

THE AUSTRALIAN LAW JOURNAL

Volume 98, Number 1

January 2024

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ARTICLES

A STEP-WISE APPROACH TO LESS RELIANCE ON PRISON: VICTIM RESTITUTION
AND PROPORTIONATE SANCTIONS AS THE MAIN FOCUS IN SENTENCING
FRAUD OFFENDERS

Mirko Bagaric and Mia Schlicht

For the first time in several decades there are considered and wide-spread calls for significant reform of the sentencing system. This is especially the situation in the United States, largely in response to a mass incarceration crisis. Similar proposals are being advanced in Australia. It has been suggested that prison numbers could be reduced by to 80%. This suggestion is arguably too radical. However, less ambitious reforms are achievable. In this article, it is proposed that a step-wise approach to less reliance on prison should start with imposing alternative sanctions for most fraud offenders, given that the harm caused by their offending is generally less serious than other offence types. This reform, if successful, could act as a model for the greater use of alternative sanctions for other offence types – in particular other non-violent offence types. 37

SDCV V DIRECTOR-GENERAL OF SECURITY: PROCEDURAL FAIRNESS AND
THE ABILITY TO DECIDE A MATTER BASED ON SECRET EVIDENCE NOT
DISCLOSED TO A PARTY OR THEIR LEGAL TEAM

Pauline Collins and Anthony Gray

With changes afoot in the judges sitting on the High Court later in 2023 this article addresses a hope for a future change enabling greater protection of fundamental rights of an individual to know the accusations and evidence against them. The decision in SDCV, by a slim majority of one, validated the challenged law in s 46(2) of the *Administrative Appeals Tribunal Act 1975* (Cth). This precluded the right of SDCV or his legal team from knowledge of the evidence against him. This article documents the decision and reasoning of the High Court in this case. It sets forth the basis for concern in such national security situations. 57

AUSTRALIA'S PLACE IN THE BRITISH EMPIRE 1900–1950

Richard Travers

When the Commonwealth of Australia was inaugurated in 1901, it became the newest colony in the British Empire. When the *Australia Acts* took effect in 1986, the last constitutional vestiges tying Australia to Britain were severed. Sometime between 1901 and 1986, Australia had become a sovereign nation, independent of Britain. When, and in what circumstances, did that happen? 69

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