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LAW AND ORDER

The Law in Australia

Nature and composition

The laws of a country represent the common body of rules, whether proceeding from legislation, executive action, court judgements or custom, that a State or community recognises as binding on its citizens or members, and which are enforceable by judicial means. In Australia, the law consists basically of:

- Acts passed by the Commonwealth Parliament acting within the scope of its powers under the Australian Constitution, together with regulations, rules and orders made under such Acts;
- Acts and Ordinances passed in respect of the Australian Capital Territory and the Northern Territory of Australia, together with regulations, rules and orders made under such Acts and Ordinances;
- Acts passed by State Parliaments and the Legislative Assembly of the Northern Territory and the Australian Capital Territory, together with regulations, rules and orders made under such Acts;
- so much of the common or statute law of England that still applies to Australia and remains unrepealed; and
- the common law, consisting of judicial decisions.

These various laws relate to a number of subject-matters, including constitutional law, criminal law, civil law, family law and industrial law.

Commonwealth and State responsibilities

Under the Australian Constitution, the Commonwealth of Australia is empowered to make laws in relation to certain matters specified in the Constitution, e.g. in relation to trade and commerce, taxation, defence and external affairs. In relation to some of these matters, the powers of the Commonwealth are concurrent with those of the Australian States and Territories in that they may be exercised by either the Commonwealth, the States or the Territories. In relation to some other specified topics the Commonwealth's power is absolute, and, in all areas of federal jurisdiction, Commonwealth laws are binding on the Australian States and Territories.

The Australian States and Territories have independent jurisdiction in all matters not otherwise specifically invested in the Commonwealth of Australia, and it is the statute law and the common law of the States and Territories that primarily govern the day-to-day lives of most Australians. With certain exceptions, such as traffic laws, State and Territorial laws apply normally only to persons who are residents of the State or Territory concerned and to things located in, or events occurring within, such State or Territory.

The common law is uniform throughout Australia, although statute law often varies between the States and Territories. However, some of the problems arising from these differences have become recognised over recent years and attempts are being made, wherever possible, towards the enactment of uniform laws in areas of State and Territory jurisdiction.

Administration

Administration of the law in Australia is undertaken by the responsible government concerned, principally through the Commonwealth, State and Territorial police forces, the National Crime Authority, and State and Territorial corrective or penal services. There is no independent federal corrective service, and the relevant State or Territorial agencies provide corrective services for federal offenders.

The various Australian law enforcement agencies involved in the administration of law operate in such a way that the activities of one agency may affect the activities of another, e.g. a criminal offence reported to the police may lead to the arrest, charging and court appearance of the offender, and subsequent provision of corrective (e.g. imprisonment, probation) or welfare services. The agencies involved, and the relationship between them, may vary according to the laws, agencies and types of matters or offenders involved.

Law reform

Reform of the law is undertaken principally through the Commonwealth Parliament and State Parliaments, as well as Attorneys-General acting in some instances on recommendations made by State or Australian Law Reform Commissions, and by State Supreme Courts or Federal Courts.

Law Reform Commissions have been established as statutory authorities in all Australian States (except South Australia) to undertake review of State laws, and to report findings and recommendations for the reform of those laws to State Parliaments and Attorneys-General. (In South Australia, a Law Reform Committee was established by proclamation to perform similar functions in that State.) Additionally, in Victoria there is a Chief Justice's Law Reform Committee and a Victorian Legal and Constitutional Committee established under the *Parliamentary Committees (Joint Investigatory Committees) Act 1982*. These agencies have functions to recommend reform of the law. Acceptance of their recommendations depends upon governmental and parliamentary reaction to the proposals.

The Australian Law Reform Commission

The Australian Law Reform Commission commenced operations in 1975 under the *Law Reform Commission Act 1973*. The Commission was established to report on the review, simplification and modernisation of those laws concerning matters assigned by the Australian Constitution to the jurisdiction of the Commonwealth Parliament, and to consider proposals for the uniformity of laws of the Australian States and Territories. The Commission is required to make reports arising out of such review or consideration to the Commonwealth Attorney-General, and to make such recommendations as it thinks fit.

The Commission has the responsibility under Commonwealth legislation for reviewing Territorial law. The ACT is now self-governing. However the ACT Government wants the Commission to continue to have a law reform role in the Territory.

In undertaking its functions the normal procedure of the Commission is as follows. Upon receipt of a reference, the Commission advertises and calls for public submissions in relation to that reference, and prepares consultative papers examining the issues for distribution among groups thought to have a special interest in the subject matter under review. Public sittings are conducted, and, in the light of submissions received, a final report which usually contains draft legislation is prepared for submission to the Commonwealth Attorney-General. The Commission makes extensive use of honorary consultants.

Since 30 June 1989, the Commission has completed reports on the following references:

- informed decisions about medical procedures; and
- guardianship and management of property.

See Year Book Australia 1990 for previous reports.

Legislation following the recommendations contained in some of these reports has been enacted. In other cases, the proposals made by the Commission are under consideration by the Commonwealth Parliament or the appropriate Commonwealth department. Current references include customs and excise, multiculturalism, federal and territory choice of law rules, children's evidence, admiralty, and community law reform.

Federal Courts

The judicial power of the Commonwealth of Australia is vested in the High Court of Australia, in the federal courts created by the Commonwealth Parliament and in the State courts invested by Parliament with federal jurisdiction. The nature and extent of the judicial power of the Commonwealth is prescribed by Chapter III of the Australian Constitution.

High Court of Australia

The Australian Constitution provides that the judicial power of the Commonwealth of Australia should be vested in a 'Federal Supreme Court, to be called the High Court of Australia'. The Constitution requires that there shall be a Chief Justice and not less than two other Justices of the High Court. Today there are six other Justices. Originally, Justices were appointed for life. However, following an amendment to the Constitution in 1977, Justices appointed after that date retire at seventy years of age.

The High Court was established in 1903 and was originally based in Melbourne. However, since 1980 the High Court has been located in Canberra, although the Court continues to visit the States regularly.

The Australian Constitution vests two types of jurisdiction in the High Court: appellate, under section 73; and original, under sections 75 and 76.

Original jurisdiction is conferred by section 38 of the *Judiciary Act 1903* in respect of:

- (a) matters arising directly under any treaty;
- (b) suits between States, or between persons suing or being sued on behalf of different States, or between a State and a person suing or being sued on behalf of another State;
- (c) suits by the Commonwealth of Australia, or any person suing on behalf of the Commonwealth, against a State, or any person suing or being sued on behalf of a State;
- (d) suits by a State, or any person suing on behalf of a State, against the Commonwealth of Australia or any person being sued on behalf of the Commonwealth; and
- (e) matters in which a writ of mandamus or prohibition is sought against an officer of the Commonwealth of Australia or of a federal court. (However, the High Court shares some of its jurisdiction under this section with the Federal Court of Australia.)

The High Court is empowered by section 44 of the *Judiciary Act* to remit to another court any matters under Section 38 of that Act. In addition, the High Court is the Commonwealth Court of Disputed Returns under section 354 of the *Commonwealth Electoral Act 1918*.

The appellate jurisdiction of the High Court of Australia derives from the Judiciary Act, together with the *Federal Court of Australia Act 1976* and the *Family Law Act 1975*, and permits the High Court to grant leave to appeal from decisions of:

- (a) State Supreme Courts;
- (b) State courts exercising federal jurisdiction;
- (c) the Federal Court of Australia; and
- (d) the Family Court of Australia.

In considering whether to grant an application for leave to appeal from a judgment, the High Court may have regard to any matters that it considers relevant, but it is required to have regard to whether the application before it:

- (a) involves a question of law that is of public importance, or upon which there are differences of opinion within, or among, different courts; or
- (b) should be considered by the High Court in the interests of the administration of justice.

The High Court is now the final court of appeal in Australia.

Cross-vesting of Jurisdiction

Since 1 July 1988 a cross-vesting scheme has operated in relation to the Federal Court, the Family Court and the State and Territory Supreme Courts. The scheme was designed to eliminate jurisdictional limitations in superior courts within Australia, without having to amend the Constitution and without disturbing separate court structures. The cross-vesting scheme comprises the *Jurisdiction of Courts (Cross-vesting) Act 1987* and the counterpart State and Northern Territory legislation. The scheme has two basic components; the cross-vesting of jurisdiction between Commonwealth, State and Territory superior courts and provisions enabling and directing the transfer of proceedings between those courts.

Federal Court of Australia

The Federal Court of Australia was created by the *Federal Court of Australia Act 1976* and began to exercise its jurisdiction on 1 February 1977.

The Court consists of an Industrial Division and a General Division. Matters arising under the *Industrial Relations Act 1988* are dealt with in the Industrial Division and all other matters are dealt with in the General Division. The Court sits as required in each State, in the Australian Capital Territory and the Northern Territory.

The Court has such original jurisdiction as is invested in it by laws made by the Commonwealth Parliament. Except in cases where a hearing had actually commenced before 1 February 1977, the jurisdiction formerly exercised by, respectively, the Federal Court of Bankruptcy and the Australian Industrial Court have been transferred to the Federal Court.

The Federal Court of Australia has been invested with original jurisdiction, concurrent with that of the High Court of Australia, in relation to matters in which a writ of mandamus or prohibition or an injunction is sought against an officer of the Commonwealth of Australia.

The Federal Court of Australia has appellate jurisdiction in relation to the decisions of single judges of the Court, decisions of the respective Supreme Courts of the Australian Territories (but not the Northern Territory), and certain decisions of State Supreme Courts when exercising federal jurisdiction (for example, under the *Income Tax Assessment Act 1936* and the *Patents Act 1952*).

Family Law

The *Family Law Act 1975*, which commenced operation on 5 January 1976, introduced a new law dealing with the dissolution and nullity of marriage, custody and welfare of the children, maintenance and the settlement of property between the parties to a marriage in Australia. The Act also created the Family Court of Australia as a specialist court dealing only with matrimonial and associated proceedings.

The main change made by the Act is that matrimonial conduct and fault are no longer taken into account as grounds for divorce. The Act provides that there is only one ground for divorce - that of irretrievable breakdown of a marriage - which ground is established if the husband and wife have been separated and have lived apart from each other for 12 months and there is no reasonable likelihood of their reconciliation.

The provisions of the Family Law Act dealing with the maintenance, custody and welfare of children of a marriage have, since 1 April 1988, applied to all children (including ex-nuptial children) in New South Wales, Victoria, South Australia, Tasmania, the Australian Capital Territory, the Northern Territory, and Norfolk Island. In Queensland and Western Australia, the Family Law Act does not apply to ex-nuptial children, who are subject to State laws.

Proceedings under the Family Law Act are dealt with by the Family Court of Australia and by certain other courts in the Australian States and Territories. Except in certain areas of Western Australia, Magistrates Courts and Courts of Petty Sessions have jurisdiction in all proceedings under the Act except for:

- proceedings for dissolution or nullity of marriage. (The courts in which an undefended application for dissolution may be instituted or heard have been limited by regulation); and
- *defended proceedings for custody or concerning property worth more than \$1,000, unless the parties agree to the matter being heard by a Magistrates Court or Court of Petty Sessions.*

A State Family Court has been established in Western Australia to deal with family law matters in that State. That Court applies the provisions of the Family Law Act in dealing with matters related to dissolution and nullity of marriages, the custody and welfare of children of marriages, and maintenance and property settlements.

Under the Family Law Act, great emphasis is placed on the counselling services available through the Family Courts to persons involved in proceedings, as well as to any persons who have encountered marriage problems or difficulties relating to the resolution of custody and access questions. It is not, however, necessary to start proceedings to make use of these services.

A court exercising jurisdiction under the Family Law Act is required to have regard to the following principles:

- the need to preserve and protect the institution of marriage as the union of a man and a woman to the exclusion of all others, voluntarily entered into for life;
- the need to give the widest possible protection and assistance to the family as the natural and fundamental group unit of society, particularly while it is responsible for the care and education of dependent children;
- the need to protect the rights of children and to promote their welfare; and
- the means available for assisting parties to a marriage to consider reconciliation or the improvement of their relationship to each other and to their children.

In relation to the guardianship and custody of children, the Family Law Act provides that both parents are guardians, and have, subject to a court order to the contrary, the joint custody of their children under 18 years of age. However, a parent or another interested person can apply to the Court for sole custody of a child at any time.

In disputes in which the welfare of a child is in issue, a child may be separately represented. The paramount consideration for the Court in the determination of all such disputes is the welfare of the child. A court is guided by statutory considerations, which include, where appropriate, the wishes of a child. Parents of a child may agree on custody and guardianship matters and register their agreement in a court. In relation to the welfare of children, a divorce decree usually will not become effective unless the Court is satisfied that proper arrangements have been made by the parties for the welfare of their children.

Under the Family Law Act, the right of one party to a marriage to receive maintenance from the other is based on the needs of the party seeking it and the ability of the other party to pay. An application for maintenance may be made at any time by either a husband or wife, and irrespective of whether the parties intend to divorce.

There are certain specific matters for the Court to consider when it is dealing with maintenance applications. These include:

- the age and state of health of the parties;
- the income, property and financial resources of each of the parties and their financial obligations;
- whether either party is entitled to superannuation;
- the length of the marriage and what is an appropriate standard of living for each party;
- whether either party has to care for children;
- the extent to which the marriage has affected the earning capacity of the applicant; and
- the possibility of the applicant taking on a training course or further educational course to improve his or her employment prospects.

The Act also provides for the registration of, and court approval for, maintenance agreements made by the parties.

Both parents of a child have a primary duty to maintain the child. This duty has priority over all other commitments of a parent other than commitments necessary for self support and support of any other person that a parent has a legal duty to maintain. The Court is guided by statutory considerations in deciding what order to make. Those considerations relate to the financial support necessary to maintain the child and the contributions each party should make to that financial support. A court is required to disregard the entitlements of the child or their parents to income tested pensions. In limited circumstances a court may make an order that a step-parent maintain a step-child.

Since 1 June 1988, the Child Support Agency, an office established within the Australian Taxation Office, collects periodic child maintenance and some spousal maintenance for a wide range of persons, including pension recipients, sole parents who have separated since that date, or who have never cohabited with the parent of a child born since that date. The Child Support Agency uses maintenance collection and enforcement methods similar to those used for the collection and enforcement of income tax.

Since 1 October 1989 the *Child Support (Assessment) Act 1989* has provided a formula for the administrative assessment of maintenance by the Registrar of Child Support. The purpose of an administrative assessment is determination of maintenance. The scheme aims to ensure that parents share the cost of child support according to their capacity to pay and to provide for adequate support of children. The legislation applies only to children born after 1 October 1989, or those whose parents separate after that date. The new legislation does not prevent parents from reaching their own child maintenance agreements, or from seeking a judicial review of an administrative assessment.

The Court has power to settle disputes about the parties' family assets, including the power to order a transfer of legal interests in property. When dealing with these disputes, the Court considers the interest each party has in the property, the financial and non-financial contributions made by each party during the marriage, and the matters the Court is required to consider in dealing with maintenance applications.

The Family Law Act also established two statutory bodies that assist and advise the Attorney-General on family law matters. They are the Family Law Council, an advisory body that is based in Canberra, and the Australian Institute of Family Studies, a research body that is based in Melbourne.

Family Court of Australia

The Judges of the Family Court of Australia are chosen because of their suitability to deal with matters of family law by reason of their training, experience and personality. Staff who are attached to the Court include trained counsellors and legally qualified Registrars and Deputy Registrars.

Proceedings under the Family Law Act in the Family Court are heard in open court, although persons may be excluded from the Court by court order. Some proceedings may be heard in chambers. No publicity that identifies the person or persons involved in any proceedings under the Act is permitted unless otherwise directed by the Court. The publication of law court lists and law reports, or other publications of a technical character directed to the legal or medical professions, is, however, exempted from this prohibition.

The Family Court aims to be a 'helping' court. The Principal Director of Court Counselling and a staff of court counsellors assist the parties to a marriage to settle their problems. This help is available whether or not the parties are contemplating divorce or other proceedings, if counselling assistance is sought. These services complement those already provided by voluntary marriage counselling agencies. People may approach the Court counselling service by calling in person, by writing or telephoning, or by making an approach through a legal practitioner.

State and Territory Courts

Australian State and Territory courts have original jurisdiction in all matters brought under State or Territory statute laws, and in matters arising under federal laws, where such matters have not been specifically reserved to courts of federal jurisdiction. Most criminal matters, whether arising under Commonwealth, State or Territory law, are dealt with by State or Territory courts.

Each State and Territory court system is organised and operates independently. However, within each system, which comprises both courts and general jurisdiction and certain specialist courts and tribunals, the courts are organised hierarchically according to the nature of the several matters with which they may deal.

Appeals

The various State County and District Courts and State and Territory Supreme Courts have jurisdiction to hear appeals against the decisions of lower courts and some specialist tribunals in their respective jurisdictions. The procedures concerning the right of appeal are laid down by statute in each State and Territory and appeals may be lodged against matters such as the correctness of the verdict or the severity of the sentence imposed.

Special courts and tribunals

Each Australian State and Territory administers particular areas of the law through specialist courts or tribunals, such as Small Claims Courts and Licensing Courts. These courts or tribunals deal primarily with civil matters or matters of an administrative nature.

Courts of Marine Inquiry

Matters that come within the jurisdiction of Courts of Marine Inquiry are contained in the Commonwealth *Navigation Act 1912*. The principal areas of these Courts' jurisdiction are to make inquiries into casualties, including missing ships and events entailing loss of life on or from ships.

When the Commonwealth Department of Transport and Communications is advised of an incident of the kind referred to above, the Minister for Transport and Communications may (and usually does) appoint an officer to conduct a preliminary investigation. The officer then conducts interviews with the parties involved and, based on the results of these interviews, advises the Minister as to whether or not the circumstances warrant a request by the Minister for a Court of Marine Inquiry to be convened. The Governor-General, by proclamation, establishes the Court of Marine Inquiry. Findings of the Court are forwarded to the Minister.

Statistics

Information relating to the operation of courts in particular Australian States may be obtained from the respective State *Year Books* and from ABS publications relating to criminal matters finalised in the Courts.

Administrative Bodies

Administrative Appeals Tribunal

The Administrative Appeals Tribunal was established by the *Administrative Appeals Tribunal Act 1975* and came into operation on 1 July 1976. Its President is a judge of the Federal Court of Australia. This tribunal is an independent body whose function is to review the decisions made by Commonwealth Ministers, authorities and officials under certain laws of the Commonwealth of Australia. The Tribunal is able to substitute its own decision in those areas in which it has jurisdiction, which covers decisions made under more than 200 Commonwealth enactments, including decisions under the *Social Security Act 1947*, the *Migration Act 1958*, the *Customs Act 1901*, the *Export Market Development Act 1974*, the *Freedom of Information Act 1982*, the *Repatriation Act 1920*, the *Veterans' Entitlements Act 1986* and the *Civil Aviation Act 1988*. Further additions to the Tribunal's jurisdiction are made from time to time.

The Principal Registry of the Administrative Appeals Tribunal is situated in Brisbane and there are Tribunal Registries in each capital city.

The Administrative Review Council was also established by the *Administrative Appeals Tribunal Act 1975*. The principal functions of the Administrative Review Council are to make recommendations to the Attorney-General on rights of review of administrative decisions and on the procedures of administrative tribunals.

Administrative Decisions (Judicial Review) Act 1977

The *Administrative Decisions (Judicial Review) Act 1977*, which came into operation on 1 October 1980, provides for judicial review by the Federal Court of Australia of administrative action taken under Commonwealth legislation. Where an order of review is sought by an aggrieved person, the Court is empowered to review the lawfulness of a decision, the conduct leading up to the making of a decision, or circumstances where there has been failure to make a decision. The grounds on which review may be sought and the powers of the Court are set out in the Act. In many cases, a person who is entitled to seek judicial review in respect of an administrative decision may seek a statement of reasons for the decision from the decision-maker.

Commonwealth Ombudsman

The Office of the Commonwealth Ombudsman was established by the *Ombudsman Act 1976* to investigate complaints about the administrative actions of Commonwealth Government departments and prescribed authorities.

The Ombudsman has special powers to investigate complaints against the Australian Federal Police and actions of agencies relating to freedom of information, and to inspect record-keeping procedures for telephone interceptions under the *Complaints (Australian*

Federal Police) Act 1981, the Freedom of Information Act 1982, and the Telecommunications Act (Interception) Act 1979 respectively.

The Ombudsman was designated the Defence Force Ombudsman in 1983 by amendment to the Ombudsman Act, with power to investigate matters relating to service in the Australian Defence Force by serving and former members.

Complaints can be made to the Commonwealth Ombudsman orally or in writing. The Ombudsman has a discretion not to investigate or to discontinue investigation if, for example, the complaint is vexatious or frivolous or if the agency concerned has not been given a reasonable opportunity to resolve the matter or if another more appropriate means of review is available.

The Commonwealth Ombudsman has extensive powers to require the production of documents and information. On completion of an investigation, consideration is given to whether the action in question was illegal, unjust, oppressive, improperly discriminatory, or, wrong. The Ombudsman can also assess and report on the reasonableness of any law, rule or policy under which the action was taken.

If necessary, the Commonwealth Ombudsman can recommend to the agency concerned that it take appropriate remedial action. If the agency fails to comply with such a recommendation, the Ombudsman can report successively to the Prime Minister and to the Commonwealth Parliament.

The Commonwealth Ombudsman has regional offices in all States and Territories and a central office in Canberra. In Tasmania and the Northern Territory the Commonwealth Ombudsman is represented by the State Ombudsman.

The Ombudsman is also the Ombudsman for the Australian Capital Territory, a separate position created by the *A.C.T. Ombudsman Act 1989*.

The Human Rights and Equal Opportunity Commission

The Human Rights and Equal Opportunity Commission was established by the Australian Government on 10 December 1986 and replaced the Human Rights Commission that had existed for the previous five years. The Commission's functions relate to the promotion of understanding, acceptance and public discussion of human rights in Australia, including those set out in the following United Nations instruments:

- the Convention Concerning Discrimination in Respect of Employment and Occupation;
- the International Covenant on Civil and Political Rights;
- the Declaration on the Rights of the Child;
- the Declaration of the Rights of Mentally Retarded Persons;
- the Declaration on the Rights of Disabled Persons;
- the International Convention on the Elimination of All Forms of Racial Discrimination; and
- the Convention on the Elimination of All Forms of Discrimination Against Women.

The Commission consists of a President, a Human Rights Commissioner, a Race Discrimination Commissioner and a Sex Discrimination Commissioner—the latter two Commissioners reflecting the basic human rights obligations and guarantees contained in the *Racial Discrimination Act 1975* and the *Sex Discrimination Act 1984* which confer specific functions on the Commission. The Privacy Commissioner is an ex-officio member of the Commission.

The major functions of the Commission include: the examination of proposed Commonwealth legislation to ascertain whether any provisions are inconsistent with, or contrary to, human rights; inquiry into practices that may be inconsistent with, or contrary

to, human rights, and the settlement of matters arising therefrom by inquiry and conciliation or report to the Commonwealth Attorney-General, as appropriate; undertaking research and educational programs relating to human rights; and the examination of international instruments to ascertain whether changes need to be made in domestic laws to comply with international agreements to which Australia is a party.

On 1 January 1990 Regulations came into effect which enable the Commission to investigate and conciliate in relation to complaints of discrimination in employment or occupation on any of a number of new grounds. These grounds are: age; medical record; criminal record; impairment; marital status; mental, intellectual or psychiatric disability; nationality; physical disability; sexual preference; and trade union activity. Discrimination on these grounds is not, however, actually, made unlawful by the Regulations.

The *Human Rights and Equal Opportunity Commission Act 1986*, which established the Commission, also empowers the Commonwealth Attorney-General to enter into arrangements with the Australian States in relation to the performance, on a joint basis, of any of the Commission's functions; the performance by a State of any of the Commission's functions; or by the Commission of any functions on behalf of a State relating to human rights or discrimination in employment or occupation.

Where the Commission considers that an amendment in federal law or practice is required, the Commission is required to report to the Attorney-General and such reports are required to be made public by tabling in the Commonwealth Parliament. The Commission is also required to furnish annual reports to the Attorney-General.

The Privacy Commissioner

The Office of Privacy Commissioner, who is an ex-officio member of the Human Rights and Equal Opportunity Commission, was established by the *Privacy Act 1988* which came into force on 1 January 1989. The Privacy Commissioner operates under the Privacy Act, which sets out the guidelines that are to be followed by Commonwealth agencies in relation to the collection, storage, handling and use of personal information. These guidelines are called 'Information Privacy Principles' (IPPs) in relation to personal information generally, and 'Tax File Number Guidelines' in relation to tax file numbers. Obligations under the Tax File Number Guidelines extend beyond the scope of the Commonwealth bodies and also apply to private sector persons, such as employers and tax agents.

The Privacy Commissioner's role, essentially, is to ensure compliance with these guidelines. The functions of the Commissioner can be divided broadly into four areas:

- the investigation of complaints about practices which may breach the IPPs or the Tax File Number Guidelines;
- the auditing, and ensuring compliance with, the IPPs or the Tax File Number Guidelines, including, where requested, the examination of proposed legislation and advising the relevant Minister on its privacy implications;
- advising on developments in technology and privacy policy issues; and
- educating the community on the need to uphold information privacy in the handling of personal information.

The Privacy Commissioner is required by the Privacy Act to report annually on the operation of the Act to the Attorney-General, who is required to table the report in Parliament.

Freedom of Information Act

The *Freedom of Information Act 1982*, which came into operation on 1 December 1982, has two objectives:

- to make available to the public information about the rules, practices and operations of Australian Government departments and authorities; and
- to create a general right of access to documents in the possession of Ministers and agencies.

In order to achieve these objectives the Act defines the rights of members of the public to obtain access to documents, and sets out a range of obligations and restrictions on departments and the public for exercising these rights.

The right of access does not extend to all documents or to all agencies. Exempt documents include:

- documents that affect the national security, defence, international relations and relations with States;
- Cabinet and Executive Council documents;
- internal working documents;
- documents that affect enforcement of the law and protection of public safety;
- other documents that are exempt by reason of secrecy provisions of other enactments, financial or property interests of the Commonwealth, personal privacy and legal professional privilege;
- documents concerning business affairs or confidential material; and
- documents made available for purchase or open access upon payment of a fee.

Agencies which are exempt either wholly or in relation to their competitive commercial activities include security agencies and those agencies which are wholly engaged in commercial activities in competition with the private sector. These agencies are listed in Schedules 1 and 2 to the Act.

A fee of \$30 is payable by the person requesting access and charges are levied depending on the amount of information and decision-making time that is involved. The fee and charges may be remitted in full or part on receipt of a request showing hardship, personal affairs or public interest grounds.

The public is not required to provide reasons for requesting access to documents. However, all requests under the Act are to be made in writing and provide such information concerning the document as is reasonably necessary to enable a responsible officer to identify the document. Where a person wishes to make a request, or has made a request that does not comply with the provisions of the Act, the agency is required to take reasonable steps to assist the person to make the request in a manner that complies with the Act.

Provisions exist whereby a person may apply to have an amendment made to information relating to that person's own personal affairs.

The Act contains extensive provisions for review of decisions made under the Act, including review by the Administrative Appeals Tribunal and the Commonwealth Ombudsman.

Commonwealth Royal Commissions

Australian Governments have, from time to time, established Royal Commissions to inquire into, and report on, matters of public concern.

A Royal Commission is established by the Governor-General, on the advice of the Australian Government, issuing a commission to a person or persons to inquire into and report on specified matters. At the end of its inquiry, a Royal Commission presents its report to the Governor-General for consideration by the Government. These reports are usually also tabled in the Commonwealth Parliament.

The power to issue Letters Patent to inquire is a prerogative of the Crown. The *Royal Commissions Act 1902* confers powers on a Royal Commission to compel the attendance of persons, the giving of evidence, and the production of papers. It also creates a number of offences (e.g. failure to attend a Royal Commission when summoned, or failure to produce papers) and gives some protection to Commissioners and witnesses against legal liability. The constitutional foundation of the Royal Commissions Act is section 51(xxxix) of the Australian Constitution, which provides that the Commonwealth Parliament may make laws with respect to 'matters incidental to the execution of any power vested by this Constitution in the Parliament or in either House thereof, or in the Government of the Commonwealth, or in the Federal Judicature, or in any department or officer of the Commonwealth'.

LETTERS PATENT ISSUED FROM 1.7.84 TO 30.6.90

<i>Name of Royal Commission</i>	<i>Commissioner(s)</i>	<i>Date of issue of Letters Patent</i>
Royal Commission into British Nuclear Tests in Australia	THE HON J.R. McCLELLAND MRS J. FITCH DR W.J.A. JONAS	16 July 1984
Royal Commission of Inquiry into Alleged Telephone Interceptions	THE HON. MR JUSTICE D.G. STEWART	29 March 1985
Royal Commission of Inquiry into Chamberlain Convictions	THE HON. J.R. MORLING	2 April 1986
Royal Commission into Grain Storage, Handling and Transport	MR JAMES CARVELL McCOLL	13 October 1986
Royal Commission into Deaths in Custody of Aboriginals and Torres Strait Islanders	THE HON. J.H. MUIRHEAD	16 October 1987
	THE HON. J.H. MUIRHEAD	21 December 1987
	THE HON. J.H. MUIRHEAD	6 May 1988
	THE HON E.F. JOHNSTON, QC	6 May 1988
	THE HON. J.G. WOOTTEN, QC	6 May 1988
	MR L.F. WYVILL, QC	6 May 1988
	THE HON. J.H. MUIRHEAD	27 October 1988
	THE HON. E.F. JOHNSTON, QC	27 October 1988
	THE HON. J.G. WOOTTEN, QC	27 October 1988
	MR L.F. WYVILL, QC	27 October 1988
	THE HON. D.J. O'DEA	27 October 1988
	THE HON. D.J. O'DEA	7 December 1988
	THE HON. J.H. MUIRHEAD	27 April 1989
	THE HON. E.F. JOHNSTON, QC	27 April 1989
THE HON. J.G. WOOTTEN, QC	27 April 1989	
MR L.F. WYVILL, QC	27 April 1989	
THE HON. D.J. O'DEA	27 April 1989	
MR P.L. DODSON	28 June 1989	

FINAL ROYAL COMMISSION REPORTS PRESENTED FROM 1.7.84 TO 30.6.90

<i>Name of Royal Commission</i>	<i>Date of presentation</i>	<i>Tabled in Parliament</i>
Royal Commission on the Activities of the Federated Ship Painters and Dockers Union	26 October 1984	22 February 1985
Royal Commission on Australia's Security and Intelligence Agencies	20 December 1984	22 May 1985
Royal Commission of Inquiry into Activities of the Nugan Hand Group	28 June 1985	27 November 1985
Royal Commission on the Use and Effects of Chemical Agents on Australian Personnel in Vietnam	31 July 1985	22 August 1985
Royal Commission into British Nuclear Tests in Australia	20 November 1985	5 December 1985
Royal Commission of Inquiry into Alleged Telephone Interceptions	30 April 1986	1 May 1986
Commission of Inquiry into Compensation Arising from Social Security Conspiracy Prosecutions	30 April 1986	10 June 1986
Royal Commission of Inquiry into Chamberlain Convictions	22 May 1987	2 June 1987
Royal Commission into Grain Storage, Handling and Transport	18 February 1988	15 March 1988

National Crime Authority—NCA

The National Crime Authority was established by the Commonwealth Government in July 1984 as provided by the *National Crime Authority Act 1984*. Similar legislation was passed in each State and the Northern Territory to underpin the work of the NCA in those jurisdictions, making the NCA the only law enforcement agency in Australia whose investigations are not limited by jurisdictional or territorial boundaries.

The NCA operates from three offices, in Melbourne, Sydney and Adelaide, and has a permanent staff of around 300, with qualifications and expertise in a variety of fields including law, accounting and information analysis. In addition, police investigators are attached to the NCA from the Australian Federal Police and the Northern Territory and State police forces, for varying periods.

The decision to establish the NCA was taken in response to the findings of several Royal Commissions conducted in the late 1970s and early 1980s, which revealed the extent of organised criminal activity in Australia. The NCA's primary aim is therefore to take effective action to reduce the incidence and impact of organised crime in Australia, but the term 'organised crime' is not in fact used in the *National Crime Authority Act 1984*, which instead describes such activity in terms of 'relevant criminal activity' and 'relevant offence'.

A 'relevant offence' is defined as one involving two or more offenders and substantial planning and organisation, that involves the use of sophisticated methods and techniques, is of a kind ordinarily committed in conjunction with other like offences, and involves theft, fraud, tax evasion, currency and company violations, illegal drug dealings, bribery,

illegal gambling, extortion, violence, passport forgery, armament dealings and other specified offences.

As required by the Act, the NCA carries out general and special functions in relation to relevant criminal activities.

General—The NCA is required to collect, analyse and disseminate information and intelligence; undertake general investigations; and initiate the establishment of and coordinate the work for Commonwealth, State and joint task forces.

Special—The NCA is required to investigate matters covered by references issued to it by members of the Inter-Governmental Committee, which is comprised of ministers of the Commonwealth Government, Northern Territory and State Governments.

In conducting a general or special investigation, the NCA is required to assemble admissible evidence relating to offences against the laws of the Commonwealth, States or Territories to enable the prosecution of offenders and to provide that evidence to the appropriate Attorney-General or relevant law enforcement agency, such as the Director of Public Prosecutions.

Information may be passed to prosecution authorities to enable such agencies to pursue civil remedies or other action to confiscate the proceeds of criminal activity.

The NCA may also make recommendations to relevant ministers for law or administrative reform.

Apart from the normal powers of a law enforcement agency, the NCA may use special powers when it has been given a reference by a member of the Inter-Governmental Committee. These powers include the power to issue summonses and conduct in-camera hearings at which witnesses are required to give evidence or produce documents, and the power to seek the delivery to the NCA of the passport of a person who has been summonsed to appear at a hearing, but who is suspected of seeking to leave Australia.

The work of the NCA is monitored by the Inter-Governmental Committee and by the Parliamentary Joint Committee on the NCA. The Act provides for the review by the Federal Court of certain decisions, and other decisions are subject to review pursuant to the *Administrative Decisions (Judicial Review) Act 1977*. The NCA is required to submit to the Inter-Governmental Committee an annual report which is subsequently tabled in the Commonwealth Parliament.

Consumer affairs

The Commonwealth involvement in consumer affairs derives substantially from the *Trade Practices Act 1974*. The Commonwealth Attorney-General has responsibility for Part V (Consumer Protection) of the Act that deals with unfair practices, provides private law rights against sellers, manufacturers and importers, and provides for product safety (including provision for the banning and/or recall of goods considered to be unsafe) and information standards.

The Federal Bureau of Consumer Affairs, located in the Attorney-General's Department:

- provides the Minister for Justice and Consumer Affairs with advice on the consumer protection provisions of the Trade Practices Act and on a range of consumer issues;
- reviews and develops Commonwealth policy on domestic food and beverage standards, recalls and consumer product safety;
- reviews and develops Commonwealth policy on packaging and labelling; and
- administers product safety and information standards of the Trade Practices Act, including monitoring and enforcing compliance with standards and initiating product recalls if necessary.

The National Consumer Affairs Advisory Council provides independent advice to the Minister for Justice and Consumer Affairs on consumer affairs issues. The members of this Council have backgrounds in consumer affairs, industries, trade unions and government.

The Trade Practices Commission is generally responsible for the administration and enforcement of the Trade Practices Act, except for Division 1A Part V of the Act. The Commission receives complaints from consumers but is primarily concerned with issues of national significance. The activities of the Trade Practices Commission are distinct from those of Australian State and Territory consumer affairs agencies, which administer their own legislation and provide the principal consumer complaint handling mechanisms.

Coordination of consumer affairs activities is undertaken by the Standing Committee of Consumer Affairs Ministers and through meetings of Officers of Consumer Affairs. There is also a Commonwealth/State Consumer Products Advisory Committee to provide a coordinated approach to product safety and information matters. The Commonwealth Government also promotes consumer awareness through financial support to two peak consumer organisations—the Australian Federation of Consumer Organisations and the Australian Financial Counselling and Credit Reform Association.

Legal Aid

The objective of the Commonwealth's legal aid scheme is to maximise access to justice by all members of the community.

Legal aid policy and service development, evaluation and coordination is largely undertaken at the Commonwealth level by the Office of Legal Aid and Family Services and delivered throughout the country by independent Legal Aid Commissions, Aboriginal Legal Services and other community based legal centres and services.

The Commonwealth provides over half of the funding for legal aid, with the rest made up by State Government, Law Society trust account funds and contributions from clients. Legal aid services and advice are provided directly by staff lawyers or by way of subsidies to the private legal profession. Assistance is directed to those persons who are most in need by way of merit and means tests.

In addition to the provision of services in family, criminal, civil and administrative law matters by the agencies described above, the Commonwealth Attorney-General's Department also provides assistance for special interest and test cases, Royal Commission hearings, War Crimes cases, veterans matters, internal disputes in federal trade unions and actions under international conventions (e.g. relating to child abduction, overseas maintenance and civil and political rights).

Information on legal aid funding and services is contained in the Annual Reports of the Commonwealth Attorney-General's Department.

The Police

The principal duties of the police are the prevention and detection of crime, the protection of life and property, and the enforcement of law to maintain peace and good order. In addition, they may perform a variety of other duties in the service of the State, including the regulation of street traffic, acting as clerks of petty sessions, Crown land bailiffs, foresters, mining wardens and inspectors under the Fisheries and other relevant Acts. With the exception of the Australian Federal Police, police forces in Australia are under the control of the respective State and Northern Territory Governments, but their members perform certain functions on behalf of the Australian Government, such as the registration of aliens, and, in conjunction with the Australian Federal Police and other Commonwealth officers, they enforce various Commonwealth Acts and Regulations.

Australian Federal Police—AFP

The AFP was formed in October 1979 and has its headquarters in Canberra. Its national operations are conducted through six Regional Commands. With the recent stationing of members in Rome the AFP now has Police Liaison Officers at 15 overseas posts. A group of AFP members is attached to the United Nations Peacekeeping Force on Cyprus. In the Australian Capital Territory, the AFP provides a full range of general community policing services, including traffic control, special operations, search and rescue services and conventional crime investigations.

The AFP is Australia's only national police service and is a central part of the Commonwealth Government's criminal justice strategy. In both the federal investigative and its community policing roles, the AFP is the major institution through which the Commonwealth pursues its specific law enforcement interests.

The AFP Act incorporates the conditions of fixed term employment and the implementation of a unified workforce. The unified workforce, which is currently being implemented, is to place police officers (members) and staff members under the AFP Act and subject to one common industrial award and one code of conduct. This will help overcome the existing legislative and industrial barriers to the efficient and effective use of human resources and provide a workforce of members and staff members sharing common goals and values under common terms and conditions of employment. The fixed term appointments are being introduced to attract and retain high calibre personnel, to combat corruption and to provide rewarding careers. In association with the fixed term appointments is the introduction of a Performance Management Program to measure individual performance.

The objectives of the AFP are:

- to enhance the Commonwealth's ability to prevent, detect, investigate, and present for prosecution, criminal offences committed against its laws, revenue and expenditure;
- to continue to improve the quality and responsiveness of police services provided to the community of the Australian Capital Territory;
- to improve the quality of police services required to protect other Commonwealth interests;
- to provide leadership in developing effective relationships with other police services, law enforcement and related agencies to ensure cohesion and co-ordination in countering criminal threats and activities against the Australian Community;
- to maintain operational excellence through people, technology and leadership; and
- to foster a culture which demonstrates reliability, integrity and ethical behaviour and respects the rights of the individual.

The AFP Corporate Plan identifies the future direction of the AFP as being primarily a criminal investigative and intelligence agency, outside its commitment to community policing in the ACT. In the attainment of this objective the Commonwealth Government agreed to the gradual withdrawal of the AFP from the function of airport security.

Police strengths

The total active strength of the sworn police forces, expressed as a proportion of the population, has remained steady from 1982 to 1988 at approximately 220 police for every 100,000 people. The following table shows the active strengths of non-civilian police personnel in police forces in Australia from 1987 to 1989. Further detail on the operations of each force may be found in the respective police annual reports to their Ministers.

POLICE FORCES

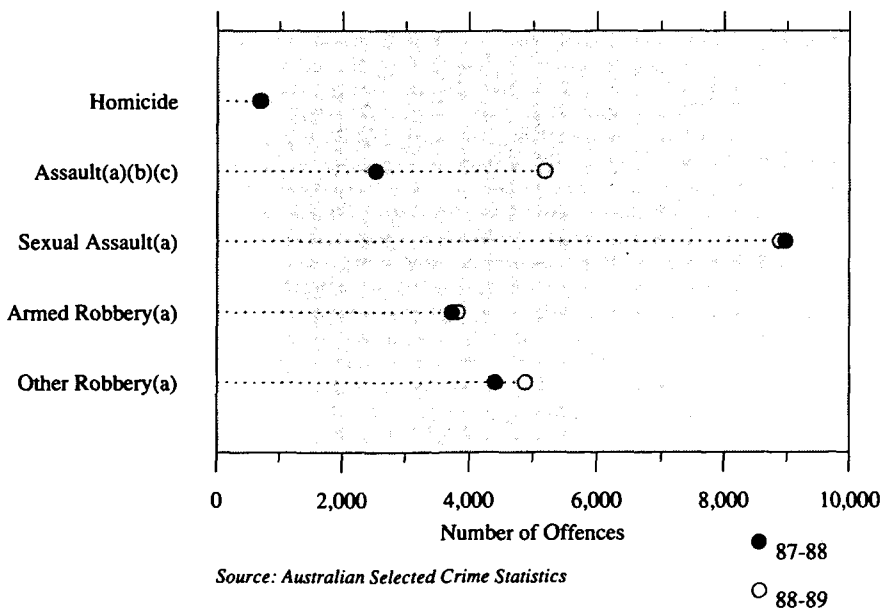
Year	AFP(a)	NSW	Vic.	Qld	SA	WA	Tas.	NT
At 30 June—								
1987	2,642	11,608	8,796	5,072	3,646	3,287	1,010	681
1988	2,713	12,280	9,229	5,085	3,549	3,243	1,028	748
1989	2,580	12,568	9,678	5,219	3,565	3,572	1,075	746

(a) Excludes protective services units.

Crime Statistics

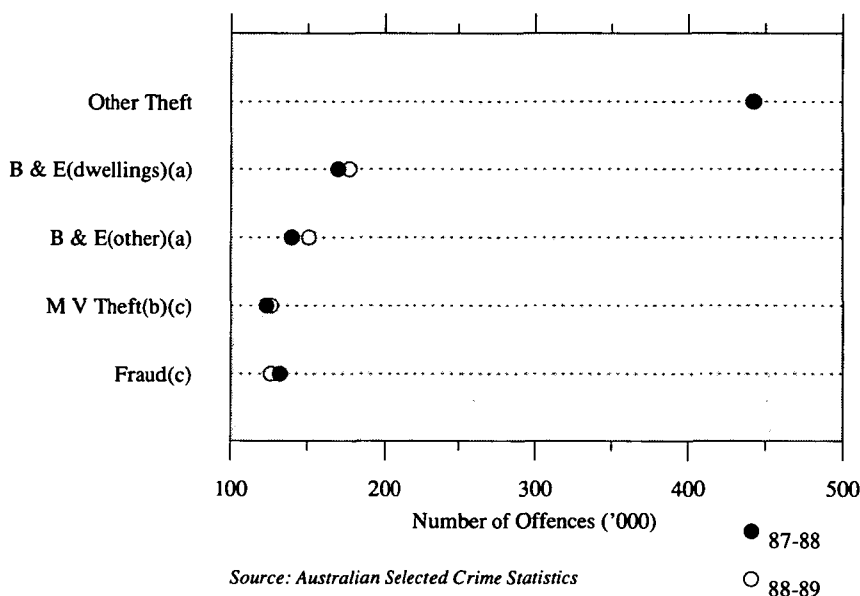
The compilation of statistics on crime involves recording and classifying a diversity of acts considered to be criminal. Responses to the 1983 Crime Victims Survey, conducted by the Australian Bureau of Statistics, indicated that only about 59 per cent of household victimisations and 44 per cent of personal victimisations were reported to police, and although the extent of reporting of crime may vary from time to time according to the amount of public attention focussed on particular aspects of crime, there will always be some degree of underreporting.

The following charts of selected offences show the numbers of offences in certain categories of crime which were reported to the police for the two years to 30 June 1986 and 30 June 1987. Not all jurisdictions employ the same definitions when classifying offences and the figures should therefore be treated with caution. However, the movements in figures from year to year are an indicator of the movements in levels of crime reported to the police.

SELECTED OFFENCES AGAINST THE PERSON, AUSTRALIA
1987-88 AND 1988-89

(a) These figures are produced at State level and due to differences in legislation and counting rules these figures are not strictly comparable. For the purpose of this graph, to give an Australia wide indication of these types of offences, this snapshot has been produced. (b) Due to changes in administrative procedures in Victoria, an unusually high number of offences have been reported in this period due to a catch-up in a backlog of work. (c) Assault occasioning grievous bodily harm.

**SELECTED OFFENCES AGAINST PROPERTY, AUSTRALIA
1987-88 AND 1988-89**



Source: Australian Selected Crime Statistics

(a) B & E = Break and Enter. (b) M V Theft = Motor Vehicle Theft. (c) These figures are produced at State level and due to differences in legislation and counting rules, these figures are not strictly comparable. For the purpose of this graph, to give an Australia wide indication of these types of offences, this snapshot has been produced.

Drug offences

Australia ratified the Single Convention on Narcotic Drugs 1961 in December 1967, and the Protocol Amending the Single Convention on Narcotic Drugs on 22 December 1972. Australia is also a signatory to the Convention on Psychotropic Substances 1971, and there is cooperation between the Commonwealth Government, State and Territory Governments, the various police forces, and other agencies in order to combat the perceived serious and growing threat to good order which is posed by the traffic in and abuse of drugs of dependence. The Australian Customs Service has responsibility for the enforcement of laws controlling the illicit importing and exporting of drugs, but each police force has a drug squad or squads, staffed by selected officers with special training and ability to understand the complexities of drug abuse and drug trafficking. Drug laws incorporate the controls and penalties for offences as required by international drug conventions.

The following table provides information about selected drug seizures by Commonwealth agencies during the period from 1984 to 1988.

SELECTED DRUG SEIZURES BY COMMONWEALTH AGENCIES(a)

Type of drug	1984	1985	1986	1987(b)	1988
—grams—					
Opium	40.00	760.00	167.00	(c)309.00	(c)2,617.00
Heroin	101,550.00	57,886.00	30,937.00	31,692.00	140,163.00
Cocaine	13,100.00	12,801.00	21,581.00	28,368.00	27,106.00
Cannabis—all types(d)	6,912,860.00	3,129,588.00	2,987,766.00	4,729,892.00	4,593,124.00

(a) These figures exclude seizures made by the National Crime Authority and State Police for which Commonwealth charges have been laid. (b) 1987 revised figures as per 1988-89 AFP Annual Report. (c) Includes Opium, Raw Opium, Opium Poppy Seeds and Opium Straw. (d) Excludes seizures of plants.

Further information on the widespread problems arising from drug abuse in Australia, and how these problems are being approached, may be found in the annual report 'Illicit Drugs in Australia', compiled by the Australian Federal Police and published by the Australian Government Publishing Service.

Corrective Services

The term 'correction' (or its derivatives) as used here refers to the objectives of the criminal justice system regarding detention and supervision of offenders.

The principal objectives of sentencing are to deter potential offenders, to express society's disapproval, to reduce the opportunity for further crime, to rehabilitate the offender, and to compensate the victim(s).

These objectives are reflected to varying degrees in the different forms of correctional options which are available to the courts in each State and Territory. These options fall broadly into three main categories:

- those that do not involve supervision or detention of the offender, such as fines, bonds and unsupervised recognisances;
- those involving supervision in the community, usually for a specified period, or until some educational or community reparative target is achieved, such as probation or community service orders; and
- those involving detention, either in prisons or other institutions, or at home subject to a home detention order.

In recent years it has become common for courts to impose sentences combining several different components, in order to ensure that the punishment is appropriate to the crime and the circumstances of the offender.

All States and the Northern Territory operate prisons and other correctional services. Separate provisions exist in each State and Territory for dealing with juvenile offenders. Convicted adult prisoners from the Australian Capital Territory serve their sentences in New South Wales prisons, but local provision is made for the short-term custody of remand prisoners, and for probation and parole services. The Commonwealth Government does not operate any prisons or other correctional services, and federal offenders (i.e. persons convicted of offences under Commonwealth laws) fall within the jurisdiction of State agencies for correctional purposes.

Characteristics of Prisoners

The Australian Institute of Criminology publishes the results of an annual prison census which is coordinated by the National Correctional Statistics Committee. The census relates to all persons, convicted or not convicted, who were held in custody in gazetted Australian prisons, for adult offenders on the night of 30 June, and includes those prisoners temporarily absent from prison (e.g. prisoners in hospitals, or away on work release schemes).

Because the census measures prison occupancy at a particular point in time, care should be taken when comparing the results with other data produced on prison populations, which may be related to average daily occupancy rates. Discrepancies may also be found between the census figures and those produced from the same data by corrections departments, because of differences in counting rules.

Data for the following tables on prison occupancy were supplied by the Australian Institute of Criminology from the results of the 1989 prison census.

**NUMBER OF SENTENCED PRISONERS BY TYPE OF
SENTENCE IMPOSED(a), AUSTRALIA 1989(b)**
(Source: Australian Institute of Criminology)

<i>Type of sentence</i>	<i>Number of prisoners</i>
Life	643
Governor's Pleasure	102
Administrative(b)	5
Indefinite(c)	4,990
Fixed term	4,805
Fine default only	155
Periodic detention	525
Unknown	44
<i>Total</i>	<i>11,269</i>

(a) Type of sentence is determined by the cumulative effect of all sentences imposed. (b) Includes unsentenced prisoners subject to deportation orders. (c) Refers to cases where both a minimum and a maximum term are set and the actual sentence to be served lies somewhere between the two limits.
NOTE: This table excludes all remandees.

**NUMBER OF PRISONERS BY MOST SERIOUS OFFENCE/CHARGE(a),
BY AGE(b), AUSTRALIA 1989**
(Source: Australian Institute of Criminology)

<i>Offence/charge(a)</i>	<i>Age group</i>									<i>Total</i>
	<i>Under 20</i>	<i>20-24</i>	<i>25-29</i>	<i>30-34</i>	<i>35-39</i>	<i>40-44</i>	<i>45-49</i>	<i>50+</i>	<i>Unknown</i>	
	—Total persons—									
Homicide	50	233	249	251	171	147	98	137	16	1,352
Assault	96	345	260	161	90	62	32	22	24	1,092
Sex offences	60	199	236	235	188	165	99	114	22	1,318
Other against person	10	38	24	34	19	10	3	3	2	143
Robbery	86	449	387	337	153	67	19	17	2	1,517
Extortion	3	8	7	5	0	1	1	0	0	25
Break and enter	284	712	514	269	127	38	24	11	13	1,992
Fraud and misappropriation	11	66	103	86	100	58	49	61	0	534
Receiving	11	62	62	42	29	19	7	9	0	241
Other theft	204	421	263	138	79	39	20	12	5	1,181
Property damage	43	80	44	19	10	20	3	5	4	228
Environmental	0	0	0	1	2	1	0	1	0	5
Government security	0	0	1	0	2	1	1	3	0	8
Justice procedure	63	239	166	95	64	38	19	17	10	711
Prostitution	5	8	15	5	5	1	1	1	2	43
Offensive behaviour	6	7	9	5	0	3	0	1	1	32
Unlawful possession of weapon	3	12	8	6	8	2	3	1	0	43
Other offences against good order	13	31	29	20	13	5	3	7	2	123
Possession, use of drugs	1	24	51	62	25	16	6	3	1	189
Trafficking drugs	9	107	184	248	197	119	57	50	2	973
Manufacture drugs	0	15	20	21	22	24	11	22	0	135
Driving offences	11	54	77	75	55	31	19	14	7	343
Administrative offences	12	58	44	20	13	9	5	3	0	164
Other traffic offences	14	49	56	38	23	19	12	7	4	222
Other offences	9	29	35	65	47	31	26	24	1	267
Unknown	4	17	19	10	11	9	10	0	3	83
Total persons	1,008	3,263	2,863	2,248	1,453	935	528	545	121	12,964

(a) The most serious offence/charge is that offence for which a prisoner received the longest sentence, or that charge which carries the longest statutory maximum penalty. (b) The age at which a convicted person would normally become liable to imprisonment in an adult prison varies from State to State, being seventeen years in Victoria, Queensland, Tasmania and Northern Territory, and eighteen in other jurisdictions, although younger persons convicted of a particularly serious offence may be sent to an adult prison. Inmates of juvenile corrective institutions are not included in this census.
NOTE: This table includes 1,675 remandees.

**NUMBER OF SENTENCED PRISONERS BY MOST SERIOUS OFFENCE(a) AND
AGGREGATE SENTENCE(b), AUSTRALIA 1989**
(Source: Australian Institute of Criminology)

Offence	Duration of aggregate sentence						Total
	Periodic detention	Under 3 months	3 months and under 2 years	2 and under 5 years	5 and under 10 years	10 years and over(c)	
Homicide	16	2	9	71	150	890	(d)1,140
Assault	90	27	364	219	132	90	(d)926
Sexual Assault	27	3	87	287	497	288	(d)1,190
Other offences against the person	1	0	18	33	31	22	105
Robbery	9	7	48	266	528	428	1,286
Extortion	0	0	1	9	7	3	20
Break and enter	37	24	630	632	315	92	(d)1,733
Fraud and misappropriation	21	16	183	191	63	11	485
Receiving	18	9	89	42	28	9	(d)196
Other theft	67	33	608	268	72	21	(d)1,073
Property damage	6	23	78	43	24	13	(d)189
Offences against good order(e)	37	78	418	221	73	38	(d)868
Drug offences(f)	73	15	216	312	296	199	1,111
Driving offences	59	82	384	8	4	1	(d)540
Administrative offences	64	9	71	11	3	1	159
Other offences(g)	0	10	53	34	58	93	248

(a) Most serious offence is that for which a prisoner received the longest sentence. (b) The longest period that a person may be detained under sentence in the current episode. (c) Includes sentences of Life and Detention at the Governor's Pleasure. (d) Total includes 'unknown' duration of sentence. (e) Includes environmental, government security, justice procedures, prostitution, offensive behaviour and possession of weapon. (f) Includes possession, trafficking and manufacture of drugs. (g) Includes other offences and unknown offences.

NOTE: This table excludes all remandees.

Criminological Research

Australian Institute of Criminology

The Australian Institute of Criminology, which is located in Canberra, was established as a statutory authority under the *Criminology Research Act 1971* and the *Criminology Research Amendment Act 1986*. The Institute is administered by a Board of Management comprising three members appointed by the Commonwealth Attorney-General, four members representing the States and the Northern Territory, who are appointed by the Criminology Research Council and the Director, who is an ex-officio member of the Board.

The functions of the Institute, as defined in the Criminology Research Acts include:

- the conduct of criminological research (i.e. research in connection with the causes, prevention and correction of criminal behaviour and related matters), and the communication of the results of such research to the Commonwealth and States;
- the provision of advice on needs and programs relating to criminological research, and advice and assistance in relation to any research funded through the Criminology Research Council;
- the conduct of seminars and courses of training and instruction for persons engaged in criminological research or work related to the prevention or correction of criminal behaviour;
- the collection and dissemination of statistics relevant to crime and criminal justice;
- the provision of advice in relation to the compilation of statistics in relation to crime; and
- the publishing of material resulting from, or relating to, its activities.

Since its inception, the Institute has actively assisted in and advised on an extensive range of criminological research projects either directly, or through the Criminology Research Council. The Institute has conducted or been represented at numerous national and international conferences dealing with crime related matters. In addition, the Institute maintains a comprehensive library of criminological material which is available to researchers and criminal justice practitioners.

Major recent publications of the Institute include:

- *Australian Institute of Criminology Annual Report*
- *Criminology Research Council Annual Report*
- *Alcohol and Crime*, Julia Vernon
- *Australian Criminology Information Bulletin*
- *Australian Community-Based Corrections 1987*, Francois Debaecker
- *Australian Institute of Criminology Annual Report*
- *Australian Prisoners 1989*, John Walker
- *Bail in Australia*, Frank Devine
- *Cinch: The Australian Criminology Database*
- *Crime and Justice in Australia: A report to the Nation*, Satyanshu Mukherjee, Debbie Neuhaus and John Walker
- *Criminology Australia*, quarterly journal
- *Crime Prevention for Aboriginal Communities*, Kayleen Hazlehurst
- *Criminology Research Council Annual Report*
- *Preventing Car Theft and Crime in Car Parks*, Susan Geason and Paul Wilson
- *Preventing Graffiti and Vandalism*, Susan Geason and Paul Wilson
- *Preventing Crime in Migrant Communities*, Kayleen Hazlehurst
- *Protecting Counter/Interviewing Staff from Client Aggression*, Bruce Swanton and Darryl Webber
- *Sentencing Robbers in New South Wales*, Ivan Potas
- *The Size of the Crime Problem in Australia*, 2nd ed, Satyanshu Mukherjee and Dianne Dagger
- *Society's Response to the Violent Offender*, Peter Grabosky and William Lucas
- TRENDS AND ISSUES
 - No. 20: *Prison Sentences in Australia*
 - No. 21: *Aids and Prisons*
 - No. 22: *Prostitution Laws in Australia*
 - No. 23: *A Comparison of Crime in Australia and other Countries*
 - No. 24: *Gambling Laws*
- *Violence: Directions for Australia: final report of the National Committee on Violence*
- VIOLENCE TODAY
 - No. 6: *Violence on Television*
 - No. 7: *Violence, Disputes and their Resolution*
 - No. 8: *Racist Violence*
 - No. 9: *Political Violence*
- *Wayward Governance: Illegality and its control in the public sector*, Peter Grabosky

See *Year Book Australia 1990* for previous releases.

Criminology Research Council

The Criminology Research Council is comprised of representatives from the Commonwealth, each State and the Northern Territory and is an independent body corporate established under the *Criminology Research Act 1971*. The Council is responsible for the control and administration of the Criminology Research Fund, which is funded fifty per cent by the Commonwealth Government, and fifty per cent by State Governments on a proportionate population basis. Subject to the Council's assessment of a project, persons seeking to conduct criminological or related research may be provided with a grant from the fund.

In the eighteen years that the Council has been in operation it has made grants from the Fund for 194 separate research projects, covering nearly all aspects of crime and criminal justice in Australia, to a total of approximately \$2.4 million.

Bankruptcy and Copyright

Bankruptcy

Bankruptcy is a statutory regime for the release of debtors from the payment of their debts and the repayment of creditors out of the proceeds of realisation of the debtor's property. The *Bankruptcy Act 1966* is the current Commonwealth law dealing with the insolvency of individuals and partnerships.

The Act provides for both voluntary and involuntary bankruptcy, and for insolvency administrations outside bankruptcy under Part X. The alternative administrations are the deed of assignment, the deed of arrangement and the composition. The Act also provides, in Part XI, for the administration of deceased estates in bankruptcy. It is a feature of bankruptcy and the alternative administrations that property or money belonging to the debtor, or given to the debtor for the purpose, is vested in a trustee for rateable distribution to creditors.

The Act establishes the Official Trustee in Bankruptcy, the functions of which are to administer bankrupt estates and bankrupt deceased estates. The Official Receivers in Bankruptcy, who are officers of the Attorney-General's Department and staff of their offices, perform the functions of the Official Trustee. The Official Trustee is trustee of about 90 per cent of bankrupt estates, and of all bankrupt deceased estates.

The Act also provides for registration of appropriately qualified persons, usually accountants, as trustees. Registered trustees administer some bankruptcies, but are responsible mainly for the administration of deeds and compositions under Part X of the Act. Registered trustees are registered by order of the Federal Court of Australia.

The Federal Court of Australia exercises jurisdiction in bankruptcy Australia wide. Officers of the Federal Court hold office as Registrars in Bankruptcy. Registrars in Bankruptcy issue bankruptcy notices, and the Act requires various documents, such as petitions, statements of affairs, authorities to trustees, resolutions of meetings of creditors and trustees accounts of receipts and payments to be filed with Registrars in Bankruptcy. These documents are available for public inspection at Federal Court Registries. Registrars in Bankruptcy are responsible administratively, to the Registrar of the Federal Court of Australia.

Registrars in Bankruptcy, Official Receivers and the Inspector-General in Bankruptcy have joint responsibilities for the supervision of registered trustees.

The Inspector-General of Bankruptcy is the administrative head of the Bankruptcy Division of the Attorney-General's Department of which the Official Receivers are part. The Inspector-General's Office is responsible, amongst other things, for compilation of material for inclusion in the Annual Report on the operation of the *Bankruptcy Act 1966*, investigation of complaints about the administration of bankruptcy generally and the provision of policy advice to the Minister with responsibility for bankruptcy matters.

Comprehensive statistics on bankruptcy, and a more detailed account of the bankruptcy administration, are included in the Annual Report on the operation of the *Bankruptcy Act 1966* which is tabled in Parliament and is available for purchase by members of the public.

Copyright

Copyright in Australia is administered by the Commonwealth Attorney-General's Department and is regulated by the *Commonwealth Copyright Act 1968* which came into force on 1 May 1969. The Act does not contain any provisions requiring or enabling the completion of formalities (such as publication, registration or the payment of fees) in order to obtain copyright protection in Australia. Protection is granted automatically from the moment of making a work or other subject-matter.

The Act has been amended from time to time. Amendments made in 1980 introduced substantial changes in a number of areas of copyright law, including fair dealing, copying by libraries and archives, and copying for educational purposes and for handicapped readers.

Amendments made in 1984 make specific provision for copyright in computer software.

The Act was further amended in 1986 to, among other things:

- significantly strengthen the 'anti-piracy' provisions of the Act;
- increase access to copyright materials for the handicapped, as well as for libraries, archives and their clients;
- extend fair dealing;
- make clear that broadcasts via satellite are subject to the Act; and
- provide for costs in Copyright Tribunal matters to be taxed on the Federal Court of Australia scale of costs.

Most recently, the Act was amended in a number of significant respects. A package of copyright reforms, described by the Attorney-General as the most substantial since 1968, was contained in the *Copyright Amendment Act 1989*.

The reforms include a new statutory licensing scheme to allow educational institutions and institutions for the intellectually handicapped to copy television and radio broadcasts. As well, the Act introduced a revised scheme for educational photocopying along the same lines as the television copying scheme.

The amendments include a blank tape royalty scheme under which home taping of published sound recordings will be lawful. The royalty will be payable by vendors of blank tape to the copyright owner's collecting society which is currently being formed.

The new legislation also gives effect to the majority of recommendations of the Copyright Law Review Committee in relation to performers' protection. Accordingly, unauthorised commercial uses of live performances and recordings of live performances are prohibited under the Copyright Act. The new provisions will also enable Australia to accede to the Rome Convention for the Protection of Performers, Producers of Phonographs and Broadcasting Organisations.

The 1989 amendments also:

- limit copyright protection for artistic works industrially applied and designs registered under the *Designs Act 1906*;
- streamline the operation of the statutory licence under the Act for the manufacture of records of musical works; and
- introduce a number of other reforms which will extend the right of the Australian Archives to copy works in its archival collection, standardise rights of review under the Act by the Administrative Appeals Tribunal and facilitate copyright protection for choreographic works made in the form of film or video.

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THE NATIONAL TRUSTS OF AUSTRALIA

(This special article has been contributed by the Australian Council of National Trusts)

To preserve the best from the past today for the future would most appropriately describe the purpose of the Trust movement in Australia.

The movement began in Australia in 1945 and was primarily initiated as a response to drastic changes in Australian cities in the post-war economic and population boom. The main streets of the central business districts in the cities of Australia saw considerable destruction of once-familiar streetscapes in favour of impersonal high-rise buildings lacking the gracious style and scale of nineteenth century Australia. The National Trusts emerged as organisations primarily concerned with the cultural and historic environment, although the movement is now also very much involved in the conservation of our natural environment.

The Trust movement began in 1945 in New South Wales and was followed by South Australia (1955); Victoria (1956); Queensland (1963); Western Australia (1964); Tasmania (1975); the Australian Capital Territory (1976) and the Northern Territory (1976).

The Australian Council of National Trusts was formed in 1965 to serve the national interests of the Australian Trusts. The Council, as the federal coordinating body of the National Trust movement, has the responsibility for coordinating policies, procedures and programs for implementation at State and Territory levels; to expressing and presenting opinions to national or international bodies; and to coordinating national sponsorship and education projects with State and Territory Trusts.

Today, the National Trusts have a total membership of over 80,000, a substantial force of people who care about Australia's heritage. One of the movement's great strengths is the extensive reserve of voluntary expertise and effort. Working on committees and in other ways the Trust's honorary workforce of approximately 6,506 volunteers undertakes a wide variety of tasks, working in close cooperation with staff. The movement employs approximately 442 staff members.

The main aim of the National Trust is to acquire, conserve and present for public benefit, lands and buildings of aesthetic, historic, scientific, social or other special values. This includes historic sites, buildings, towns or conservation areas, industrial remains, gardens, Aboriginal sites and the natural environment. The Trust aims to influence governments and other agencies, both national and international, to act to conserve such values, and to promote public appreciation, knowledge and enjoyment of such places.

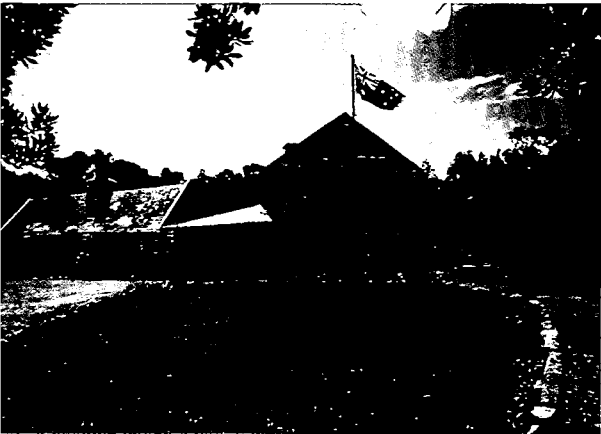
Since the inception of the National Trust in Australia, over four decades ago, the National Trusts have played a leading role and have been involved in the extensive work of identifying those parts of our natural, Aboriginal and historic environment which are historically, aesthetically or scientifically significant and which are worthy of preservation. The places classified by the National Trusts have formed a basis for all other heritage registers of protected places and areas in Australia.

Conservation action, supported by research, is the central feature of the work of the National Trust movement.

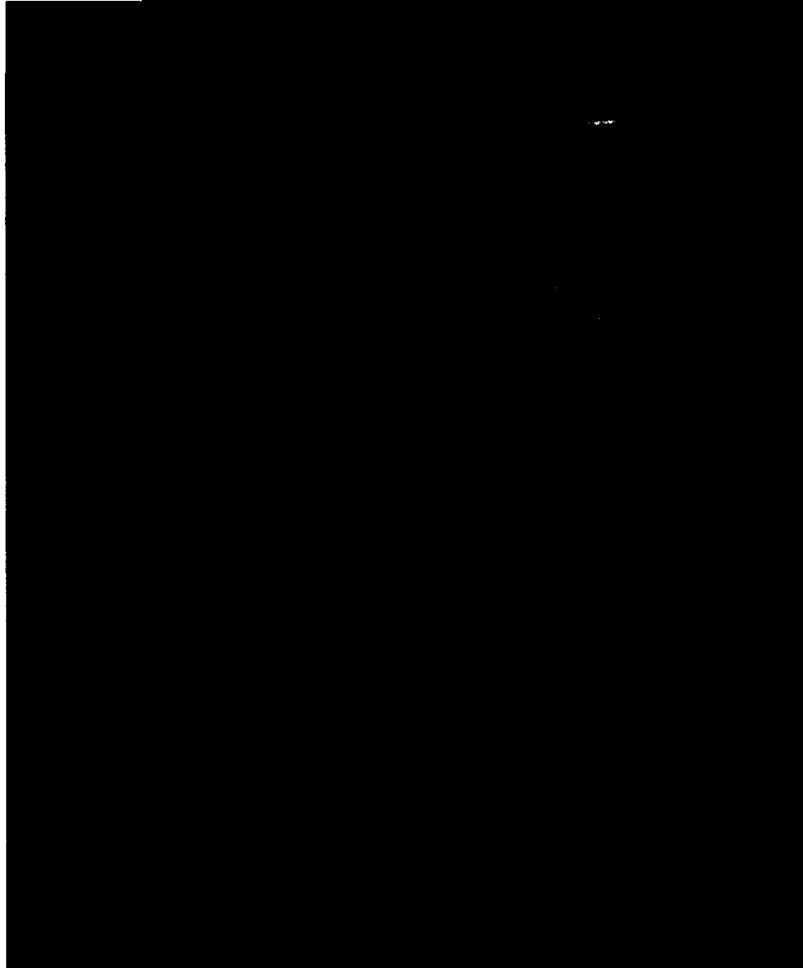
Surveys of natural, Aboriginal and historic environments are conducted in order to identify and document the landscapes, townscapes, historic buildings and industrial sites that are very much a part of Australia's environmental heritage. The Trusts maintain registers of such places. Currently about 20,474 places and areas of natural, Aboriginal and historic importance are classified by the National Trusts.



Clarendon, Tasmania. Photo courtesy National Trust of Australia (Tasmania).



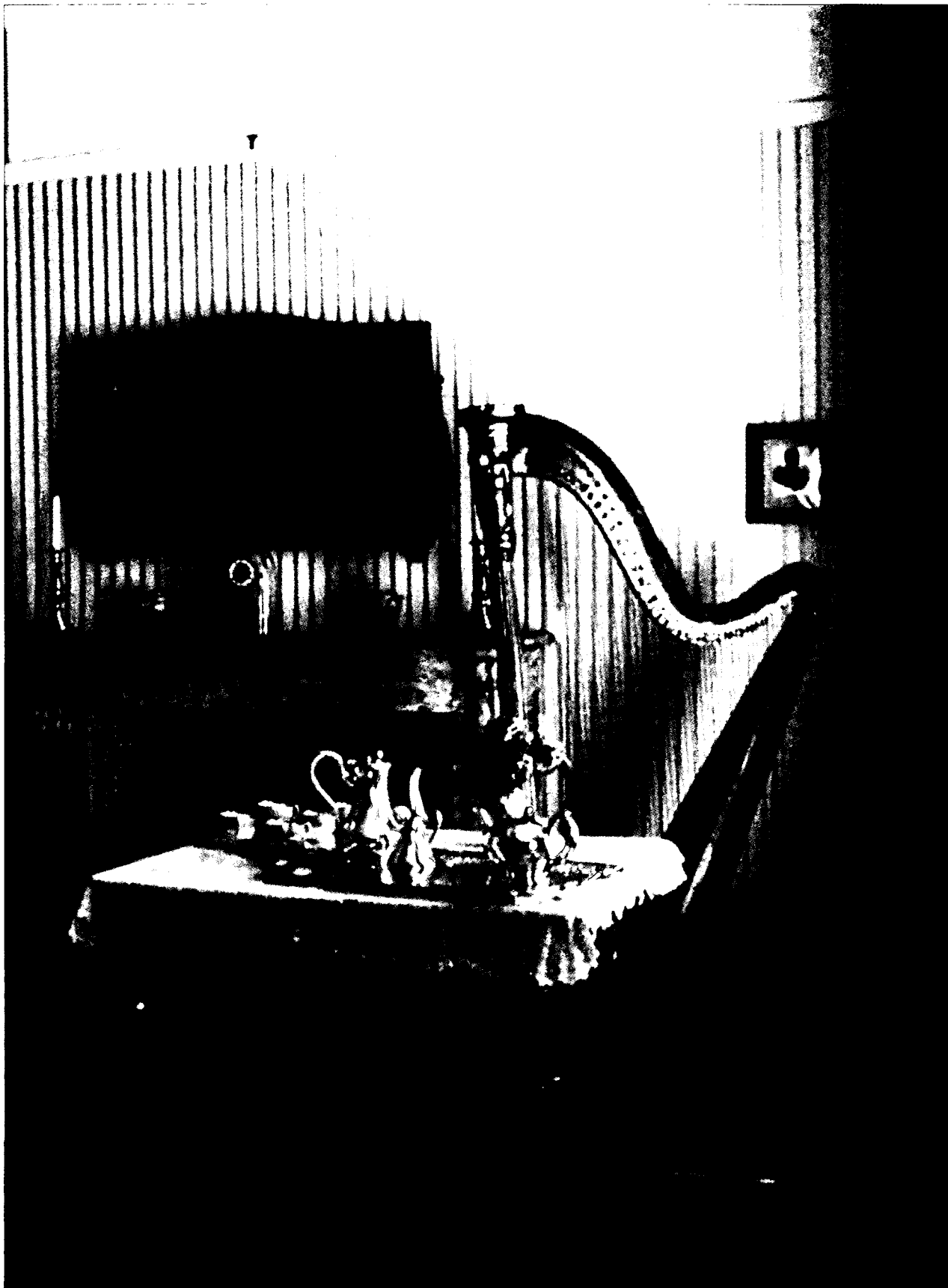
Strawberry Hill. Photo by K.O. Murray.



Strawberry Hill. Photo by K.O. Murray.



Adelaide River. Photo by Peter Jarver.



Dining room, Strawberry Hill. Photo by K.O. Murray.

Submissions are prepared regularly on the environment which provide information to all levels of government to assist in planning and other processes in the interest of heritage conservation. These submissions also contribute to public discussion on conservation issues, promoting debate within the community.

The Australian Council of National Trusts and State and Territory Trusts have been involved in a host of conservation issues, not least of which have been the National Conservation Strategy, Kakadu National Park (NT); Lemnathyme and Southern Forests (Tas); Old Parliament House (ACT); Shelburne Bay (Qld) and Antarctica.

The Australian Council of National Trusts and the Trust movement have strived to develop strategies aimed at promoting an awareness of and interest in Australia's heritage by the public through education programs and other activities including the Open House program.

The Trusts own around 300 properties and through their own efforts spent approximately \$2.1 million in 1988-89 on the preservation of Australia's National Estate with \$619,000 assistance from the Commonwealth Government.

The Open House program seems to typify public understanding of the Trusts' activities. Trust properties attract about 2 million visitors each year. With major national sponsorship schemes, such as the Amatil 'A Gift to the Nation' of \$1.6 million and the 'Heritage '88' sponsorship of \$500,000 by the Commonwealth Bank, the Trust has been able to open to the public magnificently restored National Trust properties throughout Australia. Some of these include Bellevue Homestead in Queensland; Juniper Hall in New South Wales; Gulf Station in Victoria; Clarendon in Tasmania; Redruth Gaol in South Australia; The Old Farm at Strawberry Hill in Western Australia and the Hartley Street School in the Northern Territory. These and other Trust properties are open for public inspection and function hire as well as various Trust activities throughout the year.

The following description of a few Trust properties offers an insight into the work of the Trust in conserving Australia's heritage.

Clarendon via Evandale in Tasmania is situated 27 kilometres from Launceston. Clarendon, one of the great Georgian houses of Australia, was constructed of rubble, stone and stucco in 1838. The two-storey house has a main facade of five bays and a giant Ionic portico raised on a terrace marking its main entrance. The features include French windows and double doors with sidelights and a fanlight. At the rear two brick service wings partly surround rear walled gardens, with other outbuildings beyond. No other house was built in colonial Australia to equal the size of Clarendon which makes this property unique. The portico is also an unusual feature of a domestic building of the colonial period. A semi-basement housing domestic staff, offices and accommodation is also rare in Australia, relating more to English houses. It is the type of house where the 'upstairs and downstairs' principle applied.

Clarendon was built for wealthy woolgrower and merchant James Cox. He was the second son of William Cox who pioneered the first road over the Blue Mountains in New South Wales. Situated on the banks of the South Esk River, Clarendon has extensive formal gardens and beautiful parklands. In 1962 the property was given to the National Trust by Mrs W.R. Menzies. The first restoration was completed in 1966, and in 1974 it was restored to its original appearance by the addition of the portico and parapet. The house has been suitably furnished by the Trust. Generous assistance provided by the Commonwealth Bank of Australia, and the State Government of Tasmania, enabled the National Trust to purchase the outbuildings in 1987.

It is generally accepted that high restoration and maintenance costs come hand in hand with the ownership of heritage properties. Since purchasing the outbuildings in 1987 the Trust has had insufficient funds to secure the structures. As the disintegration process continues the stables and coach house are in urgent need of restoration and maintenance, as is the small cottage on the property which ultimately could be let to provide funds to assist in maintaining the property. The water system needs urgent attention as the water

pumped from a nearby river is not suitable for drinking and the capacity of the existing pump is insufficient and cannot provide suitable irrigation for the extensive gardens or provide the essential water for fire fighting purposes. There is still major work to be carried out at Clarendon which is an ongoing Trust project.

The Old Farm at Strawberry Hill in Western Australia was built in 1831 by Dr Alexander Collie, the first Government Resident at Strawberry Hill, then a farming settlement which had supplied the nearby military attachments with vegetables since 1827. When Governor and Mrs Stirling visited in November 1931 a garden stocked with an abundance of cauliflowers, cabbages, beans, peas and almost every other edible vegetable was ready for their use. In 1832 Mr J.L. Morely leased the property where he grew wheat. In 1835 Sir Richard Spencer RN, KCH, with his wife and nine children arrived at the settlement and took possession of Government Farm as it was then known. It was described at the time as consisting of 'twenty-four acres more or less with the buildings, fences, erected thereon. Commonly known by the name of Government Cottage and Garden or Farm at Strawberry Hill...' and together with the improved adjoining 106½ acres was valued at 206 pounds and 14 shillings.

In the next ten years many improvements were made to the farm, with a two-storey extension added to the cottage in 1836 and the building of sheds, stables and barn carried out during that year. William Diprose was employed to build the extension, and many of the building materials used in the extension such as windows, flooring, store roofing and doors were shipped from England. In 1839 Sir Richard died, and not long after two sons also died in tragic accidents. All three were buried in a hillside grave not far from the house. In 1840 Lieutenant G.E. Egerton Warburton arrived with a detachment of the 51st Regiment in Albany. He married Augusta Spencer, daughter of Sir Richard and Lady Spencer, in 1842 and took up residence with her in Strawberry Hill after Lady Spencer and her three youngest sons left for England later that year.

Between 1855 and 1889 the farm was frequently unoccupied, and neglect and disrepair culminated in a fire in 1870 which destroyed the original wattle and daub house. The farm was subdivided by Joseph Spencer in 1886 and by 1889 the house was finally bought by Francis Bird for 1,500 pounds cash.

An architect, Francis Bird immediately began work on the restoration of Strawberry Hill—a difficult task after thirty years of neglect. The Bird family finally moved in on 18 December 1889. Mrs Bird changed the name of the property to 'The Old Farm' in 1890. Until 1956 the Farm remained the property of the Bird family.

When the Farm became the property of the National Trust in 1963, substantial parts of the main buildings had rotted away and much of the slate roof had to be replaced. 'The Old Farm' was gradually restored and refurnished as far as possible with the original furniture of the Spencer and Bird families and remains a monument to their pioneering work in the district. The Old Farm at Strawberry Hill was the first historic property in Western Australia to be restored and opened to the public by the National Trust.

Adelaide River Railway Station in the Northern Territory. The main station building was completed in 1889 to service the Palmerston (later renamed Darwin) to Pine Creek railway, the first stage of the former North Australia Railway.

Facilities at the Station included the passenger station with refreshment room and a goods platform. A pump station on the river, overhead tank and stand pipe provided water for the steam engines. A triangle, cattleyards, and loading race were added in 1925 at the northern end of the Station. Extensions made during the war included provisions for ambulance trains.

By the early 1980s the building was in a sorry state and was threatened with demolition. Local people involved the Trust in efforts to save it, resulting in its full restoration in 1986. The building was opened to the public 100 years to the day after the first train steamed into Adelaide River.

The Open House program is one of the major activities of the Trust and is part of the public educational role that National Trusts throughout Australia have established and are striving to maintain. National Trusts have established many national educational projects which have, in part, taken the following form:

- Heritage Week celebrations held during April each year, are planned around a national theme. In past years there have been themes such as: 'World Heritage' and 'Industrial Heritage'. The theme for 1991 will be 'Save the Bush'.

Primarily Heritage Week is an awareness program sponsored and supported by a growing number of businesses, government bodies, conservation organisations, historic and cultural groups and community organisations in each State and Territory. Trusts include fund raising activities and membership drives in the program in their ever continuing efforts to promote and preserve Australia's natural, Aboriginal and historic heritage.

Heritage Week is a week filled with activities to suit everyone. The week covers activities such as: seminars and lectures on conservation and heritage matters; official receptions; afternoon teas, dinners and balls; concerts and dance exhibitions; heritage and bush walks; tours of historic sites; property open days; re-enactments; historic transport rides; craft and antique fairs; processions; street theatre; photographic and art exhibitions; launching of education kits and books; school programs and even camel patrols in the Northern Territory.

- The Australian Heritage Award launched in 1986 with a five year national sponsorship from Jones Lang Wootton, was designed to recognise outstanding contributions to the preservation and promotion of Australia's heritage. The Award, which over the past five years has been a \$10,000 cash endowment, is given for excellence in performance by an individual, association, government body or company.

There is one annual Australian Heritage Award with the selection being drawn from ten categories. These categories are Government, Planning, Private, Publications, Media and Education, Cultural Conservation and Interpretation, Architecture, Nature Conservation, Contemporary and Individual. Over the past five years six Awards have been presented, including a special Australian Bicentennial Heritage Award. These were:

1990 The Hyatt Hotel Canberra—Contemporary Category

1989 'Southland: The Maritime Exploration of Australia'—Government Category
Western Australian Ministry of Education, Publications Section

1988 Australian Bicentennial Heritage Award—Jointly awarded to:
'Nature of Australia'—ABC Natural History Unit
'Australians: A Historical Library'—Fairfax, Syme and Weldon Associates

1988 'The Land of the Lightning Brothers'—Media Category
Australian Heritage Commission

1987 Queen Victoria Building—Architecture Category
Rice Daubney, Stephenson and Turner (Architects in Association)

1986 No. 1 Collins Street, The Olderfleet Buildings—Architecture Category
Bruce Trethowan, Robert Peck YFWK Pty Ltd.

- 'Heritage Australia' is the quarterly journal of the Australian Council of National Trusts. The articles in this quality publication include all aspects of Australian heritage—Aboriginal, natural and historic.

State and Territory Trusts Newsletters, Journals and Magazines are produced to inform Trust members on the activities of each individual Trust giving up-to-date bulletins on conservation issues.

- Education Kits and Posters on 'World Heritage' (1989) and 'Save the Bush' (1990), both sponsored by the Department of the Arts, Sport, the Environment, Tourism and Territories, as well as individual State and Territory initiated projects like the Industrial Heritage Education Kit produced by the National Trust of Australia (Victoria) for Heritage Week 1990.
- Publications such as 'Australia in Trust', 'Lord Howe Island', Historic Buildings Book series and conservation bulletins to name but a few.
- There is a continuing program of conferences and workshops hosted by the Trust movement for example the international conference held in May 1990—'Heritage and Conservation: The Challengers in the Asia-Pacific Basin', with more workshops on various conservation subjects being planned for the future.
- Some State Trusts have established tour and real estate services for members and the general public alike. Tour services include educational tours overseas, excursions to other States and Territories and country areas, inspections of private and public properties, half day city walks and day trips. The real estate services, run in conjunction with licensed real estate agents, were formed in an effort to find sympathetic purchasers of properties with heritage value.
- Trusts also consult, on a regular basis, with government bodies, property developers, architects and property owners on proposals likely to affect places and buildings of historic, natural or Aboriginal significance.

The National Trusts are also involved with merchandising and have shops in properties and shop fronts throughout the States and Territories. A National Trust Committee develops and produces merchandise using the National Trust logo, however the shops are not restricted to selling only National Trust products and a wide range of merchandise can be found in the outlets.

These are only a few of the National Trusts activities and services. The Trust is a large organisation with a large agenda. It is the caretaker of Australia's heritage relying on public and government support and goodwill to ensure a continuing future for Australia's past.

For further information on the National Trusts of Australia please contact the Australian Council of National Trusts, PO Box 1002, Civic Square, ACT, 2608 or telephone (06) 247 6766, or facsimile (06) 249 1395.

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