



**Government
of South Australia**

**Commissioner for
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Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Chair and Committee,

Re Australian Crime Commission Amendment (Criminology Research) Bill 2016

By way of brief introduction, his Excellency the Governor for South Australia appointed me (pursuant to section 16 of the Victims of Crime Act 2001) as Commissioner for Victims' Rights. My role is likened to a victim ombudsman but my functions are broader than traditionally associated with an ombudsman. For example, I help victims dealing with criminal justice agencies as well as monitor and report on the effects of law and other, such as police practices, on victims of crime. Consistent with such functions I make submissions domestically and internationally, independent of the Government of South Australia, to inquiries such as the Legal and Constitutional Affairs Legislation Committee inquiry on the Australian Crime Commission Amendment (Criminology Research) Bill 2016.

Further to the Commissioner's role, I am a Victimologist and Life Member of the World Society of Victimology. With respect to the former, I often draw on information published by the Australian Institute of Criminology (AIC) to inform both my lecturing and my writing. With respect to the latter, I cannot speak for the World Society of Victimology, except to point out that the Society has twice partnered the Australian Institute of Criminology in hosting the International Symposium on Victimology (1994 Adelaide and 2015 Perth).

I am making this submission because I highly regard the AIC's independent role in providing domestically and internationally data on a wide variety of crime and criminal justice matter, research services, consultant expertise and other. Retaining the AIC's independence and capacity to deliver its current range of 'services' is imperative.

I worry that the incorporation of the AIC within the Crime Commission (which is a law enforcement agency) will undermine the AIC's independence and capacity but also alter the AIC's priorities in ways that will be detrimental to domestic policy-advisers, international institutions (for example, the UNODC), local and international researchers, and the public at large – to name but a few obvious stakeholders. Although it might be asserted that the incorporation will allow the AIC to continue to operate, it is likely that 'as a research arm of the Crime Commission' its priorities will be steered towards law enforcement agendas rather than criminology and criminal justice. Such development and direction will, it seems to me,

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negatively impact the AIC's standing as an effective and efficient 'centre of excellence' domestically, regionally and internationally.

The merger as happened resonates with tones of neo-classical economic rationalism; rather than sound analysis of the importance of the value (including public value) of independent information to, for example, inform and evaluate policy, which is at risk.

Such risk is contrary to the learned experience of the AIC's significance to criminological research to the Commonwealth, states and territories. The AIC's work on deaths in custody, homicide monitoring drug monitoring as well as monitoring firearms use and offences and studies on victims of crime are of immense value. The work AIC staff have and continue to do on crime reduction and the prevention of victimisation assists people, like me, to inform governments and to engage with a sense of accuracy in public debate on crime and criminal justice. The AIC's research into forced marriage, victims' rights or victim support makes effective contributions to debates on these issues.

For over a year, I participated in roundtables on firearms law reform in South Australia and for that purpose drew on AIC reports to make meaningful contributions on firearms use, firearms related harm and Australia's firearms control practices. As co-chair of the Attorney-General's National Victims of Crime Working Group since 2010 (or thereabouts), I have turned often to AIC research findings to validate assertions on crime victims' plights and to substantiate, for instance, the committee's findings on the implementation of victims' rights laws throughout Australia.

I concede the head of the Crime Commission has acknowledged the current areas of interest on the AIC's research agenda but also note that the AIC's priorities might be directed more towards the Crime Commission's organisational priorities that include. countering organised criminals who manufacture and distribute illicit, money launderers and 'unlawful combatants' (for example, people assisting fighting for declared terrorist organisations in the Middle East). The Crime Commission's priorities might over-shadow and ultimately in terms of the AIC's resources consume the AIC staff so far as to leave the unable to effectively deal with the broader criminological matter. If the Crime Commission requires a dedicated research arm then that should be established but not at the expense of the AIC's independence.

I ask, for example, will the AIC be permitted to conduct research into the operations of the Crime Commission and then report publicly on its findings, even when these findings are negative? Will the AIC's research agenda be co-opted by the Crime Commission's organisational priorities? Will information analysis to forge intelligence to drive the Commission's operations replace research, which are fundamentally different? Will the AIC have the capacity to build bridges between research and practice?

The Australia Parliament, not the executive arm of our political system should have an independent research body available to help it, as the legislature, scrutinise the executive, including the Crime Commission.

The AIC has, as I said, partnered the World Society of Victimology to host two international symposium on Victimology. The AIC as the lead-convenor administered both effectively and efficiently. The Adelaide symposium in 1994 was at that time attended by more delegates from more countries than previous symposia. The delegate feedback on the Perth symposium in 2015 shows the AIC's convening skills were highly regarded. Keynote speeches were audio-visually recorded and posted on Criminology TV, which has made such available to a global audience, including WSV members, at no cost to such audience. This is a treasured resource that has proven of great assistance to some WSV members and others who could not attend the symposium. It also raises the prestige of the AIC as a leader in

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fostering debate on contemporary crime and criminal justice issues – independent of the political ideology of the party governing Australia.

As an invited observer and speaker, I have attended the United Nations Commission on Crime and Criminal Justice and the United Nations Congress on Crime and Criminal Justice. I have observed sessions run on prevention of all crime (not exclusively transnational and organised crime) and point to the apparent good standing of the AIC staff as professional leaders in such fields of research and practice.

Australia through the AIC has shown the world its leadership on crime, criminal justice and criminology since the AIC was established (on agreement by Australia's Attorneys-General) – which is a heritage worthy of preservation. I urge that you do not compromise crucial and independent crime data and criminological research

Yours faithfully,

Michael O'Connell APM
Commissioner for Victims' Rights