

CRIME SCENE DO NOT CROSS

CRIME SCENE DO NOT CROSS

CRIME SCENE DO NOT CROSS

Criminal Law Masterclass 2011 – NSW

Enhancing practical expertise and knowledge
in appellate work and criminal defence

30 November 2011, PARKROYAL Darling Harbour, Sydney

Program highlights

- Examine developments in the admissibility of tendency and coincidence evidence
- Sentencing update – developments in double jeopardy and non-parole hearings
- Challenging police powers and improperly obtained evidence
- Essential insights into sexual assault developments in NSW
- Delve into evidentiary issues and updates including DNA handling and amendments to the *Evidence Act 1995*
- Exploring recent NSW child pornography cases and the *Crimes Amendment (Child Pornography and Abuse Material) Bill 2010*

Claim up to 6 CPD/MCLE points

Speakers

- **Professor Nicholas Cowdery AM QC**, former NSW Director of Public Prosecutions, Visiting Professorial Fellow at UNSW Faculty of Law
- **Anthony Bellanto QC**, Barrister, Samuel Griffith Chambers
- **Virginia Lydiard**, Crown Prosecutor, NSW Department of Public Prosecutions
- **Geoff Archer**, Principal, Archer & Archer
- **Ian Barker QC**, Barrister, Berry Chambers
- **Cara Feiner**, Barrister, Samuel Griffith Chambers
- **Margaret Bateman**, Barrister, Marbury Chambers

Be one of the first **5 people to register** and receive a **free copy** of LexisNexis Annotated Acts – Annotated Criminal Legislation for New South Wales 2011-2012.



Product of:



Early bird discount expires 21 October 2011

Register Today!

Visit: www.lexisnexis.com.au/pd

Criminal Law Masterclass 2011 – NSW

Enhancing practical expertise and knowledge in appellate work and criminal defence

Wednesday, 30 November 2011

8:30 Registration

8:50 Welcome from the Chair

9:00 Human rights in criminal justice

Professor Nicholas Cowdery AM QC served as Director of Public Prosecutions for NSW for 16 and a half years, the longest term in such an office in the nation's history.

In his time as DPP he superintended the prosecution of some of the nation's highest profile cases, including Ivan Milat, Gordon Wood and Keli Lane. He was President of the International Association of Prosecutors for two terms from 1999 to 2005 and was inaugural Co-Chair of the International Bar Association's Human Rights Institute from 1995 to 2000. He is Human Rights Advisor to the Law Council of Australia and a member of the NSW Sentencing Council.

In his opening address Professor Cowdery will explore the influential role that the prosecutor plays in the protection of human rights. He will also examine the increasing punitiveness of criminal justice in NSW, official reaction to the threat of terrorism and on measures such as the *Crimes (Criminal Organisations Control) Act 2009* and threats to the separation of powers.

Professor Nicholas Cowdery AM QC Hon DLaws, former NSW Director of Public Prosecutions, Visiting Professorial Fellow at **UNSW Faculty of Law**

0.75 CPD/MCLE point in substantive law

9:45 Sentencing update – developments in double jeopardy and non-parole periods

- Double jeopardy update – analysis of *Regina v JW* [2010] NSWCCA 49, *DPP (Commonwealth) v De la Rosa* [2010] 194

- Application of the statutory non-parole period

Anthony Bellanto QC, Barrister, Samuel Griffith Chambers

0.75 CPD/MCLE point in substantive law

10:30 Morning tea

10:45 Police Powers and LEPR – exploring powers to search, arrest and detain

- Challenging police powers under LEPR
- Admissibility of improperly obtained evidence and the ongoing impact of *DPP v Carr* [2002] 127 A Crim R 151
- Unlawful arrest – far reaching impacts of *Williams v Director of Public Prosecutions (NSW)* [2011] NSWSC 1085
- Police acting outside their powers in the case of unlawfully obtained evidence

Margaret Bateman, Barrister, Marbury Chambers

0.75 CPD/MCLE point in substantive law

11:30 Evidentiary issues and updates – recent case law and amendments overview

- Recent amendments to the *Evidence Act 1995*
- DNA handling – challenging forensic evidence
- Case law update: *DAO v R* [2011] NSWCCA 63, *Carlton v R* [2010] NSWCCA 81 (recorded admissions), *EK v R* [2010] NSWCCA 199 (admissibility of recorded evidence) *Chen v R* [2010] NSWCCA 224 (accomplices)

Cara Feiner, Barrister, Samuel Griffith Chambers

0.75 CPD/MCLE point in substantive law

12:15 Networking lunch for speakers and delegates

1:15 Exploring traffic offences and drink driving developments

- Recent cases - driving offences involving death or grievous bodily harm *R v Choukeir* [2011] NSWDC 123, *Police v Turner* [2011] NSWLC 27
- GBH – totality principle and concurrent sentencing *R v Read* [2010] NSWCCA 78
- The application of the Proudman and Daymon defence to PCA matters
- Pharmacological evidence
- Illegally obtained blood samples

TBC

0.75 CPD/MCLE point in substantive law

Future Events

OH&S: National Harmonisation 2011

8 November 2011, PARKROYAL Darling Harbour, Sydney
10 November 2011, Brisbane Marriott Hotel
15 November 2011, Stamford Plaza Melbourne

Criminal Law Masterclass 2011 – VIC

29 November 2011, Stamford Plaza Melbourne

Personal Injury Law 2011

16 November 2011, The Grace Hotel Sydney
23 November 2011, Stamford Plaza Melbourne

CRIME SCENE DO NOT CROSS

30 November 2011, PARKROYAL Darling Harbour, Sydney

2:00 **Child pornography – recent cases and analysis of *Crimes Amendment (Child Pornography and Abuse Material) Bill 2010***

- Excessive sentencing in the case of *Whiley v R* [2010] NSWCCA 53 and sentencing challenges
- Assessment of the objective seriousness of child pornography offenses
- Analysis of *R v Stratham* [2011] NSWDC 128 and *R v R, AM* [2011] SADC 38
- *Minehan v R* [2010] NSWCCA 140 at [96] – [101] – discussion of the significance of general deterrence, denunciation and prior good character
- *Crimes Amendment (Child Pornography and Abuse Material) Bill 2010*
- What constitutes possession when dealing with computer and electronic devices
- Use of the COPINE scale

Geoff Archer, Principal, Archer & Archer

0.75 CPD/MCLE point in substantive law

2:45 **Afternoon tea**

3:00 **Sexual assault developments within NSW – essential insights**

- Overview of the *Crimes (Serious Sex Offenders) Amendment Act 2010* and the *Crimes (Sentencing Procedure) Amendment Act 2010*
- When evidence is “disclosed in the case of the prosecution” – *Spratt v DPP* [2010] NSWSC 355
- “Fresh in the memory” section 66 *Evidence Act 1995* – *R v XY* [2010] NSWCCA 181
- Tendency evidence in sexual assault cases *DJS v R* [2010] NSWCCA 200

Virginia Lydiard, Crown Prosecutor, NSW Department of Public Prosecutions

0.75 CPD/MCLE point in substantive law

3:45 **Admissibility of tendency and coincidence evidence – examining scenarios and recent cases**

- Considering Section 97 *Evidence Act (NSW)* and Section 101
- “Significant Probative Value” – *DAO v R* [2011] NSWCCA 63 and *BP v R* [2010] NSWCCA 303
- Rejection of admissibility and tendency evidence – *R v Ceissman* [2010] NSWCCA 50
- Admitting tendency evidence – *R v PWD* [2010] NSWCCA 209
- Impermissible use of evidence – *L'Estrange v R* [2011] NSWCCA 89
- History and evolution of the common law doctrines of propensity and similar fact evidence

Ian Barker QC, Barrister, Berry Chambers

0.75 CPD/MCLE point in substantive law

4:30 **Closing remarks from the Chair**

4:35 **Close of conference**

Who should attend?

- Criminal Law Practitioners



LexisNexis Annotated Acts – Annotated Criminal Legislation for New South Wales 2011-2012, RN Howie & PA Johnson

Annotated by R N Howie QC, a former Judge of the Supreme Court of New South Wales, and P A Johnson, a Judge of the Supreme Court of New South Wales, *Annotated Criminal Legislation New South Wales* is an invaluable resource tool that provides comprehensive analysis and explanation of the provisions and relevant case law for students and practitioners.

Priority registration form

Criminal Law Masterclass 2011 – NSW

4 easy ways
to register

Online: www.lexisnexis.com.au/pd
Phone: 1800 772 772
Fax: (02) 9422 2338
Mail: Conference Co-ordinator, LexisNexis
Locked Bag 2222, Chatswood Delivery Centre,
Chatswood NSW 2067
or: DX 29590 Chatswood

Please complete sections A, B, C, D

TAX INVOICE

Conference code: PD8511

ABN: 70 001 002357

A Delegate 1 details

Mr/Ms/Dr: _____
First name Last name

Position: _____

Organisation: _____

Postal address: _____

Suburb Postcode State

Telephone: _____

Fax: _____

Email (required**): _____

Delegate 2 details

Mr/Ms/Dr: _____
First name Last name

Position: _____

Telephone: _____

Fax: _____

Email (required**): _____

Delegate 3 details

Mr/Ms/Dr: _____
First name Last name

Position: _____

Telephone: _____

Fax: _____

Email (required**): _____

** to send conference confirmation

B PLEASE SEND ME MORE INFORMATION ON:

- Criminal Law Victoria – Looseleaf & online
- Criminal Law News – Looseleaf & online
- Criminal Law Collection – Online
- Australian Criminal Trial Directions – Looseleaf & online
- LexisNexis Annotated Acts – Annotated Criminal Legislation for New South Wales 2011-2012, RN Howie & PA Johnson – Book

For more information on these products call 1800 772 772.

Earn CPD Points:

Lawyers can earn up to 6 CPD/MCLE points.

Where did you hear about this event? _____

- Please add me to the LexisNexis Monthly Professional Development email list

PROGRAM CHANGES

Details regarding this conference were confirmed and correct at the time of printing. LexisNexis reserves the right to cancel or amend the conference details at any time if required.

CANCELLATION

Your registration will be confirmed in writing when full payment has been received. LexisNexis' cancellation policy applies as follows. If cancellation is notified in writing:

1. One calendar month or more prior to the first day of event: LexisNexis will refund your registration fee less \$165.00 administration cost.
2. Between one calendar month plus one day and 14 days prior to the first day of event: LexisNexis will refund 50% of the fee paid by you and provide you with a copy of event papers.
3. 13 days or less prior to the first day of the event: LexisNexis will not refund any part of your fee. However, you may nominate a replacement delegate to attend in your place.

C Event pricing (please tick your selection)

GROUP BOOKING

Register 3 or more people from the same organisation at the same time and book at the early bird price per person.

EXAMPLE

<input checked="" type="checkbox"/>	One day conference	1	\$ 900 + GST = \$ 990	\$990
-------------------------------------	--------------------	---	-----------------------	-------

Advanced price (register and pay before 7 October 2011)

Please Select	Options	Qty	Price	Subtotal
<input type="checkbox"/>	One day conference		\$ 900 + GST = \$ 990	

Early bird price (register and pay after 7 October 2011 and before 21 October 2011)

Please Select	Options	Qty	Price	Subtotal
<input type="checkbox"/>	One day conference		\$1050 + GST = \$1155	

Standard price (register and pay after 21 October 2011)

Please Select	Options	Qty	Price	Subtotal
<input type="checkbox"/>	One day conference		\$1150 + GST = \$1265	

Conference Resources (I am unable to attend but please send me conference papers)

Please Select	Options	Qty	Price	Subtotal
<input type="checkbox"/>	Criminal Law Masterclass 2011 – NSW conference papers		\$180 + GST = \$198	

Early Bird, team discounts and any other discount cannot be taken concurrently

TOTAL

D Payment details

Payment is due upon registration. This document will be a Tax Invoice/Receipt for GST upon completion of payment.

- Enclosed is my cheque for: \$ _____ made payable to LexisNexis

- Pay by credit card: Please charge \$ _____ to

- Mastercard Visa American Express

Card number: _____/_____/_____/_____

Expiry: ____/____

Name of cardholder: _____

Signature of cardholder: _____

IMPORTANT PRIVACY NOTICE:

The information you provide on this form is collected by Reed International Books Australia Pty Limited for the purposes of processing your registration or enquiry and keeping you informed of upcoming products, services and events. The information is disclosed from time to time to our related bodies corporate for these purposes. The provision of this information by you is voluntary but if you do not provide some or all of the requested information we may be unable to properly process your registration. You have both a right of access to the personal information we hold about you and to ask us to correct it if it is inaccurate or out of date. Photographs/audio visual content may be produced at this event and might be used for future LexisNexis Professional Development collateral. Please direct your enquiries to privacyau@lexisnexis.com.au

Please note, delegate information will be provided to sponsors.

- Please tick here if you do not want sponsors to receive your information

- Tick here if you DO NOT wish to receive information about upcoming events