

Australian Crime Commission

ABSTRACT

Address by the CEO of the Australian Crime Commission, Alastair Milroy, to the 2008 Bennelong Society Conference - 20 June 2008

The Australian Crime Commission

The ACC is established under the *Australian Crime Commission Act 2002* as a statutory body to combat serious and organised crime. The ACC has a range of functions centred around intelligence collection and dissemination, and criminal investigations. The ACC works collaboratively with state and territory police forces and Commonwealth agencies.

The National Indigenous Violence and Child Abuse Intelligence Task Force (NIITF)

The NIITF was established by the ACC Board in July 2006 (operations began in December 2006) following a resolution by the Australian Police Minister's Council, to establish a national intelligence unit. Reflecting a 'whole of government' approach, the Task Force is responsible for the collection, collation, analysis and sharing of intelligence on violence and child abuse from Indigenous communities across remote, regional and urban Australia.

The primary objectives of the Task Force are to:

- improve national coordination in the collection and sharing of relevant information and intelligence;
- enhance national understanding about the nature and extent of violence and child abuse in Indigenous communities;
- provide related intelligence and other advice, including on organised criminal involvement in drugs, alcohol, pornography and fraud; and
- conduct research on intelligence and information coordination and identification of good practice in the prevention, detection and responses to violence and child abuse in Indigenous communities.

As at 31 May 2008 the ACC has made over 177 visits to 142 communities across Australia, and held over 1200 meetings. In addition 340 disseminations have been made to partner agencies. This has resulted in the upload of over 800 reports relating to Indigenous violence and child abuse onto the ACC's Criminal Intelligence Database (ACID).

The ACC's effectiveness in collating this level of intelligence has been achieved through consulting widely with stakeholders—Indigenous leaders, health and education workers, police, government officials from all tiers of government—and importantly, community members.

Findings

Although the NIITF was established to meet a law and order objective, the work of the Task Force recognises the complexity of issues contributing to Indigenous violence and child abuse.

These findings are based on the intelligence collated from the 177 communities visited in each of the state and territories. They confirm many of the reports provided over recent years.

- Most, if not all the Indigenous communities visited by the Task Force are living in a society characterised by a breakdown in what may be considered social norms and values.
- Neglect of children appears to be widespread across most jurisdictions and is the issue of greatest concern to some service providers.
- Instances of child sexual abuse range from inappropriate touching, through to sodomy and rape. There are high number of STIs, sexual assault and pregnancies reported for children under the age of consent. There is widespread use of contraceptive implants and injections among girls with a high representation of 12 year olds, making them a target for sexual attention.
- There are examples of convicted child sex offenders working with children.
- There is a clear link between alcohol and substance abuse and child sexual abuse.
- The link between pornography and sexual violence, including problem sexualised behaviours is a contested one and the nature of pornography in Indigenous communities is still not understood. Intelligence suggests pornography is more prevalent in some communities than others.

- Intelligence suggests that children as young as seven are actively using drugs, such as marijuana, or using alcohol, or passively smoking cannabis being used by their parents or carers. Intelligence has highlighted the effects of fetal alcohol syndrome (F-A-S), or fetal alcohol effect (F-A-E), or Alcohol Related Neuro-Developmental Disorders on Indigenous children.
- The sale of alcohol and other drugs especially in remote and restricted 'dry' communities is lucrative.
- There appears to be a direct link between lower levels of violence and alcohol abuse and the presence of police in the community.
- In some cases prominent families are dominating communities through nepotism and intimidation in order to further criminal activities.
- Under-reporting is a fundamental cause of not understanding the true nature and extent of child abuse in Indigenous communities.

Coercive Powers

Where required, the ACC can draw on a set of 'special coercive powers' (similar to those of a Royal Commission) which allow the ACC to:

- summons any witness to appear before an examination;
- require a witness to give evidence of their knowledge of matters concerning criminal activities; and
- require the person to provide documents.

The powers have been implemented under a special intelligence operation approved by the ACC Board. The use of special powers by the NIITF is viewed as essential to addressing barriers to crucial information held by service providers and government agencies.

It is not the intention of the Task Force to call victims before hearings, and those summonsed to appear are not necessarily suspected of criminal involvement but are called upon to provide the information they have.

Information provided in examinations is protected by secrecy provisions. These provisions include providing witnesses with confidentiality and legal protections against self-incrimination. This means that witnesses who have been silenced due to fear and intimidation are by and large willing to come forward and provide testimony. Coercive powers provide access to records usually inaccessible by other State and Commonwealth agencies.

At an operational level the Task Force is helping law enforcement investigations to connect suspected criminal activity, perpetrators and their victims. The intelligence gathered and analysed provides both a qualitative and quantitative evidence base to help policy makers develop more targeted responses.

Summary

In summary, key law and order "systems" issues which impact upon the broader issues of child abuse, violence and substance abuse in Indigenous communities, are:

- Information sharing between all levels of government;
- Information sharing between all service providers—within communities, between communities; across and between regions and across state borders;
- Under-reporting; and
- Associated causes of under-reporting such as abusive systems of power and associated criminal activities.

The ACC will be producing reports for the ACC Board's consideration, based on the evidence of the Task Force, to feed into the development of future government policy. The ACC will focus on issues concerning:

- law and order, such as strategies to respond to criminal activities;
- the effectiveness of current legislation;
- recommendations for further research;
- information sharing between:
 - governments at all levels;
 - service providers within communities,
 - between communities; and
 - across borders.
- how these elements can be linked into a functioning partnership.