

to a series of other general assaults. I would suggest, however, that we actually rethink or reconceptualise what we understand to be the 'act' of rape itself if we are to be clearer about what exactly it is that we are legislating against. We should also not just assume that the social context – a phallocentric society – in which law operates, and in which rape takes place, is correct or satisfactory to all its participants. As I have illustrated, the law of rape has denied women self autonomy and the ability to define their own sexual subjectivity. Consequently, and perhaps most importantly, we should listen more to what women have to say about their rape experiences and what they understood these experiences to mean. Law reform is clearly both necessary and essential for women's liberation. However, we need to be more aware of what exactly it is that we are trying to reform and the possibility of doing that via 'law reform'.

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# L *etter*

Dear Editor

Unfortunately the Brief published in your last issue 'Police interrogation' by Kirsten Deane (*Alt.LJ* (1994) 19(4) 194) creates a rather muddled if not false impression of the Independent Third Person (ITP) Program, auspiced through the Office of the Public Advocate.

The article uses the term ITP interchangeably in the two case studies, one dealing with a child and the other with a person with a disability. The Independent Witnesses scheme, prescribed by s.464 of the *Crimes Act* is separate and distinct from the ITP Program, covered by Police Standing Orders in relation to people with an intellectual disability, or mental impairment, including psychiatric illness, acquired brain damage or senile dementia.

The author claims that 'the programs have failed to live up to expectations' and that 'little attention has been paid to the critical issues of recruitment, training and on-going support'. It is disappointing that in making such damning criticisms the author failed to up-date her research on the ITP Program, apparently relying on data from 1992.

The Simm case was extremely complex and the article hardly does justice to the full story of the ITP's role and involvement. Training and recruitment are obviously crucial to this volunteer Program, and the volunteers who have participated over the Program's four years of operation have done so with genuine commitment to the rights of people with disability.

To up-date your readers, the Office is currently planning a review of the Program, taking into account emerging issues such as video taping of interviews, changes to legislation and process and procedural issues raised by the Simm case.

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