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Sentencing for More than One Offence – *Stephen Odgers* 435

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The High Court on Crime in 2024: Outcomes and Jurisprudence – *Mirko Bagaric*

This article examines the judgments of the High Court in 2024 which relate to criminal matters. This systematic analysis of all High Court judgments commenced in this journal in 2010 and is undertaken annually. This article explains the principles that arise from these cases and identifies jurisprudential themes from the decisions. 439

Disorderly, Offensive, Abusive, and Threatening Conduct in Public: A Proposed Reform of Public Order Offences in the Summary Offences Act 1966 (Vic) – *Steven Tudor*

This article argues that ss 17(1) and 17A of the *Summary Offences Act 1966 (Vic)*, which criminalise various forms of anti-social behaviour in public, are outdated, poorly drafted, and obscure the policy basis for the criminalisation of such conduct. More than 20 years after a parliamentary committee review found s 17 was unsatisfactory and should be revised, no substantive reforms have yet been enacted. This article argues that the provisions should be repealed and proposes a new suite of public order offences to replace ss 17(1) and 17A. The proposed offences target different forms of disorderly conduct in public: a base offence of disorderly conduct in public, followed by, in order of increasing gravity, disorderly and offensive conduct in public, disorderly and abusive conduct in public, and disorderly and threatening conduct in public. 454

Age of Criminal Responsibility – Getting Older and Wiser – *Thomas Crofts*

Australia is currently reconsidering the age at which a child can be dealt with in criminal proceedings. Some jurisdictions have already raised the minimum age of criminal responsibility (MACR) to 12, some plan a further increase to 14 in the near future and one did increase the MACR but has already reduced it back to 10. This article adds to this ongoing debate about reforming the MACR in Australia. It takes as a framework criticisms recently put forward against raising the MACR in an article published in 2023 by Andrew Hemming entitled “Criminal Responsibility: Older but No Wiser”. It reviews these criticisms and reasserts the validity of arguments supporting an increase in the MACR. It also addresses further reasons for raising the MACR, including the dominant characteristics of children in the criminal justice system and their need for support outside that system. The article then explores recent changes and reform initiatives related to the MACR, including whether there should be carve outs for serious offences and whether there is still a need for the presumption of *doli incapax*. 470

Civil Forfeitures of Criminal Assets and the Simultaneous Convictions Dilemma –
David A Pittavino and Xavier P Walsh

Throughout Australia, forfeiture regimes confiscate assets acquired from, or used in, particular types of criminal offending, or, more accurately, those owned or subject to the effective control of criminal offenders. In South Australia, one relevant kind of offender is the “prescribed drug offender”. Section 6A(1)(b) of the Criminal Assets Confiscation Act 2005 (SA) provides that a person is a prescribed drug offender if “the person is convicted of a serious drug offence ... and the person has at least two other convictions for prescribed drug offences”. Does a convicted person whose convictions are entered simultaneously, rather than sequentially, answer that description? By majority, the South Australian Court of Appeal in *Donnelly v Director of Public Prosecutions (SA)* answered that question in the affirmative. This article analyses that decision and argues that, of the competing interpretations of s 6A(1)(b) adopted, the majority’s better accords with orthodox interpretive principles. 490

Australia’s Cruel Detention of First Nations People Found Not Guilty by Reason of Cognitive Impairment – *Patrick Keyzer, Indra Liepins and Patrick McGee*

This article tells the stories of two First Nations men found not guilty by reason of cognitive impairment who were subjected to human rights violations in custody. The experiences of the two men are described and compared. This article reflects on the merits of their different pathways to better outcomes, and the failure of Australia to implement its international human rights obligations properly. 512

Miscarriages of Justice and the Post Office Limited Cases in Scotland – *Robert Shiels*

The evidence led on behalf of Post Office Ltd for their criminal prosecutions has resulted in notorious miscarriages of justice. The Post Office Ltd cases in Scotland were no less discreditable than those in England, Wales and Northern Ireland, although different legal considerations apply in Scotland because of the longstanding system of public prosecution. 525

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Sentencing Developments in the United States in 2024: Back to Tough on Crime? –
Mirko Bagaric

Crime and punishment are among most politically and socially controversial subject areas in the United States. Over the past decade, there has been a general softening of the severity of sanctions, following the tough on crime era that occurred in the previous four decades. Against the backdrop of a large increase in crime in recent years, there are signs that parts of the United States are reverting to a more punitive setting. This article discusses the key sentencing reforms in the United States in 2024. 538