

ownership limitations in the *Broadcasting Act*. The Act purports to stop any foreigner holding more than a 15% interest in a licensee company and to limit aggregate foreign interests to 20%. Mr Willis said:

I understand that one of the possible schemes being considered in some quarters to circumvent the 20% limit is the establishment of a holding company in which there may be a number of individual foreign interests of less than 15%, which in aggregate may total up to 49% of the holding company. Whilst this arrangement may be permissible under the Act as it now stands, it is clearly contrary to the Act's intent (*Sydney Morning Herald* 5 January 1990).

Subsequently, the Treasurer, Mr Paul Keating, said that foreign interests could gain up to complete ownership of Australian commercial television networks under the current legislation (*Australian Financial Review* 2 February 1990). Tom Burton, writing in the *Sydney Morning Herald* (13 January 1990), said that the government had not suddenly become aware of a loophole in the legislation, since the Ten Network had for more than 18 months had an arrangement involving nearly 30% foreign ownership of Northern Star Holdings which controls the Ten licensee companies and that up to 50% foreign ownership had been clearly intended by the 1981 amendments to the Act. Mr Willis said that he was aware of the Northern Star case but that his statement concerned the intention of Bond Media and the receivers for Qintex to fully exploit the provisions of the Act, which, while apparently limiting foreign shareholdings to 20% in total, can easily be increased to 49% by the use of holding companies (*Australian Financial Review* 18 January 1990).

double, double . . . After representations from the Seven and Nine Networks, a proposal was prepared for Cabinet to double the permitted foreign ownership limit and allow up to 40% (*Sydney Morning Herald* 1 February 1990). However, the proposal was strongly opposed by some members of the Labor

Party Caucus, the Australian Film Commission, Actors' Equity, the Writers' Guild, Screen Directors' Association and the Australian Journalists' Association (*Sydney Morning Herald* 3 February 1990). It was removed from Cabinet's agenda (*Sydney Morning Herald* 7 February 1990) and the matter is awaiting the outcome of the federal election. Mr Willis has said that Labor will certainly change the Act so that there would be a far lesser percentage than at present. The Opposition proposes that there be no change to the Act, although Senator Alston has said that the Opposition would review its policy if Mr Willis produced hard evidence to support his claim that foreigners could own more than 50% of a licensee under current law (*Australian Financial Review* 21 February 1990).

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violence

When the state itself uses violence to further ends which it perceives as legitimate, this is an implicit invitation to some members of the public to do likewise.

Graboski and Lucas,
Society's Response to the Violent Offender 1989

Melbourne's Queen and Hoddle Street massacres, and street shoot-outs in Sydney, served as catalysts for debate and action on violence and the law. These include examination of gun and other weapon laws in a number of states, inquiries into the media and violence and the establishment of the National Committee on Violence (NCV) (see [1989] *Reform* 100). A common theme throughout the literature on violence is the lack of adequate statistics and research with which the incidence of, and responses to, violence can be assessed. What statistics there are, however, do *not* seem to indicate the massive increase in violence that is perceived by the public, the media and governments.

the national committee on violence. Established in October 1988 as a co-operative venture of all governments, the NCV has produced papers and monographs on aspects of violence which relate to its areas of inquiry. Most recently it released three further papers in the Committee's *Violence Today* series.

violence on television (no 6) was produced with the ABT which had already been asked by the federal government to inquire into television violence, including

- community attitudes
- the most appropriate method of ensuring that proper consideration is given by licensees to the way in which violent material is presented and
- whether the Tribunal's powers under the Broadcasting Act are adequate in preventing unacceptable levels of violence in television programmes.

Because it is difficult to establish any links between television and violence, the ABT and the NCV concentrated on people's perceptions. Submissions to the committee and research conducted by the tribunal showed a major concern felt by many Australians about the impact of televised violence upon the community, and a widespread belief that violence on the screen is responsible for a perceived increase in violence. The paper discusses the research, which identified realism and identification with the victim as key factors influencing a viewer's perception of the intensity of violence. It concludes that these findings would be important for drafting of formal or informal rules about violent television content if the ABT should decide to pursue that course of action. It would also help those working in the television industry and viewers themselves to assess acceptability of viewing material.

violence and dispute resolution. Alternative dispute resolution as a strategy for reducing violence and as a possible alternative to incarceration and fines for minor offenders is explored in *Violence, Disputes and their Resolution* (no 7). Echoing themes in the

ALRC's 1988 Sentencing report, the paper concluded:

Few criminal justice professionals today believe that incarceration has any significant deterrent or rehabilitative effect. It is merely the solution of last resort. Any approach that avoids the doubtful value and certain cost of imprisonment deserves careful implementation and monitoring.

racist violence (no 8) was produced with the Human Rights and Equal Opportunity Commission (HREOC) which is conducting a national inquiry into that topic (see [1989] *Reform* 35). The inquiry is a result of a community perception that racist attacks, both verbal and physical, on the increase. The paper comments on the lack of hard data and information about the extent of the problem. The inquiry has initiated a research program to fill this gap. Changes to existing legislation or the introduction of new legislation stipulating penalties for the perpetrators of racist violence and education programs are among the strategies that will be considered by the inquiry's final report.

treatment of violent offenders. The committee's terms of reference make special mention of the need to assess the treatment of violent offenders around the nation. The final monograph to be published by the NCV, *Society's Response to the Violent Offender* by Dr P Grabosky and Dr W Lucas is a response to this. It represents 'the most comprehensive review undertaken in Australia of this important topic'. Some key facts which emerge from the review are

- violent offences represent approximately 6% of all serious offences reported to the police while violent offenders represent approximately 40% of the total Australian prison population.
- the annual cost of keeping a violent offender in custody varies from about \$80,000 in a maximum security prison to \$180,000 in a specialised psychiatric facility

- the overall annual cost of keeping the current population of approximately 500 violent offenders in custody approaches \$200 million
- of violent offenders imprisoned in Australia nearly 90% are male. Nearly half are in their twenties and most were unemployed. One-third are unable to read and write, lack the basic social skills and some are intellectually handicapped or suffer from neurological impairment or brain damage
- very few treatment programs for violent offenders are available in prison, or in the community
- violence within Australian prisons remains a serious problem which is likely to be exacerbated by the growing state of overcrowding in many of the nation's correctional institutions.

The review also reveals a critical lack of knowledge which would enable institutions involved in sentencing and parole to assess the rationale and efficacy of the approaches they currently use.

The question of whether violent offenders will commit further crimes of violence upon their return to the community is one which is central to policies of sentencing and parole. It does come as somewhat of a surprise, therefore, to learn that systematic information on re-offending rates of Australian violent offenders is not regularly published . . . [T]hose statistics which are available suggest that repeated violent offending may be more the exception than the rule.

It discusses the range of possible responses to violent crime in society and concludes that there is a lack of systematic thinking about the logic behind the current Australian approach, which relies heavily on imprisonment. It attributes the contradictions and ambivalence of current responses to

- the fundamental inconsistencies and mutual exclusivity of the principles of punishment

- lack of knowledge about the deterrent, incapacitative and rehabilitative effects of those policies which are currently used and
- indifference to prisons and hostility towards prisoners on the part of the Australian public.

The review concludes that penal policies will continue to be dictated by political expediency. It stresses the importance of pre-sentence assessment of violent offenders to determine whether or not imprisonment is the appropriate response. Appropriate treatment programs should be available both in the community and the prison system.

For those prisoners who might be termed chronic violent offenders, the task then becomes identifying those who may be amenable to rehabilitation, and determining those rehabilitative treatments which may produce a positive and lasting effect.

final report. The final report will be released in February 1990.

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offensive weapons

He uses statistics as a drunken man uses lamp-posts — for support rather than illumination.

Andrew Lang 1844–1912
[Quoted in *Treasury of Humorous Quotations*]

As a result of considerable media attention to assaults with weapons, mainly knives, in public places, the Victorian Government asked the VLRC to review the laws dealing with offensive weapons.

stage one. The first stage of this review led to the enactment of the *Prescribed Weapons Act 1989*. That legislation bans the importation, manufacture, sale or possession of weapons 'which have no peaceful purpose', such as flick knives, butterfly knives and knuckledusters. Certain exemptions are available.