

Friday, 30 October 2020

Weekly Criminal Law

A Weekly Bulletin listing Decisions
of Superior Courts of Australia covering criminal

 Follow @Benchmark_Legal

Search Engine

[Click here](#) to access our search engine facility to search legal issues, case names, courts and judges. Simply type in a keyword or phrase and all relevant cases that we have reported in Benchmark since its inception in June 2007 will be available with links to each case.

Executive Summary

Gregg v R (NSWCCA) - criminal law - corporations - appellant convicted of offences contrary to s1307(1) *Corporations Act 2001* (Cth) - appeal against conviction allowed - verdicts quashed - appellant acquitted

Commissioner of Police v Barbaro (QCA) - warrants - legal professional privilege - criminal law - respondent's entitlement 'to protect privileged information' was 'reasonable excuse' for refusal to give information to police - appeal dismissed

NG v Commissioner of the Australian Federal Police [No 2] (WASCA) - proceeds of crime - appellants, by 'interim application', sought 'referral certificate' for pro bono legal assistance and provision of legal aid, or stay until funds available - application dismissed

Benchmark

Summaries With Link (Five Minute Read)

Gregg v R [2020] NSWCCA 245

Court of Criminal Appeal of New South Wales

Bathurst CJ, Hoeben CJ at CL & Leeming JA

Criminal law - corporations - appellant convicted of offences contrary to s1307(1) *Corporations Act 2001* (Cth) - appellant sentenced to 12 months in prison on 'count 1' and 2 years in prison 'count 2', 'to be served concurrently by way of an Intensive Correction Order' - appellant appealed against conviction and sentence - whether verdicts unreasonable - whether primary judge erred in admitting evidence 'on the viability of centralised procurement of steel' - whether primary judge erred in rejection of tender by appellant of 'Global Business Overview presentation' - whether primary judge erred in directions to jury - whether miscarriage of justice arising from 'closing address' of prosecutor - whether miscarriage of justice arising from 'summing up' - held: appeal allowed - verdicts quashed - appellant acquitted.

[View Decision](#)

Commissioner of Police v Barbaro [2020] QCA 230

Court of Appeal of Queensland

Sofronoff P; Philippides & Mullins JJA

Warrants - legal professional privilege - criminal law - police executed warrant at premises - proceedings arising from respondent's refusal to give PIN to police officer for purpose of unlocking respondent's mobile phone - respondent charged with refusing 'without a reasonable excuse' and was charged under s205A *Criminal Code* (Qld) - respondent claimed phone contained 'privileged communications' between him and his solicitor - respondent claimed that 'a right to protect privileged information' was a reasonable excuse for his refusal - Magistrate found respondent guilty - respondent appealed - primary judge found in respondent's favour - appellant appealed - held: respondent 'entitled to prevent police' from reading respondent's 'privileged material' - respondent's entitlement was a 'reasonable excuse' - appeal dismissed.

[Commissioner](#)

NG v Commissioner of the Australian Federal Police [No 2] [2020] WASCA 16

Court of Appeal of Western Australia

Murphy & Vaughan JJA

Proceeds of crime - 'pro bono legal assistance' - appellants were self-represented litigants - appellants, by 'interim application', sought 'referral certificate' for pro bono legal assistance and provision of legal aid - alternatively a stay of appeal was sought until funding available - appellants contended that 'lack of legal representation' would have effect of depriving them of 'fair hearing' and result in a miscarriage of justice' - s319 *Proceeds of Crime Act 2002* (Cth) - held: application dismissed.

[NG](#)



Benchmark

The Grasshopper

By: Richard Lovelace

O THOU that swing'st upon the waving hair
Of some well-fillèd oaten beard,
Drunk every night with a delicious tear
Dropt thee from heaven, where thou wert rear'd!

The joys of earth and air are thine entire,
That with thy feet and wings dost hop and fly;
And when thy poppy works, thou dost retire
To thy carved acorn-bed to lie.

5

Up with the day, the Sun thou welcom'st then,
Sport'st in the gilt plaits of his beams, 10
And all these merry days mak'st merry men,
Thyself, and melancholy streams.

https://en.wikipedia.org/wiki/Richard_Lovelace

[Click Here to access our Benchmark Search Engine](#)