

# Butterworths Book Review

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## "THE AUSTRALIAN CRIMINAL JUSTICE SYSTEM IN THE MID 1990's"

*Editors:*

*Ducan Chappell and Paul Wilson*  
Butterworths

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The appearance of the fourth edition of "The Australian Criminal Justice System" will be welcomed by all professionals involved in the criminal justice system, particularly legal practitioners.

It is not possible here to comment on each essay, although all are the product of thorough research and careful scholarship. The footnotes and references alone will be useful to anyone researching in the areas covered by the book.

John Walker's essay "Trends in Crime and Criminal Justice" provides a detailed analysis of the collection of Australian crime and prison statistics, noting that although the collection has improved, the data provided officially is still "patchy" and too unreliable to draw the often exaggerated conclusions which are made concerning increases in crime. Practitioners may find the statistical analysis useful to counter arguments raised concerning the "proven" increase of crime as a justification for general deterrent based sentences. While the discussion of the trends in crime and imprisonment rates in this chapter primarily focus on the demographics of urban centres, there are still come notes of interest specific to the Northern Territory.

The sentencing material in George Zdenkowski's essay "Contemporary Sentencing Issues" will be of particular interest to practitioners as it analyses the recent Australian cases concerning a number of current issues: discount of guilty plea; providing information to authorities; sentence indication hearings (NSW); the role of prosecutors; discrimination and punishment (considering race, gender, class or other status) and a welcome discussion on the as yet embryonic question on whether there are constitutional limits (through implied powers) on how far governments can legislate on matters concerning sentencing. Various sentencing proposals suggested in the Northern Territory may yet have their day in court!

Of interest also are some of the chapters which to date have not been discussed at length in the Northern Territory; Jennifer Norberry's chapter on "Environmental offences" and Phillip Dickie's chapter on "Organising Crime". In fact, prosecutions for offences against the environment seem almost non-existent in the Northern Territory. Is this because we have no offenders in this area or no legislation protecting the environment? Closer to home are some thought provoking chapters on "Aboriginal Offending: Patterns and Causes" by Robyn Lincoln and Paul Wilson; "Trends in Juvenile Justice" by Ngarie Naffine and Joy Wundersitz and "Violence: Patterns of Crime" by Rick Sarre.

Whilst many of the issues concerning gender and crime have focused on the question of women as victims of homicide or assault, the discussion by Christine Alder on "Women and the Criminal Justice System" sifts the context to women as prisoners, a topic which has been

in need of attention for some time in the Australian setting. The particular hardship suffered by women in prisons begs the question whether this ought to be specifically taken into account mitigation at the sentencing stage. The condition of prisons and the effect of imprisonment on particular individuals or groups of prisoners as valid grounds for mitigation are still however contentious issues.

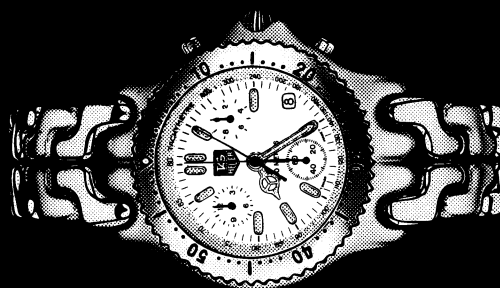
The previous editions of this book have succeeded in isolating and analysing the major issues concerning criminal justice in selected periods of time. This edition similarly represents a significant contribution to our understanding of how various assumptions and theories concerning the criminal justice system fit the real lived experiences of people be they victim, accused, members of the general community or others who have some role to play in Australian crime and punishment.

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