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EDITORIAL

- A New Right of Appeal as a Response to Wrongful Convictions: Is It Enough?** –
Guest Editor: The Hon Michael Kirby AC CMG 299

ARTICLES

- A Case for Systemic Design in Criminal Law Techno-Regulation** – *Brendan Walker-Munro*

The collection and collation of massed data, increasing surveillance, artificial intelligence and machine learning offer huge implications for society. Nowhere is this more evident than in the concept of “techno-regulation”, the control of compliant social behaviour by technology. Unlike other scholastic works, this article approaches techno-regulation from a positive position. It suggests that as those charged with the protection of society from its criminal elements, regulators of the criminal law should embrace techno-regulation and squarely confront the risks around its inception. A conceptual model for how a regulator might do so, embedding the precepts of systemic design, is proposed. 306

- Vulnerable Witnesses and Victoria’s Intermediary Pilot Program** – *Natalia Antolak-Saper and Hannah MacPherson*

In 2018, the Victorian Government introduced the Intermediary Pilot Program. The purpose of this was to provide adequate access to justice for “vulnerable witnesses”; that is, children and people with cognitive impairments who, due to their limited comprehension and communication skills may be unable to effectively participate in criminal trials. Intermediaries are specialists who help ensure that the questioning of vulnerable witnesses is conducted in a way that is developmentally appropriate, and most likely to obtain reliable evidence. The purpose of this article is to critically evaluate Victoria’s pilot program and to make recommendations about its application. Although the introduction of intermediaries in Victoria has not been without controversy, this article suggests that the introduction of the program is a significant milestone in Victoria’s efforts to ensure that the criminal justice system adequately accommodates and protects those witnesses who have limited comprehension and communication skills. 325

- The New Northern Territory ICAC: Better Corruption Offences, but Prevented by a Lack of Prevention** – *Neil Samuel Hope, Dane Bryce Weber and Maija-Ilona Wilhelmiina Pekkanen*

The Northern Territory now has ICAC legislation in order to combat corruption. Consequential amendments were made to the Criminal Code to effect the new ICAC regime which involved overhauling corruption offences. However, although the ICAC can audit and review policies in public bodies, there is very little to prevent those convicted of corruption offences from re-entering positions of public confidence. The new corruption offences in the Northern Territory will be contrasted with those in New South Wales and, although it will be seen that the new corruption offences are far superior, there is very little to prevent those convicted of corruption offences from re-entering positions of public

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