# Report on Inquiry into the Form of an Evaluation of Current ACT Policing Arrangements

Standing Committee on Justice and Community Safety

September 2020

Report 9

## The Committee

### Committee Membership

Mrs Giulia Jones MLA Chair from 14 December 2016 to 22 March 2018 and from 2 November 2018

Member from 13 December 2016 to 22 March 2018

Re-appointed as member, 1 November 2018

[On 21 March 2018 the Assembly discharged Mrs Giulia Jones MLA from the Committee and appointed Ms Nicole Lawder MLA in her place (for the period 22 March 2018 to 17 September 2018)][[1]](#footnote-1)

Ms Elizabeth Lee MLA Chair from 22 March 2018 to 1 November 2018

Member from 13 December 2016 to 1 November 2018

Ms Bec Cody MLA Deputy Chair from 14 December 2016

Member from 13 December 2016

Ms Nicole Lawder MLA Member from 22 March 2018 (for the period 22 March 2018 to 17 September 2018)

Mr Chris Steel MLA Member from 13 December 2016 to 23 August 2018

Mr Michael Pettersson MLA Member from 23 August 2018 to 23 August 2019

Mr Deepak-Raj Gupta MLA Member from 23 August 2019

### Secretariat

Mr Andrew Snedden Secretary

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### Resolution of Committee appointment

The Legislative Assembly for the ACT appointed the Standing Committee on Justice and Community Safety on 13 December 2016.

Specifically, the resolution of 13 December 2016 establishing the Standing Committees of the 9thAssembly, as it relates to the Justice and Community Safety Committee states:

That:

(1) The following general-purpose standing committees be established, and each committee inquire into and report on matters referred to it by the Assembly or matters that are considered by the committee to be of concern to the community:

… (d) a Standing Committee on Justice and Community Safety to perform a legislative scrutiny role and examine matters related to community and individual rights, consumer rights, courts, police and emergency services, corrections including a prison, administrative law, civil liberties and human rights, censorship, company law, law and order, criminal law, consumer affairs and regulatory services;

(4) Each general-purpose committee shall consist of the following number of members, composed as follows:

… (d) the Standing Committee on Justice and Community Safety:

(i) two members to be nominated by the Opposition;

(ii) two members to be nominated by the Government; and

(iii) the Chair shall be an Opposition member;

(5) Each committee shall have power to consider and make use of the evidence and records of the relevant standing committee during the previous Assembly.

(6) Each committee be provided with necessary staff, facilities and resources.

(7) The foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.[[2]](#footnote-2)

On 20 September 2018, paragraph (4) of this resolution was omitted and the following paragraph substituted:

(4) Each general-purpose committee shall consist of the following number of members, composed as follows:

…(d) the Standing Committee on Justice and Community Safety:

(i) one member to be nominated by the Opposition;

(ii) two members to be nominated by the Government; and

(iii) the Chair shall be the Opposition member.[[3]](#footnote-3)

### 

### Terms of reference

###### **Evaluation of Current ACT Policing Arrangements**

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:

The terms and history of the current arrangements dated June 2017 (the 2017 policing arrangement) between the Minister of Justice (Commonwealth) and the ACT Minister for Police and Emergency Services.

* The reasons and rationale for the current model and operational business plans for ACT Policing.
* The adequacy and reliability of the Purchase Agreement between ACT Government and the Commonwealth Government.
* 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.
* The opportunities provided for the provision of policing services to the ACT under the benefits for both jurisdictions—including:
  1. The opportunities provided under the 2017 policing arrangement for the AFP workforce to access community policing training and experience;
  2. 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.
  3. 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
  4. The current accountability mechanisms established and utilised under the 2017 policing arrangement, including:
     + applicable current reporting requirements on exercise of ministerial control and direction;
     + the Australian Government’s current governance arrangements for the AFP;
     + scrutiny and report of ACT Policing by the ACT Ombudsman;
     + audit of ACT Policing by the ACT and Australian Auditors-General; and
     + oversight of ACT Policing and AFP by the Australian Commission for Law Enforcement Integrity.
* 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.
* Other matters which are relevant to this inquiry.

The Committee is to report on the reference by the last sitting day in August 2020.

### Acronyms and Abbreviations

|  |  |
| --- | --- |
| AFP | Australian Federal Police |
| 2016 Policing Audit | ACT Auditor-General’s Report – Report No 3 of 2016 – ACT Policing Arrangement  <https://www.audit.act.gov.au/__data/assets/pdf_file/0006/1179942/Report-No.-3-of-2016-ACT-Policing-Arrangement.pdf> |
| ACAT | ACT Civil and Administrative Tribunal |
| ACC/ACIC | Australian Crime Commission/Australian Criminal Intelligence Commission |
| ACLEI | Australian Commission for Law Enforcement Integrity |
| ACT Policing Annual Report | ACT Policing - Annual Report - 2018 19 <https://police.act.gov.au/sites/default/files/Publications/ACTPAnnualReport2018-19.pdf> |
| ACTCOSS | ACT Council of Social Services |
| ACTHRC | ACT Human Rights Commission |
| AFPA | Australian Federal Police Association |
| ASD | Autism Spectrum Disorder |
| Business Plan | Annually produced business plan issued by ACT Policing with a breakdown of the focus of policing activities and performance measures for those goals. <https://police.act.gov.au/sites/default/files/PDF/ACT%20Policing%20Business%20Plan%202018-19-%2028%20Nov%202019.pdf> |
| CALD | Culturally and Linguistically Diverse |
| CPO | Chief Police Officer for the ACT. |
| Integrity Commission | The ACT Integrity Commission established pursuant to the *Integrity Commission Act 2018* |
| JACS Annual Report | Justice and Community Safety Annual Report 2018-19  <https://justice.act.gov.au/resources/uploads/JACS/annual-report-2018-2019/index.html> |
| Ministerial Direction | Current (2019) Ministerial Direction issued by the ACT Minister for Police and Emergency Services pursuant to Section 7 of the Policing Arrangement outlining the Government’s priorities and expectations for the AFP and the Chief Police Officer for eh ACT.  <http://cdn.justice.act.gov.au/resources/uploads/JACS/Ministerial_Direction_2019-ACT_Policing.PDF> |
| Ombudsman | ACT Ombudsman – pursuant to the Ombudsman ACT and |
| Policing Arrangement | 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.  <https://www.police.act.gov.au/sites/default/files/Publications/Arrangement_Final_PDF_Web_Version.pdf> |
| PTSD | Post-Traumatic Stress Disorder |
| Purchase Agreement | 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  <https://www.police.act.gov.au/sites/default/files/Publications/2016-17%20Purchase%20Agreement.pdf> |

Table of Contents

[The Committee i](#_Toc52271370)

[Committee Membership i](#_Toc52271371)

[Secretariat i](#_Toc52271372)

[Contact Information ii](#_Toc52271373)

[Resolution of Committee appointment iii](#_Toc52271374)

[Terms of reference v](#_Toc52271375)

[Acronyms and Abbreviations vii](#_Toc52271376)

[Recommendations xi](#_Toc52271377)

[1 Introduction and background 1](#_Toc52271378)

[Introduction 1](#_Toc52271379)

[Evaluation of ACT Policing 4](#_Toc52271380)

[JACS Committee approach 5](#_Toc52271381)

[2 Conduct of the Inquiry 7](#_Toc52271382)

[Terms of the Committee evaluation 7](#_Toc52271383)

[Invitation for submissions 7](#_Toc52271384)

[Submissions received and Summary of submissions 7](#_Toc52271385)

[Committee hearings 8](#_Toc52271386)

[Committee report 8](#_Toc52271387)

[3 Current organisational and structural arrangements of ACT Policing 9](#_Toc52271388)

[Introduction 9](#_Toc52271389)

[Legislation 9](#_Toc52271390)

[Policing Arrangement 10](#_Toc52271391)

[Administrative structure and Budget 12](#_Toc52271392)

[4 Comments on the current policing governance structure 16](#_Toc52271393)

[Committee Comment 17](#_Toc52271394)

[5 Issues supporting effective ACT Policing – Current and Future 19](#_Toc52271395)

[Introduction 19](#_Toc52271396)

[General Observations 19](#_Toc52271397)

[Committee Comments 21](#_Toc52271398)

[6 ACT policing - Accountability 23](#_Toc52271399)

[Introduction 23](#_Toc52271400)

[Current requirements involving scrutiny and accountability of ACT Policing 23](#_Toc52271401)

[Oversight of ACT Policing and AFP by the Australian Commission for Law Enforcement Integrity (H3) 24](#_Toc52271402)

[Views put to the Committee relating to scrutiny and accountability arrangements for ACT Policing and for individual police 26](#_Toc52271403)

[ACT Ombudsman 26](#_Toc52271404)

[7 Community policing – concerns to address 36](#_Toc52271405)

[Introduction 36](#_Toc52271406)

[Issues considered by the Committee 36](#_Toc52271407)

[Importance of community relations 37](#_Toc52271408)

[Community Policing - dealing appropriately with individuals 38](#_Toc52271409)

[*The Barriers in Communication* 38](#_Toc52271410)

[*Police and community members with Mental Health Considerations* 39](#_Toc52271411)

[Committee Comment 40](#_Toc52271412)

[8 Issues relating to management of Mental Health and PTSI effects on police as first responders 43](#_Toc52271413)

[Introduction 43](#_Toc52271414)

[Current and ongoing pressures on police as responders 44](#_Toc52271415)

[How is ACT Policing managing members who are experiencing PTSI? 45](#_Toc52271416)

[Discussions by Committee on matter 46](#_Toc52271417)

[Committee Comment 48](#_Toc52271418)

[9 Conclusions 52](#_Toc52271419)

[Appendix A – Submissions received by the Committee 53](#_Toc52271420)

[Appendix B – Witnesses 55](#_Toc52271421)

[TUESDAY, 16 JUNE 2020 55](#_Toc52271422)

[TUESDAY, 23 JUNE 2020 55](#_Toc52271423)

[TUESDAY, 30 JUNE 2020 56](#_Toc52271424)

[TUESDAY, 4 August 2020 56](#_Toc52271425)

[Appendix C – Answers to Questions on Notice and Questions Taken on Notice From Hearings 57](#_Toc52271426)

[Appendix D – Current Operational Documents governing ACT Policing 59](#_Toc52271427)

### 

## Recommendations

[Recommendation 1](#_Toc52271428)

[5.12 That prior to the next AFP Agreement being signed the government must urgently address the state of the buildings which house the AFP ACT Policing and set out a clear and considered plan of action for the rectification of the unworthy nature of the accommodation for the work which these personnel undertake.](#_Toc52271429)

[Recommendation 2](#_Toc52271430)

[5.13 That the Gungahlin Police Station should immediately be altered in order that improved and/or expanded space and facilities be provided to include appropriate facilities for ‘soft’ interviews, additional ‘on duty ‘cars, and a separate lunch and breakout area.](#_Toc52271431)

[Recommendation 3](#_Toc52271432)

[5.14 The negotiation process with the AFP must be proceeded by considered conversation with the ACT community asking for feedback and suggestions for what changes or improvements could be included in the next agreement.](#_Toc52271433)

[Recommendation 4](#_Toc52271434)

[5.15 That the Government prior to the next policing agreement release a plan for regions of the city currently a significant distance from current operational stations. These plans should include plans for Kippax and west Belconnen, Weston Creek and the Molonglo Valley which includes a future clear police presence and that the different regions addressed be engaged for more information about the crime they are experiencing.](#_Toc52271435)

[Recommendation 5](#_Toc52271436)

[5.16 That ACT Policing get to know local community leaders in the faith and cultural communities. Not just via attendance at the multicultural festival to host a display, but via deeper and more meaningful relationship building.](#_Toc52271437)

[Recommendation 6](#_Toc52271438)

[5.17 That these better and deeper relationships be developed in order to break down cultural barriers to engagement with and reporting to police which some CALD and Aboriginal community members experience.](#_Toc52271439)

[Recommendation 7](#_Toc52271440)

[6.34 That ACT Policing include and demonstrate improvement in cultural diversity in recruitment for ACT police, and that this aim should include both the ATSI and multicultural sections of our community.](#_Toc52271441)

[Recommendation 8](#_Toc52271442)

[6.35 That the HRC be able to give an option for the confidential resolution of HRC complaints against police, enhancing the current conciliation process.](#_Toc52271443)

[Recommendation 9](#_Toc52271444)

[6.36 That that the Minister take carriage and provide to the assembly improved data collection on contact information with cultural and disability groups and their interaction with the police. This should include the types of people police are dealing with to enhance Human Rights protection.](#_Toc52271445)

[Recommendation 10](#_Toc52271446)

[6.37 That the Minister for Police take carriage of and provide to the Assembly the number and frequency of requests for and the provision of interpreters and translators.](#_Toc52271447)

[Recommendation 11](#_Toc52271448)

[6.38 That the next AFP agreement includes a report to the ACT Assembly each year of what ACT policing has done to improve trust with culturally, faith and linguistically diverse groups including demonstration of how trust has been enhanced.](#_Toc52271449)

[Recommendation 12](#_Toc52271450)

[6.39 That the Minister for Policing report to the assembly annually the changes and adjustments to policing interaction with those living with a disability or who are neurologically a-typical and demonstrate how this has improved trust of police from these people in our community.](#_Toc52271451)

[Recommendation 13](#_Toc52271452)

[6.40 That the minister for police report to the Assembly annually on improvements that have been made to ACT policing and in their work with children and young people which addresses challenges they face participating in the criminal justice system.](#_Toc52271453)

[Recommendation 14](#_Toc52271454)

[6.41 That the Minister for policing report to the Assembly annually on measurable improvements to the lack of awareness of the justice system, including laws and legal procedure achieved via ACT Policing outreach.](#_Toc52271455)

[Recommendation 15](#_Toc52271456)

[6.42 That an audit be done to achieve recommendations in the streamlining of data and information to limit ‘churn’ and duplication between ACT and Federal AFP elements.](#_Toc52271457)

[Recommendation 16](#_Toc52271458)

[6.43 That the Minister for Police in the next agreement with the AFP include such changes to the information systems used by police so that data from police activities is in a searchable format in all cases, including sexual assault.](#_Toc52271459)

[Recommendation 17](#_Toc52271460)

[6.44 That ACLEI reports regularly to the ACT Minister for Police and that that report be tabled in the ACT Legislative Assembly.](#_Toc52271461)

[Recommendation 18](#_Toc52271462)

[6.45 That referrals made internally regarding police matters to the ACLEI and/or to the ACT Integrity Commission be subject of advice by each body to the other, to the extent permitted by statute.](#_Toc52271463)

[Recommendation 19](#_Toc52271464)

[6.46 That detailed data in relation to cultural and/or language barriers arising as part of ACLEI investigations of police should be particularly highlighted in such a report and that the Minister for police report annually to the Assembly about how these barriers have been addressed in the systems and culture of ACT Policing.](#_Toc52271465)

[Recommendation 20](#_Toc52271466)

[6.47 That the ACT government continue to work with the Federal Government to include ACT Police in the scope of the ACT Integrity Commission.](#_Toc52271467)

[Recommendation 21](#_Toc52271468)

[7.23 The Committee recommends all active police receive training which addresses comprehensively all elements of cultural and ethnic awareness training and disability inclusion.](#_Toc52271469)

[Recommendation 22](#_Toc52271470)

[7.24 That the government develop a wallet card allowing individuals to self-identify as a person with a disability should they wish to carry one.](#_Toc52271471)

[Recommendation 23](#_Toc52271472)

[7.25 That police cadet training includes all elements of cultural and ethnic awareness training and disability inclusion.](#_Toc52271473)

[Recommendation 24](#_Toc52271474)

[7.26 That police liaison officers and ACT policing should ensure a regular and routine consultation with the ASD and neuro atypical representative groups so that strong engagement is established as permanent means of policy as well as community engagement and learning.](#_Toc52271475)

[Recommendation 25](#_Toc52271476)

[7.27 That the current training regarding interactions with the ASD and neuro atypical members of the community be reviewed by the organisations representing them in our community to ensure it is contemporary and workable in the ACT context.](#_Toc52271477)

[Recommendation 26](#_Toc52271478)

[8.26 That PTSI arrangements in ACT Policing include presumptive legislation for traumatic Psychological Injury.](#_Toc52271479)

[Recommendation 27](#_Toc52271480)

[8.27 That in tandem with such legislative change, cultural change be undertaken to change any workplace cultural practices which treat a police member as being unreliable or a risk while they are engaged in proactive mental health management so that affected officers will be prepared to notify injuries or mental health effects at the time of their initial injuries and before they become critical.](#_Toc52271481)

[Recommendation 28](#_Toc52271482)

[8.28 That a peer support employment assistance program available 24 hours a day, be fully culturally aware, clinically supervised, and within that supervision be confidential.](#_Toc52271483)

[Recommendation 29](#_Toc52271484)

[8.29 That mental health services and support put a greater focus on building trust between with the frontline personnel client through complete cultural awareness and confidentiality.](#_Toc52271485)

[Recommendation 30](#_Toc52271486)

[8.30 That those with lived experience have a pathway to be trained in providing peer-to-peer and mental health support either while still serving or as a second career to provide a stream of culturally aware professionals available to the first responders.](#_Toc52271487)

[Recommendation 31](#_Toc52271488)

[8.31 Engage with mental health professionals (such as Ester McKay and Carmel O’Sullivan) in the development, implementation and review of mental health and peer-to-peer support services.](#_Toc52271489)

[Recommendation 32](#_Toc52271490)

[8.32 That 24-hour support services be geared to deal with peak demand after work hours (i.e. 6-9pm) and on weekends.](#_Toc52271491)

[Recommendation 33](#_Toc52271492)

[8.33 That trained clinicians be used for these services who are culturally aware or former personnel are trained and supervised by clinicians rather than volunteer-based services without such training and support.](#_Toc52271493)

[Recommendation 34](#_Toc52271494)

[8.34 Recognised that those who have PTSI have lived experience and are often highly capable and valuable in crisis and traumatic situations and that when recovering from such events may require further support and time for processing their experiences after the event.](#_Toc52271495)

[Recommendation 35](#_Toc52271496)

[8.35 Recognise that those with PTSI often have wealth of experience, and efforts should be made to keep them employed wherever possible to maintain corporate knowledge and experience.](#_Toc52271497)

[Recommendation 36](#_Toc52271498)

[8.36 That pathways for post-service personnel who are post-trauma be established to contributing to the frontline through organisations which support current and former members in various capacities.](#_Toc52271499)

[Recommendation 37](#_Toc52271500)

[8.37 That staff be provided with the training and understanding to best manage their mental health while in a state of need or crisis – if and when culturally aware, trusted and clinically supervised services are not available.](#_Toc52271501)

[Recommendation 38](#_Toc52271502)

[8.38 That EBA negotiations include the option of part time work options be included as a standard response for those managing traumatic psychological injury.](#_Toc52271503)

## Introduction and background

### Introduction

* 1. The Assembly committees have held various inquiries this term which have involved questioning of ACT police and the AFP about their structures and their general view of the ACT and the policing role which they are essentially contracted to undertake, not the least of which was the committee inquiry which lead to the establishment of the Integrity Commission for the ACT.
  2. Throughout this process over the term it has become abundantly clear that there is a degree of different objectives between the ACT Assembly and the Government versus the Federal AFP and the Federal Government who have a contract for service delivery for the people of the ACT.
  3. The JACS Committee as part of its foundation has a responsibility to the people of the ACT to undertake inquiries and investigations that will see improvements to the experience of living and working in the ACT in the area of Justice and Community Safety, and as such, this inquiry was born out of a desire to see an improvement to the experience of both the ACT residents who can, do or could call on ACT policing to assist them, as well as on those ACT residents who work for the AFP and who serve our community as part of ACT policing.
  4. In order to properly address this area the committee agreed to undertake this enquiry which not only looks forward to the future of policing in the ACT, but which looks back at how the rather unusual arrangements for police services came to be and whether they are the optimal option for the current needs of the Territory.
  5. This is why the terms of reference go to:
* The reasons and rationale for the current model,
* The adequacy and reliability of the current model via the purchase agreement between the ACT and commonwealth governments,
* The benefit of a model which gives the Commonwealth officers who have had local policing experience,
* The degree of independence that ACT policing has from the Federal AFP,
* The state of resources and infrastructure and training,
* Accountability mechanisms in the system,
* Governance arrangements for the AFP,
* The role of the ACT Ombudsman
* Previous audits of ACT policing by the ACT and Australian Auditors-General
* The oversight provided by ACLEI and in conclusion matters and concepts which might improve the policing arrangements for the ACT.
  1. Having called for submissions a number of associated issues came to light and were canvassed both by community organisations representing either the broader community or particular groups within it, committee members and their known experiences of local community members of policing or their lack of interaction with the police owing to their cultural heritage, as well as representations from the Association which represents the police officers, which is the Australian Federal Police Association, in regard to the situation which is the experience and daily reality for the workers in this system. The government also submitted.
  2. The issues which came to light can be categorised under the following headings:

1. The community’s requests
2. Data collection and reporting
3. Interacting with those with a disability or who are neurologically a-typical
4. Interacting with and engaging the multicultural and multifaith aspects of the ACT community
5. The handling of complaints against police personnel.
6. Training and recruitment - perceived deficiencies
7. The built infrastructure and other employment conditions of ACT policing personnel
8. Managing the significant load of Mental health injury experienced by our police and modernising our approach
   1. Each of these areas is described in the following pages. However, including the individual suggestions and issues raised by all representative parties to the committee but not being limited by them the committee makes the following observations:
   2. The ACT has a contracted police force made up of members of our community, but the ACT Assembly is somewhat powerless to improve their conditions of employment while they are employed by a federal body and there is little or no separation of the work and conditions of these members from the Federal Force and their work conditions.
   3. The ACT Community also has little recourse for change in the details of how the ACT police operate and how they are governed given the current federal laws and the current normalised method of an agreement for service and a purchase agreement for the cost of units of work agreed to.
   4. The minister for policing has little day to day sight of the operations of ACT policing and this makes ministerial responsibility in this context complex, possibly near impossible to discharge fully.
   5. Therefore the key recommendation of this inquiry is **that there be a degree of separation built into the system** and that **such a purposeful separation be trialled for a full purchase cycle** before any consideration is given to any future discussion of the need that there may be for an independent ACT police force at some stage in the future.
   6. Given that the NT and Tasmania, both comparative jurisdictions for size or structure, have their own independent police forces, the argument that the ACT is too small or too immature a jurisdiction no longer hold weight, however the current system is not to be dismissed without further effort into making it even more beneficial for the people of the ACT.
   7. Predominantly the recommended separation would need to achieve the following various outcomes.

1. Considerably more differentiation of the workplace terms and conditions of service for the personnel of ACT policing, this may be achievable via a separate Enterprise Bargaining Agreement. The process for the negotiation of the EBA could them be submitted to by the ACT government and the terms of employment could be formed within the ACT Government’s bargaining terms not the Commonwealth’s.

2.This could see improvements to rostering, police numbers being better reflective of a growing ACT population, the state of ACT buildings and accommodation could be more easily highlighted and dealt with and quite importantly the ACT government could have more say in the mental health care of police members, who our hearings clearly demonstrated do not have the best mental health care of all agencies which appear before The Administrative Appeals Tribunal.

3. The committee’s recommendations reflect both the need for this separation to be achieved, as well as the many and varied requests put to the committee via the community submissions and presentations, as well as by the AFPA, the body representing the police personnel themselves.

4. Such a separation could consider, the choice of Chief Police Officer, which is currently an appointment over which the ACT has very little if any control, and the input which the ACTs Minister for Policing has in the choice or longevity of the person in this role.

5. The separation could also achieve a greater say of the flow of ACT policing personnel into the Federal part of the AFP, making sure that the ACTs minister for policing knows of and has a say in the movement of personnel to the federal body from ACT Policing. Currently there is no mechanism for the minister to have a say as members move towards the federal force, at times stripping numbers of members from the ACTs force at a time.

6. This degree of separation could also give the ACT government the capacity to significantly modernise and improve the mental health care of our police by allowing a far more modern and workplace effective response to workplace traumatic mental injury which increasingly is expected in the care of first responders by the ACT community.

### Evaluation of ACT Policing

* 1. As a fundamental issue, the Committee did seek views and submissions on the unique policing arrangement in the ACT, and whether there were substantial view or analysis which examined whether this arrangement should change.
  2. In a formal evaluation the current arrangements for ACT Policing, the Committee looked at the performance of the role, functions and responsibility of ACT Policing, as a disciplined law enforcement agency and its stated aims and understanding of its role, its structures, and the implementation of its statutory and other agreed functions and powers set out in the agreements governing its aims and activities.
  3. In addition, and as a result of the evaluation of matters in the preceding paragraph, The Committee moved beyond formal performance and effectiveness to governance, transparency and accountability including responsiveness to the needs, requirements and demands of a modern Canberra.
  4. The Committee notes the historical evaluations of ACT Policing and aspects of its performance have been undertaken. Those include:

##### ACT Audit Office – 2004

* 1. The ACT Audit Office tabled a performance audit report Administration of Policing Services in May 2004 which provided audit opinion and recommendations on improvements to the effectiveness of the policing Agreement, the Policing Purchase Agreement and other accountability issues.[[4]](#footnote-4)

##### Joint Study into ACT Policing – 2005

* 1. In 2005, ACT Policing and the Justice and Community Safety Directorate jointly commissioned a review by KPMG and John Valentin and Associates of the (then) Policing Arrangement and Purchase Agreement. The June 2005 Joint Study into ACT Policing report of this review made recommendations covering governance arrangements; adequacy of resources; resources reporting and financial control; infrastructure and facilities management; Commonwealth work; ACT Policing organisational structure; enabling services; and data systems.[[5]](#footnote-5)

##### Australian National Audit Office – 2012

* 1. The Australian National Audit Office conducted a performance audit ‘to assess the effectiveness of the AFP’s management of the delivery of policing services to the ACT’ in 2012. The Provision of Policing Services to the Australian Capital Territory audit report concluded that the AFP was ‘effectively managing the delivery of policing services to the ACT, delivering the level and type of community policing services agreed with the ACT Government’ and consistently meeting the majority of its performance targets’.[[6]](#footnote-6)

##### ACT Audit – 2016

* 1. This is the latest comprehensive external audit and assessment of the effectiveness of ACT Policing Services and ACT Policing Arrangements.[[7]](#footnote-7) The report (referred to as ‘2016 Audit’ in this report) dealt with the audit as follows:
  2. The objective of this audit is to provide an independent opinion to the Legislative Assembly on the effectiveness of the Justice and Community Safety Directorate’s management of the Policing Arrangement and associated annual Purchase Agreements, for the provision of community police services to the ACT by the AFP.
  3. The audit was focused on the Justice and Community Safety Directorate’s responsibilities with respect to the ACT Policing Arrangement and Purchase Agreements including governance, roles and responsibilities, and oversight including monitoring, reporting and assurance.

### JACS Committee approach

* 1. The Committee’s approach to this evaluation was to invite and conduct discussions with the major stakeholders in the ACT Policing structure – government, policing and representatives of police personnel to allow for analysis and discussion of contemporary issues affecting the ACT policing arrangements in 2019-20 and to matters put to the Committee in submissions as well as via the committee members experiences in and in listening to members of the ACT community as they undertake their functions as members of the Assembly and representatives of the community. This has allowed the Committee to consider if ACT Policing is currently meeting its statutory and formal obligations, and if it is meeting the community’s expectations and needs .
  2. The Committee also employed this evaluation to highlight several matters not currently detailed in the formal arrangements for policing, but which were drawn to the Committee’s attention during the evaluation process and through members own experiences as they perform their work as local representatives out and about in the community. These particularly focussed on many areas including community policing practice and outcomes as experienced by police and community members who have ASD or are neuro atypical. The second area looks at is how ACT Policing is dealing with the effect on ACT police as first responders in managing, assisting and supporting personnel with Post Traumatic Stress injuries.
  3. The Committee deals with these issues in detail in its report.

## Conduct of the Inquiry

### Terms of the Committee evaluation

* 1. The Committee resolved to undertake a self-referred inquiry in the form of an evaluation of current ACT policing arrangements on 28 November 2019. The terms of the evaluation are at the beginning of this report and were drafted to allow the Committee to evaluate ACT Policing as a police agency and all aspects of police responsibility in a contemporary community.

### Invitation for submissions

* 1. The Committee invited submissions by way of placement of an invitation on the Committee’s website on 28 November 2019. This invitation was placed on social media pages and other means used by the Assembly to publicise and provide public detail of matters currently under inquiry by Assembly Committees.
  2. In addition, the committee directly invited several organisations, individuals and other stakeholders whose views were considered of importance to this inquiry.

### Submissions received and Summary of submissions

* 1. The Committee received 12 submissions which are published on the inquiry website at: <https://www.parliament.act.gov.au/parliamentary-business/in-committees/committees/standing-committees-current-assembly/standing-committee-on-justice-and-community-safety/Inquiry-in-the-form-of-an-evaluation-of-current-ACT-Policing-arrangements#tab1452597-2id>
  2. Principal submissions were made by ACT Government, Australian Federal police (AFP), Australian Federal Police Association (AFPA), ACT Human Rights Commission (ACT HRC), ACT Ombudsman and the Australian ACLEI These submissions provided the committee with analysis and summaries of the functions, role and the performance of ACT Policing, together with analysis of the accountability and other requirements of a disciplined law enforcement agency.
  3. Other submissions were received from individuals and community organisations whose submissions took a different approach: they addressed issues of community engagement, the many ways in which police interact with the community who are vulnerable and whose needs for clear and empathetic understanding by authority are often bypassed or not necessarily given optimum expected attention. These submissions provided the Committee with an important perspective on how ACT Policing is perceived and understood in the community and provided the committee with an opportunity to explore and test such issues with ACT Policing.
  4. The Committee invited all former members of the Legislative Assembly who had served as minister responsible for policing, and police services. The Committee invited the former ministers to provide a contribution to the inquiry based on their experience.
  5. The Committee received a submission from former Police Minister and former Chief Minister for the ACT, Gary Humphries AO, who also gave evidence to the Committee.

### Committee hearings

* 1. The Committee held 4 hearings which were all public, streamed virtual hearings on WebEx and which allowed members and witnesses to participate in discussions and questions and answers on matters raised by the inquiry and by submissions and other materials.
  2. Hearings were held as follows[[8]](#footnote-8) –
* Tuesday, 16 June 2020
* Tuesday, 23 June 2020
* Tuesday, 30 June 2020
* Tuesday, 4 August 2020
  1. Hearing transcripts and video links are at: <http://www.hansard.act.gov.au/hansard/2017/comms/default.htm>

### Committee report

* 1. The Committee completed its hearings on 4 August 2020 and prepared its report for presentation to the Assembly pursuant to the procedure available pursuant to Standing Order 254C.
  2. The Committee considered its report and presented the report to the Speaker on 22 September 2020.

## Current organisational and structural arrangements of ACT Policing

### Introduction

* 1. The Current arrangements underpinning policing in the ACT have a structure of legislation, and associated agreements between the ACT and the Commonwealth governments and the AFP.
  2. The principal elements in the arrangement, which are published[[9]](#footnote-9), are:
  3. Relevant legislation governing the ACT and its policing from self-government in 1989
  4. **Policing Arrangement** document which establishes the obligations, commitment, governance and funding of ACT Policing
  5. **Purchase agreement** setting out the agreed funding and description of services provided by the AFP.
  6. An annual **Ministerial Direction** from the ACT Minister for PES which sets the ACT Government’s expectation parameters, operational priorities for ACT Policing.
  7. The Policing Agreement, Purchase Agreement, current Ministerial Direction and Business Plan are in **Appendix D** to this report.

### Legislation

* 1. The bases for legislative authority and governance, and related issues of ACT Policing are contained in several provisions.
  2. 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. 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. Accordingly, unlike other jurisdictions, there is no Police Act or similar legislation in the ACT.
  3. 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.
  4. 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.
  5. 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, has 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.[[10]](#footnote-10)

### Policing Arrangement

* 1. The full title of the Policing Arrangement is *An Ongoing Arrangement between the Minister for Justice for the Commonwealth and the ACT Minister for Police and Emergency Services for the Provision, of Policing Services to the ACT*. The current Policing Arrangement covers the period June 2017 to July 2021.
  2. The Policing Arrangement is the detailed basis and working document established and used to provide a strategic framework for the provision of police services by the Commonwealth in the ACT by the AFP.
  3. The Arrangement is negotiated and agreed on between the Commonwealth and ACT ministers responsible for policing, The Arrangement specifies that responsibility for operational matters will rest with the AFP Commissioner and that responsibility for policy will rest with the Minister supported by the Directorate.
  4. The requirements identified through the Policing Arrangement (and the Purchase Agreement) cover quality and level of policing, appointment of the Chief Police Officer, the Directions of the Minister for Police, reports to be provided, involvement in policy development and implementation and performance measures. Annual reporting and Ministerial Directions are also covered in both documents. The Policing Arrangement and Purchase Agreement together provide the necessary framework for the delivery of, and payment for, police services by ACT Policing to the ACT Government.
  5. The 2017-21 Arrangement recognises major resource responsibilities to clarify AFP responsibilities to both ACT and the wider national level of responsibility. – These are [[11]](#footnote-11)–
     + The AFP is 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
     + 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.
     + 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 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.
     + 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.[[12]](#footnote-12)
  6. The Arrangement also provides that there is to be a detailed financial arrangement (Purchase Agreement) which provides for the basis and specified description of how 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 The Committee notes the details of these provisions below. .
  7. In its submission the ACT Government noted the Arrangement and how it is prepared was subject to the 2016 audit comments and recommendations noted earlier. Specifically, audit recommendations regarding the shape and the future provisions of the Arrangement and how the Arrangement would benefit from some changes were described as:
     + The Justice and Community Safety Directorate should initiate action to develop, with ACT Policing, a system that provides the Justice and Community Safety Directorate with an increased awareness of all Memorandums of Understanding that ACT Policing has entered with other organisations.
     + The Justice and Community Safety Directorate should, with ACT Policing, define the directorate’s role and responsibilities, including in relation to strategic police policy development, in future Policing Arrangements and Purchase Agreements.
     + The Justice and Community Safety Directorate should develop a risk management plan for its management of the Policing Arrangement and associated Policing Agreement.
     + The Justice and Community Safety Directorate should undertake a formal evaluation of the Policing Arrangement and the Purchase Agreement, against their objectives, when negotiating new Arrangements and Agreements.
     + The Justice and Community Safety Directorate should, in consultation with ACT Policing, assess the merits of increasing the length of the Policing Arrangement and the Purchase Agreements.[[13]](#footnote-13)
  8. The Committee notes that it is surprising that these matters were not already undertaken in the purchase agreement process, prior to the audit, however that they were implemented and have shaped the Policing Arrangement and Purchase Agreement currently in place.
  9. The AFP submission noted the arrangement and highlighted these matters which impact on the AFP:
  10. 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.
  11. 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. ***[[14]](#footnote-14)***

### Administrative structure and Budget

#### Purchase Agreement

* 1. As noted, the Purchase Agreement is one of the three Governing Documents attached to the Report as Appendix D.
  2. The Purchase Agreement is entitled 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.
  3. The current Agreement is for the period 2017-2021.
  4. The overall aim of the Purchase Agreement is to provide mechanisms for AFP to 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.
     + 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.
     + The ACT Government will provide appropriate facilities and associated infrastructure for the AFP to deliver policing services under this Arrangement.
     + 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.
     + 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.
  5. The detail the purpose and objectives of the Purchase Agreement are
     + In accordance with clause 2.1 of the Arrangement, the 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.
     + The Agreement is read in conjunction with the Arrangement and Ministerial Directions issued under the Arrangement.
     + The Act Government and AFP seek from the Agreement;
* Appropriate policing levels and services for the ACT community
* Sustained high quality service provisions
* Provision of stable and effective policing services for the ACT community as well as the building and retention of corporate knowledge within ACT Policing
  1. Major areas dealt with under the agreement include all aspects of
     + Governance and principles
     + ACT Policing Operating Environment
     + Responsibilities to the Police minister and other ACT Ministers
     + Supporting ACT Government Strategies
     + Supporting events in the ACT
     + Supporting the ACT Government in National Forums
     + Agreement making
     + Financial Arrangements
     + Facilities and Structures
     + Terms and conditions of employment
     + Performance measures
     + Reporting
     + Annual Report provisions
     + Dispute resolution
     + Duration and development of Agreements
  2. The ACT Government also sees an overarching role for the Purchase Agreement, which is to provide for policing performance measures which defines the three main focussed outcomes against which ACT Policing’s performance is currently measured, namely:
  3. Reduce Crime – prevent and reduce crime and violence; enhance response to, and investigate offences; and provide effective and efficient support to the judicial process
  4. Public Safety – respond to calls for assistance; plan and manage major community events and public demonstrations; respond to emergencies and disasters; and improve and promote road safety through education, innovation and targeted enforcement
  5. **Community and Partner Engagement** – increase community confidence in police; support early intervention and diversion; and enhance and strengthen resilience of communities. [[15]](#footnote-15)

#### ACT Policing Funding - current Financial Year under the Purchase Agreement

* 1. Schedule 1 of the Purchase Agreement provides a global $164, 931 million for ACT policing for 2019-20.

#### Business Plan

* 1. In addition to the Arrangement and the Purchase Agreement, ACT Policing issue an annual Business Plan. The Business Plan for 2019-20 is an important document as it sets out detailed descriptions of current year goals (e.g., Community and Partner Engagement) and a set of outcomes, outputs, strategies, performance measures and targets, for each strategic goal.[[16]](#footnote-16)
  2. The Business Plan is in **Appendix D**.
  3. The ACT Policing annual report contends a section dealing in detail with the performance measures set out in the Business Plan.[[17]](#footnote-17)

#### Ministerial Direction

* 1. Ministerial Directions issues by the Minister for Police and emergency services are issued as follows:

Under the Policing Arrangement the ACT ‘Police Minister may give to the Chief Police Officer general directions in writing as to policy, priorities and goals in relation to the provision of Police Services by the AFP under this Arrangement and the Purchase Agreement’.35

* 1. Ministerial Directions are issued annually since August 2007 and have identified and focused on issues such as:
     + the role of the AFP;
     + special areas of focus for ACT Policing in its delivery of services; and
     + new and revised reporting requirements.
  2. In its analysis and report, the 2016 audit report observed that the, ‘Ministerial Directions provide a mechanism for the ACT Minister for Police to provide general directions for policing services in the ACT.’
  3. The Ministerial Direction - dated October 2019 – which sets goals for ACT Policing for 2020 is attached in Appendix D.
  4. The current Ministerial direction sets out the Government’s current-year priorities and aims for ACT Policing.

## Comments on the current policing governance structure

* 1. As indicated at the start of this report, the arrangement for ACT Policing is unique in comparison with all other Australian jurisdictions.
  2. Discussions have centred on the possibility from time to time since self-government in 1990 on whether there is scope and practical benefit for the ACT to end the current contract arrangement with the Commonwealth and AFP and establish and fund its own police force.
  3. There is also a view that if Tasmanian and the Northern Territory can support independent police forces, why shouldn’t the ACT.[[18]](#footnote-18)
  4. There has not yet been a substantive consideration of achieving a higher level of autonomy or ACT Governmental oversight of the conditions of employment or an increase in structural separation of ACT Policing from the AFP’s Federal Arm.
  5. The Committee, when issuing its invitations for submissions to this inquiry and evaluation, invited aa previous police ministers in the ACT jurisdiction to give the Committee their views on the ACT arrangements.
  6. Gary Humphries AO advised the Committee that though had been given to this course during his time as Minister. In his submission, Mr Humphries noted that some 20 years ago:

Taking into account the balance between these pluses and minuses, the ACT cabinet tasked me informally to explore alternatives to the purchase of policing services from the AFP, based on the premise that the Commonwealth could be persuaded to repeal s 8 of the AFP Act. However, my endeavours suggested that the purchase of police services from, say, NSW would not provide a level of service satisfactory to the ACT community, and the establishment of a separate and freestanding ACT police force entailed such substantial start-up costs particularly with respect to training as to be unsafe to pursue.[[19]](#footnote-19)

* 1. In discussions with the Committee, Mr Humphries observed:

…I do not think that the question is ever static, or a question fixed in time. It will always depend on the circumstances that the territory is in at any particular moment, and, indeed, what the commonwealth wants to do at any moment in time as to whether or not a separation from the AFP would be an advantageous arrangement for this community. We get very clear benefits from being part of the AFP organisation. In particular, we get quite high-quality trained police with broad experience and an outlook which does not suffer from the parochialism you can see in smaller police forces occasionally.[[20]](#footnote-20)

* 1. Mr Humphries also observed:

The original agreement was negotiated, as you say, in 1990 by one of my colleagues. I think that it was, in those days, a three-year rolling agreement. The next agreement was negotiated by the Follett government. Then the following agreement came about when I was police minister. I cannot recall whether I had one or two of those renegotiation exercises to do. That is a historical view. It is more than 20 years on. I could not tell you today just how responsive the system is. I will say that the discussions were at a fairly high level. The federal commissioner got involved in those discussions.

I gather that the agreement today is not with the federal government or the federal police minister but with the federal AFP commissioner, which presumably gives them greater oversight of what they deliver out of the agreement. Broadly speaking, there is a range of services; but the point that I would make is that what is on paper, what the agreement says they will deliver and how much we can look behind those words to see what we are actually getting and what the mechanics of that delivery are beneath the surface is sometimes, I found in my time, hard to see—hard to get visibility of. So, the short answer is that what the agreement says and what we manage to achieve may be two different things.[[21]](#footnote-21)

### Committee Comment

* 1. The Committee believes that before considering any kind of independent ACT police force it would be prudent within what can be achieved with the very experienced AFP personnel to try and achieve a level of separation whilst still working with the AFP in general terms.
  2. Such a degree of separation should endeavour to achieve the following:

1. Considerably more differentiation of the workplace terms and conditions of service for the personnel of ACT policing, this may be achievable via a separate Enterprise Bargaining Agreement. The process for the negotiation of the EBA could them be submitted to by the ACT government and the terms of employment could be formed within the ACT Government’s bargaining terms not the Commonwealth’s.
2. This could see improvements to rostering, police numbers being better reflective of a growing ACT population, the state of ACT buildings and accommodation could be more easily highlighted and dealt with and quite importantly the ACT government could have more say in the mental health care of police members, who our hearings clearly demonstrated do not have the best mental health care of all agencies which appear before The Administrative Appeals Tribunal.
3. Better line of sight of the ACT Minister for Policing of the day to day operations of ACT Policing.
4. Such a separation could consider, the choice of Chief Police Officer, which is currently an appointment over which the ACT has very little if any control, and the input which the ACTs Minister for Policing has in the choice or longevity of the person in this role.
5. The separation could also achieve a greater say of the flow of ACT policing personnel into the Federal part of the AFP, making sure that the ACTs minister for policing knows of and has a say in the movement of personnel to the federal body from ACT Policing. Currently there is no mechanism for the minister to have a say as members move towards the federal force, at times stripping numbers of members from the ACTs force at a time.
6. That the incoming ACT Government before concluding its agreement with the AFP due in 2021 investigate and negotiate for a greater separation of ACT Policing from the AFP’s total control so as to achieve the following outcomes for the people of the ACT:
7. Differentiation in EBA terms and conditions of service to allow for a negotiation that better reflects ACT Policing’s role and function in the ACT, including numbers of personnel per head of population to be more clearly tied to population growth and better workplace conditions in the built form of police stations to be weather proof, have appropriate lunch room and break out facilities for decompression, appropriate soft interview capacity, safe and modern cells for housing those arrested whilst awaiting court and safe yard and car parking facilities not in the line of view of the general public or tenants of nearby buildings.
8. Significantly improved line of sight for the Minister responsible for policing to be able clearly to know in detail the functionality of the ACT policing agreement and how it is being implemented on the ground.
9. Additional powers for the Minister for policing in the choice and approval of the Chief Police Officer
10. Greater say of the ACT Minister of personnel moving out of ACT Policing and into the Federal work of the AFP.

## Issues supporting effective ACT Policing – Current and Future

### Introduction

* 1. The Committee’s terms of reference include a call for Committee observation and comment on

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.

### General Observations

* 1. In discussions, the AFP advised the Committee that:
  2. Key areas of focus for ACT Policing in the coming year include early intervention, prevention and disruption, particularly in the areas of mental health and family violence; reducing recidivism; organised crime gangs; countering terrorism and violent extremism; and reducing road trauma. Work is underway to achieve these important, ambitious objectives, including through working with the Aboriginal and Torres Strait Islander communities to identify ways to reduce the over-representation of Aboriginal and Torres Strait Islander people in the criminal justice system; strengthening our response to mental health presentation; working with the ACT government and partner agencies; and increasing our early intervention and diversion strategies.
  3. Over the next four years, ACT Policing will recruit over 60 new operational and support staff, adopt community-focused policing strategies and increase digital engagement in order to give the community better access to policing services.
  4. The Committee also noted that in submissions from the AFP that an Infrastructure and Master Accommodation Plan is being undertaken.
  5. The AFP highlighted the following issues regarding policing accommodation, including:
* 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.
* 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.
  1. There are several 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.
* ACT Policing and the ACT Government acknowledge the facilities are not at an appropriate standard and have a committee which meets to discuss this issue.
* 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 worked on as a priority and will ultimately progress through future ACT Government budget processes.
  1. The AFP comment concludes that
* ACT Policing considers that the needed 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.
* Upgrading ACT Policing facilities' budget initiative via the MAP process is looking at the provision of well-planned strategic accommodation decisions for the future needs of ACT Policing and the ACT community.
* 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.
  1. The AFPA commented in relation to accommodation matters that:

There is a lot more in relation to the maintenance or new building aspects, and during that ACT Policing futures program they looked at accommodation. Building new facilities was very expensive, but I think it was almost equal to paying for some of the maintenance, so this is an area that needs to be looked at. The city station is way too old, the traffic operation centre is a complete mess and, as you know, Gungahlin station is far too small and was never built for the size of Gungahlin as it is now. It was built as a part-time station. You can see that from the size of it.[[22]](#footnote-22)

### Committee Comments

* 1. The Committee considers given the consistent feedback from policing members as well as submitters to the inquiry that the state of the City, Winchester, police traffic operations and Gungahlin Stations are in need of improvement, that a plan for their significant improvement should be released before the next AFP agreement is entered into.
  2. The considerations and requests made by community groups for a greater say in how policing for the ACT is designed and carried out also warrants various below recommendations. These particularly include comments made by Community Councils form Belconnen and Weston Creek, and are a valuable contribution to the evaluation process.[[23]](#footnote-23) The specific requests made of the committee are also included in the formulation of the below recommendations.

|  |
| --- |
| Recommendation 1  That prior to the next AFP Agreement being signed the government must urgently address the state of the buildings which house the AFP ACT Policing and set out a clear and considered plan of action for the rectification of the unworthy nature of the accommodation for the work which these personnel undertake. |
| Recommendation 2  That the Gungahlin Police Station should immediately be altered in order that improved and/or expanded space and facilities be provided to include appropriate facilities for ‘soft’ interviews, additional ‘on duty ‘cars, and a separate lunch and breakout area. |
| Recommendation 3  The negotiation process with the AFP must be proceeded by considered conversation with the ACT community asking for feedback and suggestions for what changes or improvements could be included in the next agreement. |
| Recommendation 4  That the Government prior to the next policing agreement release a plan for regions of the city currently a significant distance from current operational stations. These plans should include plans for Kippax and west Belconnen, Weston Creek and the Molonglo Valley which includes a future clear police presence and that the different regions addressed be engaged for more information about the crime they are experiencing. |
| Recommendation 5  That ACT Policing get to know local community leaders in the faith and cultural communities. Not just via attendance at the multicultural festival to host a display, but via deeper and more meaningful relationship building. |
| Recommendation 6  That these better and deeper relationships be developed in order to break down cultural barriers to engagement with and reporting to police which some CALD and Aboriginal community members experience. |

## ACT policing - Accountability

### Introduction

* 1. The Terms of Reference call for Committee to comment on the following as part of its evaluation

The current accountability mechanisms established and utilised under the 2017 policing arrangement, including

1. applicable current reporting requirements on exercise of ministerial control and direction;
2. the Australian Government's current governance arrangements for the AFP;
3. scrutiny and report of ACT Policing by the ACT Ombudsman;
4. audit of ACT Policing by the ACT and Australian Auditors-General; and
5. oversight of ACT Policing and AFP by the Australian Commission for Law Enforcement Integrity.
   1. Submissions to the Committee evaluation placed considerable emphasis on this aspect of police accountability. The Committee, as indicated in its Terms of Reference have sought the views of several oversight bodies charged with involvement in policing accountability

### Current requirements involving scrutiny and accountability of ACT Policing

* 1. The AFP, in its written submission, noted the following obligations currently applying to ACT Policing; specifically, to the regulation, and enforcement of police conduct in their role as members of a disciplined police force:
* Public Governance, Performance and Accountability Act 2013 (PGPA Act)
* Australian Federal Police Act 1979 (C’th) (AFP Act) – sections 37, 38 and 69C
* Commissioner's Order on Governance (C01)
* Commissioner's Order on Professional Standards (CO2)
* Commissioners Order on Operational Safety (CO3)
* Commissioner's Order on Security (C09)
  1. In relation to the behaviour and conduct of police in their contact with the community, the following apply

**Commonwealth Ombudsman -** 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.

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.

***ACT Auditor-General's Office*** *– ACT Auditor-General may carry out specific and/or ad hoc audits.*

***Australian National Audit Office (ANAO) –*** *ANAO may carry out specific and/or ad hoc audits*

### Oversight of ACT Policing and AFP by the Australian Commission for Law Enforcement Integrity (H3)

* 1. The AFP has 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.
  2. ACT Government Ministers can be informed about ACLEI's activities when investigating serous corruption and systemic corruption as defined by the *Law Enforcement Integrity Commissioner Act 2006 (C’th).[[24]](#footnote-24)*
  3. AFPA put the view to the Committee that:

The AFPA believes that the current mechanisms and scrutiny of AFP/ACT Policing and its workforce is at an appropriate level. The AFPA does not support the inclusion of ACT Policing and AFP officers as per the *Integrity Commission (ACT Policing) Amendment Bill 2018.*

Under the current scrutiny arrangements, ACT Policing members have three levels of scrutiny, being AFP Professional Standards (AFP PRS), Commonwealth Ombudsman, and the Australian Commission for Law Enforcement Integrity (ACLEI}.[[25]](#footnote-25)

* 1. The AFPA also pointed out that:
  2. As per section 16.4 of the 2017-2021 Purchase Agreement, every six months, AFP PRS provides a report that contains information in relation to complaints management, regarding the following matters:
* Complaints submitted by category
* Complaint trends/systemic issues
* Complaints submitted by source
* Status of complaints
* Finalised conduct issues by category
* Conduct issue trends.[[26]](#footnote-26)
  1. Both the AFP and AFPA [[27]](#footnote-27)highlighted that scrutiny of police officers in their several roles in the ACT was not subject to the ACT Integrity Commission Act 2018, with the AFP noting that:
  2. 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.[[28]](#footnote-28)

and that:

* 1. Additional oversight of ACT Policing members would duplicate existing arrangements and add complexity in administration owing to external oversight frameworks already in existence.[[29]](#footnote-29)

### Views put to the Committee relating to scrutiny and accountability arrangements for ACT Policing and for individual police

### ACT Ombudsman

* 1. The ACT Ombudsman put to the Committee in submission that

We assess each complaint we receive from members of the public, and ACT Policing members, about the actions of ACT Policing to determine the most appropriate action. We consider a number of factors in assessing complaints and determining the appropriate action to take. For all complaints, this includes consideration of whether:

* the complainant has complained to the agency involved
* we can resolve the complaint quickly, for example, by providing a better explanation another agency or oversight body can provide a better outcome for the complainant the event complained about happened more than 12 months ago
* the agency has made a reasonable and lawful decision, based on the information provided by the complainant, without the need for us to request additional information.

When we investigate a complaint, our intention is to discover what happened and whether action by the agency is required to resolve it. Since 2016, my Office has observed an overall decrease in complaints received about ACT Policing. Figure 1 shows my Office received 61 complaints about ACT Policing in 2018-19, down from 98 in 2017-18 and 133 in 2016-17. Between 1 July and 31 December 2019, we received 33 complaints about ACT Policing, trending at a similar rate to 2018-19.[[30]](#footnote-30)

* 1. The Ombudsman has a role in scrutinising other activities of the AFP at all levels of responsibility, including the ACT. These include records inspection and complaint handing oversight and inspection. These responsibilities are prescribed, and do not need a complaint to be initiated.[[31]](#footnote-31)
  2. The Ombudsman put this view to the Committee:

As set out in my submission, as both the ACT Ombudsman and the Commonwealth Ombudsman, my Office can investigate, inspect and report on the actions of ACT Policing. In these dual roles, my Office can provide a greater level of oversight of ACT Policing activities than if these roles were independent. Noting the close, sometimes interdependent relationship between Commonwealth AFP activities and the work of ACT Policing, my joint role enables my Office to provide effective oversight in an efficient manner.[[32]](#footnote-32)

* 1. In discussions with the Ombudsman, the Committee was advised that:

Since then {*March 2020*], for the full financial year that has just finished, they have ended on a number at about the 60 mark, which was similar to last year. That downward trend has now levelled out; but we think that a downward trend in generating complaints is, by and large, a good sign. In fact, there has been a bit of an upward trend in complaints to our office from some other areas of the ACT government, so the fact that the policing number has come down is a good thing.

As to whether they handle complaints well, we think that they take complaints seriously. We think that they use complaints as a feedback route to their management in a sensible way. As with many things in this world, we can also see areas where there is room for improvement. The sorts of things that we have spotted in the work that we have done with them have been things like clarity of communication with people who complain, how they ensure effective conflict of interest management in the way that they deal with complaints, and timely release of information.[[33]](#footnote-33)

* 1. In relation to the role the Ombudsman plays in the ACT ‘suite’ of integrity and accountability requirements, the Committee was advised:

In the ACT we have responsibility for complaints about some entities and some topics, and the Human Rights Commission, for example, has responsibility for some other topics. For example, typically, complaints about children and young people, and the way in which the ACT entities deal with them, fall within the remit of the ACT Human Rights Commission. If we get complaints about that, we will typically refer that to them.

We have oversight, on the other hand, of the reportable conduct scheme, which does touch on children and young people. With that carve-out, we work with the Human Rights Commission to work out who is responsible for what. Basically, we refer matters to one another from time to time when things come to the wrong spot. [[34]](#footnote-34)

* 1. The Committee notes that the level of activity by the Ombudsman in relation to ACT Policing has dropped progressively and notes also the scope of the Ombudsman’s role in relation to ACT Policing.

#### ACT Human Rights Commission (ACT HRC)

* 1. Successive Policing Arrangements from 2011 have recognised that 'as part of compliance with the statutory framework of the ACT public sector participants in the justice system, including ACT Policing, are expected to promote and protect human rights when exercising a function under an ACT law.'[[35]](#footnote-35)
  2. In its submission to the inquiry, the ACT HRC noted that:

The Commission has welcomed increasing opportunities in recent years to work proactively with the legislation and policy division of ACT Policing by providing advice to inform their development of human rights compatible legislation and policy. Commission staff also presented a workshop to ACT Policing legislation and policy staff in October 2019 on the obligations of public authorities under the HR Act and embedding respect for rights in policy design.[[36]](#footnote-36)

* 1. The HRC submission provided a detailed examination and analysis of several difficulties it encountered in its role with ACT Policing. These were enumerated as:

the Commission considers that the following aspects of the current arrangements also warrant further attention. These broadly relate to:

* The lack of accessible local mechanisms to deal with police complaints;
* The continued reliance on Commonwealth legislation to regulate police criminal investigative powers;
* The adequacy of resourcing to ensure quality service provision to victims, in particular in relation to Family Violence Orders, people with diverse needs, and in sexual assault matters; and
* The adequacy of data collection and reporting[[37]](#footnote-37)..
  1. The Committee notes that – under point 3 above, the HRC noted that:

We further note that people with diverse needs are disproportionately affected by crime yet often face additional barriers in accessing the criminal justice system. For example, people with disability, people from Aboriginal and Torres Strait Islander communities or CALD communities and LGBTIQ+ people are more vulnerable to family and sexual violence. However, specific barriers to accessing the justice system arise for people with diverse needs, including:

* challenges obtaining interpreters and translators;
* lack of culturally appropriate support services;
* mistrust in or fear of authorities;
* lack of supports and adjustments for people with disability;
* specific challenges in providing evidence and participating in the criminal justice system for children and young people;
* negative attitudes and stereotypes towards people with diverse needs; and
* lack of awareness of the justice system, including laws and legal processes.[[38]](#footnote-38)
  1. In discussions with the Committee, the HRC advised that, in enlarging on its written submission regarding handling of complaints in the ACT, that the HRC had taken this action:

I have written to the Minister a number of times since I commenced in the ACT jurisdiction a couple of years ago. Having come from the federal jurisdiction, which had coverage of police, and the Victorian jurisdiction, which had coverage of police, I am well aware of the benefit of the local human rights organisation having both a strong policy-based approach and a complaint mechanism so that we can provide that feedback to our local police force about the sorts of issues the community are bringing to our attention.

At the moment we do not have the same level of visibility. That is an exposure particularly for police, in that they have their internal mechanisms, but they are not getting that external eye. We have seen, particularly in the recent discourse, the lack of understanding about how some of those communities experience the police service.[[39]](#footnote-39)

* 1. The HRC had also raised in its submission comment about inadequate data availability in the ACT. In answer to Committee questions, the HRC advised that:

What we have seen, particularly with the recent discourse, is that it is very important that police are accountable through data as to how they are dealing with the community. What we do not have at the moment is clear data on who police are having contact with. We do not have any data about disability, cultural groups or the Aboriginal community regarding the numbers or nature of the contact or the basis for that contact.

Overseas we have seen trials around receipting programs and things like that. I do not know that that is necessarily the answer at the moment. What is concerning is that, in some of these discussions around predictive policing, there must be data being held about particular groups in the community in order for those predictions to be made. It would be very helpful for the ACT police, as opposed to the AFP, to come to terms with the fact that they do need to provide some of that data to the Assembly, and there should be a proactive approach to it, not a reactive approach to it—again, to ensure that our community has confidence in how they are going about their business. [[40]](#footnote-40)

* 1. There were several matters of concern raised with the Committee by the HRC. One – involving data – indicated a noticeable and concerning reduction in sexual assault prosecutions in the ACT. The HRC advised that:

You may have seen some questions on notice that went to Minister Gentleman earlier in the year as to why we have seen this huge drop in the number of matters proceeding to prosecution. Unfortunately, his response to those questions suggested that, in order to determine why these matters were not going ahead, they would have to do a manual review, and that was not possible, resource-wise.

I would say that, if we cannot go backwards, let us at least collect going forward. Until we are able to work out why matters are not proceeding, and to be able to segregate that by age, by the person’s cultural background and by their disability, we need to make sure that the hard cases are not being pushed aside, and that we are doing everything we can to maximise the likelihood of holding offenders to account. Without having the reasons for why matters are not going ahead, we cannot understand the problem and improve our response. [[41]](#footnote-41)

* 1. The Committee notes several detailed comments in its submission, and in evidence, raised by the HRC in relation to its role vis-à-vis ACT Policing. These observations are important and are critical to a proper level of scrutiny – and a reliable credible avenue for the making of complaints.

#### Australian Commission for Law Enforcement integrity (ACLEI)[[42]](#footnote-42)

* 1. The ACLEI’s statutory role is as follows:
* The office of the Integrity Commissioner, and ACLEI, are established by the LEIC Act to investigate and prevent corrupt conduct in law enforcement agencies.
* ACLEl's strategic purpose is to make it more difficult for corruption in law enforcement agencies to occur or remain undetected. The LEIC Act requires the Integrity Commissioner to prioritise the investigation of serious and systemic corruption. For this purpose, the Integrity Commissioner has coercive information-gathering powers and the full suite of covert policing capabilities, including telecommunications interception; electronic and physical surveillance; and controlled operations.
* The AFP, including ACT Policing, fall under ACLEl's jurisdiction.
* Pursuant to section 19 of the LEIC Act, the AFP Commissioner must notify the Integrity Commissioner of any information or allegation that raises a corruption issue in his or her agency. ACLEI may also receive information or an allegation that raises a corruption issue from the Commonwealth Attorney-General; a member of the public; or another government agency.
* ACLEI can refer the corruption issue to the law enforcement agency for internal investigation (with or without management or oversight by ACLEI) and to report findings to the Integrity Commissioner
  + refer the corruption issue to the AFP (if the corruption issue does not relate to the AFP)
  + investigate the corruption issue jointly with another government agency or an integrity agency for a state or territory, or
  + take no further action.
  1. The ACLEI submission also advised that:

Corruption issue notifications relating to ACT Policing represent a small percentage of the total number of notifications or referrals received by ACLEI from the AFP. Approximately 11% of all AFP corruption issue notifications to ACLEI relate to officers performing ACT Policing functions.

….For those corruption issues that involve ACT Policing, the majority (approximately 43%) relate to allegations of inappropriate or unauthorised disclosure of information. The type of information disclosed, and the receiving entity vary and include family and friends, leaks to the media, and, most seriously, to criminal entities[[43]](#footnote-43)

* 1. …. Most ACT Policing corruption issues (approximately 56%) notified to ACLEI resulted in the Integrity Commissioner initially deciding to refer the matter back to the AFP to investigate. Matters that are referred to the AFP are investigated by AFP Professional Standards (PRS).
  2. It is important to note the mean by which the ACT Government is informed of matters arising from ACT Policing that are dealt with by the ACLEI:

The *Law Enforcement Integrity Commissioner Regulations 2017* (the LEIC Regulations) specifically contemplate the interest of the ACT Government in assuring the integrity of its contracted provider of policing services, when that provider is the AFP.[[44]](#footnote-44)

* 1. In discussions with the Committee ACLEI confirmed several matters raised in its submission, and specifically the number of ACT Policing matters the ACLEI currently considers:

So far, we have received 10 ACT matters that relate to ACT Policing. In relation to five of those matters, we decided to take no further action. Those matters were really mattering that went to employment, which were better dealt with through the AFP’s employment processes. Those issues went to things like the use of time sheets, the allegations as to drug use that involved no allegation of corruption. That was five of those matters.

……Four of the 10 matters we referred to the AFP to investigate under my act. On those matters I will receive a report back from the AFP once they have investigated under my act. Those matters relate to release of information type of matters or browsing type of matters that are appropriate to go back to the AFP to investigate. There is one matter that has been referred recently and is still going through our assessment process. They are the 10 matters that we have received this year. We are currently investigating a matter that potentially involved the ACT police. [[45]](#footnote-45)

* 1. In addition, the Committee was concerned to determine how matters dealt with by ACLEI and the ACT integrity Commission might be ideally published and reported – particularly to the Assembly.

I would add one thing about that, which is that ACLEI has formed strong relationships with the ACT Integrity Commission as well, and we will continue to interact strongly with them. There is a strong network of anti-corruption and integrity agencies around Australia. We will continue to engage with the ACT commission. We are all very small agencies. Wherever we can help each other with policies, procedures and processes, we like to do that. We will continue to engage with them.

I will pick up that point that has been made by the committee in terms of reporting and how we can have some sort of seamless reporting coming to the Assembly to cover off both the reporting from the ACT Integrity Commission and reporting from us in relation to ACT Policing.[[46]](#footnote-46)

#### Committee Comment

* 1. The submissions from all of the bodies that are discussed above clearly point to the fact that there is still much to do to modernise and develop the ACT policing accountability mechanisms. From the need for individual community members knowing where to go and what to expect when they have a complaint, to the improvements to the system that such complaints should generate there is a need for a complete loop and for that loop of complaints, resolutions and improvements to be clear and transparent. The following recommendations go to the heart of this need to see continual responsive improvement in the system.

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| Recommendation 7  That ACT Policing include and demonstrate improvement in cultural diversity in recruitment for ACT police, and that this aim should include both the ATSI and multicultural sections of our community. |
| Recommendation 8  That the HRC be able to give an option for the confidential resolution of HRC complaints against police, enhancing the current conciliation process. |
| Recommendation 9  That that the Minister take carriage and provide to the assembly improved data collection on contact information with cultural and disability groups and their interaction with the police. This should include the types of people police are dealing with to enhance Human Rights protection. |
| Recommendation 10  That the Minister for Police take carriage of and provide to the Assembly the number and frequency of requests for and the provision of interpreters and translators. |
| Recommendation 11  That the next AFP agreement includes a report to the ACT Assembly each year of what ACT policing has done to improve trust with culturally, faith and linguistically diverse groups including demonstration of how trust has been enhanced. |
| Recommendation 12  That the Minister for Policing report to the assembly annually the changes and adjustments to policing interaction with those living with a disability or who are neurologically a-typical and demonstrate how this has improved trust of police from these people in our community. |
| Recommendation 13  That the minister for police report to the Assembly annually on improvements that have been made to ACT policing and in their work with children and young people which addresses challenges they face participating in the criminal justice system. |
| Recommendation 14  That the Minister for policing report to the Assembly annually on measurable improvements to the lack of awareness of the justice system, including laws and legal procedure achieved via ACT Policing outreach. |
| Recommendation 15  That an audit be done to achieve recommendations in the streamlining of data and information to limit ‘churn’ and duplication between ACT and Federal AFP elements. |
| Recommendation 16  That the Minister for Police in the next agreement with the AFP include such changes to the information systems used by police so that data from police activities is in a searchable format in all cases, including sexual assault. |
| Recommendation 17  That ACLEI reports regularly to the ACT Minister for Police and that that report be tabled in the ACT Legislative Assembly. |
| Recommendation 18  That referrals made internally regarding police matters to the ACLEI and/or to the ACT Integrity Commission be subject of advice by each body to the other, to the extent permitted by statute. |
| Recommendation 19  That detailed data in relation to cultural and/or language barriers arising as part of ACLEI investigations of police should be particularly highlighted in such a report and that the Minister for police report annually to the Assembly about how these barriers have been addressed in the systems and culture of ACT Policing. |
| Recommendation 20  That the ACT government continue to work with the Federal Government to include ACT Police in the scope of the ACT Integrity Commission. |

## Community policing – concerns to address

### Introduction

* 1. The submissions to the inquiry placed considerable emphasis on Community Policing in the ACT. The AFPA submission noted that ACT Policing has recognition for its delivery of sound community policing:
  2. Traditionally, ACT Policing has also performed strongly when compared with other police services across Australia in relation to public perception. Once again, referencing the Productivity Commissions *Report on Government Services 202a3*; during the 2018-2019 reporting period, the ACT, and as a by-product of the current policing arrangement, ACT Policing exceeded the national average on the following criteria:
* Satisfaction with services provided by police (ACT: 80.8 / Aust Average: 79.9)
* Totally satisfied of those who had contact with police in the previous 12 months (ACT:84.3 / Aust Avg: 84.1)
* Totally dissatisfied with services provided by police (ACT: 3.5 / Aust Avg: 5.4)
* Totally agree with:
* Police perform the job professionally (ACT: 87.3 / Aust Avg: 85.7)
* Police treat people fairly and equally (ACT: 74.2 / Aust Avg: 72.1)
* Police are honest (ACT: 75.8 / Aust Avg: 74.3)
  1. Given these indicators, the AFPA believes that ACT Policing is well-respected in the community and most people are satisfied with the service provided by ACT Policing.

### Issues considered by the Committee

* 1. Despite the above figures, these include issues raised by Advocacy for Inclusion, ASD matters, individuals whose behaviour patterns may have resulted in poor levels of understanding and response by police at the community level.
  2. This is an area of Police activity and involvement which has been noted in the 2020 Ministerial Direction.
  3. In this context, the ACT Government expects ACT Policing will give special focus to the following priorities:

1. **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, cantered on the disruption and prevention of crime.
2. **…**
3. **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.
   1. Paragraph a. above proposes a coordinated approach; paragraph c identifies that there are people in the community who need a different approach which is based on sound understanding and training.
   2. Submissions on this area also noted that for good Community policing there needs to be significant, evaluated training for police which has been informed by the organisations which represent those in the community who experience these issues.

### Importance of community relations

* 1. Achieving understanding and best practice to engage with community members and individuals with differing needs is now an issue of concern to the community. The police must become excellent at noticing the diversity in the community and adapting their methods to suit the people they are interacting with. Many diverse people experience great difficulty in contact and dealings with authority figures such as police personnel. This affects all levels of the Canberra community – a growing and diverse society.
  2. The Committee notes that the HRC drew attention to this factor in its evidence:

We further note that people with diverse needs are disproportionately affected by crime yet often face additional barriers in accessing the criminal justice system. For example, people with disability, people from Aboriginal and Torres Strait Islander communities or CALD communities and LGBTIQ+ people are more vulnerable to family and sexual violence. However, specific barriers to accessing the justice system arise for people with diverse needs, including:

* challenges obtaining interpreters and translators;
* lack of culturally appropriate support services;
* mistrust in or fear of authorities;
* lack of supports and adjustments for people with disability;
* specific challenges in providing evidence and participating in the criminal justice system for children and young people;
* negative attitudes and stereotypes towards people with diverse needs; and
* lack of awareness of the justice system, including laws and legal processes.[[47]](#footnote-47)

### Community Policing - dealing appropriately with individuals

* 1. Submissions were made which discussed individual difficulties that members of the community may have in dealing with police.
  2. In further examples, Advocacy for Inclusion noted that young people with limited ability to deal with authority are particularly vulnerable:

### *The Barriers in Communication*

AFI has a collaborative working relationship with ACT Police and works to raise awareness of disability, create resources under the ACT Disability Justice Strategy to foster understanding between individuals and police, and is committed to delivering ongoing training. AFI has been advocating for people with cognitive disability during their interactions with ACT Police and can say positively, that there are improvements in the way police interact and communication. There are occasions where they do not. Case studies in our submission will demonstrate both.

We continue to find that police, lawyers, and court staff do not have specific skills for working with people with disabilities, despite the best of intentions. Their focus is on applying their specialist area of expertise, and this is as it should be. Just like many other members of the community, assumptions are made that people with disabilities are unable to be engaged, to make a credible statement, or give evidence, even with supports. [[48]](#footnote-48)

* 1. Advocacy for Inclusion provided a several distressing case studies detailing police community interactions, which give a picture of the challenges which young individuals not well equipped to deal with authority encounter.[[49]](#footnote-49)
  2. A second group Advocacy for inclusion focussed on were persons with mental health issues:

### *Police and community members with Mental Health Considerations*

Police are often the first responders to people experiencing mental health crises or acute symptoms. While police do not provide direct mental health services, they are an essential part of the broader service system response for people living with mental illness. Police are not just the first response, sometimes they are the only response.

AFI strongly support the direction in which ACT Police and AFP officers and staff are taking an innovative stance on tackling mental health. We commend mental health professionals on being part of the justice process within stations to support officers when dealing with people with mental illness in the community.

Some of the issues which arise for clients from police responses to mental health crises include the criminalisation of mental illness, overrepresentation of people with disability and mental illness in the criminal justice system, escalations of situations, assault against police, and injury and fatality for people with mental illness.7 A police response to a non-criminal event also raises issues of dignity of the person involved.[[50]](#footnote-50)8

* 1. Mr Bob Buckley of Speaking Out for Autism Spectrum Disorder (SPfASD) told the Committee that:

We get a number of reports about interactions with police in our community. Some of them are really very positive but, unfortunately, some of them are not very positive and they are particularly alarming. Basically, people call the police as a last resort when things get out of hand and that happens in a number of contexts—sometimes in schools where the schools do not have the staff to handle the students that they have taken on and in other cases they are, perhaps, related to a lot of community stress and anxiety for people with autism.

Unfortunately, police are not trained appropriately. Some of them have limited experience, some of them have great common sense, some of them have good instincts; but others really are not good at dealing with people with autism. Our concern around this is that, often, the police are called when, perhaps, they are not the most appropriate people. [[51]](#footnote-51)

* 1. The Committee particularly appreciates that interaction with people with ASD and who are neuro a-typical need particular care. In evidence to the Committee the AFP did note that training in ASD matters has commenced. The committee sought a copy of the curriculum and content of this training and it was provided.
  2. ACT COSS told the Committee:

As highlighted by the evidence from Advocacy for Inclusion and Speaking Out for Autism Spectrum Disorder (SOfASD) ACT Policing must further improve its training to ensure that its officers are competent, respectful and responsive in dealing with the needs and rights of people with disability. For example, the ACT Government has recently presented the Crimes (Offences Against Vulnerable People) Legislation Amendment Bill 2020. This bill will introduce new criminal offences relating to the abuse of vulnerable people. Legislation like this will only be successful if ACT Policing have the trust of the people it seeks to protect and are skilled in supporting individuals coming forward to report abuse. This may include, for example, a police officer knowing that there is an alternative method of reporting abuse, through the ACT Human Rights Commission, in cases where an individual seeks redress and protection but does not wish to see a family member prosecuted. These are complex issues that ACT Policing must continue to engage with. In doing so, ACT Policing can identify gaps in its capacity and improve its ability to serve vulnerable communities.

To build trust in ACT Policing and to ensure all Canberrans are receiving equality in the actions taken and services provided by ACT Policing, it is essential that data on interactions with vulnerable community groups is collected and made publicly available. At present, there is a paucity of data on these interactions[[52]](#footnote-52).

### Committee Comment

* 1. The Committee is keen to see the police training be further enhanced in the area of inclusion and ever improving interactions with people with a disability or from a diverse background or life.
  2. Any such training should include bodies such as AFI and SOfASD in their development so as to ensure that the feedback and improvement loop via such organisations who have the trust of those needing better inclusion is complete.
  3. The Committee agrees, as AFI have said, that a well-connected and integrated quality, safeguarding and oversight mechanism is necessary and important as people with disabilities encounter ACT Government run or funded disability support and services, with multiple ways to report violence against them and seeking appropriate levels of support - if they are knowledgeable that such a pathway exists.[[53]](#footnote-53)
  4. The Committee considers that there is a need for improvements in interactions with all diverse groups in the community and acknowledges that these areas are included in the Government’s current work with ACT policing. However, the Committee would welcome a deeper engagement with the various representative groups across these diverse groups.
  5. The Committee recommends that:

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| Recommendation 21  The Committee recommends all active police receive training which addresses comprehensively all elements of cultural and ethnic awareness training and disability inclusion. |
| Recommendation 22  That the government develop a wallet card allowing individuals to self-identify as a person with a disability should they wish to carry one. |
| Recommendation 23  That police cadet training includes all elements of cultural and ethnic awareness training and disability inclusion.[[54]](#footnote-54) |
| Recommendation 24  That police liaison officers and ACT policing should ensure a regular and routine consultation with the ASD and neuro atypical representative groups so that strong engagement is established as permanent means of policy as well as community engagement and learning. |
| Recommendation 25  That the current training regarding interactions with the ASD and neuro atypical members of the community be reviewed by the organisations representing them in our community to ensure it is contemporary and workable in the ACT context. |

## Issues relating to management of Mental Health and PTSI effects on police as first responders

### Introduction

* 1. Evidence was presented to the Committee which addressed the effect of pressure on police as first responders focussed on current and ongoing programs and responses to how police - and ACT Policing – deal with Post Traumatic Stress Injury (PTSI) and related effects.
  2. The Committee notes as an introductory observation, this statement from the 2018 Senate inquiry:

First responders are highly skilled men and women who deliver the initial response in emergency situations, interacting with people and the forces of nature in extreme circumstances. Incidents requiring emergency response often involve serious injury or death, or a threat to life, safety and property. The term 'first responder' most commonly refers to professionals such as paramedics, police officers, fire fighters and other emergency personnel trained to aid in time-critical, often life-threatening situations. It may also refer to individuals who perform those functions in a volunteer capacity and emergency control centre workers.

There are over 80 000 full-time emergency workers in Australia.[2](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Education_and_Employment/Mentalhealth/Report/section?id=committees%2freportsen%2f024252%2f26972#footnote2target) These professionals perform an indispensable function in the community, dealing with vulnerable people in urgent need who may be injured, in a state of heightened anxiety, shock or distress, in danger or deceased. They do this in circumstances where their own safety may be at significant risk. By definition, these jobs entail highly challenging working conditions and regular exposure to traumatic experiences, including both direct and vicarious trauma. They often work on irregular shift patterns, and face long hours, fatigue and the need to make often critical decisions under constant time pressure. They do this almost every day, for years on end.[[55]](#footnote-55)

* 1. The Committee endorses this statement from the Senate Committee, and the Committee’s broader findings and recommendations.
  2. During this evaluation, the Committee had its attention drawn to factors affecting how mental health issues of this sort, and particularly Post Traumatic Stress injury (PTSI) were dealt with by ACT Policing. The Committee includes this discussion as a means of highlighting how PTSI is now treated in the First Responder community, and some analysis form expert and experienced therapists on how the current approach taken might be addressed and any gaps ameliorated in order to have ACT policing working with best practice modern management of these injuries that many first responder personnel have to manage.

### Current and ongoing pressures on police as responders

* 1. A strong observation on PTSI as a mental health pressure for ACT Policing came from the AFPA.

We have dedicated welfare officers in the ACT. They have been in that space for a long time. There are three, a sergeant and two senior constables, that work as welfare officers, dedicated just to ACT Policing. They can also draw upon the wider welfare network in the broader AFP. There is an early access program that police officers, everyone in the AFP, can access—all ACT plus the broader employees. There is early access so that you can obtain psychological assistance, get a number of visits and things like that.

We do a fair bit of support with our own members where there might be some gaps. Again, there is always more that we can do, or that everybody can do, in that area. Mental health is a big problem. With police officers, and certainly frontline workers, often it is a very personalised thing; not everybody wants the same cookie-cutter type of approach. I think everyone can do a bit better[[56]](#footnote-56).

* 1. and

**Ms Smith**:I have sent people to various programs outside the ACT. We have paid for people to be put into psych hospitals that the AFP does not pay for. We do a lot of work trying to get our members through their Comcare applications and reconsiderations. That makes up a lot of our work. There are a lot of programs that I try and put people on, to try and assist them day to day. It is not so much about trying to get them back to work, because that is more the organisation’s role than my role. We try and fill some of those spaces with general courses and other support.

**Mr Roberts**: One of the biggest issues that we find is that we are dealing with a lot of history here. Going back in time, if you were a police officer with a mental health incident, you would never disclose that, because you would have your firearm taken off you. You would probably, truth be told, never go back to duty or you would be treated differently from other members. It is a hard space, the communication and engagement space, to get members to understand, “It’s okay to put your hand up; it’s okay to seek help.”[[57]](#footnote-57)

**Recognition of PTSI and mental health issues for ACT police was noted by the AFP**

### How is ACT Policing managing members who are experiencing PTSI?

#### Time off for PTSI

* 1. The AFPA noted a requirement and practice in the AFP in relation to PTSI treatment:

……there is also a financial issue in relation to mental health. Under Comcare, you get 100 per cent of your wage for the first 45 weeks. We all know that you cannot put a time frame on recovery from a mental health issue. After 45 weeks, a member’s wage drops by 25 per cent. We know that that impacts on the wellbeing of a member, and we also know that they return to work probably before they should.

**Ms Smith**: Far too early. Some of these members have complex PTSI, and 45 weeks on Comcare and out of the workspace is nowhere near enough for that recovery…[[58]](#footnote-58)

* 1. In his evidence to the Committee, Gary Humphries AO noted – from his experience as an AAT member – that:

Certainly, this level of attention to issues that are important to the ACT government—and the question of wellbeing, particularly mental wellbeing of police officers, is obviously a critical question—is a matter that we do not have the level of visibility over, and capacity to control, that we would if the force was a territory entity. There is a problem with maintaining a high degree of care for workers in that context. Wearing, for a moment, my hat as a member of the Administrative Appeals Tribunal, I know that police officers who are injured in the course of their duties in the ACT come to the tribunal to obtain compensation. It is no secret that police officers are disproportionately represented among both commonwealth and territory public servants who make claims for compensation in the tribunal. Those claims are as often for mental health-type injuries as they are for physical injuries.

So, clearly, there is a problem. To be frank with you, my perception is that there is quite a tough and uncompromising approach towards injured workers in the AFP. Certainly, many injured police officers consider that to complain of injury, physical or mental, marks them out as somebody who cannot be trusted, cannot be relied upon, and can put a serious question mark over their future career. As a result, people tend not to do it unless it is critical that they get attention to their needs. That is one of those things that we do not get the visibility over because the AFP is run as a federal entity.[[59]](#footnote-59)

* 1. The AFP – Commissioner Kershaw - told the Committee that:

I am confident that the ACT government is receiving very good value for money under current arrangements… This includes access to services for officers under our mental health strategy. [[60]](#footnote-60)

### Discussions by Committee on matter

* 1. The Committee heard evidence from two trusted and active current mental health specialists. One working in the ACT, Ms Carmel O’Sullivan, and one working in NSW, Esther McKay. The evidence brought to the committee gave very practical information which could form the basis of very substantial work on behalf of all frontline serving personnel in the ACT to significantly improve our response to and management of personnel experiencing Mental Health changes and distress.
  2. These two professionals between them have decades of experience with assisting front line uniformed members deal with trauma.
  3. Trauma is a part of front-line uniformed service like policing work. However, unlike those who serve in military forces who deploy overseas, police and other local first responders live and work in their “war zone”. This means that changes to their mental state are more gradual and are harder for family and friends to notice.
  4. Therefore, there has to be a high degree of acceptance that a large proportion of those exposed to trauma will experiences changes to their mental state and how they process information in high stress environments.
  5. The very nature of police work means that it is not always possible for police personnel to know when they walk into danger and it is a natural response for the body and psyche when having been on high alert for periods of time regularly to rewire the brain into what Caramel O’Sullivan described as a Trauma Brain. What this means is that those personnel have psychological reactions which make them very useful in those high stress environments, but who may struggle over time to come out of those experiences, process what has occurred and return to a more natural and more comfortable state of psychological operation.
  6. Unlike many in the society have been led to believe, these people are not broken, they are rewired. Ms O’Sullivan pointed out that they are particularly good in disaster. In many cases they become the best operators in that state but need increased time to recover as they experience more and more trauma.
  7. It is essential that the employment systems and legal frameworks which sit around these personnel ensure 3 things. 1. That they are acknowledged as valued and not a burden, 2. That they are supported in their recovery, not made to constantly prove that their injury was caused by their workplace, and 3. That they are able to work as much as they are able with flexibility built into the system to either work part time or have recovery leave built into their working arrangements.
  8. It is high time that we as a community became excellent at managing this issue rather than throwing these people who have taken on such a burden for us on the scrap heap and pushing them out of their jobs, from which they derive much of their meaning.
  9. When we take the best years that our police have to offer, we must also give them a realistic and supported career path beyond the trauma which they have experienced on the Job.
  10. One such change which can very sharply improve the situation for trauma experienced personnel is Presumptive Legislation. This has been adopted in Tasmania and is in the process of being adopted in the NT. Presumptive legislation takes “battling the system” away to some extent. It assumes that those doing dangerous and traumatic work like policing have incurred their stress related injuries at work. This takes away some of the risk of what is known as “sanctuary trauma” which is when the very place which is meant to protect you becomes the place where you are battling for treatment and career survival.
  11. This is why responses like “taking guns off police” are additionally traumatic because the message is that the person is not trusted. This can have very negative effects on the recovery from or management of psychological injury.
  12. A better form of response would be placing high level of trust in personnel who put their hands up and seek assistance and regular medical feedback about that person’s capacity to work.
  13. For some personnel it will mean part time work and for others it will mean targeting them into roles which are different from those of their specific trauma. For example, one officer who offered her feedback said that after dealing with sex offenders she was not able to work with them anymore but was very capable and had a good mental state when working with more standard crimes. In the adjusted work environment, she went on to flourish. This is the kind of amendment needed by those who have traumatic psychological injury. They are more aware than ever of their limits after receiving treatment, unlike those who have not experienced trauma, who are yet to discover their limits. This can make them very dependable and capable members, within their chosen specialisation.
  14. Ester McKay also explained to the committee that employee assistance programs for early mental health support must be culturally aware. A brand-new psychologist recently graduated may be very knowledgeable about psychology but may know nothing about the workforce culture of a uniformed first responder service like the police. These systems must be staffed by former or current uniformed personnel or those with very significant experience of the culture of such services. They must also have personnel in them who are clinically supervised as they give support to members. So for example a current police officer may make an excellent peer support person but they must be able to contact a fully trained and professional and experienced psychologist to debrief the conversations they are having with other police members who come to them for support and must also be able to within that clinical oversight keep matters discussed confidential. With these elements, a peer support or early response and support system can work very well and get mental health awareness and management going earlier before a crisis is reached for the personnel engaging the support.
  15. It was also noted that if 24 hour a day support services are not offered within or by similar first responder groups, members can call organisations like Lifeline but that they may not have the expertise on hand for how to cope until more familiarised support is available. Any organisation which is not culturally aware of how uniformed first responder workplace function, must be given training in how to manage such personnel’s needs until such an experienced and clinically supervised support person is available to them

### Committee Comment

* 1. As a part of its comment on the issue of PTSI effects on First responders, the Senate Committee noted its own response, which the JACS Committee supports:

While emergency services bear a solemn responsibility for public safety, which they discharge under enormous pressure and considerable budgetary constraints, they also have an irrefutable duty of care towards the men and women who are on the front line of the emergency response: people who we expect to help us, to stand between us and danger or even death in our moments of vulnerability, desperation and distress, when all we can do is dial triple zero.

The committee firstly acknowledges the enormous public service and personal sacrifice our first responders provide to the Australian community. The committee also acknowledges the work done by some first response organisations in recent years and commends their leadership in accepting that mental health is a serious concern for their employees, and for some agencies, their volunteers. However, without results—results which must be palpable for first responders on the ground—policies risk being just words on paper. Much more needs to be done.[[61]](#footnote-61)

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| Recommendation 26  That PTSI arrangements in ACT Policing include presumptive legislation for traumatic Psychological Injury. |
| Recommendation 27  That in tandem with such legislative change, cultural change be undertaken to change any workplace cultural practices which treat a police member as being unreliable or a risk while they are engaged in proactive mental health management so that affected officers will be prepared to notify injuries or mental health effects at the time of their initial injuries and before they become critical. |
| Recommendation 28  That a peer support employment assistance program available 24 hours a day, be fully culturally aware, clinically supervised, and within that supervision be confidential. |
| Recommendation 29  That mental health services and support put a greater focus on building trust between with the frontline personnel client through complete cultural awareness and confidentiality. |
| Recommendation 30  That those with lived experience have a pathway to be trained in providing peer-to-peer and mental health support either while still serving or as a second career to provide a stream of culturally aware professionals available to the first responders. |
| Recommendation 31  Engage with mental health professionals (such as Ester McKay and Carmel O’Sullivan) in the development, implementation and review of mental health and peer-to-peer support services. |
| Recommendation 32  That 24-hour support services be geared to deal with peak demand after work hours (i.e. 6-9pm) and on weekends. |
| Recommendation 33  That trained clinicians be used for these services who are culturally aware or former personnel are trained and supervised by clinicians rather than volunteer-based services without such training and support. |
| Recommendation 34  Recognised that those who have PTSI have lived experience and are often highly capable and valuable in crisis and traumatic situations and that when recovering from such events may require further support and time for processing their experiences after the event. |
| Recommendation 35  Recognise that those with PTSI often have wealth of experience, and efforts should be made to keep them employed wherever possible to maintain corporate knowledge and experience. |
| Recommendation 36  That pathways for post-service personnel who are post-trauma be established to contributing to the frontline through organisations which support current and former members in various capacities. |
| Recommendation 37  That staff be provided with the training and understanding to best manage their mental health while in a state of need or crisis – if and when culturally aware, trusted and clinically supervised services are not available. |
| Recommendation 38  That EBA negotiations include the option of part time work options be included as a standard response for those managing traumatic psychological injury. |

## Conclusions

* 1. The Committee has conducted its evaluation of current ACT Policing arrangements in accordance with its Terms of Reference and having regard to the discussions and other material presented to it.
  2. The Committee has made 38 recommendations in relation to its evaluation The Committee would like to thank the Minister for Police and Emergency Services, the senior officers of the AFP and the ACT Chief Police Officer.
  3. The Committee also thanks all other participants in the is evaluation including other agencies and individuals who provided their thoughts and recommendations for the Committee’s consideration.

Mrs Giulia Jones MLA

Chair

28 September 2020

## Appendix A – Submissions received by the Committee

|  |  |
| --- | --- |
| **Submission Number** | **Submitter** |
| 1 | ACT Government – Minister for Police and Emergency Services |
| 2 | Australian Federal Police |
| 3 | Australian Federal Police Association |
| 4 | Belconnen Community Council |
| 5 | ACT Ombudsman |
| 6 | Weston Creek Community Council |
| 7 | Advocacy for Inclusion |
| 8 | Speaking Out for Autism Spectrum Disorder |
| 9 | ACT Human Rights Commission |
| 10 | Australian Commission for Law Enforcement Integrity |
| 11 | Gary Humphries AO |
| 12 | ACT Council of Social Service (ACTCOSS) |

## Appendix B – Witnesses

### TUESDAY, 16 JUNE 2020

* Ms Jaala Hinchcliffe, Integrity Commissioner, Australian Commission for Law Enforcement Integrity
* Ms Bonnie Millen, Senior Policy Adviser, Advocacy for Inclusion
* Ms Angela Smith, President, Australian Federal Police Association
* Mr Troy Roberts, Media and Government Relations Manager, Australian Federal Police Association

### TUESDAY, 23 JUNE 2020

* Mr Thomas Griffiths Anderson, Chair, Weston Creek Community Council
* Ms Dragana Cvetkovski, Chief Finance Officer, Justice and Community Safety Directorate
* Mr 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 and Minister for Urban
* Mr Richard Glenn, Director-General, Justice and Community Safety Directorate
* Mr Glen Hyde, Chair, Belconnen Community Council
* Mr Andrew McIntosh, Senior Director, Justice Planning and Safety Policy, Justice and Community Safety Directorate
* Ms Karen Toohey, Commissioner, Discrimination, Disability, Health and Community Services Commissioner, ACT Human Rights Commission, Justice and Community Safety Directorate
* Dr Helen Watchirs OAM, President of the Commission and Human Rights Commissioner, ACT Human Rights Commission, Justice and Community Safety Directorate
* Ms Heidi Yates, Victims of Crime Commissioner, Victim Support ACT, ACT Human Rights Commission, Justice and Community Safety Directorate

### TUESDAY, 30 JUNE 2020

* Mr Bob Buckley, Chair, Speaking Out for Autism Spectrum Disorder
* Deputy Commissioner Gaughan Neil APM, Chief Police Officer for the ACT, ACT Policing
* Mr Gary Humphries AO
* Commissioner Reece Kershaw, Commissioner, Australian Federal Police
* Ms Nicole Levay, Director, Corporate Services, ACT Policing
* Mr Michael Manthorpe PSM, ACT Ombudsman, Office of the Commonwealth Ombudsman
* Mr Paul Pfitzner, Acting Deputy Ombudsman, Office of the Commonwealth Ombudsman

### TUESDAY, 4 August 2020

* Dr Emma Campbell, Chief Executive Officer, ACT Council of Social Service
* Ms Esther Mckay, President, Police Post Trauma Support Group
* Ms Carmel O’Sullivan, Senior Clinical Psychologist, Canberra Psychology Clinic
* Mr Craig Wallace, Policy Manager, ACT Council of Social Service

## Appendix C – Answers to Questions on Notice and Questions Taken on Notice From Hearings

Questions on Notice - 30 June 2020

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| No. | Hearing date | Asked by | Directorate/ Portfolio | Subject | Answer date |
|  | 30/6/2020 | Gupta | AFPA | ACT Policing |  |
|  | 30/6/2020 | Jones | AFPA | AFP personnel |  |

Questions Taken on Notice -16 June 2020

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| No. | Hearing date | Asked by | Directorate/ Portfolio | Subject | Answer date |
|  | 16/6/2020 | Jones | AFPA | ComCare | 7/7/2020 |
|  | 16/6/2020 | Jones | AFPA | Policing Agreement | 7/7/2020 |

Questions Taken on Notice – 23 June 2020

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| No. | Hearing date | Asked by | Directorate/ Portfolio | Subject | Answer date |
| 1 | 23/6/2020 | Jones | Minister for Police and Emergency Services | Age of ACTP PROMIS system | 8/7/2020 |
| 2 | 23/6/2020 | Jones | Minister for Police and Emergency Services | Move from ACTP to AFP | 8/7/2020 |
| 3 | 23/6/2020 | Jones | Minister for Police and Emergency Services | ACT Policing Personnel details | 13/7/2020 |
| 4 | 23/6/2020 | Jones | Minister for Police and Emergency Services | ACT Policing Taser Rollout | 13/7/2020 |
| 5 | 23/6/2020 | Jones | Minister for Police and Emergency Services | ACT Policing Recruitment | 14/7/2020 |
| 6 | 23/6/2020 | Jones | Minister for Police and Emergency Services | Strategic Accommodation Committee Meetings | 8/7/2020 |
| 7 | 23/6/2020 | Jones | Minister for Police and Emergency Services | Breakdown of City Police Station funding and works | 2/7/2020 |

Questions Taken on Notice - 30 June 2020

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| No. | Hearing date | Asked by | Directorate/ Portfolio | Subject | Answer date |
|  | 30/6/2020 | 1. Jones  2. Gupta | ACT Ombudsman | 1. Complaint Handling  2. Diversity of Policing | 16/7/2020 |

## Appendix D – Current Operational Documents governing ACT Policing[[62]](#footnote-62)

#### Policing Arrangement—2017-2021

#### Purchasing Agreement—2017-2021

#### Ministerial Direction issued by the Minister for Police and Emergency Services—October 2019

#### Business Plan—ACT Policing—2019-20

1. ACT Legislative Assembly, *Minutes of Proceedings*, No. 51, 21 March 2018, pp. 738; *Hansard*, 21 March 2018, p. 839. [↑](#footnote-ref-1)
2. ACT Legislative Assembly, *Minutes of Proceedings*, No. 2, 13 December 2016, pp. 13–16. [↑](#footnote-ref-2)
3. ACT Legislative Assembly, *Minutes of Proceedings*, No. 73, 20 September 2018, p.1028. [↑](#footnote-ref-3)
4. ACT Audit Office, *Administration of ACT Policing Services*, May 2004., Report 1/2004 <https://www.audit.act.gov.au/__data/assets/pdf_file/0019/1205632/Report-No-1-2004-Administration-of-Policing-Services.pdf> [↑](#footnote-ref-4)
5. ACT Government and Australian Federal Police. Joint Study into ACT Policing. *Policing for the Future.* June 2005.<https://www.justice.act.gov.au/sites/default/files/2019-08/ACT_Policing_study_2005.pdf> [↑](#footnote-ref-5)
6. Australian National Audit Office, Report No, 13 2012-13, *The Provisions of Policing Services to the Australian Capital Territory*, December 2012. <https://www.anao.gov.au/work/performance-audit/provision-policing-services-australian-capital-territory> [↑](#footnote-ref-6)
7. ACT Audit Office, *ACT Policing Arrangement*, May 2016, Report 3/2016. <https://www.audit.act.gov.au/__data/assets/pdf_file/0006/1179942/Report-No.-3-of-2016-ACT-Policing-Arrangement.pdf> [↑](#footnote-ref-7)
8. [↑](#footnote-ref-8)
9. See, ACT Government, JACS Directorate, Policing, <https://justice.act.gov.au/safer-communities/crime-prevention/act-policing> [↑](#footnote-ref-9)
10. See *Submission 2,* AFP submission, paras 43-46, p. 9-10. [↑](#footnote-ref-10)
11. [↑](#footnote-ref-11)
12. [↑](#footnote-ref-12)
13. *Submission 1*, ACT Government, pp. 7-8. [↑](#footnote-ref-13)
14. Submission 2, Australian Federal Police, p. 10. [↑](#footnote-ref-14)
15. *Submission 1*, ACT Government, pp. 3-4 [↑](#footnote-ref-15)
16. ACT Policing, *ACT Policing Business Plan 2019-20*, <https://police.act.gov.au/sites/default/files/PDF/ACT%20Policing%20Business%20Plan%202018-19-%2028%20Nov%202019.pdf> [↑](#footnote-ref-16)
17. ACT Policing, *Annual Report 2018-19*, pp. 25-75. <https://police.act.gov.au/sites/default/files/Publications/ACTPAnnualReport2018-19.pdf> [↑](#footnote-ref-17)
18. *Submission 6*, Weston Creek Community Council, p.3 [↑](#footnote-ref-18)
19. *Submission 11*, Gary Humphries AO, p. 4 [↑](#footnote-ref-19)
20. *Transcript of Evidence*, 30 June 2020, p. 87 [↑](#footnote-ref-20)
21. *Transcript of Evidence*, 30 June 2020, p.87. [↑](#footnote-ref-21)
22. *Transcript of Evidence*, 16 June 2020, p.8 [↑](#footnote-ref-22)
23. *Submission 4,* Belconnen Community Council; *Submission 6* Weston Creek Community Council. *Transcript of Evidence*, 23 June 2020, pp. 34-39 (BCC); pp. 54-59 (WCCC). [↑](#footnote-ref-23)
24. *Submission 2*, AFP, pp 13-19 [↑](#footnote-ref-24)
25. *Submission 3*, AFPA, pp. 7-8. [↑](#footnote-ref-25)
26. *Submission 3*, AFPA, p. 8 [↑](#footnote-ref-26)
27. Submission 3, AFPA, p. 8. [↑](#footnote-ref-27)
28. *Submission 2*, AFP, pp. 16-17. [↑](#footnote-ref-28)
29. *Ibid.* [↑](#footnote-ref-29)
30. *Submission 5*, ACT Ombudsman, p. 4. [↑](#footnote-ref-30)
31. *Submission 5*, ACT Ombudsman, pp. 4-5 [↑](#footnote-ref-31)
32. [↑](#footnote-ref-32)
33. *Transcript of Evidence*, 30 June 2020, p. 74. [↑](#footnote-ref-33)
34. *Transcript of Evidence*, 30 June 2020, p. 76. [↑](#footnote-ref-34)
35. *Submission 9*, ACTHRC, p. 2 [↑](#footnote-ref-35)
36. *Op. Cit*., p. 3 [↑](#footnote-ref-36)
37. *Submission 9*, ACT HRC, p. 4. [↑](#footnote-ref-37)
38. *Op.cit*., pp. 8-9. [↑](#footnote-ref-38)
39. *Transcript of Evidence*, 23 June 2020, p. 26. [↑](#footnote-ref-39)
40. *Transcript of evidence*, 23 June 2020, p. 30. [↑](#footnote-ref-40)
41. *Transcript of evidence*, 23 June 2020, p. 32 [↑](#footnote-ref-41)
42. *Submission 10*, ACLEI [↑](#footnote-ref-42)
43. *Submission 9*, ACLEI, pp. 6-8 [↑](#footnote-ref-43)
44. Submission 9, ACLEI, p. 6. [↑](#footnote-ref-44)
45. *Transcript of Evidence*, 16 June 2020, p.17. [↑](#footnote-ref-45)
46. *Transcript of Evidence*, 16 June 2020, p.19 [↑](#footnote-ref-46)
47. Submission 9, ACT HRC, pp. 8-9. [↑](#footnote-ref-47)
48. *Submission 7*, Advocacy for inclusion, p. 1 [↑](#footnote-ref-48)
49. *Op. Cit*., pp. 2-3. [↑](#footnote-ref-49)
50. *Submission 7*, Advocacy for Inclusion, pp. 5-6.. [↑](#footnote-ref-50)
51. *Transcript of Evidence*, 30 June 2020, p. 79 [↑](#footnote-ref-51)
52. *Submission 12*, ACT COSS, p. 3. [↑](#footnote-ref-52)
53. Op. cit., p. 7. [↑](#footnote-ref-53)
54. FN – from Advocacy for Inclusion – sub and evidence [↑](#footnote-ref-54)
55. Australian Senate, Standing Committee on Education and Employment, *The People Behind 000, Mental Health of our First Responders*, Report, February 2019, paras. 2.2-2.4. [↑](#footnote-ref-55)
56. *Transcript of Evidence*, 16 June 2020, p. 5 [↑](#footnote-ref-56)
57. *Ibid*. [↑](#footnote-ref-57)
58. *Transcript of Evidence*, 16 June 2020, p. 6 [↑](#footnote-ref-58)
59. *Transcript of Evidence*, 30 June 2020, pp. 88-9. [↑](#footnote-ref-59)
60. *Transcript of Evidence*, 30 June 2020, p. 62. [↑](#footnote-ref-60)
61. Australian Senate*, Standing Committee on Education and Employment, The People Behind 000, Mental Health of our First Responders,* Report, February 2019, Foreword, <https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Education_and_Employment/Mentalhealth/Report/section?id=committees%2freportsen%2f024252%2f26967> [↑](#footnote-ref-61)
62. <https://justice.act.gov.au/safer-communities/crime-prevention/act-policing> [↑](#footnote-ref-62)