

The Consultative Group emphasises the need to inform parents of their rights and obligations under the scheme and recommends that counselling and financial counselling services be made available. Community agencies should be resourced to do this.

The Consultative Group has a continuing role in monitoring and evaluating stage one. Evaluation studies have been commissioned from the Australian Institute of Family Studies.

Parents separating in future would be well advised to supply themselves with slide rules or calculators and statistical tables relating to weekly earnings.

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## domestic violence

Everybody's always talking about people breaking into houses . . . but there are more people in the world who want to break out of houses.

Thornton Wilder, *The Matchmaker*,  
(1955)

*domestic violence legislation.* The Australian Law Reform Commission's Report, Domestic Violence (ALRC 30) recommended the enactment of protection order legislation for the Australian Capital Territory as well as other changes to the law relating to arrest, bail, compellability and powers of entry. These legal changes were made very quickly with the passing of the Domestic Violence Ordinance 1986 (ACT) and the Domestic Violence (Miscellaneous Amendments) Ordinance 1986 (ACT).

*non-legal measures.* The Report stressed that non-legal measures for dealing with domestic violence were just as, or more, important than legal changes. Public education and support services were

seen as essential. A very significant step in implementing these aspects of the Report has now been taken with the establishment of the Domestic Violence Crisis Service in the ACT. The service operates as a crisis intervention unit with radio controlled cars available 24 hours a day seven days a week. The unit also provides confidential support, information and referral to the parties involved in domestic violence. The service has 12 part-time crisis workers and has a full-time co-ordinator and office assistant. The crisis workers operate in close co-operation with the police and are on hand at every 'domestic' attended by police. The demand for the service has been high. It opened on 26 April 1988 and in its first two months of operation approximately 650 calls were received. 75% of which were new cases. In the same period approximately 60 home visits were made. The Crisis Service keeps a close eye on legal and support services and alerts the government to short-falls in these areas.

*community education.* The unit is responsible for community education relating to domestic violence. It provides immediate relevant information to victims and also conducts advertising programmes aimed at changing attitudes to the problem of domestic violence over the longer term. Advertisements have appeared on television and will be appearing in Canberra buses shortly. A multi-lingual poster has been distributed.

*protection orders.* On the legal front, the Legal Aid Commission and the Magistrates' Court have been all but overwhelmed by the demand for protection orders under the Domestic Violence Ordinance. At times the over-taxing of resources available for the obtaining and processing of protection orders has been at crisis point. No additional resources have been provided either to Legal Aid or to the Court to cope with the demand.

*limited coverage.* The ordinance has worked well but it is now found to be too limited in its coverage. When it was enacted it was envisaged that, after a try-out period, its operation would be reviewed. This review is taking place. There is an urgent need to extend the operation of the legislation to provide protection to victims of violence from intimates other than the spouses and children currently covered by the Ordinance.

*sexual abuse.* Another problem has recently come to light. The Ordinance was not intended to deal with child sexual abuse cases. Yet lawyers and social workers in the ACT believe that the Ordinance would offer the most effective protection to these victims. At present, however, only a parent, guardian, a person with whom a child normally resides or a police officer may apply for an order to protect a child from violence. In a recent case a resident of a women's refuge successfully applied for an order to protect a fellow resident, a sexually-abused child of sixteen, from her father. The Magistrate granted the order on the basis that the applicant was a person normally residing with the victim (ie as a fellow resident of the refuge). Protection was therefore obtained in this case but clearly the case was one at the margin of the current Ordinance.

Mr Nicholas Seddon, one of the Commissioners in charge of the (ALRC) Division which produced the report: *Domestic Violence* said that he hopes that the Ordinance, which proved to be beneficial and very much in demand, will be reformed very soon to provide protection into a wider group of victims of violence in the ACT.

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## immigration review panel filing fees

Citizens have always had difficulty obtaining access to the courts to resolve disputes involving small amounts. Often the cost of litigation does not justify commencing court proceedings. Because the costs of administration of justice are high, other methods for obtaining redress where the amount in dispute is small have been developed. Examples include small claims tribunals and neighborhood dispute centres. These alternatives are not appropriate in cases where the issues are complex or large numbers of people are involved. In these cases there may be no remedy available. A striking example of this situation is the case of *Kaur v Minister for Immigration, Local Government and Ethnic Affairs* which was discontinued in the Federal Court in March 1988.

*facts of the case.* The applicant, Mrs Kaur, had brought proceedings challenging the legality of a \$240 filing fee for an appeal to the Immigration Review Panel. The fee was provided for in the Migration Amendment Bill 1987. The Bill which authorised the fee to be levied retrospectively, was passed by the Senate but the clause levying the fee was rejected by the Opposition and deleted. The Bill as amended was then passed by the House of Representatives. Despite the fact that there is no legislation authorising the fee, it is still being levied.

*is the fee legal?* There is disagreement over whether the fee can be levied without legislation. Senator Tate, Minister for