ABSTRACTS

The Drive to Criminalise: Consequences of the Northern Territory Intervention
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Since the Northern Territory Intervention in 2007, there has been a spike in criminalisation, especially in remote Indigenous communities. This is largely due to the increase of federal police in Indigenous ‘prescribed’ communities, and particularly their policing of driving offences. The primary offences are ‘drive unregistered / unlicensed / uninsured’ – a trifecta that captures the Indigenous offender in one police process. This paper is based on a research project with Harry Blagg, which is funded by the Criminology Research Council. It will point to hypotheses as to why there has been an increase in the criminalisation of the driving trifecta and discuss the ensuing cross-cultural issues. It will finally consider the question of whether recidivism among driving offenders arises from a lack of knowledge or an act of resistance.

Australian Prisons Project Panel [author/abstract to be confirmed]
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As with most Western prison systems over the past three decades, Australia’s rates of imprisonment, numbers of prisons and budgets spent on prisons have grown rapidly, whilst, at the same time, Inquiries recommending reducing imprisonment, programs to reduce recidivism and diversion initiatives abound. This panel will report on and discuss findings of the Australian Prisons Project (APP) exploring these phenomena. Panel members will reflect critically on the nature of penal culture over the past four decades to gain an understanding of: the re-emergence of the prison as the primary criminal justice strategy in Australia; key legal, ideological and other moments in the last three decades in the various Australian jurisdictions that led to shifts in penal culture; the nature and impact of changes in sentencing legislation across the jurisdictions; and the impacts of all these on vulnerable groups and individuals within those groups, in particular on Indigenous Australians, women and persons with mental health and intellectual disability.

A Marginalised Space
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New work in NSW mapping human service and criminal justice (CJ) institutional pathways into, around and back into the CJ system for a large number of persons with mental health disorders and cognitive disability, provides in depth understanding of their life course experience. Together with earlier work on post-release it suggests a new understanding and interpretation of this experience. The majority of this group has complex diagnoses, numerous contacts with police from an early age and many short episodes in custody. Most appear to be drawn into a space that is neither fully in the community nor fully in the criminal justice system fairly early in life. Community and CJ supports and services are either not available or are irrelevant; homelessness, poor physical and mental health, loneliness, repeat petty offending, breaches of probation and parole orders, and problematic use of alcohol and other drugs are hallmarks of this group. Chaotic survival living is a common experience in this space. This paper proposes that it is not realistic to think of this fairly large number of persons with numerous short sentences who cycle in and out of prison as either in the criminal justice system or in the community; they move and live in a liminal, marginalised community/criminal justice space in which many of the discrete services offered and approaches used by prison, parole and post-release services to offenders have no purchase.

Transitional Justice and Settler States
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Transitional justice has become the dominant international framework for redressing mass harm and historical injustices. However, transitional justice is premised on a notion of a specific point of rupture or change from violence and oppression to a ‘new dawn’, and is therefore unable to accommodate prior colonial relations, or the historical experiences of Indigenous peoples in settler states such as Australia, New Zealand and North America.

Taking a criminological, socio-legal and historical approach, this paper considers why notions of transitional justice have not been considered relevant to circumstances of Indigenous peoples in settler states. We argue that while the relatively presentist concerns of transitional justice effectively elide the impact of colonialism, its holistic frameworks might nevertheless become relevant to achieving just outcomes for Indigenous peoples and other disadvantaged minorities, whose historical experiences are currently considered outside the field. Our intention is to sketch out some of the perceived benefits of articulating a new conceptual field, which at once historicises transitional justice and brings the experiences of Indigenous peoples and other disadvantaged minorities within its purview.

Emerging Issues in Domestic and Family Violence Research
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In March 2009, the National Council to Reduce Violence against Women and their Children (NCRVWC) released Time for Action: The National Council’s Plan for Australia to Reduce Violence against Women and their Children, 2009–2021. This paper presents an overview of the key emerging issues in Australian domestic and family violence research. In particular, the paper considers the need for further research in rural and remote communities; in the context of gay, lesbian, bisexual, transgender and intersex communities; among the elderly and those with disabilities; in culturally and linguistically diverse and Indigenous communities; the relevance of homelessness to such violence; the impact of domestic family violence on children; and issues around perpetrator programs. It follows that the research, policy and practical issues which may arise are compounded where multiple circumstances coincide. Accordingly, further research is required to better understand not only the prevalence of the issues discussed and the best responses to them, but the intersection of these issues and contexts.

Organised Crime: A Chaotic Notion
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Borrowed theories and principles from the physical sciences have enabled social scientists and criminologists to analyse well-worn theories and data from a new perspective. One such theory is chaos theory, a subset of the family of complexity theory, and an emerging perspective in postmodern criminology. Chaos theory is the science of non-linear and dynamic systems that appear random due to their complex behaviour, but in essence are deterministic and are sensitive to initial conditions (popularly referred to as the butterfly effect). Chaos theory is best applied to systems that operate at both a local and global level, and display signs of both order and disorder. Organised crime may be described as such a system. This paper explores the notion and attempts to analyse organised crime from a new perspective.

Images of Prison and Prisoners in Australian Popular Culture and Media
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It is often remarked that popular images of prison and prisoners among the general population are based less on direct experience and more on various media sources and portrayals. This is less true in situations of mass imprisonment and among particular populations with disproportionately high imprisonment rates, such as in the Australian context, Aboriginal communities, where 20% of Aboriginal children have a parent or carer in prison. For these communities the prison experience is normalised, reproduced and transmitted through direct experience, local and group knowledge and story telling.
However, for the majority of the population with less or no direct contact with prisons, it is worthwhile considering the role various forms of popular culture and media play in constructing and circulating images of prison and prisoners and the themes, narratives and cultures these images might invoke.

This paper seeks to examine images of prison and prisoners in Australian film, popular music and television, as part of a wider Australian Prison Project (see: www.app.unsw.edu.au) which seeks to delineate and understand the re-emergence of the prison as a primary criminal justice strategy in Australia since the 1970s.

**Critical Criminology in Australia**
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Reflecting on a distinguished academic career Pat Carlen makes the point that all forms of criminological knowledge, critical, feminist or mainstream are subject to the risk of ‘falling into what she calls the “discursive abyss” being absorbed by other discourses over which the author has no control’ (Carlen, 2010). All research, Carlen reminds us, has the possibility for critique as long as it is driven by a ‘criminological imagination’ to think the unthinkable, to represent the unrepresentable to shift the boundaries and imagine a just criminal justice system. These insights question the neat boundaries sometimes drawn around critical and non-critical criminological research. This paper questions whether such distinctions were ever able to be readily drawn in a peculiarly Australian setting where careers of critical criminologists overlapped with careers in government – where some of the impetus for dismantling state based definitions of crime have come from government funded agencies or research and where communities of politically engaged critical scholars have had success precisely by nurturing – not thwarting - partnerships and joint ventures with neo-liberal governments and agencies. Instead of defining what’s critical as simply oppositional or not mainstream - this paper seeks to identify some common underlying concerns of this body of work, among them the following:

- to challenge ‘commonsense’ and received wisdoms concerning crime and punishment
- to undertake research and produce empirical and theoretical knowledge which shows the often systemic relationships between inequalities in wealth and power and patterns of crime and criminalization
- to expose the destructive effects and limitations of exclusionary responses to crime, and
- to seek change and reform that brings about a greater measure of social justice, that enlarges personal and social freedoms and redresses inequality and reduces harm

**Crime Risk Assessments Made to Order**
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Crime prevention through environmental design (CPTED) practices have been promulgated in various jurisdictions across Australia through the development of design codes and guidelines. This growth of design codes and guidelines has created a crime risk assessment industry. In the main, this means that contractors produce crime risk assessment reports for developers to aid in the process of getting their development proposals approved by the relevant consent authorities. The nature of these relationships (between independent contractors and developers) or these reports have not been exposed to critical analysis.

This paper will interrogate four public available crime risk assessment reports prepared by private consultants in NSW. The analysis of these reports will highlight the manipulation of CPTED principles to best fit the specific development, the limited evidence provided to support particular (and often grandiose) claims, the difficulties facing consent authorities in establishing the veracity of claims made in these reports and the even greater challenge of holding developers to the promises made in crime risk assessment reports. Through this analysis, consideration will be given to the utility of the existing guidelines (particularly the NSW guidelines) and what measures might be considered to overcome the commodification of crime risk assessments.
Giving Voice to Victim/Survivors’ Knowledge of Sexual Offending
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This paper draws on research from the Australian Centre for the Study of Sexual Assault’s Giving Voice project, which introduces insights provided by 33 women about the strategies employed by offenders to perpetrate and conceal sexual offences. Giving Voice moves away from recent trends in research that have focused increasingly on the psychology and personal history of the offender and that have established ‘individual psychopathological’ models of offending, and positions the accounts and knowledge of women subject to men’s sexual offending as central to understanding sexual assault. The women’s narratives provide a position on sexual offending behaviour that extends beyond individualised and pathological models and instead reiterate the contribution of social structures, dominant discourses of masculinity and scripts of seduction in enabling and facilitate sexual offending. The way these components infiltrate individual interactions in instances of sexual offending is presented together with an emphasis on the role of power dynamics, the manipulation of trust and the exploitation of social norms. The implications that these findings have for contemporary responses to sexual offending are considered.

Crime Prevention and Justice in the Pacific
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Criminal justice, social justice and crime prevention frameworks mean different things to different countries. Fundamental differences in governance, history, culture and economics shape understandings of these concepts; and, how best to deliver community safety, in terms of objectives, parameters and specific programs. Major problems are vastly different across states (e.g. military coups in Fiji; genocide in the Solomon Islands). Such theoretical and localized issues require initial critical examination.

The key focus, here, is to explore the extent to which models of crime prevention have currency within a sample of Pacific states. To analyse this key question requires recognition of different conceptualizations of the state across the region, its transformation from colonisation days to the era of globalisation, and whether bodies such as the International Crime Prevention Council, the Australian Crime Prevention Council, the Australian Federal Police and western governments represent cases of international institutions’ attempts to systematically intervene in the sovereignty and national affairs of Pacific nations. That does not mean, however, that some ideas originating in the West have no value in being considered elsewhere, within a locally considered and community empowered context. After all, globalisation is not only about economics but the transformation of ideas.

Further, many initiatives being currently deployed in the West (e.g. restorative justice program types) have a strong foundation in Pacific Island cultures. Globalisation, therefore, may be regarded as a mutual exchange of ideas and specific program information that might or might not be considered as being appropriate within a different community context.

Sex, Planning and Policing
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Over the last few decades scholarship has begun to foreground the way in which mechanisms such as health regulation, policing, and politics have been used to govern sexuality within urban communities and urban space in the later 20th century. Whilst mechanisms such as policing have received significant attention, until recently, less attention has been given to the role that planning has played in governing the presence of sexualities within later 20th century urban space. This paper contributes to
the developing literature by exploring the various intersections of planning and policing in the regulation of sexualities through an analysis of brothels and gay bathhouses across time in Sydney.

At times, planning has contributed to policing and criminal justice system enforcement. For example, in the 1970s and 1980s, when homosexuality and brothels were illegal, the local government and its building inspectors collected evidence, supported police raids, and took legal action against ‘disorderly houses’. More recently, despite the legalisation of brothels and homosexuality, planners in some local councils have taken on a policing role, conducting fortnightly ‘raids’ on authorised brothels to investigate ‘breaches’. These councils make no distinction between breaches of planning regulations, criminal law, revenue law, and immigration law. All breaches contribute to and confirm the perception and regulation of brothels as disorderly. In contrast, in other local councils, planning has greatly reduced the role and relevance of police and the criminal justice system by creating distinctive legal categories for brothels and bathhouses.

"Throw Away the Key!" Public Ethics and the Justification for Indefinite Detention
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On April 11, 2010, NSW Premier, Kristina Keneally, ordered an audit of 750 of the state’s “worst” prisoners, declaring that those who “resist” rehabilitation will be detained indefinitely after serving their prison sentence. The proposal for indefinite detention of violent offenders and “murderers” expands on laws prescribing preventive detention around serious sex offenders in the form of the Crimes (Serious Sex Offenders) Act (2006). While the proposal has been applauded by the Victims of Crime Assistance League and the public (64% agreed that the proposal is a good idea), it has raised concern amongst civil liberties groups, the legal profession and academics.

It is unremarkable to suggest that proposals around preventive/indefinite detention fall within the ambit of “penal populism” (Roberts et al. 2003) and a “new punitiveness” (Pratt et al 2005). These transparently characterise state law and order politics. Further, it has almost become trite to point out that prison environments are not conducive to rehabilitation, and that prison rehabilitation programs, as Eileen Baldry points out, are virtually ineffectual without better post-release support. While these and other analyses on risk and “actuarial justice” (Feeley & Simon 1992) form the foundations for an informed assessment of correctional policies, this paper will focus on the broader moral and ethical justifications of indefinite detention in public discourses. Aside from situating such policies within the scope of utilitarian ethics, the current analysis will highlight the development of punitive attitudes that are justified through a “common project”: containment of the demonised criminal “other” and the collective existential rewards that are derived from such “solutions”.

The Subject in Peril: A Deconstruction of the Dichotomy of the Self and the Other in Crime Prevention Campaigns
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The fear of crime is a powerful mechanism for influencing the public. The media plays a key role in the circulation of images and stories which either build upon or incite various anxieties within the population. The production and airing of government advertisements about crime and potential victimisation, on both the small and big screen, have become commonplace in the 21st century. However, these advertisements rely on complex but largely unstated assumptions about the nature of offending, the nature and limits of crime control and the role of the individual in reducing crime. In short, these advertisements aim to arouse the emotions of the audience in the hope of control. This audience is arguably constructed along two axes: the law abiding self and the criminal other. Traditionally the criminal other equates to the failed subject, unable to exercise self control. This can be contrasted against the law abiding self, or the disciplined subject who exercises continued restraint. These subjects are present in crime control advertisements but their nature and effect are yet to be critically analysed. This research asks: How are the objects and subjects of fear portrayed in crime control advertisements? What techniques are used in crime control advertisements to either promote desistance, strengthen the resolve of the law abiding self or restrain the potential criminal Other? Who,
in other words, becomes the criminal other and who becomes the law abiding self? More importantly, to what extent does the other and the self occupy distinct spheres or merge at particular points? Arguably, if each is equally capable of becoming the dangerous criminal other or the law abiding self, then what does this suggest about the nature of criminality? This research explores these key questions through an analysis of Australian crime control advertisements.

‘This is Africa’: Filmic Negotiations of Crime, Justice and Global Responsibility
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In recent years, film has increasingly become a means for the West of knowing about the violence and suffering that occurs across the world. Fictional films, based on factual events, have become a medium through which public audiences can learn about the crime and human rights abuses experienced by others. Often set in Africa, these films afford Western audiences a way of engaging with violence beyond their national borders. Given their role as significant sites of knowledge creation, this paper critically reflects on the way these films frame crime, violence and justice in Africa.

In our paper, we juxtapose two recent films that focus on violent crime in African nations. The mainstream feature film Blood Diamond (2006) depicts the brutality and violence associated with the diamond trade, child soldiers and the civil war in Sierra Leone. While Blood Diamond underscores Western responsibility for the global demand for ‘blood’ diamonds, the film also adopts a conventional colonial narrative. Africa, through the example of Sierra Leone, is portrayed as a place of disorder ultimately requiring the intervention of the West. The smaller release film Sometimes in April (2005) also deals with an episode of extreme violence on the African continent, the 1994 Rwandan genocide. However, rather than calling for external Western intervention, Sometimes in April presents ways in which the Rwandan nation and its people have negotiated difficult questions of responsibility and justice. This provides an alternative image of a more autonomous African nation, able to address crime and pursue justice post-genocide.

‘Damaged Goods’: Riskiness and LGBT Young Peoples’ Interactions With Police
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For some time now, research has argued how LGBT young people are ‘at-risk’ of victimisation, with counter arguments suggesting this research ‘stereotypes’ LGBT young people as inherently risky. Relatively few studies have examined how this research focus on risk and risk factors influences the everyday lives of LGBT young people. This paper reports the perceptions of 35 LGBT young people in Brisbane, Queensland of how broader societal ‘stereotypes’ about LGBT riskiness and danger informed their interactions with police in public spaces. The participants specifically note how looking at-risk (in terms of involvement with drugs for example) and looking risky (in terms of police suspicion of being involved in illegal activity) mediated their interactions with police. The paper will conclude with recommendations for improved future policing practice.

Jeopardising Justice, for What? Keeping Sentence Indications in Victoria
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In 2004, the Victorian Attorney General released the Justice Statement Part I, which outlined a ten-year plan to ‘modernise criminal justice’ by addressing equality, accessibility, fairness and effectiveness. A key initiative emerging from this idealistic reform agenda involved a sentence indication scheme for indictable offences, on the basis that it would reduce court inefficiency, thus benefiting all parties. Following a report compiled by the Victorian Sentencing Advisory Council (VSAC) in 2007, a pilot sentence indication trial commenced with the sunset clause that it be evaluated after two years, and either fully integrated into legislation or abolished.

In 2009 after its two-year trial, the VSAC recommended the indication scheme be maintained in its current form, despite acknowledging this decision was based on a ‘small number of cases [which]
limited the extent to which the Council could draw conclusions’ (VSAC, 2009, p. 51); that the scheme had thus far failed to impact on court delays or the workloads of prosecutors and the courts; and that significant benefits could result from altering the scheme to better fit within Victoria’s human rights framework.

This paper critically considers some potential flaws in the arguments of the VSAC’s review, which legitimate maintaining sentence indications in their current form. In particular, it focuses on the ‘minimal impact’ the scheme has had (as acknowledged in the review itself), to effect positive changes for court efficiency, or the parties for whom this process was initially introduced; namely victims and accused persons (Victorian Attorney General’s Department, 2007).

The Differential Distribution of Death: Criminal Law as Biopolitics

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In this paper I aim to show – through a reading of Foucault’s work on biopolitics (largely The History of Sexuality and ‘Society must be Defended’) – that biopolitics involves and indeed necessitates killing. Far from the univocal propagation and optimization of life, modern biopolitics emerges from this reading as a practice of killing; or, as I want to argue here, a differential distribution of death within a political community. And far from being separate or normatively opposed to the mechanism of modern biopolitics, I want to insist that the juridical sanction of the criminal law is a fundamental part of this biopolitical enterprise. That is, criminal law is itself a mechanism for the differential distribution of death. I aim to sketch an interpretation of how criminal law kills through the lens of sexuality and through a reading of two different criminal law sanctions: the Homosexual Advance Defence and the criminalisation of male-to-male sex. This paper thus argues, contra many interpretations of Foucault on law, for the operative centrality of the juridical sanction to modern practices of biopolitics – a biopolitics conceived not as the protection of life but rather as its differential exposure or abandonment.

From Liminality to Liberty: Escapes from Immigration Detention

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The recent escapes by detainees from Villawood immigration detention centre have generated calls for greater security and further penal sanctions against escapes as part of an increasingly punitive official response to unauthorised migrants. This paper attempts to provide a criminological framework for analysing escapes from immigration detention. It draws on penological literature to conceptualise escapes as a form of prisoner resistance but distinguishes immigration detainees from prisoners on the grounds that administrative detention lacks a legitimate basis for the deprivation of liberty. The paper argues that escapes represent a legitimate form of resistance to state crime and are an important expression of the potential agency of detainees, notwithstanding the punitive and damaging impact of detention.

‘In situations like this you don’t call in the tough guys, you call in the lawyers’: Torture, Killing, Law and Denial in the ‘Global War on Terror’

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Drawing on the work of Matza and Sykes and Stan Cohen the paper examines the role of law and lawyers in strategies of denial in the wars in Iraq and Afghanistan. It considers how and why the events in Abu Ghrab prison came to publically symbolize the discreditable face of the war in Iraq mostly to the exclusion of the other destructive consequences of that military intervention.

The ‘utopian nightmare’: Key Issues About Lesbian Domestic Violence According to Brisbane Domestic Violence Services

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The purpose of this paper is to explore what services in Brisbane are available to lesbians seeking support for domestic violence and to examine how service providers consider the approaches being used to be heterosexist. It is widely acknowledged in the literature that how we think about domestic violence is based largely on heterosexist ideas about relationships. The apparent lack of Australian research evidence about lesbian domestic violence clearly demonstrates this. This paper argues that domestic violence services may be shaped by heterosexist theories of domestic violence and, as such, these services may overlook many issues that are unique to lesbian domestic violence. According to the service providers interviewed for this study, the assumption appears to be that lesbian relationships are the same as heterosexual relationships and domestic violence occurring in lesbian relationships can be intervened upon by using heterosexist theoretical frameworks and prevention models. This paper will explore these issues with a specific focus on service provider’s perspectives. It will conclude by noting that the support currently being provided may be inadequate because service provision fails to acknowledge the differences between same-sex and heterosexual domestic violence.

Offences Against the (moral) Person: HIV Transmission Offences in Australia
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This paper examines issues around HIV transmission criminality. There is scope to prosecute HIV infection in all Australian states and territories, but most prosecutions have occurred in Victoria. This paper will specifically explore media coverage of a Melbourne man, Michael Neal, who was sentenced to 18 years jail for HIV transmission offences in 2009. Neal was portrayed as an evil, vindictive criminal in television and newspaper reports. His monstrous culpability was compounded by the sub-text of bisexuality and hedonism, but also his implied transcendence from heteronormativity to homodeviance. He was described as a (heterosexual) grandfather who was married for many years before succumbing to a predatory life of homosexual recklessness. Neal became the noughties poster-boy of debauchery and criminal sexuality. His sexuality was located within various esoteric, depraved and rapacious imaginations, such as sadomasochism, gay orgies and conversion parties. He became a simulacrum of the ‘grim reaper’ of early Australian AIDS campaigns whereby he signified an indeterminate HIV risk for multiple unknown innocents. He was both risky and culpable. This paper will explore the construction of his risky criminal identity within the socio-legal imagination of HIV transmission criminality.

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In both Australia and internationally, the dominant approach to explaining statistical findings of sentencing disparities has been the focal concerns perspective, which argues, in part, that due to lack of information, workloads, and time constraints, judges rely ‘perceptual short hands’ (or stereotypes) linked to race/ethnicity. To date, this perspective has been applied uncritically, with limited consideration of how these stereotypes “normalise” defendants of different racial and ethnic backgrounds as “problematic”. In contrast, older explanations of sentencing disparities were grounded in the conflict tradition, which explicitly recognised the role of power in the control of “problematic” groups.

We revisit the usefulness of the focal concerns and conflict perspectives in explaining Indigenous sentencing disparities in Australian courts. Using a narrative analysis of judges sentencing remarks in South Australian higher courts, we explore whether broader discourses of ‘dysfunction’ ‘disorganisation’, ‘deprivation’ and ‘pathology’ impact understandings of Indigenous offending and subsequent constructions of Indigenous defendants in the sentencing process.

A Qualitative Study of Stakeholder Perspectives on NSW Law Reform for Sexual Assault Prosecutions
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This paper aims to present research findings from a qualitative study of stakeholder perspective of New South Wales law reform for sexual assault prosecutions. The study aims to provide insight into the decision making process of Prosecutors and Trial Advocates employed by the NSW Director of Public Prosecutions (DPP) who are briefed with the task of applying new law reforms to current sexual assault prosecutions.

The study comprised of a questionnaire disseminated to all Crown Prosecutors and Trial Advocates working for the DPP titled “Prosecuting Adult Sexual Offences: Survey of Trial Advocates and Crown Prosecutors.” Participant of the survey were subsequently invited to participate in an in-depth interview aimed to gain greater understanding of prosecution perspectives on sexual offence trials. The research was premised on the notion that too often law reform is passed without effective consultation with advocates.

Research is based on the methodological approach of UK academics Trevor Jones and Tim Newburn’s research with respect to the transfer of policy in crime control. Their transfer of policy analysis, which includes a historical, political, agency-led, structural and empirical analysis of the ‘mode’ of policy incorporation, is used to examine sexual assault law reform in New South Wales. This form of examination ultimately assists to explain processes of change; how policy adhesion occurs and reveals what ability the criminal trial process in NSW has to successfully incorporate victims of sexual assault.

The Integration of Victim Lawyers into the Adversarial Criminal Trial
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Various common law jurisdictions now allow for the representation of the victim in court in order to further integrate the victim into the criminal justice system. In certain common law jurisdictions, victim lawyers may now represent the interests of the victim during various parts of the criminal trial process, including pre-trial hearings and during sentencing. Such reforms have proven controversial, and debate abounds as to the extent such lawyers may jeopardise the state’s control of the prosecution process, or otherwise jeopardise a defendant’s right to a fair trial. While it is commonly agreed that various parts of the criminal trial process, such as applications for bail, may significantly impact upon the victim and their family, the extent to which the victim ought to contribute to decision-making processes or contest substantive principles of law remains uncertain. This paper examines the extent to which victim lawyers may be usefully integrated into common law proceedings through a comparative analysis of the rise of victim lawyers in the United States and England. Possibilities for the integration of victim lawyers in Australia will be considered in the critical context of the ambit of the adversarial trial and the rights of the accused to a fair trial process.

Reasonable doubt and the DNA match: The question of ‘probability’ in criminal identification
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Establishing identity is not the same as establishing criminality when DNA is formulated as evidence. Due to the fact that there is always a degree of uncertainty in any given DNA match – however small it may be – this is enough to render the beginnings of reasonable doubt to definitively say that a certain sample of DNA matches the DNA profile from a specific person. A matching profile, however, does not necessarily imply guilt; it only means that a suspect cannot be ruled out. This paper considers the role of probability in law as an instigator of randomness and, thus, uncertainty. Probability is a statistical concept that generates a vision of a suspect or accused as a series of estimates and approximations that depend on how ‘common’ or ‘rare’ a DNA profile measures up against other DNA profiles that may be stored in a given database – an uncertain formulation of identity that is highlighted by defence lawyers particularly for the larger purpose of establishing innocence. I will argue that it is the element of randomness brought forth by the concept of probability – in conjunction with the adversarial nature of the criminal trial – that renders the DNA match a legal aperture to emphasize inconsistencies not only in statistical evidence, but also disputing expert testimony, procedural errors, biological flaws (i.e. contamination and degradation) and DNA’s overall status as circumstantial evidence.
Force Selling: Policing and the Manufacture of Public Confidence
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In recent years policing organisations have become increasingly savvy at producing positive images of police work through both the old and new media. This manufacture of policing images comes as a response to a number of modern policing and political challenges such as the public fear of crime, the crisis in policing consent, and the withering cold media such as newspapers. However, with a growing body of international research pointing to the need for policing organisations to foster public confidence through procedural and distributive justice models (Tyler, 1990, Jackson and Sunshine, 2007; Jackson et al., 2009), are the public really getting what they want and/or need? This paper critically assesses the growth in police public relations and asks whether policing style is winning out over policing substance?

Tweeting the News: Criminal Justice Agencies and their Use of Social Networking Sites
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In recent times we have seen an increase in the willingness of criminal justice agencies to engage with new media technologies and social networking sites, not only as a tool for the investigation of criminal activity, but also as a new way of communicating with the public. Sites such as Twitter, Youtube and Facebook are experiencing a growth in their use as communication tools for criminal justice agencies. What is interesting, however, is that different criminal justice agencies in different jurisdictions are employing these sites in very different ways, and with different agendas. This paper aims to explore some of the ways in which local and international criminal justice agencies are engaging with new media technologies and social networking sites. It will also look at how ‘successful’ the deployment of these sites are, and try to uncover why there has been such a rapid uptake of this media in such a short space of time.

Social Networking Sites and Crime: Is Facebook More Than Just a Place to Procrastinate?
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Social networking sites (SNSs) are rapidly becoming most prominent avenue of social interaction and daily practices, catering to diverse audiences (Boyd and Ellison 2007). While increasingly the focus of various disciplines in social sciences (see Boyd and Ellison 2007; Ellison et al. 2007), there is a lack of criminological engagement with SNSs’ role in drawing attention to, and engaging with issues of crime prevention and crime repression. This role is becoming increasingly problematic as SNSs have been identified to have the capacity to enhance vulnerability of certain social groups (for debate on privacy see Gross & Aquisti 2005; George 2006; Jagatic et al. 2007), assist in apprehending offenders (Walker 2010), create moral panics and promote vigilantes (Popkin 2010), and expose victims of crime to secondary victimisation (Herald Sun, 16 February 2010).

This paper will analyse the most popular social networking website – Facebook - and its engagement with crime. Through media analysis of several Australian and international newspapers and using case studies, this paper will investigate the context in which Facebook was linked to crime prevention and crime repression, and identify pressure posed by state and non-state agencies to this SNS, most notably in relation to identifying and reporting child sex offenders (Handley 2010). This paper hopes to prompt the debate around a potential role of SNSs in addressing crime, and their impending impact on policy changes. Finally, the paper will emphasise the need for such an engagement within a broader context of critical criminology.

NDARC panel [title/authors/abstract to be confirmed]
Issues in Rehabilitation and Re-integration of Juvenile Offenders: Special Reference to Sri Lanka
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Rehabilitation of juvenile offenders in correctional institutions and re-integration into society are two inter-connected controversial issues that continue to be of grave concern in Sri Lanka. The increasing rate of juvenile delinquency and reconviction and recidivism rates clearly demonstrate the failure of existing policies and methods in the rehabilitation and re-integration processes of present juvenile justice system. Rehabilitation programmes and re-integration techniques for juvenile offenders should be based on a ‘special rehabilitation policy’ which particularly focuses on their special needs. If not, it will be difficult to control the reconvicted/recidivism rates. It will also create unnecessary social problems in the country. Further, special attention should be given to identifying the causes for juvenile delinquency. It is high time to re-evaluate existing policies and methods with regard to the rehabilitation of juvenile delinquents and their re-integration into society. This paper describes and evaluates the reasons for juvenile delinquency in Sri Lankan context, the problems that juvenile offenders face when they are kept in correctional institutions such as certificate schools, detention centers etc., the failure of the existing system, the needs of juvenile delinquents and the International Standards relating to protection of their rights. Introducing a new policy in rehabilitation of juvenile offenders and re-integrating them to the society, and introducing new rehabilitation programmes which would meet their specific needs, will also be discussed in this paper.

Women at The Borders
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A recent international report concluded that the only identifiable variable in the decision-making of men and women unauthorised border crossings is the degree of fortification of the border(s) to be crossed (Richter & Taylor, 2007). Researchers have speculated that this may be because women are less willing to play ‘cat and mouse’ with border policing agents or to make repeated attempts at crossing highly securitised borders (Richter & Taylor, 2007). Furthermore, some criminological research suggests that border securitisation is creating a more hostile and violent environment for women, with a higher incidence of reports of rape and sexual violence in increasingly militarised border zones (Carpenter, 2006). The number of women seeking asylum in developing countries has been increasing, with some research indicating that attempts to further secure borders through policies of deterrence have differentially impacted on women (McKay, 2003; Crawley, 1999). Despite widespread claims that globalisation is redefining borders (Sassen, 1999), comparative international research on this question remains relatively rare. This presentation will map some of the comparative empirical work undertaken to develop an international account of women’s experiences of crossing borders illegally focusing on their decision making in relation to border enforcement practices.

Crime Prevention through Environmental Design- An Analysis of Safer by Design Initiatives at the Local Councils in NSW Australia
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Crime is a significant problem that is faced by all modern societies around the world including Australia. This paper analyses what crime prevention strategies local councils are undertaking and determines if they are being implemented effectively. Answering such a question is of interest to the local councils, the police, crime prevention funding organisations, and government departments. Being able to evaluate the important issues arising from the implementation of crime prevention strategies at a local council level will them to adjust their approach to crime prevention to achieve a more efficient and effective system.

This research is primarily concerned with Crime Prevention Through Environmental Design (CPTED) and its implementation using the Safer By Design (SBD) program. For the research reported in this paper, two councils from each of the low, medium and high crime rate areas were selected for analysis. For each of these six councils, relevant crime prevention documents such as Crime Prevention Plans
and Development Control Plans (DCP’s) were analysed to determine what crime prevention measures were being undertaken and how these relate to the CPTED principles. Lastly, interviews with local councils’ planners and crime prevention officers were undertaken to determine the issues that arise in the implementation of the crime prevention initiatives of the relevant councils.

A number of interesting findings were made as a result of this research. They relate to the areas of communication and cohesion among relevant council departments regarding crime prevention, relevant education of the council staff in the Safer By Design Program and the funding mechanism and procedures that favour certain strategies over others. Changes in these areas can undoubtedly make the implementation of crime prevention initiatives more effective.

**Technology-Facilitated Sexual Violence: New Harms, or ‘New’ Ways for Committing ‘Old’ Crimes?**  
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There are some suggestions, particularly in the media and public debate, that emerging technologies are driving increases in violent offences committed by youth, including sexual assault. Yet those working in the field of responding to and preventing sexual assault will doubtless be sceptical that it is the technology that is ultimately driving these offences. Rather, technology may simply offer ‘new ways for committing traditional crime’ (Australian Federal Police, 2007, p.3). In the case of sexual violence, technology can enable a new forum for continuing the harm of the original sexual assault and for further humiliating and harassing the victim. The unauthorised taking and distribution of images of an otherwise consensual sexual encounter can similarly be framed as part of a continuum of sexual violence, where the distribution is itself a violation of an individual’s sexual autonomy with the effect of humiliating, intimidating or otherwise harassing the victim. This paper raises questions regarding recognition of the harm to victims in the context of ‘virtual’ and technology-facilitated sexual violence. It considers the meanings of ‘harm’ and ‘violence’ in local and feminist frameworks and explores the (in)compatibility of these framings.

**‘Mr Larssen is walking out again’. The Origins and Development of Scandinavian Prison Policy**  
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The Mr Larssen in the title featured in an anecdote told to one of us by Thomas Mathiesen. Early in his career as a prison researcher in the 1960s, he was talking to a Norwegian prison governor. The governor from his window observed the prisoner Larssen walking past the prison gate to freedom, made the above observation to Mathiesen and continued their conversation, confident that Larssen, as he had always done in the past, would return within a couple of days. The episode seems to exemplify the relaxed and humane conditions that Scandinavian prisons have become known for, even if there would no longer be such equanimity if Larssen chose to walk out of prison today. What though, has made possible this model of imprisonment, so different from that of the Anglophone world?

This paper argues that contemporary Scandinavian prison policy emerged out of three phases of development in modern society: (1) 1870s-1930s – solitary confinement, penance and the influence of Lutheran pastors; (2) 1930s-1960s – welfare, medicalization and work; (3) 1970s to the present – a normalization versus security tension. The paper traces in the development and interplay of these three phases against the background of social, political and cultural change in Scandinavia.

**Resilience and Violence in Former-Refugee Communities**  
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Refugee experiences of violence are well known and may include violence in the country of origin, in refugee camps, in processes of detention and, especially for women and children, in their own families before and after resettlement. The resilience of former-refugees to violence has been noted in recent
times by agencies such as the Australian Human Rights Commission. Across Australia, a number of initiatives are in place to deal with experiences of violence in these communities, including policing programs, settlement support services, community support groups and torture and trauma survival services. This paper will report on the preliminary findings of a project investigating refugee experiences of violence and interventions designed to address this violence. The project aims to understand the nature of these experiences within the specific context of resettlement as well as the strategies currently being implemented within state and community sectors. It will explore the manner in which claims to resilience are constructed on behalf these communities.

**Trends in Juvenile Detention in Australia**  
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Recently, concerns have been raised about the use of juvenile detention in Australia. In particular, there are growing concerns about the high proportion of juveniles in detention that is unsentenced, and the continuing over-representation of Indigenous juveniles among Australia’s juvenile detention population. Using data from the Australian Institute of Criminology’s Juveniles in Detention Monitoring Program database, which covers the period 1981-present, this paper will provide an overview of trends in juvenile detention over this period. It will consider trends in juvenile detention in Australia, with a focus on:

- The numbers and rates of juveniles in detention;
- Over-representation of Indigenous juveniles in detention;
- The proportion of the juvenile detention population that is female; and
- Numbers and rates of juveniles on remand.

The paper will draw on recent research to contextualise these trends.

**Multi-Perpetrator Sexual Abuse and Testimonial Legitimacy**  
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A significant proportion of adults and children with histories of sexual abuse report multiple perpetrators, including experiences of successive abuse by different perpetrators and/or experiences of organised sexual abuse. Compared to other victims of sexual abuse, this population report earlier initiation of abuse, increased frequency of abuse, more severe and sadistic forms of abuse, and longer periods of abuse. Their physical, psychological and psychosocial outcomes are poor and they are at significantly increased risk of suicide, self-harm, alcohol and drug problems and revictimisation in adulthood.

A significant body of literature spanning psychology and public health has established that such life outcomes are a predictable consequence of multi-perpetrator sexual abuse. Nonetheless, these symptoms are frequently misconstrued by the criminal justice system and other authorities as evidence that the victim lacks credibility. As a result, the victim may be denied access to justice, health care and other human rights. Drawing on qualitative interviews with adults with histories of organised abuse, this paper will explore the (de)construction of the testimonial legitimacy of survivors of multi-perpetrator sexual abuse, whereby the injuries they sustain in the course of their victimisation are reconstituted as evidence of the implausibility of their narrative of harm.

**(Re)Gendering Violence: Men, Masculinities and Violence**  
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Based on the findings of an exploratory study, the proposed paper focuses on constructions of violence, in particular the ways in which professional, ‘expert’, conceptualisations of violence reflect
broader cultural beliefs about gender and power, thereby demonstrating the exercise of power through knowledge and, in particular, the powerful, exclusionary nature of expert knowledge. In the current study practitioners, in discussing their work, express an understanding of violence based upon foundational, yet implicit, assumptions about the nature of violence and its equation with men's behaviour; as something that men do. In this perspective ‘generic’ violence is something that men do to other men and is, to a large extent, ‘normal’ or at least inevitable and unremarkable (for men). In contrast, ‘domestic’ violence is understood as something that (some) men do to women and is, unequivocally, ‘unfair’ and unacceptable. Crucially, whereas ‘domestic’ violence is associated with gender and gendered power, with the emphasis on imbalances in or abuse of power, ‘generic’ violence is conceptualised as non-gendered, or not specifically gendered, with the implication that violence between men is ‘fair game’. Thus gender and power ‘matter’ when women are the victims of violence but, it seems, are neither acknowledged nor deemed significant when violence is between men. The findings of this study therefore highlight the extent to which societal/cultural beliefs regarding gender and violence are embedded at the levels of both institution/policy and practice; in the planning, funding and delivery of therapeutic/behaviour-change programs as well as in professional expectations and practices. Illustrating the exercise of (gendered) power through knowledge in shaping Australian government/agency responses and initiatives, it is argued that this has critical implications for the ways in which ‘gender(ed) violence’ is conceptualised, named and addressed.

The Growth of Environmental Law and Regulation and the Consequences for Criminology
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This paper explores the increasing enactment of environmental legislation and regulation in Australia, and highlights some of the consequences of such activities. Environmental regulations, law and policy have increasingly become matters of local and global concern, and are embedded in legal disciplinary boundaries between regulation, administrative and criminal law. The consequences of increasing attention to environmental issues in these disciplines therefore are of interest to criminology, given the nature of the social and environmental impact upon place, and upon human and non-humans as offenders and as victims. Taking New South Wales as a case study, the paper analyses the uptake of environmental concerns in regulation and legislation, and in the teaching of environmental subjects in criminology. This paper has been written to contribute to the nascent field of environmental or green criminology.

Writing and Rewriting the Relationship Between Koori Offenders and the Australian Government
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Drawing on the official documents of the Victorian Department of Justice and transcripts from interviews with Aboriginal staff, this paper explores the way that Koori peoples and the Australian Government are positioned within the social and political spheres of justice and corrections. The paper shows that while the official documents and Aboriginal staff position Koori peoples similarly (as disadvantaged and over-represented within the criminal justice system because of the actions of the Australian Government), the basis on which each does so is markedly different. The paper argues that the similarities and differences between the official documents and the accounts of Aboriginal staff illustrate an unusual process of ‘wording’ achieved through ‘epistemic violence’ (Spivak, 1985). The paper concludes by discussing the implications of this process for the way that we understand the position of Koories and Government within Victoria’s settler-colonial spheres of justice and corrections.

Researching Prison Rape: The Researchers’ Journey
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This paper engages with a groundbreaking two-year research project that explored the impact and incidence of sexual assault in men’s prisons in Western Australia. It begins with a brief explanation of the research methodology and an outline of the findings of the study. However the main focus of the
paper is the researchers’ experience of ‘doing’ such controversial research. The paper looks at the bureaucratic obstacles that had to be overcome, outright opposition to the research, serious ethical considerations, and government and department of corrective services reaction to the publicly launched report which attracted much media attention. The paper also explores the impact of publicly aired personal and professional slights aimed at the research and the researchers by the prevailing Minister for Corrective Services/Attorney General (WA). Finally, the paper looks at the precarious position of ‘doing’ critical criminological research in an era of profound managerialism.

A New Era of Indigenisation? The Globalisation of Restorative Justice and Indigenous Justice
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The study of the globalisation of crime control policy and products has recently become a key issue for indigenous scholars. The reasons for this include the restorative justice industry’s increasing utilisation of ‘indigenous’ philosophies and practices in the design of its various products, and the focus on the ‘Indigenousness’ of these products throughout the industry’s marketing material. The purpose of this paper is to provide an indigenous critique of the globalisation of restorative justice and the industry’s utilisation of indigenous practices. The paper will focus on the impact that the international transfer of restorative products is having on relationships between First Nations and central governments in neo-colonial jurisdictions, and upon indigenous peoples drive for greater jurisdictional autonomy.

*Securing Nightlife: Press Depictions of Public and Private Policing and the Night-Time Economy*
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There is ongoing ambivalence concerning the role of security employed as doorstaff and venue controllers in the night-time economy. Expanded private security is seen as a legitimate solution to social concerns and anxiety related to nightlife. However, there is significant official, media and public unease regarding the lack of regulation and governance of an industry that is still substantially grounded in masculine aggression and has a long history of criminal association. Australian public and media discomfort about ‘bouncer’ behaviour has grown in line with the expansion of night-time leisure, and peaked during episodes such as the violent death of former international cricketer David Hookes in 2004. However, with seemingly little regard to this growing social concern, neo-liberal policies have promoted the expansion of urban night-time leisure with less regulation of clubs and drinking venues. This shift has witnessed the devolution of public and quasi-public security and a heavier reliance on private security to govern spaces that were formerly the concern of the state. Private security personnel now greatly outnumber public police in relation to surveillance and supervision of after-dark leisure. Ambivalence about them and the position of the public police in regulating night leisure are increasingly prominent features of media and public discourse. This paper draws on a fifteen-year archival search of the two major newspapers in Sydney, the (broadsheet) Sydney Morning Herald and (tabloid) Daily Telegraph, analysing prominent concerns regarding public policing and private security in a society increasingly sensitized to the risks associated with the city after dark.

Defining Pollution Down: Forestry, Climate Change and the Dark Figure of Carbon Emissions
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In the Australian context, forestry is typically reported to be a carbon negative sector. In fact, there is good evidence to suggest that the clearfelling of vast tracts of Australian native forest contributes substantially to net annual carbon emissions. This paper draws on the work of Michel Foucault to examine the nature and extent of the dark figure of carbon emissions and explicates how forestry related harm is defined down in the national and international context.

Obama’s War on Terror: Executive Power and Human Rights
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The election of Obama has prompted both optimism and concern over how he will handle the war on terror. In his presidential campaign, Obama criticized claims of unchecked presidential power and promised to close Guantánamo Bay. He rejected the Military Commissions Act and embraced the Geneva Conventions. As President, Obama decided to make one of his first acts a strike against the Bush legacy. He signed executive orders that banned harsh interrogation techniques such as waterboarding. Still, skepticism lingers due to the number of Bush holdovers in the Obama administration. Adding to those worries, Obama left intact the surveillance program, retained the authority to use renditions, and maintained some of Bush’s claims to state secrets. He preserved the military commissions and national security letters he criticized during the campaign, albeit with more due-process safeguards. Obama plans to hold indefinitely dozens of suspected terrorists without charges. He expanded Bush’s campaign of unmanned drone strikes against Al Qaeda in the tribal areas of Pakistan, vowing to strike terrorists there without permission of the local government. Living up to his campaign rhetoric, Obama has significantly shifted focus from Iraq to Afghanistan where troop levels are set to triple on his watch. This paper goes beyond a mere description of Obama’s war on terror by delving into the reconfiguration of executive since 9/11. Furthermore, discussion takes aim at issues pertinent to human rights and international law.

**Media, Laws and Networks Gone Bad? Examining the Implications of Media, Law Reform and Criminal Network Structure for Illicit Drugs Policy**

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Illicit drugs are a major social and criminal justice problem and are inextricably and causally linked to the major socioeconomic issues of our time. Yet, there remain persistent gaps in knowledge about the optimum solutions. The Drug Policy Modelling Program (DPMP) is a collaborative and multi-disciplinary consortium that has developed as a means of providing a more evidence-informed and productive response to Australia’s drug problem. Core to its mission is the application of new methodological and theoretical approaches. In this paper we examine three facets of illicit drug policy: mainstream media depictions of illicit drug issues, drug law reform and the structure of illicit drug networks.

In the first paper we use mainstream media communication theories to outline different mechanisms by which media can impact on public perception of drugs and crime. The media can set the agenda and define public interest; frame issues through selection and salience; indirectly shape individual and community attitudes towards risk; and feed into political debate and decision making. By examining the issue of the so called Miaow Miaow (Mephedrone) epidemic in the UK and Australia we demonstrate how the media can fulfill each of these roles. In doing so we illustrate the potential implications for understanding the role of media and how it can influence public opinion and contribute to law and order debates.

In the second paper we examine the issue of illicit drug market structure. Social network analysis (SNA) is an emerging technique for examining criminal (or dark) networks, used by both researchers and law enforcement agencies. We examine four extant conceptual frameworks, drawn from a variety of disciplines, which might form a springboard for the development of an integrated theory of dark networks. This paper illustrates the utility of each of these conceptual frameworks by application to a case study of a drug manufacture and trafficking syndicate in Australia and shows the implications of each approach for illuminating network structure and assessing vulnerability to law enforcement interventions.

In the final paper we examine the contested issue of the benefits and costs of drug law reform. Using the example of Portugal, a nation that decriminalised the use, possession and acquisition of all illicit drugs in July 2001 we outline, nine years post reform, the criminal justice and drug market impacts from the reform. By examining Portuguese trends, in light of trends from neighbouring Spain and Italy, we are able to provide the first comprehensive evidence that some benefits such as the reduction in demand on the criminal justice system are observable solely in the drug law reform nation.
As with most Western prison systems over the past three decades, Australia's rates of imprisonment, numbers of prisons and budgets spent on prisons have grown rapidly, whilst, at the same time, Inquiries recommending reducing imprisonment, programs to reduce recidivism and diversion initiatives abound. This panel will report on and discuss findings of the Australian Prisons Project (APP) exploring these phenomena. Panel members will reflect critically on the nature of penal culture over the past four decades to gain an understanding of: the re-emergence of the prison as the primary criminal justice strategy in Australia; key legal, ideological and other moments in the last three decades in the various Australian jurisdictions that led to shifts in penal culture; the nature and impact of changes in sentencing legislation across the jurisdictions; and the impacts of all these on vulnerable groups and individuals within those groups, in particular on Indigenous Australians, women and persons with mental health and intellectual disability.

It is proposed that three 15 minutes papers, with 10 minutes of debate and discussion after each, be given on:

- Developments in penal culture in Australia since the 1970s
- Sentencing changes and impacts in Australia since the 1970s
- People with mental health and cognitive disability in prison in Australia

followed by a final 15 minute summary of the themes and directions discussed.

More information on the Australian Prisons Project can be found at [www.app.unsw.edu.au](http://www.app.unsw.edu.au)