

CRIMINAL LAW JOURNAL

Volume 29, Number 3

June 2005

EDITORIAL

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ARTICLES

THE HIGH COURT'S RECENT ENCOUNTERS WITH SECTION 80 JURY TRIALS

James Stellios

There has been a number of High Court cases over the last five years considering s 80 of the *Constitution*. The cases have revisited old s 80 controversies concerning the circumstances in which s 80 is triggered, and have pressed further the requirements of s 80 once triggered. By providing a detailed analysis of the recent cases, this article shows that the High Court has continued to allow the Commonwealth Parliament the flexibility of determining the circumstances in which jury trials will be required for federal offences, and has allowed State legislatures to implement jury reform measures designed to alleviate the burdens of jury trials. Absent from much of the High Court case law is a detailed consideration of the nature and purpose of the institution reflected in s 80. However, with the development of a framework for determining the requirements of s 80, this is a question that the court will have to address with greater precision.139

COMBATING ORGANISED CRIME IN VICTORIA: OLD PROBLEMS AND NEW SOLUTIONS

Chris Corns

During 2004, the Victorian Government passed a series of interconnected acts in response to various forms of criminality, referred to as "organised crime" or "serious crime". This included unsolved gangland murders, the manufacturing and trafficking of drugs, trafficking in humans for sexual services and police corruption. At one period, the extent and nature of the criminality involved sparked calls for a permanent Crime Commission

or a Royal Commission of Inquiry. The type of crime involved appeared to be beyond conventional law enforcement capacities and so unconventional strategies and methods have been adopted, sanctioned by the new legislative regime. Of particular interest is the *Major Crime (Investigative Powers) Act 2004* (Vic) which creates the new office of examiner and allows for the holding of examinations at which any citizen can be compelled to attend and answer questions. Further, the police are now empowered to authorise the taking of Forensic Procedures upon suspects. This article provides an overview of these legislative reforms and suggests that law enforcement models used at the national or federal level are being adopted at the State level, and that the basic term “organised crime” is also undergoing a shift in meaning and significance..... 154

INVESTIGATING A BILL OF RIGHTS FOR VICTORIA

Daniel McGlone

The Victorian Government has announced it will once again consider whether to introduce a bill or charter of rights and responsibilities. This article argues that it was only with the evolution of a “dialogue model” in New Zealand that the proposal of introducing a bill of rights in Victoria has been able to be revisited. New Zealand enacted its Bill of Rights in 1989. The New Zealand initiative overcame many of the difficulties associated with models previously considered in Victoria, such as an entrenched bill of rights and a declaratory statement. 169

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ISSN 0314-1160

Typeset by Lawbook Co., Pyrmont, NSW
Printed by Ligare Pty Ltd, Riverwood, NSW