

CRIMINAL LAW JOURNAL

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Identity theft: Aligning law and evolving technologies – Dr Niloufer Selvadurai, Md Rizwanul Islam and Peter Gillies

The proliferation of modern communication technology and the increasing ease with which information can be collected and duplicated has led to a significant increase in the incidence of the crime of identity theft. “Identity theft” refers to the use of the identity of another individual for the purpose of gaining unfair pecuniary benefits or evading responsibility for commission of wrongful acts. The present Australian laws are piecemeal in nature and limited in scope. It is submitted that it is necessary to have a specific offence of identity theft in order to effectively address the myriad of modern internet-driven activities that can result in identity theft. The present article begins by considering the techniques that perpetrators of identity theft employ and the nature of the loss suffered by victims. The article then outlines the limitations of the present Australian laws governing identity theft, and raises the need for a specific offence of identity theft. The law reform discourse in the comparable jurisdictions of the United Kingdom and Canada are also noted. Finally, the article considers additional initiatives that would serve to support the proposed new laws and reduce the incidence and impact of identity theft.	33
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Victoria’s Legal Aid funding structure: Hindering the ideals inherent to the pre-trial process – Asher Flynn

Victoria’s Legal Aid funding structure is based on adversarial traditions that prioritise a trial and reimburse counsel based on this prioritisation. As a consequence, counsel have limited access to resources for their pre-trial preparation, which hinders the effectiveness of pre-trial hearings from attaining any significant level of efficiency or in achieving their inherent ideals, namely the early identification of issues, both those in dispute and those that could resolve. Based on the findings of a three-year research project, in which 51 participants were observed in Victoria’s criminal justice system and 57 semi-structured interviews were conducted, this article argues that reformation of the funding structure is required to provide greater financial resources for counsel in their pre-trial preparation. The article contends that reformation will assist by addressing some of the concerns emerging from the current funding structure, and those inherent to an adversarially focused justice system, where efficiency is a primary desire.	48
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