory highlights that the policing of juveniles is frequently shaped by a class dimension; that is, police define deviance and concentrate resources in ways that focus on working-class youth (Stephen & Polk 1989, p. 45). In Western Australia, this class focus has an added racial dimension with widespread police targeting of Aboriginal youth.

There is no clearer manifestation of this class/racial focus of the policing of juveniles in Western Australia than the practice of high speed pursuits. The over-reliance on remand remains substantially unchanged. Figures for 1990–91 show that, of the 2,354 admissions to the remand centre in Perth, 68 per cent were arrested awaiting a court appearance, with only 13 per cent remanded in custody by the court. Of the total number of admissions, only 20 per cent were sentenced by the court to a detention centre.

Through the early 1990s, high speed pursuits became a major weapon in the policing of juvenile car thieves, which led to at least ten tragic deaths on the roads. A Department for Community Services (since restruct-

ured to become the Department for Community Development) report into recidivist car thieves noted that these young people, and their families, are among the most socially-impoverished in the community; there is a high correlation between poverty, dysfunctional family life, school failure and the client group (Department for Community Services 1991).

The policy and practice of high speed chases was reviewed in 1990 by consultants from Macquarie University. The Report was extremely critical of the high incidence of chases:

- high speed pursuits were found to be very common in Perth, with around 700 per year;
- on a per capita basis, there were more pursuits in Perth than in Adelaide or Sydney;
- police attained higher speeds in Perth than in Sydney or Adelaide;
- Aboriginal youth are vastly over-represented among the juveniles involved; and
- no reliable way was found to determine the general deterrent effect of high speed pursuits. The belief among police that there would be an epidemic of car theft and crime may or may not be well-founded (Homel 1990, pp. 2–6).

The interaction of police in high speed chases and socioeconomically disadvantaged youth can create a cycle of deteriorating relationships in which some offenders, at least, engage in deliberate provocation against the police; acts for which they are held in high esteem by their peer group.

Occasional glimpses into the depth, if not the extent, of this problem emerges from the reports of cases before the Children's Court. In November 1992, for example, a 16-year-old Aboriginal youth was charged with trying to kill six policemen by ramming their cars during a high speed car chase. It was claimed that the youth had wanted to kill the police in revenge for a friend's death during a high speed chase. The youth's lawyer attacked police attitudes towards young Aboriginal people, saying the youth's hostility came from unfair treatment: 'It
is time the police acknowledge that relations between them and these youth have deteriorated to the point of open warfare" (West Australian, 14 November 1992).

Police practices in dealing with Aboriginal youth have been criticised in several recent reports including those undertaken by the Western Australian Equal Opportunity Commission and the Human Rights and Equal Opportunity Commission. An inquiry by the former body found that police are perceived by Aboriginal groups to target Aboriginal youth and to treat them with less regard for their human rights than is shown to other groups.

This targeting is an important cause of the over-representation of Aboriginal youth in the juvenile justice system. There are serious issues of human rights and social equity involved in the manner in which Aboriginal youth are dealt with in all stages of this system.

For example, Aboriginal youth charged with offences are less likely than non-Aboriginal youth to be diverted from the Children's Court system. They are more likely to be charged with offences against good order, including street and park drinking, offensive language and behaviour and "justices procedures", including breaches of orders such as probation. These are relatively minor offences and are generally dealt with more leniently. In addition, Aboriginal youth are more likely to have a greater number of charges laid per person than are non-Aboriginal youth. In the East Country region of the state, taking in the Murchison and Goldfields, Aboriginal juveniles averaged 4.5 charges each and the non-Aboriginal juveniles averaged about 2.4 charges in the first six months of 1990 (Wilke 1991, pp. 55–78).

Police have a large measure of discretion in each of the above instances, and the fact that in a large number of cases that discretion appears to be applied to the detriment of young Aboriginal offenders has a bearing on the Court outcomes for these young people, and especially the traditionally high rate of incarceration.

**Policy Responses**

It is not difficult to arrive at the conclusion that substantial changes are required in the policing of juveniles to ensure that an adequate balance is struck between the rights of young people and the need to protect the broader community interest.

Before training in youth issues was stepped up in 1992, police in Western Australia received little or no specific training in dealing with youth. Recent developments in training police recruits have included sessions in adolescent development, the types of youth behaviour and youth homelessness.

However, inadequacies in police training remain. There is no provision to train police in diversionary procedures apart from cautioning, according to the Ministerial Task Force on Police-Youth Relations (West Australian, 1 February 1992). There is also a need to expand those parts of training which challenge and influence police attitudes through role playing and conflict resolution (Select Committee on Youth Affairs 1992b, p. 36).

Even with improved training, police cannot effectively deal with juveniles and young offenders unless there is effective inter-agency cooperation to ensure that justice and welfare issues are separated and dealt with accordingly. The beginnings of such cooperation have been established in Perth, through the establishment of an out-of-hours referral service, for use by the police in those instances where a young person comes to their attention for health and/or welfare issues.

The Select Committee on Youth Affairs called for an expansion of inter-agency cooperation in dealing with young offenders. The Committee noted that inter-agency practitioner teams, operating through the Juvenile Aid Bureau, had been recognised as a successful model for diverting young offenders from the formal Court system in parts of England (Select Committee on Youth Affairs 1992a; 1992b, p. 40).

Allowing police to operate in such a cooperative fashion necessitates that adequate services are in place to back them up. Services to marginalised young offenders in the form of specialised accommodation, psychiatric services, and educational and training services have not been adequately resourced over recent years (Select Committee on Youth Affairs 1992a).

The lack of psychiatric services for young offenders is of particular concern and occupied the attention of a recent Ministerial Task Force reviewing child and adolescent health services in Western Australia. The Task Force established that within institutional settings, a significant proportion of young offenders are known to have mental health and/or problems of substance abuse. Of those in remand:

- 25 per cent exhibited depressive disorders;
- 21 per cent had made a previous suicide attempt; and
- 80 per cent were regular illicit drug users.

The Task Force noted that there was limited services for young offenders in custody. Those in the community fared even worse, particularly as some services have restrictive eligibility criteria which exclude many young offenders (Ministerial Task Force to Review Child and Adolescent Psychiatric Services in Western Australia 1992, pp. 61–2). Therefore, inter-agency cooperation, involving police, will only be effective if services addressing these needs are accessible.

In addition to improved services, there are issues pertaining to the manner in which police carry out their job that require legislative attention. Police discretionary powers in relation to juveniles need to be clarified. Legislation, according to the Select Committee on Youth Affairs, is needed to clarify young people's rights in relation to frequent name checks, the use of arrest, the process for obtaining bail, release from bail and the need for an independent witness to be present during questioning (Select Committee on Youth Affairs 1992, Final Report, p. 60).

**Conclusion**

The policing of juveniles in Western Australia is cause for serious concern. Not only does the weight of evidence suggest that the rights of a number of young people are being systematically violated, but also the practices followed by the police are likely to be
exacerbating the involvement of some groups of young people in the juvenile justice system. It is well-known that police have a vital role in the juvenile justice system as 'gatekeepers'; that is, in exercising decisions about the extent of a young people's involvement. Police attitudes towards young people form a critical context in which decisions about their discretionary powers are made.

The proper exercise of these powers in especially important in Western Australia, given the potential impact on young offenders of the Crime (Serious and Repeat Offenders) Act, whose penalties include a mandatory prison term or period in detention of at least eighteen months in the case of a repeat offender convicted of a violent offence, after which he or she can be held for an indeterminate term until release by order of the Supreme Court.

Police have considerable discretionary power to determine both a 'repeat' offender and a 'violent' offence under the Act. Assaulting a public officer and stealing with violence are just two of the offences which fall under the ambit of the Act and which are open to wide interpretation by police officers. The seriousness of these offences can range widely from the very serious to the trivial.

Only a thorough ongoing commitment to reforms of this nature will prevent a potential worsening of police-youth relations in Western Australia, especially given the commitment to appoint a further 800 police officer during the Coalition Government's first term in office.

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Policy or Orthodoxy?
Queensland’s Response to Juvenile Crime

"New" crime prevention initiatives tend to emerge during times of "great public concern" over "escalating" juvenile crime or "crime waves". Such developments are invariably viewed as a direct threat to the existing social order. Drastic and draconian solutions and panaceas are proposed to curb the seemingly inevitable slide into anarchy, chaos and lawlessness.

The issue of juvenile crime has once more worked its way up the political agenda in a number of states. Elements of law and order populism have found expression in recent legislation in Western Australia - the Crime (Serious and Repeat) Offenders Act 1992 - and in Queensland: the Juvenile Justice Act 1992. The latter proposes the formalisation of cautioning, an extension of sentencing options and the establishment of a Children's Court. The legislation also provides for the determination of sentencing of juveniles to detention centres to pass from the Director of Family Services and Aboriginal and Islander Affairs (DFSAIA) to the magistrate of the Children's Court. Such fundamental legislative changes to sentencing practice are underpinned by an emphasis on the legalistic principle of "due process" enshrined in the tenets of the "justice model" (Hudson 1987). By embracing the justice model the Juvenile Justice Act effectively shifts its focus on sentencing from the determinism of the "welfare model" to a neo-classical concern with the offence rather than the evildoer (O'Connor forthcoming). Although the juvenile justice system will probably remain a pragmatic patchwork of welfare and justice models (Clarke 1985), the new legislation signals a distinct shift from the apparently misconceived liberalism of the Children's Services Act (1965) to the reactive principles of punishment and retribution.

In Queensland, however, the Juvenile Justice Act makes up only one, albeit major, part of the state's response to juvenile crime. The other is the non-statutory, "community based", Juvenile Crime Prevention Program (JCPP). (Although this initiative has recently received a new title, Youth and Community Combined Action, or YACCA, and a nominal shift in focus to a more broadly targeted community program, the basic integrative principles and procedures of "crime prevention" remains intact. This paper therefore focuses on the devils of JCPP).

Promoted and coordinated by DFSAIA, the Justice Department and the Queensland Police Service, JCPP is viewed widely as a well planned and comprehensive response to growing concern over juvenile crime in Queensland. The major aim of the initiative is to coordinate crime prevention programs in "targeted" high crime areas (Tansky forthcoming). Based on Children's Court statistics, regional proportions of young people aged between 10 and 16 years (and especially Aboriginal and Torres Strait Islander youths), JCPP has identified 20 such areas across the state.

Essentially JCPP involves the cooperation of a number of state government departments including Family Services and Aboriginal and Islander Affairs, Education, Health; Employment, Vocational Education Training and Industrial Relations, Housing and Local Government, Tourism, Sport and Racing and the Queensland Police Service. The role proposed for the Queensland Police Service in JCPP is of interest and concern. For example, police officers are required to visit schools to "lecture on truancy, drugs, crime and alcohol"; establish "truancy reduction programs which provide incentives to young people to attend school" and "youth forums" to give young people a voice to identify their needs; "organise camps to increase self-esteem, leadership skills, alternative recreation options" and to promote "alcohol-free events to combat underage drinking and drug use" (DFSAIA 1992, p.4).

In adopting such a broadly based strategic response to juvenile crime, the architects of JCPP point to the apparent evidence of success - in terms of reducing the level of juvenile crime - of the Bonnemaison crime prevention program in France during the 1980s. Unlike the Queensland initiative, however Bonnemaison is orchestrated by central government and departmental and program heads are responsible directly to a government minister. One of the more successful features of the Bonnemaison initiative has been the creation of a number of "youth camps", managed and coordinated by young people themselves during the long summer vacation periods. In 1983 at least 100,000 young people participated in the program. Despite some extraordinary claims about efficacy of Bonnemaison in terms of the reduction*

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of youth crime in cities such as Lyon and Paris, there is little solid evidence to support this (Pitts 1990). Indeed, as one commentator states: "How do you evaluate an approach which is so global and which relies not so much on discrete identifiable projects but on "add-ons" to existing programs?" (Sutton 1990, p.65.) Moreover, it could be argued that given the organised mass evacuation of young people from cities to youth camps during summer vacations, this is almost bound to lead to some reduction in the level of juvenile offending.

As well as basing much of its strategy on the organisational principles of Bonnemaison, the Queensland initiative also points to the relative cost effectiveness, and apparent success in reducing juvenile crime, of the American Job Corps. According to Michael Tansky (forthcoming), the implementation of the latter was instrumental in reducing court appearances in Western Australia.

Such is the belief in the capacity of both JCPP and the Juvenile Justice Act to deliver in terms of a reduction in the level of juvenile crime in Queensland that state government has allocated a total of $4.5 million for 1992-93 with a further $6.5 million for subsequent years. Of this, JCPP has been allocated $1.3 million for its first year of operation and $1.8 million for 1992-93.

Although hardly "new", the Queensland crime prevention strategy is nonetheless a bold and fairly well resourced response to the widely perceived "problem" of juvenile crime. However, despite the fact that much good will be generated from such an approach, for example by placing young people in work, improving service provision in education, health housing, recreation, and leisure it is argued that JCPP is fundamentally flawed both in terms of principle and practice for the following reasons.

First, it is debatable whether schemes developed in other countries such as France and the United States can be easily transposed to the geopolitical context of Australia. The Bonnemaison program in France enjoys support from both the left and right. Indeed, the basic structure and philosophy of Bonnemaison remains intact despite its introduction by a socialist government and its management in more recent taints by conservative administrations. In contrast the implementation of JCPP in Queensland has been characterised by fundamental disagreements between Labor and opposition parties about the best way to deal with the "juvenile crime problem". Such fissures are compounded by the fact that France, unlike Australia, has a relatively strong tradition of effective administrative links between local and regional government, thus ensuring a more cooperative style of program management.

Second, JCPP rests on the assumption that there has been a significant increase in the rate of juvenile crime in Queensland over recent years. No mention is made of the ways in which methods of data recording and police practice (such as the "over-policing of particular communities) may contribute to the construction of "high crime areas". Moreover, JCPP conveniently ignores recent evidence from the Criminal Justice Commission (1992, p.46) that "...the rate of juvenile involvement in crime has increased over the past 20 years, however since 1989-90 juvenile involvement in cleared crime appears to have declined."

Third, the Queensland initiative rests on evidence derived from France and the United States regarding the effectiveness of inter-departmental and Job Corps strategies in reducing the level of juvenile crime. There is no clear evidence to support such a contention. Even if a decrease in the rate of recidivism was evident among those involved in programs this would not ensure a fall in the total rate of juvenile crime. Indeed the efficacy of programs specifically tailored for those "at risk" or already caught up in the justice system cannot be separated easily from a consideration of those young people not included in or "targeted" by such measures. As Cohen (1985) notes, periodic eruptions in crime and deviance in various quarters of the working class - that is those most often ensnared in the system - means that the criminal justice system is continually engaged in a process of refining and expanding its net of social control. This process is exacerbated by the use of tag-bag labels such as "at risk" which serves effectively to promote more labelling of young people, as well as increasing the possibility of involving them in the workings of the criminal justice system.

Fourth, perhaps the most worrying aspect of JCPP is the inevitable penetration of agencies of the state into working class communities and particularly into low socioeconomic and Aboriginal areas in Queensland. Such a process is likely to result from the granting of increased police access into schools, public and other social spaces occupied by young people, as well as by the interventions of representatives of DFSAIA and other agencies in the lives of working class people. The increased focus on schools makes little sense as the recorded proportion of crime of those juveniles who have left school is equal to those still in the classroom. In 1990-91 the Australian Bureau of Statistics reported 2,381 school students and 23,730 non-school attending juveniles as appearing in court on criminal matters. Further, a particularly insidious development is the proposed role of the Queensland Police Service in establishing quasi-militaristic "camps" and "programs for youth" in reducing juvenile crime in Queensland over recent years. No mention is made of the ways in which methods of data recording and police practice (such as the "over-policing of particular communities) may contribute to the construction of "high crime areas". Moreover, JCPP conveniently ignores recent evidence from the Criminal Justice Commission (1992, p.46) that "...the rate of juvenile involvement in crime has increased over the past 20 years, however since 1989-90 juvenile involvement in cleared crime appears to have declined."

Fifth, crime prevention strategies in Australia and elsewhere are characterised by a lack of consultation with members of "targeted" communities. The JCPP proceeds by labelling particular communities as high crime areas and then recommending a program to override the "problem". The "community" is invariably consulted after policy foundations and management committees are put in place - no one asks whether the community wants such initiatives in.
the first place. Moreover, in “targeting” particulars in Queensland on the basis of the local crime rate, JCPP is open to the accusation that it is encouraging the differential distribution of resources and services throughout the state. Communities with relatively low rates of juvenile crime and poor local resources and service provision may well have cause to feel aggrieved in this regard.

Finally, until recently in Australia, many efforts to reduce juvenile crime have focused on the efficacy of the justice system particularly with regard to “community” or “preventative” policing. The term “crime prevention” reinforces the idea that the “solution” to the “juvenile crime problem” should come through measures advocated by members of the justice system. The term has also come to represent a new orthodoxy among policy makers, administrators, managers and practitioners. After all, so the argument goes, everyone knows that the criminal justice system produces negative or “unintended consequences” for offenders and their families so it makes sense to try and prevent offending by tackling some of the underlying social and economic causes. Certainly this is a persuasive argument and some positive outcomes have undoubtedly resulted from the implementation of preventive community based strategies. However, despite such progress JCPP continues to be pre-occupied with “targeting” areas of alleged “high crime” (to the exclusion of other socially and economically disadvantaged communities) as well as separating out those “at risk” or already labelled as “young offenders” from other young people. The danger, of course, is that those areas in Queensland already subject to over policing and intervention by a host of social welfare agencies and other bodies will attract even more surveillance and control. The main outcome of such measures will be an increased level of penetration by representatives of state departments, and especially the Queensland Police Service, into the heart of “targeted” communities all under the pretext of crime prevention.

In addressing the shortcomings and dangers inherent in crime prevention strategies Coventry, Muncie and Walters (1992) argue for the need to take the focus of policy away from a narrow concern with “crime prevention” to a perspective which addresses a range of issues facing young people such as unemployment, poor housing, homelessness, social alienation, marginalisation and so on. Thus rather than concerning itself with crime and its prevention the “social development” model refers to the ways in which policy can address more wide ranging “quality of life” issues. As Coventry, Muncie and Walters (1992, p.21) state: “what seems needed is a shift in policy focus that de-emphasises the troublesome behaviour of particular young people and instead accentuates the positive and creative citizenship of all young people. This shift necessitates institutional changes and not behavioural management”.

The main flaw in the approach advocated by JCPP lies in its continued emphasis on an approach which simultaneously ignores the issue of over policing and the increased control of “targeted” populations while at the same time advocating the expansion of services for young people labelled “at risk” or as “young offenders”. As one commentator on crime prevention initiative puts it, such a policy is likely to become “less a panacea than a Pandora’s box.”

At the heart of this matter, however, is not simply the issue of whether JCPP will be more or less “effective” than previous attempts at crime prevention, but rather the extent to which the initiative will be used by the state as a pretext to exert more control over particular communities in Queensland. The people “targeted” in particular communities will inevitably extend beyond those labelled “at risk” or “young offenders” to immediate and extended family members, peers and others. Such developments in the field of juvenile justice and other child related policy areas have been foreshadowed perceptively by Kerry Carrington (1992, p.117):

Child abuse, juvenile delinquency, truancy and parental incompetence provide socially acceptable routes for state intervention, whereby children can be removed from families and placed under state supervision under the pretext of the liberal state. So the autonomy of the family comes to depend not on legal rights, but on competence. Families in working class areas and Aboriginal communities enjoy loose supervised freedom provided they meet certain basic social expectations about sending their children to school and controlling their public behaviour. However, some families are more closely supervised than others, while families from certain neighbourhoods and communities are more oneously policed than others. Aboriginal families and families from Housing Commission areas who have borne the brunt of punitive child protection policies directed by “incompetent parents” and “bad mothers” under the pretext of “saving children”.

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The Law Enforcement Access Network (LEAN) will demonstrate how technology can win efficiency dividends and considerable savings for the public purse while operating within an environment of stringent security and privacy safeguards.

In the past decade, the Commonwealth Government has introduced a series of interrelated law enforcement initiatives which have had an impact on the Commonwealth's capacity to deal more effectively and efficiently with fraud against its programs. These include:

- the charter of the Australian Federal Police has been recast to place large scale fraud high on its list of priorities;
- the enactment of legislation such as the Proceeds of Crime Act;
- legislative amendments, for example, the Income Tax Assessment Act has been amended to include tax file number provisions;
- the establishment of the Office of the Director of Public Prosecutions, the National Crime Authority (fraud and tax evasion offences are subject to its special powers), the Cash Transactions Reporting Agency and the Australian Securities Commission; and;
- the Government's decision on fraud, following the Review of Systems for dealing with Fraud on the Commonwealth in 1987.

The Government's decision on fraud in 1987 contained an unequivocal direction to all Commonwealth agencies to pursue a systematic, proactive and explicit approach to fraud control. This has resulted, for example, in the requirement for all Commonwealth agencies to develop and review fraud control plans.

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In the requirement for all Commonwealth agencies to pursue a systematic, proactive and explicit approach to fraud control. This has resulted, for example, in the requirement for all Commonwealth agencies to develop and review fraud control plans.

The potential uses for the LEAN facility are:

- enabling investigators to get behind the 'corporate veil' of financial and company affiliations using sophisticated analytical capabilities;
- checking of contractors dealing with the Commonwealth;
- verifying statements of assets provided in determining eligibility for public sector benefits programs;
- analysing both companies and land information together to assist in tracing beneficial interests in property for enforcing Proceeds of Crime legislation, and;
- enhancing the taxation collection function.

Agencies which will use LEAN will be those Federal and state/territory agencies with law enforcement and/or protection of revenue responsibilities. While the final composition is yet to be established, at this stage it is likely to include:

- Australian Taxation Office;
- Department of Employment, Education and Training;
- Australian Federal Police;
- Office of the Director of Public Prosecutions;
- Department of Defence;
- Department of Social Security;
- National Crime Authority;
- Australian Bureau of Criminal Intelligence;
- Health Insurance Commission;
- Australian Customs Service;
- Department of Administrative Services;
- State/territory police forces; and
- State taxation offices.

It is recognised that there are privacy
implications in the project. Equally, the Government has to balance these with the very clear benefits of the project which it has clear responsibility to deliver to the community in the form of more efficient and cost-effective law enforcement and protection of public revenue.

The LEAN facility is subject to the Privacy Act 1988, and the Commonwealth Government through the Attorney-General’s Department takes its responsibilities in ensuring that the LEAN facility will operate in accordance with the Information Privacy Principles of the Act very seriously. To this end, elaborate conditions and safeguards are being developed. The Privacy Commissioner is being consulted extensively during this process.

LEAN will have a high level of security to protect its data and operational integrity from both external and internal attack aimed at both breaches of privacy and security or at malicious attack. As an overt mechanism for the authorised exchange of public information within an environment of stringent technical and administrative control, any incentive for underhand peddling of information is obviated.

Detailed and specific procedural arrangements which will govern the operation of the LEAN facility are being developed. These arrangements will be included in a Memorandum of Understanding which is intended to be a consensual agreement describing the mutual and interlocking set of responsibilities between all participating agencies.

These arrangements will cover such topics as:
- a two-tiered accreditation system (user agencies and individual users);
- usage monitoring and logging to facilitate audits;
- security;
- data-matching programs conducted with LEAN data;
- verifying data with data providing agencies before taking any legal or administrative action;
- enhancing data quality and reporting that of suspect quality;
- publicising the use of information by LEAN;
- dealing with inquiries from the public;
- dealing with misuse of the system;
- operation of the LEAN Board of Management; and
- evaluation of the system.

Although the arrangements are still subject to negotiation, the following general comments can be made.

As part of the accreditation process, a participating agency will be required to nominate specific uses within the categories of law enforcement and protection of public revenue to which it intends to put data accessed through the LEAN facility. These uses will be listed in the Memorandum of Understanding.

Each request on the LEAN facility will be recorded and stored so that an audit trail is established. For Commonwealth user agencies, the Privacy Commissioner will, from time to time, undertake data audits in accordance with his responsibilities under the Privacy Act. Provision for appropriate audits of state/territory user agencies will be negotiated and incorporated into the Memorandum of Understanding.

Stringent security controls will be placed on the data communication network in the design, implementation and operation phases: for example, access to LEAN will be through dedicated lines with no dial-in or switched access permitted.

In addition, the system will provide for generation of messages and alarms to signal security violations when they are detected. Active measures are being developed to handle security violations.

Members of the public already have access to corporate and land data regarding themselves through appropriate Registrars. However, provision will be made for the LEAN system administrator to handle inquiries from members of the public about information held on them. If requested, a print-out will be given but this would not have the force of a certified extract, thus protecting the commercial interest of registrars. Requests to amend data would be referred to registrars, as one of the conditions of purchasing data for the LEAN system is that user agencies not amend data.

Agencies using the LEAN system will be required to check back with source agencies to verify the accuracy of the information before taking any adverse administrative or legal action. An exception to this will be granted where time taken to verify data would frustrate a time-critical action: for example, obtaining an injunction or restraining order, apprehending or detaining a criminal suspect or prohibiting the departure of a person where such action is authorised by existing arrangements such as specific legislation or court orders.

Any extension to the LEAN database will require Government decision through the Cabinet and will be subject to the full decision-making processes of Government. In addition, LEAN will be subject to the continuing oversight of the Commonwealth Parliament through such mechanisms as the Senate Estimates Committee and the House of Representatives Standing Committees on Banking, Finance and Public Administration and Legal and Constitutional Affairs.

In conclusion, the Commonwealth Government sees LEAN as an integral and vital component of its strategy for active fraud control.
The First Meeting of Regional Prison Administrators was held in Suva from 13 to 15 October 1992 and was attended by: Australia, Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Republic of Marshall Islands, New Zealand, Papua New Guinea, Solomon Islands, Tonga, Tuvalu, Vanuatu and Western Samoa. Representatives from French Polynesia and the Customs Heads of Administration Meeting attended as observers; and the Deputy Director of the Australian Institute of Criminology and Fiji’s Chief Justice attended as consultants. The meeting, jointly organised by the Forum Secretariat’s Legal and Political Division and the Government of Fiji’s Prison Service, was opened by Filimoni Jitoko, Solicitor General of Fiji.

In his opening address, Solicitor General Jitoko mentioned that the welfare of prison administrators and staff should not be forgotten in prison reforms and policy evaluations. He also noted the similarities shared by the regional prison services which have identical historical origins, similar values and cultural traditions and which, during pre-colonial times, maintained social order by accepted traditional methods based on notions of obligations, compensation and reconciliation thus making imprisonment a concept alien to the traditions of island states.

Country Reports

Each participant country provided a brief statement on the status of prisons in his/her country.

In Western Samoa the prison administration is under the Police Commissioner with one prison in Upolu and a prison farm in Savaii. In the past thirty years there has been an average annual roll of 150. However, in the past ten years this has increased to an average of 200 inmates most of whom are under twenty-one years of age. Custom and tradition assist prison administration in the protection of Samoan society, for example, in the small, unarmed prison staff; involvement of inmates in the community; and in low numbers of escapes (many of whom are returned by their families).

Prison administration in Vanuatu comes under the Police Administration which administers five prisons: two in Vila, one in Santo in the Northern District, one at Norsup on the Island of Malekula and one in Tanna in the Southern District. Training of prison officers is an area of need.

The Prison Service of Tuvalu is under the Commissioner of Police within the Ministry of Home Affairs. Prison issues, are not a problem in Tuvalu as the present seven wardens outnumber the four inmates.

Tonga has a population of about 100,000. The Prison Administration comes under the Police Administration and currently has eighty-nine staff with 100 prisoners in five prisons organised along the lines of prison farms. The rate of prison escape in Tonga is low, about two per year.

Until 1982, Solomon Islands Prison Service was under the Police Service. There are currently six prisons for a population of approximately 300,000 and at present there are 300 inmates and a staff totalling 232.

The Republic of the Marshall Islands Prison Service is under the Police Service and currently there are thirty-seven inmates.

Papua New Guinea has nineteen prisons with a prison population of 3,500 and about 1,400 staff. It is estimated that by 1994 there will be 2,000 uniformed personnel.

There are eighteen prisons in New Zealand with 4,200 inmates and approximately 3,200 staff. On a breakdown of inmates, 55 per cent are Maori and 8 per cent Pacific Islanders.
Staffing numbers have tried to match this ratio with Maori staff comprising 35 per cent and Pacific Islanders 9 per cent of the total staff. 1989 saw major reforms in New Zealand prisons with the focus on rehabilitation of prisoners. Prison officers are now expected to take greater interest in the welfare of prisoners.

The Prison Service in Kiribati is under the Commissioner of Police. There are four prisons: two in Tarawa; one on Tabitenea North and one on Kiritimati. Altogether there are thirtyseven staff with about fifty-eight inmates. In Kiribati it is now government policy for prisoners to generate their own resources.

Fiji has twelve prisons; eleven for male and one for female inmates who altogether total 823 prisoners. There are 455 staff. The trend has now shifted from a custodial one to that of rehabilitation of prisoners. In this regard a new educational program was introduced early in 1992.

The Federated States of Micronesia Prison Service is modelled on the US system. FSM has tried to reconcile United Nations Standard Minimum Rules for the Treatment of Prisoners with its traditions and customary law. However, the social, economic and geographic conditions in each of the FSM states impede effective applications of the standards.

There is only one prison in the Cook Islands for a total population of about 20,000 people. The Prison Service is under the Department of Justice and based on the New Zealand system. At the time of the meeting there were about fifty-three inmates. The main role of prison is still custodial with rehabilitation being a secondary role. Training is viewed as the major area of need.

There is concern in Australia presently to decrease prison population numbers due to costs of keeping inmates. For instance, it costs $200,000 to build one cell and $50,000 per annum to keep a prisoner inside. It was noted that 15 per cent of inmates are of Aboriginal origin.

There is a total of three prisons in French Polynesia: one on the Island of Tahiti and two on the outer islands. Altogether there are 235 inmates and numbers have remained constant in the last five years.

Niue has had to close its prisons because it does not have any prisoners.

Collation of Data: a tool too often neglected

The criteria needed when providing data, especially when comparisons are made over a certain period, need to be established. The ideal number of inmates in custody is approximately 50 per 100,000 population. The extreme case is the United States of America where numbers have quadrupled from 100 to 400 per 100,000 over the past twenty years. The trend in the more developed countries is to increasing numbers of inmates. Another impact on prison populations is Parole Board decisions. The criteria for a good penal system which will result in decreasing numbers are:

- a prison population characterised by serious offenders and violent recidivists; where penal systems are based on prison farms, inmates may be better off in the community; adequate security to minimise escape rates which will promote confidence in the community; satisfactory health and safety of prisoners which will result in fewer suicides; satisfactory staff morale; a program which, apart from work, allows for the education, training and recreation of prisoners; high morale of prisoners; a system of good order; and maintenance of contact between prisoners and the community.

Inter Agency Cooperation

Historically, there has been a tendency in many countries for agencies to operate and set policy in isolation, instead of focussing on the common object of crime prevention. In the region, the small size of agencies works in favour of cooperation, as does the fact that in several countries police and prisons services are headed by the same person. Consultation and integration has generally improved in recent years. The key links are those between the courts, police and prisons. Prisoners, as the final “consumer”, are especially vulnerable if these links do not work.

Prisons tend to be the last in line for resources and more consultation is required when decisions (e.g. increases in police numbers) are taken which have ramifications for prison administrators. Government agency decisions, for example health and immigration, also impact on prisons and prison staff need to be involved in the consultation process.

Another increasingly relevant aspect is cooperation with community organisations, which provide crucial assistance in preparing prisoners for release. Most countries have programs in prisons involving religious organisations, village or ethnic groups, welfare institutions, education and training organisations, and others in the non-government sector. Whilst this cooperation is increasing, rehabilitation is a relatively new concept, and these programs can result in friction between custodial officers and those directly involved in rehabilitation. There is a need for mechanisms to allow custodial officers input into decision-making in welfare/rehabilitation areas, and involvement in the related programs to ensure that the welfare/rehabilitation perspective take adequate account of custodial concerns.

Alternative to Imprisonment and Sentencing Guidelines

The Chief Justice of Fiji, Sir Timoci Tuivaga, spoke on alternatives to imprisonment and sentencing guidelines in Fiji. Uniformity in sentencing was the ultimate goal, and moves to legislate on various factors to be taken into account in sentencing are under way. He outlined the various purposes of sentencing which have to be balanced in each case: protection of society; deterrence; incapacitation (prevention), reparation (compensation) and rehabilitation (reformation).

Under Fiji’s new constitution customary practice is increasingly being taken into account. Alternatives to imprisonment, such as community service or periodic detention, are currently under consideration in Fiji, and in Kiribati it is now government policy for prisoners to generate their own resources.

Sentencing policy can have an enormous impact on prison populations, leading to overcrowding. There is con-
siderable variability in sentences imposed in different countries for similar crimes, and even within a single country.

Deterrent sentences imposed, in cases of drug dealing in particular, have a side-effect in increasing the numbers of foreign nationals in prisons in Pacific Island counties. Deterrent sentences in such instances are necessary to stamp out this social evil before it gets a foothold in the region, but the special requirements (for example, linguistic) of foreign prisoners are a strain on prisons services.

Safeguarding Human Rights within the Penal Systems

All countries have rules governing the rights of prisoners, either based explicitly on the United Nations Standard Minimum Rules for the Treatment of Prisoners or compatible with them. However, the United Nations code can cause practical difficulties for small countries where resources for prison services are generally low in a government’s priorities. An explicit recognition of traditional cultures and customs is missing for the United Nations rules.

Because of this it could be of value to formulate a specific set of standard minimum rules for the region which would take account of customary law, but consideration should be given in other contexts (for example the EC and the Commonwealth) to drafting alternatives to the United Nations standards. However, the UN rules are a broad statement of principles only which, although important and influential, do not impose specific legal obligations. Because the UN rules are broad, they are sufficiently flexible to accommodate traditional values and the considerable variation in countries’ economic, social and cultural circumstances within the South Pacific. No country should be complacent about standards for the treatment of prisoners, and changes are best pursued on a national basis.

Status of Prison Officer

The status of prison officers in the community has improved. In a number of countries prison officers had previously been held in low public

Agreed Conclusions of the Meeting

- That in the interests of law and order, it is essential that each nation has a correctional system (both custodial and non-custodial) which is efficient and effective.
- That the development of both custodial and non-custodial measures be based on traditional cultural values in dealing with offenders.
- That the lowest acceptable number of people in prisons is desirable and that, where possible, non-violent offenders should be dealt with in the community.
- That the collection of statistical data be coordinated by the Australian Institute of Criminology to show differences in imprisonment rates in the South Pacific Forum nations. (A simplified example is at Table 1)
- That the provision of educational and training opportunities to all suitable prisoners be supported as well as the highest possible level of community involvement in correctional work.
- That respect for human dignity embodied in the United Nations Standard Minimum Rules for the Treatment of Prisoners, be supported but that a special set of standard minimum rules for the South Pacific be developed.
- That efficient correctional programs require professional, well-trained and dedicated staff. To this end maximum cooperation in the provision of training should be encouraged between Forum members.
- That planning be undertaken to develop a training course, of perhaps four or six weeks duration, to be held in three or four island nations, for middle level prison officers of not more than thirty-five years of age. It was proposed that this project be known as "Future Prison Managers for the South Pacific".
- That, because of the many common issues in corrections management, there be regular coordinated consultation, exchange and meetings between Forum nations
- That information be exchanged and that development of a newsletter be considered.
- That the Forum nations work cooperative to develop a "Pacific Way" of managing corrections.
Table 1: Estimated Imprisonment Rates of South Pacific Forum Nations, 1992

<table>
<thead>
<tr>
<th>Nation</th>
<th>Approx No. of Prisoners</th>
<th>Rate per 100,000 population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Western Samoa</td>
<td>167</td>
<td>104.4</td>
</tr>
<tr>
<td>Vanuatu</td>
<td>65</td>
<td>45.5</td>
</tr>
<tr>
<td>Tuvalu</td>
<td>7</td>
<td>100.0</td>
</tr>
<tr>
<td>Tonga</td>
<td>101</td>
<td>101.0</td>
</tr>
<tr>
<td>Solomon Islands</td>
<td>300</td>
<td>100.0</td>
</tr>
<tr>
<td>Papua New Guinea</td>
<td>*3,616</td>
<td>98.0</td>
</tr>
<tr>
<td>New Zealand</td>
<td>41,443</td>
<td>130.7</td>
</tr>
<tr>
<td>Marshall Islands</td>
<td>37</td>
<td>97.4</td>
</tr>
<tr>
<td>Kiribati</td>
<td>58</td>
<td>90.6</td>
</tr>
<tr>
<td>French Polynesia</td>
<td>225</td>
<td>114.8</td>
</tr>
<tr>
<td>Fiji</td>
<td>823</td>
<td>112.7</td>
</tr>
<tr>
<td>FS of Micronesia</td>
<td>72</td>
<td>80.0</td>
</tr>
<tr>
<td>Cook Islands</td>
<td>54</td>
<td>291.9</td>
</tr>
<tr>
<td>Australia</td>
<td>14,174</td>
<td>80.2</td>
</tr>
</tbody>
</table>

*as at March 1993

Compiled by David Biles, Australian Institute of Criminology

Recruitment and Developmental Training of Prison Officers

Effective and varied training programs are essential to developing professional correctional services. Accurate identification of training needs is a necessary first step. Prison officers can make use of some training courses offered to public servants, but countries should not attempt to be self-sufficient in training and regional cooperation in training should be fostered.

Fiji, Tonga, New Zealand and Australia are all able to provide places for prison officers and prison managers from other Forum countries in their existing courses. In-country training courses run by visiting experts are of value. The concept of a formal structured training course for a target group of younger officers, to be held in several island countries, should be developed. Exchanges of officers between regional prison services is one means of gaining work experience in culturally similar environments.

Regular exchange of information between regional prisons services in the training context is of value and the concept of a regular regional newsletter is to be explored.

Administration of Prisons in Forum Countries

A prison administrator's duties are not solely those of a gaoler. The trend has shifted towards accountability of prison staff which has generated emphasis on administrative law. In Australia, 50 per cent of complaints to the Ombudsman were found to relate to prison administrators.

Prison administrators are undergoing a period of rapid change with policy decisions being determined higher up the echelons while budgetary implications are decided lower down. Some trends noted are: law makers are making the life of prison administrators difficult; in any conflict community sympathy tends to be with prisoners rather than prison administrators; increasing interference from the Ombudsman has an effect on the morale of prison administrators; and the development of systems of interview review (due to increasing complaint prison services).

22 Criminology Australia, April/May 1993
The National Child Protection Council was established by the Federal Government in 1991. It consists of government representatives from each state and territory and the Commonwealth, together with five community members with special expertise in various aspects of child abuse and neglect. The Council reports to Senator the Hon. Rosemary Crowley, Minister for Family Services and Minister Assisting the Prime Minister for the Status of Women.

The Council's activities are presently centred on child abuse prevention. It is particularly focussed on primary prevention through broad based programs such as media advertising and personal safety programs, and secondary prevention, which aims at early intervention in high risk, vulnerable groups.

In all its activities the Council takes into account the special child protection needs of children from non-English speaking backgrounds, children with physical disability, developmentally delayed children, and Aboriginal and Torres Strait Islander children. The Council funds the Secretariat for National Aboriginal and Torres Strait Islander Child Care, which is preparing a plan of action for the prevention of child abuse and neglect within those communities.

National Clearing House

The Council has commissioned the Australian Institute of Criminology (AIC) to host a National Clearing House for Information and Research on the Prevention of Child Abuse and Neglect. The Clearing House will:

- collect published materials on child abuse and neglect and its prevention, and incorporate them within the collection of the Institute's J V Barry Library
- make potential users aware of the materials through CINCH, the Australian Criminology Database, and also through the Australian Bibliographic Network, the national shared cataloguing system
- provide clients with advice on prevention programs and research, both in Australia and overseas
- disseminate information about the Clearing House and its holdings in a regular newsletter and other publications as the need arises

Audit of Prevention Programs and Research:

The first task of the Clearing House has been to conduct an audit of primary and secondary child abuse prevention programs and research. This has included activities both in Australia and in New Zealand, Britain, the United States, Canada and Scandinavia. The purpose of the audit is to determine what programs and research presently exist and to collect published materials on them. It is hoped that the audit will allow the Council not only to 'map' existing activities but also to identify the gaps in services in child abuse prevention.

The audit is being carried out by contacting individuals and organisations throughout Australia who may be involved in research or programs in child abuse prevention. Hundreds of agencies have been sent questionnaires seeking specific details of their activities, including information about the target of the research and programs, their staffing and funding arrangements and why it was felt these activities were needed. Any interested individual or organisation not already approached is warmly invited to contact the Clearing House at the AIC.

Criminology Australia, April/May 1993
For some time I had been thinking of making use of the creative output of inmates from the various prisons around Australia and with the new year I finally contacted the education officers. One of the first letters I received was from the Goulburn Correctional Centre which managed to say far more than I had hoped to as to why this new segment in *Criminology Australia* was so important. (Editor)

I have pleasure in enclosing Bill Munday’s essay. He wrote this while in segregation (in for 18 months). He was enrolled in a creative writing course and achieved very good results. I also entered it into the Victorian Writers competition and it won 1st prize!

Bill is serving 58 years for crimes mostly committed in gaol and has always been a “rebel” in the system. But something happened when he started writing and he met someone on the outside who believed in him. He now says he has “retired” from crime and has devoted himself to leading a group of young offenders.

He has achieved startling results with these young people and they respect and revere him. Some of their achievements have been: formed the first Toastmasters group in a NSW gaol, wrote, directed and made all sets and costumes for 2 plays, raised the levels in literary, numeracy and communication—all in all a highly disciplined and contented group.

I do hope you are able to print his piece of work. It is unedited and entirely his own work—remarkable achievement for one who—because he was a big strong boy of 8 in a Boys Home—was sent out to work instead of going to school. He learned to read and write while in an adult gaol—entirely self taught!

Regards

Bunty Ellis-Freeman, Education Officer

Footnote: Sadly, Bill Munday died whilst in custody early in March 1993.

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**Inmates’ pages**

This group of five poems comes from Drew Shipton of Goulburn.

**Rush**

The flash of her eyes
strike the strings of my heart
like wind into the chimes.
The stare of the dead
I did assume before her beauty.

Drape thorns about her
I would linger long,
with each caress a bleeding.
This heart of salt so bitter retains a single tear.
Now a moist sand beneath the sun,
a consequence of her passing.
But to know her touch was to know the void
and my gates of steel stood askew.

My youth flew before a kiss
to merge with her.
I grasp the dead moments.

In my garden of wind.

**Grasping at strings**

Grasping at strings long since severed,
entangled as his suit of confusion.

The marionette stutters from posture to preposterousness, all unseen.
No words on a vacant stage, no tear shed for the torn page.
Lime lit in the most abstract regard,
almost Indonesian, this theatre of consumed vanities.
Where shadows of the past dance into frustration.

While the puppeteer fumbles in the dark,
knotted associations and reality,
into a farce beyond belief and art.

**Blue Bags**

It never ceases to amaze to amaze me how they stare,
Men with hate,
Wearing hate like a fashion accessory,
the badges of poison.
The stains on their hearts make their faces hard,
creased.
Dry apples in blue bags.
No escape though, this is the most hated item.
The gates clash so do their lives.
Defenders on the defensive.
Safety in numbers all the way round.
No relief.
The starch of your shirts has tattooed you too.
Your conscience has a warrant out for your arrest,
when will it pinch you and how.
So sweat....

**Reflections**

I’ve decided to stay,
and gaze at you a while.

My knowledge insulates,
my rational comforts,
my acceptance invigorates me.

My fear keeps me observant,
as my past screams out for perpetuity.

**On Basho**

The sorcerer’s apprentice lost,
trapped in tombs of wisdom.
Catacombs, confound the paradox
an egg fractures beneath a heavy brood
No signifier on the mast,
the dream turns.

**The Bad Machine**

Bill Munday

One day a young married couple moved into their new home and brought with them the latest addition to the family, a brand new machine. It was a bright and happy machine and
did everything asked of it by the owners. The machine was never any trouble. It was a very happy home and for five years this was how the machine lived, happy and contented.

Then one day, something happened that was to change this machine for ever; tragedy of the worst kind happened. The two owners of the machine were killed in a car accident. Never again would he, the machine, see the only two people he loved. Something clicked inside the machine; something nobody could see or fix.

He was put up for sale and sold, and resold. He went from home to home but the machine would break down constantly. All the new parts that went into the machine couldn't get it to work for any long period. No one took the time to look inside of the machine to the heart of its function. That would cost money.

So the machine went from home to home until no one wanted it. Then it was placed in a factory along with all the other machines that nobody wanted. All these machines were treated badly. If they broke down in the factory, no new parts were put into them to make them go; only second hand parts were used there. Every new and again the machine was lent out to some family but it would not work to their satisfaction, so back to the factory went the machine. The owner of the factory would get very upset with any of the machines that were sent back to his factory for repairs. He would lose his temper and hit the machines with whatever he could get his hands on at the time. Some of the machines were left out in the rain and cold to rust and sold to the junk man as scrap. They would never work again. So it went on and on. The machine was rented out and always came back and was always treated the same there by the man that ran the factory.

For years this went on. By this time, the machine cared for no one or for anything. It functioned on pure hate and anger. As the nuts and bolts fell out of the machine, they wouldn't be replaced. They would just weld up the places the bolts fell out of, so when there were no nuts or bolts left to undo to get inside the machine no one bothered if the machine stopped or slowed down. Someone would just kick it in the side or hit it with something and the machine would start up again.

Every one thought this was really funny indeed, to every one except the machine. The hate this machine was feeling for all mankind was at breaking point.

As time slowly passed, the feelings of hate became a living, palpable thing that festered and grew. The machine began to radiate the violence and people started to await it through fear. The machine felt the fear of the people and interpreted it as hatred.

For long periods of time the machine would be isolated. The machine's only fear now was that it would be completely discarded if it broke down or refused to operate. So the kicks and the hits continued.

One day the machine was placed in the middle of a shopping centre. There were hundreds of people walking about doing their shopping. Children were running about playing but the machine felt nothing but hatred. It was there in that shopping centre that the machine finally lost all control and it exploded, killing and maiming hundreds of men, women and children and finally destroying itself.

A horrified public and sensation seeking media demanded answers which lead to a government enquiries. The questions asked were: 'What made the machine explode? How did the machine get out of the factory? Why was it placed in the shopping centre? and HOW MUCH is the enquiry going to cost? The only answer to be found was that it was just another case of ANOTHER BAD MACHINE and life goes on regardless.

The following three poems come from Scott Adams at a W.O.R.C camp in WA.

**Jacob's Ode (Part i)**

The brilliant hue
Gives a misleading message.
To those who arrive.

Wake up the dawn
And feel the presence of life,
Jacob Goodman's sundial ticks relentlessly by.

Absorbed in his own self importance
He sees the future.
But not the hand in front of his face.
He sees behind himself

**Jacob's Ode (Part ii)**

I Didn't Push Humpry,
I Swear To God,
He Jumped.

Fueled By Anger,
He Convinced Himself,
He Was Better Off Dead.

Full Of Hate,
Towards A Society
Not Ready To Give.

Losing Out In Love,
He Sighs,
And Starts His Last Descent.

In A World Full Of Maniacs,
It's Easy To Understand,
Not So Easy To Condone.

But misses the knives in his back.
Friendship is a lethal
Concoction of emotions
Wrapped in a guise of warmth.

**Humpty Jumped**

I Didn't Push Humpry,
I Swear To God,
He Jumped.

Fueled By Anger,
He Convinced Himself,
He Was Better Off Dead.

Full Of Hate,
Towards A Society
Not Ready To Give.

Losing Out In Love,
He Sighs,
And Starts His Last Descent.

In A World Full Of Maniacs,
It's Easy To Understand,
Not So Easy To Condone.

The illustrations throughout the journal and on the cover are the work of Brett Ditchburn who started his artistic career in Risdon. The works appearing here will also be used to illustrate the forthcoming Tasmanian Community Corrections Handbook. Currently in Ararat, it is hoped that Brett's work will be seen in further issues of Criminology Australia.
Following the corporate excesses of the 1980s, and the challenge of competitiveness facing the Australian economy, the relationship between government and business is undergoing dramatic change. The contributions to this volume were originally presented at a conference, The Future of Regulatory Enforcement in Australia in March 1992. Contributors to Business Regulation and Australia's Future seek to identify innovative regulatory approaches which can inhibit undesirable corporate conduct without discouraging the Australian entrepreneurial spirit or hindering economic development.

Women in Transition: Social Control in Papua New Guinea
Cyndi Banks

Women in Transition gives an in-depth account of social control and women in four cultural groups in Papua New Guinea: the Bena Bena, the Arapesh, the Tolai and the Orokaiva. The culture of the four chosen groups is described and the extent to which the colonial powers and the post-Independent Government took account of the differences between western and traditional approaches to social control is discussed throughout the book. Women in Transition is a sensitive and revealing account of the social control of women in a changing Papua New Guinea society.

Crime Prevention Series
Crime Prevention for Older Australians
Marianne Pinkerton James

Whilst emphasising the low victimisation rates for the elderly age group, Crime Prevention for Older Australians provides many useful strategies which aim to reduce fear of crime by older people, so that they can continue to lead useful and fulfilling lives. This booklet focuses on the need to look at specific problems individually, and canvasses the potential for increasing the perception of confidence felt by older people, both in themselves and in the wider community.

Women and the Law highlights many important issues that affect women in their interactions with the law in the 1990s. The papers, written by lawyers, academics, governmental staff, and workers in services that have arisen to assist women, discuss these matters openly, examining progress that has been made and making recommendations for change.

Homicide: Patterns, Prevention and Control
eds Heather Strang & Sally-Anne Gerull

Homicide: Patterns, Prevention and Control presents data and experiences regarding homicides in Australia. The effects of environment, race, gender and relationships on the incidence and character of homicide are examined and other issues discussed include: intellectually-disabled offenders, the sentencing of homicide offenders, the abolition of life imprisonment for murder, and the increasing number of murder trials.

Trends and Issues in Crime and Criminal Justice General Editor: David Biles ISSN 0817-8542 Subscription A$30.00 p.a. (minimum 6 issues per annum)


Facts and Figures in Crime and Criminal Justice General Editor, John Walker (Subscription A$10.00 per annum)

Australian Prison Trends ISSN 1037-6925 Compiled by Sue Salloom July, August, September, October, November, December 1992 and January 1993


Australian Criminology Information Bulletin ISSN 1034-6627 Vol. 3, No. 6, December 1992 Vol. 4, No. 1, February 1993 Subscription A$20.00 p.a. (6 issues per annum)

Deaths in Custody, Australia ISSN 1038-667X General Editor: David McDonald Free of charge to subscribers to Trends and Issues or Criminology Australia - contact Australian Institute of Criminology


New release from The University of Western Australia, Crime Research Centre (available from the Australian Institute of Criminology)


The Federation Press PO Box 45 Annandale NSW 2038


Criminal Justice under Stress looks at the British system of justice and brings together a group of authors with specific experience in particular areas of criminal justice. Contents include: The Police; Bail or Jail?, The Trial Process; Miscarriages of Justice; Sentencing: a fresh look at aims and objectives; The Probation Service; and Prisons.

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


This book provides an explanation of all aspects of coronal enquiries. It discusses how the coroner's role evolved, what findings can be made, problems of proof and problems of managing the extended enquiry, how lawyers should prepare themselves and their clients for an inquest, and how the legal system can adapt to various environments.

Allen & Unwin PO Box 8500 St Leonards NSW 2065


New Technology and Practical Police Work discusses some of the ways in which the police have made use of information technology. The interest is in why some information systems 'succeed' in contributing to performance and gaining the acceptance of users, while other systems 'fail' to do so.
Rape: a legal case study in sentencing
Jules Aldous and Sandra Venneri

This resource booklet addresses the issues of sentencing in relation to rape offences by specifically drawing on the 1991-92 Hakopian case in Victoria. Also provided are: background notes on community attitudes, a summary of the case, extracts of relevant court decisions, an overview of the public response to the case, a commentary on the role of the Victorian Law Reform Commission's response, and conclusions about further possible legal and community action.

For further information contact:
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Grosvenor Place
Sydney NSW 2000
Tel: (02) 256 4467
Fax: (02) 241 5282

Queensland Coordinating Committee on Child Abuse under the auspices of the International Society for the Prevention of Child Abuse and Neglect
Fourth Australasian Conference on Child Abuse and Neglect Rights and Responsibilities: Wrongs and Remedies
11-15 July 1993, Griffith University Brisbane

This conference will
• focus awareness and attention on contemporary issues of child abuse and neglect and its prevention within Australasia;
• promote the highest possible standards of practice, research and education;
• address the specific needs of disadvantaged groups and communities;
• explore social justice issues within the context of child abuse and neglect;
• develop joint strategies for common solutions and future policies.
The Australian Crime Prevention Council
National Biennial Conference 1993
Chaos or Reason: Community Safety in the Twenty-First Century
21-24 September 1993, Brisbane

Topics will include: social factors influencing offending behaviour such as unemployment, drug and alcohol abuse, intolerance, racism, sexism, domestic violence; policing; sentencing and penalties options in Australia; early intervention strategies to criminal behaviour, particularly in the area of education; minority groups; correctional approaches that promote dynamic solutions to criminal behaviour.

For further information, contact:
The Secretary
Australian Crime Prevention Council
PO Box 700
Lutwyche Qld 4030

9th Annual Australian and New Zealand Society of Criminology Conference
28 September-1 October 1993, Sydney

The keynote speaker at this conference will be David Garland. Conference themes will be: Politics, Crime and Justice; Juvenile Justice; Class, Race and Gender; Ethics, Responsibility and Accountability.

For further information contact:
The Convenors
ANZ Society of Criminology Conference
c/o Institute of Criminology
University of Sydney
173-75 Phillip Street
Sydney NSW 2000
Tel: (02) 225 9239
Fax: (02) 221 5635

Behavioural Medicine Conference
The University of Sydney
29 September-1 October 1993, Sydney

For details of conference program, contact:
Conference Secretary
Behavioural Medicine Conference
Faculty of Health Sciences
Cumberland Campus
PO Box 170
LIDCOMBE NSW 2141
Fax: (02) 646 6540

Australasian Society of Victimology Biennial Conference of the International Association of Crime Victim Compensation Boards
17-19 August 1994, Adelaide, Australia

Topics to be covered include international comparisons, victim levies, international reciprocity, aetiology of claims, methodological issues, restitution, victim-offender reconciliation, mediation, victim impact statements.

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

Themes and topics include: The family and domestic violence; human rights and the abuse of power; servicing victims' needs; changing the justice system; the discipline of victimology; police and victims; trauma victims.

For further information contact:
Mike Duigan
Conference Director
GPO Box 2296
Adelaide SA 5001
Tel: (08) 207 1732
Fax: (08) 207 1730

Overseas
Commonwealth Legal Education Association
Economic Policies, Human Rights and the Legal order
4-6 June 1993, Bangalore, India
For further information contact:

V.S. Mallar
Organising Secretary
Commonwealth Legal Education
Association Conference
National Law School of India
Post Bag 7201
Nagarbhavi
Bangalore 560 072 INDIA
Fax: 0812 320 840

Further information is available from:

New Tendencies in Research and Victim Policy.

V.S. Mallar
Organising Secretary
Commonwealth Legal Education
Association Conference
National Law School of India
Post Bag 7201
Nagarbhavi
Bangalore 560 072 INDIA
Fax: 0812 320 840

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

Commonwealth Secretariat and the Business
Crime Committee of the International Bar Association
The Oxford Conference on International and White Collar Crime
31 August-4 September 1993, Christ Church, Oxford, UK

The keynote speaker will be Tom Sherman, Chairman of the National Crime Authority of Australia. Topics will include: efforts to combat money laundering/asset forfeiture; cooperation in the control of precursor chemicals; mutual assistance between business regulators; trends in criminal law relevant to the environment; financial investigation in modern policing.

Police Science Society of China
Beijing International Police Science Research Exchange Program
New Challenges Confronted by the Police and New Policing Strategies
10-26 October 1993, Beijing

Administrators, law enforcement officers, scholars and experts in police studies are invited to attend the first international police science research exchange program to be held in Beijing. The program comprises a three-day symposium, followed by an optional 15-day tour of professional studies and sightseeing.

Further information contact

Han Guang-ming
Police Science Society of China
No. 14 Dong ChangAn Street
Beijing 100741
PR China
Uniform criminal laws for Australia?

The Standing Committee of Attorneys-General has released for public comment the first chapter of a Model Criminal Code dealing with principles of criminal responsibility. The document is the final report of a committee of criminal law experts from all Australian jurisdictions which was established by the Standing Committee. For further inquiries please contact the Chair of the Criminal Law Officers Committee, Dr David Neal, of the Victorian Attorney-General's Department on (03) 242 1222, or Alexis Fraser, Adviser, Criminal Justice (06) 250 6411.

Visiting AIC Scholars

Three members of the criminal justice community have been granted AIC Scholarships as follows:

Robyn Keast, North Queensland Community Corrections Officer, commenced a 2-3 month scholarship on 16 March. She will examine the Risk and Needs Inventory as an appropriate instrument for assessing indigenous people from remote Queensland communities.

George Brand, Superintendent, Brisbane Women's Prison, will undertake a 2 month scholarship on 15 April. He will research alternatives to women's imprisonment in the Australian context through a comparative analysis of community based correctional options, provision for employment, skill acquisition, work release, recreation and education, development of family interaction and access to health and medical services.

Det. Sgt. Bob Clark, NSW Police Intelligence, will commence his 3-month scholarship on 3 May. His research proposal encompasses a comparison of Asian and Hispanic organised crime cartels and their future impact upon Australia with a special reference to the investment of their profits in legitimate businesses both overseas and in this country.

Family Law and Access Arrangements

The Foundation Professor and Dean of

Law at Flinders University, Professor Rebecca Bailey-Harris has been appointed a part-time Australian Law Reform Commissioner for three years to investigate how the legal system can solve serious family problems relating to access arrangements during divorce and separation. Professor Bailey-Harris will work with Australian Law Reform Commission researchers and another recently appointed part-time Law Reform Commissioner, Justice Ian Coleman of the Family Court of Australia.

Griffith Law Review

Griffith University’s fledgling Law School now publishes the Griffith Law Review. The twice yearly publication will place special emphasis on articles which reflect Griffith’s interdisciplinary approach to the law.

Law Upgrade

The commerce faculty of the University of Southern Queensland has received a 1993 National Teaching Development Grant of $31,932 to streamline and expand its business law teaching strategy, through the use of technology such as video, computer programs and CD-Rom. The University has been developing alternative teaching strategies for law over the past five years. Many of its commerce students are doing law by distance education.

Intellectual Property Law

A Centre for Intellectual Property Studies has been established as a joint initiative of Queensland University of Technology, the University of Queensland and Bond University. The centre does not have a physical base but will act as a focal point for the three law schools to conduct research, organise conferences and seminars, assist in teaching and publish materials in the area of intellectual property law.

New Masters Degree in Dispute Resolution

A Masters degree in Dispute Resolution is being offered by the Faculty of Law and Legal Practice at the University of Technology, Sydney. The program was designed by UTS Adjunct Professor Jennifer David.

Recent Appointments

Mr R.S. O’Regan, QC, has been appointed Chairman of the Criminal Justice Commission of Queensland.

The new Commissioner of Papua New Guinea Correctional Services is Commissioner S.V. Nuakona, OBE.

Dr Martin Tsamenyi has taken up an appointment as a professor in the Faculty of Law at the University of Wollongong. Dr Tsamenyi has a special interest in the law of the sea, particularly fisheries law in the South Pacific. He will also be developing research projects in natural resources and environmental law.

Occasional Seminars at the Australian Institute of Criminology

On 18 February 1993, Ivan Potas, who has recently returned to the Australian Institute of Criminology as a Senior Criminologist after three years as the Director of Research at the Judicial Commission, gave an address on ‘The Sentencing Information System of New South Wales’.

On 3 March 1993, Dr Penny Green, Lecturer in Law at the University of Southampton, gave an address on ‘Drug Traffickers and the British War on Drugs’.

On 11 March 1993, Professor Ezzat Fattah, founder of the School of Criminology at Simon Fraser University, British Columbia, Canada, gave an address on ‘From Victim to Victimiser: the Link between Victimisation and Offending’.

Work is driving me crazy!!!