



**LEGISLATIVE ASSEMBLY**  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

Mrs Giulia Jones MLA (Chair), Ms Bec Cody MLA (Deputy Chair), Mr Deepak-Raj Gupta MLA

***Evaluation of Current ACT Policing***

**Submission 2**  
**Australian Federal Police**

Date authorised for publication – 28 April 2020



UNCLASSIFIED



**AFP**

AUSTRALIAN FEDERAL POLICE



Australian Capital  
Territory (ACT)  
Government  
Standing  
Committee on  
Justice and  
Community  
Safety

Inquiry and Evaluation into  
current ACT Policing  
Arrangements and  
Practices.

February 2020

Submission by the  
Australian Federal Police

UNCLASSIFIED

Contents

Introduction..... 3

Terms of Reference ..... 3

Having regard to the unique collaborative arrangement for policing in the ACT that currently operates in the ACT, and the importance of strong and recognised relations between ACT Policing and the Canberra community, the Committee resolves to conduct an inquiry and review of all current arrangements and practices, including the following: ..... 3

1. The reasons and rationale for the current model and operational business plans for ACT Policing. .... 3

2. The adequacy and reliability of the Purchase Agreement between ACT Government and the Commonwealth Government. .... 6

3. The scope and detail of current and future proposed services, obligations and support, from both the Commonwealth and the ACT which provide for the implementation and operations of ACT Policing. .... 7

4. The opportunities provided for the provision of policing services to the ACT under the benefits for both jurisdictions—including:..... 9

a) The opportunities provided under the 2017 policing arrangement for the AFP workforce to access community policing training and experience; ..... 9

b) The access to current policing services provided under the 2017 policing arrangement, including the degree of independence in provision and implementation of police services in the ACT. .... 10

c) The resources and infrastructure, including training, selection, organisation, community involvement and factors relevant to provision and growth of policing services which are governed by the 2017 policing arrangement available to an independent ACT police service; and ..... 10

d) The current accountability mechanisms established and utilised under the 2017 policing arrangement, including: ..... 12

i. applicable current reporting requirements on exercise of ministerial control and direction; .. 12

ii. the Australian Government’s current governance arrangements for the AFP; ..... 13

iii. scrutiny and report of ACT Policing by the ACT Ombudsman; ..... 16

iv. audit of ACT Policing by the ACT and Australian Auditors-General; and ..... 17

v. oversight of ACT Policing and AFP by the Australian Commission for Law Enforcement Integrity..... 19

5. Any specific matters which may require extension of the terms of the 2017 policing agreement or other Commonwealth Legislative Instruments. and, potentially, effect better policing outcomes by a greater focus on service delivery. .... 19

6. Other matters which are relevant to this inquiry..... 19

Conclusion..... 19

## Introduction

The AFP welcomes the opportunity to make a submission to the Australian Capital Territory (ACT) Legislative Assembly Standing Committee as part of its inquiry and evaluation into ACT Policing, including current arrangements, practices and performance.

1. The Committee's inquiry will evaluate and review key arrangements that govern the delivery of policing services to the ACT, including Commonwealth instruments and the Policing Arrangement (Attachment A), the Purchase Agreement (Attachment B) and the Ministerial Direction (Attachment C).
2. The AFP delivers a comprehensive community policing capability to the ACT Government that provides value for money (leveraging national enabling services, specialist support and oversight mechanisms) to maximise community safety.
3. The AFP is happy to expand on the issues set out in this submission if it would assist the Committee's inquiry.

## Terms of Reference

**Having regard to the unique collaborative arrangement for policing in the ACT that currently operates in the ACT, and the importance of strong and recognised relations between ACT Policing and the Canberra community, the Committee resolves to conduct an inquiry and review of all current arrangements and practices, including the following:**

**1. The reasons and rationale for the current model and operational business plans for ACT Policing.**

4. The current model and operational business plans are shaped through key documents and deliverables, including the Purchase Agreement, Policing Arrangement, and the Ministerial Direction (to be read in conjunction with one another) as well as ACT Government policies and community expectations.

### ***Ministerial Direction***

5. The Minister for Police and Emergency Services can issue a Ministerial Direction that outlines the Government's priorities and expectations for the Australian Federal Police (AFP) and more specifically, the Chief Police Officer for the ACT. This document is to be read in conjunction with the 2017-21 Purchase Agreement.
6. The Government has committed its support to and [has stated that it] expects ACT Policing will focus its activities on the following key strategic priorities:
  - o Transitioning to a new policing service model that sees ACT Policing evolving in line with population growth and community expectations by providing a proactive, community focused policing service, centred on the disruption and prevention of crime

- In support of Government's overall efforts to reduce recidivism by 25 percent by 2025, increase early intervention and diversion strategies and continue to work with the Aboriginal and Torres Strait Islander community to identify ways to reduce the over-representation of Aboriginal and Torres Strait Islander people in the criminal justice system
  - Contribute to Canberra as a restorative city and continue to improve responses to vulnerable groups including Aboriginal and Torres Strait Islander people, young people, people experiencing mental health issues, people with a disability, culturally and linguistically diverse people and victims of crime
  - Strengthening the ACT's response to domestic and family violence in appropriate and culturally sensitive ways and supporting the efforts of the Coordinator-General for Family Safety
  - Working proactively and innovatively with Government to reduce and prevent alcohol-fuelled violence, including enforcing liquor laws, maintaining a presence in night entertainment precincts and responding to alcohol related violent incidents
  - Improving road safety, with emphasis on reducing road trauma experienced by vulnerable road users and combating anti-social and dangerous behaviours including speeding, driving while impaired or distracted
  - Disrupting serious and organised crime, including criminal gangs, drug trafficking and supply; and economic disruption to target the proceeds of crime, in addition to working with the Government to identify and implement legislative measures to target serious and organised crime
  - Drug harm minimisation by continuing to focus on diverting lower level drug offenders from the criminal justice process in accordance with the National Drug Strategy and the Government's policy settings such as the ACT Drug Strategy Action Plan
  - Countering the threat of terrorism and violent extremism by continuing to strengthen the safety of the ACT's public places in line with national strategies and best practice; and developing a fixated threat capability to meet the Government's obligations under the October 2017 Council of Australian Governments agreement
7. In addition to the special areas of focus identified in the Ministerial Direction, ACT Policing is required to prepare, adapt and respond to changes in responsibilities and expectations from the government and community.

***ACT Policing Approach***

8. The ACT Policing approach to community policing is underpinned by a series of strategies and initiatives that support the three main outcomes against which

ACT Policing's performance is measured. These outcomes are outlined in Schedule 3 – *Performance Reporting* of the Purchase Agreement:

## 9. Reduce Crime

- Continued support against the ACT Property Crime Prevention Strategy 2016–2020, by promoting innovative and enduring crime prevention strategies and reducing the opportunities for crime to occur or recur
- Enhancing our response to, and the investigation of, offences by forging strong relationships with stakeholders to facilitate whole-of-government and cross-jurisdictional information sharing and collaboration
- Applying technology and forensic science capabilities and effectively using intelligence from a wide range of sources
- Providing effective and efficient support to the judicial process by maintaining a robust partnership with the ACT Director of Public Prosecutions and delivering high standard briefs in a timely manner
- Facilitating a more efficient criminal justice system with emphasis on timely preventive justice measures and judicial processes

## 10. Public Safety

- Responding in accordance with community expectations, ensuring resources meet demands and enhancing police responsiveness through mobility solutions
- Effectively planning and managing major events and public demonstrations by reviewing and improving existing arrangements, working with the community and relevant agencies and conducting post-operational assessments for continuous improvement and better practice
- Working with partners to develop and maintain preparedness in response to emergencies and disasters
- Improving and promoting road safety through education, innovation and targeted enforcement by working with partner agencies, supporting the ACT Road Safety Strategy and Action Plan and maintaining targets to align with the ACT Road Safety Calendar

## 11. Community and Partner Engagement

- Increasing community trust and confidence in police by communicating in innovative ways with the community, maintaining a social media presence and collaborating with partner agencies, business and community groups to support community events
- Increasing support for early intervention and diversion by working with partner agencies and community groups to prevent and reduce recidivism.
- Continuing support and delivery in line with the new ACT Aboriginal and Torres Strait Islander Agreement 2019–2028 to prevent and reduce the

number of Aboriginal and Torres Strait Islander peoples coming into contact with the criminal justice system

- Supporting the National Plan to Reduce Violence against Women and their Children 2010–2022 and further initiatives that deter, detect and prevent violence against women and children
- Enhancing and strengthening the resilience of communities through safety and security initiatives and building relationships with vulnerable community groups

**2. The adequacy and reliability of the Purchase Agreement between ACT Government and the Commonwealth Government.**

***ACT Government***

12. The AFP, through ACT Policing, delivers a professional, innovative and effective policing service to the people of the ACT.
13. Both the Policing Arrangement and the Purchase Agreement 2017-21 ensures there is mutual benefit for both parties. The Policing Arrangement ensures the service provision is appropriate and cost effective.
14. The AFP, through ACT Policing, has performed strongly against the Purchase Agreement and Ministerial Direction, recording favourable results and high levels of community satisfaction.
15. The success of the AFP in delivering an efficient, professional and effective police service is most recently demonstrated in the 2020 Report on Government Services (ROGS), detailed below.

***Report on Government Services (ROGS)***

16. The 2020 ROGS by the Productivity Commission was released on 29 January 2020, reviewing the performance of key areas of government service delivery including police services.
17. The 2020 ROGS highlight ACT Policing continues to maintain the trust and confidence of the ACT community, with a high level of satisfaction in police treating people fairly and equally.
18. Community perceptions of feeling safe both on public transport at night, and at home alone during the night ranked above the national average and recorded the highest results nationally.
19. The ACT ranked second highest nationally on the indicator 'police perform job professionally'.
20. Complaints from the public decreased from the previous year, with the ACT showing the equal lowest rate of complaints per 100,000 people.

21. These results were achieved while operating with the lowest number of operational staff nationally, at 205 per 100,000 people compared to the national average of 278 per 100,000 people.
22. These results highlight the professionalism, efficiency and effectiveness of ACT Policing.

**3. The scope and detail of current and future proposed services, obligations and support, from both the Commonwealth and the ACT which provide for the implementation and operations of ACT Policing.**

***Police Services Model – prevention and disruption focus***

23. The ACT Policing Futures Program, with Government support and investment, is ensuring that ACT Policing is ready to deliver a sustainable, efficient and effective policing service to meet the current and long-term needs of the community. The program's priorities to date have been transforming to a new Police Services Model (PSM) and the long-term Master Accommodation Plan (MAP).
24. The scope of the PSM project involved a comprehensive review of the way policing services are delivered in the ACT and how the existing response model needs to evolve in order to service the community efficiently into the future.
25. The ACT Government investment of \$33.9m over the next four years will enable ACT Policing to start transitioning from a response focused police services model towards a more community-focused and crime prevention model of police service.
26. The aim of the new model is to prevent and disrupt crime before it is committed, to build capability and enhance ACT Policing's role in dealing with the most vulnerable in our community.
27. This new investment will enable ACT Policing to focus on education, disruption, prevention, diversion, community engagement and problem-solving activities which support key ACT Government priorities and targets, including:
  - Aboriginal and Torres Strait Islander Justice programs
  - Building Communities not Prisons
  - Blueprint for Youth Justice
  - Restorative Justice
  - Reducing family violence
  - Reducing recidivism by 25 per cent by 2025

***AFP Enabling Services Model***

28. The Purchase Agreement specifies the cost methodology behind 'enabling services' provided by the AFP to ACT Policing. The 'enabling services'

represents the services provided by the broader AFP in support of ACT Policing to deliver policing services to the ACT community.

29. The enabling service model allows ACT Policing to be a flexible and responsive organisation, adapting and reallocating resources as needed. Benefits of the enabling framework include the following:
  - Quality and specialised policing services provided to the ACT community.
  - Additional resources and workforce capability.
  - Surge capacity to respond to critical incidents/events
  - Value for money in leveraging internal AFP resources and equipment
  - Professional development opportunities for ACT Policing members
  - Meet its Legislative and COAG obligations
30. In line with the Purchase Agreement, ACT Policing's FTE is supplemented by the enabling services provided by the AFP. These services are provided by both sworn and professional members to ACT Policing under the enabling services model.
31. ACT Policing also conducts duties for planned and unplanned Commonwealth-funded activities, including:
  - ANZAC day commemorations
  - Guests of government visits
  - Unplanned Commonwealth protests, incidents or damage to Commonwealth property
  - Participation in national crime strategies and/or taskforce activities
32. Enabling services include corporate services (human resources, legal services, professional standards, occupational health and safety, finance and commercial, learning and development and information and communication technology), and operational support services (forensics, technical surveillance in addition to support from the Specialist Response Group and Canine).
33. The cost of enabling services is determined through an enabling cost model agreement between the AFP and the ACT Government, and is reviewed every four years. This agreement is currently under review as part of the Enabling Services Rebasing Project, and is due for completion around September 2020.
34. Working with stakeholders and independent consultants, the Enabling Services Rebasing Project will:
  - identify enabling services provided by the AFP and required by ACT Policing
  - assess and confirm the method for establishing the enabling services cost model

- identify the costs of enabling services provided by the AFP enabling business areas in the delivery of ACT community policing services
- identify marginal cost funding

**4. The opportunities provided for the provision of policing services to the ACT under the benefits for both jurisdictions—including:**

**a) The opportunities provided under the 2017 policing arrangement for the AFP workforce to access community policing training and experience;**

35. The enabling service model stipulated in the Purchase Agreement permits ACT Policing members to access training and professional development opportunities from the broader AFP.
36. As part of this framework, the ACT Government purchased a 'Workforce and Development' service by the AFP in 2018-19 at a cost of \$2.767m. This capability is delivered by the AFP Learning and Development portfolio, which is responsible for developing a skilled and capable workforce, including ACT Policing.
37. Ensuring there is regular mobility both into and out of ACT Policing is a priority for the AFP as it generates benefits for both staff and the organisation as a whole. Trade-craft, experience and skills learnt through both community policing and national investigations are transferrable to a wide variety of roles, and enhance the overall performance of the AFP. Joint training with AFP and ACT Policing through courses such as the Detective Training Program also provides an opportunity to transfer skills and experiences across the organisation.
38. ACT Policing benefits from the quality of applicant attracted to joining a national organisation like the AFP, as well as the stringent integrity and suitability gateways required to join the AFP.
39. In determining movements outside of ACT Policing, ACT Policing's primary consideration is in ensuring that resourcing meets the requirements set out by the ACT Government and the expectations of the ACT community.
40. ACT Policing ensures members are given the opportunity to develop skills in multiple operational areas across the organisation. This secondment or transfer of members to the wider AFP increases the overall capability profile and provides members a unique opportunity to experience national operations.
41. Transfers 'at current level' are considered on a case-by-case basis using an open and transparent decision making framework. Where ACT Policing members are found suitable for promotions or higher duties positions in excess of six months duration outside of ACT Policing, these transfers are automatically approved in accordance with the AFP governance framework.

42. The mandatory releases to National AFP ensure that ACT Policing members have regular opportunities for significant professional development across the organisation.

**b) The access to current policing services provided under the 2017 policing arrangement, including the degree of independence in provision and implementation of police services in the ACT.**

***Responsibilities under the Policing Arrangement***

43. Section 22(1) of the *Australian Capital Territory (Self Government) Act 1988* (Cth) (Self-Government Act) provides that the ACT Legislative Assembly has a plenary power to make laws for the peace, order and good government of the Territory. However, section 23(1)(c) excludes from that the ability to grant a power to make laws, with respect to the provision by the AFP of police services in relation to the Territory. As such, there is no Police Act or similar legislation in the ACT.
44. Subject to the terms of the Policing Arrangement, the responsibility of operational matters rests with the Commissioner of the AFP, which is then delegated to the Chief Police Officer for the ACT.
45. Despite the ACT Government determining the resources afforded to ACT Policing in the Purchase Agreement, the Chief Police Officer has independent oversight of the allocation and deployment of resources in addition to operational decisions.
46. The *Australian Federal Police Act 1979* provides that, in addition to any other powers and duties a member of the AFP has when performing functions in the ACT, the powers and duties conferred or imposed on a constable or an officer of police or under any law (including common law) of the ACT.

**c) The resources and infrastructure, including training, selection, organisation, community involvement and factors relevant to provision and growth of policing services which are governed by the 2017 policing arrangement available to an independent ACT police service; and**

***ACT Policing Futures Program***

47. Through the ACT Policing Futures Program, and with the continued support of government and the broader AFP, ACT Policing continues to benefit from a well-developed recruitment, training, career development and retention framework that reflects and supports a professional, dynamic and diverse workforce.
48. The program is continually examining our workforce readiness through five pillars:

- **Process and Governance** — Establishing a streamlined governance framework that is succinct, relevant and accessible, supports our business and enables interoperability with partner agencies
- **People and Training** — Developing recruitment, training, career development and retention frameworks that reflect and support a professional, dynamic and diverse workforce
- **Tools and Technology** — Using contemporary, adaptable and responsive technology solutions that are effective, functional and enhance policing outcomes
- **Logistics and Facilities** — Providing and reviewing accommodation facilities which are fit for purpose, in the right locations, support mobility and enable a dynamic and effective response to the needs of the ACT community
- **Information** — Ensuring information management and communication practices are concise, direct and provide relevant information in an appropriate, timely and consistent manner

#### ***Infrastructure & the Master Accommodation Plan***

49. The ACT Government owns many of the facilities and infrastructure used by ACT Policing. ACT Policing is housed within 10 facilities, seven of which are owned by the ACT Government. The AFP leases the remaining three facilities.
50. The AFP has overall responsibility for the safety and standard of accommodation provided to all AFP members including ACT Policing. As part of the ACT Policing Arrangement and Purchase Agreement, ACT Government has a requirement to provide fit for purpose facilities for ACT Policing. There are a number of facilities currently occupied by ACT Policing that would not be consistent with the standard of accommodation expected for AFP members. The priority areas of concern are the Traffic Operations Centre, Winchester Police Centre and Gungahlin Station.
51. ACT Policing and the ACT Government acknowledge the facilities are not at an appropriate standard and are working together to resolve these issues. ACT Policing and the Justice and Community Safety Directorate have developed a Strategic Accommodation Framework which has been considered and supported by the ACT Government. A 20 year accommodation plan is currently being developed as a priority, and will ultimately progress through future ACT Government budget processes. ACT Policing is confident that the uplift of its ACT Government owned facilities will be addressed through the current process, however, the AFP will continue to monitor the standard of the facilities and the progress of the 20 year accommodation plan.
52. The MAP supports the 'More services for our suburbs – Upgrading ACT Policing facilities' budget initiative through the provision of well-planned strategic

accommodation decisions, outlining the accommodation footprint that will best meet the future needs of ACT Policing and the ACT community.

53. The MAP project was initiated because the accommodation footprint lacked a comprehensive long-term strategy and had been reactive to urgent and unavoidable operational and safety requirements over the years.
54. The MAP together with ACT Government support will ensure ACT Policing facilities are fit for purpose, in the right locations, support mobility and enable a dynamic and effective response to the needs of the ACT community.
55. A *Strategy Accommodation Framework (SAF)* has been developed and brings together the risk-based, fit for purpose assessment of the current infrastructure portfolio used to inform the MAP. The SAF consists of four accommodation principles:
  - **Principle 1** – Maintain ACT Policing’s current and future accommodation infrastructure footprint in a fit for purpose state
  - **Principle 2** – Align ACT Policing’s infrastructure with operational needs, supporting capacity and capability in the context of the PSM
  - **Principle 3** – ACT Policing infrastructure presence should support a growing Canberra
  - **Principle 4** – Proactively manage ACT Policing’s infrastructure portfolio and accommodation needs, having regard for whole of government strategic plans and programs and working collaboratively across relevant ACT government agencies and other stakeholders

**d) The current accountability mechanisms established and utilised under the 2017 policing arrangement, including:**

**i. applicable current reporting requirements on exercise of ministerial control and direction;**

56. The AFP, through ACT Policing, adheres to rigorous reporting requirements and obligations across a range of legislation and mechanisms.
57. The Purchase Agreement details the governance arrangements between the Director-General of the Justice and Community Safety Directorate (JACS) and the Chief Police Officer. These governance arrangements:
  - set the strategy for the achievement of the objectives of the Arrangement and Agreement
  - make decisions on the strategic direction and management of the Arrangement and Agreement
  - measure and manage performance
  - ensure accountability
58. The ACT Policing’s Annual Report is prepared in accordance with:

- Section 10 of the Policing Arrangement between the Commonwealth and the ACT Government for the provision of services in the ACT
  - section 17 of the Agreement between the ACT Minister for Police and Emergency Services, Australian Federal Police Commissioner and the Chief Police Officer for the ACT for the provision of policing services to the ACT, 2017–2021
  - the *Australian Federal Police Act 1979* (Cth) and the *Public Governance, Performance and Accountability Act 2013* (Cth)
59. The ACT Policing's Special Purposes Annual Report (Attorney-General) is prepared in accordance with:
- section 258 of the *Confiscation of Criminal Assets Act 2003* (ACT)
  - section 38 of the *Crimes (Assumed Identities) Act 2009* (ACT)
  - section 21 of the *Crimes (Protection of Witness Identity) Act 2011* (ACT)
60. The ACT Policing's Special Purposes Annual Report (Minister for Police & Emergency Services) is prepared in accordance with:
- section 28 of the *Crimes (Controlled Operations) Act 2008* (ACT)
  - section 38 of the *Crimes (Surveillance Devices) Act 2010* (ACT)
61. The AFP also reports biannually on the performance of ACT Policing against the Purchase Agreement 2017-21 and the Ministerial Direction. These reports are prepared in accordance with Section 16 of the 2017-21 Purchase Agreement.

ii. **the Australian Government's current governance arrangements for the AFP;**

***Public Governance, Performance and Accountability Act 2013 (PGPA Act)***

62. The Public Governance, Performance and Accountability Act 2013 (PGPA Act) establishes a coherent system of governance and accountability for public resources, with an emphasis on planning, performance and reporting.
63. The PGPA is the cornerstone of the Commonwealth Resource Management Framework, and the key legislation that governs the use and management of public resources by the Commonwealth and Commonwealth entities and the accountability of Commonwealth companies.

***Australian Federal Police Act 1979 (Cth) (AFP Act)***

64. The AFP is a statutory authority established by the Federal Parliament under the *Australian Federal Police Act 1979* (Cth) (AFP Act).
65. The Commissioner of the Australian Federal Police can exercise powers under sections 37, 38 and 69C of the *Australian Federal Police Act 1979* (Cth), to

issue orders with respect to the general administration of, and the control of the operations of, the Australian Federal Police. These are known as Commissioner's Orders.

***Commissioner's Order on Governance (CO1)***

66. CO1 establishes a governance framework to support the effective performance of the AFP while ensuring key accountability and integrity requirements are met and managed to a high standard. It also provides appropriate authority to issue and amend governance instruments in a flexible and timely manner to respond to operational priorities and ongoing legislative reform.
67. Compliance with the AFP Governance Framework ensures:
- the AFP continues to enjoy a high level of confidence and support from government, the community and key partners
  - the requirements of the *Public Governance, Performance and Accountability Act 2013 (Cth)* are met
  - AFP appointees understand the status and importance of the wide range of instruments that apply to their day-to-day duties

***Commissioner's Order on Professional Standards (CO2)***

68. CO2 gives effect to relevant provisions of Part V of the AFP Act by:
- setting the professional standards of the AFP to maintain the good order and discipline of the organisation
  - outlining the AFP complaint management methodology and processes in accordance with Part V of the Act, including the roles of AFP appointees, Professional Standards (PRS) and the Professional Standards Panel
69. The term 'professional standards' refers to the Commissioner's expectations regarding how AFP appointees will conduct themselves. 'Professional Standards' also references the functional business area known as PRS that has the responsibility for managing professional standards issues under Part V of the AFP Act.
70. The professional standards of the AFP and its complaint management methodology and processes form part of the AFP integrity framework. The AFP integrity framework involves a range of strategies to prevent, detect and respond to the risk of corruption, misconduct and practices issues.

***Commissioners Order on Operational Safety (CO3)***

71. CO3 sets out the AFP policy and procedures in relation to operational safety and use of force practice, reporting, training, assessment, qualification and

administration. It is designed to ensure that AFP appointees effectively manage the response to conflict or potential conflict situations using the AFP use of force model and operational safety principles stipulated within CO3.

72. Under CO3, any use of force against another person by an AFP appointee, including ACT Policing members, in the course of their duties must be lawful and in accordance with this Order. The principles of negotiation, communication and de-escalation are always emphasised as being primary considerations prior to using physical force. Using reasonable force underpins all AFP conflict management strategies, training and the AFP's operational safety policy.
73. All use of force reports are assessed for compliance with CO3 by the respective business areas. In addition, the Ombudsman can, and does, enquire as to use of force incidents and is empowered to make recommendations for the ongoing transparency of use of force recording and reporting processes. Governance and oversight arrangements are in place to assure the community that any use of force is applied appropriately.

### ***Commissioner's Order on Security (C09)***

74. C09 gives effect to the application of Australian Government security requirements, policy, instructions and better practice being adopted as part of the AFP security governance framework. This order also establishes the security roles within the AFP.
75. The security of the AFP is complemented by the Australian Government Protective Security Policy Framework (PSPF) and the Information Security Manual.
76. In accordance with the Australian Government Protective Security Policy Framework mandatory requirements – GOV 5 and 6, the AFP has adopted:
  - a risk management approach to cover all areas of protective security across the AFP
  - protective security principles to ensure AFP appointees, information and resources are protected against security risks
77. AFP Security develops and maintains security capabilities sufficient to support AFP operational and business requirements. This is done via the four pillars:
  - personnel security
  - information security
  - physical security
  - governance

**iii. scrutiny and report of ACT Policing by the ACT Ombudsman;**

78. Certain powers of the AFP, through ACT Policing, are subject to oversight and investigation by the ACT Ombudsman.
79. The ACT Ombudsman is able to investigate complaints made about ACT Policing and inspect records of ACT Policing's use of the following covert and intrusive powers under the:
- *Crimes (Controlled Operations) Act 2008 (ACT)*
  - *Crimes (Assumed Identities) Act 2009 (ACT)*
  - *Crimes (Surveillance Devices) Act 2010 (ACT)*
  - compliance with Chapter 4 and Part 3.11 of the *Crimes (Child Sex Offenders) Act 2005 (ACT)*
80. In the ACT Ombudsman Annual Report 2018-19, complaints about ACT Policing fell, while complaints received about ACT Government agencies grew.
81. A total of 61 complaints were received about ACT Policing in 2018-19, down from 98 in 2017-18, and 133 in 2016-17, showing a downward trend.

**Commonwealth Ombudsman**

82. Detailed information about the comprehensive AFP Professional Standards Framework, governed by Part V of the AFP Act, is set out below. The Commonwealth Ombudsman may investigate complaints from people who believe they have been treated unfairly or unreasonably by an Australian Government department/agency or prescribed private sector organisation. The AFP, including ACT Policing, falls within the oversight of the Ombudsman.
83. The Ombudsman shares oversight of the *Public Interest Disclosure Act 2013 (PID Act)*, which provides a process for public officials to disclose suspected wrongdoing in the Commonwealth public sector.
84. The Ombudsman is responsible for overseeing approximately 20 law enforcement agencies and their use of certain covert and intrusive powers. For example, ACT Policing has reporting obligations to the Ombudsman in relation to surveillance devices, telecommunications interception, controlled operations and custodial facilities (practices, procedures and standards of care).
85. The Ombudsman's complaints handling, investigation, inspection and PID Scheme oversight work provides a window into possible maladministration and corruption risk across government.

**ACT Independent Integrity Commission proposal**

86. As Commonwealth officers, ACT Policing do not fall under the ACT Integrity Commission.

87. The *Australian Capital Territory (Self-Government) Act 1988* prevents the ACT Legislative Assembly from making laws for the provision of police services to the ACT by the AFP. Amendments to Commonwealth legislation would be necessary to allow the ACT Government to enact legislation for a new ACT integrity body to oversight ACT Policing.
88. The AFP has existing robust internal and external integrity mechanisms, including the AFP's Professional Standards Framework, independent oversight from ACLEI and the Commonwealth Ombudsman, enshrined in Commonwealth legislation (the AFP Act and the LEIC Act) that AFP members (including ACT Policing) are subject to. This is detailed further below.
89. Additional oversight of ACT Policing members would duplicate existing arrangements and add complexity in administration owing to external oversight frameworks already in existence.

**iv. audit of ACT Policing by the ACT and Australian Auditors-General; and**

90. The AFP, through ACT Policing, is subject to audits from both the ACT Auditor-General, reporting to the ACT Legislative Assembly, and the Australian Auditor-General, supported by the Australia National Audit Office and reporting to Australia Parliament.

***ACT Auditor-General's Report: ACT Policing Arrangement (Report 3, 2016)***

91. Pursuant to the *Auditor-General Act 1996*, the ACT Auditor-General conducted an audit on ACT Policing, to provide an independent opinion to the Legislative Assembly on the effectiveness of JACS management of the Policing Arrangement and associated annual Purchase Agreements, for the provision of community police services to the ACT by the AFP.
92. The report, titled "*ACT Policing Arrangement*" released in May 2016, made a number of conclusions, including:
- Effective governance arrangements are in place for the management and oversight of ACT Policing services by JACS. The Policing Arrangement and supporting annual Purchase Agreements provide a sound framework for the establishment and maintenance of the ongoing relationship between ACT Policing and the Territory
  - The services and deliverables to be provided by ACT Policing are well described in annual Purchase Agreements, which identify the outcomes, outputs, strategies and associated performance measures and indicators of effectiveness associated with the delivery of policing services in the ACT. These are effectively supplemented by Ministerial Directions, which are incorporated into ACT Policing annual Business Plans
  - JACS oversight of the Policing Arrangement and Purchase Agreement is primarily achieved through a comprehensive performance management

framework. The framework includes ACT Policing quarterly and annual reporting against relevant performance measures and indicators of effectiveness

- JACS activities to negotiate the Policing Arrangement and associated Purchase Agreement provide further oversight. At present, the term of the Policing Arrangement and Purchase Agreement is five years and one year respectively and significant time and resources are involved in their negotiation

93. Five Recommendations were made in the report to improve the management of the Policing Arrangement, all five recommendations have been adopted and implemented.

***The Provision of Policing Services to the Australian Capital Territory Report (ANAO, 2012)***

94. In 2012, the Australian National Audit Office undertook an independent performance audit in the Australian Federal Police in accordance with the authority contained in the *Auditor-General Act 1997*.

95. The objective of the audit was to assess the effectiveness of the AFP's management of the delivery of policing services to the ACT. The audit examined whether:

- policing services specified in the Policing Arrangement and the Purchase Agreement are being delivered
- reporting arrangements are appropriate and complied with
- the ACT Police Minister's Directions are being complied with
- ACT Policing has effective stakeholder engagement and relationship management arrangements

96. The report, titled *The Provision of Policing Services to the Australian Capital Territory*, was released in December 2012 and found:

- the AFP is effectively managing the delivery of policing services to the ACT
- the purchaser-provider relationship between ACT Policing and the ACT Government is mature and operating well

***Adhoc audits as part of the AFP's Internal Audit Process, and the ANAO Audit Plan.***

97. In addition to audits conducted by independent officers of parliament and the ACT Legislative Assembly, ACT Policing is also subject to its own internal audit process, as well as that of the ANAO Audit Plan.

**v. oversight of ACT Policing and AFP by the Australian Commission for Law Enforcement Integrity.**

98. The AFP has a robust internal and external integrity mechanisms, including the AFP Professional Standards Framework, independent oversight from the Australian Commission for Law Enforcement and Integrity (ACLEI) and the Commonwealth Ombudsman, enshrined in Commonwealth legislation (the AFP Act and the LEIC Act) that AFP members, including ACT Policing,) are subject to.
99. The AFP Professional Standards Framework is governed by Part V of the *Australian Federal Police Act 1979 (Cth)* and the *Australian Federal Police Regulations 1979 (Cth)*.
100. The Framework is further supported by internal governance such as the Commissioner's Order on Professional Standards and the National Guideline on Complaint Management. The Commonwealth Ombudsman and the Australian Commissioner for ACLEI oversee this framework.
101. ACT Government Ministers can be informed about ACLEI's activities when investigating serious corruption and systemic corruption as defined by the *Law Enforcement Integrity Commissioner Act 2006 (Cth)*.
102. Additional detail on the AFP Professional Standards Framework is available here: <https://www.afp.gov.au/about-us/our-organisation/professional-standards>

**5. Any specific matters which may require extension of the terms of the 2017 policing agreement or other Commonwealth Legislative Instruments, and, potentially, effect better policing outcomes by a greater focus on service delivery.**

103. The AFP has no specific matters to raise in this submission.

**6. Other matters which are relevant to this inquiry.**

104. The AFP has no specific matters to raise in this submission.

## Conclusion

105. The AFP, through ACT Policing, has clear and defined priorities shaped through key documents and deliverables, including the Purchase Agreement, Ministerial Direction, ACT Government policies and community expectations.
- There are appropriate mechanisms and annual processes in place that allow for flexibility and agility in dealing with emerging areas of focus for the community

106. The adequacy and reliability of the Purchase Agreement has been demonstrated through consistently strong performances, recording favourable results and high levels of community satisfaction.
107. A number of independent audits have been conducted on the ACT Policing Arrangement that highlight the effectiveness of this arrangement.
108. The AFP has existing robust internal and external integrity mechanisms, including the AFP's Professional Standards Framework, independent oversight from ACLEI and the Commonwealth Ombudsman, enshrined in Commonwealth legislation (the AFP Act and the LEIC Act) that AFP members (including ACT Policing) are subject to.



**ACT**  
Government



**AFP**  
AUSTRALIAN FEDERAL POLICE

# **An ongoing arrangement between**

**the Minister for Justice of the Commonwealth**

**and**

**the ACT Minister for Police  
and Emergency Services**

**for the**

# **provision of policing services to the ACT**

**Commencing June 2017**

## Definitions

In this Arrangement unless the contrary intention appears:

"ACT" means the Australian Capital Territory.

"ACT Government" means the ACT Executive established under section 36 of the *Australian Capital Territory (Self Government) Act 1988* (Cth).

"ACT Policing" means the business unit with the AFP responsible for delivering policing services to the ACT.

"AFP" means the Australian Federal Police.

"AFP Act" means the *Australian Federal Police Act 1979* (Cth).

"Agreement" means an agreement or agreements entered under this Arrangement including agreements to govern service delivery, financial, enabling services, facilities, and infrastructure.

"Chief Police Officer" means the AFP employee appointed by the Commissioner under clause 5.1 of this Arrangement, to be the Chief Police Officer for the ACT.

"Commissioner" means the Commissioner of the Australian Federal Police referred to in section 6 of the AFP Act.

"Commonwealth" means the Australian Commonwealth Government.

"Commonwealth Minister" means the Commonwealth Minister of State appointed to administer the AFP Act.

"Commonwealth place of interest" means a facility or location that is directly involved in the conduct of Commonwealth business or is otherwise in the interests of the Commonwealth to protect.

"Director-General" is the member of the public service responsible for leadership of the administrative unit responsible for policing matters and answerable to the Minister for Police and to the head of service under the *Public Sector Management Act 1994*.

"The Directorate" is the administrative unit responsible for providing advice to the Police Minister on policing matters in accordance with the Administrative Arrangements made by the Chief Minister under the *Australian Capital Territory (Self-government) Act 1988* and the *Public Sector Management Act 1994*.

"Police Minister" means the Minister of the ACT Executive who is responsible for police matters.

"Policing services" means community policing services provided under this Arrangement, an agreement and the AFP Act which include, but are not limited to, the preservation of peace and good order, the prevention and detection of crime and the protection of persons from injury or death, and the protection of property from damage, whether arising from criminal acts or otherwise.

## Statutory Framework

The legislative framework which governs the provision of police services in the Australian Capital Territory (ACT) gives rise to a distribution of responsibilities between the Australian Federal Police (AFP) and the Territory, represented by the Minister for Police and Emergency Services (Minister) and supported by the Justice and Community Safety Directorate (Directorate).

Section 22(1) of the *Australian Capital Territory (Self Government) Act 1988* (Cth) (Self-Government Act) provides that the Legislative Assembly has a plenary power to make laws for the peace, order and good government of the Territory. Section 23(1)(c) excludes from that grant, a power to make laws with respect to the provision of police services in relation to the Territory by the AFP.

Section 37(a) of the Self-Government Act provides that the ACT Executive has the responsibility of governing the Territory with respect to matters of law and order for the ACT. Section 43 provides that the Chief Minister may allocate responsibility for administering matters relating to those powers to a Minister. The *Public Sector Management Act 1994* (ACT) mirrors this framework, providing that the Chief Minister may establish administrative units (section 13) and must establish the administrative units within the ACT Public Service that are responsible for the matters allocated to each Minister (section 14).

Under the Administrative Arrangements the Chief Minister has allocated responsibility for policing to the Minister and has established the Directorate as the administrative unit with responsibility for advising and supporting the Minister in relation to those matters.

Under the *Australian Federal Police Act 1979* (Cth) (AFP Act), the Commonwealth Minister responsible for the AFP and the Territory Minister responsible for policing on behalf of the Territory, can enter into arrangements for the provision of police services for the ACT (s 8(1A)) and for the doing of anything incidental or conducive to the provision of those services (s 8(2B)). Having entered into an arrangement and subject to its terms, the functions of AFP members extend to the provision of police services in relation to the ACT (s 8(1)(a)) and anything incidental or conducive to the provision of those services (s 8(1)(c)). When a member is performing those functions in the ACT they have the powers and duties conferred or imposed on a constable or on an officer of police by or under any law of the Territory (including the common law) (s 9(1)(b)). Under the *Human Rights Act 2004*, a member is expected to act consistently with human rights when exercising a function under a Territory law (section 40) and any power or function conferred on a member by a Territory law is to be read consistently with human rights as far as possible consistent with the purpose of that law (section 30).

Under the AFP Act, members remain officers of the Commonwealth and the AFP Commissioner retains responsibility for the general administration, and control of the operations, of the AFP (s 37).

The legislative framework for the provision of police services by the Commonwealth in the ACT requires that responsibility for operational matters will rest with the AFP Commissioner and that responsibility for policy and other matters will rest with the Minister supported by the Directorate.

**AN ARRANGEMENT BETWEEN THE MINISTER FOR JUSTICE OF THE COMMONWEALTH AND  
THE ACT MINISTER FOR POLICE FOR THE PROVISION OF POLICING SERVICES TO THE  
AUSTRALIAN CAPITAL TERRITORY**

**1. Purpose and overriding commitment**

- 1.1. The purpose of this Arrangement is to establish the enabling framework for the provision of policing services to the ACT by the AFP.
- 1.2. The Commonwealth is committed to providing a high quality community policing service for the ACT Government, within the context of this Arrangement and subsequent agreements between the AFP and ACT Government.

The parties agree as follows:

**2. Purchase of policing services to the ACT**

- 2.1. The ACT Government will purchase policing services from the AFP in accordance with written agreements between the Police Minister, AFP Commissioner and the Chief Police Officer.
- 2.2. The AFP will also provide indirect or 'enabling' services integral to the delivery of policing services to the ACT, including, but not limited to, specialist operations, technology and innovation, workforce development, people, safety and security, Chief Financial Officer and Chief Counsel.
- 2.3. The cost of enabling services will be determined through an enabling cost model agreement between the AFP and the ACT Government and reviewed every four years.
- 2.4. The ACT Government will provide appropriate facilities and associated infrastructure for the AFP to deliver policing services under this Arrangement.
- 2.5. Funding for the AFP to provide policing services to the ACT will be included in the payments on behalf of the Territory for the Directorate to oversee on behalf of the ACT Government, as part of the ACT Government budget processes.
- 2.6. Requests for funding in addition to the appropriation in clause 2.5 for ACT Policing will be considered in accordance with the ACT Government budget processes.

**3. Commonwealth obligations to the ACT**

- 3.1. The AFP is also required, within the ACT, to provide policing services to the Commonwealth which are not subject to this Arrangement and for which the ACT Government is not required to pay. This exclusion extends to cover the costs of enforcing Commonwealth law and protecting Commonwealth interests by AFP personnel employed within ACT Policing. Costs excluded from the Arrangement include those associated with the protection of foreign dignitaries, foreign missions and Commonwealth places of interest. The basis for allocating costs against the Commonwealth and ACT Governments will be agreed between the ACT Government and the AFP.

- 3.2. The allocation of resources for policing services provided to the Commonwealth within the ACT will not be altered in any way which might materially affect the policing services purchased by the ACT Government, without prior consultation and agreement with the Minister for Police. Failure to obtain agreement will be sufficient grounds for the issue of a notice to terminate this Arrangement.
- 3.3. Except in the case of an emergency, the Commonwealth Minister must not issue to the Commissioner a direction under the AFP Act which affects the provision of policing services to the ACT by the AFP, unless the Commonwealth Minister has first consulted the Police Minister about the nature and purpose of that direction and received agreement for that direction to be given. If a direction is given in an emergency without prior consultation with the Police Minister, the Commonwealth Minister will consult the Police Minister about the Direction as soon as possible thereafter and seek agreement for that Direction.
- 3.4. If a direction by the Commonwealth Minister to the Commissioner has the effect of increasing the cost of policing services provided to the ACT, then the costs attributable to the direction will be borne by the Commonwealth by adjusting the price paid by the ACT Government.
- 3.5. The Commonwealth is responsible for determining the terms and conditions of employment of AFP employees involved in the provision of policing services to the ACT under this Arrangement.

#### **4. Monies received by ACT Policing**

- 4.1. Revenues received by the AFP in the course of enforcement of ACT legislation under this Arrangement will be remitted to the ACT Government.
- 4.2. Money received by ACT Policing in the course of performing policing services, for which there is no identifiable owner, will be transferred to the ACT Government in accordance with the AFP's obligations under the *Public Governance, Performance and Accountability Act 2013* (Cth) and other relevant legislation.

#### **5. Chief Police Officer for the ACT**

- 5.1. The Commissioner must appoint a Chief Police Officer for the ACT with the approval of the Police Minister.
- 5.2. The Chief Police Officer, subject to the authority of the Commissioner, is responsible to the Police Minister for the achievement of outcomes agreed between the AFP and ACT Government.
- 5.3. The Chief Police Officer, subject to the authority of the Commissioner, has operational independence over the business of ACT Policing and is responsible for the general management and control of AFP appointees and resources deployed for the purpose of achieving the outcomes agreed between the AFP and ACT Government.
- 5.4. If the Police Minister advises the Commissioner, in writing, that the Chief Police Officer no longer has the confidence of the ACT Government, and there are satisfactory grounds for the lack of confidence, the Commissioner must as soon as practicable replace the Chief Police Officer.

- 5.5. The Commissioner and the Police Minister may agree upon procedures to govern acting arrangements at any time the CPO is absent from duty or for any other reason unable to perform the functions of the CPO.

## **6. ACT Government Ministerial Support**

- 6.1. Although this Arrangement is predominantly for the provision of operational policing services to the ACT, the Chief Police Officer will provide the ACT Government advice on policy matters related to ACT law or justice reform which would impact the delivery of ACT policing services.
- 6.2. The Chief Police Officer will provide updates and advice on operational matters directly to the Police Minister.
- 6.3. The Chief Police Officer will provide information to the Director-General on policing policy and funding matters to support the Police Minister in the performance of the ministerial functions for policing.
- 6.4. This advice from the Chief Police Officer will supplement broader policy advice being provided by the Directorate to ACT Government Ministers which will represent a broader range of interests and considerations.
- 6.5. The Chief Police Officer and Director-General will work collaboratively to support ACT Government Ministers in the performance of their Ministerial functions.
- 6.6. The Chief Police Officer will provide information to the Director-General on relevant operational policing matters that impact the broader ACT Government.
- 6.7. The Director-General will facilitate direct advice from the Chief Police Officer to Ministers, other than the Police Minister, and other Director-Generals.
- 6.8. The Chief Police Officer will support the development and implementation of ACT Government policy and legislation related to policing. When acting in this capacity the Chief Police Officer must act in the interests of the ACT Government and within the ACT Government policy and legislation framework.

## **7. Police Minister's power to give directions**

- 7.1. The Police Minister may give the Chief Police Officer, in writing, general directions in relation to policy, priorities and goals for policing services to the ACT under this Arrangement and subsequent agreements.
- 7.2. The Chief Police Officer must comply with any written directions received from the Police Minister under clause 7.1, unless a contrary written direction has been received from the Commonwealth Minister under the AFP Act.
- 7.3. Any written directions from the Police Minister will be published in a form that enables them to be reproduced in the ACT Policing Annual Report.

## **8. National forums**

- 8.1. If the Chief Police Officer holds membership of a national body or forum as the head of a law enforcement jurisdiction, the Chief Police Officer will represent the interests of ACT Policing in its capacity as a service provider for the ACT Government.
- 8.2. The Chief Police Officer will seek advice from the relevant ACT Government agency to obtain policy advice in relation to matters affecting the delivery of services to the ACT (including obligations under ACT legislation or representation at national and jurisdictional forums).
- 8.3. Nothing in clauses 8.1 or 8.2 affects the independence of the Chief Police Officer in relation to the day-to-day operation of ACT Policing.

## **9. Legal advice**

- 9.1. Recognising that ACT Policing is a Commonwealth entity, ACT Policing will seek internal and Commonwealth sourced legal advice on matters falling within its scope as a Commonwealth entity, and matters regarding the internal governance of the AFP.
- 9.2. Legal advice in relation to the review of briefs of evidence and the prosecution of offences will be sourced from the ACT Director of Public Prosecutions.
- 9.3. Legal advice in relation to the interpretation of laws of the ACT (including the common law) will be sourced from the ACT Government Solicitor in accordance with procedures agreed between the ACT Government Solicitor and ACT Policing.
- 9.4. ACT Policing will request legal advice and representation in accordance with agreed procedures between the AFP, ACT Policing, the ACT Director of Public Prosecutions and the ACT Government Solicitor. Procedures may be agreed through letters of exchange between relevant parties or enabling areas

## **10. Audits**

- 10.1. The Chief Police Officer will provide a financial statement for that financial year accompanied with a report by the Commonwealth Auditor-General or other auditor nominated by the Chief Police Officer and approved by the Police Minister at the time stated in the *Annual Report Directions* stating:
  - the correctness of the report and;
  - any other matters which the Auditor-General, or otherwise approved auditor, considers should be reported to the Police Minister.
- 10.2. The Police Minister is also entitled to have other financial and performance audits conducted by the Commonwealth Auditor-General, or other agreed auditor, the cost of which will be borne by the ACT Government.

## 11. Dispute resolution

11.1. The AFP and ACT Government will establish mechanisms for resolving disputes arising from this Arrangement and subsequent agreements. Any dispute or matter of concern to either party arising from this Arrangement that cannot be resolved through the mechanisms agreed between the AFP and ACT Government, must be referred to the Commonwealth Minister and the Police Minister for resolution.

## 12. Duration of this Arrangement

12.1. This Arrangement commences on the date agreed by the parties.

12.2. If either party wish to vary the terms of this Arrangement, that party must, in writing, notify the other party to that effect, and the parties must meet within 60 days to commence renegotiating the terms of the Arrangement.

12.3. If either party wish to terminate this Arrangement, that party must, in writing, give at least two years notice to that effect to the other party.

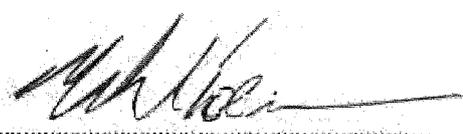
IN WITNESS WHEREOF this Arrangement has been respectively signed for and on behalf of the parties:

SIGNED by the Hon. Michael Keenan MP,  
Minister for Justice on behalf of the Commonwealth of  
Australia

(date of signing) 15/6/17

SIGNED by Mick Gentlemen MLA,  
Minister for Police and Emergency Services on behalf of  
the ACT Government

(date of signing) 15/6/17

)  
)   
)

)  
)   
)



**ACT**  
Government



**AFP**  
AUSTRALIAN FEDERAL POLICE

**Agreement between**

**the ACT Minister for Police and Emergency Services,**

**Australian Federal Police Commissioner, and**

**the Chief Police Officer for the ACT**

**for the provision of policing services to**

**the Australian Capital Territory**

**2017-2021**



The relationship between the AFP and the ACT Government for the provision of policing services to the ACT is long standing and contributes to Canberra being one of the safest places to live in Australia.

The AFP, through ACT Policing, will provide a professional, innovative and effective policing service to the people of the ACT, contributing to a safe and just community for all.

**To achieve this vision, the ACT Government and ACT Policing are committed to:**

- Whole of government collaboration
- Community engagement
- Working in partnership
- Transparency and information sharing
- Innovation

**ACT Policing reflects the values of the AFP when delivering policing services to the ACT:**

- Integrity
- Commitment
- Excellence
- Accountability
- Fairness
- Trust
- Respect

## **1. Definitions**

- 1.1 Unless stated otherwise, definitions in this Agreement are the same as in the Arrangement commenced in June 2017, between the Minister for Justice of the Commonwealth and the ACT Police Minister for the provision of policing services to the ACT.

## **2. Purpose and Objectives**

- 2.1 In accordance with clause 2.1 of the Arrangement, this Agreement details the policing services to be purchased by the ACT Government from the AFP, including ACT Government Ministerial support, reporting, performance expectations and financial arrangements.
- 2.2 This Agreement will be read in conjunction with the Arrangement and Ministerial Directions issued under section 7 of the Arrangement.
- 2.3 The ACT Government and the AFP seek from this Agreement:
- appropriate policing levels and services for the ACT community;
  - sustained high quality of service provision; and
  - provision of stable and effective policing services for the ACT community as well as the building and retention of corporate knowledge within ACT Policing.

## **3. Scope**

- 3.1 This Agreement includes all policing services to be purchased by the ACT Government from the AFP through the direct police budget appropriation and other funding outlined in Schedule 1. This Agreement does not cover activities funded by revenue outside the funding outlined in Schedule 1.
- 3.2 This Agreement includes:
- policing outcomes and all associated outputs to be provided;
  - ACT Government Ministerial and policy support outcomes;
  - performance measures, together with targets where appropriate;
  - financial arrangements; and
  - reporting requirements.

## **4. Governance and Principles**

- 4.1 Overall responsibility for policing in the ACT rests with the Minister for Police. The Minister for Police has delegated the day-to-day management of the Arrangement and Agreement to the Director-General of the Justice and Community Safety Directorate (JACS), consistent with the *Public Sector Management Act 1994*.
- 4.2 This Agreement is a partnering arrangement in which AFP and JACS, on behalf of the ACT Government, work together jointly to provide a community policing capability to the ACT.

- 4.3 This Agreement will be supported by governance arrangements agreed between the Director-General JACS and the Chief Police Officer. These governance arrangements will:
- set the strategy for the achievement of the objectives of the Arrangement and Agreement;
  - make decisions on the strategic direction and management of the Arrangement and Agreement;
  - measure and manage performance; and
  - ensure accountability.
- 4.4 The Director-General JACS and the Chief Police Officer will provide oversight and coordinate relevant committees or working groups to develop and implement appropriate processes and procedures to guide the parties' interactions related to:
- security and emergency management;
  - accommodation and facilities;
  - policy and legislative matters related to ACT law or justice reforms which directly impact the delivery of policing services in the ACT;
  - reporting and performance measures;
  - enabling and other financial arrangements;
  - how equitable sharing arrangements apply when ACT Government, ACT Policing or the AFP acting on behalf of ACT Policing make contribution to action leading to money or assets being forfeited to a State or Territory or the Commonwealth; and
  - other issues where required, to support the Director-General JACS and the Chief Police Officer and manage specific issues that require additional detailed work.

## **5. ACT Policing Operating Environment**

- 5.1 ACT Policing operations may change in response to the evolving operating environment including:
- security and threat levels;
  - geographical and population changes in the ACT;
  - community expectations;
  - fiscal environment; and
  - changes in the ACT Government legal and policy frameworks.
- 5.2 ACT Policing and the ACT Government will ensure appropriate risk management frameworks are in place and existing ACT Government budget processes will be used to address current or emerging risks in the operating environment that require funding.
- 5.3 ACT Government will continue to consider the risks and drivers in clause 5.1 when making decisions that impact on ACT Policing.

## **6. Responsibilities to the Police Minister and other ACT Government Ministers**

- 6.1 In accordance with clause 5.2 of the Arrangement, the Chief Police Officer, subject to the authority of the Commissioner, will be responsible to the Police Minister for the delivery of the outcomes as set out in this Agreement.
- 6.2 In accordance with the legislative framework for the provision of police services by the AFP in the ACT, the responsibility for operational matters rests with the Chief Police Officer, subject to the authority of the Commissioner, and responsibility for ACT Government policing policy and other policing matters rests with the Police Minister supported by the Directorate.

- 6.3 In accordance with section 6 of the Arrangement, ACT Policing will work in collaboration with JACS to support the Police Minister, and other ACT Government Ministers as relevant, to participate in the parliamentary process and develop and implement ACT Government policy and legislation related to policing.
- 6.4 If ACT Policing is requested to provide information to an agency of the ACT Government, subject to the authority of the Commissioner, the Chief Police Officer must provide the requested information to the extent that is permissible under Commonwealth and/or ACT law.
- 6.5 Nothing in clause 6.4 requires the Chief Police Officer to provide information that would compromise operational activity by the AFP, including ACT Policing.
- 6.6 The Chief Police Officer may impose conditions on the use of requested information if the Chief Police Officer considers it necessary for operational reasons.
- 6.7 Any information requested under clause 6.4 and provided by ACT Policing to the nominated agency must be provided in a timely manner and only be used for the purposes of the request.
- 6.8 Subject to operational requirements, the Chief Police Officer will proactively ensure timely advice is provided to the Police Minister on any ACT Policing issues that have a significant media or other impact on ACT Government. The Police Minister and the Director-General JACS will be responsible for informing the other relevant ACT Government parties.

## **7. Supporting ACT Government Strategies**

- 7.1 ACT Policing will promote and support a whole of government approach in achieving the objectives of ACT Government strategies, particularly those addressing crime in the ACT community while remaining responsive to changing commitments and adaptive to the needs of the community.
- 7.2 ACT Policing will support all agreed ACT Government strategies and initiatives, including capturing and providing relevant and available information and data.

## **8. Supporting events in the ACT**

- 8.1 The funding in this Agreement includes costs to deliver policing services in support of the ACT Government events listed in Schedule 2.
- 8.2 The Director-General JACS, in consultation with the Director-General Chief Minister, Treasury and Economic Development Directorate and the Chief Police Officer may, by joint agreement, negotiate the provision of policing services that will not be subject to cost recovery for other community events that support ACT Government priorities.
- 8.3 ACT Policing may seek cost recovery for the provision of policing services to other events that do not fall within the scope of normal policing services in accordance with relevant AFP user pays policies.
- 8.4 The funding for this Agreement includes costs for ACT Policing to provide a base level of monitoring the Public Safety Closed Circuit Television (CCTV) System, as agreed in writing by the Director-General JACS and the Chief Police Officer.

- 8.5 ACT Policing may seek cost recovery for monitoring the Public Safety CCTV System for events outside of agreement in 8.4, in accordance with relevant AFP user pays policies.

## **9. Supporting ACT Government in national forums**

- 9.1 In accordance with section 8 of the Arrangement, ACT Policing will represent the interests of the ACT in national forums.
- 9.2 Where a conflict exists between the AFP and ACT Policing, ACT Policing should resolve any such conflict in the interests of the ACT.

## **10. Agreement making**

- 10.1 ACT Policing may enter into agreements separate from this Agreement so long as they are not inconsistent with the Arrangement, this Agreement or the Ministerial Direction.
- 10.2 ACT Policing will provide JACS with an overview of all formal agreements it has in place with all areas of ACT Government each financial year.
- 10.3 ACT Policing may enter into agreements with the Speaker of the Legislative Assembly on issues related to policing functions within the parliamentary precincts of the Legislative Assembly.

## **11. Financial Arrangements**

- 11.1 The AFP will follow the general principles of *Commonwealth Cost Recovery Guidelines* where appropriate in the provision of policing services to the ACT Government.<sup>1</sup>
- 11.2 The amount of funding provided to the AFP for ACT Policing services as outlined in Schedule 1 of this Agreement, is determined by the ACT Executive through the ACT budget process and included in the payments on behalf of the Territory (Territorial appropriation) for JACS to administer.
- 11.3 Schedule 1 details the amount of funding provided for ACT Policing through the budget process, including forward estimates, and a pro-rata monthly payment schedule.
- 11.4 Changes to the annual budget appropriation for ACT Policing will be determined through the ACT Government Budget process.
- 11.5 ACT Policing will collaborate with JACS Strategic Finance, and other policy areas of JACS where relevant, in participating in the annual budget process.

## **12. Facilities and Structures**

- 12.1 In accordance with clause 2.4 of the Arrangement, the ACT Government will be responsible for the provision of appropriate facilities and associated infrastructure for the provision of policing services by the AFP. ACT Policing will manage maintenance, leasing and running costs associated with facilities. This will be governed by the joint JACS and ACT Policing Strategic Accommodation Committee and subject to any guidelines developed by that group.

---

<sup>1</sup> RMG No. 304 - Australian Government Cost Recovery Guidelines, July 2014 – Third Edition

- 12.2 The funding provided for ACT Policing includes an amount agreed by the Strategic Accommodation Committee, as outlined in Schedule 1, to be applied by ACT Policing for leasing, maintenance and running costs associated with facilities.
- 12.3 If forecast facilities costs exceed the budgeted amount as outlined in Schedule 1, ACT Policing will notify the Police Minister and JACS of the requirement to apply for additional funding, to meet the additional forecast facilities costs
- 12.4 Capital Upgrades Program (CUP) funding will also be provided to JACS (territorial) for minor capital works on ACT Policing facilities.

### **13. Terms and conditions of employment**

- 13.1 In accordance with clause 3.5 in the Arrangement, the Commissioner is responsible for establishing the terms and conditions of employment of AFP appointees involved in the provision of policing services to the ACT.
- 13.2 If the Commissioner proposes to vary the terms and conditions of employment of AFP personnel in a way which might affect the manner and cost of providing policing services to the ACT, the Chief Police Officer must consult with the Police Minister and advise of the likely implications of the proposed alterations.
- 13.3 The AFP will notify the Police Minister of the commencement of any industrial negotiation process that may have implications for AFP personnel providing policing services to the ACT.
- 13.4 The AFP will take into consideration input received from the ACT Government on any industrial negotiation process related to AFP personnel providing policing services to the ACT.
- 13.5 Throughout any industrial negotiation process, the Chief Police Officer will provide regular updates to the Police Minister.

### **14. Enabling Services Cost Methodology**

- 14.1 In accordance with clause 2.2 of the Arrangement, the appropriation funding provided to the AFP, under this Agreement includes enabling costs for services integral to the delivery of policing services to the ACT according to the agreed enabling cost model.
- 14.2 The underlying principle for determining enabling costs is the allocation of effort and cost that would not have been incurred by the AFP but for ACT Policing.
- 14.3 To determine the enabling services cost base, only services which are 'integral' are within scope. Integral services are those where there is a dependency or reliance on an activity to deliver community policing to the ACT. The agreed costing model:
- identifies AFP business areas that provide an enabling service to ACT Policing;
  - excludes cost for business areas that have no relationship with ACT Policing; and
  - has been developed to reflect underlying operational structures.
- 14.4 In accordance with clause 2.3 of the Arrangement, the enabling cost model will be reviewed by a joint JACS and AFP working group every four years in conjunction with the negotiation of the Agreement.

14.5 Any variation to enabling services as a result of review; or change in demand that may arise as a result of a policy change by the ACT Government; or referred to the Police Minister by the Chief Police Officer must be endorsed by the ACT Government and considered as part of the ACT budget process.

## **15. Performance Measures**

15.1 Over the course of this Agreement, the performance measures in Schedule 3 will be considered to ensure they reflect ACT Policing's capability and contribution to ACT Government performance indicators and community expectations.

15.2 If changes in the performance measure framework have a financial impact (cost or savings), this impact will be considered through the ACT budget process.

15.3 Schedule 3 will be reviewed annually in conjunction with any funding adjustments that may occur through the ACT budget process.

15.4 Short-term variations to targets and priorities set by this Agreement may be determined by the Police Minister, in accordance with section 7 of the Arrangement, including at the request of the Chief Police Officer, following consultation and with reasonable notice.

15.5 Such variations will be appended to this Agreement and should be within budget limits unless otherwise agreed.

15.6 If a performance measure is not consistently met over the period of the Agreement, the Police Minister may direct that, as soon as possible, a review panel consider performance against the performance measure and make recommendations for remedial action.

15.7 A review panel under clause 15.6 must consist of at least one member appointed by the Chief Police Officer, one member appointed by the Director-General, JACS and an independent person agreed by the Chief Police Officer and the Director-General, JACS.

## **16. Reporting**

16.1 The Chief Police Officer shall provide a report to the Police Minister, in collaboration with JACS, within two calendar months at the end of June and December, unless otherwise agreed by the parties, on this Agreement and on the Ministerial Direction.

16.2 The report will contain:

- narrative, including relevant available data where appropriate, on the activities conducted by ACT Policing during the reporting period to achieve the performance measures and in support of the Ministerial Direction;
- information on the deployment, operational status and movement of AFP employees engaged in providing policing services under the Agreement.

16.3 Each June report will also contain:

- the intended allocation of the direct funding from JACS for crime prevention initiatives for the following financial year; and
- a breakdown of the legal services requested by ACT Policing during the immediate preceding financial year.

16.4 Pursuant to the AFP Professional Standards Framework outlined at Schedule 4 in this Agreement, each six monthly report will contain information in relation to complaints management, including with regard to the following matters:

- complaints submitted by category;
- complaint trends/systemic issues;
- complaints submitted by source;
- status of complaints;
- finalised conduct issues by category; and
- conduct issue trends.

16.5 The Professional Standards report outlined in Schedule 4 will be publicly released by the Police Minister and include complaints against AFP appointees providing policing services under this Agreement, including the investigation of such complaints and any related action whether undertaken by the AFP, Australian Commission for Law Enforcement Integrity (ACLEI), the Commonwealth Ombudsman or otherwise.

## **17. Annual Report**

17.1 The Chief Police Officer shall provide a report to the Police Minister, on the provision of police services pursuant to this Agreement. The Chief Police Officer will adhere to the timelines and processes identified in the ACT Government *Annual Reports (Government Agencies) Notice* for the relevant year. The annual report will describe the outcomes achieved during the period reported on and shall include details of the resources utilised, the levels of crime reported and such other matters as may be specified by the Police Minister.

17.2 In accordance with section 10 of the Arrangement, the Chief Police Officer will provide an audited financial statement to the Police Minister following the completion of each financial year.

## **18. Dispute Resolution**

18.1 Issues and disputes related to the Arrangement and Agreement will be escalated in accordance with issues management processes agreed by the Director-General JACS and the Chief Police Officer.

18.2 Any disputes that cannot be resolved through the agreed issues management process will be referred to the Director-General JACS and the Chief Police Officer for resolution.

18.3 Any dispute or matter of concern to either party arising from the Arrangement and this Agreement that cannot be resolved by Director-General JACS and the Chief Police Officer shall be referred to the Police Minister and the Commissioner for resolution.

## **19. Duration and development of Agreements**

19.1 This Agreement shall apply for the period 1 July 2017 to 30 June 2021, with the exception of the Schedules outlined in 19.3 and 19.4.

19.2 No variation of this Agreement is binding unless it is agreed in writing between the parties.

19.3 Schedule 1 will be amended each financial year to reflect any changes from the ACT Budget process.

- 19.4 In response to changes in the funding for ACT Policing and/or Government priorities, performance measures (Schedule 3) and supported ACT Government events (Schedule 2) for this Agreement must be reviewed annually and may be amended prior to the commencement of the following financial year, which begin on 1 July 2018, 1 July 2019, 1 July 2020.
- 19.5 The parties must agree on amendments to Schedules 1, 2 and 3 after the ACT Budget is announced and no later than 30 June every year. If the parties have not agreed on new Schedules by 30 June, the terms of the existing schedule will be extended for up to an additional month.
- 19.4 Negotiations for a new Agreement to commence on 1 July 2021 must be initiated no later than July 2020. Schedule 5 contains an indicative timetable for the development of an Agreement for the 2021-2025 period. The timetable for the negotiations will be flexible to work in conjunction with the ACT Government budget process.
- 19.5 If the parties have not signed a new Agreement by 30 June 2021, the parties may agree by exchange of letters to extend the terms of this Agreement for up to six months.



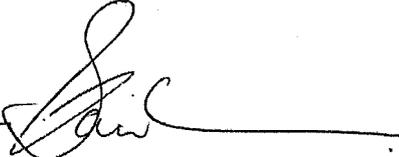
Mick Gentleman MLA  
Minister for Police and  
Emergency Services

10<sup>th</sup> July 2017



Michael Phelan APM  
A/g Commissioner  
Australian Federal Police

10<sup>th</sup> July 2017



Justine Saunders APM  
Chief Police Officer  
for the ACT

10 July 2017

## Schedule 1 – Annual funding

In accordance with section 11 of the Agreement, funding provided to the AFP for policing services as outlined in this Agreement, is determined by the ACT Executive through the ACT budget process and included in the payments on behalf of the Territory for JACS to administer.

In addition to the Territorial appropriation, the Payment Schedule provides details of other funding sources relevant to ACT Policing operations.

Total ACT Policing Budget appropriation (includes capability maintenance funding)

	2017-18 Budget \$'000	2018-19 Estimated \$'000	2019-20 Estimate \$'000	2020-21 Estimate \$'000
Total ACT Policing Budget appropriation	161,331	163,938	164,931	164,359

The 2017-18 funding breakdown:

	2017-18
<b>2017-18 ACT Policing Budget appropriation (as per BP)</b>	<b>161,331,000</b>
Crime Prevention Initiatives <sup>1</sup>	232,000
Recurrent Initiative - Enhanced security for ACT Policing <sup>1</sup>	189,000
<b>2017-18 Policing Purchase Agreement Amount</b>	<b>161,752,000</b>
Capital Upgrade Program Budget <sup>2</sup>	264,000
Capital Initiative - Enhanced security for ACT Policing <sup>3</sup>	1,006,000

1. These items are processed through invoicing and does not form part of the budget for the contract price

2. Capital Upgrade Program funding is held by JACS on ACTP's behalf and does not form part of the budget for the contract price

3. Capital initiative funding is held by JACS on ACTP's behalf and does not form part of the budget for the contract price

This Agreement reflects new initiatives, offsets and transfers from 2017-18 Budget process:

<b>2017-18 Budget Initiatives</b>	<b>2017-18</b>
Additional Resourcing for Taskforce Nemesis	1,593,000
Enhanced Security for ACT Policing - recurrent	189,000
Enhanced Security for ACT Policing – capital	1,006,000
Equipping more ACT Police with TASERs	845,000
Planning for the future of policing in the ACT	889,000
Reducing alcohol fuelled violence	1,207,000
Eastman retrial	800,000
Supporting careers in ACT Policing	NFP
Upgrading ACT Policing’s water and rescue response capability	NFP
Transfer of function to Access Canberra	(203,000)
Initiative offsets	(753,000)
<b>Total 2017-18 Budget Initiatives</b>	<b>8,806,000</b>

The total price of this Agreement includes funding applied by ACT Policing for leasing, maintenance and running costs associated with facilities. The budgeted amount to be applied to facilities leasing, maintenance and running costs by ACT Policing in 2017-18 is \$4.251m. The budget for this expenditure is based on expenditure incurred in 2016-17.

**Facilities Leasing, Maintenance and Running Costs**

Budgeted 2017-18 Facilities Costs	\$
Leasing	1,103,000
Maintenance	1,754,000
Running Costs	1,394,000
<b>Total Recurrent</b>	<b>\$4,251,000</b>

**ACT Justice & Community Safety Directorate**  
**2017-18 Appropriation Payment Schedule for ACT Policing**

Pay No	Date	Amount (\$)
1	27 Jul 17	13,444,250
2	29 Aug 17	13,444,250
3	28 Sep 17	13,444,250
4	26 Oct 17	13,444,250
5	30 Nov 17	13,444,250
6	21 Dec 17	13,444,250
7	30 Jan 18	13,444,250
8	27 Feb 18	13,444,250
9	29 Mar 18	13,444,250
10	26 Apr 18	13,444,250
11	31 May 18	13,444,250
12	28 Jun 18	13,444,250
<b>Total Appropriation</b>		<b>161,331,000</b>

The AFP agrees to the above schedule of payments for ACT Policing to be processed by the JACS with the last payment run each month of 2017-18 (Tuesday or Thursday).

## **Schedule 2 – Supported ACT Government Events**

In accordance with clauses 8 and 11 of this Agreement the price of this Agreement includes costs to deliver policing services in support of the following ACT Government events:

31 December	New Year's Eve
Early January	Summernats City Cruise
25-26 January	Queens Baton Relay
26 January	Australia Day Celebrates
Mid-February	National Multicultural Festival
Early-March	Enlighten
Mid-March	Skyfire
Mid-September – Mid-October	Floriade including Floriade NightFest

## **Schedule 3 – Performance Reporting**

The framework for measuring the performance of policing services in the ACT is a contemporary model which incorporates an outcome-focused framework.

**Overarching budgetary outcome:**

**In partnership with the community, create a safer and more secure Australian Capital Territory (ACT) through the provision of quality police services.**

This will be achieved through three main areas of activity: Reduce Crime; Public Safety; and Community and Partner Engagement.

The performance measure framework aims to enhance accountability for the delivery of services and provides clear linkages between ACT Policing's outcomes, outputs, strategies and individual measures.

The performance measures are an important element of determining the appropriate allocation of all resources in ACT Policing. Actual performance is rigorously measured and reported upon and, over time, informs decisions about adjustments to performance targets.

The indicators of effectiveness within this framework recognise that the performance outcomes for these indicators are not fully within ACT Policing control. There are a number of public and private institutions and individuals who contribute to the overall results and standings of these indicators.

## OUTCOME: REDUCE CRIME

### Output: Crime Prevention and Reduction

#### Strategies

##### *Prevent or reduce crime and violence*

Continued support and delivery against the Property Crime Prevention Strategy  
Promote innovative and enduring community crime prevention strategies and programs  
Preventing and reducing opportunities for crime to occur and/or reoccur

#### Performance Measure

#### Target

Number of offences against the person reported or becoming known per 100,000 population <sup>a</sup>	800 or less <sup>b</sup>
Number of offences against the property reported or becoming known per 100,000 population <sup>a</sup>	8300 or less <sup>b</sup>

### Output: Criminal Investigations and Prosecutions

#### Strategies

##### *Enhance response to and investigation of offences*

Forge strong partnerships with key stakeholders to facilitate whole-of-government and cross-jurisdictional information sharing and collaboration  
Apply effective technology and forensic science capabilities  
Effectively use intelligence from a wide range of sources

#### Performance Measure

#### Target

Percentage of offences against the person cleared	72% or more <sup>b</sup>
Percentage of offences against property cleared	15% or more <sup>b</sup>

#### Strategies

##### *Effective and efficient support to the judicial process*

Promote a robust partnership between ACT Director of Public Prosecutions, ACT Law Courts, JACS and the community to enhance criminal justice outcomes  
Deliver a high standard of briefs of evidence in a timely manner  
Facilitate a more efficient criminal justice system with emphasis on timely preventative justice measure and judicial process

#### Performance Measure

#### Target

Percentage of briefs delivered to the Director of Public Prosecutions within the designated timeframes <sup>f</sup>	75% or more
Percentage of cases finalised by offence proved in court <sup>g,h,i</sup>	82% or more
Percentage of cases otherwise resolved <sup>g,i,j</sup>	5% or less

#### Indicators of Effectiveness

#### Target

Percentage of persons who are concerned about becoming a victim of physical assault in a public place- excluding sexual assault in the next 12 months <sup>a,b,d</sup>	National Average or less
Percentage of persons who are concerned about becoming a victim of sexual assault in the next 12 months <sup>a,c,d</sup>	National Average or less
Percentage of persons who are concerned about becoming a victim of housebreaking in the next 12 months <sup>a,c,d</sup>	National Average or less
Percentage of persons who are concerned about becoming a victim of motor vehicle theft in the next 12 months <sup>a,c,d</sup>	National Average or less
Percentage of persons who feel safe when walking in their neighbourhood by themselves during the night <sup>a,c,d</sup>	National Average or more
Percentage of persons who feel safe at home alone during the night <sup>a,c,d</sup>	National Average or more
Percentage of persons who perceive the following quality of life issues to be a problem in their neighbourhood: <sup>a,c,d</sup>	
Speeding cars, dangerous or noisy driving	National Average or less
Graffiti/vandalism	National Average or less
Louts/gangs	National Average or less
Drunken/disorderly behaviour	National Average or less

## OUTCOME: PUBLIC SAFETY

### Output: Police Response

#### Strategies

#### **Responsiveness to calls and incidents taking into consideration public and police safety**

Response meets the expectations of community needs  
Ensure resources meet demands  
Enhance police responsiveness through mobility solutions

#### Performance Measure

#### Target

Response time for Priority One within 10 minutes	80% or more
Response time for Priority Two within 20 Minutes	80% or more
Response time for Priority Three where police attention or response is required: as determined in consultation with the complainant but, in any event, no later than 48 hours from the initial contact by the complainant	90% or more
Percentage of 000 calls answered on first or second presentation: a) On first presentation	92% or more
b) On second presentation	98% or more

### Output: Public Order and Emergency Management

#### Strategies

#### **Effective planning and management of major community events and public demonstrations**

Work with the community and other agencies to contribute to improved events management  
Review and improve existing arrangements around scheduled annual major public events  
Conduct post operational assessments with relevant stakeholders to ensure best practice

#### Performance Measure

#### Target

Percentage of the community satisfied with police in dealing with public order problems <sup>a,c,d</sup>	National Average or more
--	--------------------------

#### Strategies

#### **Respond to emergencies and disasters**

Work with partners to develop and maintain preparedness  
Review and improve multi-agency emergency management and plans and responses  
Conduct post operational assessment processes with relevant stakeholders to ensure best practice

#### Performance Measure

#### Target

Review and testing of arrangements for responding to and recovering from emergencies and disasters	Annual
--	--------

### Output: Road Safety & Traffic Management

#### Strategies

#### **Collaborate with partner agencies to improve and promote road safety through education, innovation and targeted enforcement**

Continue to deliver against the ACT Road Safety Strategy and Action Plan  
Maintain targeted campaigns to align with the ACT Road Safety Calendar  
Aspire to reduce the annual number of road crash fatalities and serious injuries by at least 30 per cent by 2020

#### Performance Measure

#### Target

Number of road crashes resulting in death per 100,000 population <sup>a</sup>	4.2 or less <sup>c</sup>
Number of road crashes resulting in injury per 100,000 population <sup>a</sup>	180 or less <sup>c</sup>

#### Effectiveness

#### Target

Percentage of persons who self-report to driving 10km per hour or more over the speed limit <sup>a,c,d</sup>	National Average or less
Percentage of persons who self-report to driving while not wearing a seatbelt <sup>a,c,d</sup>	National Average or less
Percentage of persons who self-report to driving while suspecting they are over the prescribed alcohol limit <sup>a,c,d,e</sup>	National Average or less
Percentage of persons who self-report to driving when using a mobile phone <sup>a,c,d</sup>	National Average or less

## OUTCOME: COMMUNITY AND PARTNER ENGAGEMENT

### Output: Community Support and Whole-of-Government Collaboration

<b>Strategies</b>	<p><b><i>Increase community confidence in police</i></b>                      Develop and deliver innovative communication strategies to share information and foster community participation                      Maintain the use of social media to provide real time information to support and serve the needs of the community                      Collaborate with partner agencies, business and community groups to support community events</p>
<b>Performance Measures</b>	
<b>Target</b>	
Percentage of the community satisfied in general with services provided by police <sup>c,d</sup>	
National Average or more	
Percentage of the community who have confidence in police <sup>c,d</sup>	
National Average or more	
<b>Strategies</b>	<p><b><i>Increase support for early intervention and diversion</i></b>                      Collaborate with partner agencies and community groups to prevent and reduce recidivism, prevent repeat victimisation and protect 'at risk'/vulnerable groups                      Continued support and delivery against the ACT Aboriginal Justice Partnership 2015-18 to prevent and reduce the number of Aboriginal and Torres Strait islander people coming into contact with the criminal justice system                      Support strategies and initiatives that deter, detect and prevent violence against women and children</p>
<b>Performance Measures</b>	
<b>Target</b>	
Percentage of eligible young people referred to restorative justice	
100% <sup>o</sup>	
Number of persons referred to community support agencies	
5500 or more	
Number of referrals to drug diversion programs (drug demand and reduction effort)	
80 or more	
<b>Strategies</b>	<p><b><i>Enhance and strengthen resilience of communities</i></b>                      Work with community and partners to reduce tolerance for crime                      Support community derived safety and security initiatives                      Build relationships with vulnerable community groups</p>
<b>Performance Measures</b>	
<b>Target</b>	
ACT Policing Victim Liaison Officers providing contact with victims of indictable crime reported to police <sup>m</sup>	
80% or more	
<b>Indicators of effectiveness</b>	
<b>Target</b>	
Percentage of persons satisfied with most recent contact with police services <sup>c,d</sup>	
National Average or more	
Percentage of persons who agree that police perform their job professionally <sup>c,d</sup>	
National Average or more	
Percentage of persons who agree that police treat people fairly and equally <sup>c,d</sup>	
National Average or more	

## Schedule 3 - Notes

These measures encompass the jurisdiction of a great many public and private institutions and individuals who contribute to the overall results and standings. Success in these targets is not the sole domain or responsibility of ACT Policing.

These targets are based on a five year average, operational environment, crime trends and ACT Government priorities.

These indicators are sourced from the *National Survey of Community Satisfaction with Policing (NSCSP)*, a self reporting survey conducted by the Social Research Centre.

Using the results of the relevant NSCSP questions, the percentage of the community 'satisfied' in measure 16 equals those who scored 'satisfied' or 'very satisfied'; the percentage of the community who have 'confidence' in measure 17 equals those who scored 'agree' or 'strongly agree'; the percentage of persons 'concerned' in Indicators A-D equals those who scored 'somewhat concerned' or 'very concerned'; the percentage of persons 'who feel safe' in Indicators E-F equals those who scored 'safe' or 'very safe'. Indicator G equals those who scored 'somewhat of a problem' or 'major problem' for each separate problem; the percentage of persons 'self-report to driving' in Indicators H-K equals those who scored 'sometimes', 'most of the time' or 'always'; the percentage of persons 'satisfied' in Indicator L equals those who scored 'satisfied' or 'very satisfied'; the percentage of persons who agree' in Indicators M-N equals those who scored 'agree' or 'strongly agree'.

In the ACT, the prescribed limit is 0.000 of alcohol per 100mL of blood for those classed as a 'special driver' in the *Road Transport (Alcohol and Drugs) Act 1977*. 'Special drivers' include those with a learner, provisional, probation, restricted, suspended and disqualified licence. The prescribed limit for all other drivers is 0.050 of alcohol per 100mL of blood.

Briefs delivered to the Director of Public Prosecutions within the designated timeframe include those where a formal extension was applied for and granted.

These measures are based on the concept of a 'case' where a person may be brought before the court on multiple charges. The charges are, for the purposes of this measure grouped under the apprehension identification number which is automatically generated by the PROMIS Case Management System.

This measure records successful prosecutions as being those where any of the charges under one apprehension identification number has been proven before the court.

This measure records cases which resulted in a court appearance where a magistrate or judge has made a determination which is not related to a finding of guilty or not guilty. This currently refers to mental health orders used by a court.

The term "otherwise resolved" includes cases referred to the Mental Health Tribunal, remands by the court before a matter is determined.

It should be noted that a proportion of the young people referred are as a diversion whilst others are referred in conjunction with criminal prosecution.

This target does not include matters where police discretion has determined that no further action or a caution is the most appropriate action.

This indicator measures all cases where ACT Policing Victim Liaison Officers have made initial contact with victims for specific indictable offences reported to police within the reporting period.

Eligible according to s19 of the *Crimes (Restorative Justice) Act 2004*:

**19 Eligible offenders**

- (1) An offender who commits an offence is eligible for restorative justice if—
- (a) this Act applies to the offence and the offender under part 4; and
  - (b) the offender—
    - (i) accepts responsibility for the commission of the offence; and
  - (ii) was at least 10 years old when the offence was committed, or was allegedly committed; and
  - (iii) is capable of agreeing to take part in restorative justice; and
  - (iv) agrees to take part in restorative justice.

ACT Policing is required to report on the following against this target:

Total number of young offenders

Total number of ineligible young offenders

Total number of Aboriginal and Torres Strait Islander young offenders

Total number of ineligible Aboriginal and Torres Strait Islander young offenders

Reasons why the offenders were deemed ineligible

### Schedule 3 – Definitions

Term	Definition
<b>Comparability of Survey of Community Satisfaction with policing results</b>	<p>The <i>National Survey of Community Satisfaction with Policing</i> (NSCSP) was conducted by Roy Morgan Research from 1 July 2006 to 30 June 2010. Since 1 July 2010 the NSCSP is conducted by the Social Research Centre. While the content of the survey remains relatively similar over time, there is some potential for variations in results based solely on the difference in the survey methodologies and survey providers.</p>
<b>Complaint issues</b>	<p>Issues associated with a complaint made in accordance with Part V of the <i>Australian Federal Police Act 1979</i>.</p>
<b>Contact with Victim</b>	<p>ACT Policing Victim Liaison Officers (VLOs) contact victims either via phone, letter or face to face. The VLOs may contact victims of the following indictable offences:</p> <ul style="list-style-type: none"> <li>• Family Violence;</li> <li>• Homicide;</li> <li>• Stalking;</li> <li>• Assault;</li> <li>• Sexual Assault (including Acts of Indecency and Indecent Exposure);</li> <li>• Kidnapping;</li> <li>• Robbery; and</li> <li>• Residential Burglary</li> </ul> <p>For offences investigated by ACT Policing's Criminal Investigations portfolio, contact with victims is made where necessary after consultation with the relevant case officer.</p>
<b>Custody</b>	<p>The restriction or removal of a person's right to freedom of movement.</p> <p>May also be constructive as a result of a person believing that they may not exercise their free will as a result of dealings with a police officer and is deemed to exist in circumstances where a person:</p> <ul style="list-style-type: none"> <li>• is in the company, care, custody or control of a member or special member, and is restricted from leaving that company for the time being;</li> <li>• is placed in a holding room;</li> <li>• is lodged in police cells or an area or facility controlled by police;</li> <li>• is placed under arrest.</li> </ul>
<b>DPP</b>	<p>Director of Public Prosecutions.</p>

Term	Definition
<b>Hearing brief of evidence</b>	A collation of all relevant evidentiary material relating to a prosecution to be forwarded to the DPP. It is accepted that for the judicial Process Measures (Numbers 24, 25, 26, 27) the efficiency of other agencies such as the DPP as well as the capacity of victims and witnesses to present their evidence may also affect judicial process outcomes.
<b>Injury</b>	An injury sustained by any person as a result of a collision, which necessitates treatment by a medical practitioner.
<b>Offence</b>	A breach of the criminal law.
<b>Offence cleared</b>	Offence cleared - Offences that are cleared by any method including, but not restricted to, Arrest, Caution, Summons, Charge withdrawn, Unfounded, Court Attendance Notice, Charge before the court, Diversionary conference, Simple Cannabis Offence Notice, Complaint withdrawn by victim, Offender identified - child under 10 years old, Assault - inadequate evidence to support allegation or Civil reconciliation between offender and victim.
<b>Offences against property</b>	Offences against property include robbery, blackmail, extortion, burglary, fraud, motor vehicle thefts, other theft offences, property damage and environmental offences.
<b>Offences against the Person</b>	Offences against the person include homicide assaults, sexually based offences, kidnap and related offences, other person offences.
<b>Percentage of 000 calls answered on first and second presentation</b>	It is the policy of Telstra to re-present 000 calls to another line after 9 rings in order to maximise the response rate. This is a national standard endorsed by Emergency Services Organisations across Australia. The measurement of response to 000 calls is based on average operating capacity and the target for this measure does not include abnormal instances created by one major event where operating capacity is overloaded due to multiple reporting of the same incident.
<b>Police response</b>	All police attendance to calls for assistance from members of the community that fit within the prioritised response model.
<b>Prioritised response model</b>	The model used by the Computer Aided Dispatch system to prioritise incidents for dispatch of patrols.

Term	Definition
<b>Priority One Incident</b>	Life threatening or time critical situations.
<b>Priority Two Incident</b>	Situations where the information provided indicates that time is important, but not critical.
<b>Priority Three Incident</b>	There are two possible responses to situations where there is no immediate danger to safety or property. This will be either police attention or police response. Each incident will be managed on a case by case basis in full consultation with the complainant. During that consultation, a determination will be made as to whether the complainant agrees that the matter can be handled over the telephone (police attention) or if attendance is required by Police. If the latter, then attendance must be not later than 48 hours from the initial contact by the complainant.

## **Schedule 4 – Complaints Reporting**

AFP Professional Standards is the primary mechanism for maintaining integrity and applies to all AFP appointees in Australia, its Territories and overseas.

Fundamental to compliance with the professional standards of the AFP is a requirement to adhere to the core values of the organisation.

Reporting of ACT Policing complaint matters will occur in accordance with clause 16.5 of this Agreement and will cover such matters as:

- Complaints submitted by category;
- Complaint trends, systemic issues;
- Complaints submitted by source;
- Status of complaints;
- Finalised conduct issues by category; and
- Conduct issue trends.

## Schedule 5 – Timetable for Developing 2021-25 Agreement

Action		Indicative Date
1.	The Chief Police Officer and Director-General JACS establish an Agreement sub-committee to lead the development of the 2021-25 Agreement.	July 2020
2.	Commencement of negotiation.	September 2020
3.	Endorsement of proposed Agreement by Chief Police Officer and Director-General JACS.	End of May 2021
4.	Obtain agreement from Commissioner and ACT-Government Police Minister to the proposed Agreement.	June 2021
5.	Signing of Agreement.	End of June 2021

## **Schedule 6 – Resource Reporting**

In accordance with clause 16 of this Agreement, the Chief Police Officer will report to the Minister for Police on the deployment, operational status and movement of ACT Policing employees.

Reporting will include:

- Definitions;
- Designation of staff as per operational and non-operational staff;
- Aggregated number of staff transfers into ACT Policing;
- Aggregated staff transfers out of ACT Policing; and
- Superintendent rank (or equivalent).

The Chief Police Officer will give timely advice to the Police Minister on any senior AFP personnel movements or changes. Changes to the Deputy Chief Police Officer and Director Corporate Services will be reported at the time of occurrence.

## Schedule 7 – Financial Reporting

In accordance with clause 16 of this Agreement, the Chief Police Officer will report to the Minister for Police on ACT Policing's financial performance in the below format.

The report will be accompanied by commentary where consolidated node variations exceed 5 per cent of pro-rata phased budgets.

<b>Australian Federal Police                      ACT Community Policing                      Financial Performance                      For 2017-18</b>						
	Current Budget 2017-18	Expenditure YTD	YTD Budget	Prorata Expenditure Rate Based On Phased Budgets	Full Year Estimate	Over/ (Under)
<b>Employee Expenses</b>						
Direct Employee Expenses						
Provision for Recreation Leave						
Provision for Long Service Leave						
Superannuation						
Overtime & Penalties ACTP						
Other						
<b>Total Salary Related Expenses</b>						
<b>Administrative Expenses</b>						
Communications Expenses						
Computer Expenses						
Consultants/Contractors						
General Expenses						
Insurance						
Motor Vehicle Expenses						
Office Expenses						
Other Operational Costs						
Property Items Discretionary						
Security						
Staff Expenses						
Training						
Travel Expenses						
Other						
<b>Total Administrative Expenses</b>						
<b>Non-Discretionary</b>						
Property Operating Expenses						
Compensation & Legal						
Depreciation						
<b>Total Non-Discretionary Expenses</b>						
<b>Enabling Expenses</b>						
General Counsel						
Finance & Commercial						
Technology & Innovation						
Support Capability						
People, Safety & Security						
Specialist Operations						
Workforce & Development						
<b>Total Enabling Expenses</b>						
<b>Total</b>						





## Mick Gentleman MLA

Minister for Advanced Technology and Space Industries  
Minister for the Environment and Heritage  
Minister for Planning and Land Management  
Minister for Police and Emergency Services  
Manager of Government Business  
Member for Brindabella

### Ministerial Direction

This Direction is issued under section 7 of the Policing Arrangement between the Commonwealth and Australian Capital Territory (ACT) Governments and outlines the Government's priorities and expectations for the Australian Federal Police (AFP) and more specifically the Chief Police Officer for the ACT (CPO). This Direction is to be read in conjunction with the 2017-2021 Purchase Agreement between the ACT Minister for Police and Emergency Services, the AFP Commissioner and the CPO. It supersedes and revokes the Direction issued on 10 July 2017.

My primary expectation is that ACT Policing will continue to provide a professional, effective and efficient, policing service to the ACT community. This should be achieved through evidence-based and innovative strategies to meet the outcomes of the 2017-2021 Purchase Agreement to reduce crime, increase public safety and engage with community and partners locally and nationally.

Through collaborative work with the Government and other stakeholders, I expect ACT Policing to play a key role in implementing ACT Government initiatives that improve community safety; reduce harm and trauma; and help prevent, divert and improve outcomes for those in contact with the justice system. This includes being transparent and responsive, as well as working with partner agencies on holistic approaches to complex social issues and providing policing and law enforcement advice to inform Government decision making.

In this context, the ACT Government expects ACT Policing will give special focus to the following priorities:

- a. **Transitioning to a new policing service model** that sees ACT Policing evolving in line with population growth and community expectations by providing a proactive, community focused policing service, centered on the disruption and prevention of crime.
- b. In support of Government's overall efforts to reduce recidivism by 25 percent by 2025, **increase early intervention and diversion strategies** and continue to work with the Aboriginal and Torres Strait Islander community to identify ways to reduce the over-representation of Aboriginal and Torres Strait Islander people in the criminal justice system.
- c. **Contribute to Canberra as a restorative city** and continue to improve responses to vulnerable groups including Aboriginal and Torres Strait Islander people, young people, people experiencing mental health issues, people with a disability, culturally and linguistically diverse people and victims of crime.
- d. **Strengthening the ACT's response to domestic and family violence** in appropriate and culturally sensitive ways and supporting the efforts of the Coordinator-General for Family Safety.

- e. Working proactively and innovatively with Government to **reduce and prevent alcohol-fueled violence**, including enforcing liquor laws, maintaining a presence in night entertainment precincts and responding to alcohol related violent incidents.
- f. **Improving road safety**, with emphasis on reducing road trauma experienced by vulnerable road users and combating anti-social and dangerous behaviours including speeding, driving while impaired or distracted.
- g. **Disrupting serious and organised crime**, including criminal gangs, drug trafficking and supply; and economic disruption to target the proceeds of crime, in addition to working with the Government to identify and implement legislative measures to target serious and organised crime.
- h. **Drug harm minimisation** by continuing to focus on diverting lower level drug offenders from the criminal justice process in accordance with the National Drug Strategy and the Government's policy settings such as the ACT Drug Strategy Action Plan.
- i. **Countering the threat of terrorism and violent extremism** by continuing to strengthen the safety of the ACT's public places in line with national strategies and best practice; and developing a fixated threat capability to meet the Government's obligations under the October 2017 Council of Australian Governments agreement.

I encourage ACT Policing to maintain a diverse and inclusive workforce that is committed to the wellbeing and health of its people so that it can continue to deliver a professional, innovative and effective policing service in a dynamic environment for the ACT community. This will include enhanced digital engagement to ensure ACT Policing continues to evolve in line with community expectations. In support of this, I will continue to work with ACT Policing, the Justice and Community Safety Directorate and the community to support a smooth transition to a new policing service model that will see more police working in a more connected and effective way to disrupt and prevent crime.

  
Mick Gentleman, MLA  
Minister for Police and Emergency Services

25/10/17