

THE AUSTRALIAN LAW JOURNAL

Volume 94, Number 1

January 2020

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AUSTRALIA’S “ABHORRENT VIOLENT MATERIAL” LAW: SHOUTING “NERD HARDER” AND DROWNING OUT SPEECH

Evelyn Douek

In the wake of the Christchurch Massacre, the Australian Government passed the Criminal Code Amendment (Sharing of Abhorrent Violent Material) Act 2019 (Cth) (AVM Act) with essentially no debate or consultation. Creating new criminal offences for social media and hosting companies that fail to remove certain violent content “expeditiously”, the legislation treats the matter of the viral spread of violent content online as a simple problem that could be solved by technology companies if they were only sufficiently motivated. But the problem is not simple, and the AVM Act instead creates incentives for tech companies

to over-censor in order to avoid the threat of liability while failing to address the many deficits that currently exist in online content moderation and associated regulation. 41

RITUALS OF ENGAGEMENT: WHAT HAPPENS TO THE RING WHEN AN ENGAGEMENT IS CALLED OFF?

James Duffy, Elizabeth Dickson and John O’Brien

This article considers the question of who is entitled to keep an engagement ring, when an engagement is ended. The 1926 English High Court decision of *Cohen v Sellar* has been adopted into Australian common law and provides a clear set of rules as to who is legally entitled to the engagement ring. In more recent times, several courts have questioned the modern relevance of the decision in *Cohen v Sellar*, culminating in a New South Wales magistrate explicitly refusing to follow this established precedent. This article examines the basis of the decision in *Cohen v Sellar*, its reception and treatment by Australian courts, and whether societal views regarding the nature of engagement, engagement rings and marriage, mean that the reasoning of the magistrate in *Toh v Su* is justified – and concludes that it is not. 61

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1946 to 1958	– Mr (later Justice) Rae Else-Mitchell
1946 to 1961	– Mr (later Sir) Nigel Bowen
1958 to 1967	– Mr (later Justice) Russell Fox
1967 to 1973	– Mr (later Justice) Philip Jeffrey
1974 to 1992	– Professor J G Starke QC
1992 to 2016	– The Hon Justice P W Young AO
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