

# NORTHERN TERRITORY LAW JOURNAL

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## ARTICLES

### **When the vulnerable offend – Judge Sue Oliver**

This article identifies the various factors that lead to youth offending in the Northern Territory including the effect of complex trauma on children and the prevalence of fetal alcohol spectrum disorders. Particular note is made regarding indigenous children in remote communities and the effect that poor nutrition, peer pressure, substance misuse, community violence and the situation of the immediate and extended family may have in contributing to offending behavior. All these factors are compounded when assessing the impact on children, who are particularly vulnerable and susceptible to influence. Some of the failures of the youth justice system in failing to prevent youth offending or reoffending are addressed and an alternative approach is suggested. .... 123

### **Unjust Labels – joint enterprise and extended common purpose – Felicity Gerry QC and Suzan Cox QC**

Originally delivered at the Criminal Lawyers Association of the Northern Territory Conference in 2015, this article sets out the injustices created by extensions of criminal liability for accessories and the lack of logic in reducing the mens rea to foresight of a possibility. The authors also consider the lack of harmony across Australia in the law of complicity and have provided updates based on the recent decisions in *R v Jogee*; *Ruddock v The Queen* [2016] 2 WLR 681; [2016] UKSC 8; [2016] UKPC 7 where the UK Supreme Court sat for the first time, at the same time, as the Judicial Committee of the Privy Council and the decision of the High Court of Australia in *Miller v The Queen* (2016) 251 A Crim R 105; [2016] HCA 30..... 138

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