

CRIMINAL LAW GUIDEBOOK: QUEENSLAND AND WESTERN AUSTRALIA

ANDREW HEMMING

ASSESSMENT PREPARATION

CHAPTER 5

ACTIVE LEARNING QUESTIONS

1. What are the elements of rape and sexual penetration?

Queensland and Western Australia use different terminology to describe sexual intercourse without consent. Queensland uses the term 'rape' and defines the offence of rape in s 349 of the *Criminal Code 1899* (Qld). Western Australia uses the term sexual penetration without consent and the offence is found in s 325 of the *Criminal Code 1913* (WA).

Queensland

The act or physical element of the offence of rape is the penetration. As can be seen from the definition of sexual penetration in s 6 and s 349(2) of the *Criminal Code* (Qld), penetration has a broad meaning. The essence of the offence of rape is lack of consent. However, the legislation is silent on a mental element, such as whether the person was reckless as to whether the other person was consenting. This then leaves the circumstances under which the penetration occurred, in order to establish lack of consent.

Western Australia

Western Australia uses the term 'sexual penetration without consent' as opposed to rape. The offence is defined in s 325 of the *Criminal Code* (WA) as: 'A person who sexually penetrates another person without the consent of that person is guilty of a crime.' Thus, as in Queensland, the act is the sexual penetration and there is no mental element prescribed in the offence. Whether the other person was consenting is determined by whether consent was freely and voluntarily given.

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The Handbook of Comparative Criminal Law Kevin Jon Heller, Markus Dubber, 2010-12-01 This handbook explores criminal law systems from around the world with the express aim of stimulating comparison and discussion General principles of criminal liability receive prominent coverage in each essay including discussions of rationales for punishment the role and design of criminal codes the general structure of criminal liability accounts of mens rea and the rights that criminal law is designed to protect before the authors turn to more specific offenses like homicide theft sexual offenses victimless crimes and terrorism This key reference covers all of the world s major legal systems common civil Asian and Islamic law traditions with essays on sixteen countries on six different continents The introduction places each country within traditional distinctions among legal systems and explores noteworthy similarities and differences among the countries covered providing an ideal entry into the fascinating range of criminal law systems in use the world over **Routledge**

International Handbook of Green Criminology Nigel South, Avi Brisman, 2020-04-14 The Routledge International Handbook of Green Criminology was the first comprehensive and international anthology dedicated to green criminology It presented green criminology to an international audience described the state of the field offered a description of a range of environmental issues of regional and global importance and argued for continued criminological attention to environmental crimes and harms setting an agenda for further study In the six years since its publication the field has continued to grow and thrive This revised and expanded second edition of the Handbook reflects new methodological orientations new locations of study such as Asia Canada and South America and new responses to environmental harms While a number of the original chapters have been revised the second edition offers a range of fresh chapters covering new and emerging areas of study such as conservation criminology eco feminism environmental victimology fracking migration and eco rights and e waste This handbook continues to define and capture the field of green criminology and is essential reading for students and

researchers engaged in green crime and environmental harm *Research Handbook on International Abortion Law* Mary Ziegler, 2023-03-02 The Research Handbook on International Abortion Law provides an in depth multidisciplinary study of abortion law around the world presenting a snapshot of global policies during a time of radical change With leading scholars from every continent Mary Ziegler illuminates key forces that shaped the past and will influence an unpredictable future

The Cambridge Handbook of Australian Criminology Adam Graycar, Peter Grabosky, 2002-06-20 As a unique work of reference The Cambridge Handbook of Australian Criminology covers the broad range of contemporary and historical subjects of criminology combining statistical and narrative analyses The book provides the most up to date figures and facts traces historical trends in Australian crime and criminal justice and comprehensively covers the key contemporary issues in Australian criminology Including valuable crime statistics compiled by the Australian Bureau of Statistics this book is the complete companion to Australian criminology the single most important resource for Australian criminology and criminal

justice The Palgrave Handbook of Australian and New Zealand Criminology, Crime and Justice Antje Deckert, Rick Sarre, 2017-11-03 This handbook engages key debates in Australian and New Zealand criminology over the last 50 years In six sections containing 56 original chapters leading researchers and practitioners investigate topics such as the history of criminology crime and justice data law reform gangs youth crime violent white collar and rural crime cybercrime terrorism sentencing Indigenous courts child witnesses and children of prisoners police complaints processes gun laws alcohol policies and criminal profiling Key sections highlight criminological theory and crucially Indigenous issues and perspectives on criminal justice Contributors examine the implications of past and current trends in official data collection crime policy and academic investigation to build up an understanding of under researched and emerging problem areas for future research An authoritative and comprehensive text this handbook constitutes a long awaited and necessary resource for dedicated academics public policy analysts and university students *The Routledge Handbook of Technology, Crime and Justice* M. R. McGuire, Thomas Holt, 2017-02-24 Technology has become increasingly important to both the function and our understanding of the justice process Many forms of criminal behaviour are highly dependent upon technology and crime control has become a predominantly technologically driven process one where traditional technological aids such as fingerprinting or blood sample analysis are supplemented by a dizzying array of tools and techniques including surveillance devices and DNA profiling This book offers the first comprehensive and holistic overview of global research on technology crime and justice It is divided into five parts each corresponding with the key stages of the offending and justice process Part I addresses the current conceptual understanding of technology within academia and the criminal justice system Part II gives a comprehensive overview of the current relations between technology and criminal behaviour Part III explores the current technologies within crime control and the ways in which technology underpins contemporary formal and informal social control Part IV sets out some of the fundamental impacts technology is now having upon the judicial process Part V reveals the emerging technologies for crime control and justice and considers the extent to which new technology can be effectively regulated This landmark collection will be essential reading for academics students and theorists within criminology sociology law engineering and technology and computer science as well as practitioners and professionals working within and around the criminal justice system **The International Handbook on Psychopathic Disorders and the Law** Alan Felthous, Henning Sass, 2012-05-14 Reflecting the work of an international panel of experts the International Handbook on Psychopathic Disorders and the Law offers an in depth and multidisciplinary look at key aspects of the development and etiology of psychopathic disorders current methods of intervention treatment and management and how these disorders impact decision making in civil and criminal law Handbook of Transnational Crime and Justice Philip Reichel, Jay Albanese, 2013-04-29 Transnational crime and justice will characterize the 21st century in same way that traditional street crimes dominated the 20th century In the Handbook of Transnational Crime and Justice Philip Reichel and Jay Albanese bring

together top scholars from around the world to offer perspectives on the laws crimes and criminal justice responses to transnational crime This concise reader friendly handbook is organized logically around four major themes the problem of transnational crime analysis of specific transnational crimes approaches to its control and regional geographical analyses Each comprehensive chapter is designed to be explored as a stand alone topic making this handbook an important textbook and reference tool for students and practitioners alike

Routledge Handbook of Law and Terrorism Genevieve

Lennon, Clive Walker, 2015-07-16 In the years since 9 11 counter terrorism law and policy has proliferated across the world This handbook comprehensively surveys how the law has been deployed in all aspects of counter terrorism It provides an authoritative and critical analysis of counter terrorism laws in domestic jurisdictions taking a comparative approach to a range of jurisdictions especially the UK the US Australia Canada and Europe The contributions to the book are written by experts in the field of terrorism law and policy allowing for discussion of a wide range of regulatory responses and strategies of governance The book is divided into four parts reflective of established counter terrorism strategic approaches and covers key themes such as Policing and special powers including surveillance Criminal offences and court processes Prevention of radicalisation and manifestations of extremism Protective preparative security The penology of terrorism In addressing counter terrorism laws across a broad range of topics and jurisdictions the handbook will be of great interest and use to researchers students and practitioners in criminal law counter terrorism and security studies

The Routledge International Handbook on Fear of Crime Murray Lee, Gabe Mythen, 2017-12-01 The Routledge International Handbook on Fear of Crime brings together original and international state of the art contributions of theoretical empirical policy related scholarship on the intersection of perceptions of crime victimisation vulnerability and risk This is timely as fear of crime has now been a focus of scholarly and policy interest for some fifty years and shows little sign of abating Research on fear of crime is demonstrative of the inter disciplinary nature of criminology drawing in the disciplines of sociology psychology political science history cultural studies gender studies planning and architecture philosophy and human geography This collection draws in many of these interdisciplinary themes This collection also extends the boundaries of fear of crime research It does this both methodologically and conceptually but perhaps more importantly it moves us beyond some of the often repeated debates in this field to focus on novel topics from unique perspectives The book begins by plotting the history of fear of crime development then moves on to investigate the methodological and theoretical debates that have ensued and the policy transfer that occurred across jurisdictions Key elements in debates and research on fear of crime concerning gender race and ethnicity are covered as are contemporary themes in fear of crime research such as regulation security risk and the fear of terrorism the mapping of fear of crime and fear of crime beyond urban landscapes The final sections of the book explore geographies of fear and future and unique directions for this research

The Emerald Handbook of Crime, Justice and Sustainable Development Jarrett Blaustein, Kate Fitz-Gibbon, Nathan W. Pino, Rob White, 2020-11-18 This volume brings

together a diverse collection of essays that critically examine issues relating to crime and justice in the United Nations 2030 Agenda for Sustainable Development Chapters examine the issues that practitioners face in working to advance this agenda and the possibilities that exist to advance sustainable development outcomes *The Oxford Handbook of Criminal Process* Darryl K. Brown, Jenia Iontcheva Turner, Bettina Weisser, 2019-02-22 The Oxford Handbook of Criminal Process surveys the topics and issues in the field of criminal process including the laws institutions and practices of the criminal justice administration The process begins with arrests or with crime investigation such as searches for evidence It continues through trial or some alternative form of adjudication such as plea bargaining that may lead to conviction and punishment and it includes post conviction events such as appeals and various procedures for addressing miscarriages of justice Across more than 40 chapters this Handbook provides a descriptive overview of the subject sufficient to serve as a durable reference source and more importantly to offer contemporary critical or analytical perspectives on those subjects by leading scholars in the field Topics covered include history procedure investigation prosecution evidence adjudication and appeal *The Oxford Handbook of Australian Politics* Jenny M. Lewis, Anne Tiernan, 2021-10-20 The Oxford Handbook of Australian Politics is a comprehensive collection that considers Australia's distinctive politics both ancient and modern at all levels and across many themes It examines the factors that make Australian politics unique and interesting while firmly placing these in the context of the nation's Indigenous and imported heritage and global engagement The book presents an account of Australian politics that recognizes and celebrates its inherent diversity by taking a thematic approach in six parts The first theme addresses Australia's unique inheritances examining the development of its political culture in relation to the arrival of British colonists and their conflicts with First Nations peoples as well as the resulting geopolitics The second theme improvisation focuses on Australia's political institutions and how they have evolved Place making is then considered to assess how geography distance Indigenous presence and migration shape Australian politics Recurrent dilemmas centres on a range of complex political problems and their influence on contemporary political practice Politics policy and public administration covers how Australia has been a world leader in some respects and a laggard in others when dealing with important policy challenges The final theme studying Australian politics introduces some key areas in the study of Australian politics and identifies the strengths and shortcomings of the discipline The Oxford Handbook of Australian Politics is an opportunity for others to consider the nation's unique politics from the perspective of leading and emerging scholars and to gain a strong sense of its imperfections its enduring challenges and its strengths *The Australian Medico-legal Handbook* Cameron Stewart, Ian Kerridge, Malcolm Parker, 2007 The Australian Medico Legal Handbook provides an easily understood reference guide to legal and ethical issues encountered in daily medical practice It also covers the laws in all Australian jurisdictions answering the most commonly asked questions in clinical practice What if I get sued What do I do if someone refuses treatment What deaths do I refer to the Coroner Who can decide about a child's treatment What if I make a mistake **The Palgrave**

Handbook on Rethinking Colonial Commemorations Bronwyn Carlson, Terri Farrelly, 2023-06-30 The Palgrave Handbook on Rethinking Colonial Commemorations explores global efforts particularly from Indigenous and Black communities to dismantle colonial commemorations monuments and memorials Across the world many Indigenous and Black communities have taken action to remove rectify and or re imagine colonial commemorations These efforts have had the support of some non Indigenous and white community members but very often they have faced fierce opposition In spite of this many have succeeded and this work aims to acknowledge and honour these efforts As a current and much debated issue this book will present fresh findings and analyses of recent and historical events including RhodesMustFall Anzac Day protests and the transferral of confederate monuments to museums Comprising of chapters written by Indigenous Black and non Indigenous authors from a wide variety of locations backgrounds and purposes this topical volume is a timely and important contribution to the fields of memory studies Indigenous Studies and cultural heritage **The Routledge**

Handbook of Global Perspectives on Homelessness, Law & Policy Chris Bevan, 2024-06-06 This handbook provides a comprehensive global survey and assessment of the law and policy relating to homelessness prevention Homelessness is regarded internationally as one of the most pressing issues facing humanity and one of the greatest social challenges of our times This has been further amplified as a result of the Covid 19 pandemic Across the globe there is an enormous divergence in both experiences of and responses to homelessness from governments and state actors This handbook examines how different jurisdictions from across all five continents of the world have encountered framed and responded to homelessness Written by expert scholars and leaders in their field the book engages in a multidisciplinary and comparative analysis of homelessness as an issue of acute social concern Understandings of homelessness are geographically culturally and historically situated making analysis of each jurisdiction s approach by a national expert deeply insightful The collection examines legal and extra legal policy interventions targeted at reducing or preventing homelessness from across the globe Drawing on diverse perspectives differing cultures and welfare regimes it thus constitutes a timely evaluation of current approaches to homelessness internationally This book will appeal to students and scholars of homelessness sociology social policy anthropology and urban sociology as well as international and national policymakers Research Handbook on

Voluntary Assisted Dying Law, Regulation and Practice Ben P. White, 2025-09-10 This unique Research Handbook examines voluntary assisted dying VAD laws through the lens of regulatory theory It sheds light on interdisciplinary perspectives and outlines policy debates around the revision and implementation of these laws Ben P White brings together global experts to discuss the law and practice of VAD in all permitting jurisdictions This title contains one or more Open Access chapters

Handbook of Victims and Victimology Sandra Walklate, 2012-08-21 The study of criminal victimisation has developed to the stage where by victimology is now regarded as a central component to the study of crime and criminology This focus of concern has been matched by the growth and development of support services for the victim of crime alongside increasing

political concern with similar issues The central purpose of this book is to bring together leading scholars to produce an authoritative handbook on victims and victimology that gives due consideration to these developments It will be concerned to reflect contemporary academic policy and political debates on the nature extent and impact of criminal victimisation and policy responses to it This book provides a overview of the importance of the role of the victim in the criminal justice system with an analysis of the different theoretical perspectives within victimology explores the relationship between victimisation and feminism with particular focus on domestic and sexual violence analyses criminal justice policy and service delivery in relation to victims of crime looking at developments within the UK and international perspectives This handbook will be fundamental reading for students and academics studying victims and victimology and an essential reference tool for those working within the victim support environment *Research Handbook on Law and Emotion* Susan A. Bandes, Jody L. Madeira, Kathryn D. Temple, Emily Kidd White, 2021-04-30 This illuminating Research Handbook analyses the role that emotions play and ought to play in legal reasoning and practice rejecting the simplistic distinction between reason and emotion **Research Handbook on Youth Criminology** Greg Martin, Estrella Pearce, 2025-07-15 This timely Handbook provides historical contemporary theoretical and methodological perspectives on youth criminology It explores cutting edge research on juvenile justice and youth governance and proposes directions for future research

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