

Committee Secretary

Legal and Constitutional Affairs Legislation Committee

Department of the Senate PO Box 6100 Parliament House

CANBERRA ACT 2600

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.

For more than four decades the AIC has acted as a key resource in providing Australians with comprehensive, reliable and independent research based information about crime and justice in our community. Established by Commonwealth legislation with widespread bipartisan support it has also served as a fine example of cooperative federalism at work with active inputs being made to its research activities and priorities by individual States and Territories. It has also contributed in a substantial way to the work of the United Nations Crime Program (UNCP), being the first national institute to collaborate directly with the UNCP. The first Director of the AIC, William Clifford, was also a former head of the UNCP.

I am proud to have served as AIC Director for seven years (1987- 1994). During that time I experienced at first hand the often sensitive and challenging interactions required to offer robust, research based independent advice and assistance in support of Government crime and justice policy while also remaining neutral and aloof from actual participation in law enforcement and allied activity. Perhaps nowhere was this challenge more evident than in the very substantial research that the AIC undertook for the National Committee on Violence (NCV) in the late 1980's when two tragic mass shootings occurred in Melbourne. The NCV made comprehensive and detailed recommendations regarding measure that might be taken to reduce such violence in Australian society (NCV 1990), including introducing strict uniform gun laws. These recommendations, and especially those relating to gun control, were resolutely opposed by many in the community. Indeed, it was not until the shooting tragedy at Port Arthur in 1996 that effective gun control measures were finally put in place based in large part on the NCV's earlier proposals.

Given its past record and numerous contributions to the development and implementation of our national crime and justice policies I cannot perceive what real benefits will be gained by the proposed merger of the AIC with the ACIC. The fundamental aims and ethos of both agencies are radically different. The ACIC stands at the vanguard of active and vital law enforcement measures designed to

combat serious organised criminal activity. The ACIC also operates in an environment strongly influenced by security and secrecy concerns and backed by significant coercive powers to acquire information and intelligence. These are all activities far removed from the work performed by the AIC whose research and related products are overwhelmingly conceived and presented in open public forums. The AIC's work also covers the entire spectrum of crime and justice policy and practice whether it affects law enforcement, prosecution, courts or corrections.

The staffing profiles and skills required to undertake work performed by the two agencies are also very different. I believe that if the merger proceeds the newly embedded former AIC component of the ACIC will find it very difficult to recruit competent researchers to conduct their activities within the closed operating environment described. I also believe that collaborative research ventures with non-law enforcement bodies, and especially universities, will be difficult to arrange if subjected to secrecy and security constraints.

From the information made available it does not seem that the proposed merger will produce any significant cost savings. The AIC's budget is obviously only a fraction of that of the ACIC and in recent years it has also depended quite substantially on contracted research projects. It is suggested that this situation will be permitted to continue after the merger but I would imagine that many of the AIC's past "non-law enforcement" research clients will be reluctant to commission further studies under the new ACIC arrangements.

These are but a few of the deficiencies I perceive in regard to the proposed merger. I respectfully suggest that if any merger is to take place it should be in the form of a collaborative arrangement with a tertiary institution like the Research School at the Australian National University. Such an arrangement would maintain the independence, intellectual rigour and broad based research perspective fostered so successfully over four decades by the AIC.

Sincerely

Duncan Chappell

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