COMMONWEALTH OF AUSTRALIA

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HOUSE OF REPRESENTATIVES

STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

Reference: Crime in the community

(Committee Briefing)

FRIDAY, 21 JUNE 2002

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HOUSE OF REPRESENTATIVES

STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

Friday, 21 June 2002

Members: Mrs Bronwyn Bishop *(Chair)*, Mr Murphy *(Deputy Chair)*, Ms Julie Bishop, Mr Cadman, Mr Kerr, Mr Melham, Ms Panopoulos, Mr Sciacca, Mr Secker and Dr Washer

Members in attendance: Mrs Bronwyn Bishop, Ms Julie Bishop, Mr Cadman, Mr Melham, Ms Panopoulos and Dr Washer

Terms of reference for the inquiry:

To inquire into and report on:

The extent and impact of crime and fear of crime within the Australian community and effective measures for the Commonwealth in countering and preventing crime. The Committee's inquiry shall consider but not be limited to:

a) the types of crimes committed against Australians

b) perpetrators of crime and motives

c) fear of crime in the community

d) the impact of being a victim of crime and fear of crime

e) strategies to support victims and reduce crime

f) apprehension rates

g) effectiveness of sentencing

h) community safety and policing

WITNESSES

BRAITHWAITE, Professor John, Professor, Regulatory Institutions Network, Australian National University 1

CARCACH, Mr Carlos, Senior Research Analyst, Head of Communities and Crime Analysis Program, Australian Institute of Criminology 1

HERIOT, Dr Dianne, Assistant Secretary, Crime Prevention Branch, Criminal Justice Division, Attorney-General's Department 1

KEELTY, Michael Joseph, Commissioner, Australian Federal Police 1

MCDEVITT, Mr Brendan Joseph, General Manager, National Operations, Australian Federal Police 1

WHOWELL, Mr Peter Jon, Principal Policy Officer, Australian Federal Police 1

Committee met at 9.05 a.m.

BRAITHWAITE, Professor John, Professor, Regulatory Institutions Network, Australian National University

CARCACH, Mr Carlos, Senior Research Analyst, Head of Communities and Crime Analysis Program, Australian Institute of Criminology

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WHOWELL, Mr Peter Jon, Principal Policy Officer, Australian Federal Police

CHAIR—We have received apologies from Mr Murphy, Mr Secker and Mr Kerr. We have Mr Eyles with us, who was not on our original list of invitees and acceptances but, with the committee's concurrence, we welcome you. It is good to have you here. As you know, we are going to be having public hearings and we are seeking submissions very broadly. But the committee thought it would be very helpful to have a briefing from you, and we will have a transcript of what we discuss here this morning. Perhaps each person could speak for about five minutes, from their perspective, on their agency, and how it might fit with our inquiry. Around 10 o'clock we will move to questions from the committee and have general discussions. We will have a tea break at 11 o'clock and I expect we will adjourn about 12 o'clock. Mr Keelty, would you like to start?

Mr Keelty—We might first of all point out something about the Australian Federal Police that might not have been readily obvious to the committee. The Australian Federal Police has both a national and a community policing role. Its community policing role in the ACT is by way of a purchase agreement with the ACT government. In fairness to the committee, I just need to point out that I think the ACT policing element was invited to be here today, but of course they answer to a different minister. So it is a unique arrangement where the ACT government appoints a chief police officer for the ACT, who is an AFP employee, and all the employees of ACT policing are AFP employees. But I do respect the relationship between the chief police officer and the ACT government and its minister for justice and community services.

The AFP can bring to this inquiry details of what we are doing at the community policing level in the ACT. But also, more importantly, we can give you the national picture in terms of national crime. That brings me back to the terms of reference. I have a handout that last year we presented to the Senate Legal and Constitutional Affairs References Committee. That committee had been commissioned to look into the adequacy of funding into the AFP and the National Crime Authority. I have used that and tailored it for this committee to give you some background on the AFP and how it fits into the terms of reference of this committee, given its national community and, I guess, international role.

The AFP considers that the terms of reference are useful insofar as they address the immediate issues of community policing and fear of crime within the local community. However, we as an organisation with a range of functions uncommon to most police agencies would suggest to the committee that the terms of reference could also cover national aspects of the province of crime in the community. By that, I mean that, when the committee is talking about crime in the community, 'community' could be understood to be beyond the local area, incorporating the wider notions of national community. There is an understanding that crime is often multijurisdictional but also that crime occurring at the local community level is often found to have links at the national and international levels. When we talk about 'transnational crime', that is often bandied around in terms of drug trafficking, money laundering and terrorism. Transnational crime is a local crime somewhere. We would ask that some consideration be given to that.

Furthermore, our position is that crime is more complex than outlined in the committee's information paper. Should the committee wish to maintain the existing distinction of crime against people and against property, we would suggest a third category be added—something along the lines of 'crimes against the national interest'. We draw a nexus between crime and national security. For example, if we have investigations into the production of illegal tobacco and its export overseas in terms of avoiding excise, there are a lot of other crimes that may sit behind that—for example, extortion; crime in the transport industry; and money that does not come into the Australian economy, which affects the opportunity for the government to derive its proper taxes and money for public use.

In this, we understand that crimes against the national interest should include fraud, tax evasion, corruption and trafficking offences—including trafficking in firearms. Crimes against the national interest could be discussed in terms of the broken windows analogy, where offences such as corruption, tax evasion, fraud and trafficking offences all contribute to, if not addressed, a decline in civil society. The analogy stands, as high profile cases of individuals or groups flaunting the laws are liable to result in a loss of community faith and a loss of community integrity. By way of example, the broken window analogy is the application of a style of policing in New York, which you would be familiar with.

CHAIR—Yes.

Mr Keelty—We say that that has application in a much broader range of policing strategies. Similarly, certain offences can have a significant impact on the Commonwealth, the states and the territories in terms of financial health, ability to provide services and so forth, as I have just outlined.

The AFP, given its responsibility for investigation, protection, international services and community policing, can offer the committee a considerable amount of information on the issues surrounding crime in the community. We welcome the opportunity to provide the committee with a submission covering our range of responsibilities. Our unique role in the Australian law enforcement environment is due to our responsibility for two distinct outcomes in service provision. Our first outcome is our responsibility to enforce Commonwealth criminal law and the protection of Commonwealth and national interest from crime in Australia and overseas; and our second outcome is our community policing service obligations to the ACT community under contract with the ACT government. That is a function that the ACT government might want to

provide a separate submission to the committee on, and that is something we would support. As some people at the table would be aware, the crime statistics that have just been released for the ACT are quite remarkable in terms of the reflection upon the crime strategies that we have adopted in the ACT policing. That is all I have as part of an opening statement.

CHAIR—Thank you very much.

Mr Keelty—I should explain that Ben McDevitt has a significant background in ACT community policing. He is now our General Manager of National Operations. To give you some perspective or context on that, that is the equivalent of our Assistant Commissioner, Crime, in the state police service.

CHAIR—Thank you very much.

Mr McDevitt—Perhaps I can just echo the sentiments that Commissioner Keelty has put across in terms of the need perhaps to consider crimes that are not necessarily against the person and are not necessarily against property, but that we might need to extend this a little wider and look more at root causes rather than symptoms of crime. I say that with a lot of passion, because I say it coming from ACT policing where, until recently, I was the commander of operations. We conducted a number of very successful operations, particularly in relation to burglary. One operation in particular we called Operation Anchorage. We set about trying to reduce the burglary rate in the ACT by 20 per cent, which was an incredibly ambitious goal. We declared openly that we were going to do it, and we declared the methodologies that we were going to use. We used all the very best techniques in terms of intelligence led policing, in terms of identifying and targeting known property offenders, and we worked to get legislative change through on bail provisions and so on.

At the end of the day we did achieve the 20 per cent reduction. We actually achieved a 21 per cent reduction. That was very good, but the really important thing was to look behind those statistics. We did a profile of an average Canberra burglar. We wanted to dispel some of the myths. There were a few myths that people came from Sydney to Canberra to commit burglaries and would then leave. The reality was that our little profile showed that in Canberra we actually grow our own; there is no doubt about that.

We found that there are a number of common traits in this sort of profile. We tended to have young males in an average group of about 17 to 24. A lot of them were from more disadvantaged socioeconomic circumstances. But there was one factor that was common to 85 to 90 per cent of these people, and it is not hard to guess what that was: they were heroin addicts. They were committing burglaries to service a heroin addiction. Then we started to look at what other offences they were committing. We found they were not specialist burglars; they were opportunists. They would leave home and they would need to get $300 to $500, or they would need to get transportable items that they could exchange directly for heroin. So they needed cash for heroin or items to exchange. A lot of our drug dealers are multiskilled, and they are active in terms of moving property around as well.

The commonality is the addiction to heroin. But you can only do so much at a local level. You cannot put up a big wall around the ACT. So it comes down to three things. The three elements are, firstly, opportunity—there has to be an opportunity for them to commit the offence;

secondly, capability—they have to have the ability to be able to do it; and, thirdly, motivation—in the overwhelming majority of cases, the motivating factor is the desire to service this addiction. So unless we start working on the motivating factor, then I do not think we can achieve that much by just trying to reduce opportunity and capability.

CHAIR—Were they also unemployed?

Mr McDevitt—A number of them were unemployed; not all of them were unemployed.

CHAIR—Do you have stats on that?

Mr McDevitt—We could get those. I do not want to take away from the ACT component of this, because I think the ACT has a lot to offer. I was talking with John and Carlos earlier about the fact that the ACT is a great place in terms of researching and putting strategies in. Because it is a small jurisdiction, you can implement things fairly quickly, whether it be a new policing methodology or whatever, and then you can study it and have a look to see whether it works.

Mr Keelty—It might be useful to point out to the committee that we have engaged Dr Peter Grabosky of the ANU, who is a well-known criminologist and who did a longitudinal study on the impact of Operation Anchorage, to provide us with some feedback about the usefulness or otherwise of the strategy and the way we went about it.

Mr CADMAN—Perhaps you could help us with this third element. You say ‘external things’. Can you put a definition around it—people, property and what?

Mr McDevitt—We are talking about crimes that are against the national interest, if you like—things that do not recognise jurisdictions and that do not have a direct impact on a single person, such as a rape or assault or something like that. We are talking about things that are crimes against the wider community—electronic crime and identity fraud are probably two examples. Identity fraud presents one of the biggest threats to this country.

CHAIR—It is terrifying.

Mr McDevitt—It is serious and it is something that goes far beyond just a crime against a single individual or a single piece of property. Some of these are the more difficult ones to grapple with.

Mr Keelty—Money laundering is an example. I will give you a quick example of where we are coming from. Several years ago we did an investigation into an international group based in Australia that was involved in the importation of cannabis resin. It does not seem, in the priorities of today’s thinking, that this is a major crime. We actually made a decision not to await the next importation of cannabis resin but to execute warrants on all the players. In the execution of those warrants, we found $5.2 million cash in a carton of meat that was being exported out of the country by the group. We stripped down the wall of a tavern in New South Wales and found almost $1 million. What I would like to be able to do at some point is to provide you with some photographs. There are not many businesses in the country that deal with that sort of cash. You might have financial transactions 10 or 100 times that amount, but you do not have that sort of transaction in cash. Some of the studies that we have tried to do through AUSTRAC, which is

the Australian transactions reporting agency, have been to look at the repatriation of Australian currency. Australian currency is not very valuable overseas, and it comes back to Australia through certain channels. In that operation alone, how did the police look after $5.2 million in cash? How do you get it from a remote part of Australia to somewhere where you can sit down and count it?

CHAIR—Buy some gold bullion.

Mr Keelty—We took it to the Reserve Bank, but we could not count the money through the money machines because the money was mouldy and stuck together, which shows you how much time this money had been out of circulation of currency in Australia. That is what Ben is talking about. This has a greater impact because it affects the economy, and there is a direct link between some of the things that we are doing nationally and the capacity to deliver other services to the community. Crime is but one element of it.

Mr McDevitt—The other issue is the role that the police play in this whole situation of crime prevention and law enforcement: I think sometimes there are some unrealistic expectations of police and of the role that police actually play. I think it would be fair to say that we do not seek a monopoly on these things; we do not think that is the way to go. We think that the answers here are in community involvement in crime prevention, in looking at a whole range of things, including constant research into what is being done—things like urban design. Those are the critical factors. So, until there is an active partnership between different sectors, such as education, health and police—we play a prominent role, but not an exclusive role—we are not going to get the sorts of solutions we need.

If we have kids who are 15 and 16 shooting heroin—and we have them as young as 11 years of age—then something is fundamentally wrong in the community. I guess we have to try to get in earlier—I do not know whether that would be early infancy or whatever—to break that cycle and to be able to recognise indicators in young kids and to be able to influence them and impact on them very early. What we are dealing with—when I say ‘we’, I mean police—tends to be with what is happening down the line. I could talk to the headmasters at the primary schools around Canberra and say, ‘Tell me who the police are going to be dealing with in 10 or 15 years,’ and I will bet you they will identify them and get it right just about every time.

CHAIR—Out of their class?

Mr McDevitt—Yes. I think that is important. We need to be impacting a lot earlier. We do not need to wait until that actually comes true and have them in the criminal justice system. A lot of them have issues not just with drugs but with mental illnesses and things. It is incredibly complex, and quite often the criminal justice system is not where the answers lie.

CHAIR—When you say ‘mental conditions’, do you mean they are identifying people who, for instance, have a low IQ, have ADD or are unable to learn to read and write? That does seem to be a fundamental problem.

Mr McDevitt—There are some of those sorts of issues, but there are also a lot of issues to do with bipolar disorder and schizophrenia—

Mr CADMAN—That says marijuana, to me.

Mr McDevitt—and people with mental illnesses who end up in the criminal justice system. It is almost inevitable that police will be called to a disturbance or something where, because of their mental health situation, a person is described as a drunk or someone who is going through an episode or whatever. We need to have the right mechanisms in place at that point for diversion and help for these people. The watch-house is not the right place for them.

Mr Keelty—Madam Chair, I think you might have touched on another important issue, and that is English. John and Carlos might have more empirical data on this, but it has long been my view that correctional services is almost a misnomer in the sense that, where there is an opportunity for intervention, a lot of it is to do with lack of ability to communicate. If that is not picked up through some sort of intervention, then a person can go through the court systems into the correctional system and back out again without any value adding in the sense of intervention and trying to help this person not to reoffend. It is not necessarily a law enforcement role, but it has an impact on law enforcement, because we tend to be dealing with the same proportion of the community time and time again. Ben pointed out that we have commenced the Operation Anchorage study in the ACT. I think it is a real issue about trying to get an intervention that breaks the cycle.

I just flag with the committee—the committee might not be aware—that I am also the Deputy Chair of the Australian National Council on Drugs. One of our executive members, Professor Margaret Hamilton from Turning Point in Victoria, is part of a research team that is now looking at the best point at which to intervene in drug matters—whether it be prenatal, postnatal, in primary school or in high school. That is a study that has just commenced.

Mr CADMAN—What is Turning Point?

Mr Keelty—That is Turning Point in Victoria. If the committee would like, I can put the secretary in touch with Professor Hamilton. That would be a critical study in terms of understanding where the best intervention in terms of the drug cycle might be, although it is in its embryonic stage in terms of research.

Dr WASHER—To identify sociopathic behaviour at a very young age in kindergarten is a pretty common and well-recognised concept. The big problem is what you do about it. When I was in medicine, we could tell you all the ones who would go off the track, and we would be wrong about one in a thousand. But what can you do? At the end of the day the parents generally had problems as well. They were not going to put a handle on it, or they did not know how and the kids were out of control. The school would want to expel them because they were a pain in the arse, and no-one wanted to take ownership. We could not take away their civil rights and, because they were minors, some sort of crime had to be committed before you could intervene.

Even with psychiatric illness, our big problem was that we knew someone was going to go out and injure someone. But, until they actually did that, there was nothing we could do as doctors. All we could do would be to ring up and say, 'Look, we have someone here who is right off the planet.' We could certify them and hold them for 72 hours, because we could demonstrate categorically that they were going to hurt themselves or someone else, but beyond that we were powerless. Our laws do not condone intervention; they promote freedom. This freedom then

causes our demise, if you understand me. But where do we draw the fine line? You are right. I can pick them out. You can pick out all the sociopaths. Before you answer, perhaps I can ask two other questions. Are these crimes generally done by individuals on their own or are they generally done by a couple? Do they have a network system where they usually know one another—would that be true—or do they do it as individuals?

Mr McDevitt—It depends on the type of crime being contemplated. In relation to the specific 233 offenders in Operation Anchorage, the vast majority of those offences were one-out. They were one-out in terms of the planning of the offence and they were one-out in terms of the commission of the offence. There were a lot of linkages later in terms of networks of dealers and people who would move the property and that sort of thing—there was cooperation there—but, in most cases, what we saw was individuals leaving home and literally walking the streets to find an opportunity. The opportunity may present by way of a house with an open window, or they might walk past a car with a window down and a camera there or whatever, or a lady by herself with a handbag at an autoteller or whatever. It was not a case of 'I'm leaving home to commit a burglary;' it was 'I'm leaving home to get money or to get property.' Whatever the opportunity that presented, it was taken. But generally it was done as a one-out.

I can say one thing about the other issue that you were talking about: what do we do about these individuals when we identify them? One of the things that I find quite amazing is that we have different departments which quite often work in silos. The department of education has some fantastic programs for disadvantaged youth and so on—really good things, so does the health department for people with particular problems and so do we in the police. We have police citizens and youth clubs all around this country, and we have some fantastic programs for indigenous youth and a whole range of different things. But no-one is looking at that whole range of programs across all these departments and tailoring packages for individuals and their families. You are right: in a lot of cases the brothers of the 11-year-olds and 12-year-olds who are on heroin are well known to us. They are either in jail or out on the street in a similar situation. If they are lucky enough to have a home environment, it is not a user friendly one in terms of the kids being brought up in it.

CHAIR—We are breaking our rule of having five minutes of briefing with a discussion a bit later, but we will make a note that we will pick up on this point. Other people, I am sure, will have a contribution to make with regard to that. Can you wind up so that we can get back to our schedule?

Mr McDevitt—I think the main points have been made—that this is beyond policing and it is beyond just individual crimes against individuals and property.

Dr Heriot—As the committee is well aware, under Australia's Constitution state and territory governments have the primary responsibility for the criminal justice system, including criminal law, the courts, law enforcement, juvenile justice and crime prevention. While the Commonwealth lacks the power to legislate in state jurisdictions, it has an important leadership role to play. As the Commissioner said, the Commonwealth is uniquely placed to take a national approach to crime issues and to facilitate cross-jurisdictional and international cooperation. The Commonwealth makes a significant contribution to national law reform, law enforcement and regulatory control.

A sound research base and national infrastructure is also crucial in addressing the issue of crime, and the Commonwealth contributes significantly to this across law enforcement, crime prevention and social policy more generally. The committee would, for example, be aware of CrimTrac, which is a national information exchange system for Australian police services. The Commonwealth also established and supports organisations such as the Australian Institute of Criminology, the Australian Domestic and Family Violence Clearing House and the Child Protection Clearinghouse. These institutions further our knowledge base and allow us to make better targeted interventions.

Crime prevention is another area in which the Commonwealth has an important role to play. If we want to reduce the impact of crime on the community, as Mr McDevitt said, we have to intervene before the crime is committed. Crime costs Australia a lot of money. An AIC report estimated that the annual cost of criminal events in 1996 in Australia was between $11 billion and $13 billion and acknowledged that that was likely to be an underestimate. That figure does not include money spent on intervention.

According to the *Report on government services 2002*, in 2000-01 expenditure on the justice system, both civil and criminal, amounted to nearly $6.8 billion, with police services nationally accounting for some $4.4 billion; adult corrective services, $1.5 billion; and criminal courts administration, $465 million. That figure does not include the federal role of the Australian Federal Police.

Another issue that should be considered is that crime is not a monolithic entity. It encompasses everything from nonpayment of fines, break and enter to serious assault. Any individual criminal act can have a complex explanation underlying it, so effective strategies require communities and all levels of government to work together. For a crime to take place, there has to be an offender, a target and the absence of a guardian—some inhibiting factor that would prevent the crime. There are two general approaches to preventing crime. The first aims to prevent crime by making it more difficult, more risky, or less rewarding. It focuses on the situation or the target rather than the offender. Strategies that are employed here include physical security, access, control, design improvements, surveillance and police patrols—those sorts of things. This is called situational crime prevention, and initiatives in this area can make a significant impact on crime. The chances of your vehicle being stolen by opportunistic young offenders is significantly decreased by the fitting of an Australian standard immobiliser. Recent initiatives in the area of mobile phone telephony to disable phones once they are stolen will have, over time, a significant impact on the theft rate of mobile phones.

The second approach to crime prevention seeks to prevent criminal behaviour by promoting community cohesion and by influencing the attitudes and behaviours of those most likely to offend. This is generally called social or developmental crime prevention. This is an area in which the Commonwealth government plays a major role—perhaps it is more involved in this area than in others. The Commonwealth, for one thing, fosters social cohesion and stronger communities through programs that relate to family support, health services, education and social security—those sorts of universal enabling factors that promote a level of quality of life across the community as a whole.

In addition to strategies that promote social health and wellbeing in the general community, it is necessary to have in place strategies that target individuals and families or communities at

risk. The roots of criminal offending are complex and cumulative and are embedded in social as well as personal histories. The risk of crime is exacerbated by not providing meaningful interventions at key points in individual and community life cycles and by not promoting attachment of individuals and communities to mainstream social supports and developmental institutions.

Research has consistently identified factors in childhood, adolescence and early adulthood that increase the risk of a young person offending. These are not causal in the sense that if these factors were involved the individual necessarily offended, but they are indicators of risk. These factors include poor parental supervision, school failure, community disorganisation, criminal opportunities, friends involved in crime, and unemployment and low income. You cannot identify any one of these as a cause of offending; however, likelihood of later criminality increases when these factors cluster together. Children and young people who experience these factors at their most extreme are at greatest risk of becoming persistent offenders. Research suggests that the strongest risk factors which relate to young people starting to offend are poor parenting, truancy, conflict within the home, exclusion from school and poor school performance.

I would note also that, as research is ongoing, our understanding of these causal factors is developing. I will just depart from my statement to give one example in the area of domestic violence. For many years it was felt that women with a violent male partner were the victims and that children just witnessed it but were not overly affected. We now know that is not true. Then there was a thought that children under one year are not much affected, but recent research has indicated that foetal brain development is affected by the mother’s stress levels and that infants are sensitive to conflict and tension around them from birth. So we are getting a more sophisticated understanding of what actually impacts on development.

CHAIR—That would apply to prenatal too, presumably?

Dr Heriot—Yes, it does. Social prevention aims to reduce the risk factors that I have just outlined and strengthen the protective factors by improving parenting; by providing intensive literacy or mentoring programs to improve school performance; by structured youth programs that target at risk youth; by programs that look at providing intensive school to work interventions, to try to reduce the levels of nuisance and disorder in the broader community; and, if people have actually come to the stage of offending, by looking at the use of restorative justice and diversion programs to address the need of young offenders.

One such program at the Commonwealth level is the National Crime Prevention Program and that falls within Minister Ellison’s portfolio. Young people and crime prevention are a major focus of that program. Other Commonwealth initiatives recently that are relevant to this include the agreement with the Northern Territory government establishing a juvenile precharge diversion program and an Aboriginal interpreter service. However, a lot of the strategies to address these risk factors actually fall outside the justice portfolio. They include things like the Stronger Families and Community Program in FACS, the Youth Pathways Action Plan, Partnerships Against Domestic Violence, a national indigenous family violence justice strategy and specific targeted employment and vocational training programs.

CHAIR—How do you measure whether they are in use or not?

Dr Heriot—You have to measure them longitudinally. I think you have to expect a level of failure too, especially once someone has got into the area of being a young offender and there have been no meaningful interventions earlier. Other countries have had a lot of significant data through longitudinal studies of children, and Australia is about to implement a longitudinal study for children. We should be able to measure progress over time.

Possibly Professor Braithwaite or Carlos would be better placed to talk about this, but by looking at proxy indicators such as improved health, greater attendance at school, you can see some short-term benefits in that regard. If you are looking at diversion programs, you get some fairly quick data about reoffending—or reapprehension at least, if not reoffending—so you can tell that a program has made an impact. Once you get to that point, you have to realise that, if a person is on a path of criminal offending and they are likely to be a persistent offender, you might have to put them through more than one diversion program because you cannot expect 17 years life experience to be turned around by a three-month program. So there needs to be a level of tolerance in that and a constant tailoring of interventions.

Ms JULIE BISHOP—Can I ask a little more about the study that you have referred to that Australia is about to embark on.

Dr Heriot—Yes. I will just have to look it up in my folder.

Ms JULIE BISHOP—Is that the one being done by Professor Fiona Stanley?

Dr Heriot—No, that is the Aboriginal child health strategy.

Ms JULIE BISHOP—She is doing another one—an alliance. Larry Anthony mentioned it in the House the other day. Is that the same study?

Dr Heriot—No. The longitudinal study of Australian children is going to the Australian Institute of Family Studies, but I would have to look at that. It is going to look at and follow two cohorts: children less than 12 months old and those between the ages of four and five. Professor Stanley is working on a national research alliance.

Ms JULIE BISHOP—Yes; that is the one I was thinking of.

Dr Heriot—Her organisation is also doing the survey of Aboriginal child health in WA. I am mindful of the time; I am nearly done. Another influential factor in crime prevention is community culture, because that helps define the level of what behaviour is tolerable and not tolerable. This can change over time. We have seen this in areas such as a gradual hardening of opinion towards drink driving.

CHAIR—And a lessening with regard to marijuana and soft drugs.

Dr Heriot—Yes. Generally, although things have changed, there is still a high level of public tolerance towards violence against women—both domestic and sexual violence. Though both are now criminalised—they were not for a number of years, of course—public attitude surveys regularly show a significant proportion of respondents reporting that there are situations in which either would be acceptable.

CHAIR—Is that across the board or are some cultures within our overall culture more accepting of it than others?

Dr Heriot—I have not seen studies that would provide a representative sample, although there are qualitative studies that might suggest that. Generally respondents are more across the board of these things. There is no great age concentration either.

Prof. Braithwaite—Male culture could be one answer.

Dr Heriot—Yes. It is a significant minority that does not change much. The other area in which this pertains is those crimes that are seen as victimless—that includes things like tax evasion, purchasing stolen goods in a pub and speeding. With those sorts of crimes there is a sort of community collusion that they are not really bad.

CHAIR—I do not think speeding is a crime; a culpable bribe is.

Dr Heriot—I suppose it depends on the consequence, but I was giving a range of offences.

CHAIR—If you are doing 120 in a 110-mile zone, do you feel like a criminal?

Mr Keelty—That is a very difficult question for me to answer.

CHAIR—That is why I asked it.

Mr McDevitt—Those sorts of things are strict and absolute, so you only require proof of the act itself, not the intent.

CHAIR—But you do not call the person a criminal. I am sorry, I am diverting.

Mr Keelty—It might be worthwhile pointing out that, at some stage, it might be useful to give the committee a presentation on the structure of law enforcement in the country because the issue you raise is an interesting one. The Australian Centre for Policing Research, which you may not be aware of, is one of the common police services. It has actually been commissioned to do a study on the effect of ecstasy and amphetamine type substances in police pursuits.

There is a belief by police commissioners—or a suspicion; that is why we wanted to commission the research—that some of the high-speed pursuits are due to a change in behaviour in drug activity. I will not take your time now, but it is an area I would like to address the committee on in terms of strategies to deal with amphetamine type substances, which are going to be far different from the strategies that we have engaged in ourselves in the past in terms of not only dealing with heroin but also, if you take it into the treatment centres, how to treat heroin addicts as opposed to ATS abusers.

Mr Carcach—At the Australian Institute of Criminology, we have been doing research on most of the issues you mention in your terms of reference. We welcome them. Most of our publications summarise our findings. Perhaps something that we need to be aware of is that the general picture of crime is the same today as it was 50 years ago. Basically, crime tends to follow cycles, and this is shown by crime statistics. What drives these cycles is one of the

important questions to understand. A second issue, and what probably makes our situation different now from what it was in the recent past, is this issue of drugs. We never have had the drug element acting so strongly or seeming to have such a strong effect on our levels of crime.

Mr MELHAM—I am sorry for interrupting you, but when you say 'drug element', is that heroin per se?

Mr Carcach—That could be anything. It is a very dynamic industry. Basically let us call them drugs of dependence. That brings me to mention the need to understand the dynamics of the drug market. A lot has been said about the heroin drought. All of us thought there had been a decrease in production because it is in Afghanistan, whereas it was simply because of the development of new products, obviously moving more into amphetamines and synthetic drugs.

CHAIR—So are you saying that the heroin drought was not so much that the heroin was not available internationally to be brought in but that they saw greater business opportunities in developing new artificial products?

Mr Carcach—Basically, it was taken out of the market and substituted by new products that are easier to commercialise, easier to consume and more effective in terms of developing a dependence. That is an example of how important it is for us to understand what is happening on that front. Another example is motor vehicle theft. It is a very prevalent offence here in Australia and all over the world. But we keep thinking of targeting measures that are very effective, but we do not pay much attention to the organised part of this criminal activity. We do not pay attention to trying to understand, for instance, how these organised criminals face up to the barriers that this system is imposing on them. An important component of any effort aiming to prevent and control crime is precisely trying to understand this dynamic.

Another issue which appears as important to us is this idea of trying to understand crime not only now but also in the medium and long term—trying to understand what makes the structure and nature of crime behave and change over time. Here, for instance, at the institute, we are putting a lot of emphasis now in the area of the relationship between community and crime. We are trying to look more and more, for instance, at the relationship between socioeconomic change and human behaviour, both individually and correctively. We are living in very changing times now. We know that we are moving from one dominant economic activity to a different one, which is based on the information society. We feel that this must have an impact on individuals. There must be winners and losers out of this process. It is important to focus on the losers, because this might have long-term effects, and these long-term effects obviously will reflect on what is happening in the cities, on the streets and in our houses. This affects families too.

We support any initiative that addresses these important issues of parenting, family life and family structure. But also we feel we need to put this in context and try to understand how family structures and demands on family life change also in terms of the changes that are observed in society.

CHAIR—Are you going to consider the fact that our having such a high divorce rate does affect children, which we have denied for 30 years?

Mr Carcach—We do not know; that is the point. There is a study in the US that demonstrates that homicide rates went down; they attribute the increasing divorce rates as one of the factors contributing to that decline. The problem is: the impact on children—going back to your question—in terms of crime, we do not know. That is a problem. There are lots of things about which we know nothing.

CHAIR—Can I also put it to you that one of the reasons for the decline of crime or violent crime in the United States is that there are simply fewer young men, because they did not get born because of the declining birth rate?

Mr Carcach—That is one possibility. The other is the decline in domesticity too. There is less opportunity for contacts—hot contacts—between partners, and that is one of the factors that has been mentioned as contributing to this. But the point is that there is a lot of research out there and there are a lot of beliefs—I would say misconceptions and myths. Here in Australia, we do not have enough evidence to support any of our findings or to explain what is going on. Also, there is the important and key issue of evaluating these initiatives that we implement when they prove to be successful somewhere else.

Here I would like to mention the need, for instance, to conduct serious evaluation studies on these crime prevention initiatives. There is an important factor that lies also behind our lack of knowledge about crime, and it is data. Our crime statistics are limited, our access to crime data is limited—data collected by a central agency. However, institutions like the institute as well as universities do not have access to those data for research. Access to this type of information is very limited. We lack longitudinal studies. We lack a good empirical base. I think this might be one of the outcomes that we would like to see from this inquiry—that is, trying to highlight the need for information. Without that, basically our policies will be driven mostly by personal beliefs and what the nominal opinion is out there in the community—and nobody knows whether this is well informed.

CHAIR—That is what we set out to look at. Do you have a list of information that you know exists that you cannot access?

Mr Carcach—We have a wish list and we could tell you what is available, what is sufficient, what is limited and what should be available in our opinion. I think academics could also assist these efforts, because I assume that they face similar constraints.

Dr WASHER—At the moment, what would you propose? Say, someone is arrested: do the police fill in a profile on that person for statistical information to be transferred on? Would there be a format? What are you proposing? I know the police have enough to do and they are probably going to duck this one.

Mr Keelty—I do not understand why you are not getting access to the Australian Bureau of Criminal Statistics data because it is part of the ABS.

Mr Carcach—I am talking about information that is required to do the kinds of studies that will throw some light on the terms of reference that the committee has stated. I know those data are there but they cannot compile them. We have nine jurisdictions each with its own legislation—

CHAIR—Nine privacy laws.

Mr Keelty—It is called a federation.

Mr Carcach—With their own statistical systems.

Dr WASHER—I am happy to abolish the states, Mr Carcach.

Mr Carcach—But the point is that we need more data and we need more comparable data. Even if we are in a federation, I think the youth are still the same across the board. Australian youth also face the same problems. All unemployed people face the same problems. There might be some regional differences that we do not know about. We know there are serious problems in rural Australia that might have some impact on crime. Again we have little information about these issues. As I said, we could prepare a wish list—

CHAIR—Yes, do that. That would be lovely.

Mr Carcach—from our perspective, and as part of that wish list, we would say what is available, what has limited availability and what is not available.

Ms JULIE BISHOP—If you were to receive, somewhere along the line, your entire wish list, what then? What would you be able to tell us?

Mr Carcach—Not only the institute but any institution or interviewer interested in trying to understand what is happening would be in a better position to answer questions—for instance, what drives juvenile crime? There are a lot of theories out there. There are theories that place emphasis on the individual, on the family or on the community, on relationships with peers. It is a question of trying to make a conscious effort to address the key issues and trying to understand them within an Australian context. Many of our initiatives are informed by the results from research that was successful either in the US or in the UK.

Ms PANOPOULOS—I understand and appreciate the value of statistics and information on an Australian basis, but I would also like to see that information broken down. Yes, there are some issues and problems that are universal to teenagers but there are significant cultural and regional differences, and I think any sort of information gathering to produce a conclusion about one homogenous Australian or one person who is supposed to represent a young person with problems would not be of much practical value because there are significant differences, for example, between young people living in the inner city within a five kilometre radius of the CBD and others living in a medium sized regional town.

Mr Carcach—I support what you say. My own research in a sense will say that. We have been doing some research based on our early data and we have found a great variation in levels of crime in the research. We have found for instance a strong effect of this issue of access to services or to service centres, and also there are strong effects of economic change. It looks like certain communities are affected differently by declines in any cultural activity; others are affected differently by increases or changes in manufacturing or in services.

CHAIR—Let me give you an example of a changing community and of what I think Sophie is getting at. Someone whom I know reasonably well was telling me the story of his brother's family living in a certain part of Sydney, Greenacre. This is a family of Maltese background but long established in Australia; they would regard themselves as ordinary Australians. The character of the community has changed; it is now very largely a Muslim community. Their daughter cannot be allowed to leave their home to walk to the bus, to go to school or anything. She always has to have someone with her. She is spat on—because there is absolutely no respect for her. This is a problem yet nobody wants to talk about it and therefore nothing is done about it. But if we let those things go on seething, we are going to have some really terrible problems. We see outbreaks of it with some of those high profile gang rape cases. But if it starts with a young girl not being able to leave her home without someone to protect her in her own neighbourhood we have a problem. Where would we find research about that?

Mr Carcach—I have been talking about research and the need of data for research, but there is the other component which is action. Obviously there is a set of laws that everyone must respect. These laws should be enforced. There is this issue of having, if you like, a medium or long-term perspective on a problem, but there is also a need for short-term action.

CHAIR—That is right.

Mr Carcach—Obviously, in my view, this will succeed if this short-term action in a sense is part of a conscious long-term effort. You are talking about changing communities. Obviously, there is a problem that needs to be addressed now, but also this process of change is having consequences now and will have consequences in the future. The important part here is trying to know precisely what will be changed in order to achieve the desired outcomes.

Mr MELHAM—There are two different things I want to raise with you, if I can, Carlos. I am concerned about crime that is not reported. I can recall in my former life as a public defender appearing in Campbelltown in a number of cases knowing that there were domestic violence and other crimes within the family that went unreported. What do we do about that? In a number of instances there were crimes being perpetrated against wives and young women and they only ever came to light if there was a fallout within the family. They became then a reportable crime because of continued ongoing abuse. How do we flush that out, so to speak? We have just had all these revelations in relation to serious allegations within the Catholic church and within various other communities. How do you flush that out for starters? I am worried about that aspect. In my experience, as a criminal lawyer, that was not unique to that particular area but occurred in a number of other areas. I just had the feeling that there was a lot happening that was not reported. There was a code of silence around, and crime was only reported if there was a fallout or something else happened.

The second aspect is in relation to heroin related crime. I have a recollection that in the first Nixon administration there were some very progressive pilot programs aimed at heroin addicts in a number of communities in which there was intensive assistance rendered to the users. That saw a dramatic reduction in property crime and violent crime and a whole range of other things but that had to subsequently be abandoned because a zero tolerance approach sort of crept into the administration. I think a number of books have been written on this and I would be interested if you had some statistics from that first Nixon administration and those pilot programs. A successful drug strategy had to be abandoned because a zero tolerance approach came in. I know

there have been some books that have been written on this, but I think it is important for this committee to look at it.

CHAIR—I do not think Nixon had zero tolerance.

Mr MELHAM—I am telling you that the first Nixon administration had some very progressive pilot programs in relation to heroin where the statistics were overwhelming but they were abandoned because of domestic politics. What basically happened was a middle class push in relation to zero tolerance to do with other forms of drugs and all that. I think this committee would be assisted by that because I think that is something that can have an impact. I know in terms of the people that I represented, without breaching privacy or whatever, havoc by one or two heroin users undetected for a month or two resulted in hundreds of factories being broken into, a number of armed robberies and whatever. The statistics were basically distorted.

CHAIR—And it was two people?

Mr MELHAM—And it was two people. One bloke in particular carried out a third wave of 100 factory break-ins but it took them a month to detect him. Another person, who previously had no history of violence, committed 19 armed robberies but, when he was subsequently captured on his 20th attempt, it was all heroin related. But the statistics in the area were completely distorted as a result. I am interested in whether you are aware of those earlier progressive pilot programs in the Nixon administration.

Mr Carcach—I am not an expert in drugs. I am very sceptical about this issue of a relationship between drugs and crime. Certainly I think that it is a question of doing some sort of cost-benefit analysis actually. What is worth more to the community? Is it implementing some sort of measures giving some support to the persons who are addicted to some substance—

Mr MELHAM—The reason I raise it is that earlier we had some evidence from Mr McDevitt in relation to 17- to 24-year-olds and 85 to 90 per cent of crime attributed to heroin addiction, which is a similar statistic to when I left full-time practice in New South Wales in terms of heroin addiction, violence related crime and break and enters.

CHAIR—Perhaps we can let Carlos finish and we will come back to this. I think we are going to find there are a lot more complex things to come, as Dianne indicated to us yesterday. I can see you want to say something. We will wait for that until the roundtable because we have yet to hear from Professor Braithwaite. So perhaps, Carlos, could you finish your piece?

Mr Carcach—I can get you the data; I can look for them. On the other issue of reporting certain types of crime to the police, I think this is a more complex problem. We know that the types of crimes that are more likely to be reported to police are those where there is no relationship between the victim and the offender.

Mr MELHAM—That is right.

Mr Carcach—This has a lot to do with cultural values. We have been trying to run a study at the institute precisely looking at intimate family homicides and ways in which you could break into the intimacy sphere of this event. What parts of the relationship or the incident could be

brought into the public sphere so that it would deter somebody from committing such an incident?

I think you raised the all-important aspect of crime which is interdisciplinary and needs some interagency approach. Improving the status of women I am sure will help a lot in reducing these types of events. Also education and early intervention to educate people about what is a good marital relationship would be very helpful. But I think this is in the long term.

Prof. Braithwaite—When I started out as a professional criminologist, about 30 years ago now, we used to all think that nothing worked much and that it did not make much difference what we did. For example, with investment in police, there was a lot of research showing that, if you increased police strength substantially, there was no subsequent effect. Having more police on the street had no subsequent effect on the crime rate. We thought that crime rates were driven by external factors like unemployment.

Looking back now, probably all of that is mostly wrong, but not totally wrong. If we think about unemployment, for example, as unemployment goes up and down, this does not have a large effect on crime. But what does have a substantial effect on crime is long-term unemployment. So in an information service economy, when people are moving from one IT firm to another as a result of restructuring in the economy causing a lot of frictional unemployment, those people do not become heroin dealers; frictional unemployment does not drive the crime rate. It is the frictional stuff that drives most of the unemployment rate. But long-term unemployment—people giving up hope and, most importantly, giving up hope in their children—is what does have big effects on crime.

One of our problems—and I guess what I hope would be an opportunity that will come from this committee process—is that the debate on the issue of what we should do about long-term unemployment tends to be captured by the economic policy elite. Matters such as whether we decide to put in place the very considerable investment required to focus on long-term unemployment and whether we can have a whole-of-government approach enabling the crime control voices to have more of an influence in that debate is, I hope, an opportunity that will flow from this committee.

The comments on early interventions in schooling that Mr McDevitt, Commissioner Keelty and Dianne Heriot have made are also relevant here. I guess there is also another kind of political problem about long-termism. We have quite a bit of evidence that developmental interventions with five-year-olds, very early in the life course, can have a substantial impact on subsequent crime—but it is 10 years on. So it is not the easiest sell to the Minister for Justice and Customs; it is not he or she who controls those resources to invest in the education system.

How we solve that problem of political long-termism—there is always much more attraction in trying to control and to invest in something that will generate some return in the next couple of years, and something where the return is 10 years off is often not very politically attractive. You get the investment in the research, but you do not get the follow through into programs. In all those areas I think we should be shifting some resources from more descriptive kind of research on crime to actual interventions in some areas—and evaluating whether those interventions have an effect on crime and youth suicide and a whole set of related problems.

On the intervention, Dr Washer raised the question: what do you do? We can identify the problems. I have published a piece in the *Oxford Journal of Education* last year arguing for youth development circles, basically applying restorative justice ideas to this problem. The idea is you replace parent/teacher interviews in high school with a circle of support. The reason kids from poor families do not get jobs is very much to do with the fact that they do not have the networks that middle-class kids have. One of the reasons they fall behind at school is, if they have a problem with their mathematics, they do not have parents, as you were saying, who can sit down with them on the weekend and help them with their mathematics or literacy deficit.

The idea of a youth development circle is that you have a group of adults, including some older retired people, probably some aunts and uncles. While mum and dad never learnt any maths at school, there may be an aunt who is quite good at mathematics. This group of people could sit in that circle twice a year, instead of the parent/teacher interviews, to identify deficits. And that group of adults could make a commitment to stick with that child until they get a place in the higher education system or until they get a job. That is an ambitious kind of intervention that I try to argue is worth piloting in some disadvantaged schools, but it is not a cheap kind of intervention.

CHAIR—They would not have to be relatives, would they? They could be people within a community.

Prof. Braithwaite—Yes. You would particularly try to mobilise older people who have a lot to offer in networks, and also younger buddies. So you would be getting people at both ends of the life cycle who have a bit more spare time—rather than people in the middle of the life cycle giving up some of their resources—to help network young people into jobs and talk about their educational deficits, and any other problems that they want to talk about. There are some interesting programs starting down that path that are being evaluated.

CHAIR—How do you overcome the problem of a child who is growing up in a home—a child who is average, on the edge, not super, just average—where there is not a book, not a paper, no culture for learning? The superbright kid who is born into that is going to do well anyway, but the kid who is not is really going to be slipping back and there is the potential for this sort of thing, isn't there? How do you bring that sort of culture of learning to a kid like that?

Prof. Braithwaite—That is part of the idea that I am trying to advance in this particular paper. There might be an older man or an older woman who has a very nice library in their home. If that person, as part of their civic commitment, agrees to stick with that particular child until the child gets that place in higher education or gets a job, then part of that might be spending some time in that person's home, being exposed to the books, being exposed to the guidance of that older person.

There is a role for buddies who are doing well at school to try to overcome this kind of school prefect thing as a separate culture from the kids who are failing in the school and actually get it to be part of the obligation of the set of kids who are doing well to help some of the kids who are not doing so well and to have them around to their homes and to meet their parents as well. That may be an idea that works or not, but my point is really that it is worthwhile now making the investment in evidence based prevention, interventions and see whether they reduce youth suicide, see whether they reduce subsequent crime in the long term.

On the policing front, my research group is doing quite a bit with the Australian Federal Police. We have had an experimental intervention on restorative justice conferences with the Australian Federal Police. We are working with them now on community policing, and that has been very much initiated by Mr McDevitt. We are hoping to do some work on synthetic drugs. Identity fraud is another one, although we are mainly working at the moment with the Australian Taxation Office on transnational tax evasion on the identity fraud side. There are positive things we can do.

There are a considerable number of studies showing that investing more in policing makes no difference. It is wrong to make from that the inference that policing initiatives do not reduce crime—they do. But it is also true that a lot of the things that we do in policing actually make crime worse. We can look at successful cases, at the Giuliani/Bratten kind of initiatives in New York. Partly that is about less long-term unemployment in New York and the way drug markets are operating there.

The policing initiatives in New York are part of the positive story about why there was a considerable reduction in homicide and other serious offences. Even there, we can tease out a lot of wrong things that the New York City police were doing that were actually making crime worse. That is my kind of methodological point that I want to make: you always need to try to tease out the things that are making it better and worse, and that is what explains why you get these 'no effects' of putting thousands of extra police on the street, and no change.

CHAIR—Could you give me an example of a policing initiative making the crime scene worse?

Prof. Braithwaite—Let us put in a positive side first. One of the problems in the United States is guns. It is a much bigger problem for them, particularly the carrying of concealed weapons. It is probably past the point of no return for gun ownership regulation to work very well. So they are better to invest in gun carrying and trying to prosecute people who are carrying guns. That is one of the reasons why targeted policing on hot spots of crime have reduced homicide in places like New York because they are arresting a lot more people at these hot spots where most of the crime occurs who are just carrying guns at those hot spots. You get a reduction of homicides.

But going with that hot spots approach has been aspects of rolling out the broken windows idea that Commissioner Keelty referred to. I have been on ride-alongs with police in the United States where part of the implementation of civility idea has been manifested, for example, by the patrol car flashing a spotlight on a black man urinating, in a fairly private space behind a tree, his zipping himself up in a hurry and making a terrible mess of his trousers along the way, and the police officer passing over a box of tissues and making the man kneel down and mop up the urine he has just inflicted on the street. You can argue that that grows from the broken windows thesis that we have to crack down on these minor incivilities to make people take pride in their neighbourhood, but that actually engenders racial resentment towards the police.

CHAIR—Are you saying that the whole problem with that policy is that if it had been a white man they had put the spotlight on it would have been okay?

Prof. Braithwaite—With the fact that it was a black man my interpretation would be that they are going to interpret it as a manifestation of racism.

CHAIR—But supposing that they did it to a white man and made him do that too: you do not have any objection?

Prof. Braithwaite—The consequences would be the same. The police are humiliating the person in the cause of controlling the minor incivility. That will engender resentment towards the police, the feeling that the police are procedurally unfair, have their priorities wrong in focusing on minor matters and that will reduce voluntary compliance with the law. It will be worse, however, in the black community—and there is evidence of this—than it will be in the white community. But you get the same effect in both.

Dr WASHER—Professor, I was fascinated by this intervention because I think Ben mentioned it and the commissioner mentioned it. It seems to be a fairly common problem that we feel at least that if we can get in early and do something that will be the most positive thing we can do. If we had just one go, that would be the thing I think we would throw in as the best proposition. There are no trials being undertaken at the moment of what you propose? There are no trials in place where we are actually doing this—taking areas or schools or regions and putting your proposal into place?

Prof. Braithwaite—There is something close to it in California.

Dr WASHER—But nothing in Australia?

Prof. Braithwaite—No.

Dr WASHER—When you say that we would need to invest money into it—and obviously that is true—what would you estimate? Do you have any price for it?

Prof. Braithwaite—I say in the article that it requires a government to invest a seven-figure sum, something over $10 million to do it in a substantial number of schools, to follow-up over 10 years—not just one or two years—and see whether you get less suicide attempts, less crime.

CHAIR—This is to do this circle?

Prof. Braithwaite—Yes.

Dr WASHER—Less drug abuse et cetera.

Prof. Braithwaite—Yes.

Dr WASHER—That does not seem a big figure to do something that we all I think would universally agree that would give us the best aspect of some chance of doing something positive to reverse the situation. Who is the minister? Is Chris Ellison involved with that as the minister, is he?

Prof. Braithwaite—That is the problem, isn't it—who is the minister?

Dr WASHER—That is the problem.

Prof. Braithwaite—It is a whole of government challenge.

Dr WASHER—But this I think is a major problem, and Carlos alluded to it, and it seems a lot of information is there but, because it is so scattered and in so many jurisdictions, we do not seem to be able to pull it together.

CHAIR—It is probably the minister for state education.

Ms JULIE BISHOP—A number of schools have sought to perhaps make up the deficit, where parents are either working or single parents or others like that, by involving grandparents. I have seen that in a number of schools where, in fact, they actively recruit the grandparents, if they are around, to take part in this sort of exercise. What you are saying is an extension of that.

Prof. Braithwaite—Yes.

Ms JULIE BISHOP—And generationally the problem is going to be exacerbated because, whilst the grandparents in the past might have been willing to be part of that—

CHAIR—Not the next lot.

Ms JULIE BISHOP—The next lot—

CHAIR—They will say, 'We have done our bit; you get on.'

Ms JULIE BISHOP—Yes.

Dr WASHER—This is slightly on a humorous note. You said that when zero tolerance came in in New York the long-term unemployed rate dropped. Is that because they all went into the police force? What happened there?

Prof. Braithwaite—No. The New York—

Dr WASHER—I apologise for raising this as an issue, but I had to ask the question.

Prof. Braithwaite—The New York economy was booming in the 1990s, and I think they also had some—I do not know much about this I have to say—innovative programs in terms of long-term unemployed people moving into work.

Dr WASHER—So that was coincidentally at the same time.

Prof. Braithwaite—Yes. But it was not just in crime on the streets but in organised crime. There were great accomplishments during that period while Giuliani was mayor in reducing the power of organised crime groups in New York.

Ms JULIE BISHOP—Didn't they all just move to New Jersey?

Prof. Braithwaite—No. I think that there has been a real reduction that matters, and what New Jersey needs to do are some of the things that New York did.

CHAIR—There was quite a turnout at the funeral of that Mafiosi boss the other night, wasn't there? Doesn't that give you an insight though of how big the network of crime is?

Prof. Braithwaite—It is a hard problem; it is not easy.

CHAIR—Once it is established. Do you have another point?

Prof. Braithwaite—The only thing I would say—and I will not labour the point—is that the right sort of approach not only to policing policies but to prison policies and all aspects of the crime and justice system is to try to tease out the positive and negative effects to understand why things do not work. A lot of the things that we have tried in the past that seem to have failed are probably succeeding, but those elements of success are being washed out with other bad things that we are doing along the way. I think, just to stick with the police example, the world's police forces at the moment are under pressure to invest in some kinds of enforcement that have that potential to make policing something that makes crime worse rather than better.

Ms JULIE BISHOP—Quick fixes or immediate outcomes that might not be long-term solutions?

Prof. Braithwaite—I am thinking of two particular examples: the criminalisation of intellectual property and investing in intellectual property enforcement and the risks of the war on terrorism that could generate the kind of race based resentment against the police which will make their job more difficult in a variety of areas. By intellectual property, I do not want to particularly confront either Australian parliamentarians or Australian police on this, so let me give you examples from other places. In South Africa, where the intellectual property changes mean that people cannot afford AIDS drugs, there is a lot of illicit importing of pirated drugs for AIDS sufferers. In the United States you have that as well. You have people moving across the border in California to buy cheaper drugs in Mexico because they cannot afford them in the United States. To the extent that the police deploy their resources to crack down on poor people who are sick who are doing that, that will increase resentment of the police among the poor and it is just a very poor reallocation of resources for the police to shift its energy from problems like organised crime and from problems like family violence to protecting large businesses who are intellectual property exporters mainly from the United States and Europe who are quite big enough to take care of themselves. That is an example of those global pressures.

CHAIR—I am sure that is going to generate some debate and some interesting questions. Thank you very much; thank you everyone for your contributions. We will now move into general discussion. I am sure both of you will have some things to say about that. That is quite provocative, because you are saying that we should ignore some crimes.

Prof. Braithwaite—We should not have made them crimes in the first place.

CHAIR—It is like the raid that happened the other day on intellectual property in the markets out in Western Sydney—you can ask: was that a useful exercise of police time? It goes to the point that you are making about a crime affecting other aspects of society.

Mr Keelty—Intellectual property and copyright crime are almost in a category of their own. Professor Braithwaite is making a good point. The solution to crime is not always to enact the law, but there is a 'can't' and 'shan't' type of relationship: there is quite a difference between saying you cannot do something and saying you should not do something, and each one requires quite a different response. Sometimes in the heat of the debate or in proximity to elections, it is very attractive for governments to create laws to deal with certain types of issues that are coming forward in the community. The practicality of enforcing those laws is sometimes almost impossible.

CHAIR—Like what?

Prof. Braithwaite—Can I help?

Mr Keelty—Yes, I think it would be better for a non-controversial person to respond.

Prof. Braithwaite—It is less controversial for me to say it. A lot of our kids are probably this week pulling stuff off Napster and creating CDs rather than buying CDs from the US copyright owners. That has been criminalised; it used not to be criminal. It has been criminalised in the last seven or eight years. That used to be a tort. Another example, if I can confess one of my own crimes—is it possible not to put this on the *Hansard*?

Ms JULIE BISHOP—You can say you know someone who does this!

Prof. Braithwaite—I often take videotapes of television programs that I am interested in.

CHAIR—You don't!

Prof. Braithwaite—I will sometimes even show bits of those videotapes to my class at university, which, these days, with universities being commercial enterprises where there are fee paying students, is probably a crime.

Ms JULIE BISHOP—Is this a confession?

CHAIR—If it is a breach of copyright, you have a civil action, but I do not think it is a crime.

Prof. Braithwaite—It is not a crime to copy it, but it is a crime to use it.

Ms JULIE BISHOP—You have stopped arguing your case!

Prof. Braithwaite—That is an example of a bad kind of reallocation of enforcement resources.

Ms JULIE BISHOP—Which is protecting commercial interests.

Prof. Braithwaite—There is a lot of pressure from the US—not only on Australia but on all nations—to reallocate criminal justice enforcement resources to this. That is an example of one of the things we have got to resist, because it is not in Australia's national interest. After all, when our children download music from Napster, they are doing something for our balance of

trade by not sending those royalties to the United States. We really got dudded on that in the World Trade Organisation, because the US said to us that they would give us agricultural deregulation if we gave them intellectual property criminalisation. We said, 'That's a good deal', and then they did not honour the deal. We should be a bit careful about investing—

CHAIR—That was a bad deal.

Dr Heriot—I want to pick up on the point about how perhaps reacting inappropriately to what are not terribly serious events individually can create community resistance to a culture of legality. International music companies, being very concerned about large-scale pirating, are starting to encode their CDs so that they do not work in computers. This means that all these people who legitimately buy CDs and put them in their CD drives to listen to are finding that their CD drives are disabled, their hardware is damaged and they have to take it back for repair. There is nothing necessarily on the disk to indicate that that is the case. This obviously creates a degree of animosity and frustration that will have consequences. This was an unintended consequence of trying to stop large-scale pirating, but people who do do large-scale pirating will find a quick fix to override it.

CHAIR—Let me tell you what the quick fix is: you take nail polish remover and whiz it around the edge.

Ms PANOPOULOS—What sorts of consequences would that have to somehow generate additional crime?

Dr Heriot—It goes back to what Professor Braithwaite was saying about a resistance to authority because it is being seen to focus on inappropriate targets. Not only am I not copying this CD but I have bought it to play it. I am not a criminal and my personal enjoyment of this is being undermined.

CHAIR—But you will not buy it from that source again?

Dr Heriot—No.

Ms PANOPOULOS—I understand why someone would be very upset that their computer had been ruined to a certain degree, but I would see that as very different to the teenager downloading stuff onto a disk who gets a knock on the door. That would be a direct resentment. But, surely, this is about someone encoding these CDs and enforcing their property rights. To say that someone enforcing their property rights through their product and not through law enforcement will generate resistance to authority or additional crime is stretching it way too far.

Dr Heriot—I am not trying to point to this as a trigger to criminality; I am trying to look at it in terms of promoting a culture of legality and respect for the law. Once I have bought a disk, it is my property to play for my own enjoyment.

CHAIR—That is if it is legal.

Dr Heriot—Yes, if I have gone to a legitimate source and bought a legitimate disk, it is mine to play for my own personal enjoyment.

CHAIR—That depends on where you buy it. If you are going to buy it in the market where it is cheap, you will get what you pay for.

Dr Heriot—No, these are legitimate disks I am talking about. They are made by the major record companies who are now looking at this coding to stop it being used in a computer.

CHAIR—I see.

Dr Heriot—If I buy it, it is my property and I am entitled to play it on a CD machine. There seems to be no reason why I should not also play it on a computer, but the unintended consequence of this design development is that my computer is disabled.

CHAIR—I cannot get too excited about that, but I will tell you what does make people resent policing—that is, the collection of revenue through speed cameras, radar traps, high-speed police chases and all those things which the general public, rightly or wrongly, see as revenue raising. They do not see that as police business. I may be shown to be wrong, but in general conversation you will find that that is the sort of stuff that sets up resentment.

Mr Keelty—I am pleased to point out that, in the ACT, the speed and red-light cameras are controlled by the Department of Urban Services and not the police.

CHAIR—But I would not know that.

Mr McDevitt—There is a real issue coming out here about police discretion. There is a whole raft of legislation, and police are charged with having the discretion to either enforce it to the letter of the law or relax that enforcement. My feeling about the US scenario that Professor Braithwaite spoke about with the person urinating in the street is that the police showed extremely poor judgment. I would not want those sorts of police—and I am sure the commissioner would not—in the Australian Federal Police, because they showed incredibly poor judgment.

But there is an issue here about police discretion. You gave an example about police and traffic enforcement. You can go to the New Zealand scenario, where they have handed traffic enforcement over completely to another authority. There are some pluses in that in terms of the relationship between police and the community—a lot of people do hold the perception that you have. There are also some incredible downsides for police in terms of intelligence that can be gathered from traffic enforcement—it would take away a major source of that intelligence. From a personal situation, I spent four years—

CHAIR—Does that mean you do actually capture the image of the driver?

Mr McDevitt—Take the example of when a police officer pulls up someone for speeding—during four years of uniformed policing, I think I gave out about four tickets, and three of them were to one person. There is an issue here about discretion. When you pull up the average motorist, you can see they are not criminals. They are someone who is in a hurry going to work or whatever, and they hand you their licence and their hand is shaking—

CHAIR—That is right.

Mr McDevitt—Why do we have to give that person a $500 fine? I have said this to police: it really is not necessary. What we need to do is say, 'Can you recognise that you have just gone through a red light? You need to slow down for your own safety and that of other motorists,' and you let them go. They drive away thinking, 'Police can be pretty good. They are out there doing a job; they do have to do their job. They have to slow down the traffic flow where it should not be that high.' One of the issues with speed cameras is that they detract from that opportunity to use discretion at the point. Another issue is that the fine comes in the mail days later, so you have lost the impact anyway. It is like trying to chastise a child days after something has occurred; or, a dog has weed on your front lawn and you belt it three days later. You lose that immediate opportunity. However, the point is one about police discretion.

I would like to raise one other issue that Mr Melham raised earlier about the dilemmas for us of non-reported crime. There is a classic example at the moment with the Chinese restaurants. There is obviously extortion going on and crimes are not being reported; standover tactics are being used. We see it in the Vietnamese community with home invasions and crimes not being reported. But we also see it in the family violence scenario and in the gay, lesbian, bisexual and transgender communities; they are not reporting crime. The AFP in the ACT has actively engaged with that particular community and has set itself a goal of seeing an increase in crime rates. That is a really unusual thing for police to do, because normally we say we want a reduction in burglary rates, we want a reduction in this or that. We have said to that community, 'We want you to help us to meet our goal of seeing an increase in the reporting of assaults; we want them reported.'

CHAIR—So these are homosexual people who are beaten up?

Mr McDevitt—That is right. They are people in the community who are subjected to all sorts of criminal activity, abuse and so on.

CHAIR—They do not report it, normally?

Mr McDevitt—They do not report it. In relation to family violence, we have a very successful program called the Family Violence Intervention Program. Again, we have set ourselves a goal of seeing an increase in assaults and sexual assaults being reported to us. That has involved an active partnership with the local courts and the magistrates. They have appointed a special magistrate to deal with family violence issues. It is about fast-tracking these situations through the court system, not dragging them out. We have had an education program for all of the police in the ACT about crimes being committed behind the front doors of houses, emphasising that an assault committed within the house is just as important and needs to be investigated just as vigorously as one that occurred 20 metres from the front. What used to happen is that we would go to a family violence incident where someone had been assaulted, and the normal police response would have been to separate the two parties and say to dad—nine times out of 10—'Pack your bags. We're going to take you somewhere for the night; you can calm down and go back tomorrow.' We do not do it like that now. Now it is a pro-arrest, pro-charge approach. They are placed before the courts very quickly. There has been a very proactive stance in terms of family violence.

CHAIR—So they know it is a crime.

Mr McDevitt—That is right. The Family Violence Counselling Service is involved, as is the Rape Crisis Centre, in getting help to victims. They encourage and assist them through the process because, of course, the court process can be incredibly intimidating for a lot of these people. I wanted to raise that in terms of the issue raised about non-reporting.

Dr Heriot—Madam Chair, I can expand on that. The ABS did a survey in 1996 which showed that just under one-quarter of all women who had ever been in a relationship with a male had experienced at least one incident of partner violence. The reporting rates are much lower than that, but the thing is that the majority of women tell someone. They tell family members or they tell key community gatekeepers like general practitioners. In fact, we find that general practitioners are treating the symptoms, whether it is depression or physical injuries, all the time and are not necessarily making the connection.

So, in terms of promoting a culture of lawfulness or a cultural approach to this, we need not just to work with police to build up the reporting rate, though that is really important, but to look at these key gatekeepers and give them whatever resources they might need to respond appropriately, to provide support, because some women are never going to go to the police or, if they do, they will not get an outcome that is satisfactory. There are all these other links in the chain—across family, friends, the community and a whole range of social services—that play an active role in actually preventing that crime beyond the police response. Then again, once people do go through the courts, if they come out with a domestic violence order or an apprehended violence order or whatever it is called in each jurisdiction, the challenge often is to find that it is appropriately policed. The issue of how police nationally handle breaches of apprehended violence orders is an issue in how these are followed up and tracked.

CHAIR—For years there has been a campaign one way or another to make people understand that violence in the home is a crime just like any other crime and that it is not acceptable. It has been going on for at least 20 years in one way or another, hasn't it? Is there any evidence that—having perhaps gotten to a situation where the police have now accepted that and are prosecuting quickly—there is a lessening of domestic violence, or has it not made any impact?

Dr Heriot—There is really no national data that looks at changes in underlying incidence. The first national survey we had was in 1996, and that has not yet been repeated. There are questions about domestic violence and sexual assault that are asked of women in the household surveys that ABS undertake, but the nature of the way in which those surveys are administered would create a much lower response rate than we actually have. I believe the AIC is about to do some further work in the area of sexual violence, but we need data over time to see whether there is a shift and whether it is having a long-term impact. Reporting rates are increasing, which could indicate that more people are reporting rather than that there is an increasing incidence. We also find that there is generally an increase in service usage. I think there have been some things in the press lately around services in Victoria having waiting lists for providing assistance. That could be because of a lack of other services in the area, or it could be because people's awareness has suddenly been raised that there is a service. I am afraid it is not something that we have a good handle on.

Mr Keelty—The other thing that this touches upon is the root of crime. Dr Washer mentioned this earlier when we were talking about the children's school and how you actually get a person with this problem to come forward. This is a real issue in the sense that, if it is an alcohol

problem or a drug problem or a gambling problem, there is no compulsion on people to seek treatment.

CHAIR—It can also be a sexual abuse problem for children.

Mr Keelty—That is right. So in a sense these could be causal factors that underlie the root of the crime. For example, changes are now being made to some licensing establishments in certain parts of the community to see what impact it has on crime. I would point out to you that alcohol is a very big problem associated with crime and with the community, and alcohol is probably one that is largely ignored with the high profile that we give to illicit drugs rather than licit drugs. On that point, I just wanted to say that policing is not always the answer. Going back to Professor Braithwaite's example, the committee could also look at another community like Singapore. The policing environment in Singapore is entirely different. I do not know whether you have been to Singapore and gone shopping in Singapore—

CHAIR—Frequently, and I do not want to live in Singapore.

Mr Keelty—You would see hundreds and hundreds of people walking up and down the street but you would never see a police officer.

CHAIR—I do not want to live in Singapore.

Mr Keelty—I understand that. The policing environment there is different. I suspect there is a transitional phase, for example, for New York, where they are trying to recapture law and order that might have been lost through a very liberal approach to issues. There are some other issues. As we in this country, in places like Sydney and Melbourne, now have a trend towards high-rises and great population growth in our cities, so the whole nature of crime and how crime is dealt with will change as well. For example, in Singapore they build community centres between the high-rises. The community centres have technical colleges for people to do cooking classes or education classes. They have karaoke bars that are unlicensed, and they have a police station between the high-rises. So that access to the police, with the police being part of the community, is a different example. I put that on the table to say that there are different policing models around the world—

CHAIR—And if you are in the opposition you can go to jail. I do not like that.

Mr Keelty—I will finish up by saying that I beg to differ with Carlos on the heroin drought in Australia. I am about to appear before the Ministerial Council on Drug Strategy and provide them with our explanation of what has happened here. I am happy to provide the committee with a copy of that presentation, because I have been heavily involved with the United Nations drug control program and have, I believe, a different understanding of what has happened here. I am happy to share that with the committee, if you would like.

CHAIR—Yes, please.

Mr Keelty—There is another point I would like to make. Dr Washer, with regard to the profile of people joining the AFP, their average age is 25; 78 per cent have a tertiary qualification or a postgraduate qualification; and over 30 per cent have languages other than English. I make

that point simply to say that the people joining the police today are largely people who have had other careers before they have come in. They are very different to the cohort that joined when I joined the police. So that needs to be recognised.

Mr MELHAM—Is that just at the federal level or for others as well?

Mr Keelty—That is for the AFP; I cannot talk for the other police agencies.

Mr MELHAM—I am interested in what it is at a state level.

Mr Keelty—The other thing that I could provide to the committee, if you are interested, is the governance arrangement for law enforcement in the country in terms of where we start with the Australian Police Ministers Council, the police commissioners and the various bodies that sit as common police services under the police commissioners, such as the Bureau of Crime Statistics and Research, and the Australasian Centre for Policing Research. That might be useful, so we will put that forward to you.

CHAIR—That will be very good.

Mr Keelty—The commissioners have a drug policy subgroup. For a number of years we have been diverting people to treatment, rather than arresting them, if they are heroin addicts who are using for self-administering. As a group of commissioners, we took a conscious decision to adopt a different approach to dealing with the drug problem. We do not attend non-fatal overdoses, whereas once before we did. It is changing the mind-set, seeing use of drugs not as a crime but as a medical problem or a health problem. I am happy to provide any briefing the committee might require on that drug policy subgroup as well.

Finally, out of that discussion we had, Professor Braithwaite raised the issue of crime committed over the Internet. Can I just say that the commissioners of police have what we call an e-crime steering committee. The commissioners sought private sector involvement through what is known as CEO Circle, to discuss the issue of e-crime, because it is another victimless crime where people are losing their money but not reporting it. The level of fraud in the community is something that really has not been quantified. About that, I simply ask this: if you have a house and you have jewellery on the bedside table and the window open and next door you have a house with exactly the same situation but with an alarm system and elaborate locks, and both houses get broken into, where does the community expect the police resources to go? To the house with the security system or to the house with no security?

CHAIR—To the house with the security system.

Mr Keelty—Banking over the Internet is exactly the same. If you want to reduce your bottom line and increase your return to shareholders and do Internet banking, then you need to put the security systems in place to ensure that the customers' rights are protected. Just like the open house with no locks on it, if banks are going to do that, they have an obligation to customers, and policing is not the solution. It is about the way they conduct their businesses and the way that they have chosen to conduct their businesses.

Prof. Braithwaite—That is what I was trying to say.

Mr CADMAN—Are you really concerned about the security of the banking system?

CHAIR—I am.

Mr Keelty—For example, there is credit card fraud, and the downloading or copying of credit card details and their widespread distribution.

CHAIR—Can we just leave that for a minute? I would like to come back to identity crime because I have a fairly good knowledge of some things that are happening. But, first, I think Sophie had a question.

Ms PANOPOULOS—This is not related to what we have just been talking about but there was a discussion this morning about the impact of socioeconomic changes on crime and the family environment and those sorts of things. One thing I have not seen much work on—and I would like to hear from any of you if there has been any—is the impact of the family law system, particularly on men. You can have a situation where there is a quite severe change in socioeconomic circumstances and a total change in the family environment and all sorts of other factors that I think can create a situation where there is some sort of crime or an environment which can breed it. I would like to know how that actually affects the male in that situation and how that affects the children. Seeing their father as a role model and then seeing him skulking to pick them up from the local corner because he cannot pick them up from home must have some harmful impact. This dysfunctional situation must have some sort of impact.

Prof. Braithwaite—Earlier, Dianne and Ben and you, Madam Chair, were talking about speeding and other things and what the police do to engender feelings of procedural unfairness. The effects of those things are much more profound than we would ever have imagined. That is not just the case with the police. We are doing work with the tax office, and one bad encounter with the tax office early in life, one encounter where there is a perception of injustice, undermines voluntary compliance with tax law for the rest of that life. Probably the Family Court is a greater source of anger among citizens than almost anything else in terms of encounters with authority. I am not pointing the finger at the Family Court. I think there are a lot of compassionate, concerned people involved in the administration of family law, but the nature of the conflicts the court deals with generates so much anger. It is indeed a good topic to do some empirical research on, in order to understand what the process does and what the alternatives are. I think one could prevent a lot of violence that way. I am not sure how.

Ms PANOPOULOS—If we are talking about unreported crime, this is not a talked about phenomenon, but it is seething there, underneath the surface.

Prof. Braithwaite—Absolutely.

Mr Keelty—The AFP executes the Family Law Court orders. It is something that we have not been comfortable with in the sense that, to take a child from one parent and place it with another parent is not a positive experience for anybody—for the child, first and foremost, and certainly for the police involved. I just make that point. I do not want to digress from your terms of reference, but it is emotionally highly charged and often very difficult to reconcile in any way, shape or form.

Ms JULIE BISHOP—And the police may not be equipped for it.

Mr Keelty—We provide training to our people on how to deal with those issues, but it is like a lot of things—there has almost been a subliminal message with some of things that have been discussed this morning. We would like to see the first interaction between the community and police to be a positive interaction. The police are the community and the police organisations must represent the community in diversity as well as in every other respect.

CHAIR—We used to get that, with respect. When I was at school, my first encounter with a policeman was the policeman who came to school to tell us how to safely cross the road, that if you were in trouble you could go to a policeman and that stayed with me for a very long time.

Mr Keelty—I suspect that impression upon me is what made me join the police—it was a positive experience.

CHAIR—Yes, it was very positive, like they used to make you bank with the Commonwealth Bank.

Mr Keelty—As long as you got your little bank box.

CHAIR—That is right.

Mr McDevitt—I would like to think that is still the case in a lot of ways in that police see themselves as being a lot more than just law enforcers. They see themselves as being problem solvers and negotiators. The primary role for police is not about locking people up, that is a lesser role than their role in crime prevention. That is certainly the message that the AFP has been trying to put across to its people, that locking someone up is quite easy. That is quite simple, but it does not engender any sort of lasting solution.

CHAIR—Getting them convicted is the hard part.

Mr McDevitt—Yes. To actually deal with the problem and the underlying causes, they are the difficult issues that police are trying to grapple with. The police cannot do that alone and the key message has to be one about partnership. People cannot sit back and expect the police to be solely responsible for law enforcement or crime prevention. They really have to actively embrace it.

CHAIR—Yes, but that has to be your primary function. You cannot expect them not to but, by doing these other things, you can embrace the situation where people can think well of you. It is like politicians, we do not enjoy a particularly good reputation either, but they think individually that we might be all right.

Ms PANOPOULOS—Going back to this point, we have talked about the impact on children from certain backgrounds who do not have the support network or the resources. I would like to see any figures or statistics of children that have come out of a family break up with the Family Court imposing certain conditions and the impact on those children. Has anything been done? I would like to see that because that an element of what we have discussed.

CHAIR—That is something that may come out of some of your research. We said for 30 years that divorce did not affect kids at all.

Ms PANOPOULOS—It is not just divorce but anyway I have said—

Dr Heriot—A number of the issues that you suggest regarding the impact of the family law system on individuals going through it was looked at by the Family Law Pathways Advisory Group which reported, I believe, last year. There has been some observational research of the impact on children of animosity between separated parents and the way that transmits into messages each parent sends about the other parent and the impact on the child of that in terms of their relationship with the other parent—that is, both the custodial parent and the non-custodial parent, to use the former terms for it. There has also been some longer term research done by the Australian Institute of Family Studies on outcomes of divorce. That might be worth looking at. One of their subgroups was, I believe, matters in which family violence had been involved. I am sorry but I am not across that sufficiently to give you the findings of that.

One of the issues underlying that question you had regarding statistics of family break-up with certain conditions imposed by the Family Court goes to the fact that those matters are not reported, so data can be problematic to get. Where children are concerned they are not reported in that degree of detail. I am not sure the degree to which the Family Court record keeping system would yield itself to that sort of longitudinal interrogation. However, I think the Australian Institute of Family Studies would be useful to talk to in that regard also. The Family Law Council has also done research into family violence in the Family Court system. There have also been a couple of well publicised projects: the Magellan project operating out of the Family Court Registry in Melbourne and also the Columbus project—I am not sure of the name of that—operating out of the Western Australian Family Court, which is looking at new models for dealing with issues or allegations of child abuse and family violence within a court process.

Prof. Braithwaite—I think the pathways report summarises all of those things. It is a good example of government agencies beginning to grapple with that wider problem.

Dr WASHER—Commissioner, I apologise: that was a jest, I hasten to add. It was more American movie stuff—Starsky and Hutch.

Mr Keelty—That is all right. I have learned from experience to make sure the record was correct.

Dr WASHER—I am glad you said that because I think it was an important thing to come out. When you mentioned Singapore, I do not know the exact details but I gather that what you meant was that they put a lot of police in plain clothes out into the community. Is that what you meant?

Mr Keelty—Sorry, Dr Washer, the point I was making was that it is a different community environment operating under different laws—I nearly said regimes—and it has a totally different response.

CHAIR—'Regime' is a good word.

Mr Keelty—I am not a student of libertarianism or different approaches in different countries, except in my role internationally as a police commissioner, but it seems to me that we can make some contrasts with, say, New York, where there was an issue of tolerance over many years and things broke down gradually over many years; it was not something that happened suddenly. There was a great crime problem in New York, and it required a heavy interventionist response. I agree with Ben: the Professor Braithwaite's description of the event says to me that some of the strategies have been adopted in a way that we would not accept here in Australia and we would not want here in Australia. It was just the differences in the community.

Talking about making sure the record of these proceedings looks okay, observers in the states might think that we are a little bit over the top on our comments about speeding, because there could well be a nexus between the strategies that have been put in place by various governments and a drop in the death rate. For many years we have seen, for example, on government buses in Sydney, a wrung-out lung or very graphic detail about what smoking does to us. I think we would all remember that, when the road toll in this country was over 1,000 people dying each year, we had a lot of intervention: car manufacturers put seatbelts and airbags in cars; we had the strengthening of the pillars in motor vehicles; the random breath test regime came in.

CHAIR—Child restraints.

Mr Keelty—We had child restraints. We had better road design and we understand more now about the engineering of roads—and the camber of roads. There was a whole raft of initiatives that has had an enormous impact on the road toll in this country. It was over the 1,000 mark, and it has reduced markedly because of a raft of strategies. We have never taken the same approach to drugs. We have never shown very graphically that 'this is what happens to you if you—

CHAIR—Or alcohol.

Mr Keelty—Alcohol is a fundamental problem in our community that we will have to reign back in, albeit its connection with revenue raising and other issues in terms of export and dollars for the economy.

CHAIR—We have had a problem in the public with an accepting attitude. When I hear on the ABC, a government owned radio station, an announcer talk about the use of recreational drugs, I know we have a problem in attitudes. Along that line, there was a comment I heard made about a footballer who had been tipped out of his football club because he had been smoking cocaine. The person on the radio said, 'That is a bit unfair; it's not like he was taking a steroid.' When you get to that stage you have a problem. People have not realised what marijuana does in terms of leading to psychosis. Indeed, when I first took over the ministry of aged care, I was in a meeting with the department of health and we were talking about issues and I said to the department, 'Would you give me a paper on how marijuana accumulates in the body, the psychosis, criminal behaviour and so on that can result.' They looked me in the face and said, 'That doesn't happen; it doesn't accumulate.' I said, 'Excuse me!' Six weeks later they came back with a paper and said, 'You were right.'

We have an entrenched attitude and it started this way: first of all, once you say alcohol, tobacco, heroin, amphetamines, cocaine and every other drug are all the same, except alcohol and tobacco are legal, and you get it into the public psyche that it is all the same, the next part of

the argument goes, ‘If you regulate those two, ergo we should be able to have the rest too.’ That is the way the argument has gone and you have seen this permissiveness and a failure to recognise between legal and illegal. And the moral: by all means have the campaigns we have had showing what smoking can do to your lungs—but I have never yet seen anyone commit a break and enter to get a cigarette or ever seen anyone under the influence of tobacco—and have a campaign about alcohol, but do not mix it up with illegal drugs. Start to tell people what the drugs do to them and get people onto the science of being able to have the equivalent of a breathalyser for drugs. There are a lot of people out there who will use marijuana instead of alcohol because nobody does anything about it. We have engendered a permissiveness. How do we overcome that?

Mr Keelty—It is very much affected by media and how different drugs are portrayed in the media. I think Carlos made a very good point: we ought not underestimate the determination of different market strategies to change people’s behaviour or attract people to certain drugs. I will give you a quick example with regard to ecstasy. Simply to call a drug ‘ecstasy’ is a tremendous marketing initiative because it has appeal. If you look at the way amphetamine type stimulants are being produced in tablet form, you will see stamped on the drugs brand names—I will not mention the brand names—associated with high quality products that are attractive to young people, so it has a better attraction factor and better marketing value.

CHAIR—Like what? I might add that the *Hansard* of this meeting is private to this meeting.

Mr Keelty—You might have, for example, a well-know trademark. When they do the pill presses they actually emboss them that way. This is where I do agree with Carlos: Thailand has 2.9 million amphetamine addicts; amphetamines have overtaken heroin exponentially in terms of its growth and its impact. If you talk to people in treatment centres around Australia, people who present with heroin problems can be given morphine or other types of drugs to actually bring them down and, in fact, make them more susceptible to other treatment, but with amphetamines you cannot do that. They come in on a high, and it is a totally different attitude and behavioural change. There will be a need for us to study the impact of this on violent crimes in the community in future years.

If we take the examples that have happened in Asia, you might have seen some footage of people who have been in custody on yabar, an amphetamine type similar, and they have just gone absolutely berserk. That is why I raised the issue about the commissioners being so concerned about some of the high speed chases, where there is a link between them and the use of these amphetamines. Amphetamines are a by-product almost of a very good health campaign that we have run, in terms of HIV, where we have actually encouraged people to be responsible about needle exchanges and to be responsible about how they were taking heroin. Of course, the tablet does not require an injection. We call it the party drug and, again, that is a marketing ploy.

CHAIR—That is dreadful.

Mr CADMAN—Even the name.

Mr Keelty—Yes. In answer to your question, in a very long-winded way, we need to recognise that a lot of it is actually generated through the way we report news and the way we report issues in the media and give it a profile that often it does not deserve. We are not

promoting the healthy life ahead of this sort of issue. That really has a huge consequence as a person grows older and more dependent on the drug.

Dr WASHER—I would just back that, Commissioner. I totally agree. One of the dilemmas we have had in the medical profession is that for some drugs we have a treatment regime and for other drugs we do not. Of course, when we put prohibition into place, which I agree with, by the way—I want to make it very clear I am not anti-prohibitionist—but sometimes that prohibition would bias it to other drugs. We could have a very strong prohibition effort on opiates, which we can treat. We can reverse the drug and we can subsidise the drug. But if we get cocaine as a subsidy or, in other words, we make cocaine more attractive because we really come down on the opiates and cocaine becomes a better proposition then we will have real problems. Or if we have massive amphetamine problems, our management and forms of treatment are lacking. We do not have treatment for cocaine problems.

Mr Keelty—That is right.

Dr WASHER—We do not have treatment for amphetamine problems. I know that sounds crazy but, seriously, I question sometimes the wisdom of prohibition if we do not balance it very carefully. Yet I condone prohibition totally. We have to slow things down, but if we allow cocaine to be a more attractive proposition by pushing up the price of opiates, because multi-drug use is real, they will move to cocaine. Then we have a real problem with this psychotic behaviour that we cannot treat.

Mr Keelty—There are two issues there. One is that we need a study now on what has happened during the heroin drought. Have the addicts been diverted off drugs completely or have the addicts taken up different drug use and different drug patterns? That will be important because it will actually answer some of the questions that Professor Braithwaite raised. That is, has the interventionist and supply reduction strategy of putting resources into the police been effective or should it be something else? The second point I want to make from what you said is that the AFP has always supported a three-pronged approach: demand reduction, harm minimisation and supply reduction. This is where I think we might have not missed the opportunity but not seen what was happening.

CHAIR—Can I stop you right there. Harm minimisation is not government policy. How is it AFP policy?

Mr Keelty—Yes, it is government policy. Demand reduction, harm minimisation and supply reduction is part of the—

CHAIR—I can name a few doctors who promote that, but they are not really part of what the official attitude of the government is. Harm minimisation says: ‘It’s okay. We’re going to make it less for you.’ I am so opposed to that, I cannot tell you.

Mr Keelty—The National Illicit Drug Strategy adopts the three-pronged approach.

CHAIR—It is certainly not Brian Watter’s point of view, and he is the chairman.

Mr Keelty—I think you will find that there is an embracement of harm minimisation in the sense of the needle exchange programs and the use of detoxification drugs.

CHAIR—That is not what harm minimisation means in the parlance of the people who promote usage of recreational drugs.

Prof. Braithwaite—You can be a supporter of harm minimisation while also being an opponent of decriminalisation. I think the commissioner is saying that you need the multipronged approach and really agreeing with you that the attitude change is the fundamental thing. If we look back on our history, we forget some of our huge successes in drug control and how they happened. When I was a child in Queensland—and this is also true of New South Wales but not so true of the other states—in the 1950s, our biggest drug problem was Bex and Vincents. That is not a drug problem we have at all today. That was accomplished through communication in the popular media, through a very sophisticated strategy of communication with the Australian people, where it became uncool to use Bex and Vincents.

CHAIR—That is an analogy with tobacco. You are doing it again. When you say 'drug' and we are talking in this context, I think 'illegal substance'. You do not.

Prof. Braithwaite—It became illegal.

CHAIR—But it was not when people were taking it.

Prof. Braithwaite—It became part of the strategy to make it illegal.

CHAIR—'A cup of tea, a Bex and a good lie-down.'

Prof. Braithwaite—But the combination was declared illegal. That was part of the strategy, and it was a strategy that succeeded without arresting people.

CHAIR—The problem was kidney disease. Nobody was getting high on Bex—

Prof. Braithwaite—They were.

CHAIR— and going out and bashing people up.

Prof. Braithwaite—If you take one Bex, that is the equivalent of five very strong caffeine cup hits. If you take a couple of them, you are high.

CHAIR—And did we have crime figures from Bex?

Prof. Braithwaite—No, I do not think we did.

Mr Keelty— I will have to ask my father! It was before my time.

CHAIR—Sorry, I will just sit stunned.

Mr MELHAM—In relation to transfer of drugs, I have a vague recollection that when marijuana dried up in the late seventies that is when a lot of heroin came onto the streets.

Mr Keelty—For Australia, heroin came onto the streets after the Vietnam War. We probably understand more about that now than what we did at the time.

Mr MELHAM—In terms of the criminal element, I do not know whether my recollection is correct. There was a commission of inquiry at one stage in terms of the criminal problems we had.

Mr Keelty—It might go back to the Williams royal commission that was looking at that. I do recall that that actually went back to opium use by early Chinese settlers. The distribution of opium was largely contained within the Asian migrant community and not the broad community. Heroin only came into the broader community after the influx of heroin following the Vietnam War.

Dr WASHER—If you could walk me through this, you are advocating community policing—as we will call it for the moment—I guess, which I think gives us a good gut feeling. Sometimes you work on a gut feeling of, 'That is a damn good idea, ' even though we have not exactly proven it. Do you know what I mean? How is the Australian Federal Police progressing that? Are they combining their efforts with state police in this? Is there a coordinated effort to get out to the schools and to communities to heighten awareness of reporting problems, identifying people with problems, getting agencies involved that manage these problems et cetera? Do you know what I am asking? Where are we? Are we getting enough funding for you to do it? That is the other thing.

Mr McDevitt—There are some excellent programs that different jurisdictions have put in place and there is plenty of opportunity for jurisdictions to come together and talk about the highlights of programs, the successes and what the particular strategies are. A lot of them do fall over because of lack of funding. What one program sought to do was to target youth who were involved in stealing motorcars and then going on chases—more or less inviting police to engage in chases by roaring past police stations and so on. It was the thrill of the chase that these kids were after, really, not so much the desire to keep the motor vehicle. It was just to have the run and then dump the car.

What this program did was bring those kids together into a workshop type scenario where they were actually engaged in learning about the mechanics of motor vehicles. They were generally disadvantaged kids who had had limited schooling and were unemployed. This was teaching them about how motor vehicles work. As part of the program they were also going out onto go-kart tracks and learning about speed. They were getting the adrenaline dumps that they were after and so on as part of this program. In between it there were sessions where counsellors had access to these people. That was a very successful program. It actually has ceased now due to funding but there are a whole host of different programs around the place. Yes, funding is a big issue in terms of keeping them up and running.

Mr Keelty—The commissioners have a commissioners conference group and below that group—which I have mentioned that I will provide the details to the committee on—are a number of subgroups. One of them is the assistant commissioners crime group. Developments in

community policing in one jurisdiction will be shared with the other jurisdictions, particularly where there has been a crime reduction outcome. There are a significant amount of sharing of ideas and policies, and not only within the Australian jurisdiction but also with—

CHAIR—I wonder if we could just move away from that drug area a bit. Dianne, if I could go to something that you told us in our briefing yesterday about car theft. Two sets of figures stuck with me yesterday. You said that 75 per cent of car theft is done by opportunistic theft. You are talking about kids. Twenty-five per cent is organised crime—part of the rebirthing industry—but that is where the money is. I did ask whether we could find out what the value of the car theft and rebirthing market was worth.

Dr Heriot—Yes. I am sorry, Madam Chair. I will have that figure by next Thursday when I appear again. We contacted the council yesterday and we have not got it yet, but I will have it for you.

CHAIR—The second figure that you gave me, which is still staggering me, was the 1996 survey that you talked about. You said for 159 arrests there was one conviction.

Dr Heriot—I think that that figure was for 156 reported crimes.

CHAIR—Reported crimes, okay.

Dr Heriot—The result was one—

CHAIR—One conviction.

Dr Heriot—detention.

Ms JULIE BISHOP—Not one conviction?

Mr McDevitt—They are very different.

Dr WASHER—I remember you saying the 156. I recorded it as one jail sentence. That is like detention.

Dr Heriot—It was one term of imprisonment.

Dr WASHER—That was it.

Ms JULIE BISHOP—And how many convictions were there?

Dr Heriot—I was asked to follow that up, and we are looking at that, but we have to go to the statistics of higher courts and that will take a few days—but again you will have that by next week.

CHAIR—The reason I was coming back to those statistics was to see how you feel from a policing point of view. A lot of your effort goes into investigating, arresting and bringing people

to trial, and then a case falls over for evidentiary reasons. I would be interested to have statistics on that—either the trail of proof is not satisfied or you have contrary judges or whatever it is—and I would like to know how you feel about that. Are there figures that measure how many cases go off for reasons of evidence, and how do we overcome those problems?

Mr Keelty—We can give you figures on how many investigations we undertake that then go into the court process. We would probably be guided by the department on the successful prosecution rate and some of the statistics that Dianne is chasing down for you may help. One very difficult statistic to get relates to why a court case fails. Sometimes it can fail on the deliberations of the jury, and the reason for that can be anything—being impressed by the defence counsel or not being impressed by witnesses giving evidence or something to do with the group dynamics within the jury room. Other reasons might be decisions by either the magistrate or the judge. Therefore, it is very hard to quantify. I do not know if Carlos or Professor Braithwaite have any figures. They are very difficult figures to get hold of, because once it gets to the court dynamic, it is out of our hands and something else might take over. A witness might not come to proof in the way you might have expected. That has an impact on a case. That is a very difficult statistic to get.

Mr McDevitt—It leads into another point which is about measuring performance across not only the police or courts or prisons but having indicators for the criminal justice system as a whole. We do not tend to do that and we see people literally disappearing out of our computer databases and then into the courts and then into corrections and then a few years later they will surface again on our database because they are back out and active again. We do not have that sort of cohesion or that data sharing you are after. We should be able to have access to that.

CHAIR—That is what Carlos was saying.

Mr McDevitt—I agree with Carlos; it is very important. There are some privacy issues but I am not saying that they present an insurmountable barrier. I do not think they do. I agree with him that any opportunities we can have to access that data in order to research it and see what works and what does not are incredibly important ones.

Mr Carcach—That has very negative effects on research that is done. If you take the data available and combine the best you can, accepting that there are differences in jurisdictions, and you come up with some result, the first criticism you get is, ‘When you talk of an assault in New South Wales, it is not the same as an assault in Queensland or in Western Australia.’ So the issue of comparability comes first.

CHAIR—It is interesting the way we call it ‘assault’ when we really mean ‘battery’.

Mr Carcach—Yes. But you could still develop a definition and say that assault is this type of incident. Even when you refine it at that level you will find that there are jurisdictional differences. Taking a very popular term, ‘recidivism’, if you mention that, the first attack you get is, ‘To me that is not recidivism; for a different person that means a different thing.’ A lot of this comes from this sort of fragmentation of data sources and information systems. That is a key issue here. If you want to not only come up with an explanation of what is going on but also some views about what the ideal future might be, current data is a key element.

Mr CADMAN—Is there any use in doing that?

Mr Carcach—It is if you make a decision as to what is, if you like, the basic set of data you need to collect to get information about certain issues. Obviously, this is a question of defining priorities. We are talking here about offenders and their motivations. We know very little about offenders.

CHAIR—You are going to do our wish list.

Ms JULIE BISHOP—Something Mr McDevitt said very early on has been playing on my mind. You said a headmaster or a principal could identify the children in the schoolyard now who are going to be a problem later on. I have been thinking about how we could capture that notion somehow. It is almost profiling, isn't it? You talked about Operation Anchorage and were saying that the profile, ultimately, was 17- to 24-year old males who were on heroin, who had an addiction and who, therefore, were committing crimes. If you take it back 10 years, to when they were seven years old, are we talking about identifying children who are likely to become susceptible to drug abuse and will therefore become involved in crime, or are we talking about you being able to identify children who are likely to have such behavioural problems that they are going to end up in a criminal scenario?

CHAIR—It is very judgmental, isn't it?

Ms JULIE BISHOP—Isn't it.

Mr McDevitt—Dianne mentioned a lot of the indicative behaviours and things that might give some indication in early childhood. I recall that, some years ago, a study was done in relation to sex offenders. The study came up with three indicators: truancy, infatuation with fire and cruelty to animals and children. I am not sure whether you are aware of this study, but those things were given as three indicative behaviours in early childhood of people who, in adulthood, may well have a predilection towards sex offences.

CHAIR—The Anita Cobby case bore that out, didn't it?

Mr McDevitt—Yes. I am not sure of the validity of that particular study, but I think it shows that we do need to really investigate and explore some of these indicative behaviours so that we can see what they are. I do not have the answer to that. The Intergovernmental Committee on Drugs had a drug prevention workshop, probably about six months ago—and we can get the outcomes for it—and there were some really interesting discussions about this very issue of uptake, what are the indicators we can look for and who are the kids who are most likely to be susceptible to drug use.

Ms JULIE BISHOP—And these behaviours are, of course, going to be evident or detectable at school; therefore it puts an incredible burden on teachers even to be able to recognise them let alone do anything about them.

Prof. Braithwaite—One of the attractions for me of the youth development circle idea is that you do not have to stigmatise certain children with a problem. It can be a universal program. For the kids who are going well, the objectives they set themselves will not be about getting on top

of their truancy and all these other problems we are talking about with problem kids; they might be improving their leadership, which might be, in part, about being buddies for some of the kids who do have problems. The idea is that you do invest more in those cases where there are emergent suicidal thoughts and attention deficit problems that are obvious to everyone. So you have a universal program where you just provide more help and a stronger network of support for the kids who do not already have one.

Dr Heriot—Again, how you mark out these individuals and then how you treat them is crucial because you do not want to have them stigmatised to the extent that identifying them becomes a self-fulfilling prophecy because they are treated inappropriately.

Ms JULIE BISHOP—Absolutely.

Mr CADMAN—Wesley Mission has an interesting suicide program in country towns—because it works there—of getting community leaders together to help identify kids that might be having problems. They move in and help the family, without the family necessarily being aware that the teachers or the local cops have spotted the kid—maybe he used to be in a youth group and has left. I believe that is a pretty good model. It seems to be comprehensive, which is one of the things that we were talking about earlier.

CHAIR—There are certainly other indicators too, aren't there? I have a constituent that I am bending over backwards to help at the moment. She has three kids. All of them have attention deficit disorder to the extent that they cannot retain learning upon which to build. The comprehension is not there. She works nights so that she can work with them because, as she says, 'If I don't help these kids to get these skills, they will end up in jail.' So we are working overtime to try to find a solution for her.

She told me the other day that her smallest child, who is eight, is repeating. He was sitting at home crying because the five-year-olds could read and he could not. Those sorts of tensions are what lead kids to do other things so that they can make a mark and achieve, and somehow earn attention or respect. It seems to me that the bureaucracy—which I am fighting to try to get her some support at the moment—is looking at a tool, which is part of the government policy she slips through. Trying to get that changed is an enormous task. I think she is a woman who desperately needs the help, and she will save the community in the end if she is successful.

Mr Keelty—We might be talking about the same bureaucracy, but that is why the policy making is so important.

CHAIR—Absolutely.

Mr Keelty—For example, if you decide to have heroin injection rooms in a particular jurisdiction, what you are saying to kids in their formative years, who are deciding between right and wrong, is this: 'Well, it must be okay because the government is doing this.' The reason I have tackled the ACT government on this issue is that, if you have a heroin injection room today, it is sending an ambiguous message to those people who are deciding between right and wrong. What is that room going to be used for tomorrow? Is it going to be a cocaine ingestion room; is it going to be an amphetamine ingestion room? So it is that ambiguous message—which gets back to the point we were making earlier about licit and illicit drugs—about alcohol, tobacco and the

illicit drug market. It is about identifying those formative years and where you would have the maximum impact so that people can make informed choices about their lifestyle.

Mr Carcach—I think something emerging from our discussion is the need to bring the community into the scene. You see now that all of our government policies come from above.

CHAIR—That is what we are trying to rectify.

Mr Carcach—We talk about community policing, but community policing is really police identifying what they believe is strong in our community. It is nothing about communities trying to identify their own problems and trying to, in a sense, express their needs. For instance, your idea of this youth development service—

CHAIR—Yes, I like that.

Mr Carcach—could be taken perfectly well into a wider context. Not only learning problems or behavioural problems but any sort of local issue really should be identified by the community. Obviously I understand that that brings with it certain changes in the way we would run our governments, our political system, but only when that really happens is when we are going to have the things we need. We need people accepting the law; we need people thinking that the law is fair, that it is doing what they feel it should do. We will have tolerance, and we will have people with better skills to handle conflict. I think, in the end, we will have a more civil society. But the need to bring whatever concept of 'community' you come up with is crucial in this enterprise.

CHAIR—I want to flag this identity crime because it is huge. It first came to my attention, again with a constituent, and I subsequently have had long discussions with Australia Post who are well and truly aware of it. The system works like this: gangs will target people—basically, accountants and solicitors—to whom cheques and credit cards get sent. They then do a trace on their mail. They raid the mail boxes on a regular basis: they take the mail out, open it, photocopy it and build a profile on the person through their mail. They then reseal it and put it back in the box, so people do not know it has happened. They get the details of credit cards; they can suborn cheques if they come through—a whole range of things.

They build up the identity of these people. If they are taking cheques, they can build a profile on a person's bank account so that, when they take in the cheque, the bank will believe that that is the person. They will bank it and then they will have another operation which, in this particular instance, was a newsagency in a particular suburb of Sydney run by a part of the gang, where they can wash the money. This is huge, and it is getting bigger and bigger. It is all under wraps at the moment. They do not want it talked about at all, but they are fully aware of it. They say that they are looking at ways of combating it: but how?

Mr Keelty—And that is only the tip of the iceberg. A lot of the identity fraud is being done electronically, where profiles have been built up through an aggregate effect. In fact, I had a conversation with the Privacy Commissioner about this yesterday. It is a real issue. The banks will have a PIN number for an account, but they will be happy to provide, or even have provided to them by an outsourced agency, the spending patterns.**Ms JULIE BISHOP**—It is fictitious.

Mr Keelty—Yes. We are happy to make a presentation to you later on this issue, in the interests of time.

CHAIR—I think we will make a time to have a special presentation just on identity fraud, because it does seem to be growing. We might even involve Australia Post in that.

Mr Keelty—Yes, absolutely.

Mr McDevitt—The scenario that you outlined as identity theft is an existing one, and then the identity fraud goes beyond that. We are talking about creation—

Mr Keelty—of credit cards.

Mr McDevitt—Yes, replication.

CHAIR—They are creating the cards.

Mr McDevitt—As the commissioner said, we can give a presentation on that.

CHAIR—We would all like that, wouldn't we?

Dr WASHER—Yes.

Mr Carcach—Perhaps you might like the Australian Institute of Criminology to participate in this presentation. We run a training course specifically on the issue related to identity fraud.

CHAIR—We would like that.

Mr Keelty—We would be happy to work with the institute to give you a joint presentation, if you would like?

CHAIR—That would be excellent. Dianne, will you come back to us with automobile data?

Dr Heriot—I will.

CHAIR—Do you have any ideas about automobile theft, what else it finances and the interaction?

Mr Keelty—We do. Actually, we look at the other end of it, which is the export end. We have, in fact, got a very major international investigation running on the export side of vehicle rebirthing. Whilst it is a problem at the state level, it is a problem elsewhere as well because something has to happen to the cars.

Mr Carcach—The parts market is also very strong.

CHAIR—Do you have some stuff on that too?

Mr Carcach—Yes, we do.

Mr McDevitt—There is a group—the National Motor Vehicle Theft Reduction Council—which maintains some excellent databases in relation to motor vehicle theft and what the proportions are of vehicles recovered and vehicles not recovered. I think they would have some quite worthwhile data that you could have a look at.

CHAIR—And there is the impact on the insurance market and premiums.

Dr Heriot—They would certainly be very keen for an opportunity to talk to the committee.

CHAIR—That would be great; we will do that.

Dr WASHER—Just to reinforce this: we had a look at the drug side of things and suicide and a whole range of things. At the end of the day, it all boils down to being a community problem. Unless we are going to change the community attitude and get community involvement, there is medically no doubt—I will state this is as a medical fact, and I would like to see a doctor dispute this—that we cannot identify abnormal behavioural patterns at a young age. That is multifactorial: there are probably a thousand reasons that put that person at high risk—an extremely high risk: there is suicide, drug dependence, criminal behaviour, whatever—of having behavioural disorders later and we really need intervention at a very early age. I think Professor—

Mr CADMAN—What are the factors?

Dr WASHER—I said the fact is that it is what we call sociopathic behaviour—abnormal behaviour. In other words—I will put it in a simple way—it is pain-in-the-arse disorder, as we used to call it.

Mr Keelty—That is a very technical term!

CHAIR—Very scientific!

Dr WASHER—It is a nice way of putting it so that you can understand it. You know what I mean—you can identify them. There would be multiple reasons. Apart from that—and I think our statute of inquiry covers this—if we are going to talk about some of these issues of identity fraud, we put a lot of money into CrimTrac, DNA technology and I am sure there is a lot of Australian Federal Police feedback for us on biometrics. Security technology has moved light years ahead now because of the crime of terrorism, and I think we have some damn good technology that we could start applying. With your permission, Chair, I ask the commissioner et cetera if we can get something combined in this about some of the latest security technology that is so useful.

CHAIR—Yes.

Dr WASHER—The other thing I want is some opinion, from a policing point of view, and I guess the job is a matter of security for us now, on how much we are going to need to invade the freedoms of individuals—it has been compromised; terrorism is designed to do just that with

terror—where we are going to get the balance and how can we use the new technologies that you people now have in a responsible but effective way. We also need this information from a legislative point of view to make a decision on how much we are going to compromise individual freedoms to prevent what are possibly horrific situations.

Mr Keelty—We will be happy to do that.

CHAIR—I thank everybody for their contribution today; personally, I have found it fantastic and I am sure everybody else has too. At the starting point on what is going to be a long inquiry, we are very grateful to you for sharing the amount of information you have with us. We look forward to setting up these future meetings. We will send you a proof of the transcript. As I said, the transcript is private and not for publication. It is for the committee's use exclusively and remains confidential. I thank you very much again and look forward to seeing more of you during the course of our inquiry, because we are going to need your expertise.

Committee adjourned at 12.04 p.m.