

criminal history, police intelligence reports on persons known to police and attitudes of individuals to the police (the *Age* 6 March 1988).

In a recent case, Justice Vincent of the Victorian Supreme Court said that the Chief Commissioner of Police should not report on matters not specified in relation to potential jurors.

It is the aim of the system that in criminal trials nothing should be known about the jurors other than names and occupations. This is to avoid 'stacked' juries. The use of information other than that required under the Act may erode or be seen as eroding the impartiality of the jury.

Under the Juries Act 1976 (Vic) every person enrolled as an elector for the Victorian Legislative Assembly is qualified and liable to serve on a jury. However such persons become ineligible if they have been:

- convicted of treason
- convicted of one or more indictable offences and sentenced to imprisonment for a term or terms in the aggregate not less than 3 years (other than a conviction for which a free pardon has been granted);

or have been in imprisoned or on parole during the preceding five years.

Other persons who are ineligible are those:

- bound by a recognisance
- subject to a probation order
- undischarged from bankruptcy

After the ruling by Justice Vincent, juries empanelled in two cases before the County Court were discharged. The Crown Prosecutor had used a list containing information about potential

jurors, some of whom had been challenged as a result. The judges considered that the jurors were empanelled improperly.

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odds and ends

□ *federal parliament acts on alrc reports.* The federal Parliament is currently considering two Bills based on reports by the Australian Law Reform Commission.

The first is a Bill based on the Commission's 1986 report: *Civil Admiralty Jurisdiction* (ALRC 33). The second Bill is based on a 1980 report: *Lands Acquisition and Compensation* (ALRC 14).

Introducing the Admiralty Bill for its Second Reading in the House of Representatives on 24 March 1988 the Deputy Prime Minister and Attorney-General, Mr Bowen said:

The need for reform in this area has been recognised over a long period. A Joint Committee of the Maritime Law Association of Australia and New Zealand and the Law Council of Australia, with Justice Zelling as Chairman, in 1982 had produced a joint report on reform of admiralty jurisdiction. The Law Reform Commission was required to have regard to this report in its consideration of the matter. It received as well input from other maritime and legal bodies, State governments and individuals whom it consulted in the preparation of the report. All were agreed on the need for reform of admiralty law. The report is a comprehensive analysis of admiralty jurisdiction and the Government, in seeking reactions to the report, found widespread support for early implementation of the recommendations

contained in it. I commend the Commission for its report, which has been widely praised.

□ *trade practices.* The House of Representatives Standing Committee on Legal and Constitutional Affairs is undertaking an inquiry into mergers, takeovers and monopolies. The inquiry will involve a review of the Trade Practices Act, as well as other legislation dealing with mergers, takeovers and monopolies such as the Companies (Acquisition of Shares) Codes.

The inquiry will have particular regard to s 50 of the Trade Practices Act. Section 50 deals with the ability of a corporation to dominate a market as a result of acquisitions. The former chairman of the Trade Practices Commission, Mr Bob McComas, has said that the existing s 50 could eventually result in monopolies in the domestic market (*Canberra Times*, 29 February 1988).

The chairman of the Standing Committee on Legal and Constitutional Affairs, Mr Alan Griffiths, has said that the committee will be especially concerned to determine if current legislation adequately protects the public interest (the *Age*, 29 February 1988). The Committee is expected to complete the inquiry early next year.

□ *high risk assignments.* A jury in Houston, Texas has ordered the magazine, 'Soldier of Fortune' to pay \$9.4 million in damages to the family of a woman whose husband hired her killer through a classified advertisement in the magazine. \$7.5 million of the award was for punitive damages. (*New York Times* 4 March 1988)

It was established during the case that Mr Wayne Hearn, who is currently serving three life sentences for

murder, had placed an advertisement in the 'Soldier of Fortune' magazine advertising his services for 'high risk assignments'. Counsel for the plaintiff claimed that the phrase 'high risk assignment' in the advertisement referred to illegal activities which the publishers knew or should have known yet they continued to run the advertisement. Counsel for the magazine argued that the phrase was innocuous and the magazine did not know of any criminal intent on the part of its advertisers and that there was only 'a thin, minute thread' connecting 'Soldier of Fortune' and the killing of Mrs Black. During the case the publisher of the magazine specified that it was a military journal and the classified advertisements were placed mostly by Vietnam veterans seeking work as bodyguards or mercenaries. The publisher said that he had no idea that the advertisements were offering illegal services. He also denied having read several stories in national magazines that linked 'Soldier of Fortune' to at least nine crimes.

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obituary

Sir Victor Windeyer

Sir Victor Windeyer, former Judge of the High Court, has died at the age of 87. Sir Victor, whilst a barrister, established an extensive practice in equity and commercial law and was made a KC in 1949. He stood unsuccessfully for the Senate as a Liberal candidate in 1950. In 1954 he was appointed as senior QC assisting the Royal Commission into communist espionage in Australia. The author of several books on law, he was also a member of the Senate of the University of Sydney and was elected Deputy Chancellor in 1955.