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NT Emergency Response Review Board
Review Secretariat
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Dear Review Board Members

**NORTHERN TERRITORY EMERGENCY RESPONSE REVIEW
– PFA SUBMISSION**

Please find attached the submission of the Police Federation of Australia to the 2008 review of the NT Emergency Response.

We would be pleased to meet with the Review Board to discuss our submission and would be happy to give evidence to the Review Board if you are planning to hold public hearings to discuss this and other submissions. This would enable the Review Board to hear from police officers in the Northern Territory involved in the indigenous communities affected by the intervention.

Yours sincerely

Vince Kelly
President
Police Federation of Australia
and
President
NT Police Association

REVIEW OF THE NORTHERN TERRITORY EMERGENCY

RESPONSE: PFA SUBMISSION

INTRODUCTION

The Police Federation of Australia (PFA) makes this submission on behalf of all state, territory & federal police associations/unions in Australia representing 50,000 police. The PFA President, Mr. Vince Kelly, is also President of the Northern Territory Police Association representing more than 1,100 police in the NT and speaks authoritatively for NT police officers working in indigenous communities and across the Territory.

We note that the Review Board's Terms of Reference require you, inter alia, to

- assess progress towards community safety in remote communities and town camps in the NT;
- consider whether the current measures will deliver the intended results; and
- recommend any required changes to improve the measures in place.

We take the opportunity in our submission to focus specifically on two aspects of the intervention:

- policing in remote communities and town camps; and
- the overlapping Commonwealth and NT liquor and other laws and regulatory controls being applied under the intervention.

POLICING IN INDIGENOUS COMMUNITIES

First principles

We need first to re-state our overarching and fundamental view about policing in remote indigenous communities.

Every community needs to be provided with a dedicated police service. Dedicated police services in each community allows for trusting relationships to be formed, for a consistent policing approach to law and order issues to be taken, and provides community stability in which other government agencies can safely provide their services.

Law and order needs to be addressed by a coordinated multi-agency response. Mainstream agencies (Health, Education, Welfare, Housing, Planning and Infrastructure, etc) need to be resourced for, and committed to, providing their statutory and other services to the remote communities. Services need to be provided in a whole-of-government coordinated manner, with police officers in

each community supported by, for example, a health worker, an education officer (teacher), and a community facilitator who can provide dispute resolution, cultural empowerment, and facilitation services. In turn, the police officers can provide a secure environment for these other government officials.

Assessment

At present, all that can be confidently said about the outcomes of the NT Emergency Intervention in policing terms is, in the words of the Operation Update of 8 August 2008 by Major General Dave Chalmers, 'Currently 52 additional police deployed: 34 interstate police and 18 NT police.'

This is against the commitment given by the former Prime Minister, the Hon John Howard in August 2007 that the Australian Government would provide 66 police officers, drawn from the Australian Federal Police (AFP) and State police services, to service the 43 remote communities affected by the intervention.

As at June 2008, only 18 of the communities had a new police presence.¹ Fifty percent of the prescribed communities remain without a permanent police presence despite being substantial in population terms and being troubled by domestic violence.² As the final report of the NTER Taskforce said 'inadequate policing puts at risk the stable platform upon which other measures need to be rolled out'. They recommend 'that the number of police in communities should continue to be increased so that every community is adequately serviced by police as law and order cannot exist without a police presence.'³

The PFA would take that recommendation further and transform the nature of the NT policing arrangement.

At most, police seconded to serve in the NT spend about six (6) months in the Territory, one (1) month of which is spent in Darwin as part of orientation and training for their posting. This 'fly-in-fly-out' type of policing is hardly the kind of dedicated, permanent policing that every community is entitled to expect. And all of Australia knows that these remote indigenous communities need that dedicated, permanent policing service more than most.

Despite the expenditure of millions of dollars by the AFP in the twelve months of the intervention⁴, the numbers of police promised by the former government have not been delivered. The basic supporting facilities such as housing and relieving officers which have been provided are basic and temporary in nature. Further, dedicated, permanent police positions have not been established.

¹ Northern Territory Emergency Response Taskforce, *Final Report to Government*, June 2008.

² Ibid, page 22.

³ Ibid, page 22.

⁴ Departmental expenditure of \$19,381,000 was appropriated for the AFP for the NT Intervention in 2008-09 according to the AFP Annual Report to June 2007. In the 2008/09 Australian Government Budget, \$25 million was allocated for NT policing services.

The Australian Crime Commission (ACC) has similarly spent millions of dollars⁵ since the ACC National Indigenous Violence and Child Abuse Intelligence Task Force was mandated in July 2006 to gather intelligence to address child sexual abuse and violence against children. In spite of this vast expenditure, there appears, as yet, to have been little in the way of cases taken to court to bring to justice those perpetrating these crimes in remote indigenous communities.

In policing terms it is clear that a police presence has been established in a number of remote communities. What is less clear is what impact if any this has had on the reduction of alleged sexual abuse in these communities.

The PFA remains of the view that using police officers from the AFP, the ACC and State police services is inappropriate as a means of policing remote indigenous communities. We advised the former government against this means of policing prior to the intervention in June 2007 and we re-iterate that view more than twelve months on.

ON POLICING: THE PFA'S SOLUTION

Temporarily stationing 34 additional police in remote Indigenous communities is not going to deliver the kind of dedicated policing service that every other community in urban, regional and rural Australia expects and receives. Failure to acknowledge and rectify this shortcoming is simply perpetuating the injustice to these people that we have seen in the past.

All the evidence suggests the best way to police remote indigenous communities, as with all other communities, is to have a permanent police presence within the communities.

We stand by those views and are convinced that effective policing in remote indigenous communities can only be carried out by experienced Northern Territory police permanently stationed and living in the communities.

However, because the NT Government and community do not have, and will never have, the financial resources to adequately fund these and other highly people-intensive services (and others like sufficient teachers and health workers) we are of the view that the Australian Government should supplement the finances of the NT Government so that it can do so effectively.

This is far preferable and is going to be more effective than having police from the Australian Federal Police, the Australian Crime Commission and the States, depleting the resources of those police forces, seconded to the NT on a short-term basis to provide 'on-again-off-again', 'fly-in-fly-out' policing.

⁵ In the 2008/09 Australian Government Budget, a further \$4.2 million was allocated to the ACC to continue its work through the National Indigenous Violence and Child Abuse Intelligence Task Force.

Police who serve in remote indigenous communities should be paid an additional remote area allowance in order to attract sufficient sworn officers on a permanent basis just as doctors and teachers are being paid additional amounts to attract and retain sufficient skilled and experienced personnel in those remote communities.

The poor living conditions, high cost of living and lack of amenities warrant salaries and allowances over and above the norm. The Australian Government should cover these additional costs for the number of police officers it agrees to fund for remote indigenous communities.

It may be the most effective way to achieve such an incentive is to provide significant tax relief to police and other essential government service providers, such as teachers and nurses.

We propose that the Review Board recommend to the Rudd Government that it provide supplementary funding to the Northern Territory Government on a long term basis (the four year forward estimates period would be the minimum) sufficient for the NT Government to provide at least sixty six sworn police officers⁶ on a permanent basis for remote indigenous communities and to cover the on-costs that that number of officers require, including for a reasonable standard of permanent housing.

OVERLAPPING COMMONWEALTH AND NT REGULATION OF LIQUOR AND OTHER PROHIBITED MATERIAL

On the second matter – the new regime of liquor controls over and above those already applying under NT law – we continue to have major reservations.

It has been a hallmark of the Rudd Government that it is aiming to reduce unnecessary regulation and red tape and to streamline Commonwealth/State legislation. It has also been adopting a more national approach to matters requiring legislation and regulation.

The opposite has happened in the case of certain laws arising out of the NT intervention where new Commonwealth laws have been superimposed over NT law. We can point to the complexities and difficulties that arise from having two sets of overlapping laws.

For example there is a different regime of administrative and legal protocol surrounding the arrest and prosecution of offenders under the respective

⁶ The Rudd Government has funded 200 extra teachers for the NT remote schools (Minister Jenny Macklin, 21 June 2008 transcript)

Commonwealth and Territory statutes. Northern Territory police officers generally do not exercise Commonwealth powers so they do not have regular exposure to the requirements of Commonwealth legislation. All of this makes policing the current and new laws more onerous for police.

ON LAWS: THE PFA'S SOLUTION

We propose that the Review Board recommend that the Commonwealth and Territory governments should move quickly to ensure that NT statutes, in relation to liquor and pornography control, meet the requirements of the Federal emergency response to ensure that the arrest and prosecution process are not hampered by administrative and bureaucratic inefficiency. Once that is done, the Commonwealth laws covering those matters should be repealed.

CONCLUSION

Finally, as we said in our last submission, the PFA is convinced that the Australian community appreciates that law and order and community safety are fundamental to the successful functioning of society and to family and community well-being. Indigenous communities in the Northern Territory (and elsewhere) need to be provided with the same essentials.

We would welcome the opportunity on behalf of the PFA to discuss this submission with the Review Board.

20 August 2008