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The Role of the Media in the Introduction of the Crime (Serious and Repeat Offenders) Sentencing Act 1992

Virginia M. Bristowe
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**ROLE OF THE MEDIA IN THE INTRODUCTION OF
THE CRIME (SERIOUS AND REPEAT OFFENDERS)
SENTENCING ACT 1992**

BY

Virginia M. Bristowe

**A Thesis Submitted in Partial Fulfilment of the
Requirements for the Award of**

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In Aboriginal and Intercultural Studies

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ABSTRACT

During 1990 and 1991, community anxiety about juvenile crime increased. These concerns were mainly concentrated on the levels of car theft and the accidents, including several fatalities which had resulted from police high speed pursuits of stolen cars driven by juveniles. Certain sections of the community demanded longer and mandatory sentences to detention for young car thieves. In line with modern criminological research, the policies of the Western Australian government were directed towards seeking alternative strategies to strict detention as sanctions for young offenders. Therefore in spite of the populist community pressure throughout 1991, the government refused to accede to these demands.

Based on an analysis of media content during 1991 and juvenile crime statistics, this thesis argues that the mass media played an active part in increasing the anxieties of the public by its extensive, sensational and emotive coverage of the events which occurred in 1991. The reporting of juvenile crime in the West Australian did not correlate with the numbers of offences committed. Although coverage increased substantially in the second half of 1991, juvenile crime rates decreased in that period compared with the first six months. The public therefore received a distorted perception that juvenile crime was increasing, and out of control.

In addition to newspaper coverage, juvenile crime was discussed extensively on the Sattler File radio talk-back programme. From an examination of tapes and transcripts of this programme, it can be deduced that the presenter encouraged the views that heavy penalties were the solution, and with his active assistance, a Rally for Justice was organised which was attended by 30,000 people. Populist community demands for harsher sentences were resisted by the government, but the forces for change became irresistible when the deaths of Margaret and Shane Blurton and the subsequent emotional Candlelight Vigil acted as catalysts to influence public sentiments further. Events which again, were sensationalized by the media.

Despite of considerable opposition based on Legal and Social justice principles, the government introduced and passed the Crime (Serious and Repeat Offenders) Sentencing Act, 1992, a piece of Legislation which directly contradicted the stated aims of the government to reduce the number of juveniles being sentenced to detention and to provide a justice system which would be fair to all sections of the community.

DECLARATION

I certify that this thesis does not incorporate without acknowledgement any material previously submitted for a degree or diploma in any institution of higher education; and that to the best of my knowledge and belief it does not contain any material previously published or written by another person except where due reference is made in the text.

Signature:

Date: 6/11/92

USE OF THESIS

The Use of Thesis statement is not included in this version of the thesis.

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CHAPTER ONE

INTRODUCTION

Background

In January 1992 the West Australian Parliament was hastily reconvened to allow members to discuss and pass two Bills. These were the Criminal Law Amendment Act 1992 and the Crime (Serious and Repeat Offenders) Sentencing Act 1992 (Sentencing Act). These were designed to provide severe sentences to detention for car thieves and repeat offenders and were particularly targeted at juveniles. The Criminal Law Amendment Act 1992 increased penalties for offences committed when driving stolen motor vehicles. To drive a stolen motor vehicle recklessly or dangerously means the offender is liable to 8 years imprisonment. If their driving has caused grievous bodily harm, the penalty may be 14 years and if death has resulted from an accident involving a stolen vehicle, the penalty could be 20 years imprisonment (Criminal Law Amendment Act, 1992).

The Sentencing Act 1992 again was mainly focussed on juvenile car thieves and was

An Act to provide for the sentencing of juveniles who commit certain offences involving the use of stolen motor vehicles and of juveniles or other persons who repeatedly commit those or certain other offences, and for related purpose.
(Crime(Serious and Repeat Offenders) Sentencing Act 1992).

This Act rules that a mandatory sentence of 18 months detention must be passed on any offender who has had six convictions for certain prescribed offences or three convictions for certain violent offences in 18 months. The prescribed offences include reckless driving, stealing motor vehicles and burglary, or entering a dwelling at night with the intention of committing an offence and also arson. The violent offences include murder and manslaughter and assault causing grievous bodily harm including sexual assault, but also actions taken to resist or prevent arrest (Crime (Serious and Repeat Offenders) Sentencing Act 1992). The Act is controversial in that it removes the discretion of the courts to decide the appropriate sentence for an offence. The real power is with the arresting police officer who may choose the offence with which to charge the young person. The mandatory 18 months sentence is not subject to appeal and the offenders release only occurs if he or she is deemed to have been rehabilitated by the Supreme court. They may, in some cases, be imprisoned for an indefinite time with reviews of their case occurring every six months.

Concern was expressed by Australia's Human Rights Commissioner, Brian Burdekin that this Act contravened the United Nations ruling on the rights of the child as set out in the Beijing Rules. A treaty of which Australia is a signatory and consequently bound to by International Law.

Opposition to the legislation also came from Academics, including Dr. Veronica Brady who resigned from the Labour Party and was quoted as saying of the Act;

This is mob rule: a response to vulgar, ignorant, hate-provoking sections of the media. (Benerthy, 24.2.1992).

Members of the Judiciary also expressed their concern at the draconian nature of the legislation including Chief Justice David Malcolm who criticised the legislation in a 19-page letter to the Attorney General. Andrew Hadgo, president of the Western Australian Criminal Lawyers Association was also critical and said the Act was badly worded and open to several interpretations. Law Society president Rick Cullen pointed out that abuse might result if an offender with multiple charges were in court on separate occasions as it could automatically make them liable to come under the Act (Laurie, 10.3.1992). Church groups and Human Rights organisations opposed the Act because they saw it as discriminatory and inhumane. Members of Aboriginal organisations claimed it would impact disproportionately on young Aborigines since they are over represented in the Justice System. Disapproval of the Act was also expressed by the Federal Aboriginal Affairs Minister, Robert Tickner and Federal Attorney General Michael Duffy who was reported as saying that:

The juvenile legislation breached the United Nations convention on the rights of the child and the international covenant on civil and political rights.
(MacNamara and Bevis, 5.2.1991).

In the face of this heavy weight of criticism, the Western Australia government must have been subject to considerable pressures to induce them to introduce this legislation particularly as its content

contained measures which were directly opposed to the policies and strategies that only a short time before were claimed to be effectively containing the juvenile crime situation in Western Australia.

The Western Australian Government's strategy statement into the 90's stated that:

Detention as a Court option to protect society from serious offenders is necessary. However, it has not been demonstrably successful in breaking the cycle of crime. Alternatives to strict detention centres have been successfully demonstrated in this state through the Murchison Station Placement Program. It is proposed that the Station Placement Program.... be extended. (Into the 90's 1991).

This thesis is concerned with the reasons why the Western Australian Government abandoned their previous path and took a new direction in their treatment of juvenile offenders.

During 1990 and 1991 there were a number of incidents in which people were injured or killed in accidents involving juveniles in stolen cars. These events were given wide coverage by all sectors of the mass media. The television and newspaper reports included graphic images of the twisted wreckage of automobiles, motor bikes, or in one case a bicycle belonging to the 'innocent victims'. There were emotive interviews with survivors of the crashes, or relatives of people who had been killed or injured.

Throughout 1991 public concern about the issue of juvenile crime, and in particular, car theft, grew resulting in two major events during

the year that especially focussed the attention of the general public on the matter and were indications to the government of community concern. The first was the 'Rally for Justice' on 20 August. An estimated 30,000 people gathered outside Parliament House to demand 'action' by the government, including longer sentences of detention for young car thieves. This rally was promoted extensively on Radio 6PR by the popular radio personality, Howard Sattler, who made the issue of Juvenile Crime into a personal campaign (Sattler, personal communication, 11.9.1992). This Rally led to extensive debate in both houses of Parliament, but though the Liberal Party introduced a Bill to increase penalties for car theft, the government resisted the pressure and maintained that their current policies and strategies were effective.

The second incident had even greater impact on the public's perception of the situation. This was the death of Margaret Blurton and her infant son as a result of a car crash which involved a stolen car driven by a 14 year old who was being pursued by police on Christmas night. At a time of family festivities, this tragedy caused an enormous emotional response. It was made especially emotive by the front page images of a crumpled pink Volkswagen with toys on the back seat which was featured in the West Australian. Peter Blurton, Margaret's husband, spoke movingly about the accident on the Sattler File and implored Ian Taylor, acting Premier who was also on the programme to take some action to prevent such tragic events from happening to other people. This conversation obviously had a deep emotional effect on Taylor. A few days later an all night Candlelight Vigil was held on Parliament steps in memory of the victims of

Juvenile Crime. This was attended by an estimated 12,000 people including several politicians and renewed demands were made to the government to act to prevent more deaths on the roads due to car thieves. The next day Acting Premier Taylor announced that Parliament would be reconvened early in order that legislation should be introduced to curb juvenile car thieves. He admitted that the Blurton case and Candlelight Vigil had acted as the catalysts which prompted this change of direction by the government (McGlue and MacNamara, 7.1.1992).

Significance of the Study

The Sentencing Act is an example of how populist pressure can influence a government to pass hasty legislation without the normal processes of reflection, consultation and discussion. It is important to understand the part the media had to play in the presentation of the juvenile justice issues to the public which created the deep concerns which lead to pressure being exerted on the government to introduce the Sentencing Act 1992. The West Australian government sought a simplistic solution to the problem and was not even prepared to wait for the results of the reports due in March from the Select Committee on Youth Affairs and the State Government Advisory Committee on young offenders which were investigating aspects of juvenile crime at the request of the government.

The Act sought a quick solution to a problem instead of tackling the causes, and it discriminates against an already disadvantaged group, young people and in particular young Aborigines who, as evidence

suggests, are over represented in the Justice System (Gale and Wundersitz, 1989, p. 51), (Jackson 1991).

The issues of equity and justice, or injustice were common threads running through the debate on juvenile offending. It was an example of how in Australian Society different groups may have quite separate values, goals and attitudes which at times lead to conflict situations.

The Aims of the Study

The aims of this study were to establish whether the media in Western Australia played a part in influencing the government to introduce the Sentencing Act 1992, how that influence occurred and to what extent the government actions were due to media pressure. Also it investigated whether the media presented an accurate picture of the situation, or if the community was misled by distorted claims as to the seriousness of juvenile crime, and if the media exaggerated the extent to which young Aborigines were responsible for crime in Western Australia. The Juvenile Crime statistics for 1991 are examined in Chapter two and discusses factors which may have caused young people to offend or put them 'at risk'. These include economic and social disadvantages. It also examines the particular problems faced by young Aborigines in Western Australia. By consulting the records of the Department of Community Services (DCS) of court proceedings and sentences it is possible to estimate the extent of crime, the nature of the crimes committed, the penalties and how the level of crime in 1991 compared with previous years. It is then possible to determine whether the media presented the

situation with accuracy or exaggeration, and also whether the government had genuine reasons for concern about an increasing crime rate. Chapter 3 explores government policies for the management of juvenile offenders and the roles played by the various government agencies such as the Police, the Courts and DCS. The government's intentions and strategies before the introduction of the Sentencing Act 1992 are then compared with the harsher tactics contained in that legislation which contrasts markedly with their previous philosophies and initiatives which were aimed at finding constructive alternatives to detention with an emphasis on rehabilitation rather than retribution. The role of the media is discussed in Chapter 4. It examines how the news was presented, particularly events concerned with juvenile offending and the use of emotive issues to generate interest. In this study, an analysis was made of the items in the West Australian, the only daily newspaper in the State. Transcripts of Howard Sattler's daily talkback programme on 6PR were studied since he discussed the matter of juvenile crime extensively and played an active part in promoting The Rally for Justice and the Blurton case with the subsequent Candlelight Vigil. Chapter 5 examines how the media contributed to the communities' apprehension about juvenile crime, the relationships between media and politicians and the community. Also discussed is the extent to which the media may lead public opinion or whether it reinforced attitudes already held. This section examines the conflicting forces for and against the Legislation. From the information contained in these five chapters. This thesis concludes that the government changed its policy for dealing with young offenders when it introduced the

Sentencing Act, and that this action resulted from community pressure caused by media induced anxiety about juvenile crime.

Method of Investigation

A methodology incorporating both primary and secondary sources has been used for the study. Primary sources included archival material containing statements, statistics and accounts of events which occurred in 1991. Secondary sources allowed the themes emerging from primary sources to be located. To gain an understanding of the situation it was necessary to look at the multiple forces both for and against the introduction of the Sentencing Act 1992 so one could determine the deciding factors which persuaded the government to change their strategies for dealing with young offenders. Interviews were carried out with key informants who were concerned with the issues of juvenile offending and the Sentencing Act 1992. Items in the West Australian and other print media were examined and analysed and also tapes and transcripts from the Sattler File. By using multiple sources to gain information it was possible to obtain a more accurate and balanced views of events.

All references to juvenile crime included in Hansard during 1991 and 1992, up to the time of passing of the Sentencing Act 1992, were examined and analysed. From these it was possible to obtain an understanding of the direction the government policies were taking prior to the announcement of their intention to recall Parliament and introduce the legislation. Their determination to adhere to previous policies was evident from the debates which occurred in August

following the Rally for Justice when there was intense pressure being exerted to introduce mandatory and longer sentences to detention for young offenders. From debates in Parliament it was also possible to gain information on the views and policies of the opposition, the Liberal/Country Parties coalition, and how issues such as Law and Order can be used as a political tool to embarrass the government.

Much of the statistical information in this study was obtained from reports by the DCS, Police Department and the University of Western Australia's Crime Research Unit. These contained information about reported offences and details of juveniles appearing in court, the Children's Panel and the sentencing outcomes. It was possible to see where trends and patterns occurred in juvenile offending and indicators of discriminatory practices involving young Aborigines. Annual Reports, including the DCS and Western Australian Police departments and strategy statements, such as Into the 90's, gave information about initiatives already in place, and planned for dealing with juvenile crime. However, it is acknowledged that such documents tend to present a very positive view about achievements and the situation in general, so it was also valuable to read reports which examined government policies and activities in a more critical light. Examples of these included reports presented by the Select Committee into Youth Affairs who had investigated health and welfare, education, employment and training and youth and the law and lastly a final report which contained conclusions and recommendations. Additionally reports were produced by the State Government Advisory Committee on young offenders including material on car chases and related issues and the use of community

initiatives in the north of the State which significantly reduced juvenile offending. Another valuable source was the report commissioned by the Police Department which examined high speed police pursuits. Such material cannot be taken to be officially government policy as these committees are only acting in an advisory capacity. Some suggestions may be rejected or never implemented by the government, but on other occasions committee recommendations were adopted. The State Government Advisory Committee on young offenders advocated a Cautioning Scheme in 1990 (Walsh, 1990, p.9). Opinions of such key figures as The Hon. Joe Berinson, State Attorney General and Judge Hal Jackson, President of the Children's Court were indicators of the aims of the government and these were obtained from a report by Mr Berinson and an address given by Judge Jackson as well as articles he had written. Another significant source was the findings of the Royal Commission into Aboriginal Deaths in Custody which provided insights into the situation of Aboriginal Juvenile offenders. Legislation pertaining to juveniles particularly the Criminal Law Amendment Act 1992 and the Crime (Serious and Repeat Offenders) Sentencing Act 1992 were examined in detail.

The two main sources which represented the media, were the West Australian and Radio Station 6 PR's Sattler File. The West Australian was selected because it was the only daily paper produced in Western Australia and the radio programme represented a branch of the media which held strong opinions about the issue of juvenile justice. The West Australian was analysed by cataloging and counting all articles. These were ranked according to how

prominently they were displayed. From this it was possible to see the number of items each month in 1991 and January 1992, what the opinions were and the degree of importance juvenile crime was considered to have at that time. Each article was scored on a three point system, one point for a headline 1.5 cm or larger, one if the article was displayed in the first 9 pages and one, if it was accompanied by a large photograph. To be classified as prominent, the article needed to score at least two points.

Tapes of various programmes from the Sattler's File were studied and an evaluation made of opinions expressed and methods used by the presenter to impose his views and values on the listeners and interviewers. No other media sources were analysed systematically such as television, other newspapers or radio programmes, to allow the boundary limits to be kept within reasonable proportions, although some examples of programmes and articles expressing opinions about the Sentencing Act 1992 have been included to allow additional depth.

Several interviews were conducted with key informants: who were knowledgeable about the media and juvenile justice and had opinions which added 'flesh' to the information available through records, archives and other printed materials. These included interviews with Howard Sattler, Paul Murray, the editor of the West Australian, John Oakford, the Police Media Liaison Officer and others who gave valuable insights into the issues. The interviews were semi-structured and, in most cases, taped and transcribed to ensure that statements were recorded accurately.

Review of the Literature

Secondary sources were used to provide theoretical underpinning to the study as well as accounts of related research to allow a comparison to be made with similar situations which had occurred at different times and different places. It is through such comparisons that the validity of a study may be enhanced. For example, to gain an understanding of the role played by the media and how it influenced the government, literature was examined which dealt with theories and research into the media, prejudice and social justice issues. Such theories and empirical research also provided the basis for developing a framework from which this issue was explored.

According to McQuail (1987, p. 50) the position held by the media is unique in its universal influence on people, as it is accessible to all and serves multiple functions. He argues that the media intervene between objective social reality and personal experience, and are able to act as windows on the world exposing us to things we would not otherwise know about. The media also act as interpreters and explain things to us, or as indicators of the way people should behave. They may act as filters when only selected items or viewpoints are revealed, or as mirrors reflecting society back on itself, though sometimes the image may be distorted. The media can also become a screen or barrier behind which truths may be concealed. In their reporting of the juvenile justice issue the media have probably served all the above functions.

News items about car chases and crime created a considerable impact on people's perceptions, but we need to examine if they presented a true picture of events. Windschuttle (1987, p. 263) suggests an ideological consensus model to explain the news. He argues that the media news is an interpretation of society through a mediating ideology. Through this, it is decided what is news and what is not, norms are defined and the news is created by reproducing selected events which agree with the presumed consensus of opinion about how society should be. Windschuttle suggests that in fact this "reality" is based on what the people in power wish the general public to believe. It is his contention that news reporting of crime waves, especially by juveniles or minority groups often bears very little resemblance to reality. Windschuttle (1978) cited one example which occurred in 1967 when the Fairfax press "created" a crime wave which according to police records never existed, but which, nevertheless, resulted in State legislation to deal with it. Similarly in Western Australia, Trigger cited an article headlined ABORIGINAL GANGS TERRORISE SUBURBS which resulted in widespread concern by local residents. Subsequent research, including consultation with local police, found the story was yet another myth built on no substance at all (Johnston, 1991, p. 186). (Trigger, 1991). Howard Sercombe investigated 'crime waves' in Western Australia which were reported in the press, and found that statistics of juvenile offending did not support the crime wave contention. It was his belief that 'moral panics' may be created by the media and by such bodies as the police and politicians in opposition, all of whom gain when the public perception is that crime is on the increase (Sercombe, 1991). Windschuttle (1987 p. 264), explained the news worthiness of reports

about deviant behaviour, as items which excite the emotions of an audience and comforts them by confirming their prejudices. He suggested that a sense of justice is a universal human instinct, so stories about deviance serve the same purpose as medieval morality plays when satisfaction was felt when virtue was rewarded and wickedness punished.

There is a question as to how much the media lead public opinion. Glasser and Ettema (1989) wrote of the dilemma of investigative reporting. Since the purpose of reporting is to expose injustices and wrongdoings, inevitably journalists make judgements which may influence the opinion of the public. Glasser and Ettema questioned whether it should be the role of the journalist to be a moral leader rather than making objective reports of events. They cited Loretta Tofane who claimed that journalists cannot dictate values to an unwilling public, but merely reflect the judgement of the community. McQuail (1987, p. 251) also believed the media has limited influence on public opinion or behaviour, but that sometimes the media may intentionally or unintentionally change opinions or reinforce opinion already held. He cited the media campaigns by political parties aimed at converting a chosen population, but points out that these were most successful when the message reinforced the beliefs or values already held.

During 1991 the matter of juvenile crime was discussed extensively and forcefully by Howard Sattler on his popular morning talk-back radio programme. The question is whether Sattler was leading public opinion or reflecting it. Windschuttle (1987, p. 241) argued that the

format of talkback radio tends to endow the presenter's words with false authority, so a recommendation or opinion, become an order. He dubbed it 'totalitarian radio' and pointed out how effectively Adolf Hitler used radio to broadcast political messages.

Distorted depiction of events are often presented by all forms of the mass media. Gunter (1987) found that following TV viewing of the news and current affairs, viewers usually over-estimated the likelihood of crime happening to them, especially as the media tended to focus on particular forms of crime. News items in the press were also found to have resulted in distorted perceptions of crime. Winkel (1990) in a study of the media in Holland concluded that there was a general over-estimation of the number of crimes committed by ethnic groups and consequent negative stereotypic views of them stemming from newspaper reports with reference to minority people. In Western Australia, Trigger (1991) surveyed residents of two suburbs following the previously mentioned newspaper article headlined ABORIGINAL GANGS TERRORISE SUBURBS. He found that a total of 75.5% thought the headline was either "probably accurate" or an "exaggeration but basically true".

Negative reporting of 'coloured' people was found to be common in the British press in which they were presented as a 'problem' (Hartman and Husband 1974, p. 164). Jackson (1991 a) also claimed that this tendency occurs in the Western Australian Press and complained how wide coverage was given to Aboriginal juveniles in trouble with the police, while virtually ignoring positive initiatives which had been made in the area of juvenile welfare. Commissioner

Johnston (1991, p. 186) in his report to the Royal Commission into Aboriginal deaths in custody also wrote of how Aboriginal interests were generally ignored, but that prominence was given to reports of dissidence, disruption or criminal activities. He noted that following the 1988 Bicentennial year, the word 'riot' was used increasingly when reporting confrontations involving Aboriginal people.

Juveniles are also presented often as a 'problem' in the media. White (1990, p. 107) suggested the media tend to stereotype juveniles and generally classifies them into four types. The first type is the ideal young person who achieves great things and is usually white, healthy and attractive. The second category includes youths who may be seen as a threat, deviant and dangerous and living a different lifestyle which threatens society as a whole. The third category is the child as a victim, subject to abuse, homelessness or suicide and finally young people, who may be described as parasites, lazy, 'cheating the welfare system' and 'dole bludgers with no initiative'. A frequent response by the media to the 'problem' of youth is to 'blame the victim', condemn the parents or family for causing the problem or call for tighter controls on young people by the government and police.

Members of minority groups who are constantly portrayed negatively by the media may suffer lowered self-esteem. Howitt (1982, p. 61) undertook a survey in U.K. in which TV watching was correlated with self-esteem. He found that whereas white people who watched general TV programs had unaffected self-esteem, and enhanced self-esteem after watching news and current affairs programmes, black people who watched TV extensively generally had lowered self-

esteem, the inference being that the negative portrayal of black people in the media can effect their self-image. Children of various ethnic groups were studied by Robert and Lichter (1988) who concluded that TV watching tended to reinforce images already held about ethnic groups, including their own, but that the less educated were more profoundly influenced by TV images, so if their group was portrayed negatively it had a greater impact. Since it has been found that there is a reciprocal relationship between self-attitude and 'deviant' behaviour (Kaplan, 1975), consistently negative images in the media may have quite serious consequences for young Aboriginal people in Western Australia.

It must be acknowledged that sometimes the media may assist minority groups by publicising their views. Issues such as the Tent Embassy in 1971 and Noonkanbah reached world attention due to the media. According to Commissioner Johnston, it was largely due to the media that the Royal Commission into Aboriginal Deaths in Custody came about (Johnston, 1991, p. 186). He also played tribute to the ABC and SBS for their more balanced view of Aboriginal matters and Aboriginal programmes. Meadows (1987) was of the opinion that media images of Aborigines had improved based on an analysis of Brisbane's Courier Mail between 1966 and 1981. Possibly at that time this was so, but a content analysis of Western Australian newspapers in the 1980's demonstrated conclusively the Aborigines were reported more negatively in the press than other ethnic groups (Trigger, 1991).

Negative or inaccurate reporting of Aboriginal people may be the result of journalists' inability to communicate effectively with Aborigines. Pearson (1987) suggested that journalists on the whole were ignorant of customs and conventions of Aboriginal culture and this lead to inappropriate questioning techniques such as asking leading questions to which Aborigines may agree with out of courtesy. Journalists sometimes interview presumed 'leaders' and may be given inaccurate or unrepresentative information. Many times journalists take the line of least resistance and interview a white 'expert' about Aboriginal matters. It is not surprising that many Aborigines distrust the press. This statement about a shooting incident in Mooree underlines this:-

Who gets shot? Koories
Who gets arrested? Koories
Who gets interviewed? A Gub!

(Meadows, 1987, p.111).

There are a variety of theories to explain prejudice against minority groups. Stanner (1971) argued that prejudice occurred as a result of the 'out group' being regarded as a threat, and that reaction to this threat was a matter of protecting oneself from the 'outsiders' and justifiable. This view was supported by Booth's (1984) study in U.S.A. when a survey revealed that subjects who perceived resources as scarce, or likely to be so in the future, tended to have depressed social relations and less favourable attitudes to the poor. While this study did not examine the subjects' racial attitudes, it did confirm that anxiety about scarce resources tended to lessen people's tolerance to outsiders.

Psychoanalytical theories suggest that people or societies with a strong authoritarian ethos and harsh child rearing practices tend to be more prejudiced against 'out groups' (Bochner, 1982). Such people also believe that strong government and strict obedience to society's laws should be upheld and deviants punished severely (Levine and Campbell, 1982, p. 146). A frequent theme heard advocated by callers to the 'Sattler File' or in letters to the newspapers is that there should be more 'discipline' exercised by parents, and harsher penalties for offending (Davies, 1992, p. 23). A study supporting this theory was carried out in Britain by Billig and Cramer (1990) who found that the degree of authoritarianism of those surveyed was a major predictor of their racial attitudes. Taking this argument further it can be seen how, as a response to rapid and detrimental social change which threatened peoples' self-esteem and security, societies demanded increasingly totalitarian government. The rise of Fascist States were characterised by a myth of elitism, stereotyped sub-human 'others', cults and violent actions, and often there was a charismatic leader (Carsten, 1967). Even now this trend is increasing in Europe and in the United States where it was reported that racist 'hate groups' had increased in number from 273 to 346 in 1991 (Klan Watch Intelligence Reporter 1991). This situation has not reached such a pitch in Western Australia but the hardening attitudes to young offenders and calls for 'tougher government measures' may be indicators, and perhaps the radio personality who played a major part in the campaign was fulfilling the role of authoritative charismatic leader.

Explaining prejudice from a different perspective, Lerner (1991) suggested that a society's beliefs, morals and values are created by people within that society and come to be generally accepted as truths and reality. So it is believed that 'we' are best and 'they' are inferior. Through being prejudiced against 'out groups', the dominant group's solidarity is increased, self-esteem boosted and personal identity enhanced. It is considered acceptable to discriminate against the despised 'out groups' and deny them equal resources. However if members of the 'out groups' should violate the rules of justice dictated by the dominant society, emotional reactions are extremely intense. This explains the outrage experienced when juveniles steal cars or other property valued so highly by our materialistic society.

The large number of people who attended the Rally for Justice demanding stiffer penalties were reacting to the intense emotions engendered by a sense of injustice because innocent victims had suffered and they believed the miscreants were insufficiently punished. This gathering came about largely as a result of media publicity. It might be worth considering words written by Hal Jackson, President of the Children's Court, about the media and our society.

"In a community which wishes to scapegoat and blame rather than think about causes and give attention to remedies, it seems particularly attractive to find small and powerless groups to stereotype and blame, rather than offend wide numbers of readers, listeners or viewers." (Jackson, 1991 a).

Regarding government policies in the juvenile justice area, (Griffith, 1991) stated that governments believe they have a responsibility to

develop and implement policies designed to optimise life chances for young people, but also that government policies are influenced by the concern about the cost of maintaining young people for extended lengths of time on welfare. It is recognised that employment fulfills desirable social functions as well as providing an income. Presdee (1989) pointed out how young people suffer from confusion from the contradiction in a society which reveres wealth and material things, but at the same time, poverty is increasing among working class people. He believed Labour Party policies were a form of 'peoples' capitalism' and the resulting culture was 'individualistic, competitive, efficient and affluent' (Presdee, 1989, p. 10). Government policies which led to increasing numbers of young people living in poverty have the inevitable result that the young will act in ways that,

are considered rational by the young but will be considered illegal and irrational by our leaders. (Presdee, 1989, p. 12).

The young are especially disadvantaged by the current economic recession and government policies are aimed mainly at regulating and controlling the lives of young people. Since the young are excluded from the labour market and provided with a meagre income, they have been forced into dependency on their families and marginalised in Australian society. Like Presdee, White (1990) believes that government policies have moved to 'right wing pragmatism' where the emphasis is on profitability not social need, and this has had a major impact on young working class people. Social control of the young is attempted by programmes to keep them occupied. These include training schemes, further education and work experience which they are forced to undertake in order to

'qualify' for their welfare payments (White, 1990, p. 35). In an interesting study of car thefts, White suggested that this form of crime is linked to restrictions in social and physical space. Low income and unemployment restricts access to outlets for entertainment, the lower socio-economic suburbs have few social or recreational facilities and public transport is inadequate. The young are drawn to car stealing which provides the attraction of excitement, a feeling of being in control of their environment, and also as a way of expressing defiance. This has made car stealing a crime which is on the increase as economic conditions worsen (White, 1990, p. 111).

The two main approaches to juvenile justice are the 'welfare' model and the 'justice' model. The welfare model presumes that criminal behaviour is a symptom of the child's circumstances and that the answer is 'treatment'. The justice model, which is now in favour, holds the child more responsible for his or her actions, and that punishment should be administered (Gale, Bailey-Harris and Wundersitz, 1990, p. 21). These issues were also discussed by Clarke (1985) who concluded by saying that:

We should avoid being trapped into a constant recycling of the justice and welfare principles. That debate is a misconception of the politics of juvenile justice, and offers us only the choice of which form of oppression is preferable.

(Clarke, 1985, p. 421).

It is evident from the previous examples that juveniles are effectively disempowered and disadvantaged by the adult policy makers and officials whose aim is to control their lives and make them conform. The young are perceived by society to be violent and dangerous, and

fears are expressed about the perils faced by older people from youth. Martens (1981) noted the visible violent acts which are reported by the media are often a form of retaliation to the violence which is condoned by society. This is the institutional violence which oppresses, controls and denies the advantages of society to the under-privileged. Paul Wilson (1988) also wrote of the misconceptions held by adults about the dangers to society by the young, and pointed out that it is young people who are most at risk from crime. He cited studies that had demonstrated that physical and sexual assault and other forms of violence happen more often to youth than to those over 60. One such study was carried out in Western Australia by White, Underwood and Omelczuk (1991). They identified three categories of violences perpetrated on young people. These were structural violence which was associated with the denial of resources, employment and social interaction with families. This puts the young at greater risk of victimisation by family, police or other people. Situational violence occurs because young people lack their own social and physical space which makes them vulnerable to violence within the house or in public places. The third category of violence identified was group violence which occurred within social groups. A disquieting aspect of this study was the findings that assaults by the police were the most commonly reported form of violence. It was the opinion of the authors that:

the violence experienced by these young people is unjustified, unjustifiable and unwarranted. (White et al., 1991, p. 37)

Social justice theories may explain some of the events which culminated in the introduction of the Sentencing Act. In Western Australia different groups may have differing perceptions of the

meaning of justice and injustice stemming from conflicting value systems but the belief in the desirability of a just society is felt by everyone and severe emotional responses are experienced when a person feels they have been denied justice. Markovsky (1991) tested the physiological responses of people who believed they had been unjustly under-paid for work they had completed. He demonstrated that a perceived sense of injustice caused a severe emotional reaction leading to a quite marked elevation in stress levels.

Perceived violations of procedural justice rules, such as when a person is not punished for a wrongdoing, leads to a feeling of injustice, an emotional reaction of stress and often behaviour to rectify the unfair act (Austin and Tobiasen, 1991). The recent Los Angeles riots are an example of actions which came about as the result of perceived injustice. Occurrences such as these were explained by Martin and Murray (1984) who suggested that riots were often the result of long-term frustration and discontent brought about by perceived injustice and inequality of resources, then triggered by one further event which acts as a catalyst and precipitates action. The public demand for government action at the Candlelight Vigil following the deaths of Mrs Blurton and her child cannot be classed as a riot, but the anger was certainly there and it was obviously seen by the Western Australian government as a strong indicator of community displeasure. In a climate of dissatisfaction at the government handling of the juvenile crime issue, the catalyst was the death of a pregnant woman and her one year old child in an accident involving a stolen car driven by a juvenile.

Large groups of people have a tendency to disregard thoughts of equity and lose their reasoning powers. Rabbie and Lodewijk (1991), when observing individuals and groups playing competitive games found that while individuals would work out joint solutions with their competitors, groups, especially those in an uncertain environment were willing to inflict quite severe punishment on other groups who had angered them by perceived breaches in the rules. The 30,000 people at the Rally for Justice in 1991 demonstrated that they were in no mood to listen to reason either.

Different social groups may have differing perceptions of what is right or just, consequently conflict may result when one group considers they have been treated unjustly by another group (Austin and Tobiasen, 1991). Young people may feel it unjust to be denied employment and resources by society, and the general society are angry when their property is stolen by juveniles whom they believe are not punished severely enough for their transgressions. Thus an assumption of this thesis is that differing perceptions of justice fueled by the media led to many of the events which culminated in the introduction of the Sentencing Act.

CHAPTER TWO

JUVENILE CRIME IN WESTERN AUSTRALIA

Throughout 1990 and 1991 Western Australia experienced what was generally accepted to be the worst recession, with attendant high unemployment rates, since the Great Depression of the 1930's. This was not limited to Western Australia, or even to Australia as a whole, but was part of a world-wide down-turn of the market economy. It is the people at the lowest levels of the socio-economic scale, especially the young, that suffer the most in poor economic times. Unemployment and increased crime rates have a high correlation amongst the young. A study in Victoria found that young offenders had an unemployment rate of 60% which was well above the general average for 15-18 year olds (Griffith, 1991). Judge Hal Jackson cited a statement made in the United States President's Commission on Law Enforcement and the Administration of justice which said:

It is inescapable that juvenile delinquency is directly related to conditions bred by poverty. The Commission doubts that even vastly improved criminal justice system can substantially reduce crime if society fails to make it possible for each of its citizens to feel a personal stake in it or in the good life it can provide and in the law and order that are pre-requisites to such a life.
(Jackson, 1990. p. 2)

The Extent of Juvenile Crime in Western Australia

A re-occurring theme in the public debate concerning juvenile crime in 1991 was the fear experienced by people of being harmed by

juveniles. An example of the media coverage of this occurred on 16 September 1991 in the West Australian. A page headed WEEKEND OF CRIME contained the three eye-catching headlines which were:

THREAT TO LIVES AS YOUTH GANGS GO ON THE
RAMPAGE,
TEN MINUTES OF TERROR IN UNIT SIEGE,
COUPLE CHASED BY CAR THIEVES. (Winterton, 16.9.1991)

Accompanying these stories was a large photograph of a couple with the caption "Safe at last: Monica and Colin Bright with the pot plant used to ram their front door. "If I had a gun I would have used it," Mr Bright said (Winterton, 16.9.1991).

The position that was presented to the general populace was that juvenile crime was escalating and out of control. In a speech to the House of Assembly Mr Weise MLA claimed:

We cannot expect the community to put up with being at the receiving end of the actions of the violent minority. The activities of this group have been building to a crescendo over the past two or three years, and we have reached the state where the majority of older people in our community live in terror. They are not game to go out onto the streets: they live behind locked doors. (Weise, 1992, Hansard, p. 7924).

This view is not supported when the figures of the Department of Community Services (DCS) are examined which record the numbers of juveniles appearing in Court and the offences they are charged with. It can be seen there have been fluctuations over time, but

generally the rates have not changed dramatically (Hamilton, 1992, p. 3).

There were conflicting opinions of the extent of the problem of juvenile crime in Western Australia. On the one hand the Press and the mass media generally tended to focus on the sensational nature of the problem. Juvenile crime as a serious problem was also emphasised by Liberal politicians, and the Police Department tended to stress the severity of the situation. On the other hand, the DCS tended to claim the programmes their Department had established were containing the situation. Labor politicians generally supported this view.

It must be realised that each of these groups have a vested interest in their various positions. The Media benefit from sensation and emotional events caused by conflict situation which cause fear, anger or outrage as these increase their audiences. (Murray, personal communication, 10.9.1992). There is therefore a tendency for the media to create divisions within a community; for instance divisions between workers and unemployed, or men and women, the English speaking community and 'Ethnics' or between the old and the young when particular issues are raised (Windshuttle: 1978, p. 26). Therefore articles such as the following one with emotive use of language, are designed to increase sales of newspapers.

TEEN TERROR HITS SUBURBS

What do you do when confronted at your front door by a gang calling for your blood because you took the precaution of fitting an anti-theft device to your car? (Williams, 29.9.1991).

The media can profit from conflict and crime in society and so can opposition parties in particular Liberal politicians can benefit from any situation which embarrasses the government. The Law and Order debate is one that can be useful to them in this way, especially when approaching election time. Additionally their policies lean more towards punitive measures and an emphasis on discipline, the 'justice' approach rather than 'welfare' (McKinnon, 1991). Therefore it is not surprising to hear a Liberal Politician in Parliament say:

Elderly ladies and single mothers fear for their lives and fear being assaulted by people breaking into their homes.
(Strickland, 1991 Hansard, p. 3486).

The Police Department can also gain from a public perception that crime is 'out of hand' and on the increase. In common with all Government Departments, they are always competing for scarce resources for equipment and the funds for extra personnel. If crime is seen to be a serious concern, the Police Department's requests for increases in staff and expensive technology can be justified (Hall, Chritcher, Jefferson, Clarke and Roberts, 1986, p. 38).

In the Police Department Annual Report 1991, it was stated that:

The task of crime suppression is not becoming easier. In spite of an overall increase of 15.5% in reported crime, my officers have maintained existing clear up rates. During the year a serious assault or robbery was committed every 3.3 hours, a breaking and entering offence every 9.6 minutes, a theft every 7 minutes and a motor vehicle stolen every 26.5 minutes.
(Western Australian Police Department Annual Report, 1991, p. 4).

On the other hand, it is in the Government's interests that it be understood that the situation is not as parlous as suggested by the media and the Opposition and that Government policies are working. In their strategy statement released in August 1991 it was stated that:

The general success of directions endorsed and programs initiated, like the Station Placement Program and Local Offender Programs, can be observed by decreases of young offenders being sentenced by the Children's 'Court' in respective localities. (Into the 90's, 1991, p. 4)

The DCS, being the Department responsible for devising and implementing the programs for young offenders, also wishes it to be seen that their strategies are being effective. Their reports, therefore usually have a more positive view of the progress being made in the containment of juvenile offending in Western Australia.

The DCS Annual Report 1991 stated that:

This year under the Juvenile Justice Program, leading achievements in this area have occurred as a result of significant changes in the approach taken in working with young offenders and the community.

Preventive and community work focussed on young people in the Northern Country Region has resulted in no young offenders being sent to Longmore from Fitzroy Crossing in the last 3 years or from Derby in the last 2 and a half years.

(DCS Annual Report, 1991, p. 5)

On examination of the juvenile crime statistics supplied by the DCS and the University of Western Australia Crime Research Unit, it can be observed that although some offences increased, in 1991, juvenile

crime rates on the whole have dropped. Also any rises that did occur were not as spectacular as indicated in the media. In the second half of 1991 in the Children's Court, there were decreases in charges for liquor, good order, justice and property offences, and assault charges decreased by 10.7% compared with the first half of 1991 (Hamilton, 1992, p.6).

The incidence of crimes are best measured by counting events such as reported offences, arrests or convictions. Also by counting the number of distinct individuals involved during the period under study, the prevalence of the crime can be calculated (Broadhurst et al., 1992, p. 2). However, it is difficult to obtain an accurate picture of the extent of crime from figures based only on reported crimes as they may be distorted by non-reporting of offences. This occurs frequently in cases such as rape, child abuse and domestic violence. Batini and Maisey (1991) cited studies that suggested that whereas 91% of motor vehicle thefts and 80% of burglaries are reported, less than 10% of sexual assaults are reported to the police (Batini and Maisey, 1991 p.2). It is also not possible to tell whether the crime was committed by an adult or juvenile if the offender has not been apprehended.

A distinction must be made between the individual offenders and the offences recorded to avoid confusion associated with multiple offending. The anonymity of juveniles makes identifying individuals more difficult. In the Juvenile Courts records are kept by the DCS, and if the case has resulted in a conviction, it is also recorded by the Police Department. (Broadhurst et al, 1992, p. 26). Under the present

system of recording juvenile court appearances, duplication can occur since charge numbers are allocated both in the initial court and by subsequent courts which may hear the complaint. Thus one offence may be recorded by the DCS court service as an individual charge at each court appearance. Also when the major charge is dismissed and the defendant is convicted of a lesser charge, in most cases the original charge is recorded, not the amended one. These recording practices can result in an over-estimation, by as much as 10% both for the number of charges and their seriousness. Inaccuracies can also occur because offence details are summarised but not validated, so sometimes errors occur in the complete description of the offence (Broadhurst et al., 1992, p. 26). Distorted images presented by the media often occur when an individual may have committed one crime but be charged with, and convicted of several offences. When references are made to the court records of some juveniles, this is not always made clear, so the general public have the perception that the youth has committed up to ten times the number of crimes that in reality he or she has done (Watkins, 1992, (3), p. 4).

One indicator of the extent of juvenile crime is to examine records of the number of young people who appeared before the Children's Court or Panel each year. The following table shows how many young people have appeared each year since 1984/85 to 1990/91 and by how much these figures have increased or decreased each year.

TABLE 1
YOUNG PEOPLE APPEARING BEFORE CHILDREN'S
COURT/PANEL 1984-1991

Year	Children's Court	Panel	Courts/Panel
84/85	7531	4345	-
85/86	7957	3909	11554
Increase/Decrease	5.7%	-10.0%	
86/87	8658	3729	11934
Increase/Decrease	8.8%	-4.6%	3.3%
87/88	8440	3315	11491
Increase/Decrease	-2.5%	-11.1%	-3.7%
88/89	7868	3136	10674
Increase/Decrease	-6.8%	-5.4%	-7.1%
89/90	7883	2877	10506
Increase/Decrease	0.2%	-8.3%	-1.6%
90/91	8318	2779	10864
Increase/Decrease	5.5%	-3.4%	3.4%

Source: State Overview Comparing Six Month Periods: July-December 1990; January - June 1991; July- December 1991. Prepared by Programmes & Information Young Offenders Service, Department Community Services, (1992).

From the above figures, it can be seen that although numbers increased from 10,506 in 1989/90 to 10,864 or by 3.4% in 1990/91, this was actually less than the number of juveniles appearing before the Court or Panel than in any of the years between 1984 and 1988.

The six monthly figures compiled by the DCS for the past 18 months up to December 1991 are shown in Table 2. It can be seen that there

was a significant drop in the number of juveniles presenting to the Children's Court in the last six months of 1991.

TABLE 2
NUMBER OF INDIVIDUAL YOUNG PEOPLE BEFORE
CHILDREN'S COURT - JULY 1990 - DECEMBER 1991

JUL-DEC 1990	JAN-JUN 1991	JUL-DEC 1991	Decrease cf to Jan - Jun 91		Decrease cf to Jul - Dec 90	
			No	%	No	%
4840	5071	4227	-844	-16.6%	-613	-12.7%

Source: State Overview comparing six month periods: July 1990 - December 1991. Programmes & Information, Young Offenders Services, Department Community Services, (1992).

In the last six months of 1991 (July - December) 844 individuals or 16.6% less individuals appeared in court than in January - June 1991, and 613 individuals or 12.7% less than the July-December 1990 period.

The slight increase of 4.8% individuals appearing in court in the January - June period 1991 may be the result of several factors. These could include the Police Task Force set up in April, which targetted known young offenders, possible delays in dealing with charges from the previous six months and an increase in juvenile arrests due to media publicity (Hamilton, 1992, p. 5).

It can be argued that the decline in numbers for the last six months of 1991 may in part have been due to the introduction of the Formal

Police Cautioning Scheme on 1 August. This may have had some effect, but would not have made any impact on the more serious charges which would only be heard in the Children's Court, but it can be seen from Table 3 that it had a significant effect on the number of children that appeared before the Children's Panel with a decrease of 26.5%, (354 individuals) compared with January-June 1991 and a decrease of 31% (461 individuals) compared with July-December 1990.

TABLE 3
NUMBER OF INDIVIDUAL YOUNG PEOPLE BEFORE
CHILDREN'S PANEL - JULY 1990 - DECEMBER 1991

JUL-DEC 1990	JAN-JUN 1991	JUL-DEC 1991	Decrease cf to Jan - Jun 91		Decrease cf to Jul - Dec 90	
			No	%	No	%
1443	1336	982	354	26.5%	461	31.9%

Source: State overview comparing six month period July 1990 - December 1991. Programmes & Information Young Offenders. Services, Department Community Services, (1992).

Figures of the finalised charges dealt with by the Children's Court and Panel, as presented in Table 4 show a more definite increase each year, but it is debateable whether this was because the offences had become more complex and serious, or whether it was, in part due to the tendency of Police Officers to 'Throw the Book' at young offenders, whom according to their perceptions, were being dealt with leniently in the courts (Watkins, 1992, (3), p. 34). Table 4 shows an increase of charges by 3.2% in 1989/90, but there was a decrease of 0.1% in 1990/91.

TABLE 4
NUMBERS OF FINALISED CHARGES DEALT WITH BY
CHILDREN'S COURT/PANEL - 1984/85 TO 1990/91

Year	Children's Court	Panel	Courts/Panel
84/85	24333	6058	30391
85/86	24795	5367	30162
Increase/Decrease	1.9%	-11.4%	-0.8%
86/87	28525	5167	33692
Increase/Decrease	15.0%	-3.7%	11.7%
87/88	31294	4482	35776
Increase/Decrease	9.7%	-13.3%	6.2%
88/89	32256	4197	36453
Increase/Decrease	3.1%	-6.4%	1.9%
89/90	33749	3883	37632
Increase/Decrease	4.6%	-7.5%	3.2%
90/91	33769	3837	37606
Increase/Decrease	0.1%	-1.2%	0.1%

Source: State overview comparing six month periods: July 1990-December 1991. Programme & Information Young Offenders Services, Department Community Services, (1992).

Information may be obtained by examining the types of charges, and their degree of severity. These are shown in the Table 5.

TABLE 5
NUMBER OF FINALISED CHARGES IN CHILDREN'S
COURT BY CHARGE TYPE - JULY 1990 TO DECEMBER
1991

Charge Type	Jul-Dec 90		Jan-Jun 91		Jul-Dec 91	
	Number	% of Total	Number	% of Total	Number	% of Total
Assault	469	3.0%	494	2.8%	441	2.9%
Homicide	3	0.0%	1	0.0%	5	0.0%
Sexual	62	0.4%	68	0.4%	74	0.5%
Robbery	34	0.2%	48	0.3%	76	0.5%
Explosives/Firearms	30	0.2%	37	0.2%	19	0.1%
Fraud	352	2.2%	246	1.4%	240	1.6%
Theft	6,283	39.6%	7,534	42.1%	6,229	41.2%
Property	710	4.5%	742	4.1%	618	4.1%
Liquor	91	0.6%	102	0.6%	60	0.4%
Drugs	651	4.1%	742	4.1%	625	4.1%
Good Order	1,292	8.1%	1,389	7.8%	1,201	7.9%
Traffic	4,039	25.5%	4,573	25.5%	3,834	25.3%
Justice	1,770	11.2%	1,833	10.2%	1,588	10.5%
Other	69	0.4%	105	0.6%	122	0.8%
Total	15,855	100.0%	17,914	100.0%	15,132	100.0%

Source: State overview comparing six month periods: July 1990 - December 1991. Programmes & Information Young Offenders Services Department Community Services, (1992).

Most categories of charges increased in the first six months of 1991. There was a rise in the number of charges from 15,855 in the period of July - December 1990 to 17,914 in January - June 1991, but this was reversed in the second half of 1991 with decreases in most categories of charges with three exceptions: homicide, sexual assault and robbery. DCS figures show not only were there decreases in the less serious charges such as Liquor, Good Order, Justice and Property, but also decreases in the more serious offences such as Assault, Explosive/Firearms, Fraud and Traffic (Hamilton, 1992, p. 2).

Charges for theft decreased from 7,534 cases in January - June 1991 to 6,229, a decrease of 1,305 charges. The new Police Formal

Cautioning Scheme would have dealt with many of the cases of petty theft previously referred to the courts, but at the other end of the scale, perhaps the increased Robbery charges were offences which might have been classified as theft before, but became more violent offences because offenders were under the influence of mind altering substances, such as the drug Amphetamine, which may have increased violent and reckless behaviour (Watkins, 1992, (1), p. 31). It was reported in the Western Australian Police Department Annual Report 1991 that charges related to the drug Amphetamine increased by 138.8% in the 1990-1991 (Police Department Annual Report 1991, p. 13). Concern about the use of Amphetamine was also expressed in the West Australian.

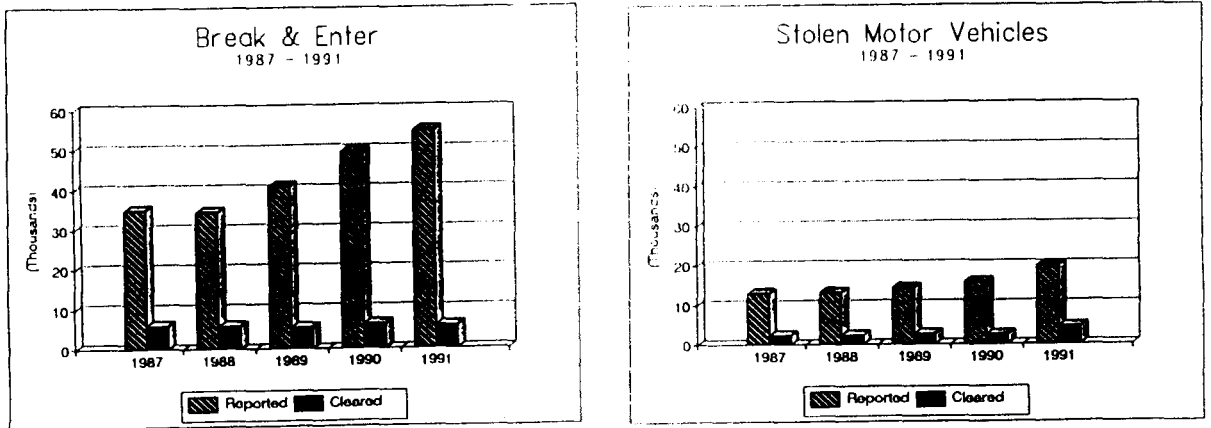
YOUTH-CRIME LINK TO "SPEED" IGNORED

Drug dealers who sell Amphetamine to young car thieves are not being targeted by Police despite evidence that the drug fuels hard-core juvenile crime.

(Sinclair-Jones, 26.12.1991).

According to statistics presented by the Police Department in their Annual Report for 1991, the two areas with significant increases in reported offences, are being Break and Entry which increased by 10.4%. Cases rose from 49,603 in 1989/90 to 54,777. The second category of crime which increased was Car Theft. Reported thefts of motor vehicles rose by 25.3%. As can be seen in the Table 6, in 1989 - 1990 there were 15, 835 vehicles stolen and in 1990 - 1991 the figure was 19,841.

TABLE 6
CASES OF STEALING, BREAK AND ENTRY AND CAR
THEFT - 1987 -1991



Source: Western Australian Police Department Annual Report 1991 p. 11.

What must be remembered is that these figures are based on reported crime, and as can be seen from the above tables, only a small proportion of the cases were cleared, so there is no way of knowing whether the offences were committed by adults or juveniles. It was stated in the Western Australian Police Department Annual Report that of 3,280 offenders charged with car theft, 2,242, or 68% were juveniles, 70% of which were under 16 years of age (Western Australian Police Department Annual Report, 1991, p.4). From these figures it is assumed that 68% of all car thefts are committed by juveniles, but this may not be the case. Juveniles generally steal cars in groups. They are therefore very conspicuous, especially if they are Aborigines and known to the Police. They are more likely to be caught than the more professional solitary adult car thief. Another factor is that all who are in the vehicle will be charged with its theft if

they are apprehended, and this will inflate the juvenile figures further.
(Sercombe, 1991, p. 4).

'At Risk' Youth in Western Australia

There are various factors which have been found to place young people into an 'at risk' category which may pre-dispose them to take part in habitual unlawful activities. A child 'at risk' is one whose life circumstances are such that they:

- * Limit or prevent normal developmental experiences needed for them to become a healthy functioning adult.
- * May threaten the child's physical or psychological well-being. (Watkins, (3) 1992, p. 11).

Major risk factors include poor achievement in the education system resulting in failure to complete year 10. Another is if they are engaging in unsafe health practices, are malnourished or using alcohol or drugs. A third factor is if they are living in a family environment which fails to provide security or give the child a sense of self-worth. Finally those children whose actions are likely to bring them into the criminal justice system. Children who are subject to multiple risk factors are often seriously troubled and become alienated from the mainstream society. (Watkins, (3) 1992, p. 11).

It was reported to the House of Assembly by Hon. Joe Berinson that in June 1991, the DCS and Police Departments closely examined the circumstances of a group of young offenders who had accumulated

ten or more charges of unlawfully using or stealing motor vehicles in 1990. They identified 93 individuals who they believed could have been responsible for 44% of the charges for car stealing by juveniles in 1990.

Some of the characteristics of these young offenders are contained in the following list:

- 97% were male
- 38% were 15 years old or younger
- 62% were 16-17 years old
- 66% were Aboriginal
- 83% were from the metropolitan area
- 62% had parents separated or divorced
- 57% were lacking parental or adult support
- 76% were neither attending school or employed
- 55% were 14 years old or under when they left school
- 75% had problems at school
- 74% had been convicted of 51 or more charges
- 74% had been in Court or Children's Panel before they were 10 years old
- 94% offended in a group
- 85% had previously been sentenced to strict detention
- 48% had been in detention four or more times

(Berinson, 1991, Hansard, p. 3419).

These figures indicated that a high proportion of these young recidivists had been subjected to the factors that put them in the "at risk" category such as dysfunctional families, low educational achievements, no employment and lack of financial resources. It is also apparent that the offending pattern of behaviour starts at an early age. Many of the young offenders have been subject to State intervention from an early age, some as young as ten years old or less. Many have had periods as Wards of State and/or foster homes with times in remand and detention centres. They have become

alienated from the values of the mainstream society which has failed them (Watkins, 1992 (3) p. 44).

The proportion of children considered to be "at risk" in Western Australia were studied in 1991 by a Select Committee on Youth Affairs commissioned by the Legislative Assembly to attempt to establish reasons for juvenile offending. These included unemployment, lack of education, dysfunctional family backgrounds and unsafe health practices such as drug and alcohol abuse.

The Committee was concerned about youth unemployment and its links with juvenile offending. The general unemployment rate in Western Australia in 1991 was increasing. There were seasonal fluctuations, but the average rate was approximately 10%. Among the youth of Western Australia the situation was significantly worse with general levels rising throughout 1991 to reach a level of 30 - 35% of unemployment for 15-18 year olds by March 1992, and for young Aborigines the rate was in the region of 80% unemployed. (Watkins, 1992, (Final Report) p. 14). A Department of Community Services (DCS) survey conducted in January 1992 of 115 young people in detention found that only 11% had been attending school or were employed prior to their admission (Watkins, 1992, (3), p. 11). The current government policy is to provide education and training programmes designed to give young people skills and increase their employability. In reality when they finish the course, their chances of gaining employment are still unlikely because of the depressed labour market. In March 1992 in Western Australia 3,400 young people aged 15-19 had been unemployed for 12 months or more.

(Watkins, 1992, (3) p. 12). Research indicates that long-term unemployment for young people can have considerable adverse psychological effects and prevent them from integrating into the mainstream society. Haynes cited in Griffith (1991, p. 48) pointed out that employment provides a person more than just an income, it also allows them an outlet for their creativity, is something worthwhile to do to prevent boredom, it provides opportunities for social interaction, gives a sense of purpose and helps to establish their status and identity. If young people are deprived of legitimate means to release their creative energy and gain an income, they may recourse to actions which are not acceptable to the general society.

Another factor which disadvantages young people and seems to have a relationship with criminal activity is to have 'failed' in the education system. Low education levels can result in lower employment prospects and a depressed self-esteem and Kaplan (1975, p. 76) found there was a correlation between low self-esteem and criminal tendencies. In 1990 11% of Western Australian youth left school in year 10, and it is known that a significant number of children are chronic truants, or just do not attend school even at primary level. DCS figures indicated that 87% of the children of school age who had appeared in court five times or more had not attended school for a year. (Watkins, 1992, (3) p.11). It is also notable that the young people aged 15-17 attending school in juvenile detention centres were found to have literacy and numeracy levels averaging the middle and upper primary school levels. (Watkins, 1992, (2) p. 6).

It has been found that a high proportion of young offenders came from unstable or dysfunctional family background or were homeless. In 1991, 886 young people claimed the Commonwealth Young Homeless Allowance in Western Australia, however several hundred more lived outside the welfare system and these children live with no social or physical support from their families and may have been the subjects of violence (Watkins, 1991, (1), p. 3). In the report on homeless children by the Human Rights and Equal Opportunity Commission it was found that one third of the homeless children in Perth were Aboriginal. These may live a peripatetic existence moving from one branch of their extended family to another where there are limited resources, family conflict situations and problems of alcohol abuse. Because of their irregular lifestyle, many of these children receive no welfare payments. This is often done because they are unable to fill in the complex forms, or are unwilling to deal with the bureaucratic formalities (Human Rights and Equal opportunities Commission, 1989. p. 132).

Since the late 1980's approximately 4,600 divorces have occurred each year, 50% of which involve children. The rise in the number of broken families, the scattering of extended families and "mixed" families has led to an increase in the number of children who are emotionally affected by disruption, or are left without adequate support or supervision. Also the dissolution of a family unit often leads to financial disadvantage, 50% of families headed by women are living on incomes below the poverty line (Watkins, 1992, (Final Report), p. 12).

It is not possible to determine exactly how many children are subjected to abuse or domestic violence, as many cases are never reported. During 1990/91, there were 3,219 notifications recorded by the DCS of cases of child abuse, of which 1,506 were substantiated. (DCS Annual Report, 1991, p. 12). This represents a 28% increase from the previous year, and a 78% increase from 1988/89. The DCS believes this substantial increase is due largely to an increased awareness in other agencies and the general community about child abuse, and a willingness to take action. (DCS Annual Report, 1991, p. 17). Youth workers have reported a high correlation between abuse, sexual or physical, and offending by young people. (Watkins, 1992, (Final Report), p. 44). It has been estimated by the Holyoak Drug and Alcohol Authority that 57,000 children in Western Australia live with at least one parent who is dependent on alcohol or drugs. This puts the child at greater risk of abuse, neglect and damaged self-esteem (Watkins, 1992, (Final Report), p. 15).

Another risk factor identified by the Select Committee into Youth Affairs was low family income. Based on 1990 estimates there are 500,000 children living below the poverty line in Australia. Within Western Australia DCS records show:

- * 49,981 children living in families which receive Family Allowance Supplements, 50.2% of which will have an income between \$200 and \$400 per week.
- * 24,990 children in families receiving Family Allowance Supplement with incomes below \$400. This comprises 6% of all children aged 0-16 years old.
- * 32,966 children in families receiving unemployment, sickness and special benefits which comprises 8% of the 0-16 age group.

- * 56,998 children in families receiving Sole Parent or other pensions, these make up 13% of the 0-16 age group. (Watkins, 1992 (Final Report), p. 15).

In all 114,955 or 27% of the 0-16 age group children in Western Australia live in low income households. (DCS Annual Report, 1991), (Watkins, 1992, (Final Report) p. 15).

The degree to which people are experiencing severe financial constraints is shown by the number of applications to the DCS for emergency financial assistance. In 1990-91 there were 78,000 issues of emergency aid granted to the value of \$5.7 million. Basic domestic expenses accounted for 70% of the aid. These grants are made to people with dependent children who are unable to buy food or other essentials. This was an increase of 35% from 1989-90 when 69,250 issues were made totalling \$4.7 million (DCS Annual Report, 1991, p. 18).

There is a very strong correlation between drug and alcohol abuse and criminal activities. In a report to the Select Committee on Youth Affairs, a District Court Judge blamed drug-taking as a significant factor behind juvenile crime and mentioned Amphetamine as being especially dangerous since this drug made the youths feel invincible and aggressive. (Watkins, 1992, (3), p. 13).

There were me and my friend... and a few other kids. We'd been on a few drugs, Serepax, and we weren't really to it and we went out looking for cars, and we ended up getting a car in Cannington, (Commodore, full tank). We did not know what to do - our minds were pretty, you know, we weren't all there, Serepax makes you go real violent sort of thing - smash things up... sleepy, dizzy spells... Just went driving around and that.

(Homel, 1990, p. 55)

One report made to the Select Committee on Youth Affairs stated that the use of Amphetamine increased markedly in July or August 1990 when Police raids on marijuana sources reduced the supply. (Watkins, 1992, (1), p. 31). It was claimed by youth workers that there were significant links between drug use and crime, especially car theft, and the drug caused the children to steal in order to get money to pay for the drugs (Walsh, 1991, p. 5).

Solvent abuse was reported to be a growing problem. Glue sniffing was considered as a contributing factor to juvenile crime and it was claimed that some children consumed up to two litres a day. (Watkins, 1992 (3), p. 13). Studies have shown that long term glue sniffing can cause irreversible neurological damage. Also glue sniffers present a legal problem as technically it is not an offence to possess or use solvents. Since the substances are cheap and easily obtainable, regular users often are children from the lower socio-economic and deprived backgrounds (Watkins, 1992, (1), p. 32).

Repeat Offenders and Recidivism

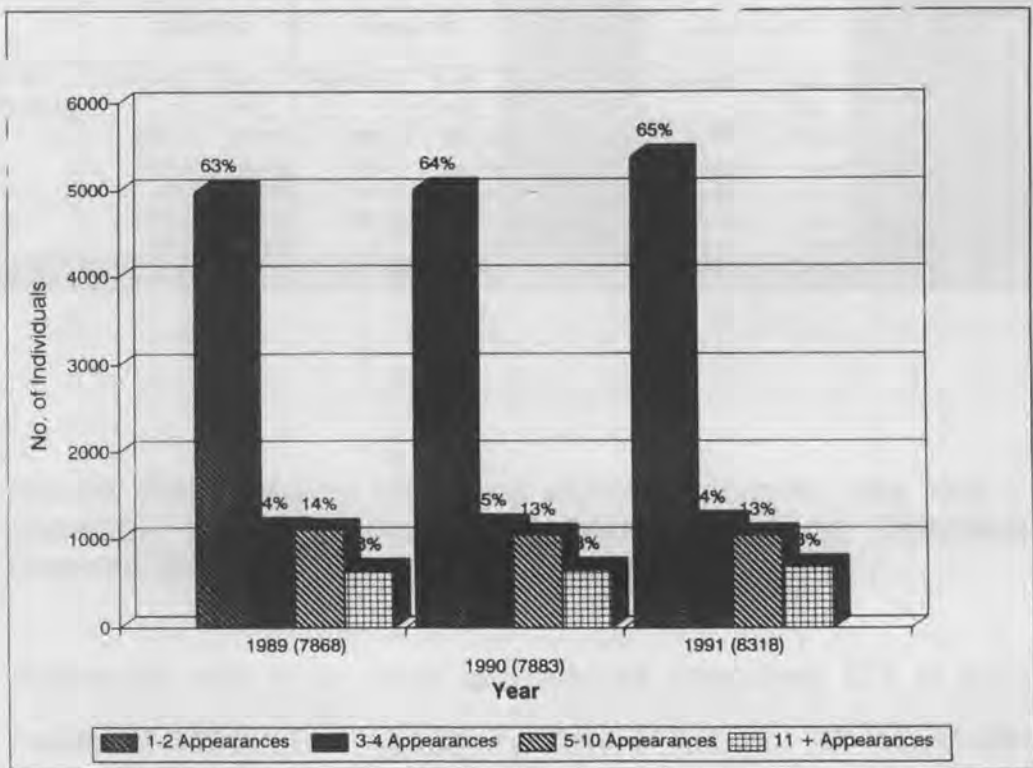
All reports on juvenile offending patterns stress the fact that the majority of young offenders only appear in court once or twice, and for minor offences. These transgressions can be accepted as normal adolescent rebellious behaviour (Windshuttle, 1978, p. 26). In the Final Report of the Select Committee into Youth Affairs it was reported that in excess of 60% of offenders appeared in court once or twice, approximately 20% had been in court five or more times, and 8% more than eleven times, 65% of which were Aborigines (Watkins, 1992, (Final Report), p. 74).

It was also stated that:

Rates of recidivism increased by 5% since 1988 despite an increase use of detention (12%) and longer sentences of detention. (Watkins, 1992, (Final Report), p. 74).

However it can be seen from Table 7, compiled by the DCS, that there has been a relatively stable pattern of recidivism since 1989.

TABLE 7
PATTERNS OF RECIDIVISM CHILDREN'S COURT
FREQUENCY OF APPEARANCE
- YEARS ENDED 30 JUNE 1989 - 1991



Source: State overview comparing six month periods: July 1990 - December 1991. Programmes & Information Young Offenders Services, Department Community Services, (1992).

Table 8 provides more detailed figures and it can be seen from the six-monthly records of the DCS that there has been a decrease in all categories of offending rates except for the three to four appearances categories and in the offenders who have appeared more than 21 times.

TABLE 8
PATTERNS OF RECIDIVISM
JULY 1990 TO DECEMBER 1991

Number of Court Appearances	% of Total Offenders									
	Jul-Dec 90		Jan-Jun 91		Jan - Jun '91 % Increase/ decrease on Jul - Dec '90	Jul-Dec 91		Jul - Dec '91 % Increase/ decrease on Jan - Jun '91	Jul - Dec '91 % Increase/ decrease on Jul - Dec '90	
	Number	% of Total	Number	% of Total		Number	% of Total			
1 - 2	2938	60.7%	3055	60.2%	4.0%	2375	56.2%	22.3%	10.2%	
3 - 4	679	14.0%	778	15.3%	14.6%	696	16.5%	-10.6%	2.5%	
5 - 10	720	14.9%	715	14.1%	-0.7%	681	16.1%	4.8%	-6.4%	
11 - 20	378	7.8%	386	7.6%	2.1%	338	8.0%	12.4%	-10.6%	
+21	125	2.6%	137	2.7%	9.6%	137	3.2%	0.0%	9.6%	
Total Offenders	4840	100.0%	5071	100.0%	4.8%	4227	100.0%	-16.6%	-12.7%	

Source: State overview comparing six month periods: July 1990 - December 1991. Programmes & Information Young Offenders Services, Department Community Services, (1992).

Individuals with 21 or more appearances comprised 137 in both halves of 1991. This was an increase of 9.6% or 12 individuals compared with July - December 1990 (Hamilton, 1992, p. 3).

The significant decline in individuals with one to two court appearances of 22.3% in the second half of 1991 can be attributed to

the introduction of the Formal Police Cautioning Scheme commencing in August which diverted minor offenders from the Court System (Hamilton, 1992, p. 3).

Efforts were made to decrease the members of young offenders being sentenced to detention and in 1991 it was the Western Australian Government's stated aim to:

Steer young offenders and those at risk of offending towards constructive activities which will assist them towards responsible adulthood.

Establish effective alternative custody programmes to break the cycle of offending for repeat offenders. Ensure relevant community based services and programmes exist which are effective in preventing and deterring crime.

(Into the 90's, 1991, p. 1).

In spite of these statements in the government's strategy statement on juvenile crime, Table 9 demonstrates the extremely high rate of juveniles being held in detention in Western Australia. At 108.9 per head of population, it is considerably higher than any other State except the Northern Territory (Hamilton, 1992).

TABLE 9
PERSONS AGED 10-17 IN JUVENILE CORRECTIVE
INSTITUTIONS IN AUSTRALIA AS AT 30 JUNE 1991

		NSW	VIC	QLD	WA	SA	TAS	NT	ACT	AUST
TOTAL IN	M	311	65	70	111	43	17	30	6	653
DETENTION	F	15	5	6	5	3	0	6	1	41
RATE	M	89.1	24.6	37.2	108.9	52.0	58.6	269.8	31.6	62.5
	F	4.5	2.0	3.4	5.2	3.8	0.0	60.8	5.6	4.1
POPULATION	M	349.1	264.2	188.2	101.9	82.7	29.0	11.1	19.0	1045.3
('000)	F	333.4	250.1	178.6	96.3	78.0	27.7	9.9	17.9	991.9

Source: State overview comparing six month periods: July 1990 - December 1991. Programmes & Information Young Offenders Services, Department Community Services, (1992).

Also can be seen in the next table, the number of juvenile males incarcerated per head of population in Western Australia has increased steadily with small fluctuations in the past decade.

TABLE 10
MALES AGED 10-17 IN CORRECTIVE INSTITUTIONS IN
WESTERN AUSTRALIA
- AS AT 30 JUNE FOR EACH YEAR 1982 - 1991

YEAR	Not awaiting Outcome	Awaiting Outcome	Rate per 100,000 (relevant population)	Population ('000)
1991	66	45	108.9	101.9
1990	81	33	111.8	101.9
1989	93	31	121.2	102.3
1988	49	27	73.9	86.9
1987	57	22	77.3	89.0
1986	71	22	92.6	100.4
1985	83	13	95.6	100.4
1984	48	21	71.3	96.8
1983	72	16	90.9	91.8
1982	121	17	145.3	95.3

Source: State overview comparing six month periods: July 1990 - December 1991. Programme & Information Young Offenders Services, Department Community Services, (1992).

One of the re-occurring complaints by critics of the Juvenile Justice system in 1991 was that the courts were too lenient and that more

juveniles should be sent to detention for longer periods of time. When the statistics of detention rates are examined, it reveals the courts have become increasingly more severe in sentencing juveniles in recent years. The Hon. Mr D. Smith M.L.A. Minister for Justice commented in Parliament:

I refer now to detention and how the Children's Court has been behaving under Judge Jackson. Under the old system, in 1989 505 juveniles were sentenced to detention, which was 3% of the dispositions. In 1990 - the judge's first year - 573 were sentenced for detention which was 4% of the total dispositions.

In 1991, 384 detentions were handed out in the first six months, or on a full year basis, 768 which was five per cent of the total dispositions. The percentage of children being sentenced to detention or conditional release has increased from 5% of the total dispositions of the court to 9%.

(Smith, 1991, Hansard, p. 4069)

The public concern about the courts being too lenient on young offenders seems to be unjustified. Table 11 demonstrates that the length of sentences were also increased. In the period of July - December 1991 there were 13 juveniles sentenced to detention for periods longer than six months compared with only six in the January - June 1991 period and eight in the whole of 1990.

TABLE 11
DISTRIBUTION OF LENGTH OF DETENTION ORDERS

Length of Order	Jul - Dec 89 Detention	Jan - Jun 90 Detention	Jul - Dec 90 Detention	Jan - Jun 91 Detention	Jul - Dec 91 Detention
1 Month	14	123	103	141	261
2 Months	6	78	16	82	65
3 Months	10	59	46	81	45
4 Months	4	18	19	27	28
5 Months	3	5	31	8	11
6 Months	6	24	25	23	14
7 Months	0	0	2	1	0
8 Months	0	0	0	2	1
9 Months	0	0	2	3	6
12 Months	0	1	1	1	2
14 Months	0	0	1	0	0
15 Months	0	0	0	0	0
18 Months	0	1	0	1	2
2 Years	0	0	0	0	1
5 Years	0	0	0	0	1
Total	46	308	246	370	437

Source: State overview comparing six month periods: July 1990 - December 1991. Programmes & Information Young Offenders Services, Department Community Services, (1992).

Aborigines and the Law

It is generally accepted by those concerned with juvenile offending that Aboriginal youth are grossly over represented in the Juvenile Justice System. (Watkins, 1992, (3), p. iii), (Jackson, 1991, p. 5), (Broadhurst, 1991, p. viii). Wilkie stated that:

The participation rate of Aborigines in the criminal justice system has been a national scandal for decades. The position in Western Australia has been especially notorious. (Wilkie, 1991, p. vii)

Aboriginal contacts with the law need to be examined, and the present position of Aboriginal youth which may pre-dispose them to offend, also the rates at which Aborigines are apprehended, processed and sentenced, and whether their treatment is different from white juveniles who also pass through the justice system.

Historically Aborigines have always been discriminated against by the European law in Western Australia. Government policies towards Aborigines have passed through four phases. First came the 'colonial', or 'domination' phase which included the early attitudes when the Aborigines were regarded mainly as 'primitive agricultural pests'. Aborigines were disadvantaged by the legal system from the founding of the colony in 1929. They were expected to obey the British colonial laws even though they were incomprehensible to them, but at the same time were not given adequate protection by the law from prosecution and exploitation. (Wilkie, 1991, p. 5). Later came the 'protection' policies, which were supposedly more benign, but in practice pauperised and marginalised the Aboriginal people further (Sullivan, 1989, p.7).

Under the guise of welfare, the Government gained powerful legal control over the lives of Aborigines. They were forced to live in reserves, their employment, movements and even marriages were under the control of the Protector. Children were declared Wards of State and many "half-castes" were forcibly removed from their parents and reared in institutions. (Wilkie, 1991, p. 6). The police served a dual role in many communities, as Protectors and Law Enforcers. This led to an entrenched distrust between many Aborigines and the Police-force (Attwood, 1989, p. 110). These policies also separated Aborigines from the mainstream society, and by controlling them rigidly, weakened their decision-making skills and their ability to compete in the general community (Attwood, 1989, p. 29). Wilson (1982, p.83) explained how these conditions lead to a state of almost total psychological dependency when one group is oppressed by

another, and cited the examples of the Nazi prison camps and American negro slaves when child-like behaviour and abject dependence resulted from absolute power being wielded over powerless groups of people (Wilson, 1982, p. 83).

Policies governing Aborigines then passed through the assimilation phase that of autonomy or accommodation (Sullivan, 1989, p.8). In the 1960's and 1970's, with lessening restrictions and a downturn in rural employment opportunities, there has been a movement of Aboriginal people to urban centres where they occupy the lower end of the socio-economic scale. These people have experienced high rates of unemployment, family disintegration and problems with alcoholism and the law (Burdekin, 1989, p. 133). In addition many of the young become confused and disoriented having lost their Aboriginal values and sense of pride in their identity, but are also excluded from the 'white' society. As Paul Wilson said:

These factors, combined with poor employment, health and housing conditions.... produce community disintegration, purposelessness and feelings of personal worthlessness.
(Wilson, 1982, p. 21)

It is during times such as the present recession, that minority groups become especially disadvantaged and demoralised. The disintegration of the Aboriginal social structure has resulted in a high rate of homelessness among their children. The Burdekin Report into Homeless Children (1989) found one third of Perth's homeless children were Aborigines, many of whom received no welfare payments, and were reluctant to go to youth refuges, seeing them as

'white' institutions. (Burdekin, 1989, p. 132). Aboriginal children also represent 40% of children declared Wards of State and 16% live in a single parent household. The result is many young people with poor self esteem, sub-standard health and low levels of social skills. (Watkins, 1992, (1), p. 34). These factors can cause a tendency towards substance abuse which is reported to be a serious problem among, Aborigines, and places them in the category of children 'at risk' of offending against the law (Watkins, 1991, (1), p. 31).

Another 'risk' factor is poor education and the education of young Aborigines in Western Australia is also a matter of grave concern. A report on Aboriginal education in 1987 stated that Aboriginal education was in a state of crisis. It argued that this was due to inappropriate curriculum and teaching methods, low retention rates to year 12, racism in schools and the highest rate of absenteeism, suspension and expulsion of any school group. (Watkins, 1992, (2), p. 20). Furthermore it seems Western Australia compares unfavourably with other States in the participation rates of Aborigines in education, as is demonstrated in Table 12.

TABLE 12
PERCENTAGE OF ABORIGINAL PARTICIPATION RATES
IN EDUCATION IN 1988

	NSW	VIC	QLD	SA	WA	TAS	NT	ACT	AUST
SCHOOL									
5-7 Years	89.1	84.5	79.4	82.7	76.4	87.8	71.8	94.2	80.9
10-15	84.5	82.8	84.8	82.5	80.2	90.6	78.4	91.5	83.1
16-17	27.9	33.2	31.8	23.7	17.1	18.2	23.2	35.4	26.3
TAFE									
16-17	6.7	6.2	2.2	8.0	4.8	16.8	1.8	6.3	4.8
18-20	6.2	6.6	2.3	6.5	2.8	6.6	2.1	10.1	4.0
21-24	3.8	3.0	1.3	4.0	3.0	3.8	1.1	8.5	2.6

Source: Select Committee into Youth Affairs, Discussion Paper number 2, Education and Training, p. 21. J. Watkins, Chairman.

As can be seen from this table, only 17.1% of 16-17 year old Aborigines are in the education system, the lowest of any State in Australia. Pat Dodson, in submission to the Royal Commission into Aboriginal Deaths in Custody, pointed out the correlation between failure at school and anti-social behaviour. Dodson claimed:

Aboriginal students often find themselves battling from an early age with self-esteem as they suffer racism of fellow students or teachers. Not only can anti-social behaviour develop when children experience "failure" at school, but a person who is unsuccessful at school can take from school a sense of failure for life.
(Watkins, 1992, (2), p. 20).

A sense of alienation from mainstream society and low self-esteem can lead to criminal activities, not only for economic gain, but also to gain peer approval, status and

as a way to "hit back" at a society in which they have no stake and no place. (Walsh, 1991, p. 4)

In the State Government Advisory Committee on Young Offenders report on High Speed Chases and Related Issues, it was stated that Aboriginal youth in Perth have been developing their own urban youth culture and have formed groups such as the K.G.B., (Koondoola, Girrawheen, Bronx). These groups steal to obtain goods or money and cars and mark their territory with graffiti. To them the car symbolises freedom and power. This sense of power is further enhanced by the use of drugs such as Amphetamines which give the youths a sensation of euphoria and confidence as they drive powerful cars they know they will never be able to own. (Walsh, 1991, p.4). Through their exploits in crime and car chases, Nyoongar youth can gain in notoriety, fame and status among their peers aided by the extensive media coverage. It has been reported that news clippings are displayed in detention cells with pride as proof of their achievements. Additional lustre is added if they have stolen large numbers of cars, up to 15 or 16 in a night, and if the cars were of high quality (Walsh, 1991, p. 4).

Being members of a despised and disadvantaged minority group with resultant low self-esteem, it is not surprising if Aboriginal youth offend against the law, but once they have entered the justice system, there is evidence they are not treated with impartiality, but are severely disadvantaged, especially young offenders.

Aboriginal Youth in the Justice System

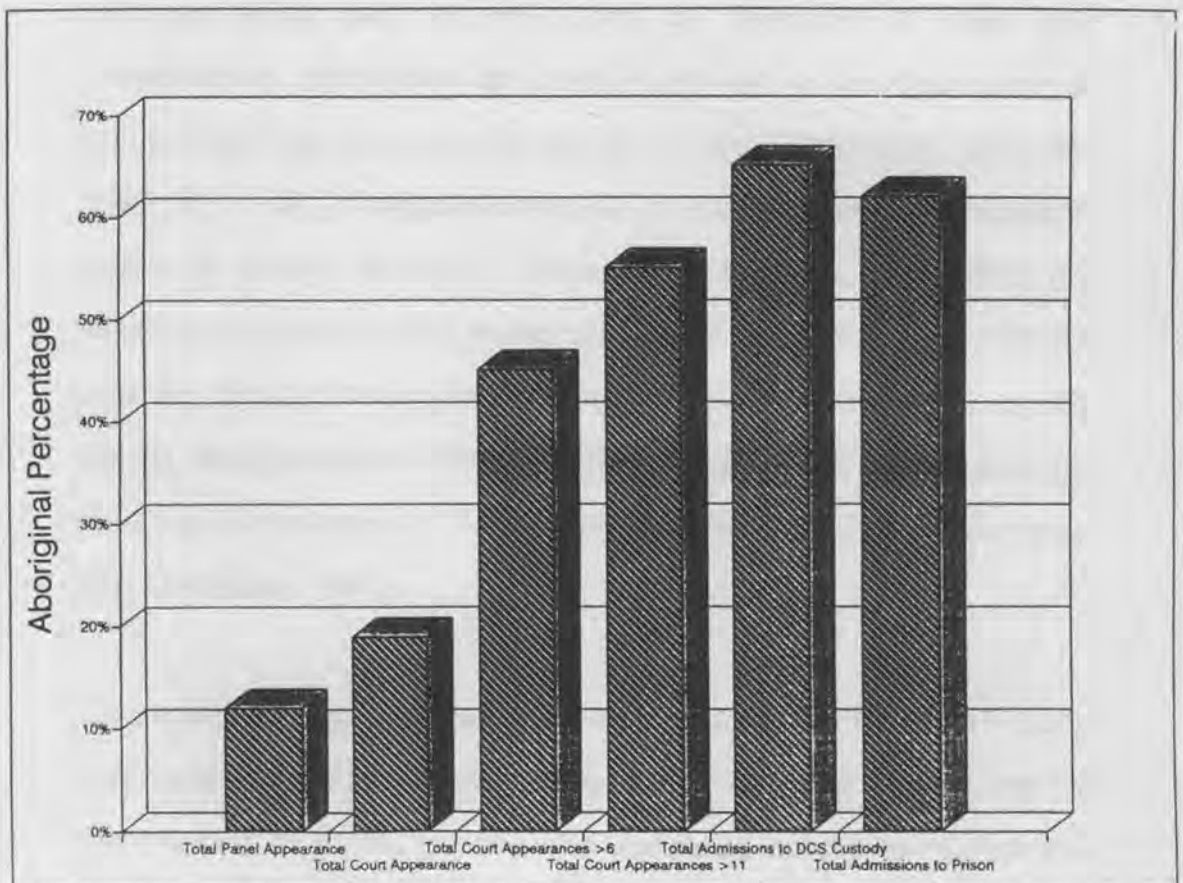
Studies in U.S.A. and Britain have demonstrated that black youth are generally treated more harshly than white children in the Justice System. It was claimed that this tendency was due, not so much because of their colour, but because the police tended to target people from the lowest socio-economic class and they used racial identity as an indication of socio-economic status, or because there was a higher contact rate between police and blacks (Gale, and Wundersitz, 1989). An in depth analysis of the situation of Aboriginal youth and the Justice System carried out by Gale, Bailey-Harris and Wundersitz in South Australia found that Aborigines were disadvantaged at every level of the Justice System. They concluded that a significant factor influencing their subsequent treatment was the method of apprehension (Gale et al. 1990, p. 65). Gale et al. found that Aboriginal youths were likely to be apprehended by way of arrest more than twice as often as white youths, 80.3% of whom entered the justice system by way of "report" which gave them a better chance of avoiding becoming locked into the Justice System. Only 43.4% of Aboriginal youths were apprehended in this way (Gale et al., 1990, p. 62). They also concluded that even when Aboriginal children had committed similar offences and came from similar socio-economic backgrounds and localities as white children, the Aboriginal children consistently received more detention as penalties than the white children whereas 10.3% Aboriginal children were sentenced to detention or suspended detention, only 4.2% of the other children were (Gale et al. 1990 p. 101). Statistics presented in the report of the Royal Commission into Aboriginal Deaths in Custody indicated

that in Western Australia young Aborigines are grossly over-represented in the Justice system. It was pointed out that although Aboriginal youth represented 4.1% of the population of Western Australia, they comprised 54% of youths detained in police custody, 65% of the children admitted to DCS detention centers and 62% of those sentenced to prison, as shown in the next table (O, Dea, 1991, p. 239).

TABLE 13

ABORIGINAL JUVENILE OFFENDERS AS A PROPORTION
OF TOTAL OFFENDERS IN CATEGORIES OF THE
JUVENILE JUSTICE SYSTEM IN WESTERN AUSTRALIA

- 1988/89



Source: Royal Commission into Aboriginal Deaths in Custody, 1991, Vol. 1, p. 241.

The Police are the first point of contact juveniles have with the Justice System, and it is their decision whether to arrest, summons or caution the young person who has come to their notice. Submissions to the Select Committee into Youth Affairs have expressed concern about police methods of dealing with young Aborigines. It was stated that police officers make a practice of repeatedly stopping young people and checking their names, especially if Aboriginal. This can lead to a confrontational situation. (Watkins, 1992, (3), p. 29). This concern was also expressed by Commissioner Dodson in his report to the Royal Commission into Aboriginal Deaths in Custody (O'Dea, 1991, Vol. 1, p. 260). It was also claimed that Police in Western Australia question young people without notifying their parents. Following charges being laid, the child may be released on their own recognisance, sometimes late at night and told to find their own way home when they may have no money, or form of transport (Watkins, 1992, (3), p. 32). Allegations of abuse by police officers are frequently made by young Aboriginal offenders, but formal complaints are seldom made since many young people feel they will not be believed, and are afraid of future police reprisals. (Watkins, 1992, (3), p. 35). Young Aborigines are further disadvantaged by their low educational levels and knowledge of the law and their rights (White, Underwood and Omelczuk, 1991).

Generally more serious cases are dealt with in the Children's Court and more minor offences are referred to the Panel but DCS records of the number of young people who appeared before the Children's Court and Panel indicate the discrepancy that exists between the

treatment of Aboriginal youth and whites. There was a tendency to refer a higher proportion of Aborigines to the Courts than to the Panel. Thus, one in 10 of the State's population of Aborigines aged 10 to 17 appeared in court, and one in 59 of the State's Aboriginal 10 to 17 year olds appeared before the Panel. For the non-Aboriginal youths only one in 53 appeared in Court and one in 213 appeared before the Panel. In other words, Aboriginal youth are twice as likely to be referred to the Panel than non-Aboriginals, but five times more likely to be dealt with the Courts which means they are likely to receive higher penalties.

Part of the restrictions preventing Aboriginal children from being referred to the Panel are the pre-conditions which apply. The juvenile must be a first offender, they must admit the offence, and they or their parents or guardians must agree to restitution. This often poses a problem for Aborigines whose parents do not have the resources to pay restitution, or for children who are without the support of a family that is willing to be responsible for them (O'Dea, 1991, Vol. 1, p. 288). It was noted in the DCS overview of Juvenile Justice figures that Aboriginal representation increases as the outcome becomes more severe. Between July 1991 and December 1991 they represented only 13.9% of those charges dismissed, 14.8% of those fined, and 19% of those being placed on a good behaviour bond, but 55% of those sentenced to detention and 56.9% of those who were sent to prison (Hamilton, 1992, p. 15). As can be seen from Table 14, Aborigines are grossly over represented in detention centres.

TABLE 14

**ABORIGINAL JUVENILES REPRESENTATION IN
DETENTION - JANUARY 1991 - DECEMBER 1991**



Source: State overview comparing six month periods: July 1990 - December 1991. Programmes & Information Young Offenders Services, Department Community Services, (1992).

Of the young people sentenced to detention in the period between July and December 1991, 56% were Aborigines. This was a decrease of 23% from the January to June figures, but it still represents one in 77 of the State Aboriginal population of ten to seventeen year olds. In the same period, the non-Aboriginal juveniles sentenced to detention, represent only one in 2,500 of their State's population. In other words, Aboriginal youths are 33 times more likely to be sentenced to detention than non-Aboriginals (Hamilton, 1992, p. 15). This high rate of incarceration is an indication of how young Aborigines are generally discriminated

Repeat Offender) Sentencing Act 1992 is more likely to seriously disadvantage Aboriginal youth than other sections of the community.

It has been pointed out that many of the decisions which are made by officials in the justice system have a subjective basis and this disadvantages Aboriginal youths, because the people deciding the outcomes for Aboriginal young offenders are almost invariably not Aboriginal (Watkins, 1992, (3) p. 43). The whole system is based on a white culture with little relevance to Aboriginal people. The West Australian police receive inadequate training in dealing with Aborigines. Personnel in the judiciary system also lack skills in communicating with Aborigines which may lead to inappropriate interrogation techniques and other communication deficiencies (Watkins, 1992 (3) p. 36).

Aborigines are disadvantaged in many spheres, but none more so than in the Justice System.

CHAPTER 3

WESTERN AUSTRALIAN GOVERNMENT POLICIES AND STRATEGIES FOR CONTAINING JUVENILE OFFENDERS

A surprising aspect of the introduction of the Sentencing Act 1992 is that it was introduced by a socialist government with stated aims and policies for social justice. They claimed that their policy in the juvenile justice system was to seek alternatives to strict detention, except in very serious cases. In May 1991 the Hon. Eric Ripper, Minister for Social Services quoted from the report by the Government Advisory Committee on young offenders in Parliament which said:

“The Committee is strongly opposed to increased incarceration as a response to this community concern. It is clear that well-targeted, preventive, diversionary and community based programmes are cheaper and more effective”....I strongly support the recommendations of that committee.... The courts have a clear range of sentencing options, and that is the court’s role, not ours. There is such a thing as separation of powers which we adhere to very strongly, and under the Westminster System it is not the Government’s role or Parliament’s role to direct the courts. (Ripper, 1991, Hansard, p. 1358)

These sentiments expressed by the Minister were based on the United Nations Declaration of the Right of the Child. These were ratified first on the 20th November 1959 and later set out as the Beijing Rules in 1985. (Human Rights and Equal Opportunities Commission, 1989, p. 33). These state that:

1. A comprehensive social policy shall be in place to ensure the well-being of juveniles.

2. That reaction to juvenile offenders shall always be in proportion to the circumstances of both the offenders and the offence.
3. That those police officers dealing extensively with juveniles shall be specially instructed and trained.
4. That detention pending trial shall be held only as a measure of last resort and for the minimum necessary period.
5. That necessary assistance such as housing, vocational training and employment shall be provided to facilitate the rehabilitation process. (Watkins, 1992 (3), appendix 1).

This international treaty was accepted by the Federal Government and the principles agreed upon by the individual Australian States. By International Law, Australia is legally bound by the Treaty (Wilkie 1992, p. 6). These principles and Ripper's statements in Parliament were what, in theory, the Government of Western Australia espoused as their policy. To establish how far the Sentencing Act 1992 contradicts the government's previous strategies and policies pertaining to young offenders, an examination of their statements on policy, programmes and actions prior to the Act indicates how with the principle embodied in the legislation they have deviated from their former course.

Government Agencies and Juvenile Offenders

In Western Australia young offenders come under the jurisdiction of three main Departments, the Police, the Judiciary and the Department of Community Services. Theoretically the three Departments work together, but in practice, a lack of co-ordination has been noted and

on occasion, disagreements and criticisms are made of one Department by another (Watkins, 1992, (3), p. 55). This lack of co-ordination was commented on by the Select Committee on Youth Affairs discussion paper on Youth and the Law and they recommended that there be:

established a systematic, interagency approach to juvenile crime at the local level, with two key operational requirements:

- * a formal structure; and
- * a clear and firm identification of the lead agency/person.
(Watkins, 1992 (3), p. 56).

Acting as spokesperson for the Police Department on several occasions, sentences passed in the Children's Court have been criticised by Police Minister, Grahame Edwards. After one controversial decision in the Children's Court, the following item was reported in the press.

DEATH CRASH SENTENCE PATHETIC: MINISTER

Police Minister Grahame Edwards yesterday described as pathetically lenient a sentence imposed on a 16 year old car thief found guilty of manslaughter. (Winterton, 20.8.1991).

On other occasions, dissatisfaction has been expressed about police handling of juveniles by members of the judiciary (Stockwell, personal communication, 10.6.1992), or the inadequacies of information provided by the DCS (Watkins, 1992, (3), p. 41).

This discord has inevitably lead to unco-ordination on occasions. These Departments provide the services but policies in the juvenile justice field are decided by the Western Australian Government.

The Western Australian State Government and Juvenile Justice

In the 19th Century in Western Australia, children were tried and sentenced in adult courts. Later in the 19th Century a more humanitarian view of children evolved and special courts for children were set up. The first Children's Court was established in South Australia in 1890, and one in Western Australia in 1907 (Jones 1992, p. 1). The philosophy of the Children's Court was that offending children were victims of their environment and should be treated in a similar way to neglected children based on the 'welfare' approach to dealing with problems (Jones 1992, p.1).

In Western Australia, the juvenile justice system came under the control of the DCS. Criticism of the welfare approach occurred as some people, mainly those with conservative politics, believed the sanctions were not severe enough. On the other hand, others believed that, through a misguided desire to rehabilitate disadvantaged children, these children could be deprived of their liberty 'for their own good' for longer periods than adults were for the same offences (Jackson, 1991, p. 5). In the 1960's and 1970's criticism was mounting in Western Australia about the "welfare" approach, and in 1982, the Edwards' Report recommended a

judicial court system. In 1988 the Children's Court of Western Australia Act was passed and responsibilities for hearing cases and sentencing was transferred from the DCS to the Children's Court under the jurisdiction of the Attorney General through the Crown Law Department. (Jones 1992, p. 2). This step marked the changing philosophy from the 'Welfare Model' to the 'Justice Model'. The aim was to provide a Court with sufficient power to deal with serious cases and make juveniles more accountable for their actions, and to provide safeguards for the rights of children to a finite punishment rather than indefinite periods of detention at the discretion of DCS officers. The aim was also to provide a wider range of options for ways to deal with juvenile offenders besides strict detention, since it was acknowledged that Western Australia's extremely high incarceration rates of juveniles was unacceptable (Jackson, 1991, p. 7). Unfortunately these aims do not seem to have improved the situation of juvenile offenders. In the final report of the select committee on Youth Affairs, dissatisfaction was expressed with the juvenile justice system. It was their opinion that:

In Western Australia the emphasis in approach is weighted towards criminal justice - Through policing and Courts - at the expense of addressing the core causes of the problem.
(Watkins, 1992, (Final Report), p. 75).

It was suggested by this committee that more should be done to address the causes of offending and a better balance should be reached between 'Justice' and 'Welfare'. They stressed that it was imperative that offenders should be diverted from the formal court system and they stated that:

The committee believe that the current court system is an inappropriate means of dealing with and resolving the issues underlying offending behaviour. The fact that Western Australia has the second highest court number of appearances per 1000 juveniles in Australia and twice the national average... is one important indicator of the ineffectiveness of the juvenile justice system in Western Australia.

(Watkins, 1992, (Final Report), p. 75).

As previously stated, the Juvenile Justice System in Western Australia has three main components. These are the Judiciary, the Department of Community Service and the Police.

Juveniles and the Judiciary

The course of a young offender who has been apprehended by the police may have several alternatives. At the discretion of the police, the child may be arrested, summoned or, after its introduction in August 1991, issued with a formal Police caution.

Cautioning was introduced in an effort to divert minor offenders from the court system and allow the parents to take more responsibility for imposing sanctions or offering reparation. The child would be counselled and warned about future offending (Luxton, 1991). If summoned, the child is charged, released and later summoned to appear in court or before the Children's Panel where the case will be heard. An arrested child, on the other hand, becomes immediately locked into the formal justice system and is likely to receive a more serious penalty. Additionally they are photographed, fingerprinted

and, after being formally charged, may be remanded in custody, or released on bail (Watkins, 1992(3), p. 31).

Less serious offences may be dealt with by the Children's Suspended Proceedings Panel where the case will be heard by DCS officers and retired police officers. More serious charges are referred to the Children's Court. This is headed by a judge, Judge Hal Jackson, and also staffed by magistrates. The magistrates are limited to orders to detention of six months or less, so for more serious cases, the child must be remanded to the judge for sentencing (Jackson, 1991, p. 8).

In 1991, there was strident publicity for the claims that the courts were too "soft" on juvenile offenders, but records show that since 1988, there has been an increase of 12% of sentences to detention and an increase in the average length of detention (Watkins, 1992, (3), p. 39). Western Australia has a much higher rate of court appearances for their juveniles compared with all other States except the Northern Territory. Court appearances in Western Australia equated more than Victoria and South Australia combined (Watkins, 1992, (3), p. 41).

The following figures show how each state record of court appearances compared in 1988.

TABLE 15

COURT APPEARANCES PER 1000 JUVENILES (1988)

<u>W.A.</u>	<u>QLD</u>	<u>TAS</u>	<u>S.A.</u>	<u>VICT.</u>	<u>N.S.W.</u>	<u>NT.</u>	<u>AUST. AV.</u>
78.1	12.3	29.8	20.7	11.1	20.2	180	44.4

(Watkins, 1992, (3), p. 39)

The Children's Courts in Western Australia are grossly overloaded , resulting in limited time or consideration being given to each individual case (Watkins, 1992, (3), . 41). 14,786 children passed through the Courts in 1990-1991 and the congestion was increased by the fact that children with multiple charges often have to attend court on several occasions rather than having all charges dealt with at the same time. (Watkins, 1992, (3), p. 40). (K. Stockwell, personal communication, 10.6.1992).

In line with Government policy to develop alternatives to strict detention for all but serious offenders who might pose a risk to society, other options have been increasingly used. These include Community Service Orders when supervised work is done in the community, Good Behaviour Bonds, and Probation when there maybe an obligation to attend training sessions or counselling (Jones, 1992, p. 9). (See Appendix 2 for sentencing options).

In the late 1980's and 1990 to 1991 offending rates and recidivism increased and policy makers came to the conclusion that the heavy emphasis on detention was not working. Studies overseas demonstrated that heavy sentencing and harsh police methods did not decrease crime (Watkins, 1992, (Final Report), p. 78).

In November 1991 the State Attorney General, Joe Berinson tabled a report after a visit to Europe where he studied justice systems there. In it he made strong recommendations that the reliance on incarceration should be reduced. He commented that:

In Western Australia an apparently widespread view continues that imprisonment can provide a solution to the crime problem. This involves the acceptance of retribution rather than restoration as the major focus of the criminal justice system. If the primary aim of the criminal justice system is to ensure a safe, secure and "peaceful" community, there is a need to reconsider how best to achieve this end. Imprisonment has been demonstrably ineffective and even counter productive. (Berinson, 1991, p. 27)

This report with the Attorney General's recommendations for a reduction in sentencing for juvenile was tabled in Parliament only six weeks before the announcement by Ian Taylor of the decision to introduce legislation to impose mandatory sentences for indefinite periods of incarceration on juveniles. This indicates a radical change of policy for judicial processes.

The Department of Community Services and Juvenile Offenders

The DCS, headed by Minister Eric Ripper is responsible for providing social welfare services for individuals, families or groups, particularly those who are disadvantaged in some way. Part of this mandate is the sphere of juvenile justice. As stated in their Annual Report, their objectives are to:-

- (i) contribute to the prevention and reduction of juvenile crime; and
- (ii) assist the just adjudication of offences alleged to have been committed by children in the Juvenile Justice System.

(DCS Annual Report, 1991, p. 21)

The DCS provides remand centres, detention centres, reports to the court and other court related services. They are responsible for the Children's suspended Proceedings Panel, and increasingly, in the implementation of various programmes and sanction options used as alternatives to detention, such as Conditional Release Orders, Probation, Community Service Orders, Fines and Good Behaviour Bonds (Jones, 1992, p. 9). Part of the DCS's stated philosophy is that the most vital part of tackling juvenile criminal activities is through prevention, early intervention and the use of community based initiatives. Also the rehabilitation of young offenders is a priority, rather than an emphasis on retribution and punishment (Into the 90's, 1991, p. 2). The Department may state that one of its objectives was to develop:

The use of innovative community based programmes as an alternative to strict custody. (DCS Annual Report, 1991, p. 21).

However there seems to be a contradiction between stated philosophy and action since 37% of the DCS's annual budget, or \$7.2 million was allocated to the detention of youth and only 17%, or \$3.3 million to community based prevention (Watkins, 1992, (Final Report), p. 75). This dependence on detention as a method of punishment is underlined by the fact that detention rates of juveniles in Western Australia were reported to be considerably higher than in other States of Australia even though the crime rate was similar. This high rate of incarceration cannot be considered acceptable when it is acknowledged that secure detention centres tend to act as 'Universities of crime' and do not seem to act as deterrents since

there is an extremely high rate of recidivism resulting from incarceration in them (Watkins, 1992 (3), p. 28). Not only were they ineffective in preventing crime or repeat offending, but also they were extremely expensive to run. The estimated cost of maintaining a child in custody was \$1,700 per week. The alternative Community based sanction was estimated to cost \$750 per week (DCS Annual Report, (1991), p. 67). An additional disadvantage of detention is that inmates tend to become institutionalised and lose the ability to cope with 'real life' where they have to make decisions for themselves and therefore detention and offending becomes a vicious circle. (Wilson, 1982, p. 78).

The disadvantages of detention have been recognised and in the past two years, the DCS has developed and funded alternative strategies, several of which are run in conjunction with community groups. These include 'Work Syde', a programme administered by the YMCA. This assists young offenders to gain work experience and skills. There are also programmes where young offenders work on stations or farms and learn rural skills such as shearing and welding. These work related programmes have been found effective in enhancing self-esteem and reducing recidivism rates to approximately half that of matched offenders who served their time in secured detention (Jones, 1992, p. 9). Other DCS initiatives include 'Steering Clear' which is a parent education programme administered by the Marriage Guidance Council. This assisted 657 parents in 1991. (Jones, 1992, p. 9). There are also schemes to which young offenders can be directed by the courts which educate them in aspects of the law and its purpose in society, or alcohol and drug

aspects of the law and its purpose in society, or alcohol and drug dependency programmes. Also there are a variety of educational services for young people and their families to enhance their life skills (Jones, 1992, p. 9). It was on programmes such as these that the major thrust of DCS policy has been based.

An important aspect of the DCS initiatives was the recognition that there was a need to involve the community in the prevention of crime. As was stated in the Annual Report, an important principle was that local communities should be involved in developing and managing programmes to reduce crime. The aim was to reduce dependence on the 'Department' and allow people to become more responsible for their own community (DCS Annual Report, 1991, p. 21). The Local Offender Programmes, funded by the DCS encouraged local communities to develop strategies and implement activities to reduce offending. This has been working very effectively in several country centres, such as Port Hedland, Northam and Cockburn, where reported crime has dropped significantly and the quality of life for disadvantaged young people has improved (Into the 90's, 1991, p. 4). The Mentor Scheme provided young offenders with positive role models, and the establishment of 'Killara' welfare and Justice service assisted by providing counselling and support for early offenders who were referred there by the Police, Judiciary or DCS officers (Into the 90's, 1991, p. 4). From these strategies carried out by the DCS in 1991, it can be seen that the policy of the Department was to make a concerted effort to reduce the number of youths in detention and, to develop more creative alternatives with greater community input. Two key premises in their strategy statement were:

- * Steering young offenders and those at risk of offending, towards constructive activities which will assist them towards responsible adulthood.
- * Ensuring relevant community based services and programmes exist which are effective in presenting and deterring crime. (Into the 90's, 1991, p. 1).

Juveniles and the Police

Perhaps it is not surprising, since police officers are likely to be the first contact with the justice system for young offenders, relations between juveniles and the police in Western Australia are often problematic (Watkins, 1992 (3) p. 28). In submissions to the select committee on youth affairs, allegations were made of mistreatment, harrassment and physical assault of young people by police officers. Incidents were cited when young people were goaded into unlawful activity by continual name checks and unjustified questioning (Watkins, 1992, (3), p. 29). In the opinion of the committee, the Western Australia style of policing is heavily biased towards law enforcement with little regard for the rights of the young, resulting in poor police/youth relations with some groups of young people (Watkins, 1992, (3) p. 29). Western Australia has the highest rate of official contacts with juveniles by the police of any Australian State except the Northern Territory as may be seen in the next table.

TABLE 16

OFFICIAL POLICE CONTACTS PER 1,000 JUVENILE
(1988)

<u>W.A.</u>	<u>QLD</u>	<u>TAS</u>	<u>S.A.</u>	<u>N.S.W.</u>	<u>NT.</u>	<u>AUST</u>
96.4	38.6	29.6	52.7	28.5	180	38.8

(Watkins, 1992, (3), p. 29)

When contact is made with young offenders by the police, the trend is arrest (74%), rather than summons (24%). An arrested juvenile is automatically slotted into the justice system, requiring bail, being fingerprinted, photographed and possibly being subject to detention. This can result in destructive self-labelling, contact with serious offenders and consequent indoctrination into the criminal ethos. (Watkins, 1992, (3), p. 31). In 1990/91 there were 2,354 admissions to Longmore Remand Centre. Of those 1,546 were arrested, remanded in custody awaiting court appearances. Only 474 were then actually sentenced to detention by the Court, indicting they were not considered to be a serious risk to the community (O'Dea, 1991, p. 265). Evidence was presented to the Royal Commission into Aboriginal Deaths in custody that police officers often used arrest as the mode of apprehension because the summons procedure was more complicated and required more paperwork and was time consuming (O'Dea, 1991, p. 266). Other concerns expressed were the treatment of juveniles after arrest when they were frequently denied the support of relatives or independent witnesses while being questioned. It was also claimed that children were subjected to

physical or verbal abuse in order to extract admissions of guilt (Watkins, 1992 (3), p. 34). It was suggested this punishing behaviour sometimes occurred through frustration by the police officers who did not consider the courts were dealing with sufficient severity with the young offenders and that police officers:

Are becoming more than an enforcement agency; they are becoming the punishers as well. (Watkins, 1992, (3), p. 34).

Evidence presented from overseas and some districts within Western Australia suggested that with a more community oriented style of policing, crime rates do decrease. (Into the 90's, 1991, p. 1). The State Government Advisory Committee visited regions in the Kimberleys and Pilbara and found juvenile crime had been reduced substantially in response to a more community oriented approach by the police. For instance in Roebourne levels of juvenile crime had dropped 35% in 12 months. It was stated that:

The police in Roebourne have been energetically pursuing a policy of community consultation and successfully building relationships with local people, particularly the youth. Police officers informed the committee that they attempted to deal with minor issues of juvenile crime informally and by involving families and communities. They maintain high-profile foot patrols and are involved in a range of local activities for youth run by Aboriginal people. (Walsh, 1991, p. 2).

It was evident that the Police Department was aware that it was counter productive to have poor relations with the young. In their submission to the Select Committee on Youth Affairs, the Police Department highlighted a number of positive initiatives undertaken

aimed at improving the image of the police with young people. These included Police and Citizen's Youth Clubs, the mounted police youth support scheme, Bluelight Discos, Project Turnaround and School based police officers. Additionally youth workers stressed the benefits to be derived from dedicated police officers who developed a good rapport with young people so they could be seen as a friend and someone they could talk to about problems (Watkins, 1992, (3), p. 28).

Official Police Cautioning was introduced in August 1991 as another strategy to promote closer co-operation between Police, DCS and the community, and in an effort to divert minor offenders from the Court System. Police officers who apprehended minor offenders could issue them with a formal caution, negotiate the matter with the child's parents and discuss restitution or other measures (Luxton, 1991, p. 3). A total of 1,415 cautions were issued between August and November 1991. There was some resistance initially in some areas, so some police divisions have availed themselves of this option more than others (Luxton, 1991, p. 3). After several months of operation it was considered to have shown encouraging signs, and has largely been responsible for a decrease of 12% of Children's Court appearances, and 32% in appearances before the Children's Court panel in the latter half of 1991 (Jones, 1992, p. 9). A follow-up role was played by the organisation, Killara, which provided counselling and assistance to young people and their families. One of the main objectives of the cautioning scheme is to:

encourage parental involvement and responsibility and to re-establish the family at the point of intervention in juvenile

offending and, where appropriate allow the family and/or community to deal with the issues of the young persons offending. (Jones, 1992, p. 8).

In 1991, the Police Department as well as the other agencies dealing with juvenile offenders, was endeavouring to modify their approach by focussing on the community and improving their relationship with young people, but in June 1992, it was still considered necessary by the Select Committee on Youth Affairs to include as one of their recommendation that:

The Police Department better resource community policing and more effectively recognise the positive contribution it provides. (Watkins, 1992, (Final Report), p. 95)

Though Western Australia's approach to juvenile justice is based on the 'Justice' model, each Department dealing with young offenders has endeavoured to incorporate the principles of the welfare approach since they recognised that a system based on authoritative treatment and harsh penalties was not effective. The aim has been to humanise the juvenile justice system and involve the community, and based on the latest DCS figures, it might be argued that this approach shows some positive attributes. The introduction of the Sentencing Act, therefore, can be seen as a retrograde step in direct contradiction to previous initiatives.

CHAPTER FOUR

THE ROLE OF THE WEST AUSTRALIAN NEWSPAPER AND THE RADIO PROGRAMME, SATTLER FILE IN THE JUVENILE JUSTICE DEBATE

There has been much debate as to whether the mass media can influence their audience and whether the media lead public opinion or merely reflect it (McQuail, 1987, p. 251). This thesis argues that in 1991 in Western Australia the media did influence events by presenting the juvenile justice issues in such a way that the Government of Western Australia was pressured into introducing the Sentencing Act 1992, legislation which was contradictory to their previous policies and practices.

The mass media has become an extremely powerful force in the lives of average Australians. Exposure to television and other forms of mass media from an early age constitutes a significant factor in the socialisation process through which attitudes, beliefs and mores of society are learned (McQuail, 1987, p. 50). The media fulfills multiple roles. It informs the public of events about which they would otherwise be ignorant, it can educate, entertain, and acts as a method of social control by determining what behaviours are acceptable or unacceptible to society. The media sets the social norms and condemns activities deemed anti-social (Hall, 1988, p. 63). Cognitive messages are transmitted by the media with information matter which appeals to the intellect and reasoning powers of the audience, but perhaps even more powerful impacts can be made by items which affect the emotions of the audience (McQuail, 1987, p. 49). In the

media, coverage of juvenile crime during 1991 in Western Australia and information about events was promulgated. Both involved highly emotional content in the messages. The two powerful emotions of fear and anger were widespread in the community engendered by material people had read, seen or heard in the media. The strength of these emotions was evidenced by the 30,000 people who attended the Rally for Justice in August 1991 and the 10 to 12,000 people who went to a Candlelight Vigil in December 1991. Both events were widely featured in the daily press and particularly by the radio station 6PR.

People rely on the media to keep them informed of the 'News'. Many thousand events happen each day and it is decided by the reporters and editors which 'stories' are newsworthy and how they should be presented. Keith Windschuttle alluded to the ideological consensus model of news presentation whereby the media present the news item they have selected in such a way that it reinforces the views of people who have power in society (Windschuttle, 1987, p. 270). He suggested that news, and in particular news about crime, fulfilled the functions of a mythological tale. By presenting stories about deviance, the pleasurable sensation of moral indignation is experienced. This is comforting as people can feel superior to the 'deviants', their prejudices are confirmed, and satisfied when the wicked are punished (Windschuttle, 1987, p. 279). It was his opinion that the reporting of crime waves, especially those involving juveniles and ethnic minorities, often bore little resemblance to reality (Windschuttle, 1987, p. 262). This view was borne out by the fact that DCS statistics indicated a significant drop in the number of juvenile

crime offences during the second half of 1991, and yet the number of items about juvenile crime in the West Australian increased by approximately 50%.

Windschuttle also made a study of a 'Crime wave' which occurred in Sydney in 1967 which he concluded was fabricated by the Fairfax press, and had no reality when crime statistics were examined (Windschuttle, 1978). Another study by Howard Sercombe examined the four alleged 'Crime waves' that had occurred in Western Australia in the past decade. He concluded that media reporting of crime was often based on incomplete statistical data, that in fact juvenile crime had not increased as dramatically as had been presented and that:

Public perception of crime relates not to the amount of reported crime, but to the amount of crime reporting in the media.

(Sercombe, 1991, p. 15).

The question of whether the media can influence society and change attitudes or just reinforce views already held and make them stronger is debatable. However, McQuail suggests that media campaigns can be effective in persuading a chosen population under some circumstances. For a campaign to be successful, it needs to have a specific purpose, it should be run only for a limited time span and should be endorsed by someone, or some organization which is regarded by the target audience as authoritative and credible. Also the objectives must be in line with the values of the majority of the audience (McQuail, 1987, p. 194).

All these criteria were fulfilled by the campaign mounted by the popular talkback radio host Howard Sattler who made a major issue of Juvenile Crime in 1991, and the need for harsher penalties for juvenile car thieves who were considered by him to be a menace to society. The largely conservative older population who listened to 6PR were prepared to accept the simplistic message that juvenile crime was a threat to the Establishment, and that the answer was longer jail sentences, without considering the wide implications of why the offences occurred. In effect a state of 'Moral Panic' was created in Western Australia. This term was first coined by Stanley Cohen to describe the media coverage of "Mods and Rockers" in Britain. He claimed that societies were subject to periods of 'Moral Panic' from time to time when a certain group came to be seen as a threat to society. This group were then regarded in a negative stereotypical way by the majority and their dangerous nature exaggerated (Cohen, 1977, p. 28). This term has also been applied to the Australian press' reportage of "Bodgies and Widgies" in the 1950's (Braithwaite, 1987, p. 55). According to Braithwaite the construction of a crime menace perpetrated by identifiable 'folk devils' has various stages. These were:

1. Exaggeration: an example of this is found in the headlines:
THREAT TO LIVES AS YOUTH GANGS GO ON THE
RAMPAGE (Winterton, 16.9.1991)
2. Accommodation: when all crime reported is attributed to the current 'folk devils'. In the article following the above headlines, crimes that had been committed during a weekend were listed. Two allegedly involved young car thieves, but the

other seven, which included a suicide by a 50 year old man were involving adults. However the impression given, without reading the article with care, was that youths were responsible for a serious outbreak of crime (Winterton, 16.9.1991).

3. Symbolism This occurs when the mass media transmit expectations as to how the stereo-typical young 'folk devils' will behave.

Times have changed. Car thieves have become so brazen that they now break into vehicles in private houses - even taking them from locked garages - and if confronted by startled owners, are prepared to set upon their challengers.

(Editorial, West Australian, 4.5.1991).

4. Predictions. When progressive trends are implicated from incidents to produce the myth of a crime wave.

The incident was a black spot in the fight against spiralling car theft and associated violence.

(Aisbett, 23.9.1991).

Western Australia has been subject to a 'moral panic' in 1991 with all branches of its media taking an active role in publicising it.

Perth with its extremely isolated situation and comparatively small population has fairly limited options in mass media. There is only one locally produced daily paper, the West Australian and one Sunday paper, the Sunday Times. There are also free community papers delivered to every household on a weekly basis but they concentrate

on local issues. Newspapers from the Eastern States and elsewhere can be purchased, but their circulations are so small in this State that they can be considered to be of negligible impact (Murray, personal communication 10.9.1992). There are five metropolitan television channels, three of which are commercial, and 14 radio stations.

For the purpose of this study, an analysis was made of the West Australian and the Sattler File on Radio 6PR. The West Australian was chosen as it is the only local example of print media in Western Australia which produced news on a daily basis, and the Sattler File was selected as that programme concerned itself actively with the juvenile crime debate. These two sources provide good examples of media outlets with different philosophies guiding their approaches to the subject matter. The West Australian had a stated policy of attempting to present a balanced and objective view (Murray, personal communication, 10.9.1992). Howard Sattler's presentation, on the other hand was frankly opinionated, and in Mr Sattler's own words 'unashamedly populist' (Sattler, personal communication 11.9.1992). The West Australian, being the only daily newspaper in Western Australia, is widely read and discussed by the people of this State. Its editor, Paul Murray claimed it has the highest penetration rate of any newspaper anywhere, with an average of 300,000 papers sold each day (Murray, personal communication 10.9.1992). It does not have to compete with other newspapers as happens in other capital cities. This is advantageous in that there is no need to resort to the 'lies, sensationalization and skullduggery' that were cited by Henry Porter in his book on the British press (Porter, 1984). On the other hand, it was claimed by the Western Australian Police Media

Liaison Officer that the monopoly enjoyed by the West Australian is disadvantageous because the paper has more power to do as it pleases, and standards can drop regarding accurate reporting and there has been a tendency to 'skim the surface' of issues rather than examining them in depth. (Oakford, personal communication 14.9.1992).

The Coverage of Juvenile Crime by the West Australian

Deviance in the form of violence makes 'good news'. In 1991 there was no shortage of dramatic and violent news stories provided by the Gulf War, the persecution of the Kurds and conflicts in Europe, Africa and Asia. The news media was largely dominated by the Gulf War for the first few months of the year. As can be seen from Table 20, the issue of juvenile crime was less widely reported during the first half of 1991 than the second half. In the second half of 1991 the prominence of the articles increased and the number of full pages featuring the issues increased as well.

TABLE 17

MONTHLY COVERAGE OF JUVENILE CRIME IN THE WEST AUSTRALIAN 1991

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan
No. articles	8	2	12	43	53	29	13	50	72	50	33	28	89
Prominent articles	3	0	2	6	9	4	4	21	26	16	11	16	22
Full page	-	-	-	4	4	4	2	11	12	6	6	6	6

These results are interesting when one considers that according to DCS figures, the first six months of 1991 had 16.6% more children presenting to the Children's Court and 26.5% more being dealt with by the Panel indicating quite a significant drop in juvenile offending in the second half of the year (Hamilton, 1991, p. 1)

Methods of Analysis

The survey of articles covered all items, including letters to the Editor concerned with juvenile offenders. Some reported crimes or court appearances, whilst others related to government policies, programmes, opinions or 'good news' initiatives to prevent crime, but all indicated concerns about the issue of juvenile crime. The number of articles about an issue gave some indication of the depth of concern, but it was also necessary to examine how prominently the articles were featured to gauge the degree of importance which was attached to it as a news story.

Three main criteria selected to evaluate articles for this study were based on the size of the headline, the position of the article in the paper and the illustration provided.

1. The size of the headlines determines the importance of an article. 1.5 cm or larger, is an indication of a prominent story. The article on a page with the largest headline is considered the 'lead' article (Benda personal communication 20.9.1992).

2. The position of the story in the newspaper. Pages one and three are reserved for the leading stories of the day, but any article positioned in the first 9 pages, or 'forward run', has greater prominence than those appearing after page 10. Also odd numbered pages 3, 5, 7, 9 are generally favoured for eye-catching sensational items where even numbered pages are reserved for "wordy and weighty" articles that require more concentration (Benda, personal communication 20.9.1992).
3. The provision of a large photograph, even when the article has a smaller headline provides prominence by catching the eye and adding powerful emotional messages (Jamieson, 1985, p. 105).

In this study, articles were scored on a point system, one point for a headline measuring over 1.5 cm in height, one point for having a large illustration and one point for being included in the first nine pages of the paper. The article which were scored as 'prominent' had at least two points.

The length of the article was not used as a scoring criterion since the emotional nature of the subject meant even quite short articles could have considerable impact. One example of this appeared on page one on 9.12.1991. A story of approximately 150 words was headlined THIEVES RUIN INVALID'S CHRISTMAS. With it was a large photograph of a man in a wheelchair holding crutches whose car had been stolen (Wringe, 9.12.1991).

One more method of evaluating the prominence of the issue of juvenile crime was to count the number of full page features included each month. These generally came under a heading such as THE CRIME DEBATE, OUR TROUBLED YOUTH, or JUVENILE CRIME. These pages often contained several articles relating to the issue. There were 16 feature pages devoted to juvenile crime in the first six months of 1991 and 43 during the July to December period indicating a much increased level of concern about the subject.

In order to gain an insight of the year 1991, it is helpful to recall the events that occurred which were extensively reported in the media and caused concern to the community. The following table lists some of the key occurrences which fuelled the debate.

SIGNIFICANT EVENTS THAT OCCURED IN W.A. IN 1991

Jan 1	Lovasi murder
Jan 10	Colin Irvine shot by police
March 12	Escapee juveniles from Riverbank named in media
April 20	Adriana Rossi killed by youth in stolen car
April 23	Peter Johnson attacked and other incidents
May 1	Formation of Police Task Force
May	Results of Royal Commission into Aboriginal Deaths in Custody
May 6	Nigel Hanwell injured in an accident involving a youth in stolen car
June 20	Neville Wilson killed in a collision with a stolen car driven by a youth
Aug 1	Cautioning System introduced

- Aug 7 Legislation to allow juveniles to be named, "if in public's interest".
- Aug 17 Ann Kent killed in an accident involving a stolen car driven by an adult
- Aug 19 Leith Doohan killed in an accident involving a stolen car driven by a youth
- Aug 20 Rally for Justice
- Aug 26 Crown Lawyers to be used to prosecute some juvenile offenders
- Sept 19 York Jones fined for assault on youth
- Dec 26 Margaret and Shane Blurton killed
- Jan 4 Candlelight Vigil

The 480 items which appeared in the West Australian during the 13 months under study indicate that the subject of Juvenile Crime was indeed considered to be newsworthy. The sheer volume of articles alone would be almost guaranteed to produce concern by the newspaper readers, but additional impact was gained by the way events were presented.

The West Australian seems to have attempted to present a balanced view. In addition to the reports on car theft, assaults, court cases and other negative matters relating to juvenile offenders, there were articles which presented a more sympathetic view of the young, or pointed out the disadvantages faced by them. However, even such articles which purported to support youth were written with the assumption that they posed a 'problem' to society. The main difference between the two types of articles is that on the one hand youth are presented as a 'threat', whilst on the other hand they are

regarded as 'victims'. It was noticeable that articles which portrayed youth as a 'threat' were presented more prominently and with more emotion than the articles which aimed to show them as victims of society. For example, of the 43 items which appeared in April, thirty reported crimes and straightforwardly condemned young offenders, and advocated police chases and stern punishment. In the same month 13 items more sympathetic to youth included opinions about the evils of racism in Australia and that detention was not the answer to prevent crime.

As can be seen in Table 18, those articles about youth as a threat appeared more in the prestigious front pages, whereas the youth as a victim articles with a more positive slant towards them, were positioned less often in the 'Forward Run'.

TABLE 18

ARTICLES ON JUVENILE CRIME IN THE WEST
AUSTRALIAN - APRIL 1991

<u>Page No.</u>	<u>Youth as Threat</u>	<u>Youth as Victim</u>
1	2	0
3	3	0
5	4	3
6	4	1
7	2	0
9	4	0
10 (editorial)	1	1
10 (letters page)	8	3
Later pages	1	4

During April 1991, three relevant news items appeared. These were the death of Adriana Rossi, the attack on Peter Johnson and the findings of the Human Rights and Equal Opportunities Commission into racism and malpractice in the Police Force. It is notable that 28 articles reported and discussed the Rossi and Johnson cases whilst only 6 related to the Human Rights report including one from Police Commissioner Bull refuting the charges that the Western Australian police assaulted young offenders in custody headlined VIOLENCE REPORT FALSE (Callender, 25.4.1991).

The two events which generated considerable publicity and a flurry of debate about Juvenile Crime in Parliament were the Rally for Justice in August and the deaths of Margaret and Shane Blurton in December. It was noticeable that prior to the event, the West Australian maintained a low profile about the Rally for Justice. Mention was made of the Rally on 7 August, 16 August and 19 August, but only as part of articles about other matters. On 20 August there was one modest article STUDENTS RALLY TO THE CALL FOR JUSTICE about school children planning to attend the rally (Aisbett, 20.9.1991). The Editor of the West Australian said the Rally was considered by him to be a 6PR publicity stunt which his newspapers did not wish to take an active part in (Murray, personal communication 10.9.1991).

The official attitude of the newspaper is indicated by what is in its editorial and on 19 August this supported government initiatives concerning alternative methods to incarceration for young offenders (Editorial, West Australian, 19.8.1991). This editorial was quoted in

full by Attorney General, Hon. Joe Berinson in the debate following the Rally on 20 August when he used it as evidence that government policies were effectively coping with juvenile crime (Berinson, 1991, Hansard, p. 3420).

After the event, however, the whole of page 3 on 21 August was devoted to the rally, though it took third place in newsworthiness to the Budget and the Russian coup which were reported on the same day. Under the headline 'THOUSANDS SHARE THE ANGER AT JUSTICE RALLY', the reporter's reservations about the rally can be detected in his wording:

A man brandishing a noose fed the fears of those who said it would deteriorate into a lynch mob, and the girls handing out petitions in their Radio 6PR T-shirts strengthened the case of scoffers who called it 'rally for ratings'. But afterwards nobody could deny that yesterday's protest against the juvenile justice system was an unprecedented outpouring of public anger that the State Government cannot afford to ignore (Malan, 21.8.1991).

It was reported on the same page that politicians had been swamped by thousands of petition forms signed by people attending the rally (Aisbett and Reid, 21.8.1991). Reporting and comments about the juvenile justice issues increased markedly in the months following the August rally. In September there were twelve full pages featuring various aspects of the subject. The headlines were very emotive, stressing the extreme dangers faced by the public from young criminals. On 16 September on page three, the headlines were; THREAT TO LIVES AS GANG GOES ON RAMPAGE, TEN MINUTES

OF TERROR IN UNIT SIEGE, and COUPLE CHASED BY CAR THIEVES (Winterton, 16.9.1991). On 18 September, appeared PIZZA SHOP STAFF TERRORISED which also included an account of an old woman whose handbag was snatched (Winterton, 18.9.1991). On the next day there was CASINO MUGGER GETS GRAN'S \$8,000, an account of how an 84-year old lady was robbed including a large emotive photograph (Winterton, 19.9.1991).

On the next day the front page headlines were;

POLICE MOVE IN AS CAR THEFTS DOUBLE.

A special police task force has been formed to combat an alarming increase in car thefts and violence by roaming teenage gangs. In the past week fifty cars a day have been stolen in Perth since the weekend - twice the average of previous weeks Four separate gangs appeared to be operating and some officers feared the members were carrying out serious crimes in competition with each other...

Police yesterday issued a warning to people about the risks involved in tackling or approaching young offenders. Some officers fear someone who tries to stand up to the youths will be seriously injured (Winterton and Reid, (20.9.1991).

Wording such as 'roaming teenage gangs' are designed to strike fear and outrage into the hearts of middle aged and middle class readers. The words 'car thefts double' imply an out of control trend, but according to police statistics car thefts in September 1991 totalled nine cars less than thefts in August and several hundred cars less than were stolen each month from January to April 1991 (Watkins, 1991, p. 46). This theme was continued on pages four and five under the heading WAVE OF CRIME, and on 21 September two full pages headed THE CRIME DEBATE and on the 23 September page 3 was taken up by an account of a man who had been attacked by youths. This had the headline MAN ATTACKED FOR CONFRONTING GANG

and a very large photograph of the man baring his chest to display his bruise (Aisbett, 23.9.1991). On the same page is an account of how Aboriginal Affairs Minister Judyth Watson was robbed by young thieves. These same young thieves also snatched the till in the restaurant where she was dining (Callender and Duffy, 23.9.1991).

In September there were 72 items about juvenile crime, so it was not surprising that certain sectors of the community had become extremely apprehensive, especially the elderly, of violence and theft. The West Australian covered this with an article:

SENIORS WANT COURTS TO IMPOSE TOUGHER PENALTIES

The Australian Pensioners League congress was told yesterday that elderly people were afraid to walk down the street because of the risk of being attacked and robbed The 220 league delegates were angry at comments by Senior Minister Judyth Watson in her opening address to the congress.

Dr Watson told delegates that evidence from W.A. Police force and Australian research showed that older people were the least likely section of the community to be victims of crime.... Delegates were outraged by Dr Watson's comments because they believed old people were targetted and the problem was getting worse. (Prior, 26.9.1991)

It is indicative of the power of the press that newspaper articles featuring conspicuous and emotive photographs of apprehensive elderly 'victims' can convince, while empirical 'evidence' presented by a Government Minister could be dismissed with anger as less likely to be accurate than evidence in the newspapers.

According to the Editor of the West Australian it is important for newspapers to keep in touch with the way the general public is thinking and not to become too remote (Murray personal communication 10.9.1991). The West Australian employs a Market Research company to conduct monthly opinion polls about current issues. The results are used as the basis for an article to inform the public what their opinion was. An example of the results of such a poll appeared on 1 October under the prominent headlines:

CRIME: PROTECTION LAW CHANGE BACKED

In the face of a growing crime wave, West Australians overwhelmingly believe they should be allowed to use force to protect themselves and their property. More than 90% of people questioned in the latest 'West -Poll' said victims of crime should be allowed to use force to protect themselves... The telephone survey of 411 people... also found that 87% believed the State Government had not done enough to tackle the problem of juvenile crime (McGlue, 1.10.1991).

What is not mentioned is that this poll was conducted only three and four days after a front page story featuring the case of Mr York Jones who had been fined for chasing and running down a young intruder on his property with his car. Much emphasis was placed on the fact that Mr Jones had emphysema and was an invalid pensioner and his fine generated widespread expression of sympathy and much publicity (Duffy, 1.10.1991). It was therefore not surprising that over 90% of the people polled said 'yes' when asked:

1. Do you think people should be allowed to use force to protect themselves?

2. Do you think people should be allowed to use force to protect their property?

and that 87% said no when asked:

Do you think the Lawrence Government is doing enough about juvenile crime? (Patterson, 1991)

Under the circumstances, the results of this poll cannot be considered valid, but it served the purpose of reinforcing opinions of those who agreed with it, and informed the public of what they ought to be thinking. This poll also asked the subjects who they would vote for 'if there was an election next week. This allowed for an analysis of party preference to be linked to the opinions expressed. It was reported that 92% of Labour voters favoured being allowed to use force to protect themselves and 90% of Liberal Supporters. Of the Labour voters, 86% believed more should be done about juvenile crime, and 89% of Liberal Supporters thought the same. These kinds of statistics from such surveys are bound to influence politicians who, especially when elections are approaching, are often guided by community opinion. An example of how the reporting of juvenile crime may become distorted and people's perception of the frequency of crime exaggerated, is the practice of multiple reports of the same crime as the young offender passes through the various processes of the legal system.

In May three youths assaulted two group workers and attempted to escape from Riverbank Detention Centre. The reporting of this incident was as follows:-

His opinion was that by revealing the over presentation of Aborigines in the justice system, the Government might be forced into taking steps to improve the situation. He defended an article which had resulted in some criticism because it stated that:

93 youngsters, most aged about 15 and many of them Aborigines, have been identified as the main offenders behind juvenile car theft in W.A.... Ninety of the young offenders were male, 80% came from the metropolitan area and 63% were Aborigines. (Aisbett, 23.5.1991).

Judge Hal Jackson was critical of the media saying that in Western Australia the media concentrates on young Aborigines when they are in trouble with the law, but virtually ignores them, and the disadvantages they face, unless they have made themselves 'newsworthy' by committing an offence (Jackson, 1991 a, p. 4).

The West Australian contributed to the 'moral panic' concerning youth in the State by the volume of reporting, its emotive content, and the tendency to portray young people as threats to society. Since it was the only daily newspaper, it was read by every sector of the community, so its messages were far reaching.

The Role of Howard Sattler in the Juvenile Justice Debate

Prior to the introduction of television in 1956, radio was the prime medium of mass entertainment and information for Australian families. Since then television has replaced radio during the evenings, but

radio has retained very high numbers of listeners during the mornings, especially among housewives (Windschuttle, 1987, p. 75). A survey in 1990 by the Federation of Australian Radio Broadcasters found the average Australian listened to 22 hours of radio per week (Munday, 1992, p. 73). Present day radio relies largely on popular music, which generally appeals to younger listeners and talk programmes which are usually aimed at the more mature members of the listening public. (Windschuttle, 1987, p. 241).

'Talk-back' radio evolved in the 1980s and has proven to be a highly popular format during the prime listening time of 9 a.m. to 1 p.m. These programmes are based on discussions of current events and social matters of concern to the listeners. The presenter may interview people as studio guests, or by telephone, and listeners are invited to ring the radio station and comment about the issue under discussion (Windschuttle, 1987, p. 241). The style of this programme may vary from one station to another. In an analysis of talk-back styles, Taylor, Hodgson and Trigger (1990) found that the aim of the ABC presenter was to avoid promoting their own point of view and act as facilitators of open debate. On the other hand, the host from the commercial station analysed was more opinionated and led the discussion towards his point of view by encouraging callers whose views he endorsed and making derogatory remarks, or interrupting people, he disagreed with. This style with an authoritative presenter has proved to be more exciting and entertaining to the listeners and consequently is popular with commercial stations such as 6PR who rely on high ratings to retain and attract revenue through advertising.

6PR is promoted as "Perth's premier adult station' and claims to be 'number one with all people 35 and over" (advertisement, Sunday Times, 17.7.1992). According to 6PR's promotional pamphlet, based on AGB MCNair Anderson survey #5 92 the Sattler File is listened to by more Western Australians aged 35 and over people than any other radio programme during the morning when Sattler is on air. It has 24.4% of the market share. Its nearest competitor KYFM has only 15.4% of the listeners of that age group (6PR, Still Perth's leading Adult Station, 1992). The point is made to potential advertisers in a promotional pamphlet:

The over 35 year old in Australia these days has greater expendable income... 6PR targets the more mature consumer - a market with the greater growth potential as we head into the 21st century.

(6PR, Still Perth's Leading Adult Station, 1992).

Since his aim is to target older listeners, Howard Sattler's style of presentation and values are moulded to points of view which are designed to appeal to them. It was mainly the older citizen who felt most threatened by the issues of juvenile crime, so discussion on this subject produced a flood of phone calls, and an increase in the number of people who listened to his programme. The ratings for Sattler File rose by 30% in the second half of 1991 when the juvenile justice debate was at its peak (Mickler, 1992, p. 8).

Spoken radio broadcasts have the potential to be extremely influential. Windschuttle (1987, p. 241) cited the examples of Hitler and Goebbels who used radio as

the quintessential medium for converting a population into a 'mass' subject to totalitarian control.

(Windschuttle, 1987, p. 241).

The personality of the presenter comes across strongly and convincingly. This is inclined to give authority to the pronouncements of its speaker so "a recommendation becomes an order" (Windschuttle, 1987, p. 241).

Juvenile car thieves roused strong emotions in the older conservative audience who listened to Sattler. They experienced fear, anger and outrage, and it is when the subject matter is an emotional one that radio talk-back can have a more potent affect than the written word.

Warnock believes

the voice is much more emotive, raw and powerful than reading words. Radio can be a 100% emotional sort of medium. You hear it through your ears, your brain assimilates it, but the excitement hits you somewhere else.

(Warnock, personal communication 14.9.1992).

This opinion was reinforced by Oakford, Western Australian Police Media Liaison Officer who said in his view that Sattler

relies on mass hysteria, that's his bread and butter, mass hysteria: I think it was not as altruistic as he made it out to be, it was a commercial venture.

(Oakford personal communication, 14.9.1992).

Whatever his motives, Sattler is promoted by 6PR as someone who is

Perth's most controversial broadcaster, the doyen of the airwaves, not only has people listening - he gets them to act as well. With Howard's encouragement thirty thousand people protested outside Parliament House, and the government

listened to their cries of disapproval.

(6PR Howard Sattler, 1992).

There are two claims in this statement which need to be examined. One is that it was Sattler's influence that caused 30,000 people to attend the rally in August. The other is that the government was influenced by the 'cries of disapproval' of the people at the rally. Howard Sattler himself claims he does not lead public opinion, but just reflects it because:

Without ammunition being supplied to arm a talk-back host by the programme audience, not even the most eloquent persuasive host can induce the listener to take his or her side.

(Sattler, personal communication, 8.9.1992)

Sattler claims that talk-back radio gives everyone equal opportunities to state their opinions and that he does not influence the views expressed on his programme. (Sattler, personal communication, 8.6.1992). An analysis of the format and style of presentation, however, suggests that Sattler uses his personal power as presenter to manage the debate in such a way that his values and views are dominant and opposing views are suppressed.

Topics discussed on the programmes are chosen by Sattler and his producer each day. They are often chosen from items which have been in the press or other media outlets which were considered to be of interest to the audience. Studio guests may be invited who have expertise or involvement in the subject under discussion, and the listeners are encouraged to ring in to ask questions or express opinions. Sattler said the issues are chosen on the basis of what will

be entertaining to the audience as the most important criteria. (Sattler, personal communication, 14.9.1992).

The programmes are interrupted from time to time for commercials, sometimes spoken by Sattler himself, and sporting results, news and weather updates. Sattler introduces the programme by informing the listeners who the invited guests will be, what the topic to be discussed is, and invites the listeners to make their calls. Those that ring speak first to the producer who takes their name, what they wish to discuss and what their opinions are. This information is keyed into a monitor in the studio so Sattler can select to whom he wishes to speak, and roughly what they are going to say. The programme is closed by Sattler summarising what has been discussed and some of his views on the subject (Sattler, personal communication, 14.9. 1992). Throughout the programme, Sattler controls the debate. At the beginning he can set the scene and make it obvious what his opinions are by his introduction. For instance on 3 January the topic to be discussed was the juvenile justice issue, and in particular the rally of those who opposed the introduction of the Sentencing Act 1992. In his introductory remarks he said:

Good morning and thanks for joining us. Radio Raw Sewage, that's the tag this programme copped at a weekend rally of social workers, do-gooders, fringe group members, and defected Labor Party politicians. A meeting that attracted a mere 400 people. That meeting, that group wants the government to reject the demands of 30,000 people who attended the same Parliament House venue on behalf of the victims of juvenile crime, and also to reject the wishes of over 12,000 people who attended a Candlelight Vigil around the end of the year. Our accuser and one of the organisers of the original rally will join us shortly. Later you might like to comment on their discussion. (Mickler, 1992, p. 20).

This introduction leaves the listeners in no doubt where Sattler's sympathies lie and sets the tone for the later discussion.

When the subject for discussion was the juvenile crime debate, guests selected by Sattler were often 'victims' or relatives of people who had been killed or hurt in accidents involving stolen cars. Their distress, bewilderment and anger had a powerfully emotional impact on radio. On 27 December, Sattler interviewed Paul Blurton, Peter Blurton's brother who was obviously grieving deeply over his sister-in-law and nephew's death on Christmas night. He was in tears as he described having to formally identify Margaret Blurton's body and when he described the state of his nephew's body. He talked angrily about the lenient court sentences saying he thought the Islamic penalty of amputating hands of thieves would be more appropriate. He spoke with anguish of the devotion of Margaret and Peter, of Margaret's happy personality and Shane's energy which caused the family to call him 'the fastest crawler in the West'. (Sattler File, 27.12.1991). The strength of having such contributors on the Sattler File is they display raw emotion which can be heard through the tone of voice and the pauses, which cannot be indicated so graphically in the written word. These people are ordinary private citizens that the listeners can relate to, and empathise with. The listeners too, feel anguish and anger on their behalf, as is evidenced by the many callers and the sentiments they expressed.

Sattler also often invites politicians onto his programme. His approach to them is to demand what steps they intend to take, or frequently to tell them what steps they must take. For example, on 30

December 1991 Sattler said to Tom Helm MLA, an ALP politician when discussing legislation to increase penalties for car thieves,

You're supposed to serve us, but are you? Are your side going to do what the public want. It just comes down to that, because if you don't, you just don't deserve to govern at all.

(Sattler File, 30.12.1991).

On the same programme Sattler again attempted to influence a politician when he said to Doug Shea MLA a Liberal politician:

The Cabinet is going to consider this matter on 6 January and Parliament is not due to sit again till March. I just happen to think, and I think I am reflecting public opinion here, that that's too long to wait. Can we get parliament back earlier than that?

(Sattler File, 30.12.1991).

He then suggested that the listeners should write to their MPs and demand that Parliament be recalled early.

Sattler varies the way he addresses his guests or callers. If he agrees with what they have said or approve of their viewpoint, he will encourage, reinforce and give them ample time to express their opinions. An example of this occurred on 27 December when the subject under discussion was the Blurton case. A caller who said he was a serving police argued vehemently that:

Ripper [Minister for DCS] and Jackson [President of Children's Court] should stand charged with the bloke... They should be standing alongside this rabbit in the dock.

(Sattler File, 27.12.1991).

Sattler then encouraged him to enlarge on his views and expressed the opinion that Judge Jackson should be replaced because he was not reflecting public opinion (Sattler File, 27.12.1991).

For those who express views with which he disagrees, Sattler will interrupt without giving them a chance to state their case. The microphones are set so that Sattler's voice channel automatically cuts off the voice of the other speaker which makes it impossible for them to be heard until he stops talking. This severely disadvantages them in any debate (Mickler, 1992, p. 18) (Sattler personal communication, 14.9.1992). An example of this occurred in an exchange between Tom Helm MLA and Sattler when discussing juvenile crime.

Sattler : The people are demanding action on this one issue and they can't seem to be able to break through.

Helm : But I said, people power to do what people-----

Sattler : But 30,000 people said what they wanted when they turned out at Parliament House. They thought they were going to get something done, and look what happened.

Helm : Do you reckon if we passed a law raising the sentences there would be no more deaths on the roads, or -----

Sattler : What I do know, what I do know, that I can say with certainty, that a lot of these kids that are getting out after their 18-month sentences, just would not not be out on the streets and there would be less deaths. I am confident in saying that.

Helm : But that's after the event Howard, so-----

Sattler : But you can't be in two places at once Tom, if they are in behind bars, they can't be out on the streets. Because Judge Hal Jackson and his mates down at that court are letting kids out, these kids are out there to kill people
(Sattler File, 30.12.1991).

The difference between these two conversations is that in the first, Sattler made short interjections mainly to help the caller develop his argument, or to agree with him. In the second example, Helm was never allowed to finish a sentence or state his argument, while Sattler's interjections were hostile and he expressed his own views at length.

Windschuttle (1987,p.42) wrote of a talk-back host who used this technique:

He was prone to provoke his callers, degrade their views and cut them off in mid-flight. When this sort of thing is built into the programmes, when callers who disagree with the presenter are rubbished and cut off for the entertainment of listeners, talk-back radio becomes a vehicle for authoritarian values
(Windschuttle, 1987, p. 242).

By reading the information supplied to him on his monitor in the studio, Sattler is able to choose the callers to which he wishes to speak. He can select those he knows will support his views and be prepared to deal with any dissenting voices he may allow onto his programme. Sattler claimed:

I am just reflecting the mainstream opinions of my listeners, and thankfully mostly supportive audience.
(Sattler, personal communications, 8.6.1992).

but he has the power to selectively choose supporters and neutralise dissenting voices which results in the impression that the consensus of opinion is universal and gives a false authority to his words.

The heavy emphasis on emotion in the Sattler programmes is enhanced by the skillful manipulation of language and non-verbal cues. The words Sattler used to describe the Blurton accident demonstrated his dramatic turn of phrase:

'Their Volkswagen Beetle was transformed into a twisted piece of mangled metal by another vehicle, a stolen car driven at terrifying speed through a red light by a juvenile car thief. Within seconds of that impact the young woman, Margaret Blurton, mother of Shane died on the road actually facing her husband, at the time who was lying centimetres away. He in his own badly injured state watched his wife die in front of him. Shane, their baby died a few hours later.'

(Sattler, personal communication, 8.6.1992)

There is the emotive use of adjectives as in 'a twisted piece of mangled metal' and terrifying speed, or the emphasis which is made of innocent victims of juveniles crime. Sattler also uses words to label and belittle those he disapproves of. Thus when describing the people who wished to protest against the introduction of the Sentencing Act (1992) he labelled them as a 'coterie', 'fringe group' and as 'these loonies' (Sattler File, 6.1.1992). He also uses the term 'do-gooders' frequently, as in a discussion when he and a caller advocated the return of corporal punishment and he said:

Did you ever get a belting from your parents if you did bad things" It's called child abuse now. You see, certain do-gooders are suggesting that if you hit your child, you are abusing your child

(Sattler File, 3.1.1992).

In addition to the actual words spoken and Sattler's tone of voice which can range from forthright indignation to husky and hushed with emotion, there is also the use of sophisticated electronic techniques to enhance messages such as in the words:

A Candlelight Vigil will be held outside Parliament House this Saturday night beginning at 8 o'clock to remember Margaret Blurton and her little boy Shane and the other innocent victims killed by juvenile car thieves (Background Briefing, 3.3.1992).

These were recorded so the words reverberated, and in solemn tones emphasising the sanctity of the occasion. The effect was further enhanced by playing of tremulous background music.

A statement by Ian Taylor, when he announced the government intentions to draft legislation, was broadcast on 6PR at the beginning of the Sattler File on 6.1.1992. This was rendered more momentuous by the playing of inspirational background music while the statement was being read by Taylor.

'The people who have shown their concern, they're not a lynch mob, and they are not calling for people to be hanged from the nearest lamp post, they are not calling for people to be whipped and birched and put in stocks. They are ordinary people who have a very genuine concern about our community and safety in our community and I think the people I have spoken to would certainly agree with me when I say it is fair and it is reasonable and most importantly, it is responsible to target the group we are targetting'. (Sattler File, 6.1. 1992).

The heavy use of emotional material allows Sattler to be extremely persuasive. It has been well-documented that groups of people in a highly emotional state tend to have reduced cognitive faculties and

may think or act in ways which are not rationale or normal to them (Martin Murray, 1984) or as Rev. George Davies said about Sattler:

'He plants his own values into the fertile soil of an anxious public'

(Davies, personal communication, 7.9. 1992).

Both the West Australian Newspaper and the Sattler File contributed to the wave of 'moral panic' which was fundamental in influencing politicians in introducing the Sentencing Act 1992.

CHAPTER 5

THE FORCES ON THE WESTERN AUSTRALIAN GOVERNMENT IN FAVOUR OF, AND OPPOSING THE SENTENCING ACT 1992

THE INFLUENCE OF THE MEDIA ON THE COMMUNITY

During the second half of 1991, the media made juvenile crime one of the leading issues, with the result that the community became convinced that criminal acts of a violent nature were commonplace. Undoubtedly it was the intense community pressure which finally persuaded the government to introduce the Sentencing Act 1992. Politicians were made aware of community feelings by the two large rallies and the many letters and phone calls they received from their constituents (Alexander, personal communication, 26.5.1992). Ian Alexander MLA, speaking in Parliament about these communications and the emotional phone calls he had received said:

Some of the letters I received suggested that not just the offenders but also members of Parliament should be put in prison, and hanged as well, including me. (Alexander, 1992, Hansard, p. 4083).

Politicians were also subject to the media coverage of juvenile crime and as reports became more frequent and more prominent, politicians were aware that this issue was causing widespread community concern.

The focal points of much of the discussion about juvenile crime were the deaths caused by car accidents involving stolen cars. These were tragic events, but their reporting in the media was so extensive and emotional that the events assumed the proportion of a national Disaster and the identities of the 'innocent victims' became household names. The contrast between the media attention given to these road deaths, and the other deaths on Western Australian roads was marked. This was commented in a letter to the Editor of the West Australian on 7 January 1992. The correspondent wrote:

What happen to the Blurton family on Christmas night was undoubtedly a tragedy. However there were more than 200 equally tragic road deaths in Western Australia in 1991. Juvenile car thieves were responsible for only a few of these. There is something sick about a community and a media which becomes hysterical over some tragic deaths and ignores the many others. Husbands lost wives, children lost mothers, families lost fathers, parents lost children because drivers were careless, drunk or criminally negligent. Yet there has been no community outrage, no general call for increased penalties or even for better driver education. Could the explanation be that the other 95% of the drivers causing carnage on our roads are white and middle class? (Cross, 7.1.1992).

A more common approach was expressed by another correspondent who wrote that 1991 was a year that:

had seen so many innocent road-users killed, maimed and injured by a band of young criminals who can see no wrong in taking another person's vehicle and using it as a lethal weapon. (Dewhurst, 3.1.1992).

The sheer volume of the material about juvenile crime in the West Australian in the second half of 1991, particularly after the Rally for Justice, was almost sure to raise the consciousness of the public

about the issue. Between August and December 1991, there were 253 articles, 107 of which were featured prominently, and 41 full page spreads on Juvenile crime. Offences were reported, discussed and reported again several times as the offenders progressed through the justice system, as were statements made about escalating crime rates and crimes committed by juveniles on the elderly. The inevitable result was that the perception by many was that Western Australia was in the grip of a major Crime Wave.

Sercombe cited several studies which demonstrated that crime waves were almost always the result of media presentation of events. He claimed:

"Crime Waves" correlate with the amount of crime news reported in the media, not the rate of crime. (Sercombe, 1991, p. 14).

Keith Windschuttle (1978) claimed that the media plays a central role in social control and that one way to control the public was to create divisions within the community, particularly when there were other anxieties, such as recessions to distract them from. Furthermore he pointed out that stories about one section of the community causing harm to the majority generated strong emotions and intense interest. He believed that:

The media knows that stories about vandalism, juvenile delinquency, sexual promiscuity and irreverence for social institutions do sell papers. (Windschuttle, 1978, p. 27).

In Western Australia in this period, the 'villains' as portrayed by the media, had been the young, and in particular young Aborigines since

mention is made on several occasions that high proportions of young offenders, and particularly recidivists, are Aboriginal. In an article headlined 93 YOUTHS BLAMED FOR CAR THEFT SPREE it was stated that 63% were Aboriginals (Aisbett, 23.5.1991). In March, 1991 in the interests of public safety, a controversial decision was made to name some young escapees from detention. This was the lead story on page one and the photographs of these dangerous escapees revealed them to be young Aborigines, reinforcing the community perception that juvenile Aborigines were a threat to public order. (Winterton, 12.3.1991), (Jackson, 1991,a).

The media in Western Australia have used juveniles as convenient scapegoats, and have focussed on violent acts. They have committed suggested simplistic solutions rather than examining the complex social causes for youth offending against the law. As Judge Jackson points out, we live in a community which "wishes to scapegoat and blame rather than think about causes and give attention to remedies" (Jackson, 1991,a p. 6). Jackson considered the media largely responsible for this tendency since it mainly featured the young, and in particular Aboriginal youths only when they had committed crimes and not enough information was given about the disadvantages they faced and the acts of violence perpetrated against them by the adults in society (Jackson, 1991).

Simplistic solutions were commonly suggested by the community. One which Sattler advocated was lengthy terms of imprisonment because "If they are behind bars, they can't be out on the streets... these kids are out there to kill people" (Sattler File, 30.12.1991).

Other measures suggested were a return to capital punishment (Background Briefing, 3.3.1992), or the use of corporal punishment (Sattler File, 4.1.1992), and on frequent occasions, it was suggested that the young offenders should be strictly isolated from society in detention or prison or as one correspondent suggested in the West Australian "Send the Aborigines committing these crimes into internal exile on Aboriginal lands" (Saunders, 31.12.1991). Such solutions are reactive in nature and do not reach below the surface of the problem. They are what is commonly known as a 'knee-jerk reaction' and as such are an instinctive response rather than a well-considered strategy and are usually based on retribution and punishment.

In 1991 people in Western Australia experienced the emotions of fear, anger, anxiety and outrage. These emotions were engendered and fueled by emotive reporting in the media generally which told the public that elderly people were too afraid to leave their homes, that car thefts were out of control (Winterton and Reid, 20.9.1991), and that the young had no respect for property or society as a whole. It may be suggested that the media can only reflect attitudes already in society, (Glasser and Ettema, 1989) but the media can also reinforce attitudes and make them stronger (Mc Quail, 1987, p. 50). The majority of West Australians would not have had first-hand contact with violent crime, but through the media, they heard of the suffering of others and experienced vicarious anger or grief on behalf of the victims. Emotions were very intense in the mass gathering of people outside Parliament House when they congregated to demand 'action' from the government on 20 August at the Rally for Justice. People who are

experiencing strong emotions tend to react instinctively rather than using their cognitive thought processes (Martin and Murray, 1984).

The Rally for Justice and Candlelight Vigil

The desire for a just society is extremely strong. Studies have demonstrated that perceived violations of procedural justice rules creates an extremely strong emotional reaction and often some action to rectify the injustice. This may occur when someone believes punishment has been avoided by a wrongdoer (Austin and Tobiasen, 1991). It was feelings such as this that generated the anger which resulted in the Rally for Justice. Then it was perceived by the people that the Children's Court was too 'soft' on young offenders. Consequently much of their anger was directed at Judge Jackson and it was reported that:

Their placards demanded an eye for an eye and declared Children's Court president Judge Hal Jackson the main villain....other banners called for the birch to be brought back and asked: "Where is justice?". (Malan, 21.8.1991).

This Rally came about when a group of people met who were concerned about Juvenile Crime. They were mostly those who had been injured in some way such as Peter Johnson, Nigel Hanwell, Neville Wilson's parents and his friend John Arbuckle (Arbuckle, personal communication, 15.5.1991). At the suggestion of a member of the Police force, they contacted Sattler and asked his assistance. This was given in the form of extensive air time, help and advice with press releases and advertisements. The proposed rally and its

organisers were featured widely on Sattler's programme and requests were made for volunteers to publicise the event, and for financial help. Howard Sattler urged his listeners to attend the rally and let it be known that he would be there to talk to people. 6PR staff also played an active part in the event. (Arbuckle, personal communication, 15.5.1992). Up to 30,000 people attended the Rally for Justice which Sattler claimed to be "just about the biggest demonstration by the public about an issue since the Vietnam War". (Sattler, personal communication, 8.6.1992). Speeches were made, placards displayed and leaflets were distributed stating the demands inherent in the rally. Petitions were signed and proforma letters sent to politicians urging action. (See Appendix 2). Politicians were not invited to address the rally, but many attended it and it was obvious that they were concerned about the degree of community support which had been demonstrated.

Those who attended the Rally believed it to be unjust that ordinary people should be harmed by juveniles who were not sufficiently punished, and the term 'innocent victim' was used frequently. As Sattler put it:

Most of the blood spilled during these incidents has been by innocent civilians going about their lawful activities. (Sattler, personal communication, 8.6.1992).

This was a theme often repeated at the Rally and on the Sattler File the frequent discussions on the juvenile justice issues. This resulted in a large number of people feeling angry as they believed justice was not being done. This was the subject of a study by Martin and

Murray (1984) who investigated the causes of riots and they suggested that these were often the result of long-term frustration resulting from perceived injustices which flares into action, triggered by one further event which acts as a catalyst. It was in a climate of discontent about juvenile justice, largely caused by the media coverage of the issue that the final catalyst occurred in Western Australia. This was the death of Margaret and Shane Blurton.

The death of Margaret Blurton and her son Shane, was an event made especially poignant since it was on Christmas night and involved a pregnant woman and her infant son. It was featured widely in all branches of the media. The anger about this event was increased when the public was informed that the driver of the stolen car was a 14 year old with 200 convictions who had escaped from a farm where he was being held (Aisbett, 29.12.1991).

On 27 December, according to Sattler, he was supposed to be on holiday but at 5.30 a.m. was called by the station and asked to present the show as his replacement was ill. Nothing had been planned for the day, but it was decided to discuss the Blurton case. Peter Blurton's brother, Paul, was invited to be a guest as well as Ian Taylor, the Acting Premier, as the Premier was overseas. Soon after the guests were introduced, the station received an unexpected call from Peter Blurton himself who had managed to have a telephone brought to his hospital bed. (Sattler, personal communication, 8.6.1992). Peter Blurton spoke in a halting voice on the verge of breaking down as he told of the horrors of the accident, the kindness of the policewoman who held his hand and his wish that:

They could have a programme where the offenders could see what I had to see. If they could just take him down there and actually show him what he's done to Shane and my wife, then maybe he might show a little remorse.

(Sattler File, 27.12.1991).

It was reported that Ian Taylor was moved to tears by this encounter, and when faced with an emotional plea from Sattler to "do something about it please, mate", Taylor replied "we will certainly try to" (Sattler File, 27.12.1991). Sattler later stated that this programme was to him "just about the most memorable in almost a decade of doing the Sattler File" (Sattler personal communication, 8.6.1992). It is intriguing to speculate whether this important joint interview of Peter Blurton and Ian Taylor would have occurred if the stand-in presenter had not been ill, and also whether, as Sattler claims, it was this contact which triggered Ian Taylor's response. (Sattler, personal communication, 8.6.1992).

Following this harrowing experience, according to a media report, several Labour politicians gathered at Ian Taylor's house. These included Grahame Edwards MLC and Mick Catania MLA, both advocates of the hard line approach. It was suggested that the plans for the legislation were formulated over a few beers in Ian Taylor's backyard (McGlue, 6.2.1992). Whether or not this was true, without doubt, it was these deaths and the Candlelight Vigil which acted as the catalyst which compelled the government to introduce the Sentencing Act, 1992.

In the space of only a few days a Candlelight Vigil was organised by the group who had arranged the August Rally. Again it was

publicised by Howard Sattler and 6PR (Arbuckle, personal communication, 15.5.1992). It was reported that:

Ten thousand tearful people turned up to support tragedy father Peter Blurton in a Candlelight Vigil at Parliament House last night. Mr Blurton had never used a loud hailer but an emotion-charged plea from him brought silence and tears to the crowd... struggling with his emotions, Mr Blurton appealed for people not to be angry. (Wainwright, 5.1.1992).

This event was held on the steps of Parliament House on 4 January and was attended by an estimated 12,000 people including several politicians. Acting Premier Ian Taylor was present and promised that the government would consider changes in the legislation which would allow longer sentences for repeat offenders. As was reported in the West Australian:

Mr Taylor said the main focus should be on protecting the community from hardcore juvenile offenders who committed car theft and other violent crimes.

(McGlue and MacNamara, 7.1.1992)

Influence of the Media on Politicians

It was suggested by political columnist, John McGlue that the decision to take a hard line on young offenders:

Had more to do with harsh political realities than with a change of heart by Ministers about the appropriate way to handle juvenile crime.... the momentum for change became unstoppable after the latest public backlash to the deaths of Margaret Blurton and her infant son, Shane.

(McGlue, 7.1.1992).

The question is whether the 'public backlash' was the result of media inspired hysteria. This thesis suggests this was the case and Sattler himself was happy to take responsibility for the introduction of the legislation. As Sattler stated:

Peter Blurton was back again in front of Parliament House without his beloved wife and baby, but with his family, friends and more victims of juvenile criminals and about 6,000 other scared citizens at a Candlelight Vigil, my programme, my radio station, and the staff that worked there and friends helped to organise, in that we promoted it. It was that gathering that finally caused the shotgun Act, that I believe should have come months earlier.

(Sattler personal communication, 8.6.1992)

This view is confirmed by the Deputy Premier Ian Taylor himself who was reported to have said that his thinking had been influenced by the August Rally for Justice and the Candlelight Vigil (McGlue and MacNamara, 7.1.1992).

Politicians are extremely sensitive to public opinion since their positions are reliant on the votes of the electors. Consequently they become even more anxious about matters affecting their image when an election is approaching. Many politicians fear the power of the press. Sir Joh Bjelke-Petersen was reported to have said:

The greatest thing that could happen in the state and the nation is when we get rid of the media. Then we would live in peace and tranquility and no one would know anything.

(Munday, 1991, p.65)

Diana Warnock, a journalist with political aspirations, is convinced that politicians are enormously influenced by the mass media. She pointed out that:

politicians had been known to lose weight, change hair styles and clothes so as to present a more acceptable image on television. They are also sensitive to opinion expressed by the media, since they know all their constituents are seeing or hearing the same things.

(Warnock, personal communication, 14.9.1992)

That politicians are aware of what is being said by the media is evidenced by the frequent references they make to media utterances during their debates in Parliament. For instance, Eric Ripper, Minister for Community Services quoted an article in the West Australian which praised the programme, 'Work Syde' and used this as evidence that his department's strategies were effective. (Ripper, Hansard, 1991, p. 1357). On another occasion George Cash MLA said:

There is no question of the public discontent at what many people regard as the soft option sentences being handed down by the Children's Court; they are a fact of life that can be witnessed on almost any day that court is in session in our city. I am not the only one to make that claim. It is the claim of the community in general and can be read in the newspapers, in letters to the editor and in the editorial column, and heard on talk-back radio every day of the week; and seen as part of the television news bulletins that are screened every night in the metropolitan area. They are the comments and the perceptions of many who spoke today at the Rally for Justice held at Parliament House (Cash, Hansard, 1991, p. 3421).

Cash made the assumption that because something had been widely reported in the media, that firstly it must be true and secondly it automatically becomes representative of the views of the "community

in general". When debating the juvenile justice issue the Hon. George Strickland MLC also made extensive use of quotes from various newspapers as evidence to support his arguments that tougher measures should be introduced to curb juvenile crime. Strickland referred to an article in the Stirling Times headlined RESIDENTS FEAR LAW BREAKDOWN and another taken from the Sunday Times which stated "The government has a major problem and must act urgently to curb the escalating crime and restore confidence in law and order". He then mentioned an article in the West Australian in which Police Minister Graham Edwards criticised a Children's Court sentence and finally made reference to the West Australian which had reported that a group of school children planned to attend the Rally for Justice. Strickland then came to the conclusion that:

Members of Parliament and the public, including juveniles, have read the articles in the Press about the Juvenile justice system, and the clear perception in the community is that it is not working.

(Strickland, Hansard, 1991, p. 3485).

Like Cash, Strickland made the assumption that because a statement had appeared in a newspaper it automatically became a 'universal truth' and represented the opinion of the community.

Parliament was not in session when the Blurton case occurred on Christmas night, but no politician could have failed to be aware of the deep emotional response by the media and the community to this tragedy. In the four issues of the West Australian following the accident, ten prominent articles were featured about the case. These included two editorials which called for government action. Peter

Blurton's interviews from his hospital bed and appearance at the Vigil further deepened the tragic overtures. Through his utterances made in a faltering voice from his bed and on Parliament steps, Peter Blurton and his family came to be regarded as the archetype 'innocent victims' of juvenile crime so when he said he blamed the politicians for what had happened to him, his words carried considerable weight. Acting Premier Ian Taylor said when announcing the recall of Parliament and the planned legislation:

There is no doubt that the tragedy on Christmas night was probably the catalyst in the change of thinking on the part of a lot of people. (McGlue and MacNamara, 7.1.1992).

Eric Ripper who, throughout 1991 had steadfastly resisted calls for more detention said the Blurton case: "has caused all of us to examine our priorities on juvenile justice" (McGlue and MacNamara, 7.1.1992). A group of Labour politicians lead by Mick Catania MLA wrote a letter to Taylor in which was said:

The Christmas night tragedy involving the Blurtons confirmed that the present approach was not working and highlighted the need for urgent action to show young thugs they could not get away with thumbing their noses at society and the law.
(Callender, Duffy and MacNamara, 3.1.1992).

Grahame Edwards MLC, Minister for Police, also threatened to resign if government policies were not changed to introduce mandatory sentencing to detention for car thieves involved in chases (MacNamara, 2.1.1992).

It could be argued that these politicians were responding to the community concern over this case, but also it could be said that the community would not have been so deeply concerned or aware of the deaths had the media not featured them so prominently and with such emotive presentation. There were 207 road deaths in Western Australia in 1991, 10 during the Christmas period, but most people were totally unaware of the other eight fatalities (Betti, 1.1.1992).

The introduction of the Sentencing Act 1992 came about after a year of mounting populist pressure on the Western Australia government to 'do something' about juvenile crime in this State. The government was forced to reevaluate their policies, and the introduction of the Sentencing Act 1992 marked a radical change in policy by the Western Australian Government regarding the sentencing of young offenders to detention. Prior to the Act their stated aim was to 'Establish effective alternative custody programmes to break the cycle of offending for repeat offenders' (Into the 90's 1991). In August, the Premier, Dr. Carmen Lawrence was adamant that detention was on the whole counter-productive and did not solve any problems. She stated, while debating the issue of juvenile crime:

The Station programme, in comparison to straight detention, using comparable groups of young offenders, is at least twice as successful and perhaps even more in terms of the rate of re-offending... we must be very careful not to suggest that simply putting them in a detention centre and closing the doors will prevent their coming out again... incarcerating them will assist the community for the period of detention but when they come out they will re-offend. (Lawrence, Hansard, p. 3493).

Similar views were expressed on November 1991, when the Hon. Joe Berinson, State Attorney General, tabled a report in Parliament in which he expressed his opinions of the way the justice system should progress in Western Australia. In it he gave as one recommendation.

The mistaken view that imprisonment is a generally effective crime control strategy must be corrected. Much greater emphasis should be given to community policing, education and other crime prevention strategies. (Berinson, 1991, p. 57).

Five months later when the legislation had been announced, Dr. Lawrence denied she had been critical of harsher penalties for repeat offenders and claimed that:

The government's decision reflects our desire to come to grips with rehabilitation of these repeat offenders, but most importantly, the protection that people want, demand, and I think they've justly called for. (McGlue, 8.1.1992).

Berinson when being interviewed on the ABC programme Background Briefing in January expressed a different view from the one he had put forward in November, when he conceded that:-

There is no doubt that the legislation covers new ground, and in a sense is inconsistent with the general pattern that we followed over a number of years. That having been said, this legislation is directed at an intractable hard core, and we believe, quite small group of constant offenders where nothing else seems to have worked, and we have decided that the interests of community protection, to put it bluntly, have to come first. (Background Briefing, 3.3.1992).

These statements, made a few months apart by two key figures in the West Australian government, indicate a radical shift of policy towards the treatment of young offenders. Considerable pressure must have

been exerted on the government to induce them to abandon their previous policies in favour of a draconian law that ignored the underlying causes of the problems. This resulted in their having to face some formidable criticism from several quarters. The Sentencing Act goes against acceptable current methods of containing juvenile crime where the emphasis is on minimising the use of detention as a sentencing option.

Opposition to the Sentencing Act, 1992

The legislation was considered by many to be inhumane and was criticised as a breach of human rights. One of the major critics of the legislation was Brian Burdekin, Federal Human Rights Commissioner who was concerned that the legislation would put Australia in breach of United Nations Covenants which were binding by International Law (Duffield, 22.1.1992). The two principle covenants are the International Covenant on Civil and Political Rights which was ratified by Australia in 1980 and the Convention on the Rights of the Child which was ratified in 1990. In addition, Australia was one of the sponsors of the Beijing Rules adopted by the United Nations General Assembly in 1985 which set out the maximum rules for the administration of Juvenile Justice (Wilkie, 1992, p. 6).

The legislation breaches these covenants because:

- (1) It was stated in the Beijing Rules that the main concern in juvenile justice must be to consider the best interests of the

child as a primary consideration. Children caught up by the Act do not have their best interests considered.

- (2) The mandatory sentences breach the statement that a child should not be deprived of liberty in an arbitrary way, that all cases should be treated as individuals.
- (3) The rule stated that detention should only be used as a last resort and for the shortest possible time. This is breached by the indefinite sentences to be imposed by the legislation.
- (4) It was stated that the sentence should be proportionate to their circumstances and the offence. The mandatory sentencing removes the power of the court to decide on appropriate sentences for individual cases and the sentence to juveniles may well be harsher than would be imposed on adults who have committed the same crime.
- (5) It was laid down that no one should be subjected to cruel or inhuman treatment. It could be argued that sentencing a child to an indefinite period in detention is a cruel and inhumane act.
- (6) It was said that all people should have the right of appeal against the sentence. This is denied juveniles by the Sentencing Act since they have no right to appeal against their sentence.

- (7) The International Convention deems it to be unlawful to discriminate against people on the basis of their race, but because Aboriginal children are disproportionately represented in the justice system, the Sentencing Act will effect them more radically than others (Wilkie, 1992, p.16).

Opposition was expressed by Federal Aboriginal Affairs Minister Robert Tickner and the Federal Attorney General Michael Duffy who were also concerned that the legislation would breach international law. (MacNamara and Bevis, 5.2.1992). Other main groups who opposed the legislation were Church spokespeople, community groups, and youth workers. They too, were concerned about the breach of the United Nations rules but also made the point that the legislation sought a simplistic solution to a much more deep seated problem, the circumstances of the young which pre-disposed them to offend. The Rev. George Davies said he saw:

Much of our problems stemming from the failure to grasp the nature of social change and plan accordingly, at both personal and political levels. The evidence of a community stressed in diverse ways shows up in the statistics of homelessness, drug abuse and suicide especially amongst the young. (Davies, 1992, p. 26).

The legislation caused deep concern to Aboriginal organisations such as representatives of the Aboriginal and Torres Straits Islander Commission (MacNamara, 24.1.1992) and the Aboriginal Legal Service whose representative Rob Riley who claimed that:

Any legislation which was rushed and clearly a knee-jerk reaction to pander to public pressure would be flawed. (MacNamara, 24.1.1992).

Those with expertise in the field of Criminology and Justice expressed their reservations about the legislation. The director of the University of Western Australia, Crime Research Unit, Richard Harding was one who believed the legislation would contravene at least five United Nations rules and conventions (MacNamara, 24.1.1992) Supreme Court Judge, Terry Walsh who was also the chairman of the State Government Committee on Young Offenders wrote a letter to Premier Carmen Lawrence in which he said:

I deeply regret that legislation critical to the future of children, and in particular Aboriginal children, should be passed in haste by the two Houses of Parliament without mature consideration and debate. (Waddacor, 29.1.1992).

Further reservations were expressed by the Chief Justice of Western Australia, Ian Malcolm who wrote a 19-page letter to the Attorney General signifying his disapproval of various aspects of the legislation. It was his opinion:-

that indeterminate sentences of this kind offers no incentive to reform or rehabilitation... this is not a case of being "soft", but a case of ensuring that the period of detention does not serve to further alienate the offender from society so that he emerges as a greater danger to the community than when he was first detained in custody. (Malcolm, 1992).

The reasoned arguments against the Sentencing Act 1992 by people who were involved in the juvenile justice field, and could speak with authority, came too late. The intentions of the government were announced on 6 January in a climate of intense emotion resulting from the Blurton deaths and the Candlelight Vigil. Its passage was hastened by the early recall of Parliament on 5 February, and not

sufficient time was allowed for proper consideration of the legal aspects and the implications it held for the young people who might be affected by it. During the four weeks between Taylor's announcement of the government's intention, and the recall of Parliament, the Bill was modified 7 times. To counter the claims that it discriminated against children, the legislation was made applicable to adults as well, a review committee was set up to monitor the effects of the legislation and report back to Parliament, and a sunset clause was included by which the Act would cease to be law in two years. (McGlue and Queckitt (7.2.1992). This law was considered by many to be an example of faulty legislation showing signs of the haste with which it was drafted. It is ironic that the West Australian, after playing a role in contributing to the community hysteria which lead to the government's decision to introduce the Act, was highly critical of the legislation and the editorial on 7 February stated that:

The critics are right in asserting that penalties alone will not stop juvenile crime. The underlying causes of the problem include poverty, the social alienation of many young people, particularly Aborigines, and the despair they feel about the future. What is needed is a proper balance between punishment and rehabilitation on one hand and prevention on the other (Editorial, West Australian 6.2.1992).

CONCLUSION

The introduction of the Sentencing Act 1992 came about after a year of mounting community pressure on the Western Australian government to 'do something' about juvenile crime. Members of the public were becoming increasingly disturbed by what they perceived to be a 'crime wave', with their security being seriously threatened by young offenders. This thesis argues that the media's representation of the juvenile justice issues was largely responsible for the general public's anxiety which finally became so intense that the government was forced to accede to their demands.

The introduction of this legislation indicated, not that the government had changed its mind about the most effective way of dealing with repeat offenders, but that they were bowing to the very strong populist pressure that was being exerted on them by the community. This pressure was a formidable force since it overruled the government's strong commitment to their strategies which they believed to be effective since juvenile crime had decreased where more community based methods had been put in place. In addition the government had to face censure from senior members of the legal profession, Federal government ministers, Human Rights officials, academics and Aboriginal group whose arguments against the legislation were based on logic rather than emotion. These were informed opinions of influential people, but did not provide the voting power of the populist pressure coming from the general public.

The strength of community pressure being exerted on the government was due, in a large part, to how the Western Australian mass media had presented the issues of juvenile crime. In the case of the West Australian, the volume of articles alone in the second half of 1991 would have made the public aware of juvenile crime as a major issue, but additionally the matter was sensationalised and prominence given to violent acts. This had the inevitable result that the readers of the paper gained an inaccurate perception that violent crime was common, that the majority of crimes were perpetrated by juveniles, especially Aboriginal juveniles, and that the danger of being robbed, assaulted or killed was considerable. In fact the media created a siege mentality among many, especially the older people. The public therefore, were presented with distorted images of the position of juvenile crime.

The mass media has found that an effective way of making events newsworthy is to focus on divisions in the community, to create an 'enemy' who is a threat to society. While the West Australian and 6PR have a stated policy to avoid references to the Aboriginality of offenders unless it is relevant to the story, Aboriginal youths were linked to serious crime on several occasions in 1991. This led to the perception by many people that most serious crime was undertaken by Aborigines. This in turn reinforced the negative stereotypical views many people held of Aborigines. Often the media, by focussing on news about outsiders and 'deviants' increases group solidarity of the majority, and enhances their self-esteem. It also gives them satisfaction to hear of wrongdoers being punished. Sattler used the technique of attacking 'deviants' frequently, and in 1991 concentrated

largely on youth presenting them as a threat to his listeners, the majority of whom were older conservative members of the community. By using his skills as a talk-back host, he was able to encourage and reinforce the views of people with whom he agreed, and to denigrate the opinions of those who tried to express contrary views. In this way he was able to persuade the majority of his listeners that his statements represented a consensus, so they became 'public opinion'. The West Australian presented a slightly more balanced perspective, but it was noticeable that in the many articles that appeared, those showing youth as a threat were more frequent, more prominently displayed and more emotive than the articles about the disadvantages and difficulties faced by young people.

Emotions such as fear, anger and indignation were promoted both by Sattler and the West Australian as people were confronted with stories of other members of the general public who had been harmed or killed by young people. Studies have shown that people in highly emotional states, especially if they are in a group or mob, tend to lose cognitive reasoning power and their sense of equity. It is, therefore, not surprising that they will seek simplistic solutions to problems that face them. Therefore by using emotion as a weapon to add impact to his material, Sattler could convince people that removing young offenders from society for an extended length of time would solve the problem. An angry person does not pause to consider that the juvenile may emerge as a far more dangerous person, or consider the implication of why the young person is offending, in the first place.

A just society is something that all people desire and a perception that they have been treated unjustly results in intense emotions and often actions to rectify the imbalance. During 1991, the media focussed on the injustice of people losing possessions they had worked hard for, and of 'innocent victims' who had been hurt or killed. To stress the innocence of the victim implied they did not deserve to have something unpleasant happening to them. Another 'injustice' which caused discontent to many, was the perception by the public that juvenile offenders were not being sufficiently punished. Again this was exacerbated by the media's handling of the matter. Cliches such as 'slap on the wrist' were expressed frequently about the sentences passed on juvenile offenders on the Sattler File and in other branches of the mass media.

Two events occurred in 1991 which represented powerful indications of mass discontent about juvenile crime. The first was the Rally for Justice on 20 August at which 30,000 people gathered to demand harsher penalties for car theft and other crimes committed by juveniles. The fact that so many people attended the Rally may largely be attributed to Sattler's campaign, but other branches of the media had created a climate of anger and fear so many more people were aware of the issue than had been 'victims' themselves.

The fact that they had not been able to persuade the government to change the legislation angered many people who had attended the Rally. It was just such a climate as this, when people feel frustration and a sense of injustice over a length of time, that only requires one more event, or catalyst, to increase their anger to precipitate action.

This, in some cases can take the form of an uprising or riot. In Western Australia, the catalyst was the death on Christmas night of a pregnant woman and her small son, killed in an accident involving a stolen car driven by a fourteen year old. On the Sattler File, the Deputy Premier was confronted with an unexpected conversation with Peter Blurton who had watched his wife die less than 48 hours before. This obviously had a profound emotional effect on Taylor. It is therefore likely that decisions made by Taylor and other members of the Cabinet about the legislation may have been clouded by the sentiments of anger and sorrow for the Blurton family. In the climate of hysteria generated by Sattler's exhortations and other branches of the media's emotive coverage, a sense of urgency was created, so in the space of a few days it was announced what steps the government intended to take and Parliament was recalled early so the legislation could be passed without delay. This gave no time for proper consideration of the matter, or consultation with those who would be in a position to proffer wise advice. This legislation is an example of how populist pressure, induced by the media may influence a government to make hasty decision which can lead to faulty legislation which may seriously disadvantage sections of the community and have repercussions that no one can foresee.

This study suggests areas which would be useful to pursue further. One is of the links which may exist between the economic recession, unemployment rates and the hardening attitudes of the community towards perceived 'outsiders' such as young offenders and Aborigines. In such a study, useful comparisons could be made to historical events when communities under stress have reacted by

scapegoating minority groups. The tendency for such societies to seek authoritarian charismatic leaders might be investigated. The influence of the media on the public is another area of potential interest. One particular media format which has been developed increasingly in the past decade is the radio talk-back programmes. These alone, could be a fruitful area of potential study. The psychological aspects of such programmes and their power to influence could be investigated. Many of the theories about the mass media's ability to influence were written some time ago. Since then the electronic media has progressed enormously technically and by developing improved techniques for passing on convincing messages. The potential power to influence ever increasing numbers of people is therefore, greatly enhanced. The Sentencing Act 1992 is an example of how a population under the influence of the media may cause a government to pass legislation under duress. This is a potentially detrimental development. Rob Riley, executive officer of the Aboriginal Legal Service in a letter he wrote to Premier Carmen Lawrence M.L.A. summarised the situation:

This legislation is not fair and balanced. It is produced in haste as a result of a concerted campaign waged over a considerable period of time by the likes of Howard Sattler and Radio 6PR, who have been responsible for the media beat-up and public hysteria. You and your government have fallen victim to the powers of influence of the populist media (Riley, 1992, p. 3).

By learning more about the media's ability to persuade, perhaps this dangerous trend may be arrested.

APPENDIX 1

Sentencing Options, Children's Court

<u>SENTENCE OPTION</u>	<u>DESCRIPTION</u>	<u>RELEVANT DCS PROGRAMMES</u>
1. Dismissed	Court dismissal without penalty or conviction - usually first offenders	<ul style="list-style-type: none">- Parent skills training- Family support
2. Parental Bond	Parents required to give security for good behaviour of child	<ul style="list-style-type: none">- Parent skills training- Family support
3. Conditional adjournment	Matter adjourned to allow parents/child to carry out terms of undertaking given to Court	<ul style="list-style-type: none">- Law education- Alcohol & Drug abuse prevention- Compensation arrangements
4. Probation	Enforceable conditions on child plus support agreements with child and parents	<ul style="list-style-type: none">- Probationary supervision- Alcohol & Drug abuse prevention- Employment and training support- School support- Family support- Parent skills training
5. Good Behaviour Bond	Child enters monetary bond to be of good behaviour	<ul style="list-style-type: none">- Parents skills training- Family support- Default through CSO or detention.
6. Fine	Court orders fine to be paid by child (Maximum \$1,000.00)	<ul style="list-style-type: none">- Parents skills programme- Family support
7. CSO	Child makes restitution to Community through supervised work on civil project through local organisations.	<ul style="list-style-type: none">- Involving local community service organisations and local government- Monitoring and enforcement- Employment and training- Parent skills training- Family support

8. Conditional Release Order	Child sentenced to detention released conditional upon participation in an approved programme	<ul style="list-style-type: none"> - Unpaid work order - Aboriginal Community placements - Rural farm/station placements - Employment and training - School attendance - Family support - Parent skill training
9. Detention	Court orders period of detention	<ul style="list-style-type: none"> - Riverbank, Longmore, Nyandi - Challenge for Youth - Employment and training - Alcohol & Drug abuse prevention - After care
10. Imprisonment	Sentenced to adult prison	N/A
11. Restitution	Under new legislation it will be possible to enforce restitution as a judgement of a Local Court.	Detention in default
12. Adult Penalties	The Supreme and District Courts and the President of the Children's Court can order any penalty applicable to an adult	N/A
13. Parental Responsibility	<p>Required to attend Children's Court</p> <p>May be ordered to give security for good behaviour of child</p> <p>May be fined/ordered to pay restitution in some cases.</p> <p>Involvement of parents in probation</p>	<ul style="list-style-type: none"> - Parents skills training - Family support - Alcohol & Drug abuse prevention

(Source: Jackson, 1991).

RALLY III FOR JUSTICE

AUGUST 20, 1991

I,, a concerned citizen of Western Australia, on behalf of the innocent victims of juvenile crime, call on you, my parliamentary representative, to legislate the following changes to our laws.

1. MINIMUM TERMS, MANDATORY SENTENCING

- Mandatory minimum terms to remove judicial discretion.
- Maximum terms retained for use in extreme penalties.
- Prior sentences to be taken into account.
- Sentences for each crime to be served separately and cumulatively.
- Prosecution to continue its case after plea and sentencing.

2. PRE-SENTENCE REPORTS

- Mandatory for judges to consider before sentencing.

3. VICTIM IMPACT STATEMENTS

- Mandatory offer to victims (including families and close friends) whether defendant pleads guilty or not guilty.

4. AGE LIMITS

- Those living away from home on their own resources, automatically classed as adults.
- Adult crimes to be defined and punishments to fit.
- Review of under 18 juvenile classifications.

5. RESTITUTION

- Mandatory, either monetarily or through enforceable work orders.
- Improved examination of defendants' resources.

6. PUBLIC EDUCATION

- Community education programmes to inform citizens of their legal rights as victims of crime.
- Government assistance programmes for victims (legal, psychological, financial).

I await your reply

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