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Key speaker at a conference which discussed 'Social Change and Juvenile Delinquency' was Professor Gunther Kaiser, Max Planck Institut for Foreign and International Penal Law:  
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# Cure worse than crime?

Society was in danger of using methods for inquiring into crime and corruption which were more objectionable than the alleged corruption itself.

Better mechanisms free of political self-interest and moral self-righteousness needed to be examined, said Professor Richard Harding, the Director of the Australian Institute of Criminology.

In an address to the New South Wales Branch of the Royal Institute of Public Administration in Sydney on 4 April, Professor Harding:

- described *The Age* tapes as worthless
- welcomed the proposal to set up an office of Judicial Commissioner of Public Complaints in New South Wales
- called for the National Crimes Authority to be politically independent and able to initiate its own investigations
- said that SP bookmaking and prostitution should be legalised.

Professor Harding described *The Age* tapes as tapes of tapes characterised by patching and tampering.

'To the extent that unpatched, if not original, tapes exist, transcripts of them contrive to reverse the roles of the judge and the lawyer on more than one occasion.

'The material is worthless. . . In the name of nosing out crime and corruption we are in danger of destroying yet another of the handful of values which must be shared by the community if democratic society is to survive in a recognisable form.

'The value in question is that of privacy.

'In ignoring the deliberate, systematic and flagrant illegalities that must have been committed to obtain *The Age* tapes. . . the Opposition is throwing away one of the few values that is integral to the functioning and survival of the democratic state', Professor Harding said.



Professor Richard Harding

With regard to the proposed Judicial Commissioner position in New South Wales, Professor Harding pointed out that the model was the now-familiar one of the Ombudsman. It had worked well in our society, and deserved support.

As to the National Crimes Authority, the affected State veto contained in the present Bill was quite inappropriate. Moreover, the Authority must be able to activate itself; it should not operate within a structure where its procedures could be delayed by decisions of politicians.

Professor Harding then cited the Chairman of the Australian Law Reform Commission Mr Justice Kirby who said that much of the corruption in society flowed from unsuitable laws.

Professor Harding said that SP betting should be legalised in competition with the TAB.

Present SP bookmakers would then have little incentive to remain outside the system.

'For the price of paying betting tax, they could set themselves up in more salubrious premises, deal with Telecom in the conventional way, gain the benefit of moves towards making betting debts recoverable at law and generally become pillars of the community', he said.

On prostitution, Professor Harding applauded the Victorian Government for taking a town planning approach to prostitution.

Once prostitution was legalised by the registration of brothels or massage parlours, other problems like corruption could be confronted.

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# Institute conference evaluates youth

Australian teenagers were badly treated by the criminal justice system according to an Institute seminar.

Focussing on the high rate of incarceration of juveniles and how they had been 'let down by the criminal justice system', Professor Richard Harding, the Director of the Australian Institute of Criminology, said that in New South Wales about twice as many teenagers were imprisoned as in Victoria.

Professor Harding's remarks were made at the opening of a three-day seminar at the Institute in March which discussed 'Social Change and Juvenile Delinquency'.

'For every 100,000 male juveniles in New South Wales who are 17 years old, 295 are in detention; in Victoria, the corresponding figure is 146.

'For 14, 15 and 16 year-olds, the disparity is similar', he said.

'Let me make this point quite explicit. A young male who grows through adolescence in New South Wales is almost twice as likely to be incarcerated at some stage by the State as one growing up in Victoria.'

Professor Harding said that too many teenagers were being locked up and that there was no consistent treatment of young offenders from State to State.

He said that he did not want to join in the 'New South Wales bashing' but while that State had recognised the problem, as far as he could tell it had done nothing about it. The situation remained deplorable.

Professor Harding stressed the fact that delinquency was a relative concept.

'What older people regarded as undesirable was often pronounced to be delinquent and written into the criminal laws of the community.

'Such behaviour as sexual intercourse among the young, smoking, drinking, and unseemly behaviour had all at one time or another been categorised as criminal by

several or all Australian criminal justice systems.'

## Changing Values

Professor Gunther Kaiser, Director of the Max Planck Institut for Foreign and International Penal Law, West Germany, told the conference that the negative effects of social change sometimes had an adverse effect on the personal and social development of young people.

Unemployment, family problems and changes in values all were factors responsible for a rise in youth crime in Western Europe.

Technological progress had made work repetitive and meaningless and generated a fear, especially among young people, of becoming a 'no future generation'.

Urbanisation and marriage breakdowns had also contributed to rising juvenile crime rates.

Professor Kaiser said that West Germany's highly mobile workforce endangered the continuity of family life.

During the last 20 years the family had lost its stabilising role, and a growing number of young people were unwilling to live at home.

Today, the very young questioned the authority of their parents whose views were often seen as being out of date.

Professor Kaiser said that the media, particularly television

emphasised a violent consumer oriented lifestyle.

'Violence is shown as an efficient instrument to reach one's aim or to solve a conflict.

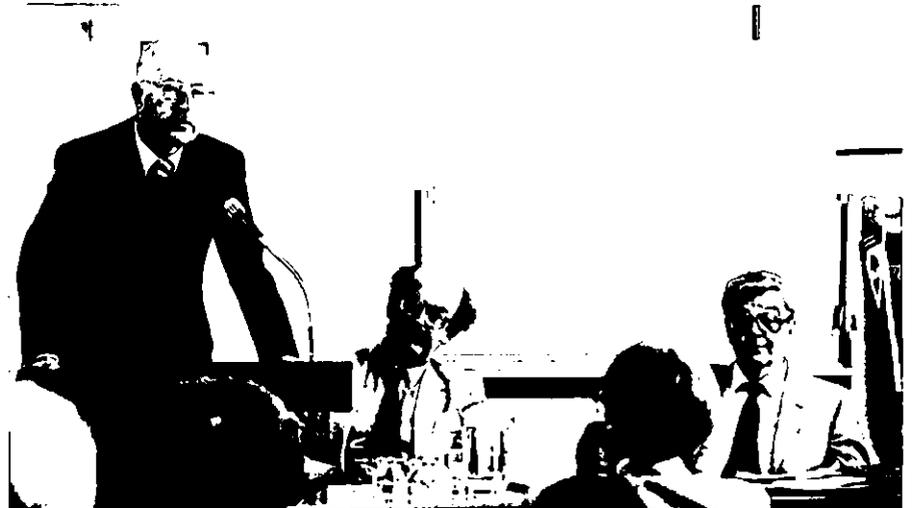
'Youngsters develop a behaviour of consumption and learn very early to over-estimate material values', he said.

Unemployment created a situation of economic insecurity and prevented teenagers from reaching independence which helped weaken their relations with others and with society.

Among a number of measures Professor Kaiser advocated:

- improved housing and social facilities for families with children
- vocational training support for families with children particularly disadvantaged ones
- a review of the school system
- encouraging the media to take a more constructive interest in young people's problems
- youth sport and leisure organisations to run more activities designed to help integrate youth into society.

Professor Kaiser, whose visit to Australia was sponsored by the Goethe Institute, was introduced by His Excellency Mr Wilhelm Fabricius, Ambassador, Federal Republic of Germany.



The seminar was addressed by His Excellency Mr Wilhelm Fabricius, Ambassador, Federal Republic of Germany

# crime

## Child Abuse

Delivering a paper on child abuse and the law, Professor Kaiser said that figures showed that over 25 per cent of child abusers were divorced parents.

Child abuse was a throw-back to barbarity and was committed mainly by the victim's relatives.

Parents, step-parents, and 'uncles', (lovers of the mother) accounted for 87 per cent of the cases.

Child abusers came from a working class background, most had failed at school and work, and were in financial difficulties, lived in overcrowded slums and were known to the police.

Studies had shown that the incidence of child abuse had increased by 300 per cent over the past 20 years in West Germany where up to 90 children were battered to death each year.

The known cases of child abuse show that boys and girls are battered nearly equally but surveys differed as to the age of abused children.

The three groups of child abuse were:

- petty abuses such as smacks and blows with the hands
- blows using objects designed to cause pain
- sadistic tortures.

Professor Kaiser said that more than half of all reported cases of child abuse are not considered to be serious and 90 per cent of the cases caused no lasting damage to the victims.

Bedwetting, stubbornness, refusal to eat, stealing and weak efforts in school are among the reasons given for child abuse.

The drunkenness of the offender was another excuse.

But the symbolic character of the cruel mother which appeared in many fairy tales was relatively rare.

Excessive reliance on criminal sanctions was not the answer to curbing child abuse.

'In this age of emancipation and change, of growing rebellion in school, and of growing criminal behaviour of children and juveniles, much patience and pedagogical skill are needed on the part of parents, teachers, and guardians.

'A good social policy is still the best criminal policy in the case of child abuse,' Professor Kasier said.

## Juvenile Crime

Overseas and Australian data did not support society's concern of rapidly rising juvenile crime.

Anxiety about increasing levels of juvenile delinquency drew support from sources which were not faultless, according to the Institute's senior criminologist Dr Satyanshu K. Mukherjee.

Knowledge of the problem was severely limited by the lack of adequate data.

'The fact of the matter is we simply do not know how much and what types of unlawful behaviour are perpetrated by individuals from different segments of the population.'

Dr Mukherjee presented data which compared arrest rates of adults with juveniles over a range of offences.

The figures, (see Table 1) show an increasing involvement of juveniles in assaultive offences in Australia.

Of the four groups examined, young girls showed the sharpest increase in arrest rate for the category of serious assault.

Dr Mukherjee warned that

Table 1

NUMBER OF JUVENILES ARRESTED AND JUVENILES AS PROPORTION OF ALL ARRESTS BY OFFENCE AND SEX, AUSTRALIA, 1964 TO 1979-80

Year	Homicide				Serious Assault				Robbery			
	Boys		Girls		Boys		Girls		Boys		Girls	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
1964	9	3.7	1	2.0	158	8.0	6	6.6	77	15.9	4	13.8
1965	19	8.1	1	2.3	144	8.0	3	4.3	54	9.3	1	7.1
1966	17	6.0	1	2.4	142	7.1	2	1.8	105	15.8	5	14.3
1967	8	3.2	1	2.2	103	5.4	8	9.4	107	16.0	1	3.8
1968	14	4.9	1	2.3	151	7.2	5	4.7	102	12.7	3	7.9
1969	12	5.2	-	-	172	7.4	4	3.6	170	16.4	12	20.7
1970	23	7.4	-	-	257	8.9	11	9.2	194	15.6	6	13.6
1971	9	2.8	4	9.3	351	10.0	12	7.1	237	17.3	14	28.0
1971-72	17	4.5	2	4.1	457	11.8	13	16.9	265	16.7	13	20.0
1972-73	11	2.8	2	3.7	250	8.5	18	12.2	295	19.7	12	16.0
1973-74	14	2.4	2	5.9	210	10.1	15	11.0	172	17.4	22	30.1
1974-75	28	4.6	3	5.2	195	10.0	7	6.0	230	18.9	28	32.9
1975-76	12	2.1	3	5.4	201	8.2	18	11.9	180	17.9	29	42.0
1976-77	20	3.3	3	4.1	189	7.7	20	12.1	153	16.0	30	32.3
1977-78	10	1.9	-	-	231	8.0	31	16.8	169	15.9	18	18.6
1978-79	29	4.7	4	4.9	263	8.2	37	16.0	160	14.1	16	23.2
1979-80	22	3.5	3	4.4	368	8.8	56	17.1	189	16.0	27	21.8

Year	Burglary				Motor Vehicle Theft				Fraud, Forgery, etc.			
	Boys		Girls		Boys		Girls		Boys		Girls	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
1964	9180	48.1	395	53.0	3465	37.6	53	36.6	322	3.0	124	4.6
1965	9710	46.3	357	70.7	3411	37.2	98	61.2	363	2.9	191	7.5
1966	9942	44.2	290	64.9	3535	39.4	80	49.1	419	3.8	160	7.4
1967	8756	42.4	255	42.6	3774	41.2	68	53.5	286	2.8	128	4.0
1968	10768	45.2	372	61.5	3747	40.9	57	22.9	291	2.1	105	4.3
1969	13881	49.6	402	54.5	4571	43.7	86	40.4	581	3.9	175	5.4
1970	15030	49.4	511	71.2	5662	45.9	118	50.6	718	4.9	167	3.1
1971	17784	52.0	665	63.0	7754	46.9	269	61.0	523	3.2	175	4.5
1971-72	20410	54.2	593	56.6	8889	47.3	309	57.3	642	3.4	380	6.9
1972-73	19506	56.6	686	62.0	8188	49.2	245	57.5	645	4.0	237	4.2
1973-74	9153	55.9	440	66.6	4788	47.7	199	62.6	438	7.3	121	8.2
1974-75	9747	56.4	615	70.6	5183	46.3	195	59.3	474	7.1	222	13.7
1975-76	9945	58.8	517	67.2	4738	44.8	193	59.2	526	7.8	213	12.2
1976-77	9755	57.1	477	63.5	4828	44.9	216	58.2	496	7.1	202	11.2
1977-78	10000	56.2	666	63.6	5414	46.0	201	53.2	500	7.0	218	9.7
1978-79	10070	53.2	626	60.0	4664	44.1	224	55.0	547	7.6	217	9.4
1979-80	11463	55.5	679	59.7	4709	42.7	256	55.5	728	8.9	256	9.0

caution must be used in drawing conclusions.

'Unlike homicide, the offences involving serious assault vary enormously in severity.

'Two offences, one say involving a blow to the person causing no permanent injury and the other involving an injury which results in serious permanent physical disability, could both be classified under serious assault.

'Although no systematic evidence is available, it is possible to speculate that most offences of juveniles will fall at the less serious end of the spectrum', Dr Mukherjee said.

Trends in arrest rates for property offences told a different story. (See Table 2).

'Burglary is one of the fastest growing serious offences since

the Second World War with juveniles making up about half of those arrested for the crime.'

Dr Mukherjee said that it was evident from Australian and overseas statistics that the incidence of burglary was substantially higher than rape, serious assault, robbery, and motor vehicle theft combined.

### Juvenile Justice

Dr David Thorpe told the conference that juvenile justice was in a 'morass' in most Western nations.

He suggests that this may be because of the absence of a specific articulation of the rights and obligations of children.

'Children do not have the same obligations as adults, therefore they cannot be held to account for their misbehaviour in

the same way as adults are, simply because of their immaturity and the absence of a stake in society'.

Because children did not have the benefits of adult citizenship they could not be expected to conform to the demands of society in the same way as adults.

Dr Thorpe, who is a member of the United Kingdom Juvenile Bureau, said that it appeared that an unarticulated and distorted contract between juveniles and the state did exist but it was rarely clear precisely what protection the state afforded deviant children.

'The problem with juvenile justice would appear to be that almost literally children do not know where they stand and the lack of clarity in much of the legal language serves to underline the confusion and uncertainty which abounds in this area', Dr Thorpe said.

Rapid social change made it difficult for the state to be precise about what it required of children or what specific protection it afforded them.

Therefore the burden of precision in articulating the child's 'contract with the state' rested with juvenile justice system professionals who were easily criticised since no yardstick existed against which their performance could be measured.

'No other part of contemporary Western criminal justice systems has been subject to as many fundamental changes over the past 20 years as that devoted to the control of youth crime.

'Prosecution, incarceration, welfare and punishment strategies do not make justice intelligible to delinquents. They have failed to lower rates of recidivism and have mystified the whole process of dealing with offenders to all concerned parties.

'Modified welfare procedures offer some hope of a clearer understanding of both the responsibilities of delinquents towards society and the responsibilities of society to

Table 2

ARREST RATES FOR ADULTS AND JUVENILES PER 100,000 ADULT POPULATION AND PER 100,000 POPULATION AGED 10 TO 16 RESPECTIVELY BY SEX AUSTRALIA, 1964 TO 1979-80

	Homicide				Serious Assault				Robbery			
	Men	Boys	Women	Girls	Men	Boys	Women	Girls	Men	Boys	Women	Girls
1964	6.4	1.2	1.4	0.1	48.8	21.2	2.3	0.8	11.0	10.4	0.7	0.6
1965	5.7	2.5	1.1	0.1	43.8	19.2	1.8	0.4	14.0	7.2	0.3	0.1
1966	6.9	2.2	1.0	0.1	48.2	18.4	2.9	0.3	14.4	13.6	0.8	0.7
1967	6.1	1.0	1.1	0.1	45.5	13.1	1.9	1.1	14.2	13.6	0.6	0.1
1968	6.8	1.8	1.1	0.1	48.0	18.9	2.5	0.7	17.4	12.8	0.9	0.4
1969	5.3	1.5	1.3	0.0	51.9	21.0	2.6	0.5	21.0	20.8	1.1	1.5
1970	6.9	2.8	1.2	0.0	62.4	30.7	2.6	1.4	24.9	23.2	0.9	0.8
1971	7.1	1.0	0.9	0.5	72.0	40.6	3.6	1.4	25.9	27.4	0.8	1.7
1971-72	8.1	1.9	1.0	0.2	76.8	51.8	1.4	1.5	29.7	30.0	1.2	1.5
1972-73	8.6	1.2	1.1	0.2	59.6	27.9	2.8	2.1	26.5	32.9	1.4	1.4
1973-74	12.2	1.5	1.0	0.4	40.2	23.0	2.6	1.7	17.6	18.9	1.1	2.5
1974-75	12.2	3.1	1.2	0.4	37.3	21.3	2.3	0.8	21.0	25.2	1.2	3.2
1975-76	11.7	1.3	1.1	0.4	47.0	22.1	2.7	2.1	17.3	19.8	0.8	3.4
1976-77	12.1	2.2	1.4	0.4	46.6	20.8	2.9	2.3	16.4	16.8	1.3	3.5
1977-78	10.4	1.1	1.2	0.0	53.8	25.4	3.0	3.6	18.0	18.6	1.6	2.1
1978-79	11.7	3.2	1.5	0.5	58.0	29.1	3.8	4.3	19.2	17.7	1.0	1.9
1979-80	11.9	2.4	1.3	0.4	73.5	40.4	5.2	6.5	19.2	20.8	1.8	3.1

	Burglary				Motor Vehicle Theft				Fraud, Forgery, etc.			
	Men	Boys	Women	Girls	Men	Boys	Women	Girls	Men	Boys	Women	Girls
1964	267.5	1238.9	9.5	55.7	155.3	467.6	2.5	7.5	285.8	43.4	69.0	17.5
1965	297.2	1291.2	3.9	49.6	152.2	453.6	1.6	13.6	316.8	48.3	62.2	26.5
1966	323.5	1287.8	4.0	39.3	140.3	457.9	2.1	10.8	277.6	54.3	51.8	21.7
1967	301.2	1115.4	8.6	34.0	136.1	480.8	1.5	9.1	248.9	36.4	78.4	17.1
1968	324.2	1347.7	5.8	48.8	134.0	469.0	4.7	7.5	335.3	36.4	57.2	13.8
1969	342.2	1699.0	8.1	51.4	142.6	559.5	3.1	11.0	342.7	71.1	74.1	22.4
1970	365.5	1797.8	4.9	64.1	158.0	677.5	2.7	14.8	327.4	85.9	124.9	21.0
1971	375.3	2058.3	8.9	80.0	200.5	897.4	3.9	32.4	360.8	60.5	84.6	21.1
1971-72	387.0	2314.1	10.1	70.3	221.9	1007.8	5.1	36.6	415.8	72.8	113.9	45.0
1972-73	329.6	2174.6	9.2	80.1	186.0	912.8	4.0	28.6	342.2	71.9	117.7	27.7
1973-74	155.8	1004.7	4.7	50.9	113.5	525.6	2.5	23.0	119.6	48.1	29.1	14.0
1974-75	159.8	1066.4	5.4	71.1	127.9	567.1	2.8	22.5	132.4	51.9	29.4	25.7
1975-76	145.6	1092.9	5.2	60.1	121.8	520.7	2.7	22.4	129.2	57.8	31.7	24.8
1976-77	150.3	1074.3	5.5	55.7	121.8	531.7	3.1	25.2	133.7	54.6	32.3	23.6
1977-78	157.2	1101.3	7.6	77.7	127.9	596.3	3.5	23.4	134.6	55.1	40.1	25.4
1978-79	175.3	1112.7	8.1	73.2	117.0	515.4	3.6	26.2	130.9	60.4	40.4	25.4
1979-80	177.8	1259.7	8.7	79.0	122.3	517.5	3.9	29.8	145.1	80.0	49.5	29.8

protect youth from the worst effects of criminalisation', Dr Thorpe said.

### Police Cautioning

Court appearances by juveniles had a stigmatising effect on the young which was out of proportion to its usefulness in preventing them from committing further crimes, according to a senior Victorian police officer.

Inspector Owen Lloyd who is attached to the force's Management Services Bureau, cited a current child welfare review committee which said that taking children to court labelled them as criminals and that they then became what they were labelled.

The avoidance of stigma was one of the main reasons for developing diversionary programs for young offenders.

'Children deserve special consideration because of their growing patterns, their lack of maturity and understanding of

accountability.

'Extremes of punishment can have far reaching effects on personalities in their developing years...'

Examples of diversion programs in Victoria were:

- the police cautioning program and
- the shopstealing warning program.

Inspector Lloyd said that the cautioning program was based on police discretion whether or not to prosecute an offender.

A cautioning session involved an informal private talk between a police officer, the child and the parents.

It was not used as a sanction where there was insufficient evidence to support a court hearing.

'The key features of the caution are the willingness of all parties to take part in it and the implied

acceptance of guilt of the young offender.'

The shopstealing warning program gave both parents and the juvenile the option of either accepting an on-the-spot warning or the right to have the matter heard before a court.

A survey showed that parents approved of the program which did not require lengthy documentation or interview.

'No fingerprints or photographs are taken. . .the record does not become part of the general police records section and at the end of five years, provided there is nothing further known of the person warned, the record is culled'.

Inspector Lloyd concluded: 'If the strategy of diversion can be applied whilst retaining a degree of sanction, thus avoiding trauma, saving time and lightening workloads but achieving the same end result, then I believe that full consideration should be given it'.®



Participants at the seminar on 'Social Change and Juvenile Delinquency' held at the Institute in March

# A question of values

The use of illegal telephone taps conducted on a massive scale was destroying a major value of Australian society: that of personal privacy, Professor Richard Harding, the Director of the Australian Institute of Criminology, said at the opening of a seminar which discussed corruption and illegal markets in March.

Introducing the key speaker Dr Peter Reuter, Professor Harding said: 'The new value which it is sought to establish is this: that the rules no longer matter if one can get away politically with breaking them'.

'The same caste of mind which sees the organised crime model as the norm for illegal markets also sees, indeed needs to see, political and judicial corruption as a major part of this model.

'And propelled along by their own moral panic, their sense of righteousness or their overwhelming ambition, they will quickly distort the balance of society if we allow them to do so', Professor Harding said.

## Gambling — No Problem

Law enforcement agencies in the United States no longer regarded illegal gambling as a major problem, Dr Peter Reuter told the conference.

Dr Reuter, a senior economist for the Rand Corporation in Washington, said that the era of intense gambling law enforcement had passed.

'Not only have the numbers of gambling arrests declined but the prominence assigned to gambling in popular and political ratings of police departments have sharply diminished.

'It is now simply a minor duty of the police, accomplished with few resources and posing little threat of scandal.'

It had been estimated that in 1960 over 140 000 persons had been arrested for gambling in the United States.

By 1980, arrests had declined to 38 000.

Dr Reuter said that increased public understanding of the inevitable failure of gambling enforcement and a concern that police devote their resources to more pressing activities may have been responsible for the decline in police responsibility for gambling enforcement.

The enforcement of gambling laws was always a burden to the police departments of major American cities.

'Not only could they not achieve their goal. . .but they could not produce any indicator that they were making any progress toward that goal', Dr Reuter said.

Few resources were devoted to it and except for the occasional large-scale raid it was given little attention.

Narcotics enforcement had apparently taken its place in police priorities, Dr Reuter commented.

In a criticism of estimates of drug addicts in the United States, Dr Reuter spoke of the 'mythical' numbers involved and of a strong interest in keeping the numbers high and none in keeping them correct.

Estimates that almost 150 000 heroin addicts spent \$100 per day were 'highly implausible'.

'Three factors explain why drug estimates are allowed to circulate uncritically.

'There is no constituency for keeping the numbers accurate while there is a large constituency for keeping them high.

'The broad consensus that the drug traffic is evil exacerbates the problem even when people disagree on the best approach for overcoming that evil.'

The second factor was the lack of any systematic scholarly interest.

The third factor was that apart from playing a rhetorical role the numbers had almost no policy consequence.

The size of the Government's

expenditures on drug treatment or law enforcement was not driven by estimates.

'The size of the heroin addict population and of drug market incomes are simply not important either to the agencies that prepare them or to anyone else'.

'Numbers without purpose are numbers without quality', Dr Reuter said.

## Drug Estimates Confusing

Royal Commission estimates of the size of the heroin problem in Australia were so large that they defied comprehension.

Mr Ian Elliot of the Melbourne University Law School said that figures in the Williams Commission showed that a heroin addict would spend \$70 000 a year on the drug — \$200 each day. United States estimates that 150 000 addicts spent \$100 per day on drugs had been said by earlier speakers to be 'highly implausible'.

'I hardly know how to place the Williams estimate on this gradient of implausibility', Mr Elliott said.

He said the Williams report estimated that there were between 14 200 and 20 300 hardcore heroin addicts in Australia who required heroin worth between \$1000 and \$1600 million.

'In gross terms these figures are so large as almost to defy comprehension.

'The estimates of the number of addicts and the financial cost of their dependence do not have to be accurate.

'They are most often used in a manner akin to ritual incantations against a shadowy enemy'.

## Simplify the Stats!

About 15,000 people were arrested in Australia last year for possession of marijuana, the seminar was told.

Mr Nick Koshnitsky, a research statistician with the South Australian Office of Crime Statistics, said that there had been a dramatic increase in the number of people arrested for possession

of drugs over the past 10 years.

Fewer than 1000 people had been arrested for drug taking in New South Wales in 1971 compared to over 5000 in 1980.

Of the arrests in 1980, 95 per cent were related to marijuana.

In Queensland, drug arrests had risen from 542 in 1973, to 6480 in 1983.

Of the 6480 arrests, 87 per cent were for marijuana and 2 per cent for heroin.

Mr Koshnitsky told the seminar that police drug arrest statistics could be misleading because of multiple offence counting systems.

'With drug offences it is quite common for someone to be arrested with a drug and subsequently charged with at least three offences such as possession, use, and possess for sale. . .'

Drug statistics should be presented in a simplified manner, he concluded.

The backgrounds of marijuana users in South Australia showed that they were far less likely to have had prior convictions than most other defendants.

'For example in the 1981/82 financial year 46 per cent of those charged with minor drug offences had no record, compared with only 30 per cent of other offenders', Mr Koshnitsky said.

### Excessive Policing

Dr Grant Wardlaw, a criminologist with the Australian Institute of Criminology, told the conference that drug enforcement in Australia was in a mess.

The war against drugs was in full swing with more money, time and expertise being spent on drug enforcement.

Yet law enforcement had not succeeded in reducing the availability of illicit drugs.

'The evidence seems overwhelming that law enforcement should not be central to drug control policy.

'It may have a valuable subsidiary role but vast resources should not be allocated to it and



**Dr Peter Reuter** not too much should be expected of it', Dr Wardlaw said.

### Victimless Crime

Australia's criminal justice system was producing criminals, the seminar was told.

Attempts to control such consensual activities as drug taking, gambling and prostitution with criminal sanctions had been unsuccessful, said Dr Peter Grabosky, a senior criminologist with the Australian Institute of Criminology.

They tended to be accompanied by a number of unintended consequences, the most serious being the corruption of police and other public officials.

When investigating victimless crime, police often used methods which were legally and morally questionable.

'I refer. . . not simply to the use of undercover agents or informers, but to the use of bugging and wiretapping and the fabrication of evidence.'

Dr Grabosky said that drug and vice enforcement reduced the supply of the illicit service or substance, which increased prices thereby forcing consumers to commit property offences in order to meet the higher costs of the commodities in question.

Aggressive policing drove illicit goods and services underground, resulting in greater consumer risk and often a search for more harmful substitutes.

Far from combatting organised crime, vice and drug enforcement nurtured and strengthened criminal organisations.

'If people could grow a few cannabis plants in their gardens with impunity, the financial incentives to cultivate large plantations would be reduced'.

Branding as criminal those who took part in victimless crimes encouraged the development of a criminal self-concept.

'Rather than inhibit one's embarking on a criminal career, such labelling may propel individuals into a life of crime'.

Police needed to get their priorities right when allocating limited and valuable resources.

'I am troubled by the extent to which law enforcement agencies allocate so much enthusiasm and so many resources to the suppression of victimless crimes when at the same time the level of violence against women is unacceptably high.'

Dr Grabosky said that police should not be directed to enforce standards of conduct which lacked a widespread public consensus.

Attempts to do so were doomed to detract from the image of the police and from the legitimacy of the legal order generally.

Other papers were presented by Chief Superintendent Col Winchester, Australian Federal Police, and Mr J.C. Greaves, President of the Police Association of New South Wales. ®



**Dr Grant Wardlaw**

Papers covering a range of criminological topics were presented to the criminology section of the 54th ANZAAS Congress held recently at the Australian National University in Canberra.

In his opening address, the president of the criminology section Mr Justice Murphy called for an increase in funding for institutional research into criminology.

It was ironic that at a time when millions of dollars were being spent on alleged criminal activities, both the Criminology Research Council and the Australian Institute of Criminology were being constricted financially, he remarked.

'It might well be more effective if some fraction of the resources devoted to law enforcement were directed to the institute and the council', he said.

## Media and Crime

The media contributed to the public's fear of crime and of criminals by constantly reporting alarming increases in crime, according to Mr Colin Bevan, Assistant Director (Training) of the Australian Institute of Criminology.

Newspapers often gave the impression that a 'new wave of violence' was awash which tended to lead society to believe that violence was increasing at such a rate as to become almost a social norm.

Mr Bevan drew attention to research which contradicted this premise.

Referring to the 'ill-effects' which flowed from crime coverage by Australia's mass media of communication, Mr Bevan criticised journalists' sources of information as 'not always the most disinterested, objective, and scientifically accurate'.

It was difficult to authoritatively ascertain rates of crime.

'Criminologists envy the certainty with which journalists pronounce upon criminological phenomena.

'A search of the research does not reward one with many clear-cut hard data conclusions'.

Mr Bevan said that claims by the public that the media was responsible for an increased lawlessness in society were probably based on the frequency with which crime and violence were portrayed by the media.

'I feel that the mass media of communication, particularly television bear a huge responsibility...with regard to the social development of our young people', he said.

Mr Bevan predicted that the rate of 'nuisance' crimes which were committed largely by the less numerate and literate in society would rise unless the decline in



The president of the criminology section the Hon. Mr Justice L. K. Murphy pictured at a reception at the Institute for section participants. From left to right: Satu Beverley, Psychologist, Mulawa Training and Detention Centre for Women, NSW, and Judy Page, Department of Corrective Services, NSW. In the background is *Canberra Times* legal reporter Crispin Hull.

educational standards brought about by the preference children had for viewing television over reading, writing and numerating, was halted.

On the benefits of the media, Mr Bevan paid tribute to Australia's journalists who he said were hamstrung by rigid and archaic defamation laws.

'I regard many serious journalists as among the best criminological researchers in this country', Mr Bevan said.

#### Police Powers

Police were losing ground in the fight against crime because they were being denied wider powers of authorisation.

Chief Inspector Newnham of the Research and Development Department of the Victoria Police, told the congress that in terms of investigating serious crime, the police were hampered because of their limited investigative powers.

There was a sharp clash between what society expected police to do and what it would allow them to do.

Old policing methods no longer worked in a modern informed society and many people were pressing for change.

In the past police were successful in using bluff and non-existent rights to do its job because there was no law against them and people did not know that they did not have to comply.

Such a system did not work today, and a widespread ignorance of police authority had been replaced by an awareness of civil rights and the limits beyond which police could not go.

'Clearly today, bluff or the assumption of rights are not acceptable to the courts.

'Society. . . has failed to provide acceptable tools for the police to use in place of those techniques and devices which it now says are unacceptable.

'The authority to go with the responsibility used to exist at least in peoples' minds. . . when society became informed, the "authority" was revealed as nothing more than a myth'.

Chief Inspector Newnham

believes that society is dissatisfied with the level of crime today and would not be unduly apprehensive of police being given wider, more workable powers.

Major crime trends revealed that the crime rate was increasing but the clear-up rate was decreasing.

'The even-widening gap. . . is disquieting and it behoves us to look for underlying reasons or at least for ways to reverse the trend.

'The time has come for society to look behind the rhetoric and high sounding impractical principles, to see clearly that too many crimes are being committed and too many criminals are escaping justice. . .'

In today's informed society ordinary citizens should be involved in re-defining the parameters of public authority, Inspector Newnham said.

It was not possible to include in this issue all of the papers presented to the criminology section.

A more comprehensive coverage will appear in the September issue of the *Reporter*. ®



Participants at the criminology section of the 54th ANZAAS Congress held at the A.N.U. from 14-18 May

# Victims of crime

A group of experts from throughout Australia attended a workshop on crime victims at the Institute from 10-11 April.

The workshop was convened to provide an opportunity for discussions of issues relating to victimisation, which will comprise a major agenda topic at next year's 7th United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

Participants included Professor Louis Waller, Victoria Law Reform Commissioner; Mr R W Whitrod, Victims of Crime Service, South Australia; Mr Mark Richardson, Director of Research, NSW Law Reform Commission; Mr Richard Williams, Department of Community Welfare, Western Australia; and Ms Margaret Timpson, Australian Bureau of Statistics, Canberra.

It was generally agreed that certain types of crime victims require priority consideration for purposes of support services and preparation policies. Those whose positions of dependence or disadvantage renders them less able to cope with the experience of victimisation and are therefore regarded as more vulnerable include women, children, Aborigines, the elderly, and persons of low income in general.

The issue of criminal injuries compensation received considerable attention at the workshop, and it was noted that the delay, uncertainty, and inconsistency of awards which characterise compensation programs throughout Australia may well be counter-therapeutic — actually serving to slow the victim's physical and psychological recovery. A national system of general injuries compensation, integrated with a program of physical and psychological rehabilitative services for all accident victims, was regarded as the ideal alternative.

The past ten years in Australia have seen important developments in the provision of services to crime victims. Most State medical



Mr Ray Whitrod

and community welfare agencies have established specialised facilities for victims of sexual assault, domestic violence, and child abuse.

In addition, a number of community groups provide informal counselling and support for victims in general. Workshop participants noted, however, that too little attention had been devoted to research on the most effective techniques of counselling, support, and rehabilitation.

Existing knowledge about the processes of victimisation, and the

relative risks faced by different demographic groups in the general population remain inadequate. A national survey of crime victims was conducted by the Australian Bureau of Statistics in 1983. It is envisaged that results will be available for analysis by the end of 1984. Participants in the workshop saw great value in more detailed and more frequent surveys to assist in the development of crime prevention programs and to improve the coverage of victim rehabilitation and compensation schemes.

One recurring theme of discussion was the degree of victims' dissatisfaction with, and alienation from, the criminal justice system. This is particularly significant in light of the importance of victim co-operation for the identification, apprehension, and conviction of offenders. It was agreed that all officials in the criminal justice system, and Crown prosecutors in particular, should be more sensitive to victims' needs.

It is envisaged that many of the insights contributed to the workshop will be incorporated in a forthcoming Australian discussion paper for the 7th United Nations Congress. ®



Participants at the Victims of Crime Workshop held at the Institute

# Librarians seminar

Automation and resource sharing were the main themes of the *Fourth Seminar for Librarians in the Criminal Justice System*, held at the Institute from 27-30 March. These topics reflect current trends in information management. The arrival of the computer in libraries has permitted far greater scope than ever before for co-operation between libraries, sharing of library resources, and for the effective internal management of library systems.

Previous seminars in this series held in 1977, 1979 and 1981, were organised by the J.V. Barry Memorial Library. The first two were held at the Institute and the third at the University of New South Wales. The fourth seminar was organised by the Institute's Training Division assisted by the J.V. Barry Memorial Library directed by Gael Parr.

The seminars provide an opportunity for librarians in the criminal justice system to get together to discuss common interests.

During the four days of the Seminar, papers were presented on the following topics:

- Australian Bibliographic Network
- Word processing, data base management systems, or information storage and retrieval systems – which?
- The potential and pitfalls of computers in library systems
- Automated cataloguing alternatives and information retrieval for special libraries
- Computerised legal data bases (including a demonstration of on-line data bases)
- CINCH
- Resource sharing

- Survey of legal materials
- Prison libraries
- Criminal justice statistics

Special interest groups were also convened for police libraries, corrections libraries, and a combined group of courts and university law libraries. These sessions provided the focal point for the exchange of information and may in the future include the presentation of special interest group papers.

If a single message can be said to have emerged from the Seminar, it is that automation is the name of the game. Participants recognised a strong move especially amongst the larger libraries, towards the automation of in-house systems such as library catalogues, and linking up with resources of other libraries via computer networks.



Participants at the fourth seminar for librarians in the criminal justice system held at the Institute from 27-30 March. From left to right: Rob Brian, Law Librarian, University of New South Wales; Gael Parr, Acting Librarian, J.V. Barry Memorial Library; Bob Thomson, Librarian, Supreme Court Queensland; and Jane Mugford, Senior Training Officer with the Institute.

In order to work effectively, the latter requires the use of standardised formats for cataloguing, for the exchange of information. There was considerable discussion about the advantages of joining the Australian Bibliographic Network, for adding new catalogue entries and for gaining access to the data base for copy cataloguing and other information-sharing purposes. The best means of automating were also discussed, including choice of hardware and software systems, and the principles involved in implementing an automated system.

Not all libraries, however, felt that they were in a position to automate and there was some diversity of opinion as to whether libraries should be working towards automation. Many of the libraries in the criminal justice system are small and have limited resources. In prison libraries, for example, there is such a shortage of resources that there is no question of automating in the foreseeable future. Nonetheless, it was suggested, benefits inevitably flow on from automation and perhaps every library should move towards automation as a principle, whether or not it is achievable in the immediate future. The experience of ABN is that special libraries, exemplified by those in the criminal justice system, are beginning to make a major contribution to the Network.

The J.V. Barry Memorial Library is one library which is scheduled for automation in the future though its precise role vis-a-vis other libraries is, in this context, difficult to ascertain. It was made clear during the Seminar, that automation entailed a conceptual rethinking of library requirements because it involved more than a computerisation of existing procedures.

The J.V. Barry Memorial Library has always played a national coordinating role within the criminal justice system but it is concerned about the possible consequences

of playing such a role within an automated network.

It was unlikely that resources would be available to the J.V. Barry Memorial Library to undertake cataloguing on behalf of other libraries.

Alternatively, perhaps it would be preferable for individual libraries to join ABN. No firm conclusions were drawn, though in respect of present J.V. Barry Library activities, seminar resolutions recommended that CINCH should be made available on AUSINET, and that the Union Catalogue of Monographs should be maintained at least as long as the need exists for it as a manual tool.

A second major topic of the seminar, linked closely to the issue of automation, is that of information retrieval and the bibliographic data bases which are available for information searching. Participants were informed about national and international legal data bases which are accessed via networks such as AUSINET, EUROLEX, Lockheed DIALOG and SCALE and they were able to participate in some demonstration on-line searches.

In addition to information sources of the computerised, bibliographic variety, details were given of other types of resources available to librarians in fulfilling their clients' requests for information. These include, for example, the National Survey of Law Libraries in Australia, and various statistical materials, especially those published by the Institute (for example historical statistics, and summary statistics from the National Prison Census) and by the Australian Bureau of Statistics (for example victims of crime surveys).

Two papers on prison libraries in Western Australia presented during the computer oriented sessions completed the seminar program.

The papers explained what was happening at the workplace in

prison libraries, where the basis of a comprehensive collection was being established with severely limited resources.

Participants resolved to make a start towards conducting a much-needed survey of prison libraries, and to investigate the prospect of establishing standards for prison, police, and court libraries.

A full report of the librarians' seminar will be published shortly.

Copies of seminar papers will be made available on request to:

Publications Section,  
Australian Institute of Criminology  
P.O. Box 28,  
WODEN A.C.T. 2606 ®

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### PROTECTING THE PROTECTORS \$12.50

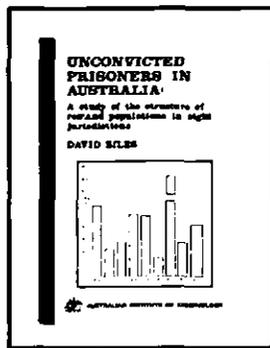
Bruce Swanton has looked at the current strengths of police unions in Australia and written this detailed and perceptive book on their development and future in Australia's criminal justice system. Policing in Australia in coming years will be largely dependent on the industrial and professional development ideas explained here.

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### JUST DESERTS FOR THE MAD (Reprinted) \$5.00

There are people who are mentally sick who are also criminal; and people who are criminal *because* they are mentally sick; and people who are not criminal because they have been *found* to be mentally sick. Ivan Potas examines the borderline areas of responsibility — medical and legal — for the mentally ill in the criminal justice system.

# NEW PUBLICATIONS



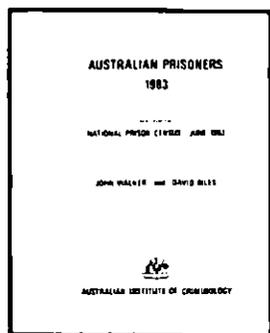
This study by David Biles examines the wide differences between Australian jurisdictions in the use of remand in custody.

The results of the 1982 and 1983 national prison censuses were used to examine the characteristics of remandees and to analyse the structure of the remand populations in each jurisdiction.

The study was carried out at the request of the Annual Conference of Ministers in Charge of Prisons, Probation, and Parole held in Hobart in 1983.

The study was undertaken with a view to exploring the relative significance of different strategies that may be applied to reduce the size of remand populations.

Copies of *Unconvicted Prisoners in Australia* are available from the Publications Section of the Institute free of charge.



This is the report of the second annual national prison census which was held on 30 June 1983.

The tables are largely compatible with those of the report of the 1982 census since, wherever possible, the same definitions and tabulation methods have been used.

Where last year only a static statistical picture was able to be presented this year the report can present comparisons over a two year period.

Copies of *Australian Prisoners 1983* are available from the Publications Section of the Institute at \$3.00 per copy plus postage.

## New Institute Researcher



Dr Suzanne Hatty

DR SUZANNE HATTY, a recently appointed Senior Research Officer, graduated from Macquarie University in 1976 with a B.A. (Hons).

Dr Hatty who has taught a range of topics in psychology at both Sydney and Macquarie Universities was recently awarded a Ph.D. in psychology from Sydney University for a thesis entitled *The Manifestation and Determination of the Femininity Complex in Men*.

Her research interests have centred upon Freudian

and Post-Freudian theory concerning male psycho-sexual development, the construction of gender categories in differing societies, the centrality of reproduction to the maintenance of psychological adjustment for both sexes, and the psychic significance of male sexual anomalies such as transexualism in the shifting relationship between the sexes.

Dr Hatty has recently completed a book manuscript derived from her Ph.D. research which seeks to account for the genesis of certain aspects of male criminality particularly the commission of violent acts against women.

Issues specifically examined in the manuscript include the concept of gender identity, the relative significance of parental figures, the crisis of marriage and fatherhood, and the contribution of unresolved conflicts in gender identity and sex role in the enactment of aggressive activity directed towards women.

Dr Hatty is currently involved with Dr Jeanna Sutton of Macarthur Institute of Higher Education, in a program of research into police intervention in domestic crisis in New South Wales.

This year she was awarded a National Research Fellowship, (Department of Science and Technology), in conjunction with Dr Sutton to undertake this work.

Dr Hatty's other research interests include child abuse, the relationship between women and the criminal justice system and juvenile justice. ®

# BOOK REVIEWS

## CASES ON THE CRIMINAL CODE

By Eric J. Edwards and Richard W. Harding

Sydney: Law Book Company, 1983: 727pp – \$58.00 (cloth); \$45.00 (limp).

Reviewer: JOCELYNNE SCUTT, Director of Research, Legal and Constitutional Committee, Parliament of Victoria.

Eric J. Edwards' and Richard W. Harding's *Cases on the Criminal Code* is the third edition of a volume originally edited by Eric Edwards, R. A. Hayes and R. S. O'Regan. This time, Edwards has joined together with Richard Harding, Professor of Law with the University of Western Australia and latterly Director of the Australian Institute of Criminology. The first and second editions contained material on and references to three criminal codes: those of Papua New Guinea, Queensland, and Western Australia. Following the independence of Papua New Guinea, cases relating to that code have been retained, but no new cases have been added; references to the Papua New Guinea Code have been dropped, as have the relevant section numbers. A welcome addition is a chapter on drug offences. As the authors state, although 'not Code offences, [drug] offences are as important in the Code jurisdictions as they are elsewhere'.

*Cases on the Criminal Code* deals first with introductory matters, including the scope of the criminal law; 'the code', its effect and interpretation dealing with its history and the significance of operating under a code as opposed to codeless States such as Victoria and New South Wales where Crimes Acts and the common law govern criminal offences; the burden and standard of proof; jury unanimity; classification of offences; and 'application of the criminal law' – briefly dealing with questions of the jurisdiction

of the codes where a crime is committed by an accused in a code State, against a victim outside, and the interaction (or otherwise) of the code and the Australian criminal law as laid down in the *Crimes Act 1914*, the *Customs Act*, *Trade Practices Act*, *Crimes (Protected Persons) Act*, *Crimes (Hijacking of Aircraft) Act* and similar federal legislation. Later chapters in this section cover double jeopardy, parties to offences, conspiracy, and attempts.

Part Two is devoted to criminal responsibility: the mental element, covering 'the act' and 'the event'; omissions, negligence, and recklessness; mistake of fact; intention to cause a particular result; ignorance of the law and honest claim of right; and corporate and vicarious criminal responsibility. Necessity, emergency, and compulsion cover abortion, self-defence and the use of necessary force in arrest, prevention of offences, protection of property and the like. Insanity and automatism deal with the M'Naghten Rules, the relevant code sections, diminished responsibility and sane automatism, whilst the end-chapter covers intoxication at common law and under the code.

The final section deals with offences under the code, commencing with homicide; 'offences against the person' including those offences that endanger life or health, and assault; sexual offences; offences against property; and drug offences. A last chapter outlines in brief form such offences as treason, treachery, sabotage, unlawful assemblies, riots and affrays, including relevant section numbers of the code and references to reported cases or law review analyses of cases relevant to each offence and section number.

Case books such as this are sometimes criticised for containing nothing of an analytical nature, and being little more than 'cobbled together' excerpts from reported and unreported cases, journal

articles and other materials. Edwards and Harding have, however, made their case book the more interesting by including an historical account of the development of the Griffith criminal code, as well as philosophical material relating to the nature of criminal law and its role in dealing with, or ignoring, 'offences' that relate to 'morality' rather than being classifiable as 'crimes'; the Hart-Devlin debate is canvassed briefly, but sufficiently to whet the appetite of readers who may be thereby prompted into widening their sources and learning more.

For students in criminal code States, *Cases on the Criminal Code* should prove a useful tool not only for assisting them in their performance in criminal law classes and, later, at examinations, but ultimately as a volume to be retained on their shelves when in practice – or for those more venerable as members of the judiciary dealing with crime. It may also be a worthwhile addition for the libraries of those practising in common law States, in that the book distinguishes criminal code law from Crimes Act law, as well as providing additional sources in law journals which may be of value to each jurisdiction.

For those who are concerned about legal change and the pace of law reform, however, *Cases on the Criminal Code* gives reason for pause. Glancing through the 'Foreword to the First Edition', written by the present Chief Justice of Queensland in 1969 and included in this edition, one paragraph leaps out:

A Committee of the Law Council of Australia, after a great deal of careful work and research, has prepared a draft Criminal Code for submission to the Attorney-General of the Commonwealth. Not surprisingly the bulk of the work involved in this task has been undertaken by experienced lawyers drawn from the bench, the bar, solicitors and law teachers of Queensland. *It is anticipated that a Code based*

on this draft will be in force before long in all Commonwealth Territories, for example, the Australian Capital Territory and the Northern Territory, and its introduction may well have the effect of encouraging codification of the criminal law (in whole or in part) in some or all of the non-code States. . .

Alas! This optimism has not yet been fulfilled with action on the part of the federal government. Indeed, the Law Council's draft criminal code was superseded in the early 1970s with another draft criminal code which has suffered a like fate as its predecessor: sinking into abeyance.

In the *Annual Report 1983* of the Criminal Law Consultative Committee for the Australian Capital Territory the lamentable state of the law in this area was the subject of comment under the heading 'Neglect of Criminal Law in the A.C.T.':

In January 1911, the Australian Capital Territory inherited New South Wales' law then in force. In the area of criminal law the main source of law was the New South Wales' *Crimes Act* of 1900. That Act is still the main source of criminal law in the A.C.T. In New South Wales, the *Crimes Act* of 1900 has been extensively amended since 1911 to bring it into line with changing community attitudes and with the needs of a modern age of computers and white collar crime. Those reforms did not apply automatically to the A.C.T. After January 1911, with only the occasional refreshing infusion of criminal law reform, the Territory has been left as a small stagnating billabong cut off from the main river of law reform from that time. That it was allowed to remain so for so long is probably a reflection of the Territory's relatively small size [and] its lack of self government. . .

[T]he criminal laws governing the A.C.T. are in a neglected state – the product of long neglect. Such amendment and additions as there have been to the law inherited from New South Wales in 1911 is itself a hotchpotch – largely inaccessible, neglected, a source of uncertainty and confusion to police, citizens and the judiciary. . .

The Report goes on to point out that the Criminal Law Consultative

Committee has been established with the object of tackling the agenda 'created by this long neglect'.

It remains only to wish the Committee well in its task, which may be made easier by the election of a federal government committed to facilitating self-government for the Australian Capital Territory. An additional support in improving the unacceptable state of the criminal law in the Territory may well be the presence at the Australian Institute of Criminology of the second author of *Cases on the Criminal Code*. Being fully aware of the advantages accruing to police, citizens and the judiciary in having a readily accessible criminal code as is the case in his home State, Harding may be minded to take up the cause and promote swift passage of reforms put forward by the Consultative Committee. Better still, he may revive the now long past idea that the Territory needs a properly drafted criminal code. The time has come for a new look at the old Griffith standard, with a view to bringing it up to date with the 1980s. Is it possible to hope that the A.C.T. may again take its once well deserved place as 'hothouse of social experimentation' (in the Committee's words), and that the first major legislative act of a new assembly might be the passing of a modern criminal code?

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#### KILLING ONE ANOTHER

By Gwynn Nettler

Anderson Publishing Company, Cincinnati, Ohio, 1982: 364pp. Reviewer: GRANT WARDLAW, Criminologist, Australian Institute of Criminology.

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*Killing One Another* is the second volume in Nettler's four-volume work *Criminal Careers*, a wide-ranging examination of crime which crosses the boundaries of criminology, psychology, politics, philosophy, biology and

sociology. Volume One (*Explaining Criminals*) outlines the author's interpretive themes and expounds upon the major causes of criminal conduct. The volume under review takes these themes and applies them to homicidal occasions. Although the perspectives are outlined again in this work, the reader would obviously benefit from the more detailed treatment given in Volume 1 before embarking on a reading of *Killing One Another*.

This examination of homicide is certainly comprehensive and succeeds particularly well because it avoids the limitation of trying to force what are obviously very different and multi-faceted phenomena into theoretical strait jackets. Nettler points up the moral ambivalence with which we view killing of our own kind and examines how this ambivalence comes out in the concept of 'justifiable homicide' in all its forms. The impact of cultural and moral context on levels of violence is also examined.

The study is organised according to broad themes. After a preliminary excursion into the problems of defining and justifying homicide, Nettler examines social locations of homicide. The effect on homicide of age, sex, work and wealth are studied with a particularly noteworthy section being devoted to explaining how sources of error confront those who deem 'poverty' to be a major cause of violence. The importance of cultural and ethnic influences on frequency, forms, and responses to violence provide an excellent opportunity both to introduce data from a number of countries and to point out some major defects with theories of cultural determinism. In a chapter on contingencies, Nettler tries, perhaps rather too superficially, to show how we move from normal aggression to violent action.

Having described some of the antecedents of homicide, Nettler

devotes the bulk of the book to unravelling aspects of individual types of homicide, with extensive use being made of case histories. Chapters in this mould include ones on murder by rejected and jealous lovers, sexual murder, and the difficulties of interpretation and treatment by those who murder under the yokes of lunacy and psychopathy. The particular difficulties we face in ascertaining where sanity ends and lunacy begins are illustrated by an examination of the varieties of idealistic killer (including some

discussion of the particular case of war and a chapter devoted to terrorism).

Finally, Nettler draws together some of the strands running through the book and makes some morality-based conclusions on a number of them. He argues for censorship of pornography involving violence and criticizes acceptance of drug use. He ranges widely (and briefly) over the effects on contemporary society of frustration, relative deprivation, ethical relativism, and fragmented families. It is in this section that

Nettler is most unconvincing, sounding suspiciously like someone who is searching for scientific backing for pre-existing, strongly-held beliefs.

In spite of this drawback, and of the inevitable superficiality of some parts of a book which attempts to deal comprehensively with a large and complex subject area, Nettler has succeeded in writing an interesting and thought-provoking book which will be of interest to all those who study homicide and social pathology.

## And, in brief,...

In this issue we welcome three new staff members to the Training Division at the Institute.



**Jane Mugford**

JANE MUGFORD took up the post of Senior Training Officer at the Institute in March.

Upon arrival in Australia from the United Kingdom, Mrs Mugford worked as a tutor in sociology at the Canberra College of Advanced Education and at the Australian National University.

At the A.N.U. Mrs Mugford compiled two major annotated bibliographies of survey research in Australia and conducted a review of standards for documenting and cataloguing numeric machine-readable data files.

Mrs Mugford also assisted with documenting, cleaning and preparing archived survey data files for secondary analysis.

VAL MCKENZIE commenced at the Institute in January as secretary to Mr Colin Bevan, Assistant Director (Training).

Before joining the Institute, Mrs McKenzie was employed as secretary to the Principal Lecturer, Chemistry and Health Studies in the School of Applied Science at the Canberra College of Advanced Education.



**Val McKenzie**



**Celeste Bennett**

**CELESTE BENNETT** joined the Institute in April as a clerical assistant in the Institute's Training Division.

Prior to her appointment Mrs Bennett was employed in a clerical capacity for a major retailer in Melbourne.

#### Research Grants

The Criminology Research Council has made a grant of \$5600 to Mr Stephen James, Lecturer in Criminology at the University of Melbourne, for a study of tenants' perceptions of the security of high-rise living.

This study, to be conducted in association with Mr Richard Wynne, will investigate the extent of crime, and fear of crime, in three high-rise public housing estates in Victoria.

The findings should be of interest to police, architects and public housing administrators.

Five completed research reports were received by the Council. These were:

- 'Assessing the Utility of Fines' by Mr Dennis Challenger, Chairman, Criminology Department, University of Melbourne
- 'Identification of Small Glass Fragments for Forensic Purposes' by Dr K.W. Terry, Mr A. van Riessen (both from the School of Physics and Geosciences, Western Australian Institute of Technology) and Mr B.F. Lynch of the Forensic Chemistry Division, Government Chemical Laboratories, Perth
- 'Case Studies of Violent Offenders' by Mr Neil Howard on behalf of the Office of Corrections, Melbourne
- 'A Review of INC - A Programme for Placing Young Offenders in the Community as an Alternative to Secure Care' by Mr Cam Rungie, School of Social Sciences, The Flinders University of South Australia, and Dr Penny Burns, Department for Community Welfare, South Australia
- 'Crime and Society in Western Australia 1829-1914' by Mr Andrew W. Gill of the University of Western Australia. ®

## New Board Appointments

Two new appointments have been made to the Board of Management of the Australian Institute of Criminology.

The appointees are Professor Gordon Joseph Hawkins of the University of Sydney, and Dr Terence Paul Speed of the Commonwealth Scientific and Industrial Research Organisation (CSIRO).

They replace Dr Evan Davies and Mr T.A. Walsh, Q.C..

Professor Hawkins, has been Associate Professor of Criminology, at the University of Sydney, since 1971 and Director of the Institute of Criminology of the University since 1982. He was a Commissioner of the Australian Law Reform Commission from 1975-1981.

Following his formal education at University College, Cardiff and Balliol College, Oxford, Professor Hawkins held senior positions in the prison service of the United Kingdom before taking up University appointments in Leeds and in Sydney.

He has been involved with a number of important publications covering topics such as crime control, deterrence and imprisonment.

Dr Speed has been Chief of the Division of Mathematics and Statistics of the CSIRO since 1983. He was educated at Melbourne and Monash Universities and held appointments at Monash University and the University of Sheffield before taking up appointment as Professor of Mathematics at the University of Western Australia.

Dr Speed has undertaken studies in the field of crime statistics and was appointed by the Western Australian Government as the Statistical Consultant to the Western Australian Inquiry into the Rate of Imprisonment.

Dr Davies was appointed as a member of the Board of Management in 1975 and Mr Walsh was appointed in 1978. Both Dr Davies and Mr Walsh have made valuable contributions to the work and development of the Institute. Dr Davies also acted as Director of the Institute for a short period before the appointment of the Institute's first permanent Director in 1975. ®

# STATISTICS

Statistics published in the *Reporter* are available free of charge upon request to Mrs Marjorie Johnson, Australian Institute of Criminology, P.O. Box 28, Woden, A.C.T. 2606. Telephone: (062) 822 111.

## Australian prison trends

By David Biles  
Assistant Director (Research)

During the period February 1984 to April 1984 the numbers of prisoners increased in all jurisdictions except New South Wales and South Australia. In these two States the decreases resulted from the effects of an industrial dispute and new parole legislation respectively. The numbers of prisoners in all States and Territories for April 1984 with changes since January 1984 are shown in Table 1.

Table 1 – Daily Average Australian Prison Populations April 1984 with changes since January 1984

	Males	Females	Total	Changes since Jan. 1984
NSW	3156	146	3302	– 387
VIC	1913	70	1983	+ 61
QLD	1772	42	1814	+ 85
WA	1427	67	1494	+ 80
SA	596	12	608	– 50
TAS	234	6	240	+ 11
NT	262	14	276*	+ 18
ACT	54	2	56**	+ 2
AUST	9414	359	9773	– 180

\* Two prisoners in this total were serving sentences in SA prisons.

\*\* Forty-one prisoners (including 1 female) in this total were serving sentences in NSW prisons.

Table 2 shows the imprisonment rates (daily average prisoners per 100 000 population), for April 1984. The national rate of 62.3 compares with 63.8 found in January 1984.

Table 2 – Sentenced Prisoners Received, Daily Average Prison Populations and Imprisonment Rates by Jurisdiction – April 1984

	Sentenced Prisoners Received	Prisoners	General Pop.* '000	Imprisonment Rates
NSW	776**	3302	5667	58.3
VIC	326	1983	4007	49.5
QLD	285	1814	2494	72.7
WA	322	1494	1370	109.1
SA	274	608	1347	45.1
TAS	58	240	434	55.3
NT	123	276	135	204.4
ACT	–	56	237	23.6
AUST	2164	9773	15691	62.3

\* Projected population end of April 1984 derived from *Australian Demographic Statistics Quarterly* (Catalogue No. 3101.0).

\*\* Comprising 426 Fine Defaulters and 350 Sentenced Prisoners.

Table 3 – Total Prisoners and Remandees and Federal Prisoners as at 1 April 1984

	Total Prisoners	Prisoners on Remand	Percentage of Remandees	per '000 of Gen. Pop.	Remandees	Federal Prisoners
NSW	3349	639	19.1	11.3	144	
VIC	2017	163	8.1	4.1	48	
QLD	1815	131	7.2	5.3	28	
WA	1500	161	10.7	11.8	28	
SA	629	141	22.4	10.5	12*	
TAS	239	15	6.3	3.5	1	
NT	275	42	15.3	31.3	13	
ACT	52	12	23.1	5.1	–	
AUST	9876	1304	13.2	8.3	274	

\* Four of the Federal prisoners in South Australia were transferred from the Northern Territory.

## Probation and parole

Compiled by Ivan Potas  
Criminologist

The following table provides the number and rates of adult persons on probation and parole as at the first day of February 1984:

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.	5621	9569	170.2	2282	40.6
VIC.	4004	3266	81.6	833	20.8
QLD	2476	4697	189.7	478	19.3
W.A.	1344	1830	136.2	667	49.6
S.A.	1363	2340	171.7	377	27.7
TAS.	432	1517	351.2	74	17.1
N.T.	133	325	244.4	97	72.9
A.C.T.	236	168	71.2	39	16.5
AUST.	15609	23712	151.9	4847	31.1

1. Projected population end of January 1984 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 669 persons who were under the age of 18 years at the time of release to supervision. 1312 persons were subject to Community Service Orders, and some of these are included in the probation figure.

The parole figure includes 689 licensees, of whom 274 were short-term licence-holders.

The figure of 12 536 represents at the relevant date, the total number of persons under supervision of all types in NSW. In this figure 'multiple status' offenders are counted only once.

## 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. There were 39 persons subject to Community Service Orders.

## QUEENSLAND

The number of persons subject to Community Service Orders was 989. Of these 421 were also given probation and are included in the probation figure.

## WESTERN AUSTRALIA

There was a total of 472 persons subject to Community Service Orders. 241 of these were also placed on probation and are included in the probation figure. Only 231 persons were subject to Community Service Orders without probation and these are not included in the probation figure.

There was a total of 789 pre-parolees in that State.

## SOUTH AUSTRALIA

The probation figure includes 126 persons who were subject to Community Service Orders.

With regard to parole it is advised that a further 27 persons received voluntary supervision in the community by the Parole Services. A further 150 prisoners were supervised in prison.

## TASMANIA

The probation figure includes 134 juveniles. It also includes 22 probationers from interstate. The parole figure includes 19 parolees from interstate. There was a total of 396 persons subject to Work Orders. However only 214 of these were subject to current supervision orders.

## NORTHERN TERRITORY

The probation figure includes 11 out of a total number of 29 adults 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 February 1984:

	Number	Rates
N.S.W.	1312	23.3
VIC.	39	1.0
QLD	989	39.4
W.A.	472	35.1
S.A.	126	9.2
TAS.	214	49.5
N.T.	29	21.8
A.C.T.	Not Applicable	Not Applicable
<b>AUST.</b>	<b>3181</b>	<b>20.4</b>

making comparisons between countries. For countries marked \* the data refer to 1 October 1983.

Table 1 - Total Prisoners as at 1 January 1984

	Males	Females	Total	Population ('000)	Rate <sup>1</sup>
Australia <sup>2</sup>	9668	388	10056	15585	64.5
Canada <sup>3</sup>	11464	146	11610	24105	48.2
Fiji	638	19	757	634	119.4
Hong Kong	5652	165	5817	5344	108.9
Japan	52374	2195	54569	119400	45.7
Macau	500	12	512	400	128.0
*Malaysia	13766	360	14126	14000	100.9
New Zealand	2592	124	2716	3230	84.1
*Papua New Guinea	3937	234	4171	3160	132.0
Singapore	2496	95	2591	2443	106.1
Sri Lanka	11908	408	12316	15189	81.1
Western Samoa	163	6	169	159	106.3

Table 2 - Convicted and Remand Prisoners as at 1 January 1984

	Convicted Prisoners	Remand Prisoners	Percent on Remand	Remand Rate <sup>1</sup>
Australia	8772	1076	10.9	6.9
Canada <sup>3</sup>	11610	—	—	—
Fiji	707	50	7.1	7.9
Hong Kong	5270	547	10.4	10.2
Japan	45005	9564	21.3	8.0
Macau	309	203	65.7	50.8
*Malaysia	9529	4597 <sup>4</sup>	48.2	32.8
New Zealand	2485	231 <sup>5</sup>	9.3	7.2
*Papua New Guinea	3510	661	18.8	20.9
Singapore	2336	255	10.9	10.4
Sri Lanka	4051	8265	204.0	54.4
Western Samoa	160	9	5.6	5.7

Table 3 - Offenders on Probation and Parole as at 1 January 1984 (in those countries where these options apply)

	Probationers	Rate <sup>1</sup>	Parolees	Rate <sup>1</sup>
Australia <sup>6</sup>	23390	150.3	4698	30.2
*Canada <sup>3</sup>	—	—	7190	29.8
Fiji	—	—	453 <sup>7</sup>	71.5
Hong Kong	3367	63.0	3148	58.9
Japan	22757	19.1	6897	5.8
Macau	—	—	16	4.0
New Zealand	6863	212.5	2344	72.6
Sri Lanka	—	—	111 <sup>8</sup>	0.7
Western Samoa	278	174.8	71	44.7

### 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 December 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 As at 1 December 1983.
- 7 Released to serve Extramural Punishment (343) and Compulsory Supervision Orders (110).
- 8 Released on Licence.

## Asian and Pacific series

Compiled by David Biles,  
Assistant Director (Research)

Correctional administrators in the countries listed below have supplied the basic information which is incorporated in the following tables. The footnotes under Table 3 contain a number of explanations that should be borne in mind when

# Juveniles under detention

Compiled by Evelyn Jacobsen

Statistics on persons in juvenile corrective institutions for the quarters ended 30 December 1982, 31 March, 30 June and 30 September 1983 are shown below. Definitions of terms used in the tables can be found in the March 1981 issue of the *Reporter*. Rates are calculated using revised June 1981 Census figures supplied by the Australian Bureau of Statistics.

Statistics for the quarter ending 31 December 1982 were published in the March 1983 issue of the *Reporter*. Because of unavailability of data from Victoria at that time and some other minor inconsistencies in the data for New South Wales the table had to be revised and is reproduced below. Receipt of the March, June and September quarterly statistics was delayed for several reasons, but it is hoped in future it will be possible to publish the series quarterly.

Table 1 — Persons Aged 10-17 in Juvenile Corrective Institutions as at 30 December 1982

		Total		Detention Status		Reasons for Detention	
		M	F	Not Awaiting	Awaiting	Offender/Alleged Offender	Non Offender
NSW	n	538	107	513	132	562	83
	r	150.7	31.4				
VIC	n	183	63	212	34	128	118
	r	64.1	23.0				
QLD	n	96	19	68	47	95	20
	r	55.9	11.5				
WA	n	76	9	75	10	85	0
	r	78.5	9.8				
SA	n	80	4	54	30	84	0
	r	84.9	4.5				
TAS	n	18	7	24	1	24	1
	r	56.7	22.6				
NT	n	13	2	11	4	15	0
	r	140.3	22.6				
ACT	n	11	2	10	3	11	2
	r	64.2	12.1				
AUST.	n	1015	213	967	261	1004	224
	r	95.4	20.9				

Table 2 — Persons Aged 10-17 in Juvenile Corrective Institutions as at 31 March 1983

		Total		Detention Status		Reasons for Detention	
		M	F	Not Awaiting	Awaiting	Offender/Alleged Offender	Non Offender
NSW	n	559	95	366	288	582	72
	r	156.6	27.9				
VIC	n	251	83	279	55	172	162
	r	87.9	30.2				
QLD	n	110	20	66	64	107	23
	r	64.1	12.1				
WA	n	100	6	87	19	105	1
	r	103.3	6.5				
SA	n	61	7	44	24	66	2
	r	64.8	7.8				

TAS	n	23	7	30	0	23	7
	r	72.4	22.6				
NT	n	13	0	12	1	13	0
	r	140.3	—				
ACT	n	24	5	18	11	22	7
	r	140.0	30.3				
AUST.	n	1141	223	902	462	1090	274
	r	107.3	21.9				

Table 3 — Persons Aged 10-17 in Juvenile Corrective Institutions as at 30 June 1983

		Total		Detention Status		Reasons for Detention	
		M	F	Not Awaiting	Awaiting	Offender/Alleged Offender	Non Offender
NSW	n	518	83	489	112	517	84
	r	145.1	24.4				
VIC	n	224	58	254	28	153	129
	r	78.4	21.1				
QLD	n	103	11	73	41	97	17
	r	60.0	6.6				
WA	n	88	8	79	17	96	0
	r	90.9	8.7				
SA	n	55	5	40	20	60	0
	r	58.4	5.6				
TAS	n	25	8	33	0	27	6
	r	78.7	25.9				
NT	n	14	1	14	1	15	0
	r	151.1	11.3				
ACT	n	16	4	15	5	13	7
	r	93.3	24.3				
AUST.	n	1043	178	997	224	978	243
	r	98.1	17.5				

Table 4 — Persons Aged 10-17 in Juvenile Corrective Institutions as at 30 September 1983

		Total		Detention Status		Reasons for Detention	
		M	F	Not Awaiting	Awaiting	Offender/Alleged Offender	Non Offender
NSW	n	505	98	450	153	511	92
	r	141.5	28.8				
VIC	n	237	61	261	37	153	145
	r	83.0	22.2				
QLD	n	110	10	74	46	105	15
	r	64.1	6.0				
WA	n	101	7	87	21	108	0
	r	104.3	7.6				
SA	n	68	1	43	26	69	0
	r	72.2	1.1				
TAS	n	25	3	28	0	27	1
	r	78.7	9.7				
NT	n	10	0	9	1	10	0
	r	107.9	—				
ACT	n	14	12	1	25	16	10
	r	81.7	72.8				
AUST.	n	1070	192	953	309	999	263
	r	100.6	18.9				

# PUBLICATIONS

## POSTAGE FOR PUBLICATIONS

From 1 March 1984, postage for Institute publications will be simplified for non-bookshop buyers within Australia. For one book, postage to anywhere in Australia will be \$2.50. For two or more books, postage will be \$4.50. Overseas buyers will be charged the exact amount as determined by weight and destination, as will bookshops.

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# reporter

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