

Justice, has said that the fee is an administrative fee and does not require parliamentary sanction. The opposite view is expressed in a recent article by Ms Mary Crock in Victoria's Law Institute Journal. [June 1988 p 515]. Ms Crock points out that the effect of the Bill of Rights is that there is no power to make a charge upon a member of the public for the use of the Crown except by statute. An exception exists where the fee has been impliedly authorised in the legislation. The legislation does impliedly authorise the levying of a fee for issuing a visa or permit but not for an appeal against such a decision. The issue of whether the fee is legal can only be resolved conclusively by the High Court.

denial of access to the court. This is a case where a remedy will be denied unless access to the court is facilitated. Although Mrs Kaur was granted legal aid by the Legal Aid Commission, it did not extend to covering her costs if she lost. Furthermore, it is not generally the Commission's policy to indemnify applicants for the costs of a successful respondent if they are awarded by the court. The Commonwealth Government's schemes for legal assistance in these kinds of cases does contain a discretion to grant an indemnity to the applicant but the discretion was not exercised in relation to Mrs Kaur's application for aid. Mrs Kaur therefore risked having to pay an enormous amount in costs if the action was unsuccessful. The risk could not be justified when the amount at stake was a mere \$240 even though in excess of \$1 000 000 has already been collected in fees for Immigration Review Panel appeals.

solutions? The unavailability of a legal indemnity to Mrs Kaur for any costs awarded against her means that there is no alternative for her and others in her position but to pay the fee regardless of whether it is legal or not. Until some change is made to the legal aid guidelines

or to the costs rules, government action involving small amounts (albeit in respect of many people) will, from a practical point of view, be immune from challenge.

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women behind bars

discrimination in sentencing. Women convicted of offences are more likely to be gaoled than convicted men, according to the Fitzroy Legal Service report on women in gaol. The report noted that a higher proportion of women were gaoled for fraud, drug offences and failing to pay fines. Specifically, women were twice as likely to be gaoled for fraud as men were, and forty times as likely as men to be gaoled for defaulting on a fine. They were four times as likely to be gaoled for drug use and twice as likely to go to prison for drug trafficking. Men were more likely to be given a community based order for defaulting on a fine.

increase in convictions. Between 1980 and 1984 there was a five percent increase in the number of people convicted in magistrates courts but a 13% increase in convictions of women. However, it was not women who were responsible for the increase in violent crime. Serious assaults had tripled since 1976, but only 2% of women in prison had been imprisoned for serious assaults compared with 15% of men. Despite this, 36% of women prisoners were classified as maximum security prisoners, compared with 31% of men.

increase in female imprisonment. Ms Amanda George, a solicitor at the legal service, said the number of female prisoners had increased 450% in the past decade, while the number of male prisoners had increased by about 11%, close to the rate of population growth. The reason was partly economic and was linked to unem-

ployment and poverty, she said. A decade ago 50 % of Fairlea prisoners were on unemployment benefits or pensions, but now the proportion is 67%.

limited opportunities. The report said 'the imprisoning of women in gaols is merely representative of the imprisoning that goes on in many ways — lives following a path of limited opportunities, traditional role expectations, inability to achieve economic independence and frequently, sole responsibility for children.'

electronic zoo. Another problem which is of concern to prison activists in Victoria is the use of K Division at Pentridge for women prisoners. In October last year K Division, then known as Jika Jika, was closed after five men died in a fire they had lit in protest at the conditions within the division. After the fire, Mr Kennan, Attorney-General at the time, announced the closure of K Division describing it as an electronic zoo unfit for human habitation. Features of the division were electronic doors and cameras, permanently sealed windows, no natural ventilation, caged exercise yards and no grass or trees.

modified electronic zoo. Less than a month after the closure the government foreshadowed moves to place women in a modified K Division. Prison activists protested against these suggestions stating that if the division were not fit for men it certainly was not fit for women who have committed mainly non-violent crimes and are not in need of high security imprisonment.

a rose by any other name. After these protests the Government reconsidered the position and in May 1988 it was decided K Division would be a special privilege unit, reclassified as medium security. However, when two members of the Federation of Community Legal Centres Corrections working group were taken on a guided tour, they concluded that although modi-

fied, K Division still looks and feels like a maximum security unit.

demonstration. Following the release of the Fitzroy Legal Service report a demonstration called by 'the Coalition Against Women's Imprisonment' was held outside Fairlea Women's Prison in Melbourne. About 700 demonstrators linked hands in a chain of support for the prisoners inside. Bands played and speeches were made by a solicitor and a Queensland aborigine whose brother was found hanged in a cell last July. The rally, from the bands to the speeches, was broadcast 'live' on community radio and prisoners inside Fairlea could hear the event in their honour.

Ms Amanda George, speaking at the rally, said the government should:

- close K Division in Pentridge to women immediately
- begin a 24 hour medical service at Fairlea with a duty doctor
- change weekly visiting entitlements so that women prisoners who saw their children would also be allowed to see other people
- put an immediate end to the indignity of strip searches in Fairlea immediately after all visits
- provide child care to allow women to serve out sentences in community centres.

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lands acquisition reform

Good God! What a genius I had when I wrote that book

Jonathan Swift,
of *The Tale of A Tub*