

# CRIMINAL LAW JOURNAL

Volume 45, Number 4

2021

EDITORIAL – *Editor: Mirko Bagaric*

<b>The Questionable Legitimacy of the Criminal Law as the Front Line of Defence against COVID-19: Long-term Implications</b> .....	199
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## ARTICLES

<b>Legal Aid Commission of New South Wales: Aiding the Individual, the Nation and the Institutions</b> – <i>The Hon Justice Michelle Gordon AC</i> .....	201
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<b>Criminalising “Wage Theft” in Australia: Property, Stealing, and Other Concepts</b> – <i>Joachim Dietrich and Matthew Raj</i>	
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The underpayment of an employee by an employer is popularly described as “wage theft”. In 2021, the Queensland Parliament passed the *Criminal Code and Other Legislation (Wage Theft) Amendment Act 2020* (Qld). This Act amends several pieces of Queensland legislation, including the *Criminal Code Act 1899*. Relatedly, in 2020, the Victorian Government passed the *Wage Theft Act 2020* (Vic), which created several new criminal offences, such as dishonestly withholding employee entitlements. This article examines the recent legislation in Australia targeting “wage theft”. In so doing, the article compares the two States’ respective approaches to the criminalisation of underpaying employees and, among other things, highlights the significances, both conceptual and practical, of charging employers engaged in “wage theft” – in essence the non-payment of a debt – with the indictable offence of “stealing”. Further, and given that most employers are companies, the article also considers some difficulties that arise in prosecuting companies and whether the legislative reforms adequately take into account that corporate context. ....

218

<b>Myths, Misconceptions and Mixed Messages: An Early Look at the New Tendency and Coincidence Evidence Provisions</b> – <i>David Hamer</i>	
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Following the Royal Commission into Child Sexual Abuse, Uniform Evidence Law jurisdictions are implementing reforms to the tendency and coincidence evidence provisions. These reforms aim to relax the exclusionary rules so that the prosecution can more readily rely upon other allegations against the defendant and the defendant’s prior guilty pleas. The reforms purport to address the traditional misconception that such evidence would lack probative value unless the defendant’s other misconduct shares distinctive similarities with the charged offence. The reforms can be expected to increase the rate of successful prosecutions. However, these benefits are likely to be compromised by the reforms’ unnecessary complexity. Rather than improve understanding of the inferential value of other misconduct evidence, the reforms may sow confusion, wasting the resources of courts, and creating associated costs for complainants, defendants, and other participants. ....

232

COMMENT

<b>Overcoming Password Protection and Encryption of Smart Phones and Computers to Facilitate the Execution of Commonwealth Search Warrants – s 3LA of the Crimes Act 1914 (Cth) – <i>Michael Legg and Stephanie Crosbie</i></b> .....	253
---	-----

DIGEST OF CRIMINAL LAW CASES .....	261
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