

CRIMINAL LAW JOURNAL

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Abortion reform: A state crime or a woman's right to choose? – *Heather Douglas*

Abortion law in Australia varies between States and Territories and many of the laws are outdated, confusing and uncertain. Ambiguity within the law has arguably grown since the introduction of medical abortion by means of drugs such as RU486. Despite widespread support for the provision of legalised abortion and access to relevant services, in most States, abortion continues to be a criminal offence and lawfully available only under certain circumstances. While most Australian jurisdictions have seen significant developments in abortion laws over the past 15 years, Queensland's abortion laws are extremely outdated. Proceeding on the basis that safe and legal access to abortion is both morally and socially desirable, this article critically examines the Queensland legal position in relation to abortion before turning to an overview of developments in other jurisdictions. The article concludes that law reform is urgently needed throughout most of Australia and particularly in Queensland.	74
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Beyond the rudimentary and brutal: Procedure, evidence and sentencing in Australia's first criminal court – *Brent Salter*

The practices of Australia's first superior criminal court between 1788-1807, the New South Wales Court of Criminal Jurisdiction, have been widely criticised as having been rudimentary and brutal, presided over by amateur judges and military members, and defined in terms of the rules and disciplines of war. In this article, the author argues that a closer examination of the everyday operations of this court in the early period after settlement suggests that, although there are many examples where the court could be accused of incompetency, bias, indifference and brutality, there are also numerous examples where the criminal laws of England have been carefully applied. The author suggests that an examination of court procedure, evidence of witnesses and sentencing during this period indicates judicial officers were generally maintaining consistent standards in a complex criminal legal system that had to constantly adapt to the unique circumstances of the infant penal colony.	87
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Cambodian Extraordinary Chambers: A mixed tribunal destined to fail – *Christina Son and Grant Niemann*

This article examines the Extraordinary Chambers in the Courts of Cambodia in terms of its ability to provide a fair and open trial to the perpetrators of the crimes committed by the surviving senior members of the Khmer Rouge regime of Pol Pot, and at the same time render justice to the long-suffering victims of those crimes. The allegations of corruption,

deliberate delay, judicial incompetence and political interference surrounding the court are considered and it is suggested that the achievement of a fair and open trial in the prevailing circumstances of Cambodia may make this an especially difficult task. The article laments the fact that the United Nations did not hold its ground with Hun Sen's government of Cambodia during the negotiating of the courts treaty to ensure that the international judges and prosecutors would not be subordinated to the will of the Cambodian appointees. The difficulties confronting the work of the court are compounded by other factors such as the age and frailty of the defendants, the legality or otherwise of amnesties given to many of them by the Cambodian government and the lack of adequate funding which has plagued the court since its inception 105

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