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Sydney Institute of Criminology



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## Tyranny of Arbitrariness: Rethinking Police Discretion and ‘Contempt of Cop’

As the **Black Lives Matter** movement in Australia focuses critical attention on Indigenous deaths in custody, policing practices and the criminal justice system, [Professor Simon Bronitt](#), Head of School and Dean of the Sydney University Law School shares his thoughts on police discretion and over-policing.

“Policing and criminal justice rest on the exercise of discretion, which often sadly **fails to alleviate the effects of harsh laws upon some of our most vulnerable communities**. While some groups in society benefit from access to a police caution or warning rather than arrest, and access to diversionary programs rather than custodial options, other groups seem destined to receive more punitive responses. A history of disempowerment and poor community relations is likely to provoke only further resistance and disrespect with police and the law generally. Such defiance in turn leads to more punitiveness and repression on the part of the system.

Take the example of minor nuisance or street offences like swearing. Police arrests in these cases tend to be targeted against young people and minorities. **Resistance to the policing of bad language (or what is described as ‘contempt of cop’) leads often to escalating violence**. What is a minor nuisance of being sworn at or in front of (or an ‘occupational hazard’ of policing, as one judge described it) is elevated to the more serious aggravated offence of assault police. All the while, attention is diverted from how the police chose to exercise their powers over vulnerable persons. How is this cycle avoided?

Police powers involving deprivation of liberty must be exercised as a matter of last resort. Also **swearing, while offensive, should not be a crime unless the behaviour threatens harm or incites violence or is a form of racial vilification**. This well-established pattern of police-citizen interaction remains a too common gateway into the criminal justice system for many people from vulnerable groups. **Reform to both the law and police practice is urgently needed,**” Professor Simon Bronitt said.

For more on this, watch the [University of Sydney Culture Forum](#), held as part of

National Reconciliation Week and chaired by Former Race Discrimination Commissioner and Culture Strategy Director Dr Tim Soutphommasane. The Culture Forum panel includes Professor Simon Bronitt, Head of School and Dean of the Sydney University Law School, Professor Jaky Troy, Director of Aboriginal and Torres Strait Islander Research, Liam Harte, A/Director of Indigenous External Relationship Development and Vita Christie, Program Manager for the Poche Centre for Indigenous Health.

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## New criminal offence for academic cheating services to be enforced by an Education Integrity Unit

The *Tertiary Education Quality and Standards Agency Amendment (Prohibiting Academic Cheating Services) Bill 2019* is currently before the Australian Parliament. The Bill implements recommendations of the Higher Education Standards Panel to introduce deterrents to third party academic cheating services in higher education.

The Bill proposes amendments to the *Tertiary Education Quality and Standards Agency Act 2011* to create a **new criminal offence of providing or advertising an academic cheating service** on a commercial basis, and broaden the role of the Tertiary Education Quality and Standards Agency (TEQSA) to include the prevention and minimisation of the use and promotion of academic cheating services in courses provided by higher education providers.

As part of these measures, the [Australian Government today announced](#) the creation of a Commonwealth funded **Education Integrity Unit** to police academic cheating, foreign interference, cyber hacking and academic integrity at universities, at a cost of \$3.9 million per annum.

Commenting on the Bill, [Professor Rita Shackel](#), Associate Dean Education, University of Sydney Law School said, “The proposed provisions are welcomed and are very timely. They are necessary now more than ever. It is widely recognised that contract cheating is on the rise and is increasingly posing a serious threat to academic integrity in higher education assessments.

“The urgent need to firmly address this threat has most recently been enlivened by a very rapid and strong shift across the higher education sector in the face of the **COVID-19 pandemic, moving many more high stake assessments, including final examinations, online, often absent any form of invigilation.** This shift to greater online assessment has expanded the opportunity and marketplace for both the advertising and provision of contract cheating services.

The proposed provisions clearly signal that **contract cheating is more than just a matter of unethical behaviour; it constitutes criminal conduct, which may be punishable by imprisonment.** The criminalisation of contract cheating sends a clear message that this form of cheating in education is unacceptable and those that promulgate or provide this type of service are engaging in behaviour that will not be tolerated. The provisions set high community standards and expectations denouncing any form of contract cheating.

The Bill represents an important step towards grounding a much stronger culture of respect and responsibility and preserving the highest of standards and integrity in assessments across higher education in Australia. This is important to safeguard the reputation of the higher education sector and its many and varied programs, including professionally accredited qualifications.

The changes would activate an important step in building renewed community trust and confidence that Australian higher education institutions are delivering quality education, equipping all graduates with requisite knowledge, skills and competencies, and that assessments in higher education can't be circumvented.

**These provisions must be implemented, alongside a coordinated sector wide strategy and sustained institutional efforts to inculcate in students a commitment to, and individual responsibility for, academic integrity,"**

Professor Rita Shackel said.

The new provisions would allow for TEQSA to: monitor and gather intelligence; seek injunctions to require internet carriage service providers and online search engine providers to block access to domestic and international websites promoting cheating services; investigate identified alleged offenders; support institutions and law enforcement agencies to investigate suspected offences; refer matters to the Commonwealth Director of Public Prosecutions for prosecution; and share information about academic cheating services and their users with higher education providers and overseas higher education regulatory authorities. [Access the Bill and explanatory notes.](#)

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## Sydney Law Dean releases statement on High Court Inquiry

[Professor Simon Bronitt](#), Head of School and Dean of Sydney Law School has released a statement in response to a recent High Court Inquiry concerning allegations of sexual harassment against former Justice Dyson Heydon.

"As the Dean of Sydney Law School, **I wish to express my solidarity and support for the victims** who have been abused by former High Court Justice, Dyson Heydon. The High Court's administrative review, though long coming, has exposed a pattern of abusive and unprofessional behaviours over his tenure on the Court.

I wish to commend the courage of our alumna, Chelsea Tabart, one of our best and brightest students, and other female Associates, in righting these wrongs – they no longer need suffer in silence.

The failure of many institutions in our community to prevent this type of abuse, to provide real remedies for those affected and to prevent re-victimisation by the legal process itself, must be addressed. The rule of law means, at its core, that **no-one, however high and powerful in their office, is above the law,"** Professor Simon Bronitt said.

[Read the statement by The Hon Susan Kiefel AC, Chief Justice of the High Court](#)

# Concern over changes to Tendency and Coincidence evidence laws

The NSW Parliament passed the *Evidence Amendment (Tendency and Coincidence) Bill 2020* on 3 June 2020. The Act amends the *Evidence Act 1995* to facilitate greater admissibility of tendency and coincidence evidence, with a particular focus on evidence in criminal proceedings for **child sexual offences**. The provisions will commence on 1 July 2020 and apply from that date to existing proceedings where a hearing has not commenced.

The amendments to Part 3.6 of the *Evidence Act 1995* introduce a rebuttable presumption that certain tendency evidence relating to a child sexual offence is presumed to have significant probative value, clarify that coincidence evidence includes evidence from multiple witnesses claiming they are victims of an accused person, and provide that tendency evidence or coincidence evidence adduced by the prosecution about a defendant is inadmissible unless the probative value of the evidence outweighs the danger of unfair prejudice to the defendant.

The amendments set out a number of matters that the court *must not* ordinarily take into account in determining whether there are sufficient grounds for overcoming the presumption. These include a difference in the personal characteristics (including age, sex or gender) of the child to which the proposed tendency evidence relates and the child to which the proceedings relate, a difference in the relationship that the defendant had with each child, and the period of time between the matters to which the tendency evidence relates and the incident to which the proceedings relate.

Commenting on the new provisions, [Professor David Hamer](#) of the University of Sydney Law School and the Sydney Institute of Criminology said, “I was closely involved in the Royal Commission’s work in this area and gave the NSW Government plenty of feedback on the drafting of these reforms. **I have consistently advocated that tendency and coincidence evidence be made readily available to the prosecution, particularly in sexual assault cases.** However, I have some grave concerns about the form this legislation takes.

“First, the law in this area is already absurdly complex (eg. distinguishing two forms of propensity evidence and subjecting them to two admissibility tests) and the reforms make it even worse. The most significant relaxation of admissibility requirements only operates in respect of *tendency evidence* of the defendant’s *sexual interest in a child in child sexual offence proceedings with commission* in issue. **This technicality is extremely inefficient, adding time to pre-trial hearings, trials and increasing the likelihood of appeals.**

Apart from the complexity, there is a further problem with limiting this reform to tendency evidence. The natural consequence is that the prosecution will characterise evidence of a defendant’s other misconduct as tendency evidence rather than coincidence evidence, even where it more naturally fits the latter characterisation – where, for example, the prosecution, in reality, is relying upon the improbability of the different alleged victims all telling similar lies. This will hinder jury understanding of the evidence and increase the risk of prejudice.

Courts and law reform bodies in the past recognised that tendency reasoning poses a greater risk of prejudice than coincidence reasoning,” Professor Hamer said.

**Notably, the Bill passed with an amendment requiring the Minister review the provisions in 2022**, with a report to be tabled by 30 September 2022. The review must consider the operation of the new provisions, the circumstances in which tendency evidence or coincidence evidence about a defendant is admissible in proceedings for sexual offences, and whether those circumstances should be broadened.

“Finally, it is **unjust that the opening up of admissibility be limited to child sexual assault cases. At a minimum it should be extended to prosecutions for sexual assault of women** – now, not in two or more years’ time. The rationale for the reform is that child sex offending is a serious offence that occurs on a wide scale and yet, because of the nature of the offence, it is difficult for the prosecution to prove. Evidence of a defendant’s other sex offending can be crucial to a prosecution. This rationale applies equally to the sexual assault of women.

In fact, in one key respect it is even more difficult to prove the sexual assault of women. The prosecution has to prove the complainant’s non-consent. And, on this issue, it is even harder for the prosecution to rely upon evidence of prior convictions or evidence of other alleged victims. The High Court in *Phillips* (2006) 225 CLR 303 held that other complainants’ lack of consent ‘proves only what mental state each of the other complainants had on a particular occasion affecting them, and that can say nothing about the mental state of the first complainant on a particular occasion affecting her’: at [47]. Somehow the High Court missed the obvious. The fact that one woman has had non-consensual sex with the defendant actually says a great deal about the defendant – that he is prepared to force women to have sex with him against their will – and this lends support to the claims of other women that they had non-consensual sex with the defendant. **Any reform in this area should overturn the High Court’s pernicious and illogical ruling in *Phillips***,” Professor Hamer said.

The amendments follow recommendations made by the *Royal Commission into Institutional Responses to Child Sexual Abuse* and have been the subject of a NSW led working group considering the reform in the context of the Australian Uniform Evidence Act.

“These reforms are the product of years of law reform work. It is remarkable that the result is so deeply problematic. Such a wasted opportunity. Currently these changes are limited to NSW’s Evidence Act. However, this Act forms part of Australia’s Uniform Evidence Law (UEL) and the working group operated under the auspices of the Council of Attorneys General. It appears likely that other UEL jurisdictions will adopt the same changes and they may be picked up by the non-UEL jurisdictions, SA, WA and Qld. Hopefully, though, other Australian Parliaments will come up with a simpler, fairer and more effective reform package,” Professor Hamer said. [Access the Act and Explanatory Notes](#)

For more on this, see Professor Hamer’s commentary in (2020) 94 ALJ 239.

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# Sentencing and disadvantage: the use of research to inform the court

The June issue of the *Judicial Officers' Bulletin* published by the Judicial Commission of NSW features an article by Nicholas Cowdery AO QC, Professor Jill Hunter and Rebecca McMahon.

Adjunct Professor **Nicholas Cowdery AO QC, Sydney Institute of Criminology** explains that, “The article reports upon the creation of the Bugmy Bar Book, promotes the principles lying behind that initiative and explores ways of enabling them to be realised. [The Bugmy Bar Book](#) is named after *Bugmy v The Queen* (2013) 249 CLR 571; [2013] HCA 37, which confirmed that an offender's background of deprivation (to which may be added disadvantage) should be taken into account in sentencing provided it is supported by evidence establishing it in the instant case.

Much research has been and is being carried out into disadvantage of various kinds experienced in many situations (not just among the Indigenous community, which was the primary focus of *Bugmy*). The article explores this, discusses its receipt into evidence, the ways the prosecution and defence should approach these issues and provides links for courts and practitioners to find support for applying these notions in practice,” Adjunct Professor Cowdery said. [Read the Judicial Officers' Bulletin article.](#)

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## Black Lives Matter Australia in the media

### **In the media** How does Australia address worsening Indigenous incarceration rates? Focus on these three things

Shanon Molloy speaks with **Associate Professor Megan Williams**, Assistant Director and Research Lead of the National Centre for Cultural Competence at the University of Sydney, 16 June 2020, news.com.au. ‘A worsening issue raised during recent Black Lives Matter protests can be turned around by focusing on three things, a leading expert says. For her part, Associate Professor Williams said her solution involved focusing on three things: the system, services and community. “At the system level, that’s the Uluru Statement. Make the three changes it’s calling for – constitutional amendment, legislative change and a Makarrata Commission for a process where Aboriginal people make decisions,” said Associate Professor Williams. [Watch the News interview and read the article.](#)

### **In the media** 'Show respect and listen': scenes from Australia's first Indigenous-run police station

Elissa Blake, *The Guardian Australia*, 5 June 2020. ‘Amid growing global civil unrest against police brutality and racism, a small station 330km west of Uluru is trying things differently. Directed by **Cornel Ozies**, *Our Law* depicts the mutually

respectful relationship forged between the Indigenous community and the officers who police it. Senior Sergeant Revis Ryder and Sergeant Wendy Kelly work a sprawling beat centred on Warakurna, a small town on Ngaanyatjarra land at the foot of the Rawlinson ranges some 330km west of Uluru....”You could see straight away that Revis and Wendy were working beyond the badge,” Ozies tells *The Guardian*. “They really engaged with the community, and you could feel the love that went back to them. It was so much more than a passing relationship.” [Read The Guardian article.](#) [Learn more about the documentary Our Law.](#) Cornel Ozies is a Videographer at the [National Centre for Cultural Competence](#), University of Sydney.

## **In the media** Former NSW police leader admits he and others “took their eye off” Indigenous deaths in custody

Former NSW Police Force Deputy Commissioner, **Nick Kaldas** APM talks with Linda Mottram, ABC. On racism in police forces, Kaldas said, “The tone starts at the top. So when police leadership is vocal and active and out there and engaged with communities, and also makes all the right noises in terms of what is required and what is expected of their men and women, that happens. When they are silent, when they’re negligent, or when they don’t take enough of an active role, when they don’t get out there and meet the communities themselves and be seen and be heard and hear from the communities, they also follow that example. So it’s a question of leadership.” [Listen to the ABC interview.](#)

## **In the media** Targeting police will do little to stop Aboriginal deaths in custody

**Don Weatherburn**, *The Sydney Morning Herald*, 15 June 2020. “Aboriginal people are too often the victims of racist and brutal policing. And yes, the way police treat Aboriginal children (and adults) needs to change. But the complete elimination of racist policing would do little to reduce the number of Aboriginal Australians in prison custody and the number who die there. Police treatment of Aboriginal people and Aboriginal over-representation in prison are two distinct issues requiring different responses. The former requires change in the behaviour of police. The latter requires an Aboriginal-led government-supported effort to improve Indigenous outcomes in child welfare, health, education and employment.” [Read the SMH opinion piece.](#)

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## Covid-19 Criminology

### **Covid** Public health expert says Black Lives Matter protests should be allowed to go ahead

SBS News reported on 12 June 2020 that **Public Health Association of Australia chief executive Terry Slevin** said the health of Australia's first nations people is one of the most pressing public health issues today.

"If the same commitment made by Australians and their governments to control COVID-19 was applied to eradicating racism and improving the circumstances of our first people, Australia would be an enormously advanced nation," said Mr Slevin. "We call on governments and police to lend every support to the Black Lives Matter protesters in exercising their democratic right to peaceful protest, to forego any legal action to hinder protests, and to support protests in ways that mitigate any risk of COVID-19, for example, by providing masks to protesters" said Mr Slevin. [Read the SBS News article.](#)

## **Covid** Crime plummets during COVID-19 lockdown

A report released on 18 June 2020 by the **NSW Bureau of Crime Statistics and Research** (BOCSAR) shows that crime fell sharply in April 2020, coinciding with strict social isolation strategies introduced to control the COVID-19 pandemic. BOCSAR examined changes in crime over six weeks from mid-March 2020; the time that social distancing measures commenced in NSW. For key offences BOCSAR compared the level of crime recorded by police in this period with the expected level based on data from previous years. The study found large decreases in many crime categories including: robbery down 42%; non-domestic assault down 39%; sexual offences down 32%; break and enter dwelling down 29% and break and enter non-dwelling (down 25%); steal from motor vehicle down 34% and car theft down 24%; and shop lifting down 55%. Some crimes remained stable, including domestic violence assault and certain drug offences. [Access the BOCSAR report.](#)

## **Covid** Changes in online gambling during the COVID-19 pandemic: April update

**Rick Brown & Amelia Hickman, *Statistical Bulletin no. 27*. Canberra: Australian Institute of Criminology.**

**Abstract:** This paper examines changes in online gambling behaviour in April 2020 and compares the results with those of March 2020. This comparison was based on identical surveys undertaken a month apart which asked about online gambling participation. The prevalence of online gambling declined from 24 percent in March to 20 percent in April. Among those participating in online gambling, the proportion who reported betting less on at least one form of online gambling decreased between March (60%) and April (46%). While the prevalence of online gambling declined, the amount spent increased between March and April. While 20 percent reported spending more in March than at the start of the year, this increased to 33 percent in April. Factors associated with increased spending in April included being male, being aged under 40 years and living as a couple with children. Notably, the latter was not a predictor of increased spending in March. [Access the bulletin.](#)

## **Covid** When tools for a health emergency become tools of oppression

*Gabby Bush and Kobi Leins, University of Melbourne*, bring attention to surveillance technology deployed to combat COVID-19 that can quickly be used against civil freedoms in an article published in *Pursuit* on 8 June 2020. Bush and Leins write that, "The Australian government has made a huge effort to be transparent with its COVIDSafe app. But the same safeguards don't exist for

policing purposes....Increased surveillance will disproportionately affect the safety and privacy of minority communities the world over." [Read the Pursuit article.](#)

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## New publications

### **Report** Crossing the line: Lived experience of sexual violence among trans women of colour from culturally and linguistically diverse (CALD) backgrounds in Australia

**Australia's National Research Organisation for Women's Safety (ANROWS), 2020. Research conducted by researchers based in the Translational Health Research Institute at Western Sydney University, with practice expertise provided by the Gender Centre.**

The ANROWS research found that trans women of colour living in Australia are more likely than other women to report having been assaulted by a stranger. The report shows that trans women of colour are subject to pervasive violence both outside and inside the home, from verbal violence—such as catcalling—to assaults. As a result, there are very few places where trans women of colour are safe from abuse. This research demonstrates that the absence of culturally competent information and knowledge about transgender experience, accompanied by misinformation, can lead to stigma, prejudice and discrimination, results in unmet health and justice needs for trans women. This can have serious consequences for trans women's physical and psychological wellbeing. The report includes recommendations for policy and practice. [Access the ANROWS Research Report.](#)

### **Report** Commonwealth fraud investigations 2017-18 and 2018-19

**Coen Teunissen, Russell G Smith & Penny Jorna, Statistical Report no. 25. Canberra: Australian Institute of Criminology**

Abstract: Public sector fraud involves dishonestly obtaining a benefit or causing a loss by deception or other means. It can be perpetrated by public servants, by members of the public or by corporations. It can lead to loss of revenue, damage to morale and long-lasting erosion of trust in government services. This Statistical Report presents the findings of the most recent annual census of fraud against Commonwealth entities and the measures taken to prevent fraud. It highlights the substantial cost of fraud to the Commonwealth, from both internal and external sources targeting Commonwealth monies or resources. [Access the Report.](#)

### **Report** Fraud within and against the Commonwealth: The most harmful frauds, 2016-17 to 2018-19

**Coen Teunissen, Russell G Smith & Penny Jorna, Statistical Report no. 26.**

## **Canberra: Australian Institute of Criminology**

Abstract: Fraud threats facing the Commonwealth arise principally from two areas: individuals employed by the Commonwealth or contractors (internal fraud); and customers/clients of the Commonwealth, third-party providers, vendors, or members of the public, in Australia or overseas (external fraud). The current report presents the information about the most harmful internal and external frauds committed against the Commonwealth in 2018–19, compared with those reported in 2016–17 and 2017–18. Data come from finalised fraud investigations that were reported by Commonwealth entities in response to the Australian Institute of Criminology's annual fraud census. The findings show that losses from both the most harmful internal and external frauds were lower in 2018–19 than in 2017–18. In 2018–19, 44 percent of respondents identified the most harmful internal fraud perpetrator as having been employed with the entity for longer than seven years. The majority of the most harmful internal frauds were committed by individuals with either no security clearance or an unknown clearance status. In 2018–19, a higher proportion of perpetrators received a sentence of imprisonment following conviction for the most harmful external frauds than internal frauds. In 2018–19, the most common fraud control weaknesses identified were perpetrators overriding existing internal controls and the lack of knowledge concerning fraud risks. [Access the report.](#)

## **Bulletin** Why Australian police detainees choose to use (or not use) non-prescribed fentanyl

**Alexandra Voce & Tom Sullivan, Statistical Bulletin no. 26. Canberra: Australian Institute of Criminology**

Abstract: This study aims to better understand the motivations of Australian police detainees who use non-prescribed fentanyl. Respondents who had used non-prescription fentanyl (n=44) began using it to achieve intoxication, or to reduce physical pain, mental distress or the symptoms of withdrawal from other drugs. Some had also used fentanyl as a more potent substitute for other drugs. Although detainees rated the risks of fentanyl overdose and dependence as high, these risks were not the main deterrents to fentanyl use. [Access the bulletin.](#)

## **Report** Understanding the structure and composition of co-offending networks in Australia

**David Bright, Chad Whelan & Carlo Morselli, Trends & issues in crime and criminal justice no. 597. Canberra: Australian Institute of Criminology**

Abstract: A large volume of criminal offending involves two or more individuals acting collaboratively. In recent years, much contemporary research on group crime has integrated research on co-offending with the study of criminal networks. However, while this research (mostly from the United States and Canada) is generating significant insights into co-offending, there is a notable absence of research on co-offending and co-offending networks in Australia. This report presents the findings of a study into co-offending using arrest data from Melbourne, Australia. The study sought to extend previous work on co-offending by analysing the range of crime types committed by individuals and co-offenders across co-offending networks. [Access the report.](#)

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## Opportunities and jobs

### Call for papers Policing in a Pandemic - Call for papers

*Policing: An International Journal* invites submissions for a special issue, 'Policing in a Pandemic', that report on empirical assessments of the effects of COVID-19 on a wide range of issues facing law enforcement. Manuscripts will cover themes such as (list not exhaustive): changes in recruitment and training efforts; adjustments to the provision of public services, including what services are offered and how they are provided; law enforcement readiness for public health crises; short- and long-term effects on health and wellness of sworn and civilian personnel; police problem-solving during a public health crisis; and how the situation is perceived by personnel at all levels. Authors interested in submitting a manuscript should submit an abstract to the guest editor, Janne E. Gaub, by **1 November 2020**. Manuscripts should be received no later than 6 June 2021. [Visit the website for more information.](#)

### Awards ANZPAA NIFS Best Paper Awards

The ANZPAA NIFS Best Paper Awards are presented yearly and recognise the contribution of members of the Australia New Zealand forensic science community in improving the forensic sciences and increasing the body of knowledge available to the forensic and wider communities.

Applications for the ANZPAA NIFS Best Paper Awards are currently being accepted via email to [secretariat.nifs@anzpaa.org.au](mailto:secretariat.nifs@anzpaa.org.au). **Submission close 31 August 2020.** [Visit the website for more information.](#)

### Job Senior Policy Officer

The NSW Law Reform and Sentencing Council Secretariat is seeking a Senior Policy Officer for 12 months to undertake work for both the Law Reform Commission and Sentencing Council. The major projects in this period include the Sentencing Council's review of Homicide and the Law Reform Commission's open justice review. Essential Requirements for the role include: legal qualifications and a sound knowledge of Commonwealth and state law, government functions and the legislative process. The position is a Clerk Grade DPO IV/V, Base Salary (\$118,507 – \$128,089), plus employer's contribution to superannuation and annual leave loading. **Application close 2 July 2020.** [Visit the website for more information.](#)

### Job Research Assistant – University of Wollongong

**How Intoxication Evidence Operates in Australian Rape/Sexual Assault Trials**

Expressions of interest are sought from appropriately qualified persons to work as a Research Assistant (RA) associated with a new Australian Research Council project, 'Intoxication Evidence in Rape Trials: A Double-Edged Sword?' The project's Chief Investigators are Associate Professor Julia Quilter (School of Law, Faculty of Law, Humanities and the Arts, University of Wollongong) and Professor Luke McNamara (Faculty of Law, University of NSW). This project aims to assess the effectiveness of Australian criminal law reforms that have attempted to break the 'rape myth' nexus between intoxication and assumed consent. Focusing on intoxication evidence in sexual assault/rape trials in three Australian jurisdictions (NSW, Queensland and Victoria) this project will undertake qualitative analysis of appellate judgments, rape/sexual assault court transcripts and interviews with prosecutors and defence lawyers. The RA position is available for three (3) years from June 2020. The successful applicant will have an LLB/JD with First Class Honours (or equivalent degree in an allied discipline and demonstrated knowledge of Australian criminal law and evidence law), as well as demonstrated strong research skills and excellent communication skills. Applicants should submit a cover letter detailing relevant experience, a CV with the names and addresses of two referees and academic transcripts to A/Prof Julia Quilter at [jquilter@uow.edu.au](mailto:jquilter@uow.edu.au). **Applications close 28 June 2020** or until a suitable applicant is appointed. For more information, please contact A/Prof Julia Quilter: [jquilter@uow.edu.au](mailto:jquilter@uow.edu.au).

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