

- the overall annual cost of keeping the current population of approximately 500 violent offenders in custody approaches \$200 million
- of violent offenders imprisoned in Australia nearly 90% are male. Nearly half are in their twenties and most were unemployed. One-third are unable to read and write, lack the basic social skills and some are intellectually handicapped or suffer from neurological impairment or brain damage
- very few treatment programs for violent offenders are available in prison, or in the community
- violence within Australian prisons remains a serious problem which is likely to be exacerbated by the growing state of overcrowding in many of the nation's correctional institutions.

The review also reveals a critical lack of knowledge which would enable institutions involved in sentencing and parole to assess the rationale and efficacy of the approaches they currently use.

The question of whether violent offenders will commit further crimes of violence upon their return to the community is one which is central to policies of sentencing and parole. It does come as somewhat of a surprise, therefore, to learn that systematic information on re-offending rates of Australian violent offenders is not regularly published . . . [T]hose statistics which are available suggest that repeated violent offending may be more the exception than the rule.

It discusses the range of possible responses to violent crime in society and concludes that there is a lack of systematic thinking about the logic behind the current Australian approach, which relies heavily on imprisonment. It attributes the contradictions and ambivalence of current responses to

- the fundamental inconsistencies and mutual exclusivity of the principles of punishment

- lack of knowledge about the deterrent, incapacitative and rehabilitative effects of those policies which are currently used and
- indifference to prisons and hostility towards prisoners on the part of the Australian public.

The review concludes that penal policies will continue to be dictated by political expediency. It stresses the importance of pre-sentence assessment of violent offenders to determine whether or not imprisonment is the appropriate response. Appropriate treatment programs should be available both in the community and the prison system.

For those prisoners who might be termed chronic violent offenders, the task then becomes identifying those who may be amenable to rehabilitation, and determining those rehabilitative treatments which may produce a positive and lasting effect.

final report. The final report will be released in February 1990.

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offensive weapons

He uses statistics as a drunken man uses lamp-posts — for support rather than illumination.

Andrew Lang 1844–1912
[Quoted in *Treasury of Humorous Quotations*]

As a result of considerable media attention to assaults with weapons, mainly knives, in public places, the Victorian Government asked the VLRC to review the laws dealing with offensive weapons.

stage one. The first stage of this review led to the enactment of the *Prescribed Weapons Act 1989*. That legislation bans the importation, manufacture, sale or possession of weapons 'which have no peaceful purpose', such as flick knives, butterfly knives and knuckledusters. Certain exemptions are available.

stage two. In September 1989 the VLRC released its report on the second stage of the review. The report reviews the law relating to the control of the class of objects which do have 'peaceful uses' but which can also be used as offensive weapons. These include anything from scissors to martial arts equipment. Included in the report is an analysis of the question of desirability of any reverse onus of proof provisions.

need for change. The VLRC, quoting John Stuart Mill, took the approach that there should be a clear demonstration of need 'before society uses its preventative powers to substantially increase existing controls over conduct which by itself causes no harm to others.' However the lack of co-ordinated government-wide system of collection of criminal statistics made it difficult for the review to determine the extent of the need.

lack of evidence. Statistics from the Victorian police relating to serious assaults with knives had been the basis for public concern. The figures showed an increase in the absolute number of minor assaults and minor assaults with weapons, and an increase in the rate of assaults with weapons between 1977 and 1988. Further analysis by the VLRC indicated that there had been no increase at all in the proportion of cases in which weapons are used. Also, analysis on the basis of trend indicated no statistically significant increase over the past 10 years. Police figures showed that there had been a substantial increase in the absolute number of serious assaults with knives and a slight reduction in serious assaults with other weapons over that same period. However, the trend line for the last 10 years, corrected for population increase, revealed a slight decrease in the problem over that time. Police statistics for 1988/89 which later became available, which also showed a substantial apparent increase in the number of serious assaults with knives, could not be compared with earlier figures because new categories and different recording criteria had been introduced. The report concludes that 'Difficulties of this type will only be re-

solved when the Bureau of Criminal Statistics has been set up'.

recommendations. The VLRC found that although the statistics did not justify major alterations to the existing law, some improvements could be made. The report recommends that section 6(1)(e) of the *Vagrancy Act* be amended to clarify its meaning, particularly in relation to the burden of proof. This section imposes a burden on the accused in respect of a 'valid and satisfactory reason' for carrying a weapon that is classified offensive per se. However, it is unclear whether the burden is *evidentiary or persuasive*. The VLRC concluded that the burden in this case should be evidentiary not persuasive. This is in line with the recommendation of the Legal and Constitutional Committee of the Victorian Parliament in its *Report on the Burden of Proof in Criminal Cases*. The committee recommended that a persuasive burden should only be placed on an accused in exceptional circumstances.

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life sentences

Now, all my young Dook-ies and Duch-
ess-es
Take warning from what I've to say —
Mind all is your own as you touch-es-es
Or you'll join us in Botany Bay.

Traditional song.

throwing away the key. The New South Wales government has introduced a Bill to parliament, in the words of Attorney-General John Dowd, 'to fulfil its commitment to truth in sentencing'.

At present, offenders who receive life sentences are often released by executive action at an earlier time. Now, if a life sentence is imposed, the term of imprisonment will be the term of the person's natural life. This sentence will give effect to what is now only a judicial recommendation. It is intended 'for the very worst and most serious and heinous ex-