

# reporter



Mr Justice Lionel Murphy

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# reporter

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# LIONEL KEITH MURPHY

(1922-86)

Mr Justice Lionel Murphy died in  
Canberra on 21 October 1986.

*His association with the Institute  
had been long and productive.  
The Director represented the Institute  
at the State Memorial Service held in  
Sydney on 27 October; Professor  
Hawkins of the Board of Management  
was also present, as were senior staff  
members Dr Wilson, Dr Mukherjee and  
Dr Grabosky.*



*Richard Harding writes:*

Lionel Murphy became Attorney-General just a few weeks after the Criminology Research Act 1971 had been brought into force. He was thus the responsible Minister during the first crucial years of the Institute's establishment. He made the first appointments to the Criminology Research Council and to the Board of Management, was involved in detail in the determination of the terms and conditions of employment of Institute staff, and appointed the first permanent Director of the Institute, Mr William Clifford.

At the official inauguration of the Institute on 16 October 1973, Lionel Murphy made some comments which have stood the test of time. For example, he stressed and welcomed the bipartisan political support for the Institute, something which the recent passage of the Criminology Research Amendment Act has served to fortify. Also, he praised Institute functions and structures as 'an excellent example of co-operative federalism', another view which has been richly vindicated. And, as all who knew him would expect, he emphasised how crucial it is for knowledge and information to precede criminal justice policy development, something which still does not always occur in matters of social policy.

He ended his speech:

*It will be a great Institute. It will be an Institute of which Australia can be proud, a body that is able to help in solving one of the major problems of mankind.*

After moving to the High Court, Lionel Murphy remained a good friend of the Institute, though obviously in a less active way. He clearly regarded the Institute with

affection, readily accepting invitations to Christmas parties, lunches and so on. Whenever one met him, he seemed to have found some new perspective on crime, and it was always provocative and percipient.

What an irony it is, then, that it was at an Institute seminar, in November 1984, that the Director of Public Prosecutions first adumbrated the 'tall poppy' principle of prosecutorial discretion:

*Suppose . . . an allegation of bashing or bribery has been made against a very senior police officer, or a public official is said to have taken a bribe, the facts are generally known and there is attendant public disquiet. In such a case it may be a justified course to prosecute even if the evidence is not sufficiently strong to make a conviction more likely than not, and the case would not have proceeded against an ordinary citizen.*

Shortly after this, Mr Justice Murphy was criminally charged. It is tempting, but futile, to ponder how much in terms of justice and wisdom we would have gained over many years had this not happened.

I was always confident that justice would prevail and Lionel Murphy would be acquitted. Accordingly, at a time when his legal position seemed bleak, I asked him if he would address the Institute's conference on The Jury, from 20 to 22 May 1986. He unhesitatingly agreed.

The paper he gave at what was to be his last public appearance before his illness became known, was scholarly, provocative and liberal. Introducing him that day I was privileged to be able to describe him as 'a man whom history will surely assess to have been a great Australian and a great judge'. From their reaction, the audience clearly agreed with this judgment.

# Government Illegality

On 1 and 2 October 1986, the Institute hosted a seminar on government illegality. The Institute's concern for the subject grew from its previous study of corporate and white collar crime.

Although issues of corruption have dominated public debates and media attention in recent months, the seminar dealt primarily with misconduct in furtherance of government operations, including maladministration, and gross waste or inefficiency in the expenditure of public funds.

Numerous diverse examples of government illegality can be drawn from recent Australian history. The systematic beating of prisoners by prison officers was a characteristic feature of correctional administration in New South Wales for over 30 years. Throughout Australia, a number of citizens have died in police custody under suspicious circumstances. The New South Wales police engaged in illegal telephone interceptions over a period of fifteen years, with the knowledge of five successive police commissioners. But illegality is by no means the monopoly of criminal justice agencies. Recent years have seen gross mismanagement of acquisition of land for public housing in Victoria; an untold number of deaths and injuries in public sector workplaces arising from violations of occupational health and safety standards; significant pollution of the environment by public authorities, and discriminatory practices by government departments and agencies against employees or members of the public.

The importance of such a seminar was highlighted by the Institute's Acting Director, Mr David Biles, in his opening remarks: 'If any individuals or agencies in Australia should be held to the highest standards of conduct, it should be government officers and public authorities', he said. Mr Biles went on to quote from Mr Justice Brandeis: 'Crime is contagious. If the government becomes a lawbreaker, it breeds contempt for the law. It invites every man to be a law unto himself.'



*Professor Jack Richardson,  
former Commonwealth Ombudsman*

The seminar focussed specifically on mechanisms of prevention and control. Speakers included Professor Jack Richardson, former Commonwealth Ombudsman, Professor David Corbett, former Chairman of the South Australian Public Service Board and Mr Peter Lidbetter, First Assistant Commonwealth Auditor-General. Senator Janine Haines, leader of the Australian Democrats, addressed the question of parliamentary oversight of government operations, with particular reference to standing and select committees.

The afternoon of the first day was devoted specifically to the abuse of power by police and prisons departments. Mr Matthew Goode of the University of Adelaide Faculty of Law observed that the development of efficient and effective police complaints machinery can be impeded by the threat of industrial action on the part of police associations.

Assistant Commissioner Bill Horman of the Victoria Police, described his Department's new internal investigations division, with its proactive internal security unit, able to investigate misconduct without prior complaint. Ms Susan Armstrong, a former Assistant Ombudsman in New South Wales and currently on the Faculty of Law, University of N.S.W., observed that effective management is the key to preventing and controlling abuses in the prisons system. Mr Paul Delphine, of the Victoria Office of Corrections, described some of the innovations in recruitment, training and staff development which his Office has introduced.

The second day of the seminar identified a number of



*Mr Peter Lidbetter,  
First Assistant Commonwealth Auditor-General*

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shortcomings in the institutions which ostensibly exist as safeguards against abuse of power.

Professor Brent Fisse of the University of Sydney, Faculty of Law, was critical of the fact that government agencies were immune from prosecution as corporate entities, thus precluding the use of remedial sentencing measures which could target the organisational sources of government illegality.

Ms Kate Harrison of the Public Interest Advocacy Centre observed that whilst freedom of information legislation has contributed to improved record keeping and file maintenance in public sector agencies, exceptions and exemptions significantly inhibit its use.

Jack Waterford of the *Canberra Times* noted that investigative journalism in Australia is impeded by the fact that owners of Australian media have a wide range of financial interests outside journalism which they may be reluctant to jeopardise. It was also noted that Australian defamation laws are used to stifle public debate on matters of maladministration, and to deter criticism of public officials.

John McMillan of the Faculty of Law, Australian National University spoke on whistle blowing, the disclosure of confidential information by public servants which reveals maladministration or unlawful government conduct. He said there were insufficient safeguards against the persecution and victimisation of public servants who might otherwise be inclined to report breaches of the law within the public sector.

Peter Cashman of the Public Interest Advocacy Centre said that the use of civil litigation to control the excesses of government vis-a-vis ordinary Australians is inhibited by

the difficulty of obtaining legal aid, and by the consequent lack of economic incentives for lawyers. Further barriers to the effective use of civil remedies include limitations on standing, and constraints on representative actions for similarly situated plaintiffs.

Drawing upon his research on corporate crime, Dr John Braithwaite of the Australian National University called for more creative use of internal compliance strategies by public sector organisations. The potential for effective self-policing by government agencies should not be overlooked, as 'insiders' are usually in the best position to know 'where bodies are buried'. The clear and explicit definition of accountability within an organisation is an essential condition of effective self-regulation, which can then be reinforced by mechanisms of external oversight.

Seminar participants observed during the concluding discussion that within the current structure of Australian federalism, those safeguards against official misconduct which do exist are distributed very unevenly. Freedom of Information exists in only two jurisdictions: the Commonwealth and Victoria.

Whilst every State and Territory has an Ombudsman, there are 'hawks' and 'doves' among them: some are more assertive than others. It was noted that Queensland has no Parliamentary Public Accounts Committee, and its Government has not seen fit to appoint a Royal Commission for many years.

The seminar and its forthcoming proceedings, to be edited by Dr Peter Grabosky, Senior Criminologist, are intended to contribute to the accountability of Australian governments and public officials.

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## Criminology Research Grants

The Criminology Research Council at its quarterly meeting in Adelaide on Friday, 12 September 1986, awarded research grants amounting to \$49,710.

A grant of \$11,354 was made to Dr Riaz Hassan, Reader in Sociology at the Flinders University of South Australia for a study of the social correlates of suicide in Australia.

A grant of \$21,771 was made to Ms Christine Stafford, Lecturer at the Armidale College of Advanced Education to enable her to undertake research on Aboriginal/police/community relations as a part of the East Kimberley Impact Assessment Project being conducted by the Centre for Resource and Environmental Studies at the Australian National University.

A grant of \$16,585 was made to Professor Robert Sanson-Fisher and Dr Selina Redman of the University of Newcastle for the second and final year for an evaluation of a pre-delinquency prevention program.

At this meeting the Council also received a completed research report, 'Homicide: The Social Reality' by Ms Alison Wallace of the N.S.W. Bureau of Crime Statistics and Research. The Council expressed the view that this was a most important report that deserved close study by criminologists, judges and homicide detectives.

Further information on Criminology Research Council grants can be obtained from the Executive Officer, Australian Institute of Criminology, P.O. Box 28, Woden, A.C.T. 2606.

# Alternative Dispute Resolution

Jane Mugford, Principal Programs Officer, reports on the conference on alternative dispute resolution held from 22 to 24 July 1986.

The courts system is perhaps the most visible means of resolving disputes in Australia. Decisions are made by adjudication, with the process and outcome controlled by a judge or a judge and jury. Ironically, this procedure, which is designed to resolve conflict, is itself inherently conflicting.

As Jenny David said in her opening paper at the seminar on 'Alternative Dispute Resolution',

It . . . emphasises conflict since our system of adjudication uses the adversarial approach. This . . . means that adjudication is like a contest between opposing parties played according to definite rules with an umpire (the judge or judge with jury) deciding in favour of the 'winner'. Each party is like a side in a game or contest, vying to win, the winner taking all. Hence the saying 'fight it out in court'.

Moreover, emphasis in the courts is placed more upon applying the correct procedure than upon outcome. For example, rules of evidence are strictly applied, to the point where there have been cases where injustice has resulted. As Viscount Haldane said (in *Dawsons Ltd v. Bonnin* [1922] A.C. at 424), 'Hard cases must not be allowed to make bad law'.

As Jenny David made clear in her paper, it is dissatisfaction with certain aspects of the courts system which has been a major precipitating factor in seeking alternative ways to resolve disputes.

Secondly, although the courts system provides the most publicly visible dispute resolution mechanism, in fact it processes only a tiny proportion of all disputes. Of disputes that are litigated, estimates suggest only 5 per cent are actually resolved in court. The remainder are settled or abandoned altogether. Then, of course, there are all the other disputes which do not go to litigation but are resolved through other means, private and public. Many of these can be addressed by alternative means of dispute resolution.

'Alternative' in this sense, then, describes a system which is an alternative to adjudication via the courts. The seminar chose to look at three 'alternative' dispute resolution mechanisms—conciliation, arbitration and mediation. Proceedings were opened by the Chief Justice of New South Wales, Sir Laurence Street, who is a longstanding supporter of alternative dispute resolution. In his address he referred to its 'significant preventive' role and its capacity to resolve 'stresses and strains in a peaceable, orderly and structured manner'.

Conciliation and arbitration are relatively familiar terms, particularly in the context of industrial disputes. They also have a long-standing association with resolving individual disputes in small claims courts and, more recently, in equal opportunity and human rights cases.

Mediation is a less familiar term, though its practice is not new. In China, for example, mediation is a deeply established part of neighbourhood life. As David Bryson noted in his paper on 'Community Mediation', 'the sheer scale of Chinese community mediation is staggering'. In

1980 China had at least 810,000 mediation committees with nearly six million voluntary mediators who handled over six million cases. To put this in proportion, this represented nearly twelve times the number of cases handled in formal court proceedings during the year, and it is estimated that mediation alleviates the court of 95 per cent of its civil disputes.

In a country such as China, David Bryson notes, there is a pressing need for its community members to live in harmony, and for commonly held values to be reinforced. In both the social and the legal culture there is a subordination of the individual's rights towards this end, and constant affirmation of the importance of the family and other social groups.

Mediators in China are selected from older age groups and are highly respected because of their greater life experience in the community. During the mediation process they seek to establish the truth by discussion and investigation and the disputing parties are 'expected to be considerably influenced by [their] collective wisdom'.

Mediation processes support this social structure and mediators drawn from the highly respected older age groups have a major influence on the disputing parties. Those who do not choose to accept the mediation decisions can seek redress in formal court hearings if they wish.

In the Western world there has been a growing interest in mediation as a means of solving disputes, particularly at the community or neighbourhood level between individuals, and this interest is now expanding to disputes between companies. It is seen as a viable and cost-effective alternative to the courts, and often more effective in terms of the outcome because the mediation process is not limited by rules of evidence. All related factors can be addressed, not just those legally relevant to the presenting issue, and the major goal is to resolve disputes in a way that allows the parties to retain their ongoing relationship.

Developments in Australia stem rather more directly from experiences over several decades in the United States than from China, though the main thrust to resolve the dispute whilst also maintaining interpersonal harmony, is the same.

One of the most successful and better known programs in the United States is the Community Boards Program in San Francisco, which has been in operation for eight years. According to a pithy editorial in *The Sacramento Bee*, the program

has provided an informal—and effective—way to handle the petty harassments of urban life. Arguments over minor vandalism, late-night carousing and incontinent pets are heard by neighbourhood citizen panels. The unpaid panellists don't make decisions; instead they give the irate parties a chance to vent their grievances and help shape a settlement that satisfies both sides. That mediation takes less time, costs less money—and brings better results, for those who opt to use it—than the over-worked judiciary.

The Community Boards Program is exploring a different approach to providing necessary services to people in urban settings and elsewhere. Rather than constructing an

additional bureaucratic agency with professional ownership' of the service, they are looking to the assumption of responsibilities by communities and neighbourhoods themselves. In their case this refers not only to the resolution of disputes but also to neighbourhood building more generally through working together on common problems and learning skills of communication and mediation that can be used in everyday life.

Idealistic though this sounds, and undoubtedly is, it seems to be working in San Francisco. So, what is happening in Australia? As far as mediation services are concerned, the ideals are very similar, though in practice the programs look quite different.

The Community Justice Centres in New South Wales were established in 1980 and were the first community service agencies to be established by the government to provide a dispute resolution process as an alternative to court adjudication. Similar centres are soon to be set up in Victoria (Neighbourhood Justice Centres) and others are being considered for South Australia and the ACT.

The mediation process used by the New South Wales CJsCs has been adapted from USA practices. The CJsCs' annual report for 1983-84 describes the process thus

It gives each party a chance to tell his or her side of the dispute . . . This is a very directive and controlled process [and] the mediators help the disputants to find a solution that they both feel they can live with—it comes from the parties themselves, and is not imposed by the mediators. The mediators try to ensure the 'liveability' of an agreement, that is, making sure that proposed agreements can be kept. Agreements are usually written in the ordinary language of disputants, and not in legalese, and each party gets a copy.

Practices differ from one dispute resolution to another and the first part of the seminar was devoted largely to descriptions of a representative range of alternative dispute resolution organisations which use the techniques of mediation, conciliation and arbitration. In addition, two papers described types of community disputes which require resolution but are generally not appropriate for intervention by adjudication, or for some other reason do not reach the courts. In a South Australian phone-in survey described by Judith Worrall, 516 callers described the nature of disputes which they had with neighbours. About 70 per cent of them had tried to resolve the problem, mostly with no effect at all or with a worsening of neighbour relations. Only four per cent had tried mediation.

Topics were as follows:

- Unmet needs for dispute resolution
  - (i) Judith Worrall
  - (ii) Maureen Carter
- Alternative dispute resolution—what is it?  
Jenny David
- Community mediation  
David Bryson
- The role of the registrar and the court counsellor in the Family Court  
Marcus Galanos and Peter Mark
- Private dispute resolution services  
Vaughan Massey

- Equal opportunity conciliation  
Joan Nelson and Frances Joychild
- Small claims  
Michael Levine
- Civil disputes in magistrates' courts  
Graeme Johnstone and Nerida Wallace

The papers contained a wealth of information and the diversity of practices described was quite overwhelming. Jan Cameron addressed this in her concluding overview, commenting that

there remains considerable uncertainty regarding the processes used, in particular the consistency of those processes, and the labels which should be applied to them. It is perhaps not surprising that those practitioners who are most certain of what they are doing are those who have well-defined processes of resolution which their mediators, referees or judges follow. In other instances, however, the processes described—in particular those labelled 'mediation'—do not conform to processes similarly labelled by other practitioners.

Jan Cameron felt that there was an evident need to clarify further just what happens during 'mediation', 'conciliation' and 'arbitration'.

Nonetheless, it is possible to make some generalisations about alternative dispute resolution practices in Australia, and this Jenny David did in her opening paper. Analysing the results of a survey which she conducted specifically for the seminar and also recognising the impossibility of constructing 'a picture of [these] diverse processes and services that will be universally true for all', she made the following points:

- the processes are mostly confidential in that the content cannot be used as court evidence
- consensual, co-operatively produced solutions are the norm
- permissible remedies are wider in scope than those obtained under adjudication
- resolution is usually speedier than in the courts
- for disputants the process is cheaper, as it probably is for governments as well
- entry to the process is usually voluntary, especially for the initiating party
- private agencies are increasing, though the majority of programs are government funded and initiated
- especially for the programs using mediation, the causes underlying the presenting issue can be included
- the outcome tends to be legally non-binding where the third party (mediator, conciliator or arbitrator) has no control over the outcome and legally binding where the third party can impose the outcome
- it is claimed that disputants are more likely to adhere to the agreed outcome if they have contributed towards its creation, though further evaluation of this is needed.

Presentations during most of the remainder of the seminar, in small workshops and plenary sessions, concentrated on evaluating alternative dispute resolution as a justice model,



*Judge John S. Bisphan, of the District Court, Christchurch, New Zealand, contributed to a discussion of the impact of informal justice*

and raised problematic issues for discussion. Topics were as follows:

- Evaluating informal justice: Jan Cameron, Jocelyne Scutt, Lynda Donnelly, Roger McCarron
- Impact of informal justice on the criminal justice system: Judge Bisphan, Steve Ireland, John Ekstedt
- Managing programs: Wendy Faulkes, Lynda Donnelly, Linda Fisher
- Role of the third party neutral: Wendy Faulkes, Charles Foley, Martha Gelin, Laurie Moloney

Of the large number of issues raised, two were particularly notable because discussions returned to these time after time during the course of seminars.

The first of these was the problem of power imbalance between disputants. For example, with mediation the assumption is that *both* parties are equally responsible for the dispute, and both parties are treated as equals in coming to a mutually acceptable resolution. The emphasis is also upon the need to ensure a continuing relationship between the parties. Jocelyne Scutt, in particular, raised the question of what happens where one party is 'right' and one 'wrong', or where no 'justly satisfactory' outcome is possible for all participants. Secondly, she asked, how can one mediate where parties are not equal in social, economic, political and gender terms? The example of most concern to Jocelyne Scutt is cases of domestic violence where there are distinct gender power differentials and it is usually the case that the husband is the offender and therefore legally in the 'wrong'. Since alternative dispute resolution does not change the social status quo, but rather addresses relationships of particular individuals within it,

there is every likelihood that the more powerful party will not stick to the agreed outcome of any specific dispute. This may be quite different from a case where, say, neighbours of approximately equal status are arguing about a barking dog or a dividing fence.

Participants agreed that power imbalance is not an easy problem and opinions differed on the ability of alternative dispute resolution agencies to handle disputes such as domestic violence successfully. Maybe it is more appropriate to process domestic violence cases through the courts and, indeed, agreeing to mediate or conciliate does not prevent the parties from so doing at any stage.

The second issue of note was that of the quality of justice received via alternative dispute resolution methods. This has two related themes, one being access to justice for the disputing parties and the quality of justice provided, and the other comparing the quality of informal justice with the formal justice system.

With respect to the former, there was a concurrence that alternative dispute resolution provides a form of justice that is accessible, cheap and appropriate. As Wendy Faulkes expressed it:

ADR gives people more opportunity to take control over decisions affecting their lives, not less. I believe that ADR now has enough runs on the board to demonstrate that people can and do negotiate and make decisions based on what is right for them, and what is possible, rather than insistence of all their legal rights. What is more, the people are satisfied, the disputes are resolved, civilisation hasn't crumbled, the legal profession remains employed.

The latter theme relates to whether alternative dispute resolution is a second-class form of justice. Is it used, for example, by those who cannot afford 'proper' justice via the courts? There are relatively few data available to answer this question but in an evaluation of the Christchurch Mediation Service in New Zealand, Jan Cameron concluded that 'there was no evidence to suggest that CMS clients were disproportionately elderly, female, unemployed or members of some ethnic minority—ie, those conventionally considered alienated from or powerless within the bureaucratic structure of institutionalised justice'. Secondly, the question was raised of whether alternative dispute resolution is a 'second-class citizen' in the justice hierarchy and related to it, whether it is not really a 'community' service at all but an extension of the bureaucratic arm of state control. The arguments are complex, and demand attention. In the meantime, let it be said that on the evidence available, alternative dispute resolution may be a *better* form of justice for many people.

Other topics addressed at the seminar were:

- Alternative dispute resolution and victim/offender relations: Jenny David and David Bryson
- Resolving conflict in Aboriginal communities: Kayleen Hazlehurst
- A re-appraisal of counselling: Eric Stevenson.

The full proceedings of the seminar will be published by the Insitute in the latter part of 1986.

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# Law and Mental Health Congress

The Institute, in association with the International Academy of Law and Mental Health, held the First Pacific Regional Congress on Law and Mental Health at its premises in Phillip, A.C.T. from 13 to 15 August 1986.

The congress examined the following areas:

- psychiatry and the sentencing of child molesters
- suicide in prisons
- the impact of de-institutionalisation on the community
- mental health tribunals
- juveniles in the forensic system.

Ron Snashall, Senior Programs Officer, as the conference organiser, comments on the three day congress:

The first item of 'work' was the viewing of the film *Detention at the Government's Pleasure*. This ninety minute film won the Golden Calf Award for the best documentary of 1984 in Holland. It depicts the operation of the Dutch TBR system, a system for serious repeat offenders who are locked away (or 'treated' depending on your perspective) until they respond to treatment and change their behaviour. The film illustrated many of the issues involved in indeterminate detention and psychiatry and provoked a good deal of conversation. A cocktail party at the residence of the Canadian High Commissioner completed day 1 of the Congress.

Day 2 involved two major issues: the role of psychiatry in corrections and the impact of de-institutionalisation on the community. Delegate and media interest was high for most of the papers and particularly for that of Professor Larry Tancredi, the Director of the Health Law Program at the University of Texas, who spoke on the ethical issues involved in psychiatry and sentencing, and Dr Bill Glaser, from the Health Commission of Victoria, who advocated a tougher sentencing line on child molesters. Debate followed each section of papers and the quality and quantity of such debate was informed and interesting.

The official congress dinner was held at the Lakeside International Hotel in the evening and the Governor-General the Right Honourable Sir Ninian Stephen attended and gave the address.

The final day of the congress dealt with the three main sets of issues:

- conflict between prisons and health
- mental health tribunals
- juveniles in the forensic system.

Several changes of program took place, and at very short notice Professor Simon Verdun-Jones, from Simon Fraser University in British Columbia, spoke on the recent reforms to the Canadian federal law in the area of mental health tribunals. His late night efforts to prepare this talk were appreciated by the participants. Dr Jill Peay, from the Centre for Criminological Research, Oxford University, gave a learned and insightful comment on the topic of mental health tribunals.

The morning presentations of Dr Lionel Beliveau from the Institut Philippe Pinel de Montreal and Dr Ken O'Brien, the Director of Northfield Security Hospital, South Aus-



Dr Bill Glaser, Forensic Psychiatry Services, Health Department of Victoria

tralia. on prisons and health conflict sparked discussion that was useful in setting out points of comparison between our two countries.

The congress finished late on Friday afternoon. Sixteen of the participants took advantage of the proffered coach trip to Sydney via the historic village of Berrima and were able to see the rural landscapes of the tablelands of southern N.S.W. Many of them were involved in the International Symposium on Health, Law and Ethics which followed the Institute's Congress and ran from 17 to 21 August at the Sheraton Hotel, Sydney.

Professor David Weisstub, the President-elect of the International Academy of Law and Mental Health, who was instrumental in assisting the Institute to get this congress up and running will most likely be publishing the presented papers in a special issue of the *International Journal of Law and Psychiatry*. Anyone interested in a more immediate look at the papers should contact Mrs Glenys Rousell at the Information and Training Division of the Institute. A full set of the papers will cost \$15.

# Drug Law Enforcement Statistics

Statistics on drug law enforcement in Australia are inadequate and incomplete, and cannot be used as direct indicators of the size of the illegal drug problem, said Dr Grant Wardlaw, Senior Criminologist with the Institute.

In the first of the Institute's new series *Trends and Issues in Crime and Criminal Justice*, Dr Wardlaw discusses the uses and abuses of drug law enforcement statistics. A summary of Dr Wardlaw's comments follows:

## Statistics do not indicate drug use

Enforcement statistics that are available are often used in a biased and unscientific manner to illustrate particular points of view in the drugs debate. For instance, the size of the drug problem is often gauged by the number of drug offences recorded by police. This only measures police activity and may bear no direct relation to changes in drug use. It is likely that the more effort police devote to drugs, the more drug offences will be detected.

The actual number of drug offences recorded is also not a very useful indicator over time because it does not necessarily reflect changes in the population size. A more useful statistic is the rate of offending per 100,000 population, which allows comparisons over time and between jurisdictions.

## Arrests have little impact

Despite the increased resources devoted to arresting drug pushers rather than drug users, most arrests in Australia still relate to simple possession or use of drugs. Since these arrests essentially are untargeted, geographically widespread and constitute a small proportion of users (since predominantly they relate to cannabis), it is unlikely that this pattern of drug law enforcement can have a significant impact on the amount of illegal drug use in this country.

Even if traffickers are prosecuted, the ease with which these individuals seem to be able to be replaced within their organisations or to have their organisations replaced by others means that these arrests have probably had little impact on levels of illegal drug use.

## Few heroin and cocaine offences detected

While the number of offences involving heroin and cocaine has risen over the past few years, the percentage of total offences relating to these drugs has remained very low indeed. Only in Victoria have police detected a significant percentage of offences involving heroin. The percentage of offences involving cocaine is so small as to have little significance, but offences relating to cocaine are very difficult to detect because of the nature of its sale. Heroin offences are somewhat less difficult to detect, but relatively few still come to police attention. Cannabis offences are relatively easy to detect but often involve only small quantities of the drug. Given the widespread nature of cannabis use, offences detected represent only a very small proportion indeed of actual instances of use. It is unlikely, therefore, that the pattern of drug law enforcement in Australia is having much impact on the rate of use of any particular drug.

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## Trends and issues

in crime and criminal justice  
Dr Paul Wilson (General Editor)

## Impossible to estimate drug use

Enforcement activity is also reflected in the statistics on the amount of illegal drugs seized by law enforcement authorities. Thus, if community concern results in more resources being placed into drug law enforcement, more offences will be detected, even if the rate of offending does not change.

To make accurate estimates of drug use we need comprehensive data over an adequate period of time and not data from single sources from particular years.

It is amazing how little detailed information is actually available in Australia. Obviously an examination of statistics of drug offences, drug seizures and drug related deaths, together with the fragmentary survey material available on illegal drug use, indicates an increasing problem in this country; however, it is simply not possible on the basis of such figures to make reliable estimates of the numbers of users of illegal drugs, the size of the habits, or the amount of money spent on illegal drugs. It is also impossible to make reliable estimates of the amount of crime which is drug-related or the impact of drug law enforcement strategies.

Informed debate on drug issues and proper evaluation of law enforcement policies are not possible until we increase the range and quality of data collected on illegal drug use and strategies to control it.

Methodologies exist to gather information of the sort which would allow us to make much more precise estimates of the dimensions of the drug problem in Australia. Comprehensive data could be collected from drug treatment agencies. National and local surveys of specific populations could be conducted to assess reported levels of drug use. Observational studies could be conducted in drug using communities to assess drug market behaviour, sizes of drug habits, the sources of income for drug users and costs of habits.

With such information our drug control policies could be constructed on a firm and factual base and could realistically be evaluated.

The full text of this issue of *Trends and Issues in Crime and Criminal Justice*, No. 1, 'Uses and Abuses of Drug Law Enforcement Statistics', is available from the Institute.

# How the Public Sees Crime

The second issue of *Trends and Issues in Crime and Criminal Justice* presents the most comprehensive overview of public attitudes to crime which Australia has yet seen. Some of its results are surprising.

The public is generally less concerned with inflicting punishment on law breakers than is usually imagined, according to the results of a nationwide survey on crime and punishment in Australia conducted by the Institute.

Nearly 3,000 Australians were asked to rank the seriousness of thirteen crimes, and to act as 'judge' and allocate a punishment for each offence. The results of the first part of the survey, summarised below, are detailed in *Trends and Issues in Crime and Criminal Justice*, No. 2, 'How the Public Sees Crime: An Australian Survey', by Dr Paul Wilson, Mr John Walker, and Dr Satyanshu Mukherjee.

Policy on crime and punishment in the past has been influenced by judicial or political *perceptions* of the public mood, rather than by surveys of how seriously the public actually views crime, say the authors.

The survey tested the claim by judges, magistrates, and politicians that sentencing practices in the courts and in the legislature reflect 'what the public wants'.

The following questions were asked:

*A person steals a bicycle parked on the street. In comparison with this offence, how much more serious are the following:*

1. A person breaks into a home and steals \$1,000 worth of household goods.
2. A doctor cheats on claims he makes to a Commonwealth health insurance plan for patient services for an amount of \$5,000.
3. A parent beats his child with his fists. The child is hurt and spends a few days in hospital.
4. A person smuggles heroin into the country for resale.
5. Two adult males willingly engage in a homosexual act in private.
6. A factory knowingly gets rid of its poisonous waste in a way that pollutes the city water supply. As a result one person dies.
7. A person cheats on their Commonwealth income tax return and avoids paying \$5,000 in taxes.
8. A person steals \$5 worth of goods from a shop.
9. A man beats his wife with his fists. As a result she spends a few days in hospital.
10. A person stabs a victim to death.
11. A person illegally receives social security cheques worth \$1,000.
12. A person armed with a gun robs a bank of \$5,000 during business hours. No one is physically hurt.
13. A worker had his leg caught in an unguarded piece of machinery because the employer knowingly failed to provide safety measures. As a result the worker lost his leg.

The stabbing to death of a victim was considered the

*most serious* of the offences presented to the public. When asked to compare the seriousness of this offence with a theft of a bicycle (the standard offence with which all crimes were compared), Australians consider this crime to be about twenty-seven times more serious. The second most serious offence was for the smuggling of heroin into the country, judged twenty-three times more serious than stealing a bicycle.

The offence considered least serious was shoplifting goods worth \$5 closely followed by a burglary where a person breaks into a home and steals \$1,000 worth of household goods. These two crimes were rated respectively, as roughly equivalent to the stealing of a bicycle, and three times more serious than the bicycle theft.

Of some surprise was the fact that the majority of respondents believed that homosexual relations between two adult males in private was more serious than either stealing a bike, breaking into a house or shoplifting. Considering that this behaviour is not considered criminal in many states its perceived seriousness, relative to these other offences, is significant.

In the main, male and female respondents did not differ greatly in their responses. It was, however, noticeable that females were slightly more concerned than males about domestic violence offences, industrial negligence and social security fraud, but they viewed homosexuality considerably less seriously than males. Age of respondent also showed significance, with the under 20 years age group viewing most crimes much less seriously, and, surprisingly perhaps, the over 60s tending to be less concerned overall than the middle age groups.

One feature that emerges is that groups most likely to be affected by a certain type of crime will view that crime with particular concern. Thus, women are more concerned about wife beating, persons of parental and grandparent age groups are more concerned about child beating, males are more concerned about consenting male homosexual activity, and unskilled workers about industrial negligence.

The sentence of the people generally reflects the seriousness with which both parliaments and the courts see particular crimes. The notable exception to this rule are the 'occupational' offences of pollution and industrial negligence which were viewed by the public as most serious but, in reality, are rarely prosecuted and attract relatively small penalties.

Another significant feature was that although violence in the family was rated as relatively serious, when it came to judging punishment neither imprisonment nor fines were the favoured option; the majority viewed community based treatment as appropriate punishment for such offences.

In an associated *Trends and Issues* paper the specific punishments that Australians gave to each of the offences surveyed here will be considered but even for the two most serious offences—stabbing to death and heroin importation—only a minority of the sample suggested that the appropriate penalty should be the death penalty.

The full text of *Trends and Issues in Crime and Criminal Justice* No. 2, 'How the Public Sees Crime: An Australian Survey', is available from the Institute.

# And, In Brief . . .

## New Librarian Appointed

The Director has approved the appointment of Mr John Myrtle as the Librarian-in-Charge of the J.V. Barry Memorial Library. Mr Myrtle was formerly Senior Librarian (Reader Services) with the Department of Aviation in Canberra, and prior to that he worked in libraries at the University of Wollongong and the University of Sydney.

The J.V. Barry Memorial Library's primary role was to provide facilities relevant to the research carried out by the Institute, said Mr Myrtle. However, the library also had an important role to fulfil in the wider community in two key areas.

Firstly, the library must provide effective support for other libraries within the criminal justice system. This would mean expanding present functions to offer advice, support and services to outside libraries. One option for the future, said Mr Myrtle, would involve utilising the library's membership of the Australian Bibliographic Network to provide a computer-based Australian criminology union catalogue.

Secondly, since May 1985, the Library's CINCH database (Computerised Information from National Criminological Holdings) had been commercially available on the AUSINET service. The database, covering Aus-

tralian, New Zealand, and Papua New Guinean subject matter, currently reflected the holdings and interests of the J.B. Barry Memorial Library. Mr Myrtle indicated that the Institute was seeking to involve other libraries in co-operative indexing for CINCH, thus improving the coverage and making CINCH more relevant to the information requirements of the broader criminological community. In addition, 'research-in-progress' and 'research completed' information was being added to the database.

Mr Myrtle gave full support to the Institute's biennial seminars for librarians in the criminal justice system. These seminars provided an excellent channel for communication and co-operation.

## Of Manners Gentle

While on recreation leave in May, Senior Criminologist Dr Peter Grabosky attended the annual meetings of the Law and Society Association in Chicago, Illinois. An estimated 200 social scientists and lawyers from around the world were in attendance.

Dr Grabosky presented the findings of research which he recently completed in collaboration with Dr John Braithwaite of the Research School of Social Sciences, Australian National University.

Together, Grabosky and Braithwaite surveyed senior executives of ninety-six regulatory agencies throughout Australia to determine the strategies employed to control unlawful activities by business corporations. The researchers visited Commonwealth, state and local government authorities. Regulatory areas covered in the course of their research included companies and securities regulation, environmental protection, occupational health and safety, pharmaceuticals and medical devices, anti-discrimination policy, banking and insurance, fraud against the government, transport safety, food standards, and consumer affairs.

Despite the availability of severe penal clauses in many Australian regulatory statutes, most senior regulatory officials prefer informal means of persuasion, negotiation and compromise to that of criminal prose-

cution. Agencies which oversee large corporations tend to be least inclined to invoke the criminal process; those responsible for regulating companies of varying size and from diverse industries are more likely to prosecute offences coming to their attention. In general, Australian regulators do not see themselves as strict law enforcers.

Dr Grabosky and Dr Braithwaite have thus titled their forthcoming book *Of Manners Gentle: Enforcement Strategies of Australian Business Regulatory Agencies*. The book will be published jointly by Oxford University Press and the Institute. Copies are available from the Institute's Publications Section at a cost of \$16.95 (paperback) or \$30.00 (hardcover).

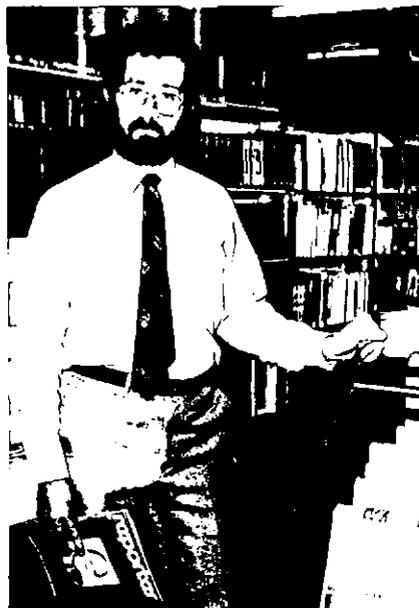
## Policy on Drug Problems In Asia

An effective policy on drug control would be one which reduced demand for drugs by education, publicity, treatment and rehabilitation, and at the same time, reduced supply of drugs by law enforcement, said Mr David Biles, Deputy Director of the Institute, who attended the International Seminar on Drug Problems in Asia and the Pacific Region, from 4 to 22 August 1986, as the Australian representative.

'The single-minded pursuit of supply reduction by vigorous law enforcement is not only unlikely to be effective but it is highly likely to have serious negative consequences as the price of drugs goes up and users commit more offences to obtain money to buy their drugs', Mr Biles said in his report on the conference.

Mr Biles also noted that in Asia, crop replacement 'is not a simple matter of advising or ordering hill tribesmen to grow coffee or vegetables in place of opium poppies. It is an extremely complex and demanding operation. The alternative crop must be marketable and must yield an acceptable return. It must also be appropriate to the lifestyle and dietary habits of the people using the crop'.

Also, consideration must be given to the welfare of the opium addicts, of whom there are estimated to be ap-



Mr John Myrtle  
Librarian-in-Charge  
J.V. Barry Memorial Library

proximately 30,000 in northern Thailand alone. Successful crop replacement will be achieved when the production of opium is not greater than the local demand, and none is exported from the region for refinement into morphine and heroin. Also, as part of the program, efforts must be made to deter younger people from starting to smoke opium, so that in perhaps a generation or two both production and consumption might be eliminated.

'This gradualist approach is being advocated by UNFDAC (United Nations Fund for Drug Abuse Control) with the tacit approval of Thai officials, and contrasts sharply with the international demands for total eradication of opium in the shortest possible time. Such a policy would almost certainly have the effect of opening up new trafficking routes from Burma and Laos in order to supply the northern Thailand demand', said Mr Biles.

## Community Policing and Politics

How different Australian states use community policing was influenced by their political environment, according to Professor Jim Munro, from the University of West Florida, who visited the Institute in August.

In his talk to the Institute, he outlined the different approaches to community policing taken by two Australian states. He said that in South Australia, community policing was systemic and global with goals and means linked, and in Victoria, it was a series of separate and distinct projects looking for a strategy.

He concluded that 'police management is shaped, at least in part, by its political environment. A benign political environment allows the development of rational management and systemic innovations. A politically hostile environment places a premium on instant response and individual accountability'.

'The politics of decision making in South Australia is a marriage of rational and political means and ends, and in Victoria it is a marriage of charisma and authority,' he said.

Professor Munro received a Crimi-



*Professor Jim Munro,  
University of West Florida*

nology Research Grant to describe and analyse community policing and decision making in Australia, and is attached to the National Police Research Unit while in Australia.

## British Criminology Conference

The same sort of need which has led to the establishment of the ANZSOC Annual Criminology Conference has evidently been felt by British criminologists. From 12-15 July 1987, the first British Criminology Conference will be held at Sheffield University. The format will be a three-day residential conference (at Tupton Hall), during which parallel workshop sessions will be held, each lasting half a day. No particular theme has been chosen for the conference; the objective is to attract working academic criminologists to present papers on matters of current concern and arising out of their present research. Whilst most participants and speakers are expected to be from the United Kingdom, some places at the conference will be set aside for international participants. Any Australian criminologists who are interested in attending are, therefore, invited to contact directly the convenor of the Organising Committee, Dr Joanna Shapland, Centre for Criminological

Research, 12 Bevington Road, Oxford OX2 6LH, UK.

## Netherlands Prison Policy

The prison system was usually harmful for those caught within it and should therefore be 'individualised' to give offenders opportunities in prison that they would find useful in the wider community, according to Dr Hans Tulkens, from the Netherlands Prison Administration Office, who visited the Institute in July 1986.

Dutch imprisonment rates are 34 in 100,000 population compared to Australian imprisonment rates of 70 in 100,000. The Netherlands is concerned about their high imprisonment figures and have introduced a policy to reduce the length of sentences and the number of people in prisons.

Dr Tulkens outlined the reasons why the public's attitude towards imprisonment had changed to support the Dutch policy to reduce prisoner numbers: firstly, the future of the prisoner is considered and the effect that imprisonment may have on it; secondly, there is a policy not to prosecute unless it is in the public's and the community's interest; and thirdly, many Dutch people were prisoners during the Second World War and recognise the damaging effects of being incarcerated.



*Dr Hans Tulkens, Head of the  
Netherlands Prison Administration,  
and Penological Consultant to the  
Ministry of Justice.*

# New Publications

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## ABORIGINAL CRIMINAL JUSTICE: A BIBLIOGRAPHICAL GUIDE

Kayleen Hazlehurst (ed.)

This bibliography makes available to students, researchers and professionals a guide to historical and contemporary writing on Aboriginal criminal justice and related issues of law and custom. It covers books, articles, official reports, unpublished theses and papers gleaned primarily from library and computer searches, specialist collections, government agencies, academic institutions and individual research. The bibliography also includes a guide to institutions and databases which offer helpful starting points to research and study.

Entries are listed under the following subject headings: historical; general; government; racial and social issues; remote communities, fringe camps, reserves and country towns; urban communities; alcohol and substance abuse; crime; juveniles and children; police; courts; corrections; probation and parole; rehabilitation and aftercare; recidivism; legal; customary law; law reform; statistics; research; and sources.

Kayleen Hazlehurst is a Senior Research Officer with the Institute.

Bibliography, 1986, 271 pp., \$12

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## CRIME AND JUSTICE STATISTICS IN PAPUA NEW GUINEA

John Walker

This report identifies problem areas that exist and what can be done in order to maintain crime and justice statistics in Papua New Guinea.

As part of Papua New Guinea's strategy on maintaining law and order, Mr Walker acted as a consultant on crime and justice statistics. This report is the result of that consultancy.

Mr Walker recommends that all justice agencies in Papua New Guinea standardise classification systems; that clerical activities be supervised to avoid errors; that an improved communication system be introduced between all those people involved in

criminal justice agencies; and that adequate staff are employed to perform clerical and criminological duties.

John Walker is a Criminologist at the Institute.

Research Report, 1986, 70 pp., \$8.

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## THE JURY

Dennis Challinger (ed.)

If the jury is to continue to be an important part of the Australian criminal justice system, it is crucial that known shortcomings, which leave the jury vulnerable to attack, are addressed and that action is taken to ensure that the task of jurors is made as straightforward and non-threatening as possible.

The contributors to these proceedings, resulting from the Institute's seminar on the jury held in May 1986, examined the jury in detail and considered such issues as scientific evidence, psychological aspects of jury service, juries and the media's responsibility, reforming the jury, instructing the jury, note taking by jurors, public attitudes towards the jury, and justice without juries.

Some conclusions from the seminar were that eligibility for jury service should be widened so as to be more representative of society and include academics and those in high status employment; that jurors are capable of understanding complex evidence and judicial instructions and that scientific evidence be for the information of the courts rather than exclusively for either the prosecution or the defence.

Dennis Challinger is Assistant Director (Information and Training) at the Institute.

Proceedings, 1986, 272 pp., \$12.

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## AUSTRALIAN PRISONERS 1985

John Walker and David Biles

This is the report of the fourth annual National Prison Census. It was conducted on the night of 30 June 1985 and included all persons, convicted and unconvicted, held in adult correc-

tional institutions in all Australian jurisdictions.

The information collected in the census was of three basic types:

- i General information on the demographic and social characteristics of the prisoners;
- ii Information on the legal status of prisoners, including the nature of the offence(s) or charge(s) for which the person is in prison;
- iii For prisoners actually serving a sentence, details of the sentence(s) being served.

The statistics contained in this report are presented in three parts:

*Part A: Summary Tables.* The tables show the basic characteristics of prisoners, their offences and sentences, and enable comparisons by sex and jurisdiction. Where appropriate, tables of percentages, rates per 100,000 relevant population, and graphic representation have been included.

*Part B: Crosstabulations by Most Serious Offence—Australia.* In these tables, aggregated figures for all jurisdictions combined are presented, showing the relevant characteristics and sentences and enabling comparisons between the various offence types.

*Part C: Interstate Comparisons of Legal Status and Sentence Lengths.* The Legal Status of Prisoners, the Sentence for Most Serious Offence, the Aggregate Sentence and the Expected Duration of Imprisonment are shown, classified by Most Serious Offence for each Jurisdiction. These tables should facilitate inter-jurisdictional comparison of overall sentencing practices for various types of offences, and will be useful in evaluating differences in legislation and parole rules.

The 1985 Prison Census was the fourth in the annual series. Some significant trends can now be detected, such as the escalating rates of imprisonment for possession and use

of drugs. Most basic characteristics of prisoners have, however, remained stable over the years. Overall rates of imprisonment, for example, have increased only marginally from 97.9 prisoners per 100,000 population to 106.9. Yet, even this has resulted in considerable pressure on prison accommodation in most jurisdictions, and there is great interest in all jurisdictions in identifying ways to reverse the growth of improvement. A comparison of 1982 and 1985 figures shows, for example, increases in the proportions of remandees and fine-defaulters in Australian prisoners, and alternative schemes such as bail hostels and community service orders are being enthusiastically developed in all jurisdictions. The numbers and characteristics of persons involved in these and other types of non-custodial or community based corrections are presently being tabulated for publication by the Institute in the near future.

**John Walker** is a Criminologist with the Institute.

**David Biles** is Deputy Director.

Research Report, 1986, 95 pp., \$12.

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#### **OF MANNERS GENTLE: ENFORCEMENT STRATEGIES OF AUSTRALIAN BUSINESS REGULATORY AGENCIES**

Peter Grabosky and  
John Braithwaite

Business regulation has become a topic of widespread public interest in most western industrial societies. *Of Manners Gentle* represents the first systematic comparative study of the major business regulatory agencies in one country, and covers: corporate affairs; environmental protection; occupational health and safety; radiation control; consumer affairs; food standards; drug and medical device regulation; transport safety; prudential regulation; anti-discrimination policy; fraud against the government; medical benefits, tax and customs; miscellaneous regulatory agencies: fisheries, patents, arbitration, build-

ing, media; variation in regulatory behaviour, and a typology of regulatory agencies.

The book, published in association with Oxford University Press, is based on interviews with senior executives of 96 regulatory authorities throughout Australia, and describes and explains variation in enforcement behaviour, and uses multivariate techniques to generate a typology of agencies.

**John Braithwaite** is a Senior Research Fellow in the Department of Sociology, Research School of Social Sciences, Australian National University.

**Peter Grabosky** is a Senior Criminologist with the Institute.

Book, 1986, 260 pp., \$16.95 (paperback); \$30 (hardcover).

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#### **PRE-TRIAL DIVERSION FOR ADULT OFFENDERS**

Ron Snashall (ed.)

The pre-trial diversion concept deals with offenders other than by charging, convicting, and then imposing a prison sentence. Offenders can be diverted away from a prison sentence by allowing them to complete an arranged program of counselling, instruction, acquisition of a skill, or the payment of restitution or compensation to the victim.

*Pre-Trial Diversion for Adult Offenders* is a collection of papers from the Institute's conference on pre-trial diversion held in August 1985. Contributors identify that sending offenders to gaol is ineffective in controlling crime in society, and that imprisonment cannot be justified if a person's offence does not endanger the community. This is where diversion schemes can come into effect. Such schemes also include the use of community justice centres to resolve disputes, and unofficial police warnings and 'sifting' of offences.

Pre-trial diversion has advantages for the community and for the offender. Offenders avoid the destructive influence of prison and the alienation from the community; they are punished in a useful way, for example, by imposing a community service order; the court system does not have to

accommodate as many cases; and public confidence in the judicial system is increased as most people realise that diversion is an innovation that works.

**Ron Snashall** is Senior Programs Officer at the Institute.

Proceedings, 1986, 187 pp., \$12.

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#### **RESEARCH PROGRAMS**

The basic objectives of Institute research is to make an original contribution to knowledge about crime and the operation of criminal justice systems in Australia of a kind that will assist in the development of efficient and equitable criminal justice policy.

This publication details the research activity of the Institute which falls within ten major areas. These are:

- Criminal justice statistics
- Policing/public security
- Courts and sentencing
- Penal policy/corrections
- Aboriginals and criminal justice
- Violence against women and children
- Corporate crime
- Juvenile justice
- Victimology
- Special research topics

Each section of this report includes a statement of the objectives of each program, followed by a short description of current and anticipated projects. A list of published work is included for each program area.

1986, 32 pp., no charge.

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#### **NATIONAL CONFERENCE ON DOMESTIC VIOLENCE**

Suzanne E. Hatty (ed.)

Domestic violence includes both physical assault and the various forms of psychological violation which usually precede or accompany this violence.

In this two volume publication, constituting the proceedings of the National Conference on Domestic Violence held by the Institute in

November 1985, 35 papers are presented under the following headings:

*Volume I:*

- I Opening Addresses
- II Violence as Experience: Commentaries on Individual and Structural Issues
- III Theoretical Accounts: the Construction of a Phenomenon
- IV Research and Methodology: Inquiry and its Techniques
- V Intervention: Responses to Structural and Individual Issues

*Volume II:*

- VI The Pursuit of Justice: the Law, the Police, and the Courts
- VII Closing Address
- VIII Concluding Overview: the Conference Agenda
- IX Future Directions: Resolutions and Recommendations

*Appendix I*

Statement From a Group of Men at the Conference

The contributors to these proceedings reflect personal experience, exchange knowledge, and generate

fresh alternatives and solutions to domestic violence.

**Suzanne Hatty** is a Senior Research Officer at the Institute.

Proceedings, 1986, Vol. I, 339 pp., Vol. II, 330 pp. Total cost \$20.

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### A NATIONAL STUDY OF DEATHS IN AUSTRALIAN PRISONS

Suzanne E. Hatty and John Walker

The rates of deaths in prisons is high. In this report, undertaken by the Institute at the request of the Conference of Correctional Ministers in 1984, the authors examine deaths during incarceration, and in particular, suicides of inmates in custody. The report is based on the 'official' causes of deaths in prisons obtained from the responses of a questionnaire distributed to all corrective services departments around Australia. It was not possible to contact friends and relatives of the deceased to determine

if there is, in fact, another side to the 'story' presented in this report.

However, from the data the authors identify personal characteristics that are associated with suicides in prisons, such as youth, no prior imprisonment, remand status, breach of parole, and a history of self-inflicted injury or attempted suicide, and conclude with a series of suggestions for alteration to the existing management of prisoners to reduce the likelihood of suicide. For example, the period immediately following entering a prison is critical and the authors recommend that induction into prison be improved. They also recommend that inmates should have crisis intervention services available to them to provide psychological support and that there should be improvements to communication between correctional officers and emergency medical, psychiatric or psychological staff.

**Suzanne E. Hatty** is a Senior Research Officer with the Institute.

**John Walker** is a Criminologist at the Institute.

Research Report, 1986, 51 pp., \$8.

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## ● RESEARCH REVIEW BY DAVID BILES

# Homicide: The Social Reality

by Alison Wallace

This is one of more than 100 reports completed with Criminology Research Council funds. It is also one of the most impressive for its skilful handling of complex statistical data, its solid theoretical underpinning and its relevance for criminal justice.

It is essentially a study of all homicides known to the police in New South Wales over the fourteen-year period 1968-81. There were 1393 cases. The study follows and makes use of two earlier studies covering 1933-57 and 1958-67. Thus, for some analyses, data covering forty-nine years were available.

The report develops a typology of homicide, the most important aspects of which relate to: spouse killing, child killing, other domestic homicides, homicides beyond the family and murder-suicide. The enormous differences between these types in motivation, method, circumstances and culpability make a mockery of homicide as a unitary concept. The typology also demonstrates the inappropriateness of dealing with all homicide cases in the same way.

This report should be read by all students of criminology, and certainly by all criminological researchers, as it stands as a shining example of careful, thoughtful, insightful, cautious, non-polemical and non-ideological research that demonstrates the interdependence of empirical and theoretical analysis. It should also be studied by Supreme Court Judges (as all cases of homicide that are cleared come to them) and by homicide squad detectives.

Criminological research is often rejected by practitioners because in their view it is either irrelevant to practical concerns or it is claimed that the results only confirm what was previously known. Neither of these arguments could possibly apply in this case. Every reader will learn something from this report and most readers will learn a great deal. Furthermore, no-one could seriously argue that homicide is a subject of little importance or low priority.

The report is not easy to read, as it is replete with bibliographic references and statistical tables, but the author does help by providing a summary at the end of each chapter, and the whole work is brilliantly brought together in the conclusion.

Available from Dr A.J. Sutton, Bureau of Statistics and Research, GPO Box 6, N.S.W. 2001.

# 1987 Seminar Program

## **Biennial Review of Criminological Research**

*Week beginning 16 February*

The biennial gathering of criminological researchers arranged through the Research and Statistics Division.

## **Court Support and Advisory Services**

*Week beginning 23 March*

Both volunteer groups and government have been moving towards, and running, programs to assist those involved in court proceedings whether they be witnesses, victims, offenders or relations of any of these.

No consideration, however, has really been given to the quality of service offered or the effect that that service may have on court proceedings. For instance, some self-help groups have been coaching witnesses and apparently using that exercise to deal with their own unresolved trauma rather than to aid the witness. And the emphasis on victims may well be causing unnecessary backlash for offenders.

The seminar will effectively constitute a National Conference of Court Advisory Services, and will allow discussion of desirable procedures, practices and training of staff.

In addition, the provision of expert advice sentencers through formal court advisory services is becoming more common and the seminar will provide an opportunity for reflection on, or evaluation of, those services.

## **Intellectually Disabled Offenders**

*Week beginning 20 April*

How to deal with an intellectually disabled offender is a difficulty faced by police officers, courts and correctional agencies. While there is no simple solution to this problem, it must nevertheless be faced and a seminar to allow for exchange of ideas of practices for dealing with such offenders would seem worthwhile. In particular, discussing or devising specific programs for the estimated five per cent of prisoners suggested to be intellectually disabled, would receive particular attention.

## **Crime At School**

*Week beginning 1 June*

The problems of property damage and theft at schools, schoolyard drug pushing and victimisation of students and teachers are becoming more public and attracting increasing attention. Welfare and discipline policies have been developed in some schools to deal with student/teacher violence, but police intervention is sometimes still necessary, and calls for corporal punishment are still heard.

A seminar on this topic would allow the extent of these problems to be assessed, the various ways of dealing with them to be discussed and the possibilities for preventive action to be canvassed.

## **Correctional Officer Training**

*Week beginning 6 July*

There are considerable differences in emphasis and content between the courses of training for prison officers in each state. A seminar to allow frank exchange for views on the requirements for prison officers would be of great use to correctional administration.

The seminar would involve recently trained base grade correctional officers giving the consumer's view, with training staff reacting to that view, justifying their approaches and indicating their best training methods. Administrators will discuss their current requirements and the feasibility of an expanding training role in the Asian and Pacific region will be canvassed.

## **Future Crime Trends**

*Week beginning 17 August*

This seminar would analyse the demographic and social trends in Australian society up to the year 2000 and relate these trends to crime patterns and the implication of these patterns for law enforcement and the criminal justice system generally. It is hoped for international participation in this seminar.

## **Developments in Correctional Policy**

*Week beginning 21 September*

The increasing resources being poured

into community corrections programs make it important to consider their impact and success as correctional measures. In particular, the effect on prison populations of failures from community corrections, the notion of 'net-widening', and the utility of various short term solutions to problems such as over-crowding, will be discussed.

## **Rural Crime in Australia**

*Week beginning 19 October*

The type of crime problems faced by Australians in rural areas are different from those of urban Australians. A seminar could establish those differences, explore the reasons for them and discuss the particular ways in which rural law enforcers and magistrates have to deal with them. This would be the Institute's extra-mural seminar for the year and would most probably be held in Hobart.

## **Crime Prevention**

*Week beginning 23 November*

Increasingly, Australian police departments are putting effort into crime prevention policies, both of the traditional sort, and those involving community support (including Neighbourhood Watch, Protective Behaviours and the Safety House programs).

The seminar would treat the topic broadly, allowing, for instance, discussion of penal incapacitation as a method of (tertiary) crime prevention. But its main objective would be to promote interaction between police crime prevention units, members of the community involved in crime prevention programs and the private security industry. It would allow consideration of existing (successful) programs as well as topics such as insurance industry participation, crime prevention through environmental design, property identification schemes and so forth.

*If you are interested in participating in any of these seminars please register your interest by writing to Dennis Challenger, Assistant Director Information and Training, Australian Institute of Criminology, PO Box 28, Woden, ACT 2606.*

# Book Reviews

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## THE PEOPLE'S FORCE

### A history of the Victoria Police

By Robert Haldane

Melbourne University Press, 1986, 372 pp., \$27.50

Reviewer: Constable Jeffrey Whittaker

Victorian Police Force

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For anyone who has attempted to study the history of the Victoria Police it would have been immediately obvious that this was an area sadly lacking in available information. Some existing works dealt with specific areas of the Victoria Police, but until now, no general historical text was available. This book by Robert Haldane admirably fills this gap.

Haldane holds the rank of Inspector in the Victoria Police and is in charge of industrial relations. He recently obtained his PhD at La Trobe University, and this book is based on his doctoral thesis.

In his history of the Victoria Police, Haldane has adopted a broad based approach. Rather than deal in minute detail he has concentrated on those factors which have been most influential in the development of the police force from its beginning in 1836 until 1984. To do so he has drawn on a wide range of primary sources including films, private papers and correspondence, and personal interviews.

The development of the force has been a result of both external and internal factors, and the interaction between them. In particular, the deployment and use of the police have precipitated events which have had wider implications for the history of Victoria than just the changes to the police force which committees of inquiry following such events brought about. For example, the militaristic role of the police at the goldfields in the unpopular collection of licence fees was a major factor in the events which culminated with the attack on the Eureka Stockade; while the inefficient two year hunt for Ned Kelly can be blamed largely on the maladministration of the force at the time. In dealing with these and other events, such as the closing of illegal totes at the turn of the century and the 1923 police strike, Haldane has related them to the existing government policy, public attitudes and social conditions. He has then examined the results socially, politically and legally as well as in terms of police development.

In addition to examining the maladministration and corruption that has occasionally existed at the top, he also examines innovations and ideas such as fingerprinting, wireless patrols, forensic science, and so forth, which are now accepted police techniques. In particular, Haldane stresses the honesty and ability, or lack thereof, of successive chief commissioners and the subsequent effect on efficiency and morale: an important factor in the force's development.

While concentrating on those factors which were most important in the force's development, Haldane also gives details with regard to resources, personnel, working conditions, duties, pay scales, training and promotional aspects over various periods of the force's existence, and makes comparisons of such with other police forces.

Overall, this work describes the slow and unsteady growth of the Victoria Police as it has moved in the direction of a professional law enforcement agency. In particular, the last fifteen years have seen many administrative changes, personnel increases, improved training and equipment. However, the recent history of the force has not been all smooth sailing, and Haldane includes details of recent inquiries, such as the Beach Report, and the police reaction to them.

In spite of being a current member of the police force, Inspector Haldane has not flinched from making criticism and pointing out inadequacies which he believes exist. He has made an even handed and honest appraisal of those events which make up the history of the Victoria Police.

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## ISSUES IN POLICE ADMINISTRATION

Edited by H.G. Weir

Elton Mayo School of Management

South Australian Institute of Management

Adelaide, 1985, 150 pp., \$15

Reviewer: Mr Bruce Swanton

Senior Research Officer

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This slim volume is the first of what will eventually be a flood of publications flowing from the various tertiary institutions catering to police and other criminal justice tertiary students. It is in fact a collection of student term papers and the editor is to be congratulated in bringing them before the public.

Police tertiary students, like all others, put a lot of work into their essays and it is a waste of effort if the better of those essays are not made publicly available. One should not expect seminal ideas to emerge in such papers or even acute analyses of complex issues, but they are for the most part informative and concise. These essays are thus not only of utility to other police students but in some cases provide useful summaries of a range of topics for police managers, public servants, planners, analysts and politicians. Unfortunately, the limited content of several papers makes their inclusion questionable.

Topics covered by the various papers included in the volume are: police objectives, lateral entry, selective traffic enforcement, school crime prevention program, community policing, civilian employment, juvenile crime prevention, minority recruitment, complaints, police strikes, and intelligence and information systems. The entire volume is very tightly (and well) edited by Harold Weir.

It would be invidious to criticise individual authors in such a context but a number of flaws are apparent in some of the entries. For example, in some cases breadth has been sacrificed for brevity to an extreme degree, resulting in inadequate coverage of topics. For example, minimal discussion of police agency objectives just cannot be presented in four pages. Another flaw concerns inadequate coverage of major issues and materials existing in particular subject areas. This, of course, is a perennial problem for students who do not become knowledgeable concerning a subject until after they have completed an essay. It

may be an idea for contributors to future issues to be afforded an opportunity to develop their essays further for publication.

Even so, the initiative taken by Harold Weir in bringing these papers to the public gaze is to be applauded. Perhaps he could produce such a volume annually.

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## AMERICAN VIOLENCE AND PUBLIC POLICY

By Lynn A. Curtis (ed.)

Yale University Press, New Haven, 1985, 263 pp.

Reviewer: Dr Satyanshu K. Mukherjee  
Australian Institute of Criminology

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*American Violence and Public Policy* edited by Lynn A. Curtis is basically a critical appraisal of the situation pertaining to violence since the report by the National Commission on the Causes and Prevention of Violence. The editor must be complimented for undertaking this work because most often interest and activity in an area ends with a report. The report of the Violence Commission in several volumes not only observed findings it also made important recommendations to deal with the issue. Hence, this effort not only to examine the extent of violent crime since 1969 but also to examine methods to deal with it, especially with reference to those recommended in the report of the above Commission, is indeed useful.

Although the book is a collection of essays, there appears a common theme running through the book. Weiner and Wolfgang's chapter sets the stage and presents a flawless survey of the nature and extent of violent crimes. Thereafter the theme picks up. The Violence Commission was established after two consecutive summers of wide-ranging violence in American cities culminating in the assassination of the Reverend Martin Luther King and Mr Robert F. Kennedy. The Commission's most exhaustive research, coming on the heels of the President's Commission on Law Enforcement and the Administration of Justice, involved a thorough diagnosis and an anguished prognosis. These Commissions gave enormous support to research in every direction. Also, public opinion polls reflected heightened concern with crime. The area which saw significant growth was law and order. Not only did the size of the police forces increase dramatically, but police hardware development also received a boost.

All the essays in the book argue that a 'get tough with the criminals' policy alone cannot do the job. The essays examine causes of violence and recommend active involvement of every section of the society. Among issues that the essays discuss are crimes of violence and public policy, citizen self-help and neighbourhood crime prevention, violence and firearm policy, terrorism and public policy, etc.

In a concluding chapter, the editor offers a future policy framework to prevent violence in a cost effective way:

Demonstrate and evaluate ways in which indigenous inner city organizations can take the lead in reducing crime and fear;

demonstrate and evaluate how extended families and other personal networks can be a crucial source of support for minority youth in high crime areas; and demonstrate and evaluate the linkage between the employment of minority youths and the reduction of crime committed by these youths, (p.206).

These are not easy prescriptions to crime control. But they make good sense. The involvement of the community in crime prevention, at least at the initial stages of introduction of such programs, has proved beneficial, but commitment has been lost as the programs continued. The above policy frame work examines the structural foundations of communities and the role that the family, neighbourhood, and employment can play in reducing crime. Billions of dollars have been spent on a variety of activities since the Violence Commission report. The recommendations in this volume deserve strong support and commitment.

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## CRIME AND HUMAN NATURE

By James Q. Wilson and Richard J. Herrnstein  
Simon and Schuster, New York, 1985, 639 pp.

Reviewer: Dr Satyanshu K. Mukherjee  
Australian Institute of Criminology

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Like many of Professor Wilson's earlier publications, *Crime and Human Nature* by him and Professor Herrnstein is a highly readable treatise. The work conveys a formidable survey of literature which alone will tempt many to read the book. Like many of Professor Wilson's earlier writings, however, *Crime and Human Nature* will generate more controversy than it will resolve. The book will have certain appeal to some professionals and be heresy to others. The book has received favourable media coverage; reviews in professional journals have been mixed.

The authors refine their aim from offering 'as comprehensive an explanation as we can manage of why some individuals are more likely than others to commit crimes' (p.20) to 'explaining why some persons commit serious crimes at a high rate and others do not' (p.21) and to explaining behaviours of 'persons who hit, rape, murder, steal and threaten' (p.22). The presumptuousness of the title of the book begins in the first chapter itself. The authors consider the crimes they have selected are 'universally regarded as wrong'.

Evidence they use to support this view includes the classic study of Sellin and Wolfgang, *The Measurement of Delinquency*, and its replications in Canada, the Congo and Taiwan. What Professors Wilson and Herrnstein have conveniently ignored is the fact that, firstly, the respondents were not given the option to say whether an act was or was not a crime—each question was formed with the words, 'the Offender does . . .'—and, secondly, there were no questions on white collar crime, medical fraud, industrial pollution, non-enforcement of occupational health and safety measures or other corporate offences.

Lastly, the authors did not consider it appropriate to even cite the results of the *National Survey of Crime*

*Severity* (BJS 1984 and Wolfgang, *et al.*, 1985) which showed that of the 204 items, industrial pollution was rated seventh in seriousness; all the six more serious ones involved death; and most of the offences described in *The Measurement of Delinquency* rated well below industrial pollution.

The second major issue concerning this book is the objective of describing human nature. Most of the hundreds of items of data and research evidence used by the authors relate to the United States. The bulk of the cross national data, used by the authors is not only dubious in character but irrelevant to these issues in hand. The authors have used the World Crime Survey by the United Nations without any concern for the quality of the data, or for dif-

iculties inherent in the use of such overly aggregated data. Furthermore, the above survey data does not throw any light on offenders who commit crimes at a high or low rate.

In this limited space it is not possible to deal with even the most major issues discussed in the book. The book examines such important subjects as constitutional factors, intelligence, race, family, TV, alcohol, etc. and their relationship with criminal behaviour. Both on theoretical and empirical grounds these relationships are far from settled. The point must, however, be made that the work will have enormous influence on criminal policy in particular political climates but its contribution to enhancing the ability to explain criminality is insignificant.

## Statistics

### Australian community-based corrections data

Compiled by Ivan Potas, Criminologist

The following table provides the number and rates of adult persons on probation and parole as at 1 May 1986:

|      | General Pop.*<br>'000 | Probation |        | Parole |        |
|------|-----------------------|-----------|--------|--------|--------|
|      |                       | Number    | Rates† | Number | Rates† |
| NSW  | 5539                  | 9795      | 176.8  | 1804   | 32.6   |
| VIC  | 4159                  | 3855      | 92.7   | 893    | 21.5   |
| QLD  | 2579                  | 5121      | 198.6  | 578    | 22.4   |
| WA   | 1426                  | 2197      | 154.1  | 791    | 55.5   |
| SA   | 1372                  | 2391      | 174.3  | 540    | 39.4   |
| TAS  | 446                   | 1455      | 326.2  | 58     | 13.0   |
| NT   | 146                   | 452       | 309.6  | 98     | 67.1   |
| ACT  | 259                   | 259       | 100.0  | 71     | 27.4   |
| AUST | 15926                 | 25525     | 160.3  | 4833   | 30.3   |

The following table provides the number and rates of persons who were subject to current Community Service Orders (CSOs or their near equivalent) as at 1 May 1986:

|      | Number | Rates† |
|------|--------|--------|
| NSW  | 1704   | 30.8   |
| VIC  | 1229   | 29.6   |
| QLD  | 1657   | 64.2   |
| WA   | 808    | 56.7   |
| SA   | 453    | 33.0   |
| TAS  | 313    | 70.2   |
| NT   | 41     | 28.1   |
| ACT  | 42     | 16.2   |
| AUST | 6247   | 39.2   |

**Notes:**

\* Projected population end of April 1986 derived from *Australian Demographic Statistics Quarterly March Quarter* (Catalogue No. 3101.0).

† Rates are calculated per 100,000 of the general population. Only those under actual supervision are included in the data presented in these tables.

**New South Wales:** The probation figure includes: 381 persons who were under the age of 18 years at the time of release to supervision and 954 persons who were released on probation after serving a short term of imprisonment ('after care probationers'). Some persons subject to CSOs are included in the probation figure. The parole figure includes 306 licensees.

The total number of persons under supervision of all types in NSW was 12,315 ('multiple status' offenders are counted only once).

**Victoria:** The parole figure includes persons supervised from interstate. There were 649 persons subject to CSOs and 580 persons subject to Attendance Centre Orders (total 1229). A small proportion of these may also be on probation and are included in the probation figure. There were also 229 pre-releasees from prison. Many of the latter persons will become parolees in the future.

**Queensland:** The probation figure includes: 668 persons released on probation after serving a short term of imprisonment, 287 interstate probationers and 42 persons subject to Commonwealth recognisances. The parole figure includes 126 interstate parolees and 28 Commonwealth licensees. Approximately one third of those subject to CSOs were also given probation and are included in the probation figure. The figure for CSOs also includes 781 persons who received 'fine option' orders. There were 43 dual community service and fine option orders.

**Western Australia:** Of those who were subject to CSOs 465 were also placed on probation and are included in the probation figure. Only 343 persons were subject to CSOs without probation and these are not included in the probation figure. There was a total of 864 pre-parolees in that State.

**South Australia:** The probation figure includes all persons who were subject to CSOs. A further 11 offenders were supervised on bail.

**Tasmania:** The probation figure includes 64 juveniles. It also includes 28 probationers from interstate. The parole figure includes 13 parolees from interstate. The number of persons having a legal obligation under the Work Order Program, the Tasmanian equivalent of CSOs, was 463. This figure includes absconders so that in fact there were 313 currently available and discharging their orders. 213 of the latter figure were also subject to probation and are included in the probation figure.

**Northern Territory:** 13 persons subject to CSOs were also placed on probation and are included in the probation figure. The parole figure includes those on licence.

**Australian Capital Territory:** The CSO figure includes 9 probationers and 2 parolees.

## Australian Prison Trends

by David Biles, Deputy Director

During the period April to June 1986 the numbers of prisoners increased in all jurisdictions except Western Australia, South Australia and Tasmania. The numbers of prisoners in all states and territories for June 1986 with changes since March 1986 are shown in Table 1.

**Table 1: Daily Average Australian Prison Populations June 1986 with changes since March 1986**

|      | Males | Females | Total | Changes since March 1986 |
|------|-------|---------|-------|--------------------------|
| NSW  | 3661  | 198     | 3859  | + 68                     |
| VIC  | 1851  | 102     | 1953  | + 13                     |
| QLD  | 2138  | 82      | 2220  | + 169                    |
| WA   | 1570  | 89      | 1659  | - 25                     |
| SA   | 673   | 37      | 800   | - 26                     |
| TAS  | 250   | 12      | 262   | + 40                     |
| NT   | 401   | 10      | 411   | + 40                     |
| ACT  | 77    | 2       | 79*   | + 2                      |
| AUST | 10711 | 532     | 11243 | + 236                    |

\* 62 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 June 1986. The national rate of 70.4 compares with 69.2 found in March 1986.

**Table 2: Sentenced prisoners received, daily average prison populations and imprisonment rates by jurisdiction June 1986**

|      | Sentenced Prisoners Received | Prisoners | General Pop.* '000 | Imprisonment Rates |
|------|------------------------------|-----------|--------------------|--------------------|
| NSW  | 726 (351)                    | 3859      | 5552               | 69.5               |
| VIC  | 284 (142)                    | 1953      | 4167               | 46.9               |
| QLD  | 365 (111)                    | 2220      | 2586               | 85.8               |
| WA   | 337 (123)                    | 1659      | 1430               | 116.0              |
| SA   | 226 (163)                    | 800       | 1374               | 58.2               |
| TAS  | 44 (Nil)                     | 262       | 446                | 58.7               |
| NT   | 115 (42)                     | 411       | 147                | 279.6              |
| ACT  | —                            | 79        | 261                | 30.3               |
| AUST | 2097 (932)                   | 11243     | 15963              | 70.4               |

\* Projected Population end of June 1986 derived from *Australian Demographic Statistics* March Quarter 1985 (Catalogue No. 3101.0).

Note: The figures shown in brackets represent the numbers who were received into prison for fine default only.

**Table 3: Total Prisoners, Remandees and Federal Prisoners as at 1 June 1986**

|      | Total Prisoners | Prisoners on Remand | Percentage of Remandees | Remandees/100,000 Gen. Pop. | Federal Prisoners |
|------|-----------------|---------------------|-------------------------|-----------------------------|-------------------|
| NSW  | 3857            | 777                 | 20.1                    | 14.0                        | 141               |
| VIC  | 1932            | 228                 | 11.8                    | 5.5                         | 64                |
| QLD  | 2237            | 162                 | 7.2                     | 6.3                         | 41                |
| WA   | 1664            | 197                 | 11.8                    | 13.8                        | 48                |
| SA   | 823             | 145                 | 17.6                    | 10.6                        | 26*               |
| TAS  | 286             | 27                  | 9.4                     | 6.1                         | 4                 |
| NT   | 414             | 68                  | 16.4                    | 46.3                        | 4                 |
| ACT  | 80              | 18                  | 22.5                    | 6.9                         | 1                 |
| AUST | 11293           | 1622                | 14.4                    | 10.2                        | 329               |

\* 3 of the federal prisoners in South Australia were transferred from the Northern Territory.

## Juveniles under detention

Compiled by Anita Scandia

Statistics on persons in juvenile corrective institutions for the quarters ended 30 September and 31 December 1985 are shown below. Definitions of terms used in the tables can be found in the September 1985 issue of the *Reporter*. Rates are calculated using estimated June 1983 population figures supplied by the Australian Bureau of Statistics.

Our persistent efforts have failed, yet again, to obtain the necessary information from the Northern Territory. However, as soon as we have received a report from the Northern Territory, we shall issue a revised version of series number 32 and 33.

**Persons aged 10-17 in Juvenile Corrective Institutions as at 30 September 1985**

|      |   | Total |        | Detention Status |          | Reason for Detention       |              |
|------|---|-------|--------|------------------|----------|----------------------------|--------------|
|      |   | Male  | Female | Not Awaiting     | Awaiting | Offender /Alleged Offender | Non Offender |
| NSW  | n | 349   | 22     | 293              | 78       | 362                        | 9            |
|      | r | 95.6  | 6.3    |                  |          |                            |              |
| VIC  | n | 208   | 54     | 224              | 38       | 120                        | 142          |
|      | r | 75.6  | 19.5   |                  |          |                            |              |
| QLD  | n | 94    | 19     | 89               | 24       | 74                         | 39           |
|      | r | 51.7  | 10.9   |                  |          |                            |              |
| WA   | n | 88    | 6      | 71               | 23       | 94                         | 0            |
|      | r | 87.6  | 6.3    |                  |          |                            |              |
| SA   | n | 47    | 1      | 34               | 14       | 48                         | 0            |
|      | r | 50.5  | 1.1    |                  |          |                            |              |
| TAS  | n | 14    | 1      | 8                | 7        | 15                         | 0            |
|      | r | 44.5  | 3.3    |                  |          |                            |              |
| NT   | n | —     | —      | —                | —        | —                          | —            |
|      | r | —     | —      |                  |          |                            |              |
| ACT  | n | 10    | 5      | 11               | 4        | 11                         | 4            |
|      | r | 54.8  | 28.7   |                  |          |                            |              |
| AUST | n | 810   | 108    | 730              | 188      | 724                        | 194          |
|      | r | 76.1  | 10.5   |                  |          |                            |              |

Note: n = number, r = rate per 100,000 population.

**Persons aged 10-17 in Juvenile Corrective Institutions as at 31 December 1985**

|      |   | Total |        | Detention Status |          | Reason for Detention       |              |
|------|---|-------|--------|------------------|----------|----------------------------|--------------|
|      |   | Male  | Female | Not Awaiting     | Awaiting | Offender /Alleged Offender | Non Offender |
| NSW  | n | 261   | 21     | 206              | 76       | 275                        | 7            |
|      | r | 71.5  | 6.0    |                  |          |                            |              |
| VIC  | n | 176   | 64     | 189              | 51       | 90                         | 150          |
|      | r | 64.0  | 23.1   |                  |          |                            |              |
| QLD  | n | 100   | 12     | 72               | 40       | 112                        | 0            |
|      | r | 55.0  | 6.9    |                  |          |                            |              |
| WA   | n | 82    | 9      | 78               | 13       | 90                         | 1            |
|      | r | 81.6  | 9.5    |                  |          |                            |              |
| SA   | n | 72    | 1      | 52               | 21       | 73                         | 0            |
|      | r | 77.4  | 1.1    |                  |          |                            |              |
| TAS  | n | 13    | 7      | 14               | 6        | 16                         | 4            |
|      | r | 41.3  | 22.9   |                  |          |                            |              |
| NT   | n | —     | —      | —                | —        | —                          | —            |
|      | r | —     | —      |                  |          |                            |              |
| ACT  | n | 8     | 5      | 7                | 6        | 10                         | 3            |
|      | r | 43.9  | 28.7   |                  |          |                            |              |
| AUST | n | 712   | 119    | 618              | 213      | 666                        | 165          |
|      | r | 66.9  | 11.5   |                  |          |                            |              |

Note: n = number, r = rate per 100,000 relevant population.

## Asian and Pacific Series

Compiled by David Biles, Deputy Director  
Assisted by Marjorie Johnson

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 April 1986.

**Table 1: Total Prisoners as at 1 July 1986**

|                        | Males | Females | Total | Population ('000) | Rate <sup>1</sup> |
|------------------------|-------|---------|-------|-------------------|-------------------|
| Australia <sup>2</sup> | 10711 | 532     | 11243 | 15,963            | 70.4              |
| Canada <sup>3</sup>    | 12305 | 185     | 12490 | 25445             | 49.1              |
| * Fiji                 | 1059  | 20      | 1079  | 700               | 154.1             |
| Hong Kong              | 5651  | 273     | 5924  | 5467              | 108.4             |
| Japan                  | 52999 | 2478    | 55477 | 121470            | 45.7              |
| * Korea (Republic)     | 45998 | 2534    | 48532 | 41440             | 117.1             |
| Macau                  | 471   | 24      | 495   | 400               | 123.8             |
| Malaysia               | 17673 | 473     | 18146 | 15300             | 118.6             |
| New Zealand            | 2613  | 102     | 2715  | 3308              | 82.1              |
| Papua New Guinea       | 2643  | 191     | 2834  | 3300              | 85.9              |
| * Philippines          | 12886 | 199     | 13085 | 48500             | 27.0              |
| Singapore              | 3398  | 67      | 3465  | 2558              | 135.5             |
| Sri Lanka              | 11664 | 357     | 12021 | 15189             | 79.1              |
| Tonga                  | 107   | 5       | 112   | 97                | 115.5             |
| Western Samoa          | 152   | 9       | 161   | 160               | 100.6             |

**Table 2: Convicted and Remand Prisoners as at 1 July 1986**

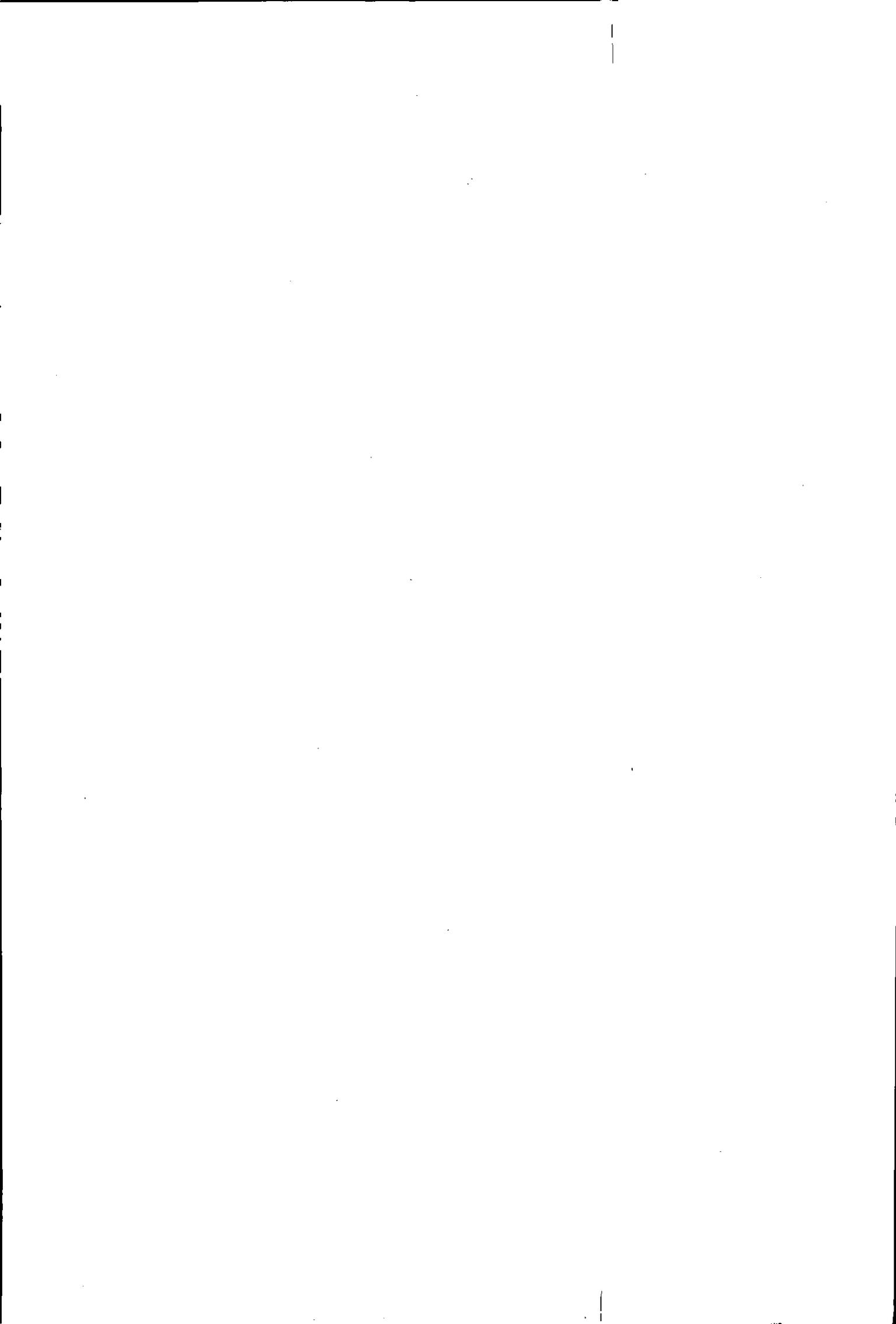
|                       | Convicted Prisoners | Remand Prisoners | Percent on Remand | Remand Rate |
|-----------------------|---------------------|------------------|-------------------|-------------|
| Australia             | 9607                | 1585             | 14.2              | 9.9         |
| Canada <sup>3</sup>   | 12490               | —                | —                 | —           |
| * Fiji                | 714                 | 365              | 33.8              | 52.1        |
| Hong Kong             | 5527                | 397              | 6.7               | 7.3         |
| Japan                 | 46285               | 9192             | 16.6              | 7.6         |
| * Korea (Republic of) | 26122               | 22410            | 46.2              | 54.1        |
| Macau                 | 297                 | 198              | 40.0              | 49.5        |
| Malaysia              | 11891               | 6255             | 34.5              | 40.9        |
| New Zealand           | 2385                | 330              | 12.2              | 10.0        |
| Papua New Guinea      | 2190                | 644              | 22.7              | 19.5        |
| * Philippines         | 12946               | 139              | 1.1               | 0.3         |
| Singapore             | 3110                | 355              | 10.2              | 13.9        |
| Sri Lanka             | 4837                | 7184             | 59.8              | 47.3        |
| Tonga                 | 108                 | 4                | 3.6               | 4.1         |
| Western Samoa         | 147                 | 14               | 8.7               | 8.8         |

**Table 3: Offenders on Probation and Parole as at 1 July 1986 (in those countries where these options apply)**

|                        | Probationers | Rate <sup>1</sup> | Parolees        | Rate <sup>1</sup> |
|------------------------|--------------|-------------------|-----------------|-------------------|
| Australia <sup>4</sup> | 25525        | 160.3             | 4833            | 30.3              |
| Canada <sup>3</sup>    | —            | —                 | 7122            | 28.0              |
| * Fiji                 | —            | —                 | 240             | 34.3              |
| Hong Kong              | 3752         | 68.6              | 3904            | 71.4              |
| Japan                  | 20850        | 17.2              | 8825            | 7.3               |
| * Korea (Republic of)  | 1644         | 4.0               | 2116            | 5.1               |
| Macau                  | —            | —                 | 111             | 27.8              |
| New Zealand            | 5051         | 152.7             | 1521            | 46.0              |
| Sri Lanka              | —            | —                 | 84 <sup>5</sup> | 0.6               |
| Western Samoa          | 253          | 158.1             | 41              | 25.6              |

### 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 June 1986.
- 3 Federal prisoners only.
- 4 As at 1 May 1986.
- 5 Released on Licence.



# reporter

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