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correctional reform in Queensland: at the cross roads post-Kennedy

In the mid-80s, supported by the then Bjelke-Petersen government, Mr Jim Kennedy conducted a review and provided a report which gave hope for concerted change throughout the correctional system. Until the Kennedy Report was handed down in 1988, the Queensland correctional system had changed very little since the early days of the penal colony. Time had stood still in Queensland. The ideology of the prison system was inward-looking, closed, authoritarian, punitive, traditional and militaristic. Change from the inside was very restricted. An open and more dynamic approach was required to effect change. The first review of the reformed correctional system has just taken place by the Queensland Government Public Sector Management Committee (PSMC Review) and released on 8 December 1993. This article offers some insights into aspects of the system which were part of that post-Kennedy reform system together with recommendations from the recent review.

The Kennedy Report included provisions for legal protection for prisoners such as provision for Official Visitors at each prison, the merging of community and custodial corrections, together with graduated release schemes and educational programs. Staff were to be supported, educated and become part of an integrated body.

A central problem in bringing about reform has been the lack of synchronisation between philosophy, policy, legislation and rules which prescribe day-to-day activity of various kinds. Some features of the system have been overly regulated, such as managers’ rules at individual prisons, or not regulated at all, as in the work outreach camps WORC program. The result has been conflicts between the ideology of reform and the reality of day-to-day practice. A further difficulty has been the confusion over responsibilities between different levels such as the apparent “autonomy” of prison managers and central administration. It is worth stepping back to examine different aspects of the system through the eyes of people closely related to the reform process throughout these five years of reform.

Official Visitors
In reviewing corrections in Queensland in 1988, Kennedy was drawn to issues of injustice within the system. Amongst a variety of important issues raised in his final report, he said:

... access to the law and justice for inmates is inadequate and difficult; the prison system is often unfair and inequitable in its treatment of inmates (p.xxii).

Kennedy laid down criteria for deciding as to whether reform should be introduced by asking:

A. Is it in the public interest?
B. Is it fair and reasonable and just to all parties and is it consistent?
C. Will it stand up to public scrutiny? (Kennedy 1988, p.xxiii)

The Official Visitors Program was introduced with the aim of providing inmates with an officially sanctioned avenue for lodging complaints and for resolving grievances. Justice is demonstrating fairness and equity as part of correctional policy. The assumption was that this could be achieved by using independent outsiders, who would be given the freedom to speak with inmates, inspect records and comment as they choose and readily avail themselves to handle grievances expeditiously and at the local level. It was hoped that such a program might alter the traditional inflammatory relationship between the various aspects of the correctional system.

A recent study was conducted by Sue McCulloch (1994), regarding the attitudes and perceptions of the inmates and staff towards the program, throughout Queensland. All staff and most (87 per cent) inmates knew about the program. Over half (55 per cent) of inmates had consulted an Official Visitor at least once.

Only 56 per cent of Official Visitors themselves considered they were independent, compared to 62 per cent of inmates and 97 per cent of staff. The concept of independence has significant ramifications for upholding the philosophy of justice, respect, and dignity for inmates. Implicit in the results reported both by the inmates and most strongly by Official Visitors themselves, is the suggestion that there is mistrust within the system with regard to the operationalisation of the program. This then manifests itself at the level of the Official Visitor interaction between individual Officials and inmates (at the coalface, so to speak), and at the management/organisation levels of the system. This means that the philosophical goals which form the basis for the
program’s existence are not being met and there is a greater potential for inflammatory situations to arise.

Regarding role expectations, considerable differences between the groups were reported. The inmates considered that the role of the Official Visitors was to listen to their complaints and to take action. While this was the view of the Official Visitors themselves, they more strongly thought that their role was to investigate the issues presented to them and to use their position to report on, advise and influence policy as they considered necessary.

All three groups (inmates, Official Visitors and staff) consider that the role was principally one of liaison with people within the system as well as with families of inmates or agencies outside of the system. These perceptions generally reflected an unsureness about the role of the Official Visitor. Differences which occurred were suggestive of the wish for immediate action by inmates according to their priority of needs, irrespective of the requirement for adequate preliminary investigation.

According to the Official Visitor and staff perceptions, the greatest difficulties experienced by the Officials in carrying out their role involved the nature of the problem presented to them (56 per cent and 77 per cent respectively). Nevertheless, inmates reported that they considered inadequate communication between the Official Visitors and the staff of the correctional centres (54 per cent) and communication issues involving the Community Corrections Boards presented the greatest difficulties.

Both inmates and Official Visitors mutually considered that the official avenues for making contact were suitable. Nevertheless, it was reported by these Officials and by inmates (and not by the staff), that difficulties in the form of being prevented from doing so by the staff (60 per cent Official Visitors and 34 per cent inmates) are experienced in making contact with the Official Visitors. The Official Visitors considered that some inmates did not make contact because they did not know how. The most important groups of problems presented to the Official Visitors included transfers, family issues, a lack of “outside” contact, release dates, legal issues and inadequate facilities. All three parties agreed on these. They are also the issues which, if not adequately addressed, have the greatest potential to provoke disturbances at a later date.

In terms of strengths and weaknesses of the program, all three groups reported that at least in theory, the strengths of the program were the independence of the Visitors from the rest of the system, the Visitors’ access to and within centres and the provision of a “safety valve” for inmates who are expected to deal with life in confined and restricted conditions. The Official Visitors reported the major weaknesses to be the waste of time applied to trivial matters, a limited budget, failure of authorities to follow up on issues presented by the Official Visitors and lack of understanding by the Queensland Corrective Services Commission (QCSC) staff. Staff saw the limited budget as the greatest weakness. Inmates regarded the failure of authorities to follow up cases and lack of understanding by the Commission executive and staff as the main problems.

The background of Official Visitors is one of three: solicitor or barrister; in areas where Aboriginal and Islander inmates make up a large proportion of prisoners, Official Visitors are of Aboriginal or Islander descent, and community members with a demonstrated interest in welfare and community involvement. This last group includes members of voluntary organisations working with offenders and their families.

The PSMC review has recommended (Recommendation 78) that the selection process of Official Visitors be strengthened by advertised recruitment in an effort to underline the independence of Visitors from either the Board or the Department.

**Staff Relations**
The Queensland State Industrial Commission has heard thirteen disputes between the State Service Union and the Corrective Services Commission since 1986, twelve of which were related to staffing levels and all alleging that officers’ safety was in jeopardy. The disputes had clearly locked parties into a stalemate.

The State Industrial Commission knew that there were many issues behind and alongside those officially raised by the parties. In an effort to break the deadlock, they approached the Crime Prevention team at Queensland University of Technology to observe the Court’s proceedings in Rockhampton and Townsville and provide a report and recommendations for negotiation. The report concluded that

The Union claims, in many cases under closer scrutiny, do not support the aim of improved safety for officers. Nevertheless, the performance by management in terms of educating personnel for reforms, of opening up channels of communication, of reconciling Managers’ Rules from the old system to the new reforms, of rewarding officers who perform very well under trying circumstances, of capitalising on the experience skill of, for example, trade instructors (not to mention on their ability to earn an income for the prisons), of opening the prisons up to members of the local community who may be able to contribute to the reform has been very poor (Thomas & Burns 1992).
of the portfolio in October 1993, despite his success in nurturing the spirit of reform.

As the report showed (Thomas & Burns 1992), some of the difficulties facing the Commission were structural. The system under which managers operated rested on a system which has survived from before the reform process began, that is, the procedures and practices were derived from the *Corrective Services Act and Regulations*, 1989, the Queensland Corrective Services Commission Rules, the Custodial Corrective Policies and Procedures, the General-Managers Rules and the Corrective Centre’s Policies and Procedures. This plethora of documents form a hierarchy where each one is subservient to the one before.

The Manager’s Rules and regulations in a particular centre were derived partly from central rules and partly from local rules idiosyncratic to that particular centre. In practice, this allowed managers a good deal of autonomy in running their institution. More seriously, these rules did not necessarily reflect values and objectives of the reform process. This has led to situations where individual workers have been placed in a quandary between choosing to follow the local manager’s rules and regulations or follow what they see as the reform ideology. An example, the QCSC Rules and Procedures seemed to support the notion of fixed posts (chapter 9). While the Commission had an alternative policy of “operational staffing”, the description of posts in the General-Manager’s Rules was in opposition to the flexible deployment of staff under operational staffing.

Under oath in the Townsville hearing, it emerged that, despite whatever plans might be formulated at central level, the local managers were not obliged to follow them as long as the manager’s rules stood. These rules, by their very nature, were very detailed. They had survived from before the *Kennedy Report*. They did not operationalise the Commission’s values and objectives for reform. A manager could continue to operate in a pre-reform manner, by simply following the letter of the law. It also means that some archaic practices were still on the books (Thomas & Burns 1992, p.17). The manager controlled many aspects of his staff’s progress. For example, the education of prison officers was not mandatory. They were sent to Brisbane to undertake education as a reward for good behaviour, rather than as a routine part of operationalising the reform process (Thomas & Burns 1992, p.19).

One of the major recommendations of the PSMC review was for reorganisation and clarification of responsibilities of the Minister, Director-General, QCSC Executive and Board (Recommendation 1). As an adjunct to this, the General-Manager’s Rules and the Commission Rules, which have led to inconsistencies and confusion, are to be abolished (Recommendation 4).

**Offender Programs**

Evidence of the Commission’s applied emphasis on rehabilitation is perhaps most clearly seen in the significant increase in program staffing levels within Custodial Correctional Centres. Staff establishments for education, activities, counselling and psychology have increased state-wide since December 1988. The largest increase has been in counselling and psychology staff. Together with two privately managed correctional centres, thirty-five correctional counsellors and eighteen psychologists are currently delivering services to an inmate population of 2,210.

It would be difficult to argue that the Commission has fully capitalised on this new capability. At a central policy level, expectations about the operation of inmate rehabilitation programs have not been clearly articulated. One particular point of contention expressed by program staff has been the absence of representation of programs at Directorate level. The recent PSMC review included recommendations to reorganise Directorate responsibilities so that they be represented through a Director of Offender Development.

The history of the early reform phase during the past five years has been for crisis management to compete with development of structured programs to the detriment of the latter. Educational programs suffered from being uncoordinated between correctional centres. The general lack of planning behind educational programs, overall, meant that programs were piecemeal and their survival subject to the enthusiasm and skill of individual educators. The PSMC review has recommended that sentence management be upgraded by a training program for staff and synchronised across correctional sentences (Recommendation 24).

Despite these difficulties, a number of innovative rehabilitation programs have been established. While the development of these programs was not initiated directly by senior management, the Commission’s philosophy has led to situations in which it was possible for committed individuals to identify and respond to offender rehabilitation needs. Perhaps the most explicit example of this came with the re-opening in 1990 of the former Security Patients Hospital at Wacol in Brisbane, as Moreton Correctional Centre. Currently six psychologists, three correctional counsellors, two education officers and two activities officers provide general and specialist programs to an inmate population of 150.

Emphasis has been on pre-release programs such as the Sex Offender Program which engages forty-five inmates at a time. This kind of program is staff intensive. The course takes twelve months and is conducted within a cognitive-behavioural and relapse prevention framework, based on Marshall and Barbaree’s (1990) integrated theory. An offender will engage in 200 hours of group therapy and psycho-education. Modules include Treatment Planning, Assertiveness Training, Anger Management, Victim Awareness, Thinking Distortions and Social Issues.

The Sex Offender Program has only recently achieved the status of an “approved program”. Its most serious limitation is seen as being its tenuous connection with Community Corrections and the lack of high-level policy support. The preferred model, for the future, is an integrated resource aimed at developing both an internal self-manage-
ment dimension and an external supervisory dimension of offender management. The program aims to develop the internal self-management dimension. The development of resources to ensure adequate support and surveillance of offenders once released from the custodial program - the external supervisory dimension - is an urgent priority.

**Education Programs for Offenders of Aboriginal or Islander Descent**

The area of Aboriginal education has suffered from the lack of coordination noted in other areas. An evaluation conducted across the state in 1992 (Thomas et al. 1992) concluded that, despite the difficulties in establishing inmate education for the first time in correctional centres, the Aboriginal and Islander education is functioning well. This is attested to by the fact that a majority of prisoners felt that education had helped them gain more self-confidence and improved their ability to handle relationships and conflict.

The most popular course with most attendances and completions was the “Connections” program which was based on traditional culture. Educators found that the emotional reactions of Aboriginal inmates to stress required immediate response, so that if problems arose with any of the attendees these needed to be addressed before continuing with the set topic of the day. To be of long-term value, education must provide a sense of pride for participants. Some long-term Aboriginal inmates have enrolled in courses, completed them and gone on to become tutors. Such a transition to competency is an important feature of future education.

An issue which must be addressed, which cannot be done in isolation, is how to link education with work/job training within the correctional centres. Work has generally taken precedence over education. There was a lack of sentence planning which might foster a graduated education and work training program. This report cannot claim that existing courses improve an inmates’ chances of employment. Most have a poor work history and hold out little hope themselves. However, the course provided a first step towards increased self-esteem and confidence in relationships. The next step is to increase literacy and numeracy skills. The innovative program at Palen Creek run by Robie Coolwell could be extended to other centres. A third step might be to teach skills (like literacy/numeracy) which will enable inmates to run self-employment schemes. The Aboriginal and Islander people are developing the links between inmates and their home communities.

Educators met during the evaluation and decided that they needed to communicate regularly with each other and exchange ideas and experiences. One of the biggest problems facing education is the isolation of educators and programs. Good programs are not being put into a form (curriculum development) where they can be used throughout the State. There is considerable expertise amongst educators which is not being tapped. The Aboriginal/Islander Education Program had to contend with considerable difficulties. The lack of support and infrastructure within Corrective Services was a major problem. Day-to-day difficulties of attendance in a system of rules, escorts, work commitments and attitudes of other staff have meant that courses struggle to survive.

**Work Programs in the Correctional System**

The lack of attention paid to prison industries as a resource within the prisons, and the lack of individual sentence planning with respect to work and education was evident in a number of reports completed by Justice Studies staff (Thomas & Burns 1992, Thomas, Heim & Burns 1992). There was a conflict for prisoners and those organising educational programs between work and education. Prisoners were paid for work but not for education. Educational programs were held during work hours. The PSMC review has recommended standardisation of vocational training across correctional centres (Recommendation 30).

The WORC work outreach program developed, in part, as a response to the emphasis upon innovative change strategies in Queensland Corrections. The scheme involved the use of fixed and mobile camps where prisoners are relocated under supervision in remote rural areas.
Kennedy had laid the foundations for such community-based changes to incarceration, in his words:

"Prisons are awful places. It is incumbent upon society that if adequate punishment can be provided in a setting other than prison, and if it can be demonstrated that a person can be adequately supervised outside prison, then society ought to take this option in preference to the prison system. Moreover I stressed, as I do now, the virtual impossibility of providing real corrections in the prison setting (Kennedy 1988, p. 100)."

Throughout the Kennedy Report there was a thread of the conceptualisation that society creates its own criminals and society in turn, ought to play a greater part in understanding and correcting criminal behaviour. Against this background, the QCSC responded to the natural disaster of the Charleville Floods in April 1990. The floods occurred after years of drought and their natural disaster had a devastating affect on people in the Charleville area.

Queenslanders responded to this disaster by forming the Charleville Flood Relief Project. The QCSC, as part of this project, called for volunteers to assist. The response was overwhelming. Over the following eight months some 130 prisoners contributed to the massive clean up and restoration process. The WORC Scheme's genesis was in the success of the Commission's response to this natural disaster.

WORC has now been further developed to focus on rural community projects usually in conjunction with local councils or government agencies such as the National Parks and Wildlife Service or the State Forestry. Disaster help can be mobilised at short notice. Camps have now been established at remote outback centres like St George, Blackall, Winton, Boulia, Claremont and Injune.

The Kennedy blueprint emphasised the need for "safeguards standard public procedures and published eligibility criteria," and the need for "legislation to ensure accountability, particularly those which lead to release of prisoners from prison" (Kennedy 1988, p. 106) The lack of a specific legislative base and appropriate checks and balances poses a risk to a scheme such as the WORC scheme that is proving to be both innovative and worthwhile. There is a clear need for this phased process to be reviewed. Moreover, the program requires research based evaluative strategies to support and assist with overall planning. The PSMC Review has recommended that the WORC program be given a statutory basis (Recommendation 45).

Innovation in Reintegration of Offenders into the Community

An example of program innovation aimed at reintegrating offenders into the community is the Community Corrections Centre run by the St. Vincent de Paul Society. The Society entered into a
contract with the QCSC in 1991 to house the Centre catering for twenty-seven men in its Homeless Person’s Centre. The Centre’s operating philosophy is to integrate the offender back into the general community in an open environment which offers relevant and well-managed programs. Centre management practices also concentrate on developing a safe and supportive environment where residents can focus on a gradual and supportive but meaningful return to the community. To date there have been no major incidents of violence, assaults or intimidation which otherwise occur within state operated custodial and community centres.

The conditions for entry include no history of violence, no sexual offences, no current drug or alcohol consumption, no major disciplinary breach and a commitment to involve themselves in the centre. A case management plan is developed for each person which identifies offending behaviour and which is used to direct resources appropriately.

Three levels of programs operate in the Centre:

1. These programs involve performing community services for community-based, non-profit organisations such as “Save the Children Aids Council”, Anglicare and St Vincent de Paul. They fulfil the philosophy of community reparation. Offenders also learn new skills which can be linked with relevant courses at tertiary colleges, thus assisting them to improve their work skills prior to discharge.

2. Offending behaviour programs. These are based on individual needs. The Centre staff together with the offender examine behaviour and needs during case management and link residents into appropriate programs or agencies to deal with this behaviour. Examples are Gamblers Anonymous, AA, Drug and/or Alcohol Counselling, Anger Management, Family Counselling, Assertiveness Training, Effective Parenting, Literacy and Individual Counselling.

3. Compulsory Programs. This type of program is a compulsory one for all residents. This is held on one evening per week and outside facilitators conduct these sessions. These programs deal with issues such as living skills, pre-release skills and include sessions on effective communication, relationship skills, personal growth and development and stress management.

The Centre also provides considerable assistance with parole preparation and in developing release plans. Residents can take employment. These must pay board. If not employed, residents spend two days a week doing unpaid community service. The other three days are spent actively seeking employment. The Centre helps residents find work through Job Club, CES and Skillshare. To date 230 men have passed through the Centre and only six have absconded. Disciplinary breaches are low, averaging less than four a month. The Centre has a high level of contact with families of residents. Both residents and their families seek advice and help from staff.

Community Corrections

Since the Kennedy reform, there has been a pervading view within the Commission that the supervision of offenders in the community needs to radically change in order to keep pace with modern correctional philosophy. Kennedy described the then Probation and Parole Services as “an organisation with the incisiveness, excitement and impact of a tepid blancmange” (Kennedy 1988, p.104). He suggested that the public had lacked confidence in the organisation and it was important that “Community Supervision should be seen as a tough program where offenders get professional supervision” (Kennedy 1988, p.104). He was nevertheless impressed with staff that he met for their sincerity, knowledge and professionalism.

A new program approach was advocated. According to the new mission statement, offenders should be provided with access to opportunities for self-development which would enable them to be reintegrated into society in a non-offending manner. However, in practice, the Commission has assumed full responsibility for the treatment of the offenders it manages. There is a strong emphasis on community rehabilitation and early release.

In the community corrections area there has been a concentrated effort to promote group programs as opposed to the more traditional casework model. In fact, a recent internal review (PSMC 1993) suggested that some community corrections officers were “resistant to change” and that their supposed “ownership” of the client impacted negatively on efficiency. However, there is little evidence to support either model as being effective in terms of preventing recidivism. In fact, they may enhance recidivist offending by introducing offenders to accomplices. The Queensland Corrective Services has developed a sound philosophical base that appears to have universal staff support. More care needs to be taken in ensuring that programs are constructed to ensure their effectiveness. However, it is also reasonable to assume that there is still a place for one-to-one intervention in community supervision.

Program Efficacy

There is a lack of clarity concerning what constitutes an effective program. The most common view is that offenders be assessed as early as possible after admission as to their security risk and needs. All offenders should then be subject to a core program, then reassessed, followed by group programs commensurate with the re-assessed risk/need factors.

In the community, correctional officers appear to have responded to the call to develop and implement programs, although these are not necessarily anchored in what is known to be effective in preventing recidivism. Program creation has taken precedence over a need to build up programs in a long-term rational and effective manner. Consequently, a number of programs are under review because of poor attendance, inappropriate behaviour by participants and no apparent reduction in anti-social behaviour.
Some overseas programs have been successful in reducing recidivism. These successful programs incorporate a number of aspects: they are based on adequate conceptual models of the cause of criminal behaviour. For example, the cognitive model by Ross & Fabiano (1983) suggests that criminal behaviour may be associated with developmental delays in the acquisition of a number of cognitive skills which are essential to social adaptation.

Offenders are not a homogeneous group. There is a need to differentiate individual needs. Different offenders require different programs depending on their special characteristics, the setting in which intervention is to be provided, the goals of intervention.

Consequently programs need to be multi-faceted and employ a variety of techniques appropriate to the complexity of criminal behaviour. Attention needs to be given to other social/economic factors in which the offender’s environment may significantly influence the offender’s behaviour.

One program which appears to have been successful has been the Youth Conservation Program (coordinated by both State and Commonwealth Departments) which for six months offers an intensive, multi-faceted agenda combining employment skills, life skills and problem-solving skills.

Running programs in the community faces problems not encountered inside prison. Generally, offenders are not motivated for self-development programs. Offender mobility, lack of employment and family demands also impinge on the running of such programs. After weeks of preparation, correctional officers can be devastated by uncooperative and disruptive behaviour which can crush the most dedicated personnel.

Conclusion

This selected review of some of the central aspects of reform in the post-Kennedy period demonstrates that the spirit of reform has survived despite the anomalies in the legislative and administrative base. The changes now being recommended by the five-year PSMC review will hopefully rectify these and provide better financial support to maintain the innovative programs for offenders in the system. It is impossible to convey the human cost of this reform. Many people at all levels in the system have borne the emotional cost and some have sacrificed their jobs and careers in order to make this reform work. Hopefully this will add to the motivation to push ahead and not let this once very archaic system slip back into the past.

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Michael J. Palmer and Barbara Etter

violence against Aboriginal women

In recognition of the International Year of the World’s Indigenous People and in response to growing concern, the NT Police held two public seminars on the issue of Violence Against Aboriginal Women in the second half of 1993. The forum in Darwin attracted around 135 participants, while the one in Alice Springs had an attendance of around 240 including a large number of remote area Aboriginal women.

In 1989, the NT Police, in conjunction with the Criminology Research Council, had funded a major research study, Violence against Aboriginal Women (Bolger 1991), and the two forums were an ideal means to establish whether any significant inroads into remedying the deplorable situation which prevailed in the period studied by Bolger had been made.

It is essential that a multi-disciplinary, interagency, holistic approach be adopted in relation to this issue. Recommendation 13 of the National Committee on Violence (NCV) report (1990) states that governments should take steps to achieve better coordination and communication between organisations in public, private and non-profit sectors, which provide services to victims of violence (see also Bolger 1991, p.97).

One aim of the forums was to establish closer liaison and coordinated, pragmatic strategies between government departments and agencies. Moreover, it was hoped that public attention to this issue would send a strong message to Aboriginal women that violence against them is a fundamental violation of their human rights (NCVAW 1992, p.1) and that avenues existed, within policing and the wider legal system, to deal with such behaviour and to prevent future infractions. It was hoped, too, that Aboriginal men would realise that society would no longer tolerate or condone such behaviour.

The National Committee on Violence Against Women (NCVAW) stated that one of the most significant roles of the law is to make a clear statement to society that particular conduct on the part of citizens is unlawful and unacceptable and that it will be socially condemned and punished (1992, p.18).

The aims of the forums were to determine whether the current police response to violence against Aboriginal women was adequate, or in what ways it may be inadequate, and to identify what practical, legal or logistical obstacles prevented police from acting properly and effectively.

To this end, current domestic violence legislation needed to be examined to determine whether it was appropriate and whether the regime of restraining orders provided a timely and appropriate level of safety for women who worked in Aboriginal communities.

Similarly, the role of alcohol in perpetuating violence was considered and whether more could be done to lessen the causal impact of this substance (Atkinson 1990, p.23; Bolger 1991, pp 25, 46 & 98; Alcorn 1993).

In order to understand the problem itself and its nature, causes and extent, the status and role of Aboriginal women, community mechanisms for social control and cultural “practices” were examined. Understanding the Aboriginal culture is clearly one of the keys to this problem.

A further need was to examine the court response to this “social crisis” (Atkinson 1990, p.23; see also Tat 1990, p.245) and to determine whether sufficient support services—health, welfare and refuge accommodation—were available to these victims.

Most importantly, we needed to hear from Aboriginal women as to how the NT Government and community could best respond to this matter. The victim’s perspective was considered to be critical to the effective resolution of the problem.

The Dimensions of the Problem

Bolger recognises the importance of a broad definition of violence:

Nor is the study confined to physical violence. Although physical (including sexual) abuse is a major factor, psychological and emotional abuse, and economic abuse involving the withholding or extraction of money or goods are also important in an analysis of violence against Aboriginal women (1991, p.6).

Measuring the incidence of such violence is almost impossible. Even physical violence, which is the most amenable to measurement, seems to escape quantification. The simple fact is that most cases of physical violence perpetrated on Aboriginal women go unreported.

The NCV points out that the prevalence of violence amongst Aboriginal Australians defied precise enumeration, because to an even greater extent than is the case with the general population, the degree of unreported violence in Aboriginal communities is substantial (NCV 1990, p.37).
As an indication of this, Atkinson (1990 in Greer & Breckenridge 1992, p 191) estimated that 88 per cent of Aboriginal rape and assault cases are not brought to the attention of police.

The sad fact is that Aboriginal Australians face a much greater risk of becoming the victims of violence than do members of the general Australian population, possibly up to ten times greater in the case of homicide (NCV 1990, xxiii). The figures are even more frightening for Aboriginal women. One study showed that Aboriginal women in the NT are, on average, 33 times more likely to die as a result of homicide than other Australian women (Australian Aboriginal Affairs Council, Darwin, 1990; cited in NCVAW 1992, 12).

There are too few definitive studies which have attempted to identify and describe the problem of violence against Aboriginal women (Bolger 1991, p.3; Atkinson 1990, p.24), and in the NT, the Bolger report provides us with a valuable insight into the phenomenon.

**The Bolger Report**

From July 1989 to July 1990, Audrey Bolger undertook what she referred to as an "exploratory" study on this issue (1991, p.6). Her research encompassed the whole of the Northern Territory in that eight communities, four in Central Australia and four in the Top End, were included. In addition, research was carried out in Darwin, Alice Springs, Tennant Creek and in some town camps (1991, p.7).

Bolger found that the numerical data relating to the incidence of violence against Aboriginal women in the NT was, at best, "patchy" (1991, p.22). Because of the unavailability of data, she found that it was not possible to achieve any real understanding of the dynamics of the problem (1991, p.22). Nevertheless, she observed that Aboriginal women clearly suffered a "disproportionate" amount of violence (1991, p.22). She estimated, on the data available to her, that there were probably around 6,000 incidents of assault on Aboriginal women in the NT per year. This equated to about one-third of the NT's Aboriginal female population being assaulted each year (1991, p.11).

When the number of Aboriginal people dying in custody was brought to public attention it caused such consternation that the Royal Commission was set up, and rightly so. Yet the fact that Aboriginal women particularly suffer far greater violence in their own communities and are much more likely to be killed and injured in and around their own homes has caused no similar public outrage (Bolger 1991, p.24).

Bolger points out that during 1987 and 1988 three Aboriginal men died in custody in the NT but no Aboriginal women. Yet in the same period, 39 Aboriginal people died due to homicide and of these 17 were women (1991, p.24).

The study found that women in all communities related the level of violence to problems with alcohol (1991, p.25) and regarded the control of alcohol as a first priority (1991, p.98).

Bolger (1991, p.14) found that weapons were used in around 50 to 60 per cent of cases and that Aboriginal women were more likely to be attacked with a weapon than were non-Aboriginal women (1991, p.5). Weapons included sticks, rocks, iron bars, knives, spears, guns, firesticks, bottles and ropes. Knives and sticks of various kinds accounted for half the weapons used, with another quarter consisting of rocks and iron bars or star pickets. Injuries sustained included bruising, lacerations, burns, broken bones, internal injuries and stab or gunshot wounds. The most common were lacerations.

One of the most significant findings of the study was the similarity of the violence suffered by Aboriginal women to that suffered by their "non-Aboriginal sisters" (Bolger 1991, p.37). The types of abuse—physical, psychological, emotional, economic, sexual—were similar, as were the reasons for abuse. Bolger stated:

> Women were bashed because food was not available; because of sexual jealousy, real or imagined; over money; when they were pregnant; when the man was having an affair; because of women's greater social and economic success. As many women said: "He just wants to be Boss" (1991, p.38).

Aboriginal women wanted such violence to stop, not only for their own sakes, but for the sake of their children and families (Bolger 1991, p.38).

A further point of interest was the fact that violence against women was perpetrated by a range of relatives rather than just the spouse. Often the offenders were sons or grandsons (1991, pp.29 & 54). For this reason, Bolger found that Aboriginal people preferred the term "family fighting" to "domestic violence" (1991, pp.6, 54 & 60). A criticism of the domestic violence legislation was that it was applied to only spouses or partners (1991, p.60).

Bolger was critical of the police response at that time and commented on the apparent reluctance of NT Police to enforce the domestic violence legislation (1991, pp.71-80 & 94-5).

Bolger concluded that, in the final analysis, the problem of violence against Aboriginal women would only be solved by Aboriginal people themselves (1991, p.100).

**Seminar outcomes**

The forums provided an ideal opportunity to canvass the views of Aboriginal men and women on this issue and to ask them what strategies would be effective. Whilst the following issues raised during the two forums are not exclusive, they are some of the more important and, in most cases, more easily implemented suggestions which arose from discussions on the main problems faced within Aboriginal communities: domestic and other personal violence. They also highlight some of the major deficiencies in the present service levels or response to the problem.
A number of the "recommendations" fall outside the policing domain and clearly require a multi-agency, coordinated approach. In addition, some of the issues require detailed consideration as to whether they are appropriate for implementation (Note, the issues are not listed in order of importance).

The suggested strategies or key issues were:

1. The fundamental importance of the availability of interpreters, not only in the court process (where interpreters were seen by all speakers as being almost essential), but also in the investigative area, particularly when dealing with victims and witnesses, as well as offenders.

2. The need for the presence of a "victim's friend" at interviews between the victim and Aboriginal witness(es) and Police or other response personnel. Policewomen should be used wherever possible to question/interview female Aboriginal victims.

3. The potential value of audio/video taping of victims' statements and demeanour.

4. The potential value to the Court, the Aboriginal community, and the victim (in the terms of removing what otherwise is enormous stress and trauma) of the admissibility of these tapes before a Court, particularly in domestic violence restraining order processes.

5. The potential value of the use of closed circuit TV to allow the victims of personal violence crime to give evidence in court trials in a less stressful environment and in a separate room to that in which the offender and the Court is sitting.

6. The importance of a strong "victim's focus" by Police as a fundamental philosophy in the performance of their duties.

7. The need for more flexible Court hours—including the use of evening and weekend Courts—to allow immediate or early resolution of personal violence incidents and, particularly, domestic violence restraining order applications.

8. The value of considering the reversal of onus when considering applications for domestic violence orders, to remove/reduce the need for the victim to give evidence and be cross-examined whilst placing the onus on the offender to show why the order should not be issued.

9. The implementation of more strong and flexible penalties to allow, for example, the operation of "shame bonds" which would result in the offender being released back into his community subject to conditions of no alcohol, no ability to drive, no access to fuel, no travel, etc, with these conditions being overseen by either the Aboriginal Police Aide or the Community Council itself.

10. The wider use of home detention and Community Service Orders within local communities, with conditions being regulated by Aboriginal Police Aides, Community Wardens and the Council themselves.

11. The need for Police to reconsider their present position to domestic violence response and to have a policy of charging for the specific offence of assault whenever possible.

12. The importance of reconsidering the present Bail Act provisions with a view to perhaps reversing the presumption in favour of bail for matters of personal violence crime, particularly where the violence is perpetrated against family members (and therefore more likely to be repeated).

13. The value of expanding present Court procedures to allow for receipt of telephone pleas, so as to allow a more speedy resolution of the matter and the imposition of clear and locally controlled appropriate punishments.

14. The value of the use of closed Courts in hearing domestic violence evidence and determining restraining order applications. The issue of separate waiting rooms in courts for victims was also raised.

15. The value of the creation of local by-laws to supplement the recently introduced civilian power of arrest, so as to properly empower Councils, Community Wardens, and Night Patrols to take specific, sensible, restricted (albeit relevant and appropriate) action within their own communities (for example, to enforce Council curfews, to seize weapons and alcohol, to order persons to return to their homes or camps, and to assist the Aboriginal Police Aide).

16. The value of considering the use of local Aboriginal Justices of the Peace to sit locally on domestic violence and local social disorder matters and to determine and punish offenders.

17. The need for even further cross cultural awareness training, within and across all agencies involved with Aboriginal people, on the basis that cross cultural training should be compulsory and an ongoing part of in-service training.

18. The value of more formalised violence education programs within all schools, particularly primary schools.

19. The value of more women Police and Police Aides in both urban and remote communities.

20. The importance to Aboriginal people of the removal of the $15 restraining order fee imposed by the Courts.

21. The need to expand the definition of "spouse" in current domestic violence legislation to pick up family fighting and to simplify service procedures.
22. The need for "fast tracking" of domestic violence related cases through the courts to prevent withdrawal of the complaint through shame, fear and threats of retribution.
23. The need for police to ensure that they interview victims while the offender is not present.
24. The value to the Court of knowing the victim's and the relevant community view to the offence/application and the attitude of the community towards taking the offender back and assisting in rehabilitation or enforcement of the order.

Throughout both seminars, the strong and unanimous voice was that violence, regardless of external impressions, was absolutely unacceptable to Aboriginal women and Aboriginal communities generally and that the violence currently being inflicted upon Aboriginal women is not part of traditional Aboriginal culture (see Lloyd & Rogers 1993, pp.150-1).

In addition, alcohol was seen as an immediate cause of violence. It was pointed out, however, that fundamental underlying issues included: empowerment; self-esteem and pride; meaningful occupation; and strengthening of culturally-based social control mechanisms.

It was considered that there was no real chance of being successful in combating and correcting socially unacceptable behaviour in Aboriginal society without those issues being addressed.

There was considerable support for initiatives such as Police Aides and Wardens. Many of the women in attendance at the Alice Springs forum were actively involved in Night Patrols and sought additional support in the way of resources.

Whilst Aboriginal women were keen for violence to stop and for police to take action, they also expressed their concern about increased numbers of their men being imprisoned. Aboriginal women were keen to explore other options to imprisonment, such as the wider use of home detention and Community Service Orders and the "shame bonds" mentioned above.

**Conclusion**

A Violence Against Aboriginal Women project team has been formed within the NT Police. This group has been tasked with considering police-related recommendations and furthering the consideration of recommendations which affect other Government Departments.

NT Police has moved to implement a number of the recommendations and a Special Circular, both reinforcing earlier policy and introducing new approaches to various aspects of this issue, has been distributed to all members within the NT Police.

Cross-cultural and Domestic Violence training is currently being reviewed to ensure that the issue of Violence Against Aboriginal Women is dealt with in an appropriate way.

The issue of Violence Against Aboriginal Women is a priority for the NT Police. We hope to work with Aboriginal people, both men and women, to reduce the incidence of this disturbing and complex phenomenon.

Agencies Australia-wide need to adopt a "no family violence" philosophy as a fundamental platform of social order strategies in order to ensure that service personnel treat this matter with appropriate seriousness and sensitivity.

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juvenile justice in South Australia*

an update

The July/August 1992 Criminality Australia (vol. 4, no. 1) contained a special feature which highlighted juvenile justice policies in Australia. In the article on South Australia's approach, it was reported that a Parliamentary Select Committee had been established to look into the delivery of juvenile justice services in that State. Two years on, it is now appropriate to outline briefly the system that came into being on 1 January 1994 (see figure 1).

A brief history of juvenile justice policy in South Australia

In 1869 South Australia became the first Australian State to establish a separate system of justice for children, and one of the first jurisdictions in the world to legislate for a separate children's court. With this came an emphasis upon treating and curing the ills that, one assumed, pre-ordained a child's aberrant behaviour. The court was also empowered to deal with children (usually girls) who were "uncontrollable" or in "moral danger" (Naffine & Wundersitz 1994, p 237). A century later all States had followed suit. Their courts dealt with juveniles under separate administrations, and acted upon different (less punitive and more restorative) philosophical guidelines. The prevailing belief was that juvenile crime merely reflected problems in adolescent behaviour that could be corrected through therapeutic intervention. Indeed, while approximately 20 per cent of South Australian children appear before a Children's Court or Aid Panel during their adolescence, the vast majority (between 65 and 70 per cent) have only one appearance and less than 1 per cent are involved in serious crimes of violence (Morgan & Gardner 1992). Thus policy-makers believed that children should be diverted from the system rather than drawn into it. This model, often referred to as the "welfare" model, seeks to secure, care and correct children, and to preserve their relationships with their families.

Problems arose, however, as youth crime trends altered (in the public perception at least) upwards. The welfare model lost credence. Policy-makers responded in 1979 in South Australia with the passage of the Children's Protection and Young Offenders Act. With the exception of Tasmania all other States again soon followed suit and introduced juvenile

Figure 1

South Australia's new Juvenile Justice System

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*EXTRACTED FROM A PAPER PRESENTED TO THE CHILDREN'S PEER RELATIONS CONFERENCE, UNIVERSITY OF SOUTH AUSTRALIA, ADELAIDE, 21 JANUARY 1994. THE AUTHOR IS GRATEFUL FOR THE RESEARCH ASSISTANCE OF BILL MOORE, LLB.
regimes which, while keeping within the spirit of the notion that children were to be dealt with as special categories within the criminal justice system, nevertheless acknowledged that, on occasions, youths deserved to be treated as adults and dealt with severely. This model is often referred to as the "just deserts" model. It assumes that children are self-actualising individuals, capable of making rational choices rather than being social victims or objects. In this vein, children are held responsible for their actions and the punishment prescribed for them should be commensurate with the seriousness of the behaviour, including the harm done to their victim. There is an overriding concern in such a system for community protection and deterrence, resulting in harsher sanctions particularly for violent offenders. The 1979 Children's Protection and Young Offenders Act endeavoured to contain both welfare and just deserts components.

The new law
On 1 January 1994 in South Australia, a new regime of youth justice policy came into effect which strengthened the just deserts philosophical position while adding a further dimension of what is referred to as restorative justice (discussed below). On this day a new Youth Court replaced the old Children's Court, and a new Young Offenders Act came into operation. The legislation, introduced by the previous Labor government, was adopted by the new Liberal government when it came to power on 11 December 1993. The new SA Young Offenders Act 1992 (like its interstate counterparts) ensures that the needs of victims and the community are given appropriate weight if not precedence in the trial and sentencing options available to prosecutors and judges. The welfare needs of the child are still relevant but, according to the former Attorney-General, Chris Sumner, in introducing the legislation (Second Reading Speech 23 April 1993 South Australian Hansard, p 2072), "these are to be taken into account only where the circumstances of the individual case allow". The new government has been quick to assert that they, too, are not to be seen as going "soft" on juvenile offending. Repeat juvenile offenders over 16 years of age who are guilty of serious crimes will be treated as adults and gaol ed with them if necessary to protect the public.

Problems with existing models
The new legislation is not merely a pendulum swing away from one traditional model towards the other. Policy-makers recognised that both the welfare and just deserts models suffer from a number of problems. There is little attempt to link the official legislative and administrative response (to either model) to any of the causal theories of delinquency. For while theorists have claimed that it is possible to combine logic and evidence in order to evaluate theoretical perspectives and adjust policies accordingly, there is little or no evidence that such a process takes place (Coventry & Polk 1985, p. 50; Bessant & Watts 1993, p. 3). The choices of policy become, therefore, vulnerable to political whim (Sarre 1991, pp. 271-3), media campaigns (Broadhurst & Loh 1993, p. 268) and to commentators who claim that the government has lost control in the fight against crime (Weatherburn & Devery 1991, p. 2304).

The second difficulty is allied with the first: that difficult theoretical dilemmas over the sources of human motivation (in its simplest form, "free will" versus "determinism") and precipitating social factors are glossed over in favour of a view that locates offending solely with the individual or group. The dilemma is further exacerbated when it is established that the chief perpetrators of violent conduct are often also its main victims (White et al. 1991, Sarre 1994, p. 48).

Furthermore, selective law enforcement practices mean that some offenders receive far more attention by law enforcement officials than others (White 1993, p 215). Moving to a "just deserts" philosophy merely compounds the problem. Those who are discriminated against receive further punishment. For example, it is estimated that more than half (55 per cent) of the South Australian Aboriginal youth population had contact with the juvenile justice system in that State compared with 21 per cent of the total youth population (Morgan & Gardner 1992, p. 11). A great deal more delinquency is engaged in, of course, than ever reaches the attention of the police.

Any state intervention, albeit with the best welfare intentions, can result in undesirable increases in the number of people (and the range of behaviours) subject to state-sanctioned control, a process described as "net-widening" (Alder & Polk 1985, p. 282; Curran 1988, p. 366) which can discriminate against young people especially. Juvenile "curfews" provide a good example of how the "net" may furthermore accelerate a "labelling" process. When the curfew is broken, youths are apprehended by police and held in custody in a manner which can be likened to the arrest of a law breaker. In those circumstances there is a great likelihood that the youths will in future tend to act out that deviance—now a self-fulfilling prophecy—rather than be deterred from it (Sim 1982, p. 59).

The outcome of the shift to a "just deserts" model (apparent in the USA as well as Australia) is still largely unstudied, giving rise to concerns that policy-makers have not weighed "the social and economic costs of burgeoning prison populations and the longer-term impacts of improvement on youth development against the as yet unknown reductions in the fear and reality of youth juvenile crime" (Rodman et al. 1986, p. 94).

The notion of restorative justice
It has thus become imperative for policy-makers to explore other options which may avoid the difficulties posed above. One such option is what has become known as "restorative justice" (Van Ness 1990), a recognition that the crime is against a victim as much as it is a crime against the state, and
that the list of victims often includes the perpetrators themselves. On 1 November 1989 New Zealand introduced a bold new legislative initiative contained in the Children, Young Persons and their Families Act (NZ), based upon a Maori village justice model dating back hundreds of years (Doolan 1991, Morris & Maxwell 1993). A family group conference brings together the offenders, their extended families and advocates (if appropriate), the victim(s) and an independent mediator. Offenders are forced to confront their wrongdoing (for the most part the less serious offences) while being empowered to develop their own negotiated settlement. The aim of the process is to bring about reconciliation, not to exact punishment, similar to the victim/offender mediation programs alive in many jurisdictions here and overseas (Marshall & Merry 1990). In victimological terms the victim-offender conflict is placed in centre stage. The conflict is no longer seen as merely one involving the state and the offender with all other players excluded. In many respects the model incorporates the concept of “shame and reintegration” proffered by criminologist John Braithwaite as an alternative punishment model (Braithwaite 1989; Braithwaite & Mugford 1994; Moore 1993). He creates a model of “reintegrative shaming”, that is to say, where there is a clear acknowledgment of wrongdoing by the offender and a desire to rebuild links with the community. He contrasts this with the notion of “disintegrative shaming”, that is, where condemnation of the wrongdoer occurs but without the rebuilding of social bonds, thereby setting up potentially serious tensions within the community.

An Australian version of the New Zealand model has been operating in Wagga Wagga in rural New South Wales since 1991. The local police, however, are the official coordinators which, according to some commentators, retards the possibility of true impartiality (Naffine & Wundersitz 1994, p.249).

The model of restorative justice through family conferences or community accountability conferences provides for new possibilities for policy-makers and legislators alike to overcome some of the difficulties isolated above. Such family conferences are more likely than not to embrace some causal analysis of the patterns of behaviour and reduce the possibility of labelling, especially where the process is deliberately not disintegrative and stigmatising.

South Australia has now become the first State in Australia to legislate such a model, while attempting to combine other justice and welfare concerns. Offenders, victims, parents and a justice coordinator gather to seek solutions to the problems caused by the particular youth’s offending. The new South Australian Young Offenders Act has based its family conferences on the New Zealand model. It is anticipated that all but the most serious cases will be diverted from the Youth Court by this approach.

The general position in South Australia now, therefore, is that juveniles are made to take responsibility for their conduct and receive their “just deserts” for their offences, particularly repeat offenders. It is clear, however, that responsibility is commensurate with (and not more than) the degree of harm caused. In addition, procedural fairness and the provision of formal legal rights to guard against the potential excesses of the state are guaranteed. Restorative justice, at the same time, will, with appropriate offenders, endeavour to reconcile the offender and victim.

Conclusion
Policy-makers have vacillated between the welfare model and the just deserts model in an endeavour to find an appropriate balance between the needs of a child offender and the needs of the community which is affected by the child’s anti-social behaviour. Sadly, legislators appear to lurch between these models as political and public sentiment change. The notion of restorative (or reintegrative) justice as a new and “third” model installed as part of a new “justice” regime in South Australia since January 1994 may prove to be the approach which best provides for the needs of all parties in this most difficult of areas. It is worth exploring, implementing and evaluating as soon as possible.

References


mandatory reporting laws: adolescents and their right to be heard

Any citizen concerned about a child or adolescent's treatment is free to notify or not notify the appropriate authorities. Where the concerns are substantiated within the terms of the applicable State or Territory laws, the Children's Courts of that jurisdiction are able to make orders for the protection of the child or adolescent.

"Mandatory reporting" laws add a positive legal obligation upon designated sectors of the community to report concerns about abuse of a child or adolescent to state authorities. Such legislation removes discretion from certain persons, provides a protection from professional or ethical liability for making a report, and renders them liable to penalty for failure to fulfill the duty to report.

Save for Western Australia, this obligation is present in the laws of all States and Territories, most recently Victoria. Mandatory reporting is also under consideration in the Australian Capital Territory which has an, as yet, uncommenced provision in its statute (Community Law Reform Commission of the ACT 1993).

Despite the growth of support for mandatory reporting laws in Australia, there has been little specific attention to the special position of young people as survivor/victims. Most public discourse has been within the framework of "child protection", a rubric which invites leaving adolescents invisible. Debate about mandatory reporting has predominantly centred upon whether or not such a duty should be in place (see, for example, Community Law Reform Commission of the ACT 1993, pp.55-66) and has failed to appreciate that mandatory reporting presents important issues when the subject of the notification is in transition to adulthood rather than a younger child.

In the context of growing calls for a national approach to dealing with abuse, this article reviews how the duty can differ across Australia. It then considers how a federal approach (that is assumed to include some form of mandatory reporting) should take explicit account of teenagers and those who are professionally involved with them.

This paper arises from a Criminology Research Council grant to the Youth Affairs Council of Victoria and the Royal Melbourne Institute of Technology. The empirical study, which is due to be completed towards the end of the year, has two aims. The first is to inform the program design which is accompanying the recent introduction of mandatory reporting in Victoria through consulting about mandatory reporting with a wide range of young people (Hill 1994). To this end the study is using a peer research methodology (Alder & Sandor 1990). The second aim is to survey what mandatory reporting means for the training and information needs of Victorian youth workers and other members of the Youth Affairs Council of Victoria. The study will make recommendations in terms of the core competencies framework for youth workers (Regan 1991).

Mandatory reporting around Australia
The legal obligation to report takes different forms across Australia. The following survey is not exhaustive, rather, it is intended to display the many ways in which the legal compulsion can vary.

In Queensland only medical practitioners are required to report (subsection 76K(1) of the Health Act 1937 (Qld)) whereas Victoria has mandated an extensive set of professional groups (subsection 64(1C) Children and Young Persons Act 1989 (Vic)). South Australia requires notification of suspicions formed during voluntary as well as paid work (subsection 11(1)(b) of the Children's Protection Act 1993 (SA)). Northern Territory law casts wide the obligation to all citizens (subsection 14(1) of the Community Welfare Act 1983 (NT)). Under the Child Protection Act 1974 (Tas.) vocations and professions required to report are declared by Order of the Governor (Statutory Rule 1977, No. 305).

There are also differences in the type of abuse which must be reported. For example, in Victoria, mandatory reporting is limited to physical and sexual abuse. Queensland, New South Wales, South Australia, Tasmania and the Northern Territory require the reporting of other categories of abuse or maltreatment but their definitions vary.

Such laws can also contain additional qualifications, such as the requirement that the child or young person has suffered or is likely to suffer "significant harm" (section 63 of the Children and Young Persons Act 1989 (Vic.) and see the critical discussion in Fogarty (1993) at pp. 33-8 and 94-6). Maltreatment, as defined for the Northern Territory (subsection 4(3) of the Community Welfare Act 1983 (NT)) includes references to serious impairment and substantial risk. The criterion under Queensland law is suspicion of "the maltreatment or neglect of a
child in such a manner as to subject or be likely to subject the child to unnecessary injury, suffering or danger" (subsection 76K(1) of the Health Act 1937 (Qld)).

A further distinction can be drawn between legislation that uses a subjective standard, that is, the state of the obliged professional’s mind and legislation that looks to the grounds for forming a view rather than a person’s state of mind, i.e. an objective standard.

As to the subjective standard, see for example subsection 64(1A) of the Children and Young Persons Act 1989 (Vic.) - where a person “forms a belief on reasonable grounds...” subsection 8(1) of the Child Protection Act 1974 (Tas.) - “Any person who suspects upon reasonable grounds...” As to the objective standard, see subsection 70BB(1) of the Family Law Act 1975 (Cwlth) - “Where a member of the Court...has reasonable grounds for suspecting...” Under the Children (Care and Protection) Act 1987 (NSW), the voluntary reporting provision (subsection 22(1)) uses the subjective standard while the mandatory reporting provision (subsection 22(2)) uses the objective standard.

Whether the laws refer to suspicions or belief of abuse is a further area of difference. At law, a suspicion is formed more readily than a belief and, therefore, the compulsion to report arises at an earlier stage where the law requires reporting a suspicion. As put by Justice Vincent in another context:

Although the creation of a suspicion requires a lesser factual basis than the creation of a belief, it must, none the less, be built upon some factual foundation. (Walsh v. Loughnan [1991] 2 VR 351 at p.357 approved by the Full Court in R v. Henney [1992] 2 VR 531 at p.548. See also the decision of the Full Bench of the High Court in George and Rockett (1990) 93 ALR 483 at pp. 487-8.)

How soon must a report be made? Queensland law is very specific and imposes a 24-hour time-limit within which a doctor must report after forming a suspicion (subsection 76K(1) of the Health Act 1937 (Qld)). In Victoria, South Australia and the Northern Territory, the obligation must be fulfilled "as soon as practicable". Subsection 22(4) of the Children (Care and Protection) Act 1987 (NSW) requires a report to be made "promptly after those grounds arise". Neither Tasmanian law nor the uncommenced ACT provision contain an express time frame.

Finally, there are jurisdictional differences in the age-span covered by such laws: for example South Australia and Northern Territory—under 18 years of age; Queensland, Tasmania and Victoria—up to 17 years of age; New South Wales—under 16 years of age. Under the Commonwealth Family Law Act 1975 which deals with all private law children’s matters in relation to guardianship, custody and access, the obligation upon Family Court of Australia personnel to make a report, extends in relation to children up to 18 years of age.

The one undesirable consistency within these schemes and the age ranges they cover, is the absence of an express differentiation of adolescents from younger children.

Looking to a national approach
Against this backdrop of permutations, it is not surprising that public discussion of abuse has lately turned to calls for a national approach to protection from abuse. The March meeting of State and Territory community services ministers agreed to implement a national prevention strategy.

Looking to the legislative domain, the Chief Justice of the Family Court of Australia, recently advocated the desirability of overarching federal law. In his closing address to the First National Conference on Child Sexual Abuse, Chief Justice Alastair Nicholson said:

A number of speakers have referred to the manner in which Australia’s jurisdictional maze can work against the safety and welfare of children and adolescents and I must say that it has been of great concern to me also.

A federal system does not handle these situations well. In this context I was pleased to hear the Commonwealth Attorney-General advocating a more national approach. In my view, the Australian Government should work towards enacting, with or without, the consent of the States, uniform child protection legislation. Such legislation could be enacted by the Australian Government using the powers which flow from the United Nations Convention on the Rights of the Child. (Nicholson 1994, p.5)

Chief Justice Nicholson also supported earlier calls by another senior Family Court judge, Justice John Fogarty, for appeals from protection proceedings currently heard in State and Territory Children’s Courts to go to the Family Court of Australia rather than non-specialist courts in the original jurisdiction. His Honour stressed, however:

Such a solution would only be a temporary one and should not be regarded as providing any real answer to the problems of a multiplicity of State and Federal jurisdictions (Nicholson 1994, p.6).

The connections between strategy and legal process are also the subject of a further important development. Victoria’s former Commissioner for Equal Opportunity, Ms Moira Rayner, has been appointed to the Australian Institute of Family Studies where she will head a national project examining whether Australia’s laws and institutions as they relate to abuse are meeting international obligations (The Age, 31 March 1993, p.4). In addition to any legislative recommendations, it is expected that a project such as this will also address the important issue of service delivery standards.
From the perspective of those who are concerned about the protection of adolescents, the time is ripe for scrutiny of mandatory reporting and the special social and developmental position of adolescents. The current State and Territory mandatory reporting laws treat the community's young as a homogeneous entity. In doing so, they fail to reflect the greater capacity and right of young people to play an active role in the process of their protection from abuse.

Rights

The discourse around mandatory reporting tends to invoke the language of rights—most obviously, the right to be free from violence and abuse. The logical reference point for "rights talk" is the United Nations Convention on the Rights of the Child and, as authors such as Swain (1993, p.21) suggest, the introduction of mandatory reporting "accords with the dictates of the UN Convention".

Australia ratified the Convention on 17 December 1990 and the rights contained therein provide a framework within which all Government laws, programs and practice must adhere (Rayner 1991; Sandor 1993; Harvey et al. 1993; for a survey of infringements, see Brewer & Swain 1993). As yet, the Convention is not seen to give rise to formal legal rights, however, there are signs that the law is far from settled. In the case of Murray v. Director of Family Services ACT (1993) FLC 92-416, the majority of the Full Court of the Family Court decided that the Convention can "be used to resolve ambiguities in domestic primary and subordinate legislation" (pp. 80, 237). The Convention will therefore have a significant role to play in interpreting the Family Law Act 1975, State, Territory and future Commonwealth protection laws, as well as other statute and common law affecting children and young people up to the age 18 years of age. This will be even more the case since the Convention became a "declared instrument" pursuant to subsection 47(1) of the Human Rights and Equal Opportunity Commission Act 1986 (Cwlth) (Commonwealth of Australia Gazette, 1993).

The rights in the Convention are not automatically and obviously complementary. The right to protection from abuse (Article 19) goes together with corresponding rights, such as the right to be heard in any administrative or judicial proceedings which affect the child (Article 12), especially when separation from the family is envisaged (Article 9), the requirement that the best interests of the child are a paramount consideration (Article 3(1)), the right to services to aid recovery from abuse (Article 39) and rights in care settings that are a substitute for natural families (Article 3(3)). "Rights talk" is therefore a source of discourse rather than concrete answers, and brings with it the need to perform a balancing process.

Three things need to be noted. First, rights other than the basic right to protection, are not subordinate or secondary. They are part of a total package of rights. Secondly, these rights impose responsibilities upon the body politic to provide resources and systems that give effect to those rights. Thirdly, all of these rights must be understood with an appreciation of the evolving capacity and decision-making ability of the child or young person.

Protecting adolescents

The protection of young people involves a number of differing considerations in comparison with younger children. Some are related to the nature of the developmental stage while others arise from the qualities of the service systems.

1. Garbarino and Garbarino (1987, p. 3) distinguish two patterns of adolescent victimisation: abuse that commences in childhood and abuse that commences in adolescence. They suggest a number of differing causes and effects including that, for the latter, “[m]ore self-reports come from victims with no childhood history of abuse”.

2. Adolescence is a period when gender plays a stronger role in governing how young people are treated by families and the community at large. Patterns of adolescent abuse reflect this. For example, Garbarino and Garbarino (1987) indicate that fathers are more likely to be the abusers of adolescents whereas mothers are more often the source of abuse of younger children. Local data on substantiated cases (Angus & Wilkinson 1993 cited in James 1994) show that, overall, young females predominate as survivors/victims in the 10 to 17-years-old age group. The importance of gender for an analysis of adolescent abuse can also be seen in criticisms of the greater attempts by protective systems to assume control of young women and the concern that “they often leave care worse off, or no better off, than when they entered the welfare system” (Liddell 1992, p. 21).

3. There is continually increasing public attention to abuse and the creation of a climate for disclosure. Adolescents are acutely aware through their consumption of media and other sources.

4. Protection of adolescents comes more by disclosures volunteered or elicited than forensic detection, where outward signs are usually the trigger for intervention. This is not to ignore the finding that it is adolescents' behaviour which often brings them to the attention of agencies (Fisher et al. 1980 cited in Community Services Victoria 1991). It is to recognise that effective intervention with young people often hinges upon things they say and this, in turn, depends on the quality, nature and parameters of the relationships they have with trusted adults.

5. The state has a poor track record of dealing with abused adolescents. The deinstitutionalisation movement has redressed the reliance on incarceration of teenagers, particularly young women, for their protection but there are intense concerns about “the virtual abandonment of adolescents by the state” in Victoria and elsewhere (Fogarty 1993, p.22). Adolescents suffer systems abuse, abuse by actors in the system and abuse while homeless after escaping family violence. At best, the state's capacity to protect has a major image problem among adolescents.
and community workers (See, for example, Human Rights and Equal Opportunity Commission 1989, 1993; Hirst 1989; Alder & Sandor 1989; Liddell 1992; Community Services Victoria 1992; Young People In Need 1992; Robson 1992; Community Law Reform Commission of the ACT 1993, pp. 75-7; Brown 1993, Green 1993). Young people and those who work with them in the community lack confidence that positive outcomes will result from state intervention and fear the ramifications.

6. Adolescent responses to abuse such as running away, school refusal, and high exposure to public space through “hanging around” are prone to be interpreted as rebelliousness and an anti-social attitude (Garbarino & Garbarino 1987, pp. 7-9).

7. Many professionals do not like to be involved with adolescents. They find adolescents too difficult, uncompliant and challenging of their arenas of control. By default, teenagers readily find their way into contact with the criminal justice system where their prior abuse is not assessed or addressed (especially young women; see Community Services Victoria 1992).

8. Adolescents evoke a duality in public sympathy. Their profile is represented as both troubled and troublesome, particularly in this “get tough” law and order climate. In a social context which selectively accords autonomy and responsibility, “victim blaming” of adolescent survivors is manifest in intolerant attitudes to young offenders, young people’s use of public spaces and mythologies about young people being tempted to leave home by paltry income support allowances. Little children are more “clean cut” objects of public concern (see Rayner 1991, p. 35; Garbarino & Garbarino 1987, pp. 1-2).

9. Adolescents’ peer relationships have enormous significance and operate as a far-reaching grapevine. Information—factual and false—spreads quickly through young people’s networks. This includes positive and negative representations of adult workers and information about protection systems (Young People in Need 1992)

10. Mandatory reporting places teenagers and those who have their confidence in an extremely difficult position. The desire of community professionals to help young people in abusive situations will be constrained by the obligation to involve government authorities in which too few have confidence. By fettering a professional’s discretion and, therefore, the capacity to negotiate or involve the young person in the process of notification, mandatory reporting risks being a barrier to safety rather than a mechanism for achieving it.

Reporting itself rarely produces safety and can have the opposite effect if young people break their relationship with the reporting worker and place themselves in situations of risk through running away (Sandor 1994, p. 56).

Like those mandated to report, adolescents have a healthy suspicion of protection authorities. While wanting protection, they want it on terms which bolster rather than sap their sense of empowerment and mandatory reporting laws add a further dimension of potential powerlessness. Too many young people who endure homelessness and further risks of abuse are actively rejecting the plans, resources and decision-making processes offered by the protection systems (see the references in point 4 above).

11. Young people seek to exercise their rights. The increasing role and reference to the United Nations Convention on the Rights of the Child in Australia encourages young people to assert them and demands that our community respond in a way which appreciates that:

the Convention’s principal usefulness is its focus upon children themselves as being fully entitled to human rights, rather than being the objects of social concern and control; and as having a legal and ethical right to be heard (Rayner 1991, p. 34).

Policy and program implications

A national approach to dealing with “child” abuse must recognise adolescents and their right to be heard and participate in the process of their protection. Fulfilment of that right is a component of achieving “best interests” for survivor/victims at this developmental stage. One critical facet involves constructing an obligation to notify in such a way as to take account of the practical consequences of mandatory reporting upon young people and those who work with them in the community. The heart of the question is how far young people’s right to be heard should extend.

The Community Law Reform Commission of the ACT recently considered two options in respect of this issue. They recommended that:

the wishes of children about what will happen to them after a notification of child abuse is made should be taken into account (with the wishes of older children carrying more weight) as a matter of welfare practice (1993, p. 78).

In doing so, they rejected the option of according children and young people a right to veto notification. The Committee contended that this would “undermine the purpose to be achieved if mandatory reporting were to be introduced”. Having regard to why children and young people may not wish a report to be made, they were concerned that “cases of serious abuse may not come to light and the child will remain in an abusive situation” (1993, p. 78). The net result, as their recommendation acknowledges, is really no advance on rights, just a call for good “welfare practice”.

A fresh national approach which incorporates mandatory reporting need not and should not cast the issue in such a polarised way. Justice Fogarty’s assessment of the Victorian situation is astute to the need for the use of discretion:

Particular problems relating to mandatory reporting involving adolescents have been raised during
this review. Adolescents who consult with professionals need to have their own feelings and confidences respected. Although the obligation to report remains, the process by which that occurs and the manner in which it is handled needs to take account of these concerns, especially teenage girls reporting incidents of, for example, sexual abuse. Unless handled sensitively there is a risk that the adolescent will be reluctant to make a disclosure where it is clearly in the interests of that person that be or she does so. Section 66 of the Children and Young Persons Act already makes provision about that as it provides that the protective intervenor must investigate the report “in a way which will best ensure the safety and well-being” of the adolescent, but it is important now to re-emphasise this obligation.

There are obvious dangers in allowing a case to be controlled by the adolescent who may not be able to make informed decisions about his/her welfare. But the system has to give a clear message to adolescents that they have a right to be protected, that they are neither to blame for the abuse or responsible for the outcome of any investigation, and that they are entitled to input into the manner and pace of the investigation (Fogarty 1993, p.129).

Unlike the Community Law Reform Commission of the ACT, Justice Fogarty is suggesting that the right to be heard and participate should extend to the process of notifying abuse. This entails a recognition that young people’s safety and well-being should be assumed to come from treating them as active informed partners in the protection process—though not equal partners. Also implicit, is the understanding that harm can be precipitated by a trusted professional making a report without, beforehand, undertaking an appropriate process with the young person whose life is to be affected.

The distinction between a right to control the process and a right to be heard is an important one. A wholesale right of veto amounts to control and would be untenable in certain situations (such as where the adolescent was facing life-threatening danger, or there were younger siblings being abused). Justice Fogarty’s approach invites young people and their community professionals to undertake a collaborative analysis of the situation, its risks and mechanisms for safety. The making of a report can then be negotiated as one strand in the strategy for achieving safety and well-being rather than being assumed to be the trigger for it.

There are two programmatic directions which follow from this perspective. Each carries significant consequences for professional education and protocol development. The debate and discussion around each can also serve as a mechanism for better understanding the level of confidence and doubt in the relationship between statutory authorities and community professionals.

One approach expects community professionals to make assessments of young clients and their risk situations which would form the basis of whether to depart from the expectation that a report will be made. It is inconsistent with a strict legal requirement upon community professionals to notify as soon as there is evidence, belief or suspicion of abuse or its risk.

It would be reflected by a legal formulation which includes an exemption from liability on the basis of “having reasonable grounds” for deferring the making of a report. Such reasonable grounds would accommodate circumstances where young people’s wishes are opposed to state authority involvement and instead, their wishes are being pursued by community professionals in a manner which is also providing safety. It could also be achieved by drafting the requirement to report in terms of “as soon as practicable” and in a way which reflects the importance of professionals using their discretion to maximise appropriate participation by young people.

A second and compatible option involves maintaining the obligation to report but for community professionals to be able to do so with a secure expectation that statutory authorities will restrict themselves to acting in a secondary consultation role to the community professional. The balance of case responsibility in such cases would rest primarily on the community professional with the statutory officer holding a monitoring role unless risk of harm became unmanageable.

Such an arrangement is not novel but nor, according to anecdotal material, is it consistently applied or adhered to. It would thus be a proper subject matter for inclusion in the process of developing national standards.

**Conclusion**

A national approach to dealing with the abuse of adolescents requires decision-making about how to respect their right to be heard in the process of protecting them. If legislation is one of the outcomes, the drafting must provide for sufficient flexibility. It will not be the reason for appropriate practice, it will merely permit it and provide a framework of expectations within which governments and professional bodies address the responsibilities and challenges that mandatory reporting would present for those working with young people.

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policing excellence or political hot box for the Queensland Police Service?

A vocal Queensland public are currently demanding that its police organisation provide a law and order service. Police organisations currently are too under managed and under staffed to be in a position to provide an adequate service to meet expectations of the community and may well find themselves to be a political “hot box” (Montanari & Bracker 1986, p.238). A political “hot box” is a situation of “no win” when an organisation is torn apart with political agendas driving the strategic direction through and outside the circle of influence of the organisation.

Strategic planning in the Queensland Police Service traditionally has been developed and remains a function of a dedicated planning section within Police Headquarters. This has resulted in a lack of ownership, understanding and acceptance of the planning aims, direction and requirements at all levels of the organisation, particularly at the lower levels. This planning has been in the context of a management by objectives approach controlled predominantly by top down management and influenced by government requirements. Many of the systemic problems encountered by the Queensland Police Service are due to lack of participation in planning at all levels within the Service. There is evidence that there exists a large gap between the understanding of the demands and requirements of operational police and the various Service support sections. As Covey (1991) stresses, there needs to be trust at the interpersonal level, empowerment at the managerial level and principled alignment at the organisational level in order for any organisation to be effective and successful.

Police departments have a mandate from society to provide services necessary for the maintenance of the social infrastructure and cohesion that is not in the main provided for in the private sector. Most environment-serving organisations, like police services, in years past have had a simple social and politically stable environment. Policing did not have to compete for scarce resources until recent times and therefore displayed little strategic behaviour. Accountability also became a critical issue. There was an increased emphasis on outputs and outcomes and an involvement with the community in meeting community aspirations. One of the greatest challenges for police services today is to market the positive aspects of community involvement and a service orientation approach to policing instead of using a fear campaign based on increases in crime and its threat to society. By using a fear campaign the community will tend to turn to other agencies and methods for protection, for example Guardian Angels US, Private Security Firms and so on.

Ansoff (1979) states that highly subsidised environment-serving organisations have been virtually discouraged from strategic activity. Support for Ansoff’s contention is evident in the history of policing functions. For many years it was assumed that law and order was the exclusive domain of the police department. This notion was based upon the magnitude and complexity of providing both a legal and reactive enforcement service. However, it is quite apparent that the lack of strategic activity in police departments has fostered performance inefficiencies. This has led to a growth of organisations such as the Criminal Justice Commission, National Crime Authority, National Securities Commission and private investigations, security and policing companies.

The master strategy for avoiding a “politically hot box” police service must be to establish a solid support base and to build the organisation’s ability to serve in a manner that does not over tax police management and therefore, cause gross inefficiencies and abuse. Not only must police managers not be overtaxed; they should be focused and developed. The fastest way to become a “back drawer” issue is to be associated with a corruption scandal that causes the public to question its need for the type of service previously supplied. The “hot” service must be redirected towards the infrastructure of serving the state’s citizenry and be scandal free if the police department hopes to move to a position of a public sector trustee.

Drucker (1990) makes the point that: “The nonprofit institution is not merely delivering a service. It wants the end user to be not a user but a doer. It is a service to bring about change in a human being.” The Queensland Police Service needs to become part of the community that it serves and to share the same vision, expectations and commitment. Drucker explains that the components required for success include “a plan, marketing, people and money”. The strategic focus of the Queensland Police Service needs to include these four components in its strategic plan, performance, work practices and operating procedures in order to be effective and successful.
It is important that the Queensland Police Service anticipate social and political requirements rather than just reacting to the agendas of others.

In addition to strategic planning, relevance and acceptability are essential. Ten Dam (1986) argues that a public agency can provide a good service and still dwindle unless it has a political "lifeline" strategy. He suggested that public agencies, like businesses, need a lifeline. In business the lifeline is likely to be sales. In the public sector it is likely to be political support and community acceptance. The importance of these political linkages was also recognised in the publication *Frontiers of Excellence* by Limerick, Cunnington and Trevor-Roberts (1984). The nexus between the political, and community support and the strategic direction of a police service is paramount to achieving policing excellence. In order to guarantee long-term survival, a police service needs to be internally aligned along clearly established principles such as fairness, equity, justice, integrity, honesty and trust (Covey 1991).

Before any strategic management program can be developed by a police service, the Police Service needs to review its current direction, charter or mandate. To achieve this review, the strategic planning process needs to be accepted and understood by all members of the organisation. Police departments are created to provide a particular service to the citizenry of the state. The nature and focus of that service is described in the charter or mandate. However, this charter may change periodically depending on the changing needs of the citizenry. Therefore, policing managers should conduct a review of the charter to reaffirm that organisational strategies and structures are consistent with the expectations of the current administration and the needs of the citizens of the state. To assist in this process, a regular meta-strategic analysis needs to be carried out to determine the external and internal factors affecting the organisation. A meta-strategic analysis is a holistic examination of an organisation considering its advocates and adversaries in both a short-term and long-term frame of reference to assist in determining the strategies, directions and focus of the organisation. This type of analysis is essential in the validation of strategic planning and in the monitoring of the vision for the organisation.

Chandler (1962) argued cogently that structure follows strategy. A strategic police policy planning function facing a large number of dynamic and unfriendly publics will need a master strategy that requires rapid response to changing constituency demands, and would not be well served by a rigid, non-responsive bureaucratic structural design. Generally, the policing structure is highly mechanistic in its functions. The mechanistic structure was inherited by the Queensland Police Service from its military origins.

Burns and Walker (1961) suggest that mechanistic structures tend to perform better in stable environments. To achieve change a more organic form of organisation is needed and is not dissimilar to the Limerick et al. (1984) description of the "efficiency driven government organisation". This organic form of organisation needs the flexibility to meet both reactive and proactive needs of policing.

Montanari and Bracker (1986) state that achieving a more flexible and responsible organisational design starts with a task force. Once the problem or issue is resolved, the task force is disbanded. But, if the issue has major import in the policing organisation, a project team management would need to be overlayed onto a more contemporary operating design such as a proactive policing bureaucracy. Finally, the most flexible and responsible design is one where the main mode of control is individual control which does not depend on a structure for administrative, supervisory or decision control—the "matrix management" design (Montanari & Bracker, 1986). In Western society, possibly the matrix design referred to is more of a limited matrix where normally a central person is easily identified as the leader under all circumstances (Robbins & Barnwell 1989, p.222).

Of central importance to the question concerning strategy, structure and culture is the congruent notion of a shared set of values or superordinate goals. Peters and Waterman (1982) refer to the McKinsey seven "s" model which can be used to analyse a police department's performance with reference to the seven basic dimensions which represent the core managerial activity. More important than a shared set of values is the supporting and directing principles, referred to earlier by Covey (1991). In order that the members of an organisation achieve long-term teamwork and success, it is essential that the values held by members of the Police Service be in agreement with these principles.

Peters and Waterman (1982) express reservations, and they suggest "good intentions and brilliant proposals will be dead-ended, delayed, sabotaged, massaged to death, or revised beyond recognition or usefulness by the over-layered structures at most large and all too many smaller firms". Although moving in the right direction, the Queensland Police Service has too many layers of management. Poorer performing police organisations often have strong but dysfunctional cultures. They usually focus on internal and external politicking or they focus on the numbers, "clear-up rates", rather than on the community service. The top police departments focus on community service. The excellent police department seems to understand that "every man [sic] seeks meaning", and this meaning is achieved through values incorporated in the community service ethic. This concept was central to Viktor Frankl's concept and treatment called logotherapy based on "man's [sic] search for meaning" (Covey 1991).

Some of the riskiest work police managers will do is concerned with altering organisational structures. Emotions run wild and almost everyone feels threatened. Why should that be? The answer is that if police personnel do not have strong notions of themselves, as reflected in their beliefs, values, attitudes, stories, myths and legends, their only security comes from where they live on the organisational
chart. Threaten that, and in the absence of some grand policing corporate purpose, you have threatened the closest thing they have to meaning in their policing lives.

Professionalism in police management is regularly equated with hard-headed rationality. The clear-up rate is regularly used to define personal performance. But much of excellence in performance has to do with people being motivated by basic, compelling and meaningful principles and values. The old policing rationality is a direct descendant of Frederick Taylor’s school of scientific management. Frederick Taylor saw man as an extension of a machine (Peters 1989, p.356). This style can be judged from the actions of police managers who seem to operate under this paradigm.

Peter Drucker gives a good description of the baleful influence of management’s analytic bias:

Professional management today sees itself often in the role of a judge who says “yes” or “no” to ideas as they come up ... A top management that believes its job is to sit in judgement will inevitably veto the new idea. It is always impractical (Drucker 1969, pp. 56-7).

The dominant culture in most police departments demands punishment for a mistake, no matter how useful, small and invisible. This is especially ironic because the most noble ancestor of today’s policing rationality was based on military polychrism. So why are the reactive administrative structures and strategies having trouble? The assumption behind the reactive policing notion is that if objectives and critical paths to these objectives were defined clearly, police would tend to cooperate to achieve these objectives according to the best schedule they could devise.

However, in practice, the notion was difficult to apply. It was not long before the completion of the paperwork became an end in itself to the poorly defined objectives.

In this era, law and order is a central political issue. But during the next decade it is anticipated that the transcendental value of liberty and freedom will be incorporated into the policing ideals. Policing should, in free democratic societies raise a title of liberty for the community. Then even greater meaning will develop from the basic values of the police role in management which stems from the English tradition as outlined by Lusher (1981).

The first is the concept that policing was a community obligation which emerged from the dictum of Sir Robert Peel that the public are the police and the police are the public. This is the basis of the view that citizens have a duty to assist in law enforcement, the concept of the citizen arrest, the obligations to assist police and the offences as imprisonment of felony, public mischief and the like (Lusher 1981, p.14).

Policing excellence in the future for Queensland depends on an alignment of the vision of community service, the political environment and policing ideals and principles. Thus, the strategies, procedures, work practices, structures and culture of policing during the 1990s will, in Queensland, need to reflect the public understanding of the principles on which policing is founded and is “synonymous with preservation by the public of their own democratic liberties” (Reith 1975, p.173). These principles need to be supported by a clear mission statement, understood by all and linked to a strategic and operational planning process accepted by and developed in consultation with all stakeholders, including input from every level of the Queensland Police Service.

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crime against business:  
the future role for police?

In 1992, crime against business in Australia cost between $3.8 billion and $4.7 billion in the five industry sectors of retail, wholesale, manufacturing, primary industry, and tourism/recreation. On average 60 per cent of businesses never report crimes against them to police. A study of the costs of crime suggests that business costs are higher than costs to private individuals. The results of this first Australian national survey of crimes against business by John Walker (1994a; 1994b) formed the focus of the recent national "Crime Against Business" conference held in Melbourne. As was pointed out at the conference, if the loss was halved, it could almost pay the total police budgets of all forces within Australia (currently about $2.5 billion). The information from this conference provided an insight into a possible strategic direction for police and indicates how police agencies can best assist business within their realistic budget constraints. As Victoria Police Chief Commissioner Conrie stated in opening the conference: "...businesses too are victims of crime and crime prevention efforts also need to be effectively directed to the business sector" (1994).

Police services around Australia currently liaise with businesses on a regular basis in an attempt to combat crime; for example, the Victoria Police's reactive and proactive strategies against business crime such as the work of the Major Fraud Group (recently established from the amalgamation of the Corporate Crime Group, Fraud Squad and Asset Recovery Unit) with a total of 143 personnel. In Victoria, one successful proactive program is the Crime Stoppers Program which involves cooperation between the Victoria Police, media and the general public (including business) to provide a flow of information about crime and criminals with guaranteed anonymity and privately sponsored cash rewards for information leading to arrests. However, as Chief Commissioner Conrie (1994) commented, "there is scope for further joint action between Victoria Police and the business sector to improve crime prevention efforts." This could easily be widened to include all police services within Australia.

The business community does not expect the police to do everything for it in combating crime. There is a recognition and commitment by business that much of the responsibility is theirs with appropriate support and cooperative action with the police. Businesses currently use a range of internal controls to combat crime: internal auditing (financial and security); internal security and loss prevention personnel; tailored design of business premises to maximise crime prevention; and the use of a range of security devices and monitoring.

The first Australian national survey of crimes against business presented at the conference was a breakthrough in the previous lack of available statistics as to the prevalence and detail of this crime problem. Crime against business includes burglaries, vandalism/damage to property, vehicle crime, thefts, frauds, robberies, assaults/threats intimidation, and corrupt practices. The results are not the definitive statement on crime against business but do, however, give the business community and the police an informed guide to areas in need of attention and action which have previously been unknown. After an analysis of the survey results, this may mean a change or modification to police patrol techniques and the targeting of areas to best maximise crime prevention and detection.

The low reporting rate of, on average, 60 per cent of businesses never reporting crimes against them makes it extremely difficult for police to be effective in attempting to target business crime as they are unaware of its existence and prevalence. Some of the more detailed results from the survey include: only one in six businesses had contacted the police about crime or crime prevention (other than to report a crime); only one in twenty businesses had contacted local authorities about crime or crime prevention; and one in four businesses had participated in some form of business community crime prevention effort.

Policing Strategies to Combat Crimes against Business

What potential strategies can police use to combat crime against business as well as foster a partnership between police and the business community? The following represents some ideas raised at the conference as well as some existing national and international strategies.

The problem of theft within the retail industry was highlighted as a major problem—especially shoplifting by juveniles—and that the most likely to succeed strategy would be a re-education process aimed at school children. The Victoria Police already has an extensive Police Schools Involvement
Program (PSIP) educating the young on a range of issues. Notwithstanding that shoplifting and business crime are a primary focus in the PSIP, there is much scope for this type of re-education to be given a higher priority with many of the retail industry representatives willing to assist where appropriate (this could be through corporate sponsorship or the presentation of lectures in conjunction with police).

The NSW Police Service, in conjunction with the NSW Retail Traders Association, currently has in place a video and education package aimed at reducing "shop stealing" by young people. This program is called "Not Bought You're Caught". It was launched in December 1993, sponsored by a number of retailers within the business community, and aimed at students in the school years 3 to 9. The program is distributed to schools and police youth clubs, as well as by police patrols.

Police need to seek actively the cooperation and assistance of business sector organisations to foster a partnership to combat business crime. Organisations such as the chambers of commerce, retail traders association, and large corporations are often more than willing to assist police in programs which are mutually beneficial. Communication and liaison do not have to be expensive and can result in programs which benefit the whole community. Examples could include police conducting "security audits" or "crime prevention audits" of premises identifying areas in need of attention. Business information help lines could be established to provide advice, assistance, and referral if necessary. Police could lecture directly to security and loss prevention staff of corporations on how their staff can best be trained to assist police where a crime does occur (such as armed robbery advice kits detailing steps to aid in criminal identification), arrest and search powers of staff.

Some of these ideas have been used within the Victoria Police and other police services. However, there is a need for further emphasis on this type of community (business) partnership with police and such a partnership could be adapted to existing policing strategies. For example, business sector input into crime prevention and detection strategies could be increased. In this regard, the Victoria Police currently has approximately ninety local Police Community Consultative Committees (PCCC) which have been established across the State to enable police and local communities to solve local crime problems and develop crime prevention strategies. Business representation on such committees could be increased to provide a more realistic representation of the local community and local community crime problem.

One example of an innovative police program addressing the needs of the business community is the Queensland Police Service's "Police Beat Shopfront Program" (Lake 1994). This is a joint police and government initiative with funding supplied by the government outside of the police budget. It involves the placement of a shopfront police station in a shopping centre that has a crime problem. The shopfront is staffed by operational police (rather than public relations police or police not motivated to these duties) who talk with people, improve community feeling about personal safety, and reduce crime by detecting and prosecuting offenders and preventing crime. The shopfront police stations are designed to facilitate a proactive and consultative emphasis with specific design features such as the replacement of a counter barrier between the police and the public with lounge chairs. This program evolved from a need (partially determined by a victims of crime survey) for a policing presence in high crime rate shopping centres. An independent study from the Queensland University of Technology indicated the program's success in reducing a variety of crimes with the use of a police presence.

With the knowledge from a number of studies since the 1960s linking truancy with crime, the Staffordshire Police and other agencies in England have enlisted the help of the private sector in reducing truancy (Lewis 1994). Local traders have declared "truancy free zones" in an attempt to promote a safe environment for shopping. Participants within the private sector are given training packs containing door stickers and training guides detailing how staff can approach suspected truants. It is made clear to a suspected truant that businesses care about the education of young people and that they should be at school rather than in their business premises. Cases are referred to education welfare offices who follow up each case and report back. Other strategies utilised in this program have been the following: a media campaign; a leaflet entitled A Parent's Guide to Truancy given to each parent of a secondary school age child; truancy packs given to police school liaison officers; and police patrols with education welfare workers. The program is currently being evaluated but the commitment and cooperation between businesses, police, schools and education welfare officers is an example of what can be achieved.

Conclusion
The first national Australian survey of crimes against business has provided the information needed to redirect the focus of efforts by business and police towards combating business crime. Providing the commitment is present from both parties, a successful partnership is likely to: foster a beneficial partnership between police and the business community in preventing and detecting business crime; help restore business productivity; result in a reduction in the costs of crime being passed on to consumers; and result in a possible increase in employment prospects for the general community. Most businesses acknowledge and accept their responsibility to assist in combating crime against business, but need additional police support, liaison, and help in crime prevention and detection. When there is action rather than rhetoric from both sides, the situation will become "business against crime" (in Chief Commissioner Comrie's words) and the scales are likely to be weighted more in favour of the community rather than the criminal.

References
Since 1980, the Institute has acted as the coordinator and rapporteur for the annual conference of Correctional Administrators from the Asian and Pacific region. This conference is now widely regarded as a significant forum for the exchange of views and information on a subject of some potential political sensitivity, and the role of the Institute in this enterprise is warmly appreciated by the participants.

The 13th conference was held in Hong Kong in November 1993 with sixty delegates from nineteen different nations in the region. The report of the conference has now been published. The report summarises discussion of the four substantive agenda items:

- the rights and treatment of unconvicted prisoners;
- the effective treatment of different types of offenders;
- public awareness and support for corrections; and
- international cooperation for corrections.

As well, it contains prison statistics for each nation in the region.

The host for the 13th conference was Eric McCosh, Commissioner of the Correctional Services Department of Hong Kong, who arranged for delegates to visit a number of correctional institutions and to witness a passing out parade at the staff training centre.

The Hong Kong conference accepted an offer from Doug Owston, Secretary of the Northern Territory Department of Correctional Services, to host the 14th conference in Darwin in 1994. On that occasion the conference will discuss:

- the management of intractable and protection prisoners;
- the application of technology and information systems in corrections;
- the care and control of minority groups in prison; and
- staffing and management systems in corrections.

One of the traditions of the conference is for delegates to prepare papers on each of the substantive agenda items which form the basis for the formal discussions. They are also widely used for senior staff training throughout the region.

(Corrections in Asia and the Pacific: Record of the Thirteenth Asian and Pacific Conference of Correctional Administrators, prepared by David Biles and Richard Harding, available from the Australian Institute of Criminology, RRP, AS15.00)
South Australian delegation to the Executive Committee of the World Society of Victimology (WSV) was successful in having Adelaide chosen as the host city for the much coveted 8th International Symposium on Victimology.

The successful bid resulted in the Australasian Society of Victimology (ASV), in collaboration with the Australian Institute of Criminology, the Australian Victims of Crime Service, the Australian Crime Prevention Council, the South Australian Police Force and the South Australian Government, being invited by the World Society of Victimology (WSV) to host and organise this 8th Symposium to be held in Adelaide, South Australia on 21-26 August 1994.

This will be the first time this major international Symposium has been held in the Australasian region. The International Symposia on Victimology have been held triennially for the past eighteen years: Jerusalem 1973; Boston 1976; Munster 1979; Tokyo 1982; Zagreb 1985; Jerusalem 1988; and Rio de Janeiro 1991.

The choice of Adelaide as the host city is a result of South Australia's significant impact on the victimology movement world-wide. South Australia has a long democratic tradition and has led the way in Australia in the areas of victims' rights, victims' compensation and victims' services. The South Australian Police Department has one of the most advanced victim awareness training programs in the world. In addition, the Hon. Chris Sumner, the South Australian Shadow Attorney-General, is the current President of both the World and Australasian Societies of Victimology.

The ASV philosophy that the needs and interests of the victims of crime can best be served and enhanced by focusing attention on them and their relationship with the criminal justice system in an intellectually rigorous manner is the basis on which the program of the 8th International Symposium on Victimology is being built.

The principle theme of the Symposium is "Victimisation and Violence: Strategies for Survival". The program will be divided up into eight main themes which will be the subject of eight plenary addresses. Themes and topics to be included are:

- Victims, Offenders and the Law
- Tragedy and Traumatic Stress
- Victimisation
- Preventing Victimisation
- Violence and Victimisation in Families
- Human Rights and Refugees
- Victimology: Paradoxes and Paradigms
- Crime and Victim Surveys
- Servicing Victims' Needs
- Changing the Justice System
- Police and Victims
- Victims of Trauma, and
- Victim Compensation

Taking heed of eminent Canadian Victimologist Professor Ezzat Fattah's argument that there are elements of western cultural superiority in the area of victimology which were inappropriately being imposed on other cultures, it is imperative that participants have the opportunity to hear and learn from both western and non-western victims support workers and researchers. Thus, the 8th International Symposium is a forum which will introduce "newcomers" to the study and work of victimology.

Speakers at the Symposium will include:

- Ms Safiaa Sadek, Director of Human Rights in South Africa
- Dr Elias Neuman, Professor of Law, University of Buenos Aires, Argentina
- Ms Suzanne Kangni-Atto, Service Social Tribunal, Togo
- Professor Vitali Kvashis, Institute of Russia Ministry of the Interior
- Professor Sabatay, Indonesia
- Dr Li-Hsing Chen, National Teachers College, Taiwan

In an attempt to move away from five days of being talked to, the program will provide ample opportunity, via panel sessions, debates, workshops, round table meetings and social outings, for participants to meet, talk, discuss and compare.

The Symposia which have international significance and an influence on victim related policies in most countries of the world, provides an excellent opportunity and forum for theoreticians and practitioners to meet and examine the best national and international practices relating to the study and prevention of victimisation.
The Symposium is designed as an eligible structured program, in accordance with the Training Guarantee Act. Day Registration and Group Booking Fees apply and Student Concessions will be considered on application. Arrangements have been made whereby organisations can make part payments from their 1993-94 and 1994-95 financial budgets, for employees wishing to attend.

For registration details, brochures or further information regarding the Symposium, please contact:
Anita Scandia
Symposium Organiser
GPO Box 2296
Adelaide, SA 5001
Tel: (08) 207 1692
Fax: (08) 207 1730
(08) 207 1736

The Symposium’s Organising and Academic Advisory Committees are made up of prominent Australians including: the Hon. Chris Sumner; Dr Peter Grabosky, Visiting Fellow at the Australian National University; Professor Duncan Chappell, former Director of the Australian Institute of Criminology; South Australian Police Commissioner, Mr David Hunt; Mr Andrew Paterson, Chairman of the Australian Victims of Crime Service and Director of the South Australian Victims of Crime Service; Ms Linda Matthews, Director of the Rape and Sexual Assault Services in South Australia; Ms Kate Hannaford, Victimologist with the South Australian Department of Correctional Services. Other members include Judge Andrew Wilson, South Australian Supreme Court Judge and Vice-President, Australian Crime Prevention Council; Gary Byron, Director General, Courts Department, NSW; Juli Gardner, Senior Research Officer with the South Australian Attorney-General’s Department, NSW; Julie Gardner, Senior Research Officer with the South Australian Attorney-General’s Department; Michael O’Connell, Victim Impact Coordinator with the South Australian Police Force; Rick Sarre, Head of the University of South Australia School of Law and Mark Israel, Lecturer with the Flinders University Department of Legal Studies.

The ASV gratefully acknowledges the additional sponsorship it has received from the South Australian Government, The University of South Australia, Qantas, The Australia-Korea Foundation, The Australia-India Council and the Australian Institute of Criminology. An application has been made to AIDAB in the hope of being able to assist speakers from developing countries in attending the Symposium.
Family Conferencing and Juvenile Justice: The way forward or misplaced optimism?
edds Christine Alder & Joy Wundersitz

Family Conferencing and Juvenile Justice: The way forward or misplaced optimism? captures the essence of the juvenile justice debate in Australia today. The contributors to this volume share a common concern about the possible effects of the criminal justice system on our juvenile offenders, but have different views as to how justice should be administered to this vulnerable group. Is it possible to punish without stigmatisation? Can we prevent reoffending? Are family conferences necessarily the best alternative? These questions are discussed in detail in Family Conferencing and Juvenile Justice.

Boronia Halstead

This discussion paper highlights the impact of differences between legislation in Australian jurisdictions on effective enforcement of fauna trafficking provisions. The contents include: Federal and State responsibilities for the regulation of the movement of wildlife; legislative provisions for intra-state and interstate transactions in fauna; potential for laundering of illegal activities through a record-keeping system; list of State and Territory legislation.

National Trends for Persons in Juvenile Corrective Institutions and Adult Prisons 1981 to 1992
Dianne Dagg and Satyanshu Mukherjee

National Trends for Persons in Juvenile Corrective Institutions and Adult Prisons 1981 to 1992 is based on data obtained for the Institute's quarterly series, Persons in Juvenile Corrective Institutions. This report contains data on all persons in juvenile corrective institutions by age as at 31 March 1993; Aboriginal and Torres Strait Islander People data; persons in juvenile corrective institutions by age/race and rate per 100,000 relevant population; number of persons (10-17 years) in juvenile institutions by sex and jurisdiction on 30 June 1981 to 1992; persons under 20 years in juvenile institutions and adult prisons by jurisdiction and sex on 30 June 1982 to 30 June 1992.
Representations of Youth: The study of youth and adolescence in Britain and America
Christine Griffin
Representations of Youth examines the various constructions of “youth” and “adolescence” in recent British and North American research. This book considers research in psychology, sociology, education, criminology and cultural studies in order to assess the issues affecting young people today.

Race, Riots and Policing: Lore and Disorder in a Multi-racist Society
Michael Keith
Race, Riots and Policing explores the police/Black conflict in a geographical and historical context. The recent riots in London are analysed and the author demonstrates that both the riots and subsequent popular and official analysis have determined policies which have heightened the criminalisation of the Black community. The author, Michael Keith, is a Principal Research Officer at Goldsmiths’ College, London.

Prison Law: Text & Materials
Stephen Livingstone & Tim Owen
Prison Law is the first comprehensive work to address the law of imprisonment and the legal position of prisoners in England and Wales. As well as providing a narrative of the existing law as it affects all aspects of imprisonment, it offers a critical analysis of the relationship between law and prisons with comparisons drawn from the American prison system and the law of the European Court of Human Rights. It also includes in the Appendices all the statutory and non-statutory materials required for a full understanding of the legal and administrative framework regulating prison life, including previously unpublished Circular Instructions and Standing Orders.

Human Rights and Equal Opportunity Commission
GPO Box 5218
Sydney NSW 2001

Monitoring Hate Crimes: A report on the community relations strategy
Race Discrimination Commissioner
The Data Project was one of seven projects undertaken as part of the Human Rights and Equal Opportunity Commission’s Community Relations Strategy Program. The pilot study and parallel trials demonstrated that the collection of information on the incidence of perceived hate crimes is procedurally a simple matter which could readily be introduced to existing systems with appropriate training and supervision.

The Police and Young People in Australia
eds Rob White & Christine Alder
This book is an analysis of police-youth relations, offering new insights into how young people are policed. Specific areas addressed include: the legal framework of police-youth interaction in Australia; policing of Aboriginal youth; the relationship of police and young women; ethnic and community policing and likely future directions in policy.
CONFERENCES

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

1994
14-17 Jun  Aboriginal Justice Issues II, Townsville
20-22 July  Access to Justice, Sydney
21-26 August  8th International Symposium on Victimology, Adelaide (held by the World Society of Victimology in association with the Australasian Society of Victimology. The AIC is a co-sponsor)
late Sept  Safety in Public Places, Gold Coast
18-21 Oct  Sentencing, Brisbane

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

Conference Program
The Australian Institute of Criminology
GPO Box 2944
Canberra ACT 2601
Tel: (61) (06) 274 0223/0226
Fax: (61) (06) 274 0225

Alcohol & Drug Foundation, Queensland
Winter School in the Sun
"Drugs - What we Know, What we Do"
4-8 July 1994, Brisbane City Travelodge
It is anticipated that the papers to be given at this conference will give particular emphasis to the application of research in policy and practice, the difficulties of motivating people to translate knowledge into lifestyle, and the highlighting of intervention policies in the drug field that fail to reflect research knowledge.

For further information, please contact:
Alcohol and Drug Foundation, Queensland
PO Box 332
Spring Hill Qld 4004
Tel: (61) (07) 832 3798
Fax: (61) (07) 832 2527

The Australian Institute of Judicial Administration Inc.
13th AIJA Annual Conference
13-14 August 1994, Fremantle
(Court Administrators' Conference and the Biannual Librarians' Conference, 12 August 1994)

For further information, please contact:
Mrs Margaret McHutchison
Administrator
AIJA
103-5 Barry Street
Carlton South Vic. 3053

The City of Melbourne
International Year of the Family Conference
7-8 November 1994, The Regent Hotel, Melbourne, Victoria
Themes: Co-operation and Initiatives of Government, the Business and Community Sectors to support and strengthen families and their quality of life; and, Improving the Family Friendliness of Cities and Towns.

For further information, please contact:
The Conference Organiser
The Meeting Planners
108 Church Street
Hawthorn Vic. 3122
Tel: (61) (03) 819 3700
Fax: (61) (03) 819 5978

International Year of the Family
National Conference
"Australian Families: the Next Ten Years"
20-23 November 1994, Adelaide
The program for this conference will address the nine key priority issues for the International Year of the Family identified by the National Council for IYF. The aims of the conference include: to portray the diverse functions central to the well-being of families in Australian society; to examine social and economic trends that will impact on Australian families into the next century; to assess social, economic and cultural factors essential to the well-being of Australian families; to endorse and recommend policies which enhance family well-being into the next ten years.

For further information, please contact:
Elisabeth Eaton
Festival City Conventions
PO Box 986
Kent Town SA 5071
Tel: (61) (08) 363 1307
Fax: (61) (08) 363 1604
Overseas
Prisoner Rehabilitation Authority, Israel; The Hebrew University of Jerusalem, Israel; Patten College, Oakland CA, USA First International Conference on Crime Prevention through Religion
13-16 June 1994, Jerusalem, Israel

For further information, please contact:
Conference Secretariat
PO Box 574
Jerusalem, Israel
Fax: (972) (2) 868 165
or
Dr G Moncher
2433 Coolidge Avenue
Oakland CA 94601, USA
Tel: (1) (510) 534 8564
Fax: (1) (510) 533 8306

The Simon Fraser University Institute for Studies in Criminal Justice Policy and the University of British Columbia First Nations Law Program under the direction of the National Committee (Second Circle) on Aboriginal Justice

Aboriginal Justice: Visions of the People: An invitation to the World's Indigenous People to attend an international gathering
19-22 June 1994, Vancouver, Canada
The purpose of this gathering is to bring together grassroots organizers, leaders, elders, and individuals committed to creating positive change in their communities. The conference will deal with traditional and contemporary ideas and practical applications of healing, harmony, peace-keeping, and conflict resolution in an atmosphere of dignity and respect.

For further information, please contact:
Tanis Dagert
Project Coordinator
Institute for Studies in Criminal Justice Policy
SFU at Harbour Centre
515 West Hastings Street
Vancouver BC Canada V6B 5K3
Tel: (1) (604) 291 5198
Fax: (1) (604) 291 5213

14th International Congress of the International Association of Juvenile and Family Court Magistrates
28 August-2 September 1994, Bremen, Germany
The central theme of the congress will be "Young offenders and their families - the human rights issue". Themes at the congress will include: What do human rights mean within the scope of juvenile law?; Is there a consensus on the substance of human rights despite divergent social systems?; How can the conversion of human rights into routine practice be assured?; Juvenile delinquency in urban areas; Judicial responses to juvenile delinquency; Alternatives to types of judicial responses.

For further information, please contact:
Verkehrsverein der Freien Hansestadt Bremen e. V.
Postfach 10 07 47, 28007
Bremen Germany
Tel: (49) (421) 3 08 00-0
Fax: (49) (421) 3 08 00-3

American Society of Criminology
9-12 November 1994
Hyatt Regency Hotel, Miami, Florida, USA
The theme of this annual meeting will be "Challenges of Crime and Social Control". The program will include: Dimensions of crime and criminology; research methods; crime causation; and social control.

For further information, please contact:
Thomas Blomberg
School of Criminology and Criminal Justice
Florida State University
Tallahase FL 32306- 2025, USA
Tel: (1) (904) 644 7380

4th LAWASIA Labour Law Conference 1994
The Legal Protection of Workers and of Employers in Foreign Invested Enterprises and in Employment Abroad
9-11 October 1994, Beijing
For further information, please contact:
Judge D.D. Finnigan
Labour Court
PO Box 50411
Auckland New Zealand
Tel: (64) (9) 379 0786
Fax: (64) (9) 379 7314

2nd LAWASIA Comparative Constitutional Law Seminar
4-6 December 1994, Kathmandu
For further information, please contact:
Professor Cheryl Saunders
Centre for Comparative Constitutional Studies
157 Barry Street
Carlton Vic 3053
Tel: (61) (03) 344 6206
Fax: (61) (03) 344 5584

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Research: Culture and Access to the Law
Associate Lecturer in Legal Studies at The Flinders University of South Australia, Ms Jenny Burley, is researching the difficulties faced by the Vietnamese community in their dealings with the legal system in Australia. Ms Burley’s research reveals that the culture within specific ethnic communities needs to be understood in more detail if reformist policies to ensure greater access to the law are to be effective.

Occasional Seminars at the Australian Institute of Criminology
On 10 February 1994, Professor Peter Smith, Professor of Psychology, Sheffield University, UK, spoke about “School Bullying and How to Tackle It”. Professor Smith is currently on a visiting fellowship at The Flinders University of South Australia. He is Director of a project funded by the Department of Education in London which focuses on ways to reduce bullying in schools.

On 24 February 1994, Paul Moyle, lecturer in law at the James Cook University, spoke on “Contracting for Private Prisons in Australia”.

Criminology Research Council - Research Reports received
During the last twelve months the following reports on completed projects were received. All Criminology Research Council reports are lodged with the J.V. Barry Library of the Australian Institute of Criminology where they can be studied or borrowed through inter-library loan.


“Corporate Law Sanctions and the Control of White Collar Crime”, Roman Tomasic (CRC 2/91).


Review of the Australian Institute of Criminology
As recommended in the report of the Review of the Commonwealth Law Enforcement Arrangements, the role, clients, focus, priorities and structure of the Australian Institute of Criminology are currently undergoing review. Dr Grant Wardlaw has been appointed Acting Director of the Institute for six months from April 1994.