

Year 12 HSC Legal Studies · Part I

Crime Answer key

Answers, explanations and model responses for every question in the Crime Workbook. Model responses are original teaching materials, not official NESA answers.

The meaning of crime

1. Answer B

B. Civil wrongs also have victims and are decided in courts, and many crimes involve no violence.

2. Answer C

C. R stands for Rex or Regina: the Crown, which prosecutes on behalf of the community.

3. Answer A

A. Terrorism offences are Commonwealth offences in the Criminal Code Act 1995 (Cth).

4. Which parts of the definition are met?

- Act: Jordan took the phone. That is larceny, an offence under the Crimes Act 1900 (NSW) s 117.
- Harms the community: if theft went unpunished, nobody's property would be secure.
- Punishable by the State: police can charge Jordan and a court can impose a penalty.

5. Model response (3 marks): Distinguish between a crime and a civil wrong.

Core difference. A crime is an act or omission against the community as a whole that is punishable by the State, while a civil wrong is a wrong against an individual.

Who and how. Criminal cases are brought by the State, for example *R v Smith*, and must be proved beyond reasonable doubt, whereas civil cases are brought by the plaintiff and proved on the balance of probabilities.

Aim. Criminal law aims to punish the offender and protect the community, while civil law aims to remedy the harm, usually through damages.

The elements of crime: actus reus and mens rea

1. Answer A

A. Conduct during a seizure is not willed, so there is no voluntary act and no actus reus.

2. Answer B

B. Recklessness is subjective foresight of the risk. Negligence is failing to foresee what a reasonable person would have.

3. Answer C

C. *R v Crabbe* (1985). In NSW, *Royall* (1991) requires foresight that death was probable.

4. Identify the actus reus. What level of mens rea might apply?

- Actus reus: voluntarily driving through the red light, and the result: injuring the cyclist.
- Intention: unlikely. Sam did not mean to injure anyone.
- Recklessness: if Sam actually foresaw the risk of hitting someone and went ahead.
- Negligence: if Sam did not foresee it, but a reasonable driver would have.

5. Model response (4 marks): Explain the role of actus reus and mens rea in establishing criminal liability.

The rule. To establish criminal liability, the prosecution must generally prove both the actus reus and the mens rea beyond reasonable doubt.

Actus reus. The actus reus is the voluntary act or omission. In *Ryan v The Queen* (1967), a fatal shot fired while Ryan pointed a loaded, cocked rifle at the attendant was still treated as voluntary.

Mens rea. The mens rea is the guilty mind, from intention to recklessness to criminal negligence. In *R v Crabbe* (1985), recklessness for murder required foresight of probable death or grievous bodily harm.

Why it matters. Because both elements must be proved, and must coincide, an accused who lacks either is not guilty, which ensures only blameworthy conduct is punished.

Causation

1. Answer B

B. It need not be the only cause: *Royall v The Queen* (1991).

2. Answer A

A. Ordinary natural events do not break the chain; only extraordinary ones might.

3. Answer C

C. In *Burns* (2012), the man's decision to take the methadone broke the chain.

4. Did Alex cause Ben's death?

- Substantial or significant cause: the punch led to the fall and the head injury.
- Still operating: the injury was still operating when Ben died.
- No break: proper medical treatment does not break the chain.
- Thin skull: if Ben had an unusually fragile skull, Alex is still responsible.

5. Model response (3 marks): Outline the role of causation in criminal law.

Feature 1. For result crimes such as murder, the prosecution must prove beyond reasonable doubt that the accused's act caused the result.

Feature 2. The test is whether the act was a substantial or significant cause, not the only cause (*Royall v The Queen* 1991).

Feature 3. A free, voluntary and informed act by the victim can break the chain (*Burns v The Queen* 2012), but ordinary events and reasonable medical decisions do not (*Hallett; Swan*).

Strict liability offences

1. Answer B

B. Only the actus reus. The accused may then raise honest and reasonable mistake of fact.

2. Answer B

B. *From Proudman v Dayman* (1941). Ignorance of the law is never a defence.

3. Answer B

B. The presumption of mens rea applies unless Parliament clearly displaces it.

4. Is Priya guilty of speeding?

- Actus reus: she drove above the limit. Her intention does not need to be proved.
- Defence: she can argue an honest and reasonable mistake of fact: *Proudman v Dayman*.
- The real question: was her belief reasonable? Would a careful driver on that road have thought the limit was 80?
- Not a defence: "I didn't know speeding was illegal", or not checking her speed.

5. Model response (5 marks): Assess the fairness of strict liability offences.

Judgement. Strict liability offences are largely fair when limited to minor regulatory offences, but less fair as penalties grow.

For. They allow efficient enforcement of offences such as speeding, where proving each person's state of mind would be impractical, and they encourage compliance.

Safeguard. Fairness is protected by the defence of honest and reasonable mistake of fact (*Proudman v Dayman* 1941) and by the presumption that serious offences need mens rea (He Kaw Teh 1985).

Against. However, careful people can still be punished without fault, and fixed fines fall hardest on people with low incomes.

Conclusion. Therefore, strict liability is fair to the extent that it is confined to low-penalty regulatory offences.

Categories of crime, part 1: against the person and the sovereign

1. Answer B

B. Crimes Act 1900 s 19A. Manslaughter carries 25 years (s 24).

2. Answer B

B. For example, extreme provocation (s 23) or substantial impairment (s 23A).

3. Answer C

C. Terrorism threatens the state itself. It is a Commonwealth offence in the Criminal Code.

4. Spot the category

- A man punches a stranger at a bus stop, breaking his nose. → **Against the person: assault occasioning actual bodily harm, s 59**
- A woman buys materials to build a bomb to attack Parliament House, to force a change in government policy. → **Against the sovereign: preparing for a terrorist act**
- Two men threaten a shop owner with a knife and take the cash register. → **Both: against the person and economic (armed robbery)**

5. Model response (3 marks): Describe crimes against the sovereign.

What they are. Crimes against the sovereign are offences that threaten the security, government or institutions of the state, and are mostly Commonwealth offences in the Criminal Code Act 1995 (Cth).

Examples. They include treason, urging violence, espionage, foreign interference and terrorism. The first foreign interference conviction, of Di Sanh Duong, came in 2023.

Key feature. Many are preparatory, allowing intervention before harm occurs: in *R v Lodhi* (2006), preparing for a terrorist act led to a 20-year sentence.

Categories of crime, part 2: economic, drug, driving, public order, preliminary

1. Answer B

B. Police may issue up to two notices. Cannabis is dealt with under a separate cautioning scheme.

2. Answer B

B. They burdened the implied freedom of political communication.

3. Answer B

B. The agreement itself is the offence. An attempt requires going beyond mere preparation.

4. Spot the category

- An employee secretly transfers \$40,000 from her company's account to her own. → **Economic: fraud**
- Two friends agree to rob a service station next week, but are arrested before they go. → **Preliminary: conspiracy**
- A man swears loudly at police outside a pub. → **Public order: offensive language**
- A driver records a blood alcohol reading over the legal limit at a random breath test. → **Driving: prescribed concentration of alcohol**

5. Model response (3 marks): Explain the purpose of preliminary crimes.

What they are. Preliminary crimes, such as attempt, conspiracy and incitement, are offences where the intended crime is never completed.

Why. They exist so that police can intervene before harm occurs, because the accused has already shown a guilty mind and taken a step towards a crime.

Evidence. For example, an attempt is punishable as if the offence were committed (Crimes Act 1900 s 344A), which deters people from even starting serious crimes.

Summary and indictable offences

1. Answer B

B. Summary matters are heard by a magistrate alone in the Local Court.

2. Answer B

B. For Table 1 offences, either the prosecution or the accused can elect.

3. Answer C

C. Crimes (Sentencing Procedure) Act 1999 s 25D.

4. Apply it

- Mel is charged with offensive language outside a nightclub. → **Summary: Local Court, magistrate, no jury**
- Ari is charged with a Table 1 offence and wants a jury. → **Ari can elect a trial on indictment in a higher court**
- Bo is charged with a Table 2 offence and wants a jury. → **Only the prosecution can elect. Otherwise, Local Court**
- Cal is charged with murder and pleads guilty in the Local Court. → **Strictly indictable: sentenced in the Supreme Court, with a 25% discount**

5. Model response (4 marks): Compare summary and indictable offences.

Similarity. Both are criminal offences prosecuted by the State, which must prove guilt beyond reasonable doubt.

Difference 1. Summary offences are less serious and heard by a magistrate in the Local Court, whereas indictable offences are more serious and tried in the District or Supreme Court, often before a jury.

Difference 2. Penalties differ: the Local Court can generally impose up to two years for one offence, while indictable offences such as murder carry up to life imprisonment.

Nuance. Some indictable offences, listed in Tables 1 and 2 of the Criminal Procedure Act 1986, can be dealt with summarily unless a party elects otherwise.

Parties to a crime

1. Answer B

B. Present at the crime, aiding or encouraging.

2. Answer C

C. *McAuliffe v The Queen* (1995); confirmed in *Miller v The Queen* (2016).

3. Answer B

B. It declined to follow the UK decision in *R v Jogee*.

4. Apply it: one robbery, four people

- Cy lends Ben a gun the day before, knowing about the plan. → **Accessory before the fact**
- Ben walks into the bank and takes the money at gunpoint. → **Principal in the first degree**
- Ava waits outside in the getaway car. → **Principal in the second degree**
- Dee lets Ben hide at her house afterwards, knowing what he did. → **Accessory after the fact**

5. Model response (4 marks): Explain how a person who did not commit the criminal act can still be liable for a crime.

Principle. The law extends liability to people who assist or encourage a crime, because their conduct contributes to the harm.

Accessories. A principal in the second degree, such as a getaway driver, or an accessory before the fact can be punished as the principal (Crimes Act 1900 ss 345, 346).

Joint enterprise. Parties to a joint criminal enterprise are liable for crimes within the agreed plan, and, under the extended form, for incidental crimes they foresaw as possible (*McAuliffe* 1995; *Miller* 2016).

Effect. As a result, participants cannot avoid liability simply because another person committed the actus reus.

Factors affecting criminal behaviour

1. Answer B

B. It assumes people weigh benefits against risks, which is the basis of deterrence.

2. Answer C

C. Lombroso's 19th-century theory is discredited.

3. Answer B

B. Factors interact and increase risk; none is a single cause.

4. Model response (4 marks): Explain how TWO factors may contribute to criminal behaviour.

Factor 1. Social factors such as alcohol use can contribute to violent crime, because intoxication reduces self-control, as shown by the alcohol-fuelled assaults that led to Sydney's 2014 lockdown laws.

Factor 2. Economic factors such as unemployment can increase the risk of property crime, since a lack of income may lead some people to steal.

Link. These factors often interact: a person with no income who is dependent on drugs may commit theft to fund that dependence.

Judgement. Therefore, factors contribute to the risk of offending rather than causing it, which is why non-legal responses also matter.

Crime prevention: situational and social

1. Answer A

A. A key limit of situational crime prevention.

2. Answer B

B. It addresses the causes of offending by investing in communities.

3. Answer B

B. KPMG noted it was not a full outcomes evaluation.

4. Situational or social?

- Installing CCTV cameras at a train station. → **Situational**
- A free after-school sports program in a suburb with high youth crime. → **Social**
- Better lighting and fencing in a shopping centre car park. → **Situational**
- Job training for young people leaving detention. → **Social**

5. Model response (6 marks): Evaluate the effectiveness of crime prevention strategies.

Judgement. Crime prevention is most effective when situational and social strategies are combined.

Situational. Situational measures such as CCTV and the 2014 lockout laws reduce opportunities quickly, but risk displacement and limit privacy.

Social. Social measures address causes: Maranguka saw a 23% fall in domestic violence incidents and a 31% rise in Year 12 retention in one year (KPMG 2018).

Limits. However, social results take longer, and Maranguka's assessment covered only one year.

Conclusion. Therefore, prevention is effective to the extent that short-term situational measures are matched with long-term investment in communities.

Police powers and police discretion

1. Answer B

B. LEPR, which sets out both powers and responsibilities.

2. Answer C

C. And it must have some factual basis.

3. Answer B

B. Including a 16-year-old girl at a 2018 festival. 25 recommendations followed.

4. Did the officer have a reasonable suspicion?

- Probably not on its own: looking nervous around police is common, and gives little factual basis.
- Context matters: other facts, like seeing a hand-to-hand exchange, could add up to a reasonable suspicion.
- The test: more than a possibility, with a factual basis (*R v Rondo*).

5. Model response (5 marks): Assess the effectiveness of police powers in balancing community safety and individual rights.

Judgement. Police powers balance safety and rights reasonably well in law, but less well in practice.

Safety. LEPR gives police wide powers to search, arrest and use reasonable force, allowing them to respond quickly to crime.

Safeguards. These powers are limited by the reasonable suspicion threshold, which requires a factual basis (*R v Rondo* 2001).

Practice. However, the LECC found unlawful strip searches of young people at music festivals, and BOCSAR found diversion depended heavily on police discretion.

Conclusion. Therefore, the balance is effective only to the extent that independent oversight holds police to the law.

Reporting crime

1. Answer B

B. Surveys like the ABS Crime Victimisation survey help estimate it.

2. Answer B

B. ABS Crime Victimisation, 2024–25.

3. Answer B

B. Unless they have a reasonable excuse.

4. Model response (4 marks): Explain why some crimes are not reported to police.

Point. Many crimes go unreported, creating a "dark figure" of crime: in 2024–25 only 56% of physical assault victims reported to police (ABS).

Reason 1. Victims may fear the offender, especially in domestic violence, because reporting could put them at further risk.

Reason 2. Shame and distrust of police deter others, particularly in sexual offences, where reporting rates are far lower.

Effect. As a result, offenders escape consequences and statistics understate crime.

Investigating crime: evidence and technology

1. Answer B

B. Two years.

2. Answer B

B. His conviction rested solely on contaminated DNA evidence.

3. Answer B

B. The ANOM app, decrypted by the AFP.

4. Which power or safeguard?

- Police want to listen to a suspect's phone calls. → **An interception warrant**
- A DNA sample is the only evidence linking the accused to the crime. → **Test it carefully: remember Farah Jama**
- Police want to take over an encrypted account used by a crime network. → **An account takeover warrant (2021)**

5. Model response (5 marks): Assess the impact of technology on the investigation of crime.

Judgement. Technology has greatly improved the effectiveness of investigations, but creates real risks to privacy and accuracy.

Impact. In Operation Ironside (2021), decrypted ANOM messages led to 224 arrests in Australia, showing its power against organised crime.

Risk 1. However, the conviction of Farah Jama on contaminated DNA, quashed in 2009, shows forensic evidence can mislead.

Risk 2. Surveillance and metadata retention also intrude on the privacy of innocent people.

Conclusion. Therefore, technology is most effective when it is controlled by warrants and its results are tested in court.

Search and seizure, and the use of warrants

1. Answer B

B. Independence is what makes the warrant a safeguard.

2. Answer B

B. If undesirability wins, the evidence is excluded.

3. Answer B

B. His conviction was quashed.

4. Lawful or not?

- Police search a house for drugs with a warrant issued by a magistrate. → **Lawful: a warrant on reasonable grounds**
- Police search a car after a sniffer dog sits next to it, and see drugs on the seat. → **Likely lawful: the facts together can give reasonable suspicion**
- Police enter a home without a warrant or consent "to have a look around". → **Unlawful: evidence found may be excluded under s 138**

5. Model response (4 marks): Explain the role of warrants in protecting individual rights during investigations.

Point. Warrants protect rights because an independent officer must be satisfied there are reasonable grounds before police intrude on privacy.

How. A warrant limits the premises, items and time of a search, preventing open-ended searches.

Back-up. If police act unlawfully, courts may exclude the evidence under s 138 of the Evidence Act 1995, as in *Ridgeway v The Queen* (1995).

Effect. This encourages police to follow the law, balancing investigation with the right to privacy.

Arrest and charge, summons and warrants

1. Answer B

B. Both requirements must be met.

2. Answer B

B. Use a summons or notice where it will do.

3. Answer B

B. For example, a magistrate or registrar.

4. Arrest or notice?

- A teenager is caught shoplifting a \$20 item. She gives her name and address and is cooperative. → **Notice: arrest is not reasonably necessary**
- A man assaults his partner and police fear he will return to the house tonight. → **Arrest: to protect someone's safety**
- A suspect in an armed robbery is about to board a flight overseas. → **Arrest: to stop the person fleeing**

5. Model response (3 marks): Explain why arrest should be used as a last resort.

Point. Arrest should be a last resort because it deprives a person who is presumed innocent of their liberty.

Law. LEPR s 99 allows arrest only where it is reasonably necessary, and *DPP v Carr* (2002) held it should be a last resort for minor offences.

Effect. Using notices instead keeps minor matters proportionate, reducing conflict and unnecessary charges such as resisting police.

Bail or remand

1. Answer B

B. It applies to people who have not been convicted.

2. Answer C

C. Employment may be relevant, but it is not one of the four risks.

3. Answer B

B. A temporary, stricter test for some young people.

4. Bail or remand?

- A first-time offender charged with fraud, with a job, a family and no overseas ties. → **Bail: low risk, perhaps with reporting**
- A man charged with a serious assault on his partner, who has threatened to "finish it" if released. → **Likely remand: unacceptable risk to the victim's safety**
- A woman with no fixed address who missed court twice before. → **Depends: conditions might reduce the risk of not appearing**

5. Model response (6 marks): Evaluate the effectiveness of bail laws in balancing the rights of the accused and the community.

Judgement. Bail laws balance these rights only partly, shifting towards community safety since 2024.

Protection. The unacceptable risk test in the Bail Act 2013 lets courts refuse bail where victims or the community would be endangered.

Reform. The June 2024 reforms made more domestic violence offences show cause, responding to concern for victims.

Rights. However, remand detains people who are presumed innocent, and the Law Society warned s 22C treats children more harshly than adults.

Conclusion. Therefore, bail laws are effective to the extent that they target genuine risk rather than reacting to public pressure.

Detention, interrogation and the rights of suspects

1. Answer C

C. 6 hours (s 115), plus up to 6 more with a warrant (s 118).

2. Answer B

B. Then an unfavourable inference may be drawn.

3. Answer B

B. Through the Custody Notification Service.

4. Model response (5 marks): Assess the extent to which the rights of suspects are protected during detention and interrogation.

Judgement. Suspects' rights are largely protected, though recent reforms have weakened some safeguards.

Protection. LEPR limits detention to 6 hours, extendable only by warrant to 12, and guarantees access to a lawyer (s 123).

Protection. Electronic recording of admissions and support persons for vulnerable suspects reduce the risk of false confessions.

Weakening. However, the initial period rose from 4 to 6 hours in 2014, and s 89A (2013) allows unfavourable inferences from silence.

Conclusion. Therefore, protection is strong but not complete, reflecting a shift towards investigative needs.

Evaluating the investigation process

1. Answer B

B. BOCSAR linked the low diversion rate to police discretion.

2. Answer B

B. A judgement, supported by evidence and measured against criteria.

3. Model response (6 marks): Evaluate the effectiveness of the criminal investigation process in balancing police powers and the rights of suspects.

Judgement. The investigation process balances powers and rights only partially.

Safeguards. LEPR requires reasonable suspicion for searches and arrests (*R v Rondo* 2001), and courts can exclude improperly obtained evidence (s 138; *DPP v Carr* 2002).

Custody. Suspects have rights to a lawyer and recorded interviews, and detention is limited to 6 hours plus a 6-hour extension.

Erosion. However, the LECC found unlawful strip searches of young people (2020), s 89A limits the right to silence, and diversion depends on discretion (BOCSAR).

Conclusion. Therefore, the balance holds to the extent that courts and oversight bodies enforce the safeguards.

Court jurisdiction

1. Answer D

D. Most criminal matters begin and end in the Local Court.

2. Answer B

B. Original jurisdiction is hearing a case for the first time.

3. Answer B

B. As in *R v Lodhi*, in the NSW Supreme Court.

4. Which court?

- An adult charged with offensive language. → **Local Court**
- An adult charged with murder. → **Supreme Court**
- A 15-year-old charged with theft. → **Children's Court**
- An offender appeals a District Court sentence as too harsh. → **Court of Criminal Appeal**

5. Model response (4 marks): Outline the criminal jurisdiction of TWO NSW courts.

Court 1. The Local Court hears summary offences and many Table offences before a magistrate, and conducts bail hearings and committals.

Feature. Most criminal matters in NSW begin and end there.

Court 2. The Supreme Court hears the most serious indictable offences, such as murder, before a judge and jury, and federal offences such as terrorism (*R v Lodhi* 2006).

Feature. Appeals from it go to the Court of Criminal Appeal, then the High Court with special leave.

The adversary system

1. Answer B

B. In the inquisitorial system, the judge investigates.

2. Answer B

B. Legal aid aims to reduce this.

3. Answer B

B. Used in much of continental Europe.

4. Which system?

- The judge questions witnesses and directs the police investigation. → **Inquisitorial**
- The defence cross-examines the prosecution's expert witness. → **Adversary**
- The judge stays silent and rules only on objections. → **Adversary: the judge as umpire**

5. Model response (5 marks): Assess the effectiveness of the adversary system in achieving justice.

Judgement. The adversary system is largely effective in protecting the accused, but less effective in finding the truth.

Strength. An impartial judge and the presumption of innocence (Woolmington 1935) protect the accused from the power of the State.

Weakness. Outcomes can depend on the quality of lawyers, which is why Dietrich (1992) protects unrepresented accused people in serious trials.

Victims. Cross-examination can traumatise vulnerable witnesses, though closed courts and CCTV now reduce this.

Conclusion. Therefore, it achieves justice to the extent that both sides are properly represented.

Legal personnel

1. Answer B

B. The DPP prosecutes serious matters in higher courts.

2. Answer B

B. Decisions rest on the evidence and the public interest.

3. Who does what?

- Sentences an offender for offensive language in the Local Court. → **Magistrate**
- Prosecutes a murder trial in the Supreme Court. → **Director of Public Prosecutions**
- Decides whether the accused is guilty of murder. → **Jury**
- A State-employed barrister defending a legally aided accused. → **Public defender**

4. Model response (4 marks): Outline the role of TWO legal personnel in a criminal trial.

Person 1. The Director of Public Prosecutions prosecutes serious indictable offences independently of government.

Feature. It decides whether to proceed based on a reasonable prospect of conviction and the public interest.

Person 2. A judge presides over trials in higher courts, decides questions of law and directs the jury.

Feature. If the accused is convicted, the judge passes sentence using instinctive synthesis.

Legal representation and legal aid

1. Answer B

B. No right to a free lawyer, but a right to a fair trial.

2. Answer B

B. Income and assets, and the strength of the case.

3. Answer A

A. A key weakness in access to justice.

4. Does Dietrich help?

- Ana is charged with murder, cannot afford a lawyer and is refused legal aid. → **Yes: the trial should usually be stayed or adjourned**
- Ben is charged with offensive language and cannot afford a lawyer. → **No: Dietrich applies to serious charges**
- Cal refuses the legal aid lawyer he was given and wants a famous barrister. → **No: he is unrepresented by his own choice**

5. Model response (4 marks): Explain the significance of *Dietrich v The Queen* (1992).

Facts. Dietrich was convicted of importing heroin after representing himself, having been refused legal aid.

Principle. The High Court held there is no right to a publicly funded lawyer, but a serious trial should usually be stayed if the accused is unrepresented through no fault of their own.

Why. This protects the right to a fair trial, because an unrepresented accused faces a trained prosecutor.

Effect. As a result, legal aid bodies effectively must fund serious cases, though less serious charges are not covered.

Pleas and charge negotiation

1. Answer B

B. It is not necessarily a claim of innocence.

2. Answer B

B. Usually a guilty plea to fewer or lesser charges.

3. Answer B

B. Negotiations happen privately.

4. What sentence does each receive?

- Mia: 25% off 8 years = 6 years.
- Leo: a late plea, 5% off = about 7 years 7 months.
- Why the difference: Mia's early plea saved the most time and spared witnesses: its utilitarian value.

5. Model response (5 marks): Evaluate the role of charge negotiation in the criminal trial process.

Judgement. Charge negotiation is largely effective in improving efficiency, but raises concerns about transparency and fairness.

Efficiency. Guilty pleas avoid trials, reduce delay and attract fixed discounts under s 25D, reflecting their utilitarian value.

Victims. They spare victims from giving evidence, although some victims feel the agreed charge understates the harm.

Fairness. Negotiations occur privately, and an innocent accused may plead guilty to avoid a heavier sentence.

Conclusion. Therefore, it is effective provided ODPP guidelines ensure pleas reflect the true criminality.

Burden and standard of proof

1. Answer B

B. The civil standard is the balance of probabilities.

2. Answer B

B. The "golden thread" of the presumption of innocence.

3. Answer B

B. The accused must prove the drugs were not for supply.

4. Who must prove it, and to what standard?

- Jo is charged with assault and says she acted in self-defence. → **Prosecution must disprove it beyond reasonable doubt**
- Raj is found with a traffickable quantity of a drug and says it was for personal use. → **Raj must prove it was not for supply**
- Lee raises mental health impairment at his murder trial. → **Lee must prove it on the balance of probabilities**

5. Model response (4 marks): Explain the importance of the burden and standard of proof in a criminal trial.

Rule. The prosecution bears the burden of proving guilt beyond reasonable doubt (*Woolmington v DPP* 1935).

Why. This high standard exists because a conviction can take away a person's liberty, and the State has far greater resources than the accused.

Effect. It protects the presumption of innocence and reduces the risk of wrongful convictions.

Limit. However, reverse onus provisions such as deemed supply weaken this protection.

Evidence and witnesses

1. Answer B

B. Often using leading questions.

2. Answer B

B. Pre-recorded interviews can also be used.

3. Answer B

B. The CALM2 variant, discovered in 2018.

4. Model response (5 marks): Assess the effectiveness of the rules of evidence in achieving justice.

Judgement. The rules of evidence are largely effective in ensuring fair trials, but cannot prevent every wrongful conviction.

Fairness. Rules on hearsay, tendency (s 97) and improperly obtained evidence (s 138) protect the accused from unreliable or prejudicial material.

Victims. Protections such as CCTV and closed courts help vulnerable witnesses give their best evidence.

Limits. However, flawed expert evidence led to wrongful convictions in Wood (quashed 2012) and Folbigg (quashed 2023).

Conclusion. Therefore, the rules are effective to the extent that expert evidence is rigorously tested.

Defences, part 1: complete defences

1. Answer B

B. Partial defences reduce murder to manslaughter.

2. Answer A

A. A subjective belief and an objective reasonableness test.

3. Answer B

B. Duress is not a defence to murder.

4. Which defence?

- Armed men threaten to kill Lena unless she drives their getaway car. → **Duress**
- Omar punches a man who is beating his friend with a bottle. → **Self-defence (s 418)**
- During an epileptic seizure, Jess strikes a nurse. → **Automatism: no voluntary act**
- Sam breaks into a cabin during a blizzard to avoid freezing to death. → **Necessity**

5. Model response (4 marks): Outline TWO complete defences to a criminal charge.

Defence 1. Self-defence (Crimes Act 1900 s 418) applies where the accused believed their conduct was necessary and it was a reasonable response as they perceived the circumstances (Zecevic 1987).

Effect. If the prosecution cannot disprove it, the accused is acquitted.

Defence 2. Duress applies where the accused acted under a threat of death or serious harm, as in *R v Williamson* (1972).

Limit. Duress, like necessity, is not a defence to murder (*R v Dudley and Stephens* 1884).

Defences, part 2: partial defences

1. Answer B

B. Partial defences only apply to murder.

2. Answer B

B. *Singh v R* [2012] NSWSC 637.

3. Answer B

B. It is expressly excluded by s 23.

4. Extreme provocation available?

- Dev kills his partner after she says she is leaving him. → **No: leaving is not a serious indictable offence**
- Mia kills a man moments after he violently assaulted her child in front of her. → **Possibly: a serious indictable offence; the jury decides the rest**
- Tom kills a man who made a non-violent sexual advance to him. → **No: expressly excluded by s 23**

5. Model response (4 marks): Explain how the law of provocation has been reformed in NSW.

Trigger. In *Singh v R* (2012), a man who killed his wife was convicted of manslaughter after relying on her words as provocation, which caused public outrage.

Reform. The Crimes Amendment (Provocation) Act 2014 replaced it with "extreme provocation" in s 23.

How. The deceased's conduct must now be a serious indictable offence, and non-violent sexual advances and self-induced intoxication are excluded.

Effect. As a result, the defence better reflects community values while remaining available to victims of long-term abuse.

Juries and verdicts

1. Answer B

B. The judge decides law and sentence.

2. Answer B

B. Jury Act 1977 s 55F.

3. Answer B

B. Jurors must decide only on evidence in court.

4. Apply it

- A juror googles the accused's criminal record during the trial. → **An offence under s 68C; the trial may miscarry**
- After 9 hours, 11 jurors agree on guilty and one does not. → **A majority verdict may be accepted (s 55F)**
- A famous accused fears media coverage has prejudiced potential jurors. → **May apply for a judge-alone trial (s 132)**

5. Model response (5 marks): Evaluate the effectiveness of juries in achieving justice.

Judgement. Juries are largely effective in reflecting community values, but vulnerable to misconduct and complex evidence.

Strength. Twelve randomly selected citizens decide guilt, protecting the accused against State power.

Weakness. In *R v Skaf* (2004), jurors' visit to the crime scene caused a retrial, prompting s 68C of the Jury Act 1977.

Reform. Majority verdicts (2006) reduce hung juries, and judge-alone trials (s 132) address prejudicial publicity.

Conclusion. Therefore, juries achieve justice to the extent that reforms protect them from outside influence.

Evaluating the trial process

1. Answer B

B. Convicted in 2003, acquitted in 2023.

2. Answer B

B. The 2014 reform narrowed provocation.

3. Strength or weakness of the trial process?

- A child gives evidence by CCTV from another room. → **Strength: protects vulnerable witnesses**
- A man on a modest income is refused legal aid for a District Court trial. → **Weakness: the "missing middle"**
- A conviction is quashed after new genetic evidence emerges, 20 years later. → **Both: review works, but slowly (Folbigg)**

4. Model response (6 marks): Evaluate the effectiveness of the criminal trial process in achieving justice.

Judgement. The trial process is largely effective in protecting the accused, but less effective in guaranteeing accuracy and equal access.

Fairness. The prosecution must prove guilt beyond reasonable doubt (Woolmington 1935), and serious trials can be stayed for unrepresented accused (Dietrich 1992).

Accuracy. However, Folbigg's convictions stood for 20 years before being quashed in 2023, and juror misconduct caused a retrial in Skaf (2004).

Victims. Closed courts, CCTV and victim impact statements now better protect victims.

Conclusion. Therefore, the process achieves justice to the extent that reforms continue to improve access and correct errors.

Statutory and judicial guidelines

1. Answer B

B. Instinctive synthesis still applies.

2. Answer B

B. Endorsed in Markarian (2005).

3. Answer B

B. For example, *R v Jurisic* and *R v Henry*.

4. Model response (5 marks): Assess the role of judicial discretion in sentencing.

Judgement. Judicial discretion is essential to individual justice, but is increasingly limited by Parliament.

Discretion. Judges weigh all factors through instinctive synthesis (Markarian 2005), and standard non-parole periods are not a starting point (Muldrock 2011).

Consistency. Guideline judgments such as *R v Whyte* (2002) promote consistency without removing discretion.

Limits. However, mandatory minimums, upheld in *Magaming* (2013), can produce disproportionate sentences.

Conclusion. Therefore, discretion is effective when it is guided, rather than replaced, by legislation.

Purposes of punishment

1. Answer B

B. Specific deterrence targets the individual offender.

2. Answer A

A. "Just deserts".

3. Answer B

B. Deterrence assumes rational choice.

4. Model response (4 marks): Explain how the purposes of punishment may conflict in sentencing.

Point. Section 3A lists several purposes that can point to different sentences for the same offender.

Conflict. Rehabilitation may favour a community order for a young offender, whereas general deterrence and retribution may favour imprisonment for a serious offence.

Example. In *R v AEM* (2002), sentences were increased because general deterrence outweighed rehabilitation for very serious crimes.

Resolution. Judges resolve these conflicts through instinctive synthesis (Markarian 2005).

Aggravating and mitigating factors

1. Answer B

B. The others are mitigating.

2. Answer B

B. But being Aboriginal is not, by itself, mitigating.

3. Answer C

C. The others aggravate.

4. Which factors aggravate, and which mitigate?

- Aggravating: a weapon, a vulnerable victim, in her home, prior convictions.
- Mitigating: an early guilty plea (a 25% discount) and remorse.
- Instinctive synthesis: the judge weighs them all together to reach one sentence.

5. Model response (4 marks): Explain how aggravating and mitigating factors affect a sentencing decision.

Point. Section 21A of the Crimes (Sentencing Procedure) Act 1999 lists factors that increase or decrease a sentence.

Aggravating. Factors such as using a weapon or targeting a vulnerable victim increase the sentence, because they make the offence more serious.

Mitigating. Factors such as remorse, a guilty plea or a deprived background reduce it; in *Bugmy* (2013), the effects of childhood deprivation were held not to diminish over time.

How. Judges weigh all factors together through instinctive synthesis to reach one sentence (Markarian 2005).

The role of the victim in sentencing

1. Answer B

B. It is voluntary and may be read aloud.

2. Answer B

B. The victim informs, but does not decide.

3. Apply it

- The parents of a man who was killed want to read a statement in court. → **They can, and since 2014 the court may consider it**
- A victim tells the judge the offender must get the maximum penalty. → **The judge cannot simply follow the victim's wishes**
- A victim of assault does not want to make a statement. → **That's their choice: statements are voluntary**

4. Model response (5 marks): Evaluate the role of victim impact statements in sentencing.

Judgement. Victim impact statements are largely effective in recognising victims, but risk inconsistency.

Recognition. They give victims a voice, and since the 2014 amendment, family statements in homicide cases can be considered as part of the harm done.

Reform. This reversed *R v Previtera* (1997), reflecting changing community values about victims.

Risk. However, sentences could vary with how articulate a victim's family is, and statements may add emotional pressure.

Conclusion. Therefore, they are effective provided judges continue to sentence according to law.

Appeals

1. Answer B

B. Then the High Court, with special leave.

2. Answer B

B. Limited by the 2006 reform.

3. Answer A

A. *R v Carroll* (2002).

4. Which appeal?

- Ella thinks the magistrate's fine for her offence was too harsh. → **Appeal to the District Court**
- The DPP thinks a Supreme Court sentence for armed robbery was far too lenient. → **Crown appeal to the Court of Criminal Appeal**
- Years after an acquittal for murder, new DNA evidence identifies the accused. → **DPP may apply for a retrial: fresh and compelling evidence**

5. Model response (5 marks): Assess the effectiveness of the 2006 double jeopardy reforms in NSW.

Judgement. The reforms are moderately effective: they allow justice in rare cases while protecting finality.

Context. After *R v Carroll* (2002), NSW allowed retrials for life-sentence offences with fresh and compelling evidence, and for tainted acquittals.

Protection. The narrow exceptions prevent the State from repeatedly prosecuting acquitted people.

Limits. However, in the Bowraville case the evidence was found not to be fresh and compelling, leaving victims' families without a retrial.

Conclusion. Therefore, the reforms balance finality and justice, but may be too narrow to satisfy victims.

Types of penalties

1. Answer B

B. Along with home detention, community service orders and bonds.

2. Answer B

B. Up to 2 years.

3. Answer B

B. The lowest rung of the ladder.

4. Which penalty fits?

- A first offender, 19, steals a \$30 item and is deeply remorseful. → **A s 10 dismissal or Conditional Release Order**
- An offender needs supervision and should repay the community with unpaid work. → **A Community Correction Order**
- A sentence of imprisonment is warranted, but the offender can be safely managed at home with strict conditions. → **An Intensive Correction Order**

5. Model response (4 marks): Outline TWO types of penalties available to NSW courts.

Penalty 1. A Community Correction Order allows an offender to remain in the community for up to 3 years with conditions such as supervision or community service.

Feature. It replaced community service orders and bonds in the 2018 reforms.

Penalty 2. Imprisonment is the most severe penalty, usually with a non-parole period followed by parole.

Feature. It is a last resort, used when no other penalty is appropriate.

Alternative methods: circle sentencing and restorative justice

1. Answer B

B. Available to Aboriginal offenders in some Local Courts.

2. Answer B

B. And 3.9 percentage points less likely to reoffend within 12 months.

3. Suitable for circle sentencing?

- An Aboriginal man, 22, pleads guilty to assault in the Local Court and wants to take part. → **Potentially suitable**
- A non-Aboriginal offender asks for circle sentencing. → **No: the program is for Aboriginal offenders**
- An offender charged with murder in the Supreme Court. → **No: serious offences are excluded**

4. Model response (5 marks): Evaluate the effectiveness of circle sentencing as an alternative method of sentencing.

Judgement. Circle sentencing is effective for eligible offenders, but its reach is limited.

Evidence. BOCSAR (2020) found participants were 9.3 percentage points less likely to be imprisoned and 3.9 points less likely to reoffend within 12 months.

Why. Involving Elders, victims and family creates cultural accountability and addresses the causes of offending.

Limits. It is only available in some Local Courts, excludes serious offences, and BOCSAR cautioned that other factors may explain the results.

Conclusion. Therefore, it is effective to the extent that it is resourced and extended to more communities.

Post-sentencing, part 1: classification, protective custody and parole

1. Answer B

B. Shorter sentences generally have automatic parole.

2. Answer B

B. For example, former police or informers.

3. Apply it

- Ava is sentenced to 2 years, with a 15-month non-parole period. → **Generally released to parole automatically at 15 months**
- Ben is sentenced to 8 years, with a 6-year non-parole period. → **The State Parole Authority decides, with community safety its main concern**
- Cal, convicted of murder, refuses to say where the victim's body is. → **No Body, No Parole (2022): parole must be refused**

4. Model response (4 marks): Explain the role of parole in the criminal justice system.

Role. Parole allows an offender to serve the end of a prison sentence in the community under supervision, after the non-parole period.

Why. It supports rehabilitation and reintegration, because offenders return to the community with support and conditions.

How. For sentences over 3 years, the State Parole Authority decides, with community safety its main concern.

Limit. Laws such as No Body, No Parole (2022) show parole can be refused to reflect community values about justice for victims.

Post-sentencing, part 2: preventive and continued detention, registration, deportation

1. Answer B

B. Compare Fardon (2004), which was upheld.

2. Answer B

B. A limit on post-sentence immigration detention.

3. Model response (5 marks): Assess the effectiveness of post-sentence detention in protecting the community.

Judgement. Post-sentence detention protects the community, but at a significant cost to individual rights.

Protection. Continuing detention and supervision orders keep high-risk offenders away from the community, and were upheld where courts decide independently (Fardon 2004).

Limits. Laws targeting individuals are invalid (Kable 1996), and indefinite immigration detention is unlawful where removal is not possible (NZYQ 2023).

Rights. These measures detain people for predicted, not proven, offending, after a proportionate sentence has ended (Veen (No 2)).

Conclusion. Therefore, they are justified only where risk is assessed independently and the orders are limited.

Evaluating sentencing and punishment

1. Strength or weakness of sentencing?

- A victim's family reads a statement in court about their loss. → **Strength: recognises victims (2014 reform)**
- A boat crew member receives a 5-year mandatory minimum for people smuggling. → **Weakness: discretion removed (Magaming)**
- An Aboriginal offender is sentenced through circle sentencing and does not reoffend. → **Strength: reduced reoffending (BOCSAR 2020)**

2. Model response (6 marks): To what extent does sentencing achieve justice for victims, offenders and society?

Judgement. Sentencing achieves justice to a large extent for offenders and victims, but less consistently for society.

Offenders. Instinctive synthesis (Markarian 2005) and the rejection of SNPPs as a starting point (Muldrock 2011) allow individual justice.

Victims. Victim impact statements, including family statements since 2014, recognise the harm caused.

Society. However, mandatory minimums (Magaming 2013) and the over-representation of disadvantaged groups in prison show the system does not always protect the community fairly.

Conclusion. Therefore, sentencing achieves justice where discretion is preserved and the causes of offending are addressed.

The age of criminal responsibility

1. Answer B

B. With doli incapax applying from 10 to 13.

2. Answer B

B. Not merely naughty.

3. Can Kai be convicted of larceny?

- Over 10: Kai can be charged.
- Doli incapax: the prosecution must prove Kai knew it was seriously wrong, not merely naughty (RP 2016).
- Evidence: hiding the phone and lying may show he knew it was seriously wrong.
- If Kai were 9: he could not be guilty of any offence.

4. Model response (5 marks): Discuss the age of criminal responsibility in NSW.

The law. In NSW, children under 10 cannot commit an offence (Children (Criminal Proceedings) Act 1987 s 5), and those aged 10 to 13 are presumed doli incapax.

Cases. The prosecution must prove the child knew the act was seriously wrong (*RP v The Queen* 2016); in *R v LMW* (1999) a 10-year-old was acquitted of manslaughter.

For raising. Supporters argue the age should rise to 14, in line with international standards and the ACT, because detention harms young children.

Against. Others argue serious youth offending requires a response, and the NT lowered its age back to 10 in 2024.

Judgement. On balance, doli incapax provides some protection, but a minimum age of 10 remains below international standards.

Rights of children when questioned or arrested

1. Answer B

B. Children (Criminal Proceedings) Act 1987 s 13.

2. Answer B

B. Arrest should be a last resort.

3. Was the admission lawful?

- Police question a 15-year-old alone, and he admits a theft. → **Generally inadmissible: no support person (s 13)**
- A 16-year-old is questioned with her mother present, after being told about the Youth Hotline. → **Likely admissible**
- A 14-year-old is never told free legal advice is available. → **A breach of the custody manager's duty (Cortez)**

4. Model response (4 marks): Explain how the law protects children when they are questioned by police.

Why. Children need extra protection because they may not understand their rights or the consequences of what they say.

Support person. Admissions are generally inadmissible unless a support person was present (Children (Criminal Proceedings) Act 1987 s 13).

Legal advice. The custody manager must tell the child that free legal advice is available and let them call (*R v Cortez* 2002).

Effect. As a result, the risk of false or pressured confessions is reduced.

Children and the criminal trial process

1. Answer B

B. There is no jury.

2. Answer B

B. Serious children's indictable offences go to higher courts.

3. Apply it

- A 16-year-old is charged with break and enter. → **Children's Court, before a specialist magistrate**
- A journalist wants to name a 15-year-old accused in a news story. → **Generally an offence to publish the name**
- A 17-year-old is charged with murder. → **A serious children's indictable offence: higher court**

4. Model response (4 marks): Describe the operation of the Children's Court.

Jurisdiction. The Children's Court hears criminal matters for young people aged 10 to 17 at the time of the offence, before a specialist magistrate without a jury.

Procedure. Proceedings are less formal, so young people can understand and participate.

Privacy. Hearings are generally closed and it is generally an offence to publish the child's name, protecting rehabilitation.

Exception. Serious children's indictable offences, such as murder, are dealt with in higher courts.

Penalties for children

1. Answer B

B. The last resort.

2. Answer C

C. Reflecting s 6 of the CCPA.

3. Model response (4 marks): Explain how courts balance rehabilitation and community protection when sentencing children.

Principle. Courts treat rehabilitation as the primary aim for young offenders because of their immaturity (CCPA s 6).

Rehabilitation. In *R v GDP* (1991), a 12-month custodial sentence for a 14-year-old was manifestly excessive, as custody would damage rehabilitation.

Protection. However, in *R v Pham & Ly* (1991), a lenient sentence for a violent home invasion was inadequate, as sentences must be proportionate and protect the community.

Effect. As a result, the weight given to rehabilitation decreases as the seriousness of the offence increases.

Alternatives to court: the Young Offenders Act 1997

1. Answer B

B. Warnings do not require an admission.

2. Answer B

B. A restorative justice process.

3. Warning, caution or conference?

- A 13-year-old is caught writing graffiti for the first time. → **Warning**
- A 15-year-old admits shoplifting and has had one previous warning. → **Caution: requires an admission**
- A 16-year-old admits damaging a neighbour's car, and the neighbour wants to meet. → **Youth justice conference**

4. Model response (5 marks): Evaluate the effectiveness of the Young Offenders Act 1997 (NSW).

Judgement. The Young Offenders Act 1997 is largely effective in diverting young people from court, but applied unevenly.

Diversion. Warnings, cautions and conferences avoid criminal records and the harm of court and custody.

Victims. Youth justice conferences involve victims and promote accountability through restorative justice.

Limits. However, diversion depends on police discretion, and Aboriginal young people have been less likely to be diverted.

Conclusion. Therefore, it is effective to the extent that discretion is exercised consistently.

Evaluating youth justice

1. Model response (6 marks): Evaluate the effectiveness of the criminal justice system in dealing with young offenders.

Judgement. The system is partially effective: strong in principle, but weakened by detention and recent punitive reforms.

Protection. Doli incapax (RP 2016), support persons (s 13) and diversion under the Young Offenders Act 1997 protect young people.

Sentencing. Courts prioritise rehabilitation (GDP 1991) while protecting the community for serious crimes (Pham & Ly 1991).

Failures. However, the Don Dale Royal Commission (2017) found systemic failures in detention, and the 2024 NSW bail test (s 22C) was criticised as harsher on children.

Conclusion. Therefore, the system is effective to the extent that diversion and rehabilitation are prioritised over detention.

Categories of international crime

1. Answer B

B. The others are transnational crimes.

2. Answer B

B. Smuggling is illegal entry, usually for payment.

3. Answer B

B. "Following orders" was not a defence.

4. Spot the category

- A militia kills thousands of civilians because of their ethnic group, intending to wipe the group out. → **Against the international community: genocide**
- A syndicate brings women to Australia promising jobs, then takes their passports and forces them to work unpaid. → **Transnational: human trafficking**
- A hacker overseas locks a Sydney hospital's computers and demands payment. → **Transnational: cybercrime**

5. Model response (4 marks): Distinguish between crimes against the international community and transnational crimes.

Nature. Crimes against the international community, such as genocide, offend all humanity, whereas transnational crimes, such as drug trafficking, are ordinary crimes that cross borders.

Offenders. The former are often committed by states or their officials, while the latter are usually committed by individuals or criminal networks.

Response. The former can be tried by the International Criminal Court, while the latter rely on cooperation between countries, as in the Bali Nine case (2005).

Law. In Australia, both are Commonwealth offences: Division 268 of the Criminal Code covers the former, and provisions such as Division 400 (money laundering) cover the latter.

International measures

1. Answer B

B. National courts have the first responsibility.

2. Answer B

B. In 2012, for using child soldiers.

3. Answer B

B. It relies on countries to act.

4. Which measure applies?

- A national government refuses to prosecute its general for mass killings of civilians. → **The ICC, under complementarity**
- A fraud suspect wanted in Australia is believed to be hiding in Europe. → **An Interpol Red Notice, then extradition**
- Countries agree to criminalise trafficking and share evidence. → **A treaty: the UN Convention against Transnational Organized Crime**

5. Model response (4 marks): Explain the role of the International Criminal Court in dealing with international crime.

Role. The ICC, created by the Rome Statute (1998), tries individuals for genocide, crimes against humanity, war crimes and aggression.

How. Under complementarity, it acts only when national courts are unwilling or unable, so that states keep primary responsibility.

Evidence. Its first conviction, of Thomas Lubanga in 2012 for using child soldiers, showed leaders can be held accountable.

Limits. However, because it relies on states to arrest suspects, warrants such as the 2023 warrant for Putin may go unenforced.

Domestic measures

1. Answer B

B. Since 2002.

2. Answer B

B. A condition of extradition.

3. Answer A

A. It tracks financial transactions.

4. Model response (5 marks): Assess the effectiveness of Australia's domestic measures in dealing with international crime.

Judgement. Australia's domestic measures are moderately effective, strongest against organised crime and weakest where evidence lies overseas.

Law. Division 268 of the Criminal Code (2002) allows Australia to try war crimes itself, as in the 2023 charge against Oliver Schulz.

Agencies. The AFP's Operation Ironside (2021) led to 224 arrests in Australia, showing effective enforcement against transnational crime.

Limits. However, gathering evidence from war zones is slow, and cooperation such as in the Bali Nine case can conflict with Australia's opposition to the death penalty.

Conclusion. Therefore, domestic measures are effective to the extent that international cooperation supports them.

Evaluating responses to international crime

1. Model response (6 marks): Evaluate the effectiveness of domestic and international measures in dealing with international crime.

Judgement. Measures are partially effective: strongest where domestic law gives effect to international law.

Domestic. Division 268 allows Australia to prosecute its own nationals, as in the war crime charges against Schulz (2023) and Roberts-Smith (2026).

Cooperation. International police cooperation produced 224 arrests in Australia in Operation Ironside (2021).

Limits. However, the ICC relies on states to make arrests, so its 2023 warrant for Putin is unenforced, and sanctions replaced extradition for Ermakov (2024).

Conclusion. Therefore, measures are effective to the extent that states have the political will to cooperate.

The six themes and challenges

1. Which theme does it show best?

- Only about 1 in 5 eligible people were diverted under EDDI. → **The role of discretion**
- Provocation was narrowed in 2014 after Singh. → **Law reform; moral and ethical standards**
- A domestic violence accused is refused bail to protect the victim. → **Balancing the rights of victims, offenders and society**
- Maranguka cut days in custody by 42% in one year. → **Effectiveness of non-legal measures**

2. Model response (15 marks): Plan: To what extent does the criminal justice system balance the rights of victims, offenders and society?

Judgement. To a moderate extent: the balance has shifted towards victims and community safety since 2014.

Paragraph 1. Investigation: LEPRAs safeguards and Rondo, against s 89A and the strip search findings.

Paragraph 2. Trial and sentencing: Dietrich, victim protections and family VIS (2014), against mandatory minimums.

Paragraph 3. Bail and young people: the 2024 bail reforms, s 22C, and the raise the age debate.