

states, this paper will argue that even the potential use of death as a sanction threatens to encourage a kind of 'hardened' ontological barrier between offenders and others. In turn, given the powerfully significant function of punishment, this barrier could then influence the ontological statuses of individuals on a broader social level.

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Julia Quilter, University of Wollongong “Taking Populism Seriously: A Case Study into the Responses to the Death of Thomas Kelly”

There has been much debate in the scholarly literature over the increasing trend in many western countries since the 1980s towards punitive and populist penal policies and sentencing laws. One of the main issues foregrounded in these debates is that the typical response to a specific event which has generated popular outrage has been a classic punitive ‘law and order’ response, usually involving the creation of new offences and/or increasing police powers. The reaction to Thomas Kelly’s death, who suffered fatal head injuries after being king-hit in the face when walking down the street in Kings Cross (Sydney, Australia) in July this year, however, has been different. Perhaps it was the absolute randomness of his death, the waste of such a young life that turned Mr Kelly’s death into a resonating tragedy and the need to respond differently. What we have witnessed is a far more nuanced set of responses – from restrictions on liquor trading hours and liquor outlet density to expanded late night transport for the area to the ‘Real Heroes Walk Away’ campaign – reflecting a refreshing appreciation of the complexity of the social issues implicated in this tragedy. By exploring the range of these responses, this paper will explore the conditions of possibility for the ‘punitiveness’ to be decoupled from ‘populism’ in an attempt to think about under what conditions is progressive populism possible.

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Mandy Shircore, James Cook University, “Establishing Liability for Police Negligence: A comparison of approaches in Australia, Canada, New Zealand and the United Kingdom”

The effectiveness of the law to provide compensation and accountability to victims of police negligence varies across the common law jurisdictions of Australia, Canada, New Zealand and the United Kingdom. Partly this is due to different conceptualisations of the role of police investigative work and the relevance of policy considerations to the existence and scope of the duty of care owed by police to individual members of the public. Partly it is due to the different tests that have been established for duty determinations in novel situations.

The purpose of this paper is to analyse and compare the socio-legal aspects of police negligence litigation in Australia, New Zealand, Canada and the United Kingdom. The contrasting approaches of the United Kingdom (where protection of police from liability is arguably at its highest) and Canada (where there is limited protection of police from liability) will be used to assess the developing approach to police negligence in Australia, where recent litigation has highlighted continued uncertainty.

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Karen Wilcox, University of New South Wales, “Pushing law to the edge: Improvements and Reforms in Australian Protection Order Law”

Domestic and family violence remains a socio-legal issue of ongoing concern across jurisdictions globally. Australia has been uniquely placed in developing a strategic and legal response to domestic violence that features strong, well-utilised civil orders for protection alongside criminal justice interventions. These protection orders, which are enabled under state and territory legislation within the Australian federation, contain a number of innovative features, many of them newly conceived during a recent wave of law reform across the nation. The features of Australian protection orders include broadened definitions of violence, which incorporate emotional and financial abuse; orders for a range of relationship types, including unmarried, dating or same sex couples; criminal penalties for