

**APPENDIX 3**

**JOINT COMMITTEE ON THE NATIONAL CRIME  
AUTHORITY**

**REPORT ON *WITNESS PROTECTION*: MAY 1988<sup>1</sup>**

**RECOMMENDATIONS**

**The Committee recommends:**

- (a) that the Australian Federal Police should assume an expanded national witness protection role; and
- (b) that a National Witness Protection Liaison Committee be established under the auspices of the Australian Police Ministers' Council to facilitate greater co-ordination and co-operation between the 8 police forces in the provision of witness protection.

**The Committee recommends** that the legislation relating to the registration of births in each State and Territory be amended to provide a mechanism similar to that presently applying in cases of adoption whereby a protected witness may be issued with a birth certificate in a new name which does not indicate that any change of name has taken place. The original birth certificate should be kept in a closed register available only to the protected witness or duly authorised persons.

**The Committee recommends** that complementary State and Federal legislation relating to witness protection should indemnify from any civil or criminal liability persons acting in an official capacity who alter records or issue documents to reflect the new identity of a protected witness.

**The Committee recommends** that complementary State and Federal legislation relating to witness protection should make it a criminal offence for a person to compromise the security of a protected witness by revealing details of the witness' change of identity. An appropriate penalty reflecting the gravity of the offence should be imposed.

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<sup>1</sup> *Witness Protection*, Report by the Parliamentary Joint Committee on the National Crime Authority, AGPS Canberra, Parliamentary Paper No. 193/88, tabled on 26 May 1988.

**The Committee recommends** that, where presently unavailable, appropriate mechanisms be established to handle complaints from persons who believe that they have been unjustly denied protection or who are aggrieved by decisions made by agencies in the administration of witness protection schemes.

**The Committee recommends** that complementary State and Federal legislation relating to witness protection should:

- (a) give clear legislative authority for the protection of witnesses by relocation;
- (b) set out mechanisms whereby protected witnesses may be prevented from evading their civil debts and from avoiding obligations imposed on them by the Family Court;
- (c) ensure that, if a protected witness commits a crime, the witness' criminal record under his or her old identity will be revealed to the responsible investigative agency;
- (d) establish procedures whereby the hearing of cases in which protected witnesses are to testify can be expedited; and
- (e) clarify the law with regard to the suppression of details identifying a protected witness.

**The Committee recommends** that the complementary legislation relating to the interstate transfer of prisoners be amended to specify the protection of a custodial witness as a ground for transfer.

**The Committee recommends** that appropriate steps be taken to ensure:

- (a) that the fact that custodial witnesses serve their sentences under harsher conditions is taken into account in making decisions concerning the release of such witnesses on licence or parole;
- (b) that the families of custodial witnesses are adequately protected; and
- (c) that custodial witnesses are given clear undertakings as to the arrangements proposed for their protection on release.