

Melbourne *Herald* reported on 26 April 1989 that the hotline has received 500 calls in the three weeks since it opened, 100 from men.

The Brisbane *Courier Mail* reported the results of a phone survey conducted in 1988 by the Queensland Domestic Violence Task Force. It reported that 52 percent of 661 respondents said they suffered physical and emotional abuse. 'One quarter of respondents suffered physical sexual and emotional abuse, with 76 percent of people suffering emotional abuse on a daily or weekly basis.' (*Courier Mail*, 25 April 1989).

victorian family violence act. The Crimes (Family Violence) (Amendment) Act 1988 was passed by the Victorian Parliament in December 1988. The Act is designed to provide ongoing protection to victims of violence in the home. It empowers magistrates to make intervention orders in cases of family violence. It allows police prosecutors to act on behalf of police complainants in bringing applications for intervention orders on behalf of victims in cases of family violence.

domestic violence in the ACT. The ALRC's 1986 report (ALRC 30) *Domestic Violence* resulted in the Domestic Violence Ordinance 1986 (ACT) and associated legislation. The report stressed the need to educate the public about domestic violence and proposed protection orders which could be obtained in a magistrates court to prohibit violence and harassment and exclude the violent party from the home if necessary. As a result of the report a domestic violence unit was established in the ACT to provide victims of domestic violence with access to helping services. That unit is responsible for providing information through publicity and public education, advise to victims and to perpetrators and is responsible for compil-

ing statistics on domestic violence in the ACT. (See [1986] *Reform* 77-79).

The ACT Administration is currently reviewing ALRC 30 and the abovementioned legislation.

* * *

evaluation of children's evidence by video link

Barrister: Just answer me yes or no.
Child: Yes or no.

M & R Brennan *Strange Language* RMIHE 1988

the problem. Where children are required to give evidence in a court proceeding, a number of problems can arise. It is now accepted that children can suffer severe trauma in giving evidence in court and that the quality of their evidence may be adversely affected by the requirement.

video link as a solution? One method believed to alleviate these problems is to enable the child to give evidence in another room which is linked to the courtroom by a video link system. This can protect the child from the experience of giving evidence in an anxiety inducing courtroom, full of strangers and rituals. Additionally, in a criminal proceeding, the child is not required to physically confront the accused. Where the child is not distressed or frightened, the quality of his or her evidence may improve, allowing the better ascertainment of the facts.

other interests. The need to protect the child must be balanced with the need to safeguard the interests of other parties to the proceeding. This may differ according to the type of proceeding and the issue. Often the interests of the parties will co-incide with the needs of the child, but there may be a conflict. At the same time,

due weight must be given to the need to ascertain the truth and to bring guilty offenders to justice.

need for an evaluation. Despite the increasing amounts of recent investigation and legislative activity throughout Australia and overseas concerning video link technology, there is a lack of empirical evidence to show whether the technology achieves its objectives. For example, questions such as whether the technology by imposing an electronic media between the child and the courtroom affects the impact of the evidence given remain unanswered. The Commission has decided that the potential advantages of video link justify its introduction and its use should be assessed on a trial basis in order to determine its actual advantages and disadvantages.

consultation. The Commission has consulted widely in the ACT and generally in determining the most effective way of introducing and assessing the use of the video link technology. As a result of the consultations, a draft Ordinance has been agreed on and an evaluation project has been designed.

the ordinance. The draft Ordinance enables the Court, for a 12 month period, to exercise a wide discretion as to the availability of, and procedure for, the use of the video link technology when children are required as witnesses in the Magistrates Court, the Children's Court and the Coroners Court. Video link will be available to children under the age of 18 for summary offences, indictable offences tried summarily and committal hearings, 'care' proceedings under Part V of the *Children's Services Ordinance 1986*, domestic violence proceedings and coronial inquiries.

the tests. Before the Court can make an order as to the availability and form of video link, it must be satisfied that it is likely that the child would suffer men-

tal or emotional harm if required to give evidence in the ordinary way or that it is likely that the facts would be better ascertained if the child's evidence is given in accordance with the order. It must also be satisfied that any order would not be unfair to one or more of the parties to the proceeding.

form of the procedure. The form of the procedure can be selected by the Court to suit the requirements of a particular case. This includes control of the persons who can be with the child in the room, what the child can see and hear, what the persons in the courtroom can see and hear and at what stages these can operate.

objectives of the project. The objectives of the project are to assess whether the use of video link achieves the goals of reducing or alleviating the child's trauma and/or improving the quality of evidence given, consistent with the interests of justice. It also assesses whether the Ordinance should be modified as a result of the findings. As the form of video link may vary due to the flexibility of the procedure proposed, the project also aims to analyse the findings in relation to relevant variables.

timing. It is anticipated that the video link technology will be in place by June and that the project will commence in July.

* * *

looking forward to old age

The problem with a power of attorney is that it lapses once the person who granted it becomes legally incapacitated.

ALRC Report

The Australian Law Reform Commission has recommended that people should