The Legislation We Had to Have?: The Crimes (Criminal Organisations Control) Act *2009 (NSW)*

Abstract

In the wake of several high-profile incidents of outlaw 'bikie gang'-related violence, including a fatal bashing at Sydney Airport, the New South Wales Government has introduced new laws to expand police powers relating to 'criminal organisations', membership, and association. This Comment provides a critical overview and analysis of the *Crimes (Criminal Organisations Control) Act* 2009 (NSW) (the Act), with reference to recent related legislation in other States and at federal level. The Act contains a number of problematic aspects, as it creates what are in effect status offences and makes compromises regarding conventional rules of procedure, proof and evidence. This Comment argues that the Act must be understood in the broad context of penal popularism and that it is symptomatic of the dominance of 'law and order' politics in NSW. Revealing a clear debt to anti-terrorism legislation, an emphasis on risk and prevention, and the curtailment of individual rights in the larger interests of security, the Act is an unfortunate if not unexpected step in the ongoing process of criminal law reform in NSW.

Introduction

In recent years, the criminal justice arena in New South Wales has been marked by a proliferation of legislative enactments expanding police powers, amending rules of criminal procedure, creating new offences and increasing maximum penalties applicable on conviction for a range of crimes. In seeking to understand parallel developments in other contemporary Western democracies, several scholars have advocated an approach that situates such law reform initiatives in the broader criminal justice context, taking into account related developments in governance, policing, prosecution and punishment (see Ashworth 2000; Ashworth & Zedner 2008; Garland 2001; Lacey 2008; Zedner 2007). This is a helpful point from which to start to analyse the *Crimes (Criminal Organisations Control) Act* 2009 (NSW) (the Act) because it entails a recognition of the close and intricate links between criminal law, procedure and evidence, enforcement and punishment. In addition, several scholars have noted the overarching trend toward increasingly punitive and populist penal policies in place in a number of jurisdictions, facilitated by 'law and order' political rhetoric and widespread fear of crime (see, for example, Garland 2001; Lacey 2008). It is this environment in which the *Crimes (Criminal Organisations Control) Act* 2009 (NSW) appears and, in this Comment, it will be assessed against this backdrop.

On Sunday 22 March this year, Anthony Zervas, of the Hells Angels Motorcycle Club, was beaten to death in a brawl in the check-in area of Sydney's Domestic Airport. This event was followed shortly after by the murders of two Rebel gang members in Canberra. In what was regarded as a related attack, Zervas' brother was shot and injured at his home on 29 March. These events and subsequent police activities, including raids and arrests, received significant media attention. Reports in the popular press indicate that the incidents of violence are thought to reflect an escalation in the ongoing war between the 'bikie gangs', the Hells Angels and the Comancheros. In the wake of these high-profile incidents of gang-

related violence, the NSW Government introduced new laws to create new offences and expand police powers relating to both 'criminal organisations' and individual members and associates of those organisations. Within a week, the NSW Government declared its intention to pass new laws to deal with the crime and violence linked to 'bikie gangs', drafted the legislation, passed it in both houses of Parliament, and had the Bill enacted into law.

Even in advance of a consideration of the content of the new legislation, the timing and speed of its enactment arguably represents a concerning if familiar feature of State legislative activity in the area of criminal justice. The new legislation was drafted and passed in the immediate aftermath of atypical incidents of offending that attracted exceptional media and public interest, fuelled by a prevailing demonisation and fear of 'rebel bikies'. The rush to criminal law and process as a regulatory weapon of choice occluded alternative approaches, such as those focusing on social inclusion, and even a consideration of whether existing laws were sufficient to deal with the perceived problem. The substance of the Act, which is discussed below, encodes an enthusiastic and even cavalier attitude to the criminal law as a means of social control. As Andrew Ashworth has observed in the English context, politicians, media and others have been known to act 'as if the creation of a new offence is the natural or only appropriate response to a particular event or series of events giving rise to social concern ... [T]here is little sense that the decision to introduce a new offence should only be made after certain conditions have been satisfied, little sense that making conduct criminal is a step of considerable social significance' (Ashworth 2000; see also Tadros 2008). In this respect, the new Act falls neatly into a pattern of reactive legislative action in criminal justice in NSW that has developed over recent years and now seems well entrenched.

Equally concerning is that aspect of the political rhetoric surrounding the introduction of the new legislation that reveals something of one-upmanship in the 'law and order' stakes between Australian States. The Attorney-General for NSW, John Hatzistergos, championed the NSW legislation as tougher than that of South Australia (the South Australian Act, *Serious and Organised Crime (Control) Act* 2008, was a model for the NSW laws). The Queensland Government has now indicated that it will enact legislation along the lines of that existing in South Australia and NSW. The issue of parallel national legislation is reported to be on the agenda of the next meeting of all attorneys-general, dovetailing with discussion of the Commonwealth Organised Crime Strategic Framework. It is unfortunate that, in the current era of multifaceted cooperation between the Commonwealth and the States, with the Labor party in power in all jurisdictions except Western Australia, on criminal justice, the Commonwealth shows signs of aping the States' popularist approaches. It would seem to be a missed opportunity, running counter to the tone of the inaugural Federal Criminal Justice Forum held in Canberra in 2008 foreshadowing a new direction in criminal justice, if this unprecedented political situation was not used to roll back the penal popularism that continues to dominate at local levels.

Perhaps most concerning of all is the debt to anti-terrorism laws evident in the Act. Notwithstanding the almost universal political consensus, in place since 9/11, which depicts terrorism as an exceptional offence, requiring exceptional legal responses, the new anti-'bikie' legislation evidences a willingness to borrow from the anti-terrorism model for use in legislative regimes applicable beyond the exigencies of terrorism. As discussed below, the NSW regime for 'criminal organisations' borrows heavily from both Commonwealth and State anti-terrorism laws, which are contained in the *Commonwealth Criminal Code Act* 1995 (Cth) and *Terrorism (Police Powers) Act* 2002 (NSW). Even taking into account the

organised and trans-jurisdictional nature of 'bikie' gang activities in drug trafficking, for example, the similarities with terrorism are tenuous. Despite this, the perceived suitability of the anti-terrorist laws for non-terrorist offending suggests that terrorism offences are becoming the archetypal offences in the criminal corpus. With its emphasis on risk and prevention, and the curtailment of individual rights in the larger interests of security, without commensurate radical justification, the new legislation is an unfortunate if not unexpected step in the ongoing process of law reform in NSW.

The *Crimes (Criminal Organisations Control) Act* 2009 (NSW)

For the purposes of analysis, the critical aspects of the Act can be usefully divided into two parts. The first of these relates to the creation of new powers. Under the Act, it will be possible to proscribe organisations and to make association between members of these organisations an offence. The Police Commissioner (or his or her delegate – a police officer at the rank of Inspector or above) may apply to have a particular organisation declared a 'declared organisation' for the purposes of the Act (s6(1)). Under section 9 of the Act, a declaration may be made if the judge is satisfied that:

(a) members of the organisation associate for the purpose of organising, planning, facilitating, supporting or engaging in serious criminal activity, and

(b) the organisation represents a risk to public safety and order in this State.

A declaration remains in force for three years after it is made (s11(2)). Although a member of the proscribed organisation may be present at the hearing of the application (s8(1)), there is no requirement that any member of the organisation be given a warning about an impending application. The Act provides that the Police Commissioner may keep a register of any declarations and orders made under the legislation (s30(1)). In considering whether to make a declaration, a judge may consider 'any information' suggesting a link between the organisation and 'serious criminal activity' (s9(2)(a)). 'Serious criminal activity' is defined as obtaining material benefits from conduct constituting a serious indictable offence or committing a serious violence offence, where the latter is defined as an offence punishable by imprisonment for 10 years or more and involving serious injury or risk of serious injury to a person, or serious damage to property endangering the safety of a person or perverting the course of justice (s3(1)).

Under the Act, the judge is able to make the declaration proscribing the organisation even if only some of the members associate for the purpose of engaging in serious criminal activity, as long as those members 'constitute a significant group within the organisation' (measured in terms of numbers or influence), and regardless of whether the members associate for other purposes (s9(4)). The latter part of the provision seems designed to avoid problems of proof which would beset a requirement that association be solely or primarily for the purposes of engaging in 'serious criminal activity'. Nonetheless, it is not clear on the face of this provision what if any knowledge of or agreement about purposes is required by the members making up the 'significant group' in order for the organisation as a whole to be liable to proscription under the Act. Under section 12, a declaration may be revoked on request by the Police Commissioner or a member of the organisation only if there has been a substantial change in the nature or membership of the organisation such that the members no longer associate for the purposes of serious criminal activity, and the organisation no longer represents a risk to public safety and order in the State (s12(4)).

Attendant to the power to proscribe organisations, the Act contains provisions to control the members of 'declared organisations'. Part 3 of the Act provides that the Police Commissioner may apply for interim control orders and control orders if a person is a member of a particular declared organisation and there are 'sufficient grounds' for the making of an order (ss 14(3) and 19(1)). 'Sufficient grounds' are to be established by evidence from the Police Commissioner and any objection raised by the individual concerned, but the term is nowhere defined. Once subject to a control order, an individual will be unable to engage in any of the 'prescribed activities' listed in the Act, including working in the security industry, acting as a pawnbroker, car dealer or repairer, possessing a firearm, or selling or supplying liquor. There is a limited right to seek to vary or revoke a control order, as the person to whom the order relates requires leave of the court to appeal, and leave will only be granted on the arguably narrow basis that there has been a 'substantial change in the relevant circumstances' since the order was made (s25(2)). There is no time limit on a control order – it remains in force until it is revoked (s23).

On this issue of association, the Act is arguably at its most intrusive. Association between a controlled member and another controlled member will constitute a breach of a control order, punishable by imprisonment for up to two years (for the first offence) or five years (for the second or subsequent offence) (s26(1)). The Act amends the *Bail Act* 1978 (NSW) so that there will be a neutral presumption about bail on a charge under section 26. 'Association' is broadly defined in the Act to encompass communication by any means as well as being in company of the other person (s3(1)). First offences for association are to be dealt with summarily by a Local Court; second or subsequent offences are to be prosecuted on indictment (s36(1) and (2)). It is not necessary for the prosecution to prove that the defendant associated with the other person for any particular purpose or that the association would have led to the commission of any offence (s26(6)). It is a defence to a charge under section 26 that the defendant did not know and could not reasonably have known that the person with whom they were associating was a controlled member of the declared organisation (s26(3)). For the purposes of this provision, associations between close family members, business or training associates are to be disregarded if the defendant proves that 'the association was reasonable in the circumstances' (s25(5)).

The second crucial aspect of the Act is its procedural and evidentiary provisions. In keeping with the hybrid civil/criminal nature of the Act's provisions, all matters arising under the Act, with the exception of criminal offences, are to be determined on the civil standard of proof, the balance of probabilities (s32). Second, the Act provides that only 'eligible Judges' may hear applications for declarations and orders under the Act (s5(2)) and, when they do so, they will be acting as *persona designata*. This feature of the Act maps onto other legislative provisions relating to judges' involvement in search warrants and is designed to safeguard the separation of powers. However, the restriction to 'eligible Judges' remains a potentially concerning aspect of the legislation because it appears to indicate that the Attorney-General will select, and indeed de-select, those judges who are to hear matters arising under the Act. In relation to de-selecting judges, the new legislation goes further than the Commonwealth terrorism legislation, which also relies on the category of 'eligible Judges' but does not provide that they may be de-selected at some point. In relation to evidence, the Act provides that the standard rules of evidence do not apply to the hearing of an application for a declaration (s13(1)), meaning that hearsay and other evidence may be admissible. When a decision is made, the judge is not required to provide any grounds or reasons for the decision, other than to the Ombudsman when the exercise of powers under the Act is reviewed (s13(2)). Evidence adduced in an application for an organisation to be made a 'declared organisation' and for the issuing of a control order may be classed as a

'protected submission' (s29). The content of this submission will only be disclosed to the judge, the Attorney-General and Police Commissioner on appeal against the declaration. In terms of safeguards for abuse of power, under the legislation, the Ombudsman is to review the exercise of powers under the Act after two years (s39(1)), but the Minister is required to review the Act only after it has been in place for five years (s40(2)).

As mentioned above, the ostensible model for the new legislation was the South Australian *Serious and Organised Crime (Control) Act* 2008. The NSW Act departs in some ways from the South Australian law, however. For example, under the NSW laws, 'declared organisations' will only be able to challenge a declaration once their group has been proscribed, whereas, in South Australia, lawyers can argue a group's case to the State's Attorney-General before it is proscribed. The South Australian law also gives police the right to ban the wearing of insignia in public if it deems that community safety is compromised, and to make a 'public safety order' which will function to prevent an individual or a class of individuals from being in a certain area, attending a particular event or being on certain premises for 72 hours on the basis that the individual or group poses a serious risk to public safety or security (ss25(1), 23(1) and (3)). Breach of a public safety order is an offence punishable by up to five years in prison (s32)(1)). The South Australian offence of criminal association is also distinct: it requires that individuals who knowingly or recklessly associate with someone who is a member of a declared organisation or subject to a control order, and do so at least six times in 12 months, be liable to conviction (s35). The NSW Act, by contrast, provides that any association between controlled members of declared organisations is the basis for an offence.

Before turning to offer an analysis of the NSW legislation, it should be noted that the *Crimes (Criminal Organisations Control) Act* 2009 (NSW) has been passed on the heels of the amendment to the *Law Enforcement (Powers and Responsibilities) Amendment (Search Powers) Act* introduced to Parliament in March 2009 (at the time of writing, this Act had been passed but was awaiting assent). This Act amends the *Law Enforcement (Powers and Responsibilities) Act* 2002 (NSW) (LEPRA) to expand police search powers to encompass extensive covert search powers under warrant and to provide for a delay in notifying affected individuals. These powers, which are based on the Commonwealth scheme for covert search warrants in terrorism investigations, are available in specified serious offences, such as those involving illegal drugs and sexual offences (new s46A LEPRA). The new police powers provided under the Act include the replacement of a requirement of 'reasonable belief' in an application for a search warrant with 'reasonable suspicion' (presumably a lower standard for the issue of a warrant).

With this description of the new Act, and related legislation in South Australia and NSW, in mind, this Comment turns to an analysis of the *Crimes (Criminal Organisations Control) Act* 2009 (NSW). In what follows, the crucial features of the NSW legislation will be analysed against the background of the contemporary criminal justice arena and in light of the recent critical commentary on criminal justice in Australia and elsewhere. This Comment argues that the Act reflects the dominance of 'law and order' politics in NSW, with an assumption that 'more law equals more order' and an emphasis on risk and prevention and the curtailment of individual rights in the larger interests of security. Further, with its reliance on anti-terrorism offence constructions, the Act suggests that terrorism has become the archetypal criminal offence.

Understanding the *Crimes (Criminal Organisations Control) Act* 2009 (NSW)

In seeking to understand the new Act, it is necessary to start with an examination of it as a political intervention into the criminal justice arena. The rapid passage of the *Crimes (Criminal Organisations Control) Act* through Parliament, amid fever-pitch popular media attention, seems to be strong evidence of the politicisation of criminal justice that has occurred over the last several decades. Further, the wholesale embrace of 'law and order' rhetoric (from both major political parties, on this as well as other criminal justice issues) provides an illustration of what David Garland has called 'non-adaptive' state responses to crime. For Garland, state responses may be either 'adaptive', or constructive, or 'non-adaptive', such as taking a punitive 'law and order' stance, despite its evident futility in the face of crime rates (2001). As Garland has argued in his account of the contemporary 'culture of control', different actors – politicians, administrators and community representatives – respond to crime in different ways. According to Garland, in late modern Western democracies, responses on the part of political actors are 'often reactive, triggered by specific events and deliberately partisan' (2001). Thus, they tend to be 'urgent and impassioned, built around shocking but atypical cases, and more concerned to accord with political ideology and popular perception than with expert knowledge or the proven capacities of institutions' (2001). With its unquestioned assumption that new laws are required, and that 'more law equals more order', the reaction of the NSW legislature to the recent 'bikie' violence seems to reinforce the dominance of penal popularism in the Sate.

Beyond the broad contours of the global trends identified by Garland, a number of specific institutional and local factors pertaining to NSW need to be considered in analysing the introduction of the new laws. As Sandra Egger has cautioned, in the search for a comprehensive explanation for the repressive turn in current criminal justice policies, it is important not just to assume that 'due to similarities in the social or political context of crime and criminal justice policies in many Western countries, there is no space to contest the differences' (2004). In this respect, Nicola Lacey's careful and persuasive analysis of the relevance of politico-economic structures for criminal justice systems offers an alternative to Garland's argument, allowing for consideration of the specific contours of particular capitalist democracies in any analysis (2008). Lacey argues that different types of capitalist economies provide structural incentives for more or less inclusionary criminal justice systems. According to Lacey, in two-party liberal market economies, such as that of Australia, 'the unmediated responsiveness of politics to popular opinion in the adversarial context of the two-party system makes it harder for governments to resist a ratcheting up of penal severity' (2008). In the case of NSW in the current moment, Lacey's argument points to the significance of such features as the increasingly-illusive ideological divide between the two major political parties and the strategic intentions of politicians to court the 'median' voter in order to be re-elected. On this account, the appearance of the *Crimes (Criminal Organisations Control) Act* 2009 (NSW) onto the criminal justice terrain appears be as much about larger political processes as about 'bikies'.

Turning now from the broader context in which the new Act appears to its substance, it seems that the theme of punitive penality is played out within the provisions of the new Act. Taking the rules of evidence and procedure, outlined above, first, it is clear that the Act incorporates some significant compromises of traditional safeguards for individuals accused of criminal offences. First, in adopting a two-step process of dealing with members of 'declared organisations' – a civil control order, the breach of which is a criminal offence –

the Act continues the blurring of legal forms that has taken place in recent years (and is evident in the new Youth Conduct Orders introduced in NSW in 2008, for example) (see Ashworth & Zedner 2008; Ashworth 2000). Despite the high maximum penalty (five years imprisonment) flowing from a second or subsequent breach of a control order issued under the *Crimes (Criminal Organisations Control) Act* 2009 (NSW), the crucial stage of taking evidence and deciding the terms of the order occurs in the civil context. As discussed above, the Act provides that evidence adduced here may be 'protected' and not shown to the defendant. The offence of breach of a control order appears to be one of strict liability as, absent an argument by the defendant that he or she did not know and could not have known that the person with whom they were associating was a controlled member of the declared organisation, the prosecution is not required to prove fault in order to secure a conviction.

In relation to the new offences of criminal association, it may be argued that these amount to *de facto* status offences under the legislation because, once an organisation is proscribed under the Act, its members are exposed to the possibility of control orders that will result in criminal convictions if they associate with one another. It is foreseeable that, under the Act, an individual who is gainfully employed in the security industry, and is a member of a 'bikie' gang that becomes a 'declared organisation', will not be able to associate with his or her colleagues nor be able to work, even though he may have had nothing to do with any 'serious criminal activity'. In this respect, the new laws expose a troublesome collapse of the individual into the organisation. Indeed, in discussing the new laws in Parliament, the Minister for Police, Tony Kelly MP, stated that 'the Government is committed to supporting our police with the powers they need in the longer term to dismantle criminal bikie gangs once and for all' (Hansard, Legislative Council, 31 March 2009). This comment portrays a concern with criminal gangs; yet the legislation specifically provides for the proscription of organisations where only some of the members are engaged in 'serious criminal activity', and does not require the prosecution to prove that the organisation itself is a criminal enterprise or even that the members are meeting for the purposes of engaging in criminal activity.

A possible justification of these new laws might be the perceived difficulty the criminal law has in dealing with those who provide assistance or encouragement toward offending or who agree to future criminal activity. The criminal law has traditionally criminalised the assistance or encouragement of criminal activity via the extension of criminal responsibility to accessories (McSherry 2009) and criminalised agreements to commit offences via conspiracy. Offences of criminal association, however, do not criminalise assistance in criminal activity or agreement to engage in it; rather, they criminalise mere association. It might be argued that this is justified on the basis that such association is evidence of either past or future dangerousness and that offences of criminal association assist in preventing future offending. Indeed, the new Act is shot through concerns about dangerousness and prevention. Dangerousness and prevention are hallmarks of the current crime control field and are evident in, for example, the introduction of preventative detention legislation, mandatory risk assessments for prisoners, and in the rise to prominence of consequentialist rationales for punishment like deterrence and incapacitation. As Lucia Zedner has argued, crime is conventionally regarded as a harm or wrong, but is increasingly conceived of as essentially risk or potential loss. She argues that we are on the cusp of a shift from a post- to a pre-crime society: the post-crime orientation of criminal justice is increasingly overshadowed by the pre-crime logic of security (Zedner 2007). According to Zedner:

> In a post-crime society there are crimes, offenders and victims, crime control, policing, investigation, trial and punishment, all of which are staples of present criminological enquiry. Pre-crimes, by contrast, shifts the temporal perspective to anticipate and forestall that which has

> not occurred and may never do so. In a pre-crime society, there is calculation, risk and uncertainty, surveillance, precaution, prudentialism, moral hazard, prevention and, arching over all of these, there is the pursuit of security (Zedner 2007).

It is in this respect that the significance of anti-terrorism laws for the new Act becomes clear. Both Commonwealth and State anti-terrorism legislation introduced lists of terrorist organisations, made membership of such organisations an offence, created provisions for the issue of control orders, and relied on 'eligible Judges' to issue preventative detention orders (for a critical analysis of cases arising under this legislation, see Dixon 2008). Importantly for the new 'bikie' legislation, associating with a person who was a member or a promoter of a terrorist organisation on two or more occasions became an offence punishable by up to three years in prison (s102.8(1) Commonwealth Criminal Code). The terrorism laws also shifted burdens of proof such that an individual is tasked with proving, for example, that he or she did not know an organisation had been declared a terrorist organisation. Further, as discussed above, the investigative techniques used in counter-terrorism have begun to be extended to non-terrorist offending via the *Law Enforcement (Powers and Responsibilities) Amendment (Search Powers) Act* 2009 (NSW). The provisions of both this Act and the *Crimes (Criminal Organisations Control) Act* 2009 (NSW) indicate a willingness on the part of Parliament to model new legislative enactments on terrorism legislation. The export of anti-terrorism provisions to the offence of criminal association suggests that terrorism offences have become the archetypal offences in the criminal corpus, providing a model for legislative drafting and for a reconfigured relationship between individual rights and larger interests of security. The Act exposes the slippery slope to the large-scale erosion of procedural and substantive protections in the criminal law that began with the 'exceptional' terrorism offences.

Conclusion

The *Crimes (Criminal Organisations Control) Act* 2009 (NSW) contains a number of problematic aspects, as it creates what are in effect status offences and makes compromises regarding conventional rules of procedure, proof and evidence. This Comment has argued that, viewing the Act in the broad context of penal popularism, it is representative of the triumph of 'law and order' politics in NSW. Beyond the global trends towards punitive and popularist criminal justice policies and practices which are amply illustrated in the new legislation, specific institutional and local factors relating to NSW must be taken into account. Particular domestic politico-economic structures, such as the two-party political system, are part of the conditions which foster the penal severity that the Act evidences, as both sides of politics pander to the 'median' voter. Further, in relation to the substance of the Act, it is clear that the new provisions owe a debt to anti-terrorism legislation, with its emphasis on risk and prevention and the curtailment of individual rights in the larger interests of security. This in turn suggests that terrorism has become something of a paradigmatic offence in the new criminal justice terrain.

Arlie Loughnan

Lecturer, University of Sydney Law School

References

Statutes

Bail Act 1978 (NSW)

Commonwealth Criminal Code Act 1995 (Cth)

Crimes (Criminal Organisations Control) Act 2009 (NSW)

Law Enforcement (Powers and Responsibilities) Act 2002 (NSW) (LEPRA)

Law Enforcement (Powers and Responsibilities) Amendment (Search Powers) Act 2009 (NSW)

Serious and Organised Crime (Control) Act 2008 (SA)

Terrorism (Police Powers) Act 2002 (NSW)

Articles and Books

Ashworth A & Zedner L 2008 'Defending the Criminal Law: Reflections on the Changing Character of Crime, Procedure and Sanctions' *Criminal Law and Philosophy* vol 2 pp 21-51

Ashworth A 2000 'Is the Criminal Law a Lost Cause?' *Law Quarterly Review* vol 116

Dixon D 2008 'Interrogating Terrorist Suspects: Criminal Justice and Control Process in Three Australian Cases' UNSW Faculty of Law Research Series 24

Egger S 2004 'Criminal Justice Policy in Late Modernity: The Significance of Local Experiences in Global Trends' *Melbourne University Law Review* vol 28 no 3 p 736

Garland D 2001 The Culture of Control: Crime and Social Order in Contemporary Society Oxford University Press

Lacey N 2008 *The Prisoners' Dilemma: Political Economy and Punishment in Contemporary Democracies* Cambridge University Press

McSherry B 2009 'Expanding the Boundaries of Inchoate Crimes: The Growing Reliance on Prepatory Offences' in McSherry B, Norrie A & Bronitt S (eds) *Regulating Deviance: The Redirection of Criminalisation and the Futures of Criminal Law* Onati/Hart Oxford pp 35-58

Tadros V 2008 'Crimes and Security' *Modern Law Review* vol 71 no 6 pp 940-970

Zedner L 2007 'Pre-crime and post-criminology?' *Theoretical Criminology* vol 11 no 2 pp 261-281