

# CRIMINAL LAW JOURNAL

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## EDITORIAL

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## ARTICLES

### HATE CRIMES IN AUSTRALIA: INTRODUCING PUNISHMENT ENHANCERS

**Mark Walters**

The documentation of hate crime has proliferated over the past 20 years. The influence of political lobbying and the efforts of activists during this time has seen the emergence of a new “identity politics” that has enabled the once silent minorities to be heard from every corner of the western world. In doing this, many countries have introduced hate crime legislation that specifically punishes offenders of crime motivated by prejudice. Yet local victims of hate crimes are not protected by hate crime laws as they are in the US and the UK. This article calls for the implementation of hate crime laws throughout Australia in an attempt to recognise and protect the forgotten victims of hate crime. Included in this argument is a discussion on the impact that hate crimes have on the criminal justice system and society as a whole. In essence, will the emergence of greater legal protection impact on the prevalence of this kind of abuse? Furthermore, the question then arises, is it justifiable that new legislation be prescribed to specific groups, creating enhanced punishments for offenders?.....201

### MANSLAUGHTER UNDER THE GRIFFITH CODE: ROWING NOT SO GENTLY DOWN TWO STREAMS OF LAW

**Ben White, Andrew Garwood-Gowers and Lindy Willmott**

This article considers the two streams of law that can lead to a conviction for manslaughter under the *Criminal Code 1899* (Qld). The first stream deals with acts or conduct that cause another’s death in circumstances where that death is not an accident, while the second covers those deaths caused by criminal negligence. The article considers

how the two streams of law interrelate and, in particular, the extent to which both are available in the same case. Some of the inconsistencies identified by judges in relation to these streams of law are considered and possible solutions are canvassed. ....217

## RECENT DEVELOPMENTS IN ENGLISH CRIMINAL LAW AND PROCEDURE

### **Susan Nash**

In addition to considering some of the consequences flowing from the provisions of the *Criminal Justice Act 2003* (UK), which have recently been brought into force, this article considers the detention provisions introduced under the *Prevention of Terrorism Act 2005* (UK), the *Serious Organised Crime and Police Bill*, reforms introduced by the *Criminal Procedure Rules 2005* and the European Arrest Warrant, and concludes with the continuing saga of the use of silence as evidence in criminal proceedings. ....228

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