



THE UNIVERSITY OF  
**SYDNEY**

—  
Institute of  
Criminology  
50th Anniversary  
1966–2016

# Sydney Institute of Criminology

Sydney Law School

## Highlights of 2018



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## Directors' Statement

The Institute has had another active and productive year.

As our new infographics summary indicates, Institute members continued to make leading contributions to research, policy development and teaching in 2018. Our achievements highlight the Institute's ongoing contribution and impact in criminal law and criminal justice scholarship and practice and on public debate through our advocacy. In 2018 the Institute and its members strengthened its collaborations and grew new partnerships in criminal justice.

With thanks to Mr Andrew Dyer, the Institute now has a written Constitution covering membership, management and structure. This will serve as a firm foundation for the growth and development of the Institute in the coming years.

A particular highlight was the prize-winning Justice Injustice exhibition at The LockUp in Newcastle, curated by Dr Carolyn McKay.

We closed the year with the wonderful news of promotions for several members of the Institute: Professor Rita Shackel, Associate Professor Garner Clancey and Dr Tanya Mitchell. Congratulations to all!

We would like to thank our outgoing Deputy Director, Dr Carolyn McKay, and ongoing Deputy Director, Mr Andrew Dyer, as well as Ms Rachael Stanic (Institute Administrator until June 2018), Ms Emma Fredericksen (Institute Administrator, June-November 2018) and Ms Simran Singh for all their help in ensuring the Institute had another successful year.

At the end of this year Professor Joellen Riley will end her term as Dean of The University of Sydney Law School. We thank Professor Riley for her support of the Institute during her Deanship. We wish her all the best in 2019 and in her future endeavours. We would also like to take this opportunity to welcome Professor Simon Bronitt who has been appointed the new Head of School and Dean, starting on 1 July 2019. Professor Bronitt is a distinguished criminal justice scholar and the Institute looks forward to working with him.

We were delighted and honoured to take on the Directorship at the end of 2017, and look forward to working with members and colleagues in criminal law and criminal justice in 2019.

Best wishes for the festive season and Happy New Year.

Arlie Loughnan and Rita Shackel  
Co-Directors, Sydney Institute of Criminology



**Professor Arlie Loughnan**  
Co-Director  
Sydney Institute of Criminology



**Professor Rita Shackel**  
Co-Director  
Sydney Institute of Criminology

# 2018 HIGHLIGHTS

## JOURNAL ARTICLES

49

ARTICLES PUBLISHED



THE UNIVERSITY OF SYDNEY

## EVENTS

16

EVENTS PLUS  
4 EXHIBITIONS

## MEDIA

73

MEDIA MENTIONS  
AND INTERVIEWS

## BOOKS



5

BOOKS PUBLISHED

## GRANTS

15

GRANTS SECURED

## SOCIAL MEDIA

40

EDITIONS OF CRIMNET  
NEWSLETTER  
SENT OUT TO 2,070  
SUBSCRIBERS

20

BOOK SECTIONS

## CONFERENCE PRESENTATIONS

20

PRESENTATIONS IN  
AUSTRALIA AND  
ABROAD



3,013

TWITTER FOLLOWERS

## PARLIAMENTARY SUBMISSIONS

10

SUBMISSIONS TO  
GOVERNMENT  
INQUIRIES OR NSW LAW  
REFORM COMMISSION

## CLASSES

17

CRIMINOLOGY MASTERS  
UNITS TAUGHT



## Leadership in 2019

Professor Arlie Loughnan and Professor Rita Shackel will continue their 3-year directorship into 2019, having commenced their directorship at the start of 2018.

Dr Carolyn McKay ended in her position as Deputy Director in 2018. The Deputy Directors in 2019 will be Associate Professor Garner Clancey and Mr Andrew Dyer.

## Institute Members

Professor Arlie Loughnan (Co-Director)  
Professor Rita Shackel (Co-Director)

Andrew Dyer (Deputy Director)  
Dr Carolyn McKay (Deputy Director)

Mr Ross Abbs  
Associate Professor Jane Andrew  
Dr Louise Boon-Kuo  
Emeritus Professor Terry Carney  
Professor Judy Cashmore AO  
Honorary Professor Duncan Chappell  
Associate Professor Garner Clancey  
Mr Graeme Coss  
Adjunct Professor Nicholas Cowdery AM QC  
Professor Thomas Crofts  
Mr Justin Ellis  
Associate Professor Salim Farrar  
Dr Elaine Fishwick  
Associate Professor Susan Goodwin  
Professor David Hamer  
Dr Deirdre Howard-Wagner  
Professor Michael Humphrey  
Associate Professor Tyrone Kirchengast  
Professor Murray Lee  
Dr Roman Marchant Matus  
Associate Professor Greg Martin  
Professor Gail Mason  
Dr Allan McCay  
Dr Tanya Mitchell  
Dr Alice Orchiston  
Associate Professor Juliette Overland  
Dr Helen Paterson  
Associate Professor Kane Race  
Dr Rebecca Scott Bray  
Dr Celine van Golde  
Dr Nicole Watson  
Dr Harriet Westcott  
Ms Rachael Stanic (Institute Administrator to June 2018)  
Ms Emma Frederiksen (Institute Administrator from June 2018 to November 2018)

## Advisory Committee

The Advisory Committee met on 23 May 2018. The meeting was attended by the following members:

- Dr D Chappell, Honorary Professor, University of Sydney
- Mr N Cowdery AM QC, Adjunct Professor, University of Sydney
- Mr L Grant, Assistant Commissioner, Strategic Policy and Planning, Corrective Services NSW
- His Honour Judge P Johnstone, President of the Children's Court of New South Wales
- Professor J Stubbs, University of New South Wales

The Institute also thanks the following members of the Advisory Committee for their ongoing support of the Institute in 2018:

- The Honourable TF Bathurst AC, Chief Justice of the New South Wales Supreme Court
- The Honourable Justice V Bell, High Court of Australia
- Associate Professor T Anthony, University of Technology Sydney
- Professor E Baldry, University of New South Wales
- Professor K Biber, University of Technology Sydney
- Emeritus Professor D Brown, University of New South Wales
- Professor J Cashmore AO, University of Sydney
- Ms Alison Churchill, Community Restorative Centre
- His Honour Judge P Cloran, Judge of the Drug Court of New South Wales
- Professor C Cunneen, University of New South Wales
- His Honour Judge R Dive, Senior Judge, Drug Court of New South Wales
- Professor P Grabosky, Australian National University
- His Honour Judge AC Haesler, SC Judge of the District Court of New South Wales
- Emeritus Professor RW Harding, University of Western Australia
- The Honourable Justice PJ Hidden AM, Supreme Court of New South Wales
- Mr P McKnight, Executive Director, Strategy and Policy, NSW Department of Justice
- His Honour Judge SR Norrish QC, Judge of the District Court of New South Wales
- The Honourable Justice DM Price AM, Chief Judge of the District Court of New South Wales
- The Honourable Dr RJN Purvis, AM, QC, Deputy President, Administrative Appeals Tribunal
- Ms J Sanders, Youth Justice Coalition
- Mr B Thomas, Deputy Secretary, NSW Department of Justice
- Professor S Tomsen, Western Sydney University
- Mr PG Ward
- Dr D Weatherburn, Director, NSW Bureau of Crime Statistics and Research
- His Honour Judge GD Woods QC, Judge of the District Court of New South Wales

## Activities in 2018

The Institute has maintained much of its existing valuable work while adjusting its philosophy, aims, and objectives so that the Institute can expand into new areas of opportunity. These principles are detailed in the Institute's *Strategic Plan 2017-2021*. At the beginning of our Co-Directorship in 2018 we devised a three-year vision (2018-2021) through which to sharpen the focus of the Institute's current work to meet future challenges.

In addition to the objectives and activities outlined below to increase our impact and engagement, we have continued to hold significant workshops and events such as the *Queer(y)ing Criminology in the Global South* conference, and regular seminars to disseminate our work, engage broadly with other scholars and the broader community, and develop internal and external collaborations. We have secured a co-publishing arrangement with Taylor and Francis commencing in February 2019 that increases the reach of the Institute journal *Current Issues in Criminal Justice*. We have also increased our presence on social media, taking a more strategic approach to profiling the work of the Institute and its members and our contribution to public debate. In support of our commitment to teaching and learning, and the Institute's origins in critical criminology we continue to develop the Master of Criminology program through the addition of a new Unit in Critical Victimology.

Looking forward, the Institute's objectives and proposed activities over the remaining three years of the Strategic Plan are as follows:

### Objectives:

- Enhance existing research networks with a focus on the critical analysis of contemporary criminal justice practice, social justice issues, policy and law reform
- Support the needs of Institute members in the presentation of their research outputs in quality publications and strengthen our commitment to the production of high-quality, high-impact, interdisciplinary research
- Enhance engagement with the criminal justice sector: legal professionals, judiciary, law enforcement and justice agencies
- Maintain the continued high-quality publication of *Current Issues in Criminal Justice*
- Continue public education on criminal justice issues through seminars and other Institute events
- Further review and refine teaching and learning delivery at the University of Sydney
- Mentor Institute members, research students and interns
- Provide advocacy on key social justice and community issues and contribute to law reform
- Network with international criminology bodies and build the international presence of the Institute

### Activities:

- Present a wide-range of public seminars and events concerned with crime and criminal justice.
- Focus on social justice and law reform
- Develop our expertise and research profile regarding technologies in criminal justice
- Secure an agreement with a suitable commercial publisher for *Current Issues in Criminal Justice*
- Continue the delivery of courses and units of study in Criminology at undergraduate and postgraduate levels at the University of Sydney
- Continue the supervision of higher degree research candidates

- Support the production, presentation and publication of high-quality criminological research, facilitating interdisciplinary research networks, collaborative studies and innovative engagement
- Develop staff skills, mentoring, and assistance for early career researchers
- Provide support for funding applications
- Connecting with other research bodies, legal professionals and justice organisations to contribute to law reform and advocacy around key social justice issues

In summary, over the next three years the Sydney Institute of Criminology will focus on consolidating and enhancing its excellence in research, teaching and industry engagement. Specifically, the Institute will seek to build on its research profile, public education, mentoring and skill development of early career researchers, and networking with other universities and organisations locally, regionally and internationally.

## Institute Meetings

The Institute continued to hold internal monthly meetings within semester in which members met to hear about each other's current research projects.

Members who presented their research in 2018 were:

- April: Dr Helen Paterson on the development of her new app, iWitnessed
- May: Professor Arlie Loughnan on her book, 'Responsibility in Criminal Law'
- June: Mr Andrew Dyer on whether a charter of rights would improve protections for offenders against penal populism
- September: Dr Allan McCay on brain computer interfaces and intimate image abuse

## Show Up and Write Club

In 2018 the Institute of Criminology started a weekly 'Show Up and Write Club'. The club involves organised sessions dedicated to writing on one's own project in a group setting. The club sought to contribute towards creating a collegiate research culture by helping us get to know each other's research (and each other) in an informal manner; support criminological researchers; quarantine writing time; share tips; and have fun writing together! It also particularly intended to support PhD candidates and ECRs. Some unsolicited feedback shows its value: 'It really assisted me in starting and completing a journal article that has just been accepted'; 'These sessions have been absolutely crucial for me'; 'I really enjoyed the writing studio you arranged'. The 'Show Up and Write Club' has expanded to include other researchers at the law school and will continue to meet weekly in 2019. All welcome!



## Events and Public Education Seminars

A key objective of the Institute is to progress public education on criminal law and criminological issues by hosting a range of seminars throughout the year. In 2018, the Institute hosted a number of educational events, showcasing Institute researcher expertise and drawing visitors from around Australia and internationally.

### Violence Prevention Round Table

17 April 2018

This round table event was organised by Associate Professor Garner Clancey (Sydney Institute of Criminology) and co-hosted by the Sydney Institute of Criminology and the Australian Institute of Criminology.

#### Speakers:

- Professor David Kennedy (Director, National Network for Safe Communities at John Jay College of Criminal Justice)
- Ms Rachel Locke (Director, International Interventions, National Network for Safe Communities at John Jay College of Criminal Justice)

David and Rachel have extensive experience working on projects focused on preventing group violence, violence related to drug markets, intimate partner violence, prison violence and individual gun violence. This round table workshop involved a presentation on the principles and approaches that David and Rachel adopt in their violence prevention work, both within the United States and internationally, and subsequently, interactive discussion about how these methods might be used to address local violence problems.

### Criminology Seminar: Challenges of Effecting Change in Policing Through Research

3 May 2018

Speaker: Professor Adam Crawford (University of Leeds)

Chair: Associate Professor Garner Clancey (Sydney Institute of Criminology)

This presentation assessed and explored some of the challenges in fostering organisational change in policing through research knowledge and evidence. In so doing it engaged with debates about Evidence-Based Policing, its claims and implications. To illustrate the arguments, it drew on two programmes of research and knowledge exchange in the UK. The first is the N8 Policing Research Partnership, a long-term collaboration of the eight research intensive universities in the North of England and 11 police forces and Police and Crime Commissioners as well as other policing partners that Professor Crawford has been leading. The second is a recently completed participatory action research project for the Police Knowledge Fund (College of Policing) that explored and developed the use of restorative justice in policing.

The presentation examined and analysed the attributes and challenges of knowledge co-production in the context of policing. In so doing, it argued for a transformation in both the way academic researchers engage with policing partners and the place and value of knowledge, data and evidence within policing.

## Queer(y)ing Justice in the Global South Conference

11-13 July 2018

### Organising Committee:

- Justin Ellis (Sydney Institute of Criminology)
- Nicole Asquith (Western Sydney University)
- Matthew Ball (Queensland University of Technology)
- Dr Angela Dwyer (University of Tasmania)

### Invited Speakers:

- Dameyon Bonson (Black Rainbow, Australia)
- Professor Jo Phoenix (Open University, UK)
- Dr Jace Valcore (University of Houston Downtown, USA)

### Speakers:

- Nicole Asquith (Western Sydney University)
- Matthew Ball (Queensland University of Technology)
- Brooke Browne
- Yi-Chien Chen (Shih Hsin University, Taiwan)
- Taz Clay
- Dr Sharon Dane (University of Queensland)
- Dr Angela Dwyer (University of Tasmania)
- Justin Ellis (Sydney Institute of Criminology)
- Bianca Fileborn (University of New South Wales)
- Allen George (University of Sydney)
- Bridget Haire (University of New South Wales)
- Rebecca Howe (University of Sydney)
- Qiu Huixin (Wuhan University, China)
- Andy Kaladelfos (Griffith Criminology Institute)
- Ino Kehrler (University of Padova)
- Jules Kim (Scarlet Alliance, Australian Sex Workers Alliance)
- William Leonard (La Trobe University)
- Sourav Mandal (University of Reading, UK)
- Jackie Mapulanga-Hulston (Curtin University)
- Barbara Masser (University of Queensland)
- Blake McKimmie (University of Queensland)
- Cam McPhedran (University of New South Wales)
- Toby Miles-Johnson (Queensland University of Technology)
- Matthew Mitchell (University of Melbourne)
- Shaez Mortimer (RMIT University)
- Hamil Nauzer
- Moira Perez (University of Buenos Aires)
- Blas Radi (University of Buenos Aires)
- Leonardo Raznovich (Canterbury Christ Church University)
- Emma Russell (La Trobe University)
- Michael Salter (Western Sydney University)
- Paul Simpson (Kirby Institute)
- Yorrick Smaal (Griffith University)
- Zahra Stardust (University of New South Wales)
- Shannon Stuart (University of Queensland)
- Ryan Thorneycroft (Western Sydney University)
- Dan Thorpe (Canterbury Christ Church University)
- Hendri Yulius (University of Sydney)

Recent years have seen social, criminal, and legal justice campaigns for sexuality and gender diverse people gain increasing visibility and popular support in many jurisdictions, while repression and discrimination have increased in others. At the same time, academic LGBT and queer scholarship in fields such as criminology, criminal justice studies, sociology, and socio-legal studies, has grown significantly.

Despite reversals of enfranchisement for sexuality and gender diverse people in some countries, important changes in the interests of social and legal justice have been achieved, and there is a growing space in some legal and criminal justice contexts for the needs of sexuality and gender diverse people to be recognised. However, more can be done to respond to the intersections of inequalities in these contexts. Culturally diverse people, Indigenous people, and people seeking safety, among others, have

not always benefited from these gains. A gulf remains between academia and practitioners in these areas, with greater opportunity to pay attention to the voices of those in the Global South in these debates, and to how 'Northern' frameworks guiding research and practice in this area may need to be reconsidered. These issues are central to ongoing campaigns to achieve greater social and criminal justice for sexuality and gender diverse people globally.

The conference was an opportunity to bring together researchers, community members, and organisations working at the intersections of sexuality, gender diversity, and justice.

Held at the Charles Perkins Centre at the University of Sydney during NAIDOC Week, the 3-day conference attracted more than 50 delegates each day from Australian academia, policy and practice, in addition to delegates from Taiwan, China, India, Indonesia and Argentina.

The conference, which was co-convened by the Sydney Institute of Criminology, the Crime and Justice Research Centre (QUT), the Tasmanian Institute of Law Enforcement Studies (UTAS) and the School of Social Sciences and Psychology (WSU), provided an opportunity to raise visibility of those within the LGBTIQ+ community who are the most in need of support.

The *Queer(y)ing Justice in the Global South* Conference organising committee made a successful expression of interest to guest edit a special issue of *Current Issues in Criminal Justice* off the back of the conference. It will be published in 2019.

*Queer(y)ing Justice in the Global South* is the ninth in a series of global conferences organised by the Queering Paradigms network.



Dameyon Bonson (Black Rainbow Australia)

## **Criminalising Parents Through the Omissions Provisions in New Zealand: An Expanding Creep**

16 July 2018

Speaker: Professor Julia Tolmie (University of Auckland)

This paper presented a project looking at the criminalisation of parents for failures to act in relation to their children, as opposed to actions. In New Zealand there has been a recent expansion in the types of failures now prosecuted although, aside from some reforms in 2011, these seem to have largely been a result of police and prosecutorial decisions, assisted often by guilty pleas on the part of the parents concerned. As a result, we now prosecute, for example, for supervisory neglect rather than behaviour that could be characterised as abusive. It is clear from a closer look at the cases that there are class, gender and race dimensions to the application of these provisions.

Professor Tolmie presented this research project that she conducted together with Dr Fleur Te Aho and Dr Katherine Doolan, of the University of Auckland.

This seminar was co-hosted by the Centre for Crime, Law and Justice, University of NSW and the Legal Intersections Research Centre, University of Wollongong and was held in association with the Criminalisation Workshop, described below.

## Criminalisation Workshop

16-17 July 2018

The Institute of Criminology co-hosted this small event together with the Centre for Crime, Law and Justice, UNSW and the Legal Intersections Research Centre, University of Wollongong.

The seminar was oriented on bringing a group of researchers together who have been working on criminalisation (together and separately), including for the purpose of developing an ARC DP20 application.

The academic team for the Criminalisation Workshop comprised:

- Professor Luke McNamara (UNSW, co-host of Workshop)
- Associate Professor Julia Quilter (University of Wollongong, co-host of Workshop)
- Professor Arlie Loughnan, Faculty of Law (Sydney Institute of Criminology)
- Adjunct Professor Russell Hogg, Faculty of Law, (Queensland University of Technology)
- Professor Heather Douglas, (University of Queensland)
- Professor David Brown (UNSW)
- Professor Lindsay Farmer (University of Glasgow, supported by the Parsons Visitors Scheme)

As part of the workshop, Professor Julia Tolmie, University of Auckland, participated in the event and gave a stand-alone lunch time seminar (open to all IC members and SLS staff) on her research on prosecutions of parents in New Zealand.

The workshop also included an ECR mentoring session in which ECR researchers shared draft work for feedback and assistance. Dr Tanya Mitchell participated in this session.

The final session of the workshop consisted of a Stakeholders Roundtable, bringing legal professionals and policy makers from all parts of criminal justice together to discuss criminalisation practices.

Participants included:

- Roslyn Cook (Managing Solicitor, Homeless Persons' Legal Service, PIAC)
- Kate Morgan SC (NSW Bar Association)
- Richard J Wilson (NSW Public Defenders)
- Jeremy Styles (ALS NSW/ACT)
- Larisa Michalko (Director, Criminal Law Specialist, NSW Department of Justice)
- Mehreen Faruqi (Senator for NSW, Greens)
- Alison Ritter (Director, Drug Policy Modelling Program, UNSW)
- Penny Musgrave, (Principal, Musgrave Legal, NSW Law Society)
- Rebecca McMahon (NSW Law Society)
- Daniel Noll (NSW ODPP)

I would like to thank the IC and SLS's Parsons Visitors Scheme for their support for this workshop, and Elisabeth Enright (IC Intern, Winter 2018) and Simran Singh for all their assistance in organising the event.

Arlie Loughnan  
Sydney Law School

## In Conversation with Kate Rossmanith

31 July 2018

Speaker: Dr Kate Rossmanith (Macquarie University)

Chair: Professor Arlie Loughnan (Sydney Institute of Criminology)

What does it mean to demand an apology from someone? What is it to admit to wrongdoing? How can we know if a person is truly sorry for what they have done? Dr Kate Rossmanith's *Small Wrongs* is a meditation on remorse in the justice system and remorse in our everyday lives. It interweaves ethnographic fieldwork and interviews in the criminal courts with intimate accounts of family and relationships. In this way it considers experiences of, and expectations around, the outward display of emotion and the hidden interiority of experience as well as the self-narration and rehabilitation in the context of remorse enactment and assessment. *Small Wrongs* has been described by Helen Gardner as 'a sincere and delicate inquiry that moves with grace between public and private pain'.



Professor David Rolph, Dr Kate Rossmanith, Professor Arlie Loughnan

## Sexual Assault and Consent: Narratives, Politics and Law Reform

8 August 2018

Speakers:

- Mr Andrew Dyer (Sydney Institute of Criminology)
- Dr Tanya Serisier (Birkbeck College, University of London)
- Dr Carolyn McKay (Sydney Institute of Criminology)
- Professor Rita Shackel (Sydney Institute of Criminology)

Chair: Professor Arlie Loughnan (Sydney Institute of Criminology)

In Australia and around the world, sexual assault, sexual harassment, and other forms of sexual abuse are attracting high levels of public and political concern. Survivors of sexual assault are speaking out about their experiences, and reform of the criminal law is being mooted. Speakers at this event examined social and cultural aspects of speaking out about sexual assault, and canvassed some of the options for reform of the law of consent in relation to sexual assault offences.

*Speaking Out: Feminism, Rape and Narrative Politics* (Springer, 2018) is the first critical study of feminist practices of 'speaking out' in response to rape. This book argues that feminist anti-rape politics are characterised by a belief in the transformative potential of women's personal narratives of sexual violence. The political mobilisation of these narratives has been an incredibly successful strategy, but one with unresolved ethical questions and political limitations. The book explores both the successes and the unresolved questions through feminist archival materials, published narratives of sexual violence, and mass media and internet sources. It argues that a rethinking of the role and place of women's stories and

the politics of speaking out is vital for a rethinking of feminist politics around sexual violence and key to fresh approaches to combating this violence.

Dr Tanya Serisier is a Lecturer in Criminology at Birkbeck College, University of London. She is interested in the changing cultural politics around sexual violence and the regulation of sexuality. Her main areas of research currently are: the production, dissemination and reception of women's personal narratives of sexual violence; the neoliberal production of responsible sexual subjects in law; and a critical investigation of attempts to queer criminology and the study of the criminal justice system.



*Dr Carolyn McKay, Dr Tanya Serisier, Professor Arlie Loughnan, Professor Rita Shackel, Mr Andrew Dyer*

## **Population Growth and Crime Prevention Round Table**

30 August 2018

### **Speakers:**

- Associate Professor Garner Clancey (Sydney Institute of Criminology, co-organiser)
- Dr Leanne Monchuk (University of Huddersfield, co-organiser)
- Dr Jennifer Kent (Sydney School of Architecture, Design and Planning)

Sydney, like many cities, is growing. Recent data suggests that Sydney's population grew by more than 100,000 people in one year - the first time on record. This Round Table event considered the impact of population growth on crime and crime prevention, with a particular focus on measures to design out crime.

Dr Jennifer Kent presented findings from her recent research conducted in one of Sydney's growth centres. Dr Kent is interested in the intersection of planning, sustainable transport, health and well-being.

## Female Genital Mutilation and Cutting

27 September 2018

Speaker: Professor Dr Martin Boese (University of Bonn)

Chair: Associate Professor Tyrone Kirchengast (Sydney Institute of Criminology)

The seminar discussed the criminal law responses to female genital mutilation or cutting (FGM/C) in Germany and Australia. FGM/C constitutes a serious violation of the human rights of girls and women. To combat this phenomenon, on the international level the UN General Assembly adopted Resolution 67/146 in 2012 calling upon Member States to enact and enforce legislation to prohibit FGM and to end impunity. This development is in line with the UN Convention on the Rights of the Child obligating state parties to abolish traditional practices prejudicial to the health of children. Furthermore, in 2011, the Council of Europe adopted the Convention on Combating and Preventing Violence Against Women and Domestic Violence whose article 38 expressly provides for an obligation to criminalise FGM/C.

This seminar focused on the national implementation of said obligations in Germany and Australia respectively and what legal and practical challenges the two states face in this context. While part of the underlying problem relates to the classification and definition of FGM/C in national criminal law, also the application and enforcement of these provisions have proven difficult in practice. In Germany, for example, the dark figure of FGM/C victims is estimated at about 50,000. Yet, so far there have been no criminal prosecutions involving the newly adopted criminal offence. To overcome enforcement problems, additional measures, such as, for example, more holistic mandatory reporting obligations may be required.

The findings presented in this seminar form part of a wider cross-institutional research project on 'The Protection of Girls and Women in German and Australian Criminal Law' between researchers from the law school of Bonn University, Germany and the School of Law and Justice at the University of Southern Queensland, Australia. The project is funded under the 2017 DAAD-Universities Australia Joint Research Co-operation Scheme.

## Raising the Bar: the Prison Paradox

17 October 2018

Speaker: Associate Professor Garner Clancey (Sydney Institute of Criminology)

You wouldn't know it by watching the nightly news, but crime in New South Wales has dropped by 75 percent in the past 15 years. Yet imprisonment rates are rising at an alarming rate – in fact, incarceration is at its highest since federation in 1901. Punishment is up, but crime is down. In this talk, Garner Clancey revealed the political agenda and media coverage fixated on 'getting tough on crime', pushing our prisons to breaking point and costing taxpayers \$2 billion a year.

Raising the Bar is a worldwide initiative aimed at making education a part of a city's popular culture. Garner was one of the 20 speakers in 10 bars across Sydney on October 17, 2018.



Garner Clancey  
The prison paradox

## 2018 Paul Byrne SC Memorial Lecture: Our First Nations People in Custody: A National Disgrace

24 October 2018

Speaker: Phillip Boulten SC

Indigenous Australians are imprisoned at arguably the highest rate of imprisonment of any group of people in the world. More than a quarter of all Australian prisoners are Aboriginal or Torres Strait Islanders, despite constituting just 2% of the Australian adult population. They are about 13 times more likely to be imprisoned than non-indigenous Australians. Aboriginal and Torres Strait Islander children are 24 times more likely to be detained in a juvenile detention centre than non-indigenous children.

These statistics are well known and understood. There have been Royal Commissions, Commissions of Inquiry, numerous reports and investigations. The magnitude of the disparity is manifest - and disgraceful. This year's Paul Byrne memorial lecture focused on why this disparity exists, looking through the prism of colonisation and what can be done to ameliorate it.

There needs to be investment in communities in order to support Indigenous people to develop their own solutions for their own people, and recognise that post-colonial systems of punishment are not working, especially in Indigenous communities. Phillip also advanced four aspects of law reform – sentencing and bail reform, justice re-investment and raising the age of criminal responsibility.

*'The legal profession and the judiciary are centrally placed to understand how this state of affairs has come about and why it is continuing. We are present every time someone appears in Court, is refused bail, is sent to prison and when their release from gaol is blocked. We are participants in this process. In that sense we must take responsibility for the system which causes such oppressive outcomes. If judges and lawyers do nothing about this, we are in no position to criticise inaction by others.'*

The lecture will be published in the February 2019 issue of *Current Issues in Criminal Justice* and is available as a [podcast](#).



Phillip Boulten SC



## Book Launch: *The Pixelated Prisoner: Prison Video Links, Court 'Appearance' and the Justice Matrix*

1 November 2018

### Speakers:

- Professor Katherine Biber (University of Technology Sydney)
- Dr Carolyn McKay (Sydney Institute of Criminology)

Chair: Professor Arlie Loughnan (Sydney Institute of Criminology)

Technological linkages between justice and law enforcement agencies are radically altering criminal process and access to justice for prisoners. Video links, integral to an increasingly networked justice matrix, enable the custodial appearance of prisoners in remote courts and are becoming the dominant form of court appearance for incarcerated defendants. This book argues that the incorporation of such technologies into prisons is not without consequence: technologies make a critical difference to prisoners' experiences of criminal justice.

By focusing on the prison endpoint and engaging with the population most affected by video links - the prisoners themselves - this book interrogates the legal and conceptual shifts brought about by the technology's displacement of physical court appearance. The central argument is that custodial appearance has created a heightened zone of demarcation between prisoners and courtroom participants. This demarcation is explored through transformed spatial, corporeal and visual relationships. Cumulative demarcations challenge procedural justice and profoundly recompose prisoners' legal experiences in ways not necessarily recognised by policy-makers.



*Professor Katherine Biber, Mr Brian Joyce, Dr Carolyn McKay, Professor Arlie Loughnan*

## Where Have All The Young Offenders Gone?

29 November 2018

### Speakers:

- Dr Jason Payne (Australian National University)
- Dr Rick Brown (Deputy Director, Australian Institute of Criminology)

Chair: Associate Professor Garner Clancey (Sydney Institute of Criminology)

Recent research conducted by Payne, Brown and Broadhurst revealed some startling trends. By comparing two birth cohorts involving all those born in New South Wales in 1984 and 1994, the research showed that, by age 21, the proportion of the population that had come into contact with the criminal justice system had halved. This event will unpack the findings from this important research and consider the impact on the NSW criminal justice system.

## Imagining Rikers: A Social History of New York City's Rikers Island Jail Complex

11 December 2018

Speaker: Professor Jayne Mooney (John Jay College of Criminal Justice)

Chair: Professor Murray Lee (Sydney Institute of Criminology)

Rikers Island sits in New York City's East River, eight miles from the Empire State Building and just across the waterway from LaGuardia airport. Those detained on Rikers therefore find themselves immobilized in close proximity to a hub of global transport, in sight of the spectacular New York City skyline. Rikers consists of nine separate jails, housing approximately nine thousand inmates on a given day, with 50-60,000 cycling through over the course of a year. It has one of the most racially and class-concentrated inmate populations in the United States with 96 percent coming from Black and Latino families, and 56 percent never having graduated from high school. Upwards of 80% of those held on Rikers on a given day are awaiting trial, mostly due to being simply too poor to post bail. Rikers has for years been a scandalous and despised fixture of New York City Life, with the mere mention of its name conjuring up arguments about the exponential growth of the prison industrial complex in the age of neo-liberalism, citing its attendant policies and practices of coercive social control. Today a series of high profile tragedies, an activist campaign to close the facility and the appointment of the Independent Commission on New York City Criminal Justice and Incarceration Reform (2017) has put closure of Rikers on the table as a viable possibility with plans to replace it with smaller 'state of the art' jails in each of the boroughs of the city at a cost over \$10 billion.

In the current climate of debate over the future of Rikers, it is instructive to focus on its origins. For Rikers was not always viewed in such a negative light. When it officially opened in the 1930s Rikers was hailed as a 'model' facility, at the cutting edge of prison design and inmate rehabilitation. It was built to replace the notorious New York City penitentiary housed on another East River island, Blackwell's Island (now Roosevelt Island), which had been denounced as the 'worst prison in the world'. Based on archival and oral history interviews, Jayne Mooney's project as a whole builds on the debate introduced by E.H. Carr in *What is History?* (1961) and, more recently, that of S. Flaaten and P.J. Ystehede (2014) and (Mooney, 2014, 2019), together with critical punishment memorialization studies (Shanahan and Mooney, 2018), about the importance of learning from the past and the need to keep an 'eye' on what lessons sociology and criminology can learn from history, as well as, the input into history that can be gleaned from the sociology of crime. It suggests that the telling of carceral history is potentially a powerful weapon capable of informing proposals for change, as well as helping to preserve the memory of those who have suffered and resisted the practice of human caging. As criminologists, we have, as Bosworth (2001) points out, an obligation to make sense of and to document the past as much as the present and provide a critical commentary on it. This has a particular resonance at this juncture in the unfolding saga of the US carceral state, juxtaposing as it does great opportunity - the possibility of an entirely new direction - with great risk, that is the threat of making the same mistakes all over again.

### **About the speaker:**

Jayne Mooney is a professor of Sociology at John Jay College of Criminal Justice and is on the doctoral faculties of sociology, criminal justice and women's studies at the Graduate Center, City University of New York. She is the author of the forthcoming 'Rikers: A Social History of New York City's Island of the Poor' (co-authored with Jarrod Shanahan), as well as 'Gender, Violence and the Social Order (2000, reprinted 2011, Macmillan/Palgrave) and over twenty papers in books and peer-reviewed journals. Her current projects include a social history of Rikers Island jail and early penal institutions in New York City. In 2017 she worked for the 'Justice in Design' component of the Independent Commission for New York City Criminal Justice and Incarceration Reform.

## **The Woollahra School of Philosophy: Neuroscience, Crime and Punishment**

13 December 2018

### **Panellists:**

- Professor Jeanette Kennett (Head of the Philosophy Department, Macquarie University)
- Professor Nicole Vincent (University of Technology, Sydney)
- Dr Allan McCay (Sydney Institute of Criminology)

The emerging field of study known as 'neurolaw' considers the legal and ethical implications of neuroscience for the courts. This event considered questions in relation to brains scans and their use in the criminal courts, as well as discussing the issue of medication to prevent reoffending and whether courts should be able to impose compulsory medication on offenders. They also discussed the idea of a 'crime gene' and whether it should impact how criminals are punished. This event ultimately debated how neuroscience will revolutionise the way our society views and deals with crime.

## **Quantitative Modelling of Crime**

14 December 2018

### **Speakers:**

- Louise Ellam (Imperial College London, Alan Turing Institute)
- Virginia Aglietti (University of Warwick, Alan Turing Institute)

Chair: Dr Roman Marchant (Sydney Institute of Criminology)

Louise Ellam spoke on a spatial interaction model of criminal behaviour. It is known that crime is spatially concentrated, however, most research relies on information about where crimes occur, without consideration to where offenders reside. Using shoplifting as an example, a spatial interaction model of retail activity is proposed to represent theoretical perspectives from crime pattern and social disorganization theories; crime rates depend on the opportunities in close proximity to the offender's home as well as the environmental factors of the offender's home location. A probabilistic (Bayesian) approach is taken to account for the uncertainties in the model, which are fully reflected in the prediction of offences.

Virginia Aglietti discussed jointly modelling correlated crime types, as many problems in criminology are characterized by count or point data observed in a spatio-temporal region. For instance, different crime events, such as burglaries, felony assaults or larcenies can be represented by point processes unfolding in space and time. Such crime processes not only display complex spatial and temporal correlations but are often cross-correlated. This means that the number of burglaries events can be highly predictive of other crimes' occurrences such as robberies and larcenies. These settings are called multi-task problems. Virginia has contributed to developing a unified inference framework for jointly modelling correlated crime processes sharing information between tasks. This in turn increases the prediction accuracy of the algorithm and allows reliable prediction for the level of crime in missing data regions.

## Exhibitions

In 2018, the Institute and its members also participated in a number of non-legal forums to inform and generate public debate on criminal law and criminal justice issues.

### JusticelNJustice Exhibition

24 March – 20 May 2018

The justicelNjustice exhibition and significant public program were present at The Lock-Up, a former Newcastle police station and contemporary visual arts centre. The project was an initiative by three lawyers – Ray Watterson, Robert Cavanagh and Karen Wells – who joined forces with seven artists to explore cases of injustice. The exhibition explored several high profile public interest cases that highlight issues of injustice and marginalisation, including miscarriages of justice, official corruption, wrongful detention, investigative failures and mistreatment of those on the margins. As curator, Carolyn McKay worked alongside The Lock-Up staff and the artists Corinne Brittain, Rob Cleworth, Blak Douglas, John A Douglas, Leah Emery, Richard Lewer and Lezlie Tilley. Carolyn also wrote a catalogue essay and collated legal and coronial resources for display during the exhibition.

### JusticelNJustice Exhibition wins award

The exhibition received a Museum & Galleries of NSW IMAGinE Award for ‘Exhibition Projects – Galleries’ for organisations with two or less paid staff. Creative Producer Jessi England also won an award for Individual Achievement. The Sydney Institute of Criminology was a proud sponsor of the public program, ‘Art + Law: Putting Justice into Practice’ symposium in May 2018.

Curator: Dr Carolyn McKay (Sydney Institute of Criminology)

Creative Producer: Jessi England (Director, The Lock-Up)

Program Coordinator: Courtney Novak (The Lock-Up)



*Courtney Novak, Jessi England, Dr Carolyn McKay*

## The Ethics of Truth

8 September 2018

Host: Kym Middleton (The Ethics Centre)

Program Facilitators:

- Dr Simon Longstaff (The Ethics Centre)
- Professor Nick Enfield (University of Sydney)
- Dr Celine van Golde (Sydney Institute of Criminology)

The audience was guided through an exploration of the current standing of truth within society, asking the difficult questions such as: If truth is losing status, who is responsible? Is it crafty politicians trying to shape the world to their benefit? Or are our own fallible minds and memories to blame, as celebrated Chinese artist Sun Xun suggests?

*“... one’s own memory and consciousness are both intriguing black holes.  
Your memories can deceive you.”*

The event coincided with Sun Xun’s Sydney exhibition and formed part of the MCA Conversation Starters series. A curated program brought together psychology, philosophy and linguistics to reveal to us the role we’ve played in creating a post-truth world.

Philosopher Dr Simon Longstaff has run a thought experiment to test whether attendees felt truth should always be upheld above anything else. Professor of linguistics Nick Enfield presented the traits of human language and mind that have created this post-truth world. He is the head of the University of Sydney’s Post-Truth Initiative, a multidisciplinary unit that “examines fake news, alternative facts, lies, bullshit and propaganda with the aim to understand them, and to advise on how the truth might survive this climate”.

Memory researcher Dr Celine Van Golde demonstrated the fallibility of our perceptions. She is the founding director of *Not Guilty: The Sydney Exoneration Project*, a psychology and law program that reviews possible wrongful convictions.

## Panel after Yen

13 October 2018

Yen, a coming-of-age play centred around sexually violent themes, was presented by the New Ghosts Theatre Company at a particularly pertinent time in the Australian political landscape. It raised topical questions about women’s safety, assault and the importance of teaching boys to respect women from a young age. It received outstanding reviews and prompted important conversations.

To continue the discussion on these themes, a matinee performance of Yen was followed by a productive and interesting panel discussion with Professor Rita Shackel and the makers and cast of the production.

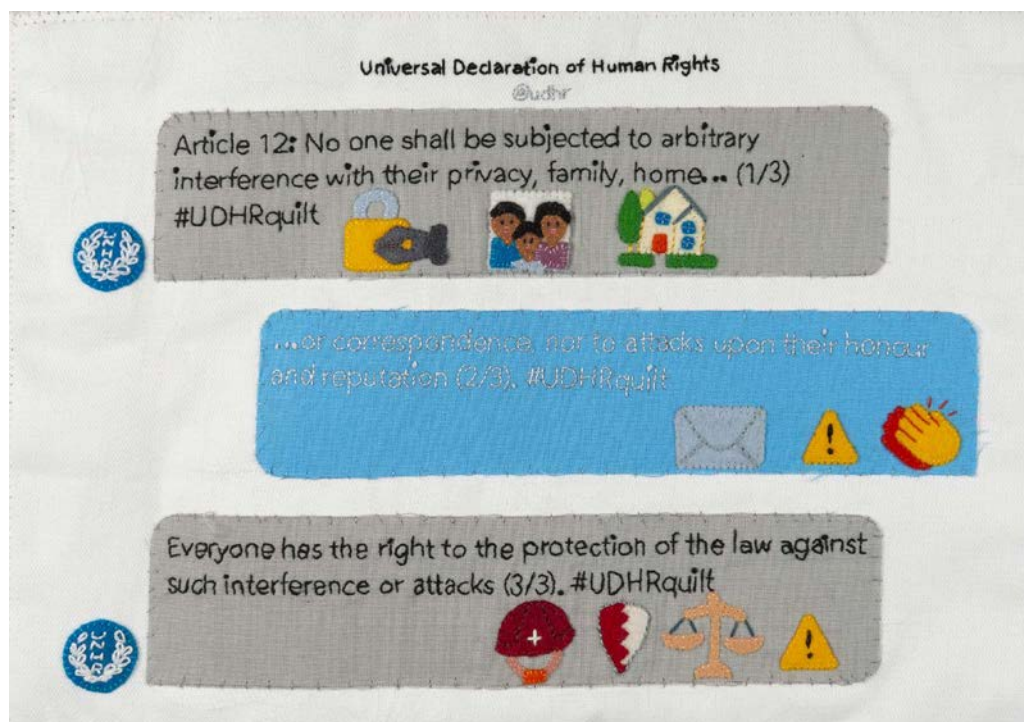
## UDHR Quilt Project Exhibition

The UDHR Quilt Project is a global craftivist project focused on human rights. Craftivists collaborated to create four quilts, each of which is embroidered with the 30 articles of the Universal Declaration of Human Rights. The exhibition was hosted at the Museum of Australian Democracy at Old Parliament House in Canberra.

131 craftivists were involved, hailing from Argentina, Australia, Austria, Bosnia, Brazil, Canada, Catalonia, Chile, Colombia, Cuba, the Netherlands, England, Estonia, Finland, Latvia, Macedonia, Mexico, New Zealand, Norway, Palestine, Poland, Prussia, Puerto Rico, Romania, Russia, Scotland, South Africa, Spain, Sweden, Switzerland, Taiwan, Turkey, Ukraine, UAE, USA, Venezuela and Wales.

Dr Elaine Fishwick (Sydney Institute of Criminology) and Associate Professor Alyce McGovern (UNSW) collaborated on a square enshrining Article 12 into the quilt.

*'No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.'*



## Current Issues in Criminal Justice

*Current Issues in Criminal Justice* is Australia's leading peer-reviewed journal on criminal justice with a focus on criminal law. First published in March 1989, for almost 30 years, the journal has informed critical debate in criminal justice issues in Australia and internationally, and continued to provide detailed analysis of local, regional and global issues from outstanding academic contributors. The Journal covers national and international issues, and has subscribers from many different countries and disciplines. It features 'Contemporary Comments' which are at the cutting edge of the crime and justice debate, as well as reviews of recently released books.

As part of the ongoing contribution the journal makes to public advocacy and critical debate on criminal justice issues, *Current Issues in Criminal Justice* will be published in partnership with Taylor and Francis from 2019.

"For almost 30 years *Current Issues in Criminal Justice* has been at the forefront of research and debate about crime and criminal justice in Australia and beyond," said current editor Professor Murray Lee. "We have published world class scholarship, highly cited articles, and helped many new scholars achieve their first publication – including myself. We have broken new ground with special issues on topics such as green criminology, women and prison, and forensic science. The journal has also played a key role in fostering critical debate on contemporary challenges in criminal law through its contemporary comments section and has published high-quality book reviews on related topics."

Professor Lee said Taylor and Francis' support would enhance the journal's position as the leading academic publication on criminal justice and criminal law in Australia and broaden the journal's reach to a global audience, crucial at time when innovative local solutions to some of the most intractable criminological issues may provide answers in other contexts.

"With this partnership we move to four issues a year, welcome the distribution power of a major publisher, and achieve even greater international reach. We will still keep a focus on contemporary debates in Australian criminal justice but will be more outward looking and welcome even more international scholars. Now is a great time to submit quality articles to the journal," he said.

Sydney Institute of Criminology Co-Directors Arlie Loughnan and Rita Shackel said that "the Institute of Criminology's journal, *Current Issues in Criminal Justice* demonstrates our central place in the criminal justice debates taking place across policy, legal and scholarly fields. Moving to publish with Taylor & Francis represents the next step in the life of the journal, and positions the Institute well to continue to contribute to such debates going forward."

*Current Issues in Criminal Justice* accepts submissions on a rolling basis. For more information on the submission process and requirements visit: <http://www.tandfonline.com/loi/rcic20>

The first issue to be published in partnership with Taylor and Francis will appear in February 2019.



Professor Murray Lee, Helen Brown  
(Solicitor, Office of General Counsel, University of Sydney)



Professor Matthew Conaglen, Professor Murray Lee,  
Professor Joellen Riley

The Institute would also like to acknowledge and thank contributors to the journal in 2018 and all reviewers for their generous input in time and expertise. Thanks also to Ms Mel Eslick (Managing Editor, until July 2018) for her professionalism and hard work in the production of the journal.

Two editions of *Current Issues in Criminal Justice* were published in 2018:

### **Volume 29 Number 3, March 2018**

#### Articles

- 'Ice Rushes', Data Shadows and Methylamphetamine Use in Rural Towns: Wastewater Analysis  
*Jeremy Prichard, Foon Yin Lai, Jake O'Brien, Raimondo Bruno, Phong Thahi, Wayne Hall, Paul Kirkbride, Kevin Thomas and Jochen F Mueller*
- Australian Media Portrayals of Domestic Terrorism: The Sydney Siege and Parramatta Shooting  
*Cassie McLinden and Elaine M Barclay*
- Navigating the Political Landscape of Australian Criminal Justice Reform: Senior Policy-makers on Alternatives to Incarceration  
*Melissa Lovell, Jill Guthrie, Paul Simpson and Tony Butler*
- Convictions through Kith and Kin: Legal, Policy and Ethical Issues in DNA Familial Matching and Genetic Metadata  
*Felix Ralph*

#### Contemporary Comment

- Institutional Violence against People with Disability: Recent Legal and Political Developments  
*Jessica Robyn Cadwallader, Claire Spivakovsky, Linda Steele and Dinesh Wadiwel*
- I Witnessed: Capturing Contemporaneous Accounts to Enhance Witness Evidence  
*Helen M Paterson, Celine van Golde, Chris Devery, Nicholas Cowdery and Richard Kemp*

#### Book Review

- Transphobic Hate Crime by Joanna Jamel  
*Reviewed by Olivia Ronan*

### **Volume 30 Number 1, July 2018**

#### Articles

- 'It's Just about the Crime, Not the Victim': Critical Insights from Australian Service Providers Working with People Who Have Been Trafficked  
*Emma George, George Tsourtos and Darlene McNaughton*
- Knowledge Exchange: Collaborative Reflexivity on Self-Medicated Victims of Crime  
*Willem de Lint, Marinella Marmo, Andrew Groves and Victoria Laughton*
- Factors Associated with Breaches of Home Detention and Returns to Custody Post-Home Detention in South Australia  
*Jesse Cale and Melanie Burton*

#### Contemporary Comment

- Mental Health and the Impact of Relational Connections in Incarceration: Being 'Other-Orientated'  
*David Eades*

#### Book Reviews

- New Perspectives on Prison Masculinities by Matthew Maycock and Kate Hunt (eds.)  
*Reviewed by Paul L Simpson*
- When Parents Kill Children: Understanding Filicide by Thea Brown, Danielle Tyson and Paula Fernandez Arias (eds.)  
*Reviewed by Janice Sim*



## Special Issues of Current Issues in Criminal Justice

In 2018 *Current Issues in Criminal Justice* called for expressions of interest to edit special issues of the journal. After receiving some excellent submissions, we announced that in 2019 Dr Nicole L Asquith, Dr Angela Dwyer, Dr Matthew Ball, Mr Justin Ellis and Ms Trudie Broderick will edit a special issue titled *Queer(y)ing Justice*. Professor David Hamer and Professor Thomas Crofts will also edit a special issue titled *Contemporary Perspectives on Criminal Law*. Both special issues follow on the back of successful international conferences held in 2018.

## CrimNet and Social Media

In 2018, CrimNet continued to be Australia's only criminal justice e-newsletter, a lively forum and distribution network for criminal lawyers, criminologists and criminal justice professionals, practitioners, academics and students in Australia and overseas. 2018 saw 40 editions sent out with information on criminology and criminal law related jobs, events, reports, research and dates to over 2,070 subscribers. The Institute also continues to grow its large social media following on both Facebook and Twitter, with 1,093 followers and 3,013 followers respectively.

## Criminology Program

### Masters and Research Students

The postgraduate criminology program at the University of Sydney Law School remains among the largest and most respected in Australia. The Law School offers both a Master of Criminology and a Graduate Diploma in Criminology. Postgraduate criminology has a long history at the University of Sydney. While the programs are well established, they are also innovative and include units of study not on offer at any other Australian universities. The program attracts a wide range of professional and occupational groups including lawyers, social workers, psychologists, psychiatrists, probation and parole officers, police, youth workers, correctional officers, and those engaged in research and policy work in the public sector. 40 students were enrolled in the Masters of Criminology in 2018, and there were approximately 377 enrolments in the units offered.

The Master of Criminology and Graduate Diploma included the following core subjects in 2018:

- Crime Research and Policy
- Criminal Liability (Master of Criminology only), and
- Explaining Crime

The courses also offered the following elective units:

- Child Sexual Abuse: Diverse Perspectives
- Crime, Responsibility and Policy
- Criminal Justice Internship
- Criminal Justice: Prevention and Control
- Criminology Research Project A (Master of Criminology only)
- Criminology Research Project B (Master of Criminology only)
- Death Law
- Discretion in Criminal Justice
- Forensic Psychology
- Mental Illness: Law and Policy
- Policing: Crime, Control and Security
- Punishment
- Risk, Fear and Insecurity
- Young People, Crime and the Law

## PhD Completion: Tanya Mitchell

### Understanding the Summary Jurisdiction in NSW

Tanya's thesis presents an analysis of the NSW summary criminal jurisdiction, telling the previously little-known story of its development and offering a basis for its critique. The NSW Summary Jurisdiction is a dynamic criminal justice apparatus where magistrates preside over the determination of liability for certain proscribed behaviours in the lower courts without the intervention of a jury. Tanya adopts a socio-historical approach to assess change over time in the NSW Summary Jurisdiction's three main component parts, namely, procedures and practices, actors, and substantive offences. This approach generates fresh insights. Tanya argues that, at a broad level, the summary jurisdiction has followed a trajectory of formalization. 'Formalization' is used as an umbrella concept to capture change over time in the NSW summary jurisdiction. It has four overlapping and interacting dimensions that assume differing degrees of significance at different times. Those dimensions are: juridification; rationalization; professionalization and what Tanya has called 'lawyerification'; and increasing autonomy from the government. Formalization has been a product of changing legitimation demands and attempts to increase the efficiency of the criminal law. Close examination of the relationship between formalization and criminalization reveals that the NSW Summary Jurisdiction can be understood as a tool for the regulation of harmful social behaviours.

Tanya was supervised by Professor Arlie Loughnan and Professor David Hamer (and formerly by Professor Mark Findlay).

Tanya graduated with her doctorate in May 2018. Congratulations Dr Mitchell!

## Honours Students

Within the University of Sydney Law School, members of the Institute of Criminology also supervise Honours students in Criminology.

### Completed Semester 1, 2018

- Ellen Moore 'Criminigration and Injustice'  
*Supervised by Arlie Loughnan*

### Completed Semester 2, 2018

- Jacqueline Krynda 'Storming the Courthouse Gates? – Judicial Review for Victims of Crime When the ODPP Decides not to Prosecute'  
*Supervised by Rita Shackel*
- George Bishop 'Evidential Privileges for the Protection of Religious confession: Framing the Discussion of Law Reform'  
*Supervised by David Hamer*

Congratulations to Ellen, Jacqui and George for their achievements.

## Internships

Students of the University of Sydney continued to be offered opportunities to undertake internships with the Institute at four intervals throughout the academic year.

In 2018, 20 interns took part in the Sydney Institute of Criminology Internship program. The interns worked on a range of projects covering topics such as bias crime, immigration restrictions in legislation, expert evidence in child sex abuse, and *doli incapax*. The program provided Interns with opportunities to develop a wide range of professional and disciplinary skills including research and communication, while also creating networks with Institute staff.

#### Summer 2018:

- Jessica Bi supervised by Professor Gail Mason worked on the policing bias crime project, producing statistical and other analyses that went towards a research article and report for the NSW Police Force
- Ajay Sivanathan supervised by Professor Jane Andrew, worked on a project relating to prison privatisation, looking at annual reports of Parklea, Grafton and Junee prisons, and uploading research onto a database
- Monique Andreatta supervised by Professor Rita Shackel and Professor Judy Cashmore assisted with the editing stages of Child, Parent and Professional Surveys for the NSW Child Sexual Offence Evidence Pilot, as well as summarising Royal Commission sections for future reference in child sexual abuse papers
- Aleksandra Jez supervised by Andrew Dyer reviewed the case law in relation to unintentional self-killing in the course of the commission or attempted commission of another crime, and whether this felonious self-killing constitutes murder or suicide at common law

#### Semester 1 2018:

- Kristyna Moravec supervised by Associate Professor Tyrone Kirchengast, catalogued a range of law reform initiatives that provide victims of crime enhanced access to justice in WA and SA, across several areas of law
- Sarfraz Khan supervised by Dr Louise Boon-Kuo undertook legal research into the policing of unauthorised migrants in the period before the 1958 introduction of the contemporary Australian *Migration Act*.
- Emma Frederiksen supervised by Professor Arlie Loughnan and Professor Rita Shackel researched consorting laws and the admission of expert evidence in child sex abuse cases
- Henry Gallagher supervised by Dr Kevin Schnepel researched criminal record checks and analysed the factors leading to the increase in background checks in Australia, and the impact of this on recidivism
- Elizabeth Hunt supervised by Dr Helen Paterson considered inconsistencies in witness testimony with the aim of writing a commentary piece for a legal audience on psychological research in this area

#### Winter 2018:

- Elisabeth Enright supervised by Professor Arlie Loughnan, Professor Rita Shackel and Justin Ellis assisted with organising events such as the Queer(y)ing Justice Conference and Criminalisation workshop, as well as conducting research with Professor Rita Shackel on expert evidence in child sexual assault cases
- Phoebe Bruce supervised by Dr Tanya Mitchell and Andrew Dyer assisted with legal research and wrote legislative chronologies to track the development of statute, and interviewed Andrew Dyer as part of a video summary of his submission to the ALRC on sexual assault and consent
- Anastasia Radievska supervised by Professor Jane Andrew and Andrew Dyer worked on the Prison Privatisation Project, putting together a newsletter cataloguing developments in this area, and researched domestic and international issues surrounding consent laws to go to a future article on proposed changes to the Crimes Act

#### Semester 2 2018:

- Wen Bao Amy Liu supervised by Dr Celine Van Golde studied and analysed wrongful convictions
- Jared Wilk supervised by Professor Thomas Crofts, looked at *Doli Incapax* Case Law review in all Australian jurisdictions and researched possible avenues for research around law reform and legal attitudes towards children

#### Summer 2018-19

- Penelope Smith supervised by Professor Arlie Loughnan, Professor Rita Shackel and Professor Murray Lee

- Hal Fowkes supervised by Dr Elaine Fishwick
- Zachary Jones supervised by Professor Judy Cashmore, Professor Rita Shackel and Associate Professor Tyrone Kirchengast
- Sindy Wage supervised by Associate Professor Garner Clancey and Brenda Lin
- Zachary O'Meara supervised by Professor David Hamer and Professor Thomas Crofts
- Simran Kaur supervised by Professor Gail Mason

## Grants

In 2018, several Institute staff were successful in securing grants which are key to the furthering of their research. In particular, Associate Professor Garner Clancey and Professor Rita Shackel were awarded highly sought-after SOAR fellowships. These fellowships support outstanding University of Sydney early and mid-career researchers to fulfil their potential. The SOAR Fellowship will allow Garner to capitalise on and scale up his recent research activities, including analysing the civil needs of prisoners in high-intensity program units and reviewing the funded programs provided to juvenile justice clientele. The SOAR Fellowship will support Rita's research that seeks to amplify the voices of survivors of sexual and gender based violence with a view to better understanding their lived experiences and justice needs, and thereby driving and informing social justice and legal responses.

Additionally, Dr Rebecca Scott Bray was awarded the University of Sydney's Thompson Equity Fellowship, which aims to promote the work of academic women. As a former researcher at the Victorian Coroner's Office, she will now be able to further her work regarding how death is investigated and understood in the legal system. In particular, the grant will allow her to conduct fieldwork with leading scholars researching deaths in contested circumstances and sudden deaths. Also, Professor Arlie Loughnan together with a team of fellow researchers from various universities have received a Linkage Infrastructure, Equipment and Facilities grant from the Australian Research Council. The team will use this grant to create a 'Foundations of Common Law Library', which will collate key materials such as cases, treaties, and legislation from all common law jurisdictions.

A complete list of grants secured by Institute staff in 2018 can be found below:

### JANE ANDREW

- *An International Comparison (Scotland/Australia) on the Impact of Performance Measures on the Actual Practices of Prison Officers*; University of Sydney – University of Edinburgh Partnership Collaboration Award.

### JUDY CASHMORE

- *Permanency Amendments Longitudinal Study*; Wise S, Cashmore J; Department of Health and Human Services, Victoria/Partnership Project.

### GARNER CLANCEY

- *SOAR Fellowship*; Clancey G; DVC Research/SOAR Fellowships.
- *Industry and Community Engagement Fund* – Engaging with High Intensity Units: Perspectives of Civil Lawyers

### DAVID HAMER

- DVC Compact Funding for WrongTrac, the National Registry of Exonerations.

### MURRAY LEE

- DVC Research, CDIP Industry and Community Engagement Fund, "Pro-Social and Positive Responses to Crime Fears".
- Liverpool City Council, Consultancy, "Pan Pacific Accreditation Project - Liverpool City Council"

### ARLIE LOUGHNAN

- *Foundations of the Common Law Library*; Loughnan A, Chung P; Australian Research Council (ARC)/Linkage Infrastructure, Equipment and Facilities (LIEF).

### **ROMAN MARCHANT**

- *Modelling and Uncertainty Aware Decision Making in the Social Sciences*; King G, Marchant Matus R; Office of Global Engagement/Travel Grants.

### **KANE RACE**

- *Safety, risk and wellbeing on digital dating apps*; Albury K, McCosker A, Race K, Botfield J, Lewis G, Kolstee J; Australian Research Council (ARC)/Linkage Projects (LP).

### **REBECCA SCOTT BRAY**

- *Critical Death Investigation: Learning from sudden death and disaster*, Scott Bray R; DVC Research/Thompson Fellowships.

### **RITA SHACKEL**

- *Women defendants in domestic violence cases – addressing gender bias and injustices*; Shackel R; The American Association for University Women (AAUW)/International Project Grant.
- *Understanding and responding to the lived experiences of survivors of sexual violence*; Shackel R; DVC Research/SOAR Fellowships.

### **CELINE VAN GOLDE**

- *Faculty Startup*; van Golde C; School of Psychology/Research Support.
- *Not Guilty*; van Golde C; Philanthropic Grant.

# Publications

## ARLIE LOUGHNAN (Co-Director)

### Journal

- Co-Editor, Symposium: Celebrating Nicola Lacey's Unspeakable Subjects, *Feminists@law* (December, 2018)

### Book Chapters

- Loughnan, A. (2018). Historical Analysis in Criminal Law: A Counter-History of Criminal Trial Verdicts. In M. D. Dubber and C. Tomlins (eds.), *Oxford Handbook of Historical Legal Research*, pp. 965-981. Oxford: Oxford University Press.

### Journal Articles

- McNamara, L., Quilter, J., Hogg, R., Douglas, H., Loughnan, A., Brown, D. (2018). Theorising Criminalisation: The Value of a Modalities Approach. *International Journal for Crime, Justice and Social Democracy*, 7(3), 91-121.
- Loughnan, A. (2018). Women's Responsibility for Crime: Dynamics of Change in Australia since the turn of the Twentieth Century 5(2). *Law & History* pp. 137-164.

## RITA SHACKEL (Co-Director)

### Journal Articles

- Kerr, A., Shackel, R. (2018). Equality with a vengeance: The over-incarceration of women. *Precedent*, (147), 20-25.
- Soh, N., Burns, F., Shackel, R., Walter, G. (2018). Financial and Caregivers' Stressors in Australian Law Students - A Qualitative Analysis (Forthcoming). *Psychiatry, Psychology and Law*.

### Conferences

- Shackel, R. (2018). The ethics of research involving survivors of sexual victimisation and violence and participants with complex trauma. *Australasian Ethics Network Conference*, Townsville, Qld: Presentation.

### Reports

- Cashmore, Judy and Rita Shackel, *Evaluation of the Child Sexual Offence Evidence Pilot: Final Outcome Evaluation Report* (Social Policy Research Centre: University of New South Wales, 2018).

## CAROLYN MCKAY (Deputy Director)

### Books

- McKay, C. (2018). *The Pixelated Prisoner: Prison Video Links, Court 'Appearance' and the Justice Matrix*. Oxon: Routledge.

### Journal Articles

- McKay, C. (2018). Video Links from Prison: Court "Appearance" within Carceral Space. *Law, Culture and the Humanities*, 14(2), 242-262.
- McKay, C. (2018). justiceINjustice Collaboration, *PacifiCrim, Newsletter of the Australian and New Zealand Society of Criminology*, Vol 15, Issue 2. December 2018: 4-5.
- McKay, C. (2018). Digital Access to Justice from Prison: Is There a Right to Technology? *Criminal Law Journal*, 42, 303-321.

## Conferences

- McKay, C. (2018). Accessing justice from prison: Videoconferencing, digital devices and legal support for the incarcerated. *UCL 2nd International Conference on Access to Justice and Legal Services*, London, UK: Presentation.
- McKay, C. (2018). Prison to court video links: Pixelating the prisoner and procedural justice. *Visiting Academic Presentation, University of Cambridge Institute of Criminology*, Cambridge, UK: Presentation.
- McKay, C. (2018). Technologies in Criminal Justice: The prison endpoint. *Forces of Change: Defining Future Justice, Australasian Institute of Judicial Administration*, Brisbane, Qld: Presentation.
- McKay, C. (2018). The Soundtrack of Incarceration. *Acoustics of Justice: Law, Listening and Sound. 2018 Annual Meeting on Law and Society*, Toronto, Canada: Presentation.
- McKay, C. and Lee, M. (2018). Body Worn Images: The New Aesthetics of Policing. *2018 Australian and New Zealand Society of Criminology Conference*, University of Melbourne, VIC: Presentation.
- McKay, C. (2018). Digital Criminology Roundtable. *2018 Australian and New Zealand Society of Criminology Conference*, University of Melbourne, VIC: Roundtable.
- McKay, C. (2018). Electronic Monitoring, Managing Offenders in the Community and Alternatives to Custody. *National Electronic Monitoring Conference, Corrective Services Administrators Council, Brush Farm Corrective Services Academy Sydney, NSW: Keynote Address.*

## ANDREW DYER (Deputy Director)

### Journal Articles

- Dyer, A. (2018). Can charters of rights limit penal populism? The case of preventive detention (Forthcoming). *Monash University Law Review*.
- Dyer, A. (2018) The 'Australian Position' Concerning Criminal Complicity: Principle, Policy or Politics? *Sydney Law Review*, 40(2), 289-318.

### Conferences

- Dyer, A. (2018). 'The *Osland* 'Wrong Turn' and the Problems That Fictions Produce.' *NUS*, Sydney, NSW: Presentation.

## JANE ANDREW

### Journal Articles

- Marini L, Andrew J, and Van Der Laan S (2018) Accountability Practices in Microfinance: Cultural Translation and the Role of Intermediaries *Accounting, Auditing and Accountability Journal*, In Press.

### Book Chapters

- Andrew J, and Baker M (2018) The Real Cost of Prison Reform: The Case of Privatisation in Victoria *Wrong Way: How Privatisation and Economic Reform Backfired*, La Trobe University Press, Carlton.

## LOUISE BOON-KUO

### Books

- Boon-Kuo, L. (2018). *Policing Undocumented Migrants: Law, Violence and Responsibility*. Oxon: Routledge.

### Book Chapters

- Boon-Kuo, L. (2018). Visible policing of subjects and low-visibility policing: Migration and race in Australia. In Mary Bosworth, Alpa Parmar, and Yolanda Vazquez (eds.), *Race, Criminal Justice, and Migration Control: Enforcing the Boundaries of Belonging*, (pp. 93-107). Online: Oxford University Press.
- Boon-Kuo, L., Meiners, E., Simpson, P. (2018). *Queer Interruptions: Policing Belonging in the Carceral State*. In Peter Aggleton, Daniel Marshall, Mary Lou Rasmussen, Rob Cover (Eds.), *Youth and Sexual Citizenship*. Routledge.

## TERRY CARNEY

### Book Chapters

- Carney, T. (2018). Human Rights and Health Law. In Ben White, Fiona McDonald and Lindy Willmott (Eds.), *Health Law in Australia Third Edition*, (pp. 111-132). Sydney: Thomson Reuters (Professional) Australia Ltd.
- Carney, T., Bigby, C. (2018). Social security and welfare rights: What role for social work? In Simon Rice, Andrew Day, Linda Briskman (Eds.), *Social Work in the Shadow of the Law 5th Edition*, (pp. 361-388). Leichhardt: Federation Press.

### Journals

- Bennett, B., Carney, T., Chiarella, M., Walton, M., Kelly, P., Satchell, C., Beupert, F. (2018). Australia's National Registration and Accreditation Scheme for Health Practitioners: A National Approach to Polycentric Regulation? *Sydney Law Review*, 40(2), 159-181.
- Nagy, M., Chiarella, M., Bennett, B., Walton, M., Carney, T. (2018). Health care complaint journeys for system comparison (2018) 31(8) *International Journal of Health Care Quality Assurance* 878-887
- Chiarella, M., Nagy, M., Satchell, C., Walton, M., Carney, T., Bennett, B., Pierce, S., Kelly, P. (2018). National Registration of Health Practitioners: A Comparative Study of the Complaints and Notification System Under the National System and in New South Wales - Decision Makers who Handle Complaints/Notifications About Regulated Health Practitioners in Australia (2018) 77(4) *Australian Journal of Public Administration*.
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- Chiarella, M., Satchell, C., Nagy, M., Carney, T., Walton, M., Bennett, B., Kelly, P. (2018). Survey of quasi-judicial decision-makers in NSW and the national registration scheme for health practitioners. *Journal of Law and Medicine*, 25(2), 357-379.
- Carney, T. (2018). The new digital future for welfare: Debts without legal proofs or moral authority? *University of New South Wales Law Journal Forum*, 2018, 1-16.
- Carney, T. (2018). Vulnerability: False Hope for Vulnerable Social Security Clients? *UNSW Law Journal*, 41(3), 783-817
- Then, S-N, Carney, T., Bigby, C., Douglas, J., Wiesel, I., (2018) 'Supporting Decision-making of Adults with Cognitive Disabilities: The role of law reform agencies – recommendations, rationales and influence' 61 (Nov/Dec) *International Journal of Law and Psychiatry* 64-75
- Carney, T., (2018) 'Robo-debt illegality: The seven veils of failed guarantees of the rule of law?' 46(4) *Alternative Law Journal* in press
- Walton, M., Kelly, P., Chiarella, M., Carney, T., Bennett, B., Nagy, M., Pierce, S (2018) 'A Cohort Study of Complaints for Five Health Professions in Australia' (Forthcoming) *Australian Health Review*.



## JUDY CASHMORE

### Journals

- Parkinson, P., Cashmore, J. (2018). Relocation and the indissolubility of parenthood. *Journal of Child Custody*, 15(1), 76-92.
- Cashmore, J., Parkinson, P., Taylor, A. (2018). Trends in prosecutions for child sexual abuse in South Australia 1992-2012. *Adelaide Law Review*, 39(1), 99-123.

### Reports

- Cashmore, Judy and Rita Shackel, *Evaluation of the Child Sexual Offence Evidence Pilot: Final Outcome Evaluation Report* (Social Policy Research Centre: University of New South Wales, 2018)

## GARNER CLANCEY

### Journal Articles

- Marchant Matus, R., Haan, S., Clancey, G., Cripps, S. (2018). Applying machine learning to criminology: semi-parametric spatial-demographic Bayesian regression. *Security Informatics*, 7(1).
- Clancey, G., Monchuk, L., Anderson, J., Ellis, J. (2018). Lost in implementation: NSW police force crime prevention officer perspectives on crime prevention through environmental design. *Crime Prevention and Community Safety*, 20, 139-153.
- Fisher, D., Wadds, P., Clancey, G. (2018). The patchwork of alcohol-free zones and alcohol-prohibited areas in New South Wales (Australia). *Safer Communities*, 17(2), 94-102.

### Conferences

- Clancey, G. (2018). Police Perspectives on CPTED. *2018 Crime Prevention and Communities Conference*, Melbourne, Australia: Australian Institute of Criminology.

### Reports

- Review of Objective Detainee Classification System: Final Report prepared for Juvenile Justice NSW (2018).
- Review of Legal Services Provided to Prisoners: Final Report prepared for Legal Aid NSW (2018).

## THOMAS CROFTS

### Books

- Crofts, T., Burton, K., Martin, R., Nisbet, T., Tarrant, S. (2018). *The Criminal Codes: Commentary and Materials 7th Edition*. Australia: Lawbook Co.

### Book Chapters

- Crofts, T., Lee, M., McGovern, A., Milivojevic, S. (2018). Sexting Pleasures: Young People, Fun, Flirtation, and Child Pornography. In Liam Greal, Catherine Driscoll and Anna Hickey-Moody (Eds.), *Youth, Technology, Governance, Experience: Adults Understanding Young People*, (pp. 103-122). Oxford and New York: Routledge.
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- Crofts, T. (2018). Strafrechtliche Verantwortung von Minderjährigen in Australien (forthcoming). In N. Bode, N. Wrage (Eds.), *Festschrift für Gerhard Wolf zum 65. Geburtstag*. Germany.

### Journal Articles

- Crofts, T. (2018). Prosecuting Child Offenders: Factors Relevant to Rebutting the Presumption of 'Doli Incapax'. *Sydney Law Review*, 40(3), 339-365.
- Milivojevic, S., Crofts, T., Lee, M., McGovern, A. (2018). 'A Sneaky Bit of Stalking': Young People, Social Network Sites, and Practices of Online Surveillance. *Temida: Journal on Victimisation, Human Rights and Gender*, 21(2), 181-205.
- Crofts, T., Kirchengast, T. (2018). A Ladder Approach to Criminalising Revenge Pornography (Forthcoming). *Journal of Criminal Law*.
- Dwyer, A., Ball, M., Bond, C., Lee, M., Crofts, T. (2018). What stops LGBTI people from seeking support from LGBTI police liaison officers? (Forthcoming). *Trends and Issues in Crime and Criminal Justice*.

### Conferences

- Crofts, T. (2018). Raising the minimum age of criminal responsibility. City University Hong Kong, Hong Kong SAR: Presentation.
- Crofts, T. (2018). Juvenile Justice: Sexting, Young People and the Law. *Executive Course: Juvenile Justice: Sexting, Young People and the Law*, University of Hong Kong, Hong Kong SAR.
- Crofts, T. (2018). Sexting, Young People and the Law: The Way Forward. *The Centre for Law and Social Justice and the Centre for Criminal Justice Studies*, University of Leeds, UK: Presentation.
- Crofts, T. (2018). What does it take to prompt a change in the age of criminal responsibility? *Northumbria Centre for Evidence and Criminal Justice Studies*, University of Northumbria, Newcastle, UK: Presentation.
- Crofts, T. (2018). What does it take to prompt a change in the age of criminal responsibility? *Sydney Law School – NUS Law School Symposium*, University of Sydney: Presentation
- Kirchengast, T. and Crofts, T. (2018). A critical analysis of the conduct and fault elements in 'revenge porn' criminalisation. *Sydney Law School – NUS Law School Symposium*, University of Sydney: Presentation.

## DAVID HAMER

### Journal Articles

- Hamer, D. (2018). Propensity Evidence Reform after the Royal Commission into Child Sexual Abuse. *Criminal Law Journal*, 42(4), 234-260.
- Hamer, D. (2018). The unstable province of jury fact-finding: Evidence exclusion, probative value and judicial restraint after *Imm v The Queen*. *Melbourne University Law Review*, 41(2), 689-726.

## TYRONE KIRCHENGAST

### Journal Articles

- Crofts, T., Kirchengast, T. (2018). A Ladder Approach to Criminalising Revenge Pornography (Forthcoming). *Journal of Criminal Law*.

### Conferences

- Kirchengast, T. (2018) 'Progressing Crime Victim Rights in Adversarial Systems of Justice', The 16th International Symposium of the World Society of Victimology 2018, Victims and Victimization: Moving Towards an International Victimology, 10-14 June 2018, Hong Kong.
- Cassell, P., Kirchengast, T., Holder, R. and Manikis, M. (2018) 'Victim Rights: Critical Perspectives on Enforcement', The 16th International Symposium of the World Society of Victimology 2018, Victims and Victimization: Moving Towards an International Victimology, 10-14 June 2018, Hong Kong.

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## MURRAY LEE

### Edited Books

- Lee, M., Mythen, G. (2018). *The Routledge International Handbook on Fear of Crime*. Oxon: Routledge.

### Book Chapters

- Richards, K., Lee, M. (2018). Beyond moral panic: young people and fear of crime. In Murray Lee and Gabe Mythen (Eds.), *The Routledge International Handbook on Fear of Crime*, (pp. 106-120). Oxon: Routledge.
- Mythen, G., Lee, M. (2018). Conclusion: Advancing fear of crime? Emergent themes and new directions. In Murray Lee and Gabe Mythen (Eds.), *The Routledge International Handbook on Fear of Crime*, (pp. 484-491). Oxon: Routledge.
- Lee, M. (2018). Crime and the cyber periphery: Criminological theory beyond time and space. In Kerry Carrington; Russell Hogg; John Scott and Maximo Sozzo (Eds.), *The Palgrave Handbook of Criminology and the Global South*, (pp. 223-244). Cham, Switzerland: Springer International Publishing.
- Lee, M., Mythen, G. (2018). Introduction. In Murray Lee and Gabe Mythen (Eds.), *The Routledge International Handbook on Fear of Crime*, (pp. 1-4). Oxon: Routledge.
- Lee, M., Ellis, J. (2018). Qualifying fear of crime: multi-methods approaches. In Murray Lee and Gabe Mythen (Eds.), *The Routledge International Handbook on Fear of Crime*, (pp. 155-169). Oxon: Routledge.
- Crofts, T., Lee, M., McGovern, A., Milivojevic, S. (2018). Sexting Pleasures: Young People, Romance and Child Pornography. *Youth, Technology, Governance, Experience: Adults Understanding Young People*, (pp. 103-122). Routledge.

### Journal Articles

- Milivojevic, S., Crofts, T., Lee, M., McGovern, A. (2018). 'A sneaky Bit of Stalking': Young People, Social Network Sites, and Practices of Online Surveillance. *Temida: Journal on Victimisation, Human Rights and Gender*, 21(2), 181-205.

## ROMAN MARCHANT MATUS

### Journal Articles

- Marchant Matus, R., Haan, S., Clancey, G., Cripps, S. (2018). Applying machine learning to criminology: semi-parametric spatial-demographic Bayesian regression. *Security Informatics*, 7(1).

### Conferences

- Marchant Roman, Applying Machine Learning to Criminology: Semi-Parametric Spatial Demographic Bayesian Regression, Applied Research in Crime and Justice Conference, Sydney, February 2018.
- Marchant Roman, Bayesian Techniques for Modelling and Decision-Making in Criminology and Social Sciences, Automated Justice: Algorithms, Big Data and Criminal Justice Systems, Zurich, April 2018.
- Marchant, R., Lu, D., Cripps, S., Cox Bayesian Optimisation for Police Patrolling, Workshop on Spatial Temporal Modelling and Decision Making, NeurIPS, Montreal, Canada, 2018.

## GREG MARTIN

### Books

- Martin, G. (2018). *Crime, Media and Culture*. Abingdon, Oxon: Routledge.

## GAIL MASON

### Journals

- Perry, B and Mason, G (2018) Guest Editors: Special Edition: Discourses of Hate Guest Editors Introduction. *International Journal for Crime, Justice and Social Democracy*, 7(2).

### Journal Articles

- Monaghan, J., Mason, G. (2018). Communicative consent in New South Wales: Considering Lazarus v R. *Alternative Law Journal*, 43(2), 96-101.
- Perry, B., Mason, G. (2018). Special Edition: Discourses of Hate Guest Editors Introduction. *International Journal for Crime, Justice and Social Democracy*, 7(2), 1-3.

## TANYA MITCHELL

### Journal Articles

- Mitchell, T. (2018) *The Rise to Prominence of the Victim in the Summary Criminal Jurisdiction in the 20th Century* 5(2) *Law & History*, 30-54.

## JULIETTE OVERLAND

### Book Chapters

- Overland J (2018) The Concept of Attribution in Corporate Law: Making Corporations Liable for Criminal Conduct *Corporate and Trust Structures: Legal and Illegal Dimensions; Australian Scholarly Publishing, Melbourne, Australia*, 35-48.

### Journal Articles

- Overland J (2018) Making the most of a lost opportunity: Do civil penalty proceedings for insider trading need to be reformed? *Australian Journal of Corporate Law*, 33(3), 1-15.
- Overland J (2018) Reforming Australian Insider Trading Laws: A New Model of Corporate Criminal Liability - Part 2 *Australian Journal of Corporate Law*, 33 (1), 1-9.

### Conferences

- Overland J (2018) Making the most of a lost opportunity: Does civil liability for insider trading need to be reformed? *Corporate Law Teachers Association CLTA Annual Conference 2018; Corporate Law Teachers Association, Melbourne, Australia*.

## HELEN PATERSON

### Book Chapters

- Paterson, H., Monds, L. (2018). Forensic Applications of Social Memory Research. In M. Meade, C. Harris, P. Van Bergen, J. Sutton, A. Barnier (Eds.), *Collaborative Remembering: Theories, Research, and Applications*, (pp. 353-370). Oxford: Oxford University Press.

### Journal Articles

- van Golde, C., Paterson, H. (2018). Children's Testimonies: Facts or Fiction? *Australian Police Journal*, March, 10-13.

- Paterson, H., van Golde, C., Devery, C., Cowdrey, N., Kemp, R. (2018). iWitnessed: A Smart Phone Application to Record Eyewitness Memory. *Australian Police Journal*, June, 60-64.
- Paterson, H., van Golde, C., Devery, C., Cowdrey, N., Kemp, R. (2018). iWitnessed: Capturing Contemporaneous Accounts to Enhance Witness Evidence. *Current Issues in Criminal Justice*, 29(3), 273-281.
- Chan, E., Paterson, H., van Golde, C. (2018). The effects of repeatedly recalling a traumatic event on eyewitness memory and suggestibility. *Memory*.

## KANE RACE

### Journal Articles

- Aggleton, P., Bhana, D., Clarke, D., Crewe, M., Race, K., Yankah, E. (2018). HIV education: Reflections on the past, priorities for the future. *AIDS Education and Prevention: an interdisciplinary journal*, 30(3), 254-266.
- Pienaar, K., Murphy, D., Race, K., Lea, T. (2018). Problematising LGBTIQ drug use, governing sexuality and gender: A critical analysis of LGBTIQ health policy in Australia. *International Journal of Drug Policy*, 55, 187-194.

## REBECCA SCOTT BRAY

### Book Chapters

- Scott Bray, R., Carpenter, B., Barnes, M. (2018). Southern death investigation: Theorizing coronial work from the global South. In Kerry Carrington; Russell Hogg; John Scott and Maximo Sozzo (Eds.), *The Palgrave Handbook of Criminology and the Global South*, (pp. 139-161). Cham, Switzerland: Springer International Publishing.
- Scott Bray, R. (2018). Visual criminology and the southern crime scene. In Kerry Carrington; Russell Hogg; John Scott and Maximo Sozzo (Eds.), *The Palgrave Handbook of Criminology and the Global South*, (pp. 415-432). Cham, Switzerland: Springer International Publishing.
- Scott Bray, R. (2018). Images of Fatal Violence: Negotiating the Dark Heart of Death Research. In Erica Borgstrom, Julie Ellis and Kate Woodthorpe (Eds.), *Researching Death, Dying and Bereavement*, Oxon and New York: Routledge.

## CELINE VAN GOLDE

### Journal Articles

- van Golde, C., Paterson, H. (2018). Children's Testimonies: Facts or Fiction? *Australian Police Journal*, March, 10-13.
- Adolphe, A., Khatib, L., van Golde, C., Gainsbury, S., Blaszczyński, A. (2018). Crime and Gambling Disorders: A Systematic Review. *Journal of Gambling Studies*.
- Paterson, H., van Golde, C., Devery, C., Cowdrey, N., Kemp, R. (2018). iWitnessed: A Smart Phone Application to Record Eyewitness Memory. *Australian Police Journal*, June, 60-64.
- Paterson, H., van Golde, C., Devery, C., Cowdrey, N., Kemp, R. (2018). iWitnessed: Capturing Contemporaneous Accounts to Enhance Witness Evidence. *Current Issues in Criminal Justice*, 29(3), 273-281.
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## Parliamentary Submissions

Members of the Institute are highly active in submitting publications and reports to various levels of government in relation to a range of criminological areas.

Names	Submission Title	Submission Date	Inquiry/Commission
<b>Dr Jane Andrew, Dr Max Baker</b>	Submission: Accountability, Costs and Performance of Private Prisons in NSW	7 February 2018	Inquiry into Parklea Correctional Centre and other operation issues (NSW Legislative Council Portfolio Committee No. 4 – Legal Affairs)
<b>Professor David Hamer, Professor Gary Edmond, Megan McElhone</b>	Submission: Review into Royal Prerogative of Mercy	9 February 2018	Royal Prerogative of Mercy Review (NSW Department of Justice)
<b>Associate Professor Tyrone Kirchengast</b>	Public Submission on the Early Release of Superannuation Benefits to Victims of Crime	12 February 2018	Consultation paper 'Early Release of Superannuation Benefits: Under Compassionate and Financial Hardship Grounds and for Victims of Crime Compensation' (The Treasury)
<b>Dr Carolyn McKay</b>	Submission: Rapid Build Dormitory Prisons	13 February 2018	Inquiry into Parklea Correctional Centre and other operational issues (NSW Legislative Council Portfolio Committee No. 4 – Legal Affairs)
<b>Professor David Hamer</b>	Submission: Admissibility of Tendency and Coincidence Evidence Working Group Scoping Paper	13 April 2018	Admissibility of Tendency and Coincidence Evidence Working Group Scoping Paper (Council of Attorneys-General)
<b>Dr Louise Boon-Kuo</b>	Submission: Review processes associated with visa cancellations made on criminal grounds	14 June 2018	Inquiry into Review Processes associated with Visa Cancellation made on Criminal Grounds (Joint Standing Committee on Migration)
<b>Professor Gail Mason and James Monaghan</b>	Submission: Review of Consent in Relation to Sexual Assault Offences	20 June 2018	Inquiry into Consent in Sexual Assault Law (NSW Law Reform Commission)
<b>Professor Arlie Loughnan, Dr Carolyn McKay, Dr Tanya Mitchell, Professor Rita Shackel</b>	Joint Submission on behalf of the Institute of Criminology: Review of s 61HA of the Crimes Act 1900 (NSW)	28 June 2018	Inquiry into Consent in Sexual Assault Law (NSW Law Reform Commission)
<b>Andrew Dyer</b>	Submission to the NSW Law Reform Commission's Review of Consent and Knowledge of Consent in Relation to Sexual Assault Offences	29 June 2018	Inquiry into Consent in Sexual Assault Law (NSW Law Reform Commission)
<b>Professor Stephen Tomsen and Associate Professor Tyrone Kirchengast</b>	Victim's Rights, Truth and Justice: Denial of Legitimate Victimhood in Anti-Homosexual Violence and Killings in New South Wales	7 November 2018	Inquiry into Gay and Transgender Hate Crimes Between 1970 and 2010 (NSW Parliament)

## Media Commentary

Institute staff continued to make a strong impact by contributing to media commentary on relevant issues. Between 1 January 2018 and 17 December 2018 there were a total of 73 media items including comments from Institute members:

### Arlie Loughnan, Co-Director

Date	Media Outlet	Topic
17 September 2018	ABC PM	<a href="#">National mental health inquiry</a>
28 November 2018	SBS Online	<a href="#">Call to raise the age of criminal responsibility from 10 to 16</a>

### Rita Shackel, Co-Director

Date	Media Outlet	Topic
28 September 2018	Broadway World	<a href="#">Panel discussion following play YEN</a>
11/12 September	Daily Telegraph, Daily Mail, WHIMN, 2GB Sydney, ABC Radio Illawarra	<a href="#">Potential gender bias against women arrested and sentenced for violent crimes (Daily Mail)</a>

### Andrew Dyer, Deputy Director

Date	Media Outlet	Topic
8 May 2018	The World Today, ABC News	<a href="#">Changing sexual consent laws</a>
7 August 2018	BenchTV	<a href="#">NSW Law Reform Commission on Sexual Assault</a>
December 2018	BenchTV	The Lazarus litigation and proposed sexual assault law reform

### Carolyn McKay, Deputy Director

Date	Media Outlet	Topic
6 February 2018	Radio Adelaide	Women in prison
16 September 2018	ABC The People vs	<a href="#">The People vs Prisons</a>
6 November 2018	ABC Radio National	<a href="#">Pixelated Prisoners: Having your day in court via AVL</a>

## Terry Carney

Date	Media Outlet	Topic
4 April 2018	The Guardian Australia	<a href="#">Centrelink robo-debt program</a>
5 April 2018	The Canberra Times	<a href="#">‘Robo-debt’ an unlawful exercise</a>
11 April 2018	The Sydney Morning Herald and The Canberra Times	<a href="#">Extortion no way to fix the budget (The Canberra Times)</a>
30 April 2018	AUSPUBLAW (Blog)	<a href="#">Robo-Debt Illegality</a>
11 May 2018	ABC’s The Signal	<a href="#">Legality of robo-debt</a>
5 June 2018	Austaxpolicy (Blog)	<a href="#">Social security and robo-debt</a>
3 December 2018	The Age	<a href="#">Centre-link’s robo-debt program</a>

## Judy Cashmore

Date	Media Outlet	Topic
7 May 2018	The Conversation	<a href="#">Children and the Family Court process</a>
29 October 2018	Sydney Morning Herald	<a href="#">NSW Parliament considering legislative amendments streamlining foster care</a>

## Duncan Chappell

Date	Media Outlet	Topic
14 September 2018	ABC News TV	600 year old Dancing Shiva in the Art Gallery of South Australia

## Garner Clancey

Date	Media Outlet	Topic
14 April 2018	The Weekend Australian	The mysterious case of the disappearing burglar
19 August 2018	The Sydney Morning Herald	<a href="#">Research from Australian Institute of Criminology comparing criminal records of Generation Y and Generation Z</a>
6 September 2018	Crime Prevention Through Environmental Design (Professional)	<a href="#">Preventing crime through the use of built environments</a>



	Development Workshop)	
7 September 2018	Law Institute of Victoria (Public talk)	<a href="#">Designing crime out of communities</a>
12 September 2018	<i>Inside Crime</i> , Channel Nine	True crime series (part 1)
13 September 2018	<i>Today Show</i> , Channel Nine	True crime stories interview
19 September 2018	<i>Inside Crime</i> , Channel Nine	True crime series (part 2)
26 September 2018	<i>Inside Crime</i> , Channel Nine	True crime series (part 3)
3 October 2018	<i>Inside Crime</i> , Channel Nine	True crime series (part 4)
11 October 2018	ABC Radio Sydney	Australia's declining crime rates but growing prison population
17 October 2018	Raising the Bar (Public talk)	<a href="#">The prison paradox</a>
27 November 2018	<i>Today Show</i> , Channel Nine	Calls to raise the age of criminal responsibility from 10 to 16

### Nicholas Cowdery

Date	Media Outlet	Topic
4 April 2018	Triple J	Potential use of evidence collected on the iWitnessed app in court

### David Hamer

Date	Media Outlet	Topic
19 September 2018	ABC Radio National (Breakfast and Law Report)	<a href="#">NSW Supreme Court refusing to re-try a man for the murders of three indigenous children in Bowraville, NSW (Breakfast)</a> <a href="#">What evidence should be admissible in criminal trials? (Law Report)</a>
21 September 2018	The Conversation	<a href="#">Bowraville Murders</a>

22 November 2018	Canberra times	<a href="#">Criminal procedure in the case of David Eastman who was wrongfully convicted and spent 19 years in gaol</a>
11 December 2018	ABC Online, ABC Radio National	<a href="#">Man convicted of murder, but childhood friend claims he was the one who did it (Radio)</a>
17 December 2018	ABC NewsRadio	Parameters for convicting a person of murder

### Tyrone Kirchengast

Date	Media Outlet	Topic
20 June 2018	Clarín	<a href="#">Ser parte en las causas, el capítulo faltante en los derechos de las víctimas de delitos</a>
8 December 2018	Sydney Morning Herald	<a href="#">The obstacles to convicting Chris Dawson of his wife's murder</a>
9 December 2018	The Guardian	<a href="#">Teacher's Pet: can 28m podcast downloads change the course of a murder case?</a>
9 December 2018	Il Post	<a href="#">Il podcast di cui si discute in Australia</a>
10 December 2018	The Age, The Guardian	<a href="#">The impact of the public interest in Chris Dawson's case on his trial</a>

### Murray Lee

Date	Media Outlet	Topic
12 March 2018	Seven Sydney	Statistics of non-domestic assaults in NSW
21 September 2018	Huffington Post (Italy)	<a href="#">The strawberry needle incident</a>
25 October 2018	Wral (US)	<a href="#">The Star Sydney casino's exemption from NSW lock out laws</a>
26 November 2018	Sunday Telegraph	Men more likely to commit crimes than women
17 December 2018	Ten Daily	<a href="#">What is the law surrounding a citizen's arrest?</a>

### Roman Marchant Matus

Date	Media Outlet	Topic
12 October 2018	The Alan Turing Institute	<a href="#">The Turing Institute to work with the University of Sydney on data science research</a>

## Gail Mason

Date	Media Outlet	Topic
17 January 2018	Pedestrian	<a href="#">Sexual assault law and consent</a>
29 January 2018	ABC Radio (New England North West, Central West NSW, Broken Hill, North and West SA, Riverina)	Legally challenging racist material on social media
1 August 2018	ABC Local	<a href="#">Violence against women</a>
31 October 2018	Crikey	<a href="#">Temple vandalism and the lack of a definition of 'hate crime' in Australia</a>

## Juliette Overland

Date	Media Outlet	Topic
30 January 2018	ABC Online and Radio	<a href="#">Whether an ASIC website glitch assisted insider trading</a> (Online) (Radio)
27 March 2018	eGlobal Travel Media and telegraph.net.au	<a href="#">Hackers and insider trading</a> (eGlobal Travel Media) (Telegraph Magazine)
24 May 2018	ABC Online	<a href="#">Westpac engaging in unconscionable conduct</a>
28 May 2018	ABC Radio National	<a href="#">Electronic banking systems</a>
7 June 2018	ABC Radio National	Banking Royal Commission

## Helen Paterson

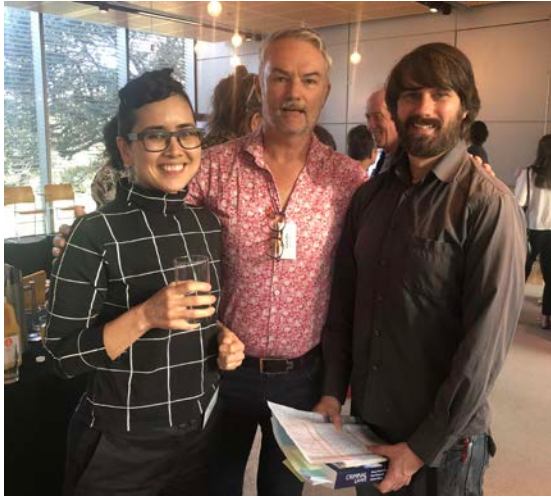
Date	Media Outlet	Topic
2 April 2018	UNSW Newsroom	<a href="#">iWitnessed app</a>
3 April 2018	The Conversation	<a href="#">iWitnessed app</a>
4 April 2018	Business Insider Australia	<a href="#">iWitnessed app</a>
18 September 2018	ABC Catalyst	<a href="#">Memory matters</a>

## Rebecca Scott Bray

Date	Media Outlet	Topic
6 September 2018	Triple J Hack	<a href="#">The other-race effect</a>
3 October 2018	ABC Radio National (Breakfast)	<a href="#">How trauma can affect memory</a>
26 October 2018	Triple J Hack	<a href="#">Australian Innocence Projects</a>

## Celine van Golde

Date	Media Outlet	Topic
4 April 2018	Business Insider Australia	<a href="#">IWitnessed app</a>
9 April 2018	SBS Witness	<a href="#">How well memory works</a>
14 May 2018	Triple J Hack	<a href="#">The other-race effect</a>
30 July 2018	The Conversation	<a href="#">Children as spies</a>
26 August 2018	Triple J Weekend Arvos	Childrens' false memories
8 September 2018	The Ethics Centre and the Museum of Contemporary Art (Public talk)	<a href="#">The ethics of truth; a post-truth world</a>
3 October 2018	ABC Radio National (Breakfast)	<a href="#">How trauma can affect memory</a>
26 October 2018	Triple J Hack	<a href="#">Australian Innocence Projects</a>



*Dr Louise Boon-Kuo, Justin Ellis,  
Associate Professor Tyrone Kirchengast*



*Dr Allan McCay, Professor Rita Shackel*



*Dr Carolyn McKay, Laura Wajnryb  
McDonald (PhD candidate), Justin Ellis  
(PhD graduand), Associate Professor  
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