

PROCEEDINGS — Training Project No. 63/2

SEMINAR FOR LIBRARIANS IN THE CRIMINAL JUSTICE SYSTEM

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AUSTRALIAN INSTITUTE OF CRIMINOLOGY

PROCEEDINGS - TRAINING PROJECT NO.63/2
ISSN 0725-475

NCJRS
FEB 5 1982
ACQUISITIONS

✓ SEMINAR FOR ✓ LIBRARIANS IN THE CRIMINAL JUSTICE SYSTEM

UNIVERSITY OF NEW SOUTH WALES

16-18 FEBRUARY 1981

SEMINAR CONVENOR : MARY GOSLING

Edited by Gael Parr

AUSTRALIAN INSTITUTE OF CRIMINOLOGY
CANBERRA

Edited by
Parr

83/31-
83/33

CR sent
8-16-82

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Published and printed by the Australian
Institute of Criminology

The J.V. Barry Memorial Library has catalogued this
work as follows:

SEMINAR FOR LIBRARIANS IN THE CRIMINAL JUSTICE
SYSTEM (3rd : 1981 : University of New South Wales)

Proceedings of the third Seminar for Librarians in
the Criminal Justice System, University of New South
Wales, 16-18 February 1981 / edited by Gael Parr. -
Canberra : Australian Institute of Criminology, 1981.

(Proceedings - training project / Australian
Institute of Criminology, ISSN 0725-475 ; no.63/2)

Seminar convenor: Mary Gosling

Includes bibliographical references

ISBN: 0 642 89518 X

1. Criminal justice libraries - Australia - Congresses.
I.Parr, Gael. II. Gosling, Mary. III.Australian
Institute of Criminology. IV.Series

026 3640994

The views expressed by the authors of papers included in
this publication are not necessarily endorsed by the
institutions they represent or by the Australian Institute
of Criminology.

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PREFACE

The Library of the Australian Institute of Criminology, the J.V. Barry Memorial Library, has since the establishment of the Institute in 1971, increasingly assumed the role of coordinator for libraries in the criminal justice system.

As part of the Institute's training programme it was decided to hold a seminar for criminal justice librarians in March 1977. Both this seminar and the second seminar held in March 1979 were organised by the staff of the J.V. Barry Memorial Library and held at the Australian Institute of Criminology in Canberra.

The venue for the third seminar was moved to Sydney as a result of a suggestion by Rob Brian, Law Librarian, University of New South Wales Law Library, and after consulting other criminal justice librarians. This seminar was organised and convened by Mary Gosling, Librarian, J.V. Barry Memorial Library. The seminar resolved to vary the venue for future seminars if possible.

The proceedings of the first seminar were published¹ and are available from the Publications Section, Australian Institute of Criminology. Copies of the papers from the second seminar are available from the J.V. Barry Memorial Library.

The latest edition of the *Union List of Criminology Periodicals Held in Australian Libraries*, compiled by the J.V. Barry Memorial Library is also available from the Library.

1. *Seminar for Librarians in the Criminal Justice System 23-26 March 1977 : Proceedings* Canberra, Australian Institute of Criminology, 1978.

OBJECTIVES OF THE SEMINAR

1. To provide the opportunity for librarians in the criminal justice system to meet and discuss topics of mutual interest.
2. To increase the effectiveness of library services in the criminal justice system.
3. To encourage increased cooperation between the libraries in the system.
4. To exchange ideas on collection building and the rationalisation of resources.
5. To discuss the future role of the Australian Institute of Criminology Library as the coordinating body for the criminal justice library network.
6. To provide information on the holdings and services offered by the criminal justice libraries.
7. To suggest possible solutions to the problems shared by the librarians in the network.

PROCEEDINGS - MONDAY 16 FEBRUARY

PAPERS

THE DEVELOPMENT OF INFORMATION IN CRIMINOLOGY

W. Clifford

It is interesting to reflect on the fact that criminology is an eclectic science. There were no persons called criminologists who developed studies of crime, but there were many called statisticians, physicians, administrators, lawyers, biologists, psychologists and sociologists, who began to take an interest in the phenomenon of crime and to apply the methods of their own discipline to its study. For 150 years or more the study of criminology developed, but it was still impossible in most countries to earn one's living as a criminologist - even as a teacher of criminology. Criminology was a part of the legal studies, studies of public administration, studies of psychiatry or genetics, but it was a long time before it had an independent existence and a longer time before professional criminologists were appointed. Even today professional criminologists tend to be specialists in one or the other social sciences and there are very few people holding qualifications in criminology as a separate discipline. Degrees in criminology can be found in America, but are not usual in other countries and even today, criminology has not usually gone further than post graduate diploma status.

There are, of course, a number of Ph D's working in criminology but again the doctoral thesis was probably within some other discipline which has a relationship to criminology.

Now that is slowly changing. It is becoming important to see the linkages between these different branches of study and to make administrative arrangements to bring together different kinds of specialists to work in a concentrated way on the problem of crime and criminal justice so as to ensure that criminology as a subject is developed and extended. The importance of crime for most of our developed societies and the way in which it is evolving new shapes in a modern technical society means that criminology has to be developmental to keep up with the changes which are taking place and to plan for the prevention of crime and the future. Merely saying that, is to bring into the criminological perspective the work of economic and social planners; and at another level to involve it through the forensic sciences in large areas of science and technology.

The librarian concerned with criminology has an extremely difficult task therefore. Collecting together all the monographs, serials and newspaper articles which have crime or criminology in their titles will not be enough and might even be too much. Not everyone writing on crimes has very much to say about criminology, whilst on the other hand there is work in the recondite sciences and the remote corners of

public administration which have immediate relevance for crime or criminal justice. The criminological librarian, therefore, like the criminologist, evolves with the subject. The librarian has to be as eclectic as the study of crime itself. We can say, for example, that to understand crime in all its ramifications is to really understand human behaviour. If we know why people commit crime, then we know why people behave in almost any way within society. Therefore, almost nothing which people do is irrelevant for crime. From the development of the DNA, through the chromosomes to child birth, through child care and education to unemployment and economic roles and responsibilities, the likelihood of deviation extends. Philosophers and medical scientists have been exercised for a long time about the way in which they should define 'normal' and 'abnormal'. Those are fairly precise and orderly disciplines. Imagine, therefore, the problems of the criminologist in trying to interpret 'normal' and 'abnormal' for society as a whole. There are, of course, people who would argue that individuals have a right to be abnormal. That society should be able to tolerate abnormality and, therefore, that these terms 'normal' and 'abnormal' are inapplicable. Long ago we were called upon to abandon such adjectives as 'right' and 'wrong', 'moral' and 'immoral'. Now the question of the simple positivistic descriptions of behaviour like 'conformity' and 'non conformity', 'pathological' and 'healthy', 'troublesome' and 'non troublesome', 'consensus' and 'conflict', are all being subjected to scrutiny. So that the scholar in this field is struggling to keep his feet on the shifting sands of changing values and fashions of thought.

The librarian, therefore, abandons his or her responsibilities by simply cramming the stacks with everything which might have relevance. In any case, today this properly would require all the resources of the National Library and more. Merely to trace the references to all that may have relevance is an impossible task for most of those who are trying to order the information which is needed by persons working on crime and its prevention.

At the other extreme, it is a shirking of responsibility to simply concentrate on the volumes which contain recognisable terms and to leave all the other libraries to provide information if and when it is required. The criminological librarian has to know his or her subject. They have to draw the line when they can see that they are intruding into collections that are far better obtained from other sources. On the other hand, because of the need for fairly rapid access, they cannot draw this line too tightly. Maybe in the years to come, from conferences such as this, it will be possible for criminological librarians to develop their own specialisation, so that they can not only advance criminological expertise, but also so that they can advance librarianship to a better understanding of an extremely difficult subject. I venture to think that crime in libraries has been given no more popularity than crime amongst lawyers. It is in the fiction side of the library that crime is so overwhelmingly present, but it used to be possible to go into law libraries anywhere and have to search very carefully indeed for information on criminology. The criminal law was there; but little information about its application,

so that in England, for example, the magistrates had to develop from all the tomes on law a special manual of their own, that is Stone's 'Justices Manual'. This became bigger over the years but it was on the desk of every magistrate and every clerk to the court and in its instructions on the application of the law it was far more valuable than whole libraries of legal volumes.

In the legal profession generally, despite the dramatic books and films on famous court hearings or the activities of Perry Mason or Rumpole of the Bailey, a lawyer who decided to specialise on criminal law was really on the last rung of his professional status. Greater respect and recognition went to constitutional lawyers, contract lawyers and, of course, in recent years, to tax lawyers. In general, the non fiction side of any library was not burdened with too much on criminology and it required money to be invested in the 1950s and 1960s to impel the flow of material which is now proving very substantial.

However, I need not tell you that the value of publications is sometimes in inverse proportion to its volume. Therefore, we have had to put up with a good deal of devaluation of quality in the rush of new criminologists to be published at any cost. There have been fashions, however, that have been extremely profitable, both for libraries and for the writers. Terrorism has become almost a writing industry and it is very likely that corporate crime will mushroom in the same way as the values of society shift from concern with street crime to concern with crime in the boardroom.

The Australian Institute of Criminology has been conscious of these problems from the moment of its foundation in 1973. It really began its work in 1974 with a collection of books but it took quite a long time before librarianship developed. Now there are signs of tremendous changes. The constraints on public spending have reduced acquisitions, but maybe one welcome feature of the ill wind has been the care with which our librarians have had to distinguish what they can hold from what they can trace and what they can trace from what others can trace for them. Across Australia new law libraries have been developed and the fact that our Institute existed meant that criminology received a more prominent place than it might have done. I have been impressed with some of the libraries that I have seen in Departments of Community Welfare, in Correctional Services Departments and in Police Academies. There is no doubt that there has been a vast improvement in a very short period. It is only four years ago that it was almost impossible for any of us in this subject to talk about crime in Australia without having to use analogous material from the United States, Europe or elsewhere. The facts and figures were not available for the situation in this country. That has been dramatically changed and it is very important that libraries across Australia give greater distribution to information about Australia. I have been astonished to find that some of our publications have just not found their way to public libraries in Australia, although very often the subjects were of great public interest. The more we can do to make our specialised work available to the public, the better understanding of crime there will

be and the more we can develop effective public policy to deal with this problem.

I hope that this brief resume of the situation within criminology has served to highlight the place which librarians hold within the subject. Developing information flows is absolutely essential. Without it we are working in a corner and our efforts cannot be used to advance knowledge or develop better public policy. With your help, the quality of our research will improve, the professions that your libraries serve will be brought together in better understanding and above all, the public will be better informed.

THE ROLE OF THE J.V. BARRY MEMORIAL LIBRARY OF THE AUSTRALIAN INSTITUTE OF CRIMINOLOGY AND THE FUTURE OF THE CRIMINAL JUSTICE LIBRARY SYSTEM

Mary Gosling

As this is the Third Seminar for Librarians in the criminal justice system and my first seminar as convenor it seems an appropriate time to review the progress made and to discuss future action. In this paper I intend to describe the role of the Australian Institute of Criminology Library and to report on the progress made in the services relevant to the criminal justice library system. I also intend to consider future developments in these services and to raise questions to be discussed by this group.

One of the major functions of the Australian Institute of Criminology Library is to act as coordinator for the criminal justice library system. In order to determine the interests and requirements of the librarians within this network a seminar was held in 1977. As a result of this seminar a resolution suggesting 'that the Australian Institute of Criminology be asked to conduct a seminar for Australian criminological libraries on a regular basis' was passed.

Two subsequent seminars have been organised to enable criminal justice librarians to meet and discuss topics of mutual interest. Although we work in a variety of organisations ranging from University law school libraries to smaller departmental libraries we share the common aim of wanting to increase the effectiveness of library services in the field of criminology.

At the end of this paper I would like to hear your opinions on the value of these seminars and on whether the format should be changed. Before planning this seminar I sent a questionnaire to all the participants at the previous seminar asking for suggestions. Most of the replies stated that more time was needed for the special interest group discussion. Consequently I allowed a day for this discussion and for library visits.

The Australian Institute of Criminology Library maintains several services relating to its role as coordinator of the criminal justice library system. At the 1977 seminar a resolution was passed stating 'that it is the professional belief of the participants of the seminar that a union catalogue and a union list of serial titles will give far greater access to information and will help in the future to rationalise collections and that these benefits will outweigh the increased labour involved'. Initially the Australian Institute of Criminology Library accepted the responsibility for the union catalogue of monographs whereas the Monash University Law Library compiled the first union list of criminology periodicals. Since 1978 however the

Australian Institute of Criminology Library has maintained both parts of the Criminological Union Catalogue.

Eleven libraries contributed to the union catalogue of monographs during 1980 and the total number of cards received was 5117. I have distributed a photocopy showing the libraries which contributed. The New South Wales Police Department which supplied 2068 entries had not contributed in previous years. Photocopies of the relevant sections of the shelf list were sent as well as cards for recent acquisitions.

Both the contributing libraries and the Australian Institute of Criminology Library are required to perform time-consuming clerical work towards the production of the union catalogue of monographs. Does the usage of the union catalogue justify this effort? I consult the union catalogue regularly when I am selecting material for purchase in order to avoid unnecessary duplication of holdings. I would welcome enquiries from other librarians who are uncertain whether or not to purchase a publication. In order to ensure that the union catalogue is as up-to-date as possible I suggest that contributing libraries try to send batches of cards at frequent intervals rather than in large batches.

The Australian Institute of Criminology Library receives frequent requests for a loan or a location from the other libraries in the criminal justice system. If the Australian Institute of Criminology Library does not hold the publication and there are no locations listed in the union catalogue of monographs the inter-library loans officer obtains locations from the National Union Catalogue of Monographs (NUCOM). In the past, if the publication was held by the National Library of Australia, the inter-library loans officer would send the request to the National Library and ask that the publication be sent directly to the requesting library. Since the introduction of AACOBS 'Inter-Library Loan Request Forms' however, the inter-library loans officer is required to return the request to the requesting library. That library then sends the request and the AACOBS form to the National Library.

The other part of the Criminological Union Catalogue, the *Union List of the Criminology Periodicals Held in Australian Libraries* was updated in June 1980. The original list compiled in 1977 by the staff of the Monash University Law Library contained information provided by 10 libraries in the criminology field. Three additional criminological libraries contributed their holdings to the 1978 union list and another five libraries contributed in 1980.

At the 1979 seminar it was suggested that the union list of periodicals be produced annually. The preparation of the 1980 updated list, however, proved to be far more time-consuming than expected because of the necessity to chase up lists of holdings from several contributors and because of the number of entries which had to be checked in Ulrichs and SALSSAH to ensure that the bibliographical details were correct. The frequency of such a union list should be considered carefully. An annual list seems to be too ambitious in

view of the time spent on its preparation.

Another major function of the Australian Institute of Criminology Library which affects the criminal justice library system is its participation in the Institute's role as the National Clearinghouse of Criminological Information. In order to fulfil this function the library acquires Australian criminological information and indexes it for inclusion in the *Information Bulletin of Australian Criminology* and the CINCH (Computerised Information from National Criminological Holdings) data base.

The number of indexed items listed in the Information Bulletin has increased significantly since its inception in March 1974. I have distributed a photocopy showing the increase from 496 items for volume 3 to 1235 items for volume 7 (only 3 issues have been prepared to date). This increase is due not only to the rapid growth in the publication of Australian criminological literature but also to the wider coverage of material. During 1980 the Parliamentary questions and debates section of the Information Bulletin was expanded.

Since the 1979 seminar a number of changes have been made in the CINCH data base. The major change was the development of the computer programme to enable the inclusion of monographs. In December 1980, 1200 monograph citations were entered into the data base. The information relating to journal literature has been updated regularly and the data base now includes 6280 citations to journal articles.

Discussions were held in late 1979 concerning the possible transfer of the CINCH data base from the CSIRONET computer system to AUSINET. An important argument in favour of the transfer was the fact that the existing computer programme could not accommodate monograph citations. As I have already mentioned this problem was overcome and the decision was made to remain with CSIRONET.

Although the CINCH data base has not been transferred, the Australian Institute of Criminology joined AUSINET in April 1980 in order to gain access to the other data bases on the system. A portable terminal (a Texas Instruments Silent 700) was purchased and two library staff members attended an AUSINET operator training course at the National Library.

The Information Bulletin and CINCH data base provide a comprehensive coverage of references relating to Australian criminology. I would like to hear your comments on the usage of both these services. The Australian Institute of Criminology Library staff refer researchers to the Information Bulletin regularly and consider it an invaluable reference tool. How frequently is it used in other libraries? The number of requests for CINCH searches however, is rather disappointing considering the amount of work involved in establishing and maintaining the data base.

In conclusion, I would like you to consider the development of the criminal justice library system and to present your opinions on the questions I have raised concerning the present services and the role of the Australian Institute of Criminology Library. The future of the criminal justice library system depends on your support and this is your opportunity to comment on its development.

Contributions to the Union catalogue of monographs - 1980

APTR	297
NAGD	172
NPD	2068
QCWS	360
QOPA	320
SPD	59
VCWI	40
VFSL	115
VMOU	671
VPDC	221
WDOC	<u>794</u>
	<u>5117</u>

Indexed entries in the Information Bulletin

vol.3, 1976-77	496
vol.4, 1977-78	709
vol.5, 1978-79	906
vol.6, 1979-80	1072
vol.7, 1980-81 (3 issues)	1235

The entries were not indexed in vols. 1 and 2.

SUMMARY OF DISCUSSION - Editorial comments are in square brackets.

I. Union catalogue of monographs

- (1) It would not be practicable to put the Union Catalogue of Monographs on to microfiche. [Would only be feasible with a COM catalogue.]
- (2) The Catalogue would be more useful if more libraries in the system could contribute to it. It is only necessary to send a copy of the main entry of monographs newly catalogued. Some libraries photocopy main entries in a batch. For retrospective holdings the shelf list can be photocopied.
- (3) The University of New South Wales does not contribute as cataloguing is computerised. However the microfiche catalogue is available cheaply and is issued regularly.
- (4) The Union Catalogue is a service for all libraries and not just for the use of the Australian Institute of Criminology Library. Location enquires are welcomed.

II. Cinch

- (1) A CINCH search saves looking through all volumes of the Information Bulletin and also retrieves retrospective material not in the Information Bulletin.
- (2) The cost of a CINCH search at \$10 approximately is cheap compared with \$50 to \$60 for other data bases.
- (3) To have CINCH on-line would be ideal, but costly. Delays also occur with CINCH searches because it is cheaper to process several at once, and requests may be held over for a couple of weeks.
- (4) 1200 monographs will be added to CINCH when checking is completed. These were published in the 1970s with some earlier material.
- (5) Subject indexing of monographs for CINCH is more comprehensive than for the Information Bulletin with chapters being considered separately [although citations are for the whole work unless chapters are by different authors].

II. Cinch (continued)

- (6) Ideally the coverage of CINCH could be expanded to include for example newspaper articles and parliamentary debates [but library staff do not have the time available to do this].
- (7) It was suggested that we could use the CINCH data base to compile the list of serials and catalogue of monographs [but material is only Australian and also it may not be technically possible].

III. Seminars - What do we gain from them?

- (1) Participants develop a liaison which is difficult over the telephone.
- (2) Much is gained from less formal discussions as well as from the official programme.
- (3) Participants learn about the resources of other libraries which might have been overlooked, such as indexes.

IV. Union list of criminology periodicals

- (1) This was considered invaluable and should continue to be produced in its present form. Bibliographical checking, though time consuming for the compiler, adds to the usefulness of the list. The Australian Institute of Criminology Library hopes to make use of the Institute's word processor for future editions.
- (2) Participants were asked to remember to consult the list before contacting the Australian Institute of Criminology Library; and were also asked to inform the Library of any errors found, before the next edition.
- (3) It was considered that wider distribution was necessary, for instance to all law libraries and government bodies with a possible interest in the field. State libraries should also be included. As reference staff are not always aware of the list it could be made more obvious by a coloured cover.
- (4) SALSSAH cannot be considered as an alternative to the list as the National Library is unable to cope with new contributors. The Union List is considered to be more concise and easier to use than SALSSAH.
- (5) The list should be published every two years to coincide with the seminar.

V. Legal Problems

It was pointed out that legal material is not included in the Information Bulletin or CINCH. Several questions were asked concerning legal problems experienced by participants, which were mostly answered by Rob Brian. His answers are summarised -

- (1) The *Case Notes Index* produced by Monash Law Library on microfiche is very useful and inexpensive.
- (2) Transcripts are available from courts, but are very costly. The New South Wales Law School Library obtains some from the judges. Slip judgments were also available in printed form.
- (3) It is advisable to go to the major law libraries with legal queries, as they have the resources and expertise. The BLIS service of the University of New South Wales Law School Library is ideal for extensive enquiries concerning the criminal law.
- (4) Although unreported judgments are a problem, lists are published, and the judgments themselves available through schemes such as those of the South Australian Law Society, and of the Tasmanian Supreme Court.
- (5) The University of New South Wales Law School's Workshop: Introduction to Legal Research Materials, would resolve many of the participants' enquiries. This was to be held on 19 and 20 February 1981.

ABORIGINES AND THE LAW : THE METHODOLOGY OF A BIBLIOGRAPHY

*John McCorquodale**

INTRODUCTION AND BACKGROUND

In seven years time white Australia will celebrate the two hundredth anniversary of the permanent European settlement of the island continent.

Ours is now a pluralist society comprising the indigenous inhabitants, the Anglo-Saxon colonisers, other caucasian immigrants and, more recently, arrivals from countries closer to Australia and possessing cultures, habits, life styles, customs richly endowed yet widely divergent from the dominant white strain in that society.

Whereas the literature on the European and even Asian components within the Australian fabric is ample and well-documented, that on the indigenous habitants of the country has until recently been both sparse and selective. Ethnocentricity and the dominance of anthropologists in Aboriginal studies may explain in part the poverty of adequate resource materials in the subject of legal studies emphasising Aborigines.

Strehlow appears to have made the first, tentative foray into a new and uncharted field of research. His paper on 'Notes on Native Evidence and Its Value', a modest and not terribly illuminating 13 page official Report to a Board of Inquiry, was published by permission of the then (Commonwealth) Department of the Interior, in a 1936 edition of 'Oceania'.¹

Foxcroft's 'Australian Native Policy', published in 1941, examined the position of the Aborigine under existing legislation, but a full six years elapsed before publication of the first critical examination of Aborigines in relation to one aspect of the administration of justice. I refer, of course, to Elkin's seminal 'Aboriginal Evidence and Justice in North Australia', and article again published in 'Oceania'.²

* Solicitor - Principal Legal Officer at Sydney Office of Commonwealth Deputy Crown Solicitor - Part-time Lecturer in Law at the University of Sydney. Ph.D. student under Professor Colin Tatz, University of New England.

Another 11 years elapsed before the publication of Dickinson's 'The Testimony of Aborigines in Law Courts in the Northern Territory'.³ Thereafter the pace of interest in, and publication of, materials on legal aspects of Aborigines in society quickened considerably. Mr Justice Kriewaldt's exegesis on 'The Application of the Criminal Law to the Aborigines of the Northern Territory of Australia' marked the genesis of a real endeavour by practising lawyers, in a learned law journal,⁴ to address themselves to a hitherto totally neglected aspect of professional practice.

But how great was the ambit and scope of the discourse? First, in the one hundred and seventy two years preceding the publication of his Honour's paper, anthropologists alone had been interested in publishing legal frameworks, legal references, conceptions pertaining to Aborigines. Secondly, their discourse magnified the more visible, criminal parts of the machinery of justice and then in a confined, technical framework, relating principally to evidence. Thirdly, and possibly because the workings were so much more abundant, readily accessible, or the problems so greatly manifest, the writers devoted their attention to the Northern Territory.

The first major foray into the wider aspects of law in society by a legal academic was that of Colin Tatz who, in 1964, presented his Doctoral Thesis on 'Aboriginal Administration in the Northern Territory of Australia'. Tatz was followed by Elizabeth Eggleston whose Ph.D. Thesis on 'Aborigines and the Administration of Justice', presented in 1970, was confined to the criminal law as administered in Western Australia, South Australia, and Victoria. Finally, Jim Lemaire, in 1971, presented his LL.M. Thesis on 'The Application of Some Aspects of European Law to Aboriginal Natives of Central Australia'.

In the last decade we have witnessed a burgeoning, almost an explosion, of interest in the subject of Aborigines and the law. One need recite only the trilogy of Charles Rowley,⁵ the continuing work of Tatz, Nettheim⁶ and Lippman⁷ as evidence of such interest.

As a practising lawyer, I am interested in, and concerned with, the processes of the law in society as a whole. To the extent that society is constantly undergoing change, whether overt or covert, as a result of pressures, changes, stimuli of groups within and outside it, I am curious as to the dynamics and nature of the change. The law, to me, performs a number of functions and roles, in which a lawyer can participate voluntarily or involuntarily. The stratification of society according to perceptions based on class, education, occupation, possession of or claim to economic resources, finds its expression in the response of the law either in facilitating change or in manipulating the process by which change eventuates. The response can be positive or negative.

The accommodation offered by the law to the dynamics of change must inevitably affect, and reflect, the role of the law as part of the social fabric itself.

Australian society in the space of one generation has undergone a remarkable transformation in its attitude to, and corresponding treatment of, its Aboriginal members. The overwhelming Constitutional mandate given to the Commonwealth Government in 1967; the acceptance and exercise of its powers in that regard by the incoming Labor Government in 1972; a greater understanding and awareness by non-black Australians of the unique qualities and values of a black cultural identity; the increasing articulation of its views by Aborigines; the successful recourse by Aborigines to the media, to the courts of law, to the several Parliaments demonstrating an understanding of how power bases could be utilised to obtain redress for grievances; a growing realisation by white Australia of the appalling conditions under which a sizeable and visible minority of the population existed; and the acceptance by the majority of programmes designed to eliminate or modify the harsher, or more negative, impediments to Aboriginal progress, contributed to, and marked, the pace and style of this transformation.

The awakening of the Australian consciousness to the festering sores which it had largely inflicted on the Aborigines was marked by a corresponding interest amongst lawyers within the community to the role they could adopt in nurturing these programmes. But adequate tools of reference were, and still are, sorely lacking.

The creation of the Australian Institute of Aboriginal Studies in 1964, and the establishment of Aboriginal Legal Aid services throughout Australia, commencing in 1970 with the (New South Wales) Aboriginal Legal Service, have not been matched by the publication of texts, or guides, specifically devoted to the problems of Aborigines.

Tatz and Eggleston in 1964-1965 proposed the compilation of a Digest of Aboriginal Laws dealing specifically or en passant with Aborigines in Australian colonial and contemporary society from the time of permanent European settlement until the present. The Digest was to reflect, on a Commonwealth and State-by-State basis, under subject headings and for each jurisdiction, a handbook of laws relating to Aborigines. The handbook was subsequently regarded by those Australian University Law Schools invited to participate as being too absorbing of available time and resources to justify. Consequently, the handbook never appeared, the compilation lapsed, and only Eggleston's 'Bibliographical Introduction to Legal History and Ethnology : Australian Aborigines' published by the Institute of Sociology, the Free University, Brussels, in 1971, affords a glimpse of what was intended.

Even that work is woefully inadequate as a resource tool for practising lawyers. It lacks a subject index, the legislation is far from complete and even when it does appear it cites only the Principal Acts and not subsequent amendments, and refers to Regulations, By-laws and Rules not at all.

The case law cites 31 reported decisions, commencing with *R.v. Murrell* (1836) Legge 72 (NSW), and concluding with *Milirrpum v. Nabalco Pty Ltd and the Commonwealth of Australia* (1971) 17 FLR 141. Hardly any indication is given as to the significance or importance of the decision, the nature of the matter (i.e. whether civil or criminal, except, of course, in respect of those matters to which the Sovereign was party), the composition, status, and jurisdiction (i.e. original or appellate) of the Court hearing and determining the matter, the questions of fact or law under consideration, or the subsequent history of the individual case, (i.e. approved), applied, considered, referred, reversed, distinguished.

Nevertheless, the work was a useful start, and its very specificity set it apart and otherwise distinguished it from Greenway's general Bibliography, published in 1963 and that of Massola, published in 1971. Subsequent Bibliographies are those of Margaret James in 1972, second edition by Colin Fong in 1976, M.A. Martin in 1973, Diane Harrison in 1975, the J.V. Barry Memorial Library within the Australian Institute of Criminology in 1976, and, most recently, that of Celia Brockwell in 1979.

The foregoing recitation suggests both an explanation of, and an excuse or justification for, my own Bibliography.

In the first place, there is a relative paucity of published reference material, both primary and secondary. Even Eggleston's work, in 1971 ran only to 13 pages. Secondly, the content of my work (and that of Brockwell) may, I suggest, be regarded as a criterion of interest in the subject with which each deals. Thirdly, the field of the law in its impact on Aborigines *qua* Aborigines, and as Aborigines in a dominant white society, was originally and, as I have shown, for a long time the exclusive preserve of social anthropologists. Academic lawyers assumed the burden only very recently. Fourthly, the legal profession, and all other sections of the body politic, are more conscious than ever of the inequities under the law, inflicted by those administering the law, of a vast number of dispossessed. The heightening of their professional consciousness has, I think matched that of their social consciousness.

Lawyers are not ignorant or unmindful of the forces which form, mould, shape or influence the law in society. At the same time, the matrices exemplify their individual perspective of their role in society, of their relations with other practitioners in forming a cohesive and identifiable sub-stratum of that society, and of the way in which the law internalises and institutionalises conduct and conflicts in society.

THE BIBLIOGRAPHY : AIMS AND OBJECTIVES

The Bibliography is the product of many complementary factors. First, it is both an integral part, yet can stand independently, of my Doctoral Thesis on 'Aborigines and the Administration of Justice in New South Wales'. Secondly, it reflects the support which both the Department of Aboriginal Affairs and especially the Australian Institute of Aboriginal Studies have given to its compilation and completion. Indeed, it marks the practical fruits of the first law-related project funded by the Institute since its inception. Thirdly, it is intended to present a working tool for lawyers engaged in this field; accordingly, its structural content is designed to facilitate references to case and statute law, both current and historical, pertaining to Aborigines on a Commonwealth and individual State basis.

Fourthly, it will cover a wider field of law than any single bibliography has yet attempted. Finally, by judicious annotations, it is intended to highlight important developments in the law for use by practitioners or other researchers.

LEGISLATION

The law has been treated thematically, as well as chronologically and episodically, in order to identify areas of comparative neglect and to suggest, therefore, areas for appropriate initiatives and action. The Bibliography is intended to suggest strategies for other or further legal, political, economic and social action not only for lawyers, but also for those interested in advancing such ends.

METHODOLOGY OF RESEARCH

I first had to consider what, rightfully or reasonably, ought to be included within the meaning of 'the law'. Should it be confined to an Austinian positivist viewpoint, or should it encompass non-traditional, non-ethnocentric references as well? I opted for the latter, hoping thereby to broaden the appeal and scope of the work, but also to make lawyers more aware of a system of 'law' as valid, as dynamic, and as appropriate for given situations, as their own. Of course, I could not overlook the current reference to the Australian Law Reform Commission on Aboriginal Customary Law, nor could I be so obtuse as to ignore judicial notice taken by the Supreme Courts of South Australia, Western Australia and the Northern Territory, of such law.

The practical difficulty for me, not trained in the art or science of anthropology, was to distinguish those practices which by effluxion of time or otherwise had become customs, conventions or had assumed the status of a law in traditional Aboriginal society, and those which had not.

The work will include reports of all Royal Commissions *ad hoc* dealing with Aborigines, but not of all Select Committees of the several Parliaments. I have included every Act of the Parliaments of the Commonwealth, and of the States and Territory of the Commonwealth. Separately included, but similarly treated, are the By-laws, Rules, and Regulations made thereunder. The Acts and the By-laws, etc, are included under the section dealing with legislation. To date there are approximately 1600 such references, and they will be individually annotated on a selective, or subjective, basis.

The easiest aspect of the legislative research was to extract references commencing with 'Aborigines'. Earlier Bibliographies contained little of relevance, other than to current legislation. Most publications of the respective Governments had consolidated Acts, reference to which sometimes yielded further specific references to legislation repealed or amended. By deductive means, therefore, it was sometimes possible to cross-refer to Acts containing 'hidden' amendments, i.e. Acts dealing with, *inter alia*, 'Aboriginal' Acts, yet *prima facie* not of themselves 'Aboriginal' Acts. An example is the *Statute Law Revision Act*, 1970 (W.A.) which, *inter alia*, amended the short title of the (W.A.) *Aboriginal Offenders Act*, 1883.

From my reading of the available books and articles thus far compiled (approximately 1300 to date, compared with Eggleston's 123 in 1971!), I was able to check and cross-reference additional primary materials.

Again, and with the benefit of current knowledge, it was a relatively uncomplicated task to isolate certain recurring themes in colonial literature - and legislation. These included:

- (i) vagrancy
- (ii) liquor
- (iii) criminal offences, and punishments
- (iv) testimony in courts of law, that is evidence
- (v) Crown lands, leading to mining and special leases/purposes legislation
- (vi) firearms
- (vii) hunting, in the form of conservation/hunting of fauna, and preservation of flora
- (viii) fishing
- (ix) employment

Again in the context of the several phases of official government policy to the indigenes (including for this purpose Kanaka labour imported into Queensland in the late nineteenth century), it was possible to research those laws dealing with 'Exploitation', 'Pacification', 'Segregation', 'Assimilation' and 'Integration', each viewed against an historical/constitutional background of self-government or independent legal sovereignty.

Accordingly, legislation (and legislative references) in one State tended to recur, or to be reflected, in corresponding legislation in another State for example the *Pearl Shell and Beche-de-Mer* legislation of Western Australia and Queensland.

The Rules, Regulations and By-laws derive from the enabling legislation.

CASE LAW

In some instances, works such as the *Australian Digest*, (first and second editions), *Australian Current Law*, *Australian Legal Monthly Digest*, *Current Australian and New Zealand Legal Literature Index* or *Index to Legal Periodicals* would contain direct references to case law, meaning decisions of the appropriate tribunal. Eggleston's 1971 Bibliography, as already noted, includes 31 reported decisions for the period 1836-1971. By pursuing secondary sources, by recording annotations of relevant legislation, by noting '*Cases Judicially Considered*' in the *Australian Digest* and by searching every individual case for appropriate references, I have to date collated 146 reported and unreported decisions for that same period, and another 157 for the period 1972-1981, achieving a total of 303 case references.

The decisions of Courts of Petty Sessions were not researched for purposes of the Bibliography, nor (with but a few exceptions) were those of courts next in the judicial hierarchy, namely District or County Courts. The vast majority of decisions included in the Bibliography are those of the Supreme Courts, Courts of Appeal, civil and criminal, the Federal Court of Australia, the Family Court of Australia, the High Court of Australia and the Judicial Committee of the Privy Council.

Where the report did not, prima facie, pertain to Aborigines as parties, or in respect of legislation concerning which prosecutions or other actions were instituted, it was possible to research decisions by reference to the firm of Solicitors instructed to act: the various Aboriginal Legal Services are an obvious example; alternatively, it was quite striking to me how the same Barrister would be briefed to appear on behalf of Aboriginal clients in quite disparate matters.

Accordingly, a painstaking reading of the law reports, especially after 1971 (coinciding with the establishment of such Legal Services) yielded more case references, as did references in such cases to prior cases which then had to be checked.

BOOKS AND ARTICLES

Like Topsy, the collation 'just grow'd'. I should here acknowledge the outstanding and continuing support of David Bennett, Bibliographer in the Australian Institute of Aboriginal Studies, and to many others who have heard of, and support, my endeavours; such as Jenny Gleeson,

of the Department of Aboriginal Affairs, Sylvia Gleeson, of the Office of the Commissioner for Community Relations, Daryl Gunther, now Deputy Ombudsman for New South Wales, and Peter Hennessy of the Australian Law Reform Commission.

It is apposite to mention that many other individuals have helped me, as have many official Government bodies - State and Federal - in my task.

The references in Greenway to my specialist topic I found disappointingly meagre, but having regard to the historical predominance or preponderance, or just plain interest, of anthropologists in matters Aboriginal, that is, I suppose, hardly surprising.

As a lawyer, I had, and have, access or recourse to an extensive legal library, including academic journals. Standard texts by leading authors were culled for further references and these were similarly treated.

Perforce I made subjective assessments as to inclusion or exclusion of items of likely interest. I have included in this section theses presented to institutions of higher learning. Dr Coppell's book was a starting point; I regret that very few University libraries seem to have an Australia-wide reference to Aboriginal-legal theses, and even the Law School Libraries are lacking in this regard.

I have made no attempt, unlike, for example Brockwell, to include newspaper references or reports. I do not consider them a primary source, or even necessarily a reliable or authoritative secondary source, of legal materials. One or two exceptions spring to mind; the first relates to the newspaper report of the trials of Aborigines in Victoria in the 1860s, when such items of interest commonly fell within the legitimate purview of such publications; the second is a letter written by A.P. Elkin and published in the Sydney Morning Herald on 20 August 1934.

PRESENTATION

(i) Legislation

To achieve uniformity, I have adopted the references to legislation prescribed by s.10 of the (Commonwealth) *Acts Interpretation Act* 1901. That section was inserted by s.4 of the *Acts Citation Act* 1976. In essence, amended or re-enacted Acts are referred to by the Act as originally enacted. The legislative references have been treated chronologically, and on a 'territorial' basis. Wherever possible, the section dealing with, or referring to, Aborigines has been specified unless the Act as a whole so refers for example *Aborigines Protection Act* 1969.

The date of assent and of the commencement, and the Gazettal reference where appropriate, and the consequential effect of the legislation, especially the repeal of earlier legislation, and the subsequent history of the subject legislation (its amendment or repeal) have also been included. The legislative reference has included additional information as to the number of the legislative enactment, and the regnal year of the Sovereign if the original were so expressed.

(ii) Case Law

There has been a tripartite classification of all cases collated:

- (a) alphabetically
- (b) chronologically, and
- (c) 'territorially' according to the State or Territory where original jurisdiction was first exercised.

The (c) 'territorial' classification includes all relevant citations, the status of the matter (that is, original or appellate jurisdiction, civil or criminal), the court hearing and determining the matter, the composition of the Bench, the subsequent judicial treatment of the case to 1981, the essential features or facts of the case, and an appreciation of its importance or relevance to-day.

(iii) Books and Articles

As with the legislation and case law, these have also been annotated. I have followed the method of citation recommended by the third edition (1978) of the *'Style Manual for Authors, Editors and Printers'*, Chapter 10, pages 74-103 (Australian Government Publishing Service), except that, in the interests of justice, I have included references to *all* authors rather than to the first author of a multi-author work. Similarly, I have included references to submissions to Select and other Committees *sub nomine* of their organisation rather than in their personal names.

Parliamentary Committees have been included in 'Royal Commissions' on a selective basis. I have refrained from including references to Parliamentary debates on prospective legislation in deference to the standard common-law rule of statutory interpretation.

Finally, and to permit a comparison of Australian with overseas experience, I have included a personal selection of New Zealand, English, Canadian, and United States case law, and books and articles, dealing with the subject matter of my own Bibliography. I have tended to concentrate on those citations which will admit of a conspectus of the theoretical or intellectual framework and constructs in which I have endeavoured to work.

Without limiting the generality of the foregoing, the foreign material encompasses racism *per se*, discrimination, institutional sub-ordination, concepts of power and of powerlessness, of law and order, of programmes of affirmative action and of benign or positive discrimination.

Inevitably I shall disappoint some people by the very process of selectivity I have employed. My Bibliography will make no claim to cover the field, and will intrude upon some areas traversed, perhaps even comprehensively, elsewhere.

The claims that I will, and do, make for my work are that it is the first comprehensively annotated Bibliography of extant primary and secondary materials thus far attempted in Australia. By the citation of legislation long since repealed, amended, or fallen into desuetude, I am providing others with an opportunity, an example, or an excuse to explore more fully a topic which should be the concern of an even broader spectrum of interested Australians.

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5. 'The Destruction of Aboriginal Society' (1970), 'Outcasts in White Australia' (1971), and 'The Remote Aborigines' (1971). See also his 'A Matter of Justice' (1978).
6. For example 'Out Lawed: Queensland's Aborigines and Islanders And the Rule of the Law' (1973).
7. For example 'Words or Blows : Racial Attitudes in Australia' (1973).

FAMILY INFORMATION CENTRE - INSTITUTE OF FAMILY STUDIES

Judith Newbold

As the Institute is a fairly new organisation, it is perhaps worthwhile to begin by giving some idea of the functions it was set up to perform. The role of the Family Information Centre within the organisation will then be easier to explain.

The Institute of Family Studies is a Commonwealth Statutory Body and commenced operation in February last year. Originally the Institute was to have been established concurrently with the new Family Court System to assist in monitoring the operation and impact of the Family Law Act 1975. The Act has subsequently been amended but the Institute's functions are now broadly twofold. *First*, to promote research into factors affecting marital and family stability in Australia, and *second* to advise and assist the Commonwealth Attorney-General in relation to making grants available for appropriate research.

The stimulus for the establishment of an Institute of Family Studies came mainly from those involved in marriage counselling, and those interested in reforming family law. The Institute's activities centre around meeting the following needs:

1. *Research* on social and economic factors affecting the well-being of families of different types in Australian society;
2. *Developing* a more objective understanding of what is happening to the family in Australia, including identification of the strengths as well as the problems of Australian families;
3. *Monitoring* the impact of government policies and administrative practices on families of various types in Australia.
4. *Evaluating* the effects of marriage counselling, pre-marital education and other services, including those areas of the law aimed at assisting families;
5. *Disseminating* information about families and family structures to all those whose work directly affects the lives of families.

Our objectives, therefore, at the Institute are essentially *practical* ones, concerned primarily with learning about real situations through research on Australian families. Our aim is to build a comprehensive,

detailed and theoretical understanding of factors affecting family life and family structures in Australia. We consider that statistical information, while basic to the above tasks, is insufficient in itself, and we try to build up broader pictures and understand the human conditions underlying the statistics. Our research will be integrated so that separately funded research builds into an overall picture rather than being piecemeal. Our staff ceiling for 1979-80 consists of 15 full time staff and eight part time staff. Appointments have been made across disciplines such as law, sociology, psychology, demography, information science and economics.

The Institute's research programme consists of a number of major studies. At present we are piloting two studies, the first is a longitudinal study of 18 to 35 year olds enquiring into the formation of families. This study is intended to reveal how people's family background experiences influence their hopes, expectations, and perceptions about their own future family arrangements. In addition it will seek to uncover factors in people's current experience which influence their hopes, expectations and so on about forming families. And thirdly we will examine later on how these expectations will relate to people's actual achievements, in other words did they (later) do what they said they would do? And if not, why not?

The other study is concerned with family dissolution - particularly those who have undergone the divorce process and have been in contact with the Family Court. This study is intended to identify how people cope with marriage and the family looking not only on the negative side but also on the coping mechanisms used by some but not others. The Family Court itself wants urgent answers to questions about child custody and access. With mobility and re-marriage, most access orders are not being complied with, two years after the order. We need to know why, and with what consequences? We need to know more about family reshaping, remarriage, step-parenting, adjustments to new partner, and a new family configuration.

Obviously many other areas of research are needed. And some of these will be examined in the years to come, for example the nature of extended family support; the influence of family life on children: the nature of communication and the family both within the family, and by means of the mass media; the incidence of alcoholism and violence; the use and impact of family allowances, and the tax system relating to the family; the needs of the handicapped, infertile, mentally ill, and hyperactive; the impact of health and ill health on the family.

The information needs of the Institute are such that a special service area is being developed to provide bibliographic and reference services that will serve members of staff and outside bodies such as the Family Law Council, and researchers and service workers concerned with the well-being of Australian families. This service is called the Family Information Centre (FIC), and it is located on the second floor of Lewis House, at 766 Elizabeth Street, Melbourne. The Centre is attractively set out with plenty of light from large windows, study

tables and easy chairs, low shelving units for books and selection units for displaying journals and newspapers.

The Centre contains at present a small, but growing, collection of published materials, books, reports, government documents, conference papers, journals and pamphlets. The nucleus of the present collection is formed from the materials inherited from the Royal Commission on Human Relations. The buying programme for current books and materials is well under way with parcels of new books arriving every day. Careful selection of informational materials is necessary as budgetary allowances are not unlimited. Special emphasis however will be given to acquiring all Australian sources of information relating to families of various types and the impact of economic, social, political and other factors on family well-being. The Centre will also specialise in obtaining and collating statistical and demographic information on families in Australia.

I have not concentrated at all on the more traditional aspects of Library organisation within the FIC. Suffice to say, that we participate in the National Library's AMRS for the cataloguing of our material. We use the Dewey classification system and we are at present, building up an article file which will in time be subject indexed.

I am sure that the problems we face in setting up our collection and our solutions to these are all too familiar to most of us here. We are, however, attempting to collect and maintain fairly comprehensive statistics on all our operations with a view to arriving at a realistic picture of the kind of services we can provide given the constraints of a staff of two and a half people and our financial allocation. Apart from the collection of information, the FIC plays an equally important role in the dissemination of it.

We are very concerned that our work should be available to all those who require it, and, unlike many research organisations we want to make our findings and our research processes open to the public. That actually brings about quite a few problems, especially when carefully qualified information becomes sensationalised by inaccurate and irresponsible journalists. One aspect which might be of interest to you, is that we are in the process of publishing a series of Fact Sheets now re-named Family Information Bulletins or FIBS. These sheets will make available in a readable and useful form research information on families of various types.

A series of discussion papers is being produced in which members of staff and invited outside contributors may raise issues of importance to understanding the family. These discussion papers will not represent an official Institute view, but rather will serve to stimulate debate and research effort in order to strengthen the basis of family life in Australia.

A further series of working papers will present detailed research results at each stage of the research process. One of the major failings of academic publications is that the wider audience rarely

has a chance to see research in progress or to see the more detailed findings of research projects; this series is designed to redress this imbalance. Thus these working papers, produced in-house in a simple form, will be disseminated widely for discussion.

The Institute's major reports, pulling together the final results of large research projects, will be published through the Australian Government Publishing Service, or as books through private publishers.

The Institute's newsletter will be produced from time to time to disseminate information about on-going Australian research, seminars on matters affecting families, changes in government policies affecting families, book reviews and bibliographic materials of interest to those working in the field of family studies. The editor would be pleased to include notice of forthcoming events of reports of research or conferences thought relevant and useful to researchers in the field, and contributions can be sent to the Editor at the Institute, 766 Elizabeth Street, Melbourne, 3000.

There is not much more I can add at this point except to invite interested people to visit us at the Institute and to contact me should they require any further information about our activities.

SOME ISSUES IN THE PROVISION OF LIBRARY SERVICES
TO AUSTRALIAN PRISONERS

Neil Donahoo

Today I would like to raise a number of issues which relate to the provision of library services to Australian prisoners. I do not propose to provide a blue print for future development, or even to suggest guidelines within which prison libraries might operate. My own personal knowledge and experience in this field is too limited to do any more than raise some questions, and comment on some of the problems facing those of us who are interested in providing prisoner library services.

Since we last met together in Canberra in 1979, little progress seems to have been made in Australia's prison libraries. Why have our earlier resolutions [1,2] at these Seminars for Librarians in the Criminal Justice System been ignored, and why does Australia have prison library services described at best as showing 'a good deal of variation' [3], and perhaps more frequently as inadequate or unsatisfactory [4], particularly for special groups of prisoners such as non-English speaking migrants [5] and Aborigines [6]?

I would suggest that a large part of the reason for Australian prison libraries still being generally inadequate is that our State governments and correctional authorities are not convinced that prisoners need better library services. If they have ever given consideration to this matter, they are more likely to be familiar with the view expressed by Fiori Rinaldi than with the views quoted above. In his introductory book on *Australian Prisons*, Rinaldi wrote:

The one educational facility available to prisoners to a greater extent than to the outside community is the library. Although prison libraries normally carry only a small collection of works other than novels, virtually any book in print can be obtained by a prisoner through the public library services of his State. Since the widespread introduction of television sets, particularly in Victoria, interest in the library has wained [sic] extraordinarily.[7]

Without political and other pressures being brought to bear, our governments cannot really be expected to act on the well intentioned resolutions of groups such as ours. Serious attention to the library needs of prisoners, and increased funding for prison libraries (and, more generally, for prisons) are unlikely ever to be of great political consequence and are, therefore unlikely to occur without concerted effort.

We ought, for instance, to be aware of the gradual collapse of the library system within the Federal Bureau of Prisons in the United States where it has been reported that 'Bureau officials admit they respond to pressure. And there has been no pressure to maintain libraries'. [8]

Why should we expect governments and correctional administrators to spend their already hard-pressed funds on library services to prisoners? After all, we cannot assume an obvious need exists for libraries in the same way as for kitchens and laundries in prisons. If any thought has been given to justifying prison libraries in the past, it has usually relied on affirming the library's role in the rehabilitative process. The American Correctional Association's *Manual of correctional standards* includes this fine statement:

Institutions cannot afford to operate effective treatment programmes without fully developed libraries, readily accessible, well stocked with sufficient, carefully selected up-to-date books, periodicals and other library materials... To support, broaden, and strengthen the institution's total rehabilitation and educational programme by providing appropriate library materials in an attractive library setting, with library staff trained in directing programmes for the maximum use of the materials, is the programme objective of the library.[9]

This emphasis on rehabilitation even exists in our own work. In 1977, at the first Australian Institute of Criminology seminar for librarians our recommendations included the statement that: 'Prison libraries should be regarded as an integrated part of the rehabilitative programme.[10]

Unfortunately, we were exposing to Australia's correctional administrators our ignorance, or naivety in the field of criminology. From the early seventies there has been a growing body of literature in which it has been argued that rehabilitation was no longer tenable as a goal for correctional institutions because no treatment programmes had been shown to significantly reduce rates of recidivism. [11] This view is perhaps best represented and known in *The Effectiveness of Correctional Treatment* by Douglas Lipton, Robert Martinson, and Judith Wilkes. [12] It has appeared in Australian criminological writings, recently for example, in John Van Groningen's article, 'The "Other Side" of prison reform' in *The Australian and New Zealand Journal of Criminology*.

The historiography of 'nothing works' in criminology is already a fascinating study. Critics quickly replied, especially to the writings of Martinson.[14] [15] Even Martinson has re-assessed and criticised his own earlier work.[16] It is sad that some of the later writers, such as John Van Groningen in his article cited above, have chosen to completely ignore these developments in the rehabilitation debate or to

feel no obligation to counter these newer arguments. For librarians, perhaps the only defensible view to hold at this time is that the 'issue of penal rehabilitation remains moot'. [17]

One of the difficulties for us is that, at least publicly, Australian governments still profess to see rehabilitation as one of the goals of imprisonment, while the correctional administrators and institutional staff long ago discarded rehabilitation as a useful concept (if, in fact, they ever accepted it). For example, the Victorian government in its White Paper on social welfare declared:

The Government considers the primary functions of this State's correctional system are social control and deterrence. It also highly recognises the principles of *rehabilitation* [my emphasis] and restitution as highly significant. [18]

However, John Dawes, the Director of Correctional Services in that State, has expressed his disagreement with the government position. In a review of Norval Morris's *The Future of Imprisonment*, Dawes wrote:

Most prison administrators I know heartily endorse the idea that rehabilitation should not be claimed as an aim of imprisonment. ...Professor Morris argues that programmes are to be provided because they may assist the prisoners who use them in their preparation for returning to the community. From the point of view of prison management, this attitude is gaining growing support.

Dawes adds:

Programmes are not provided because they will rehabilitate prisoners, but because busy prisoners are less likely to be problem prisoners. [19]

Van Groningen has profitably pointed out the consequences of such ambivalence for the correctional staff:

Those objectives that relate to custody and safe keeping are generally both understood and supported by uniformed institutional staff; while on the other hand those that relate to the various treatment goals are either neglected or rejected. [20]

Therefore, in our rationale for providing library services to prisons, we will have to offer a framework equally acceptable to the government, the correctional administrators, and the uniformed staff if we hope not only to initiate services, but also to maintain them. Appeals to rehabilitative models might convince the government, but they will certainly hold no sway with, and may even alienate, prison officers. There is available, fortunately, a small body of literature which can be studied and which does not rely upon the supposed rehabilitative role of prison libraries.

The monumental four-volumed *Survey of Library and Information Problems in Correctional Institutions* by Marjorie LeDonne and others (Berkeley, California, Institute of Library Research, 1974) recommended that:

Library services should be predicated upon the individual's right guaranteed under the First amendment of the Constitution to read and have access to all information and all points of view. [21]

Another American writer to take up the same theme later was Richard Barone, Librarian of the Administrative Conference of the United States, who argued that:

the right to read is the strongest and only force to both improve services to inmates and at the same time, justify much needed increases in funding. [22]

A different view is offered by John Hinkle in his brief resume of his own career in prison librarianship. Hinkle quotes from the American Library Association's *Gaols need libraries too* for support:

Prisoners usually sit in idleness, despair, isolation and boredom. Thus, undue strain is placed not only on the prisoner, but also on the administrator and staff. Potentially explosive situations can develop in such atmospheres.

The value of effective library programmes in combating idleness and boredom has long been recognised. Meaningful relevant materials can improve reading and education levels, stimulate and produce employment interests, and offer temporary mental escape avenues. [23]

In its report to the U.K. Department of Education and Science, the Library Advisory Council for England took a similar perspective to these American writers. The Advisory Council pointed out that:

It is not penal policy to deprive those in custody of a library service, nor to impose lower standards of service than those enjoyed by the general public. [24]

It added later:

Libraries ought to be among the services to which prisons give particular attention, regarding them as among the most effective counters to the mental deterioration which prison may induce. [25]

(This latter claim would be difficult to substantiate).

Unfortunately, I have not yet been able to read the recent Home Office Prison Department policy statement, *Library Facilities for People in Custody*. (London, Home Office, 1978). However, in view of a number of its recommendations, including an increase in the capitation grant per inmate which the Home Office pays to local authorities for library service to prisons, it seems evident that the Minister of State at the Home Office is convinced of the need for better prison library service. [26] It could be worthwhile for Australian librarians to study the rationale offered by the Home Office when the policy statement is available here shortly.

In Australia, the Nagle Royal Commission, without being specific, seems to have accepted the view that:

...every member of a democratic society has an inalienable right of access to the information he or she requires to develop as an individual and to play a full and effective role in society. [27]

Last year, in an unpublished report to the Victorian Branch of the Library Association of Australia, Jan Smark and Helen Modra argued for prison libraries from the premise that:

Often in hospital and gaol situations people suffer disorientation and intolerable boredom through lack of any form of intellectual and/or recreational activity. By reading appropriate books, patients or inmates can know how other people have coped with pain, fear, unemployment and loss of social status, drug problems and terminal illnesses. In a recreational sense books can provide a sense of escape from what may be an intolerable environment. [28]

These reports collectively then may be drawn towards a new rationale for library services to prisoners, a rationale not dependent on re-habilitative models. They can, perhaps, be summarised into two main premises. Firstly, imprisonment deprives the inmate of certain rights held by other citizens; those rights which are restricted or removed should only include those necessary for effective custody and to protect the well-being of others in the prison. The rights to read and, more generally, to have access to information are not among those rights removed by imprisonment. Secondly, the prisoner who uses the prison library's books, periodicals, and audio visual materials is less likely to suffer from boredom and idleness, and may even develop new interests helping in his or her re-integration in the community; this prisoner is then less likely to be a troublesome prisoner. From the correctional administrator's view, this two-pronged rationale 'fits' with the philosophy of 'humane containment'.

Given this framework, however, there still remain difficulties. For example, the prison administrator may feel it is not necessary for the prison to provide a library to help keep prisoners busy: there are, of course, alternatives available which may require fewer prison funds. Permission for prisoners to bring in their own televisions, or their own reading materials, are only two of many possible examples.

To illustrate some of the difficulties inherent in the rights to read and to have access to information, I will use the issue of prison law libraries. By now, it is probably not necessary to repeat the history of legal decisions in the United States which has led to the development there of prison law libraries [29] and the publication of reports such as the American Correctional Association's *Providing Legal Services for Prisoners: a Tool for Correctional Administrators* (College Park, Maryland, A.C.A., 1977). In Australia, the case has been taken up most forcefully by our host today, Rob Brian. In the *Australian and New Zealand Journal of Criminology* last year, Rob made an eloquent case for prison law libraries, even providing a preliminary list of recommended items for New South Wales prisons [30]. However, an earlier editorial in the same periodical had looked at American developments in this field and concluded, not in favour of prison law libraries, but only that:

It behoves us to consider prisoner's [sic] rights of all types and this includes the availability of legal materials.

The editorial had cautioned that:

It is not proposed at this point in time to suggest that the proposal offered by the State of North Carolina should be implemented in any jurisdiction in Australia or New Zealand, or that the lists of materials suggested by the American Bar Association should be purchased, with appropriate modifications. [31]

In the American context, in one study in 1977 some twelve per cent of prisons still did not provide law books and materials to inmates despite court decisions. [32] Elsewhere it has been argued that:

Because of the costs involved and because of the importance courts give the question, careful scrutiny should be given to all possible options of fulfilling the administrator's constitutional duty of providing inmates with meaningful access to the courts. [33]

Looking more generally at prison libraries and not just at law libraries, it might be argued, with some credibility, that the prisoner's rights to read and to have access to information do not necessarily entail having a library within the prison. There may, it could be argued, be alternative ways of guaranteeing these rights.

Despite these difficulties, it will, I feel, still be worthwhile our developing a case for improved prison libraries based on prisoners' rights, and the 'busy' untroublesome prisoner.

At this time, another recourse is to press for effective implementation of the appropriate section in the United Nations *Standard Minimum Rules for the Treatment of Prisoners*:

40. Every institution shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books, and prisoners shall be encouraged to make full use of it. [34]

However, this rule is so general and vague that it may prove difficult to use if we hope to improve prison libraries. For instance, are legal materials included in 'instructional books'? What would a prison authority be required to do to encourage prisoners to make full use of the library? More importantly, what is an 'adequately stocked' collection? For example, in a general survey of Victoria's prisons, Dennis Challenger advised that the prison libraries met the U.N. standard rules. [35] In the same year, however, a library consultant to the Victorian Social Welfare Department, as it was then known, found that all aspects of library service to inmates were unsatisfactory. [36]

It is interesting to note here that the draft Australian rule relating to prison library services is not as demanding as the U.N. standard which was formulated more than 20 years earlier. The Australian

rule is:

40. All categories of prisoners shall have access to a library adequately stocked with both recreational and instructional books, and prisoners shall be encouraged to make full use of it. [37]

As Challenger noted in the report referred to above, the draft Australian rule seems to imply that prisoners have access to a library which may be outside the prison, rather than each prison having its own library. [38] Ideally, of course, both rules would apply, that is each prison would have its own library which would borrow materials from community libraries as necessary.

As the first seminar for criminal justice librarians noted, there 'is an urgent need to survey the status of [Australian prison] library facilities and to set minimum standards'. [39] This survey and the setting of standards should be carried out with the assistance of the Australian Institute of Criminology and the Library Association of Australia. The required standards would include not only collection size and staffing, but also services, budget, accommodation, frequency and duration of access by inmates, frequency of stock changeover, and a statement on censorship policy. As well, as the Howard League for Penal Reform commented recently in Britain, there is a necessity for 'annually published library statistics... so that progress towards agreed standards can be measured'. [40] In the development of Australian prison library standards, particular attention might perhaps be taken of the results of the Library Association's working party on standards for British prison libraries when these are available. [41]

Another aspect of library service to Australia's prisons which deserves some attention is that of which agency should actually provide the service. Currently, the following agencies are variously involved in different States: the correctional authority, the education department, and public State, technical college, college of advanced education, and university libraries. (There may be others of which I am unaware). Now, diversity is fine, but in a population as small as Australia's, I wonder if much effort is not being dissipated in some areas, and whether some prisoners are not missing out entirely on library services. There are many issues which could be raised in this area of discussion. What, for example, is the role of the local public library? Coburg Public Library provides a limited library service to Pentridge on the assumption that:

Prison inmates are members of the [Local] community and are therefor [sic] entitled to library service.

But Coburg points out that it requires:

extra funding from outside Council revenue to provide extra material and also to appoint a staff member who can liaise not only with the education officers but preferably with the inmates themselves. [42]

Northcote Public Library, however, provides no service to Fairlea Women's Prison within its municipality. Fairlea is generously assisted by Preston Technical College Library, several suburbs distant. If the local community library is to service prisons, should it not receive special funding for this purpose? Should such funds be administered by the State Library or by the correctional department? The capitation grant, the English equivalent of this type of funding has itself been the subject of some dispute between the local authorities and the Home Office.

The latter's view, supported by the prison authorities, is that the public libraries have a duty to serve all those resident in their area including those in correctional institutions. The capitation grant is designed to help public libraries with the costs of giving a library service to prisons; it is not intended to defray all the expenses which the public library will incur. Public libraries feel that the provisions of the Public Libraries and Museums Act of 1964 entitle them to charge for the provision of a library service in a prison on an agency agreement. [43]

Which model would best suit Australia?

Other questions which require answers in this area include: Should we follow the Home Office Recommendation that:

'the Prison Education Officer should be managerially responsible for the prison library ...[and] that a Prison Library Officer should have the responsibility of the operational aspects....?' [44]

What relationship(s), then, should exist between the library and educational services within the prison? [45] Or, if a senior professional librarian is appointed to coordinate the prison library

services throughout the State [46], should that person be on the staff of the correctional authority, or that of the external services or public libraries division of the State Library? More generally, who should be responsible, and accountable, for library services to prisoners? [47] In the United States, at least, it has been observed that:

during the 1970s, one of the most significant trends [in correctional librarianship] has been the accelerated growth of services to institutions by public library systems and local public libraries. [48]

The answer which each Australian State finds to these questions may very well vary because of existing local needs and differences. An acceptable service delivery system for physically small States such as Victoria and Tasmania could prove totally unsuitable to the larger States, and Victoria's much larger prison population would present various difficulties not met by the smaller Tasmanian prison system. I doubt whether, to date, real consideration has been given to these issues by the State Library and correctional authorities. Certainly there is evidence to suggest this in South Australia. The recent report, *Prisoner Education in South Australia*, concluded that:

Each prison should have a library resources centre which (a) is a small replica of a community library, and (b) is part of the public libraries system.

Yet, the Committee was uncertain whose responsibility the L.R.C. ought to be, for it continued:

The provision and servicing of such library functions should be investigated and reported upon by the State Library (Public Libraries Branch). [49]

There are several other issues which deserve more consideration in Australian correctional librarianship, and which there is not space here to deal with. I will only briefly mention them. Firstly, libraries are now admitting to their responsibilities in assisting to counter adult illiteracy. The average reading age of Federal prisoners in the United States is twelve years. [50] I have seen no figures on illiteracy levels in Australian prisoners, but the problem is likely to exist here as well. In America, in the absence of other programmes, some public libraries are assuming a leadership role in aiding those prisoners who seek to overcome their illiteracy. [51] How might libraries in Australia best assist in the alleviation of illiteracy in prisons? At the very least 'high-interest, low-vocabulary material could be helpful, particularly for some of the younger inmates...' [52]

Secondly, although Van Groningen has claimed that the issue of censorship of reading materials is no longer a live one in prisons [53], there still does seem to be some concern expressed occasionally. In May 1976, for instance, a list of Prisoners Action Group reforms in New South Wales included the statement that 'no political/sexual censorship should be imposed'. [54]

The Nagle Royal Commissioner, too, felt the necessity to recommend that:

Prisoners should be allowed to buy any printed material - including books, newspapers and magazines - legally available in the community. [55].

The general policy on acceptable reading matter in Victoria's prisons might serve as a useful model throughout Australia -

Publications openly available in bookshops and newsagents are normally considered suitable. Publications depicting or describing firearms or weapons are not permitted. [56]

Thirdly, another area which warrants investigation is the provision of library services to juvenile correctional institutions. Aside from reports more intended for internal department use, such as that of Barry McIntyre in Victoria in 1978 [57], I am unaware of any published literature on this topic in Australia. There is a considerable body of American literature, particularly emanating from the California Youth Authority [58], as well as the A.C.A/A.L.A. *Library Standards for Juvenile Correctional Institutions* [59]; other overseas literature appears occasionally. [60]

Looking once more, in general, at the problems of Australian prison libraries, it is obvious that there are many causes. I would like to conclude with some comments on areas over which we have some control. It is very easy, but fairly pointless, listing factors such as gross inadequacies in funding, lack of staff, intransigencies on the part of correctional authorities, archaic and unsuitable accommodation, and functionally illiterate prisoners. Yet, I think we as librarians also need to own the problem, that is, to see ourselves as part of the problem. We often hold attitudes which are strong barriers to more effective action. We sometimes possess attitudes which limit our vision or hinder our problem-solving skills.

Christine Kirby, Public Library Consultant of the Florida State Library, has commented on some unproductive attitudes of librarians who participated in the National Institute on Library Service to Gaol Populations, which was held in Huntsville, Texas, in March last year [61]. I think some of these attitudes may sound familiar.

Kirby outlined four separate attitudes which were present at the National Institute and which could act as barriers:

1. 'But we have always done it this way'. Change for its own sake is of no value, however, neither is conservatism. When traditional methods fail to get results, then it is time to brainstorm. We need to be ready to drop those unprofitable, safe, tried methods.
2. 'Yes, but my situation is unique, and that would not work for me'. I am sure librarians are not the only people who are tempted to say this. If a real attempt is made to break down a complex situation into its component elements, then perhaps someone else's solution will work for at least a number of the basic problems.
3. 'The prison (or library) administration in my area will never go for this'. Kirby noted that many of the librarians who made this claim had either:
 - (a) never discussed the problem with their administration, or
 - (b) never presented their administration with a well-constructed plan. Like us, the administration is usually very busy, and it is our responsibility to collect the data, to analyse it, and to present a number of clear options for action. There is an old adage that we ought to present our boss with solutions, not with problems.
4. 'I do not have enough staff/time/money to do this.' I doubt if I have ever met a librarian or for that matter even a prison administrator, who does have enough resources. Rather than remain at that stage, however, we should state the problem in its most basic form. For example, the statement 'I do not have enough money for books' is actually a pre-determined solution to the problem of 'insufficient books for my users'. Even this might be further reduced to the statement: 'My users have information and recreational needs which cannot be met by this library' to which a number of alternative solutions are available.

I am sure that some of these barrier-attitudes stem from a lack of confidence. Sometimes, however, librarians seem to be over-confident in their expectations of prison libraries.

Virgil Gulker, one of the few librarians to acknowledge the writings of Robert Martinson and the 'nothing works' school of thought, still continued on to claim that:

Libraries may never reduce recidivism or increase resocialisation all by themselves, but they certainly introduce the inmate to a more hospitable reality and create a climate conducive to learning, that essential ingredient in the rehabilitative process. In so doing, they can help to make confinement a period of profitable transition from a delinquent past to a more productive future role in a free society and thereby demythologise many of the fictions which currently comprise the inmate's experience. [62]

This is evidence more of hopeless idealism than of a sense of purpose. Such ill-founded optimism is more likely to harm the progress of prison libraries.

Looking to the future, it is imperative that librarians working in this field have some knowledge of contemporary criminology, and of corrections in particular. The librarian providing services to prisoners has to remember that the prison library is not a public library catering merely for a special group of disadvantaged citizens, and that among the prison's primary functions are social control and deterrence.

The effort to improve Australia's prison libraries will necessarily be a slow one. One of our early tasks has to be to identify and consult with all those who may be involved in the operations of the successful prison library. These may include the correctional administrators, the institutional staff, State Library authorities, local community libraries, prison education officers, and, yes, possibly even the users, the prisoners. [63] A solution which omits any of these parties will have reduced chances of success.

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SUMMARY OF DISCUSSION

1. It is necessary to have the cooperation of prison officers in providing library services for prisoners, for example when lending books to prisoners.
2. The number of law books in prisons has vastly increased in the last five years.
3. An increase in the provision of legal materials to prisons leads to an increase in cases and consequent administrative work for prisons, which however must be considered justified.
4. 'Jailhouse lawyers' who help those who have not the ability to do legal research themselves, also exist in Australian prisons. In the United States they are asking for payment.
5. Solicitors are now helping prisoners which has reduced the demand made on the N.S.W. Law School Library.
6. There is a trend in Australia to hand over responsibility for providing library services to prisoners to municipal libraries. Two criticisms were made of this:-

that prisoners are in need of special attention (such as special education needs);

that Prison Departments by supplying the services could have their own libraries and therefore have control over them.

It was felt that prison authorities were prepared to relinquish control because they were unwilling to spend their own funds on the provision of libraries.

7. As a group we should consider ways of getting the corrective services to provide library services. Change is more possible now than in the past.
8. Prison libraries could also provide services to prison officers.
9. The issue of standards must be considered. In the United States it is impossible to get funding without standards to which authorities can refer. The question was raised as to whether the Institute could recommend a grant for someone to draw up appropriate standards.

THE SUPREME COURT OF WESTERN AUSTRALIA - LIBRARY

Bruce Bott

The Law Library, Supreme Court of Western Australia, the principal library to which both the legal profession and judiciary have access and the oldest public law collection in the State, has performed a significant role in the administration of justice in Western Australia and its development.

Although the library is small (only 20,000 volumes) in comparison to its counterparts in New South Wales and Victoria, its size is probably relative in terms of population served. There are now 800 practitioners (barristers and solicitors) admitted to practice in Western Australia, seven Supreme Court Judges and seven District Court Judges, who may make use of the library. The availability to potential users of the other major law collection in the State, that of the University of Western Australia has, since its inception in 1927, had a significant effect on the rate of growth of the Supreme Court library and the lines of its development.

Those responsible for the selection of material for the library until 1976 (members of the Barristers' Board or Law Society), consciously attempted to avoid duplication of any material held by the University which was thought to be not directly related to the functions of the court narrowly construed.

Thus while holdings of English material are quite good very little U.S. material had been collected to 1976 and virtually nothing on criminology (in its non-legal aspects) or other new subjects.

In that year, the first professional Librarian was appointed to the library (others have held the title of Librarian though often this was combined with that of Secretary to the Barristers' Board) and a new chapter in the history of the library can be said to have begun.

The library was inaugurated in 1873 as the joint Law and Parliamentary Library by the Law and Parliamentary Library Act 1873 (37 Vict. No.15). The motivating force for its establishment came from the first Chief Justice of Western Australia, Sir Archibald Burt, the great grandfather of the present Chief Justice, Sir Francis Burt. In a letter to the then Attorney-General he said that it was generally acknowledged that the absence of a law library was keenly felt by the profession and that such a library for reference and research would be conducive to the administration of Justice and the practice of law. He proposed that a 'Supreme Court library fund' be developed with the initial grant coming from unclaimed suitors' funds in the hands of the Registrar of the Supreme Court with funds for its support and expansion to come from both practitioners admission fees and from the annual subscriptions of library users.

The Act as passed, established a joint committee consisting of the Chief Justice, the Attorney-General and an elected member of the Legislative Council (at this time the sole chamber of the legislature for responsible government was not granted in Western Australia until 1890). Members of the executive and legislative council and heads of government departments were to have access to the library together with other persons approved by the committee on terms approved by it: £428.5.7 was appropriated from the suitors' fund and in 1876 an annual subscription rate of £1.1.0 per user was set.

The creation of a library for the use of two institutions whose interests were bound to differ was unsatisfactory and moves to form separate libraries succeeded in December 1889 when the passage of the Law and Parliamentary Library Act, 1889 (53 Vic, No.17 repealed by No.67 of 1964) empowered the library committee to divide the collection and distribute all the law books to the Supreme Court Judges for amalgamation with any books already in the Supreme Court House to form a library known as 'The Law Library'. Any balance of funds remaining was to be paid to the credit of the Law Library. Section 4 of this Act provided that 'The Law Library shall be for use of the Judges of the Supreme Court, the members of the legislature, the law officers of the Crown and all magistrates free of charge and for the use of such other persons on payment of such subscriptions and under such restrictions as the Judges of the Supreme Court may from time to time determine, who shall have power from time to time to make alter and repeal regulations for the management of the said library'.

It does not seem clear whether admission fees were applied to library purposes or not, but notwithstanding this the insecure financial situation was considered undesirable and provision for the library was made in the Legal Practitioners Act 1893, Section 7, which provided that any sum remaining in the hands of the newly constituted Barristers' Board on 30 June each year could be applied at the discretion of the Board for the purposes of the Law Library.

The corresponding section of the Legal Practitioners' Bill had read 'Supreme Court Library' but this was amended to 'Law Library' in committee because of the restrictions which Section 4 of 53 Vict. No.17 placed upon the use in other courts of material from the library in the Supreme Court building. It was considered desirable that a library be formed where practitioners would be able to obtain books and use them as required in any court.

That there was an intention of establishing a law library separate from that already existing is also apparent from the deliberations of the Barristers' Board from the date of its inception until May 1898 when the first expenditure under Section 7 of the Act was approved.

By 1899 any uncertainties about relationship of the Board to the Supreme Court library as originally established had disappeared. In June 1899 new rules for the library were promulgated and referred to the Supreme Court Judges for their approval in accordance with Section 4

of 53 Vict. No.17. 'Only judges, members of parliament, certain officials and members of the law library are admitted to the library and no person other than a legal practitioner is qualified to become a member.' From 1898 to 1904 the Board also considered variously whether to supply the Police Court with a set of law text books, whether to provide a set of law reports for the use of legal practitioners resident in Fremantle and whether to furnish books and reports to local circuit courts. However it was not until 1937 that 'in order to assist country Local Courts Centres' the Board purchased and placed on loan in the country Local Courts at Northam, Geraldton, Bunbury, Cue, Albany and Broome, sets of Halsbury's Laws, the *Australian Digest*, the *Australian Law Journal* and a selection of appropriate text books.

The responsibility for these collections was not maintained and in 1961 the six sets of the *Australian Law Journal* and any other of the Board's material in Local Courts, were handed over to the Crown Law Department which has assumed responsibility for them.

From 1891 to 1895 the library was financed by an annual government grant of £100 under the appropriation to the Supreme Court. These grants disappeared from the estimates of 1895-96 and 1896-97 only to reappear in 1897-98 as a sum of £150 for the salary of the Supreme Court Librarian. It would appear, however, that only a proportion of the grant was used for this purpose, the rest being devoted to the library in general. In 1901 this grant financed 82 per cent of expenditure on the library.

In 1905-6 the item was renamed 'Law Library' and transferred from the appropriations to the Attorney-General to those of the Treasurer under the heading of 'Literary and Scientific Grants etc.: Education, generally' where it remained (though reduced to £100 per annum from 1914-15 onwards) until 1931 when it was discontinued altogether owing to the depression. In 1930 it amounted to only 22 per cent of expenditure on the library.

Between 1930-31 and 1976-77, the burden for maintaining the collection was largely borne by the profession through the annual practice certificate fee constituting as it does the major source of income available to the Board. Other minor sources of finance available to the Board for application to the library were the subscription fees of legal practitioners who were members of the library (the membership fee of £1.1.0 remained until library subscriptions were abolished in September 1935) and the notarial fees paid to the Master of the Supreme Court under Section 13 of the Public Notaries Act 1902 (2 Edw.VII no.8).

The statutory authority for the Board's relationship to the library is Section 6A of the Legal Practitioners Act 1893 which reads 'The books, furniture, pictures and all other things now or hereafter in or used in connection with the law library are vested in and are the property of the Board.'

This clause was added by No.4 of 1958, S.3 in order to regularise the position that had obtained in the past and to remove any doubts

as to whether or not the Board had a proper insurable interest in the library; particularly in view of the fact that the provisions of the 1889 Act (since repealed by No.67 of 1964) vesting control of the library in the judges were still in force.

As the numbers in the profession grew, and with it the size of the collection, the problems of cost and management escalated. Finally in 1973, the Board proposed the establishment of a Supreme Court library committee and the contribution of public funds for the maintenance of the collection. A plea for assistance was made by the Board to the Attorney-General on the grounds that, firstly the costs of maintaining and operating a first class library had passed beyond the capacity of the Board to finance; secondly that the library serves community needs by making an indispensable contribution to the administration of justice; and thirdly that in all States (other than Tasmania) Government finance was the sole or primary source of funds for the maintenance and development of such a library. Though it was suggested that such a committee be formally constituted, and that the Board relinquish ownership of the library, this did not occur. The Board retains ownership while effective management and control is informally vested in the library committee constituted on an ad hoc basis and representing the Board, the Judiciary, the Law Society, the Law School and the Crown Law Department. The power to make rules regulating the use of the library remains with the Board.

THE FUTURE

Since the establishment of the District Court of Western Australia in 1969 it has had no permanent home.

At the end of this year, however, the \$24 million District Court building will open and its major library will operate as a branch of the Supreme Court Library.

Not only will this building house the District Court but also the Central Magistrates Courts. In addition, all criminal work of the Supreme Court will be transferred there.

The branch collection, apart from providing a basic working library in duplication of that already held by the Supreme Court Library will develop a specialist criminal law and criminology collection, which will in time have no equal in the city block.

The present Supreme Court library chamber was designed expressly for the library when the Supreme Court building was built in 1903. The area of 259.6m² can no longer adequately accommodate the collection or the staff.

Proposals to build a new purpose-designed library building adjacent to the present court are currently before the government. All those interested in the library look forward to a positive response.

'THE AIRLIE LIBRARY' : A VIDEOTAPE ON THE POLICE COLLEGE LIBRARY, SOUTH YARRA, VICTORIA

The videotape on the Airlie Police College Library was made by the Librarian Christine Paterson as part of the reader education programme for users of the Library. All agreed that it was an extremely effective method of showing library procedures to users with very little previous experience of libraries. The police librarians in particular were very interested.

AIRLIE VIDEOTAPE SCRIPT - 1980

Airlie Police College - magnificent old building in beautiful grounds. And on the first floor - the College Library.

Exterior of Airlie - pan up stairs to library door.

Although primarily for the use of students attending courses here - the library can, with some limitations - be used by any member of the Victoria Police.

The library staff are in attendance from 8 am to 5 pm - but as courses are residential the library never closes.

Library staff at desk.

Despite its small size, the library contains a wealth of material directly related to police work.

Pan round room.

The several thousand books here cover many subjects.

Book shelves showing shelf guides - different subjects.

The Reference collection includes dictionaries, encyclopedias, directories and yearbooks. There are also special subject dictionaries. This dictionary of management can be most helpful in understanding management terminology.

Reference collection plus close up of Dictionary of Management - and someone using it.

The Library's collection of journals is quite comprehensive. Currently over 80 different journals on police work and related subjects are received - mainly from the United States, Canada, Great Britain and Australia

View of periodical display stand.

Law Reports are also kept here

These cabinets contain items which are too flimsy to be filed on the shelves. This is called the vertical file-and here you will find folders with newspaper clippings, photocopies and pamphlets on various subjects.

This cabinet contains annual reports and statistics and includes a complete set of the Victoria Police Annual Reports from 1946 - as well as reports from other States and overseas.

The Library is also beginning to collect material in the audio-visual area. These audio-cassettes form the first part of that collection.

Now that quick tour has shown you the Library let us look more closely at ways to use this material.

The key to the book collection is the catalogue. This contains cards listing all the books in the library. Each book has an author card and a title card and as many subject cards as necessary. In this catalogue the author, title and subject cards are in one alphabetical sequence.

There are guide cards throughout the catalogue to help you find the part of the alphabetical sequence you are looking for.

Above the catalogue there is a detailed chart explaining the different pieces of information to be found on a catalogue card.

Law report shelves.

Vertical file cabinet. Staff member lifting 'Stress' folder out.

Annual report cabinet.

Audio cassettes cabinet.

The Catalogue. Drawers of cards.

CU Three types of cards.

View of guide cards in the drawer.

Close up of chart.

Briefly then, the number at the top left of each card is the number at which you will find that book on the shelves. This is the Dewey number. The letters underneath the number, are the first three letters of the author's surname. The Dewey system is a means of organising a book collection, so that books on similar subjects are kept together.

Of course no system can do this perfectly. A book can cover many different subjects but it can only be in one place on the shelves. That is why you need to use the catalogue. Different cards will list this book under each of the subjects it covers.

There is scrap paper at the catalogue for you to write down the numbers and details of the books you want. Remember that there may be many books at the same number, so it is necessary to write down the titles of the books also.

In using catalogues and indexes, one finds that different people use different words to express the same subject. That is why, you will find in the catalogue these 'see reference' cards. If you look up a subject heading that has not been used you will be referred to the term that is used in this library.

Perhaps you may not always think of all the related topics associated with your subject. In the catalogue you will find 'see also' cards to guide you to other headings to look under.

Another type of card in the catalogue is this yellow one, indicating that there is a vertical file on that subject. Remember the stress folder and vertical file cabinet?

Close up of card. Number pointed out with arrow.

Book with call number on spine.

Student using catalogue.

Person writing down information on paper at the catalogue and going to shelves to find the book.

Graphic showing different terms for the same subject. (Child abuse, baby bashing, maltreatment of children).

CU of a see reference card.

CU of a see also card.

CU of a vertical file card.

If the book you want has an S beside the number, this means that the book is kept in another room and you may ask the library staff to fetch it for you.

We have seen that the catalogue can help you find books and vertical files, but what about the journals and the many articles in them? This register lists the journals held in this library.

The Librarian indexes the journals as they are received and you will find this index on cards filed by subjects in this metal box kept on top of the vertical file cabinet.

When trying to find a particular issue of a journal, remember that recent issues are on display in this stand and later transferred to these files. Copies from earlier years are bound in volumes and placed along the top of the bookshelves. In this library journals are arranged in alphabetical order of their titles.

The borrowing procedures in the library are quite straight forward and it is essential that they be carried out properly. Each card has a borrowing card in the back - take this out of its pocket - fill in your name and the date and leave the card in the borrowing box on the Librarian's desk.

When you return the book leave it in the return book shelf. The staff will return the card to the book.

Even when you are working in the library and not actually borrowing, please return all books, files and journals that you have used to this shelf. In this way we can make sure that the shelves do not get out of order.

CU of card with S.

View of person at periodical stand looking through a journal.
CU of register on table.

CU periodical index.
CU of index card.

View of stand - shelf unit - and volumes on top of shelves.

Student going through stage of borrowing procedure.

Librarian going to return book shelf.

Student returning books to the return book shelf.

Certain books are not for loan. These include reference books and books with red dots.

CU of book with red dot on spine.

Sub officer course members are most welcome to work in the library, but they may not borrow. As that course covers similar subjects to the Officers course - there are not enough books to meet the borrowing needs of both courses.

If at any time you find a book listed in the catalogue but cannot find it on the shelves - this could be because it is already on loan to someone else. In this case, fill out one of these forms that are kept on the catalogue, and leave for the library staff to attend to.

CU request form on top of catalogue.

Journals are to be used in the library only, but you may prefer to take photocopies of certain articles - at 5 cents per page. A reminder here - do remember to write on your copy all the details of the journal or book that the copy came from. You will probably need this information later.

Student photocopying and writing details on his copy.

As well as a photocopier the library has a microfiche reader. More and more information will become available in this format in the future, and the library staff will be pleased to show you how to use this machine.

Microfiche reader. Staff at machine.

So far we have only shown you how to find information in this library. Your particular research however may require an in depth study and you may need to seek further afield.

Students studying at table.

One way of finding out what has been written on a particular subject is to use bibliographies. A bibliography is simply a list of books and journal articles on a subject. This library has quite a few. Some are published. Others are the result of past student papers at the College.

CU bibliography covers files of student bibliographies.

The Library has many indexes and lists which can be used to find your references - so do ask the staff to show you these. These are two useful publications. An abstract means a summary - and in these issues you will find summaries of articles written on many subjects relevant to police work - and details of where the article in full has been published.

You may find details of a book or journal that the library does not have - if so - the library staff may be able to arrange an inter library loan for you. Books are frequently borrowed here from the State Library, University Libraries and interstate police department libraries.

The library produces this Monthly Bulletin to keep people aware of new books and journal articles that have been received during each month. This is distributed to many different areas of the Police Department.

Let us recap on a few things.

To find books - check the catalogue.

For journals - the periodical index.

Do not forget the vertical file.

Always fill in the cards when borrowing.

Journals, reference and red dot books are not for loan.

Always return items to the return book shelf.

..and please remember..that though the library staff cannot do your research for you..they certainly wish to give you every assistance possible.

Librarian helping student to use indexes.

CU Abstracts on shelf.
Abstracts on Police Science etc.

Library staff undoing mail parcel containing books.

CU monthly bulletin.

Recap - relevant shots.

Library staff at desk.

UNIVERSITY OF NEW SOUTH WALES LAW LIBRARY : A DESCRIPTION OF SERVICES AND TOUR

Before a tour of the Law Library, Rob Brian, Law Librarian described specific services and resources of the Library which he felt were of interest for librarians in the criminal justice system.

He began by describing BLIS (Bibliographical Legal Information Service) which is a service to lawyers provided by the Legal Resources Unit, University of New South Wales through Unisearch Limited. The following information is derived from a brochure outlining BLIS which was handed out to participants.

BLIS makes available to the legal community the valuable resources of the Law Library of the University of New South Wales. The Library is generally considered to be one of the best law libraries in Australia. Citations and material are provided by BLIS, but not legal advice.

BLIS searchers do research in the legislation of the jurisdiction(s) specified, the relevant law reports, relevant treatises and journal articles. Computerised legal information retrieval services will be used as they become available in Australia.

BLIS is directed exclusively at the practising profession, and legally qualified staff in business firms, government departments and instrumentalities.

Rob Brian as Director of BLIS can answer all enquiries concerning the service, including charges involved.

A description of the microform collection *Crime and Juvenile Delinquency* which is held by the Law Library, followed. It is a basic collection of documents, often unavailable elsewhere, on microfiche and kept up to date by an ongoing publication programme. The publisher is Microfilming Corporation of America, of Glen Rock, New Jersey. As the collection is comprehensively indexed the Law Library does not catalogue the contents. It was suggested that those libraries unable to afford the collection and its supplements, should enquire about purchasing the bibliographic guides. Inter-library loans would then be possible.

The tour of the Law Library was informative for all, especially participants whose libraries have only small law collections.

The following day the Social Sciences Librarian at the University of New South Wales conducted demonstrations of the NCJRS data base which the Library accesses through DIALOG. NCJRS is the computerised data base compiled by the National Criminal Justice Reference Service.

Successful searches generated considerable excitement and the value of the data base was proved to all.

PROCEEDINGS - TUESDAY 17 FEBRUARY

SPECIAL INTEREST GROUPS

CORRECTIVE SERVICES LIBRARIANS GROUP

Discussion Leader : *Neil Donahoo*

The group met at the N.S.W. Department of Corrective Services Staff Development Library at Long Bay. Those attending included Jenny Gleeson, Graham Harper, Gloria Huish, John Way and Neil Donahoo.

The group discussed prisoner library services presently being offered in Queensland, New South Wales, and Victoria, and regretted the absence of librarians from other States. Although it still has a number of difficulties and problems N.S.W. seems to be the most advanced eastern State in the provision of libraries for prisoners. The necessary and desirable cooperation with uniformed staff is greatly assisted there by the presence of an active and extremely competent prison/library officer at Long Bay.

Other points raised included:

- . Policy of staffing government departmental libraries by State Library staff.
- . Trainee prison officers' use of departmental library.
- . Problem of a prison/library officer being required occasionally for other non-library duties.
- . Necessity to clarify within the prison whose responsibility is the prison library - education, prison officers, activities, etc., especially in smaller prisons.
- . Absolute importance of positive relations with prison governor.
- . Practicality of requiring prison officers to undertake library technician-type courses? Better, in-service courses.
- . Discards for the prison library: a mixed blessing. Essential to cull out unsuitable materials.
- . Illiteracy in prisons; lack of Australian data. Assisting education officers.
- . Censorship: possibility of librarians' unconsciously censoring materials to avoid conflict with prison authorities.
- . Continued lack of standards for Australian prison libraries. What should be included?
- . Lack of overview of Australian prison libraries today. Lack of data.
- . Publicity for the prison library. Use of prisoners' graphic arts skills.

- . Necessity to have a professional librarian in each State to coordinate prisoner library services.

The group was able to visit the library in the Central Industrial Prison. The visit was undertaken while prisoners were locked in their cells for lunch.

COURTS LIBRARIANS GROUP

Discussion Leader : *Marilyn Withers*

After speaking to the librarians concerned and because of the different nature of court librarians represented it was decided that the emphasis would be on an individual informal session.

It was originally planned that the courts librarians group would meet at the Law Courts Library and participate in a fairly thorough tour of same. This was to be followed by a discussion session. It was envisaged that after a lunch break the group would visit a couple of the smaller court libraries in the vicinity, in order to contrast and compare court libraries in Sydney and also to meet other court librarians. The remainder of the afternoon was left free, with an option of returning to the Law Courts Library for a more in-depth look.

However, communication break-downs early in the proceedings resulted in half the group participating in a tour of the Law Courts Library and a visit to the District Court (the old Supreme Court) and its library and the other half enjoying the session arranged at the Sydney University Law School for the law school librarians group. After a successful rendezvous, the entire court librarians group then visited the library at the Industrial Commission.

Most of the afternoon was thus left free and it was hoped that interested members of the court librarians group would follow up the option of returning to the Law Courts Library for continued informal discussions with library staff, more detailed explanations of various systems, and so on. Alternatively, it was suggested that librarians interested in more specific subject areas might take the opportunity of visiting libraries more closely related to such areas. The libraries of the Family Law Court, the Attorney-General's Department, the Magistrates Court were among possible hosts.

There was fairly general agreement among the group that the occasion was a worthwhile exercise if it did no more than allow librarians with similar clients, problems and frustrations though scattered by miles, to meet and converse. On a more mercenary level, establishing a contact can prove invaluable in many library situations, not to mention the more subtle advantages of gaining an appreciation of the physical environment of other librarians, their clientele etc.

To me, the visit to the Industrial Commission was quite rewarding as it helped clear up a couple of vague queries I had had previously, relating to that library's collection, particularly of awards and unreported judgments.

I would like to thank court librarians for coming along and for bearing with me and to express my hope that they found the occasion worthwhile.

POLICE LIBRARIANS GROUP

Discussion Leader : *Alan Patterson*

Fifteen people attended the Police Librarian's Group which met at the Federal Police College Library, Manly.

The meeting was opened by Ms Pam Handyside who spoke on the proposed Federal Police Data Base. Pam explained that the Federal Police Training College intended to start this year on the establishment of a data base on AUSINET. Initially the data base was to consist of items from the College's Journal accession list. Pam then described how it would be put on the computer, how it could be expanded as it gained acceptance, and that eventually as well as a viable police data base it could result in an on-line catalogue for the Federal Police.

It was agreed that the Police Libraries could co-operate by not developing rival systems, and by indexing material not received by the Federal Police.

Discussion flowed from this into other possible forms of co-operation between Police Libraries through rationalisation of serials holdings, book and film purchasing; inter-library loans; and newsletters.

All participants felt that cooperation was something that could be beneficial to all. Unfortunately it was soon discovered that all the librarians had different needs and aspirations for their libraries. It was felt that perhaps the first step toward cooperation would be to keep one another informed of developments in each library. As a newsletter has already proved unworkable it was felt that the circulation of letters would be a first constructive step.

Other subjects discussed were the expansion of Dewey (where it was agreed to make one another aware of developments) and journal circulation policies in Police Departments. The general feeling was that circulation to working sections was essential but that general circulation resulted in delay and loss, although loss was not as great as expected.

In the afternoon user education was discussed and again the diversity of libraries made reaching any definite conclusion very difficult. Both Queensland and Victoria have made video tapes. Similarly Tasmania was integrated into the Tasmanian Colleges Training programmes with tests being set by the Librarian. All were found useful in instructing students.

The broader problem of reaching police in the field was discussed but unfortunately little could be decided as there was nothing that had been successfully tried.

The afternoon was completed with a tour of Central Police Library.

While no specific policies were formulated the meeting gave Police Librarians a chance to meet, discuss common problems and to discover that they were not the only ones facing those types of problems, and to develop new ideas for use in their own work spheres.

UNIVERSITY LAW SCHOOL LIBRARIANS

Discussion Leader : *Margaret McAleese*

The University Law School Librarians Group met at the University of Sydney Law School Library where a tour of the library was followed by a discussion of common problems and interests. These included:

1. LEXIS. The main problems with LEXIS were seen as cost, need for dedicated terminals, availability (in the U.S. not able to share or to run searches for others), and lack of competition (a virtual monopoly). Law school librarians would have to keep one another informed on developments. There was also the consideration that other sections of the University might come in if the Library hesitated too long.
2. Reader education.
3. List of Australian Subject Headings.
4. Law Library holdings. Before any rationalisation of serials could be carried out a survey would be undertaken probably by Monash University, with funding for example from the Law Foundation. This would cover all libraries. The present situation was that all would have to make cuts in serials with the possible result that certain overseas titles might not be held by any libraries.

PROCEEDINGS - WEDNESDAY 18 FEBRUARY

RESOLUTIONS

RESOLUTIONS

The following resolutions were passed by the seminar. Points raised during the discussion of the resolutions have been summarised.

1. The next seminar should be held in February 1983, preferably in Melbourne at Monash University.

Comments - All participants agreed that holding the seminar in Sydney had been a great success and had added to the informative nature of the seminar.

Ted Glasson as Law Librarian at Monash University would be approached about the possibility of holding the Fourth Seminar on the campus of Monash University.

2. The *Union list of criminology periodicals held in Australian libraries* be published biennially to coincide with the seminar.

Comments - More frequent publication would be desirable but the seminar took into account the demand made on the time of the Australian Institute of Criminology Library staff.

3. Bearing in mind the resolutions of our two earlier seminars, this seminar reaffirms the urgent need to survey the status of Australia's prison libraries, and to set minimum standards.

It is also imperative that a professional librarian be appointed in each State to advise the Department on library services for prisoners.

Comments - Corrective service departments will not commit money without standards to refer to. It must also be realised that expenditure does not necessarily have to be excessive - that a lot can be done with a little money.

The Librarian advising the Department could be from State Library staff or from the Corrections Department Library, according to State preference.

Comments 3 (contd)

An on-the-spot survey of prison library services is essential; questionnaires are unreliable. Both the survey and the drawing up of standards would require funding.

4. Participants in future seminars should include non-librarians who are involved in library duties, and juvenile corrections library personnel.

The programme for the next seminar should include one or more papers on the practical aspects of librarianship.

Comments - The seminar was already widely publicised in appropriate journals. Suggestions on both counts would be appreciated.

5. This seminar supports the development of the proposed police data base by the Australian Federal Police Training College Librarian.

Description of the data base - given by Pam Handyside

- (a) to be on AUSINET
- (b) to include British and North American citations, although mainly Australian
- (c) to include periodical articles and monographs
- (d) publications to be produced through the INDICAT system, and to include a list of serials
- (e) Initially current periodicals to be indexed with retrospective indexing going back about ten years
- (f) the ultimate aim would be to produce machine-readable or microfiche catalogues for other libraries
- (g) indexing would be more detailed than CINCH and there would be a wider coverage of material indexed. Information already on CINCH could go into the Australian Federal Police data base.

6. This seminar urges the Australian Institute of Criminology to transfer CINCH to AUSINET in order to promote future use of and access to the data base.

Comments - It was felt that more of the libraries represented at the seminar would join AUSINET if CINCH was on AUSINET. The other data bases were useful to them but did not justify their joining.

CLOSING REMARKS

Mary Gosling - as organiser and chairperson thanked all the participants and speakers for making this seminar a productive one, and for their cooperation.

Gloria Huish - formally thanked the Australian Institute of Criminology for holding the seminar, Rob Brian and the University of New South Wales for providing the facilities, and Mary Gosling for the immense amount of work put in by her to ensure that this was, as all agreed, 'a very satisfactory seminar'.

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