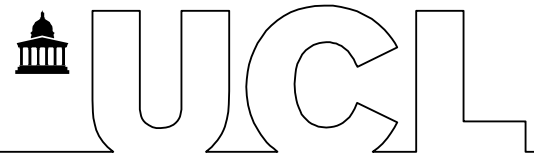


**UCL JILL DANDO INSTITUTE OF SECURITY AND CRIME
SCIENCE**



23 October 2016

Committee Secretary
Legal and Constitutional Affairs Legislation Committee
Department of the Senate
PO Box 6100
Parliament House
CANBERRA ACT 2600
AUSTRALIA

Dear Secretary,

Re: Australian Crime Commission Amendment (Criminology Research) Bill 2016

I am writing in response to the invitation to submit views to the Legal and Constitutional Affairs Legislation Committee regarding the proposal to merge the functions of the Australian Institute of Criminology (AIC) into the Australian Criminal Intelligence Commission (ACIC) and to abolish the AIC as a statutory agency.

I realise that as a UK citizen it may be seen as inappropriate to offer an opinion on what is unambiguously a matter for the elected government of Australia, however, having spent four months in 2001 as a visiting fellow at the AIC and as a member of the global academic community of which the AIC is an important part, I hope you will forgive my intrusion.

I am a professor of crime science and UCL. I spent much my working life in the British Home Office moving to UCL to establish the Jill Dando Institute of Crime Science in 2001 directly after my fellowship in Australia. My time in the Home Office was spent in research. I left having established the Home Office Police Research Group (PRG). As Head of PRG I was very aware of the extent to which research needs to be both independent and seen to be so. I have worked within the UK government, and since joining the academic sector have continued in that relationship. I have also worked closely with the police and its various agencies in the UK and abroad. I have attached a short note on my personal background for information.

I understand that the key points of the proposed bill are:

To merge the AIC into the ACIC and to abolish the AIC as a statutory agency, as a consequence of which the governance and scrutiny arrangements of the AIC would change with, for example, the possible establishment of an advisory board and the Information Commissioner no longer dealing with possible breaches of the Privacy Act.

Comments:

1. I understand that the merger is intended to boost research capability at the nation's criminal intelligence agency. Mergers are necessarily time consuming, costly and disruptive. I would suggest that prior to making any such changes the Committee would wish to reassure itself that the research capability of the criminal intelligence agency could not be boosted through some other less costly and disruptive mechanism.
2. The AIC is a significant presence in the international criminological research community. Staff of the AIC represent Australia with enormous credit as the only independent research voice which addresses issues across the whole of Australia. There are, of course, other outstanding criminological organisations in Australian universities and in the State Governments, particularly in the New South Wales Bureau of Crime Statistics and Research, but the AIC speaks uniquely to the Commonwealth's agenda.
3. If the AIC is absorbed into the ACIC it will be a very junior partner and will, in time, adopt the culture of the larger organisation. It is difficult to see how the proposals which might protect it from such evolution, such as a separate advisory board, could effectively protect the AIC from such pressure (note the word 'advisory' – advice can be ignored). As such:
 - a. *It would bring the independence of the AIC into serious doubt.* The ACIC is necessarily a secretive organisation and should remain so. Embedding an open research agency within such a culture seems ill advised.
 - b. This would threaten the far broader research agenda of the AIC including addressing the Commonwealth Government's strategic research priorities.
 - c. The Criminology Research Grants programme, which is managed by the AIC, and which funds research that has relevance to jurisdictional policy in the areas of law, police, judiciary, corrections, mental health, social welfare, education and related fields, would similarly risk being 'nudged' in the direction of the very narrow research interests of the ACIC.
4. I *strongly* advise against the removal of the position of Director of the AIC should it be merged into the ACIC. On the contrary I would enshrine such a position in legislation were the merger to proceed and add that the incumbent should be an 'academic' with a relevant background. This might go some way to protecting the research and the research agenda from absorption into the ACIC culture. Similarly, the Advisory Council and its composition, should be assured.
5. It is quite conceivable that research conducted on the operations of the national criminal intelligence agency might be critical of such operations. Whilst it may be judged expedient to maintain the confidentiality of such research, it is important that it is carried out. Any such research would be difficult to initiate from within the ACIC itself and results would almost certainly be seen as biased, even if unpublished.
6. I note the alternative proposal to move the AIC into a university environment. This would avoid some of the problems outlined above but I do not see how it would solve what was assumed to be the problem of boosting research capability of the nation's criminal intelligence agency, indeed I suspect it might make things worse. Criminal Intelligence Agencies are, in my experience, more open to research that is sponsored directly by a government organisation than by a university. One way in which to boost the research that might be devoted to criminal intelligence would be to outpost a small cohort of research staff from the AIC, with extra funding so as not to threaten the existing and important research agenda, but with a joint management arrangement between the AIC and the ACIC.

7. I suggest that if this merger does proceed despite the very strong arguments against it, then any managerial, reporting arrangements or advisory systems need to be based in legislation. The Home Office Research Unit (HORU), in which I worked for many years, was periodically threatened by incoming governments with no interest in independent research. The legislation which established HORU made it very difficult for any government to interfere with the existence or independence of the organisation. I think this was for the good of the British people and contributed to the greater understanding of crime and to the reductions which we have enjoyed in recent decades.

These comments are my own and do not necessarily reflect those of the UCL. If there is any further information I can provide, please do get back to me.

Yours truly,

Professor Gloria Laycock, PhD, FRSA, OBE
UCL Jill Dando Institute of Security and Crime Science

Professor Gloria Laycock

Gloria Laycock graduated in psychology from UCL in 1968 and completed her PhD there in 1975. She worked in the Home Office for over thirty years on research and development in the prisons, policing and crime prevention fields. She has acted as a consultant and trainer on policing matters in Europe, North and South America, Australia, New Zealand, Israel, India, South Africa and the Middle East.

She has held visiting Fellowships in the USA and Australia and was founding Director of the Home Office Police Research Group, UCL Jill Dando Institute and the Community Policing and Police Science Institute in Abu Dhabi, UAE. She is currently UCL Professor of Crime Science and is Director of research supporting the What Works Centre for Crime Reduction.

She was awarded an OBE in the Queen's Birthday Honours 2008 for services to crime policy.