8th Annual Australian and New Zealand Critical Criminology Conference

Critical Criminology: Research Praxis and Social Transformation in a Global Era

Hosted by Monash Criminology and the School of Social Sciences
Monash University

http://artsonline.monash.edu.au/criminology/

Thursday 4 – Friday 5 December 2014

Monash University Law Chambers
555 Lonsdale Street, Melbourne
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We encourage you to tweet during the conference using the hashtag #CritCrim2014 and tagging the Critical Criminology twitter page @CritCrim2014
WELCOME

On behalf of Monash Criminology and the School of Social Sciences, we would like to welcome you to the 8th Annual Australian and New Zealand Critical Criminology Conference.

The Australian and New Zealand Critical Criminology Network brings together a diverse range of academics, cross-sector stakeholders, practitioners, advocates, activists and students to reflect and renew discussions about the status, role and future of critical criminology. The theme of this conference this year is Critical Criminology: Research Praxis and Social Transformation in a Global Era. The conference will consider the unique and important place of critical criminology, with a particular focus on the multi-level barriers that impact on transformative research agendas and collaborations in the current social, political and economic climates. There are six key streams:

1. Re-theorizing Punishment's Borders and Boundaries
2. Movements against State and Corporate Harm
3. Campaigns for Justice
4. Seeking Real Access to Justice
5. Surveillance and the Technologies of Control
6. From Theory to Praxis: Challenges in Critical Criminology

As you will see over the next two days, we have a packed intellectually rigorous, challenging and stimulating program, featuring four plenary panels and 68 papers. The abstracts for all papers can be found in this program.

We would like to take this opportunity to thank the School of Social Sciences and Monash Criminology for their support in facilitating and contributing to this conference. We would also like to make special mention to the incredible dedication, hard work and tireless enthusiasm of the conference organising committee, in particular, to Kate Burns, Rachael Burgin and Mary Iliadis – three outstanding Monash HDR students – for their diligence, patience, passion and exceptional organisational skills.

Thank-you for attending and enjoy the conference.

ORGANISING COMMITTEE

Dr Asher Flynn
Kate Burns
Mary Iliadis
Rachael Burgin
Dr Bree Carlton

If there are any queries throughout the day, please feel free to approach any of the conference organisers for advice.
GENERAL CONFERENCE INFORMATION

**Conference Venue**
Monash University Law Chambers  
555 Lonsdale Street, Melbourne

**Wi-Fi**
Wi-Fi passwords and instructions will be provided at the conference registration table

**Printing**
Please note there are no printing facilities available at the conference venue

**Presenters’ Information**
Presenters should upload their presentation slides prior to each session. This will ensure the smooth running of the day. Individual presenters have been allocated approximately 20 minutes including 5 minutes of questions. Please check the number of presenters in your session and liaise with the session chair to confirm the precise time available.

**Conference Dinner**
The Moat Bar & Restaurant  
176 Little Lonsdale Street  
Thursday 4 December 7.30pm-10.30pm

Tickets for the conference dinner will be distributed at conference registration. Please note there were a limited number of pre-paid tickets available, and it is unlikely any additional tickets will be available for purchase on the day. The conference dinner venue is a short walk from the conference venue. Please ask the conference organisers if you require directions to the venue.
**Book Launch and Wine Reception**
Please join us at the close of the conference on Friday 5 December for a wine and cheese reception to be held from 6:45pm-8.00pm at the Law Chambers.

Dr Julia Quilter will launch Anastasia Powell & Nicola Henry (eds.) *Preventing Sexual Violence* (2014) Palgrave MacMillan

**Lunch locations**
On the second day of the conference, lunch will not be provided. However, there are numerous great lunch options near the conference venue, for example Healeys Lane (directly opposite the Law Chambers), near the corner of Crombie Lane and Little Lonsdale Street, or near the County Court there are cafes such as The Firm. The conference organisers would be more than happy to provide additional suggestions if you require them.

**Transport**

*Train Stations*
Southern Cross Train Station (6 minute walk)
Flagstaff Train Station (3 minute walk)

*Melbourne Tullamarine Airport*
The venue is approximately 23km from Melbourne Tullamarine Airport. A taxi from the airport will cost approximately $50.00 AUD (one way) or the Sky Bus to Southern Cross Station costs approximately $17.00 AUD (one way).

*Taxi Services*
Yellow Cabs: 13 CABS (13 2227)
Silvertop Taxi: 131 008

*Car Parking*
Street parking is limited near the venue and restricted to one and two hour spaces. However there are several enclosed car parks nearby such as:

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<thead>
<tr>
<th>Car park</th>
<th>Location</th>
<th>Car park rates</th>
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<tbody>
<tr>
<td>Flagstaff Car park</td>
<td>Corner of Healeys Lane and Little Lonsdale Street</td>
<td>Early bird rate of $14.90 if you park by 9:00am and exit between 2:30pm and 7:00pm.</td>
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<tr>
<td>Secure-Merritts Place</td>
<td>558 Little Bourke Street (entrance on Crombie Lane)</td>
<td>Super early bird rate of $20.00 if you park between 5:30am and 7:00am and exit before 9:00pm. It also has an early bird rate of $21.00 if you park between 7:00am and 10:00am and exit between 3:00pm and 9:00pm.</td>
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<tr>
<td>Secure Parking</td>
<td>570 Bourke Street (Entrance on corner of Little Bourke street and Crombie Lane)</td>
<td>Early bird rate of $22.00 if you park between 6:00am and 9:30am and exit between 3:00pm and 8:00pm.</td>
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KEYNOTE SPEAKERS

Plenary Session One

Scott Poynting is a Professor in Criminology at the University of Auckland, where he teaches on state crime and on the criminalisation of ethnic minorities. He is co-author (2004) of Bin Laden in the Suburbs: Criminalising the Arab Other (downloadable free at: http://hdl.handle.net/2123/8593), and is co-editor (with David Whyte) of Counter-Terrorism and State Political Violence: the War on Terror as Terror (Routledge, 2012), and (with George Morgan) of Global Islamophobia: Muslims and Moral Panic in the West (Ashgate, 2012).

Dr Michael Grewcock teaches criminology and criminal law at UNSW. His main areas of research are border policing and state crime. He is the author of Border Crimes (2009) and several book chapters and articles on border policing. He is co-author of Criminal Laws (5th and 6th editions) and was a Chief Investigator on the ARC funded Australian Deportation Project (2011-2013). He is a member of the Editorial Board of the State Crime journal.

Dr Vicki Sentas is a lecturer at UNSW. She researches processes of criminalisation and racialisation in law and policing. Her recent and current projects examine the effects of counter-terrorism practices, migration controls and multiculturalism policies on criminal justice in Australia, the UK and the EU. Her forthcoming book Traces of Terror: Counter-Terrorism Law, Policing and Race (Oxford University Press 2014) investigates the effects of counter-terrorism law and policing on ethnic minority and Muslim communities in Australia. Vicki has also published her research on the criminalisation of armed conflicts, self-determination and migrant diasporas.
Associate Professor **Thomas Crofts** is the Director of the Sydney Institute of Criminology. He is a graduate of University College London (LL.B.), the Bayerische Julius-Maximilians-University Würzburg, Germany (LL.M.) and the European University Viadrina in Frankfurt/O., Germany (Dr. iur.). Prior to working at the University of Sydney, Associate Professor Crofts taught Law at Murdoch University (2000–2010), the European University Viadrina Frankfurt (Oder) (1995–1999) and the Bayerische Julius-Maximilians-University Würzburg (1993–1995). He has held visiting appointments at the Universities of Sheffield, Nottingham, Birmingham and Western Australia.

**Gail Mason** is a Professor of Criminology in the Sydney Law School, University of Sydney. Her research centres on crime, social justice and exclusion, particularly: racist and homophobic violence; hate crime law and punishment; cyber-racism; and resilience amongst refugee communities. Professor Mason is a coordinator of the Australian Hate Crime Network. She is currently undertaking an international comparison of hate crime laws and recently edited *Restorative Justice and Adult Offending: Emerging Practice* (2012: Sydney Institute of Criminology).

**Murray Lee** is an Associate Professor in Criminology at the University of Sydney. He is the author of *Inventing Fear of Crime: Criminology and the Politics of Anxiety*, co-author of *Fear of Crime: Critical Voices in an Age of Anxiety* and is co-editor of the journal *Current Issues in Criminal Justice*. His current research interests involve fear of crime, policing and the media, 'sexting' and young people, crime prevention, confidence in criminal justice systems, and the spatial determinants of crime. Associate Professor Lee currently teaches in the fields of policing, crime theory, fear and risk of victimisation, and environmental criminology.
Dr **Anna Eriksson** is a Senior Lecturer at Monash University and holds an ARC DECRA on comparative penology. Her DECRA project has involved conducting interviews with over 150 staff and prisoners in Australia and Norway, exploring what variables inside the prison walls leads to ‘othering’ of prisoners as individuals, and prisons as institutions. Together with Professor John Pratt, she published *Contrasts in Punishment: Explaining Anglophone Excess and Nordic Exceptionalism*, with Routledge in 2013. She is currently working on an edited collection, provisionally titled *Punishing the Other: The social production of immorality revisited*.

**Harry Blagg** is a Professor of Criminology and Criminal Justice Studies and the Director of the Law and Criminal Justice Centre at Plymouth University. He is particularly well known for his work on Australian Indigenous people. From 2001-2006, Professor Blagg was the Research Director on the WA Law Reform Commission’s Aboriginal Customary Law project and has led research on community justice, courts, youth justice, policing and family violence. His 2008 book, *Crime, Aboriginality and the Decolonisation of Justice* (Hawkins Press) is considered a seminal and definitive text. He is currently engaged in research for Amnesty International on Indigenous youth justice and completing a book with Thalia Anthony entitled *Decolonising Criminology: Re-imagining Justice in a Postcolonial World*.

Dr **Claire Spivakovsky** is a Lecturer in Criminology at Monash University. Claire’s research explores how experiences of ‘difference’ and criminal justice are mutually constructed. In particular, she considers how localised notions of being ‘different’ – for example being racialised or living with a disability – are fundamental to the formation and orientation of criminal justice practices, and how the tools, technologies and logics of criminal justice propagate specific notions of being ‘different’ for individuals to embody. Her first book, *Racialized Correctional Governance: The Mutual Constructions of Race and Criminal Justice* was published in Ashgate's Advances in Criminology Series in 2013.
Dr Elizabeth Stanley is a Reader in the Institute of Criminology at Victoria University of Wellington, New Zealand. Her research focuses on state crime, human rights, transitional justice and social justice. She has written widely on these issues with regard to New Zealand, the United Kingdom, South Africa, Chile, Timor-Leste and West Papua. Dr Stanley’s publications include *Torture, Truth and Justice: The Case of Timor-Leste* (Routledge, 2009) and *State Crime and Resistance* (Routledge, 2013, co-edited with Jude McCulloch).

Dr Thalia Anthony is a Senior Lecturer in Law at the University of Technology, Sydney. Her research is focused on Indigenous legal rights, particularly in the criminal justice system and in relation to civil remedies. Dr Anthony’s work on criminal sentencing seeks to identify how the punitive turn has reimagined Indigenous factors in relation to culture, customary law and disadvantage. This was recently published in *Indigenous People, Crime and Punishment* (Routledge, 2013). More broadly, Dr Anthony’s research is concerned with critical criminology theory, accountability in the criminal justice system and alternative justice mechanisms.

Phil Scraton is a Professor of Criminology in the Institute of Criminology and Criminal Justice, School of Law, Queen's University, Belfast, where he is the Director of the Childhood, Transition and Social Justice Initiative. He has held recent visiting scholarships at Monash University and the Sydney Law School at the University of Sydney. His primary research includes: controversial deaths and institutional responsibility and the rights of the bereaved and survivors in the aftermath of disasters.
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<thead>
<tr>
<th>Time</th>
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<tbody>
<tr>
<td>8.15am</td>
<td>Registration Desk Open (Outside Auditorium 1)</td>
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<tr>
<td>9.00am-9.20am</td>
<td>Welcome to Country presented by Diane Kerr</td>
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<td>Conference Opening by Sharon Pickering</td>
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<td>9.25am-10.40am</td>
<td>Keynote Plenary One</td>
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<td>Anti-State Research and the Politics of Containment: What Can Critical Criminology Say and Do?</td>
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|            | Scott Poynting  
|            | Vicki Sentas  
|            | Mike Grewcock  
|            | Chair: Sharon Pickering                                                       |
| 10.40am-11.10am | Morning Tea                                                                   |
| Auditorium 1 | Session 1.1: Surveillance and Technologies of Control                         |
|            | Rachel King, Anastasia Powell & Nicola Henry  
|            | Alyce McGovern & Sanja Milivojevic  
|            | Rachel Loney-Howes  
|            | Chair: Thomas Crofts                                                          |
| Auditorium 2 | Session 1.2: Re-Theorising Punishment’s Borders and Boundaries                |
|            | David Brown & Russell Hogg  
|            | Chris Cunneen  
|            | Adrian Cherney & Robin Fitzgerald  
| Auditorium 3 | Session 1.3: From Theory to Praxis: Challenges in Critical Criminology     |
|            | Julie Ham  
|            | Fairleigh Gilmour  
|            | Bodean Hedwards  
| 11.15am-12.35pm | Lunch                                                                    |
| Auditorium 1 | Session 2.1: Surveillance and Technologies of Control                         |
|            | Carolyn McKay  
|            | Caitlin Overington  
|            | Gavin Smith  
|            | Chair: Murray Lee                                                            |
| Auditorium 2 | Session 2.2: Re-Theorising Punishment’s Borders and Boundaries                |
|            | Julia Quilter  
|            | Luke McNamara  
|            | Monica Barry  
| Auditorium 3 | Session 2.3: Movements Against State and Corporate Harm                      |
|            | Julie Evans  
|            | Jennifer Balint  
|            | Juliet Rogers  
| 1.35pm-2.50pm | Lunch                                                                    |
| Auditorium 1 | Session 3.1: Campaigns for Justice                                             |
|            | Dave McDonald  
|            | John Whitehead  
|            | Caroline Keen  
|            | Chair: James Roffee                                                           |
| Auditorium 2 | Session 3.2: Re-Theorising Punishment’s Borders and Boundaries                |
|            | Emma Russell  
|            | Bree Carlton, Joe Sim & Steve Tombs  
|            | David Scott & Helena Gosling  
| Auditorium 3 | Session 3.3: Movements Against State and Corporate Harm                      |
|            | Nesam McMillan  
|            | Claire Loughnan  
|            | Fiona Haines  
| 2.55pm-4.10pm | Lunch                                                                    |
| Auditorium 1 | Session 4.1: Transforming Ourselves: A Critical Criminology Perspective         |
|            | Paul Williams  
<p>|            | Chair: Julie Evans                                                            |</p>
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<tr>
<td>4.10pm-4.40pm</td>
<td>Afternoon Tea</td>
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<td>Auditorium 1</td>
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<td>4.40pm-6.00pm</td>
<td>Keynote Plenary Two</td>
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<td>Regulation and Online Cultures</td>
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<td>Thomas Crofts</td>
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<td>Murray Lee</td>
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<td>Gail Mason</td>
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<td>Chair: Asher Flynn</td>
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<td>7.30pm -10.30pm</td>
<td>Conference Dinner – The Moat Bar &amp; Restaurant</td>
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<td>176 Little Lonsdale Street</td>
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### Friday 5 December 2014

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<tr>
<td>9.00am -10.15am</td>
<td>Session 4.1: Seeking Real Access to Justice</td>
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<td>Kerstin Braun</td>
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<td>Scarlet Wilcock</td>
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<td>Bridget Harris, Lucinda Jordan &amp; Lydia Phillips</td>
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<td>Chair: Hannah Graham</td>
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<td>Session 4.2: Campaigns for Justice</td>
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<td>Kerry Carrington</td>
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<td>Bianca Fileborn</td>
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<td>Tyrone Kirchengast</td>
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<td>Chair: Kate Burns</td>
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<td>10.15am-10.45am</td>
<td>Morning Tea</td>
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<td>10.45am-12.00pm</td>
<td>Session 5.1: From Theory to Praxis: Challenges in Critical Criminology</td>
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<td>Sompit Watkins &amp; Julie Ham</td>
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<td>Rob White &amp; Hannah Graham</td>
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<td>Anastasia Powell &amp; Bianca Fileborn</td>
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<td>Chair: David Brown</td>
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<td>12.15pm-1.15pm</td>
<td>Session 5.2: Re-Theorising Punishment’s Borders and Boundaries</td>
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<td>Rebecca Powell</td>
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<td>Leanne Weber</td>
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<td>Sara Maher</td>
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<td>Chair: Marie Segrave</td>
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<td>12.15pm-1.15pm</td>
<td>Session 5.3: Movements Against State and Corporate Harm</td>
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<td>Paddy Rawlinson &amp; Greg Stratton</td>
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<td></td>
<td>Rhiannon Bandiera</td>
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<td></td>
<td>Maria Rae</td>
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<td>Chair: Nathan Hughes</td>
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<tr>
<td>Time</td>
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<tr>
<td>1.15pm-2.15pm</td>
<td>Lunch (BYO – Food not provided)</td>
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</tbody>
</table>
| 2.15pm-3.30pm | Keynote Plenary Four  
Critical Research and Institutional Violence  
Thalia Anthony  
Phil Scraton  
Elizabeth Stanley  
Chair: Bree Carlton |
| 3.45pm-5.00pm | Session 6.1: Seeking Real Access to Justice  
Michelle Edgely  
Kate Burns  
Alexis Harris  
Su Robertson  
Chair: Rob White |
|             | Session 6.2: Re-Theorising Punishment’s Borders and Boundaries  
Hannah Graham  
Brian Steels  
Kevin Kwok-yin-Cheng  
Chair: Anna Eriksson |
|             | Session 6.3: Movements Against State and Corporate Harm  
James Martin  
Peta Malins & Diana Johns  
Natalie Thomas  
Margaret Pereira  
Chair: Paddy Rawlinson |
| 5.00pm-5.30pm | Afternoon Tea  
Foyer |
| 5.30pm-6.50pm | Session 7.1: Surveillance and Technologies of Control  
David Vakalis  
James Petty  
Sami Siddiq  
Chair: Su Robertson |
|             | Session 7.2: Re-Theorising Punishment’s Borders and Boundaries  
Kate Crowe  
Ronald Kramer  
Nathan Hughes  
Chair: Claire Spivakovsky |
|             | Session 7.3: Movements Against State and Corporate Harm  
Tallace Bisset  
Kim Robinson & Shepard Masocha  
Francesco Vecchio  
Brandy Cochrane  
Chair: Leanne Weber |
| 6.50pm-8.00pm | Conference Close by Asher Flynn and Bree Carlton  
Book Launch  
Anastasia Powell & Nicola Henry (eds.) Preventing Sexual Violence (2014) Palgrave Macmillan  
Presented by Dr Julia Quilter  
Foyer |
ABSTRACTS

Plenary Session One
Anti-State Research and the Politics of Containment – What Can Radical Criminology Say and Do?

What can critical intellectuals and progressive movements do about 'with us or against us' counter-terrorism?

Professor Scott Poynting, University of Auckland

When George W Bush announced the so-called ‘war on terror’, he simultaneously pronounced ‘either you are with us or you are with the terrorists’. On the left we answered, justifiably, with scorn. Yet scorn has worn thin. Thirteen years later, we are confronted with a now hegemonic with-us-or-against-us in the apparatuses of hegemony, both consensus-raising and coercive. Laws define environmentalist activists as terrorists. Student demonstrators are stitched up on violent disorder charges and imprisoned for long terms. Whole communities are suspect, and are pressured to self-censor, refrain from radical politics, to exercise social control over their youth before the state comes for them, to spy on those at the weirder margins now labelled extreme and to dob them in. Military struggle against Assad, David Cameron’s project last year, is now terrorism if British or Australian young men volunteer for it, if indeed if anyone materially aids it or even supports it in words, beyond an uncertain ‘line in the sand’. Anyone travelling to Syria is guilty until proven innocent. Most ordinary people agree with most of this, either through active consent or through no-alternative passivity. How can we respond? Counter-hegemonic struggle must subvert the us-building. ‘Team Australia’ here; in Britain, ‘One Nation’. ‘British’ and ‘Australian’ values. Critical scholars and activists, I argue, must undermine this ‘us’, and raise humanity and internationalism as our collective ‘we’, no matter how apparently devalued by bourgeois liberalism and really no-longer existing communism. The intent and implications of Niemoeller’s ‘First they came’ bear another look.

Permanent War and the Criminological Imaginary

Dr Vicki Sentas, University of New South Wales

The permanent wars (against crime, extremism, the other) generate visible forms of violence; exclusion, annihilation and immiseration. State violence forms part of the critical criminological imaginary. We critique it, we want to end it. But how do we imagine the systemic or epistemic violence of multicultural, liberal social democracy? The subtle, less visible forms of coercion that sustain relations of domination and exploitation are often the strategies we benefit from, and participate in. This paper is about communitarian strategies of power, and their false promise of an ethical freedom from violence. Communitarianism promises a solution to the violence of the state. Repressive counter-terrorism is redeemed with community policing, community self-management, even promising redress from social inequalities, discrimination and essentialist discourses about culture. I argue communitarianism manages difference through a politics of containment particularly central to both reproducing and masking racial domination today. This last decade of the ‘war on violent extremism’, has depoliticised the transformative potential of particular social formations: Anti-racism has been replaced with ‘social inclusion’ and ‘civic participation’; oppositional difference is a ‘radicalisation’ to be managed; diagnosis of political problems replaced with reforming ‘broken’ social bonds to the nation. Attention to communitarianism marks both the limits and possibilities for a critical criminological imaginary.

Colonialism, Hegemony and State Crime

Michael Grewcock, University of New South Wales

The violence and social destruction associated with colonial conquest and state building remains a marginal theme within critical criminology. While practices such as slavery and colonial genocide easily
can be labelled as criminal, most state crime scholarship is concerned with contemporary events where state deviance is defined with reference to 20th century conceptions of human rights, civil society and hegemony. This paper explores ways in which such concepts might be applied to the experience of colonialism and ongoing forms of state violence in the post-colonial era. The discussion engages with the wider debate between Marxist and Post-Colonial theorists about the extent to which capitalism gave rise to universal forms of state power, the nature of hegemony and the sources of institutional and organised violence in the colonial context. The paper suggests that distinctions should be made between various types of post-colonial state but that common forms and lineages of state violence can be identified in relation to particular colonial practices. These include the imposition of capitalist property relations; forced dispersal and removal; the pacification and co-option of colonised populations; the construction of internal and external borders; the imposition of colonial law and state structures; and the legitimisation of state violence through narratives of progress and nation building.

Session One

1.1: Surveillance and the Technologies of Control

Technology Facilitated Sexual Violence: Measuring Prevalence
Dr Rachel King, RMIT University
Dr Anastasia Powell, RMIT University
Dr Nicola Henry, La Trobe University

Technology facilitated sexual violence (or TFSV) refers to a range of criminal, civil and otherwise harmful sexually aggressive behaviours perpetrated against women with the aid or use of new technologies. We conceptualise TFSV as occurring across five different forms: (1) the unauthorised distribution and appropriation of sexual images; (2) the distribution of sexual assault images; (3) online sexual harassment; (4) gender-based hate speech; and (5) virtual rape. Preliminary qualitative findings suggests these forms are both highly varied in context and increasingly common. Previously we have explored both the concept and nature of these gender-based harms (Henry and Powell, 2014a), as well as the legal and justice implications for young and adult women (Henry and Powell, 2014b; Powell and Henry, 2014); yet to date no study has sought to capture the prevalence of TFSV nor to examine its relationship with other technosocial harms. This paper will discuss the development of, and preliminary data from, our online survey which examines the nature and extent of adult women’s and men’s experiences of violence, harassment and hate-speech via communications technologies.

Fighting Rape Online: Perpetual Paradoxes in Campaigns for Justice
Rachel Loney-Howes, La Trobe University

This paper problematises a particular online justice campaign, the United Nations “Stop Rape Now” campaign, which fights for the social and legal recognition of the widespread use of rape in conflict. Extending beyond the increasing critique of online campaigns as merely symbolic activism – or clicktivism/slacktivism – this paper is interested in the way in which such campaigning is problematically preoccupied with the production of both ‘justice’ and the ‘subaltern woman’ as the objects of its activism. In propagating such representations, this paper traces how the investment in, and the promise of, international human rights law to deliver justice to victims of rape in this online campaign fails to capture and critique the broader contexts in which rape, and more generally violence against women, occurs. This has the effect of problematically distancing rather than connecting the socio-cultural and political conditions which bolster the possibilities for rape to occur in the first instance. Moreover, I suggest that in reproducing normative ideas about the subaltern woman as powerless and victimised, these online campaigns perpetuate what Nancy Fraser has termed ‘misrepresentation’, whereby the victims of rape themselves are denied the possibility of participation in campaigning for justice.
When the Truth is Stranger than Fiction: Rethinking Crime Narratives in a Social Media World

Dr Alyce McGovern, University of New South Wales
Dr Sanja Milivojevic, University of New South Wales

As has been well documented, the public appetite for crime and criminals is almost insatiable; nightly news and entertainment programming is littered with crime narratives, and newspapers are well stocked with the gritty details of recent crime events. While it may be argued that this interest is hardly new, what has changed in recent times is the nature and role of the traditional media platforms that deliver such content to audiences. As Jewkes (2011) and others have argued, the lines between news and entertainment are blurred, with news outlets now competing against social media platforms to ‘break’ news stories and present unique and interesting story angles. At the same time, primary news definers, such as the police, have an enhanced capacity to influence these media narratives in ways that were not previously possible. In this paper we will reflect on the evolving role and place of traditional and social media in crime news stories, using the recent death of Jamie Gao as an example of the way in which social media is impacting crime news narratives. Of particular interest will be the way in which victims and offenders are depicted in these representations, and the growing role of technology in driving crime news narratives.

1.2: Re-Theorising Punishment’s Borders and Boundaries

Punishment and Colonisation: The Case of Transportation and Convictism in the ‘Global South’
Professor Russell Hogg, Queensland University of Technology
Emeritus Professor David Brown, University of New South Wales

Criminological accounts of penal modernization have generally overlooked the experience and significance of transportation and convictism in the Australian context (and elsewhere in the Global South), an effect of a more general tendency in metropolitan theory to embed particular experiences and perspectives while presenting them as universal. This dependency in knowledge between metropole and periphery has been buttressed by Australian historiography’s inclination to claim the convict experience for Australian national history and identity. As a consequence the implications for our understanding of crime and punishment of this quite momentous penal project, spanning more than 80 years in the case of Australia, have received limited attention. The inclusion in 2010 by UNESCO of 11 Australian convict sites on the World Heritage List provides an occasion, and a further impetus, to redress this gap in knowledge and understanding, reflecting as it did the ‘universal significance’ of this experience as ‘an extraordinary example of global ideas and developments associated with the punishment and reform of the criminal elements of humanity during the Age of Enlightenment and the modern era.’ The paper will reflect on this lacunae in contemporary penal thought and consider some of the historical, conceptual and policy lessons that might be drawn from an effort to incorporate transportation and convictism into an account of modern penal development.

The Penal Colonial Complex: Subjugated Knowledges and the Coloniality of Power
Professor Chris Cunneen, University of New South Wales

Racialization is one of the distinguishing features of contemporary penality and has been addressed in part by work of Wacquant and others, although ignored by many. Even where racialization is addressed, the historical/contemporary link between racialization and the coloniality of power remains under acknowledged and explored. We began to excavate the coloniality of power specifically in the development of the concept of a penal/colonial complex in a recent book Penal Culture and Hyperincarceration. Elaborating further this earlier work, in this paper I propose to consider a number of sites where the concept of a penal/colonial complex might be usefully employed in our understanding of contemporary penality.
Overcoming the Stigmatizing Consequences of Punishment - The Transformative Potential of Employment and its Role in the Formation of Redemption Scripts and Replacement-selves Among Released Prisoners

Dr Adrian Cherney, University of Queensland
Dr Robin Fitzgerald, University of Queensland

This presentation explores how released prisoners on parole overcome the stigma of a criminal conviction in their attempts to secure legitimate employment. It will challenge a central argument in the literature that employment helps promote desistance by reinforcing pro-social identities, thus increasing one’s stake in conformity. However for this to happen, the stigma of a criminal conviction must be managed. This paper will highlight how overcoming the consequences of stigma for finding work requires forms of informal certification by family and friends to employers, which can help send reliable signals that an offender has changed. The paper will also illustrate how employment and the workplace provide opportunities for the formation of redemption scripts and replacement-selves through the process of voluntary self-disclosure. We explore these issues through an examination of interview data collected from offenders serving a parole order in Queensland (total interviews = 50).

1.3: From Theory to Praxis: Challenges in Critical Criminology

‘Not Like the Others’: The Use and Construction of Social Difference by Immigrant, Migrant and Racialised Women in Sex Work
Julie Ham, Monash University

The category of the ‘migrant sex worker’ is often used to communicate a range of social difference (e.g. class, race, gender) in the sex industry as well as in immigration, sex work and anti-trafficking discourses. However, the construction and use of social difference by immigrant, migrant and racialised sex workers has been much less examined than the social construction of immigrant, migrant and racialised sex workers. Based on 2013-2014 interviews with 65 immigrant, migrant and racialised sex workers in Vancouver, Canada and Melbourne, Australia, this presentation analyses the role of social difference in sex workers’ decision-making and in their interactions with co-workers and clients. In both cities, sex workers’ discussions about decision-making were often infused with assumptions about the social locations of their clients, managers and other workers. This presentation uses an intersectional theoretical lens to examine how categories of social difference creates knowledge in a context where work instruction may otherwise be hard to come by, given the immense stigmatization and frequent criminalization of sex work. This presentation concludes by discussing the challenges of sex workers’ use of social difference in fostering solidarity among diverse groups of women in the sex workers rights movement.

Transitions In and Out of Sex Work: Surveillance, Safety and Mobility
Fairleigh Gilmour, Monash University

The regulation and control of the sex industry has recently been a topic of much political and public debate. While some aspects of the industry have been heavily researched, there is little scholarly research on transitions in and out of the industry, particularly in terms of the indoor sector. My research draws from in-depth interviews with current and former sex workers from this sector. It highlights the broader economic and labour market conditions and regulatory context in which career decisions are made. In this presentation, I focus on some of the key themes that emerged during the research: safety, autonomy and surveillance. Several research participants reported that safety and autonomy at work played a role in their career decisions – impacting on job mobility (or job instability). However, policies ostensibly in place to make the industry safer were not experienced by workers as such. Rather, regulation was sometimes experienced as an invasive form of surveillance and control which could function to limit worker autonomy. In conclusion, my project sheds light on the ambivalent policy and regulatory
approaches to the sex industry in Australia, and the impact of this ambivalence on transitions in and out of the industry.

Government Responses to Modern Slavery: Vietnam Case Study
Bodean Hedwards, Walk Free Foundation

In 2013, the Walk Free Foundation released the inaugural Global Slavery Index, which estimated the number of people in modern slavery around the world, provided a description of government responses to this issue, and an examination of the risks associated with this crime-type. As the Walk Free Foundation strives to continually strengthen the methodology, the Global Slavery Index 2014 includes an in-depth analysis of government responses to modern slavery. The analysis is based on government activities across five key areas; victim support services, the criminal justice system, national coordination mechanisms, addressing the ‘enabling’ environment, and business engagement. This presentation will provide an overview of the conceptual framework underpinning the government response component of the Global Slavery Index. It will explore the challenges involved in quantifying a government response to such a crime through an examination of the situation in Vietnam, and highlight how our conceptual framework captures the various social, political and cultural intricacies involved in responding to modern slavery. Finally, the presentation will discuss some of the key limitations of the applying a comprehensive framework across these intricacies, and potential ways forward as the Walk Free Foundation strives to address the gaps in research on responses to modern slavery.

Session Two
2.1: Surveillance and the Technologies of Control

Framing the Prisoner: Facing Court by Video Link
Carolyn McKay, University of Sydney

Since the mug shot debuted in the mid–nineteenth century, technologies have been implicated in constructing images of criminality and delineating typologies of deviance. In relation to the court appearance of contemporary prisoners by video link, I argue that video conferencing technologies have created a new visual demarcation in criminal justice. The remote defendant, dressed in prison greens and sitting on a screen, is immediately individualised and pathologised as being ‘the other’. In this paper I explore the new observatory of incarcerated humanity, and how a visual stigmatisation is generated through prisoners’ framed and remote screen appearance from the bland aesthetic of the prison video studio. I argue that the incarcerated defendant’s body is marked by the expression of legal power through their representation on a video screen and absence from court. Referencing my fieldwork interviews with NSW prisoners, I argue that the emergent visual bias is a function of a number of factors including the setting of the prison video studio, the designated framing by technology, and the prisoners’ attire. These factors impact upon prisoners’ perception of themselves, their behaviour during video link sessions, and their experience of legal procedures.

Is Seeing Believing? Sexual Assault and the CCTV Images in the Courtroom
Associate Professor Amanda Glasbeek, York University, Canada

The use of CCTV footage as evidence in courtrooms has only recently come under academic scrutiny and, to date, no research exists on the specific use of camera images in sexual assault cases in Canadian courtrooms. Yet, as my previous research on women’s experiences with urban surveillance cameras has shown, women expect that CCTV can act as to corroborate their claims of sexual assault in public places, a view that coincides with the Canadian Supreme Court ruling in R. v. Nikolovski (1996), which held that a video image, “although silent, remains a constant and unbiased witness with instant and total recall of all that it observed.” Through an examination of all sexual assault cases tried in Canadian courts between 2008 and 2013 that called on evidence obtained from CCTV cameras, and drawing on feminist analyses
of VAW, STS examinations of the place of visual evidence in courtrooms, and surveillance studies insights into the workings of CCTV, this paper argues that video evidence does not stand on its own as a ‘silent witness.’ Rather, in courtroom cases of sexual assault, video evidence is coupled with legal and extra-legal factors so that seeing is structured by believing.

**Watcher Where You Walk at Night: Critically Examining the Influence of CCTV in (Re)Productions of Gender and Risk Within the City**

**Caitlin Overington, University of Melbourne**

When Jill Meagher vanished from the streets of Brunswick in 2012, she became a household name. When Adrian Bayley was arrested and charged with her murder, he embodied the risk of what can happen to women who are out alone at night. When CCTV footage of Meagher and Bayley’s fateful encounter was repeatedly reproduced within mainstream media, CCTV was championed as the technology that would prevent crimes such as this from occurring again, whilst at the same time providing a visual warning for those who choose to walk alone at night. With increased focus and funding allocated toward this surveillance technology, this paper will critically examine these current realities of CCTV within Melbourne spaces. Focusing not only on the physical presence of CCTV to influence behaviour, this paper will also address the discursive power of CCTV to influence practices of everyday life within the city, beyond crime prevention. This will be drawn out specifically through the analysis of gender in spaces and gendered spaces. Using the Meagher case as a framework, this paper illustrates how a firmly established surveillance technology continues to drastically alter the way in which we think about, feel about, and move within the city at night.

**Managing Self and Society: The Work of Watching**

**Dr Gavin Smith, Australian National University**

Closed Circuit Television (CCTV) cameras are now a prominent feature of urbanism and signifier of authority, but little is known about the operating cultures in which these structures are relationally situated. This paper contemplates the seductive and traumatic dimensions of monitoring telemediated ‘riskscapes’ through the prism of CCTV camera circuity. Attention focuses on the labour exerted by camera operators as they source and process distanced spectacles. These workers are paid to scan monitor screens in search of disorderly vistas, visualising stimuli according to its perceived riskiness and/or allurement. But the projection of this gaze can draw an unsettling reflection. It can mean enduring behavioural extremities as an impotent witness. It can also entail making spontaneous decisions that determine the course of justice. Drawing on ethnographic material, the paper probes the positioning of camera operators as ‘vicarious’ custodians of a precarious social order. It explicates how these spatial guardians perceive their role, and how experiences of watching external phenomena influence their internal value systems and conceptions of social reality. In so doing, the paper reveals the work of watching to be an ambiguous practice: as much about managing external disturbances on the street as managing internal disruptions in the self.

**2.2: Re-Theorising Punishment’s Borders and Boundaries**

**Criminalising Intoxication: Interrogating the Link between Alcohol, Violence & Gender**

**Dr Julia Quilter, University of Wollongong**

The claim is often made that there is a significant relationship between alcohol and violence. The criminal law has at various times responded to this assumed relationship by attempting to regulate risks associated with alcohol consumption whether in the area of drink-driving, sexual assault or assault. Most recently, in NSW the criminal law has treated intoxication as a specific aggravating factor in the Crimes and Other Legislation Amendment (Assault and Intoxication) Act 2014 (NSW) and the Crimes Amendment (Intoxication) Bill 2014 (NSW). An analysis of the criminal law’s handling of the issue of ‘intoxication’, however, demonstrates that the law’s understanding of it is often simplistic, contradictory and gendered.
This paper examines two sites of the criminal law’s treatment of alcohol, sexual assault and assault, in order to question the part played by the criminal law in assuming and performing a nexus between alcohol, violence and gender.

It’s Not What You Say, It’s Who You Say It To: The Criminalisation of Association and Communication
Professor Luke McNamara, University of Wollongong

Originally justified on the basis of the extraordinary threat posed by terrorism, techniques of pre-emptive criminalisation of association and communication have proliferated in Australia during the last decade. In NSW, for example, the Parliament has seen fit to: revive the crime of consorting, and substantially increase the penalty; provide for criminal organisation control orders and association offences under the Crime (Criminal Organisations Control) Act 2012 (NSW); and provide for ‘reputed criminal’ declarations and association offences under the Restricted Premises Act 1943 (NSW). Each of these regimes facilitates the criminal conviction and punishment of communication and association without any requirement to establish that the communication was for the purpose of planning or committing a criminal offence. The case for the radical expansion of the boundaries of criminal liability and police powers that these laws represent has been advanced on the basis of the claimed inadequacy of ‘conventional’ criminal laws and police powers to deal with the activities of outlaw motorcycle groups and other organised crime gangs. Yet, none of these pre-emptive association regimes is formally limited to such groups. This paper analyses these developments with a focus on two questions. First, what do they reveal about the nature and contours of criminalisation as a public policy instrument in Australia? Second, what normative tools are available to highlight the dangers of approaches to criminalisation that take pre-emption to extremes?

The Warehousing of High Risk Offenders: Breach of Licence Conditions in a Climate of Fear
Dr Monica Barry, University of Strathclyde, Scotland

Despite crime rates going down in recent years in Scotland as elsewhere, the prison population – and especially the population of recalled prisoners – is increasing dramatically. Many of these recalled prisoners, who are deemed to be high risk, have breached their licence conditions, often inadvertently, and are returned to prison with little hope of a fair review of their case or of an early re-release date. Recent changes to the legislation relating to automatic early release and parole arrangements in Scotland are also exacerbating the situation for such offenders and further undermining the effectiveness of the system in protecting the public and reducing reoffending. The processes involved in breach and recall are seen by these offenders as undermining the legitimacy of the criminal justice system and create a climate of fear for them, but also for the Parole Board and offender managers tasked with the risk assessment of these people in the community on release. This paper presents the findings of a major study of breach and compliance in Scotland, focusing on the views and experiences of high risk offenders released on licence, half of who have been recalled one or more times because of a failure to comply with conditions. The paper argues that the political focus on risk and containment results in the warehousing of prisoners and prevents them from successfully reintegrating into their communities and thus desisting from further crime.

2.3: Movements Against State and Corporate Harm

Part One of a two-part themed panel (continued in session 3.3)

Mass and State Harm and the Possibilities of Justice - Part One and Part Two
Dr Julie Evans, University of Melbourne

Julie will discuss three cross-sectoral and interdisciplinary ARC research projects that have helped inform the fellow panellists’ current research directions. Citing the scholarship of US colonial historian Richard White and Australian cultural theorist/artist Paul Carter, and with examples drawn from project outcomes, Julie will analyse the significance of these collaborative projects as ‘middle grounds’ to facilitate praxis,
both globally and locally. She will thereby offer a broad conceptual framework within which to consider the individual research papers presented by the panellists in session 2.3 and 3.3 to follow.

**Law as a Site of (In)justice for Colonial Harms**  
**Dr Jennifer Balint, University of Melbourne**

Despite the use of law as a key tool in the subjugation of peoples, particularly in colonialism, law continues to be turned to as a site of justice. This paper examines the dynamic of law as a site of justice and injustice in relation to colonial harm, how law is both turned and returned to in addressing these forms of harm. It considers when legal findings resonate and can be heard, and the limitations of state law in steering a society where colonial structures remain unchanged. The paper examines two Australian case studies of the use of law in addressing colonial harms: the 1881 Coranderrk Inquiry, and the 1998 Supreme Court case brought by the Aboriginal Tent Embassy. It shows how law was sought as a dominant site of justice, and that both cases had significant findings, but that these findings had little political or social traction. It considers when law succeeds and when it fails at addressing such harms. What is interesting is that the record of law remains.

**A State of Remorse – What Australia Can Learn From South Africa**  
**Dr Juliet Rogers, University of Melbourne**

20 years after the liberation of South Africa a majority of white people have not entertained any form of remorse toward those from whose land they took, whose labour they exploited and whose bodies they abused. This mirrors the conditions of contemporary indigenous-settler relations in Australia, and is a condition from which the broader “1st world” cannot be exempt. However, what would gestures of remorse entail from institutions and individuals who benefited so blatantly from the previous eras of oppression? What forms of remorse might be significant in contemporary political democracies whose existence now relies on maintaining the legal and economic structures that heavily rely on the abuses of the past? How, in these states, can apologies, acknowledgements, and ‘sorry’ not be recruited as a sentimental placating of the calls for restitution and redistribution? This paper draws on a 3 year study on the ‘quality of remorse’ as desired from individual and institutional perpetrators of political violence in South Africa and Australia. It examines individual apologies and the work on remorse in South Africa and, using theories of psychoanalysis and political theology, considers what Australia can learn from the in-depth thinking and practices of remorse in South Africa.

**Session Three**

**3.1: Campaigns for Justice**

**An Anatomy of Scandal: Dissecting the Enactment of the Royal Commission into Institutional Responses to Child Sexual Abuse**  
**Dr Dave McDonald, University of Melbourne**

This paper investigates the scandal that led to the enactment of the Royal Commission into Institutional Responses to Child Sexual Abuse. The role of institutions in facilitating, overlooking and/or tacitly condoning child sexual abuse has long been documented. In this respect, newspapers have played an important role. However, in order to understand how and why this Royal Commission arose when it did, the Newcastle Herald’s ‘Shine the Light’ campaign – in particular the work of journalist Joanne McCarthy – were central. Over a sustained period of time, the campaign reported on the sexual abuse of children around Newcastle and the Hunter Valley. In her final press conference on the night she lost the prime ministership, Julia Gillard nominated the Royal Commission as one of her proudest achievements, and in one of her final acts as prime minister wrote to McCarthy noting her unique role that led to its enactment. The paper draws on recent scholarship on scandal to shed light on key stages of this particular
controversy, with particular emphasis placed upon the question of institutional legitimacy that underpins this.

Incest within Fiji: A Review of the Prevalence, Risk Factors and Policing of Inter-Familial Sexual Abuse

John Whitehead, Monash University

Policing incestuous assault within the South Pacific poses numerous challenges to law enforcement professionals, government agencies, and humanitarian organisations. Despite research indicating that the risk factors associated with Pacific inter-familial sexual abuse are similar to those found in western nations, the high rate of this offence within Fiji suggests that historical and cultural factors may influence its prevalence. A literature review was conducted to investigate the risk factors that potentially initiate incest within this unique geographic and social environment; attempting to highlight individual or communal elements which form the aetiology of Fijian inter-familial sexual offences, and potentially identifying characteristics of offenders and victims to aid in early intervention. Results suggested that traditional Fijian rites have possibly initiated a patriarchal custom of incestuous abuse and that these historic practices have been propagated into the modern era. Additionally, findings uncovered contemporary Fijian societal constructs which may provoke inter-familial sexual offences. The identification of these risk factors may increase law enforcement's ability to recognize and react to traditional or modern incestuous assault, potentially facilitating the use of culturally reflective methods of policing within Fiji and surrounding South Pacific.

Internet Filtering as a Strategy of Responsibilization for Online Crime Prevention in Australia and Britain.

Caroline Keen, University of Auckland

The exposure of children to inappropriate online content and the accessibility of child sexual abuse images are emotive concerns that make public opinion more amenable to the implementation of ISP level internet filtering to block access to objectionable materials. Given the capacity of these filtering systems to also monitor, detect and identify IP addresses, such information could conceivably be used for locating internet users accessing criminalized content and apprehending offenders. At present, however, filtering systems effectively signal online ‘risks’ associated with content that is of social concern and discourage individual users from accessing illegal and objectionable materials. The extent to which governments are able to exploit filtering as a technology of crime prevention and control will vary depending on the degree of cooperation that can be secured from relevant non-governmental and commercial organizations. By employing a strategy of responsibilization, governments engage in a form of neoliberal governance that encourages the voluntary collaboration of non-state actors in ventures to prevent or reduce opportunities for crime. The concept of responsibilization is used here to explore how internet filtering has been, and is being, implemented as a moral authoritarian project in the Australian and British contexts.

3.2: Re-Theorising Punishment’s Borders and Boundaries

Queer and Abolitionist Critiques of Hate Crimes Legislation

Emma Russell, Monash University

In 2009, in response to significant lobbying efforts, media and other community pressures, particularly in relation to attacks on (Indian) International students and an extensive body of statistical research on violence and harassment against lesbian, gay, bisexual, transgendered and intersex (LGBTI) people, the Victorian Sentencing Act was amended such that in criminal proceedings, a court must consider whether an offence was motivated partly or wholly by hatred or prejudice. This legislation was welcomed by a number of LGBTI organisations. However, many queer, trans and abolitionist scholars have challenged the hate crimes paradigm that informs criminal justice system responses to the violence of racism, heterosexism and other forms of oppression (which we know are underpinned and reproduced by
institutions, and broader systems and structures). This paper focuses on these queer abolition-oriented critiques and considers their relevance and application in the local context of Victoria and for broader abolitionist analyses and movements.

*Researching and Resisting Deaths in Sites of State Incarceration*

**Dr Bree Carlton, Monash University**  
**Professor Joe Sim, Liverpool John Moore’s University**  
**Professor Steve Tombs, Open University UK**

Academic research examining deaths in closed institutions is relatively sparse in both in Australia and the United Kingdom. Moreover, to the extent that this exists, it tends to focus upon deaths in police custody or in prisons, and focuses largely upon the pathological deficiencies of the deceased or individual policy failures within the state. Both positions neglect and ignore the systemic issues of state violence, neglect and domination which provides the institutional context for deaths in custody and which themselves are differentiated by wider social divisions of class, gender, race, age and sexuality. In this paper, we set out some of the methodological and empirical parameters of a new project which seeks to examine deaths across a range of sites and processes of State incarceration. The latter include, but are not restricted to, prisons and police custody centres, courts, immigration and border detention centres, sites of juvenile detention, secure facilities which house the elderly, secure rehabilitation centres and psychiatric units, as well as transportation to and from these various sites. A central task of the project is to more broadly map the proliferation of sites and processes of incarceration: where does incarceration take place? A second focus is to examine the complex range of actors involved – not simply to delineate the various state agencies involved in processes of incarceration, but also to begin to map private and third sector involvement: who incarcerates? This, in turn, raises a series of theoretical and political questions regarding the question of state power, and its exercise, which is central to the generation of deaths not only in sites of incarceration but also outside of these sites when individuals are released.

*“Therapeutic Communities as an Abolitionist Real Utopia”*

**Dr David Scott, Liverpool John Moores University**  
**Dr Helena Gosling, Liverpool John Moores University**

In this short paper we briefly reflect upon the possibility that Therapeutic Communities [TC’s] can be advocated as a key component of a broader ‘abolitionist real utopia’ strategy when dealing with lawbreakers whose offending is heavily influenced by the misuse of substances. Throughout this paper we maintain that TC’s not only radically depart from dominant punitive philosophies and practices in response to criminalised drug takers, but are also a plausible alternative to custody that could be immediately adopted by sentencers’ in place of a prison sentence. We will argue that TC’s incorporate both an engagement with the problems and possibilities of our historical moment whilst at the same time disrupting the punitive ideologies currently limiting what are considered to be appropriate response to substance misuse. The paper starts with a brief discussion of the nature and extent of the penalisation of substance misusers in the UK, highlighting a number of limitations in contemporary policy and practice. We then consider a number of principles that would be appropriate when formulating ‘abolitionist real utopia’ policies and then explore the role Therapeutic Communities [TC’s] could perform as historically immanent alternative.

3.3: Movements Against State and Corporate Harm

Part Two of a two-part themed panel (continued from session 2.3)

*Imagining the International: Crime and Justice on the Global Stage*

**Dr Nesam McMillan, University of Melbourne**

From a criminological perspective, the internationalisation of crime and justice is a significant historical development. International crime and international criminal justice are demarcated from their national
counterparts, framed as new categories of crime and justice. International crimes are popularly conceptualised as crimes against humanity, crimes against ‘us’ all, whilst international justice is portrayed as an enterprise undertaken on behalf, and in the name, of an international community. Embedded in ideas and practices of internationalised crime and justice are promises of global responsibility and interconnectedness; claims that certain suffering matters and is the concern of ‘us’ all. This paper critically reflects on the nature and effects of the contemporary internationalisation of criminal justice. Focusing on the International Criminal Court, it examines how certain forms of justice are figured as distinctly ‘international’, as well as explicating the effects of dominant approaches (what global subjectivities, relations and geographies they enable and foreclose). As such, this paper seeks to interrogate how notions and practices of international crime and justice make it possible to conceptualise and react to harm and suffering throughout the world and to think about the world and the relations between people within it.

**Border Control, Justice and the Ethical**

**Claire Loughnan, University of Melbourne**

Mandatory immigration detention has been attributed to the 'new punitiveness', in which the other is increasingly the subject of control. Hence it is of concern that such a turn is occurring not only in criminal ‘justice’, but also in the governance of migration and border control. This especially important because it means that offices, like the office of migration, take up punitive practices for which they there were neither intended, nor equipped to 'do well'. Such changes have produced a shift in both the nature and the scope of obligations which pertain to the ‘institution of migration’. This paper addresses the consequences of this shift for the exercise of judgment. Enforced through restrictions on the judicial and administrative review of immigration detention, this shift has reshaped institutional ‘conduct’. Whilst judgment does not always deliver concrete engagement, without it the risk of abstraction is always present – detaining someone is enabled without reference to the context of a life. This paper argues that when the capacity for careful judgment and reflection is curtailed, so too do we lose ethical capacity.

**Holding Global Capital to Account? Grievance Mechanisms and Human Rights Abuse by Multinational Corporations**

**Professor Fiona Haines, University of Melbourne**

Within the white collar arena, holding capital to account has predominantly focussed on the importance or otherwise of the criminal law. Within this field debates have centred around who should be held to account and what penalty applied on the one hand and on the other hand the effectiveness of criminalisation and various regulatory mechanisms that might reduce the possibility of future harm. However, in the global arena a significant area of political mobilisation around corporate accountability has centred on specific cases of human rights abuse by MNCs and the need for redress to those specifically affected. Grievance and redress are placed at the centre of this system of accountability. Grievance mechanisms have been developed and include those associated with the International Finance Corporation namely the Compliance Advisory Ombudsman (IFC CAO), the OECD (through the national contact point requirement for OECD member countries) and multi-stakeholder initiatives such as the Ethical Trading Initiative. This paper presents the findings of a study into the effectiveness of these mechanisms in bringing redress through research undertaken in India, Indonesia, Australia and the UK.
Plenary Session Two

Regulation and Online Cultures

Sexting, Young People & Legal Policy

Associate Professor Thomas Crofts, University of Sydney

The issue of sexting by young people is now well known and has been increasingly problematized and theorized in public, political and academic domains, often without a sound understanding of how young people themselves perceive the practice. Drawing on the findings of research carried out by Crofts, Lee, McGovern and Milivojevic on young people’s perceptions and practices of sexting through an on-line survey and focus groups, this presentation will discuss the implications these findings have for the law and policy sphere.

‘U’re So Black’: Resilience and The Regulation of Online Racism

Professor Gail Mason, University of Sydney

In 2012 the Innocence of the Muslims video generated riots around the world. YouTube temporarily removed the video from countries such as Egypt and Libya due to the ‘very difficult’ situation in those nations but deemed it not offensive in ‘their’ country i.e. the US. Between 2012-2014, Facebook responded to community pressure to block the Aboriginal Memes site in Australia. In May 2014, a Perth man, Vinh Nguyen, was convicted for sending racially abusive tweets to an AFL player. Public criticism about the rise of racism on the internet intensifies. While Federal racial hatred and State racial vilification laws provide an avenue for intervention in cyberspace, telecommunications law, criminal law and industry codes of conduct offer alternative paths of criminalisation and regulation that appear to be increasingly attractive. This presentation will critically explore how legal and regulatory schemes, outside of a human rights framework, are being deployed to criminalise or govern online racism. How resilient should we be against racism?

The Medium and the Mess-age: The Social-Mediatisation of Crime and Justice

Associate Professor Murray Lee, University of Sydney

New and social media is facilitating unprecedented changes to the ways in which information is circulated, truth is constructed, and even to the way we imagine ourselves. Such platforms can provide democratizing capacities even as they also produce new capacities for regulation and control, opportunities for traditional crime, and new types of offending and categories of crime altogether. They are also influencing the ways in which accounts of crime and criminalization emerge, are circulated, and indeed are challenged. New media platforms are also providing the basis for new techniques of crime prevention at a broad level, and even facilitating the move towards emergent pre-crime measures. Using policing as a key case study this paper explores the social-mediatisation of crime and justice. In doing so it outlines some challenges for critical criminology, but also sites for resistance and reframing.

FRIDAY 5 DECEMBER

Session Four

4.1: Seeking Real Access to Justice

“I don’t take this man to be my lawfully wedded husband”": Considering the Criminal Offence of ‘Forced Marriage’ and its Potential Impact on the Lives of Young Girls and Women with Migrant Backgrounds in Germany

Kerstin Braun, University of Southern Queensland

In Germany, for a long time issues concerning ‘forced marriages’ had neither been publicly debated nor been on the political agenda. Public debate on the issue has increased since the first decade of the new
millennium possibly generated by growing media interest in forced marriages and honour related gender violence in immigrant communities in Germany. By the mid-2000s several German states had drafted legislative initiatives suggesting the enactment of Federal criminal law explicitly penalising forced marriages. While in Germany forcing someone to marry against their own free will has been specifically punishable as a form of coercion since 2005 proponents of the introduction of a specific statute prohibiting forced marriages did not consider the previous legislative situation sufficient. In July 2011 the German Criminal Code was amended by the inclusion of a section entitled ‘forced marriage’, making forcing someone to marry an offence in its own right. In light of this recent development in Germany, as well as in other European countries, such as the UK, this paper aims to critically assess the efficiency of the German criminal legislation governing ‘forced marriage’. The paper aims to identify whether the German legislation has the potential to protect girls and young women from forced marriages and what other measures could be required to improve the actual situation for victims.

Welfare Policing in Australia: Gender, Poverty and Criminality
Scarlet Wilcock, University of New South Wales

Over the last two decades, welfare states across the West have significantly expanded their surveillance and investigation capacities in the name of combating social welfare fraud. Consequently, the work of welfare bureaucrats has become increasingly specialised, technical and ultimately akin to police work. Drawing on interview research with Serious-Non Compliance staff at the Australian Department of Human Services, this paper critically explores the logics and assumptions underpinning key governmental responses to welfare fraud in Australia. In particular, I focus on the renewed use of data surveillance and the introduction of risk-based ‘early intervention’ initiatives to prevent and detect fraud. The paper ultimately considers how welfare surveillance strategies are mediated through old and new meanings about gender, poverty and criminality, and what impacts this has for specific welfare populations in Australia.

Private Boundaries and Place: Experiences of Family Violence in Regional and Rural Victoria
Dr Bridget Harris, Deakin University
Dr Lucinda Jordan, Deakin University
Lydia Phillips

State bodies and the broader Australian community have acknowledged that family violence is a significant issue and that women who experience family violence face many barriers to seeking assistance and access to justice. Survivors in non-metropolitan places – regional, rural and remote Australia – encounter further challenges which impact both their experiences of and responses to violence. These barriers include: geographic and social isolation, fragmentated transport networks, limited crisis accommodation, less access to health and support services, difficulty maintaining anonymity and privacy, greater likelihood of conflict of interest issues and rural constructions of gender. Informed by interviews with survivors, support workers and legal actors, court observations and consultations with an array of government and non-government agencies, this paper builds on two research projects exploring outcomes for survivors of family violence in regional and rural Victoria. The authors discuss the ways violence is perceived, experienced and responded to by women in non-metropolitan places and possibilities for advocacy and assistance that transcends borders and boundaries.

4.2: Campaigns for Justice

Women’s Campaigns for Justice in Latin America
Professor Kerry Carrington, Queensland University of Technology

This paper argues there is much to be learned about the effectiveness of women’s campaigns for justice from Latin America, which now has the highest participation rates of women in the political process. The paper explores the local as well as transnational women’s movements that have bravely resisted the
violation of human and women’s rights in these countries, sometimes at their own peril. The rise of women’s movements in Latin America to seek justice cannot simply be interpreted as an offshoot of western feminism, but rather as distinctive and heterogeneous collectivities that were networked and strengthened by transnational global flows of discourse – especially but not only feminism. The examples explored include the many victims of rape, torture, and femicide in the border city of Juarez, Mexico, and the abduction, torture, and murder of activists, many of them women, by the brutal military regimes that reigned in Chile and Argentina from the 1960s through to the 1980s. It concludes with an analysis of the importance of United Nations Women and other such transnational entities in the elimination of violence against women and children by highlighting some of the work they are doing with partner local organisations in Latin America.

Street Harassment and Online Activism: Considering the Potential for Meeting Victims’ Justice Needs
Dr. Bianca Fileborn, La Trobe University

Street harassment is a common, pervasive experience in the lives of many women. Despite both anecdotal and research evidence confirming both its prevalence and harm, street harassment is rarely responded to by the criminal justice system. Online activist sites such as Hollaback have emerged in recent years in response to the silence of the justice system in relation to street harassment. Although the central purpose of such sites is to draw attention to women’s experiences of street harassment and to advocate for social change, in this paper I will consider the extent to which these sites could also function as an informal justice mechanism for victims of street harassment. Drawing on the literature on victim/survivors’ justice needs, it is argued in this paper that online activist sites represent a potential avenue for fulfilling street harassment victims’ justice needs, particularly in the absence of a formal justice response.

International Comparative Approaches to Substantive and Procedural Justice for Victims of Crime
Dr Tyrone Kirchengast, University of New South Wales

Victims of crime have been largely removed from systems of criminal justice as they emerged into the 20th century. Increasingly, common law systems have been confronted by the need to reconsider the needs of victims through modes of participation but have been generally unwilling to allow that participation to impact on substantive outcomes of decisions made. This paper examines the trend toward affording victims voice in criminal proceedings beyond mere procedure, by allocating victims’ rights of substantive participation across multiple phases of the criminal trial process, from arrest and pre-trial processes through to sentencing and appeal. International approaches will be considered with a view to affording victims greater levels of substantive participation in criminal proceedings in accordance with the constraints of adversarial justice. Trends toward enforceable rights, private counsel for victims, the role of statutory office holders and Commissioners for victim rights, and the victim’s right to natural justice unabrogated by law, will be considered.

4.3: Surveillance and the Technologies of Control

Looking Up While Looking Down: The Use of Drones for Sousveillance and the Implications for Policing
Professor Andrew Goldsmith, Flinders University
Dr Nerida Chazal, Flinders University

New technologies are increasingly accessible to ordinary people, changing the dynamics of visibility as between state and citizen. On the one hand, law enforcement agencies are increasingly using drones, or Unmanned Aerial Systems (UAS), to assist them in their everyday duties, from surveying large groups and gatherings to following suspects in car chases and monitoring and assessing hostage situations. Use for these purposes has generated debate, with some commentators raising the Orwellian spectre of a big brother eye in the sky that monitors and regulates citizens while undermining their privacy. However there is another aspect. There is increasing evidence of citizens using drone technology to monitor the
actions of police. This constitutes a form of sousveillance that makes the work of law enforcement agencies more visible and thus affords more power to citizens in their interactions with police. This paper explores how drones have been used to monitor police behaviour and outlines the implications for policing’s visibility and accountability.

**Insecurity and International Security: The AFP and Peacekeeping**

*Alita Spratling, Monash University*

Over the past decade the Australian Federal Police (AFP) has undergone dramatic transformation, resulting in increased personnel, resources, powers and jurisdiction. Against a backdrop where crime is increasingly defined as transnational in nature and requiring extraterritorial law enforcement, this paper focuses on the AFP’s peacekeeping and capacity-building roles, where the instability and vulnerability of Asia-Pacific nations are constructed as a threat to national, if not, international security. It investigates the evolution of the AFP’s roles in the Regional Assistance Mission to Solomon Islands (RAMSI) and Operation Wok Wantaim in Papua New Guinea. In such contexts of risk associated nations the AFP has transitioned into a domain traditionally occupied by the military. Utilising a critical discourse approach, literature produced by the AFP has been coded and themed. As the author discusses, analysis reveals a narrative of insecurity, with reoccurring themes relating to law and order and calls for good governance that might be achieved through intervention. This paper argues that as the notions of national and international security have become increasingly bonded, the concept of nation-building and peacekeeping all too readily circumvent issues of sovereignty.

**Radical Transparency and The ‘Unauthorised Knower’: Managing the Message**

*Justin Ellis, University of Sydney*

The implications of the digital capture, retention and distribution of vast volumes of surveillance data continue to be hotly debated. What is less hotly debated is how the leaking of this data can reinforce government legitimacy, as has been seen in aspects of the disclosures by WikiLeaks, and the steady drip-feeding of intelligence to the media by ‘fugitive’ Edward Snowden. This highlights the ambiguous status of such ‘unauthorised knowers’; those granted news media access not necessarily because of who they are, but because of their access to information, or for their reasons for disclosing such information; moreover, whose position is ‘precarious and contingent’ (Greer & McLaughlin 2010:1054). It will be argued that ‘unauthorised knowers’ such as whistle-blowers, need to not only understand the conventional newsworthiness of their content, but also be adept media managers of that content if they hope to gain mainstream media exposure. As such, it will be suggested that access to information, without the conventional status required to garner legitimacy, remains problematic, even in the age of ‘radical transparency’.

**Reterritorialising Transnational Policing and Due Process**

*Dr Ian Warren, Deakin University
Associate Professor Darren Palmer, Deakin University*

As transnational crime subverts territorial sovereignty, so too do an increasing array of policing, securitization, criminal detection and surveillance processes. The risk, and fear, of these crime control measures is the subversion, or defiance, of established due process legal controls that commonly attach to criminal investigations within sovereign jurisdictions. This paper uses two examples to illustrate how a self-legitimating ‘reterritorialisation’ of transnational governance through crime is reinforced by legal decisions that justify enhanced extraterritorial surveillance by US enforcement authorities with questionable due process implications. The first involves a legal ruling for a warrant to obtain data about a US citizen from a Microsoft server located in Ireland. The second involves the US Drug Trafficking Vessel Interdiction Act to locate courier boats off the coast of Ecuador and Columbia explicitly designed to avoid US aerial and maritime surveillance. Both cases are indicative of a pattern where enforcement practice is gradually subverting territorial constraints, yet largely supported by judicial reasoning. The
implications of these rulings on transnational surveillance, justice and Packer’s crime control and due process models are discussed in light of the relative ease and lack of critical public scrutiny associated with these developments.

**Plenary Session Three**

**Punishment, Otherness and Morality**

**Punishing the Other: The social production of immorality revisited**

Dr Anna Eriksson, Monash University

The aim of this paper is to build upon and extend Zygmunt Bauman’s concept of the social production of immorality (1989) to focus on contemporary challenges of our time. Such challenges include the increasing bureaucratization of the business of punishment with the corresponding loss of moral and ethical reflection in the public sphere; punitive discourses around border control and immigration; moral panics concerning ‘terrorists’ and other out-groups, including socially and culturally defined responses around gender, race and age. Following Bauman, then, this paper asks, ‘because we now respond this way, does that mean this is the only way to respond?’ The simple answer to this question has to be ‘no’, and this paper is a call for a more morally informed decision making process, a more ethical way, not only to respond to outsider groups, but in the application of a critical analysis of their construction. The paper will critically interrogate if there is even space for moral considerations of ‘outsider’ groups within the neo-liberal context, and if not, what has pushed them out of the picture? And, crucially, are there ways to re-introduce morality into the decision making process, or at least into the scholarship that sets out to critique it?

**The Postcolonial Turn and Comparative Criminology: What the Periphery Can Teach the Centre**

Professor Harry Blagg, Plymouth University, UK

This contribution undertakes an exploratory exercise in what we might call a post-colonial, comparative criminology. Much of the recent comparative studies have focused on the ways criminal justice policies ‘travel’ between sovereign nation states, and whether there US style correctional policies have become, or are becoming, a global master-pattern. Bauman’s work has been influential in framing the narrative, in terms of the nature of modernity, as fluid and liquid, rather than fixed and solid. How relevant is this debate, though, to groups in the ‘Global South’ (including those of the Global South surviving in the Global North) who inhabit the margins and borderlands of modernity? In Bauman and Abagen's work their lives are wasted, bare-life. In this sense the subaltern is voiceless and atomised. I want to demonstrate that this and Eurocentric criminological debates (‘the punitive turn’, ‘governing through crime’, ‘cultures of control’, ‘catastrophe criminology’, ‘ubiquitous borders’, ‘mobility’, and dominant ideas in comparative criminology as defined in the works of Cavadigno and Dignan, Nelken and others) lack a postcolonial perspective. Using the example of Indigenous Australians (the most imprisoned people on earth, although hardly mentioned in Cavadigno and Dignan’s work which is entirely fixated on the sovereign nations state), I will argue that (contra-O’Malley) there is a profound ‘catastrophe’ in relation to Aboriginal Australians and imprisonment, but (contra-Garland) it may not simply represent a rupture with the past. It may, instead, be simply a new phase in a much longer narrative of colonial subordination in a society where a diversity of legal, and legally sanctioned, practices conspire to maintain a system of white dominance and legitimized, often violent, annexation and dispossession of Aboriginal society. In particular it allows fresh insight into the processes through which marginalization is achieved, via forms of policing, bordering and penology that reflect western anxieties about its Other.
The Makings of a Shadow Carceral State: Disability, Dangerousness and Civil Law
Dr Claire Spivakovsky, Monash University

In the wake of deinstitutionalisation, a range of punitive, restrictive and coercive measures for controlling the lives of people with intellectual disabilities have emerged from civil law. This paper draws attention to one such civil measure, the Supervised Treatment Order (STO) regime in the Australian state of Victoria. Drawing on a discourse analysis of court transcripts, this paper demonstrates how during STO Tribunal Hearings, the margins of law shift and blur in two concerning ways. First, the margins of criminal and civil law converge, allowing this civil regime to become an effective mechanism for governing the lives of sex offenders with intellectual disabilities post their release from criminal justice systems. And second, the margins of law and medicine further conflate, such that the medical diagnosis of a person’s intellectual disability becomes a legal ‘diagnosis’ of that person’s innate and ongoing risk and danger to society. The paper explores the implications of these shifts in the margins of law for our understanding of people with intellectual disabilities’ engagement with civil and criminal justice systems, the fluid nature of medico-legal boundaries, and the shifting nature of civil and criminal institutional controls over time.

Session Five
5.1: From Theory to Praxis: Challenges in Critical Criminology

Heard But Not Seen: ‘Gatekeeper Interpreters’, Research Ethics and Knowledge Production
Sompit Watkins, Thai Information and Welfare Association (TIWA)
Julie Ham, Monash University

Centring marginalized voices and visibilizing labour are common tenets in feminist research methodology. This presentation considers the evolving role of interpreters in mediating marginalized voices in critical social research. Professional interpreting standards traditionally prize interpreters’ ‘invisibility’ or ability to communicate unfiltered information. This mainstream approach presents challenges for researchers working with highly criminalized and stigmatized groups, such as immigrant and migrant sex workers. Research with these groups may often demand the blurring of traditional professional boundaries, in which professionally qualified interpreters may impede interviewees’ voices due to privacy and trust concerns. Instead, researchers may find themselves relying on community gatekeepers and key informants who are not professional interpreters but may be more effective in facilitating participants’ voices in other ways. This presentation considers the evolving role of ‘gatekeeper interpreters’ (i.e. non-professional interpreters working with criminalized and stigmatized groups) by (1) examining the dimensions of ‘gatekeeper interpreters’ role in knowledge production, (2) analysing the feasibility or value of the ‘invisible interpreter’ in critical social research, and (3) analysing the impact of interpreting ethics on the access, production and delivery of knowledge. The presentation concludes by Re-Thinking professional guidelines for researchers and interpreters when working with criminalized and stigmatized groups.

Greening Justice: The Ecology of Social and Environmental Rehabilitation
Professor Rob White, University of Tasmania
Dr Hannah Graham, University of Tasmania

This paper discusses criminal justice initiatives relating to the Nature-Human relationship and, in particular, ‘green justice’ projects which involve offenders in various kinds of conservation projects. It begins by describing several different green justice initiatives and areas in which environmental reform is being advocated. These include prison community gardens, juvenile justice food bank projects, sustainability in prisons projects and calls to reduce carbon emissions within everyday criminal justice and policing routines. The paper then describes the key elements that together constitute the basis for positive social and environmental rehabilitation and/or community oriented interactive practices
pertaining to criminal justice institutions. As part of this, the importance of green justice approaches to conventional criminological concerns (such as rehabilitation and desistance, and community policing) and to green criminology as a perspective (which focuses on transgressions against humans, eco-systems and animals) is critically assessed.

*Implementing Rape Law Reform: The Value of Empirical Research*

**Dr Anastasia Powell, RMIT University**

**Dr Bianca Fileborn, The University of Melbourne**

Legislation is not always interpreted or applied in ways that were intended and expected by its political proponents and key stakeholders. Rape laws in Victoria are a prime example. Numerous legislative amendments in past decades have not achieved desired outcomes and, in some instances, they have had unfortunate unintended consequences. This paper explores the value that empirical research may contribute in the law reform process beyond the initial consultation phase that is most common in current practice. It is based on a larger project led by Associate Professor Wendy Larcombe and funded by the Melbourne School of Government (The University of Melbourne). Drawing on interviews with key legal and non-legal stakeholders, and taking current proposed changes to rape law in Victoria as a case study, we discuss the role that a variety of research strategies might play in better enabling reforms to achieve the outcomes that they were intended to deliver.

5.2: Re-Theorising Punishment’s Borders and Boundaries

*The Border Observatory: Setting the Agenda*

This panel brings together three papers that speak to different elements of the Border Crossing Observatory (BOb), that are connected under the broader remit of the Observatory. The first outlines the function of BOb and how it operates politically, publically, socially to connect research with broader policy and public debate and to shape and inform the discussion. The second paper will be given by one of the leading researchers and founding member of BOb, Leanne Weber who will speak to the methodological considerations and innovations of border-related research. The third presentation represents a key component of BOb’s remit, the support and enabling of creative and important postgraduate research, with Sara Maher outlining her developing research project that brings together historical analyses, via oral histories, of border crossings in the midst of civil warfare and slave raids in Sudan.

*The Border Crossing Observatory as research praxis: transforming knowledge, having impact*

**Rebecca Powell, Monash University**

This paper will be presented by Rebecca Powell, the Managing Director the Border Crossing Observatory (BOb) which is an innovative virtual research centre that connects Australian and international stakeholders to high quality, independent and cutting edge research on border crossings. BOb draws together an international network of critical criminologists and researchers from related disciplines who work in connection with key NGOs to examine border crossings and irregular migration differently, putting the experiences of human beings at the centre. Critically, Bob is built on a strong foundation of empirical research. Our researchers adopt inter-disciplinary social science approaches to research irregular migration and border control. This paper will outline the ways in which research undertaken under the auspices of BOb is transform knowledge and contributing to policy and public debate and discussion regarding new ways of thinking about and understanding irregular migration and border control. It will outline key campaigns and their impact and identify the ways in which we can, as critical criminologists, adopt creative ways to do a very public form of criminological critique.
Border as Method: researching the policing of internal borders

Associate Professor Leanne Weber, Monash University

This paper will discuss the methodology and theoretical framing for a new research program exploring the policing of internal borders. These policing efforts are sometimes aimed at physically excluding unwanted populations from Australia, and at other times are designed to keep subordinate groups in their place. The study will critically analyse three types of internal borders operating within Australia: structurally embedded borders that enforce the boundary between legal and illegal immigration status; socially constructed borders produced by the policing of public places that reinforce notions of entitlement and belonging; and borders created by new forms of welfare policing which differentiate responsible from irresponsible citizens. This paper will discuss the implications of using the border as a metaphor for processes of physical and social inclusion and explore the conceptual links between the different bordering practices that are the subject of study.

Crossing Over: ‘wild’ borders and new territories: centering orality in research with South Sudanese women

Sara Maher, Monash University

During the second, civil war in Sudan, from 1983 to 2005 between 14,000 and 75,000 Africans from the south of the country were abducted by government backed Arab militias and trafficked into two types of chattel slavery: rural, in the northern states of Darfur and Kordofan or domestic, in cities such as Khartoum and Cairo. The border state of Bahr el-Ghazal, homeland to the majority Dinka, was the main target of the raids. In the early years of the conflict, the southern rebels, the Sudanese People’s Liberation Army (SPLA), were mainly Dinka. Raids on Dinka communities were designed to de-moralise supporters of the SPLA, destroy the ‘inferior’ Christian focused culture and eliminate rural communities in resource rich areas. Abductees were mainly women and children. Research on the phenomenon of slave-raiding during the second Sudanese civil war is very limited. Research on its gendered impact is non-existent.

This research is designed to give voice to the Ngok and Twic Dinka women of Warrap state (formerly Bahr el-Ghazal) using a feminist methodology that centers the orality of their culture and asks, ten years after the end of the war, in what way has the slave raiding impacted on their culture and communities? However in this paper I will focus on an oral history project that was the precursor to this research and how the project as practice created new knowledge and understandings. The Anyikool Project revealed the diversity of the participants; socially, politically and economically but also their shared experience particularly of the ‘wild’ borders of their homelands. Borders marked by rivers, that the women were forced into repeated and perilous crossings to a dubious safety on the other side. Borders made dangerous to attack from militia’s, landowners, wild animals and dependent on the season, the river itself. The Gilo river between Sudan and Ethiopia was one of these borders. I will conclude by addressing how the Anyikool Project has lead to and informed research on the impact of slave-raiding on Dinka women in border communities, an understanding that it too is a kind of ‘crossing over’ into unknown territory.

5.3: Movements Against State and Corporate Harm

Dangeresues Liaisons: Medicine, Markets and the State

Dr Paddy Rawlinson, Monash University
Dr Greg Stratton, RMIT University

Health and illness are increasingly defined and controlled within the framework of a powerful triumvirate of the state, medical science and corporate business (pharmaceuticals). Under the influence of neoliberal values, the nature and direction of research funding, the regulation of health initiatives and implementation of related policies are determined as much by the acquisition of healthy profits as by the achievement of healthy people. The public is now simultaneously a citizenry in need of protection and
consumers in need of a market. A cause for concern, however, is when this duality is conflated through the mandatory consumption of certain health products such as vaccines. State regulation, in its negation of individual choice, operates punitively against those who refuse or are unable to consume, on the grounds that health security, increasingly defined by corporate-influenced science, supersedes the right to autonomous decisions of well-being. This paper discusses how the state is increasingly abnegating its role as beneficent health provider for that of authoritarian health distributor as bio politics and bio profits induce the propensity for overstepping the boundaries of moral and ethical medical practices and slide into criminal activity.

*Responsive to Whom? Who Counts and Who Doesn’t in Australian Pharmaceutical Regulation*

**Rhiannon Bandiera, Flinders University**

Responsive regulation has been a highly influential and widely adopted enforcement strategy in Australia for the regulation of corporate conduct. Its translation from the academic literature into everyday regulatory practice has seen it used in a number of regulatory regimes by agencies such as the Australian Taxation Office (ATO) and the Australian Competition and Consumer Commission (ACCC). But whether responsive regulation can be successfully translated into practice is still debated. In the area of pharmaceutical regulation, the Therapeutic Goods Administration (TGA)—Australia’s regulatory authority for the quality, safety and efficacy of therapeutic products—has been accused of lacking teeth for its inability to apply timely and meaningful sanctions against false and misleading advertising claims. Furthermore, the TGA’s handling of the Pan Pharmaceuticals and Vioxx affairs also calls to question the true responsiveness of this regulator.

*Pursuing Justice: The Sri Lankan diaspora, Law and the Media*

**Maria Rae, The University of Melbourne**

When the Sri Lankan conflict ended in 2009, the diaspora launched multiple war crimes cases around the world alongside a strident media campaign. My research explores how these justice advocates seek to overcome powerful barriers to legal justice following state harm. Drawing on the subjective experiences and beliefs of these advocates, my research finds the media arena is perceived as a space to educate, mobilize, bear witness and expose injustice. Importantly, the media is used as a tool to seek access to justice in the legal arena. Ultimately, my research seeks to highlight exceptional instances when those considered oppressed or weak challenge power structures in the media and law to pursue justice.

**Plenary Session Four**

Critical Research and Institutional Violence

*The Institutionalisation of Statistics*

**Dr Thalia Anthony, University of Technology, Sydney**

Prison is a form of ‘white on black’ institutional violence for Indigenous Australians (Blagg 2008). This violence can manifest physically through deaths in custody, psychologically through isolation and separation from relationships, or collectively by threatening community cohesiveness by removing Indigenous members. The violence is also symbolic: it asserts the dominance of non-Indigenous punitive agendas over Indigenous peoples and their regulatory systems, and extending white forms of control originating in the Protectionist era (Hogg 2001). Research of criminologists that seeks to rationalise the over-incarceration of Indigenous Australians by attributing it to the neutral application of laws to patterns of Indigenous offending provides a juridical basis for the incarceration that conceals institutional biases. It presents imprisonment as based on objective and evidence-based legal decisions that overlooks both subjective factors in sentencing and decisions in policing. This paper argues that this research is flawed in its methodology and assumptions. Such flaws contribute to the institutional violence by reinforcing notions of Indigenous criminality and the righteousness of Anglo-Australia’s
Punitive response.

Researching Institutional Violence and Claims for Justice
Dr Elizabeth Stanley, Victoria University of Wellington

Based on in-depth interviews with 45 respondents, together with extensive documentary analysis of 105 cases, this paper begins by providing an indication of the extent and nature of institutionalised harms inflicted against children in Social Welfare homes in New Zealand. The legacy of Social Welfare ‘care’ has been deep and wide – respondents have continually struggled with lost opportunities, emotional distress and a sense of loss; many of these ‘care leavers’ have also progressed into New Zealand’s borstals, prisons and mental health institutions. This overview is followed by a reflexive exploration of doing critical research ‘on’/with those who are now making claims for their victimization by state authorities. The paper establishes some of the challenges of pursuing this type of research, at personal and practical levels. It also considers the transformative potential of producing knowledge about state-led violence and harm, in a bid to progress claims for justice.

Bearing Witness to the ‘Pain of Others’: Researching Power, Violence and Resistance in a Women’s Prison*
Professor Phil Scraton, Queen’s University, Belfast

‘Critical research is investigative and it is revelatory. It bridges the inside-outside physical divide of incarceration by informing the outside of what happens on the inside; it achieves the view from below by the view from within. It goes further, responding to Susan Sontag’s call to stretch the imagination, to engage with ‘the pain of others’. Reporting, recording and interpreting mind-numbing routines as well as harsh punishments and routine cruelties form part of the process of engagement with prison as a total institution. Critical research bears witness to the humiliation, and lack of self-determination, normalised in the lives of the incarcerated’ (Moore and Scraton, 2014). Addressing the dynamics of interpersonal violence, institutionalised abuses and prisoner isolation this paper consolidates critical analyses as challenges to the essentially liberal constructions and interpretations of prisoner agency and prisoner resistance. Derived in long-term research with women in prison in the North of Ireland, it theorises gendered, custodial violence as an inherent continuum, it connects embedded, punitive responses that undermine women prisoners’ self-esteem and mental health to the directly brutal and brutalising manifestations of formal and informal punishments including lock downs and isolation. Hearing the voices of women prisoners recounting their experiences endured behind the prison walls, it argues that critical social research has a moral duty, an ethical obligation and a political responsibility to investigate abuses of power, seek out the ‘view from below’, and work towards social justice through rigorous and uncompromising analysis.


Session Six
6.1: Seeking Real Access to Justice

Two Models of Mainstreaming Therapeutic Jurisprudence for Mentally Impaired Offenders: A Tale of Two Cities
Michelle Edgely, University of Wollongong

This paper considers two very different types of approaches that putatively implement therapeutic jurisprudence in mainstream courts in Australia. In both NSW and Victoria, solution-focused programs
are available in some mainstream Local and Magistrates Courts for offenders with a diverse range of criminogenic problems. The programs all offer personalised solution-focused intervention plans as an alternative or supplement to traditional sentencing. The NSW programs – CREDIT, Life-on-Track and a much older legislative scheme under s 32 of the Mental Health (Forensic Provisions) Act 1992 - contrast starkly with Victoria’s CISP (and special solution-focused court lists the world over) because they have, arguably, de-emphasised the role of the Magistrate in implementing therapeutic jurisprudence. This paper considers the relative merits of these very different approaches to mainstreaming therapeutic jurisprudence. Mentally impaired offenders have been singled out because, for this cohort especially, the establishment of a strong therapeutic alliance is known to be vital to support their desistance from crime and improved health and psychosocial functioning.

Justice Reinvestment: Social or Criminal Justice?
Kate Burns, Monash University

Justice reinvestment has developed in varying degrees as a criminal justice policy in the United States and the United Kingdom. This programmatic concept was originally developed as a tactic to reduce incarceration rates by investing existing corrections funds into communities most impacted by incarceration. The original conceptualisation of this crime control policy emphasised community-based, social justice ideals. This paper will discuss preliminary findings from interviews conducted in 2014 with participants involved in facilitating the justice reinvestment programmes in the UK. Using this case study, this paper explores how justice reinvestment has translated into criminal justice policy and practice in this specific location and will investigate how the governance of organisations, the population, the community, the individual and the self are exercised and articulated through justice reinvestment. This paper will facilitate a nuanced understanding of justice reinvestment and the complex underlying forces of state crime control programmes and the power relations implicit in the management and government of populations most impacted by high incarceration rates. Utilising interview data, this paper will elucidate whether social justice ideals have been introduced into this criminal justice policy and what relevance this has to the wider criminal justice system.

Exploring the Development of Therapeutic Models of Care for ‘At-Risk’ Male Prisoners in New Zealand’
Alexis Harris, Victoria University of Wellington

This paper grapples with the treatment and policy response to ‘at-risk’ male prisoners in New Zealand. ‘At-Risk Units’ are segregated, purpose built facilities within the prison, where prisoners who are considered ‘at-risk’ to themselves are placed, to ensure their physical health is kept safe. While frequently utilised as a form of prisoner management, the use of these Units has been observed as serving a punitive rather than therapeutic purpose, leading to longer-term exacerbation of pre-existing mental health issues among prisoners who spend time in them. This paper considers a range of existing domestic and international policies currently governing At-Risk Units, with particular emphasis on the development of more therapeutically oriented practice. In particular, the increasing role of medical and forensic practitioners working within these sorts of Units is examined. Drawing on secondary research, as well as the work of theorists such as Liebling and Crewe, this paper will present a ‘best practice’ framework in relation to existing therapeutic models of At-Risk Units (and their equivalents) across several jurisdictions. This paper will also consider how competing security and healthcare priorities are balanced on a day-to-day basis by those working in the prison environment, and whether these opposing obligations can be coupled in a way that promotes meaningful and less punitive outcomes for prisoners.”

Not the Finest Moment in Australian Social Justice
Su Robertson, Victoria University

In Australia today access to justice needs to be given greater priority, especially when it comes to community members whose legal issues are viewed as minor, and not important enough to receive state funded advocacy. These citizens are left to navigate the justice system with little or no assistance. In
response to this, Victoria University partnered with the Footscray Community Legal Centre, to create a project designed to assist self-represented community members with the outcome of their court cases. Court Order Helper operates in two Magistrates’ Courts on the western fringes of urban Melbourne, locations recognized for their social disadvantage. This is a pilot project involving court observations followed by assistance outside the doors of the courtroom. Information related to 102 self-represented litigants was collected, including outcomes ordered by the Magistrate. Following the court appearance, litigants were interviewed and legal assistance provided. Analysis of the data reveals issues arising out of the situation of fines in the sentencing hierarchy used by Magistrates. Situated at the lower end of the suite of sentencing options available to Magistrates, fines are perceived as a soft option, imposed for less serious offences. Yet, the impact of a fine on a financially stressed community member is hardly soft. This case study looks at the intersection between fines, self-representation and summary justice in the western suburbs of Melbourne, using the lens of Margaret Thornton’s ‘benchmark male’.

6.2: Re-Theorising Punishment’s Borders and Boundaries

Understanding Desistance from Crime: Engaging the Critics
Dr Hannah Graham, University of Tasmania

The desistance paradigm and desistance-oriented policies and practices focus on understanding how and why people stop offending, and supporting factors which enable people to embark on processes of desistance from crime and positive change. Salient questions and critiques have been raised in light of the growing international popularity of desistance scholarship and its real world applications within and beyond the borders of punishment and criminal justice. The paper outlines and responds to key criticisms of desistance raised by those with Marxist, feminist and other critical perspectives within criminology. Important questions emerge: what are the social determinants of desistance, and how might these impact differently in the lives of members of particular social groups? To what extent does desistance scholarship lend itself to informing progressive penal reform agendas and the reconfiguration of criminal justice and social control? It is argued that more radical and transformative realisations of the desistance paradigm in practice have significant synergies with the vision, intents and purposes of much of those of critical criminology.

Spending Time and Spent Convictions: What Do They Offer in Terms of Fairness and Safety?
Brian Steels, Centre for Aboriginal Studies & Asia Pacific Forum for Restorative Justice

Certificate scheme and yet no clear National policy on what constitutes rehabilitation to full citizenship or national legislation on spent convictions. Same citizenship, different rules. This paper asks if it is possible or indeed warranted to have national legislation covering the procedure and application for a ‘spent conviction’ in Australian courts. Currently, states differ with regard to crime type and severity when dealing with spent convictions. Some require an application and others offer limited ‘spent’ convictions after a period of grace. Other states deny a spent conviction for specific crimes. Is this considered fair treatment of citizens where depending on domicile, the result can differ? As a continual process of ‘differencing’ and labelling, is the use of a spent conviction useful in today’s discourse, and to whom? What does it matter when very soon we may see each family having a close relative with a conviction, spent or otherwise? Anyway, who really cares if we have convicts in our families or workplaces?

Providing Justice for Low-Income Youths: Publically-Funded Lawyers and Youth Clients in Hong Kong
Assistant Professor Kevin Kwok-yin-Cheng, The Chinese University of Hong Kong

The right to legal counsel is a fundamental right, and it correctly extends to all youths regardless of income. This article examines the representation of youth delinquency cases by publically-funded lawyers in Hong Kong. Unlike Western jurisdictions where juvenile justice has shifted towards the justice model of procedural safeguards, Hong Kong has maintained a welfare-oriented approach. Drawing on in-depth
interviews with 40 youth defendants and defence lawyers, the roles and functions of publically-funded lawyers are assessed. Analysis of the interviews found that the role of publically-funded lawyers, faced with institutional constraints, become primarily that of plea mitigators, assisting the state to pursue the welfare and ‘the best interests of the child’, as opposed to advocates that ‘gets the child off.’ Youth defendants accepted this role and viewed publically-funded lawyers to be a part of the system and inferior to privately retained lawyers. Impacts and concerns of this arrangement are discussed.

6.3: Movements Against State and Corporate Harm

'We are not criminals, we're pioneers': Online Drug Traders and Resistance to the State's War on Drugs
Dr James Martin, Macquarie University

The distribution of illicit drugs through encrypted online marketplaces or cryptomarkets has increased dramatically in recent years. Dozens of sites offering an unprecedented range of relatively cheap and potent drugs may now easily be found operating on the so-called 'dark net'. Policing organisations and media outlets have been quick to denounce online illicit traders as predatory and cowardly criminals who hide behind new technology to peddle dangerous drugs at the expense of a vulnerable and victimised public. This perspective is overwhelmingly rejected by online drug vendors and consumers who regularly argue that the state is guilty of authoritarian overreach and is the 'real criminal', and that online distribution presents a less harmful and violent alternative to the conventional trade in illicit drugs. This paper explores the assumptions underlying these opposing perspectives. Original data gathered on the dark net reveals a politically and ethically engaged cryptomarket community concerned with harm minimisation, human rights and resistance to the state. This reflects a self-view amongst online drug traders that is significantly at odds with pejorative stereotypes perpetuated by law enforcement and traditional news media organisations.

Deleuzian Criminology: Mapping New Terrain Between Theory and Praxis
Dr Peta Malins, RMIT University
Dr Diana Johns, RMIT University

The work of Deleuze and Guattari is increasingly being taken up at the edges of critical criminology, offering new ways of imagining, researching and transforming criminal justice policy. However their ideas, and the implications of these ideas for criminological research, are yet to be widely utilised. In this paper we draw on our own recent work on drug use, prisoner re-integration and stencil art to explore some of the tools Deleuze and Guattari’s concepts offer critical criminological research. We show, for example, how concepts such as assemblage, affect and becoming enable us to dismantle and disrupt binary and linear narratives which dominate conventional understandings of drug users, ex-prisoners and graffiti, and allow us to account for more complex, heterogeneous and unstable processes of labelling and social exclusion. We show too how a Deleuze-Guattarian tool-box compels us to think critically about not only the socio-political forces involved in constructions of crime and criminality, but also the kinds of ontological and methodological assumptions that underpin criminological research. We suggest that a more active engagement with the work of Deleuze and Guattari will enhance the field of critical criminology and its ability to continue challenging mainstream understandings of crime and criminal justice.

The Role and Contribution of the Voluntary Sector in Australian Drug Policy
Natalie Thomas, Griffith University

Since the 1980s, Australian drug policy has been characterised by a partnership approach which recognises the importance of a range of different actors in developing drug policy. In this context, the voluntary sector plays an important role in the Australian drug policy field, particularly in the delivery of services and policy advocacy around drug and alcohol issues. However the voluntary alcohol and other drug sector does not represent one single, unified voice on drug policy— these organisations approach
drug issues from a variety of practical, discursive and philosophical positions. Despite these tensions, relatively few studies have provided empirical detail or critical reflection on the nature and forms of voluntary action around drug policy. Drawing on a critical analysis of policy documents, organisational documents and academic literature, this paper considers the role and contribution of the voluntary sector in the Australian drug policy field. The paper draws on insights from the governmentality and post-structural policy studies literature to reflect on the theoretical implications of voluntary action in the drug policy field and how it has helped shape how we think about drugs, drug use and appropriate responses.

**Governance of Drug Use**  
**Dr Margaret Pereira, Charles Sturt University**

Since the nineteenth century, drug use has been variously understood as a problem of epidemiology, psychiatry, physiology, and criminality. Consequently drug research tends to be underpinned by assumptions of inevitable harm, and is often directed towards preventing drug use or solving problems. These constructions of the drug problem have generated a range of law enforcement responses, drug treatments and rehabilitative programs that are intended to prevent drug related harm and resituate drug users in the realm of neo-liberal functional citizenship. Yet in recent years, interest groups have voiced concerns that efforts to address drug related harm have actually exacerbated harm. This paper, which presents the results of an empirical study of young illicit drug users in Brisbane, explores how public perceptions and policy response to the drug problem can distort and compound the drug problem. Using Michel Foucault’s conceptual framework of governmentality the paper explores how the governance of illicit drugs through law, public health and medicine, intersects with self-governance to shape young people’s drug use practices.

**Session Seven**

**7.1: Surveillance and Technologies of Control**

*“Whose Streets? Our Streets!”: Resisting Spatial Control Tactics and the G20 Summit*  
**David Vakalis, RMIT University**

As the world has become more transnational with regard to finance, travel and migration, so too has the technologies controlling the policing of economic summits. Spatial control tactics, such as the use of barricades and ‘kettling’, have been deployed at protests to protect/hide some of the world’s most powerful political and business leaders. This has been an area of study in criminology, sociology, geography, philosophy and political science. Contributing to this interdisciplinary body of research, this paper critically examines Victoria’s largest and most public policing operation since the notorious 2000 World Economic Forum protests: the 2006 anti-G20 protests, of which the author participated in. This paper provides a unique insight into the protests and the policing operation by crossing the researcher/participant divide. In essence, the objectives of this paper are to shed light on the spatial themes present in the case study, and to question the appropriateness of the police’s use of spatial control tactics to control the protest.

**Unsanctioned Difference: The Margin Between Juridical and Disciplinary Power**  
**James Petty, University of Melbourne**

Homelessness is a serious problem for many cities. Of course, first and foremost it is a problem of humanity and dignity, but it is also a problem of space and regulation as we have seen recently in London with public and political attention drawn to the use of ‘homeless spikes’ to deter rough sleepers. The homeless bodies that take shelter on the streets, seek spaces with policy ‘loopholes’ (benches in ostensibly ‘public’ parks), that exist between regulatory techniques, or beneath the radar of policing, inhabit a regulatory and legal interstice. The characteristics of these ‘in-between’ spaces mirror the socio-
legal plight of the homeless rough-sleeper, who exists between regimes of power and social control: not breaching the law to the extent that they are criminal (juridical power), though thoroughly failing to assimilate into the dominant regime of neoliberal capitalism as a responsible consumer-citizen (disciplinary power). This presentation will draw parallels between the marginal physical and socio-legal spaces that the street-sleeping homeless inhabit

*The Mobilization of Victims and Survivors of U.S. Drone Warfare in Pakistan and Yemen*

Sami Siddiq, University of Auckland

In recent years, there has been increasing public debate about the legality and morality of aerial drone strikes against suspected militant targets in several countries, particularly as conducted by the Central Intelligence Agency in Pakistan and Yemen. Critics of U.S. counter-terrorism policy argue that such attacks violate the norm of non-combatant immunity by causing disproportionate harm to local civilian populations. However, on account of their unfortunate proximity to targeted groups, victims and survivors are not always acknowledged as having been victimized by CIA drone attacks and their claims of innocence are completely disregarded. On rare occasions when the U.S. does record civilian casualties of drone attacks in places like Pakistan and Yemen, the numbers are likely to be under-reported, especially with the default classification of deceased adult males as ‘militants’. This paper traces the efforts of victims/survivors and activists in Pakistan and Yemen to seek justice, challenge Washington’s claims, and raise awareness of the plight of populations living in areas regularly under attack by U.S. drones by conveying the sense of terror that they experience.

7.2: Re-Theorising Punishment’s Borders and Boundaries

*Secure Welfare Services in Victoria*

Kate Crowe, The University of Melbourne

The Children Youth and Families Act 2005(VIC) authorises the detention of children in Secure Welfare Services (SWS) if there is a substantial and immediate risk of harm. Young people in SWS are generally on protection orders and administratively detained by the Department of Human Services. There is an absence of research, public knowledge and data surrounding SWS. On 15 April 2014 the Children, Youth and Families Amendment (Security Measures) Bill 2013 was passed, uncontested in parliament and unamended. The Bill, in the words of the opposition member Jenny Mikakos “provides for a legislative framework to largely codify existing practices in Victoria’s Secure Welfare Services”. These practices include searches (mechanical, frisk and unclothed), the seizure of property, the use of force, and seclusion. The detention of young people in the Victorian SWS without their consent and without them having broken the law is un-interrogated. This research project will investigate how vulnerable young people at serious risk are constructed and responded to in Victoria. This paper draws on publically available information about SWS to explore the intersections between risk, rights, harm and welfare

*Entrapments of Consumerism: Adolescent Prisoners, Cognitive Treatment, and Consumption*

Dr Ronald Kramer, University of Auckland

Based on fieldwork involving unobtrusive observations and interview data collected from young male prisoners participating in a cognitive-therapy program, this paper explores how consumerism interpolates the treatment setting and the cultural views of racially marginalized adolescents. While recent literature intimates that such men will possess idiosyncratic cultural “repertoires” or “worldviews,” we find that many young prisoners are strongly invested in consumerism. This is evident in the central role that money, commodities, and lifestyles play in their lives. We also find that correctional officers are just as wedded to consumerism, yet castigate the young men for how they make sense of what it means to live in a consumerist world. In our view, this embodies a peculiar form of social injustice that we call “consumerist entrapment”: Young men are strongly encouraged to adopt cultural orientations and consumerist behaviours for which they are subsequently penalized.
Neurodisability in the Youth Justice System: Recognizing and Responding to the Criminalization of Neurological Impairment

Dr Nathan Hughes, Murdoch Children’s Research Institute and University of Birmingham, UK

A recent comprehensive review of research evidence reveals a disproportionately high prevalence of neurodevelopmental disorders amongst young people in custodial institutions that is consistent across various international contexts. This suggests the widespread failure of current practices and interventions intended to prevent offending and reoffending to recognize or to meet the needs of these vulnerable young people, and therefore promotes a radical rethinking of the approaches of the criminal justice system. Cognitive, emotional and behavioural characteristics associated with specific neurodevelopmental disorders increase the propensity to antisocial or criminal behaviour, as well as heightening susceptibility to a range of negative social experiences that further heighten risk of criminality. An awareness of this vulnerability emphasizes the role that might be played by family support, health and education services in reducing the risk of future criminal behaviour due to neurological impairment, if underpinned by models of ‘therapeutic justice’ and ‘justice reinvestment’. Furthermore it serves to challenge the processes within youth justice systems that serve to disable, and ultimately criminalize, young people with neurodevelopmental impairment. Such processes include inadequate forms of assessment and screening, and inappropriate assumptions of verbal and cognitive competence that underpin legal processes and youth justice interventions.

7.3: Movements Against State and Corporate Harm

Priority Communities: The Racialisation of Human Rights
Tallace Bissett, University of Melbourne

Over the last 8 years, Victoria has seen a concerted effort to draw attention to and reform policing practices in relation to African-Australians. Mobilisation of human rights discourses has been central to advocacy strategies. In 2014 reform efforts culminated in the first stages of a 3 year plan outlined in the police report, ‘Equality is not the same.’ Whereas the liberal human rights traditionally emphasised in the West are rooted in the concept of negative freedom – freedom from – I argue that current reform efforts are premised on an interventionist model of communication and engagement. This paper traces the internal tensions in African-Australian demands for both recognition of difference and freedom from coercive and ubiquitous police presence in African-Australian lives and communities. Drawing on my three year doctoral engagement with the field, using a grounded theory methodology, I argue that current policing strategies in relation to African-Australians exhibit troubling continuities in relation to the history of and ongoing practices of policing Koori communities. ‘Equality is not the same’ explicitly engages differences between ‘equal’ and ‘fair’ treatment, yet I suggest that the current agenda around better ‘communication and engagement’ cannot achieve either.

“A risky business” Asylum Seekers Cast as a Risk Rather Than at Risk. Challenging Dominant Discourses of Marginalisation
Kim Robertson, University of Kent, UK
Dr Shepard Masocha, University of South Australia

The criminalisation of asylum seekers is a global trend. This paper explores discourses of risk in relation to asylum seekers escaping political conflict. Increasingly seen as a risk to the host society within dominant discourses they are treated with suspicion and hostility. Recent research highlights how conceptualisations of risk are driven by the politics of fear. O’Malley (2009) argues that the risk culture reflects the change that has emerged from welfare-social politics to a neo-liberal political rationality. In this climate risk is cast in economic terms and “need has been re-moralised as indicative of individual failure” (Stanford, 2010: 1066). Governments in both the UK and Australia are actively blaming and marginalising asylum seekers utilising technologies of surveillance and control that remove them from the
public gaze. Our paper draws on qualitative research that focuses on these responses – mandatory reporting and detention - to human rights abuses. We argue that poor mental health and discrimination increases as a result of this monitoring and ‘othering’. This inherent tension between a global and an individual settlement problem requires collaborative efforts between lawyers, social workers and activists, and our recommendations highlight how contemporary social work can challenge the dominant risk paradigm in this field.

Welfare to Control Asylum Seekers’ Livelihoods in Hong Kong

Dr Francesco Vecchio, Charles Sturt University

This presentation is intended to examine the provision of welfare to asylum seekers in Hong Kong. Hong Kong is a wealthy global city. Its high-connectivity capacity has caused the city to receive a small share of the global number of people who flee persecution and seek asylum in the Global North. However, the Government affords these people no legal or work rights. It provides them with minimal welfare assistance, but only in the form that would prevent the arrival of a greater number of foreigners enticed by seeking asylum there were more, sufficient benefits disbursed. Drawing upon extensive ethnographic work, an argument is made that welfare assistance forces asylum seekers within a process which increases their vulnerability while amplifying their deviancy. A visual account is provided of their socio-spatial immiseration and decision-making. In so doing, the confinement and control of these people is revealed, raising several questions concerning the rationale underpinning welfare assistance and the extent to which this assistance seems to be redistributed in ways that appear to benefit Hong Kong.

Expecting with Unexpected Consequences: Pregnant Women and Mothers Crossing Borders

Brandy Cochrane, Monash University

Bringing together literature from multiple disciplines and narratives from refugee mothers, a picture will be painted to inform the silence about how women’s journeys and status intersects with safety and citizenship in the context of borders. Using a feminist framework, this paper will explore reasons pregnant women and mothers might migrate, risks associated with this, and possible impacts. State policy developments such as the ending of family reunification for refugees in Australia and the attempt at cessation of cyclical migration along the US/Mexico divide, as well as other motivating factors like growing violence in homelands, have resulted in an increase of the number of pregnant women and mothers undertaking migration.

What are the consequences of these journeys for pregnant women and mothers? Pregnant women and mothers are less likely to survive tragedies including hurricanes and boat disasters. Additionally, trauma, stress, and lack of food during journeys and detention, may affect not only the health of the women and children, but contribute to poor pregnancy outcomes. This paper attempts to address this question in both specific contexts of Australia and the EU in regards to border hardening practices, and more broadly in regard to extant borders around the globe.