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The Operation of Australian "One Punch" Laws: 2008–2018 – *Julia Quilter*

It is now over a decade since Western Australia enacted in 2008 a discrete homicide offence to address deaths resulting from so-called "one-punch" assaults. Four other jurisdictions subsequently introduced similar laws: the Northern Territory in 2012 and in 2014, New South Wales, Queensland and Victoria. More than a decade on, it is timely to examine the operation of these laws in practice. This article examines 53 cases finalised during 2008–2018. It highlights six features that may be regarded as unintended consequences or otherwise at odds with the original justifications for their introduction: impact on the prosecution of fatal domestic violence; impact on Indigenous offenders; net widening effects from "classic" one-punch public alcohol-fuelled violence; effect of statutory alterations to common law principles; effects on charging, pleas and alternative verdicts; and sentencing outcomes. 239

In Support of a Decisional Paradigm for Assisted Dying – *David Caruso, Alex Biedermann, Joëlle Vuille and Danielle Gilby*

In May 2018, a centenarian travelled from Australia to Switzerland to end his life. He was not suffering from a terminal or incurable illness. The deceased travelled to Switzerland because that country permits self-determination of death, unconditional on it being consequential to palliative treatment for a terminal illness. Australia, like the United Kingdom and most developed nations, does not permit euthanasia and assisted suicide is criminal. This article examines the discretionary issues around criminal culpability for the journey of the deceased from Australia to Switzerland for the known purpose of suicide. We argue the allocation of prosecutorial discretion in cases of assisted suicide is contrary to public interest. We consider the decisional framework that informed the centenarian's decision. We explain why a decisional paradigm, rather than medical, moral or other structures, should inform law and policy regarding assisted dying and give developed nations, such as Australia, cause for reform. 254

A Critical Analysis of the Conduct and Fault Elements in "Revenge Porn" Criminalisation – *Tyrone Kirchengast and Thomas Crofts*

The non-consensual distribution of intimate images popularly known as "revenge porn" has been increasingly subject to criminalisation across a range of jurisdictions internationally. While it is accepted that there is a need for new offences to capture the most problematic of behaviours this article will consider the varied options and consequences for the phrasing of the conduct and fault elements of criminal responsibility for "revenge porn" offending. Excessively broad conduct and fault elements could lead to behaviours being subject to prosecution that may be innocent, not offensive or harmful. Alternatively, excessively

restrictive elements may mean that offensive and harmful behaviour escapes prosecution. Ultimately, the authors argue for a range of elements that tend toward a narrow phrasing in order to only capture that conduct which is substantially offensive and harmful to victims, according to the social standards of sexting between consenting adults. 274

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