



THE UNIVERSITY OF  
**SYDNEY**

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## **Institute of Criminology**

Sydney Law School

## **Annual Report 2022**



# CONTENTS

Directors' Statement.....	4
Institute personnel .....	5
Leaders.....	5
Directors.....	5
Deputy Directors.....	5
Members.....	5
Additional staff.....	7
Advisory Committee .....	8
Institute research, impact and engagement.....	9
Awards.....	9
Internships.....	10
Events .....	12
Conferences.....	18
Publications.....	25
Media commentary .....	31
Social media .....	34
Institute Finances.....	35
Appendices.....	36
Appendix A: Centre/Institute Financial Statement 2022 .....	36
Appendix B: Academic and Business Plan.....	37
Appendix C: 5-Year Financial Plan .....	39
Appendix D: Centre Terms of Reference.....	41
Appendix E: Minutes of Advisory Committee meetings .....	47
Advisory Committee Meeting 2022 .....	47

## Directors' Statement

In 2022, after two years of pandemic restrictions, things returned more or less to normal. There was a return to face-to-face teaching, people were back in their offices and we were able to hold in-person events again at Sydney Law School. The Sydney Institute of Criminology capitalised on the opportunities that the new freedom provided us with. Quite simply, 2022 was an excellent year for the Institute and we are immensely proud of the achievements of our members throughout the year.

The year started with the annual Criminal Law Workshop for Australian and New Zealand criminal law scholars, organised and chaired by Dr Andrew Dyer. This Workshop was inaugurated in 2014 by Institute members, Professors Arlie Loughnan and Thomas Crofts, and we were delighted to have it back at Sydney in 2022. The year ended with a public lecture by the distinguished scholar, Professor David Garland, of New York University Law School, about Theoretical Advances and Problems in the Sociology of Punishment. In between, the Institute held numerous events – all of which are detailed below. Significantly, it also held two new conferences – a conference for Higher Degree by Research students from across Australia, organised and chaired by Dr Carolyn McKay in July, and a Domestic and Family Violence conference in November, organised by Associate Professor Helen Paterson. Because of the success of both events, similar conferences are planned for 2023 and 2024. The Institute also ran Continuing Professional Development seminars for legal professionals, thus enhancing connections between the Institute and the Australian legal profession. In 2022, our academic CPD seminars were supplemented by a number of seminars delivered by distinguished criminal law practitioners who were arranged by practitioner-in-residence, Adam Booker. We thank them for participating in this program which we initiated in 2021 – and which we will be continuing in 2023 in conjunction with the Office of the Director of Public Prosecutions.

Thanks are due to Professor Simon Bronitt, the Head of School and Dean, for his support of the Institute; the School's professional staff, including Carla Viola, Simran Singh, Ashleigh Jo and Andy Netherington, for their assistance with Institute events; our co-ordinator (Kimberley Hammerton) for her professionalism and hard work; and finally our members for their involvement with the Institute and for their effort, dedication and achievements in 2022.

**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

Associate Professor Helen Paterson

Dr Allan McCay

## Members

Mr Ross Abbs

Associate Professor Jane Andrew

Ms Jennifer Barga

Dr Louise Boon-Kuo

Mr Adam Booker\*

Dr Marlee Bower

Emeritus Professor Terry Carney AO

Dr Louise Cauchi

Honorary Professor Duncan Chappell

Associate Professor Garner Clancey

Associate Professor Amy Conley White

Mr Graeme Coss

Adjunct Professor Nicholas Cowdery AO KC

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  
Dr Rachel Killean\*  
Associate Professor Tyrone Kirchengast  
Professor Murray Lee  
Professor Arlie Loughnan  
Dr Rohan Lulham  
Dr Roman Marchant Matus  
Associate Professor Greg Martin  
Professor Gail Mason  
Dr Tanya Mitchell  
Dr Ben Mostyn\*  
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\*

Professor Megan Williams

## **PhD candidates affiliated with the Centre**

Ms Megan Cameron (Professor Arlie Loughnan, Dr Coel Kirkby)

Ms Meredith McLaine\* (Associate Professor Amy Conley Wright, Professor Judy Cashmore AO, Professor Rita Shackel)

Ms Pei Kong (Professor Judy Cashmore AO, Professor Rita Shackel, Associate Professor Amy Conley Wright)

Ms Brenda Lin (Associate Professor Garner Clancey, Professor Gail Mason)

Miss Laura Metcalfe\* (Professor Judy Cashmore AO, Associate Professor Garner Clancey)

Mr Josh Pallas (Professor Arlie Loughnan, Associate Professor Kevin Walton)

Mr Mark Steele\* (Dr Celine Van Golde, Dr Jason Chin)

Ms Linda Wilken (Professor Murray Lee, Dr Carolyn McKay, Professor Thomas Crofts)

\*We welcomed six new members or associate members in 2022.

## **Visitors affiliated with the Centre**

Professor Katherine Biber, University of Technology Sydney

Professor David Garland, New York University

## **Additional staff**

In March 2022, we farewelled Mr Francis Maxwell and welcomed Ms Kimberley Hammerton into the role of Institute Coordinator.

## Advisory Committee

Advisory Committee members are appointed for a period not exceeding five years and 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. The Advisory Committee membership remained the same during 2022.

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 essential 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 following Advisory Committee members attended the annual meeting:

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

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

Dr Allan McKay (Deputy Director, University of Sydney)

Associate Professor Helen Paterson (Deputy Director, University of Sydney)

Dr Justin Ellis (Current Issues in Criminal Justice Editor, University of Newcastle)

Dr Tessa Boyd-Caine (CEO, Health Justice Australia)

Emeritus Professor David Brown (University of New South Wales)

Alison Churchill (CEO, Community Restorative Centre)

Deputy Commissioner Luke Grant (Corrections Strategy and Policy, Corrective Services NSW)

Jane Sanders (Principal Solicitor, The Shopfront Youth Legal Centre)

Paul McKnight (Deputy Secretary, Law Reform and Legal Services, NSW Department of Communities and Justice)

Professor Megan Williams (University of Technology Sydney)

Michael Willing APM (Managing Director, National Security & Safety – Accenture, former NSW Deputy Police Commissioner)

The Institute also thanks the following members of the Advisory Committee for their support of the Institute in 2022:

Professor Thalia Anthony, University of Technology Sydney



Professor Katherine Biber, University of Technology Sydney

The Honourable Justice R O Blanch AM QC

Emeritus Professor David Brown, University of New South Wales

Professor Judith Cashmore AO, University of Sydney

Honorary Professor Duncan Chappell, University of Sydney

Adjunct Professor Nicholas Cowdery AO KC, University of Sydney

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

Mr Robert Hoyles, Legal Aid New South Wales

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

Stephen Norrish QC

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 took place on 07 December 2022 via Zoom.

See Appendix E for meeting Minutes.

## **Institute research, impact and engagement**

### **Grants and Awards**

Institute members received the following grants and awards in 2022.

Recipient(s)	Grant/Award
<b>Professor Katherine Biber, S Dehm, and AF Vrdoljak</b>	ARC Discovery Projects: Journeys and Legacies of European Émigré Lawyers in Australia, Australian Research Council, 3 Jan 2022 - 30 Dec 2024 (DP220100964).
<b>Mr Benjamin Mostyn</b>	Legal Scholarship Support Scheme to attend United Nations Archives in New York City to research how the United Nations has profited from the War on Drugs and whether UN drug programs have been involved in human rights abuses in drug eradication and policing programs.
<b>Professor Murray Lee</b>	Best peer-reviewed publication award - American Society of Criminology Division of Cybercrime. <a href="#">Exploring Fear of Crime for Those Targeted by Romance Fraud</a> , Cassandra Cross and Murray Lee, published in <i>Victims and Offenders</i> .
<b>Associate Professor Rebecca Scott Bray and Associate Professor Greg Martin</b>	Criminology Research Grant: Preventing fatalities: <a href="#">Assessing the impact of coronial inquiries and recommendations on criminal justice policy and practice following deaths in custody and after police contact</a> .
<b>Professor Rita Shackel</b>	Corrective Services NSW: Evaluation of the Victim Impact Management Support Scheme 2022-23.

## Internships

Students of the University of Sydney continued to undertake internships with the Institute. Internships were offered during semester 1 and semester 2. Internships are awarded through a merit-based application process administered by the Institute.

The program has a duration of 10 days. Interns worked on various projects, including criminal justice research and involvement with the Institute's CPD program. The internship program provides interns with opportunities to develop a wide range of professional, interpersonal and disciplinary skills, including in research and communication. Interns are also provided with the opportunity to create networks with members of the Institute, external collaborators and other students.

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

### Semester 1 2022:

- **Michael Albinowski** was supervised by Dr Andrew Dyer and Professor David Hamer. He researched High Court conviction appeals between 1984 and the present. More specifically, he 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.

- **Matthew Wilcox** was supervised by Professor Murray Lee and Dr Justin Ellis in assisting the development of the Institute journal *Current Issues in Criminal Justice* communications.
- **Kavya Nagpal Knag** was supervised by Rita Shakel and Professor Melissa Haswell.
- **Natalie Evleyn Scott** was supervised by Associate Professor Tyrone Kirchengast. Among other related tasks, the project involved summarising legal representation opportunities for victims identified in the VLRC's 2021 report.

#### **Semester 2 2022:**

- **Liewen (Levi) Hu** was supervised by Josh Pallas. Mr Hu was involved with research on UN human rights protections for independent legal observers at protest actions.
- **Sara Miller** was supervised by Associate Professor Garner Clancey. Ms Miller assisted with preparations for a Youth Justice NSW symposium at the Law School in November.
- **Samantha Chiu** was supervised by Dr Andrew Dyer. Ms Chiu worked on the research project: 'Is Coercive Sex a Greater Wrong than Deceptive Sexual Activity? If So, Why?'
- **Sarah Tran** was supervised by Dr Rachel Killean. Her project was preparing a literature review on 'bystanders' in the context of technology-assisted sexual violence. The project aimed to inform a publication and develop a collaborative grant with Dr Killean's UK colleagues.
- **Daniella Abal** was supervised by Dr Andrew Dyer and Dr Carolyn McKay. She worked closely with Kimberley Hammerton on research and academic journal rankings for CrimNet. Daniella also assisted with Institute events, including the Domestic and Family Violence conference and the CPD series, for which she created online quizzes.

## Events

The Institute ran several events, conferences and seminars in 2022. These events engaged members of the legal profession, academics and HDRs from various universities around Australia and broader industry partners. We initiated two new highly successful conferences that will continue to run in the future: the HDR conference and the Domestic and Family Violence conference. In addition, we hosted the Annual Workshop for Australian and NZ criminal law scholars. Events drew a broad national and international audience in-person and online and stimulated conversation and debate around current pressing criminology and criminal justice issues.

Furthermore, the Institute ran a Criminal Law Continuing Professional Development (CPD) Series in 2022, which was streamed to paying legal professionals around Australia. As well as generating income for the Institute, the series has enabled Institute members to present their research. All talks were recorded before a live audience, and in 2022, we had several presentations from criminal law practitioners.

The Institute executive thanks the Law Events team, including External Engagement Manager Carla Viola, Simran Singh, and Ashleigh Jo, for their invaluable efforts in ensuring events ran smoothly and facilitating broad audience engagement with the Institute's events. We also congratulate Ms Viola on her 2022 award for outstanding contribution to the University community. The executive thanks communication technology and facilities Manager Andy Netherington for his tireless efforts and technical support.

## Pandemic Policing Panel

**18 May 2022**

Dr Carolyn McKay organised the Pandemic Policing event. The panellists included Advisory Committee members: Dr Tessa Boyd- Caine, Jane Sanders, Mick Willing and Sydney University Associate Professor Greg Martin. Dr Louise Boon-Kuo chaired the panel. There were 22 in-person and 44 online attendees.

The panel discussed the consequences for law enforcement, youth and disadvantaged groups as a result of the Covid-19 pandemic emergency health orders introduced to contain the virus in March 2020. They considered the enforcement of restrictions on social movement and gatherings via new criminal offences and expanded police powers.

The panel also sought to engage with issues arising from opposition to lockdowns, the anti-vax/anti-mask protests and the increasing influence of conspiracy theorists, right-wing extremists and sovereign citizens.



Pandemic Policing Panel, 2022

## Paul Byrne Memorial Lecture

**22 June 2022**

Justice Peter Hamill SC gave the annual Paul Byrne SC Memorial Lecture. There was a full house of 125 people, including several Supreme Court judges. His Honour spoke about Paul's contributions to the law and his work within the criminal justice system. As well as noting Paul's attributes, his Honour discussed Paul's involvement with the criminal law and significant High Court cases.

Justice Hamill remembers Paul Byrne as one of his most influential mentors during the judge's time at the Bar. His Honour emphasised Paul Byrne's wisdom and humanity and spoke eloquently about Paul Byrne the person and Paul Byrne the lawyer. As Dr Dyer reflected in [CrimNet](#), 'in so doing, his Honour brought out a number of themes that have emerged in all of the Paul Byrne lectures so far: that Paul Byrne was a decent person ('a lovely and loving man', as The Hon Michael Kirby put it in 2009), with a commitment to justice and fairness, an understanding of the imbalance between the state and the accused at a criminal trial - and a desire to 'even up the playing field' (as Philip Boulten SC put it in the 2018 Lecture). He was also a brilliant and versatile advocate, who, as Justice Hamill made clear, understood every aspect of his brief and was as comfortable before the full bench of the High Court of Australia as he was before a jury in the District Court of NSW. As well as reflecting extensively on Paul Byrne's character and interests, and amusing the audience with a story about Paul's approach to financial investment, Justice Hamill spoke interestingly about appearing alongside Paul Byrne - including in the High Court of Australia - and about Paul's methodical and conscientious approach to defending his clients.'



Justice Peter Hamill SC



Justice Peter Hamill SC and Dr Andrew Dyer

## **The Theoretical Advances and Problems in the Sociology of Punishment**

**1 November 2022**

Professor David Garland is Arthur T Vanderbilt, Professor of Law and Professor of Sociology at New York University. He was a visiting fellow at the Institute on invitation from Professor Arlie

Loughnan. While at the Institute, he gave a public lecture on the Theoretical Advances and Problems in the Sociology of Punishment. Over 80 people attended. Professor Garland discussed various dimensions along which theory, method and data in this field have been improved. He also raised continuing challenges and problems. He drew on examples from the American literature on the emergence of mass incarceration and the nature of the 'war on drugs' to indicate the range of theoretical resources that scholars in this field have developed and to point to empirical and theoretical questions that remain to be resolved.



Professor David Garland



## Political Economy Master Class

8 - 11 November 2022

Professor David Garland also gave a series of master classes on Political Economy which over 35 students attended: Capitalism and its Competitors: An Introduction to Political Economy; Capitalism for Beginners; Socialism and Social Democracy; Welfare States and Mixed Economies; and Neoliberalism.



Dr Carolyn McKay and Professor David Garland

## Youth Justice New South Wales Symposium

**23 – 24 November 2022**

The 2022 symposium was run by Associate Professor Garner Clancey and drew 150 participants, including approximately 120 Youth Justice NSW staff. The Forum brought together key stakeholders working to prevent youth crime and to administer the various aspects of youth justice. Presenters discussed the latest trends, research and policies in these areas and showcased relevant work across the University of Sydney.

## Conferences

### Criminal Law Workshop

**07 February 2022**

The Criminal Law Workshop was initiated in 2014 by Professors Arlie Loughnan and Thomas Crofts. In 2022 the Criminal Law Workshop for Australian and New Zealand criminal law scholars was organised, hosted and chaired by Dr Andrew Dyer under the auspices of the Sydney Institute of Criminology. It was conducted online with 20 scholars discussing ten papers from academics around Australia. An outcome of the February 2022 Workshop will be the publication in early 2023 of a special issue of *Current Issues in Criminal Justice*, entitled 'Recent Developments in Criminal Law' and co-edited by Dr Andrew Dyer and Professor Arlie Loughnan.

### HDR Conference: Crime Stories: HDR adventures in criminal law, justice and criminological research

**24 July 2022**

The Institute's Higher Degree Research (HDR) conference 2022 was inaugurated and organised by Dr Carolyn McKay. She was assisted by Sydney HDR students Ms Megan Cameron, Ms Pei Kong and Ms Linda Wilken. The conference attracted 28 HDR students from across Australia. Participants were all undertaking criminology, criminal law, crime and criminal justice research and were in various stages of their candidacy.

The initiative was a positive effort to raise the profile of HDR students' work and to create networking opportunities. For many attendees, this was their first in-person conference. This included opportunities for attendees to participate in research 'flash talks' as well as longer presentations for advanced HDR students. Post-conference respondents considered the event to have been 'excellent'. Due to the overall success and enthusiasm of participants, the conference will be repeated in 2024.

### Domestic and Family Violence (DFV) Conference

**09 November 2022**

The DFV conference 2022 was initiated and organised by Associate Professor Helen Paterson and attracted over 75 registrants. This was an in-person conference with 24 talks which generated robust discussion. The object of the event was to share ideas, knowledge, and resources. Attendees included academic researchers and community professionals in the area of DFV. The panel event, which took place as part of the 16 Days of Activism, drew over 100 in-person attendees. The conference was met enthusiastically and will be hosted again in 2023.



Hayley Foster, CEO Full Stop Australia: DVF Conference 2022

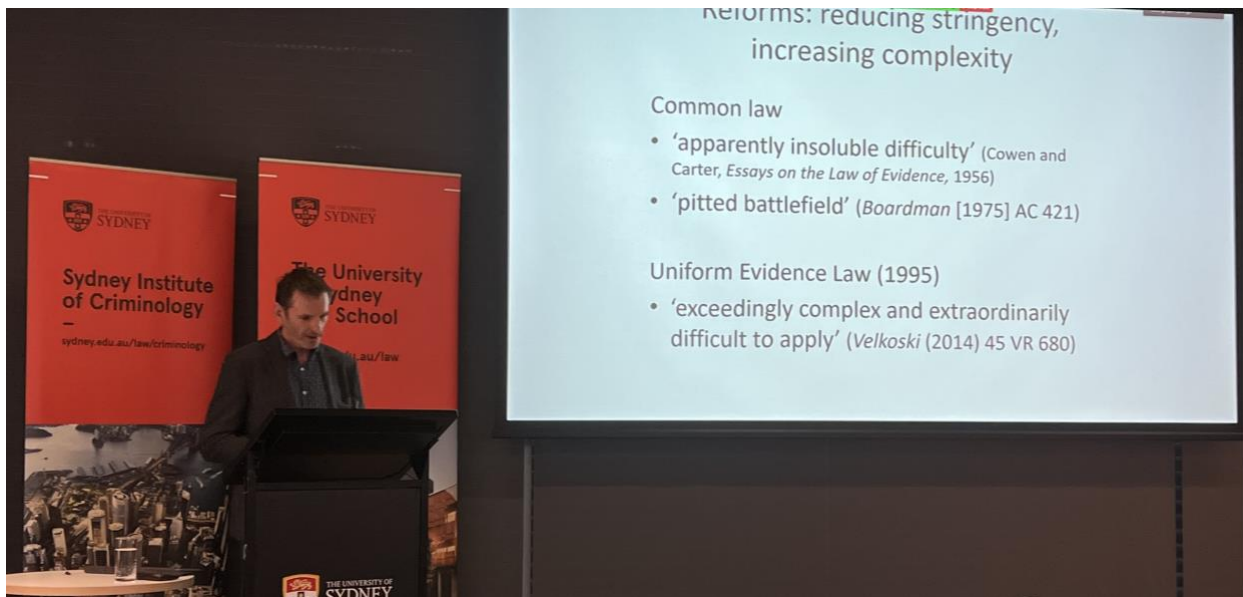


Associate Professor Ghena Krayem, Hayley Foster, Emily Lachevre, Brenda Lin, Dr Neeraja Sanmuhathan, 16 Days of Activism Panel

## Continuing Professional Development ('CPD') series

The Institute's Continuing Professional Development ('CPD') series for Australian legal practitioners ran successfully for a second year in 2022. The series was organised by Dr Andrew Dyer and Dr Carolyn McKay and featured presentations from academics and criminal law practitioners. The series will run again in 2023 with a distinguished scholars and practitioners lineup. The 2022 seminars were as follows:

Seminar date	Speaker	CPD area	Topic
<b>Tuesday 30 August</b>	Dr Andrew Dyer	Substantive Law	<a href="#">Should Deceptive Sex Always Be Rape?</a>
<b>Tuesday 13 September</b>	Mr Brett Hatfield	Practice Management and Business Skills, Ethics and professional responsibility	<a href="#">The Role of the Crown Prosecutor in NSW</a>
<b>Thursday 29 September</b>	Associate Professor Helen Paterson	Substantive Law	<a href="#">The Reliability and Credibility of Eyewitnesses</a>
<b>Tuesday 11 October</b>	Ms Talitha Hennessy	Ethics and professional responsibility	<a href="#">Ethical Practice for Junior Criminal Law Barristers</a>
<b>Thursday 27 October</b>	Professor David Hamer	Substantive Law	<a href="#">Myths, Misconceptions and Mixed Messages: An Early Look at the New Tendency and Coincidence Evidence Provisions</a>
<b>Monday 7 November</b>	Mr John Stratton SC	Substantive Law	<a href="#">Advocacy in the NSW Court of Criminal Appeal</a>
<b>Tuesday 22 November</b>	Judge Paul Lakatos SC	Professional Skills	<a href="#">The Work of the Mental Health Review Tribunal</a>



Professor David Hamer



Ms Talitha Hennessy

## Conference Papers

Institute members were involved in conferences to which they contributed research resulting from Institute involvement and collaboration.

<b>Speakers</b>	<b>Topic</b>	<b>Conference</b>
<b>Dr Andrew Dyer</b>	Minister for Home Affairs v Benbrika and the Capacity of Chapter III of the Commonwealth Constitution to Protect Prisoners' Rights.	Criminal Law Workshop, Sydney Law School, Sydney: Sydney Law School.
<b>Dr Allan McCay</b>	Brain-computer interfaces, intimate Image abuse and sentencing	Australasian Society of Legal Philosophy Annual Conference
<b>Dr Allan McCay</b>	Neurotechnology and Human Rights: Issues and Progress 2022	Neuro Technology Center, Columbia University
<b>Dr Carolyn McKay and Ms Kristin Macintosh</b>	Digital criminal courts: The space or place of (post-) pandemic justice	Cybercrime in the Pandemic Digital Age and Beyond, Adelaide: Australian Cyber Collaboration Centre.
<b>Dr Carolyn McKay (invited guest speaker)</b>	Making: Aesthetic methods	Innovative & Creative Methods Workshop, Melbourne, Vic: The University of Melbourne.
<b>Dr Carolyn McKay</b>	No one cares about defendants: People in prisons, vulnerability and justice innovation	Justice Innovation Symposium, Newcastle, NSW: Centre for Law and Social Justice, The University of Newcastle.
<b>Dr Carolyn McKay</b>	Remote access technologies and clinical assessments in the digitalised criminal justice system	International Symposium: The Role of Courts and Access to Justice in the Digital Era, Nijmegen, The Netherlands (online): Radboud University.
<b>Dr Carolyn McKay</b>	The Digital Criminal Justice Project: Vulnerability and the Digital Subject - preliminary findings.	Annual Australian and New Zealand Society of Criminology (ANZSOC) Conference, Darwin, NT: Australian and New Zealand Society of Criminology (ANZSOC).

<b>Dr Carolyn McKay</b>	The Digital Criminal Justice Project: Vulnerability and the Digital Subject - research seminar.	The Social Studies of Science and Technology (SSST) seminar series, Sweden (online): Lund University.
<b>Dr Carolyn McKay</b>	The impact of digital technology on the criminal justice system: psychological assessments and AVL.	Public Defenders Criminal Law Conference, NSW: Public Defenders Office.
<b>Dr Carolyn McKay</b>	The virtual hearing: impact on fair and inclusive justice.	NCAT Guardianship Division Members' Training Seminar, NSW: NCAT.

## Institute Meetings and Research Seminar Series

Institute meetings and research seminar series are held monthly. Meetings inform members about Institute activities and opportunities and members are given an open floor for discussion. The research seminars are an opportunity for members and visiting scholars to present and discuss current research projects. Several international guests presented their research in 2022 and facilitated discussions between members.

The following lunchtime research seminars were delivered by the Institute in 2022. These were delivered in hybrid mode in the New Law Building common room on level 4.

<b>Seminar date</b>	<b>Speakers</b>	<b>Topic</b>
<b>16 March 2022</b>	Dr Carolyn McKay	Clinical assessments and remote access technologies in criminal justice
<b>27 April 2022</b>	Professor Katherine Biber	The Last Outlaw: Making a nation from the crimes of Jimmy Governor
<b>18 May 2022</b>	Ms Pei Kong	Weighing children's views and wishes: the role of expert evidence in New South Wales child protection and adoption matters

<b>15 June 2022</b>	Professor David Hamer	Conceptions of innocence and incorrect convictions: Principles, pragmatics, and policies
<b>10 August 2022</b>	Professor Colin King and Dr Saskia Hufnagel	Confiscating proceeds of crime without criminal conviction – a pragmatic response to organised crime?  Multi-agency intelligence sharing in the United Kingdom: A model for international reform?
<b>23 November 2022</b>	Professor Benoît Dupont	Cybercrime as a co-evolutionary process: the quest for survival, efficiency and effectiveness



Professor Colin King and Dr Andrew Dyer





Dr Saskia Hufnagel

## Publications

The following publications were facilitated by collaboration between members of the Institute or otherwise arose from or came out of events or activities organised by the Institute.

### Journal articles

- Judy Cashmore and Rita Shackel, Research on sexual assault to inform courts and legal professionals (2022) [34\(2\) \*Judicial Officers' Bulletin\* 15](#)
- Garner Clancey and Laura Metcalfe, 'Inspections, Reviews, Inquiries and Recommendations Pertaining to Youth Justice Centres in New South Wales Between 2015 and 2021' (2022) [34\(3\) \*Current Issues in Criminal Justice\* 255](#).
- Nicholas Cowdery AO KC, 'Drug decriminalisation is not (yet) legalisation' (2022) [Pearls & Irritations](#).
- Natali Dilevski, Helen M. Paterson, and Celine van Golde, 'Tell me about the time you remember the best': the effect of a remember best prompt on adults' reports of a repeated emotionally stressful event' (2022) *Psychology, Crime & Law*.
- Andrew Dyer, 'A Reasonable Balance Disrupted (in New South Wales): The New South Wales and Queensland Law Reform Commissions' Reports about Consent and Culpability in Sex Cases Involving Adults - and the Governments' Responses' (2022) *Australian Bar Review*, 51(1), 27-69.
- Andrew Dyer, 'Criminal Law Reform and the Progressives - The Case of Provocation' (2022) [Current Issues in Criminal Justice](#).

- Andrew Dyer, 'Green v The Queen 25 Years On: Was It Correctly Decided After All? (And Would - and Should - A Provocation Case Like Green's Be Left With A NSW Jury Today?)' (2022) *Criminal Law Journal*, 46(4), 206-233
- Andrew Dyer, 'Minister for Home Affairs v Benbrika and the Capacity of Chapter III of the Commonwealth Constitution to Protect Prisoners' Rights' (2022) *UNSW Law Journal*, 45(1), 209-250
- Andrew Dyer and Thomas Crofts, 'Reforming Non-Consensual Sexual Offences in Hong Kong: How do the Law Reform Commission of Hong Kong's Proposals Compare with Recent Recommendations in Other Jurisdictions?' (2022) [51\(3\) \*Common Law World Review\* 145](#)
- Andrew Dyer and Joshua Pallas, 'Why Div 105A of the Criminal Code 1995 (Cth) Is Incompatible with Human Rights (and What to Do about It)' (2022) *Public Law Review*, 33(61), 61-82
- Angela Dwyer, Christine E W Bond, Mathew Ball, Murray Lee and Thomas Crofts, 'Support Provided by LGBTI Police Liaison Services: An Analysis of a Survey of LGBTIQ People in Australia' (2022) [25\(1\) \*Police Quarterly\* 33](#)
- Justin Ellis, 'A Fairy Tale Gone Wrong: Social media, Recursive Hate and the Politicisation of Drag Queen Storytime' (2022) [The Journal of Criminal Law Vol 86 \(2\)](#)
- Murray Lee, Justin Ellis, Cloe Keel, Rebecca Wickes, Johnathan Jackson 'When Law-And-Order Politics Fail: Media Fragmentation and Protective Factors That Limit the Politics of Fear' (2022) [62\(5\) \*The British Journal of Criminology\* 1270](#)
- Greg Martin, 'A Law Unto Themselves: On the Relatively Autonomous Operation of Protest Policing During the COVID-19 Pandemic' (2022) [5\(1-2\) \*Justice, Power and Resistance\* 28](#)
- Allan McCay, 'Neurorights: the Chilean constitutional change' (2022) [AI and Society](#)
- Carolyn McKay and Rodney Blake 'Cross-examination and remote access technologies: a changing calculus?' (2022) (*Autumn*) *Bar News: The Journal of the NSW Bar Association* 9
- Carolyn McKay, 'Remote Access Technologies, Clinical Evaluations of People-in-Prison and Digital Vulnerability' (2022) 43(2) [Recht der Werkelijkheid: Journal of Empirical Research on Law in Action 68](#)
- Carolyn McKay, The carceral automaton: digital prisons and technologies of detention. (2022) [10\(4\) \*International Journal for Crime, Justice and Social Democracy\* 100.](#)
- Clare Davidson, Arlie Loughnan, Sarah Murray, 'Serving those who serve?: A critical assessment of the need for a veterans' court or veterans' list in Australia' (2022) [34\(2\) \*Current Issues in Criminal Justice\* 119](#)
- Stephen Tomsen and Tyrone Kirchengast, 'The Scott Johnson Case: Prosecuting Anti-Homosexual Violence in New South Wales' (2022) (forthcoming) *Alternative Law Journal*

## Book chapters

- Nicholas Cowdery AO KC, *Discretion in Criminal Justice* (LexisNexis 2022)
- Andrew Dyer, 'Australia' in Elisa Hoven and Thomas Weigend (eds) [Consent and Sexual Offenses: Comparative Perspectives](#) (Nomos Verlagsgesellschaft 2022)
- Andrew Dyer, 'Mistaken Beliefs About Consent' in Elisa Hoven and Thomas Weigend (eds) [Consent and Sexual Offenses: Comparative Perspectives](#) (Nomos Verlagsgesellschaft 2022)
- Justin Ellis, 'Blurred Consent and Redistributed Privacy: Owning LGBTQ Identity in Surveillance Capitalism' *Silva, D.M.D. and Deflem, M. (ed) Diversity in Criminology and*

[Criminal Justice Studies](#) (*Sociology of Crime, Law and Deviance*, Vol. 27) (Emerald Publishing, 2022)

- Greg Martin, 'Covid cops: A recent history of pandemic policing during the coronavirus crisis' in V. Vegh Weis (eds) *Criminalization of Activism: Historical, present, and future perspectives on the over-criminalization of dissent* (Routledge 2022)
- Carolyn McKay, '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* (Routledge 2022)
- Carolyn McKay, 'The aesthetic archive: appropriating legal documents in visual art' in Katherine Biber, Trish Luker and Priya Vaughan (eds) [Law's documents: authority, materiality, aesthetics](#) (Routledge, 2022)

## Research Reports

- Allan McCay, *Neurotechnology, law and the legal profession*, [Horizon Report for The Law Society of England and Wales](#) (2022)
- Rohan Lulham, K Bradley, K Wan, Carolyn McKay *Research and Evaluation Strategy for the Transformation of Prisoner Rehabilitation through Digital Technology* Sydney, Australia (2022) Corrective Services NSW

## Other

Andrew Dyer and Arlie Loughnan were cited in the High Court judgment of [Garlett v Western Australia \[2022\] HCA 30](#) at [167] (Gordon J) – Arlie Loughnan – and [179, [199] (Gordon J) and [251] (Edelman J) – Andrew Dyer

## Current Issues in Criminal Justice

*Current Issues in Criminal Justice (CICJ)* is edited by Insitute member, Dr Justin Ellis. It 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 on crime and criminal justice in Australia and internationally and continues to provide new knowledge and quality analysis from outstanding academics, policymakers and justice professionals.

*CICJ* covers national and international issues and reaches a diverse, global audience spanning many 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.

In 2022, the journal's CiteScore increased from 0.6 in 2021 to 1.1 in 2022. This is a significant jump considering that building Scopus metrics can take a long time. The 2022 downloads are on a solid trajectory, with a similar figure to 2021. There is also an increase in citations. The mean time between submission to the first decision in 2022 is 33 days, down from 48 days in 2021. The mean days till the final decision in 2022 is 48 days, down from 71 days in 2021.

While Taylor & Francis publish the journal, *CICJ* receives support from the Paul Byrne Memorial Fund. *CICJ* has also capitalised on existing marketing opportunities through Taylor & Francis and through the Institute. The journal's exposure is raised through promotion on CrimNet and on the

Institute's social media accounts. CICJ's editorial board expanded in 2022 to recognise previous contributions to the journal.

Dr Ellis presented at the HDR conference at Sydney Law School and convened a workshop at the ANZSOC conference in Darwin on behalf of CICJ. Both of these were well received. The latter was attended by at least 30 people. Dr McKay and Institute member Professor Murray Lee also offered their perspectives to ECRs.

In early 2023, the Special Issue on Criminal Law 'Recent Developments in Criminal Law' 35(1) will be published. The Special Issue is edited by Dr Dyer and Professor Loughnan. This collaboration has resulted from the Criminal Law Workshop in February 2022.

### **CICJ 2022 Issues**

There were four issues, CICJ published in 2022. The Institute acknowledges and thanks all contributors for their high-quality output.

#### **Volume 34, Issue 1 (2022)**

Josh Pallas, '[Heed the call: the implied freedom of political communication and the terrorism high-risk offenders regime](#)' 1-19

Rachel Loney-Howes, Georgina Heydon & Tully O'Neill '[Connecting survivors to therapeutic support and criminal justice through informal reporting options: an analysis of sexual violence reports made to a digital reporting tool in Australia](#)' 20-37

Jude McCulloch & Michael Maguire '[Reforming police oversight in Victoria: lessons from Northern Ireland](#)' 38-57

Natalie Martschuk, Martine B. Powell, Robyn Blewer & Jane Goodman-Delahunty '[Legal decision making about \(child\) sexual assault complaints: the importance of the information-gathering process](#)' 58-76

Stephanie Price, Tim Prenzler, Nadine McKillop & Susan Rayment-McHugh '[The evolution of youth justice conferencing in Queensland, 1990–2021](#)' 77-94

#### **Contemporary Comment**

Cameron T. Langfield & Jason L. Payne '["I am drug dependent": a study of self-identification and prior criminal justice contact using archival data from the Drug Use Monitoring in Australia \(DUMA\) program](#)' 95-111

#### **Book Reviews**

Alex Simpson '[Law, insecurity and risk control: neo-liberal governance and the populist revolt by John Pratt, Palgrave Macmillan, 2020, 387 pp., ISBN 978-3-030-48871-0](#)' 112-114

Jane Tudor-Owen '[Child protection and the care continuum: theoretical, empirical and practice insights](#)' 114-118

## Volume 34, Issue 2 (2022)

Clare Davidson, Arlie Loughnan & Sarah Murray, [Serving those who serve?: A critical assessment of the need for a veterans' court or veterans' list in Australia](#) 119-135

Francis Maxwell '[When good is not good enough: evaluating the proportionality and necessity of the Australian government hacking warrants](#)' 136-154

Elena Marchetti, Sarah Woodland, Vicki Saunders, Leah Barclay & Bianca Beetson '[Listening to Country: a prison pilot project that connects Aboriginal and Torres Strait Islander women on remand to Country](#)' 155-170

Simone Rowe, Leanne Dowse, Michael Baker & Eileen Baldry '[Policing disability: alliance building, police divestment and community investment](#)' 171-187

Sarah L. Deck, Martine B. Powell, Jane Goodman-Delahunty & Nina Westera '[An examination of implementation of special measures in child sexual assault trials and the problems that arise](#)' 188-206

## Contemporary Comments

Ellen Reeves '[The potential introduction of police-issued family violence intervention orders in Victoria, Australia: Considering the unintended consequences](#)' 207-218

Quintan Crough, Cassandre Dion Larivière, Mark D. Snow & Joseph Eastwood '[Reflections on the nature of rapport within suspect interviews](#)' 219-228

## Book Reviews

Laura Metcalfe, Brenda Lin & Garner Clancey '[The Palgrave International Handbook of Youth Imprisonment Cox, A., and Abrams, L.S. 2021. Palgrave Macmillan, pp. 1-642, €229.99 \(hardcover\), €192.59 \(E-book\), ISBN 978-3-030-68759-5. https://doi.org/10.1007.078-3-030-68759-5](#)' 229-233

Richard Harding '[Towards human rights compliance in Australian prisons by Anita Mackay, Acton, ANU Press, 345pp., 2020, ISBN 9781760464004.](#)' 233-237

## Volume 34, Issue 3 (2022)

Rebecca Kaiser & Rob White '[What happens on the ice, stays on the ice: transgression and layered silence in Antarctica](#)' 239-254

Garner Clancey & Laura Metcalfe '[Inspections, reviews, inquiries and recommendations pertaining to youth justice centres in New South Wales between 2015 and 2021](#)' 255-274

Freya Devos & Victoria Nagy '[Sexual victimisation histories and rehabilitation in female prisoners: a Tasmanian case study](#)' 275-290

Michael Proeve & Tazin Tanvir '[When 'I did it' is not enough: content analysis of remorse in sentencing remarks](#)' 291-306

The Honourable Justice Peter Hamill '[They're all good cases: Paul Byrne SC Memorial Lecture 22 June 2022](#)' 307-333

## Book Reviews

Christopher Rudge '[Policing, mental illness and media: the framing of mental health crisis encounters and police use of force](#) by Katrina Clifford, London, Routledge, 2021, pp. 347, €89.99, ISBN 978-3-030-61489-8' 334-338

## Volume 34, Issue 4 (2022)

Murray Lee, Toby Martin, Jioji Ravulo & Ricky Simandjuntak '[\[Dr\]illing in the name of: the criminalisation of Sydney drill group ONEFOUR](#)' 339-359

David Baker, Krista Fisher, Matthew Hamilton, Simon Rice & Rosemary Purcell '[Providing a pathway to community-based psychosocial or mental health support services for young people following initial encounters with police: a scoping review](#)' 360-382

Lawrence Bowler, Kelly A. Hine & Robert W. Fleet '[Fatal police encounters – it's not just shootings](#)' 383-400

April N. Terry '[Understanding developmental life-course theory for justice-involved girls and women residing in rural coercive sexual environments](#)' 401-417

Srisombat Chokprajakchat, Wanaporn Techagaisiyavanit, Tongyai Iyavarakul & Attapol Kuanliang '[When criminal diversion is a temporary solution: rethinking drug rehabilitation policy in Thailand](#)' 418-434

## Policy and reform submissions

Author/s	Submission	Inquiry/Commission
Dr Andrew Dyer	NSWCCL and SIC Oral Submission	<a href="#">Independent National Security Monitor - Review of s 105A of the Criminal Code Act 1995 (Cth)</a>
Dr Andrew Dyer	NSWCCL and SIC Updated Submission	<a href="#">Independent National Security Legislation Monitor - Review into Division 105A of the Criminal Code (Cth)</a>

<b>Professor David Hamer</b>	Commonwealth Child Sexual Abuse Royal Commission	<a href="#">NSW Review of Royal Commission Tendency and Coincidence Evidence Reforms</a>
<b>Associate Professor Rebecca Scott Bray</b>	NSW Parliament's Select Committee on the coronial jurisdiction in New South Wales.	<a href="#">Inquiry into the Coronial Jurisdiction in NSW</a>

## Media commentary

Date	Commentator/s & media outlet	Topic
11 February 2022	Dr Allan McCay So Fi Zine	<a href="#">‘Vulcan’</a>
14 February 2022	Professor Arlie Loughnan The Conversation	<a href="#">‘The royal commission must find ways to keep veterans out of jail’</a>
16 February 2022	Professor Arlie Loughnan ABC	<a href="#">‘Keeping veterans out of jail is key to minimising suicide risk: expert’</a>
22 March 2022	Dr Allan McCay The Law Society of NSW Journal	<a href="#">‘What does The Matrix have to do with human rights?’</a>
07 May 2022	Dr Allan McCay InnovationAus.Com	<a href="#">‘Melbourne Uni spin out beats Elon Musk to US clinical trials’</a>
14 May	Dr Allan McCay ABC Radio National	<a href="#">‘A call for more controls over possible brain manipulation and monitoring’</a>
22 June 2022	Professor Gail Mason City of Sydney	<a href="#">‘When hate is a crime’</a>
03 July 2022	Adjunct Professor Nicholas Cowdery AO KC The Sydney Morning Herald	<a href="#">‘A life dedicated to the law and justice, without fear or favour’</a>

12 July 2022	Professor Murray Lee Sydney Morning Herald	<a href="#">“An own goal’: Experts criticise police efforts to ‘censor’ Australian rappers’</a>
13 July 2022	Professor Arlie Loughnan Books, Books, Books Sydney Law School podcast	<a href="#">‘Episode 2: Professor Arlie Loughnan on “Self, Others and the State - Relations of Criminal Responsibility”’</a>
09 August 2022	Dr Allan McCay News and Opinion, University of Sydney	<a href="#">‘How brain-monitoring tech advances could change the law’</a>
09 August 2022	Dr Allan McCay Mirage	<a href="#">‘How brain-monitoring tech advances could change law’</a>
09 August 2022	Dr Allan McCay Digital Nation	<a href="#">‘Regulation needed for brain-monitoring technologies, says Dr Allan McCay’</a>
09 August 2022	Dr Allan McCay The National Tribune	<a href="#">‘How brain-monitoring tech advances could change law’</a>
10 August 2022	Dr Allan McCay Legal Futures	<a href="#">‘Lawyers of the future “could face pressure to upgrade brains”’</a>
10 August 2022	Dr Allan McCay Scottish Legal News	<a href="#">‘Major new report looks at neurotechnology and its implications for law’</a>
12 August 2022	Dr Allan McCay Above the Law	<a href="#">‘As If The Billable Hour Wasn't Hellish Enough, Get Ready For 'Billable Attention’</a>
12 August 2022	Dr Allan McCay Law Sites	<a href="#">‘Neurotechnologically Augmented Lawyers? Billable Units of Attention? New Study Sees Threats and Opportunities for Neurotechnology and the Law’</a>
16 August 2022	Dr Allan McCay BBC	<a href="#">‘BBC Global News Podcast’</a>
31 August 2022	Dr Allan McCay The Conversation	<a href="#">‘Could neurotechnology make lawyers smarter workers?’</a>
06 September 2022	Dr Allan McCay Digital Nation	<a href="#">‘COVER STORY: Regulating the metaverse’</a>



15 September 2022	Dr Allan McCay InDaily	<a href="#">‘Ethics, law and the next stage of human evolution’</a>
23 September 2022	Dr Rosemary Grey and Rachel Killean The Conversation	<a href="#">‘A UN-backed tribunal on Khmer Rouge crimes just confirmed the conviction of key leader Khieu Samphan. What now?’</a>
23 September 2022	Dr Rosemary Grey and Rachel Killean Asia Times	<a href="#">‘Khmer Rouge trial ends with mixed legacy and unclear impact’</a>
03 October 2022	Dr Allan McCay Futurati	<a href="#">‘Ep. 106: Neurotech and the future of law   Allan McCay’</a>
07 October 2022	Dr Allan McCay Law Society Gazette	<a href="#">‘Mind Control and Human Rights’</a>
13 October 2022	Professor Arlie Loughnan The Canberra Times	<a href="#">‘NSW passes ‘no body, no parole’ law’</a>
31 October 2022	Professor Murray Lee Sydney Morning Herald	<a href="#">‘Policing, not crime is behind swelling prisons – and it’s costing billions: MP’</a>
07 November	Professor Murray Lee Junkee	<a href="#">‘Should Lyrics Be Used To Convict Rappers? Megan Thee Stallion And Jack Harlow Want It To Stop’</a>
08 November 2022	Dr Celine van Golde Law Society Journal	<a href="#">‘New book reveals tips for interviewing vulnerable suspects’</a>
15 November 2022	Associate Professor Greg Martin Centre of Law and Society Fellows’ blog, Cardiff University	<a href="#">‘Comparative Perspectives on Pandemic Policing and Protest During the COVID-19 Crisis’</a>
22 December 2022	Dr Allan McCay Law Society Journal	<a href="#">‘Advancements in neurotechnology and what it means for lawyers’</a>
26 January 2023	Dr Carolyn McKay Law in Action	<a href="#">‘Access to Justice in a digital era: a conversation with Carolyn McKay’</a>

17 February  
2023

Professor Arlie Loughnan  
Cosmos

[‘Folbigg inquiry head must decide on evidence now, “can’t wait for science to fully develop”’](#)

## Social media

The Institute’s social media platforms include LinkedIn and Twitter. These continue to be a valuable source of promoting Institute events, engaging researchers, legal professionals, HDR students and the broader community. CrimNet is published on our feeds fortnightly and the exposure continues to generate interest and promotion of the Institute and our members to a national and international audience.

## eNewsletter

The 2022 CrimNet 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 clients. This is an overall score that factors in opens, clicks, shares, opt-outs, and signups, along with subject line split testing.

The subscriber base has grown with over 2,200 active subscribers. The CrimNet newsletter is posted to the Institute’s social media following and is shared across the Institute's networks.

The following editions were released in the reporting period:

- [16 February 2023](#)
- [1 February 2023](#)
- [18 January 2023](#)
- [2 December 2022](#)
- [18 November 2022](#)
- [4 November 2022](#)
- [21 October 2022](#)
- [7 October 2022](#)
- [23 September 2022](#)
- [9 September 2022](#)
- [12 August 2022](#)
- [29 July 2022](#)
- [15 July 2022](#)
- [1 July 2022](#)
- [17 June 2022](#)
- [3 June 2022](#)
- [18 May 2022](#)
- [6 May 2022](#)
- [31 March 2022](#)

## Institute Finances

The Institute has continued to generate a significant income through the CPD and Beyond Punishment seminars in 2022 which are set to continue in the next 5-year period. The Coordinator's role is the Institute's main expense which the Law School partially funds. This role is set to be reduced from two days per week to one day per week in the next reporting period. This is due to the Law School appointing a person to a centralised position who will look after all the Centres and Institutes. An Institute of Criminology specific appointment is critical to the Institute's operations because of the production of the widely-disseminated CrimNet and the extent of the Institute's events and activities which surpass those of other Centres and Institutes at Sydney Law School.

Due to the University's obligations under the Modern Slavery Act, there will be changes to the internship program in 2023. The Institute will be required to remunerate interns for their work. As a result, the Institute will be limiting Internship numbers.

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

# Appendices

## Appendix A: Centre/Institute Financial Statement 2022



### I & E Statement (including Variance & Prior Year)

Fiscal Year: 2022 Time Period: December View: YTD Measure: Total Accounting View  
RC: Criminology Institute (J0011) PC: Total Projects AC: All

	Year To date			Full Year			
	Budget	Actual	Act vs Bud	Previous Year Actuals	Budget	Forecast	For vs Bud
	\$	\$	\$	\$	\$	\$	\$
<b>Revenue</b>							
Other Revenue	20,000	8,036	(11,964)	17,489	20,000	20,000	0
Consulting Income	10,000	71	(9,929)	989	10,000	10,000	0
Other Income		7,965	7,965	16,500			
Internal Income	10,000	10,000	0		10,000	10,000	0
<b>Total Revenue</b>	<b>20,000</b>	<b>42,074</b>	<b>22,074</b>	<b>17,489</b>	<b>20,000</b>	<b>20,000</b>	<b>0</b>
<b>Expenditure</b>							
<b>Salaries (Employee Benefits)</b>							
Non-Academic Employee Benefits	18,304	19,915	(1,611)	20,059	18,304	18,304	0
General Salary Costs				10,823			
Casual Salary Costs	18,304	19,915	(1,611)	9,236	18,304	18,304	0
Annual Leave	0	0	0	0	0	0	0
<b>Total Salaries (Employee Benefits)</b>	<b>18,304</b>	<b>19,915</b>	<b>(1,611)</b>	<b>20,059</b>	<b>18,304</b>	<b>18,304</b>	<b>0</b>
<b>Non Salaries</b>							
Employee Related Costs	4,934	1,400	3,534	410	4,934	4,934	0
Utilities, Services and Comms	3,260	8,413	(5,153)	1,559	3,260	3,260	0
<b>Total Non Salaries</b>	<b>8,194</b>	<b>9,813</b>	<b>(1,619)</b>	<b>1,968</b>	<b>8,194</b>	<b>8,194</b>	<b>0</b>
Central Cost Allocations	40,898	45,052	(4,154)	36,058	40,898	40,898	0
<b>Total Expenses</b>	<b>67,397</b>	<b>74,780</b>	<b>(7,383)</b>	<b>58,085</b>	<b>67,397</b>	<b>67,397</b>	<b>0</b>
<b>Operating Margin</b>	<b>(47,397)</b>	<b>(32,707)</b>	<b>14,690</b>	<b>(40,597)</b>	<b>(47,397)</b>	<b>(47,397)</b>	<b>0</b>
<i>Operating Margin % Revenue</i>	<i>(237.0)%</i>	<i>(77.7)%</i>		<i>(232.1)%</i>	<i>(237.0)%</i>	<i>(237.0)%</i>	
<b>Net Operating Margin</b>	<b>(47,397)</b>	<b>(32,707)</b>	<b>14,690</b>	<b>(40,597)</b>	<b>(47,397)</b>	<b>(47,397)</b>	<b>0</b>
<i>Net Operating Margin % Total Revenue</i>	<i>(237.0)%</i>	<i>(77.7)%</i>		<i>(232.1)%</i>	<i>(237.0)%</i>	<i>(237.0)%</i>	
<b>Net Financial Performance</b>	<b>(47,397)</b>	<b>(32,707)</b>	<b>14,690</b>	<b>(40,597)</b>	<b>(47,397)</b>	<b>(47,397)</b>	<b>0</b>
<i>Operating Accum Funds C/Fwd</i>		0	0	180,151		0	0
Closing Balance	(47,397)	(32,707)	14,690	139,554	(47,397)	(47,397)	0

Notes: \$10,000 Internal income allocation added to report to accurately reflect internal support from school. Central Cost allocation is covered by Law School.

## Appendix B: Academic and Business Plan

The Institute's principal objective is the continuation of rigorous criminal justice research. This means facilitating research productivity and raising its members' research profiles. We aim to make significant scholarly contributions in criminology, criminal law and procedure, evidence law and related disciplines. To further our goal of increasing the Institute's research presence in Australia and overseas, we endeavour to continue to provide research opportunities, connections and output and to strengthen the Institute's position as a world-renowned research institute.

### 1. Research

The Institute holds regular research seminars and conferences. These events both advance the current scholarship of Institute members and facilitate engagement with scholars working in similar fields. HRD candidates are encouraged to present to stimulate collaboration between academics at different levels of their careers and nurture the next generation of criminal justice scholars.

The Institute continues to hold regular conferences on topical criminal justice issues. These provide research networking opportunities, facilitate members' research exposure to an international audience and broaden the scope of engagement with other stakeholders within criminology.

The Institute will continue to operate an internship program in 2023. Through this program, University of Sydney law and criminology students gain fundamental academic and research experience and skills whilst being exposed to high-quality academic work. As of the coming year, internships will be paid.

The Institute continues to deliver high-quality teaching at the undergraduate and Masters's levels. The Continuing Professional Development ('CPD') program, targeted at legal professionals, is set to continue in 2023 and beyond, following another successful year in 2022.

### 2. Publications

The Institute supports its members to increase their publication output through:

- Institute's internship program;
- presentation opportunities for research papers at Institute's monthly seminars; and
- promoting members' new publications in CrimNet and on social media.

The Institute continues to support the current editor of *Current Issues in Criminal Justice*, Institute member and UoN senior lecturer Dr Justin Ellis.

### 3. Public education and other events

The Institute provides public education regarding contemporary and critical criminal justice issues and direct engagement with the legal profession through seminars and events that

will continue in 2023 and beyond. This includes hosting the annual Paul Byrne SC Memorial Lecture. Justice Peter Hamill of the Supreme Court of NSW was the guest speaker in 2022.

The Institute host seminars on topical and controversial criminal justice policy issues involving academics, legal practitioners, parliamentarians, public servants, police officers, and others.

The Institute continues to liaise and cooperate with justice agencies to facilitate the *Beyond Punishment* seminar series, which the IC hosts in conjunction with Corrective Services NSW.

#### **4. Funding**

Corrective Services NSW continues to sponsor the Institute's *Beyond Punishment* seminar series.

The CPD program generates substantial income for the Institute and will continue to be implemented for the foreseeable future.

The Paul Byrne SC Memorial Lecture, which will be hosted again in 2023, also continues to provide significant income.

As of 2019, the commercial publisher, Taylor & Francis, has assumed the publication of *Current Issues in Criminal Justice*, which continues to be the Institute's academic journal.

#### **2023 Revenue and Expenses**


##### **Revenue:**

- 2023-2024 CPD program expecting approximately \$10,000
- Corrective Services, \$10,000

##### **Expenses:** 2023 events that have been budgeted include:

- LGBTQ organising in the new protest environment - book launch and panel discussion - Justin Ellis: *Policing Legitimacy: Social Media, Scandal and Sexual Citizenship*, February
- *Beyond Punishment Transforming rehabilitation through digital technology*, March
- Criminal law careers night, March
- Child sexual abuse roundtable, May
- Paul Byrne SC Memorial Lecture, June
- Domestic & family violence symposium, November
- ODPP prosecutor-in-residence pilot
- Raise the age of criminal responsibility panel

## Appendix C: 5-Year Financial Plan

 <b>THE UNIVERSITY OF SYDNEY</b>		<b>Centres 5 Year Financial Plan (\$'k)</b>				
<b>Faculties/Portfolios:</b> University School LAW						
<b>Centres:</b> Sydney Institute Criminology		<b>Level:</b> 2				
<b>Faculty Finance Director:</b> Dr Carolyn McKay and Dr Andre		<b>Date:</b> 7-Jul-22				
Class	Year 1	Year 2	Year 3	Year 4	Year 5	
<b>Revenue</b>						
Research revenue	-	-	-	-	-	
Donation/Bequest/Investment Inc. *	-	-	-	-	-	
Fees and other income	21,000	21,200	21,404	21,612	21,824	
Faculty contributions	10,000	10,000	10,000	10,000	10,000	
University contributions	-	-	-	-	-	
<b>Total Revenue</b>	<b>31,000</b>	<b>31,200</b>	<b>31,404</b>	<b>31,612</b>	<b>31,824</b>	
<b>Expenses</b>						
Staff	18,000	18,360	18,727	19,102	19,484	
Academic	-	-	-	-	-	
Professional	18,000	18,360	18,727	19,102	19,484	
Scholarships	-	-	-	-	-	
Contractors	-	-	-	-	-	
Travel	5,000	6,500	6,630	6,763	6,898	
Repairs & Maintenance	-	-	-	-	-	
Consumables	1,000	1,000	1,000	1,000	1,000	
Equipment	-	-	-	-	-	
Other expenses	8,000	6,400	6,168	5,931	5,690	
<b>Total Direct Costs</b>	<b>32,000</b>	<b>32,260</b>	<b>32,525</b>	<b>32,795</b>	<b>33,072</b>	
UEM Expenses **	-	-	-	-	-	School covers UEM/CCA
<b>Total Costs</b>	<b>32,000</b>	<b>32,260</b>	<b>32,525</b>	<b>32,795</b>	<b>33,072</b>	
<b>Operating result</b>	<b>- 1,000</b>	<b>- 1,060</b>	<b>- 1,121</b>	<b>- 1,183</b>	<b>- 1,247</b>	
<b>Opening Surplus/Deficit</b>	<b>-</b>	<b>- 1,000</b>	<b>- 2,060</b>	<b>- 3,181</b>	<b>- 4,364</b>	
<b>Closing Surplus/Deficit</b>	<b>- 1,000</b>	<b>- 2,060</b>	<b>- 3,181</b>	<b>- 4,364</b>	<b>- 5,612</b>	

\*After Initial Donation or bequest Investment Income should be estimated at 4.5% return per annum on this amount  
 \*\* UEM Expenses: For the UEM you will find a UEM calculator on the intranet page linked below, for future years assume 3% inflation.  
<https://intranet.sydney.edu.au/services/finance-management/university-economic-model.html>

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 (free event)	-	-	-	-	-
	Criminology philanthropy	-	-	-	-	-
	<b>Internal Income (School support)*2</b>	10,000	10,000	10,000	10,000	10,000
	<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	18,000	18,360	18,727	19,102	19,484
	<b>Total</b>	18,000	18,360	18,727	19,102	19,484
	<b>Non Salary</b>	14,000	14,100	14,200	14,300	14,400
	<b>Total</b>	<b>32,000</b>	<b>32,460</b>	<b>32,927</b>	<b>33,402</b>	<b>33,884</b>
<b>Operating Margin Excl. CCA</b>	<b>Total</b>	-	1,000	-	1,523	-
		-	1,260	-	1,790	-
		-		-	2,059	-

2021-2022 revenue \$13,000  
this may decrease over time

Paul Byrne fund supports CIJ arrangement with Taylor & Francis

Philanthropy \$45,000 currently available

1 day per week paid by institute

inc. guest speakers; visiting scholars; ad hoc workshops, etc

**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.

**Non salary**

	\$
CL workshop	1,350
Pandemic Policing	1,280
HDR Conference	5,184
Paul Byrne memorial lecture	3,000
Domestic Violence event	1,500
	<u>12,314</u>

provisional



## Appendix D: Centre Terms of Reference

### **SYDNEY INSTITUTE OF CRIMINOLOGY CONSTITUTION** (*\*In 2023, it is expected that the Constitution will be replaced by Terms of Reference*)

#### **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 programs; 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 Australia 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 meetings

### Advisory Committee Meeting 2022

5.00 – 6.00 pm

Wednesday 7 December 2022

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) Associate Professor Helen Paterson (Deputy Director, University of Sydney) Dr Justin Ellis (Current Issues in Criminal Justice Editor, University of Newcastle) Dr Tessa Boyd-Caine (CEO, Health Justice Australia) Emeritus Professor David Brown (University of New South Wales) Alison Churchill (CEO, Community Restorative Centre) Deputy Commissioner Luke Grant (Corrections Strategy and Policy, Corrective Services NSW) Jane Sanders (Principal Solicitor, The Shopfront Youth Legal Centre) Paul McKnight (Deputy Secretary, Law Reform and Legal Services, NSW Department of Communities and Justice) Professor Megan Williams (University of Technology Sydney) Michael Willing APM (Managing Director, National Security & Safety – Accenture, former NSW Deputy Police Commissioner)

##### Apologies:

Professor Thalia Anthony (University of Technology Sydney) Professor Katherine Biber (University of Technology Sydney) Adjunct Professor Nicholas Cowdery AO KC (University of Sydney) Robert Hoyles (Deputy Director – Criminal Law, Legal Aid NSW) Professor Stephen Tomsen (Western Sydney University) Professor Chris Cunneen (University of New South Wales)

*Dr Andrew Dyer acknowledged and paid respect to the traditional owners of the land on which the meeting was held: the Gadigal people of the Eora Nation. Dr Dyer acknowledged it is upon their ancestral lands that the University of Sydney is built, and that as we share our own knowledge, teaching, learning and research practices within this University, that we may also pay respect to the knowledge embedded forever within the Aboriginal Custodianship of Country.*

## 1. Welcome and introduction by Co-Directors of the Sydney Institute of Criminology (Institute).

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.

## 2. Minutes of the 2021 annual meeting

Dr McKay sought confirmation that the 2021 minutes sent to members on 30 November 2022 were an accurate record of the meeting. As there were no objections to the minutes circulated to the members, Dr McKay and Dr Dyer declared that the minutes were accepted as an accurate record of the 2021 Advisory Committee meeting.

## 3. Leadership of SIC and priorities

Dr Dyer announced the priorities for the Directorship over the coming year. Dr Dyer noted that the Continuing Professional Development (CPD) series for members of the legal profession was initiated by Dr McKay two years ago. He reported that it was another successful program in 2022. Dr Dyer also reported on the success of the Higher Degree Research (HDR) conference in 2022 organised by Dr McKay and that this initiative was a fruitful effort in raising the profile of HDR students' work. Dr Dyer announced that each of the members of the Institute's leadership team has been responsible for organising conferences. Dr McKay spearheaded the HDR conference (as above); Dr Dyer the Criminal Law Workshop; **Dr Allan McCay** in Neurotech, and most recently **Associate Professor Helen Paterson** organised the Domestic and Family Violence (DFV) conference.

The Institute has also been working on authoring submissions to law reform processes. This year these have included a joint submission between Dr Dyer and PhD candidate **Josh Pallas** to the Independent National Security Legislation Monitor's Review of the Terrorist Continuing Detention Order Scheme provided for by Div 105A of the *Criminal Code Act 1995* (Cth) (INSLM). Dr Dyer noted he continues his work on sexual assault reform and that he will soon be making a submission to the WA Law Reform Commission's review of the law concerning non-consensual sexual offending in that State. Future authoring of submissions by members was encouraged by Dr Dyer.

Dr Dyer announced that the leadership of the Institute is set to change in 2024. The first three-year term of the Directors will have expired at that point. The Directors will hand over the leadership to the yet to be announced new Professor or Associate Professor in the Sydney Law School.

## 4. Year in review 2022

Dr McKay reported that the Institute's executive was excited to have hosted one of our Advisory Committee members, **Professor Katherine Biber**, from UTS as a visiting scholar in semester 1 this year. Professor Biber presented her current work at our April research seminar, *The Last Outlaw: making a nation from the crimes of Jimmy Governor*. Dr McKay noted that Professor Biber's work has also earned her and her team awards for their podcasts on the issues about which she presented.



Dr McKay reported on the Institute's CPD seminar program which is being gradually released until March 2023. Dr McKay acknowledged the assistance of the practitioner in residence, **Adam Booker**. She advised he had been an excellent intermediary between the Institute and his professional network within the criminal courts, including practitioners and the judiciary. Dr McKay reported on the academic presentations from Dr Dyer: Should Deceptive Sex Always Be Rape? Associate Professor Helen Paterson: The Reliability and Credibility of Eyewitnesses, and **Professor David Hamer**: Myths, Misconceptions and Mixed Messages: An Early Look at the New Tendency and Coincidence Evidence Provisions. Additionally, there were presentations from members of the Sydney Criminal Bar, **Mr John Stratton SC**: Advocacy in the NSW Court of Criminal Appeal, **Mr Brett Hatfield**: The Role of the Crown Prosecutor in NSW, and **Ms Talitha Hennessy**: Ethical Practice for Junior Criminal Law Barristers. From the judiciary, we had the **Hon Paul Lakatos SC**: The Work of the Mental Health Review Tribunal. Dr McKay reported that this year the sessions have been live for academic staff and students and then professionally packaged and released for purchase. This continues to be rolled out and generate revenue.

Directors and Deputy Directors discussed the individual events facilitated and hosted by the Institute.

Dr Allan McKay reported on the neurotechnology, criminal law and human rights conference that he inaugurated in December 2021. Dr McKay described neurotech as technologies that interact with the brain and nervous system. The aim of the conference was to explore ways neurotechnology might be used in criminal justice, as well as the human rights issues that may arise. Dr McKay reported that this was a world first for the neurotech industry. Speakers included academics from Canada, the UK, Switzerland and Germany. There were 245 registrations, including from the legal profession nationally and internationally.

Dr McKay noted that Dr McKay had a report commissioned by the Law Society of England and Wales this year. The high-profile published report is titled 'Neurotechnology, the Law and the Legal Profession'. It has earned Dr McKay international recognition. Dr McKay extended her congratulations to Dr McKay for this achievement.

Dr Dyer noted that the Directors and Deputy Directors each organised events within the area of their expertise. He reported that his main project this year was hosting the Criminal Law Workshop in February. Dr Dyer discussed that the conference was initiated by **Professors Arlie Loughnan and Thomas Crofts** and that this year was the first time it had been run at the University of Sydney since 2014. He reported that it was a very successful event with 10 papers by academics from various universities around Australia. Dr Dyer expressed that many Institute members will present next year when the conference will be held at the University of Melbourne.

Dr Carolyn McKay reported on the HDR conference which took place in July. Dr McKay put together this national conference which was attended by 28 HDR students from as far away as Alice Springs, in various stages of their candidacy, who are undertaking research in criminology, criminal law, crime and criminal justice. Dr McKay noted the assistance of three PhD students, **Ms Megan Cameron, Ms Pei Kong and Ms Linda Wilken**. Dr McKay noted that the travel bursaries were, and the catering was, partially funded by revenue from the CPD series. The program included opportunities for attendees to participate in research 'flash talks' aimed at generating research

and peer support networks. For more advanced HDR candidates, there were opportunities to present their interim findings. Dr McKay noted that there was interest in repeating the conference in 2024.

Associate Professor Helen Paterson reported on the DFV conference in November. This was an in-person conference with 24 talks which generated robust discussion. Attendees included academic researchers and community professionals in the area of DFV, and the object was to share ideas, knowledge, and resources. There was a very well attended panel event as part of the 16 Days of Activism with over 200 registrations. Associate Professor Paterson reported that there has been phenomenal feedback on the event, with the Vice Chancellor of the University expressing interest in hosting the event again in 2023. Further feedback received was for an increase in business and police involvement. She noted there was a readiness and willingness to engage in that area should they be presented with the opportunity.

Dr McKay reported on the Pandemic Policing Panel in May, which she hosted. The panel was chaired by **Dr Louise Boon-Kuo**. The panellists included Advisory Committee members: **Dr Tessa Boyd-Caine, Jane Sanders, Mick Willing and Sydney University Associate Professor Greg Martin. Associate Professor Julian Droogan** was scheduled to speak, but Dr McKay reported that he had to withdraw due to illness.

Dr Dyer recounted the success of the Paul Byrne SC Memorial Lecture, given by **Justice Peter Hamill SC**, which took place in June. Dr Dyer stated that his Honour spoke about Paul's contributions to the law and his work within the criminal justice system. As well as noting his personal attributes, his Honour discussed Paul's involvement with the criminal law and significant High Court cases. There was a full house including Supreme Court judges. Dr Dyer reported that a recent conversation with the late Paul Byrne's son demonstrated his keenness to have another lecture in 2023. ACT Supreme Court **Chief Justice Lucy McCallum** has been flagged as a potential speaker and her Honour has expressed interest in lecturing next year.

Dr McKay reported that the Institute welcomed **Professor David Garland** to the Institute in November. Professor Garland was a visiting scholar at the Institute from New York University. He gave a public lecture on the Theoretical Advances and Problems in the Sociology of Punishment, as well as providing a series of master classes on Political Economy. Dr McKay said that it was great to have such an eminent person visit us at the Institute.

Dr Dyer noted several other relevant Institute activities this year. The 5-year review was completed, and Dr Dyer stated that he and Dr McKay are awaiting the panel's report. He confirmed that the Dean, **Professor Simon Bronitt**, was very pleased with the directorship of the Institute and was very satisfied with the Institute's work.

Other activities Dr Dyer reported on included Institute internships in Semester 1, of which there were 10, and in Semester 2, of which there were 5. Dr Dyer announced that there will be changes to the internship program from 2023 and that members will be kept informed on these in due course.

Dr Dyer noted that the Institute's bi-monthly email, CrimNet, has continued to be successfully sent out at two-week intervals and he thanked the coordinator, **Ms Kimberley Hammerton**, very much for her work on that.

Finally, the monthly research seminars have continued to run this year. Dr Dyer noted that we have also had international guests, including most recently **Professor Benoît Dupont** from the University of Montreal who spoke on the ecology of cybercrime. **Dr Saskia Hufnagel**, Queen Mary University of London, spoke about multi-agency intelligence sharing in the United Kingdom, and **Professor Colin King**, University of London, spoke about confiscating proceeds of crime without criminal conviction.

Dr Dyer announced that the Institute is preparing for a number of events in 2023. He noted that the Institute's strategy meeting is planned for 15 February. **Dr Justin Ellis** will be launching his new book on 28 February. On 2 March the Institute will host a Beyond Punishment seminar: *Transforming rehabilitation through digital technology* with the assistance of **Deputy Commissioner Luke Grant**. Dr McCay has organised this event, which will be chaired by Dr McKay.

Dr Dyer announced that the Institute will host a much-anticipated Criminal Law careers night in March, at which members of the profession will speak about their careers. The event was suggested by practitioner-in-residence, Adam Booker. Dr Dyer noted the importance of the event due to the inadequate information about criminal law career pathways at Sydney Law School. He noted, by way of comparison, the extensive information that is provided to students about commercial law opportunities.

Dr Dyer noted that, as he mentioned earlier, the Institute will host the Paul Byrne SC lecture in June 2023 and we hope to have ACT Supreme Court Chief Justice Lucy McCallum for that.

Dr Dyer advised that the Institute's 2023-2024 CPD program will be going ahead in conjunction with the Office of the Department of Public Prosecutions (ODPP). The current **Director Sally Dowling SC** has expressed interest in working together with the Institute. Dr Dyer noted that this is good news, as practising lawyers at organisations such as the ODPP can assist us to fulfil the CPD provider requirements.

A further event that is being planned next year is one that will concern raising the age of criminal responsibility. This is a topical issue that the Institute can respond to.

**Paul McKnight** commented that he was currently preparing for a meeting with the Standing Committee for the Attorneys General where Raising The Age has been previously discussed. Mr McKnight advised that the focus is on considering the alternatives to criminal justice. He noted that there has been less emphasis on the alternatives to sending vulnerable kids to prison than on changing the age of responsibility. He advised on the importance, at the proposed conference, of building a positive case for change.

**Jane Sanders** expressed her agreement. She advised that good alternative models to deal with children at the current age of criminalisation exist. She considered that a focus on the alternatives to prison would be ideal and timely.

**Dr Tessa Boyd-Caine** reiterated this. She queried the scope for partnership with the Aboriginal and Torres Strait Islander community-controlled sector, who she reported are leading good campaigns and policy engagement in the area. She noted that building relationships is a way to amplify the leadership being shown there in that space.

Dr Dyer thanked Mr McKnight, Ms Sanders and Dr Boyd-Caine for their contributions and said that hearing members thoughts and concerns about these events is one of the reasons for having these meetings. He noted that the Institute leadership is keen to have strong representation of Aboriginal and Torres Strait Islander people on the panel in the proposed raising the age event.

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

Dr Justin Ellis reported on the activities of the *Current Issues in Criminal Justice* (CICJ) journal. Dr Ellis stated that he had taken over as editor in 2021 and that the journal had performed very well in that time. He noted that CiteScore had increased from 0.6 in 2021 to 1.1 in 2022. He stated that this was significant due to the handing over of publication to Taylor & Francis in 2019 and that building metrics on Scopus can take a long time. Dr Ellis reported that CICJ had expanded the editorial board in recognition of previous contributions to the journal. Dr Ellis noted that Taylor & Francis had simplified the way they require manuscripts to be uploaded and that this has been met positively. CICJ has capitalised existing marketing opportunities through Taylor & Francis and through the Institute. He thanked the Coordinator, Ms Kimberley Hammerton, for raising exposure of the journal through CrimNet and on the Institute's social media accounts. Dr Ellis stated that CICJ has been happy to support early career researchers (ECRs). Dr Ellis reported on his presentation at the HDR conference run by Dr McKay at Sydney Law School and said that his presentation was well received. Dr Ellis noted that he also convened a workshop at the ANZSOC conference in Darwin on behalf of CICJ which was also well received. It was attended by at least 30 people including Dr McKay and Institute member **Professor Murry Lee** who also offered their perspectives to ECRs.

Dr Ellis announced that Taylor & Francis have been involved with the Association of Librarians to boost open access to publications in Australia and New Zealand. He noted that CICJ is part of this as a publishing partner. This means the volume of articles available on open access will increase.

Dr Ellis reported that the 2022 downloads are similar to 2021 and are on a strong trajectory. There is an increase in citations.

There was a special issue edited by Professor Arlie Loughnan and Dr Dyer, whom Dr Ellis acknowledged for their generosity in doing so. He said that this Special Issue came about as a result of the Criminal Law Workshop in February and was an example of the relationship between events at the Institute and publications in CICJ. He noted that an article by University of Melbourne **Professor Heather Douglas**, which she originally presented at the Criminal Law Workshop, and which appeared in the special issue, has been the most downloaded and cited CICJ article in recent months.

Dr Ellis urged members to get in touch to discuss opportunities for a special issue or one-off submissions. He noted that the rejection rate had been upped from last year and that the mean

time between submission to first decision in 2022 is 33 days, down from 48 days in 2021. The mean days till final decision in 2022 is 48 days, down from 71 days in 2021. Acceptances are similar to 2021.

Dr Ellis again urged Advisory members to come forward with submissions to the journal. Dr Dyer noted that many participants from the Criminal Law Workshop submitted papers to CICJ and thanked Dr Ellis for his work and for initiating the special issue.

### 6. Shaping a SIC research agenda

The Directors opened the floor to Advisory Committee members for ideas and points of focus for the coming year or subsequently. Dr Dyer thanked Dr Boyd-Caine for suggesting the Pandemic Policing event which, as has been noted, was held earlier in 2022.

Dr Dyer sought comments or suggestion for developing a research agenda for important current issues around which an event might be focussed.

<p><b>Professor Williams</b></p>	<p><b>Megan</b></p> <p>Professor Williams raised the issue of increased public criticism of criminology and whether this could be unpacked. She noted one underlying query is whether the Institute could take leading action on cultural capability training. Professor Williams noted this may also be considered cultural safety training and that this can only be evaluated by Aboriginal and Torres Strait Islander people.</p> <p>Professor Williams noted her second query is what the Institute is doing to bring about cultural safety among its future workforce and to bring about generational change.</p> <p>She advised that the criticisms of criminology may increase and stated that to ignore that they have happened is naive. She noted the importance of critical self-reflection, and taking action and being responsive.</p> <p>Dr McKay thanked Professor Williams and noted the importance of the issues raised. Dr McKay stated that Sydney Law School’s Dean Professor Simon Bronitt is also particularly aware of this issue and that the Law School as a whole is keen to address it. She noted that Professor Williams’s comments would be discussed by the Institute’s leadership team.</p> <p>Dr Dyer also expressed the importance of addressing the issue raised by Professor Williams and that it be adequately addressed.</p>
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<p><b>Deputy Commissioner Luke Grant</b></p>	<p>Mr Grant advised that in relation to raising the age of criminal responsibility, young people over 18 and under 26 are in a developmental phase which requires they be treated differently.</p> <p>Mr Grant reported that he had spent time with people in the Columbia Justice Lab and that there had been expressions of interest in this area. Mr Grant also advised that many institutions in the UK have an entirely different approach to assessments for interventions and support that is responsive to their age and state of development. This results in changes as to how they are treated by the law, courts, and other relevant institutions.</p> <p>Mr Grant advised that this is an emerging area and that it would be great to give some thought to that.</p> <p>Dr Dyer thanked Mr Grant and suggested that the issue may be relevant for a Beyond Punishment seminar and that it is likely of great interest to other members of the Institute.</p>
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The Directors encouraged the Advisory Committee members to contribute suggestions for Institute events or criminal justice issues for discussion.

## 7. Budget

Dr McKay reported that there was currently a slight deficit in the budget. However, she noted that not all income and expenditure have been recorded at present. Dr McKay stated that she was confident it would be rectified once all the numbers are in, including the revenue from the CPD seminars.

Dr McKay noted that the main expense was currently the Coordinator’s role, which is partially funded by the Law School. Dr McKay noted that the role of coordinator will change in 2023. The Law School has appointed a person to a centralised position who will look after all the Centres and Institutes. There will probably, however, be a continuing position of one day a week, in contrast to the current load of two days, for an Institute of Criminology specific appointment. Dr McKay noted this is critical because the extent of the Institute’s events and activities surpass those of other Centres and Institutes at Sydney Law School.

Dr McKay also announced that, as previously foreshadowed, there will be changes to the internship program. Due to the Modern Slavery Act, the Institute can no longer accept unpaid interns. She noted this may further affect the balance sheet and that the Institute will have to limit Internship numbers.

Dr McKay opened the floor to questions about the budget. She stated that, should questions arise later, members could contact the leadership.

## 8. Other Business

Dr McKay noted that the Institute's website is currently being updated and that suggested changes and updates are being made. While historical documents are being kept, outdated documents and inaccuracies on the web page will be removed.

As there were no further comments, Dr Dyer and Dr McKay expressed their gratitude for the attendance of the Advisory Committee members present, and thanked them for their continued involvement with the Institute. They further encouraged members who had feedback, comments or suggestions to contact the leadership team. The Directors noted that the Institute is receptive to ideas about how it might improve.

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

## For more information

**W** [sydney.edu.au/law/our-research/research-centres-and-institutes/sydney-institute-of-criminology.html](https://sydney.edu.au/law/our-research/research-centres-and-institutes/sydney-institute-of-criminology.html)

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