



Community and Public Sector Union

PSU Group

28 October 2016

Committee Secretary
Senate Legal and Constitutional Affairs Committee
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Canberra ACT 2600

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Dear Committee Secretary

Senate Legal and Constitutional Affairs Committee Inquiry into Australian Crime Commission Amendment (Criminology Research) Bill 2016

1. Introduction

1.1. As the union representing Australian Institute of Criminology employees, the Community and Public Sector Union (CPSU) is committed to providing a strong voice for our members in key public policy and political debates.

1.2 The CPSU submission to the Senate's Legal and Constitutional Affairs Legislation Committee inquiry into the Australian Crime Commission Amendment (Criminology Research) Bill 2016 [Provisions] will describe the impact of the Machinery of Government change on employees of the Australian Criminal Intelligence Commission (ACIC) who were previously employed by the Australian Institute of Criminology (AIC) and, subsequently, seconded back to the AIC. For the purpose of this submission these members of staff will be referred to as AIC/ACIC employees in recognition of the dual nature of their employment.

2. Timeline

2.1 Outlined in Table 1 (Attachment A) is a timeline of legislation, organisational changes and recruitment processes as they affected AIC/ACIC employees from July 2015 to September 2016.

2.2 It is of concern to the CPSU is that the process to implement the merger and the Machinery of Government change to move staff¹ was undertaken prior to the enabling legislation being enacted,

¹ Page 2. Australian Institute of Criminology Annual report 2015-16

or even introduced. This has led to continued upheaval for staff, and potential issues with AIC meeting its legislative requirements, as outlined further in this submission.

3. The role and functions of the AIC

3.1. The AIC has been Australia's leading knowledge centre on crime and criminal justice since its establishment in 1973. The Institute promotes justice and reduces crime by undertaking and communicating evidence-based research to inform policy and practice. The findings from criminological research are disseminated by the Institute through peer-reviewed publications and research reports as well as via conferences, seminars, and engagement with national and international media and the Australian public.

3.2. AIC research is categorised according to three streams:

- monitoring programs including the National Homicide Monitoring Program, Drug Use Monitoring in Australia Program, National Deaths in Custody Monitoring Program and Fraud against the Commonwealth Program;
- discrete criminological research projects including research into law enforcement as well as victims, illicit drugs, human trafficking and slavery, family and domestic violence, Indigenous and youth justice, aviation security, corrections, crime trends and organised crime; and
- externally funded consultancy.

3.3. The AIC employs rigorous methodologies and robust analytical frameworks to produce reports for policy, practitioner, academic and public audiences. The AIC has previously undertaken consultancy work for law enforcement (such as state and territory policing jurisdictions, the former ACC and CrimTrac) and criminal justice agencies (such as state and territory corrective services, State and Commonwealth Attorney-Generals' Department, community service and victim support agencies). While the majority of AIC research is publicly available, the Institute has and continues to conduct confidential research on behalf of government agencies in areas such as legislative and policy development, program evaluations and strategic planning.

3.4. AIC staff are respected as professionals and experts in the areas of crime and criminal justice. Among the current senior AIC/ACIC employees are leading and well-respected authorities on fraud and corruption, firearms, drugs, crime prevention and evaluations, policing, and Indigenous justice. It is AIC/ACIC employees' unique skill set that enables the Institute to produce practical research outputs for and applicable to policy and practitioner audiences whilst maintain the rigor of academia.

4. Impact of Machinery of Government change

4.1. The ACIC is a law enforcement agency with a focus on national security and serious and organised crime. The Commission was created to strengthen the ability of police and government to respond to crime affecting Australia by discovering, understanding and responding to current and emerging crime threats and criminal justice issues. A key objective of the ACIC is to connect police and law enforcement to essential policing knowledge and information.

4.2. To achieve these aims and objectives the ACIC operates in a high-security environment. This is necessary to ensure the safety and confidentiality of ACIC operations, intelligence and, above all, employees.

4.3. AIC employees were transferred to the ACC via a Machinery of Government change in October 2015. These employees were subsequently seconded back to the AIC to ensure the Institute could continue to operate while legislation to merge the two agencies was introduced in Parliament.

4.4. 2015-16 was the first year in the history of the AIC that the Institute did not meet all of its Key Performance Indicators (KPIs). Specifically, the AIC published 16 peer-reviewed publications thereby not meeting the KPI of 23 peer-reviewed publications.

4.5. The Machinery of Government change has impacted AIC/ACIC employees' ability to carry out their day-to-day roles. In particular, the Machinery of Government change has impacted the timely recruitment of researchers (see section 5) and the communication of criminological research (see section 6).

5. Recruitment processes

5.1. Recruitment processes have been undertaken in accordance with ACIC policies and procedures since the Machinery of Government change in October 2015. Prospective AIC/ACIC employees are required to undergo psychological assessments and interviews, and internal security background checks in addition to those required by the Australian Government Security Vetting Agency.

5.2. These security requirements are necessary for employment at the ACIC as a law enforcement agency with a national security focus. These additional security measures are not required for employees to access information collected and stored by the AIC for the conduct criminological research.

5.3. The AIC experienced a high rate of staff attrition between July 2015 and October 2016. The Institute lost 21 full-time equivalent (FTE) positions: 14 employees permanently left the Institute, four went on long-term maternity leave and three took leave without pay or secondment to other APS agencies. Fourteen of the 21 FTE were research positions.

5.3. Three recruitment processes have occurred since the Machinery of Government change; the most recent of which is currently open (see Table 1). The two completed recruitment rounds took approximately six months each to finalise.

5.4. These protracted recruitment periods heavily impacted on the workloads required of existing AIC/ACIC employees. One example was a team which reduced from eight to two researchers because of staff attrition. The inability to recruit staff to meet the FTE deficit resulted in a reduction in outputs across fee-for-service and core funded research. The on-time delivery of outputs was also adversely impacted.

5.5. Eleven new AIC/ACIC employees have commenced since June 2016. Of these, 10 are researchers.

5.6. The nature of AIC's work requires flexible and expeditious recruitment processes to fulfil its consultancy requirements and remain responsive to new and emerging crime and justice issues through its core-funded research and monitoring programs.

6. Communication of criminological research

6.1. A primary function of the AIC is to communicate the findings of criminological research. This includes publishing, presenting and disseminating the findings of the Institute's research as well as engaging with external stakeholders such as the media and the Australian public on crime and justice issues.

6.2. The AIC maintains a number of peer-reviewed publication series including *Trends and Issues in Crime and Criminal Justice*. Prior to the Machinery of Government change, employees of the Institute routinely presented at conferences, seminars and roundtables (including as keynote speakers) and maintained a comprehensive presence in the academic research space through professional memberships to associations such as the Australian New Zealand Society of Criminology. The Institute also cultivated an extensive media presence with employees regularly discussing research in print, television and on radio.

6.3. The purpose of this engagement was to ensure that any research associated with the AIC was disseminated responsibly and accurately. Crime and justice is a particularly contentious issue within Australian society. Research findings, including crime statistics, are vulnerable to misinterpretation if not communicated correctly.

6.4. Traditionally ACIC outputs have been for law enforcement and intelligence purposes. The ACIC, therefore, has not required as proactive an external communications strategy as much of its work is covert, confidential and not for public consumption.

6.5. AIC publication and communications processes have complied with ACIC protocols since the Machinery of Government change. The AIC publications process now forms part of the stricter ACIC communications strategy. AIC publications, including reports that contain data intended for public distribution, are now treated with the same sensitivity as ACIC intelligence products. The majority of AIC publications have been 'soft-released' since July 2015. A 'soft-release' means that while the research is published on the AIC's website, its publication is not accompanied by a media release nor advertised on social media or through the wider AIC networks.

6.6. Since July 2015 the AIC's presence in and engagement with the media has been restricted. In line with ACIC protocols, the majority of AIC's engagement with the media is now conducted through or by a member of the ACIC communications team. Engagement with the media has always been an important avenue for AIC employees to represent the research and ensure accurate interpretation of the findings. This diminished media presence has restricted the AIC and ACIC's ability to correct and address misinformation and has reduced control over the representation of criminological research.

7. Conclusion

7.1. 2015-16 has been a year of upheaval for employees of the AIC, ACC and Crimtrac. The CPSU acknowledges that the complex task of merging three separate agencies has resulted in a period of transition for all staff, not just AIC/ACIC employees.

7.2. However, in the 12 months since the Machinery of Government change, AIC/ACIC employees have performed the legislative functions required of the Institute from within a law enforcement agency. They have complied with the increased security requirements and restricted communications strategies necessary for ACIC operations and information handling.

7.3. AIC/ACIC employees have experienced difficulties in designing, conducting and disseminating high-quality criminological research as a result of the Machinery of Government change. The primary cause of these difficulties has been protracted recruitment processes and restrictions in the way criminological research is communicated.

7.4. The purpose of this submission has been to inform the Committee of the experiences of AIC/ACIC employees since the Machinery of Government change. In particular, to bring to their attention inherent difficulties associated with conducting high quality, responsive criminological research from within a law enforcement agency.

7.5 It is the view of CPSU members that if Australia is to maintain the high standard of criminology research it has in the past, and the high national and international reputation that the AIC has, the experiences of staff since the Machinery of Government Changes has demonstrated that this will be difficult to achieve whilst AIC remains integrated with ACIC.

For further information, please contact Elizabeth Hay

Yours sincerely

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Deputy National President
Community and Public Sector Union

Table 1: Timeline of legislation, organisational changes and AIC/ACIC recruitment processes			
<i>Date</i>	<i>Legislation</i>	<i>Organisational changes</i>	<i>Recruitment processes</i>
July 2015		Chris Dawson APM, Chief Executive Officer of the ACC appointed Acting Director Australian Institute of Criminology (holding dual roles)	
October 2015	15 th of October: <i>Australian Crime Commission Amendment (Criminology Research) Bill 2015</i> first introduced in the House of Representatives	Machinery of Government change of 30 September 2016 enacted. All AIC employees transferred to the Australian Crime Commission (ACC) and then seconded back to the AIC	
November 2015	10 th of November: <i>Australian Crime Commission Amendment (Criminology Research) Bill 2015</i> first introduced in the Senate		20 th November: Principal and Senior Research Analyst positions advertised (closed 5 th of December 2015)
December 2015		10 th of December: AIC co-locates to Barton along with ACC	
January 2016			8 th of January: Research Analyst, Research Officer II and Research Officer I positions advertised (closed 22d of January 2016)
April 2016	17 th of April: <i>Australian Crime Commission Amendment (Criminology Research) Bill 2015</i> lapsed at prorogation		
June 2016			New Principal Research Analyst and Senior Research Analyst employees commenced
July 2016	1 st of July: ACC and CrimTrac officially merge into the new ACIC entity		New Research Analyst and Research Officer employees commenced
August 2016			Principal and Senior Research Analyst positions advertised (5 th of August 2016)
September 2016	14 th of September: <i>Australian Crime</i>		

	<i>Commission Amendment (Criminology Research) Bill 2016</i> introduced in the House of Representatives		
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