

**GOVERNMENT RESPONSE TO THE REPORT OF THE  
HOUSE OF REPRESENTATIVES STANDING COMMITTEE ON  
LEGAL AND CONSTITUTIONAL AFFAIRS,  
“CRIME IN THE COMMUNITY:  
VICTIMS, OFFENDERS AND FEAR OF CRIME”**

**2007**

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**BACKGROUND**

*Terms of reference*

The House of Representatives Standing Committee on Legal and Constitutional Affairs tabled its report on crime in the community entitled “Crime in the Community: victims, offenders and fear of crime” on 11 August 2004. The report was in response to a reference on 21 May 2002 from the Minister for Justice and Customs.

The Committee’s terms of reference were to inquire into the extent, impact and fear of crime within the Australian community and effective measures for the Commonwealth in countering and preventing crime. The Committee’s inquiry was to consider but not be limited to:

- the types of crimes committed against Australians
- perpetrators of crime and motives
- fear of crime in the community
- the impact of being a victim of crime and fear of crime
- strategies to support victims and reduce crime
- apprehension rates
- effectiveness of sentencing, and
- community safety and policing.

*Action on crime prevention under Australia’s federal system*

In Australia’s federal context, State and Territory governments have primary responsibility for their own criminal justice systems and related programs, including law enforcement and crime prevention. However, the Australian Government plays a strong leadership role in working to prevent and reduce crime and violence. Cooperative approaches are in place concerning crime prevention in Australia at the local, State, Territory and national level. Sectors involved from both government and non-government agencies include justice, education, housing, community services and health.

### *Key issues identified by the Committee*

The Report is presented in two volumes. The first volume discusses the issues of fear of crime in the community, crime reduction and prevention initiatives within local communities and measuring crime in Australia.

The Committee's recommendations in relation to these issues include collection of data on levels of crime including unreported crimes against women and older Australians, further funding for the National Community Crime Prevention Programme, further funding for community policing, standardisation of crime data collection, and further funding for longitudinal research on the impact of crime.

While some of the Committee's recommendations are directed towards State and Territory governments, the Australian Government notes that it is currently progressing a number of these matters as part of the whole-of-government approach to action on crime prevention.

For example, the Australian Government is working with State and Territory governments as part of the Commonwealth, State and Territory Strategy on Healthy Ageing 2000, on cross-jurisdictional issues in elder abuse prevention. This work includes data collection as part of a national approach to elder abuse prevention in community settings. This is in recognition of the importance of collecting and publishing accurate crime data on the extent of unreported crimes including those committed against older Australians and women.

The second volume of the Committee's report focuses on two quite specific allegations in relation to the abuse of children and disabled persons in the state of Queensland: the Heiner inquiry to investigate alleged mismanagement at the John Oxley Youth Centre and allegations of abuse of residents at a respite and rehabilitation care facility at Bribie Island Queensland.

The Committee's recommendations in relation to these issues include specific recommendations to the Queensland Government regarding the Heiner inquiry, State and Territory legislative reforms regarding the retention of documentation relating to allegations of child abuse and the extension of the powers of the Queensland Auditor-General.

The Australian Government's response to these recommendations is limited to the extent that these recommendations relate to matters for State and Territory government consideration.

The detail of the Australian Government's response to the Committee's recommendations follows.

## **VOLUME 1**

### **Recommendation 1**

*The Committee recommends that the Inquiry into "Crime in the Community: victims, offenders and fear of crime" be re-referred to the House of Representatives Standing Committee on Legal and Constitutional Affairs in the 41st Parliament.*

### **Response**

The House of Representatives Standing Committee on Legal and Constitutional Affairs in the 41st Parliament met and decided not to seek a formal reference in relation to the Inquiry into "Crime in the Community: victims, offenders and fear of crime".

### **Recommendation 2**

*The Committee recommends that State and Territory governments be encouraged to work more closely with organisations representing the elderly to collect more accurate data on the extent of unreported crimes committed against older Australians.*

### **Response**

The Australian Government will draw this recommendation to the attention of the Community and Disability Services Ministers' Conference and the Australasian Police Ministers' Council for State and Territory government consideration.

### **Recommendation 3**

*The Committee recommends that State and Territory governments be encouraged to work more closely with women's centres and refuges to collect more accurate data on the extent of unreported crimes committed against women.*

### **Response**

The Australian Government will draw this recommendation to the attention of the Community and Disability Services Ministers' Conference and the Australasian Police Ministers' Council for State and Territory government consideration.

### **Recommendation 4**

*The Committee recommends that State and Territory police forces further recruit from ethnic groups that are involved in significant crime, with the aim of promoting greater cultural understanding and thereby over time reducing ethnic-based crime, including organised crime, and the fear of crime within ethnic communities.*

### **Response**

The Australian Government will draw this recommendation to the attention of the Australasian Police Ministers' Council for State and Territory government consideration.

## Recommendation 5

*The Committee recommends that accurate information regarding levels of crime be published in order to reduce fear of crime within the community.*

### Response

The Australian Government will draw this general recommendation to the attention of the Australasian Police Ministers' Council for State and Territory government consideration.

The Australian Government recognises the importance of collecting and publishing accurate crime data. Information regarding levels of crime in Australia currently consists of two main types: data on police recorded crime (coordinated by the National Centre for Crime and Justice Statistics, within the Australian Bureau of Statistics) and data from population surveys of crime victimisation (primarily conducted by the Australian Bureau of Statistics and the Australian Institute of Criminology). The Australian Government plays a key role in collecting crime data through population surveys (which provide complementary information to officially recorded crime as estimates of levels of crime that are not reported to police) and collating and coordinating data from different surveys, with the view to ensuring that best practice in data collection and management is understood and applied wherever possible.

The Australian Government's main national crime surveys/data collections include:

- **National Crime and Safety Survey** – this Australian Bureau of Statistics (ABS) survey provides information about community feelings of safety, male and female victims of crime, including persons aged 65 and over, and victims reporting to police behaviours. The results of the April 2005 survey, which update those published from the last survey in 2002, were published on 26 April 2006.
- **Personal Safety Survey** – this ABS survey provides detailed information about feelings of safety and victimisation experiences of men and women, including reporting to police behaviour, and includes information for the 65 and over age group. The results of the 2005 survey were published on 10 August 2006.
- **General Social Survey** – this ABS survey collects information about victimisation experiences and perceptions of safety. It was conducted in 2002 and was repeated in 2006.
- **Recorded Crime Victims Statistics (RCVS)** – this annual ABS publication is based on crimes reported to the police and measures victims of selected offences by sex and age group of victim, by state/territory. The latest release of this publication was on 25 May 2006.
- **The International Crime Victimization Survey (ICVS)** – the Australian Institute of Criminology manages the Australian component of this United Nations Office of Drugs and Crime victimisation survey focusing on people's experiences with personal and household crimes, the impact of these crimes and whether they were reported to the police, as well as public perceptions about personal safety.
- **The International Violence Against Women Survey** – this Australian Institute of Criminology managed survey was conducted across Australia

between December 2002 and June 2003 and provided information on the experiences of physical and sexual violence of women aged between 18 and 69 years.

- **Domestic and Family Violence** - the Australian Domestic and Family Violence Clearinghouse is a national resource on issues of domestic violence and family violence and provides a central point for the collection and dissemination of Australian domestic and family violence policy, practice and research including statistics.

In addition, the Australian Institute of Criminology manages a range of crime and justice monitoring programs including some that track trends in serious violent crimes, and firearm and drug related crime:

- **National Homicide Monitoring Program** - this program is supported by police forces at the federal, State and Territory levels and its purpose is to identify as precisely as possible the characteristics of individuals which place them at risk of homicide victimisation and of offending and the circumstances which contribute to the likelihood of a homicide occurring.
- **National Firearms Monitoring Program** – this program collects data relating to firearm offence patterns, the numbers and types of registered firearms in each Australian jurisdiction, the number of people licensed to possess and use firearms, deaths and injuries committed with the use of firearms and firearms related offences generally.
- **National Firearms Theft Monitoring Program** – this program has recently commenced, and will collect information on reported firearms theft across Australia, including information on the location of the theft, and the type of firearm stolen.
- **National Armed Robbery Monitoring Program** – this program has three main aims: to monitor trends in armed robbery, specifically trends in weapon use; to identify changes in trends; and to provide insight into the factors underpinning these trends.
- **Drug Use Monitoring in Australia** – this program seeks to measure drug use among those people who have been recently apprehended by police in seven sites across Australia.

## **Recommendation 6**

*The Committee applauds the National Community Crime Prevention Programme because it allocates funding directly from the Commonwealth to local community initiatives, and recommends that further funding be made available under this program.*

## **Response**

The Australian Government has already given effect to this recommendation.

On 7 May 2004 the Australian Government announced its original commitment of \$20 million over four years to establish a new National Community Crime Prevention Programme (NCCPP). The centrepiece of this initiative is a national community grants program providing funding for grassroots projects designed to enhance community safety and crime prevention by preventing or reducing crime and

anti-social behaviour, improving community safety and security, and reducing the fear of crime.

Crime brings with it significant economic and social problems and the Australian Government believes that investment in crime prevention can produce substantial benefits and savings across the criminal justice, social welfare, health and small business sectors.

The Australian Government believes that people who live and work in a community are in the best position to recognise local problems and find locally relevant solutions. The NCCPP is designed to provide the additional resources often needed by community groups to develop their own projects and find their own ways of encouraging people to work together for the common goal of promoting community safety.

Following an outstanding response to the first round of funding, with over 180 applications received by 30 June 2004, the Australian Government announced on 15 September 2004 a further commitment of \$10 million for the NCCPP. Then, as part of the 2004 election commitment, the Government announced a further \$28 million for the NCCPP over four years. This amount includes \$8 million over four years to fund projects in the Greater Western Sydney area, as the Government recognises this rapidly growing region's particular crime prevention needs. Finally, on 30 September 2005, the Government announced a commitment of a further \$6 million over three years for a new element of the NCCPP to support community organisations to invest in security-related infrastructure. This brings the total current funding commitment for the NCCPP to \$64 million.

As at 2 May 2007, a total of 241 successful NCCPP projects had been announced, totalling almost \$43.2 million.

## **Recommendation 7**

*The Committee recommends that the Commonwealth work with State and Territory governments to investigate ways to institute a program comparable to the City of Gosnells Safer Seniors program on a national basis.*

## **Response**

The Australian Government does not accept this recommendation.

The Australian Government takes the view that effective crime prevention strategies are based on local issues and are best derived from community consultation on local needs.

The Australian Government notes that States and Territories have a range of strategies for working with local governments. To assist and complement these processes, the Government is working directly with communities through the National Community Crime Prevention Programme to which it has committed \$64 million. The Programme funds not for profit community organisations, including 45 projects for local governments, to undertake grass roots projects designed to enhance community safety and crime prevention by preventing or reducing crime and anti-social behaviour, improving community safety and security, and reducing the fear of crime.

The Programme also includes funding in excess of \$1.8 million for 12 projects that include a focus on the needs of older Australians.

### **Recommendation 8**

*The Committee recommends that the Australian Institute of Criminology conduct a comparative study of the effectiveness of local council initiatives for the reduction and prevention of crime.*

### **Response**

The Australian Government does not accept this recommendation. The evaluation of local government programs is the responsibility of State and Territory governments.

The Australian Institute of Criminology is, however, currently undertaking a range of crime prevention initiatives in cooperation with local governments throughout Australia including conducting conferences and seminars. The Institute also plays an important role in assisting State and Territory governments in developing policy, program delivery and evaluation capacity by providing expert advice and guidance through for example, its Crime Reduction and Review research program:

- Western Australia - a collaborative research and strategic development agreement with the Western Australian Office of Crime Prevention, that includes evaluation and review of local and regional crime prevention and reduction activities.
- New South Wales - commissioned by the New South Wales Attorney-General's Department, the project involved reviewing local crime prevention planning processes, including an examination of how well these plans have linked to identified local problems.
- Findings from NSW and WA are being used to assist and advise other State and Territory governments, on issues to do with local community crime prevention work.

### **Recommendation 9**

*The Committee recommends that the Commonwealth Government facilitate the development of a database by local councils and local non-government organisations and individuals detailing successful strategies for the reduction and prevention of crime in local communities. The Committee envisages that this could be done as an extension of the National Community Crime Prevention Programme.*

### **Response**

The Australian Government has already implemented the intent of this recommendation in other contexts.

The Australian Government recognises that crime prevention is a key activity for the local government sector and already supports a number of clearinghouses that maintain databases which contain data on successful crime prevention strategies at the local level, for example, the Australian Domestic Violence Clearinghouse.



In relation to the National Community Crime Prevention Programme (NCCPP), the NCCPP website currently contains information about successful recipients of grants under the Programme which includes 45 grants for crime prevention projects run by local governments. The objective of the NCCPP is to provide support for local projects and to trial new and innovative approaches to crime prevention. A compulsory requirement of all NCCPP funding agreements is the inclusion of an evaluation strategy. The Australian Institute of Criminology (AIC) is currently working with the NCCPP on policy and programme development to provide technical expertise in evaluation. It is hoped that this work will build an evidence base that will strengthen the prospect of transferring elements of successful projects to communities demonstrating similar crime prevention concerns.

The AIC also provides links from its webpage to crime prevention and community safety plans, strategies and projects undertaken by local governments and councils. The AIC also hosts the annual Australian Crime and Violence Prevention Awards which are designed to reward the most outstanding projects for the prevention or reduction of violence in Australia, to encourage public initiatives and to assist all levels of government in identifying and developing practical projects which will reduce violence in the community. Information about these successful projects is also provided on the AIC website.

### **Recommendation 10**

*The Committee recommends that a greater level of resources be made available to police servicing local communities, with the Commonwealth seeking a commitment from the States and Territories at the relevant Council of Australian Governments meeting.*

### **Response**

The Australian Government will draw this recommendation to the attention of the Australasian Police Ministers' Council for State and Territory government consideration as community policing services are the responsibility of State and Territory government agencies.

### **Recommendation 11**

*The Committee recommends that the Australian Federal Police, as a national body, assume a coordinating and leadership role in the process of establishing a consistent national police data collection method.*

### **Response**

The Australian Government does not accept this recommendation. It is outside the role of the Australian Federal Police to establish or coordinate a national data collection system.

The role of the Australian Federal Police (AFP) is to enforce Commonwealth criminal law and protect Commonwealth and national interests from crime in Australia. The AFP is also Australia's international law enforcement and policing representative, and the chief source of advice to the Australian Government on policing issues.

The Australian Government notes that the Australian Bureau of Statistics already plays an important role in recording crime statistics. In particular, the Government notes that the ABS' National Centre for Crime and Justice Statistics (NCCJS) has responsibility for leadership and coordination of national statistical activity in the criminal justice field. Within the NCCJS, the National Crime Statistics Unit (NCSU) was established in 1995 to initiate, coordinate and oversee the development and production of national uniform crime statistics.

The NCSU was established under an Inter-Governmental Agreement and is one of three statistical units within the NCCJS (the other two being the National Criminal Courts Statistics Unit and the National Corrective Services Statistics Unit). The Inter-Governmental Agreement for the NCSU specifies its roles and actions as follows:

- to develop concepts, definitions and procedures and set standards for the collection of uniform national crime statistics
- to assist with training, monitoring and auditing of data quality to ensure the quality of uniform national crime statistics
- to collect, compile, analyse, publish and disseminate uniform national crime statistics, presenting data in such a way as to aid interpretation and use
- to advise and assist participating agencies on the development of their own statistical systems to meet state, territory and national statistical needs
- to establish statistical frameworks and systems in the crime area to provide a better understanding of the criminal environment in the context of the overall criminal justice system; and
- to assist in developing a program of national crime victim surveys to complement the statistics available from police information systems.

Since 1995, the NCSU has published national recorded crime statistics, drawing on uniform data from all States and Territories and continues to work with State and Territory governments to develop and expand the collection and ensure that common procedures and standards are used wherever possible. The Australian Bureau of Statistics, with support from the Police Statisticians Group and the NCSU Advisory Group, is currently working on a National Crime Recording Standard. This project aims to promote greater reliability and consistency in collecting and recording crime data by instituting procedures to standardise and enhance recording practices and counting rules.

## **Recommendation 12**

*The Committee recommends that State and Territory police forces work with the Australian Bureau of Statistics and State and Territory justice departments to develop more consistent methods of recording and releasing statistical information to enable more effective research, program implementation and evaluation. This would also allow for the early identification of national, State and Territory crime trends.*

## **Response**

The Australian Government supports the development of better statistics and accepts the intent of this recommendation. It will draw the recommendation to the attention of

the Australasian Police Ministers' Council for State and Territory government consideration.

The Australian Government notes that the Australian Bureau of Statistics' (ABS) National Centre for Crime and Justice Statistics is already working to develop and produce national uniform crime statistics – see the response to Recommendation 11 above.

The Australian Government also notes that other key Australian Government agencies such as the Australian Institute of Criminology are involved with the work of the National Crime Statistics Unit and other ABS activities such as the working group on crime victimisation surveys and leading collaborative work with other key agencies across Australia to progress measures of recidivism and to classify information needs relating to drugs, alcohol and crime.

Further, the Australian Government is improving consistency of recording and release for national crime data pertaining to juveniles through the Juvenile Justice National Minimum Data Set (NMDS). The NMDS is administrative data collected centrally and according to national standards at the Australian Institute for Health and Welfare in collaboration with all Australian State and Territory departments with responsibilities for juvenile justice. It is the first nationally consistent minimum data set providing data on juvenile justice clients experiencing supervision both within the community and in detention.

### **Recommendation 13**

*The Committee recommends that either the Australian Crime Commission or the Australian Federal Police work with State and Territory police forces to establish a common data recording system such as that used by the New York Police Department. Such a system would work in the following way:*

- *Local police commands would process crime data within their command daily which would allow for more efficient allocation of resources*
- *The data would be used to pinpoint crime trends and localities to allow resources to be dispatched to manage crime outbreaks, and*
- *Daily crime data would be forwarded to either the Australian Crime Commission or Australian Federal Police which would then publish the data daily, thereby providing transparency.*

### **Response**

The Australian Government does not accept this recommendation.

The receipt, analysis and publication of daily crime data is a State and Territory government responsibility and is a task that is beyond the respective roles of the Australian Federal Police and the Australian Crime Commission. Individual police jurisdictions collect local intelligence data that informs the disbursement of resources to meet the operational needs of that jurisdiction. The use of daily crime data has little relevance within a national policing context.

The role of the Australian Federal Police (AFP) is to enforce Commonwealth criminal law and protect Commonwealth and national interests from crime in Australia. The

AFP is also Australia's international law enforcement and policing representative, and the chief source of advice to the Australian Government on policing issues.

The Australian Crime Commission (ACC) works nationally with other Commonwealth and State and Territory agencies to counter serious and organised crime. It aims to bring together all arms of intelligence gathering and law enforcement to unify the fight against serious and organised criminal activity. The ACC's intelligence functions include maintaining the Australian Criminal Intelligence Database (ACID), a secure, centralised, national repository for national criminal intelligence.

The Australian Government notes that Australian police services have a long established commitment to the exchange of national policing information. In May 1990, Australian police ministers formally established the National Exchange of Police Information (NEPI) to combine the resources of jurisdictions and maximise the exchange of operational information between jurisdictions. The establishment of the CrimTrac Agency in 2000 has taken over this function and capitalised on advances in technology to provide integrated policing information including providing police with fast, on-line, easy to use access to consolidated, national operational information. This information, along with that available via the new national fingerprint and DNA systems, augments the other tools that police officers need to be effective. CrimTrac is endorsed by all State and Territory governments and all Police services work closely with the CrimTrac agency to implement and maintain these new systems.

#### **Recommendation 14**

*The Committee recommends that data resulting from research be collected centrally and be made available to others (including agencies and individual researchers) for further research.*

#### **Response**

The Australian Government recognises the importance of data collection and publication for research purposes and is currently implementing the intent of this recommendation in a range of fora.

For example, the Juvenile Justice National Minimum Data Set (NMDS) is administrative data which is collected centrally at the Australian Institute for Health and Welfare according to national standards to ensure consistency, and is published – see also the response to recommendation 12 above. These reports are routinely distributed to relevant government agencies and stakeholders. Also, as data custodian for the juvenile justice NMDS, the AIHW will respond to requests for access to the data from agencies and individual researchers. The AIHW provides restricted data access, subject to ethics approval from relevant ethics bodies (including the AIHW Ethics Committee) and permission from the relevant data provider/s.

Similar to AIHW, the Australian Institute of Criminology (AIC) provides restricted access to its data holdings, subject to conditions. In addition the AIC performs a crucial service by publishing a national overview each year, of crime and justice statistics in Australia. It is also involved in undertaking additional analysis of datasets generated by other collection agencies, for example the Australian Bureau of Statistics. As the Australian Government's pre-eminent national crime and criminal justice research agency, the AIC plays a vital role in distributing the findings of research through its various publications, alert systems, and its website to both

policy makers and practitioners. Its website was recently recognised by the US Department of Justice as one of the five most useful sources of data and research on crime and justice in the world.

Also, the ABS is currently developing a demonstration National Data Network, which is intended to be a national platform for acquiring, integrating and sharing data relevant to policy and research in Australia. The Network will be developed to increase the availability, accessibility, and useability of information sources relevant to policy analysis and research - particularly key administrative and survey data sets held by State, Territory and Australian Government agencies.

The ABS has also reached agreement with its key stakeholders on Australia's statistical priorities as they relate to the field of crime and justice. Through its National Centre for Crime and Justice Statistics, the ABS has engaged broadly with stakeholders in the field of crime and justice to produce an Information Development Plan for Crime and Justice (IDP) which was published in June 2005. The IDP establishes a shared responsibility between the ABS and major users and data custodians for collaborative work to meet the identified priorities. The activities conducted in response to the IDP, as well as the IDP process itself, will assist in implementing the intent of this recommendation.

Note: The Australian Government supports this recommendation as it refers to statistical research information which does not identify any particular individual. To the extent to which the recommendation refers to data sharing which does contain personal information then agencies are obliged to deal with such data in accordance with the Information Privacy Principles and any agency specific legislation on confidentiality requirements which would affect information sharing.

## **Recommendation 15**

*Recognising the value of longitudinal research, the Committee recommends that funding be made available accordingly.*

### **Response**

The Australian Government accepts this recommendation.

The Australian Government recognises the importance of conducting longitudinal research and will continue to support further research of this type in Australia. The benefits of this research are well recognised, for instance, longitudinal studies in children's development both in Australia and overseas have shown significant social policy-relevant results.

Also, the Australian Government has committed a further \$4.62 million over three years to continue the Australian Longitudinal Study on Women's Health, conducted by the Universities of Newcastle and Queensland.

The study commenced in 1995 and involves 40,000 women, of which over 60 per cent are from rural or remote areas and explores social behavioural and economic determinants of health, including domestic violence, and their relationship to health outcomes and use of health services at key points in women's lives.

The Australian Government has also committed \$20.2 million to *Growing Up in Australia*, the Longitudinal Study of Australian Children funded as part of the

Government's Stronger Families and Communities Strategy. This study is one of the largest and most complex studies of this nature that has ever been undertaken in Australia. It aims to examine the impact of Australia's unique social and cultural environment on the next generation and will further understanding of early childhood development, inform social policy debate, and be used to identify opportunities for early intervention and prevention strategies in policy areas concerning children.

Also, the Australian Institute for Health and Welfare's Juvenile Justice National Minimum Data Set (NDMS) is a unit record based collection which therefore allows the tracking longitudinally of young people's involvement with juvenile justice supervision. The first report of the NMDS contains four years of data (2000-01 to 2003-04).

## **Recommendation 16**

*The Committee recommends that compulsory evaluation procedures are built into requirements for crime prevention grant funding.*

## **Response**

The Australian Government has already implemented this recommendation and will also draw it to the attention of the Australasian Police Ministers' Council for State and Territory government consideration.

The Australian Government will continue to emphasise the importance of evaluation in the crime prevention context. For example, the Government's National Community Crime Prevention Programme (NCCPP) provides grant funding for community-based crime prevention projects and a compulsory requirement of all NCCPP funding agreements is the inclusion of an evaluation strategy. The Australian Institute of Criminology is also working with the NCCPP on policy and program development to provide technical expertise in evaluation. The aim of this work is to build an evidence base which will strengthen the prospect of transferring elements of successful programs to communities demonstrating similar crime prevention concerns.

In November 2005 the Australian Institute of Criminology, in partnership with the NSW Attorney-General's Department, hosted a national conference focused on the importance of evaluation and the use of evidence based policy in the development and implementation effective crime prevention programs.

In the international context, the Australian Government is also working with the International Centre for Crime Prevention to develop a suite of practical tools which will help small organisations assess local issues, identify practical solutions and evaluate their projects.

## **VOLUME 2**

### **Recommendation 1**

*That the Queensland Government publicly release the 1996 advice on the Morris/Howard Report provided by the Director of Public Prosecutions to the then Borbidge Government.*

## **Response**

The Australian Government will draw this recommendation to the attention of the Queensland Government for its consideration.

## **Recommendation 2**

*Given that it is beyond doubt that the Cabinet was fully aware that the documents were likely to be required in judicial proceedings and thereby knowingly removed the rights of at least one prospective litigant; previous interpretations of the applicability of section 129 as not applying to the shredding have been proven erroneous in the light of the conviction of Pastor Douglas Ensbey; and acting on legal advice such as that provided by the then Queensland Crown Solicitor does not negate responsibility for taking the action in question, the Committee has no choice but to recommend that members of the Queensland Cabinet at the time that the decision was made to shred the documents gathered by the Heiner inquiry be charged for an offence pursuant to section 129 of the Queensland Criminal Code Act 1899.*

*Charges pursuant to sections 132 and 140 of the Queensland Criminal Code Act 1899 may also arise.*

## **Response**

The Australian Government will draw this recommendation to the attention of the Queensland Government for its consideration.

## **Recommendation 3**

*That a special prosecutor be appointed to investigate all aspects of the Heiner Affair, as well as allegations of abuse at John Oxley Youth Centre that may not have been aired as part of the Heiner inquiry and may not have been considered by the Forde or other inquiries.*

*That this special prosecutor be empowered to call all relevant persons with information as to the content of the Heiner inquiry documents, including but not necessarily limited to: Public servants at the time, including staff of the then Department of Family Services, the Criminal Justice Commission, Queensland Police, and the John Oxley Youth Centre and relevant union officials.*

*That the special prosecutor be furnished with all available documentation, including all Cabinet documents, advices tendered to Government, records from the John Oxley Youth Centre and records held by the Department of Family Services, the Criminal Justice Commission and the Queensland Police.*

## **Response**

The Australian Government will draw this recommendation to the attention of the Queensland Government for its consideration.

## **Recommendation 4**

*That the Commonwealth, through the Council of Australian Governments process, obtain a commitment from the States and Territories to legislate to require the retention for 30 years of documentation relating to allegations of abuse of children.*

## **Response**

The Australian Government will draw this recommendation to the attention of the Australasian Police Ministers' Council and the Community and Disability Services Ministers' Conference for State and Territory government consideration.

The Australian Government notes a key principle underpinning the Australian criminal justice system is that a person alleged to have committed an offence is presumed to be innocent until proven guilty. The implementation of this recommendation could undermine the presumption of innocence and the procedures and laws ancillary to this key principle. For example, laws relating to the burden of proof in criminal prosecutions may be affected.

The Australian Government notes that the level of surveillance suggested in this recommendation is not appropriate for unproven allegations, particularly when compared with existing Commonwealth legislative regimes.

Finally, it is relevant to note that in the case of convicted child sex offenders listed on the Australian National Child Offender Register, the Australian Government does not support the public release of, or public access to, the information recorded in any national register.

## **Recommendation 5**

*The Committee recommends that the Commonwealth gain a commitment from the Queensland Government within the framework of the Council of Australian Governments to introduce an accreditation system for disabled care facilities similar to that introduced by the Commonwealth for aged care.*

## **Response**

The Australian Government will draw this recommendation to the attention of the Queensland Government for its consideration.

## **Recommendation 6**

*The Committee recommends that the Commonwealth gain a commitment from the Queensland Government within the framework of the Council of Australian Governments that the Queensland Auditor-General be given the power to conduct performance audits of Queensland public sector entities comparable to the performance audit power available to the Commonwealth Auditor-General.*

## **Response**

The Australian Government will draw this recommendation to the attention of the Queensland Government for its consideration.