

# CRIMINAL LAW JOURNAL

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### **The High Court on crime in 2011: Analysis and jurisprudence** – *Stephen Odgers*

This article discusses all of the High Court decisions in 2011 that relate to criminal matters. It examines the principles that derive from these cases and identifies jurisprudential themes from the decisions. It also discusses the significance of the cases and the possible wider consequences of the decisions. ....	5
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### **Safe haven laws, baby hatches and anonymous hospital birth: Examining infant abandonment, neonaticide and infanticide in Australia** – *Lorana Bartels*

This article considers international responses to infant abandonment, neonaticide and infanticide in the context of the recent conviction of Keli Lane for the murder of her newborn daughter and the Children’s Protection (Lawful Surrender of Newborn Child) Amendment Bill 2011 (SA). The article considers three responses currently in operation internationally: safe haven laws, baby hatches, and anonymous birth. Arguments about these models, including effectiveness, whether they target the “wrong” women, and the rights of children to know their genetic origins, are examined. ....	19
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### **The application of criminal defamation to inflammatory comments made on social networking sites: A new role for an old law?** – *Niloufer Selvadurai* and *Md Rizwanul Islam*

Criminal defamation has for many years been considered an antiquated law – a dinosaur awaiting extinction. The main grounds for criticism have been the perceived lack of likelihood that defamatory comments can create a real risk of harm, and the propensity of the action to unduly suppress freedom of speech. As a consequence, the law has fallen out of favour and has had limited application in recent years. However, the widespread use and popularity of social networking sites, and the significant potential for inflammatory comments made on such sites, makes it timely to examine the relevance of the law. ....	38
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**The effect of Indigenous status on the risk of bail refusal – Don Weatherburn and Lucy Snowball**

Very little research has been conducted into the possibility of racial discrimination in relation to bail. This article reports the results of a study into racial bias in the granting of bail by the local courts in New South Wales. The study is exploratory in that it does not control for all key bail-relevant factors and does not look at police bail. The results show that Indigenous status remains a significant predictor of bail refusal even after controlling for a range of bail-relevant factors. The influence of Indigenous status on the risk of bail refusal, however, is very small. Given the limitations of the current study, further research into racial bias in bail is needed, particularly into the granting of bail by police. .... 50

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