

CRIMINAL LAW PERSPECTIVES

FROM PRINCIPLES TO PRACTICE

Criminal Law Perspectives: From Principles to Practice is an engaging introduction to the criminal law in New South Wales, Victoria, the Australian Capital Territory and the Commonwealth Criminal Code. It takes a comparative approach to the law in these jurisdictions, focusing on prevalent summary offences, substantive federal offences and criminal procedure.

Complex concepts are explained and contextualised by linking them to practical applications. Each chapter is supported by tools for self-assessment: review questions; case boxes summarising and extracting key historical and contemporary cases; and longer, narrative end-of-chapter problems that promote student engagement and help students develop problem-solving skills and independent thinking.

Criminal Law Perspectives explores the development of criminal law principles in Australia, and provides a comprehensive and accessible overview of criminal law for students studying in the area for the first time.

John Anderson is a Professor at the Newcastle Law School.

Brendon Murphy is a Senior Lecturer at the Thomas More Law School, ACU.

Ben Livings is an Associate Professor of Criminal Law and Evidence in UniSA: Justice & Society at the University of South Australia.

Wendy Kukulies-Smith works at the Office of the Director of Public Prosecutions, ACT.

Natalia Antolak-Saper is a Lecturer in the Faculty of Law, Monash University.

Shireen Daft is a Lecturer at Macquarie Law School.

Cambridge University Press
978-1-108-86820-4 — Criminal Law Perspectives
John Anderson , Brendon Murphy , Ben Livings , Wendy Kukulies-Smith , Natalia Antolak-Saper , Shireen Daft
Frontmatter
[More Information](#)

Cambridge University Press acknowledges the Aboriginal and Torres Strait Islander Peoples as the traditional owners of Country throughout Australia.

Cambridge University Press acknowledges the Māori people as *tangata whenua* of Aotearoa New Zealand.

We pay our respects to the First Nation Elders of Australia and New Zealand, past, present and emerging.

CRIMINAL LAW PERSPECTIVES

FROM PRINCIPLES TO PRACTICE

John Anderson
Brendon Murphy
Ben Livings
Wendy Kukulies-Smith
Natalia Antolak-Saper
Shireen Daft



CAMBRIDGE
UNIVERSITY PRESS

Cambridge University Press

978-1-108-86820-4 — Criminal Law Perspectives

John Anderson , Brendon Murphy , Ben Livings , Wendy Kukulies-Smith , Natalia Antolak-Saper , Shireen Daft
Frontmatter

[More Information](#)

CAMBRIDGE UNIVERSITY PRESS

University Printing House, Cambridge CB2 8BS, United Kingdom

One Liberty Plaza, 20th Floor, New York, NY 10006, USA

477 Williamstown Road, Port Melbourne, VIC 3207, Australia

314–321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre, New Delhi – 110025, India

79 Anson Road, #06–04/06, Singapore 079906

Cambridge University Press is part of the University of Cambridge.

It furthers the University's mission by disseminating knowledge in the pursuit of education, learning and research at the highest international levels of excellence.

www.cambridge.org

Information on this title: www.cambridge.org/9781108868204

© Cambridge University Press 2021

This publication is copyright. Subject to statutory exception and to the provisions of relevant collective licensing agreements, no reproduction of any part may take place without the written permission of Cambridge University Press.

First published 2021

Cover designed by Marianna Berek-Lewis

Typeset by Integra Software Services Pvt. Ltd

Printed in China by C & C Offset Printing Co., Ltd, September 2020

A catalogue record for this publication is available from the British Library

A catalogue record for this book is available from the National Library of Australia

Additional resources for this publication at www.cambridge.edu.au/academic/criminallaw

ISBN 978-1-108-86820-4 Paperback

Reproduction and communication for educational purposes

The Australian *Copyright Act 1968* (the Act) allows a maximum of one chapter or 10% of the pages of this work, whichever is the greater, to be reproduced and/or communicated by any educational institution for its educational purposes provided that the educational institution (or the body that administers it) has given a remuneration notice to Copyright Agency Limited (CAL) under the Act.

For details of the CAL licence for educational institutions contact:

Copyright Agency Limited

Level 12, 66 Goulburn Street

Sydney NSW 2000

Telephone: (02) 9394 7600

Facsimile: (02) 9394 7601

E-mail: memberservices@copyright.com.au

Cambridge University Press has no responsibility for the persistence or accuracy of URLs for external or third-party internet websites referred to in this publication and does not guarantee that any content on such websites is, or will remain, accurate or appropriate.

CONTENTS

Using your VitalSource enhanced eBook	xviii
List of figures and tables	xxi
Table of cases	xxv
Table of statutes	xxxix
Acknowledgements	lx
Chapter 1 Criminal liability	1
1.1 Introduction	2
1.2 Criminalisation	3
1.2.1 The purposes of the criminal law	3
1.2.1.1 Retribution	3
1.2.1.2 Deterrence	4
1.2.1.3 Incapacitation	4
1.2.1.4 Rehabilitation	4
1.2.1.5 Accountability and denunciation	4
1.2.1.6 Recognition of harm	4
1.2.2 The limits of the criminal law	4
1.2.2.1 The harm principle	5
1.2.2.2 Criminal law as regulator of public morality	6
1.2.2.3 The political nature of criminal law	7
1.2.2.4 Parsimony principle	8
1.2.2.5 Constructing criminal offences	9
1.2.3 The sources of criminal law	11
1.2.3.1 Code and ‘hybrid’ jurisdictions	11
1.2.3.2 Common law jurisdictions	12
1.2.3.3 Code or common law?	12
1.3 Criminal responsibility	14
1.3.1 The burden of proof	14
1.3.2 Who can commit a crime?	17
1.3.2.1 Children	17
1.3.2.2 Mentally impaired	19
1.3.2.3 Corporations	20
1.3.3 Elements of crimes	23
1.3.3.1 Physical element/ <i>actus reus</i> (including voluntariness/ causation)	24

1.3.3.2	The fault element or <i>mens rea</i>	37
1.3.3.3	Contemporaneity of physical and fault elements	41
1.3.3.4	Strict and absolute liability offences	42
1.3.4	Defences	46
1.3.4.1	What factors should be legitimate defences?	46
1.3.4.2	Conceptualising and classifying ‘defences’	48
1.3.4.3	Justifications and excuses	48
1.4	Summary	49
	Key concepts	50
Chapter 2 Criminal procedure		52
2.1	Introduction	53
2.2	Pre-trial procedures	54
2.2.1	Investigation and evidence gathering	56
2.2.1.1	Questioning suspects	56
2.2.1.2	Powers to enter and powers to stop and search	56
2.2.1.3	Forensic procedures	59
2.2.2	Arrest	60
2.2.2.1	Arrest is ‘last resort’	63
2.2.2.2	Use of force	68
2.2.2.3	Evidence Act	69
2.2.2.4	Investigation period	72
2.2.2.5	Prescribed period of detention	73
2.2.3	Right to silence and caution	76
2.2.3.1	Meaning of ‘under arrest’	77
2.2.3.2	Special caution	77
2.2.3.3	Requirements to provide details	77
2.2.3.4	Crime commissions	78
2.2.4	Bail	78
2.2.4.1	When bail is determined	78
2.2.4.2	General considerations for bail	78
2.2.4.3	Thresholds and presumptions against bail	79
2.2.4.4	Bail conditions	81
2.2.4.5	Police bail	83
2.2.4.6	Bail reform	84
2.2.5	Legal representation	87
2.2.5.1	Fair trial	87
2.2.5.2	Legal aid	92
2.2.6	Summary proceedings, committals and preliminary hearings	92
2.2.6.1	Committal	93
2.2.6.2	Preliminary hearings	94
2.3	Trial procedures	95
2.3.1	The prosecution	95

2.3.2	The judge	96
2.3.3	The jury	97
2.3.4	The stages of a trial on indictment	98
2.3.5	Appeals	100
2.3.5.1	The High Court of Australia	100
2.3.5.2	An appeal is a remedy given by statute	100
2.3.5.3	Conviction appeals against guilty verdicts	101
2.3.5.4	Types of appeal	102
2.4	Sentencing	103
2.4.1	Purposes and principles	104
2.4.1.1	Purposes of sentencing	104
2.4.1.2	The principle of proportionality	105
2.4.2	Instinctive synthesis	107
2.4.2.1	Individualised justice	109
2.4.2.2	Aiming for ‘reasonable consistency’	111
2.4.3	The sentencing process	112
2.4.3.1	A judicial function	112
2.4.3.2	Sentencing factors – aggravating and mitigating factors	113
2.4.3.3	Discount for guilty plea	114
2.4.3.4	Victim impact statements	115
2.4.3.5	Current sentencing practice	116
2.4.3.6	Principle of last resort	117
2.4.3.7	Sentencing options	117
2.4.4	Sentencing appeals	117
2.4.4.1	Common law principles governing appellate review	119
2.5	Summary	120
	Key concepts	121
	Problem-solving exercise	122
	Challenge yourself	123
Chapter 3 Summary offences		125
3.1	Introduction	126
3.1.1	The nature of summary offences	127
3.1.2	The importance of statutory interpretation	131
3.1.3	Penalty units and infringement notices	133
3.2	Public order offences	135
3.2.1	Breach of peace	136
3.2.2	Public places	138
3.2.3	Offensive behaviour	143
3.2.3.1	Offensive conduct	148
3.2.3.2	Offensive language	150
3.2.3.3	Freedom of speech and expression	156

3.2.3.4	The reasonable person	161
3.2.3.5	Reasonable excuse	163
3.2.3.6	The problem of <i>mens rea</i>	167
3.2.4	Damage to property	170
3.2.4.1	Property	172
3.2.4.2	Damage	172
3.2.5	Public violence	179
3.2.5.1	Riot	180
3.2.5.2	Affray	182
3.2.5.3	Violent disorder	183
3.2.6	Prostitution and sexual servitude	185
3.2.6.1	The concept of prostitution	186
3.2.6.2	The age of consent	186
3.2.6.3	Soliciting	187
3.3	Traffic offences	189
3.3.1	Key legislation and definitions	190
3.3.2	Roads, drivers and vehicles	191
3.3.2.1	Road	192
3.3.2.2	Driver	194
3.3.2.3	Vehicle	195
3.3.3	Use of the road: licensing, roadworthiness and defects	197
3.3.3.1	Licensing	197
3.3.3.2	Registration	199
3.3.3.3	Road worthiness and defects	199
3.3.4	Conduct on the road: speeding; drink and drug driving	203
3.3.4.1	Speeding	203
3.3.4.2	Drink and drug driving	204
3.3.4.3	Detection	205
3.3.4.4	Penalties	207
3.3.5	Negligent driving	209
3.4	Summary	213
	Key concepts	213
	Problem-solving exercise	214
	Challenge yourself	215
Chapter 4 Assaults and threats		216
4.1	Introduction	217
4.2	The (common law) concept of assault (and battery)	219
4.2.1	Physical element	220
4.2.1.1	Imminence, fear and conditional threats	221
4.2.2	Mental element	230
4.2.2.1	Potential over-inclusiveness of assault definition	231

4.3	Contact assaults	233
4.3.1	Levels of harm	233
4.3.1.1	Significant harm (including diagnosable psychiatric harm)	234
4.3.1.2	Serious harm	235
4.3.1.3	Wounding	236
4.3.2	Offences categorised by reference to degree of harm	236
4.3.2.1	Offences causing significant harm	238
4.3.2.2	Offences of serious harm	238
4.3.2.3	Negligently causing serious harm	238
4.3.2.4	Recklessly causing serious harm	239
4.3.2.5	Intentionally causing serious harm	240
4.3.3	Other aggravating factors	241
4.3.3.1	Use of a weapon	241
4.3.3.2	Vulnerable victims	241
4.3.3.3	Criticisms of particularism	243
4.3.3.4	Female genital mutilation	243
4.4	Consent to physical harm	245
4.4.1	Sports violence	247
4.4.2	Medical procedures and body modification	250
4.5	Non-contact assaults	252
4.5.1	Threats	252
4.5.2	Stalking and intimidation	255
4.6	Domestic/family violence	259
4.6.1	What is domestic violence?	260
4.6.2	Domestic violence and the criminal law	261
4.6.3	Restraining orders	264
4.6.4	Children and violence	266
4.6.4.1	Corporal punishment	266
4.6.4.2	Schools and other institutions acting <i>in loco parentis</i>	268
4.7	Summary	269
	Key concepts	270
	Problem-solving exercise	270
	Challenge yourself	271
Chapter 5 Sexual offences		272
5.1	Introduction	273
5.2	Sex and the criminal law	274
5.3	Rape and sexual assault	278
5.3.1	Rape, sexual assault and the common law	278
5.3.2	The elements of rape	281
5.3.3	Sexual penetration or sexual intercourse	283

5.3.4	The role of consent	286
5.3.5	Consent to the sexual intercourse	287
5.3.5.1	Withdrawal of consent	289
5.3.5.2	The complainant does not have to offer physical resistance	290
5.3.6	Circumstances vitiating consent	290
5.3.6.1	Threats and submissions	290
5.3.6.2	Incapacity	291
5.3.6.3	Intoxication of the complainant	292
5.3.6.4	Mistake	293
5.3.7	Intentional sexual penetration	297
5.3.8	Belief and knowledge about consent	297
5.3.8.1	Reasonable belief	297
5.3.8.2	Recklessness	300
5.3.8.3	Knowledge	302
5.3.8.4	Legislative deeming provisions	302
5.3.9	Intoxication of the accused	303
5.3.10	Jury directions	304
5.4	Other sexual offences	308
5.4.1	Aggravated offences	308
5.4.2	Assault with intent to have sexual intercourse	308
5.4.3	Sexual assault and sexual touching	309
5.4.4	Offences against children	313
5.4.4.1	Age of consent	314
5.4.4.2	Children under care, supervision or authority	319
5.4.4.3	Sexual activity in the presence of a child	320
5.4.5	Sexual offences with people with cognitive impairments	321
5.4.6	Incest between consenting parties	322
5.4.7	Technology and sexual misconduct	323
5.5	Summary	326
	Key concepts	327
	Problem-solving exercise	327
	Challenge yourself	328
Chapter 6 Homicide		329
6.1	Introduction	330
6.2	Murder	333
6.2.1	Contemporary context and incidence of murder	333
6.2.2	The substantive law of murder	336
6.2.3	<i>Actus reus</i> /conduct element of murder	339
6.2.3.1	Death of a human being	339
6.2.3.2	Voluntariness	342
6.2.3.3	Causation	344
6.2.3.4	Omission	349

6.2.4	<i>Mens rea</i> /mental element of murder	349
6.2.4.1	Intention to kill	350
6.2.4.2	Intention to inflict grievous bodily harm	354
6.2.4.3	Reckless indifference to human life or to causing grievous bodily harm	355
6.2.5	Constructive murder	360
6.3	Involuntary manslaughter	364
6.3.1	Unlawful and dangerous acts	364
6.3.1.1	General	364
6.3.1.2	An unlawful act	367
6.3.1.3	A dangerous act	372
6.3.2	Criminal negligence	376
6.3.2.1	General	376
6.3.2.2	Specific requirements of this category in light of relevant case law	378
6.3.3	Industrial manslaughter	390
6.4	Other unlawful conduct causing death	396
6.4.1	Assault causing death	396
6.4.2	Supply of drugs causing death	400
6.4.3	Culpable or dangerous driving causing death	402
6.4.4	Infanticide	408
6.4.5	Assisted suicide and euthanasia	410
6.5	Summary	414
	Key concepts	416
	Problem-solving exercise	417
	Challenge yourself	418
Chapter 7 Defences		420
7.1	Introduction	421
7.2	Mental state defences	422
7.2.1	Insanity, mental illness, mental impairment	422
7.2.1.1	Elements of the defence of insanity in NSW	425
7.2.1.2	Elements of the defence of insanity in Victoria	432
7.2.1.3	Elements of the defence of insanity in the ACT	436
7.2.2	Automatism	439
7.2.3	Diminished responsibility	444
7.2.4	Provocation	446
7.2.4.1	Victoria	447
7.2.4.2	ACT	447
7.2.4.3	NSW	448
7.2.5	Infanticide	454
7.2.6	Intoxication	455

7.2.6.1	NSW and the ACT	456
7.2.6.2	Victoria	456
7.2.6.3	Relevance to ‘voluntariness’	457
7.2.6.4	Relevance to fault element	457
7.3	Self-help defences	464
7.3.1	Self-defence	465
7.3.1.1	NSW	466
7.3.1.2	Victoria	468
7.3.1.3	ACT	470
7.3.2	Duress	474
7.3.3	Necessity	477
7.3.3.1	The law of necessity	485
7.4	Summary	486
	Key concepts	487
	Problem-solving exercise	487
	Challenge yourself	488
Chapter 8 Property offences		489
8.1	Introduction	490
8.2	Property offences framework in Victoria and the ACT	492
8.3	The offence of theft in Victoria and the ACT	493
8.3.1	<i>Actus reus</i> of theft	494
8.3.1.1	Property belonging to another	494
8.3.1.2	Appropriation	505
8.3.2	<i>Mens rea</i> of theft	513
8.3.2.1	Intention to permanently deprive	514
8.3.2.2	Dishonesty	516
8.4	Fraud offences in Victoria and the ACT	521
8.4.1	Obtaining property and financial advantage by deception	521
8.4.1.1	Obtaining by deception	522
8.4.1.2	Financial advantage	524
8.4.2	General dishonesty and conspiracy to defraud	524
8.5	Robbery and burglary in Victoria and the ACT	525
8.5.1	Robbery	526
8.5.1.1	Force/fear of force	526
8.5.1.2	Immediately before or at the time of committing the theft	528
8.5.1.3	An intention to use force or the threat of force in order to steal	528
8.5.2	Burglary	528
8.5.3	<i>Actus reus</i> of the offence of burglary	529
8.5.3.1	Entry as a trespasser	529
8.5.3.2	The role of consent	531

8.5.3.3	Of any building (or part of a building)	534
8.5.3.4	An intention to steal or commit a prescribed offence	535
8.6	Aggravated offences of robbery and burglary in Victoria and the ACT	535
8.6.1	Firearm, imitation firearm, offensive weapon, explosive or imitation explosive	536
8.6.1.1	Made or adapted for use	537
8.7	Property offences framework in NSW	538
8.8	The offence of larceny in NSW	538
8.8.1	<i>Actus reus</i> of the offence of larceny	539
8.8.1.1	Taken and carried away	539
8.8.1.2	Property capable of being stolen	540
8.8.1.3	In possession of another	540
8.8.1.4	Without consent of the owner	541
8.8.1.5	Abandoned property	544
8.8.1.6	Larceny by finding	544
8.8.1.7	Larceny by mistake	545
8.8.1.8	Property already stolen	548
8.8.2	<i>Mens rea</i> for the offence of larceny	549
8.8.2.1	Intention to permanently deprive the owner	549
8.8.2.2	Claim of right	549
8.8.2.3	Fraudulently	551
8.8.2.4	Larceny by a bailee	551
8.9	Fraud in NSW	552
8.9.1	The elements of fraud	553
8.9.1.1	Deception	553
8.9.1.2	Causation	554
8.9.1.3	Obtaining property, financial advantage or causing financial disadvantage	554
8.9.1.4	Dishonesty	554
8.10	Robbery in NSW	556
8.10.1	Breaking and entering	558
8.10.1.1	Breaking	558
8.10.1.2	Entering	558
8.10.1.3	Sentencing for breaking and entering and circumstances of aggravation	559
8.10.2	Implements of housebreaking	560
8.10.3	Receiving stolen property	560
8.11	Summary	561
	Key concepts	561
	Problem-solving exercises	562
	Challenge yourself	562

Chapter 9 Drug offences	564
9.1 Introduction	566
9.1.1 The problem of terminology	566
9.1.2 Prevalence of drug use in Australia	568
9.1.3 Drug offence classification	571
9.1.4 Policy	572
9.1.5 Hierarchy of drug offences	575
9.2 Core sources of law	579
9.2.1 Relevant constitutional provisions	579
9.2.2 International law	580
9.2.3 Commonwealth law	581
9.2.4 State law	581
9.2.5 State/federal overlap	582
9.3 Prohibited drugs, precursors and controlled medicines	583
9.3.1 Prohibited drugs and precursors	583
9.3.1.1 Defined substances	583
9.3.1.2 Prohibited plants	585
9.3.1.3 Analogues	585
9.3.1.4 Admixtures	585
9.3.1.5 Representations	587
9.3.1.6 Psychoactive substances	587
9.3.1.7 Poisons and restricted substances	587
9.3.2 Precursors	589
9.3.3 Certification and analysis	589
9.4 Possession	590
9.4.1 Physical elements of possession	590
9.4.2 Mental elements of possession	597
9.4.3 Possession for the purpose of supply	599
9.4.4 Theorising the elements of possession	600
9.5 Supply and trafficking	601
9.5.1 ACT	601
9.5.2 Commonwealth	603
9.5.3 NSW	603
9.5.4 Victoria	604
9.5.5 Physical element(s) of supply/trafficking	607
9.5.6 Mental elements of supply and trafficking	610
9.5.7 Offences involving children	615
9.5.8 Escalating quantities and liability	617
9.6 Manufacture	622
9.6.1 ACT	622
9.6.2 Commonwealth	624
9.6.3 NSW	624

9.6.4	Victoria	625
9.6.5	The elements of manufacturing offences	625
9.7	Cultivation	628
9.7.1	ACT	630
9.7.2	Commonwealth	630
9.7.3	NSW	631
9.7.4	Victoria	631
9.7.5	The elements of cultivation offences	631
9.8	Importation	636
9.9	Summary	645
	Key concepts	646
	Problem-solving exercise	647
	Challenge yourself	648
Chapter 10 Federal offences		649
10.1	Introduction	650
10.1.1	Constitutional framework	652
10.1.2	Federal geographic jurisdiction	655
10.1.2.1	Commonwealth land	656
10.1.2.2	Standard geographic jurisdiction	657
10.1.2.3	Extended geographic jurisdiction	657
10.1.2.4	Extended geographic jurisdiction (Category A)	658
10.1.2.5	Extended geographic jurisdiction (Category B)	658
10.1.2.6	Extended geographic jurisdiction (Category C)	658
10.1.2.7	Extended geographic jurisdiction (Category D)	658
10.1.3	Main sources of federal law	661
10.1.4	Principles of federal liability	662
10.1.4.1	Indictable and summary disposal	665
10.2	Terrorism	666
10.2.1	Definitions of terrorism	668
10.2.2	Terrorist acts and organisations	671
10.2.3	Terrorist financing and support	683
10.2.4	Preventing terrorism and criminal procedure	686
10.2.4.1	Links with intelligence agencies	687
10.2.4.2	Overlapping state investigations law	687
10.2.4.3	Control orders	688
10.2.4.4	Preventative detention	689
10.2.4.5	Continuing detention	690
10.3	Organised crime	692
10.3.1	Commonwealth law concerning criminal associations and organisations	698

10.3.1.1	Associating in support of serious organised criminal activity	699
10.3.1.2	Supporting a criminal organisation	704
10.3.1.3	Committing an offence for the benefit, or under direction, of a criminal organisation	706
10.3.1.4	Directing a criminal organisation	709
10.3.2	State laws concerned with criminal associations and organisations	712
10.3.2.1	ACT	712
10.3.2.2	NSW	712
10.3.2.3	Victoria	717
10.3.2.4	Conditions for organisations	718
10.3.2.5	Conditions for individuals	718
10.3.2.6	Unlawful association	719
10.3.2.7	Summary	719
10.3.3	Outlawed motorcycle gangs	720
10.4	Offences against humanity	721
10.4.1	Slavery	721
10.4.2	People smuggling and trafficking	729
10.4.2.1	People smuggling	729
10.4.2.2	Trafficking in human beings	735
10.4.3	Child exploitation	741
10.5	Cybercrime	746
10.5.1	Hacking and other online interference	747
10.5.1.1	What is a 'computer'?	748
10.5.1.2	Unauthorised access, modification or impairment with intent to commit a serious offence	748
10.5.1.3	Unauthorised modification of data to cause impairment	749
10.5.1.4	Unauthorised impairment of electronic communication	749
10.5.1.5	Division 478 offences	750
10.5.2	Child pornography	753
10.5.2.1	The meaning of 'child'	755
10.5.2.2	The distinction between pornography and abuse material	756
10.5.2.3	Assessing offensiveness	756
10.5.2.4	Private sexual content and the age of subjects	762
10.5.2.5	Offences concerned with online child pornography	763
10.5.2.6	Interpretation principles	765
10.5.2.7	The fault elements	766
10.5.2.8	The meaning of carriage service	766
10.5.2.9	Aggravated offences	767
10.5.2.10	Streaming sex offences	768
10.5.2.11	Planning and grooming	768
10.5.2.12	Defences	771
10.5.2.13	Offences involving child pornography outside Australia	772
10.6	Summary	775

Key concepts	776
Problem-solving exercise	776
Challenge yourself	777
Chapter 11 Extending criminal responsibility	778
11.1 Introduction	779
11.2 Inchoate offences	780
11.2.1 Attempt	780
11.2.1.1 Conduct elements	781
11.2.1.2 Mental element	785
11.2.2 Other preparatory offences	788
11.2.3 Conspiracy	789
11.2.3.1 Sources of conspiracy offences	790
11.2.3.2 Statutory sources – physical element	792
11.2.3.3 Statutory sources – fault element	793
11.2.3.4 Construction of conspiracy at common law	795
11.2.3.5 The unlawful act and factual impossibility	800
11.2.4 Incitement	802
11.3 Complicity	805
11.3.1 Primary and derivative liability	805
11.3.1.1 Accessorial liability: aiding, abetting, counselling and procuring	806
11.3.1.2 Acting in concert, joint criminal enterprise, common purpose	816
11.3.1.3 Innocent agency	834
11.3.2 Accessory after the fact	835
11.4 Summary	838
Key concepts	838
Problem-solving exercise	839
Challenge yourself	841
Index	842

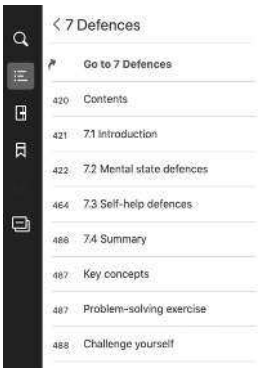
Using your VitalSource enhanced eBook

Once you have redeemed your VitalSource access code (see the inside front cover for instructions), the enhanced eBook will be available through your VitalSource account, accessible through the VitalSource Bookshelf website or the VitalSource Bookshelf app, available on all major platforms. The navigation instructions below provide a general overview of the main features available in the enhanced eBook.

VitalSource features

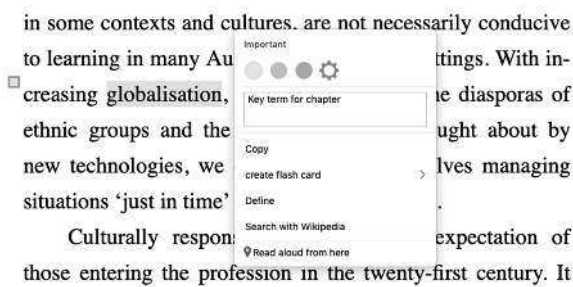
Navigation and search

Move between pages and sections in multiple ways, including via the linked table of contents and the search tool.



Highlight

Highlight text with one click in your choice of colours. Add notes to the highlighted passages.



Read aloud

VitalSource Bookshelf includes a read aloud feature. Controls can be used to increase or decrease the reading speed, or alter the voice. The feature will remember where you left off and will not be disrupted by navigation to other sections of the book.

Book features

The VitalSource eBook houses a number of interactive features, outlined below.



This icon is used throughout the textbook to indicate that a guided response is available in the VitalSource eBook. Note that all solution pop-ups can be moved about the page.

Jurisdictional tables

The various state Acts, or specific sections, listed within the textbook’s tables are linked to full versions of these texts.

Case links

Where available, a link to the full case under discussion in the case boxes has been provided at the start of the box.

R v Falconer (1990) 171 CLR 30

Case link: [R v Falconer \[1990\] HCA 49; \(1990\) 171 CLR 30](#)

Facts

Mary Sandra Falconer was convicted before the Supreme Court of Western Australia of the wilful murder of her husband Gordon Robert Falconer on 9 October 1988. The deceased was killed when Mrs

Case questions

Respond to the questions and use the guided solutions to assess your response.

Question

Under the common law, is there a presumption of sanity?

Yes, there is a presumption of sanity under the common law.

Yes, the Court stated: 'We have to submit our opinion to be, that the jurors ought to be told in all cases that every man is to be presumed to be sane and to possess a sufficient degree of reason to be responsible for his crimes, until the contrary be proved to their satisfaction.'

Submit

Review questions

Respond to the review questions at the end of each major section and use the guided solutions to assess your response.

Review questions

(1) Is self-defence a purely subjective test?

No. The test has two parts and requires both subjective and objective assessments.

No. The test has two parts and requires both subjective and objective assessments.

(2) The judgment of Brookes LJ in *Re A (Conjoined Twins)* [2001] 2 WLR 480 draws on historical material dating back over 700 years and a diverse range of views as to the appropriate scope of the necessity defence. Do any of the views expressed and arguments put forward particularly appeal to you? Do you find any of them objectionable?

The views put forward that particularly appeal to me

There is no right answer to this question. It is asking you to consider more deeply the issues raised in the judgment and reflect on the policy questions inherent in the operation of the criminal law. You may wish to do some broader research and write an extended response to this question.

(3) For conduct to be considered as being done under duress does the threat have to be present, continuing and imminent?

Under the common law the threat does have to be present, continuing and imminent (see *R v Hurley and Murray* [1967] VR 526). In Victoria and the ACT, there is no express requirement that the threat be present, continuing and imminent. However, where the accused knows that a threat has expired, they are unlikely to be able to reasonably believe that

Under the common law the threat does have to be present, continuing and imminent (see *R v Hurley and Murray* [1967] VR 526). In Victoria and the ACT, there is no express requirement that the threat be present, continuing and imminent. However, where the accused knows that a threat has expired, they are unlikely to be able to reasonably believe that

Submit

Problem-solving exercises

Respond to the problem-solving exercise(s) at the end of each chapter and use the guided solutions to assess your response.

Problem-solving exercise

This question should be answered based upon your jurisdiction. In each case assume the facts occur at an inner-city train stop.

David is a drug dealer. He is owed money by Vincent, who is also a drug dealer. While in the centre of the city one night, David sees Vincent get out of a car and walk out of sight. David walks around a corner and looks for Vincent. He finds him at the end of a tram platform engaged in drug deal. David puts on a balaclava mask and walk towards him. David says, "Vincent, we are over. Pay up now or you are going to feel some pain." David then runs towards Vincent and punches him in the chest. Vincent staggers backwards. Vincent pulls out a knife and moves quickly towards David. David kicks out towards Vincent and hits him hard in the knee. Vincent says, "Enough of this shit, you are dead". He catches David with the knife and then rips off David's balaclava. David is panicked and pushes Vincent onto the tram tracks in front of an oncoming train. Vincent falls onto the tracks and is crushed by the moving train. Paramedics arrive and free Vincent from under the train and take him to hospital, where both of his legs have to be amputated. The whole incident is captured on CCTV. Within minutes, police arrive on the scene and arrest David. David says to the police, "He was going to stab me. I had to push him under the train. David is arrested and charged with inflicting grievous bodily harm/serious injury.

Advise the prosecutor as to whether self-defence can be negated beyond reasonable doubt.

Self-defence is set out in s 418 Crimes Act (NSW) and if the prosecution cannot negate the conduct was taken

ACT

For offences of inflicting GBH in the ACT, the common law *Zecovic* test applies:

The question to be asked in the end is quite simple. It is whether the accused believed upon reasonable grounds that it was necessary in self-defence to do what he did. If he had that belief and there were reasonable grounds for it, or if the jury is left in reasonable doubt about the matter, then he is entitled to an acquittal. Stated in that form, the question is one

Submit

Challenge yourself exercises

Respond to the challenge yourself exercise at the end of each chapter and use the guided solutions to assess your response.

Challenge yourself

This question should be answered based upon your jurisdiction. In each case, assume the facts occur in a house in a city suburb within your jurisdiction.

Emily has been charged with the murder of her neighbour, Doris. At the time of the killing, Emily was experiencing undiagnosed schizophrenia which resulted in her experiencing paranoid delusions and aural hallucinations. On the day of the offence, Emily had not slept for 48 hours as a result of her intense hallucinations. These hallucinations suggested to her that her neighbour was about to enter her house. When Doris opened the door, Emily started shouting and screaming. Doris was terrified and fled. Emily then rested and charged with inflicting GBH/serious injury.

Advise Emily as to her mental impairment.

We assume that Emily is not unfit to stand trial and therefore (impairment) is not a complete defence; rather, it would lead to a finding that Emily was not mentally impaired. Defence will need to overcome this presumption that Emily was not mentally impaired.

ACT and Victoria

The statutory tests in both ACT and Victoria direct attention to the same propositions. Both require a consideration of whether an offender is:

Submit

FIGURES AND TABLES

Figures

1.1	Determining whether a person has reached the age of criminal responsibility	18
2.1	The pre-trial phase	55
2.2	Key features of NSW bail decisions: Show cause requirement	79
2.3	Key features of NSW bail decisions: Unacceptable risk test	80
2.4	Key features of Victorian bail decisions: Which tests apply?	81
2.5	Key features of Victorian bail decisions: Exceptional circumstances and unacceptable risk tests	82
2.6	Key features of Victorian bail decisions: Show compelling reason and unacceptable risk tests	83
2.7	Key features of Victorian bail decisions: Unacceptable risk test	84
2.8	Court hierarchy	101
3.1	Categories of offence	130
3.2	Aspects of offensive language	146
3.3	Elements of riot	180
3.4	Elements of affray	182
3.5	Elements of violent disorder	183
5.1	The offence of rape (Vic)	281
5.2	The offence of sexual assault (NSW)	282
5.3	The offence of sexual assault (Vic)	311
8.1	Property offences	491
9.1	<i>Actus reus</i> of possession	600
9.2	<i>Mens rea</i> of possession	601
9.3	Supply	607
9.4	Physical element of manufacture	626
9.5	Mental element of manufacture	626
9.6	Physical element of cultivation	632

9.7	Mental element of cultivation	632
9.8	Importation-related offences	638
9.9	A typical importation offence based on s 307.1	639
10.1	Physical and mental elements of terrorism	672
10.2	Trafficking in human beings	736
10.3	Child pornography offences	766
10.4	Child pornography offences outside Australia	773
11.1	Timeline of stages for inchoate offences	782

Tables

1.1	Selective international comparison of minimum ages of criminal responsibility	19
2.1	Police force	54
2.2	Forensic procedure legislation	60
2.3	Arrest without warrant legislative provisions	63
2.4	Use of force	69
2.5	Investigation period	73
2.6	Bail legislation	78
2.7	Legislation conferring jurisdiction upon Summary Courts	93
2.8	Majority verdicts	98
2.9	Legislation governing the trial process	99
2.10	Listed purposes of sentencing	105
2.11	Guilty pleas	115
2.12	Victim impact statements	116
2.13	Availability of sentencing options	118
3.1	Comparative penalty units	134
3.2	Comparative definitions of public place	139
3.3	Comparative offensive conduct provisions	148
3.4	Comparative damage to property provisions	171
3.5	Comparative property definitions	173
3.6	Comparative public violence provisions	180
3.7	Comparative soliciting provisions	188
3.8	Comparative road legislation	190
3.9	Comparative ARR integration	191

3.10	Comparative driver definitions	194
3.11	Comparative vehicle definitions	196
3.12	Comparative licensing penalties	198
3.13	Comparative powers to detect and issue defect notices	200
3.14	Comparative defect definitions	201
3.15	Typical points of assessment in safety standards	202
3.16	Comparative speeding offences	204
3.17	Comparative levels of prescribed concentrations of alcohol	205
3.18	Comparison of all the penalties available for this offence framework as it operates in NSW	207
3.19	Comparative negligent driving charges	210
4.1	Levels of harm	234
4.2	Offences categorised by reference to degree of harm	237
4.3	Restraining orders	265
5.1	Different terminology for sexual assault offences	275
5.2	Examples of sexual acts and legislative sexual offences	285
5.3	Withdrawal of consent to sexual intercourse	289
5.4	Mistake as to consent	294
6.1	Murder offences in the other selected Australian jurisdictions	338
6.2	Driving causing death and serious injuries across the jurisdictions	403
7.1	Mental state defences compared	423
7.2	Jurisdictional overview of the insanity defence	424
7.3	Comparing diminished responsibility and mental disorder	444
7.4	Jurisdictional overview of self-help defences	465
8.1	Legislative provisions relating to property offences	492
8.2	The elements of theft	494
8.3	The element of obtaining by deception	522
8.4	The elements of robbery	526
8.5	The elements of burglary	529
8.6	The elements of larceny	539
8.7	The elements of fraud	552
9.1	Drug use in Australia	570
9.2	Drug offence classification	572
9.3	Offence provisions in each state	582

9.4	Substance definitions	584
9.5	Prohibited plants	586
9.6	Poisons list (NSW)	588
9.7	Supply and trafficking	606
9.8	Quantities	618
9.9	Definitions of manufacture	623
9.10	Definitions of cultivation	629
10.1	Constitutional heads of power in Commonwealth criminal law	654
10.2	Federal geographic jurisdiction	659
10.3	Offences relating to geographic jurisdiction	660
10.4	Control orders	688
10.5	Restrictions and obligations of control orders	689
10.6	Offences involving children or young persons outside Australia	742
10.7	Defences	743
10.8	Computer-based offences	750
10.9	ANVIL scale	754
10.10	Offences concerned with online child pornography	764
10.11	Fault elements	767
10.12	Defences	772

TABLE OF CASES

- AB v The Queen* (1999) 198 CLR 111, 109, 120
Abbas v The Queen (2013) 231 A Crim R 413, 130, 578
Abdallab v The Queen [2016] NSWCCA 34, 467
Adams v Kennedy (2009) 49 NSWLR 78, 60, 61–2
Adams v The Queen (2008) 234 CLR 143, 576
Aidid v The Queen (2010) 25 VR 593, 347
Akbulut v Grimsbaw [1998] 3 VR 756, 495
Al-Qassim v The Queen [2009] VSCA 192, 807
AM v The Queen [2011] NSWCCA 237, 299
Ancuta v The Queen [1991] 2 Qd R 413, 810
Anderson v Attorney-General (NSW) (1987) 10 NSWLR 198, 180
Andreus v Director of Public Prosecutions [1937] AC 576, 370, 376
Appeal Against Conviction and Sentence by William Kilpatrick Against Her Majesty's Advocate
 [2014] Scot HC HCJAC 73, 136
Apps v The Queen [2006] NSWCCA 290, 350
Assange v Swedish Prosecution Authority [2011] EWHC 2849, 296
Attorney-General (NSW) v Milat (1995) 37 NSWLR 370, 88, 90–1
Attorney-General's Application Under Section 37 Crimes (Sentencing Procedure) Act 1991 No. 1 of
 2002 (2002) 56 NSWLR 146, 578
Attorney-General's Reference (No 1 of 1975) [1975] QB 773, 806
Aubrey v The Queen (2017) 260 CLR 305, 240
- BA v The Queen* [2015] NSWCCA 189, 285
Ball v McIntyre (1966) 9 FLR 237, 146–7, 153, 162
Banditt v The Queen (2005) 224 CLR 262, 302
Barbaro v The Queen [2012] VSCA 288, 575
Barbaro v The Queen (2014) 253 CLR 58, 109, 111, 112–13, 117, 119
Barker v The Queen (1983) 153 CLR 338, 529, 531–4, 558
Barrington v Austin [1939] SASR 130, 150
Baruday v The Queen [1984] VR 685, 508–10
Baxter v Ab Way (1909) 8 CLR 626, 651
Begley v Police (1995) 66 SASR 514, 186
Benbrika v The Queen (2010) 29 VR 593, 680–3
Bhattacharya v New South Wales [2003] NSWSC 261, 137
Biddle v Victoria [2015] VSC 275, 60
Bifel v The Queen [2013] VSCA 82, 732
Billing v Pill [1954] 1 QB 70, 540
Blackwell v The Queen (2011) 81 NSWLR 119, 812
Bloodsworth v The Queen [2019] NSWCCA 260, 823–4
Bouch v The Queen (2017) 270 A Crim R 478, 404, 405
Boughey v The Queen (1986) 161 CLR 10, 354
Bratty v Attorney-General (Northern Ireland) [1963] AC 368, 433
Briginsbau v Briginsbau (1938) 60 CLR 336, 717
Britten v Alpogut [1987] VR 929, 785–6
Brown v The Queen (1986) 160 CLR 171, 97
Bruce v Williams (1989) 46 A Crim R 122, 810
Bugmy v The Queen (2013) 249 CLR 571, 110

Burns v The Queen (2012) 246 CLR 334, 368–9, 373, 378

Calderwood v The Queen (2007) 172 A Crim R 208, 640

Campbell v The Queen (2008) 73 NSWLR 272, 655

Campbell v The Queen (2014) 312 ALR 129, 358–9

Carroll v The Queen (2009) 83 ALJR 579, 119

Chamberlain v The Queen (No 2) (1984) 153 CLR 521, 102

Charbaji v The Queen [2019] NSWCCA 28, 350

Chidiac v The Queen (1991) 171 CLR 432, 102

Christie v Leachinsky [1947] AC 573, 60

Clayton, Hartwick and Hartwick v The Queen (2006) 231 ALR 500, 822, 826, 830–1, 832

Coleman v Director of Public Prosecutions (2000) 49 NSWLR 371, 188

Coleman v Power (2004) 220 CLR 1, 157–8, 161, 162

Collins v Wilcock [1984] 1 WLR 1172, 232

Commissioner for Railways (NSW) v Cavanough (1935) 53 CLR 220, 100

Commonwealth v Tasmania (1983) 158 CLR 1, 651

Cooper v The Queen [2012] VSCA 32, 769–71

Connors v Craigie (1994) 76 A Crim R 502, 153, 164–5

Corbett v Corbett (1971) P 83, 286

Cranssen v The King (1936) 55 CLR 509, 118

Croton v The Queen (1967) 117 CLR 326, 541–4

Crickitt v The Queen [2018] NSWCCA 240, 349

Croxford v The Queen (2011) 34 VR 277, 808, 816

CTM v The Queen (2008) 236 CLR 440, 187, 316–18

Daemar v Corporate Affairs Commission (4 September 1990, CA 40359.89), 66

Dal Cortivo v The Queen [2010] ACTCA 14, 470

Davey v Lee [1967] 2 All ER 423, 784

Delk v The Queen (1999) 46 NSWLR 340, 557

Des Rosiers v The Queen (2006) 159 A Crim R 549, 576

Devine v The Queen (1967) 119 CLR 506, 137

Dietrich v The Queen (1992) 177 CLR 292, 88–90

Dinsdale v The Queen (2000) 202 CLR 321, 118

Director of Public Prosecutions v Brooks [1974] AC 862, 540, 592–3

Director of Public Prosecutions v Carr (2002) 127 A Crim R 151, 64–8

Director of Public Prosecutions v Colosimo (2005) 64 NSWLR 643, 183

Director of Public Prosecutions v Fabriczy (2010) 30 VR 632, 789

Director of Public Prosecutions v Fraser & O'Donnell [2008] NSWSC 244, 174–5, 176

Director of Public Prosecutions v JWH (NSW Supreme Court, 17 October 1997, Hulme J), 230

Director of Public Prosecutions v Morgan [1976] AC 182, 278, 297, 302, 303

Director of Public Prosecutions v Newbury and Jones [1977] AC 500, 364, 366, 372, 375

Director of Public Prosecutions v Nock [1978] AC 979, 800, 801

Director of Public Prosecutions v Ray [1974] AC 370, 522–3, 553

Director of Public Prosecutions v Russell (2014) 44 VR 471, 182

Director of Public Prosecutions v Shannon [1975] AC 717, 799

Director of Public Prosecutions v Smith [1961] AC 290, 354

Director of Public Prosecutions v Sokaluk (2013) 228 A Crim R 189, 414

Director of Public Prosecutions v Spong (2018) 13 ACTLR 292, 405

Director of Public Prosecutions v Stonehouse [1978] AC 55, 783–4

Director of Public Prosecutions v Vella [1999] NSWSC 49, 408

Director of Public Prosecutions v Watson (2016) 259 A Crim R 327, 768

Director of Public Prosecutions v Withers [1975] AC 482, 789

Director of Public Prosecutions v Woodward (2006) 164 A Crim R 22, 536

Director of Public Prosecutions (Cth) v Ho [2009] VSC 437, 721

Director of Public prosecutions (Northern Ireland) v Lynch [1975] AC 653, 474

Director of Public Prosecutions (NSW) v Matheus-Hunter (2014) 242 A Crim R 319, 178

Director of Public Prosecutions (NSW) v Yeo (2008) 188 A Crim R 82, 211, 408

Director of Public Prosecutions (Vic) v Dalglish (a pseudonym) (2017) 262 CLR 428, 109, 110, 116

Director of Public Prosecutions (Vic) v Lawson (No 3) (2012) 226 A Crim R 138, 347

Director of Public Prosecutions Reference No 1 of 2017 (2019) 93 ALJR 424, 99

Donaldson v Broomby (1982) 60 FLR 124, 60

Donoghue v Coombe (1987) 45 SASR 330, 544

Doodeward v Spence (1908) 6 CLR 406, 540

Dowe v Commissioner of the New South Wales Crime Commission (2006) 206 FLR 1, 703

Dziduch v The Queen (1990) 47 A Crim R 378, 465

Eager v Smith (1998) 38 A Crim R 272, 633

Eastman v The Queen (2000) 203 CLR 1, 102

Edwards v Baugh (1843) 152 ER 962, 556

Edwards v Raabe (2000) 117 A Crim R 191, 137

El-Haddad v The Queen (2015) 88 nSWLR 93, 642–4

Elias v The Queen (2013) 248 CLR 483, 110

Ellis v Lawson (1987) 33 A Crim R 69, 544

Elomar v The Queen [2018] NSWCCA 224, 792

Esmaili v The Queen [2020] VSCA 63, 400

Fagan v Commissioner of Metropolitan Police [1969] 1 QB 439, 42, 219–20, 229–30, 232, 245

Farab Constructions v Say-Dee Pty Ltd (2007) 230 CLR 89, 132

Fardon v Attorney-General (Qld) (2004) 223 CLR 575, 691

Field v Receiver of Metropolitan Police [1907] 2 KB 853, 180

Fisher v Bennett (1987) 85 FLR 469, 524

Fitzgerald v Kennard (1995) 38 NSWLR 184, 146

Fleet v District Court [1999] NSWCA 363, 66

Forbes v Traders Finance Ltd (1970) 126 CLR 429, 640

Foster v The Queen (1967) 118 CLR 117, 549

FP v The Queen (2012) 224 A Crim R 82, 807

Gall v The Queen [2015] NSWCCA 69, 836

Gammon Ltd v Attorney-General of Hong Kong [1985] 1 AC 1, 43

Garth v The Queen (2016) 341 A Crim R 620, 399

GAS v The Queen (2004) 217 CLR 198, 112

George v Rockett (1990) 170 CLR 104, 58

Gerakiteys v The Queen (1984) 153 CLR 317, 793–5, 798

Ghamrawi v The Queen (2017) 95 NSWLR 405, 558

Gillard v The Queen (2003) 219 CLR 1, 817, 822, 826, 827, 831

Gillard v The Queen (2014) 308 ALR 190, 303

Giorgianni v The Queen (1985) 156 CLR 473, 804, 806, 809–11, 814, 829, 830

Gipp v The Queen (1998) 194 CLR 106, 100

Giretti v The Queen (1986) 24 A Crim R 112, 605

Grajewski v Director of Public Prosecutions (NSW) (2019) 264 CLR 470, 176–7

Green v The Queen (1971) 126 CLR 28, 15

Green v The Queen (1997) 191 CLR 334, 450–4

Grozdanov v The Queen (2012) 34 VR 426, 634–6

Hammond v The Queen [2008] NSWCCA 138, 176

Hampson v Martin [1981] 2 NSWLR 82, 195

Haoui v The Queen (2008) 188 A Crim R 331, 354

Hardman v Mineban (2003) 57 NSWLR 390, 141

Harris v Harrison [1963] Crim LR 497, 550

Harris v The Queen (1954) 90 CLR 652, 118

Haskins v Commonwealth (2011) 244 CLR 22, 653

Haughton v Smith [1975] AC 476, 785, 800, 801

Hawi v The Queen (2014) 244 A Crim R 169, 720

He Kaw Teh v The Queen (1985) 157 CLR 523, 43–4, 131, 593, 597–8, 610, 611, 613, 640

- Herodotou v The Queen* [2018] VSCA 253, 344
Heydarkhani v The Queen (2014) 240 A Crim R 19, 732
Hili v The Queen (2010) 242 CLR 520, 109, 111–12
HL Bolton (Engineering) Co Ltd v TJ Grabam & Sons Ltd [1975] 1 QB 159, 21
HM Advocate v Harris [2010] HCJAC 102, 136
Hoare v The Queen (1989) 167 CLR 348, 106
Horne v Coleman (1929) 46 WN (NSW) 30, 62
Hough v Ab Sam (1912) 15 CLR 452, 651
House v The King (1936) 55 CLR 499, 118, 119, 120
Hudd v The Queen [2013] NSWCCA 57, 362
Hudson v Entsch (2005) 216 ALR 188, 804
Huynh, Duong and Sem v The Queen (2013) 295 ALR 624, 817, 821–3
Hyam v Director of Public Prosecutions [1975] AC 55, 351
- I v Director of Public Prosecutions* [2002] 1 AC 285, 183
IL v The Queen (2017) 262 CLR 268, 360, 819–20
Ilich v The Queen (1987) 162 CLR 110, 538–9, 541, 545–8
Inegbedion v The Queen [2013] NSWCCA 291, 782, 785
Ingram v The Queen [1972] Tas SR 250, 282
Innes v The Queen (2018) 272 A Crim R 351, 755
Innes v Weate [1984] Tas R 14, 137
Invicta Plastics Ltd v Clare [1976] Crim LR 131, 411
ISJ v The Queen (2012) 38 VR 23, 305
Ivey v Genting Casinos [2017] UKSC 67, 41
- Jago v District Court of New South Wales* (1989) 168 CLR 23, 87–8
Jarrett v The Queen (2014) 86 NSWLR 623, 306–7
Jiminez v The Queen (1992) 173 CLR 572, 25, 406
Johns v The Queen (1980) 143 CLR 108, 827
Jones v The Queen (2010) 242 CLR 520, 109
Jopar v The Queen (2013) 44 VR 695, 732
Justins v The Queen (2010) 79 NSWLR 544, 412
- KA v The Queen* (2015) 251 A Crim R 308, 823
Kable v Director of Public Prosecutions (1997) 189 CLR 51, 691
Kable v Director of Public Prosecutions (NSW) (1995) 36 NSWLR 374, 110
Kaitamaki v The Queen [1985] AC 147, 284
Kalajzich and Orrock v The Queen (1989) 39 A Crim R 415, 797
Kanaan v The Queen [2006] NSWCCA 109, 816
Kapeliotis and Mari v The Queen (1995) 82 A Crim R 300, 800
Karpik v Zisis (1979) 5 Petty Sessions Review 2055, 163–4
Kennison v Daire (1985) 38 SASR 404, 522
Kennison v Daire (1986) 160 CLR 129, 544, 554
Kidman v Commonwealth (1925) 37 CLR 233, 651
King v The Queen (2012) 245 CLR 588, 378, 405
Knight v The Queen (1992) 175 CLR 495, 102, 786
Knüller (Publishing & Promotions) Ltd v Director of Public Prosecutions [1973] AC 435, 789
KRM v The Queen (2001) 206 CLR 221, 653
Kuczborski v Queensland (2014) 254 CLR 51, 720
Kural v The Queen (1987) 162 CLR 502, 598–9, 610
Kuru v New South Wales (2008) 236 CLR 1, 137
- La Fontaine v The Queen* (1976) 136 CLR 62, 351, 352, 356, 357
Lacey v Attorney-General (Qld) (2011) 242 CLR 573, 111
LAL v The Queen [2011] VSCA 111, 807
Lancaster v Hyde [2016] ACTSC 50, 184
Lane v The Queen (2013) 241 A Crim R 321, 340–1

- Lange v Australian Broadcasting Corporation* (1997) 189 CLR 520, 157, 158
Lazarus v The Queen [2016] NSWCCA 52, 299–300
Le v The Queen [2006] NSWCCA 136, 120
Lee v The Queen [2018] VSCA 343, 400
Leeth v Commonwealth (1992) 174 CLR 455, 116
Li v The Queen [2005] NSWCCA 442, 235
Licciardello v The Queen (2012) 219 A Crim R 445, 60
Likiardopoulos v The Queen (2012) 247 CLR 265, 823
Lipobar v The Queen (1999) 200 CLR 485, 12, 100, 132, 656
Lodhi v Attorney General (NSW) (2013) 241 A Crim R 477, 669
Lodhi v The Queen (2006) 199 FLR 303, 669
Lodhi v The Queen (2006) 65 NSWLR 573, 669
Lodhi v The Queen (2007) 179 A Crim R 470, 669
Lowe v Hooker [1987] Tas R 153, 549
Lowndes v The Queen (1999) 195 CLR 665, 118
- M v The Queen* (1994) 181 CLR 487, 101–2
Macleod v Attorney General (NSW) [1891] AC 455, 655
MacPherson v Brown (1975) 12 SASR 184, 39
Magaming v The Queen (2013) 252 CLR 381, 732, 734–5
Mabadeo v The Queen [1936] 2 All ER 813, 836
Mamote-Kulang of Tamagot v The Queen (1964) 111 CLR 62, 366, 372
Mann v The Queen [2016] NSWCCA 10, 183, 807
Markarian v The Queen (2005) 228 CLR 357, 107, 108–9, 120
May v The Queen (2012) 215 A Crim R 527, 829
McAuliffe and McAuliffe v The Queen (1995) 183 CLR 108, 817, 822, 826, 827–8, 829, 831, 832, 833
McBride v The Queen (1966) 115 CLR 44, 210, 405, 407, 408
McCarthy and Ryan v The Queen (1993) 71 A Crim R 395, 807
McCloy v New South Wales (2015) 257 CLR 178, 157
McConnell v Chief Constable of the Greater Manchester Police [1990] 1 All ER 423, 137
McCormack v Langham (Supreme Court of New South Wales, 5 September 1991, Studdert J), 162
McDonald v Bojkovic [1987] VR 387, 656
McEwan v Simmons (2008) 73 NSWLR 10, 756
McEwan v The Queen; Robb v The Queen; Dambitis v The Queen (2013) 41 VR 330, 816, 821, 823
McGhee v The Queen (1995) 183 CLR 82, 787
McIntosh v Webster (1980) 43 FLR 112, 68
McIntyre v The Queen (2009) 198 A Crim R 549, 146, 221, 229, 234
McIvor v The Queen; Tanuchit v The Queen (2009) 247 FLR 363, 721, 723–5
McPherson v The Queen (1981) 147 CLR 512, 96
Merrill v The Queen [2018] VSCA 62, 743–6
Miller v The Queen (1980) 32 ALR 321, 829–30
Miller v The Queen; Smith v The Queen; Presley v Director of Public Prosecutions (SA) (2016) 259 CLR 380, 826, 832
Minister for Immigration and Citizenship v Haneef (2007) 163 FCR 414, 700
M’Naghten’s Case (1843) 8 ER 718, 423, 425–7
Mohan v The Queen [1967] 2 All ER 58, 816
Moblasedi v The Queen [2006] WASCA 267, 112
Mokbel v The Queen [2013] VSCA 118, 575
Monis v The Queen (2013) 249 CLR 92, 159–61, 163
Moore v The Queen (2016) 262 A Crim R 590, 554
Mraz v The Queen (1955) 93 CLR 493, 360
Munda v Western Australia (2013) 249 CLR 600, 109, 120
Murphy v Porter (1984) 12 A Crim R 38, 560
Murray v The Queen (2002) 211 CLR 193, 26–7, 342, 343
- Nantabkum v The Queen* (2013) 236 A Crim R 158, 721
Neill-Fraser v Tasmania [2012] TASCRA 2, 340

New South Wales v Barrie [2019] NSWSC 1161, 755
New South Wales v Bouffler (2017) 95 NSWLR 521, 137
New South Wales v Delly (2007) 70 NSWLR 125, 60
New South Wales v McMaster (2015) 91 NSWLR 666, 137
New South Wales v Tyszyk [2008] NSWCA 107, 137
New South Wales v White (Final) [2018] NSWSC 1943, 680
Nicholson v Avon [1991] 1 VR 212, 137
Nilsson v McDonald (2009) 19 Tas R 173, 137
Note of Appeal Against Conviction by Edward McBride [2016] Scot HC HCJAC 66, 136
Nydam v The Queen [1977] VR 430, 376, 377–8, 379, 380, 389

Obolson v Hylton [1975] 1 WLR 724, 536–7
O'Meara v The Queen [2009] NSWCCA 90, 788
Osland v The Queen (1998) 197 CLR 316, 817–19, 820, 822, 834
O'Sullivan v The Queen [2015] NSWCCA 329, 756
O'Toole v Samuels (1972) 3 SASR 30, 551
Oxford v Moss (1978) 68 Cr App R 183, 495

Pallante v Stadiums Pty Ltd (No 1) [1976] VR 331, 247–8
Panesar v The Queen [2020] VSCA 79, 406
Papadimitropoulos v The Queen (1957) 98 CLR 249, 293
Parbizkar v The Queen (2014) 88 NSWLR 647, 181, 182
Park v The Queen (2010) 202 A Crim R 133, 782, 785, 786
Parkin v Norman [1982] 2 All ER 583, 137
Parkin v Norman; Valentine v Lilley [1983] QB 92, 137
Parsons v The Queen (1999) 195 CLR 619, 498–500
Patel v The Queen (2012) 247 CLR 531, 376, 378
Pemble v The Queen (1971) 124 CLR 107, 354, 357, 366, 367, 368
Penza and Di Maria v The Queen [2013] NSWCCA 21, 342, 343–4
Percy v Director of Public Prosecutions [1995] 3 All ER 124, 137
Pereira v Director of Public Prosecutions (1988) 82 ALR 217, 598, 612–14, 811
Perka v The Queen (1985) 14 CCC (3d) 385, 478
Peters v The Queen (1998) 192 CLR 493, 41, 353, 363, 554, 792
PGA v The Queen (2012) 245 CLR 355, 279, 653
Pinkstone v The Queen (2004) 219 CLR 444, 605, 835
PJ v The Queen (2012) 36 VR 402, 732
Poiner v Hanns; Ex parte Poiner [1987] 2 Qd R 242, 185
Police v Butler [2003] NSWLC 2, 152–4, 156
Police v Paton [2009] NSWLC 34, 154–5, 156
Police v Pfeifer (1997) 68 SASR 285, 168–9
Polyukhovich v Commonwealth (1991) 172 CLR 501, 653, 656
Postiglione v The Queen (1997) 189 CLR 295, 120
Proprietary Articles Trade Association v Attorney-General (Canada) [1931] AC 310, 7

R v Abusafiah (1991) 24 NSWLR 531, 475
R v Addison (1993) 70 A Crim R 213, 605
R v Adomako [1994] 3 WLR 288, 376
R v Ab Lin (1909) 8 CLR 832, 651
R v Ahmad (2012) 31 NTLR 38, 732–3
R v Alif [2013] 2 Qd R 140, 732
R v Anderson [1986] AC 27, 799
R v Annakin (1988) 17 NSWLR 202, 183, 356, 358, 807
R v Asim [1997] NSWSC 76, 609–10
R v Atai (No 2) [2018] NSWSC 1797, 674–6
R v Attard (NSWCCA Gleeson CJ, Priestly JA and Campbell J, 20 April 1993), 362
R v AWL [2003] SASC 416, 309
R v Baba [1977] 2 NSWLR 502, 792

- R v Bainbridge* [1960] 1 QB 129, 810
R v Baird [1985] 3 NSWLR 331, 598
R v Barbouttis, Dale and Single (1995) 37 NSWLR 256, 800–1
R v Barker (2014) 242 A Crim R 339, 437
R v Barlow (1997) 188 CLR 1, 662–4
R v Barlow and Maguire (1962) 79 WN (NSW) 756, 836
R v BD (2001) 122 A Crim R 28, 626–7
R v Becerra (1976) 62 Cr App R 212, 816
R v Bellamy (NSWCCA, Gleeson CJ, Handley and Sully JJ, 15 February 1993), 557
R v Benbrika (2009) 222 FLR 433, 684–5
R v Benli [1998] 2 VR 149, 553
R v Berry [1985] AC 246, 656
R v Beserick (1993) 30 NSWLR 510, 292
R v Blaue [1975] 3 All ER 446, 34, 346, 347
R v Bonollo [1981] VR 633, 517, 520
R v Borkowski (2009) 195 A Crim R 1, 371, 402
R v Brow [1981] VR 783, 517
R v Brown (1984) 13 A Crim R 454, 389
R v Brown [1994] 1 AC 212, 219, 246–7, 248, 250, 251
R v Buckman [2013] NSWCCA 258, 655
R v Bui [2008] NSWCCA 298, 616–17
R v Butcher [1986] VR 43, 362
R v Button; R v Griffen (2002) 54 NSWLR 455, 807, 824
R v Buttsworth [1983] 1 NSWLR 658, 210–12, 408
R v Cameron (1924) 24 SR (NSW) 302, 541
R v Camilleri (2001) 119 A Crim R 106, 807
R v Camilleri (2007) 68 NSWLR 720, 70–2, 206–7
R v Campbell [1991] Crim LR 268, 784
R v Campbell (2008) 73 NSWLR 272, 641
R v Carey (1990) 20 NSWLR 292, 600, 604
R v Carter [1959] VR 105, 440
R v Cato [1976] 1 WLR 110, 368
R v Chamberlain (No 2) (1984) 153 CLR 521, 340
R v Chandler [1913] 1 KB 125, 558
R v Charles [1977] AC 177, 554
R v Chief Constable of Devon and Cornwall [1982] QB 458, 137
R v Chishimba, Makasa and Mulenga [2010] NSWCCA 228, 807–8
R v Christoff (2003) 140 A Crim R 45, 407
R v Clarence (1888) 22 QBD 23, 293, 295, 296
R v Clarkson [1987] VR 962, 554
R v Clarkson and Carroll [1971] 1 WLR 1402, 807
R v Cogan and Leak [1976] QB 217, 835
R v Cogley [1989] VR 799, 286
R v Coleman [2010] NSWSC 177, 440
R v Coles [1984] 1 NSWLR 726, 604
R v Collins [1973] QB 100, 529–31
R v Coney (1882) 8 QBD 534, 248–9, 807
R v Coomer (1989) 40 A Crim R 417, 364, 372
R v Coulstock (1998) 99 A Crim R 143, 70
R v Court [1989] AC 28, 309, 312
R v Cowell [2011] NSWDC 249, 755
R v Cox [2004] NSWCCA 204, 799
R v Crabbe (1985) 156 CLR 464, 301, 356–7, 358
R v Cramp (1999) 110 A Crim R 198, 395–6, 402
R v Cron and Bladon (1983) 34 SASR 555, 575
R v Dalby [1982] 74 Cr App R 348, 372, 373
R v Daley (1879) 12 SCR (NSW) 151, 540

R v Dalley (2002) 132 A Crim R 169, 72
R v Dang [2005] NSWCCA 430, 576
R v Darby (1982) 148 CLR 668, 799
R v Dardowska (2003) 6 VR 628, 515–16
R v Darwich (2018) 274 A Crim R 470, 187
R v Davies [1970] VR 27, 539, 541, 552
R v Dawood [2002] SASC 346, 346
R v Dawson (1976) 64 Cr App R 170, 527
R v Dawson (1985) 81 Cr App R 150, 365, 368, 376
R v Dendic and Mazzeo (1987) 34 A Crim R 40, 605, 610
R v Dib (1991) 52 A Crim R 64, 594–6
R v Dileski (2002) 132 A Crim R 408, 836
R v Dimozantos (1991) 56 A Crim R 345, 802, 804
R v DM [2010] ACTSC 137, 312–13
R v Do [2001] NSWCCA 19, 380–2
R v Dobie [2009] QCA 394, 721, 738–40
R v Domio [2018] NSWDC 16, 399
R v Donovan [1934] 2 KB 498, 234
R v Downs (1985) 3 NSWLR 312, 363
R v Drinkwater (1981) 27 SASR 396, 540
R v Dudley and Stephens (1884) 14 QBD 273, 478–9
R v Dyson [1908] 2 KB 454, 339, 376
R v Easom [1971] 2 QB 315, 515, 549
R v Eastwood (1998) 114 A Crim R 448, 293
R v Edwards [2019] QCA 15, 756
R v El Azzi [2004] NSWCCA 455, 800
R v Ellis [1899] 1 QB 230, 656
R v EM [2003] NSWCCA 374, 71
R v Emery (1975) 11 SASR 169, 557
R v Evans (1987) 48 SASR 35, 787
R v Evans & Gardiner (No 2) [1976] VR 523, 34–5, 345
R v F (1956) 74 WN (NSW) 211, 407
R v Falconer (1990) 171 CLR 30, 433, 440–4
R v Farrar (NSWCCA 6 May 1993), 370–1
R v Ferrer-Esis (1991) 55 A Crim R 231, 114, 575
R v Filipetti (1978) 13 A Crim R 335, 593–4
R v Forbes (2005) 160 A Crim R 1, 389
R v Francis-Wright (2005) 11 VR 354, 604
R v Franklin (2001) 3 VR 9, 807, 823
R v Freeman [1981] 2 NSWLR 686, 553
R v Fuge [2001] NSWCCA 208, 549–50
R v Fuschello [1940] 2 All ER 489, 560
R v Gadd [1911] QWN 31, 540
R v Galas; R v Mikhael (2007) 18 VR 205, 527
R v Gallienne [1964] NSW 919, 294
R v Gent (2005) 162 A Crim R 29, 757
R v Ghosh [1982] QB 1053, 40–1, 554, 555
R v Gidley [1994] 3 NSWLR 168, 87
R v Gilbert [1953] SASR 163, 551
R v Gilks [1992] 3 All ER 280, 504
R v Giorgi (1983) 31 SASR 299, 806
R v Glennan [1970] 2 NSW 421, 810
R v Gnosil (1824) 1 C&P 304, 556
R v Goodfellow [1986] 83 Cr App R 23, 373
R v Greenberg [1972] Crim LR 331, 500
R v Griffiths [1966] 1 QB 589, 793
R v Grimes [1968] 2 All ER 179, 792

R v Grogan [2017] NSWSC 378, 399
R v GW [2015] NSWDC 52, 178–9
R v Hain [1966] 2 NSW 142, 407
R v Haines (1821) 168 All ER 892, 558
R v Hale [1978] 69 Cr App R 415, 528
R v Hall [1972] 2 All ER 1009, 502
R v Hallett [1969] SASR 141, 35–6, 345
R v Hands (1887) 16 Cox CC 188, 544
R v Hanias (1976) 14 SASR 137, 557
R v Harden [1963] 1 QB 8, 656
R v Harkin (1989) 38 A Crim R 296, 309
R v Harris and McGuinness (1988) 17 NSWLR 158, 286
R v Hassan [2004] VSC 85, 432
R v Hawi [2014] NSWSC 837, 720
R v Hawi (No 5) [2011] NSWSC 1651, 720
R v Hemsley (1988) 36 A Crim R 334, 301
R v Hennessy [1989] 2 All ER 9, 440
R v Henry (1996) 46 NSWLR 346, 557
R v Hewitt (1997) 1 VR 301, 834, 835
R v Heyne (NSWCCA 18 September 1998, Handley JA, James J, Levine J), 176
R v Higgins (1801) 2 East 5, 802
R v Hinton (1976) Petty SR 1749, 593
R v Hitchins; R v Elliot (1983) 3 NSWLR 318, 362
R v Ho (1989) 39 A Crim R 145, 554
R v Holman [1982] VR 471, 604, 608
R v Holzer [1968] VR 481, 366, 368, 372
R v Hopton (NSWCCA, Spigelman CJ, Abadee and Ireland JJ, 8 October 1998), 408
R v Howe [1987] 2 AC 412, 474–5
R v Hunter and Daebler (1989) 51 SASR 158, 354
R v Hurley and Murray [1967] VR 526, 475, 476, 836
R v Hutty [1953] VR 338, 341
R v Iby (2005) 63 NSWLR 278, 341–2
R v IL [2016] NSWCCA 51, 820
R v Instan [1893] 1 QB 450, 384
R v Inwood [1973] 2 All ER 645, 62
R v Jasper (2003) 139 A Crim R 329, 605
R v JK [2018] NSWSC 250, 385
R v Jogie; Ruddock v The Queen (Jamaica) [2016] UKSC 8, 831–2
R v Johnson (1786) 2 East PC 448, 558
R v Jones (1832) 4 B & Ad 345, 789
R v Jones [2017] NSWSC 19, 399
R v Jones and Jones [2000] NSWCCA 186, 797–8
R v Jordan (1956) 40 Cr App R 152, 35
R v Jurisic (1998) 45 NSWLR 209, 333
R v Justins [2011] NSWSC 568, 412
R v Kanaan (2005) 64 NSWLR 527, 363
R v Kanaan; R v El-Assad; R v Jamal [2003] NSWCCA 396, 141
R v Karabi (2012) 220 A Crim R 338, 729–30, 735
R v Karam (1995) 83 A Crim R 416, 605
R v Katarzynski [2002] NSWSC 613, 466–7, 469
R v Keenan (2009) 236 CLR 397, 826, 827
R v Kertebani [2010] NSWCCA 221, 120
R v Keys (1987) 84 Cr App R 204, 183
R v Kidman (1915) 20 CLR 425, 579, 651, 653–4, 655
R v Kinash [1982] Qd R 648, 35, 346
R v Kingswell [1984] 3 NSWLR 274, 801
R v Komljenovic (1994) 76 A Crim R 521, 605

R v Kovacs [1974] 1 All ER 1236, 554
R v Kovacs [2009] 2 Qd R 51, 721
R v Lam (2008) 185 A Crim R 453, 808
R v Lamb (1967) 51 Cr App R 416, 367
R v Lambie [1982] AC 449, 523, 553
R v Langham (1984) 36 SASR 48, 516–17
R v Lapier (1784) 168 ER 263, 539
R v Larkin [1943] 1 All ER 217, 364, 366, 372
R v Lavender (2005) 222 CLR 67, 378–9
R v Lawrence [1972] AC 626, 506–7
R v Lee (1994) 76 A Crim R 271, 794–5
R v Lee [2017] VSC 678, 400
R v Leece (1995) 78 A Crim R 531, 253–4
R v Leoni [1999] NSWCCA 14, 824
R v Lin (No 2) [2014] NSWSC 1710, 819
R v LK; R v RK (2010) 241 CLR 177, 796–7
R v Lloyd [1985] QB 829, 514–15, 540
R v Lock (1997) 91 A Crim R 356, 707
R v Lodbi (2005) 199 FLR 236, 669
R v Lodbi [2006] NSWSC 584, 669
R v Lodbi [2006] NSWSC 585, 669
R v Lodbi [2006] NSWSC 586, 669
R v Lodbi [2006] NSWSC 639, 669
R v Lodbi [2006] NSWSC 641, 669
R v Lodbi [2006] NSWSC 666, 669
R v Lodbi [2006] NSWSC 670, 669
R v Lodbi [2006] NSWSC 672, 669
R v Lodbi (2006) 163 A Crim R 488, 669
R v Lodbi (2006) 163 A Crim R 508, 669
R v Lodbi (2006) 163 A Crim R 526, 669
R v Lodbi (2006) 199 FLR 328, 669
R v Lodbi (2006) 199 FLR 354, 669
R v Lodbi (2006) 199 FLR 364, 669–70
R v Loughnan [1981] VR 443, 485
R v Loveridge (2014) 243 A Crim R 31, 398
R v Lowery and King (No 2) [1972] VR 560, 817
R v M [1980] 2 NSWLR 195, 553
R v MacDonald [1983] 1 NSWLR 729, 544–5
R v Mai and Tran (1992) 26 NSWLR 371, 785
R v Malcherek; R v Steel [1981] 2 All ER 422, 346
R v Martin (No 1) (2005) 159 A Crim R 314, 433
R v Masters, Richards and Wunderlich (1992) 26 NSWLR 450, 798
R v Matthews (1950) 34 Cr App R 55, 549
R v McCormack [1981] VR 104, 183
R v McDonald [1992] 2 Qd R 634, 548
R v McGuckin [2014] ATSC 242, 437
R v McNeil (No 4) [2015] NSWSC 1198, 399
R v Meech; R v Parslow; R v Joliffe [1973] 3 All ER 939, 502–3
R v Meredith [1973] Crim LR 253, 501
R v Merrick (No 5) [2016] NSWSC 661, 399
R v Millard (1906) 23 SR (NSW) 38, 551
R v Miller [1951] VLR 346, 354
R v Miller [1983] 2 AC 161, 28
R v Mitchell [1983] QB 741, 354, 373
R v Mobilio [1991] 1 VR 339, 293
R v Moffatt (2000) 112 A Crim R 201, 345, 347
R v Moloney [1985] AC 905, 351–2

R v Morris; Anderton v Burnside [1983] 3 All ER 288, 507–8, 509–10
R v Munro (1981) 4 A Crim R 67, 361
R v Murphy (1985) 158 CLR 596, 93–4, 792
R v Nedrick [1986] 1 WLR 1025, 352
R v Nguyen [1997] 1 VR 551, 537
R v Nguyen (2005) 12 VR 299, 605, 614–15
R v Nguyen [2012] VSC 579, 387
R v Nguyen; R v Pham (2010) 205 A Crim R 106, 576–8
R v Oblach (2006) 65 NSWLR 75, 467
R v O'Brien (1974) 59 Cr App R 222, 796
R v O'Connor (1980) 146 CLR 64, 455, 456, 458–64
R v Oliver [2003] 1 Cr App R 28, 754
R v Onufrejczyk [1955] 1 QB 388, 340
R v Onuorah (2009) 76 NSWLR 1, 785
R v Orton [1922] VLR 469, 796
R v Osland [1998] 2 VR 636, 818
R v Pagett (1983) 76 Cr App R 279, 35, 348
R v Pabl (2017) 266 A Crim R 41, 437–9
R v Peirce [1996] 2 VR 215, 604
R v Perera [1907] VLR 240, 523–4
R v Perry (1845) 174 ER 1008, 540
R v Pham (2015) 256 CLR 550, 111, 116, 117
R v Phan (2001) 52 NSWLR 480, 808
R v Pierpont (1993) 71 A Crim R 187, 560
R v Pocock (1851) 5 Cox CC 172, 383
R v Poon (2003) 56 NSWLR 284, 576
R v Porte (2015) 252 A Crim R 294, 767
R v Porter (1933) 55 CLR 182, 428–30, 436
R v Powell; R v English [1997] 3 WLR 959, 826
R v Prasad (1979) 23 SASR 161, 99
R v Preddy [1996] AC 815, 495–8, 499, 500
R v Preval [1984] 3 NSWLR 647, 285
R v Pullman (1991) 25 NSWLR 89, 369–70, 371, 402
R v Raad [1983] 3 NSWLR 344, 560
R v Radford (1985) 42 SASR 266, 440
R v Rakiba [2014] ACTSC 373, 732
R v Randall (1991) 55 SASR 447, 285
R v Randylle (2006) 95 SASR 574, 627–8
R v Reynolds (NSWCCA Slattery CJ, Reynolds and Carruthers JJ, 22 August 1986), 560
R v Rhodes (1984) 14 A Crim R 124, 354
R v Rich (1997) 68 SASR 390, 810
R v Richardson [1998] QB 444, 251
R v Ridgeway (1995) 184 CLR 19, 582
R v Rik [2004] NSWCCA 282, 346
R v Robinson [1915] 2 KB 342, 783
R v Rogers (1868) 1 LR 136, 541
R v Rogers (1996) 86 A Crim R 542, 485
R v Rogerson (1992) 174 CLR 268, 789, 792, 795
R v Rondo (2001) 126 A Crim R 562, 58–9
R v Rook [1993] 2 All ER 955, 815
R v Russell [1933] VLR 59, 28, 377, 384
R v Ryan and Walker [1966] VR 553, 338
R v Salvo [1980] VR 401, 517, 518–19, 520
R v Sanders (1991) 57 SASR 102, 550
R v Savage [2010] 29 VR 229, 320
R v Schaal (NSW Supreme Court, 8 September 1989, Wood J), 575
R v Schipanski (1989) 17 NSWLR 618, 560

R v Scoble [2019] NSWDC 255, 760–2
R v Scott [2005] NSWCCA 152, 106
R v Sebalj [2003] VSC 181, 432
R v Sebalj [2004] VSC 212, 432
R v Shepberd (1862) 9 Cox CC 123, 28
R v Shepberd [2003] NSWCCA 351, 236
R v Shivpuri [1986] 2 WLR 988, 785
R v Silva (2009) 232 FLR 444, 757–60
R v Simpson [1999] NSWSC 842, 380
R v Skivington (1967) 51 Cr App R 167, 556
R v Smith (1827) 1 Mood 178, 558
R v Smith [1959] 2 QB 35, 35, 345
R v Smith [1997] 1 Cr App R 14, 183
R v Solomon [1980] 1 NSWLR 321, 356
R v SP (No 2) [2006] ACTSC 78, 454
R v Steele (1952) 70 WN (NSW) 167, 539
R v Stone [1981] VR 737, 836
R v Stone and Dobinson [1977] 1 QB 354, 28, 377, 384–5
R v Sullivan [1984] AC 156, 440
R v Sully (2012) 112 SASR 157, 815
R v Tabassum [2000] 2 Cr App R 328, 251
R v Taber (2002) 56 NSWLR 443, 28–30
R v Taktak (1988) 14 NSWLR 226, 27, 28, 30–1, 40, 377, 382–3
R v Tamawiwuy (No 2) (2015) 255 A Crim R 81, 294
R v Tang (2008) 237 CLR 1, 721, 722–3
R v Tangye (1997) 92 A Crim R 545, 821
R v Taufabema [2007] NSWSC 959, 830
R v Taufabema (2007) 228 CLR 232, 829–30
R v Terry [1955] VLR 114, 267
R v Tevendale [1955] VLR 95, 836
R v Thabo Meli [1954] 1 All ER 373, 41–2
R v Thomas (2015) 251 A Crim R 198, 375
R v Thomson (2000) 49 NSWLR 383, 108
R v Tietie, Tulele and Bolamatu (1988) 34 A Crim R 438, 816
R v Toe (2010) 105 SASR 203, 641
R v Tolmie (1995) 37 NSWLR 660, 301–2
R v TP [2018] NSWSC 369, 385–6, 388
R v Tran [2017] NSWDC 397, 617
R v Tranter (2013) 116 SASR 452, 641–2
R v Truong (NSWCCA, Smart, Ireland and Dunford JJ, 22 June 1998), 815
R v Tuki (No 4) [2013] NSWSC 1864, 714–16
R v Turner [1962] VR 30, 69
R v Turner (No 2) [1971] 1 WLR 901, 501
R v Van Beelan (1973) 4 SASR 353, 338
R v Van Gelder (NSWCCA, Gleeson CJ, Newman and Sully JJ, 28 February 1994), 374, 375
R v Varley [1973] 2 NSWLR 427, 340
R v Vasic (2005) 11 VR 380, 524
R v Venna [1975] 3 All ER 788, 230–1
R v Villar; R v Zugecic [2004] NSWCCA 302, 824
R v Vincec [2017] VSC 602, 400
R v Wakeman (1912) 8 Cr App R 18, 552
R v Walkington [1979] 2 All ER 716, 534–5
R v Walsh (1990) 52 A Crim R 80, 554
R v Wampfler (1987) 11 NSWLR 541, 132
R v Ward (1938) 38 SR (NSW) 308, 499
R v Warner (1970) 55 Cr App R 93, 514
R v White (1853) 169 ER 696, 540

Cambridge University Press

978-1-108-86820-4 — Criminal Law Perspectives

John Anderson , Brendon Murphy , Ben Livings , Wendy Kukulies-Smith , Natalia Antolak-Saper , Shireen Daft
Frontmatter[More Information](#)

- R v White* (1904) 21 WN (NSW) 104, 540
R v White [1910] 2 KB 124, 32
R v White (1912) 7 Cr App R 266, 544
R v White, Eaves and Parker (1988) 17 NSWLR 195, 358
R v Whitehouse [1977] QB 868, 802
R v Whyte (2002) 55 NSWLR 252, 110, 333
R v Wilkes and Briant [1965] VR 475, 288–9
R v Wilkinson [1999] NSWCCA 248, 387–9
R v Williamson [1972] 2 NSWLR 281, 475
R v Williscroft [1975] VR 292, 107–8
R v Wills [1983] 2 VR 201, 365, 368, 374–5, 378
R v Windle (1957) 75 WN (NSW) 63, 407
R v Wong; R v Leung (1999) 48 NSWLR 340, 577
R v Wong; Re Pong Su (No 12) (2005) 159 A Crim R 300, 815
R v Wong; Re Pong Su (No 21) (2005) 202 FLR 1, 807, 808–9
R v Woodman [1974] QB 754, 544
R v Woollin [1999] AC 82, 352
R v Worthy [2018] VSC 12, 350
R v Young (1947) 48 SR (NSW) 46, 540
R v Zainudin (2012) 115 SASR 165, 732
R v Zaiter [2005] NSWCCA 61, 604
R (Laporte) v Chief Constable of Gloucestershire [2007] 2 AC 105, 137
Re A (conjoined twins) [2001] 2 WLR 480, 479–84
Re Attorney-General's Application (No 1); R v Ponfield (1999) 48 NSWLR 327, 559–60
Re Kalan and Minister for Home Affairs (Migration) [2019] AATA 787, 738
Re Lee (2009) 212 A Crim R 442, 70
Re Marland [1963] 1 DCR (NSW) 224, 162
Re PRHR and Minister for Immigration and Border Protection (2017) 73 AAR 435, 705
Riley v The Queen [2011] NSWCCA 238, 369
Roffel v The Queen [1985] VR 511, 508, 511–13
Rogers v Arnott [1960] 2 QB 244, 552
Rolls v The Queen; Sleiman v The Queen (2011) 34 VR 80, 798
Rose v Matt [1951] 1 KB 810, 541
Royall v The Queen (1991) 172 CLR 378, 33, 34, 36, 343, 345, 354, 356, 358
Rozsa v Samuels [1969] SASR 205, 227–9
Ryan v The Queen (1967) 121 CLR 205, 25–6, 342, 343, 361

Saad v The Queen (1987) 70 ALR 667, 598, 611–12
Sam and Sam v The Queen (2011) 206 A Crim R 67, 386–7
Samuels v Bosch (1972) 127 CLR 517, 186
Samuels v Stubbs (1972) 4 SASR 200, 173–4
SBF v The Queen (2009) 198 A Crim R 219, 389
Schiller v The Queen [2018] VSCA 20, 355
Schubert v Lee (1946) 71 CLR 589, 192–3
Scott v Causey (1907) 5 CLR 132, 138
Seiders v The Queen; Somsri v The Queen (2008) 72 NSWLR 417, 721
Sever v The Queen [2010] NSWCCA 135, 823
Sharp v McCormick [1986] VR 869, 515
Shaw v Director of Public Prosecutions [1962] AC 220, 789
Sherras v De Rutzen [1895] 1 QB 918, 43
Siale v The Queen [2019] NSWCCA 80, 355
Simcock v Rhodes (1977) 66 Cr App R 192, 137
Singh v The Queen [2012] NSWSC 637, 449
Skinner v King (1913) 16 CLR 336, 186
Slattery v The Queen (1905) 2 CLR 546, 551
Smith v Desmond [1965] AC 980, 557
Smith v The Queen [2018] VSCA 208, 792

South Australia v Totani (2010) 242 CLR 1, 720
Southwark LBC v Williams [1971] Ch 734, 477
Soyke v The Queen [2016] NSWCCA 112, 751–3
Steer v The Queen (2012) 248 A Crim R 93, 782–3
Stein v Henshall [1976] VR 612, 505–6
Stokes and Difford v the Queen (1990) 51 A Crim R 25, 811–13
Stutsel v Reid (1990) 20 NSWLR 661, 142
Swan v The Queen [2018] NSWCCA 260, 346, 347–8
Swan v The Queen (2020) 94 ALJR 385, 348
SZGDO v Minister for Immigration and Citizenship [2007] FMCA 1183, 738

Taikato v The Queen (1996) 186 CLR 454, 165–7
Taufabema v The Queen [2006] NSWCCA 152, 829, 830
Thomas v Mowbray (2007) 233 CLR 307, 689
Thomas v The Queen (1960) 102 CLR 584, 15
Tink v Francis [1983] 2 VR 17, 195
Tomarchio v Pocock [2002] WASCA 156, 137
Trade Practices Commission v Tubemakers of Australia Ltd (1983) 47 ALR 719, 787
Tuberville v Savage (1669) 86 ER 684, 221–2, 227

Ugle v The Queen (2002) 211 CLR 171, 26
Union Steamship Co of Australia Pty Ltd v King (1988) 166 CLR 1, 656
Unity Pty Ltd v SafeWork NSW [2018] NSWCCA 266, 394

Valentine v Lilley [1982] 2 All ER 583, 137
Veen v The Queen (No 2) (1988) 164 CLR 465, 105, 106
Victory v The Queen [2017] NSWCCA 286, 617
Vincec v The Queen [2018] VSCA 18, 400

W (a child) v Woodrow [1988] VR 358, 506
Wainobu v New South Wales (2011) 243 CLR 181, 720
Wallis v Lane [1964] VR 293, 539
Ward v Marsh [1959] VR 26, 138, 140–1
Ward v The Queen (1980) 142 CLR 308, 656
Warnakulasuriya v The Queen (2012) 220 A Crim R 211, 733–4
Weissensteiner v The Queen (1993) 178 CLR 217, 340
White v Ridley (1978) 140 CLR 342, 815, 835
Whiteborn v The Queen (1983) 152 CLR 657, 96, 102
Wilcox v Jeffrey [1951] 1 All ER 464, 806
Willgoss v The Queen (1960) 105 CLR 295, 433–6
Williams v Douglas (1949) 8 CLR 521, 590–1
Williams v The Queen (1986) 161 CLR 278, 56
Wilson v Kuhl [1979] VR 315, 537
Wilson v The Queen (1992) 174 CLR 313, 365–7, 372, 379, 415
Withers v The Queen (No 2) [2010] VSCA 151, 367–8, 369, 373
WO v Director of Public Prosecutions (NSW) [2009] NSWCCA 275, 788
Wong v The Queen (2001) 207 CLR 584, 108, 109, 111, 114, 117, 119, 120, 578
Woolmington v Director of Public Prosecutions [1935] AC 462, 14, 424
Worcester v Smith [1951] VLR 316, 145, 148

XYZ v Commonwealth (2006) 227 CLR 532, 741

Yip Chiu-Cheung v The Queen [1995] AC 111, 799
Youkhana v The Queen (2015) 249 A Crim R 424, 823

Zangana v The Queen [2015] NSWCCA 102, 732
Zanker v Vartzokas (1988) 34 A Crim R 11, 222–6
Zecevic v Director of Public Prosecutions (Vic) (1987) 162 CLR 645, 11, 469, 470–4

TABLE OF
STATUTES

Australia

Australia Acts 1986, 100
Australian Crime Commission Act 2002
s 4, 694–5
Australian Federal Police Act 1979, 54
Australian Security Intelligence Organisation Act 1979
pt III div 2, 687
s 8A, 687
ss 18–19, 687
s 34G, 687
Commonwealth Places (Application of Laws) Act 1970
s 4, 657
s 7, 657
Constitution, 651, 657, 701
ch III, 691, 720, 735
s 51, 11
s 51(i), 580
s 51(v), 654, 747
s 51(vi), 689
s 51(xiii), 654
s 51(xix), 654
s 51(xx), 654
s 51(xxix), 651, 654
s 51(xxxvii), 654
s 51(xxxix), 579, 654
s 73, 100
s 80, 129, 666
s 122, 654
Corporations Act 2001, 11, 662
Crimes Act 1914, 11, 337, 581, 651, 653, 662, 665
pt IB, 104
pt IC, 73
pt ID, 60
s 3AA, 703
s 3W, 63
s 3Z, 63
s 3ZB, 63
s 3ZC, 69
s 4AA, 134, 698
s 4C, 709
s 4G, 666, 767
s 4H, 93, 666, 767
s 4J, 93, 666, 698, 767

s 4J(1), 666
s 4JA, 93, 666
s 6, 836
s 16A, 114
s 16A(1), 106
s 16A(2), 113
s 16A(2)(g), 115
s 16AAA, 116
s 16BA, 578, 674
s 16E(2), 104
s 16G, 578
s 17A, 117
s 17A(1), 117
s 20AB, 117
s 23A(6), 73
s 23C, 73
s 23C(7), 74
s 23D, 73
s 23G, 73
s 23H, 73
s 23K, 73
s 23N, 73
s 23P, 73
s 23Q, 73
s 42, 792
s 50BA, 741
s 50BC, 741
s 86, 518
s 86A, 792
Crimes Act 1915, 653
Crimes Legislation Amendment (Serious and Organised Crime) Act 2010, 825
Crimes Legislation Amendment (Serious and Organised Crime) Act (No 2) 2010, 698
sch 9, 641
Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Act 2013, 721
Crimes (Traffic in Narcotic Drugs and Psychotropic Substances) Act 1990,
Crimes Regulations 1900
reg 6, 117
Criminal Code Act 1995, 11, 13, 46, 187, 630, 637,
651, 652, 654, 656, 661, 798
ch 2, 23, 24, 639, 662, 665, 733, 734

Criminal Code Act 1995 (cont.)

- ch 2 div 6, 44
- ch 4 div 72, 667
- ch 8, 721, 735
- dictionary, 671, 741, 768, 787
- div 6, 44–5
- div 73, 729, 730
- div 101, 672–4
- div 102, 676–9, 684
- div 104, 689
- div 105, 689
- div 105A, 690
- div 270, 721, 738
- div 271, 735, 738
- div 271 subdiv BA, 738
- div 272, 186, 741, 742
- div 273, 772
- div 471 subdiv B, 660
- div 471 subdiv C, 660
- div 474, 255, 763
- div 474 subdiv H, 775
- div 477, 748, 751
- div 478, 750–3
- pt 2.2, 352, 664
- pt 2.3, 771
- pt 2.4, 781
- pt 2.5, 390
- pt 2.6, 664
- pt 5.3, 667, 670, 674, 680, 690
- pt 5.3 div 102, 676
- pt 5.3 div 104, 688
- pt 9.1, 581, 624, 638
- pt 9.1 div 306, 624
- pt 9.1 div 307, 637
- pt 9.1 div 309, 615
- pt 9.5, 660
- pt 9.9, 698
- pt 10.6, 654, 660, 763, 772
- pt 10.7, 660, 748
- s 3.1, 664–5
- s 3.2, 664, 665
- s 4, 339
- s 4.1, 24, 664, 665, 671
- s 4.2, 24–5
- s 4.3, 27
- s 5.1, 352, 664, 665
- s 5.2, 38, 351, 352, 671, 786
- s 5.3, 40, 786
- s 5.4, 38, 39, 355, 359, 639, 772
- s 5.4(1), 639
- s 5.4(1)(b), 39
- s 5.4(2)(b), 39
- s 5.5, 39
- s 5.6, 44, 638, 665, 700, 701, 767, 772, 773
- s 6.1, 44
- s 6.2, 44–5, 639, 743
- s 7.1, 17
- s 7.2, 17
- s 7.3, 424
- s 7.3(3), 424
- s 9.1, 734
- s 9.2, 743
- s 9.2(1), 45
- s 10.2, 734
- s 10.3, 485, 733, 734
- s 11.1, 658, 674, 781, 785, 788
- s 11.1(1), 788
- s 11.1(3), 786
- s 11.1(3A), 833
- s 11.1(4)(a), 785
- s 11.1(6A), 781, 787
- s 11.2, 658, 674, 814, 825, 833
- s 11.2(3), 814–15
- s 11.2(3)(a), 815
- s 11.2(3)(b), 815, 832
- s 11.2(3A), 814
- s 11.2(4), 815
- s 11.2A, 658, 825, 833
- s 11.2A(1), 825
- s 11.2A(1)(b)(ii), 833
- s 11.2A(2), 825
- s 11.2A(3), 825, 833
- s 11.2A(4), 825
- s 11.2A(5), 825
- s 11.2A(6), 825
- s 11.2A(7), 825
- s 11.3, 658, 834
- s 11.4, 658, 802–3
- s 11.4(2), 804
- s 11.5, 658, 790–1, 793, 796
- s 11.5(3)(a), 802
- s 11.5(4), 800
- s 11.5(5), 793
- ss 12.1–12.3, 21–3
- ss 12.1–12.6, 390
- s 12.1(1), 23
- s 12.1(2), 23
- s 12.2, 23
- s 12.3, 23
- s 13.4, 771
- s 14, 658
- s 15, 658
- s 15.1, 658
- s 15.2, 658
- s 15.3, 658
- s 15.4, 658
- s 16.1, 657
- s 16.2, 658
- s 70(1), 743
- s 70.2(1), 792
- s 71.8, 282
- s 72, 654

s 72.12, 660	s 115.1(1), 338
s 72.31, 660	s 115.1(1A), 338
s 72.38, 660	s 115.1(1B), 338
s 73.1, 729	s 117.2, 661
s 80.4, 660	s 123.3, 661
s 82.2(3), 661	s 130.3, 41
s 83.3(5), 660	s 131.1(4), 661
s 91.7, 661	s 132.9, 661
s 91.10, 661	s 134.3, 661
s 91.14, 661	s 135.4, 792
s 92.6, 660	s 135.5, 661
s 92A.2, 660	s 136.1(8), 661
s 100.1, 668–9	s 137.3, 661
s 100.3(1), 654	s 139.3, 660
s 100.3(2), 654	s 142.3, 661
s 100.3(3), 654	s 144.1(9), 661
s 100.3(4), 654	s 145.6, 661
s 101.1, 672, 674, 684	s 147.3, 660
s 101.1(2), 661	s 148.3, 660
s 101.2, 672–3	s 149.1(4), 660
s 101.2(4), 661	s 150.1(6), 660
s 101.4, 673, 788	s 260, 654
s 101.4(4), 661	s 268.117(2), 660
s 101.5, 673–4	s 270, 654
s 101.5(4), 661	s 270.1, 721, 722
s 101.6, 674, 788	s 270.3, 185, 724, 726
s 101.6(3), 661	s 270.3(1)(a), 722, 724
s 102.1, 679	s 270.3A, 726
s 102.1(2), 680	s 270.4, 728
s 102.2, 676	s 270.5, 726–7
s 102.3, 676–7, 788	s 270.6A, 727
s 102.4, 677	s 270.7A, 728
s 102.5, 677, 788	s 270.7B, 727–8
s 102.6, 674, 677, 788	s 270.7C, 728
s 102.7, 678	s 270.8, 728
s 102.8, 679	s 270.9, 660, 728
s 102.9, 661	s 270.11, 728
s 103.1, 684	s 271.1, 737
s 103.2, 684	s 271.1A, 737
s 103.3, 661	s 271.2, 735
s 104.1, 688	s 271.2(2B), 739
s 104.4, 688	s 271.2(2B)(c)(iii), 739
s 104.4(2A), 689	s 271.3, 735, 738
s 104.5, 689	s 271.4, 735
s 104.6, 688	s 271.6, 735
s 105.4, 690	ss 271.7A–271.7E, 738
s 105A.1, 690	s 271.10, 660
s 105A.3(1)(a), 690	s 271.11, 654
s 105A.3(1)(b), 690	s 272.2, 742
s 105A.5(1), 690	s 272.3, 742
s 105A.7, 690	s 272.4, 741
s 105A.7(5), 690	s 272.5, 742
s 105A.8, 690	s 272.6, 660, 742
s 106.14, 689	s 272.7, 741
s 106.16, 689	s 272.8, 742
s 115.1, 337	s 272.8(1), 743

Criminal Code Act 1995 (cont.)

s 272.9, 742	s 390.1(1), 700, 707
s 272.9(1), 743	s 390.2, 582, 702–3
s 272.9(5), 743	s 390.3, 698, 699–700, 703–4
s 272.10, 742	s 390.3(6), 704
s 272.10(4), 742	s 390.4, 698, 704–5
s 272.10(5), 742	s 390.5, 698, 706, 707
s 272.10(6), 743	s 390.5(1), 706
s 272.10(7), 743	s 390.5(5)(a), 709
s 272.11, 743	s 390.5(7), 707
s 272.15, 788	s 390.6, 698, 709–10
s 272.16(2), 187, 743	s 390.6(1), 709
s 272.17, 746	s 390.6(2), 709
s 272.20, 789	s 390.7, 660, 698
s 272.27, 741	s 400.2, 654
s 272.31, 741	s 471.9, 660
s 273.1, 765, 772, 773	s 471.10, 660
s 273.2, 772	s 471.11, 660
s 273.2A, 772	s 471.12, 660
s 273.3, 772	s 471.13, 660
s 273.5(1), 743	s 471.15(2), 660
s 274, 654	s 473.1, 756, 762, 765
s 276.1(1), 756	s 473.4, 756–7
s 277.3, 749	s 473.4(2)(b), 762
s 300.2, 615, 638, 641	s 474.14, 789
s 300.3, 660	s 474.17, 775
s 301.1, 585	s 474.17A, 775
s 301.2, 585	s 474.19, 757, 764, 767
s 301.4, 585, 638	s 474.19(1)(a)(i), 769
s 301.5, 585, 638	s 474.19(1)(a)(iii), 769
s 301.9, 585	s 474.19(2)(a), 767
s 301.10, 639	s 474.19(2)(b), 767
s 302.1, 603, 606	s 474.20, 764, 767
s 302.2, 45, 706, 787	s 474.20(1)(c), 767
s 303.1, 629	s 474.21, 771
s 303.4, 631	s 474.22, 764–5, 767
s 303.5, 631	s 474.22(2)(a), 767
s 303.6, 631	s 474.22(2)(b), 767
s 303.7, 631	s 474.23, 764, 765, 767
s 305.1, 623	s 474.23(1)(c), 767
s 305.2, 623, 624	s 474.24, 771
s 305.3, 624	s 474.24A, 767
s 305.4, 624	s 474.24C, 763
s 305.5, 624	s 474.25, 753
s 305.6, 624	s 474.25A, 768, 772
s 306.5, 624	s 474.25A(1), 768
s 307.1, 637–8, 639	s 474.25A(2), 772
s 307.12(1), 642	s 474.25A(4), 768
ss 309.7–309.15, 615	s 474.25B(1), 772
ss 310.2–310.4, 615	s 474.25C, 768
s 312.1, 639	s 474.25C(2), 768
s 312.3, 587	s 474.26, 768, 772
s 320, 587	s 474.26(1), 769
s 380.2, 654	s 474.26(2), 772
s 390, 704	s 474.26(3), 772
s 390.1, 582, 701	s 474.27, 768, 772
	s 474.27(1), 769

Cambridge University Press

978-1-108-86820-4 — Criminal Law Perspectives

John Anderson , Brendon Murphy , Ben Livings , Wendy Kukulies-Smith , Natalia Antolak-Saper , Shireen Daft
Frontmatter[More Information](#)

- s 474.27(2), 772
- s 474.27(3), 772
- s 474.27A, 769, 772
- s 474.28(1), 763
- s 474.28(2), 763
- s 474.28(3), 763
- s 474.28(4), 763
- s 474.28(5), 763
- s 474.28(6), 763
- s 474.28(7), 763
- s 474.29, 763
- s 474.29(1), 772
- s 474.29(2), 772
- s 474.29(3), 772
- s 474.29(4), 772
- s 474.29(5), 772
- s 474.29(6), 771
- s 474.32, 775
- s 474.33, 775
- s 474.34, 775
- s 474.38, 775
- s 476.1, 749, 750
- s 476.2, 749
- s 476.2(1), 749
- s 476.2(3), 749
- s 476.2(4), 749
- s 476.3, 748
- s 477.1, 748
- s 477.1(1)(c), 749
- s 477.1(1)(d), 749
- s 477.1(3), 749
- s 477.1(6), 749
- s 477.1(8), 749
- s 477.1(9), 749
- s 477.2, 749
- s 477.2(3), 749
- s 477.2(4), 749
- s 477.3, 749
- s 477.3(1)(b), 749
- s 478.1, 750
- s 478.2, 750
- s 478.3, 750
- s 478.3(4), 750
- s 478.4, 750
- s 478.4(1)–(3), 750
- s 478.4(4), 750
- Criminal Code Amendment (Sharing of Abhorrent Violent Material) Act 2019*, 775
- Criminal Code Amendment (Slavery and Sexual Servitude) Act 1999*, 721
- Criminal Code Regulations 2002*, 586, 637, 638
- reg 5A, 787
- sch 3, 618, 787
- sch 4, 619
- Customs Act 1901*, 581, 613, 639, 641, 651, 662
- s 233B, 577, 582, 611, 637, 641
- s 233B(1), 43
- s 233BAA, 645
- Cybercrime Act 2001*, 747
- Defence Act 1903*, 651
- Director of Public Prosecutions Act 1983*, 95
- s 9(5), 95
- Environment Protection and Biodiversity Conservation Act 1999*
- s 482, 133
- Euthanasia Laws Act 1997*, 413
- Evidence Act 1995*, 69
- s 39, 99
- s 89, 76
- s 138, 69–70, 76, 77
- s 138(3), 70
- s 139, 76–7
- Family Law Act 1975*
- s 4, 187, 741
- Indecent Articles and Classified Articles Act 1975*
- s 6(1), 132
- Judiciary Act 1903*
- s 23(2), 161
- s 35, 100
- s 35(1)(b), 100
- s 35AA, 100
- s 68(2), 117
- Law and Justice Legislation Amendment (Serious Drug Offences and Other Measures) Act 2005*, 581
- sch 1 pt 2 cl 61, 641
- Migration Act 1958*, 730, 734
- pt 2 div 12, 729
- s 4A, 733
- s 232A, 732, 733
- s 233A, 730
- s 233B, 730–1, 734
- s 233C, 731, 732, 734
- s 233D, 705, 731
- s 234A, 734
- s 236B, 734
- Modern Slavery Act 2018*
- s 3, 728–9
- Motor Vehicle Standards Act 1989*, 200
- Narcotic Drugs Act 1967*, 581
- National Transport Commission Act 2003*, 189, 190
- National Transport Commission (Road Transport Legislation – Australian Road Rules) Regulations 2006*, 190
- dictionary, 196
- Rule 15, 196
- Rule 16(1), 194
- Poisons Standard June 2018*, 588
- Privy Council (Appeals from High Court) Act 1975*, 100

<i>Public Order (Protection of Persons and Property) Act 1971</i>	s 26, 220, 233, 237
s 6, 180	s 28A, 243
s 25, 179	s 29, 403, 405
<i>Social Security Act 1991</i>	s 29(2)–(5), 403
s 3, 662	s 29(6)(a), 405
<i>Taxation Administration Act 1953</i> , 662	s 29(7), 405
<i>Telecommunications Act 1997</i>	s 30, 253
s 7, 255, 766–7	s 31, 253
<i>Telecommunications (Interception and Access) Act 1979</i> , 581, 750	s 33, 241
<i>Telephonic Communications Interception Act 1960</i> , 651	s 35, 258–9
<i>Therapeutic Goods Act 1989</i> , 581, 621	s 35A, 180, 182, 183
AUSTRALIAN CAPITAL TERRITORY	s 48A, 235, 236, 241, 389
<i>Bail Act 1992</i> , 78	s 49A, 390, 391, 392
s 8, 79	s 49B, 391
s 9A, 79	s 49C, 390, 391, 392, 393
s 9B, 79	s 49D, 390–1, 392, 393
s 9C, 79	s 49E, 392
s 9D, 79	s 50, 284
s 9E, 79	s 50(1), 283
s 14, 83	s 50(1)(a), 285
s 22, 78	s 50(1)(c), 285
ss 25–26, 81	s 50(1)(d), 285
<i>Children and Young Persons Act 2008</i>	s 50(1)(e), 285
s 877, 252	s 50(1)(f), 284, 289
<i>Crimes Act 1900</i> , 11, 218, 312, 353, 391	s 51, 275
dictionary, 354	ss 51–53, 308
pt 2A, 23	s 52, 275
pt 3, 281, 320	s 53, 275
pt 8, 645	s 54, 274, 275, 285, 297
pt 12, 99	s 54(1), 276, 282–3, 301
pt 17, 241	s 54(3), 283, 302
s 4, 755	s 55(1), 314
s 8, 391	s 55(2), 187, 316
s 10, 341	s 55(3), 316
s 12, 337, 360	s 55A, 319
s 12(1), 338	s 55A(3), 320
s 12(1)(b), 356	s 55A(4), 320
s 12(2), 338	s 56, 319
s 13, 447–8	s 56(2), 187
s 13(3), 450	ss 57–59, 308
s 14, 444, 445	s 60, 285
s 15(2), 389	s 61, 320
s 15(3), 389	s 61A, 320
s 16, 410	s 62, 322
s 17, 410, 412	s 62(1)–(3), 322
s 19, 237, 241	s 64(5), 753
s 20, 237	s 67(1), 292
s 20(1), 239	s 67(1)(a)–67(1)(d), 290–1
s 21, 237, 241	s 67(1)(e), 292
s 23, 237, 238	s 67(1)(f), 294
s 24, 230, 237, 238	s 67(1)(g), 294, 296
s 25, 237, 238	s 67(1)(h), 290, 291
	s 67(1)(i), 292, 294, 322
	s 67(1)(j), 291
	s 67(2), 290
	s 67(3), 303

s 69, 279	s 5(1), 11
s 72C, 325, 774	s 7, 391
s 73, 244	s 8, 353, 391
s 74, 244	s 8(1), 360
s 75, 244	s 10, 476
s 76, 244	s 13, 24
s 115(1), 173	s 14, 24
s 116, 171	s 15, 24
s 117, 171	s 15(5), 457
s 119, 171	s 16, 27
s 174, 139	s 18, 353
s 209, 57	s 19, 40
s 211, 56, 77	s 20, 38–9
s 212, 63	s 20(1), 391
s 218, 63	s 21, 39, 392
s 220, 63	s 22, 44, 131
s 221, 69	s 25, 17
s 252I, 73	s 26, 17
ss 374–375, 93	s 28, 424, 436–7
s 391, 184, 218	s 28(4), 424
s 392, 148	s 31, 458
s 393, 148	s 32, 458
<i>Crimes (Child Sex Offenders) Act 2005</i> , 691	s 36, 45
<i>Crimes (Forensic Procedures) Act 2000</i> , 60	s 40, 465, 476
<i>Crimes (Industrial Manslaughter) Amendment Act 2003</i> , 390	s 41, 465, 485, 486
<i>Crimes (Sentence Administration) Act 2005</i> , 103	s 42, 465, 470
ch 7, 691	s 44, 781
<i>Crimes (Sentencing) Act 2005</i> , 103, 134	s 44(4), 785
pt 3, div 1A, 115	s 44(5), 786
s 6, 103	s 44(6), 787
s 7, 104	s 44(9), 788
s 10(2), 117	s 45, 814
s 21A(3)(k), 115	s 45(2)(b)(ii), 832
s 22, 115	s 45(5), 815
s 33, 113	s 45A, 825
s 33(1)(j), 115	s 45A(5), 825
s 33(3), 113	s 45A(6), 825
s 35, 114–15	s 45A(7), 825
s 49, 116	s 46, 834
<i>Criminal Code 2002</i> , 13, 360, 391, 495, 582, 593, 601, 798	s 47, 803
ch 2, 24, 353, 360	s 48, 790
ch 6A, 712	s 48(5)(a), 802
dictionary, 235, 337	s 48(5)(d), 800
div 2.2.4, 44	s 48(6), 793
div 2.3.3, 303, 456, 458	s 300, 41, 516
pt 2.4, 781	s 301, 500
pt 2.5, 21	s 304, 505
pt 2.7, 656	s 305, 502
pt 6.2, 602	s 305(4), 502
pt 6.4, 630	s 305(5), 504
pt 6.5, 615	s 306, 514
s 3, 339	s 306(3)–(4), 514
s 5, 785	s 308, 492, 494
	s 310, 535
	s 311, 529
	s 312, 535

Cambridge University Press

978-1-108-86820-4 — Criminal Law Perspectives

John Anderson , Brendon Murphy , Ben Livings , Wendy Kukulies-Smith , Natalia Antolak-Saper , Shireen Daft
Frontmatter[More Information](#)*Criminal Code 2002 (cont.)*

s 325, 522
 s 326, 521
 s 328, 521
 s 329, 521
 s 330, 499–500
 s 332, 521
 s 333, 524
 s 334, 525
 s 334(1), 525
 s 334(2), 525
 s 334(3), 525
 s 334(5), 525
 s 334(6), 525
 s 363A, 513, 524
 s 391, 180
 s 392, 148
 s 403, 171
 s 404, 171
 s 405, 171
 s 406, 171
 s 407, 171
 s 408, 171
 ss 418–421, 747
 s 600, 585, 593, 602, 606
 s 601, 587
 s 602, 602, 606
 s 603, 602, 624
 s 606, 623
 s 607, 622
 s 608, 623
 s 609, 622, 624
 s 610, 602, 622
 s 611, 622
 s 612, 622
 s 613, 602
 s 614A, 623
 s 615, 629
 s 616, 630
 s 617, 630
 s 618(1), 630
 s 618(2), 630
 s 619, 602
 s 620, 602, 630
 s 621, 630
 s 621A, 602
 s 624, 615
 s 651, 712
 s 652, 712
 s 653, 712
 s 654, 712
 s 655, 712
 s 717, 836–7

*Criminal Code (Theft, Fraud, Bribery and Related Offences) 2004, 493**Criminal Code Regulation 2005, 586*

s 5, 585
 sch 1, 583, 585, 602, 618
 sch 1 pt 1.1, 585, 602
 sch 1 pt 1.2, 585, 602
 sch 2, 585, 602
 sch 3, 585, 602

*Director of Public Prosecutions Act 1990, 95**Drugs of Dependence Act 1989, 582, 601*

s 2, 585, 602, 606
 s 4, 593
 s 162, 630
 s 164, 602
 sch 1, 618
 sch 2, 602

Drugs of Dependence Regulation 2009, 585, 602

sch 1, 585

*Education (Amendment) Act 2004, 268**Evidence Act 2011, 69**Evidence (Miscellaneous Provisions) Act 1991*

div 4.4.2, 281
 pt 4 div 4.4.4, 304
 s 57, 304
 s 64, 304

Family Violence Act 2016, 260, 265

s 6, 261
 s 7, 262
 s 43, 265

*Heavy Vehicle National Law (ACT) Act 2013, 190**Human Rights Act 2004, 156*

s 18, 63
 s 26, 721

Juries Act 1967

pt 7, 98
 s 7, 98

*Justice and Community Safety Legislation**Amendment Act 2016, 243**Justice and Community Safety Legislation**Amendment Act 2017 (No 2), 353**Legislation Act 2001*

dictionary, 615
 s 133, 134

Magistrates Court Act 1930

s 41B, 63
 s 88B, 94
 s 117, 134
 s 120(1), 134
 s 125, 134
 s 126, 135

Medicines, Poisons and Therapeutic Goods Act

2008
 s 15, 588

Personal Violence Act 2016, 265

s 35, 265

Prostitution Act 1992

ss 20–21, 186

s 22, 187

Road Transport (Alcohol and Drugs) Act 1977,

190, 206

s 4C, 205

s 4E, 205

s 8, 205

s 11, 206

s 13A, 206

s 13B, 205

s 14, 206

s 15, 205

s 20, 205

s 22, 205

s 22B, 205

*Road Transport (Alcohol and Drugs) Regulation 2000, 190**Road Transport (Driver Licensing) Act 1999, 190,*

197

s 3, 197

s 31, 198

Road Transport (General) Act 1999, 190

dictionary, 192, 194, 196

s 60, 56

*Road Transport (Driver Licensing) Regulation 2000, 190**Road Transport (General) Regulation 2000, 190**Road Transport (Offences) Regulation 2005, 190**Road Transport (Safety and Traffic**Management) Act 1999, 190*

pt 2, 204

pt 6, 203

s 6(1)(a), 210

s 6(1)(b), 210

s 6(1)(c), 210

s 5A(1), 204

s 5A(5), 204

s 5B, 204

s 6(2), 212

s 7, 204

s 23A, 204

s 333, 191

*Road Transport (Safety and Traffic**Management) Regulation 2017, 190**Road Transport (Third-Party Insurance) Act 2008*

s 17, 199

Road Transport (Vehicle Registration) Act 1999,

190

pt 4, 200

s 18, 199

s 24, 200, 201

s 25, 200, 202

s 25(3), 200

s 25(4), 200

s 26, 200

s 27, 200

s 27(3), 200

s 28, 300

*Road Transport (Vehicle Registration)**Regulation 2000*

reg 160, 203

sch 1, 200

Road Transport (Road Rules) Regulation 2017,

190, 191

reg 20, 203

Sex Work Act 1992

s 19, 188

Supreme Court Act 1993

s 68B, 129

NEW SOUTH WALES*Bail Act 1978, 85**Bail Act 2013, 78, 86, 691*

s 16, 79, 80

s 16A, 79

s 17, 78

s 21, 79

ss 23–30, 81

s 43, 83

*Children (Criminal Proceedings) Act 1987, 18**Children and Young Persons (Care and**Protection) Act 1998*

s 230, 251

s 230(1), 251

s 230A, 251

*Community Protection Legislation Amendment**Act 2018*

sch 2, 400

Constitution Act 1902

s 5, 579

Court Security Act 2005

s 8(1), 214

s 28, 215

s 29, 215

Crimes Act 1900, 13, 177, 218, 242, 657

div 3, 465

div 15A, 753

pt 1A, 656

pt 3 div 8A, 242

pt 3 div 10, 281

pt 3 div 15C, 325

pt 3A div 2, 241

pt 3A div 5, 712–13

pt 4 div 4, 558

pt 4A, 552

pt 4B, 552

pt 6, 495

pt 11A, 303

s 4, 77, 173, 235, 240, 354, 450, 540, 558–9, 713

s 4A, 359

<i>Crimes Act 1900</i> (cont.)	s 52A(6), 406
s 4B, 516, 554	s 52A(8), 407
s 5, 379, 812	s 52A(9), 407
s 7, 540–1	s 52AA(1)–(3), 407
s 17A, 339	s 52AA(3A), 407
s 18, 337, 358, 379	s 52AA(3B), 407
s 18(1)(a), 338, 356, 360, 361, 379	s 52AA(7), 407
s 18(1)(b), 379	s 54, 237, 238, 370
s 18(2)(a), 379	s 56, 242
s 19A, 331	s 57, 242
s 19B, 331	s 59, 230, 237, 238
s 20, 341	s 59(2), 238
s 22A, 408–9, 454	s 59A, 243
s 22A(1), 409	s 60, 242
s 22A(2), 409	s 61, 220, 233, 237
s 23, 448, 449–50	s 61AA, 267
s 23(2)(b), 450	s 61AA(6), 267
s 23(3), 450	s 61AA(6)(a), 267
s 23A, 19, 444, 445–6	s 61AA(6)(b), 267
s 24, 389	s 61H, 186
s 25A, 9, 396–7, 398, 399, 455	s 61H(2), 291
s 25A(2), 397, 398, 399	s 61HA, 283–4, 298, 788
s 25A(3), 398	s 61HA(a), 285
s 25A(6), 398	s 61HA(b), 285
s 25B, 397, 398, 455	s 61HA(c), 285
s 25C, 400–1	s 61HA(d), 284, 289
s 25C(2), 410, 401	s 61HA(3)(c), 298, 299
s 25C(6), 401	s 61HB, 310
s 26, 790, 802	s 61HC, 310, 320–1
s 31, 254	s 61HD, 321–2
s 31A, 410	s 61HE(1), 298, 788
s 31B, 410, 412	s 61HE(2), 287
s 31C, 410, 412, 802	s 61HE(3), 283, 298, 301
s 33, 46, 237, 240	s 61HE(3)(a), 302
s 33(1), 361	s 61HE(3)(c), 299
s 33(2), 361	s 61HE(4), 298
s 33A, 241	s 61HE(4)(b), 303
s 35, 237, 239–40, 811, 812	s 61HE(5), 290
s 35(1), 239, 240	s 61HE(5)(a), 292
s 35(2), 239, 240	s 61HE(5)(b), 292, 295
s 35(3), 239, 240	s 61HE(5)(c), 290
s 35(4), 239	s 61HE(5)(d), 291
s 35A, 218	s 61HE(6), 290
s 36, 241	s 61HE(6)(a), 294
s 37(2), 361	s 61HE(6)(b), 294
s 39, 241	s 61HE(6)(c), 293, 294
s 41, 241	s 61HE(6)(d), 294, 296
s 41A, 241	s 61HE(7), 302
s 45, 218	s 61HE(8), 290, 291
s 45(1)(a), 244	s 61HE(8)(a), 292
s 47, 241	s 61HE(8)(b), 291
s 49A, 243	s 61HE(8)(c), 291
s 52A, 206, 370, 405, 810	s 61HE(9), 290
s 52A(1), 455	s 61HE(10), 291
s 52A(1)–(4), 403, 407	s 61I, 274, 276, 282, 275, 283, 285, 297, 299, 300
s 52A(5), 406	s 61J, 275, 276, 807

s 61J(2)(c), 824	s 93E, 179
s 61JA, 275, 276, 360	s 93G, 141
s 61K, 308	s 93G(1)(a)(i), 141
s 61KA, 279	s 93S, 713
s 61KC, 274, 275, 285, 309–10, 802	s 93T, 713
s 61KD, 274, 275, 802	s 93T(1), 713, 714
s 61KE, 285, 310, 802	s 93T(1A), 713
s 61KF, 802	s 93T(2), 714
s 61L, 309	s 93T(3), 714
ss 61L–61O, 309	s 93T(4), 714
s 61N, 150	s 93T(4A), 714
ss 62–63, 290	s 93TA, 713
s 65A, 291	s 93TA(1), 714
s 66A, 314, 315, 360	s 93X(1), 716
s 66C, 187, 315, 316	s 94, 556
s 66DC, 321	ss 94–98, 556
s 66DD, 321	s 94AA, 548
s 66EA, 360	ss 94AA–192A, 12
s 66EB, 789	s 95, 361
s 66F, 321	s 96, 361
s 66F(2), 321	s 97(1), 824
s 66F(3), 321	s 97(2), 361
s 66F(5), 321	s 98, 361
s 66F(7), 322	s 105A, 559
s 73, 319	s 110, 361
s 78A, 322	s 111, 558
s 80A, 285	s 114, 560
s 80D, 185, 721	s 114(1), 789
s 80E, 185, 721	s 115, 560
s 81C, 6	ss 116–163, 538
s 86(3), 361	s 117, 12, 133, 492, 538
s 91A, 185	s 118, 549
s 91B, 185	s 119, 558
s 91C, 186, 187	s 125, 551
s 91D(2), 187	s 139, 540
ss 91D–91F, 186	s 140, 540
s 91FA, 755	s 154, 540
s 91G, 721	s 188, 560, 800
s 91H, 721	s 192B, 553
s 91H(2), 760	s 192B(1)(b), 554
s 91N, 325	s 192C, 554
s 91P, 325	s 192D, 554
s 91Q, 325, 774	s 192E, 552
s 91R, 325	s 195, 171, 176
s 91S, 325	s 195(1), 176
s 91T, 325–6	s 196, 171
s 93A, 254	s 197, 171
s 93A(a), 182	s 198, 361
ss 93AA–93AC, 721	s 199, 171
s 93B, 180	s 200, 171
s 93B(2), 180	s 201, 171
s 93B(3), 181	s 202, 171
s 93B(4), 181, 183	s 203B, 171
s 93B(5), 179, 181, 183	s 203C, 171
s 93C, 180, 182, 254	s 203E, 170, 171
s 93C(5), 179	s 223, 176

Crimes Act 1900 (cont.)

- s 224, 176
- ss 308C–308H, 747
- s 315A, 255
- s 319, 790
- s 322, 255
- s 342, 790
- s 344A, 788
- s 347, 836
- s 348, 836
- s 349, 836
- s 350, 836
- s 351, 806
- s 351B, 806
- s 418, 466
- s 418(2), 467
- s 418(2)(a)–(d), 466
- s 419, 466
- s 420, 466
- s 421, 467–8
- s 428, 456
- s 428B, 458
- s 428C, 457
- s 428D, 303, 457
- s 428F, 303, 458
- s 428G, 457
- s 527C, 133, 561
- s 545E, 166
- s 564 A, 712

Crimes (Administration of Sentences) Act 1999, 103

- pt 6, 691

Crimes Amendment Act 2007, 142*Crimes (Amendment) Ordinance (No 5) 1985*, 281*Crimes (Child Prostitution) Amendment Act 1988*
s 91D(2), 187*Crimes (Criminal Organisations Control) Act 2012*

- pt 3, 717
- s 4, 716
- s 7(1), 716
- s 7(2), 716
- s 7(4), 716
- s 26(1), 717
- s 26(1A), 717
- s 26A(1), 717
- s 27, 717
- s 32, 717

Crimes (Domestic and Personal Violence) Act 2007, 266

- s 5, 263–4
- s 5(2), 264
- s 7, 255
- s 8, 255, 256
- s 9(1), 261
- s 9(2), 262
- s 9(3), 260–1

- s 11, 263
- s 13, 256
- s 13(3), 256
- s 14, 266
- s 35, 264–5

Crimes (Forensic Procedures) Act 2000, 60*Crimes (High Risk Offenders) Act 2006*, 691*Crimes (Sentencing Procedure) Act 1999*, 103, 578

- pt 3, div 1A, 115
- pt 3, div 2, 116
- s 3A, 3, 104
- s 5(1), 117
- s 17, 134
- s 21A, 113
- s 21A(1), 113
- s 21A(2)(e), 185
- s 21A(3)(k), 115
- s 21A(5), 114
- s 22, 115
- s 25D(2), 115
- ss 31–32, 130
- s 33, 578
- s 61, 331

Crimes (Sentencing Procedure) Amendment (Sentencing Options) Act 2017, 578*Crimes (Sentencing Procedure) Regulations 2017*
pt 2 div 2, 116*Crimes (Sexual Assault) Amendment Act 1981*, 281*Crimes Amendment (Child Protection – Physical Mistreatment) Act 2001*, 267*Crimes Amendment (Cognitive Impairment – Sexual Offences) Act 2008*, 321*Crimes Amendment (Consent–Sexual Assault Offences) Act 2007*, 278, 287*Crimes Amendment (Consorting and Organised Crime) Act 2012*, 712*Crimes Amendment (Intimate Images) Amendment Act 2017*, 325*Crimes Amendment (Reckless Infliction of Harm) Act 2012*, 812*Crimes Amendment (Self-defence) Act 2001*, 466*Crimes Amendment (Zoe's Law) Bill 2017*, 236*Crimes Legislation Amendment (Child Sexual Abuse) Act 2018*
sch 1, 274*Crimes and Other Legislation Amendment (Assault and Intoxication) Act 2014*, 644*Criminal Appeal Act 1912*, 577–8*Criminal Procedure Act 1986*

- pt 2 div 5, 94
- pt 3, 99
- pt 5 div 1, 304
- s 6, 93, 129
- s 7, 93
- s 68, 94

s 132, 129	<i>Education Act 1990</i> , 268
s 172, 63	<i>Education Discipline Act 1995</i> , 268
s 175, 63	<i>Electricity Supply Act 1995</i>
s 260, 181, 183	s 64, 540
s 267, 130, 134, 181, 183	<i>Evidence Act 1995</i> , 69
s 281, 54	s 89A, 77
s 283(4), 281	s 89A(1), 77
s 293, 280	s 89A(2)(c)–(d), 77
s 293(3), 280	s 89A(9), 77
s 293(5), 281	<i>Fines Act 1996</i> , 133, 134
s 294(2)(c), 306	pt 3, div 5, 135
s 294AA, 306	<i>Graffiti Control Act 2008</i>
s 332, 134	s 4, 171, 177–8
s 333, 134	s 5, 171
s 338, 134	s 6, 171
s 340, 135	<i>Hemp Industry Act 2008</i> , 584, 629
sch 1, 181, 183	<i>Human Tissue Act 1983</i> , 342
<i>Criminal Procedure Regulation 2017</i>	s 33, 339
sch 4, 133	<i>Jury Act 1977</i>
<i>Director of Public Prosecutions Act 1986</i> , 95	pt 6, 98
<i>Drug Misuse and Trafficking Act 1985</i> , 582	s 19, 98
s 3, 583, 586, 605, 606, 623, 630, 631, 633	s 55F, 98
s 4, 586	<i>Justice Legislative Amendment (Committals and</i>
s 6, 603, 625	<i>Guilty Pleas) Act 2017</i> , 94
s 7, 593	<i>Law Enforcement (Controlled Operations) Act</i>
s 23, 631	1997
s 23(1)(b), 603	pt 3A, 582
s 23A, 615	<i>Law Enforcement (Powers and Responsibilities)</i>
s 23A(2), 616	<i>Act 2002</i>
s 24, 624	pt 8A, 54
s 24(1A), 615, 624	s 9, 57–8
s 24(2), 624, 819	s 11(1), 56
s 24(2A), 615, 624	s 12, 56
s 24A, 624	s 13, 56
s 24A(3), 589	s 21, 57
s 24B, 624	s 36, 58
s 24B(3), 589	s 46A, 688
s 25, 603	s 46C, 687
s 25(1A), 615	s 67A, 688
s 25(2A), 615	s 99, 63
s 25(2B), 615	s 100, 63
s 25(2C), 615	s 115, 73, 74
s 25(2D), 615	s 116, 74–5
s 25A, 603	s 117, 73, 75–6
s 29, 575, 599–600	s 123, 73
s 32(1)(g), 631	s 124, 73
s 32(1)(h), 631	s 128, 73
s 33(1)(a), 819	s 129, 73
s 33(3), 819	s 133, 77
s 33(3)(a), 360	s 231, 69
s 33A, 360	<i>Law Enforcement (Powers and Responsibilities)</i>
s 36ZD, 584, 587	<i>Regulation 2016</i>
s 36ZE, 587	div 3, 73
s 40, 587	reg 37, 73
s 43, 589	<i>Law Enforcement Amendment (Public Safety)</i>
sch 1, 401, 583, 585, 620, 644	<i>Act 2005</i> , 243

Marine Safety Act 1998

s 129, 95

Mental Health Act 2007

s 4, 427–8

Modern Slavery Act 2018, 721, 729

s 6, 729

s 9, 729

s 13, 729

s 29, 729

Motor Accidents Compensation Act 1999

s 8, 199

Motor Accidents Injuries Act 2017

s 2.1, 199

Offences in Public Places Act 1979, 150*Poisons and Therapeutic Goods Act 1966*, 621

s 8, 588

*Poisons and Therapeutic Goods (Poisons List)**Proclamation 2016*, 621

cl 3, 621

Police Act 1990, 54*Prevention of Cruelty to Animals Act 1979*

s 34AA, 95

Road Rules 2014, 190, 191

r 20, 203

reg 213, 10

reg 300, 208

reg 300–1, 209

reg 300(1), 208

reg 300(2), 208

Road Transport Act 2013, 190, 191

ch 3, 197

pt 4.3, 200

pt 5.1, 207

pt 5.2, 204

pt 5.3, 203

pt 5.3 div 3, 204

pt 7.4, 207

s 4, 192, 194, 196, 201, 407

s 23, 191

s 53, 198

s 68, 199

s 76(2), 200

s 76(4), 200

s 77, 200

s 78, 200

s 78(6), 200

s 108, 205

s 111, 205

s 115, 204

s 115–118, 371

s 116, 204

s 117, 204

s 117(1)(a), 210

s 117(1)(a)–(c), 408

s 117(1)(b), 210

s 117(1)(c), 210

s 117(3), 212

sch 3 s 2, 206

sch 3 s 3, 205

sch 3 s 3(4), 205

sch 3 s 4, 206

sch 3 s 5A, 206

sch 3 s 6, 206

sch 3 s 11, 206

Road Transport (Driver Licensing) Regulation
2017, 190

sch 2, 200

Road Transport (General) Regulation 2013,
190*Road Transport (Vehicle Registration)*
Regulation 2017, 190

reg 80, 201

regs 80–81, 203

Sentencing Act 1989, 113*Summary Offences Act 1970*, 150*Summary Offences Act 1988*, 129

s 3(1), 139

s 4, 133, 148

s 4(1)(b), 142

s 4A, 133, 150–1

s 6, 133

s 6A, 123, 133

s 7, 171

s 8, 171

s 9, 10, 133

s 11A, 180

s 11A(4), 179

s 16, 188

s 19, 188

s 19A, 188

Summary Offences Amendment Act 1993, 150*Terrorism (Extraordinary Temporary Powers)**Act 2006*, 692*Terrorism (High Risk Offenders) Act 2017*, 692*Terrorism (Police Powers) Act 2002*, 692*Vagrancy Act 1851*, 149*Vagrancy Act 1902*, 149

Voluntary Assisted Dying Bill 2017, 413

Work Health and Safety Act 2011

pt 2A, 390

ss 30–34A, 393

s 31, 393

s 32, 394

ss 34C–34D, 390

NORTHERN TERRITORY*Criminal Code Act 1983*, 11, 356

pt 2 div 4, 656

s 127, 187

Director of Public Prosecutions Act 1991, 95*Misuse of Drugs Act 1990*, 582*Rights of the Terminally Ill Act 1995*, 413

Sentencing Act 1995, 103
s 5(2), 113
s 5(2)(s), 113
s 6A, 113

QUEENSLAND

Criminal Code 1899, 11, 343, 376
ch 3, 656
s 23(1)(a), 342
s 207A, 755
Director of Public Prosecutions Act 1984, 95
Drugs Misuse Act 1986, 582
Penalties and Sentences Act 1992, 103
s 3(b), 105
s 9(2), 113
s 9(2)(r), 113
Summary Offences Act 2005, 159
Vagrants, Gaming and Other Offences Act 1931,
159
s 7, 158
s 7(1), 157, 158
s 7(1)(c), 157
Work Health and Safety Act 2011
pt 2A, 390
s 34C–34D, 390

SOUTH AUSTRALIA

Acts Interpretation Act 1915
s 28A, 134
Australian Road Rules
r 20, 203
Bail Act 1985, 691
Controlled Substances Act 1984, 582
*Controlled Substances (Controlled Drugs,
Precursors and Plants) Regulation 2014*, 583
Correctional Services Act 1982
pt 6, 691
Criminal Law (High Risk Offenders) Act 2015,
691
Criminal Law Consolidation Act 1935, 186
pt 1A, 656
s 5, 173, 187
s 20(1)(c), 221
s 20(2)(a), 232
s 49(3), 173, 187
s 62, 755
s 66, 185, 721
s 67, 185
s 68(5), 187
s 83B, 180
s 83B(1)(a), 182
s 83B(1)(b), 182
s 83B(2), 180
s 83B(4), 181, 183
s 83B(5), 179, 181, 183

s 83C, 180, 182
s 83C(5), 179
s 83C(7), 183
s 85, 171
s 85A, 171
s 85B, 172
s 86, 172
sch 11, 179
Director of Public Prosecutions Act 1991, 95
Fines Enforcement and Debt Recovery Act 2017,
134
Graffiti Control Act 2001, 177
s 9, 172
s 10, 172
Juries Act 1927
s 7, 129
Motor Vehicles Act 1959, 190
pt 2, 197
s 9, 199
s 74, 198
s 102, 199
Police Offences Act 1953
s 43, 173
Road Traffic Act 1961, 190
pt 3, div 4, 204
pt 3 div 7, 203
s 5, 192, 195, 196
s 45, 209, 210
s 45A, 204
s 45(2), 210
s 45(3), 210
s 46, 204
s 47A, 205
s 47BA, 205
s 47EAA, 206
s 47E(2a), 205
s 47E(3), 205
s 47I, 205
s 47K, 206
s 79B(11), 204
s 80, 191
s 145, 200, 203
s 145(1), 202
s 145(1a), 201
s 145(1aa), 201
s 145(2), 201
s 145(4a), 201
s 164A, 210
Road Traffic (Miscellaneous) Regulations 2014,
190
pt 5, 200
*Road Traffic (Road Rules – Ancillary and
Miscellaneous Provisions) Regulations
2014*, 190, 191
reg 44, 209

<i>Sentencing Act 2017</i> , 103 - s 11, 113 - s 11(2), 113 <i>Serious and Organised Crime (Control) Act 2008</i> , 720	<i>Crimes Act 1958</i> , 12, 13, 218, 492, 518, 526 - pt IC, 468, 485 - s 3, 337 - s 3A, 338, 339, 362 - s 4A, 399 - s 5, 389 - s 6, 454–5 - s 6(1), 410 - s 6A, 410 - s 6B, 410–11, 412 - s 6B(1), 410, 411 - s 6B(2), 410, 411 - s 9AA, 339 - s 9AC, 468 - s 9AD, 447 - s 9AE, 468 - s 15, 234, 235, 244, 399 - s 16, 237, 240 - s 17, 237, 239 - s 18, 237 - s 20, 252, 253 - s 21, 252, 253 - s 21A, 256 - s 21A(1), 256 - s 21A(2), 256–7 - s 21A(3), 258 - s 21A(4)–(4A), 258 - s 23, 237 - s 24, 237, 238 - s 26, 241 - s 31, 242, 244 - s 31A, 241 - s 32, 244 - s 34A, 244 - s 35, 285, 314 - s 35(1), 311 - s 35(2), 311–12 - s 35A, 283 - s 35A(1), 284, 289 - s 35A(2), 284 - s 35A(3)–(5), 283 - s 35B, 312 - s 35B(3), 311–12 - s 35D, 320 - s 36(1), 287 - s 36(2), 292, 305 - s 36(2)(a), 290 - s 36(2)(b), 290 - s 36(2)(c), 291 - s 36(2)(d), 292, 295 - s 36(2)(e), 292 - s 36(2)(f), 292 - s 36(2)(g), 292 - s 36(2)(h), 294, 295 - s 36(2)(i), 294 - s 36(2)(j), 293, 294 - s 36(2)(k), 293, 294
<i>Summary Offences Act 1953</i> - s 4, 139 - s 7, 148 - s 7(1), 168, 169 - s 25, 188 - s 26C, 774 <i>Terrorism (Police Powers) Act 2005</i> , 692	
<i>Terrorism (Preventative Detention) Act 2005</i> , 692	
TASMANIA	
<i>Criminal Code Act 1924</i> , 11 - ch 3, 656 - s 124, 187 <i>Director of Public Prosecutions Act 1973</i> , 95	
<i>Misuse of Drugs Act 2001</i> , 582	
<i>Sentencing Act 1997</i> , 103 - s 3, 103 - s 3(a), 103 - s 3(b), 105 - s 6, 103	
VICTORIA	
<i>Access to Medicinal Cannabis Act 2016</i> , 631	
<i>Bail Act 1977</i> , 78, 85, 691 - s 3D, 81, 82, 83, 84 - s 4, 80 - s 4A, 80 - s 4B, 80 - s 4C, 80 - s 4D, 80 - s 4E, 78, 80 - s 5AA, 81 - s 5AAA, 81 - s 10, 83 - s 10AA, 73 - sch 1, 80 - sch 2, 80	
<i>Charter of Human Rights and Responsibilities Act 2006</i> , 55, 156 - s 11, 721 - s 21, 63	
<i>Children, Youth and Families Act 2005</i> , 18	
<i>Constitution Act 1975</i> s 16, 579	
<i>Corrections Act 1986</i> - pt 8 div 5, 691 - s 104AD, 77 - s 104DA, 73	
<i>Court Security Act 1980</i> s 4, 214	

s 36(2)(l), 287, 295	s 51N, 324
s 36(2)(m), 289	s 51P, 324
s 36A, 298, 303	s 52B, 322
s 36A(1), 298	s 52C, 322
s 36A(2), 298	s 52E, 322
s 36B, 298, 303–4	ss 53B–53G, 185
s 37, 319	s 62(2), 279
s 37A, 277	s 67A, 755
s 37B, 277	s 70(1), 630, 769
s 38, 274, 275, 276	ss 71–73, 494
s 38(1), 282, 297	s 71(1), 494, 495
s 38(1)(a), 297	s 71(2), 500, 501
s 38(2), 282, 494	s 72, 494, 500
s 38(3), 277	s 72(1), 513–14
s 39, 275, 284	s 73(2), 516, 517, 520
s 40, 274, 275, 285, 309, 311	s 73(2)(a)–(c), 494
s 41, 275, 309, 312	s 73(2)(b), 517
s 42, 309	s 73(3), 516
s 43, 309	s 73(4), 505, 513
s 44, 309	s 73(5), 505, 513
s 45, 295	s 73(9), 502
s 48, 285	s 73(10), 504
s 48B, 312	s 73(12)–(13), 515
s 49A, 314, 316	s 73(12), 514
s 49B, 187, 316	s 74, 492, 494
s 49B(2), 316	s 74(1), 494
s 49C, 319	s 75, 526, 527, 528
s 49E, 320	s 75(2), 526
s 49F(3), 320	s 75A, 526, 535, 536
s 49F(4), 320	s 75A(2), 535
s 49F(4)(b)(i), 320	s 76, 528–9, 534
s 49F(5), 320	s 76(2), 534
s 49G, 320	s 76(3), 529
s 49G(3), 320	s 77, 535, 536
s 49G(4), 320	s 77(1A), 536, 537
s 49G(4)(b)(i), 320	s 77(2), 535
s 49G(5), 320	s 81, 521, 523
s 49M, 789	s 81(4), 522
s 49T, 319	s 82, 521, 523, 524
s 49V, 316	s 91, 789
s 49W(1), 316	s 195G, 179, 182
s 49X, 319	s 195H, 180, 182
s 49Y, 319	s 195H(1)(b), 183
s 49Z, 319	s 195H(4)(a), 179, 183
s 49ZA, 319	s 195H(4)(b), 183
s 49ZC, 316	s 195I, 180
ss 50C–50F, 322	s 195I(2)(a), 179
s 51A, 324	s 196(1), 173
s 51A(1), 323	s 197, 172, 414
s 51C, 323	s 197A, 172, 414
s 51D, 323	s 198, 172
s 51E, 323	s 199, 172
s 51F, 324	s 201A, 172
s 51G, 323	s 206, 172
s 51H, 323	s 247K, 172
ss 51J–51T, 324	s 318, 402–4, 405
s 51M, 324	

<i>Crimes Act 1958</i> (cont.)	s 464C, 73
s 318(1A), 403	s 464D, 73
s 318(2)(a), 402, 404	s 464E, 73
s 318(2)(b), 402, 404	s 464F, 73
s 318(2A), 404	ss 464K–464U, 60
s 319, 403, 405	subdivs 8A–8E, 287
s 319(1), 403	subdivs 8A–8G, 277, 281
s 319(1A), 403	<i>Crimes (Mental Impairment and Unfitness to be</i>
s 321, 790	<i>Tried) Act 1997</i>
s 321(1), 798	s 20, 425, 432–433
s 321(2)(a), 797	s 20(1)(b), 436
s 321(2)(b), 797	s 20(2), 432
s 321(3), 802	s 21, 424
s 321B, 800	s 21(1), 432
s 321F(1), 792	s 21(2)(a), 432
s 321F(2), 792	s 21(2)(b), 432
s 321G, 803–4	s 21(3), 432
s 321G(1), 804	s 21(4)(a), 432
s 321G(2), 804	s 22(1), 432
s 321H, 804	s 23, 432
s 321I, 804	s 25, 432
s 321N, 780–1, 785, 788	<i>Crimes (Sexual Offences) Act 2006</i>
s 321N(1), 782	s 5, 277
s 321N(2)(a), 786	<i>Crimes (Theft) Act 1973</i> , 492
s 321N(2)(b), 786	<i>Crimes Amendment (Abolition of Defensive</i>
s 321N(2A), 786, 787	<i>Homicide) Act 2014</i> , 447, 485
s 321N(3), 785	s 1(a)(i), 447
s 321P, 788	<i>Crimes Amendment (Sexual Offences and Other</i>
s 321S, 780	<i>Matters) Act 2014</i> , 309
s 322I, 468	Crimes Legislation Amendment (Public Order)
s 322I(2), 476	Bill 2017, 719
s 322K, 465, 468, 469	<i>Criminal Organisations Control Act 2012</i>
s 322K(2)(b), 469	pt 5A, 719
s 322K(3), 468	s 4, 719
s 322O, 465, 475	s 7, 717
s 322O(4), 476	s 12, 717
s 320Q, 475	s 14, 717
s 322R, 465, 485	s 19(2A), 717
s 322S, 485	s 19(2B)(a), 717
s 322T, 456, 457	s 19(2B)(b), 718
s 323, 813–14	s 19(2B)(c), 718
s 323(1), 825	s 19(2B)(d), 718
s 323(1)(a), 814	s 20, 718
s 323(1)(b), 814	s 43, 718
s 323(1)(c), 825	s 43(1)(b), 718
s 323(1)(d), 832	s 44, 718
s 323(3)(a), 814, 825	s 45(2)(a), 718
s 324(2), 815	s 45(2)(b), 718
s 324C, 815	s 45(2)(c), 718
s 325(1), 836	s 45(2)(d), 718
s 332O, 475–6	s 45(2)(e), 718
s 442A(1), 405	s 45(2)(f), 718
s 456AA, 56	s 45(2)(g), 718
s 458, 63	s 45(2)(h), 718
s 462A, 69	s 46, 718
s 464A, 73	s 47(2)(a), 719

s 47(2)(b), 719	<i>Education and Training Reform Regulations 2017</i>
s 47(2)(c), 719	reg 24, 268
s 47(2)(d), 719	<i>Evidence Act 2008</i> , 69
s 47(2)(e), 719	<i>Family Violence Protection Act 2008</i> , 266
s 47(2)(f), 719	s 1, 261
s 47(2)(g), 719	s 2, 262
s 53, 719	s 123, 266
s 68, 719	<i>Fines Reform Act 2014</i> , 134
s 124A, 719	<i>Graffiti Prevention Act 2007</i> , 177
s 124D, 719	s 5, 172
s 124G, 719	s 6, 172
s 124H, 719	s 7, 172
<i>Criminal Procedure Act 2009</i> , 12	s 8, 172
pt 3.1, 93	<i>Human Tissue Act 1982</i>
pt 5.7, 99	s 41, 339
s 14, 63	<i>Infringements Act 2006</i>
s 143, 94	s 3, 134
s 341, 280	<i>Juries Act 2000</i>
s 342, 280	s 22(2), 98
s 343, 280	ss 37–40, 98
s 346(2), 280	s 46, 98
s 346(3), 280	<i>Jury Directions Act 2013</i> , 304
<i>Drugs, Poisons and Controlled Substances Act</i>	<i>Jury Directions Act 2015</i> , 304
1981, 582, 634	s 46, 304
pt IVA, 629	s 46(3), 304–5
pt IVB, 629	s 46(4), 305
s 4, 585, 587, 605, 606, 623	s 47, 305
s 4(1), 585, 587	s 47(3), 305
s 5, 593	s 47(3)(a), 306
s 70, 585, 586, 615, 631	s 61, 16
s 70(1), 604, 607, 625	s 63, 16
s 71, 605, 625	s 64, 16
s 71A, 625, 789	<i>Monetary Units Act 2004</i> , 719
s 71AA, 605, 625	s 5(3), 134
s 71AB, 615, 625	<i>Occupational Health and Safety Act 2004</i>
s 71AB(2), 616	pt 5A, 393
s 71AC, 625	ss 20–33, 393
s 71AD, 625	s 39G, 393
s 71B, 615	ss 143–148, 393
s 71C, 625	<i>Penalties and Sentences Act 1985</i> , 103
s 71D, 621, 789	s 11, 117
s 71E, 625, 631	<i>Personal Violence Intervention Orders Act 2010</i> ,
s 71F, 631	266
s 72, 631	s 100, 266
s 72A, 631	<i>Poisons Act 1962</i> , 608
s 72B, 631	<i>Police Offences Act 1928</i>
s 72D, 625	s 25, 145
sch 11, 586, 620, 645	<i>Police Offences Act 1957</i> , 140
sch 11 pt 2, 631	<i>Public Prosecutions Act 1994</i> , 95
<i>Drugs, Poisons and Controlled Substances</i>	<i>Road Management Act 2004</i> , 191
<i>Regulations 2017</i> , 583	s 8, 192
<i>Drug, Poisons and Controlled Substances</i>	s 17, 192
<i>(Precursor Chemicals) Regulations 2017</i> ,	<i>Road Safety Act 1986</i> , 191
620	pt 2, 197
<i>Education and Training Reform Act</i>	pt 6, 204
2006, 268	s 3(1), 192, 195, 196, 205

Cambridge University Press

978-1-108-86820-4 — Criminal Law Perspectives

John Anderson , Brendon Murphy , Ben Livings , Wendy Kukulies-Smith , Natalia Antolak-Saper , Shireen Daft
Frontmatter[More Information](#)*Road Safety Act 1986 (cont.)*

- s 7, 199
- s 14, 201
- s 14(1), 201
- s 18, 199
- s 49, 204, 205
- s 53, 205
- s 55B, 206
- s 55BA, 206
- s 55BA(3), 206
- s 55E, 206
- s 64, 204
- s 65, 204, 209
- s 65A, 204
- s 65B, 204
- s 95D, 191

*Road Safety (Drivers) Regulation 1999, 191**Road Safety (Drivers) Regulation 2009, 191**Road Safety (General) Regulations 1999, 191**Road Safety (General) Regulations 2009, 191*

pt 3, 203

*Road Safety (Traffic Management) Regulations 2009, 191**Road Safety (Vehicles) Regulations 2009*

ch 7, 203

pt 6.6, 201

reg 235, 202

reg 240, 201

Road Safety Road Rules 2017, 190, 191

reg 20, 203

reg 300(1A), 209

Sentencing Act 1991, 103

s 1, 103

s 5, 104, 337

s 5(2), 113

s 5(2)(b), 116

s 5(2)(e), 115

s 5(2)(g), 113

s 5(4), 117

s 5A, 337

s 5B, 337

s 6AAA, 115

ss 8K–8S, 116

s 9C(2), 400

s 9C(3), 400

s 89, 403

s 110, 134

*Sex Offenders Registration Act 2004, 691**Sex Work Act 1994*

s 3, 187

ss 5–7, 186

s 5(3)(b), 187

s 12, 188

s 13, 188

Summary Offences Act 1966, 325

s 3, 139

s 7, 172

s 9, 172

s 10, 172

s 17, 149

s 23, 220, 233

s 24, 220

s 41DA, 774

s 42, 251

s 44, 252

s 49, 10

*Terrorism (Community Protection) Act 2003, 692**Unlawful Assemblies and Processions Act 1958*

s 5, 180

Vagrancy Act 1966

s 6(1)(e), 537

*Victoria Police Act 2013, 54**Voluntary Assisted Dying Act 2017, 7, 412*

s 6, 412

s 85, 413

s 86, 413

Workplace Safety Legislation Amendment (Workplace Manslaughter and Other Matters) Act 2019, 393

s 2(2), 393

WESTERN AUSTRALIA*Administration Act 1995, 103**Criminal Code Compilation Act 1913, 11*

ch 3, 656

s 217A, 755

s 281, 396

s 319, 187

s 321, 187

*Director of Public Prosecutions Act 1991, 95**Misuse of Drugs Act 1981, 582**Sentencing Act 1995, 103***Canada***Constitution Act 1867*

s 91(27), 579

United Kingdom*Criminal Damage Act 1971, 28**Judicial Committee Act 1844, 592**Justices of the Peace Act 1361, 137**New South Wales Courts Act 1787, 127**Offences Against the Person Act 1861, 219*

s 20, 246

s 47, 230, 246

Sexual Offences Act 2003
s 74, 296
Theft Act 1968, 492, 493, 496, 507, 561
s 4, 495
s 5(3), 503

Vietnam

Criminal Code of Vietnam
art 142, 744

International Instruments

Convention on Cybercrime, 748
Convention on Psychotropic Substances, 580
*International Convention on the Suppression of
the Financing of Terrorism*, 684

Single Convention on Narcotic Drugs, 580
*United Nations Convention Against Illicit
Traffic in Narcotic Drugs and Psychotropic
Substances*, 580
*United Nations Convention Against
Transnational Organized Crime*, 721
art 2, 694
art 3, 697
*United Nations Protocol to Prevent, Suppress
and Punish Trafficking in Persons,
Especially Women and Children,
supplementing the United Nations
Convention against Transnational
Organized Crime*, 735
*Universal Declaration of Human
Rights*
art 17, 491

ACKNOWLEDGEMENTS

Cambridge University Press would like to thank Gregor Urbas for his assistance reviewing this book and providing feedback to authors.

The authors and Cambridge University Press would like to thank the following for permission to reproduce material in this book.

Extract from Martin Pakula (Attorney-General) 'Major reforms to overhaul bail system pass parliament' (Media Release, 23 June 2017): © State of Victoria, licensed under CC BY 3.0 AU, <https://creativecommons.org/licenses/by/3.0/au/>.

Extract from Law Council of Australia, '45,000 people faced courts alone due to legal aid crisis' (Media Release, 16 May 2016): reproduced with permission of the Law Council of Australia.

Extract from New South Wales Law Reform Commission, *People with Cognitive and Mental Health Impairments in the Criminal Justice System: Criminal Responsibility and Consequences*, (May 2013) Report 138: reproduced with permission of the New South Wales Law Reform Commission.

Extract from New South Wales, *Parliamentary Debates (Second Reading)*, Legislative Council, 19 September 2006 (Eric Roozendaal, Minister for Roads): © State of New South Wales through the Parliament of New South Wales.

Extracts from Australian Capital Territory Supreme Court (ACTSC) cases: reproduced with permission of ACT Courts and Tribunal.

Extracts from NSW Law Reports (NSWLR) cases: © Council of Law Reporting for New South Wales. Reproduced with permission of the Council of Law Reporting for NSW.

Extracts from NSW Criminal Court of Appeal (NSWCCA) cases; NSW Local Court (NSWLC) cases; NSW Supreme Court (NSWSC) cases; District Court of NSW (NSWDC) cases: © State of New South Wales (Department of Justice). For current information go to www.justice.nsw.gov.au. Reproduced under CC BY 4.0 licence, <https://creativecommons.org/licenses/by/4.0/>.

Extracts from Brad Hazzard (Attorney-General), 'Bail Act reforms pass parliament' (Media Release, 17 September 2014); Mark Speakman (Attorney-General) and Pru Goward, 'Sexual consent laws to be reviewed' (Media Release, 8 May 2018): © State of New South Wales (Department of Justice). For current information go to www.justice.nsw.gov.au. Reproduced under CC BY 4.0 licence, <https://creativecommons.org/licenses/by/4.0/>.

Extracts from Queensland Court of Appeal (QCA) cases: reproduced with permission of the The Incorporated Council of Law Reporting for the State of Queensland, Supreme Court Library Queensland and Queensland Courts.

Extracts from Victoria Court of Appeal (VSCA) and Victoria Supreme Court (VSC) cases: the publication of this material is made with the consent of the Council of Law Reporting in Victoria.

Extracts from Victorian Reports (VR) cases: reproduced with permission of the Council of Law Reporting in Victoria.

Extracts from Australian Criminal Law Reports (A Crim R), Commonwealth Law Reports (CLR), Federal Law Reports (FLR) and South Australian State Reports (SASR): reproduced with permission of Thomson Reuters (Professional) Australia Limited, legal.thomsonreuters.com.au

Extracts from Queen's Bench (QB) cases; Appeal Cases (AC); Weekly Law Reports (WLR) cases: reproduced with permission of the Incorporated Council of Law Reporting for England and Wales.

Extracts from Australian Commonwealth legislation: sourced from the Federal Register of Legislation. Reproduced under Creative Commons Attribution 4.0 International, <https://creativecommons.org/licenses/by/4.0/>. For the latest information on Australian Government law please go to <https://www.legislation.gov.au>.

Extracts from New South Wales legislation: © New South Wales Government.

Extracts from South Australian legislation: © State of South Australia. Reproduced under Creative Commons Attribution 4.0 International (CC BY 4.0), <https://creativecommons.org/licenses/by/4.0/>. Sourced from the South Australian Legislation website at January 2019. For the latest information on South Australian Government legislation, please go to www.legislation.sa.gov.au/.

Extracts from Victorian legislation: © State of Victoria, Australia. Copyright in all legislation of the Parliament of the State of Victoria, Australia, is owned by the Crown in right of the State of Victoria, Australia. DISCLAIMER: This product or service contains an unofficial version of the legislation of the Parliament of State of Victoria. The State of Victoria accepts no responsibility for the accuracy and completeness of any legislation contained in this product or provided through this service.

Every effort has been made to trace and acknowledge copyright. The publisher apologises for any accidental infringement and welcomes information that would redress this situation.

Cambridge University Press
978-1-108-86820-4 — Criminal Law Perspectives
John Anderson , Brendon Murphy , Ben Livings , Wendy Kukulies-Smith , Natalia Antolak-Saper , Shireen Daft
Frontmatter
[More Information](#)
