

SUBMISSION

to the
Senate Legal and Constitutional Affairs Committee
in relation to
Australian Crime Commission Amendment
(Criminology Research) Bill 2016
by
(Dr) David Biles OAM

- 1.1 My full name is David Biles. I live and work at 25 Kidston Crescent, Curtin, ACT. I currently describe myself as a semi-retired criminologist. I hold degrees in psychology, education and sociology. In 1973 I was a senior lecturer in criminology at Melbourne University and was appointed to the position of Assistant Director (Research) at the AIC in Canberra. I held that position (or that of Deputy Director or Acting Director) from 1974 until 1993. I am therefore familiar with the early years of the AIC.
- 1.2 After leaving the AIC I became a self-employed criminologist and had part-time positions with Charles Sturt University, the Asia and Pacific Conference of Correctional Administrators, and Australasian Correctional Management (a private prison company). I was also Chair of the ACT Crime Prevention Committee and the ACT Police Consultative Board, and I was an expert witness in many civil cases related to duty of care. I have also held many other part-time positions in a number of major enquiries in South Australia and Victoria, as well as three years full-time as the head of research for the national Royal Commission into Aboriginal Deaths in Custody. In the past four or five years I have been a semi-regular contributor of opinion pieces to *The Canberra Times*.
- 1.3 In late 2014 I was presented with the Distinguished Criminologist Award of the ANZ Society of Criminology “for a lifetime of outstanding, significant and sustained contributions to Australian and New Zealand Criminology” and was later made a Fellow of that society.
- 1.4 In preparation for this submission I have read the relevant Bills Digest prepared by the Parliamentary Library as well as some of the annual reports of the Australian Crime Commission and the Australian Criminal Intelligence Commission, but I claim no expertise in that area.
- 1.5 The essence of my submission is that I am totally opposed to the so-called “merger” of the AIC with the ACIC. This means that I am fully supportive of the evidence presented by the President of ANZSOC, Professor Rick Sarre. The only difference between us that he represents the total membership of ANZSOC, whereas my submission is from just one of his members. In the remainder of this submission I will endeavour to outline the reasons for my strong opinion on the subject.
- 1.6 In my opinion, the basic assumption underlying the proposed merger is the belief that the knowledge and skills required to be an effective police or law enforcement agency are similar to the knowledge and skills required to be a criminologist or a part of a criminological organisation. If this were true it would make sense to argue that police and criminologists could work together to achieve agreed goals for the common good of the community. The problem is that the assumption is not true. In fact, the aims of good policing and good criminology are quite different and will always remain so.
- 1.7 Scholars over many years have made many attempts to define what is meant by the word “criminology” ranging the study of the causes of crime to the study of law-making and law-breaking, but in more recent years the generally accepted definition includes the study the operation and effectiveness of criminal justice systems, comprising policing, the courts, and corrections (both custodial and community-based) plus other matters such as the measurement of crime and the effectiveness of crime prevention programs. Whatever the wording of the definition, criminologists are essentially academics who provide advice to governments and also to criminal justice practitioners if requested.

- 1.8 In distinct contrast, policing (including specialist policing aimed at reducing organised crime or terrorism for example) is much closer to the coal-face and focusses on individuals or relatively small numbers of individuals and makes use of specialist information, often referred to as “criminal intelligence”. Much of the work of policing is understandably confidential and is undertaken in secure environments, which is in stark contrast with the work environment of criminologists.
- 1.9 I think that it is quite likely that some readers of this submission will ask the question: what about police who study criminology and even gain criminology degrees or diplomas? (Many of my former students have done this.) My answer is that they will probably become better police, but very few will become criminologists.
- 1.10 The use of the term “merger” between the AIC and the ACIC is a little disingenuous when seen in the light of the actual number of bodies. The 2015 -16 annual report the ACIC indicates that the total staff of ACIC is just over 600. Then there is the staff of Crimtrac (for whom I did some research a few years ago) which I guess must be around 500. The best estimate of the AIC staff I can find is about 40, which I am told has reduced by about half. Therefore it seems that about 20 AIC staff will be merged with well over 1000 police staff from ACIC and Crimtrac! This is not a merger, perhaps “smothering” would be a more appropriate word.
- 1.11 Any criminologists who are prepared to work in a high security environment will inevitably be drawn or gently guided to projects which are central to the ACIC (such as organised crime, terrorism etc.) and broader criminal justice issues (which will always be the responsibility of the States and Territories and cover the full range of criminal behaviour) will become relatively neglected. If the proposed legislation is passed there will be no other national organisation with the ability to undertake national/comparative research which has been a strength of the AIC for many years.
- 1.12 I am worried that if this legislation is passed the number of well-qualified criminologists who might be available would be reduced by the fact that most criminologists would favour an environment which has close contacts with universities and other government research agencies rather the environment which is currently offered by ACIC. Sociologists and criminologists who have studied police culture are acutely aware of the fact that police culture is very strong and tends to encourage commitment to absolute loyalty to colleagues and to the police service in general. This is exactly the opposite to the culture found in research organisations or university departments where differences of opinion are expected and encouraged.
- 1.13 One could cite many examples of the difference between the two cultures. Police spokespersons tend to emphasise the dangers of social changes in the community such as illicit drug taking, and therefore by implication suggest that more police and more resources are required to meet this challenge. On the other hand criminologists are likely to take a broader view and perhaps even suggest that the consequences of the criminalisation of many drugs has caused more harm and expense to the community than the harm and expense caused by the actual drugs themselves.
- 1.14 It is not clear to me why the ACC or ACIC, was interested in promoting this merger in general, or taking over part of the J V Barry Library in particular. Nothing I have read or heard suggests that measurable improvement can be seen in the performance of the ACIC. If the ACIC wanted to have more access to the AIC library there is no reason why they could not have had it simply by asking, as many other individuals and organisations have been doing for many years. On the other hand, the harm or damage done by the merger is easily identified. No longer is there an independent and highly respected body of criminological knowledge that is widely available to governments at all levels, to other organisations and to Australian and overseas individuals.
- 1.15 Also, the number of criminologists who prepared to make public comments on subjects of interest to the community, as an increasing proportion of them are public servants and not permitted to contribute to the continuous public discourse. Many, but not all, criminologists feel they have a duty to contribute to this discourse in a similar manner to scholars in fields like economics, health studies and political science. When criminologists either decline to participate in public discussions or are not permitted to do so, the general community is the loser as extremists such as the well-known radio shock-jocks are likely to become even more influential.

- 1.16 Furthermore, despite what might be said to the contrary, I believe that it is inevitable that criminologists who are merged into the ACIC will become less involved with topics like sentencing, corrections (custodial and community-based), domestic violence, juvenile justice, sex offending, routine property offences (such as motor vehicle theft and house breaking), white collar and corporate crime, victimology, the international transfer of foreign prisoners, etc. all of which have been examined by the AIC over the past 40+ years.
- 1.17 I would like to make a brief mention of an article that was published in *The Canberra Times* in December 2015. It was written by Colin Campbell, a former member of the AIC staff and appeared under the title “Merger may be a crime against common sense”. It is an excellent analysis of the history and consequences of the merger. The only slight change that I would like is to the wording of the title: the words “may be” should be replaced by “is”.
- 1.18 On a very sad note, many of us who are currently preparing submissions, will remember the one person who virtually devoted his whole life to the AIC and CRC. He was responsible for the preparation of the legislation establishing the AIC, the negotiations over several years with the states, and he was committed to facilitating its establishment and growth. He was the deputy chair (later the chair) of the AIC Board of Management. He was Mr Peter Loof of the Commonwealth Attorney-Generals Department. He died just a few days ago, at the age of 85 years. To honour his memory, it would be appropriate for the Senate to reject the proposed legislation and do everything possible to ensure that criminology continues to have a significant place in Australia’s future.

27 October 2016