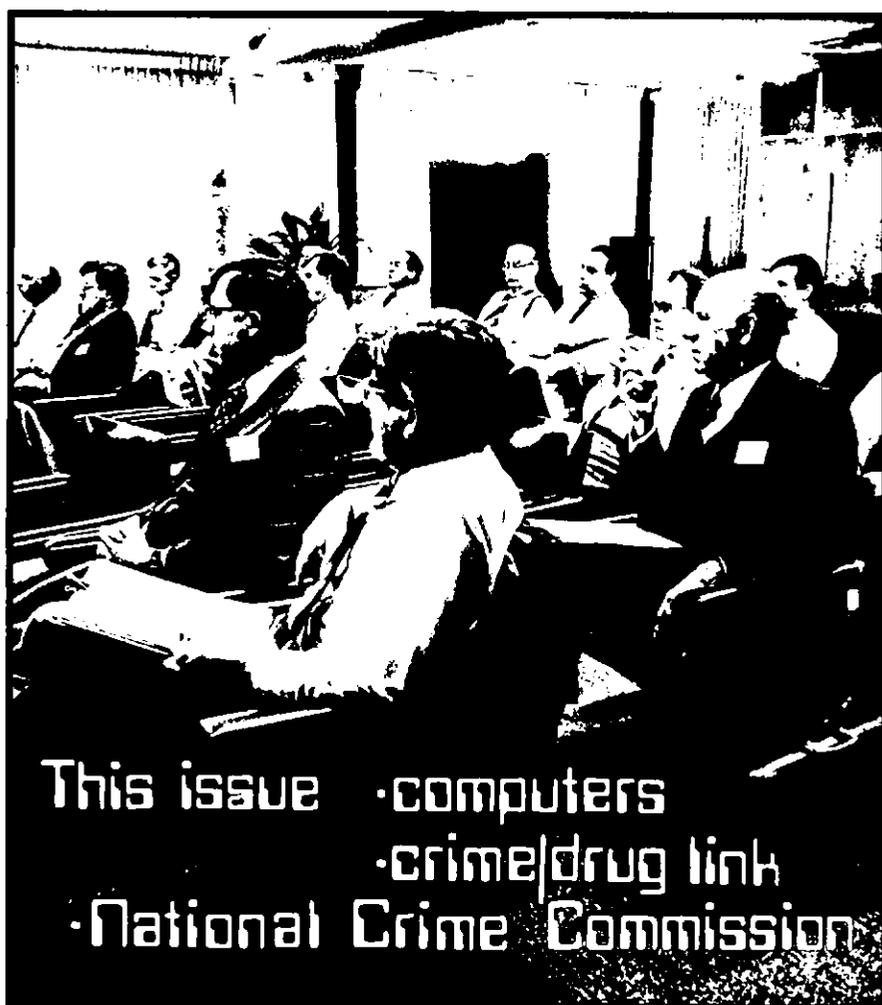


# reporter



**AUSTRALIAN INSTITUTE OF CRIMINOLOGY QUARTERLY**

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(Publications continued inside back page)

COVER PHOTOGRAPH: Participants at *Computers and the Courts*, one of three seminars discussed in feature stories in this issue.

# reporter

## Darwin prison 'attractive'

The Australian Institute of Criminology is conducting a seminar on Aborigines and Criminal Justice in September. And recently the Acting Director, Mr David Biles, was in the Northern Territory at the invitation of the Director of Correctional Services to present papers at a conference of probation and parole officers in the Territory. He visited Groote Eylandt on the way because the Northern Territory correctional authorities wanted his advice on whether to build a local prison there.

From a criminological view point, Mr Biles found Groote Eylandt was extremely absorbing. With a population of just over 2,000, almost half of whom are Aborigines, Groote Eylandt has an extraordinarily high imprisonment rate. It is well known that the Northern Territory imprisonment rate is more than three times the national average, but data from the national prison census have indicated that the Groote Eylandt imprisonment rate is more than eight times that of the Northern Territory. Virtually all are Aborigines. As there is no local prison, all prison terms over 28 days are served in Darwin.

From discussions with the leaders of the two major Aboriginal communities, the police, mining company officials and with prisoners in custody, Mr Biles found that imprisonment had very little deterrent value for Groote Eylandt and it was even suggested that the aeroplane flight to Darwin and the relatively good conditions available in the Berrimah Prison were seen as attractive to the offenders. In prison at Darwin, Groote Eylandt prisoners also received strong social support from friends and relatives.

Mr Biles suggested to a meeting in Darwin, attended by the Chief Stipendiary Magistrate of the Territory, that the operation of criminal justice services on Groote Eylandt not only failed to deter criminal behaviour but actively reinforced and rewarded such behaviour. To the extent that this was true, Mr Biles said, it seemed necessary to consider building a small prison on the island. Mr Biles will prepare a detailed report on Groote Eylandt prisoners in the near future.

The former Director of the Institute, Mr William Clifford, took a close interest in the question of Aboriginal criminology and published many papers in this field. The Institute's September seminar on this subject will be featured in detail in the December issue of this journal.

Aboriginal criminology is an area where much work is still to be done. ®

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# Drugs and crime link examined

A Sydney seminar was told that governments needed to act immediately to curb the undesirable forces in society which created alcoholism and drug addiction.

There was also a need for law enforcement and other bodies to work more cooperatively to combat the problem of drug and alcohol abuse.

Addressing over 100 participants from both the criminal justice and the health and welfare fields across Australia and New Zealand at the opening of the seminar on the link between alcohol, drugs and crime, the Chairman of the New South Wales Drug and Alcohol Authority, Mr Brian Stewart, quoted figures which showed that about 350,000 Australians were suffering from serious alcohol problems.

Mr Stewart told the seminar that:

- Australia had the highest per capita consumption of alcohol in the English speaking world
- 20,000 Australians were dying each year from alcohol and tobacco related causes.

Discussing ways of tackling the problem, Mr Stewart told the seminar, which was organised jointly by the Authority and the Australian Institute of Criminology, that the Authority was not prohibitionist in its philosophy.

'Simplistic measures such as prohibitionist models or a strengthening of the law have been shown historically to have disastrous effects.

Royal Commissions and Parliamentary Committees of Inquiry were not needed and a Crime Commission would only confuse and intrude into the lives of citizens.

'We need to place greater emphasis on health and welfare through diversionary programs which are designed to channel drug offenders from the penal to the health care system', Mr Stewart said.

Mr Stewart said that the law



Mr Brian Stewart

in respect to marijuana offenders needed changing.

'Of the 5000 drug offenders going before the courts each year, over 80 per cent are marijuana offenders.

Nearly all of those charged receive a fine and it is costly and demanding on resources'.

Mr Stewart said that the law needed to be brought more into step with current community attitudes. The Authority was considering a proposal to issue marijuana users with an on-the-spot fine similar to a parking ticket notice, he said.

Under such a scheme no criminal conviction would be recorded on payment of the fine.

The convenor of the National Organisation for Reform of Marijuana Laws Mr Tony Kew presented an 'alternative' scheme where the unemployed would be licenced to cultivate cannabis.

Profit would be used to sponsor drug research and education and would support drug rehabilitation programs, health and welfare services and capital works programs.

Under the scheme a 'consumer licence' would be issued upon the passing of an oral test to demonstrate user familiarity with the abuse potential of all drugs whether now considered legal or not.

Mr Kew criticised the New South Wales Government for spending 20 times the amount of money on arresting and punishing marijuana users than upon drug education aimed at preventing the abuse of all drugs.

'Between two and three million Australians break the law and risk severe penalties because they find that the side effects of marijuana are negligible when compared with other legally available drugs.

'Cannabis use is a victimless crime and society has not been damaged but has been enhanced by the use of the plant', Mr Kew said.

Such a statement could not be made in relation to the law prohibiting its use.

Mr Kew told the seminar that the 1980 estimated community cost of cannabis use was \$52 million.

'The figure resulted almost entirely from the fact that the drug is illegal rather than from any major health or social costs.

'We all suffer the cost of this misdirected expenditure as other services are restricted or curtailed through lack of funds and police are unable to concentrate on solving crimes involving victims', he said.

Mr Kew said that present marijuana laws provided a multi-million dollar a year income for organised crime and bolstered revenue for the tobacco and alcohol companies who had their monopolies protected by legislation.

The Head of the Drug Squad in New South Wales, Detective Inspector James Willis stressed the importance of how police approached the task of enforcing drug laws.

In a paper which looked at police and problems of law enforcement, he said that police were stringent with drug traffickers but were humane toward addicts.

'The police department is anxious to reach an understanding of the drug problem that is flexible in its approach to the problem.

'It is keen to be part of a public policy that will bring a consensual solution in this most difficult area.

'Total elimination of drug abuse is unlikely and oppressive measures used to resolve the problem will not be tolerated in a free society.

'The best defence against it is to maintain a proper balance in the attack on the problems of supply and demand, prevention and control.

'Society must realise that the social costs of drug dependency and drug related crime are immense', Detective Inspector Willis said.

According to Professor Ron Sackville, former Chairman, 1979 South Australian Royal Commission into the Non-Medical Use of Drugs, the community did not understand or know how to deal with the drug problem.

It yearned for simple solutions like drug education and treatment programs and more vigorous law enforcement.

Delivering a keynote address, Professor Sackville said that the imposition of more stringent criminal sanctions on drug users and dealers commanded the most public attention.

'Successive Royal Commissions to investigate the illicit drug trade reflects the assumption that law enforcement agencies are capable single-handedly of controlling if not eliminating the problem provided that they receive sufficiently broad powers and adequate resources', he said.

There was also widespread belief that the illicit trade in heroin could be largely wiped out by treatment programs which made the drug freely available to dependent persons.

'Successive inquiries rejected this policy and had concluded that subject to very limited exceptions, heroin should not be made available to dependent persons'.

It was pointed out that the only way to eliminate the black market in heroin would be to make the



Participants at the seminar which was held at the University of Sydney

drug available to all who asked for it.

'This policy would involve an enormous social cost and would be wholly unacceptable to the Australian and international communities', Professor Sackville said.

Professor Sackville said that over the past 25 years a doubt had been cast on the value of continuing the criminal offence of possession of drugs where there was no evidence that the offender intended to traffic.

Professor Sackville, who is the Chairman of the New South Wales Law Reform Commission, said that eventually less emphasis would be placed on the criminal law as the principal means of controlling the non-medical use of drugs.

'Changes are already occurring and it is only a matter of time before the possession of cannabis for personal use ceases to be a criminal offence', he said.

Professor Sackville foresaw this trend carrying over to the possession offence where it applied to drugs other than cannabis.

'Over time there will be a greater acceptance of the view that enforcement of the criminal law has serious costs associated with it and there will come a time when it is

seen by many as an inappropriate means of attempting to control individual drug taking behaviour', he said.

Discussing the link between crime and drug use, Professor Sackville explained that evidence showed that drug dependent persons committed crimes other than those which were drug related and that their drug taking might be part of a broader pattern of deviant behaviour.

Research indicated that the level of criminal conduct by illegal drug users increased after the commencement of drug use.

Professor Sackville told the seminar that the nature of the drug-crime link was crucial to the debate on whether Australia should have a National Crime Commission to combat organised crime.

He warned policy makers to be cautious before accepting the views of the community that:

- organised crime is rampant in relation to the supply of illegal drugs; and
- criminal organisations represent such a threat that extraordinary investigative powers are required to curb their activities

The reports of recent Royal Commissions had created a power-

ful sense of urgency about the need for drastic action to combat the apparently wide ranging activities of organised crime.

'There is nothing new about high levels of anxiety and fear being generated by drug use and trafficking.

The greatest risk is that inappropriate and perhaps dangerous solutions will be adopted as a means of solving problems that do not necessarily exist in the form assumed by policy makers.

It is one thing to identify several syndicates who have arranged the illegal importation of and distribution of drugs.

It is another to assert that these syndicates control the drug trade or that they threaten our way of life sufficiently enough to justify substantial inroads into accepted civil liberties', Professor Sackville said.

The total cost of drug-related crime in New South Wales has been estimated at \$50 million a year.

In his address, Dr Jeff Sutton, Director of the New South Wales Bureau of Crime Statistics and Research which is engaged in a major study with the Authority told the seminar that more than 60 per cent of prisoners on burglary charges in Sydney stole to pay for drugs.

The results of the study are still being assessed.

Bureau researchers who interviewed 300 prisoners in metropolitan and country jails in New South Wales indicated that 64 per cent of property and robbery offenders broke the law to finance a drug habit.

Dr Sutton said that the comparable percentage for armed robbers was found to be 46 per cent.

More knowledge was needed in Australia about the connection between illegal drug use and crime according to Dr Grant Wardlaw.

Dr Wardlaw, a researcher with the Australian Institute of Criminology told the seminar that

there was a need to:

- examine the overall direction of Australia's drug policy
- examine the effects on crime of different drugs
- carry out longitudinal and ethnographic studies of drug users selected from other than official sources.

'Symbolism, myth and fear dominate the drug debate and flow through to policy making.

'A strategy is needed to translate complex research findings in the drugs-crime area into a format which will be understood by both public and policy-makers', Dr Wardlaw said.

Dr Wardlaw said that while the amount of crime committed by drug users had been overstated it was true that users of illegal drugs were significantly involved in criminal behaviour.

'In many cases such crime is a continuation of pre-existing criminal careers, but periods of heavy continuous use of expensive drugs are still accompanied by extremely high levels of criminal activity', Dr Wardlaw said.

Present methods of combatting alcohol-related crime were costly and ineffective according to psychologist Mr Ian Smith.

The problem could best be tackled through social policy research.

'While isolated exceptions can be quoted, rehabilitation or treatment programs, educational activities, severe penalties or increased intensity of law enforcement have not reduced the amount of alcohol related crime', he said.

By contrast changes in social policy could satisfy the criteria of being both effective and economical in operation.

'Overseas studies indicate that reducing the availability of alcoholic beverages reduces crime and in particular traffic accidents and there appears to be no reason to suggest that these benefits would not also apply to Australia if the availability of alcoholic

beverages was to be reduced', he said.

Mr Smith said that there was an urgent need for Australian social policy research in areas such as consumption, the alcoholic content of beer, advertising and pricing of alcoholic beverages.

He also called for an evaluation to be made of existing counter-measures in both the health and legal fields.

Groups with political and economic power created and maintained the drug-crime link, Dr Margaret Sargent told the conference.

These dominant groups in society blamed drug dependent individuals for the drug-crime link and sought to maintain political and economic power by subordinating groups who might constitute a threat to the status quo.

They did this by bringing economic and social pressures to bear on subordinate groups to consume certain drugs and other commodities in particular ways.

'We must face the fact that it is in the interests of governments, legal big business, and organised crime, for people to consume more and more drugs of all kinds.

'The drug-crime link exists with people such as middle men, manufacturers and distributors, and criminals big and small in Australia whose economical interests create pressures to consume their wares., she said.

The rewards also took the form of political power.

'Use is made of drug consumption in certain groups to exercise social control over them and to discredit them in the eyes of the other members of society', she said.

She said that this dominance and control is sustained by the dominant groups through the media, the education system, government social policy, advertising and the legal system. ®

# Crime commission debate

*The publication of the Costigan Royal Commission report in 1982 gave impetus to the idea of a National Crime Commission.*

*Supporters of a Commission argue that there is a need to establish such a body with wide powers to fight the criminal element in Australia; opponents see that these powers would be a danger to civil liberties.*

*Would such a system improve our criminal justice services?*

Among the competing views are those of the New South Wales Bar Association which believes that a permanent Crime Commission with compulsory inquisitorial powers poses such a threat to civil liberties that it cannot be justified in any circumstances.

Others argue that organised crime in Australia has become so widespread and sophisticated that existing police forces and occasional Royal Commissions cannot cope.

These and similar questions were discussed at a seminar in Sydney on 15 June 1983.

Key speakers at the seminar organised by the Australian Institute of Political Science were Douglas Meagher Q.C. (Senior Counsel Assisting the Costigan Royal Commission), who asserted that organised crime in Australia was so well organised that only a Crime Commission could cope with it, and Michael McHugh Q.C. (President of the New South Wales Bar Association) who presented the argument against a Crime Commission.

The major speaker was Senator Gareth Evans, the Federal Attorney-General, who outlined his views on the topic and said that a Crime Commission was being considered by the Federal Government for introduction in January next year.

Senator Evans explained that, 'the most contentious single question facing the government was what the principal role of a Crime Commission should be'.

'Is it to identify and expose

organised and sophisticated crime or is it to package or to help package the kind of admissible evidence which will get criminals behind bars?', he said.

He said that the government supported the establishment of a National Crime Commission but had yet to make up its mind about the functions and powers of such a body.

Senator Evans said that he believed that the Commission should not only identify offenders but should also assemble evidence in cooperation with the police and the soon to be established Directorate of Public Prosecutors.



Senator Gareth Evans

'It seems to me that good government and public confidence in the administration of justice are not satisfied by the mere identifying or naming of persons in reports of commissions if this action is not followed by the conviction and punishment of those persons', he said.

Senator Evans said that the problem of organised crime should be tackled not by the Commonwealth Government alone but by all governments of Australia and their law enforcement agencies.

The professional development of police must be encouraged if crime, including organised crime is to be combatted effectively, an Australian Institute of Criminology researcher told the seminar.

Bruce Swanton believes that the best approach to improved crime control consists of refining and supplementing structures already in place.

'State police structures are basically sound and appropriate to the investigation and control of organised crime and criminals.

'So why not improve them rather than resort to an untried structure such as a Crime Commission which offered a grossly simplistic approach to the complex phenomenon commonly known as organised crime?

'There is no substantial evidence to suggest a Crime Commission would be effective in achieving the prosecution and conviction of major criminals.

'Even if such an agency were established it would quickly lose impetus and direction and would possibly become itself a threat to society.

'It is naive to assume that a Crime Commission would not abuse its special powers and that it will remain unaffected by the ambitions of other federal interests.

'In short, neither the organisational integrity nor the operational effectiveness of a National Crime Commission can be guaranteed', Mr Swanton said.

Mr Swanton called for the setting up of an Inter-State Police Commission to be sited within and controlled by the states, to centralise and coordinate police operations across Australia.

He also recommended the abolition of the Australian Federal Police and a restoration of independence to the A.C.T. Police Force.

He said that the Commonwealth Police Force which possessed no police role should be replaced by small drug investigative and protective security agencies.

In Canberra at the 'mini summit' on crime in July, the Federal Attorney-General Senator Evans expressed the opinion that a Crime Commission with special powers could assist law enforce-



Mr Bruce Swanton

ment agencies by obtaining sufficient evidence to secure convictions.

In a submission presented to the 'summit' Ivan Potas, Senior Research Officer (Legal) with the Australian Institute of Criminology, expressed the personal view that the aim of a Crime Commission should be to expose criminal activities and make recommendations for their prevention rather than concern itself with bringing offenders to justice.

'To suggest that securing prosecutions is the way to go about reducing the incidence of organised crime is simplistic in the extreme', Mr Potas said.

'The function of a Crime Commission should be to define the categories of organised crime, to evaluate the opportunities for organised crime, and to recommend to the government how such crime can be minimised.

'The identification and removal of a few key organised crime figures may be desirable in the short-term, but if the opportunities which enable such crime to flourish are permitted to continue then a displacement effect will occur.

'We will be able to fill our prisons but we will not be able to stamp out the criminal activity itself', Mr Potas said.

To prove a case against a person with power and influence who could afford the best of legal assistance was a major obstacle.

'In order to secure the removal of such persons it would be necessary to have laws that our society would not tolerate from a civil liberties perspective'.

'The price of freedom is crime, and if crime is suppressed through excessive law enforcement measures then the innocent as well as the guilty suffer', Mr Potas said.

Australia's criminal justice system needed to be extensively retooled and upgraded and this should be the fundamental task of a Crime Commission, said Mr William Clifford, Director of the Australian Institute of Criminology.

Mr Clifford said that a Crime Commission established to investigate and prosecute would have only a limited effect on organised crime in Australia.

'Going through the ritual of investigation, prosecution and conviction will be no guarantee that we will seriously embarrass the organised crime machine.

'Our total approach to crime control needs to be up-dated, refurbished and reconstructed', Mr Clifford said.

A well conceived and implemented long-term program was needed covering the economic, social and legal dimensions of crime control.

Mr Clifford said, 'enormous amounts of money have been spent overseas on law enforcement and Australia should not get too ambitious about what it can do by simply adding another investigative or prosecutorial arm to the criminal justice system.

'Every time there is a new crisis in crime our governments have a knee-jerk reaction called *law enforcement*'.

Mr Clifford said that this kind of automatic reaction of pouring money and manpower into already 'tottering, top heavy and ineffective police, courts, and corrections, could be adding to crime—or at

least to the incompetence in dealing with it.

'Passing more laws and increasing law enforcement may have political value but they could not be regarded as cost efficient', he said.

Mr Clifford said that the proposed Crime Commission would not be effective if it had to operate with, or alongside unimproved and fragmented legislation, tribunals, police forces and corrections.

'It would be wishful thinking to believe that a Crime Commission would carry out a swift out-flanking of organised criminality and paralyse it with a short-term or blitzkrieg style of attack', he said.

Mr Clifford said that the government's green paper contained a number of blatant assumptions about crime and crime control which did not accord with reality.

These were:

- that the control of organised crime was achieved by more effective law enforcement
- that crime was a kind of aberration, a deviation from the norm of human behaviour
- that organised crime was going to be seriously embarrassed by the activities of a Crime Commission
- that putting the crooks behind bars will bring organised crime to heel.

Mr Clifford explained that societies with the least crime had modest law enforcement services and used neighbourhood committees to ensure conformity because it was the community that controlled and tolerated crime.

The true import of a Crime Commission was more likely to be found, not in the number of prosecutions, but in the deterrent effect of the publicity it would give to the activities of certain individuals.

Mr Clifford said that although crime was reprehensible it was

normal to all societies and was generated not only by evil men but by social decisions which created the opportunities temptations and pressures.

'Crime is more widespread in a democracy because there is more freedom. Crime in a democracy is a price of freedom, and this is something we would do well to remember when we reach out for better or broader controls of behaviour', Mr Clifford said.

Finally Mr Clifford said that controlling modern organised transnational crime was not simply a question of imprisonment.

'Even supposing an array of dramatic and successful prosecutions when the Crime Commission begins to operate, we have continuing problems in the system such as accumulating evidence that the courts may not be able to handle, evidence presented over months of protracted trial that juries will not be able to digest, and prison systems that are in a state of crisis.

'The behaviour of governments who naturally assume that police, courts and corrections *MUST* be preventing crime even when the evidence suggests the contrary, is markedly unscientific—even illogical', Mr Clifford said. ®

## Streamlined sentencing procedures

Ways in which computers were being used by the Courts and how best they might be used in the future was discussed at a seminar 'Computers and the Courts' held at the Institute from 11-12 July 1983.

The conference, which was opened by Mr William Clifford the Director of the Institute, had as its key speaker the Honourable



The seminar's keynote address was delivered by The Honourable Mr Justice Connelly

Mr Justice Connelly, Supreme Court, Brisbane.

The seminar which attracted judges, legal practitioners and academics from all over Australia and overseas follows the publication of the book *Sentencing the Federal Drug offender*, by Institute researchers John Walker and Ivan Potas.

Mr Potas told the seminar that computers held the key to more reliable and detailed information on sentencing.

'Without them, most court decisions will remain largely unscientific hit-and-miss affairs.

'Unjustified disparities in sentences of imprisonment seriously undermine our respect for the law', he said.

The challenge was to design a system to serve those who needed quick, accurate, and comprehensive information relevant to the case in hand.

Mr Potas said that he and Mr Walker had made extensive use of the computer in a recent study which attempted to find a method for measuring the sentencing disparities of federal drug offenders.

He said that a Sentencing Council proposed jointly by the Australian Law Reform Commission and the Attorney-General must utilise computer technology

otherwise its data collection was likely to prove unsatisfactory.

Mr Potas said that computer terminals could be used by the Courts and the legal profession to assist them in the task of sentencing.

Computers would be a boom to librarians and judges who could punch up on a screen in chambers the transcript of any judgement for examination.

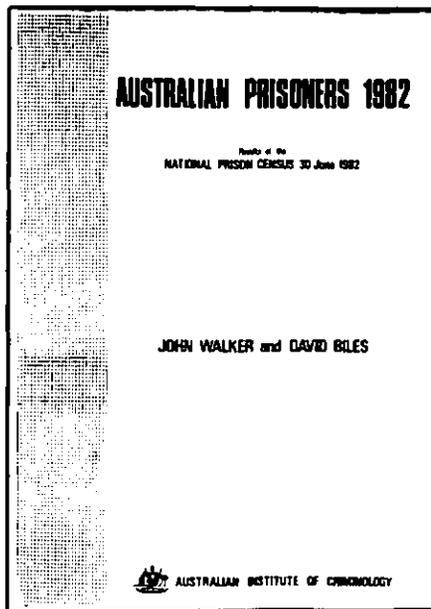
The seminar provided an opportunity for those in the field to come together and discuss the subject in the light of their own individual experiences. ®



One contributor to the discussion on computers, Professor Douglas Whalan, Chairman, Board of Faculties, Professor of Law, ANU.

# New publications

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*Australian Prisoners 1982* contains the results of the first national census of prisoners conducted by the Institute on 30 June 1982.

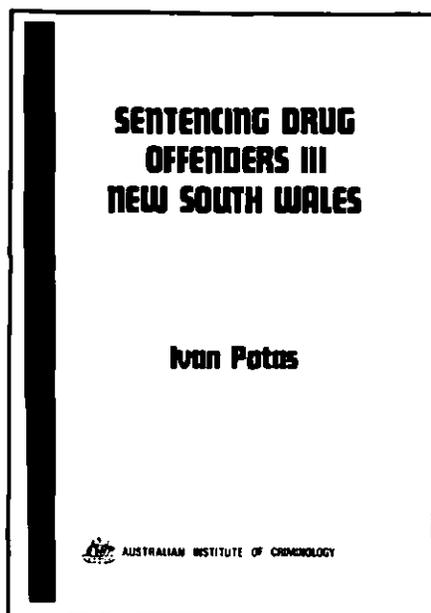
Compiled by John Walker and David Biles assisted by the Australian Bureau of Statistics and with the cooperation of the prison authorities in all States and the Northern Territory, the census covers the social and demographic characteristics of the prisoners, their legal status, their offences or charges, and details of sentences actually being served.

Details of sentences imposed for different offences in each jurisdiction are expected to be of value to judges and magistrates, while information such as the education and marital status of prisoners before incarceration will be useful in the planning of new prison programs.

The report of the census contains 30 cross-tabulations by jurisdiction and most serious offence, together with tabulations and graphs of percentages and rates. Even so, only a fraction of the information collected has been published.

The full data base will be used to generate special computer print-outs to meet the particular needs of prison administrators and researchers. A second national prison census took place on 30 June 1983, and results are expected to be available before the end of the year.

Copies of *Australian Prisoners 1982* are available from the Publications Section of the Institute at \$3.00 per copy plus postage.



Are federal drug offenders treated differently from state drug offenders?

*Sentencing Drug Offenders in New South Wales* by Ivan Potas, the Institute's Senior Research Officer (Legal), compares sentences imposed for drug offences against the Commonwealth with those sentences handed down for drug offences by the State of New South Wales.

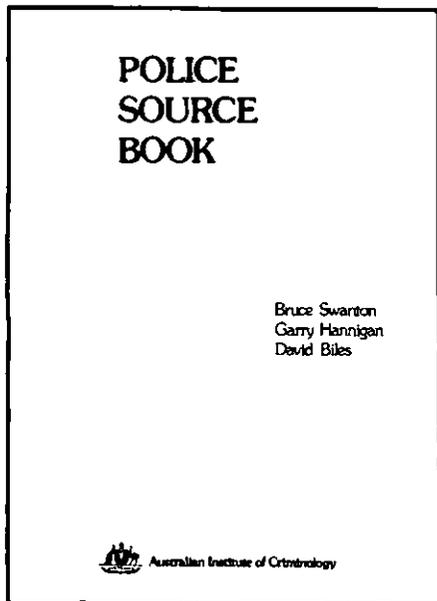
Its release follows *Sentencing the Federal Drug Offender* by Ivan Potas and John Walker which studied, with the aid of a computer, sentences meted out to federal drug offenders.

*Sentencing Drug Offenders in New South Wales* presents both an extensive statistical and summary case data analysis relating to the sentencing of federal drug offenders, and those sentenced for serious drug offences in the higher criminal courts of New South Wales.

The summaries of drug sentencing decisions have been presented by the author in chronological and alphabetical order to enable their use by persons wanting information on sentencing practices involving drug offenders.

Statistical data obtained from the New South Wales office of the Australian Bureau of Statistics are shown in a comprehensive list of tables.

Copies of *Sentencing Drug Offenders in New South Wales* are available from the Publications Section of the Institute at \$4.50 per copy plus postage.



What is the oldest police force in Australia?  
 Which police force has the largest number of personnel?  
 How much does it cost to operate a police department annually?

The answers to these and numerous other questions related to police ranks and salary, structure and organisation, criminal identification, etcetera, are to be found in the first edition of the *Police Source Book*.

Intended originally as a contribution to the Encyclopedia of World Police, the book was published by the Institute in response to an increase in public interest in matters related to police and crime and requests for data from overseas.

It contains data including such topics as the history and background of the police, and profiles and current developments of the various police organisations.

Compiled by Bruce Swanton, Garry Hannigan, and David Biles, the book also discusses the legal powers, and the discipline and accountability of police.

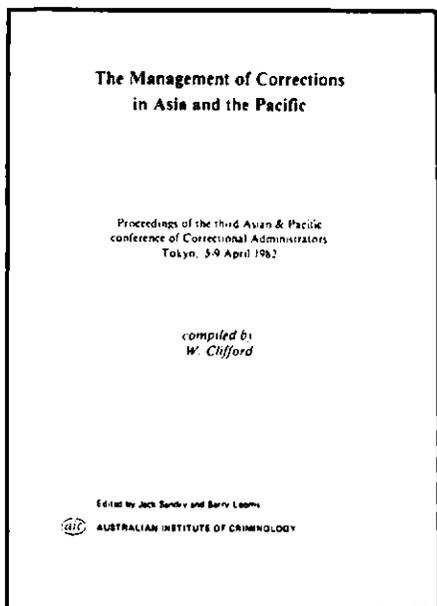
Other chapters give an insight into the working conditions, recruitment, education and training of police.

The book meets a need in educational institutions and has been accepted as a useful reference work among police organisations themselves.

As a result of this demand, a second revised and enlarged edition of the *Police Source Book* is being prepared which is expected to be released toward the end of this year.

The next edition is expected to include additional sections which will address police-related issues in depth.

Copies of *Police Source Book* are available from the Publications Section of the Institute at \$8.00 per copy plus postage.



This publication contains the proceedings of the Third Asian and Pacific Conference of Correctional Administrators held in Tokyo in April 1982.

The conference, which brought together participants from 14 countries as well as representatives from the United Nations and UNAFEI, discussed topics including prison staff development, the system of release of prisoners under supervision, vocational training, and methods of classifying and categorising prisoners.

With the publication of the third report there is far more information available on corrections in the region than there has ever been before.

This series of conferences has established an institutional structure for cooperation in penal affairs across the Asian and Pacific region.

The proceedings of the fourth conference held in New Zealand will be published by the Institute later this year.

Copies of the *Management of Corrections in Asia and the Pacific* are available from the Publications Section of the Institute at \$12.50 per copy plus postage.

# BOOK REVIEWS

## LAW, CAPITALISM, AND DEMOCRACY

By Pat O'Malley

George Allen & Unwin, Sydney, 1983: 204pp. — \$24.95 (hardback); \$11.95 (paperback).

Reviewer: PETER GRABOSKY, Criminologist, soon to join the Australian Institute of Criminology

Over the past ten years, criminology and sociological studies in Australia have come of age. This important book brings together the existing Australian literature on the sociology of law, in the context of major overseas contributions.

The book's nine chapters cover the form and content of law, the legal profession and the distribution of legal services, and the institutions of the criminal justice system — police, courts, and corrections. The guiding theme of the book is how the behaviour of these institutions has been shaped by Australian political and economic milieu.

Those chapters on the agencies of criminal justice will be of particular interest to criminologists. In his discussion of police discretion (a subject sorely neglected by Australian commentators) he contends that the reward structure of Australian police departments leads to pre-occupation with chalking up convictions, which results in disproportionate police concern with victimless crime and with minor breaches of public decorum on the part of minorities and the poor. O'Malley argues that the concomitant neglect of crimes of the powerful reflects the failure of Australian police to adapt to the changing face of crime. He notes, as did Duncan Chappell at the 1983 ANZAAS Conference, that the challenge of policing white-collar crime has largely been taken up by corporate affairs departments or by other agencies outside of insular police bureaucracies.

O'Malley's discussion of courts

is also insightful. He argues that courts of summary jurisdiction now play but a minor role in the determination of guilt or innocence — a role which has been almost entirely assumed by Police. He reminds us that plea bargaining is deeply ingrained in the Australian criminal process, notwithstanding its relative neglect by criminologists, and despite the usual silence on the subject by public officials. In a lucid discussion of trial by jury, O'Malley defends the institution, suggesting that most criticisms are motivated by organisational self-interest.

The chapter on criminal sanctions presents evidence to suggest that reforms such as probation and community service orders have led to a greater proportion of people being brought into the criminal process than was the case when fewer alternatives to incarceration were available. Moreover, the quasi-penal aspects of civil sanctions have been expanded in recent years, a process which O'Malley terms 'the sublimation of punishment'.

As the first Australian treatise on the sociology of law, this landmark book deserves a place in the socio-legal studies curriculum. Its extensive bibliography is a contribution in its own right. The book also identifies a number of issues which cry out for attention by criminologists in the 1980s.

## CRIMINAL PROCEDURE

By John B. Bishop

Butterworths, Sydney, 1983: 350pp. — \$45.00 (hardback)

Reviewer: JOHN F. WALSH OF BRANNAGH, Barrister-at-Law and Justice of the Peace for Victoria.

This is a comprehensive and well-written book which covers the subject of criminal procedure 'from the first point of contact between a suspect and an investigating officer up to the final avenue of appeal available in both

summary and indictable matters'.

John Bishop is a barrister-at-law practising in New South Wales. However, his book deals with all Australian jurisdictions, i.e., six states, two territories and the federal area. To ensure that the jurisdictions other than his own were adequately and correctly discussed, the author sought the assistance of leading criminal practitioners in other states. This has made the book more useful than it otherwise would have been.

The book deals with procedure rather than with law, which has meant that all the Australian jurisdictions could be covered in 350 pages. It will be of use and benefit to judges, magistrates (including lay magistrates, notwithstanding the author's comment that the 'phasing out of the justices of the peace in the hearing of criminal cases is welcome'), barristers, solicitors, police prosecutors, criminal justice administrators, those involved in government and in law reform, and to students, whether of law or of criminology. It will be particularly welcomed by those practitioners whose practice extends to more than one jurisdiction.

There is a 'sequential treatment of the criminal process, commencing with pre-trial procedure — police interrogation, arrest, search and seizure and bail — and moving to a consideration of summary proceedings, committals for sentence and trial, trial by jury and the appellate process'.

Three methods are used by the author. With some areas the topic is discussed as a whole. With others there is a separate discussion of the procedures in each jurisdiction. The third method used is that of analyzing one jurisdiction as a model (this usually being New South Wales). Each state and territory is generally adequately covered, although, no doubt, practitioners in the various states will be able to find minor errors or omissions in relation to their

home state or territory (as the reviewer did in relation to summary proceedings in Victoria). However, these minor criticisms do not diminish the value of the book as a whole. It is not easy to write a multi-jurisdictional book involving over one hundred pieces of legislation.

The chapter on Police Interrogation covers the Judges' Rules, detention for questioning, confessions and reform proposals.

That on Arrest discusses arrests both with and without warrant, the use of force, procedures and proceeding by way of summons. Search and Seizure is briefly but adequately covered.

Bail procedures, for both police and court bail, are discussed for each jurisdiction, and there is an intelligent examination of the criteria for bail, as well as its revocation and the consequences of failing to appear.

Summary Proceedings are covered for each state and territory, including a discussion on the information and complaint, joinder, particulars, the plea, the prosecution and the defence case, closing addresses, decision and sentence.

Preliminary Examinations also receive the same comprehensive treatment, as does Jury Trial. The concluding chapters are to do with the various types of appeal.

There is a useful Table of Contents, a Table of Cases, a Table of Statutes, a List of Abbreviations and a decent Index.

The book is written as a narrative, and the reviewer found it easy to read. It is an excellent buy.

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WOMEN, CRIME AND SOCIETY:  
A Critique of Criminology Theory  
By Eileen B. Leonard  
Longman Cheshire Pty. Ltd., 1982:  
208pp. — \$14.95  
Reviewer: JOCELYNNE SCUTT,  
Lawyer

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In 1975-76, it was seemingly obligatory for books on women

and crime to remark at the outset upon the apparent lack of interest of mainstream criminology in the subject. As well, more radical appraisals of crime and its origins were observed as continuing in ignorance of women's role in criminal activity. Rita Simon's *Women and Crime*, D.C. Heath, 1975; Freda Adler's *Sisters in Crime: The Rise of the New Female Criminal*, McGraw-Hill, 1975; and Carol Smart's *Women, Crime and Criminology: A Feminist Critique*, Routledge and Kegan Paul, 1976 each began from this premise. In *Women, Crime and Society: A Critique of Criminology Theory*, Eileen B. Leonard similarly begins with the observation that to date theoretical criminology 'is incapable of adequately explaining female patterns of crime'. She points out that although the public is 'obsessed' with crime and 'morbidly fearful' of it, despite 'endless volumes' written to explain crime, the 'most powerful variable regarding crime' — the sex of the actor — has been victim to a 'curious oversight'. She concludes that the reason lies in theoretical criminology's origins — that it has been constructed by men, about men. Rather than providing general explanations of human behaviour, the theories provide us with particular understandings of men's behaviour.

To substantiate her position, Leonard adopts the ritual approach of recounting the theories and rejecting their application to women. The opening chapter covers 'The Dismal History of "Women and Crime"' — those theorists who did not ignore women, but who as a result of sexist conditioning and orientation, were unable to study the female criminal in her social, political, and economic reality. Leonard critically analyses the work of Lombroso, Eleanor and Sheldon Glueck, Otto Pollak, and less well-known theorists Luke Owen Pike and Ely van de Warker. More recent works are also included — Edith deRahm's 1969 study, *How Could She Do That? A Study*

*of the Female Criminal*, Clarkson N. Potter; Ward and Kassebaum's study of women in prison (1965) and Giallombardo's book, published in 1966, *Society of Women: A Study of a Women's Prison*, Wiley. She then moves on to critique the writings of Adler, Simon, Smart, Crites (1976), Bowker (1978) and a less well-known text, Balkan, Berger and Schmidt's *Crime and Deviance in America: A Critical Approach*, 1980, Wadsworth.

Eileen Leonard notes that the early literature is based on 'naive notions of moral superiority and biological submissiveness', notions which unfortunately have not been eradicated from some of the later work. The intellectual inadequacy of this approach has in some ways been countered by Smart, Simon, and Balkan, Berger and Schmidt amongst others. However contemporary writers such as Adler have served only to bolster sexual and sexist theories about criminal-woman.

Leonard then inserts a chapter covering statistical aspects of women's criminal involvement, drawing heavily on Simon's work. She shows that although it must be kept in mind that reported crime does not equate with numbers of crimes committed, there is no basis to the view sometimes put forward in the popular press and more 'responsible' forums that women's crime is on an alarming increase, with the liberation movement resulting in more and more female involvement in violent crime. (The Australian statistics, not referred to in the book, support Leonard's view.)<sup>1</sup> Property crimes, particularly fraud, have risen in the last 25 years, but female violence 'is as limited as it was, perhaps even more limited than, 25 years ago'. Rather than the women's movement being the impetus for some increase in property crimes, Leonard concludes that structural changes have 'effected (sic) both women's crime and the women's movement'.

The following five chapters discuss variously anomie theory,

labelling theory, differential association, subcultural theory, and the marxist approach. The final chapter, 'Towards a Feminist Theory of Crime' is premised on the view that criminological theories are 'biased to the core (and) riddled with assumptions that relate to a male — not a female — reality'. The sexism of criminology arises from an 'unwitting focus on the activities, interests, and values of men, while ignoring a comparable analysis of women'.

Is *Women, Crime and Society* a new contribution to the burgeoning literature on women and crime? For those who have taken an interest in the field, the answer must be no. The cover leaf carries the somewhat astonishing statement by a San Diego State University academic that 'All of the other works on women in crime are insignificant when compared with what Leonard has started', and that the introductory chapter 'will stand as the best statement about women and crime for a long time, for it clearly shows that women have either been stereotyped or ignored'. Perhaps books and articles on women, crime and criminology are slow in reaching San Diego. A number of those Leonard mentions in her own text have canvassed the area well, and earlier, highlighting without reticence both the abysmal lack of intelligence and the overt sexism which have dogged the discipline since its inception. Little in *Women, Crime and Society* has not been said before — often better.

In persevering beyond the disappointment which comes with reading the old ground covered in the first six chapters, the reader's hopes for chapter seven — 'Marxist Approach' — and chapter eight — 'Toward a Feminist Theory. . . ' — are not to be realised. Leonard looks at the work of, amongst others, Taylor, Walton and Young, the so-called radical criminologists who purport to aim at creating a criminology that is 'normatively committed to the abolition of inequalities of wealth and power,

and in particular inequalities in property and life-chances', yet entirely ignore women. Commenting on this, Eileen Leonard states that the neglect might be due in part to the recent emergence of the 'radical' perspective, but such excuses 'do not relieve all responsibility'. She says, however, that it is 'difficult, and somewhat unfair, to challenge or criticise (Taylor, Walton and Young) for work that has yet to be done on women and crime'.

How can a scholar purporting to write a critique of criminology theory from the perspective of women and crime allow such 'radical' criminologists to get away with it? Any criminologist asserting that theory will be inadequate as 'falling into correctionalism' where it does not have a normative commitment to abolishing wealth and power inequalities, particularly with regard to property and life-chances (as Taylor, Walton and Young do), yet who ignores the place of women — women's lesser wealth, power, property, life-chances than men — deserves a rigorous critique. Yet here is a sampling of Leonard's tepid comments on the issue:

Unfortunately, Marxist criminologists have rarely dealt with the issue of women and crime. . . (At p. 172).

Although skeptical of official crime statistics, the new criminologists have exhibited a concern with the way societies report or produce certain amounts of crime. Surely, this can, and should, encompass an examination of the curious lack of female criminality or, put differently, the disinterest (sic) of the system in 'producing' female crime. (At p. 172).

Although they overlook it, the non-criminality of women is certainly important, if crime is to be used either as a measure of compliance or contradiction within capitalism. Ignoring women in such an analysis could easily lead to distorted results and assumptions. . . (At p. 172).

Later she says a class analysis of crime 'would have to be more precise and refined were it to

include women. . . ' . Surely an analysis of crime is not a 'class' analysis if it ignores the class position of 51 per cent of the entire population. How useful in political, social, or economic terms can any analysis of crime be if it fails to address the political, social and economic position of half the people making up the society studied? Although women do not form half the criminal population, the position of women is fundamental to the structure of our society. It is this structure, according to the 'radical' criminologists, which creates crime and manufactures criminals. Omitting half the equation must render the substance of the theory more than 'seriously undeveloped' (as Leonard describes it at p. 176). Rather, it renders it wholly inadequate.

In her final chapter Eileen Leonard posits an approach where separate studies of women and crime are the first step leading to an integration of 'male' and 'female' criminology, the goal being 'a unitary science'. Yet at the same time she apparently approves Joan Acker's argument in *Contemporary Sociology* (January 1980) that 'The positing of two separate systems is a more sophisticated form of intellectual sexism than the conceptual invisibility of women'.

The separate study of women, for however short a time, serves only to increase our invisibility: whilst women are researching women, so-called radical criminologists are free to continue on their own path of studying men and calling their study the science of human criminology from an economic and power perspective. Merely attempting to expand already fixed theories to women will not work. Yet looking at women, and then trying to fit these theories into the male stream will not work either. Nor will it assist in asserting, when reality is changing (and the assertion may not necessarily have ever been true), that men, not women

Cont. on page 14

# In search of an alienated generation

*The Assistant Director in charge of Training at the Australian Institute of Criminology Mr Colin Bevan, returned to Brisbane recently for the 12th Biennial Conference of the Australian Crime Prevention Council.*

*Mr Bevan presented a keynote paper to the Conference which discussed today's alienated generation.*

*In search of an alienated generation, Mr Bevan found some interesting aspects of Australia today:*

I assume the word 'Alienated' has a connotation familiar to us all in this gathering, and that most of us would agree it means 'made unfriendly, hostile or indifferent'. The verb, 'to alienate' is described in Webster's Third New International Dictionary (unabridged 1971) as — 'to cause to be estranged: make unfriendly, hostile or indifferent where attachment formerly existed'. What bothers me most is how we are going to determine whether some generation (presumably the present younger generation) is unfriendly, hostile or indifferent and feeling estranged, if so to or from whom or what. It may be easy for those who closely follow the political scene to conclude that for whatever reason the younger generation should be alienated, and it may be difficult to avoid the commonplace pitfalls of psychological projection.

I came to the conclusion therefore that I should search out likely social indicators that should have shown some movement positively or negatively if we have large groups of people within our community who are unfriendly, hostile, estranged or indifferent. I also decided to consult with as many organisations as I could conveniently contact whose very existence is predicated upon there being people who need their assistance in significant numbers. I also consulted with as many university academics, government personnel and private individuals as I could discover who were either involved in or had been involved in research and

surveys into such social indicators as homelessness, drug addiction, alcoholism, illiteracy, internal migrations and unemployment. I do not claim that the list of indicators or persons contacted is even remotely exhaustive.

One might have thought that an increase in feelings of alienation in society would result in an increase in crime, violence, and rates of suicide. But, to begin with crime, a book by Dr Satyanshu Mukherjee of the Australian Institute of Criminology, which examines changes in the level of criminal activity in Australia between the years 1900 and 1976, tends to dispel some long-standing myths, but does not allow us to look to crime rates for an indication of widespread alienation in today's youth or indeed any other generation.<sup>1</sup>

We all seem to take for granted a logical nexus between unemployment and rates of crime, and criminologists envy the certainty with which journalists pronounce upon criminological phenomena. We wish we could be so sure of the relation between some of these social indicators and rates of criminal offences.

From the newspapers one could also be forgiven for believing that there is a new wave of violence awash in at least the cities of this country.

On 8 April we learn from *'The Canberra Times'* that the Australian Federal Police have had to increase the strength of its 'Anti-hoodlum Squad' from 3 to 7 members because of increasing reports of street offences in that city.

Also, in April we learn of the Easter battle-grounds involving police and bottle-and rock-throwing gangs of young people at Bathurst and Mildura, all of it tending to lead us to believe that violence is increasing at a great rate and becoming almost a social norm.

On the other hand, in a paper delivered to the annual national workshop of the Australian National Association for Mental Health in Adelaide on 25 February this year, Dr Peter Grabosky, then Research and Projects Officer with

the Law Foundation of N.S.W., expressed the opinion that the level of violence today is so low that a significant reduction would be extremely difficult to achieve. His paper, however, features strongly critical remarks about our general life-style in this country, claiming that a great deal of violence arises from the stresses and frustrations induced by poverty and inequality. He asserts that a great deal of violent behaviour is learnt — from parents, from peers and from other role models on the playing fields and from the media. To begin with, he suggests, we might follow the example of Sweden which denounces the use of physical punishment by parents and has renounced the use of corporal punishment in schools.

It has often been claimed that suicide rates constitute a societal barometer of anomie and alienation. Large headlines in a free newspaper circulated in the A.C.T. and known as *'The Canberra Standard'*, on March 23 read — 'Suicide Problems a Major Worry for Life-Line'. In the article it was reported that Life-Line officials advised there had been a significant increase in the number of suicide-related calls coming into the Canberra Crisis Centre in the last two years, accounting for more than 5% of all crisis calls. It was claimed that the latest increases in calls probably indicated increasing financial and social pressures with fewer choices for personal problem solving. Through a consequent personal interview with A.C.T. Life-Line top officials I was provided with actual statistics based on two sample months, (October and January), in each of the financial years 1977-78 and 1982-83. I learnt that there had indeed been a jump in suicide-related calls over the five years — from 47 to 106, but for the under 21 group the corresponding figures were seven to 17. As I was more especially interested in numbers of crisis calls emanating from the under 21 year olds, those figures were separately extracted for my benefit. They indicated very little change over the five years in total calls or in any of the call categories. In fact there were actual decreases

in calls relating to drug-abuse, marital and family difficulties, loneliness, extra-marital pregnancies and economic problems. There was a significant decrease in hoax calls, whatever that might mean. Sex problems seem to weather the storms of time, but, all in all, the hard data did not substantiate the alarm-bells in the local news.

It may be that the scene in our large cities is very different. Financial and social pressures are causing officials of other helping organisations, such as the Wayside Chapel and the Sydney City Mission some concern. The latter has made statistics available to the writer indicating significant percentage increases in people seeking their help over 1982-83, the reasons being over-whelmingly, homelessness, alcohol and drug abuse, some psychiatric problems, permutations and combinations of these, and, the largest group of all, those seeking assistance from financial hardship. Accounts of increasing numbers of people seeking support of whatever kind lead us to look for accompanying indicators such as increasing rates of suicide.

According again to Peter Grabosky, Australian suicide rates are relatively high by international standards, but they have fluctuated around a fairly consistent level of about 12 per 100,000 of the population throughout the 20th Century. This is supported by an April 1983 publication by the Australian Bureau of Statistics on suicides in Australia from 1961 to 1981 (Catalogue No.309.0). This publication includes a table of suicides in Australia for the 100 years from 1881 to 1981. Except for the 1960s the male to female ratio of suicides maintained a fairly steady rate of 3 and 4 to 1. Overall however, the rate per 100,000 of persons committing suicide in Australia over the 100 years ranged steadily and smoothly from a high of 14.6 in 1930 to a low of 7.1 in 1943. The reasons for the increase in the rate of female suicides during the 1960s might be worth discovering.

If there is an alienated generation

in this country it is likely to be that generation of people who were young during the 1960s. These incidentally would be the parents of the modern generation. In the 1960s it was fashionable to knock established values as 'sacred cows' that had outlived their usefulness in a modern age. Such attitudes were assisted by the economic buoyancy of the 60s and the 70s. Few people were concerned about jobs, and students leaving school could delay working until they had seen the world. Their cavalier attitudes to life-long relationships in marriage, for instance, were such as to lead to permissiveness and relatively light-hearted change of partners. The modern generation are the children of these relationships and perhaps this in part accounts for their demonstrated conservatism. A number of the organisations dealing with supposedly 'disaffected' children on the streets and in the shelters conveyed to me their surprise at the amount of real conservatism they encountered. Dr Ian Burnley, a senior lecturer in Geography at the University of N.S.W., reported himself astounded at the basic conservatism of the students of his acquaintance. He was surprised that people so young were so non-radical at their age. Conservatism in his experience usually comes later.

Young people today are so concerned about obtaining employment when they finish their studies that their attention is geared to grades and qualifications. Other observers attributed this conservatism to the disillusionment on the part of young people with the irresponsible inter-personal relationship behaviour of their parents. They have experienced the results and they do not like them.

1 Mukherjee, Dr Satyanshu K., *Crime Trends in 20th Century Australia*, George Allen & Unwin, Australia, 1981. (p.145). ®

Cont. from page 12

'are still largely responsible for financial support. . . ' and this is the reason for men fitting into the power structure in a different way from women: Leonard puts this view, although she has earlier quoted statistics showing that women maintained 49 per cent of families living below poverty level in 1977. Women heads of single parent families, responsible for their financial support, far outnumber men heads of single parent families.

Eileen Leonard concludes that criminological frameworks including labelling and the new criminology typically refer to men. Therefore, she writes, 'it is particularly unwise to rely solely on them when constructing an explanation of female patterns of crime'. Never mind relying 'solely' on them. I suggest we should rely upon them not at all. And if the 'radical' or 'new' criminologists think a bit harder about the world they and those labelled 'criminal' live in, they will decline to rely on them too.

Any criminology that overlooks the existence of women in the criminal and non-criminal world can never explain crime as a social, economic, nor political phenomenon. How can anyone construct a valid theory of crime without regard to that part of humanity which suffers most as its victims? Let's agree with the basics — and get back to them: crime is about power and exploitation. It is about men — garbage collectors, judges, politicians, vagabonds, shopkeepers, electricians, journalists, economists, plumbers, gardeners, lawyers, doctors, pig-farmers. . . abusing and exploiting the powerless and (given our present structure) eminently exploitable — women: children, divorcees, widows, wives.

1. See S.K. Mukherjee and Jocelyne A. Scutt, editors, *Women and Crime*, 1980, George Allen and Unwin, Sydney.

# STATISTICS

## Australian prison trends

Compiled by David Biles,  
Acting Director

During the period May 1983 to July 1983 the numbers of prisoners in all jurisdictions varied slightly with the exception of Victoria which recorded a significant increase and Western Australia which recorded a marked decrease.

Table 1 – Daily Average Australian Prison Populations July 1983 with Changes since April 1983

	Males	Females	Total	Changes since April 1983
N.S.W.	3318	161	3479	- 34
VIC.	1939	65	2004	+ 125
QLD	1683	37	1720	+ 5
S.A.	762	21	783	- 2
W.A.	1408	67	1475	- 104
TAS.	216	5	221	+ 13
N.T.	244	10	254*	- 1
A.C.T.	60	3	63**	+ 9
AUST.	9630	369	9999	+ 11

\* 5 prisoners in this total were serving sentences in S.A. prisons.

\*\* 50 prisoners (including 3 females) in this total were serving sentences in N.S.W. prisons.

Table 2 shows the imprisonment rates (daily average prisoners per 100,000 population), for July 1983. The national rate of 64.7 compares with 65.0 found in April 1983.

Table 2 – Sentenced Prisoners Received, Daily Average Prison Populations and Imprisonment Rates by Jurisdiction – July 1983

	Sentenced Prisoners Received	Prisoners	General Pop.* '000	Imprisonment Rates
N.S.W.	762**	3479	5528	62.9
VIC.	349	2004	3998	50.1
QLD	364	1720	2443	70.4
S.A.	Not avail.	783	1338	58.5
W.A.	325	1475	1349	109.3
TAS.	59	221	430	51.4
N.T.	89	254	131	193.9
A.C.T.	-	63	233	27.0
AUST.	-	9999	15450	64.7

\* Projected Population end of July 1983 derived from *Australian Demographic Statistics Quarterly* (Catalogue No. 3101.0).

\*\* Comprising 431 Fine Defaulters and 331 Sentenced Prisoners.

Table 3 – Total Prisoners and Remandees as at 1 July 1983

	Total Prisoners	Prisoners on Remand	Percentage of Remandees	Remandees per '000 of Gen. Pop.
N.S.W.	3442	640	18.6	11.6
VIC.	2001	182	9.1	4.6
QLD	1666	125	7.5	5.1
S.A.	773	125	16.2	9.3
W.A.	1520	111	7.3	8.2
TAS.	210	18	8.6	4.2
N.T.	259	34	13.1	26.0
A.C.T.	63	18	28.6	7.8
AUST.	9934	1253	12.6	8.1

## Probation and parole

Compiled by Ivan Potas,  
Senior Research Officer

The following table provides the number and rates of adult persons on probation and parole as at 1 April 1983.

TABLE 1

	General Pop. <sup>1</sup> '000	Probation <sup>2</sup> Number Rates <sup>4</sup>	Parole <sup>3</sup> Number Rates <sup>4</sup>
N.S.W.	5,466	8,864 162.2	2,491 45.6
VIC.	3,993	2,841 71.1	870 21.8
QLD	2,419	4,045 167.2	444 18.4
S.A.	1,334	2,320 173.9	244 18.3
W.A.	1,340	1,618 120.7	641 47.8
TAS.	428	1,442 336.9	63 14.7
N.T.	129	263 203.9	101 78.3
A.C.T.	231	142 61.5	42 18.2
AUST.	15,340	21,535 140.4	4,896 31.9

1 Projected population end of March 1983 derived from *Australian Demographic Statistics Quarterly* (Catalogue No. 3101.0)

2 Only those under actual supervision are included in these data.

3 As a general rule licensees – other than Governor's Pleasure licensees – are counted as parolees if supervised.

4 Rates are calculated per 100,000 of the general population.

### NEW SOUTH WALES

The probation figure includes 545 persons who were under the age of 18 years at the time of release to supervision. A further 804 persons were subject to *Community Service Orders*, and some of these are included in the probation figure.

The parole figure includes 699 licensees, of whom 275 were short-term licence-holders. In general, short-term licences are issued if the prisoner is considered suitable for such release and is subject to either a head-sentence of 12 months or less or a non-parole period of 12 months or less.

### VICTORIA

Probation data are now only collected quarterly, and figures for the intervening months are obtained by interpolation. The parole figure does not include persons supervised from interstate. As at 1 April there were 24 persons subject to *Community Service Orders*.

### QUEENSLAND

The number of persons subject to *Community Service Orders* as at 1 April 1983 was 693. Some of these are included in the probation figure.

### SOUTH AUSTRALIA

The probation figure includes 52 persons who were subject to *Community Service Orders*.

With regard to parole it is advised that a further 24 persons received voluntary supervision in the community by the Parole Services. A further 177 prisoners were supervised in prison.

### WESTERN AUSTRALIA

There was a total of 250 persons subject to *Community Service Orders*. 149 of these were also placed on probation and are included in the probation figure. Only 101 persons were subject to *Community Service Orders* without probation and these are not included in the probation figure.

There was a total of 723 pre-parolees in that State.

## TASMANIA

The probation figure includes 118 juveniles. It also includes 20 probationers from interstate. The parole figure includes 12 parolees from interstate. There was a total of 399 persons subject to Work Orders.

## NORTHERN TERRITORY

The probation figure includes two out of a total number of 26 persons subject to *Community Service Orders*. The parole figure includes those on licence.

## COMMUNITY SERVICE ORDERS

The following table shows the number of persons and rates per 100,000 of the general population who were subject to *Community Service Orders* (Work Orders in Tasmania) as at 1 April 1983:

	Number	Rates
N.S.W.	804	14.7
VIC.	24	0.6
QLD	693	28.6
S.A.	52	3.9
W.A.	250	18.7
TAS.	399	93.2
N.T.	26	20.2
A.C.T.	Not Applicable	Not Applicable
AUST.	<u>2,248</u>	<u>14.7</u>

Compiled by Ivan Potas  
Criminologist

## Asian and Pacific series

Compiled by David Biles,  
Acting Director

Correctional administrators in the countries listed below have supplied the basic information which is incorporated in the following tables. The footnotes over the page contain a number of explanations that should be borne in mind when making comparisons between countries. For countries marked\* the data refer to 1 January 1983.

Table 1 – Total Prisoners as at 1 April 1983

	Males	Females	Total	Population ('000)	Rate <sup>1</sup>
Australia <sup>2</sup>	9,620	409	10,029	15,340	65.4
Canada <sup>3</sup>	11,329	130	11,459	24,105	47.5
Fiji	791	19	810	650	124.6
Hong Kong	5,764	187	5,951	5,288	112.5
Japan	52,036	2,138	54,174	118,970	45.5
Macau	434	14	448	400	112.0
Malaysia	13,348	283	13,631	14,000	97.4
New Zealand	2,732	128	2,860	3,230	88.5
* Papua New Guinea	4,417	256	4,673	3,163	147.7
Singapore	2,538	81	2,619	2,443	107.2
Sri Lanka	9,881	298	10,179	15,189	67.0
Thailand	71,640	3,737	75,377	47,500	158.7
Western Samoa	199	7	206	158	130.4

Table 2 – Convicted and Remand Prisoners as at 1 April 1983

	Prisoners	Remand Prisoners	Percent on Remand	Rate
Australia	8,694	1,255	12.6	8.2
Canada	11,459	—	—	—
Fiji	778	32	4.0	4.9
Hong Kong	5,279	672	11.3	12.7
Japan	45,573	8,601	15.9	7.2
Macau	268	180	40.2	45.0
Malaysia	8,748	4,883 <sup>4</sup>	35.8	34.9
New Zealand	2,598	262 <sup>5</sup>	9.2	8.1
* Papua New Guinea	3,818	855	18.3	27.0
Singapore	2,393	226	8.6	9.3
Sri Lanka	4,116	6,063	59.6	39.9
Thailand	62,143	13,234	17.6	27.9
Western Samoa	186	20	9.7	12.7

Table 3 – Offenders on Probation and Parole as at 1 April 1983 (in those countries where these options apply)

	Probationers	Rate <sup>1</sup>	Parolees	Rate <sup>1</sup>
Australia	21,535	140.4	4,896	31.9
Canada	—	—	6,551	27.2
Fiji	—	—	336 <sup>6</sup>	51.7
Hong Kong	3,036	57.4	2,872	54.3
Japan	23,160	19.5	6,384	5.4
Macau	—	—	12	3.0
New Zealand	6,950	215.2	1,910	59.1
Sri Lanka	—	—	108 <sup>7</sup>	0.7
Thailand	5,883	12.4	1,362	2.9
Western Samoa	211	133.5	46	29.1

### Footnotes

- 1 Per 100,000 of population.
- 2 Australian statistics in this table are based on the daily average number of prisoners for the month of March 1983.
- 3 Federal prisoners only.
- 4 Includes inmates who are detained on the basis of allegation of facts under Public Order for Prevention of Crime, 1969.
- 5 Includes convicted prisoners on remand awaiting sentence.
- 6 Released to serve Extramural Punishment (232) and Compulsory Supervision Orders (104).
- 7 Released on Licence.

# PUBLICATIONS

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