

statistical analyses suggest either equality in the sentencing outcomes of Indigenous versus non-Indigenous women or leniency being extended to the former. Utilising the theoretical framework of focal concerns, this paper will explore the relationship between Indigeneity and sentencing for female defendants in Western Australia's higher courts via a qualitative analyses of sentencing transcripts.

Populism, process, particularism, prevention, pre-emption: features of over-criminalisation in NSW

David Brown, University of New South Wales

This paper will reflect on three decades of hyper activity by the NSW legislature in creating new criminal offences and amending existing offences, across a range of offence areas. Many of the features discussed in the growing international criminalisation debate are apparent: the role of law and order populism in providing the impetus for change; the linking of changes to substantive criminal law with process changes in the form of extensions to police enforcement powers and increasing restrictions on process rights such as bail; the tendency to particularism in the definition of offences; the expanding scope of criminal law as a preventive measure, alongside a growth in hybrid, administrative and contractual forms of regulation; and illustrations of Zedner's 'pre-emption' and 'pre-crime' in areas such as terrorism offences, the regulation of gang activity and in aspects of complicity law.

Criminal Responsibility and Sport

Chris Davies, James Cook University

Sport, in particular the body contact sports, has seen participants being held criminally liable for on-field indiscretions. In Australia the law does appear to be quite settled in regard to when offences will not be covered by the implied consent defence, namely that participants consent to what is allowed within the playing rules of that sport, and any acceptable infringements of those rules. Any action on the playing field that goes beyond this, however, can lead to criminal liability and/or an action in torts. While match fixing is not new to sport, it would appear the recent increase in the opportunities to not only bet on matches, but also particular aspects of a match, may lead to an increase in match, and sport, fixing. This paper will therefore examine the question as to when it is appropriate that criminal liability should arise in sport, and whether the penalties that are imposed should include a custodial sentence. It is suggested that for on-field offenders custodial sentences are not appropriate for those with no previous convictions for violent offences. However, given the fact that fixing matches, or even an aspect of the match, undermines the integrity of sport, custodial sentences in some instances may be warranted for these offences.

A Time to be Heard: Sudanese Australian Voices about Criminal and Social Justice Matters

Glenn Dawes & Garry Coventry, James Cook University

At the 2006 ANZ Criminology Conference, we challenged the pernicious claims of a few academics and others who hawked outrageous, unsubstantiated pronouncements about African refugees being a major crime and reintegration problem for settlement into Australia. The problem was collapsed into the 'other': characteristics of those that separate 'them' from 'us'. Then, we were most concerned about the 'deafening silence', absent from critical criminology and other social science disciplines, which did not challenge such claims. To be fair, it was not until 2007 that key Commonwealth Government figures entered the fray and some critical criminology articles began to appear. Since, we have come to understand the difficulties in clearly establishing the boundaries and measurement of the contours of race/hate crime in Australia and, therefore, for critical criminology. But, these difficulties in assessing and possibly counting such incidents do not discount that these kinds of incidents do occur. The recent case under the Racial Discrimination Act, brought against the Victoria Police and the State of Victoria, points to the possibility that racial profiling, stereotyping and racist based practices do occur. Now, what we offer for consideration are some voices of Sudanese Australians regarding matters of criminal and social justice, It is time that their voices, whether they are referred to as oppressed, repressed or significantly disadvantaged sections of Australian communities, be given a recognized place in legitimate discourse regarding such matters. This paper, in part, is based on a major study of extensive field research in four main Queensland communities and a thorough examination of some mainstream print media sources.

The Private Military and Security Contracting Industry: Informal methods of State Control

Ruth Delaforce, Griffith University

The creation and implementation of a global regulatory and legislative framework controlling access to use of force by private military and security contractors (PMSCs) has been the focus of much debate in academic and popular discourses. Central to the creation and implementation of these regulatory regimes are states; however, state interest appears limited. Such disinterest would seem incongruous, given the potential for PMSCs to challenge state authority. One inference derived from state disinterest is the perceived utility of PMSCs in international security governance. A second inference is that states may rely upon alternative, informal mechanisms to constrain and manage PMSCs, strategies not always located within a legalistic framework. Limited attention has been paid to the informal sanctions employed by states in managing a transnational private security enterprise. Case study analysis provides insights into the exercise of state