

LEGISLATIVE RESEARCH SERVICE
DEPARTMENT OF THE PARLIAMENTARY LIBRARY

CRIMINOLOGY RESEARCH AMENDMENT BILL 1986

Date introduced: 12 February 1986
House: House of Representatives
Presented by: Hon. Lionel Bowen, M.P.,
Attorney-General

DIGEST OF BILL

Purpose

To clarify the functions of the Australian Institute of Criminology and to revise the Criminology Research Act 1971 (the Principal Act).

Background

During the 1960s the Commonwealth and the States came to recognise that a systematic and co-ordinated approach to the organisation of research into crime was necessary. Accordingly, the Principal Act was enacted in 1971 as a means towards remedying the ever-increasing incidence and cost of crime in Australia.

The Principal Act established the Criminology Research Council (the Council), the Criminology Research Fund (the Fund), the Australian Institute of Criminology (the Institute) and also provides for the appointment of a Director and a Board of Management of the Institute. The Board is charged with the general direction of the Institute and the Director has the function of managing the affairs of the Institute subject to the general direction exercised by the Board.

The Institute's primary function is to conduct research approved by the Board. The aim of the Institute is to provide a national and comparative overview of crime patterns and criminal justice problems. Areas which the Board has identified as requiring continuing coverage include: crime and criminal justice statistics, policing and public security, courts and sentencing, penal policy and corrections, Aborigines and criminal justice, violence

against women and children, corporate and white-collar crime, women and crime, juvenile justice, victimology, drug markets and drug law enforcement strategies.[1]

Since the commencement of its operations in 1973 the Institute's work has expanded to cover a broad field of operations and goes beyond the mere collecting of information. Included in the Institute's work is the distribution of the results of research to appropriate personnel, providing opportunities for personnel engaged in criminal justice to meet and discuss common problems, bringing together researchers from around Australia and overseas, organising short training courses, conducting seminars and arranging prompt publication of results and other information arising from seminars and discussions. From time to time the Institute is called upon to give advice on the criminal justice system, an example being advice to Correctional Ministers on the international transfer of prisoners, prisoners' rights and the incidence of AIDS amongst the prison population.

The Council, on the other hand, is more concerned with research at a local level. The Council allocates part of the Fund to selected research projects which the Council considers will be of maximum value and relevance to crime prevention and criminal justice in Australia. Accordingly, most of the Council's work is directed to assessing the merits and value of applications for research grants. The Institute lays down guidelines to assist the Council in determining which projects to fund.

In its 13 years of operation the Council has provided in excess of \$1 300 000 for over 120 separate projects.[2] Examples of funded projects include, research into the factors underlying robbery offences in New South Wales; an evaluation of police involvement with juvenile offenders and child abuse in Queensland; and an investigation of the relationship of Aboriginal Customary Law to Australian Common and Statute Law.

Main Provisions

Clause 4 inserts a new paragraph (a) into section 6 of the Principal Act. The new paragraph will give the Institute authority to conduct or 'arrange for the conduct of' such research as is approved by the Board. This will allow the Institute to enter into research contracts which are consistent with the objectives of the Institute.

The Northern Territory will become a participant in the scheme of Australian research into crime by its inclusion in section 6(b) (clause 4).

Clause 4 will also amend section 6 of the Principal Act to give specific authority to the Institute to:

- i) collect information and statistics;
- ii) provide information and advice to Government Departments dealing with the administration of criminal justice; and
- iii) collaborate with institutions and individuals involved in crime research, or the training of people involved in the administration of criminal justice, both in Australia and overseas.

The Attorney-General will be given power to request the Institute to conduct research, seminars or training on matters specified by the Attorney-General. The Attorney-General may also indicate that priority be given to specific research or seminars (clause 5 which will insert section 6A into the Principal Act).

The membership of the Board will be increased from seven to eight to take account of the new membership of the Northern Territory (clause 7 which will amend section 9 of the Principal Act).

Section 29 of the Principal Act requires the Institute to seek Ministerial approval to enter into contracts that will involve the Institute paying over \$50 000. Clause 17 proposes increasing this limit to \$100 000.

A new section 32A will be inserted by clause 19. The proposed section concerns the payment of money received on trust into a separate trust account.

For further information, if required, contact the Law and Government Group.

References

1. Australian Institute of Criminology, 13th Annual Report 1985, p 2.
2. Criminology Research Council, 13th Annual Report 1985, page 1.

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