



THE UNIVERSITY OF  
**SYDNEY**

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## **Sydney Institute of Criminology**

Sydney Law School

## **Annual Report 2021**



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## Directors' Statement

In the Sydney Institute of Criminology's Annual Report, the outgoing Directors, Professors Arlie Loughnan and Rita Shackel, began their Statement with the words '2020 was a year unlike any other.' 2021 was a year that was in many ways very much like 2020. It was a year that initially promised a return to campus with face-to-face teaching, research and events. But, unfortunately, the COVID-19 virus had other ideas. Between June and near the end of the year, government restrictions meant that only online events were possible – and meetings, teaching and research was all done remotely for much of the second half of the year.

Nevertheless, we are immensely proud of the achievements of the Institute and its members throughout 2021. Amidst the various public health measures and lockdowns, we managed to host some incredibly well-attended and diverse criminal justice events and research seminars, traversing a broad range of topics. We began the year with the launch of Don Weatherburn's and Sara Rahman's book, *The Vanishing Criminal*, and ended it with a conference chaired and organised by Institute Co-Deputy Director, Allan McCay, about neurotechnology, the criminal law and human rights. In between, there were events such as the launch of the COVID-19 special issue of *Current Issues in Criminal Justice*, a panel discussion about Australian Criminal Law Scholarship and a Beyond Punishment seminar (run jointly with Corrective Services NSW) about the role of victims in the criminal justice system. That is to say nothing of the Continuing Professional Development seminar series that the Institute ran for the first time in 2021, or the many publications that our members produced as a result of their collaborations with each other and/or as a consequence of their presenting at Institute meetings or events.

Thanks are due to the former Directors, Arlie and Rita, for their excellent leadership of the Institute between 2018 and 2020; Professor Simon Bronitt, the Head of School and Dean, for his support of the Institute throughout 2021; the School's professional staff, including Carla Viola, Simran Singh and Andy Netherington, for their assistance with Institute events; our co-ordinators, Letitia Davy (until April) and Francis Maxwell for their professionalism; and finally our members for their involvement with the Institute and for their effort, dedication and achievements in 2021.

**Dr Andrew Dyer and Dr Carolyn McKay**

**Co-Directors, Sydney Institute of Criminology**



# Institute personnel

## Leaders

### Directors

Dr Andrew Dyer

Dr Carolyn McKay

### Deputy Directors

Dr Allan McCay

Dr Helen Paterson

## Members and Associate Members

Mr Ross Abbs

Associate Professor Jane Andrew

Ms Jennifer Bargaen

Dr Louise Boon-Kuo

Dr Marlee Bower

Professor Emeritus Terry Carney AO

Professor Judith Cashmore AO

Dr Louise Cauchi

Professor Duncan Chappell

Dr Jason Chin

Associate Professor Garner Clancey

Associate Professor Amy Conley White

Mr Graeme Coss

Adjunct Professor Nicholas Cowdery AO QC

Professor Thomas Crofts

Dr Justin Ellis

Associate Professor Salim Farrar

Dr Elaine Fishwick

Professor Susan Goodwin

Dr Rosemary Grey

Professor David Hamer

Dr Robyn Holder  
Associate Professor Tyrone Kirchengast  
Professor Murray Lee  
Professor Arlie Loughnan  
Dr Roman Marchant Matus  
Associate Professor Greg Martin  
Professor Gail Mason  
Dr Tanya Mitchell  
Dr Alice Orchiston  
Associate Professor Juliette Overland  
Dr Estrella Pearce  
Professor Kane Race  
Dr Christopher Rudge  
Associate Professor Rebecca Scott Bray  
Professor Rita Shackel  
Ms Michelle St Anne  
Dr Celine Van Golde  
Dr Sarah Wayland  
Adjunct Professor Don Weatherburn  
Dr Scarlet Wilcock  
Associate Professor Megan Williams

### **PhD candidates affiliated with the Institute**

Ms Megan Cameron (Professor Arlie Loughnan)  
Ms Pei Kong (Professor Judy Cashmore, Professor Rita Shackel and Associate Professor Amy Conley Wright)  
Ms Siobhan Lawler  
Ms Brenda Lin (Associate Professor Garner Clancey and Professor Gail Mason)  
Mr Brad Mallinson (Professor Arlie Loughnan)  
Ms Sarah Napier (Professor Judy Cashmore and Professor Rita Shackel)  
Mr Josh Pallas (Professor Arlie Loughnan and Dr Kevin Walton)  
Ms Linda Wilkin (Professor Murray Lee, Dr Carolyn McKay and Professor Thomas Crofts)

## Additional staff

In March 2021, we farewelled Ms Letitia Davy and welcomed Mr Francis Maxwell into the role of Institute Coordinator. We thank Francis for his many contributions to the Institute during 2021 and for his efficient administration.

## Institute Meetings and Member Seminars

Members of the Institute meet monthly throughout the year, to discuss activities and opportunities. This is an opportunity for members and visiting scholars to present and discuss current research projects.

The Institute particularly welcomed the contributions of special guests who brought to bear their different areas of expertise to the issues being examined by the Institute members.

The following lunchtime research seminars were delivered by the Institute in 2021. All of these were delivered via Zoom, due to COVID-19 restrictions, while seminars from April to June inclusive were also delivered in person in the New Law Building common room. Many were opened up to a wider audience across the Sydney Law School and the Faculty of Arts and Social Sciences.

| Month     | Speaker  | Topic   |
|-----------|--|---|
| March     | Dr Helen Paterson  | Recalling Repetition - How event repetition affects the credibility of adult witnesses  |
| April     | Law Media team   | Media team briefing on maximising media opportunities   |
| May       | Dr Andrew Dyer   | NSW/QLD Law Reform Commission reports on consent in sexual offences   |
| June      | Professor Murray Lee, Dr Toby Martin*, Dr Jioji Ravulo* and Mr Ricky Simandjuntak* | This is not a drill: Towards a criminology of popular music   |
| August    | Dr Andrew Dyer and Mr Josh Pallas  | Post-sentence preventive detention orders for terrorist offenders, provided for by Division 105A of the <i>Criminal Code Act 1995</i> (Cth) |
| September | Professor Scott Jacques*   | CrimRxiv and open criminology   |
| October   | Dr Carolyn McKay and Ms Michelle St Anne   | Sites of Violence   |

|                 |                       |  |
|-----------------|-----------------------|--|
| <b>November</b> | <b>Dr Allan McCay</b> | Brain-computer Interfaces, Intimate Image Abuse and Sentencing |
|-----------------|-----------------------|--|

\* Special guest

## Advisory Committee

Advisory Committee members are appointed for a period not exceeding five years. They are eligible for reappointment. Most members were appointed on 1 January 2019. Dr Tessa Boyd-Caine, Mr Rob Hoyles, Professor Megan Williams and Mr Michael Willing APM were appointed on 19 August 2020. There were no changes to the Advisory Committee membership during 2021.

The Advisory Committee provides strategic advice to the Co-Directors and Deputy Directors of the Institute, and guidance on the activities of the Institute. The Advisory Committee is an important point of collaboration between Institute members and the legal profession, the judiciary, policymakers, and practitioners in the criminal justice sector. The Advisory Committee meets formally at least once a year and otherwise meets or collaborates as a group or individually.

## Advisory Committee members

The annual meeting was attended by the following Advisory Committee members:

Dr Carolyn McKay, University of Sydney (Co-Director)

Dr Andrew Dyer, University of Sydney (Co-Director)

Professor Thalia Anthony, University of Technology Sydney

Professor Katherine Biber, University of Technology Sydney

Dr Tessa Boyd-Caine, Health Justice Australia

Emeritus Professor David Brown, University of New South Wales

Professor Judith Cashmore AO, University of Sydney

Honorary Professor Duncan Chappell, University of Sydney

Ms Alison Churchill, Community Restorative Centre

Adjunct Professor Nicholas Cowdery AO QC, University of Sydney

Deputy Commissioner Luke Grant, Corrective Services New South Wales

Mr Robert Hoyles, Legal Aid New South Wales

Judge Peter Johnstone, Chief Magistrate, New South Wales Local Court

Mr Paul McKnight, New South Wales Department of Communities and Justice

Ms Jane Sanders, The Shopfront Youth Legal Centre

Professor Megan Williams, University of Technology Sydney



Mr Michael Willing APM, former Deputy Commissioner of the New South Wales Police Force

The Institute also thanks the following members of the Advisory Committee for their support of the Institute in 2021:

The Honourable Justice R O Blanch AM QC

Emeritus Professor David Brown, University of New South Wales

Professor Chis Cunneen, University of Technology Sydney

His Honour Judge Dive, Senior Judge, Drug Court of New South Wales

Emeritus Professor Richard Harding, University of Western Australia

The Honourable Justice Hidden AM, Supreme Court of New South Wales

Associate Professor Rebecca Scott Bray, University of Sydney

Professor Stephen Tomsen, Western Sydney University

Adjunct Professor Don Weatherburn, University of Sydney

His Honour Judge Woods QC, Judge of the District Court of New South Wales

## **Advisory Committee meetings**

The Sydney Institute of Criminology's Advisory Committee annual meeting occurred on 29 September 2021 via Zoom.

See [Appendix E](#) for the Meeting Minutes.

# Institute research, impact and engagement

## Grants and awards

University of Sydney Vice-Chancellor's Awards for Excellence were received by one Institute member in 2021:

- **Associate Professor Juliette Overland** (Outstanding Educational Engagement and Innovation)

The following Institute members were nominated for or received awards for their work:

- **Dr Marlee Bower:** Australian Psychological Society Robin Winkler Award 2021 for Community Psychologists.
- **Associate Professor Greg Martin:** March 2022-June 2022: Virtual Visiting Fellow, Centre of Law and Society, Cardiff University, UK.
- **Dr Allan McCay:** Named as one of the most influential lawyers of 2021 by Australasian Lawyer, in the category of Human Rights, Advocacy and Criminal Law.
- **Dr Carolyn McKay:** Commenced her Australian Research Council funded DECRA 'The Digital Criminal Justice Project: Vulnerability and the Digital Subject' 2021-2024; Nominated for NSW Women Lawyers Association of NSW Legal Academic of the Year 2021.
- **Dr Robyn Holder.** Winner of Griffith Climate Justice Observatory. World Economic Forum Climate Justice Challenge (18 February, 2022). Member of team led by Professor Susan Harris Rimmer.

## Internships

Students of the University of Sydney continued to undertake internships with the Institute at four intervals throughout the academic year: during semester 1 and semester 2, and over the summer and winter breaks. Internships are awarded through a merit-based application process administered by the Institute. Due to government restrictions, internships were completed remotely by students.

Seventeen students completed the Institute's internship program in 2021. The program has a duration of 10 days. Interns worked on a range of projects and, in some cases, undertook editorial work on the *Current Issues in Criminal Justice* journal.

The program provides interns with opportunities to develop a wide range of professional, interpersonal and disciplinary skills, including research and communication skills, while also creating networks with members of the Institute, external collaborators and other students.

We thank all of these students for their hard work, diligence and understanding:

### Semester 1 2021:

- Andreas Boentaran, supervised by Dr Andrew Dyer, researched coercive control and whether such conduct should be criminalised in NSW
- Meriam Daniel, supervised by Dr Carolyn McKay, undertook research on the crime scene motel project

- Aanya Das, supervised by Professor Gail Mason, assisted with the ongoing research activities of the Australian Hate Crime Network
- Clare Davidson, supervised by Professor Arlie Loughnan, completed preliminary work in the field of therapeutic jurisprudence and particularly on the possibility of a NSW veterans courts/special list
- Ashna Govil, supervised by Professor Murray Lee, reviewed the legislation and laws used to charge or control hip-hop, grime and drill artists
- Paul Hee-Chan Kwon, supervised by Associate Professor Helen Paterson, searched legal databases for cases/rulings involving repeated event memory accounts, body-worn camera footage, contemporaneous notes, the effects of sleep on memory and the effects of stress on memory
- Zi Liang Lim, supervised by Dr Tanya Mitchell, completed a literature review of Australian scholarship on environmental crime and assisted in mapping environmental criminal offences in Australia
- Joshua Turner, supervised by Professor Rita Shackel, assisted the Women Defendants Project in completing literature reviews, transcript reviews, survey tabulation, recruitment strategy and stakeholder liaison

#### **Winter 2021:**

- Broderick Morgan, supervised by Dr Christopher Rudge, researched the law relating to psychedelics in Australia. Broderick also assisted Dr Justin Ellis and Professor Murray Lee in the activities of *Current Issues in Criminal Justice*
- Rhys Halkidis, supervised by Associate Professor Garner Clancey and Ms Brenda Lin, created a resource for Youth Justice NSW that provides an overview of the different research centres, initiatives, academics and resources in the university who could help young people in the youth justice system

#### **Semester 2 2021**

- Joshua Smith, supervised by Associate Professor Helen Paterson, completed research into discrepancies in memory accounts, including coding of written accounts for consistency across retellings
- Jonathan Wong, supervised by Associate Professor Salim Farrar, assisted with research of 'sentence bargaining' in Saudi Arabia, Iran and UAE

#### **Summer 2021 – 2022:**

- Antonia Berg and Zoe Mountakis were both supervised by Dr Andrew Dyer and Professor David Hamer. They researched High Court conviction appeals between 1984 and the present. More specifically, they located and analysed cases where: (a) the defence had claimed that a jury's verdict was unreasonable; or (b) the prosecution claimed that, despite an error at trial, the High Court should dismiss the appeal on the basis that no substantial miscarriage of justice had actually occurred

- Rima Bitar, supervised by Dr Robyn Holder, analysed transcripts of interviews with international criminal law practitioners for key themes on the role of victims in international criminal tribunal proceedings
- Thomas Carmody, supervised by Professor Rita Shackel, completed research for a project relating to sexual violence in communities involved in extractive industries
- Esha Gupta, supervised by Associate Professor Tyrone Kirchengast, completed research that involved consideration of case law from, and statutory provisions in, various Australian jurisdictions
- Caitlin Rigby, supervised by Dr Christopher Rudge, completed research concerning prosecutions of robodebt customers for welfare-related offending and issues of wrongful conduct and wrongful prosecutions

## Events

A key objective of the Institute is to facilitate public education about, and discussion of, criminal law and criminological issues by hosting a range of seminars and events throughout the year.

Government restrictions and uncertainty relating to the COVID-19 pandemic made planning and organising events challenging in 2021 – and, unfortunately, the Institute was unable to hold the **Paul Byrne SC Memorial Lecture** in 2021. However, the Institute looks forward to hosting the lecture in 2022, which will be given by The Hon Justice Peter Hamill of the Supreme Court of NSW.

The restrictions constrained the number and format of seminars and events hosted. Nevertheless, the Institute adapted to these changing circumstances and produced a variety of programs in 2021 that sought to draw a wide range of audiences. The Institute recognised that while online formats foreclose some possibilities, they open others, including the ability to invite intercontinental guests and attract larger online audiences than would be possible in a physical room. There was strong appetite in the public for online events, and this section will describe how the Institute successfully met this demand.

A further opportunity that the pandemic brought for the Institute was greater interest of legal professionals in on-demand content to fulfil their Continuing Professional Development (CPD) requirements. Recognising this, the Institute piloted a Criminal Law CPD Series in 2021, which was streamed to paying legal professionals around Australia. This was the Institute's biggest change for 2021, and it was also its greatest success in forging relationships between academia and the legal profession and in providing funding for a Higher Degree Research conference to be hosted by the Institute in 2022.

The Institute thanks the Law Events team, including Carla Viola and Simran Singh, for their determined and invaluable efforts to bring the wider public to these events and for ensuring they ran smoothly. We also thank communication technology and facilities officer, Andy Netherington, for his tireless work in connecting us with geographically-distant panellists, and ensuring remote attendees were able to experience and take part in our discussions.

## Book Launch

### Don Weatherburn and Sara Rahman's *The Vanishing Criminal*

17 February 2021



*Associate Professor Garner Clancey (chair), Ms Sara Rahman, Professor Don Weatherburn and Ms Kate McClymont AM (panellists).*

*The Vanishing Criminal: Causes of Decline in Australia's Crime Rate*, a book co-authored by Institute member, Dr Don Weatherburn, and Sara Rahman, was launched on 17 February 2021 by investigative journalist Kate McClymont AM of the *Sydney Morning Herald*. The launch was hosted by the Sydney Institute of Criminology, and chaired by Institute member **Associate Professor Garner Clancey**.

The launch was followed by a discussion panel – as well as a Q&A session facilitated by Associate Professor Clancey.

The event was very well-attended, with approximately 50 present in-person and 150 online attendees.

The launch can be viewed [here](#).

## Special Issue Launch:

### COVID-19, Criminal Justice and Carceralism

29 April 2021



*Professor Thalia Anthony, Professor Murray Lee, Dr Carolyn McKay, Dr Justin Ellis, Dr Louise Boon-Kuo, Dr Vicki Sentas and Ms Andreea Lachs. Image: Sydney Law School.*

On 29 April 2021, the Sydney Institute of Criminology hosted the launch of the COVID-19 special issue of *Current Issues of Criminal Justice*. This was a hybrid event, with most panellists attending in-person.

The special issue incorporates a diverse range of perspectives on ‘COVID-19, Criminal Justice and Carceralism’, with the articles in it dealing with topics such as prison reform, police and investigative powers and the challenges and opportunities of virtual settings for criminal justice.

The launch was chaired by Sydney Institute of Criminology Co-Director, **Dr Carolyn McKay**. The co-editors of the special issue were **Professor Thalia Anthony** (University of Technology Sydney) and **Professor Lorana Bartels** (Australian National University), who each delivered an address. The journal editor, **Dr Justin Ellis** (University of Newcastle) spoke as another panellist at the event. Panellists discussed the problems and possibilities arising from COVID-19, across Australia, Aotearoa/New Zealand, the Philippines, Canada and the United States.

**Dr Louise Boon-Kuo** (University of Sydney) and **Dr Vicki Sentas** (University of New South Wales) were also panellists at the event. They presented the findings of their article, ‘Policing biosecurity: police enforcement of special measures in New South Wales and Victoria during the COVID-19 pandemic’ (co-authored with Alec Brodie, Jennifer Keene-McCann, and Leanne Weber). Another panellist, **Ms Alison Whittaker** (University of Technology Sydney), was called to assist an interstate inquest and so was unable to attend in-person. **Ms Andreea Lachs** (Victorian Aboriginal Legal Service) delivered Alison’s talk on her behalf.



The event was open to the public. It was recorded and made available on the Sydney Law School [podcasts page](#). Due to restrictions, in-person places were limited. It was attended by approximately 100 e-attendees, and 35 in-person attendees.

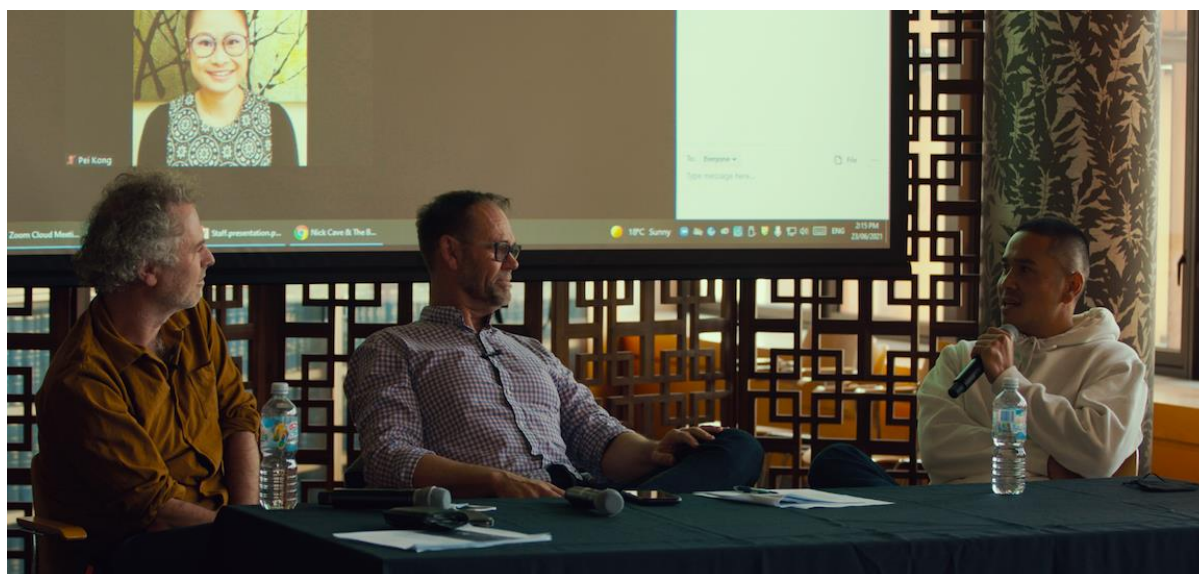


*Dr Louise Boon-Kuo presents her paper (co-authored with Dr Vicki Sentas and others).*

## **Research Seminar and Panel:**

### **This Is Not a Drill: Towards a Criminology of Popular Music**

**23 June 2021**



*Panellists Dr Toby Martin, Professor Murray Lee, and Ricky Simandjuntak. Professor Jioji Ravulo and Dr Carolyn McKay are out of the frame.*



The Institute hosted a collection of diverse speakers to discuss the timely issue of criminology and policing as it applies to popular music. The event was hybrid, hosted at the Sydney Law School common room to 15 in-person attendees as well as a number of Zoom attendees. The event was open to University of Sydney faculty and professional staff. Institute Co-Director **Dr Carolyn McKay** chaired the discussion, and was joined by five panellists.

**Professor Murray Lee** (Sydney Law School) and **Dr Toby Martin** (Sydney Conservatorium of Music) presented their research on policing, criminal law and 'musicriminology' as it applies to drill music, a subset of hip-hop music. Professor Lee and Dr Martin have been in dialogue with western Sydney Pacific Island group, OneFour. OneFour has attracted a huge international following, and was profiled in 2020 by Rolling Stone, but the members have been subject to police attempts to suppress them on the basis that their lyrics "incite violence". It has been alleged that public safety concerns have led to pressure on venues and promoters, preventing live performances.

Professor Lee and Dr Martin were in discussion with **Ricky Simandjuntak** (manager of OneFour), and **Professor Jioji Ravulo** (Chair of Social Work and Policy Studies in the Sydney School of Education and Social Work). The panel discussed how OneFour's music challenges the accepted aesthetic and cultural order, prompting questions about class, marginalisation, ethnicity, youth justice and geography. The audience heard about the challenges that certain groups face in being labelled an artist and in telling their stories. The panel also discussed the issues of economic marginalisation and racism contributing to the frustration that informs OneFour's music and their huge success, and the prevalence and problem of misogyny in popular music.

A filmmaker filmed the presentation, as part of a documentary on OneFour. It is anticipated that the production will be released in 2022 and distributed by Netflix.

## Panel:

### Australian Criminal Legal Scholarship – Past, Present and Future

29 July 2021



*Online forum including Dr Andrew Dyer (chair), Professor Simon Bronitt, Professor Arlie Loughnan, Dr Susan Bartie, and Mr Josh Pallas (panellists).*

The Institute hosted a panel discussion on Australian criminal law scholarship in the 20th and 21st centuries. The event was hosted entirely online due to restrictions on public gatherings in Greater Sydney. Institute Co-Director **Dr Andrew Dyer** chaired the event, the panellists for which were: University of Sydney Law School Dean **Professor Simon Bronitt**; **Professor Arlie Loughnan**; Sydney Law School PhD candidate **Mr Josh Pallas**; and University of Tasmania Lecturer, **Dr Susan Bartie**, who is a legal historian.

Professor Loughnan discussed the findings of her research on the development of a uniquely Australian criminal law in the 20th century, while Dr Bartie discussed the oft-overlooked contribution to criminal law scholarship of Peter Brett (1918–1975), for many years a Professor of Law at the Melbourne Law School. Professor Bronitt discussed whether a principled criminal law is really possible.

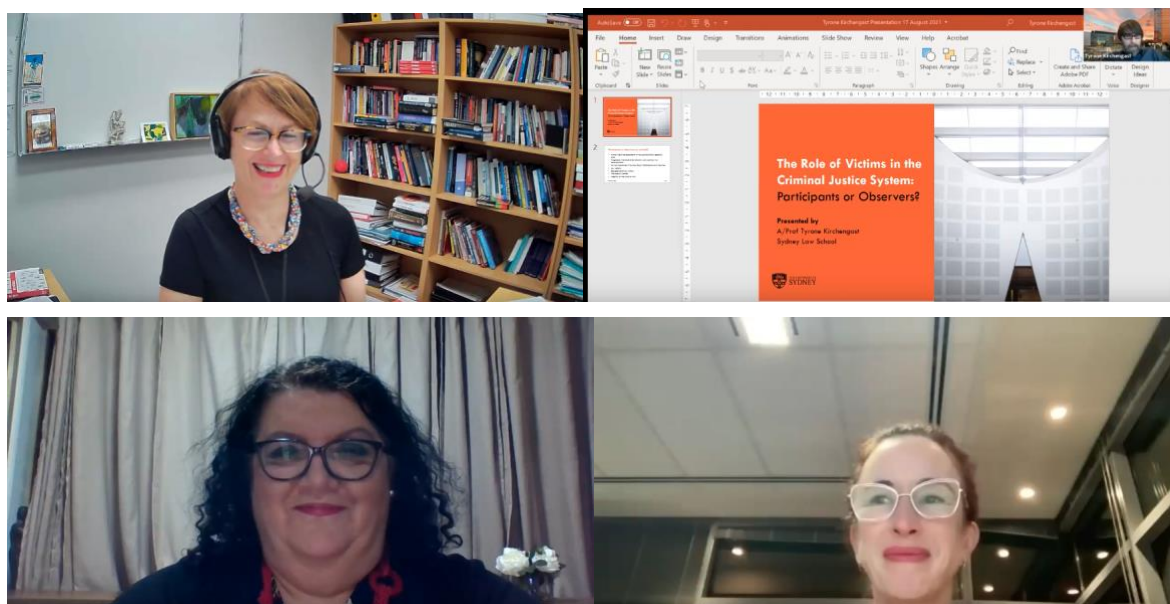
The panellists all discussed what has changed in legal education, and what might change in the near future. They also discussed the different challenges that researchers and lawyers face in ensuring their work draws from one another, and the codification of criminal law. The Institute thanks the chair and panellists for an engaging discussion, and the audience for their incisive questions.

The panel event was open to the public and may be viewed [here](#). It was well-attended, with approximately 50 e-attendees.

## Seminar:

### Beyond Punishment: The Role of Victims in the Criminal Justice System – Participants or Observers?

17 August 2021



*Clockwise from left: Dr Robyn Holder (chair), presentation of Dr Tyrone Kirchengast, Ms Martha Jabour OAM, and Dr Anne Marie Martin (panellists).*

The Institute was proud to continue its partnership with Corrective Services NSW to produce its annual *Beyond Punishment* seminar. Due to government restrictions in Greater Sydney, the event was hosted entirely online.

Institute member **Dr Robyn Holder** (Griffith University and former Victims of Crime Coordinator in the ACT) was the chair of the event and skilfully managed a complex discussion, which was enriched by the wide-ranging expertise of the three panellists:

- **Ms Martha Jabour OAM**, Executive Director of the Homicide Victims Support Group Inc, since its founding in 1993. HVSG coordinates support and provides counselling services to family and friends of victims of homicide crimes in NSW;
- **Dr Tyrone Kirchengast**, Associate Professor, University of Sydney Law School and member of the Sydney Institute of Criminology; and
- **Dr Anne Marie Martin**, who is the Assistant Commissioner, Offender Management and Programs, Corrective Services NSW.

The panellists each brought varied experiences to the issues.

Dr Kirchengast set out the different legal regimes concerning victims' rights, including international examples, and the constraints of adversarial criminal processes on victims' rights. Ms Jabour provided insights into her organisation's work assisting the families of victims since 1993, and her interactions with police, prosecutors and different court settings. Dr Martin discussed the role of Corrective Services NSW in facilitating victims' rights, including registration by victims of crime in the CSNSW Victims Register, the issue of prisoners who are also victims of crime, and informational structures in place to include victims. The discussion was followed by a Q & A session, presided over by the chair.

The event was open to the public and the recording is accessible [here](#). It reached a broad section of the community, with 160 people attending the event online. The Sydney Institute of Criminology thanks Corrective Services NSW for their generous sponsorship of the seminar.

## Conference:

### Neurotechnology, Criminal Law and Human Rights: Interdisciplinary Perspectives

14 December 2021



*Dr Allan McCay responds to the presentation of Professor Rafael Yuste (left on screen) entitled 'NeuroRights: Human Rights Guidelines for Neurotechnology'.*

At the end of 2021, the Sydney Institute of Criminology hosted a collection of passionate thinkers and members of the public who share a concern about the following question:

*What kind of human rights challenges might emerge from neurotechnology and how might these challenges play out in criminal justice?*

This is a question that engages the expertise of a variety of fields including science and technology, philosophy, as well as law. Organised by our Co-Deputy Director, [Dr Allan McCay](#), we heard from leading thinkers in these fields, including:

- **Professor Rafael Yuste**, NeuroTechnology Center, Columbia University and Neurorights Foundation
- **Professor Jennifer Chandler** and **Tugba Basaran Akmazoglu**, Faculty of Law, University of Ottawa
- **Jared Genser**, Perseus Strategies and Neurorights Foundation and **Stephanie Herrmann**, Perseus Strategies
- **Professor Fabrice Jotterand**, Medical College of Wisconsin and Institute for Biomedical Ethics at the University of Basel
- **Professor Sara Goering**, Department of Philosophy, University of Washington
- **Dr Marcello Lenca**, ETH Zurich and Intelligent Systems Ethics Unit, College of Humanities, Swiss Federal Institute of Technology in Lausanne
- **Dr Fruzsina Molnár-Gábor**, Heidelberg Academy of Sciences and Humanities



- **Susie Alegre**, Associate, Doughty Street Chambers and Senior Research Fellow, University of Roehampton and Associate, The Policy Practice and Director, Island Rights Initiative
- **Dr Sjors Ligthart**, Tilburg Law School, Tilburg University and Utrecht University
- **Dr Lisa Claydon**, The Open University Law School
- **Dr Helen Paterson**, University of Sydney, Co-Deputy Director, Sydney Institute of Criminology

Each session involved a presenter followed by a responder. The full program may be found [here](#) and recordings of the presentations are available on the University of Sydney [Podcasts page](#).

The speakers addressed a range of topics. The opening session featured discussions concerning the nascent field of [NeuroRights](#), the legal implications of [neuroprostheses](#), the challenges of [neurotechnology to traditional evidence law](#), and [research of the 'criminal brain'](#). Following a lunch period, the second session resumed with the vexing human rights issues of [merging humans and artificial intelligence](#), followed by the [human right to freedom of thought](#) in today's technological context. It concluded with an engaging discussion about [memory and technology](#) in the criminal justice system. In exploring these thorny issues and in facilitating a multi-continental discussion between those eager to solve them, the conference was a great success.

The event was free to the public, and was very well-attended, with 211 people across the globe following the discussions online.



*Dr Jason Chin puts a question to Jared Genser and Stephanie Herrmann of Perseus Strategies.*

## CPD Series

### Sydney Institute of Criminology Criminal Law CPD

#### April 2021 to March 2022

In 2021, the Institute launched a pilot CPD Series, which seeks both to assist Australian legal professionals to satisfy their Continuing Professional Development requirements and to bolster connections between academia and legal practice. The CPD calendar is April 2021 to March 2022, and practitioners are required to spend at least 10 hours attending seminars relevant to their practice and professional development.

Webinars were provided to practitioners at the rate of \$50 per webinar or \$300 for the full 7-webinar series. Once per month, the Institute released a new 1.5 hour webinar to subscribing practitioners, which could be viewed in their own time. The Institute also made available questionnaires on the content, to allow practitioners to apply their newly obtained knowledge.

Institute Co-Directors Dr Andrew Dyer and Dr Carolyn McKay recorded three webinars each. Institute Co-Deputy Director Dr Allan McCay recorded one webinar. The event descriptions are available [here](#).

The series was a significant success, with 94 practitioners purchasing one or more webinar. The Institute will use the funds generated from the series to finance a conference for Higher Degree Research students that will take place in mid-2022.

The webinars were as follows:

- **28/4/2021 A Reasonable Balance: The NSW and Queensland Law Reform Commissions' Reports about Consent and Culpability in Sex Cases involving Adults**  
**Speaker:** Dr Andrew Dyer  
**Participants:** This on-demand webinar was attended by approximately 29 participants from law firms, government departments, legal aid commissions, and barristers' chambers.
- **26/05/2021 Irreducible Life Sentences, the High Court of Australia and Charters of Rights**  
**Speaker:** Dr Andrew Dyer  
**Participants:** This on-demand webinar was attended by approximately 25 participants from law firms, government departments, legal aid commissions, and barristers' chambers.
- **30/06/2021 The Commonwealth Parliament and Preventive Detention: the High Court's Decision in *Benbrika v Minister for Home Affairs* [2020] HCA 4**  
**Speaker:** Dr Andrew Dyer  
**Participants:** This on-demand webinar was attended by approximately 30 participants from law firms, government departments, legal aid commissions, and barristers' chambers.
- **28/07/2021 Virtual Courts, Technology and Cross-Examination**  
**Speaker:** Dr Carolyn McKay  
**Participants:** This on-demand webinar was attended by approximately 35 participants from law firms, government departments, legal aid commissions, and barristers' chambers.
- **01/09/2021 Focusing on the AUDIO in Audio Visual Links**  
**Speaker:** Dr Carolyn McKay

**Participants:** This on-demand webinar was attended by approximately 21 participants from law firms, government departments, legal aid commissions, and barristers' chambers.

- **29/09/2021 Criminal Behaviour in the Digital Age**

**Speaker:** Dr Carolyn McKay

**Participants:** This on-demand webinar was attended by approximately 37 participants from law firms, government departments, legal aid commissions, and barristers' chambers.

- **27/10/2021 Neurotechnology and the Criminal Law**

**Speaker:** Dr Allan McKay

**Participants:** This on-demand webinar was attended by approximately 24 participants from law firms, government departments, legal aid commissions, and barristers' chambers.

## Publications

The following publications were facilitated by collaborations between members of the Institute, or otherwise arose or came out of events or activities organised by the Institute:

### Journal articles

- Cullen, H., Paterson, H., van Golde, C. (2020). Mock Juror Perceptions of Witness Inattentive Blindness. [Journal of Police and Criminal Psychology](#).
- Cullen, H., Paterson, H., van Golde, C. (2021). Stopping crime? The effect of crime re-enactments on eyewitness memory. [Psychiatry, Psychology and Law](#), 28(2), 286-309.
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- McKay, C. (2022). The carceral automaton: digital prisons and technologies of detention. *International Journal for Crime, Justice and Social Democracy*, 10(4).

## Book chapters

- McKay, C. (2022). Digital Justice and Video Links: Connecting and Conflating Courtroom and Carceral Space. In Kirsty Duncanson and Emma Henderson (Eds.). *Courthouse Architecture, Design and Social Justice*, (pp. 191-211). Abingdon: Routledge.
- McKay, C. (2022). Who's been sleeping in my bed? Cheap motels and transgression. In Michael Fiddler, Theo Kindynis, and Travis Linnemann (Eds.). *Ghost criminology: the afterlife of crime and punishment*, (pp. 280-306). New York: New York University Press.

## Current Issues in Criminal Justice

*Current Issues in Criminal Justice* (CICJ) is Australia's leading peer-reviewed journal on criminal justice with a focus on criminal law and criminology. First published in March 1989, *CICJ* has informed critical debate in criminal justice issues in Australia and internationally, and continues to provide detailed analysis of local, regional and global issues from outstanding academic contributors.

*CICJ* covers national and international issues and enjoys a diverse, global audience spanning many countries and disciplines. In addition to scholarly articles, the *CICJ* features 'Contemporary Comments', which are at the cutting edge of crime and justice debate, and reviews of recently released books.

The journal continues its alignment with the aims of the Sydney Institute of Criminology, namely, to: encourage and support engagement with SIC research and events; develop productive



collaborations within the University of Sydney and externally; and develop ECR capacity through publishing mentorship.

## 2021 Overview

2021 was a busy year for *Current Issues in Criminal Justice*, with the journal developing its profile through events, increased downloads (68% year-on-year increase) and increased citations.

- **Promotion of the journal continues** through CrimNet, Twitter, Facebook and LinkedIn. The *CICJ* COVID special issue was launched at an event in April 2021. A *CICJ* workshop was held at the 2021 ANZSOC conference to raise the profile of the journal and to help participants develop ideas for future manuscript submissions to *CICJ*.
- **Prioritising access** to non-subscribers through open access to *CICJ* articles for certain time periods – in particular for all articles in the *CICJ* COVID special issue.

## ANZSOC 2021 Conference - *CICJ* Online Workshop

COVID-19 limited the opportunity for incidental conversation on research and *CICJ* convened a workshop at the 2021 ANZSOC conference to provide an opportunity to share research ideas, develop arguments and consider methods, with the final objective of submitting a manuscript to *CICJ*. The workshop was well received and well attended.

## 2021 Issues

Four editions, comprising one volume of the *Current Issues in Criminal Justice* journal were published in 2021. The Institute would like to acknowledge and thank contributors to the *CICJ* in 2021 and all reviewers for their generous input of time and expertise.

### Volume 33 Number 1, Special Issue, April 2021

#### Introduction

- ‘Introduction to special edition: COVID-19, Criminal Justice and Carceralism – Critical Reflections and Change’, Thalia Anthony & Lorana Bartels, 1-4.

#### Articles and Contemporary Comment

- ‘Navigating risk and protective factors for family violence during and after the COVID-19 ‘perfect storm’’, Caroline Spiranovic, Nina Hudson, Romy Winter, Sonya Stanford, Kimberley Norris, Isabelle Bartkowiak-Theron & Kate Cashman, 5-18.
- ‘COVID-19: a missed opportunity to reimagine the justice system for our people’, Nerita Waight, Cheryl Axleby, Roxanne Moore & David Mejia-Canales, 19-26.
- ‘Youth (in)justice and the COVID-19 pandemic: rethinking incarceration through a public health lens’, Faith Gordon, Hannah Klose & Michelle Lyttle Storrod, 27-46
- ‘Pandemic sentence remissions: a model for executive decarceration during and following COVID-19’, Julian R. Murphy, 47-53.
- ‘Why practices that could be torture or cruel, inhuman and degrading treatment should never have formed part of the public health response to the COVID-19 pandemic in prisons’, Andreea Lachsz & Monique Hurley, 54-68.

- ‘Accused stripped of the power to elect to have trials before a jury of their peers’, J. Boersig, J. Campbell & S. Carmichael, 69-75.
- ‘Policing biosecurity: police enforcement of special measures in New South Wales and Victoria during the COVID-19 pandemic’, Louise Boon-Kuo, Alec Brodie, Jennifer Keene-McCann, Vicki Sentas & Leanne Weber, 76-88.
- ‘“COVID bail”: the response of Victorian courts and prisons in navigating the impact of COVID-19’, Mihal Greener, 89-93.
- ‘Justice reimagined: challenges and opportunities with implementing virtual courts’, Meredith Rossner, David Tait & Martha McCurdy, 94-110.
- ‘No news is no news: COVID-19 and the opacity of Australian prisons’, Alison Whittaker, 111-119.
- ‘Reducing the dangers of COVID-19 through shared governance in a Philippine jail’, Clarke R. Jones & Raymund E. Narag, 120-125.
- ‘Reimagining public defense advocacy in times of Covid-19: lessons from a task force’, Amina Azhar-Graham & Carina Gallo, 126-130.
- ‘Rethinking policing in Aotearoa New Zealand: decolonising lessons from the Covid-19 pandemic’, Elizabeth Stanley & Trevor Bradley, 131-137.
- ‘Abolition in the land known as Canada in the wake of COVID-19’, Vicki Chartrand, 138-143.
- ‘COVID-19, crisis and imagination’, DEDICA-20, 144-149.

#### Volume 33 Number 2, June 2021

##### Articles

- ‘Framing fantasies: public police recruiting videos and representations of women’, Kevin Walby & Courtney Joshua, 151-169.
- ‘Principles in diversion of Aboriginal and Torres Strait Islander young people from the criminal jurisdiction’, Chris Cunneen, Sophie Russell & Melanie Schwartz, 170-190.
- ‘The current nature of police officer fatalities in Australia and opportunities for prevention’, Kelly A. Hine & Samantha Carey, 191-210.
- ‘“It’s not designed for women at all”: exploring service providers’ perspectives of working in the Victorian criminal justice system’, Gabriela Franich, Larissa Sandy & Una Stone, 211-227.
- ‘Gendered judicial discourse in the sentencing of sexual offenders: a new explanatory model’, Isabella K. Damiris, Nadine McKillop, Larissa S. Christensen, Susan Rayment-McHugh, Kelley Burton & Tess Patterson, 228-246.
- ‘What do judges mean when they sentence to protect the safety of the community?’, Ben Livings, 247-263.

## Contemporary Comment

- ‘Changes in New South Wales criminal justice since 2010’, Maggie Hall, 264-276.

## Book Review

- *Life Imprisonment from Young Adulthood: Adaptation, Identity and Time*, by Ben Crewe, Susie Hulley & Serena Wright, Palgrave MacMillan, 2019, ISBN 978-1-137-56600-3. Reviewed by Peiling Kong, 277-281.
- *A lesser species of homicide: death, drivers and the law*, by Kelly King, University of Western Australia Press, 2020, ISBN: 978-1-76080-002-4. Reviewed by Arlie Loughnan, 281-283.

## Volume 33 Number 3, October 2021

### Articles

- ‘Why ‘admission of guilt’ is not working in youth diversionary schemes in NSW – exploratory findings from interviews with police officers’, Estrella Pearce, 285-299.
- ‘Media constructions of Indigenous women in sexual assault cases: reflections from Australia and Canada’, Kylie Cripps, 300-321.
- ‘Rational choice or strain? A criminological examination of contract cheating’, Victoria Nagy & Andrew Groves, 322-339.
- ‘Worrying times: the fear of crime and nostalgia’, Stephen Farrall, Emily Gray & Phil Mike Jones, 340-358.
- ‘Evaluating the evidence in algorithmic evidence-based decision-making: the case of US pretrial risk assessment tools’, Pascal D. König & Tobias D. Krafft, 359-381.
- ‘Prosecuting terrorism: secret courts, evidence and special advocates. The panoply of challenges facing criminal justice, the United Kingdom perspective’, Charanjit Singh, 382-408.

### Book Review

- An inside look at the Khmer Rouge tribunal: Craig Etcheson’s *Extraordinary Justice*, Columbia University Press, New York City, 2020, 488 pp., \$65 (USD Hardback and eBook), ISBN: 9780231194242. Reviewed by Rosemary Grey, 409-411.
- *The Palgrave handbook on art crime*, edited by Saskia Hufnagel and Duncan Chappell, Palgrave Macmillan, UK, 2019, 909pp., €213.99 (eBook), €249.99 (Hardcover), ISBN 978-1-137-54404-9. Reviewed by Shane Simpson AM, 411-415.

## Volume 33 Number 4, February 2022

### Articles

- ‘The role of Legal Aid NSW in addressing the civil legal needs of participants in High Intensity Units (HIPIUs) in prisons’, Brenda Lin, Garner Clancey & Laura Metcalfe, 417-437.

- ‘Civil justice and redress scheme outcomes for child sexual abuse by the Catholic Church’, Kathleen Daly & Juliet Davis, 438-465.
- ‘Outlaw motorcycle gangs and neighbourhood crime’, Luke Lakeman, Kathryn Benier & Rebecca Wickes, 466-482.
- ‘Cleansing and corridors: assessing the state (and future) of police human source management in Australia’, Paul Bleakley, 483-497.
- ‘Extending witness intermediary schemes to vulnerable adult defendants’, Jacqueline Giuffrida & Anita Mackay, 498-516.
- ‘Longitudinal variations in availability and disposability of specific makes and models of hot products associated with variations in corresponding stealing counts’, Liam Quinn & Joseph Clare, 517-535.

#### Book Review

- *Disability, criminal justice and law: reconsidering court diversion*, by Linda Steele, Routledge: London, 2020, 267 pp., \$252.00 AUD, ISBN: 9781351240338. Reviewed by Amber Karanikolas, 536-538.

## Policy and reform submissions

| Author/s                                 | Submission / Evidence  | Inquiry/Commission  |
|--|--|---|
| <b>Dr Jason Chin</b>                     | Submission to Australian Law Reform Commission.                  | Judicial Impartiality Consultation Paper: <a href="https://osf.io/4mxgw/">https://osf.io/4mxgw/</a>   |
| <b>Dr Jason Chin</b>                     | Submission to New South Wales Law Reform Commission.             | Open Justice Consultation Paper: <a href="https://osf.io/e2kqc/">https://osf.io/e2kqc/</a>  |
| <b>Dr Andrew Dyer and Mr Josh Pallas</b> | Submission to Independent National Security Legislation Monitor. | Review into Division 105A of the Criminal Code (Cth): <a href="https://www.inslm.gov.au/sites/default/files/2021-12/1.NSW-Council-for-Civil-Liberties-and-Sydney-Institute-of-Criminology.pdf">https://www.inslm.gov.au/sites/default/files/2021-12/1.NSW-Council-for-Civil-Liberties-and-Sydney-Institute-of-Criminology.pdf</a> |
| <b>Dr Carolyn McKay</b>                  | Digital Technologies, Witnesses and Cross-examination.           | Prepared for the Bar Association of New South Wales for submission to the Federal Court of Australia (with assistance from Research Assistant and Law School student, Rodney Blake, funded by University of Sydney Engagement Accelerator Program)  |

## Media commentary

| Date             | Commentator/s & media outlet       | Topic   |
|------------------|------------------------------------|---|
| 14 January 2021  | Alice Orchiston, UNSW Newsroom.    | <a href="#">‘Price of a life: why food delivery services need a regulation overhaul’</a>          |
| 07 February 2021 | Don Weatherburn, The Guardian.     | <a href="#">‘The secret to crime control: Don Weatherburn on why jail is not the best answer’</a> |
| 10 February 2021 | Garner Clancey, Wentworth Courier. | <a href="#">‘Revealed: The CCTV cameras used in your neighbourhood’</a>                           |
| 12 February 2021 | Marlee Bower, The Telegraph.       | <a href="#">‘The Covid crisis has taught us who our friends really are’</a>                       |

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|------------------|---|--|
| 14 February 2021 | Gail Mason, The Sydney Morning Herald.          | <a href="#">‘Yes, we can ‘Do Better’: the ugly truth about racism in Australia’</a>  |
| 23 February 2021 | Carolyn McKay, The Australian.                  | <a href="#">‘Missing accountant: hearing put on Facebook by’</a>   |
| 1 March 2021     | Carolyn McKay, ABC News.                        | <a href="#">‘How the case of Sydney businesswoman Melissa Caddick has captivated the public and baffled police’</a>                |
| 15 March 2021    | Gail Mason, The Conversation.                   | <a href="#">‘Graffiti, arson, death threats: new research finds widespread violence against Australian mosques’</a>                |
| 16 March 2021    | Andrew Dyer, ABC News.                          | <a href="#">‘Blake Davis manslaughter conviction shows that ‘reasonableness’ is a flexible word’</a>                               |
| 18 March 2021    | Andrew Dyer, ABC News.                          | <a href="#">‘Sexual assault advocates say NSW Police Commissioner Mick Fuller’s consent app idea could lead to victim blaming’</a> |
| 20 March 2021    | Andrew Dyer, The Guardian.                      | <a href="#">Barriers to justice: ‘We are still governed by the idea that women lie about sexual assault’</a>                       |
| 29 March 2021    | Andrew Dyer, The Daily Advertiser.              | <a href="#">‘Two really dumb ideas to combat assaults on women’ Ray’s Reasoning’</a>   |
| 5 April 2021     | Allan McCay, Innovation.Aus.Com.                | <a href="#">‘Writing laws for when mind meets machine’</a>   |
| 15 April 2021    | Jane Andrew, LSE British Politics and Policy.   | <a href="#">The agencification of government under Thatcher continues to have profound repercussions for UK democracy</a>          |
| 20 April 2021    | Arlie Loughnan and Allan McCay, The Law Report. | <a href="#">‘Court rules couples can conspire and how brain implants might transform criminal law’</a>                             |
| 27 April 2021    | Terry Carney, The Australian.                   | <a href="#">‘Keep it short and sweet’</a>  |
| 30 April 2021    | Justin Ellis, Newcastle Herald.                 | <a href="#">‘University of Newcastle seeks queer perspectives on cops’</a>   |

|                   |                                       |   |
|-------------------|---------------------------------------|---|
| 29 May 2021       | Andrew Dyer, News.com.au.             | <a href="#">‘Question you must ask before sex’</a>  |
| 4 July 2021       | Rebecca Scott Bray, The Guardian.     | <a href="#">“‘Excited delirium’”: how a disputed US term found its way to Australian deaths-in-custody inquests’</a>  |
| 7 July 2021       | Tyrone Kirchengast, The Age.          | <a href="#">‘Private prosecutions: the realm of the whacky or power abuse safeguard?’</a>   |
| 9 June 2021       | Garner Clancey, The Telegraph.        | <a href="#">‘NSW postcodes with the highest number of break-ins’</a>  |
| 29 July 2021      | Marlee Bower, ABC Everyday.           | <a href="#">‘How micro-interactions can help us feel less lonely during the pandemic’</a>   |
| 30 July 2021      | Louise Boon-Kuo, The Conversation.    | <a href="#">‘COVID has changed policing — but now policing needs to change to respond better to COVID’</a> (co-authored with Vicki Sentas and Leanne Weber) |
| 13 August 2021    | Marlee Bower, Today Show (Channel 9). | <a href="#">‘We might be in the same storm, but we’re not all in the same boat’</a>   |
| 16 August 2021    | Carolyn McKay, News.com.au.           | <a href="#">“‘It’s a fetish’: Why Aussies are obsessed with what happens in prison’</a>   |
| 21 August 2021    | Alice Orchiston, Lawyers Weekly.      | <a href="#">‘The trends reshaping legal workplaces’</a>   |
| 8 September 2021  | Marlee Bower, Dazed.                  | <a href="#">‘Bitching, backstabbing, and boundaries redrawn on Instagram Close Friends’</a>   |
| 13 September 2021 | Rita Shackel, Mamamia.                | <a href="#">‘14 years on, Emily has moved on from being raped. But what happened after haunts her’</a>  |
| 14 September 2021 | Justin Ellis, Crikey.                 | <a href="#">‘What the anti-lockdown movement stole from Black Lives Matter’</a>   |
| 23 September 2021 | Marlee Bower, Junkee.                 | <a href="#">‘What To Do If You Catch Yourself Constantly Doomscrolling’</a>   |
| 27 September 2021 | Christopher Rudge, The Conversation.  | <a href="#">‘The Therapeutic Goods Administration has the power to stop misleading advertising. So why can’t it stop Craig Kelly’s texts?’</a>              |

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|------------------|--|--|
| 7 October 2021   | Marlee Bower, The Conversation.              | <a href="#">‘Most of us will recover our mental health after lockdown. But some will find it harder to bounce back’</a> (co-authored with Maree Teesson and Marc Stears) |
| 10 October 2021  | Terry Carney, The Guardian.                  | <a href="#">‘Disability pension rules leave thousands with cancer on \$44 a day’</a>   |
| 12 October 2021  | Marlee Bower, Medical Press.                 | <a href="#">‘Lonely after lockdown? How COVID may leave us with fewer friends if we are not careful’</a> (co-authored with Roger Putalny)                                |
| 13 October 2021  | Marlee Bower, News.com.au / Herald Sun.      | <a href="#">‘How to deal with social anxiety once lockdown ends’</a> (co-author with Maree Teesson, Lexine Stapinski, and Andrew Baillie)                                |
| 22 October 2021  | Marlee Bower, The Project.                   | <a href="#">‘The long-term effect of COVID-19 on friendships’</a>  |
| 25 October 2021  | Sarah Wayland, CBC.                          | <a href="#">‘Refugee PSW wants to help but is shut out of essential workers’ residency program’</a>  |
| 27 October 2021  | Marlee Bower, ABC News.                      | <a href="#">‘How Australians coped with COVID lockdown, and what they’re looking forward to next’</a>  |
| 17 November 2021 | Helen Paterson, Port Macquarie News.         | <a href="#">Strike Force Rosann to build on solid evidence base in targeted William Tyrrell search</a>   |
| 19 November 2021 | Juliette Overland, The Conversation.         | <a href="#">‘Australia’s insider trading laws might not apply to super – here’s why they should’</a>   |
| 19 November 2021 | Josh Pallas, The Sydney Morning Herald.      | <a href="#">‘Victoria’s supposedly autocratic pandemic laws would be better than NSW’s’</a>  |
| 22 November 2021 | Don Weatherburn, The Age.                    | <a href="#">‘Boosting police numbers will not reduce people’s fear of crime’</a>   |
| 23 November 2021 | Louise Boon-Kuo, The Age.                    | <a href="#">“‘No surprise’: The young and poor most likely to get a COVID fine’</a>  |
| 30 November 2021 | Nicholas Cowdery, The Sydney Morning Herald. | <a href="#">‘Morrison’s rant against ICAC needs a good fact-check’</a>   |



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|------------------|-----------------------------------|---|
| 29 December 2021 | Don Weatherburn, The Guardian.    | <a href="#">‘Support for legalising marijuana in Australia nearly doubles over six years’</a>   |
| 29 December 2021 | Don Weatherburn, Forbes.          | <a href="#">‘Support For Marijuana Legalization In Australia Nearly Doubles In Six Years’</a>   |
| 14 February 2022 | Arlie Loughnan, The Conversation. | <a href="#">‘The royal commission must find ways to keep veterans out of jail’</a> (co-authored with Clare Davidson and Sarah Murray) |
| 16 February 2022 | Arlie Loughnan, ABC News Radio.   | <a href="#">‘Keeping veterans out of jail is key to minimising suicide risk: expert’</a>  |

## Social media

The Institute continued to grow its social media following, with over 3,900 followers on Twitter and 670 connections on LinkedIn. The Institute increased its activity and engagement through social media in 2021, sharing contemporary commentary on criminal justice issues, criminological research, news and events.

## CrimNet

The year 2021 was the first year of trialling the platform EmmaHQ for CrimNet, the fortnightly e-newsletter of the Sydney Institute of Criminology. This transition has delivered a fresh new design for CrimNet and improved readability and functionality. It has enabled releases to be timed according to periods of high engagement, and an understanding of what types of content receive more engagement.

The newsletter introduced two new sections in 2021. The first was “Institute Events and Activities” which aims to give prominence to the work of the Institute and its members by listing their events, research output, news and announcements at the top of the newsletter. The second was “PhD in Focus”, a non-regular section which delivered a written Q&A to some PhD students affiliated with the Institute.


The 2021 newsletters have an average rating of 8.7 out of 10.0, based on a comparison against the engagement in newsletters issued by all 45,000 EmmaHQ customers. This is an overall score that factors in opens, clicks, shares, opt-outs, and signups along with the use of subject line split testing.

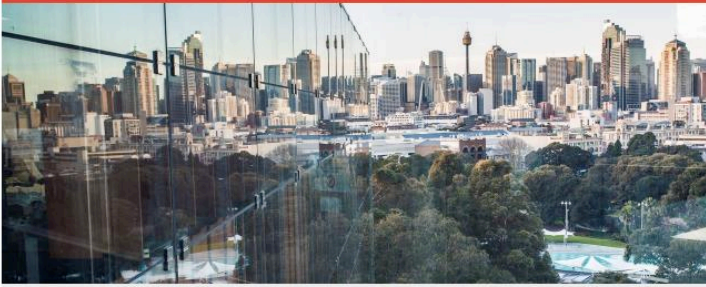
The subscriber base continued to grow, with over 2,200 active subscribers receiving CrimNet directly by email. The CrimNet newsletter is also published on social media each fortnight and shared across the Institute’s online community.

The following editions were released in the reporting period:

- [3 February 2021](#)
- [17 February 2021](#)
- [17 March 2021](#)
- [9 April 2021](#)
- [27 April 2021](#)
- [25 May 2021](#)
- [4 June 2021](#)
- [17 June 2021](#)
- [6 July 2021](#)
- [23 July 2021](#)
- [11 August 2021](#)
- [31 August 2021](#)
- [22 September 2021](#)
- [13 October 2021](#)
- [29 October 2021](#)
- [12 November 2021](#)

Sydney Institute of Criminology  
**CrimNet**  
23 July 2021


THE UNIVERSITY OF  
**SYDNEY**



The **CrimNet** newsletter is sponsored by the **Sydney Institute of Criminology**. CrimNet provides regular communication between criminal justice professionals, practitioners, academics and students in Australia and overseas. Share CrimNet with your peers and help grow the network.

We acknowledge the tradition of custodianship and law of the Country on which the University of Sydney campuses stand. We pay our respects to those who have cared and continue to care for Country.



## Institute Events and Activities



*Emma HQ format of CrimNet.*

## Institute Finances

The 2020 Covid-19 pandemic impacted our operations, flowing into 2021, generating an atypical financial situation. Continuing university austerity measures affected our discretionary spending. We also note that since 2015, the IC's income stream from consultancies and other sources such as from *CICJ* have steadily declined. Given these circumstances, a priority for the new IC executive team in 2021 was to investigate fresh funding sources and income streams to support our ongoing activities. In early 2021, we began to explore the possibility of creating Continuing Legal Education ('CLE') seminars for Australian legal practitioners. Moreover, we successfully brought this concept into reality by implementing the new Criminal Law Continuing Professional Development (CPD) 2021-2022 program.

**Revenue** consisted of \$989 in royalties plus \$16,500 consisting of \$8,181 from Corrective Services NSW for one Beyond Punishment event, and \$8,319 from our new CPD program (noting that the CPD program runs 1 April – 30 March each year so further income was received up to March 2022).

**Expenses** consisted of salary costs for our IC coordinators, Letitia Davy (until March 2021) followed by Francis Maxwell, plus associated university on-costs. Our major expense item is the coordinator role – which is critical to our smooth and seamless operation, lines of communication and promotion of the Institute. Other expenses were associated with catering for three hybrid events we ran for a book launch, *CICJ* special edition launch and international neurotech event. In addition, there was a small travel expense for a guest speaker associated with the Beyond Punishment event.

**The future:** In relation to the 5-year plan, we note that the funding of all Sydney Law School research centres has been the subject of change, particularly since 2021. For instance, we are currently awaiting advice regarding the continuing funding of the important IC coordinator role. In line with the new arrangements, we have been meeting with the Law School financial team on a regular basis to seek funding for our many activities. During the period of our directorship 2021-2023, we will continue to pursue external funding through our CPD program and through the partnership with Corrective Services NSW on the Beyond Punishment series.

See [Appendix A](#): Centre/Institute Financial Statement; [Appendix B](#): Academic and Business Plan; and [Appendix C](#): 5-Year Financial Plan.

# Appendices

## Appendix A: Institute Financial Statement 2021



THE UNIVERSITY OF SYDNEY

### I & E Statement for Criminology Institute (J0011)

User Selection: Period: YTD Dec

Responsibility Centre: Criminology Institute (J0011) Project Code: Discretion Excl Strat&Cap Prog (DISCRETIONARY\_EX\_PRG) Ledger Measu

|                                       | FY20<br>Full Year<br>Actuals<br>Final<br>\$ | FY21<br>Y-T-D(Dec)<br>Actuals<br>Final<br>\$ | FY21<br>Full Year<br>Budgets<br>Final<br>\$ | FY22<br>Full Year<br>Budgets<br>Total<br>\$ |
|---------------------------------------|---|--|---|---|
| <b>Revenue</b>                        |   |  |   |   |
| Consulting Income                     | 492   | 989  | 10,000                                      | 10,000                                      |
| Other Income                          | -   | 16,500                                       | -   | -   |
| Internal Income                       | -   | -  | 10,000                                      | 10,000                                      |
| <b>Total Revenue</b>                  | <b>492</b>                                  | <b>17,489</b>                                | <b>20,000</b>                               | <b>20,000</b>                               |
| <b>Expenses: Employee Benefits</b>    |   |  |   |   |
| General Salary Costs                  | -   | 10,823                                       | -   | -   |
| Casual Salary Costs                   | 21,352                                      | 9,236  | 15,732                                      | 18,000                                      |
| Annual Leave                          | -   | -  | 0   | 0   |
| <b>Total Employee Benefits</b>        | <b>21,352</b>                               | <b>20,059</b>                                | <b>15,732</b>                               | <b>18,000</b>                               |
| <b>Expenses: Non Salary</b>           |   |  |   |   |
| Employee Related Costs                | -   | 410  | 6,740                                       | 4,934                                       |
| Utilities, Services and Comms         | 1,160                                       | 1,559  | 3,260                                       | 3,260                                       |
| <b>Total Non Salary Expenses</b>      | <b>1,160</b>                                | <b>1,968</b>                                 | <b>10,000</b>                               | <b>8,194</b>                                |
| Central Cost Allocations              | 36,352                                      | 36,058                                       | 42,829                                      | 40,898                                      |
| <b>Total Expenses</b>                 | <b>58,864</b>                               | <b>58,085</b>                                | <b>68,562</b>                               | <b>67,093</b>                               |
| <b>OPERATING MARGIN</b>               | <b>(58,373)</b>                             | <b>(40,597)</b>                              | <b>(48,562)</b>                             | <b>(47,093)</b>                             |
| Elimination and Extraod Items         | -   | -  | -   | -   |
| <b>NET OPERATING MARGIN</b>           | <b>(58,373)</b>                             | <b>(40,597)</b>                              | <b>(48,562)</b>                             | <b>(47,093)</b>                             |
| Net Op Margin as a % of Total Revenue | (11,875.8%)                                 | (232.1%)                                     | (242.8%)                                    | (235.5%)                                    |
| Capital                               | -   | -  | -   | -   |
| <b>NET FINANCIAL PERFORMANCE</b>      | <b>(58,373)</b>                             | <b>(40,597)</b>                              | <b>(48,562)</b>                             | <b>(47,093)</b>                             |

## Appendix B: Academic and Business Plan

Our plan for 2021-2023 involves the continuation of running events associated with research and research candidates, public education, legal professional and criminal justice agency outreach and promoting the IC as a research hub at the forefront of criminal justice issues:

### 1. Research

- support the research of the IC members through holding research seminars providing opportunities for emerging and established researchers to present their work in progress for feedback, commentary and development
- support the research process of the IC members through our internship program
- foster and showcase Honours and HDR research projects in criminology, criminal law and criminal justice through a 2022 Higher Degree Research conference

### 2. Publications

- support the current editor of *Current Issues in Criminal Justice*, Dr Justin Ellis of UoN, who is a member of the Institute. The journal will be adding our Twitter handle in 2022 to their website to forge closer links with us.

We always support our members' publications through:

- our internship program;
- presentation opportunities for works-in-progress at our research seminars; and
- publicising new publications in CrimNet and social media

### 3. Public education and other events

- continue public education regarding contemporary and critical criminal justice issues through seminars and events
- continue to engage directly with the legal profession via hosting the annual Paul Byrne SC Memorial Lecture (the 2021 event with guest speaker, Justice Peter Hamill of the Supreme Court of NSW, was rescheduled to 2022 due to Covid)
- continue to engage with justice agencies via the *Beyond Punishment* seminar series, which is hosted by the IC in conjunction with Corrective Services NSW
- organise seminars about topical and/or controversial issues of criminal justice policy, involving academics, legal practitioners, parliamentarians, public servants, police officers

### 4. IC Profile and Links

- maintain the IC's high public and academic profile to ensure that the IC continues to be recognised as a leader in criminological and related research in Australia, e.g. the Institute hosted the annual Criminal Law Workshop for Australian and NZ criminal law scholars in early 2022 and will host a 2022 HDR conference
- forge closer links with the legal profession and affiliated services through greater engagement with members of our Advisory Committee, e.g. Advisory Committee members will be integral to a 2022 panel on Pandemic Policing

### 2022 Revenue and Expenses

**Revenue:** 2022-2023 CPD program expecting approximately \$10,000pa

**Expenses:** Events that have been budgeted include:

- Criminal Law International Workshop, February 2022 (free event) \$1,350
- Pandemic Policing panel, May 2022 (free event) \$1,280
- HDR Conference, July 2022 (free event) \$5,184
- Paul Byrne SC memorial lecture 2022 (free event) approx \$3,000
- Domestic Violence event planned for late 2022 approx \$1,500

## Appendix C: 5-Year Financial Plan

| Criminology Institute            | 5- Year Financial Plan                   | 2022          | 2023          | 2024          | 2025          | 2026          |
|----------------------------------|--|---------------|---------------|---------------|---------------|---------------|
|                                  |  | \$            | \$            | \$            | \$            | \$            |
| <b>Revenue</b>                   | <b>Other Income</b>                      |               |               |               |               |               |
|                                  | CPD programs*1                           | 10,000        | 10,200        | 10,404        | 10,612        | 10,824        |
|                                  | Royalties                                | 1,000         | 1,000         | 1,000         | 1,000         | 1,000         |
|                                  | Corrective services NSW                  | 10,000        | 10,000        | 10,000        | 10,000        | 10,000        |
|                                  | Criminal Law(free event)                 | -             | -             | -             | -             | -             |
|                                  | Pandemic Policing(free event)            | -             | -             | -             | -             | -             |
|                                  | HDR Conference (free event)              | -             | -             | -             | -             | -             |
|                                  | Paul Byrne memorial Lecture              | -             | -             | -             | -             | -             |
|                                  | Domestic Violence event                  | -             | -             | -             | -             | -             |
|                                  | <b>Internal Income(School support)*2</b> | <b>10,000</b> | <b>10,000</b> | <b>10,000</b> | <b>10,000</b> | <b>10,000</b> |
|                                  | <b>Total</b>                             | <b>31,000</b> | <b>31,200</b> | <b>31,404</b> | <b>31,612</b> | <b>31,824</b> |
| <b>Expenses</b>                  | <b>Employee Benefits</b>                 |               |               |               |               |               |
|                                  | General Salary Costs                     |               |               |               |               |               |
|                                  | Casual Salary Costs                      | 15,000        | 15,300        | 15,606        | 15,918        | 16,236        |
|                                  | <b>Total</b>                             | <b>15,000</b> | <b>15,300</b> | <b>15,606</b> | <b>15,918</b> | <b>16,236</b> |
|                                  | <b>Non Salary</b>                        | <b>14,000</b> | <b>14,100</b> | <b>14,200</b> | <b>14,300</b> | <b>14,400</b> |
|                                  | <b>Total</b>                             | <b>29,000</b> | <b>29,400</b> | <b>29,806</b> | <b>30,218</b> | <b>30,636</b> |
| <b>Operating Margin Excl.CCA</b> | <b>Total</b>                             | <b>2,000</b>  | <b>1,800</b>  | <b>1,598</b>  | <b>1,394</b>  | <b>1,188</b>  |

### Notes

\*1 CPD program fees increased 2% p.a for CPI

\*2 School support is contingent on budget approval from the Dean and may vary into future years.

Centre Cost allocation(CCA) is on average \$40k p.a and is covered by the school.

## Appendix D: Centre Terms of Reference

### SYDNEY INSTITUTE OF CRIMINOLOGY CONSTITUTION

#### **Name**

1. The name of the Institute is, and shall continue to be, the Sydney Institute of Criminology.

#### **Objectives**

2. The objectives of the Institute are to encourage, promote and support, within the University of Sydney, teaching and research in the areas of criminology, criminal law and procedure, evidence law and related disciplines. These objectives shall continue to be pursued by Institute members with: one another; other University of Sydney staff members; the legal profession; other participants in the criminal justice system; other Centres and Institutes in the University of Sydney, elsewhere in Australia and overseas; and the wider community. The Institute's activities shall continue to include:
  - (a) Engaging in high-quality research concerning criminology, criminal law and procedure, evidence law – and in related areas;
  - (b) Sponsoring and conducting conferences, seminars, workshops, lectures and other similar events;
  - (c) Facilitating visits of, and engagement with, scholars from overseas or elsewhere in Australia;
  - (d) Supporting postgraduate research in the areas of criminology, criminal law and procedure, evidence law and related disciplines. In particular, it shall continue to support the Master of Criminology and Graduate Diploma of Criminology programmes; and its members shall continue to participate in the supervision of Honours and postgraduate research students;
  - (e) Promoting and participating in cross-institutional teaching, both within Australian and internationally, of undergraduate and postgraduate courses concerning criminology, criminal law and procedure, evidence law – and in related disciplines;
  - (f) Advising upon and contributing to the development of the undergraduate and postgraduate curriculum at the University of Sydney in the areas of criminology, criminal law and procedure, evidence law – and in related disciplines;
  - (g) Facilitating collaboration between its members and individuals employed by other institutions and organisations, whether those individuals work within or outside Australia;
  - (h) Providing opportunities for its members to present their research at meetings of Institute members, and at public events organised by the Institute;
  - (i) Facilitating the dissemination of research conducted by members;
  - (j) Responding to requests from different parts of the media for informed comment about criminal justice developments, and adding an informed edge to public debates about criminal justice issues, via commentaries in newspapers, online and elsewhere;
  - (k) Undertaking consultancies and like activities, in the areas of criminology, criminal law and procedure, evidence law and in related areas of academic expertise;

- (l) Doing all such things as are incidental to all or any of the above activities, or that are conducive to the achievement of the Institute's objectives; and
- (m) Publication of research and other scholarly contributions concerning criminology, criminal law and procedure, evidence law – and related areas of academic expertise.

## **Membership**

- 3. The Institute shall henceforth have three types of members: full members; associate members; and affiliate members.
- 4. Full membership of the Institute shall be open to all full-time or part-time members of the academic staff at the University of Sydney who are actively involved in teaching and/or research in one or more of the following areas: criminology; criminal law and procedure; evidence law; criminal justice; an area related to any of these.
- 5. Associate membership shall be open to those who have at any time previously been full-time or part-time members of the academic staff at the University of Sydney in any of the areas particularised in clause 4. It shall additionally be open to all persons who have been sessional members of staff in any of those areas at any time within the previous 60 months, or who are enrolled as Higher Degree by Research students at the University of Sydney in any such area. Further, it shall be open to academics, professionals and members of the community who, in the view of a majority of Management Committee members present at any meeting of that Committee, will make a significant contribution to the achievement of the Institute's objectives.
- 6. Affiliate membership shall be open to all bodies, whether corporate or unincorporated, that, in the view of the majority of Management Committee members present at any meeting of that Committee, will make a significant contribution to the objectives of the Institute.
- 7. Any person to whom clause 4 or the first two sentences of clause 5 applies shall become a member of the Institute by informing the Institute in writing of his or her intention to take up such a membership. Such a person's membership shall become effective upon the Institute's receipt of such correspondence.
- 8. The Management Committee of the Institute must maintain a register of members, and must resolve at a meeting of that Committee, by majority vote, any dispute that arises as to a person's entitlement to membership of the Institute.



## **Management Committee**

9. The Management Committee of the Institute shall continue to manage the business and affairs of the Institute.
10. The Management Committee shall comprise the following persons:
  - (a) The Director(s) of the Institute, who shall chair meetings of the Committee;
  - (b) The Dean of the School of Law of the University of Sydney, or her or his nominee;
  - (c) The Deputy Director(s) of the Institute;
  - (d) All full members of the Institute;
  - (e) Not more than two additional members approved by a majority of members of the Management Committee at a meeting of that Committee.
11. In the case of a casual vacancy resulting from the termination, for whatever reason, of an appointment made under clause 10(e), the majority of the Management Committee may, at any meeting of that Committee, appoint a person to replace the outgoing Committee member.

## **Proceedings and Powers of the Management Committee**

12. The Management Committee may meet, adjourn and otherwise regulate its meetings as it sees fit, but shall meet at least once in every period of twelve months.
13. Five members of the Management Committee, including at least one Director or Deputy Director of the Institute, constitutes a quorum.
14. A member's attendance at any Management Committee meeting need not be physical. Telephonic or electronic means may be used to achieve attendance, provided that all those members present at the meeting are able to hear and be heard by those whose presence is facilitated by any such mode of communication.
15. The Management Committee may, at its sole discretion, and by majority vote at any meeting of that Committee, make regulations consistent with this Constitution relating to the management of the business and affairs of the Institute.
16. The Management Committee may recommend, by majority vote at any meeting of that Committee, the appointment of such staff as it thinks should be appointed, with or without remuneration.

## **Directors and Deputy Directors**

17. Directors of the Institute are to be appointed by the Dean of the School of Law of the University of Sydney, on the recommendation of a majority of the Management Committee at any meeting of that Committee. There may be no more than two Directors, and all such Directors must be members of the full-time or part-time academic staff of the University of Sydney. They must additionally be full members of the Institute.
18. Directors are to be appointed for a period of no more than three years, and shall be eligible for reappointment. But no Director may remain in office for more than two three year terms.
19. Deputy Directors of the Institute are to be appointed by the Dean of the School of Law of the University of Sydney, on the recommendation of a majority of the Management Committee at any meeting of that Committee. There may be no more than two Deputy Directors, and all such Deputy Directors must be members of the full-time or part-time academic staff of the University of Sydney. They must additionally be full members of the Institute.
20. Deputy Directors are to be appointed for a period of no more than three years, and shall be eligible for reappointment. But no Deputy Director may remain in office for more than two three year terms.
21. For the avoidance of doubt, clauses 17-20 apply neither retrospectively nor at all to the appointments of either the Directors or Deputy Directors who are in office at the coming into force of this Constitution.
22. The day to day conduct of the business and affairs of the Institute shall be the responsibility of the Director(s), assisted by the Deputy Director(s).
23. The Directors shall report to the Management Committee about the activities of the Institute.
24. A Director or Deputy Director may be removed from office only at an extraordinary meeting of the Management Committee instigated by the Dean of the School of Law. Such removal shall take place only if a resolution to remove the relevant Director or Deputy Director is passed by a two-thirds majority of all Management Committee members present at the meeting.

## **Advisory Committee**

25. The Advisory Committee shall consist of individuals with a strong interest in matters relating to the criminal justice system. Such individuals may be judges, retired judges, legal practitioners, other professionals, scholars, or members of the wider community, who, in the judgment of a majority of Management Committee members present at any meeting of that Committee, have made an important contribution to criminal law,

criminology, evidence law or a related area of academic expertise. Quorum consists of those members present and participating.

26. Members of the Advisory Committee are to be appointed, for a period not exceeding five years, by the Dean of the School of Law of the University of Sydney, on the advice of the Management Committee.
27. Members of the Advisory Committee shall be eligible for reappointment for the period set out in clause 26 and in accordance with the process set out in clauses 25 and 26.
28. All Advisory Committee memberships existing at the coming into force of this Constitution are to be vacated or renewed one year after such time. Renewals shall be made in accordance with the procedure set out in clauses 25 and 26.
29. The Chair of the Advisory Committee shall be the Director(s) of the Institute, or any such person who is appointed by the Dean of the School of Law on the advice of the majority of members present at any meeting of the Management Committee.
30. The Advisory Committee shall meet at least once every year with a view to advising the Director(s), Management Committee and School of Law regarding all relevant aspects of the activities of the Institute. Before any such meeting, the Director(s) shall inform the Advisory Committee about all relevant aspects of the Institute's activities.
31. A member's attendance at any Advisory Committee meeting need not be physical. Telephonic or electronic means may be used to supplement personal attendance, provided that all those members present at the meeting are able to hear and be heard by those whose presence is facilitated by any such mode of communication.

## **Finance**

32. The Dean of the School of Law of the University of Sydney shall have vested in her or him financial responsibility for the Institute's activities. The Institute's funds shall be held in an account maintained by the School of Law. Normally, the Dean of Law will exercise her or his financial responsibility by approving budgets for the Institute that the Director(s) has/have prepared in consultation with the Management Committee, and by exercising broad oversight of budgetary performance. The Director(s) shall normally have entrusted to him/her/them day to day administration of finances. S/he or they shall discharge any such responsibilities in consultation with the Management Committee.
33. The Institute may seek sponsorship from government and non-government sources to fund its activities generally, and may enter into any such financial arrangements as are approved by a majority of Management Committee members present at any meeting of that Committee. All such arrangements shall be governed by a Memorandum of Understanding between the Faculty of Law and the sponsoring body.

### **Amendment of this Constitution**

34. This Constitution may be added to, amended or repealed by a resolution passed at an ordinary or extraordinary meeting of the Management Committee, instigated by a Director. But a resolution of this nature shall only validly be passed if: (i) at least seven days before the meeting, a Director or Deputy Director of the Institute has notified Institute members of the proposal to amend this Constitution; and (ii) the resolution is carried by a two-thirds majority of members present at the meeting.

### **Annual Report**

35. The Director(s) of the Institute shall submit an Annual Report to the Dean of the School of Law of the University of Sydney and all members. The Report shall be submitted in December of each year, or as soon as practicable thereafter.

### **Coming into force of this Constitution**

36. This Constitution shall come into force on 1 January 2019, provided that it first achieves the assent of a majority of those present at the 7 November 2018 meeting of the Institute.

## Appendix E: Minutes of Advisory Committee meeting

### Advisory Committee Meeting 2021

5.00pm – 6.00pm

Wednesday 29 September 2021

Via Zoom

Chairs: Dr Andrew Dyer and Dr Carolyn McKay

#### Minutes

##### Members in attendance:

Dr Andrew Dyer (Chair and Co-Director, University of Sydney)  
Dr Carolyn McKay (Chair and Co-Director, University of Sydney)  
Dr Allan McCay (Deputy Director, University of Sydney)  
Dr Helen Paterson (Deputy Director, University of Sydney)

Professor Thalia Anthony (University of Technology Sydney)  
Professor Katherine Biber (University of Technology Sydney)  
Dr Tessa Boyd-Caine (CEO, Health Justice Australia)  
Professor David Brown (University of New South Wales)  
Professor Judy Cashmore AO (University of Sydney)  
Adjunct Professor Nicholas Cowdery (University of Sydney)  
Deputy Commissioner Luke Grant (Corrections Strategy and Policy, Corrective Services NSW)  
Mr Robert Hoyles (Deputy Director – Criminal Law, Legal Aid NSW)  
Mr Paul McKnight (Deputy Secretary, Law Reform and Legal Services, NSW Department of Communities and Justice)  
Ms Jane Sanders (Principal Solicitor, The Shopfront Youth Legal Centre)  
Professor Megan Williams (University of Technology Sydney)

##### Apologies:

Adjunct Professor Duncan Chappell (University of Sydney)  
Alison Churchill (CEO, Community Restorative Centre)  
Professor Thomas Crofts (University of Sydney)  
Professor Chris Cunneen (University of New South Wales)  
The Hon Roger Dive (former Senior Judge of the NSW Drug Court)  
Professor Richard Harding (University of Western Australia)  
His Honour Judge Peter Johnstone (Chief Magistrate, Local Court of New South Wales)  
The Hon Stephen Norrish QC (former judge of the District Court of New South Wales)  
Associate Professor Rebecca Scott Bray (University of Sydney)  
Professor Stephen Tomsen (Western Sydney University)  
Professor Donald Weatherburn (University of New South Wales)  
Deputy Commissioner Michael Willing APM (NSW Police Force)  
The Hon Dr Gregory Woods QC (Trust Chambers, University of New South Wales, and former judge of the District Court of New South Wales)

## **1. Welcome and introduction by Co-Directors**

**Dr Andrew Dyer** and **Dr Carolyn McKay** opened the meeting and welcomed members of the Advisory Committee.

Each of the members present introduced themselves and acknowledged the Traditional custodians of the land from which they spoke, and paid their respects to Elders past, present and emerging.

Dr McKay welcomed all the members for the first time in a meeting that she and Dr Dyer were hosting as Co-Directors of the Sydney Institute of Criminology (**Institute** or **SIC**). She thanked the Institute staff including Deputy Directors and the Institute Coordinator.

## **2. Minutes of the 2020 annual meeting**

Dr Dyer noted that the minutes of the 19 August 2020 meeting were previously emailed to members. This occurred on 6 October 2020 and again on 27 September 2021.

Dr Dyer asked those present if these minutes were an accurate record of the meeting. As there were no objections to the minutes circulated to the members, Dr Dyer declared that the minutes were accepted as an accurate record of the meeting by the Advisory Committee.

## **3. SIC Advisory Committee membership**

Dr McKay noted that the procedure for membership of the Advisory Committee was settled by Professor Arlie Loughnan and Professor Rita Shackel in 2020.

However, she noted that the Institute was looking for ways to improve the diversity of the Advisory Committee. She asked the members whether they knew of anyone who might be interested and suitable to approach for possible membership. Alternatively, Dr McKay requested that if any person present knew of any potential candidates who would be suitable, they nominate such a person by email.

Dr Dyer noted that female representation on the Advisory Committee was 31 percent, which he said needed to be improved. He said that especially following the discontinuance by former Justice of the High Court of Australia, the Hon Virginia Bell AC, of her membership, there was a desire to increase the number of female judicial officers on the Advisory Committee. Further, the Institute was eager to improve the representation of Aboriginal and Torres Strait Islander peoples on the Advisory Committee as well.

Dr McKay commented that her Honour Judge Dina Yehia SC attended a course that Dr McKay was teaching on the subject of digital criminology, and that her Honour may be a potential person to approach. **Jane Sanders** stated that she was also going to suggest that Judge Yehia was a good person to approach.

## **4. Leadership of SIC and priorities**

Dr Dyer advised that priorities of the Institute have been interrupted by lockdowns and by the uncertainty of the previous 12 months due to the pandemic. The priorities of the Institute were to further its role in the production of high-profile research. It was aiming to do this in a number of ways.

Dr Dyer expressed that, first, the Institute wanted to encourage law reform submissions to public inquiries, as he said that contribution to law reform and public engagement were important roles of academics. As an example, Dr Dyer referred to his submission that he co-authored with PhD student Josh Pallas to the Independent National Security Legislation Monitor in relation to Division 105A of the *Criminal Code*. He noted that the authoring of submissions to law reform processes was raised as a priority in a recent meeting with the Sydney Institute of Criminology members.

Dr Dyer further stated that if resources permitted, there was a possibility that the Institute may hire a casual staff member to work for seven hours per week on drafting submissions and assisting with grant applications.

Secondly, Dr Dyer discussed the Institute's intention to host academic conferences. He said that Sydney will host the 2022 Criminal Law Workshop, which it is hoped will take place in February 2022. Dr Dyer stated that he will contact people in a few weeks on this subject. The Workshop was initially established by former Institute Directors, Professor Arlie Loughnan and Professor Thomas Crofts, as a means of bringing together criminal law academics from Australia and New Zealand. However, Dr Dyer acknowledged the uncertain state of government restrictions on movement may impact on the conference.

Dr Dyer noted that the Institute was eager to encourage Higher Degree Research (**HDR**) students to participate in a conference for the middle of 2022, aimed at HDR students and Early Career Researchers.

**Dr Allan McCay** described the upcoming neurotechnology, criminal law and human rights conference to be hosted by the Sydney Institute of Criminology. The aim of the conference and neurotechnology more broadly was to anticipate some legal issues that might emerge from brain-computer interfacing and the technological pursuits of organisations such as Neuralink and Facebook. This is therefore an anticipatory stance, and the conference was designed to secure predominantly international speakers from Europe and North America, as there are not as many local (Australian) speakers for this subject. The date for the conference was to be Tuesday 14 December 2021, with a morning session followed by gap and then an evening session. This timetable was to accommodate the different timezones of participants in Western Europe and North America.

Dr Dyer reiterated that the main priorities of the Institute were preparation of submissions, involvement in conferences and furthering networks in similar areas of research, as well as the fostering the work of HDR students. He stated that when it comes to the HDR conference, this was to be funded by the Institute's main 2021 initiative, the CPD series.

**Francis Maxwell** echoed the comments of Dr Dyer in relation to HDR students, and advised that where students were interested, the Institute is also providing them opportunities to profile their work in their marketing channels such as the e-newsletter CrimNet. He encouraged any Advisory Committee members, who supervise or know research students interested in publicising their criminology work, to suggest to those students that they should contact the Institute to discuss how the Institute could help raise the profile of their work.

## **5. Year in review 2020/2021**

Dr Carolyn McKay reported on programs facilitated or hosted by the Institute since September 2020.

Dr McKay introduced the Continuing Professional Development (CPD) series, involving Institute members recording webinars for legal practitioners. She reported that this has produced over \$8,600 income. She said that these earnings were expected to grow in the months leading up to March 2022, which is the annual deadline for accruing CPD points. Dr McKay advised that Dr Dyer introduced the series with three webinars: first on the subject of consent laws for sexual assault, secondly on the High Court of Australia and a charter of rights, and thirdly on the Commonwealth Parliament and preventive detention regimes. Dr McKay then presented three webinars, on virtual courts and cross-examination, on the “audio” in audio-visual links, as well as on criminal behaviour in the digital age. Dr Allan McKay will present the final webinar of the year on neurotechnology and criminal law.

Dr McKay also reported that the Institute had continued its tradition of monthly research seminars among its members. These events in 2021 included a great variety of topics. For example, Dr Helen Patterson presented on event repetition and credibility of witnesses. Professor Murray Lee presented a paper that he had since published on the criminology of popular music (in *Crime Media Culture*), in an event that also included Professor Jioji Ravulo, Mr Ricky Simandjuntak who is the manager of Pacific Islander rap group, and a documentary film crew who filmed the panel discussion. In September, Professor Scott Jacques from Georgia State University presented on open access for criminology research and his website CrimRxiv. Dr Dyer presented with Mr Pallas on the Commonwealth terrorist prevention scheme.

Dr Andrew Dyer discussed the individual events facilitated and hosted by the Institute.

He recounted that 2021 began with a launch of Don Weatherburn and Sara Rahman’s book, *The Vanishing Criminal*. Both authors attended the event along with *Sydney Morning Herald* journalist Kate McClymont who launched the book. The event was very successful, with approximately 50 in-person and 150 online attendees.

The Institute hosted the *Beyond Punishment* seminar series in August 2021, which was on the topic of victim’s rights in the criminal justice system. Dr Dyer noted that Corrective Services NSW generously financed the event, and he thanked them for their continued support over many years. The speakers at the 2021 event were Dr Tyrone Kirchengast of University of Sydney, Martha Jabour OAM who is the director of Homicide Victims’ Support Group (Aust) Inc, and Dr Anne Marie Martin who is the Assistant Commissioner (Offender Management and Programs) of Corrective Services NSW. The event reached a broad section of the community, with 140 people attending the event online.

The Institute also hosted a panel event online, entitled *Australian Criminal Legal Scholarship – Past, Present and Future*. The event, which took place in July 2021 and was chaired by Dr Dyer, included a number of scholars talking about criminal law scholarship. The speakers included the Dean of Sydney Law School Professor Simon Bronitt, and Professor Arlie Loughnan. The event also hosted Dr Susan Bartie from University of Tasmania, and PhD candidate of University of Sydney Mr Josh Pallas.

**Dr Tessa Boyd-Caine** asked Dr Dyer and Dr McKay what the purposes of the Institute events were, from their perspective. She advised that she attended both the *Beyond Punishment* and the panel event discussion events, and enjoyed both of them, but saw them as very different from one another. She wanted to know what were the aims of the Institute in hosting them, including whether they were for knowledge translation or rather for reaching a broad audience, as the structure and style of these events made a difference to their output.



Dr Dyer responded that the idea behind the panel event was to have scholars talk about their work and disseminate ideas. In the future, the Institute was eager to proceed with these types of events, that is, talking about research or topics of interest to people working in the criminal justice system. Such events can work quite well in a panel environment, and the Institute was also eager to involve students. They were for the dissemination of knowledge and for the discussion about research.

Dr Dyer said the *Beyond Punishment* seminar event was different, as it has a long history and traditionally employed a structure of people talking about their topic and then answering questions. The focus of this event was not so much dissemination of knowledge, but rather people talking about a particular topic that is of practical concern for the criminal justice system, including for practitioners such as the police and those involved in the administration of the law.

Dr McKay added that the *Beyond Punishment* event was directed towards facilitating community outreach, and was a conduit for Corrective Services NSW to allow them to table and discuss issues pressing for them, and to come up with different perspectives on such issues. She noted it was directed towards reaching a broad audience, in contrast to other events which are relatively more academic.

Dr Dyer echoed these comments, stating that the *Beyond Punishment* event was aimed to the community more broadly, rather than individuals with an interest in the criminal justice system. Dr Dyer gave the sexual assault law reform event in 2018 as another example, as it drew in practitioners from different corners of society. Dr Dyer said that the Institute was eager, once restrictions ease, for more discussions of an academic nature to occur.

Dr Dyer then outlined the Paul Byrne SC Memorial Lecture for 2021. Dr Dyer explained he had been in contact with Jack Byrne who had decided that the event would be postponed because of government restrictions to March 2022, when it is expected that in-person events will again be possible. The speaker will be Justice Peter Hamill of the Supreme Court of NSW. Dr Dyer indicated that Jack was liaising with Justice Hamill concerning the topic and the arrangements for the lecture. Dr Dyer expressed that the Institute was eager through these events to involve the legal fraternity and forge links with the profession.

Mr Maxwell advised that he approached the *Incarceration Nation* documentary team about marketing their documentary on the e-newsletter CrimNet. He explained that, as many of the Advisory Committee members will know, this documentary is about the policies contributing to over-incarceration of Indigenous Australians. The documentary team replied to his enquiry, stating that they would be interested in publicising the second screening of their film and perhaps collaborating with a panel event to engage the student body with the film's facts and themes. Mr Maxwell advised that the SIC is hopeful of collaborating with experts on the issues raised by the documentary in November 2021, and contributing to an event that can be of benefit to the stakeholders for this issue.

## **6. Current Issues in Criminal Justice journal**

Dr Dyer reported on the activities of the *Current Issues in Criminal Justice (CICJ)* journal on behalf of its editor Dr Justin Ellis, who could not attend the meeting. Dr Dyer stated that 2020 was an anomalous year for submissions of academic articles, and Taylor & Francis reported anecdotally that there was a 40 percent increase in submissions overall. Dr Dyer said that the number of submissions to *CICJ* reflected that increase.

Dr Dyer stated that in relation to citations and other metrics, Dr Ellis would provide an update to the *CICJ* board closer to the end of 2021, as longer-term comparisons could be better made at that time.

Dr Dyer conveyed the apologies of Dr Ellis for not being able to attend the meeting, especially as many of the Advisory Committee members also sit on the editorial board of *CICJ*.

Dr McKay discussed the events of the year relating to *CICJ*.

Firstly, Dr McKay reported on the launch of the *CICJ* special edition issue, *COVID-19, Criminal Justice and Carceralism*. This was a panel event that Dr McKay chaired and the Institute hosted. This event was well-attended, with approximately 30 in-person attendees and 100 online attendees. Dr McKay referred to the contributions of Professor Thalia Anthony as co-editor of the edition with Professor Lorana Bartels. Professor Anthony and Professor Bartels also appeared at the launch event as panellists. The other panellists of the event included authors of articles to the special edition, Dr Vicki Sentas and Dr Louise Boon-Kuo. Alison Whittaker, another article author, was scheduled to appear as a panellist, but was not able to attend. As a consequence, Andrea Lachsz of Victorian Aboriginal Legal Service read a speech that Alison had written for the event.

Secondly, Dr McKay referred to the intention of *CICJ* to convene a workshop at the 2021 Australian and New Zealand Society of Criminology Conference in December 2021. The intention of this workshop will be to share and circulate research ideas, develop arguments and consider methodologies. The final objective of the workshop will be for participants to submit a manuscript.

## 7. Shaping a SIC research agenda

Dr McKay opened the floor to the Advisory Committee members, seeking to table any pressing criminal justice issues from which a research idea might be further developed, and for which collaborations might be undertaken.

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| Professor Megan Williams | <p><i>Research on partnerships, and showcasing research on partnerships between Aboriginal-controlled organisations and mainstream organisations.</i></p> <p>Professor Williams reported that she had been asked multiple times about evidence on such partnerships and principles relating to them. She indicated that the NSW government has some policies for partnerships including the Aboriginal Health Plan, but that the evidence concerning their practice and effectiveness was scant. The National Mental Health Commission is investigating models for partnerships; their process could be followed.</p> |
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| Dr Tessa Boyd-Caine      | <p><i>The social determinants of who is being policed during the COVID-19 pandemic.</i></p> <p>Dr Boyd-Caine referred to the research agenda item proposed by now Deputy Commissioner Michael Willing APM during the 2020 annual meeting, which was: <i>“The social outcomes from COVID-19 due to the economic downturn and predicting some of the consequences of this for crime and policing”</i>.</p> <p>Dr Boyd-Caine expressed her support for the suggestion by Deputy Commissioner Willing and recommended a public, supportive environment be convened to probe the use of public health orders, and the implications of the criminal law being used as a response to the pandemic. Such a discussion would be timely and fascinating.</p> <p>Dr Boyd-Caine noted that many are coming to these issues from different perspectives, but a facilitated conversation has not yet resulted. It is a serious concern, but no conversation between those with different perspectives that can break through the media cycle.</p> <p>Dr Boyd-Caine indicated that Health Justice Australia would want to support that conversation, and wanted to know if the police would be interested?</p> <p>Dr McKay indicated that the Institute met with Deputy Commissioner Willing earlier in the year, and he appeared eager for the opportunity to publicly discuss these issues. Dr McKay indicated the Institute would follow-up on this item after the meeting.</p> <p>Dr Dyer seconded the comments of Dr Boyd-Caine and Dr McKay. He indicated that the Institute would like to include the police in its discussions, and to hold it to scrutiny where that is appropriate.</p> |
| Professor Thalia Anthony | <p>Professor Anthony agreed with the comments of Dr Boyd-Caine.</p> <p>She added that the Redfern Legal Centre or Aboriginal Legal Service are concerned with the uneven consequences of policing. Pauline Wright who is a past President of the Law Council of Australia and a past President of the Law Society of NSW might also be interested in such an event.</p> <p>Professor Anthony also indicated that this topic speaks to the interests of people “on the ground”. For this reason, it would be beneficial to step back from the academic debates in this area.</p>  |
| Jane Sanders             | <p>Jane Sanders expressed her agreement with Professor Anthony. She indicated that the Redfern Legal Centre or Aboriginal Legal Service have been public-facing, but that she as well with The Shopfront Youth Legal Centre have been seeing these issues of policing on the ground. If the police were willing to engage in a discussion on this topic, it would be interesting and beneficial.</p>   |

Dr Dyer noted that the Institute was eager to include Advisory Committee members for events. If the Advisory Committee members had suggestions for events that could be run or issues to be talked about, they were encouraged to get in touch with the Institute.

Dr Dyer reiterated that the Institute sees a big role for it in influencing law reform through drafting submission, disseminating ideas, facilitating events at night or lunchtime, and speaking about matters of concern for the criminal justice system, be they theoretical or practical.

## **8. Budget**

Dr McKay summarised budgetary matters for the Advisory Committee. She reported that the CPD series had brought in \$8,600.00 income. Dr McKay also expressed appreciation for Corrective Services NSW for its support of the *Beyond Punishment* seminar series.

The main expenses for the Institute were the salary of the Coordinator, as well as office space for the Institute that was at present being unused due to restrictions.

Dr McKay also reported that some financial changes to be implemented by the University of Sydney Law School would be impacting its research centres. In the coming weeks, Dr Dyer and Dr McKay will be meeting with the Dean and the Law School officials to understand and discuss the impact of these changes on the Sydney Institute of Criminology. However, Dr McKay reported that the main results from the information currently known is that there will likely be more frequent meetings between the Institute leadership and financial managers, a greater degree of financial planning, and a greater number of review cycles. Dr McKay stated that there will be less discretion for hosting events, and permission will be required to be sought for such events.

Dr McKay opened the floor for questions from the Advisory Committee members on budgetary matters. No questions were asked.

## **9. Any other business**

Dr Tessa Boyd-Caine asked a question about the Sydney Institute of Criminology Oral History Project, which is referenced in the 2020 annual meeting minutes. Dr Boyd-Caine asked whether there were further updates to this item.

Dr Allan McKay indicated that he understood there had been no progress since last year. Francis Maxwell stated that it was correct that there had been no further developments, and would make inquiries about furthering this item.

**Paul McKnight** asked a question about the Institute's prioritisation of participation in law reform. Mr McKnight stated that government policy workers were interested in contributions to law reform. As an example, he completed a significant amount of work in the NSW Law Reform Commission's project on consent laws, including engaging with the participation of academics. He was also chairing the national working party on defamation law reform. This latter project was not related to the criminal law, but he observed that one of the sets of submissions was a joint submission from students at Macquarie University which was a solid contribution to the process. Mr McKnight asked what could assist and hinder involvement of academics in law reform processes.

Dr Dyer responded that he was sometimes finding out about law reform inquiries by chance. He gave the example of the terrorist preventive detention scheme, which he only discovered

because a PhD student was writing a submission for the NSW Council of Civil Liberties and asked him if he wanted to contribute to this submission. Dr Dyer indicated that it is sometimes an issue of knowing about the inquiries at a particular time.

Dr Dyer indicated that in other cases, it is simply a matter of insufficient time, not being able to meaningfully contribute to the inquiry due to limited time window for making a submission. Dr Dyer agreed with Mr McKnight that it was a good idea to get students involved in these processes. He noted that Professor Simon Rice at University of Sydney coordinates the work of various community organisations providing written submissions, and he oversees student assistance to this process.

Dr Dyer also noted that participation brings benefits for academics themselves. For example, they can frequently publish from their findings. Dr Dyer indicated that the Institute can have a role in publicising the existence of inquiries to its members.

Paul McKnight stated that academic input for the consent law inquiry was pivotal to the way that law reform workers thought about the issue. He said that such contributions make a difference to what happens in the real world for real people.

There were no further questions or comments.


Dr Dyer and Dr McKay expressed their gratitude for the attendance and involvement of the Advisory Committee, and encouraged any members who had other feedback or comments to please contact the Institute or its leadership team. They noted that the Institute was always seeking feedback for how it might do things better.

**The meeting was closed at 6:00pm.**

## For more information

**W** <https://www.sydney.edu.au/law/our-research/research-centres-and-institutes/sydney-institute-of-criminology.html>

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