

VICTIMS OF
VIOLENCE

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PREFACE

The National Committee on Violence was established in 1988 as a co-operative venture of Commonwealth, state and territory governments. It is due to report to the Prime Minister, the Premiers, and the Chief Minister at the end of 1989.

As part of its general goals of examining the contemporary state of violent crime in Australia, and of fostering community awareness of various issues relating to violence, the Committee will produce a variety of documents for public information and discussion.

This publication is the second in a new series to be published by the Committee. This series of Monographs complements the briefer documents of another series called Violence Today.

The Committee's terms of reference explicitly include the vulnerability to violence of particular groups, and the need for support and assistance for victims of violence. At its first meeting, the Committee decided to make victims of violence its first priority.

As this booklet suggests, Australian governments have made significant progress in providing support and assistance to victims of violence, whose co-operation is essential to the effective functioning of the criminal justice system. Despite these achievements, however, much remains to be done. This Monograph is intended to encourage further progress.



Professor Duncan Chappell
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INTRODUCTION

Victims, once accurately described as the forgotten participants in the criminal justice system, have received unprecedented attention in recent years. This is indeed deserved, as the **physical and psychological trauma suffered by the victim of violence can endure for a lifetime. How best to restore these victims to a normal healthy life is a question which still begs for attention, however.**

This report begins with an overview of information on victims of violence in Australia, with particular reference to the degree to which the risk of becoming a victim may be explained by such factors as gender, race, age, and income. It discusses how the personal circumstances of some individuals render them less able to cope with the experience of victimisation. The report moves on to a discussion of the basic procedures for assisting victims of violence to best recover from this experience. Recognising that there are aspects of the criminal justice system which can adversely affect the health of victims of violence who may become involved in criminal proceedings, the report then discusses those reforms which have been introduced in Australia thus far.

INFORMATION ABOUT VICTIMS OF VIOLENCE

Knowledge about the extent and distribution of violence in Australia is inadequate. Knowledge in this area is important not for its own sake, but to provide all Australians with an objective indication of their own security or vulnerability, and to ensure the rational allocation of scarce and costly criminal justice and social welfare resources in Australia. The two basic sources of information about victims of violence – periodic reports by the police departments of the various states and territories, and the occasional surveys undertaken by the Australian Bureau of Statistics – each have major shortcomings.

Police Statistics. Reports of the various police departments tend to reflect total numbers of incidents coming to their attention in each of a number of offence categories. Unfortunately, some definitions and counting practices vary from state to state, thus rendering comparisons inappropriate. For example, the legal definitions of rape are considerably broader in Western Australia, New South Wales and South Australia than in other jurisdictions. Nationally aggregated statistics of reported rape therefore provide an unclear picture of serious sexual assault coming to official attention, and comparisons over time are not possible. Police departments have also tended to differ with regard to their aggregations of homicide statistics; only recently has it become possible to distinguish Australia-wide between reported murder, attempted murder, manslaughter, and deaths resulting from criminally negligent operation of a motor vehicle. Significant progress in the development of comparable crime statistics has been made by the Police Commissioners' Australian Crime Statistics Sub-Committee and by the National Uniform Crime Statistics Committee chaired by the Australian Bureau of Statistics.

Uniformity of definition and counting are necessary, but not sufficient, to provide a clear picture of violence in Australia, however. Perhaps the most significant problem with statistics of violent crime coming to the attention of police arises from the fact that they reflect only a proportion of all criminally violent activity. A considerable number of violent crimes never reach police attention, and thus never appear in police statistics. Perhaps foremost among these, in terms of seriousness and prevalence, are

the majority of sexual assaults and incidents of domestic violence. Factors which underlie this so-called "dark figure" of unreported crime are numerous and complex. Suffice it to say that a large number of offences involving victims and offenders who are closely related, and a large number of assaults of a relatively minor nature, go unreported. Moreover, the size of this "dark figure" may vary within and between state and territory jurisdictions.

Another problem in relation to statistics published by police is that they do not reflect the characteristics of victims – the distribution of criminal victimisation across physical, demographic, and social space. This provides particular difficulty, in that the likelihood of becoming the victim of a violent crime is borne disproportionately by persons drawn from specific social backgrounds, whilst individuals from other social groups remain relatively secure. The existence of this differential burden is not revealed in the gross aggregate totals published by police departments. These published statistics thus fail to reassure those citizens whose fears tend to be unwarranted, and understate the dangers faced by the most vulnerable members of Australian society (Braithwaite, Biles & Whitrod 1982).

Yet another shortcoming of published police statistics is their inadequate coverage of the criminal use of firearms. It has been well documented that firearms attacks are more likely to be fatal than are attacks with other weapons (New South Wales Bureau of Crime Statistics and Research 1973). Police statistics which fail to document illicit firearm use prevent governments from monitoring systematically the effects of current firearms policies. Firearms regulation is a particularly contentious issue in Australia today, and rational public discussion is hampered by a lack of adequate statistical data.

The above problems in relation to official, published, statistics, combined with delay in their aggregation and eventual publication, render them an incomplete source of information on victims of violence in Australia.

Victim Surveys. Some of the shortcomings of official statistics on victims have been satisfactorily met by sample surveys. The first Australian surveys of crime victims were conducted in the early 1970s by Wilson and Brown (1973) and by Congalton and Najman (1974). In 1975 the Australian Bureau of Statistics conducted the first nationwide study of crime victims, based on a stratified multi-stage area sample of 18,694 respondents throughout Australia, but excluding the Northern Territory and remote country areas.

The findings made a significant contribution to knowledge

about the extent and distribution of victimisation in Australia (Australian Bureau of Statistics 1979). Significantly, they confirmed the existence of the aforementioned "dark figure" of unreported crime. Approximately 60 per cent of all incidents covered in the survey were not reported to police, although the reportability rate varied widely according to offence. Whilst over 90 per cent of motor vehicle thefts were reported, less than a third of all rapes were brought to the attention of police.

The 1975 victim survey also revealed considerable differences in the risk of becoming the victim of certain crimes. Rates of crime generally tended to be lower in country areas. The elderly, and those persons living in stable residential communities, were less likely to have been victims. The unemployed, people who were separated or divorced, and inhabitants of neighbourhoods with a high degree of residential mobility reported a higher rate of victimisation.

The survey also shed considerable light on the relationship between victims and their offenders. Eighty-four per cent of robberies identified in the survey were committed by persons unknown to the victim. Nearly half of all non-sexual assaults and more than half of all rapes were committed by acquaintances or close friends.

Reasons given for not reporting an offence to police tended to differ by gender. Male victims of assault were more likely to have regarded the incident as too trivial or to have expressed a preference to handle the matter themselves. Female victims tended to define the incident as a private and not a criminal matter, or said that they were too confused or upset to notify the police. A number of others expressed the view that the police "would not bother" if notified (Braithwaite & Biles 1980e).

Results of the 1975 survey were analysed in considerable detail by researchers at the Australian Institute of Criminology (See generally Biles & Braithwaite 1979; Biles, Braithwaite & Braithwaite 1979; Braithwaite & Biles 1979, 1980a, 1980b, 1980c, 1980d, 1980e, 1984; Braithwaite, Biles & Whitrod, 1982). This work has significantly enhanced the understanding of violence and its victims in Australia.

Despite their contribution to our knowledge about the distribution and processes of violence, the crime victim surveys which have been conducted to date are not without shortcomings. The changing social values regarding the acceptability of some forms of violent behaviour, and the intimate nature of some offences – particularly sexual assault, domestic violence, and child abuse – renders them less amenable to measurement by victim survey. In addition, the memory of survey respondents is often fallible, thus posing substantial methodological problems

(Skogan 1983). These may be compounded by the psychological processes of repression and denial which often characterise response to trauma.

The infrequency with which national victim surveys are conducted is also a source of significant problems. A second survey of over 35,000 respondents was conducted by the Australian Bureau of Statistics in 1983. Results provided further insight on the question of vulnerability. Approximately 40 per cent of victims of assault, robbery, or sexual assault reported having been the victim of the same offence at least twice in the preceding twelve months (Australian Bureau of Statistics 1984, p. 1). This confirms findings from the 1975 survey revealing differential vulnerability across Australian society. Further analysis of these data on recurrent victims should provide additional insight on the epidemiology of violence in Australia. Unfortunately restrictions on access to the survey data prevented subsequent analyses.

Whilst differences in survey design and sample preclude systematic comparison of Australian victim survey findings with those from overseas, some general impressions of similarity and difference may be discerned. In England, Wales, Scotland, Canada, the United States and Australia alike, young, single, unemployed males appear to run greater risks of becoming the victims of assault and robbery. The likelihood of a crime of violence coming to the attention of police is less than that of a household burglary, which in turn is less likely to be reported than a motor vehicle theft. In general, Australian crime rates tend to be lower than those of the United States and Canada, and higher than those of England, Wales and Scotland (see Braithwaite & Biles 1980b; Australian Bureau of Statistics 1984; Hough & Mayhew 1983; Chambers & Tombs 1984; Solicitor-General Canada 1983; United States Department of Justice 1984).

The Australian Bureau of Statistics has yet to commit itself to an ongoing program of regular and comparable crime surveys. Not only does this preclude analysis of trends, it also inhibits the refinement and development of survey technology.

Moreover, the Australian Bureau of Statistics failed to take advantage of their having combined the 1983 crime victims survey with a general survey of health. Although much could be learned about the general physical and mental health of crime victims (cf. Biles, Braithwaite & Braithwaite 1979) and about their insurance coverage and access to medical services, the data from the crime and health surveys was produced separately, and cannot be aggregated for purposes of comparative analysis.

Much greater use can be made of victim surveys in a number of

areas. First, the results of victim surveys can be used to allow members of the public a more accurate, if still less than perfect, assessment of the risks of becoming a crime victim. A significant proportion of criminal assault is inflicted by relatives, friends, or acquaintances of the victim. Although criminal assault can be unpredictable, occurring in unexpected ways and places, and to the most unlikely victims, vulnerability tends to vary directly with social disadvantage. A wider dissemination of research findings may thus enhance feelings of security on the part of the relatively privileged members of society, who are, in fact, least at risk. Such findings can also encourage the exercise of caution on the part of those who are more vulnerable.

The results of victim surveys can also be of great use in planning the allocation of criminal justice and community service resources. More complete information about differential victimisation across racial, socio-economic, and demographic groups can improve the design of crisis intervention and victim support programs.

At the same time, findings may contribute to more broadly based public policies designed to reduce the risk of future victimisation. Findings tend to justify those policies which would serve to reduce inequalities of opportunity in our society. A very great proportion of the suffering experienced by female, Aboriginal and child victims in Australia may be traced to circumstances of socio-economic disadvantage. Policies designed to reduce unemployment; to permit Aboriginal people autonomy, dignity and respect; to provide child care facilities for parents otherwise unable to afford them; and to provide equal economic opportunities for women, can contribute to a significant reduction of suffering.

In 1988 the Standing Committee of Attorneys-General made a commitment to fund a regular crime supplement to the National Social Science Survey (NSSS). Directed by sociologists at the Research School of Social Sciences at the Australian National University, the NSSS is an ongoing program of general social surveys of the Australian public. The special supplements are expected to provide important information regarding citizens' fear of crime, and their knowledge, attitudes and practice regarding crime prevention. They will serve as the basis for the development of a comprehensive crime survey program in Australia.

It is some consolation to know that the recorded incidence of violence in Australia today is relatively low by contemporary world standards, and in historical terms as well (Grabosky 1983; Mukherjee 1981; Mukherjee, Walker Neuhaus, forthcoming). A recent publication for the National Committee on Violence reaffirms these

findings (Chappell 1989). As threatening as the spectre of interpersonal violence may appear, Australians face much greater risks from other sources. For every homicide in Australia, there are six suicides and thirteen road traffic fatalities. Despite the fact that statistics on death and injuries resulting from accidents in the workplace are even less informative than crime statistics, one may conclude that more Australians perish in industrial accidents than from intentional attacks (Harrison et al. 1989), and the number of injuries sustained in the workplace dwarfs those occasioned by assault.

Some New South Wales statistics are illustrative: in the year ended 30 June 1987, 110 homicides (intentional killings or deaths resulting from injuries purposefully inflicted) were recorded in New South Wales (New South Wales Police 1988). In the same period, sixty-five fatalities in the course of employment were subject of cases under the *New South Wales Worked Compensation Act*. This total excludes deaths attributed to work-related diseases (fifty-three) and those occurring in the course of work-related road traffic accidents (thirty), not to mention those suffered by self-employed persons and workers covered by other compensation schemes (Australian Bureau of Statistics 1988, pp. 33 & 52).

For the year ended 30 June 1987, 3,677 serious assaults (generally involving bodily harm) were reported to the New South Wales Police and accepted by them as founded complaints (New South Wales Police Department 1988).

During the same period, 79,674 injuries resulting in three or more days incapacity were reported to the Workers' Compensation Commission of New South Wales. Lest one suspect that these latter injuries largely involved malingering, it should be noted that they included over 7,000 fractures and dislocations, over 12,000 lacerations and over 200 amputations and enucleations (Australian Bureau of Statistics 1988, p. 30).

Homicide Mortality Studies. Additional research based upon official vital statistics and police records has shed further light on the epidemiology of violent crime in Australia.

Najman's study of the 517 death certificates relating to homicides recorded throughout Australia in 1965-67 revealed that the risk of homicide victimisation varied inversely with occupational status. Those from the most prestigious occupations had the lowest homicide death rates. The risk of becoming the victim of homicide is considerably greater within the lowest occupational prestige categories (Najman 1980, pp. 275-6).

Other studies have shown that men are at a much greater risk of suffering a violent death, from whatever cause, than are women.

Men are half again as likely to become victims of homicide (Bonney 1987, p. 7). One should note, however, that women are much more likely to be the victims rather than the perpetrators of violence. Data revealed that slightly more than one-third of homicide victims are female; it has been estimated that females commit fewer than 15 per cent of recorded homicides (South Australia 1981 b, p. 51; Bonney 1987, p. 9).

No striking variations appear to characterise age-based homicide mortality rates. Infants are at slightly greater risk, no doubt due to their fragility, their dependency, and the stress and frustration which may accompany their upbringing. Preadolescents face the lowest risk. Age-based rates increase until middle age, and then gradually decline (Grabosky 1983).

Accumulating evidence suggests that Aboriginal Australians constitute a much greater proportion of homicide victims than might have been expected from their numbers in the general population. A study of homicide victims by the South Australian Office of Crime Statistics sought to identify the racial background of victims of homicide over a three year period. Ten per cent of the victims were identified as Aboriginal, and 40 per cent as Caucasian. Data were not available for a full 50 per cent of cases. This means that Aborigines, who constitute approximately 1 per cent of South Australia's population, comprised at least 10 per cent of that state's homicide victims (South Australia 1981 b, p. 6). A differential in excess of seven-fold has been estimated in New South Wales as well (Bonney 1987, p. 14).

Further evidence on the exceptional vulnerability of Aboriginal people may be drawn from Wilson's study of living conditions on Queensland Aboriginal reserves. The homicide rate for the seventeen communities under review was 39.6 per 100,000, more than ten times the Australian national homicide rate (Wilson 1982, p. 4). It thus appears that Aboriginal Australians suffer at least ten times the burden of homicide mortality borne by the general population.

Injury Statistics. Further information on the incidence of violence may emerge in due course with the development of improved health statistics. The National Injury Surveillance and Prevention Project, recently established under the auspices of the Australian Institute of Health, monitors injuries presenting in accident and emergency departments of selected hospitals, and seeks to identify those which have been intentionally inflicted. Data emanating from an ongoing program of injury surveillance would permit additional estimates of the magnitude and distribution of serious assault in Australia.

THE MOST VULNERABLE VICTIMS

It should be recognised that the experience of being the victim of crime affects different people in different ways. People vary widely in their ability to cope with becoming the victim of violence, as they do with all crises. A hardy personality can serve to mitigate the adverse effects of victimisation (Ganellen & Blaney 1984). Among the factors which affect a victim's resilience are age, financial, social and intellectual resources, cognitive and emotional development, philosophical or religious beliefs and previous coping experiences (Ball 1983, p. 80). Aspects of the physical and social environment and a victim's own interpersonal skills may also influence one's ability to recover. The degree and quality of social support in the aftermath of a traumatic experience is particularly important to subsequent adjustment (Raphael 1977a; Bordow & Porritt 1979; Porritt & Bordow 1980).

There are those individuals whose position of dependence or disadvantage renders them less able to cope with the experience of victimisation. In general, the most vulnerable victims of violence are women, children, the elderly, Aboriginal people, and persons of low socio-economic status.

Victims of Sexual Assault. Of all categories of crime victim, none has been accorded as much attention over the past fifteen years as has the victim of rape (Bush 1977; Wilson 1978; Scutt 1980b; Sallmann & Chappell 1982; South Australia 1983; Scott & Hewitt 1983; Naffin 1984). The number of rapes reported to the police in Australia has increased sharply over the period, and now exceeds 2,200 per year. The degree of concern for the sexual assault victim which has been expressed in recent years is not unwarranted, given the intensity of suffering experienced by many sexual assault victims, and the large proportion of offences which do not reach official attention. Of all serious crimes of violence – murder, rape, robbery, and assault occasioning grievous bodily harm-rape is least likely to be reported to the police.

Changes in the reported incidence of rape should be interpreted with extreme caution. Whilst it is likely that the actual incidence of rape has increased over the past fifteen years, the magnitude of this increase may not have been as great as official statistics suggest. Reforms in police practices, significant improvements in the services available to sexual assault victims, and changing social attitudes toward the offence and its victims,

may mean that a greater proportion of offences is coming to the attention of police than was the case in years past. It should also be noted that the definition of rape has changed in some jurisdictions, most notably Western Australia, New South Wales and South Australia.

Three main factors contribute to an explanation of why so many sexual assaults go unreported (Wilson 1978, pp. 57-65). One is the feeling on the part of many victims of a need to cope with the experience by "getting over it" as quickly as possible. By not reporting an offence, a victim is assured of not having to relive the experience in the course of a police investigation or, ultimately, in court.

The second disincentive to reporting a rape arises from a set of cultural biases which surround the offence. One still hears people express the belief that true rape is impossible, and that all purported victims must have consented. Others suggest that rape victims inevitably acted in a provocative manner which invited the assault. It remains the view of some persons that an element of coercion is not entirely inappropriate in relations between males and females. As a result of these attitudes and myths surrounding the crime of rape, the victim is stigmatised to a degree unique to this type of offence. In some instances, close friends or relatives of a victim might withdraw, leaving the victim socially and emotionally isolated at the precise time when social support is most needed (Scott & Hewitt 1983, pp. 101-2). Public ignorance about rape and attending cultural biases against victims are diminishing, but sensitive understanding of and sympathy for the rape victim are not widespread. No doubt many victims continue to suffer in silence.

The feelings of shame which a victim might experience may be compounded in some jurisdictions by insensitive police investigative practices, by the apparent callousness of prosecutorial authorities, and by unethical defence tactics (Woods 1982).

Long-term consequences of sexual assault may be particularly disturbing. Even after less aggravated attacks, fear of strange men or of public places is a major concern. Moreover, an assault may produce temporary or permanent disruption of personal relationships. Special psychiatric long-term problems, if not managed by appropriate professionals, may result from life-threatening situations such as attempted strangulation during the attack. In such cases the victim may be grateful for her life, but may thereafter bear a special guilt about her failure to resist the sexual attack. This is particularly apparent if the woman is single. The full manifestations of a psychiatric problem may not be apparent for many years after the event (Chambers 1982).

The first initiatives on behalf of sexual assault victims originated in the community by feminists. Rape crisis centres were established in each of the capital cities on a volunteer basis during the mid-1970s. These centres, some of whose staff themselves have been victims of sexual assault, provide short and longer-term counselling and support for victims of rape and other sexual abuse. Some centres also conduct research, disseminate information on sexual assault, and provide instruction in rape prevention and self-defence. These models have since been adopted by health and community services agencies in a number of Australian jurisdictions.

A variety of administrative reforms have been introduced in the various states and territories over the past fifteen years to respond to the needs of sexual assault victims. Police response to sexual assault has occurred gradually and unevenly across Australian jurisdictions. South Australia introduced mixed (male and female) patrols on a limited basis in 1973; where possible, mixed patrols are despatched to the scene of a reported rape. Two years later South Australia established a Rape Enquiry Unit within the Major Crime Squad. The six female officers attached to the Unit conduct initial interviews with sexual assault victims, inform them of procedures to be followed during the inquiry, and are available to accompany the victim during the subsequent investigation and court proceedings. The Victoria Police Sex Offences Squad, consisting of fourteen female officers, performs a similar function.

Significant improvements have also been introduced in most states in the provision of medical services to sexual assault victims and in the collection of forensic evidence. The Sexual Assault Referral Centre at the Queen Elizabeth Hospital in Adelaide, the Queen Victoria Hospital in Melbourne, the Sir Charles Gairdner Hospital in Perth, and similar centres at eight metropolitan and regional hospitals in New South Wales, have all been established since 1977. These centres provide specialised medical treatment for victims, and have developed refined procedures for the collection of forensic specimens. Social workers are either present or on call on a twenty-four hour basis.

The state of Victoria is unique in having a special Rape Squad within the Office of the Director of Public Prosecutions. The Squad, consisting of three persons, in prosecuting sexual assault cases. Aware of the counter-therapeutic consequences to the victim of delay in the conduct of criminal proceedings, members of the squad endeavour to achieve committal proceedings within three months of arrest, and to bring a case to trial within three months of committal. First contact with the victim usually occurs at the committal proceedings, where the court procedures and the role of

the prosecutor are explained. Specialised communication between prosecutor and victim-witness is intended to lessen the trauma of appearing in court.

Significant law reform in the area of sexual assault has occurred during the past fifteen years in a number of Australian jurisdictions. South Australia led the way in the 1970s by broadening the definition of rape to include non-consensual oral and anal sexual acts, sexual assaults against males, and sexual assaults within the marriage relationship (Sallmann & Chappell 1982). In addition, significant amendment to laws of evidence and procedure in South Australia restricted the admissibility of evidence bearing upon the victim's previous sexual history, and no longer required every victim to appear at the committal hearing (Martin 1982, pp. 13-15; South Australia 1983, p. 4).

Toward the end of the 1970s it became apparent that even under the traditional definition of rape, a wide variety of circumstances were subject to the same maximum penalty of life imprisonment. It was argued that juries were less inclined to convict in cases not involving serious bodily injury or use of a weapon. Not long after a national conference on rape law reform (Scutt 1980b) the New South Wales Parliament enacted the Crimes (Sexual Assault) Amendment Act, 1981 (New South Wales).

The new law differentiates between four degrees of sexual assault, each with its own penalty structure. These include:

1. sexual assault inflicting grievous bodily harm maximum penalty: 20 years
2. sexual assault inflicting or threatening actual bodily harm – maximum penalty: 12 years
3. sexual intercourse without consent – maximum penalty: 7 years (or 10 years, where the victim is under 16 years old)
4. indecent assault – maximum penalty: 4 years (or 6 years, where the victim is under 16 years old)

Similar differentiations of degrees of sexual assault has been enacted in the Northern Territory and in Western Australia (Western Australia 1988).

One consequence of the New South Wales reform has been an increased tendency for defendants to plead guilty, especially in less aggravated cases. This has had the important benefits of expediting dispositions, and of sparing victims the necessity of appearing in court. Of those cases which have proceeded to trial, the rate of conviction has increased (Wallace 1984).

One lingering issue in the area of sexual assault law reform concerns the extent to which the credibility of the victim-witness is

so persistently challenged by counsel for the accused. This occurs in part because a common defence to the charge of rape is that the victim consented, or that the accused honestly and reasonably believed that the victim consented.

There may not be evidence which corroborates lack of consent, however, as many sexual assault victims acquiesce without struggle, fearing death or serious injury in the event of resistance. Under the circumstances, efforts to discredit the victim-witness have the effect of putting the victim on trial.

Some of the most significant reforms yet introduced in the common law world have been implemented in New South Wales to address these problems. In addition to restricting the admissibility of evidence regarding the prior sexual experience of the victim, there is now an absolute prohibition of evidence concerning the victim's sexual reputation.

Moreover, at the discretion of the trial judge, instructions to juries may be varied from the traditional warning that it is "dangerous" to convict on the basis of uncorroborated testimony to the modified "unsafe to convict".

It has been suggested that the onus of proving honest and reasonable belief that the victim consented be placed on the accused (Naffin 1984). It nevertheless remains to be seen whether, in light of recent protections accorded sexual assault victims by reforms of the law of evidence, the defence of honest belief is in fact accepted by juries to any discernible extent.

Victims of Domestic Violence. The problems faced by victims of domestic violence are longstanding and numerous (Easteal 1988), but have only recently become the subject of official concern. They now rank high on the public agenda. In 1985, the Australian Institute of Criminology convened a National Conference on Domestic Violence (see National Conference on Domestic Violence seminar proceedings, Hatty 1986), which made a valuable contribution to knowledge on this subject. Domestic violence and its victims are central to the terms of reference of the National Committee on Violence. The Committee has published an issue of Violence Today on the topic (Mugford 1989) for Domestic Violence Awareness month (April 1989).

The incidence of domestic violence in Australia is difficult to quantify. As was mentioned earlier, published police statistics do not refer to the relationship between victim and offender. Assaults by a spouse are often regarded by the victim as personal matters, rather than crimes. Such, they are less likely to be reported to police than are attacks by strangers. There is some suggestion that members of

the medical profession ignore the possibility of abuse particularly in more affluent patients. Not only do many domestic assaults fail to reach the attention of the police, domestic assaults tend to be under-reported in crime victim surveys as well (Scutt 1983a).

But even when the victim of domestic assault calls for police assistance it might not be adequate. Scutt (1983b, pp. 21641) and Neal (1988) have characterised police response to the victim of family violence as generally unsympathetic. Traditionally police have tended to regard incidents of domestic assault as not real police work, offering the rationale that their powers were insufficient in any event to deal adequately with the situation. Thus many assaults occasioning actual bodily harm and an even larger number of non-indictable assaults have failed to evoke police response. Whilst Australian police departments have developed greater sensitivity to victims of domestic violence in recent years, their response is still regarded as inappropriate in light of the seriousness of the problem. This further discourages reporting by victims.

Research suggests that the most common response by victims of domestic assault in Australia is passive acceptance (South Australia 1981a, p. 51). Financial dependence underlies the passivity shown by many victims; a number have no other source of income other than that provided by the offender. Victims with dependent children have even greater constraints placed upon them to remain within a violent home. Those victims who are without outside support from family or friends are at a worse disadvantage. Feelings of hopelessness, resignation, and of episodic terror are not uncommon (Scutt 1983b, pp. 126-35).

As mentioned earlier, feminists in the community established women's refuges, initially on a voluntary basis, in all states and territories during the 1970s in order to provide emergency accommodation, counselling, and support for women fleeing violent homes. Subsequently, state and Commonwealth Governments began to provide financial assistance on an exceedingly modest scale. The crowded conditions which characterise many women's refuges in Australia are indicative of the magnitude of the problem of domestic violence, and of the lack of resolve on the part of governments to deal with it.

New South Wales made a significant contribution to law reform in the area of domestic violence with the Crimes (Domestic Violence) Amendment Act 1983. These amendments were designed largely to overcome the traditional passivity of domestic violence victims and their reluctance to invoke the criminal process. The new law permits police to enter a dwelling if they believe an assault has occurred or is likely to occur. If refused entry, police may obtain a warrant from

a magistrate at any time, day or night. Police themselves may now lay charges, and the victim is required to give evidence.

The new law also enables the court, by means of an **Apprehended Domestic Violence Order**, to impose certain conditions on an offender's behaviour. These may include the requirement that an offender not threaten or otherwise contact a victim. A breach of the conditions of order renders the offender liable to immediate arrest. Similar policies were implemented in Victoria in 1988, and police powers to intervene on behalf of victims were subsequently strengthened. Unfortunately, in these as in many programs intended to assist victims of violence, no provisions have been made for systematic evaluation.

Victims of Child Abuse. Children, particularly infants, are perhaps the most vulnerable victims of crime, because of their very great dependence upon their parents. It is a tragic fact that children suffer to a far greater extent at the hands of parents and their friends than they do at the hands of strangers. The special vulnerability of child victims was recognised by the Australian Institute of Criminology when it convened a National Conference on Child Abuse in 1986 (Snashall 1987).

Child abuse may take a number of forms, including physical, sexual, emotional, chemical/pharmacological abuse, and nutritional, medical or general neglect (South Australia 1983). Extreme physical abuse may be manifest in injuries including bruises, burns, fractures, abdominal injuries or abnormally low height and body weight, for which no satisfactory explanation may be offered.

The sexual abuse of children has become an issue of widespread public concern, having been the focus of inquiries in both Australia and New Zealand (Family Law Council of Australia 1988; Child Sexual Abuse Task Force [WA] 1987; New Zealand 1986). Child sexual abuse may include sexual intercourse between parent and child, or between siblings. Other forms may include inappropriate genital contact, imposed observations of sexual activity or exposure to pornographic material. Problems of identifying child sexual abuse are considerable. Children are often reluctant to lodge complaints against their parents. Younger children may be sworn to secrecy, or perhaps threatened with punishment for disclosure. Children may fear that other adults would not believe them.

The circumstances surrounding child abuse are often complex. Thus the most appropriate form of state response – whether to impose criminal sanctions or whether to rely instead on some therapeutic alternative is a difficult decision. Australian states and territories generally follow that course of action believed to be in the best interests of the child.

Child victims of sexual abuse may experience enduring feelings of guilt, shame, and emotional isolation. The infliction of serious bodily injury upon a child leaves psychological scars which endure long after any physical wounds are healed. The development of a healthy personality will be seriously jeopardised for a child who feels unsafe, unwanted, and uncared for in his/her parents' presence. This leads to poor development in terms of initiative and low school performance. In some cases it can be stated that the child "survives" rather than develops.

The parents may feel guilt, which leads to emotional disturbance. An abused, damaged child before their eyes may reinforce their belief as to their own inadequacy as parents, which results in depression and further abuse. A significant proportion of abusing parents were themselves abused as children.

Governmental responses to child abuse are varied. Casualty staff of the various paediatric and general hospitals have been sensitised to the problem of child abuse, and are trained in the diagnosis of non-accidental injuries to children. A number of states and the Northern Territory also require compulsory notification of suspected child abuse by teachers, medical practitioners, social workers, and members of other designated professions. This has resulted in an increasing number of cases coming to official attention in recent years.

In South Australia, cases are referred to specially constituted child protection panels for assessment and recommendations. Queensland has established Suspected Child Abuse and Neglect Teams, consisting of medical, social work and police personnel in each of thirty regional centres. These teams develop a comprehensive and continuing management plan for each notified case of child abuse. In the majority of cases, the criminal process is not invoked, and the families in question are provided with welfare and counselling services.

Additional services designed to prevent child abuse have also been introduced in some jurisdictions. Among the more important of these are emergency childminding centres which provide some relief from short-term stress. No doubt an expansion of general child care services would contribute greatly to a reduction of child abuse in Australia.

In the rare instance when the Crown seeks to prosecute an alleged child abuser, it may not be within the victim's ability or best interests to testify. It is readily understandable that even a child who is old enough to testify might be severely traumatised and easily discredited by a skilled barrister. These observations have given rise to proposals that the initial statements of child witnesses be videotaped. The question remains a vexed one, as both the problem and

the proposed solution can be impediments to justice in some instances. These issues were extensively canvassed at a seminar convened by the Australian Institute of Criminology in 1988 (Vernon forthcoming), and in research funded by the Criminology Research Council (Brennan & Brennan 1988).

On the other hand, it has been argued that tactless and insensitive cross-examination of a child witness by counsel for the defence is more likely to antagonise a jury and thus lead to a conviction. Whilst alternatives to cross-examination in open court have been proposed (for example, admitting evidence taken in camera by a special officer of the court), it remains to be seen how many prosecutions have actually failed for want of a child victim's testimony. There seems little doubt that as far as the victim's role in child abuse prosecutions is concerned, the interests of the child should predominate.

Despite the introduction of many programs for the prevention of child abuse and for the treatment of victims and abusers, we know little about their success or failure. Rigorous evaluation of child abuse intervention programs is long overdue.

Aboriginal Victims. No group in Australian society has suffered the extent of victimisation as have the Aboriginal peoples (Rowley 1970). Perhaps the most dramatic general example was the genocide of the Tasmanian Aboriginal population during the 19th century. In more remote areas of the continent, Aborigines were the victims of hunting expeditions well into the present century.

The dispossession of Aboriginal Australians from their land was by no means limited to the colonial era. More recently, Aboriginal people in a number of states were required to live in reserves, and were subject to various systems of control and punishment in excess of those to which white members of Australian society were liable (Nettheim 1981). The social and cultural disintegration resulting from these and other forces has contributed to a level of violence within Aboriginal society measurably in excess of that which

the general Australian public (Wilson 1982). The continuing tragedy of Aboriginal deaths in police and prison custody led to the appointment of a Royal Commission in 1987 (Grabosky et al. 1988). Long traditions of hostility toward and mistrust of the enforcers of white Australian law have led to a situation where many Aboriginal victims of crime are reluctant to notify the police.

Other reasons for the under-reporting of criminal incidents by Aboriginal victims may vary, depending on the circumstances of the

offence and the relationship between victim and offender. In cases of assault committed by one Aboriginal person against another, there may be extreme reluctance to invite police intervention, even though the injuries sustained may be very serious.

In reviewing issues relating to Aboriginal victims of violence, it is important to distinguish between those in traditional settings, those in modern urban communities, and those in circumstances somewhere between these types.

When an assault occurs in the context of a dispute between two Aboriginal people, it may be viewed as more suitable for informal or traditional means of conflict resolution (Australian Law Reform Commission 1986). Indeed, in tribal situations, outside intervention in a family dispute tends to be regarded as highly inappropriate.

In cases of other offences, particularly those involving attacks on Aboriginal people by non-Aborigines, failure to invoke the formal criminal process may depend on different considerations. The understandable mistrust of traditionally oppressive institutions was noted above. The formalities of the criminal process are often more alien and bewildering to Aboriginal victims of crime than they are to victims in general. Moreover, certain cultural biases operate to the disadvantage of Aboriginal victims; it has been suggested that their complaints are often regarded as less worthy and their testimony as less credible than those of non-Aboriginal witnesses. This problem is particularly acute in cases of Aboriginal victims of rape (South Australia 1981 a , p. 68).

Elderly Victims. According to the 1975 Australian Bureau of Statistics survey, citizens aged sixty and over expressed the greatest fear of crime. This is particularly unfortunate, as the same survey revealed the objective likelihood of an elderly person becoming the victim of crime to be relatively low (Biles 1983). This apparent paradox may be explained by a number of factors. Older people tend to be less physically resilient than younger people. If attacked, they are less able to flee or strike back; if injured, they are less able to recover fully. Elderly citizens tend to be less economically resilient as well, and may be unable to afford to replace stolen or damaged possessions. Indeed, the intrinsic worth of these items sometimes exceeds their market value. Increasingly, elderly persons face the problem of social isolation, which tends to compound the suffering of so many victims. Older people also tend to lack psychological resilience (Duncan 1981). Having lived most of their lives in an age of relative social tranquillity, they tend to regard violence as one of the least pleasant manifestations of a contemporary society which they would gladly exchange for one of thirty years ago.

The elderly who become victims of crime may develop an increasing sense of nervousness and general fearfulness. This leads to a growing feeling of timidity and insecurity, even in the home; to an inability to cope; and to fear of recurrence. Deterioration in personality may ultimately result. Relatives of elderly victims may become increasingly impatient, and may even blame the victim for not exercising sufficient caution. This can lead to increasing reduction in perception of self-worth by the victim, which will further increase interpersonal conflicts. Relatives may then withdraw from the victim, or conversely, become overprotective, each with corresponding unfortunate consequences (South Australia 1981a, pp. 71-4).

Because of the relative infrequency of crimes against senior citizens, no specialised services to elderly crime victims are available. There does appear to be a need, however, for support and reassurance to elderly persons in general, whose fear of crime detracts from the quality of their lives. A significant contribution could be made by programs designed to reduce the social isolation of Australia's senior citizens.

Unemployed Victims. Among the more striking findings to emerge from the 1975 Australian Bureau of Statistics crime victims survey was the extent to which a disproportionate amount of violence is committed against unemployed persons. Unemployed persons showed significantly higher rates of victimisation from assault and robbery than did respondents who were members of the active workforce (Braithwaite & Biles 1979).

The unemployed victim of violence is deserving of special concern, since the stress induced by an assault tends to augment the stress which standard concomitant of the inability to find work.

A number of explanations have been advanced to account for the disproportionate vulnerability of the unemployed. Unemployed people tend to spend a greater proportion of their time in public places. The more time spent in public transport rather than in cars, in streets and parks rather than in offices and factories, in public bars rather than at home, the less the chance of keeping out of harm's way.

Unemployed persons are also likely to spend more time in the company of other unemployed persons. As a general group, unemployed persons are themselves disproportionately represented amongst those charged with assault. The most accessible victims are their fellow unemployed.

Unemployed victims, many having suffered a lifetime of disadvantage, may lack the social and financial resources to protect themselves from crime.

Families of Homicide Victims. Because of the relatively low incidence of homicide in Australia, the number of surviving relatives of homicide victims is not great. Their loss, however, is permanent. The experience of bereavement can be a difficult one, even for the strongest, most resilient person (Raphael 1977a). When the death in question results from a homicide, the impact can be shattering.

The sudden, unanticipated loss of a loved one at the hands of another human being, often under gruesome or repulsive circumstances, is not easily overcome. If the survivor were financially dependent upon the victim, the stress of bereavement is compounded.

Other responses which may be manifest include a desire for revenge, a feeling of fear, despair, insecurity in general, or a lack of trust in others. If an offender has been apprehended, there may be fear of retaliation in the event of acquittal, escape, or remission of sentence. In addition, family members tend to express bitterness about the event, especially if there is conscious or subconscious guilt that the homicide might possibly have been avoidable through some effort of their own.

Survivors of homicide victims often show signs of considerable anxiety, in some cases, years after the death in question. They tend to experience difficulty in coping with general, day-to-day affairs, including such responsibilities as budgeting and household management. Many express the fear of future attack. Parents of homicide victims are often self-consciously over-protective of surviving children, who themselves are susceptible to emotional distress.

Relatives of homicide victims experience problems over and above those faced by other bereaved persons. Foremost of these is the unpleasant burden, in the event that a suspect is charged with the offence, of having their bereavement prolonged and often intensified by the criminal trial. Depending upon the duration of proceedings, the grieving process may last many months. Subsequent publicity can further delay the resumption of a normal life.

The immediate families of homicide victims may also be vulnerable to harassment by the media. Homicide is deemed by editors to be among the more newsworthy of human events; unlike victims of sexual assault, whose names are suppressed from publication, relatives of homicide victims are often subject to intensive media scrutiny. Not only are such violations of the privacy and dignity of bereaved persons in singularly poor taste, they also militate against recovery.

The small number of homicides in Australia, combined with the existence of cohesive family and community "support systems" for

many, and the availability of general state, Commonwealth and voluntary welfare services, has obviated the need for specialised assistance to families of homicide victims. Nevertheless some survivors of homicide victims are either unaware of available support services or disinclined to use them. Ideally, every morgue in Australia should have on its staff a person trained in bereavement counselling. Families or friends of homicide victims would comprise but a small percentage of those persons with whom such a counsellor would come in contact. But the counselling services would be available to a wide range of persons during a crucial period in the bereavement process. Beyond this, state welfare agencies should systematically contact the families of each new homicide victim to ensure that their continuing needs are met,

RESTORING VICTIMS OF VIOLENCE

Victims of violence have much in common with each other, as they do with victims of traumatic injury in general (Ochberg 1988). They often share a feeling of loss of control, or of being overwhelmed. They experience a lack of a sense of mastery over their lives and an erosion of self esteem. In the aftermath of an attack, they may feel a sense of shame or embarrassment, anxiety, depression, fear or hostility. Without proper assistance, these conditions may persist for months or even years.

At the same time, victims of violence are by no means a homogeneous group. They vary widely in terms of the personality attributes, social skills and other resources which they command, all of which may bear on their coping abilities.

Measures taken to assist victims of violence should serve to reduce the victim's anxiety, to reaffirm his or her personal worth, and should have as their ultimate end the restoration of the victim's quality of life to a level equal to or better than that which prevailed before the act of violence took place.

Despite the concern which has justifiably been expressed on behalf of victims of violence in Australia, knowledge regarding the best way to go about restoring the well-being of victims remains inadequate. Research on the coping processes of victims of violence in Australia is almost non-existent. There is a need more fully to understand the therapeutic process and to determine the means by which the distress experienced by victims of violence is most efficiently and effectively treated. Professionals such as police, medical practitioners and clergy, who might have initial contact with victims of violence or early contact in the aftermath of a traumatic incident, may not be adequately familiar with these therapeutic considerations.

Not all victims of violence have sufficient coping resources to overcome their distress without assistance. Moreover, many of those dependent on outside help are inhibited from seeking it by prevailing cultural norms. Help-seeking is perceived by many as embarrassing or demeaning, and can thus be harmful to one's self esteem (Hobfoll 1986, p. 241).

The amount of social support available to a victim of violence can bear significantly upon the victim's ability to cope in the aftermath of an attack, as it can influence one's ability to adjust to other stressful life circumstances. Supportive interpersonal relations can enhance the victim's self esteem, reduce his or her feelings of isolation, and assist in mobilising psychological resources to overcome the problem at hand.

There are three basic dimensions of support which can serve to mitigate the effects of a stressful occurrence: emotional, material, and informational. Victims' needs will vary, depending upon their respective ego strength, financial resources, and existing social network.

There are means of feeling, thinking and acting about one's self and one's circumstances, which can contribute to psychological resilience. It may, for example, be more appropriate for victims to engage in downward comparison -that is, to contrast their position with those whose success in coping is demonstrably inferior. By contrast, others might benefit from upward comparison, that is to find as a role model one whose injuries are more severe but whose coping progress is exemplary (Taylor 1983).

Some victims may have a strong need to ventilate their feelings, to express their anger or grief, and to discuss their emotions with someone (Silver & Wortman 1980).

In many cases, the needs of victims of violence can be met by family and friends. In others, further counselling or therapy may be required. The decision whether or not to invoke further therapeutic intervention is an important one, for scarce therapeutic resources should not be unnecessarily deployed, and the risk of a victim coming to see him or herself as 'sick' should be minimised. Moreover, it is important to avoid developing a dependency on the compensation system, one's support network, or one's therapist (Ewalt & Crawford 1981, p. 151).

THE CRIMINAL JUSTICE SYSTEM AND VICTIMS OF VIOLENCE

Without the assistance and co-operation of victims/witnesses, the criminal justice system would be less effective. For this reason, it is particularly important to recognise that of those victims who do complain to police, who provide information to the investigation of an offence, and who testify for the Crown in subsequent court proceedings, most regard their participation in the criminal process as a bewildering and stressful experience. Transient participants in a chain of events which have long since become routine to police, to judges and to officers of the courts, victims are uncomfortable with the adversary process, and are often offended by cross-examination designed to test the credibility of their testimony. Indeed, many are upset by what they regard as the patronising demeanour of police and prosecutors. For these reasons, it has been suggested that victim/witnesses should be entitled to legal representation in their own right, quite independent from the Crown.

Victims are less in need of legal assistance, however, than they are of social support and information. In cases of more serious psychological injury, their needs may extend to professional therapeutic intervention. All of these needs will be compounded, however, to the extent that the victim is treated in a tactless and insensitive manner by those officials of the criminal justice system with whom he or she comes in contact.

Considerable progress has been made over the past two decades in recognising the role of victims in the criminal justice system. In 1967 New South Wales became the first Australian jurisdiction to introduce a criminal injuries compensation program. Over the next decade, the remaining states and territories followed. The first Australian Rape Crisis Centre was opened in Sydney in 1974. In 1975 the Australian Bureau of Statistics conducted the first Australian national sample survey of crime victims.

Throughout the 1970s activists from the women's movement drew increasing attention to victims of sexual assault and domestic violence. The Australian Institute of Criminology, the Tasmanian Law Reform Commission, and the University of Tasmania Law School organised a National Conference on Rape Law Reform in 1980. A month later, the South Australian Government undertook a general review of the needs of crime victims in that state. The

following year, the Australian Institute of Criminology and the Government of South Australia jointly convened a National Symposium on Victimology (Grabosky 1982). During that year, the New South Wales Government enacted significant reforms to the criminal law relating to sexual assault and domestic violence.

The cause of victims throughout the world was advanced at the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1985 (Sumner 1987). The Congress produced a Declaration setting out principles for dealing with crime victims. These principles serve as a model for incorporation in law and practice by criminal justice agencies around the world. The Declaration was formally approved by the United Nations General Assembly in December 1985.

The South Australian Government became the first Australian jurisdiction formally to recognise the rights of crime victims, when it took steps toward implementing the United Nations Declaration. In 1985 state Cabinet approved a list of seventeen principles for the treatment of victims, and referred them to all government departments for action.

In 1985 the Legal and Constitutional Committee of the Parliament of Victoria began an inquiry into the needs of crime victims (Victoria 1987). A task force on Services to Victims of Crime was established in New South Wales the same year (New South Wales 1987).

Perhaps the most important criticism of current law and practice is that victims are poorly informed about the process of criminal justice, both in general terms and as it affects them in their "own" case. Police, generally overworked and preoccupied with identifying, locating and apprehending the offender, have little time to explain the intricacies of the criminal process. Crown prosecutors, burdened with heavy caseloads and by previous legal training which develops a certain emotional detachment, may not see it as their role to provide emotional support and counselling to victims, regardless of the importance of these victims as Crown witnesses. Police in some Australian jurisdictions have developed their training curricula to improve recognition of victims' needs. But most are limited to procedures relating to specified crimes, such as sexual assault or child abuse (Soloff 1988, p. 14). There is no doubt that despite the progress in some areas, police, prosecutors, court administrators, and judges alike should develop a greater understanding of and sensitivity toward victims and their problems.

In some Australian jurisdictions, efforts to overcome the alienation of victims from the criminal justice system have seen the introduction of policies to facilitate victim participation in the process, beyond the traditional role of appearing as a witness for

the Crown. South Australia has taken the lead in this regard, having formulated principles which confer rights to victims at various points in the criminal process. Government departments in that state have been instructed to comply with these principles, which provide that crime victims be entitled to:

- (1) be dealt with at all times in a sympathetic, constructive and reassuring manner and with due regard to the victim's personal situation, rights and dignity;
- (2) be informed about the progress of investigations being conducted by police (except where such disclosure might jeopardize the investigation);
- (3) be advised of the charges laid against the accused and of any modifications to the charges in question;
- (4) have a comprehensive statement taken at the time of the initial investigation which shall include information regarding the harm done and losses incurred in consequence of the commission of the offence. The information in this statement shall be updated before the accused is sentenced;
- (5) be advised of justifications for accepting a plea of guilty to a lesser charge or for accepting a guilty plea in return for recommended leniency in sentencing;
- (6) be advised of justification for entering a nolle prosequi (i.e. to withdraw charges) when the decision is taken not to proceed with charges. (Decisions which might prove disconcerting to victims should be explained with sensitivity and tact);
- (7) have property held by the Crown for purposes of investigation or evidence returned as promptly as possible. Inconveniences to victims should be minimized wherever possible;
- (8) be informed about the trial process and of the rights and responsibilities of witnesses;
- (9) be protected from unnecessary contact with the accused and defence witnesses during the course of the trial;
- (10) not have his/her residential address disclosed unless deemed material to the defence or prosecution;
- (11) not be required to appear at preliminary hearings or committal proceedings unless deemed material to the defence or prosecution;
- (12) have his/her need or perceived need for physical protection put by the prosecutor before a bail authority which is determining an application for bail by the accused person;
- (13) be advised of the outcome of all bail applications and be informed of any conditions of bail which are designed to protect the victim from the accused;

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- (14) be entitled to have the full effects of the crime upon him/her made known to the sentencing court either by the prosecutor or by information contained in a pre-sentence report; including any financial, social, psychological and physical harm done to or suffered by the victim. Any other information that may aid the court in sentencing including the restitution and compensation needs of the victim should also be put before the court by the prosecutor;
 - (15) be advised of the outcome of criminal proceedings and to be fully appraised of the sentence, when imposed, and its implications;
 - (16) be advised of the outcome of parole proceedings;
 - (17) be notified of an offender's impending release from custody. (Sumner 1987).

The South Australian Attorney-General's Department has produced a booklet entitled Information for Victims of Crime, which, beginning 1 January 1989, is distributed to every crime victim attended by the South Australia Police (South Australia 1988). In addition to providing a basic description of the criminal justice system of South Australia, the book informs victims of the availability of the criminal injuries compensation scheme, lists the victims' rights enumerated above, and identifies a variety of services available to crime victims. The rear cover of the book contains space for a police contact name and telephone number which the victim may ring for information relating to investigation and prosecution of the case.

Other Australian jurisdictions might consider this approach, as well as the preparation of video materials which illustrate the process of a criminal trial. At the very least, this could alert prospective witnesses to the kind of interchange they might expect in the course of giving testimony and undergoing cross-examination.

Needless to say, despite the reforms which have been realised thus far, there may still be very good reasons for the victim not to become involved in the criminal process. When such a decision is at hand, the interests of the victim should prevail. All of the above considerations are entirely consistent with the victim's right to be left alone if he or she chooses.

COMPENSATION

All states and territories of Australia now have a program of compensation for victims of violent crime (Choice 1988; Soloff 1988). In addition, judicial officers are empowered to make restitution orders directly against convicted offenders. Monetary compensation to victims of crime can help buffer financial hardship experienced by victims, and can assist victims in resuming a normal life. But compensation programs are not without implications which may be adverse for the psychological well-being of victims (Chappell 1972).

One criticism of existing compensation programs arises from the delay in determination and payment of awards. This may arise from the delay in apprehending and convicting an offender, as well as from the time required to process and to evaluate a compensation claim. Regardless of its underlying circumstances, delay in the payment of criminal injuries compensation tends to have a counter-therapeutic effect on the victim/claimant. Whilst a claim for compensation is pending, the claimant's self-identity as victim is reinforced. Indeed, the victim/claimant may well tend to focus on, or even to amplify her or his state of misfortune, pending resolution of the claim. The process of evaluating a claim may actually invite the victim/claimant to do so, whether implicitly or explicitly. This takes on special significance given that the primary task of any governmental response to crime victims should be to foster and to expedite the victim's recovery, to reduce the duration and intensity of the victim's self-perception as victim, and to restore the victim, at the very least, to his or her psychological and/or social circumstances before the injury occurred.

The adversarial nature of many compensation programs has also been by some victims and their advocates. After having represented the Crown, the public, and the victim in prosecuting the accused, the Crown Prosecutor (in some jurisdictions the very same individual) may challenge the victim's claim for compensation. This can be a most discomforting experience, coming as it does in the aftermath of criminal proceedings where the extent of injuries sustained by the victim/claimant may well have been challenged by counsel for the accused. In any event, it can have the effect of encouraging the victim to reaffirm and again, perhaps, to amplify, his or her identity as victim. Whilst one must concede that some type of evaluation of the victim's circumstances is essential to the proper administration of a

compensation program, the counter-therapeutic effect of an aggressively adversarial process cannot be ignored.

Another source of discomfort to crime victims is the inconsistency of compensation payments (Australian Law Reform Commission 1980). The recipient of a compensation payment may feel, for example, that his or her suffering was "worth as much" as that of another claimant, from the same or from another state, who received a larger award. The invidious comparisons which such differences invite are obviously detrimental to the individual's psychological well-being.

Inconsistencies are even more dramatic when they involve comparison across various types of injuries compensation programs. The identical disability, occasioning the identical incapacity and loss of income, could give rise to a payment in excess of \$1 m if sustained in a road traffic accident, somewhat less if sustained in the workplace, less again if sustained on the playing field, and still less if resulting from a criminal assault. Such inconsistency cannot help but reinforce feelings of self-pity on the part of many crime victims, to the detriment of rehabilitation.

The above factors combine to produce uncertainty and dissatisfaction on the part of many criminal injuries compensation claimants. A recent survey of compensation claimants in South Australia revealed that the majority (56 per cent) expressed dissatisfaction in some way with the payment (Gardner 1988). Such circumstances cannot help but delay the process of recovery, and in the long run, may even help erode the legitimacy of the criminal justice system generally.

Criminal injuries compensation must not be regarded as an end in itself. It should always be kept in mind that compensation programs exist not for their own sake, but to further the restoration of the victim. No doubt a cash payment can have a substantial soothing effect to offset life's bitter experience. However, for many victims a simple cash payment often fails to mitigate their psychological injury or social isolation. A mix of compensation and other rehabilitation strategies, including support services, and additional therapeutic methods, would seem to be the most appropriate way in which to spend limited public funds.

The economic and organisational inefficiencies of separate compensation programs are ill-suited to the realities of scarce public resources. Ideally, problems of delay, uncertainty, inconsistency and inefficiency would be significantly reduced, if not eliminated, under a national system of general accident compensation. Time and effort devoted to designing minor improvements to criminal injuries compensation programs would be much better spent in

planning a comprehensive national scheme of general injuries compensation and rehabilitation.

Improving Victim Services. Some victim assistance initiatives, no matter how well intentioned, may actually inhibit the victim's resumption of a normal life. Few would argue that those victim assistance programs which have been established, whether governmental or volunteer based, are failing to meet an important range of previously neglected needs. But, given the limited nature of resources available in both voluntary and public sectors, systematic evaluation and refinement of services for crime victims is highly desirable.

Above all, there is a need for rational planning and integration of victim services. Programs in the various social welfare and criminal justice agencies tend to have been established on an ad hoc basis. The resulting lack of co-ordination may well have impeded access to appropriate services on the part of some potential users. It quite likely has contributed to some degree of operational and economic inefficiency. Administrators would do well to approach victim services from a broad, integrated social policy perspective.

CONCLUSION

It is by no means certain that all of the human and financial resources thus far devoted to crime victims have been optimally spent. Some efforts on behalf of victims may have been inefficient, and others counter-productive. Some have challenged fundamental principles of justice.

Because of the highly politicised nature of crime as a public policy issue, and because of the central role which victims play in the criminal justice system, it is not surprising that members of the police and legal professions have been prominent participants in discourse on victims' issues. Proposals advanced in the name of victims are often grounded in ideology, and aimed as much at increasing the severity of sentences imposed upon convicted offenders. They are often put forward with little attention to the therapeutic implications for victims, to their effectiveness in terms of crime prevention, or to their cost to the taxpayer. Empirical evidence to support the assumptions on which they are based is rarely cited or sought.

Absent from the vast majority of pronouncements on behalf of victims is much discussion of means by which those who have suffered physical or psychological trauma can best be restored to health. Many commentators appear content to rely upon the cumbersome processes of criminal injuries compensation as a panacea for all victims' problems. Although medical knowledge relating to the therapy of post-traumatic reactions has become increasingly sophisticated, it remains largely ignored by criminal justice professionals.

Whilst Australian governments have made considerable progress in recent years toward recognising and alleviating problems faced by victims of violence, a great deal remains to be accomplished. The United Nations Declaration on victims exists as a model for all Australian jurisdictions in this regard. The future of victim assistance in Australia will depend upon realisation of three basic principles. These involve information, the law and its administration, and victim services.

First, it is essential to continue to improve the understanding of criminal victimisation: those economic, psychological, and social factors which combine to influence the risk of becoming a victim of violent crime. This understanding is desirable not merely for the sake of knowledge. Its relevance to the effective design of crime prevention programs, and ultimately to the allocation of the

expended annually on criminal justice in Australia, is self-evident. **The better the understanding of victimisation, including the dynamics of the victim-offender relationship, the closer are the elusive dual goals of reducing crime and enhancing personal freedom.**

Information necessary to achieve a better understanding of victimisation will depend upon two types of research. Sample surveys should be fielded at regular intervals, their techniques refined, and their data made promptly available for analysis. The Standing Committee of Attorneys-General has taken an important step in this regard, with its ongoing support of a crime supplement to the National Social Science Survey. In addition, official police and court records should contain information on victims and on victim-offender relationships.

Another potentially fruitful area of inquiry concerns the victim's perceptions and understanding of the criminal justice system. Research such as that conducted in South Australia (Gardner 1988) is exemplary. The unfortunate reality of many victims' alienation from the criminal justice system has been apparent for some time. Where victim dissatisfaction arises from remediable shortcomings in the criminal process, such a "consumer survey" can indicate an appropriate area for law reform. When dissatisfaction arises from lack of awareness or misunderstanding on the part of the victim, information and educational resources can be mobilised as appropriate.

The second basic principle involves reform of the criminal law and its administration. A number of Australian jurisdictions have implemented significant changes over the past ten years, ranging from the introduction of more sensitive investigative practices, to redefinition of the criminal law, to modifications of procedure in criminal prosecutions. To the extent that these reforms have contributed to a diminution of victims' suffering, have enhanced the efficiency of the criminal process, and have protected the rights of the accused, they should be adopted elsewhere. To the extent that they have not, they should be further modified. Rigorous evaluation of these and of future reforms, and widespread promulgation of the results throughout the various jurisdictions of Australia will constitute a valuable contribution. If found to be functioning adequately, a reform is worthy of emulation. On the other hand, unanticipated shortcomings may be amenable to remedial modifications.

The third basic principle concerns services to crime victims. The most pressing needs of crime victims are for social support and information on the one hand, and for the alleviation of economic

distress which compounds the victim's suffering on the other. In past years, Australians in crises of whatever kind were able to turn to family and to neighbours for sympathy and for guidance. As fundamental changes to Australian society have lessened the availability of these traditional sources of support, crime victims have become increasingly dependent upon government agencies, and in many cases upon voluntary agencies, to meet these needs.

The sooner public officials, from police officers to Crown prosecutors, to court administrators to magistrates and judges, this fully, the sooner they will become more responsive to victims' needs.

It is now apparent that one of the glaring gaps in knowledge of crime victims concerns their mental health. Psychiatric experts concede that there is an enormous need for basic research in this area. Simply to identify the range of individual responses to the experience of victimisation is important. To document the successful coping strategies of individual victims, and to identify the most effective techniques of therapeutic intervention, must remain high on the research agenda, for such knowledge can best inform the design and delivery of victim services. The long-term follow up of victims is also worthy of attention.

Proposals made in the interests of victims usually come at a price. In the case of criminal injuries compensation, the price may be worth paying. But the benefits obtained from other policies advanced on behalf of victims may not be commensurate with costs. Consider the oft-raised argument that penalties imposed on persons convicted of violent crime are too lenient, and that convicted violent offenders deserve lengthy (or lengthier) terms of imprisonment. To be sure, it is important to reaffirm society's abhorrence of violence, and to isolate those persons who constitute a true threat to the community. But incarceration is a very expensive power to exercise. It can cost up to \$50,000 per year to confine one prisoner in a maximum security setting. At that price, given the fiscal constraints faced by all Australian governments, the power to imprison should not be exercised gratuitously.

Monetary compensation to crime victims, once regarded as a panacea, deserves critical attention. Delay and uncertainty have been identified as two of the more counter-therapeutic aspects of compensation programs. Victims and governments alike would benefit from greater attention being devoted to the development of a general compensation and rehabilitation program to permit the quickest recovery of the victim at the lowest cost to the taxpayers.

It is essential to look at monetary compensation in the context

of an integrated victim assistance regime. A compensation program which exists by itself will fail to address the victim's needs for social support and information. The design of victim assistance programs should therefore be based upon holistic thinking. Funds allocated to victims of crime should be directed towards a cost-effective mix of compensation and other rehabilitation services.

RECOMMENDATION

The agenda for assistance to victims of violence has been set by the resolution of the United Nations General Assembly. The Declaration provides for:

1. Access to justice and fair treatment for victims, including
 - being treated with compassion and respect for one's dignity;
 - having prompt redress for harm suffered, through formal or informal procedures which are expeditious, fair, inexpensive and accessible;
 - having information about one's case;
 - allowing the views and concerns of the victim to be presented and considered at appropriate stages of the proceedings;
 - having proper assistance throughout the legal process;
 - minimization of inconvenience and protection of one's privacy and safety;
 - avoidance of unnecessary delay in proceedings.
2. Restitution from offenders to victims, their families and dependents, available as a sentencing option.
3. Compensation available from public funds, when not otherwise available from the offender or other sources.
4. Medical, psychological and social assistance to be available;
 - police, justice, health, social service, and other personnel concerned to receive training on the needs of victims (United Nations quoted in Sumner 1987, p. 200).

Each of the States and Territories of Australia should measure its victim assistance programs against this international standard. From evidence available to the Committee at present, it would appear that only South Australia has achieved conformity with United Nations standards.

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