

a copy of the transcript of evidence to the jury. Ms Wilkie noted, however, that administrative problems such as the necessity to edit transcripts to ensure inadmissible material was removed and the fact that in some cases it might be impossible to produce a transcript in time, were real difficulties, but not ones which were insurmountable. Ms Wilkie also asserted that while the judge should retain control over the asking of questions, judges should advise juries of their right also to propose questions.

**revelation of jury deliberations.** Immediately before the ALRC undertook its public hearings in all capital cities of Australia on the laws of contempt, Professor Chesterman put forward the ALRC's proposals on jury secrecy. He noted that the 'less favoured proposal' was basically the suggestion of the New South Wales Law Reform Commission. This proposal would simply prohibit disclosure or publication of particulars of jury deliberations in a criminal trial until sentence had been passed; suppress the revelation of identity of jurors, except that a juror could disclose his or her own identity; prohibit the soliciting or harrasing or inducing of jurors to disclose or publish their identities or particulars of jury deliberations, and prevent jurors from soliciting publication of jury deliberations 'for the principal purpose of financial gain'. However, Professor Chesterman noted that the preferred position of the Commission was tentatively that there should be some additional restrictions to prevent revelation of jury deliberations identifying the trial concerned for a period of one year after the jury verdict or until all appellate and other legal processes relating to the trial had concluded, whichever was the latter. Professor Chesterman stressed, however, that in exceptional cases a 'public interest defence could allow publication of such information.

## odds and ends

**domestic violence.** The government responded quickly to the Report of the Austral-

ian Law Reform Commission on Domestic Violence in the Australian Capital Territory (ALRC30). The preparation of draft legislation, which substantially follows the Commission's recommendations, was achieved in a little over a month. The major recommendations of the Report are outlined in the April 1986 issue of *Reform* ([1986] *Reform* 77).

In Western Australia a comprehensive and large (over 300 pages) report, *Break the Silence*, has been published by the Task Force on Domestic Violence to the Western Australian Government. Following the passing of legislation in 1982, which provided for protection or restraining orders, the Western Australian Government considered that the wider issues relating to domestic violence should be investigated, including the legal response, and in early 1985 the Task Force was set up.

The report covers the legal process, intervention services and strategies for prevention. On the legal side, recommendations are made:

- to clarify and broaden police powers of entry in domestic violence cases, with appropriate safeguards;
- to make spouses compellable witnesses in criminal prosecutions for violent offences;
- to amend the Bail Act 1982 to allow the granting of bail to be deferred for a period sufficient to enable a person to obtain a restraining order against the person in custody;
- to give a court power to revoke a firearms licence where there is evidence of domestic violence and that the permission of cohabiting adults be obtained before a firearms licence is issued;
- to encourage police to take a greater role in obtaining restraining orders on behalf of victims;

- to enable notice of a restraining order to be served verbally if the order cannot be served personally.

Other legal measures are proposed for 'fine-tuning' the restraint order system. The report came out in favour of restraint orders, pointing out that, although some offenders will not be stopped by such orders, they are essential as part of the legal response to domestic violence.

A matter of growing concern is the relationship between access and domestic violence. The report recommends that the Attorneys-General of the Commonwealth and the States consider amendments to the Family Law Act 1975 which would require the Family Court to take domestic violence into account when considering access. Further research on the problem is called for in the report.

Much of the report is concerned with non-legal responses and measures for dealing with the problem. Space does not permit a full description of the many and detailed recommendations in the report. Attention is given to diversion programmes, police training, women's refuges, training of health workers, public housing community education and in schools.

Other recommendations include a crisis care unit, which would provide back up for police and a Domestic Violence Co-ordinating Committee which would monitor and report on the operation of domestic violence strategies in Western Australia.

There is now a growing government recognition that not only legal measures but also multi-faceted social strategies and institutions are required to deal with the problem of domestic violence in Australia.

***accident compensation in New Zealand.*** A recent decision of the Accident Compensation Commission in New Zealand has been the subject of much public comment.

A convicted double murderer, Robert Harris, serving a life sentence in Paremoremo Maximum Security Gaol broke his hip and ankle during an escape attempt before he came to trial. His injuries had been assessed by a specialist as involving 49% permanent partial disability. Charges were never laid for the attempted escape and because of this Harris came within the category of persons entitled to claim compensation before the Accident Compensation Commission. He was awarded \$19700.

The New Zealand Government has announced a Royal Commission on social policy which will spend two years reviewing basic welfare principles. It should be added that this was not done as a direct reaction to the Harris decision.

***evidence seminars.*** Seminars were conducted in both Sydney and Melbourne during May/June on the laws of evidence. Seminars were held in each capital city on rules relating to admissions and confessions, evidence of character and conduct and the rule against hearsay. The seminars were well-attended. Over 300 representatives of the Bar heard the proposals put by Mr Tim Smith QC, ALRC Commissioner in charge of the Reference on Evidence, and commentaries on those proposals. At times debate was heated and a variety of responses came both from the floor and the commentators on the Australian Law Reform Commission's interim proposals.

The information obtained from the seminars, sponsored by the Bar Associations in both Sydney and Melbourne, will be used in the preparation of the ALRC's Final Report on Evidence, expected early in 1987, and the report of the New South Wales Law Reform Commission on Evidence. The two Commissions will be cooperating on these projects.

A footnote to the seminars is that on 21 May 1986 the Scottish Law Commission published a report on *Corroboration, Hearsay and Related Matters In Civil Proceedings*

which recommended, among other things, that the rule against hearsay should be abolished.

**another prostitution report.** A report by the New South Wales Bureau of Crime Statistics and Research released at the end of April, 1986 reports that the majority of prostitutes would continue to solicit or move into other branches of prostitution if prostitution was made illegal. The report is based upon interviews with 73 female, male and transsexual prostitutes working on the streets of Darlinghurst.

The workers indicated that the chance to make favourable earnings and to maintain independence and flexibility in their work were reasons for choosing street prostitution. However, they also acknowledged that there were problems associated with street work, such as working conditions, safety, the attitudes of local residents, police and customers. Additional problems reported by transsexual workers were discrimination and the difficulties experienced in getting 'straight jobs'.

There was little consensus among those interviewed about the degree of hard drug use amongst prostitutes, although it was agreed that female prostitutes were more likely than the other groups to be involved in heroin use.

Twenty-six percent of the females interviewed were self-reported heroin users, although it was agreed by the females interviewed that around 80% of female workers were regular hard-drug users. Eight of the nine transsexuals interviewed had been arrested during the 6 months preceding the interview as compared with 3 of the 14 males, and 20 of the 50 females.

In addition to providing descriptive information about prostitution in Darlinghurst, the study also attempted to assess whether any changes had occurred since the repeal of the Summary Offences Act 1970 (NSW) and the introduction of the Prostitution Act 1979

(NSW). Female workers had reported that there had been a significant decrease in the level of police corruption and female and transsexual workers agreed there had been an increase in resident dissatisfaction.

The Attorney-General, Mr Sheahan, said that the report provided valuable additional information to the current debate about prostitution in New South Wales.

## new publications

### Australia

- ALRC
- : Report on The Recognition of Aboriginal Customary Law (ALRC 31) tabled in federal Parliament on 12 June 1986.
  - : Discussion Paper on Contempt: Disruption, Disobedience and Deliberate Interference, 1986, No 27, issued April 1986.
  - : Contempt: Summary of Reform Proposals. Summary of Contempt Discussion paper No 24, 26, 27 April 1986.
- NSWLRC
- : Wills — Execution and Revocation, 1986, No 47.
  - : The Jury in a Criminal Trial, 1986, No 48.
- TasLRC
- : Report No 46: The Workers' Compensation Act 1927
- VLCC
- : Second Report upon the Australian Constitutional Convention, 1986.
  - : First Report on Subordinate Legislation, 1986.
  - : Second Report on Subordinate Legislation, 1986.
  - : First Report on the Operation of Section 32 of the *Interpretation of Legislation Act* 1984.
  - : Third Report on Subordinate Legislation Concerning Adoption Fees (Inter Country Adoption Fees) Regulations 1986